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CONGRESSIONAL RECORD:

CONTAINING

THE PROCEEDINGS AND DEBATES

OF THE

FIFTY-SEVENTH U.S. CONGRESS, FIRST SESSION;

ALSO

SPECIAL SESSION OF THE SENATE.

VOLUME XXXV.

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VOLUME XXXV, PART II.

CONGRESSIONAL RECORD,

FIFTY-SEVENTH CONGRESS, FIRST SESSION.

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from Massachusetts, and he perhaps did not quite catch my meaning. When I said self-government I meant republican self-government. I claim that every nation on earth is capable of self-government, but it will differ in form according to the capacity of the people; in other words, in the development of individuality in the citizen. As we lower our individuality and go into types we lessen our capacity for self-government, and at the rate of progress that is being made to-day, individuality going gradually down and types gradually rising, we will soon have the survival of types and the destruction of individuality. Will we then be capable of republican self-government? There is not a man here who can say so if he has studied history.

Now, I say that these people, like every people on earth, are capable of self-government. It may be a limited monarchy; it may be a constitutional monarchy with limitations to protect private citizens; it may be a free Republic like this, and it may be a confederated Republic with a delegated authority, nevertheless whatever they want let them have it, because government is not a thing made to fit. It will grow as the evolution of character. Let the people in the Philippines alone to solve their own destiny, to work out their own state, without let or hindrance from us. Let them grow on and evolve from their experience or that of their neighbors, or in any other way, the sort of government that will suit them, and let them have it. The inferior race is just as much entitled to its form of government as we are entitled to ours, and much more entitled to it than we are to make any attempt to enforce our ideas of government upon it in the actual practice and habit of life. So we can safely let those people alone. One of the most perilous undertakings that a Republic ever made was to attempt to impose upon any other people any government that they did not want, because liberty is a principle, and it is not simply a personal convenience, as is the light in which it is now viewed by most of the people of this country.

Mr. HALE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Maine?

Mr. MONEY. Certainly.

Mr. HALE. It is not for me to say when the Senator has outlined his entire programme for the future for the Philippines; but I do gather this: That, in short, his programme would be, as soon as it is possible, whatever they may be, whatever may be their capacity for self-government, whatever may be the conflicts that will arise before that is established, to leave them to their own devices and withdraw. It is an entirely different programme from that which is outlined by the minority of the committee.

Mr. MONEY. Yes. I was not proposing to do that.

Mr. HALE. It is entirely different. The trouble with that programme is that it is self-repeating. We shall hold on to them and continue to do for them as we are now doing until they demonstrate their capacity for a stable government, which of course they can never do.

Mr. MONEY. I will say——

Mr. HALE. I am by no means certain——

Mr. MONEY. I will say to the Senator that I had not finished my programme of self-government.

Mr. HALE. The Senator had said enough so that I could comprehend him. I am interrupting him now because I am called away from the Chamber and must leave the Senate in a moment. I am by no means certain, Mr. President, but what the Senator has struck what in the end everybody will come to. There is a great deal in what he says about the power of conferring a government upon a people. No people ever had a good government conferred upon them. Every good government, every self-government, every stable government, has been earned by war, by suffering, by sacrifice. The Senator from Mississippi is right in saying that you can not confer a government. I do not know but what the Senator has struck the solution. I feel myself at a loss to conclude what will come out of this experiment, and I suppose there is nothing we can do except from time to time to demonstrate as well as we can what is the real situation there. In the end it may become what the Senator from Mississippi advances, as I understand, as his view of it.

Mr. MONEY. Mr. President, the great poet of common sense said once that—

> For forms of government let fools contest;
> Whate'er is best administer'd is best.

Now, the government that suits the people can be administered best, and the one that suits their mental spirit and moral needs the least will be administered the worst. You must consult the people who are going to be governed. They must give a tacit assent. If they do not concur in the consent to go with you, they must assent to your rule. If you put a law upon the statute books that is contrary to their mode of thinking and to their heredity or to any other characteristic which has become rooted in their nature, then that is going to be a dead letter.

Why, here in the United States of America do we not know that we are continually in a state putting laws upon the statute books that are a dead letter because they are opposed to public sentiment. Here, with a government that we ourselves instituted, we are continually passing laws that are absolutely useless because they can not be enforced. Why? Because they are contrary to public opinion and public sentiment, and they are worth nothing.

Now, as I said, I had not quite finished my programme. I wish those people well, whether we keep them or let them go. I wish that everybody undertaking the experiment of national existence a thorough and happy issue in their experiment. I would be less than human if I did not. But I would do this: Having secured their consent to talk with us about this matter and having assured them that we had no designs upon their liberty, I would not keep soldiers there to overawe them or a civil commission to eat them up. I would say, establish your own government in your own way, the best you can, and we will maintain here for a while a sufficient power to see that other governments of the world do not come in your chaotic, unformed, unmodeled, unclassified condition to oppress you and to make you a captive to their government. I would do that for them, because we assumed a moral obligation when we took charge of those people, and we can not rightly throw it off. But it all means an ultimate withdrawal. Now, as to coaling stations, ports, etc., and the other things provided for, as read by the Senator from Ohio——

Mr. BEVERIDGE. Will the Senator from Mississippi permit a question?

Mr. MONEY. Certainly.

Mr. BEVERIDGE. The Senator says that he would withdraw all authority after he had called together the leaders of the Filipinos and after they were attempting to establish a government except a military force, which he would have remain there for one purpose which he names, but for other purposes which I presume are in his mind. The one purpose he names is to protect them from foreign powers. The other purpose, I suppose, is to maintain the government itself in case it was assailed from any part of the islands.

I ask the Senator this question: Suppose after such a government had been formed and the United States was maintaining its soldiers there for the purpose of sustaining it, the people of the Visayans should dissent to the government which was thus established, and there should be a rebellion against the authority of the native central government, would he have the troops of the United States put down that rebellion of the Filipinos against their own government?

Mr. MONEY. No, sir.

Mr. BEVERIDGE. For what purpose, then, would you have our soldiers remain?

Mr. MONEY. I would let the cats fight it out to the last tail.

Mr. BEVERIDGE. Then why would the Senator permit a force of United States soldiers to remain there?

Mr. MONEY. As I remarked, Mr. President, and for no other reason than the one I stated, to prevent the interference from foreign powers and the seizure of the islands, making them subject to any other rule.

Mr. BEVERIDGE. So the Senator excludes all internal dissensions?

Mr. MONEY. And I would do that because the moral obligation we had assumed voluntarily over those people——

Mr. BEVERIDGE. So the Senator excludes all internal dissensions? Very well. That brings us to the second question. Suppose, then, it should occur to that government, as it has occurred to every government that ever was established, including our own, that for the purposes of the government, which are manifold and various—the establishment of public works, for example, or the maintenance of the government itself—it should need money. It would have to borrow that money from foreign capital, as has been the case, without exception, in establishing new governments.

It is the case in South American governments and it was the case in our own. Suppose it should borrow that money from German capitalists, let us say, or English capitalists, as was done by the Central American governments, and the money or interest thereon was to fall due and could not be collected; and under the rights of nations the power whose citizens loaned that money went to take possession of the ports of the Philippines and took charge of the collection of taxes, as has so often been the case and which is really the administration of the government; would the Senator have the United States maintain troops there in order to prevent the collection of that just debt? Yet that is what we should have to do under the Senator's proposition unless we guaranteed the debt itself.

These, Mr. President, are just one or two of the manifold practical propositions which confront the Senator when he proposes some general, nebulous plan which sounds well in words and works execrably in practice.

Mr. MONEY. I can not tell which part of that speech I am expected to answer.

Mr. BEVERIDGE. Both parts, Mr. President.

Mr. MONEY. I can not recollect; there were so many shots fired by volley and fired by file, and there was so much fire and fall back in it that I can not tell exactly what I am to answer.

Mr. BEVERIDGE. I do not intend the Senator to escape an answer to that question, for the reason that it is practically the proposition presented in the last campaign, and therefore I asked him in two sections. He said he would not have the troops kept there to maintain the government against the dissensions of its own people, but merely against the interference of a foreign power. Now, the interference of a foreign power usually comes in one way.

They would have to present a justifiable excuse to the public opinion of the world. They do that, Mr. President. I have named one method which they usually adopt in the example of a debt and its collection. Now, I ask the Senator, would he have the United States maintain those troops there for the purpose of preventing a foreign government from collecting money which its citizens had loaned?

Mr. MONEY. Now, I understand that much. The Senator had better stop before I forget it. If he goes on further, I will not recollect anything he has stated.

Mr. BEVERIDGE. I am not responsible for the Senator's memory any more than I am for his logic.

Mr. MONEY. That is all right. I think I can suffer under that opinion without any loss of self-respect. I am quite able to bear the criticism of the Senator from Indiana. It is not often that I am reprimanded in that sort of way, although reprimand seems to be the style of the day.

I will go on, then, to say, just as though I had not been interrupted by a speech, that I would not undertake to keep troops to protect these people from improvident debt or any other sort of debt or the collection of debt. It is true we made an agreement with Cuba that they were not to make any debt which they could not pay out of the revenues as they accrued and that would not meet our approval, and so on. We put them under a sort of tutelage that is quite possible in this island, though I think those people would come to almost any terms to get rid of the Americans.

They were willing to do anything to get rid of the Spanish, and they certainly would come to even the Platt amendment or something similar if it was necessary to secure the evacuation by the American troops of the positions they hold in the island. I quite understand that. I would be unwilling, however, to keep troops there for any determined length of time. The Senator probably is aware—if he is not I will tell him—that these debts are very rarely for to-morrow. Bonds are usually for a pretty long time, and the way that nations borrow money is upon bonds. It would be quite a stretch of time, probably, before any bonds would be due.

Mr. BEVERIDGE. The interest would be due almost immediately, would it not?

Mr. MONEY. The Senator will allow me to finish my sentence, please. It might be then that something would happen, as with the British when they took possession of the customs of Mexico to pay what is called the $50,000,000 gold loan there. So some government in Europe or elsewhere that had loaned those people might find it necessary to come in and make a subvention of the customs dues for the payment of the interest on their bonds. But we can conjecture any number of difficulties without the ability to meet them all in detail, and we will do well in our statesmanship if we contend with the circumstances as they arise.

I recollect that one of the wisest of English statesmen, after an experience of sixty-three years in Parliament, said that after all his experience he had concluded that statesmanship was just doing the best he could under the circumstances; and certainly that man, called "the trimmer," who three times rescued Great Britain from her difficulties, Sir William Temple, was called "the trimmer" because he had no particular definite policy, but was always doing the best he could under the circumstances. So in this case I would do the best I could under the circumstances. I would cut loose from such entanglement as has been brought upon us by the action of the Congress of the United States. This Senate brought it about by its vote on the Spanish treaty. If there had been a change of two votes, we should not have had this difficulty.

Mr. BATE. Oh, no; one vote.

Mr. MONEY. No; two votes. A change of two votes would have dissipated all this difficulty which we are now in the midst of.

We have thrust ourselves, by seizing the Philippines, into the vortex of future storms in oriental seas; we directly face southern China, which is the object of schemes for exploitation and dismemberment, to which schemes we must assent or dissent. If there is anything in the prospect to-day that is difficult, it is that. I wish to ask the gentlemen who want to hold the Philippine Islands what would happen if we should unfortunately engage in war with any European nation? I want to say that war is an incident in the life of every independent nation. You can not fortell it; you can only be prepared to meet it; and that is the part of wisdom which we inherit from George Washington, Thomas Jefferson, Andrew Jackson, and all the other statesmen who guided us in our infancy.

You all know there is great danger of war looming up. Three years ago the note of alarm was sounded by the Austrian Premier, and every chancelrie in Europe advocated a general bund against overwhelming American invasion of trade and traffic. The alarm was taken up and constantly propositions are being suggested and entertained to make a wall around us, such as Henry C. Carey, an original protectionist, said he wished to God could be put around the United States; but the protectionist does not want any wall now, except a wall that will let our products go out and prevent everybody's else products from coming in. They wanted the home market and got it, and now want the foreign market and a high protective tariff, which will enable them to sell at their own price here, and to sell at a lower price abroad, to meet competition.

This tariff war means bread and meat for the working people of Europe. This invasion of American manufactures and raw products is to-day exciting Europe from her core to her cuticle. Not only that, but it is the history of mankind that wars of armed men are brought about by wars of tariff and wars of commerce. When they can not get what they think is right, or can not get what they think is to their advantage, even though it is not right, then an appeal to arms is the next thing. If we go on to-day, as is proposed, endeavoring to sell to everybody and to buy from nobody, and then not permit the purchaser to carry home in his own ships the products which he buys, we may look for a real as well as a tariff war.

Suppose, Senators, we have this war. It is not improbable, I will not say impossible, that within a few years we may have this war. We have got the Philippines. What shall we do with them? You have 70,000 soldiers already there, according to the Senator from Massachusetts, with the archipelago practically pacified, as we are assured in daily dispatches. These dispatches are very amusing. They remind me of those which came every morning a year or so ago: "The situation well in hand; casualties, so many killed and wounded." That is what the dispatches said almost every morning for about a year.

Suppose we were to engage in a war with any of the first powers of Europe, or, still worse, with any two of them, then what should we do? Instead of 70,000 soldiers, we should have to keep 100,000 in the Philippines, for that would be the point of attack, and instead of having a squadron of eight or ten ships there, we should require one-half of the American Navy as it at present exists. Then, you have got to keep an army in Porto Rico; you have got to put ships and battalions where they never were before.

You have not got the army here, and you will strip this country and leave it naked and defenseless before its foes in order that you may protect these outlying insular dependencies by military occupation. You have got it to do; you can not give them up; your prestige is gone; your pride humbled; your shield is tarnished. You can not do that, and you will be damned by the whole American people if you permit it. You must send troops and ships there. Then, who is going to defend the United States? You will have to call out volunteers. They would come. Five millions or ten millions, if necessary, of the patriotic sons of America would fly to arms to protect the integrity of her territory and resent any insult to her flag.

But they would not yet be soldiers; they would be a mob animated by patriotism and courage, which are the common characteristics of Americans, ready to die, if need be, yet they would not be an organized force that could meet the legions of Europe; and with our coasts stripped and our ships sent to these distant possessions, with our soldiers sent abroad to defend our possessions, whom could we have to meet the trained soldiers landed here by the combined fleets of two of the powers of Europe? We would be left defenseless.

I tell you, Senators, if this policy is persisted in you must make your Army 500,000 strong and make your Navy equal to any in Europe, except that of Great Britain; equal to that of France, which is the second naval power of the world. We must have a spirit infused into that Navy, not of jealousy and bickering, but of emulation. We do not want a fight between the barnacles of the Department and the fighting men who are afloat. We have got to have officers working in concord for the good of the service; we have got to have the old fighting spirit infused into the Navy; we have got to have the trained men. I want to ask you what sort of a burden is to be laid upon the American people? It is nothing but the part of wisdom to provide for that very thing.

I can recollect of a debate in the House of Representatives, if I may be permitted to make an allusion to something that happened elsewhere. I was in favor of building up the Navy. I recollect that one of the most distinguished men the Democratic party ever had in that House—the Speaker—said if the nation would behave itself it would not need a navy and would not need to quarrel. But it does not take two to be wrong in order to start a quarrel. One man can be affronted; one nation can be wronged and yet be entirely in the right, and appeal to arms. It is one of the necessities of the case. So you must consider, if you are going to keep up the policy of having a President appoint a lot of people, who are responsible to nobody but to him under the circuit of the sun, you may just as well arrange now to have an army of 500,000 men and a fleet able to cope with any in Europe, leaving out that of Great Britain.

We are about undertaking to build a new isthmian canal. How many ships will be required to watch that canal? Since Congress met Great Britain has put another man-of-war on the Caribbean and the Atlantic stations. She already had 13 first-class cruisers and battle ships there. She has two of the greatest dockyards and naval depots on this hemisphere—one at Kingston, Jamaica, looking directly into the canal, and the other in Santa Lucia, of the Windward group.

It is idle for us to sit here and frame laws, not to govern, but to oppress another people; not to confer liberty, but to deny it; not to extend free principles, but to circumscribe and restrict them; not to confer human rights, but to take them away, and that with no protestation which any man has yet made before this Senate—none whatever in any sense—but it is always put on the sordid commercial plane, not the moral plane certainly, not even upon the plane of international right. We are in that position.

If this policy is to be continued, I am going to support the American flag and the American Army and the American Navy, whatever the country does. I am, as a citizen, loyal, and I shall do all I can to maintain its honor. But are we to be prevented here, where we are deliberating upon questions of public policy, for fear that somebody in power will be offended or that any man shall call us traitor, from declaring that which, in our opinion, is the best for the future of the American people, let come what may to the Filipinos or anybody else upon this planet? We are not concerned as to them, and we know it to be a hypocritical pretense to assert the contrary.

I make no concealment of my indifference particularly, except, as I said, that I wish every people might govern themselves. But I am speaking for the American people and not for the Filipinos. Some Senators do not seem to understand how we can get up here and debate the Philippine question without in some way or other being in sympathy with them and losing sympathy with our own flesh and blood. I have a son-in-law fighting in the Philippines. He is in Batangas Province. He has been in every solitary one of the fights there. He has already served two years there.

I have a daughter and a grandchild there. I do not want to see them killed or hurt; but I propose a measure which is not going to be adopted; I propose a measure which perhaps the minority here will not adopt; but I propose one that good morals will approve; I propose one that good common sense and statesmanship will advocate and justify, which is that we should simply attend to our own business and not interfere with the affairs of other people. When we do interfere with them, let it be done beneficently and upon proper grounds, and let us not put the frozen hand upon a people and chill them to the very heart, but the hand that brings with it blessings like the sun, to vivify and to restore.

We have the power to do anything we please, but when we attempt to shelter ourselves behind such catchwords and senseless phrases as "destiny" and "Providence," and all that sort of thing, how ridiculous we make ourselves in the eyes of everybody. Destiny is what you do yourself, not what some superior power makes you do. There is no such thing as that irresistible and inexorable power which the old Greeks called "fate" pursuing a nation or a man. It is what the nation does; it is what the man does. He makes his destiny. No destiny is put upon us; but we have assumed it; we have grasped at it; we have taken it greedily; we have taken it without regard to the rights of others concerned; we have taken it in violation of faith toward our allies in the contest for liberty. That is what we have done.

As for Providence putting those islands in our hands, is that true? If so, then Providence

> Moves in a mysterious way
> His wonders to perform.

They say that Providence put the Filipinos in our hands. Is that true? Why, Senators, how many votes did it take to carry the treaty by which we acquired the Philippine Islands? What was the motive and inducement that made a change in certain votes? I am not going to cast imputation upon the motives of Senators. I am respecting the motives of men, but I know what men said to me. One said to me he would rot here in his chair before he would vote for the treaty. He came to me the next morning and said he would have to vote for it, because he could not vote against the treaty when American soldiers had been fired on at Manila. I said to him that was a sham concern, and that it ought not to affect his vote on the treaty.

Of course there was not very much in that little fight there, but it brought about the ratification of the treaty. There is one vote accounted for. Another gentleman said he would never, so long as he lived, vote for the treaty; but he did. He changed his mind over night. Did these two Senators represent Divine Providence or not? Let us get away from this cant about destiny. It is too silly to fool a child. Do not talk about Providence, because there are people who do not care anything about religion, or God either, but assume that you are responsible for what you have yourself done. You have done this deed. Now, then, did it pay to do it? What is the compensation coming to the American people for the expenditure of a million and a half dollars a week and for the loss of life in Luzon and Samar?

When Senators said they wanted that treaty ratified so as to bring the volunteers home, I said, "You close one war that lasted two or three months to begin another that will last longer than you and your children. You saved the lives of a few volunteers in Cuba, but how about the thousands of American citizens in the jungles of Luzon?" Have not my words, which are in the RECORD, been verified? It did not take any great amount of prevision to see that. The only astonishing thing is that a blind man could not see it. But there is a sort of intellectual strabismus here that can not look at anything straight. You refused to see the facts; you refused to acknowledge the facts.

We have a duty, as I consider, to our constituents, not to the Filipinos, except in so far as it is the duty of every man and of every nation not to oppress or wrong anybody. Every writer on international law that ever I have seen—and I think I have read nearly everyone of them—has declared that a state or a sovereign is a moral person with obligations to act morally, to live under the Golden Rule, if you please, to "do unto others as you would have others do unto you." Are we acting like a moral person in this business?

Are we acting like a common-sense business man in this matter? Where is the income, where is the dividend on your expenditure of fifty or sixty million dollars a year, and where is your income upon the lives which have been wasted in the jungles and the mountains of Luzon, of Samar, of Palawan, and of Iloilo—where are they? When are we to get our returns? We are getting it in the hatred of the American name; we are getting it in the maledictions of a people who have never wronged us; we are getting it in the curses of the outraged, which very often represent the curses of Divinity itself. No man can afford to do wrong, and no nation can afford to do wrong. Punishment will come sooner or later.

> Though the mills of God grind slowly, yet they grind exceeding small.

Some day we shall have to pay for this, unless we repent ourselves of the course we have taken and essay to do right. In the pride of her power Rome thought that she was eternal. She sent out her colonies all over the world, not to oppress, but to give laws, to create homes. Wherever the Roman influence spread there the ancient Roman law was in the exercise of its justice, and the colonies that were planted were not simply military occupations. The word *colonus* means husbandman, and her colonists tilled the earth and taught the natives the civilization of Rome; but nowhere was there any interference with the religion or with the local laws or the local customs of the people.

Nobody talked then about any theories of government for them other than they alredy enjoyed. The same may be said of the Greeks and of every other colonizing people of the world, except those of modern date, whose colonization is not colonization providing homesteads for settlers, as we named them, but it is simply military conquest, military subjugation, military occupation and possession, All this springs from greed of money or of military glory. And we, in this efflorescent period of the world's history and growth and civilization, standing in the forefront of all that is Christian and religious and good and useful to mankind, have turned ourselves back and traversed the glorious record of one and a quarter centuries, to impose our rule upon a people about whom we have not the slightest concern in the world.

There was a seismic disturbance in the Orient a few years ago, when 400,000 people were drowned in the sea, and yet there was not a man in the Senate who lost his breakfast or shed a tear. If one year before the Spanish war or two weeks before it the whole Philippine Archipelago had sunk down into the bosom of the briny

deep, it would not have troubled us a particle. We were not concerned so much for good government and better government there and better religion there, and so on, and we would not have allowed it to disturb the commonest business transaction of our lives. How shallow is all this cant! How puerile and transparent it is! The wonder is that men of character and ability will repeat these phrases like parrots, without undertaking to analyze or to scan them.

Mr. President, I did not get up to make a speech, but I got up here to address myself, as I thought, for a few minutes, but these questions have led me on and on until I have gone much further than I intended; but I want to say here now deliberately, responsible to my constituents, that I shall support the American Army and the American Government wherever it may be. I am for my country whether it be right or wrong. In this case I am of the decided conviction, and I believe nothing can move me from it, that we are wrong. I express that conviction in the best manner I am capable of, not to dishearten anybody or to encourage the Filipinos, but to lead the Senate and the American people who will read my words to some sober conclusion about this matter and not follow the ignis fatuus of military glory into morasses which are dangerous. We do not want the American nation to become a byword and a hissing among those who want freedom.

Never before in the history of any government, in a struggle for freedom like that which the Boers have waged, have we ever refrained from an expression of sympathy and of all the moral support that could be given. In this Chamber and in the other, on the forum, on the hustings, in the pulpit, through the press, in town meetings, wherever the American people could find a voice to speak, they said: "We sympathize with people struggling for liberty." We have not said a word for the Boers. There never was a cause more just than theirs. There never was a more flagrant outrage upon a nation than the attempt of the greatest Empire in the world to suppress the two smallest Republics, with not a shadow of title nor a shadow of right or of justice or of morals, nothing but simple greed—greed for the gold mines of the Witswater and, just as they, through the same greed, robbed the Boers of the Kimberly diamond mines.

Have we got any moral right to continue this business, having begun wrong? Whenever a man finds he is doing wrong, the time to correct it is now, right now, and not to wait until something will happen, not to wait until somebody has done something else. When a man tells me I am wrong, I stop; I do not say I am wrong, but I can not quit until somebody else does something else. To say we are in the wrong, but that we can not quit doing wrong because the Filipinos will not do something that we say is right; in other words, surrender their arms without any pour parler about it, without any invitation to come, without any assurance that there would be the establishment of a better government there or any other sort of government. We do not tell them that. We do not wait for anything of the sort. Suppose George Washington had been obliged to surrender his arms at the close of the Revolution because the King of France or somebody else did not think we could govern ourselves, how long would Mr. Washington have been in the woods fighting the King of France? Until the last man perished, because that is the American blood. It is a different thing from the Malay blood. We are capable of great exertion.

In all the history of the United States, as I have said, until this hour there never failed to come an expression from both Houses of Congress, from the executive department, and from the people in all their different functions to proclaim the sympathy of the United States to a struggling people. Yet we are as dumb as oysters when the Boer question is brought up here. Why? Because the pot can not call the kettle black. We are in the same business as Great Britain. We have gone back on our professions and our practices. We to-day have joined the ranks of the other side. We have gone to the robber plan—

* * * the good old rule
Sufficeth them—the simple plan
That they should take who have the power,
And they should keep who can.

That is our platform now so far as foreign countries are concerned—that is, foreign countries that we can whip. We are very prudent not to give a better government to Ireland, or to Hungary, or to Armenia. We do not seem to be concerned whether they have good or bad government, or any other kind of government. If they should sink, I do not think it would disturb the Senate a particle.

I recollect a few years ago that a very distinguished minister from Mexico, who is now dead, wrote a series of historical articles in the North American Review, and he cited one instance where, after the revolt of several of the Spanish colonies, the United States of Colombia and Mexico prepared a cooperating invading force to enter the island of Cuba and raise the standard of revolt against the Spanish Crown, but that they were compelled to desist by the assurance of Mr. Clay, the Secretary of State, that the United States would not permit it to be done. He made the remark that Mr. Clay did that because the slave faction in the United States dictated that sort of reply to those envoys of revolution and liberty.

I happened to be sick at the time, but I was called upon by the editor of that magazine and asked if I would not answer it, which I did to the best of my ability, and I showed pretty conclusively that Mr. Clay was the Secretary of John Quincy Adams, the man who presented the first abolition petition to the House of Representatives, that the slave faction had nothing to do with it, but that Mr. Clay had expressed himself that the United States in its business could not afford to see the fertile island of Cuba lying close to our shores devastated and laid waste, and that was the reason the United States would not permit the invasion of Cuba.

I think I proved conclusively that there was not a single struggle, from Patagonia up to the Rio Grande, where we had not even sent commissioners to hunt up their peripatetic capitals to find somebody in authority with whom we could treat, with whom we could enter into some sort of commercial alliance, and whose independence and belligerent rights we would acknowledge. I think I have proven that conclusively.

I want to ask Senators on that side, suppose to-day there was a struggle of some people against their lawful sovereign, their legitimate sovereign, do you suppose the United States could afford to sympathize with them or pass any resolutions in either House of Congress or do anything to encourage them? Why, sir, the fire that is held aloft by the Goddess of Liberty, telling the world that this is a harbor of refuge, a state of safety, is nothing now but a "bale fire on the rocks, telling all comers that approach is danger and contact is death."

We no longer stand as exemplars of liberty. We have cast our lot with the other people of the world who have taken by military force and subjugated people with whom they had no concern. We can not complain since we have taken that attitude that the world places us where we place ourselves. Just as society places every man where he places himself, so nations place nations where they place themselves. We have voluntarily assumed a new rôle that is contrary to all our history, all our traditions, contrary to all our teaching, contrary to the principles of every political party that ever flourished in this country. We undertake a new rôle, that of subjugator, and contemporary with the passage of this treaty, by which we purchased 10,000,000 people for $20,000,000, the Senate passed a solemn resolution defining its policy and defining the policy of the Government, so far as it goes. That resolution declared that this conquered territory, this purchased territory, whichever it may be, according to your pleasure, shall never be an integral part of the territory of the United States and that these people shall never be citizens of the United States.

Do we want 10,000,000 people who are never to be citizens? Do we want 127,000 square miles of islands that are never to be territory of the United States? If the Constitution does not follow the flag, is it never to get to the place? Is the bill of rights, without which Thomas Jefferson said the Constitution was a failure, to be denied to the people who live under the ægis of the American Government?

When we come to talk about constitutions here we are told—it has been denied by my friend the Senator from Ohio that the gentleman ever said it was worn out and played out, and I am very glad to hear it—that we can do anything we choose as a nation.

My distinguished friend, the Senator from Ohio, who is so able in debate on this floor, and so profound a lawyer, and so bad an exponent of the Constitution, in my opinion, if he will permit me to say it, has said that we have all the power intrinsically and inherently that any other government has. The trouble is that Senators do not seem to be able to distinguish between a nation and a government. There is no question but that this great American nation, extending from ocean to ocean and from the lakes to the Gulf, enjoying insular possessions outside, as a nation, with 80,000,000 people and untold wealth, can do anything that any other nation on earth can do. But how does a nation govern itself? The government and the nation are two entirely distinct things.

This nation says it will govern itself according to the Constitution and the government which that Constitution provides, and nobody here that has a right to speak for the nation and say that the Constitution and the Government that the nation has set up for its own rule can be done away with. There is no power in the Government of the United States to violate the Constitution. There is a power in the nation to change it, to repeal it, to set up anything instead it chooses. That is the inherent right of any nation; it is the inalienable right of any nation, which it can not grant away, but to say that this Government can violate the Constitution which gives it being is simply a contradiction in terms. We can only do that which we are permitted to do, and

the nation has spoken when it says "so far shalt thou go and no farther," in the language of the Constitution which has been imposed upon us and of which we are the creatures, and we can do no more than that.

Now, all these inherent powers are in the nation, but the nation is governing itself by a government, and that government is defined in a constitution, and the mode of changing that constitution is prescribed therein. The Constitution is declared to be the supreme law of the land. What land? Any land over which the flag flies—land in the Philippines and in Porto Rico and Hawaii, as well as in Maine and Massachusetts, Mississippi and Louisiana; the deck of a ship in midocean; land wherever its envoys, ministers, plenipotentiaries, ambassadors, or any other officer floats the Stars and Stripes. That is the land over which the Constitution is the supreme law. There is no limit except in the jurisdiction of the United States; and yet we are doing things here that not only are not in consonance, but are absolutely discordant with the provisions of the Constitution, upon the ground that as a nation we have all the rights that any other nation has. That is true. But that does not give us the right to violate the form of government which the nation has imposed for its own government to establish peace, justice, and tranquillity.

I do not know about what this debate arose this morning.

Mr. BEVERIDGE. On a newspaper clipping which was read as a matter of personal privilege.

Mr. MONEY. The bill is up for consideration. I have been speaking in a rather inconsequential way about this matter as it came up in my mind, and I have not been addressing myself particularly to the pending bill. The question of the Senator from Maine, however, has led me to give my views upon the question which should address itself to the intelligence of the people of the United States and the Senate, as to how to make a composition which I thought would insure peace and tranquillity to ourselves and incidentally to the people of the Philippines. It is not impossible. It is the easiest thing to do in the world. In fact, it is always easy to do right, and it is the most inexpensive mode of conduct that can be suggested. It does not tax people to do right. There is no blood shed in doing right. There is no immorality in doing right, and there is the approval of a good conscience.

We have taken possession of these islands, and there may be a pride which will restrain us from withdrawing from an unfinished business. There may be some sort of amour propre, and it might be said, "You tried and could not do it." But this people is big enough and great enough and rich enough and powerful enough and magnanimous enough to do what is right and let the minor things take care of themselves. We need fear no man's reproach. We are thrice armed if our ground is just.

Mr. President, I expect to vote for the minority report. I have not examined it carefully. I did not examine it carefully because I did not think it made much difference. I do not care how good it is, it will be voted down. I want to vote for it because I know necessarily from my experience here it is better than the bill—that anything would be better than the bill. Therefore I shall give it my vote, while not thoroughly approving the method. There are a great many things I would have left out and some things I would have inserted. But I can not vote for my own proposition, and I am going to vote for the best I can get. It is a choice, perhaps, between two evils. At any rate, I want to cast my vote with that side which is laboring for peace, for good will, for concord, for justice, and for morality.

Mr. PLATT of Connecticut. Mr. President, there is no time now for a full and complete answer to the remarks of the Senator from Mississippi [Mr. MONEY], and I do not desire to attempt it at this time. Perhaps at some future day I may desire to follow him in what he has said; but I do not wish this occasion to pass without expressing my emphatic dissent to what I understood to be the principle upon which his whole remarks have been founded.

I understand that he does not deny our right as a nation to acquire the Philippine Islands; that he does not deny our title there; that he does not deny our right of sovereignty there; but that whenever the people of the Philippine Islands say they desire independence, it is the right and duty of the American people to give it to them.

Mr. President, that is a doctrine to which this Government can not subscribe. To subscribe to that doctrine goes much further than the Philippine Islands. If we have the right to acquire territory by conquest or by purchase, or by both, it is stultifying ourselves to say that it becomes our right and duty to surrender that territory immediately the people thereof demand their independence. No nation can live in that way. If it applies to the Philippine Islands, it applies to every foot of territory which we have ever acquired and upon which we have not now erected a State.

It applies with equal force to Alaska as to the Philippine Islands—Alaska which we can reach only by water, which we acquired by purchase, in which we have never erected that form of government which is popularly known as a territorial government. Suppose the people of Alaska to-day demand independence and put themselves in arms against the United States to secure that independence, claiming that they are entitled to their liberty and to independence, and flaunt the Declaration of Independence in our face and say that they are struggling for liberty.

Will the Senator from Mississippi, will any Senator on the other side of the Chamber, say that it then becomes the right and the duty of the United States to give up Alaska to the people of Alaska, to let them establish there an independent Government, free from our jurisdiction, free from our sovereignty, and over which we have no control?

It applies equally to Porto Rico as to the Philippines. We reach Porto Rico by sea. It is an island of the sea, as the Philippine Archipelago is constituted of islands of the sea. Suppose that the people of Porto Rico to-day, dissatisfied with the manner in which we are governing them, revolt and say, "Give us independence. We propose to have our liberty. We will not longer submit to the authority or sovereignty of the United States." Does the Senator go so far as to say that it then becomes the duty of the United States to withdraw from Porto Rico, to drop it, to use the term which has been used here to-day, to allow them to set up an independent government, in defiance of the authority of the United States, in opposition to its claim of sovereignty?

You may go still further. You may go to the Territory of New Mexico, which we acquired both by conquest and by purchase, and we as much bought the people of New Mexico as we have bought the people of the Philippines. Nay, more; we promised them that we would incorporate them into the Union, and fifty-three long years have passed and they have not yet been incorporated into the Union.

Suppose that, wearied with this delay and under a sense of injustice and struggling for liberty, they organize a revolt there and defy the authority of the United States in arms and attack the court-houses and the other places where the United States authority is maintained. They would be struggling for liberty in the view which the Senator from Mississippi takes of it, but he would be the first man to vote to authorize an increase in the Army of the United States, if it were necessary, to proceed there and put down that revolt and to maintain the ascendancy and the sovereignty of the United States there.

No, Mr. President, the argument proceeds upon a false premise. There is no such right and duty upon us. The right and duty upon us when we acquire territory is plain and simple. It is to govern that territory as may best subserve our interests and the interests of the people occupying that territory, and in consonance with the principles which we have established for our Government. That is the right and duty of the United States, of our Government, of our nation. And there is no distinction to be drawn between a nation and a government. The government is the nation. It is false logic, it is sophistry to say that a nation has a right to do this, but the government has not.

Now, Mr. President, I am not going into a discussion of what we have done or what we have failed to do in the Philippine Islands, but I could not let this opportunity pass without saying that I thought the argument of the Senator from Mississippi proceeded upon an assumption which could not be maintained if we were to maintain the existence of our nation.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

Mr. MONEY. I should be very glad to have the privilege of asking a question of the distinguished Senator from Connecticut before he takes his seat.

Mr. CULLOM. I yield for that purpose.

Mr. MONEY. It is pertinent to the matter he has just been discussing. If the Government is the nation, and I suppose he means it in the sense that it can do anything it pleases, I ask him what mean the ninth and tenth amendments to the Constitution, which say that all powers not therein granted to the Federal Government are reserved to the States and the people thereof.

Mr. PLATT of Connecticut. That would be a long argument to enter into, but I can say here that I believe that this nation and this Government—for I think they are synonymous in terms and identical—has power which is not specifically enumerated in the Constitution. In all its dealings with foreign powers it has, from the day when it was organized, exercised power for which no specific grant can be found in the Constitution. I might go further and say that we have both a written Constitution and an unwritten Constitution.

We may do many things which are not written in the body of the Constitution in plain and specific language, going back for our authority to the conditions which existed before the Constitution was formed, resting upon decisions of courts which have been made since the Constitution was formed; and that clause which says that all powers not enumerated in the Constitution are reserved to the people of the States, to my mind was limited to the

questions which should arise between the General Government and a State government. To take any other view of that amendment of the Constitution is to shear our Government and shear our nation of the full authority which attaches to governments and to nations.

Mr. MONEY. Will the Senator from Illinois allow me to ask the Senator from Connecticut one more question?

The PRESIDING OFFICER (Mr. CLAPP in the chair). The Senator from Illinois has the floor.

Mr. CULLOM. There is a considerable amount of executive business which should be transacted.

Mr. MONEY. The question is a very short one. I will ask the Senator, assuming his statement to be correct that the nation and the Government are one, why does the Constitution provide a way for its own amendment? If the nation can already do all things, why provide a way to amend the Constitution?

Mr. PLATT of Connecticut. It seems to me that question ought to answer itself.

Mr. MONEY. It does to my mind.

Mr. PLATT of Connecticut. Every constitution provides for its own amendment. It must necessarily do so.

Mr. FORAKER. Will the Senator from Illinois yield to me for a minute?

Mr. CULLOM. I yield to the Senator from Ohio.

Mr. FORAKER. I will not trespass upon the time of the Senate unduly. I should be glad, if I had more time, to express my entire concurrence with the argument just made by the Senator from Connecticut [Mr. PLATT], but I content myself, under the circumstances, with putting into the RECORD, in answer to the statement made by the Senator from Mississippi that we are governing in the Philippines in violation of the Constitution and in violation of the Bill of Rights, the organic law, if I may so call it, under which the Commission known as the Taft Commission has been legislating and proceeding in those islands. The paragraphs I shall have read, in order that they may appear in the RECORD, are some of the instructions given by President McKinley to the Taft Commission under date of April 7, 1900. I will ask the Secretary to read them.

Mr. MONEY. I ask the Senator to permit me to say a word before that is done. I did not say that they were acting in violation of the Bill of Rights nor in violation of the Constitution, but that the Constitution was not there to provide that they should not. That is what I meant to say. That is the meaning I attempted to convey.

Mr. FORAKER. I understood the Senator from Mississippi to say, in substantially these words, that all we were doing in the Philippines was not only in violation of the Constitution, but especially in violation of the Bill of Rights.

Mr. MONEY. I said——

Mr. FORAKER. I want the paragraphs read, at any rate.

Mr. MONEY. I said if they were disregarded there is no tribunal before whom the violaters could be held responsible.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary proceeded to read the extract.

Mr. CULLOM. I suggest to the Senator from Ohio that he allow the remaining paragraphs to be inserted in the RECORD without being read.

Mr. FORAKER. Very well; I have no objection. What follows is simply an enumeration of the Bill of Rights.

The matter referred to is as follows:

In all the forms of government and administrative provisions which they are authorized to prescribe the Commission should bear in mind that the government which they are establishing is designed not for our satisfaction or for the expression of our theoretical views, but for the happiness, peace, and prosperity of the people of the Philippine Islands, and the measures adopted should be made to conform to their customs, their habits, and even their prejudices to the fullest extent consistent with the accomplishment of the indispensable requisites of just and effective government.

At the same time the Commission should bear in mind, and the people of the islands should be made plainly to understand, that there are certain great principles of government which have been made the basis of our governmental system, which we deem essential to the rule of law and the maintenance of individual freedom, and of which they have, unfortunately, been denied the experience possessed by us; that there are also certain practical rules of government which we have found to be essential to the preservation of these great principles of liberty and law, and that these principles and these rules of government must be established and maintained in their islands for the sake of their liberty and happiness, however much they may conflict with the customs or laws of procedure with which they are familiar. It is evident that the most enlightened thought of the Philippine Islands fully appreciates the importance of these principles and rules, and they will inevitably within a short time command universal assent. Upon every division and branch of the government of the Philippines, therefore, must be imposed these inviolable rules:

That no person shall be deprived of life, liberty, or property without due process of law; that private property shall not be taken for public use without just compensation; that in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense; that excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted; that no person shall be put twice in jeopardy for the same offense or be compelled in any criminal case to be a witness against himself; that the right to be secure against unreasonable searches and seizures shall not be violated; that neither slavery nor involuntary servitude shall exist except as a punishment for crime; that no bill of attainder or ex post facto law shall be passed; that no law shall be passed abridging the freedom of speech or of the press or of the rights of the people to peaceably assemble and petition the Government for a redress of grievances; that no law shall be made respecting an establishment of religion or prohibiting the free exercise thereof, and that the free exercise and enjoyment of religious profession and worship without discrimination or preference shall forever be allowed.

Mr. SPOONER. I ask the Senator from Illinois to yield to me for a moment.

Mr. CULLOM. Certainly.

Mr. SPOONER. I send to the desk an amendment to the pending bill, which I ask to have printed and lie on the table.

The PRESIDENT pro tempore. The amendment will be printed and lie on the table.

The amendment proposed to be submitted by Mr. SPOONER is as follows:

Insert the following after the word "prescribe," in line 23, page 4, of the printed bill: "and all taxes paid upon such articles shipped to the Philippine Islands since May 1, 1901, under the decision of the Secretary of the Treasury of that date shall be refunded to the parties who have paid the same, under such rules and regulations as the Secretary of the Treasury may prescribe; and a sum sufficient to make such payment is hereby appropriated, out of any money in the Treasury not otherwise appropriated."

Mr. CULLOM. I now yield to the Senator from Idaho [Mr. DUBOIS] for a few moments, and after that I hope no Senator will ask me to yield further.

Mr. DUBOIS. I am very much obliged to the Senator from Illinois, and I assure him that I shall not occupy much time.

The Senator from Wisconsin [Mr. SPOONER] saw fit to lecture me on the proprieties, and it seems to me it was totally uncalled for. There is no difference of opinion between the Senator and myself. I think we quite fully agree. I do not care to lecture him or to say anything offensive, but it is absurd to advance the proposition that I would reprimand General Wheaton for things that he has not done. If he has not said what is attributed to him, my reprimand, of course, does not lie against him; but I was careful, I think, to ascertain the facts before I made my statement.

The Associated Press people here say that that dispatch came straight from Manila; that their man there is very painstaking and very careful, and that he would lose his head instantly if he sent a dispatch quoting General Wheaton or anybody else and misrepresented them. Every Senator on this floor knows that the Associated Press does not put into the mouths of men words which they do not utter. Every one of us is represented by newspaper correspondents, but I venture the assertion that none of us was ever misrepresented or misquoted when the language was set forth with accuracy or pretended accuracy by the Associated Press. I am quite sure of that.

I do object, however, to Army officers attempting to coerce the legislative branch of the Government. I say it is offensive to the spirit of our institutions. It is not their province to undertake to coerce the legislative branch of the Government. This is not the only time it has occurred. They are quoted right often reprehending us for some contemplated action. I agree fully with the Senator from Wisconsin that my criticism of General Wheaton does not lie if he did not say these things, but it is quite apparent to me that he did.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After forty-five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 23 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, January 28, 1902, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 27, 1902.

REGISTERS OF LAND OFFICES.

John A. Steele, of Alabama, to be register of the land office at Huntsville, Ala., to take effect February 5, 1902, at the expiration of his present term. (Reappointment.)

Charles D. Ford, of Colorado, to be register of the land office at Denver, Colo., his term having expired. (Reappointment.)

Henry Frank Millikan, of Santa Fe, Kans., to be register of the land office at Dodge City, Kans., vice Thomas A. Scates. (Term expired.)

William H. Martin, of Missouri, to be register of the land office at Boonville, Mo., his term having expired. (Reappointment.)

George Steel, of Missouri, to be register of the land office at Ironton, Mo., to take effect March 4, 1902, at the expiration of his present term. (Reappointment.)

James P. O'Bannon, of Buffalo, Mo., to be register of the land

office at Springfield, Mo., vice Martin V. Gideon, whose term will expire April 5, 1902.

William Farre, of Canyon City, Oreg., to be register of the land office at Burns, Oreg., vice George W. Hayes, removed.

RECEIVERS OF PUBLIC MONEYS.

Arthur W. Kinney, of California, to be receiver of public moneys at Los Angeles, Cal., his term having expired. (Reappointment.)

Lewis J. Pettijohn, of Kansas, to be receiver of public moneys at Dodge City, Kans., to take effect March 23, 1902, at the expiration of his present term. (Reappointment.)

Charles C. Evans, of Allison, Kans., to be receiver of public moneys at Colby, Kans., vice Cyrus Anderson. (Term expired.)

Herman Schmidt, of Missouri, to be receiver of public moneys at Boonville, Mo., to take effect March 4, 1902, at the expiration of his present term. (Reappointment.)

C. Sanford Russell, of Missouri, to be receiver of public moneys at Ironton, Mo., his term having expired. (Reappointment.)

John H. Duncan, of Springfield, Mo., to be receiver of public moneys at Springfield, Mo., vice George A. Ramsey, whose term will expire March 3, 1902.

PROMOTION IN THE NAVY.

Lieut. (Junior Grade) Ridley McLean, to be a lieutenant in the Navy, from the 7th day of August, 1901, vice Lieut. John E. Craven, promoted.

TO BE CAPTAINS IN THE MARINE CORPS.

First Lieut. James C. Breckinridge.
First Lieut. Arthur T. Marix.
First Lieut. William H. Parker.

TO BE FIRST LIEUTENANTS IN THE MARINE CORPS.

Second Lieut. Richard P. Williams.
Second Lieut. Thomas A. Mott.
Second Lieut. John C. Beaumont.

MEDICAL OFFICERS OF VOLUNTEERS.

Capt. Lewis T. Griffith, assistant surgeon, United States Volunteers, to be surgeon, United States Volunteers, with the rank of major, January 24, 1902, vice Glennan, who vacates on promotion to surgeon, United States Army.

Harold L. Coffin, of Maine, contract surgeon, United States Army, to be assistant surgeon, United States Volunteers, with the rank of captain, January 24, 1902, vice Disney, resigned.

POSTMASTERS.

Thomas J. Coalter, to be postmaster at Flagstaff, in the county of Coconino and Territory of Arizona, in place of Thomas J. Coalter. Incumbent's commission expired January 12, 1902.

William P. Ratliff, to be postmaster at Tulare, in the county of Tulare and State of California, in place of Edward Oakford. Incumbent's commission expires January 31, 1902.

William H. Marigold, to be postmaster at Bridgeport, in the county of Fairfield and State of Connecticut, in place of William H. Marigold. Incumbent's commission expired January 10, 1902.

J. Henry Roraback, to be postmaster at Canaan, in the county of Litchfield and State of Connecticut, in place of J. Henry Roraback. Incumbent's commission expired January 10, 1902.

Roswell S. Edgcomb, to be postmaster at Groton, in the county of New London and State of Connecticut, in place of Roswell S. Edgcomb. Incumbent's commission expired January 10, 1902.

Hubert Williams, to be postmaster at Lakeville, in the county of Litchfield and State of Connecticut, in place of Hubert Williams. Incumbent's commission expired January 10, 1902.

Seth Pratt, to be postmaster at Litchfield, in the county of Litchfield and State of Connecticut, in place of Almon E. Fuller. Incumbent's commission expired January 10, 1902.

George H. Jackson, to be postmaster at New Milford, in the county of Litchfield and State of Connecticut, in place of George W. Anthony. Incumbent's commission expired January 10, 1902.

John C. Stowers, to be postmaster at West Palmbeach, in the county of Dade and State of Florida, in place of John C. Stowers. Incumbent's commission expired January 12, 1901.

William H. Smyth, to be postmaster at Atlanta, in the county of Fulton and State Georgia, in place of William H. Smyth. Incumbent's commission expired January 10, 1902.

Charles I. Robinson, to be postmaster at Eatonton, in the county of Putnam and State of Georgia, in place of Charles I. Robinson. Incumbent's commission expired January 14, 1902.

Warren C. Fenton, to be postmaster at Boise, in the county of Ada and State of Idaho, in place of Warren C. Fenton. Incumbent's commission expired January 10, 1902.

John L. Underwood, to be postmaster at Montpelier, in the county of Bear Lake and State of Idaho, in place of John L. Underwood. Incumbent's commission expired May 10, 1901.

Wesley W. Pritchett, to be postmaster at Weiser, in the county of Washington and State of Idaho, in place of Wesley W. Pritchett. Incumbent's commission expired January 10, 1902.

Edward C. Watson, to be postmaster at Assumption, in the county of Christian and State of Illinois, in place of Horace L. Cushing. Incumbent's commission expired January 10, 1902.

Louis A. Constantine, to be postmaster at Aurora, in the county of Kane and State of Illinois, in place of Louis A. Constantine. Incumbent's commission expired January 20, 1902.

Frank T. Moran, to be postmaster at Belvidere, in the county of Boone and State of Illinois, in place of Alson Keeler. Incumbent's commission expired January 14, 1902.

William P. Dickie, to be postmaster at Bunker Hill, in the county of Macoupin and State of Illinois, in place of William P. Dickie. Incumbent's commission expired January 20, 1902.

Harry D. Hemmens, to be postmaster at Elgin, in the county of Kane and State of Illinois, in place of Harry D. Hemmens. Incumbent's commission expired January 10, 1902.

Theodore A. Fritchey, to be postmaster at Olney, in the county of Richland and State of Illinois, in place of Theodore A. Fritchey. Incumbent's commission expires February 1, 1902.

Cornelius T. Beekman, to be postmaster at Petersburg, in the county of Menard and State of Illinois, in place of Cornelius T. Beekman. Incumbent's commission expired May 12, 1901.

Ralph F. Bradford, to be postmaster at Pontiac, in the county of Livingston and State of Illinois, in place of Ralph F. Bradford. Incumbent's commission expired January 10, 1902.

Nelson H. Norman, to be postmaster at Wynnewood, in the Chickasaw Nation, Indian Territory, in place of Nelson H. Norman. Incumbent's commission expired January 10, 1902.

Ethan L. Trevitt, to be postmaster at Fort Madison, in the county of Lee and State of Iowa, in place of Ethan L. Trevitt. Incumbent's commission expired January 14, 1902.

William T. West, to be postmaster at Lancaster, in the county of Garrard and State of Kentucky, in place of William T. West. Incumbent's commission expires February 16, 1902.

George T. Hodgman, to be postmaster at Camden, in the county of Knox and State of Maine, in place of George T. Hodgman. Incumbent's commission expired January 10, 1902.

John Duff, to be postmaster at New Bedford, in the county of Bristol and State of Massachusetts, in place of David L. Parker. Incumbent's commission expired January 10, 1902.

John D. Mangum, to be postmaster at Marquette, in the county of Marquette and State of Michigan, in place of Orrin G. Youngquist. Incumbent's commission expired January 10, 1902.

Abram Babcock, to be postmaster at Morenci, in the county of Lenawee and State of Michigan, in place of Abram Babcock. Incumbent's commission expired January 10, 1902.

Richard M. Sampson, jr., to be postmaster at Norway, in the county of Dickinson and State of Michigan, in place of Richard M. Sampson, jr. Incumbent's commission expired January 10, 1902.

William Webster, to be postmaster at Sault Sainte Marie, in the county of Chippewa and State of Michigan, in place of William Webster. Incumbent's commission expired January 10, 1902.

S. Perry Youngs, to be postmaster at Stanton, in the county of Montcalm and State of Michigan, in place of Fred. E. Moffatt. Incumbent's commission expired January 10, 1902.

Thomas J. Ulen, to be postmaster at Dexter, in the county of Stoddard and State of Missouri, in place of Thomas J. Ulen. Incumbent's commission expired January 21, 1902.

Robert P. Underwood, to be postmaster at Greenfield, in the county of Dada and State of Missouri, in place of Robert P. Underwood. Incumbent's commission expired January 21, 1902.

William T. Clements, to be postmaster at Platte City, in the county of Platte and State of Missouri, in place of William T. Clements. Incumbent's commission expired January 21, 1902.

William C. Askin, to be postmaster at Salem, in the county of Dent and State of Missouri, in place of Henry C. Sankey. Incumbent's commission expired January 14, 1902.

John W. Smith, to be postmaster at Thayer, in the county of Oregon and State of Missouri, in place of John W. Smith. Incumbent's commission expired January 14, 1902.

William F. Quigley, to be postmaster at Tipton, in the county of Moniteau and State of Missouri, in place of William F. Quigley. Incumbent's commission expired January 12, 1902.

Malissa Conway, to be postmaster at Vandalia, in the county of Audrain and State of Missouri, in place of Malissa Conway. Incumbent's commission expired January 21, 1902.

C. W. McConaughy, to be postmaster at Holdrege, in the county of Phelps and State of Nebraska, in place of Ephraim D. Einsel. Incumbent's commission expired January 10, 1902.

William A. McCool, to be postmaster at Indianola, in the county of Redwillow and State of Nebraska, in place of William A. McCool. Incumbent's commission expired January 14, 1902.

Levi M. Copeland, to be postmaster at Minden, in the county of

Kearney and State of Nebraska, in place of Levi M. Copeland. Incumbent's commission expired January 10, 1902.

Richard F. Goodman, to be postmaster at Newton, in the county of Sussex and State of New Jersey, in place of Richard F. Goodman. Incumbent's commission expired January 12, 1902.

Samuel V. Davis, to be postmaster at Phillipsburg, in the county of Warren and State of New Jersey, in place of Samuel V. Davis. Incumbent's commission expired January 12, 1902.

William H. Lushear, to be postmaster at Short Hills, in the county of Essex and State of New Jersey, in place of William H. Lushear. Incumbent's commission expired January 19, 1902.

John J. Inman, to be postmaster at Salamanca, in the county of Cattaraugus and State of New York, in place of John J. Inman. Incumbent's commission expired January 10, 1902.

Jonas W. Mullen, to be postmaster at Charlotte, in the county of Mecklenburg and State of North Carolina, in place of Jonas W. Mullen. Incumbent's commission expired January 14, 1902.

George F. Wattson, to be postmaster at El Reno, in the county of Canadian and Territory of Oklahoma, in place of George F. Wattson. Incumbent's commission expired July 21, 1901.

Harry F. Hawkins, to be postmaster at Beaver Falls, in the county of Beaver and State of Pennsylvania, in place of Harry F. Hawkins. Incumbent's commission expired May 10, 1901.

Edward C. Dithrich, to be postmaster at Coraopolis, in the county of Allegheny and State of Pennsylvania, in place of John D. Scott. Incumbent's commission expired January 10, 1902.

Giles Rives, to be postmaster at Brownsville, in the county of Haywood and State of Tennessee, in place of Giles Rives. Incumbent's commission expires February 2, 1902.

Robert C. Wilcox, to be postmaster at Clarksville, in the county of Montgomery and State of Tennessee, in place of Robert C. Wilcox. Incumbent's commission expires February 2, 1902.

Robert F. Haun, to be postmaster at Milan, in the county of Gibson and State of Tennessee, in place of Robert F. Haun. Incumbent's commission expires February 2, 1902.

Henry A. Cady, to be postmaster at Ballinger, in the county of Runnels and State of Texas, in place of Henry A. Cady. Incumbent's commission expires February 7, 1902.

Thomas L. Ball, to be postmaster at Decatur, in the county of Wise and State of Texas, in place of Harry H. Little. Incumbent's commission expired January 10, 1902.

Charles H. Revercomb, to be postmaster at Covington, in the county of Alleghany and State of Virginia, in place of Charles H. Revercomb. Incumbent's commission expires January 31, 1902.

William G. Young, to be postmaster at Tazewell, in the county of Tazewell and State of Virginia, in place of William G. Young. Incumbent's commission expires January 31, 1902.

Alphonso F. Learned, to be postmaster at Port Townsend, in the county of Jefferson and State of Washington, in place of Alphonso F. Learned. Incumbent's commission expires February 4, 1902.

William A. Buckley, to be postmaster at Sprague, in the county of Lincoln and State of Washington, in place of William A. Buckley. Incumbent's commission expired January 22, 1902.

Edwin L. Brunton, to be postmaster at Walla Walla, in the county of Wallawalla and State of Washington, in place of Edwin L. Brunton. Incumbent's commission expired January 22, 1902.

John O. Huey, to be postmaster at Mannington, in the county of Marion and State of West Virginia, in place of John O. Huey. Incumbent's commission expired January 10, 1902.

George D. Breed, to be postmaster at Chilton, in the county of Calumet and State of Wisconsin, in place of George D. Breed. Incumbent's commission expired May 18, 1901.

Frank M. Givens, to be postmaster at Fond du Lac, in the county of Fond du Lac and State of Wisconsin, in place of Frank M. Givens. Incumbent's commission expired January 14, 1902.

Robert C. Pugh, to be postmaster at Hayward, in the county of Sawyer and State of Wisconsin, in place of Robert C. Pugh. Incumbent's commission expired January 25, 1902.

Allan Beggs, to be postmaster at Hudson, in the county of St. Croix and State of Wisconsin, in place of Allan Beggs. Incumbent's commission expired January 12, 1902.

Ellicott R. Stillman, to be postmaster at Milwaukee, in the county of Milwaukee and State of Wisconsin, in place of Ellicott R. Stillman. Incumbent's commission expired January 19, 1902.

Fred S. Thompson, to be postmaster at Superior, in the county of Douglas and State of Wisconsin, in place of Fred S. Thompson. Incumbent's commission expired January 12, 1902.

John E. Jones, to be postmaster at Washburn, in the county of Bayfield and State of Wisconsin, in place of John E. Jones. Incumbent's commission expired January 12, 1902.

Adelbert M. Penney, to be postmaster at Waupaca, in the county of Waupaca and State of Wisconsin, in place of Adelbert M. Penney. Incumbent's commission expired January 12, 1902.

J. O. Thompson, to be postmaster at Tuskegee, in the county of Macon and State of Alabama, in place of James A. Grimmet, removed.

Simon P. Loebe, to be postmaster at Charleston, in the county of Mississippi and State of Missouri, in place of Edgar M. Rowe, resigned.

Clarence A. Murray, to be postmaster at Waukegan, in the county of Lake and State of Illinois, in place of Clarence A. Murray. Incumbent's commission expired June 23, 1901.

Christian L. Ecklon, to be postmaster at Folsom City, in the county of Sacramento and State of California. Office became Presidential January 1, 1902.

William A. Bennetts, to be postmaster at Ione, in the county of Amador and State of California. Office became Presidential January 1, 1902.

George W. Duncan, to be postmaster at Jasper, in the county of Hamilton and State of Florida. Office became Presidential January 1, 1902.

Cassius K. Northrup, to be postmaster at Ashton, in the county of Lee and State of Illinois. Office became Presidential January 1, 1902.

George H. Loring, to be postmaster at Dallas Center, in the county of Dallas and State of Iowa. Office became Presidential January 1, 1902.

James M. Crawford, jr., to be postmaster at New London, in the county of Henry and State of Iowa. Office became Presidential January 1, 1902.

Mary E. Barron, to be postmaster at Pocahontas, in the county of Pocahontas and State of Iowa. Office became Presidential January 1, 1902.

John W. Campbell, to be postmaster at Preston, in the county of Jackson and State of Iowa. Office became Presidential January 1, 1902.

Frank E. Drake, to be postmaster at Radcliffe, in the county of Hardin and State of Iowa. Office became Presidential January 1, 1902.

Andrew N. Lund, to be postmaster at St. Ansgar, in the county of Mitchell and State of Iowa. Office became Presidential January 1, 1902.

Joseph S. Robinson, to be postmaster at West Bend, in the county of Palo Alto and State of Iowa. Office became Presidential January 1, 1902.

Robert Whittier, to be postmaster at Whiting, in the county of Monona and State of Iowa. Office became Presidential January 1, 1902.

Jessie F. Fernald, to be postmaster at Kittery, in the county of York and State of Maine. Office became Presidential January 1, 1902.

Fred D. Walker, to be postmaster at Belchertown, in the county of Hampshire and State of Massachusetts. Office became Presidential January 1, 1902.

Edward F. Shaw, to be postmaster at Three Rivers, in the county of Hampden and State of Massachusetts. Office became Presidential January 1, 1902.

David B. Menerey, to be postmaster at Coleman, in the county of Midland and State of Michigan. Office became Presidential January 1, 1902.

John F. Barrows, to be postmaster at Lawrence, in the county of Van Buren and State of Michigan. Office became Presidential January 1, 1902.

Peter O. Hall, to be postmaster at Atwater, in the county of Kandiyohi and State of Minnesota. Office became Presidential January 1, 1902.

Hiram A. Gardner, to be postmaster at Campbell, in the county of Dunklin and State of Missouri. Office became Presidential October 1, 1901.

Archibald H. Cashion, to be postmaster at Perryville, in the county of Perry and State of Missouri. Office became Presidential October 1, 1901.

Lewis M. Short, to be postmaster at Ainsworth, in the county of Brown and State of Nebraska. Office became Presidential January 1, 1902.

Thurlow S. Armstrong, to be postmaster at Butte, in the county of Boyd and State of Nebraska. Office became Presidential January 1, 1902.

William E. Morgan, to be postmaster at Greeley, in the county of Greeley and State of Nebraska. Office became Presidential January 1, 1902.

DeWitt C. Winchell, to be postmaster at Carteret, in the county of Middlesex and State of New Jersey. Office became Presidential January 1, 1902.

William S. Mills, to be postmaster at Fillmore, in the county of Allegany and State of New York. Office became Presidential January 1, 1902.

George L. Bowers, to be postmaster at Vernon, in the county of Oneida and State of New York. Office became Presidential January 1, 1902.

Edwin L. Ware, to be postmaster at Kings Mountain, in the county of Cleveland and State of North Carolina. Office became Presidential January 1, 1902.

Preston E. Hannum, to be postmaster at Christiana, in the county of Lancaster and State of Pennsylvania. Office became Presidential January 1, 1902.

William J. Leahy, to be postmaster at Falls Creek, in the county of Clearfield and State of Pennsylvania. Office became Presidential January 1, 1902.

Jesse N. Watson, to be postmaster at Hatboro, in the county of Montgomery and State of Pennsylvania. Office became Presidential January 1, 1902.

James B. Robinson, to be postmaster at Jamestown, in the county of Mercer and State of Pennsylvania. Office became Presidential January 1, 1902.

I. Newton Taylor, to be postmaster at Mount Union, in the county of Huntingdon and State of Pennsylvania. Office became Presidential January 1, 1902.

Thomas A. Hunter, to be postmaster at Oakmont, in the county of Allegheny and State of Pennsylvania. Office became Presidential January 1, 1902.

Tom C. Hill, to be postmaster at Shickshinny, in the county of Luzerne and State of Pennsylvania. Office became Presidential January 1, 1902.

Gilson A. Jackson, to be postmaster at Youngsville, in the county of Warren and State of Pennsylvania. Office became Presidential January 1, 1902.

Robert C. May, to be postmaster at Leonard, in the county of Fannin and State of Texas. Office became Presidential January 1, 1902.

Charles Alexander, to be postmaster at Boydton, in the county of Mecklenburg and State of Virginia. Office became Presidential January 1, 1902.

Joseph G. Tuttle, to be postmaster at Waterville, in the county of Douglas and State of Washington. Office became Presidential January 1, 1902.

Henry C. Showalter, to be postmaster at Harrisville, in the county of Ritchie and State of West Virginia. Office became Presidential January 1, 1902.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 27, 1902.

COLLECTORS OF CUSTOMS.

William W. Bowers, of California, to be collector of customs for the district of San Diego, in the State of California.

Tip Warren, of Florida, to be collector of customs for the district of Apalachicola, in the State of Florida.

Benjamin F. Keith, of North Carolina, to be collector of customs for the district of Wilmington, in the State of North Carolina.

John Daland, of Massachusetts, to be collector of customs for the district of Salem and Beverly, in the State of Massachusetts.

Robert Carson, of New Jersey, to be collector of customs for the district of Perth Amboy, in the State of New Jersey.

Matthew B. Macfarlane, of Florida, to be collector of customs for the district of Tampa, in the State of Florida.

John E. Stillman, of Florida, to be collector of customs for the district of Pensacola, in the State of Florida.

APPOINTMENTS IN THE ARMY—TO BE SECOND LIEUTENANTS.

Infantry Arm.

Corpl. Harry S. Adams, Company G, Eighteenth Infantry, United States Army, February 2, 1901.

Private Charles E. Swartz, Company M, Nineteenth Infantry, United States Army, February 2, 1901.

William J. Davis, late commissary-sergeant, Forty-seventh Infantry, United States Volunteers, February 2, 1901.

Edward H. Andres, at large, late first lieutenant, Thirtieth Infantry, United States Volunteers, February 2, 1901.

William W. Bessell, at large, captain in the Porto Rico Provisional Regiment of Infantry, February 2, 1901.

Joseph B. Caughey, of Illinois, late captain, Thirty-ninth Infantry, United States Volunteers, February 2, 1901.

De Witt W. Chamberlin, of Michigan, late first lieutenant, Thirty-first Infantry, United States Volunteers, February 2, 1901.

Charles E. Reese, at large, late captain, Thirtieth Infantry, United States Volunteers, February 2, 1901.

Frank F. Jewett, of Minnesota, to be second lieutenant, February 2, 1901.

John Scott, at large, late corporal, Company A, Second Infantry, to be second lieutenant, February 2, 1901.

Cavalry Arm.

Christian Briand, at large, captain in the Porto Rico Provisional Regiment of Infantry, February 2, 1901.

PROMOTIONS IN THE ARMY.

Cavalry Arm.

First Lieut. Henry B. Dixon, Eighth Cavalry, to be captain, November 12, 1901.

First Lieut. George B. Pritchard, jr., Ninth Cavalry, to be captain, December 6, 1901.

First Lieut. Alvord Van P. Anderson, Sixth Cavalry, to be captain, December 9, 1901.

First Lieut. Herman A. Sievert, Fourth Cavalry, to be captain, January 17, 1902.

POSTMASTERS.

McMurray Furgerson, to be postmaster at Littleton, in the county of Halifax and State of North Carolina.

Daniel P. Dameron, to be postmaster at Clinton, in the county of Sampson and State of North Carolina.

Leroy L. Brinkley, to be postmaster at Edenton, in the county of Chowan and State of North Carolina.

Joseph M. Sitterson, to be postmaster at Williamston, in the county of Martin and State of North Carolina.

Octavia McLean, to be postmaster at Maxton, in the county of Robeson and State of North Carolina.

Atheton B. Hill, to be postmaster at Scotland Neck, in the county of Halifax and State of North Carolina.

John F. Dodson, to be postmaster at Goldsboro, in the county of Wayne and State of North Carolina.

George W. Reed, to be postmaster at Biltmore, in the county of Buncombe and State of North Carolina.

HOUSE OF REPRESENTATIVES.

MONDAY, *January 27, 1902.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of Friday last was read and approved.

PERSONAL PRIVILEGE.

Mr. GAINES of Tennessee. Mr. Speaker, I rise to a question of personal privilege, if not a privileged question; and it grows out of an incorrect report (with all deference to our splendid corps of reporters) of a colloquy between the gentleman from Illinois [Mr. CANNON] and myself on January 23, reported on page 948 of the RECORD, and upon an article in the Morning Times based upon that incorrect report, headed as follows:

Fooled "Uncle JOE" CANNON. How Mr. GAINES used his leave to print privilege.

I dare say the Speaker remembers that this request was made, as the report shows, at the very end of the day's session, while the House was in confusion. The Speaker will further remember that I had to repeat my request to the Speaker in order that he might put it to the House, so great was the confusion. There is no report in the RECORD made, Mr. Speaker, of the request of the Chair for me to repeat my request or of the fact that I did repeat it, but the report in the RECORD reads as though I made the request but once, and without any request from the Speaker that I repeat it. Hence, Mr. Speaker, in the confusion the proceedings were incorrectly reported.

Now, I will read the report as it appears in the RECORD, and I do not wish to do our reporters any injustice, because the error no doubt arose out of the confusion in the House at the time and they did the best they could. Nor do I feel willing that injustice should be done to me, as has been done. Here is the report:

Mr. GAINES of Tennessee. Mr. Speaker, I ask unanimous consent to insert in the RECORD some figures taken from the report of the Secretary of War touching the health, the number of deaths, and the condition of the troops in general in the Philippine Islands. This refers to the year 1901.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

Mr. CANNON. How voluminous is the document the gentleman wants to print?

Mr. GAINES of Tennessee. Oh, I imagine only about a page or two of the RECORD. It is not very long.

Mr. CANNON. The report of the Secretary of War shows these things the gentleman wants to publish, but if the gentleman is willing to bury it deeper in the RECORD I do not object. [Laughter.]

The SPEAKER. Is there objection to the request of the gentleman from Tennessee? The Chair hears none.

Now, Mr. Speaker, amidst the laughter and amidst the confusion, owing to the fact that the House was about adjourning, I said, as those around me will bear testimony:

I can not tell how many pages it will take; it will take several.

And I held up at the same time what I desired to put in the RECORD, so that those who wished to see it could do so.

Now, Mr. Speaker, as a matter of fact, the article—the report of Surgeon-General Sternberg—as printed in the RECORD, occupies 10 or 12 pages; I have not counted, but there are quite a number of pages, a good many more than I thought there would be.

Nevertheless, Mr. Speaker, this article, which says I took advantage of the distinguished gentleman from Illinois and "fooled" him—a remarkable accomplishment, I may add, if it were done—is based upon the incorrect report of my words—that is, that I said the article would occupy only "a page or two." On the contrary, I said that it would take several pages; I did not know how many, and, as I have already remarked, I held up the document for the observation of the House.

Mr. Speaker, the article published in the Times, is based, as stated, upon the incorrect report of my language as it reads in the RECORD which I have just read. The Times says:

Hereafter when Representative GAINES of Tennessee desires to have anything published in the CONGRESSIONAL RECORD under the "leave to print," "Uncle JOE" CANNON proposes to see that it is properly edited with a blue pencil.

The other day, during the discussion over the Philippine question, while the urgent deficiency bill was under consideration, Mr. GAINES asked unanimous consent to print in the RECORD some mortuary and health statistics of the soldiers in the islands. Mr. CANNON wanted to know how voluminous the document was. "Oh, I imagine a page or two in the CONGRESSIONAL RECORD. It is not very long."

I used no such language. Thus it will be seen that if the proceeding had been correctly reported in the RECORD, there would have been no basis for this article. Hence I desire to correct the RECORD. The Times continues:

Mr. CANNON thought as the statistics had appeared in the report of the Secretary of War, that it was sufficient, but at the request of Mr. GAINES "Uncle JOE" did not object.

The next day the statistics appeared. The RECORD showed that Mr. GAINES had a very feeble imagination and was a very poor hand in estimating space. Instead of "one or two pages of the RECORD," as he had estimated, the statistics covered 18 full pages, and these were made up of the most intricate and detailed tabular work. This little request of Mr. GAINES cost the Government $432. Now, when Mr. GAINES gets anything into the RECORD under the "leave-to-print" privilege, Mr. CANNON will see it first.

Now, Mr. Speaker, anybody can see in a moment in what light this places me. The Times bases its article, as I have stated, upon an incorrect report of what I have said, and undertakes to criticise me because the printing of the article which I asked leave to print, covering the entire report of the condition of our soldiers from their advent in the Philippine Islands down to the last fiscal year, cost $432. And, Mr. Speaker, I had this printed because it was official—because it was a document from Surgeon-General Sternberg, and because it contained the vital statistics showing the death list, the admission rate to the hospitals per thousand of strength, and the number of sick cases and the number of discharges in the hospitals in the Philippine Islands. I had it printed because I have been asked time after time in the House with reference to the death rate in the Philippines, the number of deaths, the number of cases admitted to the hospitals, the number of discharges, and, in my judgment, these figures would be of great value to the members of the House and to the country.

I find that the matter is considered so valuable that many gentlemen around me have asked me where I had been able to find these figures, and many inquiries were made outside with reference to the same.

Now, it seems to me, and it seemed to me when I asked to have this published, that this matter was of considerable public importance and justified the request I had made.

I will say, also, as to the question of mere dollars and cents that has been suggested, that it cost about $432 to publish this table; and in view of the fact that it has cost the American taxpayers over $100,000,000 to produce conditions in the Philippine Islands, that the huge sum of $432 is a small expense incurred in telling us all about how such conditions have been produced. This expense is an item of little importance in view of the information it gives this House and to the people.

Now, Mr. Speaker, with this explanation—and that is all I wish to say—I desire to have the RECORD corrected, if it be necessary, to correspond with what I said as understood by gentlemen sitting around me at the time.

Mr. CANNON. Mr. Speaker, only a single word by way of answer to the gentleman from Tennessee. I do not know, of course, that anything is in order now, except by unanimous consent, touching this matter, nor is it material.

I recollect very well the controversy between myself and the gentleman from Tennessee, so far as I heard it standing in my place here, and submitting the interrogatory I did to the gentleman.

I glanced over the RECORD when it was published on the following day and it seemed to me to be correct. I saw nothing wrong, as I understood it, in the report of the official stenographers of debates. What the gentleman may have said, owing to the confusion, to modify his original request, I do not know; but, according to my recollection, the report is strictly in accordance with what I heard, and that is as far as I can go in regard to the matter.

But I will say this, Mr. Speaker, that if I had known that the document would have required, to publish it in the RECORD, the number of pages that seems to have been taken up by it, I should certainly have objected to its publication. Here are some 18 pages of tables—a costly character of work—which appear in the RECORD under the leave granted to the gentleman from Tennessee. For all practical purposes I take it that the first half page, which contains a digest of the following pages, would have accomplished the result the gentleman had in view. But, of course, I have nothing to do with that. According to my recollection the statement in the RECORD is just as the gentleman made it. If he made a subsequent statement it certainly was not heard by me.

Now, the RECORD ought to be as nearly as possible a history of the action taken by the House and what has been said by members in debate upon the floor of the House. There is, however, a leave to print granted to members owing to the great number which can not possibly be heard in the limited time at the disposal of the House, owing to the utter impossibility of all members being heard for an hour or two hours, as they may desire to be heard, which would necessarily, if allowed, take up all the time of the House. It seems to me that the printing ought to be in the greatest good faith, covering discussions that are before the House. It is not for me to criticise the gentleman. I did not know the newspaper article he spoke of had even been printed, did not know that any reference had been made to it in the public prints; but I do know that, so far as I heard the conversation and replied to it, whatever may have taken place that the gentleman thinks the reporter did not catch, I certainly did not catch. As reported it is substantially as I heard it touching that point. That is all I can say.

Mr. GAINES of Tennessee. Now, Mr. Speaker, a moment, if the Speaker pleases. The fact is that the gentleman from New York [Mr. MCCLELLAN] was seated right here, where my colleague is now sitting, and he heard every word I said, and verifies exactly my statements and called my attention to the fact that I had made the statement as before stated, and that I had been incorrectly reported in the RECORD. He did so the next day, after the House met. The gentleman from Illinois [Mr. CANNON] did not hear what I said, or did not hear all I said. I say he did not hear, evidently, all I said, owing to the applause that his remark caused and the confusion in the adjournment of the House.

Mr. MCCLELLAN. Mr. Speaker, just a word, as the gentleman from Tennessee has mentioned my name. I was sitting by him. There was a great deal of confusion and noise, and I certainly heard him use the words "several pages" and saw him lift up the sheets of the report and run his thumb over the pages, so as to demonstrate the number of pages. There was a great deal of noise and confusion, and I am not surprised that the reporter did not catch all of his statement.

The SPEAKER. The Chair sees nothing before the House for action in this matter. The Chair remembers distinctly that there was an interlocutory talk between the gentleman from Illinois [Mr. CANNON] and the gentleman from Tennessee [Mr. GAINES], and that the closing statement by the gentleman from Tennessee left the matter in doubt as to the amount of space that would be required. The Chair remembers that, and the Chair is unable to see any particular necessity for correcting the RECORD. If the gentleman feels that something should be added to carry out the idea that he was unable to say just how much space would be required, the Chair is quite willing to have it done.

Mr. GAINES of Tennessee. I want it understood that I never mislead anybody under any circumstances. I have never had cause to and never will.

RECEIVING SHIP VERMONT.

Mr. FOSS. Mr. Speaker, I am instructed by the Committee on Naval Affairs to submit a privileged report.

The SPEAKER. The gentleman from Illinois, chairman of the Committee on Naval Affairs [Mr. FOSS], calls up a report from his committee.

Mr. FOSS. I call first for the reading of the resolution.

The resolution was read, as follows:

Resolved, That the Secretary of the Navy be requested to transmit to the House of Representatives copies of all reports, papers, and documents relative to the discontinuance of the *Vermont* as a receiving ship at the New York Navy-Yard, and the present disposition of the said *Vermont*, together with a statement of the number of men received on the said *Vermont* for a period of five years previous to its discontinuance as a receiving ship, the average number of men housed thereon during the said period, the number of men who reported sick on said vessel during said period, with the nature of their ailments, and the number of men who died thereon during said period, with the causes of their death.

Resolved further, That the Secretary of the Navy be requested to inform the House of Representatives what, if any, practices and regulations are now, or heretofore have been, in force to prevent the occurrence, communication, or spread of disease on the receiving ships of the United States Navy now in commission.

The following amendments, recommended by the committee, were read:

In line 2, after the word "Representatives," insert "if not incompatible with the public service."

In line 14, after the word "Representatives," insert "if not incompatible with the public service."

The amendments were agreed to.

The SPEAKER. The question is on agreeing to the resolution as amended.

Mr. RICHARDSON of Tennessee. I desire to know from the gentleman from Illinois if this is a unanimous report of the committee?

Mr. FOSS. This is a unanimous report from the Committee on Naval Affairs.

The resolution was agreed to.

On motion of Mr. FOSS, a motion to reconsider the last vote was laid on the table.

COMMITTEE ON THE CENSUS.

Mr. HOPKINS. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from Illinois asks unanimous consent for the present consideration of the resolution which the Clerk will report.

The Clerk read as follows:

Resolved, That the Committee on Census be, and hereby is, authorized to sit during the sessions of the House; and

That the committee is hereby authorized to use a stenographer of the House to report hearings before said committee.

And it is hereby authorized to have such printing and binding done as may be necessary for the proper discharge of any business that may come before it.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was agreed to.

PRINTING OF A PETITION IN THE RECORD.

Mr. BARTHOLDT. Mr. Speaker, I desire to present a petition which I ask to have printed in the RECORD.

The SPEAKER. The gentleman from Missouri asks unanimous consent to print in the RECORD a document which the Clerk will report.

Mr. PAYNE. Mr. Speaker, I object.

The SPEAKER. Objection is made by the gentleman from New York.

Mr. BARTHOLDT. Mr. Speaker, I hope the gentleman will not object——

The SPEAKER. Objection is made.

Mr. BARTHOLDT. I ask that the gentleman withdraw his objection so that I can make a statement.

Mr. PAYNE. I object.

INCORPORATION OF EASTERN STAR HOME FOR DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I call up for consideration the bill H. R. 2678.

The SPEAKER. The gentleman from Wisconsin, chairman of the Committee on the District of Columbia, calls up the following bill.

The Clerk read as follows:

A bill (H. R. 2678) to incorporate the Eastern Star Home for the District of Columbia.

Be it enacted, etc., That Alcena Lamond, L. Cabell Williamson, and John A. Moyer, of the Grand Chapter of the Order of the Eastern Star of the District of Columbia, and John F. O'Neill, of Ruth Chapter No. 1; Mary B. Okey, of Electa Chapter No. 2; Annie V. Yeatman, of Naomi Chapter No. 3; M. Ella Espey, of Martha Chapter No. 4; Clara Barnard, of Esther Chapter No. 5; Fred. J. Randolph, of Bethlehem Chapter No. 7; Henry G. Wagner, of Mizpah Chapter No. 8; Grace Holtzclaw, of Adah Chapter No. 9, and Matilda R. Sprague, of Areme Chapter No. 10, being the constituent chapters under the said Grand Chapter, and their successors to be selected in the manner hereinafter declared, representing the several bodies before named of the Order of the Eastern Star, be, and they are hereby, incorporated and made a body politic and corporate, in the District of Columbia, by the name of "The Eastern Star Home of the District of Columbia," and by that name may sue and be sued, plead and be impleaded in any court of law or equity of competent jurisdiction, and may have and use a common seal, and the same change at pleasure, and be entitled to use and exercise all the powers, rights, and privileges incident to such corporation.

SEC. 2. That the particular business and object of such corporation shall be to provide and maintain, under the direction of the Grand Chapter of the Order of the Eastern Star of the District of Columbia, a home for needy and worthy master masons of this jurisdiction, their needy and worthy widows and orphans, and needy and worthy members of the Order of the Eastern Star of this jurisdiction and their needy and worthy orphans, under such rules and regulations as the board of directors, acting under said Grand Chapter, shall make and establish, not inconsistent with the laws of the United States.

SEC. 3. That the said corporation shall be capable of taking and holding real and personal estate by gift, purchase, or devise, which estate, real and personal, shall never be divided among the members of the said corporation, but shall descend to their successors duly elected and appointed in the manner hereinafter declared by the bodies they represent, for the promotion of the principles of the said corporation and the benevolent purposes of the Order of the Eastern Star; that the said corporation shall take and hold no more real estate than is necessary for the purposes of said home and its proper support, and to suitably and conveniently carry out the benevolent purposes for which this charter is granted; but that this provision shall not prevent said corporation from constructing suitable rooms or offices in connection with said home to rent, renting the same and receiving rent therefor, to be applied to the promotion of the principles and purposes aforesaid.

SEC. 4. That the government and direction of the affairs of the said corporation shall be invested in a board of directors consisting of the persons named in the first section of this act, representing the several bodies of the Order of the Eastern Star, and their successors, selected in the manner hereinafter declared by the Eastern Star bodies they represent, who shall hold their office for one year and until others are duly elected and qualified to take their places as directors; and the said directors shall elect one of their number to be president of the board, who shall also be president of the corporation, and shall elect a secretary from among their number, who shall also be secretary of the corporation, and they shall also choose a treasurer from their number, who shall give bond, with surety, to said corporation, in such sum as said directors may require, for the faithful discharge of his or her duties. A majority of the directors shall constitute a quorum for the transaction of business. In case of a vacancy in the board of directors by death, resignation, or otherwise of any director, the vacancy occasioned thereby shall be filled by the Eastern Star body represented by said director.

SEC. 5. That the directors shall have full power to make and prescribe such by-laws, rules, and regulations as they shall deem proper for the disposition and management of the property, estate, effects, and affairs of the said corporation not contrary to the charter or to the laws of the United States or to the laws and regulations of said Grand Chapter, and shall have power to alter or amend the same as the interests of the corporation in their opinion may require.

SEC. 6. That the Grand Chapter of the Order of the Eastern Star of the District of Columbia shall be entitled, at its first annual election after the granting of this charter, and annually thereafter, to select by ballot three of its members as successors to the three persons then or last representing it as members of this corporation whose annual term expires next thereafter or which may have expired next before that time; that each of the constituent chapters named in the first section of this act shall be entitled, at its annual session, and annually thereafter, to select by ballot one of its members as a successor to the person then or last representing it as a member of this corporation whose annual term expires next thereafter or which may have expired next before that time, so that said corporation shall forever consist of three directors from the Grand Chapter of the Order of the Eastern Star of the District of Columbia and one director from each of the constituent chapters under said Grand Chapter: *Provided, however*, That should any of the said several Eastern Star bodies named in the first section of this act surrender or forfeit its Eastern Star charter or warrant or from any cause cease to be recognized by the Grand Chapter of the Order of the Eastern Star of the District of Columbia, it shall not thereafter be entitled to any representation in said corporation, nor shall the continued corporate existence and rights of said corporation be in any wise affected thereby so long as there are five corporators qualified to act as such.

SEC. 7. That any constituent chapter hereafter instituted by said Grand Chapter shall be entitled at its next annual election to elect one of its members as a member of the board of directors of said corporation, and shall be admitted to a representation in said corporation upon an equal footing under the same rules and regulations as the several constituent chapters named in the first section of this act.

SEC. 8. That this act may be altered, amended, or repealed at the pleasure of the Congress of the United States of America.

The amendments recommended by the committee were read, as follows:

Page 3, strike out the semicolon after the word "granted" in line 6 and insert in lieu thereof a period; also strike out all of section 3 after the word "granted."

Mr. BABCOCK. I yield to the gentleman from Michigan [Mr. SAMUEL W. SMITH].

Mr. SAMUEL W. SMITH. Mr. Speaker, the object of this bill is clearly set forth in the report. It incurs no expense on the Government, and I know of no opposition to it. I ask for a vote.

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. SAMUEL W. SMITH, a motion to reconsider the vote by which the bill was passed was laid on the table.

REGULATING HOURS OF SERVICE OF CERTAIN EMPLOYEES OF THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I call up the bill H. R. 8336.

The Clerk read as follows:

A bill (H. R. 8336) to amend section 3 of chapter 480, of the laws of the United States, approved June 23, 1874.

Be it enacted, etc., That section 3 of chapter 480, of the laws of the United States, approved June 23, 1874, be, and the same is hereby, amended so that it shall read as follows:

"SEC. 3. That a laboratory shall be provided and fitted up by the Washington Gaslight Company, subject to the approval of the inspector, in the central part of the city of Washington, at a distance as near as may be of 2,000 feet from any gas works, and furnished with suitable apparatus for the transaction of the business of the inspector and assistant inspector, for which it is intended; and the laboratory shall be kept open on all business days between the hours of 9 o'clock in the forenoon and 4 o'clock in the afternoon: *Provided*, That the cost of fitting up said laboratory shall be paid for by each gas company in the District of Columbia in proportion to their sale of gas for the year 1873."

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

TYPHOID FEVER IN THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I ask consideration of the bill H. R. 8759.

The Clerk read as follows:

A bill (H. R. 8759) to require cases of typhoid fever occurring in the District of Columbia to be reported to the health department of said District.

Be it enacted, etc., That every physician attending or called in to visit or examine any case of typhoid fever in the District of Columbia shall at once send to the health officer of said District a certificate, in ink, signed by him, stating the name of the disease, and the name, age, sex, and color of the person suffering therefrom, and setting forth by street and number or otherwise sufficiently designating the house, room, or other place in which said person can be found, together with such other reasonable information relating thereto as may be required by said health officer; and upon the recovery or death of such patient the physician in attendance shall, within twenty-four

hours after he becomes aware of such recovery or death, forward to said health officer a similar certificate certifying thereto.

SEC. 2. That whenever any person in said District is suffering from typhoid fever and no physician is in attendance or visiting such patient, the person in charge of said patient as nurse shall send to said health officer certificates relative thereto in the same manner as is required by section 1 of this act of physicians attending, visiting, or examining like cases.

SEC. 3. That any person violating any of the provisions of this act shall, upon conviction thereof, be deemed guilty of a misdemeanor, and shall be punished by a fine not exceeding $100.

SEC. 4. That all prosecutions under this act shall be in the police court of said District upon information brought in the name of the District of Columbia and on its behalf.

SEC. 5. That all acts and parts of acts contrary to the provisions of this act, or inconsistent therewith, be, and the same are hereby, repealed.

The amendment recommended by the committee was read, as follows:

Strike out all of section 2, and renumber sections.

Mr. NORTON. Mr. Speaker——

The SPEAKER. Does the gentleman from Wisconsin yield?

Mr. BABCOCK. I yield to the gentleman from Ohio.

Mr. NORTON. Mr. Speaker, the sole purpose of this bill is to secure for the health department information as to cases of typhoid fever, in order that that department may be able to ascertain, if possible, the source of infection and provide for its removal. The bill is in harmony with other measures of this kind to take care of diseases that are contagious or infectious. The object of the amendment striking out section 2 is this: That section would require that any person in attendance upon typhoid fever, even if not a physician, should make this report. Your committee feel that this is impossible, as the ordinary nurse might not know. We have therefore confined the duty of reporting strictly to the physician in attendance. There is no objection to the bill, and it is unanimously reported by the committee.

The question was taken; and the amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and, being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. NORTON, a motion to reconsider the vote by which the bill was passed was laid on the table.

JURIES IN THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I call up the bill H. R. 9342.

The Clerk read as follows:

A bill (H. R. 9342) to amend the code of law for the District of Columbia, approved March 3, 1901.

Be it enacted, etc., That section 204 of an act of Congress entitled "An act to establish a code of law for the District of Columbia," approved March 3, 1901, be, and the same is hereby, amended by striking out the word "one" in the second line thereof, and inserting in lieu thereof the word "two;" also by adding to said section the following:

"*Provided*, That immediately upon the approval of this amendatory act it shall be the duty of said clerk to proceed to break the seal and to draw from the said box the names of 23 persons to serve as grand jurors in said criminal courts whose term of service shall terminate on the Monday preceding the first Tuesday of April, 1902; and at the same time it shall likewise be the duty of said clerk to draw from said box the names of 26 persons for service as jurors in the police court of the District of Columbia and to certify the same to the said police court, and the term of service of said jurors so drawn shall terminate on the last Saturday of the January, 1902, jury term of said police court. All provisions of the act of Congress approved March 3, 1901, entitled 'An act to establish a code of law for the District of Columbia' relating to the grand jury and the police court juries shall apply respectively to the juries drawn under the provisions hereof."

SEC. 2. That section 1640 of the aforesaid act be, and the same is hereby, amended by adding to said section the following:

"Nor shall the provisions of chapter 60 of this code nor any other provisions thereof in any manner affect the term, tenure, or compensation of any person filling any office or appointment under laws existing prior to its passage, but such persons shall continue in the exercise of the duties of such office, according to their respective commissions and appointments, except as is otherwise provided in said code."

SEC. 3. That the joint resolution to amend an act entitled "An act to establish a code of law for the District of Columbia," approved January 8, 1902, be, and the same is hereby, repealed.

The amendments recommended by the committee were read, as follows:

Amend by striking out all of section 2, and renumber the sections.

The SPEAKER. The question is on agreeing to the amendment.

Mr. ROBINSON of Indiana. Mr. Speaker, the reading of the bill does not disclose the necessity of it, and I would like to have a brief explanation at least.

Mr. BABCOCK. I yield to the gentleman from Wisconsin, who will explain fully the provisions of the bill.

Mr. JENKINS. Mr. Speaker, I would say to the gentleman from Indiana that this is the same resolution that passed the House previous to the adjournment for the holidays, but it did not reach the Senate in time to receive the approval of the Presiding Officer of the Senate before the adjournment of the Senate. The necessity for its passage is to give the District of Columbia a grand jury, a petit jury, and a jury for the police court, before they can be drawn under the provisions of the new code. The bill is unanimously reported from the Committee on the District of Columbia, and I ask for a vote, Mr. Speaker.

The question was taken; and the amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ARREARAGE OF TAXES IN THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. I call up the bill H. R. 10076.

The Clerk read as follows:

A bill (H. R. 10076) to receive arrearages of taxes due the District of Columbia to July 1, 1900, at 6 per cent per annum, in lieu of penalties and costs.

Be it enacted, etc., That the rate of interest to be collected of any person owing arrearages of general taxes prior to July 1, 1899, now due to and the liens for which are held by the District of Columbia, shall be 6 per cent per annum, in lieu of the rate and penalties now fixed by law, and all accrued costs: *Provided*, That this act shall apply only to taxes paid on or before the 1st day of July, 1903.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. BABCOCK. That is all the business from the Committee on the District of Columbia to-day, Mr. Speaker.

LEAVE OF ABSENCE.

Without objection, the following personal requests were granted:

To Mr. CALDERHEAD, leave of absence for five days, on account of important business.

To Mr. BOWERSOCK, leave of absence for one week, on account of important business.

To Mr. SCOTT, leave of absence for ten days, on account of important business.

To Mr. LONG, leave of absence for ten days, on account of important business.

To Mr. PERKINS, leave of absence until Friday, on account of engagements in court.

CHANGE OF REFERENCE.

The SPEAKER laid before the House the following changes of reference, which were made without objection:

The bill (H. R. 70) authorizing the construction of new buildings at the New Dungeness life station, State of Washington—from the Committee on Public Buildings and Grounds to the Committee on Interstate and Foreign Commerce.

Also, the bill (H. R. 3136) for a public building for a marine hospital at Pittsburg, Pa.—from the Committee on Public Buildings and Grounds to the Committee on Interstate and Foreign Commerce.

CALL OF COMMITTEES.

Mr. LACEY. Mr. Speaker, I ask for the regular order.

The SPEAKER. The regular order is the call of committees, and the Clerk will call the first committee.

The Clerk proceeded to call the committees, and when the Committee on Public Lands was reached—

Mr. LACEY. Mr. Speaker, I call up the bill (H. R. 202) to amend section 2294 of the Revised Statutes of the United States.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 2294 of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows:

"SEC. 2294. That hereafter all affidavits, proofs, and oaths of any kind whatsoever required to be made by applicants and entrymen under the homestead, preemption, timber-culture, desert-land, and timber and stone acts, may, in addition to those now authorized to take such affidavits, proofs, and oaths, be made before any United States commissioner or before the judge or clerk of any court of record in the land district in which the lands are situated: *Provided*, That in case the affidavits, proofs, and oaths hereinbefore mentioned be taken out of the county in which the land is located the applicant must show by affidavit, satisfactory to the Commissioner of the General Land Office, that it was taken before the nearest or most accessible officer qualified to take said affidavits, proofs, and oaths in the land districts in which the lands applied for are located: but such showing by affidavit need not be made in making final proof if the proof be taken in the town or city where the newspaper is published in which the final proof notice is printed. The proof, affidavit, and oath, when so made and duly subscribed, shall have the same force and effect as if made before the register and receiver, when transmitted to them with the fees and commissions allowed and required by law. That if any witness making such proof, or any applicant making such affidavit or oath, shall knowingly, willfully, or corruptly swear falsely to any material matter contained in said proofs, affidavits, or oaths he shall be deemed guilty of perjury, and shall be liable to the same pains and penalties as if he had sworn falsely before the register. That the fees for entries and for final proofs, when made before any other officer than the register and receiver, shall be as follows:

"For each affidavit, 25 cents.

"For each deposition of claimant or witness, when not prepared by the officer, 25 cents.

"For each deposition of claimant or witness, prepared by the officer, $1.

"Any officer demanding or receiving a greater sum for such service shall be guilty of a misdemeanor, and upon conviction shall be punished for each offense by a fine not exceeding $100."

The following amendments were recommended by the committee:

In line 7, section 1, after the word "person," insert "by delivering a true copy thereof to such witness."

In line 3, section 2, strike out the words "for attendance before such officers" and insert in the same line, after the word "fees," the words "and mileage."

Strike out, after the word "act" in line 20, section 3, all the remainder of said section.

In section 4, line 17, after the word "commission," insert "notary public, judge."

In line 22, section 4, after the word "fees," insert "and mileage."

In line 7, section 5, after the word "once," insert "at his own expense."

Mr. LACEY. Mr. Speaker, I yield to my colleague on the committee, the gentleman from Wyoming, to explain the bill, as the bill was introduced by him.

Mr. MONDELL. Mr. Speaker, a measure similar to the one now under consideration passed this House in the last Congress, having been called up by the gentleman from Arkansas [Mr. McRAE]. The bill as presented was drawn by the Commissioner of the General Land Office and recommended by the Secretary of the Interior. The only changes in existing law are those which provide that affidavits and proofs in land cases which can now be taken only within the counties in which the said lands are situated may be taken before the proper officer at any point in the land district in which the land is located, with the proviso that if taken out of the county in which the land is situated, there must be an affidavit satisfactory to the Commissioner of the General Land Office that the proofs were taken before the nearest and most accessible officer.

There is also an amendment to existing law in the provision including within the benefits of this act entrymen made under the timber and stone act. At the time the timber and stone act was passed this section of the Revised Statutes was already on the statute books and, I believe by clear inadvertence, the timber and stone entrymen were not included among those entitled to the benefits of the provisions of the section, and it is intended to extend those provisions to them.

As I have stated, the bill passed the House at the last Congress, but too late to be passed upon at the other end of the Capitol.

Mr. SMITH of Arizona. Mr. Speaker, I would like to ask the gentleman a question. I notice in the bill, about line 11, that this proof may be made before any United States commissioner. It has been decided that the United States commissioner in the Territories—or rather the United States courts in the Territories have been decided to be not strictly Federal courts. The commissioners of these courts can not take the proofs unless there is an amendment to the bill, in my opinion, so that it shall say "commissioner of courts in the Territory exercising Federal jurisdiction."

Mr. MONDELL. The Commissioner of the General Land Office is of the opinion that those commissioners are authorized under the bill to take proofs.

Mr. SMITH of Arizona. It was tested long ago as to whether these commissioners were commissioners of the Federal courts. Your bill says "United States commissioner." He is not such, and it has been decided that he is not.

Mr. MONDELL. The circuit court commissioners were done away with some years ago, and I think the commissioners we now have under this bill would be authorized to take the proof.

Mr. SMITH of Arizona. The United States commissioner, as your bill designates him, is the commissioner of the United States court.

Mr. MONDELL. Certainly.

Mr. SMITH of Arizona. There is no United States court in the Territory, and therefore no United States commissioner in the Territory.

Mr. MONDELL. I believe the Commissioner of the General Land Office and the Secretary of the Interior have been accepting proof made before the court commissioners in the Territory.

Mr. SMITH of Arizona. I doubt that; I know the question has been raised in some land disputes in my district. It would do no harm to amend by saying after the word "commissioner," in line 12, "the commissioner of a court exercising Federal jurisdiction in the territory of the United States."

Mr. MONDELL. I will say to the gentleman that there is a provision in the bill which covers that point to the effect that the judge or clerk of any court of record may take the proof.

Mr. SHAFROTH. That is right where the gentleman is reading from.

Mr. SMITH of Arizona. Yes; the judge or the clerk of any court of record could do it, but the judge and the clerk may both be away out of the county in another district at the time the affirmation or oath ought to be made; and then it would result that the United States commissioner, or the commissioner of a Federal court, would be the only one who could take it.

Mr. LACEY. What amendment would the gentleman suggest to cover this point?

Mr. SMITH of Arizona. I would propose to insert, after the words "United States commissioners," in line 12, the words "or commissioner of the court exercising Federal jurisdiction in the Territory." There certainly could be no harm in that amendment.

Mr. MONDELL. I think there would be no objection to the amendment, although I believe it entirely unnecessary.

Mr. RODEY. I wish to ask the gentleman from Wyoming another question about this bill. The bill provides:

That hereafter all affidavits, proofs, and oaths of any kind whatsoever required to be made by applicants and entrymen under the homestead, preemption, timber culture, desert land, and timber and stone acts may, in addition to those now authorized to take such affidavits, proofs, and oaths, be made before any United States commissioner, or before the judge or clerk of any court of record in the land district in which the lands are situated.

Now, in the Territories, the probate courts, although courts of very considerable jurisdiction, have been held not to be courts of record; so that under this bill the clerk or the judge of a probate court in a Territory would be cut out by implication from taking these proofs; and that, of course, would be a great hardship in those large districts.

Mr. MONDELL. This bill does not cut out any officer who has been authorized heretofore to take these proofs.

Mr. RODEY. Is that the construction placed upon the bill by the Land Office?

Mr. MONDELL. Yes, sir; I can not understand how any other construction can be placed upon it. There is no restriction with regard to officers who may now administer oaths and take proofs.

Mr. SMITH of Arizona. Can not the United States commissioner now take such affidavits?

Mr. MONDELL. I understand so.

Mr. SMITH of Arizona. But I see, as to the United States commissioner, there is a repetition here of the language of existing law giving him authority, while, at the same time, there may be doubt whether the commissioner of the Federal court of the Territory has the same authority. Although the amendment I suggest may be regarded as surplusage, it will cover a point on which there might be some misapprehension.

Mr. MONDELL. The bill before the House copies the existing statute, only amending it in those particulars to which I have referred. It gives to the timber and stone entry men the same rights now given to entry men under the other land laws and, in addition, it allows affidavits, proofs, etc., to be made anywhere within the land district instead of confining that authority to the county.

Mr. SMITH of Arizona. I am thoroughly in sympathy with the object and spirit of the bill, but I know that questions have arisen, and unless we provide for the case may arise again, as to the authority of the commissioner of the Federal court of the Territory to take these proofs. The question is, whether under this bill that officer, who is not, technically, a United States commissioner, will have such authority.

Mr. MONDELL. So far as I am concerned, I do not object to the gentleman's amendment, though I think it unnecessary. I believe there will be no objection to it.

Mr. KLEBERG. Is it not a fact that the Secretary of the Interior for the last twelve years has been asking the passage of a bill exactly like this, almost word for word?

Mr. MONDELL. Yes, sir.

Mr. KLEBERG. And the matter has been gone over thoroughly by him and the committee, and the bill contains the necessary amendments to the law?

Mr. MONDELL. This is word for word the bill drawn by the Commissioner of the General Land Office after careful consideration, and is indorsed by the Secretary of the Interior, and has been approved by the committee of the last Congress and this Congress. I doubt the necessity of the amendment suggested.

Mr. SHAFROTH. Let me ask a question. As I understand, the United States commissioners are appointed in the States by the district judges of the respective States?

Mr. MONDELL. Yes, sir.

Mr. SHAFROTH. And there are commissioners in the Territories appointed by the Federal judges of the Territories?

Mr. MONDELL. Yes, sir.

Mr. SHAFROTH. But, as I understand, these officers are not called United States commissioners?

Mr. MONDELL. They are not commissioners of the United States courts and can not be known as United States commissioners. Does the gentleman from Arizona [Mr. SMITH] wish to offer an amendment? If so, I yield to him.

Mr. SMITH of Arizona. I move to amend by inserting after the word "commissioner," in line 12, page 1, the words "or commissioner of the court exercising Federal jurisdiction in the Territory."

The SPEAKER. Does the gentleman from Wyoming yield for this amendment?

Mr. MONDELL. I do.

The question being taken, the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. MONDELL, a motion to reconsider the vote by which the bill was passed was laid on the table.

WITNESSES BEFORE REGISTERS AND RECEIVERS OF LAND OFFICES.

Mr. LACEY. I call up the bill (H. R. 7664) providing for the compulsory attendance of witnesses before registers and receivers of the land office.

The bill was read, as follows:

Be it enacted, etc., That registers and receivers of the land office, or either of them, in all matters requiring a hearing before them, are authorized and empowered to issue subpœnas directing the attendance of witnesses, which subpœnas may be served by any person, and when served, witnesses shall be required to attend in obedience thereto: *Provided*, That if any subpœna be served under the provisions of this act by any person other than an officer authorized by the laws of the United States, or of the State or Territory in which the depositions are taken, the service thereof shall be proved by the affidavit of the person serving the same: *Provided further*, That said subpœnas shall be served within the county in which attendance is required, and at least five days before attendance is required.

SEC. 2. That witnesses shall have the right to receive their fee for one day's attendance and mileage in advance. The fees of witnesses for attendance before such officers shall be the same as that provided by law in the district courts of the United States in the district in which such land offices are situated; and the witness shall be entitled to receive his fee for attendance in advance from day to day during the hearing.

SEC. 3. That any person neglecting or refusing obedience to such subpœna, or neglecting or refusing to appear and testify when subpœnaed, his fees having been paid if demanded, shall be deemed guilty of a misdemeanor, for which he shall be punished by information or indictment in the district court of the United States. The punishment for such offense, upon conviction, shall be a fine of not more than $200, or imprisonment not to exceed ninety days, or both, at the discretion of the court: *Provided*, That if such witness has been prevented from obeying such subpœna without fault upon his part he shall not be punished under the provisions of this act: *Provided further*, That in case any party to a contest shall be unable to pay witness fees, and shall make and file with the register or receiver an affidavit that he is unable to pay said fees and that he has a meritorious cause, and set forth in said affidavit what he can prove by said witnesses, if the register or receiver shall believe and so certify that the testimony so set forth is material to the issue, said witnesses shall be subpœnaed and attend without first having their pay, and in such case the subpœna issued shall state that the witness is required to attend without prepayment of fees or mileage, and all the provisions of this act, for the attendance of witnesses, shall apply to said witnesses, and they shall receive certificate of attendance from the officer before whom he is subpœnaed, which certificate shall be a liability of the person at whose instance they were subpœnaed.

SEC. 4. That whenever the witness resides outside the county in which the hearing occurs any party to the proceeding may take the testimony of such witness in the county of such witness's residence in the form of depositions by giving ten days' written notice of the time and place of taking such depositions to the opposite party or parties. The depositions may be taken before any United States commissioner, or clerk of a court of record. Subpœnas for witnesses before the officer taking depositions may issue from the office of the register or receiver, or may be issued by the officer taking the depositions, and disobedience thereof, as defined in this act, shall also be punished; and the witness shall receive the same fees and mileage and be subject to the same penalties in all respects as in case of violation of a subpœna to appear before the register or receiver, and subject to the same limitations. The fees of the officer taking the depositions shall be the same as those allowed in the State or Territorial courts, and shall be paid by the party taking the deposition, and an itemized account of the fees shall be made by the officer taking the depositions and attached to the depositions.

SEC. 5. That whenever the taking of any depositions taken in pursuance of the foregoing provisions of this act is concluded the opposite party may proceed at once at his own expense to take depositions in his own behalf, at the same time and place and before the same officer: *Provided*, That he shall, before taking of the depositions in the first instance is entered upon, give notice to the opposing party, or any agent or attorney representing him in the taking of said depositions, of his intention to do so.

The amendments reported by the Committee on the Public Lands were read, as follows:

In line 7, section 1, after the word "person," insert "by delivering a true copy thereof to such witness."

In line 3, section 2, strike out the words "for attendance before such officers," and insert in the same line, after the word "fees," the words "and mileage."

Strike out, after the word "act," in line 20, section 3, all the remainder of said section.

In section 4, line 17, after the word "commission," insert "notary public, judge."

In line 22, section 4, after the word "fees," insert "and mileage."

In line 7, section 5, after the word "once," insert "at his own expense."

Mr. LACEY. Mr. Speaker, I ask leave to print in the RECORD the report of the Committee on the Public Lands upon the bill which is now presented for its consideration.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

[House report No. 135, Fifty-seventh Congress, first session.]

The Committee on the Public Lands, to whom was referred House bill 7664, submit the following report:

In every report of the Secretary of the Interior for the last twelve years the passage of a bill for the compulsory attendance of witnesses before registers and receivers has been urged.

The House, on at least one occasion, has passed a bill for this purpose, but it failed to become a law.

Often property of great value is in controversy in the local land offices, and yet there is no means of obtaining the testimony of witnesses, unless by their voluntary attendance.

The refusal of witnesses to appear and testify frequently operates as a denial of justice.

Your committee recommend the following amendments:

In line 7, section 1, after the word "person," insert "by delivering a true copy thereof to such witness."

In line 3, section 2, strike out the words "for attendance before such officers," and insert in the same line, after the word "fees," the words "and mileage."

Strike out, after the word "act," in line 20, section 3, all the remainder of said section.

In section 4, line 17, after the word "commission," insert "notary public, judge."

In line 22, section 4, after the word "fees," insert "and mileage."

In line 7, section 5, after the word "once," insert "at his own expense."

As thus amended your committee recommend that the bill do pass.

The following is the report upon substantially the same bill in the Fifty-first Congress:

Mr. LACEY. Mr. Speaker, this bill, or one for like purpose, has been before Congress for the last ten or twelve years. Every Secretary of the Interior, every Commissioner of the General Land Office has asked for the enactment of a bill of this character, or having in view the purpose involved in the pending bill. The matter has been considered over and over again by the Committee on the Public Lands, and meets the approval of the Committee, and I therefore ask its passage by the House.

The condition calling for the passage of the bill is one that has been understood by the Committee on the Public Lands for a long time. Under the present law there is no provision by which the compulsory attendance of witnesses can be had in any land case. The bill provides for the compulsory attendance of witnesses to testify in cases involving these land rights. It frequently occurs that justice has been denied—that justice has been impossible—because of the absence of witnesses who could not be compelled to attend.

In many cases witnesses have refused to attend, and so the Department has requested the enactment of a law which will compel them to testify in land cases and enable a just settlement to be had of disputed claims. The Government in its own cases has found itself often powerless to compel the attendance of witnesses. It is necessary in view of the condition of affairs prevailing, with reference to witnesses in these cases, to enact a law of this character. We have sought for some time to secure its enactment. Such a proceeding as that recommended by the bill is necessary, so as to make it a misdemeanor on the part of a witness to refuse attendance; and I apprehend that there will be no objection to the bill, in view of its importance and the necessity which must be apparent for its enactment. We ought to have some such law as Congress has found it necessary to enact for its various committees, making it a misdemeanor to refuse attendance before them when summoned. Without such a provision the committees of the House would be powerless, and these land officials are powerless to exercise jurisdiction in these cases where the testimony of witnesses is required.

This bill, with a view to correcting that condition, has been carefully drawn and thoroughly considered, and we believe it covers the question thoroughly, and, as I understand it, with an amendment which is to be suggested by the gentleman from New Mexico [Mr. RODEY], I believe the bill should be entirely satisfactory to every member of the House.

The gentleman from New Mexico suggests that the same amendment be inserted in this bill which was embraced in the last bill considered by the House, drawing a distinction between the commissioners appointed in the Federal courts and the Territorial courts having Federal jurisdiction over these matters.

And with this brief explanation I yield to the gentleman to offer his amendment. We heard the question as to this amendment discussed before on the preceding bill, and I imagine that all that is necessary will be to suggest the amendment of the gentleman.

The SPEAKER. The gentleman from Iowa yields the floor to whom?

Mr. LACEY. To the gentleman from New Mexico to offer an amendment.

Mr. RODEY. Mr. Speaker, I offer the amendment I send to the desk to insert in line 18 of the bill the same words that were incorporated in the bill considered a few moments ago.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Insert in line 18, after the words United States, the words "or in the district courts of the Territory exercising the jurisdiction of circuit or district courts of the United States."

Mr. MANN. I would like to ask the gentleman in charge of this bill a question.

Mr. LACEY. I yield with pleasure.

Mr. MANN. The gentleman in the few remarks he has submitted with reference to the bill has suggested that this bill was before Congress heretofore on several occasions. He said, as I understood him, that it was before Congress for the last ten or twelve years. Now, I would like to ask him with regard to that matter——

The SPEAKER (interrupting). The Chair would like to ask the gentleman who offers the amendment where he proposes that it shall be inserted?

Mr. RODEY. Mr. Speaker, I desire to offer the amendment on page 2, in line 18, after the words "United States."

Mr. LACEY. Mr. Speaker, the question of the gentleman from Illinois involves the discussion of legislation taking place in another body than this, and under the rules of the House I could not, if I desired to do so, go into that discussion. That is a question with which we can not deal now. We passed a bill here, we considered the matter in the committee, and as I have already stated, for ten or twelve years the question has been before Congress for settlement.

Mr. MANN. Were objections made to the bill originally by anybody?

Mr. LACEY. So far as I know, only by individuals who happened to be placed in a condition where they did not desire the evidence to be submitted.

Mr. MANN. In other words, they would lose if the evidence was there against them?

Mr. LACEY. Yes. People thus situated are against this bill. What arguments they have been able to make use of I do not know. Those are the only persons who would naturally have any objection to this bill.

Mr. MANN. So far as I could gather from what the gentleman said in his speech before, I judged that this was an innovation in the law conferring a judicial power upon a ministerial officer. May I ask the gentleman if that is correct?

Mr. SHAFROTH. No; we have avoided that.

Mr. LACEY. We avoid that, Mr. Speaker, by simply indicting the party who violates the subpœna.

In the last Congress the Committee on Military Affairs brought in a bill of like character, to compel the attendance of witnesses before military courts, and that has become a law. This ought to become a law, and it is inconceivable to me what reasons have prevented its becoming a law long ago.

Mr. MANN. I can understand, Mr. Speaker, why we should confer authority to require witnesses to appear before any court, military or otherwise. That was just what I wished to learn from the gentleman. Are the registers courts?

Mr. LACEY. They are courts in a certain sense. They are courts in this that they pass upon property rights of enormous value, subject to appeal to the Commissioner of the Land Office, and subject to further appeal to the Secretary of the Interior. And I would say to my friend that the Secretary of the Interior every year decides property rights of more value than the Supreme Court of the United States decide every ten years.

Mr. MANN. Does he have any authority to require the presence of witnesses?

Mr. LACEY. He has not.

Mr. MANN. And there is no proposition here to confer that authority upon him.

Mr. LACEY. Not on him, because these matters reach him through appeal. The evidence is taken in the court below, or rather before the register and receiver, and then certified up with the case, so that at present if a case is being tried before the Secretary of the Interior on an appeal, involving property worth a hundred thousand dollars or half a million dollars, as the case may be, if the witnesses are unwilling to have their evidence taken there is no way in which they can be compelled to testify, so as to have the evidence reach that high tribunal upon appeal. Under this law the witnesses will be compelled to attend, or, if they fail to do so, will be subject to punishment. We have a similar law to compel the attendance of witnesses before the committees of this House, and that law has worked well. We have had no trouble about anybody refusing to obey subpœnas since the Hallett Kilbourne case, or since the law arising out of that case was passed.

ADJOURNMENT UNTIL WEDNESDAY.

Mr. PAYNE. Mr. Speaker, I ask the gentleman from Iowa [Mr. LACEY] to yield for a moment, as I should like to make a privileged motion.

I move that when the House adjourn to-day it adjourn to meet on Wednesday next.

The motion was agreed to.

WITNESSES BEFORE REGISTERS AND RECEIVERS OF LAND OFFICES.

Mr. LACEY. Mr. Speaker, resuming the discussion of this question, chapter 809 of the acts of the Fifty-sixth Congress, second session, is an illustration of the principle involved here. That is the bill in regard to military courts.

Mr. MANN. I should like to ask another question.

Mr. LACEY. I yield to my colleague upon the committee, the gentleman from Colorado [Mr. SHAFROTH], such time as he may desire.

Mr. SHAFROTH. Mr. Speaker, I will state that this bill has been reported unanimously by the Committee on the Public Lands. Every section of it was carefully examined by the committee, and some amendments were made to the bill.

The necessity for this bill arises from the fact that it is impossible now, if a witness is adverse to the person desiring to present proof before a register or receiver of a land office, to get that witness to appear before the register or receiver.

Mr. RODEY. Even to prove a homestead.

Mr. SHAFROTH. Even to prove a homestead, or to prove anything. The difficulty does not arise in homestead cases often, but it does arise when great property rights are involved, such as mining rights, where sometimes a mine that is attempted to be proved up has a value of perhaps a million dollars.

Mr. MANN. Will the gentleman permit me to ask him one question?

Mr. SHAFROTH. Yes.

Mr. MANN. I do not wish to be captious at all about this. Is there any method now of trying these property rights in the courts?

Mr. MONDELL. No.

Mr. SHAFROTH. No, not so far as the action of the register or receiver is concerned. Whenever a person files an adverse suit and gives notice of it to the register and receiver, in some instances he has the privilege of going to the courts.

Mr. MANN. What I wanted to get at is, whether any case comes up before the register where that can not now be secured.

Mr. SHAFROTH. Yes; any number of them.

Mr. MANN. Well, give us one.

Mr. SHAFROTH. Well, I think that the decisions of the receiver and the register are binding in certain matters. There is no doubt that the findings of the registers and receivers and the Secretary of the Interior upon a certain state of affairs is absolutely binding on any court that might take it up.

Mr. RICHARDSON of Alabama. How have these matters heretofore been disposed of that are now being complained about?

Mr. SHAFROTH. They have usually been settled.

Mr. RICHARDSON of Alabama. How?

Mr. SHAFROTH. The witness usually comes up and testifies, but it is the one-thousandth case where they refuse.

Mr. RICHARDSON of Alabama. Are you not opening a broad door in this bill for an increase of expenses in these Federal courts, the inferior courts?

Mr. SHAFROTH. Oh, no; they are not inferior courts at all.

Mr. RICHARDSON of Alabama. Oh, yes; they are.

Mr. SHAFROTH. Oh, no.

Mr. RICHARDSON of Alabama. What are they, then?

Mr. SHAFROTH. They are the register and receiver. They are two people who sit and hear proof in proving up claims of various kinds, such as timber claims, homesteads, and mineral-right claims, in order to procure a patent from the United States Government. They have authority for taking testimony; they are allowed to transcribe their testimony and send that to the Secretary of the Interior.

Now the proof is already taken. Some of the witnesses come, and other witnesses will not come. Now, if he will not come, how are you going to compel him? You can not compel him under the law now; but this bill provides that if he refuse to come that they shall serve a subpœna on him, and if he fails to appear at the time that is required by the subpœna—of course that does not apply where he has any proper excuse—but if he fails to appear, then he can be compelled to attend.

Mr. RICHARDSON of Alabama. What additional pay do you give for the issuing of the subpœnas to the registers and receivers?

Mr. SHAFROTH. None.

Mr. RICHARDSON of Alabama. It is done without compensation?

Mr. SHAFROTH. Yes, sir; without compensation. There is nothing in the bill that has a tendency to increase the fees.

Mr. RICHARDSON of Alabama. Except the increase in the number of witnesses.

Mr. SHAFROTH. Oh, no; that would not increase it. You would not want proof by an adverse witness unless you can prove something. They are entitled to the witness fees in case they go voluntarily, and it is only the adverse witness whose testimony you desire to obtain.

Mr. RICHARDSON of Alabama. I was just asking for information.

Mr. LACEY. I yield five minutes to the gentleman from New Mexico.

Mr. RODEY. Mr. Speaker, I have not examined the text of the bill so as to see how it relates to the States, but such a bill as this is a necessity in the Territories. There is no remedy now by which you can compel attendance of witnesses as contemplated in this bill. The registers and receivers can not force them to attend before them. I knew of a few cases where homesteaders found it difficult to prove up on their homesteads because of the prejudices of their neighbors against their completing their claims, and therefore they could not obtain the witnesses. Now, take it in the case of mining camps, where mining claims are being proved upon. There are many occasions where a claimant who is trying to prove up before the register and receiver can not induce the witnesses to attend. I have not examined the question whether, as to the States, power such as this can be given to the register and receiver, but I am sure that as to a Territory it can.

Mr. SMITH of Kentucky. I would like to ask the chairman of the committee one question. I would like to know why the service

of the subpœna is limited to the county in which the attendance is required.

Mr. LACEY. Because——

Mr. SMITH of Kentucky. Suppose you wanted witnesses from some other county?

Mr. LACEY. You must remember that in most of the Western localities where matters of this kind are pending the counties are large, and it was deemed best to provide, as is done in a subsequent section, that witnesses living at a distance and in another county should have their testimony taken by depositions——

Mr. SMITH of Kentucky. That is provided for in a subsequent section?

Mr. LACEY (continuing). Instead of forcing him to go three, four, or five hundred miles to the land office. I understand the gentleman from Arkansas [Mr. McRAE] desired to ask a question for some time. I yield to him.

Mr. McRAE. Mr. Speaker, I want to call attention——

Mr. CLARK. Before the gentleman from Arkansas begins, I would like to ask the gentleman from Iowa, or the gentleman from Colorado, or the gentleman from Arkansas, a question.

Mr. LACEY. Either can answer it.

Mr. CLARK. I doubt whether any of you can. [Laughter.]

Mr. LACEY. We will show you.

Mr. CLARK. The question is this: If it is not an extremely severe and dangerous provision that allows a man to be indicted because he does not attend court as a witness?

Mr. McRAE. That is one of the criticisms I was about to make.

Mr. SHAFROTH. Will the gentleman from Arkansas allow me to answer?

Mr. McRAE. As soon as I finish I will yield to the gentleman. Mr. Speaker, the interrogation of the gentleman from Missouri suggests one of the criticisms I expected to make on this bill, that it is an unusual and dangerous power to vest in any subordinate tribunal, a superior tribunal, if you please, that of compelling a witness to attend and testify, and then making his simple refusal to attend anything more than contempt of court.

Mr. SHAFROTH. Will the gentleman from Arkansas yield right there?

Mr. McRAE. Yes.

Mr. SHAFROTH. You have either got to compel the witness to come by reason of his committing a contempt of court or else you have got to indict him, one of the two. We thought that to vest the power of contempt in the register and receiver was much more dangerous than to make it a misdemeanor, and make the party liable to indictment.

Mr. McRAE. In my country we have another way to compel witnesses to attend; and that is to issue an attachment and bring him in, and he pays the cost of attachment if in fault.

Mr. KLEBERG. Would not that be a far greater power than the other, to issue an attachment and bring him before a commissioner? In the contempt proceedings he could be tried by jury.

Mr. McRAE. The power to bring a witness and make him testify is vastly different from indicting him and putting him in jail because he could not or would not attend.

Now, there is some necessity for legislating along this line, but in my judgment this bill is too severe. You say that the witness shall have the right to receive his fees and mileage. What fees? What mileage? The bill is as silent as a tomb. Who shall fix the compensation? Shall you say that a witness who receives a subpœna shall attend for the sum fixed by the register or a receiver, say 25 cents a day, not enough to pay his transportation, and for the refusal to obey the subpœna he shall be charged criminally?

Mr. SHAFROTH. The bill provides that the fees shall be the same as those allowed in the State and Territorial courts, and also the same mileage.

Mr. LACEY. In line 7, section 2, the gentleman will find that an amendment provides that the fees and mileage of witnesses shall be the same as that provided by law in the district courts of the United States in the district in which such land offices are situated.

Mr. McRAE. I have just received the bill and had not examined it fully, and I stand corrected on that point. By fees I presume it is meant a per diem, although it does not say so. Therefore I have no objection to the bill except the extraordinary power lodged in the third section, and I suggest that all of that section ought to go out, and I will move to strike it out unless amended.

Mr. RICHARDSON of Alabama. Will the gentleman from Arkansas allow me?

Mr. McRAE. Yes.

Mr. RICHARDSON of Alabama. There is another criticism in the bill which I wish to make, where it says that the persons refusing to obey such subpœna, or refusing to appear and testify, shall be subject to punishment. It ought to be coupled with the provision that unless he has a reasonable excuse.

Mr. LACEY. That is fully provided for in the proviso in line 21, section 3.

Mr. McRAE. Well, Mr. Speaker, I move to strike out section 3.

The SPEAKER. There are amendments proposed by the committee, and an amendment to the amendment by the gentleman from New Mexico.

Mr. LACEY. Mr. Speaker, I did not yield to the gentleman from Arkansas for the purpose of offering an amendment. I am satisfied, Mr. Speaker, that my friend from Arkansas would not make this motion after reflection. He and I have both been over this question in Congresses gone by and have attempted in vain to accomplish precisely what we are trying to do in the present bill. If section 3 is stricken out, you might as well strike out all after the enacting clause.

There is no way known to the law under the Constitution of the United States by which you can vest in a mere executive officer the power to issue a subpœna and enforce that subpœna by process of contempt. The Committee on Appropriations, of which my friend from Arkansas is an honored member, can not, in the absence of a statute substantially like this, enforce the attendance of any witness upon any investigation that might be held before that committee. We can not give, by act of Congress, power to that committee to issue process of contempt against anyone disobeying the subpœna. That question is no longer an open one. The Supreme Court of the United States has passed upon it, and has sustained a judgment against the Sergeant-at-Arms of the House where the attempt was made to punish a man for not obeying the subpœna. A military court can compel the attendance of a soldier under the Articles of War, because he is amenable to the jurisdiction of the Secretary of War and to the Commanding General.

But if in a trial by court-martial some outside witness was desired there was no way to compel a civilian to attend as a witness, so that a defendant charged with a military crime might be thus prevented from obtaining the very evidence which would show his innocence, by reason of the fact that a witness having knowledge of the circumstances of the case had concluded to lock that information up in his own breast and decline to appear before the court. In the last Congress that difficulty was met by the enactment of a statute approved March 2, 1901, of which I will read the first part:

Be it enacted, etc., That every person not belonging to the Army of the United States, who, being duly subpœnaed to appear as a witness before a general court-martial of the Army, willfully neglects or refuses to appear, or refuses to qualify as a witness, or to testify or produce documentary evidence which such person may have been legally subpœnaed to produce, shall be deemed guilty of a misdemeanor, for which such person shall be punished on information in the district court of the United States.

Mr. McRAE. I suggest to my friend that the very significant and pertinent word used in the statutory provision just read—"willfully"—is omitted in the bill now under consideration.

Mr. LACEY. That is fully covered by the proviso in section 3, to which I invite the attention of my friend, which reads as follows:

Provided, That if such witness has been prevented from obeying such subpœna without fault upon his part, he shall not be punished under the provisions of this act.

Mr. McRAE. But the distinction which my friend from Iowa overlooks is that, under the proviso read, the burden of proof is upon the defendant to prove his innocence and in the other upon the Government to prove his guilt.

Mr. LACEY. Certainly. If my friend were sitting as a justice of the peace in Arkansas and issued a subpœna against a citizen of Arkansas to appear before him, and the party subpœnaed did not come, he would not wait to have a trial to determine whether the party desired as a witness had willfully stayed away or not; but the witness would be cited to show cause why he should not be punished for contempt, and would be tried without a jury, because a justice of the peace is a court. He may excuse himself by showing his inability to attend, and if there has been no willful neglect or refusal on his part he may show that fact by way of excuse just as he might do in a proceeding for contempt in a Federal court or before a justice of the peace.

Mr. Speaker, I now yield to the gentleman from Oklahoma [Mr. FLYNN] such time as he may desire.

Mr. FLYNN. Mr. Speaker, the enactment of a law like this has been to my mind one of the most essential requirements of the Land Department ever since it has been my pleasure to be familiar with anything whatever concerning public lands.

We hear a great deal nowadays about the rich getting richer and the poor getting poorer. In this bill it is provided that all men, whether men of means or men without means, shall have equal process. I have had under my own observation a state of facts like this: One man who entered a piece of land was worth more money than the party contesting and could secure the attendance of his witnesses by paying them sufficient money to bring them to the land office. On the other hand, the poorer

party, not having the neccessary funds, could not secure sufficient means to secure the attendance of a solitary witness.

I have known other cases—and there have been many such in these land contests—where the witnesses who knew all the facts would refuse to attend and testify unless the party desiring their testimony would pay them an outrageous amount, running in some cases as high as $500. If there were a provision of law whereby equal process could issue to both parties, this blackmailing, this holding up of contestants or entrymen by witnesses could not exist. Why should not the two parties have equal right to bring their witnesses into court and not be subjected to the difficulty of having a witness fix the fee or price in consideration of which he would attend and testify.

Some gentlemen have asked, Could not the matter be settled afterwards in court? But, sir, you can not go into court with cases of this kind until the case has been decided by the local land office, and then the proceeding is to appeal to the Commissioner, and from the Commissioner to the Secretary of the Interior. When the patent has issued, then you can go into court to try the right of property, but not until then.

If there ever was a bill that would give all parties an equal show in presenting their testimony, it is this kind of a bill, where you compel the attendance of witnesses on both sides and do not allow a witness to say to a man who needs his evidence, "Give me $500 or $1,000; otherwise I won't testify."

Mr. LACEY. I now yield to the gentleman from Texas [Mr. KLEBERG] for five minutes.

Mr. KLEBERG. Mr. Speaker, I do not think that there should be any objection to this bill, which has been carefully considered and prepared by the committee, and I believe it should pass the House without objection. It simply provides a mode of punishing a man who refuses to obey the demands of an officer and give testimony in these cases. There has been much trouble in the past in securing such testimony.

My friend and colleague from Arkansas [Mr. MCRAE] suggests that this is something in the nature of a harsh expedient; that it would be an unusal and a harsh remedy to apply in such cases, and suggests that some such remedy should be applied as the writ of attachment in these cases.

Now, I am satisfied if my friend will consider the amendment and will reflect for a moment, that he will see that the remedy of attachment is absolutely more severe than the plan proposed in the pending bill. The attachment requires the marshal of the United States, or some officer intrusted with the duty, to take the body of the recalcitrant witness and bring him before the magisterial tribunal; and that, I insist, would be a most extraordinary power in these cases. It would be a harsh and unusual method of procedure, and would not succeed any better than the milder plan proposed by the bill in accomplishing the result which is sought to be accomplished. In this case, as proposed here, when a man willfully absents himself; when he refuses to obey the summons of the officer before whom he is cited to appear, and refuses to give the testimony which he is capable of giving in the case at issue, then he is subject to the penalties provided by the bill. In the case proposed the grand jury of his county can indict him, and this jury, grand or petit, of his fellowmen—a jury of his peers—can determine whether or not he has violated the law and is guilty or otherwise.

Mr. MCRAE. Will the gentleman allow me to interrupt him for a question?

Mr. KLEBERG. Certainly.

Mr. MCRAE. I would like to ask the gentleman, with reference to the pending bill, just this: Now, in the first place, this bill assumes that the refusal of the witness to appear and testify is a willful violation of the law, and, in the second place, it does not compel the attendance, but if the witness refuses to attend then that refusal is made a criminal offense and his case is placed on the criminal side of the docket. What does the gentleman say in reference to that?

Mr. KLEBERG. I would answer my friend from Arkansas, in the first place, that the word "willful," referring to the refusal of the witness to appear and testify, is entirely unnecessary. And the bill in the first clause provides that the failure of the witness to attend is because of his own fault. If there be a failure it is a willful failure on his part, of course. The other objection the gentleman makes is untenable. The main question is as to the power of an officer to compel the attendance of witnesses to testify in these cases. The trouble has been in the past that there was no compulsory power. Now, if the witness is threatened with a prosecution it will compel him to testify, and is an effective method of securing his attendance. I think that this is a measure which should be adopted, and that the objections raised against the bill have no weight and ought not to be considered seriously by the House in dealing with it.

Mr. LACEY. I now yield to the gentleman from North Carolina [Mr. BELLAMY].

Mr. BELLAMY. Mr. Speaker, if the object of this bill is to secure the attendance of witnesses before the register of the land office, that a speedy trial of a cause can be had, it will not effect the object sought to be accomplished. If a recalcitrant witness fails or refuses to attend the only provision to compel him to attend is that he shall be indicted for a misdemeanor in the United States district court. Mr. Speaker, such a provision is very objectionable and oppressive.

Suppose a matter is to be heard before the land office and a witness refuses to attend. The remedy is by indictment in the circuit court. This court doubtless meets twice a year. If a witness is indicted, before his trial could be had and his attendance enforced six months or a year, or probably two years, might elapse, and therefore no speedy trial could be secured. But think of what expense would be entailed upon the unfortunate individual who, for some good reason, might be prevented from attending. If he lived 500 or 600 miles distant, as they frequently do in the Territories, and the defendant is required to cause witnesses to attend with him, it would cost the unfortunate individual hundreds of dollars and be a great injustice and oppression to him.

Let the bill be amended conferring upon the officers of the land courts judicial powers, and particularly the power to compel the attendance of the recalcitrant witness by capias or contempt proceedings, and the remedy would then be complete and effective. The Constitution gives the power to Congress to establish courts inferior to the Supreme Court, and there will be no constitutional objection in the way. But I am much opposed to subjecting the citizen to indictment for an excusable failure to attend as a witness when the consequences are so oppressive to him.

If the remedy suggested is not satisfactory, then confer upon the register of the land office the power to report the delinquent witness to the district court, and then let that court issue a capias compelling the witness to attend before the register, or attachment proceedings might be issued in lieu thereof——

Mr. LACEY. I want to ask the gentleman a question.

Mr. BELLAMY. Yes.

Mr. LACEY. What court?

Mr. BELLAMY. Before the register.

Mr. LACEY. He is not a court.

Mr. BELLAMY. Then devolve upon him the powers of a court.

Mr. LACEY. You might as well say that a witness should be brought before the chief of police.

Mr. BELLAMY. Then give the register of the land office the powers of a court of equity and the power to issue a process to compel him to attend.

Mr. LACEY. The difficulty is that under the Constitution we can not give this power to anything but a court, and this is not a court. We can no more give the register and receiver power to issue subpœnas and enforce attendance by process than we could give the Doorkeeper of the House or the Clerk of the House the same power.

Mr. FITZGERALD and Mr. CLARK rose.

The SPEAKER. Does the gentleman yield?

Mr. BELLAMY. I yield to the gentleman from New York.

Mr. FITZGERALD. Why not provide, the same as is done in the law regarding the Industrial Commission, that when a witness refuses to appear before it the Commission can apply to a district or circuit court of the United States and secure a subpœna to compel attendance in that way? Would not that obviate your difficulty?

Mr. BELLAMY. That is a good suggestion.

Mr. LACEY. That is possible. The present course, however, is the one that was adopted in reference to military courts.

The SPEAKER. The time of the gentleman from North Carolina has expired. The gentleman from Iowa [Mr. LACEY] has the floor.

Mr. CLARK rose.

The SPEAKER. Does the gentleman from Iowa yield to the gentleman from Missouri?

Mr. LACEY. I wish to answer the question of the gentleman from New York [Mr. FITZGERALD]. This bill is founded substantially on the process that Congress uses in obtaining testimony, and that military courts use under like circumstances; and it has been found entirely satisfactory heretofore in those two organizations. No man is going to refuse to attend if he lays himself liable to indictment for refusing; and if he does refuse and is indicted, another subpœna can be issued and he can be indicted over again, world without end.

Mr. FITZGERALD. But you do not get a trial of your case. It might be worth while for a man to be indicted and convicted and then the case remain untried; while in the way I suggest you can compel a witness to come, you can issue a process out of the district or circuit court of the United States, and if he refuses to obey you can punish him for contempt and can keep him in jail until he testifies.

Mr. LACEY. You can punish him for contempt by sending him to jail, and that is what we would do when we indict him; and if a man under indictment will not save himself by testifying, the same witness will remain mute when imprisoned for contempt. We have gentlemen in some of the States resigning their offices, refusing to obey processes for contempt, simply because they think it is their duty to do so. In these cases that we are trying to reach, the only witnesses who refuse are usually men who have been employed to stay away, or, as the Secretary of the Interior puts it, have been intimidated to stay away. Now, if they have on one side the intimidation of a hostile party to a litigation in the land office and on the other hand an indictment, they will not hesitate about appearing to testify. We have had no trouble to get witnesses under laws of this character heretofore. Now, I yield to the gentleman from Missouri [Mr. CLARK] for a question.

Mr. CLARK. I want to ask you two or three questions.

Mr. LACEY. Ask me one at a time.

Mr. CLARK. I will ask you one, first. When this register of the land office is engaged in this particular business about which you are talking, is he not acting with quasi-judicial authority?

Mr. LACEY. That is the trouble—it is quasi.

Mr. CLARK. Now, if a notary public can punish a man for contempt, what is the reason that power can not be safely conferred upon the register of the land office?

Mr. LACEY. A notary public can only do it under certain circumstances. A notary public in a case pending in court is acting for the court in which the case is pending, and you have the constitutional right to give to that notary the power that the court for which he is acting is possessed of; but the register and receiver are not acting for a court. They are simply acting for the Commissioner of the Land Office, who is not a court, and for the Secretary of the Interior, who is not a court, but who can be reached later on by an appeal from the Commissioner of the Land Office.

Mr. CLARK. The chief idea in this bill is to get the evidence, is it not?

Mr. LACEY. Precisely; the only idea.

Mr. CLARK. Well, now, what is the reason you can not do that better by the ordinary process of issuing an attachment for the witness and taking him there bodily than you can by letting him stay at home and indicting him?

Mr. LACEY. For the simple reason that when the attachment is issued and he is arrested, any court in the land would release him on habeas corpus, because the attachment would be void.

Mr. CLARK. Why would it be void?

Mr. LACEY. Because the registers and receivers would not secure——

Mr. CLARK. Why can not you put in a section, instead of making it indictable, conferring upon the receiver or the register power to issue an attachment to compel the attendance of a witness. The difficulty that a man finds himself in between being yanked up for contempt of court and being indicted for contempt is that any man of ordinary sense, without the assistance of a lawyer, can state to the court the reasons that will purge him of contempt, when not one citizen out of five hundred dares go before a court and be tried even for a misdemeanor without the expense of employing a lawyer. If what you want is the evidence, why not get it by an attachment instead of an indictment?

Mr. LACEY. To rely on an attachment that would be void would not enable a man to get the evidence. The committee have examined this with a good deal of care, and there is no way by which you can give these judicial powers to one of these mere executive officers. You can not give to the Secretary of the Navy the power to issue a subpœna and clothe him with power to punish for contempt. You may order an investigation by the Secretary of the Navy and give him power to issue a subpœna, and, if the subpœna is disobeyed, give a process to a court in which a trial can be had—a court in which the constitutional rights of the party would be regarded—and try the party for having failed to obey the subpœna and to punish him for it. You can not give to any party any judicial power outside of a court.

Mr. CLARK. Is not Congress continually constituting judicial officers of all grades?

Mr. LACEY. Yes.

Mr. CLARK. Why not constitute these men judicial officers?

Mr. LACEY. You would have to change the entire system of the Land Office. The same question would arise in special cases in the Pension Office. Suppose a special examiner of the Pension Office went out to examine a case and a witness refused to come to testify before him. There has been no trouble of that kind; but trouble would arise to the extent of requiring some authority upon the part of the courts to punish the witness who, when requested by the special agent to appear on a subpœna, disobeyed the summons and failed to attend. That would have to be done by proceedings in a court of justice.

Mr. FITZGERALD. Does not the gentleman know there is some provision by which the Industrial Commission can secure the attendance of witnesses by applying to the district and circuit courts of the United States?

Mr. LACEY. I was not aware of it until the gentleman called my attention to it.

Mr. FITZGERALD. It was reported in the public press the other day that the commissioners were about to apply to the circuit court for a subpœna to compel the attendance of Mr. Hill and his associates.

Mr. LACEY. But that has to be done by the courts.

Mr. BELLAMY. I would like to ask the gentleman a question. Do I understand the gentleman to say that we have no right to confer judicial power upon the register of the land office?

Mr. LACEY. I certainly say we have not done so.

Mr. BELLAMY. Does not the Constitution say that Congress has the right to create such courts as it sees proper?

Mr. LACEY. We can do so, with reference to courts.

Mr. BELLAMY. Why can not you confer the powers of a court of equity upon the register of a land office?

Mr. LACEY. Why, the register and receiver——

Mr. BELLAMY. It is not necessary to have a jury to try equity cases.

Mr. LACEY. They are not all lawyers; very few of them are.

Mr. BELLAMY. They ought to be.

Mr. LACEY. Perhaps the gentlemen occupying those places who are not lawyers would disagree with my friend from North Carolina in that suggestion.

Mr. MANN. Will the gentleman be able to yield to me?

Mr. LACEY. I yield to my colleague on the committee for five minutes.

Mr. BRUNDIDGE. Mr. Speaker, an examination of this bill will show, I think, that every member of the committee has taken pains to see that no injustice is done to witnesses who fail to attend without fault on their part. It must be conceded by all that it is necessary to have the attendance of these witnesses to testify. If it is necessary that their presence should be had, there must be some means by which their attendance may be procured. But two ways are suggested. One way is to make the failure to attend an offense, a misdemeanor; and the other, as suggested by the gentleman from New York and the gentleman from Arkansas, is to apply to the court for a writ of attachment and compel attendance by this writ, or give to the commissioner or notary public the power to issue writs of attachment and punish the disobedience thereof as in ordinary cases of contempt.

Now, what are the ordinary punishments for contempt. Take the majority of the States and the law is that a witness is duly summoned by delivering to him a copy of the subpœna or reading the same to him. In these States if a witness refuses or fails to attend, an attachment is issued and the party who has failed to answer the subpœna is brought into the court, and he may purge himself of the contempt by showing a valid excuse of nonattendance. If he does not do so, power is given to the judge to punish both by fine and imprisonment in the county jail. Now, one of the reasons, and the strongest reason, why I favor this bill is, I am opposed to lodging in the hands of commissioners of the land office, or notaries public, or lodging in the hands of the Federal judiciary, power to punish a citizen for contempt without a hearing before a jury of his country.

I believe that more injustice has been done men by being pulled up before a court on a charge of contempt than in any other way known to the law. The cases are numerous where Federal judges have imposed unreasonable and cruel punishments by both fine and imprisonment on charges of alleged contempt, thus violating every right of personal liberty. This power to punish for contempt has been often abused. Now, under this bill the witness is first to be summoned, and that, too, by delivery of copy; not only that, but fees for attendance must have been paid or at least tendered to him, both for attendance and for his mileage. Then, if he fails to attend, he has the right to come and show that it was not through his fault that he failed to attend; and if so, he goes free. It is only in a case where the witness is at fault that the courts of the country have a right to impose any fine upon him or to punish him at all. Before that can be done he must be returned to the court either by indictment or information, and then be tried before a jury of his countrymen.

I wish it was the law of this land that no Federal judiciary, no Federal courts, could impose any fine or any imprisonment upon any man charged with contempt other than that which takes place in the presence of the court, except on a trial before a jury of his countrymen. I like this provision of the bill. I think it would be dangerous, I think it would be unsafe, to give to inferior officers the power to issue and to try writs of attachment. The power ought to be lodged in a court, and there is no better way in which you can reach it, there is no safer way by which you can protect the rights of a witness, than to give him a trial upon the question whether he is at fault, whether he has

violated the law or not, before a jury of his countrymen. For that reason, Mr. Speaker, if for no other, I favor the provisions of this bill. In my opinion, it is a step in the right direction.

Mr. LACEY. Mr. Speaker, it is manifest that we can not get to the end of this bill in the hour, and I ask that my time be extended fifteen minutes. I have eight minutes left, which I desire to yield.

The SPEAKER. The gentleman from Iowa asks that his time be extended fifteen minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. McRAE. Mr. Speaker, there is so much talk around me that I did not hear the request of the gentleman from Iowa.

Mr. LACEY. It was to extend my time fifteen minutes.

Mr. McRAE. Well, I would like to have a little additional time. I think it is hardly fair to undertake to close the bill within an hour and for the gentleman to take all the time himself.

Mr. LACEY. That is what I wanted to avoid, and that is the reason I asked for the extension.

The SPEAKER. The extension of time was only to the gentleman from Iowa.

Mr. LACEY. I intended to move the previous question when my time was out, but if the gentleman will indicate how much time he would like to have I will yield to him.

Mr. McRAE. Five minutes.

Mr. LACEY. I will yield five minutes to the gentleman from Arkansas.

The SPEAKER. The gentleman from Arkansas is recognized for five minutes out of the time of the gentleman from Iowa.

Mr. McRAE. Mr. Speaker, I dislike very much to disagree to anything said by my colleague from Arkansas [Mr. BRUNDIDGE], but I have as strong convictions on this question as he has. I think the third section of the bill, as it has been drafted, is a dangerous one, and ought not to be enacted into law. With the insertion of the word "willful" in the first line, and striking out the words "information or" in the twenty-seventh line of section 3, perhaps I might consent to it. It certainly would be improved.

Now, we have been told what the mode of procedure is for securing the attendance of witnesses in the courts of the different States of the country. The object of this bill, if it has any, is to get the witness and get the benefit of the information he is supposed to have. This bill stops short of that and switches off on to a criminal presecution for failure to attend, and also recognizes that one-man power, that is so much animadverted against, lodges in the district attorney the power to present an information against this witness, who has neglected or refused to attend, although his failure may not have been willful or intentional on his part.

Neither of these words find any place in section 3. The simple fact that he neglected or refused is certified to the district attorney by the register and receiver of the land office, and then it is the duty of the attorney to file an information or present it to the grand jury. If to the latter, the procedure is secret. The witness has had no opportunity to purge himself of contempt or to avoid arrest. We all know that 90 per cent—yea, 95 per cent—of all witnesses who are attached are excused for reasons that they give. But in this case the right to purge himself is denied him until he is before the court on information or indictment. The bill provides that he may not be punished if he has a good excuse, but it does not provide that he shall not be indicted.

Mr. KLEBERG. Will the gentleman from Arkansas yield to me?

Mr. McRAE. Yes.

Mr. KLEBERG. The gentleman says the district attorney shall have the power to report this witness to the grand jury; that it is a one-man power. Would not there be the same objection to the fact that the receiver or the register or any ministerial officer should have the same power?

Mr. McRAE. I say it is substantially the same, but I would rather vest the power in the judge than in the prosecutor.

Mr. KLEBERG. If the witness could purge himself before the receiver or the register he could do it before the district attorney.

Mr. McRAE. There is no provision of that kind. The bill says that for his refusal to attend he is guilty and may be prosecuted by information or indictment.

Mr. KLEBERG. If the gentleman will look at the latter part of the bill he will find that the nonattendance of the party must be owing to his own fault or neglect.

Mr. McRAE. But that does not say he shall not be indicted. My friend knows very well that scores and scores of poor men have been absolutely ruined in fortune and reputation though successful before the jury on a final trial. A party can be greatly damaged by filing information against him and subjecting him to proceedings of this kind. He may finally be declared not guilty; but by that time his money may be gone, his reputation injured, and his spirit broken; whereas the whole thing could have been settled in the first instance by a statement before the officer who wanted his testimony. If the party summoned to appear had been allowed to present his excuse, the whole trouble would have been avoided.

Mr. KLEBERG. My experience does not agree with what the gentleman states, and I have had some experience as district attorney. I have never noticed in the administration of the law, so far as it has come under my observation, that parties were "oppressed," as the gentleman from Arkansas puts it. But after all, would not the witness finally be compelled to appear before the commissioner or the register and give his excuse? What, then, is the difference?

Mr. McRAE. There is no provision for that. The writ is returned and the officer is prosecuted by information.

[Here the hammer fell.]

Mr. LACEY. I yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, I suppose it is within the experience of every member of the House that depositions are taken every day before notaries public throughout the land. In a case pending, for instance, in Chicago, a deposition may be taken in the District of Columbia or in any State or Territory of the Union. There would be the same reason for conferring upon notaries public the power to punish for contempt or to indict witnesses refusing to appear before them as exists in the case now presented to us in this bill. The situation in the two cases is precisely the same.

That there ought to be some method of compelling a witness to appear before a register so long as the register is authorized to hear testimony goes without saying; that this is the correct method does not seem to me true.

It is a common everyday experience that where a witness refuses to appear before the officer authorized to take a deposition, that officer under the law and the comity of States is permitted, through appeal to the courts, to have the person brought before him and his deposition taken. The court orders the witness to appear, if in the judgment of the court he ought to appear. But in that case a hearing is given to a witness before an attempt is made to punish him by indictment. Here, however, is a proposition to confer upon a register of the land office an authority granted to no other person in the land authorized to take testimony except a judicial officer.

It is true that Congress at the last session passed a bill somewhat similar to this, but with many more safeguards, conferring some sort of power in regard to witnesses who may refuse to appear before military courts. It was feared then, and so stated in the House, that that measure was but the opening of the door to more legislation of the same kind. But the advocates of the measure said: "The case of a military court is unique; there is no other court like it; there will be no other case like the case arising in a military court." So the bill was passed and became a law. Now comes a second bill, proposing to make it an indictable offense for a party to refuse to appear before the register of the land office. Why not confer upon the parties in interest or upon the receiver or register of the land office the power to make application to a judicial officer—to a court in the proper district—laying the facts before the court, so that it may be determined whether the witness shall appear and testify?

Gentlemen have stated that in the land offices many cases come up involving millions of dollars. Why, sir, in cases involving a million dollars, where a witness corruptly refuses to testify, this bill would not make him testify. The power conferred would not begin to equal the contempt power of a judicial court. In such a case a court can put the person in contempt. Here there can be only a simple indictment over and over again, and a trial over and over again, until the rights of the parties are wasted. The proper method, it seems to me, to overcome the difficulty which now exists is by means of a law authorizing the parties in interest, or the register or receiver of the land office, to make proper showing before the court of the district and let the court determine whether the witness shall appear or not, and if the court determines that the witness should appear, and he refuses to appear and testify, the court can punish him for contempt as any other court can do in a similar case. But I would not under any circumstances say that refusal to appear before a nonjudicial officer to testify shall be a misdemeanor and punishable by indictment.

[Here the hammer fell.]

Mr. LACEY. Mr. Speaker, in answer to my friend from Illinois [Mr. MANN], I do not think the proposition suggested by him would be valid. I do not believe a court could be either permitted or required to dance attendance upon a committee or a mere executive officer to try a lawsuit to determine whether or not A or B should be brought before the court to testify. The gentleman's proposition would involve the necessity of actually trying a lawsuit, with the right of appeal, certiorari, and all the various proceedings known to the law, to determine whether one witness or

several witnesses, possibly 25 or 50, should be required to attend and tell what they know of the case pending before an executive officer. No such law has ever been enacted.

Upon examining the original act providing for the Industrial Commission I find that my friend from New York was mistaken in asserting that that law contains a provision of that kind. If there has been enacted such a provision with reference to the Industrial Commission it must have been by way of some amendment in some subsequent law.

Mr. Speaker, I yield to the gentleman from Arkansas [Mr. McRAE] to make a motion to amend, as I understand he desires to insert the word "willfully."

Mr. McRAE. And also to strike out the words "information or."

Mr. LACEY. Well, the difficulty about the latter amendment which the gentleman suggests is that the punishment, light as it is, is usually obtained by information, because that is a much quicker and shorter process.

Mr. McRAE. Still, such a proceeding would make the matter very much more serious, and would impose upon the officer the necessity of looking into the facts before there could be any indictment.

Mr. LACEY. But the information would be filed by the district attorney, or, if he regarded the case as more serious, he could refer it to the grand jury.

Mr. McRAE. That is the very point I make; that no man ought to be called on to answer an information of this sort unless by indictment of his peers, and the power to institute such a proceeding ought not be lodged in one man.

Mr. LACEY. I shall not object to the gentleman's offering his amendment.

Mr. McRAE. I offer the amendments which I send to the desk.

The Clerk read as follows:

In section 3, line 13, insert the word "willfully" before the word "neglecting."

In line 17 of the same section strike out the word "information or."

The SPEAKER pro tempore (Mr. DALZELL). These amendments may be regarded as pending, if there be no objection.

There was no objection.

Mr. LACEY. I now yield to my colleague from Wyoming [Mr. MONDELL] three minutes.

Mr. MONDELL. Mr. Speaker, at the beginning of this debate the gentleman from Illinois asked why legislation so manifestly necessary as this had not been enacted in times past. I think the discussion on the bill has shown some of the reasons why its provisions have not been enacted into law.

The legal gentlemen on the floor do not seem to be able to agree as to the exact provision which should be made for the punishment of witnesses who refuse to testify. They have offered a very great many suggestions which, it seems to me, do greater credit to their ingenuity than to their judgment. The committee carefully examined this matter, considered it in all its phases, and agreed upon a provision which we believe, while compelling the attendance of witnesses, will at the same time work no unnecessary hardship upon witnesses.

Mr. Speaker, this is a very important measure. It should have been enacted into law years ago. As matters now stand the Government, as a great landowner, has no power to summon witnesses before registers and receivers for the purpose of securing evidence in cases where the interests of the Government demand that witnesses be obliged to attend.

There are many cases where, by reason of intimidation or from other causes, entrymen find it difficult to secure the attendance of witnesses before the receivers and registers in cases involving the ownership of their homes and lands. It is believed that this bill will remedy this condition of affairs, and I hope it will be adopted by the House.

Mr. LACEY. Mr. Speaker, I move the previous question on the bill and amendments to its passage.

The previous question was ordered.

The SPEAKER. The first question is on the amendment proposed by the committee.

The amendment was agreed to.

Mr. LACEY. I ask a separate vote on the amendment proposed by the gentleman from Arkansas [Mr. McRAE].

The SPEAKER. Prior to that the amendment proposed by the gentleman from New Mexico [Mr. RODEY] should be considered, which provides, on page 2, line 18, after the words "United States," to insert what has been read by the Clerk.

The amendment was considered, and agreed to.

The SPEAKER. The next amendment is the first amendment proposed by the gentleman from Arkansas [Mr. McRAE], which the Clerk will report.

The amendment was again read.

The amendment was considered, and agreed to.

The SPEAKER. The Clerk will report the next amendment proposed by the gentleman from Arkansas.

The amendment of Mr. McRAE was again read.

The amendment was considered, and agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time.

The question recurred on the passage of the bill.

The bill was considered, and passed.

On motion of Mr. LACEY, a motion to reconsider the last vote was laid on the table.

EDUCATION OF THE DEAF AND DUMB.

Mr. GROW. Mr. Speaker, I rise to a privileged question, but, first, I wish to submit a parliamentary inquiry, if in order; that is to say, if sixty minutes have expired since the beginning of the call of committees?

The SPEAKER. The Chair will state that that time has elapsed.

Mr. GROW. Then, Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill which I send to the desk, viz, H. R. 2041, to aid in establishing homes in the States and Territories for teaching articulate speech, etc., to deaf children, etc.

The SPEAKER. The motion of the gentleman is in order, but the Chair would suggest to the gentleman that it would not be in order to limit the proceedings of the House to any one particular bill.

Mr. GROW. Then I move that the House resolve itself into Committee of the Whole House on the state of the Union, under the rule, to consider bills on the Calendar.

The SPEAKER. The other motion would not be in order unless the gentleman was authorized by the committee to make such a motion.

Mr. GROW. Then I will leave that out, and upon that motion, or before it is submitted, I ask unanimous consent that the House allow this bill to be considered in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to consider the bill which he has indicated to be considered in the House as in Committee of the Whole House on the state of the Union. Is there objection?

Mr. UNDERWOOD. Mr. Speaker, is the bill on the House Calendar?

The SPEAKER. It is on the Union Calendar.

Mr. UNDERWOOD. Under this order of the call of committees I do not think this motion is in order at this time.

The SPEAKER. It is entirely within the rules, after sixty minutes have elapsed, for any member to move that the House resolve itself into the Committee of the Whole House on the state of the Union, or, if instructed by a committee, to make the same motion to take up a particular bill, which motion would be subject to one amendment. The gentleman from Pennsylvania [Mr. GROW] makes the general motion that the House resolve itself into the Committee of the Whole on the state of the Union, and coupled with that motion he makes a request for unanimous consent to consider the bill in the House as in Committee of the Whole House on the state of the Union.

Mr. GAINES of Tennessee. Mr. Speaker, if that is done, do we proceed with the Union Calendar in regular order, right on down?

The SPEAKER. If the motion of the gentleman is carried, the first bill on the Union Calendar will be the one to be considered.

Mr. GAINES of Tennessee. And then the next would be the second bill on the same Calendar?

The SPEAKER. After the first one is disposed of, the next bill on the Calendar would be in order, of course.

Mr. UNDERWOOD. From what I know of the bill, or what I have heard of it, I think I should prefer having the bill considered in Committee of the Whole, and I insist on that.

Mr. GROW. Then I insist on my motion.

The SPEAKER. Objection is made to the request for unanimous consent, and the question is on the motion of the gentleman from Pennsylvania [Mr. GROW] that the House resolve itself into the Committee of the Whole House on the state of the Union.

The question being taken, on a division (demanded by Mr. UNDERWOOD) there were—ayes 47, noes 21.

Mr. UNDERWOOD. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 109, nays 88, answered "present" 8, not voting 151; as follows:

YEAS—109.

Adams,	Emerson,	Kyle,	Reeves,
Alexander,	Esch,	Lacey,	Roberts,
Aplin,	Evans,	Latimer,	Rumple,
Ball, Del.	Finley,	Lawrence,	Shafroth,
Barney,	Foss,	Lessler,	Showalter,
Bates,	Foster, Vt.	Littauer,	Skiles,
Beidler,	Gaines, W. Va.	Littlefield,	Smith, Ill.
Bellamy,	Gardner, Mich.	Lovering,	Smith, S. W.
Blakeney,	Gibson,	McCleary,	Smith, Wm. Alden
Bristow,	Gillet, N. Y.	Mann,	Southard,
Brown,	Gillett, Mass.	Marshall,	Sperry,
Brownlow,	Graff,	Mercer,	Stewart, N. J.
Burke, S. Dak.	Greene, Mass.	Miller,	Storm,
Burkett,	Grosvenor,	Moody, Mass.	Sulloway,
Burton,	Grow,	Moody, Oreg.	Sutherland,
Butler, Pa.	Hamilton,	Morris,	Tayler, Ohio
Capron,	Haugen,	Mudd,	Thomas, Iowa
Conner,	Hedge,	Needham,	Tirrell,
Coombs,	Henry, Conn.	Norton,	Tompkins, Ohio
Curtis,	Hildebrant,	Olmsted,	Van Voorhis,
Cushman,	Hill,	Otjen,	Vreeland,
Dalzell,	Holliday,	Overstreet,	Wachter,
Davidson,	Hull,	Palmer,	Warnock,
Dayton,	Irwin,	Patterson, Pa.	Watson,
Deemer,	Jack,	Powers, Mass.	Woods.
Dick,	Jenkins,	Prince,	
Dovener,	Jones, Wash.	Ray, N. Y.	
Eddy,	Knapp,	Reeder,	

NAYS—88.

Adamson,	Fleming,	Lever,	Ryan,
Allen, Ky.	Flood,	Little,	Salmon,
Ball, Tex.	Fox,	Lloyd,	Scarborough,
Bankhead,	Gaines, Tenn.	McCulloch,	Selby,
Bell,	Gilbert,	Maddox,	Shackleford,
Bowie,	Glenn,	Meyer, La.	Shallenberger,
Breazeale,	Gordon,	Mickey,	Sheppard,
Broussard,	Hall,	Moon,	Sims,
Brundidge,	Hay,	Mutchler,	Small,
Burgess,	Henry, Miss.	Padgett,	Snodgrass,
Burleson,	Henry, Tex.	Pierce,	Snook,
Butler, Mo.	Hooker,	Randell, Tex.	Sparkman,
Caldwell,	Jackson, Kans.	Ransdell, La.	Spight,
Candler,	Jett,	Rhea, Ky.	Stark,
Cassingham,	Johnson,	Rhea, Va.	Stephens, Tex.
Cochran,	Kehoe,	Richardson, Ala.	Tate,
Corliss,	Kitchin, Claude	Rixey,	Thayer,
De Armond,	Kleberg,	Robb,	Underwood,
De Graffenreid,	Kluttz,	Robertson, La.	Wiley,
Dougherty,	Lamb,	Robinson, Ind.	Williams, Ill.
Elliott,	Lanham,	Robinson, Nebr.	Williams, Miss.
Fitzgerald,	Lester,	Rucker,	Zenor.

ANSWERED "PRESENT"—8.

Boreing,	Davey, La.	Griffith,	Ruppert,
Clark,	Green, Pa.	Griggs,	Taylor, Ala.

NOT VOTING—151.

Acheson,	Davis, Fla.	Lewis, Pa.	Reid,
Allen, Me.	Dinsmore,	Lindsay,	Richardson, Tenn.
Babcock,	Douglas,	Livingston,	Russell,
Bartholdt,	Draper,	Long,	Schirm,
Bartlett,	Driscoll,	Loud,	Scott,
Belmont,	Edwards,	Loudenslager,	Shattuc,
Benton,	Feeley,	McAndrews,	Shelden,
Bingham,	Fletcher,	McCall,	Sherman,
Bishop,	Foerderer,	McClellan,	Sibley,
Blackburn,	Fordney,	McDermott,	Slayden,
Boutell,	Foster, Ill.	McLachlan,	Smith, Iowa
Bowersock,	Fowler,	McLain,	Smith, Ky.
Brantley,	Gardner, N. J.	McRae,	Smith, H. C.
Brick,	Gill,	Mahon,	Southwick,
Bromwell,	Goldfogle,	Mahony,	Steele,
Bull,	Gooch,	Martin,	Stevens, Minn.
Burk, Pa.	Graham,	Maynard,	Stewart, N. Y.
Burleigh,	Hanbury,	Metcalf,	Sulzer,
Burnett,	Haskins,	Miers, Ind.	Swanson,
Calderhead,	Heatwole,	Minor,	Talbert,
Cannon,	Hemenway,	Mondell,	Tawney,
Cassel,	Hepburn,	Moody, N. C.	Thomas, N. C.
Clayton,	Hitt,	Morgan,	Thompson,
Connell,	Hopkins,	Morrell,	Tompkins, N. Y.
Conry,	Howard,	Naphen,	Tongue,
Cooney,	Howell,	Neville,	Trimble,
Cooper, Tex.	Hughes,	Nevin,	Vandiver,
Cooper, Wis.	Jackson, Md.	Newlands,	Wadsworth,
Cousins,	Jones, Va.	Otey,	Wanger,
Cowherd,	Joy,	Parker,	Warner,
Creamer,	Kahn,	Patterson, Tenn.	Weeks,
Cromer,	Kern,	Payne,	Wheeler,
Crowley,	Ketcham,	Pearre,	White,
Crumpacker,	Kitchin, Wm. W.	Perkins,	Wilson,
Cummings,	Knox,	Polk,	Wooten,
Currier,	Landis,	Pou,	Wright,
Dahle,	Lassiter,	Powers, Me.	Young.
Darragh,	Lewis, Ga.	Pugsley,	

So the motion to go into Committee of the Whole was agreed to.

The followed pairs were announced:

Until further notice:

Mr. ACHESON with Mr. CREAMER.

Mr. DEEMER with Mr. POLK.

Mr. WARNER with Mr. WHITE.

Mr. NEVIN with Mr. BURNETT.

Mr. SMITH of Iowa with Mr. MCANDREWS.

Mr. PARKER with Mr. SALMON.

Mr. DOUGLAS with Mr. COONEY.

Mr. LANDIS with Mr. CLARK.

Mr. CROMER with Mr. MIERS of Indiana.

Mr. POWERS of Maine with Mr. CONRY.

Mr. LONG with Mr. DAVIS of Florida.

Mr. SCOTT with Mr. FEELY.

Mr. BARNEY with Mr. MCRAE.

Mr. HENRY C. SMITH with Mr. TAYLOR of Alabama.

For this session:

Mr. WANGER with Mr. ADAMSON.

Mr. BOREING with Mr. TRIMBLE.

Mr. MAHON with Mr. OTEY.

Mr. SHERMAN with Mr. RUPPERT.

Mr. KAHN with Mr. BELMONT.

Mr. WRIGHT with Mr. HALL.

Mr. METCALF with Mr. WHEELER.

Mr. TOMPKINS of New York with Mr. PUGSLEY.

Mr. MORRELL with Mr. GREEN of Pennsylvania.

Mr. COOMBS with Mr. DAVEY of Louisiana.

Mr. RUSSELL with Mr. MCCLELLAN.

For this day:

Mr. GARDNER of New Jersey with Mr. DINSMORE.

Mr. HOPKINS with Mr. GRIFFITH.

Mr. WEEKS with Mr. SULZER.

Mr. SOUTHWICK with Mr. NAPHEN.

Mr. KETCHAM with Mr. LEWIS.

Mr. FOWLER with Mr. BARTLETT.

Mr. BOUTELL with Mr. GRIGGS.

Mr. BINGHAM with Mr. HOWARD.

Mr. FORNEY with Mr. MCLAIN.

Mr. DARRAGH with Mr. THOMPSON.

Mr. SHELDEN with Mr. TALBERT.

Mr. STEWART of New York with Mr. THOMAS of North Carolina.

Mr. STEVENS of Minnesota with Mr. WILSON.

Mr. STEELE with Mr. SLAYDEN.

Mr. SIBLEY with Mr. REID.

Mr. MOODY of North Carolina with Mr. POU.

Mr. MINOR with Mr. PATTERSON of Tennessee.

Mr. JACKSON of Maryland with Mr. NEVILLE.

Mr. LOUDENSLAGER with Mr. SMITH of Kentucky.

Mr. JOY with Mr. SWANSON.

Mr. PEARRE with Mr. LASSITER.

Mr. HOWELL with Mr. LINDSAY.

Mr. HEMENWAY with Mr. MAYNARD.

Mr. HANBURY with Mr. WILLIAM W. KITCHIN.

Mr. DRISCOLL with Mr. KERN.

Mr. BISHOP with Mr. JONES of Virginia.

Mr. BOWERSOCK with Mr. BRANTLEY.

Mr. GILL with Mr. GOOCH.

Mr. GRAHAM with Mr. GOLDFOGLE.

Mr. SCHIRM with Mr. EDWARDS.

Mr. YOUNG with Mr. FOSTER of Illinois.

Mr. COUSINS with Mr. CROWLEY.

Mr. BURK of Pennsylvania with Mr. CLAYTON.

Mr. TAWNEY with Mr. CUMMINGS.

Mr. BURLEIGH with Mr. BENTON.

On this vote:

Mr. LOUD with Mr. WOOTEN.

Mr. COOPER of Wisconsin with Mr. VANDIVER.

Mr. HITT with Mr. MAHONEY.

Mr. HEPBURN with Mr. NEWLANDS.

Mr. CANNON with Mr. LIVINGSTON.

Mr. BARTHOLDT with Mr. COOPER of Texas.

Mr. BABCOCK with Mr. COWHERD.

Mr. PAYNE with Mr. RICHARDSON of Tennessee.

Mr. HEATWOLE with Mr. MCDERMOTT.

Mr. BOREING. Mr. Speaker, I have a session pair with my colleague, Mr. TRIMBLE. I therefore desire to withdraw my vote.

The name of Mr. BOREING was called, and he voted "present."

Mr. MANN. Mr. Speaker, I have a session pair with my colleague [Mr. JETT.] The pair is announced. I voted "present." Mr. JETT has also voted, and I desire to vote.

Mr. JETT. That is correct.

The name of Mr. MANN was called, and he voted "yea."

Mr. WILLIAMS of Mississippi. Mr. Speaker, I desire to be recorded.

The SPEAKER. Was the gentleman in his place when his name was called and did not hear?

Mr. WILLIAMS of Mississippi. I was in the Hall.

The SPEAKER. Call the name of the gentleman from Mississippi.

The name of Mr. WILLIAMS of Mississippi was called, and he voted "nay."

Mr. GREEN of Pennsylvania. Mr. Speaker, I ask to withdraw my vote. I am paired with the gentleman from Pennsylvania, Mr. MORRELL. I withdraw my vote and answer "present."

The name of Mr. GREEN of Pennsylvania was called, and he voted "present."

The result of the vote was then announced as above recorded.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. CAPRON in the chair.

HOMES FOR TEACHING CERTAIN DEAF CHILDREN.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the Calendar. The Clerk will report the first bill.

The Clerk read as follows:

A bill (H. R. 2041) to aid in establishing homes in the States and Territories for teaching articulate speech and vocal language to deaf children before they are of school age.

Whereas Mary S. Garrett and Emma Garrett (deceased, her sister), did on February 2, 1892, establish at the city of Philadelphia a home for the training in speech of deaf children before they are of school age, which home has been continued by said Mary S. Garrett by her own charitable contributions and contributions of other persons, aided by a small appropriation of money by the State of Pennsylvania; and

Whereas it has been clearly proven by such training in said home that deaf children can learn articulate speech and language by the use of the eye for all practical purposes as well as children who hear can learn through the ear, provided they have this training in infancy and early childhood: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of $100,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose herein specified, to be paid to the following persons as trustees for said fund: Ex-Governor Daniel H. Hastings, ex-Governor Robert E. Pattison, Frank K. Hipple, Charles C. Harrison, and Alfred C. Tevis, to be expended in payment for the time and expenses of not less than 50 persons, to become qualified as teachers in said system of teaching the deaf before they are of school age, so as to become teachers in such homes as may be established in the States and Territories and the District of Columbia.

SEC. 2. That persons who are to become teachers in such homes as may be established as aforesaid shall be selected, on the recommendation of the governor of each State and Territory and by the Commissioners of the District of Columbia, by said Mary S. Garrett, or, in case of her death, by her successor or successors, as the principal of the aforesaid home at Philadelphia, from all the States and Territories of the Union, including the District of Columbia, not less than one person from each State and Territory and said District. All said persons so selected for teachers shall remain at Philadelphia and attend daily the exercises at said home as long as the said Mary S. Garrett or her successor shall deem advisable, not exceeding one year, and each of said teachers, on completing their training, if in the judgment of said Mary S. Garrett or her successor the said person is thought to be a competent teacher for the purpose herein specified, shall receive a certificate to that effect signed by said Mary S. Garrett or her successor.

SEC. 3. That said trustees or a majority of them shall file with the Treasurer of the United States an itemized account, with proper vouchers, for the expenditure of the money hereby appropriated.

Mr. GROW. Mr. Chairman, I will ask the Clerk to read the report accompanying this bill.

The report (by Mr. GROW) was read, as follows:

The Committee on Education, having had under consideration the bill (H. R. 2041) to aid in establishing homes in the States and Territories for teaching articulate speech and vocal language to deaf children before they are of school age, report the same with a recommendation in favor of its passage.

It needs no words to portray the hard fate in life of children born deaf. The mere statement of the fact is of itself sufficient to enlist the cooperation and aid of all the humane in relieving, so far as may be within their power, the hardship of those thus afflicted. The home established by the two sisters, Miss Mary S. and Miss Emma Garrett, at Philadelphia, February 2, 1892, has proven conclusively that deaf children can learn speech and vocal language just as well for all practical purposes as those who hear, provided they have proper training in infancy before they are of school age.

Your committee take the liberty of adopting as part of their report the following from the circular addressed to the public by Miss Mary S. Garrett, now the principal in conducting said home in Philadelphia:

"In the past ages the deaf were the victims of deliberate as well as ignorant cruelty. In the present age they are no longer deliberately drowned, as in ancient Rome, or exposed to die, as under the laws of Lycurgus. But they are still largely sufferers from a modified form of the ignorance which formerly ranked them with imbeciles and now fails to realize that they are able to learn and to do anything and everything the hearing child can if they are given precisely the same opportunity.

When a hearing baby is learning to talk the mother does not use motions to it, because it has not commenced to understand her language; but she repeats over and over again the pet names she calls it; tells it again and again to say "papa" and "mamma," etc., until it learns to understand and then copy her words. She is quick to discover, encourage, and correct its first attempt at articulation. It has been proven by experiment that if the attention of the deaf child be directed to the mouth with the same persistency, and if it be talked to just the same by everyone who is with it, that it will learn the speech and language through the eye which the hearing child learns through the ear. Like the hearing child, it has a hereditary tendency to talk, and only needs the same opportunity to learn. No more motions should be used with it than with the hearing child. Its attention should always be guided to the mouth of the speaker and concentrated there. Little by little it will begin to attach meaning to the words and sentences it sees, just as a hearing child learns little by little to attach meaning to the words and sentences it hears.

The names of objects may be taught with the objects, which is really the way hearing children learn them in their homes. When a hearing child is learning to talk its hearing gives it the advantage of every word spoken in its presence, while the deaf child only has the advantage of seeing the mouth of the person it happens to be looking at or who is talking to it. This difference must be made up to the deaf child by a great amount of repetition of the words and the language it is being taught. Deaf babies begin to say "ma-ma-ma" just as hearing babies do, but as a rule they are not encouraged in repeating the word. If they were, and were properly guided to further articulation, they would talk. The ordinary practice, however, when an infant is discovered to be deaf is to make no further effort to teach it to talk or read the lips, but immediately to begin motions with it.

"Just here begins the cruel system of training the deaf differently from the hearing, and making them feel from the very outset of life that they are peculiarly unlike those around them. The truth is that it is the faulty system of training that makes them different by depriving them, during their infancy, before school age, of the free and constant communication with other minds which the hearing have.

"There is a popular delusion that the vocal organs of deaf children are defective. The fact is that such cases are rare exceptions, and that as a rule their vocal organs are normal. The articulation of consonant sounds depends on certain positions of the lips, tongue, teeth, and palate. The quality of vocal sounds depends on certain positions of the tongue. Any deaf child who can cry and scream, and has lips, tongue, teeth, and palate, has the necessary vocal organs for speech.

"Until society learns that by doing its whole duty to the deaf so they can become like normal people, we shall need efficiently and intelligently conducted homes for the training in speech of deaf children.

"The work of this generation should be to establish such homes, and if this work is done as it ought to be, the next generation will thus learn to do the work for all deaf children in their own homes. And it will by that time become as natural to parents and to the community to give them exactly the same training through the eye as they give hearing children through the ear."

This bill only provides for the selection from each State and Territory of persons to attend at the home in Philadelphia as students to become teachers in such homes as may be established in the States and Territories for the teaching speech and vocal language to deaf children before they are of school age. It is not proposed to establish any institution or to aid any already established. This appropriation of money, therefore, would require no additional or subsequent appropriations by Congress in order to make it efficient for accomplishing the object specified in the bill.

Mr. GROW. Mr. Chairman, this bill does not establish any school or furnish aid to any school already established. It does not interfere with any system of education established in any State. It simply provides a donation of $100,000, to be expended for teachers who can teach these unfortunates of the race from about 2 years old until they are of school age, when they go into the common schools. As to the constitutional power to make such a donation, Congress has been doing it for years in paying men to teach Indians to plow, and is not the human intellect of more consequence in its development than any grain that is sowed by mankind? These unfortunates are taken as soon as they are able to leave their mothers.

This school desires to have the children as soon as they cut their teeth, if they are to have the full advantage of these homes. The children stay in the homes for a few years, learn articulate language by sight of the lips, and then go into the common schools into the classes there, and many stand at the head of their classes with hearing children. There are schools all over the country to teach the deaf. They take them, however, at school age, not as infants. The period most important in man's life is lost. The first six years of our existence are more important for the future than any other twenty.

It is during that period that ideas are first imbibed and most of our knowledge comes through the eye and not the ear. The first idea the infant in the cradle obtains is from sight, and when lying there helpless and you speak to it its bright eye flashes upon you with a greater intensity than in after years it hardly ever possesses. They gather by sight from the lips of the mother, or those teaching them, the first ideas of their existence. Malformation in the voice hardly ever exists. Every baby born with a larynx, pallet, tongue, and teeth can talk; if they can make vocal sounds they can learn to talk. It is rarely that you find a malformation in the organs of speech.

In the ear there is a combination of formation; there is a bone formation, a tubular formation, and a muscular formation, and therefore there are more malformations in hearing than in sight. It is for this class of people, born in the world with the loss of this sense, which is next to that of sight, that this bill aims to benefit. Of all the senses given to the race, sight is the most important. As you open your eyes upon the creation, you gather all the ideas you have of objects that surround you. Whether you can hear or not makes no difference with that class of knowledge.

Now, it has been tested and proven in this school, begun first by the two Garrett sisters as a charity. The State of Pennsylvania makes now annually a small appropriation of money for its support, and what is the result? Graduates from that school have gone into the common schools of the country, taken their place in the school in every branch of learning and knowledge, and standing, many of them, first in their classes. I will have read by the Clerk a few of these cases. The deaf children can be taught before they are of school age to use language as well as the hearing children and to comprehend ideas spoken by others as well as the hearing children do. Is not this an object worthy of a contribution by the Government when it is establishing no institution interfering with the State?

I recognize that the State should provide systems of education. On the same principle that we send the teachers to the Indian tribes, that we send them to the Philippines, and to Porto Rico, this donation of money can be appropriated without establishing any precedent in legislation. Let the mothers of the country know that by constantly talking to deaf babies in the cradle and during their infancy they can teach them to talk as well as hearing children, and there will be no need of dumb asylums or schools in

this country. The deaf infants will all grow up to womanhood and manhood with the ability to converse with anybody the same as hearing children and with the ability to learn any branch of knowledge, and to engage in any of the pursuits of life. In acquiring knowledge, if the children are taught for their first eight years according to this system they need no more aid, but can go to the common school and institutions of learning and take their places in all branches taught there and hold their own with the hearing children.

Now, I will ask, before proceeding with further remarks, that the Clerk will read the extracts I send up from letters, which letters I have in full. They are letters from teachers in the common schools to which these children, deaf born, have gone at the age of seven and eight and nine years from this home for teaching deaf children. They show what its advantages are in relieving this great misfortune that falls upon children born without the important sense of hearing.

The Clerk read as follows:

Letters from teachers in the common schools for hearing children sent to Miss Garett relative to boys and girls from her school for deaf children.

Letter of Hanna B. Morrison, Shenandoah, Pa., Dececmber 17, 1901:

"Raymond is making very rapid progress in his studies. * * * There is not the slightest difficulty in our understanding each other. He takes part in all exercises and requires no extra attention whatever."

Letter of Rachel E. McConald, Shakers, N. Y., December 2, 1901:

"Fredericka is doing nicely and has not been any drawback. I send you her school report: Arithematic, 100; spelling, 100; reading, 88; penmanship, 100; drawing, 98; geography, 100; history, 98; physiology, 88."

Letter of Sarah W. Darlington, Uniontown, Pa., November 25, 1901:

"I am now positively certain that Isabel can do as well as any of the children in her class. Her studies with me this year are English and Latin, and in both subjects she is doing well. She not only always has a good recitation in her own turn, but also is often quick to correct any mistake on the part of some one else. It is really a surprise to me to find how readily she grasps the enormous difficulties of Latin syntax. * * * My assistant tells me that she is improving in her arithmetic and algebra. In Latin she is first in a class of six. In English she is above the class average. In algebra, arithmetic, and physiology, her teacher is well satisfied. I feel very strongly, after my experience in teaching Isabel, that a child which has been trained in your school is entirely fitted to work with hearing children and to meet the same requirements."

Letter of R. M. McCarroll, Astonville, December 12, 1901:

"Edgar and Albert have made term averages, which exempt them from taking an examination. Edgar ranks first in his class. He is particularly good in spelling and in taking the words from my dictation. He rarely fails to get a perfect mark."

Letter of Mary Beveridge, Kittanning, Pa., December 4, 1901:

"I am glad to tell you that Herbert is doing excellent work in school. He understands almost everything I say to him, and what he says is nearly always intelligible to me. His papers in English are nearly all perfect, and he takes the lead in spelling and geography. It seems marvelous to me that any one deprived of hearing should make such progress."

Letter of Madge R. P. Jones, teacher in school in West Philadelphia, January 4, 1902:

"Anna is doing very nicely with her lessons. She seems to experience no difficulty in fully understanding all that is said. I am inclined to forget very often that she can not hear a sound.

[Home for the Training in Speech of Deaf Children before they are of School Age, Belmont and Monument avenues, Philadelphia, Pa. Mary S. Garrett, principal. Trustees: S. Edwin, Megargee, president; Alfred C. Tevis, secretary; Mary S. Garrett, treasurer; Elanor S. Barker; J. B. Showalter, M. D.]

JANUARY 6, 1902.

Hon. GALUSHA A. GROW,
House of Representatives, Washington, D. C.

MY DEAR MR. GROW: * * * I think you will be glad to know that I have received from the Government school in St. Petersburg a set of questions to be answered "before they establish such homes in Russia," and on Tuesday last I received a visit from Eugene Joffriaud, doctor, Imperial Russian Navy, accompanied by a lady, and they had received from St. Petersburg the same set of questions, with orders to visit our home. I feel that this will lead to the establishing of similar homes in Russia, and in answering their questions I told them that if they really wished to make such homes a success it would be necessary to send someone here who spoke English well, as so many of them do, for me to train in our methods.

Yours, very gratefully, MARY S. GARRETT.

Mr. GROW. Mr. Chairman, the difference between this teaching and the teaching of the dumb asylums is, that the children are taken as infants, and there is a nursery connected with the home; they are taught from the first articulate language by taking from the lips of those talking to them by sight. What they have accomplished these letters show. Now, there are no dumb asylums in this country of any considerable number that take these infants. It is after the school age that they take them. In the last Congress all of you gentlemen will remember that you received a great number of letters from people connected with dumb asylums, saying that this attempt was of no use, and they were so solicitous about the Treasury of the United States that they appealed to you not to throw away $100,000.

If the mothers of the world knew that by talking to their deaf-born infants the same as to the hearing ones they could teach them language, fit them for any affairs in life, there would be no dumb asylums anywhere, and "Othello's occupation would be gone." These people have no monopoly to relieve the misery of human nature.

Mr. SHACKLEFORD. May I ask the gentleman a question?

Mr. GROW. Certainly.

Mr. SHACKLEFORD. If this money was appropriated, would not the people of Pennsylvania have a monopoly?

Mr. GROW. No, sir; they do not have a cent of it. This money would go to pay the expenses of the persons that come from the different States to be taught. When these teachers return to their respective States where they live, their influence in establishing an approved institution in those States like this is the return for the money paid. This home in Philadelphia does not get a cent of the money donated.

Mr. SHACKLEFORD. One other question. Is there not a considerable percentage of the persons teaching the deaf and dumb who believe that this is not a successful method?

Mr. GROW. Every person at the head of a dumb asylum does not believe it; that was the purport of the letters you got in the last Congress.

Mr. SHACKLEFORD. Most of them are against this method of teaching.

Mr. GROW. I do not know what their opinions are. I know by the experience of this home itself, and you know by the letters you have just heard read that this method is a success. I have seen the children talking across the table at their meals, the same as any other children, and yet you have letters saying that it would be impossible to teach articulate language in this way, and you have received statements as true which were all untrue; statements made by parties who did not know anything about what they were writing about. They knew about their own employment, and they did not want that interfered with. I say that that kind of selfishness of human nature has no place where the future of a large part of the race is at stake.

If we give to infants who are born deaf the opportunity to learn articulate speech by putting them on the same plane with other children, instead of confining them to schools where they are taught to talk only by their fingers and by motions, they become qualified for communication by natural speech with others, the same as hearing children do.

Of what consequence is a donation of $100,000 to secure such a result? Congress at its last session voted over a quarter of a million dollars to purchase garden seeds to send to the farmers of this country, which might just as well have been thrown into the mill pond.

The utility of this system has been demonstrated by actual proof and is no longer a matter of theory. You are not asked to appropriate any money for a particular institution—for this school of Philadelphia or any other. It happens to be the most successful school; that is the only reason for putting it into this bill. If the mothers of the country can be made to understand that an infant born deaf can be taught to talk by sight, that is all we desire. That is the whole benefit that we expect to accomplish by means of these homes.

Mr. ROBINSON of Indiana. The remarks of the distinguished gentleman from Pennsylvania do credit to the generosity of his heart. But we sit here as national legislators to handle national questions. The gentleman seeks to procure an appropriation of $100,000 for the establishment of a school at Philadelphia.

Mr. GROW. No, sir. The school has been established there for five years.

Mr. ROBINSON of Indiana. Then this appropriation is for its support?

Mr. GROW. No, sir. I do not propose to establish any school, but simply to pay the expenses——

Mr. ROBINSON of Indiana. Yes; to pay the expenses.

Mr. GROW (continuing). Of persons to go there and learn this system of education.

Mr. ROBINSON of Indiana. In view of the fact that Indiana is the center of the population of the United States, has the gentleman any objection to an amendment providing that Indianapolis, within 100 miles of the center of population of our country, shall have this appropriation?

Mr. GROW. If you have a school there teaching by this method I will change the bill so as to name Indianapolis instead of Philadelphia.

Mr. ROBINSON of Indiana. I have already suggested that the gentleman's heart was generous——

Mr. GROW. You have not any school at Indianapolis that teaches this system. If you have, I will make the change I have just mentioned.

Mr. ROBINSON of Indiana. There would be no trouble about——

Mr. GROW. I do not propose to establish any school.

Mr. ROBINSON of Indiana. Has there been any law enacted heretofore by which the United States Government gave money, as this bill proposes to do, to schools of this kind?

Mr. GROW. You give money for the benefit of children who can hear—children less deserving than these deaf-mutes. You vote money for the Philippines and for Porto Rico and for the Indians.

Mr. ROBINSON of Indiana. But that is not in point. I believe there has been no law of Congress heretofore to provide for the deaf and dumb?

Mr. GROW. No, sir; I have tried for three Congresses to pass a donation like this.

Mr. ROBINSON of Indiana. The State of Pennsylvania has provided for her deaf and dumb, has she not?

Mr. GROW. Yes, sir.

Mr. ROBINSON of Indiana. Have not various States of the Union made such provision?

Mr. GROW. Not like this. Provisions of this kind were begun by charitable contribution; and the work has been continued in the same way in part. There are but two paying children in this home.

Mr. ROBINSON of Indiana. Does not the gentleman see that he fails to discriminate between the case of the Philippines, Porto Rico, etc., and the case of the States? Does he not understand that Congress legislates arbitrarily for the islands that have been annexed to the United States, while the States, having their own separate jurisdiction, have been taking care of their own people in matters of this kind?

Mr. GROW. Yet I venture the assertion that there are not more than one or two States of the Union that have any schools teaching by the methods that this school teaches, taking children under school age.

Mr. ROBINSON of Indiana. As my last question, let me ask the gentleman whether he has provided that the persons who are to receive this species of education shall be recommended by the governors of the various States?

Mr. GROW. That is part of the bill. If the gentleman from Indiana can suggest a better form or a better method for accomplishing the object of this bill, I will gladly accept such an amendment.

Mr. ROBINSON of Indiana. My understanding of the bill as proposed by the gentleman is that he provides that the governor of the States shall recommend the amounts to be expended in these cases, and, as I further understand him, the manner of the expenditure of the fund to be raised by the States——

Mr. GROW (interrupting). No; not all. If the gentleman will permit me I will state that these persons are allowed to remain a certain length of time at this home, and it is believed that such homes would be desirable in all of the States, but Congress has nothing to do with that. There are 45 States, and the Territories are included, with the District of Columbia, in the provisions of this bill. I do not know what provision can be better adopted than this.

If the gentleman desires to reduce the amount, of course he can do so by an amendment. I desire, for my own part, to provide by this donation by Congress that the children who are born deaf shall have in the common schools in the States and in the Territories established by the States the same privileges which are accorded to those children who are able to speak and who have their normal hearing. I propose that we shall do what we can by this donation to give these unfortunates the primary education that will fit them for the common schools with other children who are more fortunate.

Mr. ROBINSON of Indiana. As I understand it, this bill provides that the ladies who have supervision of these schools shall have a veto on the governor's action if they so desire.

Mr. GROW. Well, if the gentleman can adopt a better plan, I will certainly be willing to accept it. It is a question of vast importance to many people in the country, a question which will enable these unfortunates to be educated in same manner as hearing children, and if the gentleman can offer a better proposition than this, or one which will have more good results to the persons who are so afflicted, I shall be glad to accept it.

Mr. ROBINSON of Indiana. But the gentleman—and that is the point I am making—does not make clear the difference between legislating with reference to State matters and Territorial matters. Now, I would like to have him explain how it is that he can draw a distinction between the bill which he proposes and the suggestion I have made——

Mr. GROW (interrupting). I do not think that children in the Territories or the States would have the least objection to acts of charity or benevolence on the part of the General Government.

Mr. ROBINSON of Indiana. You mean with reference to the United States Government?

Mr. GROW. Necessarily, and especially the children in all parts of the country, many of whom are helpless, because of the conditions to which I have referred, certainly deserve as much consideration as we have given to the children of the Indian tribes.

Mr. ROBINSON of Indiana. What does the State of Pennsylvania, in its legislation, say with reference to that?

Mr. GROW. With reference to what?

Mr. ROBINSON of Indiana. I mean with reference to taking care of their own deaf and dumb children.

Mr. GROW. Everything is being done that can be done to enable the deaf and the dumb to hear and to talk.

Mr. ROBINSON of Indiana. I wish to ask the gentleman if the legal authorities of the State of Pennsylvania have given their consent to the recommendation which the gentleman himself makes in this bill?

Mr. GROW. Certainly; and they have made an appropriation for it already in that State.

Now, I repeat, Mr. Chairman, if the gentleman can show any better plan or a more meritorious system than that which is proposed in the pending bill I shall willingly accede to it.

Mr. SHACKLEFORD. I would like to ask the gentleman from Pennsylvania how much the State of Pennsylvania has given to this kind of charity?

Mr. GROW. I do not know exactly the amount, but my colleague from Pennsylvania [Mr. SHOWALTER], to whom I now yield the floor, can answer the gentleman's inquiry, and he can give the exact amount which has been expended by the State in that direction. He was in the legislature when the first appropriation was made.

I yield now to my colleague [Mr. SHOWALTER] as much time as he desires.

Mr. SHOWALTER. Mr. Chairman, in answer to the gentleman from Missouri, I will say that the institution in Philadelphia known as the Home for Training in Speech of Deaf Children before they are of school age, is at present a State institution and supported by the State. I can not give the exact amount in dollars and cents which has been appropriated for its maintenance, but it reaches the sum of thirty or forty thousand dollars annually.

The home was started, or an appropriation made for it, in the session of the Pennsylvania legislature of 1891, the appropriation made being $15,000. Governor Patterson, then the chief executive of the State, was appointed on the board. The bill provided for his appointment, and also for the appointment of the auditor-general and the State treasurer. These three gentlemen constituted a board to secure a location and build the home. Colonel Bennett, of Philadelphia, donated the ground sufficient for this purpose. The home was erected, as my worthy colleague has said, partly by donations from charitable people and partly by the $15,000 which had been appropriated. It has been in successful operation ever since, and to-day there are sixty children under school age receiving instruction in that home. They are taken from one year up.

The little ones are taught to speak articulate language, and the success of the efforts in this direction has been wonderful, as is indicated by the letters received from teachers throughout the different States where these children have been sent. To my mind there is no better use for public funds than to make such an appropriation as this. The idea is not to appropriate for the Pennsylvania institution. It is for the States of the Union and the Territories. Money will be spent in educating teachers from these different States and Territories, who will go back to their respective States, and through their influence like institutions will be inaugurated.

I trust my friends on the other side, and especially my friend, the gentleman from Indiana [Mr. ROBINSON], will not interfere with this appropriation, but will concede the justice of it and give it their hearty support.

Mr. Chairman, I sincerely trust that this bill will receive the approval of Congress. Let us inquire what is the object of this proposed law? Simply this, to educate teachers from every State in the Union, so that they may be fully equipped to teach little deaf children to talk, and thus enable them to enter the public schools of their respective sections of the country.

Is this practicable? Can it be done? Has it been done? To all of these inquiries I reply in the affirmative. It is practicable. It can be done. It has been done. Pennsylvania, the great State that I have the honor in part to represent upon this floor, has demonstrated beyond the peradventure of a doubt the success of the oral method in the instruction of the deaf. In the city of Scranton the Pennsylvania oral institution for the education of the deaf is located. It yearly turns out many pupils well qualified to successfully fill most all the avocations of life.

Several other States have like institutions which are doing a grand and good work. America is indebted to Europe for the idea that deaf children could be taught speech. It was there first demonstrated that it could be successfully accomplished. But it is due to Pennsylvania to say that she was the first State in the Union—aye, the first State in the world—to establish a home for the training in speech of deaf children before they are of school age. When, as a member of the appropriation committee of the Pennsylvania senate, I, with other senators, visited the Pennsylvania oral school for the training in speech of the deaf, our attention was called to the wonderful development in speech of a mute child two years of age, which had been left by its mother at the school.

She was a poor widow and left the child against the protests of the authorities, who assured her that there were no provisions

for taking children before they were of school age. The mother walked off and left it, well knowing that the kind and sympathetic heart of the great and renowned principal of the school—the pioneer of oral instruction for the deaf before they are of school age—Miss Emma Garrett, now of sacred memory, would take it in and care for it. The child had been at the institution some months at the time of our visit, and could talk as well as any hearing child of the same age. It was a revelation to the committee. Miss Garrett informed us that the same results could be attained by any mute child in degree, having reference to the difference in mental endowment of the children; that the reason the mute child could not speak was because he was not taught to speak; that if he was treated the same as a hearing child the results would be the same—he would learn to talk just as soon as the hearing child.

We could not doubt the truthfulness of her statement, for had she not given us a practical demonstration of it? She stated she proposed resigning her position as principal of the Scranton institution and intended establishing a home for the training in speech of children before they are of school age. I said to her the State should do this. Upon my return to Harrisburg I prepared and introduced a bill carrying an appropriation for the establishment of the home, and although there were but two weeks of the session left the importance of the measure was such that it passed both houses and received the approval of the governor.

The home was established at Philadelphia and has been in successful operation since 1892. Were it possible for the members of this House to visit that home—now enlarged to two homes—and there see and converse with the 68 little tots from 2 years up, I am as positive as I am of my own existence that there would not be a single vote against this bill. My word for it, a visit to the home is well worth the time and expense of making it. Looking at the matter from a dollar-and-cents point of view, would not the enactment of this bill be wise legislation? Would it not be great economy if by the enactment of this bill you could in time do away with the deaf and dumb institutions?

If by the passage of this law and the establishment of homes in the different States of the Union for the training in speech of deaf children before they are of school age and thus prepare the children for attendance at the public schools with speaking children you can do away with deaf and dumb institutions, are you not doing well? Would it not be a great saving and would it not be a great advantage to the children? Would they not be better fitted for the duties of life, better equipped to successfully compete in the struggles incident to human existence? Is it not our duty to do the very best that can be done for these little afflicted wards of the nation? Would it be wise and proper to subject our speaking children to the rule that they are not to be taught to speak until they are 6 years of age? Certainly not.

Well, then, is it wise and proper to subject the mute child to this rule? Give the mute child a faithful, affectionate, educated teacher, and you have the word of the most devoted friends and teachers of the deaf that he will make the same progress in speech and intelligence as his hearing brother. Now, if this be true—and who will controvert it—how important it becomes that we provide the way to supply the teachers to these little ones. This bill opens up the way. Pass it, and before six months roll round there will be young women from every State in the Union gathered in Philadelphia preparing themselves for this noble work. Pass it, and before five years elapse I predict that every State in the Union will have established homes similar to the home in Philadelphia, and the great work of training the deaf in speech—a work too long delayed—will have been properly begun—begun in infancy, where it should be commenced, and with the absolute assurance of being a success.

What a blessing you will confer upon these afflicted children of our common Father. Think of it. To the ear forever closed and sealed you open, by the education of the eye, the tones of the human voice and affection's endearing words. You add a new sense and open up a new world to the afflicted ones. You translate them from a world of silence into a world of harmonies; from a life of seclusion and limited possibilities into a life of busy activities and unbounded opportunities. To the tongue forever dumb you sunder its chords and bestow upon it the power of articulation. To the lips mute and silent as the tomb you give the art of speech, with all its wonderful versatility and power of utterance. The cadences of the human voice, who can fathom them? The sweet tones of affection of departed loved ones, how priceless; and who would erase them from memory's gallery? How paltry the sum this bill appropriates in comparison to the millions we almost daily appropriate for various purposes, and yet how important and far reaching in its results.

The passage of this bill will be a direct notice to the States of the Union to establish these homes, to commence the training in infancy of the mute child where it should commence. And what State is there that would not do so? Not one, I take it. The people of these States are a generous and philanthropic people. They are a justice-loving people, and they are quick to understand that it is the duty of the States to give the very best education and care to their afflicted ones.

Now, if the statements I have made are true, namely, that the mute child can be taught to speak and converse; that the reason he does not speak is because he has not been taught to speak; that if he had the same treatment as the hearing child the results would be the same, he would learn to talk and converse just the same as the hearing child; that the time to commence his training is in infancy. That after a few years spent in these homes the children are prepared for attendance at the public schools with hearing children.

If these statements are well-authenticated facts, how important that this bill become a law. In view of these facts and of the great importance of this measure I appeal to you, fellow-members. Vote for this bill. Pass this bill, and unborn generations will rise up and call you blessed. I appeal to the dauntless manhood of this House, to their well-known, generous, and philanthropic impulses, to their high sense of honor, to their desire at all times to do justice, to aid and protect the weak and afflicted, to vote for this bill.

Mr. GROSVENOR. It is a thankless and unpleasant task for me to oppose what upon its face would seem, at first glance at least, to be a purely benevolent and charitable appropriation of money for a great object and purpose of beneficence. But I believe I should be lacking in my duty if I did not oppose this bill.

In the first place, independent of every question which has been met by the gentleman from Pennsylvania [Mr. GROW] and the gentleman from Pennsylvania [Mr. SHOWALTER], it is a matter absolutely foreign to the duty of the United States, from any standpoint of public duty about which I know anything, to undertake to educate teachers for a purpose of this character.

I do not know all about the charitable institutions of the State of Pennsylvania. They may be derelict in their duty toward their citizens. I do not believe they are; but I know that the States of this Union as a rule are absolutely alert, with their official eyes pointed in every direction where any good can be gleaned for the suffering in their State. It is a matter of State duty. It is a matter within the jurisdiction of the States, and foreign to the jurisdiction of the United States. I imagine every State in this Union stands upon the same platform of charitable and beneficent purpose that the great State of Ohio does, and that State has many of these great public institutions; six of them for lunatics, one for the feeble-minded, another for epileptics, another for the deaf, and one for the dumb and blind, and all the various grades of affliction. They are carried on with a vast expenditure of money, running away up into many millions of dollars, and every one of them through their officers is carefully scanning the horizon of the world for every development of science that can be brought into action for the benefit of its inmates. I have no doubt that every State in this Union, in proportion to the development and wealth of the State, is doing just as much as the State of Ohio. I have only spoken of my own State because I know something about it.

Now, I have spoken thus far only upon the question of the public duty of the United States to appropriate money for the purpose of building up or aiding these institutions in any way. There is nothing peculiar to-day in the proposition to teach the deaf and the dumb to speak. I saw an exhibition of the effect of it in the institution in Ohio many years ago, and I saw the same thing here in the city of Washington eighteen years ago. I am told that this system is in full operation away out in the State of Colorado, and I do not believe there is one State of this Union that has within its borders a deaf and dumb asylum that is not experimenting with this identical plan that is proposed in this bill.

Mr. LITTLEFIELD. This particular system?

Mr. GROSVENOR. This particular system; I mean the system of teaching the dumb, where their dumbness is caused by deafness, to articulate by observation of the lips. I have spoken only of the question of jurisdiction, the propriety of the General Government entering into this sort of business. Let me call the attention of the gentleman from Pennsylvania [Mr. GROW] to other ills that mortal flesh is heir to, just as occult in their origin and just as difficult of management as the subject under consideration. Take the matter of the treatment of epileptics. We have in Ohio an epileptic asylum, exclusively for persons suffering with that malady. It has only been in operation as a separate and independent institution of the State some ten years, perhaps. During that time no less than two or three entire changes of treatment have been undergone. The State has dispatched its ablest specialists to foreign countries to study the latest discoveries in the matter of epilepsy in the great institutions in Europe.

The whole subject of this occult, curious and apparently incurable disease is being canvassed carefully, while nearly a thousand

patients are suffering in that institution. Now, if somebody somewhere in some State has a specialist upon that subject, who thinks he has a little better system than the State of Ohio has—and I do not doubt he may have—why not appropriate money for that purpose, and try to alleviate the terrible burden that is pressing down upon so many of our fellow citizens? Insanity and all the various ills we find here in public institutions have just as good a right to claim the favor and sympathy of Federal support as this ailment. One may be in a different degree from the other, but the principle is exactly the same.

Let us see what there is in this bill in detail. It is proposed that the governor of each State and Territory may nominate, and this lady down at Philadelphia has to either confirm or reject the nomination of the governor, as she may see fit. If she approves the appointment, the person is to stay there, and there is to be paid for expenses and education $2,000 a year. Now, how much is to be for the expenses and how much for the education of the person I do not know, and it does not say. They put him here and pay him a price of $2,000 for his expenses. I take it the expense will go to the teacher in part; how much goes to the teacher I do not know. Five hundred dollars would be a pretty fair price. That would be $25,000 out of this sum to this good woman. Mighty good pay; no doubt about that! Far better than the $15,000 that the State of Pennsylvania has given her.

When you have this man or woman educated fully, let us see what is to become of him or her. He goes to Philadelphia and spends a year and learns this sign language, and he has appropriated for his benefit during that time $2,000. At the end of that time where does he go? He goes just wherever he pleases. He is under no obligation to anybody to provide himself with an appointment in any State institution that anybody knows anything about, and for aught that appears in the scheme he may go about as he pleases, having enjoyed one year at Philadelphia as a student in a law college, as a student in a business college, or a student anywhere, and having been paid for his time he may go somewhere and take employment in some State institution or not, just as he sees fit.

The bill is loosely drawn in any event, and it was quite well and apt and fortunate for the gentleman to say that it was a "donation" of $100,000, because that is exactly what it is, without any assurance to anybody that any good can ever come of it.

Now, I said that this had been a matter that had been experimented on in more places than one; and I hold in my hand a letter of a gentleman whom I believe was one of the originators of this very idea in the United States. I know that many years ago, as I have said, as many as eighteen years ago, I saw an exhibition of this very system here under the tutelage of the gentleman whose letter I am about to send to the Clerk's desk; and it seems to me that while it may be said that he has some prejudice against this institution, that the statement of a man of so high a character as he is ought to have a great deal of weight in this House when they enter upon the subject of appropriating $100,000 in a matter purely within the jurisdiction of the government of a State. Where shall we run next if this thing is going on? We are turning over a part of education to the supervision, to some extent, of the Federal Government. I will ask the Clerk to read the letter.

The Clerk read as follows:

THE COLUMBIA INSTITUTION FOR THE DEAF AND DUMB,
KENDALL GREEN,
Washington, D. C., January 16, 1902.

Hon. DAVID B. HENDERSON,
Speaker of the House of Representatives.

DEAR MR. SPEAKER: The note from your private secretary inclosing a copy of what is called the Garrett bill is received.

I am leaving town in a couple of hours for Philadelphia to be gone for a day or two, and when I return will call upon you and speak fully with regard to this measure, but in the meantime I can say very earnestly that there is nothing to commend what is proposed in this bill.

The extravagant claims of Miss Garrett with regard to methods used in her school are not sustained by results. What she proposes to do at a great expense in the way of training teachers for the deaf is already done adequately in several places in this country.

There is really no reason why the bill should pass, and there are very many reasons why its passage would be regarded justly as a great misfortune.

I will explain these things fully to you in a very few days in a personal call.

Very respectfully and truly, yours,

E. M. GALLAUDET.

Mr. GROSVENOR. Mr. Chairman, after that letter was received by me I had an interview with the gentleman, the professor, and while he spoke kindly of the institution at Philadelphia he said that there was no public demand for any appropriation by Congress for any purpose of this kind, and he expressed to me the belief that the States of the Union were doing everything in their power with the latest information and discoveries that have been made to promote the interests of these unfortunate people.

This is opening a door admittedly new, because, as the gentleman from Indiana has very well said, the suggestion that we have legislated for Indian schools and for Porto Rican schools and for Filipino schools is no answer to the objection here; and surely the gentleman from Pennsylvania does not intend to argue to this House seriously that the duty of Congress toward the inhabitants of the States in this Union is exactly the same as its duty to the Territories of the nation and its dependencies in the islands of the seas. When the time comes, Mr. Chairman, the time will have arrived to abolish State lines, State authority, and State control of domestic affairs, and merge our system of States within the Union into a great nation, without States, without Territories, with one General Government, and these States mere provinces under one centralized power. I have been brought up in a different school of politics from that, and I will not consent that an appropriation of this kind shall be made without my protest. I reserve the remainder of my time.

Mr. TIRRELL. Mr. Chairman, although this purports to be and is from the Committee on Education, yet it was understood when this bill was voted upon favorably for report to this House that that report was made entirely independent of any of the individual views which the members of the committee might have upon this question, and that, as the chairman of the committee stated to us at the time, each one and all of us, if we desired, could take such a position in regard to this bill as our own judgment and conscience should dictate.

As far as I am personally concerned, I can not favor the enactment of this bill, not only on account of the cogent reasons advanced by the gentleman from Ohio [Mr. GROSVENOR], but also on account of the phraseology of the bill itself. If you will look on the second page, at the seventh line, you will see that some four or five persons are combined as the trustees to hold this money and expend it for the purposes set forth in this bill. There is no provision here, in case of resignation or a declination to serve, as to who shall have the authority to appoint anybody else. Suppose every one of them should decline to serve, then there is no one authorized to appoint anyone else, and we should have enacted a law without any provision by which that law can hereafter be carried out.

I am opposed to it, in the second place, on account of another objection which occurs to my mind, namely, that there is no requirement in this bill that after a teacher has become qualified to give instruction in this way she shall ever be called upon or required to give it at all. It says that she shall be instructed for a period not exceeding one year, and then what? She can return to the State in which she lives, or wherever she sees fit, and is not required, Mr. Chairman, to do anything whatever. It does not say that she shall teach an hour; it does not say that she shall help organize any school; it does not say that she shall go into any home; it simply says that she shall receive an education set forth in this bill at the expense of the Government, at an average expense of $2,000, if we suppose it to be equally divided among the number that can be instructed.

Mr. LITTLEFIELD. Will the gentleman yield to me for a question?

Mr. TIRRELL. Certainly.

Mr. LITTLEFIELD. May I ask the gentleman if the committee had any precedent of any instance where men had been hired to get an education such as this bill provides for—that is, where institutions had employed people to be educated?

Mr. TIRRELL. We had no evidence whatever.

Mr. LITTLEFIELD. Did the committee know of any precedent for such a proposition as employing people and paying them for their time to be educated; paying them $1,500, according to the gentleman from Ohio, and $500 for expenses? Did the committee have any such precedent before it of that kind.

Mr. TIRRELL. None whatever. The chairman of our committee, the eloquent gentleman from Pennsylvania, says that a precedent is established for the enactment of this law because we send teachers to the Indians and show them how to plow, and because we have sent teachers to the Philippines to instruct them. It seems to me there is no parallel at all in these illustrations. The Indians are the wards of the nation. They are the aborigines and owners of the soil; and as such, from time immemorial, they have been considered as under the care and protection and maintenance of the Government, at least in part.

Those teachers sent to the Philippines have all received their education at their own expense, or at the expense of the State in which they live. They are there in the same capacity that any teacher is appointed to a position. The only possible comparison that could be made is that the teachers are required by the Government to go into the schools established under the auspices of the United States.

I am opposed to this bill, Mr. Chairman, for the third reason that there has not be a scintilla of evidence shown, either before the committee or before this House, that there is any demand for anything of this kind. We have a small school, I am informed—so small that it is scarcely ever mentioned—in the city of Boston, known as the Horace Mann School, for the instruction of the

deaf in this way. Its efforts have made so little impression upon the people of Massachusetts that I do not suppose there is one educator in fifty in the State that knows that such a school is in existence. And yet there are large institutions, not only in that State, but in other States throughout the Union, where instructions are given to the deaf, widely known, loyally supported, and extensively patronized.

It seems to me that if this scheme was practicable, if this scheme was feasible, if this could be carried out economically and with advantage to the people for that amount of money, that the great educational States of the nation would have heard something about it, and that many of these States, always ready to respond to the call of humanity, would have done something about it long before this.

Mr. Chairman, for these reasons, and for one additional reason which I am about to advance, I am opposed to this bill.

It appeared before the committee that in order to give instruction in articulate speech, such as is designed by this bill, it is necessary that you should take an infant at the age at which you ordinarily begin to teach an infant to speak, in order that this instruction may be effective or may amount to anything in the end; that if you take a child 4 or 5 years old it is too late to perform effectual work in this direction. Hence under this system of instruction you must take the mother with the infant a year old. You must provide a nursery and a home in which the mother and the family can be taken care of before you can accomplish anything under the provisions of this bill. The result, therefore, is simply this: You would educate these teachers to go into the several States, where they belong or where their homes may be, and they would have to go into the homes of the children—from home to home—to give this instruction. I do not believe that the United States has come down to being such a paternal Government that it is going to give individual instruction in all the millions of homes throughout the country in such a way as this.

Mr. BELLAMY. Mr. Chairman, I have the honor to be a member of the committee that favorably reported this bill, but I wish it distinctly understood that I was not one of the members of the committee who voted for its favorable report. It was distinctly understood that every member of the committee reserved the right to antagonize the bill in the House. In other words, I think there was scarcely anyone in favor of the bill except the distinguished chairman of the committee himself.

There is no man in this body for whose philanthropic and charitable feelings I have greater respect than for those of the distinguished and venerable gentleman from Pennsylvania [Mr. GROW]. It strikes me that this measure is paternalism run mad. Why should the Congress of the United States be donating $100,000 to a private school in Pennsylvania to assist in educating deaf and dumb children? Mr. Chairman, that is peculiarly the work of the States. Nearly every State of this Union to-day has a deaf and dumb asylum—one or more—where this system of teaching deaf mutes to utter articulate sounds is pursued. In the State that I have the honor to represent in part here we have two magnificent institutions engaged in this great work.

And even if it were not paternalism to grant this donation to the State of Pennsylvania or the city of Philadelphia, where this school is located, it would be discriminative, to say the least, to grant such an appropriation for one institution and not grant it to every similar institution in the land. I am most earnestly and emphatically opposed to the adoption of this bill. I do hope that the Committee of the Whole will vote it down.

Mr. Chairman, reserving the rest of my time, I yield ten minutes to the gentleman from Texas [Mr. RANDELL].

Mr. RANDELL of Texas. Mr. Chairman, I am opposed to this bill both as to its policy and on principle. If it were right for this Congress to adopt any measure of the kind, this bill would be wrong even as a matter of policy. We are asked here to appropriate $100,000 for the expenses and to pay for the time of not fewer than 50 persons, to be selected by the principal of this school from those recommended by the governors of the various States—$2,000 for each person, if only 50 persons are selected—for the payment of their expenses and time, not to exceed one year. Why, sir, the operation of the thing would be that these parties, selected from time to time, would be teachers in that school, yet paid by the Government of the United States! Why should there be such a discrimination in favor of that school? If it is our intention to establish a school of that kind, let it be done directly by the Government. I believe, however, no one would be in favor of so preposterous a measure. But that is just what this bill tends toward—the establishment of such schools, to be operated by the Government.

On principle, I would oppose a measure of this kind. To exercise such powers is contrary to the genius of our Government. Why should we say that we will take the dumb children as wards? Why not go further and include the blind? Why not proceed still further, on the same principle, and take the indigent children, who, although endowed with sight and hearing, are destitute of the means of procuring an education and need support while obtaining it? Pursuing the same idea, we would follow it up until the educational facilities of this country would be taken charge of by the National Government to the exclusion of the States.

Gentlemen, we can not afford to take the first step. This is simply an entering wedge. It may sound as though this were an eleemosynary or charitable measure for the benefit of unfortunate humanity; but it is vicious in its tendency; vicious in every respect. It will interfere with the exertions now being made in the various States in the direction of this kind of education. Every State in the Union is able to provide, and will provide, for all unfortunate people of this class. Let us not interfere with the States in the plans they have already undertaken. Let us not allow the entering wedge to be driven that will prove an interference with the educational systems in all the States and Territories.

I will not further occupy the time of the House, but only desire to record myself as opposed to this bill in every phase and from every standpoint.

Mr. BELLAMY. I yield ten minutes to the gentleman from New York [Mr. GOLDFOGLE].

[Mr. GOLDFOGLE addressed the committee. See Appendix.]

Mr. GROW. Mr. Chairman, as I said in my first remarks——

Mr. BELLAMY. Mr. Chairman, the time remaining I desire to dispose of in part to the gentleman from Missouri [Mr. DE ARMOND]. Does the gentleman from Pennsylvania desire to occupy his time now or will he allow this side to proceed first?

Mr. GROW. I desire to occupy the floor in my own right, of course, Mr. Chairman, in answer to the remarks which have been made in opposition to the bill.

Mr. BELLAMY. I desire to yield also to the gentleman from Alabama [Mr. UNDERWOOD] such time as he may wish in the discussion.

Mr. UNDERWOOD. Mr. Chairman, reserving the time yielded to me, I do not desire to occupy the attention of the House. But my only wish in taking the floor at this time is to make a motion that the committee rise and report the bill to the House with the recommendation that it lie upon the table. Of course, I will withhold that motion, if the gentleman from Pennsylvania desires to be heard now, and will allow me to get the floor to submit the motion when he closes his remarks.

The CHAIRMAN. The Chair will ask the gentleman from North Carolina if he yielded the floor for this motion?

Mr. BELLAMY. I have yielded to the gentleman from Alabama [Mr. UNDERWOOD] for such motion as he wishes to make.

Mr. UNDERWOOD. And I withheld the motion for the purpose of allowing the gentleman from Pennsylvania to proceed.

The CHAIRMAN. Then the gentleman from Alabama withholds the motion pending the remarks of the gentleman from Pennsylvania [Mr. GROW]?

Mr. UNDERWOOD. Mr. Chairman, I do not desire to cut the gentleman off by a motion of that kind before he finishes his speech, if he will yield the floor back to me.

Mr. GROW. I propose to make a short reply to gentlemen who have spoken; but as I understood the gentleman from North Carolina [Mr. BELLAMY] wanted to occupy his time.

Mr. UNDERWOOD. I understand there is another gentleman on this side of the House who desires to speak, so I yield back the floor.

Mr. GROW. I will move that the committee rise in time so that a vote may be taken.

Mr. BELLAMY. How many minutes have I remaining?

The CHAIRMAN. The gentleman from North Carolina has forty-four minutes remaining.

Mr. BELLAMY. I yield such time to the gentleman from Missouri [Mr. DE ARMOND] as he may desire.

Mr. GROW. If the gentleman from Missouri [Mr. DE ARMOND] will yield for one moment, debate has not been closed, and the gentleman from Missouri would be entitled to the floor in his own right. There has been no allotment of time to the two sides, and I think the gentleman is entitled to the floor in his own time.

Mr. DE ARMOND. I only desire a few minutes.

The CHAIRMAN. The gentleman from North Carolina [Mr. BELLAMY], yielded time which he had remaining to the gentleman from Missouri, and the Chair so recognized the gentleman.

Mr. GROW. Exactly; but the gentleman from Missouri would be entitled to such time as he wants. Debate has not been closed, and there is no assignment of time between the two sides.

Mr. DE ARMOND. Mr. Chairman, I desire but very little time, and only address the committee for the purpose of saying that, being a member of the Committee on Education, and the bill being before the House as it is, I might be understood as

being in favor of the bill if I said nothing. I was not present at the meeting of the committee which determined to report the bill, and I am not for it, but opposed to it.

Of course, as to the general question of sympathy with the unfortunate, and of a desire to aid them in all proper ways, there is no room for discussion upon that; but as to the power of the Federal Government, and as to the duty of Congress to make any such appropriation as this, I might say that I think there is hardly any question about that. I think there is no power to do it, and therefore no duty to do it. Whatever ought to be done for these unfortunates ought to be done elsewhere and in another way. Certainly the Congress of the United States ought not to start in with this sort of legislation. The inevitable result would be the establishing of governmental institutions for the purpose of taking care of the deaf and dumb and teaching them speech.

This bill is objectionable in its particular terms and phraseology, if it were not objectionable on general principles. It provides for the recognition, advertisement, and exploitation of one institution devoted to this purpose. That is improper, however excellent that institution may be or however commendable the efforts of those who established it in the interests of this unfortunate class of the population.

Not to detain the House upon the subject, for I do not feel disposed to do so and think it entirely unnecessary, I merely wish to repeat what I said at the outset: That I did not help to report the bill; that I am not in favor of it; that I believe it ought not to pass.

I yield back to the gentleman from North Carolina the remainder of his time.

Mr. VANDIVER. Mr. Chairman——

The CHAIRMAN. Does the gentleman from North Carolina [Mr. BELLAMY] desire to reserve his time?

Mr. BELLAMY. I reserve my time.

The CHAIRMAN. The Chair will recognize the gentleman from Pennsylvania [Mr. GROW], who addressed the Chair previous to the gentleman from Missouri.

Mr. GROW. I do not want to occupy the floor. I only call the attention of the Chair to the fact that debate has not been closed and no assignment of time has been made to the two sides. Therefore the gentleman who has asked recognition is entitled to it in his own right, not by the courtesy of anybody.

The CHAIRMAN. The gentleman from Missouri.

Mr. VANDIVER. I think I can say all that I desire to say on this bill in two or three minutes. As a member of the committee having it in charge, I feel that it would hardly be proper for me to allow it to pass without saying that I can not give my consent to the passage of a measure of this kind, based, as I think it is, upon a false policy.

I have been under the impression that there is very little effort likely to be made really to pass such a measure, but that in the interests of those unfortunate people for whom it is intended to offer some relief we ought at least to allow the consideration and discussion of a method which seems to have been developed in late years for helping these people to learn to speak by sight instead of sound.

With that method I am in hearty sympathy, and my sympathies for those unfortunate people are so strong that I have scarcely felt it incumbent upon me to offer a minority report or a strong opposition to a consideration of the bill, although I am not able to give my consent to the appropriation by this Government of $100,000 for such a purpose. The truth is, if I thought the House in any danger of passing such a measure, or that it was really seriously considered by any great number of the members of the House, I should feel like offering as stubborn a resistance to it as in my power; for I am sure that neither the public——

Mr. CLAYTON. May I interrupt the gentleman from Missouri? Does the gentleman mean to say by that that the distinguished gentleman from Pennsylvania has offered this measure merely for fun?

Mr. VANDIVER. Oh, no, sir; I do not mean to make such an insinuation as that. But I do mean to say that the general subject of this method of teaching deaf and dumb children appeals so much to my sympathy and to his sympathy that I could not find it in my heart to interpose an objection to allowing the measure to be brought to the attention of the House, because I think in the discussion there may be some light thrown upon this subject for the benefit of those people who are unfortunate by nature and not helped even by legislation in the States, and that it is a matter that belongs to the States to attend to. I was very glad that the distinguished gentleman from Ohio [Mr. GROSVENOR] found himself at least once on the right side of a question—on the Democratic side of it—and proposes to relegate the matter to the control of the States.

Mr. CLAYTON. May I ask the gentleman another question? Do you think that there is any power in the Federal Constitution authorizing Congress to go into the business generally of establishing eleemosynary institutions?

Mr. VANDIVER. I do not want to enter into a discussion of that particular question. It involves a constitutional question.

Mr. CLAYTON. Do you not think that power is lacking in Congress?

Mr. VANDIVER. I think it would be exceedingly bad policy to do so; but not being a constitutional lawyer, Mr. Chairman, I do not care to go into the question of the constitutionality of everything that comes up. I think, sir, it might possibly be constitutional for this Congress to pass a law that people should make grindstones out of green cheese, but I do not think it would help the grinding a bit. Suffice to say, Mr. Chairman, I do not believe the wisdom and good sense of this body will find expression in a favorable vote on this bill. I now reserve the remainder of my time.

Mr. GOLDFOGLE. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

There was no objection.

Mr. SHOWALTER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

There was no objection.

Mr. GROW. Mr. Chairman, on the constitutional question there is no doubt in my mind this Government can expend money for information. We are doing it all the time in publishing books and in distributing them. We sent a commission to Japan half a century ago to gain information useful to mankind, and books were published giving a record of it. We can expend money for a useful purpose in the discretion of Congress. This is not to establish a school nor to aid one already established. There is nothing in the bill of that kind. It simply provides that where there is any person so disposed the governor can recommend that he or she shall go to this school and see its processes for teaching this unfortunate class of children, and the expenses of such person shall be paid out of the donation made. It is not paying the school anything.

Supposing anybody in the city of Washington or in the State of Oregon wants to go there to gain information as to this method of teaching this class of unfortunates, their expenses are to be paid out of this appropriation.

The gentleman from Ohio [Mr. GROSVENOR] opposes this bill for the reason that the Government might just as well establish epileptic asylums and others for all the ills flesh is heir to. Physical ailments have nothing whatever to do with the principle of this bill and the question involved in it. This bill provides simply for education, by which good citizenship is finally secured in the training of the human intellect. It is not a question of physical endurance, or pain and misery to be relieved. If I had the power I would pass this bill. I would say, as Thaddeus Stevens said in the legislature of Pennsylvania in establishing by law our common school system, "If I owned the gold mines of Ophir I would scatter its yellow dust over the human intellect until men and women should grow to the stature of angels and archangels."

Can it be said that there is no power in the Republic to secure good citizenship by education? That would be a strict construction similar to that given by our hairsplitting constitutional lawyers in the last Congress, who insisted that an elected member could not be excluded from taking a seat by reason of an offense which would be sufficient for expelling him, which offense was well known by the House at the time of admission. A majority could exclude, and it required two-thirds to expel.

We have the right to donate $100,000, or other sum of money, for educating, so as to fit for good citizenship a class of intelligent beings subject to our control. Last Congress we voted $270,000 for garden seeds to send to the farmers of the country without a constitutional objection. The gentleman from Massachusetts referred to an institution in his State with a system something like this one in Philadelphia. But the gentleman admitted it was not much known.

It is for the reason that this home is well known that I have presented this bill. And if I had the power I would pass it, and pass it under the Constitution, for the same reason that we vote for books that are useful for the people; for the same reason that the Government sends scientific experts around the world to gather scientific knowledge. By this system of teaching in infancy a class now neglected are made able to discharge all the duties of American citizenship by thus overcoming the deficiencies of birth. Mr. Chairman, I move that the committee do now rise. [Applause.]

Mr. UNDERWOOD. Mr. Chairman, by way of substitute, I move that the committee do now rise and report the bill to the House with the recommendation that it lie on the table.

The CHAIRMAN. The Chair is of opinion that the motion of the gentleman from Pennsylvania takes precedence.

Mr. VANDIVER. Mr. Chairman, has the debate on the bill closed?

The CHAIRMAN. Debate is pending the result of a motion by the gentlemen from Pennsylvania that the committee do now

rise. The question before the House is, that the committee do now rise.

Mr. GROW. Does the gentleman from Missouri wish to make further remarks?

Mr. VANDIVER. No, I do not desire to make any further remarks, but I wish to yield a few minutes of time to the gentleman from Mississippi.

Mr. GROW. Then I withdraw my motion, Mr. Chairman.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I have listened with very much interest to the gentleman from Pennsylvania—to the usual stock arguments about "hair splitting" on the subject of the Constitution of the United States. If a man can not "split hairs" on the subject of his oath, recorded in this body and made in the presence of his God, he can not "split hairs" on any subject. I have noticed that the men who have the most to say about "splitting hairs" on the subject of the Constitution are men who are very anxious to get through something that the Constitution of the United States does not authorize. [Laughter.]

Now, Mr. Chairman, I will make this assertion, that there is not a single underlying legal or constitutional principle involved in this bill that would not support the establishment, at the Federal expense, of a dancing school in the town of Bucatunna, in the State of Mississippi. [Laughter.] I say this bill is Federalism run mad—centralization on a "calathump" running amuck. What is this bill? It is a bill for the Federal Government to give $100,000 in toto or per annum, I have forgotten which, for the maintenance of a private, semi-State deaf and dumb normal institution in the city of Philadelphia, in the State of Pennsylvania.

Mr. HENRY of Connecticut. Will the gentleman allow me an interruption?

Mr. WILLIAMS of Mississippi. Yes.

Mr. HENRY of Connecticut. Is this proposition any more unconstitutional than the free distribution of worthless garden seeds?

Mr. WILLIAMS of Mississippi. Absolutely; a great deal more.

Mr. CLAYTON. The question assumes that the Republican Administration is distributing worthless garden seeds.

Mr. WILLIAMS of Mississippi. That is not the question. I am arguing *this* bill, and I am not going to argue *that* question. The gentleman from Connecticut on his oath in this House has voted frequently in favor of the constitutionality of the distribution of garden seeds, and he needs no answer from me upon that question. He has again and again stood up and voted for the distribution of garden seeds, and if he had thought that they were not being distributed according to the Constitution, then the gentleman from Connecticut would have violated his oath, which I do not believe he is capable of doing.

Mr. GOLDFOGLE. Will the gentleman from Mississippi yield for a question?

Mr. WILLIAMS of Mississippi. Yes.

Mr. GOLDFOGLE. Does the gentleman contend that it is not within the constitutional power of Congress to provide for the establishment and maintenance of a school for the education of the deaf and dumb or the blind?

Mr. WILLIAMS of Mississippi. In the States?

Mr. GOLDFOGLE. A school to be conducted under the supervision of the Federal Government?

Mr. WILLIAMS of Mississippi. Located in the States?

Mr. GOLDFOGLE. Located in any State.

Mr. WILLIAMS of Mississippi. Of course it is not, if in any particular State. Mr. Chairman, if there is a single principle familiar to any man who reads and loves the Constitution it is the principle that the powers not granted to the Federal Government are reserved to the States; and the power to make appropriation for education within the States was not reserved to the Federal Government.

Now, the gentleman from Pennsylvania says that we have spent money educating people in the Philippines. Grant that the statement of fact is true—that the Federal Government has spent money out of the Federal Treasury for that purpose. I do not believe it is true; but if it were true he could not stand here and make that argument, because he belongs to a party that has publicly announced that when you go to the Philippine Islands you have got a state of things over which the Constitution does not and can not spread except by express Congressional enactment. The gentleman from Pennsylvania in the next place says that this legislation ought to be passed for the reason that this peculiar treatment of the deaf and dumb before school age exists only in that place in Pennsylvania and under this private management, which he hopes to encourage.

Mr. GROW. Mr. Chairman, I did not quite hear the gentleman from Mississippi, but if I did hear correctly, he is misstating my position.

Mr. WILLIAMS of Mississippi. I said I understood that the gentleman announced as a reason for this appropriation that this peculiar method of educating the deaf and dumb prior to the school age existed only in that particular institution. Otherwise you would extend the appropriation to other States.

Mr. GROW. If the gentleman will leave the word "only" out. I do not think I said that, because there are other small schools. I said that they did know about this school, but I did not say that this was the only school.

Mr. WILLIAMS of Mississippi. Very well; then the gentleman said it was because this peculiar method of teaching exists only in a few schools, one of which is situated in Philadelphia. Why, sir, some time ago I read an account of a new method of "curing hemorrhoids" by "homeopathic treatment," and I suppose the school practicing that method of treatment might come in at some time and claim a Federal appropriation on the ground that it has got a sort of peculiar patent right to pursue that peculiar method of treating that peculiar disease. [Laughter.]

Mr. MANN. May I ask the gentleman a question?

Mr. WILLIAMS of Mississippi. If the gentleman will wait until I get through I will yield.

Now, Mr. Chairman, the purpose of this bill is a most commendable one, but its purpose falls within the jurisdiction of the States, and is a purpose which a great many States are trying to carry out as best they can—some upon this theory, and some upon others. The State of Mississippi is taking care of its deaf and dumb with a remarkably efficient educational system. The State of New York is doing the same thing; the State of Illinois is doing the same thing; the State of Georgia is doing the same thing.

A MEMBER. And Alabama.

Mr. WILLIAMS of Mississippi. Where is the gentleman from Pennsylvania going to stop when he once launches out upon this sea by devoting the revenues of the United States Government not only to the education of the people in the States, not only for the assistance of the States in their systems of education, but for the assistance of private establishments, with or without partial aid from the States, for the education of the people? Why, sir, in this very bill I find the confession of the State of Pennsylvania that she has felt herself as a State chargeable with expenses of this kind, if any government can be, because in one of the paragraphs in the preamble it is stated that this very philanthropic lady, Miss Garrett, has been carrying on this business, "aided by small appropriations of money from the State of Pennsylvania." Thus it seems that the State of Pennsylvania confesses that it is within her jurisdiction as a State to carry on this business.

Mr. Chairman, there is a woeful difference between the title of this bill and its contents. The title reads:

A bill to aid in establishing homes in the States and Territories for teaching articulate speech and vocal language to children before they are of school age.

But by the contents of the bill it appears that the object is to maintain a school in the city of Philadelphia, in the State of Pennsylvania. The gentleman from Pennsylvania shakes his head. With due reverence do I regard that shake; but the bill does not bear out the shake, and it does bear out the statement I have made, because when I go into the bill a little further I find—but let me read the language of the bill, because I want no mistake about this matter—in the very first section I find it provided that the money which the bill appropriates is to be paid to certain trustees. And who are the trustees? Not people appointed by us, not people appointed by the President, but people named in the bill—Ex-Governor Daniel H. Hastings, Ex-Governor Robert E. Pattison, Frank K. Hipple, Charles C. Harrison, and Alfred C. Tevis. These are the men to dispense this fund. If they are appointees at all, they are Federal appointees, and if Federal appointees, they ought to be, like all Federal appointees, appointed by the President. What more do I find in the bill? In section 2 it is provided—

That persons who are to become teachers in such homes—

It is a sort of normal school—people are to come from various States. And how are they to come?

That persons who are to become teachers in such homes as may be established as aforesaid shall be selected, on the recommendation of the governor of each State and Territory and by the Commissioners of the District of Columbia, by said Mary S. Garrett.

Why, sir, the private character of this establishment continues even after we agree to maintain it. This Miss Mary S. Garrett—a very philanthropic and worthy and estimable lady—is to continue to hold virtually a veto power over the governors of the States and the Territories and the Commissioners of the District of Columbia without any regard at all to the appointing power of the President. She is to appoint these persons "upon the recommendation" of these officers. If the recommendations first made do not suit her, she can, I suppose, call for other recommendations.

What further appears as to the private character of this institution?

All said persons so selected for teachers shall remain at Philadelphia and attend daily the exercises at said home as long as the said Mary S. Garrett or her successor shall deem advisable, not exceeding one year.

I said in the beginning that this bill was federalism run mad, and centralization on a "callathump" running amuck. What further centralization do you want than Federal appropriations for the maintenance of a private establishment controlled by ultimately private authority, though of a semi-State character—partially appropriated for by the State of Pennsylvania, but a private establishment in its character.

Now, there was some gentleman who wanted to ask me a question—the gentleman from Illinois [Mr. MANN], I believe.

Mr. MANN. I wanted to ask the gentleman a constitutional question, because I value his opinion very highly. I wished to ask him how he could differentiate this proposition from a proposition such as has been before the House to vote money or public lands to schools of a semiprivate character? I think there is a colored school in the State of Mississippi in behalf of which there has been a proposition of that kind before the House. It may be that the gentleman can easily make the differentiation. I should like to hear his opinion on that point.

Mr. WILLIAMS of Mississippi. I never heard before of the colored-school proposition for the State of Mississippi. If there be such a proposition, it is racial, and therefore class legislation. If it be of a semiprivate character, then it violates all democratic principles. The United States Government has absolute power under the Constitution to do what it pleases with the public lands. It can give them away; it can sell them; it can exchange them; it can do what it pleases with them. This is not a proposition to appropriate public land. The Constitution of the United States would not prevent Congress from donating public lands to a township or to a private individual—to me or to the gentleman from Illinois—to-day, if Congress chose to do it; it has the power. It might not be sound public policy to do it, but it would not be unconstitutional, because the power to "dispose of" the public lands is absolute. It is a part of the private property of the United States, of which it may dispose only in accordance with law, but without any other restrictions.

Mr. MANN. But, if the gentleman will permit me a moment, I do not think he has answered my question. I agree with the gentleman in some respects, but I do not understand him sufficiently so as to enable me to differentiate between the money of the Government as an asset of the Government and the lands of the Government, so far as the Constitution applies, is concerned.

Mr. WILLIAMS of Mississippi. But I can differentiate for the gentleman so clearly that neither he nor his youngest son, as I believe, can escape the conclusion which I shall submit to him.

Mr. MANN. I shall be very glad to have the gentleman make it so clear.

Mr. WILLIAMS of Mississippi. The public lands of the United States are vested in the Government as an absolute owner in fee simple, and have been from the beginning of the Government to the present time; whereas the money of the Government is received by taxation from the citizens of the Government, and that money is subject to appropriation by Congress for public and Federal purposes. That money does not belong to the Government as private property to dispose of in discretion, but to the people of the Republic as an increment from taxation. The Constitution provides expressly that the public lands or "territory" shall be "disposed of." The legal power and the legal right to do as Congress may choose with the public lands rests, of course, with the Government of the United States, subject always and under all circumstances to the provisions of the Constitution.

Mr. MANN. I desire to thank the gentleman from Mississippi for the explanation, but I do not see that he fully explains the difference between the public money of the United States and the public lands of the United States.

Mr. WILLIAMS of Mississippi. Does not the gentleman see the difference? Does not he see what the construction of the law and the Constitution would be with regard to these?

Mr. MANN. No, I do not. So far as the constitutional power of the Government is concerned, I am unable to see any difference or any distinction between the two. I think Congress has equal power over both.

Mr. WILLIAMS of Mississippi. Does not the gentleman from Illinois see how the Constitution in its express terms gives Congress the power to "dispose of" public lands and the power to raise and expend money for public and Federal purposes only? If he does not, I certainly can not make it plainer to him than the Constitution does.

Mr. GROW. Mr. Chairman, I move that the committee rise.

Mr. UNDERWOOD. Before that motion is considered, Mr. Chairman, I ask unanimous consent that the general debate upon this bill be now considered as concluded.

Mr. GROW. I do not believe that we shall ever go into Committee of the Whole again for the consideration of this bill. I therefore submit the motion that the committee now rise.

Mr. UNDERWOOD. I ask unanimous consent, then, that general debate on the bill be considered as closed.

Mr. MANN. I object to that.

The CHAIRMAN. Objection is made.

Mr. GROW. I object myself.

The CHAIRMAN. The motion of the gentleman from Pennsylvania is in order, that the committee now rise.

Mr. VANDIVER. Mr. Chairman, I desire to offer a motion, if the gentleman from Pennsylvania will allow me to do so at this time.

Mr. GROW. What is the gentleman's motion?

Mr. VANDIVER. I move to report the bill to the House with the recommendation that it be laid upon the table.

Mr. GROW. I do not yield to the gentleman to submit that motion.

The CHAIRMAN. General debate not being closed, it would not be in order except by consent.

Mr. VANDIVER. I hope, then, we will vote down the motion of the gentleman and dispose of this matter at this time.

The CHAIRMAN. The question is on the motion of the gentleman from Pennsylvania, that the committee now rise.

The question was taken; and it was decided in the negative.

So the committee refused to rise.

Mr. VANDIVER. Now I move that the committee rise and report this bill to the House with the recommendation that it lie upon the table.

The CHAIRMAN. The consideration of the bill under the five-minute rule not having been proceeded with, such a motion is not in order.

Mr. VANDIVER. If the Chair thinks the motion is not in order, then let us proceed in the orderly way.

The CHAIRMAN. The Chair would state that the debate not having been proceeded with under the five-minute rule, that motion would not yet be in order. The committee must first determine to close the general debate.

Mr. VANDIVER. I thought that had been closed by consent.

The CHAIRMAN. Not yet.

Mr. GROSVENOR. Then I demand the regular order.

The CHAIRMAN. The regular order is demanded, which is further debate on the bill. If there is no further desire for general debate, the Clerk will report the bill by paragraphs under the five-minute rule.

The Clerk read as follows:

A bill (H. R. 2041) to aid in establishing homes in the States and Territories for teaching articulate speech and vocal language to deaf children before they are of school age.

Whereas Mary S. Garrett and Emma Garrett (deceased, her sister) did on February 2, 1892, establish at the city of Philadelphia a home for the training in speech of deaf children before they are of school age, which home has been continued by said Mary S. Garrett by her own charitable contributions and contributions of other persons, aided by a small appropriation of money by the State of Pennsylvania; and

Whereas it has been clearly proven by such training in said home that deaf children can learn articulate speech and language by the use of the eye for all practical purposes as well as children who hear can learn through the ear, provided they have this training in infancy and early childhood: Therefore,

Be it enacted, etc., That the sum of $100,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated.

Mr. UNDERWOOD. I move to strike out the enacting clause of the bill.

The CHAIRMAN. The gentleman from Alabama [Mr. UNDERWOOD] moves that the enacting clause of the bill be stricken out.

The motion was agreed to.

Mr. UNDERWOOD. Now, Mr. Chairman, I move that the committee rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

The CHAIRMAN. The gentleman from Alabama moves that the bill be reported back to the House with the recommendation that the enacting clause be stricken out.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CAPRON, the Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 2041) to aid in establishing homes in the States and Territories for teaching articulate speech and vocal language to deaf children before they are of school age, and had directed him to report the same back to the House with the recommendation that the enacting clause be stricken out.

The SPEAKER. The gentleman from Rhode Island, Chairman of the Committee of the Whole House on the state of the Union, reports that that committee has had under consideration the bill H. R. 2041, and reports the same back with the recommendation that the enacting clause be stricken out. The question is on agreeing to the recommendation of the committee.

The recommendation of the committee was agreed to.

Accordingly, the enacting clause of the bill was stricken out.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. DAVIS of Florida, indefinitely, on account of death in his family.

COMMITTEE ON ELECTIONS NO. 2.

Mr. OLMSTED. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent for the present consideration of a resolution, which the Clerk will report to the House.

The Clerk read as follows:

Resolved, That the Committee on Elections No. 2 be authorized to sit during the sessions of the House, and to have such printing and binding done as may be necessary in the transaction of its business.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. UNDERWOOD. I should like to ask the gentleman from Pennsylvania if that is a unanimous request from his committee; if the minority have joined in the request as well as the majority?

Mr. OLMSTED. It was understood at a meeting of the committee that I should ask for such a resolution.

Mr. UNDERWOOD. Were the minority represented at that meeting?

Mr. OLMSTED. I think they were all present, with the exception, perhaps, of one member of the committee.

Mr. UNDERWOOD. And no objection was made?

Mr. ROBINSON of Indiana. I will state to the gentleman from Alabama that the minority were heard on that proposition.

Mr. OLMSTED. It is the usual resolution.

The SPEAKER. The Chair hears no objection.

The resolution was agreed to.

Mr. PAYNE. I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 4 o'clock and 45 minutes p. m.) the House, in pursuance of the order heretofore made, adjourned until Wednesday, January 29, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Commissioner of Patents, transmitting his annual report for the year ended December 31, 1901—to the Committee on Patents, and ordered to be printed.

A letter from the Secretary of War, recommending an appropriation for reimbursement of the Honolulu fire department—to the Committee on Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior submitting an estimate of appropriation for expenses of additional inspectors—to the Committee on Appropriations, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of W. A. Jacobs and J. F. Nickerson, administrators of estate of Charles Nickerson, against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Treasurer of the United States submitting an estimate of appropriation for the salaried force of his office—to the Committee on Appropriations, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of S. R. Corn, administrator of estate of John Smith, against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for allowance of certain expenditures of Lieut. Col. J. W. Jacobs—to the Committee on Appropriations, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Annie Palmatary, administratrix of estate of John T. Palmatary, against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the secretary of the Industrial Commission, transmitting volumes 13, 14, 15, and 17 of the report of the Commission—to the Committee on Labor, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting, with a copy of a communication from the Commissioner of the General Land Office, recommendations in relation to the claim of Isaac Crow—to the Committee on Private Land Claims, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting, with a copy of a report of the Commissioner of Indian Affairs, a draft of a bill for the relief of certain Mission Indians of California—to the Committee on Indian Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. OVERSTREET, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 109) to amend section 7 of "An act to establish circuit courts of appeals, and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March 3, 1891, as amended by act approved February 18, 1895, and further amended by act approved June 6, 1900, reported the same without amendment, accompanied by a report (No. 186); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9161) granting an increase of pension to John W. Taylor, reported the same without amendment, accompanied by a report (No. 150); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 890) granting a pension to Catharine Moore, reported the same without amendment, accompanied by a report (No. 151); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7144) granting an increase of pension to John L. Smith, reported the same with amendment, accompanied by a report (No. 152); which said bill and report were referred to the Private Calendar.

Mr. DARRAGH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2547) granting an increase of pension to William M. Guy, reported the same with amendment, accompanied by a report (No. 153); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7823) granting an increase of pension to Jacob D. Caldwell, reported the same with amendments, accompanied by a report (No. 154); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9670) granting an increase of pension to Aaron C. Badger, reported the same without amendment, accompanied by a report (No. 155); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5160) granting an increase of pension to James Harper, reported the same with amendment, accompanied by a report (No. 156); which said bill and report were referred to the Private Calendar.

Mr. RUMPLE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4035) granting an increase of pension to Elias Longman, reported the same with amendment, accompanied by a report (No. 157); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7308) granting an increase of pension to Mary Morely, reported the same with amendment, accompanied by a report (No. 158); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5261) granting an increase of pension to John H. Coates, reported the same with amendment, accompanied by a report (No. 159); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7797) granting a pension to Henry Burns, reported the same with amendments, accompanied by a report (No. 160); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 668) granting an increase of pension to Henry N. Tracy, reported the same with amendments, accompanied by a report (No. 161); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1350) granting an increase of pension to Joseph W. Grant, reported the same with amendments, accompanied by a report (No. 162); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8954) granting an increase of pension to Alfred N. Mosier, reported the same without

amendment, accompanied by a report (No. 163); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill or the House (H. R. 6014) granting an increase of pension to William Rheuby, reported the same with amendments, accompanied by a report (No. 164); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1465) granting an increase of pension to George Fowler, reported the same without amendment, accompanied by a report (No. 165); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 200) granting an increase of pension to Eunice P. Detweiler, reported the same without amendment, accompanied by a report (No. 166); which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2131) granting a pension to Caroline N. Allen, reported the same without amendment, accompanied by a report (No. 167); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2225) granting an increase of pension to James Morris, reported the same with amendments, accompanied by a report (No. 168); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 307) granting an increase of pension to John L. Branson, reported the same without amendment, accompanied by a report (No. 169); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1167) granting an increase of pension to John Ferguson, reported the same without amendment, accompanied by a report (No. 170); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 898) granting an increase of pension to Alfred Botton, reported the same with amendments, accompanied by a report (No. 171); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2219) granting an increase of pension to Francis M. Gilman, reported the same with amendment, accompanied by a report (No. 172); which said bill and report were referred to the Private Calendar.

Mr. PERKINS, from the Committee on Foreign Affairs, to which was referred the bill of the Senate (S. 1670) granting permission to Capt. B. H. McCalla, United States Navy, to accept a decoration tendered to him by the Emperor of Germany, reported the same without amendment, accompanied by a report (No. 173); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the joint resolution of the Senate (S. R. 28) granting permission to Dr. Eugene Wasdin and Dr. H. D. Geddings, both of the United States Marine-Hospital Service, to accept decorations tendered to them by the Italian Government, reported the same without amendment, accompanied by a report (No. 174); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1956) granting permission to Lieut. Gen. John M. Schofield, retired, United States Army, to accept the decoration of the Cross of Commander of the National Order of the Legion of Honor, conferred upon him by the President of France, reported the same without amendment, accompanied by a report (No. 175); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1958) granting permission to Capt. C. De W. Willcox, United States Army, to accept the diploma and decoration of Officier d'Académie awarded to him by the Government of France, reported the same without amendment, accompanied by a report (No. 176); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1954) to authorize Capt. N. M. Brooks, Superintendent of Foreign Mails, Post-Office Department, to accept a decoration tendered to him by the Emperor of Germany, reported the same without amendment, accompanied by a report (No. 177); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1955) to authorize George W. Hill, Chief of the Division of Publications of the Department of Agriculture, to accept a decoration tendered to him by the Government of the French Republic, reported the same without amendment, accompanied by a report (No. 178); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1957) granting permission to Mr. Hubbard T. Smith, secretary of the United States commissioner to China and consular clerk of the United States, to accept a decoration conferred upon him by the Government of China, reported the same without amendment, accompanied by a report (No. 179); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1573) to authorize Commander James M. Miller, United States Navy; Surg. Oliver D. Norton, United States Navy, and Mr. Edwin V. Morgan, formerly secretary of the Samoan Commission and now secretary of the legation of the United States at Seoul, Korea, to accept presents tendered to them by His Majesty the Emperor of Germany, reported the same without amendment, accompanied by a report (No. 180); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1959) granting permission to Capt. Stephen L'H. Slocum, United States Army, to accept a medal conferred upon him by the King of England, reported the same without amendment, accompanied by a report (No. 181); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1960) granting permission to Lieut. W. P. Scott, United States Navy, to accept a medal of merit presented to him by the Sultan of Turkey, reported the same without amendment, accompanied by a report (No. 182); which said bill and report were referred to the Private Calendar.

Mr. OTEY, from the Committee on Claims, to which was referred the bill of the House (H. R. 621) for the relief of Daniel Cherry, reported the same without amendment, accompanied by a report (No. 183); which said bill and report were referred to the Private Calendar.

Mr. WEEKS, from the Committee on Claims, to which was referred the bill of the House (H. R. 7020) for the relief of Mary Chambers, widow of Thomas Chambers, reported the same without amendment, accompanied by a report (No. 184); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 7035) for the relief of Charles Hurrle, reported the same without amendment, accompanied by a report (No. 185); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 3136) for a public building for a marine hospital at Pittsburg, Pa.—Committee on Public Buildings and Grounds discharged, and referred to the Committee on Interstate and Foreign Commerce.

A bill (H. R. 70) authorizing the construction of new buildings at the new Dungeness light station, State of Washington—Committee on Public Buildings and Grounds discharged, and referred to the Committee on Interstate and Foreign Commerce.

A bill (H. R. 9018) to grant a pension to Ida M. Green—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 9387) granting a pension to Clara B. Townsend—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 9947) granting a pension to Eliza Whicher—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. WILEY: A bill (H. R. 10144) to donate to the State of Alabama the spars of the captured battle ships Don Juan d'Austra and Almirante Oquendo—to the Committee on Naval Affairs.

By Mr. JENKINS: A bill (H. R. 10145) to provide for a board of assessors for the District of Columbia—to the Committee on the District of Columbia.

By Mr. BURGESS: A bill (H. R. 10146) making appropriations for the repair of the jetties and the widening and deepening of the inner channel at Galveston, Tex., and for other purposes—to the Committee on Rivers and Harbors.

By Mr. SHALLENBERGER: A bill (H. R. 10147) to establish agricultural experimental stations in semiarid regions of the

United States for the purpose of demonstrating and improving a system of soil culture and conservation of natural moisture whereby the productiveness of the lands located in the said regions of the United States may be increased—to the Committee on Agriculture.

By Mr. NORTON (by request): A bill (H. R. 10148) to amend the code of law for the District of Columbia relative to the payment of funeral expenses of decedents—to the Committee on the District of Columbia.

By Mr. BELL: A bill (H. R. 10149) for granting rights of way for ditches, and so forth, across allotted lands—to the Committee on Indian Affairs.

By Mr. RYAN: A bill (H. R. 10150) to amend the act of June 27, 1890, giving pensions to soldiers and sailors who were incapacitated for the performance of manual labor—to the Committee on Invalid Pensions.

By Mr. CUMMINGS: A bill (H. R. 10151) to authorize the coinage of 2½-cent pieces—to the Committee on Coinage, Weights, and Measures,

By Mr. ROBERTSON of Louisiana: A bill (H. R. 10152) making an appropriation for the improvement of commerce of certain rivers and harbors of the United States by the destruction of a certain plant known as the "water hyacinth"—to the Committee on Rivers and Harbors.

By Mr. LASSITER: A bill (H. R. 10153) to amend an act entitled "An act to increase the efficiency of the permanent military establishment of the United States"—to the Committee on Military Affairs.

By Mr. BABCOCK: A bill (H. R. 10154) to tax certain institutions for water mains and special improvements in the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

By Mr. GILLETT of Massachusetts (by request): A bill (H. R. 10155) for the retirement of Government employees in the classified civil service and the establishment of a retirement bureau—to the Committee on Reform in the Civil Service.

Also, a bill (H. R. 10156) to increase the efficiency of the public service by retirement of disabled and superannuated employees—to the Committee on Reform in the Civil Service.

By Mr. SIMS: A bill (H. R. 10157) to repeal an act to establish a uniform system of bankruptcy throughout the United States, approved July 1, 1898—to the Committee on the Judiciary.

By Mr. LITTLEFIELD: A bill (H. R. 10158) to remove discriminations against American sailing vessels in the coasting trade—to the Committee on the Merchant Marine and Fisheries.

By Mr. DAYTON: A bill (H. R. 10159) to give the commandant of the Marine Corps the rank of major-general—to the Committee on Naval Affairs.

By Mr. RAY of New York: A bill (H. R. 10160) to establish a laboratory for the study of the criminal, pauper, and defective classes—to the Committee on the Judiciary.

By Mr. TATE: A bill (H. R. 10161) providing for the distribution of Government publications to colleges—to the Committee on Printing.

By Mr. BATES: A bill (H. R. 10162) to provide for exchange of public lands of the United States with bona fide residents who are actual settlers or grantees of lands under grants of Congress—to the Committee on the Public Lands.

By Mr. MAHON: A bill (H. R. 10235) authorizing the Secretary of the Treasury to reopen and adjust certain claims of the States of Illinois, Indiana, Kentucky, Ohio, Oregon, and Michigan, for interest on moneys borrowed, war of 1861 to 1865, for expenses incurred by them in defense of the United States—to the Committee on War Claims.

By Mr. REEVES: A bill (H. R. 10294) providing for an additional circuit judge in the Seventh judicial circuit—to the Committee on the Judiciary.

By Mr. RAY of New York: A bill (H. R. 10295) for the suppression of train robberies in the Territories of the United States and other places, and for other purposes—to the Committee on the Judiciary.

By Mr. GAINES of Tennessee: A concurrent resolution (H. C. Res. 25) to publish 6,000 copies of State papers and all correspondence bearing upon the purchase of the territory of Louisiana, including the treaty of purchase—to the Committee on Printing.

By Mr. SOUTHARD: A concurrent resolution (H. C. Res. 26) that there be printed 6,000 additional copies of the report of the Director of the Mint on the production of the precious metals for the year 1900, and 8,000 additional copies of report of Director of the Mint covering the operations of the mints and assay offices of the United States for the year 1901, bound in cloth and wrapped—to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ALEXANDER: A bill (H. R. 10163) for the relief of Mary Cota—to the Committee on Invalid Pensions.

By Mr. BEIDLER: A bill (H. R. 10164) granting an increase of pension to Horatio N. Whitbeck—to the Committee on Invalid Pensions.

By Mr. BELL: A bill (H. R. 10165) granting a pension to Delia E. Slocum—to the Committee on Invalid Pensions.

By Mr. BENTON: A bill (H. R. 10166) granting a pension to George W. Montgomery—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10167) granting an increase of pension to John F. Starcher—to the Committee on Invalid Pensions.

By Mr. BUTLER of Pennsylvania: A bill (H. R. 10168) granting a pension to George A. Mercer, Company E, First Regiment Pennsylvania Reserves Infantry—to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 10169) granting an increase of pension to George W. Wallace—to the Committee on Invalid Pensions.

By Mr. CAPRON: A bill (H. R. 10170) granting an increase of pension to Leander P. Barnes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10171) granting an increase of pension to Edward Larkin—to the Committee on Invalid Pensions.

By Mr. CONRY: A bill (H. R. 10172) granting a pension to Thomas Finnegan—to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: A bill (H. R. 10173) to grant an increase of pension to Richard Trist, late of Company A, First Wisconsin Volunteer Infantry—to the Committee on Invalid Pensions.

By Mr. COWHERD: A bill (H. R. 10174) granting a pension to Jennie M. Harris—to the Committee on Invalid Pensions.

By Mr. CROWLEY: A bill (H. R. 10175) granting a pension to Mary R. Bagley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10176) granting an increase of pension to D. H. Rowe—to the Committee on Invalid Pensions.

By Mr. CURTIS: A bill (H. R. 10177) granting a pension to Caroline Steuven—to the Committee on Invalid Pensions.

By Mr. CUSHMAN: A bill (H. R. 10178) granting an increase of pension to Daniel Thomas—to the Committee on Invalid Pensions.

By Mr. DAVIDSON: A bill (H. R. 10179) granting an increase of pension to Theron R. Mack—to the Committee on Invalid Pensions.

By Mr. DOUGLAS: A bill (H. R. 10180) granting an increase of pension to Anna Victoria Keane—to the Committee on Invalid Pensions.

Mr. FORDNEY: A bill (H. R. 10181) granting an honorable discharge to Frank Paul—to the Committee on Military Affairs.

Also, a bill (H. R. 10182) granting a pension to Mary L. Alverson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10183) granting an increase of pension to John W. Bush—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10184) for the relief of George E. Lonsberry—to the Committee on Military Affairs.

By Mr. GARDNER of Michigan: A bill (H. R. 10185) to correct the military record of Hiram Eideneir—to the Committee on Military Affairs.

Also, a bill (H. R. 10186) granting an increase of pension to William H. Southwell—to the Committee on Invalid Pensions.

By Mr. GORDON: A bill (H. R. 10187) granting a pension to John Workman—to the Committee on Invalid Pensions.

By Mr. GRIFFITH: A bill (H. R. 10188) granting an increase of pension to John G. Selig—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10189) granting an increase of pension to Richard H. Foulk—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10190) granting an increase of pension to James Harris—to the Committee on Invalid Pensions.

By Mr. HAUGEN: A bill (H. R. 10191) granting a pension to David P. Foster—to the Committee on Invalid Pensions.

By Mr. HAY: A bill (H. R. 10192) granting an increase of pension to Mary Jane Faulkner—to the Committee on Pensions.

By Mr. HENRY of Connecticut: A bill (H. R. 10193) granting an increase of pension to John Hollister—to the Committee on Invalid Pensions.

By Mr. HEPBURN: A bill (H. R. 10194) granting a pension to John E. McClintick—to the Committee on Invalid Pensions.

By Mr. HITT: A bill (H. R. 10195) granting permission to Lieut. Commander Asher C. Baker, United States Navy, and Frank W. Clarke, Curator, United States National Museum, to accept the decoration of the Cross of Knight of the Legion of Honor, and to Henry E. Alvord, Chief of the Dairy Division, Department of Agriculture; William A. Taylor, Pomologist, Department of Agriculture; H. W. Wiley, Chief of the Bureau of Chemistry, Department of Agriculture; M. A. Carleton, Cerealist, Department of Agriculture, and John I. Schulte, Assistant Agriculturist, Department of Agriculture, to accept the decoration of the Ordre du Merite Agricole, tendered by the French Republic—to the Committee on Foreign Affairs.

Also, a bill (H. R. 10196) for the relief of Moses M. Longley—to the Committee on Military Affairs.

By Mr. HOLLIDAY: A bill (H. R. 10197) granting an increase of pension to Albert Hertel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10198) granting an increase of pension to James F. Brann—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10199) granting an increase of pension to George W. Harmon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10200) granting an increase of pension to Lucien R. Whipple—to the Committee on Invalid Pensions.

By Mr. HOWELL: A bill (H. R. 10201) to increase the pension of O. R. Freeman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10202) for the relief of William T. Curchin—to the Committee on Military Affairs.

By Mr. HUGHES: A bill (H. R. 10203) granting a pension to William A. Holt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10204) granting a pension to William J. Smith—to the Committee on Pensions.

Also, a bill (H. R. 10205) granting an increase of pension to Ebenezer B. Sims—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10206) granting an increase of pension to James F. Adams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10207) granting a pension to David Patterson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10208) for the relief of J. A. Newbrough—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10209) granting an increase of pension to Thomas H. B. Lemley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10210) granting a pension to Jackson Lykins for services in the late war—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10211) for the relief of Allen Greenleaf—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10212) for the relief of the Methodist Episcopal Church of Point Pleasant, W. Va.—to the Committee on War Claims.

Also, a bill (H. R. 10213) for the relief of Methodist Episcopal Church South, of Winfield, Putnam County, W. Va.—to the Committee on Claims.

By Mr. HULL: A bill (H. R. 10214) granting an increase of pension to Henry Thomas—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10215) granting an increase of pension to Soren V. Kalsem—to the Committee on Invalid Pensions.

By Mr. JACK: A bill (H. R. 10216) granting an increase of pension to E. P. Cochran—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10217) granting an increase of pension to Joseph P. Lucas—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10218) granting an increase of pension to John W. Park—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10219) granting an increase of pension to J. Banks Hunter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10220) granting an increase of pension to David R. Pringle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10221) granting an increase of pension to Capt. John Stuchell—to the Committee on Invalid Pensions.

By Mr. JACKSON of Kansas: A bill (H. R. 10222) granting a pension to Benjamin E. Morgan—to the Committee on Invalid Pensions.

By Mr. KEHOE: A bill (H. R. 10223) granting a pension to Patterson Moore, alias Andrew Jackson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10224) for the relief of James Pendergras—to the Committee on Military Affairs.

By Mr. KLUTTZ: A bill (H. R. 10225) for the relief of Oliver Dockery—to the Committee on Claims.

Also, a bill (H. R. 10226) for the relief of A. H. Boyden, executor of Nathaniel Boyden—to the Committee on Claims.

By Mr. KNAPP: A bill (H. R. 10227) to restore Ellen R. Klock, mother of Gleason R. Wellington, late of Company A, Twelfth New York Volunteer Cavalry, to the pension roll—to the Committee on Invalid Pensions.

By Mr. KNOX: A bill (H. R. 10228) for the relief of Samuel M. Blair—to the Committee on War Claims.

Also, a bill (H. R. 10229) granting an increase of pension to Daniel G. George, late of the United States Navy—to the Committee on Invalid Pensions.

By Mr. LACEY: A bill (H. R. 10230) granting an increase of pension to H. C. Vore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10231) granting an increase of pension to Hannah Phillips—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10232) granting an increase of pension to George W. Manro—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10233) granting an increase of pension to James Hennon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10234) granting an increase of pension to Thomas C. Hetherington—to the Committee on Invalid Pensions.

By Mr. MONDELL: A bill (H. R. 10236) to correct the military record of George W. Camfield—to the Committee on Military Affairs.

By Mr. MEYER of Louisiana: A bill (H. R. 10237) for the relief of the estates of William H. Watson, deceased, and Leonhard Fehner, deceased—to the Committee on War Claims.

Also, a bill (H. R. 10238) granting increase of pension to Mrs. Catherine P. McLorinan—to the Committee on Pensions.

Also, a bill (H. R. 10239) for the relief of Raymonf Pochelu, of New Orleans, La.—to the Committee on War Claims.

Also, a bill (H. R. 10240) for the relief of the estate of Marcellin Gillis, deceased—to the Committee on War Claims.

Also, a bill (H. R. 10241) for the relief of the representatives of Joseph J. Nicholson, deceased—to the Committee on War Claims.

Also, a bill (H. R. 10242) for the relief of the legal representatives of James Rainey, deceased—to the Committee on War Claims.

Also, a bill (H. R. 10243) for the relief of the representatives of Moses Reichman, deceased—to the Committee on War Claims.

Also, a bill (H. R. 10244) for the relief of the representatives of William Bailey, deceased—to the Committee on War Claims.

Also, a bill (H. R. 10245) for the relief of the legal representatives of John C. McCreary, deceased—to the Committee on War Claims.

Also, a bill (H. R. 10246) for the relief of the legal representatives of J. N. Curieu, deceased—to the Committee on War Claims.

Also, a bill (H. R. 10247) for the relief of the legal representatives of Daniel Turnbull, deceased—to the Committee on War Claims.

Also, a bill (H. R. 10248) for the relief of the legal representatives of W. H. H. Brooks, deceased—to the Committee on War Claims.

Also, a bill (H. R. 10249) for the relief of the legal representatives of Henry L. Webb, deceased—to the Committee on War Claims.

Also, a bill (H. R. 10250) for the relief of Felix Halff, deceased—to the Committee on War Claims.

Also, a bill (H. R. 10251) for the relief of the legal representatives of Armand Heine, deceased, and Michel Heine—to the Committee on War Claims.

Also, a bill (H. R. 10252) for the relief of Georgiana Brannon—to the Committee on Claims.

Also, a bill (H. R. 10253) for the relief of the estate of J. D. Dameron, deceased—to the Committee on War Claims.

By Mr. MONDELL: A bill (H. R. 10254) for the relief of David Tweed—to the Committee on Claims.

By Mr. MOODY of Massachusetts: A bill (H. R. 10255) granting a pension to Margaret Bartlett Tisdale—to the Committee on Invalid Pensions.

By Mr. NORTON: A bill (H. R. 10256) granting an increase of pension to George W. Peterson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10257) granting an increase of pension to John W. Gillin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10258) granting a pension to John B. Howard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10259) granting an increase of pension to Williamine M. Van Marter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10260) granting an increase of pension to Will Apitz—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10261) granting an increase of pension to John Greer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10262) granting an increase of pension to Jacob Arntz—to the Committee on Invalid Pensions.

By Mr. POWERS of Massachusetts: A bill (H. R. 10263) granting an increase of pension to Daniel J. Byrnes—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Tennessee: A bill (H. R. 10264) for the relief of W. J. Winsett, of Bedford County, Tenn.—to the Committee on War Claims.

By Mr. RIXEY: A bill (H. R. 10265) for the relief of Virginia E. Ficklin and James W. Ficklin—to the Committee on War Claims.

Also, a bill (H. R. 10266) granting a pension to William M. Prestage—to the Committee on Invalid Pensions.

By Mr. RODEY: A bill (H. R. 10267) for the relief of W. A. Walker—to the Committee on Claims.

Also, a bill (H. R. 10268) for the relief of A. H. Raynolds—to the Committee on Claims.

By Mr. SHAFROTH: A bill (H. R. 10269) granting an increase

of pension to Ewing T. Atkinson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10270) granting an increase of pension to Charles B. Ballinger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10271) granting a pension to Sampson B. Garlick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10272) granting a pension to Charles J. Clark—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10273) for the relief of John Wilkes Moore—to the Committee on Military Affairs.

By Mr. SMITH of Arizona: A bill (H. R. 10274) to pay Lewis Wolfley for certain surveys in the Grand Canyon Forest Reserve, in Arizona—to the Committee on Appropriations.

By Mr. SMITH of Kentucky: A bill (H. R. 10275) granting a pension to Elizabeth Stinson—to the Committee on Invalid Pensions.

By Mr. HENRY C. SMITH: A bill (H. R. 10276) granting an increase of pension to Claus Plath—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10277) granting an increase of pension to Enoch F. Langs—to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 10278) for the relief of the heirs at law of Edward N. Oldmixon—to the Committee on Claims.

By Mr. STORM: A bill (H. R. 10279) to pay the claim of Stephen B. Halsey—to the Committee on Claims.

By Mr. TAWNEY: A bill (H. R. 10280) granting a pension to Harriet A. Cook—to the Committee on Pensions.

By Mr. WACHTER: A bill (H. R. 10281) granting an increase of pension to Minnie E. King, widow of Lieut. Charles Alfred Ely King, late United States Navy—to the Committee on Pensions.

By Mr. WATSON: A bill (H. R. 10282) granting a pension to Joseph W. Evans—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Mississippi: A bill (H. R. 10283) for the relief of the estate of Edmund Kennedy—to the Committee on War Claims.

By Mr. WOODS: A bill (H. R. 10284) for the relief of the heirs of M. H. Wells, deceased, late of Yankee Hill, Butte County, State of California—to the Committee on War Claims.

By Mr. ZENOR: A bill (H. R. 10285) granting a pension to Joseph R. Palmer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10286) granting a pension to Henry C. Coats—to the Committee on Invalid Pensions.

By Mr. HEMENWAY: A bill (H. R. 10287) granting a pension to Cynthia A. Corn, daughter of the late David Corn—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 10288) granting an increase of pension to William R. Burton—to the Committee on Invalid Pensions.

By Mr. HENDERSON: A bill (H. R. 10289) granting a pension to Eliza Stewart—to the Committee on Invalid Pensions.

By Mr. HULL: A bill (H. R. 10290) granting an increase of pension to Isaac Porter—to the Committee on Invalid Pensions.

By Mr. HEMENWAY: A bill (H. R. 10291) to pension Robinson C. Grable—to the Committee on Invalid Pensions.

By Mr. LLOYD: A bill (H. R. 10292) granting a pension to Rebecca Martin—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 10293) granting an increase of pension to John D. Craig—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of Gering Post, No. 265, and Garret Post, No. 120, Grand Army of the Republic, Department of Nebraska, for investigation of administration of Bureau of Pensions—to the Committee on Rules.

By Mr. ADAMS: Resolution of the Pennsylvania Forestry Association, in favor of the Appalachian national park and forest reservation—to the Committee on the Public Lands.

By Mr. ALEXANDER: Petition of citizens of the Thirty-third Congressional district of New York, favoring an amendment to the Constitution prohibiting polygamy—to the Committee on the Judiciary.

By Mr. BABCOCK: Resolutions of the board of regents of the University of Wisconsin, favoring the passage of House bill No. 8735, to establish schools of mining—to the Committee on Mines and Mining.

By Mr. BARTHOLDT: Petition of the United States Brewers' Association, for the removal of the war tax on beer—to the Committee on Ways and Means.

By Mr. BELL: Protest of the Commercial Club, of Lamar, Colo., on the proposed tariff reduction on Cuban and foreign sugars—to the Committee on Ways and Means.

Also, resolution of Barbers' Union No. 205, Denver, Colo., in favor of the reenactment of the Chinese-exclusion act—to the Committee on Foreign Affairs.

Also, petition of citizens of Cooper, Colo., asking for an amendment to the Constitution prohibiting polygamy—to the Committee on the Judiciary.

By Mr. BENTON: Papers to accompany House bill granting an increase of pension to John F. Starcher—to the Committee on Pensions.

Also, petition of Jasper County (Mo.) Woman's Christian Temperance Union for the abolition of the saloon in the island possessions of the United States—to the Committee on Alcoholic Liquor Traffic.

Also, petition of George W. Montgomery, asking to be restored to the pension roll—to the Committee on Invalid Pensions.

By Mr. BOREING: Petitions of citizens of Pulaski County, Ky., for an appropriation to build a macadamized road to the national cemetery at Mill Springs, Ky.—to the Committee on Military Affairs.

By Mr. BOWERSOCK: Remonstrance of citizens of Boston, Mass., against the appropriation of $100,000,000 for improvement of the Navy—to the Committee on Naval Affairs.

Also, resolution of the Merchants' Association of New York, favoring the reorganization of the consular service—to the Committee on Foreign Affairs.

Also, resolution of the Industrial Club of Garden City, Kans., against any tariff reduction for Cuban sugars—to the Committee on Ways and Means.

Also, petition in support of House bill 351, granting an increase of pension to Robert Carpenter, of Lawrence, Kans.—to the Committee on Invalid Pensions.

By Mr. BROMWELL: Resolution of the board of legislation of Cincinnati, Ohio, concerning the improvement of the Ohio River—to the Committee on Rivers and Harbors.

By Mr. BROWN: Resolutions of the International Good Roads Congress, urging the Congress of the United States to provide adequate appropriations for the extension of good roads in this country—to the Committee on Agriculture.

Also, resolutions of the Wisconsin Association of Growers and Dealers in Tobacco, in opposition to the proposed reduction of duties on Cuban tobacco and cigar imports into the United States—to the Committee on Ways and Means.

Also, resolutions of the board of regents of the University of Wisconsin, urging the passage of House bill for the establishment of schools of mining, etc.—to the Committee on Mines and Mining.

By Mr. BURKE of South Dakota: Petition of J. C. Fuller and others, of Milbank and Brookings, S. Dak., for amendment to the national Constitution relating to polygamy—to the Committee on the Judiciary.

By Mr. BURKETT: Resolution of the Nebraska Retail Grocers and General Merchants' Association, against reciprocal trade relations with Cuba admitting sugar free—to the Committee on Ways and Means.

Also, resolutions adopted by the Atlanta Chamber of Commerce, Atlanta, Ga., requesting the appointment of a commission to study and report upon the commercial and industrial condition of China and Japan—to the Committee on Foreign Affairs.

By Mr. CALDWELL: Petition of editors of various agricultural papers in the United States, for the passage of the Grout bill—to the Committee on Agriculture.

By Mr. CANNON: Papers to accompany House bill granting an increase of pension to George W. Wallace—to the Committee on Invalid Pensions.

By Mr. CASSINGHAM: Papers to accompany House bill for the relief of James Addy—to the Committee on Military Affairs.

Also, paper to accompany House bill for the relief of W. P. Schott—to the Committee on Invalid Pensions.

By Mr. CONRY: Resolutions adopted by the Commercial Club of Brockton, Mass., favoring reciprocity with Canada—to the Committee on Ways and Means.

By Mr. CURRIER: Petitions of Charles F. Avery and others, of Campton Village; De Forest Safford and others, of Peterboro; John L. Crane and others, of Rumney; J. W. Tingley and others, of Hopkinton; Joel B. Slocum and others, of Concord; F. H. Baldwin and others, of East Jaffrey; J. E. Smith and others, of Keene; C. P. Webster and others, of Franklin; L. F. Liscom and others, of Hinsdale, and R. P. Whittemore and others, of Antrim, all in the State of New Hampshire, favoring an antipolygamy amendment to the Constitution—to the Committee on the Judiciary.

Also, resolutions adopted by the Central Labor Union of Portsmouth, N. H., favoring exclusion of the Chinese from the United States—to the Committee on Foreign Affairs.

Also, resolutions adopted by the Central Labor Union of Portsmouth, N. H., favoring the construction of war ships in the United States navy-yards—to the Committee on Naval Affairs.

Also, petition of Harry G. Sargent and others, of Concord; A. G. Whittemore and others, of Dover, and R. H. Porter and others, of Keene, all of the State of New Hampshire, favoring reciprocal trade agreements with the Dominion of Canada—to the Committee on Ways and Means.

By Mr. DALZELL: Petition of sundry citizens of Boston, Mass., and vicinity, protesting against appropriations for the Navy—to the Committee on Naval Affairs.

By Mr. DRAPER: Petition of Charles F. Hamilton and 10 other citizens of Philadelphia, Pa., for the abolition of the saloon in the island possessions of the United States—to the Committee on Alcoholic Liquor Traffic.

Also, resolution of the Manufacturers' Association of New York, in relation to reciprocal trade relations with Cuba—to the Committee on Ways and Means.

Also, resolution of the Manufacturers' Association of New York, favoring amendments to the national bankruptcy law—to the Committee on the Judiciary.

Also, petition of citizens of Boston, Mass., and vicinity, remonstrating against the proposed increase of naval expenditures—to the Committee on Naval Affairs.

By Mr. EDWARDS: Petition of the Workingmen's Union of Butte, Mont., concerning the Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. EMERSON: Petition of F. S. Witherbee and others, favoring House bill 7674, providing for the purchase and preservation of Fort Ticonderoga, etc.—to the Committee on Military Affairs.

By Mr. ESCH: Resolution of regents of the University of Wisconsin, favoring the passage of House bill No. 8735, establishing schools of mining, etc.—to the Committee on Mines and Mining.

Also, resolution of Wisconsin Cheese Makers' Union, for legislation amending the existing interstate-commerce act—to the Committee on Interstate and Foreign Commerce.

Also, resolution of National Good Roads Congress, in favor of improved roads in various parts of the country—to the Committee on Agriculture.

Also, resolution of Wisconsin Tobacco Association, protesting against any change in the existing rates of duty on tobacco or cigars—to the Committee on Ways and Means.

Also, resolution of Credit Men's Association of Omaha, Nebr., favoring amendments to the national bankruptcy law—to the Committee on the Judiciary.

By Mr. FITZGERALD: Resolutions of the Manufacturers' Association of New York, urging legislation that will be beneficial to Cuba and to the United States—to the Committee on Ways and Means.

Also, resolutions of Merchants' Association of New York, in favor of the reorganization of the consular service of the United States—to the Committee on Foreign Affairs.

Also, resolutions of Manufacturers' Association of New York, urging the passage of House bill No. 4310, to amend the bankruptcy act—to the Committee on the Judiciary.

By Mr. FOSS: Resolution of Bricklayers and Masons' International Union No. 20, of Waukegan, Ill., urging the employment of union men in the construction of the naval dry dock at New Orleans, La.—to the Committee on Naval Affairs.

Also, petition of Wholesale Grocers and Tea Merchants of Chicago, favoring repeal of the tax on teas—to the Committee on Ways and Means.

By Mr. GARDNER of Michigan: Paper to accompany House bill for the relief of Hiram Eideneir—to the Committee on Military Affairs.

By Mr. GILLETT of Massachusetts: Petition of tobacco growers in Sunderland, Mass., asking that no changes be made in the present tariff on wrapper tobacco imported into the United States from any foreign country—to the Committee on Ways and Means.

By Mr. GRAHAM: Resolution of the Pennsylvania Forestry Association, in favor of the Appalachian National Park Association—to the Committee on the Public Lands.

Also, resolution of the International Good Roads Congress, Buffalo, N. Y., for an appropriation for improved roads in various sections of the country—to the Committee on Agriculture.

Also, resolution of District Assembly No. 3, Knights of Labor, of Pittsburg, Pa., in favor of the reenactment of the Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. GREENE of Massachusetts: Resolutions of Commercial Club of Brockton, Mass., favoring consideration of reciprocal relations with Canada—to the Committee on Ways and Means.

Also, resolutions of the Massachusetts State Board of Trade, favoring the passage of the Ray bill relative to amendment of bankruptcy act—to the Committee on the Judiciary.

By Mr. GRIFFITH: Petition of Indiana Yearly Meeting of Friends, favoring the exclusion of intoxicants from all countries inhabited chiefly by native races—to the Committee on Alcoholic Liquor Traffic.

Also, petition of county officers of Brown County, Ind., and Hamilton Post, No. 339, Grand Army of the Republic, of Morgantown, Ind., to accompany House bill granting an increase of pension to James Harris—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting an increase of pension to John G. Selig—to the Committee on Invalid Pensions.

Also, statement of Capt. A. B. Pattison, to accompany House bill granting an increase of pension to Richard H. Foulk—to the Committee on Invalid Pensions.

By Mr. GORDON: Papers to accompany House bill 728, relating to the claim of George W. Simons—to the Committee on War Claims.

Also, papers to accompany House bill 729, relating to the claim of Mark Guyton—to the Committee on War Claims.

Also, papers to accompany House bill granting a pension to John Workman—to the Committee on Invalid Pensions.

By Mr. HAMILTON: Petition of Woman's Missionary Association of the United Brethren Church of Woodland, Mich., for the protection of native races in the islands of the Pacific and elsewhere against the sale of firearms, opium, and intoxicants—to the Committee on Alcoholic Liquor Traffic.

By Mr. HANBURY: Petition of citizens of the Fourth Congressional district of New York, for an amendment to the Constitution defining legal marriage to be monogamic—to the Committee on the Judiciary.

Also, petition of post-office clerks of Station E, Brooklyn, N. Y., urging the passage of House bill 5286—to the Committee on the Post-Office and Post-Roads.

Also, petition of the United States Brewers' Association, favoring the abolition of the remaining war tax on their product—to the Committee on Ways and Means.

Also, resolutions of the Manufacturers' Association of New York, urging reciprocal relations with Cuba—to the Committee on Ways and Means.

Also, resolutions of the Merchants' Association of New York, urging the reorganization of the consular service—to the Committee on Foreign Affairs.

By Mr. HITT: Resolution of Rockford (Ill.) Central Labor Union, urging the reenactment of the Chinese-exclusion act—to the Committee on Foreign Affairs.

Also, resolution of Western Labor Union, protesting against any legislation which will open our doors to Chinese, Filipinos, or Asiatics—to the Committee on Foreign Affairs.

Also, resolution of Progressive Lodge, No. 440, International Association of Machinists, of Rockford, Ill, urging appropriation for the Ordnance Department of United States Navy—to the Committee on Naval Affairs.

Also, resolution of the Illinois State Horticultural Society, urging increased appropriations for remedies for fruit diseases—to the Committee on Agriculture.

Also, petition of Blood Point Factory Company, Belvidere, Ill., favoring the passage of the Tawney-Grout oleomargarine bill—to the Committee on Agriculture.

By Mr. HOLLIDAY: Paper to accompany House bill 6018, granting a pension to Lue Emma McJunkin—to the Committee on Pensions.

Also, paper to accompany House bill 5028, for the relief of Francis M. Oliver—to the Committee on Military Affairs.

By Mr. HOWELL: Petition of council, Junior Order United American Mechanics, at Cranbury, N. J., for the reenactment of the Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. HULL: Petition of firms and citizens of Des Moines, Iowa, favoring the repeal of the bankruptcy act—to the Committee on the Judiciary.

By Mr. JACK: Papers to accompany House bill for the relief of Joseph P. Lucas—to the Committee on Invalid Pensions.

By Mr. KNAPP: Petition of citizens of Lewis County, N. Y., praying for the enactment of a law against polygamy—to the Committee on the Judiciary.

Also, petition of railway mail clerks of the Twenty-fourth Congressional district of New York, for a reclassification of clerks in the Railway Postal Service—to the Committee on the Post-Office and Post-Roads.

By Mr. LOUDENSLAGER: Petition of Woman's Foreign Missionary Society of the Presbytery of Newark, N. J., favoring the passage of the Gillett-Lodge bill to protect native races in the Pacific islands—to the Committee on Alcoholic Liquor Traffic.

Also, resolution of the State board of agriculture, for the enactment of the Grout oleomargarine bill—to the Committee on Agriculture.

Also, petition of G. B. B. A., of the United States and Canada, Union No. 14, and American Federation of Labor, favoring the building of vessels in the United States navy-yards—to the Committee on Naval Affairs.

Also, petitions of councils at Glassboro, Clayton, Elmer, Camden, Atco, Swedesboro, and Wildwood, N. J., Junior Order United American Mechanics, concerning the Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. MINOR: Petition of the Grand Lodge of the Shipmasters' Association of the Great Lakes, in favor of the passage of House bill 9967, relating to the anchorage and movement of vessels in Detroit and St. Clair rivers, Michigan—to the Committee on Rivers and Harbors.

By Mr. MOODY of Massachusetts: Petition of Major How Post, No. 47, Grand Army of the Republic, of Haverhill, Mass., in favor of increasing the pension of Daniel G. George—to the Committee on Invalid Pensions.

Also, petitions of many citizens of Massachusetts, protesting against transfer of census employees over those who have taken competitive examinations—to the Committee on Reform in the Civil Service.

By Mr. NORTON: Papers to accompany House bill 7852, granting an increase of pension to Joseph C. Berry—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 5188, granting an increase of pension to Addison H. Pearl—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 1275, granting an increase of pension to Charles W. Thomas—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 6917, granting an increase of pension to Thomas B. Fox—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting an increase of pension to George W. Peterson—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 7857, granting an increase of pension to William Minnick—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting an increase of pension to William W. Van Marter—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting an increase of pension to Will Apitz—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting an increase of pension to John W. Gillin—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting an increase of pension to Jacob Arntz—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting an increase of pension to John Greer—to the Committee on Invalid Pensions.

Also, affidavit and "Squirrel Hunter" discharge to accompany bill granting a pension to John B. Howard—to the Committee on Invalid Pensions.

Also, petition of Sweet Valley Wine Company and Diamond Wine Company, of Sandusky, Ohio, for the removal of the stamp tax on bottled wine—to the Committee on Ways and Means.

By Mr. OTEY: Petition of the Tobacco Board of Trade of Scottsburg, Va., and the Tobacco Association of the United States for the removal of the tax on leaf tobacco—to the Committee on Ways and Means.

By Mr. PADGETT: Paper to accompany House bill 9144, granting an increase of pension to James R. Wilson—to the Committee on Invalid Pensions.

By Mr. RIXEY: Papers to accompany House bill for the relief of William M. Prestage—to the Committee on Invalid Pensions.

By Mr. ROBINSON of Indiana: Resolutions of the Fort Wayne (Ind.) Pressmen's Union, No. 19, in favor of the reenactment of the Chinese-exclusion act—to the Committee on Foreign Affairs.

Also, petition of E. E. McCrary, of Kendallville, Ind., opposing the extension of patent rights—to the Committee on Patents.

By Mr. RUMPLE: Petition of citizens and business men of Muscatine, Iowa, urging an appropriation for the improvement, maintenance, and protection of the levee at Muscatine, Iowa—to the Committee on Levees and Improvements of the Mississippi River.

By Mr. RUPPERT: Resolution of the Merchants' Association of New York, favoring reorganization of the consular service—to the Committee on Foreign Affairs.

Also, resolution of Merchants' Association of New York, in favor of the establishment of reciprocal relations with Cuba—to the Committee on Ways and Means.

Also, petition of the National Pure Food Society, regarding duty on raw sugar—to the Committee on Ways and Means.

Also, resolution of Empire Branch, No. 36, National Association of Letter Carriers, favoring the passage of House bill 306, providing for the payment of overtime claims of letter carriers excluded from judgment as barred by limitation—to the Committee on Claims.

Also, resolution of Manufacturers' Association of New York, favoring amendments to the national bankruptcy law—to the Committee on the Judiciary.

By Mr. RUSSELL: Petition of the post-office clerks of Willimantic, Conn., favoring the passage of House bill No. 5286, for reclassification of salaries of post-office clerks—to the Committee on the Post-Office and Post-Roads.

Also, resolutions adopted by the board of trustees of the Connecticut Agricultural College, favoring the establishment and maintenance of schools of mines at the land-grant colleges—to the Committee on Mines and Mining.

Also, petition of the Association of Master Plumbers of the State of Connecticut, that the House Committee on Public Buildings and Grounds be requested to make plumbing contracts for public buildings directly with members of the National Association of Master Plumbers—to the Committee on Public Buildings and Grounds.

By Mr. RYAN: Petition of John B. Weber and 40 other firms and business men of Buffalo, N. Y., asking that the old post-office site be sold—to the Committee on Public Buildings and Grounds.

Also, petition of Marine Firemen, Oilers, and Water Tenders' Benevolent Association, of Buffalo, N. Y., indorsing House bill 9053, to protect American labor from alien labor—to the Committee on Labor.

Also, resolution of the Buffalo Merchants' Exchange, urging Congress to provide a channel around Niagara River Rapids for deep-draft vessels, and urging survey for same—to the Committee on Rivers and Harbors.

By Mr. SCHIRM: Resolutions of Feeders' Union No. 16, of Baltimore, in reference to the exclusion of Chinese—to the Committee on Foreign Affairs.

By Mr. SHALLENBERGER: Papers to accompany House bill 10131, granting a pension to Elliott R. Burnett—to the Committee on Invalid Pensions.

By Mr. SHAFROTH: Protest of farmers of northern Colorado, on the proposed tariff on Cuban and foreign sugars—to the Committee on Ways and Means.

Also, petition of Josephine Murray and citizens of the First Congressional district of Colorado, asking for an antipolygamy amendment to the National Constitution—to the Committee on the Judiciary.

By Mr. SMITH of Kentucky: Papers to accompany House bill 1539, for the relief of William A. Nally—to the Committee on War Claims.

By Mr. SPERRY: Petition of the post-office clerks of Middletown, Conn., urging the passage of the bill to classify clerks in the first and second class post-offices—to the Committee on the Post-Office and Post-Roads.

Also, resolution of the New England Milk Producers' Union, favoring the passage of a bill imposing a tax on oleomargarine—to the Committee on Agriculture.

Also, resolution of the Connecticut State Association of Master Plumbers, favoring direct contracts for plumbing work on public buildings with master plumbers of the national association—to the Committee on Public Buildings and Grounds.

By Mr. STARK: Petitions of Harris M. Childs and others, of York; J. H. Mackprang and others, of Ithaca; J. H. Miller and others, of Crete; R. S. Hirsch and others, of Gresham; C. C. Gelwick and others, of Brainard; A. G. Patterson and others, of Aurora, all of Nebraska, and of First National Bank of David City; the State Bank of Wilber; the State Bank of Dewitt, and the Farmers and Merchants' Bank, of Dewitt; Blue River Bank, of McCool; Dorchester State Bank, of Dorchester; Bank of Swanton, and of Utica Bank, Utica, all of Nebraska, requesting the repeal of the tax levied upon the capital of banks—to the Committee on Ways and Means.

Also, petition of Scott Post, No. 37, Grand Army of the Republic, of Nebraska, for investigation of administration of Bureau of Pensions—to the Committee on Rules.

Also, paper to accompany House bill 7632, to divide Nebraska into two judicial districts—to the Committee on the Judiciary.

By Mr. THAYER: Petition of C. F. Marsh and others, of Worcester, Mass., in favor of reduction of tariff on raw sugar—to the Committee on Ways and Means.

By Mr. THOMAS of Iowa: Papers to accompany House bill 8288, granting an increase of pension to Scott Case—to the Committee on Invalid Pensions.

By Mr. TONGUE: Petition of North Warner Anti-Land Leasing Association, of Lake County, Oreg., against leasing of public lands—to the Committee on the Public Lands.

By Mr. WARNOCK: Petition of Isabell Maddox, widow of John Maddox, asking to be placed on the pension roll—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: Papers to accompany House bill for the relief of John D. Craig—to the Committee on Invalid Pensions.

By Mr. WOODS: Resolutions of the Chamber of Commerce of San Francisco, Cal., favoring House bill 4564, for the encouragement of the American merchant marine—to the Committee on the Merchant Marine and Fisheries.

Also, resolution of the Chamber of Commerce of San Francisco, Cal., for the protection of the American flag from desecration—to the Committee on Military Affairs.

SENATE.

TUESDAY, *January 28, 1902.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. LODGE, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal, without objection, will stand approved.

COMPREHENSIVE INDEX TO GOVERNMENT PUBLICATIONS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting an estimate of appropriation in the sum of $1,000 to pay John G. Ames for preparing "A Comprehensive Index to Government Publications," as provided by joint resolution of March 3, 1897; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

LEASING OF INDIAN LANDS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 7th instant, certain information relative to the leasing of Indian lands in the Uintah Reservation in the State of Utah; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 202) to amend section 2294 of the Revised Statutes of the United States;

A bill (H. R. 2678) to incorporate the Eastern Star Home for the District of Columbia;

A bill (H. R. 7664) providing for compulsory attendance of witnesses before registers and receivers of the land office;

A bill (H. R. 8336) to amend section 3 of chapter 480 of the laws of the United States, approved June 23, 1874;

A bill (H. R. 8759) to require cases of typhoid fever occurring in the District of Columbia to be reported to the health department of said District;

A bill (H. R. 9342) to amend the code of law for the District of Columbia, approved March 3, 1901; and

A bill (H. R. 10076) to receive arrearages of taxes due the District of Columbia to July 1, 1900, at 6 per cent per annum, in lieu of penalties and costs.

PETITIONS AND MEMORIALS.

Mr. NELSON presented a petition of the Wholesale Grocers' Association of Minnesota, praying for the repeal of the duty on tea; which was referred to the Committee on Finance.

He also presented petitions of Agate Lodge, No. 519, Brotherhood of Locomotive Firemen, of Duluth; of Shoreham Lodge, No. 510, Brotherhood of Locomotive Firemen, of Minneapolis, and of Division No. 40, Order of Railway Conductors, of St. Paul, all in the State of Minnesota, praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases; which were referred to the Committee on the Judiciary.

He also presented the petition of George Ellis and 47 other citizens of St. Paul, Minn., and the petition of J. A. McNiven and sundry other citizens of Marshall, Minn., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

Mr. FOSTER of Washington presented a petition of the Chamber of Commerce of Seattle, Wash., praying for the extension of the coasting laws of the United States to the trade of the Philippine Islands, to take effect January 1, 1903; which was referred to the Committee on the Philippines.

He also presented a petition of the Chamber of Commerce of Seattle, Wash., praying for the enactment of legislation providing that a subsidy be paid to vessels of 1,200 tons burden and upward; which was referred to the Committee on Commerce.

Mr. FAIRBANKS presented petitions of Hoosier Lodge, No. 261, Brotherhood of Railroad Trainmen, of Indianapolis; of Lafayette Division, No. 302, Order of Railway Conductors, of Lafayette, all in the State of Indiana, praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases; which were referred to the Committee on the Judiciary.

He also presented petitions of Hoosier Lodge, No. 261, Brotherhood of Railroad Trainmen, of Indianapolis, and of Fort Wayne International Printing Pressmen's Union, No. 19, of Fort Wayne, all in the State of Indiana, praying for the reenactment of the Chinese-exclusion law; which were referred to the Committee on Immigration.

He also presented the petitions of M. E. Lindenman, of Mishawaka, and of P. L. Johnson, of Prairie Creek, in the State of Indiana, praying for the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

Mr. QUARLES presented a petition of P. H. Sheridan Lodge, No. 388, Brotherhood of Locomotive Firemen, of Milwaukee, Wis., praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases; which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Stanley and Cadott, in the State of Wisconsin, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented the petition of H. O. Frank and sundry other citizens of Milwaukee, Wis., praying for the enactment of legislation to remove the revenue tax on proprietors of bowling alleys; which was referred to the Committee on Finance.

He also presented a memorial of the Leaf Tobacco Merchants' Association of Janesville, Wis., remonstrating against a reduction of the duty on Cuban tobacco; which was referred to the Committee on Finance.

He also presented a petition of the Merchants and Manufacturers' Association of Milwaukee, Wis., praying for the enactment of legislation to authorize the appointment of a commission to study the commercial and industrial conditions in the Chinese Empire; which was referred to the Committee on Commerce.

He also presented a petition of the Cheese Makers' Association of Wisconsin, praying for the adoption of certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Cheese Makers' Association of Wisconsin, praying for the passage of the so-called pure-food bill; which was referred to the Committee on Agriculture and Forestry.

Mr. WELLINGTON presented petitions of 21 citizens of Maryland; of Plumbers' Local Union No. 48, American Federation of Labor, of Baltimore; of Coat Makers' Local Union No. 7, American Federation of Labor, of Baltimore, and of Cigar Makers' International Union No. 1, of Baltimore, all in the State of Maryland, praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which were referred to the Committee on Naval Affairs.

Mr. QUAY presented petitions of 220 members of Walburba Council, No. 859, Junior Order United American Mechanics, of Pitcairn, and of sundry members of the congregation of the Methodist Episcopal Church of Pittsburg, in the State of Pennsylvania, praying for the reenactment of the Chinese-exclusion law; which were referred to the Committee on Immigration.

He also presented a petition of sundry brewers of Scranton, Pa., praying for the reduction of the tax on malt liquors; which was referred to the Committee on Finance.

Mr. MILLARD presented a petition of the Santee Indians of Knox County, Nebr., praying for the enactment of legislation to restore the annuities to the Medawakanton and Wahpakootas or Santee Sioux Indians; which was referred to the Committee on Indian Affairs.

Mr. HOAR presented a petition of sundry citizens of Boston, Mass., praying for the enactment of legislation to establish and set in motion a world legislature; which was referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of Boston, Mass., praying for the enactment of legislation to restore raw sugar to the free list; which was referred to the Committee on Finance.

He also presented petitions of Plumbers and Fitters' Union No. 228, of Gloucester; of the Wood Carvers' Union of Boston; of Federal Union No. 9394, of Fitchburg; of Stereotypers' Union No. 2, of Boston; of the Granite Cutters' National Union of Boston; of Carriage and Wagon Workers' Union No. 9, of Boston; of Iron and Brass Molders' Union No. 106, of Boston; of Local Union No. 12, Journeymen Tailors' National Union, of Boston, and of Journeymen Plumbers' Union No. 145, of Malden, all of the American Federation of Labor, in the State of Massachusetts, praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which were referred to the Committee on Naval Affairs.

He also presented a petition of Printing Pressmen's Union No. 109, American Federation of Labor, of Lowell, Mass., praying for the reenactment of the Chinese-exclusion law; which was referred to the Committee on Immigration.

He also presented a petition of sundry post-office clerks of Brockton, Mass., praying for the enactment of legislation to provide for the classification of the salaries of clerks employed in first and second class post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. TELLER presented a memorial of the Commercial Club of Lamar, Colo., remonstrating against any change being made in the tariff rates on sugar; which was referred to the Committee on Finance.

He also presented a petition of Journeymen Barbers' Union No. 205, American Federation of Labor, of Denver, Colo., praying for the reenactment of the Chinese-exclusion law; which was referred to the Committee on Immigration.

He also presented a petition of the Memorial and Benevolent Association of the Grand Army of the Republic, of Denver, Colo., praying for the enactment of legislation to prohibit the desecration of the American flag; which was referred to the Committee on the Judiciary.

He also presented memorials of sundry farmers of Loveland, Longmont, Niwot, Berthoud, Fort Collins, Timnath, Windsor, Farmers Spur, Greeley, and Eaton, all in the State of Colorado, remonstrating against any reduction being made in the tariff on Cuban and foreign sugars; which was referred to the Committee on Finance.

Mr. DOLLIVER presented a petition of sundry ex-Union soldiers, praying for the establishment of a soldiers' roll in the Senate; which was referred to the Committee on Rules.

Mr. FRYE presented a petition of Starling Grange, No. 156, Patrons of Husbandry, of Fayette, Me., praying for the passage of the so-called Grout bill to regulate the manufacture and sale of oleomargerine; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the United Presbyterian Presbytery, of Philadelphia, Pa., praying for the enactment of legislation to prohibit the importation of intoxicating liquors, opium, and firearms into the New Hebrides; which was ordered to lie on the table.

He also presented a petition of the United Presbyterian Presbytery, of Philadelphia, Pa., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (H. R. 2008) to authorize the city of Duluth, Minn., to construct and maintain, or cause to be constructed and maintained, a car transfer over the Duluth Canal, and for that purpose to occupy certain lands of the United States, reported it without amendment, and submitted a report thereon.

Mr. McMILLAN, from the Committee on Naval Affairs, to whom was referred the bill (S. 1099) authorizing the Secretary of the Navy to return to Harvard University certain colors, silver cup, and Nordenfeldt gun, reported it with an amendment, and submitted a report thereon.

Mr. HOAR, from the Committee on the Judiciary, to whom the subject was referred, reported a bill (S. 3287) to fix the salaries of certain judges of the United States; which was read twice by its title.

Mr. HANNA, from the Committee on Naval Affairs, to whom was referred the bill (S. 1563) for the relief of William H. Crawford, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1949) to authorize the Secretary of the Navy to appoint George H. Paul a warrant machinist in the Navy, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, submitted adverse reports thereon; which were agreed to, and the bills were postponed indefinitely:

A bill (S. 1320) for the relief of Robert Logan May;

A bill (S. 680) for the relief of Lieut. Jerome E. Morse, of the United States Navy; and

A bill (S. 356) for the relief of Patrick H. Philbin.

Mr. PERKINS, from the Committee on Naval Affairs, to whom was referred the bill (S. 1109) authorizing the Navy Department to employ civilian mariners in charge of naval colliers, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 65) providing for the retirement of petty officers and enlisted men of the Navy, reported it without amendment.

Mr. RAWLINS, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 1633) to increase the limit of cost of the post-office building at Butte, Mont., reported it with an amendment, and submitted a report thereon.

Mr. SCOTT, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 460) increasing the limit of cost for public building at Newport News, Va., reported it without amendment, and submitted a report thereon.

Mr. HANSBROUGH. I am authorized by the Committee on Public Lands, to whom was referred the bill (S. 3057) appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands, to report it without amendment and to submit a report thereon.

This is the measure known as the "irrigation bill," and as there is a desire for information on the subject I move that 2,000 additional extra copies of the report and bill be printed.

The motion was agreed to.

Mr. ALDRICH. I am directed by a majority of the Committee on Finance to report back without amendment the bill (S. 176) to provide for the extension of the charters of national banks.

The PRESIDENT pro tempore. The bill will be placed upon the Calendar.

Mr. ALDRICH, from the Committee on Finance, to whom was referred the joint resolution (H. J. Res. 88) authorizing the Commissioner of Internal Revenue to return bank checks, drafts, certificates of deposit, and orders for the payment of money, having imprinted stamps thereon, to the owners thereof, and for other purposes, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. 6570) to amend the act of May 12, 1900, authorizing the Commissioner of Internal Revenue to redeem or make allowance for internal-revenue stamps, reported it with amendments.

Mr. ALDRICH. I am directed by the Committee on Finance, to whom was referred the bill (S. 2387) in amendment of section 2660 of the Revised Statutes, relating to the qualifications, pay, and duties of officers, to ask to be discharged from its further consideration, and that it be referred to the Committee on Commerce. It was improperly referred to the Committee on Finance.

The PRESIDENT pro tempore. The Committee on Finance will be discharged from the further consideration of the bill, and it will be referred to the Committee on Commerce.

THE COMMITTEE ON THE PHILIPPINES.

Mr. GALLINGER, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted yesterday by Mr. LODGE, reported it without amendment; and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on the Philippines have leave to sit during the sessions of the Senate, and are authorized to send for persons and papers and to administer oaths and to employ a stenographer in connection with any investigation which they may deem proper relating to affairs in the Philippine Islands, and that the expense thereof be paid out of the contingent fund of the Senate.

FUNERAL EXPENSES OF THE LATE SENATOR SEWELL.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by him yesterday, reported it without amendment; and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay from the miscellaneous items of the contingent fund of the Senate the actual and necessary expenses incurred by the committee appointed by the President pro tempore of the Senate in arranging for and attending the funeral of the late Senator from New Jersey, Hon. WILLIAM J. SEWELL, upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Mr. LODGE introduced a bill (S. 3288) to amend the military record of John H. Lamson; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3289) granting a pension to Ruth T. Short and Abigail S. Short; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3290) granting an increase of pension to C. E. Whiton-Stone; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HOAR introduced a bill (S. 3291) to increase the rate of pension for total blindness in certain cases; which was read twice by its title, and referred to the Committee on Pensions.

Mr. QUAY introduced a bill (S. 3292) granting a pension to Henry L. Reger; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WELLINGTON introduced a bill (S. 3293) to increase the limit of cost of public building at Cumberland, Md.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 3294) for the relief of the estate of John P. Warring, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3295) for the relief of Louise Stewart; which was read twice by its title, and referred to the Committee on Claims.

Mr. JONES of Arkansas introduced a bill (S. 3296) to pay certain Choctaw (Indian) warrants held by James M. Shackelford; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 3297) for the relief of the estate of Nathaniel S. Word, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. SIMON introduced a bill (S. 3298) granting an increase of pension to William A. Kimball; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 3299) granting an increase of pension to Isaiah Tufford; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. TELLER introduced a bill (S. 3300) granting an increase of pension to Thomas G. Higgins; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3301) for the relief of William H. Gowdy and his sureties; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Post-Offices and Post-Roads.

Mr. FOSTER of Washington introduced a bill (S. 3302) to grant registry to the steamship *Manauense;* which was read twice by its title, and, with the accompanying papers, referred to the Committee on Commerce.

Mr. PRITCHARD introduced a bill (S. 3303) for the relief of Z. C. Church; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 3304) for the relief of W. R. Albright; which was read twice by its title, and referred to the Committee on Claims.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3305) granting an increase of pension to W. H. Stanley;

A bill (S. 3306) granting a pension to Caleb B. Lincoln (with an accompanying paper); and

A bill (S. 3307) granting an increase of pension to William G. Tompkins.

Mr. BLACKBURN introduced a bill (S. 3308) for the relief of Zac Hart; which was read twice by its title, and referred to the Committee on Claims.

Mr. KEAN (by request) introduced a bill (S. 3309) for the relief of Mary A. Shufeldt; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. FORAKER introduced a bill (S. 3310) to amend section 1754 of the Revised Statutes of the United States, relating to the preference in civil appointments of ex Army and Navy officers; which was read twice by its title, and referred to the Committee to Examine the Several Branches of the Civil Service.

Mr. MILLARD (by request) introduced a bill (S. 3311) to provide for the leasing for grazing purposes of vacant public domain and reserving all rights of homestead and mineral entry, the rentals to be a special fund for irrigation; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. FOSTER of Louisiana introduced a bill (S. 3312) for the establishment of a light-house at the mouth of Oyster Bayou, near the Louisiana coast, in the Gulf of Mexico; which was read twice by its title, and referred to the Committee on Commerce.

Mr. CULLOM introduced a bill (S. 3313) to divide the State of Illinois into three judicial districts and to provide for terms of court therein; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. HARRIS introduced a bill (S. 3314) for the relief of James W. Morgan; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 3315) granting an increase of pension to George W. Bradshaw; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. COCKRELL introduced a bill (S. 3316) to amend an act entitled "An act to create a new division in the western judicial district of the State of Missouri," approved January 24, 1901; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. PERKINS introduced a bill (S. 3317) authorizing the President to appoint Lieut. Robert Platt, United States Navy, to the rank of commander; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. TELLER introduced a bill (S. 3318) granting an increase of pension to Charles H. Montgomery; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BLACKBURN introduced a bill (S. 3319) for the relief of William J. Landrum; which was read twice by its title, and referred to the Committee on Claims.

Mr. PROCTOR introduced a bill (S. 3320) granting an increase of pension to Adelaide G. Hatch; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. TALIAFERRO introduced a bill (S. 3321) granting a pension to Patrick J. Murphy; which was read twice by its title, and referred to the Committee on Pensions.

Mr. QUAY introduced a joint resolution (S. R. 46) to provide for the printing of 6,000 copies of the consolidated reports of the Gettysburg National Park Commission, 1893 to 1901, inclusive; which was read twice by its title, and referred to the Committee on Printing.

AMENDMENT TO PHILIPPINE TARIFF BILL.

Mr. MORGAN submitted an amendment intended to be proposed by him to the bill (H. R. 5833) temporarily to provide revenue for the Philippine Islands, and for other purposes; which was ordered to lie on the table and be printed.

ISTHMIAN CANAL.

Mr. SPOONER submitted an amendment, in the nature of a substitute, intended to be proposed by him to the bill (H. R. 3110) to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans; which was referred to the Committee on Interoceanic Canals, and ordered to be printed.

NATIONAL ACADEMY OF SCIENCES.

Mr. HAWLEY. I have the honor to present the annual report of the National Academy of Sciences, as required by statute. The same statute provides for the printing of the report. So it goes directly to the Committee on Printing, and the committee will of course send it to the Printing Office.

The PRESIDENT pro tempore. The report will be referred to the Committee on Printing and printed.

PRINTING OF PHILIPPINE BILLS AND REPORTS.

Mr. RAWLINS. Mr. President, there seems to be quite a demand for the substitute proposed by the minority of the committee for the Philippine tariff bill, and I ask that 1,000 additional copies be printed,

The PRESIDENT pro tempore. Of the bill and report?

Mr. RAWLINS. Of the minority substitute. I have no objection to both the bill and substitute being printed.

The PRESIDENT pro tempore. Does the Senator desire to have the reports printed?

Mr. RAWLINS. The reports had better be printed.

The PRESIDENT pro tempore. The Senator from Utah asks unanimous consent that the reports on the bill known as the Philippine bill and the minority substitute and the bill itself may be printed.

Mr. HOAR. The bill itself, with the proposed amendment? The bill is reported with certain amendments by the majority. I suppose the proposed amendments of the majority and the substitute of the minority would all be included in the order.

The PRESIDENT pro tempore. They will be included in the order to print.

Mr. RAWLINS. Let the number be 2,000.

The PRESIDENT pro tempore. The Senator from Utah asks that 2,000 additional copies of each be printed. Is there objection to the request?

Mr. ALDRICH. What was the request?

The PRESIDENT pro tempore. That there be printed 2,000 additional copies of the reports and bills touching the Philippine measure. The Chair hears no objection, and it is so ordered.

The order was reduced to writing, as follows:

Ordered, That 2,000 extra copies each of the bill (H. R. 5833) entitled "An act temporarily to provide revenue for the Philippine Islands, and for other purposes," with amendment submitted by the minority, and of Report No. 181 thereon, with views of the minority, be printed for the use of the Senate.

REPORT ON IRON-ORE DEPOSITS.

Mr. McMILLAN submitted the following concurrent resolution; which, with the accompanying paper, was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed at the Government Printing Office 4,000 copies, in pamphlet form, of the report on the "Iron-ore deposits of the Lake Superior region," by C. R. Van Hise, being pages 305 to 434 of Part II of the Twenty-first Annual Report of the United States Geological Survey, 1,000 copies for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 1,000 for distribution by the Geological Survey.

JOHN POOLE AND OTHERS.

Mr. PRITCHARD submitted the following resolution; which was referred to the Committee on Privileges and Elections:

Resolved by the Senate of the United States of America, That the Secretary of the Senate be, and hereby is, authorized and directed to pay to John Poole, Mrs. Lela Poole Lessford, and to Mrs. Mary Poole Danforth, the heirs of the

late John Poole, formerly a Senator from the State of North Carolina, the sum of $6,543.38, due him as a Senator of the United States in the Fortieth Congress, from the 4th of March, 1867, to the 24th of June, 1868, to be paid from the miscellaneous items of the contingent fund of the Senate.

REPORT ON SOUTHERN APPALACHIAN REGION.

Mr. PRITCHARD submitted the following concurrent resolution; which, with the accompanying paper, was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed 15,000 copies of Senate Document No. 84, being a message from the President of the United States transmitting a report of the Secretary of Agriculture in relation to the forests, rivers, and mountains of the Southern Appalachian region, of which 2,000 copies shall be for the use of the Senate, 3,000 copies for the use of the House of Representatives, and 10,000 copies for the use of the United States Department of Agriculture.

EMPLOYMENT OF MESSENGERS.

Mr. FOSTER of Washington submitted the following resolution; which, with the accompanying paper, was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Coast and Insular Survey be, and it hereby is, authorized to employ a messenger, to be paid from the contingent fund of the Senate, at the rate of $1,440 per annum, until otherwise provided for by law.

Mr. DEPEW submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on the Revision of the Laws of the United States be authorized to appoint a messenger whose services shall be devoted exclusively to the business of said committee, and paid from the contingent fund of the Senate at the rate of $1,440 per annum, until otherwise provided for by law.

STATISTICS OF OLEOMARGARINE, ETC.

Mr. PROCTOR submitted the following resolution; which, with the accompanying paper, was referred to the Committee on Printing:

Resolved, That there be printed 1,000 copies of a compilation of Statistics of Oleomargarine, Oleo Oil, and Filled Cheese, revised to the beginning of the current fiscal year, compiled by the Bureau of Animal Industry of the Department of Agriculture, of which 500 copies shall be for the use of the Department of Agriculture and 500 copies for the use of the Senate.

THE CONGRESSIONAL RECORD.

Mr. BACON. Mr. President, I offer a resolution for which I ask present consideration.

The resolution was read, as follows:

Resolved by the Senate, That the Committee on Printing be instructed to consider the expediency of printing a special edition of the CONGRESSIONAL RECORD for sale to the general public at $2 for the long session and $1 for the short session, and to report to the Senate their conclusions thereon.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. LODGE. Let it be read again.

The PRESIDENT pro tempore. It will be again read.

The Secretary again read the resolution.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution? The Chair hears none. The question is on agreeing to the resolution.

Mr. BACON. Mr. President, just a word.

I think it will be agreed by all that there ought to be some action taken by Congress by which the reports of the debates in Congress can more fully and generally reach the public. This resolution, it will be noted, is simply one directing the Committee on Printing to make an examination into the subject, and if they should report favorably, of course, it would require a joint resolution to carry it into effect.

Mr. President, it is an impossibility for the general public to be informed as to what goes on in Congress either by the partial distribution of the RECORD such as we now have, even if it were very much enlarged, or by anything which the general press can do in that line. It is no reflection upon the press to say that it is thus impossible. No newspaper can afford to give even a very brief synopsis of the debates in Congress, and no newspaper does attempt it. It would be a greater burden than any newspaper could in justice to itself undertake to carry.

Mr. President, I know that there is a great deal of sport made on the subject of the CONGRESSIONAL RECORD, as to its being waste paper, etc., and yet it is a fact that while it may have a great deal of rubbish in it there is more information to be had from a constant reading of the CONGRESSIONAL RECORD than from any other source which is accessible to any person in this country. Anyone who is a constant reader of the CONGRESSIONAL RECORD will certainly be informed of all that relates to the affairs of the Government of the United States. It is true that there is much matter that it would be of advantage to the RECORD if it were not there, but that can not be avoided.

Under the present system the smallest fraction of our people ever have an opportunity to see the CONGRESSIONAL RECORD. Take my own State. For the two million and a quarter of people that there are, probably about 500 copies of the RECORD go to the entire State, and the larger the State the less the proportion of copies of the RECORD which the people get, because there are but two Senators from each State. I know that in the commercial centers people would not have time to read the RECORD, but if we put it within reach of the common people there would be a very general reading of it. It is astonishing when we consider the great interest the people in the country feel in these matters and the little opportunity that they have to be informed with reference to them.

I am told that while of course the RECORD as it is now printed could not be furnished at any such price without loss, if it were printed upon paper such as is ordinarily used in the printing of newspapers it could be printed for a great deal less than it is now priced at. The present price of the RECORD is prohibitory to any one who wishes to subscribe to it as he would to any newspaper. For instance, I have before me in to-day's RECORD a statement of the cost of it to the general public, which I read:

The daily CONGRESSIONAL RECORD for the first session of the Fifty-seventh Congress will be furnished by mail to subscribers, free of postage, for $1.50 per month, or $8 for the session, payable in advance.

That is more than any newspaper in the United States charges for its publication. There is not a publication of any kind in the United States—newspaper, magazine, or any other—that charges approximately what the Government of the United States charges the general public if it wishes to have the advantage of reading what goes on in Congress.

Mr. HOAR. What is the price?

Mr. BACON. A dollar and a half a month, or $8 for this particular session, not including the next session.

I have no doubt, Mr. President, that at the price indicated in the resolution there would be a loss to the Government. I do not suppose the RECORD can be furnished at that price with profit, but I think the Government ought to be willing to furnish it at a loss. It is important that the people of the United States should be informed as to our public affairs, and there is no way in which that can be so successfully accomplished as by putting it within the reach of the general public to subscribe for the CONGRESSIONAL RECORD at a price the people can afford to pay.

Suppose it be true, as I have no doubt it will prove to be true, that if furnished at this price it will be a loss to the Government, what does the Government do now in the way of incurring expense for the purpose of informing the general public as to the affairs of the Government in the publication of documents, in tons and tons and hundreds of tons of which the pages are never turned—perfect rubbish? Here the most important of all things so far as information to the public is concerned is permitted year after year to stand in a position which absolutely debars the general public from access to it.

I trust, Mr. President, that this much at least may be done. The resolution which I offer is one which simply directs the Committee on Printing to make inquiry into this matter and to report. I think it is an important matter, and I trust the committee may be charged with that duty.

Mr. HAWLEY. Mr. President, I desire to say a few words on the resolution.

My newspaper experience goes back forty or fifty years, and in that time there have been some changes worth noting. When I was a younger man the newspapers of almost all classes gave some reasonable attention, according to their means and space, to the proceedings of Congress. I remember well the old heading "Congress" in good large type, and then "House" was the next heading. An abstract of a quarter of a column, half a column, or a column, according to the importance of the subject and the public interest in it, followed. Then came another heading "Senate." If you will go back to the old newspapers of forty, fifty, and sixty years ago, not supposed to have a tenth of the enterprise of the modern journal, you will find what I say to be verified. I think the newspapers of the country that attempt, and with immense power and ability, to keep the people informed and to argue the great questions of the day, could improve the interest of their papers by returning, in a measure at any rate, to the old custom of having a heading "Congress," a heading "House," with a reasonable condensation, and another heading "Senate."

The resolution was agreed to.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on the District of Columbia:

A bill (H. R. 2678) to incorporate the Eastern Star Home for the District of Columbia;

A bill (H. R. 8336) to amend section 3 of chapter 480 of the laws of the United States, approved June 23, 1874;

A bill (H. R. 8759) to require cases of typhoid fever occurring in the District of Columbia to be reported to the health department of said District;

A bill (H. R. 9342) to amend the code of law for the District of Columbia, approved March 3, 1901; and

A bill (H. R. 10076) to receive arrearages of taxes due the District of Columbia to July 1, 1900, at 6 per cent per annum, in lieu of penalties and costs.

The following bills were severally read twice by their titles, and referred to the Committee on Public Lands:

A bill (H. R. 202) to amend section 2294 of the Revised Statutes of the United States; and

A bill (H. R. 7664) providing for the compulsory attendance of witnesses before registers and receivers of the land office.

DEPARTMENT OF COMMERCE.

Mr. NELSON. I ask unanimous consent that the Senate proceed to the consideration of the bill (S. 569) to establish the department of commerce, and that it be considered without the limitation of Rule VIII.

The PRESIDENT pro tempore. The Senator from Minnesota asks unanimous consent that the Senate proceed to the consideration of the bill known as the department of commerce bill, and that the limitation of five minutes be removed. Is there objection? The Chair hears none.

The Senate, as in Committee of the Whole, resumed the consideration of the bill.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Alabama [Mr. PETTUS].

Mr. McLAURIN of Mississippi. Let it be read.

The PRESIDENT pro tempore. The amendment will be read to the Senate.

The SECRETARY. In lines 18 and 19, on page 3, it is proposed to strike out the words "the Department of Labor and."

Mr. McLAURIN of Mississippi. Mr. President, I do not rise to make a speech on this bill, and I do not intend to do so, but before we vote on the pending amendment I wish to submit a suggestion that occurs to me.

Preparatory to doing that, I will state what I understand to be the proposition of the Senator from Alabama. As I understand the bill, it embraces the Department of Labor in the department of commerce and makes it a bureau, and it is the purpose of the amendment to strike this out. I further understand from the discussion of this question that there is now an independent Department of Labor. It has been argued here, especially by the junior Senator from Wisconsin [Mr. QUARLES] and the senior Senator from West Virginia [Mr. ELKINS] that the purpose of putting the Department of Labor in the department of commerce is to give it dignity. In other words, to give dignity to labor, to lift it up. It occurs to me that if it be true that labor and commerce are to go hand in hand, side by side, if they are of equal dignity, there being a Department of Labor already established, which is, according to the statement of Senators, an independent department, responsible to no head and responsible to nobody except to the President, it might be well to make that an executive department and to provide for a secretary of labor and to put a bureau of commerce in the Department of Labor.

In the selection of the secretary of commerce or secretary of labor, as the case might be, if it were a secretary of commerce, the President would naturally have reference to some one engaged in commerce. He would have reference to capital instead of to labor. But if we have a department of labor instead of a department of commerce and put a bureau of commerce in the department of labor, then the President in selecting the head of that department would have reference to some man who was engaged particularly in labor.

I desire to read a short extract from the speech of the Senator from West Virginia [Mr. ELKINS]. He said:

> I understand the Commissioner of Labor is responsible to nobody but the President. In the multifarious duties that rest upon the shoulders of the President he can not give these bureaus any attention whatever, and for this reason we believe that it is better to put them in the hands of a responsible Cabinet officer, notwithstanding the claim of the political complexion that might attach to the administration of the Labor Bureau.

The junior Senator from Wisconsin said, speaking of this side of the question:

> They propose that labor should dwell in a tent on the outside. We propose to bring the labor interests right into the mansion alongside of commerce, alongside of capital, where they belong, that they may dwell there harmoniously together; that the Labor Bureau shall not be an orphan, entirely discredited and unaffiliated.

Now, if you are going to make the Labor Bureau something besides an orphan it ought not to be subordinated to the department of commerce—that is, if we recognize labor as being of equal dignity to commerce. There is no more reason, as I said before, why the Labor Bureau should be put in the department of commerce than that a bureau of commerce should be put in the Department of Labor already established, and it seems to be the idea of the Senator from Wisconsin that the two are of equal dignity. Yet he wants to uplift and elevate and dignify labor by subordinating it to the department of commerce, or, rather, by subordinating it to commerce.

There is one other suggestion I wish to make, and that is in reference to what was said by the Senator from West Virginia. I quote from his language. He said:

> I am glad that the Senator from Mississippi [Mr. MONEY] has taken into his particular charge the labor of the South. This is a new departure. It is gratifying that we find that Southern statesmen are beginning to love and care for labor in the South as well as in the North and all over the country.

I can not see that there has been anything said by any man from the South that would justify making this a sectional issue. There has been no time in the history of this country where any man sent to this body or the House of Representatives by the people of the South has not been a friend to labor. They have not only been a friend to labor here, but they have been friends to labor everywhere; labor first in this country, and afterwards they have taken the labor of all the countries into their friendship, but especially have they been a friend to the laborer in the United States.

Mr. NELSON. I hope that we will have a vote.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Alabama [Mr. PETTUS].

Mr. PETTUS. Mr. President, I desire to add a few words to what has been said in reference to this matter.

It has been asserted by the junior Senator from Ohio [Mr. HANNA], and I believe by the senior Senator from West Virginia [Mr. ELKINS], that the laboring men of this country did not desire the Department of Labor to remain in its present condition; that they were not opposed to this provision in this bill. Mr. President, I have no doubt that if this were a question of capital, of commerce, of mines and mining, or any such question, the opinion of these distinguished gentlemen would be entitled to all the weight possible, for those are matters with which they no doubt are perfectly familiar, but it seems to me that the opinions of the leaders of these organizations of labor are really entitled to more weight on a question of their individual preference than are the opinions of these two distinguished Senators.

Mr. President, labor is afraid of capital. I do not suppose that any Senator would have the hardihood to say that either of the Senators I have named have any fear of capital whatever. Their opinion on the subject of capital, if it were capital alone, would be entitled to the utmost weight; but as to giving the opinions of laboring men, I do not think they are entitled to as much weight as to those who have charge of such organizations.

The opinion of Mr. Hayes has been published in the RECORD, it having been read yesterday. That gentleman, whatever may be his character and distinction and connection with labor—and I am told his connection is with one particular organization alone, and that not of the largest—in his own statement has discredited his evidence.

If any man has met the absolute approval of the United States Senate, so far as it has been spoken here, it is the distinguished individual from Massachusetts who now occupies the position of Commissioner of the Department of Labor. No man in this Senate has spoken one single word to his discredit. All Senators who have spoken on this subject have given him the utmost credit for his diligent, faithful, and untiring work, and have stated that it has been of great profit to the country. Just see what Mr. Hayes says about the Commissioner of Labor. In the first place, he says that the Department of Labor has been a personal asset of the Commissioner. Then he adds:

> It has been of little consequence or value to those whom it was organized to aid, and more than one-half of its reports are false and misleading.

A man who recklessly makes such a statement as that as to the work of so distinguished an officer, who has met the unqualified approval of the Senate, ought not to be credited in his statement on any other subject.

Mr. President, in offering this amendment, I had no idea of politics in my head, and I am sorry that the discussion has taken so broad a range as it has. I hope the amendment will be adopted for the good of the country, and especially for the good of those who caused this Department of Labor to be organized in its independent state. It was once connected with an executive department, but Congress in its wisdom chose to remove it and make it an independent organization, subject to the orders of the executive authority of the President and the rule of Congress. Congress passed on it deliberately, and it has since been an independent organization. I think if we go no further in establishing a real executive Department of Labor, that we should at least leave this fragment independent for the benefit of those it was especially designed to aid.

The PRESIDENT pro tempore. The question is on the amendment submitted by the Senator from Alabama [Mr. PETTUS]. [Putting the question.] By sound the "noes" have it. [A pause.] The "noes" have it, and the amendment is rejected.

Mr. BACON. That amendment being rejected, I offer an

amendment, to insert the words "and labor" after the word "commerce"——

Mr. PETTUS. Do I understand that the vote just taken has been taken as in Committee of the Whole?

The PRESIDENT pro tempore. It has been.

Mr. PETTUS. And that a vote by yeas and nays can be had in the Senate on this question?

The PRESIDENT pro tempore. No; if the proposed amendment had been adopted and the words had been stricken out, then a separate vote could have been had in the Senate.

Mr. PETTUS. Then, if not too late, I ask for a vote by yeas and nays on the amendment.

The PRESIDENT pro tempore. The Chair will entertain the request. The Senator from Alabama asks that the yeas and nays be ordered on the amendment offered by him.

The yeas and nays were ordered.

Mr. BACON. Let the amendment be read.

Mr. BATE. Can we not have the amendment read, Mr. President, before voting upon it?

The PRESIDENT pro tempore. The amendment simply proposes to strike from the bill the Department of Labor.

Mr. BACON. As I understand, those who are in favor of retaining the Department of Labor as an independent bureau will vote "yea."

The PRESIDENT pro tempore. They will.

The Secretary proceeded to call the roll.

Mr. PRITCHARD (when his name was called). I have a general pair with the Senator from South Carolina [Mr. MCLAURIN]. If he were present, I should vote "nay."

The roll call was concluded.

Mr. HANSBROUGH. I have a general pair with the senior Senator from Virginia [Mr. DANIEL]; but I take the liberty of transferring that pair to the senior Senator from Iowa [Mr. ALLISON], and will vote "nay."

Mr. DEPEW (after having voted in the negative). I have a general pair with the Senator from Louisiana [Mr. MCENERY]. As he is not present, I withdraw my vote.

Mr. MCLAURIN of Mississippi. My colleague [Mr. MONEY] is paired with the Senator from Iowa [Mr. DOLLIVER]. If present, my colleague would vote "yea."

Mr. DOLLIVER (after having voted in the negative). I have a pair with the senior Senator from Mississippi [Mr. MONEY]; but having voted, I desire to withdraw my vote.

Mr. BATE. I desire to say that my colleague [Mr. CARMACK] is paired with the Senator from Wisconsin [Mr. SPOONER]. My colleague is necessarily absent this morning.

The result was announced—yeas 19, nays 38; as follows:

YEAS—19.

Bacon,	Cockrell,	Heitfeld,	Pettus,
Bate,	Dubois,	Jones, Ark.	Rawlins,
Berry,	Gibson,	McLaurin, Miss.	Taliaferro,
Blackburn,	Harris,	Mallory,	Tillman.
Clark, Mont.	Hawley,	Morgan,	

NAYS—38.

Bard,	Foraker,	McComas,	Quarles,
Beveridge,	Frye,	McMillan,	Quay,
Burnham,	Gallinger,	Martin,	Scott,
Burrows,	Gamble,	Millard,	Simmons,
Burton,	Hanna,	Mitchell,	Simon,
Clay,	Hansbrough,	Nelson,	Stewart,
Cullom,	Hoar,	Penrose,	Vest,
Deboe,	Kean,	Platt, Conn.	Wellington.
Dillingham,	Kittredge,	Platt, N. Y.	
Fairbanks,	Lodge,	Proctor,	

NOT VOTING—30.

Aldrich,	Depew,	Kearns,	Pritchard,
Allison,	Dietrich,	McCumber,	Spooner,
Bailey,	Dolliver,	McEnery,	Teller,
Carmack,	Elkins,	McLaurin, S. C.	Turner,
Clapp,	Foster, La.	Mason,	Warren,
Clark, Wyo.	Foster, Wash.	Money,	Wetmore.
Culberson,	Hale,	Patterson,	
Daniel,	Jones, Nev.	Perkins,	

So the amendment of Mr. PETTUS was rejected.

Mr. BACON. Mr. President——

Mr. NELSON. I suggest to the Senator from Georgia that there is another amendment pending. Let us dispose of that before proceeding further.

Mr. BACON. If it is one that will lead to no debate, I have no objection.

Mr. NELSON. I do not think it will lead to any debate, but I do not know.

Mr. BACON. I will yield for that purpose, but I should like to get my amendment offered right in connection with the particular matter which has been pending, while Senators who are to vote upon it are still present.

Mr. NELSON. Very well.

Mr. BACON. I will offer the amendment, at any rate, and if the Senator shall then desire I will consent that it be passed over.

The PRESIDENT pro tempore. There is no amendment pending. There was one amendment printed and laid on the table.

Mr. BACON. If there is no amendment pending, I now offer an amendment, after the words "department of commerce," in line 4 of section 1, on page 1, to insert the words "and labor," and also—I have not had the opportunity or the time to look through the entire bill—wherever the words "department of commerce" are found I ask that a similar amendment may be made, so that instead of "department of commerce" wherever it occurs in the bill it will read "the department of commerce and labor."

Mr. NELSON. I will make one suggestion to the Senator from Georgia, and I think that will be better still. This bill was entitled originally "a bill to establish a department of commerce and industry." I think it would be well to make the title "the department of commerce, industry, and labor." Will the Senator accept such an amendment?

Mr. GALLINGER. That title is too long.

Mr. BACON. I have no objection in the world to it, if it is not thought to be too cumbersome.

Mr. GALLINGER. It is very cumbersome.

Mr. LODGE. Undoubtedly.

Mr. NELSON. I have no objection to the amendment of the Senator from Georgia. I simply proposed the other as a suggestion to him.

Mr. HALE. I hope the Senator from Minnesota will not agree to add another word to the title. Our invariable practice has been to have a single descriptive word. Each head of a department is the Secretary of the Department of that single name. We have not gone into the cumbrous fashion that other people have in creating their departments. I hope the Senator in charge of the bill will modify it by adding the words "and labor," so as to make it the department of commerce and labor; that he will not go further and encumber it by adding "industry."

Mr. NELSON. I will say to the Senator from Maine and the Senator from Georgia that I will agree to that, and will consent that these amendments be put into the bill.

Mr. HALE. While I am on the floor, Mr. President, I wish to withdraw the amendment I offered the other day, including the Interstate Commerce Commission and making it a part of this new department.

Mr. BACON. If the Senator will pardon me a moment, do I understand that the amendments offered by me have been agreed to?

The PRESIDENT pro tempore. They have not been.

Mr. BACON. I think they should be first agreed to.

Mr. GALLINGER. They should be agreed to. There is no objection to them.

Mr. HALE. I thought they had been agreed to.

Mr. BACON. The Senator from Minnesota [Mr. NELSON] consented to them, but they have never been announced from the Chair as having been agreed to.

The PRESIDENT pro tempore. Will the Senator from Maine allow the Chair to put the question?

Mr. HALE. Certainly.

The PRESIDENT pro tempore. The question is on the amendments offered by the Senator from Georgia [Mr. BACON], inserting in the bill after the words "department of commerce," wherever they occur, the words "and labor."

The amendments were agreed to.

Mr. HALE. When, the other day, I offered the amendment to which I have referred, several Senators very earnestly indicated their acceptance of it and desired to vote for it; but I was very much impressed by the suggestion which came in answer to a question by the Senator from Connecticut [Mr. PLATT] as to what would be the effect if the Interstate Commerce Commission were put into this new department as a bureau, as I proposed. The answer was that it would probably destroy its usefulness. I should not want to do that; and, reflecting upon the matter since then, I think it would be unsafe to disturb that Commission.

I do not recognize the Commission as a judicial tribunal with the right to promulgate decisions as a court; and I have so said; but it deals undoubtedly with commerce, the interstate commerce of the country, and in a way its acts are cognate to the purposes of this bill. I should not, however, want to be a party to anything that would impair its real efficiency, because it is undoubtedly doing some good. Rather than incur the risk of doing that, Mr. President, I withdraw the amendment which I proposed.

Mr. CULLOM. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Maine yield to the Senator from Illinois?

Mr. HALE. Certainly.

Mr. CULLOM. I simply want to say that I expected to take part in this discussion if the amendment remained in the bill or if the Interstate Commerce Commission was attempted to be put

upon the bill, as I feel very sure that it would practically destroy the usefulness of the Commission.

I want to say to the Senator that it was placed in connection with the Interior Department when the bill creating it became a law, but it was found by the Secretary of the Interior, as well as by the Commission and some of us in Congress, that it worked very badly. Judge Cooley, who was then chairman of the Commission, and the Secretary of the Interior agreed that the Commission should not remain in that Department, and it was taken out so as to give the Commission opportunity to exercise the functions placed in its hands without the embarrassment of the Interior Department as a political organization.

The Commission has been run upon the theory, and I think in fact, of being a nonpartisan body. While it is not a judicial body in a technical sense, it is performing in a way judicial acts; that is to say, it passes upon and determines questions, subject, of course, to the decisions of the courts, if the parties involved see proper to take an appeal. As one of the Supreme Court judges said, the Commission is a sort of a referee of the circuit courts of the United States. But I do not care to take up the time of the Senate on this subject, as the Senator from Maine has withdrawn the amendment.

Mr. HALE. It was such considerations as have been stated which have induced me to withdraw the amendment. I hope I shall never be in a condition where, if I find I am wrong in anything I have proposed, I am not willing to recede. I think I was wrong in offering the amendment, and I withdraw it.

Mr. CULLOM. The Senator is always desirous of doing right.

I wish to add a further word while I am upon the floor. I am very anxious that this bill shall pass and that the department of commerce shall be created. I think it ought to have been done earlier, but if it is done now I think it will be a very important thing for the commerce of the nation.

Mr. LODGE. I should like to ask if the amendment on page 5, line 17, striking out the words "upon the request of the secretary of commerce" has been adopted?

Mr. NELSON. The Senator's amendments were all adopted.

The PRESIDENT pro tempore. The amendment referred to by the Senator from Massachusetts was adopted.

Mr. LODGE. I wish to suggest a further verbal amendment. In line 23, on page 5, section 5, after the word "compiled," I move to insert "such reports to be transmitted through the State Department."

Mr. NELSON. There is no objection to that amendment.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Massachusetts [Mr. LODGE].

The amendment was agreed to.

The bill was reported to the Senate as amended.

Mr. VEST. I simply want to make a parliamentary inquiry. I understand now that the status of this bill is that the Patent Office, the Coast and Geodetic Survey, and the Census Bureau are all taken out of it.

The PRESIDENT pro tempore. By votes of the Senate; that is true.

Mr. VEST. Are those all the bureaus that have been taken out of the bill?

Mr. NELSON. I think those are all—the Census Bureau, the Patent Office, and the Coast and Geodetic Survey.

Mr. VEST. Then, what are the bureaus which are left in the bill? Has the Geological Survey been taken out?

Mr. NELSON. Yes.

Mr. VEST. That makes four bureaus which have been taken out.

Mr. NELSON. Yes; the Patent Office, the Coast and Geodetic Survey, the Census Office, and the Geological Survey.

Mr. VEST. Now, how many bureaus are left in the bill?

Mr. NELSON. There are a great many left in the bill. There is the Life-Saving Service—does the Senator want me to call his attention to them. I can not give them all from memory, but I will read them if the Senator desires.

Mr. VEST. That will be satisfactory.

Mr. NELSON. The bureaus left in the bill are the Life-Saving Service, the Light-House Board, the Light-House Service, the Marine-Hospital Service, the Steamboat-Inspection Service, the Bureau of Navigation, the United States shipping commissioners, the Bureau of Immigration, the Bureau of Statistics of the Treasury Department, Bureau of Foreign Commerce in the State Department, and the Labor Department.

Mr. BACON. And the Fish Commission also?

Mr. NELSON. Yes; the Fish Commission.

Mr. VEST. The Senator from Wisconsin [Mr. QUARLES] heretofore gave notice that he would move a reconsideration of the vote by which the Census Office was stricken out of the bill, or that he would call for a separate vote in the Senate upon that amendment.

The PRESIDENT pro tempore. That is correct.

Mr. QUARLES. Mr. President, instead of prolonging the debate, I propose to ask for a separate vote in the Senate upon the adoption of the amendment by which the Census Bureau was stricken out of this bill.

Mr. VEST. I so understood.

Mr. QUARLES. That will answer the Senator's inquiry. The amendment has already been sufficiently debated, I think.

The PRESIDENT pro tempore. The question is on concurring in the amendments made as in Committee of the Whole. Is there any request for a separate vote on any amendment other than that relating to the Census Office? The Chair hears none. The question is, Will the Senate concur in gross in the other amendments made as in Committee of the Whole? In the absence of objection, they are concurred in. The question now before the Senate is on concurring in the amendment adopted as in Committee of the Whole striking out the Census Office from the bill.

Mr. QUARLES. Upon that proposition I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CLAY (when his name was called). I understand the question is on concurring in the amendment to strike out the Census Bureau from this bill.

The PRESIDENT pro tempore. That is the motion.

Mr. CLAY. I am against striking it out, and I vote "nay."

The roll call having been concluded, the result was announced—yeas 5, nays 52; as follows:

YEAS—5.

Bate,	McLaurin, Miss.	Pettus,	Quay.
Cockrell,			

NAYS—52.

Aldrich,	Fairbanks,	Kittredge,	Proctor,
Bacon,	Foraker,	Lodge,	Quarles,
Bard,	Frye,	McComas,	Rawlins,
Blackburn,	Gallinger,	McMillan,	Scott,
Burnham,	Gamble,	Mallory,	Simmons,
Burrows,	Gibson,	Martin,	Simon,
Burton,	Hanna,	Mitchell,	Stewart,
Clay,	Hansbrough,	Nelson,	Taliaferro,
Cullom,	Hawley,	Penrose,	Teller,
Deboe,	Heitfeld,	Perkins,	Tillman,
Dietrich,	Hoar,	Platt, Conn.	Vest,
Dillingham,	Jones, Ark.	Platt, N. Y.	Wellington,
Dubois,	Kean,	Pritchard,	Wetmore.

NOT VOTING—30.

Allison,	Culberson,	Harris,	Money,
Bailey,	Daniel,	Jones, Nev.	Morgan,
Berry,	Depew,	Kearns,	Patterson,
Beveridge,	Dolliver,	McCumber,	Spooner,
Carmack,	Elkins,	McEnery,	Turner,
Clapp,	Foster, La.	McLaurin, S. C.	Warren.
Clark, Mont.	Foster, Wash.	Mason,	
Clark, Wyo.	Hale,	Millard,	

So the amendment was rejected.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read "A bill to establish the department of commerce and labor."

STATUE OF HENRY WADSWORTH LONGFELLOW.

Mr. HOAR. I ask unanimous consent for consideration at this time of Order of Business 248, being Senate joint resolution 12, which was passed at the last session. It will take but a moment.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. R. 12) authorizing the selection of a site and the erection of a pedestal for a bronze statue in Washington, D. C., in honor of the late Henry Wadsworth Longfellow.

The joint resolution was reported from the Committee on the Library with an amendment, on page 1, section 1, line 8, before the word "commission," to strike out "that the Secretary of War, the officer in charge of public buildings and grounds, and the chairmen of the Senate and House Committees of the Library are hereby appointed as a," and insert "that the chairman of the Senate Committee on the Library, the chairman of the House Committee on the Library, and the Secretary of War are hereby appointed a;" so as to make the joint resolution read:

Resolved, etc., That the chairman of the Senate Committee on the Library, the chairman of the House Committee on the Library, and the Secretary of War are hereby appointed a commission to select a site upon property belonging to the United States in the city of Washington, other than the Capitol or Library grounds, for the erection of a statue in bronze of the late Henry Wadsworth Longfellow, to be provided by the Longfellow Memorial Association.

SEC. 2. That for the preparation of the site so selected and the erection of a pedestal upon which to place said statue, and the reasonable expense of superintendence and inspection of the same, under the direction of the officer in charge of public buildings and grounds, the sum of $4,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT OF DISTRICT CODE.

The bill (S. 493) to amend an act entitled "An act to establish a code of laws for the District of Columbia" was announced as the first business in order on the Calendar.

Mr. COCKRELL. Let this case be passed temporarily.

The PRESIDENT pro tempore. The Senator from Missouri asks that the first bill on the Calendar may go over without prejudice.

Mr. GALLINGER. And also the second.

Mr. PRITCHARD. I hope the Senator from Missouri will withdraw his request. This bill undertakes to amend certain sections of the code in order to correct certain errors which have appeared in it.

Mr. COCKRELL. I made the suggestion because it will be a physical impossibility to complete the consideration of the bill by 2 o'clock, and the time will just be wasted. To-morrow morning, when we go to the Calendar, let it be taken up, and we can dispose of it, instead of commencing now and not getting halfway through it.

Mr. PRITCHARD. With that understanding——

Mr. COCKRELL. It will retain its place on the Calendar, and to-morrow morning probably there will be a small amount of morning business, and we can take up this bill and pass it before 2 o'clock.

Mr. McCOMAS. There are several matters of local importance embraced in the bill. It will lead to no debate, and it can be gotten out of the way pretty speedily. It ought to be passed, and without delay.

Mr. COCKRELL. I do not object to it. I simply asked that it be passed over in order to facilitate the transaction of business.

Mr. McCOMAS. I trust the Senator from North Carolina will try to expedite the bill and get it out of the way.

The PRESIDING OFFICER (Mr. PERKINS in the chair). If there be no objection to the consideration of the bill, it will be read. Does the Chair understand the Senator from Missouri to withdraw his objection?

Mr. COCKRELL. Certainly. I do not object to the consideration of the bill, but I do not want to waste the morning in reading the bill and not passing it.

Mr. LODGE. I suggest that we have very little time left of the morning hour. We can pass several very small bills, while this contains 64 pages.

Mr. PRITCHARD. I adopt the suggestion of the Senator from Massachusetts.

The PRESIDING OFFICER. By unanimous consent, the first bill on the Calendar will be temporarily passed over without prejudice.

Mr. McCOMAS. Do I understand that the whole suggestion is adopted, that also by unanimous consent this bill will be taken up to-morrow morning after the close of the routine morning business?

Mr. LODGE. After the close of the routine morning business.

The PRESIDING OFFICER. The Chair understands that it will be in order in the morning hour when the Calendar is taken up.

Mr. CULLOM. I desire to say a word before any agreement is made. I wish to give notice that to-morrow, immediately after the morning business, I shall ask permission to address the Senate.

The PRESIDING OFFICER. The next bill on the Calendar will be stated.

TRANSFER OF CENSUS RECORDS.

The bill (S. 1833) providing for the transfer of census records and volumes to the Census Office, and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on the Census with an amendment.

Mr. COCKRELL. I move to amend the bill by inserting after the word "Interior," in line 8, the words "except such volumes as are to the credit of Senators and Representatives in the Fifty-seventh Congress." I do not think we have any right now to take away those allotted to Senators and to distribute them in this way. There was an allotment of so many of the census reports to every Senator and Representative. Some Senators and Representatives have copies yet to their credit and will want to distribute them to libraries and other places when it is ascertained that they have none. This measure proposes to take them away from the Senators and Representatives and to distribute them. I ask that those volumes may be excepted. I move to insert, "excepting such reports as may have been allotted to Senators and Representatives who are members of the present Congress.

The PRESIDING OFFICER. The Chair will state that there is a committee amendment which will first be stated.

The SECRETARY. In line 2, page 2, after the word "requested," it is proposed to insert "at the discretion of the Director of the Census;" so as to read:

And the Director of the Census is hereby authorized, upon the request of a governor of any State or Territory, or the chief officer of any municipal government, to furnish such governor or municipal officer with copies of so much of said files or records as may be requested, at the discretion of the Director of the Census, upon payment of the actual cost of making such copies.

The amendment was agreed to.

Mr. TILLMAN. I should like to have the title of the bill read. In the morning hour, when the Senate is on unobjected matters like this, very few of us pay any attention, and I was not observing what was being done. I should like to know, as the Senator from Missouri [Mr. COCKRELL], who is the watchdog for all sides here, has called attention to something that he considers wrong, what the bill is.

The PRESIDING OFFICER. The Secretary will again read the title of the bill.

The Secretary again read the title of the bill.

Mr. TILLMAN. My quota of the census reports has been exhausted because of special applications, and unless we are going to print some more of them, and give the people access to the information, it seems to me it was very useless for us ever to have gone to the millions of dollars' expense to obtain it. I think an amendment providing for additional copies, without taking from Senators those they already have had assigned to them, would be more in order; at least, it certainly would be more to the taste of some of us.

Mr. GALLINGER. This bill relates to the Eleventh Census, I will say to the Senator.

Mr. TILLMAN. To the old census?

Mr. GALLINGER. To the old census.

Mr. TILLMAN. That is rubbish. I do not care what becomes of it. [Laughter.]

Mr. PLATT of Connecticut. I should like to inquire of the Senator from Missouri if he thinks his proposed amendment is necessary. Does the bill authorize——

Mr. COCKRELL. I take it that the bill in its present language would take everything out of the Interior Department.

Mr. PLATT of Connecticut. And put it in the Census Office?

Mr. COCKRELL. And put it in the Census Office.

Mr. PLATT of Connecticut. But it does not authorize the Director of the Census to make any disposition of it.

Mr. COCKRELL. It directs him to distribute it on the order of the governors.

Mr. SIMMONS. I think the Senator from Missouri is laboring under a misapprehension with respect to the bill.

Mr. PLATT of Connecticut. I have the floor, Mr. President.

The PRESIDING OFFICER. The Senator from Connecticut is entitled to the floor.

Mr. SIMMONS. I beg pardon.

Mr. PLATT of Connecticut. I understood that the difficulty in the mind of the Senator from Missouri was that this bill proposes to transfer from the Interior Department to the Census Office the published reports of the different censuses which have been taken, and that it gave authority to the Director of the Census to dispose of those reports. Now, I do not so read the bill. It provides for the transfer of the reports; that is, the taking of the reports from where they are stored in the Interior Department and putting them in the Census Office; and then it provides, as to the files and records, that he may furnish copies of them to governors on application. But I can find nothing in the bill which authorizes him to dispose of the reports, and I do not see why the reports would not be just as much at the disposal of the Senators and Members to whom they have been allotted after they have been taken from the Interior Department and placed in the Census Bureau. Perhaps I am mistaken about it.

Mr. COCKRELL. It says:

The Director of the Census is hereby authorized, upon the request of a governor of any State or Territory, or the chief officer of any municipal government, to furnish such governor or municipal officer with copies of so much of said files or records as may be requested, at the discretion of the Director of the Census, upon payment of the actual cost of making such copies, and the amounts so received——

Mr. PLATT of Connecticut. That can not refer to the reports. It refers to the copies which the Director is authorized to make of the files and the records, for which he is to be paid.

Mr. COCKRELL. If that is the intent, and it is not to change the status of the right to the reports, it is all right, and I have no objection to the transfer; but if this is to transfer and destroy the rights of Senators and Representatives to the documents which have already heretofore been allotted to them, I am opposed to it.

Mr. PLATT of Connecticut. I suppose under this bill the right of Senators and Members to the reports would be just as much recognized as if they were retained in the Interior Department.

Mr. SIMMONS. Mr. President, as I began to say a little while ago, I think the Senator from Missouri [Mr. COCKRELL] is under

a misapprehension entirely as to the purpose of this bill. I introduced the bill. I had two specific objects in view in introducing it. First, I found that the records of the last census are now in the Census Office, while the records of the previous censuses are deposited in the Office of the Secretary of the Interior. I did not see any reason why the records of the different censuses should be thus divorced. My purpose and only purpose was to provide by the bill that the records which are now in the Interior Department should be transferred to the Census Office, without disturbing in any way whatever the right of Senators or anybody else in reference to the documents.

My second object, the main object, I confess, was this: In my State we are preparing colonial records, and we desire to incorporate in those records the heads of families as shown by the census of 1790. I applied to the Secretary of the Interior to copy that census at the expense of the State, and he informed me that there was no authority of law by which he could permit it to be done. I therefore introduced the bill for the second purpose of obtaining authority from Congress permitting not only my State, but any other State in the Union which might desire copies of the census of 1790 to make them at their cost. Those were the only objects of the bill.

Mr. COCKRELL. That is perfectly proper and right, and in order that there may be no question in regard to the effect of the transfer, I withdraw the amendment I offered and move to add after the word "Interior" the words "which transfer shall not change the allotment of such reports heretofore made to Senators and Representatives."

Mr. SIMMONS. I do not think it does that.

Mr. GALLINGER. The amendment is all right.

Mr. COCKRELL. That makes it perfectly clear.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Missouri will be stated.

The SECRETARY. It is proposed to insert after the word "Interior," in line 8, page 1, the words:

Which transfer shall not change the allotment of such reports heretofore made to Senators and Representatives.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AFFAIRS IN THE PHILIPPINES.

The PRESIDENT pro tempore. The next bill on the Calendar will be stated.

Mr. McCUMBER. Before passing to the next bill, I should like to make a statement in reference to some remarks made yesterday concerning General Wheaton, which I think do the General an injustice. My remarks will be very brief indeed.

I wish to call attention to a statement made by the Senator from Idaho [Mr. DUBOIS], published in yesterday's RECORD. It is as follows:

I do not know who General Wheaton is, particularly, but I imagine he was a charity boy who was appointed to West Point by some Senator or Representative and was educated by the Government. Those officers criticise the Senate in regard to legislation which is being proposed. It is outrageous and indecent, and I think, as I have said, General Wheaton ought to be reprimanded by the President of the United States.

Mr. President, I desire to correct the impression—a very wrong impression, I think—entertained by the Senator from Idaho concerning General Wheaton. General Wheaton was for some five years in command, while he was still captain, of the post at Fort Pembina in my State, and instead of being a charity boy, educated by the Government, and who now assumes to look into what Congress is doing, I am informed by those who know him that he enlisted as a private soldier from Illinois; that he served during the rebellion with distinction, rose from a private soldier to the rank of captain at the close of the war, and has been promoted since that time to the several positions which he has since held.

I know of his record while in the State of North Dakota. Speaking with one of our residents yesterday who knew him intimately for some five or six years there, he made the remark that General Wheaton was one of God's own noblemen. Instead of being of the character the Senator from Idaho supposes he is, I wish to give just one little incident of his life which will indicate his character.

He was generally beloved by every one of the privates under him while he was a captain in the State, having charge first at Fort Pembina and afterwards at Fort Buford. During this time one of the privates got into an altercation with one of the clerks, and some firing was done, in which one was shot. A trial was held. The private had no friends and no acquaintances in that entire section of the country. General Wheaton was then captain. He placed a hundred dollars in an envelope and gave it to one of our prominent citizens in the State to employ an attorney to defend him. There we have an officer looking after the special interests of a private soldier under him, carefully guarding his interests, even at his own expense. It but substantiates the claim I have made that he was generally beloved by all of those under him and that he is not the sort of an individual supposed by the Senator who made the remarks I have read. Instead of having been educated by the Government, all his education was self-acquired, and, as I am informed, he rose from the position of a mere private to that of general by his own endeavors. I say this knowing that the Senator from Idaho does not wish intentionally to misrepresent the General and so that he may have some information concerning the individual of whom he speaks.

Mr. DUBOIS. Mr. President——

The PRESIDENT pro tempore. This discussion is entirely out of order, and can proceed only by unanimous consent.

Mr. GALLINGER. As the Philippine bill will come up at 2 o'clock, I hope the Senator from Idaho will let us pass a few of these little bills and he can then make his statement.

Mr. DUBOIS. The Senator from North Dakota has referred to me personally, and it will take me but a minute or two to say what I desire to say.

Mr. GALLINGER. All right.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Idaho? The Chair hears none.

Mr. McCUMBER. I wish to say that I asked consent to speak, and I understood it was given.

Mr. DUBOIS. Mr. President, the Senator from North Dakota [Mr. McCUMBER] stated that I was not properly informed, and that General Wheaton is not a graduate of West Point. I am glad to know it. That is all I charged, that he was a graduate of West Point.

The gentleme[n] on the other side of the Chamber are quite amusing to me. I do not know how they are to others. They are merely quibblin[g] over this dispatch which came from Manila and which is true. [T]here is not one of them who will rise in his seat and say that Ar[my] officers ought to be reprimanded if such language was used [by] them. They quibble and dodge, while not a clear-cut statem[ent] has come from the other side in regard to this dispatch and as [to] whether we are to submit to this eternal criticism from Arm[y] officers.

I do not want [to] disparage General Wheaton. I have as much respect and adm[iration] for him as has any gentleman on the other side of the Chan[mber]. He is a splendid officer and a gallant man, and certainly on[e] of the loveliest characters in the Army. I have no disposition t[o] criticise him, except when he criticises us; and I think he has n[o] right to do it. It is time, in my judgment, for the Senate so to [e]xpress itself; and if there are any more remarks to be made on th[e] other side of the Chamber I hope they will be addressed to the subject at issue—whether we are to sit here and read dispatches and statements from Army officers criticising proposed legislation by this body.

FEDERAL RAILROAD COMPANY.

The bill (S. 911) authorizing the Federal Railroad Company to construct a combined railroad, wagon, and foot-passenger bridge across the Missouri River at or near the village of Oacoma, Lyman County, S. Dak., was announced as the next case in order on the Calendar.

Mr. GAMBLE. I ask that the bill may go over without prejudice.

The PRESIDENT pro tempore. It will go over without prejudice.

GOVERNMENTAL USE OF INVENTIONS BY NAVAL OFFICERS.

The bill (S. 1104) providing for the use by the United States of devices invented by its naval officers while engaged in its service and covered by letters patent was announced as the next business in order on the Calendar.

Mr. COCKRELL. Let the bill be passed over.

The PRESIDENT pro tempore. The bill will be passed over, retaining its place on the Calendar.

REBECCA DOBBINS.

The bill (S. 700) granting a pension to Rebecca Dobbins was announced as the next business in order on the Calendar.

Mr. COCKRELL. Let it be passed by for the present. I believe there is a mistake in regard to it.

The PRESIDENT pro tempore. It will be passed over without prejudice.

ETTA SCOTT MITCHELL.

The bill (S. 1931) granting an increase of pension to Etta Scott Mitchell was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "Fifteenth," to strike out "of Company C;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Etta Scott Mitchell, widow

of David D. Mitchell, late captain, Fifteenth Regiment United States Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendment was agreed to.

Mr. GALLINGER. I offer an amendment to be inserted at the end of the bill.

The PRESIDENT pro tempore. The amendment proposed by the Senator from New Hampshire will be stated.

The SECRETARY. It is proposed to add at the end of the bill the following:

And $2 per month additional on account of the minor child of said David D. Mitchell until she reaches the age of 16 years.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EMMA M'LAUGHLIN.

The bill (S. 2520) granting an increase of pension to Emma McLaughlin, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Emma McLaughlin, widow of James B. McLaughlin, late second lieutenant, Signal Corps, United States Volunteers, and to pay her a pension of $25 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE H. MORTON.

The bill (S. 2098) granting a pension to George H. Morton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George H. Morton, late of Company H, First Regiment United States Cavalry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY E. PILLOW.

The bill (S. 1596) granting an increase of pension to Mary E. Pillow was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Pillow, widow of Gideon J. Pillow, late major-general, United States Army, war with Mexico, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NATIONAL BATTLEFIELDS MEMORIAL PARK.

The bill (S. 1452) to establish the Fredericksburg and Adjacent National Battlefields Memorial Park in the State of Virginia was announced as next in order.

Mr. COCKRELL. That is quite a lengthy bill, and the Senator reporting it is not present. Let it retain its place on the Calendar.

The PRESIDENT pro tempore. The bill will go over without prejudice.

WILLIAM J. M'GHEE.

The bill (S. 1354) to correct the military record of William J. McGhee was considered as in Committee of the Whole. It proposes to correct the military record of Jasper McGhee, alias William J. McGhee, by showing his enlistment and muster in as a private in Company F, Eighty-eighth Regiment Illinois Infantry Volunteers, to serve three years, and by removing the charge of desertion and substituting therefor: "Absented himself without proper authority and remained so absent from November 5, 1862, to August 15, 1863, when he enlisted under the name of William J. McGhee, and was mustered in Company F, Forty-eighth Regiment Kentucky Infantry Volunteers, October 26, 1863, to serve twelve months, and was mustered out as hospital steward December 19, 1864, and was mustered into the service April 8, 1865, to date March 22, 1865, as first lieutenant Company G, Seventeenth Regiment Kentucky Cavalry Volunteers, and was mustered out September 20, 1865, as first lieutenant."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

OTIS B. VANFLEET.

The bill (S. 30) to correct the military record of Otis B. Vanfleet was considered as in Committee of the Whole. It proposes to correct the military record of Otis B. Vanfleet, Company C, Third Regiment Ohio Cavalry, by removing therefrom the charge of desertion and substituting therefor the words "absenting himself without proper authority, and remained so absent until August 13, 1862, when he was enrolled, and on September 2, 1862, mustered in as a private in Company A, One hundred and second Regiment Illinois Infantry, to serve three years, and served faithfully until honorably mustered out with his company on June 6, 1865;" but no pay, bounty, or allowance shall accrue by reason of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GOTTLIEB C. ROSE.

The bill (S. 35) for the relief of Gottlieb C. Rose was considered as in Committee of the Whole. It directs the Secretary of War to revoke the order dismissing Gottlieb C. Rose from service as an officer of the Fourth Regiment of Missouri Cavalry Volunteers, and to honorably discharge him as a major of that regiment, to date from the 12th day of December, 1864.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM B. BARNES.

The bill (S. 36) to grant an honorable discharge to William B. Barnes was considered as in Committee of the Whole. It directs the Secretary of War to issue an honorable discharge to William B. Barnes, late major of the Eleventh New York Heavy Artillery, as of date of September 30, 1863, removing all disqualifications on account of the order of the War Department dated September 30, 1863, dishonorably mustering the said William B. Barnes out of the service of the United States, and revoking the order of dismissal.

LAWRENCE H. KNAPP.

The bill (S. 330) for the relief of Lawrence H. Knapp, late first lieutenant, Second Oregon Volunteer Infantry, was considered as in Committee of the Whole. It directs the accounting officers of the Treasury, in the settlement of the accounts of Lawrence H. Knapp, late first lieutenant, Second Oregon Volunteer Infantry, to allow him credit for $540, the same being the amount of funds of the United States stolen from his office at Manila, P. I., while he was acting commissary of subsistence, and for the loss of which a board of survey has recommended that he be relieved from all responsibility.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REVENUE-CUTTER SERVICE.

The bill (S. 1025) to promote the efficiency of the Revenue-Cutter Service was announced as next in order.

Mr. GALLINGER. Let the bill go over, retaining its place.

The PRESIDENT pro tempore. The bill will go over without prejudice.

Mr. GALLINGER. I wish to state that at an early day I shall ask the Senate to consider the bill. It was reported at the second session of the Fifty-sixth Congress, and is again reported, and, in my opinion, it ought to have early consideration.

The PRESIDENT pro tempore. The next bill will be announced.

ESTATES OF JOSEPH W. ETHERIDGE AND JOHN M. RICHARDSON.

The bill (S. 1570) for the relief of the widow and children of the late Joseph W. Etheridge and the widow of the late John M. Richardson was considered as in Committee of the Whole. It proposes to pay to the widow and children (in equal proportions) of the late Joseph W. Etheridge, late superintendent of the Sixth life-saving district, who died February 15, 1893, from pneumonia, contracted by him from exposure in the line of his duty in the Life-Saving Service, a sum equal to two years' pay of a district superintendent of the Life-Saving Service; and to pay a like sum to the widow of the late John M. Richardson, late superintendent of the First life-saving district, who died the 13th day of June, 1896, from the effects of a trip of inspection through his district, in the line of his duty in the Life-Saving Service, made by him while in an enfeebled condition, against the advice of his physicians and at the cost of his life.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EMMA R. PAWLING.

The bill (S. 2562) granting a pension to Emma R. Pawling, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions, with an amendment, in line 8, after the word "and," to strike out "of;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emma R. Pawling, widow of George M. Pawling, late of Company K, One hundred and twenty-sixth Regiment Pennsylvania Volunteer Infantry, and Company M, Twenty-first Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LAURA S. PICKING.

The bill (S. 2806) granting an increase of pension to Laura S. Picking was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Laura S. Picking, widow of Henry F. Picking, late rear-admiral, United States Navy, and to pay her a pension of $50 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CORNELIA E. WRIGHT.

The bill (S. 1802) granting an increase of pension to Cornelia E. Wright was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Cornelia E. Wright, widow of Amos D. Wright, late of Company G, Thirtieth Regiment Wisconsin Volunteer Infantry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ISSUE OF DUPLICATE MEDALS.

The joint resolution (S. R. 16) authorizing the issue of duplicate medals where the originals have been lost or destroyed was considered as in Committee of the Whole.

The joint resolution was reported from the Committee on the Library with an amendment, in line 9, after the word "beneficiary," to insert "and that diligent search has been made therefor;" so as to make the joint resolution read:

Resolved, etc., That in any case where the President of the United States has heretofore, under any act or resolution of Congress, caused any medal to be made and presented to any officer or person in the United States on account of distinguished or meritorious services, on a proper showing made by such person to the satisfaction of the President that such medal has been lost or destroyed through no fault of the beneficiary, and that diligent search has been made therefor, the President is hereby authorized to cause to be prepared and delivered to such person a duplicate of such medal, the cost of which shall be paid out of any money in the Treasury not otherwise appropriated.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

LEONARD I. BROWNSON.

The bill (S. 2928) for the relief of Leonard I. Brownson was considered as in Committee of the Whole. It authorizes the President of the United States to revoke and set aside so much of General Orders, No. 21, headquarters Middle Military Division, dated September 18, 1864, as dismissed First Lieut. Leonard I. Brownson, Company K, Fifth Vermont Volunteers, for absence without leave, and for conduct prejudicial to good order and military discipline, and to grant and cause to be issued to said Leonard I. Brownson a certificate of honorable muster out of the service as of the date of September 18, 1864; and Leonard I. Brownson shall not be entitled, by virtue of this act, to any pay or allowance.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARTHA A. COUCH.

The bill (S. 2700) granting an increase of pension to Martha A. Couch was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Martha A. Couch, widow of Calvin P. Couch, late of Company A, Fifth Regiment New Hampshire Volunteer Infantry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT CLEVELAND, OHIO.

Mr. SCOTT. Order of Business No. 221 on the Calendar is a bill proposing to increase the limit of cost of the public building at Cleveland, Ohio. The contractor has there struck a quicksand, and there is trouble in regard to getting a foundation. I should like to have unanimous consent to call up the bill.

Mr. GALLINGER. All right; I have no objection.

The PRESIDENT pro tempore. The Senator from West Virginia asks unanimous consent to call up a bill which will be read.

The Secretary read the bill (S. 2735) to increase the limit of cost of the post-office, custom-house, and court-house building at Cleveland, Ohio; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill had been reported from the Committee on Public Buildings and Grounds with an amendment, in line 5, after the word "million," to strike out "two hundred thousand;" so as to make the bill read:

Be it enacted, etc., That the limit of cost of the post-office, custom-house, and court-house at Cleveland, Ohio, be increased from $2,500,000 to $3,000,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PHILIPPINE TARIFF BILL.

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 5833) temporarily to provide revenue for the Philippine Islands, and for other purposes.

Mr. BACON. Will the Senator from Massachusetts permit me to introduce a joint resolution at this time?

Mr. LODGE. Certainly.

The PRESIDENT pro tempore. If there be no objection, the joint resolution will be received.

The joint resolution (S. R. 47) providing that the navigation laws relating to the coastwise trade shall not be applicable to foreign vessels engaging in trade between the Philippine Islands and the United States or between ports of the Philippine Islands and the United States, was read the first time by its title and the second time at length, as follows:

Resolved, etc., That until otherwise provided by law, the provisions of law restricting to vessels of the United States the transportation of passengers and merchandise directly or indirectly from one port of the United States to another port of the United States shall not be applicable to foreign vessels engaging in trade between the Philippine Archipelago and the United States, or between ports in the Philippine Archipelago.

Mr. BACON. Mr. President, I will state, with the permission of the Senator from Massachusetts, that that is an extract from the pending bill. It relates to the matter of the regulation of ships in the Philippine trade. In other words, it is proposed by the joint resolution to now enact as law that which is contained upon the subject in the pending bill.

I will say to the Senator that our purpose in that is to give speedy relief, if such is required, and we understand it to be so from the report of the committee; and that we would be very glad to have present consideration of it in order that it may be passed immediately, and it can be passed through the other House immediately.

Mr. LODGE. Mr. President, the bill contains, as the Senator has said, the joint resolution which he has introduced. The other clauses of the bill, in my judgment, are just as important for immediate action. I see no reason for passing this measure piecemeal when we have a House bill containing all the necessary provisions now before us, which has passed the other branch.

Mr. BACON. Will the Senator permit me a moment?

Mr. LODGE. Certainly.

Mr. BACON. I wish to state that this is offered in the utmost good faith. The Senator well knows that there is no purpose to impede the progress of the pending bill toward its final enactment; that all we desire is that upon matters where we require information we may have time to get it before acting upon the other part of the bill. We do not conceive that we require any information as to this particular feature, which is the urgent feature of it. It is for the purpose of relieving the commerce of the country, if it is in such stress, of the difficulty which is presented by the present condition, owing to the inability to secure ships authorized under our navigation laws to enter into this trade and the status of the law which prohibits others from entering into it.

I wish to say to the Senator that what he says about the remainder of the bill is not, in my judgment, strictly correct, because there are reasons why the other provisions of the bill should have time for careful investigation and for debate. I can give the Senator an illustration of it. I hold in my hand the report of the Secretary of War relative to the Philippine business. [Exhibiting three volumes.] Two of these volumes, while coming to us in the shape of a report from the Secretary of War, form the report of the Taft Commission and make, together, over 1,100 printed pages. The other volume is one containing the enactments of the Philippine Commission, which, of course, it is important that we should examine, which, added to the other two volumes, make over 1,700 printed pages. The Senator will certainly not say that it is a matter of indifference or unconcern as to whether we are informed of the contents of these large volumes before we undertake to legislate relative to the Philippine Islands.

The Senator knows that these books were furnished to the Senate only last week. I say to the Senator in the utmost good faith I have not had the opportunity to examine them. There has been no time for that. We have a great many duties which constantly

engage our attention, not only here when we are in session, but when we are not in session. For instance, the Senate adjourned over last Friday and Saturday, and, as the Senator knows, being a member of the Foreign Relations Committee, on one of those days a subcommittee, composed of a large portion of the committee, of which I happened to be a member by the appointment of the chairman, was engaged most of that day in the examination of important questions to be reported to that committee to-morrow morning. The senior Senator from Massachusetts [Mr. HOAR] knows that on the other day we were engaged the whole day in a session in the Judiciary Committee. Thus I might illustrate. Mr. President, by other cases. We have a great many things to do.

Here is this most important business with this mass of matter that I presume every Senator wants to familiarize himself with in the same degree that I certainly do and which we wish to have time to examine before we are pressed in the debate on the general features of the bill.

I will say to the Senator that, so far as I am concerned, by next week, by which time we shall have an opportunity to inform ourselves, I have not the slightest idea that there will be any disposition whatever on the part of any Senator on this side of the Chamber to do otherwise than to proceed in the most direct and expeditious manner in the debate of the bill and to come to a vote as early as that debate may be reasonably concluded.

I repeat, this joint resolution is introduced not for the purpose of any advantage of any kind whatsoever, but in the utmost good faith, to relieve the bill of that which seems to be the urgent feature, in order that the commerce of the country may not be obstructed or hindered in any way and that at the same time upon this most important question we may have the proper opportunity for an examination of the matter which has been submitted to us and which we ought to become familiar with before we are required to conclude debate.

Mr. LODGE. Mr. President, so far as the joint resolution is concerned, I do not think that we would advance matters at all by passing that portion of the bill as a joint resolution. So far as the bill itself is concerned, I regard it as my duty, acting in behalf of the committee and representing on this bill, as I suppose I do, the majority in this Chamber, to press it to as early a vote as I can, and to keep it before the Senate from day to day. The bill passed the House before the holiday recess, more than six weeks ago. It was debated there and a report was presented in regard to it by the House Committee on Ways and Means containing——

Mr. TILLMAN. How long was it debated, may I ask the Senator?

The PRESIDING OFFICER (Mr. PERKINS in the chair). Does the Senator from Massachusetts yield to the Senator from South Carolina?

Mr. LODGE. Always.

Mr. TILLMAN. How long was it debated?

Mr. LODGE. It was debated, I think, for two or three days. It passed the House. It came over here. Everybody had due notice that it was a bill which was considered to require immediate action. We did not hasten in taking it up in the committee. I postponed it from one week to another, after consultation with the Senator from Utah [Mr. RAWLINS]. When we did take it up in the committee we discussed it at great length, and it went over again for several days with the general assent of the committee. I then reported it to the Senate and opened the debate upon it; the Senator from Utah replied; and I then allowed it to go over for another week.

In the meantime all documents relating to the bill had come in and been placed in the hands of Senators. The minority of the committee, who have the substitute in charge, will, I think, bear me out when I say I have endeavored to consult them at all points in this debate, and I think they will acquit me of any manifestation of a desire to press them unduly. I have tried to be as considerate as possible. We took the matter very deliberately in the committee. We have taken it very deliberately so far in the Senate. But I think the debate yesterday showed that the Senate is now perfectly able to go on with the debate on this bill. I want to have it considered from day to day. I have asked Senators again and again, and I repeat my request, that they should be ready to debate the bill.

If a time can be fixed for taking a vote upon any day on which the minority agree, I shall be very glad. Then they can take their own time as to when they shall speak within the limit fixed. With no limit of time fixed as to the bill, with other measures of great importance pressing behind it, I should be derelict in my own duty, and I should be very unfair to other measures, did I not press this bill with all reasonable urgency to a conclusion.

I have no time to hurry anybody unduly, but until a time is fixed for taking the vote I shall feel it to be my duty, from which I can not escape, to press the bill every day upon the attention of the Senate, and to urge that the Senators who desire to debate it and to be heard upon it shall speak from day to day as rapidly as they can prepare themselves for that purpose.

Mr. BACON. Mr. President, I desire, with the permission of the Senator from Massachusetts, to say that I do not think anything I said could possibly have been properly construed into any reflection upon him. But what the Senator has said, if taken alone, might be so construed.

It is true that the Senator, when the bill was first laid before the Senate by him, stated that he would not unduly press the bill, but that he would ask its consideration from day to day. The Senator then went on to give reasons why there was urgency. One of the reasons which he expressed with the most earnestness was the fact that there were not vessels authorized under the existing law in sufficient number to properly carry on the trade between the Philippine Islands and the United States or between different parts of the Philippine Islands, and that for that reason the bill ought to be hurried to a conclusion, but not unduly.

I thought, Mr. President, and other Senators on this side with whom I have had the opportunity to consult have thought that, recognizing the disposition of the Senator not to unduly press the bill, if possibly that which was the most urgent in the measure were eliminated from it, it might be proceeded with a little more with reference to the desire of Senators to inform themselves of this mass of matter which no single Senator has yet had the opportunity to examine.

Mr. LODGE. Mr. President, I think if we would pass the section which is included in the joint resolution we might contribute only to the further delay of the bill, and the other sections I regard as of equal importance with that covered by the joint resolution of the Senator from Georgia.

I know there is a mass of matter concerning affairs in the Philippines relating more or less to this bill. The Senator from Georgia, of course, is not alone in a pressure of work. We all have a great deal of work upon us at this time, with our committee hearings and other matters, and we in one way or another are obliged to find time to discuss the immediate business before the Senate.

I did not mean to imply that the Senator from Georgia had reflected in any way upon my conduct of the bill. I only wish to say that I have tried to conduct the bill as considerately as possible.

Mr. BACON. We all recognize that, I think.

Mr. LODGE. I had meant to consult the minority at all the stages; and I say again what I said the other day, that the minority members of the committee have been most considerate of me, and that I appreciate the manner in which they have dealt with the bill. They asked for a reasonable postponement in committee, and they were extremely reasonable about it there. I have received no complaint from them upon this floor, and I have talked with them every day in regard to it. They have manifested only a desire to carry the debate on as rapidly as possible.

Mr. SPOONER and Mr. RAWLINS addressed the Chair.

The PRESIDING OFFICER. The senior Senator from Wisconsin.

Mr. RAWLINS. Mr. President——

Mr. SPOONER. I yield to the Senator from Utah.

Mr. RAWLINS. Mr. President, I only desire to say that so far as the minority of the committee is concerned, I do not think we have had any reason to complain of the conduct of the majority in regard to the management of this bill or this legislation. The Senator from Massachusetts has in his last remark recognized, however, what must be apparent to every member of the Senate who has considered this question.

There is a vast amount of information which it is very desirable that Senators who wish to do the best that they can in perfecting this legislation, whether on the theory of the majority or of the minority, should have. Those of us who have had our attention directed especially to this matter, perhaps, have been able to gain access to some of the facts, while many others have not been able to do so.

I suggest now to the Senator from Massachusetts that he continue the kindness which he has displayed up to the present time and give Senators a full opportunity to ascertain the facts, in order that they may present their views as they would desire to do on this question. That is the only suggestion I desire to make at this time.

Mr. HOAR. May I ask what was the pending question, Mr. President?

The PRESIDING OFFICER. The joint resolution offered by the senior Senator from Georgia [Mr. BACON].

Mr. LODGE. No, Mr. President, the Senator from Georgia asked unanimous consent for its present consideration. To that I was forced to object.

The PRESIDING OFFICER. What disposition does the Senator from Georgia wish to have made of the joint resolution?

Mr. BACON. Mr. President——

Mr. SPOONER. I yielded to the Senator from Utah [Mr.

RAWLINS], and I should be glad to be permitted to say a word, not by way of discussing the joint resolution, but in relation to the subject which has been under debate.

The Senator from Georgia [Mr. BACON], who is my friend, who displays great ability and fairness almost always—he always intends to be fair—made a very impassioned speech here the other day upon this subject in one of its phases. He attacked very vigorously the Secretary of War.

Mr. BACON. Oh, no.

Mr. SPOONER. Am I wrong about that?

Mr. BACON. I do not know that I attacked the Secretary of War. I had no such consciousness at the time.

Mr. SPOONER. I did not mean you attacked him personally, but you commented severely upon his having made an order in violation of the statutes, as I recollect.

Mr. BACON. It was not on this particular phase of the subject.

Mr. SPOONER. The Senator took issue with the Secretary of War, and declared he had violated the statutes.

Mr. BACON. I did take issue with the proposition that the Secretary of War or anyone else—not especially the Secretary of War, but anybody, even the President of the United States—had any right to make law, either by an original enactment or by an amendment enlarging a law or by an order annulling a law. That was the proposition. I did not make it as a personal matter against the Secretary of War at all.

Mr. SPOONER. I understood that; but I want to say to the Senator——

Mr. FORAKER. Will the Senator allow me to ask a question?

Mr. SPOONER. Certainly.

Mr. FORAKER. I inquire what is the date of the order of the Secretary of War which has been referred to?

Mr. SPOONER. There could not be any date to it, for there was no such order issued by the Secretary of War.

Mr. LODGE. I beg the Senator's pardon. There was an order made in 1899.

Mr. SPOONER. I was not referring to that order made in 1899. That was made by President McKinley. That is the only order that was made, and it was made in perfectly clear exercise of the war power.

Mr. LODGE. Undoubtedly.

Mr. SPOONER. It was in relation to commerce and navigation in the Philippines.

Mr. FORAKER. The reason I made the inquiry I did was to bring out the statement which the Senator from Wisconsin [Mr. SPOONER] has made.

Mr. BACON. I am very glad to know that no such order was issued.

Mr. SPOONER. It was suggested that since the decision of the Supreme Court, I think, such an order had been made by the Secretary of War, which permitted the clearance of a foreign ship from one of our ports to a port in the Philippines. My friend from Georgia thought that that was a violation of our navigation laws relating to the coasting trade, and by way of illustrating the deterioration which war with its laxity brings upon a people he called attention to this suspension of the laws of the United States by an executive act.

The fact is, as I learned from the Secretary of War, of whom I inquired concerning this subject, that after the decision was made—the last decision, I think it was—the collector of the port of San Francisco felt constrained not to issue clearance papers to a foreign ship which desired to sail from that port to the Philippine Islands. That ship had a cargo of vegetables for our soldiers in the Philippines. It was very important to them, Mr. President, that that cargo should reach its destination at the earliest possible moment. The Secretary of War sent the Commissary-General to the Secretary of the Treasury to inquire about it and report to him the public necessity for the early transportation of those vegetables to our soldiers in the Philippines.

The Secretary of the Treasury directed the collector at San Francisco, as I recollect it, pending a more careful investigation of the status of the matter, to permit that vessel, under the circumstances, to clear. I think the Senator would have done that if he had been Secretary of the Treasury and if Congress had to be called together for the purpose of authorizing medicines or necessary food to be transported for the United States to its army in a distant possession it would amount to a prohibition to transport such things to our army. That is all there was to that. But the Senator raised a very important question——

Mr. BACON. Now, will the Senator please allow me just to say a word as to a matter of fact?

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Georgia?

Mr. SPOONER. Always.

Mr. BACON. Mr. President, I had no information other than that enjoyed by the general public as to what order had or had not been issued. The junior Senator from Massachusetts [Mr. LODGE] was on the floor and was urging the prompt consideration of this bill, among other things, upon the ground that there was this difficulty, that there was not a sufficient number of ships authorized under our navigation laws to engage in the trade and perform the transportation which was required. I then made an inquiry of him for the purpose of getting information which I did not before have.

I had seen statements in the newspapers, but I had never acted upon those statements at all, and I therefore asked the Senator a question. I will read the colloquy which occurred between the Senator from Massachusetts and myself, which was the basis of what my friend from Wisconsin [Mr. SPOONER] considers to have been an intemperate attack upon the Secretary of War, but which I did not so understand at the time.

Mr. SPOONER. What kind of an attack did the Senator say?

Mr. BACON. I said "an intemperate attack," but I believe the Senator said "impassioned attack."

Mr. SPOONER. It was all of that.

Mr. BACON. Here is the colloquy which occurred on Tuesday of last week. The Senator from Massachusetts being upon the floor, I interrupted him, and I asked this question:

> Mr. BACON. Will the Senator from Massachusetts permit me to ask him a question?
>
> Mr. LODGE. Certainly.
>
> Mr. BACON. Under what authority are vessels not now under American registry used in the prosecution of that trade?
>
> Mr. LODGE. They are under no authority. All trade that is going on there to-day, conducted by foreign vessels, is of necessity unlawful, if anybody chooses to raise the point and bring it to an issue.
>
> Mr. BACON. There has, however, been a formal order from the authorities of the War Department authorizing it, has there not?
>
> Mr. LODGE. Of that I am not informed.
>
> Mr. BACON. Has not the Senator seen the statement in the public prints that the War Department has issued an order authorizing those vessels not under American registry to engage in that trade?
>
> Mr. LODGE. The Senator is right. Yes; I have seen it. I remember it now. I did not remember it at the time the Senator asked the question.

Mr. SPOONER. Mr. President——

Mr. BACON. The Senator will please pardon me a moment. I am replying really to a question of fact, in order that I may not be put in an improper position.

Thereupon the Senator from Massachusetts himself, assuming that there had been such an order, proceeded to defend the propriety of it. The fact stated by the Senator from Wisconsin this morning that there was no such order, of course, is a very important fact. I am more than glad to know there was no such order, Mr. President; but I submit that that colloquy and the subsequent defense made by the Senator from Massachusetts of that order as a legitimate and proper order, justified me in the conclusion that there was such an order, and I acted upon the basis of it. If there was such an order, I would certainly adhere to the opinion I expressed then, that it was an unlawful order.

Mr. LODGE. Mr. President——

The PRESIDING OFFICER. The Senator from Wisconsin [Mr. SPOONER] is entitled to the floor. He yielded to the Senator from Georgia [Mr. BACON]. Does the Senator from Wisconsin yield to the Senator from Massachusetts [Mr. LODGE]?

Mr. SPOONER. Certainly.

Mr. LODGE. I do not desire to interrupt the Senator except to say that I was mistaken about the date of the order. My memory played me false. Upon inquiry I find there was no such order issued since 1899, when there was an order issued by the President clearly under the war power, and I have nothing to retract in the defense I made. I think the collector was right in clearing the vessel and I think the Secretary of the Treasury was right.

Mr. SPOONER. The order which the Senator from Massachusetts evidently had in mind, was an order issued July 3, 1899, by the President, which related solely to navigation in the Philippines. Nobody, I take it, will question——

Mr. BACON. There is nothing I said which could have related to that order.

Mr. SPOONER. No; I am not saying what the Senator said. Nobody, I take it, will question the power of the President as Commander in Chief in the then situation to regulate commercial intercourse in an archipelago which was in whole or in part in insurrection. A blockade was maintained there of a qualified sort and is maintained to-day for wise purposes. So far as that order is concerned, I have no doubt whatever of its validity. I did not criticise my friend from Georgia. I am endeavoring now simply to set him right and to do justice to the Secretary of War, as I know the Senator always tries to do.

Mr. BACON. I am always gratified to do that.

Mr. SPOONER. The Secretary of War is a very able lawyer and, like all able lawyers, always manifests fidelity to the law.

The facts are, as I have stated, that the Secretary of War was confronted—and that is what led him to inquire of the Secretary of the Treasury, who administers the navigation laws—with an obstruction in the way of getting necessaries, absolute necessa-

ries, from this country to our army in the Philippines. The result was that this vessel was cleared to the Philippine Islands with her cargo containing these supplies for the army.

I believe in obeying the law, but I am frank to say that if I were Secretary of War or Secretary of the Treasury, and our army of fifty-odd thousand men were in the Philippine Islands and it was necessary to get them supplies of any sort essential to ther comfort and their lives, I would take the liberty if I had the power of getting them there, and I would assume, as I think my friend from Georgia would in such a case, that if I committed any technical violation of the law, the people of the United States would forgive me and that Congress would ratify what I had done.

But I have myself very serious doubt whether there is a necessity growing out of this particular provision for immediate action. I do not intend to discuss it now, but I doubt if the situation be such to-day that the Philippines, notwithstanding the decision of the Supreme Court of the United States, are to be considered as domestic ports from the standpoint of the navigation laws. That is the question which my friend, if he will look into it, will consider open to debate on both sides, which is not at all frivolous.

Mr. FORAKER. Mr. President, I have a letter here which I think ought to go into the RECORD in connection with the remarks which have just been made. It is at least a coincidence that just as we are clearing up the difficulties we were in here a few days ago on account of an alleged order of the Secretary of War I should be able to send to the Secretary's desk, to be read, a letter from General Merritt in answer to the charges that were made against him in the debate here yesterday, which will clear up that matter.

The PRESIDENT pro tempore. If there be no objection, the Secretary will read the letter referred to by the Senator from Ohio.

The Secretary read as follows:

1622 RHODE ISLAND AVENUE, WASHINGTON, D. C.,
January 28, 1902.

MY DEAR SENATOR FORAKER: I wish to deny most emphatically that in a speech which I made soon after my return from the Philippines, or at any other time, have I said that the Constitution of the United States was an antiquated document and should be abolished.

Very truly, yours,

WESLEY MERRITT.

To Senator J. B. FORAKER, *United States Senate.*

The PRESIDENT pro tempore. The Senator from Georgia [Mr. BACON] asked unanimous consent for the present consideration of the joint resolution introduced by him.

Mr. LODGE. I objected, and the joint resolution went over.

The PRESIDENT pro tempore. Objection was made.

Mr. BACON. But the debate proceeded.

The PRESIDENT pro tempore. What does the Senator desire done with the joint resolution?

Mr. BACON. I desire that the Senator from Wisconsin [Mr. SPOONER] may continue his remarks upon it, in order that thereafter I may have a short time for a rejoinder.

Mr. LODGE. The whole subject is open in the bill; all of the joint resolution is in the bill.

Mr. BACON. With that understanding, I will simply ask that the joint resolution may lie upon the table subject to call. It is not necessary that it should go to the Committee on the Philippines, because it has already been considered by the committee, being part of the bill which they have reported favorably.

The PRESIDENT pro tempore. Is there objection to the Senator's request, that the joint resolution lie upon the table? The Chair hears none. The Senator from Wisconsin is entitled to the floor.

Mr. SPOONER. Mr. President, I had finished all I cared to say at this time about this particular subject. I shall, perhaps, later express some views on the question which was propounded the other day by the Senator from Georgia, as to whether the navigation laws apply to the Philippine ports, and whether they have been violated at all. But I want to say a word, Mr. President, although not a member of the Philippine Committee, as to the course of this debate.

Mr. BACON. Will the Senator let me say a word before he proceeds generally with the debate? I will not do so, of course, if the Senator is going to pursue that line of argument.

Mr. SPOONER. I yield to the Senator as a matter of course.

Mr. BACON. Mr. President, I will use an extreme term, and say the Senator from Wisconsin has less excuse than any other Senator in this Chamber for putting up a man of straw and pummeling him, because the Senator is fully able to deal with a live question and need not make an artificial one. The Senator, however, did put up artificial man and pummeled him pretty severely.

The remarks which I had the honor to submit to the Senate a few days ago were based upon the belief on my part that the Secretary of War had issued a certain order of a general character, authorizing vessels not licensed under the navigation laws to engage in the trade between the United States and the Philippine Islands. All that I had to say was based upon the belief that that order had been issued.

My belief was not confined solely to the fact that I had seen a statement of that kind in the newspapers, but to the fact that the well-informed junior Senator from Massachusetts [Mr. LODGE], when his attention was called to it, said he had seen the order, and he so far recognized its authenticity as to come forward and defend it. It was upon the assumption, under those circumstances, of that general order having been issued that every word I said was predicated, and no word that I said was predicated upon the order which the Senator has read this morning.

Yet the Senator proceeded to discuss the question as to whether or not that particular order would justify what I said. While the Senator said he believed that I myself would disclaim it, yet he proceeded to argue it as if I had made a speech upon the order which was read, of which I had no knowledge whatever, and when what I did say had been based upon an understanding gathered from the junior Senator from Massachusetts as to that general order. Nobody can be more gratified than I am by a knowledge of the fact that no such order was issued, because I think the issuance of such an order, if it had been made, coming from a high officer of the Government, would have been pernicious in its influence, and I am more than gratified to know that no such order was issued.

I am delighted to know the fact, stated in the letter of General Merritt, which was presented by the Senator from Ohio [Mr. FORAKER], because, Mr. President, no man who loves the institutions of this country can be otherwise than disturbed if it be true that such orders are issued and such things are said. It was reported that such orders were issued and such things were said, and we had a right to be concerned about it. I am glad of the opportunity to express my extreme gratification that it is not so.

We are in times when it becomes us to be exceedingly careful about all those things which are essential to the preservation of our institutions, because in times of war there is unavoidably a disregard to some extent of the restrictions which are thrown around all officials when they exercise power which they do not have or enjoy at any other time.

It is perfectly natural, Mr. President, it is according to human nature, that when such a condition of affairs exists as exists in the Philippine Islands, when men have absolute and arbitrary power, when they are engaged every day in the exercise of absolute and arbitrary power, power over life, power over liberty, power over property, power over the making of law, power over the constitution of courts, power over the judgment of courts, it is perfectly natural when men have such unlimited and arbitrary power that they should come to regard with less respect and obedience than they should the mandates of law. And if our officials have been strong enough to rise superior to that temptation, a man would be less than a lover of his country who would not express gratification at the fact.

Mr. President, I have endeavored to do injustice to nobody since I have been in this Chamber. I have been possibly a little more outspoken than policy might have required; but, acting upon the information which I had, not only from the press, but from the junior Senator from Massachusetts, I think the remarks which I made were not without foundation. And while I say that I am glad of the opportunity to repeat for the third time that I am more than gratified that the junior Senator from Massachusetts was mistaken, as well as myself, as to the fact that such an order had been illegally issued by the Secretary of War, because if it had been issued it would have been illegal. I possibly ought to have asked for information from the Secretary of War before presuming to speak upon it; but I thought when one standing as near to the Administration as does the Senator from Massachusetts gave the authenticity of his assent to the extent of defending it I was certainly justified in presuming it was true.

Mr. SPOONER. Mr. President, I like to hear the Senator from Georgia [Mr. BACON] speak. He speaks always with great earnestness. I liked his speech when he made it the first time. I liked it when he made it the second time. I got a little weary of it when he made it the third time, in my time. So far as anything I have said is concerned, there is no occasion for my friend to work himself into a passion. I made no attack upon the Senator from Georgia. I uttered no sentence which he could consider a harsh criticism upon him or a challenge of his sense of justice or his sincerity. On the contrary, I expressly disclaimed it. I stated that the Senator from Georgia under an assumption, the validity of which I could not challenge, had uttered here a criticism, somewhat impassioned, upon the Secretary of War, and that my only purpose was to set that official right. I knew the Senator would be glad to have that done. Did I do more than that?

I am not ready, Mr. President, as some Senators seem to be, to believe so quickly reports impeaching the patriotism of men. I never would have believed, without his denial, that General

Merritt had referred in such terms as were imputed to him to the Constitution of the United States, which he had taken an oath to support and under which and in defense of which on a hundred fields of battle he had offered his life. I will never make any speech in the Senate in animadversion upon a man—I speak only for myself—upon the assumption merely that he has done some dishonorable thing or said some vile thing.

The Senator says again that if an order was issued by the Secretary of War authorizing the clearance from our ports of foreign ships to the Philippine Archipelago it would be in violation of law, as I understood him.

Mr. BACON. You mean the particular one you read?

Mr. SPOONER. Any one.

Mr. BACON. The Senator complains of my making a speech three times, but I have not stated that once.

Mr. SPOONER. I understood the Senator to say that.

Mr. BACON. No; I did not say that. I made no allusion to that. I expressly limited what I said to the understanding which I had gathered from the Senator from Massachusetts, that a general order had been issued, and expressly disclaimed anything with reference to that particular case.

Mr. SPOONER. If a general order would violate a statute of the United States, a special order would violate it, so far as that is concerned, and all I suggested about that was that on a casual examination I had become satisfied that it was a serious question, which I thought my friend would admit, and which we might debate a little later, whether the law regulating the coasting trade applies to ports in the Philippine Archipelago. If that is a man of straw, Mr. President, it is the Senator who is the man of straw——

Mr. BACON. No, it is not a man of straw.

Mr. SPOONER. For I understood him to express a contrary opinion.

Mr. BACON. Not as to that.

Mr. SPOONER. Yes, as to that, because, if it be true that the navigation laws, so far as they relate to the coastwise trade, do not apply to the Philippine Archipelago and the ports of the archipelago, then it is lawful, whether it is done by a general order or a special order, for vessels of foreign registry to clear from our ports to those ports.

Mr. BACON. The Senator misunderstands me.

Mr. SPOONER. If the Senator will permit me, I will not speak long. I do not wish to misunderstand him. I have never been willing to do him or any other man here, so far as I know, any injustice. I think I do not misrepresent him in any way.

Now, as to this bill and the attack upon it, the Senator from Massachusetts [Mr. LODGE] opened the debate upon this bill, and he confined his debate to the bill, and he is the only Senator who has debated it who has spoken upon it, except perhaps for a moment. What is this bill? Is it a bill to determine the ultimate policy of the United States as to the Philippines? No. It does not touch it. Is it a bill to establish a government in the Philippines, temporary or permanent? No. It does not touch it, impliedly or otherwise. Is it a bill to be permanent in its nature? It does not profess to be. What is it? It is a bill temporarily to provide revenue for the Philippine Islands, and for certain other purposes, that is all.

The minority report which has been made here, accompanied by a minority bill favoring the withdrawal of the United States from the Philippine Archipelago, does not propose immediate withdrawal. It does not propose that incontinently the army shall be brought from the archipelago and that people unorganized be left to their fate, and that the Europeans who are there under our protection and under as solemn a pledge as ever emanated from a government that we will protect them shall be left to their fate. It does not propose that. It contemplates that it will take time.

Organization of a government must precede this proposed abandonment—not only organization of a government, but organization of a *stable* government, whatever that may be in the opinion of the minority. In the opinion, I think, of intelligent men, it means a government which will be able to discharge its international obligations, and to afford protection to life, liberty, and property. That that can not be organized in a day or a month or a year, I take it, this minority bill implies.

Now, Mr. President, upon what reasonable theory is it that weeks are to be spent here in debating this bill, the general Philippine proposition, and in thrashing over the old straw, so far as the general subject is concerned? It must be admitted, I take it, that pending the organization of a stable government over there the local government must be supported. It must have revenue.

Mr. RAWLINS. Will the Senator from Wisconsin yield?

Mr. SPOONER. Not at this moment. I will yield to the Senator later. It must have revenue. It has schoolhouses to build. It has roads to construct. It has uses for revenues such as necessarily has a people just beginning to participate in a government.

Mr. RAWLINS. Will the Senator permit me, at this point?

Mr. SPOONER. Very well.

Mr. RAWLINS. The report of the Philippine Commission informs us that under the present system of taxation they, according to their estimate, will derive a revenue more than sufficient to cover their needs to the extent of over $700,000. If the Senator will examine the report in that regard he will find that this bill, temporarily to provide revenue, is not an exigent or urgent measure, because they do now collect revenue, all the revenue that they would collect under this bill, with the exception of that on the trade between the United States and the islands, which amounts in the aggregate to not more than $400,000 per annum.

So I think we of the minority were justified in the assumption that the title of this bill—temporarily to provide revenue—was in reality a misnomer, and that its purpose was to frame a definite policy of obstructing trade between the islands and the United States by way of protection to our industries, and that the alternative method proposed by the minority is the proper one—that if the territory was to be dealt with as foreign territory in respect to trade, they ought to be permitted to have their independence as soon as it could safely be accorded to them. It occurred to us that the one proposition was germane to the other, and that the title of the measure proposed by the majority was, in its nature, misleading, to use no stronger phrase, because there is no necessity now for revenue, and this bill is not proposed to be passed in order to put money into the hands of the Philippine government.

Mr. SPOONER. We were told in every paper in the United States before this bill was reported that it was to be the signal for party purposes of a general debate upon the Philippine question.

Mr. RAWLINS. Will the Senator permit me?

Mr. SPOONER. Certainly.

Mr. RAWLINS. It is in order that we may have a correct basis for argument. I do not want to interrupt the Senator. I do not wish that we shall be put in a position which we ought not and can not be justly entitled to occupy. You put a measure in here without necessity, naming it a bill to provide revenue, but in reality to impose discriminating tax legislation upon the trade between the people of the islands and the people of the United States, and also refuse to apply to them our shipping laws, dealing with the islands in both those respects as if they were foreign territory.

We discover in that measure this principle, that you are unwilling and deem it to be unsafe to treat the islands as if domestic territory and to accord to their citizens the privileges which you accord to the inhabitants and citizens of the United States. Following your pathway a little farther, we step to the line of declaring that these islands shall be foreign territory, and then as soon as the procedure can be safely carried out we will turn over the government of the islands to their inhabitants and leave the sovereignty there where we think in justice and in accordance with the best interests of the people of the United States it ought to be.

Mr. SPOONER. If I have succeeded in nothing else, I have succeeded in evoking a few moments of discussion upon the part of the minority on *this bill*.

Mr. TILLMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from South Carolina?

Mr. SPOONER. Of course.

Mr. TILLMAN. Has this bill any principle in it? Does it rest on any principle of constitutional law? If so, why can we not debate it on that principle without being accused by the Senator of having ulterior motives?

Mr. SPOONER. The Senator has not debated it at all upon any principle.

Mr. TILLMAN. I belong to that miserable, measly little minority you are forever sneering at.

Mr. SPOONER. I do not congratulate the Senator on that.

Mr. TILLMAN. The Senator is not ashamed to belong to it. He is not ashamed to stand up and contend against the principle which underlies the bill, which he considers infamous.

Mr. SPOONER. The principle which underlies this bill, as I understand it, is this: That for the time being we will enact a law under which revenue will be provided for the local government in the Philippines.

Mr. RAWLINS. Mr. President——

Mr. SPOONER. The Senator on the other side, and all Senators on the other side, have a right, if it is in conformity with their opinion, to attack the principle of the bill, to say that we ought not to levy *any* duties upon goods coming from the Philippines into the United States. That is a legitimate argument upon this bill. They have a right to say that there shall be free trade between this country and the Philippines, as they say there should be free trade between this country and every other country in the world.

Mr. TILLMAN. Will the Senator permit me?
Mr. SPOONER. How many at a time?
Mr. TILLMAN—

How happy could I be with either,
Were t'other dear charmer away!

Mr. SPOONER. That is what embarrasses me. There are too many.

Mr. TILLMAN. Just take that sweetheart for the present, and then let me in later. [Laughter.]

Mr. SPOONER. Well, then, I yield to the Senator from Utah.

Mr. RAWLINS. I do not wish to come within the category of affection and sweetness to which the Senator from South Carolina alludes, but in order that we may arrive at an issue in this case which may be legitimately discussed, I invite the attention of the Senator, in all good faith, to this question, which occurs to me is presented in the pending bill as it has been reported by the majority of the committee, of which I have the honor to be a member.

There is no necessity to raise money to carry on any of the operations of the Government in the Philippine Islands, because we are officially informed that they have now a surplus and will for the next six months have a surplus ranging into many hundreds of thousands of dollars in excess of their needs; that that surplus will not be diminished by the operation of free trade between the islands and the United States to a greater extent, according to the statement of the Senator from Massachusetts, than $400,000, so that there will be a surplus for the future of more than $300,000 for the short period. Now, as it seems to me, the question involved in this bill may be stated briefly, and I do not wish to take an unnecessary length of time to state my position.

Mr. SPOONER. I hope the Senator will not hurry, for another "charmer" is waiting.

Mr. RAWLINS. I hope I am not regarded by the Senator as a charmer in that sense. I know the Senator from Wisconsin is a charmer, and I do not use the word in any improper sense, but I use it in the highest and best sense, because he can always state a proposition clearly, and unless we are on guard against the casuistry which sometimes develops in the course of his speeches, we are all liable to be misled by his eloquence.

There being no necessity now to raise revenue, you of the majority have discovered that you are face to face with the question whether those islands can be treated as a part of American territory and their inhabitants dealt with as standing upon the same footing as American citizens in our form of government. You have concluded that it is dangerous to our welfare so to do. The Supreme Court having decided that in the normal operations of government there should be free trade between the islands and the people of the United States, this bill is an urgent bill for the purpose of precluding the possibility of that.

You intend to destroy the trade, that part of it which implies competition between the industries of the islands and the industries of the people of the United States. You propose, pro tanto, to put them outside the domains of our nation, to treat them as foreign territory, to deny to them the benefit of the equal operation of our tax laws and the operation of our shipping laws. You say that if these people carry on their industries as a part of the American nation in their own way it will lead to the detriment of or disaster to the people and the industries of the United States.

We of the minority concede a part of that argument—that it is unsafe to take the islands and to hold them. The people are unsuited to be admitted into participation in the affairs of our Government. They are so located in proximity to cheap labor that by and by, with the influx of cheap labor which is certain to come, their competition will be detrimental to the welfare of the people of the United States. We of the minority say: "You propose to deal with these people as aliens, and to govern them as subjects under a system of absolutism, which we say is contrary to the genius and institutions of our country."

We say we present the alternative to you. Let us have free trade with them temporarily only, because, while they are a part of us and we exact allegiance of them, that is due to them. It will tend to pacify them. It will put them in a humor in which we can treat with them. We say let them go as speedily as is practicable, but do not set them afloat in a chaotic condition—in a condition of anarchy. Give them an opportunity to organize some government which will be suited to their needs.

When those ends are accomplished we will withdraw from the islands. Then we will permit our tariff-tax laws to have their ordinary and usual operation, dealing with those people as we deal with other foreign countries. In this way we will put away this peril which you recognize as existing to-day. Our proposition is an alternative one and a germane one to the proposition which the majority have presented.

Mr. SPOONER. There is nothing germane about it—that is, there is nothing in this debate germane to the bill. That is only my opinion. Nor do I think there is anything in the bill reported by the minority germane to this bill. I can not see for myself what relation the ultimate disposal by the United States of the Philippine Archipelago has to the subject of raising temporarily revenue for the benefit of that people. As I said before, under this substitute they are not to take the sovereignty under the proposed surrender until they have established a *stable* government. Until that day comes they are to be supported. They have no adequate local system of taxation. They have no land tax, as we have in this country. I am told that 90 per cent of the titles to lands are in the United States. They are not accustomed to the assessment and collection of taxes locally, as we are.

Mr. RAWLINS. If I may be permitted——

Mr. SPOONER. If the Senator will confine himself to a question instead of to a speech, I will yield.

Mr. RAWLINS. You say there is no land tax.

Mr. SPOONER. Substantially none.

Mr. RAWLINS. I understand the contrary to be true. You say there is no tariff taxation. I understand that not to be true. There is a law under which they are collecting duties now.

Mr. SPOONER. I did not say there were no tariff taxes.

Mr. RAWLINS. I so understood the Senator.

Mr. SPOONER. I did not say so.

Mr. LODGE. If the Senator will allow me, there is general land tax.

Mr. SPOONER. That is what I meant of course.

Mr. LODGE. There is of course local taxation.

Mr. RAWLINS. There is a local tax of one description and another upon property to the extent of about 1 per cent.

Mr. SPOONER. One per cent. I say there is no general system of land taxation in the Philippines, and there never has been any more than there was in Porto Rico.

When the Porto Rican bill was before the Senate we heard all this debate, or the substance of it, as to treating Porto Ricans differently from the people of our own country. There is nothing new about it. The Supreme Court of the United States has not decided, as the Senator from Utah says, that in normal conditions there should be free trade between the United States and territory belonging to the United States. The Supreme Court has decided that without a law imposing such a tariff there is no such tariff. The Supreme Court sustained the act of Congress imposing duties between Porto Rico and the United States for the benefit of Porto Rico; and we are proposing here by this bill to contribute to the Philippine treasury a large percentage, if not all——

Mr. LODGE. All.

Mr. SPOONER. All of the moneys which may be collected under the operation of this bill upon articles coming from the Philippines into the United States.

Mr. RAWLINS. What would it amount to?

Mr. SPOONER. I do not know what it will amount to, but I do know that whatever it amounts to it is adequate to put into the treasury for the Philippine government money which would not go into that treasury if the Senator had his way and we had free trade. There is nothing selfish in levying tariff duties for the benefit of a people just being conducted out of the darkness of tyranny into the sunlight of a fair and honest government.

Mr. TILLMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from South Carolina?

Mr. SPOONER. I agreed to.

Mr. TILLMAN. We have got away from the point on which I wanted to interrupt the Senator. He will get back to it, perhaps. Just now I should like to ask the Senator if there is no difference between an income derived from a tariff charged between, we will say, countries both of which are under one flag and a tariff charged in the Philippines against imports from Great Britain, or Germany, or France, or some other foreign country? And that brings me back to the question I intended to ask when I rose before and my friend seemed to object.

Mr. SPOONER. No; I waited for another. That is all. I gave precedence to the first "charmer."

Mr. TILLMAN. It brings me back to the proposition which I should like the Senator to discuss from a legal standpoint, as to whether the Philippine Islands are a part of the United States or whether they are to be treated as foreign territory. We levy tariffs against foreigners. Do we levy them against our own people? That is the principle involved in this bill.

Mr. SPOONER. I recommend to the Senator that he read the decisions of the Supreme Court.

Mr. TILLMAN. Mr. President, I have read some of those decisions, and a decision which is supported by four on one side and five on the other, and the fifth wabbling so that you do not know on which side he is going to drop, I must say does not command very much respect from me or from any lawyer whom I have heard discuss it.

Mr. SPOONER. Whatever may be said about the decisions——
Mr. TILLMAN. They are law. I understand that.
Mr. SPOONER. I do not think that the judges will be very sensitive to the Senator's criticism of them.
Mr. TILLMAN. Oh, not at all.
Mr. SPOONER. They settled one thing against the Democratic contention, and that is that there is a distinction between the "United States" and "territory *belonging* to the United States;" and in my judgment it is a happy thing for this people that they did; for if the contention on the other side had been sustained, that when the United States acquires inhabited territory it becomes a part of the United States in the sense in which the Senator uses that phrase, as contradistinguished from property belonging to the United States, and the Constitution *ex proprio vigore* extends over it, making citizens of its inhabitants, the Senators could not have introduced a bill proposing to surrender it. It would not have been a question, as it is to-day, not for partisanship or parties, but for the American people, when they get ready, to dispose of. The Congress is given the power "to dispose of and to make needful rules and regulations respecting the territory and other property belonging to the United States;" and if the distinction had been obliterated between the United States as an owner and the property—the thing owned—I do not know where you would find in Congress the power *to dispose of it*.
Mr. TILLMAN. Now, right there, will the Senator——
Mr. SPOONER. No; excuse me. One can dispose of what belongs to him. He can not very well dispose of himself unless it be in marriage.
Mr. PLATT of Connecticut. Or by suicide.
Mr. SPOONER. Yes, or by suicide; and some men who marry commit suicide.

But, Mr. President, I did not rise to make a speech on this subject. The Senator from Utah says that they have adequate revenue over there now. A part of the surplus came from the operation of the old tariff, as I understand it. I remember reading in the report of the Taft Commission—and if I am mistaken my friend from Massachusetts [Mr. LODGE] will correct me—that under this new tariff, by which the rates of duty were lowered, the income will be lowered. The Senator failed to take into account what the necessities of the islands are or the government in the future. We propose, if we can, before this session ends, I think, to make some provision for eliminating the "dead-hand" ownership by religious corporations of vast tracts of land in the Philippines, in order that those lands may be parceled out, not for exploitation by Americans, but *as homes for the Filipinos*.

That can only be done, Mr. President, by purchase. It will remove an element of long standing and an inevitably to be continued grievance and trouble in the Philippines. I am not speaking to this bill, however, when I say that, because that provision is not in this bill; it will probably be in another; but I am replying to the assumption by the Senator from Utah that they have abundant money now.
Mr. RAWLINS. If the Senator will permit me——
The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Utah?
Mr. SPOONER. Certainly; for a question.
Mr. RAWLINS. Yes; for a statement.
Mr. SPOONER. Yes; for a statement, if it is short.
Mr. RAWLINS. The report of the Taft Commission, if the Senator will examine it, shows that they have adopted what is known as the Taft tariff law with a view of the operation of that law, and it shows the estimate which the Commission itself put upon the amount of its receipts and expenditures under the operation of that law. The Senator will find, if he examines their report, the estimate that their surplus for the ensuing term will be between $700,000 and $800,000. I think the Senator from Massachusetts [Mr. LODGE] will agree that my statement in regard to that is correct.
Mr. LODGE. That there is a surplus left over this year.
Mr. RAWLINS. There is a surplus now of something like $5,000,000 in the treasury.
Mr. LODGE. The accumulations of three years. They have a surplus, undoubtedly.
Mr. RAWLINS. Yes; and it has been accumulating.
Mr. LODGE. But nine-tenths of their revenue comes from their customs duties under the returns which I handed the Senator from Wisconsin. Nine-tenths of their revenue, $9,000,000 out of $10,600,000, would simply leave them without resources.
Mr. TILLMAN. Mr. President——
Mr. RAWLINS. One moment, if the Senator from South Carolina will permit me in this connection.
Mr. SPOONER. The Senator from South Carolina can not permit you, but the Senator from Wisconsin will.
Mr. RAWLINS. The Senator from Wisconsin had already yielded to me.
Mr. TILLMAN. I was just going to ask the Senator from Wisconsin, having permitted the Senator from Massachusetts to come in, to let me in later.
Mr. SPOONER. Oh, I will let you in.
Mr. RAWLINS. The Senator says that I assume so and so. I make no assumption whatever, except as I find my statement based upon the report of the Taft Commission, that their surplus of revenues will be precisely what I have stated, and the report has reference to the very tariff legislation which they have enacted and which it is proposed to reenact by this bill.
Mr. LODGE. If the Senator from Wisconsin [Mr. SPOONER] will allow me, what the Senator from Utah says is perfectly correct about the surplus, but he omits to state that the immediate and pressing improvements set forth by the Taft Commission will take up all that surplus which they have stated in their report.
Mr. RAWLINS. If I may be permitted in this connection, I will state as to the purchase of the friars' lands that it is proposed to issue bonds.
Mr. LODGE. It has nothing to do with the friars' lands. I refer to the improvements necessary in Manila for the health of the city.
Mr. RAWLINS. It is proposed that the friars' lands shall be dealt with in another way. It is true that perhaps nine-tenths of the revenues are derived from tariff taxation, but the trade between the United States and the islands which is now free is but one-tenth of the total trade, and the failure to pass this bill only operates to reduce their revenue to the extent of the tariff taxation derived on the trade between the islands and the United States. That amounts to less than $400,000. But their estimated surplus, after considering every expenditure which they propose to make, will be over $700,000, and they will still have a surplus, if this bill is not enacted in the ensuing time, after making provision for everything which they contemplate, of something like $400,000 or $500,000.
Mr. SPOONER. Now, Mr. President, I did not intend to get into this debate at all. I simply rose, in the first place, to say a few words in reply to the Senator from Georgia. What I really wanted to say was that this debate was general in its scope and has really nothing to do with this bill.

Senators have spoken about the tyranny over there in the Philippines, the laws which have been enacted by the Philippine Commission. It will be difficult to frame language more bitter in its condemnation than that which has been employed by Senators upon that subject. There is nothing in the committee bill which affirms any law which has been enacted in the Philippines except the tariff law. That question is all in the hands of Congress. It all pertains to the government bill, which, as I understand it, is later to come, and which I think ought to come.

The only bill before the Senate now which adopts the legislation, infamous as it is said to be, of the Philippine Commission is the bill reported by the minority, as I understand it. First it surrenders the sovereignty of the United States in the Philippine Archipelago. To whom? Congress has power to dispose of the territory belonging to the United States. Ordinarily where there is a grant there is a grantee.
Mr. RAWLINS. We did not think so, if the Senator will permit me, when we compelled Spain to relinquish Cuba.
Mr. SPOONER. Yes; we compelled Spain to relinquish Cuba. We were not willing to take a cession of Cuba ourselves, for wise and obvious reasons, and, as there was no Cuban government to be a grantee, as there was not an organized Cuban people, we took a general relinquishment of title to Cuba by Spain, knowing full well that when the time came we were strong enough and honest enough to see to it that that surrendered sovereignty vested in the people of Cuba or such government as they might organize.
Mr. TELLER. And you will not do it.
Mr. SPOONER. We are doing it now just as fast as we can. They have adopted a constitution.
Mr. TILLMAN. Under coercion.
Mr. SPOONER. Under coercion? What sort of coercion?
Mr. TILLMAN. The Platt amendment.
Mr. SPOONER. There it is again! Mr. President, I can defend, I think successfully, the Platt amendment. I think it was infinitely more in the interest of Cuba, as it will turn out to be, than it was in the interest of the United States. It did not destroy the independence of the proposed Cuban government. It will be in position to make a treaty with any government in the world, with one single limitation, and that is that no treaty shall be made which will destroy her independence.
Mr. TELLER. Mr. President——
Mr. SPOONER. But I do not wish to get into the Cuban question.
Mr. TELLER. I will not interrupt the Senator, then.
Mr. SPOONER. I will discuss that later.
Mr. TELLER. I challenge that proposition.
Mr. SPOONER. I am prepared, when the Senator challenges it, to meet his challenge feebly, probably, but in a straightforward way.

Mr. TELLER. I know you tried to meet it at the last session.
Mr. SPOONER. I made no speech on it at the last session.
Mr. TELLER. Somebody did on your side.
Mr. SPOONER. Nobody did on our side.
Mr. TELLER. Not on the Platt resolution?
Mr. SPOONER. No.
Mr. TELLER. Certainly.
Mr. SPOONER. Who made it?
Mr. TELLER. I heard it discussed in committee, at least.
Mr. SPOONER. On that side; oh, yes, and in committee.
Mr. TELLER. I heard it discussed by somebody on that side, although I wondered that you had a heart to do it.
Mr. SPOONER. We had the heart to do it. I do not think the Senator ought to say that. We had the heart to do it and we had the ability to do it, and when the Senator indicates otherwise he pays that side too much honor and this side too little.
Mr. TELLER. I will not discuss that now with the Senator. It was a plain and open violation of the plighted faith of the United States, as I said on the floor then, and I repeat it now.
Mr. SPOONER. I do not deny that the Senator discussed it. I know the Senator said that; but we made no speeches on it, nor did we make any speeches on the Philippine amendment. We sat here dumb. It was difficult to do so. We listened to diatribes and some language that ought not to have been uttered without replying, and we are not accustomed to doing that; but we all knew on this side of the Chamber that the session was limited by law and that one speech would make an extra session and bring about the defeat of measures which we thought of infinite consequence to the country.
Mr. TILLMAN. Will the Senator allow me there to ask him if that Platt amendment had been defeated by debate until the end of the session, would not that side have had the courage to have gone forward in its philanthropy, humanity, Christianity, and liberty, and all that kind of thing, to have called an extra session?
Mr. SPOONER. We have courage enough on this side to do any right thing on earth.
Mr. TILLMAN. Except to defend an infamous thing.
Mr. SPOONER. We have not courage enough to lynch colored men or deprive them of their rights. [Applause in the galleries.]
The PRESIDENT pro tempore. That must not be repeated in the galleries. If it is, the galleries will be cleared.
Mr. TILLMAN. Does the Senator desire to discuss the race question here and now? He seems to have left the proposition which he started on—to throw a personal bomb at me.
Mr. SPOONER. The Senator——
Mr. TILLMAN. I am ready to meet him here, in Wisconsin, or anywhere else, on the race question.
Mr. SPOONER. Wherever the Senator is willing to meet me on that question or any other he will find me there, so far as that is concerned. The Senator addressed to me an observation rather offensive in its character.
Mr. TILLMAN. What was it?
Mr. SPOONER. Rather taunting.
Mr. TILLMAN. In what way?
Mr. SPOONER. Read it and you will see.
Mr. TILLMAN. It certainly had no allusion to lynching.
Mr. SPOONER. No.
Mr. TILLMAN. And the Senator understands very well that I come from a section of country where lynching for a given crime and for a great many other crimes is very prevalent. Now, does the Senator wish to leave the Philippine proposition, in which he is dealing with a colored people in a most infamous and damnable and hypocritical way, to go to the South to hold them up as examples that we are dealing in a similar way with the colored people here at home? Are we to have two rules of conduct in regard to the colored people—one in the Philippines by which we butcher them and shoot Christianity into them, and another in the South where we are not allowed to protect our wives and children?
Mr. SPOONER. If we had the same rule for the colored people in the Philippines that the Senator refers to in the South, God help the colored man in the Philippines.
Mr. TILLMAN. God help him there, because the records show you have already butchered three times as many as the Spaniards did in three centuries, and you have done it in three years.
Mr. SPOONER. It is one thing to kill men with arms in their hands against the government and against the flag. It is another thing to burn them where the laws are in force and the courts are in session.
Mr. TILLMAN. You burned them in Kansas, sir.
Mr. SPOONER. Wherever it is done, it is a crime.
Mr. TILLMAN. Oh, it is a very easy thing, Mr. President, for a man who has not come in contact with them in close quarters to theorize and sentimentalize as to what other people ought to do.

The PRESIDENT pro tempore. The Senator must not interrupt a Senator when addressing the Senate without first obtaining leave.
Mr. TILLMAN. I beg the Chair's pardon, but I was taunted in a way that no white man from South Carolina can submit to.
Mr. SPOONER. I did not limit it to South Carolina.
Mr. TILLMAN. He threw it to me, and why?
Mr. SPOONER. I threw it to you because you happened to be in the way. Here it is again, Mr. President. That all comes of my permitting interruptions.
Mr. TILLMAN. Will the Senator permit me one moment, and then I will subside until he gets through?
The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from South Carolina?
Mr. SPOONER. Yes.
The PRESIDENT pro tempore. The Senator from South Carolina.
Mr. TILLMAN. There is a point I tried to get in a moment ago to ask the Senator about, but I was waved aside. Now I know that for a farmer like me to discuss the legal points with a giant in the law courts like the Senator from Wisconsin, is a temerity that would lay me under the accusation of the old doggerel that "fools rush in where angels fear to tread." But I am fool enough to ask the Senator whether, when he quoted the Constitution a moment ago in regard to the power of Congress in dealing with the territory and other property of the Filipinos, he included men as other property whose liberty and lives and all rights are to be jeopardized or to be destroyed, and whether people are property? You bought them at $2 a head, it is true, but do you intend to give them their liberty, as we propose, or do you propose to hold them under the bayonet, under a carpetbag government more damable than you put on us in 1868?
Mr. SPOONER. Mr. President, that is the old question. The power to occupy inhabited territory involves the power, I suppose, to change the allegiance. It is the will of the inhabitants. A government may own the territory, but not own the man. We acquired Louisiana. No one ever pretended that men and women were bought and sold in that transaction. We acquired Florida. We acquired California and New Mexico.
Mr. TILLMAN. All of them were a part of the United States and treated under similar laws, and were intended to become States.
Mr. SPOONER. Mr. President, I think all the property belongs to the United States. I think that if we were engaged in a successful war, and at the end of it we were obliged to surrender inhabited territory belonging to us, it would be competent for the President, in a treaty of peace ratified by the Senate, to cede New Mexico or to cede Alaska. I deny that it would be competent, even in that case, for the Government of the United States to make a treaty ceding a State. It could not do it, because the Constitution, which confers the treaty-making power, also provides that no State shall be divided without its consent. There is no power given to dispose of a State.
Moreover, a State is a constituent part of the treaty-making power itself. So my mind has reached a great and obvious distinction between the United States (made up of States) and the territory belonging to the United States. But that is aside——
Mr. TILLMAN. Will the Senator from Wisconsin allow me to ask him a question?
The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from South Carolina?
Mr. SPOONER. I yield only for a question.
Mr. TILLMAN. Only for a question. Suppose we were contiguous, as we are, to a vast expanse of territory north of us, but that that territory, instead of a bleak and inhospitable region, was densely populated. Suppose that all the English-speaking race had belonged to England and fifty or one hundred million more were congregated there, and that in a war with this country we were helpless and at the mercy of that Government, would we, as the United States, or a nation, be barred from ceding Michigan, for instance, in order to preserve the life of the nation?
Mr. SPOONER. Of course, we would, in my opinion.
Mr. TILLMAN. Then we would have to die as a people rather than to surrender one individual State?
Mr. SPOONER. We would have to die as a people if we were killed——
Mr. TILLMAN. In other words——
Mr. SPOONER. But we could not make a treaty, Mr. President, I think, by command of any power on earth, whether we were whipped or not, by which we would cede away one of the States of this Union, a constituent part of the treaty-making power. If a conqueror demanded the State of Maine, we could not cede it. That conqueror could occupy that State, if they had the power, and they would have the absolute power so long as they occupied it and maintained possession, and no longer. They would fall, then, within the doctrine uti possidetis. You have title

where you hold, but you can conceive of no circumstances, in my judgment, under which, in our form of government, a treaty could be made ceding away a State—in other words, dissolving the Union of States.

Mr. RAWLINS. Will the Senator from Wisconsin yield to me?

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Utah?

Mr. SPOONER. Now, if the Senator from Utah is not careful he will get me into making a speech, and I do not want to do that.

Mr. RAWLINS. The Senator is discussing the bill and I am glad to hear him, because on this side of the Senate we are prepared to receive any suggestion which the Senator makes in all seriousness. I agree with the Senator that a State may not be ceded away. But I ask the Senator if he considers that any proposition of that kind is involved in the position of the minority?

Mr. SPOONER. No; certainly not. Of course I do not.

Mr. RAWLINS. Does the Senator consider that there would be any legal or constitutional obstacle in that proposition of the minority if it were enacted into law?

Mr. SPOONER. The Senator knows what my answer must be to the question whether I consider this power, the treaty-making power, as adequate to the surrender of a State. Of course not. He knows that that is not involved in this bill. He knows that my remarks upon that subject were simply in answer to a question put to me by the Senator from South Carolina [Mr. TILLMAN].

Mr. TILLMAN. I wish to ask the Senator a question, if he will permit me.

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from South Carolina?

Mr. SPOONER. If the Senator will make a personal matter of it, I will yield.

Mr. TILLMAN. I have no personal feeling toward the Senator, except one of admiration and kindness and friendship. He could not tantalize me into any other sentiment, because I know his heart is in the right place, but his head is all full of tangles sometimes. [Laughter.]

Mr. SPOONER. Whenever I agree with the Senator from South Carolina, which is quite often, for he is an able and practical legislator, my head is perfectly straight; whenever I disagree with him, and that is generally, then it is awfully tangled. [Laughter.]

Mr. TILLMAN. The point I wish to make is this: You made a declaration that Congress is omnipotent to deal with property and territory. A section of the Constitution, as I understand it, thrown in as a kind of final round-up, so as not to leave anything lying around loose that the United States could not deal with, gave Congress the right to "make all needful rules and regulations as to the territory and other property of the United States," and the Senator proceeds to go forward. For instance, he illustrates by saying that if this country was whipped and helpless it could surrender New Mexico, because New Mexico is a Territory.

Then when I asked him if this country were whipped and helpless if it could not make a treaty of peace to surrender Michigan, he said no; that we could not do that because the Constitution would not allow us to cede a sovereign State—to destroy the Union. Under one condition you would be helpless and have to do a thing, and under the other condition you would be helpless and have to do a thing, but it would not be lawful. That is all there is in it.

Mr. SPOONER. No. Under one condition you would be helpless and have to do a thing, and under the other you would be helpless and could not do a thing.

Mr. TILLMAN. After the thing was done vi et armis, I do not see the Senator's logic when he undertakes to say that we can not do what the God of battles has already done.

Mr. SPOONER. Well, if the Senator can not see the distinction——

Mr. TILLMAN. I can see the legal distinction, but it is one of those legal quibbles with which you gentlemen of the law always try to hammer a tyro into submission; and I do not believe you are always infallible in your law points.

Mr. SPOONER. I do not think I am either. But if the Senator can not see the distinction between the *cession of a State* and the seizure and occupation of a country by a hostile army, if he will pardon me for returning the compliment, I think his head is badly tangled. [Laughter.]

Mr. TILLMAN. I was simply struck with the sophistry of the argument that we could cede New Mexico, but that we could not cede Michigan under identical conditions. I can not conceive of any possible situation that is ever likely to arise—I will say that in the course of time it can never arise—when this country will be too helpless to hold all of its territory that it ought to hold; that is, I mean the United States, the continental United States, not the insular United States, that we are now differentiated into, not the Asiatic United States.

Mr. SPOONER. Mr. President, as I said before, this discussion has nothing to do with this bill.

Mr. TILLMAN. I am glad we have got the Senator back to the bill.

Mr. SPOONER. It was the Senator who drew me away from it. I was saying some time ago that, notwithstanding the fact that Senators on the other side denounced the legislation of the so-called Taft Commission and the rules and regulations which have been made by that Commission, this minority bill is the only legislative proposition which has been made here legalizing the acts of the Taft Commission and continuing them indefinitely in force over there. That is done in this section, as I understand:

That until the people of the islands shall establish a government, as hereinbefore provided—

That is, a stable government—

all laws, rules, and regulations now in force for the government of the islands and the raising of revenue therefor shall be in force, except as the same may be in conflict with this act.

Mr. President, the Senator, in discussing the question whether we ought to pass this little temporary tariff bill, certainly does not wish the Senate to wait until every Senator can read the 1,100 pages of the Taft report. In the report submitted by the Senator from Massachusetts [Mr. LODGE] the portions of the Taft report relating to this subject are embodied—the sources of revenue, disbursements, and all that.

Mr. RAWLINS. Will the Senator permit me?

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield?

Mr. SPOONER. Yes, sir.

Mr. RAWLINS. The Senator has read a clause of the minority report and seems to think that the legal effect of it is a ratification of all the acts passed by the Taft Commission. Of course the design of it was, as must be evident, I think, to the Senator, to maintain the present status quo until we can get out of the islands; but the only part of the laws of the Taft Commission which have been animadverted upon in this discussion, and to which attention has been called, was the law making it a crime to advocate the according of independence to the islands. Of course that provision would necessarily be "in conflict with this act," the purpose of which is to secure the islands their independence.

But I want to say to the Senator if he thinks that is the only objectionable feature of the minority proposition, and that this is the vicious part of it, I think we can easily accommodate ourselves to the situation and come to an agreement. The Senator is opposed to that clause. I think we of the minority will not seriously insist upon it if that is the only obstacle to the Senator's supporting the proposition.

Mr. SPOONER. That is a charming bit of humor, I suppose, Mr. President. I have not said that is the only provision of this amendment to which I am opposed. I am opposed to all of it; and when the appropriate time comes I shall attempt to give the Senate the reasons why I am opposed to it.

I conclude as I started, Mr. President, with the simple observation that, in my opinion—and it is only my opinion—on a measure to provide revenue for that government over there, which has relatively just begun, and which we all admit must indefinitely continue, some think for a shorter period and others for a longer, our first duty is to attend to the emergency matters which do not in any wise commit the Congress or the people to any permanent policy in the Philippine Archipelago, leaving to the incoming of the government bill—and it will come in—the debate of these larger questions at a time when it will be appropriate, and when the discussion of them and the consequent delay can do no harm.

Mr. TELLER. Mr. President, I desire to offer an amendment to this bill, to be added as a new section. I ask that it may be read and printed.

The PRESIDENT pro tempore. The Senator from Colorado offers an amendment to the pending bill, which will be read.

The Secretary read as follows:

SEC. 8. *And be it further enacted*, That the Constitution and all laws of the United States which are not locally inapplicable shall have the same force and effect within the said Philippine Archipelago as elsewhere within the United States.

The PRESIDENT pro tempore. The amendment will be printed and lie upon the table.

Mr. TELLER. Mr. President, I do not intend at this time of the day to take up the general discussion of this question. I think our friends who have brought this bill into the Senate have no right to complain if the main question touching our relations with the Philippine Islands shall be thoroughly discussed. Whether they do complain or whether they do not, I want to assure them that it will be so discussed, and discussed upon this bill, which is just as appropriate a place for such a discussion as any other bill that can be presented. I know there is another bill pending

which proposes general legislation for the islands, but that is not now before the Senate, and may never come before the Senate.

There is a very important principle in this bill; that is, if those people belong to us and if they are a part of the United States, as to our right, both legally and morally, to tax them.

Mr. President, I want to say to the Senator from Wisconsin that he must have overlooked a very important part of our early history. When Great Britain proposed to tax us and when we objected to it, she answered, "I am going to let you have the proceeds of that taxation." When later she provided that the tax on tea might by way of rebate be refunded to the tea companies, she thought that we were very much out of reason when we could not see that, as the money came back into our pockets, we were not being improperly taxed. There was not a man, or a woman, or a boy in this country who did not know that the fact that Great Britain turned the money over to us did not bear in the slightest degree on the question whether she had the right to tax us without representation. If she had doubled the money and put back twice as much as she took out of our pockets, it would not have made any difference with the fathers of the Republic.

Mr. LODGE. Will the Senator let me ask him a question?

Mr. TELLER. I will.

Mr. LODGE. Do I understand the Senator to refer to the duties we collect on the Philippine imports and then rebate to them?

Mr. TELLER. That is what we are going to do, is it not?

Mr. LODGE. Yes; but I understand the Senator to refer to the duties levied in the ports of this country and refunded to them.

Mr. TELLER. Yes.

Mr. LODGE. Then I want to call the Senator's attention to the fact——

Mr. TELLER. If those people are part of our people and that is our country, it is a question—I do not say how it is to be decided, but it is a fair question of debate—is not that a taxation of those people when they send their goods here as much as it was when Great Britain sent her tea here and made us pay a tax on it?

Mr. LODGE. It is undoubtedly a tax on those people, if it is held by the Senator, as I should hold, that those duties come out of the Philippine importers.

Mr. TELLER. Well, Mr. President, we will not stop for that at this time.

Mr. LODGE. No, I do not believe we will.

Mr. TELLER. Our fathers thought the tax came out of them when they paid it. They may have been mistaken. It may be that it came out of the exporter of the tea, and not out of the consumer, but they did not so believe. They said it was a tax, and they said "we are a part of the English people and you have no right to tax us without representation." So the Filipino has a right to say to-day that he is a part of the American people. He may not be right about it, but there is enough for him to stand on in the decision of the Supreme Court that those islands are part of the United States, and to say, "I do not think you have a right to tax us." The relations of those people to us may not be exactly those of New Mexico, because we have extended to New Mexico privileges which we have denied to those people over there.

But what I want to say to the Senator from Wisconsin and the Senator from Massachusetts who is leading off in this debate, is that these are fair questions for discussion; and I can not understand how questions which involve great principles, questions which must be decided, if they can be decided, by the Supreme Court, are not still within the province of the political department of the Government. If the court says that we may tax those people, it does not follow that we must tax them. It is a fair question for political consideration on this bill, and it is more appropriate on this bill than it will be upon the bill the Senator has introduced and which is now in the Committee on the Philippines.

Mr. LODGE. The Senator does not understand that I have made any objection to general debate on this bill? I have not indicated any such disposition. I think we might as well have the Philippine debate on this bill as on any other. We are bound to have it at some time.

Mr. TELLER. The Senator from Wisconsin [Mr. SPOONER] took us to task for indulging in debate on the Philippine question on this bill. I am at a loss to know whether the Senator from Massachusetts [Mr. LODGE] is in the lead or the Senator from Wisconsin, or which we shall regard as the special representative of the Administration on this question. Either, or both of them, perhaps, should be treated by us as representing practically the Administration so far as this bill is concerned.

Mr. President, it does seem to me that this question is not one for special technical debate. If it ever is a proper thing in the Senate of the United States to have a technical debate, it does not seem to me that this is one of the occasions for indulging in it. It does seem to me that this question involving so much, not only to the eight or ten million people over there, but infinitely more to us, might be debated as American Senators ought to debate, without any recrimination or unpleasant words.

I do not intend, as I said before, to debate this question to-night, but I am going to debate it, and I am going to debate a cognate question on this bill before you get through with it, for under the rules of the Senate I have a right to debate it, and that is the question of our relations with Cuba. I am going to take the liberty of debating that question, especially after the suggestion made here to-day.

Mr. President, I confess that I was somewhat surprised at the speech of the Senator from Massachusetts on the introduction of this debate. I had myself expected that there would be some indication of what the policy of the Government is to be. For three years we have wanted to know what is the policy of the Administration. After practically three years of war—a war never ordered by the Congress of the United States, the war-making power—after nearly three years of war we do not know what the policy of the Administration is to be, except, as the Senator from Massachusetts tell us, that there is one thing he will not do—I suppose by that he means that the Administration will not do it—they will not say to those 10,000,000 people what the policy of the Government of the United States is to be, only that the President says, "By what we have done you may determine what we are going to do."

Then, by the fact that he has had 75,000 men there with bayonets and has been putting that army in every hamlet and every town in those islands where he dared to go, where they have committed outrages and tortures which would have disgraced the Spanish people when they were in possession, and we have increased them, as the Anglo-Saxon will whenever he attempts to do the same thing that the languid Latin attempts. But my heart sank within me when the Senator said, "I will not make a promise; I do not know whether we can fulfill the promises we make." If ever there was an admission of an unhappy and uncertain condition, the Senator made it when he said that.

I say to the Senator, the Philippine civil commissioner, who has just returned to this country—for whom I have great respect and the kindest of feelings, as I had for his father before him—may say the war is over, but not a military man of the 50,000 there will say it; not a single one of them will pretend that the war is not as rife to-day as it ever was. It is true, sir, there is not a great army in the field against us; it is true that the Filipino soldiers are scattered all over the islands. The Adjutant-General of the Army of the United States declares that the Filipinos adopted this policy deliberately; that they were not forced to it by the United States.

They abandoned their great organization and their large army and went into small detachments because it was better for them and more difficult for us. It is not a sign of weakness to-day that those people are not in an army of 10,000 or 20,000, but that they are in bands of 100 and 200. I say here, if the Senator from Massachusetts will call the men who know—as I am sure he will not—if he will call the men who know before his committee, call them from the islands, call them from the Army, call them from the civil service, he will find that there is a condition there of absolute insurrection, if you can call it such, of absolute opposition to the Government of the United States, as General Chaffee says.

There is not a mile square in the Philippine Islands, except in the city of Manila, where an American citizen dares walk out unprotected by a bayonet. Yet the Senator says he can not make any promises. He does not know what we are going to do. Great God! is it not time we should know after three years of wicked war—after three years of violation of the pledges we made in this Senate that we did not intend to subjugate those people against their will, pledges made by what is called the McEnery resolution, a resolution which we were told should become not the resolution merely of this Senate, but the joint resolution of both Houses?

We who voted for it—some of us at least—supposed it was to be a national declaration, and we who voted against the Bacon resolution believed that we saved the opportunity, because we did not believe the Bacon resolution could pass the House. Yet here we are, the civil branch of the Government, denying that there is war, the Army united in saying 50,000 men are not enough, calling for more troops, calling for more vigorous measures, taking steps that would disgrace savages, as I mean to show before we get through with this bill, applying the torch, making the Filipino people practically outlaws, pursuing them from their homes, burning their houses, destroying their property, and attempting to starve them into subjection.

Mr. President, leaving out the question of decency and morality, is it to our interest to carry on such a war? It is incumbent upon this Administration to-day, after three years of war, after more

than $300,000,000 of American money have been poured into that country for no good, to tell us when they propose to make an effort to bring peace there outside of force.

There is not a man on the other side of the Chamber who does not know that what the Army officers say is true, that you have got to keep this army there for years; and the Philippine Commission, after looking it all over, with all their optimism, with all their hopes belied by every condition around them, say to us, "We will bring these people up to self-government in one generation perhaps; no, hardly in one generation, we think, but we hope we may in two." If this Administration has no policy except to drift, we ought to know it.

I am going to put into the RECORD some things before I quit for the purpose of using them in a subsequent debate, and I want to say to the Senators who do not sit on this side of the Chamber you need not be oversensitive now, you are going to hear God's truth, and it will be better for you to not sneer at it. If what we say is not true, then meet it like men. Do not say, "Oh, that is silly." Meet it. I say to you now that if you will call here the men from there I will prove to you that no sensible man can hope to secure peace by force in ten years. I will prove to you that you are doing things in the Philippine Islands that you are here denying that you are doing there, and that you dare not have a free press; that you will keep the censorship there, as you have kept it for two straight years.

Not a dispatch has come out of Manila that was not scissored and marked and blotted and changed for more than three years; and now we will be told that my speech and the report of the minority of the committee will be used to incite further war! Then you have got to have a censorship here, and you must not let what we say here go out to the people of those islands. If a speech saying that the people of those islands are by nature entitled to have a government of their own, and by every principle of American law entitled to govern themselves, will incite insurrection, Mr. President, insurrection would be daily incited.

We in this country are not going to quit reading the Declaration of Independence, nor cease declaring that the rights of men exist now as they did a hundred and twenty-five years ago. I assert as a principle of international law that every country belongs to the people who inhabit it. I assert as an American principle and as an American doctrine, which never was questioned until recently, that the people who inhabit a country have a right to govern it. You deny that now. You say they are in insurrection. They are rebels.

As I said yesterday, one class are called war rebels and another are called war traitors. I have not been able to find the distinguishing feature between the two, except, I suppose, those who are the most vigorous and the most active may perhaps be called the war rebels. I do not know whether it would be that way or the reverse.

Mr. President, it is difficult for an American ever to see with composure his flag assailed or to know that there is an attack upon American troops. I believe that these people are capable of self-government. I would not believe it if they submitted to the dictation of the so-called Commission which you sent over there. No self-respecting people, no people capable of self-government, would submit to it; and if that makes me a war rebel, make the most of it.

I here have an article written by one of the most prominent and best-known newspaper men in the United States, a man whom most of us know, and a man whom everybody who does know will agree is a fair writer. He has made his statements carefully, and I say they strike terror to me. He has not attempted to depict the cruelties and the wickedness over there as they are given to me by the letters of men who are there and who dare not while they stay there speak above their bated breath. They are the class of men that General Wheaton referred to when he said they sent men to jail for less than that. Yesterday the whole Republican side were in arms at the great outrage we were perpetrating upon an officer of the Army when we said that he had criticised our conduct here and criticised the conduct of a distinguished Republican professor who went over there and saw for himself, and comes back and is so foolish as to say he wants to see those people have independence.

Mr. President, I have here an article written and published in the Philippine Islands; and if this is not true, or if anybody doubts it, then I now challenge the Committee on the Philippines to call before them the man who edited the paper, and to call any man from those islands—anybody whom he wants called.

Mr. LODGE. Who is the writer and what is the paper?

Mr. TELLER. It is the Manila Freedom.

Mr. LODGE. Who is the writer?

Mr. TELLER. It is an editorial.

Mr. LODGE. You said it was a writer whom we all knew.

Mr. TELLER. No; that is the other. I am going to produce it later. The Manila Freedom is published in Manila by Mr. O'Brien, the editor. This is a copy. I have verified this by reading the paper. I am not going to stop to read it, but I want to put it in the RECORD, and I wish every Senator would read it.

Mr. BACON. I hope the Senator will read it.

Mr. TELLER. Very well; I will read it. I might as well do so.

Mr. BACON. We may not have time to read it in the RECORD.

Mr. TELLER. I will read it:

[The Manila Freedom, Edward F. O'Brien, editor.]

EDITORIAL.

WEDNESDAY, *December 18, 1901.*

Nothing can be accomplished in the Philippines until force has defeated permanently the enemy. It is useless to fool ourselves. We have tried civil government; we have placed prominent Filipinos in high places; we have prated of Americanism and progress, and with what result? Batangas, Samar, Tayabas, Laguna—and the list might be extended to cover the entire archipelago—all show the results. There is as much insurrection fomenting here as there was three years ago, and there will be as much three years from now.

There is only one remedy. The military must be supreme—must be given absolute control of the situation. There must be an army of at least 75,000 men here, and the desired end will be accomplished sooner with 100,000. The Filipinos must be defeated, absolutely and unconditionally defeated. They must be swept aside at no matter what cost.

Mr. President, it will be at great cost of life, but infinitely greater cost to the honor and reputation of this nation.

Mr. PLATT of Connecticut. Is that what the writer says?

Mr. TELLER. No; that is my remark.

Reconcentration—the same reconcentration which we deplored in Cuba—must be used. Those who evidence a desire to be peaceful must be gathered in camps or towns and protected by American troops. America, unlike Spain in Cuba, must furnish, if necessary, to these people the means of life when their supplies run out. In return they must be made to assist in the erection of trenches and military works.

I do not think that needs any comment from me.

All source of livelihood—

I ask the attention of the Senator from Connecticut to this:

All source of livelihood must be cut off from the enemy in the field. The Navy must furnish sufficient vessels to patrol the island and prevent filibustering, for we are blind when we deny that the enemy is receiving encouragement from the exterior.

Americans must occupy the positions of responsibility. There are places for but few Filipinos in the government until all armed resistance is put down once for all.

That is undoubtedly true. There does not seem to be much place for them.

The results of a policy of this sort must be severe. Thousands of lives will pay the forfeit, but it is the only way to accomplish the desired end. The captures or death of Lukban and Malvar will not end the insurrection—no more than the capture of a hundred others has ended it. For every leader who falls there are a dozen ready to fill his shoes.

Mr. TILLMAN. What is the date of that?

Mr. TELLER. The 18th of December, 1901.

Mr. TILLMAN. About forty days ago.

Mr. TELLER. The article continues:

The time has come when the matter must be viewed from the front. We have fooled ourselves, and we have made ourselves the dupes of those whom we have trusted. The money we pay, supposedly for peace, is going to strengthen insurrection. It is time to admit that we have made a grand mistake and undo the skein we have tangled. We must go back to the crossroads and take the other path.

They tell us that capital will conquer the islands. But when is capital coming? Will it come when it is as much as life itself is worth to go through the islands without a bodyguard? The answer is "No!" Capital will come to these islands only when peace reigns, and according to our present procedure we will never have peace.

We are only fostering a spirit which will eventually defeat us. This may not come about through force of arms, but it is bound to come about through the taxpayers of the United States who will refuse to sanction an unending and eminently costly warfare.

Let us have peace, and as a sure means to peace let us have warfare unconditional, and warfare in the sense in which warfare is really meant.

Mr. President, the writer undoubtedly speaks the sentiment of the American army there, for if he did not he would have been treated as was the citizen of Minnesota last year who criticised a public officer and was deported at once and his press practically destroyed; and although he was a citizen of one of the States of this Union, of high character, there has been no protest on this floor save that made by myself, a citizen of another State.

I want to call attention to this concentration. I do not believe it has been carried on with the cruelty with which it was carried on in Cuba, and I doubt very much whether it has been carried on with the cruelty with which it has been carried on in South Africa. This writer I speak of, Mr. Bonsal, declares it has not been carried on with extreme cruelty, and I am glad to have somebody say so, for if there is a blot upon humanity anywhere it is the blot upon Spain for her conduct in Cuba and on Great Britain for her treatment of the concentrados in South Africa in the twentieth century. It is a crime that would shame the Dark Ages, and I felt, when I saw that we had gone into it, that we were publicly disgraced, whether it was a peaceful concentration or any other. I quote from the message of the late President McKinley:

The cruel policy of concentration was initiated—

In Cuba—

The cruel policy of concentration was initiated February 16, 1896. The productive districts controlled by the Spanish armies were depopulated.

The agricultural inhabitants were herded in and about the garrison towns, their lands laid waste, and their dwellings destroyed. This policy the late cabinet of Spain justified as a necessary measure of war and as a means of cutting off supplies from the insurgents. It has utterly failed as a war measure. It was not civilized warfare. It was extermination.

Against this abuse of the right of war I have felt constrained on repeated occasions to enter the firm and earnest protest of this Government.

That concentration has been practiced in the Philippines nobody will deny it. That it may not have extended to the cruelty of Cuba or the cruelty of South Africa is probably true. I hope it is. But it has been practiced, and the papers have been full of the feats of our army burning towns and burning property, and the declaration has been made over there that it was the policy to starve out the people and compel them to submit to our rule.

Mr. President, there is a letter in the city of Washington which can be produced—I have not seen it, but I hear of it from those who are reliable—reciting that some American officers, with the feeling that any American ought to have, were criticising the concentration, when one of them said, "if this thing continues, I am going to apologize to Weyler;" and another one said, "the time has come when I am ready to apologize to him now."

Mr. FORAKER. May I ask the Senator to repeat his statement. I did not hear the first part of it. Who made that statement?

Mr. TELLER. It was written here by an officer.

Mr. BEVERIDGE. What is his name?

Mr. TELLER. I would not give it if I had it, and I have not got it. I know very well it is not safe for any Army officer, and so do they, to write anything of that kind.

Mr. FORAKER. What I wanted to understand, without waiting to consult the RECORD in the morning, was whether the Senator had stated that an officer in the Army now engaged in service in the Philippines had made that kind of a statement.

Mr. TELLER. I stated that I had been informed, upon what I regard as perfectly proper and reliable authority, that an officer writing a private letter here had stated what occurred in a conversation between other officers and himself.

Mr. President, let that go. Suppose it is not true. Do you believe you can concentrate the people of any community anywhere away from their homes for the purpose of preventing them from raising food and taking it where they can supply the insurrectionists, as they are called, or where it can be taken by them, without there being extreme cruelty and wickedness? You know you can not, and so does everybody else.

Mr. TILLMAN. Will the Senator permit me to ask a question?

Mr. TELLER. Certainly.

Mr. TILLMAN. I direct it to the chairman of the committee and to the other members on that side of the Chamber. A resolution was introduced by the distinguished Senator from Massachusetts [Mr. HOAR] some days ago asking for the appointment of a committee to examine, or that the Philippine Committee be instructed to examine, into the conduct of the war. I notice that the chairman of the Philippines Committee yesterday introduced a resolution which did not embrace that feature.

Mr. LODGE. The resolution I introduced was more sweeping. It embraced everything connected with affairs in the Philippines.

Mr. TILLMAN. Then we are to understand that the chairman of the committee will report back his resolution by which we can get at the facts of this business?

Mr. LODGE. The Senator does not follow what happens in the Senate. The resolution was passed this morning.

Mr. TILLMAN. A Senator can not always keep up with things of that kind, but I generally keep within hearing of what is going on. If it is passed and the Senator means under it to have these officers and these witnesses either come here or have the committee go there, then I am satisfied. That is all I want to know.

Mr. LODGE. The committee means to have everybody before it—everybody who will put a name to his statement.

Mr. TELLER. To do that the Senator must——

Mr. LODGE. To anonymous communications, repeated on hearsay, we shall give very little attention. Witnesses, names, places, dates, participants we will investigate to the bottom.

Mr. TELLER. If the Senator will call for some of the soldiers over there, he will find out some things that he has not heard.

Mr. LODGE. Send in the names.

Mr. TELLER. Or if he will do the other thing, if he will see that the censorship over the press there is taken off, he will get some news that has been kept from the American people for the last three years.

Mr. FORAKER. Mr. President——

The PRESIDING OFFICER (Mr. NELSON in the chair). Will the Senator from Colorado yield?

Mr. TELLER. I do not know to whom to yield.

Mr. FORAKER. Will the Senator yield to me for a moment? I will not long interrupt him, but I happen to hold in my hand an article which I cut out of this morning's paper, to which I wish to call the Senator's attention in this connection. He has spoken of the censorship of the press in the Philippine Islands, and he has also spoken of our attempt to rival Weyler in the establishment of concentration camps. What I refer to is an interview published only this morning with Judge Taft, who is fresh from the Philippines. He speaks on both of those points. He denies that there is any censorship of the press in the Philippines. I will not stop to read it, unless the Senate so desires, but I will ask that it be printed in full in the RECORD. He says there was a time when the military necessity was such that a censorship was maintained, but that for a long time past there has been no censorship of the press; no censorship of dispatches in the Philippines.

Then in regard to the matter of concentration I want to speak just a little bit explicitly.

Mr. TELLER. The Senator can put that interview anywhere else in the RECORD that he wants to.

Mr. FORAKER. If the Senator will bear with me, I will not unduly trespass on his time or his remarks or his place in the RECORD. If there is anything more barbarous than another in modern times in connection with warfare it was the concentration policy practiced by Weyler in Cuba, and to say that we have inaugurated any such policy in the Philippines is to state a most serious fact and to make a most serious charge. I do not understand that any such thing has been done. Here is what Judge Taft says about it, if the Senator will allow me to read it:

"As a matter of fact," he said, "the embers of distrust are being kept alive by sensationalists, who seize on every petty point and seek to twist it into some horrible barbarity of our Government in the islands. Take, for instance, the talk about concentration camps. Although I am not sufficiently well acquainted with the full military plans to speak with absolute authority, I can say that the whole subject is much misunderstood by our people.

"As a matter of fact there has never been any thought of establishing 'concentration camps' in the ordinary acceptation of the term. All that has been proposed is an insurgent cordon, the establishment of a dead line, into which will gradually be drawn all the remnants of insurrection that exist."

Then he goes on further, the upshot of it all being that there is no starvation whatever, such as characterized the concentration practices of Weyler, but ample provision is made for the care of and to relieve the suffering, if there be any suffering, of all who are brought within the concentration limits. It is simply a military necessity which is resorted to there, as it is resorted to in all civilized warfare where such conditions exist. It is not carried on in an unmerciful way, and certainly there is no result of starvation and nothing that resembles the concentration camps as complained of in Cuba.

Mr. TELLER. That is an admission that there is concentration.

Mr. FORAKER. I ask, if the Senator from Colorado will not object, that this interview may be printed in the RECORD after his remarks.

Mr. TELLER. Yes; I do not like to have it put in the middle of mine, though I do not care where you put it. Put it in, as I do not want to do an injustice to anybody.

Mr. FORAKER. I ask that it may be put in the RECORD in connection with my remarks.

The interview referred to is as follows:

CHICAGO, ILL., *January 26.*

William H. Taft, civil governor of the Philippine Islands, arrived in Chicago this afternoon from San Francisco. He was met at the depot by President S. M. Felton, of the Chicago and Alton Railroad Company, and went at once to Mr. Felton's residence, where he spent the day.

"The only answer I have to make to the ideas of individual observers, which declare the true condition in the Philippines has been concealed, or that we are hugging delusions of peace that can never be brought about, is that the Government is concealing nothing, and that its conclusions are not based on wild theories, but substantial facts."

This was the reply Governor Taft made to a statement published by Stephen Bonsal, declaring that desperate opposition was still being encountered in the field and that the natives are irreconcilable and better organized than before the capture of Aguinaldo.

Governor Taft said that, although there was a time when, for military reasons, it had not been advisable to make public everything occurring in the Philippines, the necessity for such secrecy is over, and that no effort is now being made to conceal any part of the truth from the people of this country.

"The noncombatants on the islands have never, even at the hardest period of the war, received anything but the utmost kindness and consideration at our hands, and it is hardly probable that this policy will be reversed now that the opposition is fast drawing to a close."

The governor believes that the only existing opposition to the authority of the United States is being fomented by the men who form the Hongkong junta, most of whom were formerly residents of the rich coffee-growing province of Batangas.

"It is in this province," he went on, "that we are now meeting with our only difficulty. My statements concerning the close of the rebellion are not 'optimistic' in the sense that they are overdrawn. They are based on nothing but plain facts.

"The natives are rapidly developing an affection for our institutions, and a large number of former insurgents have become valuable members of the community, fully worthy of any trust that may be reposed in them. The coming elections will develop the real progress in this direction, and I am certain that the result will be gratifying.

"The restrictions placed on the privilege of ballot are principally of an educational character, a fact that will of course cut out numbers of Filipinos. But this is a condition that will be bettered rapidly. The progress of education is satisfactory, and our policy in this direction is liberal.

"No obstacle of any character is put in the way of the parish schools; indeed, it is now generally understood throughout the islands that the government will eargerly welcome the establishment of additional institutions of this character, as long as they conform to the educational standard demanded in our public schools and instruct pupils in the English language. It is utterly immaterial to us what the character of the school is; all factors that will aid in the work of education are welcomed."

Governor Taft refuses to discuss the future of Aguinaldo. He says that the deposed leader's fate is in the hands of the military branch of the service entirely, and that the civil arm has the responsibility of neither his custody nor his behavior.

Mr. TELLER. The papers have been full of statements that this officer or the other has been destroying food products and burning houses for the purpose of compelling the people to get where they could be watched, and later, if it is necessary, I can produce them. I do not believe that any of the officers will deny that they have attempted concentration of these people. I have not charged that they practice the cruelties which Spain did. I do not think they could or would, and, as I said, Mr. Bonsal says they did not. I gave them the benefit of that when I first spoke of it.

Mr. President, I have myself no desire to say anything about these people that is not true. The American officers over there are gentlemen. Most of them are there under the command of officers who are their superiors, and they obey.

I desire to say a word or two about the censorship of the press. I have not seen that article. There may not now be any censorship of the press, but I understand that the Associated Press people still believe there is a censorship of the press. Last year, on January 11 and 15——

Mr. BEVERIDGE. Will the Senator allow me?

Mr. TELLER. Certainly.

Mr. BEVERIDGE. It was stated here yesterday, under the guise of a discussion of this bill, that there was a censorship existing at Manila and throughout the Philippines, and a discussion of the general policy of censorship was entered into under the guise of discussing an emergency tariff bill. It was then stated by the Senator from Wisconsin, who gave his authority as myself, that there was nothing of the kind there.

It has been stated now upon this floor, in the answer to what the Senator has said, from Judge Taft, that there is nothing of the kind there. In the flattest and broadest way and from personal observation I can state to the Senator that there is nothing of the kind there. I am acquainted with the Associated Press representative at that point. I have met him many times, and he never said anything of the kind to me. From personal observation, from talks with commanding officers, with governors of islands, with the chief of the insular division in the War Department here, I know that not to be the case; and why the Senator persists, in the discussion of an emergency tariff bill, in discussing a censorship which does not exist is not clear, Mr. President.

Mr. TELLER. The course of a Senator who asks permission to ask me a question and then proceeds to lecture me is such that I leave it without any further remark.

Mr. BEVERIDGE. I did not ask the Senator to permit a question.

Mr. TELLER. I allowed the Senator——

Mr. BEVERIDGE. I wish to say in this connection——

Mr. TELLER. I have the floor. I allowed the Senator from Indiana, as I always do, to ask a question.

Mr. BEVERIDGE. No; to make a correction.

Mr. TELLER. And he proceeds to charge me with misrepresenting.

Mr. BEVERIDGE. Not at all. I beg to say that I did not charge the Senator with misrepresenting. I did not ask the Senator for permission to ask a question, but I asked his permission, in the ordinary and courteous way, to make a statement.

Mr. TELLER. But you did not stop at that.

Mr. BEVERIDGE. I did make a statement refuting the fact that the Senator had charged, after the explanation had been read by the Senator from Ohio, that there was no censorship there, as I understood it.

Mr. TELLER. Certainly, and——

Mr. BEVERIDGE. And I was proceeding to discuss it when it seemed to have been sufficiently refuted in the plainest and most unequivocal terms. There was no intention on my part to lecture the Senator nor any other Senator, and there never is. But it is the intention on my part, Mr. President, as it will be the intention of other Senators upon this side, to correct a misstatement which is persisted in after having been denied.

Mr. TELLER. It is possible that the Senator did not intend any discourtesy.

Mr. BEVERIDGE. The Senator knows that I did not.

Mr. TELLER. Mr. President, I will drop the matter.

Now, Mr. President, a few words about this censorship of the press. Last year there was read in the Senate the testimony of a Mr. Collins, that no man ever questioned here, who detailed the particulars of the censorship of the press, and nobody has ever denied it, and it has existed, Judge Taft says. I believe it exists to-day. I believe Judge Taft means to tell the truth about it, but I do not believe that he has been properly informed.

Mr. HOAR. Will the Senator from Colorado allow me to call his attention to exactly what Judge Taft says?

Mr. TELLER. I will.

Mr. HOAR. Judge Taft does not say whether there is a censorship of the press at all. I suppose what he refers to in this interview is the dispatches, and in regard to that he does not deny a censorship, whatever he may have said elsewhere. What he says here is this:

Although there was a time when, for military reasons, it had not been advisable to make public everything occurring in the Philippines, the necessity for such secrecy is over, and no effort is now being made to conceal any part of the truth from the people of this country.

There is no statement here whether there is a censorship, and I am sure that is all. He passes to another point. There is no statement here as to whether the authorities there prevent things from being sent to this country that they do not admit to be true, and there is no statement as to whether there is any censorship of the press in the Philippine Islands.

I may state in this connection that I have myself, though discussing this matter pretty warmly, never made any complaint or discussion in regard to this subject of the censorship. I do not know enough about it to warrant me in saying whether there has been one or is one. That is one of the inquiries my colleague's committee will probably make, among other things. I rose only to call attention to what Judge Taft says.

Mr. LODGE. I do not wish to interrupt the Senator from Colorado, but as my colleague has referred to me, I will say that I have made the inquiry. I stated on this floor yesterday that I had authority of the highest, as I supposed, from the War Department that there was no censorship now; that the military censorship had been removed; that there was no censorship on the press. I made that statement yesterday, and I think I made it on Thursday. I make it now. The statement will be made that there is a military censorship there, and it will be no earthly use for me to say that there is not.

Mr. HOAR. I did not reflect at all on my colleague in what I said.

Mr. LODGE. No; I said my colleague referred to me as making an inquiry into it.

Mr. FORAKER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield?

Mr. TELLER. Certainly.

Mr. FORAKER. I think it is due to me to take a moment in answer to the interpretation put on this language by the Senator from Massachusetts and to save the time of the Senate. I did not stop to read that part.

Mr. HOAR. I have read it all.

Mr. FORAKER. I was putting it in reference more particularly to the other matter spoken of.

Mr. HOAR. I read it all. The Senator has read it in full, and he has reached the conclusion in respect to it that he has announced. But I want to say, with all due deference to his interpretation of Judge Taft's language, that I adhere to the statement I made a while ago.

Mr. FORAKER. He says there was a time when there was a censorship, but now there is no attempt at concealment or withholding news.

Mr. HOAR. He says there was a time when the military authorities did not deem it necessary or expedient to have the truth known, which I think is very likely, and that there is now no attempt to prevent the truth from being known to the people of this country, but he does not say whether there is a censorship of the press or whether the authorities allow things to come that they do not admit to be true.

Mr. FORAKER. If the Senator from Colorado will bear with me for just a moment, I want to say, by way of finishing what was in my mind, that, I think, this bears no interpretation except only that which I put upon it, namely, that there was a time, as stated by Judge Taft, when there was a censorship, when there was a withholding of a part of the news on account of military necessity, or supposed necessity, but that now there is no attempt at anything of that kind; in other words, there is no authority for it; there is no censorship of the press.

I submit that that is the only interpretation which can be fairly put upon that language, unless we should draw the conclusion that Judge Taft was trying to speak in some evasive or mysterious or misleading way.

I thank the Senator from Colorado for yielding to me.

Mr. TELLER. I wish to say to the junior Senator from Massachusetts that I was not present when he made his statement yesterday or on Thursday, nor did I hear anybody else deny the censorship of the press. I supposed that it was kept up, and I believe

that now you will find it is kept up. At all events, Mr. President, it is quite apparent that there was a time when there was censorship, because here is the testimony, which I can read, of a respectable correspondent of the press, who says that he himself had his dispatches cut up and words put in that he had not put in. That statement is on record in the Senate, and it has been here for more than a year. Neither the Senator from Indiana nor anybody else ever denied his statements or questioned them in the slightest degree.

Mr. BEVERIDGE. There was a censorship there. There is none now. That is the statement.

Mr. TELLER. Yesterday we had a debate here upon a question concerning General Wheaton's interview, and Senators here stood up and questioned it. Mr. President, there was not a Senator on the other side of the Chamber who did not know that that interview was true.

Mr. LODGE. Mr. President, I object.

Mr. HAWLEY. The Senator has no right to say that.

Mr. LODGE. That is a deliberate charge that Senators stood on this floor and said what they knew was not true.

Mr. TELLER. I will change it.

Mr. LODGE. I call the Senator to order for saying such a thing.

Mr. TELLER. I will say there was not a Senator on the other side but who ought to have known it and would have known it if he had tried. Mr. President, I do not intend to be bullied or to be bullyragged by anybody.

Mr. LODGE. And I do not propose to have a Senator get up here and impugn anyone's truth on the floor.

Mr. TELLER. We have just had that very thing on your side, and you did not get very indignant over it.

Mr. LODGE. Because he did not do it, in my judgment.

Mr. TELLER. I thought otherwise.

Mr. LODGE. He addressed the Senator with a courtesy which might well be imitated here by others.

Mr. TELLER. Mr. President, so far as I am concerned, I will try and take care of myself on these questions. I tell the truth, and I mean to tell it, of things I know. I challenge the Senator to get up his investigation and let us have a fair swing at it. Now, I know how it will be done, Mr. President. I want him to call on men to come here who are not afraid to come and testify—the volunteer officers, who are not afraid of the strong hand of the Administration being put upon them, and that they shall be denied the promotion that they are entitled to if they are not in accord with the sentiment of the War Department.

Mr. FORAKER. Will the Senator from Colorado, before he passes from it, state, so that we may distinctly understand it, what is his last statement about the Wheaton telegram?

Mr. TELLER. I say it was a truthful statement of what General Wheaton said.

Mr. FORAKER. Has the Senator any further information in regard to it?

Mr. TELLER. I have evidence satisfactory to me. If that is not satisfactory, call your witnesses and find out the truth.

Mr. FORAKER. I ask not in a controversial way, but for information. I judge from the remark the Senator has made that he must have additional information beyond what he had yesterday. Is that true or not?

Mr. TELLER. I had it yesterday. I was just as confident of it then as I am now.

Mr. FORAKER. Has the Senator obtained any information since yesterday?

Mr. TELLER. No, I have not. I have what I stated yesterday.

Mr. FORAKER. So I understand all the information the Senator has is the telegram appearing in the papers as quoted in the Senate yesterday.

Mr. TELLER. I did not say any such thing. The Senator need not put any words in my mouth. I said I had satisfactory evidence to my mind that that was a correct statement. That is enough for me. There is no necessity to go any further. If the Senator wants to find out whether that is true or not, let him call General Wheaton before his committee.

Mr. FORAKER. I think the Senator will agree, if he will stop to think for a moment, that I, in the politest way imaginable, asked him if he had any further information. He has made a statement that every Senator on this side yesterday ought to have known that the dispatch was absolutely true, just as it was published. Now, I inferred from that that when the Senator made the statement he must have had something since yesterday to confirm the truthfulness of that telegram. I saw it in a paper and I attached to it as much importance as I attach to telegrams appearing in the papers, but it was said here yesterday, nobody knew exactly what General Wheaton was commenting on, and I think we are still of that same opinion.

Mr. TELLER. Oh, Mr. President, everybody knew what he was commenting on.

Mr. FORAKER. What I call attention to, if the Senator will allow me a moment, is that the telegram from Manila announced what General Wheaton should have said in criticism of Dr. Schurman, and did not say what it was that Dr. Schurman had said that he was commenting upon.

Mr. TELLER. We knew what Dr. Schurman had said.

Mr. FORAKER. But how do we know?

Mr. TELLER. Dr. Schurman made a speech in Boston.

Mr. FORAKER. How do we know that that was correctly reported in Manila?

Mr. TELLER. Of course we presume it was correctly reported.

Mr. FORAKER. I will state the reason why I call attention to this, if the Senator will bear with me for a moment.

Mr. TELLER. Go on.

Mr. FORAKER. It is not to interrupt him or to be impolite, for I have for the Senator, as he knows, the most profound respect. I have just had an experience with respect to newspaper statements. I think in the main the newspaper men undertake to send what they understand to be the truth, but they sometimes make a mistake. Yesterday General Merritt was criticised for what he should have said in a public speech.

To-day I had the pleasure of submitting here to be read and put in the RECORD his emphatic denial of ever having made any such statement. Now, how do we know that when General Wheaton's attention is called to this it may not elicit a denial such as General Merritt has sent to the Senate to-day? Why I made the inquiry was not to interrupt the Senator, certainly not to give him any offense, but to learn whether General Wheaton has confirmed what was published of him yesterday, as I thought the way the Senator spoke he might be intending to tell us.

Mr. TELLER. Mr. President, I am rather patient about those things. I think, though, that the Senate has fallen into a way that is not very creditable. When a Senator is trying to make a speech everybody else insists on making one at the same time. I do not care to go any further into that, Mr. President.

If General Wheaton made the statement it is said he did, he is just doing what the public press of this country is doing. I have seen in the newspapers of this country a statement that this minority report of the committee was encouraging rebellion. As I said the other day, I have seen speeches of Senators commented upon as encouraging rebellion.

I was complaining yesterday, Mr. President, that this was one of the fruits of an attempt to subjugate a people contrary to American law; that you can not do those things and maintain free speech; that if you undertake to hold a people in subjection who have proper spirit you will have war.

Then when a Senator or anybody else talks about the rights of man it will be inciting to rebellion. Why, Mr. President, we have got where we are afraid, I think. I said yesterday that nobody would dare to read the Declaration of Independence. You can not get a more incendiary speech possibly than the Declaration of Independence and the Bill of Rights.

I said to-day that it was a fundamental principle of international law that the people of a country were the owners of it. In 1859, in this Chamber, a speech was made on the Cuban question. I want to read what a Senator from one of the States said, and I declare now that nobody questioned it then. I do not know whether anybody will question it now. I do not think they would if it was not for the fact that it might in some way reflect upon our conduct in the Philippine Islands.

> The fundamental theory of our Government is that the people of all countries are the true and only owners; that governments are established for their benefit, and whenever governments become subversive of the true ends of their institutions it is their right to alter and abolish them.

You can find that in the Declaration of Independence, but not in the same words. You can find it in every bill of rights that has been published for many years.

> The island of Cuba does not belong to Queen Isabella.

Now, Mr. President, when I get up here and say what I do say, that when we took sovereignty over the Philippine Islands we did not buy the people nor did we buy the right to oppress them, the Senators who are so sensitive about the conditions over there will undoubtedly consider that out of place. I do say it, Mr. President. I say when we took sovereignty there we took it subject to the great underlying American principle that a government there must be a government of the people, by the people, and for the people, and I do say now that there is not and has never been since we went there a government of that character.

Senators talk about a civil government over there. Mr. President, you have an autocracy there that has not its equal under the sun—an absolute government. It has no prototype anywhere except perhaps in Cuba, not even in Turkey, not even in Russia.

And yet we are told in the President's message, and we are told elsewhere, that these people are participating in that so-called self-government over there, as autocratic as it is possible to be made. It is true some man may hold an office; it is true, Mr.

President, that somebody by the favor of the Commission may get pay from our Treasury. There were men in our revolutionary times who were getting pay from the English treasury. Were they participating in the Government of the United States or the government of the people of the States where they lived?

Mr. President, we have got a great way from true principles if because a man gets a stipend for acting as a constable over there in the Philippine Islands he is a participant in the affairs of government. Does he shape it? Does he direct it? Does he have any part in it? Can he object in a legislative way when things do not suit him? If he can not, he does not participate. He must have a voice in the creation of what he likes and in the destruction of those things that he does not like. You have not had for an hour a civil government over there, and you do not propose to have it, in my judgment.

Mr. President, I did not get up to speak on this subject in extenso. I ask now that I may put this newspaper article in the RECORD. I put it in the RECORD because I think the American people, and especially the American Senate, ought to know the truth. I think they ought to know how futile and how useless this effort over there is to destroy this people and compel them to come into subjection to us, and under the lying pretense that we are doing God's service, under the pretense that Providence has put upon us a duty or a burden.

Has the Filipino asked you to say what kind of a government he shall live under? Has he asked you to take taxes out of him without his having a voice in it? Has he asked you to send as rulers over him men who are not responsible to him, who know not the language he speaks, nor the aspiration of his mind? Then, because here and there a worthless creature will take a stipend at our hand can you make the American people believe that you are giving to the Filipino a free government?

Mr. President, I have been led into saying more than I intended, but I am not prepared to make any apology for what I have said. I mean to say more on this subject. I reserve to myself the right of an American Senator to say what I think, and I will not be disturbed by criticisms nor attacks that may be made by anybody. You will hear more of this before you get through, and you will hear it on this bill, which is the proper bill to debate it on. When you get a bill here that shall give to those people any modicum of free government you will find us standing with you; but you can not, under the pretense of an autocracy or an absolutism, get us to support what we know is not a concession to them and is not a participation on their part in the government under which they are to live.

The article referred to is as follows:

[From the New York Herald, Sunday, January 26, 1902.]

STEPHEN BONSAL, AFTER THREE MONTHS' CAREFUL STUDY OF THE SITUATION, DECLARES THE PACIFICATION OF THE PROVINCES IS A FICTION—CIVILIANS HAVE SPREAD IDEA IN IGNORANCE—ARMY IS BEING SLOWLY DEMORALIZED, HE SAYS, WHILE THE NATIVES' ORGANIZATION CONTINUES STRONG AND THEIR DETERMINATION DOES NOT WANE.

A calm, dispassionate view of the actual conditions in the Philippines is here presented by Mr. Stephen Bonsal, who spent three months in careful study of the situation. From civilian and from soldier, from officer and from private, from the common native and from the erstwhile head of the republic he has sought light on this great problem, which is perplexing not only the authorities at Washington, but all thoughtful citizens throughout the country.

Optimists have said that peace is already hovering over the Philippines, that the islands are pacified except in a few provinces, and that within a year the United States forces can be reduced to a quarter of their present number.

Pessimists declared that pacification of the Filipinos is only a seeming; that the opposition in the field is still desperate; that enemies lurk within the lines, and that disaster is certain whenever vigilance is relaxed.

Mr. Bonsal takes a view more pessimistic than optimistic. He thinks Governor Taft is honestly mistaken in believing that the end of the insurrection is near. He regards the natives as virtually irreconcilable and as well, if not better, organized than before the capture of Aguinaldo. Even in the much-praised native constabulary, he asserts, there exists a danger akin to that which sprang from the Sepoys of 1857.

Civil and military officials have not been in accord, he declares, and cites several instances in illustration. The Army is slowly being demoralized, according to his view, at the same time that the insurgents are growing in determination. He throws doubt on the final success of American arms and believes a Congressional investigation should be made at once.

PEACE IS STILL FAR FROM ASSURED IN AMERICA'S EASTERN POSSESSIONS—INSURGENTS, MORE DETERMINED AND BETTER ORGANIZED THAN EVER, ARE BITTERLY OPPOSED TO CONTROL OF THEIR DESTINIES BY THE UNITED STATES.

[By Stephen Bonsal.]

Now that Congress is approaching a consideration of the Philippine question, for the first time since our flag was raised over the islands, and now that Judge Taft, the civil governor, has just arrived and brought again, as have, alas! so many of his forerunners, the comforting assurance that the islands are "almost" pacified, it is only fair to present the other side of the picture, the situation as it appeared to me during a three months' journey, in which I visited all the islands and talked with all classes, both natives and foreigners.

Judge Taft preaches the gospel of a government for the people and by the people, and he makes no distinction between Malays and Americans. He seems to think that representative institutions are as well understood and as beneficent in their workings among a people who paint and tattoo to-day as they are for Anglo-Saxons who have been working up from that point of departure for the last two thousand years.

He is ready to rest his government on the consent of the governed, and yet 99 per cent of all Americans, whether civilians or soldiers, in the archipelago are confident that if the civil government was not supported by the rifles of our soldiers its officials would very soon be holding sweet converse with the mermaids, though only on constitutional questions, of course, at the bottom of the deep blue sea.

STATEMENT PURELY PERSONAL.

Judge Taft says that the Filipinos are very much elated at the prospect of becoming attached in some capacity, as an unorganized satellite or territory, to the United States, but he produces not a shred of evidence in support of his statement, which can only be regarded as personal. Consequently it should carry no greater weight than his striking and very sympathetic personality inspires.

Those who know the islands best, and in this list I do not include Judge Taft (his immediate duties have been too unremitting, the time too short to permit him to become thoroughly acquainted with the people), all agree that the American idea has not a single disinterested friend in the whole archipelago. Three months ago we thought we had one. There was a man there, a judge of the highest court, whom all the American officials, from Merritt down to the present day, had delighted to honor.

He shone like a bright, particular star in the firmament where twinkle so many of the native and half-caste officials who are drawing their pay from the United States and paying it into the insurgent treasury. He was our undisputed friend, this justice (no matter about his name). He it was who understood the Anglo-Saxon mind, as General MacArthur said. Perhaps this was true. He understood us and found us "easy."

But he, too, has fallen from his pinnacle and is placed now in the category of those whom we could prosecute and imprison for sedition if it were thought advisable. If we did, everyone would know at home, as they do abroad, especially along the east coast of Asia, that the Philippine Islands are very far from being pacified—that after three years of war the supremacy of our arms is contested.

FALL OF FILIPINO JUSTICE.

The fall of this Filipino justice of a United States Federal court happened in this wise: His nephew and his niece had taken a trip to Hongkong for a change of air. A sea voyage might prove beneficial, the doctor had said, and he asked the official world that the courtesy of the port might be shown them on their return.

An order to this effect was immediately issued by the collector; nothing was too good for the judge. But in some way that is not yet explained this order did not reach the inspector on duty, or, for reasons of his own, he disobeyed the order. The trunks were opened and found to contain 1,800 insurgent badges, 50 Mauser pistols, and an indefinite number of cartridges.

Tableaux! The justice hopped away to the palace and was closeted with the governor for an hour, and then the order came to confiscate the trunk, release the smugglers of contraband of war, and not to say a word, upon pain of dismissal.

For reasons of state or political expediency there has been for the last two years a conspiracy of silence in regard to Philippine conditions. The situation has been painted not as it is, but as we should hope to see it. This period of self-deception is over, or should be. I break no promises or pledges. I describe the situation as I saw it, and surely no one will have the right to complain.

I always protested against being called a "good fellow" of the kind that has been so useful in suppressing the facts and confusing the public mind as to the situation in our trans-Pacific possessions.

OFFICIALS DISCLOSE NOTHING.

When officials are so discreet the private individual feels justified in running risks in an endeavor to present the situation (which is so nearly affecting our prestige and our well-being) to the people who, after all is said and done, will have to pay the piper.

Symptomatic and illustrative is the case of an important member of the civil government who is about to return to the United States on leave. This gentleman is a college man, a lawyer, and former volunteer officer.

I had many talks with him, and was much interested in hearing what he had seen during his three years in the Philippines as commander of troops, and latterly as governor of a province, and I was sorry that a man who talked so intelligently, who evidently based his conclusions upon facts shrewdly observed and astutely weighed, should take such pessimistic views of the situation.

"Every day the conditions are becoming worse," he said. "They are threatening to become chronic. Unless we can let light in from above, unless there is a change of policy very soon, this guerrilla warfare will not end for fifty or one hundred years, and then only when we have 'rubbed out' the present inhabitants of the islands.

"And of course this rubbing-out process will take even more time out here than it did on the plains, because the climate is against us and because the army and police will not have behind them a stalwart frontier population backing them up and taking part in the fight when necessary. Something must be done soon to avoid the possibility of a hundred years' war—it is almost too late now, but yet something might be done."

"What would you suggest?" I asked him.

CIVIL AUTHORITIES VERSUS MILITARY.

"Oh, well, you see that is not my business. It is a very pretty fight as it is between the civil and military authorities, and I should be a fool to get mixed up in it; besides, I have troubles of my own.

"What I will say, and even this must be confidential, is that we are confronted with a situation which, in my opinion, is not to be met with the panacea of the civil commission—which is invariably to open a new bureau, man it with a chief and three or four score of clerks, equip it with swivel chairs and several batteries of typewriters—nor yet by the military recipe which seems to be a coax from the War Department 5,000 more fresh troops and send them hiking through the country for months at a time after an evasive foe, until worn-out and diseased, anæmic and disgusted, they begin to die like flies in a frost, and are put on transports and sent home again, dead or alive, but always, as far as this life is concerned, finished—used up in useless service."

"When you get to Washington," I said, "you will doubtless see the President and the authorities. You will tell them what you have seen as an officer in the field and as an administrator. You have had such exceptional opportunities that your testimony will have especial weight attached to it."

"When I get off the steamer," answered the discreet official, "the very first thing I do is to purchase a padlock. I will clap that on my mouth and throw the key down the deepest well I can find. No; it is a very pretty fight as it is, and I am not looking for more trouble."

Undoubtedly the cautious, if unpatriotic, behavior of this official is typical of the conduct of many other officials, military as well as civil, in the islands. They talk very freely and frankly about the situation among themselves, but seem averse to allowing any of the information which they possess to pass the Pacific. The excuse for this trans-Pacific reticence, generally given me when I pressed for explanation, is that the poor narrow-minded folk at home are so apt to misunderstand that it is better to say nothing.

ON RETURNING TRANSPORT.

One of the most amusing scenes in the human comedy which I have witnessed since I began to go behind the scenes takes place when in due process of time, and despite four or five captains apiece, an American transport arrives at San Francisco from Manila.

All the revelations of the voyage are over, and when the representatives of the press come on board a veil is drawn over everything unpleasant. The crippled soldiers must keep out of sight, the metallic boxes are covered with tarpaulins, and the consumptives are admonished by the hospital stewards to "shut up their barking." An era of good feeling is inaugurated which almost bridges the chasm between the civil and military factions.

All agree that everything is over except the shouting. Only when the local press representatives become precise and ask for whom they should shout longest and loudest do the voices become at all discordant. Some say, "Old Wheaton;" others are for Funston, "the only general the soldiers can not keep up with." And then there are praises for Merritt, who first sized up the situation; for Otis, who crushed the rebellion; for MacArthur, who pacified the Philippines, and for "Old Chaffee," for whom there is really nothing left to do, but who does it so well.

Patted on the back, pleased with themselves and all the world, the press representatives are being escorted over the side when the captain-quartermaster appears. He was a dentist three years ago, but now his duties are both military and naval.

You can see him any clear day on the bridge, and any smooth day, when the ports are open and you can breathe, he ventures for thirty seconds at a time into the dormitories of the men down below and says how sweet and clean they are.

"You know, boys, how I hate newspaper notoriety," he begins. "Still, I think the time has come when something ought to be said about the transport service. Why, only last month we wrecked seven of our ships without losing a single man. Now, tell me, boys, what other transport service in the world, or commercial line, for that matter, can point to such a record?"

And the press representatives, speechless, go over the side promising the desired paragraph. Then the consumptives resume their coughing. And I am impressed with the fact that in a sense Lincoln was wrong—you can fool all the people all the time, especially when they take no interest in the subject under consideration, as is unhappily the case with the Philippine question.

VISIT TO AGUINALDO.

I went to see Aguinaldo the day before I left Manila, moved thereto by a lurid picture of the insurgent leader with which a California Representative in Congress had favored his home paper. He denounced the prisoner as the most revolting looking monster in human shape known to history. Cruelty, rapacity, a cold, calculating bloodthirstiness were all mirrored upon his countenance as they never have been mirrored since the days of the Borgias, according to the California Representative.

I was naturally somewhat disappointed when a spruce, dapper little man, clad in patent-leather pumps and immaculate white clothes, came tripping into the reception room and asked me to be seated. The California Representative says that the former dictator "can not speak Spanish, even." I am afraid he must have interviewed the prisoner's muchacho.

Aguinaldo, as I found, speaks Spanish, as very few people in the islands do, with literary correctness, and in his conversation he gave further evidence of culture and wide reading. How he obtained these advantages it would be difficult to say, but that he has them there can be no doubt.

The brothers of the Jesuit College in Manila, San Juan de Letran, told me that he studied with them only a year and did not leave a very good record for scholarship. On the other hand, Lucban, who rules Samar for the insurgents, studied eight years at the Jesuit Ateneo, and when he graduated did so with all the honors.

Aguinaldo began his remarks by saying that he did not care to discuss politics. He added, "Everything is so confused at present I would prefer to wait." He asked me about various wars that I have witnessed, and I mentioned that none of the wars I knew about had ever settled any of the questions by which they were caused. I praised the forum, but not the tented field.

THE LITTLE MAN AROUSED.

The little man, with his stiff hair and brosse and his dreamy, melancholy eyes, sat listening for a long time. Then suddenly he sprang to his feet.

"Ah," he cried; "what you say is true, too true. There is no right in this world, only might. It is the fault of the most powerful that no questions are settled. The weak have no rights that the powerful are bound to respect."

I hardly knew him as he gave way to this irrepressible paroxysm. He seemed a different man, but I understood all at once his power, how he gained and how he kept it, in spite of his lowly origin and poor schooling, by his own personal magnetism. Then all at once his whole appearance underwent another change, his voice grew soft and pleading.

"You will forgive me," he said. "We are not talking politics, that was agreed, and of course my corazonada (cry of the heart) had no reference to the relations between our two countries. Only I have been reading history much, very much, since I was brought to Manila, and modern history is so like ancient history, and it seems to me all so sad."

SITUATION IN SAMAR.

The situation in Samar has attracted much attention in the islands and here because of the terrible massacre at Balangiga.

General Taft, when I visited him in the hospital at Manila, showed some natural indignation that American papers, many of them so ill informed of the situation and not a few only too much inclined to take no interest in the problem except to make party capital out of it, should advance the argument that civil government was a failure and that persons are unsafe in Manila because of the massacre at Balangiga.

This is quite unfair and not to the point. To begin with, Samar has never been under civil government either during the Spanish or the American régime, and I can not imagine its being ripe for its benefactions for many years to come, if ever. Again, Samar, or rather Balangiga, is 500 miles from Manila.

Still, these ferocious outbreaks are by no means local or peculiar to this province. Samar I am willing, for the sake of argument, to put quite on one side, but there are hundreds of incidents occurring every month in the provinces for which an unrestricted and unsupported civil government is asked by the Commission which can not be so easily explained away.

If the Filipinos are reconciled to American rule and appreciate the advantages we are giving them, why should the villagers of Tay Tay have buried alive, in the presence of the village elders and selectmen and with the blessing of the village priest, four of their number whose only fault was that they had rallied to the American cause to the extent of accepting 50 cents (Mexican) a day in return for their labor?

Now, Tay Tay is not very remote. Governor Taft must know that almost any clear day he could, if he would, see the unsavory spot or the hills behind it from the cupola of his palace in Manila.

WAGON TRAINS ATTACKED.

Again, if armed resistance is over and there are only a few ladrones here and there, how is that our wagon trains, heavily escorted by twenty or thirty men, are so often attacked and sometimes captured almost in sight of Manila?

To cite but one instance of this, the one freshest in my memory, could a few ladrones have attacked a wagon train and killing, capturing, or putting to flight the entire detachment of the Eighth Infantry that was performing escort duty, make off with the wagons and arms, as happened in Maddalena, 25 miles from Manila, early in December?

Such attacks are of weekly occurrence all through the Batangas country, though they are not often so successful. I have no means of knowing what Judge Taft's information is on the subject, but in my trip through Batangas Province I met and talked with many of the soldiers and teamsters, who on various occasions had been bushwhacked in this way.

They were of the impression that these attacks were made by well-equipped detachments of Malvar's evasive army, which at the most conservative estimate comprises 3,000 riflemen and as many bolomen in the Batangas country alone.

To my mind the whole archipelago presents itself as a volcano, of which Samar and Batangas are the active craters. Should we close them up it is quite certain that the forces of savagery and slaughter would find vent elsewhere.

WITH RELIEF EXPEDITION.

I reached Samar with the first relief expedition, which was dispatched thither under General Smith as soon as the news of the massacre reached Manila. Before our arrival a swift gunboat had informed the garrisons of what had taken place, and warned them against possible attacks which might be made in the exultation of victory and with the rifles and ammunition that were the spoils of Balangiga.

As usual in the Philippines, everything, including a series of typhoons, conspired to make the dispatch of troops impossible or tardy. It was a month before the garrisons scattered along the seashore and the rivers of Samar were reenforced, though General Smith, with the first available troops, reached Catbalogan, the capital and military headquarters of the island, within ten days of the disaster.

General Smith, in order to have his knowledge first hand and to report upon the situation, while troops were being got together, visited each and every one of the 31 posts held by the men of the Ninth and First infantry, garrisoning the island. I traveled with General Smith for ten days, and during this time we visited about a dozen posts.

The conditions revealed by these visits were shocking. I do not know where the facts were suppressed, whether at the headquarters of the department in Iloilo or in Manila, but they were suppressed somewhere, and whoever did it certainly shares with the savages of Samar the blame of the Balangiga massacre. Incidentally may I ask why should not the reports of General Smith on what he found and saw on reaching Samar be placed before Congress and the people? Such a state of affairs could not possibly be suppressed in Russia or Germany, though one is tempted to believe that they can be in the United States.

MORE KILLED BY BOLOMEN.

In the worst plight of all was the garrison of Pambouhan, on the Pacific coast of Samar, which consisted of 40 men under a first and second lieutenant. In July the commanding officer, Lieutenant Downs, was ordered by General Hughes to find his way to Balangiga and to open land communications between the two posts.

Downs found no trail of any kind, but plenty of savages. He was constantly fighting and could make but little progress. On the third day he gave up the attempt and was returning when the bolomen made a rush with their crooked knives, an onslaught which it would seem the small Krag bullet can not stop, and before they were beaten back Downs and four of his men were killed.

The survivors of the little party, carrying their wounded and followed and hacked at by their dogged pursuers, made their way back to Pambouhan, where they found that the rest of the company, 15 men, were closely besieged.

They beat their way in, and from that day in July until we visited them in October the siege had continued. Hardly a day had passed without an attack. It had proved impossible to hold the town, so the men had moved out into the open, dug a trench, and built a stockade, and here they had stood the siege.

What they had endured we got some idea from their haggard faces, long beards, and unshod feet. Apparently no one in Iloilo or Manila knew what was going on and that our men and flag were in a position absolutely incompatible with the dignity of our arms.

For four months the people of Samar had had before them an object lesson of how little formidable was the American army in their province, how few and isolated and deserted the little garrisons were. Small wonder they should have concluded that with one more attack the invaders could be driven into the sea.

GUNBOAT TO THE RESCUE.

There was a lull one day and a concentration of the savages. Something was evidently brewing, when in the very nick of time Lieutenant Shoemaker, commanding the cranky little gunboat *Aryat*, a capture from the Spaniards, providentially turned up.

After taking in the situation and consulting with the leaguered garrison, Shoemaker, under cover of night, landed a field piece and all the men he could spare and joined his fortunes and his forces with the worn-out men of the First Infantry.

It was a warm reception the savages met when on the very next morning they came dashing up to the stockade with triumphant shouts and cries. When all the enemy were done for Shoemaker continued his beneficent cruise, leaving the precious field piece behind him.

"And he never asked us for nothing," said one of the doughboys. "Only, he said, if you have any old campaign hats you can spare, let me have them." They come in so handy for stopping leaks."

We shall hear again of these young beardless captains—Shoemaker, Yates, Sterling, MacCarthy, and a dozen others, who sail the treacherous, uncharted seas of the archipelago in their cranky little craft. The admiral can get them to do anything except come to Cavite, where they are afraid their beloved boats, upon which nothing could induce me to "ride," as the soldiers say, not even in Central Park duck pond, would be condemned and dismantled.

It is useless to generalize upon what I saw in the posts I visited. In each one the circumstances were a little different, but in none were our men in a position to inspire savages with a high regard for our military force or heighten the prestige of our arms.

FIRING UPON CATBALOGAN.

Two days before we reached Catbalogan, the capital, the insurgents fired several volleys from a hill commanding the town, breaking nearly all the windows and killing a little Spanish child at play under our flag pole.

In the military headquarters it was forbidden to keep lights burning on the side of the building facing the interior, as whenever this had been done the light had attracted fire and there had been casualties.

Since I left Samar the marines whom Admiral Rodgers placed at General Chaffee's disposal to make up the quota of troops necessary to maintain our position there have made many gallant hikes and added the storming of Sorsagon, up a precipice 200 feet high, to the record of the corps, which will never be complete without mention of Major Waller, of Alexandria and Pekin fame; of Captain Porter, "a chip of the old block," and of Sergeant Quigg, whose gallantry at Guantanamo Stephen Crane immortalized, and who are all with the marines in southern Samar.

But despite the excellent dispositions General Smith has made, and his tireless and reckless activity in the field, I do not expect to hear of complete military success in Samar very soon, and as for turning the people there from their savage ways and teaching them the virtues of peace and civil government, that is a question of a generation or two, or even three.

POLICY OF CONCENTRATION.

While in the Philippines I thought this policy of concentration was merely the flippant view of the cynical newspaper paragraphers. On my return, however, I find that many believe that the United States Government is enforcing in the Philippines a policy of concentration which is on all fours with the diabolical scheme of extermination by which General Weyler reduced the noncombatant population of Cuba by several hundred thousand.

It seems curious that such a misconception should arise. The facts about the Weyler scheme form a dark chapter of history which can not be disputed. By him thousands of people were driven into huge corrals, 14 of which I visited for the Herald during that period when the mortality among the penned-up prisoners was greatest.

His plan was to pen the noncombatants—men, women, and children—in unsanitary places, not to permit them to bring food into their appointed pen or to allow food to be given them; finally, to force them to attempt escape from starvation and disease, and then shoot them down.

The facts of the so-called system of concentration in the Philippines, or rather in small sections of some of the provinces which came under my observation, differ from this picture as strikingly as day does from night.

ON THE ISLAND OF MARINDUQUE.

Maj. Frederick Smith, now inspector-general of the Department of the Southern Philippines, was placed last summer in command of the small and beautiful but hitherto refractory island of Marinduque, just south of Luzon. The population of this garden spot is not over 10,000, and the inhabitants, principally of Tagal stock, are remarkable for their education, industry, and wealth.

Shortly before Major Smith took this command the insurgents in the little island had obtained one of the most signal and least costly victories that they have scored during the war. I refer to the surrender of the survivors of Captain Shields's company, belonging to one of the volunteer regiments.

In consequence the insurgents of Marinduque were highly elated and asked nothing better, so they said, than that the "Americanos" should come on. For several weeks Smith contented himself with having a cordon of gunboats drawn about the island, which, in this fortunate instance, owing to the nature and extent of the surrounding water, was easily possible.

Then he began to put into operation the usual plan of heart-breaking hikes on the trail of an elusive enemy. Major Smith, however, being an able officer, soon saw that he could not bring his little war to an end by any number of rear-guard engagements, from which the enemy would always escape and scatter. He consequently called a halt to all active operations, and allowed himself time to think, which often brings good results, even if you are in the field.

It soon became clear to him that by this process of wearing out the insurgents, 10,000 at least of our men would be used up before the insurgents came to the end of their tether. And Smith had the best of reasons for knowing that not only could the commanding general not give him more than the 600 or 700 men he then had, but that in two or three months these would have to be withdrawn for service elsewhere.

EVERY VILLAGE A SUPPLY DEPOT.

During the period of active operations Major Smith saw that every village and every ranch in the island was a commissary store and supply station for the furtive insurgent bands. They did not have to bother about their trains of supplies. They could always find what they wanted, and we never could.

Of course the inhabitants protested that these supplies were not given willingly, but levied by force, and if the "Americanos" would only protect them by garrisoning every hamlet and guarding every ranch it would never occur again.

Major Smith could not do this, but he hit upon a better plan. He ordered the concentration of all the inhabitants of the interior into the several seashore towns, which he permanently garrisoned. Those of the noncombatants who were without means were given free transportation in bullock carts for themselves and their effects to the appointed station.

They were made to bring all the food they had, but those who were without provisions were assured of support during the time of their enforced residence on the coast. Having accumulated enough rice and other necessaries to support his noncombatant prisoners for several months Major Smith divided his little force in three columns.

One was detailed to guard the concentration camps and the other two began a relentless pursuit of the insurgent bands skulking in their mountain fastnesses or jungle depths.

Now, after the goats had been separated from the sheep, there could be no mistake as to which houses and which supplies belonged to the insurgents and which to the noncombatants. All the former were destroyed. Even the little patches of growing crops here and there discovered, and the nutritious roots were all dug up.

SUCCESS OF CONCENTRATION.

In ten weeks the desired result was achieved—all the insurgents threw up the sponge and surrendered, and immediately the concentration camps were dissolved. Peace returned and not a hostile shot has been fired on the island since. The plan was a triumph of common sense and of true humanity.

To compare such a policy as this to that of Weyler is an absurdity. The combatants suffered as they should, only in this exceptional instance it was the Tagal warriors who suffered and not the Americans, and the noncombatants merely suffered some temporary inconvenience.

The sanitary reports from these camps, signed by both the native and army physicians, show that, owing to the sanitary rules, which are enforced, the health of the prisoners is better and the mortality 50 per cent less than it is on the average when they were living in their own homes.

It is just as absurd to call Major Smith the American Weyler as to compare any judge who may send a prisoner to a model jail with Nana Sahib, who put his prisoners in the black hole of Calcutta.

In Batangas, also, it has been decided to inaugurate this policy; also in part in Laguna, and perhaps in Tayabas—in one word, the whole of Malvar's country, as this section of Luzon is called, and not improperly so, as he has a much more effective control over the country and its inhabitants than have our military and civil authorities, or both combined.

This plan was drawn up, and the necessary orders were issued by General Bell in the middle of December, and since January 1 concentration has begun, and the noncombatants are being brought in to their appointed stations by transportation and under the escort furnished by our military authorities.

The difficulty in the way of success here are certainly tremendous. Malvar's country is inhabited by 2,000,000, all pure Tagals and all Malvar's men. He was the last man to yield in the revolution against Spain and he will be the last to surrender to us.

He fights fair, does not murder prisoners like Lukban, and the American officers have a high opinion of him. They only seek a better acquaintance and at closer range.

Simultaneous with this announcement in regard to concentration another was made which should have been issued long since. It is to the effect that the United States will no longer pay rent for houses to the representatives of men who are out with the insurgents.

It was high time to take this step. For two years Malvar's immediate family have been reaping a golden harvest by renting their houses to the Army.

That this policy was not welcome was shown by the action of the insurgents on the day the new dispositions became known. Every American garrison in Malvar's country, every army post in the two provinces, including the towns of Batangas, Lipa, Santa Tomas, and San Jose, were attacked, or at least fired upon, the same hour and in much the same manner everywhere.

Do facts like these lend any support to those who maintain that the few men still out are simply ladrones, whose only object is booty, who have neither discipline nor leadership? In my opinion, they go to show that the open insurgents, as well as those who are concealed within our lines, pay to their leaders the same obedience as the American soldiers do to General Chaffee.

There is abundant evidence to show that the directing junta, or board of national defense, has the situation as well in hand as did Aguinaldo when he was at liberty. In my opinion, the insurgents are acting more harmoniously now, as no man could exercise the dictatorial powers that Aguinaldo did without making enemies.

THE NATIVE CONSTABULARY.

I do not think a dissenting voice will be raised at the praise which Judge Taft pours upon Major Allen and Captains Baker and Goldsborough, his assistants, who in a few short months have recruited the native constabulary and raised it to its present high state of efficiency.

The rank and file of this force is composed exclusively of Filipinos raised in the immediate vicinity of the country in which they operate. The force is officered partly by Americans and partly by Filipinos. It is undeniable that they are doing splendid police work and are cleaning up the ladrones in certain provinces, but praise for their police work is a very different thing indeed from accepting this body of natives as a substitute in part, if not wholly, for the army composed of American soldiers, and this is what Judge Taft in his interview upon landing at San Francisco this week would seem to favor.

He states in an unequivocal manner that by December 15, 1902, when the constabulary, which at present numbers only 3,000 men, will doubtless have been recruited up to its quota of 5,000, he will be able to carry on the government in the Philippines without the assistance of the Army, except for a small supporting force of 17,000 men.

It should be remembered, in this connection, that the force in the islands to-day is nearly 50,000 men; that General Chaffee finds this force far from sufficient, for he is constantly compelled to borrow assistance from the Navy, and that the date which Judge Taft sets for the Philippine millennium is only eleven months away.

I, for one, can not accept these conclusions, and I believe that this policy, if pursued, will lead to great disasters. Furthermore, I do not believe that Judge Taft is followed in this matter by more than 2 per cent of his own appointees, the members of the civil government.

One must ever bear in mind that the constabulary is composed in a large measure of the insurgents who have come in, not because they are convinced that the American government is a good thing for the island, but because they have learned by experience that for the present it is better to carry an American rifle with a salary attached to it than to stand up against an American firing line.

These men are the brothers in blood and in sentiment of the insurgents in the field, and when the propitious moment comes they will show it, I have no doubt.

CONSTABULARY WOULD LEAD.

No sensible man doubts for a moment that when the next general uprising comes that the constabulary and the native police, if taught to shoot, will be at the head of the movement. Some pessimists there are indeed who are inclined to think that the insurgents are only postponing the hour of the next general uprising until we shall have thoroughly equipped and taught their army, which will be recruited in a mass from the police and the constabulary, now so profuse in protestations of attachment to the United States.

In this connection, I may say I have seen a letter, which is preserved in a district headquarters of our army in Luzon, which, in my judgment, sheds a world of light upon the reason why so many insurgents fresh from the field are joining the constabulary.

Unfortunately, in the shape in which it was intercepted, there is no key to whom the letter was addressed, but it was signed by one of Malvar's ablest lieutenants, and it reads:

"Tell Tinio that I am indeed glad he has secured such a good billet in the American police. He needed rest, and I have felt for a long time, ever since the rheumatism got such a hold upon him, that he could do us more service in town by supplying information than in the field. Tell him to be at ease in his mind and to rest assured that his position is not misunderstood. Indeed, his comrades here authorize me to say that they fully appreciate the highly patriotic motive which underlay his act of apparent treason."

It is well to weigh carefully this letter and other evidence which a Congressional committee might obtain before setting too high a value upon the constabulary as a substitute for the American army in the Philippines.

Nobody knows how many troops we will require there on December 15, 1902. General Chaffee does not know, the Secretary of War does not know.

ARMY MUST BE STRONG ENOUGH.

It is, however, certain that American sovereignty over the islands will not be assured unless we have there an army that is strong enough to thrash any force that the insurgents may put in the field, plus the constabulary and the police trained by ourselves.

In the meantime, and until the uprising comes, the constabulary can be very useful in minor matters and in sparing the army the marching which so decimates its ranks.

There are possibly 50,000 soldiers in the Philippines to-day, but among them, owing to faulty preparations, fatiguing marches, and climatic conditions to which they are exposed, not more than 12,000 are effective men, in the military acceptation of the term.

With the constabulary hiking about the country and the army concentrated in healthy garrison posts, the quota of effective men would soon greatly increase, and possibly another 10,000 men might be brought home in time, but certain it is that all public discussion of this question is encouraging to the insurgents.

They see very clearly what the war is costing us, how irksome it is growing, and they know better than we do how little it has hurt them, how very few of their jungle patriots have fallen, and of where they get their sinews of war, which we can only shrewdly surmise come from the salaries of the Filipinos who are in the civil employ of the United States Government.

CONDITION OF THE ARMY.

Of course the army has done and is doing great work in the Philippines, but it is undeniable that the new army is not as effective a fighting machine as was the old army that was mobilized in Tampa in 1898 for the Santiago campaign. There are many reasons why this falling off in morale and effectiveness should have taken place. Fortunately they can be remedied.

In enlarging the army it has been found necessary to let down the bars as to physique and character to some extent. I don't mean that there is any lack of the same sort of men that carried our flag triumphantly through the Santiago campaign—there are plenty of them—but you can't get them at short notice.

Again, the four or five hundred officers who have been commissioned from civil life since 1898 have not invariably justified the choice. A minority have proved excellent men and are being molded into capable officers, but the majority are unsatisfactory.

When one remembers that years of study at West Point and years of service with troops do not always make a capable officer, it is not surprising that sometimes the possession of a parchment commission which an obliging Congressman has obtained should also fail to achieve this result.

OFFICERS AND MEN DISGUSTED.

The work of the army is not as effective as it might be, because both officers and men are very much disgusted with the prospect that opens before them, and to which there seems to be no end. The moment a province is superficially pacified it is put under a form of government whose corner stone rests upon the consent of the governed.

Now, every one in the islands, with the exception of Judge Taft, General Wright, and a very few others, is convinced that the Filipinos have not yet consented to be governed by us. There was some reason to think they had about a year ago, but it now turns out to have been merely a change of plan and not a cessation of hostilities.

There is much friction between the civil and the military authorities, and this is more marked and works more harm the lower down we go in the military and civil list.

General Chaffee and Governor Taft are very good friends apparently, though each has very decided views as to the work of the other; but when you get out into the provinces you very often see a civil governor and the army officer in command of the district who do not speak as they pass by.

Of course the insurgents in the field profit by this state of affairs, and the insurgents who are within our lines, the plausible peace talkers that surround every headquarters, military or civil, lose no opportunity of pouring oil upon the flames of discord.

Ninety-five per cent of the army officers and men are breathing prayers day and night, and also pulling wires, to return to what they call God's country, and there is absolutely no foundation in the charge which is so frequently made that the army is intriguing because jealous of the civil authorities.

There have occurred recently several incidents which have brought the already strained relations between the civil and the military authorities almost to the breaking point. One of these is the case of Lieut. Preston Brown, who was recently sentenced by court-martial for shooting a prisoner who was, as Lieutenant Brown maintained, attempting to make his escape.

The evidence submitted was conflicting, and the sentence, five years' imprisonment and dismissal from the army, has created widespread indignation and exerted a paralyzing influence upon the younger officers.

The majority of the army seems to be convinced that Brown is a victim of the civil government.

This does not apply to Judge Taft, who is convinced that Brown has been most harshly and unjustly treated, and is working in his behalf.

Whatever may be the result of this case, as far as it affects the personal fortunes of Lieutenant Brown, the harm to the army and the relations between the two administrations, which should work harmoniously together, has been done almost beyond recall, I fear.

The younger officers will in the future take no action of any kind unless they have written orders in their pockets from their superiors, clearing them of all responsibility. This, of course, kills all initiative, checks all enterprise, and is not the way to suppress rebellion.

Another incident of the war between the civil and the military government is the Sweet case.

Lieutenant Sweet is an officer who served with distinction in the Rough Riders, did excellent service in the volunteer regiment with which he went to the Philippines, and when his regiment was mustered out was made chief of the secret police.

EVIDENCE OF A CONSPIRACY.

In Manila, acting in this capacity, he came upon evidence of a conspiracy to burn down the city and murder the Americans. After examining the first prisoner that was caught, who of course maintained a stolid silence, either Sweet or one of his native assistants ordered the man to be whipped, and he was whipped to the extent of three lashes. The man confessed, the conspiracy was laid bare, and of course frustrated. It was the silly plan of a fanatic, but it might have been serious.

The unanimous feeling in Manila was that the white people of the capital owed Sweet a debt of gratitude. However, charges were filed against him, and he was tried and sentenced in the civil court to a period of arrest. It was proved by medical evidence that the skin of the conspirator had not even been broken by the lashes as they were applied.

However, the case went against Sweet. He served out his period of detention and has now come home. A week after he left they wanted a man like Sweet in Manila very much, but he had gone, and no substitute presented himself.

Toward the end of November documents and other evidence fell into the hands of the authorities which went far to show that there was a very widespread movement at this time to burn Manila, overpower the exceedingly small garrison, and massacre all whites—men, women, and children—irrespective of nationality.

Those charged with this duty sought for evidence in the matter coolly, calmly, and leisurely, as one might look for a pocketbook, but the promoters of this movement were never discovered.

ALARM IN MANILA.

I have never seen the evidence upon which this "scare" that prevailed in Manila all through November was founded, but it changed the life of the capital city of our pacified and tranquil possessions for something over a month.

During this time every man of the slim garrison, composed of the Twenty-fourth and Twenty-second Infantry, was on duty and under arms from eighteen to twenty hours a day, and civilians went out to dinner with their ammunition belts about them and at least a brace of revolvers.

There are some who think, as the uprising never came off, that the whole thing was a false alarm, and some minor officials of the civil government have even suggested that General Chaffee, General Wheaton, commanding the department, and General McKibbin, the military governor of Manila, were stampeded.

If Congress wants to know, and certainly Congress has the right to know, what are the actual conditions in the Philippines, why does not some one demand upon what information the authorities acted as they did during the month of November?

If Manila is completely pacified and ripe for government which rests upon the consent of the governed, as Governor Taft maintains, is it not outrageous that the public money should be squandered in the way it was during this month?

What justification had General Chaffee to request Admiral Rogers, commanding our fleet, to bring up his flagship, the *New York*, and any other available ship from Cavite across the bay to Manila and to remain anchored off the breakwater for two weeks, to the serious detriment of the naval programme as Admiral Rogers had outlined it?

Why were land drills practiced by day and night? Why was every officer of the Army and Navy concerned furnished with a chart of the city? Why was the system of night signals arranged, at great expense and much trouble, which could only be useful in case the insurgents cut all the wires? Why does not Congress demand that this evidence be placed before it?

NOW TIME FOR ACTION.

The time has come when we can no longer fool ourselves. It is many months since we were able to fool the world at large about the Philippines. It was all very far away, but it is coming very near to us all now. We can not afford to be "sick" of the Philippines any longer. It has become a question which seriously affects our national health. We had better pay attention now than later on when it may be too late; when we shall have more Balangigas to deplore.

No one has a greater admiration that I have for the personal qualities of Governor Taft. He is a constructive statesman of the highest order. However, he was sent to the Philippines, not to devise a form of government suitable for the islands and the conditions there, but he was directed to form a civil government, and he has done it, working wonders with pretty poor material.

The flaw in the whole construction is that the civil government edifice is built upon the quicksand of sedition and treason. No matter how cleverly he may build, the whole structure will be overturned some day, and not the day of our choosing. The Filipinos are solidly against American supremacy in any shape or form. If we do not wish to govern them rigidly and by force for ten or twenty or thirty years we had better hit upon a scheme to "scuttle," saving appearances as much as possible.

How Governor Taft could have spent last November in Manila and yet state that all the provinces are pacified, with the exception of Batangas and Samar, passes my comprehension. It is only fair to say of Governor Taft that he spent this month in the hospital, and so could not be as well informed of what was in progress as under other circumstances he probably would have been.

I regard the armed forces in the field in Batangas and Samar as the least serious features of the situation. There, indeed, we have them where we want them—where some day we may catch up with them.

My opinion as to the precarious hold we have upon the Philippines would not be greatly affected were I to hear to-morrow that both Lukban and Malvar had surrendered It might only mean that these leaders in the field had at last been convinced by the directors of the whole revolutionary movement, who live under our flag in the city of Manila, that the underground policy is the best.

Mr. PLATT of Connecticut. If the Senator from Colorado has concluded, I wish to move an executive session at this time.

The PRESIDENT pro tempore. Will the Senator from Connecticut yield to the Chair for one moment?

Mr. PLATT of Connecticut. Certainly.

The PRESIDENT pro tempore. The experience of to-day leads the Chair to call the attention of Senators to a rule which is constantly violated. It is this:

When a Senator desires to speak, he shall rise and address the Presiding Officer, and shall not proceed until he is recognized. * * *

No Senator shall interrupt another Senator in debate without his consent, and to obtain such consent he shall first address the Presiding Officer.

It is not a compliance with that rule for a Senator to address the Presiding Officer and immediately proceed to interrupt the Senator who has the floor. This is a very important rule for conducting debates with decorum, and the Chair sincerely hopes that Senators will observe it in the debate which we have now entered upon. The Senator from Connecticut.

EXECUTIVE SESSION.

Mr. PLATT of Connecticut. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 5 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, January 29, 1902, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 28, 1902.

PENSION AGENT.

John W. Nesbit, of Pennsylvania, to be pension agent at Pittsburg, Pa., his term having expired. (Reappointment.)

POSTMASTERS.

A. W. Brewster, to be postmaster at St. Joseph, in the county of Buchanan and State of Missouri, in place of Frank M. Atkinson. Incumbent's commission expired June 7, 1901.

Edwin Price, to be postmaster at Grand Junction, in the county of Mesa and State of Colorado, in place of Edwin Price. Incumbent's commission expired January 10, 1902.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 28, 1902.

CONSUL.

Alphonse J. Lespinasse, of New York, to be consul of the United States at Tuxpan, Mexico.

UNITED STATES ATTORNEYS.

Abram M. Tillman, of Tennessee, to be United States attorney for the middle district of Tennessee.

William Warner, of Missouri, to be United States attorney for the western district of Missouri.

Robert V. Cozier, of Idaho, to be United States attorney for the district of Idaho.

MARSHALS.

Benjamin B. Heywood, of Utah, to be United States marshal for the district of Utah.

Littleton S. Crum, of Kansas, to be United States marshal for the district of Kansas.

John W. Overall, of Tennessee, to be United States marshal for the middle district of Tennessee.

SURVEYORS OF CUSTOMS.

John R. Puryear, of Kentucky, to be surveyor of customs for the port of Paducah, in the State of Kentucky.

Silas C. Croft, of New York, to be surveyor of customs in the district of New York, in the State of New York.

COLLECTORS OF CUSTOMS.

Robert W. Dowe, of Texas, to be collector of customs for the district of Saluria, in the State of Texas.

David H. Jarvis, of Pennsylvania, to be collector of customs for the district of Alaska, in the Territory of Alaska.

POSTMASTERS.

Lucy B. Smith, to be postmaster at Sioux Rapids, in the county of Buena Vista and State of Iowa.

George W. Hoyt, to be postmaster at Cheyenne, in the county of Laramie and State of Wyoming.

Frank H. McCabe, to be postmaster at Logan, in the county of Harrison and State of Iowa.

Roman C. White, to be postmaster at Glenwood, in the county of Mills and State of Iowa.

James P. Davis, to be postmaster at Bonaparte, in the county of Van Buren and State of Iowa.

Henry E. Bolinger, to be postmaster at Afton, in the county of Union and State of Iowa.

John G. E. Carlson, to be postmaster at Essex, in the county of Page and State of Iowa.

James T. Ellis, to be postmaster at Panora, in the county of Guthrie and State of Iowa.

Frank E. Priddy, to be postmaster at Adrian, in the county of Lenawee and State of Michigan.

Albert Romey, to be postmaster at Sibley, in the county of Osceola and State of Iowa.

Frank A. Large, to be postmaster at Rock Valley, in the county of Sioux and State of Iowa.

Horace S. Ferree, to be postmaster at Jennings, in the county of Calcasieu and State of Louisiana.

Fred Leser, jr., to be postmaster at Mayaguez, in the province of Mayaguez, P. R.

Arthur S. Burdick, to be postmaster at Postville, in the county of Allamakee and State of Iowa.

Atlas M. Lee, to be postmaster at Huntingdon, in the county of Carroll and State of Tennessee.

Thomas R. Morse, to be postmaster at New Iberia, in the parish of Iberia and State of Louisiana.

August V. Bulow, to be postmaster at Napoleonville, in the parish of Assumption and State of Louisiana.

Bentley Kern, to be postmaster at Winchester, in the county of Frederick and State of Virginia.

Marshall Smith, to be postmaster at Brownwood, in the county of Brown and State of Texas.

Andrew B. Hearring, to be postmaster at Ripley, in the county of Lauderdale and State of Tennessee.

Robert F. Milner, to be postmaster at Newnan, in the county of Coweta and State of Georgia.

A. M. Stimson, to be postmaster at Hot Springs, in the county of Bath and State of Virginia.

John M. Goodloe, to be postmaster at Big Stone Gap, in the county of Wise and State of Virginia.

James B. Stetson, to be postmaster at Sheffield, in the county of Bureau and State of Illinois.

James Harden, to be postmaster at Bartow, in the county of Polk and State of Florida.

Joseph S. Garrett, to be postmaster at Columbus, in the county of Muscogee and State of Georgia.

Ellery H. Webster, to be postmaster at Barton, in the county of Orleans and State of Vermont.

Roger M. Bridgman, to be postmaster at Ridgewood, in the county of Bergen and State of New Jersey.

Charles J. McGill, to be postmaster at Dawson, in the county of Fayette and State of Pennsylvania.

Edwin Price, to be postmaster at Grand Junction, in the county of Mesa and State of Colorado.

James Harris, to be postmaster at Englewood, in the county of Bergen and State of New Jersey.

Robert D. Peck, to be postmaster at Lock Haven, in the county of Clinton and State of Pennsylvania.

W. Day Wilson, to be postmaster at Clarion, in the county of Clarion and State of Pennsylvania.

SENATE.

WEDNESDAY, *January 29, 1902.*

Prayer by Rev. HENRY N. COUDEN, Chaplain of the House of Representatives.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. WELLINGTON, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal, without objection, will stand approved.

SCHOONER POLLY.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel schooner *Polly*, Charles Ellms, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

EAST WASHINGTON HEIGHTS TRACTION RAILROAD COMPANY.

The PRESIDENT pro tempore laid before the Senate the annual report of the East Washington Heights Traction Railroad Company for the year ended December 31, 1901; which was referred to the Committee on the District of Columbia, and ordered to be printed.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (S. 202) granting a pension to Mary E. Davis;

A bill (S. 1035) granting a pension to Esther F. Moody;

A bill (S. 1144) granting an increase of pension to Elizabeth O. Gould;

A bill (S. 1199) granting a pension to Mary A. Lamb;

A bill (S. 1200) granting an increase of pension to Michael Dillon;

A bill (S. 1647) granting an increase of pension to Helen F. M. Edwards; and

A bill (S. 1948) granting an increase of pension to Josefa T. Philip.

PETITIONS AND MEMORIALS.

Mr. PLATT of New York presented a petition of the Common Council of Kingston, N. Y., praying that an appropriation be made providing for the erection of a public building at that city; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the Produce Exchange of New York, praying for a reduction of the tariff duties on sugar imported from Cuba; which was referred to the Committee on Finance.

He also presented petitions of sundry citizens of New York City and Brooklyn, in the State of New York, praying that raw sugar be restored to the free list; which were referred to the Committee on Finance.

He also presented petitions of the congregation of the Baptist Church of Nunda, of the members of the Union congregation of Nunda, and of the Women's Missionary Society of the Reformed Dutch Church of New Baltimore, all in the State of New York, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the New Hebrides and other islands of the Pacific; which were ordered to lie on the table.

He also presented a petition of the Maritime Association of the Port of New York, praying that an appropriation be made for the construction of a breakwater at Point Judith, R. I.; which was referred to the Committee on Commerce.

He also presented petitions of Pressmen and Assistants' Union No. 57, of Binghamton; of the Trade and Labor Council, of Oswego, all of the American Federation of Labor, and of sundry councils, Daughters of Liberty, of Newburgh, Syracuse, Brooklyn, and New York City, all in the State of New York, praying for the reenactment of the Chinese-exclusion law; which were referred to the Committee on Immigration.

He also presented a petition of the Rembrandt Club, of Brooklyn, N. Y., praying for the repeal of the duty on paintings or sculptures; which was referred to the Committee on Finance.

He also presented a petition of the Woman's Suffrage Association of Brooklyn, N. Y., praying for the adoption of an amendment to the Constitution granting suffrage to women; which was referred to the Select Committee on Woman Suffrage.

He also presented petitions of Brushton Grange, Patrons of Husbandry, of Brushton; of the Chautauqua County Pomona Grange, Patrons of Husbandry, of Brockton, and of the Agricultural Society of Tioga County, all in the State of New York, praying for the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

He also presented petitions of Garment Workers' Union No. 44, of Binghamton; of Typographical Union No. 149, of Saratoga Springs; of Butcher Workmen's Union No. 13, of Utica; of Paper Mill Workers' Union No. 2355, of South Glens Falls; of Painters' Union No. 217, of Little Falls; of the Wood Carvers' Union of Jamestown; of Hod Carriers' Union No. 9744, of Mamaroneck; of Local Union No. 284, of Liberty; of Printing Pressmen's Union No. 9331, of Lockport; of the Lake Seamen's Union of Buffalo; of Glass Bottle Blowers' Union No. 52, of Brooklyn; of Boat Builders' Union No. 8808, of New York City, and of Glass Bottle Blowers' Union No. 44, of Olean, all of the American Federation of Labor, in the State of New York, praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which were referred to the Committee on Naval Affairs.

He also presented petitions of sundry citizens of New York City, Brooklyn, Southold, Greenport, Port Jefferson, Southampton, Laurel, Riverhead, Remsenburg, Amagansett, East Hampton, Geneseo, Smithfield, Colemans Station, Shekomeko, Buffalo, Dunkirk, Clinton, Spencer, Utica, Vernon, Middletown, Saratoga Springs, Ballston Center, Burnt Hills, Malta, Round Lake, Lawrence, Far Rockaway, Albany, Middleport, North Ridgway, Jeddo, East Moriches, Shelter Island, Manorville, Setauket, Scarboro, New Rochelle, Troy, and Mount Vernon, all in the State of New York, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented a petition of the Chamber of Commerce of Atlanta, Ga., praying for the enactment of legislation authorizing the appointment of a commission to study and make a full report upon the commercial and industrial conditions of China and Japan; which was referred to the Committee on Commerce.

Mr. SCOTT presented a petition of Local Union No. 264, Plumbers and Gas and Steam Fitters' Union, of Fairmont, W. Va., praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which was referred to the Committee on Naval Affairs.

Mr. BURNHAM presented the petition of W. E. White and 31 other citizens of Greenville, N. H., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

Mr. QUAY presented a petition of 93 citizens of Media, Pa., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented a petition of Federal Labor Union No. 9101, American Federation of Labor, of Johnsonburg, Pa., and a petition of W. D. Meyers Post, No. 434, Grand Army of the Republic, Department of Pennsylvania, of Johnsonburg, Pa., praying for the enactment of legislation authorizing the construction of naval vessels in the navy-yards of the country; which were referred to the Committee on Naval Affairs.

Mr. KEAN presented a petition of Local Union No. 14, Glass Bottle Blowers' Association of the United States and Canada, American Federation of Labor, of Woodbury, N. J., praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which was referred to the Committee on Naval Affairs.

He also presented petitions of 100 members of Palisade Council, No. 140, of Jersey City; of 236 members of Summit Council, No. 87, of Jersey City; of 48 members of Ætna Council, No. 143, of Seaville; of 107 members of Hamilton Council, No. 47, of Yardville; of 310 members of Thomas Jefferson Council, No. 138, of Camden; of 223 members of Trenton Council, No. 90, of Trenton; of sundry members of Greenwood Council, No. 243, of West Milford; of 145 members of Wyckoff Council, No. 240, of Wyckoff; all of the Junior Order United American Mechanics, and of 85 members of Lincoln Council, No. 82, of Union, Daughters of Liberty; all in the State of New Jersey, praying for the reenactment of the Chinese-exclusion law; which were referred to the Committee on Immigration.

He also presented petitions of sundry citizens of Westfield and Princeton, in the State of New Jersey, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

Mr. MITCHELL presented the petition of Thomas E. James, of Pendleton, Oreg., praying for an increase of pension; which was referred to the Committee on Pensions.

He also presented the petition of Manford McCroskey, of Albany, Oreg., praying for the passage of the so-called Grout bill to regulate the manufacture and sale of oleomargarine; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of sundry citizens of Roseburg, Oreg., praying for the reenactment of the Chinese-exclusion law; which was referred to the Committee on Immigration.

He also presented petitions of sundry citizens of Portland, Oreg., and of the congregation of the Bethany Presbyterian Church, of Grants Pass, Oreg., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

Mr. FAIRBANKS presented a petition of the Indiana Yearly Meeting of Friends, of Richmond, Ind., praying for the enactment of legislation to prohibit the sale of opium and intoxicating liquors in the island possessions of the United States; which was ordered to lie on the table.

He also presented petitions of Glass Bottle Blowers' Branch Union No. 50, of Sims, and of Glass Bottle Blowers' Union No. 36, of Albany, of the American Federation of Labor, in the State of Indiana, praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which were referred to the Committee on Naval Affairs.

He also presented petitions of the Mary F. Thomas Woman's Christian Temperance Union, of Richmond, and of sundry citizens of Franklin, Kirklin, Hope, Lovett, and Aurora, all in the State of Indiana, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

Mr. NELSON presented sundry affidavits in support of the bill (S. 1264) granting an increase of pension to Torgus Haraldson.

Mr. ELKINS presented a petition of Local Union No. 254, United Journeymen Plumbers, Gas, and Steam Fitters' Association, of Fairmount, W. Va., and a petition of Federal Labor Union, No. 8532, of Martinsburg, W. Va., praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which were referred to the Committee on Naval Affairs.

He also presented a petition of sundry citizens of Hartford, W. Va., praying for the continuance of the present anticanteen law; which was referred to the Committee on Military Affairs.

He also presented a petition of sundry citizens of West Virginia, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented a petition of the Fifth Annual Convention of the National Live Stock Association, praying for certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

REPORTS OF COMMITTEES.

Mr. SCOTT, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 361) for the erection of a public building at Atlanta, Ga., reported it with amendments, and submitted a report thereon.

Mr. TURNER, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 1447) providing for the erection of a public building at the city of Spokane, in the State of Washington, reported it with an amendment, and submitted a report thereon.

Mr. SIMON, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 1602) to provide for the erection of a public building at San Francisco, in the State of California, reported it without amendment, and submitted a report thereon.

Mr. BURTON, from the Committee on Pensions, to whom was referred the bill (S. 1289) granting an increase of pension to Julius W. Clark, reported it with an amendment, and submitted a report thereon.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the bill (S. 2921) to place Henry Biederbick, Julius R. Frederick, Francis Long, and Maurice Connell on the retired list of enlisted men of the Army, reported it without amendment, and submitted a report thereon.

REVIEW OF THE WORLD'S COMMERCE.

Mr. PLATT of New York, from the Committee on Printing, reported the following concurrent resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That there be printed 19,000 copies of the general summary entitled "Review of the World's Commerce" for the year 1901, of which 3,000 shall be for the use of the Senate, 6,000 for the use of the House of Representatives, and 10,000

for the use of the Department of State; and 11,000 copies of Commercial Relations of the United States for the year 1901, including the general summary, of which 2,000 shall be for the use of the Senate, 4,000 for the use of the House of Representatives, and 5,000 for the use of the Department of State.

EMPLOYMENT OF MESSENGER.

Mr. SCOTT, from the Committee on Mines and Mining, reported the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Mines and Mining be, and it is hereby, authorized to employ a messenger, to be paid from the contingent fund of the Senate, at the rate of $1,440 per annum, until otherwise provided for by law.

BILLS AND JOINT RESOLUTION INTRODUCED.

Mr. GALLINGER introduced a bill (S. 3322) granting an increase of pension to Joseph M. Clough; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3323) to provide for the erection of a monument to the memory of Maj. Pierre Charles L'Enfant in the city of Washington, D. C.; which was read twice by its title, and referred to the Committee on the Library.

Mr. MALLORY introduced a bill (S. 3324) granting a pension to Green B. Yawn; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MCMILLAN introduced a bill (S. 3325) for the widening of California avenue from its intersection with Connecticut avenue westerly, District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 3326) for the reconstruction of the public bathing pool on the Potomac Flats, District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. PROCTOR introduced a bill (S. 3327) in amendment of sections 22 and 26 of an act approved February 2, 1901, entitled "An act to increase the efficiency of the permanent military establishment of the United States;" which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BURNHAM introduced a bill (S. 3328) granting an increase of pension to Heber C. Griffin; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PLATT of New York introduced a bill (S. 3329) granting an increase of pension to Annie McElheney; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WELLINGTON introduced a bill (S. 3330) for the relief of S. Sollers Maynard, executor of Augustine D. O'Leary, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. SCOTT introduced a bill (S. 3331) granting a pension to Ada V. Park; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MITCHELL introduced a bill (S. 3332) respecting the sale and taxation of inherited Indian allotments, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 3333) for the relief of Jacob I. Cohen and J. Randolph Mordecai, administrators of M. C. Mordecai; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

He also introduced a bill (S. 3334) granting an increase of pension to Thomas E. James; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MONEY introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 3335) for the relief of the estate of Jesse L. Norman, deceased;

A bill (S. 3336) for the relief of the estate of John F. Bryan, deceased;

A bill (S. 3337) for the relief of the estate of Sarah M. Dunbar, deceased;

A bill (S. 3338) for the relief of the estate of John B. Brabston, deceased; and

A bill (S. 3339) for the relief of the estate of George Messinger, deceased.

Mr. SIMON introduced a bill (S. 3340) for the relief of Clement Marciel; which was read twice by its title, and referred to the Committee on Claims.

Mr. MCCUMBER introduced a bill (S. 3341) granting an increase of pension to Robert H. Busteed; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. HANSBROUGH introduced a bill (S. 3342) for preventing the adulteration, misbranding, and imitation of foods, beverages, candies, drugs, and condiments in the District of Columbia and the Territories, and for regulating interstate traffic therein, and for other purposes; which was read twice by its title, and referred to the Committee on Agriculture and Forestry.

He also introduced a bill (S. 3343) for the retirement of certain civil-service officials and to promote the efficiency of the civil-service departments of the Government; which was read twice by its title, and referred to the Committee on Civil Service and Retrenchment.

Mr. TELLER introduced a bill (S. 3344) to regulate the retirement of veterans of the civil war; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. MCLAURIN of Mississippi introduced a bill (S. 3345) for the relief of E. M. A. Owen; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

He also introduced a bill (S. 3346) for the relief of G. D. Hearn; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. ELKINS introduced a bill (S. 3347) granting an increase of pension to Andrew J. Williams; which was read twice by its title, and referred to the Committee on Pensions.

He also (by request) introduced a bill (S. 3348) to allow clerical employees of the Navy Department outside of Washington, D. C., leave privileges equal to those of similar employees in the Navy Department at Washington, D. C.; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. ELKINS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (S. 3349) for the relief of William Lloyd;

A bill (S. 3350) granting an honorable discharge to John H. Marple; and

A bill (S. 3351) to correct the military record of Arthur J. Steel.

Mr. ELKINS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 3352) for the relief of Edward Huskins;

A bill (S. 3353) for the relief of the trustee of St. Joseph's Catholic Church, at Martinsburg, W. Va.;

A bill (S. 3354) for the relief of G. W Ratleff;

A bill (S. 3355) for the payment to Bart. A. Nymeyer of the balance due him for surveying public lands; and

A bill (S. 3356) for the relief of the trustees of the Baptist Church of Guyandotte, W. Va.

Mr. LODGE introduced a joint resolution (S. R. 48) for the erection of a monument to the memory of John Paul Jones; which was read twice by its title, and referred to the Committee on the Library.

JAMES PETTY.

On motion of Mr. FORAKER, it was

Ordered, That the papers relating to the bill for the relief of James Petty, first session Fifty-fourth Congress, be withdrawn from the files of the Senate, there having been no adverse report thereon.

AMENDMENT OF DISTRICT CODE.

The PRESIDENT pro tempore. The Calendar is in order under Rule VIII. The Secretary will announce the first bill on the Calendar.

The bill (S. 493) to amend an act entitled "An act to establish a code of law for the District of Columbia" was announced as the first on the Calendar.

Mr. MCMILLAN. I ask that the bill may go over without prejudice. The Senator in charge of the bill is not present.

The PRESIDENT pro tempore. The bill will go over without prejudice.

ISTHMIAN CANAL.

The bill (S. 451) to provide for acquiring the rights necessary for the construction of a canal connecting the waters of the Atlantic and Pacific oceans was announced as next in order.

The PRESIDENT pro tempore. The bill will go over without prejudice.

MISSOURI RIVER BRIDGE.

The bill (S. 911) authorizing the Federal Railroad Company to construct a combined railroad, wagon, and foot-passenger bridge across the Missouri River at or near the village of Oacoma, Lyman County, S. Dak., was announced as next in order.

The PRESIDENT pro tempore. This bill will go over at the request of the Senator from South Dakota [Mr. GAMBLE].

DEVICES INVENTED BY NAVAL OFFICERS.

The bill (S. 1104) providing for the use by the United States of devices invented by its naval officers while engaged in its service and covered by letters patent was considered as in Committee of the Whole. It provides that whenever, in the judgment of the Secretary of the Navy, the public interests require the use in the naval service of any invention or discovery covered by letters patent issued to any officer of the Navy, whether retained in his ownership or assigned to others, the Secretary shall proceed to use the invention or discovery in the manner and to the extent

required by such naval service, and such royalties and compensation as may be equitably due such officer, considering all the circumstances connected with the making of the invention or discovery, and especially all facilities in originating, working out, or perfecting the invention which the officer may have enjoyed by reason of his official position, may be recovered by suit brought by the officer in the Court of Claims. Said court shall make rules for the trial of such cases, conforming as far as may be with the rules established by the Supreme Court for the practice of courts of equity, and all cases shall be determined within one year from the filing of the petition therein unless, in the discretion of the court, upon sufficient cause shown, the time is extended. The Secretary of the Navy is prohibited from making any contract or payment for the use of any patent taken out by any naval officer.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THE TREATY-MAKING POWER.

Mr. CULLOM. Mr. President, I gave notice yesterday that I would desire to address the Senate for a little while this morning, immediately after the morning business. I was not in at the moment when the routine business was closed, and if I may be allowed I will take the floor at this time.

The PRESIDENT pro tempore. The Senator from Illinois will proceed.

Mr. CULLOM. Mr. President, I have expected for some time to talk upon the subject of treaties. When I determined to do so, I did not occupy the position as chairman of the Committee on Foreign Relations, and I wish to say that there is no purpose on my part that anything I may submit shall have any special bearing in foreclosing the committee or anyone else upon the subject of treaties; but I thought that something of a historical statement of the action of the Congress of the United States in dealing with treaties might not be amiss at this time.

Mr. President, since the passage of the Dingley Act a number of reciprocity treaties have been negotiated by the President and submitted to the Senate. Most of those treaties have been made public, and their provisions are pretty well known throughout the country; but this is not the proper time for me to argue their merits, or to refer to them at all, except in the most general way. There are, however, a number of general questions involved under the reciprocity sections of the Dingley Act which it may not be improper for me now to discuss.

Has Congress any power or authority, under the Constitution, over treaties? This subject has been discussed at different times during our entire constitutional history. It is now a very complicated question, not only because the authority of the House on the subject of treaties has been disputed and argued almost from the very adoption of the Constitution, but the fourth section of the Dingley Act specifically provides how and when such treaties shall be made.

THE DINGLEY ACT.

That section "authorizes" the President to reduce by treaties to the extent of not more than 20 per cent the duties upon such goods, etc., as are enumerated in the act, in return for reciprocal concessions by other nations. It also provides that when any such treaty shall have been duly ratified by the Senate and approved by Congress then and thereafter the duties which shall be collected by the United States upon any of the designated goods, etc., from the foreign country with which such treaty has been made shall, during the period provided for by the treaty, be the duties specified in such treaty and none other.

The wording of that section is peculiar and mixed, but it seems plain (if the Senate is to be bound by its inconsistent terms) that all treaties negotiated under the act must be made and ratified within two years after its passage.

The act was approved July 24, 1897, and the two years mentioned therein expired July 24, 1899. If the fourth section of the Dingley Act is to control, it would be useless for us to now ratify a reciprocity treaty, supposed to be authorized by that section, because the time for the making and ratifying of such a treaty has long since expired.

In my opinion, the fourth section of the Dingley Act, so far as it attempts to confer, limit, or define the treaty-making power, is not only an interference with the powers of the President and Senate, but is unconstitutional, because it comes in conflict with that clause of the Constitution which says that the President "shall have power, by and with the advice and consent of the Senate, to make treaties." We do not, therefore, derive our treaty-making powers from a law of Congress, and no law of Congress can in any way modify or limit those powers. The Dingley Act can not limit the time in which we shall be allowed to make a treaty. It can not give to Congress any powers on the subject of treaties not given to it by the Constitution; and under the Constitution Congress as a legislative body is not a part of the treaty-making power.

Mr. Justice Field, in Geofroy *vs.* Riggs (133 U. S., 266), says:

The treaty-making power, as expressed in the Constitution, is in terms unlimited except by those restrictions which are found in that instrument against the action of the Government or of its departments, and those arising from the nature of the Government itself, and that of the States. It would not be contended that it extends so far as to authorize that which the Constitution forbids, or a change in the character of the Government, or in that of one of the States, or a cession of any portion of the territory of the latter without its consent. But with these exceptions, it is not perceived that there is any limit to the questions which can be adjusted touching any matter which is properly the subject of negotiations with a foreign nation.

Mr. Justice Story has said:

The power to make treaties is by the Constitution general, and of course it embraces all sorts of treaties, for peace or war, for commerce or territory, for alliance or succors, for indemnity for injuries or payment of debts, for recognition and enforcement of principles of public law, and for any other purpose which the policy or interests of independent sovereigns may dictate in their intercourse with each other. * * * But though the power is thus general and unrestricted it is not to be so construed as to destroy the fundamental laws of the State. A power given by the Constitution can not be construed to authorize a destruction of other powers given in the same instrument. It must be construed therefore in subordination of it and can not supersede or interfere with any other of its fundamental provisions. Each is equally obligatory and of paramount authority within its scope, and no one embraces a right to annihilate any other.

Justice Story then gives certain limitations of this power:

A treaty to change the organization of the government, or annihilate its sovereignty, to overturn its republican form, or to deprive it of its constitutional powers, would be void, because it would destroy what it was designed merely to fulfill—the will of the people.

This general definition of the treaty-making power and these imitations have generally been cited approvingly by writers on the subject—Duer and others.

The fourth section of the Dingley Act should be taken by the Executive (if considered at all) as a mere expression of the views of Congress in the adjustment of the specific terms of each treaty, because under the Constitution he did not need the authority to make these treaties which the fourth section sought to confer upon him. (See President's Annual Message, December 5, 1899.)

The question to which I desire to call the attention of the Senate is, whether a reciprocity treaty which by its terms provides that the duties to be collected, after its ratification, shall be those specified in the treaty (and which makes no reference to further Congressional action), will of its own force operate to repeal so much of a tariff act as may come in conflict with it, or whether it will be necessary for Congress to act on the treaty before those duties are reduced, and before the treaty shall become the supreme law of the land.

I propose, in this connection, to give a sketch of the constitutional conventions and the different acts of Congress where the treaty-making clause was under consideration.

THE ARTICLES OF CONFEDERATION.

The Articles of Confederation gave to the United States in Congress assembled the sole and exclusive power of entering into treaties and alliances, and it then restricted that power by providing that no treaty of commerce shall be made whereby the legislative power of the respective States shall be restrained from imposing such imports and duties on foreigners as their own people are subjected to, or from prohibiting the exportation and importation of any species of goods or commodities whatsoever.

It soon became apparent that the people of the United States needed a better and stronger government, and not the least of the defects in the Articles of Confederation was the defective treaty-making power of the Confederation.

THE CONSTITUTIONAL CONVENTIONS.

The result was a constitutional convention for the purpose of revising the Federal system of government, was called, and met on May 14, 1787. It is needless for me to describe this convention, or the men who composed it; suffice it to say that it was presided over by George Washington, and that its members were the ablest and foremost men in the infant Republic.

Among the plans proposed in this convention either for revising the articles or for making an entirely new constitution were the Randolph resolutions, the Pinckney plan, the Patterson plan, and the plan proposed by Alexander Hamilton.

The Randolph resolutions contained no provision on the subject of treaties. The Pinckney plan, which was the first draft of a complete Federal Constitution proposed, gave to the Senate the sole and exclusive power to declare war and to make treaties, to appoint ambassadors and other ministers and judges of the Supreme Court.

The Patterson plan was the first which proposed that treaties should be made a part of the supreme law of the "respective States."

It was Alexander Hamilton who first suggested, early in the convention, practically the clause which was afterwards adopted on the subject of treaties. He proposed: "That the Executive, with the advice and approbation of the Senate, should have power to make all treaties and that the Senate should have the power of advising and approving all treaties."

An examination of the debates in this convention clearly shows

that its members fully realized the great powers conferred upon the Executive and the Senate by giving to them the power to make and ratify treaties, and that those treaties should be a part of the supreme law of the land.

An examination of the proceedings in that convention will show that its members did not desire to give to the House of Representatives any agency in reference to treaties. It was twice proposed in the convention to unite the House of Representatives with the Senate in the approval of treaties, but both times it was rejected almost unanimously, Pennsylvania, of all the States represented, alone voting in the affirmative. Mr. Gouverneur Morris proposed one amendment, providing, "But no treaty shall be binding on the United States which is not ratified by law," which amendment was opposed by Madison and others and lost. Later in the convention, when the clause giving to the President and the Senate power to make and ratify treaties was under discussion, Mr. Wilson moved to add after the word "Senate" "and House of Representatives," which was lost.

In this convention this treaty-making clause was discussed, and I will quote a few expressions of its members, showing the construction then placed upon it.

Colonel Mason contended that the power was so vast that the Senate could sell the whole country by means of treaties.

Mr. Madison was against the House being a party to a treaty, and suggested the inconvenience of requiring a legal ratification of treaties.

Mr. Wilson, recognizing the great power, sought to restrict it by uniting the House in the ratification of treaties. He said, "Treaties are to have the operation of laws, and they ought to have the same sanction as laws."

Mr. Sherman thought the only question that could be made was whether the power could be safely trusted in the Senate. He thought it could, and that the necessity of secrecy in the case of treaties forbade a reference of them to the whole legislature.

The treaty-making clause of the Constitution, as it stands to-day, was finally adopted, but not until after a most vigorous fight against it by those who claimed that the authority was too great.

I might refer also to the proceedings of the several State conventions to which the Constitution was sent for ratification, showing that in those conventions one of the principal objections to the Constitution was this clause giving to the President and Senate power to make and ratify treaties.

I will quote only from the proceedings in the Virginia convention, which was the most notable one, not only because of the thoroughness with which every clause was discussed, but because of the great men who participated in the debates.

It was affirmed in this convention, on the one part, that the President and Senate would have power to form treaties on all subjects, and that such treaties would at once become the supreme law of the land. The extent of the power was not denied by the friends of the Constitution, but they contended that it was so guarded that no harm could come from it.

Patrick Henry stated that if the Constitution was ratified as it stood two-thirds of a quorum would be empowered to make treaties that might relinquish and alienate territorial rights and our most valuable commercial advantages. "In short, should anything be left it would be because the President and Senators were pleased to admit it; that the power of making treaties under this Constitution extended farther than it did in any country in the world. Treaties were to have more force here than in any part of Christendom, for he defied any gentleman to show anything so extensive in any strong government of Europe. Gentlemen are going on a fatal career, but I hope they will stop before they concede this power unguarded and unaltered."

I may remark here that the power was conceded "unguarded and unaltered" when the Constitution was finally adopted.

Governor Randolph said: "It is said there is no limitation of treaties. I defy the wisdom of that gentleman to show how they ought to be limited."

Mr. Mason stated that the power to make such treaties must rest somewhere, but he claimed it was not sufficiently guarded in this Constitution, and that the President and Senate could make any treaty whatsoever, and he desired an explicit declaration that the power which can make other treaties can not, without the consent of the national parliament, dismember the Union.

But what showed as clearly as anything else can, the construction placed upon this clause was the amendment which the Virginia convention proposed, namely:

> That no commercial treaty shall be ratified without the concurrence of two-thirds of the whole number of the Senate, and no treaty controlling, restraining, or suspending the territorial rights or claims of the United States or any of them or their or any of their rights or claims to fish in American rivers shall be made but in case of the utmost necessity; nor shall any such treaty be ratified without the concurrence of three-fourths of the whole number of the members of both Houses, respectively.

If those able men who participated in the debates in the Virginia convention had so construed the Constitution that before a commercial treaty should become binding an act of Congress would be necessary, they certainly would never have sought to amend the Constitution by providing "that no commercial treaty shall be binding without the concurrence of two-thirds of the whole number of the Senate."

THE JAY TREATY, 1796.

Just seven years after the adoption of the Constitution the powers of the House of Representatives on the subject of treaties was raised in the House when an appropriation of $80,000 was called for under the so-called Jay treaty, negotiated on the part of the United States by John Jay and proclaimed by President Washington February 29, 1796. This was a treaty of commerce, amity, and navigation. It is a lengthy and important document, containing twenty-eight articles, in which it was provided, among other things, for a firm and universal peace between the two nations; for the withdrawal of the British troops from all posts within the boundary lines assigned to the United States; for a freedom of commerce and navigation to the citizens of each to pass and repass the said boundary lines, and that there shall be no discriminating duties. It provided further for the indemnification by the United States of British subjects, and the adjustment of such claims by commissioners, etc. It provided that there should be no discrimination in land tenures. It regulated the East and West Indian trade, and provided that no higher duties shall be paid by the ships or merchandise of the one party in the ports of the other than are paid by the like vessels and merchandise of other nations.

The Jay treaty was a most unpopular one in the United States, and excited the most bitter opposition in all parts of the country.

After the treaty had been *ratified and proclaimed* on March 1, 1796, the President sent it to Congress "for its information," as expressed in his message.

At that time the Senate was controlled by the Federalists, while the anti-Federalists had a majority in the House, there being 46 Federalists in the House as against 50 Democrats.

On March 2, 1796, Mr. Livingston introduced a resolution requesting the President to lay before the House copies of the correspondence and other papers relating to the treaty.

Upon this resolution a debate took place which was one of the most noteworthy debates ever held in the House of Representatives. It occupied the time of the House from the 7th of March to the 7th of April, a long time when we remember that there were but 96 members in the House in 1796.

The debate took a wide range, and covered the whole subject of the powers of Congress. It was argued on the one part that a treaty made by the President and ratified by the Senate, containing regulations touching objects delegated to Congress, can not be considered binding without Congress passes a law carrying it into effect. The opponents of the resolution insisted that a treaty negotiated by the President and ratified by the Senate was the supreme law of the land, and needed no action by the House for the purpose of carrying it into effect, and that the House was absolutely bound to make the necessary appropriations under it; and the debates in the various State conventions to which the Federal Constitution had been submitted for approval were cited to show that it was admitted and argued by many of those who made the Constitution that the treaty-making power was almost unlimited.

Mr. Livingston, in opening the debate, stated that the reason the resolution was offered was because the House was vested with a discretionary power of carrying the treaty into effect, or refusing its sanction, and that to guide them in an enlightened determination as to that point the papers are necessary; they would certainly throw light upon the subject, and enable the House to determine whether the treaty was such as that it ought to be carried into effect.

Mr. Griswold, the floor leader, argued that treaties may repeal laws. Congress by law declares war; the President by treaty makes peace and so repeals the law. The people have the same right to repeal statutes through the treaty-making power which they have to enact them through the legislative power. A treaty is a law with which the House has nothing to do except to provide for its execution. It is said that the President and the Senate might repeal half the laws, but such is the Constitution. All power is liable to abuse. It has been said that a law can only be repealed by the consent of the parties, but the House is not a party to a law. The people are parties and may make a law by one set of agents and repeal them by another. There is no check on the treaty-making power. The duty of Congress to appropriate is the same whether the debt springs from the Constitution, from a law, or from a treaty.

Mr. Smith, a prominent member of Congress of that day, in opposing the resolution referred to the discussions which took place at the time of the adoption of the Constitution and to the discussions in the several State conventions, which proved beyond

a doubt that the treaty-making power was well understood. He showed that the practice of Congress had from the commencement of its existence been conformable to his opinion. Several treaties had been concluded with the Indian tribes under the present Constitution, and these treaties embraced all the points which were now made a subject of contest—settlement of boundaries, grants of money—and when ratified by the President and Senate they had been proclaimed, and had not been communicated to the House, but the House considered them as laws and made the necessary appropriations as a matter of course and without discussion.

Mr. Smith also cited the attempt by the Virginia legislature to amend the Constitution in this very respect:

Much has been said of the power of the House in originating money bills. This House alone, it was true, could, by the Constitution, originate bills for raising revenue, but the Senate could originate bills for appropriating money; the necessary appropriations for carrying a treaty into effect may originate in the Senate.

It must be remembered that in March, 1794, a law passed laying a general embargo on all vessels. After the law had taken effect and all vessels had been detained in pursuance of it, our treaty with Sweden was construed by the Executive to exempt the vessels of that nation from the embargo, and they were suffered to depart notwithstanding the act of Congress prohibiting it.

Mr. Smith continued, that in the year 1789 it was proposed to discriminate in the imposition of our duties between the nations with whom we had and those with whom we had not treaties of commerce. The proposition was renewed in 1794. This was a virtual acknowledgment of the validity of the treaties which did exist, and inviting all those nations with whom we did not have treaties to make them.

Mr. Madison and Mr. Gallatin were both in favor of the resolution, and they both claimed that the treaty-making powers of the President and the Senate were very restricted, and that Congress was not bound to fulfill the pledges made by a treaty; and that if the President and Senate can by treaty regulate trade they can also declare war, raise money, etc. No line can be drawn.

After more than fifty speeches on the resolution it was passed, there being 62 ayes and 37 nays.

The resolution was presented to the President, and on March 30 President Washington submitted his reply to the House, in which he declined to furnish the information, and said, in part:

The nature of foreign negotiations requires caution; and their success must often depend on secrecy; and even when brought to a conclusion a full disclosure of all the measures, demands, or eventual concessions would be extremely impolitic, for this might have a pernicious influence on future negotiations, or produce immediate inconveniences, perhaps danger and mischief, in relation to other powers. The necessity of such caution and secrecy were one cogent reason for vesting the power of making treaties in the President with the advice and consent of the Senate, the principle on which the body was formed confining it to a small number of members. To admit then a right in the House to demand and to have, as a matter of course, all the papers respecting a negotiation with a foreign power would be to establish a dangerous precedent. * * *

The course which the debate has taken on the resolutions of the House leads to some observations on the mode of making treaties under the Constitution.

Having been a member of the general convention, and knowing the principles on which the Constitution was formed, I have ever entertained but one opinion on the subject, and from the first establishment of the Government to this moment my conduct has exemplified that opinion, that the power of making treaties is exclusively vested in the President, by and with the advice and consent of the Senate, provided two-thirds of the Senators present concur, and that every treaty so made and promulgated thenceforward becomes the law of the land.

It is thus that the treaty-making power has been understood by foreign nations; and in all treaties made with them we have declared and they have believed that when ratified by the President, with the advice and consent of the Senate, they become obligatory. In this construction of the Constitution every House of Representatives has heretofore acquiesced, and until the present time not a doubt or suspicion has appeared to my knowledge that this construction was not the true one. Nay, they have more than acquiesced, for, until now, without controverting the obligation of such treaties, they have made all the requisite provisions for carrying them into effect.

There is also reason to believe that this construction agrees with the opinions entertained by the State conventions when they were deliberating on the Constitution, especially by those who objected to it, because there was not required in commercial treaties the consent of two-thirds of the whole number of the members of the Senate, instead of two-thirds of the Senators present, and because in treaties respecting Territorial and certain other rights and claims, the concurrence of three-fourths of the whole number of the members of both Houses, respectively, was not made necessary.

It is a fact, declared by the general convention, and universally understood, that the Constitution of the United States was the result of a spirit of amity and mutual concessions. And it is well known that, under this influence, the smaller States were admitted to an equal representation in the Senate with the larger States; and that this branch of the Government was invested with great powers, for, on the equal participation of those powers, the sovereignty and political safety of the smaller States were deemed essentially to depend.

If other proofs than these and the plain letter of the Constitution itself be necessary to ascertain the point under consideration, they may be found in the journals of the general convention. In those journals it will appear that a proposition was made "that no treaty should be binding on the United States which was not ratified by law," and that this proposition was explicitly rejected.

As, therefore, it is perfectly clear to my understanding that the assent of the House of Representatives is not necessary to the validity of a treaty; as the treaty with Great Britain exhibits in itself all the objects requiring legislative provision, and on these the papers called for can throw no light, and as it is essential to the due administration of the Government that the boundaries fixed by the Constitution between the different departments should be preserved, a just regard to the Constitution and to the duty of my office, under all the circumstances of this case, forbid a compliance with your request.

Mr. Madison then proceeded to answer, in a very able manner, from his standpoint the message of President Washington, insisting on the position which he had taken and denouncing the treaty.

The House passed a resolution, in answer to the President's message, defining what it insisted were its powers:

Resolved, That it being declared by the second section of the second article of the Constitution that the President shall have power, by and with the advice and consent of the Senate, to make treaties, the House do not claim any agency in making treaties, but that when a treaty stipulates regulations on any of the subjects submitted by the Constitution to the power of Congress, it must depend for its execution, as to such stipulations, on a law or laws to be passed by Congress. And it is the constitutional right and duty of the House, in all such cases, to deliberate on the expediency or inexpediency of carrying such treaty into effect, and to determine and act thereon, as in their judgment may be most conducive to the public good. * * *

This resolution passed by a vote of 57 ayes and 35 noes, and finally the House passed the bill making the necessary appropriation.

It will thus be seen that the question was by no means settled on this the first occasion when it was discussed, but the same arguments have been used many times since that day down to the present as will be hereafter shown, and it is doubtful whether it is any nearer a final settlement to-day, at least so far as the contending opinions in Congress are concerned, than it was at the close of the discussion on the Jay treaty in 1796.

TREATY FOR PURCHASE OF LOUISIANA, 1803.

In 1803 the question was again argued in the House on the treaty for the purchase of Louisiana. Jefferson was President. The Democrats had control of both branches of Congress, there being in the House 103 Democrats as against 38 Federalists. Congress was in harmony with the President, and a resolution was introduced calling upon the President to furnish certain papers in connection with the treaty, but the resolution was lost by a vote of 57 ayes and 59 noes.

Wharton says in reference to this proceeding that Mr. Jefferson, who was then President, had maintained, as was well known, the position that whenever Congress in its legislative action is called upon to make appropriations to carry out a treaty, it has full constitutional right to refuse its assent. He took care not to appear in any way, when asking for action on the Louisiana treaty, to invade the prerogatives he had so fully recognized in 1796. He sent in a special message, communicating the requisite papers "for the purpose of the consideration of Congress in its legislative capacity," or "for the exercise of their functions as to those conditions which are within the power vested by the Constitution in Congress;" and so far from assuming that the power was to be exercised as a matter of course he said, "You will observe that some important conditions can not be carried into execution but with the aid of legislation." The measures proper for the execution of the treaty were voted without any reassertions of the principle of independent responsibility laid down by the House in 1796.

COMMERCIAL TREATY WITH GREAT BRITAIN, 1816.

In 1796 and 1803, while the whole question of the powers of the House was discussed, still the particular question in issue in both of those cases was whether Congress was bound to pass an appropriation provided for in a treaty. But in 1816 the same question which confronts us here was under consideration, namely, whether an act of Congress is necessary in case a treaty conflicts with a law, in order to repeal the law with which it conflicts, or does the treaty by its own force repeal the law.

A convention to regulate commerce and navigation was made between the United States and Great Britain, signed on behalf of the United States by John Quincy Adams, Henry Clay, and Albert Gallatin, on July 3, 1815, and was duly ratified by the Senate.

That treaty provided, that the inhabitants and ships of each country shall have the same rights to enter into the ports of the other as the citizens and ships of any foreign country; that there shall be reciprocally no discriminating duties on imports and exports to and from each of the countries, and that no higher duties shall be levied thereon than are levied on the imports and exports of other nations; that there shall be no discriminating duties on the vessels of each country in the ports of the other; that no higher duties shall be levied on the goods and merchandise of the two countries, whether such importations and exportations shall be in the vessels of the United States or Great Britain; and the treaty regulated the trade between the United States and the British West Indies and Calcutta, and provided for the appointment of consuls to reside in each of the countries, respectively.

This treaty was made necessary by the discriminating laws against Great Britain, growing out of the war of 1812, and was in direct conflict with certain acts of Congress.

After the treaty had been ratified and proclaimed, President

Madison laid before Congress his proclamation proclaiming it, stating:

I recommend to Congress such legislative provisions as the convention may call for on the part of the United States.

It will be remembered that President Madison had always taken the position that the House had an important agency in reference to treaties.

The Senate was generally of the opinion that no act of Congress was necessary, but the Committee on Foreign Relations did report a declaratory act simply stating that "so much of any act or acts as is contrary to the provisions of the convention shall be deemed and taken to be of no force or effect." This act was read and passed by unanimous consent.

In the meantime the House, after receiving the President's message, passed a bill of its own, in which bill certain provisions of the treaty were substantially reenacted in the shape of a law.

When this bill reached the Senate it seemed to be the desire to kill it at once without debate. But a few speeches were made on it, and as this seems to have been the only time, in open session, when the Senate discussed the question at all, I will quote briefly from those speeches.

Senator Barbour, of Virginia, spoke against the House bill, in the course of which speech he said:

A bill brought in by the Committee on Foreign Relations passed the Senate unanimously, declaring that all laws in opposition to the convention between the United States and Great Britain, concluded on the 3d of July, should be held as void. The principle on which this body acted was, that the treaty, upon the exchange of its ratification, did, of itself, repeal any commercial regulation, incompatible with its provisions, existing in our municipal code, it being by us believed at the time that such a bill was not necessary, but by a declaratory act it was supposed all doubts and differences, should any exist, might be removed. This bill is sent to the House, who, without acting thereon, send us the one under consideration, but differing materially from ours.

The difference between the two bills is rendered important by its involving a constitutional question.

The difference between the friends of the bill and those opposed to it is, as I understand it, this: The former contend that the law of Congress discriminating between American and British tonnage is not abrogated by the treaty, although its provisions conflict with the treaty, but that to effect its repeal the bill in question, a mere echo of the treaty, must pass; the latter, among whom I wish to be considered, on the contrary, say that the law above alluded to was annulled upon the ratification of the treaty.

Is the legislative sanction necessary to give the treaty effect? I answer in the negative, because the Constitution says that all treaties are a part of the supreme law of the land. We ask for no superiority, but equality, and as one law repeals another, so we contend a treaty will repeal a law.

The Constitution gives Congress the power to regulate commerce with foreign nations. I inquire to what extent does the authority of Congress in relation to commercial treaties reach. Is the aid of the legislature necessary in all cases whatsoever to give effect to a commercial treaty? It is readily admitted that it is not. That a treaty whose influence is extraterritorial becomes obligatory the instant of its ratification. That, as the aid of the legislature is not necessary to its execution, the legislature has no right to interpose. It is then admitted that while a general power on the subject of commerce is given to Congress, that yet important commercial regulations may be adopted by treaty, without the cooperation of the legislature, notwithstanding the generality of the grant of power on commercial subjects to Congress.

If it be true that the President and Senate have, in their treaty-making power, an exclusive control over part and not over the whole, I demand to know at what point that exclusive control ceases. In the clause relied upon there is no limitation. The fact is, none exists. The treaty-making power over commerce is supreme. No legislative sanction is necessary, if the treaty be capable of self-execution; and when a legislative sanction is necessary, as I shall more at large hereafter show, such sanction when given adds nothing to the validity of the treaty, but enables the proper authority to execute it; and when the legislature do act in this regard, it is under such obligation as the necessity of fulfilling a moral contract imposes. Congress has power to lay embargoes, pass nonintercourse laws, or nonimportation or countervailing laws, but the President and Senate has a right to repeal or modify them by treaty. If by treaty we agree, as in this case, that for an equivalent we will forbear to exact a higher tonnage duty on British than American ships, then the treaty, as it needs no legislative aid, is self-executory.

Senator Fromentin, an able lawyer and judge, spoke against both the House and Senate bills, and said:

Both bills in one respect are radically defective. Both bills enact provisions evidently useless, and whatever is useless by legislation is not unaccompanied by danger.

A treaty is a law; it is not to become a law when an act shall have been passed by Congress to make it so, otherwise it would have been useless to make treaties a part of the supreme law. From the moment the treaty has been ratified by and with the advice and consent of the Senate, the Constitution declares that it is the supreme law. Can a law need any further assistance to become so? Can it need the enaction of another law to make it so? Where will this process end? A treaty and an act of Congress are put upon the same footing; both are declared to be laws, and there can not be two definitions of a law. If the law, as it results from a treaty, wants the superenactment of an act of Congress, I can devise no reason why an act of Congress should not require another act of Congress, too, before the first act can be considered a law. I see no end to this enactment and reenactment. Did not the treaty of peace repeal the act of Congress declaring war? I would refer in support of the same doctrine to the numberless treaties made with the Indian tribes.

I would refer to the treaty concluded at Paris on the 30th of April, 1803, between the United States and France. This treaty, and the several conventions signed at the same date, stipulated certain commercial regulations, and contained provisions for the payment of $15,000,000. What was the conduct of the Congress that time? Did the House of Representatives contend that the treaty could not be carried into effect until the provisions of the treaty had been reenacted by an act of Congress? No such doctrine was dreamt of, the House merely passed an act authorizing the President to take possession of Louisiana, and for the temporary government thereof, and the treaty was considered by the House then the supreme law of the land. That treaty gave the rights of American citizenship to the citizens of Louisiana, and no act of Congress was passed confirming that right.

The question was more fully discussed in the House.

Mr. Hopkinson, Mr. Barbour, and Mr. Forsythe spoke in favor of the bill. Mr. Clay did not discuss it, but said that at the worst, according to the opinions on the other side, it was harmless, while in the opinion of the gentlemen on this side it was necessary.

But two of the greatest speeches ever made in Congress were made on this occasion by John C. Calhoun and William Pinkney, two, perhaps, as able men as this country has produced. Both were strongly opposed to the passage of any bill as wholly unnecessary and both claimed that the treaty itself, by its own force, repealed the laws in contravention with it.

John C. Calhoun spoke against the necessity for passing such a measure, in the course of which he said:

Were he of the opposite side, if he indeed believed this treaty to be a dead letter until it had received the sanction of Congress, he would lay the bill on the table and move an inquiry into the fact why the treaty had been proclaimed as a law before it had received the proper sanction. It is true the Executive had transmitted a copy of the treaty to the House, but did not send the negotiations. Do gentlemen say that information is not needed; that though we have the right to pass laws to give validity to treaties, yet we are bound by a moral obligation to pass such laws? To talk of the rights of this House to sanction treaties, and at the same time to assert that it is under a moral obligation not to withhold its sanction, is a solecism. No sound mind that understands the terms can possibly assent to it, and he cautioned the House that while it was trying to extend its power to cases which he believed did not belong to it to take care lest it should lose its substantial and undoubted power.

Another fact in regard to the treaty, it does not itself stipulate that a law should be passed to repeal the duties proposed to be repealed by this bill, which would be its proper form, if in the opinion of the negotiators a law was necessary, but *it stipulates in positive terms for their repeal without consulting or regarding us.* The bill before the House is mere form and not supposed to be necessary to the validity of the treaty. Why can not Congress then repeal the act declaring war? He acknowledged with the gentleman, they can not, consistently with reason. The solution of this question explained the whole difficulty. The reason is plain—one power can make war; it requires two to make peace. It required a contract or a treaty between the nations at war. Is this peculiar to a treaty of peace? No; it is common to all treaties. It rises out of their nature and not from any accidental circumstance attaching itself to a particular class. It is no more or less than that Congress can not make a contract with a foreign nation.

Let us apply it to a treaty of commerce—to this very case. Can Congress do what this treaty has done? It has repealed *the discriminating duties* between this country and England. Either could by law repeal its own. But by law they could go no further, and for the same reason that peace can not be made by law. Whenever, then, an ordinary subject of legislation can only be regulated by contract, it passes from the sphere of the ordinary powers of making laws and attaches itself to that of making treaties. The truth is the legislative and treaty-making powers are never in the strict sense concurrent. They both may have the same subject, as in this case commerce, but they discharge functions as different in relation to it in their nature as their subject is alike. It is proposed to establish some regulation of commerce. We immediately inquire, Does it depend on our will; can we make the desired regulation without the concurrence of any foreign power? If so, it belongs to Congress, and anyone would feel it to be absurd to attempt to effect it by treaty.

On the contrary, does it require the consent of a foreign power? *Is it proposed to grant a favor, to repeal discriminating duties on both sides?* It is equally felt to belong to the treaty power; and he would be thought insane who would propose to abolish the discriminating duties in any case by an act of the American Congress. It is calculated, he felt, almost to insult the good sense of the House to dwell on a point apparently so clear. Why, then, has a treaty the force which he attributed to it? Because it is an act in its own nature paramount to laws made by the common legislative powers of the country. It is in fact a law and something more—a law established by contract between two independent nations. * * *

Whatever, then, concerns our foreign relations; whatever requires the consent of another nation, belongs to the treaty power, can only be regulated by it; and it is competent to regulate all such subjects, provided—and here are the true limitations—such regulations are not inconsistent with the Constitution. If so, they are void. No treaty can alter the fabric of our Government, nor can it do that which the Constitution has expressly forbad to be done, nor can it do that differently which is directed to be done in a given mode, and all other modes prohibited. For instance, the Constitution says that no money shall be drawn out of the Treasury but by an appropriation made by law. Of course no subsidy can be granted without an act of law, and a treaty of alliance could not involve the country in war without the consent of the House.

A treaty can legitimately do that which can be done by law, and the converse is true. Suppose the discriminating duties repealed on both sides by law, yet what is effected by this treaty would not even then be done; the plighted faith would be wanting. Either side might repeal its law without breach of contract. * * * Instead of looking to our own Government, members have been swayed by the opinion and practice of the Government of Great Britain. There is a radical difference between the two Governments. Admitting the fact to be, then, that the King refers all commercial treaties affecting municipal regulations of the country to Parliament for its sanction, the ground would be very feeble to prove that to be the intention of our Government and Constitution. Strong differences exist between the two Governments, etc.

William Pinkney, a great statesman, lawyer, and diplomat of that day, and who was a member of one of the conventions ratifying the Constitution, made a strong speech against the passage of the bill as wholly unnecessary, and insisted that the treaty of commerce was self-executing, and needed no law of Congress to carry it into effect.

Judge Cooley, in commenting upon the action of Congress at this time, stated, "Upon this occasion a most admirable speech was delivered by the late William Pinkney, in which his great powers of reasoning and judicial learning had an ample scope."

I will now quote a portion of Mr. Pinkney's speech. He said:

By what process of reasoning will you be able to extract from the wide field of that general provision, giving the President and Senate power over treat-

ies, the obnoxious case of a commercial treaty, without forcing along with it the case of a treaty of peace, and along with that again the case of every possible treaty?

Speaking of the treaties of peace entered into by the President and the Senate, Mr. Pinkney said:

You saw your laws departing from the statute book, expelled from the stronghold of supremacy by the single force of a treaty of peace, and you did not attempt to stay them; you did not bid them to linger until you should bid them go; you neither put your shoulder to the wheel of expulsion nor made an effort to retard it. In a word, you did nothing. You suffered them to flee as a shadow, and they were reduced to a shadow, not by the necromancy of usurpation, but by the energy of the Constitution. Yet you had every reason for interference then which you can not have now. The power to make a treaty of peace stands upon the same constitutional footing with the power to make a commercial treaty. It is given by the same words. It is exerted in the same manner. It produces the same conflict with municipal legislation.

The ingenuity of man can not urge a consideration, whether upon the letter or the spirit of the Constitution, against the existence of a complete power in the President and Senate to make a valid commercial treaty which will not, if it be correct and sound, drive us to the degeneration of the power exercised by the President and Senate, with universal approbation, to make a valid treaty of peace. Nay, the whole treaty-making power will be blotted from the Constitution, and a new one, alien to its theory and practice, be made to supplant it, if sanction and scope be given to the principles of this bill. The bill may indeed be considered as the first of many assaults, not now considered as assaults perhaps, but not therefore the less likely to happen, by which the treaty-making power, as created and lodged by the Constitution, will be pushed from its place and compelled to abide with the power of ordinary legislation. The example of this bill is beyond its ostensible limits.

The pernicious principle, of which it is at once the child and apostle, must work onward and to the right and left until it has exhausted itself, and it never can exhaust itself until it has gathered into the vortex of the legislative powers by Congress the whole treaty-making capacity of the Government. For if, notwithstanding the directness and precision with which the Constitution has marked out the departments of the Government, by which it wills that treaties shall be made and has declared that treaties so made shall have the force and dignity of a law, the House of Representatives can insist upon some participation in that high faculty upon the simple suggestion that they are sharers in legislative power upon the subject embraced by any given treaty, what remains to be done for the transfer to Congress of the entire treaty-making faculty, as it appears in the Constitution, but to show that Congress have legislative power, direct or indirect, upon every matter which a treaty can touch? And what are the matters within the practicable range of a treaty which your laws can not either mold or qualify or influence? It is admitted that the only matter within the practicable range of a treaty which the law can not mold or qualify is a contraband of war.

Sir, you have my general notions upon the bill before you. They have no claim to novelty. I imbibed them from some of the heroes and sages who survived the storm of the contest to which America was summoned in her cradle. I imbibed them from the father of his country. My understanding approved them, with the full concurrence of my heart, when I was much younger than I am now, and I feel no disposition to discard them now that age and feebleness are about to overtake me.

The House bill passed by a small majority, there being 86 ayes and 71 noes.

The Senate and House appointed conferees, and the two bills were taken up, and an amended declaratory act was agreed to.

From the report of the conferees, both on the part of the House and the Senate, it is to be seen that the Senate denied that the convention required legislative provisions, and, as stated in the report of the conferees on the part of the House—

The committee allude to the principle which inculcates the propriety of always taking care if we do not err on the safe side. Should Congress fail to legislate where legislation is necessary, either the public faith must be broken or, to avoid that evil, the executive branch of the Government must be tempted to overstep the boundaries prescribed by the Constitution.

As to the late convention, the immediate subject of controversy, the Senate doubted whether any act of legislation was necessary, but since it was deemed important by the House that an act should be passed, they had no objection to give it their sanction, provided a precedent was not established binding them hereafter to assist in passing laws in cases in which such doubts might exist.

In reference to the act as agreed to, the Senate conferees stated that—

Even a declaratory law to this effect is a matter of mere expediency, adding nothing to the efficacy of the treaty and serving only to remove doubts wherever they exist.

In endeavoring to state the result of this proceeding of 1816, I can not do better than to quote what Justice Story has said in commenting upon it in Story on the Constitution:

At the distance of twenty years the same question was again presented for consideration of both Houses upon a bill to carry into effect a clause of the treaty of 1815 with Great Britain. The result was that a declaratory clause was adopted, instead of a mere enacting clause. *So that the binding obligation of treaties was affirmatively settled.*

TREATY WITH SPAIN, 1820.

In 1820 Mr. Clay introduced a resolution in the House—

That the Constitution of the United States vests in Congress the power to dispose of the territory belonging to them, and that no treaty purporting to alienate any portion thereof is valid without the concurrence of Congress.

It was claimed that the Spanish treaty of 1819 alienated a part of the territory of the United States. A short discussion was had upon Mr. Clay's resolution.

RECIPROCITY WITH PRUSSIA, 1844.

On June 14, 1844, Senator Choate, from the Committee on Foreign Relations of the Senate, submitted a report to the Senate on the reciprocity treaty with Prussia of that year, reducing certain duties on enumerated articles coming from Prussia in return for similar concessions on articles exported to Prussia.

This report showed conclusively that the treaty was very inequitable to the United States, and that the United States would concede much more than she would gain by it. This report has been cited as a strong precedent against reciprocity treaties. It was stated in the report that—

The committee are not prepared to sanction so large an innovation upon the ancient and uniform practice in respect of the department of government by which duties on imports shall be imposed. The convention which has been submitted to the Senate changes duties which have been laid by law. It changes them either ex directo and by its own force, or it engages the faith of the nation and the faith of the legislature to make the change.

In the judgment of the committee the legislature is the department of government by which commerce should be regulated and laws of revenue passed. The Constitution in terms communicates the power to regulate commerce and to impose duties to that department. It communicates it in terms to no other. Without engaging at all in an examination of the extent, limits, and objects of the power to make treaties, the committee believe that the general rule of our system is indisputably that the control of trade and the functions of taxation belong to Congress.

Holding this to be the general rule upon the subject, the committee discern nothing in the circumstances of this case, nothing in the object to be attained, or in the difficulties in the way of obtaining it, which should induce a departure from this rule.

There were two reports on the subject, both very lengthy, and I will not stop now to quote any more of them, as I will endeavor to show that they ought not to be given very great weight, when we examine into the circumstances and conditions surrounding the treaty and the administration at that time.

Tyler was President at this time, having taken the office on the death of President Harrison. Harrison was a Whig, and Tyler, while elected as the Whig candidate for Vice-President, and while he had pledged himself to carry out Harrison's policy, still he stood at the opposite pole in his own party from Harrison. He was a Southern man and an ex-Democrat. In the Senate, while supposed to be a Whig, he voted as an independent Democrat. Almost from the very moment of his inauguration a breach was opened between himself and Congress, and especially between himself and the Whig majority in the Senate, and it continued to widen until the party which had elected him had entirely abandoned him. He was in exactly the same position with the Whigs as Andrew Johnson was with the Republicans in 1866. Tyler vetoed every measure his party desired to pass. He at once became the rival of Clay in his own party. The Whig majority constantly wrangled with their President. His entire Cabinet, excepting Webster, his Secretary of State, resigned, because they were not in harmony with the President, and Webster some time afterwards was forced to resign.

The whole tone of the report shows that the Whigs desired to rebuke their President, and they took the convenient position that the treaty was an innovation upon the ancient and uniform practice of the Government. In the course of the report they took occasion to inform their President that—

To follow, not to lead; to fulfill, not to ordain the law; to carry into effect, by negotiation and compact with foreign governments, this legislative will, when it has been announced, upon the great subjects of trade and revenue; not to interpose with controlling influence; not to go forward with too ambitious enterprise. These seem to the committee to be the appropriate functions of the Executive.

Under these circumstances, therefore, I attach but little weight to Senator Choate's report.

In commenting upon the report, Mr. Calhoun, who became Tyler's Secretary of State, said that the objections of the committee were opposed to the uniform practice of the Government, and he referred to numerous treaties which contained stipulations changing existing laws. "So well," says he, "is the practice settled that it is believed it has never before been questioned. The only question, it is believed, that has ever been made, was whether an act of Congress is necessary to sanction and carry out the stipulation carrying the change into effect. If the view taken by the committee be the correct one, it may be said that the exercise of the treaty-making power has been one continual series of habitual and uninterrupted infringements of the Constitution."

Mr. Calhoun, in a private letter to Mr. Wheaton, found in Wheaton's International Law, states in confidence to Mr. Wheaton that the true cause for the rejection of the Zollverein treaty of 1844 by the Senate was "the bearing which it was feared it would have on the Presidential election. Mr. Clay's friends, who are a decided majority in the Senate, felt confident of his election, under the old issue as it stood when Congress met, and were adverse to admit any new question to enter the issue.

"I can not but hope that the treaty would be sanctioned by the Senate should the time be prolonged to the next session, when the Presidential election will be over, and the party motives that have led to laying the treaty on the table shall have passed away. I am strengthened in this opinion from the very inconclusive reasons assigned by the Committee on Foreign Relations for its rejection, and which I feel confident the Senate will never sanction, whatever may be the fate of the treaty."

GADSDEN TREATY, 1854.

In 1854, when the House was called upon to make an appropriation of $10,000,000 to carry out the Gadsden treaty it again discussed its power over treaties. The opposition was led by Mr. Benton, who took the extreme position that the House should

have been consulted before the purchase was made. He attempted to have resolutions passed defining what he considered to be the powers of the House. These resolutions were declared out of order, and a bill appropriating $10,000,000 passed by a vote of 103 yeas and 62 nays.

ALASKAN TREATY, 1867.

The next time the question was discussed was in 1867, during the Fortieth Congress, Andrew Johnson being President, and the Republicans having control of both branches of Congress. The discussion arose on the bill appropriating $7,200,000 for the purchase of Alaska under the treaty with Russia. The House was not called upon to make the appropriation until the treaty had been ratified and proclaimed, and until the United States had taken possession of the territory. The Senate passed a short bill, simply appropriating the money. The House, after many speeches had been made against it, passed a bill, also appropriating the necessary funds, but the bill had a long preamble, defining what the House considered to be its powers, and in which they stated "that the assent of Congress is hereby given to said treaty." The Senate disagreed to the House bill, conferees were appointed, and the objectionable part of the preamble stricken out.

A statement of the respective claims of the two Houses is given by Mr. Loughridge, one of the conferees on the part of the House, in his report to the House, in which he said:

> Upon my motion the House placed upon this bill a preamble, setting forth fully and clearly the doctrines of this House. In the first place, that no cession of territory can be made without the consent of the House; in the second place, that no money can be appropriated without the consent of the House, and in the third place, that no foreigners can be naturalized without the consent of the House. To all these propositions the Senate entirely disagree, and I am satisfied will never consent.
>
> The committee on the part of the Senate stated freely and frankly that they could in no event consent to the preamble, and that the Senate would not consent, and that they held that the House was bound to carry out the stipulations of all treaties, and that when a treaty provided for the payment of money for any purpose, that such stipulation created a debt, and that the House had no discretion in relation to the payment of the same, a doctrine of course utterly at variance with the law and with the principles asserted in the preamble as it passed the House; and it is manifestly impossible to reconcile opinions so utterly at variance upon so important a question. The majority of the committee on the part of the House could in no event consent to any such doctrine, so utterly subversive of the rights and constitutional prerogatives of the House. If the House insisted on incorporating its doctrines in the bill it would fail.
>
> I think the Senate should have agreed to the preamble. In refusing to do so they show an intention to continue the encroachment upon the rights of the House which has been going on, on the part of the treaty-making power, for years, and which this House owes it to itself and to the country to put a stop to.

The report of the conferees was agreed to on the part of the House by a vote of 91 yeas and 48 noes.

The debate at this time was practically the same as it had been on previous occasions—no new facts or precedents were brought forward—and the great leaders of the House of that period, among them being Blaine and Garfield, did not express themselves upon the subject at all.

This was the last time that the House discussed this important question. It was scarcely raised when the appropriation of $20,000,000 was made pursuant to the treaty with Spain of 1898.

The question, so far as whether the House is bound to make an appropriation under a treaty, has not even been settled. The Supreme Court in the Porto Rican cases touched upon it, but stated:

> We express no opinion as to whether Congress is bound to appropriate the money to pay for it. This has been discussed by writers upon constitutional law, but it is not necessary to consider it in this case, as Congress made prompt appropriation of the money stipulated in the treaty.

Of course, many of the precedents I have given has been in relation to appropriating money to carry a treaty into effect. That is not the direct question involved here, but the principle is very similar, and in each of the cases I have cited the discussion covered the whole subject, and was not confined to the necessity of appropriating money.

Writers on international and constitutional law have discussed this question. Some have taken one position and some have taken another, and a few noted writers have declined to take any absolute position, but have given a brief history of the subject, and seem to incline to the theory that the House is bound to pass an appropriation called for under a treaty, and uphold the vast power of the President and Senate on the subject of treaties. Among those who have taken the latter position is Justice Story in his work on the Constitution. Kent, in his Commentaries, took a more pronounced position, and declared in so many words that the treaty is a contract and the supreme law of the land, and that Congress is bound to provide an appropriation or any other legislation that might be necessary, and had no discretion in the matter. Wheaton, in his work on International Law, discusses the treaty-making power in the United States, and holds that it is vested in the exclusive control of the Executive and the Senate, and that the House is bound to pass an appropriation for the purpose of carrying the treaty into effect without inquiring into the merits of the treaty itself.

The statement of Chief Justice Marshall, in Foster *vs.* Nielson (2 Peters, 315), that "the treaty is consequently to be regarded in courts of justice as equivalent to an act of the legislature whenever it operates of itself without the aid of any legislative provision. But when the terms of the stipulation import a contract, when either of the parties engages to perform a particular act, the treaty addresses itself to the political, not the judicial department, and the legislature must execute the contract before it can become a rule for the court."

This has always been cited by those who claim that the House has an important agency on the subject of treaties. But when we read the case in which Chief Justice Marshall made this statement, I think it sustains my position.

In that case Chief Justice Marshall was construing the eighth article of the treaty with Spain, ceding Florida, which, according to our translation of the treaty, provided:

> All grants of land made before the 24th of January, 1818, by his Catholic Majesty *shall be ratified and confirmed to the persons in possession of the lands*, to the same extent, etc.

All that Justice Marshall held in that case was that the words "shall be ratified and confirmed" imported a contract, and meant that they "should be ratified and confirmed" thereafter by Congress. Justice Marshall expressly stated in that case that if the language of the treaty had been "that those grants are hereby confirmed," "that it would have acted directly on the subject, and would have repealed those acts of Congress which were repugnant to it."

The same treaty was considered again by Chief Justice Marshall in 7 Peters, 53, when it was discovered that there was an error in our translation of the treaty, and that the words used were "shall remain ratified and confirmed," and Chief Justice Marshall held that those words acted directly on the subject, and that the eighth clause needed no legislative sanction.

It would seem, therefore, from this decision that if a reciprocity treaty provides directly that the articles enumerated in it shall be admitted on payment only of the reduced duties set forth in the treaty, that such a treaty would be self-executing, and would need no further legislative sanction, because such words do not import a contract or provide for further legislative action, but they would repeal by their own force acts of Congress inconsistent with the terms of the treaty.

The Supreme Court has many times held that self-executing treaties repeal prior laws, and that subsequent laws may repeal treaties (at least so far as our own municipal law is concerned). It was stated in Whitney *vs.* Robertson (124 U. S., 194):

> If the treaty contains stipulations which are self-executing—that is, require no legislation to make them operative—to that extent they have the force and effect of a legislative enactment, and that the one last in date will control.

HAWAIIAN, CANADIAN, AND MEXICAN RECIPROCITY TREATIES.

The reciprocity treaties with Hawaii, Canada, and with Mexico, which did not go into effect until Congress acted, are sometimes referred to as establishing a precedent that Congress must act on all reciprocity treaties. But each of those treaties contained express provisions that they should not become effective without Congressional action. In the Hawaiian and Canadian treaties Congress did pass the necessary laws, and they went into effect. In the reciprocity treaty with Mexico, negotiated by General Grant, Congress failed to enact the necessary laws, and the treaty never went into practical effect.

Had the provision for Congressional action been omitted in the Hawaiian, Canadian, and Mexican reciprocity treaties, they would have become effective at once upon the exchange of ratifications.

THE REVENUE CLAUSE.

It has been stated that a reciprocity treaty, in order to become effective, must be submitted to the House of Representatives, because of that section of the Constitution which says:

> Bills for raising revenue shall originate in the House of Representatives, but the Senate may propose and concur with amendments.

Upon this section very little comment is to be found by writers on constitutional law, and I have been able to find but one decision of the Supreme Court where that clause was directly involved.

What is meant by the words "bills for raising revenue" has not been settled definitely. It has been discussed in Congress a number of times. In 1856 the Senate insisted that a general appropriation bill was not a bill for raising revenue. Some very able speeches were made on the proposition. Senator Seward argued that by the letter of the Constitution the Senate had the power to originate such a measure; but he stated that, inasmuch as the Senate had never exercised the right to originate a general appropriation bill, it was better not to commence doing so at that time. The Senate passed two of these bills, but they were laid on the table in the House. During the Forty-second Congress the subject was again argued—the first time when the Senate originated a measure repealing the tax on incomes, and the House passed a resolution declaring that the Senate had no constitutional power to originate such a bill.

Justice Harlan, in a recent case (167 U. S., 201), held:

The case is not one that requires either an extended examination of precepts or a full discussion as to the meaning of the words in the Constitution "bill for raising revenue." What bills belong to that class is a question of such magnitude that it is the part of wisdom not to attempt, by way of any general statement, to cover every possible phase of the subject. It is sufficient in the present case to say that an act of Congress providing a national currency secured by a pledge of bonds of the United States, and which, in the furtherance of that object, and also to meet the expenses attending the execution of the act, imposed a tax on the notes in circulation of the banking association organized under the statute, is clearly not a revenue bill which the Constitution declares must originate in the House.

Justice Story, in his Commentaries on the Constitution, says (sec. 880):

The practical construction of the Constitution and the history of the origin of the constitutional provision in question proves that revenue bills are those that levy taxes in the strict sense of the word, and are not bills for other purposes which may incidentally create revenue.

Justice Miller, in his lectures on the Constitution of the United States, says in reference this clause:

This is a very important function of legislation, as it is now construed by the House, to be reposed exclusively in that body. As we would naturally understand the meaning of the term "revenue" at the present day, the expression "bills for raising revenue" would have reference to laws for the purpose of obtaining money by some form of taxation or other means of raising the necessary funds to be used in supplying the wants of the Government, paying its expenses, and discharging its debts. The appropriation of that money, which is always necessarily done by virtue of an act of Congress, would seem to be quite a different thing from the laws prescribing how the money shall be raised.

Justice Miller goes on to say that these appropriation bills have always originated in the House, but that the Senate has never given its full assent to the proposition, but has originated appropriation bills for specific purposes.

From the decisions and statements of Justices Story, Miller, and Harlan I can not see how this clause could make it necessary to submit a reciprocity treaty to the House before it becomes effective. The language of the clause is that all bills for raising revenue shall originate in the House, and not all bills affecting revenue, or in which revenue may incidentally arise. A reciprocity treaty is not a bill. It is true that it reduces a duty which has been laid by law, but I maintain that the treaty-making power has authority to change a tariff law the same as it has authority to change any other act of Congress, and we have seen that it has been clearly held, from the decisions of Chief Justice Marshall down to the present, that the President and Senate, by treaty, can change or modify a law of Congress.

My attention has been called to a recent work by Mr. John Randolph Tucker, late member of Congress and a professor of constitutional and international law and equity, published in 1899. The book, as stated in the preface—

is an expression of the views of the author, not merely his intellectual opinions, but his deep convictions, in the consistent exercise of which he lived and in the faith of which he died; and neither the dissent of friendship nor the storm of popular indignation nor yet the hope of political preferment ever shook his unswerving devotion to them. He religiously believed that the maintenance of these principles was necessary to the stability and preservation of the Union and the happiness and prosperity of the people, and that their rejection would as certainly result in tyranny, despotism, and ultimate dissolution.

The views that he was so anxious to express were that the powers of the Federal Government should be limited so far as possible. His life in Congress and in his State of Virginia and all his studies were devoted to that end. The book seems to have for its object the establishment of the doctrine of a limited Federal government and the individual rights of the State.

When he discusses the subject in hand here he states, without citing any particular authority, that the President and Senate would not have the right to make treaties of this character without the consent of the House, because of other clauses of the Constitution giving to Congress the power to lay and collect taxes, duties, and imposts, to regulate commerce with foreign nations, and to the House the power of originating bills for raising revenue. He does not cite or discuss the authorities that I have commented upon heretofore, and simply takes the position that a great many members of the House of Representatives have taken for a hundred years.

I do not think that Mr. Tucker, on this subject, is such an authority as should govern the United States Senate—first, because of his looking through a darkened glass upon all questions in reference to Federal power and authority and of his desire to limit the power of the Executive and the Senate; second, because he was a member of Congress and has studied and considered the views of the lower House without appreciating the rights of the Executive and Senate; third, because he ignores the history of the Constitution and the laws and the policy of this Government for the past forty years. He fails to appreciate that this is a Federal Government, a nation, and that the Constitution gives to the Executive certain well-defined powers that should be recognized and not limited.

If it were important, I might take the time to show how he has been mistaken on different constitutional questions. He criticises Justice Story's construction, and he takes exception to the statements and conclusions of Abraham Lincoln.

In section 352 of volume 2 he says:

Another form in which the question has been presented is as to the validity of a treaty which gave an alien subject of a foreign nation with whom the treaty was made the right to hold land in a State, contrary to the law of the State against such right. These questions have been decided by the Supreme Court in favor of the validity of such a provision. This is an extreme view of the treaty power. It could change the law of the State in respect to land tenure within its borders. Perhaps it may be vindicated upon the ground that the Constitution expressly recognized the validity of treaties which had been made under the articles of confederation, in which such a provision is inserted.

He there ignores the ground on which the decisions of the Supreme Court are based, and attempts to make an excuse for these decisions which has no foundation in fact. He ignores the real ground of all those decisions, and that is that a treaty is the supreme law of the land. As stated by the Supreme Court in 100 U. S., 488:

A treaty can not be the supreme law of the land, that is, of all the United States, if any act of a State legislature can stand in its way. If the constitution of a State must give way to a treaty and fall before it, can it be questioned whether the less power, an act of the State legislature, must not be prostrate? It is the declared will of the people of the United States that every treaty made by the authority of the United States shall be superior to the constitution and laws of any individual State, and their will alone is to decide.

For the same reason a treaty sets aside an act of Congress, and is the supreme law of the land until it is repealed by a subsequent act of Congress.

This general question before us here has been before the Senate for a hundred years. The Executive and the Senate have taken one position, and that is that a treaty is the supreme law of the land. That position has been sustained by the Supreme Court. On the other hand, during all these hundred years, the House of Representatives has, as a rule, insisted that they should be considered in reference to certain treaties. That does not relieve the Senate of the duty of standing for its prerogatives and its rights, and insisting that the rights of the Executive shall be maintained.

The point here is this: The Constitution gives to the Executive, with the advice and consent of the Senate, the right to negotiate treaties. We have been negotiating commercial treaties continuously prior and subsequent to the adoption of the Constitution, and those treaties have been sustained as the supreme law of the land.

It is said that the Constitution has given to Congress the right to regulate commerce with foreign nations, to lay and collect taxes, duties, and imposts, and to the House of Representatives the right to originate bills for raising revenue, and to the President and Senate the right to make and ratify treaties. These are all coequal and independent powers. One does not interfere with the other. One is not exclusive of the other. A law passed in any of the ways provided by the Constitution is the supreme law of the land until it is changed or repealed. A treaty made by the Executive and ratified by the Senate is the supreme law of the land as well as an act of Congress. If the Congress is not satisfied with the treaty it has a perfect right to repeal it, let the consequences be what they may, but until such action is taken the treaty remains a part of the supreme law.

Now, Mr. President, I have gone over at greater length than I perhaps ought to have done the history of the treaty-making clause of the Federal Constitution. I have given a sketch of the proceedings in Congress, commencing with 1796, when that clause was under consideration, and I have given a brief statement of the decisions of our Supreme Court, and writers on constitutional and international law, on the subject.

From all of these authorities it will be seen that the authority of the House in reference to treaties has been argued and discussed for more than a century, and has never been definitely settled in Congress, and perhaps never will be. The House, each time the question was considered, insisted upon its powers, but nevertheless it has never declined to make an appropriation to carry out the stipulations of a treaty, and I contend that it was bound to do this, at least as much as Congress can be bound to do anything, when the faith of the nation had been pledged. And this appears to me to be the only case in which any action by the House is necessary, unless the treaty itself stipulates, expressly or by necessary implication, for such Congressional action.

I have given my views upon the constitutional powers of the President and Senate, whatever may be the policy hereafter adopted by the Senate in dealing with the question.

PUBLIC BUILDING AT ATLANTA, GA.

Mr. CLAY. I ask unanimous consent that the bill (S. 361) for the erection of a public building at Atlanta, Ga., be taken up and passed. It will not lead to any debate. A similar bill passed the Senate at the last session without any opposition.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, in line 7, before the word

"hundred," to strike out "eight" and insert "five;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, additional land adjoining the post-office and custom-house building at Atlanta, Ga., and to enlarge said building, at a total cost not to exceed $500,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill providing for the purchase of additional ground and the enlargement of the public building at Atlanta, Ga."

CAR TRANSFER OVER DULUTH CANAL.

Mr. NELSON. I ask unanimous consent for the immediate consideration of the bill (H. R. 2008) to authorize the city of Duluth, Minn., to construct and maintain, or cause to be constructed and maintained, a car transfer over the Duluth Canal, and for that purpose to occupy certain lands of the United States.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LIGHT-HOUSE AT BROWNS POINT, WASHINGTON.

Mr. FOSTER of Washington. I ask unanimous consent for the present consideration of the bill (S. 258) providing additional funds for the establishment of a light-house and fog-signal station at Browns Point, on Commencement Bay, State of Washington.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to appropriate the additional sum of $3,200 to establish a light-house and fog-signal station at Browns Point, on Commencement Bay, State of Washington, under the direction of the Light-House Board.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HUGH R. RICHARDSON.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (S. 3106) granting an increase of pension to Hugh R. Richardson.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to place on the pension roll the name of Hugh R. Richardson, late captain Company F, Second Regiment New Hampshire Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

TROOPS IN THE REVOLUTIONARY WAR.

Mr. MONEY. Mr. President, a few days since the senior Senator from Massachusetts [Mr. HOAR], in the course of some observations submitted by him, made the statement that in the war of the Revolution the State of Massachusetts had furnished more troops on land than all the States south of Mason and Dixon's line. He said he did that without discrediting the valor or patriotism of the people of that section of the country. I am quite sure that the Senator from Massachusetts would not make any mistake if he knew it, and that he would not commit to the RECORD a statement of that sort unless he had historical facts to sustain it.

He was supported by his colleague, the junior Senator from Massachusetts [Mr. LODGE], who stated that the figures submitted were correct and were taken from a report made by the first Secretary of War, General Knox, in answer to a request made by the House of Representatives for this very information, as to how many troops had been furnished by the several colonies during the struggle for independence.

Mr. President, I can not see whether either one of those distinguished gentlemen is in his seat or not. I hope they are here. I know that neither one of them would make a statement of that sort with any intention to disparage or discredit any section of the country. But I am also interested in the truth of history. Somebody said that history is philosophy teaching by example. Napoleon said that history is simply the lies that are agreed upon. I am perfectly aware that one historian after another repeats the mistakes of the first. It has been so from the days of Herodotus until to-day.

I recollect an incident that occurred in the House of Representatives when the question came up as to how the independence of the Republic of Texas was recognized. It was stated by a member from the State of Texas, who was unusually well-informed generally, that it came because the resolution passed by the Congress of the United States was signed by Gen. Andrew Jackson, President, on the very last day of his last Administration. I denied that to be a fact, and stated to him that he was mistaken about it.

The PRESIDING OFFICER (Mr. MITCHELL in the chair). Will the Senator from Mississippi suspend for a moment?

Mr. MONEY. Certainly.

PHILIPPINE TARIFF BILL.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 5833) temporarily to provide revenue for the Philippine Islands, and for other purposes.

Mr. PETTUS. I ask that the Senator from Mississippi be allowed to continue his statement.

Mr. LODGE. I should like to have the bill laid before the Senate, and then I shall make no objection to the Senator continuing his statement.

The PRESIDING OFFICER. The bill is before the Senate as in Committee of the Whole, and, if there is no objection, the Senator from Mississippi will proceed. The Chair hears none.

Mr. HOAR. Before the Senator from Mississippi proceeds, will he allow me?

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Massachusetts?

Mr. MONEY. Certainly.

Mr. HOAR. Mr. President, I desire to give a notice, or to make a statement. I am very desirous to call up for early action the joint resolution (S. R. 1) proposing an amendment to the Constitution of the United States, respecting the succession to the Presidency in certain cases. It proposes to provide for the succession in a case which seems to have been omitted, certainly by the letter of the Constitution, where the President-elect or the Vice-President-elect, or both, die or become incapacitated before they are qualified.

That is a very important matter, of course, as every amendment of the Constitution is. The joint resolution has been carefully considered by the Judiciary Committee twice, and in each case there has been a unanimous report; and it has passed the Senate, without dissent, so far as I now remember, certainly once, and I am quite confident twice. So it will not take very long.

I should like, if this bill last very long, to get half an hour, and to see whether that will be enough to dispose of the joint resolution. I should like to have it get through so as to go to the State legislatures while they are in session this winter, if it can be done.

Mr. MONEY. Mr. President, I did not exactly understand the Senator. I could not hear distinctly what he wants. I am disposed to yield to the Senator, but I do not understand what he wants to do.

Mr. HOAR. I asked the Senator to yield that I might give a notice.

Mr. MONEY. Certainly.

Mr. HOAR. I did not ask him to delay his speech, but merely stated that I desire to find a brief time pretty soon for considering the proposed constitutional amendment about the succession of the Presidency, which I hope and believe will not take very long. I gave that as a notice so that Senators might have their attention turned to the subject.

Mr. MONEY. Mr. President, I was about to relate an instance to show how historians copy each other without original investigation, and are just as apt to perpetuate a mistake as an accurate statement. A distinguished Representative from Texas said that the Republic of Texas was recognized by the United States by the signature of Andrew Jackson, in the last days of his last Administration, to a resolution passed by the Congress of the United States. I denied that, because there were at that time no joint resolutions introduced on that subject; there were Senate resolutions and there were House resolutions, and it was impossible for that to be true, because of that fact, and also because I knew that on the 3d day of March, 1837, he had appointed Emil La Branch, of New Orleans, chargé d'affaires to the Texas Republic, and that was the only recognition the Republic ever had, and all that it needed.

I was confronted with Brown's History of Texas, and that book stated positively that in the last days of the Administration of the patriotic statesman and warrior, Andrew Jackson, he signed the joint resolution. I was not satisfied with that and we consulted the "Life of Sam Houston," by somebody, and it repeated the same statement. We then went to the Library, to Mr. Spofford; the great bibliographer was called upon. He consulted sundry

encyclopedias, and all the way through there was the same statement made. I telegraphed up to the State Department to learn from the records what had happened, and it appeared that Andrew Jackson never had signed any resolution, but that he had recognized the independence of the Texas Republic by appointing Emil La Branch as chargé d'affaires to that Republic on the 3d of March, 1837.

Now, Mr. President, the junior Senator from Massachusetts [Mr. LODGE] is a writer of history—histories that are exceedingly useful, and exceedingly instructive and entertaining, and which have a considerable vogue. While the senior Senator from Massachusetts [Mr. HOAR] may not write histories, he has made addresses before literary associations and bar associations and other memorial associations which have been read with delight everywhere all over the country, and which are full of bits of history and of recollection that are not only useful, but exceedingly delightful. So I acquit them of any intention whatever to embalm in the RECORD a statement that is not strictly borne out by the facts.

I wish to state that in the same report of General Knox certain qualifying statements were made. In the first place, I want to say that Dr. J. L. M. Curry, formerly a member of the House, one of the most distinguished divines and one of the most eloquent orators of to-day, ex-minister to Spain and the administrator of the Peabody fund, a gentleman in every way, painstaking in his researches historically, the author of several valuable books, makes a statement here which very much explains why there should be such a discrepancy as the Senator from Massachusetts believes. In the first place, however, the discrepancy does not really exist. As a matter of fact, there was furnished by Virginia 56,721 soldiers out of a population of 110,934, and South Carolina furnished 31,131. South Carolina out of every 42 citizens that could bear arms furnished 37. This is taken from General Knox's information to Congress. South Carolina furnished 37 out of every 42 citizens capable of bearing arms. Massachusetts furnished only 32 out of every 42 capable of bearing arms.

Mr. HOAR. What year was that?

Mr. MONEY. That was during the entire struggle. General Knox also says:

In some years of the greatest exertion of the Southern States there were no returns whatever of the militia.

You will find that in the American State Papers (Military Affairs), 1, 14, etc.

Taking the general population of all the statistics, the North sent forth to the war 100 out of every 227 of military age; the South sent out 100 out of every 209 of military age. So the figures decisively favor the South. I do not say that the South was any more patriotic nor any more anxious to fight than the North was, but these are the true figures, which are entirely in discord with those that were submitted to the Senate the other day, of course with no intention to misrepresent.

Now, I am going to read two or three pages from Dr. Curry's book, which absolutely settle the whole business.

I wish to say, however, that one of the most important actions of the war, one which was as effective in its results as that of the surrender at Saratoga or Yorktown, was the surrender of Ferguson's command at Kings Mountain, in which all the British were captured who were not killed, Colonel Ferguson himself being one of the slain; and that battle was fought by Colonels Campbell, Williams, Sevier, and others, who led farmers picked up from their homes, and who went simply for the fray and returned, and there was no roster, no record whatever.

It is unfortunate—

Says this historian—

that the habits of life of the Southern people and their contempt for vainglory, love of money, and mercenary services prevented any adequate preservation of the materials of such a history. In consequence of this contemporary neglect to record and to save, these Southern States have suffered in failing to receive the bounties and pensions, as well as the historical recognition, properly due to them.

He then quotes from Colonel Higginson's centennial speech before the Massachusetts Historical Society, in which he says:

No set of new colonists, probably, ever recorded their own history so promptly and continuously as did the founders of New England. The leaders of the Plymouth and Salem colonies wrote from the very beginning; each new colony was born writing, as one might say—as if a baby were to raise its head from the cradle and demand pen and ink to put down his expressions. They kept back nothing so far as they knew it. This from the earliest period; and when we come to the storm and stress of the Revolution it is the same thing. Men came through it historians of themselves.

That is the difference, as far as bits of history are concerned which have been preserved in the North, and it is very well that it was so. But that was not the case in the South.

It might easily be shown, even with the scant memoranda most providentially preserved, that the South, in expense and battles and soldiers, bore her full share in the struggle for independence. In Baltimore the first cruisers were fitted out, which were the pioneers of the American Navy, and Maryland furnished more than 20,000 men to the Revolutionary army. In 1790 the white male population over 16 years of age in Pennsylvania and Virginia was about the same, the former being 110,788 and the latter 110,934, and yet, according to the official estimate presented to the First Congress by the Secretary of War, Gen. Henry Knox, of Massachusetts, Pennsylvania furnished 34,965 soldiers and Virginia 56,721.

New Hampshire had a military population 513 larger than South Carolina, and she contributed 14,906 soldiers and South Carolina 31,131. The latter quota is nearly equal to that of Pennsylvania, which had triple the military population and twice the total population, free and slave. South Carolina outnumbered New York's troops 29,836, although New York had much more than double the military population and 40 per cent more of total population. Connecticut and Massachusetts did more than any of the States not Southern, and yet South Carolina sent to its armies 37 out of every 42 citizens capable of bearing arms. Massachusetts sent 32, Connecticut 30, and New Hampshire 18. At the North nearly every man who served was entered on the rolls, while, as General Knox says, "in some years of the greatest exertion of the Southern States there are no returns whatever of the militia."

I will state here that I know an instance personally of a young lady who desired to enter the Association of Colonial Dames or Daughters of the Revolution, or something of that sort. She traced one of her ancestors to Massachusetts, to Silas Clark; and Silas Clark had enlisted eight several times during the seven years' struggle, once for only eight days, and once for only two months. I was told this by the father of the girl, one of the most distinguished divines, book reviewers, and editors in the United States.

Generally, at the North the war assumed a regular character, at the South it was brought home to every fireside, and there was scarcely a man who did not shoulder his musket, even though not regularly in the field. Again, while sending its troops freely to defend any part of the country, it fought, in very large degree, its own battles, and the losses sustained in supporting this home conflict were far heavier than any amount of taxation ever levied. "Certain partisan leaders in Vermont kept up, on their part, a shrewd parleying, now with the British authorities for the purpose of conjuring the storm of war from their borders, and now with the Continental Congress for the purpose of coercing that hesitating body into a recognition of the territorial independence."

He does not say from whom he quotes, but this is a quotation.

A Pennsylvania historian says: "Pennsylvania fought in the Revolution like a man with one arm tied behind his back." The Declaration of Independence "was looked upon by many at the time as a party triumph," and dissidence of opinion—a civic feud—drove men of the highest character from the public service. John Adams called the triumph of the Revolutionary party a righteous overthrow of "cowardice and toryism," and it was constantly alleged, "with much iteration of phrase," that "the proprietory gentlemen" were more solicitous to keep the scabbards of their swords unsoiled than to wield the swords in a battle for the rights of the colonies.

These extracts are from The Nation, of August, 1893, and Elliott's Debates.

According to General Knox's report, the North sent to the Army 100 men for every 227 of military age, as shown by the census of 1790, and the South 100 for every 209.

Here is an important fact that I want to bring to the attention of Senators:

In 1848, 1 out of every 62 of the men of military age in 1790 in the North was a Revolutionary pensioner, and 1 out of every 110 in the South.

Nearly twice as many men on the pension list.

Of these pensioners New England had 3,146, more than there were in all the South, and New York two-thirds as many, though she contributed not one-seventh as many men to the war. These are authentic historical facts, and are not presented by way of recrimination, but to establish equality and justice. If there were inequality of burdens, if the South made heavy sacrifices, they were cheerful free-will offerings on the altar of liberty. (2 Henry, 9, 69, 155; 10 Bancroft, 479.)

Mr. President, it is unnecessary to read further. I simply make this statement in the interest of truth, that it may not go down to future generations disproportioned and mangled. I could not for a moment believe that those honorable Senators intended that there should be a misunderstanding, much less a misstatement of these facts. I put these facts in here so that the people may understand that the South did its full share, and more, in that great struggle for independence.

Now, while I say nothing in the way of reflection upon those two distinguished Senators, I will make mention of the fact that Mr. Bancroft, the great American historian, in publishing his second edition cut out some pages appearing in the first edition that were complimentary to Virginia in that struggle for independence, as you will find by comparing the first and second editions.

I should be very glad indeed if some impartial historian would sift these facts, bring out exactly what is the truth, and present them to us in such form that there can be no longer any dispute as to the measure of sacrifices made by both sections. All honor is due to the North because, as it has been said, the shot that was fired at Concord reverberated around the world, followed by the fights at Lexington and Breed's Hill. I recollect the burning words of Patrick Henry, the orator of the Revolution, when he said in the Virginia house of burgesses: "Why stand we here idle, when the next gale that sweeps from the North may bring to our ears the clash of resounding arms! Our brethren are already in the field"—and they were. They took their part in those battles and nobly sustained their reputation for independence,

for patriotism, and for courage, and no less did the South do its duty in that great struggle, and it also should be awarded the meed of praise.

Mr. HOAR. Mr. President, I do not wish to detain the Senate from the important and pressing business of the session by discussing ancient history, however delightful the memories it may inspire, but I think I ought to set myself right in regard to the matter which the Senator from Mississippi [Mr. MONEY] has brought up.

I had no purpose in what I said of instituting any comparison between different parts of the country. Still less had I any purpose of instituting a comparison which should be in favor of any part of the country other than my own. The way the matter came up was this: The Senator from Maine [Mr. HALE] made some remarks which drew the attention of the whole Senate, in which he spoke with a great deal of earnestness and emphasis in opposition to the accepted American belief that an improvised military or naval force, local in times of peace to particular States, was of any value to the country in the sudden emergencies of a great war. I rose to express my dissent from that proposition and stated what had been the service of the fighting force at sea in the Revolutionary war.

I made my statement on the authority of several recent historical investigations, one especially by the Rev. Dr. Edward Everett Hale, one of the most accomplished living men, that the number of sailors put at sea by the Commonwealth of Massachusetts exceeded the force on land—I am not sure now that it was not all of the States, but at any rate it was of a very considerable aggregate of States—and I said in passing what I wish I had not said, not because it was not true, but because I see how it might have been misunderstood, that that was in addition to the State of Massachusetts having on land a force greater than that of all the States south of the Potomac combined. I think I added then that there were some peculiar disadvantages under which the Southern States labored, those States being the theater of war and very sparsely settled, while we had a compact population and had got rid of the invader early in the war.

Mr. President, I should be the last man on earth, I think, to disparage or discredit the contributions of the Southern States to the achieving of our independence or to the establishment of the great institutions which followed.

Perhaps I might, without great want of delicacy, be permitted to quote what John C. Calhoun said of an ancestor of mine who served in the Continental Congress and in the Revolution, to be descended from whom is almost the dearest pride of my life. Mr. Calhoun said that he was faithful to the interests of the South when the statesmen of the South itself did not fully understand them, and that his name ought to be written in letters of gold and live forever. I do not want to say anything in my humble place which would be thought for a moment to blot out my right by inheritance to be proud of that tribute to my grandfather.

I think—and I have said it more than once at home—that among the noblest examples of lofty patriotism and lofty generosity in all human history is the example of the generosity of the people of the South, especially of the people of Virginia, and also almost equaled by that of the people of South Carolina, to Boston, Mass., in the time of their sore distress. The British Government undertook to starve out Boston by the Boston port bill. Neither Virginia nor South Carolina had the slightest particle of personal interest in that matter; their trade was not affected; their commerce did not suffer; they were not at that time engaged in manufactures, which England was suppressing, and they would probably have found it more for their advantage to buy what they had to buy of England than of Massachusetts, but they did not stop to think of that. The people of Virginia sent to Boston their contributions of money, of flour and other supplies with a generosity unexampled before that time, and hardly ever equaled or approached since in the history of human generosity. Not only at tide water, but the farmers in the distant and remote mountain districts of Virginia held their conventions, made their subscriptions, and drew their supplies of wheat and of flour to tide water. Now, generous Virginia, I suppose, has forgotten that transaction and disdains to remember her generosity, but Massachusetts will never forget it.

It was equaled, if anything could equal it, by the admirable and glorious manner in which Charleston, in South Carolina, uttered the expressions of the sympathies of her people. The governor undertook to suppress the South Carolina house of assembly, but in order that the governor might not dissolve them they closed their doors when letters came from Massachusetts, and would not open them until they had expressed their affection and sympathy for that people. When Josiah Quincy went down to meet the Rutledges, the Gadsdens, and the other great men of that time in South Carolina, who had not a particle of reason for sympathizing with us, except that they loved liberty, he found friends and sympathizers and counselors and companions. We have not forgotten those things; and may my arm be stricken from the shoulder blade and may my tongue cleave to the roof of my mouth if ever I say anything which will seem to be inspired by other than gratitude.

But, Mr. President, the figures which I gave in passing, without a thought of exciting anybody's sensibilities, I mentioned, as I said, thinking of what our sailors had done at sea. I mentioned also that that was in addition to the number of troops furnished by Massachusetts, larger than that of all the States south of the Potomac together; but I think I added at the time—and if I did not I will make it clear now—that that was not because those communities were not all as alive as we were to the interest of the cause, not because their men were not as brave or as self-sacrificing, but it was because with their large and scattered populations they were not as able to send organized militia into the field as we were from our populous towns. After we had got rid of the invader on the 20th of March, 1776, when he was driven out of Boston bag and baggage, routed horse, foot, and dragoons, and his ships followed them, we had no trouble; but the Virginia planter or the South Carolina planter never could know but that in the morning his own plantation, his home, might not be the scene of a British attack, and he could not do, therefore, what these communities could. After March, 1776, it was really a foreign and not a domestic war, so far as the hardships of that war were concerned.

Now, do not let me be misunderstood for a moment. I could not go home to Massachusetts with comfort if I was understood to have made any derogatory remarks about the gallantry of the Southern people in that great Revolution.

Mr. MONEY. Will the Senator permit me one moment?

Mr. HOAR. Certainly.

Mr. MONEY. I am sorry the Senator was not in at the beginning of my remarks, for I then said that the Senator had given full credit to the South for its share in the struggle and the controversy; that his intention was absolutely good, as was also that of his colleague [Mr. LODGE], and that I simply wanted to correct the cold figures of the statement the Senator made, and I did it from the same authority. That was all.

I want to say to the Senator again, while I disclaim any intention, as I did at the beginning, of anything but praise for the Senator and his colleague in this matter, for I know they did not intend to make any misrepresentation, as I said at first when the statement was made it tortured the credulity of this side of the House. We could not believe that those figures were exactly true, and, of course, we went into an investigation. I simply wanted to bring out the figures themselves. In no way would I for a moment discredit the good intention of either of the Senators referred to, for I know they are incapable of making a misrepresentation, and I wish to commend the good grace with which the senior Senator from Massachusetts [Mr. HOAR] approved of the courage and the patriotism of the Southern people in that struggle.

Mr. HOAR. Mr. President, as I have just said, the statement I made about the function of the Navy in that war was made on the authority of several recent investigations, but especially the paper of Dr. Hale.

I was understood by one Senator—I think not by the Senator from Mississippi—to have said in reply that, after all, it was not the valor of soldiers or of sailors, but commercial greed, which caused England to make peace. I said, and I repeat, that England would have been able to maintain the struggle, and would have maintained it indefinitely, but for the demands of the merchants of Bristol and Liverpool and London; and, as an example of what they were suffering, I stated that the rates of marine insurance in the Mediterranean on British vessels before the French alliance had got up to 28 per cent. But what was it that brought those rates up to 28 per cent? It was Paul Jones, Abram Whipple, and men like them, and hundreds of naval commanders, either as privateers or in our little Navy, who had inspired such terror at sea by their valor that British commerce could not live any longer. It was the valor of the American sailor and soldier that had brought this thing to pass, and so Lord North and George III changed their ground.

In regard to these figures about the number of Massachusetts soldiers as compared with those from the States south of the Potomac, they were taken from documents submitted to an early Congress, in the Administration of Washington, by the Secretary of War, and published then as the authoritative figures without anybody's dissent, when three-fourths, I suppose, of the members of both Houses of Congress had been engaged either in civil or military service during the war of the Revolution.

General Knox, a famous soldier, who had seen service South and North, as had General Greene and other Northern soldiers—

General Knox, the Secretary of War, prepared these figures. General Knox, of Massachusetts, and General Greene, of Rhode Island, had gone down South during the latter years of the war, and had rendered glorious service to that section, where General Greene found his honored grave in Savannah, just discovered again within six months, I think. The Senator from Georgia will remember.

Mr. BACON. It has been within a short time,

Mr. HOAR. Within a short time, at any rate. But what did they do which could repay what General Washington and the Virginia riflemen under Morgan did at the time of the siege of Boston, years before? I do not speak of that by way of boast, but only to show that, imperfectly and partially at least, we paid our debt, or tried to.

Here are the figures. I shall read them, and then I shall ask to have added to my speech the remaining pages of the document.

Mr. TELLER. From what is the Senator reading?

Mr. HOAR. I am reading from a document issued from the War Office of the United States May 10, 1790, signed by Henry Knox, Secretary of War.

WAR OFFICE OF THE UNITED STATES, *May 10, 1790.*

In obedience to the order of the House of Representatives, the Secretary of War submits the statement, hereunto annexed, of the troops and militia furnished from time to time by the several States toward the support of the late war.

The numbers of the regular troops having been stated from the official returns deposited in the War Office may be depended upon, and in all cases where the numbers of militia are stated from the returns the same confidence may be observed.

But in some years of the greatest exertions of the Southern States—

I beg that the Senator from Mississippi [Mr. MONEY] and the Senator from Georgia [Mr. BACON] will both listen to what I am now reading—

But in some years of the greatest exertions of the Southern States there are no returns whatever of the militia employed. In this case recourse has been had to the letters of the commanding officer and to well-informed individuals in order to form a proper estimate of the numbers of the militia in service; and although the accuracy of the estimate can not be relied on, yet it is the best information which the Secretary of War can at present obtain. When the accounts of the militia service of the several States shall be adjusted, it is probable that the numbers will be better ascertained.

There are not any documents in the War Office from which accurate returns could be made of the ordnance stores furnished by the several States during the late war. The charges made by the several States against the United States which have been presented by the commissioner of accounts are probably the only evidence which can be obtained on the subject.

All which is humbly submitted to the House of Representatives.

H. KNOX, *Secretary of War.*

So those Senators will see what I ought to state, and wish to state emphatically, that these accounts, so far as they affect the returns of the militia of the Southern States during the time when those States were making their great exertions, are estimates only of the Secretary of War and not absolutely accurate, though, so far as I know, they were not challenged by anybody at the time, historian or statesman, as not being approximately accurate; but whatever deductions should be made from the statements I have made on that account, let them be made.

For the year 1775 the number of men in the Continental pay from Massachusetts was 16,444.

Conjectural estimate of militia employed in addition to the above.

Virginia, for six months	2,600
Virginia, State corps, for eight months	1,180
	3,180

That is a misprint. The total should be 3,780 instead of 3,180. It makes a grand total of 10,180 for all of these States, as against 16,444 for Massachusetts.

The next year is 1776.

Statement of the troops furnished by the following States, taken from actual returns of the Army, for the year 1776.

States.	Numbers of men in Continental pay.	Numbers of militia.	Total of militia and Continentals.
New Hampshire	3,019		
Massachusetts	13,372	4,000	17,372
Rhode Island	798	1,102	1,900
Connecticut	6,390	5,737	12,127
Delaware	609	145	754
Maryland	637	2,592	3,329
Virginia	6,181		
North Carolina	1,134		
South Carolina	2,069		
Georgia	351		
New York	3,629	1,715	5,344
Pennsylvania	5,519	4,876	10,395
New Jersey	3,193	5,893	9,086
Grand total	46,891	26,060	72,951

Then, here is a conjectural estimate of militia in addition to the above:

Conjectural estimate of militia employed in addition to the above.

New Hampshire, averaged at four months		1,000
Massachusetts, averaged at four months		3,000
Connecticut, averaged at four months		1,000
New York, averaged at four months		2,750
Virginia, averaged at four months		
North Carolina, averaged at eight months		3,000
South Carolina, averaged at six months		4,000
Georgia	750	
Georgia, State troops	1,200	
		1,950
		16,700
Grand total		89,651

These are short terms which are averaged; Massachusetts, 3,000, which would bring her up to 19,444; Virginia, 2,750, which would bring her up to about 6,800; North Carolina, 3,000, which would bring her up to 4,134; South Carolina, 4,000, which would bring her up to 6,069; Georgia, 750, State troops, 1,200, making 1,950, which would bring her up to between 5,000 and 5,100.

Now, I will go on and give the figures as to the other years if the Senator would like to have them.

Mr. BACON. I have them all.

Mr. HOAR. The Senator has them all. But I will print the whole in my remarks.

A STATEMENT OF THE NUMBER OF NONCOMMISSIONED OFFICERS AND PRIVATES OF THE REGULAR TROOPS AND MILITIA FURNISHED BY THE SEVERAL STATES FROM TIME TO TIME FOR THE SUPPORT OF THE LATE WAR.

Statement of the troops furnished by the following States, taken from actual returns of the Army, for the year 1775.

States.	Troops furnished.	
	Number of men in Continental pay.	Number of militia.
New Hampshire	2,824	
Massachusetts	16,444	
Rhode Island	1,193	
Connecticut	4,507	
New York	2,075	
Pennsylvania	400	
	27,443	27,443

N. B.—The above troops were enlisted to serve to the last of December, 1775.

Conjectural estimate of militia employed in addition to the above.

Virginia, for six months	2,600	
Virginia, State corps, for eight months	1,180	
		3,180
North Carolina, for three months		2,000
South Carolina, for six months	2,500	
South Carolina, State troops	1,500	
		4,000
Georgia, for nine months		1,000
Grand total		10,180

Statement of the troops furnished by the following States, taken from actual returns of the Army, for the year 1776.

States.	Numbers of men in Continental pay.	Numbers of militia.	Total of militia and Continentals.
New Hampshire	3,019		
Massachusetts	13,372	4,000	17,372
Rhode Island	798	1,102	1,900
Connecticut	6,390	5,737	12,127
Delaware	609	145	754
Maryland	637	2,592	3,329
Virginia	6,181		
North Carolina	1,134		
South Carolina	2,069		
Georgia	351		
New York	3,629	1,715	5,344
Pennsylvania	5,519	4,876	10,395
New Jersey	3,193	5,893	9,086
Grand total	46,891	26,060	72,951

Conjectural estimate of militia employed in addition to the above.

New Hampshire, averaged at four months		1,000
Massachusetts, averaged at four months		3,000
Connecticut, averaged at four months		1,000
New York, averaged at four months		2,750
Virginia, averaged at four months		
North Carolina, averaged at eight months		3,000
South Carolina, averaged at six months		4,000
Georgia	750	
Georgia, State troops	1,200	
		1,950
		16,700
Grand total		89,651

[Quotas fixed by Congress, September, 1776, for three years or during the war.]

Statement of the troops furnished by the following States, taken from the actual returns of the Army, for the year 1777.

States.	Quotas required.		Troops furnished.		Total of militia and Continentals.
	Number of battalions, 680 men each.	Number of men.	Number of Continentals.	Number of militia.	
New Hampshire	3	2,040	1,172	1,111—3 months	2,283
Massachusetts	15	10,200	7,816	2,775—3 months	10,591
Rhode Island	2	1,360	548		548
Connecticut	8	5,440	4,563		4,563
New York	4	2,720	1,903	929—6 months	2,832
New Jersey	4	2,720	1,408		1,408
Pennsylvania	12	8,160	4,983	2,481—5 months	7,464
Delaware	1	680	299		299
Maryland	8	5,440	2,030	1,535—3 months	3,565
Virginia	15	10,200	5,744	1,269—5 months	7,013
North Carolina	9	6,120	1,281		1,281
South Carolina	6	4,080	1,650		1,650
Georgia[a]	1	680	1,423	and State troops	1,423
Besides the above, Congress authorized the Commander in Chief, on the 27th December, 1776, to raise 16 additional regiments of infantry	16	10,880			
Returns of May, 1778, of artillery	3	2,040			
Cavalry		3,000			
	107	75,760	34,820	10,100	44,920

[a] By the resolve of the 15th July, 1776, Georgia was authorized to raise in Virginia, North and South Carolina two regiments of infantry, and also two companies of artillery of 50 men each. These troops were chiefly enlisted for one year, and the time expired in 1777.

Conjectural estimate of militia employed in addition to the above.

New Hampshire and Vermont, for two months	2,200	
Massachusetts, for two months	2,000	
Connecticut, for two months	2,000	
New York, for six months	2,500	
New Jersey, for two months	1,500	
Pennsylvania, for three months	2,000	
Delaware, for two months	1,000	
Maryland, for two months	4,000	
Virginia, for two months	4,000	
South Carolina, for eight months	350	
Georgia	750	
Rhode Island, for six months	1,500	
		23,800
Grand total		68,720

[February 26, 1778, Congress resolved to have the following number of men furnished by each State:]

Statement of the troops furnished by the following States, taken from the actual returns of the Army, for the year 1778.

States.	Quotas required.		Furnished.		Total of militia and Continental troops.
	Number of battalions of 522 men each.	Number of men.	Number of Continental troops.	Number of militia.	
New Hampshire	3	1,566	1,283		1,283
Massachusetts	15	7,830	7,010	[a] 1,927	8,937
Rhode Island	1	522	630	[b] 2,426	3,056
Connecticut	8	4,176	4,010		4,010
New York	5	2,610	2,194		2,190
New Jersey	4	2,088	1,586		1,580
Pennsylvania	10	5,220	3,684		3,684
Delaware	1	522	349		349
Maryland, including the German battalion	8	4,176	3,307		3,307
Virginia	15	7,830	5,230		5,236
North Carolina	9	4,698	1,287		1,287
South Carolina	6	3,132	1,650		1,650
Georgia	1	522	673		673
Total	86	44,892	32,899	4,353	37,252

[a] Guarding convention troops. [b] Short levies and militia for six months.

Total from returns		37,252
Conjectural estimate of the militia employed in addition to the above.		
New Hampshire, for two months	500	
Massachusetts, two months	4,500	
New Jersey	1,000	
Virginia, two months	2,000	
Virginia, guarding convention troops	600	
South Carolina, three months	2,000	
Georgia, 2,000 militia six months and 1,200 State troops	3,200	
		13,800
Grand total		51,052

[March 9, 1779, Congress resolved that the infantry of these States, for the next campaign, be composed of 80 battalions, viz:]

Statement of the troops furnished by the following States, taken from actual returns of the Army, for the year 1779.

States.	Quotas required.		Furnished.	
	Number of battalions, 522 men each.	Number of men.	Number of men.	Militia.
New Hampshire	3	1,566	1 004	222
Massachusetts	15	7,830	6,287	1,451
Rhode Island	2	1,040	507	756
Connecticut	8	4,176	3,544	
New York	5	2,610	2,256	
New Jersey	3	1,566	1,276	
Pennsylvania	11	5,742	3,476	
Delaware	1	522	317	
Maryland	8	4,176	2,849	
Virginia	11	5,742	3,973	
North Carolina (8 months)	6	3,132	1,214	2,706
Georgia	1	522	87	
Total	80	41,760	27,699	5,135

Total from returns		32,834
Conjectural estimate of militia employed in addition to the above.		
New York, for three months	1,500	
Virginia, two months	3,000	
Virginia, six months	1,000	
Virginia, guarding convention troops	600	
North Carolina, for eight months	1,000	
South Carolina, for nine months	4,500	
Georgia	750	
Total conjectural		12,350
Grand total		41,584

JANUARY 24, 1879.

[*Resolved*, That the States furnish, by draft or otherwise, the deficiencies of their respective quotas of 80 battalions, apportioned by a resolve of Congress of 9th March, 1779.]

Statement of the troops furnished by the following States, taken from actual returns of the Army, for the year 1780.

States.	Quotas required.		Furnished.	
	Number of battalions of 522 men each.	Number of men.	Number of men.	Militia.
New Hampshire	3	1,566	1,017	76[illegible]
Massachusetts	15	7,830	4,453	3,43[illegible]
Rhode Island	2	1,044	915	
Connecticut	8	4,176	3,133	55[illegible]
New York	5	2,610	2,179	66[illegible]
New Jersey	3	1,566	1,105	18[illegible]
Pennsylvania	11	5,742	3,337	
Delaware	1	522	325	23[illegible]
Maryland	8	4,176	2,065	
Virginia	11	5,742	2,486	
North Carolina	6	3,132		
South Carolina	6	3,132		
Georgia	1	522		
Total	80	41,760	21,015	5,811

Total from returns		26,826
Conjectural estimate of militia employed in addition to the above.		
New York, two months	2,000	
Virginia, twelve months	1,500	
Virginia, three months	3,000	
North Carolina, average twelve months	3,000	
South Carolina, four months	5,000	
South Carolina, eight months	1,000	
Georgia	750	
Total conjectural		16,000
Grand total		42,826

[Arrangement 3d October, 1780.]

Statement of the troops furnished by the following States, taken from actual returns of the Army, for the year 1781.

States.	Quotas required.		Furnished.	
	Number of battalions, 576 men each.	Number of men.	Number of men.	Number of militia.
New Hampshire	2	1,152	700	
Massachusetts (four months' men)	11	6,366	3,732	1,566
Rhode Island	1	576	464	
Connecticut (four months' men)	6	3,456	2,420	1,501
New York	3	1,728	1,178	
New Jersey	2	1,152	823	
Pennsylvania	9	5,184	1,346	

Statement of the troops furnished by the States, etc.—Continued.

States.	Quotas required.		Furnished.	
	Number of battalions, 576 men each.	Number of men.	Number of men.	Number of militia.
Delaware	1	576	89	
Maryland	5	2,880	770	[a]1,337
Virginia	11	6,636	1,225	[b]2,894
North Carolina	4	2,304	545	
South Carolina	2	1,152		
Georgia	1	576		
Total	58	33,408	13,292	7,298

[a] With General Greene. [b] Before Yorktown.

Total from returns	20,590
Conjectural estimate of militia employed in addition to the above.	
Virginia	[c]2,000
North Carolina	[c]3,000
South Carolina	3,000
Georgia	750
Total conjectural	8,750
Grand total	29,340

[c] The average number employed during ten months of the year may be estimated at 6,000.

Statement of the troops furnished by the following States, taken from actual returns of the Army, for the year 1782.

States.	Quota required.		Furnished—number of men.
	Number of battalions, 576 men each.	Number of men.	
New Hampshire	2	1,152	744
Massachusetts	11	6,336	4,423
Rhode Island	1	576	481
Connecticut	6	3,456	1,732
New York	3	1,728	1,198
New Jersey	2	1,152	660
Pennsylvania	9	5,184	1,265
Delaware	1	576	164
Maryland	5	2,880	1,280
Virginia	11	6,336	1,204
North Carolina	4	2,304	1,105
South Carolina	2	1,152	
Georgia	1	576	
Total	58	33,408	14,256

Total from returns	14,256
Conjectural estimate of militia employed in addition to the above.	
Virginia	1,000
South Carolina, for four months	2,000
Georgia	750
Total conjectural	3,750
Grand total	18,006

Statement of the troops furnished by the following States, taken from the actual returns of the Army, for the year 1783.

States.	Quotas required.		Furnished—number of Continentals.	Total number of Continentals and militia.
	Number of battalions of 576 men each.	Number of men.		
New Hampshire	2	1,152	733	
Massachusetts	11	6,336	4,370	
Rhode Island	1	576	372	
Connecticut	6	3,456	1,740	
New York	3	1,728	1,169	
New Jersey	2	1,152	676	
Pennsylvania	7	5,184	1,598	
Delaware	1	576	235	
Maryland	5	2,880	974	
Virginia	11	6,336	629	
North Carolina	4	2,304	697	
South Carolina	2	1,152	139	
Georgia	1	576	145	
Total	58	33,408	13,476	13,476

N. B.—The Army in the Northern Department discharged the 5th November, 1783, and that in the Southern States on the 15th November, 1783.

H. KNOX, *Secretary of War.*

WAR OFFICE OF THE UNITED STATES, *May 10, 1790.*

Mr. LODGE. The Philippine bill, I believe, has been laid before the Senate.

Mr. BACON. I hope the Senator from Massachusetts will permit me to have something to say——

Mr. LODGE. I trust the afternoon will not be consumed by this historical debate. It is exceedingly interesting, but there will be some other opportunity for it, if the Senator will forgive me. The Senator from Alabama [Mr. MORGAN] gave notice that he desired to speak on his amendment to the bill.

Mr. MORGAN rose.

Mr. BACON. I hope the Senator from Alabama will allow me to proceed for a little while.

Mr. MORGAN. I have no objection to the Senator's proceeding as long as he wants to.

Mr. LODGE. If the afternoon is to be devoted——

Mr. BACON. I will address myself to the bill.

Mr. LODGE. I believe I have the floor.

The PRESIDING OFFICER (Mr. MITCHELL in the chair). The Senator from Massachusetts is entitled to the floor.

Mr. LODGE. If the afternoon is to be devoted to this interesting historical discussion, before it continues, as it must by unanimous consent, for it can continue in no other way, I should——

Mr. TILLMAN. If the Senator will pardon an interruption, can we not speak on this question on the Philippine tariff bill? You can not gag us in that way. You can not gag us in the effort to force the Philippine discussion.

Mr. LODGE. The Senator surely does not think I have any such idea.

Mr. TILLMAN. The Senator from Georgia has asked permission to discuss this very question, which has been elaborately presented by the Senator from Massachusetts and the Senator from Mississippi. How does the Senator from Massachusetts get his own consent to appear so invidious or so ungracious, or whatever other term may be permissible, to prohibit some little additional light being thrown on this subject?

Mr. LODGE. I have no desire to prevent the throwing of light on any subject, and I am perfectly aware that I can not prevent any subject of discussion being discussed here this afternoon. All I was now about to say was that I had an impression that I had the floor, although I had some reason to doubt that, and that while I occupied it, as I was in charge of the bill and responsible for it, I thought it only proper to say to the Senate that the Senator from Alabama had notified me that he would like, when the bill was laid before the Senate, to address himself to the amendment which he has offered. If he does not desire to go on this afternoon and wishes to yield to the Senator from Georgia, then, before I yield the floor for the discussion of these very interesting revolutionary questions, I should like, if I might have the privilege, to put in something relating to the Philippine debate, although I know it is far removed from the present debate.

Mr. HOAR. The Senator from Georgia will pardon me for one word.

The PRESIDING OFFICER. Does the junior Senator from Massachusetts yield, and if so to what Senator?

Mr. HOAR. I was about to say——

Mr. LODGE. I do not yield the floor. However, I yield to my colleague.

Mr. HOAR. I want to say to the Senator from South Carolina that I think the most effective argument against this whole Philippine business——

Mr. TILLMAN. Is the discussion of the patriotic impulses of our ancestors.

Mr. HOAR. Is a discussion of the Revolution. I think it is a pretty good atmosphere to get into this Chamber and to apply to modern conditions.

Mr. TILLMAN. I think so, too.

The PRESIDING OFFICER. The junior Senator from Massachusetts is entitled to the floor.

Mr. LODGE. Mr. President, I was saying when I yielded for a question that I desired, as the afternoon was to be given to the Revolution, to put in something relating to another subject which we have been debating here. I shall detain the Senate but a moment.

As the Senate is well aware, some remarks attributed to General Wheaton were brought up by the Senator from Idaho [Mr. DUBOIS] day before yesterday and commented on with great severity. I myself very greatly regretted seeing in the RECORD what I did not hear at the moment, that the Senator from Idaho referred to General Wheaton as a charity boy. I was very sorry that he should have done so, and I desire to put upon the record of the Senate and to read to the Senate the record of General Wheaton.

He was born in Michigan the 15th of July, 1838, and appointed from Illinois. He was appointed first sergeant Company E, Eighth Illinois Infantry, on the 20th of April, 1861, and served until the 20th of July, 1864. His subsequent record is as follows:

LOYD WHEATON.

Born July 15, 1838, in Michigan, and appointed from Illinois.

First sergeant Company E, Eighth Illinois Infantry	20 Apr., 1861, to 24 July, 1861
First lieutenant, Eighth Illinois Infantry	25 July, 1861
Captain	25 Mar., 1862

Major	28 Aug., 1863
Lieutenant-colonel	25 Nov., 1864
Honorably mustered out	4 May, 1866
Captain, Twenty-fourth United States Infantry	28 July, 1866
Unassigned	14 Apr., 1869
Assigned to Twentieth Infantry	1 Sept., 1869
Major, Twentieth Infantry	14 Oct., 1891
Lieutenant-colonel Twenty-second Infantry	31 May, 1895
Transferred to Twentieth Infantry	11 Sept., 1895
Transferred to Second Infantry	30 Dec., 1898
Brigadier-general, U. S. Volunteers	27 May, 1898, to 15 Apr., 1899
Colonel Twentieth Infantry	6 Feb., 1899
Brigadier-general, United States Volunteers	15 Apr., 1899
Major-general, United States Volunteers	18 June, 1900
Major-general, United States Army	30 Mar., 1901

Brevetted colonel of volunteers March 26, 1865, "for faithful and meritorious services during the campaign against the city of Mobile and its defenses;" major, United States Army, March 2, 1867, "for gallant and meritorious services in siege of Vicksburg, Miss.;" lieutenant-colonel March 2, 1867, "for gallant and meritorious services in the assault on Fort Blakely, Ala.," and major-general, United States Volunteers, June 19, 1899, "for conspicuous gallantry in action against insurgent forces near Imus, P. I., June 19, 1899."

Awarded medal of honor for distinguished gallantry in the assault on Fort Blakely, Ala., April 9, 1865, leading the right wing of his regiment, springing through an embrasure against a strong fire of artillery and musketry, the first to enter the enemy's works, while serving as lieutenant-colonel, Eighth Illinois Infantry.

The further details of his service I have here. I got the record from the War Department as soon as I could, and I shall ask to have it printed in full in my remarks.

Principally with his regiment in Alabama, Louisiana, and Texas from 1861 to 1865, and since his appointment in the Regular Army, in the Southern States from 1866 to 1869, and on the Western frontier to 1898, with the exception of two years' recruiting service.

Since the beginning of the war with Spain he has been commanding a brigade in Alabama and Florida to December, 1898, and in Cuba to January, 1899; en route to Manila to February 23, 1899, and commanding a brigade in the Eighth Army Corps to April 18, 1900; in command of the Department of Northern Luzon, Philippine Islands, to November 30, 1901, and of the Department of North Philippines to present date.

General Wheaton's appointment as major-general of volunteers was urgently recommended by Generals Otis and MacArthur in recognition of and as a reward for his exceptional and conspicuous service in action in the Philippines, where he has participated in all the hardest-fought battles, where success has been due in equal measure to his cool determination and ability to handle troops in trying circumstances. He was made a major-general in the Regular Army for conspicuous services in connection with the capture of Aguinaldo.

I did not know before the details of General Wheaton's record. I think that that record is an honor not only to him, but to the country which he has served all his life long. I do not know what may have suggested calling him a charity boy, unless it was the idea that he was a West Pointer, which he was not. He entered the Army as a private. He is a very gallant officer, of singularly fine record, incapable, as I believe, of any conduct unbecoming an officer. I do not see from either of the dispatches that he did anything except to comment upon the remarks of President Schurman, of Cornell, which, in my judgment, he had a right to do.

Mr. President, I will also say that I regret very much, and I can not but feel that my friend the Senator from Idaho [Mr. DUBOIS] will regret also having applied any such epithet as "charity boy" to him even if he had been a graduate of West Point. The graduates of West Point and Annapolis are a body of young men who are invited there by the laws of the United States. They receive their education from the Government, and they render back all they have received and have rendered it back many times over. West Point has given to the country such soldiers as Lee and Grant, Sherman and Sheridan and Johnston, and Thomas and Stonewall Jackson. It has given to us in these later times some of the men most distinguished in our military service, and Annapolis has given to us many of our great naval officers. It seems to me that these men and their fellow-graduates have repaid a hundred-fold all that the country ever did for them.

Mr. President, the Senator from Idaho is the graduate of a great university. I am the graduate of another sister university. Those universities give to all who come within their gates an education at a fee for tuition far, far below what the actual cost is. They are enabled to do it by reason of the wise benevolence extending, in the case of Yale and Harvard, over two centuries and more of time. Those two universities also hold scholarships given by benefactors to afford poor boys, unable to secure an education in any other way, the opportunity to get an education there. I am sure the Senator from Idaho, with his memories of the great university of which he is a graduate, would be the last to say that any man who had gone there, whether he had received a scholarship or without assistance had simply received the tuition which the institution opens to all—I am sure he would be the last to apply to any of those men, many of whom have brought great honor to the United States, the term of "charity students."

If we would not apply it to our own universities, or to the universities of the country at large, certainly we ought not to apply it to the great schools which the United States has established, not to give charity to anybody, but to give the opportunity to her sons who may be fit to learn to defend her in the best way on land and sea alike.

It is not within my province especially to defend the Army or the Navy, but I feel, for one, a very deep sense of gratitude to both those services for all they have done, and I am slow for my part to criticise any of the officers, especially any officer with so remarkable a record of honorable service as that which I have had the pleasure to lay before the Senate in reference to General Wheaton. [Applause in the galleries.]

Mr. DUBOIS. Mr. President, when this subject was discussed, not quite so elaborately as it has been discussed by the Senator from Massachusetts, but very fully by the Senator from North Dakota [Mr. MCCUMBER], I learned that General Wheaton was not a graduate of West Point. I then paid him a great tribute for his gallantry and bravery. I think all of us enjoyed very much the splendid dissertation of the Senator from Massachusetts on the Army and on the colleges of the country, and I was pleased, after they have telegraphed from Manila that General Wheaton used the language attributed to him, to hear him defend General Wheaton for that. He started out this debate by saying that there was nothing in it; that we should not condemn these men for uttering language which they did not utter. Now, after all this quibbling, at the very end of it, he stands up and delivers a learned dissertation and admits that our contention was correct.

Mr. LODGE. The Senator, unless——

Mr. DUBOIS. I should like to know from the Senator from Massachusetts if he thinks Army officers have the right to criticise the Senate when it is attempting to enact legislation, or to criticise the course it is taking?

Mr. LODGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Massachusetts?

Mr. LODGE. I thought the Senator asked me a question. I will not interrupt him.

Mr. GALLINGER. Will the Senator from Idaho permit me to say a word?

Mr. DUBOIS. Certainly.

Mr. GALLINGER. I have in my hand what purports to be a dispatch from the Associated Press, which is published this morning, and that dispatch says:

General Wheaton's vigorous criticism referred entirely to Professor Schurman's speech at Boston, though he holds the professor in high personal esteem.

Mr. DUBOIS. I understand that perfectly, and I will say in this connection, too——

Mr. GALLINGER. I was about to add, if the Senator will permit me, that I think the Senator from Idaho will not contend that the man who is at the head of our armies in the Philippines is not entirely within his province when he criticises any utterance of a private citizen in the city of Boston. I do not think the Senator will contend that General Wheaton has not a right to criticise an utterance of Professor Schurman, who is not a member of the Senate or in Government employ.

Mr. DUBOIS. I will contend that it is in exceedingly bad taste, to say the least, for an Army officer, in active service, to criticise the opinion of a gentleman who has gone there to gather facts officially and to present to the American people.

But I want to say, in addition, to the Senator from New Hampshire that the dispatch started out by saying that the civil and military authorities were all agreed in criticism of the minority of the Senate for their substitute. Then it went on to state what General Wheaton said, carrying the impression to anyone who read it that General Wheaton not only agreed with the criticism mentioned, but in addition said this also.

I want to state, while I am on my feet, that I am glad the gentlemen on the other side are forced to admit that General Wheaton used this language. I will say, furthermore, that General Wheaton censored the dispatch, and both of them, and there is a censorship in Manila.

The Senator from Ohio [Mr. FORAKER] yesterday read an interview with Governor Taft, and the Senator from Ohio put an interpretation upon the interview that Governor Taft said that

there was no censorship. The senior Senator from Massachusetts [Mr. HOAR] disagreed with that interpretation. I agree with the senior Senator from Massachusetts. I do not think the Senator from Ohio put the proper interpretation upon Governor Taft's language. I do not believe that Governor Taft meant to say there is no censorship there. I will read what Governor Taft said:

> Although there was a time when, for military reasons, it was not advisable to make public everything occurring in the Philippines, the necessity for such secrecy is over, and no effort is now being made to conceal any part of the truth from the people of this country.

I do not believe that that can be tortured into meaning that Governor Taft said there is no censorship. Governor Taft is a fellow-graduate of mine of the distinguished university to which the Senator from Massachusetts referred. I know him personally, and have the utmost respect for him, and I would believe any statement he would make. I do not believe he would make a statement which was intended to mislead; and I say there is a censorship, in my judgment, in Manila.

I will tell you what they do. No correspondent can send a dispatch from there until after he has filed a copy of it with the military authorities, and the dispatch which he puts in the cable company's office must be an exact duplicate of the one which he furnishes the military authorities. Now, the gentlemen on the other side can quibble over that if they want to. I think it is a censorship. That would be my interpretation of it. Those are the facts as they exist there.

There was much heat in the debate yesterday over the question of censorship, the Senator from Colorado [Mr. TELLER] contending that it was in vogue there; the Senator from Indiana [Mr. BEVERIDGE] and others insisting that it was not. I state the facts, and I think if in this debate we can get at the facts we can legislate more fairly. I see no necessity for quibbling in regard to these matters. Your side will justify it, no matter what is done. Why not justify it at the start instead of putting us to the trouble of ascertaining these things which you yourselves can ascertain if you go to any sort of pains about it. I do not care to say anything more.

Mr. LODGE. I merely wish to say, in regard to the censorship, that I did not intend to speak without authority. I had asked the Secretary of War, and I asked him again last night. I took pains in order to find out at the Department. He said there was no censorship there.

Mr. DUBOIS. I give you the facts.

Mr. LODGE. I give you the name of my authority. I shall be very glad to have the names of the authorities who say there is a censorship.

Mr. DUBOIS. It will be very easy to ascertain whether I am correct, and I shall not give the name. I state it on my responsibility as a Senator. Our committee can find out whether or not I am correct.

Mr. LODGE. Very well.

Mr. DUBOIS. You may not think that is censorship. I am stating the facts.

Mr. LODGE. We can very easily call the Secretary of War before us.

Mr. FORAKER. The Senator from Idaho has referred to my statement here yesterday. I want to say what I then said as to my interpretation of Governor Taft's statement. I have not any doubt that Governor Taft was perfectly sincere. We all know him to be a man of character, and a man who would not undertake to mislead the American people by making an evasive statement or one that was intended to carry any occult meaning. He undertook to answer frankly the inquiry made of him, and his statement was that there was a time when because of military reasons there was some supervision of dispatches, but that for a long time there has been no effort to conceal any part of the truth.

Mr. CULLOM. I will read what he said, if the Senator will allow me.

Mr. FORAKER. I put it in the RECORD yesterday.

Mr. CULLOM. Oh, did you?

Mr. FORAKER. It is already in the RECORD.

Mr. CULLOM. Then it is not worth while for me to read it.

Mr. FORAKER. I assume it is the same statement that was put in the RECORD, and which is found on our desks this morning.

Mr. CULLOM. I assume that it is.

Mr. FORAKER. But to ascertain definitely in regard to the matter, I did as the Senator from Massachusetts says he did; I made application to the Secretary of War to know what the truth is as to whether or not a censorship is now maintained in the Philippines. He made to me the same answer that he made to the Senator from Massachusetts—that while for a time there was supervision of press dispatches and other dispatches because of military necessities or supposed necessities, there is not now any supervision or censorship of any kind whatsoever.

He added, however, in the statement to me, which was sent to me by telephone, that to meet this matter a letter had been sent by General Greely, who was in charge of cable and of telegraphic facilities in the Philippines, to the Senator from Indiana [Mr. BEVERIDGE]. I will yield the floor in order that the Senator from Indiana may put that letter into the RECORD if he so desires. I have seen it, and it meets the whole question, as I understand it.

Mr. BEVERIDGE. Mr. President, because of the somewhat extended discussion which has occurred upon the point as to whether a censorship exists between this country and the Philippine Islands, in the discussion of the tariff bill now before us, and because of my statement, on personal knowledge, that there was no such censorship there, I requested the War Department, having control of this matter, to make an official statement, and I received this morning a letter which I now send to the desk and ask that it be read.

The PRESIDING OFFICER. The Secretary will read the letter.

The Secretary read as follows:

WAR DEPARTMENT, SIGNAL OFFICE,
Washington, January 29, 1902.

Hon. A. J. BEVERIDGE,
United States Senate, Washington, D. C.

MY DEAR SENATOR BEVERIDGE: In answer to your telegram of this morning asking whether censorship exists in the Philippine Islands over Signal Corps or other telegraph lines, I have to report as follows:

Censorship in the Philippine Islands has been removed entirely between these islands and Europe and America, save in the case of code messages of unauthorized firms having no standing. The press is entirely free.

Necessarily a limited censorship is maintained over messages in the Philippine Archipelago and to adjacent points where insurgent troops and agents are in active hostility against the United States. Press messages are not censored to any place in Europe or America, but only to points where insurgents are actively engaged, through juntas or other agencies, such as in Hongkong or Singapore.

Very respectfully,
A. W. GREELY,
Brigadier-General, Chief Signal Officer, U. S. A.

Mr. BEVERIDGE. Mr. President, it thus appears, and I have no doubt even to the satisfaction of the Senator from Idaho, that as to communications of the press between the Philippine Islands and America and Europe or any other portions of the world except the two points where the Philippine insurgents may maintain representatives—to wit, Singapore and Hongkong—there is absolute freedom of communication of information.

Mr. DUBOIS. Will the Senator allow me to ask him a question?

Mr. BEVERIDGE. Certainly.

Mr. DUBOIS. If it appears that my statement is absolutely correct, and that no dispatch goes out unless a copy is given to the military authorities, would you consider that censorship?

Mr. BEVERIDGE. Mr. President——

Mr. DUBOIS. I should like to have you answer that question before the facts are ascertained to your satisfaction.

Mr. BEVERIDGE. I will say upon that subject that I do not think it pertinent to go into a discussion of an hypothesis, which the Senator has not yet established, when we have an official statement before us.

Mr. DUBOIS. I state facts. You might not consider that censorship. This letter does not disprove my statement.

Mr. BEVERIDGE. I will answer the Senator's question, although I can not conceive what light this throws upon the subject in hand, which is an emergency tariff bill. I will say that the filing of a dispatch with the authorities would not seem to me to be censorship if the authorities exercise no power to strike any portion of it out or to indicate what should be sent or what should not be sent. Is that an answer to the Senator's question?

Mr. DUBOIS. Certainly; that is an answer to it. There may not be any censorship according to the Senator from Indiana. According to my notion——

Mr. BEVERIDGE. Oh, Mr. President, it is not my intention to aid the Senator in his policy of procrastination upon this bill by taking up time in discussing the theory of censorships; though I will remark that he started out with a charge, direct and emphatic, that a censorship existed in the broadest terms. And now when he is confronted not only with a statement from myself, with statements verbally made from the War Department, but also by a letter officially written and signed, we have the whole matter reduced by him to the proportions of his present proposition, to wit, that correspondents are required to file copies of anything sent out, and even that is stated upon authority which the Senator is not willing to give.

Now, Mr. President, I may be excused for declining to enter into a theoretical discussion of censorship in general, and certainly such a meager, attenuated one—I will not call it one at all—such a description of a condition as the Senator from Idaho now gives.

Mr. President, I call attention to the fact that it is admitted, and it never has been denied, that a censorship exists between points in the Philippine Islands where there is insurgent activity. I have no doubt that the Senator will admit, as a perfectly proper military precaution, that there might be censorship between that

and any junta established by them at Hongkong and Singapore. And I will ask him whether or not that is not a proper military precaution?

Mr. President, it was not my purpose in rising to consume one single moment of time except to lay before the Senate the letter which had been written to me upon this subject, because I did not think when it was first mentioned, and I do not think now, that it contributes to the enlightenment of the Senate or the country upon the question now before the Senate, which is the emergency tariff bill reported by the committee.

I was surprised at the beginning of the discussion of this question, which we of the majority are ready to vote upon to-day without further discussion, or which we are ready to debate, that the Senator from Idaho should see fit to discuss censorships which do not exist, or the character of a brave and gallant officer whom he charged with being a charity boy.

After that had transpired, it looked to me, and I doubt not it looked to everybody here present upon this side of the Chamber, as though there was no intention on the part of the opposition to really discuss the measure which had been reported back by the Senator from Massachusetts, and which did not need any further elucidation from any Senator upon this side of the Chamber after the Senator from Massachusetts had so ably, clearly, and fully presented its merits and given the reasons for its immediate passage. It looked then, and it looks now by a continuation of these practices, as though the opposition has adopted a policy of procrastination, and I might even say has devised a plot for delay, which the Senator from Idaho seems to be engineering with such signal ability.

Mr. WELLINGTON. Mr. President, before we quit the subject of the criticism of the Senator from Idaho [Mr. DUBOIS], I beg leave to say just a word upon it.

I am rather pleased that the Senator from Idaho, though mistaken in his conjecture, brought about this debate. I believe that there is in the army of the United States employed in the Philippines a decided spirit of criticism upon any man in the United States, whether he be in the Senate or out of it, for expressing an opinion upon a conviction he may hold that the present war in the Philippines is unrighteous and unjust; and when such an expression is made in the Senate, forthwith from every section of the country, and from the Philippines, there come assertions that the man who makes the statement is unpatriotic, and sometimes they even go so far as to say that he is guilty of treason.

Now, sir, I believe the time has come when the Senate of the United States should take cognizance of this matter. I believe I have a right, as a Senator of the United States Senate, representing in part one of the States of this Union, to present to the Senate of the United States my conviction and opinions upon any great national question. I believe I should have the right to do so without being criticised by the officers of the Army. And why? Not as a matter of any personality, but, sirs, one of the dangers of imperialism, one of the dangers confronting this country, is that the enlargement of the Army, as it has been made by this unjust and unrighteous war, puts forth an increased estimation of the Army—an army no longer engaged in patriotic duty, but an army engaged in conquest; and that this Army and its officers will gradually rise in the scale as the civil scale goes down.

What was the danger of Rome? How did the senate of Rome lose its power? It was by the going up of the power and the influence of the army. It was by its criticisms of the senate, until the senate at last became subservient to the army power.

It is for that reason that I object to these criticisms. I am glad to know that General Wheaton did not criticise the Senate of the United States, at least it has been made apparent that he has not done so. But no military record, no amount of bravery or ability in the Army will excuse, in my opinion, an Army officer for making such criticism of the Senate of the United States as will impede the progress of its duty. It is one of the duties of the Senate to listen to the convictions of the minority. They may be wrong, but I believe it would be well for the Senate and for the country in these days to think upon the words that Abraham Lincoln used as he stood upon the steps of the Capitol, when he said: "With malice toward none; with charity toward all, but with a firmness for the right, as God gives me to see the right, I will do my whole duty."

Let us do our duty as we see it. I may see it differently from that of the majority of the Senate, but I have the right to stand here and give evidence of my convictions, and to stand by them, even though I am beaten.

Mr. STEWART. Mr. President, I have listened with a good deal of interest to this debate. I have not yet heard anything from anyone in the Army or from the people in criticism of the Senate of the United States that was very remarkable or unusual. This body and the other and the President have been criticised from the beginning, and I think the criticism of the people, although sometimes unjust, on the whole has been useful. I believe in the freedom of speech and of the press. That freedom is sometimes abused, as we all know it must be, but it is by freedom of utterance that public opinion is formed, by which the country is governed.

Now, there has been another subject discussed here, which is not entirely germane to the bill, for I think it is a revenue bill. It is as to what we will do with the Philippines. It is said that we have no right to hold them because we have not procured them with their consent. I should like to inquire how in all history civilization ever progressed where barbarism existed—and it always existed where civilization did not, so far as we have any history—except by moving onward without the consent of the barbarians. I should like to know of an instance in all history where barbarians expressed in any form their desire for civilized nations to take possession of their country.

If the theory of the consent of the governed had prevailed, the fathers who landed at Jamestown would have left the country; the *Mayflower* would have returned with its crew, for nobody in the country consented that they should remain. Every acre of land which this Republic now governs has been procured against the will of the original inhabitants.

Senators say it will involve war if we take land without the consent of the original occupants. It always has involved war. War commenced in the colonies of New England immediately upon the arrival of the Pilgrims. So, south of the Potomac the original settlers were always involved in war. Our progress has been marked by war. The Jefferson purchase involved a hundred years of war, some of it very severe. Those wars have cost hundreds of millions of dollars, and they are not entirely over yet. Is this all wrong? Must progress stop? Must civilization be bound by the will of the barbarians? Can it not grow? Do we not justify it in any form?

I could give you instances of ancient times. Did the people of England consent to the rule of William the Conqueror? Earlier than that, did they consent to the Roman conquest of the country? Did they consent to the numerous invasions of the Northmen who came there and settled among them? Not at all. They fought against it. They were finally overcome by William the Conqueror and his barons, who divided up the country and established laws.

They did not even acknowledge the citizenship of more than a very few of the people. Then came that grand struggle for citizenship among our ancestors, the long parliamentary contention as to the right of Englishmen. When they wrung the great charter from King John it was granted to the barons and not to the people. The people claimed that the Magna Charta extorted from King John belonged in common to all Englishmen. The struggle to realize its benefits developed free government. The struggle of hundreds of years by our ancestors for liberty and equality has extended free institutions wherever the Anglo-Saxon has found a home.

If William the Conqueror had waited until England had invited him to come a very different history would have been written. We might not have had free institutions anywhere. It took the struggles of hundreds of years to gain the rights of Englishmen who planted free institutions in England, and then, imbued with the rights of man, they established them in this country.

Now, it is said that the Philippines furnish an exception. Why? Because the Philippines are a great way off. In point of time the Philippines are nearer to us than Plymouth Rock or Jamestown was to England three hundred years ago. The Philippines are nearer to us to-day than California and Oregon were fifty years ago. In time of communication the Philippines are nearer to Washington than Philadelphia was when the archives of the Government were removed to the District of Columbia. The same arguments of distance were used when California and Texas were acquired. The descriptions of the worthlessness of California and New Mexico and the difficulty of governing them are repeated by the reactionists in describing the conditions in the islands of the Pacific.

If the vigor of expression and fervor of imagination which characterized the eloquence of Webster and his colleagues in denouncing our Mexican acquisitions have not been fully equaled by modern orators in their wild and extravagant speeches against our new acquisitions in the Pacific, it is not for want of passion, but for lack of capacity. When Alaska was acquired we were sneeringly told that we were buying icebergs. The only argument which prevailed in the Senate to secure the ratification of the treaty was that Russia was our friend and it might be regarded as an affront if we did not buy it, and on that account it was taken.

Who would give it away now? Who would give away anything that we have acquired? If any man thinks the American people will give up territory he is mistaken. Put the question to the American people as often as you will, as long as our Government grows it will expand. That is the history of all governments. When we commence to contract and to give up country, then we

will decay. Whatever we may say here, however we may criticise the management of that country (and it is proper to criticise, because I believe in free speech) we will go on and we will civilize the islands, and we will establish ourselves in the most important commercial point in all the East.

The Philippines are at the doors of China and Japan through which all the commerce from Europe which passes through the Suez Canal must go. It must pass our gateway. The Philippines have the best location of any country in all the East for trade and commerce. If we are to have the trade of that country we must be there. If we are strangers, if we do not appear there, we will not be advertised, but when the people of the Orient see us there and feel our power and learn the advantages that we are bestowing upon that people we will have trade; we shall have a trade in the Pacific which will rival the trade of the Atlantic.

I think that those islands are more valuable than we can now conceive. I think they are going to add more wealth in the way of trade and commerce to the United States than any acquisition that we could possibly have acquired. It seems providential that they come to us. It only remains for us to be wise in our government, kind, and firm.

Senators talk about our taking the rights of the Filipinos away from them. They have never risen to the idea of local self-government, and they do not know what it is. They never have tasted the joys of good government of any kind. They have been for three hundred years under Spanish rule, which we all know means despotism, fraud, and treachery. Spain, I am sorry to say, has taught them lessons which must be unlearned.

We do not expect to get their consent. We do not ask it any more than we asked the consent of the people of Louisiana, of the savage tribes that inhabited the great interior of the continent, of the inhabitants of California and New Mexico, or the original inhabitants of any other territory over which the flag of the Republic now floats. Whatever country we have acquired or shall acquire has been and will be without the consent of the inhabitants. If we plant civilization in countries where it does not exist we must do it in opposition to the barbarous practices our institutions supersede. There is no way to avoid it.

Shall we throw up the advantages that we have? Shall we abandon the Sandwich Islands, Guam, and the Philippines, which make our position stronger in the Pacific than it is in the Atlantic? It gives us a most admirable position, and our people will avail themselves of it, and they will not injure the people of the Philippines, but they will improve their condition and their trade. They will give them a stable government, which they have never enjoyed. That is what we have done wherever we have gone.

If you submit this question to the American people they will decide to keep the Philippines, to improve them, to be kind and just to the people, and those who come after us will be bound by that public sentiment which exists for fair play to the people of the Philippines and justice in the administration of the laws. If any military officer commits an outrage there he will have to answer at the bar of public opinion.

Mr. President, I dare to trust our military officers. They understand the sentiment and spirit of the American people. The idea of military rule overrunning this country, with the little paltry army that we have to control the Philippines, is absurd. I do not fear the Army. The Army is loyal to the flag and loyal to all our institutions, and the civil officers who will be sent there will carry to the Philippines lessons of freedom and of justice which they have not before learned.

It is a part of the destiny of the United States to redeem those islands, to set an example in the Orient. Of course we hear complaints at the beginning. No step has ever been made to extend the borders of the United States which has not been opposed with bitterness. It is well that we should hear both sides on all occasions.

I am not annoyed because people propose to give up the islands. I am not annoyed because fault is found with what has been done. I believe in the freest discussion. Let the arguments be stated which exist against progress, against expansion, against the growing power of our great Republic. Caution our country, if you will, but progress will go on; new acquisitions will be made; liberty will be extended as long as the Republic survives. While it lives it will grow. It will extend its blessings farther and farther over the world. It will give new lessons and inspire men with hope everywhere.

But you can not expect to do this with the consent of those who have never tasted the sweets of liberty and who can not understand the language of free institutions or appreciate the blessings of a stable government. The aspirations of the American people for growth and expansion can not be resisted.

The opponents of progress and expansion may destroy themselves, but they can not resist their irresistible force. The Federal party, which was dominant under Washington and his patriotic colleagues, was crushed and destroyed by its opposition to Jefferson's policy of expansion, and after thirty years of banishment from power was compelled to change the name of Federalist to Whig. The victorious Whig party in the forties was led by Clay, Webster, Corwin, and others in opposition to the annexation of Texas and the acquisition of New Mexico and California, and was destroyed by the futile attempt to resist the aspirations of the people.

History is again repeating itself, and the opposition is again attempting to thwart the growth and expansion of the Republic. Let them take warning that there is nothing in the situation or the surroundings to encourage them to hope to avoid the fate of all previous attempts of a similar character. If they would learn by experience the lesson of 1900, when the issue to surrender the Philippines was distinctly made, they ought to be satisfied that the American people are determined to retain the islands.

Whatever the opposition may do, the progress of civilization will go on, as it has gone on, with more momentum and glory than ever before.

I have no fears of the future of my country. I believe in it. I believe in its institutions. I believe in its people. Wherever they plant the tree of liberty they are able to guard and protect it and nurture it and make it grow. I have no doubt of that. We have never failed, and we are not going to fail now.

Mr. BACON. Mr. President, as the Senator from Nevada [Mr. STEWART] has gone back to the time of William the Conqueror, I suppose I may be permitted to say a word about some things that occurred some seven hundred years after that; and as, in a different part of his speech, he had something to say about our free institutions and the manner in which they were secured, it is possible that it may not be out of place for me to say something as to those who were concerned in the establishment of those free institutions.

A matter was brought to the attention of the Senate this morning by the Senator from Mississippi [Mr. MONEY] which was a resumption of the same subject which had been before the Senate one day last week, and in which I had at that time a very small participation. At that time the Senator from Massachusetts [Mr. HOAR] made a statement that in the Revolutionary war Massachusetts had furnished more soldiers to the patriot army than all the States "south of Mason and Dixon's line" combined, a statement which I then challenged and which I now dispute the correctness of. If this discussion revives ancient history, the Senator from Massachusetts is alone responsible for it, as he made the statement without any provocation from any Southern Senator.

Mr. President, the matter to which I allude—I would not pursue it further, except that I wish to complete the record, a part of which has been already so well presented—is a matter of importance, and, as suggested by the senior Senator from Massachusetts [Mr. HOAR] and by the Senator from South Carolina [Mr. TILLMAN], discussing, as we are here, questions which relate to the proposed independence or the continued domination of another people, it is not inappropriate that we should refer to the time when we ourselves won our independence; and it is a question, Mr. President, of no light moment to any of those representing a people who were engaged in that struggle, as to whether or not they bore their full share in those sacrifices and toils and sufferings which ended in the securing of that independence.

Mr. President, I desire to acquit the senior Senator from Massachusetts of any design to speak invidiously of the Southern States. I accept most fully his assurance to the contrary; and I will say, Mr. President, that even if he did in a moment of inadvertence say what was unjust to those whom he then denominated as being "south of Mason and Dixon's line," the generous tribute which he paid to-day to the patriotism of the South would be ample and more than ample compensation for it. Therefore, Mr. President, what I now say is not for the purpose of reflecting upon the senior Senator from Massachusetts in any way, or of criticising him, but simply for the purpose, I repeat, of completing the record, in order that to-day's CONGRESSIONAL RECORD, which has so much upon the subject, may have the advantage of whatever I now may offer in the way of a completion of that which interests the particular section which I in part represent. It is important that it be not in doubt that the South performed its full part in the war of the Revolution.

The senior Senator from Massachusetts has read from the records of the War Department, or rather the records of Congress furnished by the War Department, as to the number of soldiers furnished by the different States in the Revolutionary struggle. I will not repeat what the Senator from Mississippi [Mr. MONEY] has said relative to the omission—the necessary omission—of certain soldiers who were furnished by the South at that time, but I will call attention to one fact, and that is, that those records give the statement of all the soldiers who were upon the pay roll. If those soldiers had been enlisted for the war, of course that record would be an accurate comparative statement as to the number furnished by each State; but it is a notorious fact that

during the Revolutionary war men were enlisted for very short periods and for very irregular periods. The consequence is that in taking the pay rolls necessarily there were duplications. As stated by the Senator from Mississippi this morning, he had knowledge of a particular instance in which one man had enlisted in New England eight times.

I did not expect this debate to come up this morning, and consequently I have not some documents which I should otherwise be provided with; but I recollect in Washington's correspondence, in a letter, I think, written to one of his secretaries, and if I mistake not the name of the secretary was Reade—I may be in error about that, however, but I am not about the substantial facts I am going to state—Washington complained of the great hardship and difficulty of mustering out one army and enlisting another, in the suburbs of Boston, in the face of the enemy. That was in the winter of 1775–76; in other words, the entire term of enlistment of the Army expired in the winter of 1775–76, and one army was mustered out and another army enlisted or reenlisted, and doubtless many of them, if not the majority of them, were reenlistments, and if so, they were counted twice, probably not all of them twice, of course, but there were without doubt many duplications.

If that had been all to which I wished to call attention, Mr. President, I should not have trespassed upon the time of the Senate; but there is a most remarkable fact, which I think ought to be put in to-day's RECORD in connection with what has been said here by other Senators to-day upon this subject. That fact is that the number of Revolutionary soldiers is not confined to those who were engaged actively in fighting the British and the Hessians, but that it extends to those who were protecting the frontiers of the country from the Indians, whom the British themselves were enlisting and endeavoring to incite to participation in the war, they in that way becoming most valued allies to the British cause.

The Senator from Mississippi has read as an authority here the testimony of a Southerner, the Hon. J. L. M. Curry, a native of my State. I propose now to read the testimony of a Northern man, the present President of the United States. In a book written by him, called "Winning of the West"—I have not the volume here; I sent to the Library for it, but, unfortunately, the particular volume that has the extracts in it I desired to present has not been sent to me, and, therefore, I read it as an extract from the book, reprinted in the same volume that the Senator from Mississippi read from. This extract shows that there was a most important part played by the soldiers of the Southern States, to the exclusion of the troops from the Northern States, in defending the territory of the colonies against the red allies of the British, and in winning, as he terms it, this great Western territory. Mr. Roosevelt gives the entire credit to the soldiers from the South, not only as to the territory lying immediately west of the South, but of the great Northwestern territory, out of which are now carved most of the great States that we designate as the Middle West. In addition, it is an important fact that in the important battles of the Revolution fought in the Southern States the soldiers were almost entirely from the South. They fought their own battles, not only with the British, but with the Indians, who were allies of the British.

I will read what Mr. Roosevelt in his book, Winning of the West, says on that subject, and I repeat that it constitutes a most important feature in the history of the Revolutionary struggle. If the Western border had been left unguarded, subject to the incursions of Indians who were armed and supplied by the British, the result, if not different, would have followed a struggle which certainly would have been very much more arduous and attended with very much more sacrifice. Mr. Roosevelt in this book says:

> Indeed, the Southwesterners not only won their soil for themselves, but they were the chief instruments in the original acquisition of the Northwest also. Had it not been for the conquest of the Illinois towns in 1779 we should probably never have had any Northwest to settle, and the huge tract between the Upper Mississippi and the Columbia, then called Upper Louisiana, fell into our hands only because the Kentuckians and Tennesseeans were resolutely bent on taking possession of New Orleans, either by bargain or by battle. All of our territory lying beyond the Alleghenies, north and south, was first won for us by the Southwesterners fighting for their own land. The northern part was afterwards filled up by the thrifty, vigorous men of the Northeast, whose sons became the real rulers as well as the preservers of the Union; but these settlements of Northerners were rendered possible only by the deeds of the nation as a whole. They entered on land that the Southerners had won, and they were kept there by the strong arm of the Federal Government, whereas the Southerners owed most of their victories only to themselves.
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> The first comers around Marietta, did, it is true, share to a certain extent in the dangers of the existing Indian wars; but their trials are not to be mentioned beside those endured by the early settlers of Tennessee and Kentucky; and whereas these latter themselves subdued and drove out their foes, the former took but an insignificant part in the contest by which the possession of their land was secured. Besides, the strongest and most numerous Indian tribes were in the Southwest.

Mr. President, the Southern soldiers who did this great work were not on the rolls of the Army and were never counted. Who can say how many there were? They were on the frontier and were soldiers all the time, with their rifles ever in hand.

Then the author of this book goes on to say—I am speaking now of what Dr. Curry says, for what I have read is the end of the quotation from Mr. Roosevelt's Winning of the West:

> Beginning in 1774, these border men crossed the Alleghenies, defeated French, Spaniards, and the British with their Indian allies, made homes for their families in the primeval forests, enlarged the area of freedom, and opened the way for the establishment of organized liberty on this virgin continent. Romance contains nothing more thrilling than the exploits of these pioneer men and women; and we do injustice, while honoring the achievements of those engaged in more regular warfare against the British and the Tories, not to keep in grateful remembrance the deeds of those who, amid severer hardships and dangers, were subduing more active and dangerous foes. These backwoodsmen were ardent patriots, and deserve to be classed with their fathers and brothers on the Atlantic coast.
>
> In 1774 was fought the battle of the Great Kanawha, bloody and stubborn, closely contested between the Indians and the backwoodsmen.

What I am about to read is a quotation, but whether it is a quotation from Winning of the West or not, I do not know, for I have not had time to compare it with the original:

> This war kept the Northwestern tribes quiet for the first two years of the Revolutionary struggle and rendered possible the settlement of Kentucky,

and therefore the winning of the West.

I presume that is a quotation from Mr. Roosevelt:

> Lewis's army consisted of men from Botetourt and Fincastle, but those counties then embraced all southwestern Virginia—even extended to "the waters of the Mississippi."
>
> The men of the West took little share in campaigning against the British and Hessians. In the exigencies of the unequal war they were left to take care of themselves, and were fully occupied in "holding the wooded wilderness that stretched westward to the Mississippi," and in laying therein the foundations of many future commonwealths. Only trained woodsmen could have occupied successfully the regions out of which so many States have been carved. Patrick Henry and Jefferson and Wythe encouraged Clark, to whose tact, energy, courage, and executive ability, in his momentous expedition of 1778–79, we owe the acquisition of the West and the defeat of the British and the Indians.
>
> The British commander records his mortification at having to yield Fort Vincennes, in 1779, "to a set of uncivilized Virginia woodsmen armed with rifles," and Roosevelt says had Clark, "in this most memorable of all the deeds done west of the Alleghenies in the Revolutionary war," been defeated, "we would not only have lost the Illinois, but, in all probability, Kentucky also." The British were never able subsequently to shake the hold of the Americans upon this section; and the Indians became quiet until their hostilities were far less formidable. In the war of the Revolution, Great Britain sought to "stop the westward growth of the English race in America, and to keep the region beyond the Alleghenies as the region where only savages should dwell." The arms used by savages against both organized foes and helpless noncombatants were supplied from British arsenals. Clark, in his campaign in the Illinois and the Northwest, and Boone, in Kentucky, encountered Indians officered and armed by the British.

Mr. President, I have thought it necessary to read that in order to complete the record which has been made to-day by Senators who have preceded me.

The senior Senator from Massachusetts, in the speech made by him on the 15th of January, which gave rise to the several speeches which have been made—and I recognize fully that it was not the intention of the Senator to say anything which would be invidious or unpleasant to the people of the South, and he has to-day spoken of them in such high terms as to be gratifying to us all—made another statement which was challenged at the time, and which I shall read. The Senator then used this language:

> Mr. President, in talking about the training in civil life of sailors, there is another fact which has not been generally known, even here. Our independence in the Revolutionary war was won at sea. Lord North and the monarch, George III, and their successors, could have continued for a hundred years, if it had been necessary, the land war of the Revolution, and England was rich enough to pay the cost then. The English people would have submitted. What compelled Lord North and the unwilling monarch to make peace was the rate of insurance on English commerce. It was not the French alliance. It was not the French troops under Rochambeau. It was the New England sailors and the other sailors of the maritime States who won our independence.

The senior Senator from Massachusetts again alluded to that this morning. At the time it was first uttered by him I took the liberty of challenging the statement and expressing my want of belief that such was the cause to which our independence was due.

I shall not undertake to go into the question at length, but I have here another witness from the North, a letter written by a Massachusetts gentleman, Hon. John E. Russell, published in the Springfield Republican, directly responsive to the statement made by the senior Senator from Massachusetts in the Senate which I have just read, and I will ask that the Secretary be permitted to read it as a part of my remarks.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

NEW ENGLAND PRIVATEERING AND ITS RELATION TO THE INDEPENDENCE OF THE COLONIES—JOHN E. RUSSELL TAKES ISSUE WITH SENATOR HOAR.

To the Editor of the Republican:

Our senior Senator said in the debate last Wednesday that the independence of the colonies was won at sea; that it was not the French alliance nor the other wars in which England was engaged, but New England privateering which raised maritime insurance to 28 per cent and compelled peace.

This is an old statement revived, but it will not bear examination. Privateering was useful in the early months of the conflict by intercepting vessels conveying munitions and stores to the army. After the evacuating of Boston several transports were taken with large numbers of Scotch recruits for Gage, who had sailed away to the north.

After the Declaration of Independence the business took a wide range and became enormously profitable for a time; prizes were sold by connivance of the French, and at the end of 1776 some 250 East Indiamen had been captured and insurance rose to 28 per cent, the figure which Mr. HOAR says compelled a peace six years afterwards. But there was no talk of peace in England or Scotland. The great commercial towns heartily supported the war. Bristol, though represented by Edmund Burke, who was on the side of the colonies and led the opposition in the House of Commons, was not against the war.

The effect of successful privateering was demoralizing. The privateersman was not a patriot soldier; he was not fighting in a cause; he was engaged in legalized piracy upon noncombatants for his own benefit. Washington did not approve of it because it prevented recruiting, and the story of its successes discouraged men who bore the privations of the army. He complained that he could not get recruits enough to balance desertions, and when his fortunes were at their lowest and his men ragged and marching without shoes, great fortunes were being made by speculators and privateers.

Robert Morris complained that the Eastern States were so intent upon privateering that they minded little else, and the loyalists of the Middle States said that the popularity of the war in New England was due to the profits made in it, though the largest gains were in Philadelphia. Colonial affairs were at a low ebb. Washington had been defeated at Brandywine and Germantown, Philadelphia was in possession of the British, and Congress was wandering about, when the turn came in the capture of Burgoyne's army at Saratoga. The New England States were stirred to vigorous action by the invasion of the British, with a large contingent of Canadian Indians, on their frontier, and by a sweeping draft through the whole region, they sent not less than 10,000 men to the assistance of the force under command of Gates, though Arnold, Morgan, and Lincoln did the fighting. A well-equipped army of nearly 6,000 British and German troops, under excellent officers, was compelled to surrender.

American historians consider this the turning point of the war. Creasy puts Burgoyne's defeat among the fifteen decisive battles of the world. Lord Mahon, in his history of England, from 1713 to 1783, rates it as the cause of American independence, because it brought on war between Great Britain and France and Spain. Mr. Lecky, in his England in the Eighteenth Century, says: "It made the triumph of the Revolution a certainty." Lord Shelburne, who, as minister, made peace with us, says, in his memoirs, that from it came the loss of the colonies. John Fiske agrees with the others I have cited.

When war was on between England and France privateering was at a disadvantage. There were no more unarmed unwary merchantmen afloat. England in arms was in fact mistress of the seas. She had not only ships, but seamanship. English vessels sailed in fleets, with strong convoys, the French ports were closely watched, and swarms of English privateers were out. There were two sides to the game. In a few months the fisheries and the West India trade, hitherto the main reliance of New England, were ruined; the coasting trade was destroyed, and 900 sail had fallen into British hands. (Hildreth, Vol. III, p. 241.) Rates of marine insurance did not advance, even when Spain and Holland joined France and the war was extended to the East Indies. It remained at about 28 per cent to the peace of Versailles.

It is the fact that the conclusion of the war in America was brought about, as Captain Mahan states, by the failure of the British to prevent the French fleet from going north from the West Indies to Chesapeake Bay. That junction of the fleet with the French land forces and Washington's troops compelled the surrender of Cornwallis, the triumph of the "anti-imperialists" in Parliament, and the formation of a cabinet pledged to make peace with the colonies.

Notwithstanding the success at Yorktown, which, as a French victory, is blazoned on the walls of Versailles, France was ruined. Spain, then still a great power, recovered the island of Minorca, Florida, and control of the Gulf of Mexico, but she failed to wrest Gibraltar from the defense of Elliot. In the final treaty she gave England those rights on the Mosquito coast which have so bothered our diplomacy for the past fifty years. The Dutch had nothing to show but scars and increased debt. At the close of the war the Baltic fleet of merchantmen, with a cargo not only of immense value, but of great importance, since it contained the materials of future navies, by good fortune and skillful seamanship escaped capture from 12 Dutch sail of the line. What was New England privateering in the turmoil of such events?

England could have carried on the war, no doubt, if her people had been in favor of it, but they were tired of it. The public debt had been nearly doubled and there was a sum of 30,000,000 sterling unfunded. Neither the Government nor Parliament were aware of the straits to which the colonies were reduced. Speculation was at an end. Privateering brought in no prizes. The previous winter Washington had informed Congress and several of the governors that he could not "rub through another campaign." Not an eighth of the quota of troops decreed were in the field; powder, small arms, clothes, and money had to be supplied by France.

In this extremity, but a few months before the end, a special messenger was sent to Paris to demand a large loan; so desperate was the condition that Hamilton proposed to threaten France that if cash was not forthcoming at once the colonies would make terms with England, "not as a menace, but as a candid declaration of circumstances." What the messenger (Laurens) did say we do not know, but Vergennes is on record as saying that the Americans were ungrateful and insolent; but the money was raised, exacted rather than borrowed, and it served the purpose. I am not unmindful of differences of opinion, nor of Walpole saying that history can not be true. I am also aware that the story of the Revolution is yet to be written, but whoever reads Washington's letters will get more of the truth concerning it than from all other American sources.

JOHN E. RUSSELL.

LEICESTER, *January 18, 1902.*

Mr. BACON. In saying anything upon this subject, I have not the slightest desire to depreciate in any manner anything which was done by Massachusetts in the Revolutionary war. Whether Faneuil Hall was entitled to the appellation, certainly Massachusetts was "the cradle in which young Liberty was rocked," and I would not, in anything I say, detract in any manner from all the credit and all the glory that she is entitled to in that struggle, which has so affected the destiny not only of this continent but of the whole world.

Mr. President, I will say one other word in this connection. The senior Senator from Massachusetts [Mr. HOAR], in a manner most delightful to me, exemplifies his loyalty to the free institutions which were won in that struggle, and I only wish that the temporary departure of a number of people in Massachusetts from harmony with him in that regard may be short lived, and that within a short time, as to that, all others in Massachusetts may be like him.

Mr. HOAR. I should like to say one word about Mr. Russell's letter. I do not want to prolong this debate. But the letter which has been read will not bear any analysis at all. I have seen it before, and it is in opposition to what is now the best accepted historic judgment, as I understand. But the letter itself gives away half the case. He says that I am quite right in saying that England could have carried on the war indefinitely if she had chosen, and that it was stopped because the English people were tired of it. And that is true. That is about half what I said, but I add that the English people were tired of it, not because they were tired of the mere expense of sending soldiers over here (for England has always been lavish with her money in military matters), but their commerce was almost destroyed; it was imperiled.

I saw myself in the cellar underneath the Supreme Court the papers of a court made up of a committee of Congress, but which sat as an admiralty court, and there was an enormous number of prizes which they adjudged and brought in, showing how extensive were our captures. Everybody knows that one privateer or man-of-war capturing ten ships will make the lives of 500 shipowners unhappy. Just think of the *Alabama!* With all we suffered on land by the brilliant military operations of the great Southern commanders and the brave and wonderfully efficient troops they commanded, just think what terror the *Alabama* alone struck into the Northern seacoast! That vessel, with the *Florida* and one or two less known, alone drove Northern commerce from the sea; and Paul Jones and Abram Whipple were quite as terrible in their day as Captain Semmes and his *Alabama* were to us.

Now, Mr. Russell quotes the fact that some eminent authority has said that the success of the Revolution was due to the victory at Saratoga. There never is a great chain of historic events, all of which affect the final result, in regard to which somebody does not say of each one of them that it produced it. There was a battle at Concord Bridge where there were eight or nine hundred British soldiers on an expedition, and one company of them had an encounter across the river with Continental troops, and the British regiment was driven back to Charlestown under a fire from every stone wall and every thicket on the way, and Edmund Burke, who had as sure an historic instinct as any man who ever lived and who studied the events of that war with all the power of his transcendent genius, said of the battle of Concord, "That day made independence certain."

Mr. Russell might as well say it was not Paul Jones and the driving of British commerce from the sea, but it was that little company of two or three hundred men at Concord Bridge that won our independence, and cite Mr. Burke for his authority, as to cite Creasy as to the effect of Saratoga.

Mr. President, it was after Saratoga, was it not, that we saw the darkest time of the war, the capture of Charleston, the ravaging of the fields of the South by Tarleton and the other British generals, the brilliant defense of Marion and Sumter, a defense which led one of them, I think it was Marion, to be called the Swamp Fox. It was after Saratoga that the terrors of Valley Forge were encountered by Washington and his army with bare and bleeding feet through the snows of that terrible winter. I do not think you can say that because Saratoga was essential to our success, even the Vermont and New Hampshire farmers and their neighbors from Massachusetts who captured Burgoyne at Saratoga accomplished the result; and I adhere to my original opinion that although, without the great courage and constancy of Washington and the army on land under his command, and without Saratoga, and without Yorktown our liberties would not have been won; on the other hand, they would not have been won by them but from the fact that the merchants of the great seaports of Great Britain clamored for peace, and the obstinacy of King George and Lord North even were unable to resist their demands.

Mr. BACON. Mr. President, I think the Senator from Massachusetts underestimates the effect of the surrender of Burgoyne as well as that of Cornwallis, and in so saying I am certainly paying a very high tribute to his State, because, whatever Massachusetts did not have anywhere else, she had, I think, about 10,000 troops which were sent there for that particular purpose. If I recollect aright the surrender of Burgoyne was in October, 1777. The great effect of the surrender of Burgoyne was the recognition by France of the independence of the United States and the French alliance, which not only followed immediately thereafter, but which was the direct consequence of it and which would not have occurred but for that.

Mr. President, I do not doubt that the privateers, if you please, or naval forces, contributed largely to securing our independence, and I have no desire to depreciate the value of the services of privateers, but that with which I take issue and with which I

took issue a week ago was the statement by the Senator from Massachusetts which he practically repeats to-day:

Our independence in the Revolutionary war was won at sea. Lord North and the monarch, George III, and their successors, could have continued for a hundred years, if it had been necessary, the land war of the Revolution, and England was rich enough to pay the cost then. The English people would have submitted. What compelled Lord North and the unwilling monarch to make peace was the rate of insurance on English commerce.

In the first place, Lord North had gone out of power at that time, but that is utterly immaterial. I suppose he was driven out of power by the necessity of making peace.

Mr. LODGE. When peace was made.

Mr. BACON. That is immaterial, from the fact he doubtless lost power by the necessity which was ahead of him of surrendering his war policy.

The Senator from Massachusetts [Mr. HOAR] omits to give estimate to the fact that at that time England was at war not simply with the United States, but with France, with Spain, and with Holland, and at the time when she made peace with the United States she had achieved great naval victories over her European enemies. It was just at that time, if I recollect correctly, that the siege of Gibraltar, after having lasted several years, was raised by the British fleet, and it was just at that time, if I recollect correctly, that the British won a great victory in the Indies against the French. I do not recall for a moment the names of the respective commanders. England had won a great naval victory over both of her principal antagonists—Spain and France—and if it be true that the question of maritime insurance was the one most influential at that time, that was the time, after she had defeated her enemies at sea and had swept them from the sea, when that difficulty would have been relieved.

I repeat I have no desire to depreciate that which was done by the sailors of the maritime States, but I do challenge and take issue with and repudiate the statement that our liberties were not won by the soldiers on land in the battles which they fought and by the blood which they shed.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

Mr. HOAR. I wish to appeal to my friend the Senator from Illinois to yield for a brief discussion of the character of Mary Queen of Scots. [Laughter.]

Mr. CULLOM. That would be very interesting, I know, from the Senator from Massachusetts.

Mr. TILLMAN. Mr. President——

Mr. CULLOM. I desire to say to my friend the Senator from South Carolina that I wish a brief executive session, and that I am compelled to leave the Senate in a very little while.

Mr. TILLMAN. I think we can very profitably go back to the wellsprings of liberty and take another draft in the morning; and if the Senator from Illinois is exceedingly anxious for an executive session, I will defer my few little remarks on Revolutionary history and the little part South Carolina took in it until morning, when the Senator from Massachusetts will call up the Philippine bill again, and we will again proceed to discuss it as we have done this afternoon.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 4 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Thursday, January 30, 1902, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate January 29, 1902.

APPOINTMENT IN THE ARMY.

Infantry Arm.

William F. C. Jepson, late musician, Company A, Third Infantry, to be second lieutenant, February 2, 1901, to fill an original vacancy.

SURVEYOR OF CUSTOMS.

Cicero M. Barnett, of Kentucky, to be surveyor of customs for the port of Louisville, in the State of Kentucky. (Reappointment.)

COLLECTOR OF CUSTOMS.

Charles H. Maris, of Texas, to be collector of customs for the district of Brazos de Santiago, in the State of Texas. (Reappointment.)

CHIEF JUSTICE OF ARIZONA.

Edward Kent, of Colorado, to be chief justice of the supreme court of the Territory of Arizona, vice Webster Street, whose term will expire March 20, 1902.

POSTMASTERS.

Thomas White, to be postmaster at South Hadley, in the county of Hampshire and State of Massachusetts. Office became Presidential January 1, 1902.

Robert Dunn, to be postmaster at Akely, in the county of Hubbard and State of Minnesota. Office became Presidential January 1, 1902.

Benjamin C. Eaton, to be postmaster at Pittsford, in the county of Monroe and State of New York. Office became Presidential January 1, 1902.

Selah S. Connell, to be postmaster at West Carrollton, in the county of Montgomery and State of Ohio. Office became Presidential October 1, 1901.

John W. Deam, to be postmaster at Geary, in the county of Blaine and Territory of Oklahoma. Office became Presidential January 1, 1902.

Harry Duncan, to be postmaster at Cross Fork, in the county of Potter and State of Pennsylvania. Office became Presidential January 1, 1902.

William E. Brown, to be postmaster at Linesville, in the county of Crawford and State of Pennsylvania. Office became Presidential January 1, 1902.

Francis E. Harrison, to be postmaster at Ridley Park, in the county of Delaware and State of Pennsylvania. Office became Presidential January 1, 1902.

Richard F. Lawson, to be postmaster at Effingham, in the county of Effingham and State of Illinois, in place of Richard F. Lawson. Incumbent's commission expires February 7, 1902.

Augustus Gibson, to be postmaster at McLeansboro, in the county of Hamilton and State of Illinois, in place of Augustus Gibson. Incumbent's commission expired January 21, 1902.

John J. Clark, to be postmaster at Bedford, in the county of Taylor and State of Iowa, in place of John J. Clark. Incumbent's commission expired January 10, 1902.

Arthur M. Beymer, to be postmaster at Corning, in the county of Adams and State of Iowa, in place of Arthur M. Beymer. Incumbent's commission expires February 7, 1902.

Gardner S. Turrill, to be postmaster at Jefferson, in the county of Greene and State of Iowa, in place of Gardner S. Turrill. Incumbent's commission expires February 15, 1902.

Fred E. Smith, to be postmaster at Newburyport, in the county of Essex and State of Massachusetts, in place of Fred E. Smith. Incumbent's commission expires February 11, 1902.

Laurence O'Brien, to be postmaster at Preston, in the county of Fillmore and State of Minnesota, in place of Laurence O'Brien. Incumbent's commission expired January 14, 1902.

Arthur M. Blackman, to be postmaster at Snohomish, in the county of Snohomish and State of Washington, in place of Arthur M. Blackman. Incumbent's commission expired January 22, 1902.

John T. Wood, to be postmaster at Columbus, in the county of Lowndes and State of Mississippi, in place of John T. Wood. Incumbent's commission expired January 18, 1902.

Clara E. Mortimer, to be postmaster at Crystal Springs, in the county of Copiah and State of Mississippi, in place of Clara E. Mortimer. Incumbent's commission expired January 12, 1902.

Anthony T. Woolley, to be postmaster at Long Branch, in the county of Monmouth and State of New Jersey, in place of Anthony T. Woolley. Incumbent's commission expired January 12, 1902.

Dennis W. Mahony, to be postmaster at Passaic, in the county of Passaic and State of New Jersey, in place of Dennis W. Mahony. Incumbent's commission expired January 12, 1902.

Charles Burrows, to be postmaster at Rutherford, in the county of Bergen and State of New Jersey, in place of Charles Burrows. Incumbent's commission expires February 1, 1902.

Artie E. Galloway, to be postmaster at Silver City, in the county of Grant and Territory of New Mexico, in place of Artie E. Galloway. Incumbent's commission expires February 15, 1902.

Albert H. Lapham, to be postmaster at East Aurora, in the county of Erie and State of New York, in place of Albert H. Lapham. Incumbent's commission expired January 14, 1902.

Nathan Van Wagenen, to be postmaster at New Paltz, in the county of Ulster and State of New York, in place of Nathan Van Wagenen. Incumbent's commission expires February 11, 1902.

Harriet L. Knapp, to be postmaster at Shortsville, in the county of Ontario and State of New York, in place of Harriet L. Knapp. Incumbent's commission expired January 19, 1902.

George B. Frease, to be postmaster at Canton, in the county of Stark and State of Ohio, in place of George B. Frease. Incumbent's commission expires February 23, 1902.

Philo S. Clark, to be postmaster at Portsmouth, in the county of Scioto and State of Ohio, in place of Philo S. Clark. Incumbent's commission expires February 2, 1902.

Frank Frantz, to be postmaster at Enid, in the county of Garfield and Territory of Oklahoma, in place of John A. Buckles. Incumbent's commission expired January 10, 1902.

William Kerr Galbraith, to be postmaster at Canonsburg, in the county of Washington and State of Pennsylvania, in place of William Kerr Galbraith. Incumbent's commission expires January 31, 1902.

Charles S. Moss, to be postmaster at Franklin, in the county of Williamson and State of Tennessee, in place of Charles S. Moss. Incumbent's commission expires February 2, 1902.

Andrew W. Wills, to be postmaster at Nashville, in the county of Davidson and State of Tennessee, in place of Andrew W. Wills. Incumbent's commission expires March 9, 1902.

Joseph E. Roach, to be postmaster at Atlanta, in the county of Cass and State of Texas, in place of Joseph E. Roach. Incumbent's commission expired January 10, 1902.

Theodore Ray, to be postmaster at Midland, in the county of Midland and State of Texas, in place of Theodore Ray. Incumbent's commission expired January 10, 1902.

John O. Jackson, to be postmaster at Blackstone, in the county of Nottoway and State of Virginia, in place of John O. Jackson. Incumbent's commission expires January 31, 1902.

Charles L. Hammond, to be postmaster at Quincy, in the county of Norfolk and State of Massachusetts, in place of Charles L. Hammond. Incumbent's commission expires February 11, 1902.

Susan C. Fulton, to be postmaster at Hawley, in the county of Clay and State of Minnesota, in place of Nelson H. Fulton, deceased.

George L. Stoughton, to be postmaster at Westerville, in the county of Franklin and State of Ohio, in place of Simeon Chapman, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 29, 1902.

DEPUTY AUDITOR.

George P. Dunham, of Ohio, to be Deputy Auditor for the Interior Department.

SURVEYORS-GENERAL.

Morgan O. Llewellyn, of Las Cruces, N. Mex., to be surveyor-general of New Mexico.

Frank A. Morris, of South Dakota, to be surveyor-general of South Dakota.

REGISTERS OF LAND OFFICES.

William Farre, of Canyon City, Oreg., to be register of the land office at Burns, Oreg.

Henry Frank Millikan, of Santa Fe, Kans., to be register of the land office at Dodge City, Kans.

George Steel, of Missouri, to be register of the land office at Ironton, Mo.

William H. Martin, of Missouri, to be register of the land office at Boonville, Mo.

John A. Steele, of Alabama, to be register of the land office at Huntsville, Ala.

Nicholas Galles, of Hillsboro, N. Mex., to be register of the land office at Las Cruces, N. Mex.

Howard Leland, of New Mexico, to be register of the land office at Roswell, N. Mex.

Manuel R. Otero, of New Mexico, to be register of the land office at Santa Fe, N. Mex.

George E. Foster, of South Dakota, to be register of the land office at Mitchell, S. Dak.

John S. Vetter, of South Dakota, to be register of the land office at Aberdeen, S. Dak.

RECEIVERS OF PUBLIC MONEYS.

Arthur W. Kinney, of California, to be receiver of public moneys at Los Angeles, Cal.

Charles C. Evans, of Allison, Kans., to be receiver of public moneys at Colby, Kans.

Lewis J. Pettijohn, of Kansas, to be receiver of public moneys at Dodge City, Kans.

C. Sanford Russell, of Missouri, to be receiver of public moneys at Ironton, Mo.

Herman Schmidt, of Missouri, to be receiver of public moneys at Boonville, Mo.

Henry D. Bowman, of New Mexico, to be receiver of public moneys at Las Cruces, N. Mex.

Morris H. Kelly, of Aberdeen, S. Dak., to be receiver of public moneys at Aberdeen, S. Dak.

Thomas C. Burns, of South Dakota, to be receiver of public moneys at Mitchell, S. Dak.

POSTMASTERS.

Fred D. Walker, to be postmaster at Belchertown, in the county of Hampshire and State of Massachusetts.

John C. Koch, to be postmaster at St. Marys, in the county of Elk and State of Pennsylvania.

D. C. Hogue, to be postmaster at Watsontown, in the county of Northumberland and State of Pennsylvania.

William H. Merrill, to be postmaster at Salem, in the county of Essex and State of Massachusetts.

John Duff, to be postmaster at New Bedford, in the county of Bristol and State of Massachusetts.

Edward F. Shaw, to be postmaster at Three Rivers, in the county of Hampden and State of Massachusetts.

Walter E. Clark, to be postmaster at Waldoboro, in the county of Lincoln and State of Maine.

Jessie F. Fernald, to be postmaster at Kittery, in the county of York and State of Maine.

J. Winslow Richardson, to be postmaster at Winchester, in the county of Middlesex and State of Massachusetts.

Roswell S. Edgcomb, to be postmaster at Groton, in the county of New London and State of Connecticut.

J. Henry Roraback, to be postmaster at Canaan, in the county of Litchfield and State of Connecticut.

William H. Marigold, to be postmaster at Bridgeport, in the county of Fairfield and State of Connecticut.

George H. Jackson, to be postmaster at New Milford, in the county of Litchfield and State of Connecticut.

Seth Pratt, to be postmaster at Litchfield, in the county of Litchfield and State of Connecticut.

Hubert Williams, to be postmaster at Lakeville, in the county of Litchfield and State of Connecticut.

Forrest W. Peavey, to be postmaster at Wolfboro, in the county of Carroll and State of New Hampshire.

Charles E. Slate, to be postmaster at Winchester, in the county of Cheshire and State of New Hampshire.

Alfred E. Bean, to be postmaster at Berlin, in the county of Coos and State of New Hampshire.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *January 29, 1902.*

The House met at 12 o'clock m. Prayer by Rev. JOHN VAN SCHAICK, Jr., First Universalist Church, Washington, D. C.

The Journal of the proceedings of Monday last was read and approved.

OLEOMARGARINE BILL.

Mr. HENRY of Connecticut. Mr. Speaker, I beg leave to make a report from the Committee on Agriculture on the bill (H. R. 9206) known as the oleomargarine bill. The gentleman from New York [Mr. WADSWORTH] has a request to make.

Mr. WADSWORTH. Mr. Speaker, the gentleman from Connecticut makes the report of the majority. The minority report accompanies that report, and will be printed in connection with it, and also the bill offered as a substitute for what is known as the Grout bill.

The SPEAKER. The Chair will state to the gentleman from New York [Mr. WADSWORTH] that what is called the views of the minority should properly go into the basket with the report itself. The gentleman from Connecticut reports what is known as the oleomargarine bill, and the gentleman from New York states that the views of the minority accompany the report.

Mr. WADSWORTH. And also the substitute bill proposed by the minority for the Grout bill. I simply want to give that information to the House. I know that the proper course was to put it in the basket.

FOREST RESERVATIONS.

Mr. LACEY. Mr. Speaker, I ask unanimous consent of the House to have printed as a House document a recent opinion of the Attorney-General in reference to forest reservations. I could have it done by the committee, but it is a matter of some importance, and I think it ought to be in the form of a House document.

The SPEAKER. The gentleman from Iowa asks unanimous consent to print in the RECORD an opinion of the Attorney-General bearing upon the subject of forest reservations.

Mr. RICHARDSON of Tennessee. That was not the gentleman's request.

Mr. LACEY. It was as a House document.

The SPEAKER. That it be printed as a House document. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

CALL OF COMMITTEES.

The SPEAKER. The Clerk will resume the call of committees.

Mr. LACEY (when the Committee on the Public Lands was called). Mr. Speaker, we have nothing more to present.

The Clerk continued the call.

Mr. LACEY (when the Committee on Mines and Mining was called). Mr. Speaker, I do not see the gentleman from Oregon

in his seat. There is a bill that they desire to present this morning. The gentleman is now in the lobby, and I would be glad if that committee could be passed without losing its place.

The SPEAKER. The gentleman from Iowa asks unanimous consent that the Committee on Mines and Mining be passed without prejudice. Without objection, this will be done.

There was no objection.

Mr. RUCKER (when the Committee on Election of President, Vice-President, and Representatives in Congress was called). Mr. Speaker, the chairman of the committee, the gentleman from Michigan [Mr. CORLISS], is absent from the city and requested me to ask that this committee call might be passed without prejudice to the committee.

The SPEAKER. The gentleman from Missouri asks unanimous consent that the Committee on Election of President, Vice-President, and Representatives in Congress be passed without prejudice. Without objection, this order will be made.

There was no objection, and it was so ordered.

The call of the committees was resumed and concluded.

The SPEAKER. The Clerk will call the committees that were passed without prejudice.

The Committee on Mines and Mining was again called.

The SPEAKER. Has the gentleman from Iowa any bill to call up?

Mr. LACEY. Mr. Speaker, I am not a member of the committee. There does not seem to be a single gentleman in the House present who is a member of that committee, yet they desire to call up a bill.

The Committee on Election of President, Vice-President, and Representatives in Congress was again called.

The SPEAKER. This completes the call of all the committees within the rules.

PERMANENT CENSUS.

Mr. PAYNE. Mr. Speaker, the gentleman from Illinois [Mr. HOPKINS] says that he has a report ready to present from the Committee on Census, otherwise I do not know of any business before the House, and I would like to suggest right here that some gentlemen will be complaining later on in the session of the rule, and will raise that as an objection, or as a reason why they have not been able to get their bills before the House. It seems to me the only reason why the bills are not considered is that they have not been reported from the committees and the committees have not completed their work upon the bills.

Mr. RICHARDSON of Tennessee. I will call for the regular order.

Mr. PAYNE. It is a good deal like the case of lawyers having no business the first week, and after that they have more business than they can attend to——

Mr. RICHARDSON of Tennessee. I make the point of order that the gentleman is not in order.

The SPEAKER. The gentleman from Tennessee demands the regular order.

Mr. PAYNE. Then I ask unanimous consent that the gentleman from Illinois [Mr. HOPKINS] may file his report upon the bill from the Committee on the Census after the adjournment of the House to-day, so that it can be printed.

The SPEAKER. The gentleman from New York asks unanimous consent that the gentleman from Illinois, chairman of the Committee on the Census, be permitted to file his report after the adjournment, so that it may be printed. Is there objection to this request?

Mr. CRUMPACKER. The committee directed that the request be made that the bill and report be printed in the RECORD of to-morrow, as it is the purpose of the chairman of the committee to call up the bill for consideration to-morrow; and I would like to have that request added to the request of the gentleman from New York—that the bill and report be printed in to-morrow's RECORD.

Mr. UNDERWOOD. Mr. Speaker, I make the point of order. We can not hear what is being said over there.

The SPEAKER. The gentleman from Indiana asks that it be printed in the RECORD.

Mr. CRUMPACKER. The bill and the report.

Mr. BURKETT. Mr. Speaker, if that part is added to the request I shall object; I mean that part which asks that it be taken up to-morrow.

Mr. CRUMPACKER. That is no part of the request.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I shall object to everything unless we can have order.

Mr. PAYNE. Mr. Speaker, I will repeat my request—that is, that the gentleman from Illinois [Mr. HOPKINS], chairman of the Committee on the Census, have leave to file his report after adjournment of the House to-day, and have it printed in the usual way.

Mr. RICHARDSON of Tennessee. I have no objection to that.

The SPEAKER. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none, and it is so ordered.

Mr. CRUMPACKER. Mr. Speaker, I ask unanimous consent that the bill and report of the chairman of the Committee on the Census be printed in the RECORD to-morrow. I see that the gentleman from Illinois just came in.

The SPEAKER. The Chair will state to the gentleman from Illinois that the House has already given unanimous consent that the gentleman may file his report from the Census Committee after the adjournment of the House.

Mr. HOPKINS. I ask unanimous consent, Mr. Speaker, that my report and the bill, prepared under the instructions of the House, may be printed in the RECORD for the benefit of members.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the bill and his report be printed in the RECORD.

Mr. RICHARDSON of Tennessee. Pending that request, Mr. Speaker, I desire to ask the gentleman from Illinois, the chairman of the committee, if the report is unanimous?

Mr. HOPKINS. The report is a unanimous report on a roll call. Every member of the committee is in favor of the bill.

Mr. RICHARDSON of Tennessee. There are no views of the minority?

Mr. HOPKINS. None whatever.

Mr. BURKETT. I would like to ask the gentleman a question. What is the object of running this in the RECORD? It will be printed in small type. Why can it not be printed in the ordinary way?

Mr. HOPKINS. It will be printed in the ordinary way, but for the benefit of the members it will be better to have it in the RECORD also.

Mr. BURKETT. Well, I have no objection to that.

The SPEAKER. Is there objection to the request of the gentleman from Illinois? [After a pause.] The Chair hears none, and it is so ordered.

[House Report No. 262, Fifty-seventh Congress, first session.]

PERMANENT CENSUS BUREAU.

Your committee beg leave to report that, in accordance with the instructions of the House, they have prepared a substitute bill for House bill 198, which provides for a detailed organization of a permanent census bureau, and report said bill and the substitute bill to the House with the following report:

The arguments of scientific men, economists, statisticians, and others on the necessity and value of a permanent census office have been summarized in a report prepared for the Census Committee by the Director of the Census, and available for examination by the members of the Senate. Your committee does not deem it necessary to enter into any recapitulation or restatement of the arguments and suggestions of this report, all of which have its unanimous approval.

Section 1 of the bill now submitted simply declares the temporary Census Office to be a permanent office of the Government. A declaratory enactment of this character is made necessary by the proviso of section 1 of the act of March 3, 1899, which declares that "nothing herein contained shall be construed to establish a census bureau permanent beyond the Twelfth Census."

Section 2 provides that the work of the Twelfth Census shall be carried on under the existing organization of the Census Office until July 1, 1902, at which date the Director of the Census assures us that all the work on the four great reports of the Twelfth Census—Population, Manufactures, Agriculture, and Vital Statistics—will be completed and published in accordance with the time limit fixed by section 7 of the existing census act. The date of the completion of these great reports furnishes an easy, natural, and proper point at which to reorganize the office on a permanent basis.

Sections 3 and 4 of the proposed bill provide for the official staff of the reorganized permanent census bureau, and include only such officials as are deemed necessary for the proper administration of the permanent work of the bureau. The salaries of the officials who are to be retained under these sections are as follows:

1 Director	$5,000
3 chief statisticians, at $2,500	7,500
1 chief clerk	2,500
1 disbursing clerk	2,100
3 expert chiefs of division, at $1,800	5,400
1 stenographer	1,500
6 clerks, class 3, at $1,600 each	9,600
10 clerks, class 2, at $1,400 each	14,000
Total	47,600

The following employees are dispensed with:

2 chief statisticians	$3,000
1 purchasing agent	2,500
1 superintendent of printing	2,500
1 geographer	2,500
7 expert chiefs of division, at $2,000	14,000
1 appointment clerk	2,500
1 stenographer	2,000
12 clerks of class 4, at $1,800 each	21,600
15 clerks of class 3, at $1,600 each	24,000
18 clerks of class 2, at $1,400 each	25,200
1 captain of the watch	840
2 messengers	1,200

The above reduction in the force effects a saving of about $114,400 per annum. The offices of appointment clerk and disbursing clerk are combined in the proposed bill. This reduction in the executive staff is as far as it is safe to go, and contemplates that many valuable experts in the census work will continue their services in the Census Office at lower rates than they now receive.

Section 5 provides that the employees now on the rolls of the Census Office shall be placed in the classified service of the Government. This provision is only just to a large body of worthy clerks whose efficiency has been thoroughly demonstrated. The adoption of section 5 of the proposed bill will place in the classified service of the Government as efficient and thoroughly equipped body of clerks as has ever been certified to the Executive Departments of the Government. The same section also provides that new appointments in the permanent Census Office, when they become necessary in the

course of time, shall be made through the regular classified service of the Government.

Section 6 retains in force all the sections of the act of March 3, 1899, for the taking of the Twelfth and subsequent censuses which are not repealed or amended by the provisions of this bill. The sections of existing law thus retained relate exclusively to the methods of taking the census, appointment and duties of supervisors, enumerators, etc., and the general organization of the office.

In order that the exact situation in which the passage of this bill will leave the whole question of census legislation, the committee submits the following statement which indicates precisely the sections of the existing law which will remain unrepealed, in the event of the passage of the proposed bill, and the purpose of each section.

Section 6 provides that census information shall be collected by supervisors, enumerators, and special agents.

Section 7 indicates the nature of the inquiries on the population, manufactures, agricultural, and mortality schedules.

Section 9 relates to the appointment of supervisors.

Section 10 to the duties of supervisors.

Section 11 to the compensation of supervisors.

Section 12 to the enumerators and their duties.

Section 13 to enumeration districts.

Section 14 to the removal of delinquent enumerators.

Section 15 to interpreters.

Section 16 to enumerators' compensation.

Section 18 to the oath of office.

Section 19 to the date enumeration.

Section 20 to penalties for enumerators, clerks, or other employees.

Section 21 to penalties for neglect or refusal to perform duties.

Section 22 to penalties for refusal to furnish information for the census.

Section 23 to the enforcement of penalties.

Section 24 to the incidental expenses of the office.

Section 26 to electrical or mechanical devices for tabulating purposes.

Section 27 to the franking privilege.

Section 28 to information to be obtained from other departments of the Government.

Section 29 to the records and property of preceding censuses.

Section 30 to the furnishing of copies of population returns to governors, mayors, etc., upon application.

Section 31 to the official seal.

Section 32 makes the preliminary appropriations for the Twelfth Census.

Section 33 repeals the previous census acts.

The sections omitted in the above recapitulation—1, 2, 4, 5, 8, 17, 25—are those to which the proposed bill makes amendment.

Section 7 reenacts section 8 of the existing census law, with some slight modifications. This section enumerates all the special inquiries or investigations which the Census Office is required to make, after the completion of the four great inquiries which constitute the census reports proper.

Section 8 provides for the annual collection of births and deaths in legislative areas, in accordance with the methods for a decennial census of this character, which are prescribed in the existing census laws. The arguments in favor of this annual census of births and deaths have been fully stated in the report on the permanent census office referred to above.

Section 9 proposes a five-year census of the important manufacturing industries of the country midway between the decennial censuses, restricted to industries carried on under the factory system, and excluding the neighborhood industries, hand trades, etc., the collection of which has added enormously to the cost of the manufacturing census of the decennial period. It seems to be generally agreed among statisticians and economists that such a manufacturing census as is here proposed, at five-year periods, is of the utmost importance to a true understanding of the industrial condition and progress of the country. The argument in favor of such a midway census is fully stated on page 36 of the report on "A permanent Census Office" above referred to.

The gross value of the products of all the manufacturing and mechanical industries reported to the Twelfth Census is $13,003,127,680 by the preliminary figures. Of this total fully $11,000,000,000 pertains to the manufacturing establishments which it is proposed to cover in the five-year census provided for in this bill. The remaining two billion represents the product of the hand trades or neighborhood industries, such as are common to every community, and are but slightly affected from decade to decade by changes which make for prosperity or depression in the general manufacturing enterprises of the country.

It is not possible under any system to get a complete enumeration of these branches of mechanical industry. They can be estimated from the data possessed by the Census Office more accurately than they can be ascertained by an actual enumeration. Yet the cost of such an enumeration is enormous—unsatisfactory as it is. If the enumeration of these mechanical industries should be abandoned at future censuses it would be possible to dispense altogether with the services of the enumerator in connection with the census of manufactures. The weakest spot in the whole manufacturing census is the enumerator's work, and the gain in economy and accuracy from his elimination would be very great.

With these neighborhood industries omitted from the canvass; with the services of the enumerator dispensed with in consequence; with the manufacturing census thus largely concentrated in, say, 2,500 cities and towns and their immediate environment, which contain 90 per cent of the total value of the manufactured product; with a permanent census office to keep a card catalogue of all manufacturing establishments in the country; and with the privilege of utilizing the trained clerical force of that permanent census office to act as chief special agents in connection with the field work in these 2,500 cities and towns, the whole cost of the five-year census and of the ten-year census would be reduced, on a conservative estimate, by 30 per cent; and this reduction in the cost of the work, both in the field and in the office, would be accompanied by far greater accuracy in the results obtained.

This section also authorizes an annual census of cotton production to be obtained from the reports of cotton ginners. This is a continuance of work already twice done by the temporary Census Office, with results of the most gratifying character, enabling the country to know at an early date the exact dimensions of the annual cotton crop with a greater accuracy than has been possible heretofore. The importance of this annual report on the cotton production to the people of the Southern States can not well be exaggerated, as is shown by hundreds of letters received by the Census Office from producers, distributers, dealers, manufacturers, and others in all the Southern States. Some extracts from these letters have been printed by the Census Office, and are submitted in connection with this report.

Section 10 reenacts section 17 of the act of March 3, 1899, with an important amendment suggested by the Director, which promises to greatly reduce the cost of future work in census investigations. The section allows the appointment of special agents, as under existing law, and fixes their compensation the same as under existing law, and undoubtedly a few such agents will be required in the special investigations provided for in section 7. The amendment authorizes the Director, however, to utilize the regular clerical force of the Census Office so far as may be possible in performing this field work. Most important advantages will follow this method of collecting data, as compared with the old method of special agents appointed especially for such purpose.

It will greatly reduce the expense of the field work, the clerks serving at their regular compensations; it will enable the Director to put into field work trained men thoroughly acquainted with the Census Office methods, thoroughly trained in knowledge of the exact information it desires, and thoroughly tested as to their competency and faithfulness. These are qualifications which it is impossible to secure with certainty when it is necessary for the Director to select as special agents, as must always be the case under a temporary census office, persons who have had no training in census work and whose qualifications for the special field work assigned to them can not always be definitely known or ascertained by the Director.

Section 11 abolishes the printing office of the Census Office. This is done in accordance with the recommendation of the Director, whose experience justifies him in believing that the printing of the Census Office can be done with equal economy and greater advantage at the Government Printing Office.

Section 12 repeals all supplemental acts which have been passed amendatory of the general census act, and repeals all sections of this general census act which are inconsistent with the provisions of this bill.

It is estimated that the sum required to complete the principal inquiries ordered by the temporary census act, and included in the proposed bill, will be about $3,600,000, spreading it over the next four years. This involves an office force of not far from 800 people, including the present executive force, costing about $160,000 per annum; including also rental, miscellaneous expenses, etc. Under the proposed bill, however, with the changes that have been made, it is estimated that the annual cost will be not far from $615,000 for the next six years. This involves a material reduction in the clerical force during the time indicated; also a reduction of about $114,000 per year in the executive force and a corresponding reduction in general expenses, rental, etc., so that in effect the actual expenditures of the Government would be practically the same. It is the belief of your committee that when all phases of the question are taken into consideration there will be in the end an actual saving of money to the Government as a result of establishing a permanent Census Office at this time, to say nothing of the enormous gain from a scientific point of view, and increase in the value and accuracy of future censuses which would result from this legislation.

There will also be a very handsome saving in the amount required to prepare for the ordinary decennial census. The appropriation for preliminary work at the last two decades has been $1,000,000 each. In view of the fact that there would be a trained force in the Census Office and ample time, at least one-half of this sum could be saved in the work of preparation for the next census, and a further sum of $100,000 saved in the way of furniture and fixtures.

The question has been raised how the clerical force of a permanent Census Office can be kept profitably engaged during the interval that must elapse between the completion of the work on the special reports and the commencement of preparation for the Thirteenth Census.

There is work enough provided for in section 8 of the existing law to keep a force of skilled clerks busy for the entire interval from July 1, 1902, to, say, October, 1908, when the preparation for the Thirteenth Census should be well under way. The special inquiries required by section 8 can be distributed over the whole period; and this distribution would undoubtedly result advantageously in the quality of the work done. For instance, in addition to the annual report upon births and deaths in registration areas, provided for in the new section of the present bill, the division of vital statistics would be employed upon a special report upon the deaf and dumb, a special report upon the blind, a special report upon the insane and feeble-minded, a special report upon criminals and juvenile delinquents, and a special report upon pauperism and benevolence; and these special reports would be made, one in each year, until completed.

In the same way the report on public indebtedness, valuation, taxation, and expenditures, provided for in section 8, would divide itself into special reports upon public indebtedness, upon public receipts and expenditures, upon assessments and taxation, and upon true valuation of real and personal property. These separate reports, it is estimated, would occupy one division of the permanent Census Office until the spring of 1907, the publication of the results of the several parts of the investigation to take place from time to time as the same are completed.

In another division the inquiries as to street railways, telegraph and telephone, and electric light and power would be taken up and brought to completion, or substantially so, before the investigation of mines and mining is entered upon. Upon the completion of this latter report, the investigation of transportation by water, a difficult and important field of inquiry, would follow in due order. Thus the Census Office would be continuously preparing and publishing a series of valuable reports upon topics which Congress has already determined that it shall investigate. It would be entirely feasible, with a permanent Census Office, to arrange for the future publication of corresponding reports for the next census in such a way that the report on each topic would be ten years distant from the last. This whole class of reports could thus be disassociated from the census year, with all its pressure, without destroying their comparability in point of time.

Another clause of section 8 provides for a series of special reports on the social statistics of cities, and it will readily be seen that the work of making these reports, which will possess great value and interest, can be distributed to the best advantage over the entire period that will elapse before the next census. This course would involve the taking of the social statistics of the cities of certain sections of the country in one year and of other sections in another year, according as the facilities and opportunities of the permanent census office permit.

Provision should be made also, in the event of a permanent census organization, for a careful review of the conditions governing the taking of the present census, in order that the plan of enumeration may be so perfected as to secure a very much closer supervision of the work of the census enumerators. Considerable progress has been made in this direction in the work of the Twelfth Census, but it is apparent from recent experience that very much more time must be given to the initiation of the preparatory work and steps taken at a comparatively early date to develop a better and more complete system, involving the possible separation of the enumeration of the population in cities from that in the rural sections of the country, and, in the latter case, making the country the unit for census supervision.

In addition to the enumeration of the population of the States and organized Territories of the United States proper, specific provision was made in the law for taking the Twelfth Census for the enumeration of the population of Alaska and Hawaii, and by implication also of the population of Indian Territory and Indian reservations, areas not previously covered by the census enumerators. And if in the Thirteenth Census the general enumeration is extended to include all the outlying possessions of the United States, the preparatory work necessary to the proper conduct of the enumeration will be increased greatly, and this would be especially the case if the duty of taking a census of the Philippines should be charged upon the Census Office. This alone would involve a large amount of preparatory work and would call for very different methods from those pursued in this country, or even in

the other possessions of the United States, where more settled conditions prevail.

The division of the work at the Twelfth Census, as stipulated in the act by which it is governed, was the result of the experiences of the Tenth and Eleventh censuses, at which the completion of the census reports was very much delayed, owing to conditions arising inevitably from the temporary character of the census service and the lack of time in which to properly institute the many investigations which by the terms of the census act were required to be carried on as nearly simultaneously as possible. The separation of the general decennial work, which is more or less contingent upon a thorough canvass of the country, from that of a more special nature, and not in any way dependent upon the work of the census enumerators, did not lessen, moreover, the amount of preparatory work required for the enumeration of the population and the tabulation of the enumerators' returns in season to furnish the statement of population for apportionment purposes at the beginning of the session of Congress immediately following the date of enumeration.

This statement is equally applicable to the amount of preparation which will be required in providing for the field work of the Thirteenth Census at the decennial period, and it is imperative that the work preliminary to that enumeration should be instituted at a date sufficiently early to insure its successful prosecution and completion within the time specified by the census act.

In order to provide, under proper conditions, therefore, for the enumeration of the population and the collection of the statistics of agriculture in 1910, both of which are dependent upon a house-to-house canvass, it is essential that the preparatory work incident to the decennial enumeration should be initiated at least as early as the fall of 1908, and a portion (not necessarily a large portion) of the force retained for special work made available for the uninterrupted prosecution of the preparatory work from and after that time.

This would give at most but twenty months, and this is not too long a period in which to make the necessary preparation for the selection, equipment, and proper instruction of an army of from 60,000 to 70,000 persons, employed on the average for less than thirty days. The limited term of their employment makes it all the more important that the plans for the effective utilization of their services should be carefully matured and not hastily conceived and put into operation under adverse conditions, as has been the experience at the last two censuses, for want of a sufficient length of time for their proper development and consideration.

For the reasons set forth your committee respectfully recommend the passage of the accompanying bill.

A bill (H. R. 10308) to provide for a permanent Census Office.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Census Office temporarily established in the Department of the Interior in accordance with an act entitled "An act to provide for taking the Twelfth and subsequent censuses," approved March 3, 1899, is hereby made a permanent office.

SEC. 2. That the work pertaining to the Twelfth Census shall be carried on by the Census Office under the existing organization until the 1st day of July, 1902, when the permanent Census Office herein provided for shall be organized by the Director of the Census.

SEC. 3. That the permanent Census Office shall be in charge of a Director of the Census, appointed by the President, by and with the advice and consent of the Senate, who shall receive an annual salary of $5,000. It shall be his duty to superintend and direct the taking of the Thirteenth and subsequent censuses of the United States and to perform such other duties as may be imposed upon him by law.

SEC. 4. That there shall be in the Census Office, to be appointed by the Director thereof, 3 chief statisticians, who shall be persons of known and tried experience in statistical work, at an annual salary of $2,500 each; a chief clerk, at an annual salary of $2,000, who, in the absence of the Director, shall serve as acting director; a disbursing clerk, who shall also act as appointment clerk, at an annual salary of $2,100; one stenographer, at an annual salary of $1,500; 3 expert chiefs of division, at an annual salary of $1,800 each; 6 clerks of class 3; 10 clerks of class 2; and such number of clerks of class 1, and of clerks, copyists, computers, and skilled laborers, with salaries at the rate of not less than $600 nor more than $1,000 per annum, messengers, assistant messengers, watchmen, and charwomen as may be necessary for the proper and prompt performance of the duties required by law. The disbursing clerk herein provided for shall, before entering upon his duties, give bond to the Secretary of the Treasury in the sum of $25,000, which bond shall be conditioned that the said officer shall render a true and faithful account to the proper accounting officers of the Treasury quarter yearly of all moneys and properties which shall be received by him by virtue of his office, with surety, to be approved by the Solicitor of the Treasury. Such bond shall be filed in the office of the Secretary of the Treasury, to be by him put in suit upon any breach of the conditions thereof.

SEC. 5. That all employees of the Twelfth Census Office, at the date of the passage of this act, above the grade of skilled laborer shall be, and they are hereby, placed under the provisions of the civil-service act approved January 16, 1883, and the amendments thereto and the rules established thereunder; and all new appointments in the Census Office hereby created shall be made in accordance with the requirements of the civil-service act above referred to.

SEC. 6. That all the provisions of the act of March 3, 1899, relating to the Twelfth Census, not inconsistent with the provisions of this act, shall remain in full force and effect for the taking of the Thirteenth and subsequent censuses.

SEC. 7. That section 8 of the act of March 3, 1899, is hereby amended so as to read as follows: That after the completion and return of the enumeration and of the work upon the schedules relating to the products of agriculture and to manufacturing and mechanical establishments provided for in section 7 of this act, the Director of the Census is hereby authorized to collect statistics relating to special classes, including the insane, feeble-minded, deaf, dumb, and blind; to crime, pauperism, and benevolence, including prisoners, paupers, juvenile delinquents, and inmates of benevolent and reformatory institutions; to social statistics of cities; to public indebtedness, valuation, taxation, and expenditures; to religious bodies; to electric light and power, telephone and telegraph business; to transportation by water, express business, and street railways; to mines, mining, and minerals, and the production and value thereof, including gold in divisions of placer and vein, and silver mines, and the number of men employed, the average daily wage, average working time, and aggregate earnings in the various branches and aforesaid divisions of the mining industry. And the Director of the Census shall prepare schedules containing such interrogatories as shall in his judgment be best adapted to elicit the information required under these subjects, with such specifications, divisions, and particulars under each head as he shall deem necessary to that end; and all reports prepared under the provisions of this section shall be designated as "Special reports of the Census Office." For the purpose of securing the statistics required by this section, the Director of the Census may appoint special agents when necessary, and such special agents shall receive compensation as hereinafter provided.

SEC. 8. That there shall be a collection of the statistics of the births and deaths in registration areas for the year 1902, and annually thereafter, the data for which shall be obtained from the registration records of such States and municipalities as possess records affording satisfactory data in necessary detail, in the discretion of the Director, the compensation for the transcription of which shall not exceed 2 cents for each birth or death reported.

SEC. 9. That in the year 1905, and every ten years thereafter, there shall be a collection of the statistics of manufactures, confined to manufacturing establishments conducted under what is known as the factory system, exclusive of the so-called neighborhood and mechanical industries; and the Director is hereby authorized to prepare such schedules as in his judgment may be necessary to carry out the provisions of this section; and that the Director of the Census shall annually collect the statistics of the cotton production of the country as returned by the ginners; and that the Director of the Census shall make, from time to time, any additional special collections of statistics relating to any branch of agriculture, manufacture, mining, transportation, fisheries, or any other branch of industry that may be required of him by Congress.

SEC. 10. That section 17 of the act of March 3, 1899, is hereby amended so as to read as follows:

"SEC. 17. That the special agents appointed under the provisions of this act have equal authority with the enumerators in respect to the subjects committed to them under this act and shall receive compensation at rates to be fixed by the Director of the Census: *Provided*, That the same shall in no case exceed $6 per day and actual necessary traveling expenses and an allowance in lieu of subsistence not exceeding $3 per day during their necessary absence from their usual place of residence: *And provided further*, That no pay or allowance in lieu of subsistence shall be allowed special agents when employed in the Census Office on other than the special work committed to them, and no appointments of special agents shall be made for clerical work: *And provided further*, That the Director of the Census is hereby authorized in his discretion to employ the clerical force of the Census Office for such field work as may be required to carry out the provisions of sections 7, 8, and 9 in lieu of employing special agents for that purpose; and such employees when so employed shall be allowed, in addition to their regular compensation, actual necessary traveling expenses and an allowance in lieu of subsistence not exceeding $3 per day during their necessary absence from the Census Office."

SEC. 11. That the printing office established in the Census Office is hereby abolished, and the outfit and equipment therein shall be turned over to the Public Printer; and the Director of the Census is hereby authorized and directed to have printed, published, and distributed, from time to time, bulletins and reports of the preliminary and other results of the various investigations authorized by law; and all of said printing and binding shall be done by the Public Printer at the Government Printing Office.

SEC. 12. That the supplemental acts amendatory of the act of March 3, 1899, approved February 1, 1900, May 10, 1900, June 2, 1900, February 23, 1901, are hereby repealed; and all provisions of the act of March 3, 1899, inconsistent with this act are hereby repealed.

Mr. HOPKINS. Now, Mr. Speaker, I will say to the members of the House that in pursuance of the direction of the House the Committee on the Census has prepared a bill, and I desire to take the bill up to-morrow morning after the reading of the Journal. Therefore I ask unanimous consent for the consideration of the bill at that time.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the Census Bureau bill may be taken up after the reading of the Journal to-morrow morning.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I desire to ask if this is a privileged bill?

Mr. HOPKINS. It is, in my judgment.

Mr. RICHARDSON of Tennessee. If it is a privileged bill, I think the gentleman can call it up without unanimous consent; and I prefer, if the gentlemen can call it up as a privileged bill, that it be called up in that way rather than to give unanimous consent.

Mr. HOPKINS. I have made the request in pursuance of the unanimous request of the Committee on the Census.

Mr. RICHARDSON of Tennessee. It is not because I am objecting to the consideration of the bill; but if it comes up as a matter of privilege, I prefer that to the practice of making bills in order by unanimous consent. I prefer it to come up as a privileged bill. I understand the Speaker has held that it was a privileged bill on a former occasion.

Mr. HOPKINS. The question whether this bill is a privileged bill or not has not been formally presented to the Speaker. Of course it would depend on the determination of the Speaker after an inspection of the bill whether it would be privileged or not. My opinion is that it is privileged, but, of course, I can not speak for the Chair on that subject. Hence I think it would be better to take up the bill by unanimous consent, and I hope gentlemen will not object.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

Mr. MADDOX. I will object, Mr. Speaker.

The SPEAKER. Objection is made.

Mr. HOPKINS. Mr. Speaker, I now give notice that as this is a privileged bill, after the reading of the Journal to-morrow morning I shall ask the House to go into Committee of the Whole House on the state of the Union for the purpose of considering it and reporting it back to the House.

Mr. MADDOX. Mr. Speaker, I desire to say a word or two. This is a very important bill that the gentleman is now presenting, and the bill and report are to be published in the RECORD to-morrow morning. We have no time to see what has been done and no time to study the bill. I do not think it is fair to call it up to-morrow morning, and for that reason I entered an objection. We should have an opportunity to see what has been done. I would have no objection to its going over to the next day to give us a little time to look into it.

Mr. HOPKINS. There is nothing in the bill but what every gentleman in the House is entirely familiar with; but in deference to the gentleman from Georgia, I will make my request to apply to Friday morning instead of to-morrow morning.

Mr. MADDOX. I have no objection to that.

The SPEAKER. The Chair will state the supplemental request of the gentleman from Illinois [Mr. HOPKINS], which is that this bill be made a special order for the day after to-morrow—Friday. Is there objection?

Mr. MAHON. I object.

Mr. BURKETT. I should like to ask the gentleman from Illinois——

Mr. HOPKINS. Mr. Speaker, I renew my notice that to-morrow morning after the reading of the Journal I shall ask for the consideration of this bill.

The SPEAKER. The gentleman from Illinois gives notice that he will call the bill up to-morrow morning.

Mr. BURKETT. I should like to ask the gentleman in that connection——

Mr. UNDERWOOD. I call for the regular order.

Mr. PAYNE. I move that the House do now adjourn.

OLEOMARGARINE.

Mr. HENRY of Connecticut. I hope the gentleman from New York [Mr. PAYNE] will withdraw his motion for a moment. I wish to ask unanimous consent for the adoption of a resolution.

The SPEAKER. The regular order has been demanded.

Mr. UNDERWOOD. If the gentleman from Connecticut has any business which he desires to have transacted, I will withdraw the demand.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] withdraws for the time being the demand for the regular order.

Mr. HENRY of Connecticut. I ask unanimous consent for the present consideration of the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That on Monday, February 3, 1902, immediately after the reading of the Journal, it shall be in order to move to go into Committee of the Whole House on the state of the Union to consider the bill (H. R. 9206) "to make oleomargarine and other imitation dairy products subject to the laws of the State or Territory into which they are transported, and to change the tax on oleomargarine;" and this motion shall continue privileged until the bill shall have been passed by the House: *Provided, however*, That it shall not interfere with general appropriation bills, conference reports, consideration of the Private Calendar on Fridays, or special orders already made.

Mr. WILLIAMS of Mississippi and others objected.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 202. An act granting a pension to Mary E. Davis;

S. 1035. An act granting a pension to Esther F. Moody;

S. 1144. An act granting an increase of pension to Elizabeth O. Gould;

S. 1199. An act granting a pension to Mary A. Lamb;

S. 1647. An act granting an increase of pension to Helen F. M. Edwards;

S. 1948. An act granting an increase of pension to Josefa T. Philip; and

S. 1200. An act granting an increase of pension to Michael Dillon.

And then, on motion of Mr. PAYNE (at 12 o'clock and 23 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of T. H. Ward, administrator of estate of William L. Ward, against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Navy submitting an estimate of appropriation for storehouse at Washington Navy-Yard—to the Committee on Naval Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Commissioners of the District of Columbia submitting an estimate of appropriation for completing increase of water supply for Washington—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Navy submitting an estimate of appropriation for contingent expenses of the Marine Corps—to the Committee on Naval Affairs, and ordered to be printed.

A letter from the president of the East Washington Heights Traction Railroad Company, transmitting his annual report for the year ended December 31, 1901—to the Committee on the District of Columbia, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the schooner *Polly*, Charles Ellms, master, against the United States—to the Committee on Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 6648) to authorize the readjustment of the accounts of Army officers in certain cases, and for other purposes, reported the same with amendment, accompanied by a report (No. 188); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SIMS, from the Committee on War Claims, to which was referred the bill of the Senate (S. 88) for the relief of parties for property taken from them by military forces of the United States, reported the same without amendment, accompanied by a report (No. 194); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 3042) to establish a light at Cape Romano, Florida, reported the same without amendment, accompanied by a report (No. 252); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H, R. 7184) to provide for the construction of a revenue cutter of the first-class for service in the waters of Key West, Fla., reported the same with amendment, accompanied by a report (No. 253); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HENRY of Connecticut, from the Committee on Agriculture, to which was referred the bill of the House (H. R. 9206) to make oleomargarine and other imitation dairy products subject to the laws of the State or Territory into which they are transported, and to change the tax on oleomargarine, reported the same with amendments, accompanied by a report (No. 255); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. COOMBS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 259) to establish a light-house and fog-signal station at Semiahmoo Harbor, Gulf of Georgia, Puget Sound, State of Washington, reported the same without amendment, accompanied by a report (No. 256); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LACEY, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 3104) to grant the right of way through the Oklahoma Territory and the Indian Territory to the Enid and Anadarko Railway Company, and for other purposes, reported the same with amendments, accompanied by a report (No. 257); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SHERMAN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 9960) to prevent a false branding or marking of food and dairy products as to the State or Territory in which they are made or produced, reported the same without amendment, accompanied by a report (No. 258); which said bill and report were referred to the House Calendar.

Mr. WANGER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 5801) to authorize the St. Clair Terminal Railway Company to construct and maintain a bridge across the Monongahela River, reported the same with amendment, accompanied by a report (No. 259); which said bill and report were referred to the House Calendar.

Mr. SOUTHARD, from the Committee on Coinage, Weights, and Measures, to which was referred the bill of the House (H. R. 3050) relating to Hawaiian silver coinage and silver certificates, reported the same with amendment, accompanied by a report (No. 260); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SPERRY, from the Committee on Alcoholic Liquor Traffic, to which was referred the bill of the Senate (S. 1747) to prevent the sale of firearms, opium, and intoxicating liquors in certain islands of the Pacific, reported the same without amendment, accompanied by a report (No. 261); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. GIBSON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 8587) for the allowance of certain claims for stores and supplies, reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the "Bowman Act," reported the same with amendment, accompanied by a report (No. 189); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on War Claims, to which was referred the bill of the Senate (S. 19) for the relief of George A. Orr, reported the same without amendment, accompanied by a report (No. 190); which said bill and report were referred to the Private Calendar.

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 4443) for the relief of Kate Reaney Zeiss, administratrix of William B. Reaney, deceased, who was surviving partner of the firm of Reaney, Son & Archbold, reported the same without amendment, accompanied by a report (No. 191); which said bill and report were referred to the Private Calendar.

Mr. KEHOE, from the Committee on War Claims, to which was referred the bill of the House (H. R. 1488) for the relief of T. A. Woodress, reported the same without amendment, accompanied by a report (No. 192); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on War Claims, to which was referred House bill No. 10014, reported in lieu thereof a resolution (H. Res. 109) for the relief of the heirs at law of Griffith W. Paxson, deceased, accompanied by a report (No. 193); which said bill and report were referred to the Private Calendar.

Mr. OTJEN, from the Committee on War Claims, to which was referred the bill of the House (H. R. 2490) for the relief of Morris F. Cawley, reported the same with amendment, accompanied by a report (No. 195); which said bill and report were referred to the Private Calendar.

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 2217) for the relief of the legal representatives of Pusey, Jones & Co., reported the same without amendment, accompanied by a report (No. 196); which said bill and report were referred to the Private Calendar.

Mr. KEHOE, from the Committee on War Claims, to which was referred the bill of the House (H. R. 1147) for the relief of the First Baptist Church of Cartersville, Ga., reported the same without amendment, accompanied by a report (No. 197); which said bill and report were referred to the Private Calendar.

Mr. BLAKENEY, from the Committee on War Claims, to which was referred the bill of the House (H. R. 7165) for the relief of Pool & Hunt, reported the same without amendment, accompanied by a report (No. 198); which said bill and report were referred to the Private Calendar.

Mr. KYLE, from the Committee on War Claims, to which was referred House bill No. 5042, reported in lieu thereof a resolution (H. Res. 110) for the relief of William C. O'Brien, accompanied by a report (No. 199); which said bill and report were referred to the Private Calendar.

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 4002) for the relief of the Atlantic Works, of Boston, Mass., reported the same without amendment, accompanied by a report (No. 200); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 193) granting an increase of pension to Richard W. Musgrove, reported the same without amendment, accompanied by a report (No. 201); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5959) granting an increase of pension to Francis Pearson, reported the same with amendments, accompanied by a report (No. 202); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5863) granting an increase of pension to Benjamin Brittingham, reported the same with amendment, accompanied by a report (No. 203); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 919) granting an increase of pension to Daniel C. Knowles, reported the same without amendment, accompanied by a report (No. 204); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 8269) granting an increase of pension to James R. McClellen, reported the same with amendment, accompanied by a report (No. 205); which said bill and report were referred to the Private Calendar.

Mr. RUMPLE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5714) granting a pension to Lucy B. Bevis, reported the same with amendments, accompanied by a report (No. 206); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 194) granting a pension to Joseph W. Mulford, reported the same without amendment, accompanied by a report (No. 207); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3688) granting an increase of pension to John Gagan, reported the same without amendment, accompanied by a report (No. 208); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2334) granting an increase of pension to Oscar Reed, reported the same without amendment, accompanied by a report (No. 209); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 366) granting an increase of pension to Dr. Edward M. Kanouse, reported the same with amendments, accompanied by a report (No. 210); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1621) granting an increase of pension to David Pollock, reported the same without amendment, accompanied by a report (No. 211); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2465) granting an increase of pension to James F. Charlesworth, reported the same with amendment, accompanied by a report (No. 212); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 197) granting an increase of pension to John Chandler, reported the same without amendment, accompanied by a report (No. 213); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8304) granting an increase of pension to Angeline Murray, reported the same with amendment, accompanied by a report (No. 214); which said bill and report were referred to the Private Calendar.

Mr. RUMPLE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7237) granting an increase of pension to Eva H. McColley, reported the same with amendment, accompanied by a report (No. 215); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 888) granting an increase of pension to Mary Taylor, reported the same without amendment, accompanied by a report (No. 216); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5073) granting a pension to Christina Daniels, reported the same with amendments, accompanied by a report (No. 217); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 891) granting a pension to Lucinda W. Cavender, reported the same without amendment, accompanied by a report (No. 218); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1143) granting an increase of pension to Charles L. Sweatt, reported the same without amendment, accompanied by a report (No. 219); which said bill and report were referred to the Private Calender.

Mr. RUMPLE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2673) granting an increase of pension to John Vale, reported the same with amendment, accompanied by a report (No. 220); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2484) granting an increase of pension to Loren S. Richardson, reported the same without amendment, accompanied by a report (No. 221); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2609) granting a pension to Lizzie C. Young, reported the same with amendments, accompanied by a report (No. 222); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8541) granting an increase of pension to Mahlon C. Moores, reported the same with amendment, accompanied by a report (No. 223); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9227) granting an increase of pension to Frederick Shafer, reported the same with amendments, accompanied by a report (No. 224); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1610) granting an increase of pension to Napoleon B. Perkins, reported the same without amendment, accompanied by a report (No. 225); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6869) granting a pension to Mrs. M. Callie Glover, reported the same with amendments, accompanied by a report (No. 226); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1329) granting an increase of pension to George W. Black, reported the same without amendment, accompanied by a report (No. 227); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1852) granting an increase of pension to James A. Edmonds, reported the same with amendment, accompanied by a report (No. 228); which said bill and report were referred to the Private Calendar.

Mr. RUMPLE, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1977) granting an increase of pension to Harrison T. De Long, reported the same without amendment, accompanied by a report (No. 229); which said bill and report were referred to the Private Calendar.

Mr. NORTON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1280) granting a pension to Lizzie A. Campbell, reported the same with amendment, accompanied by a report (No. 230); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2107) granting a pension to Matilda Armstrong, reported the same without amendment, accompanied by a report (No. 231); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 3422) granting an increase of pension to James D. Elderkin, reported the same with amendments, accompanied by a report (No. 232); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2485) granting an increase of pension to Tempy French, reported the same without amendment, accompanied by a report (No. 233); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3694) granting a pension to Benjamin Wylie, reported the same with amendment, accompanied by a report (No. 234); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1805) granting a pension to Laura B. Wear, reported the same without amendment, accompanied by a report (No. 235); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5862) granting an increase of pension to Rollin Tyler, reported the same with amendments, accompanied by a report (No. 236); which said bill and report were referred to the Private Calendar.

Mr. RUMPLE, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1148) granting an increase of pension to Dennis Hannifin, reported the same without amendment, accompanied by a report (No. 237); which said bill and report were referred to the Private Calendar.

Mr. NORTON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2786) granting a pension to William K. Hoffman, reported the same with amendments, accompanied by a report (No. 238); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2392) granting an increase of pension to Elmer L. Stevens, reported the same without amendment, accompanied by a report (No. 239); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8486) granting a pension to Annie S. Hummel, reported the same with amendment, accompanied by a report (No. 240); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1337) granting an increase of pension to Mary R. Miller, reported the same without amendment, accompanied by a report (No. 241); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4827) granting an increase of pension to Charles A. Baker, reported the same with amendments, accompanied by a report (No. 242); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2359) granting an increase of pension to Samuel Hymer, reported the same without amendment, accompanied by a report (No. 243); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7968) granting a pension to Norris L. Lungren, reported the same with amendment, accompanied by a report (No. 244); which said bill and report were referred to the Private Calendar.

Mr. RUMPLE, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 692) granting an increase of pension to Daniel T. Rose, reported the same without amendment, accompanied by a report (No. 245); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2124) granting a pension to Dewitt Clinton McCoy, reported the same with amendments, accompanied by a report (No. 246); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2128) granting a pension to Jane Taylor, reported the same without amendment, accompanied by a report (No. 247); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 969) granting a pension to Silas H. Cronk, reported the same with amendment, accompanied by a report (No. 248); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 889) granting an increase of pension to Charles F. Burger, reported the same without amendment, accompanied by a report (No. 249); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5957) granting a pension to Wright H. Auchmoody, reported the same with amendments, accompanied by a report (No. 250); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1267) granting an increase of pension to Susan F. Connit, reported the same without amendment, accompanied by a report (No. 251); which said bill and report were referred to the Private Calendar.

Mr. THOMAS of Iowa, from the Committee on Claims, to which was referred the bill of the House (H. R. 949) for the relief of Charles H. Robinson, reported the same without amendment, accompanied by a report (No. 254); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 5103) granting an increase of pension to Marietta Elizabeth Stanton—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 3531) for the promotion of First Lieut. Joseph M. Simms, Revenue-Cutter Service—Committee on Naval Affairs discharged, and referred to the Committee on Interstate and Foreign Commerce.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. OTJEN: A bill (H. R. 10296) to authorize the Secretary of the Treasury to issue leases of islands in Alaska for the breeding of fur-bearing animals—to the Committee on Ways and Means.

By Mr. GRIFFITH: A bill (H. R. 10297) providing for the purchase of a bronze statue of "The Minute Man"—to the Committee on the Library.

By Mr. GIBSON: A bill (H. R. 10298) to punish frauds and wrongs at elections for Representatives in Congress, and for other purposes—to the Committee on Election of President, Vice-President, and Representatives in Congress.

By Mr. CURTIS: A bill (H. R. 10299) authorizing the Santa Fe Pacific Railroad Company to sell or lease its railroad property and franchises, and for other purposes—to the Committee on Pacific Railroads.

By Mr. MARTIN: A bill (H. R. 10300) conferring jurisdiction upon the circuit and district courts for the district of South Dakota in certain cases, and for other purposes—to the Committee on the Judiciary.

By Mr. RAY of New York: A bill (H. R. 10301) for the protection of the President of the United States, and for other purposes—to the Committee on the Judiciary.

By Mr. WM. ALDEN SMITH: A bill (H. R. 10302) to provide for the erection of a public building at Grand Rapids, in the State of Michigan—to the Committee on Public Buildings and Grounds.

By Mr. JOHNSON: A bill (H. R. 10303) for relief of charitable, educational, and religious associations on account of taxes paid on legacies and bequests under war-revenue act of 1898—to the Committee on Ways and Means.

By Mr. CROWLEY: A bill (H. R. 10304) for the erection of a public building at Centralia, Ill.—to the Committee on Public Buildings and Grounds.

By Mr. ALEXANDER: A bill (H. R. 10305) to amend section 14 of the act approved June 29, 1898, entitled "An act to provide for the construction of a bridge across the Niagara River"—to the Committee on Interstate and Foreign Commerce.

By Mr. LACEY: A bill (H. R. 10306) to transfer certain forest reserves to the control of the Department of Agriculture, to authorize game and fish protection in forest reserves, and for other purposes—to the Committee on the Public Lands.

By Mr. SMITH of Arizona: A bill (H. R. 10307) creating subport of entry at Naco, Ariz.—to the Committee on Ways and Means.

By Mr. SMALL: A bill (H. R. 10363) to authorize the establishment of a life-saving station on Ocracoke Island, on the coast of North Carolina—to the Committee on Interstate and Foreign Commerce.

By Mr. HENRY of Connecticut: A resolution (H. Res. 111) making special order of H. R. 9206, relative to oleomargarine—to the Committee on Rules.

By Mr. RAY of New York: A resolution (H. Res. 112) authorizing chairman of the Judiciary Committee to appoint an assistant clerk for said committee—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BEIDLER: A bill (H. R. 10309) granting an increase of pension to David S. Young—to the Committee on Invalid Pensions.

By Mr. BLAKENEY: A bill (H. R. 10310) for the relief of William A. Bird—to the Committee on War Claims.

Also, a bill (H. R. 10311) for the relief of the estate of Richard Lawson—to the Committee on Claims.

Also, a bill (H. R. 10312) granting a pension to Mary E. Leech—to the Committee on Invalid Pensions.

By Mr. BRICK: A bill (H. R. 10313) to restore to the pension roll the name of Mary E. Cole—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10314) to restore to the pension roll Sarah J. Ayers—to the Committee on Invalid Pensions.

By Mr. BUTLER of Pennsylvania: A bill (H. R. 10315) for the relief of David Laird, late of Company F, One hundred and twenty-fourth Pennsylvania Infantry Volunteers—to the Committee on Military Affairs.

By Mr. CANNON: A bill (H. R. 10316) to correct the military record of Joseph Ramsey—to the Committee on Military Affairs.

Also, a bill (H. R. 10317) granting an increase of pension to De Witt G. Cole—to the Committee on Invalid Pensions.

By Mr. CORLISS: A bill (H. R. 10318) granting an increase of pension to George W. Witherspoon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10319) to correct the military record, name, and so forth, of Joseph Neveaux—to the Committee on Military Affairs.

By Mr. CROWLEY: A bill (H. R. 10320) for the relief of Thomas Riley—to the Committee on Military Affairs.

By Mr. CRUMPACKER: A bill (H. R. 10321) granting a pension to Susan A. Phelps—to the Committee on Invalid Pensions.

By Mr. CURRIER: A bill (H. R. 10322) granting an increase of pension to Joseph M. Clough—to the Committee on Invalid Pensions.

By Mr. DOUGHERTY: A bill (H. R. 10323) granting a pension to Calvin Moore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10324) to remove the charge of desertion from the military record of Enoch S. Vernon—to the Committee on Military Affairs.

By Mr. DEEMER: A bill (H. R. 10325) granting an increase of pension to Joseph Stonesifer—to the Committee on Invalid Pensions.

By Mr. GRAHAM: A bill (H. R. 10326) for the relief of Dr. W. S. Hosack—to the Committee on Claims.

By Mr. GRIFFITH: A bill (H. R. 10327) granting a pension to Phoebe J. Talkington—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10328) to remove the charge of desertion against William Davis—to the Committee on Military Affairs.

By Mr. HANBURY: A bill (H. R. 10329) granting a pension to Mary E. Aitken—to the Committee on Pensions.

Also, a bill (H. R. 10330) to remove the charge of desertion from the military record of William Nelson Ennis—to the Committee on Military Affairs.

Also, a bill (H. R. 10331) for the relief of Barney McKay—to the Committee on Military Affairs.

By Mr. HASKINS: A bill (H. R. 10332) for the relief of John E. Kelley—to the Committee on Claims.

By Mr. HENRY of Mississippi: A bill (H. R. 10333) to remove the charge of desertion against the late Thomas Henry—to the Committee on Military Affairs.

Also, a bill (H. R. 10334) for the relief of the estate of John B. Brabston, deceased—to the Committee on War Claims.

Also, a bill (H. R. 10335) for the relief of the estate of George Messinger, deceased—to the Committee on War Claims.

By Mr. HEPBURN: A bill (H. R. 10336) granting an increase of pension to David Whitson Cook—to the Committee on Invalid Pensions.

By Mr. HOLLIDAY: A bill (H. R. 10337) granting an increase of pension to Jefferson Foncannon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10338) granting an increase of pension to John Fisher—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10339) granting an increase of pension to John L. Moore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10340) granting an increase of pension to Noah Palmer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10341) granting an increase of pension to Edwin B. Green—to the Committee on Invalid Pensions.

By Mr. HUGHES: A bill (H. R. 10342) granting an honorable discharge to William E. Cottrill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10343) granting a pension to H. A. Altizer, guardian for Frances States—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10344) for the relief of Thomas Matheny—to the Committee on War Claims.

Also, a bill (H. R. 10345) for the relief of John H. Forbush—to the Committee on Military Affairs.

Also, a bill (H. R. 10346) granting an increase of pension to Edmund Woog—to the Committee on Invalid Pensions.

By Mr. JACKSON of Kansas: A bill (H. R. 10347) granting a pension to Oxley Johnson—to the Committee on Invalid Pensions.

By Mr. JONES of Washington (by request): A bill (H. R. 10348) to grant registry to the steamship *Manauense*—to the Committee on the Merchant Marine and Fisheries.

By Mr. KEHOE: A bill (H. R. 10349) for the relief of Daniel Mans—to the Committee on War Claims.

Also, a bill (H. R. 10350) granting a pension to Rebecca Piper, foster mother of Simpson Eaton—to the Committee on Invalid Pensions.

By Mr. LITTLE: A bill (H. R. 10351) for the relief of Martin V. Rust—to the Committee on War Claims.

By Mr. LITTLEFIELD: A bill (H. R. 10352) granting an increase of pension to H. M. Blackwell, alias Levi W. Moore—to the Committee on Invalid Pensions.

By Mr. LLOYD: A bill (H. R. 10353) granting a pension to John McWhorter, of Canton, Mo.—to the Committee on Invalid Pensions.

By Mr. LIVINGSTON: A bill (H. R. 10354) granting a pension to Ida V. Rhoad, of Hopeville, Ga.—to the Committee on Invalid Pensions.

By Mr. MARTIN: A bill (H. R. 10355) granting an increase of pension to William W. Smithson—to the Committee on Invalid Pensions.

By Mr. McCALL: A bill (H. R. 10356) to correct the military record of James Williamson—to the Committee on Military Affairs.

By Mr. PIERCE: A bill (H. R. 10357) for the relief of the estate of Thomas Brooks, deceased—to the Committee on War Claims.

By Mr. RAY of New York: A bill (H. R. 10358) granting an increase of pension to Vincent L. Adams—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Tennessee: A bill (H. R. 10359) to correct the military record of E. D. Judkins—to the Committee on Military Affairs.

By Mr. RYAN: A bill (H. R. 10360) to remove the charge of desertion from the military record of William Haven—to the Committee on Military Affairs.

By Mr. SKILES: A bill (H. R. 10361) granting an increase of pension to Alexander Scott—to the Committee on Invalid Pensions.

By Mr. SLAYDEN: A bill (H. R. 10362) to grant a pension to F. M. Harrison, late a soldier in Captain Gillespie's company, Colonel Hays's regiment, war with Mexico—to the Committee on Pensions.

By. Mr. HENRY C. SMITH: A bill (H. R. 10364) granting an increase of pension to Gilbert Manard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10365) granting a pension to Carrie Van Alstine—to the Committee on Invalid Pensions.

By Mr. TONGUE: A bill (H. R. 10366) granting an increase of pension to Augustus L. Kidder—to the Committee on Invalid Pensions.

By Mr. VANDIVER: A bill (H. R. 10367) for the relief of J. M. Hamilton—to the Committee on Claims.

By Mr. GIBSON, from the Committee on War Claims: A resolution (H. Res. 109), in lieu of House bill 10014, referring the case of the heirs at law of Griffith W. Paxson, deceased, to the Court of Claims for a finding of facts—to the Private Calendar.

By Mr. KYLE, from the Committee on War Claims: A resolution (H. Res. 110) in lieu of House bill 5042, referring the claim of William C. O'Brien to the Court of Claims—to the Private Calendar.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALEXANDER: Petition of Mrs. Margaret G. Cox and 60 others, for an amendment to the Constitution prohibiting polygamy—to the Committee on the Judiciary.

Also, petition of Thomas Stoddart, urging the sale of the old post-office in Buffalo, N. Y.—to the Committee on Public Buildings and Grounds.

By Mr. BROMWELL: Petition of Ohio State Association of Post-Office Clerks, urging the passage of House bill 5286—to the Committee on the Post-Office and Post-Roads.

By Mr. BROWN: Resolution of Wisconsin Cheese Makers' Union, for legislation amending the existing interstate-commerce act—to the Committee on Interstate and Foreign Commerce.

By Mr. BURK of Pennsylvania: Petition of Storekeepers and Gaugers' Association, of the First district of Pennsylvania, for an annual vacation—to the Committee on Ways and Means.

Also, resolutions adopted by the International Good Roads Congress at Buffalo, N. Y., asking for an appropriation—to the Committee on Agriculture.

Also, resolutions adopted by the Pennsylvania Forestry Association, for securing a national forest reserve in the Appalachian Mountains—to the Committee on the Public Lands.

Also, protest of citizens of Boston, against extravagant expenditures in the Navy—to the Committee on Naval Affairs.

By Mr. CALDERHEAD: Petition of Emilio Nunez, civil governor of Habana, in relation to trade and reciprocity with Cuba—to the Committee on Ways and Means.

Also, resolution of the National Good Roads Association, Chicago, Ill., for an appropriation for improved roads in various sections of the country—to the Committee on Agriculture.

Also, petition of Thompson Post, No. 246, Grand Army of the Republic, Department of Kansas, for investigation of the administration of the Bureau of Pensions—to the Committee on Rules.

Also, resolution of the Garden City Industrial Club, of Garden City, Kans., against reciprocal trade relations with Cuba admitting sugar free—to the Committee on Ways and Means.

Also, resolution of the Merchants' Association of New York, favoring the reorganization of the consular service—to the committee on Foreign Affairs.

Also, petition of editors of various agricultural papers in the United States, for the passage of the Grout bill—to the Committee on Agriculture.

Also, petition of National Tea Duty Repeal Association, in relation to the removal of the duty on teas—to the Committee on Ways and Means.

Also, petition of the United States Export Association of New York, urging reciprocal relations with Cuba—to the Committee on Ways and Means.

Also, resolutions of Grain Dealers' Association in Indiana, favoring amendments to the interstate-commerce law—to the Committee on Interstate and Foreign Commerce.

By Mr. CANNON: Paper to accompany House bill to correct the military record of Joseph Ramsey—to the Committee on Military Affairs.

Also, paper to accompany House bill granting an increase of pension to Dewitt G. Cole—to the Committee on Invalid Pensions.

By Mr. CROWLEY: Papers to accompany House bill 2301, for the relief of Pleasant Umfleet—to the Committee on Invalid Pensions.

By Mr. CRUMPACKER: Petition of citizens of Hammond, Ind., for improvement of Calumet River, in Indiana—to the Committee on Rivers and Harbors.

By Mr. DALZELL: Resolution of Pittsburg Chapter, American Institute of Architects, against change of title of Architect of the Capitol—to the Committee on Appropriations.

Also, resolution of the board of directors of the Consolidated Stock and Petroleum Exchange of New York, in regard to repeal of stamp tax on sales of shares or certificates of stock—to the Committee on Ways and Means.

Also, resolutions of members of the Preachers' Meeting of the Methodist Episcopal Church of Pittsburg, Pa.; the Ministerial Association of the Presbyterian Church; Knights of Labor of Pittsburg, and Council 859, of Pitcairn, Pa., concerning the Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. DOUGHERTY: Papers accompanying the bill to remove charge of desertion from the military record of Enoch S. Vernon—to the Committee on Military Affairs.

Also, petition of coal miners of Camden, Ray County Mo., for exclusion of Chinese—to the Committee on Foreign Affairs.

By Mr. ELLIOTT: Resolution of the Charleston (S. C.) Chamber of Commerce, in favor of amendments to the bankruptcy act—to the Committee on the Judiciary.

Also, resolution of the city council of Charleston, S. C., favoring amendment of the interstate-commerce acts—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Charleston Chamber of Commerce and Charleston Cotton Exchange, favoring the passage of House bill 5796, to promote the efficiency of the Revenue-Cutter Service—to the Committee on Interstate and Foreign Commerce.

By Mr. GIBSON: Petition of the heirs of F. S. Heiskell, deceased, of Knox County, Tenn., for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. GOLDFOGLE: Petition of the National Tea Duty Repeal Association, asking for repeal of war tax on tea—to the Committee on Ways and Means.

Also, resolutions of Brotherhood of Locomotive Firemen (New York State legislative board), favoring bill to limit the power of Federal courts in granting injunctions in trade disputes—to the Committee on the Judiciary.

Also, resolutions of the Merchants' Association of New York, urging passage of Senate bill for reorganization of the consular service—to the Committee on Foreign Affairs.

Also, resolutions of the American Mining Association, asking that the mining laws of the United States be extended to the Philippine Islands—to the Committee on Mines and Mining.

Also, resolutions of Manufacturers' Association of New York, urging passage of the bill to amend the bankruptcy law—to the Committee on the Judiciary.

Also, resolutions of Western Labor Union, asking for reenactment of the Chinese-exclusion law—to the Committee on Foreign Affairs.

Also, resolutions of Manufacturers' Association of New York, asking for reciprocal tariff with Cuba—to the Committee on Ways and Means.

By Mr. GORDON: Papers and drawing to accompany House bill 9060, providing for the enlargement of the Government building at Lima, Ohio—to the Committee on Public Buildings and Grounds.

By Mr. GRAHAM: Petition of the Indiana Grain Dealers' National Association, for the passage of amendments to strengthen interstate-commerce act—to the Committee on Interstate and Foreign Commerce.

Also, resolution of Pittsburg Chapter, American Institute of Architects, urging the continuation of the office of Architect of the Capitol and asking that an appointment to the office be made—to the Committee on Appropriations.

By Mr. GRIFFITH: Paper to accompany House bill granting a pension to Phoebe J. Talkington—to the Committee on Invalid Pensions.

By Mr. HALL: Paper to accompany House bill 3670, granting an increase of pension to P. E. Wellman, of St. Petersburg, Pa.—to the Committee on Invalid Pensions.

Also, paper to accompany House bill 9240, granting an increase of pension to Joseph Eckley—to the Committee on Invalid Pensions.

By Mr. HANBURY: Papers to accompany House bill 7776, to remove the charge of desertion against the record of Bernard Corrigan—to the Committee on Military Affairs.

By Mr. HITT: Petitions of R. W. Barnes, George B. Turneaure, and other citizens of Freeport, Ill., asking for an amendment to the Constitution prohibiting polygamy—to the Committee on the Judiciary.

By Mr. HENRY of Mississippi: Papers to accompany bill for the relief of Charlotte Spears—to the Committee on War Claims.

By Mr. HILL: Petitions of citizens of Danbury, Conn., asking for a public building for post-office purposes, to be erected in the city of Danbury, Conn.—to the Committee on Public Buildings and Grounds.

Also, resolutions of the Association of Master Plumbers of Bridgeport, Conn., concerning the construction of public buildings—to the Committee on Public Buildings and Grounds.

Also, resolutions of the Central Labor Union of Norwalk, Conn., concerning the reenactment of the Chinese-exclusion act—to the Committee on Foreign Affairs.

Also, resolutions of the Connecticut State board of agriculture, of Hartford, concerning schools of mining at land-grant colleges—to the Committee on Mines and Mining.

Also, resolutions of the board of trustees of the Connecticut Agricultural College, concerning establishment and maintenance of schools of mining at the land-grant colleges in every State where they do not now exist—to the Committee on Mines and Mining.

Also, resolutions of the Central Labor Union of Norwalk, Conn., concerning the construction of Government vessels in navy-yards—to the Committee on Naval Affairs.

By Mr. JACKSON of Kansas: Petition of Humphrey Post, No. 145, Grand Army of the Republic, of Neodesha, Kans., in favor of increasing the pension of Charles R. Ford—to the Committee on Invalid Pensions.

By Mr. JONES of Washington: Petitions of citizens of the State of Washington, against the sale and leasing of public lands for grazing purposes—to the Committee on the Public Lands.

By Mr. KNOX: Papers to accompany House bill 7268, to remove the charge of desertion against the record of Matthew Hogan—to the Committee on Military Affairs.

Also, papers to accompany House bill 10229, granting an increase of pension to Daniel G. George—to the Committee on Invalid Pensions.

By Mr. LACEY: Papers to accompany House bill granting an increase of pension to William E. Brown—to the Committee on Invalid Pensions.

By Mr. LIVINGSTON: Papers to accompany House bill for the relief of Ida V. Rhoads—to the Committee on Invalid Pensions.

By Mr. McCALL (by request): Petition of Robert A. Bell Post, No. 134, Grand Army of the Republic, Department of Massachusetts, for investigation of administration of Bureau of Pensions—to the Committee on Rules.

By Mr. NAPHEN: Resolution of the Commercial Club of Brockton, Mass., for reciprocal trade agreement between the United States and Canada—to the Committee on Ways and Means.

Also, resolution of National Good Roads Congress, in favor of improved roads in various parts of the country—to the Committee on Agriculture.

Also, resolution of the Merchants' Association of New York, favoring the reorganization of the consular service—to the Committee on Foreign Affairs.

By Mr. REID: Petition of Carl A. Starck and others, of the State of Arkansas, favoring the repeal of the war tax on bottled wine—to the Committee on Ways and Means.

By Mr. RICHARDSON of Tennessee: Papers to accompany House bill granting an honorable discharge to E. D. Judkins—to the Committee on Military Affairs.

By Mr. ROBINSON of Indiana: Petition of J. C. Sanders, of Collins, Ind., regarding reciprocity with Cuba—to the Committee on Ways and Means.

Also, petition of master plumbers of Fort Wayne, Ind., favoring a separate letting of the various branches of work for public buildings—to the Committee on Public Buildings and Grounds.

By Mr. RYAN: Petition of Edward Everett Hale and 135 other citizens of Boston and vicinity, protesting against extravagant expenditures in the Navy Department—to the Committee on Naval Affairs.

Also, resolutions of Miscellaneous Trades Section of the United Trades and Labor Council of Erie County, N. Y., favoring passage of House bill No. 9053—to the Committee on Labor.

By Mr. SHALLENBERGER: Petition of M. L. Pierce and 70 other citizens of Superior, Nebr., against House bill No. 6578, known as the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, papers to accompany House bill 4172, granting an increase of pension to George R. Chaney—to the Committee on Invalid Pensions.

By Mr. SNOOK: Papers to accompany House bill 5509, granting an increase of pension to Joseph Burger—to the Committee on Invalid Pensions.

Also, paper to accompany House bill 9301, for the relief of Barbara McDonald—to the Committee on Invalid Pensions.

By Mr. SPERRY: Resolution of Connecticut State board of agriculture and Connecticut Dairymen's Association, favoring the passage of House bill No. 8735, establishing schools of mining, etc.—to the Committee on Mines and Mining.

Also, petition of W. O. Stowell and other clerks in the post-office at Meriden, Conn., for the classification of clerks in first and second class post-offices—to the Committee on the Post-Office and Post-Roads.

By Mr. STEELE: Resolution of Branch No. 50, American Federation of Labor, of Sims, Ind., favoring the construction of naval vessels at Government navy-yards—to the Committee on Naval Affairs.

Also, resolution of Lorain Council, Daughters of Liberty, of Logansport, Ind., concerning the Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. VANDIVER: Papers to accompany House bill relating to the claim of J. M. Hamilton—to the Committee on Claims.

SENATE.

THURSDAY, *January 30, 1902.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SPOONER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. If there is no objection, the Journal will stand approved. It is approved.

HIRE OF QUARTERS, MARINE CORPS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Navy, submitting an estimate of deficiency in the appropriation for "hire of quarters, Marine Corps, fiscal year, 1902," $3,800; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

SCHOONER ARIEL.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims, set out in the findings by the court relating to the vessel schooner *Ariel*, John Compton, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. NELSON presented a petition of the city council of Thief River Falls, Minn., praying for the enactment of legislation providing for the opening up of eleven townships of the Red Lake Indian Reservation, in Minnesota, to actual settlers; which was referred to the Committee on Indian Affairs.

He also presented the petition of Col. C. T. Trowbridge, of St. Paul, Minn., in support of the bill (H. R. 9076) for the relief of Charles T. Trowbridge, George D. Walker, and John A. Trowbridge; which was referred to the Committee on Military Affairs.

Mr. CLAY presented a memorial of the board of commissioners of Darien, Ga., remonstrating against the enactment of legislation authorizing an examination and survey of Plantation and Clubb creeks, in that State, with a view of providing an inside water route navigable for river steamers from the Altamaha River into the port of Brunswick; which was referred to the Committee on Commerce.

Mr. GAMBLE presented the memorial of R. H. Ostrander, of Harding County, S. Dak., remonstrating against the leasing of the public lands of the United States; which was referred to the Committee on Public Lands.

He also presented a memorial of the mayor and board of aldermen of Sugar City, Colo., remonstrating against any reduction being made in the present duty on sugar imported from Cuba; which was referred to the Committee on Finance.

He also presented a petition of the Grain Dealers' National Association, of Des Moines, Iowa, praying for the enactment of legislation extending the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Merchants' Association of New York, praying for the passage of the so-called Lodge bill for the reorganization of the consular service of the United States; which was referred to the Committee on Foreign Relations.

Mr. WARREN presented a petition of Federal Labor Union, No. 181, American Federation of Labor, of Laramie, Wyo., pray-

ing for the reenactment of the Chinese-exclusion law; which was referred to the Committee on Immigration.

He also presented a petition of the Cheyenne Federation of Labor, American Federation of Labor, of Cheyenne, Wyo., praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which was referred to the Committee on Naval Affairs.

He also presented a petition of the International Association of Machinists, American Federation of Labor, of Cheyenne, Wyo., praying that an appropriation be made to supply the deficiency existing in the ordnance fund of the Navy; which was referred to the Committee on Naval Affairs.

He also presented a petition of the Missionary Society of the Presbyterian Church, of Laramie, Wyo., and a petition of sundry citizens of Wheatland and Douglas, Wyo., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented a petition of the National Live Stock Association, of Denver, Colo., praying that adequate appropriations be made for the construction of great storage reservoirs in the arid regions of the West; which was referred to the Committee on Irrigation and Reclamation of Arid Lands.

He also presented a petition of the National Live Stock Association, of Denver, Colo., praying for the enactment of legislation giving to the Interstate Commerce Commission adequate power to correct discrimination, remove preferences, and abate unreasonable rates; which was referred to the Committee on Interstate Commerce.

He also presented a memorial of the National Live Stock Association, of Denver, Colo., remonstrating against the repeal of the duty on hides; which was referred to the Committee on Finance.

He also presented a petition of the National Live Stock Association of Denver, Colo., praying for the admission of the Territory of New Mexico into the Union as a State; which was referred to the Committee on Territories.

He also presented a petition of the National Live Stock Association of Denver, Colo., praying for the admission of the Territory of Arizona into the Union as a State; which was referred to the Committee on Territories.

He also presented a petition of the National Live Stock Association of Denver, Colo., praying for the enactment of legislation providing for the exchange of lands held by private ownership within the boundaries of Government forest preserves, known as the "lieu land law;" which was referred to the Committee on Public Lands.

He also presented a memorial of the National Live Stock Association of Denver, Colo., remonstrating against the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Chamber of Commerce of Sterling, Colo., praying for the enactment of legislation providing for the construction of a system of reservoirs throughout the arid region of the West for the storage of its surplus waters to be used for general irrigation purposes; which was referred to the Committee on Irrigation and Reclamation of Arid Lands.

Mr. KEAN presented a petition of Greenville Council, No. 114, Junior Order United American Mechanics, of Jersey City, N. J., praying for the reenactment of the Chinese-exclusion law; which was referred to the Committee on Immigration.

He also presented sundry petitions of citizens of Ridgewood, N. J., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

Mr. FRYE presented a resolution of the National Marine Engineers' Beneficial Association, requesting the passage of House bill 5796, to promote the efficiency of the Revenue-Cutter Service; which was ordered to lie on the table, and to be printed in the RECORD, as follows:

WASHINGTON, D. C., *January 23, 1902.*

Hon. WILLIAM P. FRYE,
Chairman Committee on Commerce, United States Senate:

Whereas there is now pending before your committee House bill 5796, for the promotion of the efficiency of the Revenue-Cutter Service; and

Whereas that service is universally recognized as a most important auxiliary in aid of commerce, in the enforcement of the navigation laws, and all laws appertaining to maritime affairs; and

Whereas we deem it of the utmost importance that said service shall be maintained in the highest state of efficiency: Therefore, be it

Resolved by the Marine Engineers' Beneficial Association of the United States in annual meeting assembled, That the Senate and House of Representatives be earnestly requested to enact said bill into law.

[SEAL.] GEORGE UHLER,
National President.
GEORGE A. GRUBB,
National Secretary.

Mr. FRYE presented the memorial of F. X. Brandecker and 375 other citizens of Chicago, Ill., remonstrating against the enactment of legislation to restrict immigration; which was referred to the Committee on Immigration.

REPORTS OF COMMITTEES.

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (S. 2714) to declare the international railway bridge over the southerly channel of the St. Lawrence River, near Hogansburg, N. Y., a lawful structure, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 3026) granting an increase of pension to Marie U. Nordstrom, reported it with an amendment, and submitted a report thereon.

He also, from the Committee on Naval Affairs, to whom was referred the bill (S. 2470) relating to the examination for promotion of warrant officers in the Navy, reported adversely thereon, and the bill was postponed indefinitely.

Mr. MALLORY, from the Committee on Commerce, to whom was referred the bill (S. 901) authorizing the Secretary of the Treasury to appoint commissioners to estimate damages done to planted oysters and oyster beds in Raritan Bay and adjoining waters in New York and New Jersey, and to make compensation therefor, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. STEWART, from the Committee on Indian Affairs, to whom were referred the following bills, reported adversely thereon, and the bills were postponed indefinitely:

A bill (S. 1998) for the relief of the Lower Band of the Chinook Indians of the State of Washington; and

A bill (S. 1669) for the relief of the Kathlamet Band of the Chinook Indians of the State of Oregon.

Mr. CULLOM, from the Committee on Foreign Relations, to whom was referred the bill (S. 2311) making appropriation for the improvement of the legation building owned by the United States at Tokyo, Japan, reported it without amendment.

He also, from the same committee, to whom the subject was referred, reported a bill (S. 3357) to authorize Lieut. Commander Asher C. Baker, United States Navy; Frank W. Clarke, Curator, United States National Museum, and Henry E. Alvord, William A. Taylor, H. W. Wiley, M. A. Carleton, and John I. Schulte, of the Department of Agriculture, to accept decorations tendered to them, respectively, by the Government of the French Republic; which was read twice by its title.

He also, from the same committee, to whom was referred the amendment submitted by himself on the 8th instant, proposing to make an appropriation of $3,000 for a consul at Nankin, China, in lieu of an appropriation of like amount for consul at Chinkiang, China, intended to be proposed by him to the consular and diplomatic appropriation bill, reported favorably thereon, and moved that it be printed, and, with the accompanying paper, referred to the Committee on Appropriations; which was agreed to.

Mr. PRITCHARD, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 9342) to amend the code of law for the District of Columbia, approved March 3, 1901, reported it without amendment.

Mr. FAIRBANKS, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 2170) to provide for the erection of a post-office in the city of New York and making appropriation therefor, reported it with amendments, and submitted a report thereon.

Mr. TURNER, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 256) providing for the erection of a public building at the city of Tacoma, in the State of Washington, reported it with amendments, and submitted a report thereon.

Mr. GAMBLE, from the Committee on Indian Affairs, to whom was referred the bill (S. 2513) to ratify an agreement with the Lower Brule band of the Sioux tribe of Indians in South Dakota, and making appropriation to carry the same into effect, reported it without amendment, and submitted a report thereon.

REPORT ON IRON-ORE DEPOSITS.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the concurrent resolution submitted by Mr. MCMILLAN on the 28th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed at the Government Printing Office 4,000 copies, in pamphlet form, of the report on the "Iron-ore deposits of the Lake Superior region," by C. R. Van Hise, being pages 305 to 434 of Part II of the Twenty-first Annual Report of the United States Geological Survey, 1,000 copies for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 1,000 for distribution by the Geological Survey.

GETTYSBURG NATIONAL PARK COMMISSION.

Mr. PLATT of New York. I am instructed by the Committee on Printing, to whom was referred the joint resolution (S. R. 46) to provide for the printing of 6,000 copies of the consolidated reports of the Gettysburg National Park Commission, 1893 to 1901,

inclusive, to report it without amendment, and I ask for its present consideration.

The Secretary read the joint resolution; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It provides for printing 6,000 copies of the consolidated reports of the Gettysburg National Park Commission, 1893 to 1901, inclusive, of which 2,000 shall be for the Senate, 2,000 for the House of Representatives, 1,000 for the office of the Secretary of War, and 1,000 for the Gettysburg National Park Commission.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

STENOGRAPHER FOR COMMITTEE ON IMMIGRATION.

Mr. GALLINGER, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. PENROSE on the 21st instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on Immigration be authorized to employ a stenographer to report hearings before said committee on bills referred to it, the expenses thereof to be paid from the contingent fund of the Senate.

STENOGRAPHER FOR COMMITTEE ON NAVAL AFFAIRS.

Mr. GALLINGER, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. HALE on the 23d instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on Naval Affairs of the Senate be authorized to employ a stenographer to report hearings before that committee, and that he be paid out of the contingent fund of the Senate.

BILLS INTRODUCED.

Mr. LODGE introduced a bill (S. 3358) to amend paragraph 1 of an act entitled "An act to provide ways and means to meet war expenditures, and for other purposes," approved June 13, 1898, and as amended March 2, 1901; which was read twice by its title, and referred to the Committee on Finance.

He also (by request) introduced a bill (S. 3359) in amendment to the various acts relative to immigration and the importation of aliens under contract or agreement to perform labor, providing for the regulation and control of immigration into the United States from Canada and Mexico, and for other purposes; which was read twice by its title, and referred to the Committee on Immigration.

He also introduced a bill (S. 3360) for the promotion of First Lieut. Joseph M. Simms, Revenue-Cutter Service; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Commerce.

Mr. PRITCHARD introduced a bill (S. 3361) providing for the removal of the port of entry in the Albemarle collection of customs district, North Carolina, from Edenton, N. C., to Elizabeth City, N. C.; which was read twice by its title, and referred to the Committee on Commerce.

Mr. MCMILLAN introduced the following bills; which were severally read twice by their titles, and referred to the Committee on the District of Columbia:

A bill (S. 3362) to regulate appointments and promotions in the municipal government of the District of Columbia;

A bill (S. 3363) to transfer the control of the Government Hospital for the Insane, the Freedmen's Hospital and Asylum, and the Washington Hospital for Foundlings to the Interior Department; and

A bill (S. 3364) to authorize the apportionment of assessments for special improvements, and so forth, in the District of Columbia.

Mr. QUAY introduced a bill (S. 3365) granting an increase of pension to Eliza M. Miller; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. MALLORY (by request) introduced a bill (S. 3366) for the relief of the surviving heirs of Isaac Hulse, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. PATTERSON introduced a bill (S. 3367) granting an increase of pension to George E. Heilman; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3368) to provide for the union of Oklahoma Territory and the Indian Territory, and to enable the people thereof to form a constitution and State government and to be admitted into the Union as the State of Oklahoma on an equal footing with the original States, and to make donations of public lands to said State; which was read twice by its title, and referred to the Committee on Territories.

Mr. STEWART introduced a bill (S. 3369) making an appropriation for purchasing the improvements of certain settlers within the Northern Cheyenne Indian Reservation, Mont.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Indian Affairs.

Mr. FAIRBANKS introduced a bill (S. 3371) removing the charge of desertion from the name of Jacob Bowman; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3372) removing the charge of desertion from the name of Calvin Weaver; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CLARK of Wyoming introduced a bill (S. 3373) for the relief of Capt. George A. Armes; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BARD introduced a bill (S. 3374) to protect forest reserves, and for other purposes; which was read twice by its title, and referred to the Committee on Forest Reservations and the Protection of Game.

Mr. NELSON introduced a bill (S. 3375) relating to the construction of a dam across Rainy River; which was read twice by its title, and referred to the Committee on Commerce.

Mr. RAWLINS introduced a bill (S. 3376) removing the charge of desertion against Caleb J. Kizer; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. CLAY (by request) introduced a bill (S. 3377) for the relief of the estate of Archibald W. Tanner, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. TALIAFERRO introduced a bill (S. 3378) granting a pension to Sarah Anne Harris; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GAMBLE introduced a bill (S. 3379) conferring jurisdiction upon the circuit and district courts for the district of South Dakota in certain cases, and for other purposes; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. WELLINGTON introduced a bill (S. 3380) for the purchase of land in Fort Reno subdivision northwest, as a site for a colored school building; which was read twice by its title, and referred to the Committee on the District of Columbia.

HEATING OF STREET-RAILWAY CARS.

Mr. HOAR. I introduce a bill for reference to the Committee on the District of Columbia. It is very brief, and I ask that it be read at length.

The bill (S. 3370) to regulate the heating and care of street-railway cars in the District of Columbia was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That it shall be the duty of the Commissioners of the District of Columbia from time to time to make such recommendations to the proprietors or managers of the various street railways in the District of Columbia for the comfort and convenience and safety of passengers and the public as shall seem to them desirable.

SEC. 2. That said Commissioners shall report to Congress annually on the 1st day of January of each year, and as much oftener as shall to them seem desirable, whether said railway companies have obeyed or complied with such recommendations, and the reasons, if any, that said proprietors or managers may have assigned for noncompliance therewith.

Mr. HOAR. Mr. President, I should like to be allowed to make one observation in regard to the bill.

I am not one of those persons, if there be any, who always wish to be finding fault with public corporations which have in charge the convenience of the public. Especially do I think that in general the street-railway system of the District of Columbia is fairly well administered; but certainly the public have a right to hold the companies to more care for the health and safety of the people than they exercise. In weather like this not to have in a street railway the ordinary heating arrangements which are found in the cars in every little town in the North at this season of the year, exposing people to great discomfort and to very serious danger in regard to health and life, seems to me to be a great wrong. That is the case, and it has been the case, with the street cars here, and I understand that the conductors on being applied to say they can not turn on the heat; that they would be discharged if they did so.

In my own State a system of recommendation not putting any absolute arbitrary power into the hands of the railroad commissioners has operated perfectly. The Massachusetts railroad commissioners are authorized to make recommendations to various railroad companies in all such matters, and if the companies disobey, as they have a right to do, the commissioners are then to report to the legislature the facts in the case. But in no instance, I believe, certainly in very few instances, have the railroad companies ever disregarded a recommendation of the railroad commissioners for the public comfort and convenience and safety; and I have no doubt that would be the case here. It will save the constant appeal to Congress in little grievances, and I have no doubt will be entirely effectual.

I hope my friend the chairman of the Committee on the District of Columbia will give the matter his attention.

The PRESIDENT pro tempore. The bill will be referred to the Committee on the District of Columbia.

EMPLOYMENT OF STENOGRAPHER.

Mr. BURNHAM (for Mr. McCOMAS) submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Education and Labor be authorized to employ a stenographer to report hearings and testimony before that committee on subjects referred to it, the expense thereof to be paid from the contingent fund of the Senate.

EMPLOYMENT OF MESSENGER.

Mr. PROCTOR submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Agriculture and Forestry be, and it hereby is, authorized to appoint a messenger, to be paid from the contingent fund of the Senate, at the rate of $1,440 per annum, until otherwise provided for by law.

PRESERVATION OF THE BUFFALO.

Mr. PROCTOR submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior and the Secretary of Agriculture be directed to transmit to the Senate any facts which they possess with reference to the preservation in the United States or the Dominion of Canada of the buffalo, or American bison, informing the Senate whether or not such animals are dying out or are on the increase; to what extent they are running wild or are being domesticated, and whether or not such as remain are of pure or mixed blood, and also informing the Senate whether or not any steps ought to be taken by the United States for the preservation from extinction of such animals.

REPORTS ON ISTHMIAN CANAL.

Mr. MORGAN submitted the following resolution; which was considered by unanimous consent, and agreed to.

Resolved, That the Committee on Interoceanic Canals cause to be prepared an analytical index of Senate Report No. 1337, Fifty-sixth Congress, and Senate Report No. 1, Fifty-seventh Congress.

ACTS OF PHILIPPINE COMMISSION.

Mr. RAWLINS. I submit a resolution, and ask for its present consideration.

The resolution was read, as follows:

Be it resolved by the Senate, That the Secretary of War is directed to inform the Senate if the following has been passed by the Philippine Commission, and is being enforced as a law in said islands, and persons punished thereunder, viz:

"SEC. 2. Every person owing allegiance to the United States or the government of the Philippine Islands and having knowledge of any treason against them, or either of them, who conceals and does not, as soon as may be, disclose and make known the same to the provincial governor in the province in which he resides, or to the civil governor of the islands, or to some judge of a court of record, is guilty of misprison of treason, and shall be imprisoned not more than seven years and be fined not more than $1,000."

"SEC. 8. Every person who shall utter seditious words or speeches; write, publish, or circulate scurrilous libels against the Government of the United States or the insular government of the Philippine Islands, or which tend to disturb or obstruct any lawful officer in executing his office, or which tend to instigate others to cabal or meet together for unlawful purposes, or which suggest or incite rebellious conspiracies or riots, or which tend to stir up the people against the lawful authorities or to disturb the peace of the community, the safety and order of the government, or who shall knowingly conceal such evil practices, shall be punished by a fine not exceeding $2,000, or by imprisonment not exceeding two years, or both, in the discretion of the court.

"SEC. 9. All persons who shall meet together for the purpose of forming, or who shall form, any secret society, or who shall, after the passage of this act, continue membership in a society already formed, having for its object, in whole or in part, the promotion of treason, rebellion, or sedition, or the promulgation of any political opinion or policy, shall be punished by a fine not exceeding $1,000 or by imprisonment not exceeding one year, or both.

"SEC. 10. Until it has been officially proclaimed that a state of war or insurrection against the authority or sovereignty of the United States no longer exists in the Philippine Islands it shall be unlawful for any person to advocate orally, or by writing or printing or like methods, the independence of the Philippine Islands or their separation from the United States, whether by peaceable or forcible means, or to print, publish, or circulate any handbill, newspaper, or other publication advocating such independence or separation.

"Any person violating the provisions of this section shall be punished by a fine of not exceeding $2,000 and imprisonment not exceeding one year."

Mr. LODGE. I would say to the Senator from Utah that Governor Taft will be before the committee to-morrow morning, and the Senator can then ask that question of him directly, without asking the Secretary of War to duplicate the information. I have no earthly objection to the resolution, not the least in the world; but the Senator can in that way, in my judgment, get the information much more quickly.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. GALLINGER. I object, Mr. President.

The PRESIDENT pro tempore. Objection is made, and the resolution will go over.

Mr. RAWLINS. I ask the Senator to withdraw his objection for a moment until I can make a statement in regard to it.

Mr. LODGE. I did not object.

The PRESIDENT pro tempore. The Senator from New Hampshire [Mr. GALLINGER] objected.

Mr. GALLINGER. I will waive the objection in order to hear the Senator.

Mr. RAWLINS. It is being circulated and repeated that that act was passed by the Philippine Commission. Upon examination of the laws passed by the Commission which have been sent to us, I failed to find it. It seems to be a later number than any of the acts which are contained in the volumes which have been laid before the Senate. Governor Taft, it is true, is to be here to-morrow; but I am advised that this act was passed during his absence, and it is possible that he may not have accurate information as to the terms of the act. Now, it is fair to those of us who desire to discuss the question upon the proper basis, and who desire information, that we should have official information as to whether this is an act passed by the Commission and being enforced as a law in the islands. That is the only object of the resolution, and I hope the Senator from New Hampshire will not interpose his objection.

Mr. GALLINGER. Mr. President, I think the resolution had better go over.

The PRESIDENT pro tempore. The Senator from New Hampshire objects, and the resolution goes over until to-morrow morning.

PRESIDENTIAL SUCCESSION.

Mr. HOAR. I move to take up for consideration the joint resolution (S. R. 1) proposing an amendment to the Constitution of the United States respecting the succession to the Presidency in certain cases.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It proposes that the following amendment to the Constitution of the United States shall be proposed for ratification by the legislatures in the several States, which, when ratified by legislatures in three-fourths of the United States, shall be valid as a part of the said Constitution, namely:

ARTICLE XVI.

In all cases, not provided for by Article II, clause 5, of the Constitution, where there is no person entitled to discharge the duties of the office of the President, the same shall devolve upon the Vice-President. The Congress may by law provide for the case where there is no person entitled to hold the office of President or Vice-President, declaring what officer shall then act as President, and such officer shall act accordingly until the disability shall be removed or a President shall be elected.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading; and it was read the third time, and passed (two-thirds of the Senators present voting in the affirmative).

PUBLIC BUILDING AT BUTTE, MONT.

Mr. CLARK of Montana. I ask unanimous consent for the present consideration of the bill (S. 1633) to increase the limit of cost of the post-office building at Butte, Mont.

The Secretary read the bill, and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, in line 5, before the word "hundred" to strike out "five" and insert "four;" so as to make the bill read:

Be it enacted, etc., That the limit of cost of the post-office building at Butte, Mont., be increased from $225,000 to $400,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NATIONAL BATTLEFIELDS MEMORIAL PARK IN VIRGINIA.

Mr. PROCTOR. I ask for the present consideration of the bill (S. 1452) to establish the Fredericksburg and Adjacent National Battlefields Memorial Park in the State of Virginia.

The Secretary read the bill, and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. HOAR. I should like to suggest to the Senator having this bill in charge that he accept an amendment, which will not in the least impair it; that is, to strike out, from line 8 to line 12 of the first section, the words—

and on which limited territory the late distinguished Union general, John C. Newton, after careful investigation, declared that more great battles were fought, more men engaged, and more execution done than on any other spot of similar area in the world.

It seems to me, in the first place, that we ought to be very cautious of affirming in an act of Congress a historical fact relating to matters like that; and, in the next place, if we are going to affirm it, we should do so, and not merely say that somebody said so, without saying whether we agree with it or no.

Mr. PROCTOR. I consent to the amendment.

Mr. HOAR. My amendment is, in section 1, line 8, after the word "miles," to strike out down to and including the word "world," in line 12.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. In section 1, on page 1, line 8, after the word "miles," it is proposed to strike out:

And on which limited territory the late distinguished Union general, John C. Newton, after careful investigation, declared that more great battles were

fought, more men engaged, and more execution done than on any other spot of similar area in the world.

So as to read:

That for the purpose of preserving and suitably marking for historical and professional military study the famous battlefields in Spottsylvania County, Va., known as Fredericksburg, Salem Church, Chancellorsville, the Wilderness, and Spottsylvania Court-House, all of them within a radius of 8 miles, and upon the ceding of jurisdiction to the United States by the State of Virginia over all lands and public highways called for by this act, and the report of the Attorney-General of the United States that the title to the lands over which jurisdiction as aforesaid is ceded and the right of the United States to occupy, use, and improve said highways is perfect, the following-described highways in the State of Virginia are hereby declared to be approaches to and parts of the Fredericksburg and Adjacent National Battlefields Memorial Park, as established by the second section of this act, etc.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ARTHUR R. HENDERSON AND OTHERS.

Mr. LODGE. I ask unanimous consent for the present consideration of the bill (S. 238) for the relief of Arthur R. Henderson. I send to the desk a committee amendment which has been reported with the bill.

The PRESIDENT pro tempore. The Senator from Massachusetts asks unanimous consent for the present consideration of a bill, which will be read to the Senate for its information.

Mr. GALLINGER. Mr. President, I do not rise to object to the consideration of this bill, but I will venture to express the hope that, after it has been considered, the Calendar may be taken up in order. The hour and ten minutes remaining before the close of the morning hour would, in my opinion, clear the Calendar of unobjected cases.

The Secretary read the bill (S. 238) for the relief of Arthur R. Henderson, and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment reported by the Committee on Post-Offices and Post-Roads was, at the end of the bill, to insert the following:

The Secretary of the Treasury is also authorized and directed to pay to George L. Wentworth, administrator of the estate of Henry A. Thomas, his salary as postmaster of the city of Boston from June 1, 1899, to December 6, 1899, the date of his resignation, in addition to that already authorized to be retained by Arthur R. Henderson.

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed, in settling the accounts of Arthur R. Henderson while acting postmaster of Boston, Mass., to allow him to retain the sum of $1,750 over and above his regular salary of assistant postmaster, for his services as acting postmaster for the term of seven months, from June 1, 1899, to December 31, 1899, inclusive. The Secretary of the Treasury is also authorized and directed to pay to George L. Wentworth, administrator of the estate of Henry A. Thomas, his salary as postmaster of the city of Boston from June 1, 1899, to December 6, 1899, the date of his resignation, in addition to that already authorized to be retained by Arthur R. Henderson.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Arthur R. Henderson and others."

GEORGE H. PAUL.

Mr. SPOONER. I ask unanimous consent for the present consideration of the bill (S. 1949) to authorize the Secretary of the Navy to appoint George H. Paul a warrant machinist in the Navy.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It authorizes the Secretary of the Navy to appoint George H. Paul to fill an original vacancy in the 100 warrant machinists in the Navy, authorized by section 14 of the act approved March 3, 1899, entitled "An act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States," notwithstanding he was about seven months beyond the age limit at the time of examination, he having passed the examination, near the top of the list, under a misapprehension as to the age limit, and having served twelve months at the Naval Academy and four years at sea in the Government service as an engineer.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT ABERDEEN, S. DAK.

Mr. KITTREDGE. I ask unanimous consent for the present consideration of the bill (S. 2786) to increase the limit of cost of the public building at Aberdeen, S. Dak.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported by the Committee on Public Buildings and Grounds with an amendment, in line 6, after the words "dollars to," to strike out "two hundred" and insert "one hundred and seventy-five," so as to make the bill read:

Be it enacted, etc., That the limit of cost of the public building at Aberdeen, S. Dak., heretofore provided for by the act of March 3, 1901, be, and the same is hereby, increased from $100,000 to $175,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT SAN FRANCISCO, CAL.

Mr. PERKINS. I ask unanimous consent for the present consideration of the bill (S. 1602) to provide for the erection of a public building at San Francisco, in the State of California.

Mr. GALLINGER. Mr. President, I give notice that after this bill has been considered I shall ask for the regular order.

The PRESIDENT pro tempore. The Senator from California [Mr. PERKINS] asks unanimous consent for the present consideration of the bill named by him, which will be read in full for the information of the Senate.

The Secretary read the bill; and, by unanimous consent, the Senate proceeded to its consideration. It provides for the erection of a suitable building, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States custom-house and other Government offices, on the present post-office site on Battery, between Washington and Jackson streets, in the city of San Francisco and State of California, and that the cost of the building, including vaults, heating and ventilating apparatus, elevators, and approaches, complete, shall not exceed $1,500,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. GALLINGER. I ask for the regular order, Mr. President.

The PRESIDENT pro tempore. The Senator from New Hampshire demands the regular order. The regular order is the Calendar under Rule VIII, and the first bill on the Calendar will be stated.

BILLS PASSED OVER.

The bill (S. 493) to amend an act entitled "An act to establish a code of law for the District of Columbia," was announced as first in order on the Calendar.

Mr. LODGE. Let that go over, Mr. President.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 451) to provide for acquiring the rights necessary for the construction of a canal connecting the waters of the Atlantic and Pacific oceans, was announced as next in order.

Mr. LODGE and Mr. GALLINGER. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 911) authorizing the Federal Railroad Company to construct a combined railroad, wagon, and foot-passenger bridge across the Missouri River at or near the village of Oacoma, Lyman County, S. Dak., was announced as next in order.

Mr. GAMBLE. I ask that that bill may go over without prejudice.

The PRESIDENT pro tempore. The bill will be passed over without prejudice.

REBECCA DOBBINS.

The bill (S. 700) granting a pension to Rebecca Dobbins was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Rebecca Dobbins, widow of Francis Dobbins, late of Company E, Sixty-eighth Regiment Kentucky Enrolled Militia, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REVENUE-CUTTER SERVICE.

The bill (S. 1025) to promote the efficiency of the Revenue-Cutter Service was announced as next in order.

Mr. GALLINGER. Let that bill go over.

The PRESIDENT pro tempore. Without prejudice?

Mr. GALLINGER. Yes; without prejudice.

The PRESIDENT pro tempore. The bill will be passed over, retaining its place on the Calendar.

HORATIO N. FRANCIS.

The bill (S. 2468) granting an increase of pension to Horatio N. Francis was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions, with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Horatio N. Francis, late of Company A, First Regiment Maine Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ZIBA S. WOOD.

The bill (S. 2441) granting an increase of pension to Ziba S. Woods was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions, with an amendment, in line 6, before the word "late," to strike out the name "Woods" and insert "Wood;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ziba S. Wood, late of Company D, Eleventh Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Ziba S. Wood."

MOURSE R. ADAMS.

The bill (S. 9) granting a pension to Mourse R. Adams was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions, with amendments, in line 8, before the word "dollars," to insert "thirty;" and in the same line after the word "month," to insert "in lieu of that he is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mourse R. Adams, late of Company A, Eighth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Mourse R. Adams."

THOMAS G. FOSTER.

The bill (S. 2701) granting a pension to Thomas G. Foster was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "and," to strike out "Militia" and insert "Volunteer Infantry;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas G. Foster, late of Smead's company, Third Battalion District of Columbia Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELLA R. GRAHAM.

The bill (S. 1630) granting a pension to Ella R. Graham was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, after the word "month," to insert "in lieu of that she is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ella R. Graham, widow of James Duncan Graham, late commander, United States Navy, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Ella R. Graham."

LIGHT AND FOG-SIGNAL STATIONS IN SAN FRANCISCO BAY.

The bill (S. 2445) to provide for the establishment of a light and fog-signal station on one of the Mile Rocks, San Francisco Bay, California, was considered as in Committee of the Whole. It directs that a light and fog-signal station be established on one of the Mile Rocks, San Francisco Bay, California, at a cost not to exceed $100,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The bill (S. 2450) to establish a fog bell and lens-lantern light on the southeastern end of Southampton Shoal, San Francisco Bay, California, was considered as in Committee of the Whole. It directs the establishment on the southeastern end of Southampton Shoal, San Francisco Bay, California, of a fog bell and lens-lantern light, at a cost not to exceed $30,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LIGHT AND FOG SIGNAL AT KARQUINES STRAIT, CALIFORNIA.

The bill (S. 2446) to establish a light and fog-signal station at a point on Karquines Strait, California, opposite that now occupied by the Selby Smelting Works, was considered as in Committee of the Whole. It directs the establishment at a point on Karquines Strait, California, opposite that now occupied by the Selby Smelting Works, of a light and fog signal, at a cost not to exceed $50,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LIGHT-SHIP OFF CAPE MENDOCINO, CALIFORNIA.

The bill (S. 2447) to provide for the construction of a light-ship for Blunts Reef, Pacific Ocean, off Cape Mendocino, California, was considered as in Committee of the Whole. It proposes to appropriate $90,000 for the purpose of constructing, equipping, and outfitting, complete for service, under the direction of the Secretary of the Treasury, an additional first-class light vessel, with steam power and steam fog signal, for use off Blunts Reef, Pacific Ocean, off Cape Mendocino, California.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FOG SIGNAL AT FORT WINFIELD SCOTT, CAL.

The bill (S. 2449) to establish a fog signal at Fort Winfield Scott, Fort Point, Cal., was considered as in Committee of the Whole. It proposes to replace the bell fog signal at Fort Winfield Scott, Fort Point, Cal., with a second-class Duboll trumpet, to be placed on the northwest bastion of said fort, at a cost not to exceed $7,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ISRAEL A. BENNER.

The bill (S. 1015) granting an increase of pension to Israel A. Benner, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions, with an amendment, in line 8, before the word "dollars," to strike out "fifty," and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Israel A. Benner, late of Company A, Seventy-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FRANCES FULLER VICTOR.

The bill (S. 1940) granting a pension to Frances Fuller Victor was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions, with an amendment to strike out all after the enacting clause, and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frances Fuller Victor, widow of Henry C. Victor, late first assistant engineer, United States Navy, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ARTHUR I. NICKLIN.

The bill (S. 2406) granting a pension to Arthur I. Nicklin was announced as next in order.

Mr. GALLINGER. That soldier has died since the introduction of the bill, and I ask that the bill be indefinitely postponed.

The PRESIDENT pro tempore. The bill will be indefinitely postponed.

PUBLIC BUILDING AT GREENEVILLE, TENN.

The bill (S. 110) to provide for the erection of a public building at Greeneville, Greene County, Tenn., was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, to strike out all after the enacting clause, and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site and cause to be erected thereon a suitable building, including fireproof vaults

heating and ventilating apparatus, and approaches, for the use and accommodation of the United States post-office and other governmental offices in the city of Greeneville and State of Tennessee, the cost of said site and building, including said vaults, heating and ventilating apparatus, and approaches, not to exceed the sum of $150,000.

Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination and of his recommendation thereon, and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to the said proposed sites.

If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites, and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall within thirty days after such examination make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all statements, maps, plats, or documents taken by or submitted to them, in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed $6 per day and actual traveling expenses: *Provided, however*, That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN W. GREGG.

The bill (S. 2440) granting an increase of pension to John W. Gregg was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, after the word "Infantry," to insert "and captain Company K, Fifty-eighth Regiment Illinois Volunteer Infantry;" and in line 9, before the word "dollars," to strike out "fifty" and insert "forty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Gregg, late of Company D, Twelfth Regiment Illinois Infantry, and captain Company K, Fifty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PETER C. MONFORT.

The bill (S. 2008) granting an increase of pension to Peter C. Monfort was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Peter C. Monfort, late of Company B, One hundred and eighteenth Regiment Ohio Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SUPERINTENDENTS IN THE LIFE-SAVING SERVICE.

The bill (S. 1026) to fix the compensation of district superintendents in the Life-Saving Service was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with amendments, in section 1, line 5, after the word "thousand," to strike out "five hundred," and in the same line, after the word "each," to insert:

Provided, however, That in case the Secretary of the Treasury deems it necessary for any superintendent to employ a clerk, he may allow a sum not exceeding $500 per annum for the compensation of such clerk in addition to the salary paid the superintendent.

So as to make the section read:

That from and after the passage of this act the compensation of district superintendents in the Life-Saving Service shall be $2,000 per annum each: *Provided, however*, That in case the Secretary of the Treasury deems it necessary for any superintendent to employ a clerk, he may allow a sum not exceeding $500 per annum for the compensation of such clerk in addition to the salary paid the superintendent.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AN EVANSTON, WYO.

The bill (S. 708) to provide for the purchase of a site and the erection of a public building thereon at Evanston, in the State of Wyoming, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Buildings and Grounds with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire by purchase, condemnation, or otherwise, a site and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States post-office and other governmental offices, in the city of Evanston and State of Wyoming, the cost of said site and building, including said vaults, heating and ventilating apparatus, elevators, and approaches, not to exceed the sum of $100,000.

Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination and of his recommendation thereof, and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to the said proposed sites.

If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites, and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall, within thirty days after such examination, make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all statements, maps, plats, or documents taken by or submitted to them, in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed $6 per day and actual traveling expenses: *Provided, however*, That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GOVERNMENTAL USE OF INVENTIONS BY NAVAL OFFICERS.

Mr. COCKRELL. I move to reconsider the vote by which the bill (S. 1104) providing for the use by the United States of devices invented by its naval officers while engaged in its service and covered by letters patent was passed. It was passed yesterday in my absence. I had it laid over two or three times.

The motion to reconsider was agreed to.

Mr. COCKRELL. Let the bill be placed on the Calendar.

The PRESIDENT pro tempore. It will take its place on the Calendar.

MARY CHAMBERS.

The bill (S. 219) for the relief of Mary Chambers, widow of Thomas Chambers, was considered as in Committee of the Whole. It proposes to pay to Mary Chambers, widow of Thomas Chambers, of Mackinac, Mich., $3,654.56, in full compensation for the additional expenses incurred by him in carrying the Canada mails.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PENSION APPROPRIATION BILL.

The bill (H. R. 8581) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1903, and for other purposes, was announced as the next case in order on the Calendar.

The PRESIDENT pro tempore. The Chair calls the attention of the Senator from New Hampshire to the bill. Does he desire to have it considered at this time?

Mr. GALLINGER. I think it may perhaps go over for the present.

The PRESIDENT pro tempore. Retaining its place?

Mr. GALLINGER. Yes.

The PRESIDENT pro tempore. The bill will be passed over, retaining its place.

JENNIE A. KERR.

The bill (S. 511) granting a pension to Jennie A. Kerr, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jennie A. Kerr, widow of John M. Kerr, late brevet second lieutenant Company F, Mounted Riflemen, United States Army, and to pay her a pension of $15 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LURA B. ROGERS.

The bill (S. 1355) granting a pension to Lura B. Rogers, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions, with an amendment, to strike out all after the enacting clause, and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lura B. Rogers, widow of Benjamin A. Rogers, late captain Company M, Second Regiment North Carolina Volunteer Infantry, war with Spain, and pay her a pension at the rate of $20 per month.

Mr. GALLINGER. I move to amend the amendment further by striking out the word "North" where it occurs on line 1 of page 2 and inserting "South," so as to read "South Carolina Volunteer Infantry."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NOAH F. CHAFEE.

The bill (S. 2303) granting an increase of pension to Noah F. Chafee, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions, with amendments, in line 6, after the word "surgeon," to strike out "of;" and in line 8, before the word "dollars," to strike out "seventy-two" and insert "forty;' so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Noah F. Chafee, late assistant surgeon, Fourteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LEWIS W. MOORE.

The bill (S. 1164) granting an increase of pension to Lewis W. Moore, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "of" and insert "captain;" and in line 8, before the word "dollars," to strike out "seventy-two" and insert "fifty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lewis W. Moore, late captain Company G, Forty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN SHELTON.

The bill (S. 560) to correct the military record of John Shelton was considered as in Committee of the Whole. It directs the Secretary of War to correct the military record of John Shelton, late of Company E, Second North Carolina Mounted Infantry, by entering his name on the muster rolls of said regiment and company as first lieutenant, and issuing to him a certificate of such service as first lieutenant.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WYOMING STATE SOLDIERS AND SAILORS' HOME.

The bill (S. 310) granting to the State of Wyoming 50,000 acres of land to aid in the continuation, enlargement, and maintenance of the Wyoming State Soldiers and Sailors' Home was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BONA FIDE SETTLERS IN FOREST RESERVES.

The bill (S. 2866) for the relief of bona fide settlers in forest reserves was announced as the next business in order on the Calendar.

Mr. LODGE. Let the bill go over for the present.

The PRESIDENT pro tempore. Without prejudice?

Mr. LODGE. Without prejudice. I simply want to be informed about it.

Mr. LODGE subsequently said: I asked a moment ago that Senate bill 2866 should be passed over without prejudice. Since then I have examined the report and read the bill, and it seems to me a perfectly proper bill, and I shall be glad if the Senate will return to it and pass it.

The PRESIDENT pro tempore. The bill will be stated by title.

The Secretary read the title of the bill, and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that where a claimant under the settlement laws of the United States, within the limits of a forest reserve created under the provisions of section 24 of the act of March 3, 1891, entitled "An act to repeal timber-culture laws, and for other purposes," has failed, by reason of ignorance of the proclamation of the President, or of the filing of the township plat of survey, or from unavoidable accident, to place his claim of record within the statutory period, he may be permitted to file his claim in the proper United States land office and receive patent therefor upon showing due compliance with the law under which the claim is asserted, notwithstanding the reservation.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT HARTFORD, CONN.

The bill (S. 331) for enlarging the public building at Hartford, Conn., was considered as in Committee of the Whole. It directs the Secretary of the Treasury to construct an addition to the public building at Hartford, Conn., to contain necessary heating and lighting equipment, at a cost not to exceed $250,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GUARANTIES ON PROPOSALS FOR NAVAL SUPPLIES.

The bill (S. 1111) to amend an act entitled "An act to amend section 3719 of the Revised Statutes relative to guaranties on proposals for naval supplies" was considered as in Committee of the Whole.

Mr. COCKRELL. The report in this case is very short. Let it be read.

The Secretary read the report submitted by Mr. McMILLAN on the 21st instant, as follows:

The Committee on Naval Affairs, to whom was referred the bill (S. 1111) to amend an act entitled "An act to amend section 3719 of the Revised Statutes, relative to guaranties on proposals for naval supplies," make a favorable report upon the same.

The bill has the approval of the Navy Department, as will appear by the following extract from the Annual Report of the Paymaster-General:

[Report of the Paymaster-General, pp. 11, 12.]

SECURITY FOR THE EXECUTION OF CONTRACTS.

The law now requires that all bids shall be accompanied by a written guaranty or by a certified check for the full amount of the proposal (act of May 25, 1896). In the event of award of contract, the bidder must either file a bond (sec. 3719, Rev. Stats.), or, if he has submitted a certified check with his proposal in lieu of guaranty, that check may remain as security without bond. The amount of the bond, not fixed by law, varies according to the nature of the contract, generally ranging from 25 to 50 per cent of the amount involved. Ample security for its fulfillment is thus afforded, but dealers are frequently deterred from bidding by the trouble or expense of obtaining bond, or from giving a certified check instead, through reluctance to tie up cash to the full amount of the contract perhaps for several months. In a tight money market this consideration might materially affect the bidding.

In the interest, therefore, both of the Government and of the business world, I urge two changes in the present law—that the act of May 25, 1896, be so modified as to authorize—

First. Acceptance of certified check, in lieu of guaranty and bond, for such proportion of amount of proposals and contracts as the Department may fix.

Second. An annual bond in such sum as the Department shall decide in the several cases for the fulfillment of any and all undertakings that a contractor may enter into with the Bureau.

With these forms of security, in addition to the bond for a single contract under the present law, the Government would be fully protected, while contractors would have a choice of methods. It is certainly good policy to allow as much latitude in business methods with contractors as is consistent with proper protection of the Government's interests.

By giving the pay officer this duty he could render efficient service in the military organization, and would release for other duty an officer now assigned to the powder division. This consideration should earnestly commend the idea at a time when the Navy's growth in ships is rapid, while its quota of officers is fixed. There were many instances in the civil and Spanish wars where pay officers were placed by their commanding officers in charge of the powder division, or a section thereof, rendering efficient and satisfactory service. It is believed that pay officers in general could qualify for this service, which is now performed by a line officer, and they should, if found qualified, be so detailed. This would make available for this duty about 70 pay officers on board ship, thereby releasing a corresponding number of line officers for gun-division duty. The report of the board has been approved by the Bureau of Navigation, and it is but pursuing its recommendations to their natural and necessary conclusion to urge that the Department prescribe the qualifications requisite for powder-division duty on the part of pay officers afloat; that they shall be required to take examinations after a definite period of time, and that such of them as are found qualified be assigned accordingly. In order that assistant paymasters, upon entering the service, shall have the requisite knowledge, it is further suggested that great benefit to the Navy would follow if the law were changed so that appointments to the Pay Corps would hereafter be made from graduates of the Naval Academy.

Mr. COCKRELL. I observe that the bill puts in only one clause of the recommendation of the Secretary of the Navy. Would it not be better to have the bill contain both clauses, so that he could require either the certified check or the annual bond, leaving it optional with the Secretary and with the party?

Mr. McMILLAN. The bill was prepared by the Department, and I supposed it covered all they thought necessary, although I think myself it might be better to put in both.

Mr. SPOONER. There might be a good many cases where a bond would be better than a certified check.

Mr. McMILLAN. A bond is now provided for.

Mr. SPOONER. The object of this proposed innovation is to give the alternative.

Mr. McMILLAN. Yes.

Mr. SPOONER. If a man wants to give a bond instead of tying up the money, he ought to be permitted to do it. I understood the Senator from Missouri to say that it did not so provide.

Mr. COCKRELL. I think that ought to be added. He ought to have the privilege, or the Navy Department might have the privilege of requiring it.

Mr. SPOONER. The Senator from Michigan says it does.

Mr. COCKRELL. If the Senator will read it, I think he will find that it does not.

Mr. McMILLAN. Let the Secretary read that part of the bill.

Mr. COCKRELL. Read the last part.

The Secretary read as follows:

Provided, That the Secretary of the Navy may, in his discretion, accept, in lieu of the written guaranty required to accompany a proposal for naval supplies, and in lieu of the bond required for the faithful performance of a contract for furnishing such supplies, a certified check, payable to the order of the Secretary of the Navy, for such proportion of such proposal or contract as may, in his judgment, be deemed sufficient and satisfactory, the check to be held by the Secretary of the Navy until the requirements of the proposal or contract shall be complied with and as a guaranty for compliance with the same.

Mr. COCKRELL. It would not give him the right to do that, it seems to me.

Mr. SPOONER. The language is permissive:

The Secretary of the Navy may, in his discretion, accept, in lieu of the written guaranty required to accompany a proposal for naval supplies, and in lieu of the bond required for the faithful performance of a contract for furnishing such supplies, a certified check.

It is permissive only.

Mr. COCKRELL. Does the Senator think that this would give the Secretary the right to accept an annual bond in such sum as the Department might direct?

Mr. McMILLAN. That is as I understand it, Mr. President.

Mr. COCKRELL. This would be in lieu of that bond. He does not recommend the old bond, but he recommends an annual bond, which the party may give—either one or the other. It seems to me both ought to be in the bill.

Mr. SPOONER. I think a fair construction of the bill would imply that he might require the written guaranty or he might require the bond, but in lieu of either he may take the certified check.

Mr. COCKRELL. He wanted it modified according to his recommendation, as follows:

In the interest, therefore, both of the Government and of the business world, I urge two changes in the present law—that the act of May 25, 1896, be so modified as to authorize—

First. Acceptance of certified check, in lieu of guaranty and bond, for such proportion of amount of proposals and contracts as the Department may fix.

Second. An annual bond in such sum as the Department shall decide in the several cases for the fulfillment of any and all undertakings that a contractor may enter into with the Bureau.

He wanted both. I do not think this bill provides for them, though it may.

Mr. McMILLAN. It is the understanding that it does provide for it. It may be wrong. The measure was prepared at the Department.

Mr. SPOONER. It is an important matter. Is there any objection to its going over?

Mr. COCKRELL. I make no objection to the bill.

Mr. McMILLAN. I think it is all right.

Mr. COCKRELL. If the Senator thinks it contains what the Secretary recommends, I make no objection.

Mr. McMILLAN. I think it is just as he wants it.

Mr. SPOONER. I think it is permissive, in the alternative, and would cover either.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT OF DISTRICT CODE.

Mr. McMILLAN. A few days ago a bill was passed to amend the code of the District of Columbia in connection with the drawing of grand jurors. The bill was passed and sent to the House, and for some reason it was not taken up, but another bill on the same subject was passed by that body and sent to the Senate. I this morning reported favorably the bill (H. R. 9342) to amend the code of law for the District of Columbia, approved March 3, 1901, and I ask that it may be taken up at this time. It is a matter of great importance to the District that it should be passed to-day.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. COCKRELL. Is not this an exact copy—in the same language—of the bill which was passed by the Senate two or three mornings ago?

Mr. McMILLAN. It is exactly the same measure.

Mr. COCKRELL. What has become of that bill?

Mr. McMILLAN. That is the question.

Mr. COCKRELL. Has it passed out of the possession of the Senate?

Mr. McMILLAN. The bill was sent from the Senate to the House, but in some way or other it has been lost and has not been discovered, and the House has passed a bill to the same effect and it has come over to us.

Mr. COCKRELL. They have been compared, and this is in identically the same language as the Senate bill?

Mr. McMILLAN. Yes, sir; identically the same.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. COCKRELL. I move to reconsider the votes by which the bill was ordered to a third reading and passed, and that the House be requested to return it to the Senate.

Mr. SPOONER. That is right. We can then indefinitely postpone it.

Mr. COCKRELL. Let it be indefinitely postponed when it comes back.

The PRESIDENT pro tempore. The Senator from Missouri enters a motion to reconsider the votes by which a like bill, Senate bill 3199, was ordered to a third reading and passed by the Senate on Thursday last, and moves that it be recalled from the House of Representatives. Is there objection? The Chair hears none, and it is so ordered.

L. A. DAVIS.

The PRESIDENT pro tempore. The next bill on the Calendar will be announced.

The bill (S. 276) for the relief of L. A. Davis was announced as next in order, and the Senate, as in Committee of the Whole, proceeded to its consideration. It refers to the Court of Claims the claim of L. A. Davis, of the State of Washington, for compensation in carrying the English mails over mail route No. 15406, from Olympia, via Tumwater, Coal Bank, Grandmound, Skookumchuck, Claquato, Grand Prairie, Castlerock, and Freeport, to Monticello, in the State of Washington, late Washington Territory, and return, from on or about the 1st day of August, 1868, to the 30th day of June, 1870.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT LAREDO, TEX.

The bill (S. 1538) to provide for the purchase of a site and the erection of a public building thereon at Laredo, in the State of Texas, was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, on page 2, line 2, before the word "thousand," to strike out "two hundred and fifty" and insert "one hundred and sixty;" so as to read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site and to contract for the erection and completion thereon of a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, for the use and accommodation of the United States court-house, post-office, and other Government offices, in the city of Laredo and State of Texas, the cost of said site and building, including said vaults, heating and ventilating apparatus, and approaches, complete, not to exceed the sum of $160,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT NATCHEZ, MISS.

Mr. MONEY. I ask the Senate to take up the bill (S. 1790) for the erection of a public building at Natchez, Miss.

Mr. DUBOIS. Mr. President, I think we ought to go on with the Calendar.

Mr. COCKRELL. Let us go on with the Calendar.

Mr. DUBOIS. I do not like to object, but very soon Senate bill 1187 will be reached on the Calendar, and I am very anxious to have it passed. I think it is fair to all that bills should be taken up in regular order. I will not object, however. I beg pardon of the Senator from Mississippi.

Mr. MONEY. It will take but a moment to pass this bill.

The PRESIDENT pro tempore. The bill will be read.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site, and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, for the use and accommodation

of the United States post-office and other governmental offices in the city of Natchez and State of Mississippi, the cost of said site and building, including said vaults, heating and ventilating apparatus, and approaches, not to exceed the sum of $75,000.

Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination and of his recommendation thereon, and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to the said proposed sites.

If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites, and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall within thirty days after such examination make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all statements, maps, plats, or documents taken by or submitted to them, in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed $8 per day and actual traveling expenses: *Provided, however*, That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for the purchase of a site and the erection of a building thereon at Natchez, in the State of Mississippi."

IDAHO STATE SOLDIERS AND SAILORS' HOME.

Mr. HEITFELD. I ask for the present consideration of the bill (S. 1187) granting to the State of Idaho 50,000 acres of land to aid in the continuation, enlargement, and maintenance of the Idaho State Soldiers and Sailors' Home.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT SPRINGFIELD, ILL.

Mr. CULLOM. I ask leave to call up the bill (S. 1578) for improving, repairing, and the erection of an addition to the public building at Springfield, Ill.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It directs the Secretary of the Treasury to cause the post-office and court-house building at Springfield, Ill., to be improved, repaired, and an addition constructed thereto, at a total cost not to exceed $150,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REPORT ON EXPERIMENT STATIONS.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read.

To the Senate and House of Representatives:

I transmit herewith the annual report of the Office of Experiment Stations, prepared under the direction of the Secretary of Agriculture, which includes a report on the work and expenditures of the agricultural experiment stations in the United States for the fiscal year ended June 30, 1901, in accordance with the act making appropriations for the Department of Agriculture for the said fiscal year.

The attention of Congress is called to the request of the Secretary of Agriculture that 6,000 copies of the report be printed for the use of the Department of Agriculture, and that provision be made to print such a report annually.

THEODORE ROOSEVELT.

WHITE HOUSE, *January 29, 1902.*

The PRESIDENT pro tempore. The message will be printed and referred to the Committee on Printing.

Mr. COCKRELL. Would it not go to the Committee on Agriculture and Forestry?

The PRESIDENT pro tempore. The President requests that there be 6,000 copies of the report printed, and the Chair thought it better, under the circumstances, that it should go to the Committee on Printing.

Mr. COCKRELL. That is right; let it go to that committee.

REPORT OF INDUSTRIAL COMMISSION.

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the Industrial Commission, transmitting Volume XI of the reports of that Commission. It will be referred to the Committee on Printing.

Mr. COCKRELL. Will it not be printed?

The PRESIDENT pro tempore. All these volumes have been sent to the Committee on Printing, and it is presumed that the committee will report a joint resolution for printing the whole series.

Mr. COCKRELL. Nearly all of them have been printed. Some seven or eight volumes have already been printed.

The PRESIDENT pro tempore. There are some seven or eight volumes that have been sent to the committee within the last week or ten days without an order to print. The Chair has no objection, as a matter of course, to the order to print.

Mr. COCKRELL. I thought the order had been made to print the others when they were presented.

The PRESIDENT pro tempore. I think not.

Mr. COCKRELL. If not, let this volume take the usual course.

The PRESIDENT pro tempore. The Chair has left the question of printing to the Committee on Printing.

Mr. COCKRELL. That is right.

IMPRISONMENT OF CERTAIN OFFENDERS.

The PRESIDENT pro tempore laid before the Senate a communication from the Attorney-General, transmitting, in response to a resolution of December 12, 1901, certain information as to whether or not national-bank officers or other persons convicted of crimes against the national currency act have been sentenced to imprisonment in houses of correction or jails instead of national or State penitentiaries, etc., which, on motion of Mr. TILLMAN, was ordered to lie on the table, and be printed.

REPORT OF CAPITAL TRACTION COMPANY.

The PRESIDENT pro tempore laid before the Senate a statement of the receipts and disbursements of the Capital Traction Company, together with a list of the stockholders, for the year ended December 31, 1901; which was referred to the Committee on the District of Columbia, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a bill (H. R. 10368) to provide for the removal of snow and ice from cross walks and gutters in the city of Washington, D. C.; in which it requested the concurrence of the Senate.

PHILIPPINE TARIFF BILL.

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 5833) temporarily to provide revenue for the Philippine Islands, and for other purposes.

Mr. TILLMAN. Mr. President, in the liberty of debate which has obtained in the Senate a long time, no Senator, and very few habitues who look down upon us from the galleries, will be astonished that I shall not have much, if anything, to say about the bill under discussion, except by way, possibly, of comparison and reminder. I do not know that I should have gone into this matter at all except in a brief and extemporaneous way. All my remarks are more or less extemporaneous, but I should have gone into it without any serious preparation but for the unfairness, as I thought it, of the junior Senator from Massachusetts [Mr. LODGE] yesterday. I am not prepared now to do the subject justice at all, because the embarrassment of riches, so to speak, with which my theme furnishes me has rendered it impossible in the brief hours since we adjourned last evening to collate, prepare, and get in an accessible shape the vast amount of very valuable information which I am prepared to give to the Senators from Massachusetts, and the other Senators incidentally.

Yesterday the Senator from Mississippi [Mr. MONEY] felt called upon to vindicate the truth of history and present some facts from unimpeachable authority which controverted and overturned a statement made by the senior Senator from Massachusetts [Mr. HOAR] in relation to the relative number of troops furnished by Massachusetts and the States south of Mason and Dixon's line in the Revolutionary war. The junior Senator from Massachusetts, having listened to the Senator from Mississippi [Mr. MONEY] and to the senior Senator from Massachusetts [Mr. HOAR], who in a most eloquent and feeling manner disclaimed any intention to make any odious comparison, at the expiration of the morning hour and the presentation to the Senate of the bill now under discussion, seized the floor it appeared to me in a rather arbitrary and unwarranted manner. Brushing aside the Senator from Georgia [Mr. BACON], who was on his feet to vindicate his State and section and ignoring me—I had not made any move, but I proposed to follow the Senator from Georgia—he peremptorily, so to speak, presumed to parcel out the time, and indicated that he was willing for the Senator from Alabama [Mr. MORGAN] to go on with the discussion of the Philippine tariff bill, but that he

did not like to have the time of the Senate wasted, or words to that effect, on this very interesting, ancient historical discussion.

When the Senator from Alabama kindly yielded to the Senator from Georgia, then the Senator from Massachusetts still retaining the floor proceeded to inject an entirely foreign matter to the subject then under discussion—General Wheaton's record—which had already been sufficiently ventilated on a previous day by another Senator, and that necessarily brought a response from the Senator from Idaho [Mr. DUBOIS]. My gallant young friend from Indiana [Mr. BEVERIDGE] leaped into the fray and proceeded to read us of the minority a lecture, and charged us with conspiracy against prompt action and filibustering, and so on. So it was only very late in the afternoon, after an hour and a half or so of this sparring in regard to General Wheaton, that the Senator from Georgia obtained the floor and put into the RECORD what he had to say, a very strong and lucid statement from his point of view, and adding to the vindication of the truth of history. Then I wanted to go on, but the Senator from Illinois [Mr. CULLOM] begged me to desist; he had some special reasons for wanting an executive session. So I had to delay my remarks until this morning.

The Philippine tariff bill is an important matter; that is, from the standpoint of those who are disposed and intend to relentlessly and remorselessly pursue the policy we are now following. It is true the Senator from Utah [Mr. RAWLINS] very clearly demonstrated that the thing could wait a year. There is plenty of money for the carpetbaggers to squander over there. There is no lack of funds to carry on the so-called Philippine colony, or dependency, or whatever other thing it may be. But it is the intention of the Senator from Massachusetts and his colleagues to legislate on the tariff in regard to the Philippines. They feel under obligations to formulate their policy and get themselves before the country on that line of battle upon which they propose to make the fight.

The senior Senator from Massachusetts yesterday (I give him the entire credit, though the idea had occurred to me; but still I give it to him) declared that fortunately perhaps we had strayed into a discussion which was entirely germane to the Philippine tariff bill, and that nothing could be more beneficial and instructive than for the people of this country and its law-making body to have their minds revert to the origin of the Republic and of the struggles of our fathers, and incidentally to the similarity of conditions which existed in these States when they were colonies struggling against England and in the Philippines now struggling against us.

In entering upon the discussion of the part that South Carolina took in the Revolutionary war, I could wish that an abler hand and a better prepared man were here in my place. South Carolina has made more history, history of vast moment and importance in the evolution of the events which go to create free government, than any other State in this Union, and has written less of it. Barring three or four historians in the earlier days of the last century, who were living witnesses and participants in the Revolutionary struggle, and who were, therefore, within reach of facts and data which have since been swallowed up by time, the State's history makes a leap almost from the Revolutionary struggle to the civil war without any memorial in the shape of written record. It is only within the last five years that a man, a native of the State, one of profound erudition and a ripe scholar, has found the leisure or the opportunity or the inclination to take the history of that colony and of that State up and treat it comprehensively or at all adequately. He has not finished his work. He has already written three volumes the size of the one I hold in my hand, and he has only reached that period in the Revolutionary war when, in the year 1780, the theater of war was transferred actively to that State.

I pray that Edward McCrady, the author of this book, may live to complete his work and furnish to the students of history in the United States and elsewhere, who feel any interest in it, a story that is as replete with tragedy and romance and of deeds of high emprise as any that has ever been told or enacted in the world, and that it shall be completed by one pen. He is thoroughly fitted; he has the true historical instinct and willingness to delve into the masses of matter and material and sift out the truth. I shall, however, not quote much from him, because he has only reached in his story that part of the State's history which I feel more particularly called on at this time to present to this body.

I am sorry that the senior Senator from Massachusetts is not in his seat, because, after his most beautiful and eloquent utterance of yesterday, I desire to add to the feeling which has been expressed by the Senator from Georgia and the Senator from Mississippi as emphatic disclaimer as they gave to any suspicion that he had any dream of casting any reflection or of making any odious comparisons.

We all acknowledge, every student of history must acknowledge, the glory of Massachusetts, its grandeur, its unique civilization, unique in that it has been able, although it occupies a small area of most miserable, poverty-stricken, rocky, stony soil, through which I last week traveled on the cars, and therefore I speak, from that and other visits, from occular demonstration—I say Massachusetts, although her people have been nursed in such a rugged cradle, or a cradle affording such unpropitious conditions, has been enabled by the greatness of her sons and her devotion to certain statesmanlike lines of governmental action to make that State the dominant, predominant factor in the affairs of this nation. Coming from the other family, or prong, you might say, of the English race, when they were divided between the Puritan and Cavalier, from a State which was settled by the Cavaliers, and for a long while, and even now, has inherited the feelings and sentiments and ambitions of Prince Rupert rather than of Cromwell, I can understand and realize just what Massachusetts has wrought in the forming of this Government and in shaping its destiny to the present condition. I therefore have no criticism to make of Massachusetts. I have no desire to cast any imputations on her or her representatives here.

By a strange coincidence the State of South Carolina and the State of Massachusetts are facing each other again in direct antagonism. They have been antagonists of old, and in other days South Carolina may have been wrong—I do not say she was—but at this time Massachusetts can not, without belying all her glorious past, be content with the position she occupies at this time. I thank God that Massachusetts has one representative in this Chamber, if South Carolina at this time has only one, who stands for those principles upon which this Republic was founded. I hope that her eloquent senior Senator [Mr. HOAR], while for the time he may be in the minority and be out of touch with the people of that grand Commonwealth, will continue to appeal to them, and in time show them the error of their ways and have that great State line up, as it has always done when properly appealed to and shown what was the right and what was the true road to liberty, to follow that path in the future as it has in the past, regardless of consequences.

I wanted to direct the attention of the senior Senator from Massachusetts to the fact that I have good authority, outside of my general knowledge of history, for giving the credit to Massachusetts which she can justly claim of being the cradle of liberty.

I hold in my hand a very precious book—precious to every lover of his country, inasmuch as it is the author's copy, presented in 1802 by the man who wrote it, Maj. Gen. William Moultrie, of South Carolina, to Thomas Jefferson, then President of the United States. There is printed on the back "Thomas Jefferson, President of the United States, from the author," and it came from Mr. Jefferson's library when Congress bought it.

This man, William Moultrie, is known in history by a few brief lines mentioning his daring defense of an extemporaneous fort constructed of palmetto logs upon an open beach within point, blank range of a very strong British fleet, which was accompanied by an army in transports, on the 28th day of June, 1776, before the Declaration of Independence had been promulgated at Philadelphia.

This man, I say, is known in history simply as the commanding officer of this fort; but he and the men under his command, all South Carolinians, raw militia though they were, behaved themselves so bravely that they drove off those ships, destroyed one, badly crippled the balance, and a large number of sailors and soldiers on them were wounded or killed. That victory thrilled this country from one end of it to the other, causing patriots everywhere to rejoice that the cause of right and liberty had triumphed there. But for the scarcity of powder there is no doubt the victory would have been more complete—many other ships sunk.

Moultrie was then a colonel in the South Carolina militia, and it is of record here that Gen. Charles Lee, who was in command in that portion of the country at the time, made strenuous efforts to induce Moultrie to withdraw from Sullivans Island. But for the action of Governor Rutledge—President Rutledge, as we called him, our first provincial governor, the "dictator," as he is known in our local history—but for Rutledge and Moultrie making strenuous opposition, in fact refusal, General Lee's counsels would have been followed, and the first battle of Fort Moultrie would never have been fought.

Lee's constant cry in his communications—and there are a dozen letters in this book from him—was that "you have no means of retreat; there is a deep estuary between you and the mainland, and, unless you can build a bridge over which you can get away, your fort will be knocked to pieces in half an hour, and what is going to become of you?" He did not believe in those palmetto logs and a little dirt thrown in the pens, which served as the beginning of modern fortifications, in which we have substituted earth as the most plastic and resisting material of which to construct batteries. The fort was thus constructed from the fact that the island at that time was filled with a growth of palmetto trees,

some of them centuries old—for they grow very slowly—which were ready to hand, only needing the use of the ax to cut them down and into the proper length and notch them up into the structure of temporary breastworks with embrasures for the artillery.

I say it was the presence upon the island of the palmettos, which nowhere else are found in the State, except immediately along the coast—you do not find them inland even 10 miles—and the State of South Carolina from that day to this has been known as the Palmetto State. The palmetto wood is a spongy substance, which receives cannon balls and closes over them without a particle of splintering or disarrangement, such as would occur with any other wood in the world. When this warning was repeated by others Moultrie answered, "Then we will lie behind the ruins and keep them from landing."

Moultrie gives here the history of the flag under which he fought, saying that the uniform of the volunteers was of blue, that the regiment had voluntarily adopted, as a mark on their caps, a silver crescent, and he wanted some flag to fight under, so he ordered one made with a field of solid blue with a crescent of white in the dexter corner. I presume it was of silk, but there is no mention made of the material. That was the flag which, when shot down and falling outside the breastworks, a gallant South Carolinian leaped over into the front, where he was in full view and exposed to the British fire, picked it up, crawled back, and, as there was no staff handy, he took the cannon staff with which he was swabbing his artillery, and, placing the blue rag on it, he got up on the old flagstaff and lashed it to the remnant of it. Sergeant Jasper was the man whom we all recall as one of the heroes of the Revolution, who afterwards fell gallantly fighting at Savannah in the assault on that city.

Mr. BACON. Will the Senator permit me to state in that connection that the State of Georgia has a county named after Sergeant Jasper?

Mr. TILLMAN. The State of Georgia has done herself credit in thus preserving the memory of a noble Revolutionary hero. I may do that State the credit to say that she has been more sentimental than South Carolina has been, for while we have 40 counties and are making new ones at a slow pace now, we have never honored one by giving it the name of Moultrie. I think it is a disgrace to South Carolina that she has not done it. She has honored Sumter; she has honored Marion and Pickens and Horry; but it was simply the fortunes of war which caused the primal hero, the superior officer, but a man who never flinched in any position in which he was placed, who was always judicious, brave, calm, and courageous, never to have had any similar honor bestowed upon him because he happened to be under somebody else. At the siege of Charleston he was surrendered a prisoner of war, and remained a prisoner on parole during that period of the State's history, from 1780 to 1782, when its bloodiest pages and its most glorious pages were written. I will add here that the palmetto became the State's emblem from that battle, and its State flag yet bears a palmetto tree and the crescent both in white on a field of blue.

But I want to get back to what General Moultrie says about the origin of the war. I wish my historical friend from Massachusetts [Mr. LODGE] were here, but I can not send a page or the Sergeant-at-Arms to hunt around for the Senator, so I suppose I shall have to go on and let him miss all this tribute which Moultrie pays Massachusetts, showing that he was not jealous—not that I accuse the senior Senator from Massachusetts [Mr. HOAR] of it, but the junior Senator appeared yesterday a little uneasy for fear Massachusetts might be robbed of some of the glory which, in the publication of that old report of General KNOX, he had endeavored to inject again into history as a kind of continuous misrepresentation and slander, and that he did not want it to be fully refuted and those statements shown to be erroneous, if not false.

I will read what General Moultrie says in the very opening page of his book, but I will state further that a moment ago, in a little passage with one of the Senators from Massachusetts, I remarked that I was going to read from some history and he said, "You have not written any history." I acknowledge that we have not written what we ought to have written, but I think, coming from a historian himself, that that was an assumption of a little too much glory and superiority, when he knew, as he must have known, of the existence of this book, The Memoirs of the American Revolution, by Moultrie; of this other book, The History of South Carolina during the Revolution, by David Ramsay, and of two or three others which were written, as I said, in the earlier part of the last century—one by Mills and another by Carroll—in which all of these earlier struggles, deprivations, and miseries through which the State went in behalf of liberty are depicted in a clear and most interesting manner. Here is what Moultrie says about the American Revolution:

> The American Revolution took its rise in Boston, the people of that province being grievously oppressed by the British Parliament, who had passed several laws to restrain their trade and shut up their ports, upon wh'ch they had several meetings of the inhabitants at Boston; and on the 13th of May, 1774, they came into the following resolution:

Then he goes on and gives the language adopted by the mass meeting of the citizens of Boston, calling on the other colonies not to import goods from Great Britain, or to have anything to do with Great Britain in the way of commercial relations. Then he proceeds to recite the effect upon the people of the State of South Carolina and the people of Charleston when they received this news from Massachusetts, a sister colony, situated in an entirely different way, but situated in a way to appeal to their sympathies as freemen and Americans. He recites the acts by which a convention was called of the citizens of the city. Feeling that they ought to have the cooperation of their fellow-citizens throughout the colony, that meeting adjourned until delegates could come from the back country.

The upshot of it was that South Carolina, through its colonial assembly, or provincial congress, as they termed it, made a declaration of war against Great Britain immediately after the battle of Lexington. After reciting the causes of complaint and the grievances which they had, or rather which Massachusetts had, but which South Carolina did not have, that congress went on to declare that the reason why it threw its destiny with Massachusetts was:

> IV. Because the formal military and naval forces lately sent from Great Britain to reenforce the army in Boston manifest the accursed design of the British ministry to endeavor to quell the American troubles by arms and not to quiet them by the laws of reason and justice. Thence, despairing of a redress of grievances by dutiful and peaceable application, long unavailing, presented to his Britannic Majesty, we see no alternative but that we submit to abject slavery or appeal to the Lord of Hosts in defense of the common and inalienable rights peculiar to Englishmen.

The cry rang from Maine to Georgia, "The cause of Massachusetts is the cause of us all."

I should say here in passing that if there was one colony which had been the favorite of the English king; which had been peculiarly prosperous and happy under the royal rule; which had absolutely no cause of grievance, no occasion to go to war or to resist the royal authority, it was South Carolina; but we have the impelling motive disclosed in the thrilling story here told. When it was shown that one colony, inhabited by our kindred in Massachusetts, was being trampled under foot, unjust taxation being levied upon it, soldiers quartered in the houses of its citizens, a port bill passed, or orders excluding from its harbor all vessels of commerce, South Carolina prepared to resist and declared its purpose to throw its destiny in with Massachusetts, because it had regard for the rights of man, it had faith and belief in the rights of its own people, and of every American to life, liberty, and the pursuit of happiness, as was afterwards announced. It did not propose to see one colony driven to extremities and made a football for tyranny without expressing sympathy and getting ready to participate in its relief. The condition of South Carolina at that time was a peculiar one.

Mr. President, there are plenty of cloakrooms around, and there is full opportunity for conferences anywhere. I do not want anybody to listen to me who does not care to do so, for I did not expect in making this speech to be listened to, or to thrill anyone; but I should be obliged if Senators would adjourn their little conferences outside of the Chamber, and let me speak in peace to the empty desks. I know that Senators on the other side are not interested in the colonial history of South Carolina; they are not interested in the struggle for liberty of our forefathers. They say, "Oh, that is old; that is antiquated; that is ancient; you are wasting our time; you are filibustering;" but I will show you before I get through that if there is one thing to which the attention of the country should be called, or to which the minds and hearts of the calloused majority of the commercialized Republican party, the money-grabbing and money-loving party, should have its attention called, it is to the miserable, canting, hypocritical, damnable attitude it is now assuming. But if Senators will either address the Chair and get his permission to speak or retire out of the Chamber, I shall be obliged.

I shall not make any further complaint of that nature, and I shall not appeal to my brother Senators to give me that courtesy, which I always endeavor to give, although all of us sometimes step over the bounds. They may say, "Oh, we know all that." But you do not know all that. I am going to give you some facts in regard to the struggle in South Carolina, of which not one in a thousand or ten thousand of you has ever heard or knows anything about.

I want to say that South Carolina at the time of which I speak, besides being a happy and prosperous colony, with no cause of grievance to resist the royal authority, by reason of that very fact was seriously divided, its own people being arrayed on opposite sides, a large number believing that it was silly and foolish to take up arms—"silly," as the Senator from Massachusetts [Mr. LODGE] said the other day to a Senator on my left who spoke of the Declaration of Independence.

These Royalists, or Tories, as they came to be called, felt that they owed no debt to Massachusetts; they ignored or were oblivious to the underlying principles of liberty, which had moved a large majority of their fellow-citizens, and therefore it was for a long time uncertain as to what would be the attitude of the large interior portion of the State called the Ninety-six country. The fact is that the Tory sentiment, or the Royalist sentiment, was so strong there that the Provincial Congress felt called upon to dispatch two of its most respected and well-equipped men—William Henry Drayton and the Rev. William Tennent—both good speakers, to the back country and explain to the illiterate backwoodsmen what the reason was that the coast country had felt called upon to stir this matter up and bring about a condition which presaged war.

They went into that country, following the valley of the Congaree and later the Saluda—into that region which had been settled largely by men from Pennsylvania, Scotch-Irish Presbyterians—and they so far prevailed in convincing the people that they gained over an overwhelming majority to an adherence to the cause of liberty. But in the winter of 1775, when Boston was being besieged by the American Army in the effort to drive General Howe out of it, the Tories gathered in force, several hundred strong, in the Ninety-six neighborhood, at the site of the fort which was afterwards constructed by the British near Cambridge courthouse, where there was a party of patriots of 100 in hastily constructed breastworks, and after three days' fighting, during which time those who were shut in without water had to dig a well forty-odd feet through tenacious clay in order to get water, there was a parley called, and it was agreed that certain people should be allowed to go home—that is, those who were being besieged—and if all would behave themselves they would have no further fighting.

But the Tories did not disperse, and the Provincial Congress, which afterwards became known as the General Assembly, had to send a force, which in the aggregate, before it reached Ninety-six, had been swelled by accessions from the various portions of the State and some from North Carolina to over 5,000 men, marching up into this disaffected region among these Tories to overawe them, and to convert or absolutely finish the conversion and allegiance to the patriot cause of those who were wavering. They marched in what is called the "snow campaign," because during their march in December we had something almost unheard of in the history of the State.

I am 54 years old, and I never saw more than 12 inches of snow there; but it is recorded that it snowed for thirty hours and that the snow was 20 inches deep on a level. And yet these ill-clad and poorly equipped men marched on through the rugged country, with the miserable roads which were then in existence, until they got within 20 miles of the camp of the Tories, some two or three hundred strong, when 1,200 picked men were rushed forward on the best horses and surrounded the Tories and captured the whole gang, thus overawing them and completing for the time being the acquiescence of the Royal adherents in the colonial power of the Congress-men, as they were then called. They called the Tories "Kings-men;" they called the patriots "Congress-men."

Those 5,000 are not mentioned in General Knox's report. They are not even estimated or guessed at. And later on I find in this book the record of the organization of 6 regiments of regulars—2 of infantry, 1 of rangers, 1 of artillery, and 2 of riflemen. There is no mention made of them in General Knox's report; yet their officers' names are given by Moultrie; he was in command of one of the regiments which in 1776, eight months later, fought the battle of Fort Moultrie. But the records of history—these so-called records of history—are sometimes so lacking in truth and reliability it is no wonder that, although General Knox possibly tried to do the best he could, he could not get the names, because there was no record in the War Department; just as we find nowadays, that if the muster-in was not had, and the man sworn, and the names taken down, and the roll forwarded, there is no record in the War Department, and therefore a great many men are coming here every day with petitions and appeals to us of one kind and another, which we kindly listen to generally, to "complete the military record" and straighten them out.

But these South Carolinians were not thinking about pensions or endeavoring to do anything except to defend their homes and to set about formulating a system of government which would either make Great Britain recognize their rights or else they intended to set up for themselves, and they were not solicitous about making out rolls and sending them to General Knox or anybody else. These six regiments I speak of were only in the Continental pay and on the Continental rolls after September, 1776, by resolution coming from the Continental Congress asking it, and indorsed and approved by the colonial legislature.

I wish to quote here from Ramsay's History of South Carolina, or the Revolution in South Carolina, what was the status generally in South Carolina away from the coast, and largely the status throughout the country. Says Ramsay:

> The distinction of Whig and Tory took its rise in the year 1775. Both parties in the interior country were then embodied, and were obliged to impress provisions for their respective support. The advocates for Congress prevailing, they paid for articles consumed in their camps; but as no funds were provided for discharging the expenses incurred by the Royalists, all that was consumed by them was considered as a robbery. This laid the foundation of a piratical war between Whigs and Tories, which was productive of great distress and deluged the country with blood. In the interval between the insurrection of 1775 and the year 1780, the Whigs were occasionally plundered by parties who had attempted insurrections in favor of royal government. But all that was done prior to the surrender of Charleston was trifling when compared to what followed.
>
> After that event political hatred raged with uncommon fury, and the calamities of civil war desolated the State. The ties of nature were in several instances dissolved, and that reciprocal good will and confidence which hold mankind together in society was in a great degree extinguished. Countrymen, neighbors, friends, and brothers took different sides and ranged themselves under the opposing standards of the contending factions. In every little precinct, more especially in the interior parts of the State, King's men and Congress men were names of distinction. The passions on both sides were kept in perpetual agitation and wrought up to a degree of fury which rendered individuals regardless not only of the laws of war but of the principles of humanity. While the British had the ascendancy their partisans gave full scope to their interested and malicious passions. People of the worst characters emerged from their hiding places in swamps, called themselves King's men, and began to appropriate to their own use whatsoever came in their way. Every act of cruelty and injustice was sanctified, provided the actor called himself a friend to the King and the sufferer was denominated a rebel.
>
> Of those who were well disposed to the claims of America there were few to be found who had not their houses and plantations repeatedly rifled. Under the sanction of subduing rebellion, private revenge was gratified. Many houses were burned, and many people inhumanly murdered. Numbers for a long time were obliged either entirely to abandon their homes or to sleep in the woods and swamps. Rapine, outrage, and murder became so common as to interrupt the free intercourse between one place and another. That security and protection which individuals expect by entering into civil society ceased almost totally. Matters remained in this situation for the greatest part of a year after the surrender of Charlestown. When General Greene returned to South Carolina in the spring of 1781 everything was reversed. In a few weeks he dispossessed the British of all their posts in the upper country, and the exasperated Whigs once more had the superiority. On their return to their homes they generally found starving families and desolate plantations. To reimburse their losses, and to gratify revenge, they, in their turn, began to plunder and to murder. The country was laid waste, and private dwellings frequently stained with the blood of husbands and fathers, inhumanly shed in the presence of their wives and children.

The senior Senator from Massachusetts, whose profound historical research and knowledge, I should think, are possibly equal to those of his colleague, although the latter is an historian, has told us that no such condition existed in Massachusetts. After the evacuation of Boston by General Howe the war became a foreign war. We all know, as a matter of common history—that is, in the schoolbooks—that in the earlier periods of the war for independence the Tories or Royalists of Massachusetts, and of possibly several other New England regions around, went into Boston to be in touch with the King's army. They were too uneasy to live among their neighbors and friends who were patriots; therefore they took what they could gather up and hurried to the capital. They were there by the thousands, and when Lord Howe evacuated the city it took a large number of ships to furnish them transportation; but they went with him to Halifax, and most of them never returned because it was not healthy to go back to Massachusetts after having openly sympathized with Massachusetts' oppressors. Counting Lexington and Concord as one running fight in which the British were severely punished, Bunker or Breeds Hill was the only other battle in Massachusetts. From the year 1776 to the end of the war there was no conflict in Massachusetts. Her people knew nothing of real war.

But in South Carolina the condition existed, as is here depicted, of internecine strife and civil war in its most horrid form, and that is the reason why it is, you will see as I unfold the story, that the fighting, the actual conflict of arms, the bloodshed in that one colony alone, the big battles and the little battles combined, are nearly equal to all the other battles in the United States or all the other twelve colonies.

I recall by way of tradition numbers of stories that were handed down to my mother by old people whom she had known in childhood, and she, being born in 1808, had been in touch with those who had participated in all this miserable rapine and outrage and murder, and many are the nights I have sat and listened to her recital of the events of those terrible times. I recollect an old mulberry tree, which was dead at the top and almost dead everywhere else, by the side of the big road on the plantation where I was born, in a red field, called "murder field," where they told me they had hung a Tory. I recall also a shelving rock on that same plantation—away remote and in a dense forest then—where my grandmother's brother, George Miller, had the smallpox when he was in hiding.

The country was in the possession of the British, and his sister would take the little medicine and food she could get and put it in a pail, with which she went to the spring, down a steep hill, where the spring was in the woods, and taking precautions not to be followed, would deposit the pail in hiding and take the food

and physic and then go down through the forest to this rock and attend to her sick brother. That was a mere sample.

I have heard of the outrages perpetrated by the Tories and their British leaders or officers or allies in robbing the women, cutting open the beds and throwing the feathers in the yard, just out of pure wantonness, shooting the chickens and hogs in order to produce starvation, if possible, and things of that kind.

I tell you, Senators, that these other portions of the country with which I have been acquainted in reading the history of the Revolution were not subjected to similar conditions. Nowhere else that I know of did they exist, except in a very limited degree. In suffering and in bloodshed the people of South Carolina are to-day entitled to the palm as having endured more of the horrors of war and exemplified more of the glories of patriotism, under conditions the most trying, of any colony of the lot.

In addition to all these miseries and horrors, Ramsay goes on to say:

In consequence of these civil wars between the Whigs and Tories—the incursions of the savages—

Mind you, the Cherokee Indians were then across the Upper Savannah River and upon the headwaters of the Tugaloo and the Oconee, incited to invade the colony by British emissaries—

In consequence of these civil wars between the Whigs and Tories, the incursions of the savages, and the other calamities resulting from the operations of the British and American armies, South Carolina exhibited scenes of distress which were shocking to humanity. The single district of Ninety-six—

Mind you, that was a sparsely settled region in Piedmont—

The single district of Ninety-six has been computed by well-informed persons residing therein to contain within its limits—

This was at the end of the struggle—

fourteen hundred widows and orphans, made so by the war. Nor is it wonderful that the country was involved in such accumulated distress. The American Goverment was suspended, and the British conquerors were careless of the civil rights of the inhabitants. They conducted as though interior order and police were scarcely objects of attention. The will of the strongest was the law. Such was the general complexion of those who called themselves Royalists that nothing could be expected from them but outrages against the peace and order of society. Though among the Tories in the lower parts of South Carolina there were gentlemen of honor, principle, and humanity, yet in the interior and back parts of the State a great proportion of them was an ignorant, unprincipled banditti, to whom idleness, licentiousness, and deeds of violence were familiar. Horse thieves and others whose crimes had exiled them from society attached themselves to parties of the British. Encouraged by their example and instigated by the love of plunder, they committed the most extensive depredations. Under the cloak of attachment to the old Government they covered the basest and most selfish purposes. The necessity which their indiscriminate plundering imposed on all good men of defending themselves did infinitely more damage to the Royal cause than was compensated by all the advantages resulting from their friendship.

Right here, as the junior Senator from Massachusetts is very anxious for me to draw the moral as I go along, I will say that it is the history of all conquering armies, that where they have resorted to cruelty, to wanton bloodshed, to a trampling down beneath the heel of military power of the people, to an absolute failure to recognize any of the laws of war or any of the obligations of humanity, as is being done to-day, according to the united voice of Christendom, by England in South Africa, they only spur on those who love liberty to an undying purpose, to perish and go to a better world in defense of liberty and their homes rather than surrender.

I would ask that Senator and his colleagues who stand here declaring their purpose that the Philippine islanders shall submit unconditionally, without one scintilla of a promise, or before there is any enunciation of a purpose that is humane, whether they are not themselves aggravating resistance, and precipitating a condition in the Philippines which, according to our own generals, has bred hatred intense and universal, not only of the flag, but of every man who has a white skin, and whether they are not bringing about a condition of perpetual war there.

When we ask you to announce your policy, to say what you intend to do, you answer, "Let them submit first;" and then when they look at your treatment of Porto Rico and of Cuba, they are face to face with a proposition that they have no rights which you feel called on to respect—none whatever; that you treat them absolutely as chattels, as cattle, or as "property," as the Senator from Wisconsin contended the other day. Then, I say to you, while you undertake to say that our discussion of this question here is encouraging insurrection, or rebellion, if you please, and that we will be responsible for the lives of soldiers who will be sacrificed in this unholy and damnable effort to suppress every spark of hope and love of liberty on the part of that people, that you yourselves are the murderers of our troops who will have to pour out their blood in that soil in doing this work of subjugation, because you refuse to recognize the fundamental principles upon which this Government rests.

You refuse to recognize or to recall or to remember the struggles of our fathers under similar conditions when English tyranny proposed to oppress us without any explanation, to levy taxation without representation or anything else, to ignore us as being brothers or fellow-citizens, and to treat us as chattels.

I think it is very germane. I think if other Senators will pursue the same line of thought and follow it up, and if we can get you back for once and gag you and force down your throats a small dose of liberty and the feelings and principles and hopes and aspirations and purposes of the men of Massachusetts and the men of South Carolina in the Revolutionary war, we will have done our country service.

Therefore I think the senior Senator from Massachusetts builded wiser than he knew when he injected the question of revolutionary honors into this debate unthoughtedly, without any ulterior purpose of odious comparison, but still fortunately.

As a sample of the methods that were pursued by the conquerors, I will read you the orders of the British general, a gallant soldier, as Wheaton is. Mind you, after the siege of Charleston and its capture, which, by the way, I will say to the Senator from Massachusetts was surrendered by a general from Massachusetts and not by a South Carolinian—General Lincoln: and I will say further, as an exemplification of some historical facts, that Charleston never has been taken by sea. No power that has ever been marshaled has been able to reach the city from the ocean. The British tried it twice and had to retire, and in looking through these books and reading of Morris Island and Fort Johnson and of Fort Moultrie and of Long Island and Fire Island and all those places around that historic spot, every one of which is redolent of historical reminiscences and action, I could not but think of the civil strife between the North and the South, when the men in blue marched through and sent their monitors and vessels of war and their great armaments. The city was never captured until it was attacked from the land and surrounded, so to speak.

By the way, there is a little exposition going on there now, and those of you who have not any history at home, or have so little history that you want to reach out and gobble some that does not belong to you, if there be any such here, if you want to get in an atmosphere surcharged with history, where every spot, if it could speak, would recite some deed of daring or of infamy, should visit that exposition. I think there is no place on this continent that in that respect approaches this old city. It is lacking in progressiveness; its commerce is more or less dead; it is primeval in many of its methods, but it is inhabited by a high-spirited, noble, and chivalrous people. They are there, and they have their history and their hospitality; and if anybody wants to drink history by the quart, or by the gallon, or by the barrel, they had better go down there.

Here is Cornwallis's order, under which many of these infamies were perpetrated, and which, in my judgment, caused the loss of the colony to the King.

I have given orders—

Says Cornwallis—

that the inhabitants of the province who have subscribed, and have taken part in this revolt, should be punished with the greatest rigor, and also those who will not turn out, that they may be imprisoned and their property taken from them or destroyed. I have likewise ordered that compensation be made out of their estates to the persons who have been injured or oppressed by them. I have ordered, in the most positive manner, that every militiaman who has borne arms with us and afterwards joined the enemy shall be immediately hanged. I desire you will take the most rigorous measures to punish the rebels in the district in which you command, and that you obey in the strictest manner the directions I have given in this letter relative to the inhabitants of this country.

An explanation is necessary right here. After the surrender of Charleston and the defeat of Gates at Camden, which followed immediately afterwards, and the complete cessation of all forms of resistance on the part of the Continental Army or the militia or anybody else, with the Whigs gone into hiding, or gone across the Savannah into Georgia or up into North Carolina, the feeling of hopelessness, of despair, together with the specious promises and seductive efforts of the Tory leaders and British officers, induced a good many—I do not know how many—to take the oath of allegiance, to subscribe to the Royal authority, and pledge it their support. Some of these men, under the most dreadful provocation, had broken their parole, so to speak, or had in effect become deserters from the British army, you might say technically. Take Colonel Isaac Hayne, who had subscribed to the oath under a pledge that he would not be called on to fight against his countrymen, and who was then arrested and ordered to join the army and fight his own people, and who in that dire extremity simply retired from the military forces, made his escape, and went forth to battle with his own people, if fight he had to, rather than fight against them.

He was captured and executed under this order of Cornwallis. There were many others who were caught and butchered. The result was that later on, as I may show (or I may forget to show it, so I will tell it now, although it is not possibly exactly in proper order), a great number of men who had they been let alone and allowed to pursue their avocations in such peace and quiet as

they could get under the conditions, might have remained inactive, being called on to fight against their country and their fellow-countrymen, decided that if fight they must they would fight for home and country; so that in the later years, after the State had been overrun and the resistance became sporadic and spasmodic and epidemic, as it were, these men were the most bitter of all the men who fought the British. They fought, as the phrase was, with a halter around their necks, and the consequence was that they never surrendered; and when they got a Tory or a Briton in their power they butchered him. It was a war to the death, and therefore the record is one of extreme cruelty and bloodiness.

I have here something referring to the Philippines. I must pacify the Senator from Massachusetts by once in a while referring to the bill under discussion. I am asked which Senator. I dislike to say Senator LODGE, and I forget to say the junior Senator. I will say once for all that unless I specifically mention the senior Senator I am talking at and to and about the other man. [Laughter.]

I have just read you Cornwallis's order, and its effect in driving men into the patriot ranks and recruiting the army of Greene, and of Marion, and of Sumter, and of Pickens with those who preferred to fight for home and country, if fighting they had to do, rather than join their country's enemies.

I want to read you something which the Senator from Utah [Mr. RAWLINS], I believe, this morning presented as the last act, or act No. 292, of our carpetbag government in the Philippines, that Commission, with Mr. Taft at its head—a very honorable gentleman, no doubt, who draws a salary of $20,000 a year, however, out of the Filipinos. I want to contrast the Cornwallis order with the act of the Commission to see whether it is an instrument of tyranny, or the instrument of affording the blessings of liberty to these poor benighted wretches. This is how they use the autocratic authority vested in them by the President and vested in the President by the Spooner amendment to the last Army appropriation bill.

I hope the senior Senator from Massachusetts will do me the kindness to listen and see if there is not considerable similarity between Cornwallis's methods in South Carolina in 1780 and 1781 and our blessed rule in this archipelago of ours:

SEC. 2. Every person owing allegiance to the United States or the government of the Philippine Islands and having knowledge of any treason against them or either of them, who conceals, and does not, as soon as may be, disclose and make known the same to the provincial governor in the province in which he resides, or to the civil governor of the islands, or to some judge of a court of record, is guilty of misprision of treason, and shall be imprisoned not more than seven years and be fined not more than $1,000.

Listen! You say to these Filipinos, "Turn yourselves into a lot of spies and traitors to expose your countrymen or your kinsmen or your enemies, if you want to inform against somebody." You propose to set in motion the enginery by which the French Revolution drenched the guillotine in its torrents of blood, when personal vengeance, or jealousy, or envy, or some damnable purpose brought about an "information" being lodged against somebody. You demand that these poor devils, who are helpless there in our grasp, must be guilty of all the odious crimes which have been abhorred of men since men were men—treachery, betrayal, spying.

SEC. 8. Every person who shall utter seditious words or speeches, write, publish, or circulate—

Circulate—

scurrilous libels against the Government of the United States or the insular government of the Philippine Islands—

Under this law, now, after having denounced this gang as a lot of carpetbaggers, if I should happen to get over there what would become of me? [Laughter.] If my attacks here in calling a spade a spade, as I am doing or endeavoring to do, as I see it, would lay me open to the charge of scurrilous libel against the Government of the United States or the insular government of the Philippine Islands, then I expect I will land in Fort Lafayette or some other fort pretty soon, or be exiled to our St. Helena—Guam—

or which tend to disturb or obstruct any lawful officer in executing his office, or which tend to instigate others to cabal or meet together for unlawful purposes, or which suggest or incite rebellious conspiracies or riots, or which tend to stir up the people against the lawful authorities or to disturb the peace of the community, the safety and order of the government, or who shall knowingly conceal such evil practices, shall be punished by a fine not exceeding $2,000 or by imprisonment not exceeding two years, or both, in the discretion of the court.

SEC. 9. All persons who shall meet together for the purpose of forming, or who shall form any secret society, or who shall, after the passage of this act, continue membership in a society already formed having for its object in whole or in part the promotion of treason, rebellion, or sedition, or the promulgation of any political opinion or policy—

We have padlocks on men's mouths in this Capitol. Now, we are undertaking to padlock nine million people and keep them from thinking—

shall be punished by a fine not exceeding $1,000 or by imprisonment not exceeding one year, or both.

SEC. 10. Until it has been officially proclaimed that a state of war or insurrection against the authority or sovereignty of the United States no longer exists in the Philippine Islands, it shall be unlawful for any person to advocate orally, or by writing, or printing, or like methods, the independence of the Philippine Islands or their separation from the United States, whether by peaceable or forcible means, or to print, publish, or circulate any handbill, newspaper, or other publication advocating such independence or separation.

What becomes of the boasted liberty of the press? Can the Springfield Republican or the Boston Herald, I think it is, circulate in the Philippine Islands? I should like to ask the senior Senator from Massachusetts to answer me if he will. I will wait until the Senator from Kansas [Mr. BURTON] has ceased his chat. [A pause.] Now, I will ask my question again. I will ask the senior Senator if under this——

Mr. BURTON. I will state to the Senator that I did not know he was speaking entirely to the Senator from Massachusetts.

Mr. TILLMAN. I was speaking to him, and called his personal and special and respectful attention. I did not intend anything except a little fun at the Senator's expense; that is all.

Mr. BURTON. I am willing that you shall do that, if you do not do any more harm.

Mr. TILLMAN. I hope to God I will not do any more harm by calling to your mind more of this in regard to liberty. You come from a State, you know, which was bathed in blood on account of certain ideas in regard to colored people, which you seem to have forgotten.

Mr. BURTON. Will the Senator allow me?

The PRESIDING OFFICER (Mr. MCCUMBER in the chair). Does the Senator from South Carolina yield to the Senator from Kansas?

Mr. TILLMAN. Certainly.

Mr. BURTON. I will state to the Senator that if he is alluding to what he did the other day——

Mr. TILLMAN. Oh, no; not that specially. That is only one of many things.

Mr. BURTON. I will state that no Kansan is proud of that. We are not proud of having committed murder in Kansas at any time.

Mr. TILLMAN. You just confine yourself to being proud of committing murder in the Philippines now.

Mr. BURTON. I think the Senator understood me. There is quite a difference with regard to the sentiment in Kansas and what seems to be the sentiment in South Carolina about that. I did not expect, of course, to take part in this debate, and I am very sorry that my conversation with the Senator from Massachusetts interrupted the Senator from South Carolina. I did not know that he was intending to speak to the Senator from Massachusetts, and, as I was going away, I wanted to speak to that Senator for a moment.

Mr. TILLMAN. I beg the Senator's pardon; I did not intend to try to drag him into the debate. I withdraw everything I said about Kansas, altogether, for the time being. We will have that fight at some other time.

Mr. BURTON. After I have been here longer.

Mr. TILLMAN. Now, if the senior Senator from Massachusetts will answer me, I should like to ask him the question. I will read that section of the act again for his benefit.

Until it has been officially proclaimed that a state of war or insurrection against the authority or sovereignty of the United States no longer exists in the Philippine Islands it shall be unlawful for any person to advocate, orally or by writing or printing or like methods, the independence of the Philippine Islands or their separation from the United States, whether by peaceable or forcible means, or to print, publish, or circulate any handbill, newspaper, or other publication advocating such independence or separation.

I ask him, if that is now the law of the land in the Philippine Islands, can the Springfield Republican and the Boston Herald—I think it is, or the Globe—circulate there? Is it the Herald or Globe? You have one paper in Boston, thank God, that is holding the beacon light up on Faneuil Hall and has not been submerged by my commercial friends' new-fangled liberty. Which paper is it? Well, the Springfield Republican I know of. Will the Springfield Republican be allowed to circulate or would the Senator's speeches be allowed to go over there?

Mr. HOAR. Does the Senator ask me a question about that?

Mr. TILLMAN. Yes, sir; I am asking you now as a lawyer. I am a tyro in the law, and I simply would like to get the Senator's opinion as to the legal status in regard to our speeches or anybody else's speeches, or any newspaper that dares to say of the Philippine Islands as was said of the American colonies, "that they are and of right ought to be free."

Mr. HOAR. I do not wish to be drawn into a discussion about the Massachusetts newspapers. The Senator has mentioned several Massachusetts newspapers. But I will answer any other question of the Senator that I can.

Mr. TILLMAN. I am afraid if I dip into that bucket for any more light I will not get it. [Laughter.]

I knew my younger colleague from Massachusetts [Mr. LODGE] was a diplomat and a very adroit and skillful fencer, almost equal

to Sir Andrew Aguecheek, for instance, but I had not supposed that my learned friend, who has the honor to hold the senior place as a Senator from that State, would object to giving me a simple legal opinion.

Mr. HOAR. It is a little difficult in listening to my honored friend from South Carolina to know in what part he is joking and in what part he is in earnest.

Mr. TILLMAN. I wanted to know whether the Springfield Republican, which now presumes to oppose the imperialistic policy upon which we have entered in the Philippines and advocates the freeing of that people, will be allowed or can be allowed to circulate in those islands under this act of the Taft Commission.

Mr. HOAR. I decline to be drawn into any discussion whatever about the Springfield Republican in the Senate of the United States. If the Senator will ask me whether I think that order is an abominable order, I will answer that question. I think it is.

Mr. TILLMAN. I am glad to get that end of the Senator's opinion, if I can not get the other. [Laughter.] Well, our speeches surely can not go there. I think they are going to be printed in English, and those people over there do not know anything but Spanish, or Igorrote, or Mindanao, or some other outlandish tongue. So I suppose we will have to fight the Philippine battles before the American people, or rather the battle for Philippine liberty and freedom, and right here. Of course we have got the power to crush them, to oppress them, to obliterate them from the face of the earth, and to require that they shall submit absolutely and without qualification to our rule. If the people of the United States are in sympathy with it and propose to continue in that line, oblivious of the glorious past to which I have been alluding in the struggles of my own State and of the other colonies, that will have to be their fate, I suppose.

While I am discussing the question of allegiance to the King and the demand made by Cornwallis, and afterwards enforced ruthlessly—first, that they should submit themselves to royal authority and take the oath, later on join the British army, and then if they dared to recant or make any move indicative of no sympathy with that purpose of subjugation and to fight that they would be hung, ruthlessly murdered, as hundreds of them were—there is one shining example of constancy and of eloquent, indignant protest against the offer of a bribe that is not generally known to students of American history, and which is so high and noble in its patriotism and its manliness that I am sure every man here will be glad to hear it. We know of Arnold's betrayal of his country, of his treason, of his effort to surrender one of our important military posts, of his being purchased by money and the offer of a commission as brigadier-general in the British army, and we know if there is one name more odious in American history than any other, one that causes a sneer of execration to mantle the cheek of every man, woman, and child in this broad land now, it is the name of Benedict Arnold, the first commercial democrat of whom we have any record.

While General Moultrie was on parole, after he had been captured at the siege of Charleston, and was living in very straitened circumstances at Haddrell's Point, on the mainland across the harbor, along with a good many other officers—because there were several thousand troops surrendered then—he was a man of such high character, of such lovable manners, that, associating with the best people of the country, and, of course, with the British officers—many of whom were men of high culture and gentlemen, and who were really opposed to the war—he was approached in a seductive, cunning way by an officer of the British army, a former governor of the colony; and I will take the liberty of reading, and I am sure that Senators here will thank me for reading and calling their attention to this correspondence. Lord Charles Montague, who had been governor of the colony of South Carolina, on March 11, 1781, a year or more after Moultrie had been a prisoner of war on parole, wrote him this letter:

SIR: A sincere wish to promote what may be to your advantage induces me now to write; and the freedom with which we have often conversed makes me hope you will not take amiss what I say. My own principles respecting the commencement of this unfortunate war are well known to you, and, of course, you can conceive what I mention is out of friendship. You have now fought bravely in the cause of your country for many years, and, in my opinion, fulfilled the duty every individual owes to it. You have had your share of hardships and difficulties, and if the contest is still to be continued younger hands should now take the toil from you. You have now a fair opening of quitting that service, with honor and reputation to yourself, by going to Jamaica with me. The world will readily attribute it to the known friendship that has subsisted between us; and by quitting this country for a short time you would avoid any disagreeable conversations, and might return at leisure to take possession of your estates for yourself and family.

The regiment I am going to command, the only proof I can give you of my sincerity is, that I will quit that command to you with pleasure, and serve under you.

Senators will recall the fact that at that time commissions in the British army were had by purchase. It was not a question of merit or ability, but it was just simply that somebody, the scion of some noble house or some wealthy man who wanted a commission in the British army, bought it, and a regiment was practically his personal property. So Lord Charles Montague, in speaking as he does, spoke within his rights and his power to carry out his agreement.

The regiment I am going to command, the only proof I can give you of my sincerity is, that I will quit that command to you with pleasure, and serve under you. I earnestly wish I could be the instrument to effect what I propose, as I think it would be a great means toward promoting that reconciliation we all wish for: a thousand circumstances concur to make this a proper period for you to embrace: our old acquaintance: my having been formerly governor in this province: the interest I have with the present commanders.

I give you my honor, what I write is entirely unknown to the commandant, or to anyone else; so shall your answer be, if you favor me with one. Think well of me.

Yours, sincerely,

CHARLES MONTAGUE.

General MOULTRIE.

You will confess that that was a very insidious way of approaching a prisoner, with his State overrun and desolate, and with the hand of resistance apparently palsied or dead. But what did Moultrie say? Now, listen:

HADDRELL'S POINT, *March 12, 1781.*

MY LORD: I received yours this morning by Fisher. I thank you for your wish to promote my advantage, but am much surprised at your proposition. I flattered myself I stood in a more favorable light with you. I shall write with the same freedom with which we used to converse, and doubt not you will receive it with the same candor. I have often heard you express your sentiments respecting this unfortunate war when you thought the Americans injured; but am now astonished to find you taking an active part against them; though not fighting particularly on the continent, yet seducing their soldiers away to enlist in the British service is nearly similar.

I will mention here that I find in the early part of these memoirs that this regiment was composed largely of men who, under stress of circumstances, had taken the oath of allegiance and who had then been coerced into joining the British army, under the promise that they should not have to fight against their countrymen, and who were being carried to Jamaica to relieve a regiment that was coming to take its place.

My lord, you are pleased to compliment me with having fought bravely in my country's cause for many years, and in your opinion fulfilled the duty every individual owes to it; but I differ very widely with you in thinking that I have discharged my duty to my country while it is still deluged with blood and overrun with British troops, who exercise the most savage cruelties. When I entered into this contest I did it with the most mature deliberation and with a determined resolution to risk my life and fortune in the cause.

The hardships I have gone through I look back upon with the greatest pleasure and honor to myself. I shall continue to go on as I have begun, that my example may encourage the youths of America to stand forth in defense of their rights and liberties. You call upon me now, and tell me I have a fair opening of quitting that service with honor and reputation to myself by going with you to Jamaica. Good God! is it possible that such an idea could arise in the breast of a man of honor? I am sorry you should imagine I have so little regard for my own reputation as to listen to such dishonorable proposals; would you wish to have that man whom you have honored with your friendship play the traitor? Surely not. You say by quitting this country for a short time I might avoid disagreeable conversations, and might return at my own leisure and take possession of my estates for myself and family; but you have forgotten how I am to get rid of the feelings of an injured, honest heart, where to hide myself from myself; could I be guilty of so much baseness I should hate myself and shun mankind. This would be a fatal exchange from my present situation, with an easy and approved conscience of having done my duty and conducted myself as a man of honor.

My lord, I am sorry to observe that I feel your friendship much abated, or you would not endeavor to prevail upon me to act so base a part. You earnestly wish you could bring it about, as you think it would be the means of bringing about that reconciliation we all wish for. I wish for a reconciliation as much as any man, but only upon honorable terms. The repossessing my estates, the offer of the command of your regiment, and the honor you propose of serving under me are paltry considerations to the loss of my reputation. No, not the fee simple of that valuable island of Jamaica should induce me to part with my integrity.

My lord, as you have made one proposal, give me leave to make another, which will be more honorable to us both. As you have an interest with your commander, I would have you propose the withdrawing the British troops from the continent of America, allow the independence, and propose a peace. This being done, I will use my interest with my commanders to accept of the terms and allow Great Britain a free trade with America.

My lord, I could make one proposal, but my situation as a prisoner circumscribes me within certain bounds. I must therefore conclude with allowing you the free liberty to make what use of this you may think proper. Think better of me.

I am, my lord, your lordship's most obedient humble servant,

WM. MOULTRIE.

Here is a man who was a major-general, whom it was sought to seduce as Arnold had been seduced. Arnold had fought gloriously at Quebec, at Saratoga, and at other places; a regular lion in battle, but for some fancied wrong of being overslaughed or from jealousy or for some other ignoble and mean purpose, sold himself for gold and a commission. He afterwards went to Connecticut, I think it was, and ravaged the seacoast, and died in ignominious poverty, the object of hatred to all mankind.

We ought to put a statue to General Moultrie in the Hall of Statuary here, or in some other hall, and let the youths of America, when they come here, see written in letters of gold, "How can I hide myself from myself."

Next we have a continuation of the story of the war and South Carolina's part in it.

We all know that during 1780 the Continental Army in the North dwindled to such miserable proportions, was so inefficient, so ill supplied with arms and men and munitions, that, although

the English army in New York had been depleted by a large force sent to Cornwallis in South Carolina, which was the theater of war, Washington sat himself down upon the heights above the city and could not move hand or foot toward the capture, and, in fact, there was not a solitary battle during those twelve months by the main army of patriots.

We have here, from the correspondence of Washington, the fact brought out that Washington did not believe in volunteers or militia.

On the one hand—

Says McCrady—

it is clear from Washington's letters from the beginning to the end of the war, echoed also by Greene, that he underrated the value and efficiency of a volunteer force; that his dependence was entirely upon a regular army of enlisted and paid soldiers. He placed little or no reliance upon the patriotism of a private soldier. He desired a strong army to establish a government. So his friends in Congress were for founding and maintaining a strong and permanent army, while on the other hand those who were jealous of the existence of an army, fearing that if independence from England was established by such a body that it would be the groundwork upon which a monarchy perhaps would be erected, contented themselves with opposing and thwarting all efforts to strengthen it, while proposing nothing themselves upon which to carry on the war.

The allied armies, Continental and French, went into winter quarters without a battle having been fought—the former in such a condition of discontent as again to break out in open meeting in the first of the coming year.

Writing to John Mathews on the 23d of October, informing him of the appointment of Greene, who had declined longer to act as Quartermaster-General of the Army, to the command of the Southern Department, Washington observed: "You have your wish in the officer appointed to the Southern command. I think I am giving you a general, but what can a general do without men, without arms, without clothing, without shoes, without provisions?"

Then the historian goes on—

Let us compare the results of the two systems upon which the struggle for liberty had been carried on North and South, during this year 1780, in which the Southern States were regarded as conquered, and sum up what had been done in South Carolina, not only without enlisted or paid men, without arms, without clothing, without shoes, without provisions, but without even a general?

I will state that it is of record that Mr. Madison, in the Continental Congress, proposed a basis of peace. So hopeless of the final result were the patriots and so lukewarm and lacking in enthusiasm and fixity of purpose were the Northern people that Mr. Madison proposed a resolution that the colonies or States of South Carolina and Georgia—they were colonies then, and the Senator from Wisconsin [Mr. SPOONER] contended the other day that while we could not cede a State we could cede a colony—but I suppose the balance of the eleven colonies, if they had seen fit, and England had been willing, could have adopted Mr. Madison's recommendation that South Carolina and Georgia, which were conquered and were under the heel of the conqueror, helpless, should be surrendered to the British Crown as a peace offering for the balance of the country.

Greene appeared in South Carolina, and what did he find when he reached there? Gates, defeated at Camden, had retreated to Charlotte, in Mecklenberg County, N. C., just over the line—

Greene arrived in Charlotte on the 2d day of December, 1780—

Moultrie, going on, says:

On the 8th the returns made to him of the army amounted to 970 Continentals and 1,013 militia and a respectable cavalry, which was the security of his army. Most of the Continentals were the remainder of the Maryland and Delaware lines that had been defeated near Camden on the 16th of August; they had been four years in the service, and were as good troops as any the British had; they were half-starved, unpaid, and ill-clad, and had been in this situation for several months, yet there was no murmuring and no desertion.

McCrady, speaking of what had come about under the two systems of warfare, and going on to point out the difference between the Southern militia, the Southern hunters, the Southern planters, farmers, and cattlemen, gives this record:

There had been fought in South Carolina during this year, in all, 34 battles, great and small, including, as one, the siege of Charlestown, which lasted from the 20th of March, when the British fleet crossed the bar and passed Fort Moultrie, to the 12th of May—that is, fifty-three days.

Mind you, that was before Greene got there, or rather a large amount of this fighting was done before Greene came down with his great name and his military fame, as a tower of strength, to encourage the drooping spirits of the patriots. Going on, McCrady says:

So that during this year, while the Continental Army under Washington was lying around New York in hopeless inactivity and discontent and the French fleet and army cooped up harmlessly in Newport, there had been actual and active fighting in South Carolina for eighty-six days out of the three hundred and sixty-five, or about one day in every four. The siege of Charleston, and the accompanying affairs of Salkehatchie, Ponpon, Rantowle's, Monks Corner, and Lenuds's Ferry, Buford's defeat at the Waxhaws, and the battle of Camden were battles and engagements in which Continental troops were engaged. The other 26 actions were fought entirely by volunteer bands of the people organized under leaders for each special occasion—the unpaid men of the Carolinas and in Georgia, of whose names, even, there was no muster roll or record.

The scene of these engagements covered, under Marion, the Horrys, and James, the whole country between the Pedee and Santee; under Sumter, Davie, Bratton, Lacey, Hill, Taylor, and the Hamptons, that principally between the Catawba and the Broad, but extending into Lancaster on the one side and Spartanburg and Union on the other; while Williams, Clarke, and McCall, extended it from the Broad to the Savannah. In addition to these engagements which took place in South Carolina during the year, there had been fought just beyond the line, in North Carolina, the battles of Ramsour's Mill, Charlottetown, and Cowan's Ford, and in Georgia the siege of Augusta. But restricting the examination for the present to the operations in South Carolina alone, the following statistical table of the engagements which took place within the limits of the State will best illustrate the magnitude and importance of the results accomplished by the uprising of the people themselves without the aid of Congress.

Here follow tables of the names of those engagements, the dates when they occurred, the number of killed and wounded on both sides, and the prisoners lost, all taken from the official records:

Battles fought during the Revolution.

EIGHT BATTLES FOUGHT UNDER THE CONTINENTAL OFFICERS.

Engagement and commander.	Date.	American.			British.		
		Killed and wounded.	Prisoners lost.	Total.	Killed and wounded.	Prisoners lost.	Total.
	1780.						
Salkehatchie (Lincoln)	Mar. 18	21	.....	21	2	.....	2
Ponpon (Lincoln)	Mar. 23	10	4	14	3	.....	3
Rantowle's (Lincoln)	Mar. 26	.....	.....	.....	7	.....	7
Monks Corner (Lincoln)	Apr. 12	33	.....	33	3	.....	3
Siege of Charleston (Lincoln)	Mar. 20-May 12	258	5,683	5,941	267	20	287
Lenuds's Ferry (Lincoln)	May 18	35	.....	35	2	.....	2
Waxhaws, Buford's defeat (Lincoln)	May 29	263	.....	263	19	.....	19
Camden (Gates)	Aug. 16	850	1,220	2,070	313	11	324
Total	.....	1,470	6,907	8,377	616	31	647

TWENTY-SIX ENGAGEMENTS UNDER THE NATIVE PARTISAN LEADERS AND BY MILITIAMEN.[a]

Williamson's Plantation (Bratton, Lacey)	July 12	1	.....	1	85	.....	85
Brandon's Camp (Brandon)	...do....	1	.....	1	.....	[b]	.....
Stallions (Brandon)	July 12	.....	.....	.....	6	28	34
Cedar Springs (Thomas)	July 13	.....	.....	.....	.....	.....	[c]
Gowans Old Fort (Jones)	July 14	.....	.....	.....	4	32	36
McDowells Camp (McDowell)	July 15-July 16	38	.....	38	8	.....	8
Flat Rock (Davie)	July 20	4	.....	4	10	.....	10
Thickety Fort (McDowell)	July 30	.....	.....	.....	.....	94	94
Hunts Bluff (Gillespie)	Aug. 1	.....	.....	.....	.....	100	100
Rocky Mount (Sumter)	...do....	6	.....	6	12	.....	12
Hanging Rock (Davie)	...do....	.....	.....	.....	50	.....	50
Hanging Rock (Sumter and Davie)	Aug. 6	100	10	110	150	.....	150
Old Iron Works (Clarke and Shelby)	Aug. 8	14	.....	14	50	.....	50
Ports Ferry (Marion)	Aug. 15	.....	.....	.....	30	.....	30
Camden or Wateree Ferry (Sumter)	...do....	.....	.....	.....	7	100	107
Fishing Creek (Sumter)	Aug. 18	150	310	460	16	.....	16
Musgroves Mills (Shelby, Clarke, and Williams)	Aug. 19	13	.....	13	153	70	223
Nelsons Ferry (Marion)	Aug. 20	2	.....	2	.....	183	183
Kingstree (Marion)	Aug. 27	.....	.....	.....	15	15	30
Black Mingo (Marion)	Sept. 14	50	.....	50	60	.....	60
Tarcote (Marion)	...do....	.....	.....	.....	26	.....	26
Wahubs Plantation (Davie)	Sept. 20	1	.....	1	60	.....	60
Kings Mountain (Campbell)	Oct. 7	90	.....	90	242	664	906
Fishdam (Sumter)	Nov. 9	2	.....	2	21	.....	21
Blackstock (Sumter)	Nov. 20	4	.....	4	192	.....	192
Long Cane (Clarke)	Dec. 11	21	.....	21	3	.....	3
Total	.....	497	320	817	1,200	1,286	2,486

[a] The names of none of the men who fought in these 26 engagements appear in Knox's Report. [b] Routed. [c] Several.

Now, while I am speaking about the battles, as I said a moment ago, the fields of conflict in the State of South Carolina, big and little, are in number nearly equal to those of all the other States put together. I will speak of the big battles, the pitched battles, the battles in which armies, not squadrons or regiments or loose bands, were brought together. Taking them in their order, or possibly not in their order of sequence as to time, but rather as to locality, we will commence with Moultrie's fight at Fort Moultrie, when he drove off the British fleet (1); the siege of Charleston (2); Gates's defeat at Camden (3), which followed; next Hobkirks Hill (4), where Greene was defeated; later Eutaw Springs, where he was the victor (5); then we have the siege of Ninety-six (6), in which great valor was displayed on both sides. Greene had to retreat because Lord Rawdon was hurrying to the relief of the British forces, but there was a general assault, which was very bloody. Carrying the list up, we come to Cowpens (7), where under Morgan there was the most complete annihilation, barring one, in the history of the war, and the best general or the best officer, as was supposed, in the British army, certainly in South Carolina—Tarleton—that dread and terror of the people, had lost nearly his whole force, every particle of his infantry, artillery, and baggage, and lost some of his cavalry, but made his own escape.

In passing, I will give an anecdote in regard to that escape which is on record. It is said that this British officer, who was something of a dandy, and, being young and handsome, was somewhat in favor with the ladies, even those who were rebels, so to speak—Tarleton attended a ball in Charleston a year later, after the British were cooped up. Speaking of Col. William Washington—no kin to George, but just a common farmer, who had the instincts and ability of a soldier, who was a good cavalryman, and who was in charge of the cavalry at Cowpens, a small handful of 75 or 100 mounted men, part of them militia, but whose charge won the day—Tarleton said to a lady, "I understand that your Colonel Washington is an illiterate, boorish, low sort of man, without any culture or education; that he can not write his name." In that retreat, when Tarleton was closely pursued, he and Washington had a personal conflict hand to hand. The pursuit was so close and Washington got so near to Tarleton that, in making a pass with his saber, he wounded Tarleton on the sword hand, and the lady, looking at the mark or the scar, with a smile, which was significant, said, "But he can make his mark, Colonel Tarleton, you must allow." [Laughter.]

Before Cowpens, however, there had been the most signal victory in the history of that war, or almost of any war. It was at Kings Mountain (8), fought entirely by raw levies or volunteers on our side, not a solitary trained officer or soldier in the lot, except the colonels probably, and they were all men of no military training or experience—Sevier, Campbell, McDowell, Williams, and Cleveland. These men, South Carolinians, Georgians, Virginians, Tennesseans—I do not see anybody here from Tennessee, but Tennessee had as large a part in that glorious victory as any State—Sevier, who led the mountaineers from the pastures of East Tennessee across the Alleghenies, was there. They surrounded Ferguson on the top of Kings Mountain, a mountain some four or five hundred feet above the surrounding plain, an almost impregnable position, apparently.

They were just simply running him down; they were afraid he would get away, and although his force outnumbered theirs, having assembled in North Carolina, at Gilberttown, they rushed forward pellmell, and when they got in sight of the camp they took the precaution to make Colonel Campbell commander; but each man commanded his own force, and they simply enveloped this British force of trained men upon the plateau on all sides, and not a man of them got away. It is of record that not a British soldier made his escape. In their treatment of them the patriots, fired with the desire for revenge for innumerable wrongs, were almost as cruel as the British had been. When the tories and the British threw up their handkerchiefs and waved them as a token of surrender, the bloody cry came back, "Remember Tarleton!" "Remember Buford and Waxhaw!" and they shot those men who had been the brutal murderers of their friends, and who had been ravaging with fire and sword all of South Carolina for a year. They shot perhaps 100 or 200 of them after they had surrendered. The officers had to jump off their horses and rush up and threaten to interfere with actual force to control the people, who were so outraged by the desecration of their homes and the depredations and villainies which had been perpetrated that their anger was almost inhuman.

The patriots numbered 910 and the British and Tories amounted to 1,100. Majuba Hill in South Africa is the nearest approach to Kings Mountain in the completeness of the triumph of raw levies over trained soldiers superior in number and on their own ground.

We have heard about the decisive battles of the war. Somebody—the Senator from Massachusetts, I believe—said yesterday that the battle of Concord was decisive. Maybe you are right. Concord belongs to you. There is no doubt of that. Of course, if the beginning of the war was practically under conditions in which the deciding of the event finally was from that point of view, you might say that the very fact that the farmers of Massachusetts had the courage and love of liberty to resist and to offer up their lives on the altar of liberty, thereby inspiring their brethren from the frozen North to as far south as white men live to take up arms in defense of the great principles involved in the cause, Concord was the deciding battle of the war.

Creasy says Saratoga was the decisive battle of the war, because Burgoyne cut loose from his base of supplies in Canada, marched up the Sorrel and up Lake Champlain, endeavored to penetrate the American center, as it was called, and to cut the colonies in two, leaving his base and throwing himself out to take what he could get and live off the country. Then the men of Massachusetts and of the surrounding States—farmers, mind you, mere volunteers, most of them—rushed to arms and enveloped him. Napoleon had been enveloped in Russia when he cut loose from his base, and later Cornwallis suffered the same fate. It is a dangerous thing for a military man to go into a hostile country and have no means to feed his army except the country that he expects to live upon. Sherman did it; but if it had not been for the control of the ocean by the Government of the United States and the means of supplying Sherman's army with provisions, munitions, and other things, and if the Confederacy had not been at that time nearly exhausted and in its expiring agony, it is probable that a repetition of the other campaigns of which I have spoken might have followed the march to the sea. One of the British writers on military science has expressed that belief; but that is a mere passing comment.

I want to say right here and now that when you recollect that after the battle of Concord and after the expulsion of the British from Boston, Massachusetts and New England had little or no war, except the foray along the Connecticut coast by Arnold and Tryon; that practically it was a foreign war, as the senior Senator from Massachusetts stated yesterday, so far as those people were concerned. New Jersey—I see its honorable Senator sitting here—had its share of the struggle at Princeton and Monmouth and other places, and New York had its share. I am not undertaking to monopolize anybody's glory.

As I said the other day, there is enough to go around, but when an attempt is made, without the slightest malice, to say that that war was won by other causes and from other sources than the coercion of the British, I want to put in my claim for Kings Mountain and Cowpens as having happened at a time when the American cause seemed most hopeless and dark, and when the people were dispirited, cowed, and almost ready to give up. Then came these two victories, complete and overwhelming, paralyzing the enemy, so to speak, causing him to draw back and to concentrate his forces because he had met something new. He defeated Greene at Hobkirks Hill; he had defeated Gates at Camden; he did not believe militiamen were any good. He was like—no, I will not say the Senator from Maine [Mr. HALE], because he said he believed the volunteers were the best soldiers in time of emergency, and we will all have to believe that if we ever have a real national crisis. But I want to read here what occurred before that battle of Kings Mountain, in which Ferguson was enveloped, his army destroyed, himself killed, and every man either butchered or captured by those militiamen, those wild levies, those untrained soldiers.

Moultrie, something of a military man himself, says this:

> This great victory at the Cowpens changed the face of American affairs and raised the drooping spirits of her desponding friends. In two actions, soon after each other, the British lost about 2,000 men—that at Kings Mount on the 7th of October and that at the Cowpens on the 17th of January, 1781. The latter was of more serious consequence to Lord Cornwallis, because it deprived him of 900 of his best troops.

Here is what Moultrie had to say about the militiamen:

> This battle, as well as many others under Generals Sumter, Marion, and others, proves that the militia are brave men and will fight if you will let them come to action in their own way. There are very few instances when they have drawn up in line of battle that they could be brought to stand and reserve their fire until the enemy came near enough. The charge of the bayonet they never could stand, and it can never be expected that undisciplined troops could stand so formidable an attack. Witness the affairs of General Gates at Camden and General Greene at Guilford Court-House.

But we have here a speech by Colonel Cleveland, a North Carolinian by birth, by the way, whose descendants now live in Spartanburg County, S. C., one of the heroes of Kings Mountain, who was in command of the North Carolina contingent of mountaineers who had come over from the western end of that State:

> My brave fellows, we have beat the Tories, and we can beat them again; they are all cowards. If they had the spirit of men, they would join their fellow-citizens in supporting the independence of their country. When you are engaged, you are not to wait for the word of command from me. I will show you by my example how to fight; I can undertake no more. Every man must consider himself as an officer and act from his own judgment. Fire as quick as you can, and stand your ground as long as you can. When you can do no better, get behind trees, or retreat, but I beg you not to run quite off. If we are repulsed, let us make a point of returning and renewing the fight. Perhaps we may have better luck in the second attempt than the first. If any of you are afraid, such shall have leave to retire, and they are requested immediately to take themselves off.

The result was that when the first attack was made by one of the contingents which enveloped Ferguson, with line of battle strung out, the British charged with bayonets and drove them back down the hill, but they had hardly got those fellows into the woods before there came another fellow—another militia colonel—who brought up his woodsmen. Ferguson went after them and drove them back; and then, lo and behold! there came another crowd on his left flank or his right flank, and then a ring of fire from blazing rifles all around drove the British general and his men back and forth like a shuttlecock, until his spirit was demoralized, his men threw down their arms and gave up the fight, and many of them gave up the ghost.

Cowpens and Kings Mountain may not have been the turning period of the war. I do not attempt to claim that they were. I only ask those who are going to analyze this question and endeavor to consider it from any fair standpoint not to forget the recital of these historic events which I have given you here in this brief and disjointed way, and which I suppose I ought to

apologize to the Senate for having presented. But, as I said, I think it is apropos and entirely proper that we should recall now, of all times in our history as a people, the facts connected with our own struggle in the earlier years of the Republic, when, against the then most powerful nation in the world, we took up arms and for seven long and bloody years, dismal and hopeless a large part of the time, our forefathers struggled to found this Republic upon those principles which Jefferson has made immortal—that governments derive their just powers from the consent of the governed. Marcou, the "Swamp Fox," and Sumter, the "Game Cock," fought as guerrillas, sallying from the woods and swamps by night and by day. Their prototypes in South Africa are called "robbers," and in the Philippines we call them "ladrones."

I say here and now, that this Philippine proposition to erect a tariff wall between one portion of the United States and any other portion, or between the United States and any country belonging to the United States, under the Stars and Stripes, is a departure from every principle which has brought this country forward in its glorious career to that condition which has made it the cynosure of all eyes, the envied of all nations, the country which we have proudly boasted was "the land of the free and the home of the brave," but which we to-day have turned into a despotism, going back, like a dog to its vomit, to the colonial times of England, to govern people arbitrarily and without law other than the will of the master, to levy taxes and to spend them, and to quarter troops on them and to send foreign officers and judges and everything else that was denounced by our fathers when this country started on its career.

Mr. LODGE. The Senator from Alabama [Mr. MORGAN], I believe, wishes to speak in regard to his amendment. If that is his pleasure, I hope he will do so.

Mr. MORGAN. I should like, inasmuch as the amendment I offered presents a new question perhaps, one that the Senate has not heretofore considered at least, to have a quorum of the Senate present, and it seems to be rather impossible to get it this evening. I will therefore, if it is agreeable to the Senator from Massachusetts, move that we go into executive session.

Mr. LODGE. It is perfectly agreeable to me, if the Senator desires to postpone his remarks until to-morrow.

Mr. MORGAN. Yes; I think I could finish my remarks in an hour or an hour and a half easily, but it is too late and the Senators are not here, and I want particularly to have my side of the House present to hear what I have to say.

Mr. LODGE. Very well. The Senator desires, then, to go on to-morrow at 2 o'clock?

Mr. MORGAN. Yes.

Mr. LODGE. Then I will move that the Senate proceed to the consideration of executive business.

Mr. HOAR. I wish my colleague would yield to me for a moment.

Mr. LODGE. Certainly.

SALARIES OF CERTAIN UNITED STATES JUDGES.

Mr. HOAR. I wish to give notice that to-morrow morning, at the conclusion of the routine morning business, I shall move to take up the bill to increase the salaries of judges of certain United States courts.

REMOVAL OF SNOW IN THE DISTRICT.

The PRESIDENT pro tempore laid before the Senate the bill (H. R. 10368) to provide for the removal of snow and ice from cross walks and gutters in the city of Washington, D. C.; which was read the first time by its title, and the second at length, as follows:

Be it enacted, etc., That for the removal of snow and ice from cross walks and gutters in the city of Washington, D. C., as required by the act approved March 2, 1897, there is hereby appropriated the sum of $5,000, one half to be paid out of the revenues of the District of Columbia and the other half out of the Treasury of the United States.

Mr. MCMILLAN. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirty-seven minutes spent in executive session, the doors were reopened, and (at 4 o'clock and 57 minutes p. m.) the Senate adjourned until to-morrow, Friday, January 31, 1902, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate January 30, 1902.

SURVEYOR OF CUSTOMS.

John Albus, jr., of Missouri, to be surveyor of customs for the port of St. Joseph, in the State of Missouri, to succeed William L. Buechle, whose term of office will expire by limitation March 14, 1902.

INDIAN AGENT.

Charles R. A. Scobey, of Montana, to be agent for the Indians of the Fort Peck Agency in Montana, to take effect March 31, 1902, at expiration of his present term. (Reappointment.)

RECEIVER OF PUBLIC MONEYS.

Alvah Eastman, of Minnesota, to be receiver of public moneys at St. Cloud, Minn., his term having expired. (Reappointment.)

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 30, 1902.

MARSHAL.

B. F. Daniels, of Arizona, to be United States marshal for the Territory of Arizona.

PENSION AGENT.

Wilder S. Metcalf, of Kansas, to be pension agent at Topeka, Kans.

UNITED STATES ATTORNEY.

Harry Skinner, of North Carolina, to be United States attorney for the eastern district of North Carolina.

POSTMASTERS.

W. B. Tscharner, to be postmaster at La Crosse, in the county of La Crosse and State of Wisconsin.

Robert Alexander McDonald, to be postmaster at Centralia, in the county of Wood and State of Wisconsin.

Hugh H. Williams, to be postmaster at Randolph, in the county of Dodge and State of Wisconsin.

Lawrence C. Whittet, to be postmaster at Edgerton, in the county of Rock and State of Wisconsin.

Samuel V. Davis, to be postmaster at Phillipsburg, in the county of Warren and State of New Jersey.

Richard F. Goodman, to be postmaster at Newton, in the county of Sussex and State of New Jersey.

Charles F. Stevenson, to be postmaster at Beverly, in the county of Burlington and State of New Jersey.

George W. Duncan, to be postmaster at Jasper, in the county of Hamilton and State of Florida.

William D. Allison, to be postmaster at West Newton, in the county of Westmoreland and State of Pennsylvania.

De Witt C. Winchell, to be postmaster at Carteret, in the county of Middlesex and State of New Jersey.

William H. Lushear, to be postmaster at Short Hills, in the county of Essex and State of New Jersey.

Harry F. Hawkins, to be postmaster at Beaver Falls, in the county of Beaver and State of Pennsylvania.

Jacob R. Zuck, to be postmaster at Mount Pleasant, in the county of Westmoreland and State of Pennsylvania.

George Sowash, to be postmaster at Irwin, in the county of Westmoreland and State of Pennsylvania.

James B. Robinson, to be postmaster at Jamestown, in the county of Mercer and State of Pennsylvania.

William J. Leahy, to be postmaster at Falls Creek, in the county of Clearfield and State of Pennsylvania.

Preston E. Hannum, to be postmaster at Christiana, in the county of Lancaster and State of Pennsylvania.

REMOVAL OF INJUNCTION OF SECRECY.

The injunction of secrecy was removed January 30, 1902, from the following treaties:

A commercial convention between the United States and the Dominican Republic, signed at Washington June 2, 1900.

A commercial convention with the Republic of Ecuador, signed July 10, 1900.

A commercial convention between the United States and Nicaragua, signed October 20, 1899, and a supplementary convention extending the time within which the exchange of ratifications shall be effected.

A commercial convention with Denmark for the improvement of trade between the United States and the Island of St. Croix, in the Danish West Indies, signed June 5, 1900.

A convention between the United States and Guatemala for the reciprocal protection of trade-marks and trade labels.

A treaty between the United States and the Kingdom of Denmark for the mutual extradition of fugitives from justice, signed at Washington January 6, 1902.

A convention between the United States and Guatemala relating to the tenure and disposition of real and personal property.

A treaty between the United States of America and the Kingdom of Belgium for the mutual extradition of fugitives from justice.

A treaty between the United States and Servia for the mutual extradition of fugitives from justice.

A convention between the United States of America and Denmark extending the period within which may be exchanged ratifications of the commercial convention for the Island of St. Croix, signed June 5, 1900.

A convention between the United States and the Dominican Republic, extending the period within which may be exchanged the ratifications of the commercial convention signed June 25,1900.

HOUSE OF REPRESENTATIVES.

THURSDAY, *January 30, 1902.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, one of its clerks, announced that the Senate had passed bills and joint resolutions of the following titles; in which the concurrence of the House of Representatives was requested:

S. 569. An act to establish the department of commerce;

S. 1833. An act providing for the transfer of census records and volumes to the Census Office, and for other purposes;

S. 1931. An act granting an increase of pension to Etta Scott Mitchell;

S. 2520. An act granting an increase of pension to Emma McLaughlin;

S. 2098. An act granting a pension to George H. Morton;

S. 1596. An act granting an increase of pension to Mary E. Pillow;

S. 1354. An act to correct the military record of William J. McGhee;

S. 30. An act to correct the military record of Otis B. Vanfleet;

S. 35. An act for the relief of Gottlieb C. Rose;

S. 36. An act to grant an honorable discharge to William B. Barnes;

S. 330. An act for the relief of Lawrence H. Knapp, late first lieutenant, Second Oregon Volunteer Infantry;

S. 1570. An act for the relief of the widow and children of the late Joseph W. Etheridge and the widow of the late John M. Richardson;

S. 2562. An act granting a pension to Emma R. Pawling;

S. 2806. An act granting an increase of pension to Laura S. Picking;

S. 1802. An act granting an increase of pension to Cornelia E. Wright;

S. 2928. An act for the relief of Leonard I. Brownson;

S. R. 16. Joint resolution authorizing the issue of duplicate medals where the originals have been lost or destroyed;

S. 2700. An act granting an increase of pension to Martha A. Couch;

S. 2735. An act to increase the limit of cost of the post-office, custom-house, and court-house building at Cleveland, Ohio;

S. R. 12. Joint resolution authorizing the selection of a site and the erection of a pedestal for a bronze statue in Washington, D. C., in honor of the late Henry Wadsworth Longfellow;

S. 2106. An act providing for the improvement, repair, and an addition to the public building at Jacksonville, Fla.;

S. 2296. An act to amend an act approved March 2, 1895, relating to public printing; and

S. 2632. An act to amend an act entitled "An act granting to the Clearwater Valley Railroad Company a right of way through the Nez Perces Indian land in Idaho."

The message also announced that the Senate had passed the following resolutions; in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution No. 18.

Resolved by the Senate (the House of Representatives concurring), That there be printed 19,000 copies of the general summary entitled "Review of the World's Commerce" for the year 1901, of which 3,000 shall be for the use of the Senate, 6,000 for the use of the House of Representatives, and 10,000 for the use of the Department of State; and 11,000 copies of Commercial Relations of the United States for the year 1901, including the general summary, of which 2,000 shall be for the use of the Senate, 4,000 for the use of the House of Representatives, and 5,000 for the use of the Department of State.

Senate concurrent resolution No. 15.

Resolved by the Senate (the House of Representatives concurring), That the Public Printer be, and he is hereby, authorized and directed to print from stereotype plates and to bind 200 copies each of volume 10 and volumes 20 to 31, inclusive, Land Decisions, and volumes 10 and 11, Pension Decisions, for distribution and sale by the Secretary of the Interior.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 1037) entitled "An act granting an increase of pension to Helen A. B. Du Barry."

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 2008. An act to authorize the city of Duluth, Minn., to construct and maintain, or cause to be constructed and maintained, a car transfer over the Duluth Canal, and for that purpose to occupy certain lands of the United States.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 569. An act to establish the department of commerce—to the Committee on Interstate and Foreign Commerce.

S. 1833. An act providing for the transfer of census records and volumes to the Census Office, and for other purposes—to the Committee on the Census.

S. 1596. An act granting an increase of pension to Mary E. Pillow—to the Committee on Pensions.

S. 1354. An act to correct the military record of William J. McGhee—to the Committee on Military Affairs.

S. 30. An act to correct the military record of Otis B. Vanfleet—to the Committee on Military Affairs.

S. 35. An act for the relief of Gottlieb C. Rose—to the Committee on Military Affairs.

S. 36. An act to grant an honorable discharge to William B. Barnes—to the Committee on Military Affairs.

S. 330. An act for the relief of Lawrence H. Knapp, late first lieutenant, Second Oregon Volunteer Infantry—to the Committee on War Claims.

S. 1570. An act for the relief of the widow and children of the late Joseph W. Etheridge, and the widow of the late John M. Richardson—to the Committee on Interstate and Foreign Commerce.

S. 2562. An act granting a pension to Emma R. Pawling—to the Committee on Invalid Pensions.

S. 1802. An act granting an increase of pension to Cornelia E. Wright—to the Committee on Invalid Pensions.

S. 2928. An act for the relief of Leonard I. Brownson—to the Committee on Military Affairs.

S. R. 16. Joint resolution authorizing the issue of duplicate medals where the originals have been lost or destroyed—to the Committee on Military Affairs.

S. 2700. An act granting an increase of pension to Martha A. Couch—to the Committee on Invalid Pensions.

S. 2735. An act to increase the limit of cost of the post-office, custom-house, and court-house building at Cleveland, Ohio—to the Committee on Public Buildings and Grounds.

H. J. Res. 12. Joint resolution authorizing the selection of a site and the erection of a pedestal for a bronze statue in Washington, D. C., in honor of the late Henry Wadsworth Longfellow—to the Committee on the Library.

S. 2106. An act providing for the improvement, repair, and an addition to the public building at Jacksonville, Fla.—to the Committee on Public Buildings and Grounds.

S. 2632. An act to amend an act entitled "An act granting to the Clearwater Valley Railroad Company a right of way through the Nez Perces Indian land in Idaho"—to the Committee on Indian Affairs.

S. 2296. An act to amend an act approved March 2, 1895, relating to public printing—to the Committee on Printing.

Senate concurrent resolution No. 18:

Resolved by the Senate (the House of Representatives concurring), That there be printed 19,000 copies of the general summary entitled "Review of the World's Commerce" for the year 1901, of which 3,000 shall be for the use of the Senate, 6,000 for the use of the House of Representatives, and 10,000 for the use of the Department of State; and 11,000 copies of Commercial Relations of the United States for the year 1901, including the general summary, of which 2,000 shall be for the use of the Senate, 4,000 for the use of the House of Representatives, and 5,000 for the use of the Department of State—

to the Committee on Printing.

Senate concurrent resolution No. 15:

Resolved by the Senate (the House of Representatives concurring), That the Public Printer be, and he is hereby, authorized and directed to print from stereotype plates and to bind 200 copies each of volume 10 and volumes 20 to 31, inclusive, Land Decisions, and volumes 10 and 11, Pension Decisions, for distribution and sale by the Secretary of the Interior—

to the Committee on Printing.

REMOVAL OF SNOW AND ICE IN DISTRICT OF COLUMBIA.

Mr. McCLEARY. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill which I send to the Clerk's desk.

The SPEAKER. By direction, as the Chair understands, of the Committee on Appropriations, the gentleman from Minnesota

[Mr. MCCLEARY], reports an urgent deficiency bill and asks unanimous consent for its present consideration. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 10368) to provide for the removal of snow and ice from cross walks and gutters in the city of Washington, D. C.

Be it enacted, etc., That for the removal of snow and ice from cross walks and gutters in the city of Washington, D. C., as required by the act approved March 2, 1897, there is hereby appropriated the sum of $5,000, one-half to be paid out of the revenues of the District of Columbia and the other half out of the Treasury of the United States.

Mr. UNDERWOOD. I hope the gentleman from Minnesota will give us an explanation as to how the amount of money needed for this purpose is ascertained.

Mr. MCCLEARY. The estimate was submitted by the Commissioners of the District of Columbia, one of whom was present at the meeting this morning.

Mr. UNDERWOOD. Is the appropriation larger than the amount appropriated in years past for this same work?

Mr. MCCLEARY. It is of the average size of the appropriations that have been made for a series of years.

The SPEAKER. Is there objection to the present consideration of the bill? The Chair hears none.

Mr. BELL. Is it understood that this bill is from the Appropriations Committee?

Mr. MCCLEARY. From a subcommittee of the Appropriations Committee, in charge of appropriations for the District of Columbia.

Mr. BELL. Then, as I understand, the bill has not been before the Appropriations Committee at all.

Mr. MCCLEARY. No, sir; not before the entire committee, on account of its urgency.

Mr. BELL. I should like to ask, as a matter of privilege, has a subcommittee the right to present a bill?

The SPEAKER. That is a question the House has no knowledge of. This bill is brought in by unanimous consent.

Mr. BELL. No, sir; as I understand, it is brought in as coming from the Appropriations Committee.

The SPEAKER. The gentleman from Minnesota asked unanimous consent for the consideration of the bill, and unanimous consent has been given. It is a matter which the Chair can not control.

Mr. CANNON. It is not a privileged question at all. I understood unanimous consent was asked.

Mr. BELL. I understood the gentleman from Minnesota to say that the bill was brought in from the Appropriations Committee.

Mr. MCCLEARY. No, sir; I did not. I asked unanimous consent. If the bill were the work of the Appropriations Committee, it would be privileged.

Mr. CUMMINGS. May I ask a question?

Mr. MCCLEARY. Certainly.

Mr. CUMMINGS. Has the gentleman any doubt at all that every member of the Appropriations Committee would vote for the bill?

Mr. MCCLEARY. Every member of that committee, I have no doubt, would vote for it in the usual course. The bill is brought in in this way simply because of its urgency.

The bill was ordered to be engrossed and read the third time; and it was accordingly read the third time, and passed.

On motion of Mr. MCCLEARY, a motion to reconsider the vote by which the bill was passed was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. BURGESS for two weeks, on account of important business.

CALL OF COMMITTEES.

The SPEAKER. The Clerk will proceed with the call of committees where the call terminated on the last legislative day.

The Clerk proceeded with the call.

ORDER OF BUSINESS.

Mr. MANN. Mr. Speaker, I ask to call up a bill from the Committee on Interstate and Foreign Commerce for present consideration.

The SPEAKER. Has the gentleman authority to do that from the committee under this call?

Mr. MANN. There has been no direct vote of the committee, Mr. Speaker, authorizing the bill to be called up, but it has been reported by the committee.

The SPEAKER. The Chair thinks the gentleman has not a right under this call to demand consideration of the bill.

Mr. MANN. Very well.

The SPEAKER. The Clerk will proceed with the call of committees.

PROTECTION OF LIVES OF MINERS.

Mr. MOODY of Oregon. Mr. Speaker, I desire to call up the bill (H. R. 8327) to amend an act entitled "An act for the protection of the lives of miners in the Territories," and put the bill upon its passage.

The SPEAKER. Has the committee authorized the bill to be called up at this time?

Mr. MOODY of Oregon. The committee authorized the chairman to call up the bill, but since he is not in his seat, I feel authorized, under the order of the committee, to call it up myself.

The SPEAKER. The Clerk will report the bill.

The bill was read, as follows:

A bill (H. R. 8327) to amend an act entitled "An act for the protection of the lives of miners in the Territories."

Be it enacted, etc., That section 6 of the act entitled "An act for the protection of the lives of miners in the Territories" be amended by striking out "thirty-three hundred" and inserting "five thousand:" so as to read:

"SEC. 6. That the owners or managers of every coal mine at a depth of 100 feet or more shall provide an adequate amount of ventilation of not less than 55 cubic feet of pure air per second, or 5,000 cubic feet per minute, for every 50 men at work in said mine, and in like proportion for a greater number, which air shall by proper appliances or machinery be forced through such mine to the face of each and every working place, so as to dilute and render harmless and expel therefrom the noxious or poisonous gases; and all workings shall be kept clear of standing gas."

Mr. RICHARDSON of Tennessee. Mr. Speaker——

The SPEAKER. The gentleman from Oregon [Mr. MOODY] has been recognized.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I could not hear even the title of this bill, and ask that it be reported from the desk.

The title of the bill was again read.

Mr. RICHARDSON of Tennessee. With the point of order reserved, Mr. Speaker, I would like to ask the gentleman who brings up the bill if it has been called up by the consent or order of his committee?

The SPEAKER. The Chair submitted that inquiry to the gentleman when the bill was first presented, and was informed that the bill was authorized to be called up by the committee.

Mr. MOODY of Oregon. Mr. Speaker, this bill was authorized to be called up by the unanimous vote of the committee, and I ask to print in this connection the report of the committee upon the bill, and then I will yield to the gentleman from Iowa [Mr. LACEY], who introduced the bill.

The SPEAKER. The Chair understands the gentleman to desire to print in the RECORD, as a part of his remarks, the report of the committee upon the pending bill.

Mr. MOODY of Oregon. That is my request, Mr. Speaker.

The SPEAKER. Is there objection?

There was no objection.

[House Report No. 148, Fifty-seventh Congress, first session.]

PROTECTION OF LIVES OF MINERS IN THE TERRITORIES.

The Committee on Mines and Mining, to whom was referred House bill 8327, submit the following report:

In 1890 the "act for the protection of the lives of the miners in the Territories" was passed.

In that act the amount of fresh air to be forced into each mine was fixed after considering the allowance generally provided in the statutes of the various States. Since that time many of the State laws have been revised, and the air supply has been increased in nearly every instance.

The national law should keep pace with the progress of the State laws upon this subject, especially in view of the fact that the State legislatures are in a position to know intimately the needs of the miners.

The Indian Territory, where the greater portion of the coal in the Territories is mined, is wholly unrepresented in Congress, and in legislating for the Territory it is well to ascertain what State legislation has been found effective in the adjoining States. This bill proposes to amend the law by making the amount of air supply the same as is provided under the laws of Kansas, increasing the supply from 3,300 cubic feet per minute for 50 men to 5,000 cubic feet.

The object sought to be obtained by the original bill was to establish in the Territories the regulation of mining to such an extent that individuals or corporations owning or operating mines therein should be required to furnish such appliances and safeguards as would reduce to the minimum the danger to their employees as experience in other localities where similar operations have been carried on has shown to be effective to this end.

The following extract from the report on the act of March 3, 1891, shows the necessity for the proposed legislation:

"Coal, iron, the precious metals, and others not classed as precious are now or have all been the subject of mining operation in one or another of the Territories, but the surrounding conditions in each locality are different, the dangers to be guarded against varied, the methods of prosecuting this industry more widely divergent still, and however anxious the committee might be to act from the humanitarian standpoint in this regard, it was confronted with the fact that too stringent regulation must have the direct effect of retarding the development of mining interests in these Territories. It therefore seemed impracticable to frame any law which should be equally applicable to all classes of mining and inexpedient to enforce the carrying out of the provisions of the same, even were the attempt made; but inasmuch as the dangers to life are far greater in coal mines than in those of the metals, and of a better defined and more clearly recognized character, and legislation as far as attempted has sought to wrestle almost solely with this portion of the problem, it has seemed entirely practicable by proper amendment and addition to alter the bill presented to the committee so that it should apply only to coal mines, reserving, however, to the several Territories the right of legal enactment upon the subject, and when such enactment shall have been made that national regulation should cease.

"With this end in view, the committee have carefully considered those enactments in regard to coal mining which relate to the ventilation of mines, to the affording proper means of ingress and egress, regulation of hoisting machinery, the guarding against the employment of child labor therein, and proper and suitable supervision of such operations.

"Even under this restricted scope of the bill, if, as it is believed will be the

case, it shall prove effective in averting disaster, it will have been wise legislation. The provisions contained are not tentative in character, but such as have had the approval of practical operation in various places, notably in Pennsylvania, where, more than in any other State, have regulations upon the subject been made. Added to this are merely such provisions in the way of machinery as are calculated to bring about the effective carrying out of the law, and thus render it not merely to act for the miners in name, but such in fact."

The committee also calls attention to paragraph 3849 of the Kansas labor laws, General Statutes of 1889, which reads as follows:

"Paragraph 3849. The owner, agent, or operator of every coal mine, whether shaft, slope, or drift, shall * * * provide and thereafter maintain for every such mine ample means of ventilation, affording 100 cubic feet of air per minute per person in all mines where the coal strata are 3 feet thick or over, and a proportionate amount for thinner strata, which shall be circulated wherever any person or persons may be working in said mine. The inspector may increase the amount, when necessary, to such an extent as will dilute, carry off, and render harmless the noxious gases generated therein; and all mines generating fire damp shall be kept free of standing gas, and every working place shall be carefully examined every morning with a safety lamp by a competent person before any workman is allowed to enter therein; and it shall be the duty of the owner, agent, or operator of every coal mine to provide and maintain air ways of sufficient dimension to supply the requisite amount of air."

Your committee recommend the passage of the bill.

Mr. MOODY of Oregon. Now, Mr. Speaker, I yield such time as may be at my disposal to the gentleman from Iowa [Mr. LACEY] who framed the bill.

Mr. LACEY. Mr. Speaker, I would ask the attention of the House for a very few moments as to the bill under consideration. This is a bill of very considerable importance, at least as far as the Indian Territory and the Territory of New Mexico are concerned.

In 1890 I introduced the original bill, of which the pending bill is amendatory. Up to that time no general law existed for the protection of the lives of miners in the Territories. In the Indian Territory there was no law at all, because there was no local legislature with authority to enact such legislation. In the consideration of the matter I took as a basis for the amount of air required for each miner in one of these mines the amount required by other adjacent States which were similarly situated. The amount by the pending bill is increased, as will be seen, from 3,300 cubic feet per minute for each 50 men to 5,000 cubic feet.

Since 1890 there has been a marked increase in the amount of air required to be furnished, under the laws of the various States, and this bill proposes to increase the amount of air to be furnished, making the amount the same as in the State of Kansas. In Kansas the coal is very similar in character. It has a large amount of gas in it, and the circumstances are more nearly like those in New Mexico and the Indian Territory than in any other State in the Union. The miners of the Indian Territory ask for this bill. I introduced it at the last session of Congress at their request, but it was too late to secure its passage, and in the present session I have endeavored to get it before Congress in time to receive its early attention.

I call the attention of this House to the fact that in the Indian Territory, where there are probably more dangers to coal miners than in any other locality in the Union, owing to the gas in the coal, they have no representative in Congress, no one to whom they can appeal to lay their demands before this body. Inasmuch as I, in the Fifty-first Congress, prepared and introduced the original bill, they appealed to me. In their behalf I have introduced this bill, pressed it before the committee, and now speak for them on the floor of the House.

They further ask an additional amendment adopting the law of the State of Kansas, which is a very brief one, in regard to shot firers, requiring that the shots in each mine shall be fired by special firers, instead of being fired by all of the miners, and that all the miners shall go out of the mine before this is done. The necessity of a provision of this kind has been demonstrated by the death of many men in these various mines. Last week, in my own State, and in the district which I have the honor to represent, a terrible calamity occurred by what is known as a dust explosion. Twenty-two men were blown into eternity in a moment, owing to some mistake or accident in the discharge of a shot, which ignited the floating dust in the mine, causing an explosion that killed nearly every man in that part of the mine. The dangers of mining under the best of management and under the most prudent laws are very great. Any methods which may lessen these dangers are worthy of our serious consideration.

The Kansas provision in regard to shot firers requires that the shots shall only be fired once a day, and by shot firers specially employed instead of by the miners generally. This method where employed has not proved an entire success, because it has often occurred that the shot firers themselves have been killed; but it has been successful in this, that the other employees are out of the mine when the blasts are fired, and the only ones exposed to the accident are the firers of the shots. While this law does not wholly prevent such accidents in Kansas, it has reduced to the minimum the number of deaths ensuing upon such a calamity. And if my friend [Mr. MOODY of Oregon] will yield for that purpose, I desire to offer a brief amendment at this point, to be considered in connection with the bill, so that the Kansas law on that question, which the experience of miners in Kansas has demonstrated to be useful, may be incorporated in the statute. I have consulted some of the members of the Mining Committee upon this proposition, this request having been made since the bill was reported.

The SPEAKER. Does the gentleman from Oregon yield for that purpose?

Mr. MOODY of Oregon. I do.

The SPEAKER. The gentleman from Iowa [Mr. LACEY] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Add at the end of section the following:

"All owners, lessees, operators of, or any other person having the control or management of any coal shaft, drift, slope, or pit, employing miners to work therein, shall employ shot firers to fire the shots therein. Said shots shall be fired once a day on each day when any such shaft, slope, drift, or pit is in operation, but shall not be fired until after all miners and other employees working therein shall have been hoisted out of said mine. The violation of this act shall constitute a misdemeanor, and any person convicted of such violation shall pay a fine of not exceeding $500."

Mr. CRUMPACKER. I desire to ask the gentleman a question.

The SPEAKER. Does the gentleman from Iowa yield to the gentleman from Indiana?

Mr. LACEY. I yield to the gentleman from Indiana.

Mr. CRUMPACKER. This appears to be a local police regulation. I should like to know if the Territorial legislatures have not authority to enact this clause?

Mr. LACEY. There is no Territorial legislature in the Indian Territory.

Mr. CRUMPACKER. This bill appears to apply to New Mexico.

Mr. LACEY. It does apply to New Mexico, but there is a provision in the original act that if any Territory shall legislate upon the subject of mining, its legislation shall take precedence of this law. In New Mexico they have not legislated, but for the last ten or twelve years they have been operating under this Federal law rather than to attempt legislation of their own. As I understand, our legislation has been found satisfactory in New Mexico. This legislation originally became necessary in order to reach the Indian Territory, where there was no authority to pass any local laws. Alaska is similarly situated.

The legislature of New Mexico could relieve that Territory at once and for all time from the operation of this bill by taking up the subject themselves and legislating upon it; and there is a provision in the law that the Territory would be withdrawn from its operation; but that Territory has been operating under this law rather than attempt to legislate in its own behalf.

Mr. CRUMPACKER. One other question. Will not the effect of the enactment of this bill be to take away from the remaining Territories the power of legislation upon this subject?

Mr. LACEY. Not at all. The law of 1890 expressly provides that this law shall only be operative in those Territories that do not legislate upon the subject. This bill does not change the original law. This bill only amends this one section to adapt it to subsequent experience and to the legislation of a dozen States that have been dealing with the question.

Mr. RODEY. I would like to ask the gentleman a question.

Mr. LACEY. I yield to the gentleman.

Mr. RODEY. You have increased the amount of cubic feet of air to be put into a mine every second. How many States or jurisdictions require this same amount that you have provided for in this bill?

Mr. LACEY. Nearly all of them have now.

Mr. RODEY. I never heard of this bill until this moment, and therefore the gentleman must excuse me for asking this question.

Mr. LACEY. I am glad to have the gentleman's attention to it. Nearly all of the States have this high a minimum supply of air.

Mr. RODEY. Has there been any demand for the passage of this bill except from the Indian Territory?

Mr. LACEY. There is not, perhaps, a demand from the Territory of New Mexico, because the coal in the Territory of New Mexico is freer from gas than that in the Indian Territory. But Colorado, whose coal is very similar to the coal of the Territory which the gentleman represents, has this as the minimum amount of air. So that this law not only meets Kansas on the one hand as to the Indian Territory, but Colorado upon the other as to New Mexico, and the kind of coal mined in New Mexico and Colorado are very similar. The amendment has been asked by members of the mining associations and organized labor of those two Territories.

Mr. RODEY. Is this provision which you have in this bill, in reference to the miners coming out of the mine at the time that the shots are fired, generally adopted throughout the other coal-mining regions?

Mr. LACEY. That is a provision of the Kansas law. It is

copied from the Kansas law, which has been in operation for a number of years, and it has been found to work well in Kansas. It has not saved the shot firers from death. A number of them have been killed; but when one of them makes a mistake in the operation of shooting he is the only man who suffers, as the balance of the miners are out of the mine and escape.

Mr. RODEY. Do you not think that in the mines of New Mexico, where they run maybe as much as two miles underground, that it would work a hardship on the proprietors of those mines to force every many man out of the mines when they got ready to fire a shot in some remote corner of the mine?

Mr. LACEY. Nothing like the hardship that it would be upon the men to be killed in the mines.

Mr. RODEY. Do you think it is possible in this way to avoid the dangers to the working of the other men there?

Mr. LACEY. It has been found that the time can be fixed immediately following the emptying of the mine. You will observe that the shots are to be fired at a given time. It has been the custom to fire in all the mines after the men have gone out, but where there are no shot firers one man stays back to fire off each shot, and thus a large number of men are exposed to the danger. In the recent explosion in the Indian Territory it cost the lives of about a dozen men, because the men were in the mines. If they had been shot firers these shot firers would undoubtedly have been killed and the balance would have been saved. It works no hardship to the owners of the mines, because they can fix the hour of the day when the shots shall be fired, at such a time that every man in the mine shall come out of the mine for his dinner or the closing of the mines at the noon hour or the end of the day; and when the shots are fired at the noon hour there is an hour for clearing the mine of gas before the men return.

Mr. RODEY. Will not this increase of the amount of air necessitate an entire change in the machinery in every mine?

Mr. LACEY. It will require a supplementing of the machinery, and many of them will have to put in new machinery that will enable them to furnish the amount sufficient to comply with the provisions of this bill.

Mr. RODEY. I would ask the gentleman if the mining inspector from New Mexico has said anything in respect to the necessity for an act like this in his recent report to the Secretary of the Interior?

Mr. LACEY. I do not recollect whether he does or not. I have not in mind what was said as to New Mexico, but this is in touch with the legislation in the adjoining States, such as Colorado, where the legislation is in close sympathy with the mining interests there.

Mr. RODEY. In New Mexico the legislature has never seen fit to interfere with the national act of several years ago, and therefore it would appear that miners and mine owners both consider it sufficient for all purposes there. We have had some few accidents brought about by gas or dust, but I am not sure that it was never alleged that the explosion occurred for want of air or on account of the firing. What caused the explosions I am not informed, save that I think it was said to be from fire damp.

Mr. LACEY. In all the dust explosions of New Mexico, did they not immediately follow the firing of the shot in every case?

Mr. RODEY. No, sir; I do not think so; that is, not immediately.

Mr. LACEY. Then they came from gas?

Mr. RODEY. In the White Ash mine an explosion occurred several years ago in which nearly 25 men were killed or injured. Some question arising out of the resulting damage suits went before the Supreme Court; but in that case it was gas, pure and simple, that caused the explosion, as my information has it.

Mr. LACEY. If there were 25 men killed a few years ago by an explosion of a mine there, then I think the necessity is more urgent from that Territory than I had been led to believe.

Mr. RODEY. I do not know that that number were killed. I do not remember the exact number. This bill is new to me. I never heard of it before this morning. I have no advice from home as to the necessity for it, and yet it is made to apply to New Mexico. It may be that it is wise to have a proper bill enacted for the further protection of the miners of New Mexico, but there seems to be no demand for it from that Territory, at least no one has communicated with me about it. It is now up for passage, and it is rather a hard position for me to be put in. Of course I appreciate that our own legislature could correct it under the authority contained in the original act of Congress, but it can not be done until next winter. If the bill is a necessity, I want it passed, but I am without information from home.

Mr. LACEY. Let me say, in this connection, that this demand does not come from a locality that is inclined to utilize questions of this kind in a political way, but has come from men who have no right to vote, who have no right of representation, and who must appeal to Congress as a whole, and therefore when I present this question from the miners of the Indian Territory I feel sure that there is no political purpose back of it in any form and that this is a demand which the necessities of the case have suggested. The statement made by the Delegate from New Mexico [Mr. RODEY] only confirms me in the opinion that New Mexico ought to have the benefit of this law if, as he says, in a single explosion 35 men were killed.

Mr. RODEY. I do not say that 35 men were killed; I am not certain about the number.

Mr. LACEY. Mr. Speaker, I yield back the remainder of my time.

The SPEAKER. The gentleman from Iowa has offered an amendment. Does he withdraw it?

Mr. LACEY. No. I ask that the amendment remain pending until the bill is disposed of.

The SPEAKER. Without objection, that order will be pursued. There was no objection.

Mr. PEARRE. Mr. Speaker, I desire to ask the gentleman from Iowa a question.

The SPEAKER. Does the gentleman from Iowa yield to the gentleman from Maryland?

Mr. LACEY. I do.

Mr. PEARRE. The bill has come rather suddenly to my attention. I am not familiar with the act of 1890, to which the gentleman has referred. Will the gentleman kindly inform me whether there are any penalties in the act of 1890 or in this act to enforce the provisions of this act, of which I heartily approve?

Mr. LACEY. Yes, there are penalties provided—a maximum fine of $500. The penalties are not large, but they have been found sufficient to enforce the law. There is also a provision for inspectors, one appointed by the President in both Territories, whose business it is to look after the mines. I regard that as the most important feature of the original act, because it insures a proper inspection. This proposition is a modification of the law to adapt it to the experience of adjoining States and to meet the objections growing out of the terrible explosions that have taken place. I will print the original law in my remarks, as follows:

[PUBLIC No. 165.]

An act for the protection of the lives of miners in the Territories.

Be it enacted, etc., That in each organized and unorganized Territory of the United States wherein are located coal mines, the aggregate annual output of which shall be in excess of 1,000 tons per annum, the President shall appoint a mine inspector, who shall hold office until his successor is appointed and qualified. Such inspector shall, before entering upon the discharge of his duties, give bond to the United States in the sum of $2,000, conditioned for the faithful discharge of his duties.

SEC. 2. That no person shall be eligible for appointment as mine inspector under section 1 of this act who is not either a practical miner or mining engineer and who has not been a resident for at least six months in the Territory for which he shall be appointed; and no person who shall act as land agent, manager, or agent of any mine, or as mining engineer, or be interested in operating any mine in such Territory shall be at the same time an inspector under the provisions of this act.

SEC. 3. That it shall be the duty of the mine inspector provided for in this act to make careful and thorough inspection of each coal mine operated in such Territory, and to report at least annually upon the condition of each coal mine in said Territory with reference to the appliances for the safety of the miners, the number of air or ventilating shafts, the number of shafts or slopes for ingress or egress, the character and condition of the machinery for ventilating such mines, and the quantity of air supplied to the same. Such reports shall be made to the governor of the Territory in which such mines are located and a duplicate thereof forwarded to the Secretary of the Interior, and in the case of an unorganized Territory directly to the Secretary of the Interior.

SEC. 4. That in case the said mine inspector shall report that any coal mine is not properly constructed or not furnished with reasonable and proper machinery and appliances for the safety of the miners and other employees, it shall be the duty of the governor of such organized Territory, it shall be the duty of the Secretary of the Interior to give notice to the owners or managers of said coal mine that the said mine is unsafe and notifying them in what particular the same is unsafe, and requiring them to furnish or provide such additional machinery, slopes, entries, means of escape, ventilation, or other appliances necessary to the safety of the miners and other employees within a period to be in said notice named, and if the same be not furnished as required in such notice it shall be unlawful after the time fixed in such notice for the said owners or managers to operate said mine.

SEC. 5. That in all coal mines in the Territories of the United States the owners or managers shall provide at least two shafts, slopes, or other outlets, separated by natural strata of not less than 150 feet in breadth, by which shafts, slopes, or outlets distinct means of ingress and egress shall always be available to the persons employed in said mine. And in case of the failure of any coal mine to be so provided it shall be the duty of the mine inspector to make report of such fact, and thereupon notice shall issue, as provided in section 4 of this act, and with the same force and effect.

SEC. 6. That the owners or managers of every coal mine at a depth of 100 feet or more shall provide an adequate amount of ventilation of not less than 55 cubic feet of pure air per second, or 3,300 cubic feet per minute, for every 50 men at work in said mine, and in like proportion for a greater number, which air shall by proper appliances or machinery be forced through such mine to the face of each and every working place, so as to dilute and render harmless and expel therefrom the noxious or poisonous gases; and all workings shall be kept clear of standing gas.

SEC. 7. That any mine owner or manager who shall continue to operate a mine after failure to comply with the requirements of this act, and after the expiration of the period named in the notice provided for in section 4 of this act, shall be deemed guilty of a misdemeanor, and shall be fined not to exceed $500.

SEC. 8. That in no case shall a furnace shaft be used or for the purposes of this act be deemed an escape shaft.

SEC. 9. That escape shafts shall be constructed in compliance with the requirements of this act within six months from the date of the passage hereof,

unless the time shall be extended by the mine inspector, and in no case shall said time be extended to exceed one year from the passage of this act.

SEC. 10. That a metal speaking tube from the top to the bottom of the shaft or slope shall be provided in all cases, so that conversation may be carried on through the same.

SEC. 11. That an approved safety catch shall be provided and sufficient cover overhead on every carriage used in lowering or hoisting persons. And the mine inspectors shall examine and pass upon the adequacy and safety of all such hoisting apparatus.

SEC. 12. That no child under 12 years of age shall be employed in the underground workings of any mine. And no father or other person shall misrepresent the age of anybody so employed. Any person guilty of violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not to exceed $100.

SEC. 13. That only experienced and competent and sober men shall be placed in charge of hoisting apparatus or engines. And the maximum number of persons who may ascend or descend upon any cage or hoisting apparatus shall be determined by the mine inspector.

SEC. 14. That it shall be lawful for any inspector to enter and inspect any coal mine in his district and the work and machinery belonging thereto at all reasonable times, but so as not to impede or obstruct the working of the mine; and to make inquiry into the state of the mine, works, and machinery, and the ventilation and mode of lighting the same, and into all matters and things connected with or relating to the safety of the persons employed in or about the same, and especially to make inquiry whether the provisions of this act are complied with; and the owner or agent is hereby required to furnish means necessary for such entry, inspection, examination, and inquiry, of which the said inspector shall make an entry in the record in his office, noting the time and material circumstances of the inspection.

SEC. 15. That in all cases of fatal accident a full report thereof shall be made by the mine owner or manager to the mine inspector, said report to be in the writing and made within ten days after such death shall have occurred.

SEC. 16. That as a cumulative remedy, in case of the failure of any owner or manager of any mine to comply with the requirements contained in the notice of the governor of such Territory or the Secretary of the Interior, given in pursuance of this act, any court of competent jurisdiction, or the judge of such court in vacation, may, on the application of the mine inspector, in the name of the United States and supported by the recommendation of the governor of said Territory or of the Secretary of the Interior, issue an injunction restraining the further operation of such mine until such requirements are complied with, and in order to obtain such injunction no bond shall be required.

SEC. 17. That wherever the term "owner or manager" is used in this act the same shall include lessees or other persons controlling the operation of any mine. And in case of the violation of the provisions of this act by any corporation the managing officers and superintendents, and other managing agents of such corporation, shall be personally liable and shall be punished as provided in act for owners and managers.

SEC. 18. That the mine inspectors provided for in this act shall each receive a salary of two thousand per annum, and their actual traveling expenses when engaged in their duties.

SEC. 19. That whenever any organized Territory shall make or has made provision by law for the safe operation of mines within such Territory, and the governor of such Territory shall certify said fact with a copy of the said law to the Secretary of the Interior, then and thereafter the provisions of this act shall no longer be enforced in such organized Territory, but in lieu thereof the statute of such Territory shall be operative in lieu of this act.

Approved March 3, 1891.

Mr. PEARRE. The penalties in the act of 1890 will apply to the provisions of this act for the purpose of enforcing it, as I understand. Otherwise the provisions of this act would be absolutely futile.

Mr. STEPHENS of Texas. Mr. Speaker, I would like to ask the gentleman from Iowa a question.

The SPEAKER. Does the gentleman from Iowa yield to the gentleman from Texas?

Mr. LACEY. I do.

Mr. STEPHENS of Texas. What provision have we in the bill for the appointment of inspectors, and who pays them?

Mr. LACEY. The President has appointed them, and they are paid by the United States. The original bill was passed on the last day of the Fifty-first Congress—too late for an appropriation. I earnestly called the attention of the House and the Senate to the danger growing out of the explosions in the Indian Territory, but the bill passed too late to be put in operation, and before the next meeting of Congress a most terrific calamity occurred at McAlester. President Harrison, by special message, at the beginning of the next Congress, called attention to the fact of this explosion, and explained why he had not put the law in operation—because the appropriation had not been made, as the bill passed too late, to put it in effect—and asked Congress to make a special appropriation, which the Fifty-second Congress did.

Since that time the inspectors have been enforcing the law—first in Utah, New Mexico, and the Indian Territory. The law will soon be operative in Alaska, because I think there will be coal enough (1,000 tons) taken out next year to bring that Territory also within the provisions of the law. Utah, of course, has gone out from under this law by being admitted to the Union, leaving now only two Territories in which the law is being operated through the national machinery.

Mr. STEPHENS of Texas. Let me ask one further question. Have the miners of the Indian Territory asked for the passage of this bill?

Mr. LACEY. They have. They asked it in the last Congress, but, unfortunately, not till the closing days of the session. I introduced a bill for them, but it was too late to secure action at that time.

Mr. STEPHENS of Texas. Is this bill framed in accordance with their desire or request?

Mr. LACEY. In answer to that question I will say that I communicated a copy of this bill to the president of the Mine Workers of America, at Indianapolis, the other day, and received a letter from him saying that he had submitted the matter to the delegates from the Indian Territory and from the region affected by the proposed law and that they were earnestly in favor of it, but hoped that the shot-firing provision would be added, because they regarded that as even more important than the other parts of the proposed law.

I yield back the floor to the gentleman from Oregon.

Mr. MOODY of Oregon. I yield two minutes to the chairman of the Committee on Mines and Mining, the gentleman from Minnesota [Mr. EDDY].

Mr. EDDY. Mr. Speaker, I desire to make only a single statement in regard to this matter; and that is, that this morning I received a communication from the Secretary of the Interior, calling attention to the necessity of this proposed legislation and recommending the passage of this bill with amendments. I yield back the time to the gentleman from Oregon.

Mr. MOODY of Oregon. I yield one minute to the gentleman from Colorado [Mr. SHAFROTH].

Mr. SHAFROTH. Mr. Speaker, in relation to this bill I want to say to the gentleman from New Mexico that, as the gentleman from Iowa [Mr. LACEY] has said, a law of this kind has practically been in effect in the State of Colorado for quite a while. After the most mature deliberation there is no objection whatever on the part of mine owners or miners to such legislation. They have agreed on this matter, and the practical operation of the measure in the State of Colorado has been most beneficial.

Mr. RODEY. Mr. Speaker, I am in favor, of course, of all proper protection to the miners. My only doubt is as to whether the expected or supposed benefits of this legislation will not prove useless to them, while subjecting them to great expense. If, however, there is anything wrong with the measure, we can correct it in the Senate.

Mr. SHAFROTH. Or in your legislature.

Mr. LACEY. Yes; each legislature can adopt its own law on the subject.

Mr. MOODY of Oregon. I yield to the gentleman from Maryland [Mr. PEARRE] for three minutes.

Mr. PEARRE. Mr. Speaker, in the very short time allowed to me I desire to express my hearty approval of the provisions of this bill. I have not had an opportunity to examine fully the act of 1890, providing protection for the miners in the Territories of the United States, nor have I had an opportunity to fully analyze this bill. But I have had time enough to see that the bill contains features that are absolutely essential for the protection of the health and lives of a great body of worthy workingmen throughout the Territories of the United States.

I understand and appreciate the fact, Mr. Speaker, that the Congress of the United States has not the power to legislate with regard to this same matter in the States themselves. I profoundly regret that such is the case under the Constitution and laws of the United States. Were the fact otherwise, we might have a thoroughly uniform system for the protection of the health and lives of miners. As it is now, miners in the various States are subjected to the whims of the State legislatures. There is, therefore, no well-regulated law providing systematically for the regulation of mines and the protection of the health and lives of miners uniform throughout the United States.

Mr. Speaker, the important thing in securing health to the miners is to see that they shall have plenty of fresh air. In the mines of some regions there is more foul air than in others, and in such cases, of course, greater precautions, more stringent legal regulations, are necessary than in sections where the air is not so bad. If you will go through one section of my county, in the Sixth district of Maryland, you will discover there numerous men—not only old men, but men who have just crossed the threshold of manhood—whose health has been impaired by asthma arising from the foul air of the mines, resulting from the fact that the necessary ventilation has not been provided. I can say to the credit of our State and its legislature that at almost every session new provisions are being embodied in our laws for the purpose of more fully protecting the health and lives of our miners. I therefore give my hearty approval to this particular measure. No subject of legislation has a more just claim upon the attention of the legislatures of the various States and Congress. The health and safety of the citizen should be the first consideration of the Government.

This bill does not, in my opinion, contain all the salutary features it ought to embrace. It would have been better to go more specifically into this matter, and to provide not only that there should be good ventilation, but to provide particularly in the law that that sort of a system of ventilation should be provided as experience has shown will secure the best ventilation. Mr. Speaker, I should like to discuss this matter more fully but my time will

not permit. This bill should be passed, and I shall take great pleasure in voting for it.

Mr. LITTLE. I should like to make a brief statement.

Mr. MOODY of Oregon. I yield to the gentleman one minute.

Mr. LITTLE. I merely desire to say, Mr. Speaker, that, residing as I do near the Indian Territory and being somewhat familiar with the conditions there, I most heartily approve the provisions of this bill. It only adds additional safeguard around the men who work under ground. As legislators we can have no higher responsibility than that resting upon us to pass proper laws to secure the lives and safety of the men who labor in the coal-mining business.

Place around them all the protection possible, and still their vocation is a perilous one; but if the provisions of this bill are faithfully enforced the danger will be reduced to a minimum and will bless a large class of faithful, honest men.

I do not see, Mr. Speaker, that the provision of law which this bill seeks to enact can do any harm or hurt to any one of the Territories. The legislation seems to be carefully guarded, and, as I understand it, has been asked for by all persons engaged in the mining business.

It is humane in character, and, as far as I am advised, there is no opposition to its enactment, can involve no loss to the operators of these mines, and is only a safeguard to preserve the lives of the men engaged in them. It is a humane provision of law, a provision which should be enforced without legislation, and, indeed, there are many of the mine operators of the country who do enforce such enactments now.

I can not see, therefore, that any harm can be done to any industry, either in New Mexico or in the Indian Territory, or any other part of the country, by enforcing the requirements of this act. I believe that it is a provision that should be adopted, and I hope it will meet the approval of the House.

Mr. RODEY. I would like to ask the gentleman if he is aware of the fact that a similar provision for protecting the lives of the miners is already in operation under the Territorial laws?

Mr. LITTLE. I think the gentleman is correct in that; but this can do no harm; it only adds additional safeguards. As far as I am informed, New Mexico has already made such a provision on the subject, and there is something of the same character in the Indian Territory, which this bill only seeks to amend.

Mr. RODEY. I yield a minute to the gentleman from Oklahoma [Mr. FLYNN].

Mr. FLYNN. Mr. Chairman, I hope there will not be any objection to the bill. I regard it as a wise provision, and one that should be adopted.

The gentleman from Iowa [Mr. LACEY] some years ago presented to the House, and had passed, a bill with reference to the protection of miners in the Indian Territory. That bill has been most beneficial in its effects. It has met the approval of all the people who are engaged in the mining industries in that part of the country. It has been found of immense value to them, but experience has shown that this law needs amendment. I hope the House will pass this bill, which I regard as one of great importance, and as a necessary amendment to the preceding legislation.

Mr. RODEY. Mr. Chairman——

Mr. MOODY of Oregon. Mr. Speaker, I move the previous question on the bill and amendment.

The previous question was ordered.

Mr. RANDELL of Texas. Mr. Speaker, I desire to offer an amendment to the amendment proposed by the committee—to add, after the amendment, the words "And any person or corporation violating the provisions of this act shall be liable in damages for the death or personal injury of any person killed or injured by such violation."

The SPEAKER. The Chair would suggest to the gentleman that the previous question has been demanded and ordered.

Mr. RANDELL of Texas. Then the amendment would not be in order?

The SPEAKER. Not when the previous question is ordered.

The amendment offered by Mr. LACEY was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time.

The SPEAKER. The question recurs on the passage of the bill.

The bill was passed.

On motion of Mr. MOODY of Oregon, a motion to reconsider the vote by which the bill was passed was laid on the table.

The call of committees was resumed and concluded.

THE CENSUS BILL.

Mr. HOPKINS. Mr. Speaker, I am instructed by the Committee on the Census to move that the House resolve itself into Committee of the Whole House on the state of the Union to consider the bill (H. R. 10308) to provide for a permanent Census Office.

The SPEAKER. The bill will be read.

Mr. MADDOX. Mr. Speaker, I desire to submit a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MADDOX. I would like to ask if this bill is privileged, or if the motion of the gentleman is a privileged one, and, if necessary, I desire to be heard upon that point.

The SPEAKER. The Chair would state to the gentleman that this is a motion that the House go into Committee of the Whole to consider a bill and does not involve any question of privilege such as the gentleman suggests. The gentleman has the right to make the motion under the rules of the House, and it is for the House to determine for itself whether it will or will not adopt the motion.

Mr. MADDOX. Mr. Speaker, as I understand it, the gentleman calls up a bill from a committee and makes a motion with reference to it, and my question is whether he presents a matter of privilege which can not be contested.

The SPEAKER. It is not called up as a matter of privilege, as the Chair understands it. The gentleman makes a motion which under the rules he has a right to make, and the question is on the motion of the gentleman from Illinois that the House resolve itself into Committee of the Whole House on the state of the Union to consider the bill to which he has referred.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. MOODY of Massachusetts in the chair.

The CHAIRMAN. The House is in Committee of the Whole to consider a bill called up by the gentleman from Illinois, which the Clerk will report.

The bill was read, as follows:

Be it enacted, etc., That the Census Office temporarily established in the Department of the Interior in accordance with an act entitled "An act to provide for taking the Twelfth and subsequent censuses," approved March 3, 1899, is hereby made a permanent office.

SEC. 2. That the work pertaining to the Twelfth Census shall be carried on by the Census Office under the existing organization until the 1st day of July, 1902, when the permanent Census Office herein provided for shall be organized by the Director of the Census.

SEC. 3. That the permanent Census Office shall be in charge of a Director of the Census, appointed by the President, by and with the advice and consent of the Senate, who shall receive an annual salary of $5,000. It shall be his duty to superintend and direct the taking of the Thirteenth and subsequent censuses of the United States and to perform such other duties as may be imposed upon him by law.

SEC. 4. That there shall be in the Census Office, to be appointed by the Director thereof, 3 chief statisticians, who shall be persons of known and tried experience in statistical work, at an annual salary of $2,500 each; a chief clerk, at an annual salary of $2,000, who, in the absence of the Director, shall serve as acting director; a disbursing clerk, who shall also act as appointment clerk, at an annual salary of $2,100; 1 stenographer, at an annual salary of $1,500; 3 expert chiefs of division, at an annual salary of $1,800 each; 6 clerks of class 3; 10 clerks of class 2; and such number of clerks of class 1, and of clerks, copyists, computers, and skilled laborers, with salaries at the rate of not less than $900 nor more than $1,000 per annum, messengers, assistant messengers, watchmen, and charwomen, as may be necessary for the proper and prompt performance of the duties required by law. The disbursing clerk herein provided for shall, before entering upon his duties, give bond to the Secretary of the Treasury in the sum of $25,000, which bond shall be conditioned that the said officer shall render a true and faithful account to the proper accounting officers of the Treasury quarter yearly of all moneys and properties which shall be received by him by virtue of his office, with surety, to be approved by the Solicitor of the Treasury. Such bond shall be filed in the office of the Secretary of the Treasury, to be by him put in suit upon any breach of the conditions thereof.

SEC. 5. That all employees of the Twelfth Census Office, at the date of the passage of this act, above the grade of skilled laborer shall be, and they are hereby, placed under the provisions of the civil-service act approved January 16, 1883, and the amendments thereto and the rules established thereunder; and all new appointments in the Census Office hereby created shall be made in accordance with the requirements of the civil service act above referred to.

SEC. 6. That all the provisions of the act of March 3, 1899, relating to the Twelfth Census, not inconsistent with the provisions of this act, shall remain in full force and effect for the taking of the Thirteenth and subsequent censuses.

SEC. 7. That section 8 of the act of March 3, 1899, is hereby amended so as to read as follows: That after the completion and return of the enumeration and of the work upon the schedules relating to the products of agriculture and to manufacturing and mechanical establishments provided for in section 7 of this act, the Director of the Census is hereby authorized to collect statistics relating to special classes, including the insane, feeble-minded, deaf, dumb, and blind; to crime, pauperism, and benevolence, including prisoners, paupers, juvenile delinquents, and inmates of benevolent and reformatory institutions; to social statistics of cities; to public indebtedness, valuation, taxation, and expenditures; to religious bodies; to electric light and power, telephone, and telegraph business; to transportation by water, express business, and street railways; to mines, mining, and minerals, and the production and value thereof, including gold in divisions of placer and vein, and silver mines, and the number of men employed, the average daily wage, average working time, and aggregate earnings in the various branches and aforesaid divisions of the mining industry. And the Director of the Census shall prepare schedules containing such interrogatories as shall in his judgment be best adapted to elicit the information required under these subjects, with such specifications, divisions, and particulars under each head as he shall deem necessary to that end; and all reports prepared under the provisions of this section shall be designated as "Special reports of the Census Office." For the purpose of securing the statistics required by this section, the Director of the Census may appoint special agents when necessary, and such special agents shall receive compensation as hereinafter provided.

SEC. 8. That there shall be a collection of the statistics of the births and deaths in registration areas for the year 1902, and annually thereafter, the data for which shall be obtained from the registration records of such States and municipalities as possess records affording satisfactory data in necessary

detail, in the discretion of the Director, the compensation for the transcription of which shall not exceed 2 cents for each birth or death reported.

SEC. 9. That in the year 1905, and every ten years thereafter, there shall be a collection of the statistics of manufactures, confined to manufacturing establishments conducted under what is known as the factory system, exclusive of the so-called neighborhood and mechanical industries; and the Director is hereby authorized to prepare such schedules as in his judgment may be necessary to carry out the provisions of this section; and that the Director of the Census shall annually collect the statistics of the cotton production of the country as returned by the ginners; and that the Director of the Census shall make, from time to time, any additional special collections of statistics relating to any branch of agriculture, manufacture, mining, transportation, fisheries, or any other branch of industry that may be required of him by Congress.

SEC. 10. That section 17 of the act of March 3, 1899, is hereby amended so as to read as follows:

"SEC. 17. That the special agents appointed under the provisions of this act have equal authority with the enumerators in respect to the subjects committed to them under this act and shall receive compensation at rates to be fixed by the Director of the Census: *Provided*, That the same shall in no case exceed $6 per day and actual necessary traveling expenses and an allowance in lieu of subsistence not exceeding $3 per day during their necessary absence from their usual place of residence: *And provided further*, That no pay or allowance in lieu of subsistence shall be allowed special agents when employed in the Census Office on other than the special work committed to them, and no appointments of special agents shall be made for clerical work: *And provided further*, That the Director of the Census is hereby authorized in his discretion to employ the clerical force of the Census Office for such field work as may be required to carry out the provisions of sections 7, 8, and 9, in lieu of employing special agents for that purpose; and such employees when so employed shall be allowed, in addition to their regular compensation, actual necessary traveling expenses and an allowance in lieu of subsistence not exceeding $3 per day during their necessary absence from the Census Office."

SEC. 11. That the printing office established in the Census Office is hereby abolished and the outfit and equipment therein shall be turned over to the Public Printer; and the Director of the Census is hereby authorized and directed to have printed, published, and distributed, from time to time, bulletins and reports of the preliminary and other results of the various investigations authorized by law; and all of said printing and binding shall be done by the Public Printer at the Government Printing Office.

SEC. 12. That the supplemental acts amendatory of the act of March 3, 1899, approved February 1, 1900; May 10, 1900; June 2, 1900; February 23, 1901, are hereby repealed; and all provisions of the act of March 3, 1899, inconsistent with this act are hereby repealed.

Mr. HOPKINS. Mr. Chairman, inasmuch as the interest in the bill will center largely in the different sections in it, and will be developed in the debate under the five-minute rule, I should like before we enter upon the consideration of the bill at all to come to some understanding as to the length of time for general debate. I apprehend that the questions involved here are so familiar to every member of the committee that general debate is really unnecessary aside from an explanation of the bill itself, and I will therefore ask that general debate be limited to one hour; that the time be equally divided between those who favor the bill and those who oppose it, and then that the bill be taken up under the five-minute rule.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that general debate be limited to one hour, one-half of which shall be allotted to those in support of the bill and one-half to those in opposition to the bill. Is there objection?

Mr. MADDOX. I shall have to object to that proposition, unless we can have a general understanding about this.

Mr. HOPKINS. What does the gentleman desire? I will try to meet his wishes.

Mr. MADDOX. I do not know for myself whether there is anybody on this side of the House who wants to talk about this measure or not, but so far as I am individually concerned, thirty minutes will do me. Now, I do not know whether anybody else over here wants any time or not.

Mr. HOPKINS. We can regulate that under the five-minute rule, if there is anybody aside from the gentleman who desires it, and the gentleman can control the time in opposition.

Mr. MADDOX. There may be somebody on this side who desires more time.

Mr. BURKETT. I will object to any limiting of the time for general debate at this time. When we have heard the statement of the chairman, it may develop some reasons for general debate, and it may not. I will object to any limitation at this time.

Mr. HOPKINS. Suppose we agree upon one hour and a half?

Mr. BURKETT. No; let us hear your explanation.

Mr. MADDOX. I want to say to the gentleman that since I have called attention to this matter there may be some other gentlemen who want to be heard on this question, and I think we had better hear the statement of the gentleman from Illinois, and then see what we can do.

Mr. HOPKINS. Of course, Mr. Chairman, I think for the purposes of everybody interested it would be much better to have a definite understanding as to the length of time that general debate shall run. Would the gentleman be satisfied with an hour and a half—three-quarters of an hour on each side?

Mr. MADDOX. I will say that so far as this side are concerned, we will be content with an hour over here for general debate.

Mr. HOPKINS. Will the gentleman from Nebraska [Mr. BURKETT] be content with that?

Mr. BURKETT. You had better go ahead with your explanation. Your explanation of the bill may develop something.

Mr. Chairman, I desire to say, in response to the gentleman's request, that this matter has been hurried along unnecessarily, reported out of the committee in a very short time, after a couple of days' investigation, and we have not seen it until this morning. I think it is due to this House that we should not tie our hands with an agreement before we know what is in the bill and what it is about and what its provisions are. It may be that I shall not require more than ten minutes for myself, but I object to any limitation now.

Mr. HOPKINS. I will ask my friend if an hour on a side will suit him? That will satisfy gentlemen on the other side, and I will say to the gentleman that I will yield to him such time as he may desire.

Mr. BURKETT. I do not know that I will want over five minutes' time. I do not know what this bill is going to develop.

Mr. HOPKINS. Let us fix it at an hour on a side.

Mr. BURKETT. If this matter had been brought up in such a way that we might have had a few hours to investigate the bill, then there would have been no difficulty.

Mr. HOPKINS. You shall have all the time you want.

Mr. BURKETT. The discussion may develop a good deal, and it may not.

Mr. HOPKINS. I then ask unanimous consent to close the general debate in two hours, the time to be equally divided between the friends and opponents of the bill.

Mr. MADDOX. We want an hour over here.

Mr. HOPKINS. One hour to the other side and one hour to this side, and I will say to my friend from Nebraska [Mr. BURKETT] that I will give him as much time as he wants.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that general debate be closed in two hours, the time to be equally divided between the two sides of the House. Is there objection?

Mr. BURKETT. I object, Mr. Chairman.

Mr. HOPKINS. Mr. Chairman, if I can have the attention of the committee, I will take a few minutes briefly to explain the bill. I will say, however, that the report that was published in the RECORD this morning fully explains the character of the bill proposed here, the various provisions, and the expenditure necessarily incurred by the establishment of the bureau.

I shall not take very much of the time of the committee to speak of the importance or the necessity of establishing a permanent census office.

This is a question which has been before the people of this country for more than thirty years, and it is a question that has been favored by every statistician and every scientist in this country during that period. Every Superintendent of the Census since the taking of the Ninth Census has recommended the establishment of a permanent bureau.

These men who have been charged with the duty of taking the census under the Constitution of the United States have seen and appreciated the wasteful expenditure of money under these temporary bureaus, and they have seen that by the establishment of a permanent bureau there can be an actual saving to the Government, in addition to the fact that the materials that are obtained under the operations of the bureau will be vastly more important by reason of their greater accuracy and the scientific manner in which they are presented to the general public.

I take it that every member of the House who has given any thought to the subject whatever is in full accord with the views of the present Director of the Census in the idea that now is the opportune time to establish a permanent bureau. I take it that every gentleman who has investigated the subject at all will agree with me that it will be a saving of money by establishing the bureau as proposed in this bill.

When the Director of the Census first suggested this matter, he called the attention of the members of our committee to the extravagant expenditure of money in establishing some of the subheads in this bureau; and I violate no confidence in calling the attention of members of this House to the fact that in taking the agricultural census alone there was an expenditure of $600,000 more than would be required under a trained force of clerks for the same work.

As was stated by the Director of the Twelfth Census, not a person, from the highest officer down to the lowest clerk, had any specific knowledge upon the subject that would enable him to properly and economically plan the work and then see that it was properly executed. It was only by experience, groping in this direction first, and then in that, they were enabled to gather statistics and make a report as required by law; and it is by reason of such experience, had in this special department of the Bureau itself, that the Director came to the conclusion that in the interest of economy alone it was important to the interests of the Government of the United States that a bureau of this character be established.

Mr. BURKETT. Will the gentleman allow me to ask him a question?

Mr. HOPKINS. Certainly.

Mr. BURKETT. The committee had some hearings, as I understand it, in relation to this bill. I would like to ask the gentleman whether statisticians in general were called in? I have not been able to get hold of a copy of the hearings to see whether anybody outside of the Census Bureau and the Civil Service Commission were called in.

Mr. HOPKINS. Why does the gentleman ask that question?

Mr. BURKETT. I want to know upon what information the committee had acted.

Mr. HOPKINS. The gentleman knows that well.

Mr. BURKETT. I do not.

Mr. HOPKINS. Is that question asked in a factious spirit?

Mr. BURKETT. I asked it because I want information.

Mr. HOPKINS. I thought when the gentleman put that question to me I had answered him fully and he has full information on the subject. In preparing this bill and in presenting it to the House the committee have acted in accordance with the direction of the House. There was no authority in that direction to call in scientific gentlemen or any statisticians before the committee. We were directed to do a specific thing, and we have done it.

Mr. BURKETT. Did not the gentleman inform the House that they had had hearings?

Mr. HOPKINS. Of statisticians?

Mr. BURKETT. Of anyone.

Mr. HOPKINS. We had no authority to have hearings of anyone.

Mr. BURKETT. I also asked the gentleman who they had called for information, and he absolutely refused to answer.

Mr. HOPKINS. The gentleman can not truthfully make that statement.

Mr. BURKETT. I make it all the same.

Mr. HOPKINS. The committee had only two parties before it. One was a distinguished member of the Civil Service Commission and the second the Director of the Census.

Mr. BURKETT. That is all I wanted to know.

Mr. HOPKINS. The gentleman had that information long before this.

But, Mr. Chairman, it would be unnecessary to call in statisticians or any scientific gentlemen before our committee in order to bring this matter before the House. This is a subject, as I have already stated, that has been before the American people for the last thirty years, and it has been considered again and again by the different Congresses that have assembled here in this Hall during that period. I hold in my hand Senate Document No. 1, published in the first session of the Fifty-second Congress, that contains 180 pages of material that was gathered for the express purpose of demonstrating the necessity of a permanent census office, and it substantiates the correctness of the statements I have made here to-day.

This document can be had by the gentleman from Nebraska, and is accessible to every member of the House. In addition to that, I have also the report numbered 2393 of the House of Representatives, in the second session of the Fifty-second Congress, reported by Mr. Wilcox, from the Select Committee on the Eleventh Census, which contains the statement of such distinguished statisticians as Mr. Kendrick Upton, Thomas Donaldson, Joseph D. Weeks, Hon. Francis A. Walker, Dr. John S. Billings, Frank R. Williams, Carroll D. Wright, and J. A. Price.

All of these gentlemen unite in their recommendation for the establishment of a permanent bureau of this character. And I can say in passing, Mr. Chairman, that with all the investigations that have been had during the period I have just mentioned, I know of no statistician or scientific gentleman of this country who has taken the view that it would be economical for us to gather these statistics every ten years under a temporary bureau. They all unite in recommending that this bureau be made a permanent bureau.

I know, Mr. Chairman, that the vast material that was obtained under the Tenth and Eleventh censuses, much of it went for naught, after the expenditure of millions of dollars, because of the inefficiency of clerks and those who had charge of it, and their inability by lack of time to properly tabulate the figures they had collected, so that a large portion of that vast work was lost to the Congress and to the people of this country.

Mr. BURKETT. Will the gentleman allow me an interruption?

Mr. HOPKINS. Certainly.

Mr. BURKETT. The gentleman states that it is the opinion of the experts taken heretofore that they ought to have a permanent census bureau. I have no question about that. But is it not also the opinion of Mr. Wright and Mr. Porter, given in these hearings, that when you make a permanent census bureau, you should make it include all the statistics of the Government, that it should coordinate and consolidate all the statistical work of the Government, and so have only one great statistical bureau?

Mr. HOPKINS. Mr. Porter and Mr. Wright have disagreed as to the details. As to the propriety of establishing a permanent census bureau, they agree, but Mr. Wright has some views as to the details and Mr. Porter has others.

Now, that is a matter that is not before the committee, but it is a matter that can be properly considered by Congress at any time. The great object now is to establish a permanent Census Bureau, and then that office can be enlarged or curtailed as the experience and the wisdom of Congress may dictate. But we shall never reach the point desired by these gentlemen, and so much sought after by those interested in the statistics gathered by this Bureau every ten years, unless we first make the Bureau permanent. Then, as I say, the wisdom of Congress can determine whether the powers of that Bureau shall be enlarged to take in other bureaus, or whether it shall be kept within the limits proposed in the present bill.

Mr. BURKETT. One question more, if the gentleman will pardon me. Does this bill which he has prepared take in any other statistical bureau or department? In other words, does it provide anything additional for this Census Bureau to what the law already provides? To illustrate what I mean: There is a Bureau of Statistics and a Department of Labor—does this bill include any portion of those departments?

Mr. HOPKINS. No. This bill does not seek to abolish any bureau we have at the present time. It was not thought wise to go beyond the limits of the resolution which directed the committee to make the report. It was thought better to take this up because of its great importance and to limit it within the lines prescribed in the temporary law, enlarging it, as I will explain a little further on, in certain particulars, and then let Congress determine in the future whether the Bureau of Labor or the Bureau of Statistics or any bureau shall be consolidated with it.

The gentleman can see, if it were attempted to abolish any existing bureau, there would be antagonism at once. We are not prepared to say that it would be wise to do that at the present time. We are prepared to say it is wise to establish a permanent census bureau. We are prepared to say that it is economical, and we shall thus secure a trained lot of clerks and statisticians who will take this work up and present it to the Congress of the United States at the proper time in a more accurate and detailed way, and with less expense than the Government has heretofore been put to. So much on the question of the present census.

When this subject was before this House the other day a good deal of complaint was made by various gentlemen about the expenditure of money in the establishment of the bureau itself and of its expensive character as proposed under that bill. The committee who have had in charge the preparation of this substitute have endeavored to meet the demands of this House in that particular, and they have not only cut down the expenditures in a most radical way, but they believe they have so arranged the executive branch of this bureau that it will meet the wishes of every member of this House, unless there be some gentlemen who are totally opposed to the establishment of a permanent bureau.

Of course, if any member of the House thinks that a permanent bureau should not be established, the committee have been unable to meet his demands. But if the object is to protect the Government from the extravagant expenditure of money, the committee believe they have met this requirement in the bill now proposed.

We have, in the first instance, reduced the salary of the Director of the Census from $7,500 to $5,000 per annum. This bill is to take effect on the 1st day of July next, at which period, under the temporary law, the four great subjects of agriculture, manufactures, etc., that are now embraced in what are called the "census reports" under the law will be completed.

Then there is another branch of work, as gentlemen who are familiar with this subject understand, upon which the bureau has to embark, and this is to be taken up by the permanent bureau. After careful investigation we have felt that the head of this bureau could well afford to serve for a salary of $5,000 if the office is made permanent. We have been strengthened in our view on this subject by the fact that on examination we find the Commissioner of Pensions, the Commissioner of Patents, the Commissioner of the General Land Office, and various other heads of bureaus, with one exception, receive salaries not exceeding $5,000.

The next recommendation that we make is the abolishment of the office of Assistant Director of the Census, now receiving an annual salary of $4,000. From the investigation we have made we think that this office is unnecessary; that if the bureau should become permanent, the chief clerk, who is to be the Acting Director of the Census in the absence of the Director, can take charge of and perform the temporary duties of that office quite as well as an officer created for that express purpose. So that there will be here a saving of $4,000 per annum.

Then we have provided for a reduction in the number of chief statisticians. Under existing law there are five of these officers at an annual salary of $3,000 each. We have reduced the number to three and the salary to $2,500 each. We believe this sum will secure the services of the men who are already in service

there, or of men who will be equally efficient if the present incumbents should decline to serve; because, as members will recollect, if this bureau should become permanent these positions will be for life, or at least during good behavior or efficient service.

We have abolished the offices of purchasing agent, superintendent of printing, and geographer, together with four expert chiefs of divisions, at a salary of $2,000 each, and the salaries of the remaining three have been reduced to $1,800 each. We have abolished one stenographer and all of the clerks of class 4 who draw salaries of $1,800 a year.

We have also abolished 15 clerks of class 3, at $1,600 each; 18 clerks of class 2, at $1,400 each; 1 captain of the watch, and 2 messengers, making in all a reduction in round numbers of $115,000 per annum.

In making these reductions we have of course consulted with the head of the Bureau; and we are satisfied that when these reductions have been made the force that will be left will be amply sufficient for a permanent bureau. The clerks and employees under class 2 will necessarily be left to the discretion of the Director of the Census, because that is a force that will be expanded or contracted from time to time, according to the wants of the office and the exigencies of the Government.

But in order that there may be a proper check upon the Director of the Census so that the public can be assured there will be no extravagant expenditure of money in this direction, there is a provision to which I call the attention of members, that the Director of the Census must make his annual report to the Committee on Appropriations, over which my colleague from Illinois [Mr. CANNON] presides, and of which my distinguished friend from Nebraska [Mr. BURKETT] is a member. That committee will have practically within its control these lesser employees in this Bureau. Congress will always be able to provide against an excessive number of employees and against any unnecessary expenditure of money.

Mr. Chairman, if this force that we have provided is retained as a permanent force for the proper administration of this office, its expense will aggregate only $47,000 per annum, against one hundred and sixty odd thousand dollars at the present time. I call the attention of members to these figures in order to show that in providing for a permanent bureau we have put it upon an economical basis; we have provided a skeleton force that will be sufficient to discharge the duties of the Bureau from year to year, while the service will still be of such a character as to insure the best results when we come to take the enumeration of the population of this country under the Constitution of the United States.

Now, Mr. Chairman, there is another reason why we should have a permanent bureau for the census, and that is because of the conditions which have sprung up in the last few years relating to the outlying possessions of the United States. We have a great work there to do, and if we do not establish a permanent bureau we must establish a temporary one, which will be expensive and unsatisfactory. All our work in Porto Rico, in the Hawaiian Islands and the Philippines must necessarily be performed by a census bureau, because these possessions have come within our jurisdiction since the last census was taken, and it is a matter of economy to provide, as the pending bill does, for this character of work.

It is the belief of persons who are familiar with the work, and who have expressed their opinions before the committee, that there will be a very large saving in the public expenditures by adopting the provisions of law which we seek to incorporate here upon the statute books, and by making the census a permanent feature of our Government, instead of making these provisions every ten years, as we do now. This allows the officials of the Government to begin their work in advance, so that the enumerators and other persons connected with the census may be provided, and in this manner a very large saving of public expenditures will be achieved.

Mr. BRANTLEY. I would like to ask the gentleman a question, with his consent.

Mr. HOPKINS. Certainly.

Mr. BRANTLEY. I would like to ask as to the difference in expense as proposed by the pending bill and the bill heretofore presented for this purpose? Now, if the bill which the gentleman presents and which he advocates is adopted, I would like to ask the difference between this and the one which was passed by the House formerly—or rather the one which was before the House on a former occasion?

Mr. HOPKINS. There is a saving of $115,000, I would state to the gentleman from Georgia. Of course, there are certain expenditures involved in the taking of the census which can not be determined in advance, and nobody can give an exact estimate as to the cost. But my friend, of course, will understand that with the "watchdogs of the Treasury" always on the alert there will be no waste of money in the appropriation for taking the census.

Mr. BRANTLEY. Another question I would like to ask the gentleman, and that is if this provision of law takes effect, as I understand it, on the 1st day of July, 1902, for what length of time is the permanent Director of this census to be appointed?

Mr. HOPKINS. Of course, he will be appointed under the general law.

Mr. BRANTLEY. By whom?

Mr. HOPKINS. It is, I assume, the same as would apply in all such cases. He is appointed by the President, by and with the advice and consent of the Senate. His appointment may be likened somewhat to the appointment of a fourth-class postmaster, whose commission runs during the pleasure of the President.

Mr. BRANTLEY. I only wanted to get the gentleman's assurance as to that point.

Mr. HOPKINS. Presumably, I take it, it will be the same.

Now, Mr. Chairman, I have explained fully in the brief remarks which I have submitted and in the report of the committee the various provisions of this bill.

Mr. BURKETT. If the gentleman will permit me, I understand that on the 1st of July the force of which he speaks in connection with this Bureau is to be reduced—that is, so far as the executive officers are concerned?

Mr. HOPKINS. That is correct. But, of course, the clerical force is a different matter.

Mr. BURKETT. And that, of course, you can not tell what the reduction will be?

Mr. HOPKINS. It would be very difficult, if not impossible, to say exactly what the reduction will be; but, as I have stated heretofore, there will be a considerable reduction over the expenditures in the last census.

Mr. PRINCE. If my friend will allow me, I would like to interrupt him for a question.

Mr. HOPKINS. Certainly; I yield with pleasure.

Mr. PRINCE. Have you limited the number of employees or the expense of the Bureau in this bill? As I understand my colleague, this bill covers a wider scope than the previous bill.

Mr. HOPKINS. My friend is in error.

Now, Mr. Chairman, I do not desire to take up very much more time in general debate. I simply call to the attention of the members of the committee one other subject in the bill that was a fruitful source of discussion in the committee when the matter was before it the last time. The framework of the bill——

Mr. MADDOX. I should like to ask the gentleman a question.

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Georgia?

Mr. HOPKINS. I yield to the gentleman from Georgia.

Mr. MADDOX. I notice here that the Director of the Census shall annually collect statistics of the cotton production of the country as returned by the ginners.

Mr. HOPKINS. Yes.

Mr. MADDOX. And that the Director of the Census shall make from time to time any additional special collection of statistics relating to any branch of agriculture, mining, and so on, that may be required by Congress. Why do you make cotton special and say that statistics shall be collected annually?

Mr. HOPKINS. Why do we make that special?

Mr. MADDOX. Yes.

Mr. HOPKINS. Because it is one of the greatest products that has enriched the United States, and people living in the Northern States, as well as those in the South, are interested in the actual production of cotton.

Mr. CRUMPACKER. And the office is flooded with inquiries in relation to it.

Mr. HOPKINS. As suggested by my friend from Indiana, the Census Office is flooded with inquiries upon this subject, and I am safe in saying that there are more inquiries regarding that than any other one subject that it is proposed to consider under this bill.

Mr. MADDOX. I want to call your attention to another fact, that in this report you say that there have been a great number of communications from people, both producers and manufacturers, asking for this, and that you have included some of them in your report. Where are they found in your report?

Mr. HOPKINS. If the gentleman does not find them there, I will give him some of the others.

Mr. MADDOX. They are not in here. Now, let me ask the gentleman if he does not know that the gathering of these returns from the ginners is in the interest of the speculator and not in the interest of the producer, and if it is not in the interest of the speculator alone?

Mr. HOPKINS. Mr. Chairman, I am very sorry to hear any gentleman from the South indulge in a remark of that kind. The gentleman from Georgia is the first man in America that I ever heard who entertained the sentiment just expressed by him. The collection of these facts is in the interest of the planter, in the interest of the manufacturer, and in the interest of the laborer, and for them alone, and if the gentleman has any information

other than that he is in touch with a class of people with whom I am unfamiliar, and with whom, I trust, every other member of the House is unfamiliar.

Mr. BARTLETT, Mr. Chairman——

The CHAIRMAN. Does the gentleman yield?

Mr. HOPKINS. I yield to my friend from Georgia.

Mr. BARTLETT. Is it not a fact, referring to the question asked by my colleague from Georgia, that the old way of obtaining statistics, with reference to the production, by the Agricultural Department was so misleading and unsatisfactory compared with the more recent method of obtaining information from the ginners pursued by the Census Department, that it was determined that this was the most reliable way of obtaining the information? And even if the information does benefit speculators, is it not unfortunately true that in this country the price of cotton is fixed in Wall street by the speculators?

Mr. HOPKINS. Mr. Chairman, there is not any doubt but what the collection of these statistics is of immense value to the planters in the Southern States. It is of value precisely as the collection of agricultural statistics is of great benefit to the farmers in the Northern States. The collection and publication of these statistics from time to time enable our people to be the most intelligent and scientific planters and farmers in the world, and enable us to stand in the very front rank of progress and civilization. The establishment of a bureau of this kind and the collection of information of the character proposed in this bill are things that have made America what she is in the eyes of the nations of the world.

Now, as I said, the framework of the bill is in accordance with the bills under which the enumeration was had in the Tenth, Eleventh, and Twelfth censuses, so that I shall take no time in making any explanation of the provisions of the bill, so far as that branch of the subject is concerned.

I now desire to call to the attention of the members section 5 of this bill, which provides:

That all employees of the Twelfth Census Office, at the date of the passage of this act, above the grade of skilled laborer shall be, and they are hereby, placed under the provisions of the civil-service act approved January 16, 1883, and the amendments thereto and the rules established thereunder; and all new appointments in the census office hereby created shall be made in accordance with the requirements of the civil-service act above referred to.

I think that section is so plain and so specific in its character that every member will understand that this same force, which is now doing this splendid work in the Census Office, is to be placed under the civil-service rules by the enactment of this bill into a law, and will be absorbed in the other departments if they are not required to be retained in the census office itself.

This provision has been placed here in obedience to an almost universal demand of the House, and is based upon what is deemed to be for the best interests of the Government and of the public service.

Mr. BALL of Texas. Has the gentleman any estimate as to the number of employees who will be upon the rolls of the Census Office at the date of the passage of this bill?

Mr. HOPKINS. About 2,000.

Mr. BALL of Texas. Over 2,000. Now, would the gentleman from Illinois have any objection, inasmuch as the present civil-service laws require that preference shall be given to those States which have not their quota in the public service, would he have any objection, in order to remove any charge of favoritism in the creation of this Bureau in transfers to other Departments of the Government, to provide further that the employees in the Census Bureau at the date of the passage of this act who are made eligible for transfer or retention in the service shall be apportioned among the States in proportion to their population?

Mr. GROSVENOR. That is the general law now.

Mr. HOPKINS. I will say to my friend that that is a part of the general law now, and it would be entirely unnecessary to have that in. The gentleman understands, as well as I can express to him here this morning, that in the creation of this force in the Census Bureau there has been no favoritism shown. The employees have been selected on merit from the several States, so that each section has been properly and fairly represented, and during all the time that the present Director has been discharging so efficiently and so well the duties of that great office I have yet to hear a single criticism from that side of the House as to unfairness in appointments and promotions.

Mr. BALL of Texas. I have no criticism to make upon the Director of Census, but, as a matter of fact, 6 appointments were accredited to gentlemen upon that side of the House to 2 upon this side of the House.

A MEMBER. Eight.

Mr. BALL of Texas. A gentleman here says 8.

Mr. HOPKINS. Oh, no.

Mr. BALL of Texas. Well, 5 or 6.

Mr. HOPKINS. The gentleman is in error.

Mr. BALL of Texas. Five or six were accorded to gentlemen upon that side of the House and only two upon this side. I know that a great many members upon that side of the House have got ten times more than members upon this side.

Mr. HOPKINS. I can not yield at this time for a speech of that kind.

Mr. BALL of Texas. The gentleman stated a moment ago that the present law provided that they should be apportioned among the States. I would like to ask him if that law will be applicable to this bill, and if the bill provides that those persons upon the roll at the date of the passage of this act shall be subject to transfer, or be eligible to transfer, will it be a matter of favoritism as to who are transferred?

Mr. HOPKINS. I will say to the gentleman that no favoritism will be carried into this legislation. No favoritism was shown to any section nor to any political organization in the creation of this great force; and the gentleman must understand that if this body of employees come under the civil-service law, they will be transferred under an Executive order. And the gentleman understands full well the present occupant of the White House is a believer in the merit system, and that an employee from his section will receive consideration as quickly as one will from the State of New York or from the State of Illinois.

Mr. RYAN. I would like to ask the gentleman if the employees in the printing division who will be there on the passage of this act will be included under section 5?

Mr. HOPKINS. I may be in error, but that is my understanding of the bill.

Mr. RIXEY. I would like to ask the gentleman a question in that connection. I understand that the provision of section 5 only applies to those who are employed in the service at the date of the passage of this act. Why should they not make eligible for appointment those who have stood the same examination, but who have been discharged from the Census Office? Why should not they all be eligible to appointment under the same provision?

Mr. HOPKINS. I will say to the gentleman, for the good reason that they are only temporary employees.

Mr. RIXEY. Why should not they have the same advantage as the other employees in the Census Office who are to be placed under the civil-service laws?

Mr. HOPKINS. It was fully understood that they sought employment for thirty, sixty, and ninety days, and I do not think that they should have the same privileges accorded them. The gentleman thinks that this provision should apply to those men because they have stood the same examination that these permanent clerks stood. That does not meet the requirement. These people understood that they were only going in there for a limited time. They had that understanding when they entered the service.

Mr. RIXEY. Will the gentleman allow me right there? We are informed that there is to be a large number of these clerks discharged on the 1st of February. What effect will this bill have on the dismissal of those clerks on the 1st of February? As I understand it, they will not be eligible to appointment to any other department, whereas those who are retained will be protected under the civil-service act.

Mr. HOPKINS. Mr. Chairman, I have once stated to the gentleman, and I desire this to be my final answer to him on that proposition, any order that has been made for the discharge of clerks is an order that covers the temporary force. When they entered the service, they understood that the service was to be of a temporary character.

We are not legislating for people that have worked there for one, two, or three days; we are legislating for the great body of clerks who entered the service when it was organized, and have been a part of that machinery that has given us these splendid results that have been exhibited in these bulletins from time to time.

Mr. RIXEY. Will the gentleman allow me another question?

Mr. HOPKINS. I can not yield to the gentleman.

Mr. PEARRE. I would like to ask the gentleman from Illinois whether section 5 of this bill, covering the people into the civil service, will apply to those on the temporary force now employed at the Census Bureau and not yet discharged, as well as to those who pass the examination?

Mr. HOPKINS. The temporary force will be disposed of before this becomes a law. This will only apply to the permanent force.

Mr. CANNON. Will the gentleman from Illinois allow me to ask him a question?

Mr. HOPKINS. Yes; if it is not too hard.

Mr. CANNON. It is not too hard and I want to know. Section 5 says: "That all employees of the Twelfth Census Office at the date of the passage of this act above the grade of skilled laborer shall be, and they are hereby, placed," etc. Now, am I correct in supposing that a very considerable number were appointed as skilled laborers, and that this is merely a designation in the

kind of clerk; that there are many on the roll that were appointed early in the service and are still on the rolls as skilled laborers?

Mr. HOPKINS. I am informed there are 200 on the rolls as skilled laborers.

Mr. CANNON. At what pay?

Mr. HOPKINS. Six hundred dollars.

Mr. CANNON. And they are performing clerical service?

Mr. HOPKINS. No, they are not performing clerical service in the sense that a $900 or $1,000 clerk is performing it.

Mr. ROBINSON of Indiana. Mr. Chairman, I would like to ask the gentleman a question.

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Indiana?

Mr. HOPKINS. I will.

Mr. ROBINSON of Indiana. I would like to ask if any of these persons sought to be retained by this bill are designated now as "laborers;" in other words, does this bill seek to retain any of those clerks designated as "laborers?"

Mr. HOPKINS. There is nobody appointed a clerk designated as a laborer.

Mr. ROBINSON of Indiana. As a skilled laborer?

Mr. HOPKINS. No.

Mr. ROBINSON of Indiana. There are some skilled laborers, and I wanted to know whether they are protected by this bill?

Mr. HOPKINS. No. Now, Mr. Chairman, it is not my purpose to take further time in the discussion of this bill. I have sought to explain its provisions to the members of the committee and get the matter before them. I have no personal pride as to whether this bill shall be adopted or rejected. As one member of the Committee on the Census I have sought to discharge my duty fully and fairly and put this matter before the House, and it is now for the members of the committee to say whether this bill shall be taken up and considered, or whether it shall be rejected. Mr. Chairman, I reserve the balance of my time. How much time have I remaining?

The CHAIRMAN. The gentleman from Illinois has fourteen minutes.

Mr. HOPKINS. I will yield to the gentleman from South Dakota [Mr. BURKE].

Mr. BURKE of South Dakota. Mr. Chairman, I desire to ask the gentleman a question: Whether under section 5 the supervisor of the Thirteenth Census and the enumerators will be under the civil service?

Mr. HOPKINS. I think not. The supervisors would, but the enumerators would not—at least that is the purpose of the framers of the bill.

Mr. HOLLIDAY. Mr. Chairman, I would like to ask the gentleman from Illinois a question.

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Indiana?

Mr. HOPKINS. I will.

Mr. HOLLIDAY. I would like to ask if it is not true that all the persons employed in the Census Bureau understood at the time they took their work that they were employed temporarily? Did they not all have that understanding at that time? I would like to ask the gentleman further, if by transferring this great body of clerks to the classified service it will not work a very great injury and a very great injustice to a large number of persons who have qualified themselves for service in the employment of the Government, and who will be kept back and supplanted by reason of the transfer of these clerks to the classified service?

Mr. HOPKINS. I will state that the great majority of clerks were employed temporarily for a service designed to be temporary when the Census Bureau was created.

Mr. HOLLIDAY. Was not the whole business regarded as temporary at that time?

Mr. HOPKINS. It was understood that they would perform their duties and remain in the service until the work provided for in the law should be accomplished.

Mr. Chairman, I reserve the balance of my time, and I ask unanimous consent that general debate be closed in one hour, the time to be equally divided between the two sides.

Mr. MADDOX. Does the gentleman propose to give me that hour?

The CHAIRMAN. The gentleman from Illinois asks that general debate be closed in one hour.

Mr. BURKETT. I object.

Mr. HOPKINS. I ask the gentleman from Nebraska [Mr. BURKETT] whether we can come to any understanding as to the time to be occupied?

Mr. LANDIS. I ask the gentleman from Illinois whether there is any particular reason why this bill should be rushed through in an hour or two hours?

Mr. HOPKINS. Oh, no—not if anybody wants to discuss it further.

Mr. LANDIS. It is evident that a number of gentlemen want to speak on the bill; others wish to submit interrogatories. It strikes me that it would be perfectly safe to allow the debate to proceed without any understanding at present as to its termination.

Mr. HOPKINS. I have understood that the debate on the bill would be largely concentrated within the five-minute discussion, when we come to consider the bill by paragraphs. If any gentleman wants to discuss the bill further in general debate, I am the last one to attempt to cut off such person. The only reason I propounded my question to the gentleman from Nebraska was that he seems to make objection to the proposed limitation of time, without designating any time that he would consider proper, whether one hour or two hours or any other number of hours.

Mr. LANDIS. I do not wish to speak on the bill, but the gentleman from Georgia [Mr. MADDOX] wants an hour.

Mr. HOPKINS. And I want him to have an hour.

Mr. LANDIS. I see no reason why he should not have.

Mr. HOPKINS. The gentleman from Indiana understands, I hope, that I am perfectly willing to accord to the gentleman from Georgia the time he asks. Mr. Chairman, I will ask unanimous consent, then, that we close general debate in an hour and a half.

Mr. BURKETT. I object.

Mr. HOPKINS. Very well; I reserve the balance of my time.

Mr. MADDOX. Mr. Chairman, I have no idea of occupying myself any extended time; but I had supposed that on an important measure like this a number of Democrats at least would like to be heard. As for myself, I wish to enter my protest against this method of legislation. Yesterday this bill was brought in here and presented to the House with a request for unanimous consent that it be printed in the RECORD. Now, this morning we are called upon to dispose of it. I believe—or I will say I guess—that not fifteen men outside of the committee have had an opportunity to read the bill and the report up to this time. What do gentlemen of the House know about this bill? You are proposing to establish a bureau, to fix it upon the Government for all time. Now, I wish especially to call the attention of Democrats to a provision of our Democratic platform. Something has been said lately about that platform, and some of its declarations have been used to rally Democrats to vote in favor of the Nicaragua Canal. Let me call attention to this declaration:

> We demand a return to that simplicity and economy which befits a democratic government, and a reduction in the number of useless offices, the salaries of which drain the substance of the people.

That declaration was indorsed by the Democratic party in their convention of 1900. That is the declaration of the party that we propose to represent on this side of the House. Yet to-day we have before us a proposition to establish a bureau—to make it permanent—a proposition which men undertake to say will curtail expense; but I undertake to say that such will not be the result. It will be like the "bee course" of my friend from Ohio, referred to the other day, or like a wild-hog claim down in Georgia. As soon as it is established it will reach out for everything in sight, and, instead of a reduction of expenses, we shall find the expenses heaping up. That will be the result. It has been the result of every proposition of this sort that we have ever had before this body. What do these predictions or promises made in reports or speeches that certain things are going to take place after a certain bill has been enacted into law amount to? Do we not all see such promises or prophesies repudiated every session that we come here?

Why, Mr. Chairman, my mind recurs now to a bill which was passed in the House—the free homestead bill—which we considered here a few years ago and which was debated at length in this body, and I understand that another amendment is to be offered to that same bill to enlarge its scope. We had this thing before the House for the longest time, and every single member who spoke upon the bill, everything that was said about it, every paragraph of the bill in the House was calculated to give assurance that nothing further would be asked on the part of these homesteaders, and that the Government of the United States would not be required to expend another dollar in regard to the matter. And yet time and again members have come in here asking amendments to that law. We were told then that this provision was a wise one and that the money derived from these lands had been turned into the Treasury, and that, as a matter of fact, it was a money-making scheme on the part of the Government; and yet, as a matter of fact, what has been the result of that legislation? All of these prophecies, all of these promises, and all of these pledges have been set aside and Congress is asked that it shall again open up these lands for free homes to the people who have gone on these lands under the promise that they would not ask anything further from the Government of the United States.

Now, what is the condition which confronts us with reference to this bill? You do not propose to reduce the cost of taking the census. I tell you, gentlemen, that you will find out, if the bill

passes, that it will not be four years before it will be used as an instrument of oppression in our section of the country, and mark what I say on that point. Why is there not ample time given for the consideration of a matter of so much importance? What is the necessity for rushing it through in this manner? What is the use of putting it through the House without proper consideration?

We are not pressed with business. We have been in the habit of adjourning here day after day with absolutely nothing to do. We are waiting, they say, for work from the committees. Here is a measure of vast importance which you propose to rush through the House without consideration. Here is a bill embracing many sections and a report covering fifty-odd pages—60 pages—which has not been considered or digested; a report and a bill with which we are absolutely unfamiliar and which is forced upon us in this extraordinary way. You propose to force this bill upon us without consideration. It was said that the bill has been published in the RECORD. Who has had an opportunity of reading it? We have not even been able to get a copy of the bill. We have had no discussion and can not have a full discussion of the bill. If we had time to consider it, if we had time to digest its provisions, if we had time to amend it, it would be a very different matter. What does any man here know of the provisions of this bill? You are providing for a permanent bureau of statistics. What force do you mean to employ?

Let me call your attention to another fact also in this connection. There is a bill pending here which came over from the Senate of the United States establishing a bureau of commerce, and under the provisions of that bill, as I gather from the newspapers of the country, this Census Bureau that we are now called upon to consider here is incorporated in that measure. Who has had an opportunity of examining the bill to ascertain the facts? What is the reason that we can not have time—ample time—to read the report in this case, to examine the facts, and satisfy ourselves as to the ground upon which we may take action with reference to the matter?

Mr. GAINES of Tennessee. I would like to ask my friend from Georgia how many offices this new bill creates?

Mr. MADDOX. I do not think anybody can tell just at present. We have had no opportunity of examining the bill.

Mr. GAINES of Tennessee. When was the bill reported?

Mr. MADDOX. The bill was filed on yesterday, and I doubt very much if a half dozen members have had an opportunity of examining it.

Mr. GAINES of Tennessee. I have not had an opportunity to see the bill until just a few minutes ago through the House post-office.

Mr. MADDOX. Yes; through the post-office; and I agree with my friend from Tennessee in his suggestion that there has not been time for anyone to consider the bill properly. We find the report in the RECORD, but the facts and the exhibits upon which the report was based were not incorporated or put into the RECORD, and if they had been, who would have had an opportunity in this time to study them and enable him to act as a legislator ought to act on a bill of this character? The only information we have is from the report of the committee, and we have had no opportunity of examining that. Now, I ask again, why this pressure to force the bill through without consideration?

Mr. PIERCE. The power of Congress in a great many things is unlimited. If we are going into the field of future uncertainty we could apply that rule in almost any case.

Mr. MADDOX. Let me ask you a question?

Mr. PIERCE. Certainly.

Mr. MADDOX. Have you read and digested that report?

Mr. PIERCE. Yes.

Mr. MADDOX. When?

Mr. PIERCE. I got it last night.

Mr. MADDOX. The report?

Mr. PIERCE. Yes.

Mr. MADDOX. Where did you get it last night?

Mr. PIERCE. I saw it.

Mr. MADDOX. Where?

Mr. PIERCE. That does not matter. I saw it and read it and know what is in it.

Mr. MADDOX. The gentleman is better prepared than I am. I did not see it and did not know where to get it, and I apprehend that no other man on this side of the House knew where to get it except in the usual way—that is, after it is printed and filed in the document room out here. I got it as soon as I could through the regular channel and I have not been able to give it a careful examination. I asked on yesterday morning that this matter might be postponed until Friday, so that we could have at least one day to examine into this business and see whether it was a proper bill or not. I do not propose to stand here and vote blindly for any proposition in this House. How can I be expected to favor anything unless I know something about it. I do not intend to do it. Upon a careful examination of this bill, if I had time to examine and analyze it as I have a right to do, I might be as heartily in favor of it as any man on the committee, but there is no excuse for this haste and this rushing the matter through.

Mr. GAINES of Tennessee. What is the occasion for this rush?

Mr. MADDOX. Nobody has answered that question. I do not know what it means. I suppose we will meet next Monday and adjourn over for two or three days, but this matter must be attended to at once, it seems, or not at all. Now, as I said before, we have had a bill from the Senate to-day that incorporates this very project. What are we going to do about that? That will have to be considered by this House, and when that proposition comes up we probably all of us will have had time to study this matter and to offer such amendments as we may think necessary to make it a perfect bill. I see no necessity of rushing this thing through until we fully understand it.

Now, if there is any gentleman on this side of the House who desires to say anything upon this bill, I will yield him time if he will make himself known. One of my colleagues on this side laughs. I do not understand it. This may be all right, gentlemen; but mark you, you will hear from it if it is not all right.

Mr. KLEBERG. May I ask the gentleman a question?

Mr. MADDOX. Certainly.

Mr. KLEBERG. I am against the bill, as well as the gentleman from Georgia. I think it is perfectly true that we have not had time to consider it. I believe that this is a proposition to add another useless bureau to the public service that is not necessary at this time. But I want to suggest to the gentleman that if he will endeavor to get a record vote upon this question, I will assist him in getting it.

Mr. MADDOX. I do not know whether we will get a record vote or not, but we will have it certainly if I can get it. I promise the gentleman that.

Mr. Chairman, I reserve the balance of my time, and will yield later to the gentleman from Massachusetts [Mr. THAYER].

The CHAIRMAN. The gentleman from Georgia reserves the balance of his time.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose, and Mr. GROSVENOR having taken the chair as Speaker pro tempore, a message in writing from the President of the United States was communicated to the House of Representatives by Mr. PRUDEN, one of his secretaries.

CENSUS BUREAU.

The committee resumed its session.

Mr. KLUTTZ rose.

The CHAIRMAN. The gentleman from North Carolina [Mr. KLUTTZ] is recognized, being a member of the committee.

Mr. MADDOX. The gentleman from Massachusetts [Mr. THAYER] says he will take ten minutes now.

Mr. KLUTTZ. I prefer to occupy the time now. The gentleman can follow me.

The CHAIRMAN. The Chair has recognized the gentleman from North Carolina [Mr. KLUTTZ], who desires to proceed.

Mr. KLUTTZ. As a minority member of the Committee on the Census, I want to say that after the fullest investigation the bill before the House met the entire approval of all the committee, and of every Democrat and every Republican upon it. We gave to the matter such investigation as we could and as we thought the importance of the subject demanded. We had before us a number of gentlemen, including the Director of the Census and the Civil Service Commissioners, and we have endeavored to carry out the instructions of the House and to report at the earliest possible moment a bill in accordance with those instructions.

The gentleman from Georgia [Mr. MADDOX] complains that there is a rush here—that there is undue haste. I deny it, Mr. Chairman. We acted under instructions from the House, and as I understand legislative proprieties upon such occasions, it is the duty of a committee at the earliest possible moment to report back to the House when a matter is recommitted to it under instructions. We did that at the earliest moment, and I deny that there has been any undue haste or any rush in the consideration of this matter. The committee is acting under the almost unanimous vote of the House. I believe the gentleman from Georgia [Mr. MADDOX] was almost alone in voting in the negative upon the question of consideration.

So that if there is undue rush here, if there is haste here, it is not the fault of the chairman of the committee, it is not the fault of the Committee on the Census, but it is the fault of the House, and it is the House which the gentleman from Georgia should upbraid, and not the Committee on the Census. The gentleman says he has not had time to consider this matter, and he was asked properly by the gentleman from Tennessee, when he complained that he did not know what this bill proposed, if the bill itself does not contain in detail specifically the executive force that it is proposed shall constitute this bureau.

Why, the bill on the very face of it, and as explained by the chairman of the committee, gives the name, the office, and the pay of every official that is proposed to be retained, excepting only the charwomen and laborers, the number and the pay of whom must necessarily be left in the discretion of the Director.

Mr. PATTERSON of Tennessee. Will the gentleman allow me to ask him a question?

Mr. KLUTTZ. Certainly.

Mr. PATTERSON of Tennessee. I notice section 5 of this bill is as follows:

That all employees of the Twelfth Census Office at the date of the passage of this act above the grade of skilled laborer shall be, and they are hereby, placed under the provisions of the civil-service act approved January 16, 1883.

Now, was the question before your committee as to the number of employees above the grade of skilled laborers and the number below that grade?

Mr. KLUTTZ. I will answer the gentleman that the number above that grade is about 2,000. I do not recollect the number below.

Mr. BURLESON. Two hundred.

Mr. HOPKINS. I am informed that the number below is 200.

Mr. BURLESON. I will state to the gentleman that there are 200 in the class below skilled laborers.

Mr. PATTERSON of Tennessee. I want to ask the gentleman another question, and that is, if not all at least a majority of those who are employed as stenographers and typewriters in the Census Office are put down as laborers, and, if that is the fact, if the provisions of the civil-service law would not be emasculated by the passage of this bill as it reads now in section 5?

Mr. KLUTTZ. I think not, sir.

Mr. PATTERSON of Tennessee. Now, I will give my experience. I recommended the appointment of a lady as a stenographer in that office.

Mr. LOUDENSLAGER. Will the gentleman from Tennessee pardon me——

Mr. PATTERSON of Tennessee (continuing). And she was appointed. I observed in the notice of her appointment that she was put down as a laborer.

Mr. BURLESON. I am informed that she is classed as a clerk.

Mr. PATTERSON of Tennessee. She is classed in the appointment as a laborer; and that is what I desire information upon, if the gentleman from North Carolina can give it, and if not, I would call upon the gentleman from Illinois at the proper time.

Mr. HAY. I think I can give the gentleman the information he seeks. Has she stood an examination since she was appointed?

Mr. PATTERSON of Tennessee. I do not know whether she has or not. She is not in the employ of the Census Bureau now, but she was not discharged. I want to support this bill, but I want to support it understandingly, and to know whether the provisions of the civil-service law apply to the persons now employed there?

Mr. HAY. I want to say to the gentleman that a great many who were appointed were appointed temporarily.

Mr. PATTERSON of Tennessee. Yes.

Mr. HAY. They were appointed on trial and afterwards had to stand an examination, and upon passing their examination they were then put on as clerks.

Mr. PATTERSON of Tennessee. Why can not we get that information before the House?

Mr. HAY. We have now gotten it before the House. A great many were originally put in as laborers who would be included under this act.

Mr. KLUTTZ. I have given such information as I can.

Mr. SAMUEL W. SMITH. Will the gentleman permit me to ask him this question? Under section 5, what persons enumerated under section 4 will be put under the terms of the civil-service law? Would it extend to the Director and statisticians?

Mr. KLUTTZ. No, sir; I do not understand that it applies to the executive force.

Mr. SAMUEL W. SMITH. Do you understand from this provision that the supervisors and enumerators in the next census are to be under the civil service?

Mr. KLUTTZ. I do not know that I could answer that question definitely in advance. I take it, however, they would be under this section. Having yielded to questions by every gentleman, since I am sure there is no desire on the part of this committee to shirk discussion or to unduly rush this measure, I shall submit only a few remarks further, Mr. Chairman.

Now, I have endeavored to show that there is no undue haste on the part of the committee, but that with due consideration and due regard to the rules of the House this matter is now before the committee not as a privileged question, but by the command of the House itself.

As to the propriety and advisability of establishing a permanent census bureau, I take issue with the gentleman from Georgia. The gentleman himself says that his opposition to it rests not upon consideration of the subject, but because he knows nothing about it; and I take it that objections that rest not upon intelligent knowledge, but upon admitted ignorance of the subject, ought not to have much weight with this intelligent House.

As to the propriety of a permanent bureau of the census, we have printed for the House the unanimous consensus of opinion of statistical and scientific men, connected not only with the Census Bureau, but almost every other department at Washington, and I put their opinion and the weight of their opinion against the unsupported opinion of the gentleman from Georgia. Furthermore, I quote from the opinion of the President of the United States, who on page 42 in his message to this Congress, said:

For the sake of good administration, sound economy, and the advancement of science, the Census Office as now constituted should be made a permanent Government bureau. This would insure better, cheaper, and more satisfactory work in the interest not only of our business, but our statistical, economical, and social science.

I quote also from the last report of the Secretary of the Interior, on page 80, where he says:

The great accuracy and care required in securing and handling statistical data of all kinds can be obtained only through the medium of experienced and competent persons. The present system of organizing a census office every ten years does not permit of the keeping together of skilled statisticians, experts, and trained clerks, or of keeping open channels of statistical information.

The remedy which naturally suggests itself is the establishment of a permanent census bureau with a limited force which could be increased as the work of preparing for a new census is entered upon or diminished after the census is taken. The establishment of the census as a permanent bureau would undoubtedly be in the interest not only of economy and statistical science, but would result in more efficient work generally and permit of the early publication of the statistical data compiled.

So we cite not only the opinion of almost every statistical and scientific expert in Washington, but the opinion of the President of the United States, and of the Secretary of the Interior, in whose Department this Bureau is at present located. I take it that the House will give some weight at least to the opinions of the President and the Secretary of the Interior, and of these scientific men in nearly all of the departments of the Government. There is so little reason for any opposition to making this Bureau permanent that I shall devote no more attention to it.

The gentleman from Georgia lugs into this discussion the Democratic platform of 1900. I was as earnest a supporter of that platform as was the gentleman from Georgia. I acknowledge its force in all matters legitimately in the domain of politics, but I deny that this is a political question, or that any considerations of politics ought to enter into it. [Applause.] It is a question of business. It is a question of the best interests of this Government and of the people of this Government, and especially of the great agricultural and commercial classes, and gentlemen are hard put to it for argument when they must flaunt the Democratic platform over this side of the House in enforcing their arguments against the adoption of this beneficial measure.

I believe, as suggested by the gentleman from Virginia, that the adoption of the bill now before the House will be carrying out the very spirit and the very letter of the plank in the platform read by the gentleman from Georgia, because it is reducing the expenses of the Government, because it is lopping off officers no longer necessary to the service, and because it is reducing salaries by putting this great Bureau of the Government upon a solid and substantial business basis. I trust there is no one on this side of the House who can be moved by any such appeal as that, and I take it that the appeal was only made in the absence of a better ground for argument and of a better reason for opposition to the bill.

The gentleman furthermore, on the question of politics, undertakes to conjure somewhere out of the future a terrible bugbear, a horrible nightmare, which he sees in his distorted vision, and to warn Democrats, especially Southern Democrats, that there is something concealed in this bill, some jack-in-the-box, which at some future time is to be raised, as Saul raised the witch of Endor, to affright the Democrats in the South, and which he says is to be used contrary to their interest.

The gentleman has a keen supernatural vision, indeed, if he can find anything of that sort concealed in the language, the intent, or purpose of this bill, and I know him too well, I esteem him too highly, to believe that he intended by that any imputation on the minority Democratic members of this committee. I need not assure the gentleman that the intelligent Democrats, who constitute the minority of this committee, would be as alert to scent anything of that kind in the air as the gentleman from Georgia himself.

Congress may or may not, depending on its political majority in the next House—and I believe it is going to be Democratic [applause on the Democratic side], God grant that it may be so—Congress may or may not make any amendment to any bill passed by this or any succeeding Congress that it sees fit. This Congress

has no power to bind any succeeding Congress and say what it shall do and what it shall not do, and I say in advance that we may give credit to succeeding Congresses for the exercise of as good faith as we may claim for ourselves.

Gentlemen complain that the statistics of cotton are taken by this Census Bureau, and that some terrible wrong has been or may thereby be done. Why, sir, there has never been for the Southern cotton planter—and I represent in part at least a cotton-growing constituency—anything done by this Government so valuable in its results, anything worth so many million dollars to the Southern cotton planter, as the accurate cotton statistics which have been taken by the Census Bureau. We know that the statistics taken heretofore by the Department of Agriculture—taken honestly, taken as well as they could possibly be taken under the system in vogue and with the agencies at the command of that Department—have been of little value.

Little weight has been given to them, and the speculators, as somebody has called them, in New York, New Orleans, Savannah, Liverpool, and the other great cotton marts have every year intentionally overrated the cotton crop by millions of bales, and upon such overestimated and false figures they have fixed the price of cotton in the hands of the cotton planter, and he has been compelled to sell at the price thus fictitiously fixed. Under the arrangements of the Census Bureau for taking these statistics the crop for the last year was correctly estimated, and the lie was directly given to the false estimate which had been put out by these men in the cotton markets of the world, who are interested in depressing the price of cotton. I say that so far from the taking of these cotton statistics being an objection, the provisions in that respect are one of the very best features of the bill. I may also add that the taking of these cotton statistics was largely at the instance of the gentleman from Texas [Mr. BURLESON], himself one of the largest cotton planters of his State.

The gentleman says, further, that we ought not act now because the Senate has passed a bill providing for the new department of commerce, under which the work heretofore performed by this Bureau is to be put. I am glad if that department is to be created; I am glad that the Senate has voted to establish it. I shall support, and I believe this side of the House will support, that bill when it comes here. But the fact that the Senate has passed such a bill, and that such a department is to be created, should not have any weight in the discussion of the bill now before the committee; because the Census Bureau is now a Bureau of the Interior Department, and if the department of commerce should be created under the Senate bill, this Bureau will simply be transferred to that department; it will make no difference, so far as the necessary provisions and regulations of the Census Bureau are concerned, under which of these departments the work may be done.

I do not care under which Department this business may be placed. When that question comes up I shall vote as I think the best interests of the public service demand, but the proposed creation of a department of commerce is no reason why this bill should be delayed or why we should hesitate in passing it, for, I repeat, the regulations which we adopt in reference to the taking of the census will be as necessary under the department of commerce as under the Department of the Interior.

Mr. BURKETT. Will the gentleman allow me to ask a question? From a statistical standpoint, in what particular is this bill an improvement over the census bill under which the Twelfth Census was taken?

Mr. KLUTTZ. If the gentleman will pardon me, I did not hear his question.

Mr. BURKETT. I asked in what particular, from a statistical point of view, this census bill now presented is better than the ordinary census bill, such as the act of March 3, 1899, under which the Twelfth Census was taken?

Mr. KLUTTZ. I will answer the gentleman frankly by saying that as to the method of taking the census, the appointment of enumerators and other subordinates, etc., we have made no change, because we thought it not wise to do so. By the time the next census will be taken entirely new and improved methods may be devised, and we have thought it well not to adopt any provisions which might hamper the Bureau in that respect.

Mr. BURKETT. But my question is, what improvement have you made in this bill as to the mode of taking the census over the mode heretofore adopted?

Mr. KLUTTZ. For one thing, we propose to establish a permanent bureau, and we reduce very greatly the expenses of that bureau. We have cut down the executive force. We propose to put the Bureau under civil-service rules, and there are some amendments as to the taking of statistics of manufacturing industries every five years instead of every ten years. If the gentleman will read the bill, and read it candidly, he will find that it contains a great many improvements as compared with any census law that we have ever had before.

Mr. BURKETT. The gentleman does not yet comprehend my question.

Mr. KLUTTZ. Possibly not.

Mr. BURKETT. If you propose to provide a permanent census bureau, certainly the same law which has heretofore made provision for a temporary census bureau would not be sufficient. Another point: Have you consolidated anywhere these statistics? Have you drawn the different branches of this work closer together? Have you centralized them at all? In what respect—I am not speaking of the reduction of force—in what respect, from a statistical point of view, will the statistics taken by your permanent census bureau be better, more instructive, more concentrated, than those taken under the previous law?

Mr. KLUTTZ. We have provided statistics of births and deaths; we have provided for manufacturing statistics every five years; we have provided to some extent the method to be followed hereafter in taking the census. We have made it possible to do what the gentleman wants to have done. By establishing a permanent census bureau we propose to make it possible by legislation hereafter, in the discretion of Congress, to centralize, if I may use the word, and intelligently consolidate the taking of statistics of all the departments of the Government—a thing which has not been done and could never be done under a merely temporary census force.

Mr. GAINES of Tennessee. In what respect does this bill differ, and wherein is there a reduction of public expenditures, from the bill which provides for taking the census every ten years?

Mr. KLUTTZ. With respect to the point to which I have just been referring we retain the services of a sufficient number of experts, who are supposed to make such recommendations as they may think necessary and to afford a nucleus for the army of some 70,000 or 100,000 persons who are necessary to take the coming census. Everything that could be done has been done for the inauguration of this great work to make that census as correct as it can possibly be made under our system of government, and we have reduced the expenses of the Bureau $114,000 per annum.

Mr. GAINES of Tennessee. I would like to ask the gentleman if the report of the various industries of the country, cotton, corn, and other products, are given in detail?

Mr. KLUTTZ. They are; and I will state to the gentlemen that cotton is given specially in detail.

Mr. GAINES of Tennessee. Does the report differ, then, in any way from the provisions of the existing law, or from the old reports which were furnished under that law?

Mr. KLUTTZ. The provisions of the law are substantially the same. All of these reports are given in detail, and all of the agricultural products of the country will be found under their separate heads. Of course the practicability of gaining this information by writing to a man here or there throughout the country must be understood by anybody who gives the matter consideration as an impossibility. No man can give this information, which can be only gathered by specialists, as is proposed in this bill. The bill itself provides for furnishing the statistics in every department of commerce, every department of business throughout the country.

Now, Mr. Chairman, I impugn no man's motives who desires to oppose this bill. That is a personal matter with himself. He may have reasons for it that I can not understand. But, in my judgment, this is the nearest approach to a measure which will benefit the commercial and the agricultural classes throughout the country that has been devised in years. We may well differ upon it, but we ought to consider it in the light of the best interests of all of our people.

Now, after having occupied the attention of the committee for this brief while, I shall reserve the remainder of my time. [Applause.]

Mr. BURLESON. I would like to ask the gentleman a question, with his consent, before he takes his seat.

Mr. KLUTTZ. Certainly.

Mr. BURLESON. If the gentleman pleases, I would like to inquire what he thinks of the report of Mr. Wright on this question. He says:

"No man, I do not care how great he is, how great a statistician or how great an administrator, can take a census creditably to himself or to the Federal Government under the present system. It can not be done. Our Regular Army is small, but it is the skeleton of a great organization. It should be so with the Census Office. The constant bringing in of raw men for statistical work does more damage to statistical accuracy and to the science of statistics than any one element." He argued in favor of a biennial census of industries. As to the bill prepared by Mr. Porter, his chief objection to it was that "it makes a law for the taking of the Twelfth Census. I think there is too much detail in it to be enacted several years in advance."

Mr. KLUTTZ. That is an additional strong argument for the passage of this bill.

Mr. THAYER. Mr. Chairman, I do not rise for the purpose of discussing this bill, but avail myself of this opportunity to present to the members of this House, and through them to the country, a petition signed by twelve hundred of the people in the

city which I represent, the city of Worcester. Most of these petitioners are heads of corporations, companies, and individuals engaged in manufacturing and commerce, and also professional men. There is not the name of an agriculturist or a mechanic signed to this petition.

The city of Worcester, consisting of 120,000 inhabitants, has within its borders, I believe, a greater diversity of manufacturing and industrial interests than any other city of the same size in this country, and more active capital engaged and more mechanics employed at remunerative and living wages. And, as I say, I wish to present to this House, and through it to the country, the opinion of these people who have been greater beneficiaries of the Dingley tariff bill than any other set of men, or as much as any other set of men, in this country. The petition is as follows:

The undersigned business men of Worcester, Mass., represent that a reciprocal trade agreement with the Dominion of Canada, prepared on a basis of equivalent concessions, would be of great benefit to the business interests of the United States, and particularly of Massachusetts and New England, and they respectfully solicit your active influence to the end that such a treaty may be negotiated and ratified.

Coming with that petition, Mr. Chairman, is a letter which I wish to read, that it may become a part of my remarks. This comes from the Boston Chamber of Commerce, and is as follows:

BOSTON CHAMBER OF COMMERCE,
Boston, Mass., January 20, 1902.

Hon. JOHN R. THAYER,
Washington, D. C.

DEAR SIR: I have the honor to lay before you, by direction of the committee on reciprocity of this chamber, the accompanying petition from the business men of Worcester, setting forth the importance of closer trade relations with the Dominion of Canada, and soliciting your influence to the end that a reciprocal trade agreement between the United States and Canada be negotiated and ratified.

I respectfully invite your attention to the following facts:

(1) That this petitition was prepared and circulated under the auspices of the Worcester Board of Trade, and that it, therefore, represents not only the sentiments of the individual signers, but the opinion of the business community as expressed by its representative business organization.

(2) That no attempt has been made to secure a petition large in point of numbers; that the petition, so far as we have been able to control the matter, bears the names of none but business men in active life and of standing and influence in the community; hence as regards this class, the petitions are both large and representative.

(3) That the desires of the business men of Massachusetts for closer trade relations between the two countries are based upon the belief, (a) that our trade with Canada could be materially increased, to the benefit of both countries, were a freer interchange of commodities permitted, and (b) that the large trade we now possess, and which may be at any time seriously injured, would thereby be permanently secured, to the benefit of all classes of producers.

(4) That this and similar petitions represent the earnest desires of the vast majority of the merchants and manufacturers of our Commonwealth is indicated by the unanimity of sentiment shown in every city into which they have been carried. The city of Worcester is a typical illustration. The petitions from that city contain the signatures of 1,200 of the largest and most important business houses and corporations of that city, while less than a dozen persons to whom application was made refused to sign them.

(5) That resolutions have been adopted by over 100 business organizations throughout the United States, urging early action upon this important question. I append a partial list of the organizations that have taken this action.

For the prayer, voiced by these petitions, we earnestly solicit your favorable consideration.

Very respectfully, G. PRESTON, *Secretary.*

This may be very dry and uninteresting to some members of this House, but those who are interested in New England and the manufacturing interests in the North will be glad to pay attention and note the change of opinion of those most interested in the provisions of the present tariff laws brought about by the changed conditions since the Dingley tariff law was enacted.

It is signed first by Philip J. O'Connell, mayor of the city.

The second name is Philip W. Moen, vice-president of the American Steel and Wire Company. Mr. Moen's name is known throughout New England and the world. His father was one of the progenitors of the old Washburn and Moen Wire Company, which, up to three years ago, employed some 4,000 people. Now, that company, like many smaller companies and corporations, has been absorbed by the American Steel and Wire Company. Among the other signers are:

Whitcomb Envelope Company, division United States Envelope Company, by Henry E. Whitcomb, manager; W. H. Hill Envelope Company, division United States Envelope Company, by Chas. W. Gray, manager; Logan, Swift & Brigham Envelope Company, division United States Envelope Company, by L. H. Buckley, manager; Rice, Barton & Fales M. & I. Company, by Chas. S. Barton, president; Morgan Construction Company, by Chas. H. Morgan, president; Morgan Spring Company, by Paul B. Morgan, treasurer; Hobbs Manufacturing Company, by C. W. Hobbs, president; Royal Worcester Corset Company, by D. H. Farming, president; Globe Corset Company, by John E. Lancaster, president; F. E. Reed Company, by John R. Back, superintendent; Norton Emery Wheel Company, by M. P. Higgins, president, Chas. L. Allen, secretary and manager, George I. Alden, treasurer; Plunger Elevator Company, by M. P. Higgins, president, George I. Allen, treasurer; The Richardson Manufacturing Company, by E. P. Curtis, president; The George C. Whitney Company, by Geo. C. Whitney, president, Willard H. Cook, treasurer; Matthews Manufacturing Company, by A. T. Matthews, manager; Woodward & Powell Planer Company, by E. M. Woodward, treasurer; Worcester Bleach and Dye Works Company, by James E. Orr, treasurer; Spencer Wire Company, by H. W. Goddard, treasurer; Wachusett Creamery Company, by E. R. Thayer, treasurer; American Dry Plate Company, by F. B. White, treasurer; Harrington & Richardson Arms Company, by Edwin C. Harrington, president; Hill Dryer Company, by Burton P. Hill; Coates Clipper Manufacturing Company, by B. Austin Coates, manager; Phenix Plate Company, by Chas. A. Hill, treasurer; McCloud, Crane & Minter Company, by A. H. Anthony, treasurer; Sherman Envelope Company, by John A. Sherman, president and treasurer; J. J. Warren Company, by C. G. Stratton, president; Hammond Reed Company, by A. H. Hammond, president; David Cummings Shoe Company, by David Cummings, president, A. S. Clement, manager; Buffington Pharmacy Company, by E. R. Mitchell, treasurer; Harwood & Quincy Machine Company, by E. H. Wood; J. A. Colvin Iron Foundry, by A. B. Colvin, L. A. Colvin, attorney; Rice & Griffin Manufacturing Company, by Willie E. Griffin, assistant treasurer; Whitcomb Manufacturing Company, by Alonzo C. Whitcomb, treasurer; Wm. H. Burns Company, by Wm. H. Burns, president; Loring Coes & Co., Incorporated, by Loring Coes, president, F. L. Coes, vice-president; Taber Organ Company, by N. H. Ingraham, treasurer; Flexible Door and Shutter Company, by Chas. R. Clemence, treasurer and manager; Davis & Buxton Company, by Geo. S. Davis, treasurer; H. C. Fish Machine Company, by E. H. Fish, president; Witherby, Rugg & Richardson Company, by G. I. Rugg, president, G. T. Witherby, treasurer; A. Burlingame Company, by Chas. D. Parker, manager; Baker-Lean Manufacturing Company, by P. Baker, treasurer; W. C. Young Manufacturing Company, by W. C. Young, president; Worcester Machine Screw Company, by E. B. Dolliver, manager; The Vocalion Organ Company, by M. S. Wright, superintendent; Union Water Meter Company, by J. C. R. Otis, president; The Cartwright-Borden Company, by F. H. Cartwright, treasurer; Groton & Knight Manufacturing Company, by W. M. Spaulding, vice-president and secretary; Howard Brothers Manufacturing Company, by A. H. Howard, president and treasurer; Aicade Malleable Iron Company, by Geo. B. Buckingham, proprietor; Heywood Boot and Shoe Company, by Samuel R. Heywood, president; Hamblin & Russell Manufacturing Company, by F. H. Hamblin, treasurer; Prentice Brothers Company, by E. W. Whitmore, treasurer; Draper Machine Tool Company, by C. E. Thwing, treasurer; Southgage Woolen Company, by Geo. W. Davis, treasurer; New England Steel Roofing Company, by H. M. Smith; The Wire Goods Company, by A. W. Parmelee, president; Johnson & Bassett, by Geo. M. Bassett; Curtis & Marble Machine Company, by Edwin T. Marble, treasurer; Coes Wrench Company, by John H. Coes, treasurer; L. Hardy Company, by Chas. H. Bliss, treasurer; Allen-Higgins Company, by Geo. Fredk. Higgins, treasurer; Worcester Clothes Dryer Company, by Geo. Flagg; Stephen Salisbury, president Worcester National Bank; E. B. Stoddard, president Quinsigamond National Bank; A. H. White, president First National Bank; Henry S. Pratt, president Citizens' National Bank; F. H. Dewey, president Mechanics' National Bank; Nathaniel Paine, president City Hall National Bank; William Hart, president Bay State Savings Bank; A. B. R. Sprague, president Worcester County Mechanics' Savings Bank.

Now, Mr. Chairman, I have called this to the attention of the House because I believe it is one of the most important subjects that will come before this Congress, if it ever gets here, which I very much doubt in view of the expressed opinion of many of the leaders on the other side of the House. There is a demand all over the country for greater and freer trade relations with other countries, especially with Canada, bordering immediately upon us at the north. And I want to tell my friends on the other side of the House that unless you give some attention to the demands for a change in schedules of the Dingley tariff, and some attention to the demands that are coming up all over this country for freer trade and for reciprocity, when the people come to speak in 1904 they will delegate the power of government to a party that will attend to these matters. [Applause on Democratic side.]

Mr. HOPKINS. Mr. Chairman, I move that the committee do now rise.

Mr. TALBERT. I would ask the gentleman to please withdraw that motion. I would like to submit some remarks.

Mr. HOPKINS. Are your remarks on the subject of the bill?

Mr. TALBERT. Not exactly.

Mr. HOPKINS. I will be entirely frank with my friend. Now, I have had an application from this side of the House, from a warm personal friend of mine, who desired to make an hour's speech on some subject. I said to him that I did not think it would be fair to the members of the House to do that, and I will appeal to my friend from South Carolina not to take up the time.

Mr. TALBERT. All right.

Mr. HOPKINS. I will withdraw my motion, Mr. Chairman.

Mr. BURKETT. Mr. Chairman, I have not had a great deal of time to consider the bill that is now before the House, for it has only been available this morning, but as I have listened to the chairman's remarks in reference to it I have been convinced that from a monetary standpoint, if no other, the House did well in recommitting with instructions the bill of a few days ago, for, as I take the figures of the gentleman from Illinois, this makes a saving to the Government each year of $115,000, beginning this coming July, or a total of $920,000 up to 1910. In short, in compliance with the demands of the House a few days ago, this committee has pared the bill down to that extent. There is that much saving in executive force alone.

The committee have eliminated a good many officers and decreased a good many salaries. I want to say, however, that this

bill does not suit me exactly. I apprehend that it would not be possible for somebody else to draw a bill that would exactly suit me any more than it would be for me to draw up a bill that would exactly suit somebody else. I believe that what this House and the country wants is that the statistics of this Government should emanate from some one particular place; that there should be gathered under one head a great bureau of statistics, all the statistics of the Government, where you or I or anybody else could go and get that sort of information upon any particular subject. I believe that this ought to be worked out.

I believe that if this committee had taken more time than they have taken that they could have evolved some system by which the great number of statistical bureaus of the various departments could in a measure have been consolidated. For example, the Bureau of Statistics, under Mr. Austin, and the Bureau of Labor, and the Statistical Bureau over in the Agricultural Department, and various others have been grinding out statistics. Now, there has not been one of these offices given consideration; not a single one of these bureaus has been brought into the statistical department provided for in this bill. Instead of less, we will have more places doling out statistics.

The gentleman says we will start out with this bureau and eventually we will bring all these other departments under the Census Bureau. But, sir, there will never, never be so good a time to do that thing as at the present time; never will there be the great pressure to pass a bill consolidating and coordinating all the statistics of this Government into one bureau that there is to-day. When we come in six weeks after this bill is passed and say to the Bureau of Statistics, "We want to put you under the Census Bureau," there is nothing to push that side; but, on the other hand, to retain its identity there will be the friends and the personnel of that particular Bureau. They may not want to be swallowed up by the Census Bureau. There is nothing to-day to keep us from doing it. Mark my words, if this bill goes through it will simply create another great bureau of the Government, growing greater and more expensive all the while. It will never grow less, and it will simply mean another place grinding out statistics.

This bill can be traced back through genealogy to about 1850. It is practically a copy of a bill as old as 1850. All the census bills from that time vary in make-up but very little. Several years ago Mr. Carroll D. Wright, I think it was, formulated a bill for a permanent census. The bill now being considered is almost an identical copy, in so far as it goes, of the wording of Mr. Wright's bill.

I asked the chairman of this committee during his remarks a few moments ago whether or not the committee had called in any of the great statisticians before them when they were having hearings. He took exception to the proposition. I asked for information, because I think this House has the right to know whether this committee had availed themselves of the experience of Mr. Wright, a man who has devoted half a century, almost, in studying statistics and whose advice in formulating such a bill should be valuable. I wanted to know whether they had called in Mr. Austin, Mr. Wright, or Mr. Wilcox, or any one of a dozen other men that they might have called in and asked their advice in preparing this bill. His answer was that the committee had not.

Therefore we are led to believe that this bill is copied from that other bill that I have just mentioned, with just enough things in it to appeal here to individuals and to make it popular in this House. Now, there are a few things that Mr. Wright had in his bill a few years ago that are not in this bill.

Mr. PIERCE. Will the gentleman from Nebraska allow an interruption?

Mr. BURKETT. Yes.

Mr. PIERCE. The gentleman alluded to Mr. Wilcox and Mr. Wright. Did not they both recommend a permanent census bureau along the line of this bill to-day?

Mr. BURKETT. Yes, they both recommended a permanent census bureau, but not along the lines upon which this bill is made.

Mr. RUSSELL. Will the gentleman from Nebraska allow me a question?

Mr. BURKETT. Certainly.

Mr. RUSSELL. Does the gentleman recognize the fact that the Select Committee on the Census was at work under specific instructions adopted by the House in accordance with the motion of the gentleman from Nebraska himself, which absolutely restricted them from considering the question of consolidation of bureaus?

Mr. LITTLEFIELD. In other words, your bill follows the lines of the motion of the gentleman from Nebraska and under his instructions?

Mr. RUSSELL. Yes.

Mr. BURKETT. I do realize that the committee was supposed to be working under instructions. Those instructions, however, were that they should prepare and introduce a detailed plan for a Census Bureau. It did not say just what plan it should follow, nor anything of that sort. For example, you might have provided that they should take statistics of agriculture every three, four, or five years, and you might have provided in your bill that in those States where they took statistics the Government could avail themselves of those statistics.

There are a good many such things in Mr. Wright's bill and which could have been placed in this bill. In the bill that Mr. Wright prepared there was also this sort of a clause, that no investigation should be undertaken by the Census Bureau that was not especially authorized by law. Then it authorized the Director of the Census, whenever he thought proper, to call for information from other departments. There are a good many things along that line that this bill might have contained. In further response to the gentleman from Connecticut [Mr. RUSSELL] it does not occur to me that they were prohibited from evolving a plan whereby all the statistics of the Government could be brought into one great bureau.

Mr. RUSSELL. Mr. Chairman, one further suggestion. The wording of the instructions adopted by the House, on the motion of the gentleman from Nebraska, was that "the committee should prepare and report back as a substitute therefor a bill providing for a detailed organization of a permanent census bureau." Now, by what logic the gentleman can construe that as instructions to the committee, or as a permission to the committee, to report a bill which would consolidate with the permanent census bureau any other bureau of the Government, I do not understand.

Mr. BURKETT. I do not understand that there was any limit in that motion as to what should go into this bureau nor what should not. The committee has put in agriculture; they have put in the deaf and dumb and various other things. They could as well have put in many other things, as I have stated.

Mr. RUSSELL. The committee has put in nothing that has not pertained to the census bureau as it has existed during the past census.

Mr. BURKETT. That is exactly the point I am making.

Mr. LITTLEFIELD. Will the gentleman permit me a question?

Mr. BURKETT. Certainly.

Mr. LITTLEFIELD. Do I understand the gentleman from Nebraska to be in favor of consolidating the Bureau of Statistics, the Bureau of Statistics of Labor, agricultural statistics, and the Geological Survey with this Census Bureau?

Mr. BURKETT. I did not say so; no, sir.

Mr. LITTLEFIELD. The gentleman does not say that he is in favor of it.

Mr. BURKETT. No.

Mr. LITTLEFIELD. Then why does the gentleman talk of it in criticising this bill if he does not want them put in?

Mr. BURKETT. If the gentleman from Maine will pardon me, I will make myself plain.

Mr. LITTLEFIELD. I hope so. I thought the gentleman was arguing that these bureaus ought to be consolidated. It impressed me as a good argument; but now I understand the gentleman does not want them consolidated.

Mr. BURKETT. I will try to make it plain, at least to myself. I take the position that it is not possible for any two or three men, in one or two days, to determine what bureaus of the Government ought to be consolidated. I take the position, and I hope the gentleman from Maine does, that if possible we ought to get all the statistics under one head. I do not want summarily to go up and take the Bureau of Statistics and chuck it into the Census Department, or the Bureau of Labor and chuck it into the Census Department, just in form as those bureaus are now organized. I maintain that the entire statistical system of the Government should be rehabilitated, reorganized, and readjusted into a completed, harmonious whole.

I believe that if we could establish a great clearing house for all and every kind of statistics, to which they would all go and from there come, that it would be what the people want and need. But, as I said in the beginning, I do not know that in the bill reported by this committee, amid the hurry and anxiety, you could go into such details and make such a consolidation.

My judgment is that if we had a commission appointed of three statisticians outside of Government employ—for instance, the professor of statistics from Cornell University, and acting with him eminent statisticians from other points, that they might meet together and plan some sort of a bureau which would consolidate and coordinate all the statistics of the Government. They should be men outside of Government employ, that they would be unmoved by any personal pride of their own particular bureau, and should report to Congress a completed and detailed plan of a bureau that would take in every statistical branch of Government service. The exhaustive study of the subject necessary to do this is not possible for this committee. As I said in

the beginning, I do not know that this committee in the time allowed them could have drawn a bill more nearly in accordance with the resolution of the House.

Mr. LITTLEFIELD. I do not understand the gentleman to propose that we abdicate our powers in deference to these professors of whom he speaks. We do not want to assume or concede that we can not do this work.

Mr. BURKETT. Oh, no.

Mr. LITTLEFIELD. Their advice might be good.

Mr. BURKETT. Such men as I speak of have made a life study of statistics, abroad and at home. They would know about similar bureaus of every other nation, and they could certainly formulate a better statistical bureau for us than gentlemen not having knowledge of that kind. This bill will probably pass as it is. It contains some popular parts. It is a very great improvement over the former bill of a few days ago. It saves hundreds of thousands of dollars to the Government and contains much in detail for the organization of the bureau that is desirable. But I am of the opinion that our action is hasty; that the matter of creating a great governmental bureau is of such vast importance that much care and attention should be given to every detail.

Mr. BURLESON. Mr. Chairman, I know the crushing weight of responsibility resting upon the gentleman from Nebraska [Mr. BURKETT]. I appreciate that the whole country looks to him to rescue it from the raid which has been inaugurated against the Treasury through the instrumentality of this bill reported by the Census Committee. I appreciate that he has grown bald and saffron-hued pining for economy and profoundly studying modern methods of gathering statistical data for census purposes. But, Mr. Chairman, unfortunately for the gentleman, he stands here in opposition to this measure, declaring he is for a permanent census, yet makes no suggestion for its improvement. Notwithstanding his profound study of this question, he directly clashes with every man who has given continuous and close study to this question during the past three decades.

The learned and able gentleman who presides over the Department of Labor, and who was at one time temporarily at the head of the Eleventh Census, speaking from his experience, after he had gone through the siege of accumulating data and properly treating it after its accumulation and submitting the result to the country, gave his deliberate judgment before a Senate committee that it would be economy for the Government to adopt some such measure as we now offer.

The same character of testimony was given by Mr. Robert P. Porter, the original superintendent of the Eleventh Census, and also by Gen. Francis A. Walker, the able superintendent of the Ninth and Tenth Censuses, who spoke after twenty years of experience as a student of statistics. Both gentlemen have urged measures drawn along the very lines suggested by the committee in this bill. They assure us it will very materially enhance the value of the statistics furnished and at less cost to the General Government. And yet, Mr. Chairman, the sage of Nebraska tells us that this measure must not be passed because it is not an economical measure. I suppose, Mr. Chairman, that in the limited time the gentleman has been allowed he is able to overturn all the experience of Mr. Carroll D. Wright, of Mr. Robert P. Porter, and of Gen. Francis A. Walker, who have testified from their long experience in advocacy of this measure.

The gentleman says that the bill now under discussion has been formulated along the lines suggested by Mr. Wright. What amendment does he offer to perfect this bill? Absolutely none! Is it possible, Mr. Chairman, that he is indulging in cheap statesmanship? Is it possible that all this is merely an appeal to "buncombe" in Nebraska along the economical route? If so, I appeal to you on both sides, will you take the unsupported statement of the gentleman from Nebraska, or are you to take the statements of these expert statisticians, who have had years of experience and who speak from such experience. I believe you will accept the testimony of Messrs. Walker, Porter, and Wright and the other scientific gentlemen who have given special study to this question and who have spoken with a single purpose—to better the public service.

Now, one word in answer to a suggestion made by the gentleman from Georgia [Mr. MADDOX], who is also a stickler for economy. He says he is opposed to this measure, or intimates that he is opposed to it, because it embodies a provision for the gathering of data in reference to the production of cotton. I am responsible, Mr. Chairman, for that provision in the bill. It is a fact well known to every producer of cotton that for years it has been contended that the price of this great staple has been depressed because of repeated statements made by stock manipulators that the cotton crop was largely in excess of what it really was.

It has ever been a fruitful means of depressing the value of cotton for the bulls and bears of the New York Cotton Exchange or the New Orleans Cotton Exchange to contend that the cotton crop was from one million to a million and a half bales in excess of what it really was. Under the provisions of this bill, through the instrumentality of the Census Bureau, careful and accurate statistics as to the amount of cotton produced are to be gathered, which, in my deliberate judgment, will save annually the cotton producers of the South a hundred times the cost of this Census Bureau for the next ten years.

This is the initial step for the erection of a scientific bureau for gathering statistical information. Ultimately duplication of statistics will be avoided, and this can only come by passing this measure as it is presented.

As a matter of fact, Mr. Chairman, in my judgment there has not been offered here a substantial reason why this bill should not pass. In my view, if it should pass, the opinions expressed by Mr. Wright, Mr. Porter, General Walker, and also the present able and efficient Director of the Census will be confirmed, and this will prove an economical measure and in thorough accord with the Democratic platform declarations read by my distinguished friend from Georgia. [Applause.]

Mr. HOPKINS. Mr. Chairman, I now ask that the bill be read by sections, for debate and amendment.

The Clerk proceeded to read the bill, and read section 5:

SEC. 5. That all employees of the Twelfth Census Office, at the date of the passage of this act, above the grade of skilled laborer shall be, and they are hereby, placed under the provisions of the civil-service act approved January 16, 1883, and the amendments thereto and the rules established thereunder; and all new appointments in the Census Office hereby created shall be made in accordance with the requirements of the civil-service act above referred to.

Mr. LANDIS. Mr. Chairman, I offer the amendment I send to the desk.

The Clerk read as follows:

Insert in line 13, page 2, after the word "thousand," the word "five" instead of "one;" so as to read "$2,500" instead of "$2,100."

The amendment of Mr. LANDIS was considered, and agreed to.

The Clerk proceeded to read the bill, and read section 5, as follows:

SEC. 5. That all employees of the Twelfth Census Office, at the date of the passage of this act, above the grade of skilled laborer shall be, and they are hereby, placed under the provisions of the civil-service act approved January 16, 1883, and the amendments thereto and the rules established thereunder; and all new appointments in the Census Office hereby created shall be made in accordance with the requirements of the civil-service act above referred to.

Mr. GILLETT of Massachusetts. Mr. Chairman, I offer the amendment I send to the desk.

The Clerk read the amendment, as follows:

Strike out section 5 and substitute instead thereof the following:

"All new appointments in the Census Office hereby created shall be made in accordance with the requirements of the civil-service act approved January 16, 1883, and the President is authorized at his discretion to classify the employees in the Census Office according to the provisions of that act."

Mr. GILLETT of Massachusetts. Mr. Chairman, the temper of the House on this subject was so clearly shown when this bill was last under consideration that I know how little likely the amendment I have offered is to pass; but I think that it should be adopted and should take the place of the pending section of the bill. My amendment in effect provides that the President shall have power, whenever he pleases, to cover the existing force into the classified service and that all new appointments shall be made according to provisions of the civil-service law. I presume that the President would wait until the force was reduced to its permanent size before acting. This bill, on the contrary, provides that all clerks in the service at the date of its passage shall at once be classified and eligible for transfer, and when the force is reduced, as the Director says it will be in a year, by about a thousand, then that thousand will be a part of the civil service and eligible to transfer.

Now, the only question is this: Should the 1,000 clerks who are going to be dropped in the next year be transferable to the other departments in the place of men who are on the eligible list, who otherwise could go there? Those men who are on the eligible list got there without any favoritism. They have come from every part of the country, just as these do, but they got there by a competitive examination, and no matter what the quality of that examination was, there is one fact about them which everyone will admit, that they got there, not by political favoritism or patronage, but simply by their merit. Their examinations were open to the whole country. But if these thousand clerks whom we have appointed get there, we all know they get there, not by open competition, but because they are friends of some Congressmen.

In other words, we put our favorites in and we keep out all those from the country who have competed and prevent their getting in. We give preference to our friends, and we keep out those who are not our friends. At the head of that roll are the old soldiers, who are entitled to preference. We keep them out, we let our friends in, and that is the only issue, it seems to me, and the only question for us to decide, and I think that the country will look upon us with some criticism if we say we prefer to keep the men from our districts, who are our friends, to

whom we have given places, and keep out the men from our districts who have passed the civil-service examination and who by the law are entitled to go to the top of the roll and be appointed. That is the practical effect of it.

Mr. CANNON and Mr. THAYER rose.

Mr. CANNON. Will my friend allow me?

Mr. GILLETT of Massachusetts. I will yield first to the gentleman from Illinois.

Mr. CANNON. Does my friend think, if section 5 was materially amended or stricken out, that this bill would have any greater chance of passage than I have of being translated?

Mr. GILLETT of Massachusetts. Well, now, Mr. Chairman, I certainly trust that such a reflection as that upon the House of Representatives is not true. That intimates that the force that is going to carry this bill successfully through is the wish on our part to get places for our favorities.

Mr. HOPKINS. Is not that a reflection on my colleague from Illinois, and is he not now prepared to be translated?

Mr. GILLETT of Massachusetts. I will not enter into that question, but the gentleman from Illinois, whether fit to be translated or not, is a wise and experienced statesman (and no one knows better the temper of this House), and his suggestion certainly confirms my argument, and we ought to be ashamed to pass a law if, as he intimates, the motive of the law is simply to put our favorites in office.

The question is, Are we passing this law for the good of the Census Bureau or for the good of the country, or are we passing it for ourselves? I think we would be properly open to the most severe criticism if that suggestion which the gentleman makes is founded upon facts. Now, I yield to my colleague from Massachusetts.

Mr. THAYER. I should like to ask my colleague if it is not a fact that those now in the Census Department passed an examination two years ago equal substantially to the examination required for the other departments, and if they did, and have now had two years' experience which makes them specially efficient for clerical work, and if they were also taken from all over the States, as they were, why should they now be set aside and their places taken by raw recruits coming from substantially the same places?

Mr. GILLETT of Massachusetts. I should be very glad to answer that question.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. GILLETT of Massachusetts. I ask for two minutes in which to answer the gentleman's question.

Mr. MANN. I ask unanimous consent that the chairman of the Civil Service Reform Committee have his time extended for five minutes.

Several MEMBERS. Two minutes.

Mr. MANN. Make it five minutes. You are not likely to hear any too much civil-service law.

The CHAIRMAN. Unanimous consent is asked that the time of the gentleman from Massachusetts be extended five minutes. Is there objection?

There was no objection.

Mr. GILLETT of Massachusetts. Now, the question of my colleague touches two points. First, he says, Did they not pass an examination equal to the classified-service examination? I frankly say I do not believe they did. I do not believe that in strictness or in impartiality the examinations were at all equal to the civil-service examinations. But admitting, for the sake of argument, that they were, the other question comes, Why have they not, having been there two years, become qualified just as much as the others?

The reason for that is this: In the first place, many of them are mere index clerks, punching cards. It does not so fit them for clerical work that we ought to assume they are just as good, though their experience has doubtless been of some advantage to them. But the fatal argument against them is that they have got there not because of a competitive examination, not at all because of any merit, but they got there because the gentleman and myself nominated them to their positions. They got there simply because they are friends of ours, and that is all.

Mr. WACHTER. Will the gentleman allow me to ask him this question: Is it a disgrace that these clerks are our friends? [Laughter and applause.]

Mr. GILLETT of Massachusetts. I trust not; but I do think it would be a disgrace if I should keep out for years others and fill with my friends places and positions which these others are entitled to by existing law. That is the point I am making; and it seems to me that the country would say that it was not right to keep men there simply because they are our friends, when the law provides that others in my district and in yours are entitled to the place.

Mr. LIVINGSTON. Will the gentleman allow me to ask him a question?

Mr. GILLETT of Massachusetts. Certainly.

Mr. LIVINGSTON. If this bill passes, will not they be there under existing law just as much as if they were there under the civil-service law?

Mr. GILLETT of Massachusetts. If this bill passes. But to-day there are men in my district and in your district who are now eligible and who had the right to the place when they stood at the head of the list, and were told that they would have the appointment. There are now coming in applications at the rate of 300 a day, I am told, from all over the country, and there are men standing at the top of the list with a right to expect appointment.

Now, if this bill goes through, for a year not one of these will get a chance of getting into office. It seems to me these men there have some rights, and it seems to me in your district and mine the men who have taken this civil-service examination and who stand at the top of the list will look to us and censure us because we have waved them to one side when we have said, "You shall give way and you shall let these men whom we appointed by favoritism, not by any competitive examination, have the place which you under the present law are entitled to."

Mr. LIVINGSTON. Does the gentleman say that these would not be as efficient clerks as those who come through the civil service?

Mr. GILLETT of Massachusetts. Perhaps just as efficient.

Mr. LIVINGSTON. Then if they are our friends, and they are under the law, why not let them have it. [Laughter and applause.]

Mr. GILLETT of Massachusetts. It should not be simply because they are our friends, but the men who have stood these competitive examinations have been told that if they stood them they should come in.

Mr. GROSVENOR. Have they been told that?

Mr. GILLETT of Massachusetts. Certainly they have been told that.

Mr. GROSVENOR. Who told them?

Mr. GILLETT of Massachusetts. The law tells them.

Mr. GROSVENOR. Are there not 10,000 to-day who have taken the examinations and been placed on the eligible list, and the time has worked out, and they are off the eligible list? Who promised them, and who violated every promise, and who spent the money of this Government to carry on these examinations, mere buncombe examinations, all over the country by these purveyors of patronage? [Loud applause.]

Mr. LANDIS. I would like the gentleman to yield to me.

Mr. PIERCE. Will the gentleman permit me to ask him a question?

The CHAIRMAN. To whom does the gentleman yield?

Mr. GILLETT of Massachusetts. I yield to the gentleman from Indiana.

Mr. LANDIS. I want to say that the gentleman from Ohio, who is usually accurate in figures, has underestimated the number who are waiting. The number is considerably over 20,000.

Mr. GILLETT of Massachusetts. Then that shows that there are applicants by the thousands that come from all over this country, and who, by existing laws, have been told that those who were at the head of the list shall get the appointments, and this law will tell them no, they shall not have it, because our friends are given the positions.

Mr. PIERCE. Will the gentleman permit me to ask him a question?

Mr. GILLETT of Massachusetts. Certainly.

Mr. PIERCE. Does the gentleman know what percentage of the employees of the Census Office did not stand the examination, who had taken the civil-service examination? Do you not know that the census examination is a much more severe one than the civil-service examination?

Mr. GILLETT of Massachusetts. No.

Mr. PIERCE. I have a list here of twenty-odd men employed in the Census Office where they had taken an examination of 80 and 95 in the Civil Service Office, and they did not make but 50 in the census examination. I can give you the names of the men. [Loud applause.]

Mr. GILLETT of Massachusetts. I did not yield for a speech.

Mr. PIERCE. I simply wanted to correct you. You should know what you are talking about when you get on the floor. [Laughter.]

The CHAIRMAN. The time of the gentleman has expired.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. GROSVENOR having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed the following bills and resolutions:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 3199) to amend the code of law for the District of Columbia, approved March 3, 1901.

Senate concurrent resolution No. 16.

Resolved by the Senate (the House of Representatives concurring), That there be printed at the Government Printing Office 4,000 copies in pamphlet form of the report on the "Iron ore deposits of the Lake Superior region," by C. R. Van Hise, being pages 305 to 434 of Part II of the Twenty-first Annual Report of the United States Geological Survey, 1,000 copies for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 1,000 for distribution by the Geological Survey.

S. 361. An act for the erection of a public building at Atlanta, Ga.;

S. 258. An act providing additional funds for the establishment of a light-house and fog-signal station at Browns Point, on Commencement Bay, State of Washington, under the direction of the Light-House Board; and

S. 3106. An act granting an increase of pension to Hugh R. Richardson.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 9342. An act to amend the code of law for the District of Columbia, approved March 3, 1901; and

H. R. 10368. An act to provide for the removal of snow and ice from crosswalks and gutters in the city of Washington, D. C.

CENSUS BUREAU.

The committee resumed its session.

Mr. LANDIS. Mr. Chairman, I ask unanimous consent that the time of the gentleman from Massachusetts may be extended for five minutes.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that the time of the gentleman from Massachusetts be extended for five minutes. Is there objection?

Mr. HANBURY. I object.

Mr. HOPKINS. I object, Mr. Chairman. The gentleman from Massachusetts does not ask for it.

The CHAIRMAN. The Chair does not understand whether the gentleman from Illinois objects or not.

Mr. HOPKINS. I objected, Mr. Chairman, because I understood that my friend from Massachusetts had expressed his views, and was content to stand before the House and the country upon his remarks. Of course, if he asks for time I would not object, but I do object when it comes from some other gentleman.

The CHAIRMAN. The Chair will again place before the committee the request of the gentleman from Indiana, that the time of the gentleman from Massachusetts be extended five minutes.

Mr. HOPKINS. I object.

The CHAIRMAN. The gentleman from Indiana [Mr. CRUMPACKER] is recognized.

Mr. HOPKINS. Mr. Chairman, I withdraw my objection. I objected because I did not understand that the gentleman from Massachusetts himself demanded more time.

The CHAIRMAN. Is there further objection?

Mr. UNDERWOOD. Mr. Chairman, I demand the regular order.

The CHAIRMAN. Objection is made by the gentleman from Alabama.

Mr. CRUMPACKER. Mr. Chairman, the question of the disposition of the force in the Census Office was one of the most difficult and troublesome questions the committee had to deal with. There were presented conflicting views of the representatives of both sides of the proposition. No one questions that the clerical force in the Census Office maintains as high a standard of efficiency as the force in any other bureau connected with the Government.

No one questions the fact that if this force was absorbed through the civil-service law into other bureaus of the Government they would carry with them as high a standard of efficiency, as good a grade of work, as any other class of clerks. But the point was made before the committee—the point that was made by the gentleman from Massachusetts [Mr. GILLETT] in support of his motion—that if this force was put under civil-service law it would not be just to those applicants who are now standing on the eligible register, waiting for appointments in the public service.

It occurs to me, Mr. Chairman, that the civil-service system, as it is expressed in the laws in the statute books to-day, is founded on the principle that the individual applicant for office has no rights that are bound to be respected, but the paramount consideration, the overshadowing question, is, What is for the best interests of the public service? That should be the controlling inquiry.

It is true that twenty-five or forty thousand every year take the civil-service examination, and that 75 per cent go upon the eligible list, and that the appointments made from that register during the last six years have not exceeded in all branches of the public service over 7,000 a year; that more than three-quarters remain on the list, and when the period of eligibility expires they carry with them into private life their disappointment.

The force in the Census Office now is about 2,600, and about 400 of that number are skilled laborers. The probability is that within the next four or five weeks 700 or 800 temporary clerks residing chiefly in the city of Washington will be relieved from service, reducing it down to the neighborhood of 2,000 or 1,500. The chairman of the committee says 2,000. Probably 500 will be retained in the permanent bureau.

There will then be a corps of clerks in the census office who have passed a rigid examination, who have vindicated their right to appointment in the public service by from one to three years of efficient and satisfactory service in their respective posts of duty, a force of 1,500 that can be absorbed in less than four months, by the ordinary and established methods of transfer, into the various bureaus in the classified service.

Mr. MANN. Will the gentleman from Indiana yield for a question?

Mr. CRUMPACKER. Yes; for a question.

Mr. MANN. Does the gentleman from Indiana make any estimate as to the number of employees in the Census Bureau to be covered into the classified service?

Mr. CRUMPACKER. The chairman of the committee says about 2,000.

Mr. MANN. As I understand it, the Census Office is constantly discharging employees because the work is being finished up.

Mr. CRUMPACKER. Those are temporary employees. The chairman of the committee says that about 2,000 will be affected by this bill. About five or six hundred will be kept in the Census Bureau for a year or two.

Mr. MANN. What I want to get at is this: The gentleman says 2,000 will be affected by this bill. The bill says that all the employees are to be retained at the date of the passage of this act. Now, the employees are being constantly discharged, and with the statement which has been made here that nearly all the temporary clerks will be discharged by the 1st of July, there must have been some estimate made as to when this act will take effect. What I want to know is, What learned gentleman in this House has discovered when the Senate will pass the bill?

Mr. CRUMPACKER. That is a matter the gentleman knows as much about as I do.

Mr. MANN. Then, how can you make these estimates?

[Here the hammer fell.]

Mr. MANN. I ask that the gentleman from Indiana [Mr. CRUMPACKER] be allowed five minutes longer.

Mr. UNDERWOOD. I demand the regular order.

Mr. GROSVENOR. Mr. Chairman, the civil-service law, so called, was enacted in 1883. This day and this hour is the first time in the history of the legislation of this country that it ever has been possible to offer an amendment to the law called the civil-service law; and now the proposition comes from the chairman of the Committee on Civil Service Reform. Why? Because during all these nineteen years no committee of this House has ever dared to bring in here a bill that might be amended by striking out the entire concern by the roots. There have been thousands of bills introduced—bills repealing, bills amending, bills extending, bills perfecting what was claimed by its author to be a mere tentative measure—and yet during all these years no bill has ever been brought from that committee either repealing, enlarging, or in any wise affecting the civil-service law, for fear of the wrath of the legislative power of this Government.

Now, for the first time we are encountering a contest between the purveyors of patronage, the bureau of political patronage in this city, and the true test of merit of a real merit system. Here, as against the men who are to be selected through this machine, which no man on earth understands, we have brought under the hostility of the Civil Service Bureau a couple of thousand of men. Who are these men? Men, in the first place, selected from all the Congressional districts of the United States—a thing that the Civil Service Commission never tried to do. Witness, if you please, the fact that the District of Columbia, where some of these gentlemen have lived for twenty years, has a proportion of more than 5 to 1 as against a great many States of this Union. Here they are now, from all the districts of the United States. What are they and what are their claims? They are men and women who have come here first through the test of having been selected by Congressmen.

Mr. Chairman, I am not one of those who believe that a young man or a young woman who comes to me with a letter of recommendation from a Congressman is thereby branded as an improper person. [Applause.] It may be that the gentleman from Massachusetts may make bad selections; I do not deny it or affirm it; he ought to know himself how weak is the power of selection of a Congressman. But I say I do not believe that the body of representative men on this floor have recommended to the Director of the Census a single bad man or a single bad woman. How am I justified in that statement? Out of more than 6,000 clerks only 20—fewer than 25—have ever been discharged during the whole

period of their service because of incompetency, inefficiency, or immorality. Show me such an aggregate of moral worth and merit coming from the hands of your patronage bureau. Is that the fact which has brought down upon these capable people the hostility of the commission of patronage?

Again, these people have served for two years under the stress and strain of the development of that great work, and they come to you now, with the recommendation of those superior to them, to show that they have not failed; that their services have been efficient and valuable. What is the proof of it? No bureau of this Government ever did the same work in the time and manner that the Census Bureau has done this work. I defy the Civil Service Commission to show where an equal number of men and women selected under this patronage bureau ever did 50 per cent of the work that has been done under the management of the Director of the Census in the same time. May this fact not be the fact which has brought this Commission in hot haste to punish these people?

They have come here, then, selected because of their localities, selected because of the recommendations of their Congressmen; and they have vindicated the selection of their Congressmen by standing an examination developing that they were fit for the places that they were seeking; and after two years of trial they stand demonstrating the fact that their selection was a proper one in the first place. And these are to be set aside—for what purpose? So that the high school children, the boys that get the highest grade at the hands of a purveyor of patronage somewhere, can come here and oust the men that have earned by their merit a position of consideration at the hands of Congress. [Loud applause on both sides of the House.]

[Here the hammer fell.]

Mr. HOPKINS. Debate on this amendment has been exhausted. I ask for a vote.

The CHAIRMAN. The question is on the amendment of the gentleman from Massachusetts [Mr. GILLETT].

Mr. FLEMING. I ask that the amendment be again read.

Objection was made.

The question being taken, the amendment was rejected.

Mr. BALL of Texas. I offer the amendment which I send to the desk.

The Clerk read as follows:

At the end of line 16, page 3, add: "*Provided*, That the employees in the Census Office at the date of the passage of this act, made eligible for transfer to other departments or retained in the service, shall be apportioned among the States in proportion to their population."

Mr. BALL of Texas. Mr. Chairman, the gentleman from Ohio [Mr. GROSVENOR] and the chairman of the committee reporting this bill [Mr. HOPKINS], in answer to my question during the general debate, stated that the purpose of the amendment I have just offered was covered now by the general law. While it was not the intention of these two gentlemen to mislead the House, the effect of their statements, if accepted as true, would be to do so.

Under the general law the Civil Service Commission (with which the gentleman from Ohio [Mr. GROSVENOR] has expressed himself as not being particularly in love, and to which I am not specially devoted) will have nothing to do with the employees in the Census Office when this bill becomes a law. The bill is simply a blanket order placing the census employees under the civil service rules as to discharges and transfers.

The Civil Service Commission will have nothing whatever to do with certifying any of the employees for a place in the service of the Government, either as to eligibility or competency, but all the employees of the Census Bureau not discharged before this bill becomes a law will have the preference over all persons who have successfully passed the civil-service examination and who are now eligible for appointment. I concede that the census employees are as capable as any of the employees in other departments.

The Director of the Census, Mr. Merriam, has required efficiency as a prerequisite to employment since he has been in charge of the Bureau. I have no criticism to make of the Director of the Census; he has shown conspicuous executive ability in the discharge of his duty.

I have no desire to charge him with a partisan administration of his office. Upon the whole, he has been as fair to the Democrats as a Democrat would have been to Republicans had positions been reversed. It is true, however, that while Democratic Representatives were accorded two permanent appointments, Republican Representatives received five or six. If this amendment is not adopted, pressure will compel him to let out Democrats and keep in Republicans.

Had the Director been free to act, there would have been no such disproportion as now exists. I believe he would have made appointments regardless of politics. But he could not do so, and if this amendment is not adopted he will not be able to resist influential pressure.

I would be willing to trust him, but I am not willing to trust the Senators and Members who have managed to get an undue proportion of the present employees to allow those retained to be fairly distributed among the appointees made from the several States. There is no question as to the fairness of my proposition.

Under the general law, Texas would be entitled to a greater proportion of appointments, as she is far behind in her quota in the Government, but I will be well satisfied to allow my State only equal chances in proportion to her population with all the other States.

The proposition is fair to the State of Ohio, which has never been able to get fair representation in the Government service [laughter]; fair to the gentleman from Illinois [Mr. HOPKINS] and his State, neither of which has fair quota of appointments [laughter]; fair to the smallest State and the greatest State; fair to the humblest and to the most influential members of this House, all of whom will be placed upon equality by the adoption of this amendment.

It will give the humblest clerk in the Census Office the same chance that the one backed by the most powerful influence has. You are now passing a bill to make the Census Bureau a permanent one, and the bill should provide for the retention of employees from the several States according to the quota which their population entitles them to. If it does not do so, mark my words, favoritism will come in and work great injustice to the clerks and the States from which they come.

Mr. HAY. I know that the Civil Service Commission appeared before the Census Committee and stated that it was one of their rules and regulations, and that they endeavored to make the apportionment in the classified service throughout the United States, and if these clerks are put under the provisions of that act they come under the rules and regulations provided for by the Civil Service Commission.

Mr. BALL of Texas. One further question. Does not the gentleman know that if this bill is passed the Civil Service Commission will have no jurisdiction to certify these clerks, but these clerks will have the right of transfer, if they have got any influence to back them, and they will have the right to remain without reference to the Civil Service Commission?

Mr. HAY. They will have the right to be transferred. That is what this bill is for.

Mr. BALL of Texas. Under this bill he can keep all he wanted from one State, or from such States as he pleases——

Mr. HAY. Of course he will have some discretion, and of course ought to have some discretion about it. The gentleman well knows that nobody can be transferred from one department unless he is called for by the head of some other department, and therefore how could any man be benefited under the amendment proposed by the gentleman?

Mr. BALL of Texas. If the amendment proposed by me is adopted there will be a fair division of those who are retained for Texas and all other States, and if the bill goes through as it is he could discharge every man from Texas and retain any number that he chose from any other State.

Mr. HAY. He could do that anyway under your amendment.

Mr. BALL of Texas. He would not do that under my amendment.

Mr. HAY. He could not be discharged, except for cause, under the civil-service law.

Mr. WILLIAMS of Mississippi. I want to ask the gentleman from Virginia a question, and I want to propound the same question to the chairman of the committee, the gentleman from Illinois [Mr. HOPKINS]. On page 4 of this bill, line 11, at the latter part of the line, I find this language:

To mines, mining, and minerals, and the production and value thereof, including gold in divisions of placer and vein and silver mines, and the number of men employed, the average daily wage, etc.

Mr. HAY. We have not reached that section.

Mr. WILLIAMS of Mississippi. I understand; but I want to ask this question now.

Mr. HAY. Mr. Chairman, I have the floor and I refuse to yield for the question.

Mr. WILLIAMS of Mississippi. I understood the gentleman from Virginia had yielded to me for a question.

Mr. HAY. Well, I thought it was a question pertinent to the section we were discussing. I did not know it was about a section which we had not reached.

Mr. WILLIAMS of Mississippi. Since we have taken up this much time about it, you may just as well answer it now.

Mr. HAY. I have no objection.

Mr. WILLIAMS of Mississippi. Now, I understand this is work which has been done by the Geological Survey for the last twenty years, and I would like to ask the gentleman from Virginia——

Mr. BALL of Texas. I make the point that this is not germane

to the pending matter, and I hope the gentleman from Mississippi will not take that matter up now.

The CHAIRMAN. The gentleman from Virginia is entitled to the floor.

Mr. HAY. I yielded to the gentleman from Mississippi for a question. The gentleman asked a question about a matter which is not now under consideration.

Mr. WILLIAMS of Mississippi. I had concluded that the gentleman from Virginia consented.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. LANDIS. Mr. Chairman, I simply want to call attention to the fact that there is no provision in this bill by which the proportionate representation of the various States shall be protected. It is stated under the civil-service law that each State shall be protected in its representation. I would call the attention of the gentleman from Texas to the fact that according to the report of the Civil-Service Commission, the last report made, Texas was entitled to 102 appointments and received 47. In other words, Texas received about half of the appointments she was entitled to. The District of Columbia, on the other hand, was entitled to 9 appointments and received 56.

Mr. BALL of Texas. That is what I wanted to remedy.

Mr. LANDIS. That is under the civil-service law.

Mr. BALL of Texas. I do not care anything about the civil service. I want to make a law here; and if it will have this effect, what objection does the gentleman have to it?

Mr. LANDIS. I have none.

Mr. BALL of Texas. I am not a civil-service reformer.

Mr. LANDIS. I simply want to submit this observation—that the civil-service law, under which this Commission should operate, specifically provides that these appointments shall be apportioned among the various States and Territories in proportion to their population. This Commission pays no attention to that provision of the law; and my judgment is that if this same provision were incorporated upon this census law, the Civil Service Commission would ignore it in the same way.

Mr. BALL of Texas. But Director Merriam may not.

Mr. HOPKINS. Now, Mr. Chairman, just a word and then I desire a vote on this proposition.

Mr. FLEMING. Mr. Chairman, I move to strike out the last word of the amendment.

The CHAIRMAN. The gentleman from Illinois has been recognized.

Mr. HOPKINS. I desire to say that section 5 has been prepared most carefully, and was presented by the gentleman from Virginia after it had been deliberated on by the Democratic members of the committee, and the Republicans as well. Now, if that section is adopted without amendment, it will make these clerks who are put in the classified service eligible to transfer, and the transfer is not limited to these Departments in Washington.

Clerks that come from the State of Texas would be eligible for transfer to the various classified post-offices in Texas, to the Railway Mail Service, to the customs and the Internal-Revenue Service; and it seems to me it is better to vote down all amendments on that section and leave it exactly as it is. No amendment offered in a hurried debate can so fairly and equitably represent the prevailing sentiment of the House and at the same time be just to the Government as this section itself.

Mr. LIVINGSTON. Mr. Chairman, I will suggest that debate is exhausted.

Mr. HOPKINS. Mr. Chairman, I ask for a vote.

The CHAIRMAN. There is pending a motion to strike out the last word.

Mr. HOPKINS. I will withdraw that, Mr. Chairman.

The CHAIRMAN. The gentleman from Illinois asks to withdraw his amendment. Is there objection? [After a pause.] The Chair hears none.

Mr. FLEMING. Mr. Chairman, I move to strike out the last two words. I hope the amendment offered by the gentleman from Texas will prevail. If that be a part of the civil-service law, surely no member of the House can object to its being inserted here. It is unfortunately true in some way that that provision apportioning the appointees under civil-service law to the several States has not been properly administered. Whether the fault lies with the members of the Civil Service Commission is quite another question. My information is that it lies with the partisan heads of the different departments of the Government, who, under the law, when they get three eligibles certified to them will turn down the two Democrats and take the Republican as the third man every time, unless some Democrat can trade for "pie."

Mr. Chairman, no member, under the spirit of the law, will take exceptions to the amendment offered by the gentleman from Texas, and when the House refuses to accept that amendment and votes it down it shows that it does not intend to allow this apportionment to be made in accordance with the population of the States, as is just and fair. For one, Mr. Chairman, in my study and examination, as far as I have been able to make it, into the spoils system, which has been so long and persistently championed by the gentleman from Ohio [Mr. GROSVENOR], I can find nothing that I can commend.

Only a few days ago—and I beg your attention to this, for I want to give you an illustration of the spoils system—only a few days ago a little boy appointed by the Doorkeeper in this House as a page, and who had been doing some work very satisfactorily for me outside of his duties, and for which I paid him, came to me and with a tremor in his voice said, "I have lost my place." "Why," I said, "what in the world is the matter? I thought you were one of the most diligent little fellows on the floor." He said, "Yes; but I have lost my backer." In other words, here was a little boy, discharging his duty to the United States Government, a good, competent boy, and yet, because some Congressman had withdrawn his "backing" from him, the Doorkeeper of the House not only was allowed to discharge him, but was obliged to discharge him and put some other boy in his place; and the little fellow lost his place as a servant and employee in this House because a Republican member on the other side withdrew his "backing."

The little fellow no longer had a "backer," and consequently he had to go. That is your spoils system. Now, I say to the gentleman from Ohio, if by any accident or any bad taste on the part of his constituents he should be allowed to remain home and not be a member of the next Congress, under his spoils system every man and woman who held a place under his appointment in any department of the Government would be instantly discharged at the demand of his successor. Nothing but the protection of the civil-service law allows these men and women any kind of a certainty of retaining their places in the Government employ.

Mr. CLARK. I want to ask the gentleman a question.

Mr. FLEMING. Very well.

Mr. CLARK. Suppose any of us lose our backers, then what happens to us? [Laughter.]

Mr. FLEMING. We are in a worse fix still. We get very little now and then we would get nothing. [Laughter.]

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. HOPKINS. I ask for a vote.

Mr. FLEMING. I withdraw my pro forma amendment.

Mr. HOLLIDAY. I offer the amendment which I send to the desk.

The Clerk read as follows:

Resolved, That the amendment be amended by striking out the word "State" wherever it occurs and inserting in lieu thereof the words "Congressional district."

Mr. HOLLIDAY. Mr. Chairman, I think there ought to be——

Mr. BALL of Texas. I accept the amendment.

Mr. HOPKINS. I ask for a vote.

Mr. BALL of Texas. I ask unanimous consent that after the word "State" there be added "the District of Columbia and the Territories." This language has been inadvertently left out. My object is that the District of Columbia and the Territories shall have their just representation.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that there be inserted in his amendment an amendment, which the Clerk will read.

The Clerk read as follows:

After the word "States" insert "District of Columbia and the Territories."

Mr. HOPKINS. I ask for a vote.

Mr. HOLLIDAY. I ask that the amendment as proposed to be amended be read.

Mr. BALL of Texas. I accepted the amendment.

The CHAIRMAN. The gentleman can not accept the amendment. It is for the Committee of the Whole to decide whether it shall be adopted or rejected.

Mr. WILLIAMS of Mississippi addressed the Chair.

The CHAIRMAN. Does the gentleman from Mississippi rise in opposition to the amendment?

Mr. WILLIAMS of Mississippi. No; I wanted to move to amend the amendment so as to include the Philippines, Porto Rico, and Cuba. [Laughter.]

The CHAIRMAN. That amendment would not be in order. The question is on the amendment offered by the gentleman from Indiana [Mr. HOLLIDAY] to the amendment of the gentleman from Texas [Mr. BALL].

The question having been put—

The CHAIRMAN. The noes appear to have it.

Several members called for a division.

Mr. THAYER. Let the amendment be read, so that we may know what we are voting on.

The CHAIRMAN. Without objection, the amendment of the gentleman from Texas [Mr. BALL] will be read, together with

the amendment now being voted on, offered by the gentleman from Indiana [Mr. HOLLIDAY].

Mr. HOPKINS. I hope that all these amendments will be voted down.

The CHAIRMAN. The Chair hears no objection to the reading.

The Clerk read as follows:

Mr. BALL of Texas moves to amend as follows:

At the end of line 16, page 3, add: "*Provided*, That the employees of the Census Office at the date of the passage of this act, made eligible for transfer to other departments or retained in the service, shall be apportioned among the States in proportion to their population."

Mr. HOLLIDAY moves to amend the amendment of Mr. BALL of Texas by striking out the word "States" wherever it occurs and inserting in lieu thereof "Congressional districts."

The question being taken, Mr. HOLLIDAY'S amendment to the amendment was agreed to; there being—ayes 116, noes 94.

Mr. RODEY. I ask the gentleman in charge of this bill whether this provision now includes the Territories?

Mr. HOPKINS. I will say, Mr. Chairman, that gentlemen are endangering this bill by voting on these amendments.

Mr. RODEY. I move to amend by inserting "and the Territories" in connection with the amendment last read.

A MEMBER. And the District of Columbia.

Mr. LACEY. I ask that the amendment of the gentleman from New Mexico [Mr. RODEY] be read.

The Clerk read as follows:

Insert after the words "Congressional districts" the words "the Territories and the District of Columbia."

Mr. BALL of Texas. I ask unanimous consent that the amendment be added.

The CHAIRMAN. Is there objection?

Mr. RUCKER. I object to the amendment so far as it applies to the District of Columbia.

The question being taken, the amendment of Mr. RODEY was agreed to.

The CHAIRMAN. The question is now on the amendment of the gentleman from Texas, as amended.

Mr. WILLIAMS of Mississippi. I move to amend by striking out the last word.

Mr. HOPKINS. The gentleman from Mississippi, as I understand, rises to debate the question. I raise the point that debate is not now in order. We are voting now on the amendment.

The CHAIRMAN. It is not the understanding of the Chair that the disposition of one amendment to an amendment precludes further debate on the amendment itself, or on a new amendment to the amendment.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I hope that the amendment of the gentleman from Texas will be defeated. If his amendment makes no change in the existing civil-service law, then it is useless; if it does make any change in that law, then it endangers the final enactment of this bill. That is all I have to say.

The CHAIRMAN. As the Chair understands, the pro forma amendment of the gentleman from Mississippi is withdrawn. The question is now on the amendment of the gentleman from Texas [Mr. BALL].

Mr. MERCER. I move to amend the amendment of the gentleman from Texas by adding:

Provided, That the distribution be based upon the vote cast in each Congressional district in the last Congressional election.

[Laughter.]

The CHAIRMAN. The question is on the motion of the gentleman from Nebraska [Mr. MERCER].

The question was taken; and on a division there were—ayes 91, noes 115.

So the amendment was rejected. [Applause.]

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Texas [Mr. BALL].

The question was taken; and on a division there were—ayes 95 noes 122.

So the amendment was rejected.

Mr. MANN. Mr. Chairman, I move to amend by striking out all of section 5 of the bill.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out section 5 of the bill as reported from the committee.

Mr. MANN. Mr. Chairman, this section of the bill contains two provisions. The first provision covers all of the employees of the Census Office, who may be such at the date of the passage of this act, into the classified service, and thereby permits their transfer from the Census Office into other departments or offices of the Government included within the classified list. The second provision covers the Census Office into the classified service and provides that all future appointments shall be made from the eligible list under the Civil Service Commission and regulations.

I must confess that I am very much surprised that gentlemen in this House, who have consistently opposed appointments under the civil-service law—such as the gentleman from Ohio [Mr. GROSVENOR] and the gentleman from Indiana [Mr. LANDIS]—are now willing to vote for this provision of the bill which covers an additional department of the Government into the classified civil service. If this bill is enacted into law, all future appointments in the Census Office, including all appointments which may be made at the taking of any future census, will be made through the Civil Service Commission, under the merit system, which gentlemen so profess to abhor.

Under this provision supervisors of census in the various Congressional districts, as well as enumerators, will be appointed from the eligible list of the Civil Service Commission, obtained through competitive examination. For the first time since I have been a member of this House an opportunity is presented for members here to vote upon a proposition extending the operation of the civil-service law and the merit system to a new department. Gentlemen who have been making speeches against the civil-service law when there was no opportunity to vote it down and have urged that the so-called merit system under the Civil Service Commission was not only bad in policy but disastrous in its operation are now intending to vote in favor of its extension. They have been ready with words of condemnation, spoken possibly for the benefit of aspiring office seekers of their districts, to denounce the civil-service law; but when this first opportunity to vote comes up, how will they vote?

That is not my objection to the section, however. I believe in the merit system. I think the civil-service law may properly be extended over the Census Department. I think it is wise to cover the Census Office into the classified service. It is not necessary to enact this section in order to accomplish that. If the Census Office shall be created into a permanent department, then the President has the power under existing law by Executive order to cover the office into the classified service. My objection to this section is the first provision, which covers the present force in the Census Office into the classified service for the purpose of permitting the employees there, who will otherwise be discharged from the Government service, to be transferred to other departments of the Government.

My objection to this is not based upon any lack of qualifications on the part of the present employees. No one acquainted with the present Census Office will doubt that the Director of the Census and his most efficient administrative force and employees have accomplished more work per capita than any other department of the Government within the same time. The present employees were subjected to a reasonable examination prior to admission, and even if they had not been, their experience in the office and their retention there sufficiently prove their qualifications. I have no doubt that the clerks in the Census Office are, on the average, fully equal in capacity to the clerks in any other department of the Government. Nor do I base my objection on the proposition that the transfer of these clerks to other departments will be an injustice to the persons now on the eligible list under the Civil Service Commission. The persons on the eligible list have no vested rights in the matter of appointments. They have taken their chances of appointment.

But, Mr. Chairman, this bill itself and the manner of its discussion and consideration in this House are a sufficient condemnation of this provision of the bill. Here is a bill to create anew a permanent department of the Government. The bill provides for the duplication of the taking of statistics. Much of the work that is now being done by the Bureau of Statistics in the Treasury Department, by the Labor Commissioner, by the Geological Survey, and other bureaus in the various Departments will be duplicated by the permanent Census Bureau, if this bill becomes a law.

But these provisions of the bill have not received consideration at the hands of this House and will not receive consideration. Why? It is because, sir, of the desire on the part of the gentlemen here "to take care of" two or three or four clerks which each gentleman now has in the Census Office. Public considerations are waived aside. The interest of the Government is momentarily forgotten. The proper consideration of the subjects to be controlled by the new department is made secondary. The whole interest of gentlemen seems to be to supply places for a few clerks who were brought to Washington for temporary employment and who now insist that they ought to be retained permanently or for life in the service, on pay, of their Government.

I do not believe the gentlemen here would be controlled by improper motives. Direct or indirect bribery could not pass a bill through this House. It could have no influence here. But the mere desire to catch a few crumbs from the table of the spoils system is hurrying through this House without reasonable consideration this bill. Probably the bill has merits. Possibly it ought to be enacted into law. The members of the House can

not know whether that is true or not. No one could see the bill until this morning. No member of the House has had an opportunity to consider it in its relation to other departments of the Government. But all this stands for naught. In the face of the opportunity to provide jobs for two or three clerks, the different members of this House do not propose to let any consideration of the public interest block their path.

Mr. Chairman, there never has been a better illustration of the value of the civil-service act. Without that act we would be creating new offices, to be filled by our solicitation, without number.

Mr. Chairman, the gentlemen who are now hurrying this bill, without proper consideration, through the House will be mistaken. They see before them rich and luscious-looking red apples in the form of patronage. But those apples are Dead Sea apples. They will turn to ashes in the mouth. Gentlemen have spoken in favor of this bill here to-day because, they said, the Director of the Census will treat us all fairly in the transfer of clerks from his department to other departments.

Why, sir, the Director of the Census will have nothing to do with the transfers. He can not originate or start in motion a single proposition for a transfer. Transfers from the Census Office to other departments can only be made when the request originates with the other department. No transfer can be made from the Census Office unless the clerk is employed in the Census Office at the time the transfer is ordered. There are not enough appointments being made into the classified service in the class of work which these census employees do to absorb all the number of the clerks who will be discharged from the Census Office in the course of several years. But the clerks in the Census Office who are not to be retained permanently are nearly all to be discharged by the 1st of July next, so that many gentlemen here are sure to be disappointed in the expectation that their clerks in the Census Office will be provided easy berths in other departments if this bill is enacted into law.

It would be bad enough, sir, to hurry this bill along if the consideration which members expect were sure to be received. I protest with all my strength against the enactment of important legislation because influenced by the hope of securing a little patronage. I know very well that my protest will not be heeded. I know that the die is cast and that this bill will be passed here without substantial amendment. Of course I am aware that one thing which has made the path of this bill easy is the uniform courtesy, consideration, and prompt attention to business shown by the Census Office and Director Merriam.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOPKINS. I move that all debate on this section and all amendments thereto be now concluded.

The CHAIRMAN. The gentleman from Illinois [Mr. HOPKINS] moves that all debate on this section and all amendments thereto be now closed.

The motion was agreed to.

Mr. JENKINS. I offer an amendment to the amendment.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

By Mr. JENKINS:

Amend section 5, line 10, by striking out of line 10 the following: "at the date of the passage of this act."

Mr. HOPKINS. I raise the point of order on that, that it is not germane to the amendment offered by the gentleman from Illinois.

Mr. RICHARDSON of Tennessee. I make the point that all debate is closed.

The CHAIRMAN. Debate is closed, but the opportunity to offer amendment is still open.

Mr. RICHARDSON of Tennessee. I know, but the gentleman is debating the amendment.

Mr. HOPKINS. No; I was making a point of order.

The CHAIRMAN. The parliamentary situation is this: There is a motion made by the gentleman from Illinois [Mr. MANN], which is now pending, to strike out the section. The gentleman from Wisconsin [Mr. JENKINS] offers an amendment in perfection of the section, which is in order, and takes precedence.

The question is upon agreeing to the amendment offered by the gentleman from Wisconsin.

Mr. JENKINS. Mr. Chairman, a parlimentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. JENKINS. Is debate on this amendment cut off?

The CHAIRMAN. Debate is exhausted.

Mr. PEARRE. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. PEARRE. I desire to offer an amendment.

The CHAIRMAN. An amendment to the amendment offered by the gentleman from Wisconsin?

Mr. PEARRE. I will send up my amendment, so that the Chair can determine.

The Clerk read as follows:

Amend section 5 by striking out all of said section after the word "thereunder" in line 14.

The CHAIRMAN. That amendment is not now in order.

Mr. PEARRE. I will withdraw it and offer it later.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Wisconsin [Mr. JENKINS].

The amendment was rejected.

Mr. PEARRE. I offer the following amendment.

The Clerk read as follows:

Amend section 5 by striking out all of said section after the word "thereunder" in line 15.

Mr. HEPBURN. Mr. Chairman, I desire to offer an amendment to the amendment. Strike out the language referred to by that amendment and insert:

Provided, That the act of January 16, 1883, and amendments thereto shall have no application in appointments of persons appointed in the Census Office after June 30, 1902.

The CHAIRMAN. That amendment would not be in order until the amendment pending, offered by the gentleman from Maryland, is disposed of. The question is on agreeing to the amendment of the gentleman from Maryland.

The question was taken; and the amendment was rejected.

The CHAIRMAN. The gentleman from Iowa offers an amendment which the Clerk will report.

The Clerk read as follows:

Strike out all of the section after the word "thereunder," in line 14, on page 3, and insert: "*Provided*, That the act of January 16, 1883, and amendments thereto shall have no application in appointments of persons appointed in the Census Office after June 30, 1902."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Iowa.

The question was taken; and the amendment was rejected.

Mr. BURKE of South Dakota. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

In line 15, section 5, after the word "created," insert "except supervisors of the census and enumerators."

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Dakota.

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. BURKE of South Dakota. Division.

The committee divided; and there were—ayes 44, noes 76.

So the amendment was rejected.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. MANN], striking out the paragraph.

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. MANN. I demand a division.

The committee divided; and there were—ayes 14, noes 115.

So the amendment was rejected.

The Clerk read as follows:

SEC. 7. That section 8 of the act of March 3, 1899, is hereby amended so as to read as follows: That after the completion and return of the enumeration and of the work upon the schedules relating to the products of agriculture and to manufacturing and mechanical establishments provided for in section 7 of this act, the Director of the Census is hereby authorized to collect statistics relating to special classes, including the insane, feeble-minded, deaf, dumb, and blind; to crime, pauperism, and benevolence, including prisoners, paupers, juvenile delinquents, and inmates of benevolent and reformatory institutions; to social statistics of cities; to public indebtedness, valuation, taxation, and expenditures; to religious bodies; to electric light and power, telephone, and telegraph business; to transportation by water, express business, and street railways; to mines, mining, and minerals, and the production and value thereof, including gold in divisions of placer and vein, and silver mines, and the number of men employed, the average daily wage, average working time, and aggregate earnings in the various branches and aforesaid divisions of the mining industry. And the Director of the Census shall prepare schedules containing such interrogatories as shall in his judgment be best adapted to elicit the information required under these subjects, with such specifications, divisions, and particulars under each head as he shall deem necessary to that end; and all reports prepared under the provisions of this section shall be designated as "Special reports of the Census Office." For the purpose of securing the statistics required by this section, the Director of the Census may appoint special agents when necessary, and such special agents shall receive compensation as hereinafter provided.

Mr. WILLIAMS of Mississippi. I move to strike out the last word for the purpose of asking a question of the chairman of the committee. I find on page 4 of the bill, in the latter part of line 11, and ending with line 16, a provision about mines and mining, minerals and the productions and values thereof, and all that. Now, this is work that the Geological Survey has been doing for twenty years, and is doing to-day. I understand that the language was put in the original census bill for the purpose of having a comparison of results for one year between the census examination and the geological report. Now, if this work is to go on as

work in the Census Bureau indefinitely, it involves indefinite duplication of work. But what I want to ask the gentleman to inform me is, how the language happened to be left in the bill and what is the intent of the framers of the bill in connection with it?

Mr. HOPKINS. I will state to the gentleman from Mississippi that the language is identical with the language of section 8, and that language was embraced in the bill at the solicitation, at the time, of the intermountain members of the House, who complained that this Department——

Mr. WILLIAMS of Mississippi. One word right there, because it will help the gentleman to go on with his explanation. It was inserted as part of section 8, but only for one year.

Mr. HOPKINS. Oh, yes; it was inserted on this same information, statements having been made that the Geological department did not have the facilities to go into it as extensively as proposed here, and that for its purpose it could take the figures selected or collated by the Census Bureau, and that there would be no further expense to the Government attending that; and my information is that this is more satisfactory and is more earnestly desired by those interested in this subject than to leave it to the imperfect work of the Geological Survey.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I should not have any objection to this language remaining in the bill for the purpose of comparison of results, upon report, for one year; some designated year—1903, or whatever the gentleman pleases; but if we are to be involved by this language in an indefinite duplication of work between the Census Bureau and the Geological Survey of the Interior Department, I think it is something that we ought not to do.

One word further. I hope the time has come, or will come, when this Bureau will be included in a department of commerce, and a part of this Bureau's work will be exactly this work designated. But I do believe before we enact it into a permanent legislation we ought to deprive the Geological Survey of the work. There is no use spending the Government's money twice on the same subject-matter.

Mr. HOPKINS. The Geological Survey is limited more particularly to the public domain, and I will state to the gentleman that it is necessary to leave this in, because, under the provisions of section 8 of the original bill, that work was not to be completed until after the 1st day of July, 1903. The object and purpose of putting it originally into the section exists to-day the same as it did when enacted by Congress.

Mr. WILLIAMS of Mississippi. Mr. Chairman, having heard that explanation, this language ought to be added: "until July 1, 1902."

Mr. HOPKINS. Nineteen hundred and three.

Mr. WILLIAMS of Mississippi. Nineteen hundred and three?

Mr. HOPKINS. The Census Bureau could not get the report out before the 1st of July, 1903.

Mr. WILLIAMS of Mississippi. Then I move that after the word "industry," in line 16, page 4, of the bill, there be added the words "until July 1, 1903."

Mr. HOPKINS. Mr. Chairman, I desire to be heard a moment in opposition to that. The language embraced in this section gives the Census Bureau an opportunity to make investigation in different directions, and on a great variety of subjects, and to do it more systematically and accurately than it is possible for the Geological Department to do it. I think it would be quite unfortunate if this provision should be limited to 1903, because it will be much easier for the Committee on Appropriations in the future to cut off the Geological Department entirely than it would to cripple this investigation in its incipient stages in the Census Bureau. I will now yield to my colleague on the committee [Mr. CRUMPACKER].

Mr. CRUMPACKER. Mr. Chairman, I desire to ask the chairman of the committee if this requirement for gathering of these particular statistics will not occur but once in every ten years under the law as it stands now?

Mr. HOPKINS. That is right; only once in ten years.

Mr. CRUMPACKER. It does not occur annually?

Mr. HOPKINS. No.

Several members rose.

Mr. HOPKINS. I will yield to the gentleman from Mississippi, as he first raised the question.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I heard the inquiry directed by the gentleman from Indiana to the gentleman from Illinois and the response. The response is a mistake. If this becomes the law of the land, then this ceases to be an inquiry once in ten years and becomes a constant and indefinite inquiry under the language I have just read. Now, for the purpose of making an inquiry once each year, I have moved that the words which I have suggested, "until July 1, 1903."

If the gentleman from Illinois does not think I have put it sufficiently large to enable the Census Bureau to finish that report, then I am willing to move to fix it at July 1, 1904. But if the gentleman from Indiana is right in his question, and if the gentleman from Illinois is right in his answer, and this is to be a report once each ten years, then we ought to indicate the period at which the examination and reporting shall cease. The gentleman from Indiana would have been right in his inquiry had we had nothing before us but the original law; but we have this language before us repealing the original law in so far as it is the necessary and natural intendment. What is the language? I read:

To mines, mining, and minerals, and the production and value thereof, including gold in divisions of placer and vein, and silver mines, and the number of men employed, the average daily wage, average working time, and aggregate earnings in the various branches and aforesaid divisions of the mining industry.

Now, that is absolutely without any limitation as to time or expense.

Mr. RUSSELL. Mr. Chairman, I move to strike out the last word. I desire to say, if I can have the attention of the gentleman from Mississippi, that I quite agree with him as to the purpose of this provision in the original act, and I think that purpose should be carried out in this bill for a permanent establishment. But I call his attention to the fact that the provisions for all the statistical investigation is not to be carried out, the statistics are not to be collected and reported, until after July 1, 1902. At that time, under the provisions of this bill, we will have a small clerical force in the Census Bureau, assumed to be 500 or thereabouts.

Now, then, in order to prepare and publish these statistics of mining it will be absolutely necessary for the Census force, after 1902, to put a force upon this provision with reference to mines and mining, and I submit to him that perhaps it is not desirable to put this ahead of all other statistics provided for in this section. I would not like to have it restricted to the date the gentleman names. If he desires to make it perfectly clear that this is not to be a permanent work of the Census Bureau, he might propose an amendment that after the work is once done, as ordered by the original bill and as contemplated by this bill, then there should be no more of the statistics taken in reference to mines and mining.

Mr. WILLIAMS of Mississippi. That is what I attempted to to do, but if any clearer language can be suggested I will accept it. I would like to fix the date in order to get a thorough vote on the original amendment. Mr. Chairman, I want to withdraw the language "July 1, 1903," and substitute "July 1, 1904," so that there can be no doubt about there being time enough.

Mr. RUSSELL. That is much better, but I submit that the gentleman's object would be accomplished if he extended that clear to the end of this decennial period, because it can only be done once in that time.

Mr. WILLIAMS of Mississippi. If the gentleman will follow the language of the bill I think he will find he is mistaken, because under the language of the bill (whether such is the intention of its framers or not) there can be annual reports on this subject.

Mr. RUSSELL. The gentleman is wrong, but I do not object to his amendment.

Mr. WILLIAMS of Mississippi. Before I sit down, I want to ask unanimous consent to change the amendment I offered by striking out "1903" and inserting "1904."

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent to modify his amendment by substituting "1904" for "1903." Is there objection? The Chair hears none.

Mr. GAINES of Tennessee. Mr. Chairman, since we have been discussing this matter, Mr. David D. Day, of the United States Geological Survey, has called me out to the door and has explained to me that the work which this bill calls for, touching mines, mining, etc., is not only now being done, but for a number of years has been done by the Geological Survey.

He has written in his own handwriting on this bill, opposite the provision for this work, the words "work done." That being the case, I agree with the gentleman from Mississippi that this provision should be temporary, unless you wish to do away with part of the functions of the Geological Survey. Mr. Day says that the work contemplated here has already been done.

Mr. KLUTTZ. Permit me to suggest that Mr. Day meant to say that the material or the information for this work has been gathered, not that it has been collated or tabulated for publication.

Mr. GAINES of Tennessee. He says that this work has been done by the Geological Survey for years and years. I have known Mr. Day for several years. I know him to be a gentleman of information and intelligence.

When he says it is not necessary to create another department to do what the Geological Survey was created to do, is doing, and has been in the habit of doing, I think his statement is entitled to respect. Surely the gentleman from Illinois [Mr. HOPKINS] does not want to have two different departments doing one and the same job of work, unless he adopts the idea of the gentleman

from Mississippi, to have this work temporary and for the purpose of comparison. It seems to me, by all means, the amendment of the gentleman from Mississippi [Mr. WILLIAMS] should be adopted, in view of the evidence we now have before us.

Mr. HOPKINS. I have no objection to accepting the amendment of the gentleman from Mississippi and limiting the effect of this provision to July 1, 1904.

The question being taken, the amendment of Mr. WILLIAMS of Mississippi was agreed to.

Mr. GIBSON. Has the chairman of the committee any objection to inserting after the word "mining" the word "quarries," so that we may get statistics as to the outcome of the forests of the United States—a matter of very great value, amounting to millions of dollars annually?

Mr. HOPKINS. I have no objection to that amendment. Let it be inserted by unanimous consent.

The amendment of Mr. GIBSON was read, as follows:

After the word "mining," in line 12, insert "forests."

The amendment was agreed to.

Mr. GIBSON. I move to amend further by inserting after the word "mining," in the sixteenth line, the words "and quarrying industries," and strike out the word "industry."

The amendment was agreed to.

Mr. ROBB. Mr. Chairman, I wish to ask the chairman of the committee a question. The pending section provides that—

The Director of the Census may appoint special agents when necessary, and such special agents shall receive compensation as hereinafter provided.

The compensation provided for these special agents, in section 17, on page 6, of the bill, is "$6 per day and actual necessary traveling expenses, and an allowance in lieu of subsistence not exceeding $3 per day."

I wish to ask the gentleman from Illinois whether these special agents are to be appointed annually, or are they to be appointed every ten years?

Mr. HOPKINS. They are not to be appointed annually; they are to be employed only for limited periods. Some have been appointed for five days, some for ten days, some for as many as forty days; I think that in all the work that has been done none have been appointed for more than forty days.

Mr. ROBB. What is there in the bill to limit the time of their appointment?

Mr. HAY. If the gentleman will turn to section 17, to which he has referred, he will find it provided, beginning with line 18—

That the Director of the Census is hereby authorized in his discretion to employ the clerical force of the Census Office for such field work, etc.

And further on it is provided that—

Such employees when so employed shall be allowed, in addition to their regular compensation, actual necessary traveling expenses and an allowance in lieu of subsistence not exceeding $3 per day during their necessary absence from the Census Office.

So that these special agents in the permanent bureau will not be employed at all, but the Director will use the clerical force instead of appointing special agents.

Mr. ROBB. Mr. Chairman, I understand the gentleman from Virginia to say that the bill now before us does not authorize the Director of the Census Bureau, if the bill shall become a law, to appoint special agents.

Mr. HAY. The gentleman is in error. It does make such an authorization.

Mr. ROBB. I understand that the Director of the Census, under the provisions of the bill, may appoint special agents or such additions to the clerical force as he may desire; and in that regard I think the gentleman from Missouri is in error. I understand also that the power is given to the Director of the Census to appoint, or select at will, such clerical force as he may wish, under the provisions of this bill; that is to say, as far as the bill is understood in the House, there seems to be no limitation upon its power in that regard.

Mr. PIERCE. The gentleman is mistaken. That section was in the original bill and was considered and changed by the committee, and it does not appear in the pending bill, and is not a part of the proposed legislation.

Several MEMBERS. Regular order!

Mr. RODEY. If the gentleman will allow me for a moment, I can well understand why such a provision—where the census is taken every ten years—might be operative with reference to the employees, and necessary; but I do not see why such a provision should be incorporated in the present bill, and I think it very objectionable.

It is an unnecessary expense in this connection, and I do not see any reason for incorporating it in the present bill.

[Here the hammer fell.]

The CHAIRMAN. The Clerk will read.

The Clerk proceeded to read the bill, and read as follows:

SEC. 9. That in the year 1905, and every ten years thereafter, there shall be a collection of the statistics of manufactures, confined to manufacturing establishments conducted under what is known as the factory system, exclusive of the so-called neighborhood and mechanical industries; and the Director is hereby authorized to prepare such schedules as in his judgment may be necessary to carry out the provisions of this section; and that the Director of the Census shall annually collect the statistics of the cotton production of the country as returned by the ginners; and that the Director of the Census shall make, from time to time, any additional special collections of statistics relating to any branch of agriculture, manufacture, mining, transportation, fisheries, or any other branch of industry that may be required of him by Congress.

Mr. CANNON. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. CANNON. In connection with the general purposes of the bill, and with reference to the pending section, I desire to occupy the attention of the committee for a very brief time.

I desire to refer particularly to the provision of the bill which provides—

That the Director of the Census shall make from time to time any additional special collections of statistics relating to any branch of agriculture, manufactures, mining, transportation, fisheries, or any other branch of industry that may be required of him by Congress.

Now, Mr. Chairman, there is laid the foundation, pretty broad, for utilizing this Bureau. If this work is to be done, and done annually, and the special work requires a force of some 500 people in this Bureau to accomplish it, then it becomes a matter of serious import for us to consider the question of expenditures.

Mr. HOPKINS. My friend is in error——

Mr. CANNON. Oh, well, I know that it is hopeless to try to stay these expenditures. I am not criticising anybody, either. I know the work is to be done, and that there will be always work of this character.

I do not believe the committee could prepare it properly in three months' time, because you would have to take into consideration the work that is being done elsewhere of a similar nature, and when you found this work, abolish that. There are all kinds of duplications over here. Now, this proposes to utilize the Bureau for agricultural and manufacturing and all kinds of statistics, as Congress may require. Why, as I am reliably informed, there is one department of this Government, and a small one at that, where there are two divisions gathering the same statistics.

Mr. KLUTTZ. Not in the census.

Mr. CANNON. No, not in the census; but this bill utilizes the census for that, and then you will have three.

Mr. KLUTTZ. Only when authorized by Congress.

Mr. CANNON. Only when authorized by Congress; but with a force of 500 clerks you need not bother about its being utilized by Congress. [Laughter.] I am here to say what everybody knows, that if it had not been for section 5 this bill could not be passed. [Applause.]

I am not even saying now that some bill ought not to be enacted. But if there is anything on earth, it seems to me, that we have enough of and to spare it is statistics. They are being gathered by the Department of Labor, by almost every bureau in the Treasury Department, by the State Department, and there are two bureaus or divisions of statistics in the Department of Agriculture. The chiefs of divisions may run and glorify and duplicate their work. The statistics of mines and mining are duplicated here.

Now, I have no objection to putting it in here, but you do not abolish it at the other place; and you never will until, in the fullness of time, somebody has authority, outside of the city of Washington, who does not want these places and never expects to try to get them, to make intelligent inquiry, and until you have a Congress that would enact the result of that inquiry.

When people engaged in these industries here all about us are sending notes and cards to us because their occupation is about to be taken from them, you have got to as bad a state of affairs as could be well had. And there is no little thing that is so outrageous and so nearly scandalous as this thing of gathering statistics, and the work of the alleged scientists about the city of Washington.

The Clerk read as follows:

SEC. 10. That section 17 of the act of March 3, 1899, is hereby amended so as to read as follows:

"SEC. 17. That the special agents appointed under the provisions of this act have equal authority with the enumerators in respect to the subjects committed to them under this act, and shall receive compensation at rates to be fixed by the Director of the Census: *Provided*, That the same shall in no case exceed $6 per day and actual necessary traveling expenses and an allowance in lieu of subsistence not exceeding $3 per day during their necessary absence from their usual place of residence: *And provided further*, That no pay or allowance in lieu of subsistence shall be allowed special agents when employed in the Census Office on other than the special work committed to them, and no appointments of special agents shall be made for clerical work: *And provided further*, That the Director of the Census is hereby authorized in his discretion to employ the clerical force of the Census Office for such field work as may be required to carry out the provisions of sections 7, 8, and 9, in lieu of employing special agents for that purpose; and such employees when so employed shall be allowed, in addition to their regular compensation, actual necessary traveling expenses, and an allowance in lieu of subsistence not exceeding $3 per day during their necessary absence from the Census Office."

Mr. SOUTHWICK. I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Amend section 10 by adding:
"All employees of the Census Office shall be citizens of the United States."

The amendment was agreed to.

The Clerk resumed and completed the reading of the bill.

Mr. HOPKINS. Mr. Chairman, I move that the committee do now rise and report the bill, with the amendments adopted, to the House with a favorable recommendation.

The motion was agreed to.

The committee accordingly rose; and Mr. DALZELL having taken the chair as Speaker pro tempore, Mr. PAYNE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 10308) to provide for a permanent census office, and had directed him to report the same back to the House with amendments, and with the recommendation that as amended the bill do pass.

Mr. HOPKINS. Mr. Speaker, I demand the previous question on the bill and on the amendments to the final passage of the bill.

The previous question was ordered.

The SPEAKER pro tempore. Is a separate vote demanded on any of the amendments? If not, they will be voted on in gross.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Mr. MADDOX. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused, 11 members, not a sufficient number, rising in support of the demand therefor.

Mr. MADDOX. Mr. Speaker, it is quite evident that I was mistaken. I thought they wanted to record their votes in order to show their zeal for this bill.

Mr. KLUTTZ. Oh, no; we simply did not want to show you how badly you were beaten.

The question being taken, the bill was passed.

On motion of Mr. HOPKINS, a motion to reconsider the last vote was laid on the table.

SENATE BILLS AND RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles and the following Senate concurrent resolution No. 16 were taken from the Speaker's table, and referred to their appropriate committees, as indicated below:

S. 361. An act for the erection of a public building at Atlanta, Ga.—to the Committee on Public Buildings and Grounds.

S. 258. An act providing additional funds for the establishment of a light-house and fog-signal station at Browns Point, on Commencement Bay, State of Washington, under the direction of the Light-House Board—to the Committee on Appropriations.

S. 3106. An act granting an increase of pension to Hugh R. Richardson—to the Committee on Invalid Pensions.

Senate concurrent resolution No. 16:

Resolved by the Senate (the House of Representatives concurring), That there be printed at the Government Printing Office 4,000 copies, in pamphlet form, of the report on the iron-ore deposits of the Lake Superior region, by C. R. Van Hise, being pages 305 to 434 of part 2 of the Twenty-first Annual Report of the United States Geological Survey; 1,000 copies for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 1,000 for distribution by the Geological Survey—

to the Committee on Printing.

PROTECTION OF LIVES OF MINERS.

Mr. LACEY. Mr. Speaker, in the bill passed this morning (H. R. 8327), to amend an act entitled "An act for the protection of the lives of miners in the Territories," the words "fifty-five" should be stricken out and the words "eighty-three and one-third" inserted, so as to make it agree with the other computations.

The SPEAKER pro tempore. The gentleman from Iowa asks unanimous consent to reconsider the vote by which the bill (H. R. 8327) was passed this morning, and also the vote for the engrossment and third reading thereof, for the purpose of making a correction of an error. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the proposed amendment.

The Clerk read as follows:

In line 9 strike out "fifty-five" and insert "eighty-three and one-third."

Mr. LACEY. That will make it agree with the balance of the bill.

The SPEAKER pro tempore. Is there objection to the adoption of this amendment?

There was no objection.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. LACEY, a motion to reconsider the last vote was laid on the table.

RETURN OF BILLS TO THE SENATE.

The SPEAKER pro tempore. The Senate has requested the return of the bills (S. 1037) granting an increase of pension to Helen H. Du Barry and (S. 3199) to amend the code of law for the District of Columbia, approved March 3, 1901. Without objection, the request will be complied with.

There was no objection.

REPORT ON AGRICULTURAL EXPERIMENT STATIONS.

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read, referred to the Committee on Printing, and ordered to be printed.

The Clerk read as follows:

To the Senate and House of Representatives:

I transmit herewith the annual report of the Office of Experiment Stations, prepared under the direction of the Secretary of Agriculture, which includes a report on the work and expenditures of the agricultural experiment stations in the United States for the fiscal year ended June 30, 1901, in accordance with the act making appropriations for the Department of Agriculture for the said fiscal year.

The attention of Congress is called to the request of the Secretary of Agriculture that 6,000 copies of the report be printed for the use of the Department of Agriculture and that provision be made to print such a report annually.

THEODORE ROOSEVELT.

WHITE HOUSE, *January 29, 1902.*

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. SCARBOROUGH, for one week, on account of important business.

To Mr. COOPER of Wisconsin, for the balance of the week, on account of important business.

WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. CUMMINGS obtained leave to withdraw from the files of the House, without leaving copies, the papers in the case of Albert H. Geering, Fifty-second Congress, no adverse report having been made thereon.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 6 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the schooner *Ariel*, John Compton, master, against the United States—to the Committee on Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Navy submitting an estimate of appropriation for publication of the azimuth tables—to the Committtee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Commissioner-General of Immigration submitting an estimate of appropriation for clerk hire—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting, with letter from the Superintendent of the Military Academy, recommendations in relation to the estimates for the Academy—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, relative to the law requiring light-house work to be done under contract—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, recommending an additional appropriation for a new light-house tender in the Seventh light-house district—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. SMITH of Kentucky, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 10070) establishing a United States court at Catlettsburg, in the eastern district of Kentucky, reported the same with amendment, accompanied by a report (No. 269); which said bill and report were referred to the House Calendar.

Mr. RYAN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 3148) for a marine hospital at Buffalo, N. Y., reported the same with amendment, accompanied by a report (No. 270); which

said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. JOY, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 651) extending the time within which the Mississippi River, Hamburg and Western Railway Company is authorized to construct a bridge across the Bayou Bartholomew, in Arkansas, reported the same without amendment, accompanied by a report (No. 277); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 650) granting to the White River Railway Company the right to construct, maintain, and operate a single-track railway across the lands of the United States in the south half of the southwest quarter of section 22, township 14 north, range 8 west of the fifth principal meridian, in the county of Independence, in the State of Arkansas, reserved for use in connection with the construction of Lock No. 3, Upper White River, Arkansas, reported the same with amendment, accompanied by a report (No. 278); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1839) authorizing the Memphis, Helena and Louisiana Railway Company to construct and maintain a bridge across the White River, in the State of Arkansas, reported the same with amendment, accompanied by a report (No. 279); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1838) authorizing the Memphis, Helena and Louisiana Railway Company to construct and maintain a bridge across the Arkansas River, in the State of Arkansas, reported the same with amendment, accompanied by a report (No. 280); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. GRAFF, from the Committee on Claims, to which was referred the bill of the House (H. R. 2641) for the relief of Albion M. Christie, reported the same without amendment, accompanied by a report (No. 263); which said bill and report were referred to the Private Calendar.

Mr. OTEY, from the Committee on Claims, to which was referred the bill of the House (H. R. 5550) for the relief of W. C. Taylor, reported the same without amendment, accompanied by a report (No. 264); which said bill and report were referred to the Private Calendar.

Mr. WEEKS, from the Committee on Claims, to which was referred the bill of the House (H. R. 3830) for the relief of William C. Marr, reported the same without amendment, accompanied by a report (No. 265); which said bill and report were referred to the Private Calendar.

Mr. SCHIRM, from the Committee on Claims, to which was referred the bill of the House (H. R. 1381) for the relief of J. V. Davis, reported the same with amendment, accompanied by a report (No. 266); which said bill and report were referred to the Private Calendar.

Mr. FOSTER of Vermont, from the Committee on Claims, to which was referred the bill of the House (H. R. 1748) for the relief of Julius E. Mugge, reported the same without amendment, accompanied by a report (No. 267); which said bill and report were referred to the Private Calendar.

Mr. CLAUDE KITCHIN, from the Committee on Claims, to which was referred the bill of the House (H. R. 9295) for the relief of T. B. Stackhouse, a deputy collector of internal revenue for the district of South Carolina during the fiscal year 1894 and 1895, reported the same without amendment, accompanied by a report (No. 268); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Claims, to which was referred the bill of the House (H. R. 966) for the relief of Edward R. Stackable, collector of customs for the district of Hawaii, reported the same without amendment, accompanied by a report (No. 271); which said bill and report were referred to the Private Calendar.

Mr. FOSTER of Vermont, from the Committee on Claims, to which was referred the bill of the House (H. R. 303) for the relief of Sol Bear & Co., reported the same with amendment, accompanied by a report (No. 272); which said bill and report were referred to the Private Calendar.

Mr. ESCH, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 280) for the relief of James M. Stradling, reported the same without amendment, accompanied by a report (No. 273); which said bill and report were referred to the Private Calendar.

Mr. MONDELL, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 3297) to correct the military record of William T. Pratt, reported the same without amendment, accompanied by a report (No. 274); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 610) to correct the military record of John F. Antlitz, reported the same without amendment, accompanied by a report (No. 275); which said bill and report were referred to the Private Calendar.

Mr. PRINCE, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 1020) for the relief of John Emerson, reported the same without amendment, accompanied by a report (No. 276); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Claims, to which was referred the bill of the House (H. R. 9991) for the relief of F. E. Coyne, reported the same without amendment, accompanied by a report (No. 281); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 9991) for the relief of F. E. Coyne—Committee on the Post-Office and Post-Roads discharged, and referred to the Committee on Claims.

A bill (H. R. 3504) granting a pension to Grace Ashton Negley—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 5132) for the relief of the estates of Francis A. Gonzales and Antonio Gonzales—Committee on War Claims discharged, and referred to the Committee on Claims.

A bill (H. R. 8044) granting an increase of pension to Henry Smith—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 9847) granting an increase of pension to Zachariah R. Sanders—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 10211) for the relief of Allen Greenleaf—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BABCOCK: A bill (H. R. 10369) to regulate appointments and promotions in the municipal government of the District of Columbia—to the Committee on the District of Columbia.

Also, a bill (H. R. 10370) to authorize the apportionment of assessments for special improvements, and so forth, in the District of Columbia—to the Committee on the District of Columbia.

Also, a bill (H. R. 10371) for the transformation of the inner basin of the Potomac Flats into a public bathing pool—to the Committee on the District of Columbia.

Also, a bill (H. R. 10372) to transfer to the Secretary of the Interior such supervision of the Government Hospital for the Insane, Freedmen's Hospital and Asylum, and the Washington Hospital for Foundlings as may have been conferred upon the Board of Charities of the District of Columbia under the act approved June 6, 1900, creating such board—to the Committee on the District of Columbia.

By Mr. WEEKS: A bill (H. R. 10373) providing for payment of certain officers, soldiers, packers, teamsters, and nurses for time, from the time of honorable discharge in the Philippine Islands to time of reaching their home or place of enlistment in the United States—to the Committee on War Claims.

By Mr. GLENN: A bill (H. R. 10374) granting to the State of Idaho 50,000 acres of land to aid in the continuation, enlargement, and maintenance of the Idaho State Soldiers and Sailors' Home—to the Committee on the Public Lands.

By Mr. WOODS: A bill (H. R. 10375) for the survey and construction of a free public wagon road from some point in or near section 3, township 1 north, range 17 east, Mount Diablo base and meridian, in Tuolumne County, State of California, into the Hetch-Hetchy Valley, and thence into the Yosemite Valley, both in the State of California—to the Committee on the Public Lands.

By Mr. MONDELL: A bill (H. R. 10376) making appropriations for the construction and completion of certain public works to impound flood waters and regulate the flow of streams, and for other purposes—to the Committee on Irrigation of Arid Lands.

By Mr. LAMB: A bill (H. R. 10377) for the erection of a public

building at Richmond, Va.—to the Committee on Public Buildings and Grounds.

By Mr. POWERS of Maine: A bill (H. R. 10378) authorizing the extension of the post-office at Bangor, Me.—to the Committee on Public Buildings and Grounds.

By Mr. ESCH: A bill (H. R. 10379) to increase limit of cost for the purchase of site and the erection of a public building at Eau Claire, Wis.—to the Committee on Public Buildings and Grounds.

By Mr. RANDELL of Texas: A bill (H. R. 10380) to authorize the transfer to an adjoining district of causes in the district or circuit courts of the United States in which the judge of the district wherein such causes are pending is disqualified—to the Committee on the Judiciary.

By Mr. STEVENS of Minnesota: A bill (H. R. 10381) to purchase from the compiler, Francis B. Heitman, the manuscript of the Historical Register United States Army, from 1789 to 1901—to the Committee on Military Affairs.

Also, a bill (H. R. 10382) regulating the settlement of the accounts between the United States and the several States relative to the disposition of the public lands, and for other purposes—to the Committee on the Public Lands.

By Mr. TAWNEY: A bill (H. R. 10383) to provide for the purchase of sites and the erection of public buildings thereon in the First Congressional district of Minnesota—to the Committee on Public Buildings and Grounds.

By Mr. GILLETT of Massachusetts: A bill (H. R. 10384) to prevent superannuation in the classified civil service—to the Committee on Reform in the Civil Service.

By Mr. PUGSLEY: A bill (H. R. 10385) for the improvement of Echo Bay Harbor, New Rochelle, N. Y.—to the Committee on Rivers and Harbors.

By Mr. RAY of New York: A bill (H. R. 10386) for the protection of the President of the United States, the suppression of crime against government, and for other purposes—to the Committee on the Judiciary.

By Mr. GREENE of Massachusetts: A bill (H. R. 10387) authorizing the Attorney-General to investigate and report upon the transfer of that part of the District of Columbia lying in Virginia—to the Committee on the District of Columbia.

By Mr. MEYER of Louisiana: A bill (H. R. 10388) to redeem certain outstanding certificates of the board of audit of the District of Columbia—to the Committee on the District of Columbia.

Also, a bill (H. R. 10389) to authorize the Commissioners of the District of Columbia to refund certain license taxes—to the Committee on the District of Columbia.

By Mr. McLACHLAN: A bill (H. R. 10390) to protect forest reserves, and for other purposes—to the Committee on the Public Lands.

By Mr. DICK: A bill (H. R. 10391) to regulate the retirement of veterans of the civil war—to the Committee on Military Affairs.

By Mr. EDDY: A bill (H. R. 10392) providing for the sale of pine timber on the White Earth and Red Lake (diminished) reservations, in the State of Minnesota—to the Committee on Indian Affairs.

Also, a bill (H. R. 10393) to extend the provisions of section 2455, Revised Statutes, as amended by act of February 26, 1895—to the Committee on the Public Lands.

By Mr. SOUTHWICK (by request): A bill (H. R. 10513) for the purchase of land in Fort Reno subdivision northwest as a site for a colored school building—to the Committee on Public Buildings and Grounds.

By Mr. BABCOCK: A bill (H. R. 10514) to authorize the Commissioners of the District of Columbia to appoint superintendents of chimney sweeps, to prescribe their duties, and for other purposes—to the Committee on the District of Columbia.

By Mr. MOODY of Oregon: A bill (H. R. 10515) to provide for the relief of certain settlers upon Wisconsin Central Railroad and The Dalles military road land grants—to the Committee on the Public Lands.

Also, a bill (H. R. 10516) for the relief of settlers on lands granted in aid of the construction of wagon roads—to the Committee on the Public Lands.

By Mr. OVERSTREET: A bill (H. R. 10517) to amend an act entitled "An act relating to recognizances, stipulations, bonds, and undertakings, and to allow certain corporations to be accepted as surety thereon"—to the Committee on the Judiciary.

By Mr. PUGSLEY: A joint resolution (H. J. Res. 138) authorizing and requiring the Secretary of War to contract with Charles Stoughton for the improvement of Harlem Kills, New York City, by a canal to connect the Lower Harlem River with Long Island Sound 3,400 feet in length, 300 feet in width, and 15 feet in depth at mean low water, in strict conformity with the survey and report made thereon in 1881 by Col. John Newton—to the Committee on Rivers and Harbors.

By Mr. HOPKINS: A resolution (H. Res. 113) for the consideration of House bill 10308—to the Committee on Rules.

By Mr. TAWNEY: A resolution (H. Res. 114) directing the Committee on Ways and Means to investigate the question of reciprocity treaties—to the Committee on Rules.

By Mr. HENDERSON: A joint resolution of the legislative assembly of Porto Rico, asking protection to Porto Rican sugars and tobaccos—to the Committee on Ways and Means.

By Mr. STEPHENS of Texas: A concurrent resolution of the legislature of Texas, requesting Congress to pass a law providing for the payment of Indian depredation claims, to accompany H. R. 7955—to the Committee on Indian Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ADAMS: A bill (H. R. 10394) granting a pension to William H. Ruggles—to the Committee on Pensions.

By Mr. BALL of Delaware: A bill (H. R. 10395) granting an increase of pension to Edward Colvin—to the Committee on Invalid Pensions.

By Mr. BARNEY: A bill (H. R. 10396) granting an increase of pension to Elvin Esty—to the Committee on Invalid Pensions.

By Mr. BARTLETT: A bill (H. R. 10397) for the relief of William B. Adams, executor—to the Committee on War Claims.

Also, a bill (H. R. 10398) for the relief of the estate of Archibald W. Tanner, deceased—to the Committee on War Claims.

By Mr. BELMONT: A bill (H. R. 10399) to amend the military record of James C. Howard—to the Committee on Military Affairs.

Also, a bill (H. R. 10400) granting a restoration of pension to Mrs. Eliza Weeks, formerly Mrs. Eliza Dunning—to the Committee on Invalid Pensions.

By Mr. BOWERSOCK: A bill (H. R. 10401) granting an increase of pension to Leander Robinson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10402) to correct the military record of Henry C. Rhoades—to the Committee on Military Affairs.

By Mr. BROMWELL: A bill (H. R. 10403) granting a pension to Emma Plumb—to the Committee on Invalid Pensions.

By Mr. CURRIER: A bill (H. R. 10404) granting a pension to John Y. Corey—to the Committee on Pensions.

By Mr. CURTIS: A bill (H. R. 10405) granting a pension to Ashbell G. F. Janes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10406) granting an increase of pension to Henry M. Chase—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10407) for the relief of John Bost—to the Committee on Military Affairs.

Also, a bill (H. R. 10408) for the relief of Stephen Murphy—to the Committee on Military Affairs.

Also, a bill (H. R. 10409) granting an increase of pension to Hiram Crounse—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10410) granting an increase of pension to Jennie C. Van Voorhiss—to the Committee on Invalid Pensions.

By Mr. DALZELL: A bill (H. R. 10411) granting an increase of pension to Mrs. I. M. Singley—to the Committee on Invalid Pensions.

By Mr. EDWARDS: A bill (H. R. 10412) for the payment to Henry B. Davis of balance due for surveying public lands—to the Committee on Claims.

By Mr. DOVENER: A bill (H. R. 10413) granting an increase of pension to Edward H. Gordon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10414) granting an increase of pension to Thomas J. Burrell—to the Committee on Invalid Pensions.

By Mr. DE GRAFFENREID: A bill (H. R. 10415) granting a pension to Sarah M. Smith—to the Committee on Pensions.

By Mr. DINSMORE: A bill (H. R. 10416) for the relief of William B. Rutherford—to the Committee on War Claims.

By Mr. DRAPER: A bill (H. R. 10417) granting arrears of pension to Pauline M. Beach, widow of Henry S. Beach, deceased—to the Committee on War Claims.

By Mr. EDDY: A bill (H. R. 10418) granting an increase of pension to Caroline Gear—to the Committee on Invalid Pensions.

By Mr. FLYNN: A bill (H. R. 10419) reserving certain lands in the town site of Perry, Oklahoma Territory, for public buildings and public use—to the Committee on the Public Lands.

By Mr. FOSTER of Vermont: A bill (H. R. 10420) granting an increase of pension to Dexter B. Town—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10421) granting an increase of pension to Orion B. Colby—to the Committee on Invalid Pensions.

By Mr. GOOCH: A bill (H. R. 10422) granting a pension to Maria Roth, of Campbell County, Ky.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10423) granting a pension to Ira E. Neville, of Dayton, Ky.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10424) granting a pension to Catherine Burger,

widow of Thomas Burger, Covington, Ky.—to the Committee on Invalid Pensions.

By Mr. GREEN of Pennsylvania: A bill (H. R. 10425) for the relief of John A. Haas—to the Committee on Military Affairs.

Also, a bill (H. R. 10426) to correct the record of Isaac Kase, late of Company G, Forty-seventh Regiment Pennsylvania Volunteer Infantry, by removing the charge of desertion from the same—to the Committee on Military Affairs.

Also, a bill (H. R. 10427) for the relief of Reuben Y. Hilbert—to the Committee on Military Affairs.

By Mr. HALL: A bill (H. R. 10428) granting an increase of pension to Harvey Allison, of New Bethlehem, Pa.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10429) granting a pension to Louisa D. Miller—to the Committee on Invalid Pensions.

By Mr. HANBURY: A bill (H. R. 10430) to remove the charge of desertion from the naval record of Albert Vogelsang—to the Committee on Naval Affairs.

By Mr. HEPBURN: A bill (H. R. 10431) granting an increase in the pension of Robert B. Vermilya—to the Committee on Invalid Pensions.

By Mr. HOWELL: A bill (H. R. 10432) for the relief of the owners or legal representatives of the canal boats *Swan* and *Lewis* and *Butler*—to the Committee on War Claims.

By Mr. HUGHES: A bill (H. R. 10433) granting a pension to Eveline Fogle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10434) for the relief of F. F. Morris—to the Committee on War Claims.

Also, a bill (H. R. 10435) granting an increase of pension to John H. Gibson—to the Committee on Invalid Pensions.

By Mr. JACK: A bill (H. R. 10436) granting an honorable discharge and a pension to W. Scott King—to the Committee on Military Affairs.

Also, a bill (H. R. 10437) to correct the military record of M. Z. Hays—to the Committee on Military Affairs.

By Mr. JETT: A bill (H. R. 10438) to reimburse John F. Eden for money stolen while he was postmaster at Sullivan, Ill.—to the Committee on Claims.

By Mr. LITTLEFIELD: A bill (H. R. 10439) granting an increase of pension to Joseph A. Noyes—to the Committee on Invalid Pensions.

By Mr. LONG: A bill (H. R. 10440) granting an increase of pension to William C. Read—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10441) granting an increase of pension to James C. Vance—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10442) granting an increase of pension to Andrew Curran—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10443) granting an increase of pension to Gilead M. Shell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10444) for the relief of John C. Brown—to the Committee on War Claims.

Also, a bill (H. R. 10445) granting an increase of pension to Harland H. Reagan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10446) for the relief of Simon Regnier—to the Committee on Military Affairs.

By Mr. MAYNARD: A bill (H. R. 10447) for the relief of the Winchester and Potomac Railroad Company—to the Committee on War Claims.

By Mr. MINOR: A bill (H. R. 10448) granting an increase of pension to William M. Underhill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10449) granting an increase of pension to Sarah H. Lake—to the Committee on Invalid Pensions.

By Mr. MOODY of Massachusetts: A bill (H. R. 10450) granting a pension to Abigail Stiles Short—to the Committee on Pensions.

Also, a bill (H. R. 10451) granting a pension to Ruth Ilsley Short—to the Committee on Pensions.

By Mr. MOODY of North Carolina: A bill (H. R. 10452) granting an increase of pension to Patterson Reese—to the Committee on Invalid Pensions.

By Mr. OLMSTED: A bill (H. R. 10453) granting a pension to John S. Snyder—to the Committee on Pensions.

Also, a bill (H. R. 10454) granting a pension to Thompson Myers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10455) granting an increase of pension to Emeline Smink—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10456) granting a pension to Francis S. Griest—to the Committee on Pensions.

By Mr. PALMER: A bill (H. R. 10457) for the relief of Abram G. Hoyt—to the Committee on Claims.

By Mr. POLK: A bill (H. R. 10458) granting a pension to Nicholas Simon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10459) granting an increase of pension to Isaac Low—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10460) granting a pension to Charles A. Boone—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10461) granting a pension to William H. Small—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10462) granting a pension to Mary A. Munson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10463) to remove the charge of desertion from the military record of Thomas M. Brown—to the Committee on Military Affairs.

By Mr. POWERS of Maine: A bill (H. R. 10464) granting an increase of pension to Samuel Guess—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10465) granting a pension to Gilbert P. Howe—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Alabama: A bill (H. R. 10466) for the relief of John Graves Turner, of Madison County, Ala.—to the Committee on War Claims.

Also, a bill (H. R. 10467) for the relief of the estate of Martha Byrd, deceased, late of Lawrence County, Ala.—to the Committee on War Claims.

By Mr. RICHARDSON of Tennessee: A bill (H. R. 10468) for the relief of John W. Wade, executor of John M. Wade, deceased—to the Committee on War Claims.

By Mr. SCHIRM: A bill (H. R. 10469) for the relief of Mrs. Eleonora G. Goldsborough, widow of the late Surg. Charles B. Goldsborough—to the Committee on Claims.

By Mr. SCOTT: A bill (H. R. 10470) granting an increase of pension to Harman H. Hurst—to the Committee on Invalid Pensions.

By Mr. SELBY: A bill (H. R. 10471) to pay Joseph Hunter certain arrearages of pension—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10472) granting a pension to A. J. Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10473) to remove the charge of desertion from the record of Alfred B. Collister—to the Committee on Military Affairs.

By Mr. SHAFROTH: A bill (H. R. 10474) granting an increase of pension to Azariah S. Elwood—to the Committee on Invald Pensions.

Also, a bill (H. R. 10475) granting an increase of pension to W. R. McCullough—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10476) granting an increase of pension to John B. Mitchell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10477) granting a pension to the heirs of Merton W. Daniels—to the Committee on Invalid Pensions.

By Mr. SHOWALTER: A bill (H. R. 10478) granting an increase of pension to Andrew J. Wait—to the Committee on Invalid Pensions.

By Mr. SKILES: A bill (H. R. 10479) for the relief of John S. Hopkins—to the Committee on Military Affairs.

By Mr. SMITH of Arizona: A bill (H. R. 10480) conferring jurisdiction on the district court of Santa Cruz County, Ariz., to hear and determine certain causes of damages against the United States—to the Committee on the Judiciary.

Also, a bill (H. R. 10481) for the relief of R. S. Miller, of Tucson, Ariz.—to the Committee on Claims.

By Mr. SAMUEL W. SMITH: A bill (H. R. 10482) granting an increase of pension to Earl R. Childs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10483) granting an increase of pension to Orrin Culver—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10484) granting an increase of pension to Catherine D. Banerly—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10485) granting an increase of pension to Alexander G. Hunt—to the Committee on Invalid Pensions.

By Mr. SPERRY: A bill (H. R. 10486) granting a pension to Alida Payne—to the Committee on Invalid Pensions.

By Mr. THOMAS of North Carolina: A bill (H. R. 10487) for the relief of John T. Rochelle—to the Committee on Invalid Pensions.

By Mr. TRIMBLE: A bill (H. R. 10488) to increase the pension of Mrs. Kate W. Milward, widow of the late H. K. Milward, lieutenant-colonel Eighteenth Kentucky Volunteer Infantry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10489) to correct the military record of Charles Wells—to the Committee on Military Affairs.

Also, a bill (H. R. 10490) to increase the pension of James Tucker, private, Company I, Twentieth Ohio Infantry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10491) for the relief of Mrs. Lizzie A. Ashurst, administratrix of the estate of William Ashurst, deceased—to the Committee on War Claims.

Also, a bill (H. R. 10492) for relief of J. S. Janus, of Shelby County, Ky.—to the Committee on War Claims.

By Mr. VREELAND: A bill (H. R. 10493) granting a pension to Samuel A. Lownsbery—to the Committee on Pensions.

Also, a bill (H. R. 10494) granting an increase of pension to Jonathan H. Slocum—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10495) granting an increase of pension to Francis Van Aerman—to the Committee on Invalid Pensions.

By Mr. WILEY: A bill (H. R. 10496) granting a pension to James T. Steele—to the Committee on Pensions.

By Mr. WILLIAMS of Mississippi: A bill (H. R. 10497) for the relief of Josephine Tolliver, widow of James Toliver—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10498) to place on the pension roll the name of Josephine Toliver, widow of James Toliver—to the Committee on Invalid Pensions.

By Mr. WILSON: A bill (H. R. 10499) to remove the charge of desertion from the military record of Luke O'Brien—to the Committee on Military Affairs.

By Mr. STEWART of New York: A bill (H. R. 10500) granting a pension to Margaret A. Weaver—to the Committee on Invalid Pensions.

By Mr. SWANSON: A bill (H. R. 10501) for the relief of M. L. Cobb, administrator of W. W. Cobb, deceased—to the Committee on Claims.

By Mr. CURTIS: A bill (H. R. 10502) to increase the pension of Sarah B. Trimble—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10503) for the relief of J. Cook—to the Committee on Military Affairs.

Also, a bill (H. R. 10504) granting an increase of pension to Denison Brandon—to the Committee on Invalid Pensions.

By Mr. DICK: A bill (H. R. 10505) granting a pension to Mabel A. Woolsey, daughter of Harvey Woolsey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10506) granting a pension to Francis E. Luse, widow of Jesse B. Luse—to the Committee on Invalid Pensions.

By Mr. DINSMORE: A bill (H. R. 10507) to increase the pension of Mary J. Mendenhall—to the Committee on Pensions.

Also, a bill (H. R. 10508) for the relief of Daniel McKeever, of Fayetteville, Ark.—to the Committee on War Claims.

Also, a bill (H. R. 10509) to carry out the findings of the Court of Claims in the case of Standwix H. Mayfield—to the Committee on War Claims.

By Mr. DOVENER: A bill (H. R. 10510) granting a pension to William P. Parrill, of Wheeling, Ohio County, W. Va.—to the Committee on Pensions.

By Mr. REEDER: A bill (H. R. 10511) granting an increase of pension to Samuel Dunn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10512) for the relief of James A. Carroll—to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petitions of citizens of the Twenty-fourth Congressional district of Pennsylvania, favoring an amendment to the Constitution defining legal marriage to be monogamic—to the Committee on the Judiciary.

Also, resolutions of District Assembly No. 3, Knights of Labor, of Pittsburg, Pa., and of Local Union No. 60, Operative Plasterers' International Association, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, resolutions of the Pennsylvania Forestry Association, favoring the movement to secure national forest reserves in the Appalachian Mountains—to the Committee on the Public Lands.

Also, resolutions of Pittsburg Chapter, American Institute of Architects, against change of title in the Architect of the Capitol—to the Committee on Appropriations.

By Mr. BELL: Resolutions of Retail Lumber Dealers' Association of Colorado, Wyoming, and New Mexico, in relation to the tariff on Cuban sugar—to the Committee on Ways and Means.

Also, resolution of the Grand Army of the Republic Memorial Association of Denver, Colo., for the protection of the American flag from desecration—to the Committee on Military Affairs.

Also, resolution of Colorado, New Mexico, and Wyoming Lumber Dealers' Association, in relation to the reclamation and irrigation of arid lands—to the Committee on Irrigation of Arid Lands.

By Mr. BELLAMY: Resolutions of North Carolina Association of Superintendents of Public Schools, urging the passage of House bill 8735, for the establishment of schools of mining, etc.—to the Committee on Mines and Mining.

By Mr. BELMONT: Resolutions adopted by the Manufacturers' Association of New York and by the Merchants' Association of New York, favoring the establishment of reciprocal tariff relations with Cuba—to the Committee on Ways and Means.

Also, resolutions adopted by the New York Produce Exchange, favoring a substantial reduction in the tariff duties on goods imported from Cuba—to the Committee on Ways and Means.

Also, resolutions of the New York State Brewers' Association, favoring the repeal of the revenue tax on beer—to the Committee on Ways and Means.

Also, resolutions of the National Live Stock Association, favoring the imposition of a tariff duty on all imported hides and skins and opposing the removal of the present duty on hides and wool—to the Committee on Ways and Means.

Also, resolutions of the board of directors of the Maritime Association of the Port of New York, favoring the extension of the breakwater at Point Judith, R. I.—to the Committee on Rivers and Harbors.

Also, resolutions of National Live Stock Association, in relation to the reclamation and irrigation of arid lands, etc.—to the Committee on Irrigation of Arid Lands.

Also, resolutions adopted by the New York State Fruit Growers' Association, opposing the irrigation of arid lands at the public expense—to the Committee on Irrigation of Arid Lands.

Also, memorial of the National Live Stock Association, in favor of granting increased powers to the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the National Live Stock Association, asking statehood for Arizona, New Mexico, and Oklahoma—to the Committee on the Territories.

Also, resolutions adopted by the Mauufacturers' Association of New York, favoring House bill 4310, for the amendment of the national bankruptcy law—to the Committee on the Judiciary.

Also, resolutions adopted by the board of directors of the Merchants' Association of New York, favoring the enactment of the Lodge bill for the reorganization of the consular service—to the Committee on Foreign Affairs.

Also, resolutions adopted by the Indiana Grain Dealers' Association, favoring the enactment of the Bacon bill for the amendment of the interstate-commerce law—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Western Labor Union; the United Housesmiths and Bridgemakers' Union of Greater New York; of the Amalgamated Society of Plumbers and Gas Fitters of New York, and of the Adams Cylinder and Web Press Printers' Association No. 51, of New York City, favoring the exclusion of illiterate aliens from the United States—to the Committee on Immigration and Naturalization.

Also, resolutions adopted by U. S. Grant Post, No. 327, Grand Army of the Republic, Department of New York, favoring the construction of war vessels in the Government navy-yards—to the Committee on Naval Affairs.

Also, resolutions adopted by Empire Branch, No. 36, National Association of Letter Carriers, of New York City, favoring House bill 306, to provide for the payment of overtime claims of letter carriers excluded from judgment as barred by limitation—to the Committee on the Post-Office and Post-Roads.

By Mr. BOWERSOCK: Resolutions of American Council, No. 20, Junior Order United American Mechanics, Leavenworth, Kans., in favor of laws restricting immigration—to the Committee on Immigration and Naturalization.

Also, petition of the civil governor of Habana, urging reciprocal relations with Cuba—to the Committee on Ways and Means.

Also, petition of qualified voters of Osawatomie, Kans., for an amendment to the Constitution prohibiting polygamy—to the Committee on the Judiciary.

Also, resolution of the Grain Dealers' Association of Indianapolis, Ind., favoring amendment of the interstate-commerce acts—to the Committee on Interstate and Foreign Commerce.

By Mr. BRICK: Petition of post-office clerks at Elkhart, Ind., urging the passage of House bill 5286—to the Committee on the Post-Office and Post-Roads.

By Mr. BROMWELL: Resolution of Cincinnati Chapter, American Institute of Architects, against change of title of Architect of the Capitol—to the Committee on Appropriations.

By Mr. BROWN: Petition of the editors of 131 agricultural papers in the United States, urging the passage of the Grout oleomargarine bill—to the Committee on Agriculture.

Also, petition of Henry C. Isbel Post, No. 178, Grand Army of the Republic, Department of Wisconsin, for an investigation of the administration of Bureau of Pensions—to the Committee on Rules.

By Mr. BROWNLOW: Petition of citizens of Greenville, Tenn., favoring an amendment to the Constitution defining legal marriage to be monogamic—to the Committee on the Judiciary.

By Mr. BUTLER of Pennsylvania: Petitions of citizens of the Sixth Congressional district of Pennsylvania, favoring an amendment to the Constitution defining legal marriage to be monogamic—to the Committee on the Judiciary.

By Mr. BULL: Petition of citizens of Boston, Mass., protesting against extravagant expenditures in the Navy Department—to the Committee on Naval Affairs.

Also, resolution of Pressmen's Union No. 114, of Providence,

R. I., protesting against any legislation which will open our doors to Chinese, Filipinos, or Asiatics—to the Committee on Foreign Affairs.

Also, petition of representatives of the brewery interests of Providence, R. I., favoring the abolition of the remaining war tax on their product—to the Committee on Ways and Means.

Also, resolution of the Congregational Ministers' Association of Providence, R. I., regarding relations with Cuba—to the Committee on Ways and Means.

Also, resolution of the New England Milk Producers' Union, for the enactment of the Grout oleomargarine bill—to the Committee on Agriculture.

Also, resolution of the Marine Society of Providence, R. I., for an appropriation to complete the breakwater and harbor of refuge at Sandy Bay, Massachusetts—to the Committee on Rivers and Harbors.

Also, petition of William O. Blanding, of Providence, R. I., for an amendment to the bill to increase the efficiency of the Marine-Hospital Service, creating a corps of pharmacists—to the Committee on Interstate and Foreign Commerce.

Also, resolution of Pressmen's Union No. 114 and International Association of Machinists' Union No. 147, of Providence, R. I., and Carpenters and Joiners' Union No. 217, of Westerly, R. I., favoring the construction of naval vessels at Government navy-yards—to the Committee on Naval Affairs.

By Mr. CAPRON: Petition of New England Milk Producers' Union, for the passage of the Grout bill—to the Committee on Agriculture.

Also, resolutions of the council of the town of South Kingston, R. I., urging Congress to provide for the extension of the breakwater at Point Judith, R. I.—to the Committee on Rivers and Harbors.

Also, resolution of the Congregational Ministers' Association of Rhode Island, relative to Cuban affairs—to the Committee on Ways and Means.

Also, petition of Rev. John Montgomery, of Lonsdale, R. I., relating to the sale of intoxicating liquors in the New Hebrides, etc.—to the Committee on Alcoholic Liquor Traffic.

Also, protest of citizens of Boston and vicinity, against increase of naval expenditures—to the Committee on Naval Affairs.

Also, resolution of Pressmen's Union No. 114, of Providence, R. I., favoring the exclusion of Chinese, Japanese, and Malays—to the Committee on Foreign Affairs.

Also, petitionof William O. Blanding, of Providence, R. I., favoring an amendment to the bill to increase the efficiency of the Marine-Hospital Service, creating a corps of pharmacists—to the Committee on Interstate and Foreign Commerce.

By Mr. CROWLEY: Paper to accompany House bill to correct the military record of John Neigdigh—to the Committee on Military Affairs.

By Mr. CURTIS: Resolutions of American Council, No. 20, Junior Order United American Mechanics, of Leavenworth, Kans., and of Local Union No. 44, Plasterers' International Association, of Topeka, Kans., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. DALZELL: Protest of Pittsburg coal dealers of New Orleans, La., against reduction of duty on sugar—to the Committee on Ways and Means.

Also, communication from Craig & Co., Philadelphia, Pa., relative to duty on molasses—to the Committee on Ways and Means.

By Mr. DINSMORE: Papers in support of House bill granting an increase of pension to Mary J. Mundenhall—to the Committee on Invalid Pensions.

Also, papers to accompany House bill for the relief of Capt. George Gady's company and Capt. Gillum Harper's company, militia of the State of Arkansas—to the Committee on Invalid Pensions.

By Mr. DOVENER: Petition of W. J. Booker and 34 others, of Cameron, W. Va., favoring an amendment to the Constitution defining legal marriage to be monogamic—to the Committee on the Judiciary.

By Mr. DRAPER: Petition of editors of various agricultural papers in the United States, for the passage of the Grout bill—to the Committee on Agriculture.

By Mr. EDWARDS: Petition of railway postal clerks in Montana, for the passage of the bill to reclassify the Railway Mail Service—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the Business Men's Association of Butte, Mont., favoring the passage of House bill No. 8735, to establish schools of mining—to the Committee on Mines and Mining.

Also, papers to accompany House bill for the payment to Henry B. Davis of balance due him for surveying lands in Montana—to the Committee on the Public Lands.

By Mr. EDDY: Resolution of the Board of Trade of Red Lake Falls, Minn., against a proposed lock and dam at Red Lake, Minn.—to the Committee on Rivers and Harbors.

By Mr. ESCH: Petition of editors of various agricultural papers in the United States, for the passage of the Grout bill—to the Committee on Agriculture.

By Mr. FOSS: Petition of the Illinois Brewers' Association, for the removal of the war tax on beer—to the Committee on Ways and Means.

Also, resolution of Carpenters' Union No. 461, of Highwood, Ill., and Tailors' Union No. 5, of Chicago, Ill., American Federation of Labor, relative to the construction of vessels in Government navy-yards—to the Committee on Naval Affairs.

By Mr. FOSTER of Vermont: Petition of citizens of Fairfax, Vt., favoring an increase of pension of Orion B. Colby—to the Committee on Invalid Pensions.

Also, petition of J. J. Hale Post, No. 66, Grand Army of the Republic, Department of Vermont, for investigation of administration of Bureau of Pensions—to the Committee on Rules.

Also, papers to accompany House bill granting an increase of pension to Dexter B. Town, of Albany, Vt.—to the Committee on Invalid Pensions.

By Mr. GILLETT of Massachusetts: Petition of Women's Foreign Missionary Society of the Presbyterian Church, in convention in Philadelphia, Pa., relating to the sale of intoxicating liquors in the New Hebrides, etc.—to the Committee on Alcoholic Liquor Traffic.

By Mr. GRAHAM: Petition of editors of various agricultural papers in the United States, for the passage of the Grout bill—to the Committee on Agriculture.

By Mr. GRIFFITH: Petition of Grand Army of the Republic of Indiana, favoring the passage of House bill 5796, to promote the efficiency of the Revenue-Cutter Service—to the Committee on Interstate and Foreign Commerce.

By Mr. GREENE of Massachusetts: Petitions of Maude L. Smith and others, of Cottage City, Colo., praying for the enactment of a law against polygamy—to the Committee on the Judiciary.

By Mr. GREEN of Pennsylvania: Petition of Allentown Union, No. 135, and Shirt Waist and Laundry Workers' Union No. 74, asking that war ships be constructed in the national navy-yards—to the Committee on Naval Affairs.

Also, petition of citizens of Reading, Pa., urging an amendment to the Constitution prohibiting polygamy—to the Committee on the Judiciary.

By Mr. HALL: Papers to accompany House bill granting an increase of pension to Harvey Allison—to the Committee on Invalid Pensions.

By Mr. HOWELL: Petitions of Charles L. Walters Council, of Milltown, and Mechanics' Home Council, of Jamestown, N. J., Junior Order United American Mechanics, in favor of the reenactment of the Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. JACKSON of Kansas: Petition of American Council, No. 20, Junior Order United American Mechanics, of Leavenworth, Kans., for legislation against the immigration of criminal classes—to the Committee on Immigration and Naturalization.

By Mr. KETCHAM: Petition of the united congregations of the Baptist and Presbyterian churches of Armenia, N. Y., against the traffic in intoxicating liquors and firearms with the New Hebrides and other Pacific islands—to the Committee on Alcoholic Liquor Traffic.

By Mr. KNAPP: Papers to accompany House bill No. 10227, to restore Ellen R. Klock to the pension roll—to the Committee on Invalid Pensions.

By Mr. LONG: Petition of Italian Macaroni Company, of Utica, N. Y., and others, asking for the reduction of duty on American goods entering Cuba—to the Committee on Ways and Means.

By Mr. MANN: Petition of Grommes & Ullrick, regarding tax on Habana cigars—to the Committee on Ways and Means.

Also, petition of wholesale grocers and tea merchants of Chicago, favoring repeal of tax on tea—to the Committee on Ways and Means.

Also, resolutions of Illinois State Brewers' Association, protesting against tax on beer—to the Committee on Ways and Means.

Also, petition of German-American citizens of Chicago, Ill., protesting against the Boer war—to the Committee on Foreign Affairs.

Also, resolutions of Illinois Chapter of American Institute of Architects, protesting against the change of title of the Architect of the Capitol—to the Committee on Appropriations.

By Mr. McCLEARY: Resolution of various Minnesota societies, favoring a national park reservation in Minnesota—to the Committee on the Public Lands.

Also, resolution of Bricklayers' International Union of Minneapolis, Minn., and resolutions of the Minneapolis Press Association Union No. 6, in favor of the reenactment of Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. MOODY of North Carolina: Resolution and papers providing for an appropriation to compromise and settle litigation between Eastern Band of Cherokee Indians and the estate of W. H. Thomas—to the Committee on Appropriations.

By Mr. MOON: Papers to accompany House bill No. 1238, for the relief of Margaret A. Stuart—to the Committee on Invalid Pensions.

Also, resolutions of Labor Union No. 8344, American Federation of Labor, of Tracy City, Tenn., favoring the construction of war vessels in the navy-yards—to the Committee on Naval Affairs.

By Mr. MORRELL: Petition of Presbytery of Philadelphia North, asking for an amendment to the Constitution defining legal marriage—to the Committee on the Judiciary.

Also, protest of citizens of Boston against extravagant expenditures in the Navy—to the Committee on Naval Affairs.

By Mr. NAPHEN: Petition of editors of various agricultural papers in the United States, for the passage of the Grout bill—to the Committee on Agriculture.

By Mr. OLMSTED: Petition of railway postal clerks in the Fourteenth Congressional district of Pennsylvania, for reclassification of the Railway Mail Service—to the Committee on the Post-Office and Post-Roads.

Also, petition of Capital City Council, No. 327, Junior Order United American Mechanics, at Harrisburg, Pa., for the reenactment of the Chinese-exclusion act—to the Committee on Foreign Affairs.

Also, petitions of citizens of Harrisburg, Dauphin, Steelton, Penbrook, and of 23 members of the Harrisburg Ministerial Association, all of Pennsylvania, favoring an amendment to the Constitution making polygamy a crime—to the Committee on the Judiciary.

Also, petition of 9 storekeeper-gaugers of the Fourteenth Congressional district of Pennsylvania, favoring the passage of House bill 3095—to the Committee on Ways and Means.

By Mr. PADGETT: Paper to accompany House bill to correct the military record of William M. Anderson—to the Committee on Military Affairs.

By Mr. PATTERSON of Tennessee: Petition of Mary F. Morris, of Memphis, Tenn., asking that her claim be referred to the Court of Claims under the provisions of the Bowman Act—to the Committee on War Claims.

By Mr. POWERS of Maine: Papers to accompany bill for the relief of Gilbert P. Howe—to the Committee on Invalid Pensions.

By Mr. PUGSLEY: Petition of citizens of Ossining, Scarborough, and New Rochelle, Sixteenth Congressional district of New York, for an amendment to the Constitution defining legal marriage to be monogamic—to the Committee on the Judiciary.

Also, resolution of the Chicago Clearing House Association, in favor of repeal of war-revenue tax on bank capital—to the Committee on Ways and Means.

Also, resolutions of Manufacturers' Association of New York, asking for reciprocal tariff with Cuba—to the Committee on Ways and Means.

Also, resolution of the North Side Board of Trade, of New York, favoring the construction of the Harlem Kills Canal—to the Committee on Railways and Canals.

Also, petition of citizens of Pasadena, Cal., asking for the enactment of a law to suppress anarchy—to the Committee on the Judiciary.

Also, resolution of the American Bankers' Association, protesting against the stamp tax and the redemption clause of the same, etc.—to the Committee on Ways and Means.

By Mr. RICHARDSON of Tennessee: Petition of John W. Wade, executor of J. M. Wade, deceased, of Tennessee, praying reference of claim to the Court of Claims—to the Committee on War Claims.

By Mr. RUMPLE: Petition of 50 citizens of Iowa City, Kalona, North Liberty, Tiffin, Riverside, and Hills, Iowa, for an amendment to the National Constitution defining legal marriage to be monogamic—to the Committee on the Judiciary.

By Mr. RUSSELL: Resolution of Connecticut Dairymen's Association and Connecticut State Board of Agriculture, with reference to House bill 250, now being considered by the Committee on Mines and Mining—to the Committee on Mines and Mining.

By Mr. RYAN: Resolutions of Manufacturing Association of New York, favoring the passage of House bill No. 4310—to the Committee on the Judiciary.

Also, resolutions of Longshoremen's District Council, Buffalo, N. Y., favoring passage of House bill No. 9053, for better protection of American labor—to the Committee on Labor.

By Mr. SHAFROTH: Petition of railway postal clerks of Denver, Colo., for a reclassification of clerks in the Railway Postal Service—to the Committee on the Post-Office and Post-Roads.

By Mr. SELBY: Resolutions of the Illinois State Brewers' Association, requesting the repeal of the war tax on beer—to the Committee on Ways and Means.

By Mr. SHALLENBERGER: Petitions of C. S. Luce and 11 other merchants of Republican City, and Willets & Co. and 29 other merchants of Alma, Nebr., against the passage of the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. SHERMAN: Petition of clerks in the post-office at Utica, N. Y., asking for a report on and passage of House bill 5286—to the Committee on the Post-Office and Post-Roads.

By Mr. SHOWALTER: Resolutions of Encampment No. 9, Union Veteran Legion, to accompany House bill granting an increase of pension to Sergt. Andrew J. Wait—to the Committee on Invalid Pensions.

By Mr. STARK: Petition of L. A. Wigginham and 37 other citizens of Ashland, Nebr., against House bill No. 6578, known as the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of First National Bank of Crete, Nebr., urging the repeal of the special tax on capital and surplus of banks, etc.—to the Committee on Ways and Means.

By Mr. SAMUEL W. SMITH: Petition of O. F. Hulbert and other free rural delivery carriers, of Saginaw, Mich., urging increased compensation—to the Committee on the Post-Office and Post-Roads.

Also, petition of Grand Army of the Republic, Post 147, of Pontiac, Mich., urging the passage of the memorial-bridge bill—to the Committee on the District of Columbia.

Also, petition of F. J. Cook, of Fowlerville, Mich., and 186 other citizens of the State of Michigan, for the maintenance of the tariff on sugar—to the Committee on Ways and Means.

Also, resolutions of Barbers' Union No. 15, of Flint, Mich., urging that the naval vessels to be authorized in the naval bill be constructed at the navy-yards—to the Committee on Naval Affairs.

By Mr. STEVENS of Minnesota: Resolutions of St. Paul Jobbers' Union, in favor of opening the Chippewa Reservation lands in Minnesota for settlement—to the Committee on Indian Affairs.

By Mr. STEWART of New York: Paper to accompany House bill granting a pension to Margaret A. Weaver—to the Committee on Pensions.

By Mr. SULLOWAY: Petition of the business men of Concord and Dover, N. H., favoring a reciprocal trade agreement with the Dominion of Canada—to the Committee on Ways and Means.

Also, petition from Lakeside Council, Daughters of Liberty, Lakeport, N. H., favoring the reenactment of the Chinese-exclusion act, etc.—to the Committee on Foreign Affairs.

Also, resolutions adopted by the New Hampshire Baptist Convention, against the repeal or nullification of the anticanteen law—to the Committee on Military Affairs.

By Mr. WANGER: Petition of Storekeepers and Gaugers' Association of the First internal-revenue district of Pennsylvania, for the passage of House bill 3095, for such additional appropriation as will permit leave of absence with pay—to the Committee on Ways and Means.

Also, petition of editors of 131 publications in the United States devoted to agriculture, for the passage of the Grout bill—to the Committee on Agriculture.

Also, resolution of the Presbytery of Philadelphia, North, for an amendment to the Constitution against polygamy—to the Committee on the Judiciary.

By Mr. WEEKS: Petition of publishers of German newspapers in the United States and officers of various German societies, in regard to the restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. WILLIAMS of Illinois: Papers to accompany bill for the relief of Thomas Sheridan—to the Committee on Invalid Pensions.

Also, petition of citizens of Grayville, Ill., for an appropriation for the improvement of the Wabash River from Vincennes, Ind., to the mouth of said Wabash River—to the Committee on Rivers and Harbors.

Also, paper to accompany House bill granting a pension to Samuel E. Wilson—to the Committee on Invalid Pensions.

Also, letter of C. P. White in opposition to the passage of House bill 4556—to the Committee on the Public Lands.

By Mr. WILSON: Resolutions of the Manufacturers' Association of New York, favoring the passage of the Lodge bill relating to the consular service—to the Committee on Foreign Affairs.

Also, resolutions of same association, favoring closer trade relations with Cuba—to the Committee on Ways and Means.

Also, resolutions of same association, favoring the passage of House bill No. 4310, amending the bankruptcy law—to the Committee on the Judiciary.

Also, petition of B. F. Middleton Post, No. 500, Grand Army of the Republic, of Brooklyn, favoring the construction of war ships at the navy-yards—to the Committee on Naval Affairs.

By Mr. WOODS: Petition of publishers of German newspapers in the United States and officers of German societies, opposed to

the further restriction of immigration—to the Committee on Immigration and Naturalization.

Also, resolutions of Cabinet Manufacturers' Association of San Francisco, asking for protection for the young industries of the Pacific coast—to the Committee on Ways and Means.

Also, resolution of the International Mining Congress, for the establishment of a national department of mining, the chief officer of which shall be a member of the President's Cabinet—to the Committee on Mines and Mining.

By Mr. WRIGHT: Petition of citizens of the Fifteenth Congressional district of Pennsylvania, favoring an amendment to the Constitution prohibiting polygamy—to the Committee on the Judiciary.

Also, petition of railway postal clerks of the Fifteenth Congressional district of Pennsylvania, for the reclassification of the Railway Mail Service—to the Committee on the Post-Office and Post-Roads.

By Mr. ZENOR: Papers to accompany House bill 3026, granting a pension to Martha J. Bishop—to the Committee on Invalid Pensions.

SENATE.

FRIDAY, *January 31, 1902.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

CLAIM OF STATE OF RHODE ISLAND.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting, pursuant to law, the claim of the State of Rhode Island, amounting to $124,617.79, allowed by the Auditor for the War Department under appropriations of balances which have been exhausted and carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874, etc.; which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House returned to the Senate, in compliance with its request, the following bills:

A bill (S. 1037) granting a pension to Helen A. B. Du Barry; and

A bill (S. 3199) to amend the code of law for the District of Columbia approved March 3, 1901.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 8327) to amend an act entitled "An act for the protection of the lives of miners in the Territories;" and

A bill (H. R. 10308) to provide for a permanent Census Office.

PETITIONS AND MEMORIALS.

Mr. CULLOM presented a petition of the State Brewers' Association of Illinois and a petition of the Brewery Association of Peoria, Ill., praying for the repeal of the remainder of the war tax on beer superimposed upon the old war tax on that product; which were referred to the Committee on Finance.

He also presented a petition of the Commercial Exchange of Chicago, Ill., praying for the repeal of the duty on tea; which was referred to the Committee on Finance.

He also presented a petition of the Clearing House Association of Chicago, Ill., praying for the repeal of the tax on banks and bankers; which was referred to the Committee on Finance.

He also presented a petition of the Congregational Ministers' Union, of Chicago, Ill., praying for the enactment of legislation to equalize the hours of labor of postal clerks; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of Central Labor Union, American Federation of Labor, of Rockford; of Local Union No. 409, United Mine Workers of America, of Westville, and of Local Union No. 467, United Mine Workers of America, of Wilmington, all in the State of Illinois, praying for the reenactment of the Chinese-exclusion law; which were referred to the Committee on Immigration.

Mr. GALLINGER presented a petition of the Page Belting Company, of Concord, N. H., praying for the establishment of a department of commerce and for the reorganization of the consular service of the United States; which was referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of Newport, N. H., praying for the passage of the so-called Grout bill to regulate the manufacture and sale of oleomargarine; which was referred to the Committee on Agriculture and Forestry.

He also presented petitions of the Nashua Novelty Works, of Nashua; of Sugarhill Grange, Patrons of Husbandry, of Sugarhill, and of the Fletcher and Webster Furniture Company, of Nashua, all in the State of New Hampshire, praying for the establishment of reciprocal trade relations with Cuba; which were referred to the Committee on Relations with Cuba.

Mr. HOAR presented a petition of Teamsters' Union No. 286, American Federation of Labor, of Brockton, Mass., praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which was referred to the Committee on Naval Affairs.

He also presented a petition of sundry citizens of Cottage City, Mass., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Sugar City, Col., remonstrating against any change being made in the present tariff on Cuban sugar; which was referred to the Committee on Finance.

Mr. CLAY. I present a petition of the Board of Trade of Savannah, Ga., praying for the passage of the bill to promote the efficiency of the Revenue-Cutter Service. I ask that the petition lie on the table and that it be printed in the RECORD.

There being no objection, the petition was ordered to lie on the table and to be printed in the RECORD, as follows:

[Extract from the minutes.]

SAVANNAH BOARD OF TRADE,
Savannah, Ga., January 29, 1902.

Whereas the Board of Trade of the City of Savannah, State of Georgia, believing that the passage of the bills (S. 1025 and H. R. 5796) to promote the efficiency of the Revenue-Cutter Service, are just measures and calculated to increase the efficiency of the public service and to relieve a service which has long been discriminated against: Therefore, be it

Resolved, That this board is heartily in sympathy with the proposed legislation and urgently petitions the Senators and Representatives in Congress, from this State to give S. 1025 and H. R. 5796 their active support, to the end that the measures may be enacted into law.

A true copy.

Attest: C. L. CHESNUTT,
Superintendent and Secretary Savannah Board of Trade.

Mr. CLAY presented a petition of the Georgia State Dairymen's Association, praying for the enactment of legislation to regulate the manufacture and sale of oleomargarine; which was referred to the Committee on Agriculture and Forestry.

Mr. CLARK of Montana presented a petition of the board of trustees of the Montana State School of Mines, of Butte, Mont., and a petition of the Business Men's Association, of Butte, Mont., praying for the passage of Senate bill 3109, to promote and encourage the mining, mineral, and metallurgical sciences of the United States; which were referred to the Committee on Mines and Mining.

He also presented a petition of sundry citizens of Gardiner, Mont., praying for the enactment of legislation providing for the construction of a mail road from the town of Gardiner to Cooke City through the Yellowstone National Park; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. KEAN presented a petition of Glassblowers' Union No. 8, American Federation of Labor, of Bridgeton, N. J., praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which was referred to the Committee on Naval Affairs.

He also presented a petition of Winona Council, No. 149, Junior Order of United American Mechanics, of Chews Landing, N. J., praying for the enactment of legislation to suppress anarchy; which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Titusville, N. J., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented a petition of Mechanics' Home Council, No. 71, Junior Order of United American Mechanics, of Jamesburg, N. J., and a petition of Winona Council, No. 149, Junior Order of United American Mechanics, of Chews Landing, N. J., praying for the reenactment of the Chinese-exclusion law; which were referred to the Committee on Immigration.

Mr. FOSTER of Washington presented a memorial of sundry farmers of Waverly, Wash., remonstrating against the establishment of reciprocal relations with Cuba whereby raw sugar will be admitted into the United States free of duty; which was referred to the Committee on Finance.

Mr. TELLER presented a petition of sundry citizens of Pueblo, Colo., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

Mr. MITCHELL presented the petition of Benjamin F. Russell, late first lieutenant Company F, Tenth New Jersey Veteran Volunteers, First Brigade, First Division, Sixth Corps, Army of the Potomac, praying that he be restored to the pension roll; which was referred to the Committee on Pensions.

He also presented a petition of Printing Pressmen's Union No. 43, of Portland, Oreg., praying for the reenactment of the Chinese-exclusion law; which was referred to the Committee on Immigration.

Mr. NELSON presented a petition of the Bridge and Structural Iron Workers' Association of Minneapolis, Minn., praying for the reenactment of the Chinese-exclusion law; which was referred to the Committee on Immigration.

Mr. WARREN presented a petition of Local Union No. 469, Brotherhood of Carpenters and Joiners, of Cheyenne, Wyo., and a petition of the Federation of Labor, of Cheyenne, Wyo., praying for the reenactment of the Chinese-exclusion law; which were referred to the Committee on Immigration.

Mr. PENROSE presented a petition of Lodge No. 140, International Association of Machinists, of Williamsport, Pa., and a petition of Massassauga Council, No. 608, Junion Order of United American Mechanics, of Erie, Pa., praying for the reenactment of the Chinese-exclusion law; which were referred to the Committee on Immigration.

He also presented petitions of the congregations of the Baptist, Second Presbyterian, United Presbyterian, Methodist Episcopal, and Presbyterian churches, all of Oxford; of the Nottingham Monthly Meeting of Friends, of Oxford, and of the Woman's Christian Temperance Union of Oxford, all in the State of Pennsylvania, praying for the enactment of legislation to prohibit the sale of intoxicating liquors, firearms, and opium to the inhabitants of the New Hebrides and other Pacific islands; which were ordered to lie on the table.

He also presented petitions of 135 citizens of Harrisburg, 14 citizens of Steelton, 90 citizens of McKeesport, 52 citizens of Germantown, 25 citizens of Sunbury, 75 citizens of Pittsburg, and of 64 citizens of Montrose, all in the State of Pennsylvania, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

Mr. McCOMAS presented sundry petitions of citizens of Maryland, praying for the enactment of legislation to suppress anarchy; which were referred to the Committee on the Judiciary.

He also presented a petition of Feeders' Union No. 16, Press Feeders, Job Pressmens Assistants' Union, of Baltimore, Md., praying for the reenactment of the Chinese-exclusion law; which was referred to the Committee on Immigration.

He also presented a petition of Oriole Lodge, No. 214, Brotherhood of Locomotive Firemen, of Baltimore, Md., praying for the passage of the so-called Hoar anti-injunction bill to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases; which was referred to the Committee on the Judiciary.

He also presented petitions of Iron Molders' Union No. 24, of Baltimore; of Coat Makers' Local Union No. 7, of Baltimore; of the Federation of Labor, of Baltimore; of Local Union No. 193, Brotherhood of Boiler Makers and Iron Ship Builders, of Baltimore; of Local Union No. 1, Cigarmakers' International Union, of Baltimore, and of Bricklayers' Local Union No. 1, all of the American Federation of Labor, in the State of Maryland, praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which were referred to the Committee on Naval Affairs.

Mr. ELKINS presented petitions of sundry employees of the Washington Navy-Yard, of Washington, D. C., praying for the passage of Senate bill No. 2227, relative to additional fifteen days' leave of absence for employees of navy-yards, arsenals, and naval stations of the United States; which were referred to the Committee on Naval Affairs.

REPORTS OF COMMITTEES.

Mr. MALLORY, from the Committee on Commerce, to whom was referred the bill (S. 2705) to provide an American register for the barge *Admiral Tromp*, reported it without amendment, and submitted a report thereon.

Mr. MARTIN, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 10076) to receive arrearages of taxes due the District of Columbia to July 1, 1900, at 6 per cent per annum, in lieu of penalties and costs, reported it with amendments, and submitted a report thereon.

Mr. McMILLAN, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 4372) to regulate the collection of taxes in the District of Columbia, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1878) to relieve the property owners from the assessments laid for benefits for the extension of Rhode Island avenue, New Hampshire and Sherman avenues, S street W., and Eleventh street, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 1721) to authorize the supreme court of the District of Columbia to decree the sale or lease of real estate in certain cases, reported adversely thereon, and the bill was postponed indefinitely.

Mr. PERKINS, from the Committee on Commerce, to whom was referred the bill (S. 266) to impose duties on the equipments and repairs of vessels of the United States in foreign countries in certain cases, reported adversely thereon, and the bill was postponed indefinitely.

Mr. CLAPP, from the Committee on Indian Affairs, to whom was referred the bill (S. 2736) to provide for the service of warrants issued by United States commissioners in the district of Minnesota, and for the summary disposition by such commissioners of certain cases connected with Indian liquor traffic, reported it without amendment, and submitted a report thereon.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (S. 2977) authorizing the Missouri and Meramec Water Company to take water from the Missouri River and to construct and maintain a dam or other devices for that purpose, reported it with an amendment, and submitted a report thereon.

EMPLOYMENT OF MESSENGER.

Mr. BEVERIDGE, from the Committee on Territories, reported the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Territories be, and it hereby is, authorized to employ a messenger, to be paid from the contingent fund of the Senate at the rate of $1,440 per annum until otherwise ordered.

JOHN W. GUMMO.

Mr. PENROSE. The bill (S. 2237) for the relief of John W. Gummo, introduced by me on the 7th of January, was improperly referred to the Committee on Claims. I move that that committee be discharged from its further consideration and that it be referred to the Committee on Military Affairs.

The motion was agreed to.

REPORTS ON CASES OF TYPHOID FEVER.

Mr. GALLINGER. I am directed by the Committee on the District of Columbia, to whom was referred the bill (H. R. 8759) to require cases of typhoid fever occurring in the District of Columbia to be reported to the health department of said District, to report it without amendment.

Mr. President, this is a short bill. It is recommended by the District Commissioners and the health department of Washington, and as it concerns all the people of this District, I ask for its immediate consideration.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEASING OF INDIAN LANDS.

Mr. GALLINGER. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred Senate resolution 49, to report it without amendment, and I ask for its immediate consideration.

The resolution (which had been reported by Mr. RAWLINS from the Committee on Indian Affairs on the 8th instant) was read, as follows:

Resolved, That the Committee on Indian Affairs is hereby instructed to make inquiry into and report to the Senate upon the following matters:

First. What, if any, title the Indians have to the valuable minerals within their reservations; and what, if any, authority they have to make leases thereof, or in any manner dispose of the same; and what authority, if any, the Secretary of the Interior has to approve such leases.

Second. What leases, if any, have been made by Indians within any reservation; and what, if any, such leases have been approved by the Secretary of the Interior; and what, if any, such leases are now in contemplation or under consideration for approval or disapproval.

Third. What methods have been employed to obtain the consent of the Indians to such leases and the approval thereof by the Secretary of the Interior, and what companies have been organized and combinations formed to obtain such leases, where have the organizations taken place, who are the stockholders and officers thereof, and whether any persons connected with Congress or the Government of the United States, or holding offices thereunder, have been or now are interested in or engaged in the promotion of such companies or combinations in obtaining leases for mineral lands within Indian reservations.

And said committee is authorized, for the purpose of making a full investigation of the foregoing matters, to send for papers and to summon and examine witnesses, and the expense of such investigation shall be paid out of the contingent fund of the Senate.

Mr. GALLINGER. Mr. President, I will state that the resolution was reported back from the Committee on Indian Affairs with a favorable recommendation, and it is now reported from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom it was referred on the 8th instant.

The resolution was considered by unanimous consent, and agreed to.

EMPLOYMENT OF MESSENGER.

Mr. GALLINGER, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution reported by Mr. QUAY on the 21st instant from the Committee on Organization, Conduct, and Expenditures of the Executive Departments, reported it without amendment, and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on Organization, Conduct, and Expenditures of the Executive Departments be, and it hereby is, authorized to employ a messenger, to be paid from the contingent fund of the Senate, at the rate of $1,440 per annum, until otherwise provided for by law.

EMPLOYMENT OF STENOGRAPHER.

Mr. GALLINGER, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted yesterday by Mr. BURNHAM (for Mr. MCCOMAS), reported it without amendment, and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on Education and Labor be authorized to employ a stenographer to report hearings and testimony before that committee on subjects referred to it, the expense thereof to be paid from the contingent fund of the Senate.

BILLS INTRODUCED.

Mr. TELLER introduced a bill (S. 3381) granting right of way for ditches across allotted Indian lands in Colorado; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 3382) granting an increase of pension to Sarah A. Creed; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CLARK of Montana introduced a bill (S. 3383) to authorize and regulate the sale and use of timber on the unappropriated and unreserved public lands, and to prevent depredations thereon; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Public Lands.

Mr. CLAPP introduced a bill (S. 3384) for the establishment of a national park and cemetery at Fort Ridgely, in the State of Minnesota; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CLARK of Wyoming introduced a bill (S. 3385) granting to the Hawaii Ditch Company, Limited, the right of way over public lands in the districts of North and South Kohala, in the island of Hawaii, for the purposes of constructing and maintaining ditches or canals and the necessary reservoirs, dams, and the like, for irrigation and domestic purposes in said districts; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. FOSTER of Washington introduced a bill (S. 3386) to promote Lieut. A. B. Wyckoff, United States Navy, retired; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Naval Affairs.

Mr. CLAY introduced a bill (S. 3387) for the relief of Gilbert E. L. Falls; which was read twice by its title, and referred to the Committee on Claims.

Mr. DIETRICH introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3388) granting an increase of pension to John L. Peterson;

A bill (S. 3389) granting an increase of pension to George M. Ireland (with accompanying papers); and

A bill (S. 3390) granting an increase of pension to Charles Allen (with accompanying papers).

Mr. MITCHELL introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3391) to restore Benjamin F. Russell to the pension roll;

A bill (S. 3392) granting an increase of pension to Augustus L. Kidder; and

A bill (S. 3393) granting a pension to William P. Arble.

Mr. CULLOM introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3394) granting an increase of pension to James T. Kent (with an accompanying paper);

A bill (S. 3395) granting an increase of pension to James C. Kelley (with an accompanying paper);

A bill (S. 3396) granting a pension to Llewellyn M. Hartley (with an accompanying paper);

A bill (S. 3397) granting an increase of pension to Eliza A. Walker (with accompanying papers); and

A bill (S. 3398) granting a pension to Louisa Hunter (with accompanying papers).

Mr. CULLOM introduced a bill (S. 3399) authorizing the Secretary of War to place the name of Joseph F. Ritcherdson on the rolls of Company C, One hundred and twenty-second Illinois Volunteer Infantry, and issue him an honorable discharge; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. WARREN introduced a bill (S. 3400) to amend section 1098 of the Revised Statutes of the United States; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3401) for the relief of H. Glafcke; which was read twice by its title, and referred to the Committee on Claims.

Mr. COCKRELL introduced a bill (S. 3402) granting a pension to Eliza J. Glover; which was read twice by its title.

Mr. COCKRELL. To accompany the bill I present the petition of Eliza J. Glover, late widow of Leander Dean, Company C, First Regiment Alabama and Tennessee Independent Vidette Cavalry Volunteers, accompanied by affidavit of Mrs. Glover, with letters from the War Department and Pension Office, and affidavits of Dr. A. R. Gonce and W. C. Weatherman and C. C. Blansit. I move that the bill and accompanying papers be referred to the Committee on Pensions.

The motion was agreed to.

Mr. PENROSE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3403) granting an increase of pension to George M. Emery;

A bill (S. 3404) granting an increase of pension to Henry Wagner;

A bill (S. 3405) granting an increase of pension to W. H. H. Bouslough;

A bill (S. 3406) granting a pension to Stephen W. Pomeroy;

A bill (S. 3407) granting an increase of pension to John J. Carberry (with accompanying papers);

A bill (S. 3408) granting an increase of pension to John H. Davidson (with an accompanying paper);

A bill (S. 3409) granting a pension to Pauline M. Roberts;

A bill (S. 3410) granting an increase of pension to Milton A. Embick;

A bill (S. 3411) granting an increase of pension to James J. Daugher;

A bill (S. 3412) granting an increase of pension to George Graham; and

A bill (S. 3413) granting an increase of pension to Judson Knight.

Mr. PENROSE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (S. 3414) for the correction of muster of Benjamin F. Hasson;

A bill (S. 3415) to correct the military record of Gideon Howell, alias Judson Howell;

A bill (S. 3416) to correct the military record of Joseph D. Moyer;

A bill (S. 3417) to correct the military record of Henry Colbert; and

A bill (S. 3418) to correct the military record of Peter Connell.

Mr. PENROSE introduced a bill (S. 3419) for the relief of customs inspectors; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3420) providing for the establishment of a naval training station for the Great Lakes on the Peninsula of Presque Isle, north side of the harbor of Erie, Pa., and for other purposes; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. MCCOMAS introduced a bill (S. 3421) for the relief of Eleonora G. Goldsborough; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3422) to remove the charge of desertion from the military record of Anton Ernst; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions.

A bill (S. 3423) granting an increase of pension to Maria V. Stadtmiller (with accompanying papers); and

A bill (S. 3424) granting an increase of pension to Minnie E. King.

Mr. MCCOMAS introduced a bill (S. 3425) for the extension of Wyoming avenue from its present terminus on Eighteenth street northwest with its width of 80 feet to Champlain avenue; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. TALIAFERRO introduced a bill (S. 3426) for the relief of William Mickler; which was read twice by its title, and referred to the Committee on Claims.

Mr. ELKINS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3427) granting a pension to Joel Bee; and

A bill (S. 3428) granting a pension to Phoebe E. Lyda.

Mr. MONEY introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 3429) for the relief of the estate of Eben N. Davis, deceased;

A bill (S. 3430) for the relief of W. A. Sanford, administrator of H. B. Bloxam, deceased; and

A bill (S. 3431) for the relief of T. P. Burnham, administrator of D. J. Burnham, deceased.

Mr. WELLINGTON introduced a bill (S. 3432) for the extension of Seventeenth street northwest from Florida avenue to Columbia road; which was read twice by its title, and referred to the Committee on the District of Columbia.

AMENDMENTS TO BILLS.

Mr. CLAY submitted an amendment proposing to appropriate $3,000 for completing the post-office building at Columbus, Ga., intended to be proposed by him to the general deficiency appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

Mr. PENROSE submitted an amendment intended to be proposed by him to the bill (S. 722) providing pensions to certain officers and men in the Army and Navy of the United States when 50 years of age and over, and increasing widows' pensions to $12 per month; which was referred to the Committee on Pensions, and ordered to be printed.

JOHN S. HARRIS.

Mr. CLARK of Montana submitted the following resolution; which was referred to the Committee on Privileges and Elections:

Resolved by the Senate of the United States of America, That the Secretary of the Senate be, and hereby is, authorized and directed to pay to John S. Harris, formerly a Senator from the State of Louisiana, the sum of $6,543.38, due him as a Senator of the United States in the Fortieth Congress, from the 4th of March, 1867, to the 24th of June, 1868, to be paid from the miscellaneous items of the contingent fund of the Senate.

D. W. STUART.

Mr. MONEY submitted the following resolution; which was referred to the Committee on Claims:

Resolved, That the bill (S. 366) entitled "A bill for the relief of D. W. Stuart, executor of Charlotte Spear, deceased, now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

ACTS OF PHILIPPINE COMMISSION.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted yesterday by Mr. RAWLINS, as follows:

Be it resolved by the Senate, That the Secretary of War is directed to inform the Senate if the following has been passed by the Philippine Commission, and is being enforced as a law in said islands, and persons punished thereunder, viz:

"SEC. 2. Every person owing allegiance to the United States or the government of the Philippine Islands and having knowledge of any treason against them, or either of them, who conceals and does not, as soon as may be, disclose and make known the same to the provincial governor in the province in which he resides, or to the civil governor of the islands, or to some judge of a court of record, is guilty of misprision of treason, and shall be imprisoned not more than seven years and be fined not more than $1,000."

"SEC. 8. Every person who shall utter seditious words or speeches; write, publish, or circulate scurrilous libels against the Government of the United States or the insular government of the Philippine Islands, or which tend to disturb or obstruct any lawful officer in executing his office, or which tend to instigate others to cabal or meet together for unlawful purposes, or which suggest or incite rebellious conspiracies or riots, or which tend to stir up the people against the lawful authorities or to disturb the peace of the community, the safety and order of the government, or who shall knowingly conceal such evil practices, shall be punished by a fine not exceeding $2,000, or by imprisonment not exceeding two years, or both, in the discretion of the court.

"SEC. 9. All persons who shall meet together for the purpose of forming, or who shall form, any secret society, or who shall, after the passage of this act, continue membership in a society already formed, having for its object, in whole or in part, the promotion of treason, rebellion, or sedition, or the promulgation of any political opinion or policy, shall be punished by a fine not exceeding $1,000 or by imprisonment not exceeding one year, or both.

"SEC. 10. Until it has been officially proclaimed that a state of war or insurrection against the authority or sovereignty of the United States no longer exists in the Philippine Islands it shall be unlawful for any persons to advocate orally, or by writing or printing or like methods, the independence of the Philippine Islands or their separation from the United States, whether by peaceable or forcible means, or to print, publish, or circulate any handbill, newspaper, or other publication advocating such independence or separation.

"Any person violating the provisions of this section shall be punished by a fine of not exceeding $2,000 and imprisonment not exceeding one year."

The PRESIDENT pro tempore. The question is on agreeing to the resolution.

Mr. HOAR. I wish the Senator from Utah would add to the fourth line, after the word "thereunder," the words "and the date of the promulgation of such order."

Mr. RAWLINS. I accept the amendment.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. After the word "thereunder," in the fourth line, add the words "and the date of the promulgation of such order."

The amendment was agreed to.

The resolution as amended was agreed to.

ADJOURNMENT TO MONDAY.

Mr. HALE. I move that when the Senate adjourn to-day it be to meet on Monday next.

The motion was agreed to.

SALARIES OF CERTAIN JUDGES.

Mr. HOAR. I move that the Senate proceed to the consideration of the bill (S. 3287) to fix the salaries of certain judges of the United States.

Mr. JONES of Arkansas. Does the Senator contemplate limiting debate under the five-minute rule?

Mr. HOAR. No; I do not understand that my motion limits debate to five minutes. If no Senator would want to speak more than five minutes on the bill I should be delighted with the limitation, but I suppose the motion does not limit it.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Massachusetts.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the following salaries shall be paid to the several judges hereinafter mentioned in lieu of the salaries now provided for by law, namely:

To the Chief Justice of the Supreme Court of the United States the sum of $13,000 a year, and to each of the associate justices thereof the sum of $12,500 a year.

To each of the circuit judges the sum of $7,500 a year.

To each of the district judges the sum of $6,250 a year.

To the chief justice of the Court of Claims the sum of $6,125 a year, and to each of the associate justices thereof the sum of $5,625 a year.

To the chief justice of the court of appeals of the District of Columbia the sum of $8,000 a year, and to each of the associate justices thereof the sum of $7,500 a year.

To the chief justice of the supreme court of the District of Columbia the sum of $6,750 a year, and to each of the associate justices thereof the sum of $6,250 a year.

That after the passage of this act no payment shall be made to any of the judges mentioned in this act for expenses.

That all of said salaries shall be paid in monthly installments.

That one-half of the amount of said salaries which shall be paid to judges of the court of appeals of the District of Columbia and to judges of the supreme court of the District of Columbia shall be defrayed from the revenues of the District of Columbia.

Mr. BERRY. Mr. President, I should like to hear some statement from the Senator from Massachusetts as to whether this is the same bill that was reported by the committee during the last Congress, and if not, in what way it differs, and what reason there is for the proposed increase of salaries. Before I am ready to vote I should like to know something about the bill.

Mr. HOAR. Mr. President, I have in my possession and in my head a good many statistics and details about this measure, but it is a matter upon which every Senator, I suppose, is well informed. It has been the subject of public discussion and of private discussion in the Senate for a good many years. I am sure the Senator from Arkansas, who put me the question, is well informed about it, because when I undertake to answer it he devotes his attention to something else.

Mr. BERRY. More interesting.

Mr. HOAR. More interesting to your mind, undoubtedly.

Now, Mr. President, I do not propose to enter into an extended statement on this subject. I agree that the judges of the great courts and the lesser courts of the United States—which are still great courts—always have been, and are, and always must be chiefly rewarded for their honorable public service by the public confidence which is implied in their selection and by the satisfaction of rendering the service.

But, nevertheless, it is due not merely to them, but to the people, that they be paid; that they be paid a sum which will enable them to support their families in such decent comfort and respectability as the social habits of our Republic require, to educate their children, and to lay up a reasonable provision for their widows and dependent children or grandchildren, if they leave such behind them. We have had the spectacle of the widows of two judges of the Supreme Court of the United States, who had lived only in fair comfort in Washington, in modest houses, such as mechanics in my city dwell in, having public subscriptions taken up for their support after their husbands' death—one of them a Chief Justice.

The present salaries are not enough for them. They are not

equal to what the city solicitors in second-class cities get as salaries, when they are at liberty also to practice outside of their official duties. They are not equal to what the counsel of the important railroad companies get. The year's pay is not equal to what is regarded as a pretty moderate fee, and what clients pay cheerfully and without hesitation, by the counsel who practice before them.

When the salaries of the judges of the supreme court of Massachusetts were raised a few years ago, there was an objection made by a very able and generally intelligent man, a great personal friend of mine, who had been engaged in business as a large clothing dealer. It was a great many years ago. Our legislatnre was going to raise the salaries of the supreme court judges to $6,000, I think it was. In the middle of a vigorous speech against it, a speech which would have done credit even to my honorable friend from Arkansas, somebody got up and asked him to tell the house, if he had no objection, he being a large clothing dealer, what he paid to his head cutter, and, with a little hesitation, he replied, $7,500 a year. That was the end of his impression on the legislature.

I think it is true that in some parts of the country, very few indeed, I suppose in not more than four or five States altogether, the ancient, frugal fashions of our ancestors prevail, but in general the judges of the Supreme Court do not get the salary received by the judges of the supreme courts of great States like New York. In proportion to the necessary scale of living and the necessary traveling they have to do, they do not get what is the equal in value to them of the salaries of many of the justices of the supreme courts of the States, and yet they have the greatest jurisdiction in the world. Vast political powers are brought to them to be held within their appropriate spheres. Forty-five States and the nation, wielding the agregrate powers of 45 States and 80,000,000 people, are to be kept within their appointed bounds. Besides that, the vast and imperial powers of aggregated wealth, greater than the powers of States, greater than the powers of nations until within a very few years, must be brought to their bar as equals with the helpless citizen.

Now, these gentlemen—every one of them—could easily earn ten times the salary here proposed at the bar; and while I agree that what he could earn at the bar is not a fair test of what the judge ought to get, and that, as I said in the beginning, the chief compensation of the judge is the honor of the confidence of his fellow-citizens and the satisfaction of a great public service, yet I submit that he is entitled to a decent and honorable salary.

The committee have not reported what I believe a majority of the committee think ought to be done. They have not reported any increase in our own salary. I think they all share the feeling, which certainly I have myself, that I do not want to be talking about my own salary, and I want to turn from that subject to more important public questions.

The Senator or Representative is in the position that my friend from Arkansas [Mr. BERRY] would be if, after having completed a valuable service for a client, the client should hand him a blank check, or throw him his purse, and say, "Fill out the check or take out of the purse as will suit yourself." That is the way we stand toward the people in this matter of our own salaries; and in that position my honorable friend from Arkansas would be sure to say, "I will take nothing which I am not sure you think I should take."

But when it comes to the judges we are bound in honor and by our oath of office to maintain those gentlemen in an honorable and decent and proper maintenance suitable to their great office, and this increase, which is simply 25 per cent all around, is far less than, for one, I think we ought to make it.

Mr. BERRY. Mr. President, during the last Congress, if I remember correctly, the Senator from Massachusetts [Mr. HOAR] reported a bill proposing to pay the associate justices of the Supreme Court $15,000 a year and the Chief Justice $15,500. If I caught correctly the reading of the bill he has now reported—I am not sure, and the Senator did not state it—the proposition now is to pay the associate justices of the Supreme Court $12,500 and the Chief Justice $13,000. I do not propose to proceed at any length in answer to the argument made by the Senator from Massachusetts, but I submit that to undertake to fix the salaries of public officers upon the basis of what men recieve as presidents of great railroads or what it is supposed one of these judges could have made practicing law, would, in my opinion, be absolutely unjust to the Government and unjustifiable in every way.

The salary of the associate justices was fixed by law at $10,000 and that of the Chief Justice at $10,500. Every judge upon that bench at the time he sought or accepted the place knew what that salary was; he knew what he could probably make at the law, but he preferred to take the $10,000 a year with the honor that attached to the judicial office rather than to take his chances at the law. So I say he is not in any condition to complain that he is not getting a sufficient salary.

I had not referred to our own salaries, nor did I intend to refer to them, because I say the argument I have just made in regard to the justices of the Supreme Court will apply to every Senator upon this floor. I would not vote to increase our salaries, because we knew when we sought or accepted these places what the salary was. No man is bound to serve here if he thinks he can make more money at the law and prefers to take that course.

These judges get $10,000 a year, which is double the amount paid to a Senator or Representative in Congress, and yet the Senator tells us that the judges can not live upon that salary, and that their widows have been forced to rely upon public subscriptions. I believe that any man can live in a respectable way on $10,000 a year; and if these distinguished gentlemen had not thought they could do so they would not have accepted the appointment or would not remain upon the bench. I believe the honor of being a justice of the Supreme Court of the United States more than compensates them for the difference between the salaries they receive and what they think they could make at the law. They hold their office for life; they are not required to incur any additional expense every two or six years to secure a reelection. It is considered one of the highest places in this Government.

I do not presume the Senator will say that $10,000 a year has not secured talent equal to the occasion. There may be those who, in the light of some of the decisions of that court in the last few years, doubt whether or not the judges of that court are worth to the country what they receive. I think there is a large number of people throughout this nation who think that they are not worth the $10,000 a year now paid them.

I do not, however, propose to go into that branch of the case. I simply say, so far as the Supreme justices are concerned, who receive double the amount of compensation a member of Congress receives, that they can live on the salary paid them, and I believe that a Senator or Representative can live on the salary paid him. So long as the judges receive double that amount they have no right to complain.

I see no necessity for the passage of this bill, nor do I believe these judges have any such claim upon the country or upon Congress as would authorize them to ask that their salaries be increased either 50 or 25 per cent; and so, Mr. President, I shall not vote for the bill.

Mr. STEWART. Mr. President, I am glad that this bill has been reported. I do not think in selecting the judiciary that the interest of the incumbent is the only consideration. The Government wants the best service, and lawyers who can fill those places creditably can earn, and do earn, in their private practice a much larger sum, more than double, and in some cases three or four or five times the amount of the judicial salaries.

We want a sufficient salary for the judges to enable the President to select from the first class at the bar. We do not propose to pay them such salaries as they receive from great corporations, which is from $25,000 to $50,000 a year. We do not propose that, because we take into consideration, as suggested by the Senator from Arkansas [Mr. BERRY], the honor and the dignity of the place and its permanency. That being taken into consideration, it is expecting too much to ask a first-class lawyer who is receiving from $50,000 to $75,000 a year to accept a judicial appointment with such a salary as that provided under the present law. The selection can not always be made from the first class at the bar, for we know very well that many have declined judicial office on account of the inadequate salary. We do not have that field fully open, and we want in these places the best talent that can be obtained.

Mr. BERRY. Will the Senator permit me a question?

Mr. STEWART. Any question.

Mr. BERRY. Does the Senator, by the argument he is making, intend to be understood as saying that we have been unable to secure the best talent; that the present judges are inferior to the best lawyers in the United States; is that the statement the Senator makes?

Mr. STEWART. I did not make that statement.

Mr. BERRY. The Senator said it was well known that we were unable to get the best talent. Then, that being true, the inference would follow that we have not now the best.

Mr. STEWART. That is a very violent inference. We have succeeded very well, and we also succeeded very well when the salaries were much lower. When I first came here the salary was $6,000.

Mr. HOAR. The Senator will allow me to suggest that the English House of Commons, which seems to succeed very well and seems to be a great body, does not pay its members anything; and I have no doubt we could get judges for nothing and Senators in abundance for nothing.

Mr. STEWART. Undoubtedly. When I first came here the justices of the Supreme Court were receiving $6,000 a year in

greenbacks, and they were living in the humblest places imaginable. I visited them, and I commenced agitating this question at once. After a while we got the salary up to $8,000 a year, and then to $10,000, but we have never got it fixed at such a sum as has satisfied the judgment of the best men in the country. Talk with the bar, talk with the people, and you will find that they do not complain of these salaries. They want them higher. Although men have taken these positions, and great men have been upon the bench, and although they have lived as economically as they could, some of them left their families without anything.

I remember very well the daughter of one of the most distinguished Chief Justices working in one of the departments here after his death. He had lived economically and left a great record, of which anybody might be proud. They and their families are modest and economical in their mode of living, but the position they occupy makes it necessary for them to live up to the full amount of their salaries, so that when they die they have nothing to leave to their families. This is not such a position as we ought to require them to occupy. We desire to see them placed above want, we want them to have a fair compensation, and we want their compensation to correspond somewhat with the labor and the dignity of the office. I believe there is nothing that is more demanded than that our judges should have reasonable compensation. Of course we can get judges for nothing, as the Senator from Massachusetts [Mr. HOAR] suggested, but that is not our system, and we like our system best.

I do not believe that the compensation of Senators and Representatives is sufficient. I think it ought to be more, so that any economical gentleman might live with his family here in the city, which he can not do on the present salary. Senators and Representatives do not, however, like to vote to increase their own salaries, but that ought not to warp their judgment so that they will not consent to give a sufficient salary to properly maintain the judges in the position they occupy without too great a sacrifice on their part. We should not ask men to make such a sacrifice. Of course they are not going to get as much compensation as they would in private life, and while some of them are willing to make a sacrifice for the honor of the office, we should not ask them to sacrifice everything. We want them placed above temptation and in comfortable circumstances, so that they can maintain the dignity and perform the duties of the judicial office, which is more to the people than any other, for after all the great thing in any country is the administration of justice. When justice is fairly and fully administered in any country, the people know it and feel it, and they will love their country. The loyalty of Englishmen is inspired more by the conviction that they can get justice in their courts than by any other consideration. So we have had justice administered through our courts, and our country is loved.

We want to do now only so much as will keep pace with the price of living, keep pace with the progress of the country, and uphold the dignity and power of our courts, which come so near to the people. It is the administration of justice through the courts which makes a people contented and happy; which makes them patriotic, and makes them love their country. I do not believe there is a right-minded citizen in the United States who would say that this schedule of salaries on the whole is not fair, that it is not moderate, and that if any change is to be made there should be an increase. I believe that is the feeling of the country; it is so far as my experience goes, and I congratulate the Senator from Massachusetts on having brought in a bill so eminently just and proper. I hope it will pass without a vote against it.

Mr. BLACKBURN. Mr. President, the report submitted to the Senate by the senior member from Massachusetts [Mr. HOAR] speaks the views of the committee, though it is not a unanimous report. It was not brought in and is not supported here unanimously by the Judiciary Committee of this body. I am one of the members of that committee who did not support the bill now before the Senate.

I am not to be involved in any discussion as to the merits of the salary proposed by this measure to be paid to the justices of the Supreme Court of the United States. I am perfectly willing to admit that their services, in connection with the distinguished positions they hold, would warrant an increase in their salaries. Their salaries have been increased more than once, as stated by the Senator from Nevada [Mr. STEWART]. Nor am I prepared to assert that they should not be increased further. I am perfectly willing to admit that they deserve more pay.

As to the judges of the subordinate Federal courts who are embraced in this bill, I have very great doubt as to whether they are not already paid enough. There is, however, one feature of the bill, which has not been alluded to by anybody, that commends it to my favorable consideration, and that is where the traveling pay is stricken out from the circuit judges and their salaries are fixed and determined. I think that is an eminently proper provision, because inequalities exist under the present system. All the circuit judges get the same amount of salary, but some of them get nearly as much in the shape of travel pay as the salary amounts to, while others get nothing. This bill proposes to cure that.

Mr. HOAR. The Senator means as much as the increase of salary.

Mr. BLACKBURN. As much as the increase.

Mr. HOAR. The Senator said "as much as the salary."

Mr. BLACKBURN. I thank the Senator. Some of them get as much as the increase provided for in this bill over what the present pay would amount to.

Mr. COCKRELL. How is that done?

Mr. BLACKBURN. Because the law allows them $10 a day when not at home. You find one circuit judge who lives in one State while nominally he is a citizen of another State, but never stays there at all.

Mr. COCKRELL. What is the effect of that?

Mr. BLACKBURN. He gets $10 a day for every day——

Mr. COCKRELL. Expenses?

Mr. BLACKBURN. Yes; the law gives him $10 a day for every day he is holding court away from home. That is to cover his expenses. He draws his salary plus $10 a day for expenses when holding court away from home. In the instance to which I refer, the judge never is at home, because he does not live at home; his home is in one State and he lives in another.

Mr. COCKRELL. He holds court in another State?

Mr. BLACKBURN. He holds court in both States, because he is a circuit judge, and both States are in his circuit.

Mr. HOAR. I do not wish to interrupt the Senator, but——

Mr. BLACKBURN. I am glad to have the Senator interrupt.

Mr. HOAR. When the matter was up in the committee I was not able to state it to the committee with precise exactness, and nobody there understood precisely what it was; but I have now from the Department of Justice the exact statement, and it is this:

When a circuit or district judge assists in holding a term of a United States circuit court of appeals—

Confined to that; not any other court—

at a place other than his residence, he is entitled to his actual expenses, not exceeding $10 a day. You are also informed that a United States district judge, when he is assigned to hold a term of court outside of his district, is entitled to be reimbursed his actual expenses, not exceeding $10 a day.

I have the reference to the statutes here, which I will not trouble my friend by reading.

Mr. BLACKBURN. I am much obliged to the Senator from Massachusetts for inserting it. That is precisely the point I want to present to the Senate. In my judgment that feature of this bill is a good one, because it cuts off all of that allowance, makes the pay absolute, and fixes it in positive salary form. That I think desirable.

I might add that, so far as my information goes—and I think I am correctly informed—the law provides that this judge, whether he be a circuit or a district judge assisting in the holding of a court of appeals in some place other than his home, is allowed his actual expenses, not to exceed $10 a day. That is a part of the statute. I think I correctly state the practice when I say that in all cases that maximum allowance is granted and paid, and it amounts practically to an allowance of $10 a day in addition to the salary which is fixed by law. That feature of this bill I commend and approve. I think that is proper.

I am not, however, in favor of the passage of this bill, and I repeat that it is not because I am not willing to see the salaries of the justices of the Supreme Court and those of all the circuit and even the district courts increased beyond the present amount; but I am not in favor of this bill for another reason. I think that there should be an overhauling of the salaries of the officials of this Government. The disproportion is already great enough. I am opposed to increasing that disproportion as is proposed. A justice of the Supreme Court of the United States receives to-day twice as much salary as a Senator in this Chamber. Nor does it stop there. He receives that not only whilst he is in harness on the bench, but he continues to receive it until he dies of old age, or after he shall have gone upon the retired list. A Federal circuit judge receives more money than a Senator, not simply while he is on the bench discharging his judicial duties, but until he dies of old age, if he ever does.

Mr. President, the reason I withhold support from this bill, as I have before said, is because I think when this question of salaries is taken up, and when we undertake to deal with it at all, we should not do it in homeopathic doses, but we should have a general revision and regulation. The present rate of pay of officials of this Government, I take it, will be conceded to be indefensible. It admits neither of justification nor explanation. You have officers of this Senate, you have officers of the other branch of Congress, who receive more pay than a Senator or a Member of the House. You have clerical employees of this Government without

number—I do not mean Cabinet officers, I mean subordinate officers in various departments of this Government——

Mr. HALE. Heads of bureaus?

Mr. BLACKBURN. I mean heads of bureaus and chiefs of divisions who receive more pay than a Senator. I do not think an argument is necessary in order to reach the conclusion that that is an indefensible and inexcusable schedule of salaries. I am ready to do the fullest measure of justice to every employee and officer of this Government; but, instead of taking the matter up in broken doses, let us be manly enough and fair enough to take up the whole subject and treat it as a whole.

I suspect that I have some idea as to why members of Congress are so timid in handling the question of their own compensation. In the Forty-third Congress a bill was passed increasing the salaries of Congressmen, both Senators and Representatives, from $5,000 a year to $7,500, and the franking privilege was stricken off, probably to appease a populace whose ire was feared.

That bill was repealed, and very promptly repealed, because the public did not relish the enactment of that law. It was branded as a back salary bill—a back salary grab—because that bill made the increase applicable to the then existing Congress, and resulted practically in increasing the pay of every Senator and every Representative $5,000—$2,500 for each year of the two years of that Congress. In my judgment the American people never would have made any objection to the passage of the bill for the increase in the salaries of Senators and Representatives, had it not been for that retroactive feature which it embraced.

However that may be, I have the right to assume that the men who are selected as the Representatives of the people or the Senators from the States have courage, candor, and manliness enough to deal with their own salaries with the same fairness and the same measure of exact justice that they deal with the salaries of every other paid official of this Government. I am ready to join hands with the Senator from Massachusetts and with every other one and take up this work of the general revision of the salaries of the officials of our Government. I am not willing to do what I even concede to be justice to one class so long as you absolutely neglect and ignore another class.

Here and now I want to say that for this reason, and for this reason only, will I not agree to increase the disproportionate pay between life-salaried officials and those who are paid only for the time they are in service from one-half to two-thirds of the amount given to the life-salaried class already. I do not intend to support this or any other bill that looks to the adjustment of the salaries of any specially favored class of our officials; but I am ready to go into the work of general revision and make the salaries of all fair, reputable, liberal, and decent.

Mr. HALE. Does not the Senator see that if he insists upon doing nothing for the judges, where we are all agreed that they should have some advanced pay, until we put Congress on the same basis, he is not likely to get anything done? I suppose the Senator realizes that if in this bill a provision is put increasing the pay of Senators and Representatives only to a point that would be just and reasonable the conditions are such that the bill with such an amendment would not go through?

I hope the Senator, who is an old legislator, and who says that the judges are not amply paid, will not in any way hinder the passage of this bill, which is good in itself, so far as it goes, simply because the other thing that is desirable can not now be accomplished.

Mr. BLACKBURN. I am very glad of the opportunity of saying, in answer to the Senator from Maine, that I have no desire and I have no purpose to hinder or delay the action of the Senate upon this measure. I have tried distinctly to disavow any purpose of antagonizing this measure upon its merits, or I have declined to intimate that, in my judgment, it was not a justifiable increase of salary. I do not make that point at all, but I simply object or fail to support this bill because I think the disproportion between the present pay of those officials who are included in this measure is great enough in their favor, and I am not willing to increase that disproportion.

Mr. HALE. I agree with the Senator that the disproportion exists, but you can not get the other.

Mr. BLACKBURN. If the Senator will allow me, I would suggest that I do not believe that—and I hold the same opinion now that I did in the committee when this measure was under consideration—I do not believe that this is the most popular feature that could be chosen and selected to present to the people. If you were going to prepare a general bill, overhauling and rearranging the salaries of all the officials of this Government, if you would undertake to select the most popular items and features out of it, I do not believe that an increase in the judicial salaries would be the one that would be selected. I do not think that that will commend itself to the American people with any more strength or force than the other features which have been eliminated from the measure as originally drafted and submitted by the Senator from Massachusetts. In other words, if we are hunting for what shall be the most popular measure we can offer, I think we made a mistake in eliminating the other features and confining it simply to an increase of the salaries of judicial officers.

Mr. GALLINGER. What were the other features? Did they include Senators and Representatives in Congress?

Mr. BLACKBURN. Yes, sir; and they were eliminated by the action of the committee; not, as the Senator from Massachusetts has said, that a majority of the committee believed that the salaries of Senators and Members of the House were sufficient, but because they believed this was the most popular——

Mr. HOAR. Oh, no. I beg pardon. I never said that.

Mr. BLACKBURN. I certainly understood that to be the cause of the action of the committee.

Mr. HOAR. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kentucky yield to the Senator from Massachusetts?

Mr. BLACKBURN. With pleasure.

Mr. HOAR. I never said, thought, or dreamed of fixing this bill one way or the other because it would be popular. In my judgment the way to find out whether a bill is popular is to find out whether it is right. There is no other way in the world. But I was in favor of this modification of the measure because I thought a majority of the two Houses of Congress, of whom the committee is but an organ and servant in preparing legislation, would favor this and would not favor the other. That is what I have to say about that.

Mr. BLACKBURN. Precisely, Mr. President, and I think that was exactly what I attributed to the Senator from Massachusetts.

Mr. HOAR. I thought the Senator spoke about its being popular or unpopular.

Mr. BLACKBURN. No. I will repeat it. I think I did no injustice to the Senator's position. This is the bill of the senior Senator from Massachusetts; that is, a part of a bill introduced by the senior Senator from Massachusetts. Now, applying that crucial test of his, this was not the bill that he wanted, because it is not the bill that he introduced into the Senate and had sent to the Judiciary Committee. This is the emasculated remains of that bill. The bill which the Senator from Massachusetts introduced into the Senate and had sent to the Committee on the Judiciary embraced these other classes of Federal officials. Now, for some reason they went out of the bill, and it comes back from the Judiciary Committee in its present shape.

Mr. HOAR. Will the Senator from Kentucky allow me?

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from Kentucky yield to the Senator from Massachusetts?

Mr. BLACKBURN. Certainly.

Mr. HOAR. There is before the Judiciary Committee one of the most important bills of the session, prepared by the senior Senator from Colorado [Mr. TELLER], to rearrange the judicial circuits of the United States, which have become exceedingly inconvenient. I addressed to every Senator on this floor a communication asking his judgment about the proper arrangement of those circuits. I do not expect, when we report that bill, that the committee will sit down and say, "The 13 men in this room, or a majority of them, 7, think that one way of arranging these circuits is best." They will endeavor to make that bill, if they can, violating no principle, doing nothing wrong or unjust in it, a reflection of the judgment of this body. That is exactly what we did in this case.

Mr. BLACKBURN. The Senator misapprehends my purpose, I am sure. I am not reflecting upon him for the action taken in the matter of the change in this bill or any eliminations from its original provisions. Quite the contrary. I mean to say just what the Senator has said, that the change made in this bill in committee, with his approval, was based upon the conviction that it would be more acceptable to Congress in this shape than in any other shape.

Mr. HOAR. That is it exactly.

Mr. BLACKBURN. And that is all I have ever meant to attribute to the Senator.

Nor am I criticising him for that act at all. It was entirely proper. He did not want, as the organ of the Committee on the Judiciary, to come here with a bill that could not command the support of the Senate and the other House of Congress. He should not have wanted to do it. Far be it from me to complain or criticise his action. I say the bill appears before the Senate in its present reported form instead of in its original form because the Senator from Massachusetts, with a majority of the Committee on the Judiciary standing with him, believed it would be stronger before Congress in this way than it would have been in its original shape, and from that conclusion I dissent. I do not believe it is, and I repeat that if you wanted to make the strongest bill, the most acceptable bill, whether it be to the Senate or to Congress or to the country, I do not think it was wise to

select and single out the judiciary, and let its benefits come alone upon that class of officials. I do not believe it has strengthened the proposition. That, however, is a mere matter of opinion.

I have said all I care to say, except to repeat what I have said more than once this morning. I do not wish to be understood as denying that the judges, whether Supreme, circuit, or district, embraced in this measure are entitled to more pay. I do not deny that proposition at all, but I do deny that their pay should be increased at this time, thereby increasing the disproportion, already too heavy, in their favor when you come to compare them with other officials of this Government.

Mr. SPOONER. Mr. President, I was not at all surprised by the statement of the Senator from Kentucky [Mr. BLACKBURN] that he thinks the salaries provided for in this bill are just. He is a broad-minded man, a just man, and a generous man. But I am surprised at the reason he gives for antagonizing the bill, founded not upon any objection to what is in the bill, but based only upon the absence of provisions which he thinks ought to be in it.

Now, it is not a good reason why we should not give to the judges of the Federal courts what is confessedly a just reward for their labor that we, who hold the purse—Congress—have not, as the Senator has said, the moral courage also to vote adequate compensation to Representatives and Senators. The judges can not help us to do that. They can give us no more moral courage than we have. But we control the purse. They can have no increase of salary except by our action, and it seems to me only a fair proposition that we should give them the compensation to which all think they are entitled, and not deny them that compensation because we are not willing to give ourselves the compensation to which we think we are entitled, which we have the power to do.

Now, there is a reason for singling out the judiciary which would not apply to Congress, I think. Very many members of Congress conduct at home the business which they pursued before they entered public life—commercial and otherwise. Many members of Congress maintain their law firms, and in the vacation they try lawsuits and make professional earnings in matters entirely compatible with their public position. There are various avenues open to Senators and Representatives in Congress which are proper, and which the whole people would consider to be proper, by which in the vacation they may advantage themselves and make provision for their families hereafter. That is hardly so with the judges. In the very nature of things they are an isolated character of officials. They can not practice law in their vacations. Their opportunity to earn a dollar in the practice of their profession is gone, and not only that, but the avenues which are open to Senators and Representatives in Congress in the way of transacting business are not open to them.

These judges are as important, certainly, as any other officials of the United States. All in all we have been peculiarly fortunate in our Federal judiciary. None in the world, I think, is better, if, taken all in all, as good. These men go upon the bench. They work upon the bench, in the public service, and most of them work very hard and with great devotion, on salaries which are barely adequate and in some instances absolutely inadequate to maintain the dignity which is involved in the position they occupy, barely adequate to provide for the education of their families. When they reach 70 years of age the time for work in their profession is gone. They will have been too long from it. There is very little left for a judge who has retired to do in the way of making provision for his family.

It has been a very great grief to me—it has been a source of shame to me—that the widow of one of the greatest of our supreme judges was left practically without income. It is not a pleasant thing for a man to contemplate, and the mind of a man who is a judge ought to be free from such concern. They can not become rich, but they ought to have sufficient salaries to enable them to live decently and as such officials should live and to provide decently for their families and to make, by reason of a little economy, some fair provision for those whom they are to leave when they die. It may be the widow, it may be some invalid child, or what not. It seems to me it is not calculated to enhance the value of judges that the judge shall have ever present with him the fear that when the time comes for him to go he will have spent his whole life in the service of the public with simply compensation enough to enable him to live and with no opportunity to leave anything for those dependent upon him and for whom he should make provision.

I know a great many judges who, if they were off the bench, would be able to acquire a competence for their families. Some of these judges, if they were upon the bench in the State of New York, would receive a very much larger salary than is provided for in this bill. Talk about its being a popular bill—I think any proposition which is just and which proposes to pay to public officials like these a compensation which is no more than adequate will be popular with the American people. I believe they wish to pay to such servants in fair measure what they deserve.

Now, Mr. President, there is a reason why the proposition to increase the salaries of Senators and Representatives in Congress is a delicate one. That feeling which makes Representatives and Senators reluctant to do it is a creditable one. It is not altogether cowardice. We are temporarily the agents of the people. We are clothed by them with power to make appropriations. The money of the people is under our control, and it is not surprising to me that trustees here, public servants with power of appropriation, for public purposes, of the people's money, hesitate a little to use that power to increase their own compensation.

We all came here knowing what the salary was. I do not remember that many gentlemen have declined to come to the Senate because the salary was inadequate.

Mr. BERRY. How about Supreme Court judges?

Mr. SPOONER. I have known men to decline to become Supreme Court judges because they were not willing to sacrifice the future of their families for the honor of serving upon the bench until they had passed beyond the age during which they could earn a competence for their families.

Mr. HOAR. If the Senator will pardon me, Rufus Choate declined the office and Benjamin R. Curtis resigned it.

Mr. BERRY. I will ask if there are not a number of citizens who have declined to be Senators or Representatives in Congress?

Mr. HOAR. The point was that the Government sought for the office two men of the greatest judicial reputations in the world. One of them refused and the other resigned on account of the inadequacy of the salary. So we did not get our choice.

Mr. SPOONER. And there have been others who have declined to accept the position because they cared more to make provision for their families, those dependent upon them, than they did for the honor of serving upon the Supreme Bench.

Mr. President, I share for one a great reluctance to vote for a bill, even though the compensation it provided were just, which would increase my own compensation. That is true, I think, with a great many members of the Senate and a great many members of the House.

Mr. STEWART. Will the Senator yield to me for a moment?

Mr. SPOONER. Certainly.

Mr. STEWART. I wish to offer an amendment for the purpose of testing the sense of the Senate, and I propose to call for the yeas and nays on it. I want the Senator to comment upon it. The amendment I shall offer is as follows:

On and after the 4th day of March, 1903, the salaries of Senators and Representatives in Congress shall be $7,500 a year.

I propose to offer that amendment for the purpose of testing whether the Senate has come to the conclusion that this ought to be done, leaving out all back pay. It applies purely to the future. I will ask for a vote upon it without further remarks. I now offer the amendment.

Mr. SPOONER. I hope the amendment will be voted down. I hope the Senate will deal with this bill to increase the salaries of judges as a distinct proposition, and I hope the Senate will deal with the proposition to increase the salaries of Senators and Representatives in Congress upon its own merits and by itself. I do not think, with our knowledge of the reluctance of Members and Senators to pass a salary bill for themselves, that we ought to load down and endanger the passage of this measure, which almost every man agrees ought to pass, by any amendment like that proposed by the Senator from Nevada.

Mr. STEWART. I want to test the sense of the Senate.

Mr. SPOONER. And I shall vote against putting it on this bill.

Mr. BERRY. Mr. President, the Senator from Wisconsin [Mr. SPOONER] closed his argument by saying that almost every man agrees that there should be an increase in the salaries of these judges. I do not know whether he intended that to apply to the Senate or to the country at large, nor do I know how he is able to ascertain what every man in the country believes. The Senator from Nevada [Mr. STEWART] says the people are demanding the passage of this bill. I have not heard of any such demand. I have not heard any petitions read at the desk. I have not seen accounts of any meetings throughout the country of any sort of organization asking for this measure; and therefore I say I do not believe the people are demanding any such proposition.

There is one other thing—and I want the Senator from Wisconsin, if he will, to give me his attention for a moment. He began by complimenting the Senator from Kentucky [Mr. BLACKBURN] by saying he was a broad man, a liberal man, a generous man, and therefore favored this increase. I do not think it can be said that those who do not believe in this bill are open to the charge of being either narrow-minded or ungenerous. I did not put my opposition on the ground that it did not increase the salary of Senators and Representatives. That is not my objection to the bill. The justices of the Supreme Court of the United States, if I remember correctly, were first paid $6,000 a year.

Mr. STEWART. Less than that.

Mr. BERRY. Less than that; and some of the great men and the greatest judges who have ever lived, men who rendered great decisions and rendered great service to the country, have been secured for less than $6,000 a year. The salary was then raised, I believe, to $8,000 a year, and then it was put up to $10,000, with the Chief Justice at $10,500.

Now, when Senators stand here and tell me that a man with $10,000 a year during his entire life—because the salary does not cease when he ceases to be a judge after having arrived at 70 years of age—can not support his family upon it, I tell them I believe they are mistaken in the situation. I believe that $10,000 a year with the honor of a lifetime position is sufficient for these men, and they ought not to be paid more. While there may be exceptions here and there, I believe that sum will command the very best talent. It is only here recently, when people began to measure everything by a dollar-and-cent basis, that gentlemen fail to consider the great honor of sitting upon the Supreme Bench of the United States. You do not consider that that is a lifetime position, but you seek to say to this country that men of ability can not live for $10,000 a year.

In regard to the other judges I said nothing, but the Senator from Kentucky [Mr. BLACKBURN], who, I am sorry, is not in his seat, made a remark to which I wish to call the attention of the Senator from Massachusetts [Mr. HOAR], and I shall be glad if the Senator from Massachusetts will answer my question as I ask it. There is a statute which provides that district and circuit judges shall receive their actual expenses while holding court at other points, provided it shall not exceed $10 a day, and the Senator from Kentucky stated that those judges, in every instance, if I understood him, collected that $10 a day from the Government under that statute whether their expenses amounted to that much or not. Is that a correct statement?

Mr. HOAR. I did not hear the Senator from Kentucky make any such statement, and I do not think he made it, as I should have observed it if he had.

Mr. BERRY. I not only heard him make it, but I asked him if he made it, and he said he did make it, and that it was the truth. I think if you will ask him he will verify it. I stand here to say that if, under the statute read by the Senator from Massachusetts, any circuit judge or any district judge holding court elsewhere than in his own home took $10 a day when his actual expenses were less than $10 a day he took that from the Government to which he was not entitled. I think it is somewhat of a serious charge to bring against these judges, and that is the reason why I ask the Senator from Massachusetts whether it be true. He gave that as an excuse and as the reason why these circuit and district judges' salaries should be increased, because he said when away from home they were entitled under this statute to take, and, as I understood it, they always took, the $10 a day. We all know that throughout certain sections of this country it does not cost $10 a day.

Mr. HOAR. Will the Senator pardon me?

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Massachusetts?

Mr. BERRY. Certainly.

Mr. HOAR. He has appealed to me. The provision I read applies in the case where the judge is attending the circuit court of appeals. In the case in the district court it is when he goes out of his own district. Now, in those cases the judges are summoned to important business centers. Courts are held in important business centers, and the judge must have for his convenience something more than the ordinary hotel accommodations which most people would require. He must have a room large enough to enable him to work with his books and to dictate to his secretary, to appoint hearings in the evenings or at chambers in the afternoons, in the daytime probably, but certainly in the evenings, and to receive members of the bar who come to him. I am not speaking of any social relations.

I do not believe there would be one case in five where such accommodations as a judge would require for the public business could be had for less than $10 a day. I am sure it could not be in Boston. I am sure it could not be in New York. The Senator from Nevada [Mr. STEWART] will tell me whether it can be in his part of the country—San Francisco.

Mr. STEWART. San Francisco, no.

Mr. HOAR. Mr. President, it is not for me to suggest what any other Senator shall say in debate. It is solely for his own judgment, but I am sorry that any Senator thinks it is his duty to make such an imputation on a judge of a court of the United States.

Mr. BERRY. To whom does the Senator allude as making an imputation—the Senator from Kentucky or myself?

Mr. HOAR. I said at first that I did not believe the Senator from Kentucky said it.

Mr. BERRY. I trust a page will find the Senator from Kentucky and ask him to come into the Chamber. If there is any doubt about what he said, I should like him to say. I want to say to the Senator from Massachusetts——

Mr. HOAR. Will the Senator allow me to say one more sentence?

Mr. BERRY. All right.

Mr. HOAR. I think, myself, that neither of the Senators means to make any such imputation.

Mr. BERRY. I meant to say precisely what I did say. I say under that statute the judge is entitled to whatever his expenses may be, provided they do not exceed $10 a day. Does the Senator deny that, or is that an imputation upon the judge? Then I add further, and I did say it, that if the judge whose expenses were only $5 a day collected under that statute $10 a day he collected that which the law did not authorize; and will the Senator from Massachusetts deny that? Will the Senator take issue with that? I put the question to him directly and specifically as to whether he will take issue with that. If that be an imputation upon the judge, Mr. President, I have made it. I simply said that I did not think the reason given by the Senator from Kentucky as to why the salaries should be increased, because they were getting already what the increase would amount to by reason of the $10 a day, was a good reason.

Now, I do not know whether any judge ever charged more than his actual expenses or not, and I make no imputation upon any judge; but I repeat he is entitled to what the law gives him. The law says his "actual expenses," and the law means his actual expenses; and no judge should take more than that. I am absolutely certain that some judges whom I know would not take more than that.

Mr. President, I have but a word or two more to say. I shall not vote for the amendment offered by the Senator from Nevada, because I do not believe it ought to pass. I shall not vote to increase the salaries of these judges, because I believe they are receiving enough already. If that be narrow-minded, ungenerous, or illiberal, then I take the charge to myself.

I say that $10,000 a year for a Supreme Court judge, where the salary continues during his life, and it may be for years after he ceases to work, is sufficient. I say in addition to that that every Senator and every member of Congress, when he ran for the office, knew what the salary was to be. He was anxious to have the place at that salary and he has no right now to step in and take money from the Treasury that he may be paid more.

I say also that the same argument applies to every judge of the courts. When they accepted the place they knew the amount of salary. It is not the people of the country, as the Senator from Nevada would have you believe, who are clamoring for this increase. It is the judges themselves and their friends who urge it.

I do not believe that the bill ought to pass in either shape. I am against the amendment, and I am against the bill whether it is amended or not.

Mr. McCOMAS. Mr. President, this bill from the Judiciary Committee shall receive my vote. The objections made are that it does not go far enough as to Senators and Members of Congress, and that the difference resulting between the present salaries of Congressmen and the projected salaries of judges makes a disparity too great. If that be true, it is because of a certain line of consideration influencing the minds of Senators and Members of Congress, which I, in the brief time here, do not propose to consume minutes in discussing.

If it be true, as some say, that the salaries of Members and Senators should be increased, that field is open for discussion and for vote. If it be true that the salaries should not be increased and the disparity between what they receive and what is here given the judiciary is too great, that can be remedied at another time. I favor this bill because it includes simply the Federal judiciary, whose compensation and control and jurisdiction are so largely intrusted to the legislative branch. If we can not do what some men believe to be entirely just, we should discharge this trust. All the Federal judges are included in this bill, the Supreme Court, the circuit courts, the district courts, the Court of Claims, the court of appeals, and the supreme court of the District of Columbia. The Territorial judges of short tenure are not here dealt with.

For myself, when Senators say the salary they receive is not adequate, I do not deny it. But that is another question. Members of Congress are in a large percentage poor men. There are many Senators on this floor who are poor men, and they have a double embarrassment. Some of us who know it know what an embarrassment it is to be poor and to be thought rich. It is tantalizing, perplexing, entangling.

Mr. SPOONER. And very expensive.

Mr. McCOMAS. And, as the Senator from Wisconsin suggests, it is also very expensive. But in our great country, with largely increasing questions of tremendous importance, the Federal judges are not now paid what just men would regard as fair compensation if they seriously considered the proposition.

The Senator from Arkansas has said that there is no clamor for this measure; that there are no petitions of citizens here. I should think ill of the Federal judiciary if there were organized efforts presented at the bar of the Senate or petitions in respect of the increase of the salaries of the Federal judges. I do not believe there is any clamor among the people. Men are busy with their affairs, and human nature is selfish. All that I claim for this proposition is that when the people of the country come to consider it they can not properly say it is not a just measure, reasonable and prudent, while many would consider that it was not adequate provision for the judges of a great nation such as ours. In comparison with those countries which rank with us in the world there is no comparison between these salaries and those they give for like judicial functions in their exercise and administration. In comparison with some of the larger States of our own Union it is small. It is true that the judges in the States hold for long terms and the judges here are for life, but that is only a difference of moderate importance and not enough to be used as an argument against this proposition.

The Senator from Kentucky [Mr. BLACKBURN] has stated broadly and frankly that there should not be a disparity between Senators and Members and the judiciary in this respect. As the interests grow larger and larger it becomes exceedingly important in a country which has been most fortunate in the Federal judiciary that the men who are performing these functions should be further and further removed from human embarrassments and human temptations. They are men of like kind with all other men. They should be removed from the ordinary besetments. If among these Federal judges there are some who, as lawyers in practice, had gathered some estate, they go upon the bench limited and hampered in respect of investments as other men are not, because a judge should not disqualify himself in the trial of questions by investments or interests that might by any casual chance disqualify him or remotely make him subject to any bias in the administration of justice. Members of the House and of the Senate are liable to many more exactions, requests, and applications for pecuniary expenditure on their part than judges are. Still, they have some opportunity for getting an income during a recess of Congress in their business, their avocation, or in their profession.

If we can not do what all men think should be justly done, we should elevate, guard, and properly maintain the Federal judiciary, whose field of administration in the interpretation of weighty and great questions is widening and ever widening in a great country.

Mr. HAWLEY. Mr. President, did anybody ever hear from a good, straight, characteristic American audience of intelligent, just, sensible men a demand for the reduction of the salary of a Congressman? I never did. Was anybody ever told that we ought to increase our salaries? Yes. Many times I have heard the question asked, "Why in the world do you not give yourselves a better salary? Your expenses are greater than any ordinary citizen. You have left, perhaps, a business just as good or a more lucrative position than that of a Congressman." I firmly believe that the general sense of the country would say, if we added one or two thousand to our salaries, we had a perfect right to do so.

I do not wish to bring in personal experience, but I am free to say that I could not stay here if it were not for some outside resources. I have something of a family, and I have dear relatives whom I have been in the habit of helping, and that is a legitimate expense. I would be obliged to go away if it were not for a precious dividend that I derive from another source.

I do not think the country expects us to live in that way. I would be satisfied, as far as my individual self is concerned, to make the salary of a Congressman $6,000 a year, but I shall vote for $7,500 in default of an amendment of a different character, and I can go home to my people and in the biggest hall we can get there be applauded for saying that I voted for it.

Mr. FAIRBANKS. I wish to add but a word, Mr. President, to what has already been said upon this measure, reported by the Senator from Massachusetts [Mr. HOAR].

I am most cordially in favor of the proposed increase of salaries of the Federal judiciary. From a somewhat general practice in the Federal courts I am led to the conclusion that the Federal judges are most inadequately paid. I do not believe that the bar and the people of the United States, which are discriminating and just, will regard the proposed increase as more than simple absolute justice.

I do not think we should consider the suggestion urged by the Senator from Arkansas [Mr. BERRY] that the present judges accepted their offices upon the basis of present compensation and that therefore there should be no increase. We should make their salaries fair and adequate—in keeping, if you please, with the importance and dignity of the great offices they hold—and such as to invite the best talent at the bar when it becomes necessary to supply vacancies in the future.

The Chief Justice and Supreme justices of the United States are well entitled to the small increase which the bill allows them. This is almost universally conceded. I have rarely heard anyone who thought it too much, while, on the contrary, many have expressed the opinion that it was not enough.

The circuit judges, Mr. President, have within the past few years been given important appellate jurisdiction. They are now exercising appellate power as important almost as that exercised by the Supreme Court itself. The circuit courts of appeals have no jurisdiction of questions involving the interpretation and application of the Federal Constitution and of certain other cases specified in the act creating them, but with respect to a vast multitude of great and vital questions these courts, composed of circuit judges and district judges, exercise most important appellate jurisdiction. The creation of the circuit court of appeals has greatly increased the labors of the district judges; much of the work which formerly devolved upon the circuit judges is now done by them. The judges of the Court of Claims have not received a just measure of increase. Their functions are important, and they have been always underpaid.

I feel that this increase is so just, so eminently fair, that I would not wish to see the bill jeopardized by the amendment proposed by the distinguished Senator from Nevada [Mr. STEWART].

Mr. BERRY. Will the Senator from Indiana yield to me for a moment?

Mr. FAIRBANKS. With very great pleasure.

Mr. BERRY. The Senator from Kentucky [Mr. BLACKBURN] is now on the floor. I stated that he had said that these district and circuit judges in all cases charge $10 a day. The Senator from Massachusetts doubted that statement and said he did not so understand it. I should like to have the Senator from Kentucky state whether he did say it or not.

Mr. BLACKBURN. Mr. President, what I said was this——

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from Kentucky?

Mr. FAIRBANKS. I will yield; although I had almost concluded.

Mr. BLACKBURN. If it interferes with the Senator from Indiana, I prefer not to say anything now.

Mr. FAIRBANKS. I yield to the Senator from Kentucky. I will take but a moment after the Senator concludes.

Mr. BLACKBURN. I will simply say my statement was, that under the law, wherever a Federal circuit judge or a district judge is engaged in aiding in the holding of a court of appeals at some point other than his residence, he is allowed his actual expenses, not to exceed $10 a day. That, I take it, is the law. I said further that, so far as my information went, in all cases where allowances were thus made the maximum was allowed.

Mr. HOAR. That is very different from what I understood. If I may be allowed one moment, I supposed, as I stated when the Senator was out, that in nine out of every ten of such cases the actual expenses would be $10 a day. From what I know about Boston and New York and the sort of a room a judge must have to receive counsel and study and have books and a secretary, if he dictates to a secretary, practically, I suppose, in nine cases out of ten the judge, if he itemized his expenses, would show a larger amount than $10 a day, and I suppose also that the practice of the judges differ. Some of them send in an itemized statement of expenses where they are less, and others simply take the $10 a day as expenses without going into the items. But I do not believe, and I do not think any Senator on the floor believes, that there is any judge of our United States courts who, being entitled to receive his expenses and no more when the expenses were only $5 a day, would charge $10 for it.

Mr. BERRY. I hope not.

The PRESIDENT pro tempore. The Chair will lay before the Senate the unfinished business.

Mr. HOAR. I hope the Senator from Indiana may be allowed to finish his remarks.

The PRESIDENT pro tempore. The Chair will lay before the Senate the unfinished business, and then the request can be made.

The SECRETARY. A bill (H. R. 5833) temporarily to provide revenue for the Philippine Islands, and for other purposes.

Mr. HOAR. I hope that the unfinished business may be laid aside temporarily, to be taken up at any moment it is called for.

The PRESIDENT pro tempore. The Chair hears no objection, and the Senator from Indiana will proceed.

Mr. FAIRBANKS. Mr. President, I only wish to say a word in conclusion.

I share with others in the belief that, relatively, the Senators of the United States and the members of the House of Representatives are poorly paid. I do not believe that there are any officials in the service of the Government who render more important service, more faithful service, for less compensation than is rendered by the members of the American Congress.

I share with others in a feeling of delicacy concerning the question of compensation—a question which must in the nature of

things affect in a measure myself. I would prefer that that subject be not considered now, at least.

I may say that I did not support in the Committee on the Judiciary the subject-matter of the amendment offered by the Senator from Nevada [Mr. STEWART], which was embodied in the original bill and presented by the distinguished Senator from Massachusetts [Mr. HOAR]. I believe that subject should, as I said before, be deferred at least to another date, and that the bill increasing the salaries of judges and reported by the committee should be considered by itself.

Mr. STEWART. Will the Senator from Indiana allow me one question?

Mr. FAIRBANKS. Certainly.

Mr. STEWART. As to the reason given that it will affect the interests of members of Congress, will not that be always the case?

Mr. FAIRBANKS. It will.

Mr. STEWART. This question has, to my knowledge, been up for the last thirty years and the same delicacy has existed and it will probably always exist. Does the Senator contend that for that reason salaries of members of Congress can never be increased?

Mr. FAIRBANKS. Certainly not; I say that is a subject we need not consider now. Let us confine ourselves to the bill that is reported from the Committee on the Judiciary, and if the Senate wishes to consider the question of increase of the salaries of Senators and members of Congress, it can be done upon another bill and at another time.

Mr. STEWART. It can be considered and adopted on this amendment.

Mr. HOAR. I wish that we may have a vote on the amendment, unless some Senator wishes to debate the matter further. Everybody understands the question thoroughly, and I know that my colleague will consent that a vote may be taken.

Mr. LODGE. The Senator from Michigan [Mr. BURROWS], who is not now in the Chamber, said he desires to speak on this bill.

Mr. PETTUS. The bill will necessarily have to go over.

Mr. LODGE. Let the bill go over.

Mr. CULLOM. Let it go over.

Mr. HOAR. Very well; let it go over.

The PRESIDENT pro tempore. The bill goes to the Calendar.

Mr. ELKINS subsequently said: I understand the judicial bill was laid aside until Monday.

The PRESIDENT pro tempore. The bill is on the Calendar.

HOUSE BILLS REFERRED.

The bill (H. R. 8327) to amend an act entitled "An act for the protection of the lives of miners in the Territories" was read twice by its title, and referred to the Committee on Mines and Mining.

The bill (H. R. 10308) to provide for a permanent Census Office was read twice by its title, and referred to the Committee on the Census.

AMENDMENT OF DISTRICT CODE.

The PRESIDENT pro tempore laid before the Senate the bill (S. 3199) to amend the code of law for the District of Columbia, returned from the House of Representatives in compliance with the request of the Senate.

Mr. COCKRELL. I entered a motion to reconsider the votes by which the bill was ordered to a third reading and passed.

The motion to reconsider was agreed to.

Mr. COCKRELL. I move that the bill be indefinitely postponed. The House bill on that subject has passed.

The motion was agreed to.

HELEN A. B. DU BARRY.

The PRESIDENT pro tempore laid before the Senate the bill (S. 1037) granting an increase of pension to Helen A. B. Du Barry, returned from the House of Representatives in compliance with the request of the Senate.

Mr. GALLINGER. The votes by which the bill was ordered to a third reading and passed have been reconsidered. I move that the bill be referred to the Committee on Pensions.

The motion was agreed to.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (H. R. 2008) to authorize the city of Duluth, Minn., to construct and maintain, or cause to be constructed and maintained, a car transfer over the Duluth Canal, and for that purpose to occupy certain lands of the United States;

A bill (H. R. 9342) to amend the code of law for the District of Columbia, approved March 3, 1901; and

A bill (H. R. 10368) to provide for the removal of snow and ice from cross walks and gutters in the city of Washington, D. C.

PHILIPPINE TARIFF BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 5833) temporarily to provide revenue for the Philippine Islands, and for other purposes.

Mr. MORGAN. Mr. President, I have proposed an amendment to the bill, which I ask the Secretary to read.

The PRESIDENT pro tempore. The Secretary will read the amendment proposed by the Senator from Alabama.

The SECRETARY. Insert the following:

That the provisions of an act entitled "An act to revise and amend the tariff laws of the Philippine Archipelago," enacted by the United States Philippine Commission on the 17th day of September, 1901, shall be and remain in full force and effect, and there shall be levied, collected, and paid upon all articles coming into the Philippine Archipelago from the United States the rates of duty which are required by the said act to be levied, collected, and paid upon like articles imported from foreign countries into said archipelago.

SEC. 2. That with the consent of the lawful authority in said islands there shall be levied, collected, and paid upon articles coming into any other port of the United States from the Philippine Archipelago the rates of duty which are required to be levied, collected, and paid upon like articles imported from foreign countries: *Provided*, That upon all articles the growth and product of the Philippine Archipelago coming into any other port of the United States from the Philippine Archipelago there shall be levied, collected, and paid only 75 per cent of the rates of duty aforesaid: *And provided further*, That the rates of duty which are required hereby to be levied, collected, and paid upon products of the Philippine Archipelago coming into any other port of the United States shall be less any duty or taxes levied, collected, and paid thereon upon the exportation thereof from the Philippine Archipelago, as provided by the act of the United States Philippine Commission referred to in section 1 of this act, under such rules and regulations as the Secretary of the Treasury may prescribe, but all articles the growth and product of the Philippine Islands now admitted into the ports of the United States free of duty and exported from said islands for use and consumption in the United States shall be hereafter exempt from any export duties imposed in the Philippine Islands.

SEC. 3. That with the consent of the lawful authority in said islands, in addition to any tonnage dues or taxes now imposed by the government of the Philippine Islands, the same tonnage taxes shall be levied, collected, and paid upon all foreign vessels coming into the United States from the Philippine Archipelago, or engaged in traffic between the ports of the Philippine Archipelago, which are required by law to be levied, collected, and paid upon vessels coming into the United States from foreign countries: *Provided, however*, That until otherwise provided by law, the provisions of law restricting to vessels of the United States the transportation of passengers and merchandise directly or indirectly from one port of the United States to another port of the United States shall not be applicable to foreign vessels engaging in trade between the Philippine Archipelago and the United States, or between ports in the Philippine Archipelago.

SEC. 4. That the duties and taxes collected in the Philippine Archipelago in pursuance of this act, and all duties and taxes collected in the Philippine Islands or in the United States upon articles coming from the Philippine Archipelago and upon foreign vessels coming therefrom, shall be covered into the general fund of the Treasury of the United States, and an equal sum is hereby appropriated as a separate fund and paid into the treasury of the Philippine Islands, to be transferred to and used and expended for the government and benefit of said islands.

SEC. 5. The civil government established in the Philippine Islands under and by virtue of the order of the President of the United States dated April 7, 1900, is ratified and confirmed. The said government constitutes an executive department in the Government of the United States. The power to appoint officers in such government, not conferred in such order upon the civil governor, shall hereafter be exercised by the President of the United States, by and with the advice and consent of the Senate, and the power of removal of such officers, including such as are now in office, but excepting such as are authorized to be appointed by the civil governor, is vested in the President of the United States.

Mr. MORGAN. Section 5 will come in at any part of the bill where it may be convenient to insert it.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from Alabama, on which he is entitled to the floor.

Mr. MORGAN. Mr. President, I have not listened very closely to the debates on this question in the Senate. In fact, there has been a great deal said on the floor of the Senate about this measure or in connection with it that seems to me to be not very germane. But I have heard no objection as yet made to the tariff itself as proposed to be laid upon the Philippine Islands. Whether you call it an import duty or an export duty I have heard no objection made to it. I take it for granted, therefore, that the tariff is a just one, and also that it is necessary.

I am quite convinced there are necessities existing in the Philippine Islands for making differences between the tariff that applies to those islands and the tariff that applies, for instance, to the State of Alabama, if there is power in the Constitution to do it. The condition of the Philippine Islands is such, for instance, that if they are not permitted to import rice from China it is said that those people are threatened oftentimes with starvation, and they are not in a condition now to be worried or alarmed about a question of that kind. It is very true, we all believe, that after those magnificent islands are developed they will produce rice and breadstuffs enough of every kind, through the labors of a tolerably frugal and industrious people, to supply all their wants. But at the present time it appears to be a very urgent political necessity that we should try to find some way of providing for the importation into the Philippine Islands from China of rice for the purpose of sustaining human life in some of those islands, in many of them, indeed.

Now, I wish to announce in the outset of my remarks, Mr. President, that in my opinion Congress has no constitutional authority, acting within its own powers, to levy a discriminating tariff upon imports, and that Congress by itself has no power to levy any export duty whatever. I believe in the policy of free trade between all parts of the United States, whether they are covered by the flag or the Constitution or both. Whether those gentlemen who are capable of making dissections of very fine distinctions, separating a hair between the west and northwest side, are able to find room for a doctrine as heterodox as I think this is, is a matter of no concern to me, when I can read the Constitution of the United States in a plain, sensible, satisfactory way, and find sufficient authority for the propositions which I have embraced in this amendment, which the Senate will notice have almost exclusive reference to the powers of Congress. In this amendment I adopt the language of the act. I adopt the affirmation of the laws as they exist in the Philippine Islands. I do not go back to the question of whether those laws were enacted under military power or whether they were enacted under the broad and latitudinous powers conferred by the Spooner amendment to the Army appropriation bill. We find them there. They are in force, and they are in acknowledged force, in the islands and acknowledged force in Congress. We act upon them, and I am in favor of adopting them just as they are, subject, of course, to such changes as may be made in them hereafter by proper authority.

If this bill passes, Mr. President, in the form in which it is, I hope that it will bring forward in the next Democratic national convention a declaration about to this effect: "That the Democratic party of the United States is in favor of free trade between all parts of the United States, whether covered by the flag or the Constitution or both," so as to exclude all the contentions that are possible to be made upon those nice lines of refinement and disquisition which have given so much concern to Congress and also to the Supreme Court of the United States.

Unquestionably, according to the Democratic view of the subject, according to my view of the subject, Congress has no power to enact any other than uniform laws in respect to imposts or duties upon imports from foreign countries. I do not propose to worry myself or the Senate by going back and making any investigation or attempt at reconciliation or the elucidation of the various queer conflicting ideas which have obtained in the Supreme Court of the United States upon that question, leaving a majority of that court—and generally a majority of one—to decide the gravest possible constitutional questions, and sometimes, as we understand it, placing the court in absolute conflict with itself.

Congress has powers under the Constitution to deal with this subject without regard to uniformity in tariff laws, but they have not as yet been appealed to. We have lived for about one hundred and thirteen years under the Constitution of the United States and the precise question that is presented in this amendment, so far as I know, has not heretofore been brought to the attention of Congress. That proposition is based upon section 10, of Article I, of the Constitution of the United States.

In order that I make myself as clear as possible about this, Mr. President, I will read the form in which the tenth section of the first article was presented in the constitutional convention and show its progress until its final adoption. In the plan of the Federal Constitution offered by Mr. Charles Pinckney, when he came to Article XI of that plan he had the following form of language to define the powers of Congress:

No State shall grant letters of marque and reprisal, or enter into treaty, or alliance, or confederation; nor grant any title of nobility; nor, without the consent of the legislature of the United States, lay any impost on imports.

The matter went under discussion in the Constitutional Convention for quite a while, but it underwent no change, and no action in the convention was taken upon it until the balance of the Constitution, and particularly Article VIII of the Constitution, had been very thoroughly discussed. In consequence of a proviso, moved by Colonel Mason and agreed to on the 13th of September (p. 719), this part of the section was laid aside in favor of the following substitute, namely:

No State shall, without the consent of Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws: and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the Treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

When section 8 came to be finally reported and acted upon in the revised and finally formulated Constitution it reads thus:

SECTION 8.

The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States.

That is the form in which it stands to-day. Section 9 of Article I of the Constitution was adopted in its present form. Section 10 takes up a new situation, new rights, new powers, and new possibilities, providing for events of the most important character the convention ever considered, and it reads as follows:

No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws: and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the Treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

No State shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

The contest in regard to this subject of the power of the States to levy imposts or duties upon imports or exports was one that caused deep feeling in that convention, because the States had all exercised that power and had derived the principal means of their support from money thus derived. It led to much of consultation and debate, so that when it came to the imposition upon the States of the disabilities that are found in section 9 and section 10, those disabilities were qualified with absolute and active powers in favor of the State governments.

Now, what does this language mean?

No State shall, without the consent of Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws.

Here is an absolute power given to the States, without the consent of Congress, to levy imposts or duties upon imports and exports for executing their inspection laws. The inspection laws were matters of importance to the States—the inspection of provisions coming in, medicines, people, and whatever else it might be necessary on the part of a State to inspect for the sake of preserving its police powers, and also the health, peace, and security of the body politic. The States reserved to themselves the unqualified, unrestricted right of levying imposts and duties on imports and exports that might be absolutely necessary for the execution of their inspection laws. There is no doubt that Congress has the right of supervision, to say whether or not the duties thus levied were absolutely necessary for executing the inspection laws, but that does not destroy this reserved right of the States.

Now we come to the other branch of this subject.

We have turned away from the powers of Congress, which are required in their exercise to be uniform in all matters of taxation of imports from foreign countries, and which absolutely excludes Congress from the power of levying an export duty on anything that goes out of any State, and we come to the proposition whether or not a reservation has been made of the power of a definite and clear character in favor of the States, that they may, with the consent of Congress, levy duties and imposts on imports and exports.

Mr. President, it is simply beyond the power of the human mind to read this clause out of this Constitution without destroying its entire integrity. So we see that the previous proposition in section 8 has not smothered and destroyed that which is secured in section 10. After the convention had passed over section 8 and had defined the powers of Congress, then commenced the regulation of the powers of the States in sections 9 and 10. And here is distinctly declared the proposition that a State may, with the consent of Congress, levy imposts or duties on exports or imports. Congress can not levy any export duty, but a State may, though it must do so with the consent of Congress.

What, then, was the object of this? What purpose was intended to be accomplished by it? Evidently that the States might find themselves in such a situation that it might become absolutely necessary, in the opinion of Congress, that they should have the right to levy an export duty or an import duty upon a particular specific article without reference to its general uniformity. Uniformity in enactment in the imposition of duties upon foreign commerce coming into this country belongs to Congress, and controls Congress and Congress alone. It does not control the States, except that Congress must agree to whatever the States choose to enact upon that subject before the law becomes effective. The State of Alabama, Mr. President, has a perfect right to pass a tariff law, though her tariff law would be of no avail whatever until the Congress of the United States agreed to it. When, however, it is agreed to by the Congress of the United States, it makes no difference whether it is uniform throughout the United States or not, for the rule of uniformity does not apply to concurrent action of the States and the Congress of the United States, but it applies to the action of Congress as the supreme law of the land without consulting these States.

I do not remember that any occasion has arisen in the history of the United States where this matter became pertinent until this bill was introduced into the Senate. But here is a bill that provides for the levy by an act of Congress of export duties on articles brought from one part of the United States to another, and there is no escape from a palpable violation of the Constitution except to say that those islands from which the export is made are not a part of the United States. We get ourselves into

that inextricable tangle or controversy of conflicting opinions when we get upon that ground, and say that the Congress of the United States has the right to levy an export duty. We find it plainly forbidden. It is an export duty on articles exported from the Philippines to the United States. It is true the duties are levied here instead of in the Philippines, but it makes no difference as to the place where they are levied. They are export duties. On the shipment of goods between Georgia and Alabama, if a tax or tariff was laid upon them it would be no more an export duty than that; and there is no occasion, there is no possible necessity, for our involving ourselves in this category or in this dilemma when we give effect to section 10 of the first article of the Constitution of the United States.

I therefore propose to change this bill by saying that with the consent of the lawful authorities in the Philippine Islands these enactments may be made, so that this palpable and plain violation of the uniformity of taxation shall find a ground upon which it can be justified. It has a ground on which it can be justified in the tenth section of the first article of the Constitution. Then, why should we not rest upon it?

Mr. President, I think if Senators will indulge themselves in a little reflection about this subject before this bill comes to a final vote they will find that on many occasions the usefulness of this tenth section of the first article in the Government of this country will not only be manifest, but it is immense. It shows the wonderful powers given by our fathers in this Constitution for accommodating the expansion, I will call it, of the United States of America and the future adaptation of our Government to the needs of the particular country over which our flag and our Constitution and our laws may prevail.

If we should take in twice as much territory as we now have we should not violate the Constitution of the United States, if the decisions of our Supreme Court are to be respected, by the mere fact of including more territory within our domain, and if we have not that power we have been doing some things that are extremely wrong in policy, if not wrong in governmental action. Having that power, having the right to expand, as we call it, perhaps not by conquest, not by force of arms, but through the lead of higher and nobler powers than even arms possess, we have the right, and will exercise it hereafter, no doubt, as we continue in our great career as a free, liberal, constitutional Government. When that can be done in such way as to save the peculiar institutions of those people from the very narrow, hard, strait-jacket kind of legislation that is provided in the eighth article of section 1 of the Constitution, we shall then begin to realize that we have a career before us, one that will admit the principles of free constitutional Government, with the consent of the governed, to any country or any place to which our authority may hereafter be extended. In my amendment the consent of the governed is included and is required when it relates to legislation suited to their peculiar conditions.

I speak here of the authority, the lawful authority, of the Government in the Philippines. Some of my Democratic brethren, I have no doubt, will wish to take issue with me upon the fact that there is any lawful authority in the Philippines, that there is any lawful government there. I can not question that, Mr. President, as a matter of fact, neither can I question it as a matter of law, although I can very well question some of the steps by which this fact has been accomplished. But it is an accomplished fact, and it is one from which the Government of the United States can not possibly recede. We have made our bed and we must lie upon it. There is a government in the Philippines, and I am very glad to be able to say a very good government, suited to the character of those people and the situation in which we found them, a government which has already added greatly to the advantages that those people had at the time the Spanish authority was in vogue in the Philippines.

When we speak about a lawful government in a territory, an area of country that is within our jurisdiction, and that we have already included in form and substance within the powers and duties and obligations of civil government, all that constitutes rightful government, if our memory will allow us to trace the history of our own affairs back to the date of our own Constitution, and before that time, we shall find that the governments of our Territories, every one of them, and of the Indian tribes, every one of them, find their perfect sanction in the Constitution of the United States. Mr. President, it would require, perhaps, days for the reading of the history and the recital of the actual statutes that we have enacted from the date of our Constitution down to the present time for the government of the Indian tribes found within our own borders. They are as various as the tribes themselves.

To some of them we have given the smallest possible modicum of civil authority. I will take those tribes, for instance, that have what we call Indian courts. These are people, they are citizens, of the United States in the broadest sense of the word; that is to say, they owe their allegiance to us as a Government and we owe them protection; and when you have expressed those two ideas you have got the full depth, length, breadth, and height of citizenship of the United States—allegiance and protection corresponding in correlative rights and powers cover the whole field. These people are in that condition, whether they be blanket Indians or any other Indians, and we have by acts of Congress permitted them to organize Indian courts to try men of their own tribe by their own judges—the Indian agent, participating or not—and trying them for offenses against Indian law and punishing them. They are a people; they have constitutional and natural rights; they have opportunities to rise as high as any of us if they can muster the courage to make the march.

We put no chains or restrictions upon them at all, but when we find them in a condition of absolute prostration, in ignorance, and in savagery, we say to them, "Organize little courts for those men who commit offenses against your tribe and punish them, and we will see that you do it right, except that you shall not execute capital punishment upon them without our consent." Now, there is a power exercised by these Indian tribes, with the consent of Congress, under and in accordance with the Constitution. It is not a full exercise of those powers, but it is sufficient for the occasion and the people.

When we came to deal with the Five Civilized Tribes, out in the Indian Territory, we entered into contracts with them and made treaties with them repeatedly, under which those men have the right to establish the highest order of civil government, and they have made a marvelous success.

I have read the constitutions of those Five Civilized Tribes and I have read the decisions of their supreme courts, written out and printed—and printed in the Territory. I have read their statutes, some of them published in the Cherokee alphabet and some published in the English language; I have looked all through the wonderful and marvelous scheme of government that those Indians have organized, and yet they are not self-governing in the fullest extent of American citizenship—not fully so.

They have not risen to that degree of eminence in civil government to which our Territories have attained and have had allowed to them, and yet their government is entirely consistent with the Constitution of the United States. It is local self-government in a very high and in a very excellent form, one which commends itself to the admiration of all civilized nations.

We have enabled these wild men that I used to see when, I was a child, stepping about in almost absolute nakedness through their home reservation, where I happened to reside at the time, to do all this. They are a splendid community, with local constitutions, supreme courts, and all the paraphernalia of a civil government under the Constitution of the United States and in accordance with it, in the full enjoyment of those rights and powers of a civil and political character which belong to still other communities in this country.

Now, where do we get the authority; where is the spring fountain of all this law, every particle of which is purely American in its type and is designed and adapted only for the purpose of working out those splendid propositions of government and the elevation of the race that we belong to, arranged by the wisdom of the fathers of this country and by no other country in the world?

What is the purpose of what we call Territorial governments, local governments? What is the object intended to be accomplished by them? I answer, It is the maturing of these people to accept and assist us or themselves in carrying into effect principles of civil liberty that are guaranteed to men, to communities, to counties, to States, and to tribes under the Constitution of the United States.

No man can find in any single recital of an act of Congress, or in any speech ever made in the House or in the Senate, in any message ever delivered to the Congress of the United States by a President, or in any decision of the Supreme Court of the United States anything else than the determined purpose of the people of the United States in dealing with men whom we call inferiors—and they are inferiors in intelligence—to lift them into the full possession of all the liberties and rights, independence and self-support that belong to the possibilities of the human character.

So, in our colonies, as some call them, in the expansion of our territorial system, no purpose has ever been disclosed, as none has ever been entertained, except that we would extend over these new communities the whole vitality of the power of the Constitution of the United States and its Government, with all the restrictions and restraints that are or shall become applicable to the situation of the people to whom it was actually applied.

England colonizes for the purpose of bringing the myriads who are in her colonies in subjection to the Crown. And so does Germany, and so has France, hitherto, and I suppose she will continue to do it. The object of those colonizations is to create dependencies which have no right to object or question, even by speech or utterance, the supremacy of the sovereign power and that they

are subject to it. We do not colonize, or expand, or create new territories for purposes of that kind.

The American system is absolutely distinct from the European system of colonization in all its principles and purposes, because our purpose is to build up the people over whom our authority extends, so that they will become competent and proper members of a republican government under a written constitution. The purposes and policy of European colonization are just the reverse. They are to hold people in subjection to the crown until they are released, either by the mercy or charity of the crown, or until they do like we did in 1776, light the fires of liberty upon their altars and go into resistance against the authority of the crown. Our progress is through peace, by recommending our institutions to the consciences of men. Theirs is by the sword.

Now, this form of government was established in the United States before the Constitution, and there is nothing so essentially American that has been established and promulgated in the great history of this Republic as this thing that we call a territorial form of government. It is the training school of the Republic. More than two years before the Constitution was ratified Virginia made a cession to the Confederated States of the great Northwestern Territory, putting it under certain conditions and obligations which that Congress saw proper to respect and execute.

There was a provision in that instrument for the creation of new States. There are provisions in it which extended to personal rights and liberties. There are provisions for the government of this wilderness territory by the Congress of the United States that look to its gradual development into sovereign States. There are provisions also for the establishment of territorial governments after the white population in the Territories became 5,000 strong. It was a magna charta of territorial government. It has stood from that time to this.

There is not a provision of the Territorial government of the Northwest Territory that has ever been repealed or modified except to suit peculiar conditions. But the organic features of the territorial structure of law have been maintained from that time to this without repeal and without modification, and we have built, and built, and built in every direction upon those foundations, and so far we have never built a colony like those of Europe.

We have always built our colonies or our dependencies or our expansions or our Territories with reference to the fact that when these people should grow up into a sufficient capacity they would be welcomed and received even as States in the American Union, or if not received as States at least should enjoy liberties equal to those of States; for we see now around us every day, and we are in constant contact with the fact, Territorial governments, as there have been heretofore, which enjoy just as much liberty as any State in the American Union, as much freedom from interruption or interference as any State in the American Union.

I do not know that I have ever seen but one bill pass the Senate controlling the action of a Territorial legislature, and that was on the subject of some bonds issued by Arizona, I believe, as to whether they should be made payable in silver or gold. A political question crept into their laws that belonged to us, and not to them particularly, and there was some change made in the law of Arizona upon that subject.

But the very rarest instances of legislation on our books are those relating to the repeal or modification of legislation by Territories. We do not interfere with their governors. We do not interfere with the decisions of their courts, except when an appeal goes to the Supreme Court of the United States, and it is there revised as if it had come up from Alabama or any other State. Save the fact that they have no representatives in this Senate and no voting representatives in the House, it is almost impossible to draw a distinction between a Territorial government in the United States and the government of a State.

They have been built up by the indulgence and the assistance of Congress until they have assumed to themselves all of the elements of sovereignty except our consent that they may have seats in this Chamber and in the other House. You may take one of these Territories now, and admit their Senators and admit their Representatives in the other House, and ratify the constitution which they themselves make without our adding one word to it, and they are States, fully panoplied as any State in the Union. They need nothing but our consent, which they are seeking very earnestly, in order to get into the Union.

All this progress, all this growth, has not only been in accordance with, but it has actually originated in, the government for the Northwestern territory. I will not stop to read the decision in Texas *v.* White, but I want to refer to it here to show that the Supreme Court has decided that these communities which we call Territorial governments, and all such communities, whether they are called Territorial governments or not, are States within many of the definitions in the Constitution of the United States.

Within many of those definitions these outlying governments that we have surrounding us from Alaska to the Philippines are States. They are not States in the Union entitled to representation, but they are States in every other sense of the word. Arizona and New Mexico are not States of the Union entitled to representation, but they are in respect of taxation and in every other respect American States. I refer to that decision——

Mr. QUARLES. Will the Senator give us the citation?

Mr. MORGAN. Texas *vs.* White, 7 Wallace, page 700. I will include in my remarks some extracts from that decision, but I do not care to detain the Senate by reading them. I merely want to assume the proposition sustained by that authority, that the Philippine Islands, in their present situation, are States within the meaning of section 10, Article I, of the Constitution of the United States that may give their consent, with the approbation of Congress, to the levying of an export tax or import duties.

1. The word "state" described sometimes a people or community of individuals united more or less closely in political relations, inhabiting temporarily or permanently the same country; often it denotes only the country or territorial region inhabited by such a community; not infrequently it is applied to the government under which the people live, at other times it represents the combined idea of people, territory, and government.

2. In the Constitution the term "state" most frequently expresses the combined idea just noticed, of people, territory, and government. A "state" in the ordinary sense of the Constitution is a political community of free citizens, occupying a territory of defined boundaries and organized under a government sanctioned and limited by a written constitution and established by the consent of the governed.

3. But the term is also used to express the idea of a people or political community, as distinguished from the government. In this sense it is used in the clause which provides that the United States shall guarantee in every State in the Union a republican form of government and shall protect each of them against invasion.

4. The Union of the States never was a purely artificial and arbitrary relation. It began among the colonies, and grew out of common origin, mutual sympathies, kindred principles, similar interests, and geographical relations. It was confirmed and strengthened by the necessities of war, and received definite form and character and sanction from the Articles of Confederation. By these the Union was solemnly declared to "be perpetual." And, when these articles were found to be inadequate to the exigencies of the country, the Constitution was ordained "to form a more perfect Union." (Texas *vs.* White, 7 Wallace, p. 700.)

Now, the Northwestern Territory was organized by an act of the Confederation dated the 13th of July, 1787. The Constitution went into operation on the 4th of March, 1789. The act was passed nearly two years before the Constitution went into effect. When the Constitution went into effect one of the very first acts of Congress was as follows:

Whereas in order that the ordinance of the United States in Congress assembled for the government of the territory northwest of the river Ohio may continue to have full effect, it is requisite that certain provisions should be made so as to adapt the same to the present Constitution of the United States.

Now, we would suppose that if there were any material changes necessary they would have gone on, of course, and recited them, but the only thing recited was this:

That in all cases in which by the said ordinance any information is to be given or communication made by the governor of the said territory to the United States in Congress assembled, or to any of their officers, it shall be the duty of the said governor to give such information and to make such communication to the President of the United States—

Instead of to Congress. We then had no Executive, and everything was reported to Congress—

and the President shall nominate, and, by and with the advice and consent of the Senate, shall appoint, all officers which by the said ordinance were to have been appointed by the United States in Congress assembled, and all officers so appointed shall be commissioned by him; and in all cases where the United States in Congress assembled might, by the said ordinance, revoke any commission or remove from any office, the President is hereby declared to have the same powers of revocation and removal.

SEC. 2. *And be it further enacted*, That in case of the death, removal, resignation, or necessary absence of the governor of the said Territory the secretary thereof shall be, and he is hereby, authorized and required to execute all the powers and perform all the duties of the governor during the vacancy occasioned by the removal, resignation, or necessary absence of the said governor.

There we took on this territorial form of government. Amongst one of the very first acts passed by Congress, therefore, recognized that every power that was conferred and every power and every right that was restrained in this law was constitutional; and it has been so decided time and again by the Supreme Court. The question has hardly ever been mooted at all. So we there established, first before we became a government under the Constitution and then by ratification or adoption by act of Congress under the Constitution, a form of American territorial government, which has been the basis of the action of this Government all the way through from the highest territorial organization that we have known, as I said before, down to the most meager organization known to the various Indian tribes, all constitutional. How did they get any laws into this territory?

The governor and judges—

There was one governor and there were three judges.

The governor and judges, or a majority of them, shall adopt and publish in the district such laws of the original States, criminal and civil, as may be necessary, and best suited to the circumstances of the district, and report them to Congress, from time to time; which laws shall be in force in the district until the organization of the general assembly therein, unless disapproved of by Congress; but afterwards the legislature shall have authority to alter them as they shall think fit.

Then, again, about the military feature of it:

The governor for the time being, shall be commander in chief of the militia, appoint and commission all officers in the same, below the rank of general officers; all general officers shall be appointed and commissioned by Congress—

Of course by the President.

Previous to the organization of the general assembly, the governor shall appoint such magistrates and other civil officers, in each county or township, as he shall find necessary for the preservation of the peace and good order in the same: After the general assembly shall be organized, the powers and duties of magistrates and other civil officers shall be regulated and defined by the said assembly; but all magistrates and other civil officers, not herein otherwise directed, shall during the continuance of this temporary government, be appointed by the governor.

For the prevention of crimes and injuries, the laws to be adopted or made—

"Adopted or made" by this one governor and three judges—

shall have force in all parts of the district, and for the execution of process, criminal and civil, the governor shall make proper divisions thereof; and he shall proceed from time to time, as circumstances may require, to lay out the parts of the district in which the Indian titles shall have been extinguished into counties and townships, subject, however, to such alterations as may thereafter be made by the legislature.

So soon as there shall be 5,000 free male inhabitant of full age in the district, upon giving proof thereof to the governor, they shall receive authority, with time and place, to elect representatives from their counties or townships to represent them in the general assembly.

Then it goes on to provide how many persons may constitute the general assembly when thus permitted by the governor to be elected by the people.

Representatives thus elected shall serve for the term of two years.

Then there was a legislative council.

The general assembly, or legislature, shall consist of the governor, legislative council, and a house of representatives. The legislative council shall consist of five members, to continue in office five years, unless sooner removed by Congress; any three of whom to be a quorum; and the members of the council shall be nominated and appointed in the following manner, to wit: As soon as representatives shall be elected, the governor shall appoint a time and place for them to meet together, and, when met, they shall nominate ten persons, residents in the district, and each possessed of a freehold in 500 acres of land, and return their names to Congress; five of whom Congress shall appoint and commission to serve as aforesaid.

Congress has the right to select five out of the ten named by by the members of the general assembly.

Then we come to acts of legislation:

And all bills having passed by a majority in the house, and by a majority in the council, shall be referred to the governor for his assent; but no bill or legislative act whatever, shall be of any force without his assent. The governor shall have power to convene, prorogue and dissolve the general assembly, when in his opinion it shall be expedient.

The governor, judges, legislative council, secretary, and such other officers as Congress shall appoint in the district, shall take an oath or affirmation of fidelity, and of office; the governor before the president of Congress, and all other officers before the governor. As soon as a legislature can be formed in the district, the council and house assembled, in one room, shall have authority, by joint ballot, to elect a delegate to Congress, who shall have a seat in Congress, with a right of debating, but not of voting during this temporary government.

Mr. HAWLEY. Will the Senator from Alabama permit an interruption?

Mr. MORGAN. Certainly.

Mr. HAWLEY. I call his attention to a very interesting fact in the history of this relation of the Territories and the Government. We began by requiring as essential to the validity of their legislation the approval of Congress, and after a little while we said that those laws should be valid if we did not forbid them.

Mr. MITCHELL. That is the present law.

Mr. HAWLEY. That is the present law.

Mr. MORGAN. Yes, sir; that is the present law. Here is an important feature of this business:

And for extending the fundamental principles of civil and religious liberty, which form the basis whereon these republics, their laws and constitutions are erected; to fix and establish those principles as the basis of all laws, constitutions, and governments which forever hereafter shall be formed in the said Territory; to provide also for the establishment of States, and permanent government therein, and for their admission to a share in the Federal councils on an equal footing with the original States at as early periods as may be consistent with the general interest.

It is hereby ordained and declared by the authority aforesaid, That the following articles shall be considered as articles of compact between the original States, and the people and States in the said territory, and forever remain unalterable, unless by common consent, to wit:

ART. I. No person demeaning himself in a peaceable and orderly manner shall ever be molested on account of his mode of worship or religious sentiments in the said territory.

ART. II. The inhabitants of the said territory shall always be entitled to the benefits of the writ of habeas corpus and of the trial by jury, of a proportionate representation of the people in the legislature, and of judicial proceedings according to the course of the common law. All persons shall be bailable, unless for capital offenses, where the proof shall be evident or the presumption great. All fines shall be moderate, and no cruel or unusual punishment shall be inflicted No man shall be deprived of his liberty or property but by the judgment of his peers or the law of the land, and should the public exigencies make it necessary for the common preservation to take any person's property or to demand his particular services, full compensation shall be made for the same. And in the just preservation of rights and property it is understood and declared that no law ought ever to be made or have force in the said territory that shall in any manner whatever interfere with or affect private contracts or engagements, bona fide, and without fraud previously formed.

ART. III. Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged. The utmost good faith shall always be observed toward the Indians; their land and property shall never be taken from them without their consent; and in their property, rights, and liberty they shall never be invaded or disturbed, unless in just and lawful wars authorized by Congress; but laws founded in justice and humanity shall from time to time be made for preventing wrongs being done to them and for preserving peace and friendship with them.

ART. IV. The said territory, and the States which may be formed therein, shall forever remain a part of this confederacy of the United States of America, subject to the Articles of Confederation, and to such alterations therein as shall be constitutionally made; and to all the acts and ordinances of the United States in Congress assembled.

Then it provides the number of States that may be formed—not less than three nor more than five—out of that territory. There is the model. I will introduce this act in full in my remarks, because I want those who may ever want to know what I say about it to know the full basis upon which I proceed.

AN ORDINANCE FOR THE GOVERNMENT OF THE TERRITORY OF THE UNITED STATES NORTHWEST OF THE RIVER OHIO.

Be it ordained by the United States in Congress assembled, That the said territory, for the purposes of temporary government, be one district, subject, however, to be divided into two districts, as future circumstances may, in the opinion of Congress, make it expedient.

Be it ordained by the authority aforesaid, That the estates both of resident and nonresident proprietors in the said Territory, dying intestate, shall descend to and be distributed among their children and the descendants of a deceased child in equal parts, the descendants of a deceased child or grandchild to take the share of their deceased parent in equal parts among them; and where there shall be no children or descendants, then in equal parts to the next of kin, in equal degree; and among collaterals, the children of a deceased brother or sister of the intestate shall have in equal parts among them their deceased parents' share; and there shall in no case be a distinction between kindred of the whole and half blood, saving in all cases to the widow of the intestate her third part of the real estate for life, and one-third part of the personal estate; and this law relative to descents and dower shall remain in full force until altered by the legislature of the district.

And until the governor and judges shall adopt laws as hereinafter mentioned estates in the said Territory may be devised or bequeathed by wills in writing, signed and sealed by him or her in whom the estate may be (being of full age), and attested by three witnesses; and real estates may be conveyed by lease and release, or bargain and sale, signed, sealed, and delivered by the person, being of full age, in whom the estate may be, and attested by two witnesses, provided such wills be duly proved and such conveyances be acknowledged, or the execution thereof duly proved, and be recorded within one year after proper magistrates, courts, and registers shall be appointed for that purpose; and personal property may be transferred by delivery, saving, however, to the French and Canadian inhabitants and other settlers of the Kaskaskies, St. Vincents, and the neighboring villages, who have heretofore professed themselves citizens of Virginia, their laws and customs now in force among them relative to the descent and conveyance of property.

Be it ordained by the authority aforesaid, That there shall be appointed from time to time by Congress a governor whose commission shall continue in force for the term of three years, unless sooner revoked by Congress. He shall reside in the district, and have a freehold estate therein, in 1,000 acres of land, while in the exercise of his office.

There shall be appointed from time to time by Congress a secretary, whose commission shall continue in force for four years, unless sooner revoked. He shall reside in the district, and have a freehold estate therein, in 500 acres of land, while in the exercise of his office. It shall be his duty to keep and preserve the acts and laws passed by the legislature, and the public records of the district, and the proceedings of the governor in his executive department, and transmit authentic copies of such acts and proceedings every six months to the Secretary of Congress. There shall also be appointed a court, to consist of three judges, any two of whom to form a court, who shall have a common-law jurisdiction, and reside in the district, and have each therein a freehold estate, in 500 acres of land, while in the exercise of their offices; and their commissions shall continue in force during good behavior.

The governor and judges, or a majority of them, shall adopt and publish in the district such laws of the original States, criminal and civil, as may be necessary and best suited to the circumstances of the district, and report them to Congress from time to time, which laws shall be in force in the district until the organization of the general assembly therein unless disapproved of by Congress; but afterwards the legislature shall have authority to alter them as they shall think fit.

The governor for the time being shall be commander in chief of the militia, appoint and commission all officers in the same below the rank of general officers; all general officers shall be appointed and commissioned by Congress.

Previous to the organization of the general assembly the governor shall appoint such magistrates and other civil officers in each county or township as he shall find necessary for the preservation of the peace and good order in the same. After the general assembly shall be organized the powers and duties of magistrates and other civil officers shall be regulated and defined by the said assembly; but all magistrates and other civil officers not herein otherwise directed shall, during the continuance of this temporary government, be appointed by the governor.

For the prevention of crimes and injuries, the laws to be adopted or made shall have force in all parts of the district, and for the execution of process, criminal and civil, the governor shall make proper divisions thereof; and he shall proceed from time to time, as circumstances may require, to lay out the parts of the district in which the Indian titles shall have been extinguished into counties and townships, subject, however, to such alterations as may thereafter be made by the legislature.

So soon as there shall be 5,000 free male inhabitants, of full age, in the district, upon giving proof thereof to the governor, they shall receive authority, with time and place, to elect representatives from their counties or townships to represent them in the general assembly: *Provided*, That for every 500 free male inhabitants there shall be one representative, and so on progressively with the number of free male inhabitants shall the right of representation increase, until the number of representatives shall amount to 25, after which the number and proportion of representatives shall be regulated by the legislature: *Provided*, That no person be eligible or qualified to act as a representative unless he shall have been a citizen of one of the United States three years, and be a resident in the district, or unless he shall have resided in the district three years, and in either case, shall likewise hold in his own right, in fee simple, 200 acres of land within the same: *Provided also*, That a freehold in 50 acres of land in the district, having been a citizen of one of the States, and being resident in the district, or the like freehold and two years residence in the district, shall be necessary to qualify a man as an elector of a representative.

The representatives thus elected shall serve for the term of two years; and in case of the death of a representative, or removal from office, the governor shall issue a writ to the county or township for which he was a member to elect another in his stead to serve for the residue of the term.

The general assembly, or legislature, shall consist of the governor, legislative council, and a house of representatives. The legislative council shall consist of five members, to continue in office five years, unless sooner removed by Congress, any three of whom to be a quorum; and the members of the council shall be nominated and appointed in the following manner, to wit: As soon as representatives shall be elected the governor shall appoint a time and place for them to meet together, and, when met, they shall nominate ten persons, residents in the district, and each possessed of a freehold in 500 acres of land, and return their names to Congress, five of whom Congress shall appoint and commission to serve as aforesaid; and whenever a vacancy shall happen in the council, by death or removal from office, the house of representatives shall nominate two persons, qualified as aforesaid, for each vacancy, and return their names to Congress, one of whom Congress shall appoint and commission for the residue of the term.

And every five years, four months at least before the expiration of the time of service of the members of council, the said house shall nominate ten persons, qualified as aforesaid, and return their names to Congress; five of whom Congress shall appoint and commission to serve as members of the council five years, unless sooner removed. And the governor, legislative council, and house of representatives shall have authority to make laws, in all cases, for the good government of the district, not repugnant to the principles and articles in this ordinance established and declared. And all bills having passed by a majority in the house, and by a majority in the council, shall be referred to the governor for his assent; but no bill or legislative act whatever shall be of any force without his assent. The governor shall have power to convene, prorogue, and dissolve the general assembly when in his opinion it shall be expedient.

The governor, judges, legislative council, secretary, and such other officers as Congress shall appoint in the district, shall take an oath or affirmation of fidelity and of office, the governor before the president of Congress, and all other officers before the governor. As soon as a legislature shall be formed in the district, the council and house assembled, in one room, shall have authority, by joint ballot, to elect a Delegate to Congress, who shall have a seat in Congress, with a right of debating, but not of voting during this temporary government.

And for extending the fundamental principles of civil and religious liberty, which form the basis whereon these republics, their laws and constitutions are erected; to fix and establish those principles as the basis of all laws, constitutions, and governments, which forever hereafter shall be formed in the said territory: to provide also for the establishment of States, and permanent government therein, and for their admission to a share in the Federal councils on an equal footing with the original States, at as early periods as may be consistent with the general interest:

It is hereby ordained and declared by the authority aforesaid, That the following articles shall be considered as articles of compact between the original States, and the people and States in the said territory, and forever remain unalterable, unless by common consent, to wit:

ART. I. No person, demeaning himself in a peaceable and orderly manner, shall ever be molested on account of his mode of worship or religious sentiments in the said territory.

ART. II. The inhabitants of the said territory shall always be entitled to the benefits of the writ of habeas corpus and of the trial by jury; of a proportionate representation of the people in the legislature, and of judicial proceedings according to the course of the common law.

All persons shall be bailable, unless for capital offenses, where the proof shall be evident or the presumption great. All fines shall be moderate, and no cruel or unusual punishment shall be inflicted. No man shall be deprived of his liberty or property but by the judgment of his peers or the law of the land, and should the public exigencies make it necessary for the common preservation to take any person's property or to demand his particular services, full compensation shall be made for the same. And in the just preservation of rights and property, it is understood and declared that no law ought ever to be made or have force in the said Territory that shall in any manner whatever interfere with or affect private contracts or engagements, bona fide and without fraud previously formed.

ART. III. Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged. The utmost good faith shall always be observed toward the Indians; their land and property shall never be taken from them without their consent, and in their property, rights, and liberty they shall never be invaded or disturbed, unless in just and lawful wars authorized by Congress; but laws founded in justice and humanity shall from time to time be made for preventing wrongs being done to them and for preserving peace and friendship with them.

ART. IV. The said territory, and the States which may be formed therein, shall forever remain a part of this confederacy of the United States of America, subject to the articles of confederation, and to such alterations therein as shall be constitutionally made; and to all the acts and ordinances of the United States in Congress assembled conformable thereto. The inhabitants and settlers in the said territory shall be subject to pay a part of the Federal debts, contracted or to be contracted, and a proportional part of the expenses of government, to be apportioned on them by Congress, according to the same common rule and measure by which apportionments thereof shall be made on the other States; and the taxes for paying their proportion shall be laid and levied by the authority and direction of the legislatures of the district or districts or new States, as in the original States, within the time agreed upon by the United States in Congress assembled.

The legislatures of those districts or new States shall never interfere with the primary disposal of the soil by the United States in Congress assembled, nor with any regulations Congress may find necessary for securing the title in such soil to the bona fide purchasers. No tax shall be imposed on land the property of the United States; and in no case shall nonresident proprietors be taxed higher than residents. The navigable waters leading into the Mississippi and St. Lawrence, and the carrying places between the same, shall be common highways, and forever free, as well to the inhabitants of the said territory as to the citizens of the United States, and those of any other States that may be admitted into the confederacy, without any tax, impost, or duty therefor.

ART. V. There shall be formed in the said territory not less than three nor more than five States; and the boundaries of the States, as soon as Virginia shall alter her act of cession and consent to the same, shall become fixed and established as follows, to wit: The western State in the said territory shall be bounded by the Mississippi, the Ohio, and Wabash rivers; a direct line drawn from the Wabash and Post Vincents due north to the territorial line between the United States and Canada, and by the said territorial line to the Lake of the Woods and Mississippi.

The middle State shall be bounded by the said direct line, the Wabash from Post Vincents to the Ohio; by the Ohio; by a direct line drawn due north from the mouth of the Great Miami to the said territorial line, and by the said territorial line. The eastern State shall be bounded by the last-mentioned direct line, the Ohio, Pennsylvania, and the said territorial line: *Provided, however*, And it is further understood and declared, that the boundaries of these three States shall be subject so far to be altered that, if Congress shall hereafter find it expedient, they shall have authority to form one or two States in that part of the said territory which lies north of an east-and-west line drawn through the southerly bend or extreme of Lake Michigan. And whenever any of the said States shall have 60,000 free inhabitants therein such State shall be admitted, by its Delegates, into the Congress of the United States, on an equal footing with the original States, in all respects whatever, and shall be at liberty to form a permanent constitution and State government: *Provided*, The constitution and government so to be formed shall be republican and in conformity to the principles contained in these articles; and, so far as it can be consistent with the general interest of the confederacy, such admission shall be allowed at an earlier period, and when there may be a less number of free inhabitants in the State than 60,000.

ART. VI. There shall be neither slavery nor involuntary servitude in the said Territory, otherwise than in punishment of crimes, whereof the party shall have been duly convicted: *Provided always*, That any person escaping into the same, from whom labor or service is lawfully claimed in any one of the original States, such fugitive may be lawfully reclaimed, and conveyed to the person claiming his or her labor or service as aforesaid.

Done by the United States in Congress assembled, the 13th day of July, A. D. 1787, and of their sovereignty and independence the twelfth.

WILLIAM GRAYSON, *Chairman.*
CHARLES THOMSON, *Secretary.*

CHAP. VIII.—An act to provide for the government of the territory northwest of the river Ohio.

Whereas in order that the ordinance of the United States in Congress assembled, for the government of the territory northwest of the river Ohio may continue to have full effect, it is requisite that certain provisions should be made, so as to adapt the same to the present Constitution of the United States:

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That in all cases in which by the said ordinance any information is to be given or communication made by the governor of the said territory to the United States in Congress assembled, or to any of their officers, it shall be the duty of the said governor to give such information and to make such communication to the President of the United States; and the President shall nominate, and by and with the advice and consent of the Senate, shall appoint all officers which by the said ordinance were to have been appointed by the United States in Congress assembled, and all officers so appointed shall be commissioned by him; and in all cases where the United States in Congress assembled might, by the said ordinance, revoke any commission or remove from any office, the President is hereby declared to have the same powers of revocation and removal.

SEC. 2. *And be it further enacted*, That in case of the death, removal, resignation, or necessary absence of the governor of the said Territory, the secretary thereof shall be, and he is hereby authorized and required to execute all the powers, and perform all the duties of the governor, during the vacancy occasioned by the removal, resignation, or necessary absence of the said governor.

Approved, August 7, 1789.

Mr. President, it can not be argued, if we stand inside of these provisions and administer to the people of the Territory who come in after the adoption of the Constitution—the Constitution and laws of the United States to the extent and in the manner there provided—that the Congress is not within the pale of its duty. Here are a governor and three judges enacting law and continuing to enact it until the State has reached that condition where it is entitled to a legislature. These laws are borrowed from other States and other communities. They are selected as they may be considered adaptable to the situation.

The largest liberty is given to these four men to become the enactors of laws for the government of these people, reaching to every interest in life and all manner of property and every condition of civilization, from the lowest to the highest. Then when they organized their legislature they nominated ten men to the Congress of the United States, or rather to the President of the United States (the word "President" is inserted there where "Congress" was inserted in the act), and he elected five out of the ten for the upper council, and that is the form of government under which they were to exist until they became States, unless Congress should change it.

Now, I will take up the question of the Philippines. The Northwest Territory did not have the military laws or the laws of nations applied to it for the reason that there was no condition of war when it came into American ownership. The Philippines had. When Dewey fired his first gun and raised his flag in the bay of Manila the authority of the United States Government was there in all its plenitude, provided he could hold that which he had, which he succeeded in doing—he and those who followed him—without much difficulty.

The Government of the United States then and there planted its sovereignty upon those islands, and if the treaty of Paris had never been made our title was good in the United States by conquest, by virtue of war, and under that title we would have had the right to do the very things we did in New Mexico and Arizona before we had made the treaty of Guadalupe, Hidalgo, or afterwards. The same thing we have done in California we had the right to do in the Philippines. These are matters which have been passed sub judice in the United States Supreme Court, and are settled.

We acquired title in the Philippines by conquest. Then we got the treaty of Paris, and we acquired the peaceful sovereignty of the entire archipelago. The sovereignty of the United States extended over the whole archipelago in this form, and finding the laws of war there, and finding that they recognized the Spanish laws that were in existence in the Philippines to the extent, and

only to the extent, that the military rulers should choose to recognize them, we did recognize them. We adopted them to that extent and no greater, and went on.

Presently the insurrection in the Philippines lost its military integrity. It went to pieces. Its leader was captured. Its forces were disbanded and were suing for peace and for pardons throughout the islands. A great majority of them were. Thereupon we changed the form of government in a degree. We left the military government over those parts still in insurrection, but exempted from military law the parts where the insurrection had been subdued and put them under civil law.

Now, that was done not only through the power of the President of the United States as the Commander in Chief of the Army and Navy of the United States, but it was also done by the authority of Congress. A civil government instituted there commenced to make its enactments. Who were the first enactors of law there? The Philippine Commission. Who were the first enactors of law in the Northwestern Territory? Three judges and one governor. After they had a legislature in the Northwestern Territory, who enacted the laws then? Five councilors, constituting the upper house, appointed by the President of the United States, and the lower house, elected by a certain qualified portion of the electorate of that Territory.

So the Government of the United States has been actually progressing in the very steps with which it started out for the purpose of organizing, controlling, and governing this peculiar American institution that we call a Territorial government, and which no other nation in the world ever thought about instituting.

Now, having done that, we certainly have built them up into a State as firmly, as broadly, as compactly, and as thoroughly as the Northwestern Territory was built into a State when it had a right to a Delegate in Congress. How far had they proceeded in maturing in the direction of statehood when they were entitled to send a Delegate here to Congress? They had a legislature, one house appointed by the President of the United States, and the other elected by a portion of the people, very few of them voting. Very few of them were qualified under the land-law qualification.

Suppose we should do, as I think we ought to do, pass an act authorizing a Delegate to come from the Philippines here and to take his seat, as he does from Hawaii, in the House of Representatives? We would advance ourselves very much in the estimate of those people if we were to do that, and surely we would not violate the Constitution, nor would we violate any of the precedents of our Government, commencing with the first and the best settled one.

So the government of the Philippines has advanced to the condition of a State in respect of taxation and in respect of local self-government also. In many particulars it has advanced to the condition of a State. Now, if we will get the consent of that State to the tariff act which is proposed here, it is my judgment that there is not a lawyer in the United States who can say that that is not constitutional. For that matter, it has been obtained in advance. They are here petitioning for this. They have already adopted this tariff. It is not a matter of the future as to whether they will do it or whether they will not do it.

We are acting upon a proposition, as I understand it, that comes here from the Philippines by lawful authority. This tariff has been adopted there, and all we have got to do is to say we consent to it. Then the rule of uniformity disappears from consideration, for, with the consent of any State, the Congress of the United States may enact duties or imposts on imports or exports, with the consent of the State, and without reference to the question of their uniformity throughout the United States.

Mr. MITCHELL. May I ask the Senator whether it is absolutely clear that that clause in the Constitution refers to foreign exports or to exports and imports between the States?

Mr. MORGAN. I read the word "exports," as I did the words "duties and imports," as applying entirely to foreign commerce. That is my reading of it. But the Supreme Court of the United States read it differently.

As I remarked in the outset, we are legislating for conditions that exist, and not those which we would like to create. What I want to do is to get the Congress in harmony with the Philippine Islands in doing those things which are absolutely essential for the progress of those people toward self-government and civilization, and I have to yield something to get that.

Mr. MITCHELL. With the Senator's permission, I will state that I have listened with a great deal of pleasure to every word he has uttered and I agree with a great deal that he has said, but I take it the Senator does not pretend to reconcile his position with the position of a majority of the Supreme Court on that question.

Mr. MORGAN. I understand it is claimed by the friends of the bill, just as it stands, as embodying no other power and no other consent but that of the Congress of the United States, and is a bill in conformity to the recent decisions of the Supreme Court of the United States as to the taxation of exports. I am bound to admit that it is in conformity with some of them, but I hope to see a day when the Supreme Court of the United States, relieved of the pressure that we can relieve them of, will become more liberal in thought and action, and perhaps will come to a more harmonious conclusion amongst themselves as to what the law is under the Constitution of the United States.

But I take the situation just as it is. I do not propose to undertake to break down a decision of the Supreme Court of the United States in the Senate. I might go into a political assemblage, a Democratic convention, for instance, and argue against it as an indorsement of a Republican idea with which I was absolutely at war, but in the Senate I am not at war with any decision of the Supreme Court of the United States, unless I think that that decision inflicts upon somebody or some State a great injustice. Then I would not abide by it; you could not make me do it. This is not such a situation. We are trying to help the Philippines, and I feel sure that can be done without straining the Constitution.

But these decisions of the Supreme Court were in aid, as I understand it, of bills like this and the Porto Rican bill, which were for the benefit of the islands—bills that were attempting to adapt the policy of the United States to conditions in those islands which do not exist everywhere. I do not know that they do any harm to anybody. They lower the price of sugar from what it is now to the people of the United States, and I am always glad to find sugar at a low figure for consumption, for, according to my view, both sugar and salt are on the same basis exactly in reference to our tariff policy. Sugar is not by any means a luxury in the United States now. It is as much of a necessity as salt.

But this measure has received the very careful attention of an excellent commission. I know some members of that Commission. I know General Wright, of Tennessee. I know Judge Taft somewhat. I have not any more respect for the Supreme Court of the United States than I have for the personnel of the Commission or their ability. It is a fine body of men for the purposes for which they have been selected. Mr. McKinley was very happy in making his choice for just such an occasion. He was the most successful person I ever knew, I believe, in making the choice of the right man to do the right thing at the right time and in the right way.

So the recommendations of this Commission come to me with the imprimatur of great minds and careful study, and with a perfect conviction that there is not a word which has been enacted into a law in the Philippines that is not intended for the benefit of those people—not for the benefit of the United States as a Government, or of the Commission, or of any persons who may be friendly with them, but the whole spirit of the legislation by the Philippine Commission, as far as I have been able to see it, has been for the benefit of the Filipinos and in favor of their elevation to a condition of progress toward statehood.

Now, some of our friends are not satisfied that those people can ever attain to such an attitude as to be entitled to admission into the Union as States. We need not be in any hurry about a matter of that kind. It has not been the policy of this Government to act hastily in such great matters. We put a positive pledge in the treaty of Guadalupe Hidalgo that the territories we acquired by that treaty and by the Gadsden treaty should be admitted as States, and many of the qualifications and provisions that were necessary for statehood were embodied in the treaty. Yet here they are knocking and they have been constantly knocking at our door for admission since 1855, and we have kept them back only because we have not considered that the communities there were prepared for statehood.

I have believed all the time that if they had been admitted as States they would be very much better communities than they are. The association into the sisterhood of States would have helped those Territories very much to build them up, as that same association has helped to build up the great Northwestern Territories that were seeking admission for so many years, and which in turn have come here and helped to build ourselves up, because they have produced a splendid body of representatives in the Senate Chamber. I believe in statehood. I believe in putting it into operation as rapidly as it can be done.

Now, if you were to ask me whether I believe in the statehood of the Filipinos and whether it should ever become possible, I would say it would be absolutely impossible, except for the tenth section of the first article of the Constitution of the United States. If we had to tax the Filipinos just exactly as we frame tax laws for the benefit of Maine, New Hampshire, Vermont, or New York we should make a system of general taxation that would be inapplicable to them and perhaps would ruin them. Under such tax laws they would be restive. But if, with their consent, Congress shall permit them to have exceptional conditions of taxation suited to their absolute necessities, they would love us

because we are just. I can see no reason in the world why we should not do it, for the power is in the Constitution.

We may hesitate to lay our hands upon it. Why did not our fathers hesitate to put it in the body of law? Why did they discuss it in the anxious manner that they did and reform and remodel it from time to time to get it to a point where they could agree to it and leave it there? Did they place this law in the Constitution only to give it decent burial?

Mr. President and Senators, there are several provisions in the Constitution which have been asleep for a long time, and some of these fine days we will wake up and find ourselves almost in an act of worship toward our fathers for having put them there. Here is the election of a President of the United States by electors. There was never a provision in any organic system of laws or any legislative system that was so utterly dead as the powers, rights, duties, responsibilities, and immunities of Presidential electors.

Presidents are now chosen in national conventions, and an elector would be hanged to a post in a street who would dare to vote contrary to the voice of his party after he had been chosen in a State as an elector, no matter what he might know about the candidate. The time will come in this country, possibly, when electors of President of the United States will find themselves, after they have been chosen in their States, confronted with the proposition that they shall vote for some man for President of the United States who ought to be in the penitentiary—some base, ignoble character, the revelation of whose infirmity or wickedness has come out after the election is over.

When that thing occurs, then we will begin to thank God that our fathers when they created the great office of electorate actually invested the electors with the power and duty and right of independence, so that they can do what is right for the people and save them in the hour of trouble, for after they have had an election and are to cast their votes, if the man should die who had been nominated for President by the national convention, what are they to do then? Must they hunt up caucus for the purpose of getting instructions, or must they go to the Constitution and to their own consciences and their own oaths and determine for themselves that they will select men in spite of the caucus of any party to which they may happen to belong?

Now, there is a law that is asleep, but we do not dare to repeal it. Some of these days it will answer us a great purpose. Some of these days it will save this Union.

Here is another law, the tenth section of the first article of the Constitution of the United States, which has never before been brought to the attention of the Senate, and why? Because there was no ground or room for its application except on this bill.

But, although this power is given to Congress to provide for those people in the manner in which this bill does provide for them, and to say that in many of the localities in the Philippines we shall starve them back into a state of insurrection and of desperation, because men who can not get food, particularly when they have very little reason to control them, are likely to become greatly exasperated and are dangerous to the public welfare, I am very glad that the opportunity has now been presented to the Congress of the United States for the first time, so far as I am aware, of bringing into action the tenth section of the first article of the Constitution of the United States. It is the first time——

Mr. McCUMBER. Will the Senator from Alabama allow me to ask him a question?

The PRESIDING OFFICER (Mr. CLAPP in the chair). Does the Senator from Alabama yield to the Senator from North Dakota?

Mr. MORGAN. Certainly.

Mr. McCUMBER. I should like to ask the Senator how he is to collect revenue for the Philippine Islands under this section 10, which provides:

> And the net produce of all duties and imposts laid by any State on imports or exports shall be for the use of the Treasury of the United States.

Mr. MORGAN. My amendment provides for that. I was saying that it shall be for the use of the Treasury of the United States, but this bill contains, if my amendment is adopted, an appropriation of an equal sum out of the Treasury to be turned over to the Philippine government. We have a right to make the appropriation.

Mr. McCUMBER. If the Senator will permit me to interrupt him again, I suggest that could be done as well by a direct appropriation, even if we could admit them as a State, and should excuse them from all taxation to support their government.

Mr. MORGAN. I believe, Mr. President, in preserving the integrity of the Constitution as to the fiscal system of the United States Government. It ought to be under one general head. Whenever money is collected for the Government of the United States anywhere, it ought to be paid into the Treasury of the United States, and every dollar ought to be voted out of the Treasury by the consent of Congress. I believe in that doctrine. I think it would be a wise thing for us to get back to it and stand close by it.

The bill as I propose to amend it provides that all of this money shall be collected and carried into the Treasury of the United States, but, in order to prevent circumlocution in the matter, it provides in the same section that the money shall be appropriated for and applied to the uses of the government of the Philippine Islands.

Mr. TILLMAN. Mr. President, I happened not to be in the Chamber all the time the Senator was speaking, and I am somewhat at a loss how to address him, but I will ask, as a matter of information for myself, whether he contends that the words which I will read would authorize this levy under the bill:

> No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the Treasury of the United States.

Is that the provision in the Constitution which the Senator contends would authorize the levy?

Mr. MORGAN. That is what I base my amendment on.

Mr. TILLMAN. I have not read the Senator's amendment. Will he state briefly what it is?

Mr. MORGAN. It is merely that this tariff shall be levied with the consent of the lawful authorities in the islands of the Philippines.

Mr. TILLMAN. How does the Senator get around the first provision here, "No State?" Are the Philippine Islands a State?

Mr. MORGAN. That is what I have argued, and I have tried to establish it by a reference to the case of the State of Texas *vs.* White.

Mr. TILLMAN. Then how do you keep the Constitution out of the State?

Mr. MORGAN. I do not try to keep it out of the States.

Mr. TILLMAN. The contention of our friends is that the Constitution is not in the Philippines at all. If that be true, I do not see how having a government, for instance, which is created by the President, under the authority of Congress, derived from the Spooner amendment to the last Army bill, would give us any pretense. We are not very careful here about the construction of the Constitution or anything else except according to the will of the majority; but what I want to know is how you can get any pretense that the Philippine Islands are a State, and how this clause in the Constitution can apply to them in any shape, form, or fashion when we deny that the Constitution is over there or can go there without the consent of Congress?

Can Congress send a commission there indirectly, through the instrumentality of the Executive, that will constitute a government, and then we turn around and say by reason of this so-called government it is a State? That is the contradiction which, to my mind, the Senator's argument presents, and I should like to have him elucidate it.

Mr. MORGAN. I am trying to elucidate the subject in the speech which I have been making on it. I have not in mind or heart or memory, or in any other conception, the thought that the Constitution of the United States is not of full force and effect in every State of the American Union, whether it is an organized State within the Union or whether it is what we call a Territory, or a State that has not a Territorial form of government. It is everywhere, and there is no occasion for going into a recondite and very cloudy subject for discussion when we have got an open door to get out of it.

If the territory of the Philippines is a State within the meaning of that phrase, then there is no difficulty in that State agreeing with the Congress of the United States upon this tariff bill, and in that case there is no occasion for uniformity, because the very fact that you agree upon an exceptional tariff applicable to a particular locality destroys the idea of uniformity. The uniformity of the tariff is not found in that section. It is found two sections before that in the Constitution.

Mr. TILLMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from South Carolina?

Mr. MORGAN. Certainly.

Mr. TILLMAN. I did not have the pleasure of hearing the Senator's legal presentation upon which he is basing his argument now. I do not want him to repeat it, because I can read it in the RECORD, but I would suggest to him that a good many of my lawyer friends around me think, and it had occurred to me too, that his argument is in direct contradiction of our Supreme Court on that subject.

They have declared, I think, in a good many cases, certainly in the recent cases from Porto Rico, that the Constitution does not go ex proprio vigore and it must be done by a special act of Congress. I am very certain Congress has not sent the Constitution

to the Philippines, and therefore his contention that it is there anyway is his private opinion. It may be, and it is my private opinion that the Constitution is there; but, unfortunately, our private opinions and even our universal opinion on that subject does not carry it there so long as we have not votes enough.

Mr. MORGAN. Mr. President, I am not arguing the humorous side of the question; neither am I arguing the political side of it. I am trying to get at what is the proper conception of the constitutional powers of Congress and our constitutional duties, of course. But I contend that Congress has this right, whether the Constitution goes proprio vigore into a territory, or whether it is carried there on a sled or by a truck or, like the Ark of the Covenant, drawn by a yoke of oxen. I do not care how it gets there; my opinion is that it is there.

Mr. McCUMBER. Will the Senator from Alabama allow me?

Mr. MORGAN. In a moment. If this bill is passed there is no doubt but that the tenth section will be carried in there, whether proprio vigore or in chains makes no difference. It will be there when this law is enacted. So there will be nobody to carp or quibble about it, and I am very glad it is cutting off all opportunity for that kind of a discussion.

Mr. McCUMBER. I have listened with extreme pleasure to the exposition of the Senator of the amplification of this section. As I understand, the Senator made the proposition that, except for the tenth section of Article I of the Constitution, the Philippine Islands never could properly become a State of the Union.

Mr. MORGAN. I never said that. I do not think that the Philippine Islands have anything to do with the question of the construction of that tenth section of Article I.

Mr. McCUMBER. No; but I understood the Senator to say that their method of taxation would be so different that, except for this, he would not at least deem it advisable that they should become one of the States of the Union. As I understood the Senator, the reason was because of their inability, like the American States, on account of their condition, to impose local taxation for the support of the State, as we would here, but that by this provision in the Constitution they might levy imposts, and thereby obtain a sufficient amount to support local self-government.

Now, I will ask the Senator, if that be true, if it would not be a rather precarious sovereignty, the very existence of which must depend upon the Congress of the United States voting them the sum which would be collected through those imposts and carried into the Treasury of the United States?

Mr. MORGAN. Mr. President, I have said nothing about local support of the self-government at all. That is no part of my argument. I do not know how many reasons may have entered into the minds of those gentlemen who so long debated the propositions in the constitutional convention that induced them to put in this provision of law after it had been changed or amended two or three times. I do not know all the reasons, but I can conceive of a number that, to my mind, are sufficient.

I have taken only one case for illustration, and that is the case of rice, which it is absolutely necessary to import into the Philippines for the support of human life. Those people can not get it; they can not afford to import it under the present duty, and therefore I understand they want it to come in free. I would just assume that is the situation now for making a point of illustration only.

My proposition is this, that the States gave up their right of self-taxation on imports and exports with great reluctance, and never yielded it until that tenth section of Article I was arranged, so that they, with the consent of Congress, might levy duties on imports and exports. If there is anything plainer, or more emphatic, or more mandatory in human language than that I do not know what it is. When a case arises where it is proper to resort to that provision of the Constitution and the two Governments concur, we representing the whole Union, and the Philippine Islands representing that locality—when that thing occurs there is the power to do it. We need not usurp power to do it, because the power is already granted to us upon the consent of the Filipinos.

The only question in the case is, whether we can do this under the eighth section of that article, or whether we can do it under the tenth section. To say that Congress can levy a tax upon the Filipinos, discriminating in their favor or against them either, which would deprive it of uniformity, Congress exercising its sovereign power without consulting anybody else, is to state a doctrine that I can not subscribe to. Congress has no right to do that. Congress has no right to make any discrimination whether in favor of a particular locality or against a particular locality. The taxes levied by Congress through her own powers must be uniform. That is section 8.

When we come to section 10, notwithstanding section 8, if a State agrees with Congress for the levying of a different kind of tax—a tax on exports or imports either—and that the money from the tax shall go into the Treasury of the United States, that is all right, and provision for that is made in this Constitution.

Can we not understand that certain borders and frontiers of our country might at some time or other be in a state of starvation? Because the hand of Providence has been withheld from us so long in affliction can we not realize that it can ever be laid upon us at all?

Suppose that your frontier here next to Canada had blasted crops away back into the depths of the Rocky Mountains, the grasshoppers having eaten up everything you had in that country, and that Canada was able to send food to you from the other side, because she had not had that visitation, could we not agree that the States along that border could provide that wheat, or barley, or rye, or corn, or anything we wanted to consume, might be imported free of duty for a time, and could not Congress agree with those States? Could not those legislatures pass such laws and ask Congress to agree? If we did, would it not become a benefaction to the whole country?

Are we to have a government that can make no provision for a thing of that sort without either violating the eighth section of article I of the Constitution, or else refuse to levy any tariff at all?

Mr. TILLMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from South Carolina?

Mr. TILLMAN. I understood the Senator to say a moment ago that we are in the Philippines, and that we have had the consent of the Filipinos to go there. Did he say that?

Mr. MORGAN. If I did, I am not going to acknowledge it. I do not expect to get into a row with the Senator about a question of that sort.

Mr. TILLMAN. I think the notes of the stenographer will bear me out. I certainly was listening very closely to the Senator, and if I misunderstood him, I should like to be corrected.

Mr. MORGAN. I do not choose to be interrupted just for the amusement of the Senator from South Carolina.

Mr. TILLMAN. I beg the Senator's pardon. I did not want to interrupt him for amusement or anything of the kind, but I wanted to know when we got the consent of the Filipinos to go there?

Mr. MORGAN. I have argued on that branch of the case, and I stand on my argument, and when the Senator gets the RECORD, if he wishes to look at it and if he can answer my argument, I shall be very much obliged to him. Whether we have got authority in the Philippines or not, whether we have got a government there or not, I have argued this case upon the assumption that this Congress recognizes the fact that we have got a government in the Philippines, and we intend to use it, so far as the Constitution will permit us, in making wholesome and just provision for those people. That is the argument I am trying to make.

It is not worth while for me to state my hopes or expectations or beliefs about them at all. They are neither here nor there. I am trying the question now of bread and meat for the Filipinos, whether or not they shall have the means of subsistence under this tariff law, while we are trying to find out in this bill or the other bill, which I understand is to come in here for their future government—perhaps a full plan of government, though I do not know about that—but I know this: That we have found it necessary on various occasions to relieve various communities in the United States by appropriations.

My own State has had appropriations here on account of hurricanes that passed over us and other devastations, and so have other communities, who have received supplies of corn, to feed the starving populace, and all that. The constitutionality of such acts has been seriously questioned by gentlemen who are very much firmer on constitutional questions than they are on questions of conscience—very much firmer. When I find an opportunity in the Constitution of the United States to do a thing that is for the benefit of any part of the American Union, I am going to vote to do it. It is my business to do it.

A suggestion was made a while ago that there was considerable unification between the Philippine government and the United States Government—that we were very close together. We have been; and all our Territorial governments have been very close to the United States. We have been nursing them as with a bottle and rocking them as in a cradle ever since the time we started them out, and we have never tried to do any harm to them that I know of, but all that is possible for their good.

But, Mr. President, I made reference to the fact of the great elevation of what I might call the independence, and the exclusive independence, of the Territorial governments. I do not suppose that the President of the United States would feel authorized, in the present state of the law, to write a note to the governor of a Territory and tell him that he did not like his administration;

that he wanted him to trim it up and change it in this way, that, or the other; that he did not admire the way matters were being conducted in the Territory.

The Territorial governor would be very apt, in this enlightened and progressive age, to say to the President of the United States, "Who asked you to say anything about that? Has Congress invited you to do so? Not at all. I am not your servant; I am not your clerk; I am not under your authority. If you want to turn me out of office you can do so, but you can not control me while I am in office."

It seems to me we have encountered a great many disagreeable things in the Territories in consequence of the fact that the President of the United States has not had sufficient administrative control. But here, now, is a territory 10,000 miles away from our farthest coast. If we reach it by a cable message it has to traverse the earth before it can get there. Communication is very uncertain, and any little circumstance might interrupt it for days, weeks, or months.

There must be, in order to control that country properly, the power of the Government of the United States exerted there—not here merely, but there—in an administrative way, so that the emergencies that may arise from time to time can there be met and taken advantage of in accordance with the laws of the United States. Suppose an insurrection suddenly arising in one of those islands in the Philippines, unexpectedly, the governor of the Philippines certainly ought to have authority to call out the militia or to call the troops of the United States into service to crush that insurrection instantly, or even to anticipate it, if you please, when its existence is well established as a matter of fact.

If we have to wait and have the same sort of intercourse between that government that must exist under the Constitution between the governor of a State and the President of the United States we should be in rather an unhappy condition, a dangerous condition, as to those people, who are not yet fully matured and fully instructed in the duties, powers, and rights of a republican form of government. We need nearer approach to it. Every Territorial government in the United States, from the foundation of the great Northwestern territory down to the last one we have organized, has been a part of the executive power of the United States—the executive power not so called, but in fact.

How many officers are there in the United States to-day in those Territories appointed by the governor? A great number appointed by the governor, by and with the advice and consent of the council or the senate, or whatever it may be in the Territory. How did we ever get the authority to confer the power of appointment to office upon those people unless we conferred upon them a degree of sovereignty equal to that of a State in that particular?

The governor of my State can appoint to office, by and with the advice and consent of the State, and without it, too. He gets his power and authority from the fact that it is a sovereign State with a constitution. But where did the governor of the Territory get his power to do it? By some sort of deduction from an act of Congress organizing the Territory, constituting the governor, and authorizing him to make appointments.

Can any Senator here point out to me in the Constitution of the United States an authority to confer the appointing power upon the governor of a Territory or the governor of a State to a United States office? You can not do it. We have recognized it; we have tolerated it; we have gone on in that form all this time without stopping to see exactly what we were doing. What are the facts about it? Our laws have conferred upon the governor this power of appointment as heads of the departments, not in name, but in fact.

Mr. Justice Miller, in his decision in 99 U. S., IX Otto, page 508, said:

> The Constitution, for purposes of appointment, very clearly divides all its officers into two classes. The primary class requires a nomination by the President and confirmation by the Senate. But foreseeing that when offices became numerous and sudden removals necessary this mode might be inconvenient, it was provided that, in regard to officers inferior to those specially mentioned, Congress might by law vest their appointment in the President alone, in the courts of law, or in the heads of departments. That all persons who can be said to hold an office under the Government about to be established under the Constitution were intended to be included within one or the other of these modes of appointment there can be but little doubt.
>
> This Constitution is the supreme law of the land, and no act of Congress is of any validity which does not rest on authority conferred by that instrument. It is, therefore, not to be supposed that Congress, when enacting a criminal law for the punishment of officers of the United States, intended to punish anyone not appointed in one of those modes. If the punishment were designed for others than officers as defined by the Constitution, words to that effect would be used, as servant, agent, person in the service or employment of the Government; and this has been done where it was so intended, as in the sixteenth section of the act of 1846, concerning embezzlement, by which any officer or agent of the United States, and all persons participating in the act, are made liable. (9 Stat., 59.)
>
> As the defendant here was not appointed by the President or by a court of law, it remains to inquire if the Commissioner of Pensions, by whom he was appointed, is the head of a department, within the meaning of the Constitution, as is argued by the counsel for plaintiffs.
>
> That instrument was intended to inaugurate a new system of government, and the departments to which it referred were not then in existence. The clause we have cited is to be found in the article relating to the Executive, and the word as there used has reference to the subdivision of the power of the Executive into departments for the more convenient exercise of that power. One of the definitions of the word given by Worcester is: "A part or division of the executive government, as the Department of State or of the Treasury." Congress recognized this in the act creating these subdivisions of the executive branch by giving to each of them the name of a department.

We must remember now that the Constitution of the United States does not mention the head of any department, from the Secretary of State clear through until we get to the Secretary of Agriculture. There is no mention made of such an office in the Constitution of the United States. They are all created by Congress, and they are made heads of departments because of the fact that the Congress of the United States has the right and the power to confer, in respect to certain offices not named in the Constitution, the right of appointment upon the President, the judges of the courts, or the heads of departments. That is all.

> Here we have the Secretary of State, who is by law the head of the Department of State; the Departments of War, Interior, Treasury, etc. And by one of the latest of these statutes reorganizing the Attorney-General's office and placing it on the basis of the others, it is called the Department of Justice. The association of the words "heads of departments" with the President and the courts of law strongly implies that something different is meant from the inferior commissioners and bureau officers, who are themselves the mere aids and subordinates of the heads of the departments.
>
> Such, also, has been the practice, for it is very well understood that the appointments of the thousands of clerks in the Departments of the Treasury, Interior, and the others are made by the heads of those departments and not by the heads of the bureaus in those departments.
>
> So, in this same section of the Constitution, it is said that the President may require the opinion in writing of the principal officer in each of the Executive Departments, relating to the duties of their respective offices.
>
> The word "department" in both these instances clearly means the same thing, and the principal officer in the one case is the equivalent of the head of department in the other." (United States *vs.* Germaine, Otto IX, pp. 509, 510, 511.)

In the case of National Bank *vs.* County of Yankton, IX Otto, page 133, the court said:

> All territory within the jurisdiction of the United States, not included in any State, must necessarily be governed by or under the authority of Congress. The Territories are but political subdivisions of the outlying dominion of the United States. Their relation to the General Government is much the same as that which counties bear to the respective States, and Congress may legislate for them as a State does for its municipal organizations.
>
> The organic law of a Territory takes the place of a constitution as the fundamental law of the local government. It is obligatory on and binds the Territorial authorities; but Congress is supreme, and for the purposes of this department of its governmental authority, has all the powers of the people of the United States, except such as have been expressly or by implication reserved in the prohibitions of the Constitution.
>
> In the organic act of Dakota there was not an express reservation of power in Congress to amend the acts of the Territorial legislature, nor was it necessary. Such a power is an incident of sovereignty, and continues until granted away. Congress may not only abrogate laws of the Territorial legislatures, but it may itself legislate directly for the local government. It may make a void act of the Territorial legislature valid and a valid act void. In other words, it has full and complete legislative authority over the people of the Territories and all the departments of the Territorial governments. It may do for the Territories what the people, under the Constitution of the United States, may do for the States.

Mr. President, I propose in this amendment to put in a provision here that the Philippine Islands shall constitute an executive department of the Government of the United States. I provide for a minister like the Commissioner of Labor, like the Superintendent of the Geological Survey, and of quite a number of departments we have got here, which are actually called departments in the law that we enact, but they are without representation in the Cabinet.

It is not necessary that they should be represented in the Cabinet, but it is necessary to them to have that very distant government under the control of the President of the United States and under the control of a head of a department responsible to Congress for his appointments. I do not say that he must send their names here to be confirmed, but if he appoints them, then he is responsible to Congress, and we close up the space between the Philippines and the United States with a strong bond of authority, as well as of affection, between those people and our people, by having a department, and they would consider it a great honor, no doubt, that the Philippine Islands should be regarded as one of the Executive Departments of the Government of the United States.

We should have more use than that for it. We should have a use for it in Porto Rico, in Hawaii, and in Alaska, and we had just as well, now that we have got the subject up, go to the actual merits of the case and of the situation, and do that by name and openly which we have been doing heretofore in a very different manner—that is to say, permitting thousands and thousands of officers to be appointed to represent really the United States Government, not by the heads of departments, but by the governors of Territories.

It is out of order to do it; it ought not to be done. I believe that would be a great advantage to the situation in the Philippines. They are so far distant, there are so many peculiarities attending those people in their situation, as that we must confer upon the governor of that territory some other powers than those

which belong ordinarily to the governor of a Territory here within our continental domain.

I will state an instance. We find how we have taken different Indian tribes squatted about over our vast public domain in past times, and how we have built them up from time to time, and transferred them from reservation to reservation, sometimes to keep them out of war with each other, sometimes to keep them out of war with the people of the United States, and tried to better their condition. We have never lent our hands toward the destruction of an Indian tribe, even those barbarous and wretched Apaches, that had no sort of tolerance for human life or even the virtue or innocence of womanhood or childhood.

Now, here are twelve or fourteen hundred islands in the Philippine group that are inhabited. If you will take the photographs that are in the reports sent here by the Philippine Commission and look at the condition and the characteristics there portrayed of those different people on those different islands, you will perfectly understand that one system of government can not apply to all those people any more than the government of the District of Columbia would apply to the blanket Indians of the plains.

There ought to be some local power authorized by the President of the United States to make different arrangements for the government of those different tribes. In the earlier part of our existence here we did that by treaties, and those treaties are regarded as being so solemn that rights which have vested under them can not be removed by an act of Congress. So the Supreme Court decides. We have relaxed that system. We now make contracts with the headmen or chiefs, and we do it by majorities, in council votes, and the like of that, but we established separate, distinct, and different governments for every one of those different tribes, adapted to the peculiar situation of the tribe itself.

Suppose that the central government at Luzon should exercise the power of making separate governments, separate contract arrangements for the government of those different islanders in the Philippines, can we not see at once how we would eliminate from the government there a vast quantity of material that can not participate in its higher duties and responsibilities and that we would set up amongst them that faculty of independent thought and action which, being encouraged and matured, would result finally in those people becoming just like the Indians now are—a self-governing community to a large extent?

The Indians in America understand very much better than they did ten, twenty, or thirty years ago what the law means and what government means, and they have got more respect for it. The reason is because they have had a part in the making of laws for their own particular tribes by contract with the Government of the United States. That ought to be the case in the Philippines.

We can never govern those people in the Philippines by one universal code of law—that is to say, a republic can not do it. A monarchy could do so, but a republic that makes any consent at all the right of the governed to be heard in governing can not get along with a scheme of government which makes one general universal application of a system of laws to a people who are very variant and so very different from each other. We can modify that very much by making a little change in the government in the Philippines.

We should make it an executive department of the Government of the United States, so that the President can make these contracts with those people in the different islands for their local government under different systems, some containing a little modicum of power of local self-government that is contained in the Indian courts, about which I spoke, and others still higher and higher, until you get to the higher form, in a country like Luzon and Mindanao and Iloilo, and so on.

There we find people, some of whom are capable of government, some very enlightened people, highly educated, well endowed, very wealthy, and who have a knowledge of government, derived not only from their own study of political economics, but also from their observation of the Spanish Government. Let us have that. Let us at least make it possible.

The governor of a Territory would never think about making such an arrangement as that; perhaps he would have no power to do it. He would feel that he was intruding upon the General Government even to make a suggestion about it, unless he was invited to do so. But if we will make the government of the Filipinos a departmental government—that is to say, make it one of the Executive Departments of the Government of the United States—then we have authority under the Constitution to confer the appointing power upon the head of that department, and then that department will be continually reporting to the President of the United States.

One of the things that we need in the United States to-day in respect to our Territories is inspectors to go amongst those Territorial governments, and see how they are administered. I do not intend to make allusions to any particular affair or matter, but have we not seen in our recent experience, as well as in former times, how much trouble has come upon the Congress of the United States in adjusting difficulties that arise in those Territories?

What do they come from? What is the origin of them? It is a fact that men are there attempting to get either statehood or some other situation under which they can aspire to or can attain to high governmental positions. I would remove that from the governor of a Territory, while he was remaining governor of a Territory. He should devote himself, not to his personal and private affairs, but to the affairs of the people he is put there to take care of; and I would have inspectors to see to it that he did conduct himself properly and honestly, I do not care what place he governs or how high and good a man he may be.

So, Mr. President, I am rather anxious to have that feature of this amendment adopted, not particularly on the accounts I have mentioned here to-day, but because it seems to me it is entirely in harmony with the duty we owe to that distant country, the Philippines, and that we ought to keep it as close as we can to the Executive Administration. The President is accountable to us. We may call upon him for information at any time, and he will understand the situation. I think we shall then get along very much more harmoniously.

I have gone through all I meant to say about this subject, and have said a good deal more than I expected to say, because I have been invited to do so by gentlemen who wanted some explanation.

Mr. BEVERIDGE. Before the Senator from Alabama sits down, I should like to ask him a question.

Mr. MORGAN. Very well.

Mr. BEVERIDGE. I have listened with profound interest to his most engaging argument, and I desire to ask a question before he sits down. I understand the Senator to say and to build his argument upon the proposition that the Philippine Islands are a State within the meaning of the section of the Constitution which he read.

Mr. MORGAN. Yes.

Mr. BEVERIDGE. An integral part of the country?

Mr. MORGAN. Yes.

Mr. BEVERIDGE. That is the Senator's contention?

Mr. MORGAN. Yes.

Mr. BEVERIDGE. There is not in the Constitution any power, express or implied, to alienate a State or any portion of the Union from the Union itself. That is true, is it not? The Senator assents to that. If that, then, is true, it would necessarily result from the Senator's argument that that portion of the minority substitute which proposes to withdraw the sovereignty of the United States from the Philippine Islands is unconstitutional.

Mr. MORGAN. Provided it were a State in the Union, that would be very clear.

Mr. BEVERIDGE. I mean upon the Senator's contention?

Mr. MORGAN. Though I think a judge who wanted to find an excuse for sustaining such an act as that would, in looking over the twenty-five or thirty times that the word "State" is mentioned in the Constitution, find some place or some situation where that could be done. It is a word which, more than any other noun in the Constitution, is governed in its meaning by the context in which it is found.

When I say that in section 10, Article I, the word "State" does include any organized political community that is liable to taxation, I mean it is a State so far that it is capable of being taxed. It may not be a State in many other particulars. It may not be a State that Congress can not switch off and dispose of as property.

Mr. SPOONER. It is not a State in the Union.

Mr. MORGAN. It is not a State in the Union, because there is no State in the Union which is not entitled to representation. It is a State without representation in Congress. Perhaps that is as good a definition as you can give.

I have said now as much as I want to say about this matter. I have not referred to any political phase of this subject. In fact, I have not felt that I was authorized to do it, and I have not wanted to do it; but, of course, if the bill stands as it is and Congress undertakes to make this discrimination, and the great system of uniformity in tariff taxation is broken in the Philippine Islands, I shall feel that the Constitution is violated.

I want to help the islands and I do not want to violate the Constitution. Here we have the opportunity to do this by simply accepting what they have sent to us and asked us to accept. It is a good bill; I have heard nothing against it; and I can not get my consent to oppose a good bill when by the change of a few words we can put it in a condition where it does not violate the Constitution of the United States.

EXECUTIVE SESSION.

Mr. LODGE. If no one else wishes to go on this afternoon, as a short executive session is desirable, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 4 o'clock and 25 minutes p. m.) the Senate adjourned until Monday, February 3, 1902, at 12 o'clock m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 31, 1902.

APPOINTMENTS IN THE ARMY.

Capt. Lewis T. Griffith, assistant surgeon, United States Volunteers, to be surgeon, United States Volunteers, with the rank of major.

Harold L. Coffin, of Maine, contract surgeon, United States Army, to be assistant surgeon, United States Volunteers.

Infantry Arm.

William F. C. Jepson, late musician, Company A, Third Infantry, to be second lieutenant, February 2, 1901.

SURVEYOR OF CUSTOMS.

John Albus, jr., of Missouri, to be surveyor of customs for the port of St. Joseph, in the State of Missouri.

COLLECTOR OF CUSTOMS.

John T. Rich, of Michigan, to be collector of customs for the district of Detroit, in the State of Michigan.

PENSION AGENT.

John W. Nesbit, of Pennsylvania, to be pension agent at Pittsburg, Pa.

REGISTERS OF THE LAND OFFICE.

James P. O'Bannon, of Buffalo, Mo., to be register of the land office at Springfield, Mo.

Charles D. Ford, of Colorado, to be register of the land office at Denver, Colo.

INDIAN AGENTS.

George L. Robinson, of North Dakota, to be agent for the Indians of the Fort Berthold Agency, in North Dakota.

Jesse C. Moore, of Parker, Ariz., to be agent for the Indians of the Colorado River Agency, in Arizona.

Cornelius W. Crouse, of Phoenix, Ariz., to be agent for the Indians of the Fort Apache Agency, in Arizona.

POSTMASTERS.

Warren C. Fenton, to be postmaster at Boise, in the county of Ada and State of Idaho.

Hugh Cramer, to be postmaster at Hailey, in the county of Blaine and State of Idaho.

Frank Hickman, to be postmaster at Hanford, in the county of Kings and State of California.

Ralph F. Bradford, to be postmaster at Pontiac, in the county of Livingston and State of Illinois.

Wesley W. Pritchett, to be postmaster at Weiser, in the county of Washington and State of Idaho.

John L. Underwood, to be postmaster at Montpelier, in the county of Bear Lake and State of Idaho.

Fred E. Smith, to be postmaster at Newburyport, in the county of Essex and State of Massachusetts.

Thomas White, to be postmaster at South Hadley, in the county of Hampshire and State of Massachusetts.

George T. Hodgman, to be postmaster at Camden, in the county of Knox and State of Maine.

James M. Crawford, jr., to be postmaster at New London, in the county of Henry and State of Iowa.

George H. Loring, to be postmaster at Dallas Center, in the county of Dallas and State of Iowa.

Charles L. Hammond, to be postmaster at Quincy, in the county of Norfolk and State of Massachusetts.

Frank E. Drake, to be postmaster at Radcliffe, in the county of Hardin and State of Iowa.

John W. Campbell, to be postmaster at Preston, in the county of Jackson and State of Iowa.

Mary E. Barron, to be postmaster at Pocahontas, in the county of Pocahontas and State of Iowa.

Robert Whittier, to be postmaster at Whiting, in the county of Monona and State of Iowa.

Joseph S. Robinson, to be postmaster at West Bend, in the county of Palo Alto and State of Iowa.

Andrew N. Lund, to be postmaster at St. Ansgar, in the county of Mitchell and State of Iowa.

Gardner S. Turrill, to be postmaster at Jefferson, in the county of Greene and State of Iowa.

Arthur M. Beymer, to be postmaster at Corning, in the county of Adams and State of Iowa.

John J. Clark, to be postmaster at Bedford, in the county of Taylor and State of Iowa.

J. O. Thompson, to be postmaster at Tuskegee, in the county of Macon and State of Alabama.

E. R. Sizer, to be postmaster at Lincoln, in the county of Lancaster and State of Nebraska.

Ethan L. Trevitt, to be postmaster at Fort Madison, in the county of Lee and State of Iowa.

HOUSE OF REPRESENTATIVES.

FRIDAY, *January 31, 1902.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. CREAMER, indefinitely, on account of sickness.

HOUSE OF REPRESENTATIVES AND RECIPROCAL TRADE AGREEMENTS.

Mr. DALZELL. I submit the following privileged report from the Committee on Rules:

The Clerk read as follows:

The Committee on Rules, to whom was referred the resolution of the House No. 114, has had the same under consideration, and report it back with the recommendation that it be agreed to.

The resolution was read, as follows:

Whereas it is seriously claimed that under the treaty-making power of the Government, and without any action whatever on the part of the House of Representatives, or by Congress, reciprocal trade agreements may be negotiated with foreign governments that will of their own force operate to supplant, change, increase, or entirely abrogate duties on imports collected under laws enacted by Congress and approved by the Executive for the purpose of raising revenue to maintain the Government: Now, therefore, be it

Resolved by the House of Representatives, That the Committee on Ways and Means be directed to fully investigate the question of whether or not the President, by and with the advice and consent of the Senate, and independent of any action on the part of the House of Representatives, can negotiate treaties with foreign governments by which duties levied under an act of Congress for the purpose of raising revenue are modified or repealed, and report the result of such investigation to the House.

Mr. DALZELL. It will be observed, Mr. Speaker, that this matter relates to one of the highest and most sacred prerogatives of the House. It is not a new question. It has been discussed by Senators and Representatives, and has been the subject of reports in both Houses covering a period of a great many years. There can be no difference of opinion, I apprehend, in this House as to what the report ought to be. I have no doubt that when the report comes it will be debated and adopted in this House by a unanimous vote, without regard to party lines or division on either side of the Chamber. Nevertheless, Mr. Speaker, it is a matter involving a question of courtesy between the two Houses——

Mr. BARTLETT. Will the gentleman allow me——

Mr. DALZELL (continuing). And it ought, therefore, in my judgment, to be deliberately resolved upon; and for that reason the Committee on Rules thought it wise to send the resolution in the first instance to a committee of the House, so that that committee might deliberately form its judgment and report that judgment to the House for debate at some subsequent period.

Mr. BARTLETT. That is what I wanted to ask—if it was simply referred to the Committee on Ways and Means to make a report.

Mr. DALZELL. I yield to the gentleman from Alabama.

Mr. UNDERWOOD. Mr. Speaker, I merely desire to say that the resolution was agreed to unanimously by the members of the Committee on Rules, and that I agree with what the gentleman from Pennsylvania has said, that it is a very important resolution—not one involving political lines—one that, if the House expects to reserve the constitutional privileges that have been granted it, in my judgment will be passed in the end. I do not think it necessary at this time to say anything further.

Mr. DALZELL. Let us have a vote.

Mr. MOODY of Massachusetts. I desire to ask the gentleman from Pennsylvania a question for information.

Mr. DALZELL. Certainly; I yield to the gentleman.

Mr. MOODY of Massachusetts. I should like to ask the gentleman from Pennsylvania if there is any instance in our history where there has been a change in the tariff laws through the operation of a treaty without the concurrence of the House of Representatives?

Mr. DALZELL. I will say to the gentleman from Massachusetts that I know of none.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken; and the resolution was agreed to.

OLEOMARGARINE BILL.

Mr. DALZELL. I submit the following privileged report.

The SPEAKER. The gentleman from Pennsylvania also calls up the following privileged report from the Committee on Rules.

The Clerk read as follows:

The Committee on Rules, to whom was referred House resolution No. 111, have had the same under consideration and recommend that it be agreed to with the following amendment:

In line 9 strike out the word "passed" and insert the words "disposed of."

The resolution was read, as follows:

Resolved, That on Monday, February 3, 1902, immediately after the reading of the Journal, it shall be in order to move to go into Committee of the Whole House on the state of the Union to consider the bill (H. R. 9206) to make oleomargarine and other imitation dairy products subject to the laws of the State or Territory into which they are transported, and to change the tax on oleomargarine; and this motion shall continue privileged until the bill shall have been passed by the House: *Provided, however*, That it shall not interfere with general appropriation bills, conference reports, consideration of the Private Calendar on Fridays, or special orders already made.

The SPEAKER. The question is on agreeing to the amendment.

Mr. RICHARDSON of Tennessee. Mr. Speaker——

Mr. DALZELL. Mr. Speaker——

The SPEAKER. Does the gentleman from Pennsylvania yield to the gentleman from Tennessee?

Mr. DALZELL. Just a word. I want to explain the resolution. The purpose of this resolution is to furnish an opportunity to take up and discuss the oleomargarine bill.

Mr. RICHARDSON of Tennessee. Mr. Speaker——

Mr. DALZELL. I will yield to the gentleman in a moment.

Mr. RICHARDSON of Tennessee. I was going to say that if the matter is debated, and then the——

Mr. DALZELL. I will not cut the gentleman off.

Mr. RICHARDSON of Tennessee. I know the gentleman will not, but some other gentleman might desire to say a word, and it will be in the power of the gentleman to move the previous question even after five minutes if he sees fit. I do not think the gentleman would take that action, but we want to have a few minutes for debate.

Mr. DALZELL. I will yield to the gentleman in a few minutes.

Mr. RICHARDSON of Tennessee. All right.

Mr. DALZELL. I was going on to explain the effect of the rule. It is to give to the House an opportunity to discuss and vote upon the question of oleomargarine legislation, there being a bill reported by the majority of the Committee on Agriculture and a substitute recommended by the minority. The rule does not contemplate any curtailment of debate or of the right of amendment, and gives the right of way subject only to appropriation bills and private claim bills, and those that would be privileged and ought not to be cut off. The majority of the Committee on Rules were of opinion that irrespective of any opinion that it has as to the merits of the proposed legislation, the House was entitled to an opportunity to discuss it. Now I yield to the gentleman from Tennessee. How much time?

Mr. RICHARDSON of Tennessee. A few gentlemen here want a few minutes. I would like the gentleman to agree not to move the previous question, and allow a few gentlemen to discuss the matter.

Mr. DALZELL. How much time does the gentleman want?

Mr. RICHARDSON of Tennessee. I should say give us thirty minutes on this side.

Mr. DALZELL. I yield twenty minutes to the gentleman from Tennessee.

Mr. RICHARDSON of Tennessee. I said thirty minutes.

Mr. DALZELL. Gentlemen will have an opportunity to discuss the merits of the matter hereafter. However, I will yield to the gentleman from Tennessee thirty minutes.

Mr. RICHARDSON of Tennessee. We may not use all of it. I only want a moment or two myself to say that the minority members of the Committee on Rules did not think that this bill ought to be made a special order for the date fixed. The rule as reported simply makes the bill a special order. It does not fix the time for a vote on it, and there is no limit to debate, so far as the rule discloses. It simply provides that on the 3d of February the bill shall be in order; that it shall be taken up and discussed.

It was contended that because of the importance of this measure the House ought to dispose of it in some way. Mr. Speaker, the position I take in this matter is, that it is not more important than hundreds of other measures that are pending here; and for myself, I am utterly opposed to picking out this particular bill and giving it priority over other meritorious measures pending in the House. For one, I voted against the rule, and I shall vote now against the adoption of the resolution. If there are gentlemen here on both sides, or on either side, of the House who wish to consider the measure, they can vote for this rule. If they are opposed to the measure, it seems to me there is no reason why they should vote to bring the measure before the House. My idea of it is that it should take its place on the Calendar, just as other measures, and, when reached under the rules, receive its consideration at the hands of the House of Representatives.

Mr. Speaker, I repeat, that there is no reason shown to my mind why this bill should be selected, why it should be singled out by giving it priority over other measures in the House, many of them of far more merit. I do not think this possesses any merit, and ought not to pass, but it is given priority over many highly meritorious measures, and they must stand aside until this bill receives consideration.

The gentleman presenting the resolution, and who actually drew it, asked the House of Representatives to say that it should be pending here until it was "passed" by the House of Representatives. The Committee on Rules, however, changed that language to provide that it should be a standing order until disposed of by the House of Representatives. Of course that is a proper amendment, and it should be agreed to if the resolution is to be adopted.

Now, Mr. Speaker, that is all I desire to say, and I yield to my colleague on the committee five minutes if he desires it, and then I will yield to any other gentleman who desires to speak.

Mr. UNDERWOOD. Mr. Speaker, it is true under the terms of this rule that we are only to vote for the consideration of the measure. Under ordinary circumstances I am perfectly willing for the House to take up the business that is on the Calendar and proceed with the consideration of it and dispose of it as the House sees proper. But there are some classes of legislation that I do not believe have any right in the House at all. There are some classes of legislation that are so revolutionary, so contrary to the rights of the citizens of this country, that I think every effort ought to be made to defeat them, from their inception to the end of the chapter. I believe this class of legislation comes under that head.

We have a vast deal of public business to transact before this Congress can adjourn. There are a number of important bills on the Calendars to-day that are not given the right of way or this unusual advantage in legislation. Then, why should we give this particular bill an absolute right of way over everything else except appropriation bills? Let the class of legislation go on that is contemplated in this bill, let the precedent be established that you establish by passing a bill in favor of legislating one industry out of existence in order to promote another industry, and what becomes of the business and the commercial interests of this country? It then does not depend on the resources of the country in which an establishment is carried on; it does not depend on the brains, capacity, and business ability of the men who conduct the industry, but it simply depends upon whether that industry can through political opinion secure legislation that will stifle its competitors and leave it in the sole possession of the field.

This is not the only bill of this kind that is on the Calendar or that has been introduced. Following the proposition to destroy the manufacturers of oleomargarine for the purpose of giving an enlarged market to the butter men of the country, we find a bill on the Calendar that proposes to do the same thing with what is known as "shoddy"—that is, to require a tax and supervision of clothes that contain cotton in them.

In other words, it is now proposed that we not only legislate in favor of the farmer and the cow, but that we legislate in favor of the wool grower as against the cotton grower. That bill has not been reported to the Calendar, but there has been such a bill introduced in the House. If this class of legislation goes on, the day will come when the wheat grower will want legislation to protect him against the corn grower, or the iron manufacturer will want legislation to protect him against the steel manufacturer. If we undertake to adopt resolutions in this direction, there is no end to them. I say that the one true principle upon which we can stand is the principle which comes down to us from the fathers, that the party which legislates least legislates best, and that so far as practicable we should leave the manufacturing, commercial, and business interests of this country unhampered by legislation, free to work out their own destiny. With these views, I believe we should commence the fight on this bill this morning and follow it to the end. [Applause.]

Mr. RICHARDSON of Tennessee. I reserve the remainder of my time.

Mr. DALZELL. I yield to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. Mr. Speaker, I am in favor of the adoption of this rule. I rise, however, only for the purpose of explaining my position in regard to the subject-matter covered by the proposition. I am wholly and uncompromisingly opposed to this legislation and all kindred legislation.

I believe that at the root of this bill and this proposition lies a menace to the liberties of this country and an assault upon personal rights and freedom. It is a proposition to introduce into the forum of Congress a measure to permit the taxing power of

the United States Government (when there is no necessity for raising funds) to be used for the purpose of destroying a great industry, and by consequence building up another industry. It is a simple attempt of the strong to crush the weak. It is a misdirection of Government power and purpose that may be used in the coming years for the overthrow of any other industry of this country. There is not an industrial right enjoyed by a citizen of the United States that may not be in this way assailed and overthrown by a merciless, corrupt, and wicked purpose.

I have been present at and cognizant of the entire discussion of this question in the House of Representatives; and when this bill shall come up for passage I will point out the dexterous, fraudulent, intriguing course that has been pursued from the beginning to the end. The parties interested in this movement in the first place launched their opposition to the manufacture of this article upon the proclaimed assertion that oleomargarine was a commodity injurious to the public health—placing the legislation they asked upon that score alone.

Driven from every position that they occupied, proof having come beyond a reasonable doubt that there is not a single iota of truth in the allegation, they are now here to ask this legislation of Congress upon the pretense that there is a fraudulent sale of one commodity denominated oleomargarine to the injury of another commodity known as butter, while they know that there are more pounds of fraudulent butter sold in the United States, 10 to 1, as a fraud upon the rights of the people than ever were sold under the denomination of oleomargarine. And the best evidence of their knowledge of all this is that they steadfastly refuse any amendment that will put polluted butter, diseased butter, corrupted butter, under the ban of the law of Congress.

But, Mr. Speaker, there was a public demand that this question should be heard; and while it is the popular song of the country that the Committee on Rules is in the habit of strangling legislation and refusing Congress the right to be heard upon these questions, I rise simply to point out that in the membership of the Committee on Rules there will be but one vote in any event—and that only upon a tie—in favor of the passage of this bill when it comes up. Yet the resolution is here for adoption, and I shall vote for it, but I hope to live to vote against the bill.

Mr. DALZELL. I ask for the previous question.

The previous question was ordered.

The SPEAKER. The question is first agreeing upon the amendment recommended by the Committee on Rules.

The amendment was agreed to.

The SPEAKER. The question is now on agreeing to the report as amended.

The question having been put,

The SPEAKER. The ayes appear to have it.

Mr. RICHARDSON of Tennessee. I call for a division.

The question being again taken, there were—ayes 96, noes 62.

Mr. RICHARDSON of Tennessee. I make the point of no quorum voting—no quorum present.

The SPEAKER. The Chair overrules the point of order.

Mr. RICHARDSON of Tennessee. Why, Mr. Speaker——

The SPEAKER. The gentleman, as the Chair understood, made the point that there was no quorum voting.

Mr. RICHARDSON of Tennessee. My point was that there was no quorum present. I first made the point that there was no quorum voting and immediately changed my language and made the point that there was no quorum present.

The SPEAKER. The Chair will count the House.

The House having been counted,

The SPEAKER. One hundred and eighty members are present—a quorum.

Mr. RICHARDSON of Tennessee. I ask for tellers on the adoption of the resolution.

Tellers were ordered.

Mr. TAWNEY. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 155, nays 71, answered "present" 6, not voting 124; as follows:

YEAS—155.

Adams,	Burkett,	Dalzell,	Gibson,
Alexander,	Burleigh,	Darragh,	Gilbert,
Allen, Me.	Butler, Pa.	De Armond,	Gillet, N. Y.
Aplin,	Caldwell,	Deemer,	Gillett, Mass.
Babcock,	Capron,	Dick,	Gordon,
Ball, Del.	Cassel,	Draper,	Graff,
Bates,	Cassingham,	Driscoll,	Graham,
Beidler,	Cochran,	Eddy,	Greene, Mass.
Bell,	Conner,	Emerson,	Griffith,
Bishop,	Coombs,	Esch,	Grosvenor,
Blackburn,	Cooney,	Evans,	Grow,
Breazeale,	Cousins,	Fletcher,	Hamilton,
Brick,	Crowley,	Fordney,	Haskins,
Brown,	Crumpacker,	Foss,	Hemenway,
Brownlow,	Currier,	Foster, Vt.	Henry, Conn.
Burk, Pa.	Curtis,	Gardner, Mich.	Hepburn,
Burke, S. Dak.	Cushman,	Gardner, N. J.	Hitt,
Holliday,	Martin,	Rixey,	Southard,
Hopkins,	Mercer,	Robb,	Sperry,
Jack,	Minor,	Robinson, Ind.	Stark,
Jackson, Kans.	Moody, Mass.	Robinson, Nebr.	Steele,
Jett,	Moody, N. C.	Rucker,	Stevens, Minn.
Jones, Wash.	Moody, Oreg.	Rumple,	Stewart, N. Y.
Kern,	Morrell,	Russell,	Sutherland,
Ketcham,	Morris,	Salmon,	Tawney,
Kluttz,	Mudd,	Schirm,	Tayler, Ohio
Knapp,	Needham,	Selby,	Thayer,
Knox,	Nevin,	Shafroth,	Thomas, Iowa
Kyle,	Norton,	Shallenberger,	Tirrell,
Lacey,	Olmsted,	Shelden,	Tongue,
Lamb,	Otjen,	Showalter,	Vandiver,
Lessler,	Overstreet,	Sibley,	Vreeland,
Lewis, Pa.	Padgett,	Skiles,	Warner,
Lloyd,	Palmer,	Small,	Warnock,
Lovering,	Payne,	Smith, Ill.	Watson,
McCleary,	Pearre,	Smith, Iowa	Weeks,
McLachlan,	Powers, Mass.	Smith, S. W.	Williams, Ill.
McLain,	Prince,	Smith, Wm. Alden	Zenor.
Marshall,	Rhea, Va.	Snook,	

NAYS—71.

Adamson,	Edwards,	Latimer,	Reid,
Allen, Ky.	Finley,	Lester,	Richardson, Ala.
Ball, Tex.	Fitzgerald,	Lever,	Richardson, Tenn
Bankhead,	Fleming,	Lindsay,	Roberts,
Bartlett,	Flood,	Little,	Robertson, La.
Boutell,	Fox,	Livingston,	Ryan,
Brantley,	Goldfogle,	Loud,	Sheppard,
Broussard,	Griggs,	McClellan,	Sims,
Brundidge,	Hedge,	Maddox,	Slayden,
Burleson,	Henry, Miss.	Mahony,	Smith, Ky.
Candler,	Henry, Tex.	Mann,	Stephens, Tex.
Clayton,	Hooker,	Meyer, La.	Talbert,
Cooper, Tex.	Johnson,	Mondell,	Underwood,
Cowherd,	Kehoe,	Moon,	Wiley,
Cummings,	Kitchin, Claude	Naphen,	Williams, Miss.
Davey, La.	Kitchin, Wm. W.	Pierce,	Wilson,
De Graffenreid,	Kleberg,	Pou,	Wooten.
Dinsmore,	Lanham,	Randell, Tex.	

ANSWERED PRESENT—6.

Clark,	Jenkins,	Taylor, Ala.	Wheeler.
Hay,	Otey,		

NOT VOTING—124.

Acheson,	Douglas,	Lewis, Ga.	Rhea, Ky.
Barney,	Dovener,	Littauer,	Ruppert,
Bartholdt,	Elliott,	Littlefield,	Scarborough,
Bellamy,	Feely,	Long,	Scott,
Belmont,	Foerderer,	Loudenslager,	Shackleford,
Benton,	Foster, Ill.	McAndrews,	Shattuc,
Bingham,	Fowler,	McCall,	Sherman,
Blakeney,	Gaines, Tenn.	McCulloch,	Smith, H. C.
Boreing,	Gaines, W. Va.	McDermott,	Snodgrass,
Bowersock,	Gill,	McRae,	Southwick,
Bowie,	Glenn,	Mahon,	Sparkman,
Bristow,	Gooch,	Maynard,	Spight,
Bromwell,	Green, Pa.	Metcalf,	Stewart, N. J.
Bull,	Hall,	Mickey,	Storm,
Burgess,	Hanbury,	Miers, Ind.	Sulloway,
Burnett,	Haugen,	Miller,	Sulzer,
Burton,	Heatwole,	Morgan,	Swanson,
Butler, Mo.	Hildebrant,	Mutchler,	Tate,
Calderhead,	Hill,	Neville,	Thomas, N. C.
Cannon,	Howard,	Newlands,	Thompson,
Connell,	Howell,	Parker,	Tompkins, N. Y.
Conry,	Hughes,	Patterson, Pa.	Tompkins, Ohio
Cooper, Wis.	Hull,	Patterson, Tenn.	Trimble,
Corliss,	Irwin,	Perkins,	Van Voorhis,
Creamer,	Jackson, Md.	Polk,	Wachter,
Cromer,	Jones, Va.	Powers, Me.	Wadsworth,
Dahle,	Joy,	Pugsley,	Wanger,
Davidson,	Kahn,	Ransdell, La.	White,
Davis, Fla.	Landis,	Ray, N. Y.	Woods,
Dayton,	Lassiter,	Reeder,	Wright,
Dougherty,	Lawrence,	Reeves,	Young.

So the resolution was adopted.

The following pairs were announced:

For this day:

Mr. RAY of New York with Mr. SULZER.

Mr. MORRIS with Mr. THOMPSON.

Mr. CALDERHEAD with Mr. SPIGHT.

Mr. HUGHES with Mr. RANSDELL of Louisiana.

Mr. MILLER with Mr. NEVILLE.

Mr. WADSWORTH with Mr. PATTERSON of Tennessee.

Mr. LAWRENCE with Mr. MICKEY.

Mr. PARKER with Mr. MAYNARD.

Mr. LITTLEFIELD with Mr. MCLAIN.

Mr. DOVENER with Mr. MCDERMOTT.

Mr. REEDER with Mr. MCCULLOCH.

Mr. BOWERSOCK with Mr. LASSITER.

Mr. JACKSON of Maryland with Mr. GOOCH.

Mr. SULLOWAY with Mr. NEWLANDS.

Mr. JOY with Mr. SWANSON.

Mr. WANGER with Mr. GLENN.

Mr. STEWART of New Jersey with Mr. FOSTER of Illinois.

Mr. HULL with Mr. MUTCHLER.

Mr. HAUGEN with Mr. BOWIE.

Mr. DAVIDSON with Mr. HOWARD.

Mr. BARTHOLDT with Mr. DOUGHERTY.

Mr. YOUNG with Mr. BENTON.

Mr. CORLISS with Mr. BELLAMY.

Mr. REEVES with Mr. SPARKMAN.

Mr. HOWELL with Mr. JONES of Virginia.
Mr. SOUTHWICK with Mr. LEWIS of Georgia.
Mr. JENKINS with Mr. ELLIOTT.
Mr. HILDEBRANT with Mr. SNODGRASS.
Mr. VAN VOORHIS with Mr. THOMAS of North Carolina.
Mr. LOUDENSLAGER with Mr. WHITE.
Mr. BINGHAM with Mr. MCANDREWS.
Mr. WACHTER with Mr. RHEA of Kentucky.
Mr. LITTAUER with Mr. FEELY.
Mr. TOMPKINS of New York with Mr. PUGSLEY.
Mr. METCALF with Mr. WHEELER.
Mr. BOREING with Mr. TRIMBLE.
Mr. SHERMAN with Mr. RUPPERT.
Mr. HEATWOLE with Mr. TATE.
Mr. WRIGHT with Mr. HALL.
Mr. MAHON with Mr. OTEY.
Mr. KAHN with Mr. BELMONT.
On this vote:
Mr. COOPER of Wisconsin with Mr. HAY.
Mr. GAINES of West Virginia with Mr. GAINES of Tennessee.
Mr. DEEMER with Mr. POLK.
Mr. FOWLER with Mr. GREEN of Pennsylvania.
Mr. CANNON with Mr. SHACKLEFORD.
Until further notice:
Mr. HANBURY with Mr. BURGESS.
Mr. SCOTT with Mr. SCARBOROUGH.
Mr. HENRY C. SMITH with Mr. TAYLOR of Alabama.
Mr. ACHESON with Mr. CREAMER.
Mr. NEVIN with Mr. BURNETT.
Mr. BARNEY with Mr. MCRAE.
Mr. LONG with Mr. DAVIS of Florida.
Mr. POWERS of Maine with Mr. CONRY.
Mr. CROMER with Mr. MIERS of Indiana.
Mr. LANDIS with Mr. CLARK.
Mr. DOUGLAS with Mr. COONEY.
Mr. GILL with Mr. BUTLER of Missouri.
Until Monday:
Mr. MCCALL with Mr. ROBERTSON of Louisiana.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. DEEMER, for five days, on account of illness in his family.

To Mr. TATE, indefinitely, on account of illness in his family.

ENID AND ANADARKO RAILWAY COMPANY.

By unanimous consent, on the request of Mr. CURTIS, the bill (H. R. 3104) to grant the right of way through the Oklahoma Territory and the Indian Territory to the Enid and Anadarko Railway Company, and for other purposes, was transferred from the Union Calendar to the House Calendar.

QUESTION OF PRIVILEGE.

Mr. RICHARDSON of Tennessee. I offer a privileged resolution.

The CHAIRMAN. The gentleman from Tennessee offers the following resolution, claiming it to be privileged.

The resolution was read, as follows:

Whereas there are now pending before the Senate numerous treaties proposing commercial reciprocity with other nations, by which customs revenue duties will be changed from those established by acts of Congress duly approved by the President of the United States; and

Whereas there are bills originating in the Senate now pending before that body regulating the duties imposed on articles from Cuba and the Philippines imported into the United States; and

Whereas resolutions have been introduced in the Senate and are now pending in that body declaring that the doctrine of reciprocity as stated in the act of October 1, 1890, known as the McKinley bill and the act of July 24, 1897, known as the Dingley bill, is the true doctrine, and that the various treaties pending in the Senate should receive consideration and action at the present session of Congress: Therefore,

Resolved, That it is the sense of this House that the negotiation by the executive department of the Government of a commercial treaty whereby the rates of duty to be imposed on foreign commodities entering the United States for consumption should be fixed would, in view of the provision of section 7, Article I, of the Constitution of the United States, be an infraction of the Constitution and an invasion of one of the highest prerogatives of the House of Representatives.

Mr. PAYNE. Mr. Speaker, I make the point of order against that resolution that it is not privileged. As I understood from the reading of it, it recites that certain bills had been introduced in the Senate.

Mr. RICHARDSON of Tennessee. I can not hear what the gentleman is saying.

The SPEAKER. The House will be in order.

Mr. PAYNE. As I understood from the reading of it, it recites that certain bills and resolutions had been introduced into the Senate, and makes that the ground for a question of privilege. I suppose the inference to be that the highest rights of this body have been invaded by the introduction of those bills and resolutions.

My point is that the rights and prerogatives of this House are not invaded until the Senate actually sends to us some of those bills or resolutions or passes a treaty which invades the rights of this House, which, I agree with the gentleman, has the right under the Constitution to originate revenue bills. And I agree further that no other laws or treaties for the raising of revenues are valid under the Constitution unless they originate in this House; but my contention is that the prerogatives of this House have not been invaded by what some one may have done in introducing measures in the Senate until that body acts.

Mr. RICHARDSON of Tennessee. Mr. Speaker——

The SPEAKER. The Chair will hear the gentleman from Tennessee on the point of order.

Mr. RICHARDSON of Tennessee. Mr. Speaker, resolutions similar to this have been presented from almost time immemorial in the House of Representatives, and they have always been held privileged. There has never been a Speaker who has occupied that chair who has not held that resolutions similar to this were privileged in their character.

The resolution declares that the Senate has no right to originate revenue bills; that under Article I, section 7, clause 1 of the Constitution of the United States all bills for raising revenue shall originate in the House of Representatives; but the Senate may propose, or concur with amendments, as on other bills.

That is the clause of Article I under which I contend that the Senate can not take such action.

The gentleman concedes that if the Senate had already acted and had sent a revenue measure here the resolution I offer would be in order. But, Mr. Speaker, why should we await that action of the Senate? The resolution alleges that they have resolutions pending, that they have bills pending, and that they have treaties pending. Why should we sit and wait until the overt act is committed before we declare that it is the prerogative of the House of Representatives to originate revenue bills and arrange tariffs for this country? Mr. Speaker, I think that the very first moment this House can deliver itself of an utterance on this subject it should do so.

I shall not speak disrespectfully of the other body. It is not in order for me even to comment upon the transactions of the coordinate branch of our legislature; but if you read their debates you will find that already learned constitutional arguments have been made, one not later than three days ago, in which it is contended that the Senate has the right to do just what we say in this resolution that body can not do under the Constitution. Now, I have collated these precedents, Mr. Speaker, and if it is necessary I will refer the Chair to them. A number of them are cited in Hines's Parliamentary Precedents.

The SPEAKER. The Chair will call the gentleman's attention to the point made by the gentleman from New York. The question is submitted to the gentleman that the offering of a resolution or bill which might infringe upon the perogatives of the House, and even the advocacy of it on the floor of the Senate, does not involve that question and would not be an infringement nonconstant. The Senate might reject such a proposition. Now, if the gentleman has any authority to show action of the House where some one in the Senate introduced a resolution or bill, or in making a speech has attacked the prerogatives of the House, the Chair would be glad to refer to that authority.

Mr. RICHARDSON of Tennessee. I have already stated, in answer to the contention of the gentleman from New York, that it is not in order for me to quote from the debate in the Senate in the last few days. But already they are contending and offering constitutional arguments that they can do exactly what is declared in this resolution that they can not do. Why should we wait until they have passed a resolution, until they have negotiated a treaty? Why should we wait until a treaty is negotiated by the President and Senate in which the tariff rates of this country are uprooted after Congress has passed tariff bills and established the rates of duty? Why should we wait until the treaty is passed by the Senate, in which they repeal the rates of duty fixed by Congress and enact other rates?

I contend, Mr. Speaker, that we are not compelled to do so; that we have the right to declare that they can not do that which they contend they can do in the face of this provision of the Constitution. If it be true that this body alone can originate revenue bills, we have the distinct right to declare it by a resolution. Resolutions almost exactly in the language of the one I offer have been brought time and again before the House of Representatives, and they have always been passed by it where action was taken.

Now, I do not care to argue it further. I insist that they have already done that which I allege they have done in the resolution. They have taken the steps, have made their arguments, have insisted that they have the right to prescribe tariff rates, and I think we should not wait and should not abandon our constitutional rights, the rights expressly and exclusively given to the House of Representatives. Without being disrespectful, I may say the Senate has already reached out for and absorbed almost every

prerogative or power given to Congress as a single body, and therefore I say it is time for this House to assert its prerogatives and privileges.

That has been done a number of times in former Congresses. I will not take time to read the cases, but I had intended, if the House had not already referred the resolution which was reported by the Committee on Rules this morning, to enter quite elaborately into the discussion of this question, but I am content now not to do so. I will be glad to print in the RECORD what I intended to say, in order that gentlemen who feel an interest in the question may have the facts as they are collated from previous reports.

One report was made to the House by Mr. Hooper, signed by himself, by the Senator from Iowa [Mr. ALLISON], and by Mr. D. W. Voorhees, of Indiana, all then members of this body in the Forty-first Congress. Another report was made in the Forty-ninth Congress by Judge Randolph Tucker as the chairman of the Judiciary Committee—a very able committee, presided over by that gentleman, and upon which the distinguished gentleman who is now doing me the honor of listening to me, the gentleman from Iowa [Mr. HEPBURN], served, and who concurred in the able report which Judge Tucker then presented to the House. It was a unanimous report. I believe it was not acted on.

Mr. JENKINS. I want to ask the gentleman a question.

Mr. RICHARDSON of Tennessee. I yield to the gentleman.

Mr. JENKINS. And that is, if this House can, by the adoption of any resolution, control the action of any Senator or the action of the Senate itself?

Mr. RICHARDSON of Tennessee. No, sir; I do not think we can control them; but I think we have the right to protect the constitutional privileges given us, and that we ought not to abdicate or surrender our rights to the Senate of the United States.

Mr. JENKINS. Does not the gentleman think that this House should wait until a bill is acted upon?

Mr. RICHARDSON of Tennessee. Not when we are threatened by the Senate with action on treaties, and when argument after argument has been made and is being made to demonstrate that this body has not the constitutional rights claimed in the resolution I have offered.

Mr. JENKINS. Can we by the adoption of any resolution here prevent the consideration of anything that they may see fit to consider?

Mr. RICHARDSON of Tennessee. We can assert our rights if we can not prevent them from taking action. The gentleman understands very well the proposition that I am putting before this House. Why should this House wait until the act is consummated, when we know that treaties affecting our prerogatives are pending there, and when they are saying that they have the right to pass them, and if they do pass them that they do not come to this House for its action?

Mr. JENKINS. Can we by the adoption of the resolution prevent them from considering the question?

Mr. RICHARDSON of Tennessee. No; but we can call the attention of the country to the fact that they are violating the constitutional prerogatives of this body.

Mr. TAWNEY. Will the gentleman allow me an interruption?

Mr. RICHARDSON of Tennessee. Yes.

Mr. TAWNEY. You will not accomplish anything more than the mere assertion of our right by the adoption of this resolution, will you?

Mr. RICHARDSON of Tennessee. Will the gentleman accomplish anything more by the adoption of his resolution?

Mr. TAWNEY. Yes, we will accomplish this; we will have a report based upon a thorough investigation of the law and the history of that provision of the Constitution, which will go to the country in connection with the other side of the question, while your proposition is the mere assertion of the right, and lets it rest there. I think it would be more to the advantage of the House if, in connection with the assertion of that right, we give to the country the facts and the law upon which that right is claimed to be based. That is why I think it would be better for a report to be made by a Committee of the Ways and Means.

Mr. RICHARDSON of Tennessee. The gentleman from Minnesota overlooks the fact that this matter has been investigated time and time again. I have here reports, as I have already stated, as able as can possibly be made by any committee in this House. There are two of them, one made by the Judiciary Committee of the Forty-ninth Congress, by Judge Randolph Tucker, of Virginia, who went fully into the question and exhausted it in every legal aspect of the case, and which I intend to make a part of my remarks. Also a very able report made in the Forty-first Congress, signed by Mr. Hooper, a Republican, by the senior Senator from Iowa, Mr. ALLISON, and by the Hon. Daniel W. Voorhees, afterwards Senator from Indiana—two Republicans and one Democrat—then members of this body and who unanimously agreed that the Senate could not do that which is alleged in this resolution they are about to do.

Now, they have exhausted this question, and while I would not disparage in any degree the ability of the gentleman from Minnesota, I do undertake to say that no committee of this House can throw additional light upon this subject. The committee in the Forty-first Congress, by the report signed by Mr. Hooper, Mr. ALLISON, and Mr. Voorhees, is complete, thorough, and exhaustive.

In the Forty-ninth Congress, several years later, this exhaustive report of Mr. Tucker, of Virginia, is made, in which he covered the entire constitutional aspect of this case, going back to the very foundation and establishment of the Government.

I do not undertake to say that the gentleman from Minnesota is not an able man, but I venture that we can not throw any additional light upon these two exhaustive reports upon the question now pending. We have no additional information or facts to offer since these reports were made, except that the Senate has more than once since the last report was made transcended its constitutional powers.

The Judiciary Committee of the Forty-ninth Congress was an unusually able one. Mr. Tucker, of Virginia, presided over it, and upon it with him were Mr. Hannand, of Georgia; Mr. CULBERSON, of Texas; Mr. Collins, of Massachusetts; Mr. Seney, of Ohio; Mr. Oates, of Alabama; Mr. Eden, of Illinois; Mr. Rogers, of Arkansas; Mr. Bennett, of North Carolina, all Democrats; and Mr. Taylor, of Ohio; Mr. Parker, of New York; Mr. Ranney, of Massachusetts; Mr. HEPBURN, of Iowa; Mr. Stewart, of Vermont, and Mr. Caswell, of Wisconsin, Republicans.

These able lawyers make this report which exhausts the subject from beginning to end. They reported a resolution, which is very brief, and which it will take but a moment to read.

Mr. PAYNE. I would like to ask the gentleman what bearing this has on the point of order?

Mr. RICHARDSON of Tennessee. I hope the gentleman from New York does not object to it unless he desires to surrender to the Senate of the United States the prerogatives of the great committee over which he presides.

Mr. PAYNE. If the gentleman will allow me to break in upon him a moment——

Mr. RICHARDSON of Tennessee. I can not yield to the gentleman for a speech. I will be through in a minute. After this exhaustive discussion by the Judiciary Committee, that committee, composed of the gentlemen whose names I have given, as able lawyers as ever filled seats on the floor of this House, made their report and unanimously offered the resolution, as follows:

That the President, by and with the advice and consent of the Senate, can not negotiate a treaty which shall be binding on the United States, whereby duties on imports are to be regulated, either by imposing or remitting, increasing or decreasing them, without the sanction of an act of Congress; and that the extension of the term of the operation of the original treaty or convention with the Government of the Hawaiian Islands, proposed by the supplementary convention of December 6, 1884, will not be binding on the United States without like sanction, which was provided for in the original treaty and convention, and was given by act of Congress.

The second resolution it is unnecessary to read. The conclusion come to by the other committee, and signed by Mr. Hooper, Mr. ALLISON, and Mr. Voorhees, is, briefly, this:

That this House maintains that it has the sole and exclusive privilege to originate all bills directly affecting the revenue, whether such bills be for the imposition, reduction, or repeal of taxes; and in the exercise of this privilege, in the first instance, to limit and appoint the ends, purposes, considerations, and limitations of such bills, whether relating to the matter, manner, measure, or time of their introduction, subject to the right of the Senate to "propose or concur with amendments, as in other bills."

Now, my resolution alleges that they are about to negotiate treaties without sending them to the House of Representatives, completely abolishing tariff rates already prescribed by act of Congress. Yet gentlemen say that until the overt act is committed this House has not the right to say that it is the prerogative of the House of Representatives, under the express letter of the Constitution, which I have read, to originate revenue bills, in which the Senate may concur simply with amendments, as in other cases.

Mr. Speaker, I will not ask to detain the House any longer. I think that if we are to preserve our constitutional rights and prerogatives we ought to declare now, we ought to declare when that resolution is reported—I do not know that it will ever be, but if it should ever be reported, we ought to declare then, as we declare now—that we will stand by the prerogative given to us by the Constitution of the United States, the Senate to the contrary notwithstanding. [Applause.]

Mr. LACEY. I would like to ask the gentleman a question before he surrenders the floor.

Mr. RICHARDSON of Tennessee. I yield to the gentleman, of course.

Mr. LACEY. When the Dingley Act was passed limiting the power of the treaty-making branch of the Government in regard to reciprocity, and the Senate concurred in that act, was not that

a concession that by act of Congress we could limit the power of the Senate and of the Executive in making treaties, and was not that a recognition that the matter was within the control of Congress?

Mr. RICHARDSON of Tennessee. Precisely. It was a recognition, as I understand, of the power of Congress in this respect; yet they propose now to undertake to do by treaty exactly what they agreed then not to do.

Mr. PAYNE. The gentleman from Tennessee [Mr. RICHARDSON] has made no answer to the point of order raised by me. The Senate is not responsible for the individual opinion of a Senator. There is freedom of debate in the Senate—I may say this generally without speaking of their practices over there—there is almost everlasting freedom of debate in the Senate. Of that the House has no right to complain. That invades no prerogative or privilege of this House. A Senator has the right to introduce bills. The President has a right to submit treaties; and, by the way, the treaties submitted to the Senate were all submitted under the provisions of the Dingley bill. They are not seeking by those treaties to act outside of the law passed by Congress. They are not seeking to confirm independent treaties, but treaties made under the Dingley law, which require the acquiescence and the vote and the action of the House of Representatives. Yet because the newspapers publish a speech purporting to have been made by a Senator, affirming something which is derogatory to and an invasion of the rights of this House, we are asked, and may be asked every day, to stop the orderly business of the House because its privileges are being violated.

Mr. Speaker, if there had been any precedent bearing upon this particular phase of the question, the gentleman, in hunting up the authorities, would have been able to produce one. But the question is so plain and reasonable that it does not need argument.

As to the other question presented, it seems that some time in the past the House, by a suspension of the rules, has passed a resolution on this subject. Mr. Speaker, upon so important a subject—a subject going to the foundation of the rights of the House, involving a matter of the highest importance in our national legislation—it seems to me it would be more seemly for the House, in the regular, orderly conduct of its business, to refer this resolution, as it did refer a like one this morning, to a committee for deliberation, so that they might present their report upon the subject.

And I think, Mr. Speaker, that no committee of this House would ever present a report on this question which did not embody substantially the report of Randolph Tucker made some years ago, from the reasoning of which I think any lawyer who will fairly read it will say there is no escape. But I want to see this question dealt with in a dignified manner. I want to see the action of the House accompanied with a report. I want to see it acted on after other members of the House have looked up the question and the precedents, as well as the gentleman from Tennessee, so that the debate may attract the attention of the country; for in this matter we are appealing, not to the Senate of the United States, we are appealing to the people of the United States, and presenting to them our opinion of our rights under the Constitution. And when we do that, let us not do it by printing a speech in the RECORD, or by scrambling over each other to vote for a resolution. Let the question be presented with deliberation and upon full debate. Let the members of this House present it fairly to the people of the United States; and when the time is taken to do this, I have no doubt the people of the United States will say that the Senate can not abolish this prerogative solely given under the Constitution to the House to originate revenue bills.

Mr. RICHARDSON of Tennessee. Will the gentleman allow me a question?

Mr. PAYNE. Certainly.

Mr. RICHARDSON of Tennessee. I wish to ask the gentleman whether he is in favor of the resolution which I have had read at the desk?

Mr. PAYNE. I can not say from the reading of the resolution whether I am in favor of all its provisions or not. But I am in favor of asserting, as I have said, the prerogatives of the House. I do not believe that the Senate can pass a revenue bill under the guise of a treaty.

Mr. RICHARDSON of Tennessee. That is what this resolution declares. If the gentleman favors it, why not adopt it?

Mr. PAYNE. I yield to the gentleman from Pennsylvania [Mr. DALZELL].

Mr. DALZELL. Mr. Speaker——

The SPEAKER. The Chair is ready to rule on this question unless the gentleman from Pennsylvania desires to be heard.

Mr. DALZELL. I do not want to address the court if the court has made up its mind.

The SPEAKER. The Chair has made up its mind.

Mr. DALZELL. But the Chair might be wrong.

The SPEAKER. The Chair thinks that when he is once clear in his mind on a question like this it is better to rule on it and let the other business of the House go on.

The question first presented to the House for consideration is whether or not the resolutions offered by the gentleman from Tennessee are privileged resolutions. If so, it is because the prerogatives of the House are invaded. There is also presented the question whether we are entitled to go beyond the regular modes of procedure of the House in order to reach the desired result.

Now, there are three whereases in this resolution, each one of which shows that nothing has been done in this matter by the Senate. There is not a single averment in the resolution proposed by the gentleman from Tennessee showing a single specific legislative act on the part of the Senate. On the contrary, the averment in the resolution is simply to the effect that certain resolutions are pending in that body, but in no single case has action been taken upon it.

The Chair would state in this connection that this does not involve a discussion or a definition of the main question presented. It refers only to what has been done or is proposed to be done. The only thing, therefore, for the Chair to determine is whether or not, under the resolution proposed by the gentleman from Tennessee, a question of privilege is presented, and whether such resolution is in order under the rules of the House.

Now, up to last night there were pending in the House 10,511 bills and resolutions, and up to the same hour there were pending in the Senate 3,380 bills and resolutions. We all know, as a matter of fact, that not every bill or resolution presented in either body becomes operative as a law, and it will not do to assume that all of this number of bills to which the Chair has called attention will be passed. Nor will it do to say that the House has not been vigilant in the consideration of matters relating to its rights and duties under the Constitution. This very morning, for instance, the House directed one of its committees to investigate and report upon a question which related to its functions under the Constitution. There can be no complaint of the want of consideration of such matters on the part of the House.

There has been no slumbering by the House in regard to its rights. But the House has not undertaken to fortify itself by the adoption of such a resolution as that presented by the gentleman from Tennessee, and the Chair, after a careful examination of his resolution—a dispassionate examination of it—fails to find anything specified in the resolution to indicate any positive action on the part of the Senate which would entitle the resolution to the consideration of the House——

Mr. RICHARDSON of Tennessee. Will the Chair allow me to suggest in this connection——

The SPEAKER. If the gentleman from Tennessee will allow the Chair to proceed for a moment.

Mr. RICHARDSON of Tennessee. Certainly.

The SPEAKER. The Chair desires to complete his statement by suggesting that, after a careful examination of the resolution, the Chair has been unable to find a single instance as therein——

Mr. RICHARDSON of Tennessee. I thought the Chair asked me a question, to which I desired to make response.

The SPEAKER. The Chair will hear the gentleman after he has completed his statement. The observation of the Chair was to the effect that there is no precedent cited by the gentleman wherein the House has felt that its prerogatives were being invaded. In the several cases presented by the gentleman, and where this question was considered by the House, there is nothing to show—not a single instance, as far as the Chair has been able to discover—where the House assumed to act before the Senate had taken such action as invaded the prerogatives of the House. It is true that there is a matter, as appears by the RECORD, which was once considered, where there was action taken as suggested by the gentleman, under a suspension of the rules.

Under individual suspension a gentleman, getting recognition, offered resolutions expressing his views, expressing his fears, calling the attention of the House to supposed dangers, supposed or proposed assaults upon its high privileges and rights; but that is not an authority in point; and if the gentleman can now cite to the Chair a single authority where action was taken by the House before the Senate acted or sent anything to the House the Chair would be very glad indeed to have it.

Mr. RICHARDSON of Tennessee. I rose a moment ago in response to the suggestion of the Chair——

The SPEAKER. The Chair at that time had not completed his statement in regard to the suspension of the rules, and wished to do so, because there was one authority that might have been misleading. The Chair will hear the gentleman.

Mr. RICHARDSON of Tennessee. I say I rose a few moments ago to state frankly, in answer to the suggestion of the Chair, that each one of the precedents which I had collated, and which are found in Hinds's Digest and in the rules, was a case where

the Senate had acted. Therefore I drew this resolution as I did, stating they were now threatening to do the same thing, and I assumed that the question of privilege was created. And it seems to me, under reasoning, that we need not wait until the overt act is committed, in view of what transpires daily in the Senate of the United States.

The SPEAKER. The Chair thanks the gentleman for his statement.

Mr. RICHARDSON of Tennessee. It is not in order for me to quote from the daily transactions of the other body, but of course I take it the Chair and every other member reads the debates in the Senate. If so, the Chair will find, as other gentlemen will find, that the other body are on the eve of doing—at least judging from the debates—exactly what has been done heretofore. Therefore, I thought the resolution, framed as I had framed mine, created a matter of privilege.

The SPEAKER. The Chair, in view of the facts which he has stated, is very clearly of the opinion that this is not a privileged resolution. If the hand of the Senate is laid upon the prerogatives of this House, this House will act. There is no doubt about that, and it has already taken steps to be thoroughly qualified for doing it; but at this moment this great body is not justified, as it seems to the Chair, in taking such resolutions and passing upon them, and that the wise course for a great legislative body like the House of Representatives of the United States is to act with coolness and deliberation, and not strike back when not struck at.

The gentleman has his entire remedy, under the Rules of the House, by bringing his resolution before the Committee on Ways and Means or any other committee.

The Chair therefore sustains the point of order made by the gentleman from New York.

Mr. RICHARDSON of Tennessee. I submit to the ruling of the Chair, of course.

The SPEAKER. The Chair did not understand the gentleman's statement.

Mr. RICHARDSON of Tennessee. I say I take no exception now to the ruling of the Chair; but inasmuch as the resolution which was introduced this morning, and upon which the Chair lays stress, has been referred to the Committee on Ways and Means, I take it, under the ruling of the Chair, until the Senate does take action, that even the report of that committee upon that resolution would not be in order. However, we will decide that question when it comes up.

The SPEAKER. It will come up at the proper time. It is not now before the House or the Chair.

Mr. RICHARDSON of Tennessee. Then, Mr. Speaker, I ask unanimous consent that I may amend and extend my remarks in the RECORD, and publish such parts of Judge Tucker's report as I may desire. I have spoken hurriedly and without due preparation.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that he may extend his remarks in the RECORD, coupled with the right to print extracts from Judge Tucker's report upon this question. Is there objection?

Mr. RICHARDSON of Tennessee. Merely in order that we may have this matter before us.

Mr. PAYNE. Mr. Speaker, if the remarks are to be upon the point of order, I have no objection.

Mr. RICHARDSON of Tennessee. I said I wanted to make extracts from the report of Judge Tucker, simply to have the matter before the House.

Mr. PAYNE. I have no objection to his printing Judge Tucker's report, but I do object to his going into an argument upon the point of order and printing those remarks.

The SPEAKER. Is the request of the gentleman from Tennessee objected to?

Mr. PAYNE. I object, Mr. Speaker.

The SPEAKER. Objection is made.

Mr. GROW rose.

The SPEAKER. For what purpose does the gentleman from Pennsylvania rise?

Mr. GROW. I simply rise for the purpose of suggesting to the gentleman from Tennessee that if he is not satisfied with the ruling of the Chair he can appeal.

Mr. RICHARDSON of Tennessee. If the gentleman from New York desired the information to be given which he seems anxious for the country to have, he would not object to my request. It is a very unusual objection.

The SPEAKER. There is nothing now before the House.

REGULATIONS CONCERNING INDIANS.

Mr. FITZGERALD. Mr. Speaker, I call up a privileged report from the Committee on Indian Affairs and call for the reading of the resolution.

The SPEAKER. The gentleman from New York calls up a privileged report, and the resolution will be read by the Clerk.

The Clerk read as follows:

Resolution No. 104.

Resolved, That the Secretary of the Interior be requested to transmit to the House all orders issued and regulations promulgated by him or any of his subordinates regarding the issuing or the withholding of rations from any Indians under the control of the United States, together with such reports and documents as may be on file in any office under his jurisdiction relating to the effect of said orders and regulations.

Mr. FITZGERALD. Mr. Speaker, this is a unanimous report, and I ask for a vote.

Mr. CUMMINGS. I want to ask the gentleman a question on that. It is whether this will bring to the attention of the House the order issued requiring the Indians to keep their hair cut?

Mr. FITZGERALD. I think it will.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

On motion of Mr. FITZGERALD, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

ORDER OF BUSINESS.

Mr. RICHARDSON of Tennessee. Mr. Speaker——

The SPEAKER. The gentleman from Illinois demands the regular order.

Mr. RICHARDSON of Tennessee. I would like to have the resolution I introduced referred to the Committee on Ways and Means. I take it there will be no objection to that.

The SPEAKER. It will be so referred in the regular way. The regular order is the consideration of bills on the Private Calendar in charge of the Committee on Claims.

Mr. GRAFF. Mr. Speaker, I move that the House resolve itself into Committee of the Whole for the consideration of bills on the Private Calendar.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole House, Mr. HEMENWAY in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the consideration of bills on the Private Calendar. The Clerk will report the first bill.

JOSEPH H. PENNY AND OTHERS.

The Clerk read as follows:

A bill (H. R. 2978) for the relief of Joseph H. Penny, John W. Penny, Thomas Penny, and Harvey Penny, surviving partners of Penny & Sons.

Be it enacted, etc., That the Court of Claims is hereby given jurisdiction to rehear and reconsider and determine the motion filed in said court by the claimants on the 15th day of April, 1898, for a rehearing and new trial of the case of Penny & Sons *v.* The United States and Sioux Indians, numbered in said court as Indian depredations No. 4634; and to that end the bar of the statute of limitations against said motion is hereby removed, and the said court is given jurisdiction to rehear and redetermine said motion in the same manner and with like effect as if said motion had been filed and presented within the time authorized by law and the rules of said court; and if said motion shall be sustained by said court, then, and in that event, the court shall proceed to retry and readjudicate the matter involved in said suit the same as if no former judgment had been entered therein.

Mr. PAYNE. Mr. Chairman, I would like to have an explanation of the bill. I understand that this is a claim that has already been passed upon by the court and adjudicated.

Mr. GRAFF. Has the gentleman from New York read the report?

Mr. PAYNE. I caught that from the reading of the bill.

Mr. GRAFF. The matter is in the hands of the gentleman from Iowa [Mr. THOMAS], and I will yield to him.

Mr. DALZELL. Allow me to ask you a question. Is not this the same bill we had up in the last Congress, and it was defeated?

Mr. THOMAS of Iowa. We had it up, and did not come to a vote in the last Congress; and therefore I have brought it to the House at this time.

Mr. DALZELL. It is the same bill?

Mr. THOMAS of Iowa. It is the same bill, I will ask the Clerk to read the report of the Committee on Claims, as it explains the bill fully.

The report (by Mr. THOMAS of Iowa) was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 2978) for the relief of Joseph H. Penny, John W. Penny, Thomas Penny, and Harvey Penny, surviving partners of Penny & Sons, having had said bill under consideration, report the same back to the House with the recommendation that the bill be passed.

The facts on which this report is based, as found by the committee, are fully stated in report No. 175, made to the House during the first session of the Fifty-sixth Congress, which is incorporated in and made a part of this report, and are stated as follows:

Penny & Sons filed their suit, No. 4634, in the Court of Claims under the act of Congress of March 3, 1891, claiming damages for Indian depredations in November, 1865, and in May, 1867. On a hearing had before the court on April 16, 1893, the case was dismissed, but the court made a finding of facts in the case as follows:

In November, 1865, near Sandhill stage station, Nebraska, Indians of the Oglala Sioux, about 50 in number, at 10 o'clock at night, ran from the herd of the claimants' cattle and drove off 20 belonging to them. In May, 1867, at a point 7 miles east of Julesburg, on the north side of the Platte River, Indians of the Brulé Sioux tribe, numbering about 50, captured and drove away the entire herd of cattle and 3 horses belonging to the claimants, all of which were recovered except 21 head of cattle and 3 horses, saddles, and bridles.

The court further found as a fact that at the time of said depredations the Sioux tribe were in treaty relations but were not in amity with the United States, and, because the tribe that committed these injuries were not in amity with the United States, the plaintiffs' petition was dismissed.

By chapter 538 of the acts of Congress of March 3, 1891, the jurisdiction of the Court of Claims is extended so as to authorize that court "to inquire into and finally adjudicate, in the manner provided in this act, all claims of the following classes: First, all claims for property of citizens of the United States taken or destroyed by Indians belonging to any band, tribe, or nation in amity with the United States without just cause or provocation on the part of the owner or agent in charge and not returned or paid for."

At the time of the decision of the case of Penny & Sons by the Court of Claims the question as to the circumstances under which an Indian tribe should be considered as in amity with the United States had not yet been adjudicated. In the case of Litchfield *v.* United States and Sioux and Cheyenne Indians (32 C. Cls. R., 585), and in the case of Salois *v.* United States and others (32 C. Cls., 68), and in the case of the same title (33 C. Cls., 326), decided in 1896 and 1897, it was held, on a full investigation of the facts and records in the War Department, that the Sioux Indians were in amity with the United States in November, 1865, when it is alleged that the first depredation complained of was committed, but were not in amity with the United States in 1867, when, it is alleged, the second depredation was committed.

Under this construction of the act of March 3, 1891, upon the facts found in the cases cited above, the plaintiffs ought to have recovered on their claims for the depredation committed in November, 1865, provided evidence was submitted to sustain the same, but ought not to have recovered for depredations alleged to have been committed in 1867.

After the decision of these cases, on the 15th day of April, 1898, the claimants filed a motion in the Court of Claims for a retrial of their case, citing the decision of the court above referred to, and claiming that they ought to have recovered for the depredation committed in November, 1865, under the law and the facts as disclosed in the foregoing decision, and that the court had erred in not so finding.

On hearing, the court overruled the motion for rehearing and new trial, holding that it had not jurisdiction to entertain the motion, on the ground, evidently, that the motion had not been filed within the time authorized by law and the rules of the court, and that therefore further proceedings were barred by the statute of limitations.

The purpose of this bill is to remove the statute of limitations and to authorize the Court of Claims to assume jurisdiction of the case for the purpose of hearing and trying the motion for a new trial, filed on the 5th day of April, 1898, and to retry said case if the motion for a new trial be sustained.

Mr. THOMAS of Iowa. Mr. Chairman, as appears from the report of the committee, the only purpose of this bill is to remove the statutes of limitation and authorize the Court of Claims to review and rehear the motion for a new trial now pending in that court. It does not require the court to render any judgment, nor does it propose to control the discretion of the court in its ruling on the motion for a new trial, but merely to act upon the motion that is now pending in the court and enter a ruling one way or the other as the facts before the court may warrant. If the motion is well taken, under the facts as developed in the case, then I submit to this committee that the court ought to have the privilege of sustaining it and retrying the case. That is all we ask by the bill.

Mr. DALZELL. Do I understand this is an act of Congress the purpose of which is to compel a court to pass on a motion pending in that court, and either grant the motion or deny it? Is that the gentleman's proposition?

Mr. THOMAS of Iowa. It is not. It is simply a bill removing the statutes of limitation, and authorizing the court to assume jurisdiction of the case and hear and determine the motion for a new trial now pending, and if the motion be sustained, then to retry the case.

Mr. DALZELL. Let me ask the gentleman this question. When was it that the court dismissed your first case? What was the date?

Mr. THOMAS of Iowa. I have not the date definitely.

Mr. CRUMPACKER. In 1893, I think.

Mr. THOMAS of Iowa. It was along some time about then.

Mr. CRUMPACKER. It is so stated in your report.

Mr. THOMAS of Iowa. Perhaps it was in 1893?

Mr. DALZELL. When was it that Congress passed the act enlarging the jurisdiction of the court?

Mr. THOMAS of Iowa. March 3, 1891.

Mr. DALZELL. That was prior to the first decision?

Mr. THOMAS of Iowa. Yes, sir.

Mr. CRUMPACKER. The case was brought under the act of 1891.

Mr. DALZELL. The gentleman misunderstands me. The court, as I understand, dismissed your petition in the first place because it had no jurisdiction?

Mr. THOMAS of Iowa. That is not the case at all. The court found as a matter of fact, as it was then advised, that the tribe of Indians committing the depredations was not in amity with the United States. Under the act of 1891, in order to give the court jurisdiction, it must appear that the tribe committing the depredation is at the time of the depredation at amity with the United States. The court found that at this particular date this tribe of Indians was not at amity with the United States, and that therefore no recovery could be had.

In a subsequent review of the question in other cases, on careful consideration, the court determined that at the time of the commission of the depredation in 1865, the first depredation complained of, this tribe of Indians was in amity with the United States; and, consequently, under the facts found by the court, the plaintiff ought to have recovered for that depredation and ought not to recover for the other depredation committed in 1867, because in 1867 this tribe of Indians was not at amity with the United States, as determined by the court in the several cases before it for adjudication.

Mr. DALZELL. Well, now, when was it that the court in this second investigation changed its mind about this matter?

Mr. THOMAS of Iowa. In 1896 and 1897. The question came up in another case before the same court, and then, upon the further investigation of the facts and construction of the law as then advised, the court found that in 1865, when the first depredation was committed, the Sioux Indians were at amity with the United States, and being at amity, as finally determined by the court, it is only asking an act of justice to require the court to review its former action and do right to these parties if it be found that an error has been committed.

Mr. DALZELL. I understand that. When did you come into court the second time?

Mr. THOMAS of Iowa. Soon after the second decision. The plaintiffs in that action filed a motion in 1898, but that was filed too late under the law and rules of the court, and accordingly the court overruled it on the ground of want of jurisdiction, because it was not filed within the time required by law and the rules of the court.

Mr. DALZELL. Why was it not filed within the time required by law?

Mr. THOMAS of Iowa. Because the question had not been decided within that time. They did not file it within the time required by law and the rules of court, because the decision had not been made in time.

Mr. DALZELL. One other question. Did the court the second time throw the case out of court on the ground that the statute of limitations had run?

Mr. THOMAS of Iowa. Solely and entirely.

Mr. DALZELL. That is in the opinion of the court?

Mr. THOMAS of Iowa. Yes.

Mr. CRUMPACKER. Will the gentleman from Iowa allow me to make a statement, in view of the fact that I was familiar with the facts at the last session of Congress?

Mr. DALZELL. In other words, the claimant has had two chances and the court has decided against him both times. Now he wants a third chance.

Mr. THOMAS of Iowa. That is not the fact.

Mr. DALZELL. That is the fact as you have stated it.

Mr. THOMAS of Iowa. I will yield to the gentleman from Indiana.

Mr. CRUMPACKER. Mr. Chairman, I remember very well the facts in this case as they were developed upon the discussion last winter. In seems that in 1865 and 1867 the claimants suffered injury from depredation by the Indians. In 1891 Congress passed an act creating a liability against the Government for that class of claims, and under that act these claimants filed a suit against the United States in the Court of Claims.

The act provided that where depredations were committed by Indians that were on relations of amity to the United States the liability existed; and in the trial of the case the record shows that the court found that the particular bands of Indians that committed these depredations were not at amity with the United States. That was a question of fact, and the court announced its special finding of facts, and upon the finding of facts the plaintiffs dismissed their case—apparently abandoned it.

Subsequently the court in other claims, it seems, found that in November, 1865, the same month that one of these claims originated, the Sioux Indians were at amity with the United States. But the dates are not identical, and the question upon which the bill hinged last winter was whether the subsequent decision of the court amounted to a practical adjudication of the vital question in the case when it was originally before the court—that is, whether at the particular time when this damage was committed, when these depredations occurred, the Sioux Indians were at amity with the United States.

I took the position last winter—and it seemed to me the reports of the decisions of the Court of Claims bore out that position—that the subsequent decision did not necessarily reach the date when these depredations were committed. Now, it occurs to me as a general proposition that if this Government expends money to maintain courts of adjudication it ought to stand by the judgments of those courts.

But in this case there seems to be an element of uncertainty. The gentleman who introduced the bill and reports it is a man in whose judgment and conservatism I have the utmost confidence, and I am not disposed to oppose the passage of this bill any further; but it occurs to me that the policy of this House ought to be settled, that when there has been once a fair adjudication of a claim against the Government before a court properly organized and constituted, that ought to be final. If this was to

stand as a precedent authorizing or justifying Congress in overthrowing the judgment at every session of Congress I should say that the bill ought to be voted down. But with the understanding that it does not constitute such a precedent, that there are peculiar circumstances connected with the case, I shall not oppose the bill.

Mr. DALZELL. There are always peculiar circumstances with every case that comes here asking Congress to remove a bar to a judgment rendered by a competent court.

Mr. PAYNE. May I ask the gentleman from Indiana what reason was there for a lack of diligence in not bringing the case before the Court of Claims as other parties have done subsequently?

Mr. CRUMPACKER. Oh, I suppose the attorneys were not as resourceful as the attorneys in the other cases. They thought they were justly beaten, perhaps, in the first litigation, and so abandoned the claim.

Mr. PAYNE. Probably they were. I understand that this adjudication, the later one in the other case, was made in 1895?

Mr. CRUMPACKER. In 1895 or 1896 on a different statement of facts.

Mr. PAYNE. What excuse is there for a lack of diligence on their part in not prosecuting the motion for a new trial until 1898?

Mr. CRUMPACKER. I understand that under the rules of the court a motion for a new trial is required to be filed within two years, so that even then they would have been barred by that proceeding. But the author of the bill informs me that the original decision had not fully settled what constituted amity or what constituted belligerency as between the Federal Government and the tribes of Indians within its jurisdiction. That was a somewhat unsettled question; it was in a kind of nebulous state. They have subsequently settled that question.

Mr. SMITH of Kentucky. Did not the court in the first place decide in this case that these Indians were not in amity?

Mr. CRUMPACKER. Yes; they decided that at these particular dates the Indians were not in amity.

Mr. PAYNE. And in another case, at some other date, but about the same time, the court decided that they were in amity?

Mr. CRUMPACKER. In the same month, in acting upon another claim, it was decided that they were in amity.

Mr. PAYNE. But not on the same day?

Mr. CRUMPACKER. Not on the same day.

Mr. PAYNE. I should suppose that the question whether these Indians were in amity or not would be a matter that could be settled in five minutes.

Mr. CRUMPACKER. I presume that, in view of the predatory character of Indian warfare, it was pretty difficult to settle the exact status of these Indians.

Mr. PAYNE. I understand that the first decision, that at the time of the first raid the tribe was not in amity, stands uncontradicted up to this time.

Mr. CRUMPACKER. It does, and will stand unless Congress passes this bill.

Mr. PAYNE. But Congress can not change a fact of that kind by passing a bill.

Mr. LITTLEFIELD. The question is, have any new facts developed?

Mr. PAYNE. In another case, in the same month of November—but whether before or after the action on this case does not appear, and whether there had been any change in their relations does not appear—the court decided that these Indians were in amity. The presumption is that there has been no change in their relations. In one case the courts, after a hearing which we are bound to suppose was a full hearing, and we are to assume that the parties used due diligence, the court decided that these Indians were not in amity; and then in another case in the same month, after what we are to suppose was another full hearing, the court decided that they were in amity.

Mr. THOMAS of Iowa. Let me explain to the gentleman from New York [Mr. PAYNE] that the finding of the court set out the dates when hostilities commenced and when hostilities ceased. There is no question about that at all.

Mr. PAYNE. That does not appear in the report.

Mr. THOMAS of Iowa. I move that the bill be laid aside to be favorably reported to the House.

Mr. CANNON. Mr. Chairman, I should like to say just a word about this case. With some hesitation I oppose the gentleman's motion; but I recollect having investigated this case in the last Congress, and the gentleman from Indiana [Mr. CRUMPACKER] also investigated it, I think. It was debated at some length. The matter has been decided. The parties have had their day in court.

Mr. THOMAS of Iowa. The matter has not been decided, because by reason of delay a vote was prevented. The question was never brought to a vote, though the bill was favorably reported by the House committee.

Mr. CANNON. But the parties have had their day in court; the adjudication has been made, and they were beaten in an adjudication under the law.

A MEMBER. They had two days in court. [Laughter.]

Mr. CANNON. Now, somehow or other, there ought to be an end not only as to this case, but generally as to this class of cases. This is one of the Indian depredation cases. They have been piling up in the office of the Secretary of the Interior for many, many years. They piled up until there were forty or fifty or sixty million dollars of them. Finally Congress, after full discussion, sent this class of cases to the Court of Claims; and there was organized in the office of the Attorney-General a division that had charge of Indian depredation cases. Attorneys for the Government journeyed all over the country at great expense and took evidence; they are still doing it. But finally, in the fullness of time, adjudications were had under this law; and cases have been and are now being disposed of by the hundred—yes, by the thousand.

Great blocks of them have been turned down, but a great many of them have turned up; so that now there are on the urgent deficiency bill, as there will be on the general bill, appropriations to pay the judgments of the courts in this class of claims. But when the cases have been turned down by an adjudication of a court to which they were sent under the legislation of Congress, where the proof has been taken, the cases formally tried, and final judgments rendered against the parties—this is one of those cases, and there are hundreds of others—it seems unfortunately true that such an adjudication is not an end of the case or cases, but like hope they "spring eternal." They come up again and want to have another chance.

Mr. GRAFF. Will the gentleman allow me to interrupt him?

Mr. CANNON. Most assuredly.

Mr. GRAFF. I only want to call the attention of the gentleman to the fact that this case involves twenty head of cattle. [Laughter.]

Mr. CANNON. Very well; suppose it does. I do not care whether it involves one, two, twenty, or a thousand. That is not the question. What we are to consider here is the general principle involved. The question is whether the Government shall provide special legislation for such cases. These are old claims. We all recognize them. They come up regularly every Congress.

Now, Mr. Chairman, it is a mere matter of computation. It is a matter that we can all determine for ourselves. We can study these cases, add them up, and see what the total cost is to be to this Government. It is not so much the value or amount of the pending claim as to what will follow if we establish such precedents. It is not a pleasant thing to have to oppose legislation of this character. But there are several able assistants all around me, gentlemen who keep their eye on legislation for the purpose of preventing extravagant appropriations in matters of this character.

We know very well that there are multiplied scores of persons watching, carefully, in this country amendments and propositions which come in here, upon our bills, looking to the expenditure of the people's money; and our duty—the duty with which we are charged here—is to see that that expenditure shall not be improperly made. Unfortunately, however, this is not the only proposition of this character that will come before us. It is common to say that "Uncle Sam" is the best paymaster in the world. No matter what the amount of the bill may be, he can foot it.

But, Mr. Chairman, we ought to ask here, no matter how small the amount may be—as in all other cases—where are we to stop? What is to be the limit of these expenditures? Is there justice in the claim, and is the Government under any obligation whatever to pay it? There seems to be a prevalent opinion that "Uncle Sam" will pay all claims of any character, no matter what they may be or how far they may reach. There are people who do say, however, that Uncle Sam is the poorest paymaster on earth. But that is very far from the truth. He is the very best on the face of the earth, but there are certain conditions——

Mr. LOUD. If the gentleman will permit me——

Mr. CANNON. In just a moment. There are conditions, I say, prevailing which we must consider. In the first place, before Uncle Sam pays a claim of any character we must determine its standing. If it is a legal claim, if it is a just one, he will pay it. But the fact of its legality must be established. In that case we provide for the payment. In the second place, as gentlemen are aware, we must appropriate the money according to law, and in the third place, when we consider questions of this character, if there is a doubt in the mind of the House, we send such cases to the Court of Claims—a court established at great expense by the Government for the purpose of considering matters of this kind. We all understand that we can not consider them here as thoroughly as they can be considered in a proper court. That court has jurisdiction to determine the claim. It makes its report upon the claim submitted to it and sends it to Congress for the appropriation.

Now, the gentleman from Iowa, as I understand him, wants to

go back to get pay for his 20 head of cattle to the Treasury without reference to the existing law. Why not say frankly to him—and I am not assailing him in any way; I do not blame him; I would have done the same thing myself for a constituent; [laughter]; but the fair way, and in my judgment the only way, since Uncle Sam is an honest man and wants to be fair to all of his family as well as to himself—that the only way is to let this matter go before the court and be adjudicated by the proper tribunal.

Mr. LOUD. Now will the gentleman from Illinois yield to me for a moment?

Mr. CANNON. With a great deal of pleasure. I believe that every one of these so-called Indian depredation claims, either by individual bill or by wholesale legislation changing the law, will be here until every one of them is paid, unless Congress now and from this on puts its foot down and says to these gentlemen, "You have had your day."

Mr. LOUD. But they will not do that, you know.

Mr. CANNON. Well, you say they will not do that——

Mr. LOUD. Twenty-six years' experience ought to teach the gentleman that.

Mr. CANNON. But is that an argument why everybody who comes and asks should receive? Of course this bill was here in the last session. It was not enacted. It is here this session. I do not know; these claimants may move over into my district and become my constituents, or the constituents of somebody else, and may come in in the next session. I am not faulting anybody. I am speaking of a condition.

In the absence of a constitutional amendment prohibiting this kind of thing you can not shut them out, and they will be passing back and forth through the years, this and all other claims, and the claimants will be swearing that Uncle Sam is the most fraudulent fellow on earth, but he is not; and I do not think the gentleman's question is an argument in favor of the passage of this bill, because, if they should be turned down in the court again and should move over into the gentleman's district or mine, there would be another bill presented if necessary.

Mr. LOUD. Well, I wanted to see if we could not solve this practically, in the opinion of the gentleman. Now, the gentleman is getting old. His time is too valuable——

Mr. CANNON. Well, I will say to my friend that I am 47 years old. [Laughter.]

Mr. LOUD. The gentleman and myself and the gentleman from Pennsylvania, and perhaps one or two more, will soon go out. This bill, in the light of the history of the days that have gone, is quite likely to pass, is it not? That is, it will be here until men who are familiar with the subject are dead and gone, and then it will pass.

Mr. CANNON. Well, sometimes I think——

Mr. LOUD. And now is it worth the wear and tear and the spending of your valuable time?

Mr. CANNON. I sometimes think that when my friend from California and myself die wisdom will take its departure; but, after all, I do not know.

Mr. GRAFF. We hope the Republic will still live, after you are gone.

Mr. CANNON. After all, with 357 people here and 386 people soon to be here, I apprehend that gentlemen will perform their duty; and then my beautiful and reliable friend and colleague from the Peoria district in Illinois [Mr. GRAFF], for whom I have great respect, is a mere youth, and he will be here for fifty years, and I am willing to trust him.

Now, I have said all that I want to say about this case. I do not think it has any more equity than 2,000 other cases that have been turned down in the Court of Claims, that have had their day in court, and had a finding of the court against them.

Mr. SIMS. I want to ask the gentleman from Illinois a question.

Mr. SMITH of Kentucky. Will the gentleman yield for a question?

Mr. CANNON. Certainly. I yield first to the gentleman from Kentucky.

Mr. SMITH of Kentucky. It seems that the court rejected this claim upon the ground that this tribe of Indians were not in amity with the United States. Now, subsequently the court comes along and says, "We were mistaken," or says that indirectly.

Mr. CANNON. That is not the case.

Mr. SMITH of Kentucky. As I understand it, from this report, the court comes along in 1896 or 1897 and says that a state of amity did exist between this tribe of Indians and the United States back in 1891.

Mr. PAYNE. Some time during the same month.

Mr. CANNON. I have not looked at the case since last fall. Now let me tell you what I recollect about it. When the exact question involved was adjudicated by the court, for the taking of these cattle, the court found that at that time these Indians were not at amity.

Mr. SMITH of Kentucky. And rejected the claim upon that proposition.

Mr. CANNON. Rejected the claim upon that ground. Now, that was when the question was being tried in this case, when issue was joined. The question of facts was heard fully, and that was the finding of the court. Now, in another case at another time, when the question of amity at this exact time and in this exact case was not involved, the court indulged in some language that might possibly be construed to cover the time. In that case, however, that was tried at that time they found that the Indians were at amity.

Now, the gentleman says that that time was the same as this time. But this case was tried, and gentlemen will understand that in a matter of a day or two or three days it is more easy for a witness to make a mistake than one could imagine; and the question was not as to the exact date. They might be at amity one day and not at amity the next day. In the nature of things it is difficult to say, from the record that is made in another case, entirely different from this case, by the loose language of the court, what it would affect in the judgment of the court in the other case.

Mr. SMITH of Kentucky. That is the point I want to inquire about. Whether the language was loose in the last two cases or not, as we have heard it stated, I think, since this bill has been called up, in the two cases decided in 1895 and 1896 the court undertook to say that that tribe of Indians was in amity with the United States from a certain day to a certain date, covering the date these cattle were taken. That is what I wanted to know.

Mr. CANNON. Well, now, in the other case, as I was not there and did not examine the evidence in the other case with this case, when the question involved was Were these Indians at amity? and after full trial, the court held that they were not.

Mr. SIMS. Will the gentleman allow me to ask him a question in all friendliness?

Mr. CANNON. Certainly.

Mr. SIMS. How much is involved in this bill?

Mr. CANNON. I do not know.

Mr. SIMS. What does the chairman say?

Mr. GRAFF. My understanding is that it is 20 head of cattle.

Mr. SIMS. How many dollars?

Mr. GRAFF. The gentleman from Iowa [Mr. THOMAS] introduced the bill.

Mr. SIMS. I join with the gentleman in what he says, and I think there ought to be an end put to some of these things. I want to know if the gentleman will come in here and render such valuable service as this on a measure of this kind, if he will be present when a lot of bills respecting claims made before the Selfridge board comes before this House, relating to contracts where the parties received the money and gave their receipt in full—questions involving thousands and thousands of dollars, coming from the Committee on War Claims. If he can devote so much time to this measure, involving payment for 20 head of cattle, I hope he will be able to give us the benefit of his assistance in these bills about great ship contracts.

Mr. CANNON. Now, then, before my friend was officially born, so far as this House was concerned [laughter], I was fighting the claims that he refers to, and have always fought them.

Mr. SIMS. They need still more.

Mr. CANNON. I agree with the gentleman. But is that any reason why the precedent should be made that every attorney who hangs about the corridors of this Capitol with cases and cases that have been turned down in the courts shall fly in by special bills or a general bill and seek to have a new adjudication made? I am quite sure I do not care whether this is $10,000 or $10. It is wrong in principle, where they have had their day in court and the matter has been adjudicated, to open it up again and again.

Mr. SIMS. But these gentlemen got the money and signed receipts in full, and are coming to Congress for thousands upon thousands.

Mr. CANNON. How does that affect this? Here is a great deal stronger case than that, because this is a case which has been adjudicated; that is a case of receipt for the payment of money, settlement, and it is a case of getting something notwithstanding settlement. But there was no adjudication of court there. There is here. And if I was inclined to specially plead and distinguish between the two cases, I would say that that is not nearly so strong a case as this, although I do not believe anything ought to be paid in that case, nor do I believe that anything ought to be paid in a case like unto it.

Mr. SIMS. And if the gentleman will only help me there will not be anything paid.

Mr. CANNON. I commend my friend to a few broken remarks I made about sixteen years ago upon that or a kindred case, when I was a younger man and had more time. I sometimes think that

when I have all the time I want I scatter as bad as an old-fashioned shotgun. I did not have but twenty minutes in that case, and I recollect my remarks with some pride. I think it was about sixteen years ago.

Mr. SIMS. I will be entitled to an hour, and will give it all to the gentleman.

Mr. GRAFF. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation. I want to dispose of the bill. The subject has been fully considered, and if the Committee of the Whole wants to defeat the bill it can do so. All I ask is that the bill shall be disposed of.

The CHAIRMAN. The question is, Shall the bill be laid aside with a favorable recommendation?

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. THOMAS of Iowa. Division!

The committee divided; and there were—ayes 39, noes 37.

Mr. WILLIAMS of Mississippi. No quorum present, Mr. Chairman.

The CHAIRMAN. The gentleman from Mississippi makes the point that there is no quorum.

Mr. WILLIAMS of Mississippi. I withdraw the point.

The CHAIRMAN. The ayes have it; and the bill is laid aside with a favorable recommendation.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. HEPBURN having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, one of its clerks, announced that the Senate had passed joint resolutions and bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. R. 1. Joint resolution proposing an amendment to the Constitution of the United States respecting the succession to the Presidency in certain cases;

S. 1633. An act to increase the limit of cost of the post-office building at Butte, Mont.;

S. 1452. An act to establish the Fredericksburg and Adjacent National Battlefields Memorial Park in the State of Virginia;

S. 238. An act for the relief of Arthur R. Henderson;

S. 1949. An act to authorize the Secretary of the Navy to appoint George H. Paul a warrant machinist in the Navy;

S. 2786. An act to increase the limit of cost of the public building at Aberdeen, S. Dak.;

S. 1602. An act to provide for the erection of a public building at San Francisco, in the State of California;

S. 700. An act granting a pension to Rebecca Dobbins;

S. 2468. An act granting an increase of pension to Horatio N. Francis;

S. 2441. An act granting an increase of pension to Ziba S. Woods;

S. 9. An act granting a pension to Mourse R. Adams;

S. 2701. An act granting a pension to Thomas G. Foster;

S. 1630. An act granting a pension to Ella R. Graham;

S. 2445. An act to provide for the establishment of a light and fog-signal station on one of the Mile Rocks, San Francisco Bay, California;

S. 2450. An act to establish a fog bell and lens-lantern light on the southeastern end of Southampton Shoal, San Francisco Bay, California;

S. 2446. An act to establish a light and fog-signal station at a point on Karquines Strait, California, opposite that now occupied by the Selby Smelting Works;

S. 2447. An act to provide for the construction of a light-ship for Blunts Reef, Pacific Ocean, off Cape Mendocino, California;

S. 2449. An act to establish a fog signal at Fort Winfield Scott, Fort Point, California;

S. 1015. An act granting an increase of pension to Israel A. Benner;

S. 1940. An act granting a pension to Frances Fuller Victor;

S. 110. An act to provide for the erection of a public building at Greeneville, Greene County, Tenn.;

S. 2440. An act granting an increase of Pension to John W. Gregg;

S. 2008. An act granting an increase of pension to Peter C. Monfort;

S. 1026. An act to fix the compensation of district superintendents in the Life-Saving Service;

S. 708. An act to provide for the purchase of a site and the erection of a public building thereon at Evanston, in the State of Wyoming;

S. 219. An act for the relief of Mary Chambers, widow of Thomas Chambers;

S. 511. An act granting a pension to Jennie A. Kerr;

S. 1355. An act granting a pension to Lura B. Rogers;

S. 2303. An act granting an increase of pension to Noah F. Chafee;

S. 1164. An act granting an increase of pension to Lewis W. Moore;

S. 560. An act to correct the military record of John Shelton;

S. 310. An act granting to the State of Wyoming 50,000 acres of land to aid in the continuation, enlargement, and maintenance of the Wyoming State Soldiers and Sailors' Home;

S. 2866. An act for the relief of bona fide settlers in forest reserves;

S. 331. An act for enlarging the public building at Hartford, Conn.;

S. 1111. An act to amend an act entitled "An act to amend section 3719 of the Revised Statutes relative to guaranties on proposals for naval supplies;"

S. 276. An act for the relief of L. A. Davis;

S. 1538. An act to provide for the purchase of a site and the erection of a public building thereon at Laredo, in the State of Texas;

S. 1790. An act for the erection of a public building at Natchez, Miss.;

S. 1187. An act granting to the State of Idaho 50,000 acres of land to aid in the continuation, enlargement, and maintenance of the Idaho State Soldiers and Sailors' Home;

S. 1578. An act for improving, repairing, and the erection of an addition to the public building at Springfield, Ill.; and

S. R. 46. Joint resolution to provide for the printing of 6,000 copies of the consolidated reports of the Gettysburg National Park Commission, 1893 to 1901, inclusive.

The message also announced that the Senate had passed without amendment the bill (H. R. 8759) to require cases of typhoid fever occurring in the District of Columbia to be reported to the health department of said district.

RASMUSSEN & STREHLOW.

The committee resumed its session.

The next bill on the Private Calendar was the bill (H. R. 5106) for the relief of Rasmussen & Strehlow.

The Clerk read the bill, as follows:

Be it enacted, etc., That the sum of $15,000 be, and the same is hereby, appropriated for the relief of Rasmussen & Strehlow, contractors on Government work, on account of damages done to the main Government building at the Pan-American Exposition grounds by the cyclonic storm of September 12, 1900.

Mr. GRAFF. Mr. Chairman, the facts in this case are as follows: Rasmussen & Strehlow were contractors for the erection of a building at the Buffalo Exposition. It was a large temporary structure, and when they had it partially completed an unusual storm came on and blew the building down. On account of its temporary character the plans were not sufficient to make it strong enough to bear the stress of the unusual storm that came upon it at the date mentioned in the report. That was on September 12, 1900, when it blew down. The contractors accordingly addressed a letter, which is incorporated in the report, to J. K. Taylor, the Supervising Architect of the Treasury Department, which is as follows:

BUFFALO, N. Y., *September 12, 1900.*

SIR: A cyclone blowing at the rate of 70 to 80 miles demolished nearly all of the framework of the main building between 1 and 4 o'clock this morning. Your superintendent visited and examined the wreck immediately, and he directed us to clear the wreckage and rebuild at once. We appeal to you and expect the Government to reimburse us for this loss, which was an act of God. We have taken all precautions to guard against damages, but we can not take the consequences of a cyclone. Your plans do not provide for such forces of wind pressure, and the wreck would not have occurred if the construction was heavy enough to withstand the conditions.

We place our loss at from $25,000 to $30,000. We shall immediately clear up and rebuild, but we look for you to pay us.

Trusting to your high sense of honor in this matter, we are,

Respectfully,

RASMUSSEN & STREHLOW.

Mr. J. K. TAYLOR,
Supervising Architect, Treasury Department.

Then the following letter from J. K. Taylor, the Supervising Architect, was received by them:

TREASURY DEPARTMENT, OFFICE OF SECRETARY,
Washington, D. C., September 14, 1900.

SIRS: Referring to a contract with you for the erection and completion of the United States Government buildings, Pan-American Exposition on the Niagara Frontier, the receipt of your letter of the 12th instant, addressed to the Supervising Architect of this Department, is hereby acknowledged, in which you state that by reason of an unusual storm at Buffalo, N. Y., on the morning of the 12th instant, nearly all of the framework of the main building was blown down.

Your statement is noted, that you will immediately clear up and rebuild, but that you look to the Government to reimburse you for any cost incident thereto.

The Government recognizes the promptness of your action in this regard and appreciates the seriousness to you of the loss and damage which you have sustained by the action of the elements; and while the Department will be willing to aid you in securing the enactment of legislation for your relief, it has no authority to bind the Government to pay you in excess of the amount of your contract for the completion of the work. If you will therefore forward to the office of the Supervising Architect of this Department a detailed statement of the cost entailed upon you, due and further consideration will be given thereto, looking to presenting the matter to Congress with favorable recommendation for the enactment of legislation for appropriation and relief.

A copy of this letter has been forwarded to the superintendent, with directions to gather all information affecting this transaction, in order that it may be of record.

Respectfully,

——— ———,
Acting Secretary.

Messrs. RASMUSSEN & STREHLOW,
74 West Chippewa street, Buffalo, N. Y.

Now I will read the letter from the Supervising Architect to the Secretary of the Treasury.

TREASURY DEPARTMENT,
OFFICE OF THE SUPERVISING ARCHITECT,
Washington, December 6, 1900.

SIR: I have the honor to call your attention to the fact that on September 12, 1900, a cyclonic storm materially damaged the main building at the Pan-American Exposition grounds at Buffalo, N. Y.; that such damage was not on account of any carelessness of the contractors, as the construction provided that the building be of very temporary character, and it was unreasonable to expect the contractors to provide such form of construction as would resist the violence of such unusual storm.

Two representatives from this office, immediately after the damage, made a careful estimate of the cost of replacing the damaged portion, and fixed the sum at $15,000. This office has received a written proposition from the contractors to accept such sum in full for the damage sustained. As it is doubtless an obligation of the Government to reimburse the contractors for the loss, I recommend that the attention of Congress be called to the matter, and that it be requested to appropriate $15,000 to reimburse the contractors, Rasmussen & Strehlow, for the loss sustained by them on account of damage caused by the cyclone referred to.

Respectfully,

J. K. TAYLOR,
Supervising Architect.

THE SECRETARY OF THE TREASURY.

In addition to that I have a copy of a letter from the director-general to these contractors in which the director-general, William I. Buchanan, of the Exposition says:

PAN-AMERICAN EXPOSITION 1901,
Buffalo, N. Y., U. S. A., August 28, 1901.

GENTLEMEN: In reply to your request regarding the damage done to the United States Government building by the wind storm last September I have to say that, while the Exposition Company had no control over this building, nevertheless I have on many occasions observed the progress of the work carried on by your firm under the Government superintendent of construction, and I have no hesitancy in saying that, in my judgment, the manner employed by you for the erection of this building was a proper one and that the destruction of the main building by reason of the cyclone on September 12 was not due to any fault of yours, but to the fact that the intensity of the wind pressure could not be withstood by the building.

It is a pleasure for me to state that, notwithstanding your serious setback and loss that you suffered therefrom, that you completed your building on time, and I sincerely hope the Government will reimburse you for the loss you suffered.

Very truly, yours,

CARLTON,
Director of Works.

Messrs. RASMUSSEN & STREHLOW, *Omaha, Nebr.*

PAN-AMERICAN EXPOSITION 1901.
Buffalo, N. Y., U. S. A., September 7, 1901.

GENTLEMEN: In reply to your request I desire to say that the great storm which visited Buffalo, N. Y., on the morning of September 12, 1900, seriously damaged several of the Exposition buildings then in course of construction, and that the Exposition Company believing, after full consideration, that these damages were caused through no fault of the contractors but as a result of an unprecedented storm, thought an allowance should be made the contractors for the extra work required by the Exposition to be done by them in order that the buildings should be put in proper repair.

The Exposition Company has nothing whatever to do with the Government building in any sense, and hence can in nowise assist you with regard to your claim in that direction, but I feel certain that you will be given a fair consideration with regard to the subject which you unquestionably deserve.

Yours, very truly,

WM. I. BUCHANAN,
Director-General.

Messrs. RASMUSSEN & STREHLOW, *Omaha, Nebr.*

Then in addition to that the condition of the buildings rendered it impossible for the contractors to protect themselves by obtaining cyclone insurance, and the amount which is asked in the bill is in accordance with the amount recommended to the Department. I move that the bill be laid aside with a favorable recommendation.

Mr. ROBINSON of Indiana. I would like to ask the gentleman, the chairman of the committee, a question.

Mr. GRAFF. Certainly.

Mr. ROBINSON of Indiana. I would like to ask the gentleman wherein this proposition differs from the construction by a contractor of a building in any State where he is overtaken by a cyclone and it is blown down?

Mr. GRAFF. It differs very materially. If the contractor for a permanent Government building was to commence the erection of that building, and while it was in an incomplete state it should be destroyed, he would be to blame because he could protect himself by cyclone insurance, which would be obtainable upon a permanent work in any stage of the progress upon the building which was intended to be used permanently. But this was a large balloon structure, and it was an unusual storm. The contractors constructed it in accordance with the plans that they themselves had not provided, but which were provided by the Supervising Architect.

Mr. ROBINSON of Indiana. The theory upon which the recommendation in favor of this bill is made would cause the Government to become insurer for every contractor constructing a building where it was lost.

Mr. GRAFF. Not at all.

Mr. ROBINSON of Indiana. It seems to me that when the Government pays so well for the construction of its buildings it does not come with a good grace from contractors to ask us to insure them against any loss by fire, storm, or flood.

Mr. GRAFF. Not at all. This was the construction of an immense temporary building, and the parties proceeded in the utmost good faith; they could not foresee this unexpected and unusual storm. The reason why the building was unable to resist that storm was because of the kind of plans made by the Supervising Architect, representing the Government.

Mr. GAINES of Tennessee. Does the Architect say so?

Mr. GRAFF. The Architect says so in the letter I have read.

Mr. ROBINSON of Indiana. Does the gentleman recommend that the Government should pay all contractors for the erection of buildings for the Government when in a temporary state of erection a cyclone comes and blows them down, or they are destroyed by other inevitable means?

Mr. GRAFF. I would not recommend the payment to a contractor for a loss sustained through a cyclone unless under some such circumstances as these. The contractors were forced to build it so it could not resist the storm by the plans of the Government itself, and the contractors were unable to procure cyclone insurance for that purpose.

Mr. WILLIAMS of Mississippi. Suppose the Government had authorized the erection of a building and entered into a contract with contractors for it, and the building was not fireproof and it caught fire and burnt up?

Mr. GRAFF. There is no difficulty about procuring ordinary fire insurance.

Mr. WILLIAMS of Mississippi. Is there any difficulty about securing cyclone insurance?

Mr. GRAFF. There is no difficulty under ordinary conditions.

Mr. WILLIAMS of Mississippi. Is there any precedent in Federal legislation for this sort of a bill?

Mr. GRAFF. I do not know of any other case just like this; but I have no doubt there are precedents in analogous cases.

Mr. WILLIAMS of Mississippi. I would like to have the gentleman cite them.

Mr. GRAFF. There have been precedents in analogous cases where contractors have been compelled to do extra work. In the present case the contractors constructed two buildings instead of one; that is, they constructed the building which was completely demolished, and then they cleared away the wreckage and constructed a completely new building.

Mr. WILLIAMS of Mississippi. There is absolutely no analogy between the case the gentleman has instanced and this case. Where the Government has entered into a contract for the construction of a building, and afterwards changes the plan, so as to necessitate additional expenditure on the part of the contractor in order to erect such a building as the Government wishes, compensation ought, of course, to be made on account of the change of the plans. But what I want to know is whether there is any precedent in Federal legislation for the Government of the United States reimbursing a contractor on account of loss suffered by reason of accident—fire, flood, storm, or the public enemy—the injury taking place while the contract was in course of execution and the plans not having been changed.

Mr. GRAFF. I think there is. There are numerous cases——

Mr. WILLIAMS of Mississippi. I wish the gentleman would cite one.

Mr. GRAFF. There are numerous cases where, as in this case, there would be extreme hardship in compelling the parties, without any possible means of protecting themselves, to make an outlay on account of damage for which they were in nowise responsible. There are cases where equitable claims under such circumstances have been paid, conditions having arisen which the contractor could not foresee and where he has proceeded in the utmost good faith in carrying out the contract. Congress in such cases has given relief on account of these equitable considerations.

Mr. ROBINSON of Indiana. Would the gentleman be willing to enter into a bond guaranteeing that other claimants who may have suffered similar loss in that cyclone will not present claims here for reimbursement?

Mr. GRAFF. If the gentleman will sign such a bond I will join with him.

Mr. ROBINSON of Indiana. It seems to me that this is probably only one of a number of similar cases of loss suffered by contractors in the city of Buffalo.

Mr. GRAFF. I do not see any analogy between citizens who may have suffered damage by reason of this cyclone in the city of Buffalo and these contractors for the erection of a Government structure.

Mr. GAINES of Tennessee. In what amount do they ask to be reimbursed?

Mr. MERCER. In reply to the suggestion of the gentleman

from Mississippi [Mr. WILLIAMS], let me say that I think there was a case at St. Albans, Vt., somewhat similar to the present one. In that case a public building in process of erection was partially destroyed by fire, as I now remember. It is understood that the Government as a rule does not insure its buildings. They are erected in a careful manner, and as a rule more money is expended by the Government upon public buildings than by private parties upon their structures. But in the case of the exposition at Buffalo a temporary building was erected by the contractors, following out the designs or plans of the Supervising Architect, and because those plans provided for a temporary building the contractors were not able to take out any cyclone insurance.

This storm, Mr. Chairman, was extraordinary in its velocity and force. A case of the kind is not liable to happen perhaps in fifty years; but that storm caught these men as that time referred to and did them damage, as they say in their statement, to the extent of $25,000 or $30,000. Two inspectors were sent to Buffalo from the office of the Supervising Architect to make an examination. They reported that in view of all the circumstances of the case, these people, having honestly and conscientiously done their work and finished it within the prescribed time, were entitled to a recompense of $15,000. Upon the strength of that report the Treasury Department has recommended reimbursement in this case.

Mr. ROBINSON of Indiana. Those inspectors were not legislators, and went to Buffalo on that duty probably as a matter of special favor. Now, I wish to ask whether anything was done on the part of the Government which prevented those contractors from guarding against this terrific wind?

Mr. MERCER. This building was of a temporary character.

Mr. ROBINSON of Indiana. Other buildings, I understand, were destroyed at the same time. The storm was pretty general, was it not?

Mr. MERCER. No other Government building was destroyed, so far as I know.

Mr. ROBINSON of Indiana. But because a man erects a Government building, should he have special protection. Other citizens suffered loss in the same cyclone. Why should persons who engaged in the erection of a Government building have extra protection? They get ample pay for their work. I submit that there has been no precedent heretofore in favor of this species of legislation, and I think we should now be setting a bad precedent if we should pass this bill.

Mr. SOUTHARD. I should like to ask the gentleman from Nebraska [Mr. MERCER] a question. I understand it to be a rule of the Committee on Claims to report against the Government and in favor of the claimants where, if the Government stood in the situation of a private individual, legal liability on its part would exist.

Mr. GRAFF. Yes, sir.

Mr. SOUTHARD. Has the committee followed that rule in this instance?

Mr. GRAFF. I am not sure about that. There is in this correspondence an assurance in writing from the Supervising Architect, representing the United States——

Mr. SOUTHARD. He may not be a lawyer.

Mr. GRAFF. It does not make any difference whether he is or not. He knew the full effect of his recommendation.

Mr. SOUTHARD. But the chairman of the committee is a lawyer, and I am asking him this question.

Mr. GRAFF. The Supervising Architect advised the contractor to clear away the wreckage and go on with the construction of the building.

Mr. GROSVENOR. Was not the contractor charged with a knowledge of the law?

Mr. GRAFF. That is true; and therefore I say I am not quite sure that from a legal standpoint there would be a liability in this case. But I say that this is one of the strongest equitable cases ever presented before our committee, and I am somewhat astonished that there should be any objection to it.

Mr. SOUTHARD. But I would like to ask the gentleman to state a case, if he can, where there would be a semblance of liability on the part of anybody if under the circumstances to which he refers an action were brought in any court of this country with reference to this matter.

Mr. GRAFF. I have just stated, Mr. Chairman, what I believe to be a proper construction of the law in this case. It is almost impossible to conceive of any man being placed in the condition which has been placed upon the party who asks relief in the pending bill.

Mr. SOUTHARD. But, as I understand it, this work is being done under a plan which has been prepared in advance.

Mr. GRAFF. Certainly; just as the report shows.

Mr. SOUTHARD. And, of course, this party understood what he undertook to do. In other words, he is a party to the contract.

Mr. GRAFF. I think so.

Mr. SOUTHARD. Then I ask the gentleman to inform the House or the committee where there is any semblance of liability which arises on the part of Congress to make restitution in a case of that character? How could this be demanded in the case of a corporation, for instance, standing in the place of this party?

Mr. GRAFF. Mr. Chairman, it would be utterly impossible to present all of the cases which come before the various committees of the House—and especially before the Committee on Claims—from the same standpoint. It was apparent to the committee, after due consideration of the case, that the report which has been presented should be considered favorably and adopted by the House. We have to consider bills of every character, coming from all parts of the country.

A MEMBER. Is it not true that even presumably permanent structures may be destroyed by a storm?

Mr. GRAFF. Of course; no one can dispute that; but it is also equally true that Government structures erected upon a permanent basis are not likely to be destroyed by anything short of an earthquake.

Mr. GAINES of Tennessee. I would like to ask the gentleman a question.

Mr. GRAFF. I will yield to the gentleman with pleasure.

Mr. GAINES of Tennessee. I simply wish to ask a question. Let us suppose the case of a carpenter who undertakes by contract to erect a structure, and the structure is destroyed before its completion. Now, how is such a case a precedent for this case? Where is the ground upon which the carpenter could exact payment for the loss of the destroyed building? If the gentleman can show that he has the legal right to recover and can harmonize his bill with the carpenter's right, if he has any, I will support it with pleasure.

Mr. GRAFF. Because the man has no remedy at law he must come to Congress; and in our committee we are to consider whether the equities are strong enough to move us to recommend favorable action by Congress.

Mr. GAINES of Tennessee. You say I had a case similar to this. That was a case where there were a lot of stamps on tobacco. The stamps had been bought——

Mr. GRAFF. Yes.

Mr. GAINES of Tennessee. And the Government had the money——

Mr. GRAFF. Yes.

Mr. GAINES of Tennessee. And the stamps had been put on the tobacco——

Mr. GRAFF. And tobacco and stamps both were destroyed by fire without the fault of anyone.

Mr. GAINES of Tennessee. They had not been removed from where it had been stamped—it had not been sold—and the stamps and the tobacco were both burned, our stamps were burned before we could use them, and the Government had the money, and we asked the Government to give us back our stamps or the money, and Congress gave the claimant the money cost of the stamps.

Mr. GRAFF. And the reason in that case why you could not procure insurance was because you could only procure insurance for the value of the goods without the additional value which the stamps placed upon the goods gave them.

Mr. GAINES of Tennessee. That was one of the reasons; but the main reason was that the Government had our money, and we wanted to get our money back for the stamps burned before we had used them. That and this case are not on a parallel, it seems to me.

Mr. GRAFF. It is a very similar case, because the contractors had put in the value of the materials upon this Government building and were proceeding in the erection of it. There is no legal liability in any of the cases that are presented to Congress. If there were, why, the parties would have recourse to the courts.

Mr. MADDOX. Will the gentleman yield for a question?

Mr. GRAFF. Yes.

Mr. MADDOX. Did the Government prescribe the specifications for the building, and was the contractor building according to the specifications?

Mr. GRAFF. Yes, exactly.

Mr. MADDOX. And they were too weak to sustain the structure?

Mr. GRAFF. Yes, and admittedly so by the letter of the Supervising Architect.

Mr. MADDOX. Is not that the real point in the case that takes it out of the general rule?

Mr. GRAFF. It strikes me so, and I have endeavored to urge that reason.

Mr. ROBINSON of Indiana. I understand the gentleman does not place this on a legal obligation, but purely upon a question of quasi-good morals, or something of that kind.

Mr. GRAFF. I am placing it upon an equitable ground.

Mr. ROBINSON of Indiana. What would you say to the application of this principle to the transportation of our troops to the Philippine Islands or any other port? Suppose the company transporting them had insurance on the vessels and it proved afterwards, after a disaster had sent the ship to the bottom, that the insurance could not be collected. Then would you say it would be the duty of the United States Government, under the theory of the committee reporting this bill, that the United States should reimburse the ship company for the loss of the vessel?

Mr. GRAFF. I do not see any similarity between the two cases; because in the case of the vessel the company would be the owners of the vessel, but here the material is placed in a building situated upon ground which belongs to the Government. The title is in the Government; but the contractor, under the strict terms of the contract, is not entitled to pay until he completes the building.

Mr. GAINES of Tennessee. You stated a few minutes ago that the architect had compelled the contractor to build the building according to his plans.

Mr. GRAFF. Yes.

Mr. GAINES of Tennessee. And that the architect was the employee or agent of the Government.

Mr. GRAFF. Yes.

Mr. GAINES of Tennessee. And by reason of being compelled to go on in accordance with the plans of the Government's agent he could not get this insurance, and by reason of not getting the insurance the loss is a dead loss to the contractor. A rather unusual case in that respect.

Mr. GRAFF. That is it.

Mr. CANNON. Now, let me ask my friend—I want to understand what was the price for this building—about how much?

Mr. GRAFF. I will ask the gentleman from Nebraska [Mr. MERCER] if he knows?

Mr. MERCER. I forget the exact amount.

Mr. CANNON. Somewhere near $300,000, was it not?

M. MERCER. I do not think it was so much as that.

Mr. CANNON. Not so much as $300,000? Now, I want to ask my friend——

Mr. MERCER. Perhaps the gentleman from New York [Mr. RYAN] can state.

Mr. RYAN. I have forgotten, but I think it was in the neighborhood of $300,000.

Mr. MERCER. Perhaps it was.

Mr. CANNON. I think so. The Government of the United States made plans and advertised for bids for the construction of this gossamer building.

Mr. GRAFF. Yes; and these parties were the lowest bidders.

Mr. CANNON. These parties were the lowest bidders?

Mr. GRAFF. Yes; sir.

Mr. CANNON. And the report says on that kind of a building they could not get cyclone insurance.

Mr. GRAFF. That is true.

Mr. CANNON. They knew that when they took the contract, did they not?

Mr. GRAFF. I presume they did.

Mr. CANNON. Presumably they knew that, and in taking the contract and acting upon it they became their own insurers. Will my friend tell me how much more it cost the Government to construct this building on account of its gossamer appearance than it would if it had an insurable status?

Mr. GRAFF. I suppose that these parties did not contemplate a cyclone. I presume they did not.

Mr. CANNON. Well?

Mr. GRAFF (continuing). Or they would probably not have bid at all. But they certainly would not have taken the risk of a cyclone destroying the building, for instance, at a still later stage, when they might have lost not $15,000 but a great deal more than that. None of the parties contemplatedthis unusual storm.

Mr. CANNON. Well?

Mr. GRAFF. They obtained the contract because they bid the lowest, and hence they made the least profit of any of the other contractors. So far as any strict legal liability is concerned, I am not here to urge that; but I do say that it did strike me as a very strong equitable claim. And my experience is that when one of the great departments of the Government recommends a claim, either as to the amount or its favorable consideration, that the committee are generally warranted in acting favorably upon that recommendation, because in the great majority of cases referred to the different departments—and it is our custom to do that in every bill—an unfavorable report comes back. In this case the amount recommended to be allowed by the Supervising Architect—$15,000—is much less than the amount which the contractors themselves thought, at the time of the clearing away of the wreckage, that they were entitled to.

Mr. CANNON. Now, if my friend will allow me. I understand the facts to be that these parties, after competition, got the contract to build this gossamer building, knowing it was a gossamer building, for $300,000.

Mr. GRAFF. Oh, I do not think it was gossamer.

Mr. CANNON. Anyhow, it blew away.

Mr. GRAFF. They did not contemplate it would fall down of its own weight. That building would stand a reasonable expectation of an ordinary storm in that locality. There was not anything about the construction of the building or about the surroundings which would suggest to these people at the time they signed the contract that they were liable to meet with this disaster.

Mr. RYAN. There has not been such a storm in Buffalo in twenty years.

Mr. CANNON. I want, if I can, without being switched off or paralleled, to see if I understand it. These contractors, with their eyes open, contracted to build this exact building according to certain plans and specifications for $300,000 within a certain time, and gave bond, and while the building was being constructed they furnished the materials according to plans and specifications?

Mr. GRAFF. That is true.

Mr. CANNON. They proceeded?

Mr. GRAFF. Yes.

Mr. CANNON. And during that time a hurricane came along, or a cyclone, and blew the building down?

Mr. GRAFF. Yes, sir.

Mr. CANNON. And it did $15,000 damage?

Mr. GRAFF. Yes, sir.

Mr. CANNON. And notwithstanding that they went on and kept their contract, as they were bound to do, or be liable for damages to the Government for failure?

Mr. GRAFF. You do not find any fault with that?

Mr. CANNON. I do not find any fault with that.

Mr. GRAFF. No.

Mr. CANNON. They did exactly what they contracted to do?

Mr. GRAFF. Yes.

Mr. CANNON. And as they could not be insured, and they knew it, presumably they became their own insurers. Now my friend comes and says, "I am sorry for these people. Let us give them $15,000." Well, I do not care much about $15,000, but I submit to my friend, on principle, that if this bill passes all contractors for the Government doing work on public buildings and engineer work on rivers and harbors and all other kinds of work will understand that if by accident or otherwise something happens, that a different rule will exist in their case from that which exists between an individual and themselves in a case between a contractor and the Government. In other words, we now make a new departure.

Mr. MERCER. The gentleman from Illinois knows better than that, because Government contractors can obtain insurance on buildings to protect themselves.

Mr. CANNON. Why, contractors have obtained insurance, as ordinarily wise men would do, although I know a great many of them say that "they charge so much that I can insure myself cheaper," and no doubt these parties became their own insurers. Anyway, they had to look out for themselves.

Mr. GRAFF. Let me ask the gentleman a question.

Mr. CANNON. Certainly.

Mr. GRAFF. I am informed by the gentleman from Nebraska [Mr. MERCER] that these gentlemen are honest, straightforward men.

Mr. CANNON. I hope so, and no doubt they are.

Mr. GRAFF. They appear to be ordinary men—average contractors.

Mr. CANNON. I do not know whether they are worth a million or not.

Mr. GRAFF. They do not look to me like they were men of wealth or accustomed to any large transactions.

Let me ask the gentleman a question. I am informed by the gentleman from Nebraska [Mr. MERCER] that these gentlemen are honest and straightforward men.

Mr. CANNON. That does not make any difference.

Mr. GRAFF. I have no doubt the bond they had to give the Government was secured through the medium of their friends. Now, they went on there and completed that contract, and they had this unexpected misfortune. While it is true, as the gentleman says, that they made the contract with their eyes open, does the gentleman think it occurred to them that there might be a cyclone at Buffalo which would endanger the building?

Mr. CANNON. That is a risk in business. If I was the contractor and my friend agreed to pay me for the work, there would be no $15,000 coming to me.

Mr. GRAFF. That is not the question. I asked the gentleman whether he thinks, in all honesty and candor, it occurred to these men that there might be a cyclone in Buffalo before they completed the structure?

Mr. CANNON. I do not know whether it did or not; but the Government nowhere insured them against a cyclone.

Mr. REID. Let me suggest to the gentleman that there is a material distinction between that contract and the ordinary contract where the contractor undertakes to erect a structure and turn it over to the owner. Here the plans and specifications were furnished to the contractor by the Government of a building that was intended to be temporary in its character.

Mr. CANNON. But the contractors knew the temporary character of the building.

Mr. REID. They did, and they did everything that was required to be done, and constructed it according to the plans and specifications furnished by the Government.

Mr. CANNON. Yes; and have been paid $300,000 or more.

Mr. REID. There was an assumption through the officials of any liabilities that should occur through unusual sources, inasmuch as it was intended to be merely a temporary structure.

Mr. CANNON. Oh, I do not at all admit that, because that same implication would carry to every contract that the Government makes.

Mr. REID. Not unless it is a temporary structure.

Mr. FITZGERALD. The gentleman says that they could not get insurance against cyclones. Was there any evidence before his committee that they applied for cyclone insurance?

Mr. GRAFF. There was; that they at that time asked for special cyclone insurance.

Mr. FITZGERALD. Then they had anticipated that there might be a cyclone there?

Mr. GRAFF. Well, perhaps they did.

Mr. FITZGERALD. The gentleman knows that the ordinary insurance policy excepts cyclones.

Mr. GRAFF. They usually have the insurance against fire in one policy and insurance against cyclones in another policy.

Mr. FITZGERALD. But the standard policy excepts damages from cyclones. There are special policies that must be especially applied for if damage by cyclone is insured against. If these gentlemen had applied for a special insurance, then when they made the contract with the Government they had in contemplation the fact that there might possibly be a cyclone.

Mr. GRAFF. Possibly; but they may have been in the habit of putting cyclone insurance, together with fire insurance, on all of their risks.

Mr. FITZGERALD. Perhaps so, if they came from the West.

Mr. GRAFF. They might have done it without thinking that it would possibly occur. Now, Mr. Chairman, I ask for a vote.

Mr. CLARK. Mr. Chairman, I would like to have five minutes.

Mr. GRAFF. I will yield to the gentleman from Missouri five minutes.

Mr. CLARK. Mr. Chairman, the purpose of the Committee on Claims to pay this bill, or have it referred to the Court of Claims, which is the same thing, amounts simply to this: That when a contractor undertakes to build a building for the United States Government he is to be insured a profit from the beginning. Whereas if he builds a house for me, or any other private citizen, he is to take the ordinary chances on the weather, earthquakes, and on all the other accidents that we are liable to in this world, and he makes a profit or sustains a loss, according to the issue.

I am not against paying any reasonable or just claim. It is an exceedingly ungracious performance to fight any member's private bill here, but I wish to suggest to all parties concerned that from Missouri and Kansas, Kentucky, Tennessee, and Virginia, the only places where there was any civil war from 1861 to 1865, there are in the neighborhood of $4,000,000,000 of claims pending here, and most of them are absolutely just. Men living in Missouri, Virginia, and Kentucky, that were just as loyal as men living in Maine or Massachusetts, all through that region, sustained financial loss during the war, and had bills pending here for twenty, thirty, and some for forty years. They could not get a hearing and could not get a report, and if peradventure they succeeded in getting a hearing or a favorable report on them, then certain gentlemen on that side of the House entered into a collusion and got up a bogus debate in which they frittered away the time, so that none of these claims could ever be heard; and some of the most distinguished men on that side of the House are the very men that run that bogus debate.

Mr. MERCER. Is this debate now going on a "bogus debate?"

Mr. CLARK. I think there has been a good deal of "bogus debate" over there to-day. I have not taken part in it, however.

If the Committee on Claims will begin with the oldest claims pending in the House and report upon them seriatim, in the order in which the claims accrued, then when we get to this Buffalo claim I shall be perfectly willing to see it tried on its merits. I will say this—and I speak for a very large number of people——

Mr. OTEY. Will the gentleman allow me to interrupt him?

Mr. CLARK. Yes, sir.

Mr. OTEY. I wish to say to the gentleman that the Committee on Claims considers cases as they are brought to them by members of the House or by the parties interested. Many of these people having claims do not go before the committee.

Mr. CLARK. I had in my charge just as legitimate a claim as ever came before the House—exactly such a claim as one which went through here by a species of log rolling, in favor of a college down in Virginia.

Mr. OTEY. Did the gentleman go before the committee?

Mr. CLARK. Yes, sir.

Mr. OTEY. This year?

Mr. CLARK. No; I secured a report in favor of that claim. I undertook to bring it up here on the last days of the Fifty-third Congress, just as I was going into temporary retirement for two years. I undertook to bring that claim up here at a time when there were only five men in the House. I asked unanimous consent for its consideration, when, lo and behold, the distinguished gentleman from New York [Mr. PAYNE], now the chairman of the Ways and Means Committee, lifted up his mellifluous voice and killed my bill by objecting to it.

"What is sauce for the goose is sauce for the gander." There is no reason under heaven why men who happen to be located in Buffalo, N. Y., should be able to get claims through here when we can not get through claims in behalf of loyal men who did more to sustain the Union than anybody in Massachusetts or Maine or that whole northern country—men living in Missouri, Virginia, Kentucky, Tennessee, and Kansas—who took their lives in their hands every day, almost, during the war.

I have a bill here now proposing to pay $1,500 for groceries that a Union regiment took away from a Union man——

Mr. MERCER. Wet or dry groceries? [Laughter.]

Mr. CLARK. Both. The colonel of that regiment has certified over and over again that the claim is just. He has certified time and again that the man the goods were taken from was loyal and that he ought to have his money. That man is a bankrupt, but he can not get his claim through this House because the chairman of the Committee on Ways and Means or his able lieutenant from Pittsburg [Mr. DALZELL] or some of the other distinguished leaders on that side of the House enter into a scheme here to squander the time so that we can never get the bill considered.

Now, the claimants in the present case have no more right to their money on this kind of a contract and upon this kind of a showing than a contractor would have who undertook to build a house for me at an agreed price and came out a loser to the extent of $500. Such a man might just as well come here and demand from me $500 because of his loss. People have to take knowledge of the fact that there are storms in this country, that there is wet weather occasionally. These things all happen in the ordinary course of business.

Pass this bill and every Government contractor from this day henceforth, if he should come out a loser, will be here asking Congress to recoup him for his losses. There is no sense in it.

Mr. GRAFF. I move that the bill be laid aside to be reported to the House with a favorable recommendation.

The motion was agreed to, there being on a division—ayes 46, noes 27.

DAMAGES BY EXPLOSION IN CHICAGO, ILL.

The next business was the bill (H. R. 5094) for the relief of the persons who sustained damage by the explosion of an ammunition chest of Battery F, Second United States Artillery, July 16, 1894.

The bill was read, as follows:

Be it enacted, etc., That the sum of $15,845.23, being the sum found just by a board of officers convened at Chicago, July 17, 1894, under Special Orders, No. 72, issued by command of Major-General Miles, of the Department of the Missouri, which sum is recommended by him, with the concurrence of the then Major-General Commanding the Army, be, and the same is hereby, appropriated to pay the awards of said board, according to the following schedule, as set forth in their report made on November 3, 1894, and published in Senate Executive Document No. 21, third session Fifty-third Congress, to wit: P. J. Ryan, $1,307; Charles R. Cave, $1,840.61; Edward C. Huling, $742.26; Jacob R. Custer, $717.83; Herman Lehman, $829.75; Herman Grossman, $770; Philip W. Raber, $1,848.99; F. A. Devlin, lessee, $160; estate of Samuel B. Foster, deceased, $1,699.50; Amelia H. Dodge, $1,495.84; Frederick A. Howe, $893.06; Helen Palmer, $946.75; James Wright, $1,213.68; W. H. Godair, $258.04; J. W. Morrison, $47.77; Mrs. J. E. Ellen, $25; W. W. Morrill, $50; Silas H. Finch, $54.39; David Mayer, lessee, $45; Newton Morganroth, $125; estate of H. N. Stephens, deceased, lessee, $12.55; John W. Byers, $105.33; Edward D. Murray, $100; Arthur W. Allyn, $99.15; Emilie J. Smith, trustee, $19; T. A. Keene, $50; Hannah Sullivan, $40; Armory Warehouse Company, $18; W. F. Horn, agent, $25.91; Alice York, $305; total, $15,845.23.

Mr. GRAFF. I yield to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Chairman, in 1894, during the so-called Chicago riots, there were ordered to Chicago various troops of the United States, including various artillery batteries. In July, 1894, while one of those batteries was taking a practice march for exercise some 4 or 5 miles from camp, down Grand Boulevard in

the city of Chicago, near Fortieth street, one of the caissons exploded. It happened to be at the noon hour and in a residence neighborhood. No one was upon the street at the time, and no loss of life was sustained except by some of the soldiers.

The explosion of this ammunition chest filled with artillery ammunition resulted in great damage to the adjacent houses. General Miles, in command at that time in Chicago, ordered a board to convene for the purpose of reporting upon the cause of this explosion and another board to convene for the purpose of reporting as to the damages caused by the explosion. The board which was to report upon the damages made a full report to the Secretary of War, who transmitted that report to the Fifty-third Congress in its closing days, with a recommendation that the amounts set out in the report be appropriated and paid by Congress. A favorable report was made upon the case in the Fifty-third Congress; and that report, I may say, was called up under a suspension of the rules, but the bill never became a law.

The same bill was introduced in the Fifty-fifth Congress and referred to the Committee on Military Affairs, to which the bill of the Fifty-third Congress had been referred. The Committee on Military Affairs in the Fifty-fifth Congress and again in the Fifty-sixth Congress reported (following the recommendation of the Secretary of War) in favor of the payment of the claim and the passage of the bill. In this Congress I reintroduced the bill and had it referred to the Committee on Claims, the committee to which, as the Speaker of the House informed me in the last Congress, the bill should originally have gone.

The amounts carried in this bill are not the amounts which were claimed by the property owners, but are the amounts which the board appointed by the War Department found were the actual damages due the property owners. They do not include any damages for personal injuries or anything of that kind.

Mr. GRAFF. Did the board sit in Washington or Chicago?

Mr. MANN. The board was convened at Chicago and sat there, making a personal investigation of all these claims for damages.

It so happened, Mr. Chairman, that this explosion was a short distance from where I was living at the time. The explosion, as I know from personal knowledge as well as from the report of the War Department on the subject, wrecked many of the houses. Windows in nearly all the houses within half a mile from that point in the city of Chicago were broken and destroyed. In my own house the same thing occurred. But there was no allowance for damages thus occurring, except where the houses damaged were upon either side of the street, immediately adjoining the place where the explosion occurred. No one else, I think, than parties thus interested, with a few exceptions, made any claims for damages.

In addition to the board which was appointed for the purpose of passing upon the question of damages, General Miles also appointed a board to pass upon the cause of the explosion. That board reported that they had examined the matter carefully; that they had examined the witnesses who were presented to them, and after a full consideration of all the conditions prevailing they found that the explosion and the consequent damage were due to a defective fuse in one of the shells in the caisson, and recommended that the matter be brought to the consideration of the proper authorities for remedy.

But, Mr. Chairman, a similar condition of things occurred on another occasion. There was another explosion of practically the same kind at Camp Sheridan about the same time. This was found to be due to a faulty construction of the fuse, just as in the former case, to which I have referred. Boards were convened—boards of military men—to consider the question in both these cases. Their reports are practically the same. There is nothing in this report of the House committee in regard to the reports made by them. It has not heretofore been considered advisable that the reports in either case shall be given out to the public, because it was not deemed proper that it should be made public that there was in reality a defect in our ammunition.

Mr. GRAFF. Will my friend and colleague allow me to interrupt him for a question?

Mr. MANN. Certainly.

Mr. GRAFF. I would like to ask if the incident to which my friend refers, with regard to the presence of these troops in the city of Chicago, was a mere incident, or were these troops then marching through the city for the protection of the property of the city?

Mr. MANN. Oh, no. There was no pretext of the necessity for the marching of this battery through the streets of the city at that place any more than if a like command had paraded the streets of Washington or any other city in the Union under ordinary circumstances. The only point is that by some defect in one of the ammunition chests there was an explosion which produced the losses to which I have referred.

Mr. GRAFF. I would like to ask my friend if this was the residence portion of the city, through which the command was passing?

Mr. MANN. Yes; the residence portion of the city, and very large damage was done there, as I have just stated, to the property of residents in that part of the city.

Mr. CANNON. Mr. Chairman, I have glanced over the report of the committee, and of the board which considered this matter, and nothing appears, so far as I have been able to discover, either from the report itself or from a careful inquiry in regard to the matter, as to whether the Government of the United States or its officers who were in command at that time were guilty of dereliction of duty or of carelessness which would make the Government liable, as a private individual would be liable under similar circumstances. I find nothing here as to the carelessness of any of the employees or officers of the Government which would make the Government liable under the circumstances.

Now, I would like to get the facts of the case clearly in mind. I would like to ask my friend and colleague if he has any information upon that point which will enable the House to act upon a question of this kind as we ought to act upon all questions presented for our determination.

Mr. MANN. There was a board appointed under an order issued by General Miles, July 17, 1894, immediately following the explosion, and I will be very glad to insert in the RECORD the order under which that board was convened.

Mr. CANNON. I should be glad to hear it read, if it covers the point of carelessness.

Mr. MANN (reading)—

> The board will investigate and make a report upon the explosion of a caisson of Light Battery F, Second Artillery, while on a practice march through the streets of this city on the 16th instant. A full and exhaustive examination will be made of everything bearing in any way upon the question before it. The board will sit without regard to hours.

I have obtained from the War Department, after a good deal of persuasion, an extract from the report of the board. I have never been able to obtain the full report of the board, and I do not think it has been desirable, up to the present time at least, to make it public. I have, however, the extract from the report.

> As the result of its investigation the board finds—

And then follows a statement of the facts in regard to the explosion. The report then proceeds:

> This platoon was marching south in a column of sections.

And it describes the method of marching and the explosion, and then reads, as I read before to the House:

> That the explosion was due to the ignition of a defective base fuse of a common shell, and the board recommends that the defects referred to in these proceedings be brought to the attention of the proper authority, with a view to their speedy correction.

How much of that report may have been omitted I do not know. We were refused an opportunity to see the original report of the board, in the War Department.

Mr. CANNON rose.

The CHAIRMAN. Does the gentleman yield to his colleague?

Mr. MANN. Certainly.

Mr. CANNON. Right upon this point, because it is material, does not my friend think, when the Government is called upon to reimburse the various citizens who were injured, that carelessness ought to be shown upon the part of the officers of the Government, and if there was any squeamishness about it that it is quite in the power of a committee of this House, or of the House itself, to ascertain the facts? For anything I know, there was no carelessness.

Mr. MANN. Well, Mr. Chairman, the board reported in this case and in the other case where the same kind of ammunition was used and an explosion occurred that it was the result of poor ammunition, improperly constructed ammunition.

Mr. MORRIS. That was negligence in itself.

Mr. MANN. It certainly was negligence on the part of the Government to have artillery trotting around in the residence portion of any city with improperly constructed ammunition which was liable to explode and which did explode, causing damage to life and property.

The soldiers who were killed at this time were in the discharge of their duty, and their families received pensions; but it seems to me that it was purely a case of negligence.

Now, I may say, Mr. Chairman, as I remarked before, a bill was before the House in the Fifty-third Congress, on a motion to suspend the rules and pass the bill, and it failed to obtain the necessary two-thirds vote. But at that time there was no member of this House advised that the board had ever made a report at all finding that the explosion was the result of a poor and improperly constructed shell.

I ask leave to insert the report from which I have read.

The report referred to is as follows:

Proceedings of a board of officers appointed by paragraph 1, Special Orders, No. 72, dated Headquarters Department of the Missouri, July 17, 1894, as follows:

SPECIAL ORDERS, No. 72. } HEADQUARTERS DEPARTMENT OF THE MISSOURI, *Chicago, Ill., July 17, 1894.*

A board of officers to consist of Maj. Edward B. Williston, Third Artillery; Maj. Wallace F. Randolph, Third Artillery; Capt. George S. Grimes, Second Artillery; Capt. Allyn Capron, First Artillery; Capt. Sydney W. Taylor, Fourth Artillery; First Lieut. Eli D. Hoyle, Second Artillery, recorder, will convene at Camp Miles, Chicago, at 2 p. m. this day or as soon thereafter as practicable.

The board will investigate and make report upon the explosion of a caisson of Light Battery F, Second Artillery, while on a practice march through the streets of this city on the 16th instant. A full and exhaustive examination will be made of everything bearing in any way upon the question before it.

The board will sit without regard to hours.

* * * * * * *

By command of Major-General Miles:

J. P. MARTIN,
Assistant Adjutant-General.

Official.

E. L. HUGGINS,
Aid-de-Camp.

CHICAGO, ILL., *July 18, 1894.*

The board met, pursuant to the foregoing orders, at 9 a. m. in the office of the inspector of artillery, Headquarters Department of the Missouri.

Present: All the members and the recorder.

It was the intention of the board to proceed to Camp Miles, Brighton Park, Chicago, where Light Battery F, Second Artillery, was then stationed, to pursue an investigation, but owing to the fact that most of the important witnesses of the explosion of the caisson were at that time absent from Camp Miles, taking part in the funeral ceremonies attendant upon the removal of the bodies of the victims of the explosion to Fort Sheridan, the board adjourned to meet the next day, July 19, at 9 a. m.

Meantime the troops to which four members of the board and the recorder belong were ordered to march to Fort Sheridan, Ill., and the board could not be assembled.

FORT SHERIDAN, ILL., *July 23, 1894.*

The board met at 3 p. m., the earliest moment practicable.

Present: All the members and the recorder.

The board then proceeded with the business before it and continued its investigation on the 24th, 25th, and 26th days of July.

As a result of its investigation the board finds as follows:

That a battalion of light artillery, consisting of Light Batteries A (Grimes's) and F (Vose's), Second, and F (Taylor's), Fourth Artillery, under command of Maj. W. F. Randolph, Third Artillery, left Fort Riley, Kans., July 8, 1894. Batteries A and F, Second Artillery, each had four 3.2-inch guns, and the chests were filled with shrapnel and common shell. Battery F, Fourth Artillery, was armed with the 1.5-inch Hotchkiss revolving cannon, with fixed ammunition, and therefore need not be further considered in this report. The journey was by rail over the Chicago and Alton route, and upon arrival in Chicago, July 10, the batteries named were placed in the Lake Front Park, where Light Battery E (Capron's), First Artillery, was already encamped.

On July 12 Vose's Battery (F, Second Artillery) was sent to Camp Miles, near Brighton Park, Chicago, marching the distance under orders of the commanding general Department of Missouri. The mounted troops made several practice marches through the streets of Chicago. A platoon of Light Battery F, Second Artillery, commanded by First Lieut. E. E. Gayle, Second Artillery, was part of a column commanded by Capt. George A. Dodd, Third Cavalry, which left Camp Miles on a practice march July 16.

This platoon was marching (south) in a column of sections, pieces in front, at a slow trot on Grand Boulevard, near Fortieth street, over a smooth roadway, when the first caisson (second carriage of the platoon) exploded, instantly killing Artificer Donovan and Private Doyle, Light Battery F, Second Artillery (who were seated on the limber chest of the exploded caisson), and Farrier Galler, Troop B, Seventh Cavalry, which was next behind the platoon of artillery. Private Stoltz, Light Battery F, Second Artillery, was fatally injured and died the following night. Sergeant Leiner and Privates O'Donnel and Allen, Light Battery F, Second Artillery, were seriously wounded, and several others were slightly injured and powder burned.

Nine horses were killed by the explosion or destroyed on the spot on account of their serious injuries, and the caisson was completely demolished. The houses in the vicinity were more or less injured, but it is believed that no civilians received other than trifling hurts—the street being comparatively empty at the time.

* * * * * * *

After mature consideration of all the evidence before it, the board is of the opinion that the explosion of the caisson of light battery in the city of Chicago on July 16, 1894, was due to the ignition of a defective base fuse of a common shell, and the board recommends that the defects referred to in these proceedings be brought to the attention of the proper authority with a view to their speedy correction.

* * * * * * *

The board recommends that the cartridges be carried in a light sheet-copper box, made to fit in the middle compartment of the chests and furnished with lid and with handles, so that it can be easily lifted out and cleaned. A box of this description will conduce to the safety, convenience in handling, and preservation of the charges, and will permit field artillery to cross deeper fords without the necessity of removing the cartridges from the chests.

* * * * * * *

E. B. WILLISTON,
Major, Third Artillery, President.
W. F. RANDOLPH,
Major, Third Artillery.
G. S. GRIMES,
Captain, Second Artillery.
ALLYN CAPRON,
Captain, First Artillery.
S. W TAYLOR,
Captain, Fourth Artillery.
ELI D. HOYLE,
First Lieutenant, Second Artillery, Recorder.

Mr. CANNON. I want to say to my friend I think it is very unfortunate that we have to rely upon a garbled report, not even garbled by my friend, but garbled by the Department, when confessedly the full report has not been produced or seen. What the full report might show, I do not know.

Mr. MANN. Mr. Chairman, I would not be understood as acquiescing in the idea that this is a garbled report. I do not know what portion of the report is omitted. It may be something that has no relation to this question. I can not say about that. It seems to me the report is full enough to show that this trouble was caused by the negligence of the Government.

Mr. CANNON. If my friend will allow me one other question, if I recollect aright, the Army was lawfully in Chicago at that time, upon duty under the orders of the Commander in Chief, the President of the United States.

Mr. MANN. Well, if the gentleman desires me to answer that question, I may say that the Army was in Chicago on duty by command of the President of the United States, but not lawfully in the opinion of Governor Altgeld, who was then governor of the State of Illinois.

Mr. CANNON. I understand; but nevertheless the Commander in Chief sent them there, and I think everybody understands that they were there lawfully.

Mr. RICHARDSON of Tennessee. Mr. Chairman, may I ask the gentleman a question?

Mr. MANN. Certainly.

Mr. RICHARDSON of Tennessee. Ought not the question to be, not whether the Army, or that portion of it, was in Chicago lawfully, but whether this caisson was lawfully at the point where it exploded, and what was it doing there? The question is whether it was not there simply on a voluntary parade of some kind, and not in the discharge of any army or official duty. That is the question, it seems to me, and not whether the troops were in Chicago lawfully.

Mr. MANN. The gentleman's suggestion is certainly a good one. Of course, this caisson was not where it was by virtue of any order, so far as the War Department was concerned.

Mr. CANNON. After all, when the Army goes to Chicago or any other place and remains a considerable length of time, I suppose that the exercise, the drills, the practice is all included in that order. I do not understand they would have to go into a dungeon and be locked in.

Mr. MANN. Well, Mr. Chairman, of course the Army was in Chicago, probably lawfully. The question is precisely the same as if an artillery battery from Fort Myer, the one that parades through the city of Washington, should have an explosion here. The Army is lawfully located at Fort Myer by virtue of orders from the War Department. The Army was lawfully sent to the city of Chicago. It went out on a practice march. It was not engaged in any performance of duty at the time, so far as war or the suppression of riot or anything of that sort is concerned, and this case would not involve that point. I move that the bill be laid aside with a favorable recommendation.

The question was taken; and the bill was laid aside with a favorable recommendation.

MARY E. M'DONALD.

The next business on the Private Calendar was the bill (H. R. 4988) for the relief of Mary E. McDonald.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized and directed to pay to Mary E. McDonald and Stephen C. Brown, owners of the McDonald hatching jar and McDonald universal hatching jar, the sum of $2,468.11 each, the same to be compensation in full for the use by the United States of all hatching jars invented by the late Marshall McDonald, and for all rights in said jars now possessed by the said Mary E. McDonald and Stephen C. Brown, and for the right of the United States to hereafter use the patents on said jars.

SEC. 2. That the Secretary of the Treasury be, and hereby is, authorized and directed to pay to Mary E. McDonald, widow of Marshall McDonald, late Commissioner of Fisheries, the sum of $5,000, the same to be compensation in full for the use by the United States of the McDonald egg-transportation crate, the McDonald improved cod-hatching box, the McDonald hatching bucket, the McDonald trout can, and of all other inventions of the said Marshall McDonald, and for their transfer to the United States.

The amendments recommended by the committee were read, as follows:

The committee recommend that the bill be amended by striking out, in lines 6 and 7, the words "two thousand four hundred and sixty-eight dollars and eleven cents" and inserting the words "one thousand two hundred and thirty-four dollars and six cents;" and that the words "five thousand dollars," in line 4, section 2, of the bill, be stricken out and the words "two thousand five hundred dollars" be inserted.

Mr. GRAFF. Mr. Chairman, I yield to the gentleman from Virginia.

Mr. OTEY. I just ask to have the report read, Mr. Chairman.

The report (by Mr. OTEY) was read, as follows:

The Committee on Claims has had under consideration House bill 4988, and respectfully report the same back with the recommendation that it do pass with amendments as below.

This bill has been fully considered before in the Fifty-sixth Congress and was unanimously reported by the Committee on Claims in that Congress, with certain amendments, which are concurred in by your committee.

The facts appearing are as follows:

From March 2, 1882, to date the United States Fish Commission has bought and used 2,331 hatching jars, all of which were covered by patent owned by

Marshall McDonald and Stephen C. Brown. On these jars no royalty or other money was ever paid to the patentees, all such payment being left to the equitable consideration of Congress.

The total cost of these jars, complete, to the United States was $2,725.78. Of the 2,331 jars used by the Fish Commission 1,000 of them were complete and 1,331 were furnished without the fittings. At the same time the patentees were selling, and always have sold, the same complete jars to other parties at $5 each and the jars without the fittings at $2 each. At the price paid by other parties these jars would have cost the United States $7,622 instead of $2,725.78, the amount actually paid by the United States. The difference in favor of the United States has thus been $4,936.22, and the bill as amended provides that this sum be divided equally between Mary McDonald, the widow of the late Marshall McDonald, and Stephen C. Brown.

The claim has been carefully considered by the committee, and is regarded as just and equitable. The United States bought these jars for $4,936.22 less than may be justly termed their market value, and by their use a very large amount of money has been saved. The Commissioner of Fish and Fisheries states that before the invention and use of these jars two attendants could look after about 1,000,000 shad eggs, and that now, with the McDonald jar, over 25,000,000 eggs are managed by five attendants, instead of fifty attendants, as would be required without the McDonald hatching jar.

These jars have so increased the production of certain fish (shad, for example) that their cost in the markets has been reduced to such an extent that they are now within the reach of many poor people, to whom they are a cheap article of food. The Fish Commissioner states that by an expenditure of only $25,000 annually they have been enabled to increase the value of the annual shad catch not less than $1,000,000. Without the McDonald hatching jars this work would have cost many times $25,000.

In addition to the shad-hatching jar, Marshall McDonald was the patentee of a number of other useful and labor-saving inventions used and now in use by the Fish Commission. Among these inventions may be mentioned the McDonald improved cod-hatching box, the McDonald egg-transportation crate, the McDonald trout car, the McDonald improved hatching bucket, the McDonald transportation crate, and others. It is impossible to give in specific figures the saving made by these inventions.

The McDonald cod box, perfected in 1887, is now the only form of apparatus used in hatching the eggs of the cod, pollock, flatfish, and other marine species. Up to 1887 about 30,520,000 cod fry were hatched and distributed by the Fish Commissioner. Since that time, including the present season, 625,000,000 have been hatched and distributed. Gratifying results have followed the use of many other of these inventions, and the Government has saved many times $5,000 thereby. Not one dollar has ever been paid by the Government to the patentee for the use of any of these inventions. The bill provides that Mary McDonald, widow of the patentee, shall receive $5,000, the same to be in full compensation for the use by the United States of all of these patents, except the hatching jars, and for their transfer to the United States.

The committee recommend that the bill be amended by striking out, in lines 6 and 7, the words "two thousand four hundred and sixty-eight dollars and eleven cents" and inserting the words "one thousand two hundred and thirty-four dollars and six cents;" and that the words "five thousand dollars," in line 4, section 2, of the bill, be stricken out and the words "two thousand five hundred dollars" be inserted.

Mr. OTEY. Mr. Chairman, I ask that the bill be laid aside with a favorable recommendation.

Mr. CANNON. I would like to know about this bill.

Mr. HAY. The first question, I apprehend, is on the amendments proposed by the committee.

The CHAIRMAN. Does the gentleman from Illinois desire to be recognized?

Mr. CANNON. I want to ask a question or two. I want to know about it, and I will yield to the gentleman.

Mr. HAY. The question is whether or not the amendments offered by the Committee on Claims should first be passed upon. This is a mere formal matter, and I think it can be done at once.

Mr. CANNON. Well, no.

Mr. HAY. What does the gentleman want to know?

Mr. CANNON. I want to know who owns this patent.

Mr. HAY. Well, these patents are now out of date.

Mr. CANNON. Well, then, what does the gentleman mean by this language in the bill, "and for the right of the United States to hereafter use the patent on said jars?"

Mr. HAY. It means just what it says, I suppose. I do not see why the Committee on Claims put that language in the bill. I presume they took it from a former report, because this bill has been here for three Congresses, and been reported favorably each time from the Committee on Claims, and this is the first time that it has come here since the patents expired.

Mr. CANNON. When was the patent issued?

Mr. HAY. I can not tell when the patent was issued, but I am reliably informed that they have expired.

Mr. CANNON. Well, now, is not this the truth about it? Was not Marshal McDonald—if that is the name—Fish Commissioner for many years?

Mr. HAY. I do not know for how many years he was Fish Commissioner.

Mr. CANNON. And was he not Fish Commissioner at the time of using his own patent?

Mr. HAY. No. Some of these patents were obtained by him before he was Fish Commissioner, and some of them while he was Fish Commissioner.

Mr. CANNON. Is this for the use of those jars before he was Fish Commissioner or while he was Fish Commissioner?

Mr. HAY. For their use all the time.

Mr. CANNON. Were they used—can the gentleman state from his knowledge that these patents were used before he was Fish Commissioner?

Mr. HAY. I can not; but I have a communication from the present Fish Commissioner, in which he states that they were used.

Mr. CANNON. I have not found it.

Mr. HAY. And I would state to the gentleman from Illinois that I suppose his point is because he was Fish Commissioner at the time, and was in the service of the United States, that he was not entitled to any compensation.

Mr. CANNON. Oh, what is the fact; I would like to know how many patents there are, when issued, when used by the Government, when they expired, who owned them then, and who owns them now?

Mr. HAY. It is impossible for me to reply to the very many categorical questions asked by the gentleman.

Mr. CANNON. Well, No. 1. How many patents are there?

Mr. HAY. Seven or eight.

Mr. CANNON. Has my friend knowledge of that?

Mr. HAY. I have not a certain knowledge.

Mr. OTEY. Here is a list of them. They are not put in the report, but they are referred to there. There is the transportation apparatus.

Mr. CANNON. When was that patent issued?

Mr. OTEY. I can not tell you.

Mr. CANNON. Nor when it expired?

Mr. OTEY. No.

Mr. CANNON. Now, the next one.

Mr. OTEY. I can not tell the gentleman when the patents were issued nor when they expired, but Mr. Bowers says that these things were adopted by Professor Baird in the work of the Commission, with the understanding that no royalty was to be paid for the use, but that the matter was to be left to the equitable consideration of Congress.

Mr. CANNON. Then it runs way back to the time when Professor Baird was commissioner—way back in the early eighties.

Mr. OTEY. That shows that McDonald was not then in the employ of the Government.

Mr. CANNON. I recollect he came in about 1885. Mr. Baird died, if I recollect, in the late seventies. Now, then, we have got to the point that these patents of McDonald's were used in Baird's lifetime, which was in the late seventies, and while he was official commissioner, with the understanding, says Mr. Bowers, that no royalty was to be paid.

Mr. OTEY. Yes; but what else?

Mr. HAY. They were used from March 2, 1882.

Mr. OTEY. Mr. Bowers says that no royalty was to be paid for its use, but the matter was to be left to the equitable consideration of Congress. That is what we are doing to-day.

Mr. CANNON. That was about forty years ago, and you gentlemen have not published in your report——

Mr. HAY. I beg the gentleman's pardon, not more than twenty years ago, not quite twenty.

Mr. CANNON. Professor Baird died before that, but say twenty years ago, if that was it, one-half of forty. But it is a statement before the House and a correction, whereas this alleged matter is not even in the report. I will take the report and read it, and I will defy any man to tell who was the owner of the patents, or how many there were of them.

Mr. OTEY. Here is a list of them.

Mr. CANNON. I am speaking about the report. That is a private letter, and not even official.

Mr. OTEY. It was furnished to the committee, but the committee did not think it was necessary to have it printed.

Mr. CANNON. I would be glad to have it read.

Mr. OTEY. Let us have it read.

Mr. CANNON. Wait a minute, and we will have it read later. This bill reads now:

That the Secretary of the Treasury be, and hereby is, authorized and directed to pay to Mary E. McDonald, widow of Marshall McDonald, late Commissioner of Fisheries, the sum of $2,500, the same to be compensation in full for the use by the United States of the McDonald egg transportation crate, the McDonald improved cod hatching box, the McDonald hatching bucket, the McDonald trout can, and of all other inventions of the said Marshall McDonald, and for their transfer to the United States.

Now, the gentleman says the patents have all expired, but he does not know when. I want to ask who owned the patents; did the widow of the official commissioner own them?

Mr. HAY. The widow was the sole legatee under the will.

Mr. CANNON. Is there any evidence of that fact?

Mr. HAY. I do not know as there is any evidence in this particular record.

Mr. CANNON. Was there ever an executor or administrator appointed?

Mr. HAY. No; I do not think there ever was any administrator. I think the executor qualified.

Mr. CANNON. Has my friend any knowledge whether the alleged patents, that I should think likely expired before the official commissioner's death——

Mr. HAY. Not before his death; but they have expired now.

Mr. CANNON. Has my friend any knowledge whether the legal title ever vested in the widow of Marshall McDonald?

Mr. HAY. No; I have not.

Mr. CANNON. Is there any member of the committee that can give us this information?

Mr. HAY. I do not see that that is pertinent.

Mr. CANNON. Pertinent? What is the use of giving the widow of the late official Commissioner this amount of money unless she owned something? You admit that the patents have some time since expired, but it does not appear that the widow ever owned them, Now, somebody else may have the title in Virginia or Washington or New York.

Mr. HAY. Nobody else owns the patents; the United States has control of them.

Mr. CANNON. Some other party may have owned the patents at the time for which you are now proposing to compensate the widow; and at the next session of Congress the former legal owner of these patents may come in for compensation.

Mr. HAY. If there were such an owner he would of course have come here and asked a hearing. The gentleman asks why should this widow be paid? Because the United States Government has for twenty years used these patents and has thereby saved a large amount of money; and because the man whose brain conceived them and who gave them for the use of the Government has never had a dollar for any single one of them or for the use of any one of them.

Mr. CANNON. Now, for the sake of the argument, I deny that the beneficiary in this bill, Mrs. McDonald, ever owned any interest in these patents.

Mr. HAY. I did not say "Mrs. McDonald;" I said "Mr. McDonald." The gentleman is very ready to put into my mouth words which I did not use.

Mr. CANNON. The bill proposes to pay to Mary E. McDonald, widow of Marshall McDonald, late Commissioner of Fisheries, the sum of $2,500. Now, if we are to give this widow, who, I have no doubt, is an estimable woman, $2,500, let us put it upon the true ground—that we give it on account of her being the widow of the late Commissioner——

Mr. HAY. That is not the point.

Mr. CANNON. But if we are to give this lady $2,500 for a patent which she owns, let us give it to her and purchase the patent. On the other hand, if we are to give the legal representatives of Marshall McDonald a sum of money for the use of such patent, let us know who these people are.

Mr. HAY. If the gentleman desires to put it in that form, I am willing to have the bill changed to make this sum payable to the legal representatives of Marshall McDonald.

Mr. CANNON. Now, then, we get down where we deal with men and not with a woman.

Mr. HAY. Mrs. McDonald is the sole legatee of her husband, and will receive this money, no matter in what shape you put the language.

Mr. CANNON. It is not so stated here.

Mr. HAY. It is a matter of fact within my knowledge. I am willing to change the bill so as to read in the way the gentleman suggests.

Mr. CANNON. What I mean to say is just this: It may be that compensation ought to be made for the use of these patents, commencing during the time when Spencer F. Baird was Commissioner—a number of years before Mr. McDonald became Commissioner. But I want to know what the patents are, and how long they were used, and what the Government gets now, if it gets the right to use them. In other words, I would like to have this Committee of the Whole refer back the bill to the Committee on Claims and let them give us an intelligent report and tell us what we are to get for our "whistle."

Mr. HAY. The gentleman knows that if this bill is "referred back," as he says, that will be the last of it in this Congress.

Mr. CANNON. Not at all.

Mr. HAY. If the gentleman does not know it I do.

Mr. CANNON. It ought to be "the last of it" unless we can find out what we are getting or have received heretofore.

Mr. HAY. The Fish Commissioner, in a letter to the committee, says that these patents have been used since March, 1882. As I said before, this is an equitable claim for the use of patents which the Government has used for twenty years without paying a dollar for such use; and, as this report states, it appears from the statistics in the office of the Fish Commissioner that by the use of these patents thousands of dollars have been saved to the Government. Therefore, I say this is a perfectly equitable and just case.

Mr. CANNON. It may be that the Fish Commissioner is very reliable touching ancient history. I would not necessarily be bound by his guess touching current matters.

Mr. HAY. I do not know to what the gentleman refers.

Mr. CANNON. I mean just this: I have not heard the communication of the Fish Commissioner read——

Mr. HAY. We will read it, if you so desire.

Mr. CANNON. On matters happening back in 1882 and prior thereto this gentleman may be very good authority. I am not necessarily bound by his advice.

Mr. HAY. You mean you do not think much of the Fish Commissioner.

Mr. CANNON. The gentleman has quoted the Fish Commissioner. I think very highly of him as a very clever gentleman, but I do not regard him as a great authority touching current matters.

Mr. HAY. He knows of these inventions, patents, etc., having been used in his Department every day. I suppose he is authority upon that when he tells the committee that he is using these patents now and that they have been used in that office for years.

Mr. CANNON. I want to be entirely candid with my friend. These patents, according to my friend's statement, have expired. If they were used as early as 1882, they expired before the late century closed. Seventeen years, I believe, is the lifetime of a patent. So that while this bill purports to give patents to the Government it does not give us anything.

Now, if in fact, we legally or equitably owe the legal representatives of Marshall McDonald anything, I am willing to pay the amount, but I want to know what it is for and what the facts are about it. If, on the other hand, Marshall McDonald did such extraordinary service to the Government that we ought to make his widow (who, I have no doubt, is an excellent woman) a present of several thousand dollars, let us put the matter upon the true ground.

Mr. OTEY. Will you vote for the bill in that shape?

Mr. CANNON. No; but I say let us put it on the true ground.

Mr. HAY. I move that the bill be laid aside to be reported to the House with a favorable recommendation.

The motion was agreed to, there being—ayes 48, noes 7.

ENROLLED BILLS SIGNED.

The committee informally rose; and the Speaker having resumed the chair, Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 10368. An act to provide for the removal of snow and ice from cross walks and gutters in the city of Washington, D. C.;

H. R. 2008. An act to authorize the city of Duluth, Minn., to construct and maintain, or cause to be constructed and maintained, a car transfer over the Duluth Canal, and for that purpose to occupy certain lands of the United States; and

H. R. 9342. An act to amend the code of law for the District of Columbia, approved March 3, 1901.

The committee resumed its session.

JAMES M. CHISHAM.

The next business on the Calendar was the bill (H. R. 4471) for the relief of James M. Chisham.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to reimburse, out of any money in the Treasury not otherwise appropriated, the sum of $708.99 to James M. Chisham, for loss sustained by him as postmaster at Atchison, Kans., on account of the failure of the Atchison National Bank, of Atchison, Kans., where he had the funds of the Government on deposit as postmaster.

Mr. CURTIS. Mr. Chairman, I desire to say only a few words in connection with the pending bill.

In 1898 Mr. Chisham, the beneficiary of the bill, was appointed postmaster at Atchison, Kans. The postmaster was informed by the Post-Office Department that it would be necessary to deposit the funds belonging to his office in a national bank instead of in the savings bank. The deposits of the receipts of the post-office were accordingly made in the national bank of that city in the name of J. M. Chisham as postmaster.

In 1899 this bank failed, and the postal authorities informed Mr. Chisham, the postmaster, that the loss to the Government, which amounted to $1,417.99, by the failure of this bank would be charged against his individual account. The affairs of the bank were settled subsequently, but it only paid about 50 cents on the dollar, and the amount remaining due to the postmaster from the loss of the postal funds in that institution is $708.99, which is the amount called for in this bill. Affidavits of the postmaster and of the receiver of the bank were filed with the committee, and I understand the bill was referred to the Department and was favorably recommended.

This bill, Mr. Chairman, has been carefully considered by the committee, and I am satisfied that under the circumstances there will be no objection to its passage.

Mr. CANNON. I would like to ask the gentleman a question, with his consent.

Mr. CURTIS. Certainly; I yield to the gentleman from Illinois.

Mr. CANNON. As I understand the gentleman, he states that the postmaster was under some sort of an obligation to make the deposits of money arising from his office in a particular institution to which the gentleman has referred.

Mr. CURTIS. That is correct. As I have stated, he was informed by the Department that he must make his deposits in a national bank. He desired to make the deposits in a savings bank, where he did his individual business.

Mr. CANNON. Is it not true, I would ask the gentleman, that a postmaster must deposit funds belonging to the United States in a Government depository, or else keep them in his own charge; and if there be a loss, under such circumstances, how could the Government become liable where the Government official had exercised the authority and the discretion which was conferred upon him by the Department?

Mr. CURTIS. Mr. Chairman, as I have already stated, this official was informed by the Post-Office Department that he must deposit the Government funds in a national bank instead of in a savings bank where he had been transacting his business for many years. I am informed there was no Government depository at Atchison at that time.

The question is a plain one. There can be no misunderstanding as to the responsibility of the Government to make good this loss. The bill has been carefully considered. It has met the approval of the committee after a careful consideration, and therefore, Mr. Chairman, I move that the bill be laid aside to be reported to the committee with the recommendation that it do pass.

The motion was agreed to.

ORDER OF BUSINESS.

Mr. GRAFF. Mr. Chairman, I move that the committee now rise and report to the House for its consideration the several bills which have been before the committee during this session.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HEMENWAY reported that the Committee of the Whole House on the state of the Union, having had under consideration the Private Calendar, had directed him to report to the House the following bills, with the recommendation that they be passed, viz:

A bill (H. R. 2978) for the relief of Joseph H. Penny, John W. Penny, Thomas Penny, and Harvey Penny, surviving partners of Penny & Sons; and

A bill (H. R. 5106) for the relief of Rasmussen & Strethlow.

Also, the bill (H. R. 5094) for the relief of the persons who sustained damage by the explosion of an ammunition chest of Battery F, Second United States Artillery, July 16, 1894, reported from the Committee of the Whole.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Also, the bill (H. R. 4988) for the relief of Mary E. McDonald.

The amendment reported from the Committee of the Whole was considered, and agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

The committee also reported the bill (H. R. 4471) for the relief of James M. Chisham.

The bill was considered, as reported from the committee, and agreed to.

Mr. GRAFF. Mr. Speaker, I move that all of the votes just taken upon the bills reported from the Committee of the Whole be reconsidered, and that that motion lie upon the table.

There being no objection, the motion was agreed to.

WITHDRAWAL OF PAPERS.

Mr. KLUTTZ, by unanimous consent, asked and obtained leave to withdraw from the files of the House without leaving copies the papers in the case of John W. Gray, Fifty-sixth Congress, no adverse report having been made thereon.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 1633. An act to increase the limit of cost of the post-office building at Butte, Mont.—to the Committee on Public Buildings and Grounds.

S. 238. An act for the relief of Arthur R. Henderson—to the Committee on Claims.

S. 1949. An act to authorize the Secretary of the Navy to appoint George H. Paul a warrant machinist in the Navy—to the Committee on Naval Affairs.

S. 700. An act granting a pension to Rebecca Dobbins—to the Committee on Invalid Pensions.

S. 2441. An act granting an increase of pension to Ziba S. Woods—to the Committee on Invalid Pensions.

S. 9. An act granting a pension to Mourse R. Adams—to the Committee on Invalid Pensions.

S. 1015. An act granting an increase of pension to Israel A. Benner—to the Committee on Invalid Pensions.

S. 2440. An act granting an increase of pension to John W. Gregg—to the Committee on Invalid Pensions.

S. 2008. An act granting an increase of pension to Peter C. Monfort—to the Committee on Invalid Pensions.

S. 1026. An act to fix the compensation of district superintendents in the Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

S. 219. An act for the relief of Mary Chambers, widow of Thomas Chambers—to the Committee on Claims.

S. 1355. An act granting a pension to Lura B. Rogers—to the Committee on Pensions.

S. 2303. An act granting an increase of pension to Noah F. Chafee—to the Committee on Invalid Pensions.

S. 1164. An act granting an increase of pension to Lewis W. Moore—to the Committee on Invalid Pensions.

S. 560. An act to correct the military record of John Shelton—to the Committee on Military Affairs.

S. 310. An act granting to the State of Wyoming 50,000 acres of land to aid in the continuation, enlargement, and maintenance of the Wyoming State Soldiers and Sailors' Home—to the Committee on the Public Lands.

S. 1111. An act to amend an act entitled "An act to amend section 3719 of the Revised Statutes relative to guaranties on proposals for naval supplies"—to the Committee on Naval Affairs.

S. 276. An act for the relief of L. A. Davis—to the Committee on Claims.

S. 1187. An act granting to the State of Idaho 50,000 acres of land to aid in the continuation, enlargement, and maintenance of the Idaho State Soldiers and Sailors' Home—to the Committee on the Public Lands.

S. R. 46. Joint resolution to provide for the printing of 6,000 copies of the consolidated reports of the Gettysburg National Park Commission, 1893 to 1901, inclusive—to the Committee on Printing.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence for the rest of the day was granted to Mr. GAINES of Tennessee, on account of illness.

And then, on motion of Mr. GRAFF (at 5 o'clock and 4 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred, as follows:

A letter from the secretary of the Industrial Commission, transmitting a copy of Volume XI of the report of the Commission—to the Committee on Labor, and ordered to be printed.

A letter from the secretary of the National Association of Railway Commissioners, transmitting a report of the committee on legislation—to the Committee on Railways and Canals, and ordered to be printed.

A letter from the president of the Capital Traction Company, transmitting statement of the company for the year ended December 31, 1901—to the Committee on the District of Columbia, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. FLETCHER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 910) to extend the time for the completion of a bridge across the Missouri River, reported the same without amendment, accompanied by a report (No. 282); which said bill and report were referred to the House Calendar.

Mr. McCLEARY, from the Committee on the Library, to which was referred the joint resolution of the House (H. J. Res. 131) authorizing the transfer to the Library of Congress of the library of State reports, etc., reported the same without amendment, accompanied by a report (No. 283); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. THOMAS of Iowa, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 8108) for the

relief of John Hornick, reported the same with amendments, accompanied by a report (No. 286); which said bill and report were referred to the Private Calendar.

Mr. TATE, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 1375) for the relief of Louis Weber, reported the same without amendment, accompanied by a report (No. 287); which said bill and report were referred to the Private Calendar.

Mr. DAYTON, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 5224) for the relief of Edward Kershner, reported the same without amendment, accompanied by a report (No. 288); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 3732) granting an increase of pension to Augustus R. Dixon—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 4970) for the relief of William C. Watts—Committee on Military Affairs discharged, and referred to the Committee on War Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. CROWLEY: A bill (H. R. 10518) providing for county and township organization, election of officers for the Osage and Kansas Indian reservations in Oklahoma Territory, and location of county seat—to the Committee on Indian Affairs.

By Mr. ROBINSON of Nebraska: A bill (H. R. 10519) for the erection of a public building in the city of Columbus, Nebr.—to the Committee on Public Buildings and Grounds.

By Mr. FLOOD: A bill (H. R. 10520) to establish a national park and to erect a peace monument at Appomattox, in the State of Virginia—to the Committee on Military Affairs.

By Mr. ALLEN of Kentucky: A bill (H. R. 10521) authorizing Anton Brucken to construct locks and dams in Pond River, in the State of Kentucky, and to give the consent of Congress thereto—to the Committee on Rivers and Harbors.

By Mr. LATIMER: A bill (H. R. 10522) to provide for laying a single electric-railway track across the Aqueduct Bridge, in the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

Also, a bill (H. R. 10523) to equalize the several States of the Union in the grant of lands for school purposes—to the Committee on the Public Lands.

Also, a bill (H. R. 10524) to require preference to be given to citizens of the States and localities where the mails are to be carried in all mail lettings—to the Committee on the Post-Office and Post-Roads.

Also, a bill (H. R. 10525) relating to the distribution of seeds, bulbs, and so forth—to the Committee on Agriculture.

Also, a bill (H. R. 10526) to amend section 37 of an act entitled "An act providing for the public printing and binding and the distribution of public documents," approved January 12, 1895—to the Committee on Printing.

By Mr. BRUNDIDGE: A bill (H. R. 10527) providing for recognition of the military service of the officers and enlisted men of the Fourth Arkansas Mounted Infantry—to the Committee on Military Affairs.

By Mr. LITTAUER: A bill (H. R. 10528) to establish a national military park at the battlefield of Fort Stevens, in the District of Columbia—to the Committee on Military Affairs.

By Mr. McLACHLAN: A bill (H. R. 10529) ceding jurisdiction of a place in Los Angeles County, Cal., acquired for the location of a National Home for Disabled Volunteer Soldiers, to the State of California—to the Committee on Military Affairs.

By Mr. PAYNE: A bill (H. R. 10530) to repeal war-revenue taxation, and for other purposes—to the Committee on Ways and Means.

By Mr. JENKINS: A bill (H. R. 10588) to amend the code of law for the District of Columbia, approved March 3, 1901—to the Committee on the District of Columbia.

By Mr. ALEXANDER: A joint resolution (H. J. Res. 139) increasing limit of cost of the post-office building at Buffalo, N. Y.—to the Committee on Public Buildings and Grounds.

By Mr. STEPHENS of Texas: A resolution (H. Res. 115) providing for the appointment of a select committee to investigate the question of lawlessness in the Indian Territory—to the Committee on Indian Affairs.

By Mr. RICHARDSON of Tennessee: A resolution (H. Res. 116) relating to an infraction of the Constitution and an invasion of one of the highest prerogatives of the House of Representatives—to the Committee on Ways and Means.

By Mr. BROWNLOW: A resolution (H. Res. 117) providing for mounting with rollers and hangers United States maps allotted to Congress—to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BOREING: A bill (H. R. 10531) granting relief to Milton E. Robinson—to the Committee on Military Affairs.

Also, a bill (H. R. 10532) granting an increase of pension to John L. Bowman—to the Committee on Pensions.

By Mr. BURKETT: A bill (H. R. 10533) granting a pension to Levonia C. Becker—to the Committee on Invalid Pensions.

By Mr. BUTLER of Pennsylvania: A bill (H. R. 10534) granting an increase of pension to Joseph S. Young—to the Committee on Invalid Pensions.

By Mr. CANDLER: A bill (H. R. 10535) for the relief of estate of W. F. Young, of Burnsville, Tishomingo County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 10536) for the relief of J. W. Walker, of Aberdeen, Monroe County, Miss.—to the Committee on Claims.

By Mr. CANNON: A bill (H. R. 10537) granting an increase of pension to Andrew I. Northrup—to the Committee on Invalid Pensions.

By Mr. CONNER: A bill (H. R. 10538) granting a pension to Ellen J. Clark—to the Committee on Invalid Pensions.

By Mr. DEEMER: A bill (H. R. 10539) to correct the military record of Henry Schley—to the Committee on Military Affairs.

By Mr. DOVENER: A bill (H. R. 10540) granting an increase of pension to Georgie Josephine Walcott—to the Committee on Pensions.

By Mr. FLETCHER: A bill (H. R. 10541) for the relief of John Miller—to the Committee on Military Affairs.

Also, a bill (H. R. 10542) granting a pension to Thomas Alton—to the Committee on Invalid Pensions.

By Mr. FLOOD: A bill (H. R. 10543) for the relief of William Wheeler Hubbell—to the Committee on Claims.

Also, a bill (H. R. 10544) to pay just compensation to William Wheeler Hubbell for his invention of high-power steel guns, and improvements in other guns, made and adopted by the United States for its military service and Navy at the present time—to the Committee on Naval Affairs.

Also, a bill (H. R. 10545) granting an increase of pension to Solomon P. Brockway—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10546) for the relief of the estate of Samuel Huffman, deceased—to the Committee on War Claims.

Also, a bill (H. R. 10547) for the relief of the estates of Michael Dull and David Dull, deceased—to the Committee on War Claims.

Also, a bill (H. R. 10548) for the relief of the estate of John Bumgardner, deceased—to the Committee on War Claims.

Also, a bill (H. R. 10549) for the relief of J. Terry Dillard—to the Committee on War Claims.

Also, a bill (H. R. 10550) for the relief of Benjamin I. Craig—to the Committee on War Claims.

Also, a bill (H. R. 10551) for the relief of Martha H. Shultz—to the Committee on War Claims.

Also, a bill (H. R. 10552) for the relief of the heirs of John Freeland, deceased—to the Committee on Claims.

Also, a bill (H. R. 10553) granting an increase of pension to Mrs. R. A. Bradshaw—to the Committee on Pensions.

By Mr. GILBERT: A bill (H. R. 10554) granting a pension to Simeon R. Cook—to the Committee on Invalid Pensions.

By Mr. GOOCH: A bill (H. R. 10555) for the relief of William C. Watts—to the Committee on Claims.

By Mr. GORDON: A bill (H. R. 10556) granting to Oliver H. Wiswell the veteran bounty of $400—to the Committee on War Claims.

By Mr. GRIFFITH: A bill (H. R. 10557) granting an increase of pension to Daniel A. Roberts—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10558) granting an increase of pension to Florence Simpson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10559) granting an increase of pension to Daniel W. Johnson—to the Committee on Invalid Pensions.

By Mr. HAMILTON: A bill (H. R. 10560) granting a pension to Alanson H. Cogswell—to the Committee on Invalid Pensions.

By Mr. HEDGE: A bill (H. R. 10561) for the relief of Elrick & Thompson—to the Committee on Claims.

By Mr. HEMENWAY: A bill (H. R. 10562) granting a pension to Anderson G. Pittman—to the Committee on Invalid Pensions.

By Mr. JACKSON of Kansas: A bill (H. R. 10563) granting a pension to J. B. La Brant—to the Committee on Invalid Pensions.

By Mr. JONES of Washington: A bill (H. R. 10564) to promote Lieut. A. B. Wyckoff, United States Navy, retired—to the Committee on Naval Affairs.

By Mr. KNAPP: A bill (H. R. 10565) granting a pension to Ira Doane, dependent father of Henry G. Doane, late Company A, Thirty-fifth New York Volunteers—to the Committee on Invalid Pensions.

By Mr. KYLE: A bill (H. R. 10566) granting an increase of pension to William Hulsizer—to the Committee on Invalid Pensions.

By Mr. LATIMER: A bill (H. R. 10567) granting an increase of pension to Robert D. Walker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10568) granting an increase of pension to Fannie A. Sullivan—to the Committee on Invalid Pensions.

By Mr. LIVINGSTON: A bill (H. R. 10569) for the relief of Edward Haile, surviving partner of Savage & Haile—to the Committee on War Claims.

By Mr. LONG: A bill (H. R. 10570) granting an increase of pension to John Olinger—to the Committee on Invalid Pensions.

By Mr. MADDOX: A bill (H. R. 10571) for the relief of Stephen M. Honeycutt—to the Committee on Military Affairs.

Also, a bill (H. R. 10572) for the relief of James B. Fowler—to the Committee on Military Affairs.

By Mr. MERCER: A bill (H. R. 10573) granting a pension to Horace C. Gleason—to the Committee on Invalid Pensions.

By Mr. OVERSTREET: A bill (H. R. 10574) granting an increase of pension to Edward Ayers—to the Committee on Invalid Pensions.

By Mr. SHELDEN: A bill (H. R. 10575) granting a pension to Halvor Paulsen—to the Committee on Pensions.

By Mr. SHOWALTER: A bill (H. R. 10576) to correct the military record of William Moore—to the Committee on Military Affairs.

Also, a bill (H. R. 10577) for the relief of Jonathan Bush—to the Committee on Military Affairs.

Also, a bill (H. R. 10578) to correct the military record of Patrick Morrissey—to the Committee on Military Affairs.

Also, a bill (H. R. 10579) for the relief of Joseph M. Reed—to the Committee on Military Affairs.

Also, a bill (H. R. 10580) to correct the military record of James E. Freeman—to the Committee on Military Affairs.

Also, a bill (H. R. 10581) for the relief of Frank Oldengot, alias Frank Oltencott—to the Committee on Military Affairs.

By Mr. SMALL: A bill (H. R. 10582) for the establishment of a light-house at the entrance to Cape Channel, Pamlico Sound, North Carolina—to the Committee on Interstate and Foreign Commerce.

By Mr. HENRY C. SMITH: A bill (H. R. 10583) granting a pension to Amelia Perkins, Salem, Mich.—to the Committee on Invalid Pensions.

By Mr. SPIGHT: A bill (H. R. 10584) for the relief of the estate of Eben N. Davis, deceased, late of Marshall County, Mississippi—to the Committee on War Claims.

By Mr. WILEY: A bill (H. R. 10585) granting a pension to James D. Donaldson—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 10586) granting a pension to Nancy V. J. Fenell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10587) granting a pension to Hannah M. Belt—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALEXANDER: Resolution of Buffalo Chapter, American Institute of Architects, against change of title of Architect of the Capitol—to the Committee on the District of Columbia.

By Mr. ALLEN of Maine: Petition of merchants, shipowners, navigators, and others interested in commerce along the Atlantic coast, for an additional light-ship in Portland Harbor, Maine—to the Committee on Rivers and Harbors.

By Mr. BEIDLER: Petitions of J. Hunt, G. G. Dighton, and others, of Cleveland, Ohio, praying for the enactment of a law against polygamy—to the Committee on the Judiciary.

By Mr. BENTON: Papers to accompany House bill granting an increase of pension to John F. Starcher—to the Committee on Invalid Pensions.

By Mr. BOWERSOCK: Petition of officers of societies, protesting against the enactment of any law to exclude honest, able-bodied foreigners from immigrating to this country—to the Committee on Immigration and Naturalization.

Also, resolution of the National Board of Trade, Philadelphia, Pa., favoring amendment of the interstate-commerce acts—to the Committee on Interstate and Foreign Commerce.

By Mr. BRICK: Petition of Goshen (Ind.) post-office clerks, urging the passage of House bill 5286, for the reclassification of salaries—to the Committee on the Post-Office and Post-Roads.

By Mr. BURKETT: Papers accompanying House bill 7505, to remove charge of desertion from the military record of Robert Ricketts—to the Committee on Military Affairs.

By Mr. BUTLER of Pennsylvania (by request): Petition of the Octoraro Farmers' Club, of Parkesburg, Pa., for reciprocal relations with Cuba—to the Committee on Ways and Means.

By Mr. CAPRON: Resolution of the council of the town of South Kingston, R. I., for the improvement of Point Judith Pond breachway, Rhode Island—to the Committee on Rivers and Harbors.

By Mr. CUMMINGS: Petition of the Tobacco Association of the United States, T. M. Carrington, president, urging the abolishment of the internal-revenue tax on the leaf-tobacco dealers—to the Committee on Ways and Means.

By Mr. EDWARDS: Resolution of Montana State Trades and Labor Council, asking passage of an exclusion law that will apply to Asiatic labor generally—to the Committee on Foreign Affairs.

Also, resolution of trustees of the Montana State School of Mines, Butte, Mont., favoring the liberal grant of land in aid of the education of the youth of the country in subjects relating to mining and metallurgy—to the Committee on Mines and Mining.

Also, correspondence and data concerning the erection of a public building at Butte, Mont.—to the Committee on Public Buildings and Grounds.

By Mr. ESCH: Resolution of National Board of Trade, Washington, D. C., for legislation amending the existing interstate-commerce act—to the Committee on Interstate and Foreign Commerce.

By Mr. FITZGERALD: Resolutions of the National Board of Trade, favoring amendments to the interstate-commerce law—to the Committee on Interstate and Foreign Commerce.

Also, resolution of B. F. Middleton Post, No. 500, Department of New York, Grand Army of the Republic, urging that the navy-yards be utilized for business purposes—to the Committee on Naval Affairs.

By Mr. FLOOD: Papers to accompany House bill granting a pension to Solomon P. Brockway—to the Committee on Invalid Pensions.

By Mr. GORDON: Petition of Lima, Ohio, post-office clerks, urging the passage of House bill 5286—to the Committee on the Post-Office and Post-Roads.

By Mr. GRAHAM: Resolution of the Pennsylvania State board of agriculture, Harrisburg, Pa., in relation to the sale of public lands, the manufacture and sale of oleomargarine, and the irrigation of arid lands—to the Committee on the Public Lands.

Also, resolutions of the National Board of Trade held at Washington, D. C., January 21–23, 1902, favoring amendment of the interstate-commerce acts—to the Committee on Interstate and Foreign Commerce.

By Mr. GRIFFITH: Testimony of physicians to accompany House bill granting an increase of pension to Daniel W. Johnson—to the Committee on Invalid Pensions.

Also, petition in support of House bill granting an increase of pension to David A. Roberts—to the Committee on Invalid Pensions.

By Mr. GREEN of Pennsylvania: Petitions of Federated Trades Council and Allentown Wood Carvers' Union, of Pennsylvania, American Federation of Labor, relative to the construction of vessels in Government navy-yards—to the Committee on Naval Affairs.

Also, petition of the Presbytery of Philadelphia, North, for amendment of Constitution to prohibit and punish polygamy and defining legal marriage—to the Committee on the Judiciary.

By Mr. HEMENWAY: Resolution of Union No. 8491, American Federation of Labor, of Oakland City, Ind., for the building of war vessels in United States navy-yards—to the Committee on Naval Affairs.

By Mr. HENRY of Connecticut: Petition of clerks in the post-office at New Britain, Conn., for the enactment of an eight-hour law and mandatory classification for clerks in first and second class post-offices—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the Connecticut State Dairymen's Association and Connecticut State board of agriculture, of Hartford, concerning schools of mining at land-grant colleges—to the Committee on Mines and Mining.

By Mr. HOWELL: Petitions of Marlboro Council and Elberon Council, Junior Order United American Mechanics, of New Jersey, favoring the reenactment of the Chinese-exclusion laws—to the Committee on Foreign Affairs.

By Mr. JACK: Petition of Lewis Kimmel and others, of the Twenty-first Congressional district of Pennsylvania, favoring the passage of the Tawney-Grout oleomargarine bill—to the Committee on Agriculture.

Also, paper to accompany House bill 8465, granting a pension to William R. Shaffer—to the Committee on Invalid Pensions.

Also, paper in support of House bill 10216, granting an increase of pension to E. P. Cochran—to the Committee on Invalid Pensions.

By Mr. KNAPP: Papers to accompany House bill granting an increase of pension to Ira Doane—to the Committee on Invalid Pensions.

By Mr. KNOX: Petition of Emmett H. Winters and other citizens of Lowell, Mass., praying for the further restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. LIVINGSTON: Petition of Edward Haile, surviving partner of Savage & Haile, for proceeds of cotton in United States Treasury—to the Committee on War Claims.

By Mr. MERCER: Petitions of E. C. Harris and others, of Chardon; J. D. Spearman & Co., of Springfield; Peter Mangold, of Bennington; H. M. Yates, of Omaha; S. W. Clark and others and F. M. Casteller and others, of Blair, and Thomas Fennell and others, of Arlington, Nebr., urging the repeal of the special tax on the capital and surplus of banks, etc.—to the Committee on Ways and Means.

Also, petition of R. S. Wilcox, of Omaha, Nebr., favoring the passage of House bill 5796, to promote the efficiency of the Revenue-Cutter Service—to the Committee on Interstate and Foreign Commerce.

By Mr. MOON: Petition of Solomon P. Goodman, of Grundy County, Tenn., for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. MORRELL: Resolution of Pennsylvania State board of agriculture, for the enactment of a bill further taxing oleomargarine, opposing appropriations for irrigation of arid lands, and for the passage of House bill No. 8735—to the Committee on Agriculture.

Also, resolution of the National Board of Trade, for legislation amending the existing interstate-commerce act—to the Committee on Interstate and Foreign Commerce.

Also, petition of the University of Kansas for the establishment of mining schools—to the Committee on Mines and Mining.

Also, petition of Emilio Nunez, civil governor of Habana, in relation to trade and reciprocity with Cuba—to the Committee on Ways and Means.

By Mr. NAPHEN: Resolutions of Grain Dealers' Association of Indiana, favoring amendments to the interstate-commerce law—to the Committee on Interstate and Foreign Commerce.

By Mr. OTJEN: Petition of Marine Cooks' Association, Union No. 52, of Milwaukee, Wis., favoring the construction of war ships at the navy-yards—to the Committee on Naval Affairs.

By Mr. OVERSTREET: Petitions of B. F. Carter and Union No. 39, Press Feeders and Helpers, of Indianapolis, Ind., in favor of the reenactment of Chinese-exclusion act—to the Committee on Foreign Affairs.

Also, petition of Indianapolis Printing Pressmens' Union, No. 17, for the enactment of legislation prohibiting the employment of women and children for more than eight hours a day—to the Committee on the Judiciary.

Also, petition of Bricklayers and Masons' International Union No. 3, of Indianapolis, Ind., in relation to the employment of union bricklayers and masons in the erection of the naval dry dock at New Orleans, La., and for the enforcement of the eight-hour law in such work—to the Committee on Naval Affairs.

Also, petitions of unions Nos. 9282, 10, 60, 281, 73, 17, and 155, American Federation of Labor, concerning the construction of Government vessels in navy-yards—to the Committee on Naval Affairs.

Also, petitions of the Parlor Club and numerous citizens of Indianapolis and Franklin, Ind., for an amendment to the national Constitution defining legal marriage to be monogamic—to the Committee on the Judiciary.

Also, papers to accompany House bill granting an increase of pension to Edward Ayers—to the Committee on Invalid Pensions.

By Mr. PUGSLEY: A resolution of New York State Fruit Growers' Association, protesting against projects for irrigating any portion of the public domain at the public expense—to the Committee on Irrigation of Arid Lands.

Also, resolutions of the Merchants' Association of New York, urging passage of Senate bill for reorganization of the consular service—to the Committee on Foreign Affairs.

By Mr. ROBINSON of Indiana: Petition of A. H. Perfect, of Fort Wayne, Ind., favoring change in the bankruptcy law—to the Committee on the Judiciary.

Also, petition of Milton Garrigus, department commander, Grand Army of the Republic, of Kokomo, Ind., in favor of House bill 5796, to promote the efficiency of the Revenue-Cutter Service—to the Committee on Interstate and Foreign Commerce.

By Mr. ROBINSON of Nebraska: Papers to accompany House bill 8720, granting a pension to Ammi Lewis—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 8721, granting a pension to Joseph Westbrook—to the Committee on Invalid Pensions.

By Mr. RYAN: Resolution of Buffalo Chapter, American Institute of Architects, urging the continuation of the office of Architect of the Capitol, and asking that an appointment to the office be made—to the Committee on the District of Columbia.

Also, resolutions of Manufacturers' Association of New York, asking for reciprocal tariff with Cuba—to the Committee on Ways and Means.

By Mr. SELBY: Petition of 494 citizens of Beardstown, Ill., in behalf of such intervention on the part of the United States for the cessation of hostilities in the Transvaal as may reestablish peace upon honorable terms—to the Committee on Foreign Affairs.

By Mr. SHALLENBERGER: Petitions of the Thompson Dry Goods Company and 45 merchants of McCook and August Chall and other merchants of Saronville, Nebr., against the passage of the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. SLAYDEN: Petition of citizens of the Twelfth Congressional district of Texas, in relation to the Boer war—to the Committee on Foreign Affairs.

By Mr. HENRY C. SMITH: Petition of E. C. Pitcher and members of the Order of Patrons of Husbandry in the State of Michigan, relating to rural free mail delivery—to the Committee on the Post-Office and Post-Roads.

By Mr. THAYER: Resolutions of the Massachusetts State Board of Trade, favoring reciprocal trade agreement between the United States and Canada, and various other measures pending in Congress—to the Committee on Ways and Means.

Also, resolution of Worcester (Mass.) Chapter, American Institute of Architects, urging the continuation of the office of Architect of the Capitol and asking that an appointment to the office be made—to the Committee on the District of Columbia.

By Mr. WARNOCK: Papers to accompany House bill granting an increase of pension to Wilson S. Maize—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: Papers to accompany House bill for the relief of Hannah M. Belt—to the Committee on Invalid Pensions.

Also, papers to accompany House bill for the relief of Nancy V. J. Ferrell—to the Committee on Invalid Pensions.

By Mr. YOUNG: Resolutions of the Pennsylvania National Industrial Council, in relation to surplus funds of the Government in national banks and certain other pending bills in Congress—to the Committee on Ways and Means.

Also, petition of New York State Brewers and Maltsters' Association, for the repeal of the tax on beer—to the Committee on Ways and Means.

Also, resolutions adopted by the Pennsylvania Forestry Association, for securing a national forest reserve in the Appalachian Mountains—to the Committee on the Public Lands.

HOUSE OF REPRESENTATIVES.

SATURDAY, *February 1, 1902.*

The House met at 12 o'clock m., and was called to order by the Speaker.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

LIBRARY OF THE INDUSTRIAL COMMISSION.

Mr. OTJEN. Mr. Speaker, I ask unanimous consent for the present consideration of House joint resolution 131.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent to call up and consider a House joint resolution which the Clerk will report.

The Clerk read as follows:

Resolved, etc., That all volumes and pamphlets published by the several States and Territories and collected by the Industrial Commission, also official minutes of the Commission and files of correspondence, are hereby directed to be turned over by the Industrial Commission to the Librarian of Congress, subject to the further orders of Congress.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

There was no objection.

The joint resolution was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

PRINTING OF VARIOUS DOCUMENTS.

Mr. HEATWOLE. Mr. Speaker, I am directed by the Committee on Printing to ask unanimous consent for the present consideration of House concurrent resolution No. 11.

The SPEAKER. The gentleman from Minnesota, chairman of the Committee on Printing, asks unanimous consent, by direction of that committee, for the present consideration of a resolution which the Clerk will report.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed at the Government Printing Office 4,000 additional copies of Bulletin No. 184, of the Geological Survey, lately issued, entitled "Oil and Gas Fields of the Western Interior and Northern Texas Coal Measures and of the Upper Cretaceous and Tertiary of the Western Gulf Coast," by George I. Adams, 1,000 for the use of the Senate, 2,000 for the use of the House, and 1,000 for free distribution by the Geological Survey.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was agreed to.

Mr. HEATWOLE. I am directed by the same committee to ask unanimous consent for the present consideration of Senate concurrent resolution No. 16.

The SPEAKER. The gentleman from Minnesota, by direction of the same committee, also asks unanimous consent for the present consideration of the following resolution, which the Clerk will report.

The Clerk read as follows:

Resolved, etc., That there be printed at the Government Printing Office 4,000 copies, in pamphlet form, of the report on the "Iron-ore deposits of the Lake Superior region," by C. R. Van Hise, being pages 305 to 434 of part 2 of the Twenty-first Annual Report of the United States Geological Survey, 1,000 copies for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 1,000 for distribution by the Geological Survey.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. HEPBURN. Mr. Speaker, I ask if that is a concurrent resolution?

The SPEAKER. This is a Senate concurrent resolution.

Mr. HEPBURN. There seems to be no reference in the resolution to the concurrence of the House.

The SPEAKER. The Chair will state that it is in the usual form:

Resolved by the Senate (the House of Representatives concurring)——

Mr. HEPBURN. That part was not read.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was agreed to.

Mr. HEATWOLE. Also House concurrent resolution No. 5.

The SPEAKER. The gentleman from Minnesota, chairman of the Committee on Printing, by direction of the committee, also asks unanimous consent for the present consideration of a resolution which the Clerk will report.

The resolution was read, as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed and bound in cloth of the Report of the Board of Managers of the National Home for Disabled Volunteer Soldiers, in addition to the usual number, 500 copies of the report proper, 500 copies of the Report of the Assistant Inspector-General on the State Homes, and 150 copies of the record of members, for the use of the Home.

The SPEAKER. Is there objection to the consideration of the resolution?

There was no objection.

The resolution was agreed to.

Mr. HEATWOLE. Also Senate concurrent resolution No. 10.

The SPEAKER. The gentleman from Minnesota, chairman of the Committee on Printing, also asks unanimous consent, by direction of that committee, for the present consideration of a resolution which the Clerk will report.

The resolution was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound in cloth 5,500 copies of the report of the Librarian of Congress for 1901; 500 copies for the use of the Senate, 1,500 copies for the use of the House of Representatives, and 3,500 copies for the use of the Library of Congress.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was agreed to.

On motion of Mr. HEATWOLE, a motion to reconsider the several votes by which the various resolutions were agreed to was laid on the table.

The SPEAKER. The Clerk will call the committees.

ENID AND ANADARKO RAILWAY COMPANY.

Mr. CURTIS (when the Committee on Indian Affairs was called). Mr. Speaker, I am directed by the Committee on Indian Affairs to call up the bill H. R. 3104.

The Clerk read as follows:

A bill (H. R. 3104) to grant the right of way through the Oklahoma Territory and the Indian Territory to the Enid and Anadarko Railway Company, and for other purposes.

The bill was read at length.

The amendments recommended by the committee were read, as follows:

Amend as follows:

Line 13, page 2, strike out "three" and insert "two."

In line 14 strike out "ten" and insert "eight."

On page 3, line 13, strike out the word "President" and insert "Secretary of the Interior."

In line 26, page 3, strike out the word "President" and insert "Secretary of the Interior."

In line 10, page 7, after the word "Indians," insert the words "in their tribal relations."

In line 15, page 9, strike out the words "fifty miles" and insert "one-tenth."

In line 15, page 9, strike out the words "three years" and insert "one year."

In line 16, page 9, after the word "act," insert "and complete its road within three years after the approval of the map of location by the Secretary of the Interior."

In line 15, page 10, after the word "rights," insert "franchises."

Mr. McRAE. Mr. Speaker, I reserve a point of order against this bill, and, pending that, I desire to ask the gentleman some questions.

Mr. CURTIS. Certainly. I have no objection.

Mr. McRAE. The point of order I make is that this bill is not properly on the House Calendar, and therefore not in order. The question I desire to ask the gentleman is, Why is it necessary to introduce a special bill while we have a general law authorizing the Secretary of the Interior to grant rights of way through Indian territories?

Mr. CURTIS. I will answer the question of the gentleman. In the first place——

Mr. RICHARDSON of Tennessee. I would like to ask the gentleman whether there are any public lands through which this right of way goes?

Mr. CURTIS. I will answer the gentleman. In the first place, upon yesterday, by unanimous consent, this bill was transferred from the Union to the House Calendar, because it takes no Government property and makes no appropriation. The land through which the right of way is asked, according to a decision of the Supreme Court of the United States, in the case of Holden *vs.* Joy (17 Wall., 250), belongs to the Indian tribes. The same question was raised in the case of the United States *vs.* Reese, in the western district of Arkansas, and the court held that "all the estate is in the Cherokee Nation of Indians." As the other tribes in the Indian Territory hold their land by patents from the Government, the title is in the tribes. In the general law it is provided that settlement shall be made with the allottees in possession. Therefore I think it quite clear that this bill should be on the House Calendar. As to the second point, it is true that in 1899 we passed a general law granting rights of way through Indian reservations in the Territories, including the Indian Territory, but upon investigation it was found that there were several defects in that law so far as the Indian Territory is concerned. Under that law the tribes were given no voice in the proceedings to take their lands for right-of-way purposes. It did not give them a day in court. Again, no authority is given in the general law to mortgage the rights, franchises, and property of the railroad companies.

Mr. McRAE. Does not the gentleman think that the better course would have been to amend the general law rather than introduce this special bill?

Mr. CURTIS. I will come to that in a moment.

This bill was submitted to the Department; they considered all the amendments suggested and recommend the passage of the bill. They also requested me, in a letter, to introduce a general bill. That bill I have introduced. It is now being considered by the Department, but the company intending to build this road desire that the right of way be granted at once for the reason they have already built 60 miles in Oklahoma. They have 100 miles surveyed, and are anxious to go to work at once. In view of all the circumstances, the Secretary of the Interior recommended the passage of the bill, indorsed all the amendments, and the passage of the bill is also recommended by the Committee on Indian Affairs, after careful consideration by a subcommittee composed of the gentleman from Iowa [Mr. LACEY], the gentleman from Michigan [Mr. SHELDEN], and the gentleman from Texas [Mr. STEPHENS].

Mr. McRAE. I realize the necessity for building railroads through the Indian Territory and if the charters can not be granted under the general law, this bill ought to pass; and therefore I withdraw the point of order.

Mr. CURTIS. The following is a part of the Secretary's letter on that point:

The general right of way act of March 2, 1899 (30 Stat., 990), and the additional station grounds act of April 25, 1896 (29 Stat., 109), are probably justly subject to all the criticism made in your letter, except, perhaps, the one which

questions the validity of that provision in the act of 1899 governing the determination of the compensation to be paid for the right of way. I believe it is very much better for all concerned that the railroad rights of way in Indian Territory should be obtained and held under general legislation of like application to all instances of a like character; but if it is anticipated that the difficulty and delay incident to the enactment of proper general legislation will be materially greater than those incident to special acts applicable to each case, I realize that the construction of proposed railroads in that Territory will probably be facilitated by the former practice of resorting to special legislation.

If there are no further questions, I move the previous question on the bill and amendments.

The SPEAKER. The question is on agreeing to the amendments reported by the committee.

The question was taken; and the amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. CURTIS, a motion to reconsider the vote by which the bill was passed was laid on the table.

PROHIBITING THE SALE OF ARMS, INTOXICATING LIQUORS, AND OPIUM TO ABORIGINAL NATIVES OF PACIFIC ISLANDS.

Mr. SPERRY (when the Committee on Alcoholic Liquor Traffic was called). Mr. Speaker, I call up Senate bill 1747.

The SPEAKER. Is this by authority of your committee?

Mr. SPERRY. Yes, sir; by the unanimous vote of this committee.

The bill was read, as follows:

A bill (S. 1747) to prevent the sale of firearms, opium, and intoxicating liquors in certain islands of the Pacific.

Be it enacted, etc., That any person subject to the authority of the United States who shall give, sell, or otherwise supply any arms, ammunition, explosive substance, intoxicating liquor, or opium to any aboriginal native of any of the Pacific islands lying within the twentieth parallel of north latitude and the fortieth parallel of south latitude and the one hundred and twentieth meridian of longitude west and one hundred and twentieth meridian of longitude east of Greenwich, not being in the possession or under the protection of any civilized power, shall be punishable by imprisonment not exceeding three months, with or without hard labor, or a fine not exceeding $50, or both. And in addition to such punishment all articles of a similar nature to those in respect to which an offense has been committed found in the possession of the offender may be declared forfeited.

SEC. 2. That if it shall appear to the court that such opium, wine, or spirits have been given bona fide for medical purposes it shall be lawful for the court to dismiss the charge.

SEC. 3. That all offenses against this act committed on any of said islands, or on the waters, rocks, or keys adjacent thereto, shall be deemed committed on the high seas on board a merchant ship or vessel belonging to the United States, and the courts of the United States shall have jurisdiction accordingly.

Mr. SPERRY. I ask for the reading of the report.

The SPEAKER. The gentleman asks for the reading of the report, which will be done in his time.

Mr. RICHARDSON of Tennessee. I reserve the point of order. I would like to ask if this bill is called up in the morning hour?

The SPEAKER. It has come up under a call of committees, being on the House Calendar.

Mr. RICHARDSON of Tennessee. It is on the House Calendar?

The SPEAKER. It is on the House Calendar.

Mr. SPERRY. This is a unanimous report.

Mr. RICHARDSON of Tennessee. Has the Chair asked the gentleman if he is authorized by the committee to call up this bill?

The SPEAKER. He has so stated.

Mr. RICHARDSON of Tennessee. Do I understand that there is no tax on the Government in the bill, no expenditure or appropriation of money in the bill?

Mr. SPERRY. No, sir; not any.

Mr. RICHARDSON of Tennessee. And it is the unanimous report of the committee?

Mr. SPERRY. It is the unanimous report of the committee.

Mr. RICHARDSON of Tennessee. As I understand, the gentleman has asked for the reading of the report. We could not hear what was said.

Mr. DALZELL. I would like to ask the gentleman a question.

The SPEAKER. The gentleman asked for the reading of the report.

Mr. DALZELL. Is this the same bill that was passed by the last House?

Mr. SPERRY. It was passed by the last House by a majority vote.

The SPEAKER. The gentleman from Connecticut asks for the reading of the report, which will be done in his time.

The Clerk read as follows:

The Committee on Alcoholic Liquor Traffic, to whom was referred the bill (S. 1747) to prevent the sale of firearms, opium, and intoxicating liquors in certain islands of the Pacific, beg leave to submit the following report, and recommend that said bill do pass:

This is a bill enacting that no person subject to the authority of the United States shall give or sell arms, ammunition, intoxicating liquors, or opium to the aboriginal natives of certain islands in the Pacific Ocean within the boundaries named in the bill. These islands are said not to be under the control of any civilized nation.

The bill has been carefully considered by the committee, and hearings have been held upon the subject. The late President, in his message at the beginning of the last session of Congress, referred to this subject and heartily approved of the principle involved in the bill.

Ex-President Harrison says, among other things, in reference to this matter:

"It does seem to me as if the Christian nations of the world ought to be able to make their contact with the weaker peoples of the earth beneficent and not destructive, and I give to your efforts to secure helpful legislation my warmest sympathy."

Numerous petitions have been received favoring the passage of this bill; and such petitions are not confined to any special locality, but come from all sections of the country, containing the indorsements of societies and individuals in twenty-three or more States, and also from the District of Columbia and Hawaii, and from many American missionaries at work in foreign lands. These petitions are not intended for the United States alone, but they ask all the Governments that have twice united in treaties of 1890 and 1899, in protecting the natives of Africa against intoxicants, to take further action, separately and together, to protect all uncivilized races.

This bill received a large majority in the House of Representatives last session. It is similar to the present English law on the subject, and has the indorsement of the State Department. In fact, the Department is now negotiating with other nations to unite in a general treaty on the lines suggested by this bill, but, as it may take several years to complete such a treaty, Congress is appealed to.

In view of the above, and the general demand throughout the country for the passage of this act, your committee report this bill with the recommendation that it pass.

Mr. BARTHOLDT. Mr. Speaker, I would like to ask the gentleman a question.

The SPEAKER. Does the gentleman from Connecticut yield to the gentleman from Missouri?

Mr. SPERRY. I will.

Mr. BARTHOLDT. Does this bill apply to the Philippine Islands?

Mr. SPERRY. This bill has no application to the Philippine Islands. The islands which this bill is to cover are the islands about the New Hebrides, and they are not within two or three hundred miles of the Philippine Islands.

Mr. GRIGGS. To whom do they belong?

Mr. SPERRY. To no civilized nation on earth.

Mr. GRIGGS. Then what have we got to do with them?

Mr. SPERRY. We simply say to our people that they shall not indulge in the sale of opium or intoxicating liquors for the purpose of so infuriating these tribes that they may kill the civilized portion of the people that are on those islands.

Mr. OTEY. Where are the islands?

Mr. SPERRY. Within the boundaries named in the bill.

Mr. GRIGGS. Will the gentleman allow me a further question?

Mr. SPERRY. Yes.

Mr. GRIGGS. Will my friend from Connecticut explain to me how the United States courts can take jurisdiction of what is committed outside of the United States?

Mr. SPERRY. Yes; it is provided in the bill that they shall be tried on board of a merchant vessel, or on board any other vessel of the United States.

Mr. GRIGGS. Any vessel that is flying the American flag?

Mr. SPERRY. Yes.

Mr. OTEY. Are these islands covered by the Constitution? [Laughter.]

Mr. SPERRY. Yes; the vessels are. [Laughter.]

Mr. SLAYDEN. I would like to ask the gentleman from Connecticut if this is the first step toward taking sovereignty and control of those islands?

Mr. SPERRY. So far as I know, Mr. Speaker, there has been no attempt made to pass any measure except that which we passed in the last session of this House. The Senate has passed this bill unanimously.

Mr. KLUTTZ. Let me ask the gentleman from Connecticut if these are the New Hebrides to which Dr. Johnson made his famous journey? [Laughter.]

Mr. SPERRY. These islands, which are contained within the boundaries named in the bill, are mostly within the New Hebrides.

Mr. ROBINSON of Indiana. Mr. Speaker, I would like to ask the gentleman a question.

The SPEAKER. Does the gentleman from Connecticut yield to the gentleman from Indiana?

Mr. SPERRY. I do.

Mr. ROBINSON of Indiana. I would like to ask the gentleman from Connecticut if England has passed like legislation with reference to her citizens selling intoxicating liquors and opium?

Mr. SPERRY. Precisely the same.

Mr. CUMMINGS. I would like to ask the gentleman if there is any law in the State of Connecticut that prevents the selling of these goods in that State? [Laughter.]

Mr. SPERRY. In the State of Connecticut we not only sell them, but we manufacture them as well. [Laughter.]

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time; and it was read the third time.

The question being taken on the passage of the bill, Mr. KLEBERG demanded a division.

Mr. SIBLEY. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 187, nays 21, answered "present" 7, not voting 141; as follows:

YEAS—187.

Adams,	Dixmore,	Lewis, Ga.	Rhea, Va.
Adamson,	Dovener,	Little,	Richardson, Ala.
Alexander,	Driscoll,	Littlefield,	Rixey,
Allen, Me.	Edwards,	Livingston,	Roberts,
Aplin,	Emerson,	Lloyd,	Robinson, Ind.
Babcock,	Esch,	Loudenslager,	Robinson, Nebr.
Ball, Tex.	Fordney,	McCleary,	Rucker,
Bates,	Foss,	McCulloch,	Rumple,
Bell,	Foster, Vt.	McLachlan,	Salmon,
Bellamy,	Fowler,	McLain,	Selby,
Bishop,	Fox,	McRae,	Shafroth,
Blackburn,	Gardner, Mich.	Maddox,	Shallenberger,
Blakeney,	Gibson,	Mann,	Shelden,
Boreing,	Gillet, N. Y.	Marshall,	Sheppard,
Boutell,	Gillett, Mass.	Martin,	Showalter,
Bromwell,	Gordon,	Maynard,	Sibley,
Brown,	Graff,	Metcalf,	Sims,
Brownlow,	Graham,	Mickey,	Skiles,
Burk, Pa.	Greene, Mass.	Minor,	Smith, Ill.
Burke, S. Dak.	Grosvenor,	Moody, Mass.	Smith, Iowa
Burkett,	Hamilton,	Moody, N. C.	Smith, S. W.
Burton,	Haskins,	Moody, Oreg.	Smith, Wm. Alden
Butler, Pa.	Hedge,	Moon,	Snodgrass,
Calderhead,	Hemenway,	Morgan,	Snook,
Caldwell,	Henry, Conn.	Morris,	Southard,
Candler,	Henry, Miss.	Mudd,	Sparkman,
Capron,	Henry, Tex.	Needham,	Sperry,
Cassel,	Hepburn,	Nevin,	Stark,
Cassingham,	Hildebrant,	Otjen,	Steele,
Clark,	Hill,	Overstreet,	Stephens, Tex.
Clayton,	Jack,	Padgett,	Stevens, Minn.
Cochran,	Jackson, Kans.	Palmer,	Sulloway,
Connell,	Jett,	Parker,	Sutherland,
Conner,	Johnson,	Patterson, Pa.	Talbert,
Conry,	Jones, Va.	Patterson, Tenn.	Tawney,
Coombs,	Jones, Wash.	Pearre,	Taylor, Ala.
Cooney,	Kehoe,	Pierce,	Thayer,
Cowherd,	Kitchin, Claude	Pou,	Thomas, Iowa
Crowley,	Knapp,	Powers, Me.	Thomas, N. C.
Crumpacker,	Knox,	Powers, Mass.	Trimble,
Cummings,	Kyle,	Prince,	Vandiver,
Currier,	Lacey,	Randell, Tex.	Warnock,
Curtis,	Lamb,	Ransdell, La.	Weeks,
Cushman,	Landis,	Ray, N. Y.	Williams, Ill.
Dahle,	Lanham,	Reeder,	Woods,
Dalzell,	Latimer,	Reeves,	Zenor.
Deemer,	Lever,	Reid,	

NAYS—21.

Allen, Ky.	Burleson,	Kitchin, Wm. W.	Slayden,
Bankhead,	Fitzgerald,	Kleberg,	Smith, Ky.
Bartholdt,	Fleming,	Kluttz,	Wheeler.
Bartlett,	Flood,	Lester,	
Breazeale,	Griggs,	Rhea, Ky.	
Broussard,	Kahn,	Robb,	

ANSWERED "PRESENT"—7.

Dayton,	Gooch,	Jenkins,	Otey.
De Graffenreid,	Hay,	McClellan,	

NOT VOTING—141.

Acheson,	Evans,	Lewis, Pa.	Shattuc,
Ball, Del.	Feely,	Lindsay,	Sherman,
Barney,	Finley,	Littauer,	Small,
Beidler,	Fletcher,	Long,	Smith, H. C.
Belmont,	Foerderer,	Loud,	Southwick,
Benton,	Foster, Ill.	Lovering,	Spight,
Bingham,	Gaines, Tenn.	McAndrews,	Stewart, N. J.
Bowersock,	Gaines, W. Va.	McCall,	Stewart, N. Y.
Bowie,	Gardner, N. J.	McDermott,	Storm,
Brantley,	Gilbert,	Mahon,	Sulzer,
Brick,	Gill,	Mahony,	Swanson,
Bristow,	Glenn,	Mercer,	Tate,
Brundidge,	Goldfogle,	Meyer, La.	Tayler, Ohio
Bull,	Green, Pa.	Miers, Ind.	Thompson,
Burgess,	Griffith,	Miller,	Tirrell,
Burleigh,	Grow,	Mondell,	Tompkins, N. Y.
Burnett,	Hall,	Morrell,	Tompkins, Ohio
Butler, Mo.	Hanbury,	Mutchler,	Tongue,
Cannon,	Haugen,	Naphen,	Underwood,
Cooper, Tex.	Heatwole,	Neville,	Van Voorhis,
Cooper, Wis.	Hitt,	Newlands,	Vreeland,
Corliss,	Holliday,	Norton,	Wachter,
Cousins,	Hooker,	Olmsted,	Wadsworth,
Creamer,	Hopkins,	Payne,	Wanger,
Cromer,	Howard,	Perkins,	Warner,
Darragh,	Howell,	Polk,	Watson,
Davey, La.	Hughes,	Pugsley,	White,
Davidson,	Hull,	Richardson, Tenn.	Wiley,
Davis, Fla.	Irwin,	Robertson, La.	Williams, Miss.
De Armond,	Jackson, Md.	Ruppert,	Wilson,
Dick,	Joy,	Russell,	Wooten,
Dougherty,	Kern,	Ryan,	Wright,
Douglas,	Ketcham,	Scarborough,	Young.
Draper,	Lassiter,	Schirm,	
Eddy,	Lawrence,	Scott,	
Elliott,	Lessler,	Shackleford,	

So the bill was passed.

The following pairs were announced:

On this vote:

Mr. BURLEIGH with Mr. DAVEY of Louisiana.

Mr. PAYNE with Mr. RICHARDSON of Tennessee.

Mr. KETCHAM with Mr. DE GRAFFENREID.

Mr. VAN VOORHIS with Mr. BELMONT.

Mr. CANNON with Mr. SHATTUC.

Mr. BARNEY with Mr. BENTON.

For this day:

Mr. MCCALL with Mr. ROBERTSON of Louisiana.

Mr. DEEMER with Mr. POLK.

Mr. STEWART of New Jersey with Mr. WILEY.

Mr. MONDELL with Mr. BOWIE.

Mr. FOERDERER with Mr. THOMPSON.

Mr. GROW with Mr. WHITE.

Mr. BRICK with Mr. SPIGHT.

Mr. TOMPKINS of Ohio with Mr. SMALL.

Mr. EDDY with Mr. RYAN.

Mr. MILLER with Mr. NEVILLE.

Mr. HAUGEN with Mr. GILBERT.

Mr. GARDNER of New Jersey with Mr. NAPHEN.

Mr. EVANS with Mr. GAINES of Tennessee.

Mr. COUSINS with Mr. NORTON.

Mr. BOWERSOCK with Mr. BRUNDIDGE.

Mr. BISHOP with Mr. SWANSON.

Mr. WATSON with Mr. NEWLANDS.

Mr. WADSWORTH with Mr. FEELY.

Mr. HANBURY with Mr. FOSTER of Illinois.

Mr. DARRAGH with Mr. BRANTLEY.

Mr. LITTAUER with Mr. WILLIAMS of Mississippi.

Mr. SCHIRM with Mr. UNDERWOOD.

Mr. WACHTER with Mr. WILSON.

Mr. VREELAND with Mr. WOOTEN.

Mr. DAVIDSON with Mr. DE ARMOND.

Mr. LOVERING with Mr. SULZER.

Mr. YOUNG with Mr. HOWARD.

Mr. STEWART of New York with Mr. DOUGHERTY.

Mr. CORLISS with Mr. COOPER of Texas.

Mr. HENRY C. SMITH with Mr. LINDSAY.

Mr. DOUGLAS with Mr. GOLDFOGLE.

Mr. BINGHAM with Mr. MCANDREWS.

Mr. SOUTHWICK with Mr. SHACKLEFORD.

Mr. OLMSTED with Mr. FINLEY.

Until further notice:

Mr. DRAPER with Mr. GLENN.

Mr. COOPER of Wisconsin with Mr. MUTCHLER.

Mr. HOLLIDAY with Mr. BURGESS.

Mr. JENKINS with Mr. ELLIOTT.

Mr. BURTON with Mr. SPARKMAN.

Mr. LONG with Mr. DAVIS of Florida.

Mr. CROMER with Mr. MIERS of Indiana.

Mr. GILL with Mr. BUTLER of Missouri.

Mr. IRWIN with Mr. GOOCH.

Mr. HOPKINS with Mr. GRIFFITH.

Mr. HULL with Mr. HAY.

Mr. SCOTT with Mr. SCARBOROUGH.

Mr. ACHESON with Mr. CREAMER.

Mr. NEVIN with Mr. BURNETT.

For the session:

Mr. TOMPKINS of New York with Mr. PUGSLEY.

Mr. SHERMAN with Mr. RUPPERT.

Mr. HEATWOLE with Mr. TATE.

Mr. WRIGHT with Mr. HALL.

Mr. MAHON with Mr. OTEY.

Mr. DAYTON with Mr. MEYER of Louisiana.

Mr. RUSSELL with Mr. MCCLELLAN.

Mr. MORRELL with Mr. GREEN of Pennsylvania.

Mr. WANGER with Mr. ADAMSON.

The result of the vote was announced as above stated.

On motion of Mr. SPERRY, a motion to reconsider the last vote was laid on the table.

The call of the committees was resumed and completed, no further business being presented.

SENATE BILLS AND JOINT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate bills and a joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. R. 1. Joint resolution proposing an amendment to the Constitution of the United States respecting the succession to the Presidency in certain cases—to the Committee on the Judiciary.

S. 1452. An act to establish the Fredericksburg and Adjacent National Battlefields Memorial Park in the State of Virginia—to the Committee on Military Affairs.

S. 2786. An act to increase the limit of cost of the public building at Aberdeen, S. Dak.—to the Committee on Public Buildings and Grounds.

S. 1790. An act to provide for the purchase of a site and the erection of a public building thereon at Natchez, in the State of Mississippi—to the Committee on Public Buildings and Grounds.

S. 1578. An act for improving, repairing, and the erection of an addition to the public building at Springfield, Ill.—to the Committee on Public Buildings and Grounds.

S. 1602. An act to provide for the erection of a public building at San Francisco, in the State of California—to the Committee on Public Buildings and Grounds.

S. 1538. An act to provide for the purchase of a site and the erection of a public building thereon at Laredo, in the State of Texas—to the Committee on Public Buildings and Grounds.

S. 708. An act to provide for the purchase of a site and the erection of a public building thereon at Evanston, in the State of Wyoming—to the Committee on Public Buildings and Grounds.

S. 331. An act for enlarging the public building at Hartford, Conn.—to the Committee on Public Buildings and Grounds.

S. 110. An act to provide for the erection of a public building at Greeneville, Greene County, Tenn.—to the Committee on Public Buildings and Grounds.

S. 2445. An act to provide for the establishment of a light and fog-signal station on one of the Mile Rocks, San Francisco Bay, California—to the Committee on Interstate and Foreign Commerce.

S. 2446. An act to establish a light and fog signal at a point on Karquines Strait, California, opposite that now occupied by the Selby Smelting works—to the Committee on Interstate and Foreign Commerce.

S. 2447. An act to provide for the construction of a light-ship for Blunts Reef, Pacific Ocean, off Cape Mendocino, California—to the Committee on Interstate and Foreign Commerce.

S. 2449. An act to establish a fog signal at Fort Winfield Scott, Fort Point, California—to the Committee on Interstate and Foreign Commerce.

S. 2450. An act to establish a fog bell and lens-lantern light on the southeastern end of Southampton Shoal, San Francisco Bay, California—to the Committee on Interstate and Foreign Commerce.

S. 2866. An act for the relief of bona fide settlers in forest reserves—to the Committee on Private Land Claims.

S. 511. An act granting a pension to Jennie A. Kerr—to the Committee on Pensions.

S. 1630. An act granting an increase of pension to Ella R. Graham—to the Committee on Invalid Pensions.

S. 2701. An act granting a pension to Thomas G. Foster—to the Committee on Invalid Pensions.

S. 2468. An act granting an increase of pension to Horatio N. Francis—to the Committee on Invalid Pensions.

S. 2806. An act granting an increase of pension to Laura S. Picking—to the Committee on Invalid Pensions.

S. 2098. An act granting a pension to George H. Morton—to the Committee on Pensions.

S. 2520. An act granting an increase of pension to Emma McLaughlin—to the Committee on Pensions.

S. 1931. An act granting an increase of pension to Etta Scott Mitchell—to the Committee on Pensions.

S. 1940. An act granting a pension to Frances Fuller Victor—to the Committee on Pensions.

BRIDGE ACROSS CURRENT RIVER, ARKANSAS.

Mr. VANDIVER. I ask unanimous consent for the present consideration of the bill (S. 74) to authorize the Southern Missouri and Arkansas Railroad Company to build a bridge across the Current River in Arkansas.

The bill was read, as follows:

Be it enacted, etc., That the Southern Missouri and Arkansas Railroad Company, created and existing under the laws of the States of Missouri and Arkansas, is hereby authorized to erect and maintain a bridge across Current River, in township 19 north, range 2 east, of the fifth principal meridian, in the county of Randolph, in the State of Arkansas, or at any point near said township selected by said railroad company for crossing said river with their railroad line and approved by the Secretary of War.

SEC. 2. That the said bridge shall be so constructed that a reasonably free and unobstructed passageway may be secured to all water craft navigating said river at the point aforesaid; and if said bridge shall be constructed as a drawbridge the draw shall be opened promptly, upon reasonable signal, for the passage of boats and vessels; and whatever kind of bridge is constructed the owners thereof shall maintain, at their own expense, from sunset to sunrise, such lights or other signals thereon as the Light-House Board shall prescribe.

SEC. 3. That any bridge constructed under this act shall be known and recognized as a post route, and the same is hereby declared to be a post route, upon which no higher charge shall be made for the transportation over the same of the mails, the troops, and munitions of war of the United States, or for through passengers or freight passing over said bridge, than the rate per mile paid for their transportation over the railroads leading to said bridge; and equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies; and the United States shall have the right of way across said bridge and its approaches for postal-telegraph purposes.

SEC. 4. That the plan and location of said bridge, with a detailed map of the river at the proposed site of the bridge, and near thereto, exhibiting the depth and currents, shall be submitted to the Secretary of War for his approval, and until he approves the plans and location of said bridge it shall not be built; but upon approval by the Secretary of War the said corporation may proceed to the erection of said bridge in comformity with said approved plan, and should any change be made in the plans of said bridge during the process of construction or after completion such change shall be subject likewise to the approval of the Secretary of War, and any changes in said bridge which the Secretary of War may at any time order in the interest of navigation shall be made by said company at its own expense.

SEC. 5. That all railroad companies desiring the use of said bridge shall have and be entitled to equal rights and privileges relative to the passage of railroad trains or cars over the same, and over the approaches to the same, upon the payment of reasonable compensation for such use; and in case the owner or owners of said bridge and the several railroad companies, or any of them desiring such use, shall fail to agree upon the sum or sums to be paid, and upon the rules and conditions to which each shall conform in using said bridge, all matters at issue between them shall be decided by the Secretary of War upon a hearing of the allegations and proofs of the parties.

SEC. 6. That this act shall be void if the actual construction of the bridge herein authorized be not commenced within one year and completed within two years.

SEC. 7. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection to the present consideration of this bill?

A MEMBER. Has the bill been favorably reported by a House committee?

Mr. VANDIVER. It has been.

There being no objection, the House proceeded to the consideration of the bill, which was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. VANDIVER, a motion to reconsider the last vote was laid on the table.

RELIEF OF SETTLERS IN FOREST RESERVES.

Mr. MARTIN. I ask unanimous consent for the present consideration of the bill (H. R. 3084) for the relief of bona fide settlers in forest reserves.

The bill, with the amendments reported by the Committee on the Public Lands, was read.

The SPEAKER. Is there objection to the consideration of this bill?

Mr. McRAE. I wish to reserve the right to object until the gentleman from South Dakota [Mr. MARTIN] has informed us how many of these settlers are sought to be relieved and what is the necessity for this legislation.

Mr. MARTIN. I can in a word explain the situation.

Mr. RICHARDSON of Tennessee. I call for the regular order. I object to the consideration of this bill by unanimous consent.

Mr. MARTIN. If the gentleman from Tennessee will hear a brief statement, I think his objection will be removed.

Mr. RICHARDSON of Tennessee. I call for the regular order. I can not agree to the consideration of the bill in this way.

Mr. MARTIN. This bill has been introduced upon the recommendation of the Commissioner of the General Land Office——

The SPEAKER. Objection is made by the gentleman from Tennessee to the consideration of the bill.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. KYLE, till the 15th instant, on account of important business.

To Mr. LOVERING, for one week, on account of sickness in his family.

MEMORIAL SERVICES, REPRESENTATIVE BROSIUS.

Mr. CASSEL (at 1 o'clock and 20 minutes p. m.). Mr. Speaker, I ask unanimous consent that the special order fixed for to-day, in relation to my late colleague from Pennsylvania, Mr. BROSIUS, be now taken up, instead of at 3 o'clock, as originally provided.

The SPEAKER. The Chair will submit the request of the gentleman to the House.

The gentleman asks unanimous consent that the order heretofore made, with reference to the memorial ceremonies on the late Representative BROSIUS from Pennsylvania, be now proceeded with. Is there objection?

There was no objection, and it was so ordered.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Resolved, That the business of the House be now suspended that opportunity may be given for tribute to the memory of Hon. MARRIOTT BROSIUS, late a member of the House of Representatives from the State of Pennsylvania.

Resolved, That as a particular mark of respect to the memory of the deceased, and, in recognition of his eminent abilities as a distinguished public servant, the House, at the conclusion of these memorial proceedings, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk be instructed to send a copy of these resolutions to the family of the deceased.

Mr. CASSEL. Mr. Speaker, in an address delivered about the first of the year on the great men and women of the world who had passed away during the year 1901, the Rev. Dr. Radcliffe presented to the minds of his audience a great array of those who were prominent in art, in literature, in science, in the drama, in theology, as rulers of great nations, and, in fact, in every path of life. When he mentioned the names of the great statesmen who had passed away, prominently among them was the name of BROSIUS. It is to bear testimony to the life, the work, and the character of this great statesman, MARRIOTT BROSIUS, that we have gathered here to-day.

Lancaster County, Pa., has always been justly proud of the men who have represented it in this House of Congress, all of whom have been men of ability and integrity, some of whom have been very prominent in the history of our nation—one, the greatest leader this House has ever known—but of all the members from this county none has been so faithful, so conscientious, so pure, so devoted to the interests of his county, his State, and the nation as was MARRIOTT BROSIUS.

Eastern Pennsylvania has always been influenced to a very great extent in its religious and financial life by the Quakers who early settled there. Henry Brosius, who emigrated from England in the year 1780 and settled in Philadelphia, was a Quaker. He was a great-grandfather of the late MARRIOTT BROSIUS, who was born in Colrain Township, Lancaster County, on March 7, 1843, the same year in which Lancaster County was made an independent Congressional district, and it was a matter of no little pride to him that his ancestors, both paternal and maternal, were of sturdy Quaker stock. His mother died when he was 7 years old and for a few months he resided with an uncle. After a period of some two years his father married again. His stepmother performed the duties of a mother well and Mr. BROSIUS always had the tenderest feelings for her. Mr. BROSIUS remained at home until shortly before the outbreak of the civil war. Young BROSIUS was always patriotic in spirit, and although his early years were spent on a farm, he was ambitious for a more exalted station in life. He became a student, confining himself closely to intellectual pursuits, and at the age of 16 entered the Chestnut Hill Academy, but was allowed to remain there only a short time, as the outbreak of the civil war stirred in him that enthusiasm for the defense of his country which compelled him, although contrary to the beliefs of his ancestors, to join the Army and take sides in the struggle for the preservation of the Union.

In November, 1861, he became a member of Company K, Ninety-seventh Pennsylvania Infantry, under Captain Wayne. He was mustered in as a corporal and served continuously for almost four years, remaining with this regiment until he was mustered out of the service. I will not attempt at this time to give an account of his Army life more than to say that he was recognized as an earnest, conscientious, and brave soldier. He was wounded, from the results of which he was ever afterwards unable to lift his right arm above his shoulder. His whole Army record is written in the record of the Ninety-seventh Regiment. He was ever at his post, active and vigilant as a sentry, brave and courageous in battle. He was a model soldier. Mr. BROSIUS lost his father while he was in the Army, in the year 1863.

Upon his return home from the war he immediately resumed his studies at the Millersville Normal School, where he remained until 1867. After teaching school for a short time in Chester County, he took up the study of law with the Hon. Thomas E. Franklin, ex-attorney-general of Pennsylvania. He graduated from the University of Michigan with honors in 1868 and was immediately admitted to the Lancaster County bar, where he was always recognized for his excellent equipment, superior native talent, and conscientious, painstaking interest in all matters which came before him. Those who knew Mr. BROSIUS are all familiar with his wonderful gift of oratory, and it was this which led him to accept the position under the order of Good Templars as lecturer of the organization, and for a year or more he was continuously on the platform in behalf of this organization.

Mr. BROSIUS did not take an active part in politics until 1882, when he was sent as delegate to the Republican State convention, at which time he was nominated as Congressman at large from the State of Pennsylvania. The Republican party that year was unsuccessful in their endeavor to elect their ticket and Mr. BROSIUS was defeated. In 1888, however, he became a candidate in his own county for the position of Congressman from the Tenth district, which resulted in his nomination and election. From that time to the time of his death there was no material opposition to Mr. BROSIUS remaining in Congress. As to his life in these halls of Congress I will leave to those who associated with him here to bear testimony. As a public speaker Mr. BROSIUS had a national reputation and was in national demand. He was the centennial orator in Lancaster on the Fourth of July, 1876. He delivered the address on the occasion of the unveiling of the statue at the national cemetery at Antietam, and also delivered the memorial orations on the battlefield of Gettysburg in 1895 and at Arlington in 1896 and 1900.

He was essentially a scholarly man. His reading covered a wide range and he possessed a splendid memory, which enabled him to enrich his public utterances with constant and appropriate quotations from the world's illustrious writers. The honorary degree of LL. D. was conferred upon him in 1893 by Ursinus College.

MARRIOTT BROSIUS was not a politician but a patriot. His heart was wrapped up in the welfare of his country. He was a lover of home and the home circle. He was a statesman in the broadest sense, having no interest of his own to serve but always interested in the welfare of others. He was beloved by the people of his county. The farmers, the manufacturers, the merchants, the women, and the children of the county which he represented loved him and had every confidence in his desire and ability to serve them faithfully and well. At a meeting of the bar association, held in Lancaster after the death of MARRIOTT BROSIUS, Justice J. Hay Brown in his remarks, said:

His good qualities ought to be remembered here and recalled from time to time, in order that they may be emulated. As a citizen, soldier, lawyer, statesman, husband, and father, he was pure, brave, successful, able, affectionate, and God-fearing. More than this can not be said of mortal being, and though he fell at his work when the rays of the day's sun were still shining upon him, and before the shades of eventide had gathered about him, his life had not been lived in vain.

In conclusion I would say, may the purity of his life and the honesty of his actions be an incentive to those who follow him in these halls of Congress, to be and to do that which is true and right.

Mr. GRAHAM. Mr. Speaker, in paying my brief but sincere tribute to the memory and worth of my fellow-member of this House, and my comrade, I am reminded of those lines:

Leaves have their time to fall,
And flowers to wither at the north-wind's breath,
And stars to set; but all,
Thou hast all seasons for thine own, O death!

MARRIOTT BROSIUS was one of the many notable examples this House has known of worthy ambition, integrity, industry, and courage peculiar to America. He came from a county of Pennsylvania that can point with pride to many illustrious and brave men who have been honored by their country—men who have been leaders in the two great political parties of the present and past. She has given to the Army a Reynolds, Heintzelman, and a Franklin. A county known all over this broad land for the honesty and uprightness of her people and as a garden spot in agriculture and patriotism—old Lancaster.

He came of Quaker ancestry and was born in Lancaster County in 1843, receiving such education as the public schools of his neighborhood and a small academy afforded him. When only 18 years of age the civil war broke forth, threatening to destroy the Union made by our fathers, and like thousands of young men abandoning college or store, farm or trade, with the paternal kiss and God bless you my son, of father or mother, the tender parting and sweet promise of "to the end" from the maiden of their choice, thinking no less of them loving their country the more, their loyal spirits flamed into defiant wrath, bounded eagerly and rejoicingly away, taking on the yoke of patient endurance, becoming heroes under privations, danger, conflict, wounds, and suffering.

He enlisted as a private soldier in the Ninety-seventh (three year) Regiment of Pennsylvania Volunteers, and had for captain a grandson of Mad Anthony Wayne. The regiment fairly won its right to be placed among the 300 fighting regiments of the Union Army. From the volume I take the following:

The regiment lost in killed and wounded 519; of disease and accident 186. It took part in 15 battles and a number of skirmishes. In the fighting May 18 and 20, 1864, near Bermuda Hundred, the loss was 29 killed, 186 wounded, 22 captured; a total of 237. During the battle no less than 7 color bearers were shot

Of the part taken by this regiment at that time another writer has said:

That 300 men of the Ninety-seventh, under Colonel Pennypaker, were ordered to assault the intrenchments and retake the lost position, without considering the rifle pits behind which the enemy lay. The force was ridiculously inadequate. Every man of the 300 knew that some one had blundered, and that he was marching into the very jaws of death, but it was—

Theirs not to make reply,
Theirs not to reason why,
Theirs but to do or die.

The charge was made across the intervening wheat field. Pickett's men reserved their fire until the gallant band was within 100 yards, when they opened a murderous fire from six fieldpieces and hundreds of muskets. The reaper, whose name is death, was doing terrible destruction. The noble fellows pressed onward, and not until their gallant leader had been twice wounded and more than half their comrades lay stretched on the stubble, was the order given to fall back. Of the 300 men who engaged in the charge 125 returned. It was out of this fearful encounter that Sergeant BROSIUS came wounded almost to death. The wound was received as he stooped to pick up a wounded comrade. The ball passed through the right shoulder blade and through the ball of the right shoulder joint. Then followed months of great suffering. He lay for three months on his left side with his right arm across his breast. He was transferred from one hospital to another. The wound did not heal. Finally he reached the general hospital, and after four long months of intense agony the wound received the proper treatment and his heroic life was preserved. Weeks of suffering followed; then came convalescence.

He was discharged December 28, 1864, and on February 28, 1865, was commissioned second lieutenant for bravery on the field of battle.

After his return from the Army, with his shattered constitution, Mr. BROSIUS found new demands, new difficulty, and new duties devolving upon him. His father had died during his absence, and a widowed mother with small children turned to him for counsel and aid. He did not falter, but resolutely and manfully

assumed the new responsibilities with all a loving son's affection and devotion.

When the war was over, when the battle-scarred, the maimed, hacked, hewn, decrepit of the blue and the gray came out of the hell fire of those horrible days, when our great leader said, "Let us have peace," it found a ready response in his heart. He wished to see a full deliverance from the resentment and bitterness of war, a peace that would include fraternity and union, the peace of righteousness, the fraternization of that spirit which sees how the fatherhood of the Divine includes the brotherhood of the human; a union under whose sway liberty throughout all the land shall walk hand in hand with justice.

It could be well said of him—

The sternest and swiftest when armies are launched
And the onset of daring is shouted
Are tender as woman's when wounds should be staunched
For the broken and ruined and routed.

After the war he attended a normal school and took a course at Ann Arbor University, choosing the law for his profession. He read under the late Hon. Thomas E. Franklin, and was admitted to the bar in 1868. He was distinguished in his profession among his fellow-citizens for industry, probity, and public spirit. He was known throughout his own and other States for his eloquence on the platform, and was selected as the orator on many great public occasions.

Mr. BROSIUS's integrity, clean character, and devotion to concession and harmony in the State Republican convention of 1882, when he said in a brief speech, "I love my party better than any wing or faction of it, and only less than I love my country," won a deserved recognition when he was made, without the slighest premonition, the candidate for Congressman at large. It was the year in which General Beaver was defeated for governor. Mr. BROSIUS went down with the rest, but ran 7,600 ahead of his ticket.

He first came to this House as a member of the Fifty-first Congress, and was reelected to the Fifty-second, Fifty-third, Fifty-fourth, Fifty-fifth, Fifty-sixth, and Fifty-seventh, receiving a majority of 14,000 over his competitor at his last election.

My acquaintance with our deceased member antedates our meeting in the halls of Congress some thirty years. While we both served in the Union Army during the war, I did not make his acquaintance until a few years after its close, when we became closely associated in Grand Army work. That association was kept up until I came here as a fellow-member in the Fifty-fifth Congress.

I think I but voice the sentiments of the members of this House who knew him when I say that Mr. BROSIUS made friends because of his manliness, his devotion to duty, his love of fair play, his gentle qualities of heart, his readiness to oblige, his fair, honorable, and generous treatment of a political opponent, and his love for his friends.

He was popular with his party, and in many Presidential campaigns in which he took part in other States than his own he was known as "The man eloquent from Pennsylvania."

Mr. BROSIUS was at times a great sufferer, and I doubt not many members of this House have noticed that he never raised his right arm, but without knowing that it was the result of the terrible wound he had received in the defense of his country. I remember at a breakfast given to some noted ex-Union soldiers at Philadelphia, July 1 of the centennial year, among those present were Horace Binney, Sergeant, Generals Devins and Hartranft, and others. There was a quiet sentiment and interest among these men that had served their country in its hour of danger that some expression should go out to our late foes that would strengthen the desire to bury all animosity between the sections. Mr. BROSIUS was to respond to the toast "The American flag." He arose, pale, weak, and trembling, supporting himself by his left hand on a chair, paid a wonderfully eloquent tribute to the flag of our Union, and gave utterance to the sentiment of all present when, in closing, he said:

To this exalted fellowship of equal rights, duties, charities, opportunities, and rewards we welcome the whole gathered South; our hands are outstretched with kindest warmth. Hasten the day when in like mood they grasp and hold—when we shall be one people in the fullest sense, as we are in political form—the time when conscience and equity shall reign supreme.

He never faltered until the last word, then sank exhausted to his chair.

His life, so full of hope, of praiseworthy ambition, of promised usefulness to his country, of need to his loved ones, answered the call of God's messenger, and we are reminded, as with him, so with all.

One by one our days are weaning,
From things earthly go toward
Gorgeous harvest days of gleaning,
In the full tracts of the Lord.

Mr. BROSIUS was very domestic in his habits; his home was the center of his affections. Faithful as husband and father, he has left behind him in the hearts of widow and children the tenderest memories of love and devotion. Among his people and comrades he was a much-loved citizen and one of whom they were very proud.

He loved his fellows and their love was sweet.

As a fitting close to this faint tribute, it would not be inappropriate to use the words quoted by him in this very Chamber two years ago at the memorial services over a departed colleague:

That while green grass will cover his grave, blue skies bend over it, sweet birds sing near it, and the place will be hallowed ground, yet greener than the grass, fairer than the skies, sweeter than the birds, more hallowed than the grave itself will be his fragrant memory enshrined with supreme sacredness in their heart of hearts.

Mr. BUTLER of Pennsylvania. Mr. Speaker, when MARRIOTT BROSIUS died the State of Pennsylvania lost a favored citizen, Lancaster County a beloved son, and this House a conspicuous member.

Wherever he served his people he was at all times found useful, and his service was appreciated and approved by them. His representation of the great agricultural county of Lancaster was an accomplished success, and his party commended him to the nation by unanimously renominating him many times. He was devoted to his native county and all the people therein, and they in turn manifested great devotion to him. He was a neighbor to every person in his district, because he knew them all, and they in turn reciprocated his friendly familiarity to the fullest measure.

An acquaintanceship of thirty years, with but 40 miles dividing his home from mine, with almost daily intercourse between the two places, enables me to speak of Mr. BROSIUS as one who knew him well. I knew of him as a brave soldier. He was but a lad when he volunteered for the Union's sake. His enlistment was in a regiment in part recruited from my native county (Chester), and I have often heard his comrades speak of him. His service lasted longer than three years, when he returned, badly wounded but grown in strength, to take up the life he quitted when his country made its appeal to him. When the war had ceased the Government tendered him a commission as a second lieutenant in the Regular Army for bravery in battle, thus not consenting to part with him without first having blessed him. While only a plain soldier, he had done his full duty, and with his comrades acquired the first place in the affections of a grateful people. To his last day those affections were never diverted from him, because he had earned them, and one of the great comforts of his life was the knowledge that he had so earned them.

When the great occasion which demanded his service had disappeared, he immediately set about a preparation for the pursuits of civil life. The three years spent in his country's cause forced him to greater activity that he might be ready to take his place amongst the brilliant men who had already made his home famous. He had been raised amongst business people, and had learned well the advantages which come to those who labor diligently and intelligently. From the plain and simple surroundings set before him while a boy, from the sincere and earnest ways of those who brought him forth and directed his first steps, Mr. BROSIUS was impressed with feelings of tolerance and kindness that invited people to his side and induced them to remain. He also learned from these sources the habits of mind that distinguished him amongst his fellow-men.

He was at all times free from duplicity in his behavior and strictly truthful in his speech. His dealings were always open, and no man ever charged him with an attempt to practice a deceit. In the cause of his client, he exhibited the same faithfulness as he did in the representation of his district.

He was modestly ambitious for himself and his household that they might take a foremost place amongst respectable and well-meaning people. He aspired only to make his public and private service entirely acceptable, and in this aspiration he was eminently successful. His gentility, which added to his attractiveness, was the same whether at home or abroad, and strangers and kinsmen alike will be pleased to testify that it was habitually present.

Mr. BROSIUS was constant in his advocacy of every principle he adopted and was never tempted to forsake it that a personal advantage might thereby come to him. In his public declarations he was positive and determined, and in the treatment of every proposition submitted to him he showed great reflection, a complete analysis, and a thorough knowledge. He was brilliant in the discussion of his subject, artful in the use of language, and possessed a power of persuasion that made him a formidable adversary. It can be said of him that he was at all times and upon all occasions a sensible man.

As a lawyer in Pennsylvania Mr. BROSIUS was prominent, displaying the same characteristics, the same virtues, and the same great earnestness and zeal which everyone who knew him here recognized. While he was actively engaged in the practice of the law he held a commanding place amongst his professional brethren, who acknowledged his legal learning and admitted his

capacity. He worked as diligently at the bar as he did in this House and always enjoyed the confidence of the court. That he was a successful lawyer the records of the courts of Pennsylvania will bear ample testimony.

There were perhaps but few men in this House more favorably known than my late colleague. The labor which he employed in and about all the duties attending Congressional life is not easily detailed and would be difficult to properly estimate. The vexatious and irritating labor which every member of Congress has at times to perform did not seem to distress him, but he maintained through it all that same composure and politeness which characterized and distinguished him. He was helpful to his constituents, individually and collectively. Many of the young members of Congress appealed to him for advice, which he gave not only willingly but cheerfully. After years of patient labor in Congress, he had just reached a position where his use to his country and his State would have been very important.

With all the intricate problems affecting the United States Treasury and the financial conditions and situations the country encountered at various periods he was particularly familiar, and in their mastery there were but few his superiors. His knowledge of the many questions affecting coinage, banking, and currency was profound and acquired after long study and great research. His advice on such subjects was sought by business men of the country and accepted by them. His reputation as a statesman and a legislator he earned, and no part of it was the result of chance. He stumbled on nothing, and the place he won in this House and elsewhere resulted from his industry, combined with his sound judgment on all subjects, and the exercise of his good common sense.

Mr. BROSIUS was an intensely patriotic man, and many of his public speeches exhibit great love of country. His style of composition was pleasing to his hearers, and whether at a camp fire of his comrades, recalling war memories, or in the presence of an audience whose tastes were critically intellectual, he was always interesting and instructive. As a public speaker he was in almost constant demand, and his obliging disposition induced him to accept many invitations, thus loading him with additional labors and greatly increasing in number his imperative obligations.

My late colleague was a devoted Republican in politics. He was always found with the organization of his party. His political sagacity was oftentimes drawn upon by Republican leaders and his counsels as often prevailed. His wisdom as a leader and his constant and determined declarations for improvement in public affairs; his example as a public man serving in public places, together with his advocacy of the creed he sincerely believed in; his commendation of the right and his condemnation of wrong, have been valuable contributions toward Republican supremacy in Pennsylvania. His arguments for what he believed to be right were full of logic and power and carried with them conviction. From my earliest recollection of the public men of Pennsylvania, MARRIOTT BROSIUS has been one of the most prominent in every movement for the good of the State, and his death leaves a place vacant which is difficult to fill.

The domestic life of my friend was a model of simplicity and chastity, and devotedly constant without pretense to display or demonstration. He avoided both public and private vulgarity, but scrupulously observed the conventionalities of life with modesty and decorum. He came from plain, unassuming, God-loving people, whose ambitions never tempted them beyond the ways that led to their orderly business and their adopted church. His religion was that of his fathers, which, from the time of George Fox to the present, has taught simplicity, sincerity, truthfulness, and honor and impressed upon the children of men the advantage to be spiritually derived by walking humbly in the sight of their Master. "He was much better and wiser than a common man."

Mr. DALZELL. Mr. Speaker, I do not often take part in such ceremonies as engage our attention to-day. I am not able to rid myself of the feeling on the one hand that they are perfunctory when one speaks only from a sense of duty, from his head and not from his heart, and on the other hand inadequate when one would speak of his friend. In the latter case there is the limitation of publicity, the fear that the language of eulogy may be regarded, as it too often in fact is, the language of extravagance. But this occasion may not pass without my bringing my humble tribute to the memory of my friend BROSIUS; for he was my friend.

Entering public life almost at the same time, I in the Fiftieth and he in the Fifty-first Congress, our careers, as to time, have run upon parallel lines. How much he was for twelve years of the life of this House and what he contributed of faithful and able service to his State and the nation I personally know. But I know more than that. I know of his high character, his pure and exemplary life, his affectionate disposition, and the courage with which he hewed to the line wherever duty called.

The first time that I ever saw him was when he appeared as a delegate in the Pennsylvania State convention, in 1882. I also was a delegate in that convention, charged with the duty of placing a fellow-member of the Allegheny County bar in nomination for a justiceship on the bench of the supreme court. Mr. BROSIUS'S speech in that convention, nominating his friend, Judge Livingstone, electrified his hearers. It was graceful, forceful, eloquent; and when subsequently Thomas M. Marshall, of Pittsburg, declined the nomination for Congressman at large, for which he had been slated, there was no thought of any other as the standard bearer of his party than MARRIOTT BROSIUS. True, he made a losing fight: but the fault was not his, but his party's.

The slight acquaintance that we then formed was renewed when he came here as a member of the Fifty-first Congress, and from that time forward increased in intimacy until the time of his death. That. it will be recollected, was one of the stormiest Congresses in our history. It was the Congress in which, under the leadership of the greatest of all our parliamentarians, Thomas B. Reed, a new order of things was inaugurated and the principle established, never to be overturned, that the quorum of the Constitution in this House is a present and not a voting quorum.

In the memorable contests of that trying period Mr. BROSIUS bore his full share. He was a member of the Committee on Agriculture, and was specially prominent in reporting and taking charge of a bill upon the subject of lard, which was of special interest to his farmer constituents. He was also a member of the Committee on Militia and on Private Land Claims. He did not, however, confine himself to the subjects in charge of his several committees. With unwearying industry he examined and addressed the House upon a wide range of topics, amongst others, pensions, the tariff, silver, and immigration, Though a newcomer in the forum, he soon became a conspicuous figure therein.

In the Fifty-second Congress, which was Democratic, Mr. BROSIUS was a member of the Committees on Banking and Currency, on Labor, and on Civil-Service Reform, and, though a member of the minority party, continued to occupy a prominent place in the deliberations of the House. He was heard from upon our policy with respect to the Indians, upon pensions, and especially upon the subject of tariff and silver.

It would serve no good purpose for me to catalogue in detail the subjects treated of by our friend during the various Congresses of which he was a member subsequent to this. When the Republican party again came into possession of the House in the Fifty-fourth Congress Mr. BROSIUS became again a member of the Committee on Banking and Currency and chairman of the Committee on Civil-Service Reform, in which positions he continued through the Fifty-fifth Congress. In the Fifty-sixth Congress he realized a cherished ambition in succeeding to the chairmanship of the Committee on Banking and Currency.

It was during that Congress that the present currency law went upon the statute book and the gold standard was adopted. It will be seen from the various committees upon which he served that Mr. BROSIUS'S public services covered a wide field. His career, however, is most conspicuously identified with the currency question and his uniform earnest and able efforts in the cause of sound money. He was, too, a faithful champion of the merit system and its unfailing defender on the floor of the House.

If we should confine ourselves to his services in the House alone we should miss a great part, and an interesting part, of his career. He was a much sought campaigner in every party contest, a bright after-dinner speaker, a cultured and scholarly lecturer, and one whose addresses on economic questions were in demand before bankers and other societies in many parts of the Union.

It is not because of his public services, however, that I like to think of MARRIOTT BROSIUS. I like, rather, to recall what he was than to recall what he did—though what he did he did because he was what he was. He was a typical self-made American; a living demonstration of the possibilities of American citizenship. And yet there are many such, whose characters exhibit the industry, the courage, the adaptability to circumstances, the aggressiveness that bring fame and fortune, but who do not have the finer qualities that adorn character in its highest reach.

Mr. BROSIUS was an exemplary Christian gentleman, of pure life and lofty purpose, loyal to duty in every avenue of life, and, besides, a scholar of unusual culture and accomplishment. Of fine presence, possessed of a resonant voice and choice command of language. he was an orator of mark, and delighted in public speaking. His style was ornate; he was fond of the rhetorical. He once told me that it was his habit whenever he came across a sentence or a paragraph that pleased him, in prose or in verse, to copy it, and that he had accumulated several volumes filled with such quotations. He had a splendid memory. It is not to be wondered at, therefore, that his speeches abound in wit and anecdote, in historical allusion, and in words of wisdom gathered from many sources.

He was a clear thinker, a cogent reasoner. He was an industrious man, spending not much time in play; and yet there was

nothing about him of reserve or moroseness. He was bright and cheery as the day and apparently always happy.

Of good Quaker stock, there was yet war in his blood for the right, and when the cloud burst in 1861, the cloud of civil war, he shouldered his musket and throughout a long career of military life encountered all the hardships of a soldier's life. It was his fortune to face death on many a field of blood and to come back to the pursuits of peace bearing in his body wounds of battle never to be healed.

He was a good lawyer, loyal to court and to client, and delaying no man's cause for lucre or malice.

He had other qualities to which we may only in general terms refer. Of what he was as husband and father, only those whom he loved and who loved him could adequately speak. To the depths of their sorrow we may not penetrate; upon that ground, sacred, we may not tread.

Suffice it to know that he who in all his relations with his fellow-men was without stain must also have been, as we know he was, chiefest of the loving and the loved in the home circle.

Citizen, soldier, lawyer, statesman, husband, and father; pure, able, faithful, the record of his life is secure. Being dead, he yet speaketh.

Mr. PRINCE. Mr. Speaker, the first sentence written by the most illustrious general of the war of the rebellion in his preface to his classical memoirs is this: "Man proposes and God disposes." Fortunate it is for human kind and for the world that there is a supreme, all-wise and all-loving Being to shape and direct the course of man. Fortunate, also, is it that that Being hides from us the day and the hour when we are to go hence. If man knew from the beginning what and when was to be his ending, it is hardly possible for us to conceive what kind of a world we would have here on earth. All laudable selfishness and ambition would be destroyed. In youth we would not lay the foundation so deep and broad upon which to build our future action. It is questionable whether man himself would be much superior in point of intellect and energy to the animals about him.

In youth we prepare ourselves for manhood and for the duties which devolve upon us as members of our complex civilization.

In manhood we build substantial and lasting buildings. We construct railroads and canals. We enter into business affairs which long outlast the life of every man originally engaged in them. We legislate for ourselves and for generations to follow. To me this seems to indicate that we possess a spark of that life given to us from above, which is to last through the countless ages. In the language of the poet—

> The thoughts we are thinking, our fathers would think;
> From the death we are shrinking from, they, too, would shrink;
> To the life we are clinging to, they, too, would cling—
> But it speeds from the earth like a bird on the wing.

The man in whose memory the House of Representatives is holding these exercises was born and lived and died as other men. He was a product of our own country, and in his veins flowed the blood of ancestors that had come to the new world to worship God according to the dictates of their own conscience and to enjoy civil and religious liberty. In his youth he attended the public school, the great kindergarten of democracy, and thus early in life he came into personal contact with the boys and girls who were soon to become the future men and women of the Republic. The public school is the bulwark of our liberty, and is the proper place to send, in early life, every boy and girl in our land. The private school later on has a place to fill in the needs of education, but in the early stages no school can so best equip a boy and girl for future usefulness as the public school.

The fact that Mr. BROSIUS attended the public school in his early youth gave to him much of the success which attended him in later life. It is there that one learns self-control and self-independence and also learns to give and take in the struggle of life. It is there that the spirit of patriotism and of liberty is taught which later on develops so strongly in the American people. When the call from Father Abraham came for men to preserve the Union, Mr. BROSIUS offered himself. He enlisted as a private soldier and went forth to do and to die, if need be, for his country's preservation. He was found in the thickest of the fight, contending against the most valiant foe that ever confronted an opposing army. It was an American fighting an American, and the world has never seen, since the dawn of history, such courage and brain pitted against courage and brain. By sheer bravery and merit and not through favoritism he rose from the ranks to the position of a second lieutenant. In one of the severest engagements of the war he was wounded, and felt its effects and bore in his person that wound up to the moment of his passing away. For four years in legislative life here in Congress I was closely associated with him, and during all that time I never heard him tell of the part he took or what he did or how he was wounded in that fierce fratricidal war. Has it not often been your observation, Mr. Chairman, that the real man, whether in peace or war, never tells of the deeds that he has done and the works that he has accomplished?

When the war was over Mr. BROSIUS, like thousands of others, cheerfully returned to the pursuits of peace, and at once entered upon a course of study which would the better fit him for usefulness as a citizen. He read law and was admitted to the bar. He passed through the usual struggles and trials which attend young men in this profession. He easily and naturally drifted into political life, and we find him at last elected as a member of the Fifty-first Congresses. He was elected successively a member of the Fifty-second, Fifty-third, Fifty-fourth, Fifty-fifth, Fifty-sixth, and Fifty-seventh Congresses. I entered the Fifty-fourth Congress, and it was then that I first made his acquaintance. I knew him but slightly during that Congress. From the time that I first became acquainted with him in that Congress until its close, I now recall with pleasure the very kind and considerate treatment that he was wont to accord to new members.

It was in the Fifty-fifth Congress that I was assigned by the Speaker to the Committee on Banking and Currency, of which he was a member, that I began to know the true worth of this good man. He was attentive to his committee duties and was always very cordial to and considerate of every member of the committee. He was an attendant upon the sessions of the House, and he took an active part in the discussion of public affairs. In the Fifty-sixth Congress he became chairman of the Committee on Banking and Currency. His kindly disposition and his scholarly attainments won for him the affection of every member of the committee over which he presided.

I recall now, as if it were but yesterday, the closing scene in the Banking and Currency Committee when we parted at the close of the Fifty-sixth Congress. One after another of the retiring members of the committee addressed the committee and made their farewell speeches. I remember vividly how, speaking for the minority, the gallant ex-Confederate soldier, Col. W. JASPER TALBERT, of South Carolina, spoke eloquently and feelingly of the high regard and esteem that he had for the impartial and manly chairman, Mr. BROSIUS. Then I remember also how a distinguished and learned member of the committee, Mr. HILL, of Connecticut, gave expression of the high esteem and regard which the majority of the committee had for their much-liked chairman. Then other retiring members of the committee added their word of respect and esteem, and then there came a hush in the proceedings. Our good chairman, Mr. BROSIUS, then arose and feelingly and eloquently thanked the committee for their kind words spoken and for their high regard for him. Little did we think on that occasion that it was a farewell meeting. We parted with friendly grasp of the hand, and he wished each of the reelected members a pleasant summer and a safe return to the opening of the Fifty-seventh Congress. We all returned to the Fifty-seventh Congress save he alone.

I have met him in legislative halls. I have met him in the committee room. I have met him at the social functions. I have met him at the banquet table. At no time and at no place did I ever hear a word fall from his lips that would not be proper to say in his own parlor and in the presence of his own family. In religious belief he was a member of the Society of Friends. The rest of us would take the oath of office. He would not. He was true to the tenets of his peculiar religion. Almost alone, he would stand at the bar of the House and say, "I do solemnly affirm." He was a faithful follower of the Master, and he lived the life of a Christian. He has gone from us. His earthly life is ended. His deeds will remain. The influence of his life will be felt and will impress for good lives yet unborn. Good men die; their good deeds live forever. In the passing away of Mr. BROSIUS I have lost a dear, good friend. His wife has lost a faithful husband. His children have lost a devoted father. Pennsylvania has lost an honored Representative in Congress. The nation has lost a brave defender and a worthy citizen.

Mr. TALBERT. Mr. Speaker, occasions like this always bring us closer together. While you often hear the words here, "On this side or the other side of the House," we are all on this occasion on the same side, with a feeling of sympathy, sorrow, and friendship. "In the midst of life we are in death." Often in the fitful pauses of busy life we are called upon to solemnly reflect upon the departure of relatives, friends, and associates, and now, in accordance with a time-honored custom, we pause in our proceedings to-day and turn aside from the cares and turmoils of political discussions to pay our last respects to one of our lamented coworkers and to pay humble tribute to his worth. It has been said that to eulogize a departed friend and comrade is to speak kindly of him and his character. Sometimes, it may be, too much is said; but, on the other hand, too little may be said. But it is not likely that too much can be said of a man with a character like that of Congressman BROSIUS. He was truly an honest man—"the noblest

work of God." He was a man of great capabilities and lofty ambition. Death under any condition is sad, but peculiarly so was his death. Just as he had entered the field of what appeared to be his greatest usefulness he was cut down like the flower of the field that to-day blooms and gives out its fragrance to all around it and to-morrow is gone.

After the adjournment of the Fifty-sixth Congress, I had been at my home in South Carolina about two weeks when one evening about twilight, sitting around my fireside with my family, a telegram was handed to me. Breaking it open, to my surprise it was a notice from the Sergeant-at-Arms that I had been appointed by the Speaker to attend the funeral ceremonies of the late Hon. MARRIOTT BROSIUS, of Pennsylvania, at his home in Lancaster. A feeling of deep sadness and sorrow overshadowed me, and intensified it was, as the circumstances surrounding me at that time prevented me from attending and paying him that last homage. As I sat there, many memories of his manly form, his pleasant manners, and benevolent face came trooping back to my mind. I thought of him as I saw him at our last meeting of the Committee on Banking and Currency, of which he was the honored chairman, just before the expiration of the Fifty-sixth Congress, as he sat at the head of the table in the committee room, and I could hardly realize that he was dead. Yet it was only too true.

While only in the noonday of his great usefulness and service to his country, he was stricken down. At that last meeting of the committee, only about three weeks before his death, I had the pleasure, as has been said by one of the speakers to-day, Mr. PRINCE, of Illinois, of offering on behalf of the committee a resolution of thanks to Chairman BROSIUS for his uniform kindness, courtesy, and impartiality to the members of the committee during the Fifty-sixth Congress. I put the question, and it was carried feelingly and unanimously after many seconds around the table. Resolutions of regret had also been offered and carried in regard to several retiring members of the committee. I shall never forget the very feeling manner in which he arose from his seat and responded to the sentiment. Hard-hearted you may say Congressmen are toward each other, but on that occasion there were very few, if any, dry eyes around that table at the close of that episode.

I first met Mr. BROSIUS when I came to Washington, at the beginning of the Fifty-third Congress, and from the first time I met him I felt drawn to him by a kind of uncontrollable magnetism, and as time wore on I became more attached to him, notwithstanding he belonged to one political faith and I to another. While I was an uncompromising Democrat and he as much of a Republican, yet I always felt whenever I met him and clasped his hand that I had met an honest, conscientious man; one who though differing widely with his fellow-man was ready to accord to him honesty of purpose while claiming it for himself. In the Fifty-sixth Congress Speaker HENDERSON placed me on the Committee on Banking and Currency, where my esteem for him continued to grow.

There is one thing, Mr. Speaker, that is certain, and that is death, while there is also nothing more uncertain than life. As said by his home paper on the morning after his untimely death, no more shocking exemplification of the uncertainty of life and the swiftness of death could have happened than the passing away of MARRIOTT BROSIUS.

> A flash of the lightning, a break of the wave,
> Man passes from life to his rest in the grave.

It is hard to realize that the distinguished Congressman has passed from time into eternity and is no more. Methinks I can almost hear his voice even now reverberating around the walls of this Hall, and one can well imagine his robust form coming in to take his seat in his accustomed style on the other side of this Chamber. His associates over there will miss him, and we will miss him over here as well. Only the work he wrought and the life he lived remain as a monument to his memory, constituting a peculiar heritage for the emulation of struggling youth and for the sweet solace and comfort of his family and the people he served so well.

MARRIOTT BROSIUS, as he was familiarly known by his nearest friends, was a self-made man, going from the farm to the forum of national legislation. He was left an orphan at the age of 7 years, and was nearly 58 years old when he died. While yet on his father's farm he enlisted at the age of 18 in the early part of the civil war, and it is said by those who knew that his record as a soldier was one of which any man might well be proud. I say this notwithstanding I was a Confederate, and he a Federal, soldier. For bravery on the battlefield he was promoted and commissioned a lieutenant. His service in the Army was brought to a close at the battle of Green Plains, a most bloody and desperate encounter, in which he was disabled for life by a bullet smashing through his shoulder. As a lawyer he won success and forged to the front at the Lancaster bar. The Democratic papers of his city and district and State all spoke kindly and favorably of him as a man, as did his own Republican organs.

It was his nature to be fair and generous toward everybody. It is not my purpose to frame any formal epitaph, but it is for those who have known and loved him almost a lifetime to speak of his true life and service. But I want to say that, from an acquaintance of nine or ten years with him, I believe he was also a true soldier in civil life, a soldier of the Master, and when the final summons came he was not afraid, but, heroically as ever a Knight of the Cross, saluted with a stainless sword the spotless majesty of the risen Saviour, and bowed his head to death. Then why should we mourn? Our friend and brother is infinitely better off, and our loss, after all, is heaven's gain, for we have the assurance from all we can learn of him that he was a Christian man and not afraid to die, and in spite of his ambition to make a name for himself and to write it high on the roll of fame, he never forgot his God and his duty to Him.

But, rightly realizing that the real and true object of life is, after all, to prepare for death, he lived the life of a devoted Christian and simply fell asleep only to awake in a better land. And when we consider carefully his life and his remarkable career along with many others of a similar type, how he rose from obscurity to prominence, and that in spite of many obstacles and adverse circumstances, we are prone to acknowledge the truth of the little verse which says:

> Who hath not learned in hours of faith
> The truth, to flesh and sense unknown,
> That life is ever lord of death,
> And love can never lose its own.

Mr. THAYER. Mr. Speaker, I had not the pleasure of a personal acquaintance with the Hon. MARRIOTT BROSIUS prior to the first session of the Fifty-sixth Congress. At that time being upon the Committee on Banking and Currency, of which committee he was the honored, able, and efficient chairman, the opportunity was presented for me to know him quite intimately. I also had the good fortune to be at the same house and eat at the same table with Mr. BROSIUS for some considerable time. As I judged him he was a man of great simplicity of personal character. He seemed to pursue the even tenor of his way in this House among his many friends, and in the lofty walks of public life, unscathed by criticism, unslandered by adverse report. He was modest and sufficiently reserved, yet vigilant in asserting his rights and protecting the interests of those he represented. Always studious and industrious; attentive to substance as well as to taste in style. He was eloquent, logical, and forcible in debate. He was loyal to his convictions and friends. He despised hypocrisy, treachery, and ingratitude, whether in public or private life. He was not only intensely loyal to his State and district, which he never ceased or hesitated to praise with just pride, but he loved his party, its principles, and policies with an affection equaled by few. He was a party man, but would not permit his partisanship to becloud and bedim his patriotism.

In our strenuous American life, alive with the vast activities, the keen competitions, and the boundless aspirations that a free government stimulates in a land of opportunity, with new problems continually springing up for solution, we must of necessity dwell in perpetual conflict of opinion. Yet differences which invite debate must cease, results must be obtained, compromises must be made. In the committee room and on this floor Mr. BROSIUS was the great pacifier, who brought order out of chaos, peace and harmony out of disorder, and achieved results where others might have failed.

He was a diligent student; his reading took a wide range; he gleaned from every field of knowledge and possessed an aptitude of intelligence which made him a valuable acquisition to every social or professional circle. His devotion to his constituents was a conspicuous feature of his public life. He believed that the career of every successful public man teaches that the only way for a public servant to securely hold the confidence and affection of his constituents is in the demonstration of his worthiness by integrity, fidelity, and loyalty in their service.

I leave it to others more conversant with his ardent and useful life to speak of his public achievements in military and civic life, where he acquitted himself with great honor and distinction in positions other than that of an able, distinguished, and influential member of Congress for many years.

Why Mr. BROSIUS was cut off in the full tide of usefulness, before he had scarcely passed the meridian of life, in the full enjoyment of his cultured faculties, before the evening of life had come on, and while the fires of being yet burned with a steady glow, is a mystery that eternity alone will unvail to us. But death comes as the dread messenger of pain and sorrow; the rude foe to happiness; the maker of widows and orphans; that banishes hope and installs despair; that blots out sun and moon and stars, and brings around the sable clouds of rayless night. But, thanks to

the good God above us, to us again appears and smiles the gentle moon, and again beam the lovely stars, the forget-me-nots of the angels.

In mourning now for him who has joined the throng who have gone before and are for a time lost to us in the mysterious abodes beyond our mortal sight, we must not grieve as those who are without hope. Certainly we should not be anxious about him whose Christian life was an illustrious example for right living. He has passed over the dark river which separates us from the heavenly country. He is only a little in advance and awaits our coming to join him as we enter into the unfathomed mysteries of eternity.

As one grows older and begins the descent toward the evening of life he comes to feel how little after all is the value of this brief span of life. We come, we tarry just a little while, and depart. The pleasures of living, the transitory joys of existence, thrilling and intense as they sometimes seem, are of little permanent value; the true worth of life is to be found in the opportunity it gives for the formation of character. The character which is formed by the experiences of our earthly existence, whether brief or long, makes us after all what we are, and alone goes on with us to the life beyond, thus making life worth the living, for it makes desirable immortality, which is the inalienable and indestructible birthright of every human soul.

If, then, our philosophy is correct, we ought not to mourn the loss of our friend. He lived long enough to form a noble, Christian character, fitting him for better than earthly service. He has gone a little before at his Master's call, to do his Master's service in a happier sphere, with clearer vision, with higher freedom and purer affections. What lesson then is there in this death and this memorial service for us who for a little time survive? Can it not be found in heeding the injunction:

> So live, that when thy summons comes to join
> The innumerable caravan which moves
> To that mysterious realm where each shall take
> His chamber in the silent halls of death,
> Thou go not, like the quarry slave at night,
> Scourged to his dungeon, but sustained and soothed
> By an unfaltering trust, approach thy grave
> Like one who wraps the drapery of his couch
> About him, and lies down to pleasant dreams.

Mr. CALDERHEAD. Mr. Speaker, I do not rise for the purpose of making any extended eulogy upon my dead comrade, whose memory we honor to-day, but rise more for the purpose of extending my thanks to his colleagues, who have already addressed the House in this connection, and who have presented the high character of the man, and his capacity and ability on the floor of the House and in connection with public affairs. Most of them knew him longer and more intimately than I. Most of them had a personal acquaintance with him better than mine, but I counted as one of the special privileges of my life the fact that I became acquainted with him and appreciated him as such a man must be appreciated by all those who know him.

When I was elected a member of the Fifty-fourth Congress I came to Washington about the conclusion of the preceding session of the Fifty-third Congress for the purpose of making the acquaintance of the members and familiarizing myself with the business of Congress. Mr. BROSIUS was the first member whose acquaintance I formed. We recognized each other as comrades by the button that we wore—the badge of the Grand Army. He asked my name and gave me his name and our acquaintance began. During my service in that Congress and afterwards I became intimately acquainted with him. He was my personal friend, and we served together upon the same committee. It is true that at times we differed as to the work of the committee. I remember well one case where we differed materially. I objected to a proposition pending in the committee which was advocated by him, upon which he had spent much labor. I joined with others who opposed the measure and endeavored to prevent it. I thought it likely that he would perhaps administer some rebuke or make some suggestion of the feeling that he entertained in reference to the matter when I afterwards met him. But instead of that there was the same kindly smile upon his face, the same warm hand was extended to me, and there was an assurance in his every act of the kindly feeling which had always animated him toward me.

And again, Mr. Speaker, long afterwards, after our acquaintance had ripened, and in another Congress, when I shook hands with him here in the Hall, a shadow of pain passed over his face, and I found that he was suffering from an injury which he had received during the war. He said: "My lame arm pains me greatly." I said: "Where were you wounded?" I intended to inquire at what battle. He put the other hand upon his shoulder and said: "I have lost this shoulder joint and it pains me severely this morning." We walked out in the corridor and had a little conversation about the place where it occurred, about the time when it happened, about his age and mine during the days of the great rebellion, and about the battle for the life of the nation, and I think he never spoke of his wound again. But I began to realize that it was something in connection with that wound that had made him so gentle and patient. It was something that had put him on guard against the passions of life; and recently, since this memorial day was appointed, I have endeavored to make some further inquiry concerning his service and the action in which he was wounded.

Nearly all the facts of his ancestry and of his own boyhood life that are known have been detailed to you by those who were acquainted with him and who had better sources of knowledge than I have; yet in my inquiry I found that the charge in which he was wounded was one of the most heroic of all the great charges that were made in the battle—the preservation of the life of the nation. More than once I have attempted to recite to my comrades some description of the charge of the First Minnesota Regiment at Gettysburg, when it was sent out for only about 250 yards with 287 men, and in a short few minutes left all but 34 of them strewn upon the ground. I have considered it one of the most costly charges ever made by a regiment of men. I found on investigating the charge in which my comrade was wounded at Green Plains that his regiment, a little less than 300 men, were ordered into a charge upon Pickett's division, consisting of 2,000 men, with less than 400 yards of ground to pass over.

By somebody's blunder they were not supported either by artillery or by flanking regiments. During the charge seven color bearers were shot down and the eighth one came back with the staff in two pieces and the flag riddled by over a hundred rebel bullets. They passed nearly to the rebel lines before the bugle sounded their recall. At that moment a minie ball struck MARRIOTT BROSIUS square in the breast and lodged in a little leather-covered diary in his breast pocket. As they turned to come back a wounded boy fell at his feet. He stooped to pick up the boy to carry him off, when another ball crashed through his shoulder and he fell. He was carried from the field and first taken to Point of Rocks, and then after a month was brought to the hospital at Baltimore. It was three months from the day he was shot until the wound was probed. The smashed and splintered bones were yet in the wound and it was in a terribly diseased condition. He lay upon one bed until the bones of his hip joint came through the flesh.

I want you to remember, my comrades and my colleagues, that he was then only a boy of 21 years, smooth faced, trained in the peaceful ways of a country farm in Pennsylvania, turned into a heroic soldier by three years of camps and marches and battles. He was a volunteer. He was a volunteer in answer to the call of Abraham Lincoln, which said:

> I appeal to all loyal citizens to favor, facilitate, and aid this effort to maintain the honor, the integrity, and the existence of our national Union and the perpetuity of popular government.

The volunteer knew the purpose for which he was fighting and suffering.

Three months of suffering and endurance of this terrible wound followed before finally some surgeon undertook the operation which removed the head of the humerus and removed both parts of the knuckle joint of the shoulder, leaving the arm connected only by the muscles. Under the operation, after so many months of suffering, he sank rapidly and was given up for dead, but his soul kept him alive.

It was the months of pain, and the going so near to the thin veil that separates us from the great hereafter, and staying there so long, that conquered the passions of life for him and gave him dominion over himself. It added to whatever gentleness of nature he had been endowed with from his birth. For him, as for all those who have endured great physical suffering, with a great moral purpose, there comes a majesty of life, a repose and dignity of character that can not forget itself upon any occasion or in any place. The gentle conventionalities that are acquired by the rest of us in our intercourse with our fellow-men came easily and naturally to him. They were a part of his nature.

In that little bullet-marked diary, which is a priceless relic in the family of this brave man, is this modest paragraph in his own handwriting:

> For the last six months I have neglected my diary on account of disability. I was wounded on the 20th of May. I have now recovered so far as to be able to resume my notes.

He was as modest as he was brave. In these lines he said all he had to say of his heroic self-sacrifice. He was kind, not only to his own, he was kind to all whom he could help.

I knew but little of his domestic relations. I had the pleasure of meeting but one member of his family besides himself, but the meeting occurred under such circumstances with him as revealed by a flash the peace and the love of a perfectly secure domestic home.

I need not add any testimony to the worth of his character, to the ability of his services to his State and to his country here as

a member of Congress. I can not feel that death was an enemy to him or to me. I suffer pain whenever I lose a friend, but it is merely the pain of a separation. It is only sorrow for the loss of companionship. I miss the touch of the vanished hand and the voice that is hushed and still. I know, as he knows now in that home of peace where he is dwelling, that death is but the great majestic step by which we pass from labor to a life of glory and of peace; that it is not an enemy to those who have lived and labored, who have loved and suffered for country and for country's cause; that it is not an enemy to him who has lived for his fellow-men or who has died in their service. Thanks to the blessed Savior of men who has taught us to love and to serve, in obedience and in faith, there is now no sting in death and no victory in the grave. There is eternal life beyond. Our friend wears its crown.

Further than what I have now said, I only desire to ask the privilege of placing in the RECORD the testimonial of one who knew him far better than any of us—his teacher in his childhood, his teacher at the time he entered the Army, his beloved family physician, who was chosen by his own neighbors to deliver the address at the time of the memorial exercises at his own home.

When I wrote to inquire concerning some little data that I desired, I received the manuscript of this address. Reading it over it struck me that the kindest tribute I could give him would be to add this to the testimonials that his colleagues will place upon the RECORD.

Therefore I ask the privilege of placing in the RECORD this memorial address of Dr. J. W. Houston.

The SPEAKER pro tempore (Mr. LANDIS). Without objection, the request of the gentleman from Kansas will be complied with.

The address of Dr. Houston, referred to, is as follows:

Mr. PRESIDENT, LADIES, AND GENTLEMEN: Inspired by love, depressed with grief, I appear before you on this occasion. Unwritten fraternal law demands that we should observe the solemn rites due to our deceased brother, Hon. MARRIOTT BROSIUS, LL. D., and to-day is the appointed time. But I am fully convinced that this precedent is not the actuating cause of your presence here to-day. Higher and nobler impulses have directed your footsteps to this sanctuary of patriotism on the present occasion. The love you bore our friend and brother, the homage his due, the veneration his life demands, and the adoration his history suggests are all impelling reasons why we should convene to-day to honor his memory and learn the lesson his patriotism imparts.

My selection to pronounce the words of the story of his life was not due to any ability on my part over and above that of many of the comrades, but alone to the fact that I knew him from his early boyhood, his family and his friends, and all the environments attending his earthly career, having shared his bed and board. Mr. BROSIUS was born in Colerain Township, Lancaster County, on the 7th of March, 1843, on the western bank of the East Branch of the Octorara. The old mansion yet retains the dignity of the farmhouse, and is now a place of historic interest to biographers, where—

"By sylvan dell through meadows green,
The flood of the East Branch is seen;
Around the brae through painted lea,
Seeking a passage to the sea.
The swelling tide flows ever on
By glen and brake, till race is won;
Where mingling with the salted wave,
Returns unto the springs which gave."

There, in one of the richest agricultural districts in southern Lancaster County, in a community composed of Friends and Free Presbyterians, all of whom were sailing on the advanced waves of progress and reform, on the physical, intellectual, and moral streams of life, the boyhood days of Mr. BROSIUS were passed, each day adding to his intellectual acquisition, intensifying his moral convictions, and developing his physical nature, thus laying the foundation for the superstructure which in later years expanded into a fame for statesmanship which was only bounded by the confines of our nation. From his infancy to manhood he was surrounded by those conditions that tend to make men good and great. During these years he acquired the habit of industry, and developed a love for knowledge which continued with him during his entire life, often burning the midnight oil when preparing for some great effort.

Mr. BROSIUS's great-grandfather, Henry Brosius, came from England and settled near Philadelphia in 1780. He was a member of the Society of Friends. His son Mahlon, the paternal grandfather of Mr. MARRIOTT BROSIUS, was an upright, consciencious gentleman, and exemplified the teachings of George Fox in his daily walk and life. Clarkson Brosius, father of our Congressman, was a leader in his community, and although an invalid for years, yet he was foremost in every good work for the elevation of his fellow-beings. He was a thorough gentleman, and devoted to his calling, that of farming. He was methodical, scientific, and enterprising, and ranked high as a model farmer. He was largely instrumental in organizing the Octorara Farmers' Club in 1856, which gave an impetus to higher farming in southern Lancaster and Chester counties. Clarkson Brosius died October 8, 1863, his last thoughts expressed to me were of his boy, far away on the Union firing line. The entire community was grief stricken at his untimely death.

On the maternal side our Congressman's great-grandfather was Samuel Hambleton, a consistent reformatory Friend. His sons were Samuel, Charles, Eli, and Thomas. Samuel was the father of Rachel, the mother of Mr. BROSIUS. Each of the other sons of Samuel, sr., offered their only sons to their country's cause. Gerrit Smith, son of Thomas, died in the service, C. Burleigh, son of Charles, being seriously wounded; he now resides in Atglen, Chester County.

Benjamin Kent, uncle of Mr. BROSIUS, tendered three sons that our nation might live. Mr. Mahlon G. Brosius, younger brother of Clarkson Brosius, was also in the service. He is now one of the most enterprising citizens of Chester County. From the above you may see that Mr. BROSIUS's patriotism was not only cultivated, but was also hereditary. His mother died when he was 7 years old, and two years after her death Mary Ann Brinton became his stepmother, and how well she performed a mother's part is attested on every side.

Although quite feeble, she, along with the other relatives, followed his body to the grave, that she might see the resting place, impelled by a mother's love. Her testimony is that MARRIOTT was ever dutiful, obedient, and self-denying for the happiness of the other members of the family.

Surrounded as he was by those influences which taught him the nobility of labor, the value of education, the rewards of industry, the dominion of integrity, and, in character forming, the power of the Christian religion, together with the refining graces of a well-ordered and Christian home—these could not fail to make of him a model of true manhood, free from all the vices which afflict mankind. Tobacco never polluted his mouth; alcohol never tainted his breath; profanity never desecrated his lips; veracity characterized his noble nature, ever and always.

His early school days were passed in Octorara and Chestnut Hill academies under the tutorage of that veteran teacher, Mr. Thomas Baker, who even at that early day predicted for his pupil a glorious future. His summers were spent upon the farm, engaged in manual labor himself, and in superintending, under his father's direction, the farm hands. But even when following the plow his studies were not neglected. With a dictionary in his pocket and some favorite classic author in his hand, his time for rest and recreation was spent in study. He had no time to spend in frivolous pleasures. Thus his days went gliding by, all too short to gratify his desire for the acquisition of useful knowledge.

The study of political economy had a decided fascination for his expanding genius. The contents of the New York Tribune were daily scanned, and he was authority on all national issues. When the war of the rebellion was inaugurated, then our young student-farmer became restless—a conflict was waged within his bosom between his duty to his parents and his duty to his country. The struggle for supremacy was won by his unqualified patriotism, and he obtained his parents' permission to enlist, though at a heart-breaking cost, as was often the case with other families where parents gave up their boys—alas, too often—to see them no more on earth. But these instances only illustrate the devotion of the American people to their flag and country.

Mr. BROSIUS was enrolled as a member of the Wayne Grays, a company of home guards I had been instrumental in organizing, for the purpose of drilling and becoming conversant with the manual of arms and field movements. My boys, as they became proficient in military drill, were daily deserting, with my permission and blessing, to join some regiment whose prospect for active service were brighter than ours. After Mr. BROSIUS had decided to enlist in some regiment ready for the field, he informed me of his intention. I remonstrated in vain. I told him of his usefulness at home, being then manager of two farms, a position no other person could fill so well; of the necessity of providing sustenance for the soldiers in the field; that he could serve his country best at home. He turned the argument against me by saying, "You are going into the service, leaving a wife and family; you are making greater sacrifices than I am. You tell me where to go to enlist." I gave him a note to my friend, Captain Wayne, Company K, Ninety-seventh Regiment Pennsylvania Volunteers. Two days after, in November, 1861, he and his uncle, Channing Brinton, presented themselves in my office, wearing United States uniforms, Mr. BROSIUS having first corporal chevron on his sleeves.

His history in service is summed up in a few lines by his colonel, Henry R. Guss, afterwards General Guss, and Colonel Price, who, with other members of the regiment, attended his funeral obsequies. Years after the war these officers paid him the following tribute:

"Mr. BROSIUS's record is linked and written with the Ninety-seventh Regiment, in whose rolls his name was subscribed in 1861; its history is his history, and its fame is his fame, and its glorious deeds are the sum of the faithful brave deeds of the men who, with him, went forth at the call of this country to do battle for the preservation of the life of the nation.

"Among the most earnest, yet quiet and unobtrusive, in all his actions, was MARRIOTT BROSIUS. From the day of his enlistment in the service until stricken down by the bullet of the enemy he was ever at his post of duty, active and vigilant as a sentinel, brave and courageous in the line of battle. He was regarded as a model soldier, as well from the force of culture that indicated the perfect gentleman, as from the exact fulfillment of duty that indicated the trained veteran soldier."

In the above few lines his war record is summed up. Aside from special acts, it is complete. In attempting to carry a disabled comrade from the field who had been mortally wounded, Mr. BROSIUS himself received the bullet from a rebel sharpshooter's rifle which nearly ended his life. This was the last charge which he was engaged in, the charge at Bermuda Hundred, which rivaled Picket's famous charge at Gettysburg. Here, as there, some one had blundered.

The wound he received necessitated the excision of the right shoulder joint and the removal of a portion of the arm bone, rendering the arm ever after useless. For eight months he was confined to the hospital, three months of which time he could not be turned in bed; but he bore his suffering with Christian fortitude. No murmuring, no repining escaped his lips. He was ever cheerful and resigned. In February, 1865, he was promoted to a lieutenantcy, although he had been mustered out of service, in consequence of disability, the previous December.

After returning to his home he spent some time in recuperating, and managing his great uncle, Thomas Hambleton's, farm, his leisure time being still devoted to study, as was such time when in the service. Being incapacitated for any kind of manual labor, he turned his attention to the study of medicine, and consulted me with a view of entering my office. I strongly remonstrated against any such procedure, and pointed out to him that there was no promotion for a physician, although, as an instrument in God's hands, he may perform miracles every day, yet they are soon forgotten; and he is often made the scapegoat for the sins of others. That, with few exceptions, the physician never rises above the dignity of a country crossroads doctor or an uptown city practitioner.

I pointed out to him that he was by nature an orator, and that the practice of law was the profession for which he was admirably suited, and therein he could hope for promotion. I advised him to take a course in my alma mater, Millersville Normal School, which he did. While attending this institution he became acquainted with Miss Elizabeth Jackson Coates, daughter of Mr. Simmons Coates, of West Grove, Chester County. Mr. Coates was a prominent and influential citizen of Chester County; also a member of the Society of Friends.

The acquaintance of Mr. BROSIUS and Miss Coates soon ripened into the strongest mutual attachment, with the usual result; and shortly after he was admitted to the Lancaster bar she became his wife, and no more congenial union was ever formed. Miss Coates had also opposed his studying medicine, and I think that her influence was more potent than mine in determining his decision to study law. Four daughters blessed their marriage, two of whom are living—Gertrude, wife of Mr. Herbert B. Coho, of New York, and Grace, wife of Mr. Clement Biddle, jr., of Pittsburg. Our Savior claimed Luretta R., aged 6 years, and Florence, aged 19 months, under the command, "Suffer little children to come unto Me, and forbid them not, for of such is the Kingdom of Heaven." They are now in their father's arms, basking in the sunshine of the Heavenly Kingdom.

Mrs. Brosius contributed largely to her husband's successful career. His modest, unassuming nature required some one to lean upon in his many

trials and tribulations, and at these times she cheered and comforted him and he learned to rely upon her wise counsel. She never doubted her husband's ability to distinguish himself, she knew his capabilities better than anyone else, and had fondly hoped for the realization of her waking dreams. Man proposes, but God disposes, and he was called home. God had some greater work for him to do.

Mrs. Brosius and family bear their sad bereavement with resignation, fortitude, and courage, knowing that the Father doeth all things well, and anticipate in heavenly mansions a happy and joyful reunion when the Father wills. Mr. BROSIUS's career at the bar and the high esteem in which he was held by his associates has been so beautifully portrayed in authoritative classic language that it is not my purpose to mar his lawyer history by my feeble efforts, which could only serve to cloud those bright pages of eulogies presented to his relatives and friends, in sorrow and in tears, by his associates, nor is it my purpose to speak of his Congressional life. That will be compiled by Dr. Sam. Houston, of Washington, than whom no one can speak from such intimate knowledge. He was one of his nearest friends.

However, I desire to say that it was no easy task to follow Stevens and Smith as the Representative of Lancaster County in the National Congress, the grandest district in our nation, and whose Representatives had always taken a leading part in shaping national legislation. Nevertheless, Mr. BROSIUS acquired the full confidence of his fellow-members in the House and rose to one of the highest and most important as also the most difficult position to fill in the gift of the popular branch of national lawmakers—that of chairman of the Committee on Banking and Currency.

His work will live while our nation shall exist. He was an acknowledged authority on national financial legislation, and on this important subject he cut the Gordian knot and gave us the best system of currency in the world. At the last meeting of this committee resolutions strongly commending their chairman's impartial and uniformly courteous treatment were adopted, and the members of the committee individually, regardless of party affiliation, paid him high compliments for efficiency, not thinking they should meet him never again in their committee room.

After his appointment to this chairmanship he asked me if I was satisfied with the honor conferred. I answered, "No; I will never be satisfied until you represent Pennsylvania in the Senate of the United States." He termed me an insatiate monster, exclaiming, "Can your friends never satisfy your ambition for their promotion?"

Mr. BROSIUS, in consequence of his ability, integrity, honesty, and geniality, was a general favorite with all the governmental officers, from the Chief Magistrate down to the porters and scrub women of the various buildings. When his death was announced in Washington, tears of true sorrow streamed down the sunburned faces of those in lowly positions in the departments, as well as over the cheeks of his associates and personal friends. He was one of the most popular Congressmen in Washington, and could and did accomplish more for his constituents than other less favored fellow-members.

He was indefatigable in his endeavors to serve his friends, regardless of the labor required. His old-soldier constituents had his entire sympathy, and no task was too great, no self-imposed duty too onerous, to deter him from the effort in their behalf. He knew, by sad experience, the sacrifices they had made, the privations they had endured, that rebellion in the interest of human slavery might be crushed out and our Union continue one and indissoluble forever. He was the soldiers' tried and true friend. No breath of calumny, suspicion, or doubting ever tainted the atmosphere in which he moved, and no one, not even his most intimate friends, dared approach him with compromising proposals. An unsullied conscience was his guide.

As an orator Mr. BROSIUS combined the cold, nervous logic and bitter sarcasm of Stevens, the scholarly grandeur of Smith, and the brilliant rhetorical fluency of Hensel.

He was regarded as the commanding orator of the United StatesCongress, and was often selected by his party members to lead the discussion in the House of Representatives in consequence of his clear conception, persuasive rhetoric, and faultless diction in presenting the subject under consideration. His fame as an orator was not confined to Congressional Halls; it was only bounded by our national lines. In consequence of his reputation he was eagerly sought to deliver memorial addresses in our larger cities and national cemeteries, the honor of being twice called to address the assembled multitudes in Arlington National Cemetery never having been extended to any other person.

As a political speaker he was sent by the national Republican committee, at the solicitation of the candidates, into closely contested districts. The inspiration of his presence, his fluent, convincing reasoning winning many to his party standard. But his great ability to sway congregations of people consisted not alone in his eloquence. His sterling integrity, unimpeachable honesty, and unqualified veracity were important factors in directing the general consensus of public opinion. His patriotism, intellectual powers, and immaculate life caused the people to trust him with that implicit confidence which knows no equivocation. No man, clique, nor junta dictated his course. While always granting to his constituents a respectful hearing, the decision rested with his own approving conscience.

In consequence of his diversified and liberal learning, Ursinus College conferred the degree of doctor of law upon him. Mr. BROSIUS was a member of the Society of Friends, of the Independent Order of Odd Fellows, Grand Army of the Republic, trustee of General Hospital, and of this society, with other honorable positions. The Brosius home life at No. 419 West Orange street, Lancaster, Pa., was happiness personified, each member of the household endeavoring to contribute to the pleasure and comfort of the others; gentleness and love permeated the entire atmosphere. The love for the good and beautiful was promoted by the æsthetic surroundings. Cheerfulness was the predominant characteristic. It could not be otherwise, for the mother is of angelic nature. To illustrate the conditions governing the family, permit me to say that shortly before Mr. BROSIUS stepped from the topmost round of the ladder of fame into the Celestial City whose streets are paved with gold, at a time when statesmen, editors, poets, and historians were vying with each other to do him honor, he said to a friend of his boyhood that of all the encomiums ever paid to him, the highest tribute was by his daughter, who said: "Papa, we never saw you angry." No one could enter that home circle without feeling it was good to be there; and while we all sorrow and regard his death as a personal and national calamity, it was here within this magnetic home that the arrow of the insatiate archer sank the deepest.

Oh, Death, why did you claim this husband, father, and kind friend? To us this is incomprehensible. Why he should be stricken down in the prime of mature manhood, ere the shades of evening began to fall, in the midst of gratifying achievements, at a time when his vision only revealed the roseate hues of the earth, when the earnest of the past gave brighter hopes and aspirations for some future usefulness. These are a few of the many questions which agitated the minds of those who ministered unto him during the setting of his sun. We can not answer; only the Father knows, and not until the flood of heavenly light bursts upon us in the New Jerusalem can we know. Three hours before the delivery unto him of the message of death I had spent an hour with him in social conversation. He was cheerful and happy. For the time had laid aside his innate dignity and used me as a target for his witty sallies. That evening, Friday, March 16, 1901, a hasty summons brought me quickly to his bedside.

No pen can describe the consternation and perturbation which seized me when I beheld my friend clasped in the embrace of death. Quickly summoning our mutual friend, Dr. S. L. Davis, we engaged in unequal combat with the grim monster. We had often successfully engaged in battle with the same enemy before. We had also met him when he appeared as an angel of mercy, but here he presented himself to us in the rôle of the wicked assassin. Our combined medical knowledge, experience, and skill was evoked, but our efforts were futile. Until the midnight meridian was far past we continued the now almost hopeless struggle, although it was apparent that we, with all our efforts, were being vanquished.

Love and hope but ill supplied
The power to stem the ebbing tide.

When fully convinced that his translation from earth to heaven was only a question of a few minutes of time, we turned our efforts to smoothing his heavenward pathway, and quietly, gently, as though in sweet slumber, his spirit parted from the tenement in which for years it had dominated his actions in life and was guided hence by angel spirits. Nothing remained with us but his loved and cherished body. The soul had gone to God who gave it. But "his works and worth and fatal zeal now claim our gratitude and grief and will embalm his memory in the human heart forever."

Nor wreck nor change nor winter's blight,
Nor death's remorseless doom,
Shall dim one ray of holy light
That gilds his glorious tomb.

The arrangements for Mr. BROSIUS's interment were made by Col. E. F. Pierce, Sergeant-at-Arms of the House of Representatives, and Mr. Fishback, Mr. BROSIUS's private secretary, the time appointed being 2 o'clock p. m., March 20.

Mr. BROSIUS's body lay in state at his home on above date, and for hours a constant procession passed the casket, all anxious through their tear-dimmed eyes to have a last fond look at their beloved friend. The Congressional committee, composed of Senators and Members of House of Representatives, arrived in Lancaster the morning of the funeral to take part in the obsequies. Rev. Dr. Alleman feelingly delivered an impressive and eloquent sermon, after which the body was borne to the grave in Greenwood Cemetery, the pavements on both sides of the streets the entire distance—ten squares—being thronged with loving friends, who, with weeping eyes, were braving the rainfall to have a look at the casket which contained the body of him whom they loved in life and whose memory they will ever cherish.

Go to the grave, for there thy Saviour lay
In death's embrace ere He rose on high,
And all the ransomed by that narrow way
Pass to eternal life beyond the sky.

There is no such state as death,
The change is a translation
From fields and scenes of labor here,
Which is only our probation.

In conclusion, I desire to say that could you, upon the morning his spirit winged its flight from earth, have withdrawn the veil which shields the portals of heaven from mortal gaze, and for one moment viewed the blood-washed throng on high, you would there have seen Lincoln and Grant and Garfield and Stevens and Smith and Harrison, with many others whose memories we delight to honor, all greeting our own MARRIOTT BROSIUS, while a gentle voice from out the blue vault of heaven could have been heard saying, "Well done, thou good and faithful servant; thou hast been faithful in a few things, I will set thee over many things; enter thou into the joy of thy Lord.' Then—

Bring hither springtime flowers,
And strew our comrade's grave,
Though faded be the offering,
It speaks the love we gave
To him, our gifted brother,
Hero of forensic war;
In Congress halls, and forum,
A bright and shining star;
The soldier and the statesman,
The orator and bard,
A chieftain of the many
Famed sons of the Old Guard.

[Mr. GROSVENOR addressed the House. See Appendix.]

Mr. RHEA of Kentucky. Mr. Speaker, in offering my tribute to the memory of the late Representative from Pennsylvania I shall not employ the language of mere laudation, but will only seek to give expression to the admiration I had for the man and the sincere respect I felt for his character. It was my privilege to serve on the committee of which he was chairman, that of Banking and Currency, and knew him fairly well. He was a kindly, courteous gentlemen. Intensely in earnest, life to him meant something. It was duty, and he seemed to project his own upon the idea that we are "only remembered by what we have done." A man of real convictions himself, he was tolerant of the opinions and beliefs of others.

He was painstaking and methodical. With an intelligent mind, disciplined by studious thought, he was at all times prepared to reason out his own conclusions with clearness and force. Of his private and domestic life I can not speak. It was not my pleasure to know him around the hearthstone, and must therefore leave to those who enjoyed that pleasure to speak concerning his home life. Though holding convictions exactly the opposite to his own touching almost every important question that has divided this great country into two political parties, I am not blinded to the real merit of MARRIOTT BROSIUS, and only tell you what I believe to be true when I say that in his death a patriotic, genial, kindly citizen passed away, and that this House, the the country, and his own great Commonwealth lost a faithful, thoughtful, conscientious, and able public servant.

The death of such a man, Mr. Speaker, always brings sorrow to

those who knew and loved him. His family, his wife and children, mourn, and no word that any member of this body could say can still the pain their hearts must feel; but they may find consolation in the fact that he was pure in heart and eloquent of tongue, courageous in action and wise in council and as a public servant, and that the name and character he has builded up will outlive even the records of this House. They may find comfort in that knowledge.

Mr. LLOYD. Mr. Speaker, in March last, shortly after the expiration of the last Congress, the subject of this memorial occasion made sudden response to the death summons. Although he had displayed much courage and had met on various fields the antagonism of moral and civil combat, yet in this arena he was unable to overcome the enemy, and his mortal remains are now in earth's prison house, captive of this merciless foe. Here is another forceful reminder of the certainty of death. In the morning of that early spring day Mr. BROSIUS was on the streets of his home; in the evening he was stricken down and passed away. Those of this House who knew him were aware of his strong physique, his healthful prospect, and hopeful promise of many years of life and usefulness; but alas, human vision can not behold the future, nor human intellect divine it.

Mr. BROSIUS died at his home in Lancaster, Pa., a beautiful city of 30,000 inhabitants. This historic town was for a time the seat of the Continental Congress and for several years was the capital of Pennsylvania.

This city was the home and burial place of James Buchanan, fifteenth President of the United States, who died there in June, 1868.

As one of the Congressional escort, I had the opportunity to see the evidence of affection which the people of Lancaster manifested toward their departed friend and neighbor. He was universally spoken of as a good man, a true citizen, a faithful friend, and an exemplary Christian character. He erected his own monument of good deeds. He laid well the foundation of life and constructed thereon the solid abiding structure which shall endure, when time's changes shall cease, and the Eternal shall preserve the record of that which shall live forever. His epitaph is written in the hearts of those who knew him and will be read in tradition by those who may follow. He was an exponent of the doctrine of purity in life and an example of manhood in politics. It is said that he never resorted to questionable methods to secure his own preferment; that in private life or public station he was the same honest, conscientious, Christian gentleman. If I mistake not, his life, like the lamented McKinley's, was preeminent for his goodness, and however much of ability and statesmanship he exhibited, his crowning grace consisted in his integrity and uprightness.

No mystery is more complete than death; no subject is fraught with more significance than its consideration. The spirit departs; the body disintegrates. How cheerless the thought that this dissolution can not be avoided! What is its philosophy? The wisest sages have sought to explain its phenomena, but to no avail. The fountain of perpetual youth has never been discovered, yet men have made every possible exploration that it might be found. There is one hope in the midst of this research, one bright oasis in the desert of man's failure; that is the promise of the Christian's faith that beyond death is a glorious life. There is one revelation that illumines the path, that clears the sky, that cheers the faint, that gives solace to the sorrowing. It is the Book that tells of man, his duty and destiny, and points out the elysian fields that lie beyond, where separations are not, where mourning is never known, and the memorials are the glad songs of the redeemed.

Mr. BROSIUS believed in the Christian's God, accepted the truth as the Book revealed it, and, we may justly trust, is now in the enjoyment of that which he accepted through faith, while duty impelled him to action and strength, gave promise of earthly existence.

Mr. FOWLER. Mr. Speaker, MARRIOTT BROSIUS was a man, the very best type of a man, because he endeavored to actually be what he desired to seem to be. He could not think dishonestly, much less act dishonestly. His was a true and transparent nature. His ideals were high, and he never lost sight of them, pursuing them constantly in his all-absorbing companionship with books, the stepping-stones to his uplifting aspirations.

When one recalls the sweetness of his soul and the purity of his character, one is impelled to imagine that somewhere in the halls of his memory were written, in shining letters, these words:

Man is his own star, and the soul that can
Render an honest and a perfect man.
Command all light, all influence, all fate,
Nothing to him falls too early or too late.
Our acts our angels are, or good or ill,
Our fatal shadows that walk by us still.

His presence brought sunshine, mellowing the relations of life into friendships. It left every man a little better because he had known MARRIOTT BROSIUS; it left the world a little better because his spirit had passed through it. How true this is, the old members of the Banking and Currency Committee, after years of association, can testify; but words spoken on this occasion can not be half so eloquent as incidents of unquestioned proof. His parting with the committee just prior to the adjournment of the Fifty-sixth Congress was so characteristic of the man, and its spirit so aptly reflected his influence, that I shall add the minutes of that last meeting to these few words, in order that they may be preserved for the pleasure and profit of all who in after years recall his long, faithful, and patriotic public service.

It were well, indeed, if the world could count among the living more characters like that of MARRIOTT BROSIUS.

At the conclusion of business at the last meeting of the Committee on Banking and Currency of the House of Representatives, Wednesday, February 27, 1901, the following remarks were made by the chairman, Mr. BROSIUS, and other members of the committee:

Mr. BROSIUS. The Chair feels like asking the indulgence of the committee for a moment. In justice to my own feelings I can not allow the final separation of this committee for the term without expressing to my associates about this table the satisfaction I have enjoyed in their companionship in the work which is about to end. This has been an harmonious body. No circumstances has impeded our work or marred the perfect cordiality of our relations. We have also been a business committee. We have considered and disposed of about 30 bills, placed 6 upon the Calendar, and passed 1, and may yet pass more. I hazard nothing in saying that the Banking and Currency Committee of the House of Representatives in recent years has not made a better record.

During the two sessions we have been together we have dwelt not in love and mutiny, but in a high degree of love and unity. When we could not agree we disagreed decently. There has been uniform cordiality and good fellowship in our intercourse. Time and time again the Chair has felicitated himself upon his good fortune in having upon this committee men so capable and at the same time so agreeable on both sides of the table. They have all been helpful in the prosecution of the work of the committee. The Chair desires to express how highly he has appreciated the uniform courtesy and kindness and helpfulness of the members of this committee without distinction of party, and now that we are about to separate and go to our homes at the end of this term, you, my brethren, will carry with you not only my very best wishes, my thanks and gratitude, but my prayer, that time will deal gently with all of you and that you will enjoy a season of unalloyed happiness and rest, and return to our associations here at the next term with the same cordiality and good fellowship which have characterized our relations during the Fifty-sixth Congress.

Mr. TALBERT. It is a true saying of the Scripture, "How pleasant it is for brethren to dwell together in unity." We have dwelt together in unity, socially if not politically, since I have been a member of this committee; that is, we have agreed to disagree whenever we could not agree. I for one want to say that I have formed an attachment for the chairman and each and every one of the members of this committee, regardless of party. I feel glad to say that, and when I say it, it is not merely from my lips, but it comes from the bottom of my heart; and I intended to rise before the chairman did to move that the thanks of this committee are due and are hereby tendered to the chairman, Brother BROSIUS, for the extreme good will, courtesy, and impartiality and general kindness which he has extended during this Congress as chairman of this committee to each and every one of us. I want now to offer a resolution of thanks on behalf of this committee to the chairman and ask that a standing vote be had upon that resolution.

Mr. STALLINGS. Before a vote is taken upon Mr. TALBERTS's resolution I want to say a word. I believe I am, after Mr. COX, who is not present, the ranking member of the minority of this committee. I have served on it for six years. I desire to thank the chairman for his uniform courtesy and kindness to the minority. I desire further to thank him on behalf of the minority of this committee not only for the kindly way we have been treated in this committee, but for courtesies on the floor of the House. With this Congress, Mr. Chairman, my relations with this committee and Congress will be severed. I am possibly—quite likely—meeting for the last time with this committee, composed of men whom I have served with for years and whom I have learned to esteem highly as gentlemen and appreciate as friends. When I return to my home in the South to take up again the thread of life where it was left off years ago, to commence again the practice of my profession, I shall go with a feeling of love and kindness not only for you gentlemen on my own side of the committee, but for every member of this committee for the courteous treatment and kindly consideration I have received at the hands of the chairman and each member of the committee. It is my hope and prayer that time may deal gently with each of you and that God's choicest blessings may be your future reward.

Mr. HILL. I have served on this committee six years with the gentleman from Alabama [Mr. Stallings]. There have been some scenes of storm and contest in our days of service, but I believe I voice the sentiment of the members of this committee who have served during that time that never has there been anything but kindness and good feeling on the part of every member for the good, honest sentiments expressed by the gentleman from Alabama. The majority of this committee have recognized the differences that have existed, and acute they were on many questions, but they have always felt that the good, sterling judgment of the gentleman from Alabama dictated every action he ever took in this committee and every expression that he ever made, and I am sure that I voice the sentiment of the majority when I say that there has never been a member whose aid and judgment were more gladly received than those of the gentleman from Alabama. Now, I want to say to the gentleman from Alabama that if he ever comes into the cold North and to the town of Norwalk, Conn., and does not find the home of E. J. HILL, I shall feel that I have a personal grievance against him.

I appreciate thoroughly the assistance we have had from the Chair, and in the absence of the ranking Republican member of the committee [Mr. FOWLER] I want to reciprocate every kind wish which he has expressed for us and our hopes for his future prosperity and advancement.

Mr. BROSIUS. The cordiality of expression which has been evinced is exceedingly gratifying to the Chair, and it suggests what must be a solace and satisfaction to every member of the committee, the reflection that there has not been an unkind word uttered around this table for the two years the committee has occupied this room. Each one has done his own part with

a perfect recognition of the right of every other one to do his duty as he saw it.

Mr. CAPRON. It is suggested by my colleague on the left [Mr. LOVERING] that as we are now to part as members of this committee, misfortunes which come to mortals face us, and that there are other breaks to occur in our ranks, that it would be well at this time to occupy a moment in referring to other gentlemen besides Brother Stallings who are to leave us, and I wish to say to Mr. Driggs, who also leaves Congress and us, not to return, and also in the absence of our genial and long-time member, Mr. Cox, who has been a working member of this committee, of such value to the committee with his broad views—not sectional—broad enough to take in the whole country from the standpoint of his great mind upon these questions, and also of the intelligence and interest which Brother Driggs has brought to it his in connection with the committee, and that the committee can not part with these gentlemen, knowing that they are not to return to us again, without an expression of our profound regard, which is intensified and crystallized into love, and I hope in going from us and from Congress that they will retain a tender place in the hearts of their colleagues on the Banking and Currency Committee, which I know would be voiced by every member of the Fifty-sixth Congress if they had the opportunity.

Mr. DRIGGS. It is not very often that a man who represents a part of the great Tammany organization is overcome with embarrassment, but upon this occasion in replying to Mr. CAPRON I am overcome. I desire to thank the chairman of this committee and the members of the majority of this committee for their uniform courtesy and kindliness to me since I have been a member of this committee. I desire to thank them for the opportunities they have given me here and on the floor of the House, and I desire also especially to thank my Democratic colleagues. When I came here in the Fifty-fifth Congress my views on the money question were in direct contradistinction to their views.

I believe there was only one other Democrat in the House at that time who held the views I did on the money question; and, notwithstanding that, the gentlemen from the South and West, whether members of this committee or other members of the House, did not insult me, notwithstanding the animus there might have been against Gold Democrats generally, but they conceded that I was honest in my opinion, and they respected me the more because I stood up for what I believed to be right. I will simply add in conclusion that when the Speaker told me I was to be appointed a member of the Committee on Banking and Currency, I told him I had not the banking knowledge, experience, or ability to serve on this committee; but you gentlemen have made the service on this committee an easy possibility—you have made it an educational possibility. I thank the chairman and all of you for the courtesy and kindness which you have shown to me, Driggs, the Gold Democrat.

Mr. TALBERT. I ask a rising vote upon my resolution.

Mr. HILL (after the vote). The resolution is carried unanimously.

Mr. PALMER. Mr. Speaker, the last time I saw him whose death we mourn he was full of robust life and high ambition. His speech pictured with a master's skill the growth and grandeur of the Republic and the glory that is in store for it in the years that are to come. He had no thought of death, but was looking forward, planning for future years of work and usefulness.

Oh, what had he to do with cruel death who was so full of life, or death with him,
That he shouldst die before he had grown old!

To solve the question why the good are cut off in the midst of their years and honors and others who could well be spared are left is a hopeless task. In no case more so than in that of MARRIOTT BROSIUS. He was in the prime of his strength and manhood, respected and beloved by his people whom he had served long and well, honored throughout his State as a conscientious toiler in the interests of pure politics, public morality, and good government.

To him the performance of duty was the highest consideration; where its path led, there he walked. No belted knight ever held a higher sense of chivalric devotion to duty. He was a man of ideals, conscience, and convictions. His ideals were high and noble, his conscience active in shaping his daily life, and his convictions were always on the side of truth, justice, and liberty. He never stopped to count the cost to himself when the question was one between human rights and human wrongs. His voice was always for freedom and equality. For the laboring poor his sympathy was broad and his help never failing. To lift up the weak in their battle with the strong was for him religious duty; in its performance he never faltered. No poor man who applied to him ever lacked for an advocate because he could bring no fee. His profession was an instrumentality for righting wrongs, not for the accumulation of wealth. He never "crooked the pregnant hinges of the knee, that thrift might follow fawning."

He loved his God, his country, and his fellow-men, and did of his endeavor to serve them all. It is not wonderful that through all the fertile valleys and smiling plains of Lancaster, which are as fair as any that lie under the shining sun, his death struck terror and dismay, or that the people whom he had known, high and low, felt a sense of personal loss. Their brave leader lay dead, stricken in the fullness of his strength, in the prime of his life, in the height of his mental power. Who could take his place? The brilliant advocate, the experienced statesman, the brave soldier, the true patriot, was slain before his time. It was terrible. There are deaths which admit of alleviating suggestions. In this case there are none. Only in sublime faith that can say, "Even though He slay me, yet will I trust Him," can those who mourn find relief.

Death smote him with relentless hand; he has gone out of sight forever. His cheery presence will gladden his dear ones no more. His voice, eloquent on the side of justice and right, is still. MARRIOTT BROSIUS is dead:

He gave his honors to the world again,
His blessed part to Heaven, and sleeps in peace.

Joining all who knew and loved him, we mourn his loss and turn aside for a moment from the rush and roar of life to pay to his memory a last tribute of respect and to crown him with the honor that is his due.

Mr. SHOWALTER. Mr. Speaker, MARRIOTT BROSIUS was my friend. I remember well the kindly greeting he gave me when I first entered the Fifty-fifth Congress. I had known him for years as one of Pennsylvania's gifted sons, but had never met him. I shall never forget our first meeting. Congress was in extraordinary session in the spring of 1897. I had just been sworn in. Mr. BROSIUS was the first to greet and welcome me. From that day a warm friendship sprung up between us—a friendship that was never chilled. He was my friend. I loved him for his genial nature, his broad intellect, his wonderful endowments, his exalted patriotism, and his dauntless manhood. MARRIOTT BROSIUS was as brave as a lion, and as gentle as a child; he was courageous and gentle; he knew no fear.

He was generous, kind, loving, and true. The great heart that beat for other's woes, that cherished no resentments, that held only affection, lies still in death. The gentle hand that so often ministered to alleviate suffering lies pulseless and cold. He is dead, but his memory and his achievements will never die; they are imperishable and will endure till time shall be no more. The record of his noble life is full of devotion to duty. He was among the first of Pennsylvania's 350,000 loyal sons who responded to their country's call in the dark days of the sixties, when the war cloud hovered o'er our land, when our misguided brethren of the South land sought to establish another republic upon our soil.

His career as a soldier of the Union was characterized by deeds of valor on many fields of battle, for which his country rewarded him by several promotions. As a statesman he had few peers and no superiors. He was universally beloved by the people of his State and district. Let us emulate his example. Let us practice his virtues.

His life was gentle, and the elements
So mix'd in him, that Nature might stand up,
And say to all the world, "This was a man!"

Mr. SIBLEY. Mr. Speaker, as a citizen of the Commonwealth of Pennsylvania I have been touched by the eloquent and heartfelt tributes that have been paid by members on both sides of this Chamber to the memory of one of her most distinguished sons. I had not anticipated making any remarks upon this occasion, but can not refrain from joining in those tributes indicative of respect, esteem, and affection which his life and character inspired in the bosom of all who knew him. It was my pleasure to know him for nearly twenty years, and though striking, as he did, most sturdy blows in behalf of any cause which appealed to his reason and his conscience, I recall no instance where even in the heat and acrimony of partisan contests he ever struck an unfair blow, stooped beneath the dignity of the Christian statesman, or led any man to question the sincerity of the motives which animated him.

He has left a life history every page of which, recording strenuous action, is nevertheless unstained and unsullied. View him as warrior, civilian, or statesman, the bold, high-minded, generous, charitable, Christian graces shine with equal luster in all the varied settings. He was one who loved his fellow-men, his country, and his Creator, and that love was never hid under the bushel, but shone out in the common acts of his daily life and illumined his face with that cheery smile which we shall ever remember. Mr. Speaker, as a citizen of Pennsylvania I am proud that it was ours to give him to his country to brighten the pages which abound with history of sons of Pennsylvania who have in their lives and deaths made her name famous in national annals.

Lancaster, one of our fairest counties, honored him by repeated selection for membership in this body, but MARRIOTT BROSIUS honored Lancaster county still more. No fairer commentary, no juster measure of the moral worth of any community, can be afforded than in the choice of such a high-minded Christian statesman as their Representative at the national capital. His labors are ended and he has passed on to his rewards. The memory of his kindly impulse, his generous deeds, his eloquent words, and patriotic service remains as a rich legacy, to be treasured not alone by the citizens of our Commonwealth, but by those of our common country as well.

We have pronounced him dead, and what, after all, is death but the entrance to the broader life? His work was done and well done. Why, then, should he not rest from his labors?

Death is not the curse, but the coronation; not the defeat, but the victory; not a serpent, but an angel.

There is no death. What seems so is transition.
This life of mortal breath
Is but a suburb of the life Elysian,
Whose portal we call death.

Such a life as his is too large, too far-reaching, too boundless, for the narrow confines of the tomb. Generous words and kindly action are immortal. They are the good seed in the good soil which fructify and multiply through the long swing and sweep of coming æons. He has fought the good fight, he has kept the faith, and wears the conqueror's crown.

No stream from its source flows seaward, however lonely its course,
But what some land is gladdened. No star ever rose
And set without influence somewhere. Who knows
What earth needs of earth's lowest creatures. No life
Can be pure in its purpose and strong in its strife
And all life not be purer and stronger thereby.
The spirits of just men made perfect on high.
The army of martyrs who stand by the throne
And gaze into the face that makes glorious their own
Know this surely at last, honest love, honest sorrow,
Honest work for the day, honest hope for the morrow,
Are these worth nothing more than the hand they make weary,
The heart they have saddened, the life they leave dreary?
Hush! the sevenfold heavens to the voice of the spirit
Echo—He that o'ercometh shall all things inherit.

Mr. KLEBERG. Mr. Speaker, again this body is called upon to give official expression to its grief in the loss of one of its most beloved and respected members, the Hon. MARRIOTT BROSIUS, late a Representative from the State of Pennsylvania, who departed this life on the 16th of March, 1901, at his home in Lancaster, Pa. As one who had the honor of his acquaintance, I approach this sad duty with feelings of misgivings and hesitation, as my brief remarks must necessarily fail in doing full justice to my subject. After all has been said of our departed friend, we must confess that human speech is utterly inadequate to give expression to the emotions which stir the heart upon the death of a great and good man. We are at once overwhelmed at the thought that we have been forever bereft of his genial presence, the warm grasp of his hand, the familiar sound of his voice, and, above all, the bright and kind luster of his eyes; all, all are gone forever!

Much as we may philosophize, and great as is the comfort and consolation we find in faith in immortality, we nevertheless stand appalled at the transition from life to death. Time, the great healer of all ills, at last dries up our tears and helps us over the gulf of sorrow; it is indeed God's healing art, the balm which He employs to slowly heal the wounds which grief has inflicted and by which He again fills the heart with new hope and fresh joy.

Well do I remember my last meeting with our distinguished friend. It was during one of those precious moments when members, regardless of party affiliations, gather in small groups and engage in social converse and friendly greetings in the Hall of Representatives; the time for the adjournment of the last session of the Fifty-sixth Congress was drawing near and members were bidding each other adieu. In the course of conversation Mr. BROSIUS remarked that he felt better than he had felt for a long time; that he looked forward with bright anticipation to the recreation the vacation would afford him and the renewed zest with which he expected to return to his labors in the Fifty-seventh Congress; that he was at peace with the world and bore no ill will to anyone.

Little, indeed, did I think that I was bidding him a final farewell, and that within a few short weeks I should be called upon to assist in laying his earthly remains to rest. But our friend was unexpectedly and suddenly stricken down by the fell reaper who is no respecter of persons or of time or place, and who comes like the thief in the night, without warning. Yet death did not find him unprepared, and had no terrors for him, as he had lived an incorruptible life, crowned with honor, usefulness, and the affections of his fellow-men. He died in his own happy home that he had founded, surrounded by kindred and friends, in the unfaltering devotion to his people and faith in his God. He had served his country on the battlefield and in the forum; he had borne the brunt wherever duty, civic and military, had called him; he had trod the lofty planes of statesmanship and charmed and electrified listening senates and assemblies of men with his eloquence, and had bared his breast to the missiles of war; he had burned the midnight oil of the student, and walked the perilous paths of the soldier; he had discharged the duties of the citizen and the loyal friend, and he had consecrated his life to family, home, and country. He had, in a word, lived the life of the just, a man without fear or reproach. Well could it be said of him:

His life was gentle, and the elements
So mix'd in him, that Nature might stand up,
And say to all the world, "This was a man!"

But our friend, while so well equipped for all the strenuous duties of life which were so admirably tempered by his strong social traits and his innate taste for the beautiful, yet realized and appreciated, with a deep religious conviction, the serious side of life. He was a philosopher as well as a soldier and statesman. Not only did he drink deep at the fountain of knowledge, but he was a student of nature, and with majestic sweep his mind was prone to explore the mysteries of life and its profound meaning from many sides. This side of his nature produced that nice balance of character which set him at peace with all the world and his fellow-men.

Mr. LACEY. Mr. Speaker, MARRIOTT BROSIUS, whose life and services we commemorate to-day, was my friend.

We first met in the Fifty-first Congress, and from the beginning of our acquaintance our lines were closely drawn together.

To love the same things and to hate the same things constitute true friendship.

Measured by this standard, personal and political, we became closer in our relations in each successive Congress in which we have served together.

His record as a soldier, a citizen, and a statesman has been recited by his colleagues, and I can add nothing to the same. In thinking of what I might say upon this occasion it occurred to me that, as these exercises will be printed in a memorial volume, there was nothing that I could prepare which would so well give a correct view of our departed friend as to quote his own utterances upon like occasions.

I have listened to him upon the tariff, the currency, and other political questions. I have heard him at the banqueting board, but there was no place or theme where the beauty of his diction and the purity of his sentiments made a stronger impression than when, upon a memorial service, he gave utterance to the feelings of his generous heart.

I intend, therefore, Mr. Speaker, to pluck from the garden of his eloquence two flowers that I deem worthy to place with our own tributes to his memory, and I therefore submit, to be printed in his memorial volume, his own beautiful and impressive language in his addresses upon the lives and services of Vice-President Hobart and Congressman Hoffecker, of Delaware, the latter of which was his last address in this House.

Let me quote the last words of his last speech on this floor as he spoke of his departed colleague.

He said:

That while green grass will cover his grave, blue skies bend over it, sweet birds sing near it, and the place will be hallowed ground, yet greener than the grass, fairer than the skies, sweeter than the birds, more hallowed than the grave itself will be his fragrant memory, enshrined with supreme sacredness in their heart of hearts.

And as his voice, trembling with emotion, uttered these words he took his seat, and his eloquent voice was no more to be heard in this Hall forever.

MEMORIAL TO VICE-PRESIDENT GARRET A. HOBART.

Mr. BROSIUS. Mr. Speaker—

"Sir Launcelot, there thou lyest; thou were never matched by none earthly knight's hands; thou were the truest friend to thy lover that ever bestrode a horse; thou were the kindest man that ever struck with a sword.—*La Morte d'Arthur*."

The Arabs had a saying that death is a camel that kneels at every man's door. This expresses how common an event it is in the providential order, as common and familiar as birth; yet of all natural events it produces the most profound and lasting impression upon the mind. This is true even when it comes to the humble and undistinguished; much more so when it overtakes those eminent persons who have achieved honor and distinction in the public service and occupy positions of great elevation in the public eye and in general esteem.

The death of the gifted and great has always been and will ever be a solemn, impressive, and imposing circumstance. Its value in the way of example, admonition, and instruction is in proportion to the elevation from which the subject falls to his natural end. It comes to the surviving like a faithful schoolmaster with the open book of a closed life, and assigns the lesson which we must study or lose its teaching. The fame of the great and noble dead is among the most enduring and valuable of our public possessions, and the contemplation of their example and their virtues exerts a salutary and ennobling influence upon the living.

It is one of the very best of men—and there is no higher praise—that we contemplate to-day. It is the universal estimation, the consensus of opinion among those who knew him, that the late Vice-President, in the essential elements of a well-organized being and the necessary excellencies of a character of the very first rank, had few, if any, superiors. The high success he achieved, the eminence he attained, the perfect character he formed, were not due to any adventitious aids. Neither birth nor rank nor fortune smoothed his upward way to the clear-aired heights he reached and kept. True, he had the good fortune to be born in a country one of whose glories is that its social formation is not in horizontal strata common in the Old World, through which few ever pass from below upward, but is mobile as the sea, where the lowest drop, winged with merit, may rise and glitter on the highest wave that rolls. All else was due to principles, qualities, and forces which summed up a strong, interesting, and attractive personality.

If the limits of the occasion permitted, we could easily name the traits which were chief agencies in the development of his splendid manhood. Honor, sympathy, courage, and duty were the precious and conspicuous jewels in the crown of his superb character, and we may set them apart to-day and lift them over his new-made grave as the golden texts in the lesson of his life.

Some one has said he had an unusual capacity for winning affection. This was due to his deep human sympathy. He was not deficient in imagination and could place himself in the position of others and realize their distresses

and their needs. His kindness to every human creature was proverbial. He was happy in promoting the comfort of those who served him. In his business career, which was a conspicuous success, his example if followed would cure two maladies said to afflict our time—the envious hatred of him who suffers want and the selfish forgetfulness of him who lives in affluence. This problem can be solved by sympathy, love, and good will.

There is no sunshine like that of kindness to open those beautiful flowers, sympathy, love, hope, and trust, which ought to bloom over the garden walls which separate the rich and the poor. Mr. Hobart was thoroughly imbued with that beautiful sentiment which holds the human family in the bonds of unity and love, that we are children of the same Father, traveling toward the same home, and hoping to sit down at last at the same banquet, and therefore we should "love one another."

"So many gods, so many creeds,
So many ways so hard to find,
When all this wicked world needs
Is just the art of being kind."

Our distinguished friend has been twice ennobled. Death and duty ennoble all men. Devotion to duty was one of his characteristic traits. Her command to him a "Thus saith the Lord." He was unremitting in his attention to his public engagements. His entire life exemplified the truth that the path of duty is the upward way; that—

"Not once or twice in our fair land's story
The path of duty was the way to glory."

Our souls should bow before the temple that enshrines the divinity of duty. These superb characters are the rarest fruit of earth, and their surviving countrymen may well cherish the fine vintage of their example for their perpetual refreshment.

The Vice-President, whom we mourn, was stricken in the midst of his usefulness from the highest public place save one in the gift of the people, a position which, despite its elevation, he honored more than it could honor him. The character and relative eminence of the office of Vice-President has been the subject of diverse comment for a hundred years, many people regarding it as quite subordinate in consequence and rank. The original constitutional mode of selecting the President and Vice-President denoted the estimation in which the framers of the Constitution held the Vice-Presidential office, and yet some of them and their contemporaries spoke slightingly of that office. John Adams said:

"My country has in its wisdom contrived for us the most insignificant office that ever the invention of man contrived or his imagination conceived."

Thomas Jefferson said:

"It is the only office in the world about which I am unable to decide whether I had rather have it or not have it."

Whatever rank may have been assigned to it at different periods of our history, it is the glory of its last incumbent that he restored the Vice-Presidency to its true rank, redeemed it from any obscurity into which it may have fallen, rescued it from the insignificance in which it came to be regarded by some, and established its title to the dignity and elevation appropriate to the second office in the gift of the American people.

It is thus seen what a beautiful and instructive career has closed on earth. He did not live man's appointed time. The mysterious clock to which Dr. Holmes so beautifully refers, which the angel of life wound up to run three score years and ten, ran down before the lapse of the allotted time. But the bounds which are fixed to the duration of life do not always measure its worth. His career, though cut off in the midst of its usefulness, has been a sweet and wholesome example in right living, high thinking, and unselfish service in private and public walks of life, and his fragrant memory will ever remain an inspiration to those who loved him living and mourn him dead.

There is a tradition that among the Seneca Indians a singularly beautiful belief prevailed that when a loved one died, if they caught a singing bird and, binding it with messages of love and affection, released it over the grave of the departed, it would not fold its wings nor close its eyes until it reached the spirit land and delivered the messages to the loved and lost. So may the friends who mourn to-day bind with messages of love the birds that are singing in their hearts songs of homage and affection, and, releasing them at the grave of the departed, may enjoy the solace of believing that they will not fold their wings until they reach the spirit land and deliver the messages to the loved and lost.

MEMORIAL ADDRESS TO JOHN H. HOFFECKER, OF DELAWARE.

Mr. BROSIUS. Mr. Speaker, when Tell's arrow pierced the breast of the tyrant Gessler, and he lay bleeding and dying in the mountain pass, he was surrounded by a company of Friars of Mercy who happened to be passing, who sang these lines:

"With noiseless tread death comes on man;
No plea, no prayer delivers him;
From midst of busy life's unfinished plan,
With sudden hand it severs him.
And ready or not ready, no delay,
Forth to his Judge's bar he must away."

* * * * * * *

I crave a brief indulgence on this occasion to mingle my voice with the swelling anthem of affectionate eulogy because I respected and honored our departed friend while living, and I feel a sincere and reverential regard for his memory. The duration of his life, the usefulness of his labors, the benevolence of his feelings, the elevation of his sentiments, and the nobility of his character united to form an attractive and interesting personality and a career instructive and admirable in a high degree.

His brief service in this House afforded no opportunity for the exhibition of any marked aptitude for the higher ranges of statesmanship, but his attention to the wants of his constituents and his tireless devotion to duty accentuated that fidelity which marks the successful Representative on this floor and furnished an example quite worthy of imitation. His kindly and sympathetic nature, his graces of mind and heart, amiability of character, sweetness of disposition, gentleness of manner, and fine courtesy made conquest of universal esteem and placed him high in the hearts of those who had the good fortune to know him. His constituents appreciated and loved him. They knew his diligence in their service; they knew that the command of duty was to him a "thus saith the Lord;" that no draft made upon him in any matter whose claim he recognized would ever go to protest. So they trusted him and were never betrayed; confided in him and found him worthy.

The lesson such a career, brief as it was, teaches appeals to all of us, that the only way for a Representative to securely hold the confidence and affection of his constituents is in the demonstration of his worthiness by integrity, fidelity, industry, and efficiency in their service.

Mr. Hoffecker was a man of light and leading in his community. He was a gentleman of the old school, courtly and polished in manners, with an attractive personality that commanded universal respect. The variety and prominence of the positions he held of a business, social, and ecclesiastical character denoted the commanding influence he exerted in his community. When he was laid to rest the chief mourner was the town in which he had dwelt. In recognition of his private worth and public services all places of business were closed. "Grand, good Christian gentleman! No unkind word was ever spoken of him," said one who had known him for many years. "A noble Christian man, a counselor always safe, an honored and trusted citizen," said another. "One of God's noblemen, always engaged in love and good works," said another old acquaintance. His sterling manhood, exalted character, and broad Christian spirit gave him the deserved preeminence he enjoyed in the State he so faithfully represented for a brief period on this floor.

Our departed friend reached and passed the bounds of man's appointed years. The mysterious clock which the angel of life wound up to run three score years and ten and gave the key to the angel of the resurrection, as beautifully suggested by Dr. Holmes, ran a little beyond the appointed time.

Death came unheralded. We heard the rustle and saw the shadow of his wings, and it was over. "As the shadows steal at evening over the earth, softly closing the flowers and touching them to sleep, silently and lovingly in the promise of a bright waking," so he fell asleep. Nature, with a little rudeness in her touch, perhaps, disengaged the vital cord, and he "passed serenely into rest on the other shore of that mysterious sea that never yet has borne on any wave the image of a homeward sail."

The suddenness of his taking off is a circumstance not wholly without comfort. To one who is ready I can not but feel, with Ruskin, that death is the comforter and friend bringing in his right hand rest and in his left hope. It is not uncommon in our day to hear the desire expressed for a sudden death. Dr. Holmes once said, when he read of some one being taken off quickly, it made his mouth water. I am sure our departed friend in every way answered the description contained in the poet's lines, which voice my own feelings:

"When faith and patience, hope and love,
Have made us meet for heaven above,
How blest the privilege to rise,
Snatched in a moment to the skies;
Unconscious to resign our breath,
Nor taste the bitterness of death."

He is gone; but he left behind him for our instruction the lesson of a beautiful life of sympathy and service. To contemplate and emulate it is the only way to make it profitable to us. Death comes like a faithful schoolmaster, with the open book of a closed life, and assigns the lesson which we must study or lose its teaching. There is a "golden text" in the lesson of this dutiful and beautiful life which we may all study with profit.

And now, as we leave the contemplation of our departed friend, those who loved him best can carry with them the consolatory reflection "that, while green grass will cover his grave, blue skies bend over it, sweet birds sing near it, and the place will be hallowed ground, yet greener than the grass, fairer than the skies, sweeter than the birds, more hallowed than the grave itself will be his fragrant memory, enshrined with supreme sacredness in their heart of hearts."

Mr. MONDELL. Mr. Speaker, my acquaintance with Mr. BROSIUS began in the early days of the Fifty-fourth Congress. A constituent of mine who bore the same family name as our departed friend, and who was a great admirer of his, charged me before I left home for the sapital to make his early acquaintance and inquire of him relative to the history of the family to which they both belonged.

I took the first opportunity that presented to introduce myself, and thus began an acquaintance which ripened into a friendship which, at least on my part, grew and strengthened through all the years that followed. I have never been brought into contact with a character which more deeply impressed me with its most striking characteristics of kindliness of heart and honesty of purpose than that of our departed friend, a character at once strong and vigorous, gentle and lovable.

I last saw him a few short weeks before he was called to his reward, as he stood here upon this floor to pay tribute to the memory of a departed colleague. The beautiful sentiments he then so eloquently uttered have a peculiar significance in that they were practically his last words on the floor of this Chamber, and one thought that he then expressed comes to me now as especially appropriate to this occasion when we are gathered to review the life work and pay tribute to the memory of this gallant soldier, good citizen, accomplished legislator, kindly and sympathetic man. He said on that occasion:

He is gone, but he left behind for our instruction the lesson of a beautiful life of sympathy and service, to contemplate and emulate it, is the only way to make it profitable to us. Death comes like a faithful schoolmaster with the open book of a closed life, and assigns us the lesson which we must study or lose its teaching. There is a "golden text" in the lesson of this dutiful and beautiful life which we may all study with profit.

When our departed friend uttered this beautiful sentiment, little did we think how soon his summons was to come "to join the innumerable caravan that moves unto the silent halls of death," or how appropriate the words he then uttered to the memory of one who had given a long and faithful service to his country would be on the occasion when the final tribute of love and affection should be paid to his memory.

While we are admonished again by the passing of our friend of the uncertainty of human existence, we are also reminded by the beauty of his life and character that for such a soul the end of usefulness here is but a translation to greater usefulness amid fairer fields and under brighter skies beyond, and that there shall follow him there the full fruitage of the seeds of loving-kindness and noble endeavor which he sowed with such unwearying hand throughout a busy and eventful life.

He is gone from among us in the flesh, but he is with us and shall remain to the end of time in the influences for good which

he exerted here. This little span of mortal life is but the seed-time of existence—the seed time in which he scattered broadcast the seeds of beautiful thoughts and kindly and considerate action, which, like the pebble thrown on the mirrored bosom of the lake, radiates its influence in ever-widening, never-ending circles, the ultimate limit and extent of which only Omnipotence can know; and who can say to what far-distant age and clime the never-failing, never-ceasing, kindly, and helpful influence of our departed friend may extend, passing, with the souls which it has and shall influence, beyond the shores of time to break in soothing, cooling waves of loving sympathy upon the golden strands of a distant eternity?

We have missed him; we shall miss him more in the days to come, but the recollection of his service to his country and to his countrymen, the liberal contribution which he made of his talents in the cause of all that was "good, true, and beautiful," shall ever linger lovingly in our memory, and to us he shall be not as one dead, but as an elder brother, called by the Father of all to other fields of usefulness, leaving behind for our benefit forever the priceless legacy of a kindly influence, a good example, and an untarnished name.

Mr. GREEN of Pennsylvania. Mr. Speaker, amid the ceaseless whirl of busy Congressional life we have paused a few short hours to-day to pay tribute to the memory of him who for more than a decade served the people of the county of Lancaster, my neighbors, so faithfully and so ably in the legislative halls of this nation.

Reverently and with sorrow I lay upon his bier a single humble flower, which I ask may be entwined in the wreath of memory we are assembled to weave to-day. This that his family, his friends, his people, and all may know that his neighbors who live in the land across the eastern border of the county of the red rose, through their Representative, bear testimony of the worth, the integrity, and ability of their chosen son, MARRIOTT BROSIUS, of his many excellencies in both private and public life, of the fact that they have ever appreciated him as a man and a faithful public servant.

As we parted at the dissolution of the Fifty-sixth Congress, all you who had been elected to serve in the coming Congress expected when that body assembled to meet the tall, dignified, and kindly chairman of the Committee on Banking and Currency. Had we gone over the roll and picked out a score of those whom we had no doubt would survive the interim, Lancaster's representative would have been among that number, for he appeared to be the picture of health and strength, and we knew that his habits were such that he burned the candle of life with the greatest care and economy, and never at both ends. He gave every indication of many years of life being vouchsafed to him, and that a long and useful public career lay before him.

How we were shocked to hear of his sudden death before many of us had settled down to our regular avocations at home! A most insignificant accident, such that with the utmost care could happen to any one of us, a mere bump on the head, ended his life in the midst of its usefulness, when the long years of laborious preparation, unwearying study, and conscientious application gave him every reason to anticipate the writing of his name in bold letters still higher up the ladder of fame and successful achievement. By chance it fell to my lot to be one of his colleagues selected to attend his funeral and bear his body to its last resting place, and, although the day was a most inclement one, such an outpouring of the people of his district as we saw in the city of his home spoke more than words their great appreciation of the dead.

The hush and quiet that pervaded these great crowds, the whispered conversations, and the uncovered heads of the people as we passed, all bore convincing evidence that they had assembled out of no idle curiosity, but to pay their last homage to one whom they respected, honored, and loved; one to whom so often they had confided their voice and vote in the greatest lawmaking body of the greatest nation of the world.

That he had been faithful to his trust there could have been not the slightest doubt, and all seemed to whisper the "Well done, good and faithful servant."

MARRIOTT BROSIUS was a Quaker, descended from Quaker ancestry in great part; yet, strange as it may seem to those who are acquainted with the teachings of this peace-loving and strife-hating people, he had been a soldier and as a private answered his country's call when the war of the rebellion which found neighbor arrayed against neighbor and brother against brother waged its fiercest, and only after receiving a severe wound did he leave the field of bloody conflict.

He and others demonstrated a fact, firmly established in the annals of all our wars from the Revolution to that with Spain, that the offspring of the Quaker is first to offer his services to his country, ever steadfast in the time of danger and fearless on the field of strife.

Congressman BROSIUS occupied a leading position among the members of the House of Representatives when he died, a position earned by the possession of that key which alone opens the door of achievement and success—hard work.

No more industrious man could be found among those who served with him. His speeches, whether before this body, in a political campaign, at a banquet, or on special occasions, bore evidence of careful reading, thoughtful deliberation, and painstaking preparation. This detail work always made them worth listening to and worth reading. His great powers of elocution and the fervid earnestness with which they were delivered caused him to be sought on many occasions of national importance. I remember distinctly the oration he delivered but a few years ago at the celebration of the nation's Memorial Day at Arlington Heights, in my humble opinion the greatest of all his public deliverances. Added to this faculty, aye even fondness for hard work, he possessed striking integrity, great earnestness, and a deep love of country and of home.

He was constantly returned to Congress because it was recognized among the political leaders of his district that the people were behind him and with him, and no aspiring politician in later years even ventured to dispute his claim to be returned to Congress. So a nomination was always conceded to him without opposition, and this was equivalent to an election in that strong Republican county of Lancaster, which constituted his district.

He had opportunities which do not often come to men who are sent to Congress from Pennsylvania constituencies. The moral certainty that he could and would maintain his position, not for a term or two, but as long as his course gave satisfaction to the people he represented, as long as he remained prompt and faithful in the discharge of the duties and trusts confided to him.

He had, further, the assurances that expensive political fights at home would not force him to devote much of his time to professional business in order to support his family in comfort, and this gave him more time to devote to public work. Too often the high and honorable positions in the public service can be reached only by those who are wealthy and willing to make large investments in political campaigns, thereby excluding almost entirely the man dependent upon his ability and labor to earn a living.

The people of Lancaster County are to be congratulated upon their intelligent appreciation of the fact that the position of member of Congress is one of importance to them. That their Representative's standing is their standing in that body; that they are important only when he becomes important. They know that a place at the top is reached only by long years of successive service, for that ladder must be climbed step by step from the bottom round, and only by labor and care and application is the middle passed. Too often the people of Pennsylvania, by constant changes after very short terms of service, fail to maintain their proper position of influence at the nation's capital, and the State does not maintain a high rank among the great States of the Union who have long ago ceased to follow this policy.

Lancaster County has ever been a notable exception, and for this reason more than any other in the State and the nation she has maintained a commanding position.

MARRIOTT BROSIUS not only had these opportunities, but he used them to advantage and to the fame and distinction of his district. And when he wrote his name high up in the history of this nation's servants, at the same time he wrote the name of Lancaster on the same commanding plane.

She has good reasons to mourn his sudden and untimely death at the time of his greatest usefulness. But she has the consolation of knowing that him who she selected and honored most among her sons was in every way worthy of her choice. We know little of that life which lies beyond the river of death, over which all must pass, but we know—if we know anything—that after this short existence here, during which we have attained some growth both mental and moral, we will take with us our acquirements of head and heart to again take up the work of the hereafter in the worlds that are to come in the eternal and unending progress and development of life.

MARRIOTT BROSIUS has passed to that higher and broader life, and we know he has assumed greater duties and more higher responsibilities there.

Mr. CASSEL. Mr. Speaker, I ask unanimous consent that members of the House may have leave to print in the RECORD remarks upon the life, character, and service of Mr. BROSIUS.

The SPEAKER pro tempore (Mr. LANDIS). Without objection, the request will be granted.

There was no objection.

The resolutions were then unanimously agreed to.

Accordingly, in pursuance of the resolutions, the House (at 3 o'clock and 35 minutes) adjourned until Monday next at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of the Ohio River near Marietta—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report in relation to a waterway connecting Lakes Union and Washington with Puget Sound—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the vice-president of the Metropolitan Railroad Company, transmitting the report of said company for the year ended December 31, 1901—to the Committee on the District of Columbia, and ordered to be printed.

A letter from the Secretary of War, transmitting recommendations regarding disposition of useless papers—to the Select Committee on the Examination and Disposition of Useless Papers, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of F. M. Holthoff against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the snow *Eliza*, Ephraim Perkins, master, against the United States—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the schooner *Hazard*, Robert Child, master, against the United States—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of fact in the case of Robert F. Smith, administrator of estate of Francis J. Smith, against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of War, transmitting papers in the claim of A. C. Jewell—to the Committee on Claims, and ordered to be printed.

A letter from the vice-president of the Brightwood Railway Company, transmitting report of said company for the year ended December 31, 1901—to the Committee on the District of Columbia, and ordered to be printed.

A letter from the vice-president of the Washington and Great Falls Electric Railway Company, transmitting report of said company for the year ended December 31, 1901—to the Committee on the District of Columbia, and ordered to be printed.

A letter from the vice-president of the Columbia Railway Company, transmitting report of said company for the year ended December 31, 1901—to the Committee on the District of Columbia, and ordered to be printed.

A letter from the vice-president of the City and Suburban Railway Company, transmitting report of said company for the year ended December 31, 1901—to the Committee on the District of Columbia, and ordered to be printed.

A letter from the vice-president of the Anacostia and Potomac River Railroad Company, transmitting report of said company for the year ended December 31, 1901—to the Committee on the District of Columbia, and ordered to be printed.

A letter from the vice-president of the Georgetown and Tennallytown Railway Company, transmitting report of said company for the year ended December 31, 1901—to the Committee on the District of Columbia, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, recommending legislation to allow lens glass for light-houses to be imported free of duty—to the Committee on Ways and Means, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. JENKINS, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 8586) amending the act of March 2, 1901, entitled "An act to carry into effect the stipulations of article 7 of the treaty between the United States and Spain, concluded on the 10th day of December, 1898," reported the same without amendment, accompanied by a report (No. 313), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. PATTERSON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 9312) granting an increase of pension to Kate Virginia Dewey Cushing, reported the same with amendment, accompanied by a report (No. 290); which said bill and report were referred to the Private Calendar.

Mr. BALL of Delaware, from the Committee on Pensions, to which was referred the bill of the House (H. R. 6926) granting a pension to Mabel H. Lazear, reported the same with amendment, accompanied by a report (No. 291); which said bill and report were referred to the Private Calendar.

Mr. BOREING, from the Committee on Pensions, to which was referred the bill of the House (H. R. 597) granting a pension to Adella C. Chandler, widow of Bartley M. Chandler, reported the same with amendments, accompanied by a report (No. 292); which said bill and report were referred to the Private Calendar.

Mr. PATTERSON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 8493) granting a pension to Harry H. Sieg, reported the same with amendments, accompanied by a report (No. 293); which said bill and report were referred to the Private Calendar.

Mr. SELBY, from the Committee on Pensions, to which was referred the bill of the House (H. R. 5247) granting an increase of pension to Richard Fristoe, reported the same with amendments, accompanied by a report (No. 294); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 2273) granting a pension to Martha A. De Lamater, reported the same with amendment, accompanied by a report (No. 295); which said bill and report were referred to the Private Calendar.

Mr. BROMWELL, from the Committee on Pensions, to which was referred the bill of the House (H. R. 6018) granting a pension to Lue Emma McJunkin, reported the same with amendments, accompanied by a report (No. 296); which said bill and report were referred to the Private Calendar.

Mr. DRAPER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 1018) granting an increase of pension to George C. Leighton, reported the same without amendment, accompanied by a report (No. 297); which said bill and report were referred to the Private Calendar.

Mr. DE GRAFFENREID, from the Committee on Pensions, to which was referred the bill of the House (H. R. 6861) granting an increase of pension to Joseph K. Ashby, reported the same with amendment, accompanied by a report (No. 298); which said bill and report were referred to the Private Calendar.

Mr. WILEY, from the Committee on Pensions, to which was referred the bill of the House (H. R. 7341) granting a pension to Elizabeth W. Simmons, reported the same with amendments, accompanied by a report (No. 299); which said bill and report were referred to the Private Calendar.

Mr. DRAPER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 1796) for the relief of Hiram Cronk, reported the same with amendment, accompanied by a report (No. 300); which said bill and report were referred to the Private Calendar.

Mr. BOREING, from the Committee on Pensions, to which was referred the bill of the House (H. R. 5289) granting a pension to Malvina C. Stith, reported the same with amendments, accompanied by a report (No. 301); which said bill and report were referred to the Private Calendar.

Mr. DE GRAFFENREID, from the Committee on Pensions, to which was referred the bill of the House (H. R. 7074) granting a pension to B. F. Draper, reported the same with amendments, accompanied by a report (No. 302); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 9383) granting a pension to Narcissa Tait, reported the same with amendments, accompanied by a report (No. 303); which said bill and report were referred to the Private Calendar.

Mr. SHELDEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 3515) granting a pension to Mary A. House, Army nurse, reported the same with amendments, accompanied by a report (No. 304); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 8293) granting a pension to Amanda Jacko, reported the same without amendment, accompanied by a report (No. 305); which said bill and report were referred to the Private Calendar.

Mr. BALL of Delaware, from the Committee on Pensions, to which was referred the bill of the House (H. R. 4209) granting a pension to Thomas Butler, reported the same with amendment, accompanied by a report (No. 306); which said bill and report were referred to the Private Calendar.

Mr. BROMWELL, from the Committee on Pensions, to which was referred the bill of the Senate (S. 526) granting an increase of pension to John McGrath, reported the same without amendment, accompanied by a report (No. 307); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 887) granting a pension to Sarah McCord, reported the same without amendment, accompanied by a report (No. 308); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1783) granting an increase of pension to Henry B. Schroeder, reported the same without amendment, accompanied by a report (No. 309); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 232) granting a pension to Mary E. W. Morgan, reported the same without amendment, accompanied by a report (No. 310); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2161) granting an increase of pension to A. Curtis Steever Carpenter, reported the same without amendment, accompanied by a report (No. 311); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 920) granting an increase of pension to Frances M. Reilly, reported the same without amendment, accompanied by a report (No. 312); which said bill and report were referred to the Private Calendar.

Mr. MEYER of Louisiana, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 720) for the relief of Lieut. Jerome E. Morse, reported the same without amendment, accompanied by a report (No. 318); which said bill and report were referred to the Private Calender.

He also, from the same committee, to which was referred the bill of the House (H. R. 4748) authorizing the President of the United States to nominate Lieut. Commander R. M. G. Brown, now on the retired list, to be a commander on the retired list, reported the same without amendment, accompanied by a report (No. 319); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were thereupon referred as follows:

A bill (H. R. 10342) granting an honorable discharge to William E. Cattrill—Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

A bill (H. R. 9365) granting an increase of pension to Leroy S. Smith—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 9367) granting a pension to Andrew J. Felt—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 9529) granting a pension to Eliza Bayard—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 9540) granting additional pension to Thomas J. Slusser—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 9775) granting an increase of pension to Lucy W. Smith—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 9941) granting a pension to James Mathew—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 10056) granting a pension to Henry Clay—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 10211) for the relief of Allen Greenleaf—Committee on Pensions discharged, and referred to the Committee on Military Affairs.

A bill (H. R. 10280) granting a pension to Harriet A. Cook—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BOREING: A bill (H. R. 10589) to establish a court of pension appeals to relieve pension claimants and Congress, and for other purposes—to the Committee on the Judiciary.

By Mr. BARTLETT: A bill (H. R. 10590) for the erection of a public building at Macon, Ga.—to the Committee on Public Buildings and Grounds.

By Mr. LEVER: A bill (H. R. 10591) for the erection of a monument to the memory of Capt. James Butler and others for heroism during the Revolutionary war—to the Committee on the Library.

By Mr. HENRY C. SMITH: A bill (H. R. 10592) to establish a fish-hatching and fish station in the State of Michigan—to the Committee on the Merchant Marine and Fisheries.

By Mr. MARSHALL: A bill (H. R. 10593) to provide for the erection of a public building in the city of Grand Forks, N. Dak.—to the Committee on Public Buildings and Grounds.

By Mr. MILLER: A bill (H. R. 10594) to provide for exchange of public lands of the United States with bona fide residents who are actual settlers or grantees of lands under grants of Congress—to the Committee on the Public Lands.

By Mr. RAY of New York: A bill (H. R. 10595) establishing a board of public health, and for other purposes—to the Committee on Interstate and Foreign Commerce.

By Mr. DAYTON: A bill (H. R. 10693) providing for holding of courts of the northern district of West Virginia at Martinsburg, W. Va.—to the Committee on the Judiciary.

By Mr. OTEY: A resolution (H. Res. 118) relating to the itineraries of Prince Henry of Prussia while a guest of the nation—to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills of the following titles were introduced and severally referred as follows:

By Mr. BATES: A bill (H. R. 10596) granting a pension to Katharina Schwartz—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10597) to remove the charge of desertion from the military record of Richard Friend Baker—to the Committee on Military Affairs.

Also, a bill (H. R. 10598) to remove the charge of desertion from the military record of Benjamin F. Foote—to the Committee on Military Affairs.

By Mr. BROUSSARD: A bill (H. R. 10599) for the relief of the estate of Hiram Anderson, deceased—to the Committee on War Claims.

Also, a bill (H. R. 10600) for the relief of Auguste Alvarado, of Lafayette Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 10601) for the relief of Mrs. Marguerite Arnaud, of Lafayette Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 10602) for the relief of Victoria C. Avet and estate of Vincent Avet, deceased—to the Committee on War Claims.

Also, a bill (H. R. 10603) for the relief of the estate of Camile Berard, deceased—to the Committee on War Claims.

Also, a bill (H. R. 10604) for the relief of Edgar Breaux, of Lafayette Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 10605) for the relief of Charles Broder, of Lafayette Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 10606) for the relief of the estate of Louisa Breaux, deceased, late of Lafayette, La.—to the Committee on War Claims.

Also, a bill (H. R. 10607) for the relief of the estate of Louis Broussard, deceased, late of Lafayette Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 10608) for the relief of Susan L. Bailey, of Lafayette Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 10609) for the relief of Samuel Cary, of St. Marys Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 10610) for the relief of the estate of J. M. Charpentier, deceased—to the Committee on War Claims.

Also, a bill (H. R. 10611) for the relief of the estate of Charles Clerc, deceased—to the Committee on War Claims.

Also, a bill (H. R. 10612) for the relief of Belisaire Cormier, of Lafayette Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 10613) for the relief of estate of Jean Constantin, deceased, late of Lafayette, La.—to the Committee on War Claims.

Also, a bill (H. R. 10614) for the relief of the estate of Jean Crouchet, deceased—to the Committee on War Claims.

Also, a bill (H. R. 10615) for the relief of Onesiphor Delahoussaye, sr., of St. Martin Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 10616) for the relief of the estate of Emilia Olivier, widow of the late Jean Delille—to the Committee on War Claims.

Also, a bill (H. R. 10617) for the relief of Zachine Dugat, of Lafayette Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 10618) for the relief of Toussaint Ecby, of Lafayette Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 10619) for the relief of the estate of John H. Ellis, deceased—to the Committee on War Claims.

Also, a bill (H. R. 10620) for the relief of Corrinne Perrett Fusilier—to the Committee on War Claims.

Also, a bill (H. R. 10621) for the relief of Mrs. Irene Granger, of Vermilion Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 10622) for the relief of Louis Hymelle, of St. Martin Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 10623) for the relief of Mary M. Hopkins, of Lafayette Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 10624) for the relief of Mrs. Catherine Hilbert, of Lafayette Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 10625) for the relief of William Guchereau, of Lafayette Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 10626) for the relief of Louis Journey, of Lafayette Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 10627) for the relief of the estate of Joseph Knight, deceased—to the Committee on War Claims.

Also, a bill (H. R. 10628) for the relief of Augustine Lastrappes, of Lafayette Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 10629) for the relief of the estate of Onezime Leleux, deceased—to the Committee on War Claims.

Also, a bill (H. R. 10630) for the relief of the estate of Desire Le Blanc, deceased—to the Committee on War Claims.

Also, a bill (H. R. 10631) for the relief of Bennett Lilly, of Lafayette Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 10632) for the relief of Valerien Martin, of St. Martin Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 10633) for the relief of John Martinez, of Ascension Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 10634) for the relief of the estate of Joseph Melançon, deceased—to the Committee on War Claims.

Also, a bill (H. R. 10635) for the relief of the estate of George Mitchelltree, deceased—to the Committee on War Claims.

Also, a bill (H. R. 10636) for the relief of F. Héno Mollére, of Ascension Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 10637) for the relief of the estate of J. Bienvenu Mollére, deceased—to the Committee on War Claims.

Also, a bill (H. R. 10638) for the relief of Rose E. Neriault, legal representative of Marie Louise and Sylvain Neriault, deceased—to the Committee on War Claims.

Also, a bill (H. R. 10639) for the relief of the estate of Joseph Devezin Olivier, deceased, and Celeste Olivier, deceased—to the Committee on War Claims.

Also, a bill (H. R. 10640) for the relief of Clervile Richard, of St. Mary Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 10641) for the relief of Arthur Taylor, of Lafayette Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 10642) for the relief of Martha Bennett Slack and the estate of Charles A. Slack, deceased—to the Committee on War Claims.

By Mr. BURK of Pennsylvania: A bill (H. R. 10643) to correct the military record of Edward Eaton—to the Committee on Military Affairs.

Also, a bill (H. R. 10644) granting a pension to Michael J. Madden—to the Committee on Pensions.

By Mr. CROWLEY: A bill (H. R. 10645) granting an increase of pension to Benjamin Wood—to the Committee on Invalid Pensions.

By Mr. CUSHMAN: A bill (H. R. 10646) granting an increase of pension to Marcel Gagnon—to the Committee on Invalid Pensions.

By Mr. FLETCHER: A bill (H. R. 10647) granting a pension to James M. Leckie—to the Committee on Invalid Pensions.

By Mr. FLYNN: A bill (H. R. 10648) granting a pension to Thomas R. Cook—to the Committee on Invalid Pensions.

By Mr. GARDNER of Michigan: A bill (H. R. 10649) granting an increase of pension to David H. Thompson—to the Committee on Invalid Pensions.

By Mr. GILBERT: A bill (H. R. 10650) for the relief of James Naylor—to the Committee on Military Affairs.

By Mr. GRIFFITH: A bill (H. R. 10651) granting a pension to George D. Wellons—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10652) granting a pension to Polly Lewis—to the Committee on Invalid Pensions.

By Mr. JACKSON of Kansas: A bill (H. R. 10653) granting a pension to John Buchanan—to the Committee on Invalid Pensions.

By Mr. JOHNSON: A bill (H. R. 10654) for the relief of Mount Zion Society—to the Committee on War Claims.

By Mr. JOY: A bill (H. R. 10655) for the relief of Lieut. Grant Gillespie—to the Committee on Military Affairs.

By Mr. LONG: A bill (H. R. 10656) granting a pension to the minor heirs of Patrick McGee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10657) granting a pension to Edward L. Ruby—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10658) granting an increase of pension to Daniel Ridenger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10659) granting an increase of pension to John L. Finley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10660) granting an increase of pension to Edwin A. Welch—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10661) for the relief of Johnson Adams—to the Committee on Military Affairs.

Also, a bill (H. R. 10662) for the relief of John H. Ball—to the Committee on Claims.

Also, a bill (H. R. 10663) granting an increase of pension to Benjamin H. Downing—to the Committee on Invalid Pensions.

By Mr. McCLELLAN (by request): A bill (H. R. 10664) for the relief of Gustaw Augustein—to the Committee on Claims.

By Mr. OTEY: A bill (H. R. 10665) for the relief of the legal representatives of Nathaniel and William Offutt, deceased, late of the parish of St. Martin, La.—to the Committee on War Claims.

By Mr. PADGETT: A bill (H. R. 10666) for the relief of estate of J. J. Brison, late of Wayne County, Tenn.—to the Committee on War Claims.

By Mr. POLK: A bill (H. R. 10667) to remove the charges from the military record of M. G. Thornton—to the Committee on Military Affairs.

Also, a bill (H. R. 10668) to correct the military record of Lieut. Samuel T. Piatt, of Watsontown, Pa.—to the Committee on Military Affairs.

Also, a bill (H. R. 10669) to remove the charge of desertion from the military record of William Dwyer—to the Committee on Military Affairs.

Also, a bill (H. R. 10670) to remove the charge of desertion from the military record of Eugene Downing—to the Committee on Military Affairs.

Also, a bill (H. R. 10671) for the relief of Emeline Hass, of Mount Carmel, Pa.—to the Committee on Claims.

Also, a bill (H. R. 10672) granting a pension to Ada S. Kempfer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10673) granting an increase of pension to Frederick A. Reen, Watsontown, Pa.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10674) granting an increase of pension to Francis Treas—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10675) granting an increase of pension to Andrew A. Groner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10676) granting an increase of pension to John Burke—to the Committee on Invalid Pensions.

By Mr. RIXEY: A bill H. R. 10677) for relief of Sarah A. Skinner—to the Committee on War Claims.

By Mr. SPARKMAN: A bill (H. R. 10678) for the relief of the Florida Brewing Company—to the Committee on Claims.

By Mr. TAWNEY: A bill (H. R. 10679) granting an increase of pension to Charlotte E. Baird—to the Committee on Invalid Pensions.

By Mr. WARNOCK: A bill (H. R. 10680) granting a pension to Henry Thomas, dependent father of David Thomas, Company C, Fourth Ohio Volunteer Infantry—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 10681) for the relief of Charles Snyder—to the Committee on Military Affairs.

By Mr. ZENOR: A bill (H. R. 10682) granting an increase of pension to Thomas J. Menaugh—to the Committee on Invalid Pensions.

By Mr. PEARRE: A bill (H. R. 10683) to remove the charge of desertion from the record of James Irwin, alias James Williamson—to the Committee on Military Affairs.

Also, a bill (H. R. 10684) granting a pension to William H. Jones—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10685) granting an increase of pension to Elijah M. Friend—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10686) for the relief of Nathan Shaw—to the Committee on War Claims.

Also, a bill (H. R. 10687) for the relief of Isaac R. Maus—to the Committee on War Claims.

Also, a bill (H. R. 10688) for the relief of John L. Benson—to the Committee on War Claims.

By Mr. DAYTON: A bill (H. R. 10689) authorizing the President to appoint Lieut. Robert Platt, United States Navy, to the rank of commander—to the Committee on Naval Affairs.

By Mr. SHOWALTER: A bill (H. R. 10690) granting a pension to Edith B. Wilkins—to the Committee on Invalid Pensions.

By Mr. STEWART of New York: A bill (H. R. 10691) granting an increase of pension to Daniel Van Wie—to the Committee on Invalid Pensions.

By Mr. BROWNLOW: A bill (H. R. 10692) granting an increase of pension to David C. Maples—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of Osage Post, No. 156, Grand Army of the Republic, Department of Kansas, for investigation of administration of Bureau of Pensions—to the Committee on Rules.

By Mr. ADAMS: Resolutions of the New Orleans Progressive Union, in relation to the duty on sugar—to the Committee on Ways and Means.

By Mr. BATES: Papers to accompany House bill to remove the charge of desertion against the record of Richard Friend Baker—to the Committee on Military Affairs.

Also, papers accompanying House bill to remove charge of desertion from the military record of Benjamin F. Foote—to the Committee on Military Affairs.

By Mr. BELL: Protests of farmers of northern Colorado and citizens of Sugar City, Colo., for the retention of the present tariff on sugar—to the Committee on Ways and Means.

Also, petition of citizens of Newcastle, Colo., against the leasing of public lands, etc.—to the Committee on the Public Lands.

Also, resolutions of Musicians' Protective Association of Cripple Creek and Trinidad, Colo., favoring the construction of naval vessels at Government navy-yards—to the Committee on Naval Affairs.

By Mr. BROWN: Petition of certain societies and publishers of German newspapers in the United States, in favor of more liberal immigration laws—to the Committee on Immigration and Naturalization.

By Mr. BULL: Resolution of Cigar Makers' Union No. 94, of Pawtucket, R. I., favoring the construction of war ships at the navy-yards—to the Committee on Naval Affairs.

By Mr. BURK of Pennsylvania: Papers to accompany House bills providing for the establishment and maintenance of schools of mining in every State where they do not now exist—to the Committee on Mines and Mining.

Also, protest of German citizens and societies, against unnecessary restriction laws—to the Committee on Immigration and Naturalization.

Also, resolution of the Pennsylvania State board of agriculture, Harrisburg, Pa., in relation to the sale of public lands, the manufacture and sale of oleomargarine, and the irrigation of arid lands—to the Committee on the Public Lands.

Also, resolution of the National Board of Trade, Philadelphia, Pa., favoring amendment of the interstate-commerce acts—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Tippecanoe Battle Association, asking that Congress appropriate a sum for a suitable testimonial—to the Committee on Military Affairs.

By Mr. CALDERHEAD: Petition of the Philadelphia Commercial Museum, urging the creation of a department of commerce and industries—to the Committee on Interstate and Foreign Commerce.

Also, petition of the executive committee of the Interstate Commerce Law Convention at St. Louis, Mo., and the National Board of Trade, of Philadelphia, Pa., for legislation amending the existing interstate-commerce act—to the Committee on Interstate and Foreign Commerce.

Also, petition of publishers of German newspapers in the United States and officers of German societies, opposed to the further restriction of immigration—to the Committee on Immigration and Naturalization.

Also, resolution of American Council, No. 20, Junior Order United American Mechanics, of Leavenworth, Kans., favoring restriction of undesirable immigration—to the Committee on Immigration and Naturalization.

By Mr. CAPRON: Paper accompanying the bill to remove charge of desertion from the military record of Francis J. Brady—to the Committee on Military Affairs.

Also, petition of representatives of the brewery interests of Rhode Island, for the repeal of the war-revenue tax on malt liquors—to the Committee on Ways and Means.

By Mr. DAYTON: Petition of the heirs of Francis M. Pauling, deceased, late of Berkeley County, W. Va., for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. FITZGERALD: Resolutions of Central Federated Union of New York, urging legislation to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of Grain Dealers' Association of Indiana, favoring amendments to the interstate-commerce law—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Jewelers' Association and Board of Trade, indorsing the resolutions adopted by the recent reciprocity convention at Washington—to the Committee on Interstate and Foreign Commerce.

Also, resolution of New York Odontological Society, favoring a dental corps for the United States Navy—to the Committee on Naval Affairs.

By Mr. FOWLER: Petitions of councils 158, 186, 256, 7, 171, 131, 225, 156, 61, 254, 163, 119, 251, 46, 181, 53, and 258, Junior Order United American Mechanics, and councils 121, 136, 10, and 28, Daughters of Liberty, all in the State of New Jersey, in favor of the reenactment of the Chinese-exclusion act—to the Committee on Foreign Affairs.

Also, petition of the Woman's Club of Orange, N. J., and citizens of the Eighth Congressional district of New Jersey, for an amendment to the National Constitution defining legal marriage to be monogamic—to the Committee on the Judiciary.

By Mr. GIBSON: Petition of Thomas D. Acuff, of Knox County, Tenn., for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. HENRY of Connecticut: Remonstrance of tobacco growers in Westfield, Conn., against the reduction of the tariff on wrapper tobacco—to the Committee on Ways and Means.

By Mr. JACKSON of Kansas: Petition of Union 332, Federation of Labor, of Pittsburg, Kans., concerning the construction of Government vessels in navy-yards—to the Committee on Naval Affairs.

By Mr. JOHNSON: Papers to accompany House bill 7792, for the relief of John L. Young—to the Committee on Claims.

By Mr. JOY: Papers to accompany House bill for the relief of Lieut. Grant Gillespie—to the Committee on Military Affairs.

Also, papers to accompany House bill granting a pension to Harriet E. Hall—to the Committee on Invalid Pensions.

By Mr. KNAPP: Petition of post-office clerks of Oswego, N. Y., urging the passage of House bill 5286—to the Committee on the Post-Office and Post-Roads.

By Mr. MAYNARD: Petition of James G. Hodges, of Portsmouth, Va., praying reference of war claim to Court of Claims—to the Committee on War Claims.

By Mr. McCLELLAN: Petition of Matanzas Board of Merchants, in behalf of reciprocity with Cuba—to the Committee on Ways and Means.

By Mr. NAPHEN: Resolution of National Board of Trade, Washington, D. C., for legislation amending the existing interstate-commerce act—to the Committee on Interstate and Foreign Commerce.

By Mr. PATTERSON of Pennsylvania: Resolutions of Architectural Terra Cotta Workers' Union No. 76, of Philadelphia, Pa., asking that some of the new war ships shall be constructed in the navy-yards of our country—to the Committee on Naval Affairs.

By Mr. POLK: Papers to accompany House bill granting an honorable discharge to M. G. Thornton—to the Committee on Military Affairs.

Also, petitions and resolutions of Junior Order United American Mechanics of Catawissa, Bloomsburg, and Mausdale, Pa.; Daughters of Liberty of Shamokin, Pa.; unions No. 160 and 1023, Mine Workers of America; Carpenters and Joiners' Union No. 37, of Shamokin; Junior Order United American Mechanics of Ohio, and United American Mechanics' Council No. 1, of St. Louis, Mo., for the reenactment of the Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. ROBINSON of Indiana: Petition of Ellwood O. Ellis, of Richmond, Ind., in favor of the Gillett bill for the protection of native races in the New Hebrides, etc.—to the Committee on Insular Affairs.

By Mr. RIXEY: Petition of Mrs. Mary C. Moore, of Alexandria, Va., for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. RYAN: Resolution of the Merchants' Association of New York, favoring an adjustment of tariff rates that will encourage trade with Cuba—to the Committee on Ways and Means.

Also, resolutions of the National Board of Trade held at Washington, D. C., January 21–23, 1902, favoring amendment of the interstate-commerce acts—to the Committee on Interstate and Foreign Commerce.

Also, resolution of Jewelers' Association and Board of Trade

of New York, on reciprocity—to the Committee on Ways and Means.

By Mr. SHALLENBERGER: Papers to accompany House bill 4176, granting an increase of pension to Nathan W. Snee—to the Committee on Invalid Pensions.

Also, petition of W. A. Pettygrove and 17 other merchants of Oxford, Nebr., against the passage of the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of the First National Bank and Commercial State Bank and the Grand Island Banking Company, all of Grand Island, Nebr., requesting the repeal of the revenue tax on bank capital and surplus—to the Committee on Ways and Means.

By Mr. SHATTUC: Papers to accompany House bill 7316, granting a pension to Martha Saunders—to the Committee on Invalid Pensions.

By Mr. STEVENS of Minnesota: Resolution of the St. Paul Chamber of Commerce, in favor of opening the Chippewa Indian Reservation, in northern Minnesota—to the Committee on Indian Affairs.

By Mr. STEWART of New York: Papers to accompany House bill granting an increase of pension to Daniel Van Wie—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: Petitions of Minnie E. Littlefield and 11 others, of Manchester, and W. E. White and 19 others, of Greenville, N. H., for an amendment to the National Constitution defining legal marriage to be monogamic—to the Committee on the Judiciary.

By Mr. TAWNEY: Papers to accompany House bill for the relief of George Baird—to the Committee on Invalid Pensions.

By Mr. WARNOCK: Papers to accompany House bill for the relief of Henry Thomas—to the Committee on Invalid Pensions.

By Mr. WOODS: Papers to accompany House bill 7922, for the relief of R. G. Watkins—to the Committee on Invalid Pensions.

SENATE.

MONDAY, *February 3, 1902.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of the proceedings of Friday last, when, on request of Mr. SPOONER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal, without objection, will stand approved.

UNION PACIFIC RAILWAY.

The PRESIDENT pro tempore laid before the Senate a communication from the Attorney-General, transmitting, in response to a resolution of the 14th ultimo, certain information relative to what action has been taken to secure the portion of the interest still due to the United States on the subsidy debt of the Kansas Division of the Union Pacific Railway Company; which was referred to the Committee on Pacific Railroads, and ordered to be printed.

PORTO RICAN IMPORTATIONS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the acting secretary of the legislative assembly of Porto Rico, together with a copy of a joint resolution, praying that Congress grant protection to Porto Rican sugars and tobacco; which, with the accompanying papers, was referred to the Committee on Pacific Islands and Porto Rico, and ordered to be printed.

STATE MILITIA.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, pursuant to law, an abstract of the returns of the adjutants-general of the several States of the militia thereof for the year 1901; which, with the accompanying paper, was referred to the Committee on Military Affairs, and ordered to be printed.

FORTIFICATIONS APPROPRIATION.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of War submitting an estimate of deficiency in the appropriation for "preservation and repair of fortifications" for the year ending June 30, 1902, $3,000; which, on motion of Mr. HALE, was referred to the Committee on Appropriations.

SCHOONER HAZARD.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims, set out in the findings by the court relative to the vessel schooner *Hazard*, Thomas Child, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

DISTRICT RAILWAYS.

The PRESIDENT pro tempore laid before the Senate the annual reports of the Georgetown and Tennallytown Railway Company, the Metropolitan Railroad Company, the Anacostia and Potomac River Railroad Company, the Washington and Great Falls Electric Railway Company, the Brightwood Railway Company, the Columbia Railway Company, and the City and Suburban Railway Company, all in the District of Columbia, for the fiscal year ended December 31, 1901; which were referred to the Committee on the District of Columbia, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

A bill (S. 74) to authorize the Southern Missouri and Arkansas Railroad Company to build a bridge across the Current River in Arkansas; and

A bill (S. 1747) to prevent the sale of firearms, opium, and intoxicating liquors in certain islands of the Pacific.

The message also announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 2978) for the relief of Joseph H. Penny, John W. Penny, Thomas Penny, and Harvey Penny, surviving partners of Penny & Sons;

A bill (H. R. 3104) to grant the right of way through the Oklahoma Territory and the Indian Territory to the Enid and Anadarko Railway Company, and for other purposes;

A bill (H. R. 4471) for the relief of James M. Chisham;

A bill (H. R. 4988) for the relief of Mary E. McDonald;

A bill (H. R. 5094) for the relief of the persons who sustained damage by the explosion of an ammunition chest of Battery F, Second United States Artillery, July 16, 1894;

A bill (H. R. 5106) for the relief of Rasmussen & Strehlow; and

A joint resolution (H. J. Res. 131) authorizing the transfer to the Library of Congress of the library of State reports, etc.

The message further announced that the House had passed the concurrent resolution of the Senate authorizing the printing and binding of 5,000 copies of the report of the Librarian of Congress for the year 1901.

The message also announced that the House had passed the concurrent resolution of the Senate to print 4,000 copies of the report on the iron-ore deposits of the Lake Superior region, by C. R. Van Hist.

The message further announced that the House had passed a concurrent resolution authorizing the printing of 4,000 additional copies of Bulletin No. 184 of the Geological Survey, lately issued, entitled, "Oil and Gas Fields of the Western Interior and Northern Texas Coal Measures and of the Upper Cretaceous and Tertiary of the Western Gulf Coast," etc., in which it requested the concurrence of the Senate.

The message also announced that the House had passed a concurrent resolution to print and bind in cloth the report of the Board of Managers of the National Home for Disabled Volunteer Soldiers; in which it requested the concurrence of the Senate.

The message further transmitted to the Senate resolutions passed by the House commemorative of the life and public services of the Hon. MARRIOTT BROSIUS, late a Representative from the State of Pennsylvania.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 8759) to require cases of typhoid fever occurring in the District of Columbia to be reported to the health department of said District; and it was thereupon signed by the President pro tempore.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a petition of the Chamber of Commerce of Manila, P. I., praying for the construction of a cable between the United States and those islands, and also for the laying of such a cable by ships flying the American flag; which was referred to the Committee on Naval Affairs.

Mr. SIMON presented the petition of Caroline A. Ladd and sundry other citizens of Portland, Oreg., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

Mr. PERKINS presented a petition of the Chamber of Commerce of Los Angeles, Cal., praying for the enactment of a national horticultural quarantine law; which was referred to the Committee on Agriculture and Forestry.

Mr. CULBERSON presented a petition of sundry citizens of the Indian Territory, praying for the enactment of legislation to prohibit the sale of intoxicating liquors to the people of that Territory; which was referred to the Committee on Indian Affairs.

Mr. COCKRELL presented a memorial of the Sharon congregation of the Presbyterian Church, of Drexel, Mo., remonstrating against the reestablishment of the Army canteen; which was referred to the Committee on Military Affairs.

Mr. HOAR presented petitions of Local Union No. 386, United Brotherhood of Carpenters and Joiners, of Boston; of Metal Polishers' Union No. 84, of Orange; and of Brewery Workmen's Union No. 14, of Boston, all of the American Federation of Labor, in the State of Massachusetts, praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which were referred to the Committee on Naval Affairs.

Mr. QUAY presented a petition of the United Labor League of Western Pennsylvania, of Pittsburg, Pa., praying for the reenactment of the Chinese-exclusion law; which was referred to the Committee on Immigration.

He also presented petitions of the Wilkesbarre Clerks' Association, of Wilkesbarre, and of Local Union No. 486, Retail Clerks' International Protective Association, of Kingston, all of the American Federation of Labor, in the State of Pennsylvania, praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which were referred to the Committee on Naval Affairs.

He also presented petitions of sundry citizens of Slippery Rock, Pa., and of sundry citizens of Pennsylvania, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

Mr. NELSON presented a petition of the Chamber of Commerce of St. Paul, Minn., praying for the enactment of legislation authorizing the opening of the Chippewa Indian Reservation in northern Minnesota; which was referred to the Committee on Indian Affairs.

Mr. PRITCHARD presented a petition of the North Carolina Association of Superintendents of City Schools, praying for the passage of the bill (H. R. 8735) to apply a portion of the proceeds of the sale of public lands to the endowment of schools or departments of mining and metallurgy, etc.; which was referred to the Committee on Mines and Mining.

He also presented petitions of the Board of Tobacco Manufacturers of Reidsville and of the Tobacco Board of Trade of Winston-Salem, in the State of North Carolina, praying for a reduction of the tax on tobacco; which were referred to the Committee on Finance.

He also presented a petition of Local Union No. 630, American Federation of Labor, of Raleigh, N. C., praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which was referred to the Committee on Naval Affairs.

Mr. SPOONER presented a petition of Carpenters' Union No. 290, United Brotherhood of Carpenters and Joiners of America, of Lake Geneva, Wis., praying for the reenactment of the Chinese-exclusion law; which was referred to the Committee on Immigration.

He also presented petitions of Glass Bottle Blowers' Union No. 15 and Local Union No. 52, Marine Cooks' Association, American Federation of Labor, of the city of Milwaukee, in the State of Wisconsin, praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which were referred to the Committee on Naval Affairs.

He also presented a petition of Kaukauna Lodge, No. 474, International Association of Machinists, of South Kaukauna, Wis., praying for the enactment of legislation to restrict immigration; which was referred to the Committee on Immigration.

He also presented a petition of the Wisconsin Butter Makers' Convention, of Madison, Wis., praying for the enactment of legislation to regulate the manufacture and sale of oleomargarine; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Wisconsin Tobacco Growers and Dealers' Association, of Madison, Wis., remonstrating against any reduction of the tariff duties on tobacco or cigars imported from Cuba; which was referred to the Committee on Finance.

Mr. McMILLAN presented a petition of the Baptist Ministers' Conference, of Detroit, Mich., praying for the continuance of the present anticanteen law; which was referred to the Committee on Military Affairs.

He also presented a petition of the State board of agriculture of Michigan, praying for the passage of the bill (H. R. 8735) to apply a portion of the proceeds of sale of public lands to the endowment of schools or departments of mining and metallurgy, etc.; which was referred to the Committee on Mines and Mining.

He also presented petitions of Federal Labor Union No. 9368, of Lansing, and of Local Union No. 191, Retail Clerks' International Protective Association, of Escanaba, all in the State of Michigan, praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which were referred to the Committee on Naval Affairs.

He also presented a petition of the Business Men's Association, of Washington, D. C., praying that an appropriation of $100,000 be made for the construction of a new business high school in the District; which was referred to the Committee on Appropriations.

Mr. HALE presented petitions of sundry citizens of Dexter, Ripley, Newport, Cambridge, Corinna, Hartland, St. Albans, and Silver Mills, all in the State of Maine, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

Mr. QUARLES presented petitions of Glass Bottle Blowers' Union No. 15 and of Local Union No. 52, Marine Cooks' Association, of the American Federation of Labor, in the city of Milwaukee, State of Wisconsin, praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which were referred to the Committee on Naval Affairs.

He also presented a petition of the Wisconsin Growers and Dealers' Tobacco Association, of Madison, Wis., remonstrating against any reduction of the tariff duties on tobacco or cigars imported from Cuba; which was referred to the Committee on Finance.

He also presented a petition of Kaukauna Lodge, No. 474, International Association of Machinists, of South Kaukauna, Wis., praying for the enactment of legislation to require an educational test for immigrants; which was referred to the Committee on Immigration.

He also presented a petition of the board of regents of the University of Wisconsin, praying for the passage of the bill (H. R. 8735) to apply a portion of the proceeds of sale of public lands to the endowment of schools or departments of mining and metallurgy, etc.; which was referred to the Committee on Mines and Mining.

He also presented a petition of Carpenters' Union, No. 290, United Brotherhood of Carpenters and Joiners of America, of Lake Geneva, Wis., praying for the reenactment of the Chinese-exclusion law; which was referred to the Committee on Immigration.

He also presented a petition of the American Statistical Association, praying for the establishment of a permanent census bureau; which was referred to the Committee on the Census.

He also presented a petition of the board of trustees of the Chamber of Commerce of San Francisco, Cal., praying for the enactment of legislation to prohibit the desecration of the American flag; which was referred to the Committee on the Judiciary.

Mr. JONES of Arkansas presented a memorial of the Fort Smith Bar Association, of Fort Smith, Ark., remonstrating against the passage of the so-called Teller bill, making a Federal circuit of Arkansas, Louisiana, and Texas; which was referred to the Committee on the Judiciary.

Mr. HARRIS presented a memorial of the Commercial Club, of Dodge City, Kans., remonstrating against the passage of the so-called Bowersock land-grazing bill; which was referred to the Committee on Public Lands.

He also presented a petition of sundry citizens of Ossawatomie, Kans., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented the petition of A. N. Russell, of Cherryvale, Kans., praying for the enactment of certain legislation; which was referred to the Committee on the Judiciary.

Mr. MASON presented petitions of sundry citizens of Freeport, Ill., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented petitions of Boilermakers and Iron Ship Builders' Union No. 227, of Chicago; of Bakers and Confectioners' Union No. 2, of Chicago, and of Federal Labor Union No. 8321, of Marine, all of the American Federation of Labor, in the State of Illinois, praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which were referred to the Committee on Naval Affairs.

He also presented a petition of Local Union No. 1085, United Mine Workers of America, of Cardiff, Ill., praying for the reenactment of the Chinese-exclusion law; which was referred to the Committee on Immigration.

He also presented petitions of sundry citizens of Wabash County and Libertyville, in the State of Illinois, praying for the enactment of legislation to prohibit the sale of intoxicating liquors, firearms, and opium to native races in the island possessions of the United States; which were ordered to lie on the table.

He also presented petitions of sundry citizens of Byron, Stillman Valley, Plainfield, St. Libory, Prophetstown, Browns, Elgin, and Compton, all in the State of Illinois, and of sundry editors of agricultural publications in the United States, praying for the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Women's Christian Temperance Union, of Edgewater, Ill., remonstrating against the official regulation of vice either in the Philippines or in any place under the control of the United States Government; which was referred to the Committee on Education and Labor.

He also presented a petition of the Marine Association of the Port of New York, praying that an appropriation be made for the improvement of the harbor of Charleston, S. C.; which was referred to the Committee on Commerce.

He also presented a petition of George Washington Council, No. 1, United Order of American Mechanics, of St. Louis, Mo., praying for the enactment of legislation to restrict immigration; which was referred to the Committee on Immigration.

He also presented a petition of the Commercial Club of Chicago, Ill., praying for the establishment of reciprocal trade relations with the Dominion of Canada; which was referred to the Committee on Relations with Canada.

He also presented a petition of Turkey Mill Grange, No. 1370, Patrons of Husbandry, of St. Clair County, Ill., praying for the extension of the rural free delivery system, for an increase in the salaries of rural mail carriers, for the enactment of legislation to prevent fraud in second-class mail matter, and also remonstrating against the reduction of postage until the Post-Office Department becomes self-sustaining; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Chicago, Ill., praying that raw sugar be restored to the free list; which was referred to the Committee on Finance.

He also presented a petition of the Federation of Labor, of Chicago, Ill., praying for the passage of the so-called Hoar anti-injunction bill to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases; which was referred to the Committee on the Judiciary.

Mr. DEPEW presented petitions of Local Union No. 22, Hat Finishers' Association, American Federation of Labor, of Yonkers; of Cady Post, No. 236, Department of New York, Grand Army of the Republic, of Brockport; of Eldredge Post, No. 199, Department of New York, Grand Army of the Republic, of Whitney Point, and of Broom Makers' Union No. 14, American Federation of Labor, of Amsterdam, all in the State of New York, praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which were referred to the Committee on Naval Affairs.

He also presented petitions of sundry editors of agricultural publications in the United States, praying for the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

Mr. MORGAN. I present a memorial of the president and faculty of the University of Alabama, praying for the opening of the navigable rivers that drain the coal and iron fields of that State. I wish to remark in this connection that the University of Alabama, by the State constitution, is a part of the State government, and this memorial is entitled to as much respect as if it had come from the legislature. I move that it be printed as a document and referred to the Committee on Commerce.

The motion was agreed to.

Mr. FRYE presented a petition of the Agricultural Editors' Association of the United States, and a petition of Local Grange No. 287, Patrons of Husbandry, of Clinton, Me., praying for the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

ACCEPTANCE OF MEDALS, ETC.

Mr. CULLOM. I ask leave to put in the RECORD a number of letters addressed to different persons in relation to certain decorations of certain officers in the service of the United States given by foreign governments, showing the reasons why the decorations had been given and furnished as evidence to show that it was proper and right for Congress to allow their acceptance. I ask that the letters be printed in the RECORD without reading, as the cases have been disposed of.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF STATE, *Washington, January 16, 1902.*

Hon. SHELBY M. CULLOM,
Chairman Committee on Foreign Relations, United States Senate.

SIR: In virtue of the provisions of section 3 of the act of Congress approved January 31, 1881 (21 Stat. L., 504), I have the honor to request that permission may be obtained from Congress for Lieut. Commander Asher C. Baker, United States Navy, and Frank W. Clarke, Curator, United States National Museum, to accept the decoration of the Cross of Knight of the Legion of Honor, and for Henry E. Alvord, Chief of the Dairy Division, Department of Agriculture; William A. Taylor, Pomologist, Department of Agriculture; H. W. Wiley, Chief of the Bureau of Chemistry, Department of Agriculture; M. A. Carleton, Cerealist, Department of Agriculture, and John I. Schulte, Assistant Agriculturalist, Department of Agriculture, to accept the decoration of the Ordre du Mérite Agricole, all tendered through this Department by the Government of the French Republic, and that this Department may be authorized to deliver the decorations to them.

These decorations were conferred in recognition of the important part taken by these gentlemen in the Paris Exposition.

I have the honor to be, sir, your obedient servant,

JOHN HAY.

DEPARTMENT OF STATE, *Washington, January 24, 1902.*

Hon. SHELBY M. CULLOM,
Chairman Committee on Foreign Relations, United States Senate.

SIR: I have the honor to acknowledge the receipt of your letter of the 9th instant, inclosing copies of Senate bills, as follows:

S. 1960, granting permission for Lieut. W. P. Scott, United States Navy, to accept a medal of merit presented to him by the Sultan of Turkey.

S. 1956, granting permission to Maj. Gen. John M. Schofield, United States Army, to accept the decoration of the Cross of Commander of the National Order of the Legion of Honor, conferred upon him by the President of France.

S. 1573, to authorize Commander James M. Miller, United States Navy, Surg. Oliver D. Norton, United States Navy, and Mr. Edwin V. Morgan, formerly secretary of the Samoan Commission and now secretary of the legation of the United States at Seoul, Korea, to accept presents tendered to them by his Majesty the Emperor of Germany.

S. 1954, to authorize Capt. N. M. Brooks, Superintendent of Foreign Mails, Post-Office Department, to accept a decoration tendered to him by the Emperor of Germany.

S. 1955, to authorize George W. Hill, Chief of the Division of Publication of the Department of Agriculture, to accept a decoration tendered to him by the Government of the French Republic.

S. 1957, granting permission to Mr. Hubbard T. Smith, secretary to the United States Commissioner to China and consular clerk of the United States, to accept a decoration conferred upon him by the Government of China.

S. 1953, granting permission to Commander William C. Wise, United States Navy, to accept a decoration tendered to him by the Emperor of Germany.

S. 1958, granting permission to Capt. C. De W. Willcox, United States Army, to accept the diploma and decoration of Officier d'Académie awarded to him by the Government of France.

S. 1670, granting permission to Capt. B. H. McCalla, United States Navy, to accept a decoration tendered to him by the Emperor of Germany.

S. 1959, granting permission to Capt. Stephen L'H. Slocum, United States Army, to accept a medal conferred upon him by the King of England.

S. R. 28, granting permission to Dr. Eugene Wasdin and Dr. H. D. Geddings, both of the United States Marine-Hospital Service, to accept decorations tendered to them by the Italian Government.

You request to be furnished with a definite statement of the facts connected with each of these cases.

In reply I have the honor to state that in the cases of Major-General Schofield, Commander Miller, Surgeon Norton, Mr. Edwin V. Morgan, Capt. N. M. Brooks, George W. Hill, Hubbard T. Smith, and Captain McCalla the Department has no other information than that already communicated to your committee by its letters of December 14, 1901.

I inclose copies of the correspondence containing all the information the Department is possessed of in the cases of Lieut. W. P. Scott, United States Navy, Capt. C. De W. Willcox, United States Army, Capt. Stephen L'H. Slocum, United States Army, and Dr. Eugene Wasdin and Dr. H. D. Geddings, of the Marine-Hospital Service.

The case of Commander Wise was, on the 22d instant, made the subject of a separate letter to you.

In regard to Senate bill 1573, I beg to inform you that Mr. Edwin V. Morgan, as is stated in this Department's letter to you of the 14th ultimo, is at present second secretary of the embassy of the United States to Russia, and not secretary of legation at Seoul, Korea.

I have the honor to be, sir, your obedient servant,

JOHN HAY.

DEPARTMENT OF STATE, *Washington, December 31, 1900.*

The SECRETARY OF THE TREASURY.

SIR: I have the honor to inclose, for an expression of your views, copy of a personal and confidential note from the Italian ambassador at this capital, announcing the desire of his Government to confer certain decorations on Dr. Eugene Wasdin and Dr. H. D. Geddings, of the Marine-Hospital Service, for their services in investigating the nature of yellow fever.

I have the honor to be, sir, your obedient servant,

JOHN HAY.

R. AMBASCIATA D'ITALIA, *Washington, December 24, 1900.*

MY DEAR MR. HAY: I have just received communication from my Government referring to Dr. Eugene Wasdin, with the rank of major of the United States Army, and to Dr. H. D. Geddings, with the rank of captain, both belonging to the United States Marine-Hospital Service (Treasury Department). These two distinguished physicians, by order of the President, have just ended a scientific mission of the highest importance, which consisted in verifying and confirming the Italian studies and discoveries on the nature of yellow fever. Their work has required two years' researches and travels in the countries which suffer the most from that disease. By so doing they have undoubtedly deserved the consideration of my Government, which, as a token of its thankfulness for these services, should like to propose to the signature of His Majesty the King, my august sovereign, a decree conferring to Dr. Wasdin the cross of Officer of "SS. Maurizio e Lazzaro," and to Dr. Geddings the cross of Chevalier of the same order.

Before proceeding to this proposition, I wish to know whether nothing is opposed to it on account of their being at the service of the Government or of any other objection of any kind that may come to your knowledge.

I should be very much obliged to you if you will give me the required information and your advice in order to clear up the matter.

I am, my dear Mr. Hay, with the highest regards, faithfully, yours,

FAVA.

His Excellency the Hon. JOHN HAY,
Secretary of State.

TREASURY DEPARTMENT, *Washington, January 3, 1901.*

The SECRETARY OF STATE, *Washington, D. C.*

SIR: I have the honor to acknowledge receipt of your communication of December 31, 1900, inclosing copy of personal and confidential note from the Italian ambassador at this capital stating the desire of his Government to confer certain decorations upon Dr. Eugene Wasdin and Dr. H. D. Geddings of the Marine-Hospital Service for their services in investigating the nature of yellow fever.

In reply I have to inform you that this Department appreciates the honor conferred upon these officers, and has no objections to interpose to their acceptance of the same, subject to the consent of the Congress of the United States required by statute in such cases.

Respectfully,

L. J. GAGE,
Secretary.

DEPARTMENT OF STATE, *Washington, July 24, 1901.*

The SECRETARY OF WAR.

SIR: I have the honor to inform you that this Department is in receipt, through the ambassador of the United States at London, of a South African war medal awarded by His Majesty King Edward VII to Captain Slocum, recent United States military attaché to South Africa.

Requesting that you will advise me as to the views of your Department with regard to application being made to Congress in December for permission for Captain Slocum to accept the medal,

I have the honor to be, sir, your obedient servant,

DAVID J. HILL,
Acting Secretary.

WAR DEPARTMENT, *Washington, August 2, 1901.*

SIR: In reply to your letter of the 24th ultimo, respecting the South African war medal awarded by His Majesty King Edward VII to Capt. L'H. Slocum, Eighth Cavaly, United States Army, recently military attaché to South Africa, I have the honor to request that application be made to Congress in December next for permission for Captain Slocum to accept the medal in question.

Very respectfully,

WM. CARY SANGER,
Acting Secretary of War.

The SECRETARY OF STATE.

NAVY DEPARTMENT, *Washington, June 17, 1901.*

SIR: I have the honor to transmit herewith copies of correspondence on the subject of a medal presented by His Majesty the Sultan of Turkey to Lieut. W. P. Scott, United States Navy.

The Department requests the Department of State to obtain the necessary permission from Congress in order that Lieutenant Scott may retain the medal.

I have the honor to be, sir, your obedient servant,

J. D. LONG, *Secretary.*

The SECRETARY OF STATE.

U. S. FLAGSHIP KENTUCKY,
Cavite, P. I., May 16, 1901.

SIR: I beg to inform the Department that, through the United States legation at Constantinople, I am in receipt of "liakat"—"medal of merit"—from His Majesty the Sultan of Turkey.

Through, apparently, an oversight this has been forwarded to me direct, with the inclosed letter from the United States chargé d'affaires, instead of through the customary channels of the State Department, etc., and I respectfully request instructions in regard to its disposition.

I have to request that the Department will secure the necessary legislative authority for me to accept and, on suitable occasions, to wear this medal, or will grant me permission to take the necessary steps to secure the same.

I am, sir, very respectfully,

W. PITT SCOTT,
Lieutenant, United States Navy.

The SECRETARY OF THE NAVY,
Navy Department, Washington, D. C.

LEGATION OF THE UNITED STATES OF AMERICA,
Constantinople, February 16, 1901.

Lieut. WILLIAM PITT SCOTT,
U. S. S. Kentucky, care of Navy Department,
Washington, D. C.

SIR: At the request of the first secretary of His Imperial Majesty the Sultan, I am sending you under separate cover the decoration (the order of merit) which His Majesty desires to confer on you as a token of his appreciation of the part which you played in the battle of Manila. His Majesty is informed that Congress has already conferred a medal on you, and he hopes that you will be permitted to accept a similar mark of distinction from him.

I am, sir, your obedient servant,

LLOYD C. GRISCOM.

WAR DEPARTMENT,
Washington, July 8, 1901.

SIR: I have the honor to transmit herewith a letter from Capt. C. De W. Willcox, Artillery Corps, United States Army, dated 28th ultimo, inclosing a diploma of Officier d'Académie, lately received by him from the minister of public instruction of France through the French ambassador, and, in accordance with the wishes of Captain Willcox and the requirements of law, to request that the Department of State obtain the necessary authority from Congress to enable Captain Willcox to accept the said diploma and the decoration accompanying it. The decoration, when received, will follow.

Very respectfully,

ELIHU ROOT,
Secretary of War.

The SECRETARY OF STATE.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, June 28, 1901.

SIR: I have the honor to inclose herewith a diploma of Officier d'Académie, lately received by me from the minister of public instruction of France, through the French ambassador, and respectfully request that the War Department, through the Department of State, take the usual steps to secure from Congress the necessary authority for me to accept this diploma and the decoration accompanying it. The decoration has not yet been received by me, but as soon as it comes into my hands it will be deposited in the Department of State, in accordance with the requirements of law.

Very respectfully, your obedient servant,

C. DE W. WILLCOX,
Captain, Artillery Corps.

The ADJUTANT-GENERAL UNITED STATES ARMY.

[Indorsement.]

ADJUTANT-GENERAL'S OFFICE,
Washington, July 1, 1901.

Respectfully submitted to the Secretary of War, with recommendation that the State Department be requested to obtain the necessary authority from Congress to enable Captain Willcox to accept the diploma and decoration.

THOMAS WARD,
Acting Adjutant-General.

AMBASSADE DE LA REPUBLIQUE FRANÇAISE AUX ETATS-UNIS,
Washington, le 21 Juin, 1901.

MONSIEUR: J'ai l'honneur de vous transmettre ci-jointe le brevêt d'Officier d'Académie que M. le Ministre d'Instruction Publique et des Beaux Arts vous a décerné sur la proposition de m. le Ministre de la Guerre.

Veuillez agréer, Monsieur, avec mes félicitations, les assurances de ma considération très distinguée.

JULES CAMBON.

Monsieur CORNÉLIS DE WILL WILLCOX,
Capitaine d'Artillerie, West Point, N. Y.

DEPARTMENT OF STATE, *Washington, July 11, 1901.*

The SECRETARY OF WAR.

SIR: I have the honor to acknowledge the receipt of your letter of the 8th instant and to inform you that this Department will, in accordance with the request therein contained, make application to Congress at its forthcoming session for the necessary authority to enable Capt. C. De W. Willcox, Artillery Corps, United States Army, to accept the diploma and decoration of Officier d'Académie awarded to him by the French Government.

The Department notices the statement made by Captain Willcox that as soon as the decoration comes into his hands it will be deposited in the Department of State in accordance with the requirements of law.

I have the honor to be, sir, your obedient servant,

JOHN HAY.

WAR DEPARTMENT, *Washington, December 10, 1901.*

SIR: Referring to your letter of July 11, 1901, respecting an application to Congress for the necessary authority to enable Capt. C. De W. Willcox, Artillery Corps, United States Army, to accept the diploma and decoration of Officier d'Académie awarded to him by the French Government, I have the honor to forward herewith the decoration in question, which has just been received by Captain Willcox, together with an official copy of the letter transmitting it to the Adjutant-General of the Army, in order that it may be deposited in the Department of State in accordance with the requirements of law.

Very respectfully,

ELIHU ROOT,
Secretary of War.

The SECRETARY OF STATE.

WEST POINT, N. Y., *December 7, 1901.*

The ADJUTANT-GENERAL UNITED STATES ARMY,

SIR: I have the honor to transmit herewith, for delivery to the Department of State in accordance with the law, the decoration of "Officier d'Académie" granted me by the French Government. My application for official permission to accept this decoration, together with the appertaining appointment of "Officier d'Académie," is already on file in the Adjutant-General's Office.

I have but just received the decoration, else it would have been transmitted before.

Very respectfully, your obedient servant,

C. DE W. WILLCOX,
Captain, Artillery Corps.

JAMES W. HANKINS.

Mr. COCKRELL. To accompany the bill S. 2738, granting an increase of pension to James W. Hankins I present the affidavits of Dr. N. J. Rains, A. P. Winkler, and James L. Rowden, and ask that they be referred to the Committee on Pensions.

The PRESIDENT pro tempore. The affidavits will be referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. BURTON, from the Committee on Pensions, to whom was referred the bill (H. R. 1484) granting an increase of pension to Robert M. Scott, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 3266) granting an increase of pension to James Smith, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 5169) granting an increase of pension to Hiram S. Kingsley, reported it without amendment, and submitted a report thereon.

Mr. SIMON, from the Committee on the Judiciary, to whom was referred the bill (S. 2708) respecting proceedings in the courts of the United States in the western district of the State of Missouri, reported it without amendment, and submitted a report thereon.

He also, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 5108) granting an increase of pension to Elisha B. Taylor, alias Elisha T. Bisbee; and

A bill (S. 3299) granting an increase of pension to Isaiah Tufford.

Mr. FOSTER of Washington, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 713) granting a pension to Frances E. Stebbins; and

A bill (H. R. 6465) granting an increase of pension to Samuel Briscoe.

Mr. FOSTER of Washington, from the Committee on Pensions, to whom was referred the bill (S. 1467) granting an increase of pension to Cynthia A. McKenny, reported it with an amendment, and submitted a report thereon.

Mr. GIBSON, from the Committee on Pensions, to whom was referred the bill (S. 2531) granting an increase of pension to William H. H. Scott, reported it with an amendment, and submitted a report thereon.

Mr. HOAR, from the Committee on the Judiciary, to whom were referred the following bills, reported them each with an amendment:

A bill (S. 1118) to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases; and

A bill (S. 2952) to regulate the practice in the United States courts as to appeals and writs of error.

Mr. HOAR, from the Committee on the Judiciary, to whom was referred the bill (S. 448) for the creation of a national bureau of criminal identification, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 2769) to fix the fees of United States marshals in the Indian Territory, and for other purposes, reported it without amendment.

Mr. HOAR. I am also directed by the Committee on the Judiciary, to whom was referred the bill (S. 1153) for the relief of Mary E. Parker, to report it adversely. I call the attention of the senior Senator from Arkansas [Mr. JONES] to the report.

Mr. JONES of Arkansas. I should like to have the bill placed on the Calendar with the adverse report.

The PRESIDENT pro tempore. Without objection, the bill will be placed on the Calendar with the adverse report of the committee.

Mr. PRITCHARD, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 462) granting a pension to Sallie De Monbrun;

A bill (S. 358) granting a pension to Mabel H. Lazear;

A bill (H. R. 2620) granting a pension to Jennie A. McKinley;

A bill (S. 1626) granting an increase of pension to Michael Samelsberger;

A bill (S. 1331) granting a pension to Ann Eliza Trout; and

A bill (S. 1139) granting a pension to Abby Clark McNett.

Mr. PRITCHARD, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 508) granting an increase of pension to Adelaide Worth Bagley; and

A bill (S. 502) granting a pension to Alexander Beachboard.

Mr. PRITCHARD, from the Committee on Pensions, to whom were referred the following bills, reported them without amendment, and submitted reports thereon:

A bill (S. 3157) granting an increase of pension to Rhody Ann Bradshaw; and

A bill (H. R. 3300) granting an increase of pension to George B. Boyd.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 628) granting a pension to Annie D. Taggart; and

A bill (S. 2802) granting a pension to Martha R. Osbourn.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 2416) granting an increase of pension to John B. Wilcox;

A bill (H. R. 2484) granting an increase of pension to Jeremiah Evans;

A bill (H. R. 815) granting an increase of pension to Henry S. Comer; and

A bill (H. R. 4182) granting an increase of pension to David Cupps.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 2983) to amend an act entitled "An act granting an increase of pension to Francis M. Thompson, approved March 3, 1901; and

A bill (H. R. 5002) granting an increase of pension to Thomas H. McConnaughey.

Mr. TALIAFERRO, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 2502) granting an increase of pension to Ambrose Burton; and

A bill (H. R. 8652) granting an increase of pension to Virginia Terrill.

Mr. TURNER, from the Committee on Pensions, to whom was referred the bill (S. 3213) granting a pension to Anna J. Thomas, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them without amendment, and submitted reports thereon:

A bill (H. R. 3184) granting an increase of pension to David Petee; and

A bill (H. R. 6684) granting an increase of pension to Marshall Bachelder.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 1681) granting an increase of pension to Maria Louisa Michie; and

A bill (S. 3072) granting a pension to Oliver Gisborne.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 2929) granting an increase of pension to Jacob Barton; and

A bill (S. 3097) granting an increase of pension to Joseph A. Nunez.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 1641) granting an increase of pension to Frank J. Clark;

A bill (S. 3258) granting a pension to Simeon Partridge;

A bill (S. 3257) granting an increase of pension to Elizabeth K. Prescott;

A bill (S. 3329) granting an increase of pension to Annie McElheney;

A bill (S. 3322) granting an increase of pension to Joseph M. Clough;

A bill (H. R. 5149) granting an increase of pension to Charles E. Bachelder;

A bill (H. R. 7408) granting an increase of pension to Levi Cross;

A bill (H. R. 6459) granting an increase of pension to Mary F. Hooper;

A bill (H. R. 2528) granting a pension to Helen M. Evans;

A bill (H. R. 3230) granting a pension to Catherine Pflueger;

A bill (H. R. 1017) granting a pension to Mary Tripp;

A bill (H. R. 287) granting an increase of pension to Leighton J. Folsom;

A bill (H. R. 4208) granting an increase of pension to Susan M. Pardee;

A bill (H. R. 6453) granting an increase of pension to Ida R. Siegfried; and

A bill (H. R. 3413) granting an increase of pension to Jedediah S. Vallet.

Mr. DEBOE, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 2193) granting an increase of pension to David A. Ireland;

A bill (H. R. 1285) granting an increase of pension to Cyrus Odell; and

A bill (H. R. 2455) granting an increase of pension to George W. McClure.

Mr. FAIRBANKS, from the Committee on the Judiciary, to whom was referred the joint resolution (S. R. 11) to refer certain claims of the States of Ohio, Indiana, Illinois, and Michigan to the Court of Claims for adjudication, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. 715) to provide for two additional associate justices of the supreme court of the Territory of Oklahoma, and for other purposes, reported it with amendments, and submitted a report thereon.

Mr. HALE. I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. 9315) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1902, and for prior years, and for other purposes, to report it with amendments and to submit a report thereon. I ask that the bill be placed on the Calendar, and to-morrow morning, after the routine morning business, I shall ask the Senate to take it up for consideration.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

Mr. PATTERSON, from the Committee on Pensions, to whom was referred the bill (S. 3054) granting an increase of pension to Alice De K. Shattuck, reported it with amendments, and submitted a report thereon.

Mr. HANSBROUGH, from the Committee on the District of Columbia, to whom was referred the bill (S. 1845) to amend section 2 of an act entitled "An act to incorporate the convention of the Protestant Episcopal Church of the diocese of Washington," reported it without amendment, and submitted a report thereon.

ESTATES OF M. A. PHELPS AND JOHN W. RENNER.

Mr. HOAR. I am directed by the Committee on the Judiciary, to whom was referred the bill (S. 2123) for the relief of the heirs at law of M. A. Phelps and the heirs at law of John W. Renner, to report it favorably without amendment, and I ask that it be put on its passage at the present time.

It is a bill involving $416, which, by mistake, was paid into the Treasury of the United States from one of the courts in Ohio, but which in reality should have stayed in the court for certain creditors of a bankrupt's estate, who had proved their claim against it. It was a mere mistake, and the judge——

Mr. COCKRELL. Let the bill be read for information.

Mr. HOAR. Let me finish my statement. The judge of the district court certifies to all the facts.

Mr. COCKRELL. Let the bill be read, and then we will hear the explanation. I could not hear a word the Senator said. There were others talking in the Chamber at the same time.

The PRESIDENT pro tempore. The bill will be read to the Senate in full.

The Secretary read the bill, as follows:

Be it enacted, etc., That the sum of $416.20 be, and the same hereby is, appropriated from any money in the Treasury not otherwise appropriated, to be paid into the registry of the United States district court in bankruptcy for the southern district of Ohio, western division, to be used and disposed of under the direction of the United States district judge in Cincinnati, Ohio, to be applied in the payment of final dividends, as follows: In case No. 1100 in bankruptcy, in said United States district court, in the matter of the involuntary bankruptcy of Benjamin Homans, jr., to the personal representative of M. A. Phelps, deceased, $315; to the personal representative of John W. Renner, $101.20; said amounts having been, by misapprehension, paid the assistant treasurer of the United States at Cincinnati, Ohio.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. COCKRELL. How was the money paid?

Mr. HOAR. The judge writes a letter to the Judiciary Committee stating that by sheer mistake these two little dividends, which belonged to these creditors, were paid into the Treasury of the United States. It takes an act of Congress to get the money out. The amount is $416 altogether.

Mr. COCKRELL. And the assistant treasurer at Cincinnati received it and accounted for it.

Mr. HOAR. Yes, he received and accounted for it, and the proposed statute provides that it shall be paid back to the court to be disposed of by the judge for the creditors entitled to it.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HELEN A. B. DU BARRY.

Mr. GALLINGER. The bill (S. 1037) granting a pension to Helen A. B. Du Barry passed the Senate some two weeks ago. A similar bill had passed the House at the last session. The Senate bill was recalled because of a misapprehension that obtained in the committee at the time the report was made. It was recommitted to the committee, and I now report it back favorably, and, as it has passed the Senate twice, I ask that it be put upon its passage at the present time.

The PRESIDENT pro tempore. The bill will be read for information.

The Secretary read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Helen A. B. Du Barry, widow of Beekman Du Barry, late brigadier-general and Commissary-General of Subsistence, United States Army, and pay her a pension at the rate of $50 per month.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

Mr. GALLINGER. I move to amend the bill by inserting after the words "per month," in line 9, the words "in lieu of that she is now receiving."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Helen A. B. Du Barry."

EMPLOYMENT OF MESSENGER.

Mr. CLARK of Wyoming, from the Committee on Railroads, reported the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Railroads be, and is hereby, authorized to employ a messenger, to be paid from the contingent fund of the Senate, at the rate of $1,440 per annum, until otherwise provided by law.

BILLS INTRODUCED.

Mr. SPOONER introduced a bill (S. 3433) granting an honorable discharge to William S. Dunn; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3434) granting a pension to Horace B. Crandall; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. PRITCHARD introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3435) granting a pension to Halen Ogle (with an accompanying paper); and

A bill (S. 3436) granting an increase of pension to Hiram Rice.

Mr. PRITCHARD introduced a bill (S. 3437) to amend chapter 4, Title XIII, of the Revised Statutes of the United States; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. McMILLAN introduced a bill (S. 3438) granting an increase of pension to Joseph Barton; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 3439) to amend an act entitled "An act to license billiard and pool tables in the District of Columbia, and for other purposes;" which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. McENERY introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 3440) for the relief of the estate of Emile Rost, deceased;

A bill (S. 3441) for the relief of Remy Bagary;

A bill (S. 3442) for the relief of Mary E. Palmer;

A bill (S. 3443) for the relief of the estate of Cyrus Ratliff, deceased;

A bill (S. 3444) for the relief of the estate of George Redden, deceased;

A bill (S. 3445) for the relief of the estate of Joseph Ignace Sourita, deceased; and

A bill (S. 3446) for the relief of Celestine Pecot.

Mr. MONEY introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 3447) for the relief of Samuel S. Bagnell: and

A bill (S. 3448) for the relief of the estate of Rhesa Hatcher, deceased.

Mr. GIBSON introduced a bill (S. 3449) to establish an additional land office in the State of Montana; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Public Lands.

Mr. McLAURIN of South Carolina introduced a bill (S. 3450) to fix the salary of the collector of customs at Charleston, S. C.; which was read twice by its title, and referred to the Committee on Finance.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 3451) for the relief of Nancy McFatter; and

A bill (S. 3452) for the relief of the estate of Sarah Quick, deceased.

Mr. CARMACK introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 3453) for the relief of the estate of Solomon McKinnie, deceased;

A bill (S. 3454) for the relief of the Baptist Church at Tullahoma, Tenn.;

A bill (S. 3455) for the relief of the estate of Samuel McPherson, deceased;

A bill (S. 3456) for the relief of the estate of Edith Beard;

A bill (S. 3457) for the relief of estate of J. J. Brison; and

A bill (S. 3458) for the relief of George L. Whitmore (with accompanying papers).

Mr. BLACKBURN introduced a bill (S. 3459) for the relief of the estate of Elizabeth McClure, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. JONES of Arkansas introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 3460) for the relief of the heirs of Joel S. Calvert; and

A bill (S. 3461) for the relief of William H. Roach.

Mr. CLAY introduced a bill (S. 3462) for the relief of George P. Howard; which was read twice by its title, and referred to the Committee on Claims.

Mr. MASON introduced a bill (S. 3463) for the relief of Valentine Lapham; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3464) for the relief of Oscar B. Knight; which was read twice by its title, and referred to the Committee on Claims.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3465) granting an increase of pension to George W. McConkey (with accompanying papers);

A bill (S. 3466) granting a pension to Agnes J. Chambers (with an accompanying paper);

A bill (S. 3467) granting an increase of pension to Daniel W. Woodman (with an accompanying paper);

A bill (S. 3468) granting a pension to Araminta Bunn (with an accompanying paper);

A bill (S. 3469) granting a pension to Peter F. Clausen;

A bill (S. 3470) granting an increase of pension to Margaret E. Paden (with accompanying papers);

A bill (S. 3471) granting an increase of pension to Pleasant Umfleet (with an accompanying paper);

A bill (S. 3472) granting an increase of pension to Zeno T. Griffin (with accompanying papers); and

A bill (S. 3473) granting an increase of pension to William T. Evans (with an accompanying paper).

Mr. MASON introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (S. 3474) to remove the charge of desertion against Joseph W. Johnson (with accompanying papers); and

A bill (S. 3475) for the relief of J. C. Brooks.

Mr. MASON introduced a bill (S. 3476) to amend an act readjusting the salaries of postmasters, approved March 3, 1883; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Post-Offices and Post-Roads.

He also introduced a bill (S. 3477) for testing King's portable dike system for improvement of the Mississippi River; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 3478) to extend a certain patent of Winslow R. Parsons; which was read twice by its title and referred to the Committee on Patents.

He also introduced a bill (S. 3479) to limit the effect of the regulation of interstate commerce between the several States in goods, wares, and merchandise wholly or in part manufactured by convict labor or in any prison or reformatory; which was read twice by its title, and referred to the Committee on Education and Labor.

Mr. HALE introduced a bill (S. 3480) to remove sentence of a general court-martial against Miles McKenney; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. DEPEW introduced a bill (S. 3481) granting an increase of pension to James E. Dexter; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PERKINS introduced a bill (S. 3482) granting an increase of pension to Ida C. Emery; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3483) to provide for the construction of a public building at Eureka, in the State of California; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. FRYE introduced a bill (S. 3484) to give the Commandant of the Marine Corps the rank of major-general; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Naval Affairs.

Mr. HANSBROUGH introduced a bill (S. 3485) granting an increase of pension to Ezra W. Cartwright; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

AMENDMENTS TO BILLS.

Mr. HOAR submitted an amendment proposing to allow each of the United States circuit courts of appeals to expend for law books $2,000 in each fiscal year, which amount is to be retained from any surplus which the clerks of said courts may be required to pay into the Treasury of the United States, intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. FORAKER submitted an amendment intended to be proposed by him to the bill (S. 3287) to fix the salaries of certain judges of the United States; which was ordered to lie on the table, and be printed.

Mr. HALE submitted an amendment proposing to appropriate $1,800 for salary of a second secretary to the legation of the United States at Vienna, Austria, intended to be proposed by him to the diplomatic and consular appropriation bill; which was referred to the Committee on Foreign Relations, and ordered to be printed.

CHINESE EXCLUSION.

On motion of Mr. MASON, it was

Ordered, That the letter of Mr. John Hay, dated December 18, 1901, and addressed to Hon. ROBERT R. HITT, chairman of the Committee on Foreign Affairs, House of Representatives, entitled "Concerning the exclusion of Chinese laborers," be printed as a document.

REPRINT OF RIVER AND HARBOR BILL.

On motion of Mr. NELSON, it was

Ordered, That there be printed 200 copies of the last print of House bill 13189, Fifty-sixth Congress, second session, known as the river and harbor bill, for the use of the Committee on Commerce.

WILLIAM P. KELLOGG.

Mr. McENERY submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, etc., That the Secretary of the Senate be, and hereby is, authorized and directed to pay to William P. Kellogg, formerly a Senator from the State of Louisiana, the sum of $6,543.38, due him as a Senator of the United States in the Fortieth Congress, from the 4th of March, 1867, to the 24th of June, 1868, to be paid from the miscellaneous items of the contingent fund of the Senate.

MONUMENT TO COMMODORE PERRY IN JAPAN.

Mr. HOAR submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Navy be directed to send to the Senate so much of the reports of Rear-Admiral Rodgers and Rear-Admiral Beardslee as relate to the unveiling of the monument to Commodore Perry in Japan.

CANAL ACROSS THE ISTHMUS OF DARIEN.

Mr. SCOTT. On Thursday, February 6, after the routine morning business, I shall desire to call up the joint resolution (S. R. 45) providing for a board to investigate the practicability of constructing a canal across the Isthmus of Darien, and I shall ask the Senate to indulge me while I make a few remarks thereon.

Mr. HOAR. I hope the Senator from West Virginia will let the judicial bill be taken up, so far, at least, as to see whether it can not be passed.

Mr. SCOTT. I have simply given notice for February 6.

Mr. HOAR. Very well.

PHILIPPINE TARIFF.

Mr. CULBERSON. Mr. President, some ten days ago the Senate adopted a resolution directing the Secretary of War to transmit to the Senate copies of certain correspondence relating to the Philippine tariff. I desire to know if there has been an answer by the Secretary of War to that resolution.

The PRESIDENT pro tempore. The Chair is informed that the answer has not yet been received.

Mr. CULBERSON. The junior Senator from Massachusetts at the time suggested that he had consulted an official of the insular department, so called, of the War Department, and he informed him the correspondence was there and ready, and would be promptly transmitted to the Senate. It seems to me, in view of the fact that this question is under discussion in the Senate, there is an unseemly delay in responding to the resolution.

Mr. LODGE. I said the correspondence was there. I am quite certain I did not say it was ready for immediate transmission, because there is an immense mass of it that has to be prepared and put in order and arranged to send it in. I do not know how long it will take them. I only know they meant to prepare it and send it at the earliest possible moment. There is an immense amount of correspondence there, as I understood, in regard to the tariff. I do not think I said that it was all ready, for I had no knowledge that it was. I only knew that it was there in their possession.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Claims:

A bill (H. R. 2978) for the relief of Joseph H. Penny, John W. Penny, Thomas Penny, and Harvey Penny, surviving partners of Penny & Sons;

A bill (H. R. 4471) for the relief of James M. Chisham;

A bill (H. R. 4988) for the relief of Mary E. McDonald;

A bill (H. R. 5094) for the relief of the persons who sustained

damage by the explosion of an ammunition chest of Battery F, Second United States Artillery, July 16, 1894; and

A bill (H. R. 5106) for the relief of Rasmussen & Strehlow.

The bill (H. R. 3104) to grant the right of way through the Oklahoma Territory and the Indian Territory to the Enid and Anadarko Railway Company, and for other purposes, was read twice by its title, and referred to the Committee on Indian Affairs.

The joint resolution (H. J. Res. 131) authorizing the transfer to the Library of Congress of the library of State reports, and so forth, was read twice by its title, and referred to the Committee on the Library.

REPORT OF GEORGE I. ADAMS.

The PRESIDENT pro tempore laid before the Senate the following concurrent resolution of the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That there be printed at the Government Printing Office 4,000 additional copies of Bulletin No. 184, of the Geological Survey, lately issued, entitled "Oil and Gas Fields of the Western Interior and Northern Texas Coal Measures and of the Upper Cretaceous and Tertiary of the Western Gulf Coast," by George I. Adams, 1,000 for the use of the Senate, 2,000 for the use of the House, and 1,000 for free distribution by the Geological Survey.

NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS.

The PRESIDENT pro tempore laid before the Senate the following concurrent resolution of the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That there be printed and bound in cloth of the Report of the Board of Managers of the National Home for Disabled Volunteer Soldiers, in addition to the usual number, 500 copies of the report proper, 500 copies of the Report of the Assistant Inspector-General on the State Homes, and 150 copies of the record of members, for the use of the Home.

SALARIES OF CERTAIN JUDGES.

Mr. HOAR. I move to take up Senate bill 3287, to fix the salaries of certain judges of the United States.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3287) to fix the salaries of certain judges of the United States.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Nevada [Mr. STEWART].

Mr. STEWART. On that I ask for the yeas and nays.

Mr. COCKRELL. Let the amendment be read.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. It is proposed to insert the following:

That on and after the 4th day of March, 1903, the salaries of Senators, Representatives, and Delegates in Congress shall be $7,500 a year.

The PRESIDENT pro tempore. The Senator from Nevada demands the yeas and nays on this question. Is there a second?

The yeas and nays were ordered.

Mr. CULLOM. Mr. President, I simply wish to say that while I think I should be in favor of an increase in the salaries of members of Congress in a bill by itself, I do not wish to vote for such a proposition as an amendment to a bill providing for an increase of the salaries of the judiciary.

Mr. BACON. Mr. President, I desire to state that I shall vote against the pending amendment; that if I were going to vote for the bill I should vote for the amendment; but as I propose to vote against the bill, I shall also vote against the amendment.

The PRESIDENT pro tempore. The Secretary will call the roll.

Mr. BLACKBURN. I rise to ask that the amendment may be read to the Senate.

The PRESIDENT pro tempore. The amendment will be again read.

The Secretary read the amendment proposed by Mr. STEWART.

Mr. GALLINGER. Mr. President, a single word before the vote is taken.

I shall vote for this amendment, and shall then vote for the bill, whether or not the amendment is attached to it. I recall a very interesting incident when I was first elected to the Senate. An old farmer, who is a personal friend of mine, called on me, expressing gratification at the fact that I had been elected and saying he did not see how I was going to get along comfortably on $8,000 a year. When I informed him that the salary was $5,000 a year he said he thought I had better stay at home and attend to my business. I did not conclude to do so. I came to Washington, and for ten years have been getting along on $5,000 a year as best I could, but I am very well satisfied that no man in my State—farmer, mechanic, or professional man—will object to a reasonable increase in the salaries of Senators, Representatives, and Delegates in Congress. I think it is proper that at a time when we are proposing to increase the salaries of judges, some of whom are to-day getting more than twice what a Senator in Congress is receiving, we should be courageous enough and independent enough to vote a reasonable increase in our own salaries.

The salaries of Senators and Representatives have been increased since the foundation of this Government several times, and those increases have been made by men who were in the Senate and in the other House at the time the bills were presented. I think I am safe in saying that in all cases the increase was not as well guarded as it is in the amendment proposed by the Senator from Nevada [Mr. STEWART], which provides that the increase shall not commence until the 4th of March, 1903.

All I desired to say, Mr. President, was that I believe the proposed increase is a fair proposition under existing conditions. If there is any reason on earth why the salaries of judges should be increased to the extent which is proposed in this bill, there is infinitely greater reason why the poor pittance that is paid to Senators, Representatives, and Delegates in the other House should be increased to the extent that is proposed in this amendment.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from Nevada [Mr. STEWART].

Mr. CLAPP. Mr. President, I shall vote against this bill believing that the salaries of Representatives and Senators ought to be raised, and I should like no better issue to take before my people than that issue, but I do not think we are justified in raising our own salaries by an amendment to take effect as to Senators during the term for which they are elected, and for that reason I shall vote against the amendment.

The Secretary proceeded to call the roll.

Mr. HANSBROUGH (when his name was called). I have a pair with the senior Senator from Virginia [Mr. DANIEL], but I will transfer that pair to the Senator from Rhode Island [Mr. ALDRICH] and vote. I vote "yea."

Mr. MCCUMBER (when his name was called). I have a pair with the junior Senator from Louisiana [Mr. FOSTER]. He not being present, I will refrain from voting.

Mr. NELSON (when his name was called). I have a general pair with the Senator from Missouri [Mr. VEST], who, I understand, is detained at home by sickness. If he were present, I should vote "nay."

The roll call was concluded.

Mr. BAILEY. I have a pair with the senior Senator from West Virginia [Mr. ELKINS]. I desire to know whether or not that Senator has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not voted.

Mr. BAILEY. Then I withhold my vote.

Mr. HANNA (after having voted in the negative). I ask whether the Senator from Utah [Mr. RAWLINS] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not voted.

Mr. HANNA. Then I withdraw my vote.

Mr. DEPEW (after having voted in the negative). I inquire if the Senator from Louisiana [Mr. MCENERY] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not.

Mr. DEPEW. Then I withdraw my vote. If not paired, I should vote "nay."

Mr. FOSTER of Washington (after having voted in the negative). I have a general pair with the Senater from Mississippi [Mr. MCLAURIN]. I inquire if he has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not voted.

Mr. FOSTER of Washington. Then I withdraw my vote.

Mr. NELSON. I am informed that the Senator from Missouri [Mr. VEST], with whom I am paired, would vote against the amendment if he were present, and therefore I feel at liberty to vote. I vote "nay."

Mr. ALLISON. I did not hear my name called. I have a general pair with the senior Senator from Missouri [Mr. COCKRELL]. I inquire if he has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not voted.

Mr. ALLISON. Then I refrain from voting, and announce my pair with that Senator.

The result was announced—yeas 15, nays 44, as follows:

YEAS—15.

Burton,	Gamble,	Kittredge,	Turner,
Clark, Wyo.	Hansbrough,	Quarles,	Warren,
Dubois,	Hawley,	Quay,	Wetmore.
Gallinger,	Heitfeld,	Stewart,	

NAYS—44.

Bacon,	Deboe,	Kean,	Patterson,
Bard,	Dietrich,	Kearns,	Pettus,
Berry,	Dillingham,	Lodge,	Platt, N. Y.
Blackburn,	Dolliver,	McLaurin, S. C.	Pritchard,
Burnham,	Fairbanks,	McMillan,	Proctor,
Burrows,	Frye,	Mallory,	Simmons,
Carmack,	Gibson,	Martin,	Spooner,
Clapp,	Hale,	Mitchell,	Taliaferro,
Clay,	Harris,	Money,	Teller,
Culberson,	Hoar,	Morgan,	Tillman,
Cullom,	Jones, Ark.	Nelson,	Wellington.

NOT VOTING—28.

Aldrich,	Daniel,	Jones, Nev.	Penrose,
Allison,	Depew,	McComas,	Perkins,
Bailey,	Elkins,	McCumber,	Platt, Conn.
Bate,	Foraker,	McEnery,	Rawlins,
Beveridge,	Foster, La.	McLaurin, Miss.	Scott,
Clark, Mont.	Foster, Wash.	Mason,	Simon,
Cockrell,	Hanna,	Millard,	Vest.

So Mr. STEWART's amendment was rejected.

Mr. PERKINS subsequently said: I desire to announce that if I had been present I should have voted against the amendment proposed by the Senator from Nevada [Mr. STEWART] increasing the salaries of Senators and Representatives. I was in the committee room at the time.

The bill was reported to the Senate without amendment.

The PRESIDENT pro tempore. The question is, Shall the bill be engrossed and ordered to a third reading?

Mr. MONEY. I ask for the yeas and nays.

The PRESIDENT pro tempore. Does the Senator desire the yeas and nays on the final passage of the bill?

Mr. MONEY. I do.

The PRESIDENT pro tempore. The Chair will put the question on the call of the yeas and nays when that stage of the bill is reached. The question now is, Shall the bill be ordered to be engrossed for a third reading?

Mr. HOAR. The Senator from Ohio [Mr. FORAKER] was very anxious to offer an amendment in regard to the salary of the district judge for Porto Rico, and I suggested that if he would wait until the bill got into the Senate, that would be the proper time, when the general debate was over. I have sent for him in order that he may move his amendment. Meantime I will move that amendment in his behalf. I am not myself in favor of it, but in order that it may be proposed I will move it, so as not to delay the bill. I think the Senator from Ohio has already given notice of the amendment, and that it is at the Clerk's desk. If so, I should like to have it read.

The PRESIDENT pro tempore. The clerks have sent for the amendment, and it will be at the desk in a moment.

Mr. KEAN. If the Senator from Massachusetts will pardon me, I have here the amendment as proposed by the Senator from Ohio [Mr. FORAKER]. It is in line 12, after the word "judges," to insert "including the judge of the district court of the United States for Porto Rico."

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. In line 12, on page 1, after the word "judges," it is proposed to insert "including the judge of the district court of the United States for Porto Rico."

Mr. HOAR. Mr. President, I should like to move that amendment for the Senator from Ohio [Mr. FORAKER], who is, of course, very conversant with that matter, and who says that it is a very exceptional and pressing case.

Mr. FORAKER entered the Chamber.

Mr. HOAR. The Senator from Ohio has arrived.

The PRESIDENT pro tempore. The Chair will state that the amendment offered by the Senator from Ohio [Mr. FORAKER] has just been read to the Senate. The bill is in the Senate.

Mr. FORAKER. Then I offer that amendment.

The PRESIDENT pro tempore. The Senator from Massachusetts [Mr. HOAR] offered the amendment for the Senator in his absence.

Mr. FORAKER. Very well.

Mr. TILLMAN. Mr. President, I should like to have the bill read after the amendment of the Senator from Ohio [Mr. FORAKER] is added to it, so that we can see just what the proposition is.

The PRESIDENT pro tempore. The Secretary will read the clause which the Senator from Ohio proposes to amend.

Mr. TILLMAN. It will be better to read the whole bill.

Mr. FORAKER. Mr. President, if it is in order, I might say a word as to why I propose the amendment at this time.

Mr. TILLMAN. Certainly.

Mr. FORAKER. This is an amendment increasing the salary of the district judge in Porto Rico, so as to make it the same as the salary of the district judges of the United States will be elsewhere throughout the United States under the provisions of this bill. It is simply including the United States district judge of the United States for Porto Rico. There is a reason for that, which I think the Senate will appreciate beyond any other reason that may be offered, in the fact that that post of duty is far removed from this country. The man has to quit all of his relations and affiliations here and go there in the discharge of the duties of that position. The duties are quite as important and quite as laborious, and the salary should be equal to the salary of the district judges throughout the United States.

Mr. CULLOM. May I ask the Senator a question?

Mr. FORAKER. Certainly.

Mr. CULLOM. The Senator is, I suppose, familiar with the conditions as to the salaries paid to the United States judge in Porto Rico and the judge in Hawaii as well?

Mr. FORAKER. Yes, sir.

Mr. CULLOM. What I want to know is whether the Senator knows any reason why the salary of the judge in Hawaii should not be put at the same figure that he proposes to make the pay of the judge in Porto Rico?

Mr. FORAKER. Perhaps there is no reason——

Mr. CULLOM. I think all of those salaries ought to be raised.

Mr. FORAKER. But there is this that has moved me: The United States district judge in Porto Rico has written me frequently on the subject, while the other judge has not written me at all. Porto Rico is a much more populous island than the Hawaiian Islands, and perhaps there is much more to do in Porto Rico than in Hawaii. At any rate, I have called attention to this matter and offered this amendment because I think, after having heard fully from that judge, that it is entirely a meritorious case.

Mr. CULLOM. That is perhaps true, but I think the cost of living in Hawaii is probably as great or greater than in Porto Rico.

Mr. TELLER. Mr. President, the noise is so great in the Chamber that we can not tell what is going on.

The PRESIDENT pro tempore. The Senate will please be in order.

Mr. HOAR. I think I can remove the difficulty of the Senator from Illinois [Mr. CULLOM]. As I understand, the judge in Hawaii is a district judge of the United States, made so by the act creating the Territory. So he comes under the general description already, but I think the case of Porto Rico is different.

Mr. TILLMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from South Carolina?

Mr. HOAR. I do. I yield the floor.

Mr. TILLMAN. Right there, I should like to ask the Senator from Ohio or the Senator from Massachusetts or the Senator from Illinois, or any other Senator who chooses to give light, as to whether Porto Rico is in the United States or not?

Mr. FORAKER. Porto Rico belongs to the United States.

Mr. TILLMAN. Oh, well, "belonging" is not the question. "Being in" seems to be a different thing, and I should like to have the Senator elucidate the question.

Mr. FORAKER. I know Hawaii is in.

Mr. TILLMAN. We know Hawaii is in, because Hawaii has been annexed. We annexed Porto Rico also, but she seems to be out.

Mr. FORAKER. There is not any difficulty at all in fully answering the question of the Senator from South Carolina on another occasion, when we shall have more time at our disposal.

Mr. TILLMAN. We have all the time we want. We have the whole session before us, and we may just as well discuss this proposition on the bill to increase the salary of the Porto Rican judge as on any other bill.

Mr. FORAKER. If the Senator from South Carolina persists in interrupting me every time I undertake to answer, I shall not be able to answer.

Mr. TILLMAN. Then I will sit down and let the Senator tell us whether Porto Rico is in the United States or not.

Mr. FORAKER. I will answer the Senator from South Carolina. His question is not attended with any difficulty at all, so far as I am aware, in making answer to it; but if we are to answer in the sense of entering into a prolonged discussion, it would necessarily take more time than I am disposed to take during the morning hour in the consideration of this question. We shall have ample opportunity to discuss all that hereafter.

For the present I content myself by simply saying that Porto Rico belongs to the United States, has relations well established, and relations that have been legislated about, and the legislation concerning which has been approved by the Supreme Court of the United States. I hope the Senator will let the amendment go through.

Mr. CULLOM. The suggestion of the Senator from Massachusetts [Mr. HOAR], I am inclined to think, is correct. If so, there is no occasion for an amendment raising the salary of the district judge in Hawaii.

Mr. CLARK of Wyoming. I regret to differ with the Senator from Massachusetts [Mr. HOAR] or the Senator from Illinois [Mr. CULLOM], and therefore I renew the proposed amendment of the Senator from Illinois, and move to amend the amendment of the Senator from Ohio [Mr. FORAKER] by adding the words "and of Hawaii."

The PRESIDENT pro tempore. The amendment proposed by the Senator from Wyoming [Mr. CLARK] to the amendment offered by the Senator from Ohio [Mr. FORAKER] will be stated.

The SECRETARY. At the end of the amendment proposed by Mr. FORAKER it is proposed to insert "and of Hawaii."

Mr. MALLORY. I should like to ask the Senator from Ohio whether the judges in Porto Rico and Hawaii are appointed for life.

Mr. FORAKER. No, sir; they are appointed for four years.

Mr. MALLORY. Then they are on the same plane as the ordinary Territorial judge?

Mr. FORAKER. A little bit different. The ordinary Territorial judge has local as well as Federal jurisdiction, while this is a

judge who is distinctively a United States judge, in the sense that he has to do only with the jurisdiction as conferred directly by Congress, and he sits not only as a United States district judge, but also as a United States circuit judge.

Mr. MALLORY. But at the same time those judges do not have any local duties to perform as do the judges in the Territories that are organized, like Arizona and New Mexico?

Mr. FORAKER. No, they do not; as I understand.

Mr. MALLORY. I should like to inquire further, Mr. President, at what figure does this amendment put the compensation of those two United States district judges.

Mr. FORAKER. If this amendment prevails, the same as the other United States district judges will receive, which is the present salary and 25 per cent addition thereto. I have not the figures, but I think it makes the salary something like $6,125.

Mr. MALLORY. That is considerably more than the Territorial judges get, I believe.

Mr. FORAKER. I am not informed as to that. I do not know just what they do get.

Mr. TELLER. Mr. President, if we are going to raise the salaries of the Territorial judges of Porto Rico and Hawaii—for they are not United States judges within the meaning of the Constitution; if they were, they would remain in office for life—why not raise the salaries of the judges in Arizona, Oklahoma, New Mexico, and Alaska? They do more work and have higher jurisdiction than do these judges, and they get about half the pay proposed now to be given to these new judges in Hawaii and Porto Rico.

So far as I am concerned, I do not wish to offer an amendment to this bill. I do not myself think it is a bill for which there is any great necessity. I think the judges of the United States are not paid extravagantly, but I think when we take up this question of fixing the salaries of judges, in common decency I might say, we ought to take care of the judges in Arizona, in New Mexico, and the other Territories of the United States as well as the two judges in Porto Rico and Hawaii who are dignified with a title which may seem a little higher than the others bear, but who have exactly the same relation to the Constitution and to the public that they have, except they may be sheared of some of the jurisdiction given to these other judges.

Mr. TILLMAN. I suggest to the Senator that the reason of it probably is that which has been given here, that the Territorial judges have not written to any Senator.

Mr. TELLER. I do not know whether those judges have written to any Senator, but it seems to me to be an unfair thing to pick out the judge in Porto Rico, who, of course, while he lives quite a distance from the United States, he is not as far from the national capital as the judge in Alaska, and has not got such a climate to live in; it does not cost him as much to get there, or to get home; he is not as far off as the judge in Arizona is from here, and there is not any reason that anybody can give why their salaries should be double those of the judges in Arizona and New Mexico.

If I had originally intended to vote for the bill, I should now have some question whether I would do so or not. I do not, however, intend to vote for it if it goes beyond the bill as it was introduced; and I am not certain that I shall vote for it then, because it seems to me, when you take up any part of the judges' salaries, you ought to do justice to the men who are holding court in our Territories. Living is more expensive in Arizona and other Territories than it is in either Porto Rico or Hawaii, a good deal more so, and there is more important litigation in Arizona and New Mexico than in either Porto Rico or Hawaii. I suppose our Territorial judges are not included because they do not have anybody here who has a special interest in them to move an amendment increasing their salaries.

Mr. FORAKER. Mr. President, we can always rely upon it that nothing will escape the Senator from South Carolina [Mr. TILLMAN]. When I made answer to the Senator from Illinois [Mr. CULLOM] that I had offered this amendment applying only to Porto Rico because my attention had been called only to that, I did not want to have him understand that the judge in Porto Rico had been importuning me about his salary.

Mr. TILLMAN. I understood the Senator to say that the judge there had written to him several letters on that very point.

Mr. FORAKER. I said that I had received several letters on this point from Porto Rico.

Mr. TILLMAN. What salary does the judge there get now?

Mr. FORAKER. Five thousand dollars.

Mr. TILLMAN. I do not want to do the Senator an injustice, but I understood him to say this very judge had been importuning him in a friendly way to get more money.

Mr. FORAKER. I did not mean to say that this judge had been importuning me in any improper way at all.

Mr. TILLMAN. Not in an improper way.

Mr. FORAKER. What I want to say, if the Senator will allow me, is entirely consistent, I think, with what I said a moment ago. If not, I will try to make it so, which is that I, being chairman of the Committee on Pacific Islands and Porto Rico, naturally my attention has been called to that general situation; and, along with other matters to which my attention has been called, is the matter of the judge of the United States district court there, and when there was a proposition to increase salaries generally I heard from that judge, not in an importuning sense, but simply in a way entirely dignified and consistent with the dignity of the position he holds, calling my attention to his situation, that the cost of living is higher there than in the United States, the general jurisdiction that his court is invested with, and it was in that sense that I made that reference to him. I hope, Mr. President, that the amendment may prevail.

So far as the judges in the Territories here are concerned, I do not want to say one word in argument against what has been advanced by the Senator from Colorado [Mr. TELLER]. He is more familiar with that subject than I am; he knows better about their labors; he knows better than I do about their jurisdiction; he knows better than I do as to their compensation; and it may be he is entirely right about it all, and no doubt he is. I do not want to say anything in opposition to it, but I have presented that which seemed to me to fall properly within the sphere of my duty here. I have no objection to others presenting what they think proper to present.

Mr. TELLER. Mr. President, I know something of the labor of the judges in a Territory like Oklahoma or a Territory like Arizona or New Mexico at this time, where large interests are involved. The judge in Oklahoma, which has a population not, of course, so large as down there, will have to do more than the judges in either Hawaii or Porto Rico, and he gets $3,000 and pays his own expenses when he travels about.

While Colorado was a Territory, realizing that the Government was not paying a reasonable sum, the Territorial legislature provided for an addition to the salary, which, I believe, up to the time we were admitted into the Union we continued to pay; but later the Department of Justice held that the judge had no right to get that compensation, I understand, and it was cut off. I do not know but that it was cut off before we were admitted into the Union.

I should like to move to recommit the bill to the Committee on the Judiciary. If this thing is to be done; if it is to go beyond the purely Federal judges—the constitutional judges—then we ought to have the others brought in. I do not want to embarrass the bill, particularly, and yet I think either that ought to be done or the amendment for the other two judges ought to be withdrawn.

Mr. FORAKER. Mr. President, I am so anxious to see the salaries of the Federal judges increased, as proposed in this bill, that I am not willing to put in jeopardy at all its chances of passing and becoming a law. My only objection to this measure is that it does not increase the salaries 50 per cent instead of 25 per cent. I do not know any public officials who do more important work than the judiciary. I do not know anybody more entitled than they to at least a 50 per cent increase. I would more gladly support the bill if it made a 50 per cent increase than I shall with only a 25 per cent increase. But rather than put in jeopardy that which the bill does provide, by bringing on a discussion and undertaking to extend the provision of the bill to others not now included, I will, if allowed, withdraw the amendment which I offered.

The PRESIDING OFFICER (Mr. BURROWS in the chair). The Senator from Ohio withdraws his amendment.

Mr. BATE. I was necessarily absent at one of the Departments when the yea and nay vote was taken this morning, and I desire, if the Senate will permit me, to have my vote recorded in the negative on the last roll call. I desire to have my vote recorded by unanimous consent, if it can be done.

The PRESIDING OFFICER. The Chair knows of no way by which that can be done under the rule.

Mr. BATE. Very well. I have made the application. If I had been present, I should have voted "nay."

Mr. TELLER. The Senator can accomplish what he proposes by stating how he would have voted, if present.

Mr. BATE. That I have already stated.

Mr. TELLER. The Senate has never allowed such a thing as he requests to be done.

Mr. CLARK of Wyoming. The Senator from Ohio having withdrawn his amendment, I wish to make a parliamentary inquiry. What becomes of the amendment to the amendment?

The PRESIDING OFFICER. It goes with the amendment.

Mr. CLARK of Wyoming. Then I offer the amendment which I send to the desk, which is to insert after the word "judges," in line 12, page 1, the words "and the judge of the United States district court of the Territory of Hawaii."

The PRESIDING OFFICER. The Secretary will state the amendment proposed by the Senator from Wyoming.

The SECRETARY. On page 1, line 12, after the word "judges," it is proposed to insert "and the judge of the United States district court of the Territory of Hawaii."

Mr. HOAR. I move to lay the amendment on the table.

Mr. FORAKER. Mr. President, I was unavoidably detained from the Senate Chamber this morning in the discharge of other official duties. I entered the Chamber only a very few minutes ago, when I learned that this bill was under consideration, and I did not know until the Senator from Tennessee [Mr. BATE] addressed the Chair a moment ago that a vote had been taken on the question of increasing the salaries of Senators and Representatives.

I desire to say, not having the privilege of voting in regard to it, that if I had been here, I should have voted for such increase, not because of any personal consideration in connection with the matter, but simply as an act of justice. If there are any persons in this country who work harder than the judiciary I think it is the Senators and the Members of the House of Representatives, and I think they ought to do themselves justice in that matter. I know that in so voting I should only be voting my conviction and sense of duty on that subject.

Mr. CLAY. Mr. President——

Mr. HOAR. Is not my motion pending?

Mr. LODGE. I rise to a question of order.

The PRESIDING OFFICER. The motion of the Senator from Massachusetts is pending.

Mr. HOAR. I withdraw it with the understanding that when the Senator from Georgia shall have concluded I will renew it.

Mr. CLAY. Mr. President, the salary of the Chief Justice of the United States is $10,500 a year, and each associate justice draws a salary of $10,000 for life. We all know that outside of the President of the United States there is no officer in the United States, legislative, judicial, or executive, who draws a larger salary than does the Chief Justice of the Supreme Court. The Vice-President of the United States draws a salary of only $8,000 per annum. The Attorney-General, the legal adviser of the Government, draws a salary of only $8,000 per annum. The Secretary of State, representing us in our foreign relations, draws a salary of only $8,000 per annum, and the Secretary of the Treasury likewise draws a salary of only $8,000 per annum. With the exception of the President of the United States, no official within the United States draws a salary equal to that of the justices of the Supreme Court at the present time.

Mr. TILLMAN. I understood the Senator from Georgia a moment ago to say that no officer of this Government, inside or outside of the United States——

Mr. CLAY. I am coming to that point. I will say there is an exception. I meant within the United States, properly speaking.

Now, there is an exception. The members of the Taft Commission, I understand, draw a salary of $20,000 per annum each and are allowed a house to live in. Thirteen thousand dollars per annum, I believe, will be the salary of the Chief Justice of the United States if this bill passes, and each associate justice will draw a salary of $12,500. To-day, in many instances, even the district judges of the United States are as hard pressed with work as are those of the Supreme Court. It does strike me, taking into consideration the salaries we pay all our officials—legislative, executive, and judicial—that it is manifestly unjust to pass this bill increasing the salary of the Chief Justice from $10,500 to $13,500 and of the associate justices from $10,000 to $12,500. I do not believe the increase can be justified under such circumstances.

Mr. HOAR. The Senator has it $500 too much. It is $12,500 and $13,000.

Mr. CLAY. I understand the Chief Justice, under this bill, will draw a salary of $13,500.

Mr. HOAR. No.

Mr. CLAY. Thirteen thousand dollars. The associate justices will draw a salary of $12,500.

Mr. President, I have never been niggardly when it came to fixing the salaries of judges. I do not believe that the salaries of Senators and Representatives to-day are as large as they ought to be. Yet it is proposed to fix the salary of a judge of the Supreme Court at $12,500 and the salary of a Senator at $5,000, while the Senators are equally as much worked as are the judges of the Supreme Court.

I have no reflections to cast on the Supreme Court. It is the highest judicial tribunal of our Government. If a judge reaches 70 years of age he can retire on a salary of $10,000 per annum, and if this bill becomes a law he can retire upon the increased salary. It would cost probably $1,500 or $2,000 per annum to get an insurance policy for the sum of $10,000 on a man's life after he is 70 years of age. I do not believe that the report of the committee ought to be adopted or that this bill ought to pass.

Mr. DUBOIS. Will the Senator from Massachusetts allow me to make a statement?

Mr. HOAR. If it is to be a mere statement. I have a motion to lay the amendment on the table on which I should like to insist.

Mr. DUBOIS. I wish to make a mere statement.

Mr. President, I voted for the amendment to increase the salaries of Senators and Representatives. We all know they ought to be increased, and I shall vote for it every time I have an opportunity. I shall vote for the bill presented by the Senator from Massachusetts [Mr. HOAR], and if the Senator from Wyoming [Mr. CLARK] will amend his amendment so as to include all the Territories, I shall vote for it. It is pleasant for me to say this, so that my old associates will know that I have not forgotten some of my training.

I can not vote for the amendment for Hawaii alone, because there are not 125,000 people in all those islands. There are not 6,000 white people there, and that judge can not do the work our Territorial judges do. Therefore I shall vote to lay the amendment on the table.

Mr. HOAR. Mr. President, I renew my motion.

Mr. CLARK of Wyoming. I ask the indulgence of the Senator from Massachusetts, in view of the remarks just made. I will say that the Senator forgets, perhaps, that we have in Hawaii, in addition to the United States district judge, for whom I have provided, a Territorial court and a Territorial supreme court, corresponding in all respects to our Territorial courts upon the mainland. The United States court for which my amendment provides is exactly the same as the United States district courts in the various States of the Union, except that the judge thereof is appointed for only four years, while the United States district judges on the mainland are appointed for life. The jurisdiction is exactly the same, but the work is very much harder.

Mr. HOAR. I renew my motion,

The PRESIDENT pro tempore. The Senator from Massachusetts moves to lay on the table the amendment offered by the Senator from Wyoming [Mr. CLARK].

Mr. MONEY. Mr. President——

Mr. HOAR. I decline to yield any further.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Massachusetts.

The amendment was laid on the table.

Mr. MONEY. Mr. President, I have no amendment to offer, but I should like to make a few remarks upon this bill.

I do not see how the adjustment of salaries can be made according to the work done. In the State of Mississippi there are two Federal districts, but only one Federal judge. That Federal judge gets $5,000 per annum, and he does the work of both districts, and he sits in five different places. The admiralty business is a good deal, and violations of the revenue laws make great business. The State has over a million and a half inhabitants. The judge is a very competent man. He is a fine lawyer. He is a good man in every respect, and if we should salary him according to the labor he does he should have more than $5,000. But we can not undertake to go into that sort of business.

I have been in the Territorial courts. I have seen the judges there take up United States business one week and then take up the local or Territorial business next week; and I know the labors they perform. They are very considerable, and necessarily they require men of ability, men who ought really to make a great deal more at the practice than they make on the bench. In fact, it can be said of almost every man who is fit for a Federal judgeship that he will make more money practicing than he will in the exercise of his functions as a judge.

I voted a few minutes ago against raising the salaries of Members and Senators. It was not because I do not believe they ought to have more. I think they should. There are a great many Senators here who care nothing about their salary. When compared with their incomes from outside sources the salary is a mere bagatelle. But there are a great many other Senators, especially from my section of the country, who find difficulty in living in Washington on their salaries. They can not live as the other Senators do at all. I have known Senators who gave their whole salaries to their private secretaries, and it was nothing. They did not feel it. We can not, of course, undertake to make a difference between Senators, but I think they should have more than they are receiving, because they do more work and the expense of living is great. The same can be said of Representatives, though not in the same degree.

But I oppose raising the salaries of the judges of the Supreme Court. I think $10,000 a year, with provision that they may retire after ten years' service or after attaining the age of 70 years, is quite sufficient to maintain their station in life and their social status to which their position entitles them. I do not see any reason, particularly, why they should have their salaries raised. It is a life position, and it is a very unfortunate feature, I think, of their tenure of office that it is for life.

Now, I am not astonished that the members of the Taft Commission get $20,000 a year apiece, nor that they have a house furnished them; and I would not be surprised if they got $50,000 apiece. In fact, I am like Lord Clyde was when a committee of

the House of Commons waited upon him to tell him that he was about to be impeached. Clyde looked at them and said, "Why, gentlemen, I am astonished at my own moderation when I consider my opportunities and my own irresponsibility."

I do not see why the members of the Taft Commission should be limited to $20,000 or any other sum or why we should cavil about it. I do not care about it myself. It is nothing particularly to me. But why the President should not have given them all they want or anybody else all he wants I do not know, because we have never taken any trouble to limit anybody. We have given him the liberty to appoint as many officers as he chooses, to appoint them for as long a tenure as he chooses, and, so far as I know, to fix any salary he chooses. There is nothing to be said in complaint of that, because we are estopped by our own act in abdicating the power to do anything and putting it all in the hands of the President of the United States.

Now, if some gentleman will bring in an independent bill here, raising the salaries of Senators and Representatives, you will find a different vote from that recorded this morning on an amendment to a bill granting an increase of salaries to the judges.

I think the judges are getting very good salaries, and as the office is for life, with no responsibility to anybody, as there should be, for notwithstanding the independence of the coordinate departments of the Government I believe in going back to the people as the source of all authority, I shall vote against the whole proposition and all the amendments to it. I am sorry the bill was ever reported here at all. On the legislative, executive, and judicial appropriation bill anything can be put which the Committee on Appropriations thinks proper and right, and it can be subjected, along with the salaries of all the subordinate officers of the Government, to revision by the Senate and House.

Mr. BATE. Mr. President, in addition to what has been said by the Senator from Mississippi [Mr. MONEY] who has just taken his seat, and by others here, one thing occurs to me that has not yet been presented. When the Senators were elected and the judges were chosen and took their seats they all understood what their compensation was to be. They have drawn that compensation regularly up to this time and were satisfied with it. Now, this is a question that has never been mooted in any canvass before the people. It has not been considered by them at all, and they should certainly be heard upon a matter of this kind, especially as they are the taxpayers of our country, out of whom comes these salaries.

I think, Mr. President, that the present salary is sufficient, so far as it applies to some of the judges; sufficient for them to support themselves and families properly and wear the official honors gracefully and with dignity, and also to lay aside something for a rainy day if it is necessary. But there are some judges who, in my opinion, are not sufficiently compensated. The circuit and district judges of this country do the hard work, and their salaries are less, much less, than those of the Supreme Court.

If any judicial salary should be increased it is the salary of those judges who are known to perform the hardest work, especially the district judges, but I am against any. If, however, Mr. President, ever there was a time when an advance in salaries should be made, it seems now is the time, as everything is on a high key in the way of prices. It costs more to live now than any time of recent years. Money flows here almost like water, especially that money which belongs to the Government. The purse strings of this nation never were held so loosely as now. There never, perhaps, was so much compensation for official services as there is now. There never was such a general extravagance and flow of money as there is in this country to-day.

There is no justification for us in giving an increase in the salaries of the men who already have ample fixed salaries and who have enjoyed those incomes for years, and not only hold them as life estates but draw full salaries after they have attained a certain age and ceased to perform official duties.

A judge of the Supreme Court, permit me to say, has a life estate, and that I regard as the highest and best feature for him. One of the complaints is that when persons who serve the Government get old they have nothing laid by for old age, and they are not prepared to take care of themselves or their families. Hence the pensions you see here multiplying by the thousands every day, and the increase of pensions.

The judges bear different relationship, however, to the Government than any other persons, because when the service of the judge expires, and that is a material point, when they have served upon the bench ten years and their terms expire by age, they can then draw their salaries just the same as they did before the ten years had expired. Therefore they are provided for for life and their families are provided for during their lives, and after they have ceased to perform official duties, draw from the Government full pay. Hence there is not that occasion for an increase that there is with the ordinary man who seeks a pension that furnishes him a bare living.

With this view of it I shall vote against the whole proposition, and especially would I have voted, if I had been in the Chamber when the vote was taken, against the proposition to increase the salaries of Senators and Representatives. I admit that perhaps they are not compensated like some other officers, but, as I said, this has not been brought before the taxpayers—never been mooted nor canvassed—who have a right to be heard upon so radical a change as this. I shall vote against it on that ground if on no other.

Mr. TILLMAN. Mr. President, as we are discussing our judiciary—provincial, insular, and continental—I hope I shall be pardoned for calling the attention of the Senate to a statement that is so remarkable that I think it needs explanation by somebody. I did not know that the officers involved had any friends at court, but it seems they must have some friends somewhere, because of the most extraordinary condition existing, which I think needs explanation from some source.

I hold in my hand this morning's Washington Post. The Post, by the way, is a very fair and clean newspaper. We all recognize that, and it does not deal in that irresponsible literature which sometimes finds its way into the public press. Therefore when I see anything in the Post, I give it some respectful attention. It gets off the handle once in a while and makes mistakes, but not intentionally. I see on the first page a good long article headed—

Kept on pay rolls—Court officials of Alaska have a strong pull.

We all know the meaning of the word "pull." You have to pull somebody's leg in Washington in order to be able to accomplish what these men are doing. It goes on in the headlines:

Betrayed their trust—Fined and sentenced to jail, but still draw salaries—Political influence at Washington supposed to be more potent than the rulings of the United States court of appeals at San Francisco—Judge Morrow has a conference with the Attorney-General, and puts him in possession of facts in the case.

One of our circuit judges has to come all the way across the continent in order to break up the pull or put some machinery in motion to make it run less smoothly.

The body of the article is as follows:

The Federal pay rolls for Alaska probably present the most unique condition ever found in the records of the American judiciary. District Judge Arthur H. Noyes, who was fined $1,000 for his participation in a most remarkable conspiracy at Nome, is in Mount Zion Hospital, at San Francisco, a private institution, as violently ill, according to current reports, as others concerned in the Nome conspiracy have been on occasion when justice was overtaking them.

They all get sick.

Instead of being cut off from Government support, after the scathing censure of the circuit court of appeals in San Francisco, he continues to draw pay at the rate of $5,000 a year, and, as he is absent from Nome, $10 a day additional for expenses. While seeking delay through appeal to the Supreme Court of the United States his compensation from the Government since the decision of the court at San Francisco was rendered has nearly equaled the fine the court imposed for an offense which Justice Ross, one of the highest judicial authorities west of the Mississippi, declared from the bench ought to have been a sentence to jail for eighteen months.

RECEIVES HIS MONEY, ALTHOUGH IN JAIL.

That is not all. United States District Attorney Joseph K. Woods, by his own confession implicated in the conspiracy, was given a light sentence of four months in jail by the United States circuit court of appeals in San Francisco. The brief imprisonment was in view of his confession.

He turned State's evidence, so to speak.

He is now serving out that sentence, but while he languishes in jail he is still on the pay rolls at the rate of about $5,000 a year.

Moreover, C. A. S. Frost, who went out from Washington some months ago as the special agent of the Department of Justice for the express purpose of ferreting out the situation at Nome and truthfully reporting the same to the authorities here, but who joined forces with Judge Noyes and District Attorney Woods soon after he arrived there, is at liberty in this city. His salary of $2,500 as private secretary to Judge Noyes, a position that he graduated to by successive stages after he reached Nome, an intermediary stage being that of assistant United States district attorney, still runs on. Although he is under sentence of one year in jail, every day that goes by means the taking of additional dollars from the Federal Treasury as compensation for his services.

This is very interesting reading, but some Senators do not seem to feel disposed to listen to it. I was anxious to get it before the country in that daily paper which we send forth from here, embracing the eloquence and learning and all of those other things which we dish up here in our sittings. The article continues:

He has been allowed to remain at large for thirty days, pending Judge Noyes's appeal, which, good lawyers say, can hardly have any other fate than being thrown out of court by the United States Supreme justices. At least that was the fate of a similar appeal by Receiver Alexander McKenzie, who was sentenced for contempt because of similar offenses.

Right here, it seems to me, it is very apropos to call attention to the fact that these little satrapies we are creating around in the Caribbean Sea and over in the archipelago in Asia, where the Spanish language alone is spoken, involves a condition of secrecy or rather of pitiable inability and helplessness on the part of these subjects of ours to make known their oppressions or their wrongs that ought to give us pause.

Here we have in our own blessed country of Alaska these officials, appointed by the President and confirmed by this body, who not only have indulged in peculation or some other conspiracy against decency and good morals and honesty—I do not know the

particulars—but when the special agent of the Department of Justice goes there, the Department says, in regard to this infamy, that he joined forces with the thieves—shall I call them? What are they? He returns here to serve his sentence because he entered into collusion with the scoundrels; and all the time he goes on drawing his per diem, or his salary, whatever it is, while the men whom he assisted in their villainy are also on the pay rolls of the Government; and nobody seems able to stop it. There is a reason why, I presume.

The while these large salaries go on, the business interests at Nome—and they are very large, amounting to hundreds of thousands of dollars—have been clamoring for a pure and honest judge, before whom litigation can be taken with some degree of confidence.

Our people abroad, our subjects or fellow-citizens, or whatever other status they may occupy, will soon be, like Diogenes, hunting up and down the world with a lantern for an honest judge.

An influential coterie of politicians, however—

I wish they would specify. I presume the man who wrote this, and who may be in the gallery, would give the facts to the Judiciary Committee if they would investigate the case; and I think somebody ought to prepare a resolution directing that committee to call him before them and get at these facts and see who this coterie of influential politicians are who are putting off on us these scoundrels as judges, and who are now protecting those who are drawing their salaries while they are going through a pro forma appeal to the Supreme Court.

An influential coterie of politicians, however, is wielding an influence that is amazing. All these men come from the West, and by quiet but forceful methods have been able to block progress at every turn in this most remarkable judicial incident, than which, if the printed decision of the circuit court of appeals and the statement of reliable men are to be taken, nothing more disgraceful ever darkened the history of the Federal courts.

Circuit Judge Morrow, who, with Judge Gilbert and Judge Ross, imposed the sentences for contempt, has been in Washington for a few days on business connected with the Carnegie Institute, of which he is one of the trustees. To his friends here Judge Morrow talked with some frankness of his surprise that such a notorious case as that of Judge Noyes and the others, which the court expressly declared to be a corrupt conspiracy, could be treated with such leniency.

By the way, whose business is it to remove this scoundrel, this convicted thief? Where does the executive power lie to relieve those oppressed people in Alaska of this infamy, of this travesty on justice?

Every contemplated move of the Government has been delayed by the interposition of politicians, who have hovered near Washington and urged something in extenuation of the offenses. Efforts have been persistent to cast reflection upon the judicial attitude of the court at San Francisco, notwithstanding the high character of the judges composing it.

An instance in point is the case of Dudley Duboise—

I do not think he spells his name like our honored colleague here, for he has an "e" at the tail of it, so I will add the sound of "a" to it as a differentiation of South Carolina French. [Laughter.]

An instance to the point is the case of Dudley Duboise, the attorney for McKenzie, who was adjudged in contempt.

Mr. BACON. I wish to inform the Senator that the name is Dubose. The "i" is improperly there.

Mr. TILLMAN. Oh, it is Dubose. I am corrected by my French colleague from Georgia.

Mr. BACON. Mr. Dubose happens to be from Georgia. That is the reason why I know the name.

Mr. TILLMAN. We have thieves down our way as well as they have up here and up North.

Mr. BACON. I will say to the Senator that while, of course, it is very well to have levity, so far as he connects the name of Mr. Dubose with anything of that kind he is absolutely without authority or justification.

Mr. TILLMAN. I do not intend to do anything except to read what is stated here.

Mr. BACON. The Senator does not intend it, but still, in order to raise a laugh, he does connect him with it, and I say there is not a particle of justification for it.

Mr. CLAY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from South Carolina yield to the Senator from Georgia?

Mr. TILLMAN. Certainly.

Mr. CLAY. With the Senator's permission, I desire to say that Mr. Dubose formerly lived in Georgia and I served as a member of the legislature with him for a few years. He was an upright and honorable man. He had the respect and esteem of the people of Wilkes County, which he represented, and he had the respect and esteem of the entire membership of the legislature in which he served.

Mr. TILLMAN. The Senator would have found, if he had waited until I got to it, that Mr. Dubose has only been guilty of advising somebody to resist what might appear to be the dishonesty or some other deviltry that this judicial robber has been engaged in up there.

Mr. FORAKER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from South Carolina yield to the Senator from Ohio?

Mr. TILLMAN. Oh, with pleasure. I want somebody to explain. I am just hunting for light. I am like Diogenes holding the lantern up here trying to investigate a judiciary that are rotten.

The PRESIDENT pro tempore. Does the Senator from South Carolina yield to the Senator from Ohio?

Mr. TILLMAN. With pleasure.

Mr. FORAKER. The Senator need not take his seat. I only wanted to ask a question for information. I do not know anything more about these matters than the Senator, and he does not seem to know anything except what he finds in a paper, and he did not seem to know he was referring to somebody from his part of the country.

Mr. TILLMAN. I would jump on him just as readily if he was from South Carolina, sir.

Mr. FORAKER. There is no doubt of that, but I want to know, as the Senator proceeds, what it is we are taking proof about. As I understand the Senator, he began to read and was commenting upon an article. Mr. Dubose, a gentleman of unquestioned character, is, I understand, the counsel——

Mr. TILLMAN. He is attorney in the case, and had a right, of course, to do what he chose to do in that behalf.

Mr. FORAKER. And this man of high character advised these defendants to prosecute an appeal, insisting that they are not guilty of any offense, and they are entitled, of course, to the appeal. The Senator wanted to know a while ago where the authority rested to remove judges who had been found guilty in a lower court of some offense that this counsel thinks they are not guilty of. I want to remind the Senator that the way to remove a judge is when the House presents articles of impeachment here. We can then sit in judgment. I do not know of any other way to remove him unless there is some statutory provision, and I rose to inquire whether or not there is.

Mr. TILLMAN. Did not the President remove the governor of Oklahoma the other day because there was some work similar to this done?

Mr. FORAKER. But the governor of Oklahoma did not hold a judicial position.

Mr. TILLMAN. But this is Territorial.

Mr. FORAKER. He was appointed, I suppose, for four years.

Mr. TELLER. Mr. President——

Mr. TILLMAN. I am only seeking for light.

Mr. FORAKER. I am searching for light, too, and the inquiry I make is whether the way to remove judges is not by impeachment. Is there any other way?

The PRESIDENT pro tempore. Does the Senator from South Carolina yield to the Senator from Colorado?

Mr. TILLMAN. Certainly.

Mr. TELLER. I should like to interrupt the Senator from South Carolina if he will allow me a moment.

Mr. TILLMAN. Oh, with pleasure.

Mr. TELLER. The power of the President is and has been ample to remove a Territorial judge, and that has been settled for more than fifty years by the Supreme Court. There is no case where a Territorial judge has ever been impeached. There has never been any necessity for it. In my experience in the West I can name at least a dozen judges who have been removed. There is not any question of it.

Mr. FORAKER. I was not making any question on that point; I was simply inquiring for information. Now, that being true, I do not know why this case has not been acted upon except only upon the theory advanced by Senators who have spoken for the learned counsel of these persons that there may be some question which is not yet settled. I think we can all safely say that there is an occupant of the White House who, if there be shown a lack of integrity on the part of any official, would not hesitate to remove him, but, on the contrary, would do it instantly and with great pleasure.

Mr. TELLER. If the Senator from South Carolina will allow me just a moment further, I wish to state that more than a year ago the court of appeals of the ninth circuit administered to this man a rebuke that was unequaled in the history of the judges of courts of the United States, and they did it unanimously. The tool of this judge, into whose hands he had put all the property, practically, in the vicinity of Nome, without bond in many cases, taking property from the owners that was not described or named in the bills, they put in jail for a failure to comply with the mandate of that court. That was as well known to the Senate then as it is known now, and there never has been and could not be any question of the power of the Executive to remove him at any time.

I know at least one Senator, and more, too, for that matter, who repeatedly urged on the then, not the present, Attorney-General to remove this man. I know that the governor urged his removal and said, "If you can not remove him, for heaven's sake send him to some other district." Men whom I know personally and have known for twenty-five years have told me of the

outrages of this judge, and have said to me in the most positive terms that if it had not been for the United States Army there they would have hung him to one of the trees of that district.

Now, Mr. President, this has been a crying shame. The people of that country have been without judicial law for more than fifteen months, and the recital of the outrages that that man has committed under the power conferred upon him would startle the American people, for I declare there has been no instance like it in the whole history of American jurisprudence from the very earliest settlement of the country to the present time.

Mr. DUBOIS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from South Carolina yield to the Senator from Idaho?

Mr. TILLMAN. Oh, certainly.

Mr. DUBOIS. Mr. President, there went a great many people from my State to that district, among others at least a dozen from my town, who are as reputable men as there are in any place in the United States. They told me, without exception, everyone of them, that if a man would locate a claim up there somebody else would jump that claim, and it was almost the custom that some one else would jump the claim who had not the slightest title to it; that there was no cause for jumping the claim, and the original locator was compelled to divide with this man or the judge would take it away from him entirely.

I think every Senator from a Western State could give a mass of testimony of this sort. The conditions up there have been simply frightful. I intended at some time to call the attention of the Senate to it. I did not suppose that the question would come up in this way.

Mr. HOAR. Did the Senator call the attention of the Executive to it?

Mr. DUBOIS. I have not done so as yet; but that is the universal testimony of men who have gone out to that country.

Mr. TILLMAN. Mr. President, before I pass on, I desire to say that but for the misspelling of the name by sticking an "i" in, I would have known, both from the surname and the name—something at least which would have given me an inkling as to who this attorney, Dudley Dubose, is. He is the grandson of a man who once graced this Chamber, and I presume from his blood that he is about as high and clean as the average lawyer. Dudley Dubose is a grandson of Col. Robert Toombs.

Mr. BACON. And a son of a former Representative in the other branch of Congress.

Mr. TILLMAN. I therefore say that I do not presume he is a man in collusion with these besmirched officials. I do not want to do him any injustice.

The PRESIDENT pro tempore. The Senator from South Carolina will please suspend while the Chair lays before the Senate the unfinished business.

The SECRETARY. A bill (H. R. 5833) temporarily to provide revenue for the Philippine Islands, and for other purposes.

Mr. TILLMAN. Mr. President——

Mr. LODGE. I omitted when the bill first came up to do what I intended to do—to move the first committee amendment, so as to have the amendments of the committee regularly before the Senate. I now make that motion.

The PRESIDENT pro tempore. The bill is in Committee of the Whole, and open to amendment. The Senator from Massachusetts, from the Committee on the Philippines, has reported an amendment, which will be read.

Mr. LODGE. I understand that the Senator from Tennessee [Mr. CARMACK] desires to go on to-day.

Mr. TILLMAN. May I have indulgence for a moment, just to finish the explanation I was making?

Mr. LODGE. I have nothing to do with what the Senator from South Carolina chooses to inject here. He, of course, is at liberty to do anything he pleases. The bill, which is the unfinished business of the Senate, comes up at 2 o'clock. All I can do is to announce, as happens to be the case to-day, that a Senator, on behalf of the minority, is ready to proceed on the bill which is before the Senate. I can not prevent the Senator from South Carolina or anybody else from shutting him off by talking about irrelevant matters.

Mr. TILLMAN. With the indulgence of the Senator from Tennessee, I will finish the explanation I was making.

The PRESIDENT pro tempore. The Senator will allow the Chair to have the amendment stated.

The Secretary read the first amendment of the Committee on the Philippines.

Mr. TILLMAN. I have no speech to make. I wanted to have the personal explanation completed, but of course I can put it in hereafter.

Mr. CARMACK. I yield to the Senator from South Carolina.

Mr. TILLMAN. Mr. President, continuing what I was going to say when I was interrupted by the expiration of the morning hour and the unwillingness, apparently, of the Senator from Massachusetts to permit me to finish the explanation, I wish to say that in mistaking, by reason of the wrong spelling, the identity of a man of whom I know something, I desire, as the article itself sets forth, to declare that there is nothing in the conduct of Mr. Dubose, even as the article presents it, which reflects on him in any degree.

As I had apparently cast some reflections on him, I would desire to withdraw those, as one man of honor will always do in dealing with another, and to state that he only advises his clients to do certain things, as he advised some officer in Alaska to do some other certain thing, for which he was adjudged in contempt. Therefore he is not in any way charged with dishonest, dishonorable, or unjudicial conduct, or whatever other crimes these officers of the court have been guilty of.

The PRESIDENT pro tempore. The amendment of the committee is before the Senate.

Mr. TILLMAN. I ask permission to put in the RECORD the entire article from this morning's Washington Post, so that the whole article may be before us when this matter comes up again.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from South Carolina? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

By some means the conviction was conveyed to Washington that the circuit court had adjudged him guilty because he advised his client (McKenzie) contrary to what was subsequently the decision of the court at San Francisco.

When the certified copies of the decision were consulted it was found that Dubose had not been sentenced for that offense at all, but for making a speech in a public hall at Nome advising the people there, who were not his clients, to resist the writs issued by the circuit court at San Francisco. Furthermore, he advised the military commander at Nome, Maj. John T. Van Orsdale, in charge of the detachment of Federal soldiers stationed there, to resist the writs of the circuit court. It was for those offenses that the circuit court sentenced him.

The remarkable incident will be brought to a close soon, it is expected, for no one questions the determination of President Roosevelt and Attorney-General Knox to act as soon as they can get authoritative information. The circuit court's decision was rendered January 6, and a few days ago Mr. Knox secured for the first time a certified copy of the decision. Judge Morrow, who left for the Pacific coast yesterday, called at the Department of Justice late last week regarding another matter, but incidentally discussed the case at some length with the Attorney-General, who was put in possession of knowledge regarding the conspiracy which had not previously reached him. Others have arrived in Washington, or will soon, who can tell him and the President some political and business aspects of the case which have not appeared in the judicial decision.

M'KENZIE GAVE UP THE GOLD DUST.

When the late President McKinley was in San Francisco he had a consultation with Judge Morrow, prior to the pardon he granted to McKenzie, who was then in jail for contempt. Not long afterwards Mr. McKinley mentioned to certain of his friends that in all his long political career he had never before been subjected to such tremendous pressure from influential men as he had been to pardon McKenzie, who, by the way, is a member of the Republican National Committee.

Judge Morrow refused to recommend the pardon of McKenzie until he had turned over some $9,000 in gold dust to the owners. Telegrams were exchanged with Washington, it is asserted, that McKenzie had settled in full. Judge Morrow by telegram denounced that statement as utterly false. Later McKenzie did give the order for the transfer of this gold dust, and subsequently was pardoned by the President.

While McKenzie was languishing in jail he was represented as being at death's door. A few hours after his release he was observed by a reliable eyewitness, now in Washington, sprinting down the Southern Pacific Railway depot platform in Oakland to catch a train and showing no evidence of ill health.

The comment of Judge Gilbert in the decision of the circuit court sentencing C. A. S. Frost, formerly special agent of the Department of Justice, and now enjoying himself with his friends in Washington, to twelve months' imprisonment in the Alameda County jail, this opinion being concurred in by Judges Morrow and Ross, except that the latter thought the sentence ought to be fifteen months in jail, goes into a detailed review of Frost's operations at Nome.

INTIMATE WITH NOYES AND M'KENZIE.

Frost held office as special examiner of the Department of Justice till September 15, 1900, when he resigned to become assistant attorney to Joseph K. Wood. The opinion tells how Marshal Vawter gave direct testimony declaring that the relations between Judge Noyes, McKenzie, and Frost were intimate, and that Frost, on September 15, 1900, told him that the writs of supersedeas issued by the court at San Francisco were void. Vawter also has a letter which Frost wrote him giving authority to incur unusual expenses incident to the swearing in of a posse comitatus to prevent the delivery of gold dust, as directed by the circuit court at San Francisco.

"There are other facts, fully proven," continues the court, "which show the deep personal interest Frost had in the McKenzie receivership and his partisanship in the controversies then pending." Judge Gilbert, in the decision rendered by the court, goes on to cite how Frost, "in violation of his duties as an officer of the United States, and for the purpose of aiding McKenzie, employed on behalf of the United States three detectives," who were engaged to watch the movements of the defendants in the litigation before the court. His excuse for employing these men are mentioned, but the court says there is positive and direct evidence concerning the purpose for which the detectives were paid out of Government funds, and the purposes were not those mentioned by Frost in his testimony. One of these detectives had a bill for $900. The decision of the court concludes with this language:

GROSSLY BETRAYED THE GOVERNMENT.

"George V. Borchsenius, the clerk of the court, testified that he objected to the payment of the bills of these detectives for the reason that he did not think they were proper bills, but that Judge Noyes ordered him to pay them immediately, and said to him that he could either pay them or be in contempt of court. The whole of the evidence concerning the case of Frost convinces us beyond any reasonable doubt that he not only aided and abetted to the utmost of his power the efforts of McKenzie to obstruct the execution of the writs of supersedeas, but that in his official capacity he grossly betrayed the interests of the United States which were intrusted to his care."

PHILIPPINE TARIFF BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 5833) temporarily to provide revenue for the Philippine Islands, and for other purposes, the pending question being on the first amendment reported by the Committee on the Philippines, to add to section 2 the following proviso:

Provided, That upon all articles the growth and product of the Philippine Archipelago coming into the United States from the Philippine Archipelago there shall be levied, collected, and paid only 75 per cent of the rates of duty aforesaid: *And provided further*, That the rates of duty which are required hereby to be levied, collected, and paid upon products of the Philippine Archipelago coming into the United States shall be less any duty or taxes levied, collected, and paid thereon upon the exportation thereof from the Philippine Archipelago, as provided by the act of the United States Philippine Commission referred to in section 1 of this act, under such rules and regulations as the Secretary of the Treasury may prescribe, but all articles, the growth and product of the Philippine Islands, now admitted into the ports of the United States free of duty and exported from said islands for use and consumption in the United States, shall be hereafter exempt from any export duties imposed in the Philippine Islands.

Mr. CARMACK. Mr. President, a proper consideration of the measure now before the Senate involves the whole question of our policy in the Philippine Islands. There is no argument that could be made touching the conquest of that archipelago and the subjugation of its people, touching the whole policy of colonial empire and the arbitrary government by a free republic of a vassal province and a subject race, that would not be pertinent to this bill.

A minority of the committee have refused to consider it as a mere question of revenue, of rates of duty, of forms and methods of taxation. It has presented itself to them rather as a characteristic manifestation of a policy born of utter selfishness, utter greed, and an utter contempt for the principles of American liberty.

Mr. President, if taxation without representation be tyranny, if the power to tax is the power to destroy, if abuse of the taxing power has been a ready instrument of tyranny in every age and country of the world, then there is no fitter field upon which the opponents may challenge the advocates of this policy to battle than upon the passage of this bill. I shall not attempt to discuss its merits as a revenue measure. I frankly confess that I am not prepared to do so. I frankly confess that I have not studied the elaborate system of rates and duties which are present, though invisible, in the body of this bill.

I make this confession with the less shame because I believe I am in this respect in like condition with every other member of the committee, with every other member of the Senate, and with everybody else in the country.

The fact that we have this bill under consideration assumes that it is the duty of Congress to know something of its contents and to have some understanding of its probable operation and effect. The committee has not sought or seemed to desire such knowledge. By a mere reference to the title it is proposed to enact the entire system of tariff duties imposed by the Philippine Commission upon goods imported into the Philippine Islands.

I have not studied that act of the Commission. Its details were never discussed in the committee. The only part of it that was ever read was the title of the act, which we have copied into this bill for the purpose of enacting it into a law. The committee simply said, in effect, "somewhere or other there is a list of duties fixed up by the Philippine Commission; wherever it is and whatever it is, be it the law." So far as any knowledge on the part of the committee is concerned, we might as well have enacted the contents of a sealed envelope without taking it out of the post-office.

If it be said, Mr. President, that the Philippine Commission have given thorough study and consideration to this question, then I ask whose business is it to make this law? If it is the duty of Congress, then I respectfully submit that duty is not faithfully performed simply by writing "be it enacted" on the wrapper of a roll of manuscript sent here from the Philippine Islands.

If it be said that it is impossible for Congress to deal understandingly with a question involving subjects and rates of taxation in the Philippines, then I say the sooner Congress washes its hands of a duty it is not competent to perform the better it will be for its own honor and for the welfare of the country.

We are simply now, in a roundabout way, delegating to five men in the Philippine Islands, 10,000 miles away, the legislative authority which belongs to the Congress of the United States.

Mr. President, there never were five men on earth who could arrange a tariff bill for this country that could run the gauntlet of a Congressional committee without being maimed and disfigured for life. This act of the Commission flits gayly through two committees of this Congress without losing a hair of its head. We never passed a tariff bill for this country without extended hearings, lasting for weeks and sometimes for months. We propose now to enact a tariff bill imposing taxes upon the products of 10,000,000 people without a hearing of a single hour, without the examination of a single witness, without the asking of a single question.

This is partly due, I confess, to an inability, inherent in the very nature of the case, to deal intelligently with the question. It is also due to the indifference with which taxes are imposed when the men who impose them do not pay the taxes and are not responsible to those who do.

But look at the contrast, sir, when the committee comes to deal with imports from the Philippines into the United States. This childlike trust and faith in the Commission vanishes at once. The committee understands that it has to deal with powerful interests in the United States, who can effectively protest against its action.

The bill as it came from the House imposed the full rates of the Dingley law. The Senate committee proposes to reduce it to 75 per cent. The Philippine Commission earnestly recommends that it be reduced to 50 per cent. It believes that such a reduction would have a beneficial effect upon the trade and industry of the Philippines and upon the disposition of the people. The committee receives that suggestion with utter contempt. What business is it of the Filipinos, these foreigners, what duties we levy upon their goods? Why should we care how it affects their trade and industry? What do we care if it serves to deepen their distrust of our benevolent intentions? We simply say to them, "Here is the law and here is the Army to back it up."

Mr. President, it can not be denied that chief among the "other purposes" mentioned in the title of this bill is the purpose of protection. When the Porto Rican tariff was under discussion, the President sent a message to Congress declaring that it was our "plain duty" to abolish all customs duties between this country and Porto Rico. A bill to that effect was prepared and presented to Congress, and was abandoned at the first yell of the lobby. When the substitute for that bill was presented, it was openly declared by its very authors that its main purpose was to establish a precedent for a protective and prohibitory tariff law against the products of the Philippine Islands. What a commentary this is on the loud boasting we have had of the immense profits to be made in the Philippine trade! We are fighting in the archipelago to-day with sword and bayonet for that trade, and here we are legislating in frantic terror because we are about to get what we want. You have filled us with visions and dreams of the vast resources of that Eldorado, only waiting for the developing touch of American enterprise, and now you tell us if we do develop the resources and industries of that country it will ruin our own!

Mr. President, this bill is framed upon the very theory that the Philippine Islands are a deadly menace to American trade and that the less we trade with that country and the less we develop it the better it will be for our own. The only trade that will grow under that policy will be the trade of the spoilsman. You are simply preparing to deliver that country over to a foul brood of syndicated carpetbaggers, who are even now stooping like vultures to their hideous feast. It is for their benefit, and not for the benefit of the American people, and still less for the benefit of the Filipinos, that you are waging this war of criminal aggression in the Philippine Islands.

Sir, I can not separate this bill, even in thought, from the policy of which it is a part. We are opposed to this bill because we are opposed to that policy. We do not intend to confine our attacks to one single act, to one single expression, to one single manifestation. It is against the whole policy of colonial empire that we make our protest.

Mr. President, like many others, I have for several years been engaged in frequent discussions on this question. I can not hope at this time to add much that is new to the debate, nor much, indeed, to what I myself have already said; but, sir, when passion has sway and when madness rules the hour, it is our duty to cry the truth aloud with unceasing iteration until returning reason shall give it audience. I believe, sir, that that hour of returning reason is fast coming, if it has not come. Deep down in the hearts of the American people there is an abiding sense of right and justice, an enduring faith in the principles of the Republic.

The fierce acclamations that hailed the beginning of this policy no more measure the great depths of the public thought than the height of the wave measures the depths of the sea. Now that the storm that swept us from our moorings has spent its worst fury, we begin to enter the clear calm of sober, dispassionate reason. Men who heretofore have simply shouted are beginning to think; and I believe there are Senators upon that side of the Chamber who wish in their hearts that the Republican party could find some way to undo what it has done without a confession of failure or mistake.

John Bright, the great English statesman, once said that the greatest danger to our institutions is surprise—the danger that some bold and brilliant leader will commit his party and the country to some new policy that has never been maturely considered and accepted. I ask, in all seriousness, if we are not to-day

in the midst of the very danger against which we were so solemnly warned? Who does not believe that in the sudden adoption of this policy the whole country, and even the Republican party, were taken by surprise? Who can pretend that it was ever maturely considered and accepted? If at any time before the thunder of Dewey's guns in Manila Bay it had been proposed that this country enter upon a policy of foreign conquest; that it should become a ruler of tropical archipelagoes and the tyrant of distant provinces, the proposal would have shocked the national conscience and would have been overwhelmed in one universal voice of protest and condemnation. The very thought would have been impossible to any considerable number of the American people except when their blood was fevered with the passion of war. Mr. President, we shall not consent that the passion of a single hour shall fix the destinies of this Republic forever.

We are told that the Supreme Court of the United States has decided this question against us; but, Mr. President, the two founders of the two great political parties now existing in this country rejected with scorn the proposition that the decisions of that high tribunal should be binding upon their consciences as a rule of political action. We do not intend that they shall be binding upon ours. It is true, sir, that five members of that court wrangled and jangled their way to a decision against our view of the constitutional power of Congress. It is equally true that four members of the court, in strong and harmonious opinions, concurred in our view. We shall not agree that the four members of that court were necessarily wrong and that the five members were necessarily right simply because five is a greater number than four.

The minority of this committee hold and have expressed the view that it is, at last, the duty of Congress to restrain itself within the limitations of the Constitution and to firmly reject any judicial grant of arbitrary and unlimited power.

We are told, Mr. President, that the people of the country have finally decided this question against us. If it be true that the country has conclusively decided against the principles for which we contend, then it is a sadder day for the country than it is for the Democratic party. I have no desire that the Democratic party should live except to defend those great principles and serve those high purposes for which this Government was formed. If this Republic is to perish, God forbid that the Democratic party should survive.

When Samuel grieved because his people turned from a government established in divine wisdom and demanded that they should be ruled by a king like the heathen nations of the world, the Lord said unto Samuel, "They have not rejected thee; they have rejected Me." Mr. President, if the country has indeed rejected the principles for which we now contend, it has not rejected the Democratic party; it has rejected the Declaration of Independence; it has rejected the principles of the Constitution; it has rejected all those high conceptions of human government which have given life and power and purpose to this American Republic.

But, Mr. President, the people have not adjudged this question. Under our system of party government it is impossible to present any single naked issue to the people and to obtain a verdict upon that question alone. We know that this was not the only question presented to the people; that it was not even the dominant issue in that campaign.

We know that there are many men of the highest character, men of high power and influence in the Republican party, like the distinguished senior Senator from Massachusetts [Mr. HOAR], like the late Speaker of the House of Representatives, like ex-President Harrison, like ex-Secretary Sherman, ex-Senator Edmunds, and other men of great weight and power and influence, who were as bitterly opposed to this policy as we are, and yet who gave their earnest support to the Republican candidate in that campaign. We know that other men of great influence who have heretofore acted with the Democratic party—men like ex-President Cleveland and ex-Secretary Carlisle—who were in entire harmony with us upon this question, still refused to act with the Democratic party. We know that the same is true of a very large and powerful section of the press of the country. We know that the German press and the German voters, almost to a paper and almost to a man, were opposed to your policy upon this question, and yet almost to a newspaper and almost to a man they supported the Republican party.

Finally, Mr. President, we know that the one controlling fact, the one irresistible, immovable fact, against which we dashed ourselves in vain, was the fact that we had financial depression and industrial disaster under the Democratic Administration of Mr. Cleveland and prosperity and good times under the Administration of Mr. McKinley. I do not believe that the Democratic party was to blame for the one fact, and I do not believe that the Republican party was entitled to the credit for the other. But the arguments based on these facts were mighty, and they did prevail. The people, in fact, did vote for imperialism, but they only intended to vote for "the full dinner pail."

In addition to that, Mr. President, the war party, when it has control of the Government, has a great advantage over its adversaries. This is due not only to the fact that war calls to the surface the worst passions of mankind, but it is due also to the fact that at such a time the war party has almost complete control of the sources of knowledge by which public opinion is instructed and informed; and it is also almost impossible, sir, for any party or any administration to resist the temptation to use this power for its own benefit. We have had illustrations of this again and again in English history. It was illustrated at the time of the Afghan war in 1840—a war in which there was a great catastrophe to the English arms—a disaster that may be described in the simple statement that, out of a moving host of sixteen thousand who set out on their retreat from Cabul, only one man reached his destination to tell the story of massacre and of destruction. The English people were enraged. The dispatches laid before Parliament were mutilated by the Government and the people were made to believe that the war was due simply to the innate devilishness of the Afghan ruler and his people. Years afterwards, when the full dispatches were published and when all the facts were known, it was revealed that the Afghan ruler, from an attitude of entire friendliness, had been goaded to fury and desperation by the base and blundering perfidy of the British Government.

In 1857 a British fleet threw shot and shell into the city of Canton, China, for three weeks. Men like Gladstone and Disraeli and the present Marquis of Salisbury denounced the action of the Government in this matter. They were held up to execration for supporting an "insolent barbarian" who had "insulted the British flag" and defied the authority of the British Government. Upon that issue Lord Palmerston swept proudly back to power. But after the thing was all over the fact was shown to be that the only offense this Chinese governor had committed against the British Government was to arrest a number of Chinese criminals on Chinese vessels in Chinese waters.

The same story has been repeated in the South African war. Mr. President, we have had a like condition of affairs in the Philippines. At the very time when a new policy, an unheard-of policy, was being pressed upon the country, when it was of the most vital importance that the people should have full and accurate knowledge, not one scrap of information in regard to conditions and affairs in the Philippines could reach them until it had been first sifted through the fingers of a censor whose instruction, as he himself avowed, was to let nothing go that might hurt the Republican party. It was not in any sense a military censorship. It was a censorship established by and for and in the interest of the Republican party. The correspondents of the newspapers there—most of them representing Republican newspapers, newspapers entirely in sympathy with the Administration—united in the statement that not only were important matters of fact continually suppressed, but that absolute falsehoods were written by the censor into the body of their reports in order to deceive and mislead the American people.

There was no claim, sir, that those reports were untrue. There was no claim, as has been sometimes pretended in this country, that it would give information to the Filipinos. It was never pretended that it would affect the military situation in the Philippines. It was simply claimed that it would affect the political situation in the United States to the disadvantage of the party in power. They simply said, in substance, "We want the American people to give their support to this war and to this policy, but if we permit them to know the facts, if we allow the truth to be told, this policy will become odious and the American people will not approve it."

Mr. President, the principle upon which that censorship was conducted may be shown by a single instance. When the correspondents went to the censor with a simple matter-of-fact statement about the silver currency of that country, that high and mighty official at once drew forth his blue pencil and said: "No; I can not let that go; that would be a boost for Bryan, and my orders are to let nothing go that will hurt the Administration." It was not until after long argument and great difficulty that they were able to persuade him that this item had no relation whatever to the 16 to 1 proposition in the United States, and not until he was so convinced would he let it be transmitted.

Mr. President, the Republican party may rejoice in a sentiment thus created; they may rejoice in a sentiment created by the suppression of free speech, by the dissemination of falsehood, by editing of newspapers of the United States with a bayonet; but I tell you such is not the kind of sentiment by which final and irrevocable verdicts are rendered. We intend, if possible, that light shall be thrown upon every nook and corner of that Philippine situation, and then, sir, we shall appeal to the fuller knowledge and saner judgment of the American people.

I believe, Mr. President, that the time has come for a sober and unimpassioned review of recent events. We have but to retrace the successive steps that have brought us to this pass to see how far we have wandered from our own ideals as a nation. A cruel and inhuman war, against a people struggling for freedom, was being waged so close to our shores that the sea between us was tinged with red, and the blood of murdered liberty was spattered upon our garments.

To put an end to these horrors this nation rose in arms; but, when it did so, it called God and the nations to witness that it was fighting not for spoils, or empire, or dominion, but solely for the cause of liberty and humanity.

Sir, I had hoped that in the future time, when greed or ambition should ask with sneering lip, "What have you gained for all the blood and treasure you have sacrificed in your war with Spain?" we should simply point to the Philippine Islands and to the fair island of Cuba, no longer faint with famine and drenched with blood, no longer made desolate with fire and sword, but blossoming to the touch of peaceful industry, and vocal with the anthem of the free. I had hoped that we might point to such a scene and answer, "These are the fruits of our victory." "Liberty and humanity" is the noblest war cry of a Christian nation, and the "blessing of a people redeemed the richest spoil of a Christian soldier." But, Mr. President, it seems as if the dust of centuries had been heaped upon the beginning of that war, and we are now repeating in the Philippine Islands the very history of Spain in the island of Cuba, including the very concentration policy which roused the horror and indignation of the American people.

I will not stop to-day, Mr. President, to read extracts from official orders issued by our military officers in that country, but a condition of things is shown which, to my mind, is an absolute disgrace to any nation which even professes to wage a civilized warfare. We are going through the country with fire and sword, leaving a track of ruin and desolation behind us. The light of our civilization is seen in the glare of blazing villages. The land lies scorched and blasted, not by the hoof beat of some barbaric Hun, but by the benevolent breath of this free Republic.

When you hear of these horrors, when they reach the ears of our Republican friends, they raise their hands in holy indignation and say, "God help the poor colored man in the South." You are outraged and indignant when you hear of an occasional lynching of a negro criminal in the Southern States. But you are engaged in lynching 10,000,000 people, who were but lately your allies and your brothers in arms, and who have committed no crime but the crime upon which this Republic was founded.

Mr. President, one other word in this connection. One of the most lamentable results of our course in the Philippine Islands is that it has deadened our sympathy for the cause of freedom. We have wasted the moral power we might have employed to avert one of the most sorrowful tragedies ever written in the history of this world. To-day we sit dumb and cold and apathetic, watching the hideous butchery of a free republic—the destruction of a race that comes of the same high lineage and the same heroic ancestry as our own; a people who again and again have sealed with blood their devotion to the cause of liberty, who have resisted oppression with a fortitude unparalleled in the annals of mankind. Nay, more, this Government is in active sympathy with the butcher. The very head devil of that fiendish war in South Africa has dared to proclaim an alliance with the United States of America, and our ambassador at the Court of St. James echoes the proclamation.

Mr. President, the contrast between the opening and closing chapters of this war is revealed in the very taunt that is constantly flung into our teeth, that we forced the Administration into the war with Spain and are now fatuously opposing its efforts to "reap the fruits." It seems to be assumed now that from the very beginning we had no other thought than the spoils to be wrung from a conquered province. I should like to ask, Mr. President, why it is that our Republican friends are so eager to transfer to us the responsibility of the Spanish war? They seem to think that we must bear the shame of a war for liberty and humanity, but they claim as their very own a war for plunder and for spoils.

Mr. McKinley in his message reviewing that war said that the course of Spain in Cuba had left no honorable alternative except war; you want it understood that the Democratic party flogged you into a war in which there was nothing involved but the nation's honor, but that you entered with zest and eagerness into a war where honor was to be sacrificed for the sake of spoils. We are willing, sir, that the record shall so stand, but we deny that by consenting to the one war we become responsible for the other. The war for the liberation of Cuba has no more connection with the war for the subjugation of the Philippines than any other war for liberty has with any other war for plunder and for spoils.

Mr. President, the abrupt and violent departure which this policy makes from accepted and established faiths is illustrated by a speech made by a gentleman at a great imperialist mass meeting held two or three years ago in the city of Chicago. He quoted from the Declaration of Independence the sentiment that governments derive their just powers from the consent of the governed, and declared that it was the greatest lie ever invented by the devil to deceive a credulous world.

Mr. President, some of the founders of the Republican party were accustomed to denounce the Constitution as a league with death and a covenant with hell, because it recognized the institution of human slavery. The Republicanism of to-day denounces the immortal Declaration as the work of the devil, because it sounds a cry for human freedom. That is the difference between the Republican party of Abraham Lincoln and the Republican party of to-day.

Mr. President, I have heard time and again the very arguments used by Stephen A. Douglas in his debate with Abraham Lincoln spoken trippingly on the tongue of the very leaders of the Republican party; and more than that, I heard a distinguished Republican leader upon the floor of Congress repeat with substantial accuracy, with absolute identity of thought and argument, passages from the farewell speech of Jefferson Davis, and I heard it received with thunders of applause on the Republican side.

DEMOCRATIC VS. REPUBLICAN EXPANSION.

Mr. President, I know that the sanction of the Democratic party is sometimes claimed for this policy, and we are reminded that Democratic statesmanship has again and again enlarged the boundaries of the Republic. But I want to remind you that under Democratic statesmanship it was indeed the boundaries of the Republic that were enlarged. You do not enlarge the boundaries of the Republic by seizing a distant territory to be ruled forever as a vassal province outside of the Union and outside of the Constitution. You do not enlarge the boundaries of the Republic by adding territory that is to be no part of the Republic.

Mr. President, the Democratic party has never acquired one inch of territory that it did not sign a covenant that the inhabitants of that territory should be clothed with all the rights of American citizenship and that they should be protected by all the guaranties of the Constitution; that they should be organized into self-governing communities and finally admitted as States of the American Union. The Democratic party has acquired territory in order that it might add new States to the Union and new stars to the flag. But it is one thing, sir, to add a new star to the flag and another to put there a blot of human blood and call it a star.

Sir, upon every part of the map of the United States that marks an acquisition by the Democratic party you may write "statehood," "citizenship," and the "Constitution." Upon that which marks the acquisition of the Republican party you must write "conquered province," "vassal subjects," and "despotic power." Whatever our Republican friends may say, the two policies are not one and the same. The one is not a precedent for the other. The governments established throughout the territory of the Louisiana purchase are not identical in form or spirit with the government you have established in the Philippine Islands.

Mr. President, if this statement is not self-evident, then I ask leave to introduce and to bring to my assistance a very high and distinguished authority. The author of this book, in speaking of the ordinance of 1787, says:

> In one respect the ordinance marked a new departure of the most radical kind. The adoption of the policy therein outlined has worked a complete revolution in the way of looking at new communities formed by colonization from the parent country. Yet the very completeness of this revolution to a certain extent veils from us its importance. We can not realize the greatness of the change because of the fact that the change was so great, for we can not now put ourselves in the mental attitude which regarded the old course as natural.

He then proceeds to discuss the colonial systems of the different countries, and says:

> Each Roman colony that settled in Gaul or Iberia founded a city or established a province which was tributary to Rome, instead of standing on a footing of equality in the same nation with Rome.
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> The modern European nations had followed the Roman system. Until the United States sprang into being every great colonizing people followed one system or the other.
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> The American Republic, taking advantage of its fortunate federal features and of its strong central Government, boldly struck out on a new path, which secured the freedom-giving properties of the Greek method, while preserving national union as carefully as it was preserved by the Roman Empire. New States were created, which stood on exactly the same footing as the old; and yet these new States formed integral and inseparable parts of a great and rapidly growing nation. This movement was original with the American Republic. She was dealing with new conditions, and on this point the history of England merely taught her what to avoid.

He says the people of this added territory were "subject only to a government which they helped to administer on equal terms with the old States. No State was subject to another, new or old."

Mr. President, that is what was written in a book called "The Winning of the West," by the accomplished gentleman and scholar, the President of the United States.

I challenge any man to show where there is one particle of difference between Roman imperialism and the imperialism of the Republican party, Mr. Roosevelt himself being the judge. I challenge any man to show in what essential particular the Philippine Islands, in their relation to the Government at Washington, will differ from a province of the Roman Empire, Mr. Roosevelt being the judge.

Mr. President, when the President of the United States tells us, as he did in frequent speeches during the last campaign, that the two policies are practically identical, that the one is a precedent for the other, by the high authority of Mr. Roosevelt himself, I challenge the correctness of the statement. I appeal from the speech to the book. I appeal from the stump to the study, and I put the sedate historian against the fiery dragoon.

But now, Mr. President, there are men who say we are disloyal when we repeat the very sentiments of the most honored leaders of the Republican party. We have found no harsher term for this policy than to call it "criminal aggression," as it was called by President McKinley. We can find no more compendious description of its revolutionary and un-American character than to say that it is Roman imperialism, as President Roosevelt has said. We say it is a dangerous departure and an untried experiment. That is what was said by Judge Davis, the president of the commission who negotiated this treaty of annexation.

We say that it involves a violent shock to our national habits and traditions of thought, and even to the Constitution itself, and that was said by President Schurman, the first president of the Philippine Commission. We say we have enough difficult problems of our own at home without seeking more difficult ones abroad, and that was said by Judge Taft, president of the second Philippine Commission. We have not uttered one word in condemnation of this policy that has not been uttered by the very authors of the policy we condemn, and by no man, I beg leave to say, in stronger and more comprehensive terms than by the distinguished Senator from New York [Mr. DEPEW], whose views upon the subject I beg leave to present to the Senate. This is taken from an interview in the Chicago Times-Herald of May, 1898. The Senator, I see, is present, and I should like to know of him if he is incorrectly reported:

> If we should keep the Philippine Islands we should reverse the traditions of this Government from its foundation. We should open up a new line of policy. It would mean the establishment of a military government over possibly 10,000,000 people 6,000 miles away from us. It would mean the increase of our Navy to the proportions of the navies of Europe. It would mean the increase of our Army to 150,000, more likely to 200,000, men. It would mean the increase of our annual expenditures to double what they are now.

I just pause to remark that the Senator from New York is not only a wit but a prophet. He told of how this increase of taxes would be felt in the homes of the country, and said that the Federal tax collector would become a familiar official to the American people. One result of this policy, he declared, would be a "centralization of power far beyond what the old Federalists ever dreamed of." And then he said:

> You can not have empire without all its attributes, and that means a practical revolution of our form of government and an abandonment of the belief which the fathers held when they established this Government in 1776.

Mr. President, you may search all the literature of the opposition to this policy and you will find no words of stronger condemnation than have been uttered by the distinguished Senator from New York and by the very leaders and by the very founders of this policy. So it is not a difference of opinion between us as to the meaning and character of this policy. It is only a difference as to whether or not we shall enter upon a policy which we both admit to be revolutionary and un-American in its character.

A QUESTION OF HONOR.

But, Mr. President, not only must we turn our backs upon the traditions and principles of the past, but we must be guilty of an act of perfidy that will put the brand of shame upon the nation's honor. I say, sir, that we have no right to forget that the Filipinos were but recently our allies and our comrades in war. Long before we were hunting Aguinaldo in the swamps of the Philippine Islands, long before the President of the United States was denouncing him and his associates as bloodthirsty Apaches, we were hunting him for another and very different purpose.

I want to say right here, that if the President of the United States is correct, if he has properly characterized Aguinaldo as a bloodthirsty Apache, and his associates as the same, I do not know how Admiral Dewey and those who secured Aguinaldo's help and assistance can escape the charge of having violated, and deliberately violated, the rules of civilized warfare. If they sought out this fiendish savage and sent him to the Philippine Islands to organize his Apaches and lead them against our enemies, then, sir, they were guilty of a most flagrant violation of the laws of civilized warfare, and I hope that sometime or other a committee of the Senate will investigate this charge laid at Admiral Dewey's door by the President of the United States and find that he is not guilty.

Mr. President, it is not true. The fact remains that through our consul-general at Singapore, Mr. Pratt, we eagerly sought the assistance of Aguinaldo, and from the very beginning we knew that he and his people were fighting, not for a change of masters, but for absolute freedom. I say that their desire and purpose was revealed in the very first conference between Aguinaldo and the consul-general. Mr. Pratt permitted himself to be publicly and formally thanked by a deputation of Filipinos for having brought about an arrangement by which their people were to secure independence. He did not deny, but acquiesced in the statement; and all that was officially transmitted to the Government at Washington. It is true that Mr. Pratt was rebuked, but Aguinaldo was never undeceived. He was carried on an American vessel to the Philippine Islands. There he issued a proclamation calling his people to arms. In that proclamation he openly and boldly declared that the Americans believed they were fit for self-government and were there to help them to achieve their independence. And that proclamation was translated into English and officially transmitted to the Government at Washington.

The Filipinos organized a civil government of their own and openly proclaimed their character as an independent nation. All that was transmitted to the Government at Washington with the statement of Admiral Dewey that these people expected independence. General Anderson himself acknowledges that he said to Aguinaldo, when the latter became a little distrustful of our purposes, that he need not fear, that the United States never yet had established colonies, and he could trust in the honor of the American people. Fighting thus as our allies and fighting, as we knew, for independence, they drove the Spaniards from every foot of territory in the island except the city of Manila. By their own arms, by their own valor, and their own blood they had taken possession of their own country. I say that these facts constitute a binding obligation upon the United States to give these people their independence. It is trifling with the question to say that we made no formal written treaty. A great nation like the United States can not afford to plead the statute of frauds against an obligation of honor.

They tell us that we want to give away land. A newspaper in my State not long ago attacked me because it said I wanted to give away land which we had bought and paid for. Land! Nothing but land! No people living on it?

Mr. President, I do not question that our claim of sovereignty over the Philippines is indefeasible as against any other power, but I say that is not a question of international law. It is a question of the national honor. Spain had forfeited to the Filipinos all moral claim of sovereignty and dominion. She had nothing but a rotten title and a barren scepter. We bought from her a country she no longer possessed and a people she had ceased to rule. We bargained for a bloody lawsuit against freedom—a right to step into her bloody shoes and to pursue her bloody career.

These considerations can not be answered by appeals to spurious patriotism or by shouting "Who will pull down the flag?" Sir, for the honor of the flag I would pull it down wherever it waves as an emblem of force and despotism. I would not leave it to droop above crouching serfs and crawling slaves, 7,000 miles from its home of freedom; and I would not leave it for one single hour to flaunt its protecting folds over the harem and the slave pen of that foul, polygamous beast, the Sultan of Sulu. I would bring it home to its own country and let it wave over its own people.

THE FIG LEAVES OF CRIMINAL AGGRESSION.

Mr. President, I wish to deal, before proceeding to another branch of the question, with certain pretenses or excuses or apologies. It is claimed, sir, that we are not forcing a government upon the people of the Philippines without their consent; that an overwhelming majority of the people are really in favor of American rule. I have no doubt that for a time there were people who honestly believed it. Mr. McKinley himself did. He was deceived into believing that the friends of American rule in the Philippines outnumbered its enemies in the proportion of a thousand to one. I do not suppose there is one man now in the United States of tolerably good sense and with a modicum of information who believes that there are any people in the Philippine Islands who are in favor of our policy.

General MacArthur went to the Philippines himself believing that the opposition was confined to a few turbulent chiefs and their disorderly followers. He now admits that he has been undeceived. From contact with the people all over the island he tells us, substantially, we have no friends among the Filipinos; that they are all in favor of liberty and independence. General Chaffee tells us the same. He says all the Filipinos there are traitors to American sovereignty. Burke did not know how to draw an

indictment of treason against a whole people. It takes a military gentleman to do that. They are all opposed to our sovereignty. They are all opposed to American rule. That is what all our military officers tell us.

FRAUDULENT REPRESENTATIONS.

Mr. President, the fact that there is no considerable body of sentiment in the Philippine Islands in favor of our policy is demonstrated by the fact that it has been openly and utterly condemned by the very natives who are our most trusted friends and counsellors, by the very natives holding office under our appointment, by the three native members of the Philippine Commission themselves. Governor Taft tells us, and it is stated in the report of the Philippine Commission, that these men have organized what they call the Federal party over there, and a history of the Federal party is given in the report of the Philippine Commission. I want to read one little statement. This is signed by the three native members of the Philippine Commission, men who have been our friends and our supporters against Aguinaldo and his associates. In speaking of the condition of public sentiment there they say:

> In view of the greatly disturbed condition of the country after the 4th day of February, 1899, it was not easy to foresee when a political party could be formed, and it appeared impossible to arrange a peace proposition which would induce the Filipinos to acknowledge American sovereignty. A policy of government based principally upon the most absurd intolerance which had obtained in the Philippines for more than three centuries until the arrival of the Americans, has established in the minds of the Filipinos the deep-rooted conviction that an alien sovereignty could come with no other object in view than an iniquitous exploitation and that it could be maintained by no other means than a selfish and absorbing government founded upon civil intolerance, religious mediævalism, and inexorable military power—the triple alliance which the previous government relied on.
>
> The successes of the Union Army in the war convinced the Filipinos that there was a superior force which would annihilate them; but these successes could not prevent the people—
>
> The people!—
>
> bleeding and without strength—from tenaciously continuing a suicidal struggle to escape the new slavery which they so greatly feared, even though it were at the cost of death.

There is the statement signed by the three members of the Philippine Commission, in which they say that the whole people of the Philippine Islands were permeated with a deep distrust of the American Government and a deep and invincible hostility to our sovereignty, so strong, indeed, that after their forces had been scattered, after all hope of victory had disappeared, they were willing to continue a hopeless struggle and preferred death itself to American rule. Such is the statement of three members of the Philippine Commission, the chosen associates of the gentlemen we have sent there from this country.

Now, sir, that was the condition of public sentiment which they undertook to combat by the organization of the Federal party. Governor Taft says and this report says that the Federal party has accomplished a great work in the pacification of the people and in reconciling them to American rule; that it has induced a large number of the insurgents to lay down their arms. By what means was it done? Did they picture to them the beneficence of colonial government and the blessings of proconsular rule? Did they tell them that the best thing that could happen to them would be to exist as a mere dependency of the United States, outside of the Union and outside of the Constitution?

Whatever success has been achieved by these members of the Commission and by the Federal party has been by holding out to the people there a false and fraudulent promise and a delusive hope. In the platform of that party, prepared by these three gentlemen on the Commission, they declare that the Philippine Archipelago is to be made an integral part of the United States; that it is to be organized in the form of a Territory, like New Mexico or Arizona; that the people are to be admitted to full rights of American citizenship, and finally admitted to statehood in the American Union. No man in the Philippine Islands dares to appeal to public sentiment in the name of a colonial policy.

Mr. President, I do not know whether these three native members of the Commission who promulgated this platform are deliberately practicing a fraud upon their people or whether they are themselves deceived; but, sir, I say if the people there are being induced to act with us under this pitiful delusion, I do not see how it can be justified from the standpoint of common honesty or common honor.

By making these false pretenses, by holding out to the people these false and delusive hopes, you are but sowing the seeds of future insurrections and planting in the people an undying hatred for the American people and the American Government. What will become of your Federal party that is doing this thing; what will become of that party when it is known that the United States have no idea of granting one single thing they demand? Sir, it is better to tell them the coarse and brutal truth at once, instead of suffering them to hug a pitiful delusion that must soon be stricken to the ground as brutally and contemptuously as were their early hopes of independence. We have no right to practice such a fraud on the Philippine Islanders in order to get their consent to American rule.

Mr. TILLMAN. Will the Senator tell us the date of that document?

Mr. CARMACK. It is in the last report.

Mr. TILLMAN. The one just printed?

Mr. CARMACK. Yes; in the appendix—Appendix A, History of the Federal party.

I shall not stop to argue the question as to whether the Filipinos are capable of self-government. I think that has been thoroughly demonstrated, and especially by the fact that they had established a civil government under which law and order were maintained and life and property were protected and peaceful industry was pursued until we went there and overturned it. That is the testimony of Mr. Barrett, and it is the testimony of Consul-General Wildman and other distinguished supporters of this policy.

THE MISSIONARY PRETEXT.

There is one other little pretense to which I wish to refer. It is one that is intended to appeal to the religious people of the country, and that is that we are going there for missionary purposes. We are killing these people over there for the salvation of their souls. We are extending our Christian civilization in the Philippines over the dead bodies of the Filipinos. We are building up the Church of God out of human bones, cemented together with human blood. It is a pious, a holy, a religious war. Our very guns are supposed to be wadded with texts of Scripture; our rifle bullets sing psalms as they whistle through the air; our cannon balls are missionaries, bearing glad tidings of peace on earth and good will toward men.

Mr. President, of whom was it the old prophet spoke when he said, "They build up Zion with blood and Jerusalem with iniquity?" I believe he was talking about the Republican party. I can not keep from believing it. When David in his old age bethought him to build a temple to the Most High, a voice from heaven sounded in his ear and said to him that he had been a man of war and had shed much blood, and that he was not fit to build a temple to the Lord. Then it said to him but one should come after him, whose reign should be a reign of peace, and that into his hand should be committed the building of the Lord's temple.

Mr. President, if the Church of God is to be established in the Philippine Islands it will not be by an Administration whose hands are red with the innocent blood. It will be by some Administration that is to come after, bearing in its hands the gift of liberty and the blessings of peace.

TRADE AND COLONIES.

Sir, these are mere pretexts; they are the mere fig leaves of imperialism and of criminal aggression.

Sometimes the arguments of our friends are garnished with these pretexts of humanity, but wherever you hear it the staple of the argument—in the press, on the hustings, or on the floors of Congress—is simply the greed for gain and the lust for power.

We are told that we must have colonial possessions in order to extend our foreign trade. Mr. President, the Democratic party has always been in sympathy with the true commercial spirit. We want to see our products sold in every market and our flag floating on every sea. But we have no sympathy with that spurious commercialism in whose dictionary "buying" and "selling" are synonymous with killing and stealing. We do not believe that trade means plunder or that commerce means war. On the contrary, we believe that commerce will move with a swifter and a surer foot in the ways of peace than in paths made slippery with human blood.

Mr. President, the commercial statistics of our own country supply ample refutation of the doctrine that we can only extend our trade by shooting our customers and capture a market by bombarding a city.

One of the new truths which this nation has taught to mankind is the truth that world-wide commerce may go hand in hand with Christian mercy and the principles of a free republic. I challenge any man to compare the wealth and power, the trade and industry, of the United States with the greatest colonial power of the world. Our wealth and trade have not been increased by distant possessions; yet our exports are greater than those of any European nation, while our internal commerce surpasses anything of which they have ever dreamed. European nations which for centuries have ridden with bloody hoof over prostrate nations and marked their every advance by the slaughter of their brother man, to-day stand aghast at the conquering strides of American commerce in all the markets of the world.

And for all this marvelous commercial growth no struggling republics have been foully murdered, no nations have been shorn of their liberty, no widows have mourned, no orphans wept, no blood cried out against us from the ground.

Gentlemen tell us that we must have colonies in order to have

trade. I answer, without colonies we have become the greatest industrial and commercial nation of the world.

Mr. President, it is easy to put this matter to a plain test. Which of the nations are to-day achieving the greatest success in the extension of their foreign markets? Is it the colonial or the noncolonial nations? England is the greatest colonial nation of the world; France comes next in the extent and importance of its colonies; Germany's colonies are of little or no commercial importance, and the United States have had no colonies. Here upon the one hand are two great colonial powers; on the other hand two great noncolonial powers. Now, sir, the fact is notorious, it is proclaimed in every English and every French newspaper every day, that these two great noncolonial powers, the United States and Germany, are rapidly passing the great colonial nations of the world and will soon have all to themselves the struggle for the commercial primacy of the world.

Why, sir, I read a year or so ago some tables and comments from the Bureau of Statistics published in the Review of the World's Commerce. In there was included a statement or a report from Mr. Chamberlain, British Secretary of State for the colonies. His report was based upon letters or reports received from the governors of the English colonies throughout the world in reply to inquiries as to the state of English trade in the British possessions. Every one of them, without a solitary exception, showed that during the whole period under inquiry there had been a steady decline in the imports of English goods into the British possessions, and that they had been displaced by goods from the United States and Germany, the two great noncolonial powers of the world.

England's trade is declining with all her possessions. It is and for years has been declining with India, with Egypt, with Australia and New Zealand, with Canada, and with every one of her possessions throughout the whole world. Some people think that England would have no trade but for her colonies, yet I have seen a statement in an English magazine that England sells more of her manufactured goods to Germany and France, where her flag is never seen, where she is utterly loathed and detested, than to all her colonies and possessions combined.

It is said that trade follows the flag. Why, sir, we sell $2 worth of goods in Canada, right under the shadow of the English flag, where England herself sells one, and it is even said that we manufacture the very bunting from which the flag itself is made.

Mr. President, the nation that can sell the best goods at the best price will get the trade, no matter under whose flag the goods were made.

THE PHILIPPINE TRADE.

And what is this marvelous trade we are going to have with the Philippine Islands? You would think the Filipino was the greatest buyer in the world, to hear these people talk.

Mr. President, it is a little difficult to arrive at just what is the conception that our imperialist friends have of the Filipino. When they talk about him from the standpoint of government they want you to think of him as a stark-naked barbarian, who has not even reached the breech-clout stage of civilization. When they talk of him from the standpoint of trade they want you to think of him as flooding the American market with his orders for dress goods, boots and shoes, bicycles, steam plows, and pianos. One moment he is a nude barbarian, clothed only in feathers, red paint, and hot weather. The next moment he is keeping all the mills and factories of the world working double time to supply the demands of his refined and luxurious taste. He seems to have been specially constructed to fit any kind of argument you want to make about him. I have sometimes imagined, Mr. President, that a composite picture of the Filipino in accordance with these various conflicting views would represent him sitting by a camp fire, reading the scholarly speeches of the distinguished Senator from Massachusetts [Mr. HOAR] while waiting for the missionary to boil. [Laughter.]

The greatest buyer in the world! Why, Mr. President, if we can make a profit of 10 per cent on all the goods we sell to the Philippine Islands we will about get back in a thousand years what we have already expended. If we could increase our present trade a thousand per cent and make a profit of 10 per cent on every export and every import it would just about defray the cost of maintaining there three regiments of American soldiers. Some of our military officers say we must keep there for an indefinite period an army of 50,000 men. Such an army kept there for a single twelve months would consume the profit on our present trade for one hundred and fifty years. That is the size of the imperial bonanza we have found in those distant seas.

Mr. President, my distinguished friend from Indiana [Mr. BEVERIDGE] in describing the glories that rushed upon his vision in that wonderful archipelago described it as teeming with natural wealth, only waiting for development, that surpassed the dreams of avarice. I am not giving his exact language, understand, but that is the substance. Then suddenly bethinking him that he might alarm the protected interests with a suggestion of Philippine competition, he hastened to tell them to be of good cheer, because the Filipinos were too lazy to develop anything. So, sir, we are going to get an immense trade through the purchases of people who are too poor to buy, and build up immense industries by the labor of people who are too lazy to work. Sic transit gloria of the Philippine Islands!

"A GATEWAY TO CHINA."

But we are told that we do not want the Philippine Islands simply for themselves; that they are to give us a gateway into the immense Chinese trade—to be for us what Hongkong is for Great Britain. Well, Mr. President, I will just pause to remark that if we could sell to the 400,000,000 people in China one-half of all the goods they buy from all the world it would not be much greater than what we are now selling to 5,000,000 people in Canada.

But still it is a trade worth having, and it is a trade that may grow. But is it necessary for us to get us a Hongkong simply because Great Britain has one? What is Hongkong doing for Great Britain in her Chinese trade? Mr. President, I have followed the statistics of Great Britain's trade with Hongkong and China through the volumes of the Statesman's Year Book for a period of about fifteen years, and I find that during that time her exports to Hongkong have declined 50 per cent and her imports from Hongkong have declined 40 per cent. Her trade with both China and Hongkong has been declining all the time.

On the other hand, the United States, beginning from a time when we had never dreamed of taking the Philippine Islands, has been steadily and constantly increasing its trade with China. We doubled our exports to that country from 1893 to 1896 and doubled them again in the next three years. The same is true of our trade with Japan, with British Australasia, and with Asiatic Russia.

Now, sir, in view of these facts, in view of the unexampled success we have achieved in conquering the oriental market, where does the necessity appear for us to venture on this dangerous and untried experiment upon the mere hope that we may do better what we are already doing so well? I beg leave to commend to the gentlemen upon the other side of the Chamber, and especially to the two Senators from Ohio, the pregnant and effective motto, "Let well enough alone."

KEEP AMERICAN CAPITAL AT HOME.

Mr. President, I can not understand this eagerness to seek new and distant fields of adventure for American capital and enterprise. We have yet a new, undeveloped country, with only 25 people to the square mile, against 250 in Germany, 370 in England, and 570 in Belgium. We are compelled to draw upon the capital of the whole world in order to develop our own resources. Every dollar of available capital in the United States, and many hundred millions besides, could find safe and profitable investment here in our own country. Every such dollar, sir, would go to the purchase of American material, would go to the payment of American labor, would go to bring peace and happiness and comfort to American homes. Instead of wishing to send American capital across the seas and to the other side of the world, I would concentrate all the power and all the energies of the American people to the task of developing the United States of America. When you have done that, sir, you will not have a man or a dollar to spare for the Orient or for the Tropics.

And, Mr. President, there are two sides to this question of the development of the Orient. We have been told of the vast mineral and other resources of China, of its vast quantities of coal and iron ore, of its great abundance of the cheapest and most effective labor in the world. Where will be the profit to the American people when these products shall be poured out into the markets of the world in competition with the products of American labor? Mr. President, if American capitalists wish to consummate their union with Chinese labor on Chinese soil, we have no right to forbid them, but I protest against this Government being a party to the transaction. I protest against taxing the American people for the destruction of American industry. I protest against making American labor pay the cost of its own degradation.

MUST STOP NOW!

Mr. President, I beg leave to say to gentlemen who are giving a constrained and doubtful consent to this policy that if you are going to stop it you must stop now. The hunger for empire when once it seizes upon the mind and imagination of a people becomes a passion as blind as the appetite of a drunkard or the greed of a miser. English statesmanship to-day is burdened and enslaved by it. Captain Mahan says that "England is gorged with land. Her statesmen are weary of looking after it and of the insistence with which one advance compels another." Gorged with land! Glutted with empire! Swollen to bursting with an undigested mass of colonial possessions, yet still crying aloud with the voice of the horse leech's daughter and reaching out with bloody and rapacious hands for more!

Mr. President, some of the champions of this policy proclaim that the seizure of the Philippine Islands is but the beginning of a permanent policy of conquest and subjugation throughout the world. The Senator from Indiana [Mr. BEVERIDGE], in a brilliant speech which he made upon this question, said:

As self-government and internal development have been the dominant notes of our first century, administration and the development of other lands must be the dominant notes of our second century.

A distinguished member of the House of Representatives from New Hampshire declared that—

The United States must acquire new territory providing new markets over which she must maintain control. The Anglo-Saxon advances into the new regions with a Bible in one hand and a shotgun in the other. The inhabitants of those regions whom he can not convert with the Bible and bring into his markets, he gets rid of with the shotgun.

It is not enough that they be converted. If they want to be saved from the shotgun they must come into the market. To the mind, sir, of this gentle Puritan, the Bible, like the shotgun, is simply an instrument for opening markets. In the hands of the imperialist statesman the word of God itself is prostituted to the base uses of a skeleton key or a burglar's jimmy.

The Philippine Islands are to be simply a convenient point from which we may plunge into the thick of the European struggle for world-wide empire and dominion. Instead of preserving a vast but compact and continuous territory, inhabited by people of our own race and blood, instead of engaging in prosperous commerce with all nations, but sitting serenely apart from all their rivalries and contentions, we are to scatter our broken frontiers all over the globe; we are to push ourselves into the midst of all the plottings, bickerings, strifes, and jealousies that make up the sum total of European politics. From the moment we do so, sir, we shall never see one hour of peace. That which we shall call peace will simply be a state of armed and distrustful neutrality in which a nation sleeps uneasily upon its arms.

Sir, this country has long been the admiration of mankind because of its singular exemption from the burden of the great military establishments which are sapping the resources of every European government and crushing out the life, the spirit, and the hope of its people. All Europe is fainting beneath the weight of its armor. Its people are groaning and staggering beneath the burden of military taxes. There is not a crowned head nor a responsible minister in all Europe who can sleep one night in peace. There is no peace even when there is no war.

Mr. President, the happiest of all conditions for men and nations is that in which days of peaceful industry are followed by nights of untroubled repose. That is the condition, sir, which nature has conferred upon this great country, and it is a blessing we are asked to cast away for a mere phantom of greatness, a mere dream of power.

THE BURDENS OF MILITARISM.

Mr. President, when we enter upon this policy we must be prepared for war, for instant war, for war at any unexpected moment, and for war against the combined powers of all Europe. Let no man be deceived with the siren song of an Anglo-Saxon alliance. When this great and mighty nation enters the arena of the European struggle for empire it may easily happen that they will all lay aside their own jealousies and contentions in order to check the career of this imperious intruder. It is at least a condition for which we must be prepared.

Mr. President, we are now upon the flood tide of prosperity. Our revenues are abundant, our people are prosperous and uncomplaining. But that flood tide, sir, will ebb. The day of adversity will come. Your revenues will dwindle. Your people will begin to feel the pinch of taxation, and the cry will go up for retrenchment and reform. When that necessity is upon you, where will you begin to retrench? In the presence of the dangers you have created, and from which you can not escape, you dare not reduce your estimates for battle ships, you dare not cut down your Army appropriations. On the other hand, every rumor of war and every new complication abroad will call for increased military preparations and for new military taxes. You will have to curtail your expenditures for the peaceful purposes of government. You must cut down your appropriations for rivers and harbors and for other internal improvements to increase the prosperity and trade and commerce of the American people. All this you must do that your Government may bluster about the earth and swagger about the seas, disturbing the peace of the world and the peace of its own people.

Mr. President, they say that we have become a world power; they say that a great struggle is impending for the division of China, and that, having suddenly become a world power, it is incumbent upon us to take our part in the bloody game. I do not know whether such a crisis for the nations is soon to come. I trust the world may long be spared the horrors of such a conflict; but, sir, if it must come, from the most sordid commercial point of view, I hope that this nation may be at peace while the rest of the world is at war. While they are absorbing all their energies in the conflict, while they are crushing out their industries under the burden of military taxation, while they are ravaging each other's territory and destroying each other's merchant ships upon the sea, we have but to stretch forth our arm to grasp the carrying trade and the commerce of the world.

Sir, I confess I do not understand what gentlemen mean by the use of the term "world power" in this connection. I can not believe that this country has suddenly become a world power, simply by smiting to the earth a feeble and decrepit nation or by chasing the miserable natives through the swamps of the Philippine Archipelago. There has never been an hour in fifty years when we could not have done the same. If we had had no war with Spain, we should still have been the greatest nation of the world—the greatest in power, the greatest in prestige, the greatest in commerce and industry, and incomparably the greatest in its influence upon the thoughts, the feelings, and the aspirations of mankind.

For one hundred and twenty-five years this nation, uncorrupted by the lust for empire or dominion, free from the burden of great military establishments, has kept the even tenor of its way until it stands to-day without a rival among the nations of the earth. Such a nation, sir, does not need to proclaim its greatness by the shouting of its captains and the thunder of its guns. It does not need to scrawl its name across the page of history in the red blood of mankind.

Mr. President, we have reached a crisis in the nation's history. Shall we quit the path that has led us to greatness, to honor and renown? Shall we teach the people that this Republic was founded upon a lie? Sir, it is a perilous thing to shake the foundations of a nation's faith. A great English writer, Mr. Lecky, has said:

The appetite for organic change is one of the worst diseases that can affect a nation. All real progress grows out of stable and persistent national character, deeply influenced by custom, precedent, and old traditional reverence.

Mr. President, it is this "stable and persistent national character" which, like the mountain oak, strikes its roots into the rocks among which it germinated and leaped to life; it is this alone that can perpetuate the life of a free republic. It is this faith in the wisdom of established principles that constitutes the great anchor of popular government.

Let me warn you who sneer at the doctrines and the sentiments we have been taught to revere that the time will come, in some hour of madness and of passion, when you yourselves will appeal to the stirrer of the storm in the name of the old principles and the ancient faiths, and he will answer you out of the whirlwind with your own sneer. He will tell you that you yourselves have taught him to despise all the faiths and traditions of the past and to trust only in the opinions, the sentiments, and the passions of the hour.

Once unchain the spirit of revolution, and do not suppose that you can circumscribe or direct its work of destruction; do not suppose that it will spare for your sake some nook or corner of the Constitution where you may find shelter and protection. Say not to yourselves, "When the overwhelming scourge shall pass through, it will not come nigh unto us."

If we would perpetuate this Republic, we must perpetuate those high purposes that gave it life and are the very breath of its nostrils. If we would resist the forces of disorder, we must preserve intact and unbroken the walls which our fathers reared and stand fast by the citadel of the Constitution as by the Ark of the Covenant of the living God. [Applause in the galleries.]

Mr. BEVERIDGE. Mr. President, I shall require the attention of the Senate for but a moment in answer to one or two points in the very moderate and conservative speech of the Senator from Tennessee [Mr. CARMACK], which points perhaps ought to be answered on the instant.

An impression was given, or a statement even made at the beginning of the speech, that the Philippine Committee had not considered the important question of the tariff scale which was adopted by the Philippine Commission. The impression was designed to be given to the country that we were legislating in ignorance and without consideration. That impression, Mr. President, must be corrected.

The tariff rates existing in the Philippines by the authority of the Philippine Commission were fixed by that Commission after consultation with every interest affected in the islands. They were fixed after considering the statements of importers and exporters, after consulting the producers, after talking with the natives. For two long years as studious a body of men as ever drafted a law labored patiently, industriously, and judicially upon this scale of tariff rates, which the Senator from Tennessee would have the Senate and the country understand has been enacted or recommended by this Commission ignorantly and without consideration.

Mr. CARMACK. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Indiana yield?

Mr. BEVERIDGE. Certainly.

Mr. CARMACK. I did not say anything of the kind, if the Senator will excuse me.

Mr. BEVERIDGE. Mr. President, I remember the Senator's statement that the committee might as well have passed upon the contents of a sealed envelope.

Mr. CARMACK. I did say that.

Mr. BEVERIDGE. Certainly you did; and the rest of my statements are true as to the tariff rates which were approved by the report which the majority of the committee made.

Mr. CARMACK. Will the Senator permit me?

Mr. BEVERIDGE. Certainly.

Mr. CARMACK. Did his committee make any investigation into those questions?

Mr. BEVERIDGE. No, sir; but the Philippine Commission made an investigation covering two years.

Mr. CARMACK. I did not say the Commission had not investigated, nor did I refer to any neglect of duty on the part of the Commission.

Mr. BEVERIDGE. But the inference which was designed to be given to the country—otherwise the Senator's statement had no meaning whatever—was that we were acting in inconsiderate haste and without knowledge.

Mr. CARMACK. We were; yes.

Mr. BEVERIDGE. Let me say that that is the statement I rose to correct, so that the Senate and the country might understand that this committee, in recommending the approval of the tariff rates fixed by the Philippine Commission, had adopted rates which were themselves adopted by five as considerate and careful men as ever lived, conscientiously executing their duty for two long years, considering the statements of exporters and importers, considering the statements of producers, considering the statements of every interest on the islands that was affected by the rates.

Mr. CULBERSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from Texas?

Mr. BEVERIDGE. Yes, sir.

Mr. CULBERSON. I call the attention of the Senator from Indiana to the fact that, although the Philippine Commission deliberated for a number of months upon this tariff, it evidently saw that it had been improperly imposed, because, with reference to goods coming into this country from the Philippine Islands, they recommended a reduction of 50 per cent, which the committee that had not considered the question at all declined to follow.

Mr. BEVERIDGE. Ah, Mr. President, the Senator confuses two utterly and entirely different things—one the tariff rates of imports fixed by the Philippine Commission, which the Senator from Tennessee assailed, and the other the rates of duties on goods coming into this country. If the Senator will bring to bear upon this question his accustomed legal acumen and his great power of analysis, instead of using suppositions, which are taken as a platform for gentlemen upon the other side, he will understand the question better.

The Senator has made the point that the Philippine Commission recommended a reduction of rates here. What I am now talking about is the tariff rates that were fixed in the Philippine Islands by the Philippine Commission, which the Senator from Tennessee, if he meant his words to have any meaning at all, intended the country to understand were executed ignorantly and arbitrarily and without consideration. Let me call the attention of the Senator to the fact that in the framing of these rates patience waited on investigation, and careful solicitude for our wards attended both.

If a certain tariff bill for this country which was framed some years ago—and which I doubt not met the approval of the Senator from Tennessee, as it met the approval of the Senators upon that side of the Chamber—had been written and prepared with the same careful consideration, patience, and consultation of this Commission's tariff rates, this country's prosperity would not have withered as it did, until starvation and bankruptcy took the place of the prosperity which had prevailed before and has prevailed since.

Mr. President, that brings me to a thought I had not intended to mention in the very brief remarks which I am now making, and that is that the Senator thought this Philippine question had not been settled. It is true it had been debated in this Senate Chamber four times and four times settled; it is true it had been twice debated before the great jury of the American people, and with the same verdict and the same result; only the second time more overwhelmingly than the first.

The Senator thinks he did not have a fair chance, or he thinks his party was not fairly represented before the country on the issues then presented. The issues were of their own choosing, Mr. President.

While I am talking upon that matter I want to say that the most remarkable piece of logic it has ever been my lot to hear was perpetrated by the Senator from Tennessee in explaining here why his party in the last campaign did not have the support of that great man who was formerly President of the United States—Grover Cleveland. He said the issue was with him and men like him, not imperialism, but that it was the fact that under his Administration there had been ruin and poverty, and under the succeeding one there had been prosperity, and, therefore, Mr. Cleveland would not stand with his own party again. If that is not an example of non sequitur, I have never listened to one.

Mr. CARMACK. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from Tennessee?

Mr. BEVERIDGE. Certainly.

Mr. CARMACK. Will the Senator kindly repeat his last statement?

Mr. BEVERIDGE. The last statement was that it was the most remarkable piece of non sequitur to which I ever had the pleasure of listening.

Mr. CARMACK. I heard the non sequitur; but what I want to know is to what does the non sequitur refer?

Mr. BEVERIDGE. The statement to which the non sequitur refers is a presentation by the Senator from Tennessee boiled down, which he took a very great deal of time very eloquently to explain here, why his party did not have the support of Mr. Cleveland and other men like him. I remember his words well. They were, Mr. President, that the Philippine issue was not fairly presented, because, he said, we might as well admit it—and I was glad to hear it admitted—because there had been ruin and commercial disaster under the former Administration, a Democratic Administration, but there had been great prosperity under the succeeding one, a Republican Administration.

That was the only substantial statement with which he connected Mr. Cleveland's name, or Mr. Harrison's name, or any of the rest of the names of those eminent gentlemen who saw fit to join with the Republican party in the last campaign. Therefore, I have the right to say that that was the reason the Senator gave why Mr. Cleveland deserted the platform which the acts of his Administration had builded. If I am not right, I shall be very glad indeed to have the Senator from Tennessee make his statement clear right now.

Mr. CARMACK. I will ask if the argument the Senator is now making is that Latin thing which he was talking about a while ago?

Mr. BEVERIDGE. He is referring to the non sequitur, Mr. President.

Mr. CARMACK. I think that is it.

Mr. BEVERIDGE. I assure you if I am following the Senator in adopting a non sequitur it is the only thing in which I shall attempt to imitate him.

Mr. President, upon that point, since the Senator has seen fit to go into the question before the country as to why twice the party to which he belongs has not succeeded, perhaps it might not be improper to give the real reason why President Cleveland does not stand by that organization to-day, to give the real reason why ex-Senator Edmunds does not stand with it, why ex-President Harrison did not stand with it, and why all those other great men did not join it, although they did not approve of our colonial policy.

It was not the "full dinner pail" that affected ex-Senator Edmunds or President Cleveland or President Harrison; nor, Mr. President, am I left to infer what their reason was, because they have all stated it, especially Mr. Cleveland. It was the enunciation of the principle by his party formally, that the Senator has repeated upon the floor of the Senate this afternoon, the principle of political and social and governmental dissolution, that you would not stand by the Supreme Court; that you would not accept the vote of the majority. I was not surprised that the Senator did not think that this case had been settled, because a man who will not accept without criticism the vote of the majority of the Supreme Court is not apt to accept without criticism the vote of the great majority of the American people. No; it was the fear, Mr. President——

Mr. CARMACK. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Indiana yield?

Mr. BEVERIDGE. Certainly.

Mr. CARMACK. I only want to suggest to the Senator the name of a certain distinguished gentleman who would not accept a decision of the Supreme Court without criticism. That man was Abraham Lincoln.

Mr. BEVERIDGE. Oh, Mr. President, there has been nothing so gratifying to me as to find gentlemen on that side of the Chamber,

after thirty-five or forty years, beginning to quote the words of Abraham Lincoln. [Laughter.]

Mr. CARMACK. I want to say to the Senator, if he will permit me——

Mr. BEVERIDGE. Certainly.

Mr. CARMACK. It is a very strange condition of things when gentlemen on that side of the Chamber have absolutely ceased to quote Abraham Lincoln. [Laughter.] I want to say to the Senator, if he will permit me, that he may search the Republican speeches of the last four years made upon this floor and in the other House of Congress since this question arose and he will not find a quotation from Abraham Lincoln or from the Declaration of Independence in any of them.

Mr. BEVERIDGE. Yes, Mr. President; because the condition confronting us was not the condition confronting Mr. Lincoln.

Mr. CARMACK. Ah!

Mr. BEVERIDGE. We do quote President Lincoln upon questions which were before Mr. Lincoln. We stand by him upon the question of sound money and you do not.

Mr. CARMACK. Well, Mr. President——

The PRESIDENT pro tempore. Does the Senator from Indiana yield?

Mr. BEVERIDGE. Certainly.

Mr. CARMACK. I will say that somehow or other you have found opportunities to quote from and use arguments that Stephen A. Douglas used in his debates with Abraham Lincoln. Why do you not occasionally quote something from Abraham Lincoln himself?

Mr. BEVERIDGE. The Senator states something of which I have no personal knowledge. I know of no Senator who has quoted the arguments of Stephen A. Douglas, because I have not heard, although I was raised in the State where Stephen A. Douglas and Abraham Lincoln were supported by the people, that either Abraham Lincoln or Stephen A. Douglas had before them the question of colonial administration. The Senator uses catch words and repeats sentences out of speeches directed at another issue, and flaunts them here with rather a crimson eloquence, and then says to us: "Why do you not adopt these things?"—things, Mr. President, which were never uttered in this connection or on this question. That is another instance of non sequitur, to the use of which the Senator from Tennessee seems to be devoted.

Mr. President, I do not intend to discuss the reasons why the Democratic party lost the support of the conservative, moderate, thoughtful, constructive people of this country. I will not fully discuss it, but will merely repeat what the whole world knows, that Mr. Cleveland and other Democrats—Mr. Cleveland especially—left the Democratic party, and others of our party, who did not agree with us in all things, refused to join the Democratic party, because of those principles of dissolution—and Cleveland used a stronger word—which the Senator has announced upon the floor of the Senate this afternoon. Mr. Cleveland and men like him were afraid that if you got into power you would sow the dragon's teeth, from which the country would reap a harvest of ruin. They referred to it as anarchy.

Mr. President, upon analysis I think it will bear that term, for what is anarchy? What is the principle of destruction of free government or any other government? It is that you will not stand by the decision of the majority. What is the principle upon which this Republic is founded? It is that the majority rules; and because you would not then and will not now yield your adherence to that principle you lost the great body of conservative and thoughtful men who formerly belonged to your organization. That is one reason, and not "the full dinner pail," or something else.

There was another reason they would not support you, and that reason has something to do with the present discussion. It is because the Senator's party was sounding a retreat. Let me tell him that the American people throughout their whole history have never followed a leader who was always sounding a retreat, and they never will. It was because you were then, as you are now, sympathizing with those who were shooting at the flag. It was because the great, loyal heart of this country would not respond to those who were calling men who wore the nation's uniform murderers and charity boys and doers of dirty work. That was another great reason why the American people defeated you.

I was surprised to-day to hear the Senator again refer to the oft-reiterated statement, or misstatement, that we were carrying fire and sword and pillage and ruin and rapine through the Philippine Islands; that we had imitated the methods of Weyler in Cuba. I read with some attention the remarks of the Senator from Colorado [Mr. TELLER] made the other day, as I always do, and I observed that he inserted in the RECORD a letter designed to injure this side of the Chamber, from Mr. Stephen Bonsal.

I will answer you, then, in your words, since you make them yours. Mr. Bonsal tells of one of our reconcentration camps in the Philippines. It was established by Major Smith, I think, in the island of Marinduque. Mark, now, how this "Attila horde" swept over that fair island! This is how it was done, as Mr. Bonsal testifies, and you make him your witness.

Mr. CARMACK. I have not quoted him.

Mr. BEVERIDGE. Well, are you not in harmony on that side of the Chamber?

Mr. CARMACK. I do not know what Mr. Bonsal says.

Mr. BEVERIDGE. The Senator from Colorado [Mr. TELLER] introduced the testimony of Mr. Bonsal. Are you not supporting the testimony of your own witness?

Mr. CARMACK. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from Tennessee?

Mr. BEVERIDGE. Certainly.

Mr. CARMACK. I wish to say that I am not going to be responsible for a statement I have never read. I did not introduce Mr. Bonsal; I have never read the article referred to, and do not know what was said by him.

Mr. BEVERIDGE. If you had read it and all other evidence you would not have made the speech you have made. I am willing to excuse the Senator for not having read the testimony introduced by his own side.

Mr. TELLER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from Colorado?

Mr. BEVERIDGE. Certainly.

Mr. TELLER. I introduced the letter of Mr. Bonsal, who is a Republican, and has been a Republican official holding high place in the Republican party. I introduced it because he made statements therein which I believe to be true. He could not escape from them. I also said that he had made statements at variance with what other men had been making as to the cruelties of concentrating those people. If the Senator from Indiana will agree with everything that Mr. Bonsal has said, then every word the Senator from Tennessee [Mr. CARMACK] has said is also practically proved by Mr. Bonsal's letter.

Mr. BEVERIDGE. Mr. President, it is not incumbent upon this side to agree to anything put in by the other side. When they introduce a witness we have got a right to any part of his testimony, according to all the rules of evidence.

Let us see if it is not true. I will make this statement my own, and I will follow it with some other observations. I think it was Major Smith who descended upon this island of Marinduque with one of those Attila hordes of Huns, Goths, and Vandals which ravished, ruined, burned, and slew, according to the Senator from Tennessee, and Major Smith established what has been called by Senators on that side one of the Weyler concentration camps there.

I remember the statement very well. He went through the islands in pursuit of an elusive enemy which never could be overtaken. Every place he went, at every ranch, at every town, it was found that the enemy had gotten their provisions and their stores, and the people said that they had been forced to give them up. It was hopeless by such a process to subdue that island, as the Senator would say, or to establish order over it, as we maintain, short of many years. So there was established there a reconcentration camp.

All the inhabitants who would not openly declare that they were not insurrectos were brought within the lines that were drawn by Major Smith. Then, what followed, Mr. President? Was it the butchery of Weyler? Was it the starvation of Weyler? Was it the disease and death of Spain? Not at all. From every portion of that island food was gathered—purchased with American money, which is a 100-cent dollar, as I will stop to remark, and not a 50-cent dollar.

During the prosecution of that campaign against the insurgents in the field, all of the people of that island within the concentration camp were fed as well as they had ever been in their lives, and not only that, but they were medically attended, and when the insurrection was over, when the last insurrecto had come in and laid down his arms and taken the oath of allegiance to the American flag, the native physicians joined with the American physicians in a written testimonial that the health of those people in that concentration camp was 50 per cent better than it had been in their own homes and under their own arrangements. That is one of the facts, and if the gentleman would read the testimony he would make more statements of fact and fewer of fancy.

Mr. TILLMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from South Carolina?

Mr. BEVERIDGE. Yes, sir.

Mr. TILLMAN. Will the Senator be equally explicit and give us the facts within his personal observation, or any official information he has in regard to the dispatch from General Bell that

he proposed to make war so terrible that they would want peace and want it bad? Is that true, or is it not?

Mr. BEVERIDGE. That was not done whilst I was in the Philippines.

Mr. TILLMAN. Is it true or not? I will ask you that question.

Mr. BEVERIDGE. I will ask the Senator whether, when war is going on, he would not make it so terrible that the enemy would want peace?

Mr. TILLMAN. That depends on whether I was honestly engaged in a war that was decent and respectable or whether I was engaged in a war of subjugation and infamy.

Mr. BEVERIDGE. Does the Senator charge that General Bell believes that he is not engaged in a righteous war and is honestly conducting it?

Mr. TILLMAN. I know there are plenty of officers out there who feel that they are doing dirty work, and they have told me so.

Mr. BEVERIDGE. Has General Bell told you so?

Mr. TILLMAN. I have not seen General Bell.

Mr. BEVERIDGE. Then why do you bring into this discussion General Bell and General Wheaton and men like those, and proceed to put into their mouths statements of such a character?

Mr. TILLMAN. I shall bring into this discussion, if the Senator will permit me, an Associated Press dispatch from Manila.

Mr. BEVERIDGE. Now it is an Associated Press man.

Mr. TILLMAN. Well, you either have a censorship over there or you have not. I say you have, and you swear you have not. The statements as to the censorship of reports is made by the correspondents themselves, and not by us.

Mr. BEVERIDGE. Mr. President, it is hopeless——

Mr. TILLMAN. Mr. President, the Senator——

Mr. BEVERIDGE. No, no. It is hopeless. When Senators on the other side begin to discuss the Constitution and we take them up on that they go to a censorship; and when we show that no censorship exists, then they go to rhetoric upon war, bloodshed, pillage, and murder. Will the Senator stick to one point long enough to make an intelligent discussion?

Mr. TILLMAN. If the Senator were not hopping off and on so many propositions, like a grasshopper, and would stand to one proposition, then I would stick as long as he would. [Laughter.]

Mr. BEVERIDGE. Mr. President, I am perfectly willing to admit that the Senator from South Carolina has a monopoly of epithets; and it would not be my purpose, even if I could, which I do not assert, to rival him in the use of epithets, in the employment of which he has risen to such eminence, nor do I believe the Senate of the United States is the forum in which epithets should be used instead of argument.

Mr. TILLMAN. I desire, of course, Mr. President, to disclaim the slightest intention of wounding the sensibilities of the Senator.

Mr. BEVERIDGE. Not at all. I am never wounded.

Mr. TILLMAN. All I want is that he shall lay down some statement, or make some argument that we can follow; but I declare he is very much like a will-o'-the-wisp, so that you can not tell whence he comes or whither he goes.

Mr. BEVERIDGE. I am not responsible for the Senator's following the argument of myself or anybody else. All we can do is to do the best we can, and if the Senator can not follow us it may be that it is so much the worse for the Senator.

Mr. President, since the Senator asks for them, I will give some of my experiences. I was with the American troops two years ago—these Huns and vandals who burn villages. We entered San Fernando. The only house there that was burned was burned by the retreating insurgents. We entered Tay-Tay, driving the insurgents out, and the only building that was burning was burned by the insurgents. I ask the Senator from Tennessee, to whose remarks I am replying, though at much greater length than I originally imagined I should, if he can name a single town, or more than two, that were burned by the Americans or under American authority. Can he name them?

Mr. CARMACK. I will ask permission to put in the RECORD a statement on that subject.

Mr. BEVERIDGE. I will be very glad indeed to see it. On the contrary, I think a list could be produced of the property destroyed there, with perhaps two exceptions, and that under proper military order as having been——

Mr. TILLMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from South Carolina?

Mr. BEVERIDGE. Certainly.

Mr. TILLMAN. From whom do you get the statement that the insurgents or the rebels, or whatever they are, did all this burning?

Mr. BEVERIDGE. From the American authorities.

Mr. TILLMAN. And is it customary to determine a case from an ex parte statement?

Mr. BEVERIDGE. Why does the Senator always insist that any statement which comes from American authority is a falsehood, while everything that comes from the enemy is the truth?

Mr. TILLMAN. For the simple reason that in my State when its capitol was burned in 1865 there was an infamous assertion made that we burned it, when we people know we did not do it.

Mr. BEVERIDGE. We are again back to ancient history, which I respectfully decline to discuss.

I have observed, though not with gratification, that whenever a statement is made upon American authority it is instantly denounced by the other side as a falsehood, and surreptitious statements, the names of whose authors they are not willing to give, are asserted upon the floor of the Senate as the gospel truth. So far as I am concerned, until the contrary is proved, I prefer to give credence to statements that come from officers wearing the American uniform and carrying aloft the American flag. I have never heard that an American uniform was a badge of dishonor, or that the American flag necessarily floated over an army of liars.

Let us pass on for just one moment. We heard in the committee room this morning, as the Senator might have heard if he had been there, of another circumstance of this "vandalism," the execution of the notorious robber and murderer, whom the Senator will probably call an insurrecto patriot, named Prado. Not all the story was told. When that man was finally caught—he who had murdered his own countrymen, he who had burned the property of his own countrymen—when that man was executed by hanging, the people came from miles to see that execution. They could not believe it was actually he who had terrorized them; and, finally, when they saw and recognized his hated features, they gave shouts of joy and exclamations of satisfaction. And proof of that I can bring to the Senator whenever he desires, even though from the discredited source of American officers.

Mr. President, where the American armies have gone and their work has been done—done even in spite of the sympathy and encouragement from the Senator from Tennessee and others—there industry, education, commerce, and peace have been established. You may understand it for yourselves by going to San Fernando and seeing the stores doing business. Why, from Aparri to Manila, clear across the island of Luzon, I am credibly informed that a man unarmed, possibly armed, but at least a man alone and unattended, rode with perfect safety, and this is the result of the work of pillage and ravage and destruction which the American Army is said to be engaged in in those islands.

Mr. President, our military policy has not been so successful as it would have been, it is true, if support of the insurrection had not been got from where it never should have come; but our arms are carried forward in the principles of justice and peace, of order and civilization, and we are not going to retreat from that position.

When the Senator was speaking why did he not mention the work in the Philippines of the hundreds of school-teachers, devoted American women and American men, who are inspired by the missionary spirit as much as ever any man was who was ever burned at the stake? Why did he not mention the work of those enlightened and cultured and civilized men and women? Why did he not tell of the thousands of natives who have now returned to their fields and are tilling them, raising their food without fear, under the shadow of the American flag? I am one of those who believe—you may call it fanaticism or what you please—that the Stars and Stripes can not but be a benefit to any people or to any land over which they float.

Since the Senator from Tennessee has gone into the question as to why his party was defeated, as to why the people have given verdict after verdict against his party, let me suggest that he abandon his war cry of American retreat. Let me suggest a plank for his platform. Quit assailing the courts. Quit assailing American troops. Quit sympathizing with those who are firing upon the American flag. Stand by the courts. Stand by the boys on the nation's firing line. Rally round the flag of your country, and see what will be the effect of that policy of patriotism.

Mr. President, there are some other remarks which I might have wished to make, having become engaged, as I have, in this discussion, but I will not detain the Senate longer. I had no idea when I rose that I should take so much time.

Mr. CARMACK. Mr. President, the Senator from Indiana [Mr. BEVERIDGE] persists in misrepresenting me. He said I charged on the floor of the Senate that the Philippine Commission had utterly neglected its duties in the matter of arranging those tariffs; that I had sought to make the impression that it had given no attention to the question. The plain answer to that is that it is not so. I did not say anything of the kind, and no man who heard me and understood me could possibly have so interpreted my language.

Mr. BEVERIDGE. Will the Senator permit me to ask him a question?

Mr. CARMACK. Certainly.

Mr. BEVERIDGE. I simply wish to ask him, then, whether he now admits that the tariff rates adopted by the Philippine Commission were thoughtfully, patiently, and considerately adopted?

Mr. CARMACK. I simply admit that I am in the same position that the Senator from Indiana and everybody else in the Senate are, that I do not know anything on earth about it.

Mr. BEVERIDGE. The Senator must speak for himself on that point.

Mr. CARMACK. Yes, and I can speak for you, too. That is the plain truth about it. The details of that bill were never discussed for one single moment in committee, and there is not, I imagine, a Senator in this body who has ever read the act of the Commission which we are now proposing to enact into a law of the United States.

Mr. ALLISON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Tennessee yield to the Senator from Iowa?

Mr. CARMACK. Certainly.

Mr. ALLISON. I do not know what other Senators on the committee may have done, but I wish to state that I have examined, with every avenue of information that I could reach, the details of the tariff of the Philippine Commission which we are about to approve. Will the Senator from Tennessee allow me just a moment to make an explanation?

Mr. CARMACK. Of course.

Mr. ALLISON. We had not the advantage of the hearings which the Philippine Commission had, and could not have had that advantage, nor had we the advantage of the information that was most carefully collated by the Secretary of War and those under him here; but from all the information that has been furnished to us in the published reports and elsewhere as to its details, I made up my mind, after such examination, that the tariff provisions respecting the Philippine Islands presented a schedule and a system that were intended to promote the interests of those islands, making such rates of duties and such schedules as would tend to promote the industrial interests of those islands, largely reducing the duties, in many instances below what they had ever been before, either under Spanish rule or under the military tariff that was projected after our occupation.

So I had no hesitation, so far as I was concerned, in committee, without going into the actual details as respects every item in those schedules, in giving my approval to the schedules as wise and best for the promotion of the interests of the people who dwell in those islands. And so far as concerns our interests in our own country, I am satisfied, without going into that question at all, that the rates of duty in every instance place us upon an absolute equality with every other country.

I have come to that conclusion from such investigation as I have been able to make, going over the details and the full and exhaustive report of the Philippine Commission as respects the tariff, wherein they show that the Secretary of War took every opportunity to verify what they had done by calling experts in the custom-house in New York, by invoking the assistance of experts in the Treasury, and by making an examination of other tariffs and other schedules.

So I think it is not quite fair, if I may be permitted to say it, for the Senator from Tennessee to say, if he has so stated—I did not hear his statement—that the committee charged by the Senate with the duty of recommending to the Senate a Philippine tariff have not investigated this question.

I would much rather he would bring that schedule before the Senate and, pointing to particular items, say, "Here is an outrage upon the Filipino people that is imposed by this tariff," and let him show to the Senate wherein the recommendation of the committee ought not to be agreed to, rather than to say—what is not true in my case—that I have not given proper and full examination to the report of the Commission and to the schedule they have sent to us for approval.

Mr. LODGE. Will the Senator from Tennessee allow me?

Mr. CARMACK. I should like a little of this time myself.

Mr. LODGE. I want to say, in reply to what the Senator said, that he did not think any Senator had examined the tariff, that to the best of my ability I examined it and tried to understand it. I mean the tariff of the Commission. Of course, the Senator does not mean that the bill was not read in committee?

Mr. CARMACK. Oh, no.

The Senator from Iowa tells us that he has carefully studied the bill, and that he has come to the conclusion that it is exactly right in every particular. I will venture to say that no five men that ever lived could fix upon a tariff bill affecting the constituents of the Senator from Iowa and make it so perfect that he would not have to go through it and strike out about every other line.

But these men fix up a tariff bill for the people of the Philippine Islands, and the Senator comes to the conclusion that it is exactly correct, and that there is not a wrong figure in it; that there is not one item in it that is not exactly right and proper and correct.

Mr. ALLISON. Now, if the Senator from Tennessee will allow me——

Mr. CARMACK. These five men are the wisest men that ever lived on the face of God's green earth if they were actually able to fix up a tariff bill which was absolutely perfect and which would stand the scrutiny of the distinguished Senator from Iowa, not a flaw being found in it——

Mr. ALLISON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Tennessee yield to the Senator from Iowa?

Mr. CARMACK. I will not yield for another speech.

Mr. ALLISON. I do not ask the Senator to. I wish to say that if I stated that this was exactly correct I did not mean so to state. I have never yet seen a tariff bill that has been passed by our own House of Representatives or by the Senate that met absolutely in its detail my approval. There have been many things in every tariff bill passed here that we did not approve, although on the whole we do approve the policy.

What I meant to say, and what I say now is, that from the light I have, this appears to be a general scheme of collecting revenue for the Philippine Islands that is wise and fair and just and more liberal to them as respects the rates of duty than any schedule with which they have ever had experience.

Mr. CARMACK. I have no doubt it is true, it is bound to be true, that no tariff bill was ever passed that was absolutely perfect, but no tariff bill could be brought into the Senate affecting the people in the United States of America that could pass under the eyes of the Senator from Iowa without his finding one single objection.

Mr. ALLISON. Now, may I ask the Senator from Tennessee a question?

Mr. CARMACK. Certainly.

Mr. ALLISON. Why is it that he, in his minority report which he has signed, does precisely the same thing that we have done, excepting that he requires that the products of the islands shall come free into the United States?

Mr. CARMACK. What do you mean by doing the precise thing?

Mr. ALLISON. I read now from the substitute:

That from and after the passage of this act said archipelago shall be foreign territory, and all goods entering the United States therefrom shall be subject to the same duties, customs, and imposts as are now, or may hereafter be, prescribed by law for goods entered from other foreign countries.

Mr. CARMACK. That just simply puts the Philippine Islands upon the same footing with every other foreign land. Really it was not necessary to put it there. When we say we treat them as a foreign country, of course they become subject to our tariff law just like every other nation on earth. I do not see what the Senator is driving at. I do not see any point to his criticism.

We propose to make the Philippines free and independent, and when we do, of course our tariff laws will apply to them just as they will apply to every other nation on the face of the earth. That is the meaning of that paragraph. I do not understand at all the point of the Senator's criticism.

Mr. FORAKER. Will the Senator from Tennessee allow me to call his attention to another paragraph in the substitute reported by the minority?

Mr. CARMACK. I should like to get through with the one point I am on.

Mr. FORAKER. If the Senator——

The PRESIDENT pro tempore. Does the Senator from Tennessee yield to the Senator from Ohio?

Mr. FORAKER. It will take but a moment, and it belongs in this connection.

The Senator from Iowa called your attention to the fact that you had provided here for the imposition of the full Dingley rates upon all imports into the United States. I call attention to the fact that by the last paragraph of the substitute reported by the minority of the Philippine Committee it is provided that until all these various conditions which are named have been complied with, which carries us a long distance and indefinitely into the future, necessarily—

All laws, rules, and regulations now in force for the government of the islands and the raising of revenue therefor shall be in force, except as the same may be in conflict with this act.

In other words, as I understand the substitute and the report of the minority, the work of the Philippine Commission in the imposition of tariff duties upon importations into the Philippine Islands is expressly approved and indefinitely continned by the action of the minority, if they can have their way about it.

Mr. CARMACK. What the minority proposes in regard to the Philippine Islands is to give them freedom and independence, and in the meanwhile maintain the laws that exist there or that

may hereafter be passed in regard to conditions there. That is all there is about it. I am not proposing to discuss that at this time. The point I was making is this: The Senator from Indiana says I have made a very savage criticism on the Commission and on the tariff they have prepared and charged that they did it without any care whatever and without any investigation whatever.

I say that I said absolutely nothing of the kind. I have no doubt that they have given very careful consideration to the bill, and I have no doubt, furthermore, that they are better prepared to fix up a tariff bill for the Philippine Islands than we are or than our committee is, but the fact is that we are legislating in regard to it because it is our constitutional duty to do so, and we are attempting to do something that we are absolutely incompetent to perform.

Mr. BEVERIDGE. Then I understand the Senator to say that we are constitutional, but incompetent.

Mr. CARMACK. I say we can not perform it in the very nature of things. We are not able to deal with that question. The Senator from Iowa himself says that of all the information that went before the Commission not one particle came before our committee.

Whatever independent investigation the Senator from Iowa may have made (and if I had thought of it I would not have included the Senator from Iowa in my statement, because I know he always investigates questions of that sort), and whatever investigation may have been made by the Philippine Commission, whatever hearings they may have had, whatever evidence they may have taken, not one particle of it came before our committee. It was never considered by our committee for one moment. The details of this bill were never read.

Mr. FORAKER. Will the Senator from Tennessee allow me?

The PRESIDENT pro tempore. Does the Senator from Tennessee yield to the Senator from Ohio?

Mr. CARMACK. I can not yield any further.

The PRESIDENT pro tempore. The Senator from Tennessee declines to yield.

Mr. CARMACK. The Senator from Indiana goes at length into the question why the Democratic party was defeated and finds various reasons for that result. I was not attempting to explain all the causes of Democratic defeat, but supposing the reasons he gives are true, the fact still remains that this one question—as to whether or not we should forcibly seize and hold the Philippine Islands—was not the dominant issue of that campaign. The Senator himself argues that other questions controlled it.

Mr. TELLER obtained the floor.

Mr. FORAKER. Will the Senator from Colorado allow me to ask the Senator from Tennessee a question before he quits his place in the Senate, as I see he is about to do?

Mr. TELLER. Certainly.

Mr. FORAKER. The question I wanted to ask the Senator a moment ago was prompted by a remark he made that the details of the tariff adopted by the Philippine Commission had not been laid before the committee of which, I believe, he is a member.

I call his attention to the fact that in the majority report of the committee is embodied as a part of it the tariff schedules as provided and enacted and put into force and operation by the Philippine Commission. This printed document has been on the table of every Senator since the 17th day of January, I believe, when it was officially printed and distributed. It certainly must have been before that committee for a long time prior to their report upon this bill. Do I understand the Senator to say that he has never had an opportunity to examine it before he joined in making a report upon this subject?

Mr. LODGE. I will say to the Senator from Ohio that it was printed in the House report in December.

Mr. FORAKER. It was printed in December. It has been a printed document, I know, and distributed among Senators and Representatives ever since last December.

Mr. BEVERIDGE. It was upon the table in front of every Senator upon our committee, including the Senator from Tennessee, at the beginning of our examination of this bill.

Mr. FORAKER. Then, if it has been so long a time before the Senator, I should like to know how much time the Senator must have in order to investigate a matter of that kind and make objection to it, if he have any to make?

Mr. CARMACK. I should like to ask the Senator from Ohio a question?

Mr. FORAKER. With pleasure.

Mr. CARMACK. Has he read that bill?

Mr. FORAKER. I have not read the bill item by item, but I am not complaining of it. Unlike the Senator from Tennessee, I have absolute confidence in the ability and patriotism and the integrity of purpose of the Philippine Commission, which enacted it. I have entire confidence in the majority of the Philippine Commission, and when they, after considering it, saw fit to favorably report upon it, I would feel safe in accepting their judgment.

If I distrusted that Commission, if I distrusted their work, if I wanted to raise a question about it, I would come here prepared to point out the objections I had to make, and I would not in an omnibus way condemn the whole work, and then when called upon for details turn and ask if some one else had objections to it. I have no objections to it. There may be items in it which I would not upon hearing approve. I do not know how that is, but I am confident that, taken as a whole like other tariff bills, it was the best that five earnest and capable men working for a good purpose were able to accomplish.

Mr. CARMACK. I think the Senator from Ohio has entirely missed the point of my speech. I am not making any attack whatever upon the work of the Commission. I say that I myself have as much confidence in the ability of the Commission to frame a tariff bill as the Senator has. I have no doubt that they have framed a good tariff bill.

The point I am making is that we are compelled by the very nature of the case to surrender our power of legislation, to delegate the legislative power that belongs to the Congress of the United States, to five men 10,000 miles away, and that we are compelled to do it simply because it is impossible for us to understand that question. I am opposed to this country being called upon to legislate upon any question which in the very nature of the case it can not intelligently deal with.

Mr. FORAKER. The effect of the Senator's statement, as I understand it, is that he is opposed generally to the policy of our having anything to do with the Philippine Islands, and his objection is that we should make any tariff law whatever applicable to those islands. He does not object to an item in this bill. If we are to have a tariff bill, he has no doubt that it is as good a tariff bill as could be enacted by this body or any other set of men.

I am in favor of having a Philippine tariff such as this bill has provided for our approval, such as was enacted by the Commission. I have confidence, as the Senator says he has, that it is just and right and is as near an approach to what it should be as men can make it. That being the case, I am content. If it had not been true, I wanted to ask the Senator to give us the benefit of his judgment as to which items here should be criticised. If there are any which in his opinion are not what they should be, we should be glad to direct our attention to them.

We have not delegated our power in the sense that we have no power to revise. It is within the power of this body to correct any item or provision in this bill. If there is any provision, therefore, to which he wants to take exception, point it out and we will give consideration to it. If there be no provision in the bill to which you desire to take exception, and if all is regarded by you as being as good as it can be, then that is the end of the discussion, if we are to have a tariff bill at all; and henceforth we will understand that we are to consider whether or not we shall proceed in the establishment of a government there and in the enactment of a tariff measure.

Mr. TELLER. Mr. President, the rule which has been in force in the Senate ever since I have been here, that when a Senator is recognized by the Chair he obtains the floor, seems to have been changed. I am on the Committee on Rules, but I did not know of the change. It seems to have been changed, however. A Senator rises and asks permission to put a question, and he proceeds to make a half-hour speech.

Mr. FORAKER rose.

Mr. TELLER. I do not say the Senator from Ohio did that, but he made quite a lengthy speech.

Mr. FORAKER. I wish to remind the Senator that when he rose I asked his permission——

Mr. TELLER. Not to make a speech.

Mr. FORAKER. To make answer to the Senator from Tennessee, and with his accustomed good nature and courtesy the Senator from Colorado yielded.

Mr. TELLER. I suppose, even if I had known he was going to make a speech, I should have yielded to the Senator from Ohio; but it seems to me we have fallen into a very unpleasant way of interjecting speeches into the speeches of other Senators, and sometimes they are so foreign to what the Senator wants to say and has been saying that it is really a little incongruous at least.

Now, Mr. President, I did not get up to make a speech. The Senator from Indiana seemed to think that because I put in the testimony of Mr. Bonsal as to certain things out there I am to be bound by all of Mr. Bonsal's conclusions. Mr. Bonsal is a Republican, as I understand it. Some Senator here has questioned that, because it is said that he was born in Virginia. The other day, after I presented the paper, a gentleman here who keeps in touch with these things very thoroughly handed me the following sketch of Mr. Bonsal, which I did not think it then worth while to read, but now I will read it, and I read it simply because some

Senator said he thought Mr. Bonsal was not a Republican. It may be that he is not. For his credit I hope that he is not.

Stephen Bonsal, journalist-author, born in Virginia, 1863; educated at St. Paul's School, Concord, N. H.; also studied at Gottingen and Heidelberg, Germany. Served as special correspondent New York Herald in Bulgarian-Servian war, also in Macedonia, in Morocco, and in Cuba; in United States diplomatic service as secretary of legation and chargé d'affaires in Pekin, Madrid, Tokyo, and Korea, 1890-1896. Frequent contributor to the magazines of sketches and short stories. Author of Morocco as It Is, The Real Condition of Cuba, The Fight for Santiago, etc.

As Mr. Bonsal entered the diplomatic service under Mr. Harrison, I assume that he is a Republican. Whether he is or whether he is not, I believe every one here will agree that among the newspaper men and among the people who keep in touch with public affairs he has the reputation of being a gentleman, a scholarly man, and a reliable man. Unless Senators on the other side of the Chamber will admit that everything he says is true, they shall not pick out something that is in their favor and say that is correct and that every other statement he makes is false. I am willing to take this issue and go to the people on that.

Mr. President, when I get the floor with time, I propose to put into the RECORD the annunciations of some public men. I propose, in addition to that, to put into the RECORD a large number of telegraphic dispatches that came from Manila under the censorship, as I say, of the military officers there, and if there are some deductions or conclusions or some suggestions I do not believe in I am not to be bound by those. I want to establish a fact. I want to establish the fact that there is over there a condition which is not hopeful, a condition which does not promise success, a condition which does not promise peace. That is what I desire to show, and I am going to put in the matter for that purpose.

If, as I said the other day, the charge is not true that General Wheaton said certain things, which I believe the subsequent telegram admits he did say, let the committee call before them the people who sent these dispatches. Let us know whether they are true or not. Call General Smith and see whether the order he made for a practical devastation of that country is true. Call the officer who declared that he would make the country so barren that a bird could not live in it. Call him! You will not do it. I will venture now to say that you will not call those men. I am going to put in the RECORD enough to make you call them or you will have to abandon your so-called investigation.

Mr. President, I am not going to debate this question now. I am going to debate it when I can get the floor at a reasonable hour of the day, but not when it is nearly 5 o'clock.

Mr. LODGE. Mr. President——

Mr. CARMACK. Will the Senator from Massachusetts yield to me for just a moment?

Mr. LODGE. Certainly.

Mr. CARMACK. I wish to ask leave to print in the RECORD certain military orders and newspaper publications that I referred to in the course of my remarks.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Tennessee? The Chair hears none, and the order is made.

Mr. LODGE. Unless there is some Senator who desires to speak, I will move that the Senate proceed to the consideration of executive business. I make that motion.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened, and (at 4 o'clock and 54 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, February 4, 1902, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 3, 1902.

COLLECTORS OF CUSTOMS.

William McCoach, of Pennsylvania, to be collector of internal revenue for the First district of Pennsylvania, to succeed Penrose A. McClain, resigned.

George A. Farr, of Michigan, to be collector of customs for the district of Michigan, in the State of Michigan. (Reappointment.)

SURVEYORS OF CUSTOMS.

Frank B. Posey, of Indiana, to be surveyor of customs for the port of Evansville, in the State of Indiana, to succeed Walter S. Viele, whose term of office will expire by limitation February 15, 1902.

Robert Calvert, of Wisconsin, to be surveyor of customs for the port of La Crosse, in the State of Wisconsin. (Reappointment.)

PROMOTION IN THE ARMY.

Ordnance Department.

First Lieut. Kenneth Morton, Ordnance Department, to be captain, December 18, 1901, vice Gordon, appointed professor, United States Military Academy.

APPOINTMENTS IN THE ARMY.

Infantry Arm.

James M. Fulton, at large, to be second lieutenant, February 2, 1901.

Girard L. McEntee, jr., at large, to be second lieutenant, February 2, 1901.

Austin M. Pardee, at large, to be second lieutenant, February 2, 1901.

Noble J. Wiley, at large, to be second lieutenant, February 2, 1901.

PENSION AGENTS.

St. Clair A. Mulholland, of Philadelphia, Pa., to be pension agent at Philadelphia, to take effect March 9, 1902, at expiration of his present term. (Reappointment.)

Sidney L. Willson, of Washington, D. C., to be pension agent at Washington, his term having expired. (Reappointment.)

REGISTER OF LAND OFFICE.

W. A. Green, of Nebraska, to be register of the land office at Lincoln, Nebr., vice Joseph W. Johnson, whose term will expire February 15, 1902.

POSTMASTERS.

Nicholas G. Schad, to be postmaster at Brewton, in the county of Escambia and State of Alabama, in place of Nicholas G. Schad. Incumbent's commission expires February 16, 1902.

John B. Lollar, to be postmaster at Jasper, in the county of Walker and State of Alabama, in place of John B. Lollar. Incumbent's commission expires February 16, 1902.

Blevins S. Perdue, to be postmaster at Greenville, in the county of Butler and State of Alabama, in place of Blevins S. Perdue. Incumbent's commission expires February 16, 1902.

William T. Hutchens, to be postmaster at Huntsville, in the county of Madison and State of Alabama, in place William T. Hutchens. Incumbent's commission expires February 3, 1902.

Frederich D. Dismuke, jr., to be postmaster at Thomasville, in the county of Thomas and State of Georgia, in place of Adam D. Rike. Incumbent's commission expired January 12, 1902.

Cad Allard, to be postmaster at Beardstown, in the county of Cass and State of Illinois, in place of Cad Allard. Incumbent's commission expired January 10, 1902.

Emory Gregg, to be postmaster at Fairbury, in the county of Livingston and State of Illinois, in place of Emory Gregg. Incumbent's commission expired January 10, 1902.

Albert C. Bearss, to be postmaster at Peru, in the county of Miami and State of Indiana, in place of Albert C. Bearss. Incumbent's commission expired January 10, 1902.

Elam H. Neal, to be postmaster at Jonesboro, in the county of Grant and State of Indiana, in place of Elam H. Neal. Incumbent's commission expired January 10, 1902.

John D. Chambers, to be postmaster at Williamsport, in the county of Warren and State of Indiana, in place of John D. Chambers. Incumbent's commission expires February 16, 1902.

Eldon Lowe, to be postmaster at Fort Scott, in the county of Bourbon and State of Kansas, in place of Eldon Lowe. Incumbent's commission expired January 21, 1902.

Andrew Eiken, to be postmaster at Crookston, in the county of Polk and State of Minnesota, in place of Andrew Eiken. Incumbent's commission expires February 16, 1902.

William G. Henderson, to be postmaster at Biloxi, in the county of Harrison and State of Mississippi, in place of William G. Henderson. Incumbent's commission expired January 12, 1902.

Levi A. Shove, to be postmaster at Brewster, in the county of Putnam and State of New York, in place of Levi A. Shove. Incumbent's commission expires February 11, 1902.

George R. Vail, to be postmaster at Chester, in the county of Orange and State of New York, in place of George R. Vail. Incumbent's commission expired January 14, 1902.

John W. C. Long, to be postmaster at Statesville, in the county of Iredell and State of North Carolina, in place of John W. C. Long. Incumbent's commission expired May 17, 1901.

Ida Blackburn, to be postmaster at Savannah, in the county of Andrew and State of Missouri, in place of Jacob Schell. Incumbent's commission expired January 12, 1902.

John W. Cupp, to be postmaster at Galion, in the county of Crawford and State of Ohio, in place of John W. Cupp. Incumbent's commission expires February 16, 1902.

George W. Wilkinson, to be postmaster at North Baltimore, in the county of Wood and State of Ohio, in place of George W. Wilkinson. Incumbent's commission expired January 12, 1902.

Robert S. Link, to be postmaster at Abbeville, in the county of Abbeville and State of South Carolina, in place of Robert S. Link. Incumbent's commission expired January 15, 1899.

Lawerence A. Inkster, to be postmaster at Davenport, in the county of Lincoln and State of Washington, in place of Lawrence A. Inkster. Incumbent's commission expired January 22, 1902.

Frederick W. Collins, jr., to be postmaster at Summit, in the county of Pike and State of Mississippi, in place of Wesley E. Collins, removed.

Sanford D. Cole, to be postmaster at Wymore, in the county of Gage and State of Nebraska, in place of John C. Burch, resigned.

Elizabeth A. Wheeler, to be postmaster at West Derry, in the county of Rockingham and State of New Hampshire, in place of Gilman A. Wheeler, deceased.

William J. Peck, to be postmaster at Pittston, in the county of Luzerne and State of Pennsylvania, in place of Theodorus Hart, deceased.

Willie A. Sheats, to be postmaster at Monroe, in the county of Walton and State of Georgia. Office became Presidential January 1, 1902.

William G. Baie, to be postmaster at Hinckley, in the county of De Kalb and State of Illinois. Office became Presidential January 1, 1902.

John M. Garvey, to be postmaster at McCune, in the county of Crawford and State of Kansas. Office became Presidential January 1, 1902.

Mildred P. Tompkins, to be postmaster at Lutcher, in the parish of St. James and State of Louisiana. Office became Presidential January 1, 1902.

Daniel E. Rosser, to be postmaster at Cleveland, in the county of Bolivar and State of Mississippi. Office became Presidential January 1, 1902.

Ellis E. Perkins, to be postmaster at Edwards, in the county of Hinds and State of Mississippi. Office became Presidential January 1, 1902.

WITHDRAWAL.

Executive nomination withdrawn February 3, 1902.

Henry M. Cooper, of Arkansas, to be United States marshal for the eastern district of Arkansas.

CONFIRMATION.

Executive nomination confirmed by the Senate February 3, 1902.

MARSHAL.

Edgar S. Wilson, of Mississippi, to be United States marshal for the southern district of Mississippi.

HOUSE OF REPRESENTATIVES.

MONDAY, *February 3, 1902.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of Saturday's proceedings was read and approved.

SWEARING IN OF A MEMBER.

Melvelle Bull, a Representative-elect from the State of Rhode Island, appeared at the bar of the House, accompanied by his colleague, Mr. CAPRON, and took the oath of office prescribed by law.

ORDER OF BUSINESS.

The SPEAKER. Under the rule of the House the order to-day is the consideration of what is known as the oleomargarine bill.

Mr. HENRY of Connecticut. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the bill (H. R. 9206) to make oleomargarine and other imitation dairy products subject to the laws of the State or Territory into which they are transported, and to change the tax on oleomargarine.

REPEAL OF WAR-REVENUE TAXES.

Mr. PAYNE. Pending that, Mr. Speaker, I am instructed by the Committee on Ways and Means to report to the House the bill for the repeal of the war-revenue taxes.

The SPEAKER. Pending that, the chairman of the Committee on Ways and Means reports the bill for the repeal of the war taxes, and the Clerk will read the bill by title.

The Clerk read as follows:

A bill (H. R. 10530) to repeal the war-revenue taxation, and for other purposes.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I desire to offer the views of the minority on the bill just reported and ask to have them printed.

The SPEAKER. The gentleman reports the views of the minority upon the bill, and the bill, the report of the majority, and the views of the minority will be printed and referred to the Committee of the Whole House on the state of the Union.

ORDER OF BUSINESS.

The motion of Mr. HENRY of Connecticut was then considered; and on a division (demanded by Mr. RICHARDSON of Tennessee and Mr. BARTLETT) there were—ayes 62, noes 48.

Mr. CLAYTON. Mr. Speaker, I make the point that no quorum is present.

The SPEAKER. The gentleman from Alabama makes the point that no quorum is present, and the Chair will count. [After counting.] One hundred and fifty-four members present; not a quorum.

Mr. ROBINSON of Indiana. Mr. Speaker, if in order, I would call for tellers.

The SPEAKER. There not being a quorum present, the Chair will order the yeas and nays——

Mr. UNDERWOOD. Mr. Speaker, there being no quorum present, I move that the House do now adjourn.

Mr. HENRY of Connecticut. I submit, Mr. Speaker, that that is a dilatory motion.

Mr. UNDERWOOD. There being no quorum present, I insist upon my motion.

The SPEAKER. The Chair is disposed to overrule the point of order on this motion for the first time, at least. The motion of the gentleman from Alabama is that the House adjourn.

The question was taken; and the Speaker announced that the noes had it.

Mr. UNDERWOOD. I demand a division, Mr. Speaker.

Mr. HENRY of Connecticut. I call for the yeas and nays.

The yeas and nays were ordered; and there were—yeas 66, nays 188, answered "present" 7, not voting 95; as follows;

YEAS—66.

Adamson,	Elliott,	Little,	Sheppard,
Allen, Ky.	Feely,	McAndrews,	Sims,
Ball, Tex.	Finley,	McClellan,	Slayden,
Bankhead,	Fitzgerald,	McLain,	Smith, Ky.
Bartlett,	Foster, Ill.	Maddox,	Snodgrass,
Bowie,	Fox,	Mahony,	Sparkman,
Brantley,	Griggs,	Mann,	Spight,
Broussard,	Henry, Miss.	Mickey,	Stephens, Tex.
Burleson,	Henry, Tex.	Naphen,	Sulzer,
Candler,	Hooker,	Pierce,	Talbert,
Clayton,	Howard,	Randell, Tex.	Underwood,
Cooper, Tex.	Johnson,	Ransdell, La.	Wheeler,
Cowherd,	Kleberg,	Reid,	Wiley,
Cummings,	Lanham,	Richardson, Ala.	Williams, Miss
Davis, Fla.	Latimer,	Richardson, Tenn.	Zenor.
De Graffenreid,	Lever,	Robertson, La.	
Dinsmore,	Lewis, Ga.	Ryan,	

NAYS—188.

Alexander,	Fletcher,	Littauer,	Robinson, Ind.
Allen, Me.	Fordney,	Littlefield,	Robinson, Nebr.
Aplin,	Foss,	Livingston,	Rucker,
Bates,	Foster, Vt.	Lloyd,	Rumple,
Bell,	Gaines, Tenn.	Loudenslager,	Russell,
Bishop,	Gardner, Mich.	McCall,	Salmon,
Blackburn,	Gibson,	McCleary,	Schirm,
Blakeney,	Gillet, N. Y.	McLachlan,	Selby,
Boutell,	Gillett, Mass.	Marshall,	Shafroth,
Bowersock,	Gordon,	Martin,	Shallenberger
Bromwell,	Graff,	Mercer,	Shattuc,
Brown,	Green, Pa.	Metcalf,	Shelden,
Brownlow,	Greene, Mass.	Miers, Ind.	Showalter,
Bull,	Griffith,	Miller,	Sibley,
Burke, S. Dak.	Grosvenor,	Minor,	Skiles,
Burkett,	Grow,	Mondell,	Smith, Ill.
Burleigh,	Hamilton,	Moody, Mass.	Smith, Iowa.
Burton,	Haskins,	Moody, N. C.	Smith, S. W.
Butler, Pa.	Haugen,	Moon,	Smith, Wm. Alden.
Calderhead,	Heatwole,	Morgan,	Snook,
Caldwell,	Hedge,	Morris,	Southard,
Cannon,	Hemenway,	Mudd,	Sperry,
Capron,	Henry, Conn.	Mutchler,	Stark,
Cassingham,	Hepburn,	Needham,	Steele,
Clark,	Hildebrant,	Neville,	Stevens, Minn.
Conner,	Hill,	Nevin,	Storm,
Conry,	Hitt,	Newlands,	Sulloway,
Cooney,	Holliday,	Norton,	Sutherland,
Cooper, Wis.	Howell,	Otjen,	Swanson,
Cousins,	Hughes,	Overstreet,	Tawney,
Crowley,	Jackson, Kans.	Padgett,	Tayler, Ohio
Crumpacker,	Jenkins,	Palmer,	Taylor, Ala.
Currier,	Jett,	Parker,	Thayer,
Curtis,	Jones, Va.	Patterson, Pa.	Thomas, Iowa
Dahle,	Jones, Wash.	Payne,	Thomas, N. C.
Dalzell,	Joy,	Pearre,	Tirrell,
Darragh,	Kern,	Perkins,	Tompkins, Ohio
De Armond,	Ketcham,	Pou,	Tongue,
Deemer,	Kitchin, Claude	Powers, Mass.	Wachter,
Dick,	Kitchin, Wm. W.	Prince,	Wadsworth,
Douglas,	Kluttz,	Ray, N. Y.	Warner,
Dovener,	Knapp,	Reeder,	Warnock,
Driscoll,	Lacey,	Reeves,	Watson,
Eddy,	Lamb,	Rhea, Va.	Weeks,
Edwards,	Landis,	Rixey,	Williams, Ill.
Esch,	Lawrence,	Robb,	Woods,
Evans,	Lessler,	Roberts,	Wright.

ANSWERED "PRESENT"—7.

Barney,	Hay,	Mahon,	Ruppert.
Coombs,	Irwin,	Otey,	

NOT VOTING—95.

Acheson,	Benton,	Burk, Pa.	Cromer,
Adams,	Bingham,	Burnett,	Cushman,
Babcock,	Boreing,	Butler, Mo.	Davey, La.
Ball, Del.	Breazeale,	Cassel,	Davidson,
Bartholdt,	Brick,	Cochran,	Dayton,
Beidler,	Bristow,	Connell,	Dougherty,
Bellamy,	Brundidge,	Corliss,	Draper,
Belmont,	Burgess,	Creamer,	Emerson,

Fleming,	Jack,	Maynard,	Southwick,
Flood,	Jackson, Md.	Meyer, La.	Stewart, N. J.
Foerderer,	Kahn,	Moody, Oreg.	Stewart, N. Y.
Fowler,	Kehoe,	Morrell,	Tate,
Gaines, W. Va.	Knox,	Olmsted,	Thompson,
Gardner, N. J.	Kyle,	Patterson, Tenn.	Tompkins, N. Y.
Gilbert,	Lassiter,	Polk,	Trimble,
Gill,	Lester,	Powers, Me.	Vandiver,
Glenn,	Lewis, Pa.	Pugsley,	Van Voorhis,
Goldfogle,	Lindsay,	Rhea, Ky.	Vreeland,
Gooch,	Long,	Scarborough,	Wanger,
Graham,	Loud,	Scott,	White,
Hall,	Lovering,	Shackleford,	Wilson,
Hanbury,	McCulloch,	Sherman,	Wooten,
Hopkins,	McDermott,	Small,	Young.
Hull,	McRae,	Smith, H. C.	

So the motion to adjourn was not agreed to.

The following pairs were announced:

On this vote:

Mr. GAINES of West Virginia with Mr. GILBERT.

Mr. VREELAND with Mr. TATE.

Mr. MOODY of Oregon with Mr. BRUNDIDGE.

For this day:

Mr. FOWLER with Mr. WHITE.

Mr. GARDNER of New Jersey with Mr. VANDIVER.

Mr. YOUNG with Mr. THOMPSON.

Mr. HANBURY with Mr. PATTERSON of Tennessee.

Mr. POWERS of Maine with Mr. WILSON.

Mr. OLMSTED with Mr. SMALL.

Mr. DAVIDSON with Mr. MAYNARD.

Mr. CORLISS with Mr. MCCULLOCH.

Mr. LOVERING with Mr. LESTER.

Mr. CROMER with Mr. POLK.

Mr. KNOX with Mr. LASSITER.

Mr. VAN VOORHIS with Mr. KEHOE.

Mr. BURK of Pennsylvania with Mr. COCHRAN of Missouri.

Mr. LONG with Mr. BREAZEALE.

Mr. BABCOCK with Mr. BENTON.

Mr. BARTHOLDT with Mr. WOOTEN.

Mr. BRICK with Mr. LINDSAY.

Mr. BRISTOW with Mr. SHACKLEFORD.

Mr. MORRELL with Mr. HALL.

Mr. BINGHAM with Mr. GOLDFOGLE.

Mr. COOPER of Wisconsin with Mr. BELLAMY.

Mr. HENRY C. SMITH with Mr. RHEA of Kentucky.

Mr. CUSHMAN with Mr. FLOOD.

Mr. HOPKINS (in favor of bill) with Mr. GRAHAM (against bill).

Until February 15:

Mr. KYLE with Mr. DOUGHERTY.

Until further notice:

Mr. IRWIN with Mr. GOOCH.

Mr. NEVIN with Mr. BURNETT.

Mr. ACHESON with Mr. CREAMER.

Mr. BARNEY with Mr. MCRAE.

Mr. HULL with Mr. HAY.

Mr. SCOTT with Mr. SCARBOROUGH.

Mr. BEIDLER with Mr. MCDERMOTT.

Mr. DRAPER with Mr. GLENN.

Mr. HOLLIDAY with Mr. BURGESS.

Mr. BURTON with Mr. SPARKMAN.

Mr. GILL with Mr. BUTLER of Missouri.

For this session:

Mr. TOMPKINS of New York with Mr. PUGSLEY.

Mr. SHERMAN with Mr. RUPPERT.

Mr. MAHON with Mr. OTEY.

Mr. WANGER with Mr. ADAMSON.

Mr. BOREING with Mr. TRIMBLE.

Mr. KAHN with Mr. BELMONT.

Mr. COOMBS with Mr. DAVEY of Louisiana.

Mr. DAYTON with Mr. MEYER of Louisiana.

Mr. BARNEY. Mr. Speaker, I wish to inquire whether the gentleman from Arkansas, Mr. MCRAE, voted on this question?

The SPEAKER. He did not.

Mr. BARNEY. I have a general pair with that gentleman, and therefore desire to withdraw my vote and answer "present."

Mr. IRWIN. Mr. Speaker, when voting on this question I overlooked the fact that I am paired with the gentleman from Kentucky, Mr. GOOCH, who is not present. I desire to withdraw my vote and be marked "present."

The result of the vote was announced as above stated.

The SPEAKER. The presence of a quorum being now disclosed, the Chair will again submit the motion of the gentleman from Connecticut [Mr. HENRY], which is that the House resolve itself into Committee of the Whole House on the state of the Union for the present consideration of House bill 9206.

The question having been put,

The SPEAKER. The ayes appear to have it.

Mr. UNDERWOOD. I call for a division.

The question was again taken; and there were—ayes 132, noes 52.

Mr. UNDERWOOD. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 177, nays 73, answered "present" 8, not voting 98; as follows:

YEAS—177.

Allen, Me.	Fordney,	Lloyd,	Rucker,
Aplin,	Foss,	Loud,	Rumple,
Bates,	Foster, Vt.	Loudenslager,	Russell,
Beidler,	Gaines, Tenn.	McCall,	Salmon,
Blackburn,	Gardner, Mich.	McCleary,	Selby,
Blakeney,	Gibson,	McLachlan,	Shafroth,
Breazeale,	Gilbert,	Mahon,	Shallenberger,
Brown,	Gillet, N. Y.	Marshall,	Shattuc,
Brownlow,	Gillett, Mass.	Maynard,	Shelden,
Bull,	Gordon,	Mercer,	Showalter,
Burke, S. Dak.	Graff,	Mickey,	Sibley,
Burkett,	Green, Pa.	Miers, Ind.	Skiles,
Burleigh,	Greene, Mass.	Miller,	Smith, Ill.
Burton,	Griffith,	Minor,	Smith, Iowa.
Butler, Mo.	Grow,	Moody, Mass.	Smith, S. W.
Butler, Pa.	Hamilton,	Moody, N. C.	Smith, Wm. Alden
Calderhead,	Haugen,	Moody, Oreg.	Snook,
Caldwell,	Hedge,	Moon,	Southard,
Capron,	Hemenway,	Morgan,	Sperry,
Cassingham,	Henry, Conn.	Morris,	Stark,
Clark,	Hepburn,	Mudd,	Steele,
Conner,	Hildebrant,	Mutchler,	Stevens, Minn.
Conry,	Hill,	Needham,	Storm,
Coombs,	Hitt,	Nevin,	Sulloway,
Cooney,	Holliday,	Norton,	Sulzer,
Cooper, Wis.	Howell,	Otey,	Sutherland,
Cousins,	Hughes,	Otjen,	Swanson,
Crowley,	Jack,	Overstreet,	Tate,
Currier,	Jackson, Kans.	Padgett,	Tawney,
Curtis,	Jenkins,	Palmer,	Tayler, Ohio
Dahle,	Jett,	Parker,	Thayer,
Dalzell,	Jones, Va.	Patterson, Pa.	Thomas, Iowa
Darragh,	Jones, Wash.	Payne,	Tirrell,
De Armond,	Kern,	Pearre,	Tompkins, Ohio
Deemer,	Ketcham,	Perkins,	Tongue,
Dick,	Kluttz,	Pou,	Wadsworth,
Douglas,	Knapp,	Ray, N. Y.	Warnock,
Dovener,	Knox,	Reeder,	Watson,
Driscoll,	Lacey,	Reeves,	Weeks,
Eddy,	Lamb,	Rhea, Va.	Williams, Ill.
Edwards,	Landis,	Rixey,	Woods,
Emerson,	Lawrence,	Robb,	Wright,
Esch,	Lessler,	Roberts,	
Evans,	Littauer,	Robinson, Ind.	
Fletcher,	Littlefield.	Robinson, Nebr.	

NAYS—73.

Adamson,	Dinsmore,	Lever,	Sheppard,
Allen, Ky.	Elliott,	Lewis, Ga.	Sims,
Ball, Tex.	Feely,	Little,	Slayden,
Bartlett,	Finley,	Livingston,	Smith, Ky.
Boutell,	Fitzgerald,	McAndrews,	Snodgrass,
Bowie,	Foster, Ill.	McClellan,	Sparkman,
Brantley,	Fox,	McLain,	Spight,
Bromwell,	Gaines, W. Va.	Maddox,	Stephens, Tex.
Broussard,	Griggs,	Mahony,	Talbert,
Brundidge,	Henry, Miss.	Mann,	Taylor, Ala.
Burleson,	Hooker,	Naphen,	Underwood,
Candler,	Howard,	Patterson, Tenn.	Wheeler,
Clayton,	Johnson,	Pierce,	White,
Cooper, Tex.	Kehoe,	Randell, Tex.	Wiley,
Cowherd,	Kitchin, Claude	Ransdell, La.	Williams, Miss.
Cummings,	Kitchin, Wm. W.	Reid,	Zenor.
Davey, La.	Kleberg,	Richardson, Tenn.	
Davis, Fla.	Lanham,	Robertson, La.	
De Graffenreid	Latimer,	Ryan,	

ANSWERED "PRESENT"—8.

Barney,	Hay,	Metcalf,	Rhea, Ky.
Haskins,	Irwin.	Powers, Me.	Ruppert.

NOT VOTING—98.

Acheson,	Creamer,	Jackson, Md.	Scarborough,
Adams,	Cromer,	Joy,	Schirm,
Alexander,	Crumpacker,	Kahn,	Scott,
Babcock,	Cushman,	Kyle,	Shackleford,
Ball, Del.	Davidson,	Lassiter,	Sherman,
Bankhead,	Dayton,	Lester,	Small,
Bartholdt,	Dougherty,	Lewis, Pa.	Smith, H. C.
Bell,	Draper,	Lindsay,	Southwick,
Bellamy,	Fleming,	Long,	Stewart, N. J.
Belmont,	Flood,	Lovering,	Stewart, N. Y.
Benton,	Foerderer,	McCulloch,	Thomas, N. C.
Bingham,	Fowler,	McDermott,	Thompson,
Bishop,	Gardner, N. J.	McRae,	Tompkins, N. Y.
Boreing,	Gill,	Martin,	Trimble,
Bowersock,	Glenn,	Meyer, La.	Vandiver,
Brick,	Goldfogle,	Mondell,	Van Voorhis,
Bristow,	Gooch,	Morrell,	Vreeland,
Burgess,	Graham,	Neville,	Wachter,
Burk, Pa.	Grosvenor,	Newlands,	Wanger,
Burnett,	Hall,	Olmsted,	Warner,
Cannon,	Hanbury,	Polk,	Wilson,
Cassel,	Heatwole,	Powers, Mass.	Wooten,
Cochran,	Henry, Tex.	Prince,	Young.
Connell,	Hopkins,	Pugsley,	
Corliss,	Hull,	Richardson, Ala.	

So the motion was agreed to.

The following additional pairs were announced:

On this vote:

Mr. SOUTHWICK with Mr. BANKHEAD.

Mr. JOY with Mr. HENRY of Texas.

Mr. BOWERSOCK with Mr. FLEMING.

Mr. BISHOP with Mr. NEVILLE.

Mr. SCHIRM with Mr. NEWLANDS.

Mr. WACHTER with Mr. RICHARDSON of Alabama.

Mr. STEWART of New Jersey with Mr. THOMAS of North Carolina.

The result of the vote was then announced, as above recorded.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. LACEY in the chair.

The CHAIRMAN. The Clerk will report the bill (H. R. 9206).

The Clerk read as follows:

A bill to make oleomargarine and other imitation dairy products subject to the laws of the State or Territory into which they are transported, and to change the tax on oleomargarine.

The bill was read at length.

The Committee on Agriculture recommend the adoption of the following amendments:

First, in the title thereof, and in the second line, between the words "the" and "State," add the words "District of Columbia and the."

Also amend said title by adding after the last word, "oleomargarine," the following: "and to amend an act entitled 'An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine.'"

Also amend section 1 of said bill by striking out the word "yellow," being the last word on line 8 of page 2 of said bill.

Also, by adding to said bill in section 2 as follows: "That the first clause of section 3 of the act entitled 'An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine,' be amended by adding thereto, after the word 'oleomargarine,' at the end of said clause, the following words:

"And any person that sells, vends, or furnishes oleomargarine for the use of others, except to his own family and guests thereof without compensation, who shall add to or mix with such oleomargarine any ingredients or coloration that causes it to look like butter shall also be held to be a manufacturer of oleomargarine within the meaning of said act and subject to the provisions thereof."

Also, that section 2 of said bill be numbered 3 and be amended by striking out the word "yellow," in lines 17 and 18 of said bill.

Also, that there be added to said bill a new section, to stand as section 4, as follows:

"SEC. 4. That wholesale dealers in oleomargarine shall keep such books and render such returns in relation thereto as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may by regulation require; and such books shall be open at all times to the inspection of any internal-revenue officer or agent. And any person who willfully violates any of the provisions of this section shall for each such offense be fined not less than $50 and not exceeding $500 and imprisoned not less than thirty days nor more than six months."

Mr. HENRY of Connecticut. Mr. Chairman, the bill now before the House, favored and reported by a majority of the Committee on Agriculture, is the so-called Grout bill passed by the last House of Representatives, amended by two additional sections intended to strengthen and make the law more effective.

The first and third sections of the bill reported contain the provisions of the original Grout bill. The second section is designed to prevent the coloring of oleomargarine by dealers after its manufacture. The fourth section merely reenacts section 41 of the act of October, 1890, known as the McKinley Act, and remedies a defect in the original law by providing penalties for its violation.

The proposed legislation is not intended to be oppressive or unduly arbitrary, and only proposes adequate protection for the consuming public. It is the manifest duty of the governing power to prevent fraud and imposition upon those unable to protect themselves. Legislation tending to this end is as legitimate as laws for the prevention and punishment of crime and misdemeanors. Pure food of all kinds should be guaranteed to every citizen. The purchaser of all articles of food has a right to know what he is buying and consuming. If disguised, mixed, or blended, the manufacturer should be compelled to disclose the kind and quality of the ingredients used and certify to the purity and wholesomeness of the materials sold to a trusting public. It is not unjust or inquisitional to subject producers and manufacturers to governmental inspection and control. Police supervision has long been exercised over the production and sale of milk and other dairy products. Proper supervision is sought rather than opposed by every honest manufacturer and dealer. Reputable and inviolate trade-marks are invaluable. Manufacturers in all branches of textile and other industries fully realize this fact and carefully maintain high standards of excellence. This is equally true of the producers of cereals and other food products. Why should manufacturers of oleomargarine or butterine be an exception to the general rule? Indeed, it is difficult to understand upon what reasonable grounds manufacturers of honestly made oleomargarine object to the proposed legislation.

The pending majority bill, if enacted into law, will, hopefully, make the manufacture of oleomargarine colored in imitation of butter and deceptively sold unprofitable. To this end the internal-revenue tax upon colored oleomargarine is increased from 2 cents to 10 cents per pound, while the tax upon the uncolored article is reduced to one-fourth cent per pound, a nominal tax, merely imposed to maintain Government supervision and police control.

The discrimination between the colored and uncolored will not and is not intended to ruin a legitimate industry. Your committee were strengthened in this conviction by testimony given at the committee hearings by manufacturers of oleomargarine. One manufacturer stated that one-half of his monthly product of 700,000 pounds, or about 350,000 pounds, is uncolored. Another manufacturer, when asked "If, in his opinion, uncolored oleomargarine can be profitably made and sold," replied: "It is sold to some extend already, and I am one of those who believe that oleomargarine, having been used for more than a quarter of a century, there are some people at least who have learned that it is a wholesome and cheap article of food, and will continue to use it. These people, if the colored is not obtainable, will use the uncolored."

In my own State of Connecticut we have had for many years a stringent law effectively inforced prohibiting the sale of oleomargarine when colored, with the result that considerable quantities of uncolored are sold and used.

The reduction proposed in the tax upon uncolored oleomargarine of 1¼ cents per pound, cheapening to that extent the cost to the manufacturer, and presumably to the dealer and consumer, will undoubtedly largely increase the sale of the honest article, to the advantage of those compelled to practice close economies, and especially to the laboring man working for small wages. Should the consumer prefer to eat his oleo yellow rather than white it can be easily and inexpensively colored the shade preferred. Even the small tax imposed upon uncolored oleomargarine might well be omitted were it not indispensable for the maintenance of necessary police powers. In the opinion of the Commissioner of Internal Revenue a small tax must be levied to maintain Government supervision. In a communication to a member of the Committee on Agriculture Commissioner Yerkes says:

In reply to your inquiry you are informed that it is my opinion that this office can not require from manufacturers of oleomargarine the keeping of books and making of reports showing the quantity of uncolored oleomargarine produced by them in case the internal-revenue tax is entirely removed from such product.

This statement appears conclusive as to the necessity for retaining a small but not burdensome tax upon the uncolored article.

The bill reported by the minority of the committee may appear plausible and reasonable, but it does not meet present emergencies or the demands of the friends of more drastic and restrictive legislation. Furthermore it does not have the approval of all manufacturers of oleomargarine. One representative manufacturer, the largest in New England, and a leading member of the bar in his State, explained that the minority or Wadsworth bill was more objectionable than the majority bill. In this gentleman's opinion it would be preferable for manufacturers to accept and comply with the requirements of the majority bill as the less burdensome of the two measures.

The investigations of your committee develop the fact that the better qualities of oleomargarine are little else than adulterated butter. Reputable manufacturers use a considerable proportion of milk, cream, and butter—in some instances as much as 20 per cent butter fat—mixed with a slightly larger percentage of neutral lard, oleo oil composing most of the remainder. In cheaper qualities cotton-seed oil takes the place of butter fats.

Just here let me say to my Southern friends on the other side of the House, who have been led to believe that this legislation will injure a Southern product, that, in my judgment, the consumption of cotton-seed oil as an ingredient in oleomargarine will not be diminished, but rather increased, by the passage and enforcement of the proposed law, for under its operation there will undoubtedly be a reduced production of the high-grade article and an increased sale of the cheaper qualities, in which cotton-seed oil takes the place of butter fats.

It will readily be perceived that this composition, termed by the manufacturers "gilt-edge oleomargarine," is really adulterated butter, possessing the appearance, flavor, and aroma of high-grade butter, colored a comparatively light yellow, put up in attractive prints, carefully wrapped, and often marked "Creamery butter." It is the most dangerous competitor the dairyman encounters. It is a fraudulent counterfeit that requires only the protection afforded by the minority bill to secure willing customers among unprincipled hotel managers and public caterers.

Properly manufactured from pure materials, the wholesomeness of oleomargarine is not challenged. The only question at issue is: "Shall or shall not oleomargarine be colored and sold in the semblance of yellow butter?" Using the words of ex-Governor Hoard, who ably argued the case from a dairyman's standpoint before the Committee on Agriculture, "It is not oleomargarine the substitute for butter that we are fighting, but oleomargarine the 'counterfeit.'" We do not care how much oleomargarine is made and sold as long as it is so manufactured as not to conflict through deception with the sale of our product. If a man prefers a mixture of lard, tallow, and cotton-seed oil to butter, there is no reason why he should not have it. We do not ask that a single ingredient that is nourishing be omitted from the mixture. He can have it to imitate butter in taste, smell, grain, and consistency—we concede him all this. We only ask one thing—that there be about the product itself some characteristic by which the public can readily distinguish it from an article of food which has been known for four thousand years in the form it is now produced. We demand the distinction in color because there is no nutrition in color.

Its omission will not make oleomargarine the less nutritious or

palatable, only so far as it advises the consumer of its true character and thereby arouses his repugnance to taking into his stomach raw lard, tallow, and cotton-seed oil. You may say that chemically this mixture is the same as butter. We will answer that this is not true. No artificial mixture has ever been produced that is chemically the same as butter fat. Nature alone can produce butter. The distinction between a counterfeit and a substitute was clearly drawn in a recent legal decision from which I quote:

A manufacturer may produce an article to be used as a substitute for coffee. He may incorporate into this substance all the elements he desires to make it capable of taking the place of coffee in consumption. Up to this point his business is legitimate. But the minute he goes further and makes the substitute in semblance of the coffee berry in order that it may not be distinguished from coffee, he makes an imitation and counterfeit, and the very fact of his so producing it is an evidence of his intent to deceive the public.

Practically this same measure was passed by the House of Representatives in the last Congress by a vote of 196 yeas to 92 nays, more than a two-thirds majority. There is no apparent reason why the present bill should not receive an equally decisive vote. Certainly every argument offered in favor of the measure in December, 1900, is equally weighty in February, 1902. Conditions have not changed; the clandestine sale of imitation butter has constantly increased. The great dairy interests of the country are still suffering from unfair competition with a fraudulent article, colored, stamped, and wrapped to counterfeit the appearance of the legitimate product of the farm and dairy. This illegitimate and demoralizing traffic is still upheld by interests and influences beyond the power of State governments to successfully regulate and control.

The great consuming public are still unprotected from the imposition of unscrupulous manufacturers. The present Federal laws are obviously inadequate to correct a growing evil, and more stringent measures are demanded. Farmers and dairymen in all sections of the country believe that the bill reported by the majority of your committee, if enacted into law, will, without injustice to the honest manufacturers of oleomargarine, afford a fair and just degree of protection and give needed encouragement to the great farm industries of the country, industries that all will admit form the bed-rock foundation of our national prosperity.

THE INGREDIENTS OF OLEOMARGARINE.

The House of Representatives, during the first session of last Congress, called upon the Secretary of the Treasury for information as to the kind of material used in the manufacture of oleomargarine in the United States, the amount of each ingredient, and the per cent that each bears to the total amount of oleomargarine produced in the country for the period named. In response to this resolution the Secretary, through the Commissioner of Internal Revenue, on May 14, 1900, furnished the following statement:

Quantities and kinds of ingredients used in the production of oleomargarine in the United States for the fiscal year ending June 30, 1899; also the percentage each ingredient bears to the whole quantity.

Material.	Pounds.	Percentage each ingredient bears to the whole.
Neutral lard	31,297,251	34.27
Oleo oil	24,491,769	26.82
Cotton-seed oil	4,357,514	4.77
Sesame	486,310	.53
Coloring matter	148,970	.16
Sugar	110,164	.12
Glycerin	8,963	.01
Stearin	5,890	.007
Glucose	2,550	.003
Milk	14,200,576	15.55
Salt	6,773,670	7.42
Butter oil	4,342,904	4.76
Butter	1,568,319	1.72
Cream	3,527,410	3.86
Total	91,322,260	100

Or, more definitely stated, the quantity, character, and value of ingredients used in the production of oleomargarine for the time specified above are as follows:

Material.	Pounds.	Value per pound.	Total value.
		Cents.	
Neutral lard	31,297,251	8	$2,503,780.08
Oleo oil	24,491,769	9	2,144,917.69
Cotton-seed oil	8,700,418	6	522,025.08
Sesame oil	486,310	10	4,863.10
Coloring matter	148,970	20	29,296.00
Sugar	100,164	4	4,406.50
Glycerin	8,963	10	896.30
Stearin	5,890	8	459.60
Glucose	2,550	3	$76.50
Milk	14,250,576	1	142,005.76
Salt	6,772,670	1	67,726.70
Butter	1,568,319	20	313,663.80
Cream	3,527,410	5	176,370.50
Butter oil	4,342,000	6	260,520.00

Average value per pound of materials, 7.09 cents.
Average cost of packages (extreme), one-half cent per pound.
Highest possible cost all expenses connected with manufacturing, 1 cent per pound.
Internal-revenue tax per pound, 2 cents.
Total cost to manufacturer of finished product, average, 10.59 cents.
Finished product quoted at from 11½ cents for lowest grade to 18 cents for highest quality, averaging probably 14 cents per pound.

States which have prohibited oleomargarine and their population, 1890 and 1900.

[States marked with a dash (thus: —Alabama) are those in which laws have been passed forbidding the sale of oleomargarine colored in semblance of butter.]

States and Territories.	1900.	1890.	Indians not taxed, 1900.
The United States	*76,304,799	63,069,756	134,158
STATES.			
—Alabama	1,828,697	1,513,017	
Arkansas	1,311,564	1,128,179	
—California	1,485,053	1,208,130	1,549
—Colorado	539,700	412,198	597
—Connecticut	908,355	746,258	
—Delaware	184,735	168,493	
Florida	528,542	391,422	
—Georgia	2,216,331	1,837,353	
Idaho	161,772	84,385	2,297
—Illinois	4,821,550	3,826,351	
Indiana	2,516,462	2,192,404	
—Iowa	2,231,853	1,911,896	
Kansas	1,470,495	1,427,096	
—Kentucky	2,147,174	1,858,635	
Louisiana	1,381,625	1,118,587	
—Maine	694,466	661,086	
—Maryland	1,190,050	1,042,309	
—Massachusetts	2,805,346	2,238,943	
—Michigan	2,420,982	2,093,889	
—Minnesota	1,751,394	1,301,826	1,768
Mississippi	1,551,270	1,289,600	
—Missouri	3,106,665	2,679,184	
Montana	243,329	132,159	10,746
—Nebraska	1,068,539	1,058,910	
Nevada	42,335	45,761	1,665
—New Hampshire	411,588	376,530	
—New Jersey	1,883,669	1,444,933	
—New York	7,268,012	5,997,853	4,711
North Carolina	1,893,810	1,617,947	
—North Dakota	319,146	182,719	4,692
—Ohio	4,157,545	3,672,316	
—Oregon	413,536	313,767	
—Pennsylvania	6,302,115	5,258,014	
Rhode Island	428,556	345,506	
—South Carolina	1,340,316	1,151,149	
—South Dakota	401,570	328,808	10,932
—Tennessee	2,020,616	1,767,518	
Texas	3,048,710	2,235,523	
—Utah	276,749	207,905	1,472
—Vermont	343,641	332,422	
—Virginia	1,854,184	1,655,980	
—Washington	518,103	349,390	2,531
—West Virginia	958,800	762,794	
—Wisconsin	2,069,042	1,686,880	1,657
Wyoming	92,531	60,705	
Total for 45 States	74,610,523	62,116,811	44,617
TERRITORIES.			
Alaska	63,441	32,052	
Arizona	122,931	59,620	24,644
District of Columbia	278,718	230,392	
Hawaii	154,001	89,990	
Indian Territory	391,960	180,182	56,033
New Mexico	195,310	153,593	2,937
Oklahoma	398,245	61,834	5,927
Total for 7 Territories	1,604,606	807,663	89,541
Persons in the service of the United States stationed abroad	*89,670		
Indians, etc., on Indian reservations, except Indian Territory		145,282	
	76,304,799		

*Including an estimated population of 14,400 for certain military organizations and naval vessels stationed abroad, principally in the Philippines, for which the returns have not yet been received.

According to the census of 1890, States which have prohibited the sale of colored oleomargarine contain a population of 50,000,000, in round numbers, while the States and Territories whose laws permit its sale, merely requiring that the oleomargarine be marked and labeled so as to distinquish it, contain only 12,000,000 people.

The District of Columbia, with a population of 230,000 in 1890, is embraced in the latter list. According to the census of 1900, the States which prohibit the sale of colored oleomargarine contain a population of about 60,000,000, while the other States contain a population of 14,600,000.

During the delivery of the preceding remarks—

Mr. RICHARDSON of Alabama. Mr. Chairman, I would like to ask the gentleman, with his consent, a question.

Mr. HENRY of Connecticut. I will yield to the gentleman from Alabama as soon as I have concluded what I desire to say in connection with the pending bill.

Mr. RICHARDSON of Alabama. Mr. Chairman——

Mr. HENRY of Connecticut. Mr. Chairman, I ask unanimous consent to place, in this connection, certain papers and data bearing upon the subject to which I have referred in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Connecticut?

There was no objection, and the leave was granted accordingly.

Mr. HENRY of Connecticut. I now yield, with pleasure, to the gentleman from Alabama, who desires, as I understand, to ask a question.

Mr. RICHARDSON of Alabama. I would like to ask the gentleman a question in connection with a subject to which he referred during the course of his remarks.

Mr. HENRY of Connecticut. I yield with pleasure to the gentleman.

Mr. RICHARDSON of Alabama. As I understood the gentleman from Connecticut, he stated, during the course of his remarks, that this bill was practically the same as what was known as the Grout bill, which has been heretofore considered by Congress—I could not hear distinctly—but I understood the gentleman to say there was no substantial difference between this bill and the other bill to which he referred.

Mr. HENRY of Connecticut. It is practically the same bill. I stated in the course of my remarks that this bill contained two additional sections.

Mr. RICHARDSON of Alabama. But it makes no substantial difference in the proposed law?

Mr. HENRY of Connecticut. None whatever.

Mr. RICHARDSON of Alabama. Now, the chief objection that gentleman makes in the course of his remarks is that this oleomargarine—this product placed upon the market and sold in competition with the dairy product of butter—is that it should not be colored to imitate butter. Is that his point?

Mr. HENRY of Connecticut. That is, of course, the principal objection to the manufacture of this product.

Mr. RICHARDSON of Alabama. Have you made any examination, or did your committee investigate, to determine whether the butter—or a large proportion of the butter—that is sold in the market was a harmless food product?

Mr. HENRY of Connecticut. That question, I will say to the gentleman, was not brought before the committee in that shape.

Mr. RICHARDSON of Alabama. Then, I wish to go a little further. I wish to ask the gentleman whether, as a matter of fact, it is not true that the butter which is sold in the markets of the country is to a greater or less extent colored. Does he, then, in the bill which he brings before the House make that an offense?

Mr. HENRY of Connecticut. Some, of course, is colored.

Mr. RICHARDSON of Alabama. Do you make it an offense to color butter; and is not the coloring of butter a common thing among producers?

Mr. HENRY of Connecticut. Some of it is colored, of course, but yellow is the natural color of butter.

Mr. RICHARDSON of Alabama. Is it not your purpose to obliterate oleomargarine?

Mr. HENRY of Connecticut. Oh, no; it is only in the interest of fair trade, of fair competition, and not the purpose to eliminate oleomargarine.

Mr. RICHARDSON of Alabama. The oleomargarine trade is perfectly fair, provided it has a good color.

Mr. HENRY of Connecticut. Provided it does not imitate butter.

Mr. RICHARDSON of Alabama. Suppose it was marked "Oleomargarine," would not that be fair?

Mr. HENRY of Connecticut. That would be fair so far as the manufacturer is concerned.

Mr. RICHARDSON of Alabama. It would do no injustice to anybody if it was marked oleomargarine. You do not believe that a man has not the right to buy an article that is wholesome and healthy?

Mr. HENRY of Connecticut. No, sir.

Mr. RICHARDSON of Alabama. And the law ought not to prohibit him from doing it?

Mr. HENRY of Connecticut. No, sir.

Mr. RICHARDSON of Alabama. This bill would prohibit from doing this absolutely, would it not?

Mr. HENRY of Connecticut. I think it will increase the legitimate sale of oleomargarine. In fact, one of the manufacturers before our committee said that one-half of his product is uncolored.

Mr. RICHARDSON of Alabama. And cotton-seed oil and hog fat go into its manufacture, does it not?

Mr. WADSWORTH. I would like to ask the gentleman from Connecticut a question. I think he is mistaken about that. The gentleman he refers to modified his statement or corrected it before the committee.

Mr. HENRY of Connecticut. I have the record here. It was Mr. Larsen.

Mr. WADSWORTH. Oh, yes.

Mr. HENRY of Connecticut. I can get it for you here.

Mr. COWHERD. That is the man who could not understand English.

Mr. WADSWORTH. I think the gentleman is in error, and I know when he has an opportunity to turn to it he will correct the mistake. This gentleman who is referred to modified his statement.

Mr. HENRY of Connecticut. I have it right here, if the gentleman will wait one moment.

Mr. WADSWORTH. I do not want to interrupt the gentleman. I am willing that the gentleman shall correct the statement if he finds that he is in error.

Mr. HENRY of Connecticut. I can turn to it, and you can see whether I have misquoted the gentleman or not.

Mr. WADSWORTH. I think the gentleman has not misquoted him, but he modified his statement subsequently in the committee.

Mr. HENRY of Connecticut. Not to my knowledge.

Mr. MONDELL. I would like to ask the gentleman a question, if he will yield.

Mr. HENRY of Connecticut. Certainly.

Mr. MONDELL. I understood the gentleman from Connecticut to say that there were not many changes in this bill from the Grout bill of last session. I wish to ask the gentleman if the last paragraph of the second section is not new.

Mr. HENRY of Connecticut. No, not new; it is a slight change in words. That is all.

Mr. MONDELL. Was the same inquisitorial provision in that section?

Mr. HENRY of Connecticut. There is only a change of two words from what it was in the Grout bill.

Mr. BOUTELL. Mr. Chairman, I would like to ask the gentleman from Connecticut two questions, if he will yield to me.

Mr. HENRY of Connecticut. Certainly.

Mr. BOUTELL. In the first paragraph of your remarks you spoke of the measure as a measure to suppress fraud, and that the suppression of fraud was as legitimate as the suppression or punishment of crime or misdemeanors. I would like to ask the gentleman whether he thinks it within the province of the Federal legislature to prevent crimes subject to punishment under State laws by Federal legislation.

Mr. HENRY of Connecticut. That is not the meaning of this bill. The original law has been in operation fourteen or fifteen years, and has not been challenged by the manufacturers.

Mr. BOUTELL. The second question that I wish to ask my friend is this: This bill, on its face, and we must take it on its face, is very largely a revenue measure. I would like to ask my friend from Connecticut what increase the committee computes there would be in our national revenues from the enforcement of this law?

Mr. HENRY of Connecticut. That is a question of minor importance. The revenue derived from the manufacture of oleomargarine has never been large—never has exceeded $2,000,000 a year. I think the manufacture of high-grade oleomargarine will still continue and pay the 10-cent tax. I think it will very largely offset the loss of revenue under the 1¼-cent tax.

Mr. BOUTELL. Precisely. Has there been any computation as to what that increase will be?

Mr. HENRY of Connecticut. No, sir; that has not entered into the consideration of the committee.

Mr. BOUTELL. But, in the opinion of the gentleman from Connecticut, there would be an increase if this tax is to be collected?

Mr. HENRY of Connecticut. I did not intend to say that. I would say that I do not think there would be a material decrease.

Mr. MONDELL. Will the gentleman yield for a question?

Mr. HENRY of Connecticut. Yes.

Mr. MONDELL. Is it not the opinion of the gentleman from Connecticut that the result of the passage of this bill would be to prohibit the sale of colored oleomargarine; that there would not be an increase in the revenues of the Government, but that, as a matter of fact, there would be a very considerable decrease? As a matter of fact, will the quarter of a cent a pound on uncolored oleomargarine pay the expense of collecting the tax?

Mr. HENRY of Connecticut. Possibly it might and possibly not.

Mr. MONDELL. Might not the bill then go toward producing a deficit rather than an increase in the revenue?

Mr. HENRY of Connecticut. Oh, no; but that is a question that has not been considered by the committee. It is a question of minor importance. When the law of 1886 was enacted there was nobody who supposed there would be any considerable revenue resulting from it.

Mr. MONDELL. Then I understand the gentleman to say that the committee, in considering a revenue measure, considered the question of revenue of minor importance.

Mr. HENRY of Connecticut. They did in this matter.

Mr. ALLEN of Kentucky and Mr. MOODY of Massachusetts rose.

The CHAIRMAN. To whom does the gentleman from Connecticut yield?

Mr. HENRY of Connecticut. I yield first to the gentleman from Massachusetts.

Mr. MOODY of Massachusetts. I notice, Mr. Chairman, that the minority of the committee, in their report, say, in effect, that the purpose of this bill is to obliterate the manufacture of oleomargarine. I suppose the gentleman would not justify any such purpose as that?

Mr. HENRY of Connecticut. Oh, I do not think it would obliterate it.

Mr. MOODY of Massachusetts. The gentleman would not justify that?

Mr. HENRY of Connecticut. A manufacturer from a State adjoining the gentleman's State said that if this bill passed he should comply with its terms; and he expected to go on and make uncolored oleomargarine as he is doing now.

Mr. MOODY of Massachusetts. That is just what I wanted to bring out from the gentleman.

Mr. HENRY of Connecticut. I do not think it would materially reduce the consumption of oleomargarine. I think it will be so much cheaper that the laboring man will buy it under the terms of this bill for about 15 cents per pound. He is now paying 20.

Mr. WADSWORTH. He is paying 15 cents a pound now.

Mr. MOODY of Massachusetts. Mr. Adams, the food commissioner of the State of Wisconsin, is quoted as having said before the committee:

> There is no use beating about the bush in this matter. We want to pass this law and drive the oleomargarine manufacturers out of the business.

Was that what he really said?

Mr. HENRY of Connecticut. I am glad the gentleman called my attention to that fact. Mr. Adams said that before the committee two years ago in the heat of his argument. He has retracted it over and over again. He retracted it at the succeeding Senate hearing.

Mr. WADSWORTH. He denied having said it.

Mr. HENRY of Connecticut. Well, he has retracted it.

Mr. WADSWORTH. There is a good deal of difference between retracting a statement and denying having made it.

Mr. HENRY of Connecticut. After a man has retracted a thing, I hardly think it should be brought in here.

Mr. MOODY of Massachusetts. I had no knowledge of that, and I am glad of the information.

Mr. ALLEN of Kentucky. Will the gentleman yield to me?

Mr. HENRY of Connecticut. Yes.

Mr. ALLEN of Kentucky. I notice that the latter part of the second section of this bill provides that the product shall be free from coloration or ingredient that causes it to look like butter. Does my friend understand that to mean that milk shall be excluded from the manufacture of oleomargarine?

Mr. HENRY of Connecticut. Oh, by no means.

Mr. ALLEN of Kentucky. Then I will ask my colleague if that was not the position of Mr. Grout before the committee—that milk would be a coloring matter and ought to be excluded?

Mr. HENRY of Connecticut. I did not hear Mr. Grout in full. I submit to the gentleman that that is not a practical proposition. Milk and cream and butter are only used in the high-grade oleo. As the gentleman learned when he was at Langdon, they are only used in the high-grade oleo; and the use of milk, cream, and butter, as the case may be, will undoubtedly be continued in making what they term their high-grade or gilt-edge oleo. In the low grades, as they told us at Langdon, they use no butter. They use cotton-seed oil as a substitute for butter. Now I do not think the gentleman's question is pertinent in view of that statement.

Mr. ALLEN of Kentucky. I want to call the gentleman's attention to the fact of the manufacture of oleomargarine by the Standard Butterine Company. I think he stated a while ago that half of it was uncolored.

Mr. HENRY of Connecticut. I have that here.

Mr. ALLEN of Kentucky. Now, I want to call the gentleman's attention to the fact that on the 15th of January Mr. Larsen, who testified before the committee, in a letter to Mr. L. L. Powell, said:

> LANGDON, D. C., *January 15, 1902.*
>
> DEAR SIR: After making my statement to-day I believe to have stated that one-half of our output was uncolored. If that is the case it is a great misrepresentation. I must have had my thoughts directed on Denmark, where they call butterine uncolored; still there is a small per cent of butter color in. I meant to say that one-half of our output was a light color and one-half a high color, like butter is colored.
>
> I hope that you will be able to rectify same to-morrow, when, as I understand, you are going before the committee.
>
> I remain, very truly, yours,
>
> A. LARSEN.
>
> Mr. L. L. POWELL.

That is directed to Mr. Powell. Here is one directed to the Committee on Agriculture:

> LANGDON, D. C., *January 17, 1902.*
>
> GENTLEMEN: As per request of your honorable committee as to the quantity of uncolored oleomargarine which has been manufactured by the Standard Butterine Company, we beg to report that during the three months of our existence we have churned over 2,000,000 pounds of our product, and of this amount only one churning (about 3,000 pounds) has been uncolored. One-half of this latter amount was returned by the party to whom it had been delivered on account of it being unsalable.
>
> Very truly, yours,
>
> STANDARD BUTTERINE COMPANY,
> THOMAS I. DONNELLY, *Secretary.*
>
> The COMMITTEE ON AGRICULTURE,
> *House of Representatives.*

That is the correction I wanted to call the gentleman's attention to.

Mr. HENRY of Connecticut. Now, as my statement has been challenged, let me quote——

Mr. ALLEN of Kentucky. I admit that is the statement.

Mr. HENRY of Connecticut. Mr. SMITH asked Mr. Larsen, "Do you manufacture any white butterine?" Mr. Larsen: "Yes."

> Mr. SMITH. About what proportion?
> Mr. LARSEN. Very nearly half of our output.
> Mr. SMITH. How much white oleo do you make and manufacture—about?
> Mr. LARSEN. I can not give it in exact figures; it is, more or less, half of our output.
> The CHAIRMAN. What is your output?
> Mr. LARSEN. It is about 700,000 pounds a month.
> The CHAIRMAN. And about 350,000 pounds of uncolored oleomargarine?
> Mr. LARSEN. Yes.

Now, if Mr. Larsen retracts, it is his privilege; but I think I can not be challenged in my statement.

Mr. ALLEN of Kentucky. He does not retract; he simply corrects his statement. The gentleman justified Mr. Adams in a retraction after he had seen the effect of his statement, and now I think he ought to grant Mr. Larsen the right to correct his statement.

Mr. HENRY of Connecticut. Mr. Larsen has an undoubted right to retract. My attention has not been called to his retraction until now.

Mr. CLAYTON. I would like to ask the gentleman from Connecticut a question. Stripping this controversy of all verbiage and getting at the heart of the proposition, is it not the purpose of the bill, by the abuse of the taxing power of the Government, to destroy one of the legitimate industries in order that the price of butter may be enhanced to the consumer?

Mr. HENRY of Connecticut. Oh, no, no; I say, decidedly, no.

Mr. CLAYTON. Will the gentleman answer another question? How much more will the consumers of butter have to pay for butter, when they eat it, after this bill becomes a law?

Mr. HENRY of Connecticut. Not one cent, in my opinion.

Mr. CLAYTON. Then who will receive this benefit?

Mr. HENRY of Connecticut. It will benefit the laboring man that will buy oleomargarine for 15 cents where he now pays 20.

Mr. CLAYTON. How can the gentleman demonstrate that? Will this not destroy the oleomargarine industry?

Mr. HENRY of Connecticut. No; it will not.

Mr. CLAYTON. Why was it, let me ask the gentleman, that the committee struck out the word "yellow" on page 2 of the bill?

Mr. HENRY of Connecticut. Well, there was a difference of opinion, I may say, in the committee, and as that is a committee secret I prefer not to go into it.

Mr. CLAYTON. Will the gentleman answer one more question? Why is it, if you are so anxious to protect the people against fraud, your committee did not provide for the taxing of renovated butter? Isn't that a fraud on the consumer when it is sold to them as pure, fresh butter?

Mr. HENRY of Connecticut. If the gentleman from Alabama will introduce a bill and have it referred to the Agricultural Committee, I guarantee it will receive consideration.

Mr. CLAYTON. That question was up to your committee. That proposition was distinctly offered to you in the last Congress, and it is offered to you now, and I will offer it as an amendment to this bill. Will the gentleman from Connecticut support it?

Mr. HENRY of Connecticut. No. That is another proposition.

Mr. CLAYTON. Will the gentleman answer this question frankly? Is it not the purpose of the Dairy Union and your purpose, by legislation, by the abuse of the taxing power of the Government, or a stretch of the commerce power of Congress, to tax it and outlaw a legitimate industry—the manufacture of wholesome oleomargarine?

Mr. HENRY of Connecticut. I will say—and I trust the gentleman will credit me with candor—that I would not be a party to any such legislation.

Mr. CLAYTON. Then what good is going to be accomplished by this bill? You say that it does not raise any revenue for the Government; you say it does not enhance the price of butter; and if it does not benefit the farmer in the sale of the butter, and raises no revenue, tell me where the good can come in.

Mr. HENRY of Connecticut. Oh, well, the gentleman can have plenty of time to put that into his argument.

Mr. CLAYTON, I want the gentleman to answer it. He got up here to defend the measure.

Mr. HENRY of Connecticut. I will answer questions, but not an argument.

Mr. CLAYTON. Now, I ask the gentleman again, will the Federal Government be benefited one dollar by the taxation from this measure?

Mr. HENRY of Connecticut. That is a minor consideration, but the Federal Government will derive some benefit from the taxation.

Mr. CLAYTON. What amount of taxes will the Government derive from this source?

Mr. HENRY of Connecticut. I can not answer.

Mr. CLAYTON. The butter maker or the farmer whom you are so anxious about—how much benefit will he derive from this measure?

Mr. HENRY of Connecticut. Oh, well, the farmer is the best judge of that for himself.

Mr. CLAYTON. You say that this tax is not going to enhance the price?

Mr. HENRY of Connecticut. The farmer is here asking for this legislation.

Mr. CLAYTON. What farmer is here? The butter trust, I suppose, which was formed in Kansas City a few days ago, is asking for this measure, and also the Standard Oil Company.

Mr. HENRY of Connecticut. The farmer is here asking for this legislation through members of this House.

Mr. MONDELL. Will the gentleman from Connecticut allow me a question?

Mr. HENRY of Connecticut. I yield to the gentleman from Wyoming.

Mr. MONDELL. As throwing some light on the question, What is the intent of the sponsors of this bill? I wish to ask the gentleman if the president of the National Dairy Union did not make the following statement before the gentleman's committee?

To give added force to the first section of the bill, it is provided in the second section that a tax of 10 cents a pound shall be imposed on all oleomargarine in the color or semblance of butter. In plain words, this is repressive taxation.

Did not the president of the National Dairy Union make that statement?

Mr. HENRY of Connecticut. I quoted from Governor Hoard in my remarks. I do not think I care to go into that question.

Mr. MONDELL. I ask the gentleman whether there was any higher authority on this subject offered before the committee than Governor Hoard. Was there before the committee any gentleman representing more thoroughly the dairy interests?

Mr. HENRY of Connecticut. I dislike very much to grade the authorities that appeared before the committee.

Mr. MONDELL. Did not Governor Hoard appear for a very large class of butter makers?

Mr. HENRY of Connecticut. He represented the National Dairy Union.

Mr. MONDELL. We must take it for granted that whatever he said before the committee was by authority of the gentlemen he represented; and if he considers this repressive taxation, they so consider it, and that such is their intent in urging the passage of the bill.

Mr. HENRY of Connecticut. I reserve the balance of my time.

Mr. MANN. Will the gentleman yield for a question?

Mr. HENRY of Connecticut. Oh, I am always willing to yield to the gentleman from Illinois [Mr. MANN].

Mr. MANN. I understand the gentleman from Connecticut to say that this measure if enacted would lower the price of white or uncolored oleomargarine——

Mr. HENRY of Connecticut. Yes, sir.

Mr. MANN. And that that was one of the good features of the bill——

Mr. HENRY of Connecticut. I think so.

Mr. MANN. And the gentleman believes in the sale of white or uncolored oleomargarine to people who wish to buy it?

Mr. HENRY of Connecticut. I know it is being sold in my State in considerable quantity. Dealers take out licenses to sell it.

Mr. MANN. Does not the gentleman believe that if under this bill white oleomargarine is to be encouraged the retail tax of $48 a year for the privilege of selling it ought to be removed?

Mr. HENRY of Connecticut. I do not think I care to go into that subject. That is another proposition altogether.

Mr. MANN. Well, as I understand, the gentleman has given a good deal of attention to this matter——

Mr. HENRY of Connecticut. I have not brought up that question in my remarks, and I prefer not to go into it.

Mr. MANN. I wish to derive information from the gentleman, if I can.

Mr. HENRY of Connecticut. I do not think I am able to inform the gentleman.

Mr. MANN. Does the gentleman mean to say that he is not informed as to the amount of retail tax we now impose on the sale of uncolored oleomargarine? Has the gentleman presented this bill without any consideration of that subject?

Mr. HENRY of Connecticut. The tax is $48 a year.

Mr. MANN. Does the gentleman think there is any reason why the person who sells white oleomargarine should be required to pay a tax of $48 a year?

Mr. HENRY of Connecticut. If the interests that the gentleman and his colleagues and others represent on this floor will agree to vote for this bill, and present as a condition that an amendment should be offered here reducing that tax, I am inclined to think that the majority of the Committee on Agriculture will accept the proposition; but that question is not at issue at this time.

Mr. MANN. I may say to the gentleman that the only "interest" I am representing on this floor in connection with this question is the interest of the people—something which at present the gentleman from Connecticut, I think, is not representing in the bill before the House.

Mr. HENRY of Connecticut. That is only a matter of opinion.

Mr. MANN. The gentleman assumed that I was representing an "interest."

Mr. ALLEN of Kentucky. Will the gentleman from Connecticut allow me a question?

Mr. HENRY of Connecticut. I yield to the gentleman.

Mr. ALLEN of Kentucky. Following up the line of interrogation pursued by the gentleman from Wyoming [Mr. MONDELL], allow me to say that I understood my colleague on the committee [Mr. HENRY of Connecticut] to state that this tax of one-quarter of 1 cent per pound would be necessary in order that the Government might have supervision over the manufacture of the article.

Mr. HENRY of Connecticut. I so said in my remarks.

Mr. ALLEN of Kentucky. Now, is it not the assumption of the gentleman that the tax of 10 cents per pound will absolutely obliterate this product, so that the Government will not need to oversee its manufacture?

Mr. HENRY of Connecticut. Oh, I think not.

Mr. Chairman, I would like to ask how much time I have occupied.

The CHAIRMAN. The gentleman has seventeen minutes of his time remaining.

Mr. HENRY of Connecticut. I reserve the remainder of the time.

Mr. WADSWORTH. Mr. Chairman, my views upon the subject presented by the pending bill are so well understood by the House that I do not deem it necessary to say but a very few words in expressing my opposition to the report of the majority of the committee.

I might say, in the beginning, however, that I was delighted to hear the gentleman from Connecticut [Mr. HENRY] admit that oleomargarine was a wholesome and proper food product.

This subject has been under discussion many times in the House, but I never heard an admission of that kind before to-day.

The members of this body should be willing to accept that statement as entirely authentic and worthy of their belief, and it goes a great way toward clearing up the many misconceptions regarding this food product and clears the atmosphere to a great extent.

Mr. Chairman, I oppose this proposed bill of the majority of my committee because it injures and hampers an honest industry in that it forbids it to offer its product to its trade in the form and appearance demanded by that trade and takes no cognizance of the fact that every manufacturer of butter colors his product to suit the demands of his trade.

I oppose it because it punishes the manufacturer for a fraud committed, not by him, mark you, but by the retail dealer in butter. He is the man who commits the fraud that is complained of. He buys the oleo from the wholesale manufacturer in wholesale quantities. He takes it to his shop and takes it down into

his cellar. You go there and want to buy a pound of butter, and he scoops you out the oleo and sells it to you for butter. That is a fraud, and that fraud ought to be stopped, and that is the purpose we have in view in the minority bill. The manufacturer should not be punished. No additional burden should be put upon him when he is not committing a dishonest act.

I oppose it, Mr. Chairman, because I believe, though I am not a lawyer, that it is unconstitutional. But I shall leave that point to be argued by some of the able lawyers on the floor of this House. It is class legislation, for it seeks to favor one industry as against another. It asks Congress to injure and hamper, if not ruin, one agricultural industry in favor of another agricultural industry.

And right on that point I want to answer the gentleman from Massachusetts [Mr. MOODY], who put a question to my friend from Connecticut in regard to the intent of the men who have urged and pressed this bill upon the Committee on Agriculture for the last three winters. The gentleman from Wyoming [Mr. MONDELL] quoted Governor Hoard, and I will quote him further.

On January 13, 1902—that is, this year—in his testimony before the Committee on Agriculture of the House of Representatives, Governor Hoard, replying to a question as to whether this bill (H. R. 9206) "would be demanded if after its passage just as much oleomargarine would be manufactured and put on the market as is now manufactured and sold," answered:

In that case, sir, I would come before Congress and demand a still higher tax.

He did not say that in the heat of debate. He said it in cool blood.

I oppose this bill because, in my opinion, it does not in any way lessen the possibility of fraud on the part of the retail dealer in butter; for just as long as oleomargarine can be bought in large bulk, as it now is, so long will the greater opportunity be given to the dishonest retailer to commit the fraud.

The minority bill, in the opinion of the minority, proposes to curtail the possibility of fraud by demanding that the manufacturer sell it and manufacture it only in pound and 2-pound prints, properly marked, wrapped, and stamped. On this point, when we reach it under the five-minute rule, I shall try to give an ocular demonstration of the workings of the bill proposed by the minority.

Mr. MOODY of Massachusetts. I should like to ask the gentleman a question.

The CHAIRMAN. Does the gentleman yield to the gentleman from Massachusetts?

Mr. WADSWORTH. Certainly.

Mr. MOODY of Massachusetts. The gentleman has not presented one aspect of this question which has been called to my attention and to which I should like to call his attention—whether it is not our duty to our country to vote for this bill in order that we shall preserve to our respective constituencies the advantages of experienced and well-trained Representatives? [Laughter.]

Mr. WILLIAMS of Mississippi. That is the main reason for it.

Mr. WADSWORTH. I do not believe I can answer that question.

Mr. WILLIAMS of Mississippi. That question answers itself.

Mr. WADSWORTH. It answers itself. Now, with these few remarks I shall leave it to others to go more into detail into this subject, and under the five-minute rule I may have something further to say. I reserve the balance of my time, although I should be glad to answer any questions that I am able to answer.

Mr. CRUMPACKER. I should like to ask the gentleman a question or two before he takes his seat. I notice in the first section of the bill reported by the committee——

Mr. WADSWORTH. The majority bill?

Mr. CRUMPACKER. In the majority bill there is a proviso authorizing State legislatures to control the sale of oleomargarine in their respective States, provided they shall not prevent or prohibit the sale of the product if its real character is such that it does not perpetrate a fraud. You will notice in the last part of section 1 it says:

Provided, That nothing in this act shall be construed to permit any State to forbid the manufacture or sale of oleomargarine in a separate and distinct form and in such manner as will advise the consumer of its real character free from coloration or ingredient that causes it to look like butter.

Now, I understand butter is one of the ingredients of oleomargarine, and so sold. This is my question: Does not this bill by this provision prevent the manufacture of oleomargarine from going into the market and buying colored butter to use as one of the ingredients in the manufacture of oleomargarine?

Mr. WADSWORTH. It certainly does.

Mr. CRUMPACKER. Because it would make his product look like butter.

Mr. WADSWORTH. Yes.

Mr. WILLIAMS of Mississippi. The gentleman from Indiana will excuse me. It goes further than that. It does not go only to the point of merely looking like butter, which is an ingredient, but giving it the semblance of butter.

Mr. CRUMPACKER. But the inquiry in my mind is whether the oleomargarine manufacturer can go into the market and buy marketable butter to use in the manufacture of oleomargarine under the provision that I have called attention to.

Mr. COWHERD. That is not the only harm in this. It gives additional force to the law of those States that have compelled the coloring of oleomargarine pink, blue, and other colors before they can be sold.

Mr. WADSWORTH. It does.

Mr. COWHERD. For all oleomargarine is made in imitation of butter.

Mr. WADSWORTH. I do not think it is made in imitation of butter.

Mr. COWHERD. It does imitate butter.

Mr. WADSWORTH. It is made just as it is. It happens to resemble butter.

In connection with the question of the gentleman from Indiana, I desire to call attention to this paragraph of the bill:

And any person that sells, vends, or furnishes oleomargarine for the use and consumption of others, except to his own family and guests thereof without compensation, who shall add to or mix with such oleomargarine any ingredient or coloration that causes it to look like butter shall also be held to be a manufacturer of oleomargarine within the meaning of said act and subject to the provisions thereof.

Now, if they use a little too much butter, milk, or cream in the manufacture of oleomargarine and thereby give it a slight yellow tint, then they are guilty of fraud under this proposed law of the majority.

Mr. HASKINS. Mr. Chairman, it is because I represent, in part, a State whose people are chiefly engaged in agricultural pursuits, and especially that of dairying, who have expressed to me, both by petition and by letters, their strong desire that legislation affecting the production and sale of oleomargarine colored in a way that causes it to look like butter and sold as butter in competition with the honest product of the cow, may be enacted at this session of Congress that I ask the indulgence of the committee for a short time; legislation which will protect the farmer and the dairymen, who compose the great majority of the electorate of the United States, who produce annually 1,500,000,000 pounds of an honest and legitimate article for consumption and export, which has been known and called butter ever since Jacob tended the herds of Laban and Moses kept the flocks of Jethro, his father-in-law, the priest of Midian, and who also represent 70 per cent of the wealth of this country.

There exists in this country to-day a society known as the Patrons of Husbandry, having a membership of more than 500,000 farmers, representing all political parties, organized for the purpose of elevating, educating, raising the standard of that most honorable of all occupations, and for the advancement and protection of their interests by State and Federal legislation that will relieve them and the products of their labor from unfair and dishonest competition. This large society, having its representatives in every State and Territory, and representing in a marked degree the intelligence and wealth of the whole land, came before our committee in the person of their chosen chief, the Hon. Aaron Jones, of Indiana, master of the National Grange, and protested that their incomes had shrunk by reason that the product of their farms had been placed in competition with adulterated, colored, and fraudulent articles made in imitation of the honest product by unscrupulous, money-making adventurers, and in the name of the people he represented earnestly appealed to the Congress to unite with the legislatures of the various States in the inauguration of a system of laws that will bring every person producing and selling articles in the markets of the country up to the plumb line of rectitude and honesty.

Thirty-two States of the Union, representing 60,000,000 of its entire population, have already enacted laws forbidding the manufacture and sale of oleomargarine when made and colored in imitation of butter. By repeated decisions of the courts it has been settled that the State has the power, through its legislature, to control the manufacture and sale of oleomargarine within its own borders. To this effect might be cited several decisions of the Supreme Court of the United States, the last of which that has been brought to my attention is that of The Capital City Dairy Company, plaintiff in error, *vs.* The State of Ohio ex rel. attorney-general, decided January 6, 1902.

It will be asked, if the State has the right to protect its citizens against the manufacture and sale of a fraudulent product, what is the necessity for intervention by Congress? Since the decision of the case of Plumley *vs.* Massachusetts (155 U. S., 461) and that of Schollenberger *vs.* Pennsylvania (171 U. S., 1) there has been a lack of uniformity of decisions by the lower courts, some judges holding that the decision of the latter case overruled that of the former, and other judges holding the contrary.

The Plumley case arose under a statute of the Commonwealth of

Massachusetts prohibiting the sale of any substance made in imitation of yellow butter produced from pure, unadulterated milk or cream of the same, and that statute contained a proviso that—

> Nothing herein contained shall be construed to prohibit the manufacture or sale of oleomargarine in a separate and distinct form, and in such manner as will advise the consumer of its real character, free from coloration or ingredient that causes it to look like butter.

Plumley was convicted under that statute for selling a compound known as oleomargarine, colored in imitation of yellow butter. The case was taken to the supreme court of that State, which held the statute valid.

The defense contended that the statute was unconstitutional, and brought up the case under a writ of error to the Supreme Court of the United States. In December, 1894, the decision was handed down, affirming the judgment of the State court. Justice Harlan, in delivering the opinion of the court, makes use of this very strong and pertinent language:

> And yet it is supposed the owners of a compound which has been put in a condition to cheat the public into believing it is a particular article of food in daily use and eagerly sought for by people in every condition of life are protected by the Constitution in making a sale of it against the will of the States in which it is offered for sale because of the circumstance that it is in an original package and had become a subject of ordinary traffic. We are unwilling to accept this view. We are of the opinion that it is within the power of a State to exclude from its markets any compound manufactured in another State which has been artificially colored or adulterated so as to cause it to look like an article of food in general use, and the sale of which may by reason of such coloration or adulteration cheat the general public into purchasing that which they may not intend to buy.
>
> The Constitution of the United States does not secure to anyone the privilege of defrauding the public. The deception against which the statute of Massachusetts is aimed is an offense against society. The States are as competent to protect the people against such offenses or wrongs as they are to protect them against crimes or wrongs of a more serious character, and this protection may be given without violating any right secured by the national Constitution and without infringing the right of the General Government. A State enactment forbidding the sale of deceitful imitations of articles of food in general use among the people does not abridge any privilege secured to citizens of the United States, nor in any just sense interfere with the freedom of commerce among the several States.

In the case of the Capital City Dairy Company *vs.* The State of Ohio, Justice White, who delivered the opinion of the court, says:

> In the Plumley case, the power of the State, in legislating for the prevention of deception in the manufacture and sale of imitation butter, was held to extend to the prohibition of the sale of oleomargarine artificially colored so as to look like yellow butter, although brought into Massachusetts from another State.

We can not overlook the principle decided in the well-considered case of Leisy *vs.* Hardin (135 U. S., 100), known as the "original package" case, in which it was held that intoxicating liquors shipped from the State of Illinois into the State of Iowa might be lawfully sold in the latter State, in the original package in which it was exported or brought within the State, notwithstanding the statute of Iowa forbidding the sale. This Iowa statute was, therefore, held to be in derogation of the term "commerce among the States," and an unlawful interference with the right of interstate commerce.

It is now claimed by the friends of oleomargarine that the Plumley case, or the decision in that case, so far as it related to the question of interstate commerce, was expressly overruled by the majority of the court in the more recent case of Schollenberger *vs.* Pennsylvania. In the opinion handed down we find the following language with reference to the importation of a product of another State into the State of Pennsylvania:

> We hold that, in the absence of Congressional permission to do so, the State had no power to interfere by seizure or any action in prohibition of importation and sale by the foreign or nonresident importer.

It is in consequence of this apparent, though to my mind unreal, conflict in the decisions of our highest judicial tribunal that has led up to a good deal of conflict of opinion with lawyers and courts in the administration of our State oleomargarine laws.

After the decision had been handed down in the Iowa original-package case the friends of prohibition came to Congress, and the result was the passage of the law known as the Wilson Act (26 Stat. L., 313), which provided that intoxicating liquors shipped from one State into another State should be subject to the laws of the latter State upon their arrival therein, whether in the original package or otherwise.

And it is now that, by reason of this conflict of opinion among lawyers and this apparent conflict of decisions by the courts and the difficulty experienced in enforcing the State laws in certain given cases, especially in those cases where the principle of interstate commerce is involved, that the friends of honest food—those who believe that the manufacture and sale of an imitation product or article of food is a cheat and a fraud, and, in the language of Justice Harlan in the Plumley case, "is an offense against society"—have come to Congress, and invoke its aid for the suppression of the article of food known as oleomargarine, when colored in such a manner that it looks like butter, and by that means deceive and "cheat the general public into purchasing that which they may not intend to buy." And this is all the friends and supporters of the bill reported by the majority of the committee have ever asked or do now ask.

Mr. Chairman, I do not wish to be misunderstood when I say that the friends and supporters of the bill reported by the majority of the committee are not here opposing the manufacture and sale of oleomargarine as such. From the evidence given before the committee I concede its manufacture to be a legitimate industry, as the Congress, by its past legislation, has held the manufacture of whisky and lager beer to be a legitimate industry subject to its regulation and taxing power. I am ready to concede that it is healthful and nutritious, as is the oil of the fish, of the olive, the fat of the beef, and all other oils and fats when properly prepared and made free of all impurities and adulterations. The friends of this measure have no purpose or desire to crush out the oleomargarine industry when prosecuted along legitimate lines.

The friends of the dairying interests of the country and those engaged in the manufacture and sale of butter made from pure and unadulterated milk or cream have nothing to fear from the production of oleomargarine when put upon the market in its natural state. It is the artificial coloration that is given to it that causes it to look like butter, and by means of which coloration the manufacturers and dealers are enabled to put it upon the market as butter, and do put it upon the market as butter; advertise and sell it for "pure creamery butter," "pure dairy butter," "pure grass butter," and "pure Elgin creamery" butter, as is shown by the photographic reproduction of a representative Chicago retail oleomargarine store which I hold in my hand. And what is true of this store is also true of hundreds of others in this country, especially in our larger cities. This is sold to the unsuspecting purchaser at prices ranging from 15 cents to 22 cents per pound as appeared in evidence before your committee, the purchaser believing he was buying and receiving genuine butter made of pure milk or cream, but instead thereof was paying, at a fabulous profit, for nothing else but colored oleomargarine made to resemble butter.

Are not such operations fraudulent and an offense against society, to say nothing of the injury it works to the producer of honest butter? And will the representatives of States which have, through their legislatures, pronounced against oleomargarine colored in imitation of butter refuse to stamp out this fraud, this deceit, and a lie, by omitting to enact such Federal legislation as is absolutely necessary to enable the States to safeguard their citizens? The majority bill will accomplish this result; the minority bill does not nor will not.

I notice that the minority of the committee, on page 9 of the printed report, state that the advocates of the legislation proposed by H. R. 9206 do not hesitate to declare that it is their wish and expectation that the passage of that bill will eliminate oleomargarine from the market as a food product, and in substantiation thereof quotes a statement as having been made by Mr. H. C. Adams, pure food commissioner of the State of Wisconsin, before the committee on March 7, 1900, as follows:

> There is no use beating about the bush in this matter. We want to pass this law and drive the oleomargarine manufacturers out of the business.

Mr. Adams is a gentleman of recognized ability and needs no defense from me. Still, I can not but feel that the minority of the committee have treated Mr. Adams unfairly in incorporating into their report the quotation I have just read, in view of the statement made by him before the committee Monday, January 18, 1902, and which was stenographically taken and reported. Let me read from what he then said:

> Mr. Chairman and gentlemen, I hardly think it is necessary to enter upon any very extended or elaborate argument with reference to the various measures pending before this committee regulating the tax or changing the tax upon oleomargarine. I think it is proper, however, for me to make something in the nature of a personal explanation at the outset.
>
> At the last session of Congress I appeared before the committee in behalf of the Grout bill. At the first meeting the discussion was by Governor Hoard, and I followed. There was no stenographer present at that meeting. My remarks on that occasion were misunderstood. I do not for a moment wish to state or have the committee think I have any impression that they would deliberately misstate; by no means. I was here at that time representing largely, as I believe, and as I know, the dairy sentiment of my State upon that subject. I was also here representing a department for my State which is charged with the enforcement of the various food laws. I said on that occasion that there was no use in beating the devil about the stump, and our purpose in coming to Congress with this bill providing for the 10-cent tax on butterine was to practically prohibit the business of manufacturing oleomargarine colored in imitation of butter.

Mr. CLAYTON. Will the gentleman permit me to interrupt him?

Mr. HASKINS. I would prefer not to be interrupted.

Mr. CLAYTON. I want to thank you for answering the question that your colleague declined to answer.

Mr. HASKINS (continuing)—

> Some gentlemen on the committee misunderstood that. They understood me to say that it was our deliberate purpose to crush this business of manufacturing oleomargarine.
>
> I want to say to you, gentlemen, that any representative of the dairy interests or of any other interests that takes this position, here or anywhere

else, is occupying an absolutely ndefensible position in my judgment, and no intelligent or fair-minded representative of that interest can afford to take any such position.

Further comment is unnecessary, except to say that the position of Mr. Adams as stated by him in the extract from his remarks which I have just read is the position of every person that I have heard express himself in favor of this proposed legislation. No one has any objection to the manufacture and sale of oleomargarine in its natural state or condition, but the contention is, and with reason, too, that it should not be made in imitation of butter, colored in imitation of butter, and sold for butter.

The report of the Commissioner of Internal Revenue shows that oleomargarine was manufactured in but 11 of the United States during the last fiscal year and that the production amounted to 104,943,856 pounds; withdrawn and tax paid on 101,432,717 pounds; 3,507,193 pounds were withdrawn for export; 722,237 pounds were remaining in the factory June 30, 1902.

Under the provisions of the majority bill, if uncolored, this entire production would pay a tax of but $262,359.64 as against $2,098,877.12 under the present rate of taxation at 2 cents per pound, a saving to the manufacturer of $1,836,517.48 in the way of taxation on a production equal to that of last year.

It is claimed by some manufacturers of oleomargarine that if a tax is imposed upon the colored article to the extent provided in the majority bill it practically prohibits its manufacture, will most seriously cripple the industry and drive them out of business, while other of the manufacturers who appeared before the committee believe they can work up an excellent and profitable business with the uncolored. If it is the "poor man's" butter, as has been earnestly claimed by the friends of oleomargarine, there can be no doubt about the latter proposition. It was shown that in Denmark, with a population of but 2,000,000, they annually consume over 31,000,000 pounds of oleomargarine, and nearly all of it, if not the entire production, is uncolored, and that they annually export $37,000,000 worth of butter into Great Britain alone. The amount of oleomargarine exported from there was not furnished the committee. If uncolored oleomargarine can be profitably produced in Denmark it certainly can be in this country, with all our inventive genius and improved methods for the adaptation of labor-saving machinery. Let oleomargarine be oleomargarine still and butter be butter still, that each may be sold for what it really is. It is now sold in considerable quantities in this country, as shown by Mr. Adams and others, pages 222–223 of the record.

The honorable gentleman from Ohio [Mr. GROSVENOR], while the rule for the consideration of this measure was under consideration last Friday, stated that while he was in favor of the adoption of the rule he was "uncompromisingly opposed to this legislation and all kindred legislation," and one reason he gave was because "it is a proposition to introduce into the forum of Congress a measure to permit the taxing power of the United States Government (when there is no necessity for raising funds) to be used for the purpose of destroying a great industry, and by consequence building up another industry."

The gentleman is evidently mistaken in the purpose of the legislation asked for as well as in the results which will follow if the measure is enacted into law. The legitimate butter industry requires no building up; it has been with us from time immemorial, and it will remain with us for all time to come. The butter industry of the country stands upon its own merits and is able and willing to fight its own battles with any other honest and legitimate industry. It has no complaint to make against oleomargarine as such. It is only against the fraudulent devices of the manufacturer of oleomargarine of which they complain—the coloration of their product made to resemble butter so perfectly that at a comparatively small cost the oleomargarine manufacturer is enabled to dispose of it at a large profit as and for genuine butter.

It is said the revenue that will be derived from the taxation of oleomargarine is not needed for the purposes of the Government. We grant all that; but we further say that if nothing but uncolored oleomargarine is manufactured the revenue derived under the provisions of this bill will be infinitely less than what it now is, as I have conclusively shown. The measure is not one for revenue, but for the restriction of an article of food when fraudulently prepared so that it can be sold for another food product which it is not.

The power of taxation is not always employed for the raising of revenue. Mr. Justice Story, in his work on the Constitution, Book I, pp. 677–678, says:

> Nothing is more clear from the history of nations than the fact that the taxing power is often, very often, applied for other purposes than revenue. It is often applied as a virtual prohibition; sometimes to banish a noxious article of consumption; sometimes as a suppression of particular employments.

Chief Justice Marshall, in the case of McCullough *vs.* Maryland (4 Wheaton, p. 428), says:

> That the power to tax involves the power to destroy is a proposition not to be denied.

In 1864 Congress passed a law imposing a tax amounting to about 10 per cent on all currency issued by State banks. This was clearly intended not as a measure for the raising of revenue, but as one of prohibition, for the result was State banks went out of existence and the act was held to be constitutional by the Supreme Court of the United States, which declared as follows:

> The tax can not be held invalid for being so excessive as to indicate a purpose to destroy the franchise of the State banks.

Further citation of authority is unnecessary to establish the proposition that Congress has the constitutional power to impose a tax of 10 cents a pound upon colored oleomargarine made to look like butter, even though its imposition will absolutely prohibit the manufacture and sale of oleomargarine colored in imitation of butter, which is the purpose of the proposed legislation. The tax of one-fourth of 1 cent per pound on uncolored oleomargarine is imposed simply to keep the manufactories under Federal supervision, which, as stated by Mr. Tillinghast, president of a large oleomargarine manufactory in Rhode Island, was preferable to no supervision at all.

The friends and advocates of oleomargarine have appealed to the live-stock industry of the country, making them believe that the enactment of this measure into law will ruin the butterine or oleomargarine industry, and by means thereof their steers will bring to them on an average $2 less than they now receive and hogs 50 cents less per head. This is an argument purely mercenary, an appeal to the pocket, and not to honesty and fair dealing as between men engaged in different industries. The statement with reference to the difference in the price, I believe, is an overestimate, for others full as well informed and having the same means of information assert that it will not exceed 25 cents per head for steers and 5 cents per hog. But, as I have said, this is looking at the mercenary side of the case, and, as legislators, it ought not to cut any figure here or have the least weight in determining anyone's action on the proposed measure, though an appeal to the pocket often has its effect, even upon men charged with the performance of a public duty.

If this tax of 10 cents per pound will prevent the manufacture and sale of oleomargarine colored so as to cause it to look like butter and enable it to be sold as butter, it should be imposed in the interest of good morals and honest methods, to say nothing of the benefits that will accrue to the farmers and dairymen of the country. I believe it will work out its purpose by raising the price of the colored article to the extent that it will remove the temptation for the practice of dishonest methods which large profits in business transactions are quite sure to encourage.

The second section of the majority bill is quite essential and important and should be enacted into law. The committee saw it demonstrated while on their visit to the factory of the Standard Butterine Company, located within about 2 miles of this Capitol, that a retail dealer of oleomargarine, purchased in an uncolored condition, hotel proprietors, and boarding-house keepers can, with the use of annotto and a wooden paddle, in a few minutes' time convert a lump of uncolored oleomargarine into an article colored that will look like butter. This they will do in order to set before their guests an article of food which in its appearance is butter and which they are made to believe is butter. Such a practice would be deceptive and dishonest and can be prevented by the adoption of this second section, which was incorporated into the bill for that purpose.

What is demanded of us by the best citizenship of this country is that we shall enact a law that will place upon the markets of the country an honest article. In conclusion I quote the language used by Mr. Jones, master of the National Grange of the Patrons of Husbandry, in his statement before the committee: "The time has come when the American people want to get back to the good old system of doing business that is square and honest between man and man. So whatever we undertake we insist that the man who sells us the article must make his representations true and right. This is the principle upon which this Republic has prospered in the past; it is the principle upon which it will prosper and must prosper in the future." [Loud applause.]

Mr. FOSTER of Illinois. Mr. Chairman, I desire to submit the majority bill and the whole of the report of the minority of the committee, which includes some scientific testimony and the substitute bill, as a part of my remarks.

There was no objection.

A bill (H. R. 9206) to make oleomargarine and other imitation dairy products subject to the laws of the State or Territory into which they are transported, and to change the tax on oleomargarine.

Be it enacted, etc., That all articles known as oleomargarine, butterine, imitation butter, or imitation cheese, or any substance in the semblance of butter or cheese not the usual product of the dairy and not made exclusively of pure and unadulterated milk or cream, transported into any State or Territory, or the District of Columbia, and remaining therein for use, consumption, sale, or storage therein, shall, upon the arrival within the limits of such State or Territory, or the District of Columbia, be subject to the operation and effect of the laws of such State or Territory, or the District of Columbia, enacted in the exercise of its police powers to the same extent and in the

same manner as though such articles or substances had been produced in such State or Territory, or the District of Columbia, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise: *Provided*, That nothing in this act shall be construed to permit any State to forbid the manufacture or sale of oleomargarine in a separate and distinct form and in such manner as will advise the consumer of its real character free from coloration or ingredient that causes it to look like yellow butter.

SEC. 2. That on and after July 1, 1902, the tax on oleomargarine as prescribed in section 8 of the act approved August 2, 1886, and entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," shall be one-fourth of 1 cent per pound when the same is not made in imitation of yellow butter; but when made in imitation of yellow butter the tax to be paid by the manufacturer shall be 10 cents per pound, to be levied and collected in accordance with the provision of said act.

The report and substitute bill are as follows:

VIEWS OF THE MINORITY.

The minority of the Committee on Agriculture of the House of Representatives beg leave to submit the accompanying bill, which we offer as a substitute for H. R. 9206.

We first wish to bring to the attention of the House proof positive that oleomargarine is a wholesome and nutritious article of food, and is therefore entitled to a legitimate place in the commerce of our country. In substantiation of this statement we beg to submit the following testimony:

OPINIONS OF LEADING SCIENTISTS.

"Prof. C. F. Chandler, professor of chemistry at Columbia College, New York, says: 'I have studied the question of its use as food, in comparison with the ordinary butter made from cream, and have satisfied myself that it is quite as valuable as the butter from the cow. The product is palatable and wholesome, and I regard it as a most valuable article of food.'

"Prof. George F. Barker, of the University of Pennsylvania, says: 'Butterine is, in my opinion, quite as valuable as a nutritive agent as butter itself. It is perfectly wholesome, and is desirable as an article of food. I can see no reason why butterine should not be an entirely satisfactory equivalent for ordinary butter, whether considered from the physiological or commercial standpoint.'

"Prof. Henry Morton, of the Stevens Institute of Technology, New Jersey, says: 'I am able to say with confidence that it contains nothing whatever which is injurious as an article of diet, but, on the contrary, is essentially identical with the best fresh butter, and is superior to much of the butter made from cream alone which is found in the market. The conditions of its manufacture involve a degree of cleanliness and consequent purity in the product such as are by no means necessarily or generally attained in the ordinary making of butter from cream.'

"Prof. S. W. Johnson, director of the Connecticut Agricultural Experiment Station, and professor of agricultural chemistry in Yale College, New Haven, says: 'It is a product that is entirely attractive and wholesome as food, and one that is for all ordinary and culinary purposes the full equivalent of good butter made from cream. I regard the manufacture of oleomargarine as a legitimate and beneficent industry.'

"Prof. S. C. Caldwell, of Cornell University, Ithaca, N. Y., says: 'While not equal to fine butter in respect to flavor, it nevertheless contains all the essential ingredients of butter, and since it contains a smaller proportion of volatile fats than is found in genuine butter, it is, in my opinion, less liable to become rancid. It can not enter into competition with fine butter, but so far as it may serve to drive poor butter out of the market its manufacture will be a public benefit.'

"Prof. C. A. Goessmann, of Amherst Agricultural College, says: 'Oleomargarine butter compares in general appearance and in taste very favorably with the average quality of the better kinds of dairy butter in our markets. In its composition it resembles that of ordinary dairy butter, and in its keeping quality, under corresponding circumstances, I believe it will surpass the former, for it contains a smaller percentage of those constituents which, in the main, cause the well-known rancid taste and odor of a stored butter.'

"Prof. Charles P. Williams, professor in the Missouri State University, says: 'It is a pure and wholesome article of food, and in this respect, as well as in respect to its chemical composition, fully the equivalent of the best quality of dairy butter.'

"Prof. J. W. S. Arnold, professor of physiology in the University of New York, says: 'I consider that each and every article employed in the manufacture of oleomargarine butter is perfectly pure and wholesome; that oleomargarine butter differs in no essential manner from butter made from cream. In fact, oleomargarine butter possesses the advantage over natural butter of not decomposing so readily, as it contains fewer volatile fats. In my opinion, oleomargarine is to be considered a great discovery, a blessing for the poor, and in every way a perfectly pure, wholesome, and palatable article of food.'

"Prof. W. O. Atwater, Director of the United States Government Agricultural Experiment Stations at Washington, says: 'It contains essentially the same ingredients as natural butter from cow's milk. It is perfectly wholesome and healthy and has a high nutritious value.'

"Prof. Henry E. Alvord, formerly of the Massachusetts Agricultural College and president of the Maryland College of Agriculture, and now Chief of the Dairy Division of the United States Department of Agriculture, and one of the best butter makers in the country, says: 'The great bulk of butterine and its kindred products is as wholesome, cleaner, and in many respects better than the low grades of butter of which so much reaches the market.'

"Prof. Paul Schweitzer, Ph. D., LL. D., professor of chemistry, Missouri State University, says: 'As a result of my examination, made both with the microscope and the delicate chemical tests applicable to such cases, I pronounce butterine to be wholly and unequivocally free from any deleterious or in the least objectionable substances. Carefully made physiological experiments reveal no difference whatever in the palatability and digestibility between butterine and butter.'"

Professor Wiley, Chief of the Division of Chemistry of the United States Department of Agriculture, also appeared before the committee and testified to the nutritive and wholesome qualities of oleomargarine.

The Committee on Manufactures of the United States Senate, in a report dated February 28, 1900, finds, from the evidence before it, "that the product known commercially as oleomargarine is healthful and nutritious."

Dr. George M. Kober, professor of hygiene, Georgetown University, District of Columbia, says:

"As a teacher of hygiene I have urged upon my students for years to bring the merits and nutritive value of this food stuff to the attention of the public, and in the interest of the wage-earners of this country to correct, as far as possible, the prejudice which has been created against the use of this product, provided, always, it is sold under its true name and at its real value. In this opinion I am glad to be supported by the highest scientific authorities in this country and abroad."

Charles Harrington, assistant professor of hygiene in the medical school of Harvard University, in his Manual of Practical Hygiene, 1901, page 112, says:

"Oleomargarine has been misrepresented to the public to a greater extent, probably, than any other article of food. From the time of its first appearance in the market as a competitor of butter there has been a constant attempt to create and foster a prejudice against it as an unwholesome article made from unclean refuse of various kinds, a vehicle for disease germs, and a disseminator of tapeworms and other unwholesome parasites. It has been said to be made from soap grease, from the carcasses of animals dead of disease, from grease extracted from sewer sludge, and from a variety of other articles equally unadapted to its manufacture."

The truth concerning oleomargarine is that it is made only from the cleanest materials in the cleanest possible manner, that it is quite as wholesome as butter, and that when sold for what it is and at its proper price it brings into the dietary of those who can not afford the better grades of butter an important fat food much superior in flavor and keeping property to the cheaper grades of butter which bring a better price. Oleomargarine can not be made from rancid fat, and in its manufacture great care must be exercised to exclude any material however slightly tainted.

Judge Hughes, of the Federal court of Virginia, in a decision, says:

"It is a fact of common knowledge that oleomargarine has been subjected to the severest scientific scrutiny, and has been adopted by every leading government in Europe as well as America for use by their armies and navies. Though not originally invented by us, it is a gift of American enterprise and progressive invention to the world. It has become one of the conspicuous articles of interstate commerce and furnishes a large income to the General Government annually."

Believing that this testimony establishes beyond controversy that oleomargarine is a nutritious and wholesome article of food, the main question to be considered is the complaint that fraud is practiced in its sale.

In this connection the minority directs attention to the fact that the charge of fraudulent sale is not made against the manufacturer. It is conceded that the manufacturers of oleomargarine make no effort to evade the existing law, but that their product is always so marked and branded as to advise the customer who buys direct from the manufacturer as to the nature of the product.

It is charged, and doubtless truly, that the present law is violated by unscrupulous retailers. In view of these two facts, viz, that the manufacturer does not violate the law, and that by reason of his being constantly under the eye of Government inspectors there is no danger of his doing so, and that the retailer does violate the law (when it is violated), the minority holds that the only proper legislation is that which directs the penalties against the retailer and not against the manufacturer; in other words, against the man who commits the crime and not against the man who does not. H. R. 9206 violates this fundamental principle of equity and jurisprudence by directing its penalties against the manufacturer, who is already surrounded by such restrictions as to effectually prevent even the attempt at fraud, while it in no way either diminshes the temptation or increases the difficulty involved in the violation of the law by the retailer.

The fact just stated, that H R. 9206 is directed against the manufacturer (who is not even charged with violating the law) and not against the retailer, through whom, if at all, the fraud is committed, seems to justify the conclusion that the real object of this measure is to prevent the use of oleomargarine as a substitute for butter, and not merely to stop the fraudulent sale of oleomargarine as butter. Indeed, the radical advocates of the legislation proposed by H. R. 9206 have not hesitated to declare that their wish and expectation is that the passage of this bill will result in seriously crippling the oleomargarine industry and the elimination of oleomargarine from the market as a food product.

In substantiation of this assertion we quote the following:

Mr. Adams, pure-food commissioner of the State of Wisconsin, in his testimony before the committee on March 7, 1900, said:

"There is no use beating about the bush in this matter. We want to pass this law and drive the oleomargarine manufacturers out of the business."

Charles Y. Knight, secretary of the National Dairy Union, in a letter to the Virginia Dairymen, dated May 18, 1900, writes:

"Now is the time for you to clip the fangs of the mighty octopus of the oleomargarine manufacturers, who are ruining the dairy interests of this country by manufacturing and selling in defiance of law a spurious article in imitation of pure butter. We have a remedy almost in grasp which will eliminate the manufacture of this article from the food-product list. The Grout bill, now pending in the Agricultural Committee of the House of Representatives in Congress, meets the demand."

W. D. Hoard, ex-governor of Wisconsin and president of the National Dairy Union, stated in his testimony before the committee on March 7, 1900, as follows:

"To give added force to the first section of the bill, it is provided in the second section that a tax of 10 cents a pound shall be imposed on all oleomargarine in the color or semblance of butter. In plain words, this is repressive taxation."

And on January 13, 1902, in his testimony before the Committee on Agriculture, House of Representatives, the same witness, replying to the question as to "whether this bill (H. R. 9206, or similar measure) would be demanded if, after its passage, just as much oleomargarine would be manufactured and put on the market as is now manufactured and sold," said:

"In that case, sir, I would come before Congress and demand a still higher tax."

In view of this testimony (and much more of a similar character might be cited) the minority feel amply warranted in claiming that the purpose of H. R. 9206 is to cripple the business of the legitimate oleomargarine manufacturers. In just the extent to which this purpose is realized Congress will be responsible—in the event of the passage of H. R. 9206—for injuring or ruining one American industry at the demand of another; a thing which, as all will concede, Congress ought not to do. The minority believe it to be class legislation of the most pronounced kind and would establish a precedent which, if followed, would create monopolies, destroy competition, and militate against the public good.

THE SUBSTITUTE BILL.

The purpose of the substitute bill, offered by the minority, is not to prevent the manufacture of oleomargarine or its legitimate sale, but to prevent it from being fraudulently sold for butter. To accomplish this end it throws such safeguards about the retail sale of the article (the only operation in which, under existing law, it is possible for fraud to be committed) as, in our opinion, to entirely eliminate all possibility of fraud in such retail sales and compel all dealers in oleomargarine to sell it for what it really is and not for butter. The substitute offered is really an amendment to sections 3 and 6 of the existing oleomargarine law. The annual licenses for the manufacture and sale of oleomargarine ($600 for manufacturers, $480 for wholesalers, and $48 for retailers) are not lessened, while the penalties imposed for violation of the law are materially increased.

The minority respectfully submit that the enforcement of these provisions

would effectually eliminate all possibility of fraud in the sale of oleomargarine, and that, in our opinion, is as far as Congress can legitimately go.

One of the claims made by the friends of H. R. 9206 and similar measures is that it will protect the interests of the farmer. We call attention to the fact that every ingredient that enters into the manufacture of oleomargarine is as much a product of the farm as is butter, and that such ingredients are made more valuable on account of their use in the manufacture of oleomargarine.

In support of this statement we cite the following resolution adopted by the National Live Stock Association at its meeting in Chicago, December 3, 1901:

"*Resolved*, That the National Live Stock Association, in convention assembled, representing more than $4,000,000,000 of invested capital, reiterates its former expressed disapproval of such class legislation as the old Grout bill, and we protest against the passage of any law of this nature, firmly believing that such legislation is unjust, unconstitutional, and unfair, and not to be tolerated in a free country."

The National Live Stock Association is a voluntary organization, comprising 117 subordinate local organizations of the cattle, sheep, and swine raisers and breeders of 26 States and Territories of the Union, and representing more than four billions of invested capital.

The annual meeting at which the foregoing resolution was adopted was attended by 1,500 delegates, and we submit that the unanimous protest of the accredited representatives of substantially all the live-stock interests of the United States (except those engaged in the dairy business) is entitled to respectful consideration. Representatives of this association, and also representatives of the cotton industry, came before this committee and were unanimous in expressing the opinion that the enactment of such legislation as is contemplated by H. R. 9206 would lower the price of their products and materially damage their industry.

The minority directs attention also to the significant fact that the passage of House bill 9206 (or similar measure) is demanded solely by the producers of butter and not by consumers, who might naturally be supposed to ask for protection from a fraudulent product if they felt themselves in need of it. On the contrary, the consumers, as represented by hundreds of labor organizations representing many thousands of workingmen, have protested against the passage of this measure as one calculated to deprive them of a cheap, wholesome, and nutritious substitute for butter.

The claim that the fraudulent sale of oleomargarine interferes with the growth and prosperity of the butter industry is not borne out by the evidence before the committee. Statistics show that the total manufacture of oleomargarine in the United States last year was 104,000,000 pounds, as against 1,500,000,000 pounds of butter. As to the amount of oleomargarine sold fraudulently, exact statistics can not, of course, be obtained, but it would certainly be a liberal estimate to place the sum of the fraudulent sales at 25 per cent of the total product. Is it reasonable to suppose that the price of the 26,000,000 pounds thus fraudulently sold materially affected the price of the 1,500,000,000 pounds of butter used? Even assuming that the total oleomargarine output was sold fraudulently, it yet represents so small a proportion (about 7 per cent) of the total amount of butter produced as to render it unlikely that it in any way reduced the average price of butter.

And as further supporting the conclusion that the butter industry is not materially damaged by the sale of oleomargarine, the minority directs attention to the significant fact that those sections of our country which are most exclusively devoted to the dairy interests are blessed with the greatest prosperity, as brought out in the testimony of ex-Governor Hoard, of Wisconsin, before our committee, who said that a few years ago land was worth only $15 an acre in that State, but as the State began to be devoted more exclusively to the dairy interests land had rapidly appreciated in price, and that farmers had gotten out of debt, had paid their mortgages, and the land is now worth the sum of $80 per acre, this price averaging much higher than agricultural lands in other parts of the country.

In conclusion, the members of the Committee on Agriculture who have joined in this minority report beg to assure the House and the country in the most solemn manner possible that it has been their earnest intention, and is now their determination, to do everything possible to be done to enforce the sale of oleomargarine as oleomargarine and to prevent its sale as butter. To prevent fraud and not to injure or hamper a legitimate industry has been and is our purpose. We believe that it ought to be the sole purpose of all legislation and the sole motive of all just men.

The substitute bill presented by the minority is as follows:

[Bill offered as a substitute for H. R. 9206 by the minority of the Committee on Agriculture of the House of Representatives.]

A bill to amend sections 3 and 6 of an act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886.

Be it enacted, etc., That sections 3 and 6 of an act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, be amended so as to read as follows:

"SEC. 3. That special tax on the manufacture and sale of oleomargarine shall be imposed as follows:

"Manufacturers of oleomargarine shall pay $600 per annum. Every person who manufactures oleomargarine for sale shall be deemed a manufacturer thereof.

"Wholesale dealers in oleomargarine shall pay $480 per annum. Every person who sells or offers for sale oleomargarine in quantities greater than 10 pounds at a time shall be deemed a wholesale dealer therein; but a manufacturer of oleomargarine who has given the required bond and paid the required special tax, and who sells oleomargarine of his own production only at the place of its manufacture in the original packages, to which the tax-paid stamps are affixed, shall not be required to pay the special tax of a wholesale dealer on account of such sales.

"Retail dealers in oleomargarine shall pay $48 per annum. Every person who sells or offers for sale oleomargarine in quantities not greater than 10 pounds at a time shall be regarded as a retail dealer therein. And sections 3232, 3233, 3234, 3235, 3236, 3237, 3238, 3239, 3240, 3241, and 3243 of the Revised Statutes of the United States are, so far as applicable, made to extend to and include and apply to the special taxes imposed by this section, and to the persons upon whom they are imposed: *Provided*, That in case any manufacturer of oleomargarine commences business subsequent to the 30th day of June in any year, the special tax shall be reckoned from the first day of July in that year, and shall be $500."

"SEC. 6. That all oleomargarine shall be put up by the manufacturer for sale in packages of 1 and 2 pounds, respectively, and in no other or larger or smaller package; and upon every print, brick, roll, or lump of oleomargarine, before being so put up for sale or removal from the factory, there shall be impressed by the manufacturer the word 'Oleomargarine' in sunken letters, the size of which shall be prescribed by regulations made by the Commissioner of Internal Revenue and approved by the Secretary of the Treasury; that every such print, brick, roll, or lump of oleomargarine shall first be wrapped with paper wrapper with the word 'Oleomargarine' printed on the outside thereof in distinct letters, and said wrapper shall also bear the name of the manufacturer, and shall then be put up singly by the manufacturer thereof in such wooden or paper packages or in such wrappers, and marked, stamped, and branded with the word 'Oleomargarine' printed thereon in distinct letters, and in such manner as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe, and the internal-revenue stamp shall be affixed so as to surround the outer wrapper of each 1 and 2 pound package: *Provided*, That any number of such original stamped packages may be put up by the manufacturer in crates or boxes, on the outside of which shall be marked the word 'Oleomargarine,' with such other marks and brands as the Commissioner of Internal Revenue shall, by regulations approved by the Secretary of the Treasury, prescribe.

"Retail dealers in oleomargarine shall sell only the original package to which the tax-paid stamp is affixed, and shall sell only from the original crates or boxes in which they receive the pound or 2-pound prints, bricks, rolls, or lumps; which said crates or boxes shall be, at all times, so placed as to expose to the customer the mark or brand affixed thereon by the requirements of this act.

"Every person who knowingly sells or offers for sale, or delivers or offers to deliver, any oleomargarine otherwise than as provided by this act, or contrary to the regulations of the Commissioner of Internal Revenue made in pursuance hereof, or who packs in any package any oleomargarine in any manner contrary to law, or who shall sell or offer for sale as butter any oleomargarine, colored or uncolored, or who falsely brands any package or affixes a stamp on any package denoting a less amount of tax than that required by law, shall be fined for the first offense not less than $100 nor more than $500 and be imprisoned not less than thirty days nor more than six months, and for the second and every subsequent offense shall be fined not less than $200 nor more than $1,000 and be imprisoned not less than sixty days nor more than two years."

J. W. WADSWORTH.
WM. CONNELL.
CHAS. F. SCOTT.
JOHN S. WILLIAMS.
HENRY D. ALLEN.

Mr. FOSTER of Illinois. Mr. Chairman, in my judgment the bill relating to oleomargarine as reported by the majority of the Committee on Agriculture is the most unjust and vicious measure in principle ever submitted to a legislative body. To begin with, the bill is not properly named. It should be entitled "A bill to create a butter monopoly, by throttling legitimate industry." [Applause.] I can not understand, Mr. Chairman, how any fair-minded man can vote for this bill, especially when he has the alternative of voting for the entirely just and proper measure proposed by the minority of the committee.

Let us examine briefly these two measures and see what it is they would accomplish if enacted. The majority bill on its face provides that oleomargarine shall be subject in any State to the laws of that State. Now, as 32 States, through their legislatures, have been prevailed upon to pass laws forbidding the manufacture and sale therein of oleomargarine colored in resemblance of butter, if this bill should become a law such colored oleomargarine manufactured in other States could not be taken into and sold in those 32 States, even in the original packages. This would at once deprive oleomargarine of the larger part of its market, and the rest of it would also be swept away by the other provision of the bill, namely, that all oleomargarine colored to resemble butter shall be taxed 10 cents a pound. In other words, this bill is simply aimed at the total and utter destruction of the oleomargarine industry.

This is plainly evident from the wording of the bill, and what is more, it is acknowledged openly and defiantly by the promoters of the bill. Several of them have said so, in plain English, in their testimony before the committee, and all the others might as well have done so, for their purpose is perfectly obvious to everybody. This is absolutely all there is to the committee's bill—a barefaced, naked attempt to break up and ruin an industry which is just as proper and legitimate as the butter industry, and has been pronounced so by the Supreme Court of the United States and by other courts, and also by leading scientists, and by the great American public at large speaking through their representatives in Congress.

The Supreme Court's language was, in its celebrated decision of 1898, the Schollenberger case, just referred to by the gentleman from Vermont [Mr. HASKINS], that "oleomargarine had become a proper subject of commerce among the States and foreign countries." Yet in the face of this decision of our highest court it is now coolly proposed by the promoters and sponsors of this bill to wipe out the entirely proper and legitimate industry of the manufacture and sale of oleomargarine. And why? This is not stated in the bill; but in the reports and remarks on the subject oleomargarine is referred to as an "adulterated article of food," and a "deceitful article of food."

The charge of adulteration, Mr. Chairman, is absolutely false. The ingredients of oleomargarine are as pure and wholesome as the ingredients of butter. They have been so characterized by dozens of the highest scientific authorities in the country, as is well known by everybody—by such a man as Professor Chandler, of Columbia University; Professor Barker, of the University of Pennsylvania; Professor Johnson, of Yale University; Professor Atwater and Professor Wiley, of the United States Agricultural Department, and by many others as eminent.

The article has been in common use by millions of people for many years, and no injury has been received from it by anyone,

nor any complaint made about it by anyone except by the dairymen and butter monopolists. It is as nutritious and as wholesome as butter, and in many respects it is more so. It is as sweet and as palatable, and it is far cheaper, thereby enabling those of moderate or restricted means to obtain a perfectly satisfactory substitute for butter at a price within their ability to pay. And now these butter monopolists would deny to thousands—I might say to millions—of poor people the use of this, a perfectly pure and healthful substitute, on the false charge of adulteration. They make a great ado with their sneers about "hog fat," but, Mr. Chairman, it is not the oleomargarine men, but the butter men, who are showing a disposition to "hog" it in this competition.

Coming now to the charge of deceit; what do they mean by that? Much has been said about it by the distinguished gentleman from Vermont [Mr. HASKINS], and what is meant by deceit? If it is meant that the honest manufacturers and sellers of oleomargarine practice any deceit in the disposing of oleomargarine as oleomargarine, that charge is as false as the charge of adulteration; but if it is meant that some unscrupulous and dishonest dealers sell oleomargarine as butter, that of course is deceit, and the friends of oleomargarine are just as anxious as the friends of butter that it should be punished and put a stop to. No doubt much of that sort of deceit has been practiced in various parts of the country from time to time, and that is in reality the only complaint made against the present oleomargarine law that will hold water at all.

Now, the friends of the pending bill propose to prevent this deceit, not by punishing those who are guilty of it, nor by preventing them from having any opportunity hereafter to pursue it, oh, no, but by uprooting and annihilating the whole oleomargarine industry! That is very much, Mr. Chairman, like curing a man's cough by cutting his head off.

The friends of the minority or substitute bill, on the other hand, earnestly urge the members of this body and the public at large, to examine this measure and judge of it fairly and impartially. If examined in this spirit the substitute bill will certainly convince anybody and everybody that it covers fully this point of "deceit," which is the only valid point against oleomargarine, and that it provides fully for the prevention and punishment of those who are guilty of deceit in the premises. The substitute bill provides—

That all oleomargarine shall be put up by the manufacturer for sale in packages of 1 and 2 pounds, respectively, and in no other or larger or smaller package; and upon every print, brick, roll, or lump of oleomargarine, before being so put up for sale or removal from the factory, there shall be impressed by the manufacturer the word "Oleomargarine" in sunken letters, the size of which shall be prescribed by regulations made by the Commissioner of Internal Revenue and approved by the Secretary of the Treasury; that every such print, brick, roll, or lump of oleomargarine shall first be wrapped with paper wrapper with the word "Oleomargarine" printed on the outside thereof in distinct letters, and said wrapper shall also bear the name of the manufacturer, and shall then be put up singly by the manufacturer thereof in such wooden or paper packages or in such wrappers, and marked, stamped, and branded with the word "Oleomargarine" printed thereon in distinct letters, and in such manner as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe, and the internal-revenue stamp shall be affixed so as to surround the outer wrapper of each 1 and 2 pound package: *Provided*, That any number of such original stamped packages may be put up by the manufacturer in crates or boxes, on the outside of which shall be marked the word 'Oleomargarine,' with such other marks and brands as the Commissioner of Internal Revenue shall, by regulations approved by the Secretary of the Treasury, prescribe.

Retail dealers in oleomargarine shall sell only the original package to which the tax-paid stamp is affixed, and shall sell only from the original crates or boxes in which they receive the pound or 2 pound prints, bricks, rolls, or lumps; which said crates or boxes shall be, at all times, so placed as to expose to the customer the mark or brand affixed thereon by the requirements of this act.

Now, by the terms of this substitute bill each 1 and 2 pound package is made an original package, and retail dealers in oleomargarine shall sell only the original package to which the tax-paid stamp is affixed. In that way, Mr. Chairman, every separate piece of oleomargarine exposed or offered for sale would bear its title on its face and would be known to all men for what it really was. What more than this could be asked by any reasonable man? Here is oleomargarine, already recognized and defined by our Supreme Court as a lawful article of commerce between the States, and here are those who manufacture and sell it, ready and willing and anxious to manufacture and sell it for what it really is, and to stamp its proper name on each and every package of it.

And here, on the other hand, are the butter monopolists, who are hurt by its sale, and who say, "No; we will not let oleomargarine be sold at all—we will crush it out of existence." For that, Mr. Chairman, is what they will do if they can pass their bill. They will impose a prohibitory tax of 10 cents a pound on oleomargarine, which would raise its price to a level where nobody could afford to buy it; and, more than that, they will forbid it to be sold in 32 States of the Union at any price.

But at once we are met with their indignant protest that they do not oppose oleomargarine—only oleomargarine colored in the semblance of butter; and they say that the manufacturers may make as much oleomargarine as they wish if they do not color it yellow. They even go so far as to propose a reduction of the tax on uncolored oleomargarine from 2 cents a pound to one-fourth of 1 cent a pound.

Mr. Chairman, is not this an absolute "give away" of their whole position? Would they concede this great reduction if they were not sure it would do oleomargarine no good? There would be no objection to this plan if the people would buy the uncolored article, but they will not. For some reason, partly from pride, perhaps, but mostly from habit and prejudice, people want their butter, or whatever they use in place of butter, to be yellow.

For ages they have been accustomed to have it yellow, and they will not have any other color. As is well known, not all butter is yellow, naturally. Sometimes it turns out very light colored—almost white—but it is never offered for sale in that condition, because it could not be sold. The first thing they do with such butter is to color it yellow before sending it to market. There is no deceit in this, because everybody understands it.

Neither is there any deceit, Mr. Chairman, in coloring oleomargarine yellow. The only deceit is in selling oleomargarine as butter; and the substitute bill if enacted into law will put a stop to this wrongful and injurious practice, injurious even more to the legitimate oleomargarine industry than to the legitimate butter industry.

The provisions of the substitute bill, by compelling all packages or separate pieces of oleomargarine to be stamped with the word "oleomargarine," at once overthrow the allegations of the butter monopolists, that oleomargarine is a "deceitful imitation" of butter. It is nothing of the kind. It is proud to stand on its own merits and to answer to its own name. It believes itself to be as good and as pure and as wholesome and as honest as butter; and it is colored yellow simply because the people want that color.

Mr. TAWNEY. Do they want that color in oleomargarine or in butter?

Several MEMBERS. Both.

Mr. FOSTER of Illinois. In both. I would ask the gentleman from Minnesota where the butter people get a monopoly on the color?

Mr. TAWNEY. In nature.

Mr. FOSTER of Illinois. I deny that assertion. Butter made at this season of the year will come out almost white.

Mr. TAWNEY. No; it will be yellow.

Mr. FOSTER of Illinois. I want to call the attention of the gentleman to the testimony of a leading dairyman of Pennsylvania, Mr. Sharpless, printed in Senate Report 2043, page 228, wherein he testifies that butter does not come out uniformly yellow; that very often it comes out white, and that he always colors his butter yellow before he sends it to market.

Mr. CLAYTON. If the gentleman from Illinois will allow me to interrupt, I wish to cite the statement made by Dr. Wyley before the House committee in the hearings at the last session of Congress, showing that large quantities of white butter, and I believe in some instances rancid butter—carloads of it, I believe, he said—have been shipped to Elgin, Ill., the home of the great Elgin creamery, and there renovated and doctored by putting coloring matter into it and sending it broadcast through the country as pure, fresh Elgin butter.

Mr. FOSTER of Illinois. That is very true; and in that connection I want to say that many times while on my way from my home city, Chicago, to the capital I have seen at the railway stations along through Indiana and Ohio piles and piles of tubs of rancid butter ready to be shipped to the same creamery mentioned by the gentleman from Alabama [Mr. CLAYTON], the Elgin creamery. That is a very common thing.

Mr. HAUGEN. I wish to call the attention of the gentleman to the fact that the committee has recommended an amendment to the bill, defining manufacturers of oleomargarine and prohibiting the continuance of the practice referred to—that is, the coloring of oleomargarine in imitation of butter.

Mr. FOSTER of Illinois. Now, Mr. Chairman, this substitute bill will produce the desired result of honest dealing far more surely than the majority bill, which simply imposes a prohibitory tax of 10 cents a pound, which would be evaded by dishonest manufacturers and dealers, just as the provisions of the present oleomargarine law are evaded by them, only more easily, because under the pending bill those dishonest dealers could buy all the uncolored oleomargarine they wished at a very low price, and then color it themselves, and then sell it as butter.

In this connection, I wish to call attention to a statement made by the majority of the committee in a paragraph of their report, which will be found on page 3. They say that during the course of their investigations they have ascertained the fact that uncolored oleomargarine can be easily and quickly colored without melting or apparent injury to the product; in other words, that the simple injection of a little coloring matter into a firkin of uncolored oleomargarine will bring it out a bright sunflower

yellow. That is the condition you are going to bring about. You are going to give people who want to commit fraud a better opportunity for committing it.

Mr. LAMB. I am unwilling to interrupt the gentleman, and if I occupy his time unduly I will give him some of mine. But I wish to remind him that the majority bill defines who are manufacturers, and that those persons who sell oleomargarine that they have colored in imitation of butter will be punished for so doing.

Mr. FOSTER of Illinois. What we are trying to get at is to prevent fraud, and that will not prevent it.

Mr. LAMB. We think it will.

Mr. FOSTER of Illinois. I have shown that it will not. Persons disposed to commit fraud will find it easier to commit it under the provisions of the majority bill than under those of the substitute. Penalties have never prevented the commission of crime where there is an incentive and persons willing to commit it. Now, Mr. Chairman, it will be seen from my statement made a moment ago that the legislation proposed by the majority will not prevent fraud; on the contrary, it will be an incentive to the commission of fraud. To prevent fraud, and not to throttle a lawful industry, should be the purpose of any legislation we may enact on this subject. On the other hand, there would be absolutely no chance or opportunity to evade the plain provisions of the proposed substitute bill.

Mr. Chairman, the pending majority bill is in the interest of a class—a small class—the butter manufacturers.

Mr. TAWNEY. How many of them are there?

Mr. FOSTER of Illinois. I am not informed as to the exact number.

Mr. TAWNEY. About 5,000,000.

Mr. FOSTER of Illinois. The gentleman evidently means there are that many farmers, and the majority bill is not for the especial benefit of the farmers, but for the benefit of the dairymen and butter manufacturers, and they comprise but a small, almost an infinitesimal, fraction of the number mentioned by the gentleman from Minnesota.

Mr. CLAYTON. If the gentleman from Illinois will yield a moment I would like to ask the gentleman from Minnesota [Mr. TAWNEY] how much the butter yield is and how much the butter demand of the American people is. When these questions are answered we shall know how short the butter supply is. We all know the principle of political economy that the scarcity of an article enhances its price. And in connection with the speech of a gentleman over there about the 500,000 "grangers," I hope the gentleman from Illinois will answer him in behalf of the millions who can not buy high-priced butter.

Mr. FOSTER of Illinois. I was coming to that. The gentleman is stealing my thunder. [Laughter.]

Mr. CLAYTON. I just wanted you to answer that point made on the other side.

Mr. FOSTER of Illinois. As I was saying, the bill is in the interest of the dairymen and butter manufacturers. It aims at the creation of an absolute monopoly which would combine to send up the already high-priced butter to higher prices, and compel the poor men—the millions of men just referred to by the gentleman from Alabama—to either pay those high prices or go without anything with which to sweeten or soften their crust of bread.

The substitute bill is in the interest of the great mass of people, not only those who wish to use oleomargarine, but also the great multitudes who would be injured by the establishment of a butter monopoly in the midst of our community.

The promoters of the pending bill claim that that bill is in the interest of the farmer; but still more is the substitute bill in the interest of the farmer. All the ingredients of oleomargarine are the products of the farm, and they are much greater in value and much more in number than the ingredients of butter.

I have endeavored, Mr. Chairman, to explain the provisions of these two measures with absolute fairness and impartiality, and I challenge anyone to show wherein I have failed to do so.

The pending bill is simply an odious piece of class legislation, a dangerous and a gross violation of the taxing powers of the Government, an attempt to build up one industry by ruining another industry, and to create a monopoly in one of the most universal and desirable classes of food. Its effect would be to annihilate at one blow the business of a large number of good citizens who are engaged in a perfectly lawful and useful occupation, and by increasing the price of butter, to take away from the poor man's table one of the few simple luxuries that he can afford.

The substitute bill, as I have shown, is carefully drawn so as to provide against the possibility of any further violation of the present oleomargarine law, and to make it certain that hereafter oleomargarine shall be sold everywhere as oleomargarine and nowhere as butter. Is not this just and fair and just to all concerned? Oleomargarine has been guaranteed a good food by the best scientific authorities and a lawful article of commerce by the Supreme Court. It resembles butter in appearance, but is not a "counterfeit" of butter, and wishes to be sold and bought only for what it is—a good, honest, pure, wholesome, inexpensive food.

In the name of the great toiling mass of the people throughout this country, in the interest of fair play, in the interest of correct principles of taxation, for the sake of the fair name and honor of our country, I protest against this proposed piece of class legislation [applause on the Democratic side], and I earnestly urge the members of this body to pass the substitute bill, and by so doing win the blessings of posterity and an approving conscience. [Applause on the Democratic side.]

The CHAIRMAN. The gentleman from Texas [Mr. BURLESON] is recognized for thirty minutes.

Mr. BURLESON. Mr. Chairman, I am sure the committee will pardon me for the time consumed in submitting a few observations on this measure when I direct attention to the magnitude of the interests in my State menaced by it.

Texas is not alone the first cotton-producing State in the United States, growing one-third of all the cotton here grown, but she is also first in the number of her cattle, having more than one-seventh of all the cattle in the 3 Territories and 45 States of the Union. In my State are also more cotton-seed-oil manufacturing establishments than are found in all the other States combined. If this bill becomes a law, both the cotton planter and stockman as well as the cotton-seed-oil manufacturer will be seriously affected.

Now, I purpose to discuss this bill in a spirit of perfect fairness, but at the same time I intend speaking with the utmost candor. The first provision or section of this bill is based upon the theory that Congress has the power, acting for the General Government, to surrender back to the States the power delegated by them to it in the organic law to regulate commerce among the several States.

It is my deliberate judgment that the framers of the Constitution did not intend we should attempt to exercise any such power. I am familiar with the decisions of the court of last resort bearing on this point, but, nevertheless, I believe we have no such power, and if this bill ever becomes a law and the issue is squarely presented to the Supreme Court of the United States I believe it will so hold, although I would not be so bold as to say it would not be another five to four decision.

But, Mr. Chairman, aside from this, the proposed bill is a species of vicious legislation, and if successful, and the Supreme Court should uphold it, I indulge another prophesy: That as a precedent it will often return to this body, to plague and perplex its membership. Selfish interest behind other products and industries will readily take encouragement by this legislation to attempt similar legislation. We may expect bills to be brought forward requiring beet sugar to be labeled to distinguish it from cane sugar, or, perchance to lay a tax on the latter on some pretext or other in the interest of the former. Well may members from the States of Michigan, Nebraska, and Colorado consider the dangers to threaten, if a precedent like this be established. Doubtless during this session an effort will be made to tax "shoddy" or to tax woolen fabrics containing cotton, then immediately the contest will be on between the wool-growing sections and the cotton States.

And I doubt not that, with the usual abandon and disregard of consistency which characterizes the conduct of the average Republican, we will find some members opposing this measure who will advocate that, notwithstanding it involves the same vicious principles.

Who can forecast what product or commodity is to be next assaulted or from where the attack is to come? As I see it, the only safe course is to oppose all such legislation.

Mr. Chairman, what is the real purpose of this measure? Is it to raise revenue? Let us see. It is known to all that by reason of a most burdensome war tax, laid unjustly and inequitably in many particulars, the Treasury is overflowing, and this, too, notwithstanding the fact that millions—yes, hundreds of millions—of dollars have been expended in the prosecution of a cruel and un-American war in the Philippine Islands. As long ago as January 10, 1900, the honorable Secretary of the Treasury, speaking of the revenues of the Government in a letter to this body, used this language:

> The revenues are now largely exceeding disbursements from month to month, and seem likely to do so for an indefinite time.

The official Treasury statement for to-day shows that, notwithstanding the expense for the military and naval establishments for the month of January, 1902, exceeded the expenditures in their support for the same period of time in 1901 by over a million dollars, still there was a surplus for the month of $8,033,866. This statement also shows that we have an available cash balance of $174,746,646.42. And speaking of this very measure when he was called before the Senate Committee on Agriculture, the Secretary

of the Treasury, the Hon. Lyman J. Gage, used this pointed and significant language:

Of course I only feel at liberty to state my views as Secretary of the Treasury, and only upon that part of the bill which involves a question of revenue. I might have personal views which go far beyond them, but you would probably not care much about them.

There is, in my opinion, an objection to the bill on either theory. If it is a revenue producer it is superfluous, we do not need it. If it is not a revenue producer, then the title of the bill is a misnomer and it is inoperative in the name of revenue.

It seems upon either theory there are serious objections to it.

A revenue measure, indeed. Why, Mr. Chairman, the hollow pretense and hypocrisy of that contention was thoroughly exposed by the gentleman from Massachusetts [Mr. MOODY], the gentlemen from Illinois [Messrs. BOUTELL and MANN], and the gentleman from Alabama [Mr. CLAYTON] when they interrogated the gentleman having this measure in charge. He was unable to answer even approximately how much revenue his measure would raise and admitted that, so far as he knew, no calculation or estimate had ever been attempted.

Consequently I feel that I am warranted in contending that it is not intended as a revenue measure. It does not even come from the committee chargeable under the rules of our body with dealing with matters of taxation. Now, as a matter of fact, from whence does it come and what is its real purpose? It is admitted by all that it did not originate with the Committee on Agriculture, and I say that it did not originate with any member of this House.

I am quite sure it did not originate with the distinguished gentleman from Minnesota [Mr. TAWNEY], and for authority for this statement I offer the misguided but thoroughly reliable gentleman from Minnesota [Mr. MCCLEARY]. I am equally sure it did not originate with the learned gentleman from Minnesota [Mr. MCCLEARY], and for authority for this contention I offer the ambitious but honorable gentleman from Minnesota [Mr. TAWNEY]. In fact, I will acquit all members of this House of its authorship, for a large per cent of those who will vote for it apologize in private for their pitiable attitude with reference to same. [Loud applause.] I will tell you where it originated and who brought it here. It is a measure founded upon unrestrained selfishness and greed, and has been brought here by that aggregation of individuals who confess they organized alone for the purpose of this legislation, and they denominate themselves "The National Dairy Union." What is its purpose? It has for its real purpose the utilization of the taxing power to accomplish the total destruction of one industry, which is admitted to be a legitimate one, in order that another may be made more profitable.

Notwithstanding the tax which now burdens the sale of oleomargarine, the insatiable dairyman, vanquished in the field of open, fair competition, seeks now, by means of pernicious class legislation, to break down and destroy his competitor. I say destroy; now, can the charge be substantiated? Let us see. We have the admission of the president of the National Dairy Union, who, while advocating this bill before the Senate committee, used this language:

W. D. Hoard, president of the National Dairy Union, stated in his testimony before the committee on March 7, 1900, as follows:

"To give added force to the first section of the bill, it is provided in the second section that a tax of 10 cents a pound shall be imposed on all oleomargarine in the color or semblance of butter. In plain words, this is repressive taxation."

The advocates of the bill on this floor now flee from the utterance of its advocate before the committee, and we are given to understand that he now apologizes for it, or attempts to modify or deny it.

But it seems he testified before another committee.

On January 13, 1902, he came before the Committee on Agriculture, House of Representatives, and replying to the question as to "whether this bill (H. R. 9206—or similar measure) would be demanded if, after its passage, just as much oleomargarine would be manufactured and put on the market as is now manufactured and sold," said:

In that case, sir, I would come before Congress and demand a still higher tax.

They have also attempted to deny this statement. Then I will offer more testimony. Mr. Adams, pure-food commissioner of the State of Wisconsin, appeared before the committee and I heard his statement, and he is one of the vice-presidents, I believe, of the National Dairy Union, and testified as follows. I read from the report:

There is no use beating about the bush in this matter. We want to pass this law and drive the oleomargarine manufacturers out of the business.

Gentlemen, do you still doubt that the selfish dairy interests are trying to avoid competition by having you (the Congress) aid them by destroying the competitor? If so, permit me to read to you from a letter written by Mr. Chas. Y. Knight, secretary of the National Dairy Union, to the Virginia Dairyman. This is not denied by any person. He says:

Now is the time for you to clip the fangs of the mighty octopus of the oleomargarine manufacturers who are ruining the dairy interests of this country by manufacturing and selling in defiance of law a spurious article in imitation of pure butter. We have a remedy almost in grasp which will eliminate the manufacture of this article from the food-product list. The Grout bill, now pending in the Agricultural Committee of the House of Representatives in Congress, meets the demand.

Mark you, he says the Grout bill—and that is this bill—"will eliminate the manufacture of this article [oleomargarine] from the food-product list."

Do you need more to give you an insight to the real purpose behind this measure? Its purpose is one of destruction, and not honest taxation to raise revenue.

Now, gentlemen, it is plain that to "repress," "drive out of business," and to "eliminate the manufacture of oleomargarine" is their real purpose. Is it not an unjust and unrighteous purpose? If these gentlemen's words are to be taken with reference to that purpose, is there a man upon this floor so brazen that he will not admit that this legislation is not alone wrong in principle, but mean in spirit? [Applause.] Do they want to protect the public at large from the fraudulent sale of oleomargarine as creamery butter, as their advocates upon this floor contend? If so, drastic provisions are embodied in the substitute measure covering every opportunity to practice a fraudulent sale.

It is admitted that no fraudulent sales are made by those who manufacture oleomargarine. No one here or elsewhere contends that they have resorted to any fraudulent practices, and yet the provisions of this bill punish them for what they have not done. The advocates of this measure refuse to join in the substitute which is aimed at the retail dealer who is admittedly the party who does the wrong, if wrong is done.

If you are honest in your expressed desire to prevent the fraudulent sale of oleomargarine as butter, then I invoke your serious consideration of the substitute, and invite your aid to perfect it, if you can find one particular in which it can be improved. I assure you I heartily join you in the desire to prevent fraud in the sale of oleomargarine, but I will not yield to the demand that is being made here to destroy, by an abusive use of the taxing power, the manufacture of oleomargarine, rather than prevent its fraudulent sale by the retail dealer.

But to resume the thread of my discussion, where is the demand for this legislation coming from? It does not come from those who make oleomargarine, neither does it come from those who consume it. The great mass of laboring people, who confessedly are the consumers of a major portion of the oleomargarine, are protesting against the passage of this bill. Every member of Congress has been flooded with petitions and protests, originating with labor organizations, urging that we vote against it, earnestly pleading that a table article which they use be permitted to be made as palatable looking as possible. And right in this connection I desire to direct the attention of this committee to the fact that the deceitful and designing schemers who are behind this measure first sought to strike down this industry by arousing the fears of the people against oleomargarine, charging it was deleterious to health; but the overwhelming testimony of chemist and physician drove them from this position, and now they attack from another quarter. I desire out of this great mass of testimony on this phase of the question—and there is no person who now disputes the proposition that oleomargarine is a healthful food product—to submit to you only a few statements of eminent men.

Prof. J. W. S. Arnold, professor of physiology in the University of New York, says:

I consider that each and every article employed in the manufacture of oleomargarine butter is perfectly pure and wholesome; that oleomargarine butter differs in no essential manner from butter made from cream. In fact, oleomargarine butter possesses the advantage over natural butter of not decomposing so readily, as it contains fewer volatile fats. In my opinion oleomargarine is to be considered a great discovery, a blessing for the poor, and in every way a perfectly pure, wholesome, and palatable article of food.

Prof. W. O. Atwater, director of the United States Government Agricultural Experiment Station at Washington, says:

It contains essentially the same ingredients as natural butter from cow's milk. It is perfectly wholesome and healthy and has a high nutritious value.

Prof. Henry E. Alvord, formerly of the Massachusetts Agricultural College, and president of the Maryland College of Agriculture, and now chief of the Dairy Division of the United States Department of Agriculture, and one of the best butter makers in the country, says:

The great bulk of butterine and its kindred products is as wholesome, cleaner, and in many respects better, than the low grades of butter of which so much reaches the market.

Prof. Paul Schweitzer, Ph. D., LL. D., professor of chemistry, Missouri State University, says:

As a result of my examination, made both with the microscope and the delicate chemical tests applicable to such cases, I pronounce butterine to be

wholly and unequivocally free from any deleterious or in the least objectionable substances. Carefully made physiological experiments reveal no difference whatever in the palatability and digestibility between butterine and butter.

Professor Wiley, chief of the Division of Chemistry of the United States Department of Agriculture, appeared before the committee and testified to the nutritive and wholesome qualities of oleomargarine.

The Committee on Manufactures of the United States Senate, in a report dated February 28, 1900, finds, from the evidence before it, "that the product known commercially as oleomargarine is healthful and nutritious."

Dr. George M. Kober, professor of hygiene, Georgetown University, District of Columbia, says:

As a teacher of hygiene, I have urged upon my students for years to bring the merits and nutritive value of this food stuff to the attention of the public, and in the interest of the wage-earners of this country to correct, as far as possible, the prejudice which has been created against the use of this product, provided always it is sold under its true name and at its real value. In this opinion I am glad to be supported by the highest scientific authorities in this country and abroad.

As a matter of fact the services of an expert chemist must be utilized in order to distinguish between good oleomargarine and butter made at high-grade creameries.

But to return, where does the demand come from for this legislation? It does not come from the creameries making high-grade butter. They sell their product, all of it, at a much higher price, and in no sense come into competition with oleomargarine, and are not demanding this legislation. Then who does demand it? It comes from the persons who are making the inferior article of butter and are unable to compete with the manufacturers of this wholesome product, and here in Washington they are represented by "The National Dairy Union." They originated this bill. They brought it here. They demand its passage. And since it has been here it has been nursed by the most insolent and shameless lobby which ever infested this Capitol. They have not only obtruded themselves into the committee room where this measure was being considered, bringing pressure to bear on members of the Committee on Agriculture having the measure in charge, but they invaded the district of the chairman of that committee during the last election and endeavored to encompass his defeat.

When they had failed there, it was openly charged in the press of the country that pressure was to be brought to bear on the gentleman who was to be elected to the exalted position of Speaker of the House of Representatives, to have him displace the honorable gentleman from New York [Mr. WADSWORTH] as chairman of said committee, and for what reason, pray? Because he had the manhood and the courage to follow the dictates of his conscience and judgment in the discharge of his official duty and oppose this iniquitous measure.

Now, what is to be the effect of this bill if it becomes a law? The president, vice-president, and secretary of the Dairy Union say, in effect, that it will drive the manufacturers of oleomargarine out of business.

The taxation carried by the provisions of this bill will prove repressive. We all know that one of the immediate effects of same will be to depreciate the value of all products entering into the composition of oleomargarine. This tax of 10 cents a pound will drive yellow oleomargarine from the markets, and, of course, will enable the makers of low-grade butter to sell their product for a higher price. The principal products of my State, cotton and cattle, and the products of our 156 cotton-seed-oil mills will depreciate in value by virtue of the effect of this indirect tax placed on them.

It can not be denied that ultimately the full weight of the burden of this legislation will rest on those who cultivate cotton, grow cattle, and manufacture cotton-seed oil. Some estimate that the depreciation will reach millions of dollars. Now, gentlemen, will you lend yourselves to the accomplishment of this selfish end? Will you assent to this flagrant prostitution of the taxing power? Permit me to read what one of the greatest lawyers and judges that ever sat on the Supreme Bench said on this subject, having in mind, I doubt not, just such legislation as is here proposed. In Loan Association *v.* Topeka (20 Wall., p. 664) the court said:

To lay with one hand the power of the Government on the property of the citizen and with the other to bestow it upon favored individuals to aid private enterprises and build up private fortunes is none the less a robbery because it is done under the forms of law and is called taxation.

The language used by the court is strong, but not too strong for legislation of this character. But to continue, who is to be affected by this measure? The manufacturers of oleomargarine, the manufacturers of cotton-seed oil, the cotton growers, the cattlemen, and the great mass of laboring people who consume this healthful product. In the interest of the dairymen you are to lay a heavier burden on the poor by requiring them to pay a higher price for low-grade butter, which they prefer not to buy. The rich are not affected because, as I have shown, the creameries making the high-grade butter they use do not come in competition with oleomargarine and are not asking this legislation.

Now, gentlemen, will you yield to this selfish demand and permit the taxing power to be used to crush one industry, depreciate the value of many agricultural products, place additional burdens on the poorer classes in order that one other product may be sold for a higher price? You have the votes and can pass this bill if you desire, but, gentlemen, this legislation is unrighteously wrong in principle and mean in spirit. If you do pass it my State will survive, notwithstanding it will lose millions of dollars, occasioned by depreciation of the value of our cotton, cattle, and cotton-seed oil, but it will not be the first time the industries and resources of the Democratic South have been plundered by means of class legislation in order to protect and build up the industries of Republican North. It may not be politic to say it, but I verily believe that if the dairy interest could shift sections with the cattle and cotton interests this legislation would make but slow progress.

Mr. Chairman, I fear nothing that can be said will prevent the passage of this bill. But one more thought I desire to suggest. Texas is a growing State. The time will surely come when she will have many times over the Representatives on this floor than those representing the State from which this bill comes. If at that distant period the party now dominant in Texas should be succeeded here by members of the party believing in special legislation, who may not be restrained by the proper sense of right and justice, the industries of that State whose Representatives now vote to destroy our leading manufacturing industry may be crushed out of existence to serve some local interest in Texas. I would not sanction such action, but this precedent may justify it.

We may view this matter from different standpoints; it seems to me, gentlemen—and I say it in all gentleness and kindness—if you vote for this bill you simply aid your dairyman (by force of legislation) to push his hand into the pocket of our cotton grower and cattle grower and cotton-seed-oil manufacturer and steal a certain per cent of the value of their products. You may try to salve your conscience, or attempt to salve it, by confessing in private that you know it is wrong and that the fault lies with your selfish and dishonest constituency. I beg to let you know, however, that this will not establish you in the respect of the person to whom you confess, but only makes known to him that you have the intelligence to recognize the evil and wrong of this legislation, but are too cowardly to do right and combat it.

Now, gentlemen, in conclusion, I know that nothing can be said on this floor that is going to change the result. I believe that if every member who casts his vote upon this measure were brought face to face with his God and were controlled by his best judgment and conscience, the bill would not receive more than 25 per cent of the votes that it will receive, and the votes for it would be cast because of the ignorance of the persons casting them.

I know that you are going to enact this measure. I fear that the melodious voice of the gentle milch cow is ringing in your ears, and visions of her selfish owner with his vote are passing across your brain. I apprehend that you are going to be controlled by your fears rather than by your conscience. I regret it.

A few timid Democrats will doubtless vote for this measure; and I say in all candor that I derive a degree of satisfaction in knowing that but few members of this side can be influenced by any such selfish demands to cast their ballots for the benefit of any special class. I say "a few timid Democrats"—timid and misguided—will vote for this measure. But I implore you, if you purpose to adopt Republican methods and permit policy, narrow selfish policy, to control you rather than be guided by the broad Democratic principle of opposition to all such pernicious class legislation, then vote for this Tawney-Knight-Grout-McCleary bill, but for God's sake do not disquiet the father of Democracy in his grave by longer calling yourselves Democrats. [Applause on the Democratic side.] This measure is protectionism run mad.

Now, gentlemen, in behalf of the cotton producers of the South, in behalf of the cattle growers of the South and Southwest, speaking for the cotton-seed oil manufacturers of Texas, I protest against this measure. [Applause.]

Mr. GRAFF. Mr. Chairman, as I listened to the eloquent gentleman from Texas [Mr. BURLESON] while he was referring to the fact that we were particularly tender about the feelings of the owner of the milch cow, I could not help but reflect that he was thinking with equal solicitude about the feelings of the owner of the Texas steer, and that his sentiments were no higher or nobler than were the sentiments of those who have among their constituents a few farmers engaged in the honest occupation of manufacturing butter.

When the gentleman from Texas referred to the fact that the present Henry bill, while it is a species of taxation, is not in fact principally a revenue measure, and therefore is a fraud, I could not help but contrast with the bill of the majority the proposition

which is made by the minority of the committee, who seek to have their bill passed as a substitute, and as a species of taxation the same as is the Henry bill, and a revenue measure upon its face and subject to the same criticism as is the Henry bill in that regard. The fact is this committee had before it two propositions—one submitted by the majority of the Committee on Agriculture and the other submitted by the minority of that committee. In some respects those two bills are alike.

Both are revenue measures. Neither the Wadsworth bill nor the Henry bill seeks to obtain revenue as its principal object; but the object of the Wadsworth bill and the object of the Henry bill are exactly the same—to regulate the sale and use of oleomargarine and prevent fraud. When the gentleman from Alabama propounded to the gentleman in charge of this bill, the gentleman from Connecticut, an inquiry as to the objects of this measure, I could not help but feel that the same reply could be made logically by the gentleman from Connecticut as would be made by the chairman of the committee, the gentleman from New York—that the object of both measures is the same, to prevent the fraudulent sale of oleomargarine.

Now, as to the excuse for this legislation. There is absolutely abounding testimony in favor of some drastic legislation to prevent the almost universal fraud which has prevailed in the sale of oleomargarine. The personal experience of every member of this Congress must establish the fact of their own knowledge that most of the oleomargarine that is sold in the United States is sold under the pretense that it is butter and is thought to be butter by the purchaser. Even those who came before the committee to defend the industry and to object to the Grout bill, or any bill made upon that form, acknowledged that there is a large amount of fraud, reluctantly conceding that the fraud, perhaps, extends to from 15 to 25 per cent of the entire sale of oleomargarine.

On the other hand, it was contended by Governor Hoard and another gentleman who spoke upon the same line that 90 per cent or more of the entire sale of oleomargarine in this country is sold fraudulently. The proportion of oleomargarine to butter manufactured and sold in the United States is as 1 to 8. The number of people interested in the manufacture of butter is not confined to those who have their money invested in large dairies, but almost every farmer's family in the State of Illinois is to a larger or less extent interested in the manufacture and sale of butter. Now, the object of this bill—at least that is my object in supporting it—is to prevent fraud and to enable manufacturers of oleomargarine to sell it only for exactly what it is.

Mr. BOUTELL. Does not my colleague think that our legislature in the State of Illinois could enforce laws for the prevention of the fraudulent sale of food products within our State?

Mr. GRAFF. Yes, sir; I suppose they could.

Mr. BOUTELL. Does not the gentleman think that our legislature is capable of passing and our governor capable of enforcing such laws?

Mr. GRAFF. I do know that while there has been evidence of an almost overwhelming sentiment in the United States in favor of restrictive State legislation there has been a great deal of difficulty in preventing fraud through the medium of State enactments in some 32 of the entire States of the Union.

Mr. SLAYDEN. Will the gentleman allow a question?

Mr. GRAFF. Yes, sir.

Mr. SLAYDEN. What you specially denounce as a fraud on the part of the manufacturers of oleomargarine is the use of coloring matter, I believe, is it not?

Mr. GRAFF. What I object to——

Mr. SLAYDEN. Is not that true?

Mr. GRAFF. What I object to is that they make oleomargarine look like butter. Whether that coloration is brought about by what is known as coloring matter or whether it is brought about by an ingredient which is put into the article in its manufacture, makes no difference as to the deception which is practiced upon the purchaser.

Mr. SLAYDEN. Will the gentleman yield for another question?

Mr. GRAFF. Yes, sir.

Mr. SLAYDEN. Will the gentleman support an amendment to the bill which will forbid the use of this artificial coloring matter by the manufacturers of butter as well as by the manufacturers of oleomargarine?

Mr. GRAFF. I have no objection to that——

Mr. SLAYDEN. Will you vote for it?

Mr. GRAFF. But I do not think it would be a proper amendment.

Mr. SLAYDEN. Will you support an amendment which will deny to the butter manufacturer the privilege of practicing this "fraud" which you so severely condemn when resorted to by the manufacturers of an equally wholesome food.

Mr. GRAFF. The manufacturers of butter do not put the coloring matter in it to make it look like oleomargarine, but the manufacturers of oleomargarine put coloring in that article to make it look like some other article.

Mr. SLAYDEN. To make it look like fraudulent butter, perhaps?

Mr. GRAFF. Not at all.

Mr. SLAYDEN. The gentleman knows perfectly well that the object of the butter maker in putting coloring matter into the product is to make it look like something that it was not when it came out of the churn.

Mr. CLAYTON. In other words, fraudulent butter is all right——

Mr. SLAYDEN. But fraudulent oleomargarine is all wrong.

Mr. WADSWORTH. I want to say that I put coloring matter in my butter so I can get 4 or 5 cents more a pound for it. [Laughter.]

Mr. GRAFF. Regarding this matter of color——

Mr. SLAYDEN. I should like to see the gentleman draw the color line right now.

Mr. GRAFF. You gentlemen from the South ought not to object to drawing the color line.

Mr. SLAYDEN. We do not. We do it distinctly.

Mr. GRAFF. I am in perfect good humor about this bill, gentlemen. It does not agitate me a bit when gentlemen get wrought up over it. It is going to pass.

I want to say further that there has actually been some criticism about the fact that the origin of this legislation is found among the people. That is one of the principal objections which my friend from Texas [Mr. SLAYDEN] makes to this bill. He claims that it did not have its origin here in Congress, but that it was brought about by agitation among the farmers of the country. I do not consider that a very forceable argument against the passage of this bill. It is a new thing to me if the fact that a piece of legislation speaks or voices the sentiments of some four or five millions of our people engaged in a legitimate industry is a proper objection to it.

Mr. WACHTER. Will the gentleman please state what the position of the labor organizations is—the workingmen who live in the large cities—with regard to this bill, and as to whether their wishes should not be consulted as well as those of the farmers? There are other people in the United States besides the farmer whose interests ought to be looked after.

Mr. GRAFF. Yes, and there is nobody who appreciates that so well as the man who represents an exclusively city district. There is no concealment about the fact, gentlemen, that no doubt some of our votes upon this measure will be governed by the color of opinion which prevails among our constituents. But I think that influence is just as potent on one side of this question as it is on the other.

I must confess that when I receive a petition addressed to my committee, signed by 150 of the agricultural newspapers of the United States, coming from 20 different States, that it has some effect upon my judgment and opinion in this matter, and it seems to me that it is perfectly legitimate and proper to consider the opinion of these 150 newspapers, speaking, as we may naturally suppose, the general judgment of the thousands of subscribers who sustain those papers.

Now, the Ways and Means Committee, having jurisdiction of most of the bills which come to this House for the purpose of raising revenue, have hearings which are attended by the representatives of the manufacturers of the great cities, asking that their interests be considered in framing the tariff laws and the internal-revenue legislation of the country. If it is proper for them to spend time, which, by the way, they are spending now in hearing the various interests of the country, which have a very large advantage over the scattered farmer, with his population spread all over the different States of this Union, able to have their interests contemplated and represented, the condition of affairs to which no one thinks of objecting—in fact, the right of petition to Congress is one of the constitutional privileges.

Mr. GROSVENOR. Will the gentleman allow me a question?

Mr. GRAFF. Yes.

Mr. GROSVENOR. Is it not a fact that the Ways and Means Committee, beginning shortly after the holidays, have devoted all their time to hearing agriculturists of the United States, to the exclusion of everybody else, on the subject of their interests?

Mr. GRAFF. Yes; and I am glad to have the gentleman from Ohio mention that fact. But I presume that the Committee on Ways and Means do not propose to close their hearings, after having heard from the agricultural interests, without hearing also from the manufacturing, banking, and mercantile interests, and from all of the industrial interests of the country, and properly so. It is not often that the farmers of the country express themselves as unitedly as they have done upon this measure, and the fact that they have spoken so unitedly and forcibly is not an argument against this bill. It is not a proper subject for insinuation, but is a legitimate reason why we should at least give it very careful consideration before we oppose it.

Now, I am free to say that if I thought the Wadsworth bill would effectually stamp out this fraud, which is acknowledged to be so general, in the sale and manufacture of oleomargarine, I would vote for the Wadsworth bill. Not because it is any less objectionable in not being a revenue measure, because it is. I do object to the Wadsworth bill because there is nothing to prevent the removal of the stamp which is wrapped around the package, on the cover, and mixing it up with butter, or mixing it together and putting it into a separate firkin and selling it as butter, just as it is now sold.

Mr. SLAYDEN. Now, Mr. Chairman, I would like to ask the gentleman if the same revenue laws, which so effectually control the retail dealers in tobacco and liquors as to prevent the commission of a violation of the internal-revenue laws, would not be operative and equally effective on the manufacturers and dealers in oleomargarine?

Mr. GRAFF. I do not think so.

Mr. SLAYDEN. Why not?

Mr. GRAFF. I do not think so, because all species of tobacco are included under the internal-revenue taxation and subject to tax, and there is no article made that is passed for tobacco, and sold. When they go to the counter and ask for tobacco. tobacco is handed out to them. The gentleman knows that nobody sitting at a table asks his neighbor to pass the oleomargarine. Now, an effort is made to get out of the well-acknowledged fact that people go and ask for butter and receive oleomargarine, and the reason given by those who oppose this measure is that the poor man, out of pride, asks for butter when he wants oleomargarine.

Mr. SLAYDEN. The gentleman knows perfectly well, I think——

Mr. GRAFF (continuing). That is the weakest proposition and reason that I have ever heard furnished on this floor.

Mr. SLAYDEN. I am merely discussing whether the revenue laws equally are effective and operative; and the people of the country, so far as I know, have respect for those laws and do not violate them, and they would respect this law equally well.

Mr. GRAFF. Here we find this question, I will say in reply to the gentleman——

Mr. TAWNEY. Why do not they respect the existing law?

Mr. SLAYDEN. They do in my section of the country.

Mr. WADSWORTH. I will ask the gentleman what is there in the Henry bill to prevent the same frauds that you complain can be perpetrated under the minority bill?

Mr. GRAFF. Because the Grout-Henry bill permits the sale of uncolored oleomargarine with a trifling tax upon it. If it is true that the poor man asks for butter because he is proud, under this bill he can call for what he wants, and if he desires oleomargarine he then can buy it at the proper price.

Mr. WADSWORTH. That does not prevent fraud, for the retail dealer can take it home and sell it for butter, as he can under the present law.

Mr. GRAFF. Under the present law he asks for colored. Now, in the sale of oleomargarine the thing that causes a tremendous lot of fraud is the cost per pound of oleomargarine as compared with the cost per pound of butter, because the dealer is able to palm it off for butter, as it looks like butter, and make a tremendous profit, out of all proportion to the profit on the butter he would sell, and yet he can sell the article for less than real butter could be sold for.

Mr. TAWNEY. Can the gentleman state what difference they would have to pay?

Mr. GRAFF. I would like to ask the gentleman from Minnesota to make that statement.

Mr. TAWNEY. The difference is that of 8 to 17 cents. Eight cents for oleomargarine and 17 cents for butter.

Mr. GRAFF. The difference is between 8 cents for oleomargarine and 17 cents for butter.

Mr. WADSWORTH. The gentleman has not yet answered my question—in what way the Grout-Henry bill will prevent the fraudulent sale of oleomargarine for butter any more than the minority bill. It goes into the hands of the retail dealer, and he can color it, just as he does now, if he wants to.

Mr. GRAFF. There is no law that can not be violated.

Mr. WADSWORTH. That is right.

Mr. GRAFF. It simply depends upon the proportionate strength of the two bills as presented.

Mr. WADSWORTH. That is it exactly.

Mr. GRAFF. Whether under one or the other there will be greater or less frauds.

Mr. WADSWORTH. That is it.

Mr. GRAFF. In the hearings before our committee we had before us men connected with the dairy interests, farmers, dairymen, scientific men, manufacturers of oleomargarine, and it was apparent that the solution of this question was by no means an easy one. This thing was clear—that under the present law it was practically a dead letter, because the oleomargarine manufacturer relied for his sale of oleomargarine upon the ability of the retail dealer to palm it off upon the public for butter.

Now, then, I believe that under this measure, when the tax on the white oleomargarine is reduced to one-quarter of a cent per pound, that it will give the oleomargarine dealers an opportunity to create a market for their own product on its own merits.

Mr. MANN. Will the gentleman allow me a question?

Mr. GRAFF. Yes.

Mr. MANN. I take it from what the gentleman says that he does not think there is any fraud in the sale of the uncolored oleomargarine?

Mr. GRAFF. When it is sold uncolored I do not think there is any fraud in it.

Mr. MANN. Does the gentleman believe, then, that the man who sells it at retail, where he can not sell more than 10 pounds to a person, ought to be obliged to pay a license of $48 a year?

Mr. GRAFF. I will reply to that. The gentleman from Illinois asked the gentleman from Connecticut that question. We had before our committee that very question as to whether we might not just as well knock off the slight tax of $48 per year upon the retail dealers. The reason why we retained the tax was not because of the fact alone that we desired to impose a tax upon the retail dealer in uncolored oleomargarine, but it was for the same reason that we retained the one-quarter of a cent tax on the uncolored oleomargarine—for the purpose of tracing the fraudulent sale of colored oleomargarine and to secure the regulation of the sale, so that we might discriminate between the sale of the colored and uncolored, especially as the members of the committee who went out to an oleomargarine factory near the limits of the city discovered a thing which had not been discovered in the prior hearings during the past session.

It has been contended that in order to color the white oleomargarine to look like butter it was necessary for the manufacturer to put that oleomargarine under a great degree of heat, and that it required a considerable of a process to mix any coloring matter so that it would be a successful coloring. But, lo and behold, the members of the Agricultural Committee, those in favor of the measure and those against it, went out to witness the coloring of a small portion of white oleomargarine, saw it colored in a few minutes, without very much difficulty, and without any heating process whatever. That led us to see that here was a method of fraud which had been opened up to us, a new discovery which the innocent manufacturer and the innocent dealer in oleomargarine would not fail to take advantage of when the information reached them. So it was necessary for us, therefore, to have some regulation upon the people who sold uncolored oleomargarine, as well as those who sold it in a colored state originally.

Now, then, a good deal of sentiment has been wasted on the manufacturers of oleomargarine. I have not the slightest thing against them in the manufacture of oleomargarine itself. It is as legitimate a manufacture as the manufacture of butter, but are any of us so simple that we think that the manufacturer of oleomargarine is unconscious of the medium through which he finds a sale for his product? Is he unconscious of the fact that a large per cent of his product which he is manufacturing is being sold, behind large signs for butter and so-called dairies and all that sort of thing, to the great majority of the people who obtain his product from the retail dealers, and obtain it in answer to a request for butter?

Well, if we needed any further proof here are the letters and circulars, copies of which were before our hearings, showing a disposition and an assurance on the part of these manufacturers of oleomargarine to the retail dealers that they propose to protect them.

Mr. EDDY. Will the gentleman allow me a question at this point?

Mr. GRAFF. Yes.

Mr. EDDY. Is there anything in the Wadsworth bill, while it may protect the purchaser and every man purchasing oleomargarine from the dealer, will it protect them from palming it off onto the consumer as actual butter?

Mr. GRAFF. Not at all.

Mr. ALLEN of Kentucky. What is there to prevent his palming off the colored oleomargarine after he has paid the 10 per cent tax?

Mr. GRAFF. There is a provision in the bill——

Mr. ALLEN of Kentucky. I ask him what is to prevent him from putting it off as butter after he has paid the 10 per cent tax?

Mr. GRAFF. Oh, well, if he has paid the 10 cents a pound, then he has paid dearly for his fraud. There was something that came to the committee beside the new process of colored oleomargerine. Many members of the committee could not see the necessity of keeping any tax at all on uncolored oleomargarine. I had absolutely no prejudice, and have now no prejudice, against selling oleomargarine for what it is.

But it soon developed that a large portion of the trade of the

manufacturers of oleomargarine comprised the hotel keepers and the restaurant keepers, and so in order to establish a guard in that direction we placed in the bill this provision:

And any person that sells, vends, or furnishes oleomargarine for the use and consumption of others, except to his own family and guests thereof without compensation, who shall add to or mix with such oleomargarine any ingredient or coloration that causes it to look like butter, shall also be held to be a manufacturer of oleomargarine within the meaning of said act and subject to the provisions thereof.

Mr. GROSVENOR. That is to say, if the manufacturer takes 99 per cent of butter and mixes with it 1 per cent of oleomargarine he comes within the provisions of this bill.

Mr. GRAFF. If anybody is foolish enough to do anything of that kind he ought to come within the provisions of some law.

Mr. GROSVENOR. The question is not as to foolishness. Is not the effect of the provision what I state?

Mr. TAWNEY. Let me say——

Mr. GROSVENOR. I am not asking the question of the gentleman from Minnesota [Mr. TAWNEY].

Mr. TAWNEY. I understand that. But permit me to say that in order to come within the law he will have to manufacture that which is defined in the existing law as oleomargarine.

Mr. GROSVENOR. This defines it.

Mr. TAWNEY. No, it does not.

Mr. GRAFF. The definition in the first section of this bill applies only to interstate commerce.

Mr. GROSVENOR. That does not answer my question at all. What I say is that the person who takes 1 per cent of oleomargarine and mingles it with 99 per cent of butter is a manufacturer under that section of your bill.

Mr. GRAFF. No, sir; the language is—

Shall add to or mix with such oleomargarine any ingredient or coloration that causes it to look like butter shall also be held to be a manufacturer of oleomargarine within the meaning of said act and subject to the provisions thereof——

Mr. GROSVENOR. I do not care whether he is going to sell it or not.

Mr. GRAFF. That is what the bill says.

Mr. GROSVENOR. If he mixes 99 per cent of butter with 1 per cent of oleomargarine he comes within the provision of the bill.

Mr. GRAFF. Does not the gentleman think that a man who fraudulently mixes oleomargarine with butter and then sells the product as butter ought to be amenable to some law?

Mr. GROSVENOR. Certainly I do.

Mr. GRAFF. That is exactly what this bill does.

Mr. GROSVENOR. I am talking about the talent that produced this measure.

Mr. GRAFF. Well, I am much obliged to the gentleman for his high opinion of the framers of the bill.

Mr. GROSVENOR. When a man mixes 1 per cent of oleomargarine with 99 per cent of butter, he becomes under this bill a manufacturer of oleomargarine, and is obliged to pay tax as such.

Mr. GRAFF. If he makes it look like butter and undertakes to sell it as such, yes.

Mr. GROSVENOR. Of course it would look like butter if it was butter.

Mr. GRAFF. I think the gentleman's construction is correct, and that such ought to be the law.

Mr. SOUTHARD. I wish to ask the gentleman from Illinois a question for information. I see by the testimony that 95 per cent of the commercial butter—of the butter entering into commerce—is colored. I do not see that statement seriously disputed; and presumably a very much larger proportion of the uncommercial butter is colored. Now, if that is so, is it the effect of this bill to make oleomargarine look more or less like natural butter, much of which, as the testimony shows, is white?

Mr. GRAFF. The opinion of the gentlemen who appeared before our committee was that all butter had some shade of yellow in it.

Mr. SLAYDEN. Artificial yellow.

Mr. GRAFF. Some shade of yellow. I do not know what the gentleman means by "artificial yellow." There is only one kind of yellow in this country, although there are several shades. There is no such thing as "artificial yellow." But when you come down to the bottom of the argument about the color of butter, you must admit that there is a certain color that has come down with the ages as a butter color. There must be some definition; there must be some test as to what butter is, and the best test of fraud is by the evidence of the eye.

Why, sir, men upon our committee who are opposed to this legislation wanted us to confine the provisions of the bill to color—did not want the matter of texture to be a violation of the law—did not think it a violation of the law. But there being a necessity for some method of determining which is spurious butter and which the real—which the imitation and which the genuine—the color was evidently the only test fair to the oleomargarine manufacturers that we could fix upon, for this reason, that all oleomargarine has the texture of butter.

Now, if these gentlemen who are really in earnest about the question of colored butter will formulate a bill for the purpose of regulating the color of butter, and if it is a bill which commends itself to this House, it will no doubt pass. I believe in reasonable food legislation, and I believe the day will come when every purchaser will be able to protect himself in knowing the ingredients of the food product that he purchases. The subject before us being a very difficult one to deal with, the committee, after listening to all the arguments, retained all the important features of the Grout law, while they guarded the measure and improved it by amendment.

Mr. LESSLER. I should like to ask the gentleman how much weight was given by the committee to the opinions of the consumer—the man who buys 15, 18, or 20 cent butter—whether pure butter or good oleomargarine?

Mr. GRAFF. Well, we tried to represent the consumers. All of us are consumers of butter. Even the men who are supporting legislation that favors oleomargarine are consumers of butter.

I presume that, if we are candid, most of us are consumers of butter, even the representative of the Texas steer. He is a consumer of butter when he can be. And we, of the committee, could not help thinking that the workmen of this country at this time are almost forced to pay butter prices for oleomargarine. The appearance of butter is a thing which belongs originally to butter, is associated in the mind of the consumer with butter, and there is no question that the reason why the manufacturers of oleomargarine desire to color oleomargarine yellow is to satisfy that taste and desire for butter which exists in the United States.

Mr. GROSVENOR. Why do the butter makers color their butter?

Mr. GRAFF. The reason the butter makers color butter is because of the fact that in the summer season, when the grass is green, the natural color of butter is yellow; that is when it is supposed that the strength and the ingredients of the milk will make the very best butter. Now, for the purpose of uniformity——

Mr. GROSVENOR. Then, it is a question of uniformity?

Mr. GRAFF. For the purpose of uniformity the butter makers have colored their butter yellow in imitation of summer butter.

Mr. TAWNEY. Will the gentleman allow me a question?

Mr. GRAFF. Yes.

Mr. TAWNEY. Is there any evidence before your committee that butter is ever colored to resemble anything except butter?

Mr. GRAFF. No; you never have it colored white to resemble lard.

Mr. TAWNEY. And oleomargarine is always colored for the purpose of making it resemble that which it is not.

Mr. GRAFF. Yes.

Mr. LESSLER. I think you did not quite answer the question I put to you.

Mr. GRAFF. Does the gentleman refer to petitions from labor organizations?

Mr. LESSLER. I do not know anything about that. I know that I have a great number of poor people in my district, for instance.

Mr. GRAFF. Yes.

Mr. LESSLER. People who can not afford to pay the 30 cents they would be required to pay to obtain a pound of butter in that district, and who buy this 15, 18, or 20 cent product—whether they think it is oleomargarine or butter I do not know—but I know they want that, and they buy it. Now, I want to know from you, Have you considered that when you add 10 cents to the price of that product they will not be able to buy anything?

Mr. GRAFF. We do not do any such thing. We take off 1¼ cents per pound. The present tax is 2 cents per pound on oleomargarine. The tax is reduced by this bill to one-quarter of a cent per pound when it is allowed to retain the natural color of oleomargarine. The workingmen in your city can go there and buy that oleomargarine, or they ought to, for less per pound than they pay now, for two reasons: First, because the tax will be less than it is now, and secondly, because almost universally the oleomargarine manufacturer makes his product to fill a demand for butter and not for oleomargarine.

Mr. LESSLER. But he will have to buy it white when he wants it yellow.

Mr. TAWNEY. He can color it himself if he wants to.

Mr. GROSVENOR. Does not the gentleman believe that if this bill should be passed and approved by the President and enforced in the United States, that it would very largely increase the cost of butter?

Mr. GRAFF. No; I do not.

Mr. GROSVENOR. Then you do not believe it is of any benefit to the manufacture of butter?

Mr. GRAFF. It might stimulate somewhat the manufacture of butter.

Mr. GROSVENOR. Stimulate it?

Mr. GRAFF. Yes.

Mr. GROSVENOR. How do you stimulate the manufacture of any product?

Mr. GRAFF. It might increase the demand. It might raise the price somewhat. It would not raise the price anything approximating 10 cents per pound. It would simply cause the farmers of the country to keep more cows than they do now, some of them not finding it profitable to make butter at the present time, and there would be a larger amount of butter made by the farmers than at the present time.

Mr. GROSVENOR. What would induce that?

Mr. GRAFF. It would no doubt affect somewhat the price of butter.

Mr. GROSVENOR. Somewhat!

Mr. GRAFF. But it would not raise the price of butter beyond reason, and it would not raise it in any such degree as has been predicted by some of the gentlemen upon the other side of this question.

Mr. GROSVENOR. In this city to-day good oleomargarine, as I have been told, is for sale at about 15 cents, or perhaps 18 cents per pound at the highest, while what is claimed to be pure butter is sold for 35 cents, or double the price of the oleomargarine. Now, if, as according to the testimony here you will do, you prohibit and break up the manufacture of oleomargarine altogether, do not you think it will enable the farmer to put the price of butter up to 40 or 45 cents a pound?

Mr. GRAFF. I do not.

Mr. GROSVENOR. Why not?

Mr. GRAFF. When you come to consider, in the first place, that we have already restrictive legislation in 32 States of the Union, which will continue to exist regardless of the failure or success of this bill, which legislation no doubt interferes with the sale of oleomargarine at the present time. In addition to that, you must remember that oleomargarine is only one-eighth of the amount consumed in the United States.

Mr. GROSVENOR. I differ very greatly with the gentleman as to the proportionate amount; but, as I understand it, the gentleman's idea is that all this outcry from the butter manufacturers is not based upon any hope of pecuniary benefit, but is purely a platonic purpose in a missionary spirit to purify commercial intercourse between our people.

Mr. GRAFF. I presume it is based upon self-interest. It is also based on a very justifiable objection to the fraudulent sale of an article in competition with their own honest product, and selling it for their own honest product when it is not. If the oleomargarine people have a healthful article, and I think it probably is, they ought to cultivate a taste for oleomargarine and create a market for it upon its own merits.

Mr. GROSVENOR. Well, they are doing that.

Mr. GRAFF. Let them break down the prejudice in favor of butter if they can; and the best way for them to do that is to get the people of the United States to eat white oleomargarine, and if it is more healthful than butter, if it is more pleasant to the taste than butter, if it is better than butter, and cheaper than butter, then we will have more oleomargarine sold under this measure than there will be of butter sold, and it ought to be so.

Mr. EDDY. Will the gentleman allow me to ask him a question?

Mr. GRAFF. Yes.

Mr. EDDY. There seems to be a good deal of solicitude manifested here as to the interests of the laboring people and the poor people. I would like to ask whether there was before your committee any clamorous demand on the part of laboring classes for colored oleomargarine at twice the price of the uncolored?

Mr. GRAFF. No, sir; and in all my experience, to the present time, I have never heard anybody ask for oleomargarine; but in all my travels I have heard a good many inquiries for butter.

Mr. SOUTHARD. As I understand it, under this bill it would be permissible for the manufacturer of oleomargarine to use white butter, but not colored butter.

Mr. GRAFF. He would be able to use any kind of butter, provided that in the use of that ingredient, of that butter, or anything else, he did not color his oleomargarine so as to look like butter.

Mr. SOUTHARD. That is the distinction, I understand, that he could use white butter but can not use June butter.

Mr. GRAFF. It is contended that there is no such thing as pure white butter, for butter always has some tint of yellow, and it is a technical fact that where any shade of yellow is found that it is yellow.

Mr. SCOTT. Will the gentleman permit me to ask him a question?

Mr. GRAFF. Certainly.

Mr. SCOTT. The gentleman remembers that there were samples brought before the committee, including butter and oleomargarine, so nearly alike in tint that the difference could not be detected. I should like to ask him the question if under the majority bill it would punish as a fraud the sale of uncolored oleomargarine?

Mr. GRAFF. I remember that. I am glad the gentleman spoke about it. The gentleman from Wisconsin [Mr. DAHLE] made some butter in his room, and it was about as white as butter can be. I am making a large admission in that. We had some white oleomargarine, and they were brought up and put upon the committee table for the purpose of comparison, and when Judge Springer, the attorney for the oleomargarine factory here, was attempting to show that they were alike somebody asked him to put the white butter up against the little china mug that we had upon the table and he says, "Oh, no; don't do that."

Because when the white butter—white as it could be made, made under the most unfavorable circumstances and unusual circumstances in Mr. DAHLE'S room—was brought up there it did look white when laid beside our yellow scratch paper, which we had upon the committee-room table, but when it was placed against the white porcelain cup which they had upon the table it disclosed a shade of yellow. I think as a matter of fact all real butter has a shade of yellow.

Mr. SCOTT. The gentleman has not answered my question.

Mr. GRAFF. I was relating my opinion of what took place there.

Mr. SCOTT. My question was: Is there anything in the majority bill to prevent the fraudulent sale of uncolored oleomargarine for butter. Suppose that a customer comes in and asks for uncolored butter. I appeal to all the members of the committee to bear me out in the statement that in the samples we had of uncolored oleomargarine and butter the difference could not be detected.

Mr. GRAFF. I think it could. That is where I differ with you.

Mr. SCOTT. If the customer should ask for uncolored butter, what is there is this bill to prevent an unscrupulous dealer from selling him uncolored oleomargarine?

Mr. GRAFF. If it is not colored to make it look like butter it would not be a violation of the law, but if it is colored to look like butter it would be. There are different shades of butter, and the uncolored oleomargarine shows that the absolutely only distinction between the two products lies in the color; and legislation, and only legislation, will give to us a reasonable assurance of the enforcement of the law for the protection of the consumer in being able to buy what he asks for. The purpose is to have that legislation based upon color.

Mr. SCOTT. One more question. You said a moment ago that in your judgment it should be an object to reform men's taste so that they would wish to buy butter. Is not the purchaser of oleomargarine as much entitled to have his taste protected by having it of a yellow color as the purchaser of butter is entitled to have his taste met by having it yellow?

Mr. GRAFF. Does the gentleman think there is any honest demand for that?

Mr. SCOTT. I do, indeed.

Mr. GRAFF. Does anybody come in and ask for oleomargarine, and not only oleomargarine, but colored oleomargarine?

Mr. SCOTT. I think undoubtedly there are millions of pounds of oleomargarine sold to people who come and ask for oleomargarine.

Mr. GRAFF. Undoubtedly there are many pounds sold, but not millions, chiefly by people who keep restaurants and hotels, who desire to resell, which they do by placing it on the tables of their guests.

Mr. SCOTT. Not chiefly. There is one dealer in my home town who told me he sold 1,200 pounds of oleomargarine a month to laboring men who preferred it because they could not afford to buy butter.

Mr. WILLIAMS of Mississippi. He wants it colored.

Mr. GRAFF. I presume the taste would be the same in the colored that it would in the white.

Mr. SCOTT. Certainly; so the taste would be the same in the white butter as in the colored butter, but there is another taste of the colored besides that which people ask the right to be gratified in.

Mr. GRAFF. The gentleman does not question the fact that there has been a general fraud in the sale of oleomargarine?

Mr. SCOTT. No, I do not question that fact, and I will go as far as the gentleman himself to prevent that fraud.

Mr. GRAFF. I want to say that there seems to be a mysterious connection between gentlemen who have a preponderance of stock interests in their districts and the manufacture of oleomargarine, and yet you would be surprised to see how slight that connection is.

Secretary Wilson, in his testimony before the last committee,

was asked concerning the disastrous effect of the Grout bill upon the price of cattle, and his reply in regard to that matter is here in this report, and I will read it:

Have you inquired into the effect the passage of this bill will have upon the value of animals raised for food purposes, not for dairy purposes?

Secretary WILSON. Very carefully.

Senator ALLEN. What will be the effect of the passage of this bill on that class of animals?

Secretary WILSON. I tried to reason that in my short paper which I have read. There is a little oil furnished by cotton-seed people, and a little by the people who grow steers; but the old-fashioned steer that had lots of fat in him is not the steer that is used to-day. The young beef, under 2 years of age, put into the market and prepared for the shambles, is not an animal that produces much body or intestinal fat. That is the animal that is wanted to-day.

The old-fashioned steer that was 3½ years old before he got to market had a large amount of fat, running up in some cases to 150 and as high as 180 pounds.

Now, then, the tendency in the South, where they have destroyed the lands by perpetual cropping, and the tendency west of the Missouri, in the semidry belt, where they are destroying the grazing lands by injudicious overgrazing, is to take a greater interest in the dairy cow than in the steer, and in the case of settlers who want to raise families out west of the one hundredth meridian the interest grows every day on behalf of the dairy cow, and with regard to the production of steers east of the Missouri River on the farms, there is no comparison whatever. The small amount of cattle that commerce calls for in making oleomargarine is infinitesimal in value compared with the injury that the growth of this bogus industry will inflict upon legitimate agriculture that requires a dairy cow.

Now, this is not from a selfish organization in favor of the dairy interests, but it is from a practical farmer; not only a practical farmer, but a man learned along the lines of agriculture, interested in its greatest welfare, and no doubt, while he may be mistaken, he certainly is endeavoring to conserve the best interests of all the farmers of the country, and there has never been a single charge that he attempted in the administration of his department to act in favor of one section as against the other. This is his verdict: That the injury would be infinitesimal. And his opinion regarding the small amount of effect which this bill would have upon the price of steers raised for the market is fortified by the statement of ex-Governor Hoard, where he analyzes the effect and the amount per head which this legislation would bring about. He says:

How have the oleomagarine makers and vendors endeavored to shield themselves against the wrath of an outraged people? By the cowardly act of endeavoring to protect their disreputable traffic by placing between themselves and justice the man who raises the steer, the hog, and grows the cotton. They have lied to all these interests. In their resolutions and arguments intended to rouse the antagonism of the raiser of beef they have represented to the stockman, without condescending to details and proof, that the manufacture of oleomargarine in this country enhances the value of every steer from $2 to $4 per head. They have represented that the doing away with oleomargarine in the United States would cost the producers of hogs 20 cents per head. They have told the cotton-seed oil people that the very existence of their business depends upon the manufacture of oleomargarine colored in semblance of butter.

What are the facts?

Oleo oil is supposed to be made from the fat of the steer. It is worth from 8 to 9 cents a pound as a finished article. Right now it happens, on account of the shortage of corn, to be worth more. But this condition is exceptional. Last year 142,000,000 pounds were exported and some 28,000,000 pounds used in the oleomargarine made in this country. The 28,000,000 pounds used in this country, at 9 cents per pound, an extreme price then, would amount to $2,500,000 in round numbers.

There were, according to close estimates of the Agricultural Department, 5,000,000 head of cattle killed in the United States that year. Divide two and a half millions of dollars of fat among 5,000,000 head of cattle, and what do you have? Fifty cents' worth of oil per head—oil, mind you, the finished article, after the manufacturer has had his pay for pressing it out. Now, as tallow, this fat is worth two-thirds its value as oleo oil, or 30 cents a head, to be conservative. If this fat was used as tallow in soap (where it is in great demand), instead of as oleo oil, it would bring only 20 cents per head less; and, mind you, the 20 cents per head is further reduced when the manufacturer gets his pay for the pressing of the oil.

Now, there is one other matter to which I wish to allude before I close.

Mr. BOUTELL. Will the gentleman allow me a question right there?

Mr. GRAFF. Yes.

Mr. BOUTELL. Leaving aside for one moment the selfish interests the gentleman has referred to, has the committee considered the uniformity clause in the taxing clause of the Constitution, as to whether this would be in violation of it; that is, the tax of 10 cents more upon one part of the same commodity on account of its color, whether that comes within the uniformity taxing clause of the Constitution?

Mr. GRAFF. I do not think it does, because the Supreme Court has recognized our power to tax any article for the purpose of regulating commerce, and it is certainly very plain to us why the distinction between the colored and uncolored is made, and that is what we have been discussing. We have not been discussing anything about our power to do it or questioning it, except the wisdom of doing so in regard to its results.

Mr. BOUTELL. Just to get away from this particular commodity, which is so absorbing, and to illustrate the principle, does my colleague think Congress could pass a law taxing rye whisky and excluding corn whisky?

Mr. GRAFF. I do not see why Congress could not make a distinction between the two, and I will tell the gentleman why. I will give the gentleman an exact answer to his question. There is a tax on alcohol made out of corn and there is no tax on alcohol made out of wood. I think there ought to be, but there is not. It seems to me that ought to be a full answer.

Mr. BOUTELL. That does not seem to me to be quite parallel, but there is one other question. How was the amount of 10 cents per pound arrived at for this tax? Was there any special reason for that amount?

Mr. GRAFF. The reason why we made the greater tax on the colored oleomargarine was because we considered the colored was the state in which the product was fraudulently sold. The purpose is to reach out after the fraudulent sale.

Mr. BOUTELL. My colleague misapprehends my question. It is why 10 was fixed upon instead of 15, or 20. How was that figure arrived at?

Mr. GRAFF. I am not familiar enough with the history of the bill to answer that question, because the Grout bill had its origin prior to my interest in this legislation. I appeal to the gentleman from Minnesota [Mr. MCCLEARY].

Mr. MCCLEARY. It seems to me that the reason for fixing 10 cents as the amount was that the cost of oleomargarine uncolored is about 8 cents, while the cost of butter is about 17; so that 10 cents just about covers the difference and laps over a little.

Mr. BOUTELL. Does the gentleman think there is any lack of power on the part of Congress to make the tax 25 cents a pound if it chose to do so?

Mr. MCCLEARY. None whatever.

Mr. BOUTELL. Then I ask my colleague [Mr. GRAFF] this question: Supposing that the legislature of Illinois or the legislature of Texas should grant a charter to a company to manufacture and sell oleomargarine within the State, does the gentleman think that we as Representatives in the National Legislature could pass a taxing law which would put out of existence or out of business a corporation thus chartered by one of the States?

Mr. GRAFF. Similar instances to that exist right now. It has been decided that the exercise of the taxing power is not a license. For instance, the imposition of a tax upon a wholesale or retail dealer in liquors does not give him the power to sell liquor in a State except in pursuance of the laws of that State. It simply imposes a tax by the General Government and protects him as against the General Government. It is not in any sense a license.

[Here the hammer fell.]

Mr. MANN. I ask that the time of my colleague be extended.

Mr. WILLIAMS of Mississippi. Because of the number of gentlemen on this side desiring to take part in the debate, I am obliged to object.

Mr. GRAFF. I would like to occupy only about ten minutes.

Mr. WILLIAMS of Mississippi. The situation is such on our side that I am obliged to insist on my objection. I shall be glad to give the gentleman time later.

Mr. GRAFF. I just wanted to advert to a single point, not occupying more than five minutes.

Mr. WILLIAMS of Mississippi. Very well, go ahead.

The CHAIRMAN. Is there objection to extending the time of the gentleman five minutes? The Chair hears none.

Mr. SIMS. I would like to ask the gentleman from Illinois [Mr. GRAFF] a question. As it is customary on the Republican side to refer to the Democratic platform, I would like to ask the gentleman whether there is anything in that platform which warrants our voting for this bill?

Mr. GRAFF. I know of nothing except that in my district the Democrats have always claimed to be the great friends of the farmers. I do not know how the fact is in the gentleman's community.

Mr. SIMS. I am asking about the application of the Democratic platform to this question, not about the gentleman's district. Does the gentleman believe——

Mr. GRAFF. I shall have to ask the gentleman to excuse me.

The CHAIRMAN. The gentleman from Illinois declines to yield.

Mr. GRAFF. During the discussion of this bill we found that there existed in the Dingley Act a provision for the inspection of books of manufacturers of oleomargarine. This was to be done under regulations of the Commissioner of Internal Revenue, approved by the Secretary of the Treasury. But, strange as it may seem, the lawmakers had neglected to provide any penalty, so that the Commissioner of Internal Revenue was entirely helpless in the enforcement of those regulations.

Having had this difficulty disclosed to us in the hearings, we reenacted that provision of the McKinley Act, with the addition of a penalty clause, and this we consider a very important feature of the legislation, because it enables the Internal-Revenue Department to examine into the ingredients that enter into the manufacture of oleomargarine and the names and the residences of the parties to whom it is sold. [Applause.]

Mr. CLAYTON obtained the floor.

The CHAIRMAN. The gentleman from Alabama is recognized for thirty minutes.

[Mr. CLAYTON addressed the committee. See Appendix.]

Mr. HENRY of Connecticut. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LACEY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration House bill 9206, and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BEIDLER, until further notice, on account of sickness.

To Mr. HOLLIDAY, for eighteen days, on account of important business.

To Mr. PATTERSON of Pennsylvania, until February 10, on account of important business.

ENROLLED BILL SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title; when the Speaker signed the same:

H. R. 8759. An act to require cases of typhoid fever occurring in the District of Columbia to be reported to the health department of said District.

LEAVE TO SIT DURING THE SESSIONS OF THE HOUSE.

By unanimous consent, at the request of Mr. BULL, the Committee on Accounts were given leave to sit during the sessions of the House.

And then, on motion of Mr. HENRY of Connecticut (at 5 o'clock and 20 minutes p. m.), the House adjourned until to-morrow at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting resolutions of American Chamber of Commerce at Manila—to the Committee on Insular Affairs, and ordered to be printed.

A letter from the Secretary of War, transmitting the militia returns of the several States for the year 1901—to the Committee on Militia, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. PAYNE, from the Committee on Ways and Means, to which was referred the bill of the House (H. R. 10530) to repeal war-revenue taxation, and for other purposes, reported the same with amendments, accompanied by a report (No. 320); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SCHIRM, from the Committee on Claims, to which was referred the bill of the House (H. R. 7018) for the relief of Robert J. Spottswood and the heirs of William C. McClelland, deceased, reported the same without amendment, accompanied by a report (No. 321); which said bill and report were referred to the Private Calendar.

Mr. OTEY, from the Committee on Claims, to which was referred the bill of the House (H. R. 9280) for the relief of Hugh C. Preston, reported the same without amendment, accompanied by a report (No. 322); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1529) granting a pension to John G. Brower, reported the same with amendment, accompanied by a report (No. 323); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4084) granting a pension to Charles H. Wickham, reported the same with amendments, accompanied by a report (No. 324); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1808) granting an increase of pension to William M. Strope, reported the same without amendment, accompanied by a report (No. 325); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 199) granting an increase of pension to Nathaniel Eaton, reported the same without amendment, accompanied by a report (No. 326); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9220) granting an increase of pension to John S. Hunter, reported the same with amendment, accompanied by a report (No. 327); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3272) granting a pension to Israel P. Covey, reported the same with amendments, accompanied by a report (No. 328); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7907) granting an increase of pension to Alice M. Ballou, reported the same with amendments, accompanied by a report (No. 329); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2390) granting a pension to Nellie M. Emery, reported the same without amendment, accompanied by a report (No. 330); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2175) granting an increase of pension Kephart Wallace, reported the same without amendment, accompanied by a report (No. 331); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8620) granting a pension to Thomas Hall, reported the same with amendment, accompanied by a report (No. 332); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6487) granting a pension to Kezia Washburn, reported the same with amendments, accompanied by a report (No. 333); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1094) granting an increase of pension to Henry Gifford Dunbar, reported the same without amendment, accompanied by a report (No. 334); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 6515) granting an increase of pension to Carleton A. Trundy, reported the same with amendment, accompanied by a report (No. 335); which said bill and report were referred to the Private Calendar

Mr. RUMPLE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6873) granting a pension to Sarah Maley, reported the same with amendments, accompanied by a report (No. 336); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2010) granting an increase of pension to Marcia M. Merritt, reported the same without amendment, accompanied by a report (No. 337); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8306) granting an increase of pension to Thomas W. Robinson, reported the same with amendments, accompanied by a report (No. 338); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3769) granting a pension to Mrs. Susan Terry, reported the same with amendments, accompanied by a report (No. 339); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 568) granting an increase of pension to Henry Fisher, reported the same without amendment, accompanied by a report (No. 340); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5218) granting an increase of pension to Joel Metz, reported the same with amendment, accompanied by a report (No. 341); which said bill and report were referred to the Private Calendar.

Mr. DARRAGH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4115) granting a pension to William Engas, reported the same with amendments,

accompanied by a report (No. 342); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2389) granting a pension to John E. Farrell, reported the same without amendment, accompanied by a report (No. 343); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7432) granting a pension to Charles A. Sheafe, reported the same with amendments, accompanied by a report (No. 344); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3747) granting an increase of pension to William R. Underwood, reported the same with amendment, accompanied by a report (No. 345); which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3412) granting an increase of pension to William H. Pierce, reported the same with amendment, accompanied by a report (No. 346); which said bill and report were referred to the Private Calendar.

Mr. RUMPLE, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1622) granting a pension to Theophilus Goodwin, reported the same without amendment, accompanied by a report (No. 347); which said bill and report were referred to the Private Calendar.

Mr. DARRAGH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5521) granting a pension to Abbie Webster, reported the same with amendments, accompanied by a report (No. 348); which said bill and report were referred to the Private Calendar.

Mr. RUMPLE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4488) granting an increase of pension to Selden E. Whitcher, reported the same with amendments, accompanied by a report (No. 349); which said bill and report were referred to the Private Calendar.

Mr. DARRAGH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6593) granting a pension to Harry L. Graham, reported the same with amendments, accompanied by a report (No. 350); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1330) granting an increase of pension to Moses Smith, reported the same without amendment, accompanied by a report (No. 351); which said bill and report were referred to the Private Calendar.

Mr. NORTON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2128) granting an increase of pension to Abram O. Kindy, reported the same with amendment, accompanied by a report (No. 352); which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3873) granting a pension to Dr. William C. Flowers, reported the same with amendments, accompanied by a report (No. 353); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2539) for the relief of Lucy S. Bane, reported the same with amendments, accompanied by a report (No. 354); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 198) granting an increase of pension to Lucy M. Hill, reported the same without amendment, accompanied by a report (No. 355); which said bill and report were referred to the Private Calendar.

Mr. RUMPLE, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 254) granting an increase of pension to Lewis C. Killam, reported the same without amendment, accompanied by a report (No. 356); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7320) granting an increase of pension to James Mantack, reported the same with amendments, accompanied by a report (No. 357); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6016) granting an increase of pension to William J. Overman, reported the same with amendments, accomppanied by a reort (No. 358); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1782) granting a pension to Catherine Meade, reported the same without amendment, accompanied by a report (No. 359); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1011) granting an increase of pension to John S. Ranlett, reported the same with amendments, accompanied by a report (No. 360); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 629) granting a pension to Caroline Fitzsimmons, reported the same with amendment, accompanied by a report (No. 361); which said bill and report were referred to the Private Calendar.

Mr. RUMPLE, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 143) granting an increase of pension to Henrietta Salomon, reported the same without amendment, accompanied by a report (No. 362); which said bill and report were referred to the Private Calendar.

By Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2240) granting an increase of pension to Aquila Wiley, reported the same with amendment, accompanied by a report (No. 363); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3354) granting an increase of pension to Thomas Young, reported the same with amendment, accompanied by a report (No. 364); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1029) granting an increase of pension to Wellington D. Curtis, reported the same without amendment, accompanied by a report (No. 365); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2120) granting a pension to Horatio N. Warren, reported the same with amendments, accompanied by a report (No. 366); which said bill and report were referred to the Private Calendar.

Mr. DARRAGH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5145) granting an increase of pension to Thomas Swan, reported the same with amendments, accompanied by a report (No. 367); which said bill and report were referred to the Private Calendar.

Mr. NORTON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6918) granting an increase of pension to Thomas Bliss, reported the same with amendment, accompanied by a report (No. 368); which said bill and report were referred to the Private Calendar.

Mr. RUMPLE, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 659) granting a pension to Thomas E. Clark, reported the same without amendment, accompanied by a report (No. 369); which said bill and report were referred to the Private Calendar.

Mr. BUTLER of Pennsylvania, from the Committee on Claims, to which was referred the bill of the House (H. R. 8209) for the relief of P. A. McClain, reported the same without amendment, accompanied by a report (No. 370); which said bill and report were referred to the Private Calendar.

Mr. SLAYDEN, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 718) to correct the military record of James L. Proctor, reported the same without amendment, accompanied by a report (No. 371); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were thereupon referred as follows:

A bill (H. R. 6703) for the relief of George A. Rogers—Committee on Naval Affairs discharged, and referred to the Committee on Claims.

A bill (H. R. 9880) granting an increase of pension to Frank M. Schell—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 10497) for the relief of Josephine Tolliver—Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. STEPHENS of Texas: A bill (H. R. 10694) to supplement existing laws relating to the possession of lands in the Indian Territory, to make temporary allotments among the Indians, and for other purposes—to the Committee on Indian Affairs.

By Mr. BOWERSOCK: A bill (H. R. 10695) to authorize the Absentee Wyandotte Indians to select certain lands, and for other purposes—to the Committee on Indian Affairs.

By Mr. BANKHEAD: A bill (H. R. 10696) to promote and encourage the mining, mineral, and metallurgical sciences of the United States—to the Committee on Mines and Mining.

By Mr. JENKINS: A bill (H. R. 10697) to amend the code of the District of Columbia—to the Committee on the District of Columbia.

Also, a bill (H. R. 10698) providing for allotments of lands in severalty to the Indians of the Lac Courte Oreille Reservation, in the State of Wisconsin—to the Committee on Indian Affairs.

Also, a bill (H. R. 10699) for the extension of Vermont avenue—to the Committee on the District of Columbia.

Also, a bill (H. R. 10700) authorizing and requiring an extension of the lines of the Columbia Railway Company, and for other purposes—to the Committee on the District of Columbia.

By Mr. PATTERSON of Pennsylvania: A bill (H. R. 10701) authorizing the Secretary of War to procure medals for the Pennsylvania and Massachusetts soldiers who were the first to arrive in Washington, on April 18 and 19, 1861, in response to President Lincoln's call for 75,000 volunteers, and for other purposes—to the Committee on Military Affairs.

By Mr. SCHIRM: A bill (H. R. 10702) to provide for the erection of a statue of Samuel Finley Breese Morse in the city of Washington, D. C.—to the Committee on the Library.

By Mr. BLAKENEY: A bill (H. R. 10703) to regulate the Pullman car service between the States of the United States—to the Committee on Interstate and Foreign Commerce.

By Mr. ELLIOTT: A bill (H. R. 10704) to fix the salary of the collector of customs at Charleston, S. C.—to the Committee on Ways and Means.

By Mr. BRANTLEY: A bill (H. R. 10705) to construct and place a light-ship off the outer bar of Brunswick, Ga.—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 10706) to place three lighted buoys on the outer bar of Brunswick, Ga.—to the Committee on Interstate and Foreign Commerce.

By Mr. SMALL: A bill (H. R. 10707) to increase the limit of cost for the purchase of a site and the erection of a public building thereon at Elizabeth City, N. C.—to the Committee on Public Buildings and Grounds.

By Mr. MUDD: A bill (H. R. 10778) to provide for a site for a depot for the Revenue-Cutter Service—to the Committee on Public Buildings and Grounds.

By Mr. MOODY of Oregon: A bill (H. R. 10779) to provide for a final settlement with the Clatsop tribe of Indians, of Oregon, for lands ceded by said Indians to the United States in a certain agreement between said parties, dated August 7, 1851—to the Committee on Indian Affairs.

By Mr. ADAMSON: A bill (H. R. 10780) to transfer the county of Carroll from the northwestern division of the northern district of Georgia back to the northern district of Georgia of the United States district and circuit courts, and for other purposes—to the Committee on the Judiciary.

By Mr. RUPPERT: A bill (H. R. 10781) making appropriation for the construction and completion of the Harlem Kills Canal—to the Committee on Railways and Canals.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills of the following titles were introduced and severally referred as follows:

By Mr. BELL: A bill (H. R. 10708) granting a pension to Dubart E. Murphy, Cripple Creek, Colo.—to the Committee on Invalid Pensions.

By Mr. BOWIE: A bill (H. R. 10709) for the relief of C. C. Huckabee—to the Committee on War Claims.

Also, a bill (H. R. 10710) to increase the pension of Mrs. Frances E. Scott, Jemison, Ala.—to the Committee on Pensions.

By Mr. BOUTELL: A bill (H. R. 10711) to correct the military record of Stephen W. Coakley—to the Committee on Military Affairs.

By Mr. BOWERSOCK: A bill (H. R. 10712) for the relief of Harriet Camp—to the Committee on War Claims.

By Mr. BROWNLOW: A bill (H. R. 10713) for the relief of estate of Edith Beard, late of Washington County, Tenn.—to the Committee on War Claims.

By Mr. BURKE of South Dakota: A bill (H. R. 10714) granting a pension to Grace E. Carson—to the Committee on Invalid Pensions.

By Mr. CONNELL: A bill (H. R. 10715) to remove the charge of desertion from the military record of Mark Walker—to the Committee on Military Affairs.

By Mr. EMERSON: A bill (H. R. 10716) for the relief of James L. Waite—to the Committee on Military Affairs.

By Mr. EVANS: A bill (H. R. 10717) granting a pension to Joseph Nickel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10718) granting a pension to Emma R. Pawling—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10719) granting an increase of pension to Jacob B. Stalb—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10720) granting an increase of pension to Mattie E. Green—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10721) granting an increase of pension to Daniel J. Horner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10722) granting an increase of pension to William H. Hawkins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10723) to correct the military record of Robert Hipple—to the Committee on Military Affairs.

Also, a bill (H. R. 10724) to correct the military record of Abraham Gibson—to the Committee on Military Affairs.

Also, a bill (H. R. 10725) to correct the military record of Robert McIntire—to the Committee on Military Affairs.

Also, a bill (H. R. 10726) to correct the military record of Elizabeth Benzinger—to the Committee on Military Affairs.

Also, a bill (H. R. 10727) to correct the military record of Augustus Thomas and remove charge of desertion therefrom—to the Committee on Military Affairs.

By Mr. FLETCHER: A bill (H. R. 10728) for the relief of William A. Williams, alias Alonzo Williams—to the Committee on Military Affairs.

By Mr. FLYNN: A bill (H. R. 10729) for the relief of James Edward Neely—to the Committee on Military Affairs.

By Mr. FOWLER: A bill (H. R. 10730) granting an increase of pension to John Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10731) granting an increase of pension to Samuel Milburn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10732) granting an honorable discharge to John Fagan—to the Committee on Military Affairs.

Also, a bill (H. R. 10733) granting an honorable discharge to William M. Culbertson—to the Committee on Military Affairs.

Also, a bill (H. R. 10734) granting a pension to Drucilla Beekman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10735) granting an increase of pension to Marie B. Flannery—to the Committee on Invalid Pensions.

By Mr. GIBSON: A bill (H. R. 10736) for the relief of Martha Martin—to the Committee on War Claims.

By Mr. GRAFF: A bill (H. R. 10737) for the relief of Bvt. Capt. James D. Vernay—to the Committee on Military Affairs.

Also, a bill (H. R. 10738) for the relief of Commander Augustus C. Kellogg, retired, United States Navy—to the Committee on Naval Affairs.

By Mr. GREEN of Pennsylvania: A bill (H. R. 10739) granting a pension to William H. Winters—to the Committee on Pensions.

By Mr. GRIFFITH: A bill (H. R. 10740) to correct the military record of Henry Davis—to the Committee on Military Affairs.

Also, a bill (H. R. 10741) granting an increase of pension to Joseph F. Andrews—to the Committee on Invalid Pensions.

By Mr. HASKINS: A bill (H. R. 10742) granting an increase of pension to Dana Cook—to the Committee on Invalid Pensions.

By Mr. HALL: A bill (H. R. 10743) granting an increase of pension to William G. Derrick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10744) granting an increase of pension to John G. Rifenberrick—to the Committee on Invalid Pensions.

By Mr. HAUGEN: A bill (H. R. 10745) granting a pension to Francis E. Mason—to the Committee on Invalid Pensions.

By Mr. HEMENWAY: A bill (H. R. 10746) granting an increase of pension to Frederick Frick—to the Committee on Invalid Pensions.

By Mr. HEPBURN: A bill (H. R. 10747) granting an increase in the pension of Joseph Mote—to the Committee on Invalid Pensions.

By Mr. HOWELL: A bill (H. R. 10748) to increase the pension of Mrs. Amelia Stout MacIntosh—to the Committee on Invalid Pensions.

By Mr. IRWIN: A bill (H. R. 10749) granting an increase of pension to Nettie Randolph—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10750) for the relief of W. W. Johnson—to the Committee on Claims.

Also, a bill (H. R. 10751) for the relief of George Richardson—to the Committee on Military Affairs.

Also, a bill (H. R. 10752) granting a pension to Harriet T. Milburn, widow of John T. Milburn, deceased—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10753) granting a pension to James McIntire—to the Committee on Pensions.

Also, a bill (H. R. 10754) granting a pension to Annie Creagh—to the Committee on Invalid Pensions.

By Mr. LANHAM: A bill (H. R. 10755) for the relief of the estate of David C. Haynes, deceased—to the Committee on Claims.

By Mr. LITTAUER: A bill (H. R. 10756) for the relief of Rodney Jaycox—to the Committee on Military Affairs.

By Mr. LLOYD: A bill (H. R. 10757) granting an increase of pension to Lewis Fishbaugh, of Macon, Mo.—to the Committee on Invalid Pensions.

By Mr. LONG: A bill (H. R. 10758) granting an increase of pension to William C. Winfrey—to the Committee on Invalid Pensions.

By Mr. MIERS of Indiana: A bill (H. R. 10759) to correct the military record of Isaac N. Collins—to the Committee on Military Affairs.

By Mr. MINOR: A bill (H. R. 10760) granting a pension to Wallace L. Scott—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10761) granting a pension to Anna Bronson—to the Committee on Invalid Pensions.

By Mr. MOODY of Massachusetts: A bill (H. R. 10762) for the relief of Joseph F. Travers, guardian of Michael Travers—to the Committee on the Public Lands.

By Mr. OTEY: A bill (H. R. 10763) for the relief of R. T. Priddy, executor of John D. Priddy, deceased—to the Committee on War Claims.

By Mr. OTJEN: A bill (H. R. 10764) granting an increase of pension to Adolph Heiser—to the Committee on Invalid Pensions.

By Mr. OVERSTREET: A bill (H. R. 10765) granting an increase of pension to Elizabeth A. Shaw—to the Committee on Invalid Pensions.

By Mr. PEARRE: A bill (H. R. 10766) granting an increase of pension to Joseph D. Green—to the Committee on Invalid Pensions.

By Mr. RUCKER: A bill (H. R. 10767) granting an increase of pension to Louisa N. Grinstead—to the Committee on Pensions.

By Mr. SMITH of Kentucky: A bill (H. R. 10768) for the relief of E. Q. Cooper, of Kentucky—to the Committee on War Claims.

By Mr. STARK: A bill (H. R. 10769) granting an increase of pension to Cyrus Payne—to the Committee on Invalid Pensions.

By Mr. WATSON: A bill (H. R. 10770) granting an increase of pension to James A. Rodman—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 10771) to remove the charge of desertion from the record of William H. Smith—to the Committee on Military Affairs.

By Mr. ZENOR: A bill (H. R. 10772) granting a pension to Cornelius Hall—to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 10773) granting a pension to Archer Bartlett—to the Committee on Invalid Pensions.

By Mr. GROSVENOR: A bill (H. R. 10774) granting an increase of pension to Philip A. Morgan—to the Committee on Invalid Pensions.

By Mr. IRWIN: A bill (H. R. 10775) for the relief of Charles E. Sapp—to the Committee on Claims.

By Mr. ROBERTSON of Louisiana: A bill (H. R. 10776) to remove the charge of desertion from the military record of Bennett Lebeau—to the Committee on Military Affairs.

By Mr. WILLIAMS of Illinois: A bill (H. R. 10777) granting a pension to Mary Sheppard—to the Committee on Invalid Pensions.

By Mr. BABCOCK: A bill (H. R. 10782) granting a pension to Ole Steensland—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of Tarkio Post, No. 67, Department of Missouri, and George P. Foster Post, No. 22, Department of North Dakota, Grand Army of the Republic, for investigation of the administration of the Bureau of Pensions—to the Committee on Rules.

By Mr. ADAMSON: Petition of members of the Carroll County bar, for the transfer of the county from the northwestern division of the northern district of Georgia to the northern district of Georgia of the United States district and circuit courts—to the Committee on the Judiciary.

By Mr. ALEXANDER: Petition of the Tennessee River Improvement Association, asking for improvement of the Tennessee River—to the Committee on Rivers and Harbors.

Also, resolutions of Central Federated Union of New York, indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of New Orleans Progressive Union, against reduction in sugar tariff—to the Committee on Ways and Means.

Also, petition of E. P. Beals and 92 others, favoring an anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

Also, resolution of New York Odontological Society, in favor of Senate bill 2519, to provide for a corps of dental surgeons in the United States Navy—to the Committee on Naval Affairs.

By Mr. BABCOCK: Petition of citizens of Fennimore, Wis., for an amendment to the Constitution forbidding the disfranchisement by any State of women citizens of the United States—to the Committee on the Judiciary.

By Mr. BELL: Resolutions of Chamber of Commerce, Cripple Creek, Colo., favoring a department of mining—to the Committee on Mines and Mining.

By Mr. BROMWELL: Resolution of the Cincinnati Bar Association, for an appropriation for the maintenance of court of appeals law libraries—to the Committee on the Judiciary.

By Mr. BROWNLOW: Petition of the heirs of A. J. Tipton, deceased, late of Carter County, Tenn., for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. BOWERSOCK: Petition of citizens of Humboldt, Kans., to accompany House bill 316, granting a pension to Dr. J. A. Cook—to the Committee on Invalid Pensions.

Also, resolutions of the New Orleans Progressive Union, in relation to the duty on sugar—to the Committee on Ways and Means.

By Mr. BRANTLEY: Petition of J. S. Raymond and others, of Brunswick, Ga., for the improvement of inside water route between Brunswick, Ga., and Fernandina, Fla.—to the Committee on Rivers and Harbors.

Also, resolutions of the Board of Trade of Brunswick, Ga., favoring connecting Altamaha River, Georgia, with port of Brunswick, Ga.—to the Committee on Rivers and Harbors.

Also, resolutions of Waycross (Ga.) Board of Trade, for experimental station to develop sugar-cane industry—to the Committee on Agriculture.

By Mr. BULL: Petition of board of managers of the Rhode Island College of Agriculture and Mechanic Arts, for the passage of House bill 8735, for the establishment of mining schools—to the Committee on Mines and Mining.

By Mr. CANNON: Papers to accompany House bill granting pension to Archer Bartlett—to the Committee on Invalid Pensions.

By Mr. CONRY: Resolution of Lawrenceville (Mass.) Board of Trade, in favor of establishing a permanent exposition of the arts and industries of the United States at Shanghai—to the Select Committee on Industrial Arts and Expositions.

Also, resolution of Boston (Mass.) Credit Men's Association, approving the present bankruptcy law and the proposed Ray amendment—to the Committee on the Judiciary.

By Mr. DALZELL: Resolution of United Labor League of Pittsburg, Pa., and J. P. Winower Council, Junior Order United American Mechanics, of Pittsburg, Pa., favoring the reenactment of the Chinese-exclusion law—to the Committee on Foreign Affairs.

Also, resolution of National Board of Trade, Philadelphia, Pa., in regard to false billing of articles of merchandise, etc.—to the Committee on Interstate and Foreign Commerce.

By Mr. DEEMER: Petition of Union No. 9257, of Renovo, Pa., Federation of Labor, favoring the construction of naval vessels at Government navy-yards—to the Committee on Naval Affairs.

By Mr. DE ARMOND: Resolution of the Sharon Presbyterian Church, of Drexel, Mo., against the repeal of the anticanteen law—to the Committee on Military Affairs.

By Mr. EMERSON: Papers to accompany House bill for the relief of James L. Waite—to the Committee on Military Affairs.

Also, resolution of Lennon Post, No. 490, Grand Army of the Republic, Bloomingdale, N. Y., asking that war ships be constructed in the national navy-yards—to the Committee on Naval Affairs.

By Mr. FITZGERALD: Resolution of the National Live Stock Exchange, favoring legislation to permit the sale of butterine on its merits under strict governmental regulations, but without prohibitive taxation—to the Committee on Agriculture.

Also, resolution of the New Orleans Progressive Union, protesting against any reduction in the sugar tariff—to the Committee on Ways and Means.

Also, resolution of Brooklyn Chapter, American Institute of Architects, against change of title of Architect of the Capitol—to the Committee on Appropriations.

By Mr. FORDNEY: Resolution of Owosso Federal Labor Union, No. 9056, of Owosso, Mich., favoring the reenactment of the Chinese-exclusion laws—to the Committee on Foreign Affairs.

Also, resolution of Owosso Federal Labor Union, No. 9056, favoring Government irrigation of public lands—to the Committee on Irrigation of Arid Lands.

By Mr. FOERDERER: Resolutions of the New Orleans Progressive Union, in relation to the duty on sugar—to the Committee on Ways and Means.

Also, petition of Edward Everett Hale and 135 other citizens of Boston and vicinity, protesting against extravagant expenditures in the Navy Department—to the Committee on Naval Affairs.

Also, resolution of National Board of Trade, for legislation amending the existing interstate-commerce act—to the Committee on Interstate and Foreign Commerce.

Also, petition of publishers of German newspapers in the United States and officers of German societies, opposed to the further restriction of immigration—to the Committee on Immigration and Naturalization.

Also, resolution of the Art Federation of Philadelphia, urging the continuation of the office of Architect of the Capitol and asking that an appointment to the office be made—to the Committee on Appropriations.

Also, petition of editors of various journals devoted to agriculture, favoring the passage of the oleomargarine bill—to the Committee on Agriculture.

Also, petition of the National Live Stock Exchange of Chicago, Ill., for the enactment of legislation providing for the sale of butterine on its merits, and protesting against the enactment of class legislation directed against the coloring, manufacture, and sale of butterine—to the Committee on Agriculture.

Also, resolution of the Pennsylvania State board of agriculture, favoring the passage of House bill 8735, establishing schools of mining, etc.—to the Committee on Mines and Mining.

By Mr. GREENE of Massachusetts: Resolution of Board of Trade of Lawrence, Mass., in favor of the appointment of a commission to investigate trade relations in China and Japan—to the Committee on Interstate and Foreign Commerce.

Also, resolution of Boston Association of Credit Men, for an amendment to the bankruptcy law—to the Committee on the Judiciary.

By Mr. GREEN of Pennsylvania: Petition to accompany House bill 10097, granting a pension to Louis H. Legler—to the Committee on Invalid Pensions.

By Mr. GRIFFITH: Petition of Newton Bucknell, of Madison, Ind., in support of service-pension law for war veterans—to the Committee on Invalid Pensions.

By Mr. GROSVENOR: Petition of Indiana Yearly Meeting of Friends (Orthodox), favoring the Gillett-Lodge bill—to the Committee on Alcoholic Liquor Traffic.

Also, resolutions of National Live Stock Exchange of Chicago, against the oleomargarine bill—to the Committee on Agriculture.

Also, resolutions of Trade and Labor Council, Chillicothe, Ohio, favoring an eight-hour law—to the Committee on Labor.

Also, papers to accompany House bill granting an increase of pension to Philip A. Morgan—to the Committee on Invalid Pensions.

By Mr. HALL: Papers to accompany House bill for the relief of William G. Derick—to the Committee on Invalid Pensions.

Also, paper to accompany House bill granting a pension to John G. Rifenberick—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 9239, granting a pension to Alex. M. Cummings—to the Committee on Invalid Pensions.

By Mr. HANBURY: Papers to accompany House bill 9874, to reimburse William A. Brown & Co. for one case of opium erroneously condemned and sold by the United States—to the Committee on Claims.

Also, petition of post-office clerks of Station C, Brooklyn, N. Y., urging the passage of House bill 5286—to the Committee on the Post-Office and Post-Roads.

Also, resolution of Brooklyn Chapter, American Institute of Architects, against change of title of Architect of the Capitol—to the Committee on Appropriations.

By Mr. IRWIN: Paper to accompany House bill for the relief of Charles E. Sapp—to the Committee on Claims.

By Mr. JACK: Papers to accompany House bill 8181, granting an increase of pension to George W. Kinsel—to the Committee on Invalid Pensions.

By Mr. KNAPP: Resolutions of Carpenters and Joiners' Union No. 754 and Blacksmiths' Union No. 204, American Federation of Labor, of the Twenty-fourth Congressional district of New York, concerning the construction of Government vessels in navy-yards—to the Committee on Naval Affairs.

By Mr. LITTAUER: Resolutions of Elmer E. Ellsworth Post, No. 619, Grand Army of the Republic, of Mechanicsville, N. Y., favoring the construction of war ships in the United States navy-yards—to the Committee on Naval Affairs.

Also, paper to accompany House bill to correct the military record of Rodney Jaycox—to the Committee on Military Affairs.

By Mr. LONG: Petition of J. J. Nesbit and other citizens of Larned, Kans., to accompany House bill 10660, granting a pension to Edwin A. Welsh—to the Committee on Invalid Pensions.

By Mr. MARTIN: Resolution of the Lead (S. Dak.) Commercial Club, for a public building in the city of Lead, S. Dak.—to the Committee on Public Buildings and Grounds.

By Mr MOODY of Oregon: Resolution of Federation of Women's Clubs, urging the purchase of the Calaveras big trees of California by the Government—to the Committee on the Public Lands.

Also, resolution of Oregon State Grange, Patrons of Husbandry, favoring the passage of the Tawney-Grout oleomargarine bill—to the Committee on Agriculture.

Also, resolution of Sumner Post, No. 12, Department of Oregon, Grand Army of the Republic, favoring the construction of war vessels in United States navy-yards—to the Committee on Naval Affairs.

By Mr. MOODY of Massachusetts: Resolutions of the Lawrence (Mass.) Board of Trade, favoring steps to increase trade with China—to the Committee on Foreign Affairs.

Also, resolutions of the Boston (Mass.) Credit Men's Association, favoring amendments to the bankruptcy act—to the Committee on the Judiciary.

By Mr. NAPHEN: Resolutions of Boston Credit Men's Association, favoring an amendment to the present bankruptcy act as proposed by House bill 14187—to the Committee on the Judiciary.

Also, resolutions of Boston Architectural Club, against changing the title of Architect of the Capitol—to the Committee on the District of Columbia.

Also, resolutions of Board of Trade of Lawrence, Mass., favoring appointment of a commission to study the commercial conditions of China—to the Committee on Foreign Affairs.

Also, resolutions of Massachusetts State Board of Trade, favoring the establishment of a department of commerce, for reciprocal trade agreement between the United States and Canada, and for improvement of the diplomatic and consular service—to the Committee on Foreign Affairs.

By Mr. OTEY: Petition of Bedford City Tobacco Association, for the repeal of the existing rates of duty on leaf tobacco—to the Committee on Ways and Means.

By Mr. OVERSTREET: Petition of William J. Schleicher and 56 other citizens of Cumberland, Ind., for the passage of the Grout bill—to the Committee on Agriculture.

Also, affidavits of Elizabeth A. Shaw and others to accompany House bill granting an increase of pension to Elizabeth A. Shaw—to the Committee on Invalid Pensions.

By Mr. PATTERSON of Pennsylvania: Papers to accompany House bill 9281, for the removal of the charge of desertion from the military record of Isaac Purnell—to the Committee on Military Affairs.

Also, papers accompanying House bill 5222, to remove charge of desertion from the military record of John Lucid—to the Committee on Military Affairs.

Also, petition of James B. Reilly, W. S. Forman, and William M. Brewer, to accompany House bill 5214, for the relief of the Shenandoah Brewing Company—to the Committee on Claims.

Also, papers of Alphonzo Arnoldo Rutis, Sadie Thome, A. Lincoln Acker, and letter of Hon. John Hay, Secretary of State, to accompany House bill 5213, for the relief of Mrs. Sadie Thome—to the Committee on Claims.

By Mr. ROBERTSON of Louisiana: Petition of Cyrus Hamilton Post, Grand Army of the Republic, of Baton Rouge, La., concerning preference to veterans of Grand Army of the Republic in employment in Government service—to the Committee on Reform in the Civil Service.

Also, papers to accompany House bill to remove the charge of desertion against the record of Bennett Lebeau—to the Committee on Military Affairs.

By Mr. RUCKER: Petition of Fred Miller Post, No. 130, Grand Army of the Republic, Department of Missouri, for investigation of administration of Bureau of Pensions—to the Committee on Rules.

By Mr. RUMPLE: Petition of Clinton (Iowa) post-office clerks, urging the passage of House bill 5286—to the Committee on the Post-Office and Post-Roads.

By Mr. RUPPERT: Petition of the post-office clerks of Branch K, New York City, favoring the passage of House bill 5286, to provide for the classification of salaries of clerks employed in post-offices of the first and second classes—to the Committee on the Post-Office and Post-Roads.

Also, resolutions adopted by the Central Federated Union, indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, resolutions adopted by the New York Odontological Society, favoring Senate bill 2519, to provide a corps of dental surgeons in the United States Navy—to the Committee on Naval Affairs.

Also, communication from Headquarters Department of New York, Grand Army of the Republic, indorsing section 6 of House bill 5796, providing for the retirement of officers of the Revenue-Cutter Service who have become incapacitated for service through no fault of their own—to the Committee on Naval Affairs.

Also, resolutions of the Jewelers' Association and Board of Trade

of New York, indorsing reciprocity—to the Committee on Ways and Means.

Also, memorial of certain citizens, relating to the enactment of more stringent immigration laws—to the Committee on Immigration and Naturalization.

Also, resolutions of the National Board of Trade of Philadelphia, urging an amendment to the interstate-commerce law, etc.—to the Committee on Interstate and Foreign Commerce.

By Mr. RYAN: Petition of Charles A. Orr, department commander Grand Army of the Republic New York, favoring the passage of House bill 5796, to promote the efficiency of the Revenue-Cutter Service—to the Committee on Interstate and Foreign Commerce.

Also, resolution of New York Odontological Society, favoring a dental corps for the United States Navy—to the Committee on Naval Affairs.

Also, resolutions of the Central Federated Union of New York, favoring the passage of House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. SALMON: Petition of citizens of Boonton, Chatham, and Flemington, all of New Jersey, for an amendment to the Constitution defining legal marriage to be monogamic—to the Committee on the Judiciary.

Also, petitions of Junior Order United American Mechanics councils Nos. 4, 86, 259, 229, 224, 207, 250, 94, 218, 81, 90, 75, 95, 104, 133, 124, 188, 249, 191, 97, 67, and 113, all located in the Fourth Congressional district of New York, favoring the passage of the Chinese-exclusion law—to the Committee on Foreign Affairs.

By Mr. SCHIRM: Resolution of Monumental Lodge, No. 438, Locomotive Trainmen, urging the passage of the anti-injunction bill—to the Committee on the Judiciary.

By Mr. SKILES: Petition of G. W. Atherton and others, of Monroeville and vicinity, State of Ohio, for an amendment to the National Constitution defining legal marriage to be monogamic—to the Committee on the Judiciary.

Also, petition of the First Congregational Church of Ruggles, Ohio, and Woman's Christian Temperance Union, Christian Endeavor of the Congregational Church, Christian Union, and Epworth League, all of Norwalk, Ohio, favoring the exclusion of intoxicants from all countries inhabited chiefly by native races—to the Committee on Alcoholic Liquor Traffic.

By Mr. SULZER: Resolutions of Central Federated Union of New York, urging legislation to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. SHERMAN: Resolution of J. Parson Stone Post, No. 482, Grand Army of the Republic, Camden, N. J., for the construction of naval vessels in the navy-yards of this country, etc.—to the Committee on Naval Affairs.

By Mr. STEWART of New York: Petition of Broom Makers' Union No. 14, of Amsterdam, N. Y., favoring the passage of House bill No. 3143, for the protection of free labor against convict labor—to the Committee on Labor.

Also, petition of Broom Makers' Union No. 14, of Amsterdam, N. Y., favoring the construction of naval vessels at Government navy-yards—to the Committee on Naval Affairs.

By Mr. SMITH of Kentucky: Paper to accompany House bill for the relief of Elijah Q. Cooper—to the Committee on Claims.

Also, papers to accompany House bill 1584, granting a pension to Henry C. Bumgardner—to the Committee on Invalid Pensions.

By Mr. SAMUEL W. SMITH: Petition of Union 9368, Federation of Labor, of Lansing, Mich., concerning the construction of Government vessels in navy-yards—to the Committee on Naval Affairs.

Also, petition of Lansing (Mich.) Typographical Union, No. 72, relating to the desert-land bill, the irrigation bill, and public lands for settlers—to the Committee on the Public Lands.

By Mr. WACHTER: Papers to accompany House bill granting a pension to Edward Wiegand—to the Committee on Invalid Pensions.

By Mr. WEEKS: Petition of Michigan State board of agriculture, for the establishment of mining schools—to the Committee on Mines and Mining.

By Mr. WILCOX: Petition of 26 citizens and landowners in the district of Koolau, Maui, Territory of Hawaii, against the granting by the United States Government, or by the Territory of Hawaii to any corporation or individual, of their water privileges—to the Committee on the Territories.

By Mr. WILLIAMS of Illinois: Paper to accompany House bill to correct the military record of William H. Smith—to the Committee on Military Affairs.

By Mr. WOODS: Petitition of Chamber of Commerce of San Francisco, Cal., urging the passage of Senate bills 2447, 2449, and 2450 and House bills 8748 and 7653, as of importance to the commerce on San Francisco Bay and the Pacific coast—to the Committee on the Merchant Marine and Fisheries.

SENATE.

TUESDAY, *February 4, 1902.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal, without objection, will stand approved.

SENATOR FROM NEW JERSEY.

Mr. KEAN. Mr. President, I present the credentials of Mr. John F. Dryden, chosen by the legislature of New Jersey a Senator from that State to fill the vacancy caused by the death of William J. Sewell, in the term ending March 3, 1907.

The PRESIDENT pro tempore. The credentials will be read.

The credentials were read.

The PRESIDENT pro tempore. The credentials will be placed on file.

Mr. KEAN. I ask that the Senator-elect, who is now present, may be sworn in.

The PRESIDENT pro tempore. The Senator-elect will please present himself at the desk, and the oath of office will be administered to him.

Mr. Dryden was escorted by Mr. KEAN to the Vice-President's desk; and, the oath of office having been administered to him, he took his seat in the Senate.

NORTHERN CHEYENNE INDIANS, MONTANA.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting a report from the Commissioner of Indian Affairs and accompanying bill providing an appropriation for the purchase of stock cattle for the Northern Cheyenne Indians of the Tongue River Agency, Mont., and also for the construction of a wire fence around a portion of their reservation; which, with the accompanying paper, was referred to the Committee on Indian Affairs, and ordered to be printed.

INDIAN DEPREDATION CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the Attorney-General, transmitting a list of judgments rendered in favor of claimants in Indian depredation cases since January 24, 1902; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

FORTIFICATIONS APPROPRIATION.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of War submitting an estimate of deficiency in the appropriation for "preservation and repair of fortifications" for the fiscal year ending June 30, 1902, $3,000; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

AMERICUS VS. WARR.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings filed by the court in the cause of Americus V. Warr, executor of James Warr, deceased, *vs.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. PLATT of New York presented petitions of Glass Bottle Blowers' Union No. 32, of Clyde; of United Garment Workers' Union No. 50, of Newburg, all of the American Federation of Labor, and of B. F. Middleton Post No. 500, Department of New York, Grand Army of the Republic, of Brooklyn, all in the State of New York, praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which were referred to the Committee on Naval Affairs.

He also presented a petition of Local Grange No. 540, Patrons of Husbandry, of Westville, N. Y., praying for the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of 37 post-office clerks of the Madison Square branch post-office, of New York City, praying for the passage of Senate bill No. 1345, to provide for the classification of the salaries of clerks employed in post-offices of the first and second classes; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Local Union No. 36, United Garment Workers of America, of Utica, N. Y., praying for the reenactment of the Chinese-exclusion law; which was referred to the Committee on Immigration.

He also presented a memorial of the Central New York Chapter, American Institute of Architects, of Ithaca, N. Y., remonstrating against the proposed change in the title of the Architect of the Capitol; which was ordered to lie on the table.

He also presented petitions of 26 citizens of Buffalo; of sundry citizens of Port Leyden, Lyons Falls, Turin, Constableville, Lowville, and Brooklyn, all in the State of New York, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

Mr. NELSON presented sundry affidavits in support of the bill (S. 3100) granting an increase of pension to Frank Beckman; which were referred to the Committee on Pensions.

Mr. WARREN presented a petition of the Retail Lumber Dealers' Association of Wyoming, Colorado, and New Mexico, of Colorado Springs, Colo., praying for the retention of the present tariff on sugar imported into the United States; which was referred to the Committee on Finance.

He also presented a petition of the Retail Lumber Dealers' Association, of Wyoming, Colorado, and New Mexico, of Colorado Springs, Colo., praying for the enactment of legislation providing for the construction of a system of reservoirs throughout the arid West for the storage of its surplus waters to be used for general irrigation purposes; which was referred to the Committee on Irrigation and Reclamation of Arid Lands.

Mr. GAMBLE presented a memorial of the New Orleans Progressive Union, of Louisiana, remonstrating against any reduction being made in the duty on sugar; which was referred to the Committee on Finance.

He also presented petitions of sundry editors of agricultural publications of the United States, praying for the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

Mr. CLARK of Montana presented a petition of Copper City Lodge, No. 500, Brotherhood of Locomotive Firemen, of Anaconda, Mont., praying for the repeal of the so-called desert land law, etc.; which was referred to the Committee on Public Lands.

He also presented petitions of Butte City Lodge, No. 88; of Carpenters' Union No. 112, and of Local Union No. 41, United Association of Plumbers and Steam Fitters, all of the American Federation of Labor, in the city of Butte, Mont., praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which were referred to the Committee on Naval Affairs.

Mr. HOAR. I present a number of petitions from sundry citizens of the United States, many of them eminent men of letters and scholars, favoring the suspension of hostilities in the Philippine Islands, and asking that an opportunity be given for a discussion of the situation between the Government and the Filipino leaders.

The petition is compact, and it is exceedingly temperate in its style. While it alludes to some charges that have been made against the administration, civil and military, in the Philippine Islands, it alludes to them without any assumption in regard to their truth, but only hypothetically as things that are existing and that demand inquiry.

I ask unanimous consent that one copy of the petition be printed as a document, and that the signatures be also printed, many of the signatures being of persons known in literature.

The PRESIDENT pro tempore. The Senator from Massachusetts asks that the petition presented by him touching matters relating to the Philippine Archipelago be printed as a document.

Mr. HOAR. That the petition and signatures be printed, and that the petitions be referred to the Committee on the Philippines.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered. The petitions will be referred to the Committee on the Philippines.

Mr. HOAR presented a petition of the Massachusetts State Board of Trade, praying for the establishment of reciprocal trade relations with the Dominion of Canada; which was referred to the Committee on Relations with Canada.

He also presented petitions of the Boston Architectural Club, of Boston, and of the Worcester Chapter of the American Institute of Architects, of Worcester, in the State of Massachusetts, remonstrating against the proposed change in the title of the Architect of the Capitol; which were ordered to lie on the table.

He also presented petitions of sundry citizens of Massachusetts, praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which were referred to the Committee on Naval Affairs.

Mr. HALE presented the petition of George E. Houghton, of Togus, Me., praying that he be granted a pension; which was referred to the Committee on Pensions.

He also presented a petition of the Board of Trade of Bath, Me., praying for the passage of the so-called ship-subsidy bill; which was ordered to lie on the table.

Mr. HEITFELD presented a petition of sundry citizens of Boise City, Idaho, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

Mr. LODGE presented a petition of 43 citizens of Cottage City, Mass., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented petitions of the Pittsfield Rod and Gun Club, of Massachusetts; of the Lynn Fish and Game Protective Association, of Massachusetts; of the T Wharf Fresh Fish Association, of Boston, Mass.; of the Fish and Game Association of North Attleboro, Mass., and of the Vermont Fish and Game League, praying for the erection of a suitable monument in the city of Washington to the late Prof. Spencer F. Baird; which were referred to the Committee on the Library.

Mr. PENROSE presented a petition of the State Board of Agriculture, of Harrisburg, Pa., praying for the passage of the so-called Grout bill to regulate the manufacture and sale of oleomargarine; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of 150 citizens of Rochester, Pa., praying for the enactment of legislation to prohibit the sale of intoxicating liquors, firearms, and opium to the inhabitants of the New Hebrides and other Pacific islands; which was ordered to lie on the table.

He also presented a petition of sundry post-office clerks of Altoona, Pa., praying for the enactment of legislation providing for the classification of the salaries of clerks in first and second class post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Pittsburg Chapter, American Institute of Architects, of Pittsburg, Pa., and a memorial of the Art Federation of Philadelphia, Pa., remonstrating against the proposed change in the title of the Architect of the Capitol; which were ordered to lie on the table.

He also presented a memorial of the Leaf Tobacco Board of Trade, of Philadelphia, Pa., remonstrating against any change being made in the tariff rates on tobacco or cigars; which was referred to the Committee on Finance.

He also presented a memorial of Lysle Post, No. 128, Department of Pennsylvania, Grand Army of the Republic, of Allegheny, Pa., remonstrating against the enactment of legislation placing the name of General Longstreet on the retired list of the Regular Army and retiring him with the rank of major; which was referred to the Committee on Military Affairs.

He also presented a petition of the Maritime Exchange, of Philadelphia, Pa., praying for the enactment of legislation to increase the efficiency and change the name of the United States Marine-Hospital Service to that of the United States health service; which was referred to the Committee on Commerce.

He also presented a petition of the Storekeepers and Gaugers' Association of the First district of Pennsylvania, praying for the enactment of legislation granting them leave of absence for two and one-half days for each month of thirty days that they are actually assigned to duty; which was referred to the Committee on Finance.

He also presented a petition of the National Board of Trade, of Philadelphia, Pa., praying for the passage of the so-called anti-scalping bill; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Maritime Exchange of Philadelphia, Pa., praying for the establishment of reciprocal trade relations with Cuba; which was referred to the Committee on Relations with Cuba.

He also presented a memorial of the board of directors of the Maritime Exchange of Philadelphia, Pa., remonstrating against the passage of Senate bill No. 1791, relating to the transportation of merchandise between the United States and foreign ports, to bills of lading, and to certain obligations, duties, and rights in connection with the carriage of property, and also of Senate bill No. 1792, to amend an act entitled "An act relating to navigation of vessels, bills of lading, and to certain obligations, duties, and rights in connection with the carriage of property;" which was referred to the Committee on Commerce.

He also presented petitions of W. D. Meyers Post, No. 434, Department of Pennsylvania, Grand Army of the Republic, of Johnsburg; of Federal Labor Union No. 9101, American Federation of Labor, of Johnsburg, and of Local Union No. 486, the Retail Clerks' International Association, American Federation of Labor, of Kingston, all in the State of Pennsylvania, praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which were referred to the Committee on Naval Affairs.

He also presented petitions of Waturba Council, No. 859, of Pitcairn; of J. P. Winower Council, No. 618, of Pittsburg, all of

the Junior Order of United American Mechanics; of the United Labor League, American Federation of Labor, of Sharpsburg; of Washington Camp, No. 252, Patriotic Order Sons of America, of Lansford, all in the State of Pennsylvania; of the Chamber of Commerce of Boston, Mass., and of the Merchants' Association of New York City, praying for the reenactment of the Chinese-exclusion law; which were referred to the Committee on Immigration.

He also presented petitions of sundry citizens of Swarthmore, Philadelphia, and Slippery Rock; of 198 citizens of Philadelphia; 63 citizens of Slippery Rock; of 11 citizens of Swarthmore; of 13 citizens of Athens; 92 citizens of Media, and of the Northern Presbytery of Philadelphia, all in the State of Pennsylvania, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

Mr. PATTERSON presented petitions of Musicians' Protective Union No. 136, of Trinidad, and of Musicians' Protective Union No. 49, of Cripple Creek, of the American Federation of Labor, in the State of Colorado, praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which were referred to the Committee on Naval Affairs.

Mr. WELLINGTON presented petitions of 79 citizens of Taneytown, Md., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

Mr. FAIRBANKS presented a petition of Harbor City Lodge, No. 300, Brotherhood of Locomotive Firemen, of Michigan City, Ind., praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases; which was ordered to lie on the table.

He also presented a petition of Golden Rule Council, No 1, Daughters of Liberty, of Hammond, Ind., praying for the reenactment of the Chinese-exclusion law; which was referred to the Committee on Immigration.

He also presented petitions of Local Union No. 8491, of Oakland City, and of the Trades Council Union of Muncie, of the American Federation of Labor, in the State of Indiana, praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which were referred to the Committee on Naval Affairs.

He also presented petitions of the Goshen Milling Company, of Goshen, and of the R. P. Moore Milling Company, of Princeton, in the State of Indiana, praying for the establishment of reciprocal trade relations with Cuba; which were referred to the Committee on Relations with Cuba.

He also presented a petition of the Indiana State board of agriculture, praying for the passage of the bill (H. R. 8735) to apply a portion of proceeds of sale of public lands to the endowment of schools or departments of mining and metallurgy, etc.; which was referred to the Committee on Mines and Mining.

Mr. DUBOIS presented a petition of sundry citizens of Idaho, praying that an appropriation of $10,000 be made to develop artesian wells in Camas Prairie in that State; which was referred to the Committee on Irrigation and Reclamation of Arid Lands.

He also presented a memorial of the Farmers' Club of Moscow, Idaho, remonstrating against the sale of oleomargarine, and praying for the passage of the so-called Grout bill, to regulate the manufacture and sale of that product; which was referred to the Committee on Agriculture and Forestry.

Mr. MASON presented a petition of the National Live Stock Association of Denver, Colo., remonstrating against the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which was referred to the Committee on Agriculture and Forestry.

REPORTS OF COMMITTEES.

Mr. WARREN, from the Committee on Military Affairs, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 305) providing for a monument to mark the site of the Fort Phil Kearney massacre; and

A bill (S. 636) to remove the charge of desertion against David A. Lane.

Mr. WARREN, from the Committee on Military Affairs, to whom was referred the bill (S. 690) to correct the military record of Talton T. Davis, reported it with amendments, and submitted a report thereon.

Mr. BERRY. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 8761) to declare the international railway bridge over the St. Lawrence River, near Hogansburg, N. Y., a lawful structure, to report it without amendment. I ask that it may take the place of Calendar No. 285, being the bill (S. 2714) to declare the international railway bridge over the southerly channel of the St. Lawrence River, near Hogansburg, N. Y., a lawful structure, which I reported from the Committee on Commerce a day or two ago. It is precisely the same bill.

The PRESIDENT pro tempore. The House bill reported by the Senator from Arkansas will be placed upon the Calendar and will take the place of Senate bill 2714, which will be indefinitely postponed.

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (S. 2782) to authorize the construction of a bridge across the Columbia River by the Washington and Oregon Railway Company, reported it with amendments, and submitted a report thereon.

Mr. WELLINGTON, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 3293) to increase the limit of cost of public building at Cumberland, Md., reported it without amendment, and submitted a report thereon.

Mr. SIMMONS, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 1609) making an appropriation for the purchase from Forsyth County of a site and building for a post-office and other Government offices in Winston-Salem, N. C., and to authorize the sale of the present post-office site in Winston-Salem to Forsyth County, reported it with amendments, and submitted a report thereon.

ZERELDA COBB.

Mr. COCKRELL. I ask that the Committee on Pensions be discharged from the further consideration of the bill (S. 895) for the relief of Zerelda Cobb, so that the bill may be brought before the Senate and indefinitely postponed.

Zerelda Cobb was formerly Zerelda Likens, widow of Richard P. Likens, Company D, One hundred and twenty-fifth Ohio Volunteers. She was pensioned by certificate No. 56647, at $8 per month, from January 17, 1864, and was married to Cobb, September 4, 1873, who subsequently died. Under the law of March 3, 1901, which is copied in the rules of the Pensions Committee, this widow is provided for. I did not note it at the time I introduced the bill, or I would not have presented it and burdened the committee with it.

The PRESIDENT pro tempore. The Senator from Missouri asks that the Committee on Pensions be discharged from the further consideration of the bill (S. 895) for the relief of Zerelda Cobb. Is there objection? The Chair hears none, and it is so ordered.

Mr. COCKRELL. I move that the bill be indefinitely postponed.

The motion was agreed to.

STATISTICS OF OLEOMARGARINE, ETC.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the resolution submitted by Mr. PROCTOR on the 28th ultimo, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That there be printed 1,000 copies of a compilation of Statistics of Oleomargarine, Oleo Oil, and Filled Cheese, revised to the beginning of the current fiscal year, compiled by the Bureau of Animal Industry of the Department of Agriculture, of which 500 copies shall be for the use of the Department of Agriculture and 500 copies for the use of the Senate.

REPORT ON SOUTHERN APPALACHIAN REGION.

Mr. PLATT of New York. I am directed by the Committee on Printing, to whom was referred the concurrent resolution submitted by the Senator from North Carolina [Mr. PRITCHARD] on the 28th ultimo, providing for printing the report of the Secretary of Agriculture in relation to the forests, rivers, and mountains of the Southern Appalachain region, to report it with amendments, and I ask for its present consideration.

The Senate, by unanimous consent, proceeded to consider the concurrent resolution, which was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 15,000 copies of Senate Document No. 84, being a message from the President of the United States transmitting a report of the Secretary of Agriculture in relation to the forests, rivers, and mountains of the Southern Appalachian region, of which 2,000 copies shall be for the use of the Senate, 3,000 copies for the use of the House of Representatives, and 10,000 copies for the use of the United States Department of Agriculture.

The amendments of the Committee on Printing were, in line 2, before the word "thousand," to strike out "fifteen" and insert "ten," and in line 9, before the word "thousand," to strike out "ten" and insert "five;" so as to make the resolution read:

Resolved by the Senate (the House of Representatives concurring), That there be printed 10,000 copies of Senate Document No. 84, being a message from the President of the United States transmitting a report of the Secretary of Agriculture in relation to the forests, rivers, and mountains of the Southern Appalachian region, of which 2,000 copies shall be for the use of the Senate, 3,000 copies for the use of the House of Representatives, and 5,000 copies for the use of the United States Department of Agriculture.

The amendments were agreed to.

The concurrent resolution as amended was agreed to.

BILLS INTRODUCED.

Mr. LODGE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 3486) for the relief of Joseph F. Travers, guardian of Michael Travers; and

A bill (by request) (S. 3487) for the relief of A. W. Tedcastle, guardian (with an accompanying paper).

Mr. McMILLAN introduced the following bills; which were severally read twice by their titles, and referred to the Committee on the District of Columbia:

A bill (S. 3488) to authorize the Commissioners of the District of Columbia to appoint superintendents of chimney sweeps, to prescribe their duties, and for other purposes;

A bill (S. 3489) for the extension of Vermont avenue; and

A bill (S. 3490) to open a street through block 205 from Fourteenth street to Fifteenth street northwest, concurrent with the streets in the adjacent blocks called Wallach place and Caroline street, and for other purposes (with an accompanying paper).

Mr. McMILLAN introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (S. 3491) providing for a light and fog-signal station on or near Crisps Point, Lake Superior, Michigan (with an accompanying letter from the Acting Secretary of the Treasury); and

A bill (S. 3492) to authorize the establishment of a life-saving station at or near Eagle Harbor, on Keweenaw Point, Michigan (with an accompanying letter from the General Superintendent of the Life-Saving Service of the Treasury Department).

Mr. McMILLAN introduced a bill (S. 3493) granting an increase of pension to Charles W. Rose; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PENROSE introduced a bill (S. 3494) for the relief of Robert Brigham; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3495) to remove the charge of desertion now existing on the records of the War Department against James F. Ash, alias James Ashton; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3496) granting a pension to Marion L. Wilson (with accompanying papers);

A bill (S. 3497) granting an increase of pension to George Knorr (with an accompanying paper);

A bill (S. 3498) granting an increase of pension to Michael H. Ogden;

A bill (S. 3499) granting an increase of pension to George W. Carl (with accompanying papers);

A bill (S. 3500) granting a pension to R. Perry Richards;

A bill (S. 3501) granting a pension to Jennie Jones;

A bill (S. 3502) granting an increase of pension to Samuel J. Ashton; and

A bill (S. 3503) granting a pension to Joseph L. Fell (with an accompanying paper).

Mr. STEWART introduced a bill (S. 3504) to provide an American register for the steamer *Brooklyn;* which was read twice by its title, and referred to the Committee on Commerce.

Mr. PATTERSON introduced a bill (S. 3505) granting an increase of pension to Matthew B. Noel; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3506) granting an increase of pension to Stanley M. Casper; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CLARK of Montana introduced a bill (S. 3507) for the relief of certain owners of lands relinquished as being within forest reserves; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 3508) granting an increase of pension to James M. Thomas; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. CLAY introduced a bill (S. 3509) to transfer the county of Carroll from the northwestern division of the northern district of Georgia back to the northern district of Georgia of the United States district and circuit courts; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the Judiciary.

Mr. COCKRELL introduced a bill (S. 3510) granting an increase of pension to James M. Markham; which was read twice by its title.

Mr. COCKRELL. To accompany the bill, I present the petition for increase of pension of James M. Markham, Company A, Second Regiment Tennessee Cavalry, verified by affidavits of W. S. Ellerman and E. E. Collins, together with his military record from the War Department. I move that the bill and accompanying papers be referred to the Committee on Pensions.

The motion was agreed to.

Mr. BAILEY (by request) introduced a bill (S. 3511) for the relief of Wynona A. Dixon; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. HOAR introduced a bill (S. 3512) concerning minimum punishment in certain cases arising in the Indian Territory; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. HARRIS introduced a bill (S. 3513) authorizing the construction of a bridge across the Missouri River at or near Parkville, Mo.; which was read twice by its title, and referred to the Committee on Commerce.

Mr. HAWLEY introduced a bill (S. 3514) granting an increase of pension to Leander Parmelee; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. FAIRBANKS introduced a bill (S. 3515) to remove the charge of desertion from the military record of George F. Harter; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3516) granting an increase of pension to Elizabeth Gregg; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MASON introduced a bill (S. 3517) to amend the law creating the district of the Teche, Louisiana; which was read twice by its title, and referred to the Committee on Finance.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3518) granting a pension to Nodine A. Turchin (with accompanying papers);

A bill (S. 3519) granting an increase of pension to Charles L. Cummings (with accompanying papers); and

A bill (S. 3520) granting an increase of pension to Myron T. Herrick.

Mr. ELKINS introduced a bill (S. 3521) to enlarge the jurisdiction and powers of the Interstate Commerce Commission; which was read twice by its title, and referred to the Committee on Interstate Commerce.

Mr. JONES of Arkansas introduced a bill (S. 3522) to increase the pension of certain Mexican war pensioners to $12 per month; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PRITCHARD introduced a bill (S. 3523) for the relief of the trustees of the North Carolina College of Agriculture and Mechanic Arts; which was read twice by its title, and referred to the Committee on Claims.

Mr. SIMMONS introduced a bill (S. 3524) authorizing the Secretary of War to furnish copies of certain Confederate muster rolls upon the request of the governor of any State; which was read twice by its title, and referred to the Committee on Military Affairs.

JOINT COMMITTEE ON THE LIBRARY.

Mr. McMILLAN. I introduce a joint resolution, and ask for its immediate consideration.

The joint resolution (S. R. 49) increasing the membership of the Joint Committee of Congress upon the Library was read the first time by its title and the second time at length, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Joint Committee of Congress upon the Library, authorized by section 82 of the Revised Statutes, shall hereafter consist of 5 members of the Senate and 5 members of the House of Representatives.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT TO RIVER AND HARBOR APPROPRIATION BILL.

Mr. MASON submitted an amendment proposing to appropriate $1,000,000 for improving the Wabash River bordering on Indiana and Illinois, between Vincennes and the mouth of said river, intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

MOUNTING OF MAPS.

Mr. PENROSE submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That the superintendent of the folding room of the Senate is hereby directed to mount with rollers and hangers all United States maps hereafter printed and placed to the credit of the members of the Senate.

MONOGRAPHS ON TRADE.

Mr. CULLOM. I submit a resolution for reference to the Committee on Printing. It provides for the printing of a certain number of monographs of the Statistical Bureau of the Treasury Department. It is a long list, and I ask that the resolution be

referred to the Committee on Printing without being read in full.

The concurrent resolution was referred to the Committee on Printing, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed the number of copies hereinafter stated of the following monographs prepared by the Bureau of Statistics of the Treasury Department:

	Copies.
Commercial China in 1900	10,000
Commercial Japan in 1900	10,000
Commercial Australia in 1900	10,000
Commercial Africa in 1900	10,000
Commerce of South Africa, Central America, Mexico, and West Indies	10,000
The Russian Empire and the Trans-Siberian Railway	10,000
Colonial Administration, 1800-1900	20,000
Great Canals of the World in 1900	20,000
Submarine and Land Telegraphs of the World	10,000
Maximum and Minimum and Conventional Tariffs, 1900	10,000
National Debts of the World, 1800-1900	10,000
Sugar Production of the World, 1850-1900	10,000
Territorial Expansion of the United States, 1783-1900	20,000
Porto Rico, Hawaii, Philippine Islands, Guam, Samoan Islands, and Cuba	20,000
Progress of the United States in its Material Industries, 1800-1900	20,000
Banks of the United States, 1789-1900	10,000
Shipping Industry of the United States, 1789-1900	10,000
Reciprocity Treaties of the United States, 1850-1900	20,000
Movement of Prices in the United States, 1840-1899	10,000
Grain Trade of the United States	10,000
Provision Trade of the United States	10,000
Cotton Trade of the United States	10,000
Coal Trade of the United States	10,000
Iron and Steel Trade of the United States	10,000
Lumber Trade of the United States	10,000
Exports of Domestic Manufactures	20,000
Internal Commerce of the United States, 1900	10,000

One-fourth of the number designated in each case to be for the use of the Senate, one-half for the use of the House of Representatives, and one-fourth for the Bureau of Statistics of the Treasury Department; said reprints to be separately bound in paper and, wherever practicable, printed from plates in possession of the Public Printer.

EMPLOYEES OF THE SENATE.

Mr. GALLINGER. I sumbit a resolution for which I ask present consideration.

The resolution was read, as follows:

Resolved, That one of the positions of messenger at the Maltby Building, paid at the rate of $1,440 per annum, authorized by Senate resolution of July 26, 1892, be, and it hereby is, abolished; and that the Sergeant-at-Arms of the Senate be, and he hereby is, authorized and directed to appoint in lieu thereof two laborers, at an annual salary of $720 each.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. SPOONER. I ask that it be again read.

The Secretary again read the resolution.

Mr. BAILEY. Pending that, I should like to inquire if it is the purpose to withdraw any service from the Maltby Building? It is none too good now, and if it is proposed to take one messenger from there and appoint two laborers to serve elsewhere the resolution ought not to pass.

Mr. ALLISON. It is in lieu.

Mr. BAILEY. I know the appointment may be in lieu, but the service may be rendered elsewhere.

Mr. GALLINGER. If the Senator will permit me, Mr. President, I will state that the messengership that is proposed to be abolished is connected with a committee of the Senate.

Mr. BAILEY. Let me make an inquiry. I did not know that messengers were assigned to buildings, but to committees.

Mr. GALLINGER. They are.

Mr. BAILEY. As the resolution assigned this messenger to the building, I suppose the service was intended to be rendered there.

Mr. GALLINGER. The committee might have been stated instead of the building; but the committee to whom this messenger has been assigned is in the Maltby Building, and I presume that is why it was done.

Mr. BAILEY. I suggest, then, it would be better to say the messenger assigned to the committee. I am a little sensitive about the matter. I walked up three flights of stairs all the summer time there because they had no sufficient service, or for some other reason.

Mr. SPOONER. May I inquire what committee it is?

Mr. GALLINGER. Mr. President, I spoke inadvertently when I said the committee to whom this messenger is assigned is in the Maltby Building, and I will now correct the matter. The resolution was not written by myself, but it was written at the suggestion of a Senator who has a messenger assigned to his committee, and he is quite willing to take a laborer at $720 a year in lieu of that messenger. That would enable the Sergeant-at-Arms to appoint an additional laborer, whose services would be given to the Government. I can see no objection to an arrangement of that kind; but the fact is, as I now recall, that the committee that has the service of this messenger is not located in the Maltby Building, so that the objection which the Senator from Texas raises is not valid, if it does not take a messenger from the Maltby Building, which I feel quite sure is not to be done. However, Mr. President, I will withdraw the resolution for the present for further inquiry.

The PRESIDENT pro tempore. The resolution is withdrawn.

SPECIAL POSTAL RATES.

Mr. HOAR submitted the following resolution; which was considered by unanimous consent, and agreed to.

Resolved, That the Postmaster-General be directed to inform the Senate what is the construction placed by his Department upon the existing law prescribing the postage for periodical publications like those published by churches, parishes, missionary and other associations, containing in part advertisements, in part general intelligence or miscellaneous articles, and in part items of news of special interest to the members of the particular organizations under whose authority they are published, giving either, as may be found convenient, a list of such publications in regard to which special rules have been made by the Department, or such examples as will illustr ate the position of the Department.

AGREEMENT WITH INDIANS OF ROSEBUD AGENCY, S. DAK.

Mr. GAMBLE. Senate Document No. 31, Fifty-seventh Congress, first session, being a letter from the Secretary of the Interior transmitting the report of the Commissioner of Indian Affairs upon a certain agreement with Indians of the Rosebud Agency, S. Dak., was submitted December 9, 1901, and ordered to be printed and lie on the table. A bill is now pending in the Senate for the ratification of that treaty, and it is before the Committee on Indian Affairs. I move that that report be referred to the Committee on Indian Affairs.

The motion was agreed to.

MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE BROSIUS.

Mr. PENROSE. Mr. President, I desire to announce to the Senate that on Friday, the 14th instant, at 4 o'clock, I shall call up the resolutions of the House of Representatives commemorative of my late colleague in the House, Hon. MARRIOTT BROSIUS, and I shall then ask the Senate to suspend its business in order that fitting tribute may be paid to his memory.

SALARIES OF CERTAIN JUDGES.

Mr. HOAR. I move that the Senate proceed to the consideration of the bill (S. 3287) to fix the salaries of certain judges of the United States.

Mr. HALE. Mr. President, yesterday morning I reported from the Committee on Appropriations the urgent deficiency appropriation bill and gave notice that, with the consent of the Senate, I would call it up this morning at the close of the routine morning business. The Senator from Massachusetts has had in the morning hour for several days an important bill in his charge before the Senate. He has come very near securing a vote upon it and believes now, as I believe, that he can probably obtain a vote upon that important bill this morning. So, under these considerations, I will not now move to proceed to the consideration of the appropriation bill, but will let the judicial bill run until, say, 1 o'clock.

The PRESIDENT pro tempore. The Senator from Massachusetts moves to proceed to the consideration of the bill (S. 3287) to fix the salaries of certain judges of the United States.

The motion was agreed to; and the Senate resumed the consideration of the bill.

The PRESIDENT pro tempore. The question is, Shall the bill be ordered to be engrossed for a third reading and read a third time?

Mr. TELLER. What has become of the amendment which was offered by the Senator from Wyoming [Mr. CLARK]?

Mr. HOAR. It was laid on the table.

The PRESIDENT pro tempore. The Senator from Ohio [Mr. FORAKER] offered an amendment, which he withdrew. The amendment to which the Senator from Colorado refers was laid on the table by a vote.

Mr. TELLER. I must have been out of the Chamber at the time.

Mr. President, I want to say merely a word. I think it would have been better, on coming to the question of the revision of salaries, to have included some other salaries and not to have confined the increase to the judiciary, or if we did, I think certainly the Territorial judges ought to have had their salaries increased. I do not suppose it will be possible on this bill to do that now, but it ought to have been done before it was reported from the committee to the Senate.

I think another thing, Mr. President. If we are going to raise salaries, it will be well enough to look at the salaries of the members of the Cabinet. I do not myself see why a member of the Cabinet, who is called upon to do certain social duties which the judges are not, should not have a reasonable salary. Everyone will admit that $8,000 is not a sufficient salary. No man can afford to be a member of the Cabinet, however much the President may desire to have him there, unless he is a man of means. He can not live on $8,000 and discharge the duties that every Cabinet officer is expected to perform. I think there should be a revision of these salaries, and I am not prepared to vote for a piecemeal

operation. Whenever some one will take this matter up and provide for the real necessary increases I am willing to vote for it. I think the judges are as well paid as most of the officials of the Government of the United States.

Mr. ELKINS. Mr. President, I desire to offer an amendment to the bill now before the Senate.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 2, after the word "Columbia," in line 22, at the end of the bill, insert:

That the members of the Cabinet shall each be paid the sum of $12,500 a year.

Mr. HOAR. Mr. President, I move to lay that amendment on the table.

The PRESIDENT pro tempore. The question is on the motion to lay the amendment on the table. [Putting the question.] The ayes seem to have it. The ayes have it, and the amendment is laid on the table.

Mr. TILLMAN. On that I demand the yeas and nays.

Mr. HALE. On the passage of the bill?

Mr. TILLMAN. No; on the amendment to increase the salaries of Cabinet officers. I do not see why we should be giving additional pay to the judges, who work, say, only six months a year, while a Cabinet officer is in his place every month. I do not see why we should discriminate against the Cabinet officers. I should like to have the Senate vote on the question.

Mr. HOAR. Is the Senator from South Carolina in favor of raising the salaries of Cabinet officers anyway?

Mr. TILLMAN. Yes; if we are going to raise salaries let us begin at the right end of it.

The PRESIDENT pro tempore. The Senator from South Carolina demands the yeas and nays on the motion to lay the amendment of the Senator from West Virginia on the table.

Mr. BACON. I should like to know the amount proposed as the salaries of Cabinet officers.

Mr. TILLMAN. The same that it is proposed to give the associate justices of the Supreme Court.

Mr. BEVERIDGE. What is the amendment?

The PRESIDENT pro tempore. The amendment will be again read.

The SECRETARY. It is proposed to add at the end of the bill:

That the members of the Cabinet shall each be paid the sum of $12,500 a year.

The PRESIDENT pro tempore. The motion is to lay the amendment on the table, on which the Senator from South Carolina demands the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. HANSBROUGH (when his name was called). I am paired with the senior Senator from Virginia [Mr. DANIEL]. I will transfer that pair to the senior Senator from Rhode Island [Mr. ALDRICH] and vote "yea."

Mr. MCENERY (when his name was called). I am paired with the junior Senator from New York [Mr. DEPEW]. I do not know how he would vote. If he were present, I should vote "nay."

Mr. MCMILLAN (when his name was called). I am paired with the Senator from Kentucky [Mr. BLACKBURN]. Not knowing how he would vote, I withhold my vote.

Mr. NELSON (when his name was called). I have a general pair with the junior Senator from Missouri [Mr. VEST]. Not knowing how he would vote, I withhold my vote.

Mr. PRITCHARD (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. MCLAURIN]. If he were present, I should vote "yea."

The roll call was concluded.

Mr. DOLLIVER (after having voted in the negative). On account of the absence from his seat of the Senator from Mississippi [Mr. MONEY], with whom I am paired, I desire to withdraw my vote.

Mr. WARREN (after having voted in the negative). I have a general pair with the senior Senator from Washington [Mr. TURNER], but from conversation I have had with him I assume that he would vote on the same side of the question that I have voted, and therefore I will let my vote stand.

Mr. FOSTER of Washington (after having voted in the affirmative). I voted "yea," but I have a general pair with the junior Senator from Mississippi [Mr. MCLAURIN]. Not knowing how he would vote, I withdraw my vote.

Mr. MCCUMBER (after having voted in the negative). I should like to ask if the junior Senator from Louisiana [Mr. FOSTER] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not voted.

Mr. MCCUMBER. As I am paired with that Senator, I withdraw my vote, not knowing how he would vote if present.

Mr. DUBOIS (after having voted in the negative). I inquire if the Senator from Oregon [Mr. MITCHELL] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not voted.

Mr. DUBOIS. I am paired with the Senator from Oregon and therefore withdraw my vote, not knowing how that Senator would vote if present.

Mr. SIMMONS (after having voted in the affirmative). I have a general pair with the Senator from Minnesota [Mr. CLAPP]. I am informed that he has not voted. I desire, therefore, to withdraw my vote.

Mr. HANNA (after having voted in the affirmative). I should like to ask whether the senior Senator from Utah [Mr. RAWLINS] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not voted.

Mr. HANNA. I withdraw my vote.

Mr. DUBOIS. I suggest to the Senator from Ohio, if he is willing, that we transfer our pairs so that our votes may stand.

Mr. HANNA. I am perfectly willing.

Mr. DUBOIS. Then the Senator from Oregon [Mr. MITCHELL] and the Senator from Utah [Mr. RAWLINS] will stand paired. I vote "nay."

Mr. HANNA. I vote "yea."

The result was announced—yeas 38, nays 21; as follows:

YEAS—38.

Allison,	Dryden,	Hoar,	Pettus,
Bailey,	Fairbanks,	Jones, Ark.	Platt, N. Y.
Bard,	Foraker,	Jones, Nev.	Proctor,
Bate,	Frye,	Kean,	Scott,
Berry,	Gallinger,	Kearns,	Simon,
Carmack,	Gibson,	Lodge,	Spooner,
Clark, Mont.	Hale,	McComas,	Stewart,
Clay,	Hanna,	Mallory,	Taliaferro.
Culberson,	Hansbrough,	Patterson,	
Cullom,	Harris,	Perkins,	

NAYS—21.

Bacon,	Deboe,	Heitfeld,	Tillman,
Beveridge,	Dillingham,	Kittredge,	Warren,
Burrows,	Dubois,	Martin,	Wellington,
Burton,	Elkins,	Mason,	
Clark, Wyo.	Gamble,	Quarles,	
Cockrell,	Hawley,	Teller,	

NOT VOTING—29.

Aldrich,	Foster, La.	Mitchell,	Rawlins,
Blackburn,	Foster, Wash.	Money,	Simmons,
Burnham,	McCumber,	Morgan,	Turner,
Clapp,	McEnery,	Nelson,	Vest,
Daniel,	McLaurin, Miss.	Penrose,	Wetmore.
Depew,	McLaurin, S. C.	Platt, Conn.	
Dietrich,	McMillan,	Pritchard,	
Dolliver,	Millard,	Quay,	

So Mr. ELKINS's amendment was laid on the table.

The PRESIDENT pro tempore. The question is, Shall the bill be ordered to be engrossed for a third reading?

Mr. MCCOMAS. Mr. President, I desire to state that I was absent when the vote was taken yesterday on the amendment to this bill increasing the salaries of Senators and Representatives. Had I been present, I should have voted "nay."

Mr. BAILEY. Mr. President, when considered in connection with the vote which has just been taken and also in connection with the vote which was taken yesterday upon the amendment proposed by the Senator from Nevada [Mr. STEWART], this bill presents a singular condition.

I must assume that when the Senate voted down the proposition to increase the salaries of its own members and the members of the House of Representatives it did so because it believed that the members of this body and of the other House are not entitled to an increase in their compensation. I know there are some men uncharitable enough to say that they voted it down because they feared to do what was right when the right happened to be in their own interest. I myself am not at liberty to assume such a fact, and I conclude that it was the Senate's deliberate judgment that the present salary of both Senators and Representatives is entirely sufficient; I must draw the same conclusion with reference to the salary of Cabinet officers.

Then we have this peculiar condition of affairs, that in the judgment of the Senate that particular class of Government officials who, excepting the President alone, already draw the highest salaries, hold their offices for the longest term, have the least expense in executing the duties of their place, and undergo the least drudgery, are the only officials in the service of the Government who are entitled to an increase in their compensation. The judges of the Supreme Court to-day work fewer hours in every day and fewer days in every year than any member of this body who faithfully meets and discharges his duties. If it be said that the honor of that station is greater than the honor of this, then I answer that this is all the more reason why its salary should not be so great.

The truth is, Mr. President, that in fixing the salaries of high public officials they ought all to be so adjusted that the salary itself should never become an inducement to seek or to accept a

great office. The salary should be so fixed as to enable the occupant to support himself and his family in decency and comfort, and no more. All above this reasonable provision ought to be the honor of the place, and that ought to appeal to the ambition and not to the greed of an American citizen.

I believe our salaries are now sufficient; not that we could not realize more from our professional or business engagements, but not one amongst us came here for the salary; all came for the honor of the place. If you were to double the salary you would not add to the honor, nor would you add very much to the comfort of the members. You would simply add to the exactions which are levied against us; you would probably double the charges of all the taverns in the city; probably double the prices of all the tradesmen with whom we deal, for the rule in Washington seems to be to assess us so that there shall be nothing left at the end of each year anyway. But even if it would increase our comfort to increase our salaries, I would still contend that the salary ought never to be made an incentive for any man to seek or to accept this place.

But while that is true of us who serve in the legislative department, is it not also true of those who serve in a judicial capacity? The Chief Justice of the United States holds the highest prize of the greatest profession in the world; it is the very topmost round in the profession of the law, and surely, having reached that, he ought to be content with the honor and a salary sufficient to keep him in decency and comfort.

Mr. President, the greatest curse of official life in Washington is that it is fast becoming impossible for a poor man to support the expense. We have heard it asserted that Cabinet officers have been compelled to resign their places because $8,000 a year would not provide for their expenses. Do you expect to remedy that by increasing the salaries? No, sir. You simply increase the appetite for more by yielding to the demands of to-day. Give them $12,500, and still the disparity between their expenditures and their luxuries would be as great when compared with the circle next above them as it is to-day. You can go on increasing the salaries of those who serve the Government until you make them so great that the offices are sought for the sake of the salaries, thus diminishing the honor without satisfying the occupant.

I undertake to say that there is no man who faithfully and diligently serves a plain republican form of government who can not meet all reasonable expenses upon the salaries now paid; and when you make the salaries great enough not only to justify, but to invite extravagancies you do the people who pay the salaries and the officers who receive them an injury.

Mr. President, if I had had my way I would have put the amendment increasing the salaries of Senators and Representatives on this bill, and it would never have passed either this body or the other. While there is some question in the minds of many gentlemen as to the propriety of making a bad bill worse, my own opinion is that there can be no doubt on that point, provided we make it so bad as to beat it entirely; and I intend at the proper time to move to recommit this bill with instructions to revise the whole list of salaries. If, in revising them, the committee add anything to the salaries of Senators and Representatives it will defeat the bill and we will at least save the Treasury the burden and the country the bad example of making high salaries higher.

The PRESIDENT pro tempore. The question is on ordering the bill to be engrossed for a third reading.

Mr. BAILEY. As no other Senator seems desirous to address the Senate, I presume now will be the proper time to make the motion to recommit this bill to the Committee on the Judiciary with instructions to revise the whole list of Government salaries.

Mr. HOAR. I ask the Senator if he can not make that motion as well at the next stage, on the passage of the bill?

Mr. BAILEY. The proposition is to order the bill to be engrossed for a third reading, and this is the proper time to make it.

The PRESIDENT pro tempore. The motion will be entirely in order after the bill has been ordered to be engrossed and has been read a third time.

Mr. BAILEY. Then I am entirely willing to withhold the motion for the present.

Mr. COCKRELL. The motion is in order now.

The PRESIDENT pro tempore. It is in order now.

Mr. BERRY. Certainly the motion is in order now.

Mr. BAILEY. I will withhold the motion until the last stage is reached.

The PRESIDENT pro tempore. The question is, Shall the bill be engrossed for a third reading?

The bill was ordered to be engrossed for a third reading; and it was read the third time.

Mr. BAILEY. Now, Mr. President, I make the motion.

The PRESIDENT pro tempore. The Senator from Texas moves to recommit the bill to the Judiciary Committee, with instructions to revise the entire list of salaries of public officers.

Mr. TELLER. Before this bill is recommitted, if it shall be, I want to call the attention of the committee, if they enter upon this subject, first to the salaries of the Territorial judges, who are serving in communities where living is much more expensive than in this community, and serving for one-half the sum now paid to the circuit judges.

I want to call the attention of the committee also to the subject of the salaries of the governors of the Territories, who are serving, I think, for $3,000 a year. I ought, perhaps, to state as to the judges who are serving in the Territories, that there is an exception in the Indian Territory, where the judges receive $5,000 a year, but that, I think, makes an argument in favor of giving the judges in Oklahoma, Arizona, New Mexico, and Alaska the same salary.

Now, I want to return to the governors of the Territories. The governors of the several Territories are called upon to render a service that is expensive to them, aside from the cost of living, and yet they get but $3,000 a year. I know that there is a small contingent appropriation of $500, or some such sum, but it is not at all sufficient to meet the demands made upon them for traveling expenses and other things.

If we are going into the question of raising salaries, it should be done with some system. We should not just pick up one class, as the Senator from Texas [Mr. BAILEY] says, the highest paid class, men who occupy the most desirable positions of any offices in the United States, so far as lawyers are concerned, raise their salaries, and let everybody else wait.

Mr. STEWART. Mr. President, I wish to indorse what has been said by the Senator from Colorado [Mr. TELLER] with respect to our Territorial judges. I hope that their salaries will be looked into, for the reason that they have more important judicial duties to perform and more difficult duties to perform than the circuit judges of the United States in any of the States of the Union.

It so happens now that our Territories are generally mining Territories, where great mining interests are in litigation, where new questions, important questions, involving millions are constantly arising, and where the expenses of living are very much greater and the responsibilities the judge has to take are very much greater than they are in the circuit courts of the United States. It requires, too, a higher class of ability and integrity than it does where judges are surrounded by able lawyers and fixed customs of a community and are braced up by popular sentiment, and not in the wild, far-off country, where millions are involved, and where, I say, strong men, good lawyers, and men of great common sense, who can deal with new questions, are required. A neglect in that particular has led to very injurious results. I hope, if this subject is to be considered, that those judges may also be taken into consideration.

We are acquiring new country all the time which presents new questions, which requires greater learning, experience, common sense, and all that, than is required of the class of men in the States who, in a large measure, do merely routine business. I hope that matter will be considered, if not on this bill, at an early opportunity.

Mr. HOAR. The instructions proposed would, in my opinion—and I have had some experience in such matters—require the labors of a commission or a committee for at least two years.

Mr. BAILEY. That is a proper criticism, and I was going to modify my motion.

Mr. HOAR. I will finish what I was going to say, if the Senator will pardon me.

It would require the going into the salaries of letter carriers, the salaries of the employees of the different custom-houses, of the different Territorial officers, and all the officers who are under the charge of other committees. The Judiciary Committee has no special knowledge of them, and it would take, as I have said, an industrious commission at least two years to carry out the instruction. So that the motion to recommit the bill, whether designed or not, is hostile to the bill. The Senator himself has not suggested a single observation as to which salaries he thinks ought to be raised.

Mr. BAILEY. Mr. President, in response to the Senator from Massachusetts, I will say I frankly stated to the Senate that the one purpose I had in moving to recommit the bill was to load it down so far as to render its passage impossible. I made no concealment of that. But there are some who would vote for the motion to recommit if properly limited, and I propose to modify the motion that far. I had no expectation or hope that it would be adopted by the Senate anyway, and was not, therefore, careful as to the form; but in view of the fact that at least one or two Senators are disposed to vote for the motion if properly limited, I now move to recommit the bill, with instructions to the committee to revise the list of salaries of the judges of the United States, of the judges of the several Territories, of Senators and Representatives in Congress, of the heads of Executive Departments, and I will include also in the motion the Vice-President.

The PRESIDENT pro tempore. The Senator from Texas has

stated his motion in the hearing of the Senate, and the Chair will not repeat it. The question is on the motion of the Senator from Texas to recommit with instructions. [Putting the question.] By the sound the "noes" have it.

Mr. BAILEY. Let us have the yeas and nays.

The yeas and nays were ordered.

Mr. WELLINGTON. I should like to inquire of the Senator from Texas whether it would not be well enough to include the Speaker of the House of Representatives and the President of the United States?

Mr. BAILEY. The Speaker of the House is included in the membership of the House, but the Vice-President is not included in the membership of the Senate.

Mr. WELLINGTON. The salary of the Speaker is now higher than that of a member of the House.

Mr. BAILEY. I know, but in fixing the salaries of members of the House the committee will also be authorized to fix the salary of that particular officer.

Mr. HALE. Undoubtedly.

The PRESIDENT pro tempore. The Secretary will call the roll on the motion of the Senator from Texas [Mr. BAILEY] to recommit the bill with instructions.

Mr. HANNA (when his name was called). May I inquire of the Senator from Idaho [Mr. DUBOIS] whether we can make the same exchange of pairs that we made on the previous vote?

Mr. DUBOIS. My pair, I will state to the Senator, has come in.

Mr. HANNA. Then I transfer my general pair with the Senator from Utah [Mr. RAWLINS] to the Senator from Rhode Island [Mr. ALDRICH], and vote "nay."

Mr. MCMILLAN (when his name was called). I announce my pair with the Senator from Kentucky [Mr. BLACKBURN]. If he were present, I should vote "nay."

Mr. NELSON (when his name was called). I have a general pair with the Senator from Missouri [Mr. VEST], who is detained at home by illness. I imagine that, if present, the Senator from Missouri would vote to recommit the bill, and as I would vote against recommittal if at liberty to vote, I withhold my vote.

Mr. PRITCHARD (when his name was called). I again announce my pair with the Senator from South Carolina [Mr. MCLAURIN]. If he were present, I should vote "nay."

Mr. SIMMONS (when his name was called). I announce my pair with the Senator from Minnesota [Mr. CLAPP]. I do not know how he would vote, but if he were present, I should vote "yea."

Mr. WARREN (when his name was called). I have a general pair with the senior Senator from Washington [Mr. TURNER]. I do not know how he would vote, if present, and I therefore withhold my vote.

The roll call was concluded.

Mr. FOSTER of Washington. I have a general pair with the junior Senator from Mississippi [Mr. MCLAURIN], and therefore withhold my vote.

The result was announced—yeas 29, nays 32; as follows:

YEAS—29.

Bacon,	Culberson,	Jones, Ark.	Stewart,
Bailey,	Dietrich,	Kittredge,	Taliaferro,
Bate,	Dubois,	McCumber,	Teller,
Berry,	Gamble,	Mallory,	Tillman,
Carmack,	Gibson,	Martin,	Wellington.
Clark, Mont.	Hansbrough,	Mitchell,	
Clay,	Harris,	Morgan,	
Cockrell,	Heitfeld,	Pettus,	

NAYS—32.

Allison,	Dryden,	Hawley,	Penrose,
Bard,	Elkins,	Hoar,	Perkins,
Beveridge,	Fairbanks,	Jones, Nev.	Platt, N. Y.
Burrows,	Foraker,	Kean,	Proctor,
Burton,	Frye,	Kearns,	Quarles,
Clark, Wyo.	Gallinger,	Lodge,	Scott,
Cullom,	Hale,	McComas,	Simon,
Dillingham,	Hanna,	Patterson,	Spooner.

NOT VOTING—27.

Aldrich,	Dolliver,	Mason,	Rawlins,
Blackburn,	Foster, La.	Millard,	Simmons,
Burnham,	Foster, Wash.	Money,	Turner,
Clapp,	McEnery,	Nelson,	Vest,
Daniel,	McLaurin, Miss.	Platt, Conn.	Warren,
Deboe,	McLaurin, S. C.	Pritchard,	Wetmore.
Depew,	McMillan,	Quay,	

So the Senate refused to recommit the bill with instructions.

The PRESIDENT pro tempore. The question is, Shall the bill be read a third time?

The bill was read the third time.

The PRESIDENT pro tempore. The question now is on the passage of the bill.

Mr. HANSBROUGH. Mr. President, when the hour of 2 o'clock arrived yesterday, the Senator from South Carolina [Mr. TILLMAN]——

Mr. COCKRELL. Mr. President, there is so much noise in the Chamber that we can not hear what is being said.

The PRESIDENT pro tempore. The Senator from North Dakota will suspend one moment. Senators will please resume their seats and cease conversation in the Chamber.

Mr. HANSBROUGH. Mr. President, I am persuaded by the personal plea of my friend, the Senator from Massachusetts [Mr. HOAR], to forego what I was about to say. I will defer the statement with respect to the Alaska case until some future time, in order to accommodate my friend the Senator from Massachusetts.

The PRESIDENT pro tempore. The question is, Shall the bill pass?

Mr. BERRY. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. DOLLIVER (when his name was called). If the senior Senator from Mississippi [Mr. MONEY], with whom I am paired, were present, I should vote "yea."

Mr. FOSTER of Washington (when his name was called). I have a general pair with the junior Senator from Mississippi [Mr. Mr. MCLAURIN]. If he were present, I should vote "yea."

Mr. MCCUMBER (when his name was called). I have a general pair with the junior Senator from Louisiana [Mr. FOSTER]. He being absent, I refrain from voting.

Mr. MCMILLAN (when his name was called). I again announce my pair with the Senator from Kentucky [Mr. BLACKBURN].

Mr. PETTUS (when Mr. MORGAN'S name was called). My colleague is necessarily absent. If he were present, he would vote "nay."

Mr. NELSON (when his name was called). I have a general pair with the junior Senator from Missouri [Mr. VEST]. If he were present, he would vote "nay" and I should vote "yea."

Mr. SIMMONS (when his name was called). I have a general pair with the junior Senator from Minnesota [Mr. CLAPP]. I am told he would vote "yea" on this question. I should vote "nay" if at liberty to vote.

Mr. WARREN (when his name was called). I am paired with the senior Senator from Washington [Mr. TURNER].

The roll call having been concluded, the result was announced—years 39, nays 21; as follows:

YEAS—39.

Aldrich,	Dubois,	Hawley,	Penrose,
Allison,	Elkins,	Heitfeld,	Perkins,
Bard,	Fairbanks,	Hoar,	Platt, N. Y.
Beveridge,	Foraker,	Jones, Nev.	Proctor,
Burrows,	Frye,	Kean,	Quarles,
Burton,	Gallinger,	Kearns,	Scott,
Clark, Wyo.	Gamble,	Kittredge,	Simon,
Cullom,	Hale,	Lodge,	Spooner,
Dillingham,	Hanna,	McComas,	Stewart.
Dryden,	Hansbrough,	Mitchell,	

NAYS—21.

Bacon,	Clay,	McLaurin, S. C.	Teller,
Bailey,	Cockrell,	Mallory,	Tillman,
Bate,	Culberson,	Martin,	Wellington.
Berry,	Gibson,	Patterson,	
Carmack,	Harris,	Pettus,	
Clark, Mont.	Jones, Ark.	Taliaferro,	

NOT VOTING—28.

Blackburn,	Dolliver,	Mason,	Quay,
Burnham,	Foster, La.	Millard,	Rawlins,
Clapp,	Foster, Wash.	Money,	Simmons,
Daniel,	McCumber,	Morgan,	Turner,
Deboe,	McEnery,	Nelson,	Vest,
Depew,	McLaurin, Miss.	Platt, Conn.	Warren,
Dietrich,	McMillan,	Pritchard,	Wetmore.

So the bill was passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5814) to provide for the execution in the Philippine Islands and in Porto Rico of deeds for land situate in the District of Columbia.

URGENT DEFICIENCY APPROPRIATION BILL.

Mr. HALE. I ask that the Senate proceed to the consideration of the bill (H. R. 9315) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1902, and for prior years, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Appropriations with amendments.

Mr. HALE. I ask that the formal reading of the bill be dispensed with, and that in considering it committee amendments shall be first taken up.

The PRESIDENT pro tempore. The Senator from Maine asks unanimous consent that the formal reading of the bill be dispensed with, and that it be read for amendment, and that committee amendments shall first receive consideration by the Senate. Is there objection? The Chair hears none, and it is so ordered.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Appropriations was, on page 2, after line 18, to insert:

For repaying to the Government of Mexico money erroneously claimed by and paid to the United States on account of the awards, adjudged to have been fraudulently made, in the La Abra and Weil claims, $412,572.70.

The amendment was agreed to.

The next amendment was, on page 6, after line 3, to insert:

Rent of building for storage, Treasury Department: For rental of building at the rate of $250 per month, for five months ending June 30, 1902, $1,250, or so much thereof as may be necessary; to provide room for the increase of the clerical force in the office of the Treasurer of the United States, for storage of documents and records and for shelving for same, $4,000, and for transferring documents and records to said building, $1,500; in all, $6,750.

The amendment was agreed to.

The next amendment was, on page 6, after line 14, to insert:

For rent of an additional room for use of the Bureau of Statistics, $300.

The amendment was agreed to.

The next amendment was, on page 10, line 5, before the word "hundred," to strike out "one" and insert "two," and in the same line, after the word "dollars," to insert "or so much thereof as may be necessary;" so as to make the clause read:

For the payment of drawback or rebate on original and unbroken factory packages of smoking and manufactured tobacco, snuff, and cigars, as provided in section 4 of the act approved March 2, 1901, amending the war-revenue act of June 30, 1898, and to reduce taxation thereunder, $3,250,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, at the top of page 13, to insert:

Rent of buildings, Cleveland, Ohio: For rental of quarters at Cleveland, Ohio: For rental of temporary quarters for the accommodation of Government officials, and for moving furniture, fixtures, safes, and other Government property, and other contingent expenses incidental to such removal, $6,000.

The amendment was agreed to.

The next amendment was, on page 13, after line 6, to insert:

For repairs and increased accommodation in the post-office and custom-house building in the customs district of Frenchmans Bay, Maine, and extension of the heating apparatus in the same, $7,000.

The amendment was agreed to.

The next amendment was, on page 13, after line 10, to insert:

For post-office at Columbus, Ga.: For completion of building under present limit, $3,000; and the Secretary of the Treasury is hereby authorized and directed to pay from this appropriation to Messrs. Richardson & Burgess, contractors for the construction of the addition to said building, the sum of $2,530.62, for continuing the terra cotta cornice and frieze of said addition, to correspond with the cornice and frieze of main portions of said building, the balance of said appropriation to be used for the completion of said building.

The amendment was agreed to.

The next amendment was, on page 13, after line 21, to insert:

For Treasury building, Washington, D. C.: For new roof, $15,000; for general repairs, $1,000; for new marble steps from first to second floors, east front (inside), $1,000; in all, $17,000.

The amendment was agreed to.

The next amendment was, on page 14, after line 2, to insert:

For Butler Building: For plumbing, painting, new roof, and general repairs, Butler Building, occupied by the Coast and Geodetic Survey, $4,000.

The amendment was agreed to.

The next amendment was, on page 16, after line 16, to insert:

Territory of Arizona: For contingent expenses of the Territory, to be expended by the governor, $500.

The amendment was agreed to.

The next amendment was, on page 16, after line 19, to insert:

Territory of New Mexico: For contingent expenses of the Territory, to be expended by the governor, $500.

The amendment was agreed to.

The next amendment was, on page 17, after line 9, to insert:

Fish hatchery, Erwin, Tenn.: For the completion of the fish-cultural station of the United States Commission of Fish and Fisheries at Erwin, Tenn., including the construction of ponds and an additional water supply, $5,000.

The amendment was agreed to.

The next amendment was, on page 17, after line 14, to insert:

Fish hatchery, Green Lake, Me.: For the completion of the fish-cultural station of the United States Commission of Fish and Fisheries at Green Lake, Me., including the construction of ponds, roads, and buildings, extension of wharf, purchase of land, and an additional water supply, $4,000.

The amendment was agreed to.

The next amendment was, on page 17, after line 20, to insert:

Fish hatchery, Duluth, Minn.: For the completion of the fish-cultural station of the United States Commission of Fish and Fisheries at Duluth, Minn., including improvement of grounds and an additional water supply, $2,000.

The amendment was agreed to.

The next amendment was, at the top of page 18, to insert:

Fish hatchery, Gloucester, Mass.: For the completion of the fish hatchery of the United States Commission of Fish and Fisheries at Gloucester, Mass., including the construction of retaining pens for holding live codfish, $2,500.

The amendment was agreed to.

The next amendment was, on page 18, after line 5, to insert:

Fish hatchery, Woods Hole, Mass.: For the purchase and installation of a steam boiler at the fish hatchery of the United States Commission of Fish and Fisheries at Woods Hole, Mass., $2,000.

The amendment was agreed to.

The next amendment was, on page 18, after line 9, to insert:

Lobster hatchery, Maine: For the completion of the lobster hatchery in Maine, including the purchase of additional land, the construction or purchase of a building for the superintendent's residence, and for equipment, $10,000.

The amendment was agreed to.

The next amendment was, on page 18, after line 14, to insert:

Steamer *Albatross*, Fish Commission: For the construction or purchase of a surfboat for the use of the United States Fish Commission steamer *Albatross*, $500.

The amendment was agreed to.

The next amendment was, on page 18, after line 18, to insert:

INTERSTATE COMMERCE COMMISSION.

To pay Edward A. Moseley, secretary and disbursing agent Interstate Commerce Commission, the amount disallowed by the accounting officers of the Treasury for official telegrams paid by him in the fiscal year 1900 by order of the Commission, $321.56.

The amendment was agreed to.

The reading of the bill was continued to the end of line 14, on page 19.

Mr. HALE. There is a committee amendment in line 13. I move to strike out "six" and insert "nine."

Mr. COCKRELL. What page?

Mr. HALE. Line 13, page 19. It is the District item about which Commissioner Macfarland came to us.

Mr. COCKRELL. What is it? Let the amendment be stated.

The SECRETARY. In line 13, page 19, after the word "office" it is proposed to strike out "six" and insert "nine," so as to read:

Contingent and miscellaneous expenses: For contingent expenses required for the office of the superintendent of insurance, including rent, furniture, stationery, printing, books, law books, books of reference, and periodicals, and other general necessary expenses of his office, $900.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was under the head of "District of Columbia," on page 19, after line 14, to insert:

Surveyor's office: For such employees as may be required in accordance with the provisions of the act of Congress making the surveyor of the District of Columbia a salried officer, $5,000.

The amendment was agreed to.

The amendment was, on page 21, after line 14, to insert:

Statue of General Grant: Authority is hereby given to expend from the appropriation of $10,000 for plans or designs for a memorial or statue of Gen. Ulysses S. Grant made by the act approved February 23, 1901, a sum not to exceed $800 for the rental of suitable rooms in which to display the plans, designs, models, etc., submitted by those entering the competition for said memorial or statue.

The amendment was agreed to.

The next amendment was, on page 21, after line 23, to insert:

Statue of General McClellan: Authority is hereby given to expend from the appropriation of $50,000 for the statue and pedestal of Gen. George B. McClellan made by the sundry civil act approved March 3, 1901, a sum not to exceed $400 for the rental of suitable rooms in which to display the models, drawings, plans, etc., submitted by those entering the competition for said statue.

The amendment was agreed to.

The reading of the bill was continued to the end of line 10, on page 22.

Mr. HALE. I move to strike out "four thousand five hundred" in line 8, page 22, and insert "seven thousand."

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. In line 8, page 22, strike out "four thousand five hundred" and insert "seven thousand;" so as to read:

Executive Mansion: For care, repair, and refurnishing of Executive Mansion, $7,000, to be expended by contract or otherwise, as the President may determine.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, on page 22, after line 10, to strike out:

For the proper shelter and protection of officers and enlisted men of the Army of the United States lawfully on duty in the Philippine Islands, to be expended in the discretion of the President, $500,000.

And insert:

MILITARY POST.

For the establishment in the vicinity of Manila, P. I., of a military post, including the construction of barracks, quarters for officers, hospital, storehouses, and other buildings, as well as water supply, lighting, sewerage, and drainage, necessary for the accommodation of a garrison of two full regiments of infantry, two squadrons of cavalry, and two batteries of artillery, to be available until expended, $500,000.

Mr. TELLER. I have been absent at lunch, and I should like to know the order under which we are proceeding. Are we agreeing to the amendments as we go along?

Mr. HALE. That is the agreement. It is the usual course.

Mr. TELLER. And disposing of them?

Mr. HALE. And disposing of them.

Mr. COCKRELL. I suggest to the Senator from Maine that there are probably three amendments which will lead to some discussion, and they might be passed over and the bill first completed except as to those three.

Mr. TELLER. What are those?

Mr. COCKRELL. One is this amendment; another is the amendment relative to the office of Architect of the Capitol, and the other is about land offices in Alaska.

Mr. HALE. Does anyone care to debate this amendment?

Mr. COCKRELL. I presume so. The Senator from Colorado rose to make an inquiry about it. I only suggest that it be passed over in the event that it is to be debated.

Mr. TELLER. Let it be passed over anyway.

Mr. HALE. Then the amendment on page 22 may be passed over.

The PRESIDENT pro tempore. It will be passed over for the present.

Mr. COCKRELL. I ask the Senator to allow the other two amendments to be passed over.

Mr. HALE. When they are reached, they can be passed over if the Senator will call attention to them.

Mr. COCKRELL. The other amendments that I suggested should be passed over are on page 42 and on page 45.

Mr. JONES of Arkansas. I suggest that the order be made now that they be passed when they are reached, so that Senators shall not be required to watch the reading of the bill for that purpose.

Mr. HALE. There is no objection.

The PRESIDENT pro tempore. Which is the amendment on page 44?

Mr. HALE. The Alaska amendment is on page 44.

The PRESIDENT pro tempore. Striking out the paragraph?

Mr. HALE. Yes.

The PRESIDENT pro tempore. The amendment will be passed over for the present. What is the other amendment?

Mr. HALE. On page 42, in reference to the office of Architect of the Capitol.

The PRESIDENT pro tempore. That will be passed over.

Mr. HALE. That is also to be passed over until the consideration of the other amendments is completed.

The PRESIDENT pro tempore. The Secretary will proceed with the reading of the bill.

The Secretary resumed the reading of the bill.

The next amendment of the Committee on Appropriations was, at the top of page 23, to insert:

FORTIFICATIONS.

For protection, preservation, and repair of fortifications for which there may be no special appropriation available, $3,000.

The amendment was agreed to.

The next amendment was, under the subhead "Military establishment," on page 23, after line 11, to insert:

Shooting galleries and ranges: For shelter shooting galleries and ranges for small-arms target practice, repairs, and expenses incident thereto, $10,000.

The amendment was agreed to.

The next amendment was, under the subhead "Naval establishment," on page 30, after line 21, to insert:

For the reimbursement of the Philippine insular funds for small gunboats and other craft, ordnance and ordnance stores, turned over by the military authorities at Manila to the Navy, a sum of money equal to $450,042.40, Mexican currency, at the valuation thereof during the first quarter of the calendar year 1900, $208,819.67, or so much thereof as may be necessary.

Mr. TILLMAN. I suggest to the Senator in charge of the bill that he allow this amendment to go over and let us have some explanation about it.

Mr. HALE. There is no necessity for its going over. It is very simple. I do not know whether the Senator was in committee or not when it came up and when the documents were read.

Mr. TILLMAN. I was not present,

Mr. HALE. These boats were transferred to the Navy Department, and the inland revenues had paid for them.

Mr. TILLMAN. Paid whom?

Mr. HALE. Paid the owners of the boats. They were transferred to the Navy Department by the insular government, while their revenues had been taken to the amount of the cost. The Navy Department has them now and is using them in shallow water.

Mr. TILLMAN. These, then, are not boats captured by our troops, but they are only private property bought by the insular government?

Mr. HALE. By the insular government.

Mr. TILLMAN. By the Taft Commission?

Mr. HALE. Yes; I presume so; by the insular government; whether it was before the Taft Commission or not, it was the insular government, and it is simply to reimburse them.

Mr. TILLMAN. I did not know that there had been any government over there before that Commission other than the military government.

Mr. HALE. Perhaps it was the military government. At any rate, we took them and the insular revenues paid for them.

Mr. GALLINGER. They were turned over by the military authorities.

Mr. HALE. They were turned over, and the Navy Department is now using them and recommends that the revenues of the insular government be reimbursed in the amount, as the Navy Department is using them.

Mr. TILLMAN. The only question that struck me as being a little peculiar is that we should be taking money out of one pocket and putting it into another, or rather taking money out of Uncle Sam's pocket and putting it into the insular treasury.

Mr. HALE. It was taken out first from their treasury. This reimburses them. It does not go a dollar beyond what they have already paid.

Mr. TILLMAN. This money, then, was appropriated by the Taft Commission, or by somebody?

Mr. HALE. Yes, it was appropriated.

Mr. TILLMAN. I think the Senator had better let the amendment go over, so that the documents may be read in the Senate which were before the committee. I prefer that course, unless——

Mr. HALE. I can say nothing more at any time than what I have said. If the Senator doubts the statement——

Mr. TILLMAN. It is not a question of doubting the Senator's statement. He knows I do not doubt it. It is merely a question of having the documents presented, so that we can get them in the RECORD. He certainly will not object to our having a chance to examine them. What I am after is to get at the legal status of the authorities in the Philippines, as to who ordered it, and what money was expended in it, and how and why; that is all.

Mr. HALE. Here is the document, which, if the Senator likes, I will read, or I will put it in without reading, just as he prefers. This is what the committee acted on. It is dated Washington, January 8, 1902. I will read a part of it:

As shown by said reports, the value of the property in question, as nearly as could be ascertained, is equal to $450,042.40 Mexican currency, and as the vessels and the ordnance are indispensable to the efficient operations of the Navy in the Philippine Islands, the Secretary of War has consented to the retention of said property by this Department. The insular funds, from which the purchase price of the vessels, ordnance, and ordnance stores was paid, should be reimbursed in the amount of its outlay in this behalf, and as there is no appropriation under the control of this Department from which the sum named could be taken for this purpose, it is requested that there be inserted in the urgent deficiency bill the following item:

Mr. TILLMAN. Now, right there, the inquiry naturally arises as to why the insular government needed vessels, and where the insular government got ordnance stores. I suppose that the United States Army was in control, and that its commanding officers of the various departments or provinces, or wherever they were, were in charge of all the Government property. If there were any ordnance stores, they must have belonged either to the United States or to the insurgents, and had been captured by the Army. I really do not see how it is that we are called on by the Navy Department to pay for the transfer of ordnance stores in this way.

Mr. HALE. I do not know. I am not infected with the suspicion of the Senator.

Mr. TILLMAN. It is not a question of suspicion, but a mere question of inquiry as to the legality of the method by which this comes about. The Senator knows me well enough to know that while I am a little suspicious sometimes it is in a legitimate way. I would prefer that the Senator would just let this amendment go over and let me examine that document. I do not care to put it in.

Mr. HALE. I am entirely willing that that should be done.

Mr. TILLMAN. That is all I desire. I simply want to get at the true inwardness of it, if I have an opportunity.

The PRESIDENT pro tempore. The amendment will be passed over for the present.

Mr. CLAY. I desire to ask the Senator from Maine in charge of the bill a question. I introduced on Friday an amendment relating to a balance due the contractor for the public building at Columbus, Ga., and it was referred to the committee and ordered printed. My colleague informs me that it is in the bill.

Mr. BACON. Yes.

Mr. CLAY. It was referred to the committee, but the report of the committee may have been made up before the reference.

Mr. HALE. The committee has put it in the bill, and it has been passed by the Senate.

Mr. CLAY. That is all right.

The Secretary resumed the reading of the bill. The next amendment of the Committee on Appropriations was, on page 31, after line 19, to insert:

BUREAU OF EQUIPMENT.

For purchase of coal for steamers' and ships' use, including expenses of transportation, storage, and handling the same, $800,000.

The amendment was agreed to.

The next amendment was, on page 31, after line 23, to insert:

For hemp, wire, iron, and other materials for the manufacture of cordage, anchors, cables, galleys, and chains; canvas for the manufacture of sails, awnings, hammocks, and other work; water for all purposes on board naval

vessels, including the expenses of transportation and storage of the same; stationery for commanding and navigating officers of ships, equipment officers on shore and afloat, and for the use of courts-martial on board ship; the removal and transportation of ashes from ships of war; interior appliances and tools for equipment buildings in navy-yards and naval stations, and for the purchase of all other articles of equipment at home and abroad, and for the payment of labor in equipping vessels and manufacture of equipment articles in the several navy-yards; foreign and local pilotage and towage of ships of war; services and materials in repairing, correcting, adjusting, and testing compasses on shore and on board ship; nautical and astronomical instruments, and repairs to same; libraries for ships of war; professional books and papers, and drawings and engravings for signal books; naval signals and apparatus, namely, signals, lights, lanterns, rockets, and running lights, compass fittings, including binnacles, tripods, and other appendages of ships' compasses; logs and other appliances for measuring the ship's way, and leads and other appliances for sounding; lanterns and lamps, and their appendages for general use on board ship for illuminating purposes, and oil and candles used in connection therewith; bunting and other materials for making and repairing flags of all kinds; photographs, photographic instruments, and materials; musical instruments and music; installing, maintaining, and repairing interior and exterior signal communications and all electrical appliances of whatsoever nature on board naval vessels, except range finders, battle order and range transmitters and indicators, and motors and their controlling apparatus used to operate the machinery belonging to other bureaus, $450,000.

The PRESIDENT pro tempore. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 5833) temporarily to provide revenue for the Philippine Islands, and for other purposes.

Mr. LODGE. I ask that the unfinished business may be laid aside temporarily.

The PRESIDENT pro tempore. Without objection, it will be temporarily laid aside.

Mr. CULBERSON. The item of equipment, under the head of Bureau of Equipment, which has just been read, aggregates, as I make it, $1,500,000. I will ask the Senator from Maine if that is really a deficiency, or if it is a new appropriation. It seems to me that it is a very large sum to come under the head of a deficit.

Mr. HALE. It is a very large sum. It is one of the incidents of the present conditions. The expenditure for this branch of the naval service—for transportation, equipment, coal—is something very great. This is a pure deficiency, because this amount is required to carry the Department through the rest of the fiscal year; and I notify the Senator that when we come to the appropriations for the next year under the present conditions a very large appropriation will be asked for this purpose, equaling in amount probably the amount appropriated on the regular bill and this deficiency.

Mr. CULBERSON. I should like to ask the Senator if he can give us approximately how much of this deficiency is due to expenses incurred by the Government in reference to what are termed its "insular possessions?"

Mr. HALE. It is pretty much all.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, under the subhead "Marine Corps," on page 36, after line 11, to insert:

Hire of quarters, Marine Corps: For hire of quarters for officers serving with troops where there are no public quarters belonging to the Government, and where there are not sufficient quarters possessed by the United States to accommodate them; for hire of quarters for enlisted men employed as clerks and messengers in the offices of the commandant, adjutant and inspector, paymaster, and quartermaster, and the offices of the assistant adjutant and inspector, the assistant paymaster, and the assistant quartermasters, at $21 each per month, and for enlisted men employed as messengers in said offices, at $10 each per month, $3,800.

The amendment was agreed to.

The next amendment was, on page 38, line 17, to increase the appropriation for freight, tolls, cartage, advertising, washing of bedsacks, mattress covers, etc., of the Marine Corps from $30,000 to $32,500.

The amendment was agreed to.

The next amendment was, under the head of "Department of the Interior," on page 39, after line 1, to insert:

For per diem, in lieu of subsistence, of four special inspectors, Department of the Interior, while traveling on duty, at a rate to be fixed by the Secretary of the Interior, not exceeding $3 per day, and for actual necessary expenses of transportation, to be expended under the direction of the Secretary of the Interior, $2,000.

The amendment was agreed to.

The next amendment was, on page 41, after line 12, to insert:

Columbia Institution for Deaf and Dumb: For support of the institution, in addition to the amount appropriated for this object in the sundry civil appropriation act approved March 3, 1901, said additional expense having been made necessary by the increase in the number of beneficiaries authorized by act of Congress approved June 6, 1900, $2,000.

The amendment was agreed to.

The next amendment was, on page 41, after line 23, to increase the appropriation for work at Capitol, and for general repairs thereof, including wages of mechanics and laborers, from $16,905.75 to $21,345.75.

The amendment was agreed to.

The next amendment was, on page 42, line 3, after the word "Grounds," to insert:

And the Superintendent of the Capitol Building and Grounds shall hereafter exercise all the power and authority heretofore exercised by the Architect of the Capitol, and he shall be appointed by the President, by and with the advice and consent of the Senate.

So as to make the paragraph read:

Hereafter the office of the Architect of the Capitol shall be designated as Superintendent of the Capitol Building and Grounds, and the Superintendent of the Capitol Building and Grounds shall hereafter exercise all the power and authority heretofore exercised by the Architect of the Capitol, and he shall be appointed by the President, by and with the advice and consent of the Senate.

Mr. HALE. That amendment is to be passed over.

The PRESIDENT pro tempore. The amendment will be passed over for the present.

The next amendment of the Committee on Appropriations was, on page 42, after line 7, to insert:

For payment to the Loomis-Manning Filter Company for filter plant installed in the Senate wing of the Capitol, $1,053.02.

The amendment was agreed to.

The next amendment was, under the subhead "Public Land Service," on page 44, after line 10, to strike out:

That the number of land offices and land districts in the district of Alaska is hereby reduced to one, and the land office of said district will be continued at Sitka. If at the time of the taking effect of this act there should be any business pending in any of the offices to be discontinued, such business shall be transferred to the Sitka office.

The PRESIDENT pro tempore. The amendment will be passed over for the present.

The next amendment of the Committee on Appropriations was, under the subhead "Geological Survey," on page 47, after line 16, to insert:

For engraving and printing the geographical maps of the United States, $5,000.

The amendment was agreed to.

The next amendment was, under the subhead "Indian affairs," on page 47, after line 19, to insert:

For traveling expenses of 8 Indian inspectors, at $3 per day when actually employed on duty in the field, exclusive of transportation and sleeping-car fare, in lieu of all other expenses now authorized by law, and for incidental expenses of inspection and investigation, including telegraphing and expenses of going to and going from the seat of government, and while remaining there under orders and direction of the Secretary of the Interior, for a period not to exceed twenty days, $1,000.

The amendment was agreed to.

The next amendment was, on page 48, after line 3, to insert:

For contingencies of the Indian Service, including traveling and incidental expenses of Indian agents and of their offices, and of the Commissioner of Indian Affairs; also traveling and incidental expenses of 5 special agents, at $3 per day when actually employed on duty in the field, exclusive of transportation and sleeping-car fare, in lieu of all other expenses now authorized by law, and expenses of going to and going from the seat of government, and while remaining there under orders and direction of the Secretary of the Interior, for a period not to exceed twenty days; for pay of employees not otherwise provided for, and for pay of the 5 special agents, at $2,000 per annum each, $6,000.

The amendment was agreed to.

The next amendment was, on page 48, after line 16, to insert:

To pay the expense of purchasing goods and supplies for the Indian Service, and pay of necessary employees; advertising, at rates not exceeding regular commercial rates; inspection, and all other expenses connected therewith, including telegraphing, $1,500.

The amendment was agreed to.

The next amendment was, on page 48, line 24, after the word "reservations," to insert "or on tribal lands owned by them;" on page 49, line 3, after the word "dollars," to insert the following proviso:

Provided, That the Secretary of the Interior is authorized and empowered, in his discretion, to make such rules and regulations for quarantine as he may deem necessary for such Indians.

So as to make the clause read:

For payment of liabilities already incurred and for amount necessary to be expended in suppressing the spread of smallpox in the United States among the Indians legally residing on the various Indian reservations, or on tribal lands owned by them, or on their allotments and in attendance at the various Indian schools, in the discretion of the Secretary of the Interior, $50,000: *Provided*, That the Secretary of the Interior is authorized and empowered, in his discretion, to make such rules and regulations for quarantine as he may deem necessary for such Indians.

The amendment was agreed to.

The next amendment was, under the head of "Post-Office Department," on page 51, after line 14, to insert:

Rent of buildings, Post-Office Department: For rent of a suitable building for the storage of the files of the Post-Office Department for the period commencing February 1 and ending June 30, 1902, $1,250.

The amendment was agreed to.

The next amendment was, under the subhead "Out of the postal revenues," on page 51, line 25, before the word "dollars," to strike out "four hundred and ninety-one thousand and forty" and insert "two hundred and seventeen thousand three hundred;" and in the same line, after the word "dollars," to strike out "to enable the Postmaster-General to efficiently maintain for the

remainder of the current fiscal year the rural free-delivery service;" so as to make the clause read:

Rural free delivery: For experimental rural free-delivery service, including pay of carriers, horse-hire allowance, supplies, and mechanical appliances, $217,300.

The amendment was agreed to.

The reading of the bill was continued to the end of line 14 on page 52.

Mr. ALLISON. On behalf of the committee I move to strike out, on page 52, the clause from line 15 to line 18, inclusive, and to insert what I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 52, after line 14, it is proposed to strike out:

For manufacture of stamped envelopes and newspaper wrappers for the fiscal year 1901, $12,739.70.

And in lieu thereof to insert:

For registered-package tags and official dead-letter envelopes, $12,739.70.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the head of "Department of Justice," on page 54, line 24, before the word "dollars," to strike out "fifteen thousand" and insert "eighteen thousand two hundred;" and on page 55, line 4, after the word "employ," to strike out:

Instead of the messenger now authorized but not appointed, three assistant messengers and watchmen, at $60 per month each.

And insert:

One assistant clerk to the Commission at the rate of $2,400 per annum, one clerk at the rate of $1,600 per annum, and two clerks at the rate of $1,400 each per annum in place of three clerks now employed, and three assistant messengers and watchmen, at the rate of $60 per month each, instead of the messenger now authorized but not appointed.

So as to make the clause read:

Spanish Claims Commission: For expenses of Spanish Treaty Claims Commission, $18,200, of which not exceeding $500 may be expended in the purchase of law books and books of reference, and not exceeding $3,000 to reimburse the Secretary of State for the services of a force of copyists to make copies of papers concerning claims required by order of the Commission; and said Commission may employ one assistant clerk to the Commission at the rate of $2,400 per annum, one clerk at the rate of $1,600 per annum, and two clerks at the rate of $1,400 each per annum in place of three clerks now employed, and three assistant messengers and watchmen, at the rate of $60 per month each, instead of the messenger now authorized but not appointed; and hereafter vouchers for the expenses of the Commission shall be paid when approved and certified by the president of the Commission, and vouchers for the expenses of the Department of Justice in connection with the claims shall be paid when approved and certified by the Attorney-General.

The amendment was agreed to.

The next amendment was, under the head of "Court of Claims," on page 57, line 17, after the words "direction of the," to strike out "Architect of the Capitol" and insert "Superintendent of the Capitol Building and Grounds;" so as to make the clause read:

For necessary repairs of the building occupied by the Court of Claims and to place the same in a sanitary condition, to be expended under the direction of the Superintendent of the Capitol Building and Grounds, $10,000.

The amendment was agreed to.

The next amendment was, under the head of "Under legislative," on page 57, after line 20, to insert:

SENATE.

That the Secretary of the Senate be, and he hereby is, authorized to pay to Theodore Gibson, clerk to Hon. PARIS GIBSON, of Montana, from March 22 to December 1, 1901; to John Slaker, clerk to Hon. C. H. DIETRICH, of Nebraska, from April 6, to December 1, 1901; to James B. Haynes, clerk to Hon. J. H. MILLARD, of Nebraska, from April 11 to December 1, 1901, and to Edwin R. Winans, clerk to Hon. A. B. KITTREDGE, of South Dakota, from July 20 to December 1, 1901, for clerical services rendered to the above Senators, from the appropriations for salaries of officers, clerks, messengers, and other employees in the service of the Senate, for the fiscal years 1901 and 1902.

The amendment was agreed to.

The next amendment was, on page 58, after line 11, to insert:

For fuel, oil, and cotton waste, and advertising, for the heating apparatus, exclusive of labor, $6,000.

The amendment was agreed to.

The next amendment was, on page 58, after line 13, to insert:

For purchase of furniture, $2,000.

The amendment was agreed to.

The next amendment was, on page 58, after line 14, to insert:

For expenses of inquiries and investigations ordered by the Senate, including compensation to stenographers to committees at such rate as may be fixed by the Committee to Audit and Control the Contingent Expenses of the Senate, but not exceeding $1.25 per printed page, $15,000.

The amendment was agreed to.

The next amendment was, on page 58, after line 20, to insert:

For miscellaneous items, exclusive of labor, $20,000.

The amendment was agreed to.

The next amendment was, on page 58, after line 22, to insert:

For rent for the storage of public documents of the Senate, $1,800; for repairing and putting the building in suitable condition for such use, $2,000; in all, $3,800.

The amendment was agreed to.

The next amendment was, on page 59, after line 2, to insert:

To enable the Secretary of the Senate to pay Mrs. Anna D. Kyle, widow of Hon. James H. Kyle, late a Senator from the State of South Dakota, $5,000.

The amendment was agreed to.

The next amendment was, on page 59, after line 5, to insert:

To enable the Secretary of the Senate to pay Mrs. Helen L. Sewell, widow of Hon. William J. Sewell, late a Senator from the State of New Jersey, $5,000.

The amendment was agreed to.

The next amendment was, on page 59, after line 9, to insert:

For payment of expenses incurred on account of attendance of the committee of United States Senators at the funeral of the late President William McKinley, $5,415.65.

The amendment was agreed to.

The next amendment was, under the subhead "House of Representatives," on page 60, after line 11, to insert:

INDEX TO GOVERNMENT PUBLICATIONS.

To pay to John G. Ames the amount found due to him by the Auditor for the State and other Departments for preparing an index to the documents of the Forty-ninth and Fiftieth Congresses, as provided for by the joint resolution approved March 3, 1897, $1,000.

The amendment was agreed to.

The next amendment was, under the subhead "Public printing and binding," on page 61, after line 6, to insert:

For printing and binding for the Treasury Department, including the Coast and Geodetic Survey, $100,000.

The amendment was agreed to.

The next amendment was, under the head of "Judgments, Court of Claims," on page 61, line 18, after the word "thirty-eight," to insert "and Senate Document Numbered One hundred and forty-six;" and before the word "*Provided*," in line 22, to strike out "sixty-one thousand five hundred and twenty-two dollars and twenty-nine cents" and insert "one hundred and fifteen thousand and thirty-eight dollars and seventy-five cents;" and in line 24, after the word "expired," to insert the following proviso:

Provided further, That the payment to officers and enlisted men severally entitled of the judgments of the Court of Claims for bounty for destruction of enemy's vessels, under section 4635 of the Revised Statutes, be made on settlements by the Auditor for the Navy Department in the manner prescribed by law and Treasury regulation for the payment of prize money, the distribution of such individual share to be in accordance with the orders, rules, and findings of the Court of Claims.

So as to make the clause read:

JUDGMENTS, COURT OF CLAIMS.

For the payment of the judgments rendered by the Court of Claims, reported to Congress at its present session in House Document No. 238, and Senate Document No. 146, $115,038.75: *Provided*, That none of the judgments herein provided for shall be paid until the right of appeal shall have expired: *Provided further*, That the payment to officers and enlisted men severally entitled of the judgments of the Court of Claims for bounty for destruction of enemy's vessels, under section 4635 of the Revised Statutes, be made on settlements by the Auditor for the Navy Department in the manner prescribed by law and Treasury regulation for the payment of prize money, the distribution of such individual share to be in accordance with the orders, rules, and findings of the Court of Claims.

The amendment was agreed to.

The next amendment was, under the head of "Judgments in Indian depredation claims," on page 62, line 11, after the word "forty-eight," to insert "and Senate Document No. 145;" and in line 13, after the word "and," to strike out "$14,345.50" and insert "$48,970;" so as to read:

For payment of judgments rendered by the Court of Claims in Indian depredation cases, certified to Congress at its present session in House Document No. 48 and Senate Document No. 145, $148,970; said judgments to be paid after the deductions required to be made under the provisions of section 6 of the act approved March 3, 1891, etc.

Mr. HALE. I submit two amendments which cover additional items, which have been brought in since the bill was framed.

The PRESIDENT pro tempore. The amendments will be stated.

The SECRETARY. On page 62, line 12, it is proposed to substitute for the amendment of the Committee on Appropriations the words "and Senate Documents Nos. 145 and 163," and to substitute for the amendment, in lines 14 and 15 of the same clause, "sixty-one thousand seven hundred and twenty-six;" so as to read:

For payment of judgments rendered by the Court of Claims in Indian depredation cases, certified to Congress at its present session in House Document No. 48 and Senate Documents Nos. 145 and 163, $161,726.

The amendments were agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 63, after line 9, to insert:

JUDGMENTS, UNITED STATES COURTS.

For payment of the final judgments and decrees, including costs of suit, which have been rendered under the provisions of the act of March 3, 1887, entitled "An act to provide for the bringing of suits against the Government of the United States," certified to Congress at its present session by the Attorney-General, in Senate Document No. 139, and which have not been appealed, $22,874.31, together with such additional sum as may be necessary to pay interest on the respective judgments at the rate of 4 per cent per annum from the date thereof until the time this appropriation is made: *Provided*, That none of the judgments herein provided for shall be paid until the right of appeal shall have expired.

The amendment was agreed to.

The next amendment was, in section 2, on page 64, line 12, before the word "numbered," to strike out "Document" and insert "Documents," and in the same line, after the word "forty-eight," to insert "and 264, and Senate Documents Nos. 148 and 158;" so as to make the clause read:

SEC. 2. That for the payment of the following claims certified to be due by the several accounting officers of the Treasury Department under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874, and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1899, and prior years, unless otherwise stated, and which have been certified to Congress under section 2 of the act of July 7, 1884, as fully set forth in House Documents Nos. 248 and 264, and Senate Documents Nos. 148 and 158, reported to Congress at its present session, there is appropriated as follows, etc.

The amendment was agreed to.

The next amendment was, under the subhead "Claims allowed by the Auditor for the War Department," on page 69, after line 4, to insert:

In refunding to States expenses incurred in raising volunteers, namely:
To the State of Maine, $131,515.81.
To the State of Pennsylvania, $689,146.29.
To the State of New Hampshire, $108,372.53.
To the State of Rhode Island, $124,617.79.
And the claims of like character arising under the act of Congress of July 27, 1861 (12 Stats. p. 276), and joint resolution of March 8, 1862 (12 Stats., p. 615), heretofore disallowed by the accounting officers of the Treasury, shall be reopened, examined, and allowed, and if deemed necessary shall be transmitted to the Court of Claims for findings of fact or determination of disputed questions of law to aid in the settlement of the claims by the accounting officers.

Mr. STEWART. Mr. President, I have no doubt of the justice of these State claims. They do not, however, in my opinion stand on as high and strong equity as the claim of the State of Nevada. The States named in the amendment are rich and populous; they do not need the money particularly; but it is a rule, where interest has been paid by a State, to reimburse that State upon final accounting and settlement.

The claim of the State of Nevada has been persistently misunderstood in the other House, although it has been treated very kindly in the Senate. It has been investigated item by item, and reported by the War Claims Commission; it has been referred to the Secretary of the Treasury and gone over again, and the amount exactly found.

It has been claimed that it was a matter of bounty, or something of that kind, which was not paid to the other States; but the other House does not appear to recognize the fact that this was not a State claim originally, but it was originally a United States claim. Nevada was a Territory and under no obligations to assume this claim. The governor of the Territory was called upon by the Department and by officers of the Army, at a time when they could not raise soldiers elsewhere, to contribute soldiers and open the overland-mail route, which was done. Nevada then assumed that obligation. It stands on a different footing from any State claim. Nevada was brought into the Union without having any public building whatever, and she was brought in with this load, which she ought not to have assumed.

This claim has been reported favorably for the past twenty years, nearly, from various committees at almost every session. The Senate has passed it in various forms some four or five times; has recognized it as a valid claim; and it ought to be paid. As long ago as 1891, when the putting of it on an appropriation bill was suggested, the matter was discussed by the Senator from Iowa [Mr. ALLISON] and also by the Senator from Maine [Mr. HALE]. The Senator from Maine was very positive in his statements as to the validity of this claim. He said:

I want to say to the Senator from Nevada that the Senate is committed to these State claims by vote, by sentiment, and it is only a question of time when they will pass.

It is now eleven years since that time, and this claim has not yet passed, although it is not particularly the fault of the Senate.

Mr. COCKRELL. Eleven years is a very short space of time in the life of a great nation.

Mr. STEWART. Yes; but it is a considerable length of time in the life of a Senator, as the marks on our hair indicate.

The Senator from Iowa on that occasion said he sympathized with this claim; that it ought to be paid, as it had been pending thirty-five years at that time, and he hoped the time would come, or words to that effect, when it would be paid.

I make these remarks because I think the claim should be on this bill as an amendment; but I suppose if I offer it as an amendment it will never be in order, and will be objected to by the Senator from Maine, although he has been very favorable to it, and has allowed it to go on appropriation bills frequently. I do not think I shall ask to have it put on now as an amendment, because it is not understood in the other House that it is a United States claim, and that Nevada has been burdened with it, although it was noble and patriotic service on the part of Nevada at the time the troops were raised. They opened up the overland mail route when there was snow on the mountains so that the teams could not go over it. It was an emergency. I hope the time will come when the claim will be settled. It was thirty-five years old eleven years ago, and it is forty-six years now since this claim has been pending; and yet its validity has been always acknowledged.

Before the session is over, at some proper time, I shall offer the claim of the State of Nevada as an amendment to some bill. I shall then insist upon it, and I know that I shall have the assistance of my friend from Maine to explain to the conferees of the other House what it is, so as to let it go on some appropriation bill. That is what I want to call attention to now, so that I may have the assistance of the committee of the Senate to explain the claim to the conferees of the other House, in order that they may understand it, for I believe if they really understood what it was there would be no opposition to it there any more than there is here. I leave it there.

Mr. HALE. The Senator can count upon it.

Mr. MITCHELL. Mr. President, I agree with what the Senator from Nevada [Mr. STEWART] has said in regard to the Nevada claim. A little investigation, however, will show that there can be sympathy properly directed in some other channels as well as in the direction of Nevada.

I think it is a burning shame that the United States of America has not redeemed the pledge that it solemnly made on the 27th of July, 1861, in reference to the claims of the several States for aid rendered during the war of the rebellion. On the 27th day of July, 1861, Congress passed this act:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, directed, out of any money in the Treasury not otherwise appropriated, to pay to the governor of any State, or to his duly authorized agents, the costs, charges, and expenses properly incurred by such State for enrolling, subsisting, clothing, supplying, arming, equipping, paying, and transporting its troops employed in aiding to suppress the present insurrection against the United States, to be settled upon proper vouchers, to be filed and passed upon by the proper accounting officers of the Treasury.

That act, it will be observed, was passed very early in the days of the rebellion, and a question arose as to its proper construction and application. It was contended upon the part of the Department that it related only to claims that might have arisen prior to the passage of the act. There was perhaps some ground for such a contention. At least Congress thought so, and on the 8th day of March, 1862, Congress passed a joint resolution with a preamble. It is very brief, and I will read it.

Whereas doubts have arisen as to the true intent and meaning of act No. 18, entitled "An act to indemnify the States for expenses incurred by them in defense of the United States," approved July 27, 1861:

That is the act I have just read.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the said act shall be construed to apply to expenses incurred as well after as before the date of the approval thereof.

Now, Mr. President, in pursuance of these acts and of certain other resolutions, perhaps, passed from time to time prodding the departments, the United States had up to ten years ago paid to 25 different States the sum of $44,137,590.34.

The State of Connecticut of that sum received $2,096,950.46; Massachusetts received $3,668,091.95; the little State of Rhode Island received $723,530.15; the State of Maine, represented in part by the Senator having charge of this bill, received $1,027,185, and now, by this pending bill a provision is put in by the Senate Committee on Appropriations by which the State of Maine is to receive $131,515.81 more; the State of New Hampshire received $976,531.92; Vermont, $832,557.40; the State of New York received $4,156,935.50; New Jersey received $1,517,026.79; Pennsylvania, $3,871,710.59; Ohio, $3,245,319.58; Wisconsin, $1,035,059.17; Iowa, $1,039,759.45; Illinois, $3,080,442.51; Indiana, $3,741,738.29; Minnesota, $71,075.20; Kansas, $384,138.15; Nebraska, $485; Colorado, $55,238.84; Missouri, $7,580,421.43; Michigan, $844,262.53; Delaware, $31,988.96; Maryland, $133,140.99; Virginia, $48,469.97; West Virginia, $471,063.94, and Kentucky, $3,504,466.57, making a total of $44,137,590.34.

How much more has been paid since that time because of interest paid out by the respective States, or any of them, I do not know.

Now, Mr. President, every State in the Union which furnished troops and aided in supplying them in the war of the rebellion, with the exception of three—California, Nevada, and Oregon—has been paid the principal of the amount it expended. I believe every one. I think I am not mistaken in that statement.

Mr. FAIRBANKS. Will the Senator allow me to interrupt him?

Mr. MITCHELL. Certainly.

Mr. FAIRBANKS. In some cases, notably in the New York case, interest paid on money borrowed has been allowed.

Mr. MITCHELL. Certainly.

Mr. FAIRBANKS. In addition to the principal.

Mr. MITCHELL. So I understand. In addition to the principal has been paid to all the States having claims, except the

three I have named, interest, paid by the States, respectively, and regarded as part of the original claim, as stated by the Senator from Indiana, has been paid to certain of the States.

Mr. HALE. The Senator from Oregon will bear in mind that the decision in the New York case (160 U. S. Reports) does not in any way commit the Government to the payment of interest upon claims against it.

As the Senator, who is a good lawyer, knows, that decision is based upon the proposition that where a State, in supplying funds to assist the Government in maintaining itself in the war, paid out interest upon its bonds and its loans from which it received the money, it is a claim not as interest but as money paid.

Mr. MITCHELL. It amounts to substantially the same thing. I understand precisely what the claim is.

Mr. HALE. I should not want to admit that it amounts to the same thing, because it might be claimed, if it was admitted to be the same thing, that every claim against the Government should have interest paid upon it.

Mr. MITCHELL. Not at all.

Mr. HALE. It does not go to that extent.

Mr. MITCHELL. No; I understand that. The claim is this——

Mr. FAIRBANKS. In making the suggestion to the Senator from Oregon, I did not mean to be understood as saying that the States should receive interest from the United States upon the money they advanced for the suppression of the rebellion, irrespective of the fact whether they had paid interest.

Mr. HALE. It is due to the fact that they paid interest.

Mr. FAIRBANKS. As I understand the decision in 160 United States, it is to the effect that if the State were obliged to borrow money with which to aid the Government, as contemplated by the act of 1861, and it was obliged to pay interest upon the money so borrowed, that interest paid constitutes a principal sum as against the Government.

Mr. HALE. That is it.

Mr. MITCHELL. That is it precisely, and that is the way I understand it.

Mr. HALE. That is a very clear and direct statement of the case.

Mr. MITCHELL. That is precisely the way I understand it, and of course I claim nothing further. But that character of claim, to a certain extent, has been paid to the State of New York, I understand, and perhaps to one or two other States.

But as I said before, all the States of the Union which aided in this matter during the war of the rebellion, with the exception of the three—Oregon, Nevada, and California—have been reimbursed the full amount of the principal.

Mr. FAIRBANKS. The Senator of course desires to be entirely accurate. Where interest has been paid by certain States that interest has become a part of the principal. There is still due to some of the States a part of the principal in that sense.

The State of Indiana promptly pledged her credit to aid the Government in the grave emergency which confronted it. The State was obliged to sell her bonds at a discount. She has been reimbursed for the amount realized upon the bonds, but has never received a dollar from the Government for the discount and interest she was obliged to pay nor for the small amount of expense necessarily incurred in selling them.

The first claim for reimbursement for interest, etc., paid was filed nearly thirty-four years ago. It was disallowed by the accounting officers of the Treasury Department acting upon an erroneous view of the law. The Supreme Court of the United States and the Court of Claims have left no doubt as to the fair meaning and intendment of the act of 1861 and the resolution of 1862, mentioned by the distinguished Senator from Oregon [Mr. MITCHELL], and the State should be fully reimbursed. There should certainly be no discrimination between States. Each State which loyally pledged its credit in aid of the Government should be accorded a like measure of justice.

It will thus be seen that the three States mentioned by my honorable friend do not include all that have been reimbursed the full amount of the principal, when we take into account the interest paid by Indiana and some other States upon bonds sold, and which therefore became a part of the principal sum.

Mr. MITCHELL. That may be so. Counting the interest as a part of the original claim, then to that extent they have not all been wholly reimbursed. That is about right.

Mr. President, why should there be further delay? In 1887, I think it was—some time along in that period—Congress passed a resolution covering the cases of California, Oregon, and Nevada. That resolution directed the Secretary of War to investigate these claims and ascertain their amounts. That has been done, and done a good while ago, and there they stand to-day on the War Department records as adjudicated, so far as the War Department has any power in the premises, in favor of those States, respectively.

It is true they have not been passed upon by the Treasury Department or by the Court of Claims. It is perhaps true that some of these States have been a little more diligent than we have—Maine has, for instance—and they have managed somehow or in some way to get their cases before the Court of Claims; and I believe it is based on the findings in the Court of Claims that this action is taken by the committee in inserting the claim in favor of Maine, which is all right, so far as it goes.

But I submitted an amendment to the Senate, and had it referred to the committee, in which I asked that the Secretary of the Treasury be authorized and directed to investigate the claims not only of California and Oregon and Nevada, but of all the States which have any claims, whether the balance of the claim that any State may have arises out of the interest question or whether it arises out of the original claim. The committee have not seen their way clear to put my amendment in the bill.

Now, I can not for the life of me understand, Mr. President, in view of all that has taken place, in view of the fact that every other State has been paid in full, substantially, if not quite, why these three States on the Pacific coast should be permitted to dangle along, with their claim shifted back and forth from one department to the other, and nothing done to pay them.

It is all true, as stated by the Senator from Nevada [Mr. STEWART], that the claim of Nevada stands on better ground than either California or Oregon, because Nevada was a Territory at the time she furnished aid and comfort to those who were engaged in putting down the rebellion. Therefore, as stated by him, it is a claim of the United States rather than the claim of a State.

I presume if I should offer my amendment a point of order would reach it. I am going to ask that my amendment be read, and I am going to offer it.

The PRESIDING OFFICER (Mr. KEAN in the chair). The amendment proposed by the Senator from Oregon will be stated.

The SECRETARY. Strike out line 18, page 69, and all after said line down to the end of line 3, page 70, and in lieu thereof insert the following, to wit:

And the Secretary of the Treasury be, and he is hereby, authorized and directed to ascertain, allow, and pay the claims not heretofore ascertained, allowed, and paid to the States of Connecticut, Massachusetts, Vermont, Maryland, Delaware, West Virginia, Kentucky, Ohio, Indiana, Illinois, Iowa, Missouri, Michigan, Colorado, Kansas, Nebraska, Minnesota, Wisconsin, California, Oregon, and Nevada, for all moneys by them advanced and actually paid for the purpose of aiding the General Government in maintaining the national defense when carrying on the war of the rebellion, which shall be done without regard to any statute of limitation or any action heretofore had in the Treasury or War Departments with respect to any of said claims; and for this purpose he is also authorized and directed to reopen the case of any State or Territory having similar claims.

That the allowances so to be made shall also include all claims for all money advanced and actually paid by any State or Territory to their volunteer troops as part compensation for the military services rendered by them during the war of the rebellion, and for all interest which any State or Territory may have actually paid for the hire of moneys borrowed and upon bonds issued, and also for all premium on gold which any State or Territory may have actually paid, and for all discount upon bonds sold and all expenses incurred for selling bonds or other evidences of debt negotiated by any State or Territory in all cases where the proceeds thereof were actually paid for the purpose of aiding the General Government in maintaining the national defense when carrying on the war of the rebellion.

That payment of the amounts so found due any State or Territory shall be made to the governor of such State or Territory, or to his duly authorized agents, out of any money in the Treasury not otherwise appropriated, upon proper evidence or vouchers heretofore filed or hereafter to be filed with the Secretary of the Treasury, to whose satisfaction proof of all matters herein contained or referred to shall be duly made; and, if deemed necessary, he shall transmit said claims to the Court of Claims for findings of fact or determination of disputed questions of law to aid in the settlement of the claims by the accounting officers.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Oregon.

Mr. HALE. I did not understand the Senator from Oregon to offer the amendment.

The PRESIDING OFFICER. The Senator from Oregon offered it.

Mr. MITCHELL. I offered it.

The PRESIDING OFFICER. The Chair so understood.

Mr. MITCHELL. I will withhold it for the present.

The PRESIDING OFFICER. The Chair understood that committee amendments would be first considered, and after that amendments would be proposed by individual Senators.

Mr. HALE. I shall be obliged, of course, to make the point of order. I hope the Senator will do what the Senator from Nevada did—not offer it.

Mr. MITCHELL. If the Senator is determined to make a point of order, of course there is little use in my offering it. I had flattered myself, however, that the Senator would, recognizing, as he must, the justice of the amendment, withhold the point of order.

Mr. HALE. It is not so much a matter of determination as it is a matter of duty. The provisions of the bill are simply directed to the cases that are covered by the decision in the case of the State of New York, which makes it law, and they have sent them from the Department as estimates. These others are not sent in as

estimates, and of course they are subject to the point of order. I would rather not make it, but I am compelled to do it, not from any rugged determination to thwart the Senator, but——

Mr. MITCHELL. The Senator from Maine is one of the most amiable men in the world, so far as that is concerned. I hope he will conceive it to be his duty, the thing being so meritorious—and there is not a Senator in this body will get up and say it is not a meritorious claim, I take it—to withhold the point of order.

Mr. HALE. I have no desire to make a point of order——

Mr. TILLMAN. I should like the Senator from Maine to give us a clearer explanation than I have been able to obtain so far as to why these amendments have been put on by the Senate committee after the House had failed to do so. In other words, what is their legal status or binding force; where do they come in as not changing existing law, and subject to a point of order to be made by any one of us?

Mr. HALE. I am sorry the Senator was not present when I briefly explained that.

Mr. TILLMAN. I have been present ever since this bill has been up, and I have listened with all my ears, but the Senator's voice sometimes did not reach me, and I could not exactly catch the drift of his explanation to the Senator from Oregon. I dislike to have him repeat, but still I must do so.

Mr. HALE. I will repeat. I think the Senator must have been at the time busy in some engaging conversation with other Senators.

These accounts, claims under the statute of 1861, for aiding the Government in the war for the suppression of the rebellion, have been pending in the Treasury for years. Never until the decision by the court of highest appeal—the Supreme Court—which is found in volume 160 of the United States Reports, have these claims been recognized as legal claims.

Mr. TILLMAN. Will the Senator please explain how they got into the court if they were pending in the Treasury?

Mr. HALE. The State of New York brought a suit against the United States, and in this volume that suit is entitled New York *vs.* The United States, appeal from the Court of Claims, and the decision is rendered and is found in this volume. The substance of it, without reading the entire decision, is found in the following language:

> The $91,326.84 paid by the State of New York for interest upon its bonds issued in 1861 to defray expenses to be incurred in raising troops for the national defense, was a principal sum which the United States agreed to pay, and was not interest within the meaning of the rule prohibiting the allowance of interest accruing upon claims against the United States prior to the rendition of judgment thereon.

Upon that decision the New York claim was paid. Upon that decision the Treasury Department took up the claims that were still pending, which had never been recognized, for interest paid by States upon loans effectuated by them to raise the money to aid the Government, and the Treasury Department has submitted them now as estimates to a deficiency bill, which makes them in order.

As the Senator knows—for he is a member of the Committee on Appropriations—there are divers ways in which an amount upon an appropriation bill is made not subject to a point of order. A committee may report it. It may be to carry out an existing law. It may be by estimates from the Treasury Department; and these claims are put on because the Secretary of the Treasury, under his power granted him by law, has estimated them.

There are other State claims which under the decision from which I have read are still pending in the United States Treasury, which will be taken up and in due time, whenever they are sent in as estimates of amounts due under that decision, they will be put upon an appropriation bill.

Mr. TILLMAN. Right here will the Senator enlighten me further by informing me whether or not this decision is sufficiently comprehensive to enable any State which has a claim against the Government based on money which it spent in the same way, in aiding the Government in a war, could have its case brought before the Treasury and the auditing department find out the amount, and get within the rule?

Mr. HALE. Provided they are based upon the statute of 1861 and the loan was effected by the State and the interest was paid for this purpose, the State will have a good claim against the Government.

Mr. TILLMAN. Otherwise a claim in connection with the war against Mexico or the war of 1812 or any of our previous wars is barred.

Mr. HALE. They are not covered by the statute. Of course they are barred otherwise by the statute of limitations, but the act is specific. As the Senator knows, it was passed in a time of great national peril and travail, and the States under it raised money, furnished troops——

Mr. TILLMAN. I understand all that, and I dislike to intrude a seemingly sectional claim or complaint here; but if the States which were in rebellion, to use your phrase, have debts owing them that are acknowledged and are incontrovertible, are we to see other States paid, which spent money to subjugate us, patriotically, I do not dispute, or anything of that kind, while we stand here forever and see our claims kicked and cuffed about these corridors and get no relief from this Government?

Mr. HALE. That is a very general question, and I can not answer the Senator. I can answer him—and he sees it without my answering him, because he is very clear in his discriminations—that they do not come under this act; and the Appropriations Committee is not pretending to do anything except under the phraseology and force of the act expounded by the Supreme Court in the New York case.

Mr. TILLMAN. I should like to ask the Senator, then, whether or not the State of South Carolina, for instance, could bring a suit without the permission of Congress? Did New York get permission to sue the United States or did it need no permission?

Mr. HALE. New York had had the claim in the Department. It had never become barred by the statute, and she had the right to bring the suit, undoubtedly. Whether South Carolina or not has such a claim I do not know.

Mr. TILLMAN. I only know that I hold in my hand a report here which involves a statement of fact of this character: The State of South Carolina furnished money which the Treasury acknowledges that the Government owes, and the interest on the bonds, etc., is identical with this case of New York. The reports have been sent here under orders from the Senate to the Secretary as to the amount involved. The Senate has passed a bill which requires the State to be recompensed upon certain conditions of facts which were set forth in the report made by my honored friend the Senator from Maryland.

We put it on the sundry civil bill two or three times, and it got lost in the conference which was held between the two bodies. It was put on the omnibus claims bill, along with other claims of a similar character from the South. They always are pushed to the rear. Yet here you come with these judgments, so to speak, against the United States Treasury, involving the right to have the Treasury reimburse those States which engaged in suppressing the rebellion, and yet we who helped to fight other battles at some previous time and have shown our willingness in the Spanish war to fight more recent battles and are as loyal as any of you to the flag, are shut out, ignored, given the cold shoulder, treated as stepchildren. I think it is owing to decency, at least, that the Senate and House of Representatives should take some steps looking to allowing these States to go into the courts and sue, or that the legislative assembly will investigate and do something to give us justice. That is all.

I will state further, while I am discussing this matter, that the bill for the repayment to South Carolina of a certain sum of money has already passed the Senate; but we have had a peculiar condition as regards our State in adjusting these accounts, inasmuch as the Secretary of the Treasury held the State bonds of South Carolina issued in 1855, I think it was, for the erection of our statehouse as a part of the Indian trust fund, and three years ago, under a report from the Secretary of the Treasury recommending an adjustment of these accounts, the State was sued by the United States, upon the recommendation of the Secretary of the Treasury, and notice served on us, "You owe us so much; step forward and settle."

We agreed to step up and settle, but we simply said, "Under the reports of the Secretary of the Treasury you owe us more than we owe you;" and the balance which has been acknowledged and shown to exist by the guardian of our money at the Treasury, the Secretary, shows that the United States owes South Carolina something in the neighborhood of $178,000.

Now, I present these facts; and when other States are getting money because they, in a patriotic spirit, spent their money in furnishing troops in the civil war, that does not, I think, bar the Southern States that were similarly situated in the war of 1812 and in the Mexican war from coming forward and asking that they be reimbursed.

I declare upon my honor I do not see why these discriminations should exist. I do not think the Senate is chargeable with them, because the Senate has shown its willingness to reimburse my State by passing the bill. But the House will not do it. Are we from the South, representing the Southern States, to forever be barred from getting these just claims settled, and are we to stand around these corridors as though we did not belong to the Union at all and had no rights which you were bound to respect?

Mr. STEWART. Mr. President, the original case decided by the Supreme Court, cited by the Senator from Maine, announced no new principle. I had occasion to examine the cases at great length some years ago. The rule has been settled from the foundation of the Government, and is undisputed, that where the claim carries interest as a part of the principal that interest is a part of the claim, and it is not liable to the objection of the statute that the Government shall not pay interest.

I collected a small volume of decisions of the courts and the departments to that effect. The decisions rendered announce no new doctrine. When any State has a just claim against the Government, it is acknowledged that that claim carries interest, provided the State has paid out interest. If the State has not paid out interest, then it comes under the rule that the Government of the United States does not pay interest; but whatever interest a State has paid, then that becomes a part of the principal under this decision and under previous decisions from the foundation of the Government.

Mr. TILLMAN. Before we pass from this matter, I should like to have some suggestion, some crumb of comfort, from the honored member of the Appropriations Committee who is in charge, whose State has received its just dues here. I should like for him to suggest some method by which other States which have just claims can get some standing in court or before the committee. If the Committee on Claims, for instance, should report our bills, then could we get them on this bill or on some other bill, and be kept there by the conferees?

Mr. HALE. I should not dare promise that the conferees can keep these claims that we put on if the House insist that they shall go out.

Mr. TILLMAN. I will submit to the Senator, as the House has not put this in, would it not be a little indication of a willingness to do justice all around to have all State claims stay out until we get enough States interested, so that we could join forces, for instance, and in a way coerce the House of Representatives, or receive enough aid and comfort from those who are interested to get justice?

Mr. HALE. That is a first-rate logrolling proposition.

Mr. TILLMAN. I am not after logrolling for any indecent, dishonest, or dishonorable purpose. I want to get simply the same treatment for South Carolina that the Senator is getting for Maine.

Mr. HALE. I was going to say that there is force in the proposition to accumulate strength by the process that is called logrolling. The Senate committee did not feel that it ought to wait for that when it was met by regular estimates from the Department. We have comprehended in our bills the estimates of the Department.

I know what we have been through in our committee and outside of it. I have a great deal of sympathy with these claims from South Carolina, Florida, Maryland, and other States; but I do not know enough about the details in the Department to know whether the Senator has such a case for his State that the Department will certify it as an estimate. I can not tell the Senator that.

Mr. TILLMAN. I suppose, as the suit between the State of New York and the United States involved only those claims which arose from expenditures in 1861 in furnishing troops, etc., for the Union, our case, or the condition of facts involved in it, has not been passed on by the Supreme Court, and therefore we would not come under that decision. But we are certainly in the situation in South Carolina of not only having a claim which the Secretary of the Treasury reports as just and honestly due, but you have sued us.

You have held us up as being a delinquent debtor and notified us that you wanted us to pay, and when we stepped forward and proposed to pay we were confronted by the fact that instead of our owing the United States the United States owes us, and the Secretary of the Treasury says so.

Mr. HALE. I think that suit has been arrested, has it not?

Mr. TILLMAN. Oh, we arrested it here in an appropriation bill. It was ordered in an appropriation bill. It was put in by some conferees, and it was stricken out in an appropriation bill by some other conferees as a means of relieving the tension. I stated on the floor of the Senate at the time that I was perfectly willing, and preferred to let the suit go on and let the status of South Carolina's debt to the United States and the United States debt to South Carolina be passed upon by the Supreme Court, and let the judgment be rendered one way or the other, which would be authoritative; but it was considered wiser and better, I suppose, by the conferees on the sundry civil appropriation bill, when this thing had been broached, to strike out the authority or the order to sue the State; and that is the way it has stood.

But I am speaking now upon the moral side of the question, upon the obligation of the United States not to discriminate between States. If we of the South are in the Union and the war is over, it is about getting time that the Senate and House should indicate it. If we are not, of course we shall have to take whatever we can get in the way of discrimination and of sectional animosity.

The Secretary resumed and concluded the reading of the bill.

The PRESIDENT pro tempore. On page 22 there is an amendment which was passed over.

Mr. HALE. Now, we will go back and take up the amendments that have been left over. First, I ask the Secretary to turn to pages 21 and 22. Two amendments there were not reserved, and I have learned since the amendments were adopted that they are not needed, and the amendments may go out. Let the amendment beginning at line 15 be stated.

The SECRETARY. The following was inserted, beginning with line 15, on page 21:

Statue of General Grant: Authority is hereby given to expend from the appropriation of $10,000 for plans or designs for a memorial or statue of Gen. Ulysses S. Grant made by the act approved February 23, 1901, a sum not to exceed $800 for the rental of suitable rooms in which to display the plans, designs, models, etc., submitted by those entering the competition for said memorial or statue.

Mr. HALE. I ask that the vote adopting the amendment may be reconsidered, and that it be disagreed to.

The PRESIDENT pro tempore. Without objection, the vote by which the amendment was agreed to will be reconsidered and the amendment disagreed to.

Mr. HALE. The next amendment is on the same page, page 21, beginning on line 24 and running on to the next page, ending at line 6.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 21, after line 23, the following was inserted:

Statue of General McClellan: Authority is hereby given to expend from the appropriation of $50,000 for the statue and pedestal of Gen. George B. McClellan made by the sundry civil act approved March 3, 1901, a sum not to exceed $400 for the rental of suitable rooms in which to display the models, drawings, plans, etc., submitted by those entering the competition for said statue.

The PRESIDENT pro tempore. Without objection, the vote by which the amendment was agreed to will be reconsidered and the amendment will be rejected.

Mr. HALE. Now, I ask, for the accommodation of the Senator from North Dakota [Mr. HANSBROUGH], that the Senate proceed to the reserved amendment on the Alaska business, on page 44.

The PRESIDENT pro tempore. The Secretary will read the amendment on page 44.

The SECRETARY. After line 10, on page 44, the Committee on Appropriations reports to strike out the following:

That the number of land offices and land districts in the district of Alaska is hereby reduced to one, and the land office of said district will be continued at Sitka. If at the time of the taking effect of this act there should be any business pending in any of the offices to be discontinued, such business shall be transferred to the Sitka office.

Mr. HANSBROUGH. Mr. President, I was about to say this morning, when my friend from Massachusetts [Mr. HOAR] requested that I yield so that a vote might be taken on the judiciary salary bill, that when the morning hour closed yesterday the Senator from South Carolina [Mr. TILLMAN] had just concluded the reading of a lengthy article from a newspaper which reflected rather seriously upon some gentlemen of my acquaintance, one of whom I had recommended for an appointment to an important office. In general, the Senator included several gentlemen who were connected with the court in Alaska last year and year before last, and he referred to them as thieves and scoundrels.

Now, Mr. President, that is pretty severe language, and in view of the fact that one of the gentlemen referred to is a resident of my State of North Dakota, a reputable man, an honest man, a man who in point of integrity is the peer of any man in this body, it seems to me it is incumbent upon me that I should say something in his defense. I shall be very brief.

The gentleman referred to is the Hon. Alexander McKenzie, a resident of the State of North Dakota, who was appointed a receiver by Judge Noyes at Nome some two years ago. I have no doubt that the record in this transaction will fully vindicate Mr. McKenzie and acquit him of the miserable charges against his character and integrity. No one who is acquainted with him will believe the slanders which have been so systematically circulated, and the record itself will show that he accounted for every cent that came into his hands; that he administered the trust with intelligence and with the utmost economy. The Senate and the country have been kept quite familiar with this Nome matter, because an organization known as the "Lane Syndicate" has made it its persistent business to thoroughly advertise Judge Noyes, Mr. McKenzie, and other reputable gentlemen, in every possible way. The press has been filled with denunciation of Judge Noyes in particular. He has been denounced in the newspapers all over the country. He has been denounced here in the departments. He has been denounced in this body until it seems to me it is about time that some one who knows Judge Noyes and believes in him should rise and say something for him, although I am aware that this is no place for such a discussion.

The reason why Judge Noyes has not more friends to speak for him is because he is a poor man, and, further, because the syndicate of capitalists who are engaged in the work of destroying him have plenty of money to spend.

Mr. President, I was one of the Senators who indorsed Judge

Noyes for the position he now holds. He was personally recommended by Senator Davis, the late Senator from the State of Minnesota. He went personally to the then President and asked for the appointment of Judge Noyes, because he knew him well. He had practiced law with him, had met him at the bar and elsewhere, and had known him for years.

Judge Noyes was then a resident of Minnesota and had been a resident of Minnesota for thirteen years. He was indorsed also by the then junior Senator from the State of Minnesota. He was indorsed, if I mistake not, by the two Senators from the State of Wisconsin. He was indorsed by the then junior Senator from the State of South Dakota, Senator Kyle, now dead. Judge Noyes had the indorsement of the entire membership of the supreme court of the State of Minnesota. He had the indorsement of every member of the House of Representatives from the State of Minnesota. He had the indorsement of the supreme court of the State of North Dakota, of the State of South Dakota, and, in addition to that, Mr. President, he had the indorsement of nearly every prominent lawyer in those three States, as well as of many lawyers in the State of Minnesota and several judges, I believe. No man ever came to this capital asking for an appointment with better indorsements than Judge Noyes had at that time.

Mr. President, something was said here yesterday about Judge Dudley Dubose, and the Senators from Georgia very promptly resented any insinuations against that gentleman.

I want to state that Judge Dubose, Judge Noyes, Mr. McKenzie, Joseph Wood, and Mr. Frost, all connected with the Alaska courts, were cited for contempt before the circuit court of appeals for the ninth circuit in San Francisco. They were every one found guilty of contempt after a long and arduous hearing before a commissioner. So if one of these gentlemen is guilty of contempt then they are all guilty of contempt; but I do not consider that either of them is guilty of what the circuit court of appeals deemed wise to say that they were guilty of, and that was a conspiracy. Contempt was the charge against them.

Now, as soon as the Senator from South Carolina was told yesterday that Judge Dubose was the grandson of Robert Toombs and that he was a reputable citizen of the State of Georgia, he at once withdrew the offensive remarks as applied to Judge Dubose, and I am very glad he did so, because I know Judge Dubose, and I know him to be a perfect gentleman. I believe that he is an honorable man. But the Senator should have proceeded a little further, and he should have withdrawn the charge with respect to Judge Noyes and the others whom he included in his remarks, because they were all cited for contempt and nothing else. If Judge Noyes was guilty of thievery and scoundrelism, as the Senator from South Carolina inferred, then Judge Dubose was guilty of the same offense. I do not believe that either of them was guilty of conspiracy or of contempt.

Mr. TILLMAN. Mr. President, I think if the Senator will examine the RECORD he will discover that I stated that Judge Dubose's connection was that of an adviser, an attorney, and that I used no opprobrious epithets in connection with him. I regret having used any opprobrious epithets in connection with any of these gentlemen, because it was unthought of in a measure, except that I was led by the statement of facts in the paper to consider it as a very extraordinary condition.

I will state here, now, as I have risen, that I have in my hand the opinion and judgment in the United States circuit court of appeals for the ninth circuit in the matter of Arthur H. Noyes, Thomas J. Geary, Joseph K. Wood, and C. A. S. Frost. I will read from it later on, but I simply state now that I do not presume to judge these men except from the decision of the court which I hold in my hand. I did not have that yesterday, and to that extent I was wrong in taking the newspaper statement as warranted in what I said; but I do say now that either the circuit court of appeals are a set of thieves and scoundrels or tyrants themselves, or Judge Noyes and his associates are. Now, you can just take either horn of the dilemma you choose, and I will get out.

Mr. HANSBROUGH. Mr. President, of course I still insist that it is impossible to separate these gentlemen as respects the charge made against them in the circuit court of appeals.

I am glad the Senator called my attention to the fact that Judge Dubose merely occupied the position of an adviser or counsel, because that brings to my mind another phase of this question. There was another gentleman who occupied the position of adviser and counsel, a very well-known gentleman, a former member of the House of Representatives from the State of California. I refer to Thomas J. Geary, the author of the anti-Chinese law, I believe. He, too, was cited to appear for contempt before this immaculate court, the circuit court of appeals, for having advised Mr. McKenzie, for he was McKenzie's counsel in the receivership case, not to obey the order of the circuit court, because he as a lawyer said it was void. He said that the circuit court did not acquire jurisdiction in the case, and, in fact, that was almost the universal opinion at Nome among the best lawyers there at that time.

Mr. Geary advised Mr. McKenzie not to obey the order of the court. Not only that, but when McKenzie was being tried for contempt, Geary went on the stand and swore that he so advised him, and in the testimony he said that he did not then, at the moment he was testifying, believe that the circuit court of appeals had jurisdiction in the case.

What became of Mr. Geary? He was discharged. He was protected, while Mr. Dubose, who gave advice to a client—and the record shows that the client disobeyed the advice—was sent to jail for six months. I do not know whether it was because he was from Georgia and Mr. Geary was from California, but that is the fact.

Mr. TILLMAN. I have not had an opportunity to read this document, for I only received it this morning, and I have been so busy in other matters here that I only had a chance to glance through it in a limited way. I should like to have the Senator, who is familiar with it——

Mr. HANSBROUGH. No, sir. I have not seen that document at all.

Mr. TILLMAN. This is the printed opinion of the judgment of the court in the case, and I am going to ask that it go into the RECORD just as it is, so that all of us may have the advantage of discussing this thing in the light which will be furnished by the official opinion of the three circuit court judges in San Francisco, with the statements of fact which they present.

Mr. HANSBROUGH. I am perfectly willing that shall be done.

Mr. TILLMAN. Now, the Senator is attacking the circuit court.

Mr. HANSBROUGH. Not at all.

Mr. TILLMAN. Well, if the Senator's statement that one man, who did exactly the same thing as another man, was turned loose and not touched because he came from California, while the Georgian was put in jail for six months, is not an attack upon the justice and equity of the court and its integrity I do not know what to call it.

Mr. HANSBROUGH. I am simply making a statement of fact.

Mr. TILLMAN. But the Senator's statement of fact indicts the court. It is all the same to me. I know nothing about this case, and absolutely have no interest in it except that we had this case up in another matter, that of increasing the salaries of the judges, before us, and it occurred to me that it was a very good time to give a little currency, so to speak, to the article which has appeared in the Washington Post, involving the decency, the character, the integrity, the honesty, and the judicial virtue of a judge in Alaska, or of the three judges who had dishonestly and unjustly condemned him.

Now, the Senator had better address himself to giving the Senate a full statement of the case from his point of view. In other words, were the three circuit judges likely to have been seduced from their allegiance to those obligations which govern men, after their long experience and their high position—and you might say having acquired it by reason of those characteristics and their fitness as lawyers—are those three judges likely to have been guilty of putting a man in prison for a trifling cause and degrading and disgracing one of their fellow-judges?

Mr. HANSBROUGH. Has the Senator finished?

Mr. TILLMAN. For the time being I have. I will let you get through, and maybe then I will give you some more. [Laughter.]

Mr. HANSBROUGH. I have no doubt the Senator will give me plenty; he generally does.

Mr. President, I want to say a word further with respect to Judge Noyes. So long as the fact was referred to yesterday that Judge Dubose is a grandson of Robert Toombs and an altogether reputable man, which is conceded, and I am glad of it, I want to say that Judge Noyes is the son of an old veteran of the war. He was a member of the celebrated Iron Brigade. He lost part of a foot at the battle of Antietam. He was one of the best men I ever knew, and a man of strict integrity, as his son, Judge Noyes, is, as I believe.

Mr. BACON. Will the Senator permit me, as he has alluded several times to Mr. Dubose, just a second to say a word regarding the matter?

Mr. HANSBROUGH. Certainly.

Mr. BACON. I do not think I violate any confidence when I say that an officer very high in one of the Executive Departments of the Government, speaking to me about the case of Judge Dubose and his conviction for contempt, under the facts of the case and the sentence, said it was infamous. He used the word "infamous."

Mr. HANSBROUGH. I think he was right.

Mr. BACON. I say, in the Senate of the United States, that, upon the statement I have had of the facts, the conviction and imprisonment of Judge Dubose for advising his client as to what he was authorized to do under the order, was absolutely infamous.

Mr. HANSBROUGH. I think that is true.

Mr. HOAR. May I ask both the Senators a question?

The PRESIDING OFFICER (Mr. SIMON in the chair). Does the Senator from North Dakota yield to the Senator from Massachusetts?

Mr. HANSBROUGH. I yield to the Senator from Massachusetts.

Mr. HOAR. Is it not just barely possible that a conscientious judge may make a mistake?

Mr. BACON. Well, Mr. President, I recognize the fact that a judge is not responsible either to the law or morally for a mistake; but I do not hesitate to say, with my limited knowledge of the law, that a judge who, under the facts of the case as they have been presented to me, would make that mistake, could only shield himself from the charge of infamy by confessing to very gross ignorance of the principles of the profession to which he belongs.

Mr. HANSBROUGH. Now, Mr. President, I am going to ask the lawyers of this body who are present to listen for a moment to what I have to say.

Mr. TELLER. Will the Senator allow me?

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Colorado?

Mr. HANSBROUGH. I will yield in a moment. I am going to ask the lawyers of this body to bear with me for a short time, and listen to a recital from the record in the Noyes case.

Mr. TELLER. I want to ask the Senator from Georgia [Mr. BACON] if he means to assert here that it is not a contempt of court for a lawyer, a member of the court, to advise resistance to an order of the court?

Mr. BACON. Well, Mr. President, I think if a judge ordered that which he has no right under the law to order a lawyer has a right to advise his client to insist, so that the matter may go to a court having the ultimate right to determine the question.

Mr. TELLER. The question of resistance and the question of appeal are two distinct things. I want to say, after a good many years' experience in this business, that the lawyer who advises resistance to the order of a court does so at his peril. If it turns out that it was absolutely a false and inefficacious order, he would be justified; but if it is a mistake, although it never ought to have been made, if it is within the jurisdiction of the judge, the lawyer is guilty of contempt. I can cite the Senator my own experience in a number of cases. I have been there myself, too.

Mr. BACON. But I presume the Senator has never been where he was so adjudged, or he might not have that opinion.

Mr. TELLER. I was not so adjudged; but I took chances on that, and I knew just what chances I took, as every good lawyer ought to know.

Mr. BACON. I can not interrupt the Senator from North Dakota to go into that question, but this, under the facts as stated to me, is not that case, and I will now only say the words I have used were put into my mouth by a very high officer in an Executive Department of this Government.

Mr. HANSBROUGH. By some one who had examined the record?

Mr. BACON. Entirely so.

Mr. HANSBROUGH. Mr. President, having heard what the Senator from Colorado [Mr. TELLER] has said on this question, I can not understand how it is that Mr. Geary was not likewise convicted of contempt by the circuit court of appeals.

Now, Mr. President, I come to a brief recital of some facts from this record. In what I am about to state I do not propose to discuss rumors or mere newspaper gossip, but confine myself entirely to consideration of the record as made by Judge Noyes's traducers before this so-called court at San Francisco. From that record it appears that Judge Noyes was cited to show cause why he should not be condemned for acting contrary to and in violation of certain writs of supersedeas issued from the circuit court of appeals for the ninth circuit during the month of October, 1900.

The charge was based upon an affidavit made by one Eric O. Lindbloom, which affidavit contained not one positive averment, and is only a mere notice that certain other persons mentioned in the affidavit either had made or would make affidavits charging that Judge Noyes had acted contrary to the so-called writs of supersedeas; and so upon that affidavit, Judge Noyes being then attending to his duties in Alaska, he was ordered to appear before the court at San Francisco and answer to the charge of contempt attempted to be set forth in this affidavit.

He was charged with no other offense; was not advised, directly or indirectly, that he would be called upon to meet anything except the charge of contempt; and it further appears from the record that this court, before which he was to appear to make his defense, had already adjudged him guilty in another case to which he was not a party and wherein he had had no opportunity to be heard. I refer now to the so-called McKenzie case.

I am advised by lawyers that the decision in that case, at least so far as it affected the district court of Alaska and Judge Noyes, was not creditable to the circuit court of appeals for the ninth circuit. Indeed, I am advised that no lawyer upon that ground proceeds to justify the monstrous doctrine there announced by the enemies of Judge Noyes, and those who expect to profit and have profited by this decision can only apologize for the language in which it is couched.

It is not believed that a court has the power to travel beyond the facts submitted in the trial of a case and determine and adjudge something not submitted to it, and particularly where the parties not before the court may be injuriously affected. But in the anomalous practice in contempt proceedings, Judge Noyes had no recourse but to appear before a notoriously biased court and make the best defense possible. There is no change of venue in such a case, for the court is not only the judge, it is also both jury and executioner.

It might have been supposed to have brought Judge Noyes from Alaska, a distance of some 3,000 miles, from the place where the alleged contempt was committed, and some 2,000 miles from his native State, helpless, without means, and it may be said without friends, and considered the equal in dignity, if not in power, to the court before whom he was called, that the evidence would have been confined to the charges contained in the affidavit to which I have alluded.

Mr. TILLMAN. Will the Senator tell us from what he is reading?

Mr. HANSBROUGH. I am reading from a brief which has been made from the record in the Noyes case—a record consisting of three or four thousand pages.

Mr. TILLMAN. Is that the case before the circuit court or the Supreme Court on appeal?

Mr. HANSBROUGH. No; this is a brief from the record made in the Noyes case at San Francisco. I do not know whether it is the intention of Judge Noyes's lawyer to apply to the Supreme Court for relief or not.

Mr. TILLMAN. Then the Senator is giving us the brief of an attorney who was defending Judge Noyes or who was endeavoring to defend him in that court?

Mr. HANSBROUGH. It makes no difference. If the Senator can find any defect in it he can correct it.

Mr. TILLMAN. I am not discussing, and have never intended to discuss, the facts, because I do not know anything about them. I would not be asking questions now but for the fact that yesterday morning, in possibly an unthinking way, I injected this judicial tyranny or corruption, whichever it may be called, into the debate on the bill to increase the salaries of the judges.

I would suggest to the Senator, if he is willing for that method, that he shall finish what he has, and then, if he wants to add anything more in the way of facts, that that go into the RECORD; and that I put in the document I have here; so that Senators may read the facts in the morning before they come in, and then we will all be better prepared to take the case up.

Mr. HANSBROUGH. Certainly.

Mr. TILLMAN. The Senate is in a condition apparently befuddled as to just what they are talking about. They simply know that a man in Alaska, who was a judge there, and who was charged before the circuit court of appeals with certain crimes and misdemeanors has been punished, and that was all I called attention to.

But the point I was after was that Judge Noyes was drawing his salary after, you might say, he had been removed, so far as he could be removed, by the decision of three circuit judges of the United States court, for being such a tyrant and lacking in honesty, integrity, and decency. If they will be guilty of these tyrannical acts, I think it is time we were taking some steps to curtail their powers and bring them within the reach of the hand of Congress, which created them.

Mr. HANSBROUGH. I agree with the Senator that that should go into the RECORD along with what I present.

Mr. TILLMAN. And we will then adjourn this debate.

Mr. HANSBROUGH, I do not care to debate the matter; I do not care to take the time of the Senate, but I want the lawyers of the Senate who do not hear it to-day to read this in the RECORD to-morrow. I have no prejudice in this matter.

Mr. TILLMAN. Surely I have none, because I do not know any of these people, and never heard of them before, except in the debates here a year or two ago, when the Alaskan Territorial bill was up. I know there was a discussion as to these very mines in Alaska, and as to what should be done to protect the rights of the original discoverers of the mines. An effort was made to dispossess the discoverers, or to change the law under which those people hold. Therefore there was an ex post facto state of affairs sought to be forced, by which the original discoverers could be dispossessed.

Mr. HOAR. I want to ask the Senator from South Carolina a question.

Mr. TILLMAN. Very well.

Mr. HOAR. I want to ask the Senater if there has yet been a final judgment in this litigation? I do not speak now of the adjudication of contempt, of course, but as to the general merits of the question. Has that gone up from the court of appeals?

Mr. TILLMAN. Possibly the Senator from Colorado [Mr. TELLER] can enlighten us as to that. I confess I am absolutely ignorant about the litigation. All I know is what I saw in the Washington Post yesterday and what I then read in regard to Judge Noyes and the move made in this body to change the mining laws of Alaska.

Mr. HOAR. I should like to inquire if any Senator knows whether there has been a final judgment on the merits of this case or whether it is still in litigation?

Mr. McCUMBER. I will say to the Senator there has been a final judgment, not on the merits, but rather by default. After they had driven the people out of Alaska they went ahead and got a judgment.

Mr. HOAR. I do not speak of the final judgment in Alaska.

Mr. McCUMBER. I mean the final judgment of the court of appeals of the ninth circuit at San Francisco after they put McKenzie in jail.

Mr. HOAR. That is not in the Noyes case?

Mr. McCUMBER. That is not in the Noyes case.

Mr. HOAR. It has been stated that these gentlemen were committed for contempt.

Mr. McCUMBER. That is one of the cases referred to.

Mr. HOAR. What I want to get at, if I can without taking too much time, is whether in the case in which the adjudication of contempt was rendered—which, of course, is final, as all adjudications of contempt are, as a general rule—the merits of the question have been finally adjudicated or whether that judgment of the court of appeals has gone up higher. Does anybody know?

Mr. HANSBROUGH. The merits of the case on which this conviction was founded—the merits of the contempt proceeding?

Mr. HOAR. Of course, contempt proceedings are, as a general rule, incident in some other cause, unless a man should go into a court and create disorder, or something of that kind, but they are incident to causes affecting certain civil rights in Alaska, which went from Alaska to the court of appeals sitting in California. Now, I want to know whether that controversy—suppose there had not been any contempt of the judges at all—has been finally determined, or whether it is still in process of litigation, by the question having been carried to the Supreme Court, or otherwise?

Mr. HANSBROUGH. My understanding is that the cases did not get to the circuit court of appeals. The cases were not heard on their merits even by the lower court before they got Mr. McKenzie, dragged him out of Alaska, and put him into jail. While he was in jail a compromise was practically forced upon those who were interested.

Mr. PERKINS. Will the Senator allow me?

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from California?

Mr. HANSBROUGH. Certainly.

Mr. PERKINS. I think I can answer the Senator from Massachusetts [Mr. HOAR]. These cases for contempt have been finally adjudicated and disposed of, the last decision being a fine of $1,000.

Mr. HOAR. That is not the question. I want to know whether it has been taken to a higher court?

Mr. PERKINS. It is still pending, as I understand.

Mr. STEWART. I think I can answer the question.

Mr. PERKINS. Since I have the floor by permission, I wish to state, Mr. President, that I am personally acquainted with the members of the United States circuit court of appeals in San Francisco. That court is composed of Judge Gilbert, of Portland, in your own State, Mr. President [Mr. SIMON in the chair], who has a reputation of being one of the leading lawyers of the West, and who was appointed to the high position he now occupies by President Harrison; Judge Morrow, who was for six or eight years a member of Congress, representing San Francisco in the House of Representatives, was appointed United States district judge by President Harrison, and later, when Judge McKenna, now on the bench of the United States Supreme Court, was promoted to Attorney-General, Judge Morrow was appointed by President McKinley United States circuit judge. Judge Ross, who was appointed a circuit judge by President Cleveland, was formerly a justice of the supreme court of California. He is a native of Virginia and was a college mate, I think, of the senior Senator from that State [Mr. DANIEL]. He is a gentleman of high character and learned in the law, and while upon the supreme bench of the State of California he had a reputation as a jurist second to none in the country.

I therefore say, Mr. President, that the three gentlemen composing the United States circuit court of appeals of the ninth circuit are the peers of any in this country as high-minded gentlemen and lawyers. I feel that I ought to say this in justice to men who occupy the high judicial positions which they do and whose ermine has never been soiled even by the breath of suspicion. When the time comes that reflections can be cast upon those who sit upon the judicial bench, then it is time that the laymen should come in and demand that such charges should be proved or that they should be set aside.

I have felt it my duty, Mr. President, to say this much in justice to those three honored gentlemen. I know nothing whatever about the merits or demerits of this controversy; but I believe that those judges, sitting as a court of appeals, believed that they were acting justly and in accordance with the law, or they would not have rendered such a decision as they have done.

Mr. HANSBROUGH. I am sorry the Senator did not wait until I had gotten through with the statement I am about to make.

Mr. PERKINS. I said what I did say only in answer to what has been said upon the floor.

Mr. TELLER. I want to answer the question the Senator from Massachusetts [Mr. HOAR] asked.

Mr. HANSBROUGH. I do not want to yield for a speech. I will yield for a question.

Mr. TELLER. Very well; then I will take occasion to say what I desire to say when the Senator concludes.

Mr. HANSBROUGH. Mr. President, it would have been supposed that in this country, in this age, some decent regard would have been paid to the rules of evidence and the orderly proceedings in courts of justice; but far from this being the case, no attention was paid to the affidavit or complaint in the case, no attention was paid to the fact that Judge Noyes had no notice and was not prepared, and in the nature of things, could not be prepared, to meet charges preferred against him for the first time at that distance from the point where he might have obtained evidence if advised of the nature of the charge in a proper proceeding.

I have been informed, and lawyers will know whether I am right in stating, that this court had no power or authority in this proceeding to try Judge Noyes for any other or different charge than contempt; that it had no power or authority to try him for either corruption, dishonesty, or weakness. There is a tribunal before which a judge or other officer may be tried for corruption or for dishonesty, but it is not in a contempt proceeding. I have already stated that Judge Noyes was called upon to show cause why he should not be punished for acting contrary to certain writs of supersedeas issued by the circuit court of appeals for the ninth circuit.

That is the only charge, and that is the only notice that Judge Noyes had of the proceedings. The taking of the testimony was referred to a commissioner who had no power to pass upon objections as to the admission or exclusion of evidence. In short, a court without an eye to see or an ear to hear or a tongue to speak, and there seems to have been a purpose to thus refer the taking of the testimony to one with such limited powers. And he was instructed by the court not to certify any question or objection to the court for a ruling before the close of the proceeding.

The hearing before this commissioner lasted some seven weeks. The so-called evidence taken was printed from day to day and filled 12 volumes, containing in all something over 3,000 pages.

In addition to that, testimony had been taken of several witnesses before this commissioner, without notice to Judge Noyes, without his having any opportunity to appear and cross-examine, and the testimony so taken, I am advised, amounts to nearly as many pages as the testimony which was taken, and was admitted by the circuit court of appeals as evidence against Judge Noyes.

In addition to that, the record and testimony in the McKenzie case, to which Judge Noyes was not a party and where he had no opportunity to be heard, was introduced and received in evidence against Judge Noyes in this proceeding. The record and evidence taken in the so-called Dubose proceeding, to which Judge Noyes was not a party and not represented, was by this court received in evidence in this case against Judge Noyes.

So that the testimony in all amounts to something in the neighborhood of 15,000 pages. And out of this mass of stuff I am advised that the testimony relating to the contempt charges would be contained in less than 100 pages.

If this court, then, had no power to try Judge Noyes for any other offense than that of contempt, what was the purpose of submitting this mass of stuff? I fearlessly tell the Senators, for the purpose of manufacturing public sentiment; for the purpose of destroying the usefulness of Judge Noyes, so that, whether true or false, his usefulness might be impaired and the President would be forced to remove him, if death does not remove him, for he is now lying in a very critical condition in a hospital in the city of San Francisco.

Judge Noyes was in the way of these designing knaves at Nome. They had carried things with a high hand in Alaska prior to the

advent of Judge Noyes, and he interfered with their schemes if he could not be removed. It was necessary to dispose of him. Behold the method.

I have stated that I propose speaking within the record. I am doing so.

It appears from this record that when Judge Noyes appeared before this court, already committed against him, he requested that his examination proceed in the presence and hearing of the court itself. This poor privilege was denied him. The taking of the testimony was referred to this commissioner without power.

On the first day of the hearing the counsel of Judge Noyes protested against the taking of testimony on any ground excepting that of contempt charged within the affidavit. They pointed out that even if the court had power to try Judge Noyes for another and different offense, he was not in position and could not be expected to be in any position to have his witnesses present at such a distance; that it was beyond his means; that time should be had to take the depositions. This was denied, and the case was ordered to proceed. The mere issuance of a subpœna in the case cost $5, and it cost about $1,600 for taking and transcribing the testimony.

Time and again it was pointed out that the purpose of this class of evidence, not bearing upon the contempt charge, was for the very purpose of blackening the character of Judge Noyes and impairing his usefulness and laying the foundation for his removal. All this went unheeded. Witness after witness was placed upon the stand and testified, not to facts within his knowledge, but to statements that he claims he heard made by somebody else, to rumor that he heard upon the streets. And during this time the San Francisco press, in glaring headlines, pointed out the sensational charges against the Nome jurist.

The court was repeatedly asked during this proceeding to put a stop to the taking of testimony that was incompetent in that proceeding. It was pointed out that the publications in the newspapers of the hearsay evidence, as evidence in the case, was scandalous; in short, it was assassination.

The conduct of the attorney appointed as the friend of the court to prosecute was denounced as infamous before the court; but all these protests were unavailing, and the matter proceeded to drag along day after day, with the same results.

The court, at the conclusion of the testimony for the prosecution, was asked to strike out of the record the testimony taken without notice to Judge Noyes, as being in violation of the laws of the land. The court was asked to strike out the opinions and deductions of witnesses, hearsay and incompetent evidence, so that the respondent would know what evidence he had to meet, and, unbelievable as this may sound to the lawyers in this body, the record shows that this was refused, and that the respondent was compelled, at his peril, to select and answer whatever he considered competent, material, or relevant in the six or seven thousand pages of evidence then before the court. And the court, in reaching its conclusion, is supposed to have considered all this volume of testimony.

Now, let us see for a moment what is the nature of the testimony offered.

One witness, who it appears from the record had made several contradictory affidavits against Judge Noyes, and who had been promised immunity in the name of the circuit court of appeals, by this same prosecutor, if he would give evidence against Judge Noyes, was permitted to give conversations he had heard, not in the presence or hearing of Judge Noyes, and concerning the orders and rulings of the court and affecting the character of Judge Noyes; but not a word upon the question of the alleged contempt charged.

Mr. TILLMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from South Carolina?

Mr. HANSBROUGH. I decline to yield.

The PRESIDING OFFICER. The Senator from North Dakota declines to yield.

Mr. HANSBROUGH. This man was the first witness. His evidence, upon its face, is utterly unworthy of credit. He is self-impeached upon the record. Indeed, he is not only self-impeached, but impeached by every person he named with whom he claimed to have had conversations, and whom Judge Noyes could reach in the limited time allowed him.

Another witness, at one time the marshal for the second district of Alaska, a self-convicted bribe giver, a man convicted of levying blackmail on houses of questionable resort of Nome, was permitted to blacken the character of Judge Noyes and Special Examiner Frost on matters utterly unconnected with the contempt charges. For instance, this man was permitted to testify that long after the commission of the supposed contempt, when acting as an eavesdropper, he heard Judge Noyes in his chambers state to somebody else that Judge Ross, of the circuit court of appeals, was a sand-lotter and placed in power by the disreputable element of California.

The lawyers in this body will know better than I whether or not evidence of that character as to statements made, I believe, some six months after the commission of the supposed contempt was competent for the purpose of proving that Judge Noyes had disobeyed the writ of supersedeas six months before.

To me it seems to have had another and sinister purpose—that of arousing the passion and prejudice of a judge whose passion and prejudice had already been evinced against this judge. And yet this man prior to that time, under the charge of offering a bribe, had been forced to resign his position as marshal, and who had been reported to the Department at Washington by Judge Noyes, and who from that time had avowed his hostility and had boasted and threatened that he would get even with the Judge, who he believed had aided in his removal from office. And yet the charge against Judge Noyes, as I understand the decision of the circuit court of appeals, is based almost, if not entirely, upon the testimony of this scoundrel.

I refer to Marshal Vawter, the man who approached Judge Noyes and offered him $20,000 to render a certain decision in favor of this Lane syndicate. That is a matter of record in the Attorney-General's Office to-day. Vawter himself does not deny it. He says that he was only in fun, but is it not very strange that if he was only in fun, after having offered a judge $20,000, he should immediately resign his position, which was worth to him $10,000 or $15,000 a year? It is very strange that he should resign so important and remunerative a place immediately after making so funny a proposition to a judge.

Ah, Mr. President, Judge Noyes could not be bribed; he could not be bought; and that is why he has been driven out of Alaska by this ring—the Lane syndicate.

Another witness against Judge Noyes was one William H. Metson, a member of the firm of Reddy, Campbell & Metson, of San Francisco, and one of the attorneys for the California combination that had been pursuing Judge Noyes relentlessly from the moment he refused to be controlled by that element in Nome, was permitted to testify that he had employed five spies—this is the testimony that he gave before the court commission, this high-toned attorney for the Lane syndicate—at a cost of $25 per day, through the parties represented by him, for the purpose of watching Judge Noyes in his private chambers. That they had bored holes through the partitions looking into the judge's chambers. That there was not an hour of the day or night but that some one of these spies had his eye at a hole or his ear at a crack, observing what was going on. This friend of the court, appointed to prosecute Judge Noyes on behalf of the court, asked this alleged lawyer, who had been guilty of this thing, whether his spies had made reports to him orally. He said they had.

He was asked to state what they reported to him. It was in vain that Judge Noyes's counsel protested and objected that this testimony ought not to be admitted; that it was as infamous for this friend of the court to ask the question as it would be for the witness to answer it. But he did answer it and did testify as to statements which he claimed these spies made to him.

The lawyers in this body will better understand the infamy of this testimony when I inform them that the lips of one of these spies was sealed in death; that another, a man by the name of Carson, was kept in hiding by the friends of the court and the lawyer on the stand, and who dared not appear lest charges of perjury should be preferred against him.

No attempt was made to show where they kept the others in hiding.

Yet none of the testimony of this man Metson, that he claimed was communicated to him by these spies, had any bearing upon the question of the contempt charged, but only on matters concerning Judge Noyes's apparent friendship for Alexander McKenzie, Dudley Dubose, Joseph K. Wood, Mr. Frost, or Mr. Geary, the latter of whom goes unscathed, unwhipped of justice, if the others are guilty.

Another witness, ex-Judge Johnson, a judge who had resigned his position as judge of the district court for the district of Alaska a year before the arrival of Judge Noyes for the purpose of accepting a retainer of some $20,000 from the Lane syndicate and those interested with them, was permitted to testify that almost a year after the commission of the alleged contempt he, Judge Johnson, had obtained a copy of Judge Ross's opinion in the contempt case wherein Judge Ross had taken occasion to condemn Judge Noyes unheard, and loaned the decision to Judge Noyes. Johnson being at the time very friendly, called upon Judge Noyes for the purpose of obtaining the opinion, and asked him whether he had read it. He stated that he had; that he seemed to be excited and angry, and claimed that he was going to see whether Judge Ross was his dictator or not, and that he,

Judge Noyes, would now begin to fight, and that, in substance, he would teach Judge Ross a lesson.

Again, I appeal to the lawyers in this body whether that class of testimony had any bearing upon the question whether Judge Noyes was guilty of contempt or not.

And again, I assert that that class of testimony must have been for the purpose of inflaming the prejudice already existing in the breast of Judge Ross against Judge Noyes.

This ex-judge testified that at the time he had this conversation with Judge Noyes they were on very friendly terms; that the conversation was a private conversation, and yet this ex-judge unblushingly volunteered statements made by Judge Noyes that, it would seem, a gentleman should keep as private and confidential.

Now, there were some references made here yesterday by the Senator from Idaho [Mr. DUBOIS] to some statements that were made to him in regard to matters that they claimed to know about in Alaska, to the effect that there was constant claim jumping in that country. It is true, I have no doubt, because it has been the history of all mining countries that there has been claim jumping from the very beginning. But it is a fact that all the claim jumping which took place up there occurred a year or more prior to the going of Judge Noyes to Alaska.

It is a further fact, speaking again of Judge Johnson, who went to Nome to hold court in 1898, that he tried one case of claim jumping. It was a jury case, and the jury decided in favor of the jumper, whereupon, that being a decision which was not pleasing to some people in that vicinity, Judge Johnson was retained and accepted the retainer of $20,000, dismissed his court, resigned from the bench, and they did not have any court up there until Noyes went to Alaska in 1900. They did not want any court. They did not want any justice. They wanted a free hand.

Again, there was the testimony of Samuel Knight, a San Francisco attorney, who, it appears, paid a disreputable character in Nome $750, furnished him by Attorney Metson as the representative of this combination, for the purpose of making a false affidavit against Judge Noyes, and that affidavit is on file in the Attorney-General's Office, and when threatened with contempt proceedings on that ground fled in the night from Nome and escaped to San Francisco, and who subsequently, and before Judge Noyes was cited to appear for contempt, wrote a letter to his friend Judge Johnson, stating that if the contempt proceedings against him were not dismissed by Judge Noyes that the circuit court of appeals at San Francisco would order Judge Noyes to show cause at San Francisco why he should not be punished for contempt.

Judge Noyes indignantly refused to dismiss the proceedings against Knight and Mr. Knight turned out to be a prophet. Judge Noyes was cited to show cause. And from the moment he was cited to appear the result was not doubtful.

One Atrhur M. Pope was also examined as a witness against Judge Noyes. This man, it appears, had been discharged by his former employers, the Alaska Commercial Company, and who had been appointed a receiver of a mine by Judge Johnson, was forced to resign his position as receiver, and who made an extravagant claim for the value of his services as receiver to Judge Noyes, which claim was disallowed, and whose hostility to Judge Noyes dated from the day when the account was disallowed.

I am advised by counsel for Judge Noyes that there is no testimony contained in the record that warrants his conviction or that even tends to support it. I am also advised by his counsel that if there was any way of presenting the matter to the Judiciary Committee of this body, that they would gladly stake the reputation and life of Judge Noyes on the judgment of any lawyer or of all the lawyers on that committee.

As to whether there is any method of having the decision reviewed by the Supreme Court of the United States, I am not advised, except that in contempt proceedings it seems to be extremely doubtful; and if that be so, it seems to me that the law in that respect should be revised promptly.

By way of illustration, and I still speak within the record, I now refer to the case of Dudley Dubose, who has been adjudged guilty of contempt by this same circuit court, and who has been referred to in the article read yesterday; and the case against Thomas J. Geary, a native son of California, for contempt growing out of the Nome controversy, and who was tried, or appears to have been tried, with Judge Noyes.

Judge Dubose was adjudged guilty of contempt because it was claimed he had advised his client that the writ of supersedeas was void; and that he would continue to advise him that it was void, and not for the reasons stated in the newspaper article.

In the opinion, stress is laid on the fact that Judge Dubose stated he would continue to advise his client that the writ was void. But Judge Dubose is not a native son of California. It happens that Georgia is his native State. He was convicted and sentenced for contempt of the circuit court of appeals for six months.

Thomas J. Geary, a native son, it appears from the record, was attorney for Alexander McKenzie, the receiver of some of the mines in dispute, and who advised Mr. McKenzie not only that the writs were void, but that he need not and ought not to obey them.

And yet the circuit court of appeals that sentenced Dudley Dubose to six months' imprisonment, Mr. Frost to one year's imprisonment, Mr. Wood to four months' imprisonment, and Judge Noyes to pay a fine of $1,000 solemnly find that Thomas J. Geary was not guilty of contempt, and he was discharged.

But it appears that Mr. Geary, during the trial of the case, had an inkling of what the result would be in advance, for he did not attend the trial, excepting, perhaps, on the first and last days. And he cut some figure in San Francisco during the trial; was made chairman of a convention called for the purpose of recommending the reenactment of the Chinese-exclusion act; whilst Judge Noyes and Mr. Wood and Mr. Frost were kept busy day after day in defending their reputations for honesty and integrity in these contempt proceedings.

The matter disclosed by this record is a travesty on justice. It is unworthy any court in this land. It is indefensible from any standpoint. And I believe that testimony of the class offered and received against Judge Noyes was excluded in the Dreyfus trial.

It is somewhat significant that perhaps 95 per cent of all the contempt proceedings in the United States courts come from the Federal court of California; that that court seems to be most jealous of its dignity. But it seems to me that a better way to maintain the dignity of a court would be to command the respect and confidence of the people.

The dignity of courts can not be maintained by unjustly sentencing judges, lawyers, or officers for expressing honest opinions.

Being a layman, I am unable to conceive what suspicion of corruption or dishonesty could have to do with contempt in disobeying a writ issued by a court. It would seem to me that the question at issue would be whether the writ was disobeyed or not. If a valid writ, and willfully disobeyed, as I conceive it, a contempt would be proved irrespective of the character of the person. If not, the contempt should fall, and the character or standing of the man would not be in issue.

It is a dangerous proceeding. It is a proceeding, it seems to me, unheard of. It is a proceeding unknown to our laws, unwarranted by the Constitution, in a contempt proceeding to try a man for an offense where a trial may be had in a proper tribunal after an indictment found in the regular manner.

Courts are provided with the proper machinery for the trial of such offenses, but not in contempt proceedings.

It seems to me that if the integrity of courts is to be determined by their rulings, and that whether a court has been actuated by proper or improper motives is to be tested by a supposed erroneous ruling, that no court in the land would be safe. Such is not the proper manner of preserving the dignity of courts, for I know of no better way of destroying them.

It will not do to say that one or more of these gentlemen who have been adjudged guilty of contempt were engaged in a conspiracy and others were not, for the record will disclose that all were conspirators or there were none. I join the Senator from South Carolina in acquitting Judge Dubose of conspiracy; he should join me in acquitting the others who, with Judge Dubose, were dragged before the high-minded but oversensitive judges of the circuit court of appeals.

Mr. HOAR. Mr. President, I have no knowledge at all of the merits of this controversy, and I do not of course desire to express any opinion about it. I am very sorry that it came to the Senate. I do not think it belongs here.

Mr. HANSBROUGH. Neither do I.

Mr. HOAR. But I think, as it has come here, I ought to state what I know, which may induce the Senators present and perhaps others to believe that it is quite likely there are two sides to the question, both of which ought to be heard and understood before forming a judgment to the disparagement of anybody whose name has been called here.

Just after the proceedings in Alaska and before, I think, of the last of the proceedings in California—I will not speak of it as a final judgment—the parties complaining of the action of Judge Noyes called upon me and desired me to make known to the Judiciary Committee their complaint in order that there might be some action on the part of the Senate which would give them redress.

I heard their story carefully, They had no written petition and no bill or other measure prepared, but they wanted me to call the attention of the committee to their grievance. I heard their story very carefully, as I say, listening to everything they had to say.

I told them that it did not seem to be a case in which the Senate could interpose; that if the removing power, the Executive, failed to give them redress, they had the remedy by impeachment, and in that case the Senate would have to sit as judges and ought to sit, if possible, as impartial judges, and not form an opinion beforehand; so that they had first to go to the Executive, and failing a remedy there, might properly apply to the House of Representatives to exercise its power of impeachment.

I also suggested to them that as Alaska was at so great a distance a long time must elapse before there could be a thorough investigation if witnesses were summoned here who knew the facts; that they had better say to the Attorney-General that it occurred to me that in so grave a matter he ought to dispatch at once a competent commissioner, in whose ability and character every man would confide, who should investigate the case on the spot and report to him his conclusions by telegraph for the action of the Department and the President. At his request I wrote a note to the Attorney-General stating that.

Afterwards I stated, not to the committee itself, but to such members of it as I had an opportunity to confer with, what I had said and done and what had been said to me. Thereupon Mr. Senator Davis, of Minnesota, then an honored and very influential member of the committee, as of the Senate, told me that he knew Judge Noyes thoroughly through and through; that he knew a good deal about the merits of this controversy as the result of inquiries, and that he believed Judge Noyes was entirely right.

He said there were reasons, which he stated, which I will not undertake to repeat now, where some extraordinary action of the court, possibly in appointing a receiver who was connected with one or two parties in interest—I am not sure, however, about that—was rendered necessary by the peculiar conditions there, and that it was necessary to act in a certain way to save the employment of very considerable bodies of men who, if that business were at once arrested, would be thrown out of employment and reduced to extreme hardship and poverty. Senator Davis spoke to me from time to time afterwards. He was full of the matter and very zealous in the belief which I have stated.

Inasmuch as this gentleman, Judge Noyes, and his associates have been charged here in the fashion in which they have been charged, it has seemed to me just, though I know nothing whatever about the merits of the controversy, to say that one man of the highest character, of great capacity to deal with such a question, and, as everybody knows, of large experience in legal matters, an old district attorney, a lawyer in large practice, believed the action of the judge to have been right, and, further, vouched for his character from an intimate friendship of long duration.

Perhaps I should stop here, because, as I said, I have not the slightest knowledge or opinion about the matter, but I think another thing ought to be taken into consideration. Of course, everybody, I suppose, who knows anything about it knows the high character of the gentlemen who compose the court of appeals in the California circuit. I know Mr. Morrow, and I suppose I have had to make such investigation as belongs to the Judiciary Committee in regard to every one of these gentlemen when he was appointed. But at the same time it seems to be clear that the question at issue before that court was the question of commitment for contempt for the disobedience of an alleged lawful order of the court. Now, such a disobedience, as everybody knows, may take place where the party disobeying acts in the highest good faith. If the question be of the constitutional power of the court or of its jurisdiction, if it be in a case of special jurisdiction (of course in cases of general jurisdiction the judgment of the court settles the jurisdiction for the purpose), then every citizen has a right, and it may be his duty, at his peril, to disobey such an order if he thinks the court went beyond its power.

I suppose I am, perhaps, the only member of this body who personally recollects a famous case of that character. The bankruptcy law of 1842 excepted liens from the operation of the bankruptcy law and provided that they were not to be discharged by the assignment. Mr. Justice Story, the author of that law and as great an equity and bankruptcy judge as ever sat upon the bench, ruled that an attachment was not a lien. A deputy sheriff in New Hampshire, having an attachment upon the property of a man who went into bankruptcy, under the advice of counsel, undertook to proceed to sell the property and hold on to it for that purpose. Judge Story issued an order to him requiring him to desist and give up the property.

Mr. Justice Parker, the chief justice of the supreme court of New Hampshire, took the other view, and on an application by the attaching creditor directed the United States marshal to let the property alone and not to interfere with the deputy sheriff, and each of the judges rendered an emphatic opinion against the conclusion of the other. The State of New Hampshire took it up. It was a Democratic State, and they did not like Judge Story's politics very well. They passed resolutions that New Hampshire would stand by her deputy sheriff with all the force necessary to defend him. The case was settled before it went much further, but later on the Supreme Court of the United States decided in another case a principle which settled that Judge Parker was entirely right and Judge Story had been wholly wrong.

So these men had a perfect right, at their peril, to disregard an injunction which they thought beyond the lawful authority of the court. Of course, they must take the risk and incur the penalty.

Now, when the court of appeals undertook to deal with these men for contempt they certainly did not have before them the merits of the case, that is clear, but only whether their order had been disobeyed, which they assumed to be lawful, because they made it themselves. Therefore these decisions which have been quoted about the merits of the case and the conduct of the parties and the conduct of the judge in the local court in Alaska are extrajudicial and obiter dicta merely. The case never seems to have gone on the merits of the case to a final decision.

I understand from some Senator—I think the honorable Senator on my left, or perhaps it was the Senator from Wisconsin—that steps had been taken to carry it to the Supreme Court of the United States, or that it was intended to take it there, but that the final judgment, even of the San Francisco court, had not yet been rendered, and pending all that the case was compromised by the parties. I do not think it is fair to get up in the Senate of the United States and discuss that question, never finally adjudicated, where the parties have not any opportunity to be heard here, and when they have not had any opportunity to be heard in court on the merits, but only on this injunction question, and to draw from anybody's statement an inference derogatory to any of these persons.

The honorable Senator from South Carolina [Mr. TILLMAN] was himself an example of the danger of doing that in the Senate. If I listened to him correctly, and indeed I have looked at his speech since, he included in his phraseology, "thieves and scoundrels," a gentleman who turned out to be known to two or three members of the Senate as belonging to an eminent family in a State near his own, descended from a famous Senator of old days, and personally vouched for as a gentleman of high character by at least one of our colleagues on this floor. It is true that the honorable Senator from South Carolina, when that was stated, very frankly withdrew, man-fashion, what he had said, and pointed out that the relation of this man was only that of having advised resistance to the order, and not having taken part in the alleged corrupt proceedings in the case itself.

But unless it had happened that it was a man a couple of Senators happened to know about, the man would have stood under the severe brand of being called a thief and scoundrel by a Senator of the United States in the Senate Chamber. I conjecture that when all the facts are known that I do not know, and that when the Senator from South Carolina knows them he will withdraw the words thief and scoundrel as to the others.

Mr. TILLMAN. As applied to the Judge?

Mr. HOAR. As applied to a man whom the late Senator Cushman K. Davis declared on an intimate knowledge of many years he knew to be a man of honor and character, repeating that declaration after having investigated for himself as well as he could the transactions with which the man is charged in this fashion. Now, Mr. President, I do not know anything about the matter and I do not care, but that is what I conjecture will happen.

Mr. MCCUMBER and Mr. TILLMAN addressed the Chair.

The PRESIDENT pro tempore. The Senator from North Dakota.

Mr. HALE. Let me, in the interest of the order of business, suggest to Senators that, if this matter is going to give rise to further and extended debate, it is now late and Senators are disappearing from the Chamber, and that either I shall be allowed to go on with the little bill which I have in charge, and which is incidental to this controversy, and pass it to-night, or that we adjourn and Senators get ready for the debate on the main proposition, which is this Northern transaction, to-morrow morning. Therefore, if I am recognized, unless we can go on and finish the bill I will move that the Senate do now adjourn.

Mr. KEAN. Let us have an executive session.

Mr. HALE. An executive session is asked for by several Senators. I will modify the motion.

The PRESIDENT pro tempore. The Senator from Maine moves that the Senate proceed to the consideration of executive business. Before putting the question, the Chair will state that the Senator from South Carolina did not make the request, but he intimated that he desired that certain papers which he had might be printed in the RECORD.

Mr. COCKRELL. He is here now.

Mr. TILLMAN. With the consent of the Senator from Maine,

I will state that I would have been glad to have had a little something to say in answer to my distinguished friend from Massachusetts [Mr. HOAR], but that will keep. I desire now to have printed in the RECORD, so that every Senator may read it before we meet to-morrow, if he has any interest in this matter, the opinions and judgment of the circuit court of appeals in this matter.

The PRESIDENT pro tempore. Is there objection?

Mr. COCKRELL. Can we not have that and also the document presented by the Senator from North Dakota [Mr. HANSBROUGH], which he claims, as I understand it, was taken from the official record?

Mr. HANSBROUGH. It is a brief from the official record in the Noyes case, and will appear in connection with my remarks.

Mr. COCKRELL. Can they not be printed as a document so that we can have them both in that form?

Mr. HANSBROUGH. I have lots of material.

Mr. TILLMAN. If it goes in the RECORD, we will read it. If it does not, we will not have it at hand.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from South Carolina?

Mr. MCCUMBER. I object. I do not know what that means under the rules, but I wish to give my reasons for objecting.

As has been stated, there are something over 3,000 pages of this testimony. I know of my own knowledge that 95 per cent of it is hearsay thrice removed. I know, further, that in that record there are segregations from the testimony of witnesses and statements or conclusions from the testimony of witnesses who have been impeached over and over and over again.

I have listened here for more than a year and I have heard these insinuations made against good, straight, honorable men. I have seen the RECORD lumbered up with all of this trash for the benefit of a certain mining syndicate for the purpose of creating certain prejudices. I have read the records in another judgment and I know how false it is when you take the evidence from which the conclusions were borrowed. I say they are of such a nature that they are unjust in every respect and should not go upon the RECORD. So far as my voice can go it will go in absolute objection against their making their case in this RECORD without a hearing. The testimony is not here.

Mr. TILLMAN. Mr. President——

Mr. HALE. Let me make a suggestion to the Senator from North Dakota.

Mr. MCCUMBER. I shall be glad to hear the suggestion.

Mr. HALE. The Senator will gain nothing in the end, because any Senator who wants matter to go into the RECORD can have it read and it will go into the RECORD. It will expedite business generally that whatever is to go into the RECORD——

Mr. MCCUMBER. I understand that it can go into the RECORD, but as it is going in in that way I can note the objections to it and it can be explained, and many things that would seem to be fair on their face can be shown to be false. That is the right that I contend for and that is the reason why I object.

Mr. TILLMAN. If the Senator will allow me——

Mr. TELLER. It is the opinion of the court simply that the Senator from South Carolina asks to have printed in the RECORD.

Mr. MCCUMBER. When the opinion of the court in a case like that against Alexander McKenzie is made up of one line of evidence and of ten pages of newspaper reports and evidence deducted from another case entirely, not one scintilla of which belongs to the case in the RECORD, then I say I will object to it, whether it be called a court's opinion or whatever it may be called. It is unjust to force it into the RECORD for the purpose of assisting any syndicate or class of men to create a prejudice against an officer.

I simply wish that Judge Noyes shall have a fair and honest hearing before the Senate, before a committee, or in any form that may be desired; but I want it in such a shape that he can be heard when the evidence is being presented.

Mr. HALE. Does the Senator from North Dakota object to the request of the Senator from South Carolina that this matter may go into the RECORD that we may have it in the morning? If he objects to its going in to-night, it will be put in to-morrow.

Mr. MCCUMBER. Yes; just as long as I can I will object to its going in.

The PRESIDENT pro tempore. Objection is made.

Mr. TILLMAN. I will just say a word. I shall not insist. I will simply call attention——

Mr. MCCUMBER. I wish to ask a question on another point.

Mr. TILLMAN. Have I the floor, Mr. President? The Senator from Maine had the floor, and I thought he yielded to me.

Mr. MCCUMBER. I was recognized, and the Senator from Maine asked me to wait a moment. I waited a moment and he took up the time.

The PRESIDENT pro tempore. The Senator from North Dakota has the floor.

Mr. MCCUMBER. I will wait, but I do not understand the rule by which I lose my right to the floor.

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from South Carolina?

Mr. TILLMAN. I will wait.

Mr. MCCUMBER. I yield to the Senator from South Carolina upon this matter. I do not know what he desires to say, but I am willing, if the Senate wishes to go into executive session, not to make any address upon this subject this evening.

Mr. TILLMAN. I am going to make a speech on it in the morning.

Mr. MCCUMBER. All right.

Mr. TILLMAN. I simply wanted to get this document in the RECORD, so that every Senator might read the facts for himself, rather than be debarred from the information upon which I shall talk and which we have all been discussing.

Mr. MCCUMBER. A Senator does not get the facts in that document. It is a false conclusion, and that is my objection to it.

Mr. TILLMAN. The Senator of course is——

Mr. HALE. Mr. President, I shall have to insist on my motion.

Mr. TILLMAN. The Senator is of course advised that I am merely endeavoring in a fair-minded way to get the case before the Senate, because I have no interest in the matter and I did not know of any of these men until yesterday.

Mr. MCCUMBER. It may be a fair-minded way, but with an honest purpose to protect honest men I object to it.

Mr. TILLMAN. Very well; then I will read it in the morning.

Mr. MCCUMBER. Read it.

Mr. HALE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota now yield to the Senator from Maine?

Mr. MCCUMBER. I do.

EXECUTIVE SESSION.

Mr. HALE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After forty-eight minutes spent in executive session the doors were reopened, and (at 5 o'clock and 50 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, February 5, 1902, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 4, 1902.

RECEIVER OF PUBLIC MONEYS.

Charles D. Warner, of Cœur d'Alene, Idaho, to be receiver of public moneys at Cœur d'Alene, Idaho, his term having expired. (Reappointment.)

REGISTER OF LAND OFFICE.

John F. Yost, of Rathdrum, Idaho, to be register of the land office at Cœur d'Alene, Idaho, vice David H. Budlong, term expired.

PROMOTIONS IN THE NAVY.

Lieut. (Junior Grade) John T. Tompkins, to be a lieutenant in the Navy, from the 22d day of September, 1901, vice Lieut. John Hood, promoted.

Lieut. (Junior Grade) Simon P. Fullinwider, to be a lieutenant in the Navy, from the 28th day of September, 1901, vice Lieut. LeRoy M. Garrett, promoted.

Lieut. William A. Gill, to be a lieutenant-commander in the Navy, from the 9th day of October, 1901, vice Lieut. Commander Sidney A. Staunton, promoted.

Asst. Surg. Eugene J. Grow, to be a passed assistant surgeon in the Navy, from the 8th day of June, 1901, to fill a vacancy existing in that grade on that date.

P. A. Surg. Norman J. Blackwood, to be a surgeon in the Navy, from the 3d day of November, 1901, vice Surg. Edward H. Green, promoted.

Asst. Surg. Edward G. Parker, to be a passed assistant surgeon in the Navy, from the 10th day of January, 1902, to fill a vacancy existing in that grade on that date.

Second Lieut. Norman G. Burton, United States Marine Corps, to be a first lieutenant in said corps, from the 23d day of July, 1901, to fill a vacancy existing in that grade on that date.

PROMOTIONS IN THE ARMY.

Cavalry Arm.

First Lieut. Eugene P. Jervey, jr., Tenth Cavalry, to be captain, January 31, 1902, vice White, Ninth Cavalry, detailed as quartermaster.

Infantry Arm.

Lieut. Col. Henry C. Ward, Seventeenth Infantry, to be colonel, January 31, 1902, vice Moale, Fifteenth Infantry, retired from active service.

Maj. Benjamin C. Lockwood, Twenty-first Infantry, to be lieutenant-colonel, January 31, 1902, vice Ward, Seventeenth Infantry, promoted.

Capt. Daniel A. Frederick, Seventh Infantry, to be major, January 31, 1902, vice Lockwood, Twenty-first Infantry, promoted.

APPOINTMENT IN THE ARMY.

Cavalry Arm.

Ralph C. Caldwell, at large, late second lieutenant, Forty-first Infantry, United States Volunteers, to be second lieutenant, February 2, 1901, to fill an original vacancy.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February 4, 1902.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

EXECUTION OF DEEDS IN THE PHILIPPINE ISLANDS AND IN PORTO RICO, ETC.

Mr. JENKINS. Mr. Speaker, I desire to submit at this time a conference report. I ask that the reading of the report be waived and only the statement of the conference committee read in this connection.

The SPEAKER. If there be no objection, that order will be made.

There was no objection.

Mr. RICHARDSON of Tennessee. Mr. Speaker, we have been entirely unable to hear the request of the gentleman. I would like to know what bill he refers to?

Mr. JENKINS. I will state to the gentleman that this is the conference report on the bill (H. R. 5814) to provide for the execution in the Philippine Islands and in Porto Rico of deeds for lands situated in the District of Columbia.

Mr. RICHARDSON of Tennessee. And this is the report of the conference committee on the bill?

Mr. JENKINS. This is the report of the conference committee, and I have asked that the statement of the conferees, which covers all of the points of difference between the two Houses, be read.

The statement was read, as follows:

Statement on the part of the managers of the House on the disagreeing votes of the two Houses on the amendments of the Senate to H. R. 5814.

The Senate amended the House bill by inserting in line 4, after the word "Columbia," the words "or in territory of the United States;" and in lines 8 and 9 struck out the words "in the District of Columbia" and inserted in lieu thereof "in the jurisdiction where the land lies;" and in line 9 struck out "for said District" and inserted in lieu thereof "therein;" also amended the title of the bill.

The conferees recommend that the House recede from its disagreement and agree to the amendments of the Senate.

The conference report was considered, and agreed to.

On motion of Mr. JENKINS, a motion to reconsider the last vote was laid on the table.

AMERICAN REGISTER FOR STEAM WHALER BOWHEAD.

Mr. GROSVENOR. Mr. Speaker, I ask unanimous consent to report back at this time the bill (H. R. 1095) to provide an American register for the steam whaler *Bowhead*, and ask that the bill lie on the table. This bill was introduced in the House at this session evidently by inadvertence, having been passed during the last Congress.

The SPEAKER. Is this from the Committee on Merchant Marine and Fisheries?

Mr. GROSVENOR. It is.

The SPEAKER. And the request of the gentleman is that the bill lie on the table?

Mr. GROSVENOR. That is the request, Mr. Speaker.

The SPEAKER. Is there objection?

There being no objection, the bill was ordered to lie on the table.

PRINTING FOR COMMITTEE ON COINAGE, WEIGHTS, AND MEASURES.

Mr. SOUTHARD. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution I send to the desk.

The SPEAKER. The resolution will be read, subject to the right of objection.

The resolution was read, as follows:

Resolved, That the Committee on Coinage, Weights, and Measures be authorized to have printed and bound such papers and documents, in connection with the subjects under consideration by the committee, as may be necessary for the transaction of its business.

The SPEAKER. Is there objection?

Mr. RICHARDSON of Tennessee. Mr. Speaker, I would like to ask if this committee has had this privilege extended to it before?

Mr. SOUTHARD. It has always had it.

Mr. RICHARDSON of Tennessee. I know that this privilege has always been extended to committees that had appropriations, but I did not remember that this committee had ever had it.

Mr. SOUTHARD. We had during the last Congress and the preceding Congress, and I think we have had it before that.

The SPEAKER. No objection being made, the question is on agreeing to the resolution.

The question was taken; and the resolution was agreed to.

The SPEAKER laid before the House the following changes of reference, which were agreed to without objection:

The bill (H. R. 8748) to establish fog signal and light on Southampton Shoals, San Francisco Bay, California—from the Committee on the Merchant Marine and Fisheries to the Committee on Interstate and Foreign Commerce.

The bill (H. R. 8737) to establish gas buoys at certain points in waters along the shores of Alaska—from the Committee on the Merchant Marine and Fisheries to the Committee on Interstate and Foreign Commerce.

The bill (S. 1940) granting a pension to Frances Fuller Victor—from the Committee on Pensions to the Committee on Invalid Pensions.

OLEOMARGARINE BILL.

Mr. HENRY of Connecticut. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill 9206, known as the oleomargarine bill.

The motion was agreed to; and accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. LACEY in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the oleomargarine bill, and the Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 9206) to make oleomargarine and other imitation dairy products subject to the laws of the State or Territory into which they are transported, and to change the tax on oleomargarine.

[Mr. TOMPKINS of New York addressed the committee. See Appendix.]

Mr. COONEY. Mr. Chairman, I desire to yield ten minutes of my time to my colleague [Mr. ROBB].

Mr. ROBB. Mr. Chairman, Mr. Dooley, in his recent article "On the reception of royalty," in his own peculiar manner of expression asks the question, "How shud a Missoury Congressman approach his majesty—on his hands and knees, or through th' window?" The pending bill and substitute suggests to me another question: "How should a Missouri Congressman approach the consideration of this measure—on his knees before the oleomargarine octopus, or through the window provided by the substitute, while oleo comes in at the door, meeting him as of old at the dinner table?" I can only answer for myself. I assume to speak for none other. Speaking for myself, I say here and now I shall not take the window route.

Representing one of the greatest agricultural districts in the greatest agricultural State in the Union, I conceive it to be my duty to the farmers of that district, as well as to the agricultural interests of the country, to give my support to the bill reported by a majority of the committee. The purpose of the bill is to give relief against an admitted and recognized evil. It is to prevent "the sale of oleomargarine in the guise and under the name of butter," or, in the language of the minority report, "to prevent it from being fraudulently sold for butter." Both the reports recognize that the sale of the counterfeit or substitute article for genuine butter is an imposition upon the consumer and a wrong and an injury to the producers of the genuine article.

While the substitute might afford some protection, I do not believe it presents that full and complete measure of relief which the importance of the subject demands. By requiring the manufacturer to brand or stamp the packages furnished the retailers, as provided by the substitute, would afford no protection to the public against the imposition of hotel or restaurant keepers, the proprietors of boarding houses, or anyone else who might choose to set before his guest the spurious article; while under the bill as reported by a majority of the committee the counterfeit article will no longer be obtainable and the possibility of future fraudulent practices will be removed entirely.

If, as I believe, and all seem to agree, this is a subject demanding remedial legislation at all, then we should meet the question squarely and legislate effectively. If any consumer is entitled to relief, then all consumers should have the same safeguards for their protection. If the producers of the genuine article are unjustly injured by the fraudulent practices of the producers and vendors of the spurious or counterfeit and should have relief, then, within our power and authority, we should give them the full relief to which they are entitled.

The bill as reported by the majority provides for an increase of

10 cents per pound in the tax on oleomargarine when made in imitation of butter, and a reduction in the rate to one-fourth of one cent per pound when the same is not made in imitation of butter. It has been contended that the increase in the tax on oleomargarine when made in imitation of butter is the exercise of the taxing power to discourage and destroy one industry for the benefit of another; that oleomargarine is a legitimate article of commerce, wholesome, nutritious, and demanded by a large body of our consumers.

The increased tax, as I understand it, is the means for preventing the perpetration of a fraud. The object in view is not to prevent the manufacture and sale of oleomargarine in accordance with the ordinary rules of fairness and business honesty. The tax on oleomargarine free from coloration or other ingredients making it look like butter is reduced. The fraudulent trade is discouraged; the legitimate and honest trade, if the reduction of the tax is of any value to it, is encouraged. To hold otherwise is to contend that in order to uphold the trade in oleomargarine, as now practiced, an imposition and a fraud, a deception and a cheat, and the counterfeit as against the genuine or real, should be given the right of way; while a suffering public, if not confronted by things which are as they seem to be, can at least take consolation in knowing that the article is well colored and well greased and will go down.

Under our copyright laws our writers and authors are protected, and the protecting arm of the law is thrown around the production of our inventors. Every other class of our citizens have received some consideration at the hands of our Government. Is it not time that some attention should be paid to the demands of the American farmer? He is the foundation of our national prosperity, and more depends upon him than on all other classes combined. So far as legislation in his interests is concerned, he has frequently been spoken of as "the forgotten man."

Let us not forget him now. He has never forgotten us. Under the burning summer's sun and in the blast of the winter's wind, whether his sky was clear and his pathway bright or clouded with gloom, he has been our unfaltering and never-failing friend, the product of whose toil has gone to make up our material prosperity. He has been legislated against long enough. He has been neglected and discriminated against until his burden is hard to bear. The farmer boy has been driven from the farm and the old homestead to the overcrowded and congested districts in our large cities, and notwithstanding the progress along other lines, the advancement and prosperity of the farmer is not what it should be.

Mr. Burke said:

> It requires ten times more of labor, of vigilance, of attention, of skill, and, let me add, of good fortune also to carry on the business of a farmer with success than what belongs to any other trade.

These remarks were made more than a hundred years ago, and what was true then is true now.

The American farmer is the most skillful, the most vigilant, and the most energetic of any in the world, and neglected as they are and legislated and discriminated against as they have been, whatever of prosperity exists among them and wherever it exists is due to their skill and perseverance and vigilance and energy, and to their unremitting labors and the virgin fertility of the soil they till. No aid or encouragement has ever come to him from legislative enactments. He asks no special legislation in his behalf. All he asks is a free and open field and equal rights and opportunities in the race of life.

I am not one who believes in favoritism in legislation, or in protecting one industry or one class at the expense and to the injury of others. I believe in equal rights before the law. But I am unwilling to wink at fraud or encourage deception. If the oleomargarine business can not maintain itself in the open and upon a fair and honorable basis, if it is necessary for it to practice fraud and deceit to continue as an industry, then, for one, I am willing that it shall be retired in the interest of honest trade and in justice to our farmers and producers of pure butter. [Loud applause.]

Mr. COONEY. Mr. Chairman, I desire to yield such time to my colleague [Mr. COWHERD] as he desires.

Mr. COWHERD. Mr. Chairman, I do not know at this late hour in the discussion that one can add anything of interest to the arguments that have already been made, and I feel like it is incumbent upon me to apologize to the House for wearying them with any further argument upon the question.

But in view of the fact that I represent a district composed almost equally of city and country people, a district of two fine agricultural counties, where men engaged in the creamery and dairy business have easy opportunity to market their entire product, and a city containing the second largest meat-packing business in the world, it seems to me that I am in some sense justified in occupying the time of the committee in the discussion of the question that is now before them.

Let me say, Mr. Chairman, at the outset that I deprecate the intolerance that has appeared somewhat in this debate on both sides of the Chamber. I want to say that I concede to every man the right to vote upon this question as his conscience or his constituents may dictate. I claim that right myself; and whether a man votes here for or against this bill because he conscientiously believes it to be right or wrong, or whether he surrenders his conscience to his constituents, and standing here in his representative capacity, believing that he represents the wishes of the majority of his constituents, casts his vote that way, I have no fault to find with him.

I ask a patient hearing of those gentlemen who in this House, and their name is legion, intend to vote for the majority bill, not because they believe it to be right or just, but because their opinion has been influenced by letters written in an office at Chicago, mailed to their constituents in a stamped envelope, with a request that the letter be signed and sent back to the member of Congress. I do deny that that is a proper way to poll the sentiment of any district in the United States, especially when it has been for years preceded by literature sent out calculated to make the man who signed the letter believe that he was going to be largely benefited in his business by the passage of this law.

Now, let me call the attention of this committee to the fact that the secretary of the National Dairy Association testified before a committee of the Senate, some three years ago, that he then had $10,000 practically raised for the purpose of aiding the passage of this particular legislation through Congress. Do not understand me to charge that a dollar of that was improperly used in the purchase of votes.

No man of sense believes that votes are purchased in the Congress of the United States. But that money has been used to build up a sentiment in certain districts in favor of this bill; and the gentleman that said that 150 agricultural papers had indorsed this measure might also have added, I expect with perfect truth, that in a large number of them advertisements were carried of the dairy business that was very much calculated to influence the opinion of the editors of those sheets in the line of the pending legislation.

There are two measures before this committee. One of them might properly be said to be a bill to suppress fraud, and the other might very properly be called a bill to suppress an American industry. Every man in this House knows that some oleomargarine is sold in imitation of butter. Not much; nothing like so much as gentlemen would have you believe, but some.

The fraud in the sale is not by the manufacturer, who never violates the law; not by the wholesaler, who always sells it in a stamped tub; but by the retailer, who takes it back to his ice box or back room and sets down his tub of 20, 30, or 40 pounds of oleomargarine, and sometimes when a customer comes there and asks for butter, he dishes it up, puts it on a plate, and sells it to him. I am for legislation to prevent that fraud; and I believe that the best legislation to prevent that fraud is the bill presented by the minority of this committee, which will forever and effectually eliminate it.

All who have investigated that bill know that hereafter, if the substitute is adopted, oleomargarine is to be manufactured in 1 and 2 pound packages, put up in a certain shape so as to identify the article, the word "oleomargarine" stamped in the stuff itself; then it is to be wrapped up in a paper and have the word "oleomargarine" stamped in large letters on it, and around it all is to be tied the revenue stamp, as is done with a box of cigars. Everybody knows that if that becomes law thereafter there will be no more fraudulent sales of oleomargarine. It will go on the market for what it is.

Now, what is the purpose of the majority bill? The gentleman from Connecticut the other day, it seemed to me with more ingenuity than frankness, attempted to make this House believe that it was not the intent of this bill to suppress the industry of the manufacture of oleomargarine. I shall not quote the remark of Professor Adams, because he says he has withdrawn it. I need not quote the letter of Mr. Knight, the secretary of the National Dairy Union (because it has been already presented to the House), wherein he said that they had here in this measure an opportunity to eliminate the manufacture of oleomargarine from the food-product list.

Is that an attempt only to take the coloring out? Is that an attempt only to suppress a fraud? If it is, the man who fathered the bill, the man who disbursed the fund that has built up the sentiment for it, did not know what he was talking about when he made that statement.

But I want to call the attention of this House to a later statement made by Governor Hoard, of Wisconsin, who, as I remember, is the chairman of the National Dairy Association, and appeared as their accredited representative before the committee that had charge of this measure, and who, as my friend from

Georgia [Mr. BARTLETT] tells me, has made a personal canvass all over the South for the advancement of this measure. Mr. Hoard, in his testimony before the committee—I read from page 33 of the printed hearings—was asked by the gentleman from Kansas [Mr. SCOTT] this question:

Mr. SCOTT. If the passage of this law should not diminish the sale of oleomargarine, would its enactment still be demanded?

Mr. HOARD. That is a question I could not answer you, because it is too problematical. I could not say what would be demanded if we did not do this or that.

Mr. SCOTT. I thought I might get your opinion whether, if you thought the passage of this law would not restrict the sale of oleomargarine, but would simply make it an honest sale instead of a dishonest sale, you would still be in favor of it.

Mr. HOARD. I am absolutely opposed to the sale of oleomargarine in the guise of another thing.

Mr. SCOTT. But if it could be sold honestly——

Mr. HOARD. I do not care whether it is sold honestly or dishonestly; I am opposed to counterfeiting.

Mr. SCOTT. But under this bill, after paying the tax, it can be sold only as oleomargarine, can it not?

Mr. HOARD. I suppose so. It can be sold to that extent but no more, but I have to do business with the things I have, with the machine I have; I can not approach it from the Federal standpoint except through taxation.

Mr. SCOTT. I understand that. But you seem to fail to catch the drift of my question. I object just as much as you do to the sale of one product for another product. I was simply asking whether this bill would be demanded if, after its passage, just as much oleomargarine would be manufactured and put on the market as is now manufactured and sold.

Mr. HOARD. In that case, sir, I would come before Congress and demand a still higher tax.

The gentleman from Connecticut [Mr. HENRY] tells us that more oleomargarine will be manufactured and put on the market; the gentleman from Illinois [Mr. GRAFF] tells us that more will be put on the market, and that the poor man will have an opportunity to buy it cheaper after the passage of the bill. What said the man who fathered the bill? What said the man who pushes the measure before this House and the country? Here was his answer:

In that case, sir, I would come before Congress and demand a still higher tax.

In the light of that testimony, does it rest in the mouths of gentlemen who are in favor of the majority measure to come here and say that they are not attempting to suppress the industry—that they are going to give the poor man an opportunity to buy this practical and good substitute for butter at a still cheaper price?

Those are the facts, gentlemen, in regard to the motive behind the two bills. Now, I want, if you please, to consider the use of oleomargarine and the rights that it ought to have in the markets of the country. No man has denied in this debate that this article is wholesome. When legislation of this kind was first brought into the House of Representatives, in 1886, it was brought in on the theory that oleomargarine was an impure product, made from the slops and refuse of the hotels and the kitchens and from the fat of dead dogs and horses.

But to-day no man is so dishonest or so ignorant as to make any such statement in the House of Representatives. The actual fact is that there is no product that goes upon the market around whose manufacture there are thrown so many safeguards as this product of the oleomargarine factories. In the city that I have the honor to represent there are two great factories and several small ones.

We have there no magnificent Congressional Library to which to take visitors as a show place. We have no great parks and no national cemeteries such as are in and near Washington. We have no great galleries of art, such as you will find in the cities of the Old World. The show places of that city are its packing houses. We take our visitors to see these great industries, to show them the most interesting thing in the city; and the one place in the packing house that is always open every hour of the day, and six days in the week, is the butterine department.

And let me say to gentlemen that there is never a farmer's housewife that goes into it but envies its spotless cleanliness. Ladies who attended the last White House reception might have gone directly from the east parlor to that great establishment and never soiled their trailing skirts. It is absolutely clean. and the product that comes from it is pure, clean, and wholesome.

Now, I contend that if it is wholesome, if it is pure, you have no right to legislate it off the table of the man who is unable to pay the butter price for the pure article of butter. Why, sir, what right have you, the Congress of the United States, to discriminate between wholesome articles of food? What right have you to go into my kitchen or to my table and say I shall or shall not eat this substance or that, or that I shall not have the privilege of buying it prepared for the table in such way as to render it attractive?

I deny the right of Congress to make any such legislation. I am not going to deny it on constitutional grounds. I understand too well that in these later days, the Constitution is an old-fashioned instrument that has no place in our discussions on this floor, and I understand too well that in these times of a "shifting majority of one," he would be a bold man indeed who would attempt to prophesy what would be the fate of any legislation when it reached the court of last resort. I remember, however, that that court once said that "the power to tax is the power to destroy;" that it once said:

To lay with one hand the power of the law on the property of the citizen and with the other to bestow it upon favored individuals to aid private enterprise and build up private fortunes is none the less robbery because it is done under the forms of law and is called taxation.

I commend that statement to the gentlemen on this side of the Chamber who have quoted it so often in tariff and financial arguments.

But, gentlemen, let me call your attention to the fact that the argument of the majority in this case is that oleomargarine itself is fraudulent; that when you color it, it becomes a counterfeit, which has no right to any place in commerce. Sir, oleomargarine is a substitute for butter; and, as a substitute, it is the better substitute the nearer it approaches to the natural article.

I do not want to stultify myself by attempting to deny that oleomargarine is colored, just as white butter is colored, so that it may more closely imitate the yellow butter that is preferred in the market—the best butter of commerce. And I stand here to deny the right of Congress to refuse to allow me to place upon the market any wholesome product of food in the shape that will be most attractive to the purchasers of that commodity, provided I sell it for what it is and the customer buys it knowing what he gets. [Applause.] It is a part of the inalienable right of a free man that he should have that privilege; and you have no right to take it away from him.

But gentlemen say that the moment you color this article it becomes a fraud. How does it become a fraud? Is it a fraud to put a little coloring matter in the peas that are canned, in order to give them the bright green appearance that makes them attractive? Why, sir, every man knows that the digestibility of any article that goes upon your table depends largely upon its appearance. If you sit down to the best meal Delmonico ever provided and if you are seated at a dirty table with a filthy cloth and amid disgusting surroundings you lose your appetite. Gentlemen here would deny to oleomargarine the right to be colored, even though it is sold as colored oleomargarine.

Mr. HENRY of Connecticut. We are not prohibiting the sale of the article. We are simply taxing it.

Mr. COWHERD. But you put on the tax in order, as your own representative has said, to legislate the article out of existence—to prohibit it.

Now, then, suppose that instead of the butter men having a majority in this Congress there should some day sit here a majority of men from the cities, favoring the manufacture and sale of oleomargarine; and, suppose they should say that instead of legislating the color out of oleomargarine (and it is to be remembered that the oleomargarine makers first discovered the art of coloring), they concluded to legislate the color into butter; and, suppose they should pass a law that you must color every pound of butter blue.

The blue color comes from just the same thing as that from which you get the yellow color. It is just as wholesome, just as nutritious. It would not affect the digestibility of the article at all except by its appearance. How many pounds of butter do you suppose would be consumed the next day in the United States if that law should be enforced? [Applause.]

Mr. SOUTHARD. I want to vote for your minority bill if I can. But does the gentleman concede that the consumer—now I am speaking of the man who actually consumes the butter or oleomargarine—does the gentleman concede that the law ought to be such as to give him the right to know what he is eating?

Mr. COWHERD. I concede that the purchaser ought to have the right to know what he is purchasing. You want to get at the man who dines in the restaurant or the hotel.

Mr. SOUTHARD. Or in the boarding house or anywhere else.

Mr. COWHERD. Now let me answer the gentleman's objection. They propose to eliminate an industry that to-day is adding a part, however small, to the business of more than 5,000,000 people, because some man in a cheap restaurant or hotel got served with oleomargarine and did not know it. How are you going to prevent it under this bill? If he is doing it to-day he is doing it because he can buy the product cheaper than he can buy butter, and palm it off as butter; and it is fraud to-day and it is punishable to-day in many of the States.

Now, you propose, according to the gentleman from Connecticut [Mr. HENRY], to reduce the price of oleomargarine so he can get it very much cheaper than he does to-day, and the only difference is that he will commit a fraud by coloring it himself, and if the price of the uncolored oleomargarine is reduced you have only added to the profit his fraud will bring him.

Mr. HENRY of Connecticut. If the gentleman will pardon me——

Mr. SOUTHARD. I do not understand that the gentleman has

answered my question. If it is possible to have it so, ought not the law to be such that the actual consumer of the butter may know what he is eating?

Mr. COWHERD. I have answered the gentleman's question—that it is quite possible, if the minority bill passes, that the consumer in the cheap restaurant will get oleomargarine; but he goes there in order to get a good meal and get it cheap, and he would rather have oleomargarine than to have cheap butter.

I will answer the gentleman's question further by saying that if the majority bill passes he will get the same product. The only difference is that there will be the added incentive to the restaurant keeper or the hotel keeper to buy oleomargarine uncolored and color it himself, because he will make more money by committing the fraud.

Mr. SOUTHARD. Now, will the gentleman answer my question?

Mr. COWHERD. Certainly.

Mr. SOUTHARD. Will the gentleman tell me how he will be able to tell what he is eating in the ten-dollar-a-day hotel any more than he will in the cheap restaurant?

Mr. COWHERD. The gentleman very well knows that if he goes to the high-priced hotel he gets the best food, because they can afford to serve it, and business policy compels them to do so.

Mr. SOUTHARD. In other words, he must depend on somebody's say so for his knowledge of what he is eating.

Mr. COWHERD. He must depend on somebody's say so as to whether he gets fresh beef in the hash that is served to him or whether he gets the scraps of beef taken from the plates of yesterday. Is the Congress of the United States to pass a law to send an inspector into each hotel to see that they do not gather up the scraps of meat to-day from the plates and serve them as hash to-morrow?

Mr. SOUTHARD. Do you want to put butter on the plane of boardinghouse hash?

Mr. COWHERD. The gentleman is putting it on the plane of boarding-house hash if he votes for the majority bill.

Mr. SOUTHARD. The gentleman from Missouri is doing it.

Mr. COWHERD. No, the gentleman from Ohio is doing it.

Mr. HENRY of Connecticut. I am sure the gentleman does not wish to misrepresent anything.

Mr. COWHERD. I do not desire to.

Mr. HENRY of Connecticut. The bill provides that the hotelkeeper or boardinghouse keeper who colors the butter or oleomargarine——

Mr. COWHERD. It will be a crime.

Mr. HENRY of Connecticut. That he will be subject to the same penalty as the manufacturer.

Mr. COWHERD. I hope the gentleman will not take my time.

Mr. HENRY of Connecticut. The consumer may color his butter any shade that he desires.

Mr. COWHERD. I understand the gentleman's proposition. In many of the States to-day it is provided that if you put oleomargarine on a hotel table you must put it on in a dish that is stamped "oleomargarine" in the china. You are simply trying to get the United States to take care of State legislation in that matter. It is a proposition that depends on the States.

Right there, let me call your attention to this fact: A great outcry is made in the hearings before the committee because they can not enforce the laws in certain portions of certain States, and every gentleman who takes the floor calls attention to the fact that 32 States of the Union have prohibited the coloring of oleomargarine and that the laws of these States are not being enforced, and therefore that Congress should come in and enforce the laws of the States in the jurisdiction of the States.

Let me cite an illustration in this very testimony. Some gentleman before the committee said that at Pittsburg—and that is one of the complaints of the advocates of the bill—the grand jury refused to indict and the prosecutor to prosecute. Why? Because you forced an unnatural law upon the people of that community, one that the sentiment of that community did not approve. Pittsburg has a large population of wage earners who insist upon their right to purchase at a price within their reach a wholesome substitute for the creamery butter, which they can not afford, and you are asking the Congress of the United States to go into the States and enforce laws that are against the sentiment of the State, and that are not enforced for that very reason.

Why, some of my friends on this floor are from prohibition States. Prohibition is enforced in one community and absolutely disregarded in another community in the same State. I can go into Kansas and walk into a city and show you fifty saloons that pay their license as regularly as any saloon across the line in my State. Why is not the law enforced? Because it is against the sentiment of the community. If you have any right to regulate the sentiment of the States, you may just as well go into the prohibition business as into the oleomargarine business.

Mr. CLAYTON. Would it interrupt the gentleman's speech for me to suggest by way of benefit to the gentleman from Connecticut and the gentleman from Ohio, to ask why the friends of this measure, who are so anxious to prevent fraud and so anxious to have pure food, have not included in their measure a tax on renovated butter? Now, I have great respect for the cleanliness of the gentleman from Ohio and the gentleman from Connecticut, but I would not like to eat butter scraped from their plates in a first-class hotel and renovated and sold to me in some other first-class hotel as first-class butter, although the gentlemen are both very clean gentlemen.

Mr. HENRY of Connecticut. I will yield time to the gentleman from Missouri if he will permit me to answer that question.

Mr. COWHERD. My time is expiring.

Mr. HENRY of Connecticut. I will give you all the time you ask for if I be given an opportunity to reply.

Mr. COWHERD. All right.

Mr. HENRY of Connecticut. In the matter of renovated butter I will go as far as the gentleman from Alabama.

Mr. CLAYTON. Why have not you done it?

Mr. HENRY of Connecticut. To prevent the fraudulent sale of renovated butter.

Mr. CLAYTON. Why have you not done it in this case?

Mr. HENRY of Connecticut. It was not considered in connection with this bill.

Mr. CLAYTON. Is your committee paralyzed? Why did you not offer a bill or offer an amendment? If your right hand is paralyzed I will draw the amendment for you. [Laughter.]

Mr. COWHERD. I will be glad to resume the floor to bring about peace and prevent hostilities. [Renewed laughter.]

Mr. HENRY of Connecticut. I will yield such time to the gentleman as he needs.

Mr. COWHERD. I was calling attention to the fact that you had no right to legislate out of existence any wholesome article, be it one of food, fuel, clothing, or furniture, whatever it may be, that is necessary to the life and existence of the people. And I stand here to assert that the man whose ingenuity can devise and perfect a wholesome substitute for any article of food that is necessary in the dietary of the laboring man, and put it upon his table at a price that he can afford to buy it, is a philanthropist who deserves the plaudits and not the censure of men.

Where are you going to stop if you begin this legislation? I noticed last night some merchant advertised silkolene at 6 cents a yard, and I read on further where one was offering mercerized silks for 12 and 15 cents a yard. I inquired what these were, and was told it was a cotton cloth which by some patent process had been given the sheen and appearance of silk. Are you going to stop it? It is a fraud on silk. It looks like silk. A poor girl can buy it and go on the street and flaunt her finery in the face of the rich woman who is clothed in the priceless fabrics of the Lyons loom.

Have you any right to take away from her that privilege? If you go in the homes of the fairly well-to-do people of the United States you will find upon nine-tenths of the tables knives, forks, and spoons made neither out of common iron nor pure silver, but you will find them made out of a white metal plated to resemble silver. It is almost a perfect counterfeit. It looks like silver. It feels like it, tastes like it. Sometimes it is sold for it. Are you going to stop it?

You have just got as much right to go into the home of a poor man and say to him he shall not use this metal because it is a fraud on silver; the plain iron fork or spoon is just as wholesome, just as useful as the plated one, and that he must either buy the solid silver or go back to the ironware. That is identically similar in principle to this bill, that refuses to the poor man the right to set upon his table a substitute for butter which is attractive in appearance, which does not betray his poverty to the neighbor that he may have in to dinner with him, and give his child to carry to school with her an article of food that does not betray her poverty to the sneers and scorn of the children of richer people. [Loud applause.]

Let me call your attention to another fact. I believe that these United States have become an indissoluble Union, not by reason of kinship of the people, not by reason alone of love for that glorious flag that hangs in its place above your head, not even by the blood of millions of her heroic sons shed on hundreds of battlefields, but this Union has become an indissoluble one because of one little clause in the Constitution of the United States that prohibits one State from legislating against the products of another. Now, you are beginning here to-day to legislate against the products of some States for the benefit of others.

You are beginning here to break these iron bands that run from State to State, carrying the commerce of one freely into the commerce of the other. You are in this bill for the first time, I believe, in the history of the United States—because the bill of 1886 was claimed to be only a police or inspection tax—in this bill you are recognizing the right of one section, if it has sufficient votes,

to destroy the commerce of another section because it has not sufficient votes.

Mr. TAWNEY. Will the gentleman from Missouri allow me a question?

Mr. COWHERD. Yes; if it is a question.

Mr. TAWNEY. What has the State of Missouri done with respect to this product?

Mr. COWHERD. The gentleman from Minnesota has just come in, or he would have recognized that I had argued that question before, denying the right of Congress to go into any State and attempting to enforce the laws of that State. What has the State of Kansas done in regard to liquor? Why do you not go in there and enforce the liquor law? A dozen States have legislated one way on one proposition, and a dozen more another way. Is Congress going in and enforce the laws of the State within the jurisdiction of the State? You have no right to do it. The fact is that this Government is based on the principle of local self-government, and this bill attempts to break it down; and that is all there is to this proposition.

Now, when the gentleman interrupted me I was about to call your attention to the fact that this bill is attempting to legislate for the benefit of the sections of the North and East against the South and the West. I deny your authority to do it. I deny that you ought to do it, in view of the dangerons consequences that may flow from it. Let me call your attention to the fact that recently there was developed down yonder in Texas the most wonderful oil field in the world. To-day we are told that a great railroad is already changing its engines so as to burn oil instead of coal.

Mr. SLAYDEN. They are changing three of them over.

Mr. COWHERD. Three great roads are changing their engines, says the gentleman from Texas. Now, you have just as much right to come into the House of Representatives, under the guise of a revenues measure, and enact a bill for the pretended purpose of raising revenue for the Treasury of the United States and put a tax of a thousand dollars on every engine burning oil and using it in interstate commerce as to enact this measure.

What is to prevent it if the coal fields of Virginia and Pennsylvania have enough votes in the House? What is to prevent their coming here and demanding legislation to protect coal from the use of this substitute oil that they are producing so cheaply in Texas that coal can not compete with it? Why, they are manufacturing a brick, or a briquette, as they call it, out of that oil, which looks like coal, can be used for coal, occupies about one-fifth of the room in the hold of the ship, and will carry the ship just as far and just as well.

Then another illustration: Out in my country we are raisers of corn; we manufacture an article from it, or, more frequently, ship the corn to Kentucky, and they manufacture an article that we enjoy a good deal as a beverage now and then. Back in Maryland they make a similar article, only they make it from rye; but it looks just like the other. They have the same color, the same odor, the same taste, the same happy effect, and the experts can not tell one from the other.

What is to prevent the corn-growing States coming to the Congress of the United States and demanding that any man that makes whisky out of rye shall make it so that it is absolutely white, so that it shall not deceive the fellow that goes into the bar and calls for a drink of pure corn juice? This is identically the same proposition. I trust there will never be any such foolish legislation. Once you inflame the cupidity of men with the idea that they can go to Congress and legislate money into their pockets by killing some competitor's business, and there will never be an end to the iniquitous measures selfishness will propose.

Mr. BARTLETT. Mr. Speaker, may I interrupt the gentleman?

Mr. COWHERD. Certainly.

Mr. BARTLETT. I want to suggest to the gentleman that if this bill passes, what is to prevent them from destroying the cotton-seed-oil industry of the South?

Mr. COWHERD. Nothing; certainly it can be done.

Now, then, gentlemen on the floor talk about the poor farmer. I want to say that a vote for the minority as against the majority measure will be in the interest of the farming community of the United States. Gentlemen say, "Oh, you have magnified the danger to the cattle and the cotton-seed industry."

I have here the statement of a man, Mr. John C. McCoy, of Kansas City, who has been in the live-stock business all his life—a man in whom, as I know, you can place the utmost confidence—and he estimates the loss to the stock-raising industry of the United States at $62,000,000 per year. If this bill should be passed——

Mr. HENRY of Connecticut. Allow me to say that 75 to 80 per cent of that oleo oil is now exported, and only about 20 per cent is used in this country.

Mr. COWHERD. That is estimated upon the theory that there are 50 pounds of caul fat in a steer, which is worth from 10 to 11 cents in the making of oleomargarine and worth only about 6 cents for tallow.

Gentlemen say that there will be still a great exportation, a great shipment of oleo oil. There will be something done in that direction, undoubtedly, and some may probably be manufactured. But, gentlemen, if you have 400,000,000 bushels of wheat worth a dollar a bushel, and you throw upon the market another 100,000,000 bushels, you do not merely reduce the price 20 per cent; you can not tell how much it will be reduced, unless the speculators decide to buy it and hold it for another year and a shorter crop. It is the surplus that threatens and breaks down the price.

Oleo oil is a product which you can not hold; it has got to be manufactured and marketed, and marketed promptly. I can not tell and you can not tell—it is purely a matter of speculation—how much the farmer will be hurt. I simply call attention to the statement of the gentleman who has compiled these figures and given his opinion—a gentleman who has spent his life in this work—that the loss will be $62,000,000 a year to the agricultural interests of the United States if this bill should become a law.

I remember that one gentleman said—I do not know whether it was on the floor of this House or in this committee: "Oh, the farmer sells his cattle for what they will bring in the market; you do not figure on what the caul fat is worth when you buy the cattle." Let me say to this House that in my city, as I remember, some twenty years ago or more it was a serious question whether the refuse that went from the large packing houses into the river would not so pollute that stream as to endanger the lives of the persons living along its banks. To-day there is not a single pound of refuse from the 6,000,000 head of cattle that are killed there every year.

Mr. KLUTTZ. Does that refuse go into the oleomargarine?

Mr. COWHERD. No. I will tell you where it goes. Not an ounce of it goes into oleomargarine, as the gentleman knows and no man dares assert. But every part of the beef is used—the hair, the hide, the horns, and the hoofs, entrails even. The undigested food within the entrails is made into fertilizers and sent back to the farm.

Yet gentlemen say that we can reduce the value of one of the by-products at least 50 per cent and yet not reduce the value of the steer, even when competition is so close that it is often asserted (and no man has dared to deny it) that if a single packing house in the United States should throw away the horns and the hoofs of the animals it kills, that establishment would be forced into bankruptcy within a year.

You might as well go to the Minneapolis miller and say to him: "You must burn the bran and ship stuff and the other by-products that come from the wheat and yet you must pay the same price to the farmer." The miller would not do this, because he could not afford to do it. Why, I heard some of my friends who are supporting this bill argue, a few years ago, that you destroyed the price of silver by destroying its use as a money metal—and they argued truly—but now they propose to destroy the use of a part of a steer and hog and claim it will not affect the price of the animal.

Now, my friends, this bill is not in the interest of the farmer. It is in the interest of the creamery and the dairy, the proprietors of which are only farmers in that their factories are located in the farming districts.

I hold here an extract from a paper, the Kansas City Journal, issued January 21 in my home city, giving an account of the organization of a big butter trust. It says that two energetic citizens of a Western community have gone to New York and organized a trust with $18,000,000 capital; that they already control over 400 creameries in this country, and that the intention of the trust is to buy all the creameries in the United States. The president of this trust, according to this article, is to draw a salary of $50,000 a year and the secretary a salary of $30,000 a year. These are the "poor farmers" in whose behalf gentlemen raise their wailing voices.

Mr. KLUTTZ. Will the gentleman tell us what paper that is?

Mr. COWHERD. The Kansas City Journal of January 21. The same article appeared also in the Washington Post and the Washington Star and, I suppose, in nearly every paper of the United States of that date.

Mr. KLUTTZ. It originated, however, in the Kansas City paper.

Mr. COWHERD. No; it did not. It was a telegraphic article.

Mr. SLAYDEN. The gentleman will permit me to say that I saw the same article in a Topeka paper three weeks ago. It did not originate in the Kansas City Journal.

Mr. COWHERD. The article appears to have been sent out by the Associated Press. It is certainly true that an effort of this kind is on foot, and it is true that it is a practical proposition.

Now, gentlemen, the farmer's butter does not compete with oleomargarine; the butter of the farmer's wife does not go into commerce. It is taken to the country towns—such as is not

consumed on the farm—and is there sold to the purchaser direct. Such as is not sold there is gathered up by the country grocer (I am speaking of the vast bulk of it) and shipped into the city, dumped all together, and goes into the renovating factory, where it is melted, treated sometimes with acids, churned again with milk to give it a fresh aroma, and it comes out as creamery butter. But the farmer's wife receives only the country-town price. She never gets the city price. She does not have to suffer from oleomargarine competition, and this bill will not help her in any particular.

Mr. HAUGEN. The gentleman states that a creamery trust is about to be formed. Is he not aware that this movement is an impossibility, as most of the creameries are now owned by the farmers themselves, and that when the creamery trusts reduce the price of cream to a point below what is reasonable, the co-operative creameries are put in operation, and under such circumstances the creameries operated by individuals or trusts are compelled to close?

Mr. COWHERD. I do not know that to be the fact, and I do not believe it to be the fact. I have the statement here of this reputable paper that these two men now own 400 creameries themselves, and they are not farmers, either; and I know that in my own country cooperative creameries have been established, have failed, and gone into the hands of individuals who are manufacturing butter just as you would manufacture any other product, and who are no more farmers than the manufacturer of iron or the manufacturer of these desks are farmers.

Mr. GAINES of Tennessee. You state that oleo is not dragging down the price of the farmers' butter?

Mr. COWHERD. Not the country butter.

Mr. GAINES of Tennessee. I am talking about the country butter.

Mr. COWHERD. Yes.

Mr. GAINES of Tennessee. Now, I want to state to you that the people in my Congressional district, which is a part of the blue-grass region of Tennessee, say that their butter business is being destroyed by selling "oleo" as "butter."

Mr. COWHERD. Yes, and I want to say to the gentleman from Tennessee that ninety-nine out of every hundred letters that have been received making that statement were prepared in an office in Chicago, were inclosed in an envelope, and with it was inclosed a stamped envelope and a request that the farmer would sign the letter and send it to his Congressman.

Mr. GAINES of Tennessee. Now, I want to correct my friend by telling him that the letters were three and four pages long, written by some of the best men in Tennessee, men of national reputation.

Mr. COWHERD. I have seen them, and have talked with the men who wrote them from my district.

Mr. GAINES of Tennessee. And there was not a Chicago-prepared letter among those that I have received.

Mr. COWHERD. They told me in some instances that they copied them in ink, and did so at the request of the dairy association which sent them the letters, and made the request that it be copied in their own handwriting. And I want to say that I had this matter up in my district last year, when I had occasion to canvass the district somewhat on it, and I did not find the farmers very much interested in it. The dairies and the creameries are interested in it.

Gentlemen, I see my time has about expired. Let me say in closing that you misrepresent the interest of the farmers in attempting the crush the manufacture of oleomargarine. Every article that goes into oleomargarine is raised upon the farm, and it is raised, not by the factory farmer, but by the farmer who works the land.

I stand here to represent the farmer as I have known him. I represent the farmer, who follows the plow in the early spring. I represent the farmer, who sits for fourteen long hours under the July sun riding the mower to the monotonous music of the vibrating sickle. I represent the farmer, who goes out in the cold days of the early winter with chapped and bleeding hands to pull the yellow corn from the stubborn stalk. I represent the farmer, who goes out in storm and tempest to feed and care for the cattle upon whose lives he is practically dependent for an existence. I represent the farmer, who is to-day the hardest-worked and poorest-paid man in these United States. I represent the farmer, whose day of labor knows no eight-hour limit, but begins with the rising sun and ends too often under the light of the silvery moon. I know the hard conditions under which he lives and labors and the small remuneration he receives for his toil. I deny your right to take from him a single dollar of his hard-earned money to give it to the creamery and the dairy man, who is to-day the most prosperous individual who carries on any business connected with the soil of these United States. [Applause.]

In the interest of the true farmer, in the interest of the farmer who farms the land and not the farmer who farms the farmer; in the interest of the farmer who works with the soil and not the farmer who works with the machinery in the creamery; in his interest and in the interest of 20,000,000 of people living to-day in cities of the United States of more than 25,000 population, cities that can not depend upon the country butter, but must depend upon the creamery and the oleomargarine factory, aye, in the interest of the laboring man, who is dependent on this product for the fats that are necessary in his dietary; in the interest of honest labor, whether on the farm or in the factory, whether in the field or at the forge, I protest against this iniquitous and unjust legislation. [Applause.]

I desire to have printed at the conclusion of my remarks in the RECORD section 6 of the substitute offered by the minority, which I believe will effectually stop the fraud in the sale of oleomargarine, and which I think is as far as this House ought or has the right to go.

SEC. 6. That all oleomargarine shall be put up by the manufacturer for sale in packages of 1 and 2 pounds, respectively, and in no other or larger or smaller package; and upon every print, brick, roll, or lump of oleomargarine, before being so put up for sale or removal from the factory, there shall be impressed by the manufacturer the word "Oleomargarine" in sunken letters, the size of which shall be prescribed by regulations made by the Commissioner of Internal Revenue and approved by the Secretary of the Treasury; that every such print, brick, roll, or lump of oleomargarine shall first be wrapped with a paper wrapper with the word "Oleomargarine" printed on the outside thereof in distinct letters, and said wrapper shall also bear the name of the manufacturer, and shall then be put up singly by the manufacturer thereof in such wooden or paper packages or in such wrappers, and marked, stamped, and branded with the word "Oleomargarine" printed thereon in distinct letters, and in such manner as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe, and the internal-revenue stamp shall be affixed so as to surround the outer wrapper of each 1 and 2 pound package: *Provided*, That any number of such original stamped packages may be put up by the manufacturer in crates or boxes, on the outside of which shall be marked the word "Oleomargarine," with such other marks and brands as the Commissioner of Internal Revenue shall, by regulations approved by the Secretary of the Treasury, prescribe.

Retail dealers in oleomargarine shall sell only the original package to which the tax-paid stamp is affixed, and shall sell only from the original crates or boxes in which they receive the pound or 2 pound prints, bricks, rolls, or lumps; which said crates or boxes shall be, at all times, so placed as to expose to the customer the mark or brand affixed thereon by the requirements of this act.

Every person who knowingly sells or offers for sale, or delivers or offers to deliver, any oleomargarine otherwise than as provided by this act, or contrary to the regulations of the Commissioner of Internal Revenue made in pursuance hereof, or who packs in any package any oleomargarine in any manner contrary to law, or who shall sell or offer for sale, as butter, any oleomargarine, colored or uncolored, or who falsely brands any package or affixes a stamp on any package denoting a less amount of tax than that required by law, shall be fined for the first offense not less than $100 nor more than $500 and be imprisoned not less than thirty days nor more than six months, and for the second and every subsequent offense shall be fined not less than $200 nor more than $1,000 and be imprisoned not less than sixty days nor more than two years.

Mr. ALEXANDER. Mr. Chairman, the object of this measure (H. R. 9206) now under consideration is to provide the best means of protecting the public against imposition in the sale of oleomargarine in the guise and under the name of butter, and to give to the producer of the genuine article an open market to which he is justly entitled. A measure very similar in character passed this House in the last session of Congress, and I assume the present bill will receive like treatment. If it was important then, it is quite as important now; and although the distinguished gentleman from Vermont, Mr. Grout, whose name gave title to the last bill and whose patient labor did so much to open the way for its consideration and passage, is, unfortunately, no longer a member of this House, yet he has left behind him a coterie of coworkers who will see that his labors be not in vain.

Mr. Chairman, the present bill is, I think, an improvement upon its predecessor, in that it increases the tax on imitation butter to 10 cents per pound and reduces the tax on oleomargarine, free from ingredients that make it look like butter, from one-half to one-fourth cent per pound. The character of the bill is also improved by the addition of section 2, which must prevent unscrupulous dealers, hotel proprietors, and restaurant and boarding-house keepers from coloring the manufactured article.

For more than twenty years these unscrupulous purveyors have been deceiving their customers, whose order for butter has been answered with a piece of colored oleomargarine; but under this bill dishonest caterers can neither purchase the imitation for less price than good butter commands, nor can they color it themselves without paying the 10 cents tax. This provision must necessarily cut off one source of the great demand for the imitation article, since the restaurant and boarding house are large consumers of the spurious product. A tax of 10 cents a pound makes it equivalent to the price of good butter. So that hereafter if colored oleomargarine is served it will be, as the committee says, "because it is better and not because it is cheaper than butter." This tax is drastic, but it is to prevent fraud, not to raise revenue. Thus far, dealers have manifested a disposition to resist or evade reasonable restrictions. It is now proposed to surround the traffic with such regulations that evasion is impossible and resistance of no avail.

The fourth section of the bill, in my opinion, greatly strengthens it, also, since it not only compels wholesale dealers to keep such books as the Commissioner of the Internal Revenue may require, and to keep them open to the inspection of his agents, but it provides proper penalty for its violation. It is similar, as I understand it, to the fourth section of the act of 1890, except that it adds a penalty for its violation, thus making it stronger than the law of 1886, which provides no penalty for failure or refusal of wholesale dealers to permit an examination of their books. These two new provisions—sections 2 and 4—ought to put an end to the dishonest methods now in vogue among dealers in oleomargarine.

Recent investigations disclose the fact that uncolored oleomargarine can be easily and quickly colored without melting or apparent injury to the product. Heretofore this has been denied. In the debate one year ago it was claimed that color must be added at the time of its manufacture, otherwise the product would be materially injured, if not absolutely destroyed; but we now know that after it has left the honest manufacturer and the honest dealer, the uncolored article, without trouble and with trifling expense, can be changed by the dishonest retailer or unscrupulous purveyor into the rich yellow of creamery butter without the slightest harm to the product, and resold or put upon the table as a superior quality of butter worth 20 to 25 cents per pound. Against such a fraud only the most stringent measures will protect the producers and consumers of butter.

For this reason the pending bill burdens the counterfeit or imitative article with a tax sufficient, it is believed, to take away the incentive to fraud. A pound of uncolored oleomargarine, costing 14 cents, can be colored and sold as butter for 24 cents; but when so treated it must pay a tax of 10 cents, an equivalent of the entire profit. This, as I have said, is an enormous tax, but experience teaches that it is absolutely necessary in order successfully to correct the flagrant abuses accompanying its sale.

Recent investigations have disclosed the fact, also, that it is possible to build up an honest, legitimate trade for the uncolored article. The cry of the manufacturers has been that the passage of a bill similar to the one pending would ruin the entire oleomargarine business, throwing hundreds of people out of employment, and withholding the product from those who are unable to purchase butter. This plea has had its effect.

Members of this House do not want to destroy business, or reduce employment, or enhance the price of necessities, and it is gratifying to know, what many have heretofore believed, but could not prove to the satisfaction of all, that leading manufacturers now testify that if the colored article is suppressed it is possible to build up a substantial demand for the uncolored product. A prominent dealer stated to the Committee on Agriculture, no longer ago than last month, that a large proportion of the output of his factory is not only uncolored but is being sold in its original condition and color to people who desire it as a cheap substitute for butter. This statement is corroborated by a well-known State official whose duty it is to know the condition of the trade as it exists to-day, so that the committee does not hesitate to declare that with the uncolored article out of the field a legitimate, substantial trade can, in course of time, be built up.

And why, Mr. Chairman, should such a trade not be builded into large proportions? If, as the friends of oleomargarine claim, it is made from the cleanest materials in the cleanest manner possible; if it is as wholesome as butter and much superior to the cheaper grades; if people want it because it is cheaper and better than cheap butter; if all these claims are true, what prevents the upbuilding of a great trade in the uncolored or unadulterated article? Either the manufacturers are not sincere in their claims or they are unwilling to forego the enormous profit derived from its sale as butter.

I doubt if people appreciate how profitable it is. For the year ending June 30, 1899, there were produced in the United States 91,322,260 pounds of oleomargarine at an average cost for materials of 7.09 cents per pound. Now, add to this one-half cent per pound for packing, 1 cent per pound for manufacturing, 2 cents a pound for internal-revenue tax, and the finished product costs an average of 10.59 cents per pound. This product is quoted from 11¼ cents for lowest grade to 18 cents for highest quality, averaging probably 14 cents per pound, thus yielding an average profit of nearly 25 per cent.

Is it any wonder that dealers and manufacturers of oleomargarine resent and oppose the provisions of this bill? But what does it do? Simply demands honest methods in its sale—that is all. No one objects to its manufacture and sale; no one objects to people buying or selling or eating it. This is their privilege. But when people color it in imitation of butter, so that it is sold for butter, used for butter, and eaten for butter, this bill calls it a fraud and puts about it barriers and restrictions and punishments.

Counterfeit butter and cheese are on a par with counterfeit money. A man pays 25 cents for a pound of butter, and the manufacturer or dealer who gives him a pound of oleomargarine is little better than the man who pays for the alleged butter with a counterfeit quarter of a dollar. It is no excuse to say that the oleomargarine is as good as butter, or as clean as butter, or as wholesome as butter, or as nutritious as butter, any more than the counterfeiter can say that his quarter is as heavy, or as pure, or intrinsically as valuable as a genuine quarter.

Oleomargarine is not butter any more than counterfeit money is money. But it is hard to stop counterfeiting. The skill and ingenuity of the Secret Service Bureau, assisted by the most carefully studied statutes, are constantly required, and yet new counterfeits are continually appearing. Its profitableness is a great incentive. Experience teaches that it is equally difficult to stop the sale of imitation butter. Twenty-two States, having four-fifths of the entire population of the country, forbid its manufacture and sale, and these laws have been upheld in the highest court of States and of the United States, yet the business still goes on. Should the pending bill ever become a law, however, it will compel the dishonest manufacturer and dealer to become as skillful as the illegal distillers of whisky if they continue in the business.

Section 4 of this measure, in fact, puts the manufacture of oleomargarine on an equality with the distillation of whisky so far as concerns bookkeeping and book inspection. It reads as follows:

That wholesale dealers in oleomargarine shall keep such books and render such returns in relation thereto as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may, by regulation, require; and such books shall be open at all times to the inspection of any internal-revenue officer or agent. And any person who willfully violates any of the provisions of this section shall for each such offense be fined not less than $50 and not exceeding $500 and imprisoned not less than thirty days nor more than six months.

That this section makes the pending bill much more effective than the measure offered a year ago is evident by the resistance it has met before the committee. By means of it every pound of oleomargarine manufactured in the country can be traced from dealer to dealer, thus making detection of the sale of the yellow article for butter much easier than before.

Mr. Chairman, it is claimed that oleomargarine is substantially a product of milk, and these claims have been repeated and the story retold so often that many well-meaning people have come to accept it as true; but the following table shows that during the fiscal year ending June 30, 1899, in an output of 91,322,260 pounds there were used only 14,200,576 pounds of milk, 1,568,319 pounds of butter, and 3,527,410 pounds of cream, or 21.13 per cent of the whole amount. In other words, nearly 80 per cent of the year's product was made up of lard, oils, glycerin, sugar, and other foreign substances.

Quantity, character, and value of ingredients used in the production of oleomargarine for the year ending June 30, 1899, also percentage each ingredient bears to the whole quantity.

Material.	Pounds.	Value per pound.	Total value.	Percentage each ingredient bears to the whole.
		Cents.		
Neutral lard	31,297,251	8	$2,503,780.08	34.27
Oleo oil	24,491,769	9	2,144,917.69	26.82
Cotton-seed oil	4,357,514	6	522,025.08	4.77
Sesame oil	486,310	10	4,863.10	.53
Coloring matter	148,970	20	29,296.00	.16
Sugar	100,164	4	4,406.50	.12
Glycerin	8,963	10	896.30	.01
Stearin	5,890	8	459.60	.007
Glucose	2,550	3	76.50	.003
Milk	14,250,576	1	142,005.76	15.55
Salt	6,773,670	1	67,726.70	7.42
Butter	1,568,319	20	313,663.80	1.72
Cream	3,527,410	5	176,370.50	3.86
Butter oil	4,342,904	6	260,520.00	4.76

The minority report of the Committee on Agriculture place much reliance upon the opinions of expert and well-known chemists that oleomargarine is a wholesome and nutritious article of food. They quote from Prof. C. F. Chandler, of Columbia College, New York, who says:

I have studied the question of its use as food, in comparison with the ordinary butter made from cream, and have satisfied myself that it is quite as valuable as the butter from the cow. The product is palatable and wholesome, and I regard it as a most valuable article of food.

Prof. George F. Barker, of the University of Pennsylvania, says:

Butterine is, in my opinion, quite as valuable as a nutritive agent as butter itself. It is perfectly wholesome and is desirable as an article of food. I can see no reason why butterine should not be an entirely satisfactory equivalent for ordinary butter, whether considered from the physiological or commercial standpoint.

A dozen other learned college men are quoted, all of whom express similar opinions. But from what source came the oleomargarine of this test? Was it made purposely for the laboratory?

That these gentlemen are honest, skillful, and able no one doubts. But what would they say of the article taken at random from the supply offered for sale in the grocery stores and placed upon the tables of restaurants and boarding houses? In July, 1899, samples of oleomargarine taken from stores in New York and Brooklyn were found to contain 10 per cent of paraffin. In other words, a 60-pound tub of oleomargarine would contain 6 pounds of paraffin, "a substance," says the president of the National Dairy Union, "which the strongest acids are unable to affect." One of the uses of paraffin is to protect bronze and marble statues from the weather. As a food product it is absolutely indigestible.

Among the articles named in the patents granted for the manufacture of substitute butter are borax, cotton-seed oil, bicarbonate of soda, alum, glycerin, sulphuric acid, tallow, cornstarch, caustic potash, castor oil, chalk, slippery-elm bark, olive oil, turnip-seed oil, chlorate of potash, oil of peanuts, nitrate of soda, stomach of pigs, nitric acid, mustard-seed oil, sugar, caustic soda, and bicarbonate of potash. It is possible that so-called "neutral grease," when subjected to these acids and alkalies, may be wholesome butter, but, "leading scientists" to the contrary, 32 States, having over 60,000,000 people, have prohibited such deodorized grease from being colored in imitation of butter and sold in the market.

It is no secret that butter fat, found in the milk of all mammals, is the natural food of infant offspring, having the most delicate of all digestion, and that milk and its butter product are among the most healthful and important articles of food. The young, the sick, the old—everybody can use them with the least possible harm. Butter melts at 92 degrees, and the normal heat of the human stomach is 98 degrees. Naturally this fat, taken in its raw state into the stomach, will digest easily and imperceptibly. Nature so intended.

On the other hand, oleomargarine melts at a temperature varying from 102° to 106°, "a temperature," says ex-Governor Hoard, of Wisconsin, "which no healthful stomach ever attains. As a consequence, this unnatural foreign fat must be expelled by sheer gastric action and force." When stearin, of which candles are made, or paraffin, whose use has already been indicated, is added, in order to make the cotton-seed oil stand up like butter, the digestible character of the mixture may well be doubted. Possibly strong men whose work keeps them out of doors ten or twelve hours a day may be able to dispose of it without injury, but men of sedentary habits and people with delicate stomachs can not use it with umpunity.

The fact that inferior qualities of butter are colored and sold as a superior quality does not make it right to color and sell oleomargarine as butter. A reprehensible practice in the sale of butter is no excuse for the perpetration of a fraud in the sale of oleomargarine, nor does it extenuate or lessen the fraud because oleomargarine may be a clean food product and capable of use as a substitute for butter. Such suggestions are unworthy the gentlemen making them.

Mr. Chairman, admitting all that is claimed for oleomargarine as a food product, the fact remains, as appears from the reports, that its ready sale is dependent almost entirely upon its imitation of butter. The author of this bill is authority for the statement that not one pound in a million of colored oleomargarine is bought and eaten by the consumer for what it is. The dealer may know its true character, and hotel and restaurant keepers and other customers may have purchased it with the same information, but those, as a rule, who eat it do so believing it to be butter. It is put up like butter, served like butter, and colored like butter, while its taste, unfamiliar to the consumer because butter is never present for comparison, may not disclose its character.

The principle involved in this measure is one of common everyday honesty. It is only when manufacturers and venders of oleomargarine seek to dispose of it for what it is not that the people are aroused and the lawmakers invoked, and for one I believe the time has come when those engaged in the traffic should be taught by drastic measures to respect the rights of others and to do business under honest methods. Hence I am in favor of the passage of this bill.

Mr. LANHAM. Mr. Chairman, no stronger arraignment of this bill and no more forcible denunciation of its vice and impolicy could be formulated than that which was expressed by the distinguished gentleman from Ohio [Mr. GROSVENOR] in his remarks delivered in this Chamber on last Friday upon the report of the Committee on Rules fixing a time for its consideration. I quote a few words from his speech:

> I believe that at the root of this bill and this proposition lies a menace to the liberties of this country and an assault upon personal rights and freedom. It is a proposition to introduce into the forum of Congress a measure to permit the taxing power of the United States Government (when there is no necessity for raising funds) to be used for the purpose of destroying a great industry, and by consequence building up another industry. It is a simple attempt of the strong to crush the weak. It is a misdirection of Government power and purpose that may be used in the coming years for the overthrow of any other industry of this country. There is not an industrial right enjoyed by a citizen of the United States that may not be in this way assailed and overthrown by a merciless, corrupt, and wicked purpose.

This is, indeed, multum in parvo. It exposes the evil and admonishes of the danger of such legislation as is here proposed. It would be a difficult thing, if not impossible, to compress in as few words more of good sense, sound political philosophy, and timely warning than he has thus done. I cordially approve what he has said and commend his utterance to the careful consideration of both sides of this House. It will surely receive the attention of thoughtful people throughout the country.

This bill is indefensible upon any principle of justice, necessity, or propriety. It is a naked proposition to invoke the strong arm of the law to interfere as between rival domestic industries, in favor of the one and against the other. It invites the taxing power to destroy or cripple one competitive enterprise in order to upbuild another. However we may differ concerning a protective tariff when applied to articles imported from a foreign country, it must be conceded that there is, to say the least, both decency and dignity in the contention that imposts should be so regulated as to prevent an injurious competition between cheap foreign labor and that of our working people at home, and we can not withhold our respect from those who conscientiously advocate such a policy.

There is no semblance of affinity between that contention and such a purpose as is contemplated by this bill. Butter and oleomargarine are domestic products, manufactured by our own people. Home labor is employed in making the one, the same as the other. Our home markets and the by-products of the farm and ranch are vitally interested. Our foreign relations and external economic policies are not involved. In my conception it is a perversion and a prostitution of one of the powers of government, intended to be exercised only for wise and salutary reasons and for the accomplishment of distinctively legitimate objects, and a resort to which under normal conditions is only justified on the ground of necessity, to employ it for a purely selfish purpose and to uphold by force of law an industry which confesses its inability to contend with its local rival in an open field and a fair struggle.

Once establish this policy, once give it legislative sanction, and easy will be the descent to every sort of special favoritism, interposition by Congress for the benefit of classes, unjustifiable legal interference with the business affairs of our own citizens and impairment or destruction of any pursuit or enterprise which may have a formidable competitor. As Mr. GROSVENOR so well says, "It is a misdirection of Government power and purpose that may be used in the coming years for the overthrow of any other industry of this country." Can we afford to establish such a precedent, and thus begin a downward course? I conjure my colleagues on this side of the House, to hearken to the admonition of this eminent Republican statesman. He speaks the words of truth and soberness, and what he says is worthy of our most serious reflection. I beg you to—

> Seize upon truth wherever found,
> Among your friends, among your foes;
> Upon our own or foreign ground,
> The flower's divine, where'er it grows.

It is apparent to everyone that there is no necessity for the passage of this bill because of any revenue to be derived from its operations. We do not need the revenue that would result. Our Treasury is now filled to overflowing. Propositions are pending to reduce taxes, to remove the exactions demanded by our recent war, rather than to provide for additional levies. There is an utter absence of justification on this ground, nor can the advocates of the bill for a moment candidly insist that it is supported for any other reason save that of hostility to a competing industry.

No consideration of public health inspires this measure, for confessedly the ingredients of oleomargarine are clean, nutritious, and wholesome, and as a food product it is healthful and useful. It enters into the dietary of vast numbers of our people, and no complaint is urged that its use is deleterious to its consumers. Its constituent elements are health-promoting rather than health-impairing. It enables many families to have habitually upon their tables victuals at a moderate cost that their means would not allow if its manufacture should cease and its sale should be driven from the field of commerce.

In addition to these things, when we reflect upon the extent of the damage that would result to so many of our people if this bill should become a law, how it would affect our farmers who grow cotton and raise hogs, our ranchmen whose time and investments are devoted to the cattle industry, the many laboring people who find employment, and others who are supplied with a food product they can afford to enjoy, it is almost incomprehensible that it should be seriously advocated in this great body of lawgivers. I can not believe that the American Congress will so far depart from correct principle and so abuse the taxing power of this Government as to enact it into law.

Knowing the great interest my people take in opposition to this bill and realizing how harmful it would be to them, and regarding it as dangerous and vicious in policy as it would be hurtful in practice, I feel it to be my duty to resist its passage as far as it may be within my power to do. It is estimated by the Cattle Raisers' Association of Texas that the defeat of the legislation here proposed means an annual saving to the State of Texas alone of at least $10,000,000. To what extent it would affect other States I am not prepared to say.

Mr. Chairman, we have had adverse conditions with which to contend all over our Southern country; we have endured much and had many obstacles to overcome; but we have struggled on and hoped on, depending upon ourselves and trusting in the sense of justice of our fellow-men and legislative bodies to see to it that no unreasonable restrictions or unnecessary burdens should be imposed upon us. We have accomplished much, but there is more to be done, and we are ready for all the work our hands may find to do. All that we need or ask is a fair start and an equal show in the race of life.

The hope of this comes to us like a glory-beaming star from the dark clouds of the past. It gives us joyful assurance of the dawn of a better day. It tells us that we shall have every suitable opportunity for development and expansion. It assures us that the materials which abound among us will invite the capital which seeks investment from all parts of the country, that mills and factories shall be established in all our region, that markets for our products shall be furnished at our very doors, that employment shall be afforded for all who desire to work—whether in the field or at the forge, on the farm or in the factory—that industrial progress shall be stimulated to the highest degree, and prosperity shall gladden the hearts of all our people in all the walks of life. Let nothing be done by the Congress of the United States that will discourage this hope, stand in the way of our onward march, or retard in any degree the mighty achievements that lie out before us. [Loud applause.]

Mr. KNAPP. Mr. Chairman, this bill which has been reported by a majority of the Committee on Agriculture and is now being considered has for its main purposes the better protection of the agricultural and dairy industries, and also the consumers of the country. As such it has my unqualified approval and support.

Such approval and support, however, are not based upon any desire to either promote class legislation or give undue protection to one legitimate industry over that of another. Neither are they prompted by any considerations of the bill as a revenue measure; but they are based upon a belief and conviction that every desirable and legitimate industry in this country resting upon its own merits and not clothed in disguise should receive from the General Government as far as is possible that fostering care and protection which will tend to promote their development and prosperity.

The agricultural industry is concededly a legitimate industry. Further, it is concededly one of if not the most important industries of the nation. Of our population over 13,000,000 are engaged in agricultural pursuits. We have, in round numbers, about 6,000,000 farms. The value of the farmers' annual product is nearly $5,000,000,000. These facts, so familiar to all, make possible and emphasize the truth of the statement that in the United States agriculture, in the aggregate of all its varied branches, is a master industry.

Now, while we can not point to the prosperity of any one of our many and diversified industries as indicating a general prosperity, we can, perhaps, more nearly point to this industry as indicating such prosperity. When fortune favors the farmer, commerce gives more nearly to every breeze its sails; business of every kind more nearly thrives and flourishes; but when adversity visits him, folded away are many of the sails of commerce; dull and languid are many of the marts of business. Thus, upon this one industry are dependent, in a sense and to a remarkable extent, many of the manifold industries of the nation.

But the most important branch of agriculture, the one that more nearly than all others fixes its condition in this country, is the dairy industry. The capital invested in dairy stock and the sum received for the milk, butter, and cheese produced are among the greatest investments and receipts connected with agriculture. Dairying is the prime factor of this industry, and it is so closely connected with the fortunes of agriculture that whatever depresses this branch depresses the whole industry, and whatever advances the prosperity of this branch advances the prosperity of the whole industry.

Now, the supporters of this bill believe and affirm that the manufacture and sale of oleomargarine as to-day carried on works injury to the dairy, and particularly to the butter, industry of the country. This belief rests upon certain facts, to which I will hereafter refer, and which, in my judgment, confirm such belief. If this is not correct, then both public sentiment and law have gone radically wrong upon this subject. It may be argued that public sentiment and law are not always correct. If that be said to be true, and it may be, it is nevertheless equally true that they do not long remain wrong, and in this case and upon this question both public sentiment and law have so often been declared and confirmed that it can not be assumed they have gone wrong.

Thirty-two of the States of the Union have, and many of them for some time have had, laws prohibiting the sale of oleomargarine colored in imitation of butter and regulating the sale of the product, and while these laws differ in statutory requirements and effect, they are in the main restrictive, and were enacted for the avowed purpose to better protect the butter industries and the consumers of these several States.

The State of New York, one of the greatest agricultural States in the Union, has a law not only prohibiting the manufacture of oleomargarine colored in imitation of butter, but making it an offense to have the same in possession or for sale. That law was passed by the legislature and signed by the governor as the expressed will of the people of that Commonwealth. Pennsylvania, another great agricultural State, has also a statute prohibiting the manufacture and sale of colored oleomargarine and regulating the sale in its natural state or color, so restrictive in its provisions as to be declared by the opponents of this bill to be all but prohibitive of the oleomargarine industry. But that law is the voice of Pennsylvania on this subject.

But suffice it to say that 32 of the States, with an aggregate population of over 63,000,000 of people, have statutory enactments prohibiting the manufacture of oleomargarine colored in imitation of butter, and regulating its sale in its natural state and color. Thus, the people of two-thirds of the States, through their accredited representatives, the several legislatures, have passed upon this subject and have declared in favor of protecting the butter industry to the extent that it shall not be jeopardized by a competitor manufactured in imitation and sold in disguise, and protecting the consumers to the extent that they shall at least know what they get, consume, and pay for. These facts evidence both the importance and public sentiment which attaches to this proposed legislation.

But, say the opponents of this bill, these several State laws are unwise, unjust, and wrong. If that be so, why have not some of these laws been repealed? (None of them have been repealed except where found unconstitutional, and in such cases have been replaced with laws equally restrictive of the oleomargarine industry.) A great authority once said, "The best way to repeal a bad law is to execute it." The proper authorities in these several States have tried, not always with success, however, to execute these laws, and what laws have been repealed except those above referred to as unconstitutional? It is not fair or just to assume that the people of these several States are so far wrong on this subject that they can not be right. These laws are upon the statute books because they are just and right laws, and because they represent the wish and will of the people of the several States.

Further than all this, the constitutionality of many of these existing laws has been confirmed by State courts, and the power and right of the several States to enact and execute such laws has been confirmed by the highest judicial authority, the Supreme Court of the United States. That was the effect of the decision rendered by the Supreme Court of the United States in the case of Plumley *vs.* Massachusetts (155 U. S., 461). In rendering the decision in that case, Justice Harlan said:

> We are of the opinion that it is within the power of a State to exclude from its markets any compound manufactured in another State which has been artificially colored or adulterated so as to cause it to look like an article of food in general use, and the sale of which may by reason of such coloration or adulteration cheat the general public into purchasing that which they may not intend to buy. The Constitution of the United States does not secure to anyone the privilege of defrauding the public. The States are as competent to protect their people against such offenses or wrongs as they are to protect them against crimes or wrongs of more serious character, and this protection may be given without violating any right secured by the National Constitution and without infringing the authority of the General Government. A State enactment forbidding the sale of deceitful imitations of articles of food in general use among the people does not abridge any privilege secured to the citizens of the United States.

This decision by the highest judicial tribunal in the Republic sets at rest all question as to the right of the several States to enact such laws as will protect their citizens against the manufacture and sale and use of an article in imitation of a genuine food product.

So this subject is not new either to legislative councils or to the courts. It is a subject which, not only in the present but for fully fifteen years of the past, has deeply interested the people of this country. It is a subject upon which 32 of the States and also the Congress of the United States have already legislated, and upon the legality of which legislation State courts and the Supreme Court of the United States have already passed judgment. Thus, this bill does not come as a new or revolutionary measure in legislation.

But what are the provisions of this bill, and what do they seek to effect? The first section of the bill provides that all articles known as oleomargarine, butterine, or imitation butter or cheese, or any kind of butter or cheese not the usual product of the dairy and not made exclusively of pure and unadulterated milk and cream, transported into a State or Territory and remaining there for consumption or sale, shall be subject to the laws of such State or Territory. This section is only confirmatory of the right already assumed by and guaranteed to the States by the decision of the Supreme Court above cited. What reasonable objection can be made to that? It does not change the letter of any existing State law. It does not take from or add to any State statutory enactment. It simply confirms the States in the right to continue, add to, or repeal present laws, and should, in my judgment, receive our unqualified approval.

Another provision of the bill, and a most important one, provides that uncolored oleomargarine shall be taxed one-fourth of 1 cent per pound, and that oleomargarine, colored in imitation of butter, shall be taxed 10 cents per pound. That provision is amendatory of the law passed by Congress in 1886, in that it reduces the tax on the uncolored product from 2 cents per pound, as provided in that law, to one-fourth of a cent per pound, and also adds the tax of 10 cents a pound on oleomargarine colored in imitation of butter. If any effective criticism can be passed upon that provision, it is in the fact that it reduces the tax on the uncolored product, and not upon the fact that it adds a tax of 10 cents a pound on the product colored in imitation of butter.

The real purpose for imposing this tax is to compel it to be manufactured, sold, and consumed, if at all, for just what it is. If that tax is, as is claimed by some engaged in the oleomargarine industry, prohibitive, then it is prohibitive because the industry can not stand upon its own merits. If legislation compelling oleomargarine to be manufactured, sold, and consumed for just what it is, and not for what it is not, means the destruction of that industry, then it invites its own destruction. If that industry can not exist except in imitation, fraud, and deceit, then it does not deserve to exist at all, and the sooner it is stopped the better. The imposition of this tax of 10 cents a pound is not, in its resultant effects, aimed at oleomargarine in its natural state and color, but at oleomargarine colored in imitation of butter. It is this which makes it in the markets so injurious a competitor of genuine butter.

It is stated that during the past year there was manufactured and sold in this country of oleomargarine 104,000,000 pounds. Probably much more was manufactured and sold of which there is no record. But, however that may be, certainly a very large per cent of the 104,000,000 pounds was colored in imitation of butter. It is stated, on apparently good authority, that this 104,000,000 pounds was sold at an average profit of 12 cents a pound, thus showing the profits of this industry for the brief period of one year to be over $12,000,000. Such were the enormous profits realized largely because this article was manufactured, sold, and consumed in imitation of butter. Impose this tax of 10 cents a pound and you so reduce the profits that the main incentive for the fraud and taking the chances of perpetrating it is gone, and if that tax should not be sufficient to accomplish the desired result, then further enactments should impose a still higher tax.

What chance do the thousands of farmers throughout the country, possessing but a few acres of land and a small number of cows, following their honorable avocation to support and possibly leave a little to their loved ones—what chance do these farmers stand against competitors reaping their profits by millions? They would soon be at the mercy of such competitors and should be protected from the ruinous results of such competition. That is one of the main purposes of this provision of the bill which merits careful consideration and universal approval. One of the arguments against this provision is that an industry should not be taxed out of existence. That depends entirely upon what kind of an industry it is. If it be an industry resting upon its own merits and not dependent upon fraud for its continuance and success, then, of course, it should not be taxed out of existence. But if it be an industry clothed in disguise and dependent upon its imitation of the genuine to perpetuate it, then it should be taxed to the extent that will strip it of the disguises, even if it results in ending its existence. Better, far better, tax a product thriving on imitation out of existence than to allow that product, by unfair competition, to ruin an honest and legitimate industry.

But we are told with such persistency and emphasis that oleomargarine is a palatable, healthy food product, and this claim is said to be established by obtained opinions from experts and chemists. Now, as to its palatable and health-giving qualities, if such it has, I do not know, never having knowingly departed from the good, honest, unadulterated production of the dairy. Further than all this, I do not consider it necessary to pass upon that question. The vital question affecting the purpose of this legislation is that it is an article in imitation of a genuine product. That fact alone is sufficient to confirm the suspicion that its health-giving qualities are not over well founded, and certainly that, whether healthy or unhealthy as a product, in the manner of its manufacture and sale it is unhealthy to morals.

There is deceit all along the line, from the coloring vat of the manufacturer to the shop windows of the too-willing dealers in the various villages and cities of this country, who display oleomargarine brickbats under creamery labels, and from these to thousands of unsuspecting consumers. From the laboratory of the factory, from the hands of the expert chemist, who models his dyes from the specimens of pure, rich, creamery butter furnished him for the purpose, come the "spring coloring," the "June coloring," the "October coloring," at the order of the dealer in the proper season. Now, if oleomargarine is so good, so health giving, so nourishing, and so sweet, if it is such a delightful substance that babies cry for it and old people live only to enjoy it, then why this fraud and deceit all along the line? Why not manufacture, sell, and consume it for just what it is? It is largely a product produced and disposed of in fraud of a genuine. I am for this bill because it will protect the consumers through the country in getting what they pay for, use, and consume, and will protect the honest butter industry from the unjust competition of an imitation product.

The claim that the limited amount of oleomargarine manufactured and sold does not really affect the butter industry is not well founded. There was manufactured during the past year of butter about 1,500,000,000 pounds, about 800,000,000 pounds of which found its way into the markets, the balance going to home consumption and export, and there was manufactured of oleomargarine 104,000,000 pounds which found its way into the markets. That 104,000,000 pounds displaced just so much of the genuine product of butter, and if this be allowed to continue the amount of colored oleomargarine would rapidly increase, and the years would be but few before its dishonest competition would cripple, if not ruin, the butter industry of the country.

But, again, it is claimed by the friends of the oleomargarine industry that this bill would work injury to the laboring people. I give place to no man in my loyalty to the welfare of the laboring people. They are enabling us to carve out the triumphs of American industries. They and their welfare should have our careful thought and best efforts. This bill would, in my judgment, work a distinct benefit to the laboring people, and that is an added reason why it has my approval and support.

But not to discuss further in detail the provisions of this bill, considered in its broader sense it is a measure the purpose of which is not to stifle but to protect legitimate and undisguised industry. To do this is a wise and judicious exercise of legislative power. Our past record, present prosperity, and future welfare all depend upon a wise working out of industrial problems and a judicious protection of legitimate industries. American industry and the products of that industry are finding a market the world over, and among the very greatest factors in all this is the agricultural industry. We are, so to speak, feeding the nations of the world. During the year that has just passed we exported about $1,000,000,000 worth of agricultural products, and of this England, our best customer, took four hundred millions; Germany, one hundred and thirty millions; France, forty-five millions, and other foreign nations the balance. If we are to continue to lead the world in these products and command the markets by their superior quality, then we must, by wise legislative enactments, foster and protect every branch of this master industry.

The State of New York, imperial in its population, and largely so in its industries, cherishing, as do the other States, a just pride in the heroic deeds of her soldier citizens, cherishes also her conquest of peace. In the front rank of these are her conquests in the pursuits of agriculture, which have made her one of the greatest agricultural States of the Union. The number of her dairy cows aggregates about 1,500,000, a number greater in the aggregate than that of any other State. The cheese produced during the season of 1900 aggregated about 126,000,000 pounds, an amount, I think, greater than that of any other Commonwealth. The butter produced during the same season aggregated nearly 40,000,000 pounds. Thus, in the prime factor of agriculture, the dairy industry, she is one of the leading States. But she leads not alone in this, but also in protecting the dairy industry and the consumers of dairy products. Voicing the will of the people the legislature annually appropriates $100,000 for the purpose of protecting from imitation and adulteration food products, and of that $100,000 $60,000 is used to enforce and carry out the laws prohibiting the manufacture and sale of oleomargarine colored in imitation of butter, and protecting dairy products. That is the treatment given to this imitation industry and fraudulent product by the people of that Commonwealth. That is the way New York protects alike her butter industry and her consumers.

The district I have the honor to represent is an important factor in the agricultural industry of the Empire State. During the

season of 1900 there was produced in that district, of cheese manufactured in factories in the aggregate about 27,000,000 pounds, not including homemade, and of butter manufactured in factories in the aggregate about 550,000 pounds, not including homemade. Thus it is one of the largest dairy districts in that Commonwealth. Of the population of the district a goodly proportion are engaged in agricultural pursuits, and, while they are not possessed of all the prosperity that I would wish and hope for them, still, as the result of industry and economy, they are advanciug the welfare of their chosen pursuit. They do not ask that any blow be struck at honest labor. They do not ask the destruction of any legitimate industry resting upon its own merits and not clothed in disguise.

But they do ask and demand that this so-called oleomargarine industry, carried on in imitation and fraud, shall not be allowed to strike a ruinous blow at their undisguised and honest industry. They do demand that the legitimate rewards of their honest toil, which is their dependence for the present and will be in their declining years, shall not be taken from them by unjust and ruinous competition. With these demands I am in most hearty sympathy and, voicing their united will and also my own judgment, I give my voice, influence, and vote for this bill.

Mr. BATES. Mr. Chairman, the farming and dairying interests are among the most important of any in which the people of Erie and Crawford counties, which compose the Twenty-sixth district of Pennsylvania, are engaged. Almost every farmer's family is to some extent interested in the manufacture and sale of butter. It is because the welfare of the farmer affects all other interests, and in fact the general welfare of the whole country, that I am in favor of this bill.

It is a bill in the interest of fair play. It is a bill to prevent fraud and to compel manufacturers of oleomargarine to sell their product for what it is. The most earnest speeches in opposition to this measure seem to be pleas for large profits—for unjust profits. Two articles are in competition, two articles of different value, of different component parts, and this bill seeks to compel each article to be sold on its own merits. It is not designed to destroy any industry. The gentlemen on the other side are continually asserting that it will eliminate or legislate out of existence a legitimate industry.

I call your attention, Mr. Chairman and gentlemen, to the testimony of Mr. Tillingast, the president of one of the oleomargarine manufactories, adduced before the committee, that he believed it possible to build up a demand for the uncolored article, provided that colored oleomargarine was not a competitor in price. Another manufacturer testified that a large proportion of the output of his factory is uncolored, and not made in imitation of butter. It would seem, therefore, that the claims made that the passage of this bill will kill the entire oleomargarine business are not the result of well-founded fears of the loss of patronage, but from a desire to be permitted to continue to produce an article with a large profit in its sale, which can only be made and sold in defiance or evasion of the laws of the majority of our States. If any desire a cheap substitute for butter let them purchase the uncolored article, but let the counterfeit article no longer be accessible to consumers at such prices that there will be an inducement to deceive and practice imposition so that people will not be able to know whether they are eating butter when they spread their bread.

The gentleman from Missouri, who preceded me, seems very solicitous and apprehensive lest some rule or legislation shall be passed by this House which will in some way interfere with or infringe upon what he conceives to be the right of local self-government. Why, Mr. Chairman, this bill is in the interest of local self-government. Thirty-two States in this country have passed laws, some of them most stringent in their character, to protect their citizens from fraud and deceit in the sale of oleomargarine. This bill is intended to, and I believe will, strengthen and supplement the wise and wholesome laws passed by the legislatures of these several States. This bill makes the "original package" of oleomargarine shipped into Pennsylvania or any other State, at once upon its arrival, subject to the operation and effect of the laws of Pennsylvania or such State or Territory into which it is shipped in the same manner as if such oleomargarine had been produced therein. Not to pass this bill is in effect to aid and assist in breaking down local self-government in the several States, while, on the other hand, to pass it is to assist and make uniform the application of the very spirit and essence of these State laws now in force and upon the statute books.

The National Grange of this country, an organization of thirty-five years' standing, which has subordinate branches in forty of the States of this Union, and which represents in actual membership over half a million farmers of the United States, asks for the passage of this bill. This organization is composed of all classes of men engaged in agriculture, dairying, stock raising, either on a large or small scale. They are the only national society of farmers in the United States. They are entirely nonpartisan in their organization, being established for the purpose of promoting the interests of agriculture. They ask for this legislation because they believe it to be for the best interest of all the people of this country that every article of food product shall be put upon the market and sold for what it is and not for what it may seem to be or represent in appearance. They believe that their incomes have already become too much reduced by reason of the products of their farms being placed in competition with adulterated, colored, and fraudulent articles made in imitation of the honest product by unscrupulous, money-making adventurers.

This bill is substantially the same as the measure introduced in the last Congress, known as the "Grout bill," and which failed to become a law. It is a revenue measure; but its main object is to regulate the sale and use of oleomargarine and to prevent fraud. It was stated by Governor Hoard before the committee that 90 per cent of the entire product of oleomargarine in this country is sold fraudulently. The tax of 10 cents per pound on the colored article, together with the slight tax on the uncolored article and the provision that upon being shipped into any State it becomes at once amenable to the laws of that State, will enable the manufacturers of this product to sell it only for what it is, and subject to the tax and license imposed by local laws. I shall for these reasons give my support and vote to this measure. [Loud applause.]

[Mr. GROSVENOR addressed the committee. See Appendix.]

[Mr. DAVIDSON addressed the committee. See Appendix.]

Mr. DRISCOLL. Mr. Chairman, I have listened with much interest to the speeches on this question, and especially to those portions of the remarks of several of the advocates and opponents of this measure, in which they explain their positions on grounds of business interests in their several districts. Now, I confess, although it may convict me of lack of intelligence, that I believe in this bill and support it because I do honestly believe in it, and I live in a city of 110,000 people, where there are many labor organizations. [Loud applause.] I stand for it not only for the farmers from that district, but for many members of the labor unions in the city of Syracuse. Mechanics and laborers are sensible men, and when they order and pay for genuine butter, either in a grocery or at the table of a boardinghouse or hotel, they want butter and not an imitation.

The gentleman from Wisconsin said he believed in and stood by this measure because he wanted to stop the manufacture and sale of oleomargarine in imitation of butter, and he would vote for this tax for that purpose. I will go him one better, and if 10 cents a pound will not stop its manufacture and sale as butter I would make it 20 cents a pound and vote for it. [Derisive jeers on the Democratic side.] In other words, I want to stop the fraud and counterfeit, and would vote for any tax necessary to stop its manufacture and sale, if colored like butter.

Mr. WACHTER. Will the gentleman from New York allow me a question?

Mr. DRISCOLL. Yes.

Mr. WACHTER. The gentleman says he is going to vote for it because labor organizations in his city advocate it.

Mr. DRISCOLL. I did not say they advocate it. They do not oppose it. Not one has said a word to me about it.

Mr. WACHTER. The gentleman was a member of the Fifty-sixth Congress, I know. I will ask him whether he did not receive communications from labor organizations opposing this measure?

Mr. DRISCOLL. I think not; and furthermore, I have mixed up with those people for the last two years and none of them has said a word to me about it.

Mr. WACHTER. Well, the gentleman from New York seems to be a very bad mixer. [Laughter.]

Mr. DRISCOLL. That may be, but I am very well acquainted with the labor organizations of our city. Now, one other point. The gentlemen who oppose this bill say they are in favor of preventing fraud in the manufacture and sale of this article. The friends of the bill say the same thing; therefore those who are for it and against it are in favor of stopping the fraud which seems to be admitted. Now, I leave it to our opponents if the people who favor honest butter can not accomplish more and make a better law to stop this fraud than those who favor the sale of oleomargarine in the guise and color of butter.

I was interested in the speech of my friend from Illinois, yesterday, who said, "Oleomargarine is a good thing." He said, "It is healthful, nutritious, palatable;" and he is proud of its record. If he is proud of the record of oleomargarine, why can not it stand alone? Why can not it make its way into the market without masquerading in false colors? I was interested also in the fine speech of the gentleman from Ohio [Mr. GROSVENOR], and I notice he has now in his hand a stick of candy. Candy finds its way into the market without painting itself in the color of butter,

and so do ice creams and ices. They are given beautiful tints, which make them attractive and make them sell. Why can not the distinguished gentlemen who believe in the manufacture of oleomargarine select some other attractive color instead of butter color, which was a distinctive color before they were born, and will continue to be?

You gentlemen who oppose this bill have all the colors of the rainbow to select from. You may take indigo, violet, green, or orange, or you may mix them up and blend them as you please, and select the most attractive tint, and we will give it to you as the trade-mark for oleomargarine. If you do not like that, you may take red, white, or blue, or red, white, and blue, and throw in a few stars if you please. I would rather you would desecrate the American flag than impose on the American cow. [Laughter.]

Suppose one of you gentlemen who oppose this measure should go down to the restaurant at noon and get a little lunch. You order bread and butter and get something that looks like butter——

Mr. WACHTER. I would ask the gentleman one more question right at this point.

Mr. DRISCOLL. Very well.

Mr. WACHTER. The gentleman seems to be very well posted on the difference between butter and oleomargarine. I would like to ask him a direct question: If oleomargarine was served on the table for butter, could the gentleman tell the difference?

Mr. DRISCOLL. No.

Mr. WACHTER. The gentleman does not seem to be up on the substance. [Laughter.]

Mr. DRISCOLL. The gentleman has anticipated my idea.

Mr. WACHTER. Allow me just one more suggestion. Shakespeare says, "He that is robbed and does not know it is not robbed at all." In this case, when you eat oleomargarine and do not know it is oleomargarine you have not been fooled and you have not been imposed upon. [Laughter.]

Mr. DRISCOLL. If the gentleman will wait a moment. That is just what I object to. I object to paying for butter and being served with oleomargarine, or a substance that I do not know whether it is butter or not. I would not eat oleomargarine if I knew it. I order butter and something else is substituted, which is an imposition and a fraud upon me. I do not get the whole print, which has the mark "Oleomargarine" on it, which makes it possible for the proprietor to fool and deceive me.

Mr. WACHTER. If the gentleman can not tell the difference, what is the difference? [Laughter.] Does he want to see that print on every little piece that he places on his knife? If it tastes good, that is all you pay for. [Laughter.] If it is palatable, that is all you care for, and if it is not you are going to see the chef and see why he put bad butter on you. As long as you are satisfied you get the worth of your money.

Mr. DRISCOLL. I am not satisfied. It is because your substitute makes it possible for the manufacturers and distributers of oleomargarine to impose on you and me by serving us an article which is not butter when we call for butter, that I oppose it. It is because it promotes and sanctions fraud and deceit that I oppose it. If this article is a good thing it ought to stand alone. If it is a bad thing and can not make its way into the markets of an intelligent and appreciative people it ought to die, and I am one of those who will vote for this bill without apologizing to my conscience. [Applause.]

Mr. HEPBURN. Mr. Chairman, I live in a State which last year produced 90,000,000 pounds of butter. That butter was worth nearly $20,000,000. Butter making is an important industry in that State. I have listened to this debate and to other debates when similar questions to the one now presented have been before the House, and I want to say that, in my judgment, the legislation that is sought by this bill is entirely within the precedents established by this House in 1885, when the present oleomargarine law was passed, and in 1897, when the filled-cheese bill was passed.

Every principle involved in this bill is found in each section of those other bills, varying only in degree. The principles underlying each are precisely the same. This House secured jurisdiction in each of those cases, as it does in this case, through the exercise of the taxing power. If there may be anything said justly in regard to usurpation or the improper use of a constitutional power in the bill under consideration, it may be said with equal truth with reference to each of the other bills to which I have adverted.

And I want to call the attention of my friend [Mr. GROSVENOR], who so interested the House by his admirable and eloquent speech in opposition to the present contemplated legislation, to the fact that he was a voter for the act of 1885 and that he was the progenitor of the bill of 1897. He reported it to this House; he reported, not a bill submitted—in fact, there were two submitted to his committee—but, dissatisfied with both of those, he produced a substitute, which he reported here, and I want to challenge him to find any principle in the bill we are now discussing that is not to be found in the bill which he reported and advocated.

I have read with a great deal of interest the report which the gentleman made upon that subject. It was interesting to me because of the entire divergence of view expressed in that solemn document, carefully prepared in the seclusion and quiet of his study, after conference with the sixteen other distinguished men who honor their positions as members of the Ways and Means Committee, from the hurried utterances in the heat of discussion as we have had them to-day. The gentleman says in this report:

> The market of the American dairyman for full cream cheese has been largely a European market, but since the introduction of filled cheese the market for the American manufacturer has fallen off very largely. The claim is made, and we sustain it, that it is a fraud upon the purchaser to sell him a manufactured article branded falsely or unbranded; and the principle upon which we have proceeded is to regulate the manufacture and sale by wholesale and retail and also for export of the commodity known as filled cheese, so as to prevent fraud, and to furnish complete protection to purchasers against the purchase of an inferior article sold to them by unscrupulous or ignorant dealers.

That was the opinion of the gentleman five years ago——

Mr. GROSVENOR. It is now.

Mr. HEPBURN. When discussing a bill that presented every feature of the one now under discussion; and I challenge any man to find in this bill that we are to-day discussing a single principle that is not to be found in the bill on which this was the gentleman's report. In that bill there was provided a tax of 1 cent a pound on a commodity that the gentleman in his report informs us was worth 4½ cents a pound—22 per cent put upon this article of legitimate commerce.

The gentleman nowhere claims in that report that this article was deleterious to health. On the contrary, he carefully avoided saying anything of that kind. He says it was stoutly contended on the one side that it was deleterious to health and it was as earnestly denied on the other side; and he is absolutely silent as to any opinion that he may have had himself from the mixed character of the evidence. But there is abundant proof that he was not after a deleterious compound.

> That for the purposes of this act the word "cheese" shall be understood to mean the food product known as cheese, and which is made from milk or cream and without the addition of butter, or any animal, vegetable, or other oils or fats, foreign to such milk or cream, with or without additional coloring.
>
> That for the purposes of this act certain substances and compounds shall be known and designated as "filled cheese," namely, all substances made of milk or skimmed milk with the admixture of butter, animal oils or fats, vegetable or any other oils or compounds foreign to such milk and made in imitation or semblance of cheese.

There is no word there of "unwholesome, deleterious, or dangerous to health." Every compound may be of the extreme of purity. Every compound may be a wholesome food, and yet the gentleman was the champion of that bill. Why? Because it interfered with our market abroad. That is the reason he assigned; because certain men sold it as cheese, certain men palmed this spurious, inferior, cheap article upon their customers as the better article.

Just what is proposed in this bill? It does not prohibit any man from making oleomargarine. There is no limitation placed upon the manufacture of it, and no man has a right to say that a less number of pounds will be made next year than were made last year, even if this bill passes. The gentleman and others have discussed this bill as though it was the purpose of it to drive a well-established industry out of the country. Not so. Every manufacturer of oleomargarine will be as free to make it after the passage of this act as he was before.

We do not propose to say that he shall not make it, that he shall not sell it, that he shall not build up a trade in it and for it. We simply say, "You shall not disguise it so as to perpetrate a fraud upon the people." That is the whole scope and purpose of the legislation. It is true we put a tax, possibly, of 10 cents on this, which is, perhaps, a little more than 100 per cent; but I find in this bill that the gentleman reported a provision whereby there is a duty upon filled cheese that is imported of 8 cents in addition to the tax; 9 cents of increase, our free-trade friends would say, to the consumer of an article that the report says is produced for 4½ cents a pound. Two hundred per cent! Eight cents of it duty and 1 cent of it internal revenue.

I am talking about this bill. The gentleman does not agree with me. All I ask is that the members of this House, if they have any doubt, will read it. I will stand by the verdict that they will render. I say that it provides for a revenue tax of 1 cent a pound and a duty in addition to that, if imported, of 8 cents a pound, or 200 per cent upon this article of diet for the poor. Sympathetic gentlemen, are they not? They have rung the changes on this article being an article of diet for the poor. They overlook, and none of them have mentioned the fact, that the bill that my friend voted for in 1895 put a tax of 2 cents a pound on all of the oleomargarine made in the United States, and it pays now 2 cents a pound.

The purpose of this bill is to diminish that to one-quarter of 1 cent. These friends of the poor were willing to put a tax of 2 cents a pound on an article of diet for him that cost 7 cents to produce it, and when you propose to cut it all off but a quarter of a cent they cavil and are troubled. The purpose of this legislation will be to cheapen oleomargarine in two ways: First, it takes a cent and three-quarters of tax off. Then it destroys its market as a competitor with butter, and cheapens it in that way. And yet, if it costs only 6 or 7 cents a pound to make it, it will leave an ample margin for the manufacturer and the retailer. The truth is, gentlemen, that a great deal of the opposition to this bill is fabricated. The premises upon which the opposition rests are fabricated premises. They have no place in truth.

I was somewhat amused yesterday to see an enthusiastic gentleman from Texas read the Democrats out of the party who would vote for this bill. By the way, gentlemen, have you not gone about far enough in reading men out of your party? [Laughter on the Republican side.] If you keep it up, there will be nobody left but the reader. [Laughter on the Republican side.] First, the gentleman from New York, a little while ago, read out of the party all the Bryanites. Then the gentleman from Texas, not to be outdone in generosity, read out of the party all the gold-standard fellows. Now this gentleman reads out of the party all who have a desire to vote for this bill, as some one a few days ago read out of the party all of those gentlemen who voted with us on the Philippine question or who voted for the urgent deficiency bill. Gentlemen, you had better quit it.

Let me remind you of some very respectable and eminent Democrats who voted for the present statute that puts 2 cents a pound on what these gentlemen say is an article of food for the poor. That violates the Constitution, in your language, in the use of the taxing power. They were very respectable men. I am not sure that I have the complete list. I have recognized twenty from the others, undoubtedly, in the list of yeas that were Democrats that I am not now able to identify as such.

But there were Mr. Ballentine, Mr. Barksdale, Mr. Bland of Missouri, Mr. Bynum, Governor Campbell, Mr. Dockery, Mr. Ermentrout, Mr. Hatch, Mr. Holman, Mr. King of Louisiana, Mr. Matson of Indiana, Mr. McCreary, who has just been elected to the Senate from Kentucky—and I am told that Kentucky is a Democratic State [laughter]—Mr. Morgan of Missouri, Governor O'Ferrall of Virginia, Mr. Outhwaite of Ohio, and Mr. Randall—Some of you gentlemen, perhaps, have heard of him as a Democrat—Mr. Springer of Illinois, Mr. Stone of Kentucky, Mr. Townshend of Illinois, and Mr. J. B. Weaver, then a Greenbacker, afterwards a Populist, and now the capsheaf in the Democratic stack out in our State. [Laughter.]

These were Democrats of approved character; leaders, all of them; eminent in your councils, and yet they did not hesitate to vote for the principles in this bill. Now, I am free to admit that I do not believe a great amount of revenue will be gathered into the Treasury under the operations of this bill. I think, perhaps, strictly speaking, it would be a misnomer to call it a revenue bill. And yet it is a necessity often resorted to, approved by the Supreme Court, engaged in by men most eminent in all of the parties that we have had in this country, to use the taxing power for purposes perhaps not strictly for revenue.

There are only two methods by which we can reach many of these things. One is through the interstate-commerce laws, and the other is through the taxing power. The limitations were placed in the Constitution years ago—more than a century ago—before it was possible to foresee the necessities that have arisen since, and that are upon us now; and so it has been a favorite way in the courts in all times, commencing with the old Virginia Marshall and running down through all the lines of eminent men, to seize upon certain portions of the Constitution, to which the term elastic has been given, and so understand them by interpretation as to meet the wants and necessities of the later day, not foreseen, not contemplated in the days of the framers of that instrument.

You all agree to its use in the power of construction when it serves your purposes, and you are always glad that it may be so. You all recognize the fact that the convictions of men with reference to constitutional provisions are not unchangeable. Fortunately for us, great men have always believed that the thing called "consistency" was a great bugaboo. And hence we have no criticism of harsh or harmful character when we find Thomas Jefferson at one time having one view and at another another view; when we see John C. Calhoun as the framer and advocate of a tariff law, and then devoting all of his life to answer the arguments that he made in 1816; when we find Daniel Webster opposing that bill, and afterwards becoming the champion of the strictest school of protection. So that it seems to me that we have a right to use this power in order to accomplish secondarily, or primarily if you choose, that which every man is well convinced in some way or other ought to be accomplished. We have adopted this method.

But it was a little amusing to see my friend from Ohio [Mr. GROSVENOR] a little while ago expressing the fear and solicitude he had that some usurpative act would be indulged in by this House. I have here House bill 6565:

In the House of Representatives December 17, 1901, Mr. GROSVENOR introduced the following bill, which was referred to the Committee on Ways and Means and ordered to be printed.

Please observe the date, gentlemen—December 17. That was before the Christmas festivities began. This bill recites, "A bill to provide Federal inspection of mixed goods and the proper marking of the same." Now, I can conceive of but two ways in which our friend, a great constitutional lawyer, can satisfy himself that as a member of this House he would have jurisdiction of this subject. He might possibly through the taxing power. He might through the power to regulate commerce between the States and with foreign nations.

The bill provides:

That for the purposes of this act the words "pure wool" shall be understood to mean sheep's wool which has not been previously used in the manufacture of any other article, goods, or fabrics, and the words "woolen goods" to mean goods or fabrics composed wholly of such wool.

SEC. 2. That for the purposes of this act all manufactures made in imitation of woolen goods which are not composed wholly of pure wool shall be known as "mixed goods."

SEC. 3. That all manufacturers of mixed goods shall mark, label, or tag such goods in plain printed letters and figures which can not be detached except by design, and the mark, label, or tag shall state accurately the constituent fibers or other materials or substances of which such goods are composed, and the relative portion or per cent of each.

SEC. 4. That all clothiers, tailors, or other persons who shall make any mixed goods into clothing, garments, or any article whatsoever to be sold as such, shall also place thereon and firmly attach to each and every garment and article so made a label, tag, or tab similar to that required of the manufacturer of the goods or fabrics of which it is made, and showing the same facts.

SEC. 5. That all mixed goods of every kind and description whatsoever, including cloths, clothing, and every article manufactured or in any of the processes or stages of manufacture imported from foreign countries, shall be marked, labeled, or tagged as provided for in case of manufactures of the same in the United States.

Now, here is jurisdiction beyond question:

The labels, tags, or tabs required by this act shall be affixed by the owners or importers while it is in the custody of the custom-house officers, and it shall be the duty of such officers to inspect all such goods, fabrics, or other articles, and see that they are properly labeled; and such goods shall not pass out of the custody of such officers until such labels or tags have been so affixed; and every officer of customs who permits any mixed goods as defined in this act to pass out of his custody or control without compliance by the owner or importer thereof with the provisions of this act shall be guilty of a misdemeanor, and shall be fined not less than $1,000 nor more than $5,000 and imprisoned not less than six months nor more than one year.

SEC. 6. That any manufacturer or importer of mixed goods as defined in this act who shall sell, offer to sell, or permit to be sold or removed from the place of manufacture or the custody of the custom-house officers, any goods, fabrics, or articles of any kind whatsoever manufactured, or in the process of manufacture, without being properly marked or labeled as required by this act, shall be guilty of a misdemeanor, and shall be fined not less than $50 and not more than $500 for each such offense.

SEC. 7. That any clothier, tailor, merchant, or other person who knowingly purchases from the manufacturer, importer, or other person, any mixed goods as defined in this act, which is not labeled or marked according to the provisions of this act, shall be guilty of a misdemeanor, and shall be fined not less than $50 and not more than $1,000 for each such offense; and if such clothier, tailor, merchant, or other person so purchasing such goods as aforesaid shall manufacture into clothing and sell or offer to sell the same, or any such person who shall sell or offer to sell, or expose for sale, any such goods or fabrics without being properly labeled, shall be guilty of a misdemeanor and shall be fined not less than $100 and not more than $1,000 for each such offense.

SEC. 8. That any manufacturer, merchant, dealer, agent, employee, or other person, who shall knowingly sell, trade, or exchange, or offer to sell, trade, or exchange, or expose in his place of business for the purpose of trade, sale, or exchange, any clothing, goods, fabrics, or other articles known as mixed goods, as defined in this act, which are not labeled, marked, or tabbed according to the provisions of this act, shall be guilty of a misdemeanor and be fined not less than $100 and not more than $1,000.

Here is a great oversight in this bill. I commend the thought to my friend—when is that tag to be taken off? [Laughter.] It is a most important matter, gentlemen, and I can conceive of a score of reasons why that tag should be kept there. You may want it for evidence or something of that kind. [Laughter.]

Mr. WILLIAMS of Mississippi. I would like to ask the gentleman a question, Mr. Chairman.

The CHAIRMAN. Does the gentleman from Iowa yield to the gentleman from Mississippi?

Mr. HEPBURN. I will.

Mr. WILLIAMS of Mississippi. I would like to ask the gentlemen if there is any provision in the bill he has read applying the Federal power of taxation to these mixed goods?

Mr. HEPBURN. None in the world. That is why I wondered how my friend got jurisdiction over the subject. I can see how he might over the importation, but how did he get it over those manufactured here?

SEC. 9. That any manufacturer, importer, merchant, or other person who shall willfully, recklessly, or carelessly mark incorrectly any cloth, goods, fabrics, or any article manufactured, or in the process of manufacture

therefrom, required by this act to be labeled or marked, so as to show a larger per cent of wool, or a smaller per cent of shoddy or other cheaper fiber or material, or in any manner that will, or is calculated to, deceive and mislead the purchaser thereof, shall be guilty of a misdemeanor and shall be fined not less than $50 and not more than $5,000 for each such offense.

If he does that carelessly, that results in deceit and imposing in some way upon the innocent purchaser, he is to be fined $5,000, perhaps, for that careless act. Why? Oh, not to protect sheep, surely not. [Laughter.] The man that would suspect that for a moment would be unworthy of a seat in this House. [Laughter.]

Now, I have read that bill for the purpose of showing that, in the language of Widow Bedott, "We are all poor critturs" [laughter]; and that when the question of interest comes home to us, it does take hold of us with more or less force. And I have taken the liberty to think, recognizing this universal weakness of us all, that perhaps some of our friends on the other side who have been so vehement in denouncing this legislation would not have done it if a Yankee had not taught them some years ago how to add 30 per cent to their cotton crop by expressing the oil from that which theretofore they threw to one side. Oil is a factor in the manufacture of the butter that we are complaining of—the oleomargarine that we want to compel to sail under its own color.

Mr. Chairman, I hope this bill will pass. I believe it is a good and wise measure; that we are only exercising the power that we have abundant right to exercise in this way, and that a good result will come from it. It will aid in putting out of the market an article that, as it is now colored and now used and put up in its present condition, perpetrates a fraud constantly, every day; It will then be known by its own proper name, I hope not to its harm in the long run, and to the benefit of many who are now imposed upon by it. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills of the the following titles; in which the concurrence of the House of Representatives was requested:

S. 2123. An act for the relief of the heirs at law of M. A. Phelps and the heirs at law of John W. Renner;

S. 1037. An act granting a pension to Helen A. B. Du Barry;

S. R. 49. Joint resolution increasing the membership of the Joint Committee of Congress upon the Library; and

Senate concurrent resolution No. 17.

Resolved by the Senate (the House of Representatives concurring), That there be printed 10,000 copies of Senate Document No. 84, being a message from the President of the United States transmitting a report of the Secretary of Agriculture in relation to the forests, rivers, and mountains of the Southern Appalachian region, of which 2,000 copies shall be for the use of the Senate, 3,000 copies for the use of the House of Representatives, and 5,000 copies for the use of the United States Department of Agriculture.

OLEOMARGARINE BILL.

The committee resumed its session.

Mr. KLEBERG. Mr. Chairman, I shall not impugn the motives of any member of this House. I claim for myself the same privilege which I accord to every other member, to advocate and to vote for a measure according to the dictates of duty and conscience. Furthermore, I do not think that invective can add to the information of members of this House. What is wanted upon a subject of this kind, in a running debate such as we have here, is light and not so much heat. I believe that the Representatives in the American Congress are just as honest as the great constituencies which they represent, and I believe that on God's green earth there is not a more honest people than the American people.

But sometimes legislators, like doctors, disagree. I think if this question were fully understood by the Representatives who are to vote upon it, that, nothwithstanding there may now be within their minds an intention to support the measure, they would not do so. I take it that this debate is for the purpose of gaining information and that it is not entirely for home consumption. Of course, it goes without saying that every Representative ought to be true to his constituency, but in the meantime every Representative wants to be certain that he is right on a great question of this kind.

Now, the men on this side and on the other side of the House who oppose this measure do not, in the first place, concede its constitutionality. It is not entirely free of that doubt; there are indeed grave doubts as to the constitutionality of this measure. I do not want to dwell upon this point to any great extent; I simply want to call the attention of members to the fact that in this bill is involved an entirely new principle that has not yet been passed upon by the Supreme Court.

One question presented is whether one industry can be taxed out of existence by the exercise of the taxing power for the benefit of another. There is also involved the principle embodied in the interstate-commerce clause of the Constitution, and that is whether Congress can delegate to a State one of its powers and thereby totally prevent a manufactured article of one State from going as an article of commerce into another State.

The question is not what construction gentlemen may place upon this bill from their standpoint, but the question is what construction the court of last resort will place upon it. Under a well-defined principle of construction the courts must first be guided by the language of the bill.

I say that under the first section of this bill the legislatures of the different States have conferred upon them (whether it be constitutional or not) the power to absolutely forbid oleomargarine which may be manufactured in one State (for instance, the State of Illinois) going into another State (for instance, the State of Texas) and there sold. Now, this is a broad assertion, and I expect to call gentlemen's attention to the language and ask them to say whether the construction for which I contend is not a right one. I read the language of the bill:

That all articles known as oleomargarine, butterine, imitation butter, or imitation cheese, or any substance in the semblance of butter or cheese not the usual product of the dairy and not made exclusively of pure and unadulterated milk or cream, transported into any State or Territory or the District of Columbia, remaining therein for use, consumption, sale, or storage therein, shall, upon the arrival within the limits of such State or Territory or the District of Columbia, be subject to the operation and effect of the laws of such State or Territory or the District of Columbia, etc.

Now, this is the very language of the Wilson Act, which now governs the legislature of Iowa. That legislature has not gone to the extent of absolutely excluding liquor from the confines of the State. As I understand, liquor is sold there in original packages, and then the law of the State controls the sale. But does any gentleman on this floor contend that under the Wilson Act the legislature of Iowa can not pass a law (and that is exactly the language of this bill) to immediately seize every particle of liquor imported into the State the minute it lands upon the platform of a railroad or the wharf of a port? It can seize it and condemn it, no matter though it were sent to a purchaser there who wanted to use it (in the language of this bill and in the language of the Iowa statute) for his own consumption.

It is true—and I do not want to mislead anyone on this floor—it is true that the Supreme Court has not passed upon that paramount issue. It has not yet decided that a legislature can absolutely prevent the importation of an article of commerce from one State into another by seizing such article and destroying it. But it is claimed by the advocates of this bill that the legislatures have the power absolutely to control, to the exclusion of Congress, oleomargarine imported from one State into another. Then what is to prevent such a legislature from passing a law that immediately upon the arrival of a pound of oleomargarine, red or white, colored or uncolored, shipped from one State into another, it shall be seized and destroyed? I say candidly that the Supreme Court of the United States has never gone to that extent.

Whether it will do so, whether it can do so under the interstate-commerce laws of the Constitution of the United States, is a doubtful question; but evidently it is the intent of this bill. It can be the only reasonable construction of it, that the legislature of every State may not only say that oleomargarine shall not be sold or manufactured colored, but even that it shall not be manufactured at all. Let us consider this phase of the bill.

Under this bill I want to call your attention again to the language of it. I say any State legislature, if it sees fit, can absolutely prohibit the manufacture of oleomargarine as it is now understood in the trade and defined in the act of 1886. Let us see whether I am right about that. I direct your attention to the proviso of the first section of this bill:

Provided, That nothing in this act shall be construed to permit any State to permit the manufacture or sale of oleomargarine in a separate and distinct form, and in such manner as will advise the consumer of its real character, free from coloration or ingredients that cause it to look like butter.

Mr. Chairman and gentlemen, what does that mean? Not only free from coloration, but free from the ingredients of butter. Now, everyone who has given this mattter any consideration whatever understands that either butter or milk and cream enter into the composition of oleomargarine as legitimate and necessary ingredients of it. Oleomargarine as now manufactured and sold is made partly of butter or milk and cream of the best quality. Without these ingredients it is not complete, it is not oleomargarine.

Mr. ROBERTSON of Louisiana. Will my friend allow me to have something read from the desk? May I interrupt him for that long?

Mr. KLEBERG. Yes.

Mr. ROBERTSON of Louisiana. I ask the Clerk to read.

The Clerk read as follows:

Resolved, That the tax on oleomargarine, like the tax on imports, is a local issue.

Mr. KLEBERG. Now, if that is any gratification to my friend he is welcome to it.

Mr. ROBERTSON of Louisiana. No; I wanted to emphasize the situation.

Mr. KLEBERG. No, that is not the situation. I place this question above local issues. The question here is whether one industry shall be destroyed for the benefit of another. The question is whether a false principle shall be recognized now by this Congress that the powerful may tyrannize over and oppress the weak; whether a monopoly legalized by Congress shall rule the people. That is the question.

Mr. ROBERTSON of Louisiana. Permit me to say that I agree with the gentleman in the position that he has taken on this bill.

Mr. KLEBERG. I want to make this argument on the legal question involved in this bill, because I do not think any gentleman has touched upon it, except the gentleman from Ohio [Mr. GROSVENOR] when he cited section 3 of the bill. But I want to emphasize it, I want to call it specifically and clearly, if I can, to the minds of Representatives. The fact is that no oleomargarine as now constituted, as now known in the markets, can be manufactured if this bill passes. Oleomargarine as now understood and defined by law has in it an ingredient either of butter, milk, or cream. It is that which gives it, according to the opponents of oleomargarine, its color, or at least a part of the color, however slight.

You will observe that in this first section the original draftsman of this bill had the word "yellow," which was stricken out by the committee. Why? So that if any milk or cream or butter was used in the manufacture of oleomargarine and it had the semblance or looked like butter, however light the color may be, then it came under the ban of this law. Ah, gentlemen say they are not trying to injure or to destroy the oleomargarine industry.

I say, if this bill passes, not speaking now of the third section to which the attention of the House has been called by the gentleman from Ohio [Mr. GROSVENOR], if this first section passes, then such an article as oleomargarine as now commonly understood, and as understood in legal parlance, can not be manufactured, and you will have nothing but the raw fat, nothing but lard, nothing but cotton-seed oil and the other constituents conglomerated, but you have not that part of milk and cream which gives it the flavor and puts it in demand for consumers and upon the market, and you have something else. You may have some kind of a fat substance, but you have not got oleomargarine. You have destroyed, you have wiped out the very definition of the word from the statute books. Especially is this so when we take into consideration the clause which taxes colored oleomargarine 10 cents a pound in this connection. If the legislature of a State fails to legislate oleomargarine out of existence, then Congress has provided the 10-cent tax to prohibit its manufacture and sale.

Yet, gentlemen come here and claim that they can make it cheaper, and may have the same kind of butterine or the same kind of oleomargarine that is now consumed by some people. But you can not, because oleomargarine is now defined by law, and it is recognized as an article of commerce in the market, and contains a certain per cent of butter, or milk and cream.

I do not charge that those who advocate this bill have a sinister purpose in advocating it for this purpose. We must take their declaration that they have no intention to destroy oleomargarine as an industry as an honest declaration; but when we have the courts of last resort come to a construction of this language, we will see that when the so-called oleomargarine is seized under State law and it contains one of the ingredients which is embraced in butter, in other words, that it contains the ingredients of milk or cream, or butter, that then it comes under the ban of the law, whether it is slightly red, yellow, or any other color which butter sometimes has.

Now, that is the real question. It is to that point that I principally wanted to call the attention of Democrats as well as Republicans. There can not be any other reasonable construction given to this language. So that the industry of the manufacture of oleomargarine would be totally destroyed. It is not a question of crippling, it is not a question of mere injury or partial destruction, but a question of wiping it out altogether, root and branch; and I believe it is the purpose of those who are standing outside of the halls of Congress, when they ask this class legislation, that it is to do away completely with the competition, and a legitimate competition, in a legitimate article of trade.

It is to destroy it, and it is for the purpose of putting out of use that article that is not only as healthful and as pure but is better than that article known as renovated process butter, to wit, the deeply colored butter manufactured over from old rancid butter; and gentlemen may dilate and expatiate on the question of color as much as they please, it remains a species of fraud when used in this renovated butter, for it is a fraud on the consumer of butter. I do not say that coloring is necessarily a fraud; but, gentlemen, I say that the supporters of this bill, the advocates of this bill, say that the color mainly is evidence of the fraud when used in coloring oleomargarine. If it is, then the coloring of butter is also a fraud.

Mr. GREEN of Pennsylvania. Will the gentleman yield to me for one question?

Mr. KLEBERG. For a question.

Mr. GREEN of Pennsylvania. Is not the real reason why the members from Texas are opposed to this bill because they think that Texas oil can be used in the manufacture of oleomargarine? [Laughter.]

Mr. KLEBERG. Well, if the gentleman has no higher standard of taste than to suppose that this prompts us, then I suppose he is one of the few who will relish it.

I wish to call attention to another point. I do not want to go further upon the question of color. I want to call your attention to the fraud that our friends talk about. I say that a great deal of that cry of fraud is exaggerated. Gentlemen seem to presume that every consumer of oleomargarine, colored or uncolored, is a child who needs a guardian, and as the gentleman from Ohio well said, this clamor does not come from the consumer; it is simply one of those lame excuses that our friends bring here that the consumer is objecting to it.

Now, will anyone take the position that the consumer does not know every time, or at least in most instances, that it was oleomargarine? Why, the very fact which is cited here by the gentleman from Wisconsin that these dealers in the State—I believe, of Illinois—are offering an article there so cheap that it can not be anything but oleomargarine, the very fact that it is marked oleomargarine, comes that way from the factory, can not deceive any one.

I say this hue and cry that has been gotten up about this question was done by sending broadcast over the country printed postal cards and circulars, to make the honest dairymen and consumers believe there was great fraud; and possibly, in one or two cases out of the hundreds, people think that they will be greatly benefited by this bill, and that they are going to be greatly injured by the manufacture and sale of oleomargarine.

It is a manufactured sentiment, and I am satisfied that the great mass of the people who are represented by gentlemen who will support this bill, when they fully understand the scope of it, that it is to destroy a cheaper legitimate article of food, that it would not in any way protect the public so far as fraud is concerned; in other words, that if they fully understood the measure that is foisted upon this House by the people who sell and manufacture and color renovated butter, they would instruct their representatives to vote against it.

I think the time will come when this measure is fully understood. If it should pass, it will come quickly when the people fully understand that it aims at the destruction of a legitimate enterprise and industry and that it raises the price of the so-called dairy butter; that it is the entering wedge for other classes and monopolies to come before Congress and ask for this kind of legislation. They will instruct the Representatives whom they send here to repeal the measure which they now seek to pass and which probably they will pass. [Applause.]

Mr. HENRY of Connecticut. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LACEY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 9206 and had come to no resolution thereon.

COMMITTEE ON THE LIBRARY.

Mr. McCLEARY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate joint resolution 49 and consider it at the present time.

The SPEAKER. The gentleman from Minnesota asks unanimous consent for the present consideration of Senate joint resolution 49, which the Clerk will report.

The Clerk read as follows:

Resolved, etc., That the Joint Committee of Congress upon the Library, authorized by section 82 of the Revised Statutes, shall hereafter consist of five members of the Senate and five members of the House of Representatives.

The SPEAKER. Is there objection to the present consideration of the joint resolution? [After a pause.] The Chair hears none.

The joint resolution was ordered to be read a third time; and it was read the third time, and passed.

On motion of Mr. McCLEARY, a motion to reconsider the last vote was laid on the table.

SENATE RESOLUTION AND BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title and the following resolution were taken from the Speaker's table

and referred to their appropriate committees, as indicated below:

Senate concurrent resolution No. 17:

Resolved by the Senate (the House of Representatives concurring), That there be printed 10,000 copies of Senate Document No. 84, being a message from the President of the United States transmitting a report of the Secretary of Agriculture in relation to the forests, rivers, and mountains of the Southern Appalachian region, of which 2,000 copies shall be for the use of the Senate, 3,000 copies for the use of the House of Representatives, and 5,000 copies for the use of the United States Department of Agriculture—

to the Committee on Printing.

S. 2123. An act for the relief of the heirs at law of M. A. Phelps and the heirs at law of John W. Renner—to the Committee on Claims.

LEAVE TO PRINT.

Mr. KLEBERG. Mr. Speaker, I ask leave to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Texas asks leave to extend his remarks on the oleomargarine bill in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. WILLIAMS of Mississippi. Mr. Speaker, I ask unanimous consent that every gentleman who has spoken or may speak in the debate on the oleomargarine bill may be permitted to extend his remarks in the RECORD.

The SPEAKER. The gentleman from Mississippi asks unanimous consent that all members who have spoken or may speak on the oleomargarine bill may have leave to extend their remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. HENRY of Connecticut. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 2 minutes p. m.) the House adjourned until to-morrow at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Interior, transmitting, with a report of the Commissioner of Indian Affairs, a draft of a bill relating to Northern Cheyennes, Montana—to the Committee on Indian Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Commissioners of the District of Columbia submitting an estimate of appropriation for office of register of wills—to the Committee on Appropriations, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Elias R. Core against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Attorney-General submitting an estimate of appropriation for penitentiary at Atlanta, Ga.—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior submitting an estimate of appropriation for employees in the Patent Office—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriations for Schuylkill Arsenal—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for Apache prisoners—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a communication from the Secretary of War submitting an estimate of appropriation for United States service schools, submarine defense—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of State, transmitting, with a letter from the United States commissioner for International Prison Commission, an address by David K. Watson—to the Committee on the Judiciary, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. HAY, from the Committee on Military Affairs, to which was referred the joint resolution of the House (H. J. Res. 106) authorizing and directing the Secretary of War to loan to the Pennsylvania Society of the Sons of the American Revolution the custody of certain Revolutionary trophies at Allegheny Arsenal, Pittsburg, Pa., reported the same with amendments, accompanied by a report (No. 376); which said bill and report were referred to the House Calendar.

Mr. FLETCHER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 8335) to authorize the construction of a bridge across the Columbia River by the Washington and Oregon Railway Company, reported the same with amendments, accompanied by a report (No. 379); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 3737) for the relief of the executors of James B. Eads, deceased, reported the same without amendment, accompanied by a report (No. 372); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 4635) for the relief of the estate of James Brown, deceased, reported the same without amendment, accompanied by a report (No. 373); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 6004) for the relief of Hannah E. Boardman, administratrix, reported the same without amendment, accompanied by a report (No. 374); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 3505) for the relief of the legal representatives of Tomlinson and Hartupee & Co., reported the same without amendment, accompanied by a report (No. 375); which said bill and report were referred to the Private Calendar.

Mr. JETT, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 3309) to remove charge of desertion against Ephraim H. Gallion, reported the same without amendment, accompanied by a report (No. 377); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Claims, to which was referred the bill of the House (H. R. 3510) for the relief of Laura A. Willett, widow of James P. Willett, deceased, late postmaster of the District of Columbia, reported the same with amendments, accompanied by a report (No. 378); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BROMWELL: A bill (H. R. 10783) to permit the mailing of separately addressed identical pieces of third or fourth class matter upon prepayment of postage upon said matter in bulk—to the Committee on the Post-Office and Post-Roads.

By Mr. HENRY C. SMITH: A bill (H. R. 10784) to erect a monument on River Raisin battlefield, Monroe County, Mich.—to the Committee on the Library.

By Mr. SULZER: A bill (H. R. 10785) for making a grant of alternate sections of the public lands in the district of Alaska to aid in the construction of a certain railroad in said district, and for other purposes—to the Committee on the Public Lands.

By Mr. BANKHEAD: A bill (H. R. 10786) to authorize the acquisition of square No. 229, in the city of Washington, D. C., and provide for a temporary hall of records, and for other purposes—to the Committee on Public Buildings and Grounds.

By Mr. WILCOX: A bill (H. R. 10787) to provide compensations for certain Federal officers of the United States—to the Committee on Appropriations.

Also, a bill (H. R. 10788) to amend section 92 of an act to provide a government for the Territory of Hawaii—to the Committee on the Territories.

By Mr. MORRIS: A bill (H. R. 10789) to amend an act entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January 14, 1889—to the Committee on Indian Affairs.

By Mr. KETCHAM: a bill (H. R. 10790) allowing commutation of fuel and quarters to retired enlisted men of the United States Army—to the Committee on Military Affairs.

By Mr. BABCOCK: A bill (H. R. 10791) to amend an act entitled "An act to license billiard and pool tables in the District of Columbia, and for other purposes"—to the Committee on the District of Columbia.

By Mr. SHEPPARD (by request): A bill (H. R. 10792) to protect the full-blood Cherokee Indians—to the Committee on Indian Affairs.

By Mr. MORRELL: A bill (H. R. 10793) to prevent discrimination by common carriers of passengers traveling between the States on account of race and color—to the Committee on Interstate and Foreign Commerce.

By Mr. HAUGEN: A bill (H. R. 10845) to provide rules and regulations governing the importation of trees, plants, shrubs, vines, grafts, cuttings, and buds, commonly known as nursery stock, and fruits into the United States, and rules and regulations for the inspection of trees, plants, shrubs, vines, grafts, cuttings, and buds, commonly known as nursery stock, grown within the United States, which become subjects of interstate commerce or exportation—to the Committee on Agriculture.

By Mr. FITZGERALD: A bill (H. R. 10846) to amend section 1395 of the Revised Statutes, to increase the number of chaplains in the Navy—to the Committee on Naval Affairs.

By Mr. COCHRAN: A joint resolution (H. J. Res. 140) providing an amendment to the Constitution of the United States—to the Committee on the Judiciary.

Also, a joint resolution (H. J. Res. 141) providing for an invitation to Hon. Paul Kruger, President of the South African Republic, to visit the United States as a guest of the country—to the Committee on Foreign Affairs.

By Mr. COCHRAN: A concurrent resolution (H. C. Res. 27) concerning condition of river improvements heretofore constructed on the Missouri River at a point south of St. Joseph, Mo.—to the Committee on Rivers and Harbors.

By Mr. MOODY of North Carolina: A resolution (H. Res. 121) providing for an appropriation to compromise and settle litigation between Eastern Band of Cherokee Indians and the estate of W. H. Thomas—to the Committee on Indian Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills of the following titles were presented and severally referred as follows:

By Mr. ALEXANDER: A bill (H. R. 10794) to grant a pension to Thomas H. Devitt, the imbecile and helpless son (since his birth) of Thomas Devitt, late of Company D, Fifty-first Regiment New York Volunteer Infantry, and of Company D, One hundred and eighty-seventh New York Volunteer Infantry—to the Committee on Invalid Pensions.

By Mr. ALLEN of Maine: A bill (H. R. 10795) granting an increase of pension to William A. Campbell—to the Committee on Invalid Pensions.

By Mr. CANDLER: A bill (H. R. 10796) for relief of estate of W. R. Smith, of Burnsville, Miss.—to the Committee on War Claims.

By Mr. CASSEL: A bill (H. R. 10797) to correct the military record of Michael A. Smith—to the Committee on Military Affairs.

By Mr. ESCH (by request): A bill (H. R. 10798) for the relief of the heirs of Rinaldo Johnson and Ann E. Johnson, deceased—to the Committee on Claims.

By Mr. HUGHES: A bill (H. R. 10799) granting a pension to Margaret P. Smith, widow of Capt. C. B. Smith—to the Committee on Invalid Pensions.

By Mr. JOY: A bill (H. R. 10800) granting an increase of pension to Willie H. Gray—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10801) granting a pension to Harriet E. Hall—to the Committee on Invalid Pensions.

By Mr. KEHOE: A bill (H. R. 10802) for the relief of Mary Lock—to the Committee on Military Affairs.

By Mr. LANDIS: A bill (H. R. 10803) to correct the military record of James Reed—to the Committee on Military Affairs.

By Mr. LITTLE: A bill (H. R. 10804) for the relief of James M. Wright—to the Committee on War Claims.

By Mr. MIERS of Indiana: A bill (H. R. 10805) granting an increase of pension to James B. Mulky—to the Committee on Pensions.

By Mr. MOODY of North Carolina: A bill (H. R. 10806) granting a pension to Robert Garrett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10807) granting a pension to John R. Abanatha—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10808) for the relief of Thomas Monteith—to the Committee on Claims.

Also, a bill (H. R. 10809) for the relief of J. A. Reagan—to the Committee on War Claims.

By Mr. MORGAN: A bill (H. R. 10810) for the relief of John Hey—to the Committee on Military Affairs.

Also, a bill (H. R. 10811) for relief of James McGuire—to the Committee on Military Affairs.

Also, a bill H. R. 10812) for the relief of Josiah Clark—to the Committee on Military Affairs.

Also, a bill (H. R. 10813) for the relief of Allen Fenton—to the Committee on Military Affairs.

Also, a bill (H. R. 10814) for the relief of Keith Hill—to the Committee on Military Affairs.

Also, a bill (H. R. 10815) for the relief of David C. Stewart, of Seman, Ohio—to the Committee on Military Affairs.

Also, a bill (H. R. 10816) for the relief of the heirs of William Dufour—to the Committee on War Claims.

Also, a bill (H. R. 10817) granting a pension to Mary A. Clark—to the Committee on Military Affairs.

By Mr. NEVIN: A bill (H. R. 10818) authorizing the President to commission Louis H. Thompson a first lieutenant and assistant surgeon in the United States Army—to the Committee on Military Affairs.

By Mr. POU: A bill (H. R. 10819) for the relief of George T. Winston, president of North Carolina College of Agriculture and Mechanic Arts, and W. S. Primrose, chairman board of trustees—to the Committee on Military Affairs.

By Mr. RAY of New York: A bill (H. R. 10820) to remove the charge of desertion standing against Nelson B. Root—to the Committee on Military Affairs.

By Mr. RUSSELL: A bill (H. R. 10821) granting a pension to Abbie J. Daniels—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10822) granting a pension to Annie W. Coit—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10823) granting an increase of pension to Philo S. Bartow—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10824) granting an increase of pension to George E. Bump—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10825) granting an increase of pension to Maria F. Allen—to the Committee on Invalid Pensions.

By Mr. SHEPPARD: A bill (H. R. 10826) granting a pension to Josiah S. Fay—to the Committee on Invalid Pensions.

By Mr. SHOWALTER: A bill (H. R. 10827) to correct the military record of Henry Straub—to the Committee on Military Affairs.

By Mr. SNOOK: A bill (H. R. 10828) to remove charge of desertion from the record of William L. Wiles—to the Committee on Military Affairs.

By Mr. SOUTHARD: A bill (H. R. 10829) to increase the pension of Isaac B. Snively—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10830) to increase the pension of Harvey Collins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10831) to increase the pension of Phebe M. Ferguson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10832) to increase the pension of John Harley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10833) to correct the military record of James Burroes—to the Committee on Military Affairs.

Also, a bill (H. R. 10834) to pension Lizzie Furlong—to the Committee on Invalid Pensions.

By Mr. WADSWORTH: A bill (H. R. 10835) to amend the military record of John W. Latson, alias Wesley Latson, late of Company K, Eighty-eighth Indiana Volunteer Infantry—to the Committee on Military Affairs.

By Mr. WANGER: A bill (H. R. 10836) to continue the pension of Ione B. Fornance, daughter of James Fornance, late captain in the Thirteenth Infantry, United States Army—to the Committee on Pensions.

By Mr. WARNOCK: A bill (H. R. 10837) to correct the military record of John Estep, of Company C, One hundred and twenty-first Ohio Volunteer Infantry—to the Committee on Military Affairs.

By Mr. WEEKS: A bill (H. R. 10838) granting an increase of pension to Henry C. Green—to the Committee on Invalid Pensions.

By Mr. BURTON: A bill (H. R. 10839) to remove the charge of desertion against Charles D. Tifft—to the Committee on Military Affairs.

By Mr. PAYNE: A bill (H. R. 10840) granting a pension to Susan Evans Warner—to the Committee on Invalid Pensions.

By Mr. RUPPERT: A bill (H. R. 10841) granting an increase of pension to Margaret Hoefer—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 10842) granting an increase of pension to William Church—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10843) to remove the charge of desertion from the record of Milton P. Young—to the Committee on Military Affairs.

By Mr. YOUNG: A bill (H. R. 10844) for the relief of Edward Devaney and Patrick Gunning—to the Committee on Claims

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of Alex. Rickey Post, No. 200, Grand Army of the Republic, Department of Wisconsin, for investigation of administration of Bureau of Pensions—to the Committee on Rules.

By Mr. ACHESON: Resolution of Pennsylvania State board of agriculture, for the enactment of a bill further taxing oleomargarine, opposing appropriations for irrigation of arid lands, and for the passage of House bill No. 8735—to the Committee on Agriculture.

Also, petition of S. T. Montgomery and other citizens of Buffalo, Pa., for the protection of native races in the islands of the Pacific and elsewhere against the sale of firearms, opium, and intoxicants—to the Committee on Alcoholic Liquor Traffic.

Also, petition of Plasterers' Association No. 74, of Washington, Pa., praying for the further restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. ADAMS: Resolution of King David Castle, No. 342, Knights of the Golden Eagle, Philadelphia, Pa., for legislation to suppress anarchy—to the Committee on the Judiciary.

Also, resolution of Plasterers' Association No. 8, of Philadelphia, Pa., for an educational test in the restriction of immigration—to the Committee on Immigration and Naturalization.

Also, resolution of the Art Federation of Philadelphia, against change of title of Architect of the Capitol—to the Committee on Appropriations.

Also, paper to accompany House bill 7189 and Senate bill 2162, relating to the United States Marine-Hospital Service—to the Committee on the Merchant Marine and Fisheries.

By Mr. ALEXANDER: Petition of Order of Railway Conductors of Buffalo, N. Y., in favor of bill limiting the meaning of the word "conspiracy"—to the Committee on the Judiciary.

By Mr. BATES: Sundry petitions of citizens of the Twenty-sixth Congressional district of Pennsylvania, favoring an amendment to the Constitution prohibiting polygamy—to the Committee on the Judiciary.

Also, petition of Northeast Council, No. 552, Junior Order United American Mechanics, of Northeast, Pa., for the reenactment of the Chinese-exclusion law—to the Committee on Foreign Affairs.

Also, petition of H. H. Hewitt and other carriers on rural-delivery routes in Meadville, Pa., asking for increase of salary—to the Committee on the Post-Office and Post-Roads.

By Mr. BOWERSOCK: Resolution of the Kansas State board of agriculture, against any tariff reduction for raw sugar—to the Committee on Ways and Means.

Also, resolution of the National Live Stock Association, at Chicago, Ill., protesting against class legislation directed against coloring, manufacture, or sale of oleomargarine—to the Committee on Agriculture.

By Mr. BROWN: Resolution of New Orleans Progressive Union, against reduction in duties on Cuban sugar—to the Committee on Ways and Means.

By Mr. BURKETT: Resolutions of Nebraska Live Stock Breeders' Association, for the passage of a land-leasing law—to the Committee on the Public Lands.

Also, papers to accompany House bill granting a pension to Amos E. Evans—to the Committee on Invalid Pensions.

By Mr. DICK: Petitions of citizens of Northfield, Burghill, Kinsman, Vernon, Kingsville, Kelloggsville and other points in the Nineteenth Congressional district of Ohio, for an amendment to the national Constitution defining legal marriage to be monogamic—to the Committee on the Judiciary.

Also, petitions of Aultman, Miller & Co., and other business firms of Akron, Ohio, in favor of amendments to the bankruptcy act—to the Committee on the Judiciary.

By Mr. ELLIOTT: Resolutions of the city council of Charleston, S. C., advocating the passage of House bill 5796, to promote the efficiency of the Revenue-Cutter Service—to the Committee on Interstate and Foreign Commerce.

By Mr. EMERSON: Petition of Labor Union No. 9317, of Sandyhill, N. Y., favoring the construction of war ships at the navy-yards—to the Committee on Naval Affairs.

By Mr. ESCH: Resolution of New Orleans Progressive Union, protesting against reduction in sugar tariff—to the Committee on Ways and Means.

By Mr. GOLDFOGLE: Resolution of the National Live Stock Exchange, protesting against enactment of legislation directed against butterine—to the Committee on Agriculture.

Also, resolutions adopted by the Central Federated Union, indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. GRIFFITH: Petition of Gordon Tanner Post, No. 159, Grand Army of the Republic, Brownstown, Ind., to accompany House bill 6724, granting an increase of pension to Julia Stillwell—to the Committee on Invalid Pensions.

By Mr. JACK: Petition of Young People's Society of Christian Endeavor of Elders Ridge, Pa., against the sale of intoxicants, etc., to native races of the Pacific islands and elsewhere—to the Committee on Alcoholic Liquor Traffic.

By Mr. JACKSON of Kansas: Petition of Jennie S. Bellamy and others, of Cherryvale, Kans., for an amendment to the national Constitution defining legal marriage to be monogamic—to the Committee on the Judiciary.

By Mr. JONES of Washington: Petition of E. M. Heyburn and other citizens of Spokane, Wash., favoring a bill for the establishment and maintenance of schools of mines and mining—to the Committee on Mines and Mining.

By Mr. KAHN: Proceedings of California's memorial meeting held in San Francisco, Cal., November 21 and 22, 1901, favoring the continuation of the exclusion law against Chinese laborers—to the Committee on Foreign Affairs.

By Mr. KETCHAM: Resolutions of Trade and Labor Council of Kingston, N. Y., favoring an educational test in the immigration law—to the Committee on Immigration and Naturalization.

By Mr. KNAPP: Resolutions of the Central Trades and Labor Assembly of Fulton, N. Y., favoring extension of the Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. LANDIS: Papers to accompany House bill correcting the military record of James Reed—to the Committee on Military Affairs.

By Mr. LOUDENSLAGER: Petition of Winona Council, No. 149, Junior Order United American Mechanics, for an amendment to the immigration laws—to the Committee on Immigration and Naturalization.

Also, petitions of Junior Order United American Mechanics of Chews Landing and Cross Keys, of New Jersey, for reenactment of Chinese-exclusion law—to the Committee on Foreign Affairs.

Also, petitions of United Association of Plumbers and Gas and Steam Fitters of Atlantic City and of Glass Bottle Blowers' Association No. 8, of Bridgton, N. J., favoring the construction of war vessels in Government navy-yards—to the Committee on Naval Affairs.

Also, petition of New Jersey State Grange, for the election of United States Senators by direct vote of the people, etc.—to the Committee on Election of President, Vice-President, and Representatives in Congress.

Also, petitions of various citizens of Camden, Merchantsville, Callingwood, and Haddonfield, N. J., for amendment of Constitution to prohibit and punish polygamy and defining legal marriage—to the Committee on the Judiciary.

By Mr. LINDSAY: Resolutions of Central Federated Union of New York, urging legislation to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, resolution of B. F. Middleton Post, No. 500, Grand Army of the Republic, Brooklyn, N. Y., for the construction of naval vessels in the navy-yards of this country, etc.—to the Committee on Naval Affairs.

By Mr. MARTIN: Petition of J. Patten and others in relation to the leasing of public lands, irrigation, and homesteads—to the Committee on the Public Lands.

By Mr. MIERS of Indiana: Paper to accompany House bill granting a pension to James B. Mulky—to the Committee on Pensions.

By Mr. MOODY of Massachusetts: Petition of General Burnside Command, No. 7, Union Veteran Union, and H. C. Norton Camp, No. 129, Sons of Veterans, Haverhill, Mass., to accompany House bill granting an increase of pension to Daniel G. George—to the Committee on Invalid Pensions.

By Mr. MORGAN: Papers to accompany House bill for the removal of the charge of desertion from the military record of Charles Josiah Clark—to the Committee on Military Affairs.

Also, papers accompanying House bill to remove charge of desertion from the military record of John Hey—to the Committee on Military Affairs.

Also, papers to accompany House bill to remove the charge of desertion against the record of Allen Fenton—to the Committee on Military Affairs.

By Mr. MORRELL: Paper to accompany House bill 10009, to correct the military record of William Field—to the Committee on Military Affairs.

Also, resolution of King David Council, No. 342, Knights of the Golden Eagle, of Philadelphia, Pa., favoring legislation for the suppression of anarchy—to the Committee on the Judiciary.

Also, resolution of Operative Plasterers' Association, for the passage of laws which will prevent the immigration of persons who can not read—to the Committee on Immigration and Naturalization.

Also, resolution of New Orleans Progressive Union, protesting

against reduction in the sugar tariff—to the Committee on Ways and Means.

By Mr. NEVILLE: Petition of citizens of Gordon, Nebr., favoring the passage of House bill 7212, relating to leasing of public lands for grazing purposes—to the Committee on the Public Lands.

By Mr. PAYNE: Petition of Mary L. Seymour and others, of Auburn, N. Y., for an amendment to the national Constitution defining legal marriage to be monogamic—to the Committee on the Judiciary.

Also, petition of clerks in the post-office at Cortland, N. Y., for the enactment of an eight-hour law and mandatory classification for clerks in first and second class post-offices—to the Committee on the Post-Office and Post-Roads.

Also, petition of Julia D. Sheppard, of Penn Yan, N. Y., for an amendment to the Constitution providing that the right of citizens to vote shall not be denied or abridged by any State on account of sex—to the Committee on the Judiciary.

By Mr. RAY of New York: Petitions of post-office clerks in Ithaca and Owego, N. Y., for the classification of clerks in first and second class post-offices—to the Committee on the Post-Office and Post-Roads.

Also, petition of railway postal clerks of the Twenty-sixth Congressional district of New York, for the reclassification of the Railway Mail Service—to the Committee on the Post-Office and Post-Roads.

By Mr. RUPPERT: Paper to accompany House bill for the relief of Frederick Hoefer—to the Committee on Invalid Pensions.

By Mr. RYAN: Petition of railway postal clerks of the Thirty-second Congressional district of New York, for the reclassification of the Railway Mail Service—to the Committee on the Post-Office and Post-Roads.

Also, resolution of the National Live Stock Exchange, against the passage of the Grout bill—to the Committee on Agriculture.

By Mr. SHALLENBERGER: Petitions of Phil. Zeigler and 17 merchants of Riverton, Nebr., and John H. Clearman and 7 others, of Norman, Nebr., against House bill 6578, known as the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, paper to accompany House bill 4176, granting an increase of pension to Nathan W. Snee—to the Committee on Invalid Pensions.

Also, paper to accompany House bill 4172, granting an increase of pension to George R. Chaney—to the Committee on Invalid Pensions.

By Mr. SHERMAN: Petition of citizens of Utica, N. Y., for amendment of Constitution to prohibit and punish polygamy and defining legal marriage—to the Committee on the Judiciary.

By Mr. SPERRY: Resolutions of Buffers and Polishers' Union No. 8, of Meriden, Conn., favoring the construction of war ships at the navy-yards—to the Committee on Naval Affairs.

By Mr. SOUTHARD: Petition of Ship Carpenters' Union No. 6976, of Toledo, Ohio, favoring the building of war vessels in the navy-yards—to the Committee on Naval Affairs.

By Mr. STEVENS of Minnesota: Resolution of Washington County (Minn.) farmers, against reciprocal trade relations with Cuba admitting sugar free—to the Committee on Ways and Means.

Also, resolution of the Minnesota Good Roads Association, for an appropriation for improved roads in various sections of the country—to the Committee on Agriculture.

By Mr. SULZER: Petition of Lithographers' Protective and Beneficial Association, in opposition to House bill 5777, amending the copyright law—to the Committee on Patents.

By Mr. TONGUE: Protests of citizens of Lake County, Oreg., against leasing of public lands—to the Committee on the Public Lands.

By Mr. WADSWORTH: Resolution of Niagara Falls Command, No. 22, Spanish War Veterans, favoring the Bromwell bill providing payment of medical expenses of officers and men on sick furlough—to the Committee on Military Affairs.

By Mr. WANGER: Petition of Cigar Makers' Union No. 446, of Norristown, Pa., and Ardmore (Pa.) Union, No. 465, Brotherhood of Carpenters and Joiners, for the repeal of the desert-land act and the commutation clause of the homestead act, against donations of public lands to the States, and for an appropriation of $250,000 for irrigation surveys—to the Committee on the Public Lands.

Also, resolution of the Pennsylvania State board of agriculture, Harrisburg, Pa., in relation to the sale of public lands, the manufacture and sale of oleomargarine, and the irrigation of arid lands—to the Committee on the Public Lands.

Also, petition of Souderton (Pa.) Union, No. 115, American Federation of Labor, favoring the construction of naval vessels at Government navy-yards—to the Committee on Naval Affairs.

Also, petition of Stove Mounters' Union No. 46, of Royersford, Pa., for the restriction of illiterate immigrants—to the Committee on Immigration and Naturalization.

By Mr. YOUNG: Resolution of Pennsylvania State board of agriculture, for the enactment of a bill further taxing oleomargarine, opposing appropriations for irrigation of arid lands, and for the passage of House bill No. 8735—to the Committee on Agriculture.

Also, petition of Schuylkill Branch of Philadelphia Christian Endeavor Union, Garvin Hipple, and others, of Philadelphia, Pa., for the suppression of polygamy—to the Committee on the Judiciary.

Also, resolutions of the National Board of Trade, favoring amendments to the interstate-commerce law—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Merchants' Association of New York, favoring the reorganization of the consular service—to the Committee on Foreign Affairs.

Also, resolution of New Orleans Progressive Union, in opposition to reduction of tariff on sugar—to the Committee on Ways and Means.

Also, resolutions of the Art Federation of Philadelphia, against changing the title of Architect of the Capitol—to the Committee on Appropriations.

Also, resolution of King David Castle, No. 342, Knights of the Golden Eagle, and Legion of the Red Cross, of Philadelphia, Pa., for the suppression of anarchy—to the Committee on the Judiciary.

Also, resolution of Plasterers' Association No. 8, of Philadelphia, Pa., favoring an educational test in the restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the president of the Trans-Alaskan Railway Company, in relation to agriculture, fish, mining and transportation, etc., in Alaska—to the Committee on the Territories.

Also, resolutions of the Boot and Shoe Manufacturers' Association of Philadelphia, Pa., asking that hides be placed on the free list—to the Committee on Ways and Means.

Also, petition of Guarantee Council, No. 95, Junior Order United American Mechanics, in favor of the reenactment of the Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. ZENOR: Papers to accompany House bill 10772, for the relief of Cornelius Hall—to the Committee on Invalid Pensions.

SENATE.

WEDNESDAY, *February 5, 1902.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. QUAY, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

GROWTH OF CRIMINAL LAW OF THE UNITED STATES.

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the Secretary of State, transmitting a letter from Mr. Samuel J. Barrows, United States commissioner for the International Prison Commission, inclosing, as forming one of the reports of that commission, a copy of an address by the Hon. David K. Watson, one of the commissioners to revise the Federal statutes, on the "Growth of the criminal law of the United States." The documents accompanying the communication, the Chair is informed, have been sent to the House of Representatives. The communication and accompanying letter will be printed and referred to the Committee on Education and Labor.

FRENCH SPOLIATION CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel brig *Industry*, James Very, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law and of the opinion of the court filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel brig *Sally*, Samuel Wells, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the

court relating to the vessel brig *Good Intent*, Oliver C. Blunt, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the joint resolution (S. R. 49) increasing the membership of the Joint Committee of Congress upon the Library.

PETITIONS AND MEMORIALS.

Mr. NELSON presented the petition of E. A. Young, president of the National Association of Credit Men, of St. Paul, Minn., praying for the establishment of a department of commerce; which was ordered to lie on the table.

Mr. FOSTER of Washington presented a petition of the Board of Trade of Bremerton, Wash., praying that an appropriation be made for the construction of necessary buildings for the steam engineering department at the Puget Sound Navy-Yard, in that State; which was referred to the Committee on Naval Affairs.

Mr. KEAN presented a memorial of Pomona Grange, No. 1, Patrons of Husbandry, of Moorestown, N. J., remonstrating against the enactment of legislation authorizing the irrigation of the arid lands of the West at public expense; which was referred to the Committee on Irrigation and Reclamation of Arid Lands.

He also presented petitions of 36 members of Cross Keys Council, No. 278, of Cross Keys; of 64 members of Elberon Council, No. 85, of Oakhurst; of 81 members of Veritas Council, No. 194, of Riverside; of 44 members of Marlboro Council, No. 235, of Marlboro, and of 127 members of General U. S. Grant Council, No. 168, of Jersey City, all of the Junior Order United American Mechanics, in the State of New Jersey, praying for the reenactment of the Chinese-exclusion law; which were referred to the Committee on Immigration.

He also presented petitions of sundry citizens of Boonton and Ridgewood, in the State of New Jersey, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

Mr. QUAY presented petitions of the Presbyterian Young People's Society of Christian Endeavor of Elders Ridge, and of 48 members of the Young People's Society of Christian Endeavor of New Providence, in the State of Pennsylvania, praying for the enactment of legislation prohibiting the sale of opium and intoxicating liquors in the island possessions of the United States; which were ordered to lie on the table.

He also presented petitions of Lieut. H. H. Hoagland Post, No. 170, Department of Pennsylvania, Grand Army of the Republic, of Catawissa; of Brotherhood of Operative Potters' Union No. 51, of Canonsburg, and of Local Union No. 115, American Federation of Labor, of Souderton, all in the State of Pennsylvania, praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which were referred to the Committee on Naval Affairs.

Mr. FORAKER presented a memorial of sundry leper patients at the leper settlement on the island of Molokai, Hawaii, remonstrating against that settlement being made a national segregation settlement for persons afflicted with leprosy, as contemplated by the so-called Wilcox bill; which was referred to the Committee on Pacific Islands and Porto Rico.

Mr. CULLOM presented a petition of the Woman's Christian Temperance Union of Wheaton, Ill., praying for the enactment of legislation to prohibit the sale of firearms and intoxicating liquors in the island possessions of the United States; which was ordered to lie on the table.

MISSOURI HOME GUARDS, 1861.

Mr. COCKRELL. I have a letter from the Secretary of War, embracing 12 pages of typewriting, which contains much information in regard to a certain military organization in Missouri known as the Missouri Home Guards. It is very important to the Committee on Pensions and also to the Commissioner of Pensions that it be printed, and I ask that it be printed as a document. I make that motion.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. PRITCHARD, from the Committee on Forest Reservations and Protection of Game, to whom was referred the bill (S. 492) for the purchase of a national forest reserve in the Southern Appalachian Mountains, reported it without amendment, and submitted a report thereon.

Mr. CLAPP, from the Committee on Indian Affairs, to whom was referred the bill (S. 590) for the relief of the Mille Lac Chippewa Indians in the State of Minnesota, reported it with an amendment, and submitted a report thereon.

Mr. WARREN, from the Committee on Claims, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 308) to reimburse the State of Wyoming for money expended by the Territory of Wyoming in protecting and preserving the Yellowstone National Park during the years 1884, 1885, and 1886;

A bill (S. 1920) for the relief of Albert C. Brown; and

A bill (S. 173) for the relief of the owners of the British ship *Foscolia* and cargo.

Mr. WARREN, from the Committee on Claims, to whom was referred the bill (S. 2090) for the relief of John L. Rhea, executor of Samuel Rhea, deceased, and John Anderson, administrator of Joseph R. Anderson, deceased, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 2487) for the relief of Bvt. Capt. James D. Vernay, asked to be discharged from its further consideration and that it be referred to the Committee on Military Affairs; which was agreed to.

Mr. WARREN. I am directed by the Committee on Claims, to whom was referred the bill (S. 1091) for the relief of the Portland Company, of Portland, Me., to submit an adverse report thereon. I ask that the bill be placed on the Calendar.

The PRESIDENT pro tempore. The bill will be placed upon the Calendar with the adverse report of the committee.

Mr. STEWART, from the Committee on Claims, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 165) to reimburse certain persons who expended moneys and furnished services and supplies in repelling invasions and suppressing Indian hostilities within the territorial limits of the present State of Nevada; and

A bill (S. 169) for the relief of Robert D. McAfee and John Chiatovich.

Mr. TALIAFERRO, from the Committee on Claims, to whom was referred the bill (S. 567) for the relief of H. B. Matteosian, reported it without amendment, and submitted a report thereon.

Mr. CULLOM, from the Committee on Foreign Relations, to whom was referred the amendment submitted by Mr. HALE on the 3d instant, proposing to appropriate $1,800 for second secretary to the legation of the United States at Vienna, Austria, intended to be proposed to the diplomatic and consular appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. KEAN, from the Committee on Claims, to whom was referred the bill (S. 903) for the relief of William D. Rutan, reported it without amendment, and submitted a report thereon.

Mr. HEITFELD, from the Committee on Public Lands, to whom was referred the bill (S. 1912) granting to the State of Washington 50,000 acres of land to aid in the continuation, enlargement, and maintenance of the Washington State Soldiers and Sailors' Home, reported it without amendment, and submitted a report thereon.

Mr. MASON, from the Committee on Claims, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 475) to refer the claim of Joseph W. Parish to the Secretary of the Treasury for examination and payment of any balance found due; and

A bill (S. 1902) for the relief of Flora A. Darling.

EMPLOYMENT OF MESSENGERS.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the following resolution, submitted by Mr. CLARK of Wyoming on the 3d instant, reported it without amendment; and it was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Railroads be, and is hereby, authorized to employ a messenger, to be paid from the contingent fund of the Senate, at the rate of $1,440 per annum, until otherwise provided by law.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the following resolution, submitted by Mr. FOSTER of Washington on the 28th ultimo, reported it without amendment; and it was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Coast and Insular Survey be, and it hereby is, authorized to employ a messenger, to be paid from the contingent fund of the Senate, at the rate of $1,440 per annum, until otherwise provided for by law.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the following resolution, reported by Mr. BEVERIDGE from the Committee on Territories on the 31st ultimo, reported it without

amendment; and it was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Territories be, and it hereby is, authorized to employ a messenger, to be paid from the contingent fund of the Senate at the rate of $1,440 per annum until otherwise ordered.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the following resolution, submitted by Mr. DEPEW on the 28th ultimo, reported it without amendment; and it was considered by unanimous consent, and agreed to:

Resolved, That the Committee on the Revision of the Laws of the United States be authorized to appoint a messenger, whose services shall be devoted exclusively to the business of said committee, and paid from the contingent fund of the Senate at the rate of $1,440 per annum until otherwise provided for by law.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the following resolution, submitted by Mr. SCOTT on the 29th ultimo, reported it without amendment; and it was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Mines and Mining be, and it is hereby, authorized to employ a messenger, to be paid from the contingent fund of the Senate at the rate of $1,440 per annum until otherwise provided for by law.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Mr. MORGAN introduced the following bills; which were read twice by their titles, and referred to the Committee on Claims:

A bill (S. 3525) for the relief of the estate of Martha Byrd, deceased;

A bill (S. 3526) for the relief of the estate of Jonathan Paulk, deceased;

A bill (S. 3527) for the relief of the estate of Thomas J. Price, deceased;

A bill (S. 3528) for the relief of Cain Leach;

A bill (S. 3529) for the relief of John Graves Turner;

A bill (S. 3530) for the relief of estate of Jonathan Lewis; and

A bill (S. 3531) for the relief of the heirs of Dr. John H. Robinson.

Mr. HARRIS introduced a bill (S. 3532) granting a pension to Ashbell G. F. Janes; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SIMMONS introduced a bill (S. 3533) granting a pension to Zebulon A. Shipman; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3534) for the relief of D. S. Barrus and others; which was read twice by its title, and referred to the Committee on Claims.

Mr. MALLORY introduced a bill (S. 3535) for the relief of the heirs at law of Edward N. Oldmixon; which was read twice by its title, and referred to the Committee on Claims.

Mr. BARD introduced a bill (S. 3536) for the relief of certain Mission Indians of California, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. WETMORE introduced a bill (S. 3537) to remove the charge of desertion from the military record of Michael J. Pryor, alias Michael Nolan; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. GALLINGER introduced a bill (S. 3538) for the relief of Sophie Kosack; which was read twice by its title, and referred to the Committee on Claims.

Mr. MITCHELL introduced a bill (S. 3539) to amend an act entitled "An act to provide for the adjudication and payment of claims arising from Indian depredations," approved March 3, 1891; which was read twice by its title, and referred to the Committee on Indian Depredations.

Mr. QUAY introduced a bill (S. 3540) to establish a national park and to erect a peace monument at Appomattox, in the State of Virginia: which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

He also introduced a bill (S. 3541) to correct the military record of C. Wilson Walker; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 3542) granting an increase of pension to William H. Shaw; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3543) granting a pension to Mary Allum; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WARREN introduced a bill (S. 3544) to amend an act entitled "An act to provide for the adjudication and payment of claims arising from Indian depredations," approved March 3, 1891; which was read twice by its title, and referred to the Committee on Indian Depredations.

Mr. CLARK of Montana introduced a bill (S. 3545) for the relief of Warren S. Baxter; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. DILLINGHAM introduced a bill (S. 3546) for the relief of L. A. Noyes; which was read twice by its title, and referred to the Committee on Claims.

Mr. MASON (by request) introduced a bill (S. 3547) to provide for the transmission in the mails of sums of money of $1 and less by postage-stamp certificates, to be used in lieu of postage stamps, now commonly employed in the payment of small accounts; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

He also introduced a bill (S. 3548) authorizing the construction of a training ship for the use of the Naval Militia of Illinois and the several States bordering on the Mississippi River; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 3549) for the relief of P. J. Sexton, Ezekiel Smith, and Frank Jubin; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3550) authorizing the Santa Fe Pacific Railroad Company to sell or lease its railroad property and franchises, and for other purposes; which was read twice by its title, and referred to the Committee on Pacific Railroads.

Mr. COCKRELL introduced a bill (S. 3551) granting an increase of pension to John P. Collier; which was read twice by its title.

Mr. COCKRELL. To accompany the bill I present the petition for increase of pension of John P. Collier, Company A, Eleventh Regiment Kentucky Volunteer Infantry, together with his affidavit and the affidavits of Capt. E. F. Kinnaird, A. B. Sanders, and county officials and others, and also decision of the Secretary of the Interior on appeal, War Department record, and hospital records. I move that the bill and accompanying papers be referred to the Committee on Pensions.

The motion was agreed to.

Mr. COCKRELL introduced a bill (S. 3552) granting a pension to John A. Reilley; which was read twice by its title.

Mr. COCKRELL. To accompany the bill, I present the petition of John A. Reilley, Company B, First Battalion, Fremont's Rangers, Missouri Home Guards, together with his military record, and the affidavits of Robert Drum, H. W. Myrick, and Dr. August Sanders. I move that the bill and accompanying papers be referred to the Committee on Pensions.

The motion was agreed to.

Mr. COCKRELL introduced a bill (S. 3553) granting an increase of pension to Mary A. Van Wormer; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FAIRBANKS introduced a bill (S. 3554) granting an honorable discharge to Thomas J. Brown; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. PLATT of Connecticut introduced a bill (S. 3555) for the relief of William Dugdale; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. MCMILLAN introduced a bill (S. 3556) granting a pension to Julia Rowland Mizner; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3557) to provide for free transfers between street railway lines in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. HOAR introduced a bill (S. 3558) to fix the salaries of the Vice-President and of the members of the two Houses of Congress; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. HALE introduced a bill (S. 3559) granting an increase of pension to George E. Houghton; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FORAKER introduced a bill (S. 3560) to amend an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes and their locomotives with driving-wheel brakes, and for other purposes," approved March 2, 1893, and amended April 1, 1896; which was read twice by its title, and referred to the Committee on Interstate Commerce.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (S 3561) for the relief of James C. Whitten (with accompanying papers);

A bill (S. 3562) to remove the charge of desertion from the military record of Frederick Madaka (with accompanying papers);

A bill (S. 3563) for the relief of Azor H. Nickerson; and

A bill (S. 3564) to remove the charge of desertion from the military record of John F. Barney.

Mr. FORAKER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3565) granting a pension to Clara G. Garretson;

A bill (S. 3566) granting an increase of pension to John W. Armitage; and

A bill (S. 3567) granting a pension to Peter J. Osterhaus (with accompanying papers).

Mr. MILLARD introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions;

A bill (S. 3568) granting an increase of pension to John P. Travis (with accompanying papers);

A bill (S. 3569) granting a pension to Marquis Brown (with accompanying papers); and

A bill (S. 3570) granting an increase of pension to James Rush (with accompanying papers).

Mr. CLAPP introduced a bill (S. 3571) to provide for the erection of a monument in commemoration of the services of Gen. Frederick Steuben in the Revolutionary war; which was read twice by its title, and referred to the Committee on the Library.

Mr. TELLER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions;

A bill (S. 3572) granting an increase of pension to John B. Hanna;

A bill (S. 3573) granting an increase of pension to John C. Post; and

A bill (S. 3574) granting an increase of pension to Henry R. Bennett.

Mr. NELSON introduced a bill (S. 3575) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof; which was read twice by its title, and referred to the Committee on Interstate Commerce.

He also introduced a bill (S. 3576) for the relief of William Duncan; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. HAWLEY introduced a bill (S. 3577) granting an increase of pension to Mary V. Walker; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McMILLAN introduced a joint resolution (S. R. 50) directing the Attorney-General to bring suit to determine the constitutionality of the retrocession of that portion of the original District of Columbia which was ceded to the United States by the State of Virginia; which was read twice by its title, and referred to the Committee on the Judiciary.

AMENDMENT TO INDIAN APPROPRIATION BILL.

Mr. HANSBROUGH submitted an amendment proposing to appropriate $441,172.89, out of any money in the Treasury belonging to the Choctaw Nation, to pay the claims against the Choctaw Nation of John A. Rollins and James Gilfillan, as assignees of Luke Lea and John T. Cochrane, for services rendered in the collection from the United States of what is commonly known as the "Net proceeds claim," intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

INTERSTATE COMMERCE COMMISSION.

On motion of Mr. ELKINS, it was

Ordered, That 500 extra copies of the bill (S. 3521) to enlarge the jurisdiction and powers of the Interstate Commerce Commission be printed for the use of the Senate.

EXECUTION OF LEGAL INSTRUMENTS IN THE PHILIPPINES, ETC.

Mr. GALLINGER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5814) to provide for the execution in the Philippine Islands and in Porto Rico of deeds for land situate in the District of Columbia, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate, and agree to the same.

J. H. GALLINGER,
JAMES McMILLAN,
THOMAS S. MARTIN,
Managers on the part of the Senate.
JOHN J. JENKINS,
SPENCER BLACKBURN,
W. S. COWHERD.
Managers on the part of the House.

The PRESIDENT pro tempore. The question is on agreeing to the report of the committee of conference.

Mr. HOAR. There was a bill on this subject which passed the Senate the other day enlarging the scope of the measure originally proposed. Is that included in the report?

Mr. GALLINGER. Mr. President, I will say to the Senator from Massachusetts that this is the bill he alludes to. The House disagreed to the amendments of the Senate, but the House conferees receded from the agreement and agreed to the amendments.

Mr. HOAR. It is all right, then. I did not know but that it was some independent measure.

Mr. GALLINGER. It is the same bill.

The report was agreed to.

URGENT DEFICIENCY APPROPRIATION BILL.

Mr. HALE. I ask the Senate to proceed to the consideration of the urgent deficiency appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9315) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1902, and for prior years, and for other purposes.

The PRESIDENT pro tempore. The question before the Senate is on the amendment of the committee to strike out on page 44 lines 11 to 16, inclusive.

Mr. TILLMAN. Mr. President——

Mr. HALE. Will the Senator yield?

Mr. TILLMAN. What does the Senator from Maine desire?

Mr. HALE. I wish to make a statement about the business of the Senate as presented by the bill.

Mr. TILLMAN. Certainly; I give way, sir.

Mr. HALE. Mr. President, I am very desirous of finishing the consideration of this bill as early as possible, and practically the bill, so far as its provisions go, has already been passed by the Senate. There are only one or two matters, which will not take time, that have been reserved.

The consideration of the bill is complicated by a discussion of the scandal, or alleged scandal, in Alaska. The subject-matter is not in the bill. The Noyes episode is not here. While I am powerless entirely and am at the mercy of Senators, I venture to appeal to them to let me go on with the consideration of the provisions which are in the bill and get it passed, so that it may go over to the House.

Of course I understand that some Senators may feel that, after what was said yesterday afternoon, there should be the opportunity of reply. I see the force of that. As I said, I am powerless; I can do nothing; but I appeal to Senators generally, after proper reply has been made, not to prolong the discussion of that subject on the bill, because the Senate is clearly divided upon it. There are friends of the judge here, who will stand by him, and there are many Senators who believe that there is a bad condition up there. That debate may run on indefinitely. I shall sit down now, simply with this general appeal to Senators, that after proper reply has been made, if Senators desire to reply, we do not prolong the discussion further on this matter, but let the Senate go on and complete the bill.

Mr. McCUMBER. Mr. President——

Mr. HALE. The Senator from South Carolina yielded to me.

The PRESIDENT pro tempore. The Senator from South Carolina was recognized.

Mr. TILLMAN. I will give way to the Senator from North Dakota, if he desires the floor.

Mr. McCUMBER. I believe, Mr. President, that I had the floor when we adjourned last evening, and I was about to speak to the subject that was introduced by the Senator from South Carolina.

Mr. President, it seems to me that there are proper times for considering subjects that ought to be brought before the Senate. There are proper times for bringing a subject before the Senate. I do not know of anything that can possibly be said to be more inopportune than the dragging in of this Noyes difficulty and this Nome matter on every conceivable opportunity during the last twelve or fifteen months.

It has been brought in and the most villainous charges have been made, charges which I knew then and know now to be entirely unfounded, charges which I know to be absolutely false. I have had to restrain myself for months when listening to these false accusations, with the hope that the parties who seemed to be so instrumental in carrying out the designs of certain persons who desire to control the entire Nome country would cease at some time, and feel themselves that a matter which was being duly considered by the courts ought to be left in the hands of the courts until they had disposed of it, and that it would be premature for the Senate to express an opinion, much less to render a verdict, upon matters then before the Supreme Court of the United States or the court of appeals before the judges themselves had seen fit to put upon the record their own convictions and their own decisions in the matter.

One man has been assailed particularly. I know the Senator from South Carolina; I know that he belongs to that class of men

who have been known for their chivalrous conduct at all times; I know, further, that if he was well acquainted with Alexander McKenzie, the man whom he stabs here in the back and in the darkness and under conditions in which he can not defend himself, his own sense of manhood, his own sense of fair play, would require him to desist a while at least from an attack of that kind.

I have known this man, Mr. President, for twenty years, ever since I have been in business for myself. I know him to be a noble-hearted, generous, impulsive, sympathetic individual, one whom the Senator from South Carolina would love as a brother if he knew him. He is a man who is so true to his own principles of manhood that he would give his very life's blood for any friend and ask for no remuneration on earth except the fidelity of a friend to a friend.

Now, Mr. President, this man has been assaulted. He has been declared to be a thief, a man who has entered into a conspiracy, and he has been condemned by the circuit court of California of the ninth district as being, in connection with Judge Noyes, in a conspiracy to rob people of their rights.

No person on earth has ever placed his finger upon a single line or letter or any word to show that Alexander McKenzie or Judge Noyes has ever wronged a man out of one single dollar, and I defy anybody to obtain anything from these records to show that either of these men, so charged by this court and so convicted, has ever in reality injured another individual.

Mr. BERRY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Arkansas?

Mr. McCUMBER. Certainly.

Mr. BERRY. I simply want to ask a question. I simply want to know the facts.

I read the opinion of the court last night. It is stated in that opinion that it was proven that Mr. McKenzie had gone to a firm of lawyers who represented one of the claimants to these mines and had stated to them that it was best that they should transfer to him a certain interest in that mine, and they did so transfer it—I think a fourth interest—and that after the transfer was made to him Judge Noyes appointed him receiver to take charge of the mine in the litigation then pending. Is that a fact or has the court misstated the fact?

Mr. McCUMBER. I will answer the Senator. The man who makes that statement or attempts to make that statement is proven in the very record from which that statement is obtained to be a falsifier. That man himself made an affidavit absolutely to the contrary before the influence of this syndicate was so strong as to bring him over and hire him to make those false statements.

The other two members of the same firm with whom he claims to have been a partner, and who know as much about everything as he does and who were his partners, denounce it as an absolute falsehood. He himself has denounced it before in his own evidence.

I stated in the few remarks I made yesterday that this conviction or this judgment has segregated certain portions of evidence taken from over 3,000 pages of irrelevant testimony, testimony that was merely hearsay, and twice removed in many instances; and even then it had to segregate the parts and put them together without giving either the public, who are interested in this matter, or the Senate the evidence from which the court drew their conclusions.

Mr. BERRY rose.

Mr. McCUMBER. I desire to say to the Senator that I will reach all of these points in time if he will give me but an opportunity.

Mr. BERRY. If the Senator will permit one other question, I will not interrupt him further.

Mr. McCUMBER. Gladly. I am glad to be interrupted.

Mr. BERRY. It is also stated by the court that after this mining proposition was returned to the parties from whom it was taken by Judge Noyes's order, Mr. McKenzie, in making his report, reported that he had received from working the mines $35,000, and that his expenses had been much more than that amount. The court thereupon states that upon investigation it was found that he had received $100,000 from working the claim and that his expenses had been only $35,000. Is that also a false statement by the court, or is it true?

Mr. McCUMBER. The statement is incorrect, as shown from all of the evidence which I have read—not in the 3,000 pages, but from evidence bearing upon that, with which I am pretty well acquainted.

Now, I purpose to go through with this matter. Who is this man Hume who gives the testimony referred to? What is his standing in Alaska? What is he known as being there? Go into the country and find yourself the standing of that man, and it would condemn him without anything else.

But even he does not attempt to convict Judge Noyes, except as he testifies that somebody else said to him that somebody else was interested. He did not have the talk with McKenzie, nor does he claim that, as I understand; but he talked with somebody else who said that McKenzie had that interest, and that McKenzie could control that court and would control the judge.

Now, I have known Alexander McKenzie. I have known him all these years. A more quiet, unassuming individual I never met, and I know enough about the man to know that even if there was anything of that character in his mind he would have kept it to himself. I know him to be a man of sufficient intelligence to do that. I know his position there. When any man accuses him of entering into a conspiracy so fishy as that which has been indicated in that decision, I simply stand between him and any such false accusation.

I will go over this matter and explain it not only to the Senator but to the Senate, so that Senators may understand some of the particulars in this case and can draw a correct conclusion and see whether or not all of the judgments that have been entered are just and fair, or whether they are the result of a prejudice or a passion created by this syndicate that seeks to control all of that country by a persistent purchase of the press and publishing day after day falsehoods and false accusations.

Mr. President, I say that this has been uttered so often here that forbearance has ceased to be a virtue upon my part. Without attacking any judge, because I will admit that they are all honorable men, I shall at the same time show what has been done, according to the record, in the McKenzie case, and you can draw your conclusion from what is the possibility of what may have been accomplished in the other case.

These are honorable men, as was stated by the Senator from California, and I want to tell him that as to Alexander McKenzie, Dudley Dubose, Mr. Frost, Mr. Wood, each and every one of them is shown to be as honorable a man as the Senator or any other person. So it is a question of one party of honorable men convicting another honorable man and sentencing him without any evidence whatever, scarcely, or with barely enough to sustain themselves upon the record.

They may be honorable men. I am not attacking them. I consider, however, that their judgments have been warped; and when you tell me that a black mark is white simply because a white man made it I will still criticise it as being a black mark, and it is not going to change the color.

What these judges have done the record shows. The evidence on which they have acted is a clear, concise statement. Here is the record in the McKenzie case. At the last end of it you will find the conclusion of the court, and I want to tell every Senator here that there is not one scintilla of evidence in that entire record which will support the conclusion of the court of a conspiracy on the part of Alexander McKenzie.

Let me see what the facts show in this case. It is stated that Mr. McKenzie and Judge Noyes went to Seattle and from Seattle to Nome on the same boat, and from the fact that they were seen upon the same boat the court concludes that there must have been a conspiracy.

How did they happen to go on the same boat? The judge went there intending to take a boat later. He had engaged his passage upon a boat which was to leave at a later period. Finding that there was a boat going in a day or two, the same one on which McKenzie went to Nome, he went, with his secretary, on board that boat.

Now, when he got to Nome I want to explain the conditions he found at that place. You will remember that there had been no judge in the country for about a year. Judge Johnson, who is now attorney for this Lane syndicate, had come off the bench just at the time when they were about trying some important cases, and he afterwards acts as the attorney for this same syndicate.

Then they had no judge there for about a year. The syndicate did not need a judge there. They had enough men in their employ, enough under their control, so that they could get along very well without a court, for sometimes a court becomes an inconvenient thing.

He found another condition there. There were somewhere about 100 cases, as I am informed, that were all ready and the papers all drawn the moment the court should arrive in Alaska; and the moment that he did arrive Judge Noyes was importuned and motions were made before him for the purpose of securing receivers and granting injunctions.

What should he have done under the conditions as they existed? Here were hundreds of men out of employment. It is said there were about 1,000 men of disreputable character there, many of whom had come out of penitentiaries. There was a lawless element there; they were craving for work; there was nothing to do. One of the parties representing the Lane syndicate desired that the judge simply grant injunctions, if he did anything; but if he granted injunctions against the working of those mines, then there would have been a thousand or more men who would be lying idle.

It is claimed here that he simply appointed Mr, McKenzie receiver in all of these cases so that he might take the mines for the benefit of himself and the judge. Let us see what the facts are. The were but 15 cases—I believe that is the limit of the number of cases—in which a receiver was appointed, as I am informed, about that number. There were something over a hundred applications and many were refused. In many cases receivers were discharged and nothing further done with reference to the claims.

So it is that this great claim that McKenzie went there and was appointed receiver over half of the Nome country falls when one understands the real facts in the case as to the appointment of receivers. Alexander McKenzie was appointed receiver in some four or five of these cases; other persons were appointed receivers in other cases. You could not get a receiver on every corner of the street there; everybody could not justify in a sum of $35,000 to $100,000, and it was impossible for Judge Noyes, in his short acquaintance there, to pick up a man who had been there for any number of years, knowing him to be a straight and competent man.

Now, they say that no notice was given; that the moment he landed he appointed these receivers. That is true, Mr. President; but they do not tell all of it. He appointed receivers then and there because the claims involved were placer mining claims, and within the ten days' notice of hearing great damage could have been done. He appointed a receiver and said: "You can now make a motion to discharge the receiver;" and such motions were made, and the court refused to discharge the receiver and McKenzie went into possession.

I want to state to the Senate what was done by Alexander McKenzie, this man who is charged with being a thief; this man who is charged with stealing so much property; this man who is charged with having entered into a conspiracy to rob that whole country. Not one dollar, not one cent, of all the gold that was taken out of that Nome country by him was unaccounted for. Not only this, but it is shown that in mining these claims before that time the expense of securing the gold was about 50 per cent—from 40 to 50 per cent—of its output.

This man who is said to have robbed these individuals reduced it down to between 16 and 18 per cent. The judge made an order that every person interested in the clean up of the gold should be present, and they were present, and their seal and concurrence was impressed upon every ounce of gold that was taken from the mines.

After he had been working the mines a little while and they saw that they were yielding well under the good management of Alexander McKenzie, then those who represented the opposite side came to the court and said "the bonds of McKenzie are not high enough." "Very well," said the court, "we will protect you in this way." So the court made an order that every dollar's worth of the gold that was taken from those mines should be taken to certain vaults; and that order declared that the gold should there "remain until the further order of the court herein."

When that gold was placed in the vaults it was out of the control of Alexander McKenzie, except in so far as he could take it out upon the order of the court, and he could only take it out from time to time as the court ordered portions of it to be taken out and used in the payment of the men who were working under him.

This was the condition, Mr. President, when an application was made for an appeal. Judge Noyes looked over the Alaskan code at that time, and I want to tell you what he found on the question of whether an appeal would lie from an interlocutory order. Chapter 51, part 4, of Carter's Annotated Alaska Codes, section 507, page 252, reads as follows:

> An appeal may be taken to the circuit court of appeals from any interlocutory order granting or dissolving an injunction, refusing to grant or dissolve an injunction made or rendered in any cause pending before the district court within sixty days after the entry of such interlocutory order. The proceedings in other respects in the district court in the cause of which such interlocutory order was made shall not be stayed during the pendency of such appeal unless otherwise ordered by the district court.

We well know that there is no appeal from interlocutory orders, unless allowed by express statute. This express statute allows an appeal from an order dissolving or granting an injunction, and there stops. Those attorneys who represented the opposite side from those requesting the appointment of receivers claimed that this in effect was an order of injunction, because it enjoined the other claimants from proceeding to work the mines, and they made their application and they argued the case before Judge Noyes upon that point.

Judge Noyes rightly held that every appointment of a receiver over the claim of any individual necessarily enjoined the other person from working the same property; and he held that it was not an injunctional order, but an interlocutory order appointing a receiver only.

Mr. President, there was another law passed about the same time—in fact, upon the same day—granting an appeal from an interlocutory order appointing a receiver. It was one amending the law pertaining to the right and authority of the court of appeals of the ninth circuit. A copy of this law, however, was not in Alaska, or, at least, it was not known by any of the attorneys at that particular time.

So it was held that it was not appealable, and Judge Noyes refused to allow an appeal to be taken. Then the parties went to the ninth circuit, and there made application to that circuit court for an order allowing an appeal. At that time they had before them this law, which was passed, I think, on June 7, 1900, on the same day as the other law, which carried into effect the Alaskan code.

Mr. President, here was the first order that was brought to Mr. McKenzie's notice. It was a writ of supersedeas issued by the circuit court of the ninth circuit. First, was the order which directed and ordered the issuance of a writ of supersedeas. This order was filed in the lower court—that is, in the court at Nome.

This order simply directed that a writ of supersedeas issue out of the court and that writ simply commanded all persons to desist from further action in the matter. It did not require them to turn over any of the property; it did not decide the case before it ever got to the court of appeals; but simply directed them to desist from any further action.

An order was drafted by the attorneys representing in that case Mr. Chipps and others, which it seems was afterwards affirmed by the ninth circuit court of appeals, which writ went entirely outside of the order. It not only contained what this order contained, but it went further, and directed the defendant, Alexander McKenzie, to turn over all of the property received by him under and by virtue of such orders appointing him receiver.

Mr. President, when these writs were brought to the notice of Mr. McKenzie, this question arose: What should be done with the gold? Was it the intention of the circuit court of appeals that he should turn the gold dust over without ever having paid the men who took it out of the ground? Was it the intention that he should turn over all of this property before there had been a hearing, or was it simply the intention to stay proceedings in the matter?

All of the attorneys interested went before Judge Noyes and had a fair and open hearing upon this proposition. McKenzie said, "I am not an attorney; I am simply a layman. I will submit this matter to my attorney, and if my attorney tells me to turn over that property, then I will turn it over; I will act according to his advice." He gave the writ to his attorney, Hon. T. J. Geary, who, after looking it over, advised him about as follows: "There is no question now under the writ but that you should turn over the property itself. As to whether you shall turn over the gold taken from this property, I desire to consider it further."

McKenzie reported upon that and asked for further time. This writ was served about 3 o'clock in the afternoon, and by 6 o'clock in the afternoon he expected to get a reply from his attorney. His attorney, after examining the law, after looking at the writ, after going into the case as much as possible, advised Mr. KcKenzie in writing that the writ was void, first, because no appeal would lie from an interlocutory order appointing a receiver, and, second, because the order directing the issuance of the writ of supersedeas never directed that it should contain a statement that the property and gold dust itself should be turned over, and thereupon the entire case determined by the writ allowing the appeal, and not waiting until the case should arrive at the court to be determined by the court itself.

What would any honest man have done under the conditions? What condition was he in? I want to call your attention, Mr. President, to some of the statements that were made at the time of the hearing in the case of Alexander McKenzie, when he was brought before the court for contempt; and I especially call attention to the attorneys who were prosecuting Alexander McKenzie.

When they had completed the testimony before the referee or commissioner appointed by the circuit court of appeals, they then went before the court itself, and the attorneys who had prosecuted this case from beginning to end made this statement to the court. After reciting the same facts which I have recited, they said:

> This is a statement of the facts, with this addition, that the receiver, McKenzie, seems to have been between two fires. He was being threatened by the plaintiffs and their attorneys that if he did not comply with the writ he would be subjected to contempt of the order of Judge Noyes—

It will be remembered that this was the order in which Judge Noyes directed that that gold should not be taken from the vaults except upon his order, and if McKenzie obeyed that order he could not turn over one ounce of that gold without being subject to an

action for contempt before Judge Noyes. The attorneys further say:

and he was being threatened by the attorneys for the defendants that if he did not comply with the order of the writ of supersedeas that he would be in contempt of this court.

This statement we make in order that we may fully lay the matter before the court, desiring to take the advice of the court upon the proposition, but not wishing to have the court believe that we are in any manner attempting to use a quasi-criminal process of the court in furtherance of our prosecution of a civil remedy, or to force a settlement of it; and as we have stated, we would like either to dismiss the case, should the court be of the opinion that we may, or to submit it upon the testimony herein given in the proceedings above mentioned.

This paper was signed by J. C. Campbell and W. H. Metson, and is dated January 31, 1901. It was placed in the record as showing the desire of the persons who were prosecuting in two of these cases, that Mr. McKenzie should be released, and admitting before the court that he was placed in a position in which he ought not to be convicted of any offense whatever.

Mr. President, when this matter got up to the court in San Francisco, they found another section of our laws, which it seems had not been published, or had not been in Alaska, at least, at the time, a law in which an appeal might lie from an interlocutory order appointing a receiver. This was the act of June 6, 1900, amending section 7 of the court of appeals act, which was approved, and reads as follows:

That where upon a hearing in equity in a district court or in a circuit court, or by a judge therof in vacation, an injunction shall be granted or continued or receiver appointed by an interlocutory order or decree, in a cause in which an appeal from a final decree may be taken under the provisions of this act to the circuit court of appeals, an appeal may be taken from such interlocutory order or decree granting or continuing such injunction or appointing such receiver to the circuit court of appeals.

There was a serious question whether the district court referred to there did not mean a constitutional district court and not a legislative court. It had been decided again and again, and under similar statutes, that "district court" referred simply to a constitutional court.

The Supreme Court held that this section, considered in pari materia with the other section of the Alaska code, gave the circuit court of appeals jurisdiction, and, considering that they had jurisdiction of the case, then the United States Supreme Court would not go into the question whether or not, upon a writ of habeas corpus, the evidence was sufficient, or any proper evidence had been adduced, to justify the conviction of Mr. McKenzie. That was the way the case went out of the Supreme Court of the United States.

I have stated, and I reiterate, that I read very carefully at the time the entire record in the McKenzie case. I also read the decision of the court as written by Judge Ross in the same case, and in that decision he gives four-fifths of the whole time and space to the consideration of what he claims to be an attempted conspiracy on the part of Judge Noyes and Alexander McKenzie. The word "conspiracy," or any fact or circumstance relating to conspiracy, is not to be found in that entire record. Where did he get it? I found out afterwards where he got portions of it. The greater portion seemed to be from publications in the San Francisco newspapers. They were not a part of the record.

When this was done and disposed of, the next step that was taken was to secure the pardon of Alexander McKenzie. All these matters were laid before the Attorney-General, and he gave them careful consideration. In his opinion, upon the record, the circuit court of appeals should not have done certainly anything more than to have given a mild rebuke for the offense which was committed—namely, obeying the order and direction of his attorney but for two hours or more, and then disobeying possibly the order of the circuit court of appeals, because I want to tell you, Mr. President, that within three hours after these writs were served the bank in which these vaults were was in possession of an armed force, and neither Mr. McKenzie nor anyone else could have carried into effect that order, and even if he had he would take the chance of being brought up before Judge Noyes for contempt of court in disobeying his orders. He acted under the advice of his attorney.

What did he suffer for that? I want the Senator from South Carolina [Mr. TILLMAN], who I know is a man of sympathy, and naturally kind and gentle, for a moment to consider what under those circumstances would have been a just and proper punishment for the simple offense of disobeying the writ.

The punishment that was given was one year in the county jail—six months each on two of these orders. Can any man conceive of a more heinous and more bloodthirsty character of condemnation than was given in this case? "Ah," but answer the judges, "we are not punishing for a mere technical disobedience; we are punishing for a conspiracy."

There are two matters you must consider in connection with this case, Mr. President. In the first place, he was not convicted of any conspiracy; in the second place, Judge Noyes was 2,000 miles distant and knew nothing about what was being done in San Francisco—the other conspirator.

In the next place, if any conspiracy had been entered into between these parties, under the law of the land they were entitled to a trial by jury upon a proper indictment. Therefore the conviction and this enormous punishment was upon a mere technical disobedience of a writ.

That is not all, Mr. President. The Senator from California [Mr. PERKINS] says that these are honorable men. I will concede that they are, but I must judge their acts and the feelings of humanity in their breasts by what they have done in this case. Let us see. They carefully guarded their own court from any character of insinuation.

They say, "If you ever do disobey the order of this court, it must, in order to sustain its majesty, send you to jail for one year;" and yet in the same judgment, in the same conviction, it attacks a court 2,000 miles distant, which could not defend itself, and in most scurrilous language condemns it, and convicts it without even a hearing. It argues that it must be protected and its dignity preserved by placing five or six men in prison for a mere technical disobedience of law upon a question of a different construction of a statute.

When they tried McKenzie, where did they get all the evidence? I found out this. There is the record down in the Attorney-General's office of the report of those judges when the application for a pardon was sent to them. It answers this entire inquiry. The Attorney-General saw that there was nothing in that record to convict, and he asks where they did get the record to convict Mr. McKenzie of this terrible offense. It never ought to have gone back to the judges.

It is certainly an improper policy, it seems to me, to refer a question of the character of punishment which shall be inflicted to the party who says that he is the injured individual. It is all proper enough in other cases, where judges are presumed not to be prejudiced, but inasmuch as they say the assault was upon the court, the court certainly must be the injured party; and they are to determine the amount of punishment that shall be inflicted. In their reply what do they do? They go into the Dubose case.

Mr. McKenzie was not a party to the Dubose case. The court convicted Dubose of having agreed with other attorneys who were associated with him that the writ was void and that it should not be obeyed by the parties; it was conveyed to the party in interest by their attorneys and he disobeyed the writ, although the record shows that Mr. Dubose had never seen this client or ever had anything in the world to do with him; but for his position in that case he must take his six months in prison in the county jail.

They reported on this Dubose case, and let me tell you here, Mr. President, that that Dubose case is just exactly in the same condition as all the others. Witnesses who had failed in a case before Judge Noyes were asked in that case if they did not believe that Judge Noyes was dishonest and if they did not believe that he was improperly influenced in deciding that case against them; and those persons who felt that they had possibly not been justly treated in their case very willingly gave their version of the matter, that Judge Noyes was not an honest man or he could not have decided their cases in favor of the other litigants.

Then they take several hundred pages in the Dubose case and they segregate a little evidence on this page, a line or two on another page, a sentence from another page, and they go through some 600 pages in that case, and they find enough, they say, to justify them in holding that Mr. McKenzie was guilty of contempt, although nearly every syllable of it was hearsay evidence, and all of it in a case in which Mr. McKenzie was not a party or interested in any way, shape, or manner.

Why, Mr. President, you could take the Holy Scriptures, and if you were allowed to select and garble sentence after sentence you could convict the Deity Himself from those same records; and yet this is what this record discloses which was before the Attorney-General of the attempt to besmirch the character of Alexander McKenzie.

Again, if you will read the concluding words, or nearly the concluding words, in the sentence against Alexander McKenzie, you will find that Judge Ross, who writes that opinion, almost in actual words advised the people of Alaska that they would have been justified in committing any character of hostility against Noyes. They may be honorable judges, but when I tell you they go out of the record in that method, they are doing something that a judge ought not to do.

Further than that, if this record is correct, if the statement published in the Post is correct, which was introduced by my friend the Senator from South Carolina [Mr. TILLMAN], then I say that record condemns the court itself. Think of a judge who has decided a case of this character out in California coming here and going to the departments and to persons and telling them he

is surprised that, under the circumstances, Judge Noyes is allowed to retain his place, and that something is not done in the matter. When a judge has pronounced his judgment, then he should leave other things to the proper department to be dealt with.

Mr. PERKINS. That is only newspaper report.

Mr. McCUMBER. That is only a newspaper report, and I will not convict any judge upon a report of that character, and I doubt very much if such a statement was made by the judge.

There was another thing that was spoken of, and that was the surreptitious manner, as they claim, in which this pardon was obtained and the mighty influences that were brought to bear upon the President of the United States to secure his interposition in this matter.

Mr. President, when you have read that record there is not a man here who would not have done just the same thing that the Attorney-General did in the matter—recommend the pardon. I wish to call attention to a matter which is of record, that for the last twenty years, I believe, there have been only five cases in the United States in which the pardoning power has been exercised by the President in favor of a man convicted of contempt, and every one of those cases came from that particular court or from that section of the country, and in every one of those cases the pardon was granted because of the brutal and excessive punishment that had been inflicted. That ought to have some bearing itself, so that parties will understand it.

But the Senator said that these men are feigning sickness. Judge Noyes will never go back to Nome. Senators who are interested in seeing this scheme, this persecution, carried to its final end may feel at least the consolation that death itself will prevent Judge Noyes from ever going back to Alaska. He is in a hospital to-day in the second stages of quick consumption, persecuted to death, driven from his place, a position of honor, and is dying; and I believe, from the best information I can get, that he will never recover.

I knew Alexander McKenzie when he was injured some ten or twelve years ago. When an elevator in a hotel in New York was some eight or nine stories from the bottom the cable broke and the elevator, with all its load, went to the bottom. Mr. McKenzie at that time weighed about 245 pounds.

The shock was so great that it drove the tibia bone of the left leg, I believe, up and beyond the femur bone, tearing away the entire calf of the leg and otherwise bruising and shocking him, so that he was in a hospital for eleven months before he could be taken from his bed. It was a serious shock. His health has never been the same since, and so in this application for a pardon great stress was laid upon the fact of his physical condition. He has never been the same man since.

I was at his bedside at the Merchants' Hotel, in St. Paul, when an argument was made in the case against Judge Noyes, in which this amicus curiæ—this particular friend of the court—who prosecuted this case with a vehemence and an interest that I have never observed before in one occupying his position, stated that the court had been deceived in recommending the pardon of Alexander McKenzie, because he was at that time as well a man as ever lived, and that immediately upon being released he was erect and went to St. Paul.

As a matter of fact, Mr. McKenzie was sick and in his bed, and he has not been able to sleep more than an hour or two at a time since his incarceration. He is broken down physically and his nervous system is entirely destroyed. Any man who knows him can tell you of that to-day.

I know, furthermore, that instead of immediately leaving, before he could get out of Oakland where he was imprisoned, he was taken to a private house and there had to remain for some ten days to two or three weeks. The exact time I do not know. He was then able to get as far as Seattle, and remained there a month, and yet all of these falsehoods are hurled in this case, hurled upon the Senate, put into the record as something we must believe and take for granted. Mr. President, I protest against this injustice.

They say Judge Noyes is well. His physicians say he is not. A few days ago I received a record of his last hemorrhage, which they said was very copious, and the physicians say that in their belief he will never be able to get up again. That is enough, it seems to me, to explain away these charges of how the court has been imposed upon.

Now, Mr. President, I wish to call your attention to one of the principal witnesses who has testified not only in the Noyes case but in the McKenzie case. I wish to give you a little insight into the character of the men whom these syndicates are employing to crush individuals and to drive them from their positions.

When Judge Noyes arrived in Alaska—there is no question about this—the first importunities addressed to him were that he should sell out for $20,000; that he could then get to be the attorney of the same syndicate, and he could make more money in that way. Even while he was on the boat he was so importuned, and that record you will find in the Attorney-General's Office to-day.

When he got to Nome, being unable to bribe him, being unable to rule or to bribe him in that manner, what was the next step? Mr. Knight, one of the attorneys on the opposite side of the same case before Judge Noyes, after having tried in vain to get Judge Noyes to fall into some character of a trap, then offered $1,000 to another individual by the name of Reese, who was to employ another person to swear that the judge had been purchased by this individual.

This party immediately went to Mr. Woods, the district attorney there, and reported what was being done. Mr. Woods said: "Go there and make the affidavit, get your money, and bring the affidavit and the money back here." The party went there. He made the affidavit. He received $750 for that perjured affidavit, and then asked for the affidavit from this man Knight to bring it back to the prosecuting attorney. He declined to give him the affidavit.

Mr. Knight was immediately sent for by Mr. Noyes, to whom the report had been carried. He admitted that he had the affidavit. He said, "I will bring it to your honor in about an hour, as I have to go back to my room to get it." The judge allowed him to go back to his room, and that was the last heard of him there. He immediately left. He took the affidavit and got on one of the tugs of this syndicate and was taken out to sea, and was afterwards put on board a ship some 17 miles from the coast and was taken to Seattle and there held until they could use him in San Francisco.

Not only is that corroborated by some two or three men, but the same person who made the affidavit has admitted over and over again to different individuals that this was true.

Here comes in Frost. He was implicated in this. He knew of the fact. He was the young man who was sent from the Department. Mr. Frost was working in the Department of Justice. They sent him to Alaska for the purpose of ascertaining what fees, under the circumstances, ought to be drawn by the court commissioners and other officers there. He went there for the purpose of making a report.

After Mr. Frost reached there he learned of this attempt to bribe the judge and of the attempt to secure another man to swear that he had bribed him, and he reported that fact, with all its circumstances, to the Attorney-General; and he takes one year for that. That is the penalty he must pay for having shown, as these people think, an interest in the side that was opposed to this syndicate which sought to control the entire country.

I do not find that he can be justly and rightly charged with having committed any offense whatever. He is known down here as a boy. In fact, he is but a boy, about 22 or 23 or 24 years old, I should say, of especially exemplary character. He has been in the office some time. Every one of his associates considers him a very honorable and upright young man, and yet he has to take one year in prison.

I want to take up these men's cases. Dudley Dubose—of what on earth is he convicted? Of having incidentally agreed with other attorneys that their position was right and that his clients were not bound to obey these orders. That is Dubose. He was a judge in the Territory of Montana for several years.

I speak, and I ask the Senators from Montana, who are here, to speak, for the integrity of that man as they have known his judicial acts. I have never heard any man spoken of more highly than was Dudley Dubose while he was on the bench in that district. I believe that the Georgia Senators know something about him there. No breath of suspicion was ever uttered against him until it was found that he represented an interest outside of the syndicate.

I take Mr. Frost. I have given you his record. I have given you, so far as I know, the real reason of his conviction. Let us take up the next person, Mr. Woods. I have not found that he has done anything really vicious except that he had the keys to the vault, and when they came there with a mob to get into the bank he refused to deliver over the keys. The writ was not directed to him.

It did not tell him that he was made a part of this committee to break into the bank. He was not responsible. When the marshal came to him and asked him for the keys, he declined to give them up; and he takes six months. Judge Ross says he should have had fifteen months for all of these heinous crimes committed by him.

Alexander McKenzie. I have told you what I know about him and about his record, and there is nothing in the record anywhere that is not hearsay that could convict him. I do not care where you look for it.

Mr. President, when I am speaking of this matter I want to

say that I have not read this record of 3,000 pages, because that is not in the McKenzie case, and what they could have got in that case against Judge Noyes I am not speaking of, because I have not read the record, and I do not suppose I will ever get time to read all of it.

But persons who were present there tell me that the only thing of which Judge Noyes was convicted was of having issued a couple of orders called the statu quo orders, one of which was directed to the marshal, to preserve the peace and to keep matters in statu quo, and the other of which was directed to Mr. Van Orsdale, who was in charge of a body of the military up there that he do likewise. I submit these papers to any one who desires to read them, and they will find that there is nothing very criminal about them. Let me read one of them:

NOME, ALASKA, *September 15, 1900.*

C. L. VAWTER, *United States Marshal, City.*

DEAR MARSHAL: I have been able for the first time to make an examination of the original order sent down from the circuit court of appeals, and find that it will be necessary for me to enter certain orders of record here, which will be done as soon as they can be drawn and spread upon the record.

In the meantime it devolves upon you to preserve the peace and good order, so far as it is possible for you to do, and I have taken occasion to request Major Van Orsdale to render such assistance as necessary to protect life and property and to hold things in statu quo until the order can be prepared and presented to the court.

Sincerely, yours, ARTHUR H. NOYES, *Judge.*

At this time there was a mob of workmen who were desiring to break into that bank. They were the men who had been employed by McKenzie, and no order had been made to pay them, and when they saw the gold about to go into the hands of other individuals they were there clamoring for their pay and threatening, if they did not get it, to break into those vaults and help themselves; and that was the reason for the issuance of this order.

Now, on the same day, I think, September 15, Judge Noyes wrote to Major Van Orsdale:

NOME CITY, ALASKA, *September 15, 1900.*

Major VAN ORSDALE, *Nome City, Alaska.*

MY DEAR MAJOR: After you called with Captain French this morning, I saw the original papers on file from the circuit court of appeals, and I find that it is necessary for an order to be entered by this court, which will be entered of course as soon as the same can be prepared, and such further steps will be taken as will be a full and complete compliance with the order of the circuit court of appeals.

My anxiety in this matter is to do everything in my power, and have all those whom I can in any wise control fully comply with the order of the court above, which will of course be done. In the meantime it is necessary that matters should rest in statu quo, and peace and order be preserved, and I therefore request that you render such assistance to the marshal as may be necessary to maintain that peace and quiet.

Assuring you of my desire to cooperate in every effort that is needful in order to preserve life and property, I am,

Very sincerely, yours, ARTHUR H. NOYES, *Judge.*

Those are the orders upon which he is convicted. The superior court says that those orders really mean that in preserving the statu quo there he is not to allow the marshal with his force to go in and take the gold, and although the marshal said he did not obey the order, that he did not do so; that it had no influence with him; that he nevertheless did go, and they took possession of the gold; nevertheless, they say that Judge Noyes showed his contempt of the court in ordering that matters be held in statu quo as near as possible.

Those are the only things upon which Judge Noyes has been convicted in this case, except a recitation elsewhere that he had been guilty of a conspiracy of some character. If he had, there is a court that can try him. If he has done so, justice demands that he be tried by a jury of his peers. Justice demands that the witnesses be brought face to face with the man they accuse, and that his fellow-citizens may pass their verdict upon him.

Mr. President, I have never felt in my life more than I have since I read this record the justice of many laws that are now being passed in onr several States restricting the power of the court to sentence for contempt without any character of trial. If there is one word of evidence to sustain them, although there may be a thousand witnesses to the contrary, there is no remedy in the world for the party convicted.

I now come to the conviction of Judge Noyes. If they are really convicting him of the conspiracy with Mr. Frost, let any Senator answer me this question: Why is Mr. Frost, this young man of twenty-odd years of age, sentenced to one year in prison, and Judge Noyes, the judge, placed there in an honorable position, where every dictate of his conscience, where every principle of honor and manhood required that he should be a fair and just man, given no sentence whatever? Why is he merely fined a thousand dollars without even an alternative? They can not imprison under this sentence. This young man can be imprisoned.

I will tell you why. It is clear to me. There is a mighty good reason. If he is not imprisoned, a writ of habeas corpus will not lie; and if they can not relieve him by writ of habeas corpus, then they have accomplished everything they have wanted to accomplish. They have blackened his character. They have killed him so far as going back to Nome is concerned, I may admit. But they did not dare imprison him, because there was a remedy if they did. But they take this stripling of a boy, whom they say was in a conspiracy with Judge Noyes, and give him twelve months' imprisonment.

They put Judge Dubose behind the bars for six months for advising his client that the writ was void. They take Hon. Thomas J. Gary, and they set him free, although they recite in this very judgment that he did advise McKenzie to disobey that order, and the record in the McKenzie case is replete with Gary's testimony over and over and over again that McKenzie acted under the advice of his attorney in not turning over the gold immediately within the three hours of time within which he could have turned it over.

Why is not Gary convicted? There are reasons back of it. The Senator from Colorado said, in substance, that if the public knew all there was the whole community would be startled by the corruption that is in Alaska. If they knew what was back of all this there would be an earthquake shock to the entire public. No man has given any good reason——

Mr. TILLMAN. Will not the Senator give us the reason and let us be shocked?

Mr. MCCUMBER. I am not going into something where it will take five weeks to get into the RECORD the entire case, but I will tell you now that this man Gary resides in California. He has a standing there. He has friends there, and they will not submit to that outrage against him, and they would make their influence felt for Gary where they would not make it felt, either before this body or elsewhere, for Judge Noyes, or Dubose, or Woods, or Mr. Frost. There is one reason. That is enough.

Mr. TILLMAN. Will the Senator allow an interruption?

Mr. MCCUMBER. Certainly, if it is for the purpose of asking a question.

Mr. TILLMAN. I will simply ask this question: Does not the Senator feel, after what he has said, which must mean the most damnable corruption on the part of these judges, that he owes it to himself, as a member of the Senate, to inform the House of Representatives of this mass of corruption and villainy and whatever else he has in mind, which would involve the impeachment of the corrupt judges?

Mr. MCCUMBER. What charge of corruption have I made?

Mr. TILLMAN. You said it would shock the country, and I should like to be shocked.

Mr. MCCUMBER. Not on the part of those judges, but that which is back of all and controlling this Nome country and their methods.

Now, I want to say to the Senator in reference to these judges that I do not accuse them of being brought under the influence of anything but prejudice and bias. I say that this record shows that they are intensely biased; that they are prejudiced beyond all reason and all sense. I know what it means to live in the atmosphere where these charges were reiterated day by day, where the press had given them out week after week and impregnated the whole atmosphere with a feeling of hostility against Judge Noyes and against McKenzie and against everyone else who was on the opposite side of the syndicate.

Mr. TILLMAN. Then, if the Senator will permit me, I will suggest that if these judges are so impregnated and saturated with prejudice, and bias, and unfairness, and injustice they are not fit to sit in any court and are not fit to be charged with the responsibility of determining causes involving life, liberty, and happiness and the rights of property, and that he owes it to himself to quit attacking this court or prove something against it otherwise than by mere assertion.

Mr. MCCUMBER. I have proved this prejudice from the record. I do not take the stand of the attorney from South Carolina, or base anything upon mere assertions.

Mr. TILLMAN. If the Senator will pardon me, I am simply a farmer.

Mr. MCCUMBER. All right, a farmer.

Mr. TILLMAN. I have never been in the cesspool of courts, to have my mind debauched by selling my brains to a cause on either side for a fee, without regard to the right of the matter involved.

Mr. MCCUMBER. Nobody would accuse the Senator of being an attorney unless he did so by a slip of the tongue, and I beg the Senator's pardon if I did.

I have made no assertions here except such as I deal with by the record. I know something about the influences that have been at work in Alaska, and I have seen the effects of those influences. I have seen judgments that were unjust and worse than unjust. The Senator must agree with me, that the sentences which have been imposed have been monstrous.

Now, Mr. President, the Senator from South Carolina desires to place in the RECORD the entire judgment of that court. How

many pages does it contain, may I ask the Senator from South Carolina?

Mr. TILLMAN. Oh, if the Senator had permitted me last night, I would have had it printed and would not have taken the trouble to read it this morning.

Mr. McCUMBER. All right. How many pages does it contain? That is all I am asking now.

Mr. TILLMAN. It will not take as long to read as you have been talking.

Mr. McCUMBER. Very well; how many pages?

Mr. TILLMAN. Forty-eight.

Mr. McCUMBER. Forty-eight pages of segregation of testimony here and there out of 3,000 closely printed pages and over. Can we get an honest idea from that?

Mr. TILLMAN. I will when I get the floor answer more in detail, but I would rather let the judges answer for themselves. I will not interrupt the Senator any further, but his remarks a little while ago were so startling that I could not resist the temptation of asking him to specify his position.

Mr. McCUMBER. I thought I had made clear to the Senator my position as to what influences and what influences only were brought to bear upon the judges. I have dealt more particularly with the influences that have purchased witnesses; that have taken out of the worst slums in Nome and Alaska men and got them to perjure themselves and bought them for the purpose of making evidence.

Now, when that comes before the higher court it may come as evidence as good and as strong as any other, but I know the men, and a verdict rendered or a judgment expressed under such testimony as that must do an injustice.

Now, we are not trying these judges here. We are not trying that judgment. I am defending Alexander McKenzie against a wrongful and an unjust attack. I do not believe that that opinion ought to go in the RECORD.

If the Senator insists on reading it, I know he can get it in the RECORD, and if he does insist on doing that injustice I shall not object to his placing it in the RECORD; but I want to say to him that if he had been treated as these men have been treated and the case was coming before his fellow-men for consideration, he would want the evidence, and the whole of it, before this body of men, rather than conclusions which I know are based for the most part upon testimony that he himself would never give the least credit to.

Mr. TILLMAN. Will the Senator permit me?

Mr. McCUMBER. It is against that that I am protesting.

Mr. TILLMAN. Will the Senator permit me, Mr. President?

The PRESIDING OFFICER (Mr. SIMON in the chair). Does the Senator from North Dakota yield to the Senator from South Carolina?

Mr. McCUMBER. Certainly.

Mr. TILLMAN. I wish to have it distinctly understood, as I repeated, I think, three or four times yesterday, that my connection with this case is a purely accidental one, and that I injected into the debate on the bill for the increase of the salaries of the Supreme Court judges and others the statement which appeared in the Post merely as a commentary upon some abnormal, and, as I think, corrupting conditions connected with the judiciary.

Mr. McCUMBER. Yes; but, Mr. President——

Mr. TILLMAN. Wait, now, please, and let me get through.

Mr. McCUMBER. Then the Senator may finish his sentence.

Mr. TILLMAN. I never would have opened my mouth again or broached the subject or brought the matter into the Senate but for the fact that yesterday afternoon the colleague of the Senator from North Dakota and the Senator himself injected into the debate a condition which made it necessary that these judges should be heard for themselves, through their opinion, in the RECORD, after you had brought in a special plea here, filed by an attorney in the case, and read by the other Senator from your State.

Mr. McCUMBER. That is an elegant excuse, Mr. President.

Mr. TILLMAN. The Senator from South Carolina does not need any excuse to do anything he wants to do here, sir.

Mr. McCUMBER. You have given your excuse; but the Senator from South Carolina stood upon this floor yesterday and charged a man as honorable as he is with being a thief and a scoundrel.

Mr. TILLMAN. It was day before yesterday.

Mr. McCUMBER. That was defended by my colleague. So, if my colleague had said nothing and if I had said nothing, but let that charge go unchallenged, he would not have offered to put this opinion in the RECORD. Well, I assure the Senator from South Carolina he can make no such charge as that against an honorable citizen of my State that he will not find it defended.

I want to tell him further that he is speaking of a man he is not acquainted with, and who will meet him, and with his wonderful courage—a man who needs to make no excuse—and he will find a man there who will meet him face to face and eye to eye; and then the Senator from South Carolina, without being shielded by these walls, can call that man a liar and thief if he desires so to do.

I think it is unjust to him, I think it is improper, to pick out of a paper a scurrilous article and hurl it against any man without any opportunity upon his part to defend himself, and I protested against that. I have listened to this for more than a year and a half, and it has been hurled in here again upon an honorable man.

I remained silent because I felt that the time was inopportune and that it should not be brought into discussion here. But by the energy of that syndicate they have forced everything into this Senate that could be of a scurrilous nature, and used it to influence and prejudice Senators here. I could not stand it any longer, and I think the Senator will give me credit for having done my duty in protesting against a thing of that kind.

Mr. TILLMAN. Mr. President——

The PRESIDING OFFICER. Will the Senator from North Dakota yield?

Mr. McCUMBER. For a question.

Mr. TILLMAN. I should think I might be allowed a little more than a question after that allusion.

Mr. McCUMBER. I understand that the Senator can be allowed all the time he wants.

Mr. TILLMAN. I wish to repeat again that my connection with this case is purely accidental, and that I injected into a discussion on another bill an article which I found in a morning paper which to my mind disclosed a very strange and extraordinary situation. My attack, if I made any attack, was upon the Department of Justice and the Executive of the United States as neglecting their duty, if the judgment of the court in California was true; that is all.

As for Mr. McKenzie and Judge Noyes or any of these other people, I never heard of them before, except incidentally. I know nothing about them. I care nothing about them. I have expressed regret for having used this language of vituperation in regard to them, but I was merely interpreting the decision of the court.

Mr. McCUMBER. I will say to the Senator that I am very glad if he expresses regret for having used that language.

Mr. TILLMAN. I had already said that yesterday. What more does the Senator ask?

Mr. McCUMBER. Why should we consider this matter when to-day it is before that same Executive Department? This whole matter is now being considered by the Attorney-General, and why should it be brought in here and the judgment of the court be placed in the RECORD?

Mr. TILLMAN. Can it hurt the judgment of the court to have the case ventilated in the Senate after the Attorney-General has it?

Mr. McCUMBER. If it is wrong it can. If it is right it may not.

Mr. TILLMAN. It is a queer——

Mr. McCUMBER. It is not a question as to what the Attorney-General may do, but it is a question involving this body itself.

Now, Mr. President, I have here another record in which this decision by the judge is considered by an attorney who is not a party to this action. It is strong in terms. The language I would not have adopted myself. It does not deal with the court of appeals kindly, and yet it deals straightly with the facts.

I might ask leave to put this in the RECORD, so as to explain his record, but I think that both of them would be improper. I do not believe that the RECORD ought to be lumbered up by them; but if the Senator puts in all of that record, then it seems to me that I ought to put in the other statement as a fair and just consideration by an attorney who explains away every one of these matters, and where will we end?

Mr. TILLMAN. So far as I am concerned, the more we put into the RECORD of the infamies—I will repeat that word—somebody is guilty of infamy.

Mr. McCUMBER. If the Senator——

Mr. TILLMAN. Either the judges who have condemned these innocent men are infamous and ought to be impeached or removed, or else this man ought not to draw a salary after he has been convicted by this superior court.

Mr. McCUMBER. In Heaven's name, if you are going to try that case, try it on the evidence and introduce 3,000 pages of testimony.

Mr. TILLMAN. Put it all in the CONGRESSIONAL RECORD, if you want to do it.

Mr. McCUMBER. All right. If you want to put it all in and the Senate will submit to it, I shall not object.

Mr. TILLMAN. I am willing that it shall circulate in your Congressional district and in your State as a document.

Mr. McCUMBER. The Senator knows that it does not belong

in the RECORD without placing in the RECORD the facts on which it is based.

Mr. TILLMAN. I am perfectly willing to put anything in the RECORD, if the Senate will permit it. This would have gone in yesterday if the Senator had permitted me, merely as a means of allowing other Senators the opportunity of seeing for themselves upon what the court based their conclusion.

Mr. McCUMBER. I will never debauch the RECORD by offering to put in anything that I think has no appropriate place there.

Mr. TILLMAN. I have sufficient respect left. I have some lingering respect——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from South Carolina?

Mr. McCUMBER. For a question; yes.

Mr. TILLMAN. I will remark that I have some lingering respect for the judiciary of the United States. It is true that we on our side, or rather the party to which I belong, have criticised them in our national platform and protested against government by injunction. We have seen fit to declare that the Supreme Court of the United States fell into error and reversed itself in the income-tax cases, and we were hounded from one end of the country to the other as anarchists because we dared to imitate Lincoln and others who in the past criticised the Dred Scott decision.

But that is neither here nor there. I have some lingering respect for the judiciary of the United States, and when I hear them abused, as these three circuit judges, men of high character and men of prominence and ability and purity, so far as I know, I say it is due them that after I have brought them into this case to defend them to the end, and I am going to see that their opinion does go into the RECORD.

Mr. McCUMBER. There is a proper way of doing that, Mr. President. I am glad to see once in my life, and in the life of the Senator, that he is taking up the cudgel in favor of the courts of the United States.

Mr. TILLMAN. I hope the Senator from North Dakota will imitate me some time or other.

Mr. McCUMBER. I am glad to see that change of heart taking place in the Senator from South Carolina. If he thinks that this record will be sufficient without taking the testimony on which the record is based for him to formulate an opinion in the case, then he can get all the glory that he wishes out of that record and he can satisfy his conscience that that is absolutely true, and the court has been properly cared for and protected.

But I had supposed that after reading some of the records in this case the Senator from South Carolina would feel that there was an appropriate place for the trial of this matter, and it is now before the Attorney-General on that record there. I understand that the Noyes case is going to the Supreme Court if they can get it there in any manner, and it will be determined there.

Let them pass upon the question whether or not the superior court of California is in error. But when you call a man a scoundrel because he has been convicted of a technical disobedience, then I say the Senator forgets himself and his natural impulse and good will toward all men.

The PRESIDING OFFICER. The Senator will suspend. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 5833) temporarily to provide revenue for the Philippine Islands, and for other purposes.

Mr. LODGE. Mr. President, I do not wish, of course, to inject into this discussion anything so totally irrelevant as the unfinished business of the Senate, and therefore I ask that it may be temporarily laid aside.

Mr. McCUMBER. Mr. President, I had finished what I had to say.

The PRESIDING OFFICER. The Senator from Massachusetts asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection?

Mr. McCUMBER. I had finished my remarks. I have no objection to going on with the unfinished business.

Mr. LODGE. I should like to have my request put to the Senate.

The PRESIDING OFFICER. Is there any objection to the request of the Senator from Massachusetts, that the unfinished business be temporarily laid aside? The Chair hears no objection, and the order is made. The Senator from North Dakota.

Mr. McCUMBER. I have practically finished all I desire to say now. I may make reply if anything further is said by the Senator from South Carolina.

PUBLIC BUILDING AT CUMBERLAND, MD.

Mr. WELLINGTON. As the Senator from North Dakota has concluded his remarks, I ask unanimous consent for the present consideration of the bill (S. 3293) to increase the limit of cost of public building at Cumberland, Md.

Mr. HALE. I should not want to agree to that if the bill is to give rise to any debate.

Mr. WELLINGTON. I shall not ask it if it does.

The PRESIDING OFFICER. The bill will be read in full to the Senate.

The bill was read; and by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to increase the limit of cost for construction of a public building at Cumberland, Md., from $125,000 to $175,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. HALE. Now let us go on with the consideration of the urgent deficiency bill.

URGENT DEFICIENCY APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9315) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1902, and for prior years, and for other purposes.

The PRESIDING OFFICER. The pending question is on the amendment reported by the Committee on Appropriations, to strike out lines 11 to 16, inclusive, on page 44.

Mr. TILLMAN. Mr. President, very much to my regret I appear in a new rôle here; that is, first as an attorney, when, as a matter of fact, I never have been in a court-house in my life except as a spectator or as a witness or a juror. Secondly, I appear in the rôle of defending the judges of one of the circuit courts of the United States. If there is any man alive who has had a poor opinion of some of those judges and has not omitted to express it when he was governor, those who care about a message I wrote on the corruptibility and infamy to which that court was willing at times, in some instances, to lend itself, can get that document.

As I stated a moment ago, and I will take the trouble to restate it, when I volunteered the other morning to read an article from the morning paper here, which is a respectable journal, which reflected in scathing terms upon an anomalous condition existing by which we found that men who were practically removed from office by the court above them were still drawing their salaries, I felt that I had done enough.

But I was attacked yesterday afternoon in the way I was by three Senators. I can usually attend to one man in this body, but when they came at me in droves you know I got a little nervous. I was a little astonished at something that happened yesterday afternoon.

For instance, my good friend—I do not speak in any perfunctory way—the senior Senator from North Dakota [Mr. HANSBROUGH] gave me a very brotherly lecture on my wrongdoing, my errors of the head, not of the heart, he was kind enough to say.

Then later on the distinguished chairman of the Judiciary Committee [Mr. HOAR] came to the assistance of the two Senators from North Dakota and gave an obiter dictum of his own to the effect that having been told by a dead colleague of ours, whom we all loved and respected, that he had examined this matter and it was all one way, etc., and so on, and this was a moot question that ought never to have been brought here, he proceeded to lecture me in a kind and fatherly way upon my shortcomings. Then later, when I endeavored to do these judges simple justice by letting them speak for themselves in their own opinion, in which the evidence upon which that opinion rests is rehearsed, the junior Senator from North Dakota [Mr. McCUMBER] felt constrained to interpose an objection.

I confess, Mr. President, that during my seven years here I have never known a similar instance of discourtesy. The Senator, I presume, supposed that I was actuated by some partisan or sinister motive in endeavoring to get this document in the RECORD, while I declare to you upon my honor, Senators, that my sole purpose was to render accessible to you the facts upon which the article in the Post rests, and to enable you this morning to understand it without further discussion. So far as I was concerned, I was through with it if they had let the document go in; but as they did not, and I could not get it in in any way last night, there is no way but for me to read it.

Mr. CULLOM. Print it.

Mr. STEWART. Oh, no; let the Senator read it.

Mr. TILLMAN. It is rather a tiresome job, and the Senator from Maine, I know, has the fidgets, something he does not often get.

Mr. McCUMBER. I stated that I have no objection to its going into the RECORD.

Mr. HALE. I do not often get tied up in this way. If it will serve the Senator's purpose, I judge from what was indicated by the Senator from North Dakota that probably no objection will be made to its being printed in the RECORD.

Mr. McCUMBER. I did state that I do not object.

The PRESIDING OFFICER (Mr. SIMON in the chair). Does

the Senator from South Carolina yield to the Senator from North Dakota?

Mr. TILLMAN. Certainly.

Mr. HALE. If it can be printed in the RECORD without reading it will bridge over the time.

Mr. MCCUMBER. I said that if the Senator insists on having it put in the RECORD I would withdraw the objection. So if he does insist I withdraw it.

Mr. TILLMAN. I submit to Senators, after the special plea of the attorney, which was read by the senior Senator from North Dakota [Mr. HANSBROUGH] yesterday evening, and after the additional special plea which has been presented this morning by the other Senator from North Dakota, whether it would be fair to the judges if their attorney here, their defender, did not read their opinion and comment a little on it. In other words, would I be doing my duty by my clients, these three distinguished jurists in California, in defense of whom I unexpectedly appear here?

Mr. HALE. The relation of a client to attorney is a very sacred one; I recognize that.

Mr. TILLMAN. With that view, then, I shall proceed to read a part of it. I do not know that I will read it all, but still I feel constrained as a matter of duty to these judges, whom unexpectedly I have gotten into hot water, to try to cool it a little.

There is one phrase that I noted down here a moment ago, uttered by the Senator from North Dakota who has just taken his seat, which rather sets my teeth on edge. He said I had stabbed somebody in the back, when I have expressed time and again my regret that commenting upon a statement of facts coming from a court I had interpreted their words into declaring that the men whom they had convicted and condemned were scoundrels and thieves.

Possibly I ought not to have said it. They may be innocent. These judges may be the culprits. These judges may be tyrants. These judges may be debauched, and it may be that they have been bribed. Therefore, if it will do the two Senators from North Dakota any good, I desire here and now to apologize to these men who may have been imprisoned unjustly and whose lives have been taken, who are on beds of sickness with consumption and every other ill, whose honor has been destroyed, whose property is gone, and all that kind of thing—I will apologize to them and withdraw all opprobrious epithets. Can I do any more?

I hope nobody supposes for a minute it is because my friend who has just taken his seat declared there was some blood-and-thunder man here by the name of McKenzie, who will meet me outside of the Chamber and hold me to personal account on account of what I have said. I have been going through the world for fifty-four years, and I have never yet shunned any encounter of any kind very much. I have never been noted for police-court proceedings or anything of that sort. I do not suppose that anybody here imagines that I am terrorized by that threat of my friend.

I mention that merely of my own accord, to translate into plainer language what I tried to express three times yesterday. I spoke unthoughtedly, without proper consideration. I had no purpose or intention of doing more, as I said, than to inject into the debate on the salary bill a commentary which, by the way, I will elaborate a little now by pointing out if this great American Government, with its machinery, can not provide honest judges and honest district attorneys and other officers in Alaska, where our language is spoken, and you are entering upon a programme which involves sending into the Pacific judges and everything else who have full sway to tyrannize over and rob and oppress people who do not speak our language, is it not a commentary on the situation which should give you gentlemen who are hell-bent on your programme a little pause?

If we can not protect American miners; if we can not get honest judges in Alaska; if we can not send, even from the Department of Justice, a trusted agent but what as soon as he gets in that atmosphere he becomes debauched and is bribed and bought to lend himself to the schemes of this so-called syndicate of which we hear so much, what will we do when syndicate after syndicate has been turned loose, as you propose to do, in the Philippines?

This ought to be said on the Philippine tariff bill instead of on the deficiency bill; but we get so mixed up here sometimes that you will pardon this seeming inconsistency, or rather the irrelevancy, of my utterances.

Perhaps I ought not to mention it, but I will do it in illustration of what I am just saying. I will read another extract from a paper. I think we will have to give a day to newspaper discussions and clippings, to see if we can not put a little mustard on the backs of some men and make them a little more amenable to reason.

I hold in my hand yesterday's New York Sun. "The Sun shines for all," it claims; and everybody knows that if there is a dyed-in-the-wool, villainous, and venomous Republican paper in the United States, it is this New York Sun. [Laughter.] Being, therefore, necessarily a friend of the Republican party and the Administration, who would have supposed that the Sun would have been guilty of this attack on its friends?

CONVICTED FELON FOR OFFICE—NOMINATED AND CONFIRMED AS UNITED STATES MARSHAL FOR ARIZONA.

CHEYENNE, WYO., *February 3.*

Great surprise has been caused here at the receipt of news from Washington that the Senate on Thursday last confirmed the nomination of Ben Daniels, if that is really his name, as United States marshal of Arizona. His career as swindler, gambler, and desperado was known to certain people in Washington before his appointment, but it seems hardly credible that the Senate Committee on the Judiciary—

I am sorry its honored chairman is not present, who read me such a lecture yesterday evening—

who passed upon his nomination, knew that he has a prison record as a convict. But here is a page copied from the description book of convicts in the United States penitentiary at Laramie City, Wyo., which is of record in the office of the United States marshal in this city:

Name, Benjamin Daniels; registered No. 86; received November 29, 1879; crime, larceny—

Not an honorable crime, like shooting a man in hot blood, but stealing—

sentence, two years and return of stolen property; age, 27; nativity, American; occupation, laborer; height, 5 feet 10 inches; complexion, fair; hair, dark brown; eyes, brown. Has wife? No. Has father? Yes—

He was obliged to have a father, of course—

Religion? Methodist. Habits of life? Regular. Education? Common. Relations? Address Mrs. M. C. Eddy, Lyndon, Osage County, Kans. Marks, scars. Is a large, strong-built man, weighing 165 pounds. Has a thin face, large Roman nose, bushy eyebrows, and ears stand out straight from head. Nose has been broken and the lobe of right ear is missing. The letters B. D. in india ink on his right arm. A small scar under the right knee. Small scar on left knee. A large round scar on left shoulder blade. Is pockmarked slightly on body and considerably on face. Has had smallpox. Conduct while in confinement, good. Discharged, August 28, 1883. Allowed good time.

In this case it was ordered and adjudged that the judgment be dissolved and a new trial ordered, and that defendant be held for safekeeping until a new trial can be had. Reconvicted June 30, and transferred to page 33.

If we have got the wrong sow by the ear, it is not a bit of trouble to have the real marshal, who has been confirmed by this august body and its Judiciary Committee, exonorated. Then I will apologize to the real marshal and give all my attention to this man, whoever he may be.

But I just want to call attention—I will not read any more, but will simply insert the whole of it in the RECORD—I want to call attention to the fact that the Judiciary Committee, too, sometimes makes mistakes, as do all of us occasionally in our work here, who are not always able to sift to the bottom the characters and the antecedents of the men whose names are sent in here.

We take it for granted that those who recommend them for office would not put off on the President a man of this type; and if he is thus deceived that, as soon as he finds it out, he will himself correct the wrong that has been done him and the public service by putting in office a man like this to go to another Territory. What a pretty specimen—if we have got the right Daniels—to be nominated here for marshal and sent out there. If you Senators who are in power and who are responsible for these things in recommending your friends are not a little more careful, I am afraid you will bring this Administration into some disrepute.

Now, I will get back to my mutton; but I will first give anybody who chooses the opportunity to defend Mr. Daniels. I presume the Senator from Wyoming will be on me next, or possibly somebody from Kansas or Nebraska or somewhere else out there where this man originally came from will be getting up tomorrow and calling me to account for having read an article from a reputable newspaper describing this man correctly; and I will have to meet it. I do not like to be doing things of this kind, but somebody has got to hold up the looking-glass so that you Republicans may see yourselves as others see you.

Having said that much, I do not believe I have the heart to impose on the good nature of the Senate any longer. This case of Noyes is really not here, and I did not bring it here with any view or purpose or desire of having Mr. Noyes or anybody concerned in this matter discussed or defended or attacked. I did not intend to; so help me God, I did not.

I was merely endeavoring to throw some additional light on the question of the judiciary, as to what kind of men we have got, and the failure of the Executive department and of the Attorney-General to do their duty. If it will take a year and a half—and it appears that already more than a year has gone by—before we can have it determined as to whether three judges of the circuit court in San Francisco are a lot of scoundrels and tyrants, it is incumbent on the Attorney-General to hustle a little.

He seems to take it very leisurely when he comes to dealing with the trusts, and he never has found any law under which he could bring an indictment against them. My distinguished friend, the chairman of the Committee on the Judiciary [Mr. HOAR] said the other day he hoped to see some act passed by this

Congress which would make it the duty of somebody else or put it in the power of somebody else to bring indictments against the trusts; that now the only man who is allowed under the law to indict them is the Attorney-General; that there was a bar, so to speak, against litigation by parties who chose to attack corporations or syndicates or combinations or monopolies, and that he hoped to see a change. I hope to, but I do not look for any.

As I before said, I wish the Attorney-General would get through with this job of determining whether or not these three circuit judges are corrupt or have made a mistake, or whether the court is right and those people ought to be punished, and then stop their salaries. That is all.

I will ask that this judgment and opinion of the court in the case under discussion or under trial shall be inserted in the RECORD without any further remarks.

The PRESIDING OFFICER. The Senator from South Carolina asks unanimous consent of the Senate that the document which he sends to the Secretary's desk may be printed in the RECORD as part of his remarks. Is there objection on the part of the Senate? The Chair hears none, and that order is made.

The document referred to is as follows:

Nos. 701, 702, 703, and 744. In the United States circuit court of appeals for the ninth circuit. In the matter of Arthur H. Noyes. In the matter of Thomas J. Geary. In the matter of Joseph K. Wood. In the matter of C. A. S. Frost. Opinions and judgment. E. S. Pillsbury, amicus curiæ. P. J. McLaughlin and F. J. Heney, for Arthur H. Noyes and C. A. S. Frost. J. G. Maguire, for Thomas J. Geary. Joseph K. Wood, in propria persona. Before Gilbert, Ross, and Morrow, circuit judges.

Gilbert, circuit judge, delivered the opinion of the court.

The affidavit upon which the order to show cause was directed to Arthur H. Noyes charges that on July 23, 1900, said Arthur H. Noyes, as judge of the district court of Alaska, second division, at Nome, Alaska, signed an order in the action entitled "Chipps *vs.* Lindeberg et al.," appointing Alexander McKenzie receiver of property described in the complaint, which consisted of a placer mining claim, and enjoined the defendants, who were then in possession of the claim, from working the same, and that on the same date made similar orders in four other similar causes pending, viz, Melsing *vs.* Tornanses, Comptois *vs.* Anderson, Rodgers *vs.* Kjellman, and Webster *vs.* Nakkeli et al.; that thereupon the receiver took possession of the claims and proceeded to mine the same, and extracted therefrom gold dust of the value of more than $100,000.

That the defendants in each of the said cases presented to the said Arthur H. Noyes, judge of said court, a petition for the allowance of an appeal from said order, together with an undertaking on appeal and assignment of errors, but that the said Arthur H. Noyes refused to grant said petition or to allow such appeal. That thereafter, on August 29, 1900, Hon. W. W. Morrow, one of the judges of this court, made orders allowing appeals in said cases, and directing that writs of supersedeas issue thereon out of this court, directed to the said Alexander McKenzie and the said Arthur H. Noyes, commanding the said Noyes to desist from any further proceedings on account of said orders and commanding the said McKenzie to restore to the defendants in said cases all property which he had taken or received as receiver.

That on September 14, 1900, certified copies of said orders allowing such appeal in some of said cases, and writs of supersedeas in all of said cases, were filed in the office of the said district court at Nome, and certified copies of the writs of supersedeas were served upon said Arthur H. Noyes, and also upon the said receiver, and demand was made upon the latter that he return to the defendants in said actions the gold and gold dust which he had taken from the claims described in the complaints in said actions, which gold dust was then in his possession, and was of the value of about $200,000. That said receiver refused to deliver said gold dust or any part thereof to the defendants in said actions and refused to comply with the writs of supersedeas, whereupon application was made by the respective defendants through their counsel to the said Arthur H. Noyes for orders directing the enforcement of the writs of supersedeas which had been issued by this court, and that the said Arthur H. Noyes then and there declined to make such orders, saying that the matter was out of his hands.

That on September 15, 1900, the defendants in said cases, through their counsel, again requested said Arthur H. Noyes to make an order directing the enforcement of the said writs of supersedeas, but the said Noyes then and there stated and declared that the orders appointing the receiver were not appealable; that the defendants were not entitled to an appeal. That on said last-named date, the said Noyes gave instructions to the United States marshal to place a guard over the vaults containing the gold dust and to prevent access thereto by any person. That the object of said order was to defeat the execution of the said writs of supersedeas.

That on said date the said Arthur H. Noyes in the presence of T. J. Geary said to the said marshal: "Go ahead and keep possession of the gold dust, and do not let McKenzie or any of the parties go near it," and that at the same time the said Noyes stated in the presence of said Geary that he did not think the order appointing McKenzie as receiver was an appealable order, but that, assuming that it was, the only supersedeas that could be effected was one staying proceedings, and that on the record as it was, there was no justification for the defendants demanding the return of the property. That on October 6, 1900, in the case of Chipps *vs.* Lindeberg et al., the plaintiff, by his attorneys, Hubbard, Beeman & Hume, filed a motion in said district court of the district of Alaska at Nome, for an order of the court restraining the defendants in said case from working the placer mining claim in controversy therein, and from taking out of the jurisdiction of said court any gold taken therefrom, and that said motion was based upon an affidavit of the plaintiff which referred to the writ of supersedeas as "an alleged writ of supersedeas from the circuit court of appeals of the ninth circuit."

That upon such motion the said Arthur H. Noyes, judge of said court, ordered that the defendants in said action show cause on October 8 why an injunction should not issue restraining them from further working the claim and from deporting from the jurisdiction of the court any gold dust taken therefrom. That upon October 10 the said Arthur H. Noyes made an order upon such application for an injunction enjoining the defendants in said action from removing any gold dust taken from said placer claim to any place outside of the Nome precinct, district of Alaska. That the conduct of the said Arthur H. Noyes after the appointment of the said receiver, and above described, was for the purpose of interfering with and preventing the enforcement of said writs of supersedeas.

The answer of Arthur H. Noyes admits that he refused to make an order requiring the receiver to return the gold dust to the defendants, but avers that he did not believe he could or should make such an order, and that all matters pertaining to the receivership had passed beyond his control except such orders as he was required to make by the terms of the writ. That he did not state as a reason for refusing to make an order requiring the receiver to deliver the gold dust that the orders appointing the receiver were not appealable, but admits that it was his judgment and opinion that such orders were not appealable. He denies that he ordered the marshal to allow no one, especially McKenzie, or the parties interested to have access to the vaults in which the gold dust held by the receiver was deposited or that he stated to the said marshal to go ahead and keep possession of the gold dust.

He admits that he stated that the only order he could make in such cases was one staying proceedings; that the writ of supersedeas directed him to stay all proceedings in the receivership matter and to desist and refrain from any further acts in connection therewith, and he alleges that the injunction of October 10 was made upon the belief and in the full conviction that such order was within his power as a judge in the said case then pending for the reason that the appeals had been taken only from the orders appointing the receiver, leaving all other matters in said causes pending in the district court for further proceedings. That in all the matters set forth in the charges he acted in good faith and in full respect for the authority, writs, and orders of this court, and he denies that he sought to interfere with or prevent the enforcement of the writs of supersedeas.

Of the evidence which was taken upon the issues raised by the answer of Arthur H. Noyes to the order to show cause, a large proportion consists of testimony concerning the attitude of the judge toward the litigation then pending before him in the cases which are hereinafter referred to as well as in other cases in which McKenzie was receiver or was interested. Much of it tends strongly to show the existence of a criminal conspiracy between some of these respondents and McKenzie and others to use the court and its process for their private gain and to unlawfully deprive the owners of mines who were in possession thereof of their property under the forms of law.

Concerning this portion of the evidence, it is not necessary to express an opinion. The respondents are on trial here for the offense of contempt of the process of this court and for no other offense. Reference to the evidence of their misconduct will be made only for the purpose of finding the animus which actuated them in the commission of the acts with which they stand charged. We find it unnecessary to discuss all of this evidence in detail. We shall assume as proven none of the material facts which are testified to except such as are not disputed, or are corroborated by other evidence, or are so well sustained by the proofs as to leave in our minds no reasonable doubt of their truth.

Judge Noyes arrived at Nome on July 19, 1900, in company with other officers of his court and in company with Alexander McKenzie. Prior to going to Nome, McKenzie had been engaged in organizing the Alaska Gold Mining Company, a corporation, for the purpose of engaging in mining at Nome, and in that connection had made the acquaintance of O. P. Hubbard, a member of the firm of Hubbard, Beeman & Hume, attorneys at Nome, Alaska. On the day of his arrival at Nome, McKenzie went to the office of Hubbard, Beeman & Hume and had an interview with Mr. Hume, in which he told the latter that Hubbard had transferred to him, McKenzie, his interest in the litigation which involved the right of possession of the Anvil Creek mining claims, and that Hubbard had represented to him that the other members of the firm would do the same—that is, would transfer to his corporation the contingent interest they had in those claims.

The contingent interest of Hubbard, Beeman & Hume was a one-half interest in the claims in case the plaintiffs prevailed. Hume testified that McKenzie further represented to him and to Beeman that he controlled the appointment of the judge and the district attorney, and that if they desired to have those cases heard it would be absolutely necessary to transfer their interest to his corporation, and receive in lieu certificates of stock, and he testified that at the same time McKenzie demanded that a one-fourth interest of the business of Hubbard, Beeman & Hume be transferred to Joseph K. Wood, the district attorney, and that Wood become a silent partner in the firm, and stated that if all this were assented to Hume should become deputy district attorney. The evidence shows that Hume and his partners agreed to these suggestions, and Wood became a silent partner in the firm of Hubbard, Beeman & Hume, and that Hume was appointed deputy district attorney.

All this was done on Thursday, July 19. The evidence shows that on the same day, and immediately after making these arrangements, McKenzie took Hume and Beeman aside and demanded that an entire one-fourth interest of the firm be placed in his, McKenzie's, name, and that he receive one-fourth of the profits. Hume testified that this was assented to on the next morning, after much objection and hesitation, and only after McKenzie had threatened him that if he refused his business and the interests of his clients would be ruined. He testified further that partnership articles were drawn up and signed in accordance with the agreement. Wood admitted that the agreement was entered into whereby he and McKenzie were each to have a one-fourth interest in the firm, but he expressed the belief that it was never acted upon or carried out, so far as McKenzie's interest was concerned.

At that time Hubbard, Beeman & Hume were attorneys for the plaintiffs in four actions at law that were pending concerning the title to four of the best placer-mining claims on Anvil Creek. Immediately after entering into the partnership agreement, McKenzie directed the firm to get all their stenographers at work preparing papers for applications for the appointment of receivers in those actions. This was done in the four cases then pending, to wit: Rodgers *vs.* Kjellman, involving Claim No. 2 below Discovery on Anvil Creek; Comptois *vs.* Anderson, involving Claim No. 3 above Discovery; Melsing *vs.* Tornanses, involving Claim No. 10 above Discovery; and Webster *vs.* Nakkeli, involving a claim on Nakkeli Gulch, tributary to Anvil Creek; and a new action was brought, Chipps *vs.* Lindeberg et al., involving Discovery Claim on Anvil Creek.

The firm of Hubbard, Beeman & Hume employed three stenographers, and were busily engaged until the afternoon of Monday, July 23, in making out papers. Bills in equity and affidavits in aid of the pending actions at law were prepared in all these causes except in Rodgers *vs.* Kjellman. In that case the receiver was appointed upon a complaint in ejectment and affidavits. In Melsing *vs.* Tornanses the bill was not verified. While the papers were being prepared, McKenzie was constantly in and about the office of Hubbard, Beeman & Hume, urging haste. On Monday morning, July 23, he had a wagon waiting in front of the office of the firm for the purpose of conveying himself and his keepers to take possession of the mines as soon as he should be appointed receiver.

Monday afternoon there were two such wagons waiting. These facts are shown by the testimony of several disinterested witnesses, one of whom, Arthur M. Pope, testified that as early as 9 or half past 9 o'clock in the morning his attention was directed to teams standing ready to convey McKenzie and others to the mines on Anvil Creek, and that on that day, or perhaps the day before, he had received information from Hubbard, Beeman & Hume that McKenzie would be appointed receiver of those mines. Between half past 5 and 6 o'clock in the evening of Monday, July 23, the papers having been prepared, but not filed, Mr. Hume called upon Judge Noyes at his hotel, presented his papers, and asked for the appointment of a receiver in the five suits.

Mr. Hume testified that he started to read the affidavit of the plaintiff in one of the cases, whereupon the judge said it was not necessary to read the

affidavit, and asked for the orders, and that the witness then stated that he desired to recommend for appointment Alexander McKenzie, to which the judge replied that he had known McKenzie for many years; that he was a very good man, and that, as he was a stranger in the country, he would prefer to appoint some one with whom he was acquainted, and thereupon he appointed McKenzie receiver of all of said mining claims, with instructions to take immediate possession of the same and work them, and to preserve the gold dust and proceeds of the claims, subject to the further orders of the court, and all persons then in possession of the claims were ordered to deliver to the receiver immediate possession, control, and management thereof, and were enjoined from in any manner interfering with the mining or working of the claims or the receiver's control or management thereof.

The amount of the bond required of the receiver was in each case only $5,000, and this in the face of the showing made by the plaintiff's affidavit in one of the cases that the daily output of the mine involved therein was $15,000. Immediately after the orders were signed, and before any bonds were filed and before the papers were filed by the clerk or the summons had been issued, the receiver proceeded to take possession of the five placer claims involved in those suits. The appointment of a receiver in these cases was a complete surprise to the defendants therein.

Judge Charles S. Johnson, formerly the district judge of Alaska, who was an attorney for certain of the defendants, testified that in a conversation he had with Judge Noyes on his arrival the latter had stated that his court would not be open for business until his return from St. Michaels; that he would go there in a few days and there formally open his court and spread his commission on the records and return; that he would keep a clerk or deputy at Nome until he returned, but added: "He will transact no business until I return from St. Michaels." The fourth section of the act of June 6, 1900, under which Judge Noyes was appointed, provided that the judge of the Second district of Alaska should reside at St. Michaels, and it authorized him to hold court elsewhere in the district upon giving at least thirty days' notice. (Stats., 321-323.)

This notice was given by Judge Noyes by publication. It was dated July 21, 1900, and gave notice that a special term of the district court would be held at Nome on Monday, August 22, 1900, or as soon thereafter as practicable and convenient. Upon learning that a receiver had been appointed, the attorneys for the defendants in those cases endeavored to obtain an order setting aside the appointment. Samuel Knight, an attorney for certain of the defendants, prepared papers and called upon the judge on July 24, and requested that his motion be set for hearing immediately or as soon as possible. The judge replied that the matter could not then be taken up, nor until after his return from St. Michael. Mr. Knight urged that the matter be set for hearing at 3 o'clock that afternoon, to which the judge replied that the notice was too short.

Judge Noyes declined to give the order or to set the cases for hearing, whereupon Mr. Knight said he would serve a notice on Hubbard, Beeman & Hume, and would be there at 3 o'clock in the afternoon. At 3 o'clock counsel appeared, the motions were argued, and judge Noyes announced that he would render his decision on the following Monday. On the following Monday, July 30, he made no decision. Two days later he left Nome for St. Michael. After he returned, the motions were reargued on August 3 and 4. On August 10 they were decided adversely to the defendants. W. H. Metson and Judge Kenneth M. Jackson, on behalf of the defendants whom they represented, made similar motions and efforts to obtain orders setting aside the appointment of the receiver in their cases.

In the meantime, on July 25, Judge Noyes made an order in the case of Chipps *vs.* Lindeberg et al., which should receive more than casual notice. W. H. Metson, one of the attorneys for the defendants in that case, hearing that the receiver had taken possession of the personal effects of the defendants therein, went on July 24 to the judge and asked him to make an order so construing the order of the 23d as to permit the defendants to remain in the possession of their tents and their personal property, and thereupon the judge so ordered. On July 25, Mr. Metson, having heard that the judge had made a statement that he had been imposed upon in making the order of the previous day, went to the judge and stated what he had heard, and remarked that he was not in the habit of imposing upon judges and did not intend so to do. To which Judge Noyes replied: "Your people are preventing the receiver from working the Discovery claim. I am going to tie your people up all around. I am going to make an order which will take everything away from them."

Mr. Metson protested against this and requested the judge not to take so drastic a remedy, and drew his attention to the fact that the complaint called for the possession of the mine only, and he argued that to take away the tools and supplies and personal effects of the defendants would be a great injustice. To which Judge Noyes replied: "I have been imposed upon, and I am going to tie them up." Mr. Metson testified positively to these facts. Judge Noyes admitted that portions of Metson's testimony are true, and made uncertain denial of the remainder. We entertain no doubt, in view of all the facts and circumstances and the nature of Judge Noyes's own testimony, that the interview occurred substantially as testified to by Mr. Metson. He testified further that he requested the judge to refrain from making such an order, and that the judge declared his purpose to make it, and told him if he got anything he would have to see McKenzie about it.

Judge Noyes denied that he referred Metson to McKenzie. The order which was made on July 25 was entitled an "order enlarging the powers of receiver." Among other things it directed the receiver to "take possession of all sluice boxes, pumps, excavations, machinery, pipe, plant, boarding houses, tents, buildings, safes, scales, and all personal property, fixed and movable, gold, gold dust, and precious metals, money boxes, or coin, and all personal property upon said claim." The receiver took possession of the tents and the beds of the men, the men's own personal property, the boxes of gold dust belonging to the men, the gold dust taken from other claims belonging to the defendants, the contents of the safe, and the time books of other claims which the defendants were working, and there was no redress until some six weeks later, when the receiver, on the advice of his counsel, surrendered a few of the things so taken.

On August 15 the defendants applied to Judge Noyes for orders allowing them appeals to this court from the orders appointing the receiver, and accompanied their application in each case with bonds and assignments of error, and presented bills of exceptions. The applications were denied. After the appeals had been subsequently allowed by the order of the Hon. W. W. Morrow, one of the judges of this court, and copies of the orders of the judge and the writs of supersedeas thereupon issued had arrived at Nome on September 14, Marshal Vawter on that day served the writs upon Judge Noyes and upon the receiver. Mr. Knight called upon the Judge on the same day and stated to him that he had come to see about getting an order to put into effect the writs of supersedeas, and the Judge said to him:

"I can do nothing about this order. This litigation has caused me a great deal of worry. My hands are tied. The court has taken the whole matter out of my hands. You gentlemen have got to fight this thing out among yourselves." And he added, "I shall make no order; it is not my duty to do so; it is not within my province or right to do so."

On the following day Mr. Knight made a similar application for such order, and presented to the judge a form of order to which, he testified, the judge replied that he had talked with Mr. McKenzie, and had come to the conclusion that the writs were void, and added: "You have laid a very suspicious emphasis upon the injunctional part of these orders. You are not entitled to an appeal, and your record shows evidence of a great deal of haste."

Judge Noyes further stated to Mr. Knight that he was having an order prepared. Cornelius L. Vawter, who was the marshal of the district court of Alaska, second division, in the fall and summer of 1900, testified that on September 14 he served copies of the writs upon Judge Noyes and McKenzie, and that later in the same day he called upon the judge and asked if there was anything that could be done in relation to the writs, and that the judge answered that he was not going to do anything; McKenzie could do as he pleased. The marshal testified that on the following day, while he was in consultation with Major Van Orsdale, he received from Judge Noyes the following letter:

NOME, ALASKA, *September 15, 1900.*

C. L. VAWTER, *United States Marshal, City.*

DEAR MARSHAL: I have been able for the first time to make an examination of the original order sent down from the circuit court of appeals, and find that it will be necessary for me to enter certain orders of record here, which will be done as soon as they can be drawn and spread upon the record. In the meantime, it devolves upon you to preserve the peace and good order so far as it is possible for you to do, and I have taken occasion to request Major Van Orsdale to render such assistance as necessary to protect life and property, and to hold things in statu quo until the order can be prepared and presented to the court.

Sincerely, yours, ARTHUR H. NOYES, *Judge.*

The marshal testified that in connection with the letter and after he had put a posse of two soldiers in the bank, he had a conversation with Judge Noyes in which he told the judge what he had done to guard the bullion, and that the judge remarked: "That is right. Hold it there. Don't let this crowd get it; don't let anybody get it; keep the guard on there until further orders." The marshal testified further that it was rumored at that time that the Lane people and the Pioneer Mining Company (the defendants in the Anvil Creek cases) were going to go in and take the bullion out, and that their attorneys had requested him to have the writs enforced and that he informed Judge Noyes of this later and that the judge said it was right "not to enforce them; not to let them get the bullion."

Marshal Vawter testified that later at St. Michael he had a conversation with the judge in which he said to the latter: "There is no danger but what you are going to obey the writ of the appellate court, is there?" and the judge answered: "Don't you think it. In the first place I have got a right to interpret those writs. They have not put up bonds enough; I don't know whether they are genuine or not. I don't know who Frank Monckton is; I am not going to take any clerk of the court's word for it. In any event the Supreme Court will knock them out when it gets there." Judge Noyes contradicted the testimony of the marshal in regard to this conversation and denied that he made the remarks which the marshal attributed to him.

There is a partial corroboration of the marshal's testimony by that of George V. Borchsenius, the clerk of the court, who testified that he was present during a part of the conversation at St. Michael, and that he heard some remark of Judge Noyes concerning Mr. Monckton, the clerk of the circuit court of appeals. It should be noted that Marshal Vawter at the time when he testified was no longer marshal of the court and that his feeling toward Judge Noyes was unfriendly, and that he and the judge were not upon speaking terms. Chas. D. French, captain in the United States Army, Seventh Infantry, testified that he was on duty at Nome in August, September, and October, 1900; that he had an interview with Judge Noyes on September 15, in which reference was made to the writs of supersedeas and that he asked Judge Noyes what was going to be done about it, to which Judge Noyes answered that he understood it that the writs required him not to do anything whatever. Captain French further testified:

"There was some further conversation; he directed me not to issue any executive order in reference to these writs, as I understood it. * * * I understood I was required not to undertake the execution of the writs. I was captain of Company K, Seventh Infantry, which was engaged in controlling the town, and was, as I understood it, held responsible for keeping the peace."

Captain French later testified that when the judge forbade him to issue an executive order, he understood it to refer to the writs of supersedeas, and he so informed Major Van Orsdale, his superior officer.

Major Van Orsdale, who was in command of the military forces at Nome, testified that on the morning of September 15 Kenneth M. Jackson, one of the attorneys for the defendants in the Anvil Creek cases, called upon him and told him that the receiver had refused to comply with the writs of supersedeas, and that there was danger of serious trouble, as a vigilance committee was being or was about to be organized for the purpose of taking possession of the properties that McKenzie was responsible for as receiver, and that he was very anxious that matters should proceed in a lawful way; that if the committee got started there was no knowing where it would end, and very serious trouble would probably result, possibly bloodshed.

Kenneth M. Jackson testified that what he told Major Van Orsdale was that McKenzie had refused to obey the writs and that the marshal had refused to enforce them, and that the defendants were afraid that McKenzie and the plaintiffs would remove the gold dust and get away with it, and that if they did attempt to take the gold dust out of the bank some one would get hurt and that he wanted the assistance of the military to enforce the writs. We have no hesitation in accepting Mr. Jackson's statement as embodying the truth of the situation. It is fully sustained by the circumstances and by the general facts in the case as testified to by other witnesses. There was no danger of a general riot or of the formation of a vigilance committee, and there was no danger of bloodshed unless either the plaintiffs or the defendants or the receiver should attempt by force to remove the gold dust from the safe-deposit vault where it was stored.

It is true there were miners in Nome at that time who had been working for the receiver whose wages had not been paid, and who were clamorous for payment, but there is no credible evidence that they contemplated or threatened the use of violence to take the gold dust or for any purpose, or that there was talk of a vigilance committee. Major Van Orsdale testified that he went to see Judge Noyes, together with Captain French; that he reported to the judge what he had heard about the writs and the danger of riot and bloodshed, and that the judge informed him that the matter had been taken entirely out of his hands, and that he did not know what Mr. McKenzie was going to do about it, but if the matter was brought to his attention he would inform Mr. McKenzie that he should comply with the writ, or words to that effect. That afternoon about 4 o'clock Major Van Orsdale received the following letter from Judge Noyes:

NOME CITY, ALASKA, *September 15, 1900.*

Major VAN ORSDALE, *Nome City, Alaska.*

MY DEAR MAJOR: After you called with Captain French this morning I saw the original papers on file from the circuit court of appeals, and I find that it is necessary for an order to be entered by this court, which will be entered, of course, as soon as the same can be prepared, and such further

steps will be taken as will be a full and complete compliance with the order of the circuit court of appeals. My anxiety in this matter is to do everything in my power, and have all those whom I can in anywise control fully comply with the order of the court above, which, of course, will be done. In the meantime it is necessary that matters should rest in statu quo, and peace and order be preserved, and I therefore request that you render such assistance to the marshal as may be necessary to maintain that peace and quiet.

Assuring you of my desire to cooperate in every effort that is needful in order to preserve life and property, I am,

Very sincerely, yours, ARTHUR H. NOYES, *Judge.*

Judge Noyes testified that the letter to Major Van Orsdale was written in pursuance of an interview that he had previously had with Major Van Orsdale, when the latter had called upon him and told him there was going to be a disturbance and an attack upon the bank, or that a mob was likely to assemble and that there was going to be bloodshed.

On September 17 W. H. Metson made formal application in court for an order directing the receiver to comply with the writs of supersedeas in his cases, and the judge answered, saying that he was preparing a formal order, which would be filed.

On September 19, Mr. Metson and Judge Johnson made in open court a motion for the enforcement of the writ of supersedeas in the Chipps case, and accompanied the motion with an affidavit that McKenzie had extracted $130,000 from the mine which he refused to deliver, and they asked the court to make an order on the writ of supersedeas that he transfer that property to the defendants. Judge Noyes being then engaged in hearing a trial, directed that the trial proceed, and made no answer to the application which was thus made. It appears that no order was made in open court by Judge Noyes in any of these cases at any time, but Mr. Metson testified that subsequently he found among the papers in the Chipps case orders which bore date September 17, which were not filed and which contained, indorsed upon them in pencil in the handwriting of Wheeler, the private secretary of the judge, the memorandum "not to be filed."

The order, after setting forth certain recitals, concludes as follows: "Ordered, that all further proceedings herein in relation to said interlocutory order of this district court of said 23d day of July, 1900, be, and are hereby, stayed pending the said appeal from said interlocutory order to the circuit court of appeals." Similar orders were made in the other cases, all bearing date September 17, 1900. Judge Noyes testified that these orders were made to express his understanding of the requirements of the writs of supersedeas, so far as they were directed to him, and that he did not make or authorize the memorandum "not to be filed."

The writs contained the following: "And that you, said Alexander McKenzie, do forthwith return unto the said defendants the possession of any and all property of which you took possession under and by virtue of said order, and that you do make return of this supersedeas, together with your acts and doings thereon, to said district court for such district of Alaska, second division, as you will answer the contrary at your peril, and you, the judge of said district court for the District of Alaska, second division, are hereby commanded to stay any and all proceedings which may have issued as aforesaid upon said order, and to stay any and all further proceedings in relation to said order and the appointment of a receiver in this case, pending the appeal last aforesaid in this court."

Judge Noyes testifies that he was not advised of the fact that Judge Morrow had approved the form of the writs of supersedeas or that he had taken other action than to make the orders upon which said writs were issued, and that taking the writs in connection with those orders and the amount of the bonds upon which the appeals had been allowed, which was $35,000 in each case, he was in doubt whether the writs directed the receiver to turn over the gold dust. He testified that he told McKenzie that he (McKenzie) ought to comply with the writs, but as to what was necessary for him to do in order to comply therewith he did not undertake to advise him; that he thought when the appeals were taken the whole thing was taken out of his (Noyes's) hands, and that he was restrained from taking any further steps in the cases whatever, so far as the receiver was concerned. He admitted that he declined to make an order requiring the receiver to turn over the gold dust, "not believing I was bound to; on the contrary, believing it was not a part of my duty to do so."

On October 6, this gold dust remaining still in the possession of McKenzie, the receiver, but the mining claims involved in the suits having been surrendered by him to the defendants, who were then engaged in mining the same, Chipps, the plaintiff in the case of Chipps *v.* Lindeberg et al., by his counsel, applied to the court for an order upon the defendants therein, to show cause why they should not be restrained from removing from the territorial jurisdiction of the court the gold dust which they were then extracting from the mine, and accompanied the application with an affidavit setting forth the facts of the allowance of the appeal by Judge Morrow, and the issuance of the writ of supersedeas, which was therein referred to as "an alleged writ of supersedeas of the circuit court of appeals of the ninth circuit."

Hearing was had upon the order to show cause on October 8, at which time a discussion was had before the court, by counsel for the respective parties, concerning the effect of the writ of supersedeas. It was argued on behalf of the plaintiff that inasmuch as the appeal had been taken only from the receivership proceedings, and the main action remained pending before the court, there could be no violation of the writ of supersedeas by enjoining the defendants from deporting the gold dust from the jurisdiction. That argument was met by the defendant's counsel with the proposition that on proper application to the court and the proper bond being given, the court would have jurisdiction to issue an injunction, but that the court would have no jurisdiction unless the bond was offered, and they contended that the application for the injunction without the bond was merely a makeshift to avoid the writ of supersedeas.

On October 10 the court made the injunction order, enjoining the defendants from moving any of the gold dust from the jurisdiction of the court. It was made without bond and without suggestion of a bond. Judge Noyes testified that it was not his intention to order an injunction without a bond, and that if he so ordered in this instance it was by mistake. Marshal Vawter testified, and his testimony is not contradicted, that on October 10, the day when the injunctions were issued, and some three hours before their issuance, McKenzie came to him and was very anxious to have the injunctions served that night and wanted him to be ready to make the service.

On October 15 McKenzie was arrested at Nome upon an order of this court to show cause why he should not be held guilty of contempt for his disobedience to the writs of supersedeas. The defendants, on October 16, made a motion in court to dissolve the injunction of October 10. On the following day W. T. Hume, one of the attorneys for the plaintiffs, stated in open court that he thought it was the duty of the plaintiffs' attorneys in that matter and for their own good to dissolve the injunction of their own motion or for the court to dissolve it. Judge Noyes thereupon immediately said, "All of the injunction orders are dissolved forthwith."

The record and the evidence of these proceedings show from first to last upon the part of Judge Noyes an apparent disregard of the legal rights of the defendants in the cases in which McKenzie was appointed receiver. The proceedings upon which the receiver was appointed were extraordinary in the extreme. Immediately after his arrival at Nome in company with the man who it seems had gone to Nome for the express purpose of entering into the receivership business, and who boasted to others that he had secured the appointment of the judge, and that he controlled the court and its officers, upon papers which had not as yet been filed, before the issuance of summons and before the execution of receiver's bonds, without notice to the defendants, without affording them an opportunity to be heard, Judge Noyes wrested from them their mining claims, of which they were in the full possession, the sole value of which consisted of the gold dust which they contained and which lay safely stored in the ground, and placed the claims in the hands of a receiver with instructions to mine and operate the same, and this without any showing of an equitable nature to indicate the necessity or propriety of the receivership or the necessity for the operation of the mines by a receiver, in order to protect the property or to prevent its injury or waste.

When the defendants undertook to appeal from these orders, their right of appeal was denied them. The receiver so appointed was permitted to go on and mine these claims on an extensive scale and extract from them their value. According to the testimony some of the mines were "gutted." The appointment of the receiver was, in the case of Chipps *v.* Lindeberg, almost immediately followed by an order authorizing the receiver to take into his possession all the personal property of the defendants which was found upon the claim, including their stores, provisions, tools, and tents. The order so made was so arbitrary and so unwarranted in law as to baffle the mind in its effort to comprehend how it could have issued from a court of justice. That it was not inadvertent is shown by the fact that before making it Judge Noyes was reminded that the suit involved the placer mining claim only, and by the further fact that the order was preceded by the threat to "tie up" the defendants and take away their property, and was followed three weeks later by the deliberate execution of similar orders in the other four cases.

The appointment of the receiver in each case was in direct violation of the Code of Alaska, under which the court was organized (31 Stats., 451, sec. 753), which provides as follows: "A receiver may be appointed in any civil action or proceeding, other than an action for the recovery of specific personal property—first, provisionally, before judgment on the application of either party, when his right to the property which is the subject of the action or proceeding, and which is in the possession of an adverse party, is probable and the property or its rents or profits are in danger of being lost or materially injured or impaired." There is evidence of other arbitrary and oppressive action of the court in McKenzie's favor in cases in which he was receiver or was interested, notably the case of the Topkuk mine.

It is shown that two of the original locators of that mining property went to Judge Noyes upon his arrival at Nome and complained of the action of certain trespassers, and that he referred them to his private secretary, Wheeler, saying that the latter was about to resign his office and take up the practice of the law; that they went to Wheeler, and he proposed that if they would give him a one-half interest in the mine he would secure them the full possession of their property within twenty-four hours; that they refused this exorbitant demand, and after some discussion were about to engage his services in consideration of a one-eighth interest, when negotiations were dropped for the reason, it is suggested in the evidence, that McKenzie had become interested on the other side. An action of ejectment was then commenced by the persons whom the locators complained of, and one Cameron was immediately appointed by the court receiver of the mining property upon a bond of $10,000.

He proceeded to operate the mine upon an extensive scale, refused to use the machinery which the owners had placed there at an expense of $6,000, and instead rented machinery from McKenzie at the rate of $50 per day and bought supplies of him to the amount of $7,800. The owners attempted to protect their interests. They challenged the sufficiency of the bond and the ability of the sureties to respond, but without avail. They attempted to watch the clean-ups, but their right to be present was denied by the receiver. They applied to the court for relief, but the only relief they could obtain was an order that one of their number, who was designated by name, be permitted to be present at each clean-up simultaneously with one of the plaintiffs. The evidence is that a considerable portion of the time the plaintiffs declined to be present, and thereupon the receiver denied the right of the designated defendant to be present.

When the defendants finally established their title to the property by the verdict of a jury, and the receiver was discharged, his account showed that he had taken out of the mine $30,000, while his expenses were largely in excess of that amount. The owners contended that he had taken from the mine more than $200,000. Upon a reference of the receiver's account to a referee appointed by Judge Noyes it was found that the receiver had taken from the mine $100,000, and that his expenses were no more than $35,000. The evidence shows that neither the receiver nor his bondsmen have any property which can be found to apply upon this large deficit of $65,000. All these matters were properly shown to this court upon these proceedings, to throw light upon the transaction, to show the animus of Judge Noyes in those cases, and to aid the court to interpret the nature of his conduct in the matters upon which contempt is charged.

The charges are in substance that the respondent is guilty of contempt of this court in refusing to execute an order directing the receiver to obey the writs of supersedeas, in giving to the marshal and to Major Van Orsdale instructions to hold matters in statu quo and permit no one to have the gold dust, and in issuing the subsequent injunction of October 10 enjoining the defendants from removing the gold dust from the jurisdiction of the court. When the writs of supersedeas arrived at Nome and their contents were made known to Judge Noyes, and an application was made to him for an order requiring the receiver to obey them, it was his plain duty to make that order.

The receiver had refused to obey the writs. He was an officer of Judge Noyes's court, subject in all his conduct as receiver to be controlled by the order of that court, subject to removal or punishment for contempt in case of disobedience. If Judge Noyes believed the writs were void, it was none the less his duty to obey them and to leave the question of their validity to the decision of the court whose writs they were. He had no warrant for saying that his hands were tied. The writs of supersedeas did not tie his hands so as to prevent his obedience to their own terms. In language which was neither uncertain nor doubtful, they directed him to go no further with the receivership, and McKenzie to surrender all the property he had taken as receiver, including the gold dust.

It is absurd to say that Judge Noyes was enjoined from ordering McKenzie to do the very thing the writs commanded the latter to do. It was no excuse for denying the application for the order that the bonds upon which the appeals had been allowed were less in amount than the value of the gold dust which the receiver had taken out of the claims. The inadequacy of the bonds, if they were inadequate, was no concern of Judge Noyes. The appeals had been allowed, it is true, upon bonds aggregating $100,000, but that sum was considerably larger than the sum total of the bonds which Judge Noyes had required of McKenzie as receiver.

Had Noyes done nothing further than to refuse to make an order directing the receiver to obey the writs, however, we should hesitate to hold his refusal to be contempt of court. But he went further than that. Not only did he refuse to make the order, but, apparently fearful that the defendants in

those cases were about to obtain possession of the gold dust under the writs, he issued to the marshal and to Major Van Orsdale directions to hold things in statu quo, and couched his directions in words, which, upon their face and unexplained, we can construe no other wise than as meaning that his purpose was to prevent the delivery of the gold dust to the defendants or to anyone.

These orders, it is true, were accompanied with the promise that the court would investigate the writs and issue such orders as might be proper for their enforcement, but when the promised orders were finally made they were orders not enjoining obedience, but the reverse. In framing the orders Judge Noyes took the language of the supersedeas so far as it enjoined him from further proceeding in the receivership matter and turned it into a general order of the court, which, if it had any force or effect at all, had the effect to inhibit the surrender of the gold dust by McKenzie, the receiver.

But Judge Noyes disclaimed that he had any purpose to interfere with the writs or to obstruct their enforcement and testified that his orders to the marshal and to Major Van Orsdale were made in consequence of the representations which the latter had made to him of the danger of violence, and were not directed against the delivery of the gold dust to the defendants, but were issued to preserve order and prevent riot and possible bloodshed. We have not disregarded the evidence which has been offered on behalf of Judge Noyes to explain the letters to the marshal and to Major Van Orsdale by reference to an alleged condition of lawlessness at Nome at that time, which threatened the safety of the property and the funds in the bank.

The evidence does not convince us that that state of things existed. On the contrary, the overwhelming weight of the evidence is that the only commotion that existed at that time was caused by the belief or the apprehension that the defendants in the suits, if balked by the refusal of the receiver to deliver the gold dust, would themselves take possession thereof. The evidence upon that point is to our minds so clear as to leave no room for doubt. We are convinced that Major Van Orsdale misunderstood the purport of the communication which he received from Judge Jackson. But inasmuch as Major Van Orsdale represented the situation to Judge Noyes as he has detailed it, we reckon with that fact and with the element of doubt which it might create were it not for the other evidence in the case.

All doubt is removed, however, when we come to consider the testimony of Marshal Vawter and Captain French concerning the oral directions which they received from Judge Noyes in connection with the "statu quo" letters. Vawter was instructed, as he testified, to prevent the defendants in those cases from obtaining the gold dust. Captain French, a disinterested witness, to whose testimony we must give full credit, testified that Judge Noyes directed him to issue no executive order in reference to the writs, which he understood to mean, and which could only mean, that Judge Noyes forbade him to issue an order that the gold dust referred to in the writs be turned over to the defendants in obedience to the commands of the writs. These oral instructions furnish evidence of the motive of the written instructions.

In giving them and in making the written instructions the respondent willfully committed an overt act which had the direct effect to interfere with the execution of the writs of this court, and thereupon the charge of contempt must be sustained. Concerning the remaining charges against the respondent it is not necessary to make extended comment. His action in issuing the writ of injunction of October 10 was attended by no features of contumacy or want of respect for this court, except the fact that it was made upon a petition which referred to the writs of supersedeas as "an alleged writ of supersedeas of the circuit court of appeals," and the fact that when the injunction was allowed it was allowed without bond. It is significant, perhaps, of the purpose which these injunctions were intended to serve that on October 17, after the arrival of the warrant of arrest of McKenzie, Judge Noyes of his own motion dissolved them.

In arriving at the conclusion which we have reached in this case we have not failed to recognize the seriousness of the charge of contempt when laid at the door of a judge of a court, nor the necessity of maintaining a due regard for the judicial discretion which belongs to that office. It is essential, however, to the administration of justice that the process of courts be obeyed. Upon no one does this obligation of obedience rest with more binding force than upon a judicial officer. The respondent, Arthur H. Noyes, is adjudged guilty of contempt of the authority of this court by his resistance to the execution of its writs of supersedeas. In view of the fact that he holds a public office, it is the opinion of the court that the respondent be required to pay a fine. It is accordingly adjudged that he pay a fine of $1,000.

Thomas J. Geary, an attorney of this court, was cited to show cause upon evidence which had been furnished by himself in his testimony taken before this court on January 23, 1901, in the case of Kjellman *v.* Rodgers upon the proceedings which were instituted against Alexander McKenzie for contempt. Mr. Geary testified at that time that he was the attorney for McKenzie, the receiver, at Nome, and that on or about September 17 he discussed with Judge Noyes the application which had been made to the latter for an order directing the receiver to turn over the gold dust according to the writs of supersedeas, in which discussion Judge Noyes said to him that he did not believe he possessed the authority to make such an order, and that the only order he could make was one staying proceedings, leaving the property where it was. The witness proceeded to say: "Under those circumstances I advised Mr. McKenzie not to turn over the money." In the cross-examination which was then had appears the following testimony:

Q. Was not your advice to McKenzie that the order was not appealable from, and for that reason he should not obey the writ of supersedeas?

A. That was part of it; not all of it. * * *

Q. Did you not advise him that the order of Judge Morrow allowing the appeal was void?

A. Yes, sir; I advised that because I thought that under the two cases that I have cited, that the order appointing McKenzie being merely an order appointing a receiver and not an injunction order, that Justice Morrow or this court had no jurisdiction of an appeal from the order appointing a receiver.

Q. Had you any intention of advising McKenzie on the 15th to turn over the gold dust?

A. I do not know how I can answer that any plainer than I have. I stated at that time that I advised Mr. McKenzie that evening after 6 o'clock that in my opinion the supersedeas did not require him to turn over the money.

Q. After that writ had been served upon him, McKenzie, did you advise him not to obey that writ?

A. Yes, sir. It did not change my opinion at all. If the original proceeding was void and the court had issued a writ it had not authority to issue, it was void.

In his testimony taken in the present proceedings, the respondent testified that he never at any time advised McKenzie to disobey the writs; that he went no further than to state to McKenzie his opinion of the law, and that he advised him that in his opinion not only the orders appointing him receiver were not appealable, but that the writs themselves did not require him to surrender the possession of the gold dust, and he testified that he gave McKenzie no advice whatever as to the course of action he ought to pursue in the matter. Upon his attention being directed to the specific testimony which he had given in the McKenzie case, and which is quoted above, he testified that either he did not catch the scope of the interrogatory, or that the testimony had been incorrectly taken by the reporter, and that he had not intended to testify as reported.

In that connection he directed attention to the fact that by the other questions and his answers thereto given in his former testimony it appeared that he did not advise McKenzie in regard to his action, or advise him to disobey the writs. There is no other evidence in the case sustaining the charge that the respondent advised the receiver to disregard the writs or to disobey the orders of this court. The testimony of Kenneth M. Jackson tends rather to some degree to corroborate the evidence of the respondent in that regard. We think that upon due consideration of the whole of the evidence against the respondent Geary there is not sufficient to convince us beyond a reasonable doubt that he has been guilty of contempt of the court. The charge against him will therefore be dismissed.

Joseph K. Wood, the United States district attorney, went to Nome in company with McKenzie and Judge Noyes and immediately after his arrival, through the intermediation of McKenzie, became a silent member of the firm of Hubbard, Beeman & Hume, and appointed Mr. Hume his deputy district attorney. He corroborated the testimony of Hume to the effect that an arrangement was also made whereby McKenzie was to be a member of the firm and to receive one-fourth of the profits thereof, but he expressed a doubt whether the agreement was ever carried out. The charge which is made against Wood is that at the time of the arrest of McKenzie on October 15, 1900, the keys of the safe-deposit vaults in which McKenzie, as receiver, kept the gold dust, which was to be delivered under the writs of supersedeas, had been given by McKenzie to Wood, and that when the officers in the presence of McKenzie demanded of Wood the possession of the keys, he refused to surrender the same.

George H. Burnham, one of the deputy marshals who went from San Francisco to arrest McKenzie and enforce obedience to the writs of supersedeas, testified that on October 15, 1900, while he had McKenzie in his custody under arrest, he and Shelley Monckton, the other deputy marshal, demanded of McKenzie the keys of the box which contained the gold dust in the Alaska Banking and Savings Deposit Company, and that McKenzie answered that he had given the keys to Mr. Wood, the United States attorney; that Mr. Wood soon thereafter came into the room and Monckton said to him:

"Mr. Wood, we understand you have the keys of the boxes that contain the gold dust in the Alaska Banking and Savings Deposit Company, deposited there by Mr. McKenzie, the receiver," and that Mr. Wood said: "Do you understand I have the keys to those boxes? Understand nothing; I don't care what you understand," and that Mr. Monckton then said: "Well, Mr. Wood, Mr. McKenzie has just informed us that he gave you those keys; that you were an officer of the court; that he thought the keys were safer with you than with himself, and I now make demand on you for those keys," and that Mr. McKenzie then added: "Mr. Wood, I told the marshals you had the keys; that I thought they were safer with you than with myself," and then Mr. Monckton said: "I make demand on you for those keys. Have you the keys?" and that Wood replied: "I don't know whether I have them or not," and that he then got up and went to the door, and as he was going to the door he said, "I will see you later."

Dr. Cabell Whitehead, the manager of the bank, testified that when the deputy marshals came to the bank to obtain the gold dust he asked them if they had the keys and they replied denying that they had them, and that afterwards he met Wood on Stedman avenue and told him that the deputy marshals were at the bank and wanted to see him, to which Wood replied that "the sons of bitches knew where to find him if they wanted to see him;" that the witness protested against the use of that sort of language to him and told Wood he was simply trying to protect property, that he could not see any good purpose that could be served by breaking open those boxes, which the officers had a right to do and would do, and that Wood answered:

"I will deliver those keys to no one until I have seen a certain person;" that the witness then said to Wood that he did not think there was time to see anybody, because the marshals had been waiting some time and he did not think they would wait much longer, and that Wood turned and went across the street and said: "Let them proceed with their damned burglaries."

McKenzie testified that after he was arrested he handed Wood his pocketbook and keys and told him he wished him to take possession of them, as he was afraid they were going to take him to jail and he did not wish them to get possession of his private papers and private affairs, and that when the deputy marshals inquired of him if he had the keys he answered "no," and informed them that Mr. Wood had them, and that shortly after Wood passed through the room and Monckton asked him if he had the keys or requested him to give up the keys, and Wood said: "I will see about that later," and passed right on.

Mr. Wood never did surrender the keys, and the marshals were compelled to break open the boxes. In his answer upon the order to show cause the respondent states that his failure and refusal to give up the possession of the keys was not through a purpose on his part to hinder or obstruct the officers in discharging their duty or to render ineffectual any order of this court, or to be in contempt of court, but alleges that he was acting on the belief that he had not the authority or the right to surrender possession of the keys without instructions from McKenzie or against McKenzie's wishes as he understood them.

We think the evidence fully sustains the charges against the respondent, Wood, and indicates upon his part a hostile attitude toward the officers of this court, whose duty it was to enforce the writs of supersedeas, and a disposition to willfully obstruct them in the performance of their duty. We are disposed, however, in dealing with this case, to take into consideration the nature of the averments of his answer upon the order to show cause and the apology which he subsequently made to this court. It is the judgment of the court that the respondent, Joseph K. Wood, is guilty of contempt of the lawful orders of this court, and that he be imprisoned in the county jail of Alameda County, Cal., for a period of four months.

C. A. S. Frost, an attorney at law, was sent to Nome by the Department of Justice as a special examiner to advise and instruct the clerk of the court and the marshal concerning their duties and accounts. He held that office until September 15, 1900, when he resigned to become assistant district attorney to Joseph K. Wood, in the place of Hume, who had resigned, which office he held until April 15, 1901, when he became the private secretary of Judge Noyes. Direct testimony in support of the charges against Frost is given by Marshal Vawter, who testified that the relations between Judge Noyes, McKenzie, and Frost were intimate; that on September 15, 1900, Frost told him that the writs of supersedeas were void, and on that date dictated to him the following letter:

Hon. C. L. VAWTER,
United States Marshal, Nome, Alaska.

SIR: Your attention is invited to that portion of section No. 846, Revised Statutes of the United States, which reads as follows:

"That where the ministerial officers of the United States have or shall incur extraordinary expenses in executing the laws thereof, the payment of which is not specifically provided for, the President of the United States has the authority to allow the payment thereof under special taxation of the district or circuit court of the district in which the said services have been or shall be rendered, to be paid from the appropriation for defraying extraordinary expenses of the judiciary."

If it shall be necessary for you to incur extraordinary expenses under this statute in suppressing specific unlawful acts, acts of violence or attempted violence, burglary, robbery, etc., you will be authorized to employ such force

as may be necessary in the premises, and the necessary expenses thereof incurred by you may be included in an extraordinary expense account to be rendered and paid as provided in said action.

Respectfully, C. A. S. FROST.

The marshal testified that the letter was accompanied by an order to swear in a large posse comitatus to prevent the delivery of the gold dust to the Lane crowd or to the Pioneer people, and that Frost at the same time remarked that such delivery must be prevented at all hazards, and that he said: "They are going to try to take it by force, and these writs that have been sent up here will be declared void by the Supreme Court. You must obey this court; you are the executive officer of this court here." Frost in his testimony contradicted the marshal as to all essential features of his testimony, except that he admitted having written the letter, but the marshal is so well corroborated that we entertain no doubt of the truth of his testimony.

George Leekley, who was the marshal's deputy and clerk, and who occupied the same room with Frost, testified that a day or two after September 14, the date when the writs of supersedeas arrived at Nome, he had a conversation with Frost, in which the latter stated that it was the duty of the marshal by all means to preserve the gold dust intact in the bank in which it was then deposited, and prevent the defendants in said cases and the owners of the gold dust from securing the same under the writs. He also testified that Frost was the confidant and intimate friend and adviser of McKenzie and Judge Noyes, and spent a great deal of time in their company. There are other facts which are fully proven in the case, and which show the deep personal interest which Frost had in the McKenzie receivership, and his partisanship for McKenzie's cause in the controversies then pending.

It is proven that in August, 1900, Frost, in violation of his duties as an officer of the United States, and for the purpose of aiding McKenzie, employed on behalf of the United States, three detectives, Carson, Carroll, and McLean, who for such services during the latter part of August, all of September and a portion of October, were paid by the Department of Justice, two of them $10 per diem and their expenses, and one $15 per diem and his expenses, and that the purpose for which the detectives were employed, and the sole service which they rendered, was to watch the movements of the defendants and their attorneys in the cases in which McKenzie was receiver.

Frost admitted the employment of these men, but stated that they were engaged for the purpose of ferreting out certain efforts which he had heard were being made to corrupt the jury panel of the district court. The explanation which he gave is inherently improbable. He testified in substance that it came to his knowledge that attempts were being made to get persons on the jury panel, and that names were being furnished by interested parties to that end, and that it was for the purpose of ascertaining who was doing this and to prevent the corruption of the jury panel that the three detectives were employed.

He declined to state the nature of his information, claiming that it was a confidential communication. On cross-examination he testified that he gave the detectives no instructions to watch any particular person, but simply informed them that he had been informed that attempts were being made to corrupt the jury panel, and that he wanted them to find out who was doing that work. He testified that he received from them reports from time to time, but he declined to divulge the nature of their reports.

On further cross-examination it was shown from the witness that there were upwards of 300 names drawn from the grand and petit jury; that the names were selected one-half by the clerk of the court and one-half by the jury commissioner; that Frost made no inquiry of the clerk nor of the jury commissioner, and had no talk with either of them on the subject, and directed no investigation of either; that he gave to his detective no instructions whatever concerning either of these officers, and that he directed no investigation of the 300 names which were put in the box for jurors, and never personally saw that list or made any investigation of it. He admitted that these detectives were paid under the order of the judge out of funds in the hands of the clerk.

On further cross-examination he testified to a conversation which he had with Judge Noyes concerning lists of names that were presumably to be put into the jury box, and stated that Judge Noyes showed him the lists and an affidavit accompanying them, to the effect that certain persons had been furnishing names for the jury panel, and stated that Judge Noyes asked him if he knew of any way in which he could find out who the parties were who were attempting to corrupt the jury panel, and that he, Frost, had replied by saying that while he was in the Department of Justice the Attorney-General had authorized the employment of persons to investigate that sort of thing, and that he informed the Judge that if, in his opinion, it was necessary or advisable to employ some one for that purpose, he thought it might be done.

He further testified that Judge Noyes told him that the lists had been furnished by attorneys and that they were in the handwriting of two persons named. This testimony is not corroborated by Judge Noyes. He testified that he did not make any inquiry as to where the lists were obtained, and that he does not remember that anyone told him the lists had been furnished by attorneys, and that he could not have told anyone whose handwriting the names were in, and that he could not have shown Frost those lists earlier than August 25, because the affidavit which was attached thereto was dated August 25. There is positive and direct testimony of other witnesses concerning the purpose for which the detectives were employed.

John F. Mercer, who was a deputy marshal and who had been a captain in the First Montana Regiment in the Philippines, a man of standing and of good repute, so far as the evidence shows, testified that Frost told him that he wanted those detectives to watch Judge Johnson, Mr. Metson, Mr. Knight, Judge Jackson, Lane, their attorneys and following, and report to him their actions and doings. The witness testified that Frost stated to him that they were watching these people, and that Frost told him that they had the means of ascertaining what was going on in certain neighborhoods, notably the Judge's chambers. "I know," said the witness, "they were watching Mr. Metson's office; I know they were watching Judge Jackson very closely."

Mercer further testified that he saw these detectives giving their reports to Frost; that on one night one of them, Carson, reported that an attempt was to be made by the defendants in those suits to take certain gold dust out of the bank; that immediately after Frost conferred with the witness and told him what Carson had reported and said it must be prevented, and that he went out with Frost late that night to the bank and that Frost seemed very much excited and thought they ought to make a general alarm, and that this happened on the night of the arrival of the writs of supersedeas. Marshal Vawter testified that L. D. McLean, one of the detectives, told him that he was employed as a spy upon the attorneys and owners of those Anvil Creek claims of which McKenzie was receiver.

Dr. Cabell Whitehead, manager of the bank, testified that McKenzie came to him frequently and told him of reports which his detectives had made to him, and that on one occasion he referred to McLean as one of his detectives and reported a conversation which he said McLean had overheard through the wall of the room adjoining W. H. Metson's office. W. H. Metson testified that Carson was already employed by him before Frost engaged him as a detective, but that Frost was evidently not aware of that fact; that Carson came to him and reported to him that Frost had engaged him for the purpose of watching him (Metson), and had directed him to seek employment from Metson in order to be in a position to watch his movements and report the same to Frost.

That thereupon he (Metson) ostensibly and openly employed Carson, and from that time on Carson made regular reports to Frost, and that the reports were first submitted to Metson for his supervision. George A. Leekley testified also that on the night of the arrival of the writs of supersedeas Frost made several trips to the bank, and that Frost informed him that he had just received information that the defendants and owners of the gold dust were going to attempt to take the dust from the bank that night.

George V. Borchsenius, the clerk of the court, testified that he objected to the payment of the bills of these detectives for the reason that he did not think they were proper bills, but that Judge Noyes ordered him to pay them immediately, and said to him that he could either pay them or be in contempt of court. The amount of McLean's bill was about $900. The amount paid to the others is not stated. The whole of the evidence concerning the case of Frost convinces us beyond any reasonable doubt that he not only aided and abetted to the utmost of his power the efforts of McKenzie to obstruct the execution of the writs of supersedeas, but that, in his official capacity, he grossly betrayed the interests of the United States which were intrusted to his care.

The respondent, C. A. S. Frost, is adjudged to be in contempt of the lawful orders of this court, and for his contempt it is the judgment of the court that he be imprisoned in the county jail of Alameda County, Cal., for a period of twelve months.

[Indorsed:] Opinion and judgment. Filed January 6, 1902. F. D. Monckton, clerk.

CONCURRING OPINION OF ROSS, CIRCUIT JUDGE.

The findings of fact in the cases of Arthur H. Noyes, Joseph K. Wood, and C. A. S. Frost, embodied in the foregoing opinion of my brother Gilbert, to the effect that each of those parties committed the contempt alleged against him, meets with my concurrence; but I am of the opinion that the records and evidence in the cases show beyond any reasonable doubt that the circumstances under which and the purposes for which each of those persons committed the contempt alleged and so found were far graver than is indicated in the opinion of the court, and that the punishment awarded by the court is wholly inadequate to the gravity of the offenses.

I think the records and evidence show very clearly that the contempt of Judge Noyes and Frost were committed in pursuance of a corrupt conspiracy with Alexander McKenzie and with others, not before the court and therefore not necessary to be named, by which the properties involved in the suits mentioned in the opinion, among other properties, were to be wrongfully taken, under the forms of law, from the possession of those engaged in mining them, and the proceeds thereof appropriated by the conspirators. For those shocking offenses it is apparent that no punishment that can be lawfully imposed in a contempt proceeding is adequate. But a reasonable imprisonment may be here imposed, and I am of the opinion that in the case of the respondent Arthur H. Noyes a judgment of imprisonment in a county jail for the period of eighteen months should be imposed, and in the case of Frost a like imprisonment of fifteen months.

The facts and circumstances against the respondent Wood are by no means strong, although I find it difficult, if not impossible, to reconcile his ignorance of and disconnection with the conspiracy with the facts that immediately upon his arrival at Nome he was, at McKenzie's dictation, given a one-fourth interest in the firm of Hubbard, Beeman & Hume (which firm was employed to carry on the legal part of the nefarious business), and that Hume (who was, so far as appears, a total stranger to Wood) was, likewise at McKenzie's dictation, immediately appointed by Wood assistant United States attorney. I think Wood should be imprisoned for ten months.

In regard to the respondent Geary, I agree with the finding of the court to the effect that the contempt alleged against him is not sufficiently established. Reading and considering Geary's entire testimony, and especially his written opinion given McKenzie at the time of the occurrences in question, and in the light of the testimony of Mr. Metson, I am of the opinion that it is not shown that he went beyond the legitimate privileges of an attorney in giving his legal advice. I therefore concur in the dismissal of the proceedings against him.

[Indorsed:] Concurring opinion of Ross, circuit judge. Filed January 6, 1902. F. D. Monckton, clerk.

In the United States circuit court of appeals for the ninth circuit. In the matter of Arthur H. Noyes, in the matter of Thomas J. Geary, in the matter of Joseph K. Wood, in the matter of C. A. S. Frost. Concurring opinion of Morrow, circuit judge:

MORROW, circuit judge. I concur in the findings of fact contained in the opinion of Judge Gilbert in the cases of Arthur H. Noyes, Joseph K. Wood, and C. A. S. Frost. I am also of the opinion that the evidence does not establish the charge against Thomas J. Geary.

In my judgment the evidence establishes the fact that there was a conspiracy between the respondent Noyes, McKenzie, and others to secure possession of certain valuable mining claims at Nome, Alaska, under proceedings involving the appointment of a receiver, for the purpose of working the properties and obtaining the gold deposited in the claims. To carry these proceedings to a supposed successful conclusion, Noyes, McKenzie, and others found it a necessary part of their scheme to resist the process of this court. In pursuance of this conspiracy, the contempt charged against Noyes was committed; but I agree with Judge Gilbert that this conspiracy is outside the charge of contempt, and in view of the fact that the respondent Noyes holds a judicial position, I concur in his judgment that the respondent be required to pay a fine of $1,000.

[Indorsed:] Concurring opinion of Morrow, circuit judge. Filed January 6, 1902. F. D. Monckton, clerk.

Mr. STEWART. Mr. President——

Mr. TILLMAN. If the Senator from Nevada will permit me, I forgot to send to the desk the article from the New York Sun. I should like to have it go in the RECORD in full, taking it up at the part where I left off reading, and inserting the remainder of it as though I had read the whole.

The PRESIDING OFFICER. Is there objection to the request of the Senator from South Carolina? The Chair hears none.

The remainder of the article referred to is as follows:

Page 33 of the record gives the following information:

Name, Benjamin Daniels; registered No., 95; when received, June 10, 1880; sentence, three and a half years; conduct while in confinement, conduct good; discharged, August 28, 1883, at the expiration of sentence. Allowed good time. Other items same as above.

That is the man who has been nominated and confirmed as United States marshal for Arizona, and Republicans here think that President Roosevelt, with whom Daniels served as a "Rough Rider," must have been ignorant as to his past.

When Daniels served his penitentiary sentence he lived for two or three years at Denver, employed by the most disreputable bunco men and gamblers, and was the leader of a "brace" game of faro. He afterwards took himself to La Junta, Colo., where he distinguished himself on one occasion by holding up a faro game with a gun and robbing it of $600, for which little stunt he was driven out of La Junta.

Daniels then moved on to Cripple Creek, alternately served on the police force and acted as stool pigeon for the crook gamblers of the place. It is understood that an effort will be made to have Daniels's commission withheld until his past record can be more fully ventilated, in the hope that a Republican can be found to serve as marshal of Arizona who is not a convicted felon.

Mr. HALE. Now, Mr. President, let us proceed with the little bill that has been before us.

Mr. STEWART. I should like to make a few remarks in this connection.

Mr. HALE. Does the Senator really think that the consideration of the urgent deficiency bill, which involves so much, should be further delayed by this discussion?

Mr. STEWART. A little history, I think, is in order at this time.

Mr. HALE. Could not history wait? It generally does.

Mr. STEWART. Mr. President, there is plenty of time.

Mr. HALE. Will not the Senator from Nevada, who is a good-natured man——

Mr. STEWART. Yes; always.

Mr. HALE. Let me go on and finish my little bill and then bring in his history?

Mr. STEWART. It is a very interesting history.

Mr. HALE. I have no doubt it is.

Mr. STEWART. I think it ought to be known in this connection. I am going to put it in the RECORD. I think this matter in Nome commenced a little earlier than has been stated.

Mr. HALE. I can not stop the Senator, of course.

Mr. STEWART. No; not well. [Laughter.]

The PRESIDING OFFICER. The Senator from Nevada has the floor.

Mr. STEWART. Mr. President, I wish to say that I have no interest in Nome, directly or indirectly, never have had, and never was consulted as an attorney in regard to any matters there. My attention was first called to matters in Nome by an amendment offered by the senior Senator from North Dakota [Mr. HANSBROUGH] to the Alaskan code when it was pending here in the spring of 1900. That amendment was retroactive and calculated to take away the property of a large number of people by changing the title to the property. I knew nothing about the circumstances when the amendment was offered, but I was very much opposed to it when I saw its purpose. The amendment was in these words:

SEC. 73. That persons who are not citizens of the United States, or who, prior to making location, had not legally declared their intention to become such, shall not be permitted to locate, hold, or convey mining claims in said district of Alaska, nor shall any title to a mining claim acquired by location or purchase through any such person or persons be legal. In any civil action, suit, or proceeding to recover the possession of a mining claim, or for the appointment of a receiver, or for an injunction to restrain the working or operation of a mining claim, it shall be the duty of the court to inquire and determine the question of the citizenship of the locator: *Provided*, That no location of a mining claim shall hereafter be made in the district of Alaska by any person or persons through an agent or attorney in fact, and all locations heretofore made by any person or persons through an agent or attorney in fact upon which $100 worth of labor or improvements had not been expended or made within ninety days first succeeding the date of such location are hereby declared to be null and void.

That changed the law. The law as it stood allowed any person to locate; it said that the mineral lands of the United States should be open to exploration and purchase by citizens of the United States or those who had declared their intention to become such. Foreigners who had been prospecting in the country frequently located and when the question of their title came before the courts and then before the Supreme Court the Supreme Court held that they had rights that could only be defeated by the Government itself; that a third party could not destroy their rights; that they themselves might, even if the question was raised by the Government, declare their intention to become citizens. It appeared in that discussion that large numbers of Laplanders and others in Alaska had declared their intention to become citizens and others had not. They had gone to that region and had located mining claims. They had been dispossessed, and the subject was discussed here for nearly a month. The Senate, after full discussion, voted against this retroactive law and held to the decisions of the Supreme Court of the United States—I need not recite those decisions—that a party who had located on mineral land might hold until the Government intervened. This change in the condition of a great mining region like that attracted my attention. When the proposition was defeated, I supposed that was the end of it.

Then commenced another history, and I have extracts from that history. Judge Noyes was appointed on the 6th of June, 1900, and proceeded to Alaska. I have in my hand a synopsis of the record which he has made, and quotations from the record. I will ask the Secretary to read the synopsis of the record made by Judge Noyes; and if anyone desires to make any criticism of it, I have copies of the record and the references to show what it is.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

Memorandum of facts taken from the records and sworn testimony in various cases, calling for the immediate removal of Judge Noyes on account of his manifest dishonesty or incompetency.

[Filed with the Attorney-General March 2, 1901.]

In the spring of 1900 Judge Noyes was appointed judge, and in July proceeded to Alaska, the court over which he was to preside being stationed at St. Michael, a short distance from Nome. On his way across the continent to the scene of his judicial labors he was accompanied by Alexander McKenzie, a man whom he had known for twenty years, having resided with him for a long period of time in the State of North Dakota. On taking the steamer for Cape Nome, McKenzie and Judge Noyes were joined, among others, by Robert Chipps, a man who in the preceding year had located a claim near Nome, which claim had been located prior to that time by others, Chipps being really a "jumper."

Chipps had spent a considerable portion of the preceding winter in New York City and Washington, D. C., meeting McKenzie and others, including Judge Noyes, in Washington. He had been told then that Judge Noyes was a candidate for a judgeship, and that he was regarded by McKenzie as a good man. Chipps had, while in New York, made a deed of a claim he had jumped to Alexander McKenzie, who held it for the Alaska Gold Mining Company, and he received in exchange for this deed a considerable sum of money and the promise of $300,000 in stock of the company.

On the steamship going to Nome Chipps discussed with Judge Noyes his claim as a jumper and the fact that he was about to commence litigation, and Judge Noyes told him that he supposed he would want a receiver appointed. It was his understanding, derived from his conversation with McKenzie, that they would have "a shade the best of it" in any lawsuit likely to be brought before Judge Noyes.

The party reached Nome on Saturday, July 21, and at 5 o'clock in the afternoon of Monday, July 23, there were filed before Judge Noyes half a dozen applications for receivers, representing claims to as many of the richest mines in that neighborhood.

Careful inspection of the bills of complaint in the various cases in which receivers were asked for will show that the original intention of the complainants was to apply merely for injunctive relief, for after setting up the names of the parties, alleged discovery and location, entry, filing of notice of location with the office of the recorder, ouster by the defendants, and work upon the premises by them in a reckless way; that the premises are particularly valuable for gold; that the defendants are insolvent and irresponsible, and the gold is being secreted, the bills continue by declaring that unless the defendants, etc., be restrained, etc., the claim will be wholly lost to the complainant and destroyed for mining purposes, following the foregoing by an excuse for not sooner presenting a bill of complaint and reciting the bringing of an action at law. They then say that in order to preserve the rights of the complainants, etc., it is necessary, proper, and convenient that a receiver be appointed, etc.

It will be seen from the foregoing summary that not a single statement is made in the bill of complaint justifying the appointment of a receiver for a placer-mining claim, and that the paragraph asking for such receiver is an interpolation and in no way related to the substance of the bill. That this is a fact further appears by the circumstances shown in the accompanying documents, that Judge Noyes from the bench declared that the idea of a receiver was his own suggestion.

In the granting of injunctions in the various causes, which injunctions were granted at the same time that receivers were appointed, Judge Noyes violated the civil government law of Alaska, which provides (sec. 384, p. 397, session statutes, first session Fifty-sixth Congress) that "Before allowing" an injunction "the court or judge shall require of the plaintiff an undertaking, with one or more sureties, to the effect that he will pay all costs and disbursements that may be decreed to the defendant, and such damages, not exceeding an amount therein specified, as he may sustain by reason of the injunction if the same be wrongful or without sufficient cause."

Judge Noyes again clearly violated the well-established principles of law in that the receivers named on July 23, 1900, were appointed ex parte. No suggestions are made in the bills of complaint justifying or excusing the appointment of ex parte receivers. No such emergency is stated as would excuse the appointment of a receiver without notice, nor is any difficulty alleged in the way of serving process or rule to show cause. The simple fact is that without excuse or justification Judge Noyes on July 23 transferred to the possession of Alexander McKenzie, his old friend and companion on the ship, six of the richest mining claims in Alaska, worth together hundreds of thousands if not millions of dollars.

The fact that in at least two cases the record shows that the receiver went into possession on the very day of his appointment, the parties theretofore in possession being on that day served with process, indicates that no reason existed why a rule to show cause might not well have issued before the making of an appointment.

The bond required of the receiver in each case bore no relation to the value of the property coming into his hands.

Chipps *v.* Lindeberg: Amount of gold theretofore extracted, $200,000; being taken out daily, $15,000; bond, $5,000.

Rogers *v.* Kjellman: Gold theretofore extracted, $10,000; being taken out daily, $500; bond, $5,000.

Webster *v.* Nakkela: Gold theretofore extracted, $50,000; being taken out daily, $500; bond, $5,000.

Melsing *v.* Tornansis: Gold theretofore extracted, $150,000; being taken out daily, $5,000; bond, $5,000.

Although the suggestion in the bills of complaint that the mines were being unskillfully and wastefully worked was manifestly inserted merely for the purpose of securing injunctive relief, nevertheless, if these paragraphs were so inserted as a guide to the court in the selection of a receiver, they evidently failed of their purpose, for the court appointed Alexander McKenzie, a man who, so far as the records at any point disclose, was wholly without mining experience.

Judge Noyes was guilty of another act of high-handed usurpation, in that in a large number of cases, without any prayer therefor in the bill of complaint, and without any petition or affidavits filed to justify the passing of any order, and in the very teeth of the provisions of the special code of Alaska limiting the appointment of a receiver to special actions of receivers "other than an action for the recovery of specific personal property," he directed the receiver to take possession of "tents, buildings, safes, scales, and all personal property, fixed and movable, gold, gold dust, and precious metals, money, and books of all kinds, and each and all personal property upon such claim, connected therewith, or in any way appertaining thereto, in possession of or under the control of the defendants." By virtue of this order thousands of dollars of property clearly belonging to the parties upon the claim, including gold dust in many instances obtained by working other claims, was seized and held by the receiver, and even the very beds upon which the men slept were taken from them.

Notwithstanding the manifest impropriety of the appointment of receivers under the circumstances hereinbefore set forth, motions to set aside the

orders appointing them were all denied. When an appeal was sought from his arbitrary orders, Judge Noyes refused to permit it, and so determined was he to prevent these causes from getting beyond his reach that in the order denying the appeal he said:

"Now, therefore, it is by the said judge ordered that the said proposed bill of exceptions is in each and every part thereof disallowed as a bill of exceptions herein, and the settlement thereof or of any proposed bill of exceptions herein is hereby refused; that said petition for an order allowing said appeal is hereby denied, and said judge declines to accept or fix the amount of any bond for costs thereof, or to allow a supersedeas bond to be given, or to fix the amount thereof."

Recognizing the gross wrongs committed by Judge Noyes, Judge W. W. Morrow, of the United States court of appeals, on August 27 directed an appeal to be granted and that a writ of supersedeas issue. By the terms of this writ Alexander McKenzie and Judge Noyes, together with the respective plaintiffs, were commanded "that from every and all proceedings on any execution of the aforesaid order or in any wise molesting the said defendants on the account aforesaid, or in any manner interfering with their possession of said property, you entirely surcease and refrain, as being superseded, and that you, the said Alexander McKenzie, do forthwith return unto said defendants the possession of any and all property of which you took possession under and by virtue of said order, * * * and you, the judge of said district court for the district of Alaska, second division, are hereby commanded to stay any and all proceedings which may have issued, as aforesaid, upon said order, and to stay any and all further proceedings in relation to the said order, and the appointment of a receiver thereunder in this case pending the appeal last aforesaid in this court."

This writ was served on Judge Noyes at 2 o'clock p. m., September 14, and although he was immediately thereafter asked to direct the receiver to return the property taken by him to the defendants, he in all cases refused to pass such order, and simply passed an order staying proceedings. Because of the default of McKenzie in obeying the supersedeas he has in two cases been sentenced to jail for six months. His excuse for disobedience was that he had not been directed by Judge Noyes to comply with the supersedeas. If McKenzie were in default, what shall we say of the position of Judge Noyes?

THE TOPKUK CASE.

One of the richest mines in Alaska was known as the Topkuk mine, and at the time of the arrival of Judge Noyes was in the peaceable possession of the Black Chief Mining Company. Immediately after his arrival suit was brought in ejectment by jumpers and a suit in equity filed for the appointment of a receiver. In this case the usual course was departed from and the rule to show cause issued. Upon the return of the rule, notwithstanding the strongest possible affidavits on the part of the defense, a receiver was appointed, and although in the case of substantially every other rich mine which had been thrown into litigation McKenzie had been appointed receiver, a man named Cameron, hailing also from North Dakota, and a friend of McKenzie, was named, and a man named McCormack employed by him as superintendent of the mine. To understand the reason why Cameron rather than McKenzie was appointed, a brief digression must be permitted.

McKenzie had taken with him to Nome, in boxes bearing his name, a large quantity of machinery supposed to belong to the Alaska Gold Mining Company, and the cost of which at Nome, freight included, was something under $20,000. He had used it unavailingly in connection with some beach mining, and finding the machinery practically valueless, desired to discover a purchaser. A day or two prior to the appointment of Cameron as receiver at Topkuk, McKenzie loaded it on barges bound for that neighborhood and directed it to be sent there. At about the same time he held a meeting in Alaska of the directors of the Alaska Gold Mining Company, at which a resolution was passed authorizing the sale of the machinery.

One of the directors present was McCormack, afterwards manager of the Topkuk mine. The machinery was sold to Cameron as receiver for the sum of $29,000, and although the Topkuk mine was supplied with all the machinery needed, such machinery was displaced and the discarded machinery belonging to McKenzie—or, in other words, to the Alaska Gold Mining Company—was installed in its place. Of course, a sale of this machinery by McKenzie to McKenzie, receiver, would have been too obvious, but a sale by McKenzie, receiver, to Cameron (Cameron being, as is evident by a consideration of the record, his alter ego) was permissible, and the fact that McCormack, his manager, was one of the directors of the Alaska Gold Mining Company was, of course, readily lost sight of.

JUDGE NOYES'S PRIVATE SECRETARY, A. K. WHEELER.

Judge Noyes, by an order dated June 30, 1900, but entered of record long after that date, appointed A. K. Wheeler as his private secretary, and as such he was paid for the months of July, August, and September at the rate of $250 per month, and his board bills were also allowed as proper expenditures during the same period by Judge Noyes. During all this time Wheeler was a practitioner before Judge Noyes, appearing in a number of cases enumerated in the extracts hereto attached, and in several cases, as is shown by the accounts of the clerk, receiving refund of costs.

On one occasion Judge Noyes suggested to the persons interested in the Black Chief Mining Company that Wheeler, his private secretary, would be a good man for them to employ, and they found his office to be directly adjoining that of the judge, and when they went there to consult with him he was going in and out between the two offices and evidently consulting with his superior officer. This apparent consultation took place while a suggested fee was being considered, one-eighth to three-tenths of the mine being discussed as the proper amount to be paid for getting the company out of its difficulties. The impropriety of the private secretary of the judge practicing before him and receiving fees, especially contingent ones, as a practitioner, while being paid for his services as a Government official, occupying confidential relations with the judicial authority, is too patent to call for extended comment.

CONCLUSION.

Summing up the foregoing, the spectacle is presented of the judge seizing, in violation of statute and common law, and in violation of all precedent, property belonging to private individuals and transferring it to the possession of an old friend. It is found that when this old friend himself can not with safety act as receiver a complacent judge names another man to serve his temporary purposes. It is discovered that the judge permitted his private secretary to practice before him and at the same time to be paid as a public official and as an attorney for litigants, himself approving his governmental accounts.

In view of all the foregoing it is submitted that, either because of dishonesty or absolute and proven incompetency and reckless disregard of the rights of private individuals, Judge Noyes is unfit to act in any judicial capacity, and should be summarily removed. Condemned as he is by the record he has himself made, the authenticity of which can not be questioned, it is believed that the citizens of Alaska should not be further prejudiced by the continuance in office of Judge Noyes for even an additional day.

In the foregoing statements reliance has been placed upon the transcripts in the several cases which have gone to the United States circuit court of appeals; upon the record in the contempt cases against Alexander McKenzie; upon the opinion of the circuit court of appeals of the ninth circuit in the McKenzie contempt case; upon Senate Document No. 196, second session Fifty-sixth Congress; and, as a matter of convenience, there is herewith filed "The Case of Judge Arthur H. Noyes, of Nome, Alaska," a pamphlet reviewing many of the circumstances herein set forth, and also extracts from the contempt proceedings, which extracts have particular relation to this memorandum of facts.

Mr. STEWART. I desire to have published in this connection the proceedings of the circuit court of appeals in the contempt case against McKenzie.

The PRESIDING OFFICER. Is there any objection on the part of the Senate to the request of the Senator from Nevada? The Chair hears none, and that order will be made.

The document referred to is as follows:

Nos. 634 and 636. In the United States circuit court of appeals for the ninth circuit. John I. Tornanses, appellant, *v.* L. F. Melsing et al. and William A. Kjellman, appellant, *v.* Henry Rogers. In the matter of the contempt of Alexander McKenzie in having disobeyed and refused to comply with the terms of the writs of supersedeas duly issued herein. Opinion and judgment.

Page, McCutchen, Harding, and Knight, for appellants.
Thomas J. Geary and A. C. Severance, for respondent, Alexander McKenzie.
Before Gilbert, Ross, and Morrow, circuit judges.
Ross, circuit judge, delivered the opinion of the court:

The proceedings now before the court in the above-entitled cases grow out of the alleged disobedience by one Alexander McKenzie of certain writs of supersedeas issued out of this court upon the order of Hon. William W. Morrow, one of its judges. They have been argued and submitted together and will be so considered.

Each case originated in the United States district court for the second division of the district of Alaska, of which Arthur H. Noyes is the judge, George V. Borchsenius the clerk, and C. E. Dickey a deputy clerk. Placer mining claim, known as No. 10 Above Discovery, on Anvil Creek, a tributary to Snake River, was the subject of controversy in the action of Melsing et al. *v.* Tornanses, and placer mining claim No. 2 Below Discovery, on the same creek, was the subject of contention in the action of Rogers *v.* Kjellman. Both claims are situated within the Cape Nome mining district of Alaska.

The act of Congress under which Judge Noyes was appointed was approved June 6, 1900. (31 Stat. L., 321.) In its fourth section it is provided that:

"The judge designated to preside over division No. 2 (within which division is the Cape Nome mining district) shall reside at St. Michaels during his term of office, and shall hold at least one term of court each year at St. Michaels, in the district, beginning the third Monday in June."

It is further provided in the fourth section that each of the three judges provided for by the act "is authorized and directed to hold such special terms of court as may be necessary for the public welfare or for the dispatch of the business of the court, at such times and places in the district as they or any of them, respectively, may deem expedient, or as the attorney-general may direct;" and that "at least thirty days' notice shall be given by the judge or the clerk of the time and place of holding special terms of the court."

It is not pretended that Judge Noyes held any term of the court at St. Michaels in June, or that any notice was given by him or the clerk of the court of the holding of a special term thereof at Nome or elsewhere, prior to the acts out of which the present proceedings arise. On the contrary, it appears from the records and proofs on file in this court that the steamer on which Judge Noyes went from the city of Seattle, Wash., to Alaska did not reach the roadstead of Nome until July 19, 1900, and that he did not go ashore until Saturday, July 21. Two days thereafter, to wit, Monday, July 23, he signed orders appointing Alexander McKenzie receiver of said placer-mining claims, with directions to take immediate possession thereof and to manage, mine, and work the same; to preserve the gold, gold dust, and proceeds resulting from the working and mining of the claims, and to dispose of the same subject to the further orders of the court; and further ordering the persons then in possession of the claims to deliver to the receiver their immediate possession, control, and management, and expressly enjoining them from in any manner interfering with the mining or working of the claims by the receiver, or with his control or management thereof. The amount of the bond required by the judge of the receiver was $5,000 in each case.

These orders were signed at the same time, and the circumstances under which they were made appear in the proceedings of the court of August 3, 1900, on the motion of counsel for the parties against whom they were directed, made for their annulment on July 24. We extract from the record in the case of Melsing et al. *v.* Tornanses—precisely similar proceedings appearing also in the case of Rogers *v.* Kjellman:

"Upon the hearing of the applications to set aside appointments of receiver in the Anvil Creek cases, Mr. Knight, of counsel for defendant, after reading affidavits in support of his application, continued as follows:

"In addition, if the court please, to these affidavits, we desire to introduce the records of the court in this case; and if Mr. Dickey is here I desire to call him as a witness.

"The COURT. I believe Mr. Dickey is inside.

"Mr. KNIGHT. I desire to call Mr. Dickey with reference to the filing of these papers."

(It is ascertained that Mr. Dickey is not in.)

"The COURT. The records are here; can you use them instead?

"Mr. KNIGHT. I desire to prove, if the court please, that the papers were not filed in this case until after an order had been made appointing a receiver; and further, that no process was issued at that time, or summons, and that, so far as I know, it has not been issued at the present time.

"Mr. HUME. So far as the plaintiff is concerned, the papers were delivered to the clerk to be filed, all at the same time.

"Mr. KNIGHT. The summons has not been served on any of our people.

"Mr. HUME. So far as I know, the summons has not been served in any of these cases. Preparation was made to serve the summons, but the defendants came into court the next morning, and the question of the propriety of their appearance here before answer coming up, personal service has been delayed until the court should pass upon that matter. We have been getting the papers ready to serve each and every person interested with a copy of the complaint.

"Mr. KNIGHT. I wish simply to make the point that the papers were not filed before the order was issued.

"The COURT. All the papers were before the court; they were left here.

"Mr. KNIGHT. But my point is, that they were not filed until after the order appointing the receiver was made, and that the order was made before process issued. I think your honor will agree as to the fact that the bill of complaint was presented to your honor on the afternoon of the 23d day of July, 1900, and that your honor thereafter made an order appointing a receiver, and the papers were subsequently that evening handed to the deputy clerk of the court for filing, but that no process was issued in the cases in which I now appear—that is, in the cases involving No. 2 Below, Nos. 10 and 11 Above, and No. 1 Nakkela. Mr. Hume, is that correct?

"Mr. HUME. Well, of course, as to the time they were filed, we can agree to this fact—that all the papers, the affidavits and bills of complaint and summons, were all presented here to the court. They were not presented to the

for portions of the Proceedings here omitted.

clerk. We couldn't find the clerk at that time; he had no office. They were presented to the court and left with the court. All the papers were left with the court, and the clerk was to file them; but, he being out some place, we were unable to find him, and he having no special office, we presumed they were not filed until later. Everything was in confusion then, and we simply left the papers with the court; that is all we could do.

"The COURT. I remember this—that the papers were here on the table, and I called Mr. Dickey's attention to them.

"Mr. KNIGHT. After the order had been made?

"The COURT. Oh, yes.

"Mr. KNIGHT. It is agreed, further, then, that no process has yet issued in this case?

"Mr. HUME. I think the summons has been issued. I know it was made out.

"Mr. KNIGHT. But no process has been placed in the hands of an officer for service?

"Mr. HUME. No; I think not. I think not placed in the hands of an officer.

"The COURT. I think you will find, as a matter of record, that the summons has been issued.

"Mr. KNIGHT. As far as the issuance of process is concerned, the records will speak for themselves."

It thus appears that the injunctions and orders appointing a receiver of the claims in question were made before the organization of the court, without notice of any character, and before any paper of any kind had been placed on the files of the court—assuming the court to have been organized and in condition for the transaction of business. Not only so, but the injunction granted and the appointment of the receiver in the case of Rogers *v.* Kjellman was based upon a pleading which is without a single allegation of an equitable nature.

That pleading alleges only the citizenship of the plaintiff Rogers and the alienage of the defendant Kjellman; the competency of the plaintiff to make locations under the mining laws of the United States; his discovery of gold on and his location of claim No. 2 Below Discovery, on Anvil Creek, on the 6th day of June, 1899; his marking of its boundaries in accordance with the statutes of the United States and with the local rules of the mining district within which it is situated, and the recordation of notice of the location in the office of the recorder of the district; the possession of the claim by the plaintiff until his dispossession by the defendant on or about July 1, 1899; the withholding thereof by the defendant ever since, and the extraction therefrom by the defendant and others under him of $100,000 in gold and gold dust, to the damage of the plaintiff in that sum and the right of the plaintiff to a restitution of the possession of the claim.

The prayer is only for such restitution of possession of the property and for $100,000 damages, and for costs. In other words, the complaint in the case of Rogers *v.* Kjellman, upon which the judge granted an injunction and appointed a receiver, was an ordinary complaint in ejectment, without a single allegation of even an equitable nature. It is true there was presented to the judge at the same time the affidavit of the plaintiff Rogers and the affidavit of one Charles Cooper, in which they swore, in substance, that the defendant Kjellman was not a citizen of the United States and had never declared his intention to become such; had never located or marked the claim in question in accordance with law, but had extracted therefrom during the mining season of 1899 gold to the amount of $100,000 and removed the same beyond the jurisdiction of the court, and that his servants and assigns were then in the possession of and working the claim, whose only value consisted of the gold it contained, and, if allowed, would continue to work the claim and extract therefrom $5,000 a day and appropriate the same to their own use, in fraud of the plaintiff's rights.

In the case of Melsing et al. *v.* Tornanses, the order granting the injunction and appointing the receiver was based upon an unverified bill praying for an injunction and an order appointing a receiver, supported by the affidavits of one T. H. Downing and one E. W. Bacon. L. F. Melsing, H. L. Blake, D. B. Libby, W. T. Hume, and O. P. Hubbard are the complainants in that bill and John I. Tornanses is the sole defendant thereto, although it appears in more than one place in its body that the complainants contemplated naming other parties also as defendants.

In the bill it is, among other things, alleged "that the complainant, L. F. Melsing, has begun an action at law against the defendants herein to recover the possession of the premises herein described, a copy of which complaint is attached to this bill and made a part hereof; that in order to preserve the rights of the complainant in said action at law and in said placer mining claim pending the termination of said action at law, to prevent the extraction of gold from said claim and the appropriation thereof by defendants, his lessees, agents, servants, employees, and grantees, and preserve the said property and the gold extracted therefrom, it is necessary, proper, and convenient that a receiver should be appointed by this honorable court to take possession of, charge of, and care for said claim, and to hold, operate, and mine and control the same, under the orders of this honorable court, until the termination of said action at law; that the complainants, H. L. Blake, D. B. Libby, O. P. Hubbard, and W. T. Hume, are grantees, for a valuable consideration, of the said complainant, L. F. Melsing, of an undivided interest each in said placer mining claim, and are the owners of a substantial and undivided interest in the land and premises hereinbefore described, alleged, and designated as said placer mining claim No. 10 Above Discovery, on Anvil Creek."

The record shows that the complaint in the action at law thus spoken of was verified by Melsing on the 25th day of August, 1899, and is entitled in the district court of the United States for the district of Alaska, which court was abolished by the act of Congress of June 6, 1900. (31 Stat. L., 321.) That complaint, however, appears from the record to have been filed in the district court for the district of Alaska, second division, created by the last-mentioned act of Congress, at the time the bill in the case of Melsing et al. *v.* Tornanses was filed therein, together with an affidavit of Melsing, made by him on the 25th day of August, 1899, evidently to be used in some way in connection with the action at law entitled in the abolished court.

The bill in the case of Melsing et al. *v.* Tornanses further alleges that on the 11th day of March, 1899, Melsing discovered gold in the ground known as the said placer mining claim No. 10 Above Discovery, and, being at the time competent to do so, located the ground under the mining laws of the United States, marking the boundaries thereof in accordance with law, and recording the notice of the location in the office of the recorder of the district in which the claim is situated, and took peaceable possession thereof; that thereafter and on or about May 1, 1899, the defendant Tornanses wrongfully and forcibly, by himself and others under him, ejected Melsing from the premises and took possession of the claim, and has ever since withheld its possession from him; that during the mining season of 1899 the defendant worked the said claim and extracted therefrom gold of the value of at least $150,000, and at the opening of the season of 1900 commenced, and still continues the working of the claim, thereby extracting therefrom each day gold and gold dust of the value of at least $5,000, all of which the defendant, Tornanses, his lessees and grantees, have appropriated to their own use and benefit, to the injury of the complainants and in fraud of their rights; that the ground is valuable only for the gold it contains, and that the defendant, Tornanses, his agents, lessees, and grantees are insolvent, and that the defendant Tornanses is an alien and has never declared his intention to become a citizen of the United States.

This bill, as has been said, was never verified. The affidavits of Downing and Bacon, presented in support of the bill, are only to the effect that in July, 1900 (that of Bacon fixing the date as the 19th of that month), they saw working upon claim No. 10 Above Discovery a large number of men, under, as they were informed and believe, the defendant or his assigns or grantees, and that the claim was being unskillfully worked, with the object of taking only the richest pay dirt, without regard to the manner in which the claim would be left thereafter, and that the continuation of such work in that manner would destroy the value of the claim. The affidavit of Bacon further states that he was informed by the men at work that they were getting gold therefrom at the rate of a dollar a shovel, and that in addition to the work by hand the persons working the ground had a steam plant in operation thereon for the purpose of expediting the extraction of the gold contained therein, and that the pay dirt was then so exposed as to be easily sluiced and worked when there should be sufficient water in Anvil Creek, and that when there should be more water in the creek the parties then working the ground "could take thousands of dollars out of said claim, and virtually destroy the same for sale or proper operation, unless restrained by order of the court."

It was upon the showing here stated and under the circumstances above detailed that Judge Noyes, on the 23d day of July, 1900, signed the orders granting the injunctions and appointing the receiver of the mining claims in question, who at once took possession of them. On the 24th day of July, 1900, in the case of Melsing et al. *v.* Tornanses, and on the 30th day of July, 1900, in the case of Rogers *vs.* Kjellman, the parties claiming under Tornanses and Kjellman moved the court to vacate those orders, supporting the motions by the notices of location of the respective claims by Tornanses and Kjellman, by their respective deeds of conveyance, and by numerous affidavits. The notice of location by Kjellman of claim No. 2 Below Discovery described the claim, set forth the discovery of gold thereon on the 22d day of September, 1898, and its location on that day, and appears to have been witnessed by John Brynteson and Erik O. Lindblom, and was filed for record at 12 o'clock noon on October 12, 1898, with A. N. Kittelsen, recorder of the mining district.

The notice of location by Tornanses of claim No. 10 Above Discovery, was similar, and purported to have been witnessed by G. W. Price and A. N. Kittilsen, M. D., and filed for record at 12 o'clock noon on October 18, 1898. The deeds thus presented to the court were conveyances from those original locators, for a valuable consideration, to Charles D. Lane of their interests in the claims. The affidavits presented in support of the motions to vacate the orders referred to set forth, among other things, that Tornanses was the first locator of the aforesaid claim No. 10 Above Discovery, and that Kjellman was the first locator of the aforesaid claim No. 2 Below Discovery; that prior to the respective locations gold was discovered by the locator in the ground located, and that in making each of said locations the boundaries thereof were so marked upon the ground that they could be readily traced, and that from the time of their location each of the claims was in the possession of the locator and his successors in interest, and during each working season thereafter was mined for gold in a proper miner-like way; that the conveyance of those claims to Lane was made to him for and on behalf of the Wild Goose Mining and Trading Company, a corporation—that of the aforesaid claim No. 2 Below Discovery, on the 9th day of September, 1899, and that of the aforesaid claim No. 10 Above Discovery, on the 18th day of September, 1899, since which time neither Kjellman nor Tornanses have ever had possession of, or control over, either of said claims, but that both of them thereupon departed from the United States, and neither has ever returned, and that the property has since been held and worked by Lane and those holding under him, and was so worked and held at the time of the initiation of these cases. The affidavits on behalf of the moving parties also deny the alleged insolvency of Lane and those holding under him, and, on the contrary, aver that both Lane and the Wild Goose Mining and Trading Company are amply able to respond in any damages that may be recovered against them.

In each case the district court, on the 10th day of August, 1900, made and entered an order denying the motion so made to vacate the order granting the injunction and appointing the receiver, and on the 14th day of August, 1900, counsel for the defendants in each case petitioned the court for an order allowing an appeal from the order granting the injunction and appointing the receiver, at the time presenting to the court a proper bond on appeal, together with an assignment of errors and a proposed bill of exceptions for settlement and allowance; in response to which the judge, on the 15th day of August, 1900, made an order in each case "that said proposed bill of exceptions is in each and every part thereof disallowed as a bill of exceptions herein, and the settlement thereof, or of any proposed bill of exceptions herein, is hereby refused; that said petition for an order allowing said appeal is hereby denied, and said judge declines to accept or fix the amount of any bond for costs thereof, or allow a supersedeas bond to be given or fix the amount thereof."

Dated Nome, Alaska, August 15, 1900.

ARTHUR H. NOYES, *Judge.*

On the same day, to wit, August 15, 1900, the judge made and entered the following order in each case:

"Now, at this time, comes the plaintiff by his attorneys, Hubbard, Beeman & Hume and Dudley Du Bose, and moves the court for an additional and further order in the matter of the appointment of Alexander McKenzie as receiver in the above-entitled suit, and the court being fully advised in the premises:

"It is further ordered that, in addition to the powers and authorities already granted the receiver appointed, the said receiver is hereby ordered to take possession of the placer claim mentioned in the complaint herein, and all sluice boxes, dams, excavations, machinery, pipe, boarding houses, tents, buildings, safes, scales, and all other personal property, fixed or movable, on the said placer claim; also all gold, gold dust, precious metals, money, books of account, and each and all personal property upon the said claim connected therewith, and in any way appertaining thereto, in possession of and under the control of the defendant, his lessees, grantees, assigns, employees; and all and every person in possession of the said claim or claiming any right, title, or interest in and to the said placer claim, or any gold dust therein or any personal property thereon of any nature whatsoever, are hereby ordered to deliver the same to the said receiver, and are hereby restrained from interfering with the said receiver in quiet and peaceable possession of the same, or any agent that the said receiver may designate to take possession thereof.

"It is further ordered that this order shall revoke all and any order in conflict herewith, and does hereby revoke the same; and

"It is further ordered that this order shall remain in full force and effect until further order of this court.

"It is further ordered that a copy of this order shall be served upon any person in possession of or claiming possession of the property described.

"Done in chambers this 15th day of August, 1900.

"ARTHUR H. NOYES, *Judge.*"

For this sweeping order against any and every person, whether a party to the suit or not, and this express requirement of the receiver to take possession, among other things, of all sluice boxes, machinery, pipe, boarding houses, tents, safes, scales, money, books of account, and all other personal

property upon the claims, of whatsoever kind or nature, no basis of any kind appears from the records which have been brought here upon certiorari to have been presented to the court below, although the order recites upon its face that the court was "fully advised in the premises." Nor does it appear that the slightest attention was paid to an express provision of the very statute under which the court was created and existed, in terms prohibiting the appointment of a receiver in any action for the recovery of specific personal property (Alaska Code, sec. 753), nor to sections 301 or 475 of the same code, which provide as follows:

"SEC. 301. Any person who has a legal estate in real property, and a present right to the possession thereof, may recover such possession, with damages for withholding the same, by an action. Such action shall be commenced against the person in the actual possession of the property at the time, or, if the property be not in the actual possession of anyone, then against the person acting as the owner thereof."

"SEC. 475. Any person in possession, by himself or his tenant, of real property, may maintain an action of an equitable nature against another who claims an estate or interest therein adverse to him for the purpose of determining such claim, estate, or interest."

It will be observed from these provisions that by the code governing Alaska an action of ejectment is required to be brought "against the person in the actual possession of the property at the time, or if the property be not in the actual possession of anyone, then against the person acting as the owner thereof;" and that the right to maintain an equitable action for the purpose of determing an adverse claim is only given to one in possession by himself or his tenant.

The successors in interest of the defendants to the suits having thus been denied an appeal from the orders granting the injunctions and appointing a receiver, not only of the mining claims in question, but of their personal property as well, with directions to the receiver to extract from the claims the gold which constituted their sole value, the defendants applied, with all speed possible, to a judge of this court for the allowance of the appeals which had been denied them in Alaska.

The judge of this court, to whom the applications were made, and upon a showing embracing much of this shocking record, at once granted the appeals, requiring and approving a supersedeas bond in each case in the sum of $20,000, and thereupon ordered a writ of supersedeas to issue out of this court under its seal in each case, and, in writing, approved the form thereof, staying all proceedings under the orders granting the injunctions and appointing the receiver, and further ordering the receiver to at once restore to the defendants from whom he had taken them the said mining claims, together with the gold, gold dust, and other personal property received by him under the orders appealed from. Certified copies of the order allowing the appeal in each case, together with certified copies of the assignment of errors and of the bond, were, with the original writ of supersedeas and the original citation in each case, filed in the lower court on the 14th day of September, 1900, and copies thereof at once served upon the receiver, McKenzie, and a demand made upon him for the restitution of the property, in accordance with the writs.

The evidence taken upon the hearing of these proceedings is to the effect, and we so find the fact to be, that the respondent McKenzie thereupon refused and continued to refuse to restore, in accordance with the requirements of the writs of supersedeas, the gold, gold dust, and other personal property received by him under the orders of the trial court, and that fact being made to appear to this court by affidavits on the 1st day of October, 1900, and it further being then made to appear to this cout that the last steamer for the season would leave the city of Seattle for Nome within a few days and that no further communication could be had with that section of the country until the spring or early summer of 1901, this court thereupon made an order directing its marshal to proceed to Nome, enforce its writs of supersedeas, arrest the offending receiver, and produce him at the bar of this court.

The evidence taken upon the hearing of these proceedings is also to the effect, and we so find the fact to be, that the respondent, McKenzie, at all times had it within his power to comply with the requirements of the writs of supersedeas issued out of this court; that he contumaceously refused to restore the gold, gold dust, and other personal property to the defendants, as required by those writs, and has continued such refusal ever since.

It is said by counsel for the respondent, McKenzie, that the action of Judge Noyes in refusing to allow the appeals petitioned for, and in refusing to settle any bill of exceptions, was based upon the opinion that no appeal is allowed by law from the orders made by him; and it is here so contended.

Provision is made by section 504 of the Alaska code for the taking and prosecution of an appeal from the final judgment of the district court for the district of Alaska, or any division thereof, direct to the Supreme Court of the United States in certain cases within which the present cases do not come, and it is then provided "that in all other cases, where the amount involved or the value of the subject-matter exceeds the sum of $5,000, the United States circuit court of appeals for the ninth circuit shall have jurisdiction to review upon writ of error or appeal the final judgment (and) orders of the district court." And section 507 of the same code declares that "an appeal may be taken to the circuit court of appeals from any interlocutory order granting or dissolving an injunction, refusing to grant or dissolve an injunction made or rendered in any cause pending before the district court within sixty days after the entry of such interlocutory order. The proceedings in other respects in the district court in the cause in which such interlocutory order was made shall not be stayed during the pendency of such appeal unless otherwise ordered by the district court."

Leaving out of consideration the last-quoted section, which in express terms authorizes an appeal from an order granting an injunction, and without considering the right of the defendants to the suits in question to thus have reviewed the orders enjoining them from working the mining claims involved in them, and as a necessary incident the right of the court to appoint a receiver of the property claimed by them, we think we may safely rest the jurisdiction of this court to review those orders upon section 504 of the Alaska Code above referred to. And it is for this court, subject to review of its action by the Supreme Court, to determine whether it may entertain jurisdiction of the cause removed and to dispose of controversies in respect to the form of its writs, the parties, the citation, and their service, without interference from any other court. (In re Chetworth, 165 U. S., 443.)

Courts take judicial notice of the general physical and climatic condition of the country within their jurisdiction. We therefore know judicially, as well as from the record in these cases, that the sole value of the mining claims in question consisted in the mineral contained in them. The extraction of that is, therefore, the taking of the very substance of the estate, and when all of it is removed nothing of value will remain in the claims. In the case of a vein or lode mine, with tunnels, drifts, and shafts in which there are timbers to be placed, replaced, or repaired, or water to be controlled, it sometimes happens that the appointment of a receiver becomes necessary to take possession of and operate the mine pending the litigation, in order to preserve the property; but even in that class of cases the necessity for a receiver is not of frequent occurrence.

This is well shown in the case of Bigbee *v.* Summerour (101 Ga., 201, 228, S. E. Rep., 642). So, too, in the case of placer mining claims valuable only for the oil contained in them, where it becomes necessary for the proper preservation of the claim that the ground be worked to prevent its substance from being drawn off by the operation of wells on adjoining ground, or where it is shown that a receiver is necessary in order that the annual work required by law may be performed for the benefit of the party who may ultimately be adjudged entitled to the ground. But nothing of that sort is shown to have existed with respect to the claims here involved. Here the gold in the claim would have remained as safe as it was during all the ages it had been there, and an injunction (assuming a proper showing for one to have been made) staying the working of the claims pending the litigation would have perfectly preserved the property for whomsoever might be ultimately adjudged to be entitled to it.

The value of mining property of every character, like the value of any other kind of property, largely depends upon the manner in which it is operated. Many good mines prove unprofitable because of loose management or extravagant methods of working them. The successors in interest of the defendant to the suits in which this receiver was appointed were in possession of the claims under a claim of right, and were engaged in mining the ground on a large scale, and had been so engaged during the working season of the year 1899, well as that of the then current season of 1900. They may, therefore, be properly presumed to have been, at least, somewhat familiar with the proper working of placer claims. But there is no evidence that the respondent ever saw a placer, or any other kind of mining claim before he was appointed receiver of these, and, at least, two other similar claims on the 23d day of July, 1900.

It is in evidence in at least one of the contempt proceedings now pending before us against McKenzie that, shortly before going to Alaska, he caused to be organized a corporation called the Alaska Gold Mining Company, with a capital stock of $15,000,000, a majority of which he held, and that, having placed a portion of the remainder where he thought it would stand him in good stead, he proceeded with Judge Noyes to Nome, arriving there on Saturday, July 21, 1900, and on Monday, July 23, before the court was organized and before the filing of any paper of any character with the clerk of the court, was appointed by Judge Noyes receiver of at least four of the richest claims in the district of Nome, upon complaints made by persons the interest therein of at least one of whom had theretofore been acquired by the receiver's corporation, the Alaska Gold Mining Company.

It has been already seen that the orders under which this was done in the present cases directed the receiver to take possession of and mine the claims in question, and enjoined the parties then in possession from in any manner interfering with the claims or with the acts of the receiver. It has been seen, also, that in the case of Rogers *vs.* Kjellman this was done upon a complaint which did not even ask for the appointment of a receiver or for such injunction, and in the case of Melsing et al. *vs.* Tornanses that the only relief that was asked was the granting of an injunction and the appointment of a receiver, all of which was granted by the court by the orders made by it on July 23, 1900.

We have no hesitation in holding that an order by which a placer-mining claim, whose proper preservation in no respect requires it, is taken from one who is in the actual possession thereof and turned over to a receiver, with instructions to extract from it its only value, is, in effect, a final decree, and appealable as such; for its entire value may be thus destroyed by improper working or extravagant management, or by the extraction of all its mineral, while he from whom it is taken and who asserts a right to it may prefer to work the claim to a limited extent only, or in a particular manner, or not at all. He may prefer to hold it for sale or other disposition; yet, under such orders as are here involved, the operations of the receiver of necessity constantly exhausts the very substance of the property, and may speedily render it absolutely worthless. Surely the authority, by whatever name called, under which such a result may be wrought is, in effect, a final judgment.

As was said by the circuit court of appeals for the third circuit, in Potter *vs.* Beal, 50 Fed. Rep., 63, the determination of the question as to what is or is not a final decree "is to be governed by the essence of what is done, and not by the appellation given to it." In the Farmers' Loan and Trust Company case, 129 U. S., 206, it was held that an order allowing a receiver of a mortgaged railroad to issue certificates which should be preferred to the mortgage was a final decree in effect and appealable. In the case of Sharon *vs.* Sharon, 67 Cal., 215, the supreme court of California held that an order made pendente lite directing the payment of alimony in a divorce suit is in the nature of a final decree and appealable as such. (See also the Tampa Railway Company case, 168 U. S., 583, 588, and Iron Co. *vs.* Meeker, 109 U. S., 180.) A mine is, as was held in Bigbee *vs.* Summerour, supra, destroyed as such as fast as the mineral is taken out; so that the necessary effect of the orders in question was to gradually, and perhaps rapidly, destroy the mining claims, and, as a matter of course, the personal property embraced by the orders would necessarily perish by use.

The remaining points urged on behalf of the respondent may be briefly disposed of. It is contended that in order to give effect to the orders made by Judge Morrow allowing the appeals it was essential to file the origina; orders in the lower court. Only certified copies of those orders were so filedl but the original citation and the original writ of supersedeas were filed in the lower court in these cases, together with certified copies of the assignment of errors and of the supersedeas bond. All of these papers were filed in the district court September 14, 1900. That that was sufficient to give effect to the appeal has been expressly decided by the Supreme Court in two cases—Brown *vs.* McConnell, 124 U. S., 489, and Stewart *vs.* Masterson, id., 493.

Section 1007 of the Revised Statutes declares:

"In any case where a writ of error may be a supersedeas the defendant may obtain such supersedeas by serving the writ of error, by lodging a copy thereof for the adverse party in the clerk's office where the record remains, within sixty days, Sundays exclusive, after the rendering of the judgment complained of, and giving the security required by law on the issuing of the citation. But if he desires to stay process on the judgment he may, having served his writ of error as aforesaid, give the security required by law within sixty days after the rendition of such judgment, or afterwards with the permission of a justice or judge of the appellate court; and in such cases where a writ of error may be a supersedeas execution shall not issue until the expiration of (the said term of sixty) (ten) days."

It is contended that the supersedeas thus provided for by statute does not require the restoration to the defendants, pending the appeal, of any property taken by the receiver. Let that be admitted, and the fact remains that, in each of these cases, Judge Morrow ordered a writ of supersedeas to be issued out of this court, under its seal, and, in writing, approved the form of the writs, each of which required the receiver, among other things, to restore to the possession of the defendants the personal property he had taken from them, together with the gold and gold dust extracted by him as such receiver from the claims. It is said that a single judge of this court can not grant a writ of supersedeas. Sections 1000 and 1007 of the Revised Statutes, the case In re Claasen, 140 U. S., 200, Rule 36 of the Supreme Court, and section 11 of the act, approved March 3, 1891, creating this court, conclusively answer this objection.

By section 11 of the circuit court of appeals act it is, among other things, provided that "any judge of the circuit court of appeals, in respect of cases brought or to be brought to that court, shall have the same powers and

duties as to the allowance of appeals or writs of error, and the conditions of such allowance, as now by law belong to the justices or judges in respect of the existing courts of the United States, respectively." In the case, In re Claasen, supra, the Supreme Court held that a justice of the Supreme Court was authorized to grant a supersedeas, saying:

"By section 1000 of the Revised Statutes it is provided that every justice or judge signing a citation on any writ of error shall take security for the prosecution of the writ, and for costs, where the writ is not to be a supersedeas and stay of execution, and for damages and costs where it is to be. In a criminal case, there are no damages; and in such a case, the United States being a party, it is provided by subdivision 4 of rule 24 of this court that in cases where the United States are a party no costs shall be allowed in this court for or against the United States.

"Section 1007 of the Revised Statutes provides for the manner in which a supersedeas may be obtained on a writ of error. It is by serving the writ of error, by lodging a copy thereof for the adverse party in the clerk's office, where the record remains within sixty days, Sundays exclusive, after the rendering of the judgment complained of, and giving the security required by law on the issuing of the citation. But as there is no security required in a criminal case, the supersedeas may be obtained by merely serving the writ within the time prescribed, without giving any security, provided the justice who signs the citation directs that the writ shall operate as a supersedeas, which he may do when no security is required or taken.

"We hold, therefore, that the allowance of the supersedeas in the present case was proper, and we deny the motion to set it aside.

"To remove all doubt on the subject, however, in future cases, we have adopted a general rule, which is promulgated as rule 36 of this court (see 139 U. S., 706) and which embraces, also, the power to admit the defendant to bail after the citation is served."

The rule thus referred to and adopted by the Supreme Court will be found in 139 U. S., 706, and is as follows:

"1. An appeal or a writ of error from a circuit court or a district court direct to this court, in the cases provided for in sections 5 and 6 of the act entitled 'An act to establish circuit courts of appeals, and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes,' approved March 3, 1891, may be allowed, in term time or in vacation, by any justice of this court, or by any circuit judge within his circuit, or by any district judge within his district, and the proper security be taken and the citation signed by him, and he may also grant a supersedeas and stay of execution or of proceedings, pending such writ of error or appeal."

It is further contended that the scope of the writs was too broad, in that, in the first place, they went beyond the orders of Judge Morrow, and, in the second place, that it was beyond the power of the court to require the receiver to restore the property taken by him. It is true that the orders first made by Judge Morrow did not in terms direct the receiver so to restore the property, but in each case that judge subsequently, and on the same day, made an order expressly approving the form of the writs requiring such restoration. If it be conceded that the scope of the writs was too broad, it was not for the receiver to ignore their requirements and himself be the judge of that question, but his only proper remedy was a motion to modify the writs. While refusing to obey them he should not be heard to object to their scope.

In 2 High on Injunctions, section 1416, it is said that "If defendant is in doubt as to the scope or extent of the injunction, he should not be left to disregard or violate it, with a view of testing such questions, but should apply to the court for a modification or construction of its order."

The same rule is applicable to a receiver. (See, also, Wells, Fargo & Co. *vs.* Oregon Rwy. and Nav. Co., 19 Fed. Rep., 20; Ullman *vs.* Ritter, 72 Fed. Rep., 1000, 1003; Maginnis *vs.* Parkhurst, 4 N. J. Eq. Rep., 433, 436.) But the point itself is, we think, untenable.

In the leading case upon the subject, that of The State *vs.* Johnson, 13 Florida, 33, 48, it is said:

"The allowance of a supersedeas does not, nor does the order in this case, 'undo' or reverse the order of the circuit judge. The order, following the intent and effect of the law, in terms directs a stay of all proceedings under the several orders appealed from, and suspends their operation. The power of the circuit court was suspended, and thereby the power of all the officers in that court, under its orders in question, became inoperative. They no longer had any duties to perform under such orders. The authority of the receiver to continue to act as such was made nugatory by the operation of the law. He had entered upon an office and commenced to act, when the office was suspended. The supersedeas as understood by us, and as seems to be understood by the courts, does of necessity retroact by suspending the life of the order appealed from; reaches back to that order and forbids action under it.

"It does not make unlawful an act done in pursuance of the order before the appeal was taken, but it forbids the court and its officers further to act. No new rights having been created, and the duties of the receiver being superseded, the bond standing in the place of the property in his hands, and he having been notified thereof by proper process, it was his duty to restore that which had come to his hands to the parties from whom it had been taken and withheld; for his authority to take being inoperative by the suspension, his authority to hold was equally so, both being derived from the same order."

The case of State *vs.* Johnson has been several times approved. (Buckley *vs.* Georgia, 71 Miss., 580; Farmers' National Bank *vs.* Backus, 63 Minn., 115. See, also, Everett *vs.* State, 28 Md., 190; Freeman on Ex., 2 ed., sec. 271a, p. 876; High on Receivers, 3d ed., sec. 190, p. 164; 20 Am. & Eng. Ency. L., 110.)

In the last edition (Anderson's) of Beach on Receivers (p. 129, sec. 117) it is said that "from the authorities and reason there may be legally deduced the following principles which should govern questions concerning the subject of this section:

* * * * * * *

"2. If a receiver be appointed and takes possession of the property prior to the appeal and supersedeas, the consummation of the appeal with bond and supersedeas gives to the defendant the right to demand and have the property returned to him."

Finally, it is urged that the refusal of the receiver to obey the writs of supersedeas issued out of this court was based on the advice of his counsel that the writs were void. Such advice is never a justification of a contempt, but in proper cases may be considered in mitigation of the offense. (1 Beach on Injunctions, sec. 250; High on Injunctions, sec. 1427; Rogers *vs.* Pitt, 89 Fed. Rep., 424, and cases there cited.)

The circumstances attending the appointment of the receiver in these cases, however, and his conduct after as well as before the appointment, as shown by the record and evidence, so far from impressing us with the sincerity of the pretension that his refusal to obey the writs issued out of this court was based upon the advice of his counsel that they were void, satisfy us that it was intentional and deliberate, and in furtherance of the high-handed and grossly illegal proceedings initiated almost as soon as Judge Noyes and McKenzie had set foot on Alaskan territory at Nome, and which may be safely and fortunately said to have no parallel in the jurisprudence of this country.

And it speaks well for the good, sober sense of the people gathered on that remote and barren shore that they depended solely upon the courts for the correction of the wrongs thus perpetrated among and against them, which always may be depended upon to right, sooner or later, wrongs properly brought before them. And it is well, in these days of the rapid extension of our national domain, for all persons, whether residing in remote regions or nearer home, to remember that courts which respect themselves and have a due regard for the administration of justice and the maintenance of law and order will never tolerate any disobedience of their lawful orders, writs, or judgments, wherever committed within their jurisdiction.

"It is inherent in the nature of judicial authority," said the supreme court of Florida in the case of State *vs.* Johnson, supra, that "every court may protect and maintain its jurisdiction under the law, and that it shall protect itself against all attempts to resist or thwart or overthrow its authority. Without the power to judge of its jurisdiction, it is practically without jurisdiction. Without the power to enforce its judgments, it has no judicial authority. That it be made the plaything of whomsoever may choose to deride its judgments or its process and ignore its existence and its acts, because the opinions of the judges and the judgments of the court may not meet the approval of counsel upon the one side or the other of a controversy or may not be in accordance with the opinions or the wishes of subordinate officers, can not be allowed without surrendering the judicial character and confessing the impotency of this department of the Government.

"Courts commit errors, and parties may suffer from the improvidence or corruption of their judges, yet the remedy for these is not in individual resistance or in a resort to private judgment. Every court will hear the appeals of those who conceive themselves to be wronged or threatened with injustice by the execution of its decrees. If its errors be made apparent, it will do justice to itself by dealing justice to parties without fear and without hesitation. There is no excuse for resistance of the orders of the courts in this country where their doors are wide open, and where every human being may be heard in the presence of the whole people."

In the refusal of the respondent Alexander McKenzie to obey the writs of supersedeas issued out of this court, as hereinbefore found and stated, it is now here considered and adjudged that he did commit contempts of this court, and for the said contempt so committed in the case entitled Tornanses *vs.* Melsing et al. it is now here ordered and adjudged that he, the said Alexander McKenzie, be imprisoned in the county jail of the county of Alameda, Cal., for the period of six months, and for the said contempt so committed in the case entitled Kjellman *vs.* Rogers that he be imprisoned in the jail of the said county for a like period of six months, making one year in all, the sentence imposed in the said last-mentioned case to commence immediately upon the completion of the term of imprisonment under the first sentence herein.

The marshal will execute this judgment forthwith.

United States circuit court of appeals for the Ninth circuit. John I. Tornanses, appellant, *vs.* L. F. Melsing et al., respondents. William A. Kjellman, appellant, *vs.* Henry Rogers, respondent. Filed February 12, 1901.

MODIFICATION OF JUDGMENT.

Based upon our understanding of the statement of counsel in two of the companion cases against the respondent McKenzie for alleged contempt of the process of this court that all of the pending cases against him had been, in so far as the parties thereto are concerned, settled, and that the respondent had restored to the parties from whom it had been taken the whole of the property in controversy, we so stated in the opinion delivered herein February 11.

The court is now informed that this is a mistake of fact in respect to the present cases, and that in these cases there has been no settlement as respects the parties, and there is no showing of the restoration by the receiver of the property in the above-entitled cases as required by the writs of supersedeas issued out of this court. The paragraph of the opinion of this court rendered February 11, in which the erroneous statement of fact was made, will therefore be corrected, and the judgment entered in these cases at the same time will be, and hereby is, so modified as to direct that the respondent pay all the costs of the contempt proceedings herein, to be taxed by the court.

Mr. STEWART. Mr. President, I have a very few remarks to make. I have been familiar with mining litigation and the making and enforcing of the mining laws for over fifty years. The mining laws grew up among the miners themselves. The nonaction of the Government for twenty years enabled them to make their own laws and regulations. The courts recognized their laws, and the early reports of California contain numerous decisions construing the laws of the miners, their rights of possession, etc. More than a million and a half people in the Western States and Territories lived under and their rights were predicated upon the mining laws which were thus made. They were trespassers.

In 1865 a case went to the Supreme Court of the United States, Strong *v.* Sparrow, to be found reported in 3 Wall., in which the question arose as to whether the miners had any rights, being trespassers under the law. I participated in the argument of that case. Judge Black was my colleague. Mr. O'Connor, of New York, and Mr. Ticknor Curtis were on the other side. They attempted to show that those people had no rights, and that there was no property which would give the court jurisdiction, as it required property of the value of $1,000. The court said they could not shut their eyes to the history of the country; that they could not deny that property had grown up in that way; and they refused to dismiss the appeal.

The Chief Justice did me the honor to suggest, however, that some remarks which I had made in the Senate and which had been taken down, with regard to the history of mining, be incorporated in the appendix as explanatory of their decision, which was done. You will find it in 3 Wallace.

I make this remark to show that I have some familiarity with the practice in such cases. In the first place, the people demanded—those who had developed mines—that property should not be taken away from them, although they were aliens, and that they should be given an opportunity, even after they made their location, to declare their intention. The Supreme Court held that they might do that, because exploring for mines is no easy task, and exploring for mines in the Arctic region is a very

laborious task. Few of us are going to be engaged in it, and, with respect to those who had found mines in Alaska when this matter came up, it seemed to me cruel to talk about robbing them of the fruits of their pioneer labors. I could not understand how anybody could have the heart to do so cruel a thing. I had some feeling in that case and in that discussion. The Senate was with me in it. Congress adjourned on the 7th of June, 1900. On the 21st of July, Noyes and McKenzie and some others arrived at Nome, and on the Monday following, immediately, six of the principal claims were taken into possession by the receiver.

The matter of the granting of receiverships in the case of placer mines had been discussed and understood in all that region. No receivership had ever been granted in any case that I ever heard of where it was not necessary to preserve the property. Where there were pumping works or something of that kind the court would do it to preserve the property, but I do not suppose in all history there have been half a dozen receiverships granted even in those cases. But a receiver in a placer mining claim where gold is being taken out was not heard of. Just think of it! What guaranty has the defendant if the placer mine is taken? They say they will let him see the clean up. They can clean up every hour—any time they have a mind to clean up. Just think of putting uncounted gold into the hands of irresponsible parties, and taking it from those who own it! The thing shocked every mining man who had any knowledge of the country. Such a proceeding was never heard of before, and if Judge Noyes was honest in that he was utterly incompetent. There is no precedent for it.

Just think for a moment! It was not necessary to appoint a receiver in order to preserve the property; but gold was being taken out. I have known an injunction to be granted to stop the taking out of gold by either party, because it could not be counted. That is frequent. But receivers, where you put the gold in the hands of a stranger to the proceeding, was never dreamed of in the whole practice for fifty years. No case can be found where a receiver for a placer mining claim has been granted by any court. If the title was in doubt, the court would be bound to interfere, but it would simply interfere by injunction to preserve the property. But to allow one party to take out gold, and say that he can account for it and pay every dollar, was not heard of. How does anybody know? A court would say, "We can not know what you take out, and we will not let you take any out."

These receivers were appointed, and that practice was considered throughout the whole country there. Not only that, but men frequently wrote to me who had claims there that they had stopped working them; that they did not dare to open them because they feared they would be taken from them. Judge Noyes refused parties the right of appeal, and the investigation made by the court of the conduct of the parties connected with that refusal is a chapter in the history of the country.

To say that Judge Ross, or Gilbert, or Morrow was actuated by low motives is to impeach men of as high character and as fine judicial records as anybody in the country.

Judge Ross, who used the strongest language of any of them, stands as high as any judicial officer in the United States. He was regarded when he was on the supreme bench of California as a remarkably strong judge. His decisions were read with pleasure by the bar and quoted everywhere. He was honored and respected. Mr. Cleveland appointed him to the district bench, and his record there has continued to do him credit, and he has given satisfaction to the entire community. I do not know any man on the bench anywhere whose record is finer than that of Judge Ross as a judicial officer. The other judges have not been on the bench so long, but they have honorable records, and if anybody will read these records that they have made, he will see that they examined this case carefully.

It is true they said they would only speak of the contempt. That contempt was involved in the conspiracy. There were a good many parties connected with thwarting the judgment of the court. The taking of evidence lasted for two or three months. Then, for anybody to come here and arraign those judges by outside statements is folly. What has been uttered against them but the unsupported declamations of Senators; and they went so far on yesterday as to object to the printing in the RECORD of the judgment of the court, so that everybody could see it. The idea of attacking a court and denouncing them as monstrously unjust, and refusing to allow the opinion which the court rendered and their proceedings to be put in the RECORD. When any honest man reads what these judges have said, and knows their character and sees the evidence taken, he will say that those judges have done their duty, although a painful one. The whole country will sustain them, and no fair-minded lawyer or judge will sustain a judge in granting promiscuously ex parte receiverships, taking possession of the whole country, blighting its prospects for years. The thing is unheard of.

I care not what the character of these men may have been before. It is nothing to me. I look at these general sweeping receiverships of gold mines, which no court ever before thought of doing—placing it in the power of outside parties to return what they will. In cases of disputed title—and it has to be a strong case—injunctions have been granted. But here we have the receivership, and an injunction to protect the receiver. Then we have the denial of an appeal even. Then we have resistance to the orders of the superior court when they reviewed and set aside these orders of the court below in granting receiverships. We have all that at length in a document which will now be printed, and the country will judge and judge fairly. No injustice will be done anywhere, but if the record made by the circuit court of appeals at San Francisco does not stand, I shall be very much mistaken.

Have not Noyes and McKenzie characters to sustain? Is not their position such as to justify them in guarding everything so dear to them? If the court garbled the testimony and condemned these men without cause; if they have committed the outrages as depicted here by Senators, they ought to be impeached. Either Judge Noyes and his party are guilty of the things charged against them by that court and that judgment against them is correct, or the court of appeals at San Francisco ought to be abolished and the judges impeached. It becomes a matter of honor and veracity and integrity between that high court and these speculators in receiverships, the like of which was never seen before. That is what this is. That is what the country will understand. It is settled. No argument can change it.

I am thankful that the Attorney-General this year sent an honest man up there—Judge Wickersham. He is holding court. Nobody doubts his honesty. All is quiet. Men have gone back, and are opening their claims. Prosperity is being restored at Nome. The people fear nothing there now. Judge Wickersham was in another part of Alaska. He was assigned to that field, and everything is right at Nome. There is nothing now to be done. These parties will not go back to Alaska. They will do no more harm. Nobody has any pecuniary or other interest in pursuing them, and I would not have said a word if it had not been for the attacks made upon the court. I would not have said a word but for the fact that the extraordinary proceeding was taken by Judge Noyes of granting receiverships for gold dust. No lawyer can find a case like that. I know there is none, because I have kept the run of litigation in the mining regions all the time. There is no case parallel to this at all. It was an unparalleled procedure, which, whether they stole anything or not, gave the receiver and his party an opportunity which no court would grant to anybody. If it were necessary to protect the property, a court would grant an injunction, as I said before. These being the facts, I thought it necessary to say this much.

Just one word more, Mr. President. My venerable friend from Massachusetts [Mr. HOAR] got into a little error yesterday. I call his attention to it. Of course he will correct it. He stated here that he predicated his opinion mostly upon what the lamented Senator Davis had said. The Senator from Massachusetts said that parties came to him with their grievances, and he heard them carefully, and that they had no papers. That was after the receivers had been appointed out there, and he said:

> I also suggested to them that as Alaska was at so great a distance a long time must elapse before there could be a thorough investigation if witnesses were summoned here who knew the facts; that they had better say to the Attorney-General that it occurred to me that in so grave a matter he ought to dispatch at once a competent commissioner, in whose ability and character every man would confide, who should investigate the case on the spot and report to him his conclusions by telegraph for the action of the Department and the President. At his request I wrote a note to the Attorney-General stating that.
>
> Afterwards I stated, not to the committee itself, but to such members of it as I had opportunity to confer with, what I had said and done and what had been said to me. Thereupon Mr. Senator Davis, of Minnesota, then an honored and very influential member of the committee, as of the Senate, told me that he knew Judge Noyes thoroughly through and through; that he knew a good deal about the merits of this controversy as the result of inquiries, and that he believed Judge Noyes was entirely right.
>
> He said there were reasons, which he stated, which I will not undertake to repeat now, where some extraordinary action of the court, possibly in appointing a receiver who was connected with one or two parties in interest—I am not sure, however, about that—was rendered necessary by the peculiar conditions there, and that it was necessary to act in a certain way to save the employment of very considerable bodies of men who, if that business were at once arrested, would be thrown out of employment and reduced to extreme hardship and poverty. Senator Davis spoke to me from time to time afterwards. He was full of the matter and very zealus in the belief which I have stated.

I hope the Senator from Massachusetts will explain this. I do not do it to make any attack upon him, but to show how men are liable to be mistaken. The Congress adjourned on the 7th of June. It will be remembered that Noyes arrived there on the 21st of July, and these proceedings occurred in July, August, and September, and the committee of the Senate were not in session again while Senator Davis was alive. He was taken sick some time in the fall—October I believe—and died on the 27th of November, 1900, and could not possibly have known anything about this transaction. It could not have become a matter before the

committee, because it only came up in the following year. It appeared here along in January, 1901. Nobody here that I am aware of had ever heard of it while Senator Davis was well and alive. The Senator from Massachusetts must be altogether mistaken about this conversation upon which he predicated his judgment in this case, and I hope he will correct the error, if it is an error, or show us how it is possible that it can be true.

Mr. TILLMAN. Mr. President, I will incidentally mention the fact that I saw in one of these documents, which very few people will read, a statement which corroborates what my friend the Senator from Nevada has just said about the injustice of these receiverships. If I am not mistaken, I saw in one of these documents a statement coming from one of the judges, as one reason for their action, that McKenzie as receiver had collected or got out of the mine $100,000, and had reported only $35,000.

Mr. TELLER. Thirty thousand dollars.

Mr. TILLMAN. Thirty thousand dollars.

Mr. TELLER. And $35,000 for expenses.

Mr. TILLMAN. And $35,000 for expenses. The balance disappeared, with no bondsman or anything else anywhere from whom the owners of the mines, when the final determination was made, could recover. That shows that the Senator's contention as to a receivership for a mine——

Mr. STEWART. A placer mine——

Mr. TILLMAN. A placer mine is rather a dangerous thing.

Mr. TELLER. I should like to call the attention of the Senator from South Carolina to the fact that Judge Noyes appointed an accountant to find out how much had been taken out of the mine—he can hardly be charged with being opposed to McKenzie—and he found that $100,000 had been taken. There is a deficit of $65,000 in one single case.

Mr. HALE. Now, Mr. President, if the Secretary will report the pending amendment we will soon finish the bill.

The SECRETARY. On page 44 it is proposed to strike out lines 11 to 16, inclusive, as follows:

That the number of land offices and land districts in the district of Alaska is hereby reduced to one, and the land office of said district will be continued at Sitka. If at the time of the taking effect of this act there should be any business pending in any of the offices to be discontinued, such business shall be transferred to the Sitka office.

Mr. CULBERSON. I ask the Senator in charge of the pending bill to allow this amendment to be passed over for the present. The junior Senator from Georgia [Mr. CLAY] has been called from the Chamber, and he is desirous of making some observations upon it.

Mr. TILLMAN. I do not desire to interfere with anything the Senator from Georgia may want to say, but as a member of the committee I have some documents here which throw some light on this matter. If the Senator from Texas is especially anxious that the matter shall go over, I am perfectly willing to wait until the Senator from Georgia returns, or I will go forward now.

Mr. HALE. I can not agree to let the bill be suspended, but we can go now to one or two other amendments.

Mr. TILLMAN. I will wait until the Senator from Georgia returns, or if he fails to return before we get to final action I will ask some questions about the matter.

The PRESIDING OFFICER (Mr. PERKINS in the chair). The pending amendment will be temporarily passed by.

Mr. HALE. Let us return to page 22.

The PRESIDING OFFICER. The Secretary will report the amendment proposed by the committee on page 22.

The SECRETARY. It is proposed, on page 22, after line 10, to strike out:

For the proper shelter and protection of officers and enlisted men of the Army of the United States lawfully on duty in the Philippine Islands, to be expended in the discretion of the President, $500,000.

And insert:

MILITARY POST.

For the establishment in the vicinity of Manila, P. I., of a military post, including the construction of barracks, quarters for officers, hospital, storehouses, and other buildings, as well as water supply, lighting, sewerage, and drainage, necessary for the accommodation of a garrison of two full regiments of infantry, two squadrons of cavalry, and two batteries of artillery, to be available until expended, $500,000.

Mr. TELLER. Mr. President, I wish the Senator who has this bill in charge would explain to the Senate why the House provision is stricken out of the bill and this one is proposed to be put in.

Mr. HALE. Yes.

Mr. TELLER. Then I want to ask him whether there is any proposition here or anywhere else that he knows of to provide other buildings at other places or whether we are to confine ourselves entirely to Manila?

Mr. HALE. The reason why it has been done is that the Appropriations Committee, upon the proper bill, has always taken jurisdiction of the question of Army posts. The committee has struck out the clause as it passed the House and has put it in the language of the estimates, the language which the Appropriations Committee has always followed in establishing and maintaining Army posts.

If I may refer to the proceedings in the other House, the suggestion was made there that the construction of a new building was subject to a point of order, and the chairman of the committee, finding the difficulty, changed the language, and the House adopted the provision which is found in lines 11, 12, 13, and 14. But, as I said, the Committee on Appropriations, believing that the jurisdiction of the subject-matter is with that committee, as it always has been, and not subject to any other committee, restored the language of the estimates and restored what has been the invariable practice.

On the sundry civil bill we provide for the next year for certain Army posts that we locate in terms. This is needed now. The debate in the House showed that, and the Department is desirous of entering upon the work and not waiting until July.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

Mr. HALE. Now the amendment on page 30.

The PRESIDING OFFICER. The Secretary will read the amendment on page 30, which was temporarily passed over.

Mr. HALE. I think it was at the request of the Senator from South Carolina [Mr. TILLMAN] that that amendment was also passed over.

Mr. TILLMAN. That is the amendment in regard to the purchase of boats. I requested that it be passed over. There are some inquiries which I should like to make. I wish to get some light. If the Senator will get the document which he kindly furnished me yesterday (Senate Report No. 330) bearing on this subject, he will find at the bottom of page 2 a paragraph in the letter of the Secretary of the Navy, which I will read.

The money expended for the property above mentioned is needed in the Philippine Islands at present, and as the Secretary of War has asked that settlement be made at an early date it is requested that the sum herein asked for, when appropriated, be made immediately available.

Now, there is a very queer condition of affairs over there. First, we have a civil government under the Taft Commission which is appropriating millions, as we find here in the laws which we have—a whole book of them—and yet the Secretary of War steps up to the Secretary of the Navy and says, "Here, you owe the insular government some money for some boats and ordnance stores, and I want you to settle."

I think that Senators owe it to themselves to clarify this nebulous situation and let us understand whether we have a civil government there or whether the civil government is simply a pro forma annex, so to speak, of the military occupation.

Of course we thought that the civil government was a part and parcel of the machinery of government supplied by what was called the Spooner amendment, which authorized the President to govern (I do not remember the exact words; the Senators will recall them) all officers, judicial, civil, military, etc. Now, the Secretary of War appearing here as the man who is spurring the Secretary of the Navy befuddles us.

Then, if you go on still further, we are worse befuddled on this other point than we are as to who is going to get this money and why he should get it. On the next page, page 3——

Mr. SPOONER. I ask the Senator to what point he has referred?

Mr. TILLMAN. I have just read it. I will read it again. It is in the letter of the Secretary of the Navy addressed to the chairman of the Committee on Appropriations, in which an explanation is given as to why this money ought to be appropriated in the urgent deficiency bill. Secretary Long says:

The money expended for the property above mentioned—

I do not read the whole letter. I have read it, but I am not reading it in connection with what I am saying.

The money expended for the property above mentioned is needed in the Philippine Islands at present, and as the Secretary of War has asked that settlement be made at an early date it is requested that the sum herein asked for, when appropriated, be made immediately available.

What I am endeavoring to get at is why the Secretary of War is trying to collect the debts of the United States due the insular government if that government is under the Taft Commission. Why does not Mr. Taft step forward and ask that his government be reimbursed?

Mr. HALE. He does.

Mr. TILLMAN. Where does he do it?

Mr. HALE. I am not going into the history of events in the Philippine Islands, because that would take too long; but in brief we had it this morning in a very interesting fashion in the Committee on the Philippines. Governor Taft was there and explained the association of the civil and the military power and the gradual development of the civil side of the government. It

was all under the War Department at first, and the care and responsibility have all the time been largely left in that Department. For a time the Army exercised both military and quasi-civilian powers. It appointed civil officers whose duties were not military, but of a civic character, and conjoined the two.

The President was desirous of engrafting upon that actual civil government, and we had two commissions. The first Philippine Commission which went out made certain recommendations, and then we had the appointment of an actual civil government, a civilian and other officers under him, and the civil part of the government has been turned over to that tribunal, at the head of which is Governor Taft.

Now, that is given powers to raise revenue and to legislate. It sounds absurdly to some people, and I am not very much in love with it myself, to find a commission issuing an act declaring "Be it enacted by the Commission," but they do that. They impose duties. They have an insular revenue. They spend money, sometimes large sums, in the building of roads. Their revenues—and that is why this is here—have been depleted to this extent in purchasing, at the time when the civil and military government was running along together, these vessels for use. They were used under the War Department, but when the Navy intervened, and large numbers of our troops were sent there, they were turned over to the Navy, which is now using the vessels in the shoal waters. As it has entirely gone from the control of the insular civil government there, the Secretary of War, under whom all this formula was carried on, recommends that that treasury be compensated for this expenditure. Whether that is the best way to do things I do not know. It has been found in administration by the course of events that it has worked successfully to some extent.

But I will say to the Senator there is no question about the fact which has been established, that these vessels were bought and paid for, and that this is a proper amount. If the Senate do not see fit to reimburse the funds of the insular government the civil government there will have so much less in their treasury to use.

We are doing the same thing in the provision of the bill that has been reported to the Senate from the Committee on the Philippines. We provide for collecting duties, because we believe the machinery can be better supplied in that way, and then, instead of covering it into a general treasury fund, it is segregated and returned to the Philippine civil government and goes into their treasury.

Mr. TILLMAN. Right there, if the Senator will permit me, I will call his attention to page 3 of this little report, which accompanies the urgency deficiency bill. In a letter from D. D. V. Stuart, commander, of the United States Navy, senior member of an appraisal board, I find the following paragraph:

> In reply to a letter addressed to the senior squadron commander and referred by him to the commandant of the naval station, Cavite, the board is informed that the date of receipt of these vessels is not known, nor is it known from whom they were received, nor their condition at the time they were turned over to the naval authorities.

Well, here is another nebulous condition which comes in connection with these vessels. While I am asking for an explanation I will point out all of the unsatisfactory conditions attending this appropriation, which I wish the Senator in charge of the bill to explain. Further on Commander Stuart says:

> The letter from the governor-general's office also informs the board that the armed transport *General Alava* and the gunboats *Quiros* and *Villalobos* were purchased by Maj. C. P. Miller, U. S. A., on February 21, 1900, at a cost of $215,000 Mexican currency, and were immediately turned over to the Navy.

Now, I want an explanation as to how anybody in the Philippines of a private station acquired a gunboat. I had supposed that gunboats were vessels of war, or of offense and defense, and any that were there were either in the possession of the insurgents or of the Spaniards. I see no mention made of any purchase from the Spanish Government. We have, of course, only the information which is here, and this information is not satisfactory to me, and I do not suppose it would be satisfactory to the Senator. I want to know from him how these gunboats were bought and from whom. I can understand how a transport steamer should be bought in open market from some Filipino or some Chinaman or some other outlandish yellow man over there, but I just want to know how you buy gunboats.

Mr. HALE. That does not trouble me any. It is simply a designation of the kind of ship. They are not engaged in any war. We call them gunboats. They are small vessels of that class, and they are engaged in patrol duty.

Mr. TILLMAN. I will call the Senator's attention to the following item on page 4 of this report:

> To thirteen gunboats purchased by Lieut. Col. J. W. Pope, United States Army, and transferred to the Navy by Maj. John T. Knight.

Mr. HALE. That appears in the report.

Mr. TILLMAN. Of course; I am reading from the report.

Mr. HALE. As to whom they were purchased from, I do not know. I have not felt that it was essential to inquire.

Mr. TILLMAN. If the Senator will permit me, as the House committee did not see fit to insert this item, and the Senate committee has done it, does it not appear that we might just let it go out until we get some information as to how gunboats have been bought before we take some money collected from American taxpayers and spend it over there to purchase gunboats that possibly we captured?

I do not like to appear suspicious or invidious in this matter; I do not want to charge any of our people over there with undue disregard of the laws of meum and tuum; but we have been discussing matters this morning in connection with our nearer territories, and I confess that most of this meat appears to be poison to me. I hope the Senator in charge of the bill will permit this item to go out.

Mr. HALE. No; I could not consent to that. It is——

Mr. TILLMAN. Then the Senator ought to be able to defend it and explain it.

Mr. HALE. If I have not explained it satisfactorily the Senate can strike it out.

Mr. TILLMAN. Of course if the Senator is going to fall back on his well-disciplined majority——

Mr. HALE. No.

Mr. TILLMAN. And ask them to stand by what the Appropriations Committee has done, I know what that means. Of course, in that case, as a small fragment or fraction of the Appropriations Committee, I will have simply to subside. But I shall ask for a vote on it.

Mr. HALE. I can only repeat, and it is repeating, that these vessels were bought and paid for out of the insular fund. I have no doubt that the amount is correct.

Mr. TILLMAN. There is no evidence here to that effect, because Commander Stuart tells us that he can not find from whom they were bought, nor when nor where they were turned over to the Navy.

Mr. HALE. The Secretary of the Navy adopts and sends in Commander Stuart's letter, and then recommends, and recommends in strong language, that this payment shall be made. He says that these insular funds that have been depleted so much ought to be reimbursed to this extent. It is rather novel that there are two kinds of government out there, but there is. There is an insular government——

Mr. TILLMAN. Then as to the other phase of the subject, where did these ordnance stores come from that the War Department or the civil government has sold to the Navy?

Mr. HALE. I do not know.

Mr. TILLMAN. Well, I confess I am a little more curious to know than the Senator appears to be. I am not willing to have the taxes of the American people paid out in this way, however small this amount may be. It is a mere bagatelle; but I am sick and tired of seeing good money poured into that Filipino rat hole. And the Senator himself has not had much stomach for it. I am surprised to see him stand here and defend something that he would not ordinarily do but for his association with this bill as a representative of his party.

Mr. HALE. I am entirely satisfied that it is a proper item and ought to go in. I have not any doubt about it whatever. I do not find fault with the Senator because he is not satisfied. The Senate has to settle it. I can give him no further explanation than I have done. Here are the facts. The Secretary of the Navy adopts the statement and recommends the appropriation. The facts are undisputed.

Mr. TILLMAN. I will read another paragraph that the Senator says is undisputed. Commander Stuart says in his letter of July 22, 1901:

> Letters were written to the military governor and to the commandant of of the naval station, Cavite, requesting that the board should be furnished with copies of all vouchers on file in their respective offices concerning the property in question.

The Senator says he has no doubt about it, yet Commander Stuart says:

> Replies were received to these letters on June 25 and 28, respectively, but the information contained in these replies was not sufficient on which to base an inventory and appraisal such as is ordered by the commander in chief.

In other words, the fact as to whether this money was honestly paid out of the insular fund or not does not appear in the record.

The PRESIDING OFFICER. The Chair will state that the amendment has not been read to the Senate. It will now be read for the information of the Senate.

Mr. HALE. Let the Secretary read the amendment.

Mr. TELLER. Are these gunboats now being used by the United States?

Mr. HALE. Yes; they have been turned over to the Navy Department, and they are using them for patrol duty in shallow

water. That is why the appropriation is asked for by the Secretary of the Navy.

Mr. ALLISON. I understand, in addition to what has been said by the Senator from Maine, that these are small steamers which were purchased by the Army, and they may have put small guns on them for aught I know during the operations there, in order that they might go from one place to another. The Army paid for them out of the funds, I understand.

Mr. HALE. Yes; they were paid for out of the insular funds.

Mr. ALLISON. Out of the fund of the Army.

Mr. HALE. Not from the Army appropriation.

Mr. ALLISON. Not at all, but they were paid out of the insular funds. The Army turned them over to the Navy to do patrol duty, and the Navy now asks that the insular fund may be reimbursed to that extent. I do not suppose they put everything in the letter which was transmitted.

Mr. TILLMAN. But what about the ordnance?

Mr. HALE. That is included.

Mr. TILLMAN. But where, how, in what possible way could private parties get hold of ordnance stores?

Mr. HALE. Why, many of them.

Mr. TILLMAN. The Senate is more confiding than I am.

Mr. FORAKER. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Ohio?

Mr. TILLMAN. With pleasure. I want light if I can get it.

Mr. FORAKER. At the foot of page 3 of the document from which the Senator from South Carolina was reading a moment ago commences a report made by a board appointed to investigate this whole subject, and I think if the Senator will read that he will see that all the information has been given that it is probably possible to secure.

Mr. TILLMAN. But if the Senator will look he will see that that very board says:

> In making this recommendation the board would state that the information furnished is incomplete.

Mr. FORAKER. It is incomplete; and we can readily understand why it might be incomplete. There was not perhaps time to make complete records under all the circumstances when this transaction was had.

Mr. TILLMAN. Well, Mr. President——

Mr. FORAKER. But the board report that they have made a careful investigation, and in conclusion they recommend that reimbursement be made to the insular revenues; that is to say, they find that all these boats and certain ordnance stores were purchased and paid for with insular funds, that the amounts charged are reasonable and proper, and then they conclude, as the Senator from South Carolina was about to read, as follows:

> In making this recommendation the board would state that the information furnished is incomplete, and the amount of reimbursement recommended is the actual amount paid for the vessels as shown by the records furnished by the office of the military governor, less the amount of the value of ordnance and ordnance stores shown by the same records. This amount is not considered by the board to be excessive for the 17 vessels in question.
>
> In regard to the stores issued to these vessels and repairs to them since their receipt, paid for from insular funds, the board has not been able to collect sufficient data to make a report therefrom.

Now, Mr. President, it does appear from this report that they have had some difficulty in getting at the facts. The records, they say, are not complete, yet from the records to which they have had access and which they have examined they do find that 17 vessels were purchased, and they give the names of the 17 vessels that were paid for out of the insular funds. They were purchased by an officer of the United States Army, and along with the purchase of these vessels certain ordnance stores, amounting to more than $80,000 in value, were also purchased. The vessels alone, purchased and paid for out of the insular funds, were turned over to the Navy.

Mr. TILLMAN. If the Senator will stop right there for a moment, I will give the Senator from Maine some light. The report states that these ordnance stores were purchased with the boats, proving that the boats were vessels of war when we bought them, and they were not turned into patrol boats and armament put on them by our people. The point with me, which has not been brought out by anybody concerned, is for the Navy Department, or the Army, or Governor Taft, or anybody else who is willing to furnish the light to tell us who it was in Manila who had vessels of war for sale that we had not captured.

Mr. FORAKER. I do not understand——

Mr. TILLMAN. The point I want to make is that this whole business is entirely too slipshod and slack twisted for an honest government.

Mr. FORAKER. I do not find it anywhere stated that these were vessels of war when they were purchased. I understand from reading——

Mr. TILLMAN. I just said that I infer they were vessels of war.

Mr. FORAKER. If the Senator will allow me a minute, I understand from reading what is before us that there was a necessity for small boats to be equipped for use as gunboats, and an officer of the Army cast about and found vessels suitable for that purpose and purchased them; that they were paid for out of the insular funds and then they were transferred to the Navy, when they were equipped and fitted up for use as gunboats, and they are carried into this account as gunboats purchased in that way.

I do not think there is anything extraordinary about it. Certainly when business was transacted as under such circumstances it necessarily had to be, there is nothing extraordinary that there is not as accurate an account as the Department would have been glad to have had before them when they made this examination, but they do say they were perfectly satisfied from an examination of the records that all these boats were purchased and were paid for; that the amounts paid are reasonable, and that they were paid for out of the insular funds.

It is now simply a question whether or not the insular funds should be reimbursed by the United States Government, these ships having passed over to the United States Government and having been made a part of the United States Navy. It seems to me that we having gotten the boats and our own board having made a report that the amount paid is reasonable, we ought to reimburse the funds out of which the payment was made.

Mr. TILLMAN. The Senator from Ohio is so well satisfied in his own mind with this whole scheme of colonial expansion or imperialism, or whatever other thing we may call it, that he has not got his usual specs on. He does not see things, simply because he does not want to see them, if he will pardon me, not that I impugn his motives or would attack his sincerity; but there is so much of the "of course" business about this, that it must be so because we find it in this document, I can not help but express some little surprise as to why it is that these officers first tell us that they can not find anybody from whom the vessels were bought. That is in the first letter.

> The board is informed—
>
> Says Commander Stuart—
>
> that the date of receipt of these vessels is not known, nor is it known from whom they were received, nor their condition at the time they were turned over to the naval authorities.

So we find that money is being handled out there in a loose, slipshod way, no record kept, no receipts, no documents, no accounting, no anything which is necessary and usual in order to keep down thievery. But if Senators are satisfied, and continue to press this matter after the House has refused to put it in, I will just simply have to ask the Senate to vote for it on the yeas and nays.

Mr. TELLER. Mr. President, the statement in the report indicates that the ordnance was originally purchased by the United States, and as it has been turned over again to the United States, they have subtracted that amount, $82,457.60, from the total value of the vessels and ordnance.

Mr. TILLMAN. If the Senator will pardon me, it would indicate that this $532,500 included $82,457.60 worth of ordnance and ordnance stores; and therefore the deduction of $82,457.60 from it would indicate that that has gone to the chief ordnance officer of the United States Army, and is therefore not chargeable against the Navy. That is all it proves.

Mr. TELLER. I think it proves that $532,500 had been expended for ordnance and ordnance stores, and we are now giving a credit of $82,457.60, the value of the ordnance, or rather it indicates to me that they had delivered the ordnance over to the Government as ordnance unused.

Mr. TILLMAN. Delivered it over to the Army.

Mr. TELLER. Well, delivered it over somewhere. It does not make any difference whether it was delivered to the Army or the Navy. It goes into the funds of our Government instead of those of the insular government. It is not worth while to make very much fuss about this little bit of an item—only four hundred and fifty odd thousand dollars—compared with what we are expending, and we are told there is not enough income over there to keep the new civil government going. So, of course, we have got to put up the money.

Mr. TILLMAN. If the Senator will pardon me, did not the Senator from Utah [Mr. RAWLINS] demonstrate the other day by figures that they had a surplus of several million dollars over there more than they had been called on so far to spend? Then, how can the Senator get his consent to argue that they have not got money enough until they themselves so report, when their own report shows they have more than they need?

Mr. TELLER. I found in this document or some other a statement that they were short of funds, and that they want more money. I am very sure of that.

Mr. FORAKER. I am sure, if the Senator will allow me, no matter whether they are short or long of funds, if this sum was paid out of the insular fund and the property has been turned

over to the United States Government, now belongs to it, and is being used by it, we ought to reimburse that fund.

Mr. TELLER. That might depend on what we are using it for. What are we using it for? We are using it, I suppose, to defend those islands.

Mr. HALE. Not only to defend them, but——

Mr. TILLMAN. To subjugate them.

Mr. TELLER. Is that what we are using it for?

Mr. HALE. We are making contracts there for the improvement of harbors and large contracts for roads, and we shall undoubtedly have to appropriate, as the Senator says, from our own revenues for the expenses of the Philippine Islands. In fact, the Philippine tariff bill before the Senate provides that all the money collected on duties, instead of being put into the Treasury of the United States, as I said a few minutes ago, is to be turned back to them because they need it. We have got that government there running and doing its own work, and it involves the expenditure of a great deal of money. They will not have money enough in the Philippine Islands to pay all the bills, and nobody supposes they will.

Mr. BACON. I have no desire, Mr. President, except to have definite information from the Senator from Maine. If he is prepared to give the information as definitely being within his knowledge, I shall be content. I understood the Senator to say that these particular boats, which are here denominated gunboats, were purchased from private individuals and converted afterwards into gunboats. But they were not gunboats at the time they were purchased. Has the Senator any information to that effect?

Mr. HALE. I have no doubt that was the case. They were transports, boats that could be adapted to any service. The word "gunboat," as the Senator knows, is a very elastic kind of word. It does not always mean a war vessel. Those vessels are engaged in what you may call semiwar; they are patroling the islands and preventing supplies going in to the Filipinos. If there is a condition of war they are engaged upon our side. I suppose if the Senator and I should see one of those so-called gunboats in comparison with one of the great crafts that we build here and call gunboats, we would not observe much resemblance between them. They are small, fragile craft.

Mr. BACON. The Senator is not replying directly to the inquiry I made. I asked for information, and the Senator is giving a dissertation upon the character of gunboats, the size of boats, etc.

Mr. HALE. I thought the Senator's question was directed to that point.

Mr. BACON. No, sir; the question I asked the Senator was whether he, as the Senator in charge of this bill, has definite information that these boats which are termed gunboats were not gunboats at the time they were purchased, but have since been so converted?

Mr. HALE. I so believe. I have no doubt of it.

Mr. BACON. Because if they were gunboats——

Mr. HALE. Mr. President——

Mr. BACON. The Senator will pardon me a moment. I will not trespass long upon the Senate. If they were gunboats at the time they were purchased, of course there was no private individual authorized to sell them. They were the capture or prize of war belonging to the United States Government without being so purchased. That is what I desired to ascertain. But the Senator does not seem to have definite information. He has what he says is satisfactory to his own mind.

Now, it is true that this is a comparatively small amount, as we estimate amounts here, as stated by the Senator from Colorado [Mr. TELLER], $450,000 in Mexican money——

Mr. TELLER. I said a comparatively small amount.

Mr. BACON. I say comparatively, as estimated here, as we are in the habit of disposing of very much larger amounts.

Mr. TELLER. If I may interrupt the Senator, I will say that I meant it was a mere bagatelle compared with the amounts we are expending.

Mr. BACON. I was endeavoring to say that very thing, but I could not say it so well as the Senator from Colorado. I was endeavoring to express that very idea. As I said, it is comparatively a small amount; but, at the same time, unless we owe it it ought not to be paid.

I am quite sure in my own mind that at least a part of these gunboats, or what are now termed gunboats, are of the class named by the Senator from Maine; that there were purchased from private parties a number of small boats, which had been converted into gunboats, which are used there in the shallow waters, and anybody who goes there can see them; but at the same time I do think that there is a lack of definite information with which the Senate ought to be furnished as to that being the case; and the designations of some of these boats would indicate that they are not of the class. I call the attention of the Senator to the statement on page 3 of the report, contained in the letter of Commander Stuart, in which he enumerates them. He says:

> We, however, have official information, furnished from the office of the military governor, which states that these thirteen vessels were purchased by Lieut. Col. F. W. Pope, chief quartermaster, United States Army, at a cost of $315,000, Mexican currency. The letter from the governor-general's office also informs the board that the armed transport—

The term "armed transport" does not refer to a private boat—

> *General Alava* and the gunboats *Quiros* and *Villalobos* were purchased by Maj. C. P. Miller, United States Army, on February 21, 1900, at a cost of $215,000, Mexican currency, and were immediately turned over to the Navy.

All I want, Mr. President, is to have definite information. If it be true that these boats were purchased, as the Senator says he believes they were, I am prepared to vote for the amendment; but I do think that we ought to have definite information. There is no reason why we should not have it. I do not know whether this bill is to be concluded to-day or not; if not, I presume we can have the information by to-morrow morning. No one wishes to interpose any factious opposition to the item, if it is a proper item; but if it is not a proper item, we ought not to be called upon to vote upon it, even if we are uncertain. I rose for the purpose of suggesting to the Senator from Maine, without the slightest disposition to interfere with the adoption of this amendment, if it is proper, that in case the bill shall go over until to-morrow we will have this additional information. I presume it can be had; and if not, I think this item may just as well be put on some other appropriation bill.

It is not a fact—and I am sure the Senator upon investigation will find that my statement is correct—that the insular government is now in need of funds. I have no doubt they will need funds; but I have it myself from Governor Taft that they now have $5,000,000 surplus.

I will say to the Senator that nobody will be more prompt to vote in favor of this amendment than I will just as soon as he is prepared to stand in his place and say he has investigated the matter, that these boats were of the class named by him, and have since been converted into gunboats.

Mr. HALE. The Navy Department has this matter now in charge and the Senator has all the information before him. The letters have been read and reread. Speaking for myself, I can give no further information than what we all have in relation to the point which the Senator makes. If the Senator thinks that the question of whether these were originally gunboats is important enough to strike out the item, I am willing it shall go out.

Mr. BACON. No; I do not think that.

Mr. HALE. I want to conclude the bill to-night. It is very essential that we should do so.

Mr. BACON. I do not think the item ought to be stricken out, nor do I wish to vote for its rejection, but I think it is possible that it might be, in view of the uncertainty of it, a proper thing that it should at least be held in abeyance until we can have definite information.

Mr. TILLMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from South Carolina?

Mr. BACON. Will the Senator pardon me a moment?

Mr. TILLMAN. Certainly.

Mr. BACON. I should like to ask the Senator from Maine, in order that we may have the benefit of his judgment in the matter, how does he account for the designation "armed transport *General Alava*?" We have no transport of that name, and we have no transport or no boat which has been converted into an armed transport called the *General Alava*. How does the Senator account for its designation as "the armed transport *General Alava*" unless it was a Spanish armed transport? If it was a Spanish armed transport, nobody had a right to sell it to the United States Government.

Mr. HALE. It may have belonged to some old Spanish citizen. I do not know about that.

Mr. BACON. No Spanish citizen could have possession of an armed transport.

Mr. FORAKER. Allow me to make a suggestion. I will state what occurred to my mind in connection with that language, and that was that in this letter Commander Stuart, who, I believe, writes it, was describing the boat as it is now. It is now in our ownership as an armed transport.

Mr. HALE. Mr. President——

Mr. FORAKER. He makes that clear, if the Senator will bear with me a moment, because he says in another part of his letter that he has been unable to get information as to the condition of these boats at the time when they were purchased. So that necessarily he is speaking of the present condition of the boat, which is now an armed transport.

Mr. BACON. Does the Senator from Ohio speak from definite knowledge when he says the United States Government now has an armed transport known as the *General Alava*?

Mr. FORAKER. I speak from no knowledge except that given

here, that that is the name of it. This report shows that the armed transport *General Alava* is now a part of the United States Navy.

Mr. BACON. We at least can get definite information on that subject.

Mr. HALE. I can tell the Senator that the Government has armed transports.

Mr. BACON. Of course.

Mr. HALE. They call a transport "armed" when they put a single gun on it.

Mr. BACON. Certainly.

Mr. HALE. They go about transporting troops and stores and supplies from one island to another, and they are all armed.

Mr. BACON. There is no doubt about that.

Mr. HALE. Whether this was a private boat and purchased by us the letter shows, but whether a gun was put on it after we bought it or whether the Spanish Government had put a gun on it, makes no difference. It does not seem to me that it is really essential to know whether this transport was armed at one time or another.

Mr. BACON. That is not the question at all.

Mr. HALE. I thought it was.

Mr. BACON. That is not the question; but I submit this to the Senator. He says that the information can not be gotten. The information can be gotten at the Quartermaster-General's Office in this city whether the United States Government has an armed transport named the *General Alava* or not. If it has not, then the designation of it as an armed transport must refer to its having been an armed transport in the service of the Spanish Government. I submit to the Senator in all candor——

Mr. HALE. I do not accept that conclusion.

Mr. FORAKER. I think it is made perfectly clear, if the Senator from Georgia will allow me to interrupt him a moment——

Mr. BACON. Certainly.

Mr. FORAKER. From the document before us it appears that the armed transport *General Alava* is now in our ownership, possession, and use under that name. In the letter of Commander Stuart to which I referred a moment ago, found on page 3, dated at Manila July 22, 1901, occurs this paragraph:

> In reply to a letter addressed to the senior squadron commander and referred by him to the commandant of the naval station, Cavite, the board is informed that the date of receipt of these vessels is not known, nor is it known from whom they were received, nor their condition at the time they were turned over to the naval authorities.

Necessarily, therefore, if he did not know what the condition was when it was received, he could not have been describing it when he referred to it later as "an armed transport" as having been an armed transport at that time. He does not know what it was then. He speaks of it as it exists now. In a subsequent part of his letter and report he speaks of that boat in connection with other boats as a part now of the American Navy, and this particular boat is described as "the armed transport *General Alava*." In the report made by the appraisal board, consisting of three naval officers, they say they have carefully investigated all the records on the subject, being satisfied that all these boats were purchased, although from whom and at just what time they are unable to state. While they do not know what their condition was at the time they were actually received, they report that the amounts so far paid out of this insular fund are fair compensation.

Mr. BACON. The statement of the officers as to the uncertainty of the condition of the boats when they were received evidently refers to the question of the condition of repair, and has no reference whatever to their character prior to that time.

I repeat, Mr. President—I think it is a repetition; I am not sure, but I want to be certain about it—that so far as these boats have been legitimately purchased by the insular funds, and where the boats have been turned over to the United States Government, the United States Government ought to refund the amount. I hope I am not misunderstood on that subject. The sole doubt in my mind as to whether we should now pass upon it is the doubt which apparently arises from the face of this record, as to what was the nature and character of those boats prior to the purchase. If they were Spanish boats, then the person who sold them had no right to sell them. It seems that some of them at least were Spanish boats. I suppose we can ascertain that by a simple inquiry at the Quartermaster-General's Office.

Mr. TILLMAN. I suggest to my friends on the other side that there ought to be somewhere a means of getting at the facts in this matter; that is, there should be a report from the War Department or from the Taft Commission as to the expenditure of the funds which they have collected, and which they designate as insular funds. A large item like this of a half million dollars, or something like that, must appear in that document, or report, or whatever it is. I do not know where to put my hand on such a thing; but I think it is obligatory upon Senators on the other side to satisfy us on this subject. Of course, if they do not choose to do so they have the majority and can go along. We can only call attention to these little loosenesses, so to speak, and the inability to have our books kept over there in the way they ought to be kept.

Mr. TELLER. I do not think there is any question but what the insular government had these boats. Commander Stuart says, on page 3:

> We, however, have official information, furnished from the office of the military governor, which states that these thirteen vessels were purchased by Lieut. Col. F. W. Pope, chief quartermaster, United States Army, at a cost of $315,000 Mexican currency. The letter from the governor-general's office also informs the board that the armed transport *General Alava* and the gunboats *Quiros* and *Villalobos* were purchased by Maj. C. P. Miller, United States Army, on February 21, 1900, at a cost of $215,000 Mexican currency.

The Secretary of the Navy says——

Mr. SPOONER. Will the Senator yield to me a moment?

Mr. TELLER. Certainly.

Mr. SPOONER. To supplement what the Senator is saying, if he will turn to page 4, he will find there:

> In making this recommendation the board would state that the information furnished is incomplete, and the amount of reimbursement recommended—

The information is incomplete, and the amount of reimbursement recommended, they say—

> is the actual amount paid for the vessels, as shown by the records furnished by the office of the military governor.

Mr. TELLER. That is shown in Commander Stuart's statement.

Mr. SPOONER. And also in the report of the Naval Examining Board.

Mr. TELLER. The Secretary of the Navy says:

> As shown by said reports, the value of the property in question, as nearly as could be ascertained, is equal to $450,042.40 Mexican currency, and as the vessels and the ordnance are indispensable to the efficient operations of the Navy in the Philippine Islands, the Secretary of War has consented to the retention of said property by this Department.

That is a declaration that our Government has got the property. Now, what the Senator from Georgia [Mr. BACON] wants to know distinctly is, whether these vessels were sold and whether the insular government had the right to sell them or not; whether they were boats formerly belonging to the Spanish Government, or whether they belonged to individuals. I suppose we might, perhaps, assume that they belonged to individuals, or else the insular government would not have bought them. I do not think there is very much question but that the Spanish Government formerly owned these boats. Now, we have got them and we are paying, as I understand, all the expenses of the war, which do not come out of the insular people at all.

Mr. BACON. I think it is a mistake to suppose that gunboats were purchased by the insular government.

Mr. TELLER. They were purchased by the insular government. The insular government was simply the military government there. They were purchased by the military government, and that was the insular government, as I understand. I may be mistaken, but I think that is the fact.

Mr. BACON. My understanding is that the military government was the insular government, which had certain funds, doubtless derived from revenues collected there, and that the officers of the Army possibly, not having themselves the money to buy these boats, got the money for that purpose from the insular government—the military government.

Mr. TELLER. I think they were probably purchased for the use of the insular government, expecting that that government would use them; that is, the military government would use them for their purposes, and that they were paid for with these funds. I admit that there is a degree of looseness about this entire business that is not very satisfactory; but that will be the case in all these accounts that come to us. I do not know how we are going to revise them so as to know what we ought to pay. We are carrying on a war that is a great charge upon us. The Navy is a charge upon us, and everything of that kind, and all that the insular government or the present civil government collect from revenues they expend not, I suppose, for what might be called war purposes—not for the Navy, not for the Army—but for the protection of themselves, for their own salaries, for internal improvements, and various other things. We do not have any control over them; nobody is looking very closely to see whether they are spending that money as they ought to spend it under supervision on our part. If they are very loose in that regard, I guess they will be pretty loose in other regards.

The PRESIDING OFFICER. The amendment of the Committee on Appropriations will be stated.

The SECRETARY. On page 30, after line 21, the Committee on Appropriations report an amendment to insert the following:

> For the reimbursement of the Philippine insular funds for small gunboats and other craft, ordnance and ordnance stores, turned over by the military

authorities at Manila to the Navy, a sum of money equal to $450,042.40, Mexican currency, at the valuation thereof during the first quarter of the calendar year 1900, $208,819.67, or so much thereof as may be necessary.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HALE. There is an amendment on page 42 which has not been acted upon.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 42, after the word "Grounds," in line 3, the Committee on Appropriations report an amendment to insert:

And the Superintendent of the Capitol Building and Grounds shall hereafter exercise all the power and authority heretofore exercised by the Architect of the Capitol, and he shall be appointed by the President, by and with the advice and consent of the Senate.

Mr. LODGE. I offer an amendment to that amendment, which I send to the desk.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. It is proposed to add to the amendment of the Committee on Appropriations the following:

Provided, That no change in the architectural features of the Capitol building or in the landscape features of the Capitol grounds shall be made except on plans to be approved by the Committee on Rules of both houses.

Mr. HALE. That is a good amendment.

The PRESIDING OFFICER. The committee accepts the amendment to the amendment.

Mr. HOAR. I wish to make a suggestion to my colleague. It seems to me that a change of the architectural features of this building, with its superb architecture, having primacy among all the legislative buildings of the world for beauty, should not be under the control of a legislative committee. I know something of the functions of the Library Committee. I was the senior member of that committee for a good many years. I acted as chairman when the term of the chairman expired, or when the chairman was absent, and practically held the chairmanship for a long while. I know how difficult it is to get every member of that committee together to consult in the summer, when these things are likely to be done. I should like my colleague to consider the question whether the Committee on the Library is the best body for the consideration of such a subject.

Mr. LODGE. My amendment proposes to refer such questions to the Committees on Rules. The Committees on Rules of the two Houses are the committees always in charge of the Capitol building.

Mr. HALE. I have no objection to the amendment being amended by providing—I do not know its language—that no distinctive change shall be made in the architecture of the Capitol building or the landscape features of the grounds until further ordered by Congress.

Mr. HOAR. Very well.

Mr. HALE. I should have no objection to such an amendment as that.

Mr. LODGE. "Without the approval of Congress?"

Mr. HALE. Yes. I would strike out the reference to the Committees on Rules and say "without the approval of Congress." I think that is right.

Mr. LODGE. Very well; I will modify my amendment in that way.

Mr. HALE. There will then be no danger of such changes being made, and we do not any of us want them made.

Mr. FAIRBANKS. I should like to have the amendment to the amendment again stated.

Mr. HALE. Let it be again read.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. It is proposed to add at the end of the committee amendment the following:

Provided, That no change in the architectural features of the Capitol building or in the landscape features of the Capitol grounds shall be made except upon plans to be approved by Congress.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. HALE. Mr. President, the only item that is left is the amendment on page 44.

Mr. CLAY. Mr. President, I desire to call the attention of the Senator to this amendment, I believe it was passed over while I was out. It is proposed by the Senate committee to strike out the following clause:

That the number of land offices and land districts in the district of Alaska is hereby reduced to one, and the land office of said district will be continued at Sitka. If at the time of the taking effect of this act there should be any business pending in any of the offices to be discontinued such business shall be transferred to the Sitka office.

Now, I wish to call the Senator's attention to the fact that there are at this time five offices, I believe, in Alaska. The provision in the bill as it came from the House on this subject is proposed to be stricken out. I hold in my hand the report of the Commissioner of the Land Office, showing the receipts and expenditures of these five offices. At Sitka we took in $6,467.76 and spent $13,585.93; at the Rampart office we took in $10 and spent $4,249.60; at St. Michael we took in nothing and spent $2,533.33; at Circle City the expenditures were $5,587.41, with no receipts; at Peavy the expenditures were $7,153.12, with no receipts, and at Weare the expenditures were $1,868.30, with no receipts.

The Commissioner says:

With rent charges of $600 per annum at both St. Michael and Rampart, with wood at $15 per cord and coal at from $40 to $75 per ton at St. Michael, with wood at $20 per cord and coal too expensive for fuel at Rampart, some idea can be obtained as to the cost of incidentals at these offices.

Again, he says:

A recapitulation of the above facts shows that while the various offices heretofore maintained in the valley of the Yukon and its tributaries for the accommodation and encouragement of miners have within the short period of time mentioned in each case cost $21,391.76, there has been but one single application filed in any of these offices with a fee of $10.

The Commissioner of the Land Office recommended that these offices be discontinued. The House carried out the recommendation of the Commissioner, and my understanding is that the Senate committee propose to strike out that feature of the bill.

Mr. HALE. The committee had all of this information. It is undoubtedly the fact that in all these districts the business has been very small, in some of them ridiculously so. The office at Sitka costs $7,000 beyond what the Government received, and Sitka is from nine to ten or eleven hundred miles away from that portion of Alaska where all the business is now done. A question arose in the minds of the committee as to why Sitka was selected as the one particular office, when everything had departed from it. Then we looked at the law. The law, section 12 of the act, declares that the President is authorized and empowered in his discretion by executive order at any time to arrange or combine or discontinue land offices in Alaska. We sent to the Interior Department, which has charge of all land offices, and the Secretary sent us a letter. As the law stands it authorizes the President to consolidate the offices and put the office at the proper place. The committee doubted whether Sitka was the proper place, but believed fully that the offices should be consolidated. We received this letter only a few days ago:

DEPARTMENT OF THE INTERIOR,
Washington, January 30, 1902.

SIR: Referring to your personal inquiry in respect to the provisions in the urgent deficiency bill (H. R. 9315) as it passed the House of Representatives, which consolidates into one land district the several existing land districts in Alaska, I beg to say that, while heretofore there has been some doubt as to whether the President was authorized by existing legislation to consolidate these several districts into one, I have, on full consideration of the several statutes upon the subject (Rev. Stat., secs. 2249, 2254; act of August 15, 1892, 27 Stat., 368; sec. 12, act of May 14, 1898, 30 Stat., 414), reached the opinion that the President is clearly authorized by existing legislation to make such changes in these districts as he deems advisable, and to designate the place for the land office in the consolidated district, if the districts be consolidated into one district. Unless Congress desires to make some specific disposition of the matter, existing legislation is such that the provision which is now carried in the urgent deficiency bill is unnecessary.

Very respectfully,

E. A. HITCHCOCK, *Secretary.*

Therefore not knowing, and it seeming doubtful whether we should consolidate these offices into one district and locate the office in a place whence all the business had departed, we reported this amendment. Sitka is of no account now in Alaska. It is 1,100 miles away from the business and all that is done, and therefore the committee, in order to throw it into conference and get other information as may be necessary, propose to strike it out, there being authority on the part of the President to consolidate. I think we ought to consolidate the offices. I doubt very much whether we ought to locate the office at Sitka.

Mr. CLAY. The Senator from Maine speaks about Sitka being an inconvenient location. Is not the President authorized under the law at this time to locate the office at such place as he desires?

Mr. HALE. Undoubtedly; but if the House provision passes, he will not have that authority. That is the very point.

Mr. CLAY. Is it not true that an amendment would cure that very easily by simply authorizing the President to locate the office that may be left at such place as may be convenient to the people of Alaska?

Mr. HALE. He has that authority now. That is why the committee took that action. The President has that authority.

Mr. COCKRELL. I beg to say that, under this amendment as it came from the House, the President of the United States and the Secretary of the Interior will have ample power to do just as they can do now.

Mr. HALE. I do not know about that.

Mr. COCKRELL. There is no question on that point.

Mr. CLAY. I will say to the Senator that these five offices cost

$21,000 per annum during the last five or six years, and the receipts I have read. Here are two reports from the Commissioner of the General Land Office recommending that Congress take hold of this matter and abolish these offices and simply leave one there.

Mr. HALE. Let me read the language of the House provision and see if the President would have any power under it. I hope the Senator from Missouri will follow the reading.

Mr. COCKRELL. I have read it time and again.

Mr. HALE. It provides:

That the number of land offices and land districts in the district of Alaska is hereby reduced to one, and the land office of said district will be continued at Sitka. If at the time of the taking effect of this act there should be any business pending in any of the offices to be discontinued, such business shall be transferred to the Sitka office.

The President can not locate the office at any place except Sitka.

Mr. TILLMAN. Will the Senator allow me to suggest a reason why the office should go to Sitka, coming from the Commissioner of the General Land Office himself? If he will look at the report of that gentleman, page 59, he will find that after making the statement which the Senator from Georgia has quoted and pointing out all the facts that have been used here he goes on to argue the case; and I will condense his argument by saying that he states that the reason why he recommends the location of the office at Sitka is because that is the only place where lands are taken for agricultural uses. He says all these other claims, on the Yukon and at Nome and everywhere else, are mining claims and that it costs too much money for the miners to patent those claims, and they hold them and mine out the minerals and then abandon them, but that wherever agriculture exists, to however limited a degree, the people who want to use the land buy it and get it patented.

Of course if the conferees on the part of the House insist that this clause shall remain in, I presume the Senate committee will trade off some of the other items and let the House have its way. I have noticed that that system sometimes obtains. We have just given $208,000, I think it is, of our money to these insular possessions. I think the only danger is that some of these lovely officers of ours, these sweet-scented characters whom we have been discussing this morning, may continue to hold their jobs in Alaska by reason of the strong pull their friends have at headquarters. I take it that in the interest of economy the House had better have its way. But then the Senate is a liberal body, and I simply throw that out as a reason why the office should go to Sitka.

Mr. HALE. I know nothing whatever except what is in these documents, and the committee thought, under the circumstances——

Mr. COCKRELL. That is, the majority of the committee.

Mr. HALE. I mean the majority of the committee. After examining the letter from the Secretary and examining law, and believing that the President had this authority, the committee thought it was safer to throw the provision out and let the matter go into conference. But it is a matter entirely within the power of the Senate. I do not propose to take up any more time.

Mr. COCKRELL. I hope the amendment of the Senate committee will not be agreed to. I think it is morally and legally wrong.

Mr. TELLER. Mr. President, if we should adopt the House provision, I do not agree with the Senator from Missouri that the President would have the right to move the office away from Sitka. Under the existing law, the general statute, he can do it; he can do it by the Alaska statute; but if we put in a special provision that he shall locate the office at Sitka, there it must be located. We can avoid that difficulty by saying "the number of land offices and land districts in the district of Alaska is hereby reduced to one," and stop at that, and not say that the land office shall be continued at Sitka.

It will not be a great while before there will be a demand to enter placer claims at Nome and other places. The Secretary of the Interior evidently has not been out in the mining country much, and he is excusing the fact that there are no efforts made to patent claims. Under the existing laws a man holds possession, with as good title for the purpose of working a claim as if he had a patent, but when anybody assails his title he has to go back and show the inception of his title. He has to show that he took it at a certain time, that he has continually worked it within the provisions of the law, and all that, but if, upon the other hand, he has a patent, he is relieved from all that, and all he does, if anybody assails his title, is what a man does who has a patent—walk into court and show his patent. No man can take a claim until he has expended $500 on it, and he can take a patent provided he pays for it according to the provisions of law.

There is a land office at Sitka. There are two or three other land offices which are not needed, as everybody knows, and if we want to reduce it to one, I think we ought to reduce it without naming the place where the one office shall be located.

Mr. COCKRELL. I suggest to the Senator from Colorado that he move such an amendment.

Mr. TELLER. I will in a moment. The Senator from South Carolina [Mr. TILLMAN] suggests that the reason why they want the office at Sitka is because it is where the land is entered. Here is rather a significant statement made by the Commissioner:

Not only has there been but one application under the mineral laws in all the offices of northern Alaska—

That is the only place.

But there has never been an application of any kind under any of the other public-land laws extended to Alaska.

Now, there has not been any application to enter land at Sitka at all, nor at any other place, except, probably, at St. Michael.

Mr. COCKRELL. Oh, yes; there has been business at Sitka. The receipts were $6,000 or $7,000. There had to be business in order to be receipts.

Mr. TELLER. This is what the report says.

Mr. COCKRELL. That means in the northern offices.

Mr. TELLER. It says:

Not only has there been but one application under the mineral laws in all the offices of northern Alaska——

Mr. COCKRELL. Northern Alaska; not Sitka.

Mr. TELLER—

But there has never been an application of any kind under any of the other public-land laws extended to Alaska.

Probably it does not mean at Sitka; but if the Department thinks Sitka is the place at which to keep the office, it can keep it there. If later it thinks another one should be established somewhere else, it will have to take it away from Sitka.

This leaves it absolutely within the control of the Executive, and while it does seem somewhat scandalous to think that we have thus paid out twenty-odd thousand dollars, and fourteen or fifteen thousand dollars of it at least where nothing has been done, yet there may come a time when we will need land offices at some of these places.

I rather dislike to see the executive department tied up, so that if they find they need another office up there they can not provide for it. I think the attention of the Executive being called to it, he may conclude that these offices shall be so arranged as to do the business and at the same time not make so great a draft on the Government. I have been informed that very recently we have confirmed some officers for these land offices, which have been in operation for a couple of years and where they have not done any business at all. I think, perhaps, on looking at the statement here, that the Commissioner is speaking of northern Alaska or the section of country beyond Sitka.

Mr. COCKRELL. That is it. There is no question about it.

Mr. TELLER. Sitka is not in Alaska, as we talk about Alaska. It is not in that section of Alaska which produces the gold that is coming out. I do not know, and perhaps some Senator will tell me, just how far it is. I think it is more than a thousand miles from Sitka.

Mr. HALE. Nearly 2,000.

Mr. TELLER. And it is very difficult to get back and forth. I think myself we had better leave the whole matter to the Administration, with a little admonition here that if the office is not needed they had better abandon it, as they can do under the law. That is not only the law as to Alaska, but it has been for thirty years the law of the land that the President of the United States can close any land office that he wants, move it to another place, consolidate two offices, create a new office whenever he wants to, close it whenever in his judgment it is necessary that it should be closed.

Mr. COCKRELL. Mr. President, I hope this amendment will not be agreed to, and that this clause will be left in the bill, with an amendment, if the Senator from Colorado wants it.

Mr. TELLER. I desire to move it.

Mr. COCKRELL. I have no objection to that.

Mr. TELLER. Will the Senator let me offer it now?

Mr. CLAY. Does the Senator from Missouri think it is necessary?

Mr. COCKRELL. No; but it will not hurt anything.

Mr. CLAY. It will not hurt anything, but I do not think it is necessary.

Mr. TELLER. I move to strike out after the word "one," in line 12, down to and including the word "Sitka," in line 13, and then, in line 16, to strike out "the Sitka" and insert "such."

Mr. COCKRELL. I have no objection to that.

The PRESIDING OFFICER. The amendment proposed by the Senator from Colorado will be stated.

The SECRETARY. It is proposed to amend the clause so as to read as follows:

That the number of land offices and land districts in the district of Alaska is hereby reduced to one. If at the time of the taking effect of this act there

should be any business pending in any of the offices to be discontinued, such business shall be transferred to such office.

Mr. TELLER. That will put it in conference just the same as if we struck it out.

Mr. HANSBROUGH. Mr. President, this question is peculiar to all new countries. I recall that in the Territory of Dakota, when land offices were first established there, years elapsed before any business was done to amount to anything. They were a perpetual expense to the Government, and it is so now in all new parts of the country. It was so in Oklahoma for quite a while. Now Oklahoma is paying a hundredfold over the expenses in point of receipts.

Mr. TILLMAN. It is a little different climate.

Mr. HANSBROUGH. You can not regulate climate by legislation, however. The Senator from South Carolina may do it, but the ordinary Senator can not.

There is on file in the Public Lands Committee to-day a very strong petition, with several letters from residents at Juneau, who are up in arms against the proposed consolidation of all these land offices and the location of a single office at Sitka. There is already a local rivalry in that section and great contention between the two towns, which are not very far apart, as Senators all know. Juneau and Sitka are in the southeastern part of Alaska, more than 1,500 miles, perhaps 2,000 miles, away from the business part of Alaska, so eloquently referred to to-day.

I think, having some knowledge of the land situation in that country, that if you are going to make this change, there should be one land office in the northern part of Alaska, and of course there ought to be one in southeastern Alaska.

Mr. HALE. Let me make a suggestion right here. I suggest that the Senator from Colorado change his amendment and provide that the number of offices shall be reduced to two, and then leave it to the President. That will cover the point the Senator from North Dakota makes that there ought to be one office in the upper part of Alaska as well as one below.

Mr. COCKRELL. I do not agree to that.

Mr. TELLER. I would rather do that and leave it to the judgment of the President.

Mr. COCKRELL. I am sure, judging by the past, that the President will do nothing, and the Secretary of the Interior will not do it. That is the reason why I am going to object to it. I am not going to mince any words about it. I have a right to criticise any Executive Administration when they do not carry out the law in the interest of the people and in the interest of economy.

Mr. HALE. If we cut it down to two, the President will be obliged to do it. To whatever number we cut it down, he will be obliged to reduce the number of offices.

Mr. COCKRELL. We will cut it down to one. That is the thing to do now. Let us stop this thing. I appreciate the kindness of the Senator from North Dakota, but I will show here right now—and I can do it—that there is no possibility of a change being made unless Congress does it.

Mr. HALE. We propose to do it.

Mr. COCKRELL. I will read a telegram received from the Commissioner of the General Land Office to-day:

In reply to your telegram this date, registers and receivers of Alaska land offices, with dates of appointments, are as follows: Sitka, Albert J. Apperson, receiver, December 19, 1899; John W. Dudley, register, January 19, 1899. St. Michael, Albert E. Rose, receiver, January 19, 1899.

Notwithstanding this report from the Commissioner of the General Land Office, that this office cost $21,000 and did not produce a cent.

Mr. HANSBROUGH. Oh, no. The Senator does not want to be wrong about it. It is not this one office.

Mr. COCKRELL. This office, with the others.

Mr. HANSBROUGH. The entire outfit of offices in Alaska.

Mr. COCKRELL. All the offices except the Sitka office.

Mr. HANSBROUGH. Precisely.

Mr. COCKRELL. I will read the next one:

Franklin Moses, register, February 4, 1901; Rampart City, William R. Edwards, receiver, May 26, 1900; Patrick M. Mullen, register, December 18, 1901.

Confirmed by the Senate at this session.

Mr. TELLER. At which place?

Mr. COCKRELL. Rampart. So we have officers now at three offices.

Mr. TELLER. How much business was done at that office?

Mr. CLAY. The receipts were $10 and the expenditures were $4,249.60.

Mr. COCKRELL. And no receipts at all at St. Michael.

Mr. HANSBROUGH. I simply repeat——

Mr. COCKRELL. Permit me just a moment.

Mr. HANSBROUGH. Certainly.

Mr. COCKRELL. What the Commissioner of the General Land Office says is in his report directed to the Secretary of the Interior and dated August 31, 1901. I call the attention of the Senator to this, because there is no politics in this. Here is your own Commissioner and your own Secretary of the Interior making the recommendation, and here they lay before you a fact in the face of which you can not justify the continuance of these offices. He quotes the law, and after giving a good deal of what has already been said, he says:

It is worthy of consideration how far we are justified in continuing these expensive offices with no business thus far demanding their continuance. The promises and expectations which prompted their creation are not fulfilled by subsequent experience, and the wisdom of their further continuance is doubtful in the extreme.

It will be observed that the offices at Nulato, Weare, Rampart, and Circle are all located upon or near the Yukon River, while the office of Peavy was on a prominent tributary of that river; and since these offices were established and maintained almost entirely for the sole purpose of accommodating the miners, their lack of patronage seems to demonstrate that their further continuance is unnecessary.

After carefully considering all the facts, and estimating future probabilities—

And they have as good opportunities of estimating future possibilities as any one of us has—

it is believed that both the Yukon and the Circle districts should be abolished, their territory added to the Sitka district, and their offices consolidated with the Sitka office, at least for the present, and until such time as there shall appear some real necessity for an office in the Yukon country.

Now, this letter, which was written to the Senator from North Dakota by the Secretary of the Interior on the 30th day of January, after this trouble came up, would seem to create the impression that before that time they had had a doubt in their minds about the right and power to consolidate these offices.

Mr. TELLER. Oh, no.

Mr. COCKRELL. Read that. I will read it.

Mr. TELLER. I only meant to say the law is so plain——

Mr. COCKRELL. I am not speaking of the law. I am speaking of what is in the mind of the executive branch of the Government. We are dealing with that now. The Secretary of the Interior says:

DEPARTMENT OF THE INTERIOR,
Washington, January 30, 1902.

SIR: Referring to your personal inquiry in respect to the provisions in the urgent deficiency bill (H. R. 9315), as it passed the House of Representatives, which consolidates into one land district the several existing land districts in Alaska, I beg to say that, while heretofore there has been some doubt as to whether the President was authorized by existing legislation to consolidate the several districts into one—

Now, what does the Senator say?

Mr. TELLER. Who writes that?

Mr. COCKRELL. The Secretary of the Interior. It was written to the Senator from North Dakota [Mr. HANSBROUGH] under date of January 30, 1902.

Mr. TELLER. Will the Senator allow me just a word?

Mr. COCKRELL. Yes.

Mr. TELLER. I think it must be assumed here that some clerk wrote that letter.

Mr. COCKRELL. That I do not know. It has the printed signature of the Secretary attached to it. The letter continues:

I have, on full consideration of the several statutes upon the subject (Rev. Stats., secs. 2249, 2254; act of August 15, 1892, 27 Stat., 368; sec. 12, act of May 14, 1898, 30 Stat., 414), reached the opinion that the President is clearly authorized by existing legislation to make such changes in these districts as he deems advisable, and to designate the place for the land office in the consolidated district, if the districts be consolidated into one district. Unless Congress desires to make some specific disposition of the matter, existing legislation is such that the provision which is now carried in the urgent deficiency bill is unnecessary.

Very respectfully,

E. A. HITCHCOCK,
Secretary.

Hon. H. C. HANSBROUGH,
Chairman Committee on Public Lands, United States Senate.

Mr. HALE. If the Senator will permit me, that can only mean that it was done without an examination of the law and the power of the President has not been understood. There is no doubt of what the Senator from Colorado says. The act here is very plain. Let me read it again:

That the President is authorized and empowered, in his discretion, by Executive order, from time to time to establish or discontinue land districts in the district of Alaska, and to define, modify, or change the boundaries thereof and designate or change the location of any land offices therein.

That is just as complete as can be.

Mr. COCKRELL. There is no question about it.

Mr. HALE. There is no question whatever about it. All that letter means is that the attention of the Secretary had not been drawn to the law.

Mr. COCKRELL. Let us see. I am sorry the Senator said that. It compels me to refer to something that I did not care about criticising.

Mr. TELLER. Will the Senator from Missouri allow me?

Mr. COCKRELL. Not now.

Mr. TELLER. Right on that point.

Mr. COCKRELL. Let me read what the Commissioner of the General Land Office said and what the President, the Secretary

of the Interior, and the Commissioner between them have done. Let us look at it and see whether they understood the law or not:

Under section 12 of the act of May 14, 1898 (30 Stats., 414), quoted above, the Peavy land district was created by Executive order of February 14, 1899, from the northern portions of the Yukon and Circle districts, and the land office established at Peavy, on the Kayukuk River, north of the Arctic Circle. The office of Peavy being difficult of access, owing to the late opening and early closing of navigation in that northern region, and its location not having stimulated discoveries in that locality, the further maintenance of the Peavy district was deemed inadvisable, and, accordingly, by Executive order of February 24, 1900, the Peavy district was abolished and its territory consolidated with the Yukon and Circle districts, whose common boundary line was also changed.

Mr. TELLER. Where does the Senator find that?

Mr. COCKRELL. It is in the report of the Commissioner of the General Land Office to the Secretary of the Interior, dated, as I have quoted before, in August, and the report of the Secretary of the Interior quotes from this report.

Mr. President, I am perfectly willing to make provision for every officer that is necessary in the Government, but I am not willing to consent that this Senate shall stultify itself by voting here thousands of dollars to men who have not done one particle of work for the benefit of the Government, who hold mere sinecures which they have had the power and influence to prevent being taken away from them by Executive order.

Mr. HALE. Now, I do not object to that, Mr. President. My only question is that in doing this we do not go so far as to do any injustice and deprive a portion of the Territory there of a land office that it ought to have.

Mr. COCKRELL. Oh, no. Under the amendment which has been agreed to, the President will have all the power that he now possesses. He can to-morrow reestablish these offices if he wants to do so. There is ample provision there.

Mr. HALE. I presume not.

Mr. TELLER. He can create only one office in the Territory. That might be at Sitka or it might be at St. Michael.

Mr. COCKRELL. I am perfectly willing to give him the power to create another office whenever it is necessary. Nobody wants to impose any hardship upon those people there; but we have the statement before us from our own executive officers that here have been $21,000 drawn and not one particle of labor returned for it, and we have it that the Department have modified these offices and changed them because there was no business, and yet they have not the power to make the changes which they recommend here and they have not done it. Since these recommendations have been made by both the Secretary and the Commissioner of of the General Land Office—for I have the Secretary's report here—officers have been appointed for these two offices and we have confirmed them.

Mr. HANSBROUGH. Those were reappointments. They were appointed a year ago.

Mr. COCKRELL. That shows that they had power to keep themselves in, and they will keep themselves in unless this office is abolished. That is all there is about it.

Mr. HALE. Let me see if this amendment will cover it. We all agree it is a scandal that this should be going on, so much money spent and no business done. We do not want that. Instead of the House provision I suggest that we provide as follows:

That the number of land offices and land districts in the district of Alaska is hereby reduced to one, the location of which shall be fixed by the President, and the President shall not hereafter establish any other land office in Alaska unless, in his judgment, the necessities of the service require it.

Mr. COCKRELL. I am perfectly willing for that. I do not want to limit and restrict, but when the executive authority gets so that it can not act, I want to release it.

The PRESIDING OFFICER. The Chair will state that there is an amendment to an amendment pending.

Mr. TELLER. I will withdraw my amendment.

The PRESIDING OFFICER. The Senator from Colorado withdraws his amendment.

Mr. SPOONER. I should like to make a suggetion to the Senator from Maine. That rather carries the implication that some President might be willing to establish a land office in Alaska when, in his judgment, the public interest did not require it. I suggest to the Senator whether it would not be better to say, "That the President shall have authority to establish an additional land office in Alaska whenever"——

Mr. HALE. "Whenever the same may be necessary."

Mr. SPOONER. "Whenever, in his judgment, the public interest may require."

Mr. COCKRELL. That is right. I have no objection to that amendment. Let it be read at the desk.

Mr. TELLER. Let it be read.

The PRESIDING OFFICER. The Secretary will read for information the amendment proposed in lieu of the pending amendment.

Mr. COCKRELL. Read the clause as it will stand when amended. Then we will understand it.

Mr. HALE. I move to strike out the House clause and substitute for it the entire clause: "The number of land offices, etc., is hereby reduced to one."

Mr. TELLER. Let us see what will be substituted for it.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. It is proposed to insert, instead of the committee's amendment, the following:

That the number of land offices and land districts in the district of Alaska is hereby reduced to one, the location of which shall be established by the President, and the President shall not hereafter establish any other land offices in Alaska unless, in his judgment, the necessities of the service require it.

Mr. SPOONER. I suggest in place of the last clause, if agreeable to the Senator, this language:

And the President may establish an additional land office and land district in Alaska when, in his judgment, the public interest shall require it.

The PRESIDING OFFICER. Does the Senator from Maine accept the amendment?

Mr. HALE. Yes; I think it is better than my amendment.

Mr. TELLER. The Revised Statutes, which have been in force for many years, contain the following provision:

Whenever the cost of collecting the revenue from the sale of public lands in any land district is as much as one-third of the whole amount of revenue collected in such district, it may be lawful for the President, if in his opinion not incompatible with public interests, to discontinue the land office in such district and to annex the same to some other adjoining land district.

The act of August 5, 1892, contains this provision:

And it shall be the duty of the Secretary of the Interior to consolidate the land-district offices where practicable and consistent with public interests.

The suggestion made in that letter that it has been a doubtful question in the Department is certainly an oversight on the part of the officer who signed it, because they have been consolidating, closing, and making new offices, to my certain knowledge, in the West, under this general authority, for at least twenty-five or thirty years.

Mr. HALE. There is no doubt about the fact, and has not been.

Mr. TELLER. I did not mean to reflect on the Secretary of the Interior. I suppose it went to some clerk, and some clerk wrote it, and the Secretary signed it without paying any attention to it.

Mr. HALE. I have no doubt that is the explanation. Now let the amendment be adopted.

Mr. HANSBROUGH. Mr. President, just a word. I simply want to call attention to the fact that under the provision of this amendment when the President reduces the land offices to one in Alaska he must either place it at Sitka or Juneau, in southeastern Alaska, or in northern Alaska away up near Siberia, fully 2,000 miles away from Sitka. Now, if he places it at Sitka it will require a trip from the northern part of Alaska to get to Sitka, which is out of the way. It is far easier to get from Siberia to San Francisco to-day than from St. Michael to Sitka. On the other hand, if he locates the land office at St. Michael and abandons the office at Sitka the people in southeastern Alaska will be placed under equal hardships. So I think in all fairness there should be at least two land offices in Alaska.

Mr. SPOONER. This amendment authorizes it.

Mr. HALE. This amendment meets the case.

Mr. HANSBROUGH. The amendment, as I understand it, calls for one.

Mr. HALE. No; the amendment transfers the discretion to the President in meeting the situation described by the Senator from North Dakota. If he finds trouble and difficulty in establishing only one office in southern Alaska or in northern Alaska, it gives him the opportunity to establish another, making two in all. That is the purpose of the amendment.

Mr. HANSBROUGH. I think the President will proceed to establish it right away if he can do it under the authority of this amendment.

Mr. HALE. That is the very purpose of the amendment.

The PRESIDING OFFICER. The question is on the amendment proposed as a substitute by the Senator from Maine.

The amendment was agreed to.

Mr. HALE. I believe that concludes the bill.

The PRESIDING OFFICER. If there be no further amendments as in Committee of the Whole, the bill will be reported to the Senate.

Mr. MITCHELL. Mr. President, I desire to recur once more to the amendment that was passed yesterday in regard to the claims of the States upon the General Government. I should like to submit an amendment to the Senator in charge of the bill.

Mr. HALE. Has the Senator his amendment drawn?

Mr. MITCHELL. Yes. I propose to amend on page 69, line 23, after the word "fifteen," in italics, by inserting the words "not heretofore allowed or;" so that it will read:

Eighteen hundred and sixty-two (Twelfth Statutes, p. 615), not heretofore allowed or heretofore disallowed by the accounting officers of the Treasury.

Mr. HALE. There is no objection to that amendment, Mr. President.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

BUSINESS OF MORNING HOUR TO-MORROW.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

Mr. LODGE. Before that motion is put, I wish the Senator would yield to me for a moment.

Mr. CULLOM. Certainly.

Mr. LODGE. I desire merely to give notice that I shall move to proceed with the consideration of the Philippine bill immediately after the routine morning business to-morrow morning.

The PRESIDING OFFICER. The notice given by the junior Senator from Massachusetts will be noted in the RECORD.

Mr. HANSBROUGH. In reference to what the Senator from Massachusetts has said, I wish to state that to-morrow morning after the routine business it was my intention to address the Senate on the question of irrigation for thirty or, perhaps, forty minutes.

Mr. LODGE. We can arrange that.

Mr. HANSBROUGH. I hope the Senator will accommodate himself to that suggestion.

Mr. LODGE. I think I can arrange that to-morrow.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifty-three minutes spent in executive session the doors were reopened, and (at 5 o'clock and 50 minutes p. m.) the Senate adjourned until to-morrow, Thursday, February 6, 1902, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 5, 1902.

COLLECTOR OF INTERNAL REVENUE.

Daniel B. Heiner, of Pennsylvania, to be collector of internal revenue for the twenty-third district of Pennsylvania, in place of James S. Fruit, deceased.

UNITED STATES ATTORNEY.

James S. Young, of Pittsburg, to be United States attorney for the western district of Pennsylvania, in the place of Daniel B. Heiner, whose term expired January 10, 1902.

REGISTER OF LAND OFFICE.

John A. Williams, of Lamar, Colo., to be register of the land office at Lamar, Colo., vice William A. Merrill, whose term will expire March 10, 1902.

POSTMASTERS.

Eli P. Jennings, to be postmaster at New Decatur, in the county of Morgan and State of Alabama, in place of Eli P. Jennings. Incumbent's commission expired July 1, 1901.

Daniel McNiel, to be postmaster at Ozark, in the county of Dale and State of Alabama, in place of Samuel D. Clark. Incumbent's commission expires February 16, 1902.

William C. Starke, to be postmaster at Troy, in the county of Pike and State of Alabama, in place of Stephen A. Pilley. Incumbent's commission expires February 16, 1902.

Frank M. Reardon, to be postmaster at Victor, in the county of Teller and State of Colorado, in place of Frank M. Reardon. Incumbent's commission expired January 10, 1902.

Wilbur T. Norton, to be postmaster at Alton, in the county of Madison and State of Illinois, in place of Wilbur T. Norton. Incumbent's commission expired May 10, 1901.

Fred C. Kile, to be postmaster at Blue Island, in the county of Cook and State of Illinois, in place of Fred C. Kile. Incumbent's commission expired January 10, 1902.

William J. McEldowney, to be postmaster at Chicago Heights, in the county of Cook and State of Illinois, in place of William J. McEldowney. Incumbent's commission expired January 10, 1902.

Ernest G. Howell, to be postmaster at Geneva, in the county of Kane and State of Illinois, in place of Ernest G. Howell. Incumbent's commission expired July 24, 1901.

Edmund C. Kreider, to be postmaster at Jacksonville, in the county of Morgan and State of Illinois, in place of Edmund C. Kreider. Incumbent's commission expires February 18, 1902.

George S. Roush, to be postmaster at Lena, in the county of Stephenson and State of Illinois, in place of George S. Roush. Incumbent's commission expired January 10, 1902.

John A. Walter, to be postmaster at Lockport, in the county of Will and State of Illinois, in place of John A. Walter. Incumbent's commission expired January 10, 1902.

James E. Gregory, to be postmaster at Moweaqua, in the county of Shelby and State of Illinois, in place of James E. Gregory. Incumbent's commission expired January 10, 1902.

Christian A. Kuhl, to be postmaster at Pekin, in the county of Tazewell and State of Illinois, in place of Christian A. Kuhl. Incumbent's commission expired January 10, 1902.

E. O. Rose, to be postmaster at Angola, in the county of Steuben and State of Indiana, in place of Frank W. Carver. Incumbent's commission expires February 18, 1902.

Alfred Welshans, to be postmaster at Danville, in the county of Hendricks and State of Indiana, in place of Alfred Welshans. Incumbent's commission expires February 18, 1902.

Morton Kilgore, to be postmaster at Goodland, in the county of Newton and State of Indiana, in place of Morton Kilgore. Incumbent's commission expires February 18, 1902.

Harry A. Strohm, to be postmaster at Kentland, in the county of Newton and State of Indiana, in place of Harry A. Strohm. Incumbent's commission expires February 18, 1902.

Beryl F. Carroll, to be postmaster at Bloomfield, in the county of Davis and State of Iowa, in place of Beryl F. Carroll. Incumbent's commission expires February 18, 1902.

F. M. Brist, to be postmaster at Hammond, in the parish of Tangipahoa and State of Louisiana, in place of John H. Bliler. Incumbent's commission expired January 12, 1902.

James L. Greenlee, to be postmaster at Kahoka, in the county of Clark and State of Missouri, in place of James L. Greenlee. Incumbent's commission expires February 11, 1902.

Frank I. Swett, to be postmaster at Lebanon, in the county of Laclede and State of Missouri, in place of Frank I. Swett. Incumbent's commission expired January 21, 1902.

Charles F. Bean, to be postmaster at Glendive, in the county of Dawson and State of Montana, in place of J. Harley Miskimen. Incumbent's commission expires February 8, 1902.

Charles H. Richman, to be postmaster at Woodstown, in the county of Salem and State of New Jersey, in place of Charles H. Richman. Incumbent's commission expires February 18, 1902.

F. O. Blood, to be postmaster at East Las Vegas, in the county of San Miguel and Territory of New Mexico, in place of James A. Carruth. Incumbent's commission expires February 14, 1902.

Allen J. Papen, to be postmaster at Las Cruces, in the county of Donna Ana and Territory of New Mexico, in place of Mary J. Cun Iffe. Incumbent's commission expired January 10, 1902.

Eugene N. Hayes, to be postmaster at Boonville, in the county of Oneida and State of New York, in place of Eugene N. Hayes. Incumbent's commission expired July 8, 1901.

James F. Wray, to be postmaster at Reidsville, in the county of Rockingham and State of North Carolina, in place of James F. Wray. Incumbent's commission expired July 1, 1901.

Chester R. P. Waltz, to be postmaster at Delta, in the county of Fulton and State of Ohio, in place of Chester R. P. Waltz. Incumbent's commission expired January 12, 1902.

John B. Strobel, to be postmaster at Ironton, in the county of Lawrence and State of Ohio, in place of John B. Strobel. Incumbent's commission expired February 2, 1902.

W. Sherman Hissem, to be postmaster at Loudonville, in the county of Ashland and State of Ohio, in place of W. Sherman Hissem. Incumbent's commission expires February 18, 1902.

John C. Metzger, to be postmaster at Oakharbor, in the county of Ottawa and State of Ohio, in place of John C. Metzger. Incumbent's commission expired January 12, 1902.

John J. Robinson, to be postmaster at Port Clinton, in the county of Ottawa and State of Ohio, in place of John J. Robinson. Incumbent's commission expired January 12, 1902.

Walter S. Brigham, to be postmaster at Wauseon, in the county of Fulton and State of Ohio, in place of Walter S. Brigham. Incumbent's commission expired January 12, 1902.

John J. Burke, to be postmaster at Norman, in the county of Cleveland and Territory of Oklahoma, in place of John B. Williams. Incumbent's commission expires February 11, 1902.

Samuel M. Turk, to be postmaster at Parkers Landing, in the county of Armstrong and State of Pennsylvania, in place of Samuel M. Turk. Incumbent's commission expired January 10, 1902.

Joseph Marks, to be postmaster at Covington, in the county of Tipton and State of Tennessee, in place of John S. Randall. Incumbent's commission expires February 11, 1902.

Blanton W. Burford, to be postmaster at Lebanon, in the county of Wilson and State of Tennessee, in place of Blanton W. Burford. Incumbent's commission expired July 24, 1901.

Harry W. Rankin, to be postmaster at Hempstead, in the county of Waller and State of Texas, in place of Harry W. Rankin. Incumbent's commission expired January 10, 1902.

William E. Lissenden, to be postmaster at Mariner Harbor, in

the county of Richmond and State of New York. Office became Presidential October 1, 1901.

Herbert C. Huber, to be postmaster at Mountain View, in the county of Washita and Territory of Oklahoma. Office became Presidential January 1, 1902.

William Fleming, to be postmaster at Athens, in the county of Clarke and State of Georgia, in place of Monroe B. Morton. Incumbent's commission expired January 14, 1902.

WITHDRAWAL.

Executive nomination withdrawn February 5, 1902.

Isaac M. Ferguson, to be postmaster at Coopersville, in the State of Michigan.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 5, 1902.

PROMOTIONS IN THE NAVY.

Medical Inspector Presley M. Rixey, United States Navy, to be Chief of the Bureau of Medicine and Surgery in the Department of the Navy, with the rank of rear-admiral.

Commander Albert R. Couden, to be a captain in the Navy, from the 15th day of January, 1902.

Lieut. Commander Carlos G. Calkins, to be a commander in the Navy, from the 15th day of January, 1902.

PROMOTION IN THE MARINE CORPS.

Corpl. Alonzo C. Baker, United States Marine Corps, to be a second lieutenant in the Marine Corps, to fill a vacancy existing in that Corps.

COLLECTOR OF CUSTOMS.

George A. Farr, of Michigan, to be collector of customs for the district of Michigan, in the State of Michigan.

SURVEYORS OF CUSTOMS.

Cicero M. Barnett, of Kentucky, to be surveyor of customs for the port of Louisville, in the State of Kentucky.

Frank B. Posey, of Indiana, to be surveyor of customs for the port of Evansville, in the State of Indiana.

Robert Calvert, of Wisconsin, to be surveyor of customs for the port of La Crosse, in the State of Wisconsin.

PENSION AGENTS.

St. Clair A. Mulholland, of Philadelphia, Pa., to be pension agent at Philadelphia.

Sidney L. Willson, of Washington, D. C., to be pension agent at Washington.

REGISTERS OF THE LAND OFFICE.

W. A. Green, of Nebraska, to be register of the land office at Lincoln, Nebr.

John J. Boles, of Guthrie, Okla., to be register of the land office at Guthrie, Okla.

RECEIVERS OF PUBLIC MONEYS.

Alvah Eastman, of Minnesota, to be receiver of public moneys at St. Cloud, Minn.

William F. Young, of Oklahoma, Okla., to be receiver of public moneys at Oklahoma, Okla.

POSTMASTERS.

Thomas G. Lawler, to be postmaster at Rockford, in the county of Winnebago and State of Illinois.

S. C. Johnson, to be postmaster at Rush City, in the county of Chisago and State of Minnesota.

Millard T. Hartson, to be postmaster at Spokane, in the county of Spokane and State of Washington.

Charles M. Sain, to be postmaster at Lovelocks, in the county of Humboldt and State of Nevada.

Frank E. Hollar, to be postmaster at Shippensburg, in the county of Cumberland and State of Pennsylvania.

Clayton O. Slayter, to be postmaster at Latrobe, in the county of Westmoreland and State of Pennsylvania.

Fred M. Askins, to be postmaster at Schaghticoke, in the county of Rensselaer and State of New York.

William P. Dickie, to be postmoster at Bunker Hill, in the county of Macoupin and State of Illinois.

Frank T. Moran, to be postmaster at Belvidere, in the county of Boone and State of Illinois.

Louis A. Constantine, to be postmaster at Aurora, in the county of Kane and State of Illinois.

Clarence A. Murray, to be postmaster at Waukegan, in the county of Lake and State of Illinois.

Cornelius T. Beekman, to be postmaster at Petersburg, in the county of Menard and State of Illinois.

Harry D. Hemmens, to be postmaster at Elgin, in the county of Kane and State of Illinois,

Augustus Gibson, to be postmaster at McLeansboro, in the county of Hamilton and State of Illinois.

Richard F. Lawson, to be postmaster at Effingham, in the county of Effingham and State of Illinois.

Cassius K. Northrup, to be postmaster at Ashton, in the county of Lee and State of Illinois.

William G. Baie, to be postmaster at Hinckley, in the county of De Kalb and State of Illinois.

Emory Gregg, to be postmaster at Fairbury, in the county of Livingston and State of Illinois.

Cad Allard, to be postmaster at Beardstown, in the county of Cass and State of Illinois.

A. W. Brewster, to be postmaster at St. Joseph, in the county of Buchanan and State of Missouri.

Harry Duncan, to be postmaster at Cross Fork, in the county of Potter and State of Pennsylvania.

John B. Brown, to be postmaster at New Castle, in the county of Lawrence and State of Pennsylvania.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February 5, 1902.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. HEMENWAY. Mr. Speaker, I am directed by the Committee on Appropriations to report the following bill (H. R. 10847) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1903, and for other purposes; and I desire to serve notice that after the reading of the Journal to-morrow I will ask the House to resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering it.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I reserve all points of order.

The SPEAKER. The gentleman from Tennessee reserves all points of order on the bill. The bill will be printed and referred to the Committee of the Whole House on the state of the Union.

OLEOMARGARINE BILL.

Mr. HENRY of Connecticut. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering House bill 9206, and pending that motion I ask unanimous consent that general debate on the bill be closed to-day, and that the bill be taken up to-morrow under the five-minute rule, and a vote taken on the bill and amendments at 4 o'clock. I might say in explanation that this is the arrangement that has been acceded to by the chairman of the committee, Mr. WADSWORTH.

The SPEAKER. The gentleman from Connecticut moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of House bill 9206, and pending that motion, asks unanimous consent that all general debate be closed on the bill to-day at 5 o'clock, and that after the reading of the Journal to-morrow it be considered under the five-minute rule, and a vote on the bill be taken to-morrow afternoon at 4 o'clock. Is there objection?

Mr. WILLIAMS of Mississippi. I object, Mr. Speaker.

Mr. HENRY of Connecticut. Then, Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering House bill 9206, and that general debate be closed to-day at 5 o'clock.

The SPEAKER. The gentleman from Connecticut moves that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering House bill 9206, and pending that, moves that all general debate be closed on the bill at 5 o'clock to-day.

Mr. HENRY of Connecticut. And on that I ask for the previous question.

Mr. WILLIAMS of Mississippi. I believe I have a right to be heard on that anyway.

The SPEAKER. The gentleman has no right to be heard on the motion for the previous question.

Mr. WILLIAMS of Mississippi. I ask that the gentleman from Connecticut withhold his motion for the previous question that I may be heard for five minutes.

Mr. HENRY of Connecticut. I withhold that motion, Mr. Speaker.

Mr. WILLIAMS of Mississippi. Mr. Speaker, I am not a parliamentary sharp, and I am sometimes very thankful that I am not. I had a general impression that one had a right to discuss a motion for the previous question ten minutes on a side; but, Mr. Speaker, I want to appeal to the House against this motion. I

feel very much as if I was making a vain and ineffectual appeal, and I do not desire to act the part of an obstructionist or of a filibusterer. That is a thing I never do, except when I consider fundamental constitutional principles at stake.

Now, Mr. Speaker, the minority members of the committee, who have brought in a report against this bill, had no knowledge until yesterday evening, when they were informed of it, that this motion was to be made, and even they—the members of the committee—have not had an opportunity to be heard. The gentleman from New York opened in four or five minutes and reserved the balance of his time, and the gentleman from Kentucky [Mr. ALLEN], a member of the committee, who desires to be heard in opposition, has thus far had no opportunity, and the gentleman from Kansas [Mr. SCOTT], also a member of the committee, has had no opportunity to be heard.

As for myself I am willing to waive my right to be heard in order that friends with less opportunities may have a chance to be heard. Had I been told yesterday morning (and the making of the list on our side was left to me) that the time was going to be cut short, I could have reduced each man's allotment so as to permit all who desired to be heard to come in.

I hope the House will, in the interest of fairness, vote down this proposition. And if that should be done, I propose then to agree to a motion, or I will make the motion myself, that if you give us two days of general debate and one day under the five-minute rule we will come to a vote.

What object can there be in refusing us this additional one day? If the House should be ready to adjourn upon the 7th of June, or the 10th of July, or any other time that may be suggested, the arrangement I now propose will make only this difference, that the adjournment will be one day later than the time proposed. There is no reason connected with this bill itself for not enabling us to thrash this matter out now while it is before the country. This will probably be the last opportunity. Your bill will undoubtedly pass this House. I am afraid it will pass the Senate. But we have a duty resting upon us, and that is to call the attention of the country to the menacing danger of the precedent which you are about to set. I ask that this motion be voted down, and then I will agree that after two days more of general debate and one day under the five-minute rule we shall come to a vote.

Mr. HENRY of Connecticut. Mr. Speaker——

The SPEAKER. The question is upon the motion for the previous question. No gentleman can speak except by unanimous consent.

The question being taken upon the motion for the previous question,

The SPEAKER. The noes appear to have it.

Mr. HENRY of Connecticut. I call for a division.

The question being again taken, there were—ayes 65, noes 74.

Mr. HENRY of Connecticut. I call for the yeas and nays.

The yeas and nays were ordered, 51 voting in favor thereof.

The SPEAKER. The roll will be called, and members as their names are read will respond. The question is on the motion of the gentleman from Connecticut to order the previous question on the motion to close debate at 5 o'clock to-day.

Mr. WILLIAMS of Mississippi. Pending that, I want to ask unanimous consent of the House that there may be given to the further consideration of this bill two more days of general debate and one under the five minute rule, subject to the possibility of this bill being temporarily displaced by any general appropriation bill which may be reported to the House.

The SPEAKER. The gentleman from Mississippi asks unanimous consent that this day and one day more be devoted to further general debate on the pending bill——

Mr. HENRY of Connecticut. I object.

The SPEAKER. And that there then be one day's debate under the five-minute rule. [A pause.] Does the gentleman from Connecticut object? [A pause.] The Chair hears no objection, and it is so ordered. This order will dispense with the call of the roll.

Mr. HENRY of Connecticut. I move that the House now resolve itself into Committee of the Whole on the state of the Union to resume the consideration of House bill 9206, known as the oleomargarine bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. LACEY in the chair) and resumed the consideration of the bill (H. R. 9206) to make oleomargarine and other imitation dairy products subject to the laws of the State or Territory into which they are transported, and to change the tax on oleomargarine.

Mr. ALLEN of Kentucky. Mr. Chairman, so much has already been said with regard to the bill pending that I feel I can add very little to the arguments that have been adduced by those who oppose the measure. This bill purports to be a bill to make oleomargarine and other imitation dairy products subject to the laws of the State or Territory into which they are transported, and to change the tax on oleomargarine.

The evident purpose of the bill is not to raise revenue. It is conceded by its advocates that we shall not need, in order to administer the Government, the revenue proposed to be collected by the bill. The bill provides that, instead of the taxation of 2 cents a pound that we already have on all oleomargarine, there shall be a tax of 10 cents a pound upon colored oleomargarine and three-fourths of 1 cent per pound on uncolored oleomargarine. The bill does not purport on its face to be a bill to exercise the taxing power in behalf of one industry as against another, but any man may read as he runs and see that the purpose of the bill is to drive out of the markets of the country one legitimate product of our industries in order that a monopoly may be established in behalf of another product.

Mr. Chairman, it has been contended that this bill will be held to be constitutional in its effect because its purpose is not stated in the title. I deny that such will be the construction of the higher court. I deny that the Supreme Court of the United States is limited in the right to pass upon the constitutionality of a bill by the mere expression in its title. Following the decisions that I shall quote, I hold that the court has the power to go behind the express title of the bill, and if it takes judicial notice of the fact that the purpose of the bill is not as expressed, but to deprive a particular industry of its right among the other industries of the country, then, Mr. Chairman, the court has the right to exercise its high function and declare the act unconstitutional. I want to read to the House from some decisions with regard to this question.

In support of my contention, I read the decision of Mr. Justice Harlan in the case Mugler *vs.* Kansas (123 U. S. Reports, p. 163):

> It belongs to that department (speaking of the legislative department) to exert what are known as the police powers of the State and to determine primarily what measures are appropriate or needful for the protection of the public morals, the public health, or the public safety. It does not at all follow that every statute ostensibly for the promotion of these ends is to be accepted as a legitimate exercise of the police power of the State. There are limits beyond which legislation can not rightfully go.

Further on in the same opinion the court says:

> The courts are not bound by mere forms, nor are they to be misled by mere pretenses. They are at liberty—indeed, are under a solemn duty—to look at the substance of things whenever they enter upon an inquiry whether the legislature has transcended the limits of its authority. If, therefore, a statute purporting to have been enacted to protect the public health, the public morals, or the public safety has no real or substantial relation to those objects, or is a palpable invasion of rights secured by fundamental law, it is the duty of the courts to so adjudge, and therefore give effect to the Constitution.

Again, Mr. Chairman, the Supreme Court, in the case of the United States *vs.* Collins, 171 United States, says:

> In whatever language a statute may be framed its purpose must be determined by its natural and its reasonable effect.

Now, Mr. Chairman, applying that to the bill in question, and knowing the natural and the reasonable effect of this bill evidently is for the purpose of suppressing the manufacture of oleomargarine, I believe it would be held unconstitutional by the Supreme Court of the United States.

Furthermore, Mr. Chairman, I want to call the attention of the House to a provision of this bill that seems to me is the most dangerous feature of the bill. That is the proviso in section 1, which proviso I will now read:

> *Provided*, That nothing in this act shall be construed to permit any State to forbid the manufacture or sale of oleomargarine in a separate and distinct form and in such manner as will advise the consumer of its real character free from coloration or ingredient that causes it to look like butter.

Now, sir, the Constitution provides that, except with the consent of Congress, the States have no right to pass a law that will prohibit the sale or manufacture of an article of interstate commerce or other article that is wholesome in its effect. Is this a wholesome article? Why, Mr. Chairman, the opinions of chemists, of scientists, of men who are in a position to know, have been given, and I want to add to that evidence the expression of the highest court in this country, the Supreme Court of the United States, which in the Shollenbarger case, speaking by Mr. Justice Peckham, said:

> There has not one witness appeared to testify about the wholesomeness or the nutritiousness of this article. There has not a witness appeared to tell us about the constituents of it, but we take judicial notice of the fact that it has been a known article of commerce for a quarter of a century. We take judicial notice of the fact that in all the reports of the chemists and in all reports of the Department of Agriculture, of the States and of the United States, this thing has been probed, and we are bound to say, as the court of last resort and the highest judicial authority of this land, that the stamp of wholesomeness and of nutritiousness is on this article, and it is a fit subject of commerce.

So we have not only the evidence of the scientists, not only the evidence of the manufacturers, but the conclusions, the judicial notice of the Supreme Court of the United States, that this article is a wholesome article and can not be interfered with, and the court in construing this act must take judicial notice of these facts and conclusions.

What is the object of this provision? It means by implication that the States may forbid the manufacture or sale of oleomargarine that contains an ingredient that causes it to look like butter.

What does that mean, Mr. Chairman? It means this: It is admitted and conceded that milk, cream, and butter are constituent articles in the production of oleomargarine. It means, if that contention is right, that any ingredient tending to color this butter can be eliminated. It means that the Congress delegates to the State, or gives consent that the State may enact a law which will deprive the farmers of this country—the milkmen of this country—selling to the oleomargarine factories an ingredient that enters into the composition of that article to the extent of 25 or 30 per cent and which contributes to its color.

That is the purpose of it, Mr. Chairman; and I want to say now that in the discussion or in the hearing of the matter before the Committee on Agriculture, of which I have the honor to be a member, recognizing that fact, and believing it to be important that some amendment should be added, I offered the following:

Amend section 1, by adding after "butter," in the seventh line of said section, the following:

"*And provided further*, That the use of pure milk, cream, or butter as an ingredient of oleomargarine shall not be prohibited."

The majority of that committee saw fit to vote down that amendment. If it did not do any harm—if you did not mean to exclude the said ingredients—what was the necessity that it should be voted down? I give notice now, Mr. Chairman, that at the proper time I shall again offer this amendment to this bill.

I do not contend, Mr. Chairman, that the States have not the right to exercise police powers, but I do contend that the Federal Government has no right to delegate to the State or to attempt to delegate to the State a power, exercised in its police capacity, that will deprive a healthful article of food of the right to be sold in the markets of this country.

Now, Mr. Chairman, I want to quote to you or refer you to the evidence of Mr. Gage, that this bill is not a bill for revenue.

On page 561 of the Senate hearings he says:

There is, in my opinion, an objection to the bill on either theory. If it is a revenue producer, it is superfluous; we do not need it. If it is not a revenue producer, then the title of the bill is a misnomer, and it is inoperative in the name of revenue. It seems to me that on either theory there are serious objections to it.

Now, Mr. Chairman, the title of this bill is a misnomer and the evident purpose, or at least the asserted purpose of the advocates of this bill, is that it shall drive out fraud that is now being perpetrated in the sale of oleomargarine. But that is not their purpose. The purpose of the bill is to drive out competition for butter through the operation of this bill, and the bill, so far as its title is concerned, is a misnomer. These gentlemen who in their eagerness, zeal, love, and affection for the farmer would protect the great dairy interests (as they say) of this country, come to Congress and present a bill the face and title of which shows that it is a fraud. That instead of being a bill for the purpose of raising revenue it is a bill to suppress a legitimate industry of the country.

Mr. Chairman, why should oleomargarine be suppressed? Can any man give reason for it, save the dairy interests? They tell you that it ought to be suppressed because it comes in competition with the dairy interests of this country. They are not philanthropists enough to say that they speak in behalf of the toiling workingmen of this country. I want to say to this committee that in all the hearings of the Committee on Agriculture on this question not a single laboring man or a representative of the laboring men has asked the committee that this bill should be presented or reported to the House. They want to protect the interests of the dairymen, and why? This is not an unhealthy food; it is a healthful product, which enters into consumption all over the country. A great majority of the people who buy this product know what they are buying it for and use it for what they are buying it.

The evident intent and purpose of those gentlemen when destroying this industry is not to benefit any other class, but simply to help their own class. What is the position of the workingmen of this country on this bill? They say that they have not heard from the workingmen. I deny the fact, Mr. Chairman. I want to call your attention now to the evidence of Mr. Patrick Dolan, which appears in Senate Hearings on page 308. Mr. Dolan represents the Union Mine Workers' Association, and here is what he says, in part:

Our people, Mr. Chairman, are against the passage of the measure. I represent over 40,000 miners and their families, and I know from the sentiment in other sections of the country to which I go, from talking to people who are interested in our organization, that they do not want to be deprived of the ability to purchase this wholesome article of food. If it is not made in a wholesome way, then they do not want it; but if it is just as good to them to spread their bread with as 35-cent butter, they do want it. And if this measure passes, the chances are that butter will go up to 50 cents, and poor people will not be able to purchase it at all.

Mr. John Pierce, representing the Amalgamated Association of Iron and Steel Workers, said:

Colored oleomargarine is at present retailed at from 12½ to 20 cents per pound. On investigation I am satisfied that most of our people are paying about 15 cents per pound for it, and I can not admit that those who buy it can afford to pay more. I therefore arrive at the conclusion that they must either find 10 cents per pound more to pay this proposed robbery (for I can not dignify it by the name of tax) or buy and eat white oleomargarine. And this to satisfy the greed of the manufacturers of butter, who think that white oleomargarine is good enough for those who can not afford to pay 10 cents additional for yellow, or the 20 cents or more additional for creamery butter, or use the off grades of butter now unsalable as food.

Shall those thus defrauded of what should be their inalienable constitutional right be compelled either to wear in their homes, on their very tables, flaunting before the eyes of their children and of those who may share their board, a badge of their poverty and an emblem of their inability to pay a legalized robbery; or, on the other hand, to contribute from their meager board to the hellish greed of the butter interests, of whom it has been doubtless truly said that they seek to follow the fashion and form a trust, but are deterred by the existence of oleomargarine?

Mr. John F. McNamee, vice-president and chairman legislative committee Columbus Trades and Labor Assembly, Columbus, Ohio, said:

Gentlemen, there are hundreds of thousands of our citizens in moderate circumstances who are now looking to the United States Senate for protection against the perpetration of such a gross injustice. They are depending absolutely upon that sense of justice, that sense of honor, fair play, and conservatism which has always characterized this body to protect them from this, one of the most culpable violations of their rights which any individual or combination of individuals has ever attempted to perpetrate upon the American public.

They are looking to this body with the firm hope that its traditional love of justice will prevail and predominate in this crisis. Should this measure become a law, arising from the mists of the near future there will come a monster into whose insatiable maw the contributions of our citizens shall continually flow, and whose appetite shall be increased by all attempts at its gratification. This monster we have all, in our apprehensive conviction of the certainty of its existence, learned to regard as the creamery trust of the future—the combination of creamery interests into one great organization, which shall monopolize the manufacture not only of the food product known as butter, but of everything of that nature.

These men come before you in their representative capacity, knowing the needs, the wants, and desires of the members of their respective unions, and they tell you that this bill is not demanded by any of them.

But, Mr. Chairman, if this legislation is to be had for the benefit solely of the dairy interests, how is it to be justified? I contend, and shall do so without fear of successful contradiction, that the dairy interests of this country are not needing such legislation as this bill proposes to give them. Why, they are more prosperous, their farms are representing more money, their products are commanding a better price, the whole industry is more thriving than ever before in the history of this country.

But these men recognize the wholesomeness of this product, and as an important article entering into the commerce of the United States. They can look out into the future and see the development of the farming interests of this country—the corn, the cotton, the hogs, and the cattle; they can see that this product emanating from those sources will some day rise to the magnitude that it will be a competing industry with dairy butter in its mission to feed the millions.

They talk to you about the farmers. Mr. Chairman, who are the farmers of this country? Is it the man who keeps his bobtail brindle dairy cow on the north side of the hills of Virginia or North Carolina, or is it the man who, toiling from early morn to the close of day, produces the great products of this country that go to sustain the life of the business and commerce of the nation? Why, my farmer friend, you who represent the farmer that feeds his cow upon the broom sedge and pine bushes that grow upon the side of the hill, let me say to you that his market will not be damaged by this industry.

His market will not be and is not damaged by the production of oleomargarine, nor will the price of his butter decrease. Why, Mr. Chairman? Because there is not a man here representing a rural constituency who has a market in the town within that community who does not know that every housewife takes her butter, whether it be yellow or white, to the country merchant as a matter of barter, and he has got to take it in order to hold the trade of that good woman.

There is not a man on the floor that does not know that that is the exact case. They tell you that you must not bring oleomargarine in here in the shape or in the dress of the dairy butter; that oleomargarine must come in on its own color; must not imitate in dress the dairy butter of the country. Why, Mr. Chairman, the oleomargarine dealer can claim with all due consideration that there is at least one part of the dress wherein oleomargarine does not imitate all butter, and that is it doesn't have to have its hair combed before it goes to the market. [Laughter.]

Now, Mr. Chairman, I want to say to the dairy interests of this country that your business is prospering, and I do not want you to take my opinion for that. Mr. Lestrade, a butterman, before the Senate committee (pp. 166 and 171) says that the buttermen are making better profits than ever before. Mr. Kimball, on page 55 of the House hearing, says that butter was then 2 cents a pound higher than formerly.

Mr. Sharpless says (Senate hearings, p. 228) that he receives 35 cents per pound for his entire output, and that his neighbors

receive from 25 cents up. C. H. Royce (p. 379) says he gets 50 cents a pound. But particularly I want to refer you to the statement of Governor Hoard, the godfather of this proposed legislation (p. 64 of the House hearings), to the effect that the dairy industry has made more rapid strides than any other industry in the country. I also want to refer you to page 439, where Mr. Jett asked Mr. Adams (another earnest worker for this bill) if the industry was not more prosperous than ever before, to which Mr. Adams answered, "Yes, sir."

Again, on page 234 of the present hearing, let me call your attention to the further evidence in that particular. Mr. WILLIAMS of Mississippi, of the Committee on Agriculture, said to Mr. Adams:

I would like to ask you this: Taking the different agricultural interests of this country and comparing them, the ranchman, the wheat man, the cotton raiser, and all that, is not the most prosperous man to-day in the great dairy sections, Ohio, Wisconsin, New York, wherever they exist? Is not the land higher, and are not the farmers in those sections more prosperous than anywhere else?

Mr. ADAMS. Yes, sir.

Mr. Chairman, we find from the evidence in this case—and I want to look at it from the evidence—that there is no such danger of affecting the industry of the dairies of this country at this time (or any other time, for that matter) that should bring them before the Congress of the United States to ask that it pass this restrictive legislation against oleomargarine. But it is the selfish motive, a motive looking into the future, which persuades them. They can for years to come, with all competition driven out of the market, provide a trust that will dictate to the consumer, the rich man and the poor man, and every other citizen, the price which he will pay for the dairy butter, or else that he shall do without it.

There is not an ingredient entering into the manufacture of oleomargarine that is not a product of the farm. It is made wholly of beef fat, hog fat, the finest grade of cotton-seed oil, milk, cream, and butter; and whenever the Congress strikes down this great industry, as it will do by the suppressive taxation provided for in this bill, it stabs the interests of every farmer in this broad land except the so-called dairy farmer or creamery farmer.

Now, Mr. Chairman, with regard to the provisions of this bill as calculated to prevent fraud, I should like some distinguished member on the other side to show me how this bill will prevent the fraud that is now being practiced. What is this fraud? I am not in sympathy with it. I want to say to this House that I would vote for any measure which in my opinion would serve to restrict to the minimum amount the fraud practiced by the oleomargarine people. I would be willing to provide for any punishment which may tend to procure that result. But does this bill do that? The contention has been—and it is a fact—that the fraud in this case has been practiced by the retail dealer in oleomargarine.

Under the provisions of the present law he is allowed to sell, not the package as it comes from the manufacturer, but from the package, and in doing this he takes from the firkin of oleomargarine such quantity as he is called upon to sell, wraps it up, brands the paper, folds it over, and then hands it to the customer—with the knowledge possibly of the customer that it is oleomargarine or with the knowledge possibly that it is not. Now, if your purpose is not to tax this industry out of existence, I ask you to tell me how, under the existing law, you are going to obviate the same species of fraud under the working of this bill?

You say to me that because of the fact that the profit will not be great the fraud will be less. I deny it. I take the position that this is an industry that has come to stay, that if you undertake to restrict it you can not prevent the fraud, because I believe that to protect their interests the manufacturers of this article will, if driven to that point, be induced to make it upon a cheaper scale and put into it articles less healthful, less wholesome, and to that extent the injury will fall upon the public.

Not only that, Mr. Chairman, I believe that the small profit there will be in the business by reason of the increased taxation, instead of deterring retail dealers from the attempt to practice fraud, will be an incentive in that direction, because of the fact that they will have to sell more of the product in order to make the business a prosperous one. Along that line I want to call your attention to the evidence of Secretary Gage on page 564 of the Senate Hearings, which I hold in my hand and to which I have already adverted. Says Senator MONEY:

You say the greater the protection the greater the incentive to fraud. A similar rule would apply here, would it not?

Secretary GAGE. Undoubtedly.

Now, Mr. Chairman, that is the evidence of a man whose business it has been to supervise the execution of the law with reference to this article of oleomargarine and all other revenue-yielding products of this country. It is his judgment; and however much you or I may differ from him politically, we are confronted with the fact that he is a man of ability, a man of sense, man of judgment, and that his evidence is entitled to great weight. I place it against the views of the gentlemen on the other side who say that no fraud will be practiced by reason of the operation of this bill.

Now, Mr. Chairman, gentlemen supporting this legislation come to us and say, "We are unable to procure the enforcement of the State laws with regard to oleomargarine." They flaunt in our faces the fact that 32 States of this Union have enacted laws against the sale of colored oleomargarine. But I undertake to say, upon my own responsibility, however, that such legislation has been procured in the different States—as this legislation is sought to be procured—by the lobbyists of the dairy interests of this country going to the legislatures, and without disclosing the real object and intent of their bill, foisting upon the respective States legislation providing for the sale of uncolored oleomargarine. Why do I say this? Because all the statutes of all the different States are in almost identically the same words, and those are the words embraced in the proviso of this bill.

But you say the States will not enforce the law. Ah, gentlemen, what a commentary that is upon the judiciary of this country. How do you account for it? You say that there is a public sentiment against the enforcement of this law. Mr. Chairman, public sentiment rules the country. You are here by reason of the public sentiment which says that you should be here. A law that is not enforced because of a public sentiment against it does not reflect the opinion of the people standing behind the law. So far as concerns the State which in part I have the honor to represent here, and which has placed on its statute books a provision like this, I wish to say that, within my individual knowledge, I do not know of a single criminal prosecution in my part of the State under the statute prohibiting the sale of colored oleomargarine, even though it is the fact that over 2,000,000 pounds have been sold in that State during the year 1900.

You can not, gentlemen, buck up, if I may use that expression, against this public sentiment. You are pandering to it now in your section of the country in advocating this bill. But, gentlemen, it is a sentiment that will always rule legislation. It is a sentiment that will always control the enactments for the government of the States. And it is a sentiment, gentlemen, that should control, that no man ought to try to "down," for he can not succeed in downing it.

Now, Mr. Chairman, there are gentlemen here who profess that they want to protect the consumer. I want to ask those gentlemen, especially the honorable member from Connecticut, who reported this bill [Mr. HENRY], if he desires to protect the citizens and the people of this country from imposition in food matters, I want to ask him what he has to say with regard to renovated butter?

Mr. HENRY of Connecticut rose.

Mr. ALLEN of Kentucky. I yield to the gentleman from Connecticut.

Mr. HENRY of Connecticut. I think the question of renovated butter has been discussed in this House pretty fully. The question has been asked me several times. I want to say again, emphatically, that I would favor separate legislation to restrict the sale of renovated butter, to compel it to be sold for just what it is.

Mr. STEPHENS of Texas. Why did not your committee put it in this bill, then?

Mr. HENRY of Connecticut. As my friend well knows, it has no place on this bill. We will discuss that at the proper time, and I am sure that we will stand shoulder to shoulder upon that proposition when that time comes.

Mr. SLAYDEN. Will you vote for a bill to prevent the sale of colored butter?

Mr. ALLEN of Kentucky. I am going to test the gentleman's candor. In the Committee on Agriculture I offered an amendment relating to renovated butter. My friend and his associates on that committee defeated that amendment. I want, at the proper time, to offer the amendment which I send to the Clerk's desk and which I ask to have read.

Mr. HENRY of Connecticut. If the gentleman will allow me one minute.

Mr. ALLEN of Kentucky. Yes.

Mr. HENRY of Connecticut. In order that there may be no misunderstanding, I certainly shall object, on behalf of the majority of the committee, to any amendments to this bill except such as are authorized by the committee.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 5. That the Secretary of Agriculture is hereby authorized and required to cause a rigid sanitary inspection to be made from time to time, and at such times as he may deem necessary, of all factories and storehouses where butter is renovated; and all butter renovated at such places shall be carefully inspected in the same manner and to the same extent and purpose that meat products are now inspected. The quantity and quality of butter renovated shall be reported monthly. All renovated butter shall be designated as such by marks, brands, and labels, and the words "Renovated butter" shall be printed on all packages thereof, in such manner as may be prescribed by the

Secretary of Agriculture, and shall be sold only as renovated butter. Any person violating the provisions of this section shall, on conviction thereof, be deemed guilty of a misdemeanor, and shall be fined not less than $50 nor more than $500 and imprisoned not less than one month nor more than six months.

The Secretary of Agriculture shall make all needful sanitary and other rules and regulations for carrying this section into effect, and no renovated butter shall be shipped or transported from one State to another or to foreign countries unless inspected as provided in this section.

Mr. ALLEN of Kentucky. Now, Mr. Chairman, if the proponents of this bill are so inordinately in love with the people of this country who are being imposed upon, if they have so much at heart the health of the people of these United States that they want to protect them, I want to ask, in the name of justice, in the name of humanity, in the name of decency, and in the name of right, upon what ground can they afford to vote against that amendment?

The gentleman has said that he did not think it was expedient at this time. Why, sir, I want to quote an authority with whom he seems to be in love, and whom that side of the House have referred to, and that is Secretary Wilson, the Secretary of Agriculture, a gentleman for whom I have the highest respect, the man to whom they look as their oracle, their Moses who shall lead them out of the wilderness, in dictating the policy of this legislation. They called him in; and I want to read to you what he said in his evidence with regard to the provision for renovated butter. In the Senate hearings, page 419, we find the following:

Senator MONEY. The testimony here has been that there are several grades of butter, as well as of oleomargarine, and there is a grade of butter which is denominated by some "renovated" and by some "resurrected" butter, and they said that it was white, sour, rancid, and had a great many other obnoxious features to it; that it had gone through a certain process of ladling; that a little oil was added to it, and different things that go into the composition of oleomargarine were added to it, and then the coloring. Does that deceive anybody?

Secretary WILSON. It does.

Senator MONEY. You then favor putting in a clause here that will prevent everybody from coloring butter?

Secretary WILSON. No, I would not. I would have no objection to a clause which would prevent the coloring of renovated butter. Cow butter is naturally yellow.

And again:

Senator MONEY. What about the man who colors the poor butter; is he a thief also?

Secretary WILSON. The renovated butter is as much of a swindle as oleomargarine.

Now, again, Secretary Wilson (Senate Hearings, p. 422) says in answer to a question of the chairman, speaking of this renovated butter:

Secretary WILSON. Exactly. It is shipped by these people to the markets and sold for what they can get; and generally the merchant handles it without profit, because he sells goods by it.

The CHAIRMAN. So that self-interest would tend to——

Secretary WILSON. Yes. They take a mass of this stuff with as many colors as Jacob's coat and reduce it to one color, and they use chemicals. I have known lime to be used for that purpose. That kind of butter gets a bacteria, the bacteria of decomposition, and they have to use strong chemicals in order to destroy and kill that bacteria. Then they put the thing on the market, and if we happen to eat it we have to take chances on those chemicals.

Is my friend going to permit the dear, beloved people of this country to take the chances of ruining the alimentary canal by what they eat in butter of that kind? If he is not, I give him the opportunity to say so now.

Mr. HENRY of Connecticut. The gentleman's eloquence almost convinces me; and I am quite convinced that he is right in so far as he denounces renovated butter; and I am also in accord with Secretary Wilson in his statement. But under present conditions we shall have to insist that they be considered in a different bill.

Mr. ALLEN of Kentucky. When will you do that?

Mr. HENRY of Connecticut. Whenever the gentleman will unite with me in the committee in bringing in a bill.

Mr. ALLEN of Kentucky. What is the present condition that prevents it being brought in now? Will the gentleman answer that question?

Mr. HENRY of Connecticut. For the present, if possible, we propose to vote upon this bill precisely as the committee reported it to the House.

Mr. ALLEN of Kentucky. Why does my friend say that? Is he going to bind this House arbitrarily? Is he making the assertion that if something is offered that would be a benefit to the public that he will not support it because he did not introduce it?

Mr. HENRY of Connecticut. Oh, no.

Mr. STEELE. It looks that way. [Laughter.]

Mr. ALLEN of Kentucky. It looks very much that way, as the gentleman from Indiana states. [Renewed laughter.] Why, my friend, if this renovated butter process continues, you will go into the graveyards of the poor men of your State and you will see a slab raised to the memory of some man and all that remains of him, and you will find inscribed thereon that he died of "renovated butter." [Laughter.] And yet my friend will vote against inserting a provision to prevent its sale. Why, Mr. Chairman, I respect my honored friend from Connecticut. He is a good man, a man of character, and I have been impressed by his ability. Why, sir, sometimes when I think of him I recall the eulogy of Pollok upon Lord Byron, when he said:

Where fancy halted, weary in his flight
In other men, his, fresh as morning rose,
And soared untrodden heights, and seemed at home
Where angels bashful looked. * * *
Stood on the Alps, stood on the Appenines,
And with the thunder talked, as friend to friend;
Then turned, and with the grasshopper, who sang
His evening song beneath his feet, conversed.
* * * * * *
All thoughts, all maxims, sacred and profane;
All creeds, all seasons, Time, Eternity;
All that was hated, and all that was dear;
All that was hoped, all that was frank by man,
He tossed about as tempest-withered leaves,
Then, smiling, looked upon the wreck he made.

Mr. Chairman, I feel that eulogy is due to the gentleman from Connecticut. [Laughter.]

Mr. HILL. Is that a eulogy on oleomargarine?

Mr. ALLEN of Kentucky. I did not hear the gentleman.

Mr. HILL. Is that a eulogy on oleomargarine?

Mr. ALLEN of Kentucky. It is a eulogy upon the magnificence, grandeur, and sublime ideas of the gentleman from Connecticut, and you may include renovated butter.

Mr. HENRY of Connecticut. Has this any connection with renovated butter?

Mr. ALLEN of Kentucky. Well, Mr. Chairman, it certainly has, if you can connect the gentleman with the rancid butter.

Now, Mr. Chairman, again I find here that this dairy interest has brought to its relief Mr. Aaron Jones, chairman of the National Grange of the United States. To give evidence? No. To present a single petition from a single grange of this country before that committee? No. Not to present a petition; but the substance and the bulk of his statement is that if you gentlemen on this side and you gentlemen on the other side do not vote for this bill your constituents will remember you when you run again for Congress.

Mr. Chairman, has it come to that state of affairs; have we that condition in this magnificent country of ours that any man, whether he represents a grange or anybody else, can come before a great committee of the House of Representatives and say to that committee, unless you vote for this bill you shall not return to Congress. Mr. Chairman, I believe that every member here ought to have, and I further believe that every member does have, the confidence of his constituency, and if he has not he has no business coming back here.

Furthermore, I believe that there is not a constituency, sir, that will force any member to vote for any measure which is against his conscientious principles and honest opinions under the oath he has taken as a member of this House. I know that I speak for my district. I am not a farmer and not a dairyman. I have no interest in these matters save and except as they affect the public at large.

I want to state to you that Mr. Charles Y. Knight, the industrious, the vigilant, and, I might almost say, the unscrupulous secretary of the National Dairy Union, flooded my district last year, when I was a candidate for renomination, with any number of these postal cards, asking that they be signed and sent here requesting me to vote for that bill. But I want to say to you, Mr. Chairman, and I am proud to speak for the honor and intelligence of my community and of my constituency, that only one of these cards ever reached my desk requesting my support of the bill, while I received numerous letters, inclosing such cards unsigned, stating to me: "Do as you please with this thing; I do not know anything about it." [Laughter.]

There was one man, Mr. Chairman, who raised against me a personal objection in one of my counties—the owner of a dairy—who, and I will say was honest in his opinion, was convinced that I ought to support this bill. He raised that objection to me, but it was not voiced by any number of the voters of my district, and I am proud to say to you that I received the nomination of my party without any opposition whatever. That shows what the sentiment is there, Mr. Chairman.

Mr. SIMS. Will the gentleman allow me an interruption right there?

Mr. ALLEN of Kentucky. Certainly.

Mr. SIMS. You live in Kentucky and in a good dairy country?

Mr. ALLEN of Kentucky. I live in Kentucky, but not in a dairy section.

Mr. KLUTTZ. Where they produce beef?

Mr. ALLEN of Kentucky. Yes; a beef, hog, corn, and wheat producing country, and I am glad that we can give you something to eat, for from what I have seen of the hills of North Carolina you can not raise it there.

Mr. KLUTTZ. We furnished the best blood of Kentucky and the best stock they have got.

Mr. ALLEN of Kentucky. Maybe that is why it is now scarce in North Carolina.

Mr. HAUGEN. Do you raise cotton in your district?

Mr. ALLEN of Kentucky. No; not cotton; but I am here to stand solid against this bill, which proposes to injure the cotton industries of the South. I believe in exact justice. I am an advocate of that principle engrafted into the spirit of our institutions which says: "Equal justice to all, and exclusive rights to none."

Mr. HAUGEN. How much will it injure the cotton industry?

Mr. ALLEN of Kentucky. Oh, I will leave that to the gentlemen of the South who have already spoken upon that subject. Now, you talk about the farming interests of this country. Why, sir, this bill is most loudly advocated by the gentleman from Connecticut [Mr. HENRY] and the gentleman from Vermont [Mr. HASKINS]. I want to say to you that I represent a district that produces more wheat, that produces more corn, that produces more tobacco, that produces more cattle, that produces more hogs than the whole States of Vermont and Connecticut combined [applause]; and I represent back of that, Mr. Chairman, a constituency that yields to no man from Connecticut or Vermont or anywhere else in industry, courage, patriotism, and devotion to the interests of his country. [Applause.]

Mr. HEATWOLE. How much tallow does your district produce?

Mr. ALLEN of Kentucky. I do not know; we produce beef cattle and ship them to Chicago. Our greatest interest is in the production of wheat, corn, and tobacco. I have one city in my district—the city of Henderson—that last year put up over 20,000,000 pounds of leaf tobacco.

Furthermore, I want to say that my district produces more than one-third of the whole coal that is mined in the State of Kentucky, and, further, that the people who mine that coal, who take it from the ground, are opposed unqualifiedly to the enactment of this bill.

Mr. HEATWOLE. Is that the reason you oppose it?

Mr. ALLEN of Kentucky. Not wholly. I oppose it because it is unjust in principle, because it is class legislation, because it is wrong, and because you seek to build up one industry by striking down another. [Applause.]

Mr. SIMS. One more question, if the gentleman please.

Mr. ALLEN of Kentucky. Certainly.

Mr. SIMS. I went and priced butter this morning. I am buying it all the time. The first class was 50 cents, the second class was 45 cents, and the third class 35 cents, right here at James F. Oyster's. Now, I want to ask if any laboring man can eat anything above third-class butter at that price?

Mr. ALLEN of Kentucky. No. My friend is entirely right.

Mr. HEATWOLE. Is the gentleman sure it was butter?

Mr. SIMS. If it was not it ought to have been. Mr. Oyster is a most reputable dealer.

Mr. ROBB. Will the gentleman from Kentucky allow me a suggestion?

Mr. ALLEN of Kentucky. Yes.

Mr. ROBB. I would like to know if he thinks we should, by passing legislation, or the refusal to enact legislation, encourage economic conditions in the country which prescribe one character of food for the poor man and laboring man and another character for the rich man?

Mr. ALLEN of Kentucky. Mr. Chairman, in answer to the gentleman's question, I say certainly not. I believe in individual personal liberty. I believe in opening the market to any man, rich or poor, and letting him exercise his right as a citizen and buy in whatever market he can.

Now, Mr. Chairman, I see that my time is almost consumed. I shall support the substitute bill reported by the minority. I shall not go into details of that bill. From the standpoint I occupy, from the evidence of the Commissioner of Revenue, Mr. Wilson, who is now dead, backed up by the evidence of Secretary Gage of the Treasury, who is now retired, it is my opinion that that bill will meet every demand that the dairy interests of this country are endeavoring to enact into law, and will accomplish a purpose that this majority bill can never accomplish, and for that reason I shall support the substitute bill, believing it to be the best for the whole people of the country. [Applause.]

From Senate hearings, page 566, I quote the following evidence of Secretary Gage with regard to manufacture and sale of oleomargarine packages under the minority substitute:

Secretary GAGE. It provides a method of putting up oleomargarine in packages of 1 pound, or not more than 2 pounds, I believe. Am I right?

Mr. SPRINGER. Yes, sir; that is right.

Secretary GAGE. They are, as I understand, required to be separate and distinct from each other, with the revenue stamp wound around them and sealed as effectively as a box of cigars is with its stamp. I can not imagine any reason why that would not be a very effective means of preventing the dealer from opening packages and selling the product as butter. The abuse in that respect would be reduced to an infinitesimal amount. Of course the dealer could cut a package in two, obliterate the stamp, and sell half a pound at a time as butter.

Senator MONEY. That is possible with cigars and everything else, is it not?

Secretary GAGE. It is possible in every department; but the temptation would be so small, and the penalties so great, that my opinion is that such deception would scarcely be practiced at all.

Mr. SPRINGER. That is to say, if the dealer is required to sell it to the consumer in the original packages and is not allowed to break them?

Secretary GAGE. That is what I mean.

Mr. SPRINGER. It would almost do away with the possibility of fraud on the consumer?

Secretary GAGE. Yes, sir.

Now, Mr. Chairman, in concluding what I have to say, let me remark that I impugn the motives of no man. I concede to every Representative on this floor the right to vote as he may deem proper, whether he be influenced by the pressure of his constituency or by his conscientious convictions. And I reserve the same right for myself. Let me say further, Mr. Chairman, that I am proud of my country; that I am proud of its laws; that I am proud of its institutions; that I am proud of the Constitution that has guaranteed to us the right of free citizenship which we have enjoyed for so many years.

But I do not want to see that instrument abused. I do not want to see it trampled under foot. I want to see that Constitution spread its broad wings of protection over every industry of this country, so that none may flourish by reason of legislation as against another; that no man's rights may be oppressed by legislation favoring any other individual; so that when we look out upon our grand institutions we may rejoice that we live in the proudest country that God Almighty has ever permitted man to rule, where liberty, equality, and justice reign supreme, and where every man has a right of protection in his business as well as in his domicile. [Applause.]

APPENDIX.

VIEWS OF THE MINORITY.

The minority of the Committee on Agriculture of the House of Representatives beg leave to submit the accompanying bill, which we offer as a substitute for H. R. 9206.

We first wish to bring to the attention of the House proof positive that oleomargarine is a wholesome and nutritious article of food, and is therefore entitled to a legitimate place in the commerce of our country. In substantiation of this statement we beg to submit the following testimony:

OPINIONS OF LEADING SCIENTISTS.

"Prof. C. F. Chandler, professor of chemistry at Columbia College, New York, says: 'I have studied the question of its use as food, in comparison with the ordinary butter made from cream, and have satisfied myself that it is quite as valuable as the butter from the cow. The product is palatable and wholesome, and I regard it as a most valuable article of food."

"Prof. George F. Barker, of the University of Pennsylvania, says: 'Butterine is, in my opinion, quite as valuable as a nutritive agent as butter itself. It is perfectly wholesome, and is desirable as an article of food. I can see no reason why butterine should not be an entirely satisfactory equivalent for ordinary butter, whether considered from the physiological or commercial standpoint.'

"Prof. Henry Morton, of the Stevens Institute of Technology, New Jersey, says: 'I am able to say with confidence that it contains nothing whatever which is injurious as an article of diet, but, on the contrary, is essentially identical with the best fresh butter, and is superior to much of the butter made from cream alone which is found in the market. The conditions of its manufacture involve a degree of cleanliness and consequent purity in the product such as are by no means necessarily or generally attained in the ordinary making of butter from cream.'

"Prof. S. W. Johnson, director of the Connecticut Agricultural Experiment Station, and professor of agricultural chemistry in Yale College, New Haven, says: 'It is a product that is entirely attractive and wholesome as food, and one that is for all ordinary and culinary purposes the full equivalent of good butter made from cream. I regard the manufacture of oleomargarine as a legitimate and beneficent industry.'

"Prof. S. C. Caldwell, of Cornell University, Ithaca, N. Y., says: 'While not equal to fine butter in respect to flavor, it nevertheless contains all the essential ingredients of butter, and since it contains a smaller proportion of volatile fats than is found in genuine butter it is, in my opinion, less liable to become rancid. It can not enter into competition with fine butter, but so far as it may serve to drive poor butter out of the market its manufacture will be a public benefit.'

"Prof. C. A. Goessmann, of Amherst Agricultural College, says: 'Oleomargarine butter compares in general appearance and in taste very favorably with the average quality of the better kinds of dairy butter in our markets. In its composition it resembles that of ordinary dairy butter, and in its keeping quality, under corresponding circumstances, I believe it will surpass the former, for it contains a smaller percentage of those constituents which, in the main, cause the well-known rancid taste and odor of a stored butter.'

"Prof. Charles P. Williams, professor in the Missouri State University, says: 'It is a pure and wholesome article of food, and in this respect, as well as in respect to its chemical composition, fully the equivalent of the best quality of dairy butter.'

"Prof. J. W. S. Arnold, professor of physiology in the University of New York, says: 'I consider that each and every article employed in the manufacture of oleomargarine butter is perfectly pure and wholesome; that oleomargarine butter differs in no essential manner from butter made from cream. In fact, oleomargarine butter possesses the advantage over natural butter of not decomposing so readily, as it contains fewer volatile fats. In my opinion, oleomargarine is to be considered a great discovery, a blessing for the poor, and in every way a perfectly pure, wholesome, and palatable article of food.'

"Prof. W. O. Atwater, director of the United States Government Agricultural Experiment Station at Washington, says: 'It contains essentially the same ingredients as natural butter from cow's milk. It is perfectly wholesome and healthy and has a high nutritious value.'

"Prof. Henry E. Alvord, formerly of the Massachusetts Agricultural College, and president of the Maryland College of Agriculture, and now Chief of the Dairy Division of the United States Department of Agriculture, and one of the best butter makers in the country, says: 'The great bulk of butterine and its kindred products is as wholesome, cleaner, and in many respects better, than the low grades of butter of which so much reaches the market.'

"Prof. Paul Schweitzer, Ph. D., LL. D., professor of chemistry, Missouri

State University, says: 'As a result of my examination, made both with the microscope and the delicate chemical tests applicable to such cases, I pronounce butterine to be wholly and unequivocally free from any deleterious or in the least objectionable substances. Carefully made physiological experiments reveal no difference whatever in the palatability and digestibility between butterine and butter.'"

Professor Wiley, Chief of the Division of Chemistry of the United States Department of Agriculture, also appeared before the committee and testified to the nutritive and wholesome qualities of oleomargarine.

The Committee on Manufactures of the United States Senate, in a report dated February 28, 1900, finds, from the evidence before it, "that the product known commercially as oleomargarine is healthful and nutritious."

Dr. George M. Kober, professor of hygiene, Georgetown University, District of Columbia, says:

"As a teacher of hygiene, I have urged upon my students for years to bring the merits and nutritive value of this food stuff to the attention of the public, and in the interest of the wage-earners of this country to correct, as far as possible, the prejudice which has been created against the use of this product, provided always it is sold under its true name and at its real value. In this opinion I am glad to be supported by the highest scientific authorities in this country and abroad."

Charles Harrington, assistant professor of hygiene in the medical school of Harvard University, in his Manual of Practical Hygiene, 1901, page 112, says:

"Oleomargarine has been misrepresented to the public to a greater extent, probably, than any other article of food. From the time of its first appearance in the market as a competitor of butter there has been a constant attempt to create and foster a prejudice against it as an unwholesome article made from unclean refuse of various kinds, a vehicle for disease germs, and a disseminator of tapeworms and other unwholesome parasites. It has been said to be made from soap grease, from the carcasses of animals dead of disease, from grease extracted from sewer sludge, and from a variety of other articles equally unadapted to its manufacture."

The truth concerning oleomargarine is that it is made only from the cleanest materials in the cleanest possible manner, that it is quite as wholesome as butter, and that when sold for what it is and at its proper price it brings into the dietary of those who can not afford the better grades of butter an important fat food much superior in flavor and keeping property to the cheaper grades of butter which bring a better price. Oleomargarine can not be made from rancid fat, and in its manufacture great care must be exercised to exclude any material however slightly tainted.

Judge Hughes, of the Federal court of Virginia, in a decision, says:

"It is a fact of common knowledge that oleomargarine has been subjected to the severest scientific scrutiny, and has been adopted by every leading government in Europe as well as America for use by their armies and navies. Though not originally invented by us, it is a gift of American enterprise and progressive invention to the world. It has become one of the conspicuous articles of interstate commerce, and furnishes a large income to the General Government annually."

Believing that this testimony establishes beyond controversy that oleomargarine is a nutritious and wholesome article of food, the main question to be considered is the complaint that fraud is practiced in its sale.

In this connection the minority directs attention to the fact that the charge of fraudulent sale is not made against the manufacturer. It is conceded that the manufacturers of oleomargarine make no effort to evade the existing law, but that their product is always so marked and branded as to advise the customer who buys direct from the manufacturer as to the nature of the product.

It is charged, and doubtless truly, that the present law is violated by unscrupulous retailers. In view of these two facts, viz, that the manufacturer does not violate the law, and that by reason of his being constantly under the eye of Government inspectors there is no danger of his doing so, and that the retailer does violate the law (when it is violated), the minority holds that the only proper legislation is that which directs the penalties against the retailer, and not against the manufacturer—in other words, against the man who commits the crime and not against the man who does not. H. R. 9206 violates this fundamental principle of equity and jurisprudence by directing its penalties against the manufacturer who is already surrounded by such restrictions as to effectually prevent even the attempt at fraud, while it in no way either diminishes the temptation or increases the difficulty involved in the violation of the law by the retailer.

The fact just stated, that H. R. 9206 is directed against the manufacturer (who is not even charged with violating the law) and not against the retailer, through whom, if at all, the fraud is committed, seems to justify the conclusion that the real object of this measure is to prevent the use of oleomargarine as a substitute for butter, and not merely to stop the fraudulent sale of oleomargarine as butter. Indeed, the radical advocates of the legislation proposed by H. R. 9206 have not hesitated to declare that their wish and expectation is that the passage of this bill will result in seriously crippling the oleomargarine industry, and the elimination of oleomargarine from the market as a food product.

In substantiation of this assertion we quote the following.

Mr. Adams, pure-food commissioner of the State of Wisconsin, in his testimony before the committee on March 7, 1900, said:

"There is no use beating about the bush in this matter. We want to pass this law and drive the oleomargarine manufacturers out of the business."

Charles Y. Knight, secretary of the National Dairy Union, in a letter to the Virginia Dairymen, dated May 18, 1900, writes:

"Now is the time for you to clip the fangs of the mighty octopus of the oleomargarine manufacturers who are ruining the dairy interests of this country by manufacturing and selling in defiance of law a spurious article in imitation of pure butter. We have a remedy almost in grasp which will eliminate the manufacture of this article from the food-product list. The Grout bill, now pending in the Agricultural Committee of the House of Representatives in Congress, meets the demand."

W. D. Hoard, ex-governor of Wisconsin and president of the National Dairy Union, stated in his testimony before the committee on March 7, 1900, as follows:

"To give added force to the first section of the bill, it is provided in the second section that a tax of 10 cents a pound shall be imposed on all oleomargarine in the color or semblance of butter. In plain words, this is repressive taxation."

And on January 13, 1902, in his testimony before the Committee on Agriculture, House of Representatives, the same witness, replying to the question as to "whether this bill (H. R. 9206—or similar measure) would be demanded if, after its passage, just as much oleomargarine would be manufactured and put on the market as is now manufactured and sold," said:

"In that case, sir, I would come before Congress and demand a still higher tax."

In view of this testimony (and much more of a similar character might be cited) the minority feel amply warranted in claiming that the purpose of H. R. 9206 is to cripple the business of the legitimate oleomargarine manufacturers. In just the extent to which this purpose is realized Congress will be responsible—in the event of the passage of H. R. 9206—for injuring or ruining one American industry at the demand of another; a thing which, as all will concede, Congress ought not to do. The minority believe it to be class legislation of the most pronounced kind and would establish a precedent which, if followed, would create monopolies, destroy competition, and militate against the public good.

THE SUBSTITUTE BILL.

The purpose of the substitute bill, offered by the minority, is not to prevent the manufacture of oleomargarine or its legitimate sale, but to prevent it from being fraudulently sold for butter. To accomplish this end, it throws such safeguards about the retail sale of the article (the only operation in which, under existing law, it is possible for fraud to be committed) as, in our opinion, to entirely eliminate all possibility of fraud in such retail sales and compel all dealers in oleomargarine to sell it for what it really is and not for butter. The substitute offered is really an amendment to sections 3 and 6 of the existing oleomargarine law. The annual licenses for the manufacture and sale of oleomargarine ($600 for manufacturers; $480 for wholesalers, and $48 for retailers) are not lessened, while the penalties imposed for violation of the law are materially increased.

The minority respectfully submit that the enforcement of these provisions would effectually eliminate all possibility of fraud in the sale of oleomargarine, and that, in our opinion, is as far as Congress can legitimately go.

One of the claims made by the friends of H. R. 9206 and similar measures is that it will protect the interests of the farmer. We call attention to the fact that every ingredient that enters into the manufacture of oleomargarine is as much a product of the farm as is butter, and that such ingredients are made more valuable on account of their use in the manufacture of oleomargarine.

In support of this statement we cite the following resolution adopted by the National Live Stock Association at its meeting in Chicago, December 3, 1901.

"*Resolved*, That the National Live Stock Association, in convention assembled, representing more than $4,000,000,000 of invested capital, reiterates its former expressed disapproval of such class legislation as the old Grout bill, and we protest against the passage of any law of this nature, firmly believing that such legislation is unjust, unconstitutional, and unfair, and not to be tolerated in a free country."

The National Live Stock Association is a voluntary organization, comprising 117 subordinate local organizations of the cattle, sheep, and swine raisers and breeders of 26 States and Territories of the Union, and representing more than four billions of invested capital.

The annual meeting at which the foregoing resolution was adopted was attended by 1,500 delegates, and we submit that the unanimous protest of the accredited representatives of substantially all the live-stock interests of the United States (except those engaged in the dairy business) is entitled to respectful consideration. Representatives of this association, and also representatives of the cotton industry, came before this committee and were unanimous in expressing the opinion that the enactment of such legislation as is contemplated by H. R. 9206 would lower the price of their products and materially damage their industry.

The minority directs attention also to the significant fact that the passage of House bill 9206 (or similar measure) is demanded solely by the producers of butter and not by consumers, who might naturally be supposed to ask for protection from a fraudulent product if they felt themselves in need of it. On the contrary, the consumers, as represented by hundreds of labor organizations representing many thousands of workingmen, have protested against the passage of this measure as one calculated to deprive them of a cheap, wholesome, and nutritious substitute for butter.

The claim that the fraudulent sale of oleomargarine interferes with the growth and prosperity of the butter industry is not borne out by the evidence before the committee. Statistics show that the total manufacture of oleomargarine in the United States last year was 104,000,000 pounds, as against 1,500,000,000 pounds of buter. As to the amount of oleomargarine sold fraudulently, exact statistics can not, of course, be obtained, but it would certainly be a liberal estimate to place the sum of the fraudulent sales at 25 per cent of the total product. Is it reasonable to suppose that the price of the 26,000,000 pounds thus fraudulently sold materially affected the price of the 1,500,000,000 pounds of butter used? Even assuming that the total oleomargarine output was sold fraudulently, it yet represents so small a proportion (about 7 per cent) of the total amount of butter produced as to render it unlikely that it in any way reduced the average price of butter.

And as further supporting the conclusion that the butter industry is not materially damaged by the sale of oleomargarine, the minority directs attention to the significant fact that those sections of our country which are most exclusively devoted to the dairy interests are blessed with the greatest prosperity, as brought out in the testimony of ex-Governor Hoard of Wisconsin, before our committee, who said that a few years ago land was worth only $15 an acre in that State, but as the State began to be devoted more exclusively to the dairy interests land had rapidly appreciated in price, and that farmers had gotten out of debt, had paid their mortgages, and the land is now worth the sum of $80 per acre, this price averaging much higher than agricultural lands in other parts of the country.

In conclusion, the members of the Committee on Agriculture who have joined in this minority report beg to assure the House and the country in the most solemn manner possible that it has been their earnest intention, and is now their determination, to do everything possible to be done to enforce the sale of oleomargarine as oleomargarine and to prevent its sale as butter. To prevent fraud and not to injure or hamper a legitimate industry has been and is our purpose. We believe that it ought to be the sole purpose of all legislation and the sole motive of all just men.

The substitute bill presented by the minority is as follows:

Bill offered as a substitute for H. R. 9206 by the minority of the Committee on Agriculture of the House of Representatives.

A bill to amend sections 3 and 6 of an act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886.

Be it enacted, etc., That sections 3 and 6 of an act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, be amended so as to read as follows:

"SEC. 3. That special tax on the manufacture and sale of oleomargarine shall be imposed as follows:

"Manufacturers of oleomargarine shall pay $600 per annum. Every person who manufactures oleomargarine for sale shall be deemed a manufacturer thereof.

"Wholesale dealers in oleomargarine shall pay $480 per annum. Every person who sells or offers for sale oleomargarine in quantities greater than 10 pounds at a time shall be deemed a wholesale dealer therein; but a manufacturer of oleomargarine who has given the required bond and paid the required special tax, and who sells oleomargarine of his own production only at the place of its manufacture in the original packages, to which the tax-paid stamps are affixed, shall not be required to pay the special tax of a wholesale dealer on account of such sales.

"Retail dealers in oleomargarine shall pay $48 per annum. Every person who sells or offers for sale oleomargarine in quantities not greater than 10

pounds at a time shall be regarded as a retail dealer therein. And sections 3232, 3233, 3234, 3235, 3236, 3237, 3238, 3239, 3240, 3241, and 3243 of the Revised Statutes of the United States are, so far as applicable, made to extend to and include and apply to the special taxes imposed by this section, and to the persons upon whom they are imposed: *Provided*, That in case any manufacturer of oleomargarine commences business subsequent to the 30th day of June in any year, the special tax shall be reckoned from the 1st day of July in that year, and shall be $500."

"SEC. 6. That all oleomargarine shall be put up by the manufacturer for sale in packages of 1 and 2 pounds, respectively, and in no other or larger or smaller package; and upon every print, brick, roll, or lump of oleomargarine, before being so put up for sale or removal from the factory, there shall be impressed by the manufacturer the word 'Oleomargarine' in sunken letters, the size of which shall be prescribed by regulations made by the Commissioner of Internal Revenue and approved by the Secretary of the Treasury; that every such print, brick, roll, or lump of oleomargarine shall first be wrapped with paper wrapper with the word 'Oleomargarine' printed on the outside thereof in distinct letters, and said wrapper shall also bear the name of the manufacturer, and shall then be put up singly by the manufacturer thereof in such wooden or paper packages or in such wrappers, and marked, stamped, and branded with the word 'Oleomargarine' printed thereon in distinct letters, and in such manner as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe, and the internal-revenue stamp shall be affixed so as to surround the outer wrapper of each one and two pound package: *Provided*, That any number of such original stamped packages may be put up by the manufacturer in crates or boxes, on the outside of which shall be marked the word 'Oleomargarine,' with such other marks and brands as the Commissioner of Internal Revenue shall, by regulations approved by the Secretary of the Treasury, prescribe.

"Retail dealers in oleomargarine shall sell only the original package to which the tax-paid stamp is affixed, and shall sell only from the original crates or boxes in which they receive the pound or two pound prints, bricks, rolls, or lumps; which said crates or boxes shall be at all times so placed as to expose to the customer the mark or brand affixed thereon by the requirements of this act.

"Every person who knowingly sells or offers for sale, or delivers or offers to deliver, any oleomargarine otherwise than as provided by this act, or contrary to the regulations of the Commissioner of Internal Revenue made in pursuance hereof, or who packs in any package any oleomargarine in any manner contrary to law, or who shall sell or offer for sale, as butter, any oleomargarine, colored or uncolored, or who falsely brands any package or affixes a stamp on any package denoting a less amount of tax than that required by law, shall be fined for the first offense not less than $100 nor more than $500 and be imprisoned not less than thirty days nor more than six months, and for the second and every subsequent offense shall be fined not less than $200 nor more than $1,000 and be imprisoned not less than sixty days nor more than two years."

J. W. WADSWORTH.
WM. CONNELL.
CHAS. F. SCOTT.
JOHN S. WILLIAMS.
HENRY D. ALLEN.

Mr. SNOOK. Mr. Chairman, I had not intended to take part in this discussion and thought I would be content with recording my vote in favor of the bill reported by the majority of the committee, but inasmuch as certain gentlemen, in the course of this debate, have seen fit to attack the people who urge the adoption of this measure, and to impugn the motives of the members who support it on the floor of this House, I feel called on to at least give some expression to the reasons which lead me to the conclusion that this is a just bill.

Gentlemen have gone so far as to say that those of us who vote for it will feel called on in private to apologize for our action. I have the honor in part to represent a State whose legislative policy so far agrees with the course I now pursue that it has adopted a law prohibiting the manufacture and sale of oleomargarine colored in semblance of butter. I have the further honor of representing one of the most magnificent agricultural districts in the Union. While, therefore, I may incur the criticism of certain gentlemen who do not agree with me, I shall have the satisfaction of knowing that I will owe no apology to the people of my State nor to the 20,000 and more farmers of my district, their wives and children, all upright, industrious, honest citizens, who appeal to me to support this bill.

The opposition to this measure, on both sides of the House, appeal most passionately to the Constitution and invoke the shades of Thomas Jefferson. Now, Thomas Jefferson was a plain man; the simplicity of his character is one of his most precious memories. He loved the common people as few men have loved them. He hated wrong and despised deceit and fraud.

I have no doubt, if he were alive to-day, he would find the Constitution broad enough to furnish ample protection to any industry whose existence was threatened by the onslaught of fraud and deceit. At this session of Congress the various schools of thought have almost daily been giving utterance to that interpretation of the Constitution which seemed to them best, and these expressions of opinion have embraced all shades of thought, from the very broadest, as expressed by the distinguished gentleman from Illinois [Mr. CANNON], to the strict construction, as expressed by the distinguished gentleman from Alabama [Mr. CLAYTON].

The gentleman from Illinois has told us over and over again that the Constitution went out to the people of the Philippine Islands and was broad enough and strong enough to throw out its arms and include the people of these islands within its beneficent embrace. To be sure, he did not inform us which arm it was that was so benevolently thrown out, whether, indeed, it was the arm that included within its embrace the blessings vouchsafed in the Bill of Rights or that arm whose touch brings the right of trial by jury or the arm whose loving caress insures the right of habeas corpus.

Thus, while the gentleman from Illinois believes in a broad and liberal construction of the Constitution, others contend for a strict construction of that instrument and argue that under its provisions we are powerless to relieve that class of American citizens which constitute the largest body of men engaged in a single industry from the ruinous competition of a counterfeit article passing current by the aid of deceit as genuine.

But, after all, no matter to what school of thought we may belong, no matter what our teachings may have been, no matter how loudly we may protest, no matter what interpretation we think ought to be put on the Constitution, that instrument has been construed by our highest judicial tribunal, and that construction permits the taxing power to be invoked in aid of the police power. That construction permits bills raising revenue, which incidentally carry protection to certain industries, to stand as the law of the land.

These doctrines have been announced so often and are so well settled that it seems to me there can be no doubt as to the constitutionality of this measure. I protest that it is in accord with the law of the land. It is the policy of the party in power, and now, forsooth, when for almost the first time these principles are invoked in aid of the farmer, for the purpose of protecting him from that deceit from which he is absolutely powerless to protect himself, gentlemen stick in the bark and say that it can not be done.

They insist that I shall vote to permit the continuance of a practice which will eventually wipe out of existence one of the leading products of the greatest industry in the world. For my part I have made up my mind to not pose as an objector. I shall take the advice of the distinguished gentleman from Ohio, when on another occasion he plead with us to join the roll of the constructive statesman, which he now deserts, and by my vote confer a benefit on a class of citizens who, comparatively speaking, have received but few actual benefits at the hands of this House.

Gentlemen raise their hands in holy horror, and especially those gentlemen that happen to represent districts where oleomargarine factories flourish (in many instances under the name of dairies and creameries), and protest that we seek to wipe out a legitimate industry. A legitimate industry? When did this business derive the right to stand before the world and claim to be legitimate? Legitimate means "genuine, real, not false, counterfeit, or spurious." The sole and only object of the men who have operated these institutions, from the day the first pound of oleomargarine was made to this, has been to manufacture a spurious and counterfeit butter.

Every thought that has been exerted along this line has been exerted not only for the purpose of making a product that resembled butter, but for the purpose of making a counterfeit that could be palmed off on the public as real and genuine. Is this a legitimate industry? Is it legitimate to go into the business of deceiving the public? Is it legitimate by deception and fraud to destroy an honest industry that has been built up by ages of toil? The premises of every argument that has been offered on the floor of this House in favor of colored oleomargarine is that the business as conducted at present is an honest industry.

I deny the premises. This business was conceived in fraud, born in deceit, and baptized in deception. It has never known an honest hour when it was willing to strip off its mask. It absolutely refuses to sail on the commercial seas under its own color. It always has resisted, as it now resists, every honest measure proposed to compel it to pass for what it really is. It has become so greedy and arrogant that it defies all law and willfully plies its business in the States where its manufacture and sale is prohibited by statute. And some gentlemen in the course of this argument have claimed this defiance of law as a telling argument in favor of its great merit.

The truth is it is a violator of the law, a deceiver, and a counterfeit, and no man in the face of the known facts can stand on the floor of this House and justly claim that it is a legitimate industry. One gentleman even says an honest competitor of butter. I deny the assertion. It has never sought to be a competitor. That we claim is the very object of this bill, we demand that it drop the rôle of the counterfeit and stand forth on its merits as a competitor. Give us what your premises assume, make it a legitimate, honest competitor; do that and we shall ask for no more. But in order to hide the deception which you practice, and to cloud the issue involved, you claim that butter is also often colored. But by that means it never seeks to pass as anything but butter.

It makes no claim to the public that it is what it is not. The coloring is harmless, and it is still a product made from the milk of the cow. By this means it never seeks to cover its identity and rob some other product of the market that rightfully belongs to it. This cry is no answer to the argument for this bill. I

submit that involved in this matter is a great moral question which appeals to the integrity of the Government.

The Government will not permit its citizens to manufacture and pass as genuine counterfeit coin or currency, for this would destroy the business of the country. The same reason, the same sense of right and justice, calls on it to interfere when the manufacture and sale of a counterfeit product threatens to destroy one of the principal industries of the largest class of individuals who make up that Government.

But the opponents of this measure ask us what we expect to accomplish by its passage. We answer there now is and always has been a demand on the part of the people of this country for butter. We expect that this law when enacted will permit the people to satisfy that demand free of imposition and fraud. For years the farmers of this country supplied that demand with an honest product.

By exercising patience, care, and honesty they have built up for themselves an industry of the highest value. To its development and perfection the farmers of this country have devoted years of their best effort and endeavor on the theory that the Government justly owed them its protection in the honest enjoyment of the fruits of their toil, and now in the hour of their need, when deceit and fraud threaten to deprive them of that which it has taken years to acquire, we believe that we rightly invoke the aid of the Government in enforcing honesty and morality and protecting them in the rights they have acquired. Beyond this, however, there is an important interest that seems to have been overlooked in this discussion. I refer to the butter made by the farmers' wives and sold to the residents of the country towns. This is a very fruitful source of revenue, from which the wants of the farmer's family are supplied and by means of which the mother is able to supply herself and children with a few of the luxuries of life. Already the manufacturers of oleomargarine, lured by the immense profits that have followed their course of deception, are reaching out after this market.

I believe that this measure is necessary to preserve for the farmer's wife the country market. The passage of this bill is not sought for the purpose of advancing the price of butter, nor for the purpose of avoiding honest competition, but its adoption is demanded to preserve for the farmer his market, and so that the demand for honest butter may be honestly satisfied.

The gentleman from Texas [Mr. BURLESON], after making an eloquent appeal against the bill on the ground of its unconstitutionality, displays the true reason of his opposition and the ground of his unwarranted invective against Democratic members who support the measure by saying "we aid the dairyman to push his hand into the pocket of our cotton grower and cattle grower and cotton-seed oil manufacturers and steal a certain per cent of the value of their products."

But permit me to gently remind the gentleman that for years, by the use of every method that deception could bring to bear, the business which he so eloquently champions has induced the public to believe that it was purchasing something produced by the farmers and dairymen of my district; that the counterfeit to which he gives his support has not only robbed the people of my district of a part of the value of their product, but bids fair, if unrestrained by legislation, to destroy one of their most important industries. You tell us, when driven by force of the facts to acknowledge that fraud is practiced in the manufacture and sale of oleomargarine, that the substitute offered by the minority of the committee would afford a complete relief. I answer that in my own State of Ohio we had a law embodying every good feature contained in the Wadsworth bill, so far as the same would be applicable in a State law, and yet it wholly failed to remedy the evil.

We even went further and absolutely prohibited the manufacture and sale of colored oleomargarine, and yet if we are to give full credit to the statements of the distinguished gentleman from Ohio [Mr. GROSVENOR] the citizens of his district, in open defiance of law, march up by the thousands, shouting the praises of butterine, purchase, and carry away this product, while butter is allowed to spoil and grow rancid on the grocers' shelves. The gentleman has only added emphasis to the fraud which every member of this House knows is practiced daily. I shall not undertake to criticise either the gentleman or the people of his district for countenancing this open violation of the law.

But he has made plain the truth that the remedy afforded by the Wadsworth bill is inadequate. The punishment afforded by these measures never include imprisonment, and some mysterious force always stands ready to encourage the retail dealer to push the sale, and when arrest comes this same force furnishes a skilled lawyer, who invokes all the law's delays, and when the end of the trial is finally reached this same force is ever ready to liquidate the fine and costs and to urge the grocer on to a second infraction of the law.

Gentlemen with utmost skill use illustrations to show how unfair this principle is when applied to competing industries in the same line. But I submit the illustrations are not parallel. Never before in the commercial history of this country has a counterfeit been so successful in assuming the rôle of the real product that it was fraudulently made to resemble as to threaten to destroy the market of the genuine product.

But you say we will take away from the consumer a cheap food product that is demanded by him, and that we do an injustice to the laboring man. This argument has been refuted so many times during the course of this discussion that I feel like offering an apology for again offering the answer; but inasmuch as it is urged so vehemently, I desire once more to refute it.

Under the provisions of this bill the uncolored product, in every respect as wholesome and nutritious as the colored, can be had at a great reduction in price, and if there is still an honest demand to have it colored, this can be effectually done in any home by any housewife as easily as any other product of the household can be prepared for the meal.

The evil is great, and the remedy must correspond to the evil. It can be cured in no other way than by invoking the aid of the taxing power of the Government. All other remedies have been tried and failed. I for one do not hesitate; I for one am in favor of a remedy that will correct the evil, and on that decision I am willing to appeal to my constituency. Many of those who oppose this measure recognize the worth of the farmer. Indeed, many voice their opposition in one breath and in the next claim eternal devotion to the tillers of the soil. Some even protest their loyalty in most eloquent flights of oratory.

I knew it was quite a common practice with many to employ this method in their campaigns to secure the farmers' vote, but I had hardly looked for the use of this method here, where their vote did not support their protestations. The farmer, as I know him, is an intelligent man, thoroughly posted on the questions which affect his interests, and I warn many gentlemen who have protested during the course of this debate that they represent the farmer and his interests that, unless they repent before the vote is taken on this bill, their honeyed words of hollow flattery will avail them but little.

Indeed, I congratulate myself that the first time I have had the privilege of addressing the House the remarks I have made are in defense of the interests of the farmer. Aye, more than that. I glory in the fact that, though what I have said has but poorly expressed the necessity of this legislation, I shall be able to meet that necessity by voting to relieve the American farmers, who compose the greatest industrial army in the world, from the oppression of fraud and deceit.

Mr. LAMB obtained the floor and said: I yield ten minutes to the gentleman from Tennessee [Mr. MOON].

Mr. MOON. Mr. Chairman, it certainly must be recognized that in ten minutes I can not cover this vast field which other gentlemen have gone over in this discussion. I wish merely to call attention to the sections of this bill and to invoke the candid judgment of this House upon the propriety of its passage. I am not here as the partisan advocate of the majority or the minority report of this committee, but to secure if possible some legislation in effective shape that will suppress a conceded evil. The minority report does not go as far as it ought to go in the suppression of this wrong, yet in the absence of anything better I would accept that.

The bill presented by the majority, while a proper measure in some respects, is fatally defective in others for the purpose which it seeks to accomplish. It must be conceded that unless the present method of manufacturing and selling oleomargarine in interstate traffic is a fraud upon the commerce and upon the people of the United States the Congress has no right to exercise its taxing powers in the suppression of the same. But I deny the proposition that if it be once established that this business is so carried on as to be a crime against the commerce and the best interests of this country; that Congress has not the power to exercise in a plenary way every right, every prerogative that it possesses under the commerce clause of the Constitution or under any other clause (whether the exercise of such power involves the invoking of the taxing power or any other) for the suppression of the evils connected with the business. Who shall undertake to control the legislative discretion of Congress in a revenue bill or other measure directly or incidentally destroying an evil injurious to the enforcement of the laws and against sound public policy?

Are we correct in the proposition that oleomargarine to-day is sold in the United States in a manner that demands on the part of Congress some restrictive measures for its suppression? It is not necessary that we go to the hearings before the committee for the proof of this fact. The condition, the status, of this legislation establishes that fact. Why should the minority report propose this stringent legislation against the existing method of manufacture and sale of oleomargarine if there be no necessity for it? The majority say that it is a fraud; the minority concede

that it is a fraud; by the introduction of the substitute bill they are estopped from its denial. The only question then is as to how this fraudulent business is to be suppressed. Shall a mild remedy be applied or a stringent one?

It has been said on this floor by gentlemen who assume to be better Democrats than others, because they may differ with them, that those who approve of the first section of the majority bill are not Democrats. Why? Because, as they say, it is a violation of a cardinal doctrine of the Democratic party for the Congress of the United States to cede to the States any part of its constitutional authority. Assume that that is correct; let us admit (and it is sound doctrine) that the Congress of the United States in the exercise of its powers is absolute and sovereign, and that it has no more right to delegate its power to a State legislature than the State legislature would have to assume the power of Congress. This fundamentally is a correct proposition. Is it violated by the first section of the majority bill? I think not. It is in effect an act of Congress approving and ratifying the legislation of the States on this very subject-matter. This is not an abnegation of the powers of Congress, but rather an acquiescence on the part of Congress in local control of the whole subject, both as to State and interstate commerce. Until Congress acts the power of the State is free to control the traffic of all commodities coming into the State. This is not a surrender of Federal authority to the States.

Whoever heard before this of a Democrat objecting to State rights and local control? The relations between the State and General Government ought to be closer. Real Democrats recognize the people only as a sovereign, and the United States and each State thereof as sovereign within their respective constitutional orbits. If, indeed, there should be any jealousy on the question of the exercise of power, it is because of the exercise of too much and not too little power by the Federal Government. But this section is only an acceptance by Congress, as I said, of State control and regulation of this subject, and affords no just ground of alarm to the guardians of the Constitution.

Mr. BARTLETT. Will my friend pardon me just for a moment?

Mr. MOON. Yes, sir.

Mr. BARTLETT. Is it not a fact that under the law as it has been construed by the Supreme Court of the United States the laws of the various States which forbid the sale of oleomargarine or other substance colored like butter, under any form or pretense, can be enforced in the various States, although the article against which it is attempted to be enforced is in a package brought from another State?

Mr. MOON. If that be true, what is the objection to Congress saying the same? That is substantially all that is undertaken.

Mr. BARTLETT. What necessity is there for this provision, if that be true?

Mr. MOON. If now the law by construction merely, it would be preferable by legislation. It will not then be uncertain, and there can be no objection to this section reenacting the law, if my friend is correct, which I do not now question.

Mr. BARTLETT. I do not specially object to the first section.

Mr. MOON. I am now discussing the first section, and only the first section, of the bill.

Mr. BARTLETT. I do not desire to take up the gentleman's time, but the Supreme Court have decided in the case of Massachusetts and in the case of Pennsylvania that the laws of those States which forbid the sale of oleomargarine colored as butter, or pretending to be anything else except oleomargarine, are valid. They have sustained those laws, although enforced against packages brought from an adjoining State.

Mr. MOON. That is utterly immaterial to the question I am discussing. I am discussing the question of the propriety of Congress recognizing the superior advantage and right of the various Commonwealths of this Union to control the sale of oleomargarine as butter where it is a subject of interstate commerce, and this section is no violation of the Federal Constitution, and no violation of sound public policy.

But, Mr. Chairman, while I fully concur and fully agree with the propriety of the enactment of this first section, I have very grave and serious doubts as to the third and vital section of this bill.

As I remarked before, I care not which of these bills, when properly amended, may be passed, so that we have some law that shall be effective upon this subject. If the drafting of a bill upon this question were committed to my charge, I perhaps would not adopt either of these measures. But while I do believe that we have the right to exercise the taxing power of the United States, not merely for the purpose of raising revenue as primarily provided in the Constitution, but as an incident to this and as a means of enforcing the other constitutional provisions, because every provision of the Constitution stands together as one and forms a great unit upon which the Republic must depend for its support—aside from that, Mr. Chairman, I am in favor of its exercise, not merely as a taxing power, but for repressive legislation, if you see fit so to call it, against fraud—that is, in its extermination on all Federal questions. The only question is, How shall it be done? Shall it go to the extent of destroying the article to be manufactured by the repressive legislation, or shall it be a regulation upon it?

The time of Mr. MOON having expired—

Mr. LAMB. I yield to my colleague five minutes more.

Mr. MOON. Therefore if this section provides, not for the mere suppression of fraud as an incident to the taxing power, but if in its legal effect it be a destruction of the legitimate production of oleomargarine, then, in my humble judgment, it is not only obnoxious to the Federal Constitution, but even if it could be supported by it, it would be a most unwise exercise of Federal power. And I desire to call the attention of the gentleman in charge of this bill to this proposition: You provide in the third section for an amendment to the act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine, and that a tax of one-fourth of 1 cent per pound shall be laid upon the same when not in imitation of butter, but when made in imitation of butter a tax of 10 cents.

Now, let us look at the legal status of this question, and see if the effect of that legislation is to destroy altogether the manufacture of oleomargarine, or is it merely to impose a legitimate tax, as I conceive it to be the intention to do, for the suppression of fraud in the sale of oleomargarine. If that section be susceptible of the latter construction, I am prepared to vote for it. If it be not, I can not vote for it, because it would be a violation of your oath of office and my oath of office to sustain it. Butter has a legal definition, and when we speak of it we speak of it in its legal sense, in that view which a judicial tribunal would take of it. Oleomargarine also has a legal definition.

The act of 1886 provided—

> That for the purposes of this act the word "butter" shall be understood to mean the dairy-food product usually known as butter, and which is made exclusively from milk or cream, or both, with or without common salt, and with or without additional coloring matter.

Section 2 defines oleomargarine, and provides that—

> All mixtures and compounds of tallow, beef fat, suet, lard, lard oil, vegetable oil, annotto, and other coloring matter, intestinal fat, and offal fat made in imitation or semblance of butter, or when so made calculated or intended to be sold as butter or for butter.

There you have a legal definition of butter and a legal definition of oleomargarine. The definition of oleomargarine is a combination of these substances in imitation of butter. Then there can be no oleomargarine as a matter of law under existing statutes unless it be in imitation of butter. That, I take it, will be conceded.

Now, when you lay your tax of one-quarter of 1 cent on oleomargarine not in imitation of butter, on what do you lay the tax? There is no legal definition of oleomargarine known to the courts that does not describe it as made in imitation of butter. Therefore, you lay no tax on any article known to the law of the land, and this is merely amendatory, and you give no definition of oleomargarine, which you propose to tax one-fourth of 1 cent per pound. You say that 10 cents shall be laid per pound on oleomargarine made in imitation of butter. When you say this you give the legal definition of oleomargarine as provided in the statute as it does exist. Therefore, you tax oleomargarine as it legally exists 10 cents a pound, and you provide no definition for the oleomargarine under the law to be taxed one-fourth of 1 cent. The result, therefore, is, without an amendment made in definition of the meaning of oleomargarine to bear the tax of one-fourth of 1 cent per pound, that all oleomargarine will be taxed 10 cents per pound under this bill. This would destroy the manufacture of the article. The legitimate would go down with the fraudulent. We could not support this theory in legislation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LAMB. I yield three minutes more to the gentleman.

Mr. MOON. This question can not be fully discussed in the time I have had, and I have been forced to run over the various points; but I want to make a suggestion to the gentleman, that if I be correct in this construction of the law, if it be clear, and it is clear as possible to me, that this bill (and I concede that you did not intend it that way) taxes out of existence legal oleomargarine, your bill ought to be amended to cover that proposition and protect the legitimate production and sale of oleomargarine while suppressing the fraudulent as far as the tax will do so.

Mr. HENRY of Connecticut. There is no intention on the part of our committee to eliminate or obliterate oleomargarine as a legitimate product.

Mr. MOON. I am satisfied that it was not the intention of the committee, and yet I am equally satisfied that as a legal proposition you have done it. [Applause.]

Mr. HENRY of Connecticut. If that is the case, there ought to be an amendment. That matter shall be carefully considered

here by the committee, and I will be glad to support an amendment for that purpose.

Mr. LAMB. That matter has been considered by the committee.

Mr. HENRY of Connecticut. That is true.

Mr. LAMB. I now yield ten minutes of my time to the gentleman from North Carolina [Mr. KLUTTZ].

Mr. KLUTTZ. Mr. Chairman, I have no disposition, as I shall not have the time, to thrash over the old straw of this discussion. As a nonstrenuous member of this House, representing a constituency which is interested equally in butter and in cotton seed, the debate has been to me somewhat amusing. We have had a good deal of virtuous self-assertion upon the part of gentlemen who oppose this bill. We have had the shade of Jefferson disturbed in his tomb at Monticello and brought out in opposition to this bill. We have had the Constitution of the United States waved in behalf of the Texas steer, Kentucky beef, and the cotton oil of the far South.

We have had the Chicago and Kansas City platforms waved over our heads in an endeavor to beat us into opposition to this bill; and I have been somewhat amused, sitting in my seat, in taking the geographical bearings of the gentlemen who have opposed this bill so strenuously. We have had the distinguished gentleman from Texas Mr. [BURLESON], himself one of the largest cotton planters in his State, with only 1 per cent of the cotton oil of Texas and a small percentage of the caul fat of the Texas steer threatened, spring into the arena, with the Constitution in one hand and the Democratic platform in the other, to read every man out of the Democratic party who dares sustain this beneficent legislation in the interest of the American farmer.

Then, when the interests of the great oleomargarine manufacturers of Chicago were supposed to be assailed, we had the gentleman from Chicago [Mr. FOSTER] taking the stand and denouncing every member of the Democratic party who was not standing in favor of oleomargarine factories as against the American farmer and consumer; then again, when the supposed interests of the blue-grass region of Kentucky, which the gentleman from that State [Mr. ALLEN] says is raising beef that feeds North Carolina, were supposed to be in danger we had him rise in his place to benevolently inform us that we are attempting a work of supererogation, and that if we dare enact this legislation the Supreme Court of the United States will promptly undo what we have done. I wish, however, to do the gentleman the justice to say that he has made by far the best speech on his side of the question in the progress of this debate. I have been interested here in observing the geographical locations of these gentlemen. It is manifest that this is not a constitutional or political question, but one of locality.

Mr. BURLESON. Will the gentleman permit me?

Mr. KLUTTZ. I have only ten minutes and can not yield to my friend. Then, too, Mr. Chairman, we have had the flout thrown out that those of us who favor this legislation are cowards and cringing before the demands and prejudices of our constituents. I repel that insinuation, and I know that it was only made in the heat of debate, only in the frenzy of certain defeat, and I claim for myself here the right to vote as I see fit, and I shall exercise and defend that right without cant or hypocrisy, regardless of the sneers and flaunts of the interested opponents of this measure.

The Supreme Court of the United States has settled for me its constitutionality, and for Democratic precedent I call the attention of my party associates to the first oleomargarine bill passed by a Democratic House, in 1886.

I am for butter against butterine, for the cow against the cotton-oil trust, for the people on the farm, in the mines and mills and homes and workshops, against the combination which controls the manufacture of oleomargarine.

I maintain, as a Representative of the Seventh district of North Carolina, that I have a right and that it is my duty within constitutional limitations, to stand for the rights and interests of my constituents upon this floor, and especially when standing by the rights of my constituents puts me in advocacy of the rights of the great farming, consuming, and agricultural classes of this country against the interests of these manufacturers who, by reason of admitted frauds are entitled to no day in court and to no consideration in this discussion.

I have no apologies to make for supporting this bill. I stand, not with the gentlemen from Missouri [Mr. COWHERD] who was afraid that all the refuse of the factories might again be turned into the rivers, and that the pellucid waters of the Missouri and the Mississippi might be rendered unwholesome for the dwellers on their banks.

I stand by the farmer, but I stand not for the farmer who stays in his office at Chicago and Kansas City, and who puts on the market a fraudulent imitation of a great food product of the farmer and sends it out to drive that product out of the market; but I stand for the farmer who makes two blades of grass grow where one grew before, the farmer who digs and delves in the soil, the farmer who in the frosts and snows of winter and in the bright sunlight of summer labors early and late to feed us all.

I stand by that real farmer and not by the oleomargarine manufacturing farmer in Kansas City and Chicago and Kentucky. [Applause.] Ah, gentlemen, the trouble with some erudite and estimable gentlemen on this side of the House is that they turn their backs on the necessities and opportunities of the present, upon the glowing and glorious prospects of the future, and for their political mentors beckon only the moldy graves of past political defeats.

Proposed legislation for the benefit of the masses is too often measured and judged not by its necessity, not by its utility, not even by its constitutionality, but it is rather attempted to be squared with some ephemeral platform utterance of the past, which was inspired only by the circumstances and the necessities of the hour, and which, having served its purposes, too often that of defeat, should be allowed to rest in peace.

Gentlemen too often forget that a cardinal principle of Democratic legislation is the greatest good to the greatest number, and that within constitutional limitation this principle should govern. I am no iconoclast. I have, I trust, a due veneration for the wisdom of the Democratic sages of the long ago and a due loyalty to party deliverances, but I am not willing to be irretrievably fettered to the dead body of exploded utterances and platform experiments of the past.

We can only hope for success, we can only do our duty to the present, while adhering to the fundamental principles of constitutional democracy, by resolutely meeting and legislating for conditions, circumstances, and necessities as they arise, even though some cherished fetich of the past be thereby dislodged. [Applause.]

Mr. SCOTT. Mr. Chairman, in order that the real issue in this controversy may not be lost sight of or forgotten, I deem it an opportune time in this debate to recall to the attention of the committee the common ground upon which the advocates of both the pending bills stand, to submit in the beginning what the lawyers would call an agreed statement of facts.

It is agreed, in the first place, that oleomargarine, whether colored or white, is a pure, wholesome, and nutritious food product. This being conceded, it can not be denied that it is a legitimate article of commerce. It is agreed, further, that considerable quantities of oleomargarine are sold to customers who ask for and think they are receiving butter, and that such sales are fraudulent and should be prevented or punished. The only question properly at issue, therefore, is how best to prevent or punish the fraudulent sale of oleomargarine. The view of the majority of the Committee on Agriculture is that such sale can be best prevented by imposing what is intended to be a prohibitive tax upon oleomargarine colored as butter. In the opinion of the minority this measure is open to three objections: First, it is an unjust discrimination against what is conceded to be a legitimate industry, and is therefore class legislation; second, it directs its penalties against the manufacturer, who is not even charged with violating any law, and not against the retailer, by whom, if at all, the fraudulent sale is committed; and, third, that for both the foregoing reasons it will fail to accomplish the object sought.

In asserting that the bill reported by the majority is open to the charge of class legislation, I do not wish to be understood as expressing the opinion that if this bill should become a law it would be held by the courts to be unconstitutional, although many able lawyers are of that opinion. I do wish to be understood, however, as declaring that it is class legislation in spirit and purpose. The gentleman from Illinois [Mr. GRAFF], in reply to a question, gave it as his opinion on this floor the other day that the passage of the majority bill would not materially advance the price of butter, and other gentlemen who support that measure have expressed the same opinion. I am of that opinion myself, for reasons that will appear further on in my remarks; but I am thoroughly convinced that if this opinion were the generally accepted one there would be no demand whatever for the passage of this bill.

On what ground is this legislation urged? Solely on the ground that it will promote the interest of the manufacturer of butter. But how can it promote his interest if it does not advance the price of his product? In the State which I have the honor to represent in this Chamber practically every farmer who sells butter also markets hogs and cattle. Representatives of the live-stock associations of the country estimate that the passage of the majority bill will inflict an average loss of $2 in the value of each head of cattle and of 20 cents on each head of swine. Even the supporters of the majority bill admit that the loss to the live-stock industry by reason of the passage of this bill may reach 40 cents a head on all cattle and 5 cents a head on all swine marketed in this country—an aggregate loss of several million dollars. Now, if the price of their butter product is not to be advanced, and if the value of their

live-stock product is to be reduced, what possible interest have the farmers of the United States in the passage of this bill? If this bill should become a law, and if it should result, as its foremost advocates on this floor assert and admit that it will, in not advancing the price of butter and in actually depressing the value of live stock, may not our farmers well wonder to what end they have been so passionately implored to demand of their Representatives the passage of this measure?

It is argued that, although it would not advance the price of butter, it would create a demand for more butter, which would result in an increase in the number of those engaged in the dairy business. This argument implies that the dairy industry is now languishing. But this implication is not borne out by the facts. The facts, as presented by the advocates of the majoity bill, and as shown in the report accompanying the minority bill, all go to show that this industry is already in a most flourishing condition. I repeat the assertion, therefore, that the only way in which the passage of the majority bill can promote the interest of the manufacturers of butter is by advancing the price of their product. The demand for legislation for this purpose, therefore, is in plain terms a demand on the part of one industry for legislation which will promote its interest at the expense of another industry. The American Congress, in my judgment, may properly enact discriminative legislation to protect American enterprise against the ruinous competition of foreign industries. But who will say that this Congress can properly lay burdens upon one legitimate American industry in order that another American industry may reap richer profits?

And let me say here that I deny the assertion so often repeated upon the floor of this House and elsewhere. that this legislation is demanded by the farmers of the United States. If there is one class of our citizens in whom the sense of fair play is more fully developed than in any other; if there is one class more utterly opposed than another to class legislation, it is the farmers. And they would no more knowingly demand the passage of a law discriminating unjustly in their favor than they would willingly submit to a law unjustly discriminating against them.

Mr. BURLESON. Is it not a fact that the demand for this legislation before the Committee on Agriculture came from those interested in the product competing with oleomargarine, and not from the consumers of oleomargarine?

Mr. SCOTT. The gentleman has stated exactly the condition that was developed before the committee. So far as the committee was advised there was no man appearing before it who represented or pretended to represent the consumer, either of oleomargarine or of butter.

Mr. BURLESON. Right on that point, will the gentleman permit another question?

Mr. SCOTT. Certainly.

Mr. BURLESON. Is it not a fact that hundreds of protests were received by the committee from labor organizations from one end of the country to the other, protesting against this legislation upon the ground that they were the consumers of oleomargarine and would be affected thereby?

Mr. SCOTT. Such protests, representing in the aggregate many thousand laboring men, were received during the last Congress and have been published in the hearings that were given before the committees during the Fifty-sixth Congress.

I do not deny that this legislation is favored by many farmers, but I believe this is so because they have been misled as to the real character of the measure and as to the results it will accomplish. To illustrate what I mean by this statement, let me call the attention of the committee to the very important difference between the pending majority bill and the original Grout bill. I do not need to remind those who were members of the last Congress with what whip and spur the Grout bill was passed through this House last year. It was declared then that the farmers were unanimous in favor of that bill, and many men who voted against it were denounced as the enemies of the farmer.

And yet the most uncompromising advocates of the original Grout bill have now admitted, by the incorporation of section 2 in the pending bill, that the passage of the original measure, instead of closing the door to fraud, would have thrown it wide open, making it not only easier, but more profitable, to sell oleomargarine fraudulently than it is now under the existing law; and it may not be out of place to call attention here to the fact that the gentlemen having this bill in charge owe to the minority of the Committee on Agriculture the amendment which alone makes the measure of any value, even from their own standpoint. I wish to read, in support of this statement, the following extract from the testimony of Mr. Adams, vice-president of the so-called National Dairy Union, before the Committee on Agriculture. I read from the printed "hearings," page 237:

Mr. ADAMS. I want to make this suggestion: A point was made last week; the question was raised by Mr. SCOTT, I think, in a question to Mr. Springer, which was as follows: In case the retail merchants shall buy uncolored oleomargarine and color it in imitation of butter and sell it, would he be a manufacturer within the meaning of the law? As I recollect it, Mr. Springer said no. I understand that a good many good lawyers say no. Now, if that is true, this bill should be corrected in that particular in this committee, and the first section ought to be amended, or the oleomargarine law should be amended, and the manufacturer defined. You should amend that portion of the oleomargarine act defining the manufacture and include within it any man who colors oleomargarine in imitation of yellow butter and sells it in imitation of yellow butter.

It is perfectly clear to everybody now that if the Grout bill had become a law in the form in which it passed this House in the last Congress, it would have opened the door to the most flagrant fraud, simply because it would have imposed no penalty whatever upon the retailer who purchased his oleomargarine white and colored it to suit the taste of his customers. Now, if the gentlemen who have this measure in charge and who had it in charge during the last Congress were so greatly mistaken then, may they not be equally in error now?

The farmers of the United States are fair men. They demand that their business shall not be injured by deception and fraud. In that demand they are right, and the minority bill is framed expressly to meet that demand. They do not demand that any legitimate American industry shall be hampered and destroyed, even though the result might directly or indirectly benefit them.

But objectionable as is the pending majority bill on the ground that it is class legislation, it is open to yet more serious objection on the ground that it directs all its penalties against the manufacturer of oleomargarine, who is not even accused of violating the existing law, and not against the retailer by whom, if at all, the fraudulent sale is made, thus violating every principle of law and equity. Under the existing law an officer of the United States is stationed in every oleomargarine factory, and the business is so hedged about by regulations and restrictions that violations of the law by the manufacturer are practically impossible and are unknown.

Mr. SNOOK. Is the gentleman aware—I have no doubt he is—that in the different States of the Union there has been for years legislation prohibiting the sale of oleomargarine colored in the semblance of butter, especially in the State of Ohio?

Mr. SCOTT. I am aware of that fact.

Mr. SNOOK. Does not the gentleman know that in every instance, almost without exception, where there has been a prosecution of a retail dealer under those State laws, the manufacturers of oleomargarine, who the gentleman says are not parties to the fraud, have furnished the money for the defense and have encouraged the retailers to go on in the business?

Mr. SCOTT. So far as appeared in the hearing before our committee that charge was made and reasonably sustained against one manufacturer only of butterine. But even if the charge could be sustained against all the manufacturers of oleomargarine it does not in the least contravene the statement which I have just made.

Mr. SNOOK. If that is true, how can the gentleman maintain on the floor of this House that the manufacturer has taken no part in the fraudulent carrying on of this business?

Mr. SCOTT. I am simply asserting, what every man on the floor of this House knows of his own knowledge, that the wholesaler and the jobber who buy oleomargarine from the manufacturer get what they call for and know what they are getting.

Mr. SNOOK. Is it not a fact that these different State laws embody every principle that is contained in this minority report, and that the reason they have failed in their execution is that the oleomargarine people encouraged the retailer to keep on with his business, and furnished the money for his defense?

Mr. SCOTT. My judgment is that the reason why they have failed of enforcement is that the public sentiment in States where they have been enacted did not support them. I know something of what it means to try to enforce a law that is against public sentiment. I regret to say that I can take the gentleman to my own State and show him there many communities in which the State law prohibiting the sale of intoxicating liquors is violated openly and with impunity. We can not enforce the law in certain sections of the State because the public sentiment of the community is against it; and if the gentleman can suggest any way in which the United States Congress can reach its strong arm out into the Commonwealth of Kansas and help us there to enforce the prohibition law as we are now asked to go into the other States and assist in the enforcement of their antioleomargine laws, I should consider it a great favor.

I repeat, therefore, that if any fraud is committed—and that fraud is committed is not denied—it is by the retailer and not by the manufacturer. From what possible standpoint, then, can a law be defended if it directs all its penalties against the manufacturer and not one against the retailer; against the innocent and not against the guilty? And is not the fact that the pending majority bill is directed against the manufacturer, and not against the retailer, further evidence that the real purpose of this measure is not to compel this industry to be honest, but to crush it? That

is a serious charge, a most damaging charge, and I am not surprised that gentlemen defending the majority bill on this floor have sought to lessen the force of it by emphatic denial. As an illustration of the position taken by the advocates of the majority bill, I will quote, because I have it convenient, the assertion made yesterday by the distinguished gentleman from Iowa [Mr. HEPBURN]. He said:

Just what is proposed in this bill? It does not prohibit any man from making oleomargarine. There is no limitation placed upon the manufacture of it, and no man has a right to say that a less number of pounds will be made next year than were made last year, even if this bill passes. The gentleman and others have discussed this bill as though it was the purpose of it to drive a well-established industry out of the country. Not so. Every manufacturer of oleomargarine will be as free to make it after the passage of this act as he was before.

I have no doubt that statement expressed the honest convictions of the gentleman who made it; but that it is far from representing the determination of those who have been the foremost advocates of this measure, I propose to demonstrate to this House. I wish to direct the attention of the committee again to the hearing before the Agricultural Committee, and I wish to read a part of the record of that hearing. I trust I may be pardoned if my own name appears in this record oftener than modesty, perhaps, suggests that it should, but it happens that the point I wish to make was brought out by questions which I, as a member of the committee, asked. General Grout, whose name is so inseparably connected with this bill that it can never be dissociated from it, was before the committee, and I asked him this question:

Could you distinguish by its color the oleomargarine you hold in your hand from uncolored butter made from the average dairy herd at this time?

The situation, let me explain, was this: The committee had before it a sample of uncolored oleomargarine. It had also a sample of uncolored butter, made by a member of the committee. Mr. Grout's reply to my question as to whether he could distinguish by the eye between these two substances was:

Mr. GROUT. No; there is the very trouble.
Mr. SCOTT. Then how are you going to prevent the fraudulent sale of oleomargarine by your bill? Can you do it in any way except by coloring butter?
Mr. GROUT. I will tell you. The oleomargarine fellows under this bill will have no rights, will have no right whatever, if the bill is drawn as I left it and as it was passed last Congress, to use any ingredient, whether it is an integral part of the product or otherwise, which will give it a color like butter.
Mr. ALLEN. They will not be allowed to use milk?
Mr. GROUT. No, sir.

Listen, gentlemen! They will have no right to use any ingredient, whether it is an integral part of the product or otherwise.

Mr. SCOTT. Suppose it was impossible to manufacture oleomargarine without giving it a butter color; do you think Congress would be warranted in prohibiting its manufacture?
Mr. GROUT. I do.
* * * * * * *
Mr. SCOTT. You stated a moment ago that if milk or cream was employed in the manufacture of oleo it was done for the purpose of giving it flavor and taste.
Mr. GROUT. Exactly, and some color.
Mr. SCOTT. And therefore it is a necessary ingredient of butterine.
Mr. GROUT. No. It is if you want to serve it up as butter, but if you want to serve it up as the simple grease it is—the grease of the beef and the hog, together with cotton-seed oil—then it is not.

I hope gentlemen will consider well the meaning of this declaration on the part of Mr. Grout. We all understand the difference between grease and butter. We know that we do not spread our bread with lard or with cotton-seed oil or with oleo, and we know that a combination of them without the flavor and taste which is given to them by the use of milk or butter would not be considered by anybody as a proper substitute for butter. It is true that under this bill, as interpreted by the author of it, the manufacturers of oleomargarine could continue to manufacture grease fit to use in cookery, perhaps, but utterly unfit to go upon the table as butter, and I declare and assert, upon the authority of the statements which I have read to you, that the purpose of this bill, as shown by the construction that was put upon it by the author of it, is to prevent absolutely the manufacture of an article which can be used as a substitute for butter; it is not to prevent the fraudulent sale of that article.

Reminding the committee further of the assertion made by Mr. Grout that he would not allow milk to be put in oleomargarine for fear it would give it a flavor and a taste that would resemble butter, let me call attention to a statement furnished this House last year by the Secretary of the Treasury, in which it is shown that of the 83,000,000 pounds of oleomargarine manufactured in the year ending June 30, 1899, over 14,000,000 pounds of milk were used, constituting more than 15 per cent of the product; and it is a matter of general knowledge that milk is as much a constituent part of oleomargarine as oleo oil or cotton-seed oil or neutral lard, and yet the originator of this bill, a man who comes down here all the way from Vermont to insist upon its passage, declares that if that bill becomes law it will not be permitted to any manufacturer of oleomargarine to use what is conceded to be a necessary constituent of his product. In other words, it will be impossible to manufacture oleomargarine at all, and therefore the gentlemen who think that by voting for the majority bill they are simply reducing the price of the poor man's butter are utterly mistaken. They are simply removing the poor man's butter from his table.

But in spite of its drastic provisions, and for the very reason that it directs its penalties against the innocent and not against the guilty, it is the opinion of the minority of your committee that the majority bill will fail of the only purpose it dares openly to avow, namely, the prevention of fraudulent sales of oleomargarine for butter. Consider the conditions as they exist in the markets in this city. The statement was made here a few moments ago that the price of butter in Washington to-day ranges from 35 to 50 cents a pound. Oleomargarine is now sold here for 20 cents. Substitute a 10-cent tax for the existing 2-cent tax, and oleomargarine could be sold for 28 cents. But this is still 7 cents cheaper than the cheapest butter. Is not that margin enough to tempt the unscrupulous dealer to substitute oleomargarine for butter? And yet if he did so there is no single line in this bill to punish him for the fraud. It was shown in the course of the hearings before your committee that the trend of public taste is in the direction of lighter colored butter. In some of the most fashionable restaurants in this city and in New York to-day only uncolored butter is served. It was also shown before your committee that uncolored oleomargarine and uncolored butter at this season of the year are so perfectly similar in tint that the keenest eye can not discriminate between them. But there is not a syllable in this bill to punish the dishonest dealer who sells uncolored oleomargarine to a customer who asks for uncolored butter.

The minority bill, on the contrary, is not open to any of these objections. It does not seek to tear down any American industry, and it does not attack the innocent and let the guilty go free. It goes straight to the real issue. And that real issue, let me again remind the committee, is not the restriction of competition, but the prevention and punishment of fraud. I believe I am violating no confidence when I say that what is known as the Wadsworth bill, in all its substantial features, was drawn by the revenue law officers of the Government. Their endeavor and their one purpose was to throw such restrictions and safeguards around the retail sale of oleomargarine as to protect the purchaser absolutely from imposition. That they have succeeded in constructing a measure that will make fraud in the sale of oleomargarine practically impossible, I do not believe anyone who reads the minority bill can doubt or deny. And that is all this Congress can properly do. It is all there is any demand upon it to do.

I do not yield to any man on the floor of this House in the earnest sincerity of my wish to do all in my power to stamp out fraud, imposition, and dishonesty wherever found. But I want to stamp out fraud; I do not want to crush an American industry. I believe that oleomargarine is a pure, wholesome, and nutritious food product. I believe there is a large genuine demand for it by those who can not afford to buy butter. I believe this demand can be supplied without in the least interfering with the prosperity of the butter maker, because by far the greater proportion of oleomargarine now sold is bought by those who would not buy butter if oleomargarine were not on the market. I believe also that the buyers of oleomargarine have as much right to demand that the product which serves them as butter be colored to suit their taste as the buyers of real butter have to demand that this product be colored to suit their taste.

I do not believe it is essentially a fraud to color oleomargarine to please the taste of the man who buys it any more than it is essentially a fraud to color cotton cloth, which we all know is originally white, to suit the taste of the customer. I do believe it is a fraud to sell oleomargarine when butter is asked for, and it is because it seems clear to me that the minority bill is more certain to prevent such fraud than is the bill presented by the majority, together with the fact that the principle underlying the majority bill is wholly vicious and indefensible, that I have felt constrained to give my unqualified support to the former measure. [Applause.]

Mr. HAUGEN. Does not the gentleman believe that under section 6 the wholesale sale of yellow-colored oleomargarine will be permitted under the minority bill, notwithstanding the State laws of 32 States?

Mr. SCOTT. I am not of the opinion that the passage of this bill, and the section to which the gentleman refers, would open the door to wholesale fraud.

Mr. HAUGEN. Wholesale sale?

Mr. SCOTT. Wholesale sale, undoubtedly. We must leave some matters, the gentleman will surely concede, to the efficacy of State laws.

Mr. HAUGEN. Is it not a matter that States have legislated on, as to the color of oleomargarine, and not allow it to be sold?

Mr. SCOTT. I have no difficulty in that matter. I have been trying to show that the Congress of the United States had no right

to impose what the gentleman knows is intended to be restrictive and prohibitive legislation upon what we all concede to be a legitimate industry.

Mr. ALLEN of Kentucky. Allow me to suggest to the gentleman, in further answer, that while some might be sold by the wholesaler, yet it would be in the 1-pound and 2-pound packages, marked and stamped.

Mr. HAUGEN. And still it would be sold under the provisions of this law, notwithstanding the States have prohibited the sale.

Mr. ALLEN of Kentucky. If they sell it at all, they will be bound to sell it that way.

Mr. SCOTT. In further reply to the gentleman from Iowa [Mr. HAUGEN], and also in reply to the assertion made by the gentleman from Illinois [Mr. GRAFF], I wish to make this statement: In his remarks upon this subject the gentleman from Illinois made the declaration that there is nothing in the minority bill to prevent the retailer from unwrapping his oleomargarine as he receives it and pounding it and working it up in such a way as to destroy the marks placed upon it by the revenue officer, and then selling it as butter. I am very much surprised that any gentleman upon the floor of this House should make such a declaration, because surely if he had read the minority bill he would find that it was framed to prevent this very thing. It is possible, to be sure, that a retailer might remove the revenue stamp and remove all the marks placed upon the oleomargarine——

Mr. HENRY of Connecticut. Is the gentleman correct in saying that Mr. GRAFF made that statement?

Mr. SCOTT. I would not, of course, intentionally misrepresent the gentleman, and I think the RECORD will show I have correctly quoted him. It is true, as I have said, that the retail dealer might remove the revenue stamp and other marks placed upon oleomargarine by the revenue officers, but in doing so he would violate this law. And that is what I wish to say in reply to the gentleman from Illinois, whom I understood to make this assertion.

Mr. HAUGEN. But that would not apply to the hotel keepers or the restaurant keepers in serving it on the table.

Mr. SCOTT. The gentleman from Iowa calls attention to the fact that the minority bill would not impose any restriction upon the restaurant or hotel keeper in deceiving his guests. There are two answers to that objection which to my mind seem conclusive. One is that no restaurant or hotel keeper could use oleomargarine on his table without his hired help finding it out. I never have observed that the employees of hotels or restaurant keepers are the most secure repository of secrets. It seems reasonably conclusive that the use of oleomargarine by any hotel or restaurant keeper would soon become known to his customers. The other answer is that we can certainly leave something to State legislation. If the abuse which the gentleman suggests reaches such proportions as to create a great popular revolt in any State in this Union, the legislature would certainly respond to that sentiment, and would pass a law imposing a penalty upon the restaurant or hotel keeper who imposed upon his customers by serving oleomargarine in place of butter. It seems to me not unreasonable to leave something to State legislation.

Mr. MONDELL. Will the gentleman allow me a suggestion?

Mr. SCOTT. Certainly.

Mr. MONDELL. Even though it were possible for the abuses that have been referred to to exist under the law which is recommended by the minority, does the gentleman believe that this Congress is justified in setting up the inquisitorial machinery that would be necessary, by the invasion of the pantries and kitchens of the land, to discover the use of oleomargarine as butter by hotel keepers and restaurant keepers? Does the gentleman believe that Congress is justified in doing that sort of thing, even though it is possible under the minority bill that there might be some use of oleomargarine as butter?

Mr. SCOTT. The suggestion which the gentleman from Wyoming makes in the form of a question is a pertinent one, and my opinion is wholly in line with the opinion which the question seems to indicate the gentleman himself holds. I repeat in that connection that we can certainly, properly, and that we ought to, leave to the State legislature the regulation and enforcement of the minor details connected with the proper use of this food product.

Mr. HAUGEN. I understood the gentleman to say that the purpose of this majority bill was to stamp out one industry to build up another; and I also understood him to say that the difference in price of oleomargarine in the city of Washington is 20 and 30 cents a pound. If we increase the tax 8 cents, how can the tax of 8 cents more stamp this industry out of existence?

Mr. SCOTT. The gentleman knows, of course, that any industry involving the investment of many million dollars capital must have a steady market the year round. The conditions which exist in this city at this time are not the conditions that exist in the general market over the entire country during the entire year, and it is reasonable to suppose that the tax of 10 cents a pound imposed all the year round on oleomargarine would be a prohibitive tax. The gentleman will admit that such is the intention of the framers of the majority bill, for one of the advocates of that bill—the president of the so-called National Dairy Union—in his hearing before the Agricultural Committee, declared that if it should prove to be true that under the 10-cent tax the oleomargarine industry could still thrive, he would come back and demand a higher tax.

Mr. HAUGEN. But that does not voice the sentiments of the members of the committee.

Mr. SCOTT. I trust it does not.

Mr. McCLEARY. Will the gentleman from Kansas allow me a question?

Mr. SCOTT. Certainly.

Mr. McCLEARY. We have heard about the prohibitive tax. Does not the gentleman really understand and believe that the thing to be prohibited is the fraud and not the manufacture of oleomargarine?

Mr. SCOTT. I do, and that is the reason I support the minority bill. It seems as if the majority bill is drawn on an opposite theory—upon the theory that the thing to do in order to prevent the fraud is to crush out the industry; that the thing to do in order to kill the rats is to burn the barn. The minority bill is framed on a wholly different principle.

Mr. MANN. Will the gentleman from Kansas allow me a question?

Mr. SCOTT. Certainly.

Mr. MANN. How is it possible by putting a tax on oleomargarine in the hands of the manufacturers to prevent the fraud upon the purchaser from the retailer?

Mr. SCOTT. I have endeavored, in the remarks I have already made, to demonstrate that that can not be done.

Mr. MANN. I think the gentleman has done it very well——

Mr. SCOTT. I thank you very much.

Mr. MANN. But not well enough to get that conclusion firmly implanted in the minds of many gentlemen here.

Mr. SCOTT. I furnish only arguments. I am sorry I can not furnish understanding. [Laughter.]

Mr. Chairman, I will reserve the remainder of my time, and will ask that the bill reported by the minority be inserted as a part of my remarks.

The substitute bill presented by the minority is as follows:

Bill offered as a substitute for H. R. 9206 by the minority of the Committee on Agriculture of the House of Representatives.

A bill to amend sections 3 and 6 of an act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886.

Be it enacted, etc., That sections 3 and 6 of an act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, be amended so as to read as follows:

"SEC. 3. That special tax on the manufacture and sale of oleomargarine shall be imposed as follows:

"Manufacturers of oleomargarine shall pay $600 per annum. Every person who manufactures oleomargarine for sale shall be deemed a manufacturer thereof.

"Wholesale dealers in oleomargarine shall pay $480 per annum. Every person who sells or offers for sale oleomargarine in quantities greater than 10 pounds at a time shall be deemed a wholesale dealer therein; but a manufacturer of oleomargarine who has given the required bond and paid the required special tax, and who sells oleomargarine of his own production only at the place of its manufacture, in the original packages, to which the tax-paid stamps are affixed, shall not be required to pay the special tax of a wholesale dealer on account of such sales.

"Retail dealers in oleomargarine shall pay $48 per annum. Every person who sells or offers for sale oleomargarine in quantities not greater than 10 pounds at a time shall be regarded as a retail dealer therein. And sections 3232, 3233, 3234, 3235, 3236, 3237, 3238, 3239, 3240, 3241, and 3243 of the Revised Statutes of the United States are, so far as applicable, made to extend to and include and apply to the special taxes imposed by this section, and to the persons upon whom they are imposed: *Provided*, That in case any manufacturer of oleomargarine commences business subsequent to the 30th day of June in any year the special tax shall be reckoned from the 1st day of July in that year, and shall be $500."

"SEC. 6. That all oleomargarine shall be put up by the manufacturer for sale in packages of 1 and 2 pounds, respectively, and in no other or larger or smaller package; and upon every print, brick, roll, or lump of oleomargarine, before being so put up for sale or removal from the factory, there shall be impressed by the manufacturer the word 'Oleomargarine' in sunken letters, the size of which shall be prescribed by regulations made by the Commissioner of Internal Revenue and approved by the Secretary of the Treasury; that every such print, brick, roll, or lump of oleomargarine shall first be wrapped with paper wrapper with the word 'Oleomargarine' printed on the outside thereof in distinct letters, and said wrapper shall also bear the name of the manufacturer, and shall then be put up singly by the manufacturer thereof in such wooden or paper packages or in such wrappers, and marked, stamped, and branded with the word 'Oleomargarine' printed thereon in distinct letters and in such manner as the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury, shall prescribe, and the internal-revenue stamp shall be affixed so as to surround the outer wrapper of each 1 and 2 pound package: *Provided*, That any number of such original stamped packages may be put up by the manufacturer in crates or boxes, on the outside of which shall be marked the word 'Oleomargarine,' with such other marks and brands as the Commissioner of Internal Revenue shall, by regulations approved by the Secretary of the Treasury, prescribe.

"Retail dealers in oleomargarine shall sell only the original package to which the tax-paid stamp is affixed, and shall sell only from the original

crates or boxes in which they receive the pound or 2-pound prints, bricks, rolls, or lumps; which said crates or boxes shall be, at all times, so placed as to expose to the customer the mark or brand affixed thereon by the requirements of this act.

"Every person who knowingly sells or offers for sale, or delivers or offers to deliver any oleomargarine otherwise than as provided by this act, or contrary to the regulations of the Commissioner of Internal Revenue made in pursuance hereof, or who packs in any package any oleomargarine in any manner contrary to law, or who shall sell or offer for sale, as butter, any oleomargarine, colored or uncolored, or who falsely brands any package or affixes a stamp on any package denoting a less amount of tax than that required by law, shall be fined for the first offense not less than $100 nor more than $500 and be imprisoned not less than thirty days nor more than six months, and for the second and every subsequent offense shall be fined not less than $200 nor more than $1,000 and be imprisoned not less than sixty days nor more than two years."

J. W. WADSWORTH.
WM. CONNELL.
CHAS. F. SCOTT.
JOHN S. WILLIAMS.
HENRY D. ALLEN.

[Mr. BOUTELL addressed the committee. See Appendix.]

[Mr. McCLEARY addressed the committee. See Appendix.]

Mr. CROWLEY. So far as respects my position on this subject, I am only able to express my views briefly through the kindness of the gentleman who extended me time, knowing I was not able to remain throughout the discussion of this important measure.

I desire to say that while I have listened with pleasure and studied with candor the views of the gentlemen who have spoken in opposition to this bill as reported by a majority of the committee, and while I accord to each gentleman a right to his view, I feel, as an American citizen, that I have a right to mine.

If I disagree with some gentleman from the cotton-belt region, that is no reason that my politics are polluted and his are pure; and when a colleague of mine on this side of the House walks down the aisle and says that a Democrat whose ideas are so narrow as to permit him to vote for this bill is no Democrat, and that he would disturb the father of Democracy in his grave, that he ought to resign his position in the House and get out of the Democratic party, that gentleman makes an assertion greater than his own position in the party warrants.

If the gentleman from Texas who described all Democrats who are for this bill as being in this narrow-minded class does it on account of his perverted taste, preferring butter made from the fat of the Texas steer, the razor-back pig, and the cotton-seed oil, to that of butter made from pure Jersey cream, then I can forgive him. But I will not apologize to the creator of Democracy, nor to the gentleman from Texas, for my views in favor of this bill.

[Here the hammer fell.]

Mr. THAYER. I move that the gentleman have five minutes more in order to explain what is the touchstone that determines true Democracy.

Mr. CROWLEY. I thank the gentleman for having my time extended. This can not in any sense be made a political question. It is a question that affects different sections of our country differently.

The peculiar earnestness from a number of gentlemen from the cotton belt can be readily understood from this fact. Nearly every one of them professes undying affection for the American hog in this connection on account of the amount of oil he furnishes for the manufacture of oleomargarine.

Oh, how they love the hog! But you will not find one of them admitting how many million pounds of cottolene is made from cotton-seed oil and sold as pure lard, to the hog's displacement. Another fact claimed is that each man who sells a steer derives the benefit of the increased value on account of the increased value of oleo oil over tallow; but the steer is always sold by the farmer on the basis of meat price, and not on the basis upon which oleo is selling.

The farmer does not get this difference in price.

My friend from Alabama raised the question yesterday as to the ability of the people of the United States to furnish in a pure state the amount of butter required by all the people, including the laboring class, without greatly enhancing the price. He asked, with a laughing gesture, How many cows have you in the country now?

I answer, take away this humbug product that you propose to sell as butter and let the cow furnish, as God Almighty designed, and those who are interested in furnishing this healthful natural product will increase the number of cows.

A statement has been made on the floor of this House that only 19 pounds of pure butter per capita is furnished, and asks what would be done if oleomargarine were taken away, and asks how much of this would the laboring man get at the price it would sell at. I answer him again, take away this deception and there will be no reason for this inquiry. The number of cows necessary to supply the market will at once be increased.

A MEMBER. Would not the price of butter increase?

Mr. CROWLEY. Does the price of wheat increase because you increase the acreage? Does not the demand fix the price; and can not the number of cows be increased to meet the demand? Let this demand come, and the supply will be found of a wholesome product from the source of God-given nature.

This imitation product has come as the farmers' competitor. It has been branded as a tramp and a fraud by 37 States in this Union, I believe. Farmers in my Congressional district can not survive on a price of 6 to 10 cents per pound for butter. For almost twenty years there has been a struggle to keep this swindle and imitator to itself. The farmers are invoking a remedy from this legislative body. As a class they do not often appeal.

They only ask that this swindle be sold under its own name and in its natural color. Nearly every gentleman who has extolled the virtues of this imitation is now claiming that the manufacturers of oleomargarine were proud of their production and wanted to sell it under its own name, and wanted it branded with its own name.

If they are so proud of it, why have not they for all these years been voluntarily branding it and selling it under its own name? Why compel them to do so now with this substitute bill? I will tell you why. You want to enter a plea of guilty to a misdemeanor instead of a capital offense. You want to admit your guilty name but still hide beneath your guilty color.

Mr. EDDY. Mr. Chairman, after the lengthy discussion of this bill, which has extended over two days, I do not feel that I can throw any light upon it, either from a legal, a scientific, or an intellectual standpoint. In fact, I feel that if when I have finished my remarks the members of this committee know as much about the question here presented as when I commenced I shall be more than satisfied. [Laughter.]

I would not detain the committee at this time but for the fact that the district which I represent is very largely engaged in the dairy business, and when all its undeveloped capacities shall have been developed, it will be one of the greatest dairy districts in the United States.

During this discussion we have had offered to us the opinions of the most learned lawyers of this country upon the constitutionality or the unconstitutionality of the proposed measure, and, as usual, those who desire the passage of this legislation insist that it is constitutional and those who are opposed to it insist that it is not.

The most eloquent orators in the country have almost exhausted their powers of eloquence in trying to convince us that this is a measure of justice and right, or of inequality and injustice, according to their respective views of the case.

But I may be permitted to suggest that the Constitution of the United States was promulgated by statesmen, who were at least as wise as the majority of the membership of this House, for the purpose of protecting the business and political rights of citizens and of promoting justice between man and man; and if this measure should be enacted into law, and it is a measure of inequality and injustice, it is safe to assume that it will be overthrown by the courts.

To my mind, Mr. Chairman, this is not so much a question of principle as it is a question of interest. We have two great interests arrayed one against the other in a gigantic struggle for supremacy. We find the makers of natural butter—or rather we find the representatives of the makers of natural butter—and the representatives of the makers of artificial butter lined up in conflict. We might as well be honest about the matter.

Fine words and elegant phrases may please audiences and tickle constituencies, but they can not conceal plain truths. There is not a man on the floor of this House but is aware of the fact that one of the reasons why we favor the passage of this measure, those of us who are in favor of it, is because we believe that the financial interest of the farmers and the dairymen will be improved.

And there is not a man here whose intellect is so dense that he does not know that one of the reasons, at least, why others are opposing it is because they believe that the financial interests of the manufacturers of oleomargarine and those who produce some of the ingredients that enter into the composition of that article will be injured.

But, Mr. Chairman, there has never a question arisen upon which the minds of men divide without a question of principle being involved. There never was a measure offered before any legislative body under the bending heavens but what was either right or wrong. There never was a measure enacted into law but what that law was either a just or an unjust one. Then this measure must be either right or wrong, must be either just or unjust. And it is not necessary for me, for a single moment, nor for anyone else, to argue that if a man believes this is an unjust measure he ought to oppose it, and if he believes it is a just measure he ought to favor its passage.

It is one of the fundamental laws of civilization that every individual and every business enterprise should stand upon its own merits. It is an equally fundamental law that no individual and no legitimate business enterprise should be discriminated against by legislation. For illustration, suppose that I am engaged in the manufacture of cornstarch. I have no moral or legal right to ask for any kind of legislation that will prohibit or hinder my neighbor from engaging in the manufacture of a similar article.

I have no right to ask for legislation of any sort to prohibit or hinder him from the manufacture of potato starch; but it does seem to me that I have a right, and the consumer has the right, to ask that the man who manufactures potato starch shall not put it upon the market and sell it as cornstarch. And there is no doubt that if he can manufacture his article for 3 cents a pound, and it costs 6 for me to manufacture mine, but that it will be detrimental to my interest. He has a perfect right to manufacture his article and put it upon the market for what it is, but I insist that he has no right to claim that an article manufactured out of tubers is manufactured out of corn.

I am not going for a moment into the discussion of the healthfulness or the unhealthfulness of oleomargarine. There has been much scientific testimony introduced to prove that it is just as healthful as butter. For my part, all the scientists in the world can never convince me that a food article manufactured in the laboratory of man is as healthful to the human system as an article manufactured in the laboratory of nature.

I do not believe that artificial honey is ever as good as honey that is gathered by bees from fragrant blossoms. I do not believe that artificial butter, made out of cotton-seed oil, lard, stearin, annotto, and the Lord only knows what, is as nutritious as butter made from the milk of cows. As I said a moment ago, the scientists have produced testimony that it is, and if anyone desires to believe that proposition, he is at perfect liberty to do so. I will not enter into any contention or disputation of the fact; but I will remain a doubting Thomas just the same.

But there is no doubt in my mind that oleomargarine is as healthful and as wholesome as a thousand and one food articles that are manufactured and put upon the market for consumption and sale. I am very frank to say that if we who favor the passage of this bill had nothing to urge but the unhealthfulness of the product we would have but comparatively little ground upon which to stand.

There is not any doubt in my mind but that those who so vigorously oppose this measure have just as much right to manufacture oleomargarine and to put it upon the market as I have to manufacture butter and offer it for sale, and I will go further and say they have just as much right to manufacture oleomargarine and color it and sell it under the guise of butter as I would have to manufacture butter and sell it for oleomargarine.

I would have the unquestioned right to go into any bank in this city and tell them who I was and sign any name to a note for a thousand dollars if I could find a banker sufficiently foolish to let me have the money on the note [laughter]; but I would have no right to put on a wig or false whiskers, represent myself to be some one else, sign his name to the note, and get that money by such misrepresentation; and if I did that I would be very promptly and very properly put in jail.

It seems to me that the profits made on every pound of oleomargarine, colored as butter and sold as such, or on every ounce of oleomargarine consumed as butter, is a fraud—is money obtained by false pretenses—just exactly the same as if I represented myself to be another man and obtained money on that representation.

Mr. BOUTELL. Will the gentleman yield to me for a question?

Mr. EDDY. Certainly.

Mr. BOUTELL. Do you think the National Government ought to allow a man to put on a wig or false whiskers and then tax him for it?

Mr. EDDY. If I understand the gentleman's question it is if I would authorize the National Government to tax a man to misrepresent and get money by false pretense. He would be taxed in an indirect way by being put in a penitentiary and made to work for the benefit of the public. [Laughter and applause.]

Mr. BOUTELL. Will the gentleman yield for another question?

Mr. EDDY. Certainly.

Mr. BOUTELL. Would not that be a proper thing to do to a man who put colored oleomargarine off for butter.

Mr. EDDY. We have not gone that far. I do not know how far I would go.

Mr. TAWNEY. This does not authorize the sale of colored oleomargarine as butter; it allows the sale of it as oleomargarine, just the same.

Mr. EDDY. There is very little colored oleomargarine sold as oleomargarine, and I am coming to that point now. Why, Mr. Chairman, I have given this matter some investigation. I have asked in a hundred or more grocery stores for oleomargarine and I have not found a single one who admitted that he kept it. They told me they could send out and get it, but did not keep it in stock. [Laughter.]

I have seen hundreds and thousands of groceries advertising "dairy butter" and creamery butter, but I never saw one of them advertising oleomargarine or butterine in my life. [Laughter.] I have stopped in all kinds of hotels in my varied career. I have had supper, bed, and breakfast for 25 cents, and I have been where you paid $6 for taking off your overcoat in the sixteenth story. [Laughter.] I have satisfied hunger in all kinds of restaurants, good, bad, and indifferent. I have feed waiters in the dining cars for bringing a meal, but I never saw the word oleomargarine printed on a bill of fare, and never tipped a waiter who announced the fact that he furnished bread and oleomargarine free with each meat order. [Laughter.]

Oleomargarine has no standing in the business world. I want to call your attention to the markets of Chicago. It is not quoted in the market reports. I have in my desk, Mr. Chairman, copies of every one of the leading daily papers in that great city. Almost every article of food known to the culinary art is quoted. Prices are quoted on from four to eight different grades of butter, but oleomargarine is never mentioned.

Is there any oleomargarine manufactured in the city of Chicago? Do not any of the grocers sell it? Do not any commission men handle oleomargarine? Has there been any pressure brought to bear upon the members of this House from any Chicago representatives opposed to the passage of this bill? Chicago business men are not particularly modest. I never saw a modest business man from Chicago. [Laughter.]

Mr. BOUTELL. We are not here for business, we are here for pleasure.

Mr. EDDY. Modest business men from Chicago are as scarce as packages of colored oleomargarine sold for what it really is. The Chicago business men are hustlers, every one. Now, if this article is such a good thing, if so many people prefer it to genuine butter, why do not they advertise it in the papers like any other business, and why do not they insist upon it being quoted in the market reports? And what I have said of Chicago is equally true of every other city in the country.

What is the reason? The question is absolutely so simple that it answers itself. There is no question in my mind, whatever there may be in the minds of others, that all of the profit derived from the sale of oleomargarine colored, sold, and consumed as butter is illicit gain. Just as much illicit gain as would be the getting of money under any other false representation.

Now, Mr. Chairman, one of the very amusing things that have occurred in this discussion is the strenuous insistence of the opponents of this measure that oleomargarine is colored yellow for the sake of making it more pleasant to the eye. No one for a moment in all this discussion has ever heard anyone contend that the yellow color injected into oleomargarine is to make it more palatable, to improve its keeping qualities, or to do anything in the world to it except to make it more saleable.

Now, why does it make it more saleable? Because it makes it look like butter. It seems to me a ridiculous proposition that one should assert we demand that food articles should be yellow in order, through association with the eye and taste, they would be more palatable. Do we call for yellow bread, yellow potatoes, or yellow meat, or any other yellow article except butter? I can not recall but four articles of food that are bright yellow; that is, johnny cake, corn-meal mush, mustard, and fine butter. [Laughter.]

Why, we have food delicacies placed on the table in every season of the year, of all the colors of the rainbow, and none of us kick because they are not yellow. [Laughter]. I would like to ask the friends who are insisting on the passage of this measure if they would pay more for a yellow dog than they would for a dog of any other color? [Laughter]. The idea that the people are clamorously demanding something yellow to eat on their bread may contribute to the gaiety of the discussion, but it is too childish for argument.

Mr. FEELY. Will the gentleman permit me an interruption?

Mr. EDDY. I can not; the gentleman will see that I have only five minutes of time left, and I have about twenty-five minutes of talk. [Laughter.] In the evolution of food products one article has been often substituted for another. Nothing more stongly exemplifies this than in the case of breakfast foods.

We can all remember when the signs on billboards advertising oatmeal the words of "the world's breakfast" was almost absolutely true. Then came "Pettijohn's" breakfast food and "Cream of wheat" and "Grape nuts" and almost an unending array of

breakfast foods, and to a certain extent they injured and supplanted the oatmeal business. They were invented for the express purpose of supplementing oatmeal as breakfast food. Did those who produced oats or who manufactured oatmeal come to Congress and ask for protection against substitutions? No. Why? Because from the very nature of things one could not by any possibility be mistaken for the other.

The buyer's right of choice, the consumer's right of choice, was not hindered in any way by deception. Does any man believe if they had put an article on the market that looked exactly like oatmeal and claimed that it was manufactured of oats and sold it under the name of oatmeal that there would not have been the same demand for protection that we will receive in this bill?

Now, Mr. Chairman, there is another very interesting feature connected with the discussion of this case, and although it may not have any direct bearing on the subject, I want to refer to it just a moment. It is a well-known fact that the great majority engaged in the dairy business are small, independent, individual holders of property. The profits derived out of the dairy business are divided among more people, in smaller sums, than any other business I am aware of.

On the other hand, the vast profits which are derived from the manufacture of oleomargarine go very largely into the coffers of corporations and trusts. One speaker has defined oleomargarine as "a nutriment taken from canned meats by the trust, reinforced with a little cotton-seed oil from the Southern planter." This is not my definition, however. I have sat in this House for three sessions and listened to the friends on the other side declaim against the evils of trusts and corporations.

This is the first opportunity since I have been a member that we have had the chance to vote directly on a measure that may very properly be termed "the people against the trusts." I am curious to know how many Democrats will line up on the side of the righteous against the hosts of the mighty when the roll comes to be called. No one on the floor of this House has been more vigorous in his denunciations of corporate greed and the evils of amalgamated wealth and their encroachment on the rights of the toiling masses than the gentleman from Mississippi who is so vigorously leading the opposition to this bill.

But when the first chance comes for a measure upon which he can act in the interest of the independent individual holders of property against the corporations, he turns a complete somersault and champions vigorously their interests. He has many an eminent example. We have all listened on the floor of Congress to the denunciations of the evils of corporate power; these denunciations have come from very many eloquent Democrats.

But the very first time they got a chance, how willingly, how gladly, they clasped hands with the money devil and merrily danced a hornpipe with the monster in order that they may profit from the golden streams which the public are willing to pour out in return for the privilege of witnessing such a performance. [Laughter and applause.]

Mr. Chairman, I do not believe that any honest dairyman or farmer or any legislator of integrity has any desire to deprive oleomargarine of its legitimate market. Certainly I have not. I believe that the only general desire is to deprive this commodity of every device of deception. I believe that the majority bill will come nearer to accomplishing that result than any other measure now before the Honse, and I shall support it. [Applause.]

Mr. FEELY obtained the floor, and said: Mr. Chairman, I have some remarks to submit on this question at a later stage of the discussion. For the present, I yield to the gentleman from Connecticut [Mr. HENRY], reserving my time.

Mr. HENRY of Connecticut. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. LACEY reported that the Committee of the Whole House on the state of the Union had had under consideration House bill No. 9206 (known as the oleomargarine bill), and had come to no decision thereon.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

H. R. 5814. An act to provide for the execution in the Philippine Islands and in Porto Rico of deeds for lands situate in the District of Columbia or the Territories of the United States.

The SPEAKER announced his signature to enrolled bills and joint resolution of the following titles:

S. R. 49. Joint resolution increasing the membership of the Joint Committee of Congress upon the Library;

S. 74. An act to authorize the Southern Missouri and Arkansas Railroad Company to build a bridge across the Current River in Arkansas; and

S. 1747. An act to prevent the sale of firearms, opium, and intoxicating liquors in certain islands of the Pacific.

COPY OF A LOST BILL.

The SPEAKER. The Chair lays before the House the draft of an order providing for a duplicate copy of a bill which has been lost.

The Clerk read as follows:

Ordered, That the Clerk be directed to request the Senate to furnish to the House a copy of the engrossed bill of the Senate (S. 1670) granting permission to Capt. B. H. McCalla, United States Navy, to accept a decoration tendered to him by the Emperor of Germany, to replace the original copy, which has been lost.

The SPEAKER. Is there objection to this order? The Chair hears none, and it is adopted.

And then, on motion of Mr. HENRY of Connecticut, the House (at 5 o'clock and 5 minutes p. m.) adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of fact in the case of Charles G. Beggs, administrator of the estate of Benjamin F. Rohrback, against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the brig *Industry*, James Very, master, against the United States—to the Committee on Claims, and ordered to be printed.

A letter from the Secretary of the Navy, submitting a statement of expenditures of contingent appropriations of the Navy Department—to the Committee on Expenditures in the Navy Department, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of fact in the case of W. O. Gordon, administrator of estate of Jack Frank, against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the brig *Sally*, Samuel Wells, master, against the United States—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the brig *Good Intent*, Oliver C. Blunt, master, against the United States—to the Committee on Claims, and ordered to be printed.

A letter from the Commissioner of Labor, transmitting a report on the condition of the laboring classes in Hawaii—to the Committee on Labor, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. DAVEY of Louisiana, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 199) for the establishment of a light station on Bluff Shoal, Pamlico Sound, North Carolina, reported the same with amendment, accompanied by a report (No. 415); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. COOMBS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 72) to establish dwelling for keeper of the fog signal at Robinson Point, State of Washington, reported the same without amendment, accompanied by a report (No. 416); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 73) to establish a fog signal at Battery Point, State of Washington, reported the same without amendment, accompanied by a report (No. 417); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 74) to increase limit of cost of light-house and fog signal at Browns Point, State of Washington, reported

the same without amendment, accompanied by a report (No. 418); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 75) to establish a light-house and fog signal at Burrows Island, Rosario Strait, State of Washington, reported the same without amendment, accompanied by a report (No. 419); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. COUSINS, from the Committee on Foreign Affairs, to which was referred the bill of the Senate (S. 660) to provide for the refundment of certain moneys to the Republic of Mexico, reported the same without amendment, accompanied by a report (No. 420); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MINOR, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 7644) to amend section 4426, Revised Statutes, relating to regulation of steam vessels, reported the same with amendment, accompanied by a report (No. 421); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. DARRAGH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2391) granting a pension to Cornelius Springer, reported the same with amendments, accompanied by a report (No. 380); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2441) granting an increase of pension to Ziba S. Woods, reported the same without amendment, accompanied by a report (No. 381); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3180) granting a pension to Edward S. Dickinson, reported the same with amendments, accompanied by a report (No. 382); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9848) granting an increase of pension to Joseph Cowgill, reported the same with amendment, accompanied by a report (No. 383); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 8631) granting a pension to Mary E. S. Hays, reported the same with amendments, accompanied by a report (No. 384); which said bill and report were referred to the Private Calendar.

Mr. NORTON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8788) granting an increase of pension to Jacob Weidel, reported the same with amendment, accompanied by a report (No. 385); which said bill and report were referred to the Private Calendar.

Mr. RUMPLE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10165) granting a pension to Delia E. Slocum, reported the same with amendments, accompanied by a report (No. 386); which said bill and report were referred to the Private Calendar.

Mr. DARRAGH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8782) granting an increase of pension to Myron C. Burnside, reported the same with amendments, accompanied by a report (No. 387); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4172) granting an increase of pension to George R. Chaney, reported the same with amendment, accompanied by a report (No. 388); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7105) granting an increase of pension to Silas Stotts, reported the same with amendment, accompanied by a report (No. 389); which said bill and report were referred to the Private Calendar.

Mr. NORTON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7369) granting an increase of pension to Perry H. Alexander, reported the same with amendments, accompanied by a report (No. 390); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1036) granting an increase of pension to Benjamin G. Sargent, reported the same without amendment, accompanied by a report (No. 391); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7424) granting an increase of pension to John Craig, reported the same with amendment, accompanied by a report (No. 392); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7148) granting a pension to Harmon S. Gatlin, reported the same with amendment, accompanied by a report (No. 393); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1923) granting an increase of pension to Fred F. B. Coffin, reported the same without amendment, accompanied by a report (No. 394); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4153) granting a pension to Jane Hale, reported the same with amendment, accompanied by a report (No. 395); which said bill and report were referred to the Private Calendar.

Mr. DARRAGH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2436) granting an increase of pension to James W. Roath, reported the same with amendments, accompanied by a report (No. 396); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 725) granting an increase of pension to Joseph B. Arbaugh, reported the same with amendment, accompanied by a report (No. 397); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1476) granting an increase of pension to Henry F. Benson, reported the same with amendments, accompanied by a report (No. 398); which said bill and report were referred to the Private Calendar.

Mr. RUMPLE, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1616) granting an increase of pension to Enoch A. White, reported the same without amendment, accompanied by a report (No. 399); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2223) granting a pension to John Laughlin, reported the same with amendments, accompanied by a report (No. 400); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3264) granting an increase of pension to William B. Matney, reported the same with amendment, accompanied by a report (No. 401); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3288) granting an increase of pension to Elmer L. Starkey, reported the same without amendment, accompanied by a report (No. 402); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1740) granting a pension to John Fisher, reported the same with amendment, accompanied by a report (No. 403); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2770) for the relief of Otellia M. Smoot, reported the same with amendments, accompanied by a report (No. 404); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2460) granting an increase of pension to Cornelius Springer, reported the same without amendment, accompanied by a report (No. 405); which said bill and report were referred to the Private Calendar.

Mr. RUMPLE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5258) granting an increase of pension to William Eastin, of Louisburg, Kans., reported the same with amendments, accompanied by a report (No. 406); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1197) granting an increase of pension to Mahale Litton, reported the same without amendment, accompanied by a report (No. 407); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which

was referred the bill of the House (H. R. 6435) granting a pension to Susan P. Crandall, reported the same without amendment, accompanied by a report (No. 408); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2287) granting a pension to George McDaniel, reported the same with amendments, accompanied by a report (No. 409); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2391) granting an increase of pension to Elvira L. Wilkins, reported the same without amendment, accompanied by a report (No. 410); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4468) granting an increase of pension to John B. Kurth, reported the same with amendments, accompanied by a report (No. 411); which said bill and report were referred to the Private Calendar.

Mr. JONES of Washington, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the Senate (S. 1970) to provide an American register for the barkentine *Hawaii*, reported the same without amendment, accompanied by a report (No. 413); which said bill and report were referred to the Private Calendar.

Mr. MONDELL, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 3690) for the relief of Jacob L. Hanger, reported the same with amendment, accompanied by a report (No. 414); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 622) granting a pension to Dicey Woodall, reported the same with amendment, accompanied by a report (No. 422); which said bill and report were referred to the Private Calendar.

Mr. WILEY, from the Committee on Pensions, to which was referred the bill of the House (H. R. 1380) for the relief of Mrs. Mary Tate, reported the same with amendments, accompanied by a report (No. 423); which said bill and report were referred to the Private Calendar.

Mr. SELBY, from the Committee on Pensions, to which was referred the bill of the House (H. R. 5712) granting a pension to Alice Bozeman, reported the same with amendment, accompanied by a report (No. 424); which said bill and report were referred to the Private Calendar.

Mr. DE GRAFFENREID, from the Committee on Pensions, to which was referred the bill of the House (H. R. 10415) granting a pension to Sarah M. Smith, reported the same with amendments, accompanied by a report (No. 425); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 6080) granting an increase of pension to Mariah J. Anderson, reported the same with amendments, accompanied by a report (No. 426); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 2123) granting a pension to Mrs. Elizabeth Folds, of Butts County, Ga., reported the same with amendments, accompanied by a report (No. 427); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were thereupon referred as follows:

A bill (H. R. 10412) for the payment to Henry B. Davis, of balance due him for surveying public lands—Committee on Claims discharged, and referred to the Committee on the Public Lands.

A bill (H. R. 5303) granting a pension to E. H. Clark—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 7527) granting a pension to Hugh C. MacEwan—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. HEMENWAY, from the Committee on Appropriations: A bill (H. R. 10847) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1903, and for other purposes—to the Union Calendar.

By Mr. NEEDHAM: A bill (H. R. 10848) for the relief of certain Mission Indians of California, and for other purposes—to the Committee on Indian Affairs.

By Mr. PUGSLEY: A bill (H. R. 10849) to designate governmental depositories for surplus funds of the United States Treasury—to the Committee on Banking and Currency.

By Mr. RYAN: A bill (H. R. 10850) to amend section 4 of the act of January 18, 1898, making appropriations for the postal service—to the Committee on the Post-Office and Post-Roads.

By Mr. RAY of New York: A bill (H. R. 10919) to incorporate the Society of the American Cross of Honor—to the Committee on the Judiciary.

By Mr. McCALL: A bill (H. R. 10920) to amend section 29, paragraph 5, of the act of March 2, 1901, amending the war-revenue act—to the Committee on Ways and Means.

By Mr. NEWLANDS: A joint resolution (H. J. Res. 142) providing for a reduction of duty on Cuban sugar and inviting Cuba to become a part of the United States—to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. ACHESON: A bill (H. R. 10851) granting a pension to G. W. Baldwin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10852) granting a pension to Dr. Samuel G. McLaughlin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10853) granting an increase of pension to David Phillips—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10854) to correct the military record of Harvey H. Young—to the Committee on Military Affairs.

Also, a bill (H. R. 10855) to correct the military record of John Blue—to the Committee on Military Affairs.

By Mr. BARTLETT: A bill (H. R. 10856) granting a pension to Jacob Findley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10857) granting an increase of pension to Sallie B. Wilson—to the Committee on Invalid Pensions.

By Mr. BLAKENEY: A bill (H. R. 10858) granting an increase of pension to John H. Dittman—to the Committee on Invalid Pensions.

By Mr. BANKHEAD: A bill (H. R. 10859) for the relief of the estate of Thomas J. Price, deceased, late of Alcorn County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 10860) granting a pension to Mary E. Saffold—to the Committee on Pensions.

Also, a bill (H. R. 10861) for the relief of the surviving heirs of Isaac Hulse, deceased—to the Committee on Claims.

By Mr. BROWNLOW: A bill (H. R. 10862) for the relief of R. R. Robinson—to the Committee on Claims.

By Mr. CONNER: A bill (H. R. 10863) granting an increase of pension to George W. Myers—to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: A bill (H. R. 10864) to grant an increase of pension to Mrs. Jane McManus, widow of Patrick H. McManus, late of Company B, Thirty-first New York Volunteer Infantry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10865) granting a pension to James H. Van Wagenen—to the Committee on Invalid Pensions.

By Mr. COOPER of Texas: A bill (H. R. 10866) for the relief of the legal representatives of Mrs. Anna H. Gunderman, deceased—to the Committee on War Claims.

Also, a bill (H. R. 10867) for the relief of Louis Levy, of Jefferson County, State of Texas—to the Committee on War Claims.

By Mr. CURRIER: A bill (H. R. 10868) granting an increase of pension to John C. Blake—to the Committee on Invalid Pensions.

By Mr. DARRAGH: A bill (H. R. 10869) granting an increase of pension to Michael K. Strayer—to the Committee on Invalid Pensions.

By Mr. DE GRAFFENREID: A bill (H. R. 10870) granting a pension to G. V. Adams—to the Committee on Pensions.

By Mr. DINSMORE: A bill (H. R. 10871) for the relief of Jonathan Pigman, executor of last will of Benjamin Pigman—to the Committee on War Claims.

By Mr. ESCH: A bill (H. R. 10872) to enable the President to restore Second Lieut. Henry Ossian Flipper, United States Army, to duty, his former rank, and status in the United States Army—to the Committee on Military Affairs.

By Mr. FITZGERALD: A bill (H. R. 10873) to increase the pension of Sadie M. Ellis, widow of George Henry Ellis, late chief yeoman of the United States cruiser *Brooklyn*—to the Committee on Pensions.

By Mr. GARDNER of Michigan: A bill (H. R. 10874) granting an increase of pension to Abraham S. Van Fleet—to the Committee on Invalid Pensions.

By Mr. HEMENWAY: A bill (H. R. 10875) to extend the term of patent No. 314359—to the Committee on Patents.

By Mr. HEPBURN: A bill (H. R. 10876) granting an increase in the pension of Joseph Mote—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10877) granting a pension to Charity E. Cook—to the Committee on Invalid Pensions.

By Mr. HILDEBRANT: A bill (H. R. 10878) granting a pension to Thomas Leever—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10879) granting a pension to Hill C. Crawford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10880) granting an increase of pension to Jacob Dunham—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10881) granting an increase of pension to Thomas B. Tucker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10882) granting an increase of pension to Henry B. Campbell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10883) granting an increase of pension to Ann C. Burck—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10884) granting an increase of pension to Samuel Y. Hamilton—to the Committee on Invalid Pensions.

Also, a bill (H. R 10885) for the relief of John Hermann, alias John Homan—to the Committee on Military Affairs.

Also, a bill (H. R. 10886) to amend the military record of Samuel Anderson—to the Committee on Military Affairs.

Also, a bill (H. R. 10887) to amend the naval record of John W. Thompson, and secure for him an honorable discharge—to the Committee on Naval Affairs.

Also, a bill (H. R. 10888) to remove the charge of desertion against the military record of William H. Ludwick—to the Committee on Military Affairs.

Also, a bill (H. R. 10889) to remove the charge of desertion from the military record of Allen Moore—to the Committee on Military Affairs.

Also, a bill (H. R. 10890) to remove the charge of desertion from the military record of James H. Troy—to the Committee on Military Affairs.

Also, a bill (H. R. 10891) to remove the charge of desertion from the military record of Jasper L. R. Reed, alias Jasper Reed—to the Committee on Military Affairs.

Also, a bill (H. R. 10892) to remove the charge of desertion from the military record of James Boatman, alias James M. Boatman—to the Committee on Military Affairs.

Also, a bill (H. R. 10893) to remove the charge of desertion from the military record of D. C. Kindle—to the Committee on Military Affairs.

Also, a bill (H. R. 10894) to remove the charge of desertion from the military record of Bruno Noble—to the Committee on Military Affairs.

Also, a bill (H. R. 10895) to remove the charge of desertion from the military record of Julius Shelley—to the Committee on Military Affairs.

By Mr. HUGHES: A bill (H. R. 10896) for the relief of Mary A. Coleman—to the Committee on Claims.

Also, a bill (H. R. 10897) for the relief of James Thompson's heirs—to the Committee on Claims.

By Mr. KEHOE: A bill (H. R. 10898) granting an increase of pension to Frederick Arn—to the Committee on Invalid Pensions.

By Mr. LEWIS of Pennsylvania: A bill (H. R. 10899) granting an increase of pension to William Warner, Company A, Two hundredth Regiment Pennsylvania Volunteer Infantry—to the Committee on Invalid Pensions.

By Mr. MIERS of Indiana: A bill (H. R. 10900) granting a pension to Robert Gilmore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10901) granting an increase of pension to John Savoree—to the Committee on Invalid Pensions.

By Mr. MUTCHLER: A bill (H. R. 10902) to remove the charge of desertion now standing against George Brownlay, or Brownlee, late of Company A, Sixty-ninth New York Infantry Volunteers, and grant him an honorable discharge—to the Committee on Military Affairs.

By Mr. POWERS of Maine: A bill (H. R. 10903) granting an increase of pension to Joseph Cyr—to the Committee on Invalid Pensions.

By Mr. SHOWALTER: A bill (H. R. 10904) granting an increase of pension to James W. White—to the Committee on Invalid Pensions.

By Mr. HENRY C. SMITH: A bill (H. R. 10905) granting an increase of pension to William J. Vreeland, of Flatrock, Mich.—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 10906) granting a pension to John W. Meade—to the Committee on Invalid Pensions.

By Mr. SUTHERLAND: A bill (H. R. 10907) granting an increase of pension to Samuel N. King—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10908) granting an increase of pension to Aaron S. Post—to the Committee on Invalid Pensions.

By Mr. TOMPKINS of New York: A bill (H. R. 10909) to refer the claim of Louis A. Guerber to the Court of Claims—to the Committee on Claims.

By Mr. WATSON: A bill (H. R. 10910) to provide compensation for injuries received by George E. O'Hair, of Indianapolis, Ind., at Ford's Theater disaster, which occurred June 9, 1893—to the Committee on Claims.

By Mr. WILEY: A bill (H. R. 10911) granting a pension to William T. Alford—to the Committee on Pensions.

By Mr. BROUSSARD: A bill (H. R. 10912) for the relief of the legal representatives of Nathaniel and William Offutt, late of the parish of St. Martin, La.—to the Committee on War Claims.

Also, a bill (H. R. 10913) for the relief of Marian Simoneaux—to the Committee on War Claims.

Also, a bill (H. R. 10914) for the relief of the estate of Dr. Joseph Richard Martin—to the Committee on War Claims.

Also, a bill (H. R. 10915) for the relief of Marie Vives—to the Committee on War Claims.

Also, a bill (H. R. 10916) for the relief of Mrs. Joseph Kittredge—to the Committee on War Claims.

Also, a bill (H. R. 10917) for the relief of Leo P. Dupuis, administrator—to the Committee on War Claims.

By Mr. McCALL: A bill (H. R. 10918) for the relief of William Adams Munroe, Seth Mendell, and Henry Hinckley, executors of the will of Daniel Sharp Ford, deceased—to the Committee on Claims.

By Mr. GRAFF: A bill (H. R. 10921) for the relief of Charles A. Cutler—to the Committee on Claims.

By Mr. MARSHALL: A bill (H. R. 10922) granting an increase of pension to Joseph Fieldhausen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10923) granting an increase of pension to William A. Bentley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10924) granting an increase of pension to Elias M. Haight—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10925) granting an increase of pension to William Paul—to the Committee on Invalid Pensions.

By Mr. ACHESON: A bill (H. R. 10926) for the relief of J. J. Graham—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Resolution of United Labor League of Western Pennsylvania, favoring extension of the Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. ALEXANDER: Resolution of Monumental Lodge, No. 438, Brotherhood of Railroad Trainmen, Baltimore, favoring the passage of the anti-injunction bill—to the Committee on the Judiciary.

By Mr. BELL: Resolutions of Colorado State Grange, Patrons of Husbandry, favoring Government reclamation of arid lands—to the Committee on Irrigation of Arid Lands.

Also, resolutions of Black Hawk Union, No. 137, of the Western Federation of Miners, favoring Senate bill 118, against extending the power of anti-injunction—to the Committee on the Judiciary.

Also, resolutions of Wood, Wire, and Metal Lathers' Union No. 48, of Colorado Springs; Local Union No. 475, of Florence, and Bricklayers and Masons' International Union No. 6, of Cripple Creek, all of Colorado, favoring the construction of war vessels in the United States navy-yards—to the Committee on Naval Affairs.

By Mr. BURKETT: Papers to accompany House bill 6469, granting a pension to D. P. Babb—to the Committee on Invalid Pensions.

By Mr. CRUMPACKER: Protest of Chaplain Brown Post, No. 106, Grand Army of the Republic, of Valparaiso, Ind., against bill providing for payment of pensions monthly—to the Committee on Invalid Pensions.

By Mr. DALZELL: Petition of Lodge No. 18, O. P. I. A., of Wilkinsburg, Pa., favoring an educational test in the immigration law—to the Committee on Immigration and Naturalization.

By Mr. DRAPER: Petition of New York Odontological Society, favoring Senate bill 2519, to provide for a corps of dental surgeons in the United States Navy—to the Committee on Naval Affairs.

Also, resolutions of Central Federated Union, favoring House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, resolution of Cigar Makers' Union No. 136, of Hudson, N. Y., favoring a law for the further restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. EDWARDS: Petition of Carpenters' Union No. 112 and of Plumbers' Local Union No. 41, of Butte, Mont., favoring the construction of war vessels in the Government navy-yards—to the Committee on Naval Affairs.

Also, petition of Plasterers' Union, of Butte, Mont., favoring a further restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. EMERSON: Resolutions of Laborers' Protective Union No. 9259, of Fort Edward, N. Y., favoring the reenactment of the Chinese-exclusion law—to the Committee on Foreign Affairs.

By Mr. GAINES of Tennessee: Petition of Tobacco Board of Trade of Clarksville, Tenn., asking that the internal-revenue laws be amended so as to abolish the license charge upon tobacco dealers—to the Committee on Ways and Means.

Also, petition of Hod Carriers' Union No. 9288, of Nashville, Tenn., favoring the construction of war ships at the navy-yards—to the Committee on Naval Affairs.

By Mr. GARDNER of Michigan: Paper to accompany House bill 10874, for the relief of Abraham S. Van Fleet—to the Committee on Invalid Pensions.

By Mr. GOLDFOGLE: Petition of Charles A. Orr, department commander of the Grand Army of the Republic, advocating the passage of House bill 5796, to promote the efficiency of the Revenue-Cutter Service—to the Committee on Interstate and Foreign Commerce.

By Mr. HENRY of Connecticut: Resolution of Connecticut State Grange, favoring bill for the establishment and maintenance of schools of mining in every State where they do not now exist—to the Committee on Mines and Mining.

By Mr. HILL: Petition of Clifford C. Dunham and others, of Danbury, Conn., for the classification of clerks in first and second class post-offices—to the Committee on the Post-Office and Post-Roads.

Also, resolution of Connecticut Dairymen's Association, of Hartford, Conn., in favor of bill providing for the establishment and maintenance of schools of mining in every State where they do not now exist—to the Committee on Mines and Mining.

Also, resolution of Master Plumbers' Association of Bridgeport, Conn., with reference to contracts for public buildings—to the Committee on Public Buildings and Grounds.

By Mr. JACK: Petition of A. C. Shrader and other citizens of Freeport, Pa., for amendment of Constitution to prohibit and punish polygamy and defining legal marriage—to the Committee on the Judiciary.

By Mr. KEHOE: Petition of John T. Parker Post, No. 57, Grand Army of the Republic, of Vanceburg, Ky., favoring the construction of war vessels in the United States navy-yards—to the Committee on Naval Affairs.

By Mr. LACEY: Petition of Barbers' Union, Oskaloosa, Iowa, for the construction of naval vessels in the navy-yards of this country, etc.—to the Committee on Naval Affairs.

By Mr. LITTAUER: Resolutions of Plumbers' Union No. 253, of Gloversville, N. Y., favoring the construction of war vessels at the United States navy-yards—to the Committee on Naval Affairs.

By Mr. LITTLEFIELD: Petition of L. H. Mosher and other citizens of Unity, Me., in favor of the passage of the pure-food bill—to the Committee on Agriculture.

By Mr. MIERS of Indiana: Paper to accompany House bill 10900, granting a pension to Robert Gilmore—to the Committee on Pensions.

By Mr. MOODY of Massachusetts: Resolutions of the Massachusetts State Board of Trade, favoring reciprocity with Canada—to the Committee on Ways and Means.

Also, resolutions of the Republican Club of Massachusetts, regarding the transfer of census employees—to the Committee on Reform in the Civil Service.

By Mr. MUDD: Petition of Joshua Jones, of Broomes Island, Md., for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. OTJEN: Petition of Bottle Blowers' Union No. 15, of Milwaukee, Wis., favoring the building of war vessels in the navy-yards—to the Committee on Naval Affairs.

By Mr. PALMER: Petitions of publishers of the Trades Unionist, Hazelton, Pa.; Washington Camp, No. 485, Patriotic Sons of America; unions 1706, 1835, 158, 300, 1434, 336, 1162, 1463, 1498, 1141, 1138, 1473, 349, 1376, 1499, 1627, and 898, United Mine Workers of America; councils 282, 918, 34, 307, and 139, Junior Order United American Mechanics; citizens of Freeland, Pa.; Freeland Branch of the National Union of United Brewery Workmen; Pioneer Fire Company, No. 1, of Hazleton; Central Labor Union of Wilkesbarre; Union No. 140, Amalgamated Sheet Metal Workers; Mountain Echo Council, No. 134, Daughters of Liberty; Lithuanian-Polish Club of Luzerne County, Pa.; Lodge No. 210, International Association of Machinists; Glen Lyon Union; Harwood Union, No. 1505; Central Labor Union of Hazleton, and survivors of the Twenty-eighth and One hundred and forth-seventh regiments of Knap's battery, all in the State of Pennsylvania, favoring the continuation of the exclusion law against Chinese laborers—to the Committee on Foreign Affairs.

Also, petitions of Brewery Workers' Union No. 163, Painters and Decorators' Union No. 41, Merchants' Union No. 210, and Team Drivers' Union No. 80, all of Wilkesbarre, Pa., and Painters' Union No. 309, of Hazleton, Pa., American Federation of Labor, favoring the construction of naval vessels at Government navy-yards—to the Committee on Naval Affairs.

Also, petition of Bricklayers and Masons' International Union No. 30, of Wilkesbarre, Pa., in relation to the employment of union bricklayers and masons in the erection of the naval dry dock at New Orleans, La.—to the Committee an Naval Affairs.

By Mr. PAYNE: Paper to accompany House bill 10840, for the relief of Susan Evans Warner—to the Committee on Invalid Pensions.

By Mr. PUGSLEY: Resolutions of Central Federated Union of New York, urging legislation to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, resolution of New York Odontological Society, favoring a dental corps for the United States Navy—to the Committee on Naval Affairs.

Also, resolutions of the National Board of Trade, favoring amendments to the interstate-commerce law—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Manufacturers' Association of New York, favoring an adjustment of tariff rates that will encourage trade with Cuba—to the Committee on Ways and Means.

Also, resolution of the Manufacturers' Association of New York, favoring change in the bankruptcy law—to the Committee on the Judiciary.

Also, petition of citizens of Ossining and Scarboro, N. Y., for an amendment to the National Constitution defining legal marriage to be monogamic—to the Committee on the Judiciary.

By Mr. RYAN: Affidavits to accompany House bill 1503, granting a pension to Michael Farrell—to the Committee on Invalid Pensions.

By Mr. SCHIRM: Resolution of Iron Molders' Union No. 19, of Baltimore, Md., favoring the building of war vessels in the navy-yards—to the Committee on Naval Affairs.

By Mr. SHALLENBERGER: Petition of C. F. Gund and 11 other citizens of Bluehill, Nebr., urging the repeal of the special tax on capital and surplus of banks, etc.—to the Committee on Ways and Means.

By Mr. SHERMAN: Resolutions of Teamsters' Union No. 17, of Littlefalls, N. Y., favoring the construction of war vessels at the Government navy-yards—to the Committee on Naval Affairs.

Also, papers to accompany House bill 9808, granting a pension to Nelson F. Hunt—to the Committee on Invalid Pensions.

By Mr. SHOWALTER: Petition of 20 citizens of Lawrence County, Pa., to accompany House bill 10904, granting a pension to James W. White—to the Committee on Invalid Pensions.

By Mr. SPERRY: Resolutions of the Connecticut Dairymen's Association, favoring the passage of an oleomargarine bill—to the Committee on Agriculture.

Also, resolutions of the State Grange of Connecticut, favoring schools of mining at land-grant colleges—to the Committee on Mines and Mining.

By Mr. STARK: Two papers to accompany House bill 3081, for the erection of a public building in the city of York, Nebr.—to the Committee on Public Buildings and Grounds.

By Mr. STEELE: Resolutions of Indiana State board of agriculture, favoring a bill for the establishment and maintenance of schools of mines and mining—to the Committee on Mines and Mining.

By Mr. STEWART of New York: Resolutions of Carpenters and Joiners' Union No. 6, of Amsterdam, N. Y., favoring the construction of war vessels at the Government navy-yards—to the Committee on Naval Affairs.

By Mr. WARNOCK: Petition of Mary F. Anderson, widow of Lieut. Andrew M. Anderson, for a pension—to the Committee on Invalid Pensions.

By Mr. WOODS: Resolutions of Idaho Mining and Stock Exchange, favoring House bill 7195, to establish the department of mines and mining—to the Committee on Mines and Mining.

By Mr. YOUNG: Petitions of Laura M. Koch, W. H. Hann, and others, of Philadelphia, Pa., for the suppression of polygamy—to the Committee on the Judiciary.

SENATE.

THURSDAY, *February 6, 1902.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal, without objection, will stand approved.

CONDITION OF LABORING CLASSES OF HAWAII.

The PRESIDENT pro tempore laid before the Senate a communication from the Commissioner of Labor, transmitting a report upon the commercial, industrial, social, educational, and sanitary conditions of the laboring classes of Hawaii; which, on motion of Mr. FORAKER, was, with the accompanying report, referred to the Committee on Pacific Islands and Porto Rico, and ordered to be printed.

MARY J. PRATT AND ANNA M. RANDALL.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings filed by the court in the cause of Mary J. Pratt and Anna M. Randall, sole heirs of Richard Randall, deceased, *vs.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

VESSEL ELIZA.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under act of June 20, 1885, in the French spoliation claims set out in the findings by the court relative to the vessel snow *Eliza*, Ephram Perkins, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, requested the Senate to furnish the House with a duplicate copy of the engrossed bill (S. 1670) granting permission to Capt. B. H. McCalla, United States Navy, to accept a decoration tendered to him by the Emperor of Germany, the original having been lost.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and a joint resolution; and they were thereupon signed by the President pro tempore:

A bill (S. 74) to authorize the Southern Missouri and Arkansas Railroad Company to build a bridge across the Current River in Arkansas;

A bill (S 1747) to prevent the sale of firearms, opium, and intoxicating liquors in certain islands of the Pacific;

A bill (H. R. 5814) to provide for the execution in the Philippine Islands and in Porto Rico of deeds for land situate in the District of Columbia or the Territories of the United States; and

A joint resolution (S. R. 49) increasing the membership of the Joint Committee of Congress upon the Library.

PETITIONS AND MEMORIALS.

Mr. FAIRBANKS presented a petition of Local Union No. 155, Amalgamated Woodworkers, of Indianapolis, Ind., praying for the repeal of the so-called desert-land law; which was referred to the Committee on Public Lands.

He also presented petitions of Green Bottle Blowers' Union No. 67, of Cicero; of the Central Trades Council, of Marion, and of Glass Bottle Blowers' Union No. 61, of Gas City, all of the American Federation of Labor, in the State of Indiana, praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which were referred to the Committee on Naval Affairs.

Mr. BURNHAM presented the petition of Rev. S. E. Quinby and 70 other citizens of Littleton, N. H., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

Mr. KEAN presented petitions of 56 members of Federal Council, No. 230, of Johnsonburg, and of 64 members of Pennington Council, No. 74, of the Junior Order United American Mechanics, in the State of New Jersey, praying for the reenactment of the Chinese-exclusion law; which were referred to the Committee on Immigration.

He also presented petitions of the American Wire Weavers' Protective Association, of Belleville; of Local Union No. 91, United Granite Workers of America, of Morris, and of Typographical Union No. 235, of Rahway, all of the American Federation of Labor, in the State of New Jersey, praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which were referred to the Committee on Naval Affairs.

He also presented a petition of Local Lodge No. 304, International Association of Machinists, of Jersey City, N. J., praying for the enactment of legislation to restrict immigration; which was referred to the Committee on Immigration.

He also presented petitions of sundry citizens of Collingswood, Hopewell, and Camden, all in the State of New Jersey, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

Mr. GIBSON presented a petition of Washington Council, No. 1, Junior Order United American Mechanics, of Butte, Mont., praying for the enactment of legislation to restrict immigration; which was referred to the Committee on Immigration.

He also presented a petition of the Montana State School of Mines, of Butte, Mont., praying for the enactment of legislation to apply a portion of proceeds of public lands to the endowment of schools or departments of mining and metallurgy, etc.; which was referred to the Committee on Mines and Mining.

He also presented petitions of the Western Labor Union, of Great Falls, and of the Trades and Labor Council of Lewistown, in the State of Montana, praying for the reenactment of the Chinese law; which were referred to the Committee on Immigration.

He also presented petitions of Butte City Lodge, No. 88; of Plumbers' Local Union No. 41; of Carpenters' Union No. 112, all of Butte; of Iron Moulders' Union No. 309, and Anaconda Typographical Union, No. 255, of Anaconda, all of the American Federation of Labor, in the State of Montana, praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which were referred to the Committee on Naval Affairs.

Mr. QUAY presented a petition of 60 citizens of Elderton, Pa., praying for the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which was referred to the Committee on Agriculture and Forestry.

He also presented petitions of the Central Labor Union of Wilkesbarre and of Tub Molders' Union, No. 7452, of New Brighton, in the State of Pennsylvania, praying for the reenactment of the Chinese-exclusion law; which were referred to the Committee on Immigration.

He also presented petitions of 22 citizens of Freeport and of 32 citizens of Slate Lick, in the State of Pennsylvania, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

Mr. PENROSE presented the petition of Local Union No. 228, United Brotherhood of Carpenters and Joiners of America, of Pottsville, Pa., praying for the enactment of legislation providing for the preservation of the remaining public lands of the United States for the use of actual settlers and home builders thereon; which was referred to the Committee on Public Lands.

He also presented petitions of Lieutenant H. H. Hoagland Post, No. 170, Department of Pennsylvania, Grand Army of the Republic, of Catawissa; of Local Union No. 115, United Granite Workers of America, of Souderton, and of Local Union No. 51, United Brotherhood of Operative Potters, of Canonsburg, all of the American Federation of Labor, in the State of Pennsylvania, praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which were referred to the Committee on Naval Affairs.

He also presented a petition of King David Castle Lodge, No. 342, Knights of the Golden Eagle, of Philadelphia, Pa., praying for the enactment of legislation to suppress anarchy; which was referred to the Committee on the Judiciary.

He also presented petitions of 40 citizens of Philadelphia, of 22 citizens of Freeport, and of 32 citizens of Slate Lick, all in the State of Pennsylvania, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented petitions of Local Union No. 18, United Mine Workers of America, of Phillipsburg, and of Local Union No. 228, United Brotherhood of Carpenters and Joiners of America, of Pottsville, in the State of Pennsylvania, praying for the reenactment of the Chinese-exclusion law; which were referred to the Committee on Immigration.

He also presented a petition of 25 citizens of Scranton and of 4 citizens of Uniontown, in the State of Pennsylvania, praying for the enactment of legislation to provide for the classification of clerks in the first and second class post-offices; which was referred to the Committee on Post-Offices and Post Roads.

Mr. MCCOMAS presented petitions of 80 citizens of Maryland, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented a petition of Local Union No. 44, Brotherhood of Carpenters and Joiners, of Baltimore, Md., and a petition of Glass Bottle Blowers' Union No. 59, of Cumberland, Md., praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which were referred to the Committee on Naval Affairs.

Mr. PROCTOR presented the petition of J. W. Lavigne, William H. Girard, and Peter Desantels, of Winooski, Vt., praying for a reduction of the duties upon Cuban products coming into the United States; which was referred to the Committee on Relations with Cuba.

Mr. SIMMONS presented a petition of the Tobacco Board of Trade of Reidsville, N. C., and a petition of the Tobacco Board of Trade of Winston-Salem, N. C., praying for a reduction of the tax on tobacco; which were referred to the Committee on Finance.

He also presented a petition of the Tobacco Board of Trade of Reidsville, N. C., praying for the abolishment of the license tax imposed upon dealers in leaf tobacco; which was referred to the Committee on Finance.

He also presented a petition of Local Union No. 630, Brotherhood of Carpenters and Joiners, of Raleigh, N. C., praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which was referred to the Committee on Naval Affairs.

He also presented a petition of sundry citizens of Marshall, N. C., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

Mr. HOAR presented a petition of Local Union No. 193, United Brotherhood of Carpenters and Joiners, of North Adams, Mass., praying for the repeal of the so-called desert-land law; which was referred to the Committee on Public Lands.

He also presented a petition of the Central Labor Union of Westfield, Mass., and a petition of Typographical Union No. 259, American Federation of Labor, of Waltham, Mass., praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which were referred to the Committee on Naval Affairs.

He also presented a petition of the American Peace Society, of Boston, Mass., praying that Congress will declare that the United States will grant independence to the Filipinos as soon as they shall establish and prove their ability to maintain stable civil government; which was referred to the Committee on the Philippines.

Mr. SPOONER presented the petition of Local Union No. 89, Metal Polishers, Platers, and Buffer Workers, of Racine, Wis., praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which was referred to the Committee on Naval Affairs.

He also presented the petition of D. T. Parker and 43 other citizens of Wisconsin, praying for the adoption of an amendment to the Constitution granting suffrage to women; which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. BURTON, from the Committee on Pensions, to whom was referred the bill (S. 1967) granting an increase of pension to Andrew J. Freeman, reported it with an amendment, and submitted a report thereon.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (S. 1256) to remove the charge of desertion from the military record of Stephen A. Toops, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2237) for the relief of John W. Gummo, reported it without amendment, and submitted a report thereon.

Mr. SCOTT, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 2086) to provide for enlarging the public building at Nashville, Tenn., reported it without amendment, and submitted a report thereon.

Mr. KITTREDGE, from the Committee on Claims, to whom was referred the bill (S. 916) for the relief of Clara H. Fulford, reported it without amendment, and submitted a report thereon.

Mr. BURROWS, from the Committee on Military Affairs, to whom was referred the bill (S. 942) for the relief of Harlow L. Street, reported it with an amendment, and submitted a report thereon.

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (S. 3261) authorizing the Eldorado and Bastrop Railway Company to construct and maintain a bridge across the Ouachita River, in the State of Arkansas, reported it with an amendment, and submitted a report thereon.

Mr. MARTIN, from the Committee on Claims, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 678) for the relief of the heirs of W. T. Scott and others;

A bill (S. 1516) for the relief of Richmond College, located at Richmond, Va.; and

A bill (H. R. 4988) for the relief of Mary E. McDonald.

REPORT OF EXPERIMENT STATIONS.

Mr. PLATT of New York. I am directed by the Committee on Printing to report a joint resolution to provide for printing 8,000 copies of the annual report of the Office of Experiment Stations, and I ask for its present consideration.

The joint resolution (S. R. 51) to provide for the printing of 8,000 copies of the Annual Report of the Office of Experiment Stations, prepared under the direction of the Secretary of Agriculture, for the fiscal year ended June 30, 1901, was read the first time by its title and the second time at length, as follows:

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled, That there be printed 8,000 copies of the annual report of the Office of Experiment Stations, prepared under the direction of the Secretary of Agriculture, which includes a report on the work and expenditures of the agriculture experiment stations in the United States for the fiscal year ended June 30, 1901, of which 1,000 shall be for the Senate, 2,000 for the House of Representatives, and 5,000 for the use of the Department of Agriculture.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTION INTRODUCED.

Mr. PENROSE introduced a bill (S. 3578) for the relief of Abram G. Hoyt; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3579) to correct the military record of John Wood; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3580) to correct the military record of James Dunlap; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3581) for the relief of Thomas B. Tweedle; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3582) granting a pension to Margaret Krider Hare;

A bill (S. 3583) granting a pension to Harriet Shroeter;

A bill (S. 3584) granting a pension to James A. Stine;

A bill (S. 3585) granting an increase of pension to Mary Wolcott Kilburn;

A bill (S. 3586) granting an increase of pension to Milton A. Embick;

A bill (S. 3587) granting an increase of pension to C. M. Epler; and

A bill (S. 3588) granting an increase of pension to Isaac B. Hewitt.

Mr. McENERY introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 3589) for the relief of the legal representatives of Henry L. Webb, deceased;

A bill (S. 3590) for the relief of the State National Bank of New Orleans, La.;

A bill (S. 3591) for the relief of the estate of Joseph Mensman, deceased;

A bill (S. 3592) for the relief of the legal representatives of W. H. H. Brooks, deceased;

A bill (S. 3593) for the relief of the legal representatives of Daniel Turnbull, deceased;

A bill (S. 3594) for the relief of the legal representatives of J. N. Curieu, deceased;

A bill (S. 3595) for the relief of Felix Halff;

A bill (S. 3596) for the relief of the legal representatives of John C. McCreary, deceased; and

A bill (S. 3597) for the relief of the legal representatives of Armand Heine, deceased, and Michel Heine.

Mr. FAIRBANKS introduced a bill (S. 3598) granting an increase of pension to James H. Mount; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3599) granting an increase of pension to John D. Moore; which was read twice by its title, and referred to the Committee on Pensions.

Mr. STEWART introduced a bill (S. 3600) to provide homes on the abandoned military reservation of Camp McDowell, Ariz., for the Mohave Apache Indians now residing there and in the

vicinity; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Indian Affairs.

Mr. COCKRELL introduced a bill (S. 3601) to grant the right of way through the Oklahoma Territory and the Indian Territory to the St. Louis and San Francisco Railroad Company; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 3602) for the relief of F. X. Mulhaupt and Carolina Mulhaupt; which was read twice by its title, and referred to the Committee on Claims.

He also (by request) introduced a bill (S. 3603) for the relief of M. A. Shelton; which was read twice by its title, and referred to the Committee on Claims.

Mr. MASON (by request) introduced a bill (S. 3604) for the relief of Isaac Gause; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3605) granting an increase of pension to Minnie Hildebrand (with accompanying papers);

A bill (S. 3606) granting an increase of pension to Jasper N. Jennings (with an accompanying paper); and

A bill (S. 3607) granting an increase of pension to Oliver P. Helton (with an accompanying paper).

Mr. KITTREDGE introduced a bill (S. 3608) granting an increase of pension to Alphonso T. Gould; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. McCOMAS introduced a bill (S. 3609) to authorize the purchase of certain pictures of Arctic expeditions, by Mr. Albert Operti; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the Library.

Mr. SIMON introduced a bill (S. 3610) to increase the limit of cost of the custom-house building at Portland, Oreg.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. FORAKER introduced a bill (S. 3611) granting an honorable discharge and status of pilot in United States service to Oscar B. Jolly; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3612) to remove the charge of desertion from the military record of Charles J. Clark; which was read twice by its title, and, with an accompanying paper, referred to the Committee on Military Affairs.

He also introduced a bill (S. 3613) to grant an honorable discharge to Nathan Lyon; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3614) granting an increase of pension to James P. Rush; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3615) granting a pension to Margaret Dunbar; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. BACON introduced a bill (S. 3616) for the relief of the estate of Henry Banks, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3617) granting a pension to Leonora V. Stacy; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. VEST introduced a bill (S. 3618) for the purchase of a bronze portrait statue of George Washington; which was read twice by its title, and referred to the Committee on the Library.

Mr. TILLMAN introduced a bill (S. 3619) for the relief of Mount Zion Society; which was read twice by its title, and referred to the Committee on Claims.

Mr. SPOONER introduced a bill (S. 3620) to provide for the allotment of lands in severalty to the Stockbridge and Munsee tribe of Indians, to authorize the distribution of their trust fund, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. PLATT of New York introduced a joint resolution (S. R. 52) authorizing the President of the United States to invite the government of Canada to join in the formation of an international commission to examine and report upon the diversion of the waters that are the boundaries of the two countries; which was read twice by its title, and referred to the Committee on Commerce.

AMENDMENTS TO BILLS.

Mr. PENROSE submitted an amendment intended to be proposed by him to the bill (H. R. 3641) for the allowance of certain claims for property taken for military purposes within the United States during the war with Spain; which was referred to the Committee on Claims, and ordered to be printed.

Mr. McMILLAN submitted an amendment proposing to appropriate $175,000 for the construction of a building at Detroit, Mich., for the use of the United States Lake Survey and other offices of the Engineer Department, United States Army, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

PRINTING OF BULLETINS.

Mr. McMILLAN submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound in cloth 4,000 copies of each of the following bulletins of the Bureau of Rolls and Library of the Department of State, namely, Calendars of the Correspondence of Thomas Jefferson, James Madison, and James Monroe, 1,000 copies for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 1,000 copies for distribution by the Department of State.

EMPLOYMENT OF ASSISTANT CLERK.

Mr. GALLINGER submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Pensions be, and hereby is, authorized to employ an assistant clerk at the rate of $1,800 per annum, to be paid from the contingent fund of the Senate, until otherwise provided by law.

EMPLOYEES OF THE SENATE.

Mr. GALLINGER. Mr. President, I submit another resolution. I desire to say that it is the same resolution I offered two days ago, and withdrew for an inquiry. There is now no objection to its passage, and I trust the resolution will be passed at once.

The resolution was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That one of the positions of messenger at the Maltby Building, paid at the rate of $1,440 per annum, authorized by Senate resolution of July 26, 1892, be, and it hereby is, abolished; and that the Sergeant-at-Arms of the Senate be, and he hereby is, authorized and directed to appoint in lieu thereof two laborers at an annual salary of $720 each.

CAPT. B. H. M'CALLA.

The PRESIDENT pro tempore laid before the Senate the request of the House of Representatives to furnish the House with a duplicate copy of the engrossed bill (S. 1670) granting permission to Capt. B. H. McCalla, United States Navy, to accept a decoration tendered to him by the Emperor of Germany, the original having been lost; and, by unanimous consent, the request was ordered to be complied with and the duplicate furnished to the House of Representatives.

ST. LAWRENCE RIVER BRIDGE, NEAR HOGANSBURG, N. Y.

Mr. PLATT of New York. I ask unanimous consent for the present consideration of the bill (H. R. 8761) to declare the international railway bridge over the St. Lawrence river near Hogansburg, N. Y., a lawful structure.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. PETTUS. I have no objection at all to the consideration of the bill, but ought it not to reserve the powers contained in the original act to amend or repeal?

Mr. BERRY. If the Senator from Alabama will permit me, I will state that I think the power to repeal still exists. The bill simply extends the time subject to all the conditions of the original act. It does not change that provision.

Mr. PETTUS. It does not say so.

Mr. BERRY. The bill went to the War Department. It simply extends the time in which the bridge might be completed, and all the provisions of the original act, with the exception of the time, remain the law.

Mr. PETTUS. I move to amend the bill so as to provide that this act shall in no way interfere with the powers reserved by the original act in the Government of the United States to repeal or amend.

Mr. BERRY. Mr. President——

The PRESIDENT pro tempore. The Chair will inform the Senator from Arkansas that the bill is not an extension of time, but is the recognition as legal a bridge which was not completed within the time subject to all the obligations and duties imposed by the original law.

Mr. BERRY. It simply recognizes as legal a bridge which was not completed within the time provided in the original act?

The PRESIDENT pro tempore. Yes.

Mr. BERRY. This proposed act recognizes that bridge as being a lawful structure. I will say to the Senator from Alabama that it is a House bill. It has been to the War Department. There is no objection to it from any source, and it will simply delay the matter if it has to go back to the House amended. I hope he will not insist on his amendment.

Mr. PETTUS. The bill does not reserve any of the rights to alter or amend the original act, and I insist on the amendment.

The PRESIDENT pro tempore. The Senator from Alabama proposes an amendment, which will be stated.

The SECRETARY. At the end of the bill add as a new section the following:

SEC. 3. Congress hereby reserves the right to amend, alter, or repeal this act.

Mr. BERRY. I hope the amendment will not be adopted.

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

CANAL ACROSS THE ISTHMUS OF DARIEN.

Mr. SCOTT. Mr. President, I gave notice some days ago that at the close of the routine business this morning I would claim the attention of the Senate for a few moments upon Senate joint resolution No. 45. I ask for the reading of the joint resolution.

The PRESIDENT pro tempore. The joint resolution will be read.

The Secretary read the joint resolution, introduced by Mr. SCOTT on the 27th ultimo, as follows:

A joint resolution (S. R. 45) providing for a board to investigate the practicability of constructing a canal across the Isthmus of Darien.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby, authorized and empowered to appoint a board consisting of three persons, one of whom shall be an Army engineer, one a civil engineer of known skill and experience in tunnel engineering, and one a contractor expert in the work of tunnel construction and rock excavation: *Provided*, That no member of the board shall be in the employ of any interoceanic canal or construction company or companies, or shall have any interest in the business or securities of such company or companies, or in any concessions or contracts pertaining thereto. And said board shall consider and report on the practicability and cost of constructing a tunnel through the Cordillera range of mountains, on the Atlantic side of Central America, to the north of the Isthmus of Darien, and along the interoceanic canal route known as the San Blas route, connecting the Atlantic and Pacific oceans, by way of the Gulf of San Blas on the east, a tunnel 5 miles in length through the Cordillera range of mountains, an open cut to the Mamoni River, thence to the Bayamo River, to the Bay of Panama on the west. To this end the board will, as soon as practicable, and not later than three months, report to the President, who shall submit the same to Congress, as follows:

First. Opinion as to whether a tunnel through the Cordillera range of mountains, 5 miles in length, and of sufficient width and height to admit the easy passage to and fro of the largest steam and sailing ships now afloat, can be constructed.

Second. An estimate of the cost of constructing such a tunnel, and the time required to drive it, based upon existing tunnel contracts, and prices paid for tunnel construction and rock excavation work during the past five years, and the mechanical appliances and blasting forces employed in such work at the present time.

Third. Such recommendation as the board may desire to make as to method of construction and future operation.

To meet the expenses of said board, there is hereby appropriated the sum of $15,000, or as much thereof as may be necessary, provided that the officer detailed from the Corps of Engineers shall not receive any salary except that due to his rank, and the compensation to be paid to the remaining members of the board shall not exceed the sum of $50 per diem, exclusive of expenses, from the date of their appointment to the date their report is submitted to the President.

Mr. SCOTT. Mr. President, so much has been said and written during the past fifty years concerning an interoceanic canal route that I feel like apologizing to the Senate for attempting to add to the literature on the subject. But I feel forced to present some details of a route that has been discussed at every canal conference of importance and seriously considered by engineers in civil life familiar with and interested in the engineering features and difficulties involved in its construction.

The libraries of the United States contain over 500 books and more than 1,000 periodicals on the subject of an interoceanic canal; and in the course of my investigation of the matter I was surprised to find that 225 public documents had been issued during successive Congresses, from the Nineteenth Congress, in 1827, to the present session.

I believe that I am within bounds in stating that nearly one-fourth of the amount of money necessary to construct a canal by any of the several routes proposed has been spent by individuals and governments in an endeavor to find a convenient, suitable, and practicable canal route to connect the two great oceans. The hopes and endeavors of engineers and canal projectors and the desires of the commercial community seem to be nearer fulfillment to-day than they have ever been before; but, confronted as we are by the immediate necessity of appropriating nearly two hundred millions of dollars, ten millions of which is to be immediately available, I think it is the duty of prudent men, and especially business men, to inform themselves thoroughly on the subject, lest this vast sum of money may be misappropriated, and having been expended, we may find that it has not secured for us what we really desire and need.

I speak as a layman, unfamiliar to a large extent with the science and practice of engineering, and in no spirit of criticism of any reports made by commissions or engineers in civil or government service. And right here I desire to disclaim, as emphatically as I can, any intention whatever to obstruct either the consideration of any bill now before the Senate or the passage of any bill, or to attempt in any way to delay the building of the canal itself. It is not necessary nor is it my present purpose to urge the building of an interoceanic canal. Both political parties, the commercial world, and nearly every citizen of the United States agree that such a canal should be constructed. But where it shall be located—upon what route the large sum of money necessary to dig it shall be expended on a work that must last for generations, meet every present and future demand of commerce, and be a monument to the engineering skill and commercial sagacity of this country—is still an open question, and must remain debatable until the merits of every available route have been examined by competent judges.

I have endeavored conscientiously to inform myself of the advantages and disadvantages of the many lines advocated by as many engineers, and this study of the question has led me to believe that the San Blas, or Mandingo Bay route, as it is sometimes called, is the only one that will meet every requirement of a nearly perfect inland waterway to connect the Atlantic and the Pacific oceans. Every report I have read commends the harbors at either end of this route, the river along its line, and the country through which it passes; but because it involves the driving of a tunnel 5 miles long through the granite of a mountain range wide enough and sufficiently high to admit the passage of a modern steam or sailing ship, some engineers, and especially those in the service of the Government, have pronounced it impracticable, without stating why the construction of the tunnel which it involves is an insurmountable engineering difficulty, but solely because of its possible cost estimated on out-of-date prices to be paid for such work.

I am personally convinced that such a tunnel can be constructed, and at a reasonable cost compared with the open-cut work to be done on other routes, the Culebra cut on the Panama route, for instance; and many of the eminent engineers of this country and of Europe have expressed themselves in favor of this route, and of the tunnel which it involves. In order to finally settle the question of the practicability and cost of its construction—admitting that in all other respects the route is an admirable one, which no engineer seems to dispute—I have introduced the resolution which has been read. It calls for a small appropriation, $15,000, or $50 a day and expenses for the services of two experts in their line, a civil engineer and a practical contractor. Their report will be made within three—I believe it could be made within two—months, and I do not believe we will have enacted or should enact canal legislation within that time. It provides that none of the experts selected for this duty shall be interested in any way in any canal project or concession; and so far as it is possible to secure them, they are to be men who have actually been engaged in public or private works involving difficulties similar to those which might be encountered in the construction of the tunnel which the San Blas route requires.

I think the merits of this route will appeal to many and certainly interest a majority of Senators. It has not been treated fairly in the report of the Isthmian Canal Commission, and in saying this I do not intend to criticise. Perhaps I had better say it has practically been ignored by them, and I think the Senate should be informed by judges competent to pass upon this question from an engineering and contracting standpoint.

The San Blas Canal route connects the two oceans from the Bay of Mandingo, in the Gulf of San Blas on the Atlantic side, to Pearl Island Harbor, in the Gulf of Panama, on the Pacific side of the Isthmus. Its first section is 5 miles of open cutting until it meets the range of mountains which traverses the Isthmus of Panama and the Isthmus of Darien. Through this range a tunnel 5 miles long, either single or double, but wide enough and of such a height as to admit the easy passage to and fro of the largest vessels, must be driven. Then would follow an open cut of 13 miles to the Bayano River, at its great bend, and thence 7 miles along the river, or, if a tidal lock is to be avoided, by open cut to Pearl Island Harbor, making a canal 30 miles long. (See Appendix A, B, and C.)

It would have these leading advantages:

First. It would be the only feasible sea-level canal route known.

Second. It would have fine harbors at its termini.

Third. It would be the shortest and not an unhealthy route.

Fourth. It would not pass through an active volcanic belt.

De Lesseps, in conversation with engineers, notably Mr. Walton W. Evans and Admiral Selfridge, said that no canal project which included the construction of locks could receive his approval. He believed the Panama route would not require locks. He was mistaken. But the San Blas route is absolutely a sea-level route, requiring not even a tidal lock throughout its entire length. The delays and possible injury to and destruction of locks and their mechanism, which must be considered in the operation of any other canal route, would be here avoided.

It is the only feasible sea-level route, because the Atrato route

is entirely too long, involving 95 miles of river navigation and 52 miles of canals, making an aggregate of 147 miles. (See Appendix, note 1.)

The harbors of the San Blas route have excited the favorable comment and enthusiasm of all engineers whether in the Government or private employ. Admiral Selfridge says:

> San Blas has a most magnificent bay, with deep passage and fine anchorage—perfectly protected from the north winds. In the northwest corner is an inner harbor formed by a circle of islands, with a passage leading into it a mile wide, capable of holding easily all the shipping of an immense traffic.

And from other sources we learn that it has a depth of 112 feet, and the average depth in Mandingo Bay is 50 feet. Inside the harbor at the delta of the river there is a depth of 30 feet within 900 feet of the shore. It embraces 9 square miles, and the islands in it afford fine coaling points and light-house stations. On the Pacific side Pearl Island harbor is deep, commodious, and sheltered. (See Appendix, note 2.)

These natural advantages are not possessed by any other route, and they deserve our serious consideration in determining the proper route for a canal.

The total length of this canal would be 30 miles. With no locks to delay or entirely stop passage, the largest ships could go through this canal in five hours at a speed of 6 miles an hour, or in ten hours at the slow speed of 3 miles an hour. The great development in the transmission of electrical power makes it entirely practicable on a route of this short length to tow by electric trolley, or some other method, sailing ships as well as steamships, and with electric lights along the canal and in the tunnel, passage could be effected at night as well as during the day. This could not be done by any other route. Indeed, it is a question whether sailing vessels could navigate any of the other proposed canal routes. The cost of erecting and maintaining a power plant would not add materially to the cost of constructing the canal, and American engineers would find little difficulty in solving the problem of electrical towing—it has been solved for inland canals—while the easy, safe, and quick passage afforded sailing vessels would add immensely to the revenues, and make it truly an interoceanic waterway for the sail and steam tonnage of the world.

While the Gulf of San Blas is south of the Atlantic entrance of both the Nicaraguan and Panama Canal routes, it is really nearer Sandy Hook, following navigation lines, by 7 miles.

The inconsiderable altitude of the mountains on the Isthmus has been attributed by geologists and engineers to the quasi immobility of the Isthmus itself, and it is fair to assume that of all the routes through Central America those on the Isthmus of Darien and the Isthmus of Panama will be freer from earthquake disturbance. (See Appendix, note 3.)

This route, then, offers great natural and commercial advantages. The one great obstacle which has heretofore dismayed Government engineers and commissions is the construction of a tunnel, which, it is said, is out of the question as regards cost, if not without the limit of engineering skill. These objections are based on contract prices for tunnel work and the development of the art of tunnel driving as far back as 1871, or more than thirty years ago. There is nothing before Congress to fairly and accurately acquaint us with the cost and engineering possibility of such a tunnel to-day. To secure this information from a reliable source was one of the objects of the resolution.

I have ascertained that the formation through which the tunnel would have to be blasted is principally trap and granite, and that it will, in all probability, need no lining. The outcroppings of the mountain range show granite and granitic gneiss. The Isthmian Canal Commission worked out a section of tunnel, providing for a lining of concrete 5 feet thick throughout its entire length. The cost of a single foot of this tunnel, according to their estimate, allowing $5 a cubic yard for rock excavation and $10 a cubic yard for lining, would be $4,268, which corresponds to $22,533,040 a mile, or a total of $94,500,000 for the tunnel alone, and a grand total of $289,770,000 for the entire canal. The Commission state that "these estimates are made without the careful examination which is necessary for accurate figures. They may be regarded as minimum estimates." I am not at all satisfied with these figures. As a matter of fact, they correspond with figures paid for tunnel work thirty years ago, and do not approximate the prices obtaining to-day for excavation work, as an examination of the bids and prices for any of the rock excavation and tunnel work in course of construction will show. (See Appendix, note 4.)

In commercial life when some giant obstacle of nature must be conquered to meet the convenience and demands of trade and transportation, two questions are asked by the projectors of a plan to overcome it. Is it practicable? Can the money be raised to undertake it?

I do not believe anyone will question the desirability of a ship canal by the San Blas route, if the tunnel which it involves can be constructed. We have only to consider briefly the great tunnels of the world, their engineering difficulties, and the amount of money required to complete them, to get a fair idea of the cost and practicability of a ship tunnel. The Hoosac, Mont Cenis, St. Gotthard, Arlberg, and the Simplon tunnel, 11 miles long, to cost $13,500,000, open our eyes to the daring and success of modern tunnel engineering. If these tunnels have been and can be driven, why not the San Blas tunnel? It is simply a question of quantity. A matter of boring a hole in the mountain 10 by 15 feet and then blasting around it a space 200 by 150 feet. No American engineer or contractor will shirk such an undertaking. After the first driving the force could be worked on benches, and the work would then be really open cut work, with this advantage, that the blasting would be overhead and along the sides, from which the dislodged rock would fall to the floor of the tunnel and could be carried away by overhead trolley or surface tram. The work of driving the rapid-transit tunnel in New York is more difficult. The Hoosac tunnel, when Mr. Shanley took hold of and completed it, was a more serious problem.

Mr. C. H. Gregory, before the Institute of Civil Engineers (Minutes of Proceedings, vol. 25), said:

> When we consider the question of tunneling we must bear in mind that it is not correct to compare the cubical contents of a tunnel such as the proposed one [San Blas] with similar works on railways and canals as the measure of difficulty and cost. In ordinary tunnels the limited size of the face and the contracted space in which work could be carried on greatly increased the cost and time required. Great as the tunnel here proposed would be, and considerable as might be the difficulties attending its construction, there would be much more room for working and a large face for blasting operations on an extended scale.

Mr. Walter Shanley, the successful engineer and contractor of the Hoosac tunnel, commenting on the report made by Admiral Selfridge on the possibility of constructing a canal by the Napipi route, which involved a tunnel 9,010 yards long, said:

> The section you showed me presents a much less impracticable route than, from all I had learned of those previously explored, I imagined could be obtained. A tunnel of the dimensions you contemplate is not all tunnel in the tunneller's sense of the term; that is to say, the work would not all have to be done by the expensive process incident to boring. First drive a tunnel, properly such, say 10 or 15 feet high at the top, and all the rest could be or should be treated as open cut, and as such need not cost more per cubic yard than a cubic yard of similar rock on other parts of the works.

The Isthmian Canal Commission have not treated any part of this tunnel as open cut, but have figured on all of it being tunnel work strictly, at the exorbitant price of $5 per cubic yard.

When the San Blas route was discussed at the Paris Canal Congress, in May, 1879, M. Favre, the eminent engineer and contractor of the St. Gothard tunnel, the longest section of which is 9 miles, said he preferred tunnels to ditches and river navigation, giving as his reasons that the character of tunnel work would be known and could be determined in advance, and suggested these advantages, that one could prosecute work in "tunnels without interruption, and the rains would cause no embarrassment or delay," and in consequence of these considerations he stated:

> I do not hesitate to give my preference to the canal terminating in the San Blas Bay, in spite of the tunnel 10 miles long which that project would require.

He was in error as to the length of the tunnel, due to a misconception of Admiral Selfridge, who had not personally surveyed the route or measured the mountain range through which the tunnel would be cut. It is now definitely settled that this tunnel need not be longer than 5 miles.

Sir John Stokes on the same occasion said: "As for me, I give my preference to the San Blas project."

I could quote at length from reports and statements before scientific bodies of engineers regarded as authorities both in this country and in Europe—Mr. Sidney F. Shelbourne, Mr. Walton W. Evans, Mr. Owen May, and others, who have declared that this tunnel is practicable and have given their reasons for so declaring. I will not take the time of the Senate, but will ask you to consider them, and request permission to have them printed as a part of my remarks, in order that they may be before you. (See Appendix, note 5.)

These opinions were given when the cost of tunneling was much greater than it is now; when the Burleigh drill was a marvel and nitroglycerin an amazing force. Compare now the compressed air and electric drills in use, and the high explosives employed in rock excavation. In the work of driving the Simplon tunnel, a hole 1¼ inches deep can be drilled in exactly one minute, and the harder the rock the easier the work. (See Appendix, note 6.)

The cost of excavating granite is certainly not $5 per cubic yard. That is very near the price paid in 1869. The highest estimate from a practical tunnel engineer which I have found gives from $3 to $3.87 per cubic yard for tunnel work through granite gneiss. In building the short-line railroad from Colorado Springs to Cripple Creek, the contractors were very much rushed for time. A

heavy penalty hung over them if the road was not completed in a specified time. A number of tunnels had to be driven on the line, and even with the expenses necessary from the rush, this work was executed at a cost of $3 per cubic yard in the hardest kind of granite found in the Rocky Mountain region.

Mr. John Randolph, an engineer of high standing and very long experience and connected with the drainage canal of Chicago, says, in speaking of the San Blas tunnel:

> I believe a tunnel of this magnitude can be executed at a cost not to exceed $2 per cubic yard, and that the earth excavation outside of the tunnel can be executed for not to exceed 30 cents, and the rock for not to exceed 90 cents.

I will add to these remarks a table showing the cost of excavation work through different formations actually encountered in the construction of various completed tunnels, which I have taken from Prelini's work on tunneling. (See Appendix, note 7.)

If we compare the total amount of excavation work to be done on the San Blas route and the Panama route, we will find that the excavation of the former route, even with the tunnel, would be less than one-half the excavation of the latter route, and the cost, if the greater part of the tunnel were treated as open-cut work, would be as 2 to 1 in favor of the San Blas route.

Engineering skill in tunnel construction has greatly advanced, and the price paid for such work is about half the contract price of twenty years ago.

Comparing the Hoosac, Mount Cenis, St. Gothard, and Arlberg tunnels, we find that the Arlberg, the latest, while one-third longer than the Hoosac, cost $2,700,000 less, and was built in one quarter of the time. The Hoosac tunnel to-day could probably be built for one-half of its original cost. (See Appendix, note 8.)

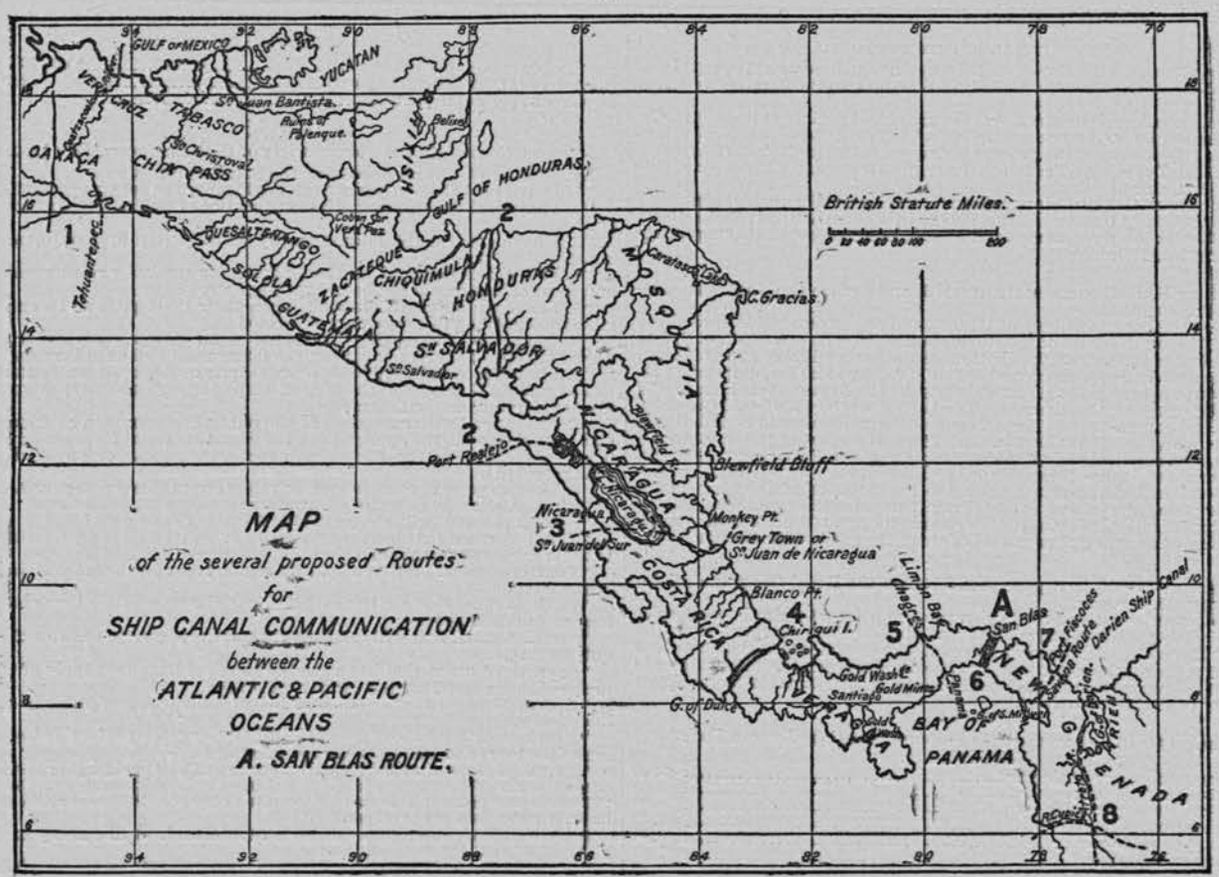
You have only to look at the sky-scraping buildings of the present day; the great bridges, and especially the one about to be thrown over the St. Lawrence at Montreal, and to cost $10,000,000; the Croton Aqueduct, the rock excavation work of which averaged about $2 per cubic yard; the Chicago Drainage Canal; the rapid transit tunnel now in course of construction in New York, and you will there find engineering problems as many and as difficult as any that will be encountered in the construction of the San Blas tunnel. I believe such a tunnel can be and should be driven. If it be impossible, I want to be told so by modern engineers and contractors competent to pass upon this matter, who will use modern methods and figures in working out a cost price. Until I feel that I have been thoroughly informed, and that in the light of that information I am wrong, I will believe that the San Blas route is the only proper, feasible, and practicable sea-level canal route which deserves our considerations, and for these reasons:

1. Its healthy location.
2. Its shortness.
3. Its magnificent harbors, requiring little if any dredging to keep them open.
4. The total absence of locks.
5. The possibility of working gangs of men night and day in the wet and dry seasons, and sheltering them from heat and rain and fevers that follow those conditions.
6. The very important consideration that by this route and no other sailing vessels could be towed by electric power and complete the passage in ten hours, by night as well as by day, whereas by other routes they could not pass at all or could be towed only by steam at great cost and in not less than fifty hours.
7. The economical maintenance of this canal when completed.
8. The permanency of its rock bed and the absence of earth embankment.
9. The desirable fact that it can be constructed within three, or, at most, five years.

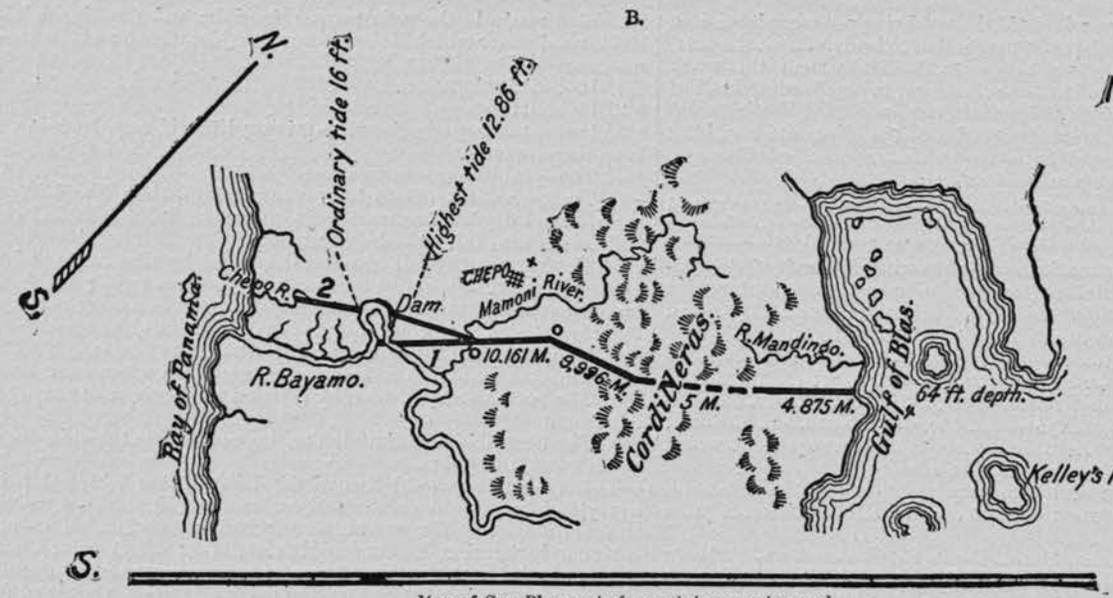
This resolution would secure the information which I think every Senator desires on the subject, and would finally settle this tunnel question. We would have it before us when we are considering legislation looking to the building of an interoceanic canal. It does not call for a large appropriation, and I appeal to the business sense of Senators to pass it. Fifteen thousand dollars is less than one-hundredth of 1 per cent of the sum we may have to appropriate for the construction of an interoceanic canal. No Senator would hesitate to spend this small sum of money in any private undertaking involving even an outlay of a million dollars if thereby he could secure information that might point out a better plan of business procedure, or indicate a different method to be pursued in the conduct of his enterprise. I seriously believe that the sum called for by this appropriation will enable us to procure such reliable data concerning a tunnel canal route that Senators will be in position to consider the advisability of adopting such a route, or may dismiss it entirely from their consideration, conscious that they have endeavored to get the best information obtainable on the subject and have found it adverse to such a route. I wish to be convinced of the practicability or impracticability of a ship tunnel, and I submit the resolution as a business proposition and ask for it your serious consideration.

APPENDIXES.

A.



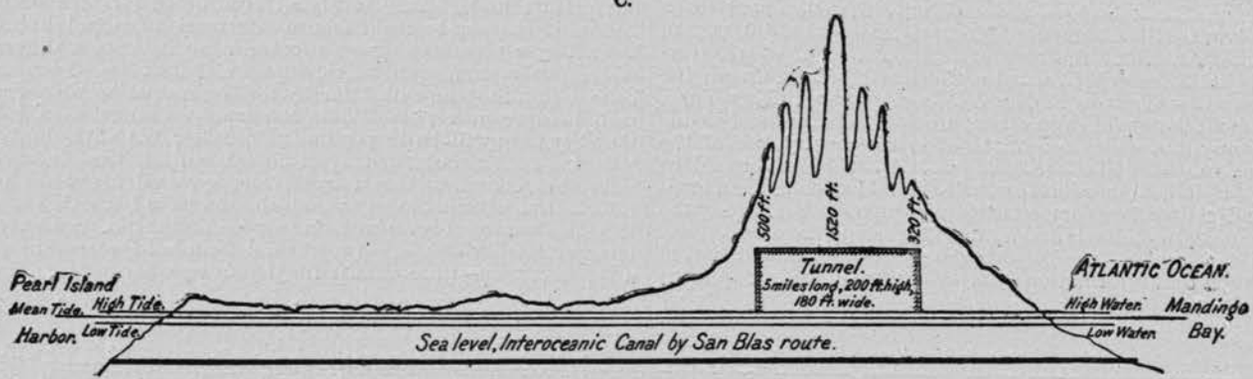
B.



Map of San Blas route for an interoceanic canal.

1. With tidal lock.
2. Without tidal lock.

C.



VARIOUS CANAL ROUTES PROPOSED.

(1) Tehuantepec, (2) Honduras, (3) Nicaragua, with five variations; (4) Panama, with four distinct routes, including San Blas route, 30 miles long; (5) Darien, with four distinct routes.

The routes considered by the Royal Geographical Society at its meeting in 1879 (see Bulletin, vol. 11) were as follows: (1) Tehuantepec, (2) Nicaragua, (3) Panama, (4) San Blas, (5) Caledonia Bay, (6) Atrato-Tuyra, (7) Atrato, Carcarica, and Tuyra, (8) Truando River, (9) Atrato and Cupico Bay, (10) Atrato to the Chiriqui Bay.

Mr. S. T. Abert, C. E., in his pamphlet, Is a Ship Canal Possible? says:

"To connect the Atrato with the Pacific by a canal without locks, there would be 95 miles of river navigation and 52½ miles of canal, making an aggregate length of 147½ miles."

[Note 2.]

Maj. Sidney F. Shelbourne stated in 1879, and before the American Geographical Society, that:

"San Blas Harbor has a depth of 112 feet, and as you pass inside toward the territory between the delta of the Rio Mandingo, you have a depth of 30 feet within 900 feet of the shore. The bottom of the harbor is clay and stiff mud, affording excellent holding ground. The Mandingo Harbor, embracing an area of about 9 square miles, is intended to be the Atlantic terminus of the San Blas Interoceanic Canal route. The harbor on the Pacific side is deep, sheltered, and commodious. The Atlantic side terminus would be in latitude 90° 26′ north, and longitude 70° 2′ west. The first section of the canal would be 4 miles of open cutting in a generally southwesterly direction; then would follow a tunnel of 7 miles through the Cordilleras, varying but little from a meridian of longitude, terminating in the Pacific slope of the range about half a mile east of the falls of Salto. From this point the canal would be by open cutting 12 miles into the Rio Bayano at its great bend, a point 6 miles from the bay of Panama; thence 6 miles along the river to the harbor."

[Note 3.]

M. Lucien de Puydt, in a paper read before the Royal Geographical Society January 13, 1868, said:

"I considered the Isthmus of Darien was the point wherein the nucleus of vibration of that vast upheaval was established which elevated from the depths of the earth the immense chain of the Cordilleras to the north and the Andes to the south, and if that hypothesis be correct, the inconsiderable altitude of the mountains on that point would be attributable to the quasi immobility of the Isthmus itself."

[Note 4.]

Contract prices for tunnel work on the Vosburg Tunnel, by Leo von Rosenberg, New York, 1887.

Tunnel excavation, per cubic yard	$3.40
Concrete backing, per cubic yard	5.00
Masonry side walls, per cubic yard	8.00
Earth excavation, per cubic yard	.25
Loose rock, per cubic yard	.45
Solid rock, per cubic yard	1.50
Hardpan, per cubic yard	.45

Croton Aqueduct prices for rock work.

Earth excavation, per cubic yard	$0.30, $0.35, $0.42
Rock excavation, per cubic yard	1.50, 2.25
Deep rock, per cubic yard	2.00

[Note 5.]

Transactions of the American Society of Civil Engineers, Vol. IX, 1880.

Mr. Walton W. Evans, discussing the San Blas route, said:

"1. I have served seven years as an engineer in the construction of canals.

"2. I have had experience in the construction of public works of forty-two years.

"3. I have crossed the Isthmus many times, partly by foot, by mule, by canal, and by rail.

"4. I have been detained on the Isthmus for weeks by rains, revolutions, and want of transportation before railways were built.

"5. I have witnessed the heavens open their flood gates and seen the terrible washings the railways were subjected to.

"6. I have lived in earthquake countries for eleven years and have witnessed the convulsions of nature on the Isthmus, as well as in Peru and Chile.

"7. I have for over thirty years made a study of this most interesting problem of cutting a canal for the largest ships through the narrow strip that divides North from South America.

"8. I have read with care most of the public documents in reference to it, and I am clearly of the opinion that the San Blas route for a sea-level canal is very preferable to the Nicaraguan route, with locks, or any other route ever reported on.

"9. I beg to present some axioms in reference to this great problem.

"First. A canal 30 miles long is preferable to one 181½ miles long.

"Second. A canal without locks is preferable to one with locks.

"Third. A canal that has great harbors at its termini is preferable to one with no harbors at either end.

"Fourth. A canal built in a healthy region is preferable to one in an unhealthy region.

"Fifth. A canal that can be navigated in ten hours is better than one requiring one hundred hours.

"Sixth. A canal that will call for very small repairs is preferable to one requiring immense repairs.

"Seventh. A canal that has a small watershed but sure supply of water is preferable to a canal having a great watershed.

"Eighth. A canal that is not on a line of danger is preferable to one on a line of danger.

"Ninth. A canal that can pass a ship of any length is preferable to one that limits the length to far below that of existing ships.

"Tenth. A canal that is virtually a straight line is preferable to one with curves, some of them very objectionable. De Lesseps said to me in Paris, 'There is one point in this matter we must observe: Wherever the canal is built, it must be a sea-level canal.'"

Mr. Owen May, an engineer of high repute, said, in discussing the feasibility of a canal across the Isthmus:

"1. I would make a complete survey of these two routes, the Caledonia and

the San Blas route, to find which was best as to length of tunnels and other points, such as harbors and drainage.

"2. If I found the San Blas route the best of the two I would buy the Panama Railway and its concessions of all kinds.

"3. I would get a concession from the Colombian Government allowing me to build a canal.

"4. I would locate a direct straight line on the shortest route from San Blas to the Pacific Ocean.

"5. I would send for M. Favre (since dead), contractor of the St. Gothard tunnel, who has more experience in great tunnels than any man living, and make a contract with him, or some engagement for the use of his brains and experience.

"6. I would call together a committee of merchants, shipowners, and engineers to decide on the dimensions of the canal and tunnel.

"7. I would drive the work night and day until it was completed, and then open it for the benefit of the world.

"8. I would call on the Governments of England, France, and the United States to guarantee the bonds of the company, these Governments to become the owners of the canal at the end of one hundred years, they paying the original cost as determined by a board of their own during construction.

"9. I would insist on the whole work being completed within eight years.

"The leading advantages of the route were stated to be:

"*a*. It has fine harbors at its termini.

"*b*. It is the only feasible sea-level route known.

"*c*. It is the shortest and not an unhealthy route."

Mr. Frederick M. Kelley, who spent twenty-seven years of his life and nearly if not all of his fortune in an endeavor to discover a sea-level canal route, at a meeting of the American Geographic Society in New York in 1879, said:

"My efforts have been to find a canal route practically without locks, and I believe that the San Blas route is the best of all, because it is the shortest. Ships should be enabled to go through on a fair keel. They require good harbors, with no necessity of dredging to keep them open. Ship captains and shipping merchants in this country are all agreed in that respect. On the San Blas route the total distance throughout is about 30 miles. Ten miles of the Rio Bayana is suitable, with a little improvement, for navigation, and of the remaining 20 miles 7 is a tunnel. The question is not so much one of cost as one of commerce and facilities for use. What are thirty or fifty millions, more or less, in a work of this kind, which is to last forever and accommodate the expanding needs of trade? There is a great deal in having a canal that will be easy to maintain. A tunnel 80 feet wide at water surface and 120 feet high above the canal bottom to crown of arch is sufficient. A ship can pass this route in ten hours, towed at the rate of 3 miles an hour. To pass the Nicaragua route at the same rate of speed would require sixty-four hours."

[Copy of a letter from Mr. Frederick M. Kelly to the late Chief Justice Daly, president of the American Geographical Society, December 9, 1879. Am. Geographical Soc., Bulletin 4.]

No. 153 WEST FORTY-FIFTH STREET,
New York City, N. Y., December 7, 1879.

MY DEAR SIR: Your letter of November 26, inviting me to be present at the meeting of your society on the 9th instant to hear Admiral Ammen's Nicaragua Ship Canal paper read, I received in due time, with thanks, but on account of serious illness in my family I will not be able to attend. I would be very glad to see the admiral, as it was my great pleasure to make his acquaintance some years ago when in Washington, notwithstanding I have no confidence in the enterprise of which he is so zealous and able an advocate.

Twenty-seven years' study of the question and an extensive intercourse with men engaged in shipping interests in this country and Europe have convinced me that a short sea-level canal, with good, safe harbors, which will require no dredging or other improvements to keep open and which can be reached safely at all times on a wide, open sea, is what the commerce of the world demands and will have, sooner or later, cost what it may.

These important and necessary conditions the Nicaragua route does not afford, as it is 180 miles long, requiring 18 or 20 locks, so liable to get out of order in the wet isthmian climate, and with no good natural harbors on either ocean.

A canal via the San Blas route will give us a deep, wide cut through the narrowest part of the Isthmus through which vessels may pass from ocean to ocean quickly and safely on an even keel without expense, dangers, and delays of locks, save one tidal lock to control too high tide of the Pacific.

A ship at the rate of 3 miles per hour can be towed through the San Blas Canal in ten hours, and thus 100 going from the Atlantic to the Pacific and 100 from the Pacific to the Atlantic—200 ships—could pass the Isthmus at this narrow point in twenty-four hours with perfect ease. The same ship going at the same speed would require seventy hours to pass the Nicaragua Canal, including delays at its numerous locks, any one of which, if disabled, would detain the ship no one can tell how long, perhaps weeks or months. It would be a great misfortune to build a long, many-lock canal like the Nicaragua, as that would result in constructing another one at the narrowest part of the Isthmus. The San Blas route, surveyed by Messrs. McDougal, Sweet, Foreman, Rude, and Fountain in 1864 and partially examined by Commander Selfridge in 1871, is but 30 miles long, of which 10 miles is the Bayano River, easily, for a trifling expense, made navigable for ships, thus leaving only 20 miles for canalization of this route, 7 miles of which is a tunnel which the engineering skill of this day, with steam and crompressed-air drills now in use, can drive without serious difficulties the same as they have the Hoosac, Mont Cenis, St. Gotthard, and other tunnels in this country and Europe, which twenty-five years ago, with the old mode of tunnel drilling, would have been impracticable.

In attempting to solve so great a problem as the best and only route for a ship canal, it is important that additional surveys should be made, especially of the San Blas route, which is much the shortest of all proposed, as by this means a lower and shorter pass will doubtless be found by flanking the sugar-loaf hills which extend through that part of the Isthmus.

The party should be in charge of a competent Army engineer like General Michler, who in 1858, by order of Congress, made a very creditable and able survey of the Atrato-Truando route for a canal without locks, via the Atrato Valley.

As we are building the canal for all time, it is the height of folly to locate it where dangerous floods and almost bottomless swamps will destroy it, and thus render useless the undertaking which has cost millions of money.

The safest and most reliable material to excavate in that country is rock, and the more miles of rock the canal passes through the more safe and durable will be the structure, and less walling will be required to keep the banks from falling in, and the less will be the cost of maintenance after the work is finished.

Of about 30,000,000 cubic yards of material to be removed on the San Blas route (which is much less than other routes, excepting the Atrato-Napipi) about 25,000,000 is rock, and hence the canal located there would be more safe and solid and cost very much less to maintain it in the future.

This in the long run of years is of very great importance to the stockholders, as every railroad man in the country fully comprehends. If it cost all the receipts to maintain the work, where will the shareholders get their dividends? I have had careful estimates made by the engineers employed, and the total estimate of the cost of the canal is $104,000,000. The estimate of the cost of the tunnel 80 feet wide at the water line and 120 feet high from the bottom of the canal is $54,000,000.

Yours, very truly, FREDERICK M. KELLEY.

Mr. J. Dutton Steele, who had large experience in tunneling in Pennsylvania, in referring to the same matter, wrote to Admiral Selfridge as follows:

"I have carefully considered the important subject to which your letter refers, viz, the probable cost of the tunnel, and have concluded that the figures you give are as nearly correct as possible. Such work could be let to good men in the United States for from 10 to 20 per cent under these prices, but the cost of moving men and machinery (plant) to a new field of operations will increase the cost."

Mr. S. A. Scott, a prominent engineer of the Erie Canal, who was also on a survey on the San Blas route in 1857, says:

"There seems to be no objection to this route; in fact it looks more practicable than any other with which I am acquainted."

All of these opinions were given when the cost of tunneling was much greater than it is now, and the machinery and engineering methods employed in their construction much inferior to our present-day standard.

Admiral Selfridge's figures and comments on the Napipi route, so far as it involves the construction of a tunnel, were as follows:

"Division No. 3 extends from V to Y and is a tunnel 9,010 yards in length, 120 feet high, and 70 feet wide. Its sides are perpendicular for 63 feet, the remainder an arch with a depth of 57 feet. The number of square yards in a linear section of a tunnel of these dimensions is 824. For estimate of cost of this work, supposing arch to be self-sustaining, an allowance of $5.35 per cubic yard is made, which puts the whole cost of division No. 3 at $39,719,684. * * *

"There appears to be a popular prejudice against tunnels, difficult to understand in the face of the success of the Mont Cenis Tunnel and the undoubted completion of the Hoosac Tunnel in a couple of years; for though this tunnel is of much greater dimensions, still it is not entirely a tunnel in a tunneler's sense of the term. Bore a hole 15 feet high, and the remainder should be treated as an open cut, with the favorable exception of a roof overhead.

"A few years ago such a work would have been an impossibility, but with the modern improvements in drills and explosives it is a matter of only time and money.

"With the Burleigh drill, which can bore a 2-inch hole in hard rock in seven minutes, and calculated to be equal to the work of 60 men with the common hand drill, and with the employment of nitro-glycerin, or picrate powder, which has an explosive force seven times greater than gunpowder, a condemnation of this line should not be made on account of a tunnel, except on the ground of cost, which is amply met by the small expenditure in other portions of the work." And in referring again to tunnel work, he says: "In the construction of a canal over any route whatever there will arise great obstacles and delays on account of the very heavy rainfall, increasing materially the cost of construction, for which no proper estimate can be made; but the Napipi line is free, in a considerable measure, from this serious inconvenience, for work in the tunnel can be carried on uninterruptedly, night and day, in the wet as well as in the dry season."

That eminent engineer, Charles E. Sweet, who made a survey of this route in 1864, says the nature of the material through which excavation is to be made is substantially the primitive rock and of so substantial a character that no provision for lining is necessary. He thinks it would require from six to eight years to construct the canal, and submits the following estimate, September 13, 1879:

"Total length, 30.3 miles. Commencing at the west or Pacific side, the Bayano River can be made available for canal purposes at a nominal cost. The depth of cutting at the west end of tunnel would be 150 feet and the distance is 8.99 miles. The summit of the Cordillera Range, penetrated by a tunnel, is 1,500 feet above sea level. The formation is principally trap and granite, and the tunnel will probably need no lining. The dimensions of the canal proposed, outside of the tunnel, are 100 feet wide on bottom, 125 feet wide at surface, and 28 feet deep.

"The tunnel section would be 70 feet wide at bottom, with batter 1 to 12 outward to the spring of a gothic arch. The total height of the tunnel would be 118 feet from bottom of canal to crown of arch. The sections contain 845 square yards, or 282 cubic yards per linear foot." In estimating the cost of construction Mr. Sweet assumed a heading of 243 square feet at $20 per cubic yard, and figured the removal of bottom at $5 per cubic yard. This amounted to $1,545 per linear foot. He estimated that it would cost an additional $865.88 per linear foot of tunnel to line it throughout. The detail estimate is as follows:

Lighthouse at Chepillo Island	$12,000
Removal of bars in Pacific and Bayano River	136,684
Tidal lock at Great Bend	675,844
Dam across river at Great Bend	174,631
Cut at Great Bend	209,835
New channel for Mamori River	115,752
Canal to south end of tunnel	13,033,943
Tunnel, 7 miles long	57,103,200
Canal to Gulf of San Blas	11,234,318
Lock, 9 feet lift, at San Blas	506,017
Light-house at Butlers Point	12,000
Engineering contingencies	20,803,556
Total estimated cost	104,017,780
If tunnel requires lining, add	32,002,181

[Note 6.]

DRILLS.

Modern drills used in driving the Simplon tunnel, 1901.

Name.	Penetration per minute of work.
	Inches.
Feroux	1.6
McKean	1.4
Dubois, used in St. Gotthard tunnel construction	1.04
Francois	
Sommellier	.85

[Note 7.]

Charles Prelini, in his Practical Treatise on Tunneling, published in 1901, gives the following table of cost for excavation in different kind of soils,

based on his examination of the actual cost of constructing many different tunnels through formations of like character, the number of which is given:

Nature of soils.	Number of tunnels.	Cost per cubic yard.
Granite gneiss	56	$3.07 to $3.85
Schist	39	1.38 to 1.53
Triassic	3	
Jurassic	69	1.23 to 1.38
Cretaceous	34	.61 to .77
Tertiary and modern	39	.33 to .61

[Note 8.]

An examination of the cost of the four great tunnels of the world—Hoosac, Mont Cenis, St. Gotthard, and Arlberg—discloses the engineering fact that the Arlberg, while one-third larger than the Hoosac, cost $2,700,000 less and was built in one-quarter of the time. The Hoosac to-day could probably be built for one-half of the cost of its construction. Their relative cost per foot was:

Hoosac	$379
Mont Cenis	356
St. Gotthard	229
Arlberg	154

In Van Nostrand's Engineering Magazine, volume 1, 1869, may be found an estimate of the work to be done on the Hoosac Tunnel and the contract price for doing it.

Three miles were to be excavated, one and three-fourths of its length of 4½ miles having been constructed. It was to be 24 feet clear and 20 feet wide. Eight drills were to be used to a heading 8 feet high, with not less than 50 pounds air pressure. Four and one-half million of bricks were to be used for arching, and the price was to be $4,594,268. That tunnel could be built for $2,500,000 to-day. Multiplying the contract price by ten and again by three a tunnel 9 miles long and 240 feet clear and 200 feet wide will result, and the cost of its construction would be approximately $137,828,040. These figures would apply only to the days of the Burleigh drill and gunpowder and nitroglycerine. The cost to-day would be about one-half.

Mr. SCOTT. I ask that the joint resolution may lie upon the table, and at some future time I shall call it up for a vote.

The PRESIDENT pro tempore. The Senator from West Virginia asks that the joint resolution may continue to lie upon the table.

Mr. MORGAN. Before there is any action taken upon that request I want to move to refer the joint resolution to the Committee on Interoceanic Canals.

The PRESIDENT pro tempore. The Senator from Alabama moves that the joint resolution be referred to the Committee on Interoceanic Canals.

Mr. MORGAN. I wish to make a statement about that, Mr. President, if I have the floor.

Mr. SCOTT. I have no objection to the reference, except the delay which it will cause. I do not believe it will require over two months to execute the joint resolution, but, of course, it will cause additional delay if it is referred to the committee.

Mr. MORGAN. Mr. President, I wish to say, in reply to the Senator from West Virginia [Mr. SCOTT], that General Serrell, who is the promoter of this project of a canal at San Blas, appeared before the committee, and asked that the subject might be referred to a subcommittee for investigation. Thereupon a subcommittee was appointed, and the Senator from Kansas [Mr. HARRIS] was appointed the chairman of it. He has heard General Serrell and he has heard other persons. He is conducting as rapidly as he can an investigation of this subject at the instance of General Serrell. The Senator from Kansas is particularly well fitted for that work, because he and his father have had personal experience there as engineers in the survey of the San Blas route, besides other routes lying below Panama.

The committee has been very diligent in bringing forward all the information possible to be obtained on the very subject on which the Senator from West Virginia has addressed the Senate, and will not allow the grass to grow under its feet on that subject. So that if this resolution goes to that committee it will at once receive the consideration that it deserves; and no one pretends that it does not deserve very careful consideration. But there are questions connected with it besides the mere engineering questions which the Senate will at once perceive the importance of.

The Republic of Colombia includes Panama and all the proposed canal lines south of that State. It has stock in the Panama Canal to the amount of a million dollars, if not more—certainly a million dollars; it has very large contingent interests in the earnings of the Panama Canal, and it also has an interest, and a very great one, in the Panama Railroad Company, from which it derives an income of $275,000 a year, and, of course, leaving the Panama Railroad to stand there, we may expect a good deal of embarrassment and a good deal of hesitation on the part of Colombia to our acquiring the right to build a competing line that will destroy both the Panama Canal and the Panama Railroad. So that that question stands in front of all questions in regard to the San Blas route, even if it were the best one for the canal. If that can be demonstrated, Mr. President, this other question stands in front of it, and it is, it seems to me, an entirely hopeless task to get Colombia to consent to destroy the Panama Canal, and also the Panama Railroad, in order to have this sea-level canal through the Isthmus at San Blas.

But the Senate, I think, will see at once that these questions are all tied together in such a way as that they can not give intelligent consideration to any one route—Nicaragua, Panama, San Blas, or any other—without considering all of them; and it has been the object of the committee to bring before the Senate fully and fairly every fact that can bear upon the whole question for or against either of these routes. The committee, I think, is competent to present a thing of that sort.

I wish to say, in addition, Mr. President, a few words, and to put into the RECORD some papers which I have collected here. It will take me only a few minutes to do so if the Senate will indulge me.

The advantages and disadvantages of the routes through which an isthmian canal could be built have been discussed since immemorial times, and it is instructive and interesting to consider the opinions of travelers, geographers, explorers, and engineers who have given attention to and have made a thorough study of this subject covering a period of more than a century.

The unanimity of opinions in favor of the Nicaragua route is evident and dispels any doubt as to the advantages of that route over any possible canal line in America.

The following quotations are arranged chronologically and show a close study of the subject in all its bearings by men and journals of established reputation in different nations and at different periods.

No great question in which all nations are concerned has ever been so carefully examined by diligent students, and none has been settled by so general a concensus of enlightened opinion.

I will place in the RECORD, with the consent of the Senate, quotations, without comment, from these various writers.

The PRESIDENT pro tempore. The Chair hears no objection to the request of the Senator from Alabama, and the papers referred to by him will be inserted in the RECORD.

The papers referred to are as follows:

THE ROUTE OF THE CANAL.

BASTIDE, M DE LA. Memoire sur la possibilité, les avantages, et les moyens d'ouvrir un canal dans l'Amérique Septentrionale. Paris, 1791.

Page 9:

"From what we have stated about the three points, the easiest to execute the scheme of communication, it can be concluded that preference must be given without hesitation to the Rio San Juan."

Page 10:

"No other place in America presents so many advantages as the Lake of Nicaragua, etc., and, lastly, this lake would be an immense port capable of containing all the navies of the world."

HUMBOLDT, BARON. Ensayo Politoco sobre el Reyno de Nuevo Espana. Madrid, 1818.

Page 240:

"The bar of the Rio San Juan, on the eastern coast of Nicaragua, has 12 feet of water; on one point only there is a narrow pass of 25 feet deep. In the Rio San Juan there is from 4 to 6 fathoms, and in the Lake of Nicaragua from 3 to 8, English measure. The Rio San Juan is navigable for brigs and sloops. Mr. Davis Robinson also says: 'The western coast of Nicaragua is not so stormy as it was represented to me during my navigation in the South Sea, and a canal issuing at Panama would have the great disadvantage of being continued at a distance of 2 leagues in the sea, because there are only some feet of water as far as the isles Flamenco and Perico.'"

Page 245:

"The Isthmus of Nicaragua has always appeared to me the most favorable for the formation of a canal of large dimensions. * * * In considering communication between two seas capable of producing a revolution in the commercial world, we must not limit our attention to establish a system of inland navigation by small locks, as in the canals of Languedoc, etc."

Pages 269-270:

"Being guided in the practical views, presented at the end of this chapter, only by the analogy of the labors already performed by man, I shall first observe that the breadth of the Isthmus of Nicaragua, in which the height of the ridge of partition is very inconsiderable, is nearly the same as the breadth of the land crossed by the artificial part of the Caledonian Canal. The Isthmus of Nicaragua, by the position of its inland lake and the communication of that lake with the Atlantic by the Rio San Juan, presents several features of resemblance with that neck of land in the Scotch Highlands where the river Ness forms a natural communication between the mountain lakes and the Gulf of Murray. At Nicaragua, as in the Scotch Highlands, there would be but one narrow ridge to pass over; for if the Rio San Juan, in a great part of its course, is from 30 to 40 feet deep, as is asserted, it would require to be rendered navigable in some parts by means of lateral channels."

Page 275:

"*Regarding Panama.*—We think that more advantageous ports may be chosen; but we ought here to observe that the height of the ridge is an insuparable obstacle to the junction of the seas, when there is not at the same time a sufficient quantity of upper water fit to be conveyed to the point of partition."

Page 282:

"The Lake of Nicaragua may serve as an upper basin, like the Lake Oich in the Caledonian Canal, and regulating sluices will furnish as much water for the canal as it requires."

Page 283:

"The winds blow with sufficient force on the Lake of Nicaragua to render it unnecessary to tow the ships which pass from one sea to the other, by means of steamboats."

DEMOCRATIC REVIEW. "The proposed ship canal to connect the Atlantic and Pacific Oceans." (Vol. VI.) Washington, D. C., 1839.

Page 413:

"*Northern Nicaragua Route.*—By this route, as has been before remarked,

a water communication already exists between the two oceans, with the exception of the narrow space between the west side of Lake Nicaragua and the Pacific, sometimes called the Isthmus of Nicaragua."

FOREIGN QUARTERLY REVIEW. Proposed ship canal across the American Isthmus. (Vol. 34.) London, 1845.

Pages 395-396:

"By far the greater part of this space is occupied by Lakes Leon and Nicaragua, the deep river Tipitapa, which flows from the former into the latter, and the ample bed of the San Juan, by which the Lake of Nicaragua pours its waters into the Atlantic. The resemblance between this noble body of water and the chain of lakes which has been converted into the Caledonian Canal can not be overlooked, and the probability seems strong, on a first view, that nature has here laid down the basis of a great oceanic communication which invites the fashioning hand of man to complete it."

BAILY, JOHN. Central America. London, 1850.

Page 132:

"In contemplating the opening of a ship canal in the State of Nicaragua, the river San Juan becomes an object of the highest importance, as seeming to present the natural and available means for effecting that great enterprise."

Page 147:

"At one extremity of the canal of Nicaragua there would be the port of San Juan in the Atlantic, which presents as many conveniences as would be required. It may be entered at all seasons and in all weathers without risk. The anchorage is good in 4 or 5 fathoms of water, nor is there any danger within it; therefore it could be made one of the termini of the canal without incurring much expense for the improvement as a port."

SAMPSON, M. B. Central America and the transit between the oceans. New York, 1850.

Page 7:

"The second line, which may now be considered definitely arranged, is that of a ship canal in connection of the lakes of Nicaragua. This work promises an early commencement and a rapid progress."

CHALONER & FLEMING. The Mahogany Tree. Liverpool, 1851.

Page 20:

"*Nicaragua.*—This province is now deriving immense importance from its territory having been selected, for the first experiment of making a canal through the American Isthmus of dimensions to fit the passage of large ships."

REICHARDT, C. F. Centro-Amerika, Braunschweig, 1851.

Page 169:

"The union of both oceans by means of a waterway through the Lake of Nicaragua and the San Juan River is of great importance for the world's interests and for the development of civilization."

Page 175:

"The conditions for building a canal from Lake Nicaragua to both oceans are the most favorable."

Page 177:

"I am as perfectly convinced of the feasibility of this canal as of my own existence."

COLONIAL MAGAZINE. Official report to the American Congress. (Vol. 18.) London, 1851.

Page 244:

"*Regarding Panama.*—Panama will always be a passenger line. Of that there can be no doubt; but, without something more being ascertained than is yet known, can never become the water line of communication between the two oceans.

"*Regarding Nicaragua.*—The great and prominent feature in this line is the inexhaustible reservoir of water to supply any amount of lockage, which nature has created and placed, as if on purpose to facilitate the enterprise, in the great lakes of Nicaragua and Managua, at present affording a natural but imperfect route to the Atlantic, reducing the main difficulty to the passage of the Lake of Nicaragua to the Pacific."

WALKER, Gen. W. Destiny of Nicaragua. Boston, 1856.

Page 37:

"The Nicaragua route offers as many inducements as any now known. San Juan, on the Atlantic side, is a town, upon the river of that name, with which we have an extended commerce."

Page 37:

"The greatest advantages in the Nicaragua route are the ease with which it may be traveled and the certainty of proceeding with comfort and safety."

SQUIER, E. G. The States of Central America. New York, 1858.

Page 416:

"From what has been said it sufficiently appears that Nicaragua is a country of great beauty of scenery and vast natural resources. She has, however, attracted the attention of the world less on this account than because she is believed to possess within her borders the best and most feasible route for a ship canal between the two great oceans. The project of opening such a canal began to be entertained as soon as it was found that there existed no natural communication between the seas—as early as 1527. Since that period it has furnished a subject for much speculation, but beyond a few partial examinations until very lately nothing of a practical or satisfactory character has been attained."

Page 436:

"*Opinions of English engineers.*—The American minister in England, at the request of the company, appears to have transmitted Colonel Childs's surveys to the Earl of Malmesbury with a wish that he would submit it to competent English engineers for their opinion. James Walker, esq., civil engineer, and Edouard Aldrich, captain of the royal engineers, were named for this service. They seem not only to have examined Col. Childs's survey, but to have subjected that gentleman, who was then in England, to a very close personal examination. Taking his plans, measurements, and statements to be correct, their opinion is, on the whole, favorable."

STUCKLE, H. Interoceanic Canals. New York, 1870.

Page 8:

"*Nicaragua.*—The greatest scheme of Central American canalization which has ever been advocated is that passing through Nicaragua, where the comparative facilities for forming a magnificent canal for ships of the largest size admit no dispute."

Page 10:

"Lake Nicaragua and the San Juan River are both navigable, and their water communications reduce the Isthmus to one-tenth of its whole breadth, and the surrounding region of the country can not be surpassed in agricultural and mineral resources."

JOURNAL OF THE FRANKLIN INSTITUTE (vol. 92). "Interoceanic communication across Central America," by Professor Nourse. Philadelphia, 1873.

Page 89:

"The strongest claim for a final survey of the Nicaragua route for a transit suited to the wants of the age are the water communications of the central lakes and their ability to feed the remaining line of the canal."

Pages 90 and following:

"Professor Nourse says in conclusion: 'There is this encouraging fact to those who have hoped of the Nicaragua route as securing early a ship canal, that both Colonel Childs and several of his assistants, in 1851 and 1852, have confidently believed that a practicable route can and will here be found.'"

SEEBACH, K. Central Amerika und der Interoceanische Canal. Berlin, 1873.

Page 6:

"*Nicaragua.*—Is more renowned for the importance of building the interoceanic canal than for a railroad. In fact, all previous schemes have tried to utilize the splendid lake of Nicaragua and the powerful 'Desaguadero,' through which its waters flow into the Caribbean Sea by means of the San Juan River."

MCFARLAND, W. Nicaragua and Darien. Senate Document No. 46, Fifty-second Congress, second session, Washington, 1874.

Page 11:

"My conclusions in regard to the proposed Nicaragua ship canal are these:

"(1) The general scheme is good, and the route is certainly practicable."

DUBLIN UNIVERSITY MAGAZINE (vol. 84). Dublin, 1874.

Page 627:

"Regarding Panama, Mr. Squier observes: 'But this route was never adopted for its natural advantages. In those days the traffic was conveyed by mules, and therefore the shortest land route was selected, without any regard to other more important conditions.'"

ALLEN, CHAS. H. The canal across the American Isthmus. Leisure Hour (vol. 28). London, 1879.

Page 732:

"*Nicaragua.*—This line has been favorably known and appears to possess advantages which can not be claimed for another.

"The lake receives the waters of forty rivers, as well as the overflow of the higher and smaller Lake Managua.

"If locks are allowed at all, the Lake of Nicaragua would appear to present advantages possessed by none of the others."

TACKELS, C. J. Percement de l'Isthme de Panama ou de celui du Nicaragua. Brussels, 1880.

Page 38:

"We must state frankly that we do not like to follow Mr. Lesseps's ideas, due to the above-mentioned reasons, while we are greatly in favor of the scheme of piercing the Isthmus of Nicaragua."

Page 39:

"In the Nicaragua Lake scheme we have a distance of 291 kilometers, it is true, but one is almost always in an open sea. Navigation is therefore a facility to compensate with distance; and it must be added that Nicaragua is at a distance of more than 600 leagues from the Gulf of Panama. It can be said with certainty of not being contradicted that there is economy in this scheme from any standpoint that the matter is considered.

"Thus from one end to the other of the canal toward the Lake of Nicaragua, with the San Juan River canalized, ships will be able to navigate and to cross each other, by day or night, at full speed without the inconveniences of stops or stations. There is no other delay than the passage of the locks, and it can be computed in seven hours only.

"Consequently all advantages are in favor of piercing the canal by the Lake of Nicaragua, and this fact induces us to prefer this route."

AMMEN, Rear-Admiral D. American Isthmus Routes. Philadelphia, 1889.

Page 10 (Senate Executive Document No. 15, Forty-sixth Congress, first session):

"That the Nicaragua route, being on the Atlantic side, at or near Greytown, possesses, both for the construction and maintenance of a canal, greater advantages and offers fewer difficulties from engineering, commercial, and economic points of view than any one of the other routes shown to be practicable by surveys sufficient in detail to enable a judgment to be formed of their respective merits, as will be briefly presented in an accompanying memorandum."

Page 13: In the North American Review of February, 1881, will be found a long paper by General Grant to the National Congress, which closed as follows:

"I have formed the opinions expressed in this article not from a hasty consideration of the subject and not without personal observation. While commanding the Army of the United States my attention was drawn to the importance of the water communication that I have discussed. During my administration of the Government I endeavored to impress upon the country the views I had then formed, and I shall feel that I have added one more fact of my life to those I have already recorded if I shall succeed in impressing upon Congress and the people the high value, as a commercial and industrial enterprise, of this great work, which, if not accomplished by Americans, will undoubtedly be accomplished by some of our rivals in power and influence."

Page 19:

"Much that I have said would have little relevancy to isthmian transit were it not that it shows beyond question that the impediments in the way of the construction of the Nicaragua Canal have not been of a physical nature, but vile machinations, which yet continue. In March, 1887, when Eads was expending his dying efforts in opposing the passage of an act of incorporation for the Nicaragua Canal Company and Mr. Colné, the secretary of the American syndicate to maintain the neutrality of the Government through its annuity of $500,000, was in Washington, doubtless to aid in preventing the passage of the bill, Colné gave out a telegram received from Paris, that M. de Lesseps would be gratified to see the Nicaragua Canal constructed."

Page 27:

"We may turn with satisfaction from the wretchedly conceived and mismanaged affairs at Panama to the idea of the great Humboldt, who visited the continent ninety years ago. Seventy-five years ago he wrote upon 'The practicability of a water communication between the Atlantic and Pacific oceans;' to be found in his personal narrative, published in London in 1826" (already quoted).

Page 28:

"On the Atlantic side, where the sea-level canal to the first lock will be 11 miles, there is a diurnal tide of only 20 inches. Were it 20 feet, as at Panama,

it would require a tide lock to prevent scour and deposits. The country is entirely flat, and the heavy embankments of the material excavated, flumed to 100 yards or more from the line of canal, will make the surface drainage actually only that which falls in the area. This is a marked contrast with the great surface drainage that would damage every mile of the Panama Canal."

Page 29:

"In the construction of the Nicaragua Canal there is a deep rock cut nearly 3 miles long near Greytown. A good part of the material will be required to construct a considerable mole at the entrance at Greytown and a dam at Ochoa.

"That the Nicaragua Canal will be constructed, and without delay, is assured by these facts, which tell not the less why the Panama Canal was a failure and will never be completed.

"The Engineering News referred to makes an admirable comparison of the two canal routes, as follows: 'At Nicaragua there is no unsolvable Chagres River problem; there is much less canal excavation; there is much less deep cutting; there is no problem of water supply; there is no rotten sliding rock; there are no endemic pestilences; there is a stiff trade breeze blowing all the year round to maintain health and comfort; there is a prior knowledge from detail surveys of just what is to be done, which was wholly lacking at Panama; there is the advantage of all the experience gained at Panama.'"

AMMEN, Rear-Admiral D. The Old Navy and the New. Philadelphia, 1891.

Page 474:

"In 1872 I was the junior member of a commission appointed by the President to examine into and report upon the canal question.

"The commission made its final report February 7, 1876, one sentence of which is as follows:

"'That the route known as the "Nicaragua route" possesses both for the construction and maintenance of a canal greater advantages and offers fewer difficulties from engineering, commercial, and economic points of view than any other of the other routes shown to be practicable by surveys sufficiently in detail to enable a judgment to be formed of their relative merits, as will be briefly presented in the appended memorandum.'"

Page 475:

"In February, 1879, M. de Lesseps informed our Government that he desired a convocation of engineers and representatives of all nationalities to meet at Paris on the 15th of May to discuss the American isthmian canal question. President Hayes sent for me a month later and said he wished me to attend this so-called 'congress' under instructions from the State Department."

Page 476:

"The decision in favor of a sea-level canal at Panama was really momentous and unfortunate for M. de Lesseps and his future stockholders.

"Had he chosen Nicaragua, in all probability at that time he could have obtained a concession, and ere this would have completed the canal and his stockholders would have been the envy of the world."

Page 477:

"General Grant arrived in San Francisco from Japan on the 28th of September, 1879, and from that time on was beset by a number of influences all calculated to draw him away from his cherised purpose of contributing to the extent of his ability to the construction of the Nicaragua Canal.

"The railroad magnates said: 'If you will only go to Mexico and promote the construction of an international railroad you will achieve the great possible good.' He was induced to go to Mexico as much to thwart the construction of the Nicaragua Canal as to promote the railroad constructions."

Page 480:

"In the meantime M. de Lesseps was gaining his experience from the operations, that the engineering difficulties at Panama were far more formidable than had been anticipated in making a canal, whether at the level of the sea or without any lockage that might be proposed. Then we find Mr. Blanchet in Nicaragua again, of whom mention has been made before as an emissary of M. de Lesseps in Nicaragua."

Page 481:

"There were many reasons at that time for my belief that Mr. Blanchet was in Nicaragua as a covert agent of M. de Lesseps."

Page 490:

"Notwithstanding the powerful influences that have stood in the way of the construction of the Nicaragua Canal and the consequent delays, the continued surveys have made the project of its development highly satisfactory.

"No waterway in the globe is so munificently supplied with a constant water level or so well protected against the damaging effects of the floods through weirs to discharge the surplusage, and all this, too, will be effected with a greatly reduced cost in the construction. The canal prism is reduced by these means to a length of less than 28 miles, one-half or even more of which can be dug by dredging machines."

Page 492:

"Had Baron Humboldt lived until his ideas had assumed a tangible form, in the actual location of the Nicaragua Canal, he would have seen the great lake, 110 feet above the sea level, with a considerable part of its bottom below the level of the sea, spread out to within less than 4 miles from the free waters of the Pacific, and within about 10 miles of the Atlantic, with low ground intervening—not in the valley of a stream, but simply in flat land—presenting no obstacle to dredging nor any difficulty in keeping the channel clear when the work is completed."

JOHNSON. Page 133:

"The Nicaragua Canal is as much an inland waterway of the United States, as regards a large part of the commercial service it will perform, as it would be were it to extend across the country from New York to San Francisco.

"The waterway will be an equally important route for the movement of our coastwise traffic, as distinct from the strictly inland traffic. It will be, as President Hayes said, 'Virtually a part of the coast line of the United States.' Besides this, it will become an important highway for the foreign commerce of our own country and the other nations of the world."

COLQUHOUN, A. R. The Nicaragua Canal. Westminster, 1895.

Page 6:

"*Referring to Panama.*—The adoption of the lock system, forced upon him by dire necessity, was unpalatable to Lesseps, more especially on account of the views he had expressed on the proposed Nicaragua Canal, for it must be mentioned as a singular fact that Lesseps in his 'Souvenirs,' as well as elsewhere, actually expressed the opinion that 'It was very clear the Nicaragua Canal was the best of canals with locks, if one were compelled to adopt that system.'"

Page 12:

"This object could never be accomplished at Panama, with the channel bed at sea level. Neither is a lock canal, in my opinion, possible, for a canal with locks or lifts must have at its highest level an abundant, safe, and controllable supply of water, and this can only be had in Central America on the Nicaragua route. There it already exists in perfection."

Page 16:

"It is possible, both for the construction and maintenance of a canal, greater advantages and fewer difficulties from engineering, commercial, and economic points of view than any of the other routes shown to be practicable by surveys, sufficiently in detail to enable a judgment to be formed of their relative merits. This opinion, based upon a long and careful study of the several route surveys across the continent, was signed by General Humphries, Chief of Engineers, Mr. Patterson, Superintendent of Coast Survey, and Commodore Ammen, Chief of the Bureau of Navigation."

Page 38:

"To demonstrate the thorough nature of this investigation it is sufficient to mention the fact that, although the length of the artificial canal is less than 20 miles, the total distance actually surveyed by transit and level—in cross sectioning and the location of locks, embankments, railroads, flowage lines, etc.—through a most difficult country was not less than 4,000. At every 500 yards careful borings, with corresponding records, were made. The whole constitute an accumulation of scientific data probably unsurpassed in any other similar enterprise."

Page 141:

"*Conclusions.*—Nicaragua is free from the obstacles met with in other localities—high elevation in the Cordillera separating the two oceans, requiring tunneling, or a high summit level, requiring a large number of locks, for which an adequate water supply is not obtainable, or torrential streams, whose control within reasonable limits is beyond the skill of the engineer."

KEASBEY, L. M. The Nicaragua Canal. New York, 1896.

Page 595:

"*Regarding Panama.*—In adopting the Panama route we would simply be burning our strategical bridges behind us, and this would be little short of foolhardy, considering the nature of the contest before us.

"*Regarding Nicaragua.*—Under the circumstances, therefore, the Nicaragua route would seem to be our only choice from a political point of view, and it is indeed fortunate that the technical factors involved do not seriously militate against our necessity.

"The Nicaragua route offers some exceptional advantages, when judged thus from a purely strategical standpoint; and foremost among them is the magnificent fresh-water sea in the center, capable of accommodating an entire fleet if necessary, and rendering possible the reparation of injuries inflicted upon our vessels in the high seas."

Page 596:

"But even after our financial choice has been made in favor of the Nicaragua Canal there still remains the more pressing problem of establishing our political control along the route."

MCCORKLE, Governor W. A. The Nicaragua Canal. Richmond, 1896.

Page 128:

"*Referring to Panama.*—A friend of mine, a former manager of the Panama Railroad, informed me that in twenty-four hours he had seen the Chagres River raise 70 feet. It was attempted by De Lesseps to control this river, but it was found to be impracticable. The great canal engineer, wedded to his idea of the sea-level Suez Canal, depressed the bottom of the Panama Canal to the sea level. This intensified the terrible power of the torrential Chagres. In addition to all this, by reason of the tides on the Atlantic coast being only 1½ feet in height, while in the Pacific coast they have risen to 19 feet, it was seen that the locks would be necessary. There was no water to supply the summit level. Even the vigor and energy of the French nation wore out and the combat with nature was abandoned."

CRAIG, H. Pros and Cons. New York, 1897.

Page 148:

"*Nicaragua.*—We may never be called upon to test our valor or strength in a trial of arms, yet foreign aggressiveness may compel to resort to conflict, in which event this canal would be a short gateway from the Atlantic to the Pacific. The possibilities of such a conflict are sufficient reason for us to insist on days of peace on a provision that may be immensely worth to us in days of war."

Page 54:

"In the interim other routes have been advocated, but careful surveys made by the United States Government demonstrated almost a decade before the disastrous attempt at Panama that the Nicaragua route was the only practicable one."

HARBORS.

Some comparisons have been made of the harbors of the Nicaraguan and Panama routes which might lead to the supposition that in Nicaragua they are entirely lacking and in Colombia all that could be desired. The Isthmian Canal Commission, after examining into this question, reports that Colon is not a good or safe harbor, and that during a blow ships must put to sea for safety.

The Isthmian Canal Commission estimates that the entrance and harbor at Colon will cost $8,057,707; Greytown entrance and harbor, $2,198,860; Brito, $1,509,470. Thus it is evident that the combined cost for harbors and entrances at Greytown and Brito amounts to $3,708,330. Therefore their aggregate cost is $4,349,377 less than the estimated cost for Colon alone.

On the other hand, S. T. Abert, in his historical and statistical note upon the projected routes for an interoceanic canal, published in Cincinnati in 1872, says in page 60: "On account of the rises of the tides, which vary as much as 22 feet, vessels are compelled to anchor 2½ miles from Panama and the passengers and freight are transported in light-draft steamers."

It is a most important fact that Lake Nicaragua, on the summit level, affords many good harbors wherein ships may rest in perfect safety; where dry docks can be conveniently built at small expense in which ships of all descriptions can be repaired and cleaned when necessary, and where shipyards can easily be established, due to the facility of having at hand in the rich and accessible forest surrounding Lake Nicaragua all the necessary woods for constructing vessels and an immense quantity of precious and hard woods, such as mahogany, cedar, lignum-vitæ, etc.

The fresh water of the lake would be of immense value for cleaning the vessels' bottoms because it rids them of barnacles.

MENLO PARK, *January 25, 1902.*

Hon. JOHN T. MORGAN,
United States Senate.

MY DEAR SIR: The fact that the Nicaragua route will admit of competition by sailing vessels, which that by Panama will not, is much more important in this connection than is generally recognized. As far down as latitude 12° north a sailing ship carries a steady fair wind; below that line she falls into what sailors call the doldrums, in which she may roll about for weeks without making progress in any direction. I have known of seventy

days spent in coming up from Panama, and I believe cases are known of the voyage taking as much as ninety days. Sailing vessels are comparatively cheap, and the west coast from Cape Mendocino up to Alaska abounds in material.

They are now building four, five, and six masted schooners, with large carrying capacity, and needing but a small ship's company to operate them. So long as these can compete for the trade, the opposition lines can never be bought up or subsided. But steamers are expensive, and costly also to operate, while their carrying capacity is reduced by the amount of space necessarily devoted to the machinery and fuel. Hence they fall into the hands of large companies, which never fail to enter into combination with the opposition lines operating railroads. This has been illustrated here by the combination between the overland roads and the Pacific Mail Steamship Company, which has endured for over twenty years and will last as long as the climatic conditions at Panama shut out the competition of sailing ships. The Panama Railroad, if its Pacific terminus were approachable by sailing vessels, could compete for a very large share of the transcontinental trade, but the attempt to avail of it for such purpose was abandoned nearly fifty years ago, and for the reason above given.

Consider the immensity of the raw products of the forests and mines of the west coast which would reach an Eastern market through the Nicaragua Canal, but would be shut out from one constructed at Panama. Neither timber, lumber, ores, or coal can afford to pay transportation by steamer. Ships built on Puget Sound and loaded there with lumber and ballasted with ores would carry their cargoes to Eastern ports and bring back coal and coarse goods at rates of freight which steamers could never compete with. The competition of sailing vessels in any branch of the traffic will keep down freights in all.

I have just seen in the Scientific American an article on this subject, one portion of which purports to be written "from an engineering point of view." It is evidently the work of a scribe retained for the purpose of aiding the cause of Panama. I have only read it hurriedly, but one of its assertions is so conspicuously misleading that I stop to refer to it. It speaks of the Panama Railroad as terminating "on each ocean in a good harbor, with ample wharf and dock facilities." It would be worth while to get a chart of each side of the Isthmus at that point to verify this flourishing statement. It is so long since I was at Aspinwall that I can not speak with certainty of the wharf or dock accommodations there, but the general features at Panama can not be effaced. The "bay of Panama" is only 90 miles across; there is no harbor there at all. The shore is a shelving solid rock, that, having a rise and fall of the tide of from 23 to 26 feet requires ships to lie 2 miles offshore; but I am treading on ground with which you are doubtless familiar, and must forbear.

Yours, very truly, JOHN T. DOYLE.

Mr. Doyle was for several years the agent of the Vanderbilt Transportation Company in Nicaragua.

Letter of Senator Edmunds.

AIKEN, S. C., *January 24, 1902.*

DEAR SENATOR MORGAN: I thank you for sending me the proceedings before your committee concerning the statement of Mr. Lampre. His notions of French law are certainly amazing, if they are correct, which I greatly doubt. I do hope Congress will not be betrayed into taking up the Panama offer, and thus, as I believe, wrecking for many years to come any isthmian canal. I am amazed at the report of the Commission, apparently implying that they recommend taking up the Panama route, which geographically, as you know, is not nearly so good for our best American uses and interests, and which, I am confident, if adopted, would, within the lifetime of many of the Commission, demonstrate to them that clay dams will not permanently hold the Chagres River in submission. The advantage of the great Nicaraguan Lake for the cleansing of vessels in fresh water is enough alone, it seems to me, to have compelled the adoption of that route.

The title of the Panama Company is, to say the least, darkly clouded with civil and international difficulties. I have not the means of examining our treaty with Colombia on the subject of isthmian transit through that country, but I suspect that we have become under obligations to all the world to protect and defend that canal against all comers, and that Colombia alone can not relieve us from such a claim if it exists. My belief is that the whole newspaper opposition to the Nicaraguan route, and its support of the Panama one, or its effort to leave it with the President to decide upon the route, is entirely inspired by great and selfish interests that do not intend that there shall be any canal at all as long as they can prevent it.

Faithfully, yours,

GEO. F. EDMUNDS.

SANITARY QUESTION.

BASTIDE, page 415:

"*Referring to Panama.*—The Chagres River is navigable up to Venta de Cruces, 5 leagues from Panama. This province is very unhealthy and not proper for commerce and population."

MONTGOMERY, G. W. Narrative of a Journey to Guatemala, in Central America. New York, 1839.

Page 131:

"*Nicaragua.*—One of the great advantages of this country is that of enjoying a climate peculiar to itself; a mild and delicious climate, which has none of the varieties of the seasons, for although the tropical heats are experienced in the low lands along the coast, in the rest of the country a perpetual spring prevails and the earth is clothed with a rich and never-failing verdure."

FOREIGN QUARTERLY REVIEW, page 395:

"The Isthmus of Nicaragua possesses a fertile territory, a healthy climate, and is not deficient in population."

ECLECTIC REVIEW. "Ship passage in Central America to the Pacific." (Vol. 91.) London, 1850.

Page 716:

"*The Nicaragua line.*—Facilities are said to be offered as this land becomes more known, and it has unquestionably a healthy climate."

BAILY, page 7:

"Although Central America occupies nearly the middle space between the equator and the tropic of cancer, the temperature may be said to be relatively mild, and, taken altogether, it undoubtedly is salubrious."

Page 115:

"*Regarding Nicaragua especially.*—Both climate and temperature appear to be extremely favorable to the general health of the natives as well as foreigners."

STUCKLE, page 22:

"*Regarding Panama.*—The first 13 miles, beginning at Navy Bay, were built through a deep morass, covered with the densest jungles, reeking with malaria and abounding with almost every species of wild beasts, noxious reptiles, and venomous insects known in the Tropics."

ABERT, S. T. Is a ship canal practicable? Cincinnati, 1872.

Page 54:

"*Nicaragua.*—This land possesses additional interests for the political reasons adduced by Emperor Napoleon III in a memoir prepared by him when a prisoner at Ham. Arranged with method and prepared with care, this pamphlet bears the impress of a sagacious judgment. 'In order,' says the writer, 'that the canal should become the principal element of the advancement of Central America, it must be cut, not through the narrowest part of the tongue of land, but through the country which is most populous, the most healthy, and the most fertile, and which is crossed by the greatest number of rivers, in order that its activity may be communicated to the remotest part of the interior.'

"The line selected by Louis Napoleon (although he errs in his statement of distance) has not been improved by the changes in location proposed by subsequent engineers. All these routes commence at San Juan de Nicaragua and follow the San Juan River to the Lake Nicaragua."

DUBLIN UNIVERSITY MAGAZINE, page 627:

"The extreme insalubrity of the Isthmus of Panama, its inability to furnish supplies, and its fatal deficiencies in good ports was early known to the Spanish Government.

"The difficult and deadly route by way of Panama, traversed only at intervals by caravans and mules, sufficed for two centuries for the small necessity of communication with the Pacific.

"Tens of thousands of eager and ambitious men directed their course to Panama, heedless of its insalubrity, and risking decimation in their transit.

"Mr. Squier observes, with a thorough knowledge on the subject, that the Bay of Panama, on the Pacific, 'is in no sense of the word a port.'"

ALLEN, page 732:

"*Regarding Panama.*—In this voluminous and interesting report every objection exists as to this route on the score of malarious climate, difficulty of cutting a tunnel, want of regular water supply, and danger from floods of the Chagres River," etc.

TACKELS, page 38:

"We would like the profit available of the geographic and geodetic advantages of the lake of Nicaragua and of the San Juan River, by which it is sufficient to make a cut of relatively less importance than that of Panama, which is much larger, with a soil structure more difficult to dig and a geographical position really dangerous, due to the winds, to the miasmas produced by the tides, and to numerous other obstacles which are not to be met while piercing the Isthmus of Nicaragua."

AMMEN, pages 21 to 31:

"In looking at the construction of a canal across the Isthmus, the health question will be found the most important, even in a commercial point of view, and the humanitarian will be pleased to know that there is perhaps no country on the globe where the canal could be made with less loss of life from disease than on the route of the Nicaragua Canal as now located.

"That the healthfulness of Nicaragua is exceptional for a tropical region, as I shall prove presently, is a well established fact.

"Although the jaguar and couguar abound in this continent, from the boundary of Texas to Patagonia, they do not attack men, and although there are venomous serpents in all intertropical America, they are not numerous, and they are an imaginary rather than a real danger, shown from the fact that in the many surveys made by our Government not one man has been fatally bitten if bitten at all. The wild beasts, although numerous, were never seen, even in their haunts in the thick forest traversed by the surveyors. The Chief Signal Officer of our Government adds another tribute to the climate of this region from his observations: 'Exempt from hurricanes and whirlwinds, owing to the constant movement of air across the Isthmus from the trade winds, although light in the rainy season.' When this canal is made, as it doubtless soon will be, the region lying between the lakes and the Pacific will be the great sanitarium of Europe and the United States, as it will then be easy of access and will be found to fulfill required conditions more fully than any other region known.

"Seven years ago I made the acquaintance of an English gentleman who asked me if I had read a book published in London some years before, entitled 'A Naturalist in Nicaragua.' I subsequently read the book with interest and instruction. It treats of the healthfulness of the climate, even at Greytown, and the causes of it. On mentioning this to Medical Director McCoum, of the Navy, he informed me that his personal observations at Greytown, in relation to the type of fever at that port, confirm the statements of the writer referred to.

"In the sitting of the Association for the Advancement of Science in the city of New York in August, 1887, Surgeon Bradford, of the Navy, gave his ideas in relation to the causes of this exceptional healthfulness of Nicaragua as compared with most intertropical countries. He had been the medical officer of the several expeditions sent to Nicaragua and was competent to express an opinion in relation to the subject. He had also been on the Panama survey and therefore was able to appreciate the wide difference between the two localities. In December, 1887, 60 surveyers and assistants landed at Greytown, accompanied by 100 or more Jamaicans, and had a further accession of force of 40 natives.

"The rainy season prevailed a month or more beyond the usual period, and during that time they were exposed in their tents and in the forests, engaged in work of arduous nature, and this exposure continued for a period of six months without a case of serious illness in the entire party. What was remarkable, the Jamaicans were far more liable to ailment than our countrymen. This climatic difference, so well established as not to admit of dispute, if looked at only in a commercial point of view, is of immense advantage in relation to the execution of a canal, in economy of time and money in Nicaragua, and the reverse on the Isthmus of Panama."

COLQUHOUN, page 141:

"The advantages of Nicaragua over Panama are these: It is a fresh-water canal, with an admirable natural reservoir—the lake. It passes through a region offering prospects of great development, free from the marshy soil, the overpowering heat, and the unhealthful climate of Panama. There is no Chagres River problem, and the 'divide' stands in a different category to that of the Culebra at Panama. There is trade wind all the year, bringing with it health. There is the valuable experience gained at Panama. There is accurate knowledge of what has been done, based upon thorough and intelligent investigation.

"The inexhaustible water power available is invaluable, while the material from the divide cuts is useful for the dams, embankments, locks, and breakwaters."

Report of J. ED. STUBBERT, M. D., chief surgeon of the Nicaragua Canal Construction Company—Fifty-fourth Congress, first session, Report 2126, House of Representatives, page 23:

"We now come to the number of patients treated, classification of diseases, mortality, etc. The time covered by the statistical portion of this report will

be from November 1, 1889, to December 31, 1890, as, owing to the fact that until October 16 there was no recognized head to the department, no previous records are in existence. During these fourteen months there have been admitted into headquarters hospital 1,669 patients, of which 1,347 were medical and 322 surgical. Of the whole number there have been discharged cured or improved 1,646. The total number of deaths has been 23, or 1.38 per cent of those admitted. These deaths can be subdivided as follows:

"Those due to accidents, 5, or one-third of 1 per cent; those due to chronic diseases contracted before entering the company's employ, 6, or one-third of 1 per cent; those due to diseases contracted while in the company's employ, i. e., climatic diseases, 12, or seven-tenths of 1 per cent.

"This fact I wish to emphasize, viz, that out of over 1,600 patients only 12 have died from diseases that may be termed climatic.

"It has been generally supposed that this country teems with fatal maladies and that the employes are exposed to severe and dangerous types of fevers. After a professional experience of ten years, most of which time has been spent in the Tropics, and been familiar with nearly every climate of the globe, I can state that Nicaragua is exceptionally exempt from any fatal epidemic diseases.

"To show how varied in character are the diseases met with and how closely they resemble in class those of a temperate rather than a tropical climate, I will enumerate some of the most prevalent in this hospital:

Remittent fever	208
Bronchitis	65
Indolent ulcers	38
Intermittent fever	433
Cholerine	19
Phthisis pulmonalis	3
Pernicious fever	6
Pneumonia	17
Dysentery	47

"The disease which is most liable to prove fatal is dysentery, but this characteristic of that grave disorder is the same in all climates. Most of the diseases met with have been mild in type, this being especially true of bronchitis and pneumonia, the latter frequently having its crisis on the sixth day. The cases of fever, when of the remittent or intermittent types, are very amenable to treatment and not of a long duration, the former generally disappearing in about four and one-half instead of twelve to fourteen days, as is its usual duration in the United States.

"No epidemic disease has visited the country since the company has been at work, and the occasional rumors that one hears of such visitations in the past upon investigation lack sufficient evidence to give them credence. Two illustrations will suffice. During the summer of 1889 a great panic was caused by reported cases of yellow fever in San Juan del Norte. The sequel proved them to be nothing more than a few isolated cases of pernicious malarial fever, in which jaundice was a prominent symptom. In the summer of 1890 a number of cases of Chagres fever and adynamic types of malarial fever were brought to this port from Colon on towing steamers in service of the company; some of these were reported by the populace as cases of yellow fever. Every one of these admitted to our hospital recovered, while of those admitted to the Colon Hospital a number died. Thus it is seen that not only are we not specially subject to fatal diseases, but when aggravated cases of epidemic disorders are brought here from other localities the tendency is toward recovery.

"*Climate.*—The climate of Nicaragua is, as has been asserted, and we think proven by the record of this department, a salubrious one. Far removed from the severity of Northern winters, even while geographically in the Tropics, we enjoy an equable temperature throughout the whole year. The northeast trade wind tempers the atmosphere and has a marked influence. The temperature has an extreme range of 18.5 degrees, from a maximum of 71 to 89.5 degrees, or a mean of 77.25 degrees. The dredges have been at work in the harbor and in the opening of the canal line for some months without causing an increase in the percentage of illness.

"*Immunity from sickness of officers.*—Our experience in this respect has been eminently satisfactory. Two officers only have died, one a case of suicide, and the other killed by a falling derrick. The fact that not a single case of fatal illness has occurred among our officers, most of whom are brought here from colder climates and exposed constantly to the elements, working in swamps and dense forests, speaks for itself."

Hearings before the House Committee on Interstate and Foreign Commerce, 1896. Senate Report No. 1109, Fifty-fourth Congress, first session.

Examination of Hon. WARNER MILLER, page 59:

"Mr. PATTERSON. I understand after you get out of the basin at Greytown and get to the foothills from here to the Pacific Ocean you have a salubrious climate—it is rather healthful country—and there would be less likelihood of any people engaged in labor dying and being sick than at Greytown?

"Mr. MILLER. The conditions are these, and the records show it: At Greytown there is never a day in the year in which the trade winds do not blow—in which the winds blow from the ocean to the land. The result is, while this low land would naturally create miasma and fever, and does to a certain extent, these constantly blowing winds make it substantially healthy. As I told you, there were for six months 1,600 Jamaica negroes working upon this line of railroads 11 miles long. Only four of them died there of any disease; others were killed by accidents.

"The moment you approach the foothills and mountains the rain decreases. When you come to the lake, we have a record from Dr. Hall, who lives at Rivas, 5 miles from the line of the canal, who has resided there for thirty or forty years. I know him well. He has kept a record of the rainfall of all that region, which shows an average fall of 65 inches annually. Of course, no tropical country is a sanitarium, but I went through that country in the month of March and part of April with a party of 30 gentlemen. Some of them were 60 years of age and others down to 20 years of age, none of whom were familiar with the Tropics or had been in them. We tramped down through this wilderness and slept in open sheds at night and waded swamps and drank the water of the country. Not one of the thirty was sick at all during the entire journey or during the time we were there.

"We have had American engineers who have been continuously three years in Nicaragua without even being sick or going to the hospital. Other engineers have been sick for a short time, but the record of the hospital—and I believe the subcommittee have had Dr. Stubbert before them, who was chief surgeon in charge of this business all the time the company was carrying on work, and here is a short sketch from the hospital, if it will not detain the committee too long. Here is one year's work: Number of patients in the hospital, December 31, 1890, 25; admitted during the year, 507; total number of patients, 532; discharged cured, 339; discharged improved, 112; unimproved, 8; died, 10. In the hospital December 31, 1891, 63, and of the deaths, 4 were the results of accidents suffered while at work and 5 were from climatic ailments.

"Mr. PATTERSON. What about the Chagres fever which prevails in Panama?

"Mr. MILLER. No such fever has been known at Nicaragua, and there is no record in modern times of a single case of yellow fever even at Greytown. During our work there came a steamer there from Colon bringing up a portion of this dredging plant which we bought. When it left Colon it had Chagres fever. Some 4 or 5 of its crew were put in the hospital at Colon and the vessel came on to Greytown. When it arrived there it had 6 or 8 men down with Chagres fever, and they were taken out and put into our hospital and treated, and none of our men took the disease; and every one of those men who went into the hospital was cured and came out, and every one who went into the hospital at Colon died. That is the only record we have in that matter."

Hearings before the House Committee on Interstate and Foreign Commerce, 1896, Senate Report No. 1109, Fifty-fourth Congress, first session.

Examination of Col. WILLIAM LUDLOW:

"Colonel LUDLOW. On the other hand, the sanitary history of the Panama enterprise is very dreadful. The mortality down there both in the construction of the railroad and the construction of the canal, as far as it has gone, and it is apparently about half built, was very great indeed, very great; the mortality was tremendous.

"Mr. DOOLITTLE. Do you remember what percentage it was during any given time?

"Colonel LUDLOW. No; it is not easily ascertained. The hospital records show the mortality. Of course, it is not likely we would really get the whole of it, because people do not like to publish those particulars."

MCCORCKLE, page 130:

"The Isthmus of Panama is one of the most unhealthy sections of the world, and it lies at the end of a land-locked bay, through which the trade winds never blow, and the location of the canal at that point would require the towing of a sailing vessel for at least 100 miles to the mouth of the canal.

Hearings, Fifty-fifth Congress, second session, Senate Report No. 1265. June 20, 1898, ordered to be printed, page 88.

Senator MORGAN. What effect does that have upon the health of the country?

Admiral WALKER. The country is perfectly healthy. We have had an average of 250 people at work. Our parties that have been on the west side have been in a very healthy country; there has been no sickness whatever. On the east side our parties have been working in swamps and water, and there has been less malarial fever than there would be in running a survey in Virginia at this time of the year.

From same document, page 117:

Senator MORGAN. What are the conditions as to the health and comfort in that country?

Professor HAUPT. That portion of the Isthmus seems to be particularly exempt from malarial fevers, and especially from yellow fever; they say they have none indigenous—that is, they imported whatever has come there. They have malarial fevers, but they are not particularly fatal. So far as our experience goes, none of our parties have suffered seriously from them. They have had light attacks of malarial fevers, chills and fever, but it has not incapacitated them from doing their work. The natives seem to be exempt from it entirely. I have collected considerable information in regard to the labor question.

HURST, page 91:

"I also find in 'Report of Historical and Technical Information relating to the Problem of Interoceanic Communication by way of the American Isthmus, by John T. Sullivan, Lieutenant, U. S. N., by order of the Bureau of Navigation, Navy Department. Washington: Government Printing Office, 1883.'

"I can cite an experience of nearly four months on board of one of our war vessels stationed at Aspinwall (Colon) during the rainy season. Out of the complement of 180 officers and men only few individuals escaped an attack of the Chagres fever, and the sick list, always large, increased to such an extent that the commanding officer was compelled to take the responsibility of leaving his station without orders, and on the day of our departure there were 80 of the ship's company down with the fever."

REICHARDT, page 102:

"The climate of Nicaragua is very healthy, the soil very fertile, and its great lake is connected with the Atlantic. All these natural advantages did not pass unnoticed, for cities were built there long ago."

Page 198:

"*Referring to Panama.*—The climate is very damp, and there is a very great amount of vermin."

WALKER, page 36:

"Climate is of some consequence, even to a passing traveler. The climate of Nicaragua, Mosquito, and Costa Rica is superior to that of the other Central American States."

SQUIER, page 435:

"During seven months on this part of the state illness in the party at no time interrupted a daily prosecution of the survey. Upon the San Juan River the surveying party consisted of 12 persons exclusive of native citizens. The survey occupied six and one-half months, from March to September. The party generally enjoyed good health."

PRODUCTIONS.

BAILY, page 120:

"Nicaragua, as regards soil and fertility, may fairly challenge competition with the most favored part of Central America for most of the purposes of agriculture, which, with suitable applications, could be carried on extensively and prosperously very far beyond what is actually the case, for only a small portion of the land can be said to be improved or made use of. One of the most principal sources of wealth at present consists of cattle; of these there are great numbers in all parts, but most especially in the district known by the name of Chontales, lying on the eastern side of the lakes, and reaching as far as San Miguelito, within a few leagues of the river San Juan."

CHALONER & FLEMMING, pages 21 and 22:

"*Regarding Nicaragua.*—As there are naturally no obstacles to the execution of this project but what engineering skill, backed by the required funds, can vanquish, the advantages that will thereby accrue to the commerce of the world are so apparent that it would be a mere waste of time to enumerate them."

ABERT, page 54:

"No isthmian project has received so careful examination as the lines passing through Lake Nicaragua. This part of the Isthmus widens into continental proportions of great fertility. The productive and industrial development of this country by means of railroad or canal would supply a material addition to the commerce of the world. With the growth of Central America our gulf ports—Galveston, New Orleans, Mobile, Apalachicola, Pensacola, Tampa Bay, and Key West—would increase in military and commercial importance."

KEASBEY, page 597:

"Then, either as a nation or as a Government, we must construct the Nicaragua Canal exclusively with American capital; for what we own, according to well-recognized laws of property, we can assuredly control and

defend, despite international provisions to the contrary. If objections are then raised by our adversaries, we will have fact instead of mere theory wherewith to combat them, and a clear-cut issue will at last be drawn."

COLQUHOUN, page 141:

"*Regarding Panama.*—When in Central America, in addition to my examination of the Nicaragua Canal, I made a personal inspection of the Panama line, paying especial attention to the two main difficulties, the Chagres River and the Culebra cut. A number of estimates of work done and to be done to carry through the canal, with locks, have been published. The general conclusion I arrived at was that if a lock canal were feasible for practical purposes, not more than one-third of the total work required to complete it has been executed, and that the remaining two-thirds would involve a genuine expenditure of largely over £40,000,000 ($200,000,000)."

CRAIG, pages 48-50:

"With the Nicaragua Canal we connect the Atlantic with the Pacific and increase our commerce in the varied productions of the Pacific States, Central America, Mexico, the western states of South America, the Sandwich Islands, China, Japan, and much of Australia and the East Indies. This canal project has been agitated for years, and no private capital seems inclined to make the venture. As it is of great commercial importance to us, I am proud to be in favor of putting it into actual operation. Bear in mind that we produce nearly one-third of the manufactured goods of the world. We are the richest country on the globe. We have more millionaires, more money on deposit, more capital invested, more railroads, more value in agriculture, more pushing ability than any other country, and now that we need it we say build the Nicaragua Canal just as quickly as you can.

"One method of showing the relative advantages which the Nicaragua and Panama routes would possess is to compare the distances by way of each of them between typical Atlantic and Pacific ports. A few distances are shown in the following table, compiled with the assistance of the United States Hydrographic Office. The table applies only to the routes followed by steamers, and the length of each canal is reckoned in nautical miles.

Comparison of distance for steamers by the Nicaragua and Panama routes.

From—	To San Francisco, via—			To Yokohama, via—		Via Honolulu.
	Nicaragua.	Panama.	Saved via Nicaragua.	Nicaragua.	Panama.	Saved via Nicaragua.
	Miles.	*Miles.*	*Miles.*	*Miles.*	*Miles.*	*Miles.*
New York	4,922	5,299	377	9,832	10,087	255
Liverpool	7,652	8,038	386	12,562	12,826	264
New Orleans	4,119	4,698	579	9,029	9,486	457

From—	To Shanghai via Honolulu.			To Guayaquil.		
	Via Nicaragua.	Via Panama.	Saved via Nicaragua.	Via Nicaragua.	Via Panama.	Saved via Nicaragua.
	Miles.	*Miles.*	*Miles.*	*Miles.*	*Miles.*	*Miles.*
New York	10,752	11,007	255	3,247	2,864	383
Liverpool	13,482	13,746	264	5,977	5,603	374
New Orleans	9,949	10,406	457	2,444	2,263	181

Between New York and San Francisco the Nicaragua Canal route would be 377 nautical miles shorter than Panama route. Between New Orleans and San Francisco 579 miles would be saved, and, in general, the distances between the Atlantic and Pacific ports of the United States are less by way of Nicaragua.

What the United States particularly desire is to shorten as much as practicable the distance between their eastern and western coasts, in order to be able to defend them eventually with ease at the lowest expenditure for naval transportation, as well as to promote commerce with their Eastern possessions.

Through the waterway of Nicaragua this threefold aim is attainable in the most favorable conditions as compared with any other route for the proposed Nicaragua Canal, besides other known and weighty reasons, shortens the distance in at least two days, which fact in itself means a very considerable saving of money in salaries and general expenses on board ships.

The PRESIDENT pro tempore. The Chair understood the Senator from West Virginia [Mr. SCOTT] to interpose no objection to the motion of the Senator from Alabama [Mr. MORGAN]; and so the joint resolution will be referred to the Committee on Isthmian Canals.

Mr. HANSBROUGH. Mr. President, I ask that Order of Business No. 277 may be temporarily laid before the Senate, and that the title of the bill be read.

The PRESIDENT pro tempore. The Chair lays before the Senate the bill (S. 3057) appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands.

Mr. HANSBROUGH. Mr. President, I think it should be stated at the outset that irrigation is not a sectional question. On the contrary, I find that there is a very strong sentiment throughout the East and South in favor of this legislation. In confirmation of that statement I cite the fact that nearly all of the leading newspapers of the Eastern States have indorsed the President's message with respect to irrigation, and speak highly of it. Amongst those papers I will mention the National Magazine, a noted publication in Boston. Then there are the American Agriculturist and Harper's Weekly. Among the great daily newspapers of the country which have indorsed the President's message in favor of national legislation with respect to irrigation are the Boston Transcript, the Boston Globe, the Boston Watchman, the Worcester (Mass.) Gazette, the New York Tribune, the New York Sun, the New York Times, the New York World, the Brooklyn Eagle, the Binghamton (N. Y.) Republican, the Utica Herald and Dispatch, the Philadelphia Inquirer, the Philadelphia Ledger, the Philadelphia Press, the Providence Bulletin, the Providence News, the Newark (N. J.) News, the Camden Post-Telegram, the Manchester (N. H.) Farmer, and the Detroit Tribune, and many leading newspapers the names of which I have failed to obtain.

Mr. President, these are the names of newspapers published throughout the New England and Eastern States. I believe a list equally as lengthy as this might be added of the newspapers published in the Southern States, not only strongly indorsing the President's message on this question, but insisting that there shall be national legislation on the subject.

Mr. President, the purpose of this measure is to assist in providing homes for the rapidly increasing population of the country. President Roosevelt stated the case in a few words when he said in his message that "successful home making is but another name for the upbuilding of the nation."

To say that the National Government can not, within the Constitution, do its part in the development of the latent wealth that exists in a region that is nearly one-third of the total area of the United States is to discredit the genius of the American people. To say that we may not utilize the waste waters that pour down from the mountain heights, and by applying these waters to public lands that would otherwise be worthless make two blades of grass grow where none grew before, is to admit that national progress has reached the end and that we are henceforth doomed to slow decay.

If I may be pardoned for referring to the constitutional features of the case, I find that it has been deemed expedient under the Constitution to construct large reservoirs at the head waters and along the tributaries of our great rivers for the benefit of navigation, and incidentally, not accidentally, these reservoirs have been and are now being used as storage places for millions of saw logs. In some instances navigation has come to be the incidental and log storage the chief purpose. Appropriations for this work have been made, amounting to many millions of dollars directly from the Federal Treasury. By the terms of this bill it is proposed to devote the receipts from the sales of public lands to the improvement of the lands, converting the desert into productive fields and pastures and making homes for homeless people. It is proposed to conserve the torrential waters of the streams and put them upon the plains for the primary benefit of the husbandman, the incidental protection of navigation, and the ultimate and permanent benefit of the nation. Touching this phase of the question the President very aptly says that—

The storing of the floods in reservoirs at the head waters of our rivers is but an enlargement of our present policy of river control, under which levees are built on the lower reaches of the same streams.

Mr. President, it will be a difficult task to find a constitutional distinction between these two classes of work. Had the reclamation of the public domain been a burning question when the Constitution was framed, perhaps the gentlemen who are now interested in the deepening and widening of channels, and the storage of saw logs, for the benefit of navigation would be without as well as within these doors clamoring for recognition under the general-welfare clause of our organic law. No one has thought of complaining of the policy of opening rivers to navigation at Government expense, so that settlers might go in and lay out new fields of enterprise and industry, and there has been no objection to keeping these rivers open at Government expense, so that the people could market their products. It would be a bold mathematician who would undertake to compute the amount of public money spent in this way. It is conceded that great national benefit has resulted; so we do not stop to ask the cost.

The advocates of a national irrigation policy submit a plan whereby large areas of land, now practically worthless, may be opened, not at Government expense, but at a cost to be assessed against the land. We ask no appropriation to dredge rivers or construct railroads or other highways to facilitate the marketing of the products of these lands. Private capital will do that. Branch railway lines will, in most instances, precede the settler. Towns will spring up in advance of the ripening of the first crop, and out of these activities will come a new demand for manufactured products. This will make New England a party in interest. Pennsylvania and Ohio will secure a share of the new orders for steel. The South will find an additional market for her cotton and tobacco.

The urgency of the case, Mr. President, lies in the fact that the public domain in the humid and subhumid sections of the West is well-nigh exhausted. The frontiers of western settlement are on the very verge of the arid and semiarid region. Indeed, a large proportion of the home seekers of the past two years, in their eagerness for lands, have pushed on beyond the humid into the semiarid areas in the hope that either a wise Providence or a dutiful

Congress, or both, would eventually rescue them from the dangers of drought.

It should be understood at the outset that the plan proposed by this bill does not require a great outlay of money; that it does not contemplate a "raid upon the Treasury," as is apprehended by some gentlemen who have given the question only a superficial examination. Neither is there the slightest probability of an overproduction of small grains as a result of the successful operation of the project.

First. The cost is limited to the proceeds from the sale and disposal of public lands in the thirteen States and three Territories named in the bill. This would involve a sum aggregating, perhaps, $2,500,000 per annum, according to official reports on the present income from this source. It is provided in the bill that the cost of construction of each irrigation project shall be paid by the persons directly benefited. Thus the money expended would constantly be recouped or repaid to the reclamation fund, making the system automatic and self-sustaining.

Second. As to the fear of overproduction of farm products, there is no ground whatever for alarm. While it is true that there are in the great West about 600,000,000 acres of lands which might be irrigated, the essential fact is that there is not sufficient water available, and never will be, to reclaim more than 10 per cent of the whole area, or about 60,000,000 acres. It should not be taken for granted, however, that the whole of this area would be irrigated from Government works. The irrigation experts of the Geological Survey, basing their calculations upon the most thorough investigations in the field, give it as their opinion that 20,000,000 acres would be the limit of land irrigated from waters conserved by Government enterprises, but that this would serve as a nucleus about which private effort would reclaim an equal amount, or 40,000,000 acres in all. On this point I will quote from the very interesting and instructive letter from the Director of the Geological Survey to be found in the report accompanying this bill:

> The surveys and examinations made in different parts of the arid region show that the cost of water conservation ranges from $5 per acre in the most favorable cases up to $20 or $25 per acre where the conditions are less favorable. Moreover, whereas $25 per acre may be prohibitory in Montana for raising alfalfa, it is reasonable in Arizona, where high-class products are produced. An arbitrary statement, therefore, of the cost per acre reclaimed bears little relation to the feasibility of the enterprise.
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> The cost of reclamation also depends upon the completeness with which the work is done. For example, the irrigation of 10,000 acres may cost only $10 per acre, but the irrigation of 15,000 additional acres may cost $15 per acre. Viewed as an investment only, it might be found more profitable in such a case to irrigate the smaller acreage; but as a matter of larger benefits to the people by the creation of more homes, it might be wiser to advocate the more complete system, under the general principle that in developing the resources of the country the larger benefits consistent with economy should be sought, and not merely the cheapest or the immediately profitable.
>
> The reclamation of 20,000,000 acres of arid land by means of irrigation would, on an average, cost probably from $10 to $15 per acre, and the ultimate average value would be three times as much.
>
> It has been variously estimated that there is available water for from 60,000,000 to 100,000,000 acres. It is not necessary for the Government to conserve all of this water. If the Government should build the great dams and divert the large rivers, individual enterprise would be able to put the water upon the greater part of the land. It is estimated that if the Government should conserve water for 20,000,000 acres individuals would be able to obtain water for the remaining reclaimable land.
>
> The limit of 20,000,000 acres has been set for Government work as being a liberal allowance, when consideration is had of the projects which are of sufficient size or importance to justify construction by the Government. It is assumed that it will not be the intention of Congress to irrigate the land, but merely to build some of the larger works. The possibilities of construction of these are limited by the character of the country. Taking the vast extent of the arid region as a whole, and the number of projects called to public attention, there are comparatively few of these which would justify more than survey and careful examination. The facts developed by impartial work conclusively prove that for some of these projects there is no reasonable demand for Government work.
>
> If the Government provides the larger storage works and regulates the rivers, it will then be possible for private enterprise to again take up the work of bringing water to the land.
>
> From the experience already acquired in the development of the arid regions, it may be assumed that where water is conserved for the direct reclamation of 1 acre there are ultimately brought in use 2 or 3 acres through the possibility of taking advantage of floods, through the use of seepage, through pumping plants, and by various other devices. In short, if the Government, by means of large storage works, or by taking water from great rivers, should provide water directly for 20,000,000 acres which otherwise would not be irrigated, this act would render possible the gradual utilization of the greater part of the remainder through construction of smaller individual systems.
>
> In the present state of engineering science, and at existing values of land, it will not be possible to now utilize all the waste waters within practical limits of expense. The influence of new inventions, cheaper appliances, and the increased demand for land make it impossible to place any definite limits upon the development.

At an estimated average cost of $15 per acre for construction of works, the reclamation and settlement of this 20,000,000 acres would bring to the fund the total sum of $300,000,000, not from the Treasury of the United States, but from the lands themselves. Now, it is unreasonable to suppose that the whole of this 20,000,000 acres would be reclaimed in one or ten or even in twenty years. The Director of the Survey estimates that with the income provided for in the pending measure a period of thirty-eight years would be required in which to reclaim 20,000,000 acres; so that reclamation would proceed at an average rate of about 526,000 acres a year for thirty-eight years. Assuming that 20,000,000 acres would be reclaimed by private enterprise, what shall be done toward subduing the remaining 560,000,000 acres must be left to future generations. The problem is not likely to be solved in advance of the necessities which will arise out of the mutations of time and the vicissitudes of struggling humanity.

No one will therefore seriously contend that, under the proposed irrigation policy laid down in the President's message and provided for in this bill, the settlement of the public domain would proceed by leaps and bounds, to the detriment of the farmers of the East or of any other section.

Assuming that $2,000,000 per annum are available for construction and that it will take two years on an average to construct works and sell the land, we can make some estimates as to results:

Year.	Receipts from sale of public lands.	Receipts from sale of reclaimed lands at $15 per acre.	Total receipts.	Lands reclaimed.
1902	$2,000,000		$2,000,000	
1903	2,000,000		2,000,000	$133,333
1904	2,000,000	$200,000	2,200,000	133,333
1905	2,000,000	400,000	2,400,000	146,667
1906	2,000,000	620,000	2,620,000	160,000
1907	2,000,000	860,000	2,860,000	174,666
1908	2,000,000	1,122,000	3,122,000	190,666
1909	2,000,000	1,408,000	3,408,000	208,133
1910	2,000,000	1,720,200	3,720,200	227,200
1911	2,000,000	2,061,000	4,061,000	248,013
1912	2,000,000	2,433,020	4,433,020	270,733
1913	2,000,000	2,839,120	4,839,120	295,613
1914	2,000,000	3,082,422	5,082,422	322,608
1915	2,000,000	3,366,334	5,366,334	338,828
Total				2,849,793

According to this table it appears that less than 3,000,000 acres of land would be reclaimed in fourteen years under this bill.

Mr. DUBOIS. Will the Senator state in this connection what his judgment is as to the amount of land which can be reclaimed?

Mr. HANSBROUGH. The statement to which I have referred from the Director of the United States Geological Survey is to the effect that within a period of thirty-eight years the Government of the United States, under the provisions of this bill, will be enabled to reclaim 20,000,000 acres of land, and that the work necessary to reclaim this amount of land would serve as a nucleus whereby private enterprise would reclaim a like amount, or 40,000,000 acres in all in thirty-eight years, about 526,000 acres a year being Government reclamation.

Mr. DUBOIS. Will the Senator from North Dakota pardon me for a moment?

Mr. HANSBROUGH. Certainly.

Mr. DUBOIS. I think that is quite an important point. The estimates of engineers vary greatly in regard to the amount of land which is susceptible of cultivation and which can be reclaimed with water which is available or can be made available. Those estimates run from 8,000,000 to 30,000,000 acres, all told, out of the 600,000,000 acres of arid lands.

Mr. HANSBROUGH. I have been more liberal than the engineers. I have placed it at 10 per cent of 600,000,000, or 60,000,000 acres of land which may be reclaimed by the available water. I think that is a very important point, because it will dispel the idea in the minds of some people that by a national system of irrigation we are going to overproduce the cereal crops of the country and thereby reduce prices.

Mr. SPOONER. Will the Senator allow me to ask him a question?

Mr. HANSBROUGH. Certainly.

Mr. SPOONER. Is the Senator speaking to a bill which has been reported?

Mr. HANSBROUGH. It has been reported from the Committee on Public Lands.

Mr. SPOONER. If I may inquire of the Senator, does the bill provide for the appropriation to the various arid-land States and Territories of the proceeds of the sales of arid lands?

Mr. HANSBROUGH. The proceeds from the sales of lands in those States and Territories.

Mr. SPOONER. Who is to expend the money?

Mr. HANSBROUGH. The Secretary of the Interior.

Mr. SPOONER. It has to be done by the National Government?

Mr. HANSBROUGH. Yes, sir.

Mr. SPOONER. By contract?

Mr. HANSBROUGH. By contract.

Mr. SPOONER. Are those contracts limited in amount to the proceeds in the Treasury for that purpose?

Mr. HANSBROUGH. They are, absolutely. There is a provision in the bill to the effect that no contract shall be made for an amount exceeding the amount of money in the reclamation fund.

Mr. SPOONER. For a particular State or Territory?

Mr. HANSBROUGH. For that particular area, including all the States and Territories—the thirteen States and three Territories named in the bill.

In connection with these estimates it is interesting to scan the annual returns made to the Secretary of the Interior of lands of all classes disposed of during the past ten years. While under the proposed irrigation system the average rate of settlement would not exceed 526,000 acres per annum, lands have been taken at the rate of from 8,000,000 to 15,000,000 acres a year without national irrigation.

Statement showing the area of public lands disposed of from July 1, 1891, to June 30, 1901.

	Acres.
1892	13,566,552.55
1893	11,801,686.04
1894	10,377,224.72
1895	8,364,300.18
1896	13,174,070.68
1897	7,753,606.75
1898	8,421,703.73
1899	9,990,623.08
1900	13,391,464.87
1901	15,453,449.28
Total	112,294,681.88

During the same decade, with more than 112,000,000 acres added to the cultivated area of the country, the prices of principal farm products have at least remained normal. In fact, they are higher than they were in 1892. The following table is worthy of careful study in this connection:

Average farm price for ten years of products named, based on returns made December 1 in each year.

Product.	1892.	1893.	1894.	1895.	1896.	1897.	1898.	1899.	1900.
	Cts.	Cts.	Cts.	Cts.	Cts.	Cts.	Cts.	Cts.	Cts.
Corn ..... bush..	39.4	36.5	45.7	25.3	21.5	26.3	28.7	30.3	35.7
Wheat ..... do...	62.4	53.8	49.1	50.9	72.6	80.8	58.2	58.4	61.9
Oats ..... do...	31.7	29.4	32.4	19.8	18.7	21.2	25.5	24.9	25.8
Barley ..... do...	47.2	41.1	44.2	33.7	32.3	37.7	41.3	40.3	40.8
Rye ..... do...	54.2	51.3	50.1	44.0	40.9	44.7	46.3	51.0	51.2
Buckwheat ..... do...	51.8	58.4	55.6	45.2	39.2	42.1	45.0	55.7	55.8
Potatoes ..... do...	66.1	59.4	53.6	26.6	28.6	54.7	41.4	39.0	43.1
Cotton ..... lb..	8.4	7.0	4.6	7.6	6.6	6.6	5.7	7.0	.....
Hay ..... ton..	$8.49	$8.68	$8.54	$8.35	$6.55	$6.62	$6.00	$7.27	$8.89

JOHN HYDE, *Statistician.*

DECEMBER 27, 1901.

The Agricultural Department has not computed the average prices for 1901, but as a supplement to the table furnished by the Department a statement of Chicago prices for the month of December in each year, from 1899 to 1901, inclusive, will suffice to bear out the argument that prices have not fallen:

Chicago prices—Mean of highest and lowest during month of December.

Years.	Wheat, per bushel.	Corn, per bushel.	Oats, per bushel.	Barley, per bushel.	Rye, per bushel.	Hay, per ton.
	Cents.	Cents.	Cents.	Cents.	Cents.	
1899	66⅛	30⅛	22⅛	40	50⅛	$11.00
1900	71⅛	37⅛	22⅛	49	47½	12.75
1901	76⅛	64 7/16	45⅛	60⅛	62⅛	13.20

From these statistics it appears that with the settlement of more than 25,000,000 acres of humid and subhumid lands in 1892–93 the average prices of corn and oats during the following year of 1894 were higher than for any year during the decade, and that the prices for barley and rye were above the average for the same period. Again, with the disposal and settlement of more than 13,000,000 acres of the public domain in 1900, the average December prices for all farm products in 1901 were much above the average prices for any year as far back as 1892. So that the rapid settlement of the public domain can not truthfully be said to have affected detrimentally the prices of farm products. Nor can it be maintained that the opening of a little more than half a million acres annually by means of irrigation would result in overproduction. On the contrary, it is the history of all irrigated sections that the output of bread foods from irrigated lands rarely meets the local requirements.

Wherever irrigation has been successfully applied large communities have grown up. New mines have been opened in the adjacent mountains, manufactories have been established in the valleys, and railroads have been extended. Naturally these enterprises bring in large numbers of people. All students of irrigation (and this class includes the men who till the irrigated soil) will attest the declaration of the fact that grasses, fruit, and vegetables are the chief products that come from irrigated lands. In recent years there has been a great scarcity of forage for stock. The large ranges are being gradually denuded of their grasses, and in many instances stockmen have been obliged to decrease their herds. The natural consequence is a falling off in the number of beef cattle in the West as compared with the increase in population, and an inevitable increase in the price of meats in all the markets of the country. The inauguration of a broader and more general system of irrigation would be a great boon to the stockmen as well as to the consumers of beef. With hay selling at from $8 to $13 per ton the irrigator would devote himself to the production of grasses, thus solving the problem which so closely concerns the owners of herds.

Mr. President, a well-known irrigation expert declares that the necessity of immediately adopting some definite policy with respect to irrigation arises from the fact that, under existing land laws, sources of water supply are being seized upon with great rapidity, largely by men who are not able to utilize them and who are holding them for speculative purposes. For example, a man may secure control of a spring or locality where water might be held to irrigate 10,000 acres. He holds this for his cattle or for raising forage. He has not the means to conserve the water, nor could he do this profitably. It is of no particular interest to him whether 50 or 100 families or more might make homes upon the vacant land adjoining. If he could build the works, and if he could get the people there, and if, having them there, he could exercise governmental control over them, he could make a fortune, but he can not do it, and so these public lands around him lie idle.

There are thousands of such instances. In one way or another control of the situation is rapidly passing away from the people, and vested rights are growing up. This absence of wise control, if continued, must result in the arid West remaining thinly populated, instead of furnishing opportunities for millions of people. Nothing less than prompt action on the part of Congress can prevent this calamity.

The construction of works of reclamation by the Government does not necessarily involve the actual irrigation of the land by the Government. By saving the floods or by constructing large diversion works, taking water from a river and turning it over a divide, it becomes possible for the settlers to build their own distributing systems in the same way that the pioneers have done.

The people who originally came to the arid West found a scanty but widely distributed water supply, which they proceeded to utilize. This they have done up to the limit of the available sources. There are other vast quantities of water, however, which are beyond the reach of settlers, and can not be used until regulated or conserved. It is impossible for a home seeker to go out upon the desert and, unaided or by cooperation, build great reservoirs such a sare constructed in other countries by the government. The utilization of the vacant public lands for creating homes can be brought about only by the building of large works which are beyond the means of settlers and which can not be made sources of private enterprise under existing laws and institutions.

The people of the country, as personified by the Government, are the great landowners. They, as a whole, are benefited by the disposal of the vacant lands, the settlement of the waste places, and the consequent increase of manufacturing and transportation. They can afford to disregard questions of immediate profit in favor of the ultimate settlement of the arid regions.

A system of reclamation is practicable only in the sense that certain broad principles are to be clearly established as to what classes of works may be built by the Government. Each individual project should be weighed on its merits, and with reference to these principles. Each large item should be considered and the construction of the work authorized only after careful examination and report by impartial experts. Such report should show the location, capacity, cost, and benefits to be derived. Each project will be found to have certain disadvantages, as well as advantages, and it must be recognized at the outset that controversies will arise even though these matters are removed as far as possible from local interests. It is possible that disadvantages, though trivial in relation to the whole, will sometimes be magnified, obscuring the great benefits to be derived from the work. The pending bill aims to meet all these conditions.

Mr. President, it is the settled policy of this Government to appropriate the public lands for the benefit of new settlers and the development of agriculture. Among the early acts of Congress under this head was the one providing for military bounties consisting of appropriations of public lands for the benefit of those who fought the battles of the country. Later, under the act of 1862, Congress voted 30,000 acres of the public domain to each State to encourage the establishment of colleges of agriculture and the mechanic arts. The land-scrip act of 1862 was amended in 1890 so as to give to each State and Territory a certain amount of cash from the public land proceeds for the benefit of agricultural colleges. The amount paid out to date under the act of 1890 is about $12,000,000. Each State and Territory now receives $25,000 a year, and in some of the States, notably in the South, the money is being used to develop improved methods of cotton

spinning, as is shown in the report of the Commissioner of Education for 1901.

I will ask to have the extract read at the desk, because it has an important bearing on the appropriation of public lands to public purposes.

The PRESIDING OFFICER (Mr. DIETRICH in the chair). If there be no objection, the Secretary will read as requested.

The Secretary read as follows:

These institutions, established under the provisions of an act of Congress approved July 2, 1862, granting lands to the several States for the establishment of colleges of agriculture and the mechanic arts, and further endowed by an act of Congress approved August 30, 1890, are constantly extending their sphere of usefulness. The past few years have witnessed the establishment of short courses of study in agriculture, dairying, mechanic arts, household economy, etc., for the benefit of such persons as can not spare the time to take a regular course. These courses are well patronized, thus showing that they supply a real need. Another line of work in which these institutions are engaged and through which their influence is widely spread is farmers' institute work. A description of the work done in this line during the year is given in this connection.

Three of the land-grant colleges in Southern States (Mississippi, North Carolina, and South Carolina) have recently established courses of study in textile industry, with special reference to the manufacture of cotton goods. These institutions have provided buildings of regular cotton-mill design, equipped with machinery and apparatus for textile work. The establishment of these courses should result in a few years in the graduation of persons well equipped to take charge of the cotton mills being erected throughout the Southern States, which enable these States to sell more and more of the finished product instead of the raw material alone.

Now, it is most desirable that these experiments should be continued, because they are of great assistance in advancing the calling of the agriculturist and the manufacturer. Hence the pending bill makes provision for a continuation of the payments to agricultural colleges.

The pressing question now before us, Mr. President, is, How shall we continue to provide profitable employment for the people and at the same time preserve in them the spirit of self dependence? The accumulation of vast fortunes has been the source of much speculation among political economists. That this condition is the natural result of the phenomenal opportunities peculiar to a land susceptible of marvelous development is accepted without debate by many thoughtful men.

It is argued by some that as wealth grows larger in a few hands the opportunities of the laboring classes to secure employment are multiplied. Doubtless this contention is based upon sound reasoning, but looking a little beyond immediate benefits, it appears that the tendency under such a condition is to dwarf self-reliance in the masses and to make the mere service of opulent employers by the great army of breadwinners the fulfillment of all human ambition. I think it is the duty of the legislator to pursue a policy under which the greatest possible number of our people may be provided with the means of independent employment, by which the aspirations of the individual may be encouraged and developed. To this end I give my support to this bill, believing that it is a national duty to enhance the value of the public domain by facilitating its settlement under the most favorable conditions. So long as there is a quarter section of Government land I would make it possible for some one to build a home upon it. This was the purpose of the Government from the beginning, and that purpose became the fixed policy when the homestead law was enacted.

From the earliest days of the Republic the hardy immigrant has gone to the West and secured a home practically without cost, and when the settler in the Middle States had subdued the forests and reared a family he has sent his sons to the plains beyond the Mississippi, where they found a wonderful soil, easily cultivated under natural conditions. But these rare opportunities for the home builder have almost reached their limit. Soon the home seeker will be obliged to retrace his steps and take up his abode in the cities, already overflowing with surplus population. If the National Government fails to do its duty in respect of the development of the arid public lands beyond the hundredth meridian, we may soon find ourselves in the situation of one of the leading foreign governments which but recently entered upon the construction of a vast system of canals at a cost of $150,000,000, not that the canals are really required for the advancement of commerce, but because of the discontent among her unemployed people.

Mr. President, for several years past our trade with foreign countries has been phenomenal. This is especially true as respects our exports. First we tempted the foreign appetite with our bread foods, and soon the whole world began to buy. Then we sent across the seas the samples of our mechanical skill. Foreigners came to our World's Fair at Chicago and saw the unparalleled display of American machinery. Orders have been pouring in for our manufactured goods, until now our modern railway equipments, our electrical appliances, our steel bridges, our farm machinery, and a hundred other mechanical appliances the product of American mills and factories are to be found in successful use around the globe.

The demand has been so stupendously great that we are justified in pausing to ask if it is to continue indefinitely. The answer is that ultimately there must be a limit to the ability of foreign countries to buy; that in the very nature of things the demand can not outrun the supply. Indeed, there are evidences that the manufacturer must soon turn again to the good old home market if he would keep his enlarged factories in operation. When he does, he may not find the home market ready to take all his surplus products. Reveling in the saturnalia of trade with foreign countries covering the past half dozen years, he may have overlooked the prime duty of urging an important line of development, namely, the expansion of domestic resources. He will find the arid region of his own country unclaimed. He will find the mountain torrents going to waste, Congress having failed to authorize their utilization in the interest of home building. He will find a multitude of men crowding the great cities who should be adding wealth to the nation and bettering their own condition by tilling the soil.

This, Mr. President, presents but one of several neglected opportunities. The best industry is home industry. The best market is the home market. The most substantial and enduring wealth is that wealth which is permanently attached to the nation as a result of domestic enterprise. The foreign market is in many ways a transitory thing. We control it to-day; to-morrow it may be lost to us. We put our highest hopes in it with the ever-present danger of having them shattered. A policy of self-reliance is the best policy with nations as with men. It is the pursuit of this policy that has brought us greatness as a nation and as a people. It was this thought, I am sure, that inspired Charles Sumner to declare that "the true greatness of nations is in those qualities which constitute the greatness of the individual."

Mr. President, I ask unanimous consent that this bill may be made the unfinished business after the present unfinished business—the Philippine tariff bill—is disposed of.

The PRESIDING OFFICER. The Senator from North Dakota asks unanimous consent that the bill which he has discussed may be made the unfinished business when the present unfinished business is disposed of. Is there objection?

Mr. HANSBROUGH. The order is made?

The PRESIDING OFFICER. Yes, sir.

BRIDGE ACROSS COLUMBIA RIVER.

Mr. MITCHELL. I ask unanimous consent for the present consideration of the bill (S. 2782) to authorize the construction of a bridge across the Columbia River by the Washington and Oregon Railway Company.

The Secretary read the bill; and by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Commerce with amendments.

The first amendment was, on page 7, to strike out section 9, in the following words:

SEC. 9. That whenever the Secretary of War has good reason to believe that any of the provisions of sections 4, 6, and 8 of this act have not been complied with by the company or persons owning, controlling, or operating the bridge authorized under its provisions, it shall be the duty of the Secretary of War, on satisfactory proof thereof, to require the said company or persons to comply with the provisions of said sections, and, on failure of said persons or company to comply with said requirements within a reasonable time, the Secretary of War shall proceed to cause the necessary work, in the form of additions, alterations, repairs, or removal of obstructions, to be made at the expense of the United States and shall refer the matter, without delay, to the Attorney-General of the United States, whose duty it shall be to institute, in the name of the United States, proceedings in the circuit court of the United States in and for the district in which any portion of said obstruction or bridge may be for the recovery of such expense, and all moneys accruing from such proceedings shall be covered into the Treasury of the United States.

The amendment was agreed to.

The next amendment was, on page 9, section 12, line 6, after the word "reserved," to strike out:

And the right to require the entire removal of the bridge constructed under the provisions of this act, at the expense of the owners thereof, whenever Congress shall decide that the public interests require it, is also expressly reserved.

So as to make the section read:

That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT NEWPORT NEWS, VA.

Mr. MARTIN. I ask unanimous consent for the present consideration of the bill (S. 460) increasing the limit of cost of public building at Newport News, Va.

The Secretary read the bill; and by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to increase the amount heretofore fixed as a limit of cost for the purchase of site and erection of a building for

the accommodation of the post-office, custom-house, and other Government offices at the city of Newport News, Va., to $250,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

POST-OFFICE BUILDING IN NEW YORK CITY.

Mr. PLATT of New York. I ask unanimous consent for the present consideration of the bill (S. 2170) to provide for the erection of a post-office in the city of New York, and making appropriation therefor.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation or otherwise, a site and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States post-office in the city of New York, borough of Manhattan, and State of New York, the cost of said site and building, including said vaults, heating and ventilating apparatus, elevators, and approaches, not to exceed the sum of $2,500,000.

Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination and of his recommendation thereon, and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to the said proposed sites. The selection and determination of said site shall be made by the Secretary of the Treasury, the Postmaster-General, the postmaster of New York City, the president of the Chamber of Commerce of the State of New York, and the president of the New York Board of Trade and Transportation, who are hereby constituted a commission for the purpose and are hereby authorized and directed to make such selection and designation.

When said commission has determined upon a site in accordance with the authority conferred in this bill, the commission shall certify its findings to the Secretary of the Treasury, who, upon approving the same, shall proceed to acquire the property included in said site under the authority conferred by this bill.

The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for the purchase of a site and the erection of a post-office building thereon at New York, borough of Manhattan, and State of New York."

PUBLIC BUILDING AT TACOMA, WASH.

Mr. FOSTER of Washington. I ask unanimous consent for the immediate consideration of the bill (S. 256) providing for the erection of a public building at the city of Tacoma, in the State of Washington.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States post-office and other governmental offices in the city of Tacoma and State of Washington, the cost of said site and building, including said vaults, heating and ventilating apparatus, elevators, and approaches, not to exceed the sum of $350,000.

Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination and of his recommendation thereon, and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to the said proposed sites.

If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites, and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall within thirty days after such examination make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all statements, maps, plats, or documents taken by or submitted to them, in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed $6 per day and actual traveling expenses: *Provided, however*, That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for the purchase of a site and the erection of a public building thereon at Tacoma, in the State of Washington."

ADDITIONAL ASSOCIATE JUSTICES FOR OKLAHOMA.

Mr. FAIRBANKS. I ask unanimous consent for the present consideration of the bill (S. 715) to provide for two additional associate justices of the supreme court of the Territory of Oklahoma, and for other purposes.

The Secretary preceded to read the bill.

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 5833) temporarily to provide revenue for the Philippine Islands, and for other purposes.

Mr. LODGE. I have no objection to finishing the bill now pending.

The PRESIDENT pro tempore. The Senator from Massachusetts asks unanimous consent that the unfinished business be temporarily laid aside in order that the bill which is being read may be considered. Is there objection? The Chair hears none, and it is so ordered.

The Secretary resumed and concluded the reading of the bill.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. JONES of Arkansas. I should like to hear some explanation of the bill and the necessity for its passage. What are the circumstances which render its passage necessary?

Mr. FAIRBANKS. Mr. President, Oklahoma has a population of over 500,000. It embraces 26 organized counties, in each of which two terms of district court must be held annually, thus making 54 terms of district court which must be held by the five judges now provided by law. The same judges must hold, in addition to this, two terms of the supreme court each year.

During the past year three new counties have been organized and settled and now contain a population of more than 100,000. These counties have had no courts, and the present number of judges is inadequate to give them any without seriously neglecting the business of the other courts.

It is necessary for the judges to hold night sessions during a great part of the time; yet this does not enable them to promptly dispose of the public business. The five district courts disposed of 3,597 cases during the past year, and there were filed during the same year 4,725 new causes, and at the present time new cases are filed more rapidly than they can be finally determined.

The supreme court of the Territory consists of a supreme justice and four associate justices.

Each district court has jurisdiction of all causes in law and equity except probate matters. It has the combined jurisdiction of the circuit and district courts of the United States. It has concurrent jurisdiction in all misdemeanors and original exclusive jurisdiction of all felonies. It is also the appellate court for the probate, justice of the peace, and police courts and the board of county commissioners. Each district court is a court of bankruptcy.

Each judge is required to reside in the district to which he is assigned, and in attending the sessions of the supreme court and the terms of the district court he is obliged to be absent from home quite two-thirds of the time and at his own expense.

The governor of the Territory in his last annual report directs attention to the necessity for additional judges.

The work of the courts [said he] has been, as a rule, expeditiously transacted, but the rapid growth and development of the Territory has caused a natural increase in the business of the courts which is becoming such that it seems imperative that additional judges should be accorded the Territory in order to dispose of the business as promptly as should be desired.

It is of the utmost importance not only that justice should be honestly and wisely administered, but that it should be administered without unreasonable delay. As the Senator is well aware, "justice delayed is justice denied."

Mr. JONES of Arkansas. The extraordinary conditions existing in Oklahoma last year would naturally bring up a large amount of business that would probably not be permanent. The opening of the Indian reservations and the number of people going in there would naturally bring about lawsuits in larger number than are likely to occur on any ordinary occasion. I should like to ask the Senator from Indiana if the supreme court of the Territory is a court in banc constituted of the trial judges?

Mr. FAIRBANKS. Yes, sir; it is.

Mr. JONES of Arkansas. Is that the case in all the Territories?

Mr. FAIRBANKS. I have not examined the laws with respect to all the other Territories.

Mr. JONES of Arkansas. I do not believe it ought to be the case anywhere.

Mr. FAIRBANKS. It is so in New Mexico, I think, and it is so in Arizona.

Mr. JONES of Arkansas. I would be glad if the Judiciary Committee, instead of bringing in a proposition to increase the number of judges in the Territory, had provided for a supreme court, a court of appeals, and district judges. I know that in a number of cases where the supreme court is constituted of trial judges there is great dissatisfaction by litigants, owing to the fact that it is practically a rehearing almost by the same men.

While the judge who sits in the court below does not sit in the court in banc, by his association with the judges and the revision of the judge's decision below it is at best a delicate matter where the trial judges are also members of the supreme court.

Mr. FAIRBANKS. I thoroughly agree with the Senator. I think it is a bad practice, but it is sanctioned by almost immemorial usage.

Mr. JONES of Arkansas. I think it ought to be broken up, and there ought to be a supreme court constituted now.

Now, one more question. Will the two judges provided for in this bill be circuit judges, as the others are?

Mr. FAIRBANKS. They will have the same jurisdiction exactly as the other judges.

Mr. JONES of Arkansas. And perform the same duties?

Mr. FAIRBANKS. And perform the same duties.

Mr. PLATT of Connecticut. It divides the Territory into seven circuits instead of five.

Mr. FAIRBANKS. Yes, sir. Into seven instead of five.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported from the Committee on the Judiciary with amendments, on page 1, line 11, section 2, after the word "court," to strike out the words "who shall have been residents of said Territory for at least one year, and;" and in line 5, on page 2, section 2, to strike out "five thousand" and insert "four thousand five hundred;" so as to make the section read:

That it shall be the duty of the President to nominate and, by and with the advice and consent of the Senate, to appoint two additional associate justices of said supreme court, who shall hold their office for the term of four years, or until their successors are appointed and qualified, and the chief justice and associate justices of the supreme court of said Territory shall each receive as compensation the sum of $4,500 per annum.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PHILIPPINE TARIFF BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 5833) temporarily to provide revenue for the Philippine Islands, and for other purposes.

Mr. LODGE. Mr. President, I believe the pending amendment is the first one proposed by the committee. I should like, in order to perfect that amendment before it is put, to move certain verbal changes. In line 24, page 2, after the word "exported," I move to insert the word "directly."

Mr. JONES of Arkansas. Mr. President, this is an important question, and I think there ought to be at least a considerable part of the Senate here. I ask if there is a quorum present?

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Dillingham,	Kean,	Platt, Conn.
Allison,	Dolliver,	Lodge,	Platt, N. Y.
Bacon,	Dubois,	McCumber,	Scott,
Bate,	Elkins,	McEnery,	Simmons,
Berry,	Fairbanks,	McLaurin, S. C.	Simon,
Beveridge,	Frye,	McMillan,	Stewart,
Burrows,	Gallinger,	Mallory,	Teller,
Burton,	Hansbrough,	Martin,	Tillman,
Carmack,	Harris,	Millard,	Vest,
Clay,	Hawley,	Morgan,	Wellington,
Cockrell,	Hoar,	Patterson,	Wetmore.
Cullom,	Jones, Ark.	Perkins,	
Depew,	Jones, Nev.	Pettus,	

The PRESIDENT pro tempore. In answer to the roll call 50 Senators have responded. There is a quorum present. The Senator from Massachusetts offers an amendment to the amendment of the committee, which will be stated.

The SECRETARY. After the word "exported," in line 24, page 2, insert the word "directly."

Mr. LODGE. And after the word "islands," in line 24, insert "to the United States;" so as to read:

And exported directly from said islands to the United States.

The PRESIDENT pro tempore. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. LODGE. Then, on line 1, page 3, section 2, in order to make the amendment read properly, I move to strike out the words "in the United States" and to insert the word "therein."

The amendment to the amendment was agreed to.

Mr. LODGE. That perfects the amendment of the committee.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee as amended.

Mr. TELLER. What is the amendment?

Mr. LODGE. The first amendment which is printed in the bill. It can be read if the Senator desires.

Mr. TELLER. Let it be read.

The PRESIDENT pro tempore. The Secretary will read the amendment as it has been amended.

The SECRETARY. In line 8, on page 2, section 2, after the word "countries," the committee report to insert:

Provided, That upon all articles the growth and product of the Philippine Archipelago coming into the United States from the Philippine Archipelago there shall be levied, collected, and paid only 75 per cent of the rates of duty aforesaid: *And provided further*, That the rates of duty which are required hereby to be levied, collected, and paid upon products of the Philippine Archipelago coming into the United States shall be less any duty or taxes levied, collected, and paid thereon upon the exportation thereof from the Philippine Archipelago, as provided by the act of the United States Philippine Commission referred to in section 1 of this act, under such rules and regulations as the Secretary of the Treasury may prescribe, but all articles, the growth and product of the Philippine Islands, now admitted into the ports of the United States free of duty and exported directly from said islands to the United States for use and consumption therein, shall be hereafter exempt from any export duties imposed in the Philippine Islands.

Mr. TELLER. I should like to ask the Senator who has the bill in charge just what the effect of this amendment is? I can hardly tell from the reading.

Mr. LODGE. In introducing the bill I explained the amendment at some length, but I shall be very happy to explain it again.

Mr. TELLER. That is a long while ago.

Mr. LODGE. It is a long while ago.

The amendment reduces the duties 25 per cent on articles the growth and product of the Philippine Archipelago coming into the United States from the rates of the Dingley law.

Mr. TELLER. That is the first clause.

Mr. LODGE. That is the first clause. It then deducts from the Dingley rates the amount of the export tax on any article liable to export tax in the Philippine Islands. It then provides that any articles which now come into the United States free under the Dingley Act, but which are liable to an export tax in the Philippine Islands, shall be relieved from that export tax. That applies to hemp, practically, and one or two other small things in which there is no trade to amount to anything. It relieves hemp, which comes in free of export tax at $7.50 a ton.

Mr. TELLER. I understand that is a prohibition on the insular government, as it is called, putting an export tax on anything that comes in free now.

Mr. LODGE. Yes; anything that comes free into the United States comes in without any export tax.

Mr. TELLER. I want to ask the Senator if that does not apply to hemp going to Europe?

Mr. LODGE. Oh, no; only to hemp exported directly to the United States "for use and consumption therein."

Mr. TELLER. I suppose we apply the same rule to Spain that we do to ourselves under this provision?

Mr. LODGE. No; not on exports. The Spanish treaty only provides that tonnage dues and import duties shall be the same. Export taxes are not touched by the Spanish treaty.

Mr. TELLER. Mr. President, I do not know that I have any objection to that amendment being adopted, so far as I am concerned. I am opposed to the whole bill, but if this will make it any better, very well. I understand that it is the desire on the part of the Philippine Commission to reduce to the amount of 50 per cent instead of the present reduction.

Mr. BEVERIDGE. Oh, no.

Mr. TELLER. I do not state that authoritatively or officially.

Mr. BEVERIDGE. The recommendation of the Commission is as to the Dingley rates here. It has no reference to export duties there.

Mr. PATTERSON. This amendment covers both propositions. The report of the Taft Commission declares that the Dingley rates on articles exported from the Philippine Islands into the United States shall be reduced at least 50 per cent, and that then the trade between the two countries, to use the language of the Commission, will advance by leaps and bounds.

The PRESIDENT pro tempore. The question is on the amendment as amended.

The amendment as amended was agreed to.

Mr. HANSBROUGH. I wish to call the attention of the Senator to this language in the bill, beginning in line 23, page 2, section 2:

But all articles the growth and product of the Philippine Islands now admitted into the ports of the United States free of duty and exported directly from said islands to the United States for use and consumption therein, shall be hereafter, etc.

Mr. LODGE. That is the way it now reads.

Mr. HANSBROUGH. That is the language of the bill as it stands?

Mr. LODGE. Yes; it has been just so read.

Mr. HANSBROUGH. Very well.

Mr. LODGE. The next amendment reported by the committee is in section 3.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. In section 3, on page 3, line 3, after the word "act," the committee propose to insert "in addition to any tonnage dues or taxes now imposed by the government of the Philippine Islands."

Mr. BACON. I should like to hear the amendment read as it will read if amended.

The PRESIDENT pro tempore. The Secretary will read the clause as it is proposed to be amended.

The Secretary read as follows:

SEC. 3. That on and after the passage of this act, in addition to any tonnage dues or taxes now imposed by the government of the Philippine Islands, the same tonnage taxes shall be levied, collected, and paid upon all——

The PRESIDENT pro tempore. There is another committee amendment there.

Mr. LODGE. That is to insert the word "foreign" after the word "all" and before the word "vessels."

The SECRETARY. After the word "all," in line 6, it is proposed to insert "foreign;" so as to read "all foreign vessels."

The PRESIDENT pro tempore. There are three or four committee amendments to section 3.

Mr. LODGE. Yes.

The PRESIDENT pro tempore. The Secretary will read section 3 as it would be if the amendments proposed to the section were adopted.

The Secretary read as follows:

SEC. 3. That on and after the passage of this act, in addition to any tonnage dues or taxes now imposed by the government of the Philippine Islands, the same tonnage taxes shall be levied, collected, and paid upon all foreign vessels coming into the United States from the Philippine Archipelago, or engaged in traffic between the ports of the Philippine Archipelago, which are required by law to be levied, collected, and paid upon vessels coming into the United States from foreign countries: *Provided, however*, That until otherwise provided by law, the provisions of law restricting to vessels of the United States the transportation of passengers and merchandise directly or indirectly from one port of the United States to another port of the United States shall not be applicable to foreign vessels engaging in trade between the Philippine Archipelago and the United States, or between ports in the Philippine Archipelago.

The PRESIDENT pro tempore. The first amendment proposed by the committee to the section will be again stated.

Mr. BACON. Mr. President, I should like very much to have the Senator from Massachusetts state what is the effect of the section as it is proposed to be amended. I confess I am unable, doubtless by reason of my own imperfections, to entirely understand what the effect will be. I will state what my difficulty is.

The first amendment which is proposed by the committee, which is found in italics in lines 3, 4, and 5, is in these words:

In addition to any tonnage dues or taxes now imposed by the government of the Philippine Islands—

That evidently must have reference to a tax upon ships going into the Philippine Islands. Now, how a tax upon ships going into the Philippine Islands is to be added to tonnage dues of ships coming into the United States is the thing I desire to have the Senator explain. I do not know whether I have made myself clearly understood or not.

Mr. LODGE. Certainly, I understand what the Senator means. That first amendment to section 3 does not relate, of course, to vessels coming into the United States from the Philippine Islands, but to the second clause, "or engaged in traffic between the ports of the Philippine Archipelago."

Mr. BACON. Of course the Senator is endeavoring to ingraft it upon a sentence framed by some one else. I am very certain from the well-earned reputation of the Senator from Massachusetts for literary acquirements, he would not say that the sentence as it is now framed is felicitously framed if his purpose is what he has just indicated. In other words, the first amendment is intended to apply to the second amendment, which is in an intervening clause, which is absolutely inconsistent with it. It seems to me there ought to be such a transposition as will put the first amendment in juxtaposition to the second amendment, if one relates to the other, and that they should not be separated by a foreign subject, which is the case as the clause now stands.

Mr. LODGE. I agree with the Senator that it would come in better in line 8.

Mr. BACON. Yes.

Mr. LODGE. I think the Senator's suggestion is a good one.

Mr. BACON. Mr. President——

Mr. LODGE. If the Senator will permit me, I will move the amendment to come in at that point. I now ask that the amendment in line 6 may be first put, inserting the word "foreign" before the word "vessels."

Mr. BACON. That is better.

Mr. LODGE. That was an obvious omission in the House bill. It was certainly not intended to levy foreign tonnage dues on American vessels.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. In section 3, on page 3, line 6, before the word "vessels," it is proposed to insert "foreign."

The amendment was agreed to.

Mr. LODGE. Now, Mr. President, I propose an amendment in line 8. I have got to put in some additional words there, which do not appear in the print, because, in drafting the amendment, by an oversight a necessary exception in regard to Spanish vessels was omitted. I propose that the amendment in line 8 should read in this way:

And in addition to any tonnage dues or taxes now imposed by the government of the Philippine Islands upon all foreign vessels, except vessels of Spain owned by Spanish subjects, engaged in traffic between the ports of the Philippine Archipelago.

The PRESIDENT pro tempore. The amendment will be stated from the desk.

The SECRETARY. In section 3, on page 3, line 8, after the word "Archipelago," it is proposed to insert:

And in addition to any tonnage dues or taxes now imposed by the government of the Philippine Islands upon all foreign vessels, except vessels of Spain owned by Spanish subjects, engaged in traffic between the ports of the Philippine Archipelago.

The PRESIDENT pro tempore. The question is on the amendment.

The amendment was agreed to.

Mr. LODGE. Let the next amendment of the committee be stated, Mr. President.

The PRESIDENT pro tempore. The next amendment of the committee will be stated.

The SECRETARY. On page 3, line 17, after the words "United States," it is proposed to insert "or between ports in the Philippine Archipelago."

Mr. LODGE. That proviso is a part of the House bill, and relieves the Philippine trade with the United States from the coastwise laws, and it is necessary for the reason that has already been given; but it omitted to relieve the interisland traffic, and that is the purpose of the amendment.

Mr. PATTERSON. I will ask the chairman of the committee if it does give to American vessels plying between the United States and the Philippine Islands the benefit of all of our coastwise laws?

Mr. LODGE. No; it is to relieve that traffic from the application of the coastwise laws at the present time. There are no American vessels now engaged in the interisland traffic, and the object is to allow that traffic to go on until the American bottoms or Philippine vessels are able to perform it. The interisland commerce, as I understand it, is practically entirely foreign.

Mr. PATTERSON. That is to place foreign shipping in the Philippine Islands and the United States upon precisely the same footing as the shipping now is between the United States and foreign countries?

Mr. LODGE. That is the necessary result, of course, of relieving it of the coastwise laws. The only discrimination in favor of American bottoms is that in the first part of the section, which has been agreed to, which relieves all American and Philippine vessels from the imposition of tonnage dues of the United States.

Mr. PATTERSON. I want to ask the chairman of the committee whether or not, in the anxiety of Senators representing States upon the seacoast, this does not offer a most excellent opportunity to build up and expand American shipping by placing the Philippine Islands in the same category with the coastwise trade, the lake trade, and the fishery trade of the United States, so that within a reasonable period of time, instead of the great bulk of the Philippine traffic being carried in foreign bottoms, it will be transferred exclusively to American bottoms?

Mr. LODGE. I agree entirely with the Senator's purpose, and I hope to see all that trade, both interisland and between the Philippine Islands and the United States, transferred to American bottoms; but at this moment there are no American vessels engaged in that trade. We have got to leave it open for a time, unless we would annihilate the existing commerce of the islands. We have given a discrimination in favor of American vessels by taking off all tonnage dues. I propose to offer a further amendment, which will make a similar discrimination in regard to lighterage and harbor business. I think that is as far as we can now go. Within a very short time we shall be able, I hope, to extend the coastwise laws.

Mr. PATTERSON. Mr. President, that matter was in part discussed in the committee, and the suggestion was there made that, admitting the claim to be true that there are now no American vessels engaged in traffic between the United States and the Philippine Islands, if this encouragement were given to them but a very short time would elapse before the energy, the enterprise, and the capital of the United States would supply that traffic with

all the American shipping that was necessary. Having that in view, we suggested that a limitation should be put upon this clause, which is under discussion, that this should continue, say, for a period of six months or even a year, so that American capital, knowing that after the expiration of a certain time American vessels could claim the trade, the American shipping would be ample for the purpose.

The reply was made that this was a bill making temporary provision; but so far as any reference to the provision being temporary is concerned, that reference is only in the title of the bill. It was admitted apparently, as a matter of course, that it would be a matter of great importance and of great advantage to the American shipping interests if the shipping should be comprised of American vessels, of American bottoms. We therefore suggested instead of making this a general law that would stand until a new law was enacted, or until Congress should amend this law, that some definite time should be fixed at which the American shipping would take the place of foreign shipping; but that proposition was declined.

So long as the bill is in this form, if it shall be enacted into law, as doubtless it will be, there is no particular hope or promise held out to American capital that next year or the year after or five years from now the change will be made that all apparently admitted would be a desirable one. Therefore it seems to me that it would be wise to amend this section of the bill by putting a limitation of not to exceed one year upon the provisions herein contained.

Mr. LODGE. Mr. President, I am very glad to see the interest of the Senator from Colorado in the development of the merchant marine, in which I cordially sympathize with him. I hope when this bill is out of the way that he will unite with me in supporting a bill which you, sir, [Mr. FRYE in the chair] have reported to the Senate. I am as anxious as the Senator can be to see this Philippine traffic carried on in American and Philippine vessels. But, Mr. President, to attempt it now everybody concedes would be simply to annihilate the interisland traffic. It would lock up every ship there. So we have got to give them time to get American vessels in.

The Senator, I think, is mistaken about there not being a movement in that direction under existing conditions. A large steamship company in my own State is just completing 2 vessels of over 10,000 tons, which they propose to take around to San Francisco and put into the Philippine trade. A New York company is even now sending out by way of the Suez Canal a fleet of 19 small vessels, all American built, which they propose to use in the interisland traffic; and I think, under the encouragement we are giving in the tonnage dues, in a very short time there will be American bottoms there sufficient to do all the work. We give them encouragement by the discrimination in regard to tonnage dues. We do not want, I think, to limit ourselves as to a specified time, because we may want to change this at the next session. We may find it necessary to have it run for eighteen months or two years; we can meantime keep ourselves informed. A bill of a single line will put those islands at any moment under the coastwise traffic and give a monopoly of the trade to American vessels. It seemed to the majority of the committee that it was wiser to leave it, as the other House left it, without any specific date, because then we can, as I have said, put on the coastwise laws in a month or in twelve months or in six months, according as may seem best.

Mr. BACON. I should like to ask the Senator from Massachusetts [Mr. LODGE], with the permission of the Senator from Colorado [Mr. PATTERSON], if justice to the foreign vessels engaged in this trade would not suggest the propriety of indicating to them the length of time they can continue in it? Otherwise, if they were in the trade, and in a moment, as stated by the Senator from Massachusetts, we could make them ineligible to engage in that trade, it would certainly produce great hardship. It seems to me in their interest, as well as in that suggested by the Senator from Colorado, it may be very well to have some indication as to how long this condition of affairs will continue.

Mr. LODGE. I do not think we are doing any injustice to foreign vessels engaged in the Philippine trade or in trade between the United States and the Philippines or the interisland trade, because they are perfectly aware that it is only a question of a very short time when the coastwise laws will necessarily obtain. They are quite as well informed as we are as to the entrance of American vessels into this trade, and they are engaged in it at their own risk, so far as that is concerned.

Mr. PATTERSON. I desire to offer an amendment to amend section 3, at the close of the section, as follows:

Provided, That at the expiration of one year from the passage of this act all the laws, rules, and regulations now applicable to the American coastwise trade shall apply to American vessels plying between the United States and the Philippine Islands.

I want to say in this connection that I have taken a very decided interest in the betterment of the American coastwise trade and the American shipping interest; but there are different views existing as to the best method for the improvement of that coastwise trade and of the American shipping interest generally. Some Senators seem to labor under the impression that the only way to advance and improve American shipping is by voting immense subsidies to shipping companies; others believe that it may be improved in other and different ways. It seems to me that, if the trade between the Philippine Islands and the United States is to assume the proportions that the friends of the imperialistic policy assert, by placing that traffic in American bottoms one of the greatest conceivable strides will have been made in adding American shipping to the Pacific Ocean.

The assurance of the chairman of the committee that the coastwise laws may in a short time be made applicable to the traffic between the Philippine Islands and the United States does not accomplish the fact. It does not make the laws applicable, and there is no assurance when they will be. It seems to me a time should be fixed, a promise should be given, an assurance should be held out, so that the capital which is ready for investment in American shipping may commence to be utilized now and continue to be used and continue to be invested until, when the time comes, we will have fleets upon the Pacific ample to conduct the traffic between the East and the West. Unless that is done, as the Senator from Georgia suggested, there is danger of injustice to foreign shipowners, while full justice will not be done to American shipowners. Surely the law will not be changed during this Congress, and what assurance have American shipowners that it will be at the next, or the next, or the next succeeding one?

If you now fix a period at which the American coastwise laws are to go into effect there, say the period of one year—a year from to-day Congress will be in session—and if it should then be found, which I do not anticipate, that American shipping will not be sufficient to conduct the business, there can be a further suspension of the operation of the provision. But I am inclined to think that there will be no necessity for that, and I insist that common justice to American shipowners, to American capital, ready to be invested in American shipping, and to foreign shipowners, requires, if the coastwise laws are to be applied to the trade between the United States and the Philippine Islands, that the time when those laws are to go into effect should be stated in this measure.

The PRESIDENT pro tempore. Where does the Senator from Colorado desire his amendment to come in?

Mr. PATTERSON. At the close of section 3 of the bill.

The PRESIDENT pro tempore. After the committee's amendment is adopted or before?

Mr. LODGE. I understand the Senator from Colorado has no objection to the committee amendment inserting the words "or between ports in the Philippine Archipelago."

Mr. PATTERSON. No.

The PRESIDENT pro tempore. Without objection, the committee's amendment is agreed to. The Senator from Colorado offers an amendment, which will be stated.

Mr. PATTERSON. I have not written it out. I will state the amendment. It is to insert:

Provided, That at the expiration of one year from the passage of this act all the laws, rules, and regulations relating to American coastwise trade shall apply to vessels plying between the United States and the Philippine Islands.

Mr. LODGE. I suggest to the Senator from Colorado that he can reach his object much more simply, I think, by striking out the words "otherwise provided by law" in lines 11 and 12 and inserting a date—whatever date he desires; that this provision shall operate until a certain date, and then the coastwise laws will apply of themselves. I am opposed to the amendment in any form, but I think that is the simpler way of reaching it.

Mr. PATTERSON. If that will accomplish the object, and the Senator from Georgia says it will, I will consent that the suggestion shall be substituted for the amendment I offered.

The PRESIDENT pro tempore. The amendment will be stated.

Mr. LODGE. It is to strike out the words "otherwise provided by law," and insert——

Mr. PATTERSON. I move to strike out the words suggested and then to insert "on and after March 1, 1903."

The SECRETARY. In lines 11 and 12, section 3, page 3, it is proposed to strike out the words "otherwise provided by law" and to insert "on and after March 1, 1903;" so that if amended that clause will read:

Provided, however, That until on and after March 1, 1903, the provisions of law restricting to vessels of the United States the transportation of passengers and merchandise directly, etc."

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Colorado [Mr. PATTERSON].

Mr. TELLER. Let us have the yeas and nays.

Mr. BATE. I should like to have the clause read as it will read if amended.

The PRESIDENT pro tempore. It will be read as it will read if the amendment should be adopted.

The Secretary read as follows:

Provided, however, That until on and after March 1, 1903—

Mr. LODGE. You do not need the words "on and after." Just say "until March 1, 1903."

The SECRETARY. The clause, if amended, will read as follows:

Provided, however, That until March 1, 1903, the provisions of law restricting to vessels of the United States the transportation of passengers and merchandise, directly or indirectly, etc.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Colorado [Mr. PATTERSON], on which the yeas and nays are demanded.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. DOLLIVER (when his name was called). I am paired with the Senator from Mississippi [Mr. MONEY].

Mr. KEAN (when Mr. DRYDEN's name was called). My colleague is necessarily absent. I suggest to the Senator from Iowa [Mr. DOLLIVER] that he transfer his pair to my colleague.

Mr. DOLLIVER. I transfer my pair to the junior Senator from New Jersey [Mr. DRYDEN], and will vote. I vote "nay."

Mr. MCCUMBER (when his name was called). I have a pair with the junior Senator from Louisiana [Mr. FOSTER]. Were he present, I should vote "nay."

Mr. MCMILLAN (when his name was called). I am paired with the Senator from Kentucky [Mr. BLACKBURN].

Mr. SIMMONS (when his name was called). I desire to inquire if the Senator from Minnesota [Mr. CLAPP], with whom I am paired, has voted?

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The Chair is informed that the Senator from Minnesota has not voted.

Mr. SIMMONS. If he were present, I should vote "yea."

Mr. WARREN (when his name was called). I have a pair with the senior Senator from Washington [Mr. TURNER].

The roll call was concluded.

Mr. HANSBROUGH. I desire to ask if the junior Senator from Illinois [Mr. MASON] has voted?

Mr. BEVERIDGE. He has not.

Mr. HANSBROUGH. I will transfer my pair with the senior Senator from Virginia [Mr. DANIEL] to the junior senator from Illinois [Mr. MASON], and will vote. I vote "nay."

Mr. ELKINS. I desire to inquire if the junior Senator from Texas [Mr. BAILEY] has voted?

The PRESIDING OFFICER. The Chair is informed that he has not voted.

Mr. ELKINS. I am paired with him. If he were present, he would vote "yea" and I should vote "nay."

Mr. KEARNS. I desire to ask if the junior Senator from Montana [Mr. GIBSON] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not voted.

Mr. KEARNS. I am paired with the junior Senator from Montana.

Mr. MCCUMBER. I transfer my pair to the senior Senator from Nevada [Mr. JONES], and will vote. I vote "nay."

Mr. SCOTT (after having voted in the negative). I withdraw my vote, as I understand the Senator from Florida [Mr. TALIAFERRO] has not voted.

Mr. MORGAN. On this question I am paired with the Senator from Pennsylvania [Mr. QUAY]. If he were present, I should vote "yea."

The result was announced—yeas 18, nays 34; as follows:

YEAS—18.

Bacon,	Clark, Mont.	Jones, Ark.	Teller,
Bard,	Clay,	Mallory,	Tillman,
Bate,	Cockrell,	Martin,	Vest.
Berry,	Culberson,	Patterson,	
Carmack,	Heitfeld,	Pettus.	

NAYS—34.

Aldrich,	Elkins,	Lodge,	Proctor,
Allison,	Foraker,	McComas,	Quarles,
Beveridge,	Frye,	McCumber,	Simon,
Burrows,	Gallinger,	McEnery,	Spooner,
Burton,	Gamble,	Millard,	Stewart,
Cullom,	Hansbrough,	Nelson,	Wellington,
Depew,	Hawley,	Perkins,	Wetmore.
Dillingham,	Kean,	Platt, Conn.	
Dolliver,	Kittredge,	Platt, N. Y.	

NOT VOTING—36.

Bailey,	Dubois,	Jones, Nev.	Penrose,
Blackburn,	Fairbanks,	Kearns,	Pritchard,
Burnham,	Foster, La.	McLaurin, Miss.	Quay,
Clapp,	Foster, Wash.	McLaurin, S. C.	Rawlins,
Clark, Wyo.	Gibson,	McMillan,	Scott,
Daniel,	Hale,	Mason,	Simmons,
Deboe,	Hanna,	Mitchell,	Taliaferro,
Dietrich,	Harris,	Money,	Turner,
Dryden,	Hoar,	Morgan,	Warren.

So Mr. PATTERSON's amendment was rejected.

Mr. LODGE. I now offer an amendment to come in as an additional proviso at the end of section 3.

The PRESIDENT pro tempore. The Senator from Massachusetts offers an amendment, which will be stated.

The SECRETARY. It is proposed to add at the end of section 3, on page 3, the following:

And provided further, That the Philippine Commission shall be authorized and empowered to issue licenses to all vessels or other craft now engaged in lighterage or other exclusively harbor business, but after the passage of this act such licenses except as herein provided shall be issued only to vessels or other craft built in the Philippine Islands or in the United States and owned by citizens of the United States or by inhabitants of the Philippine Islands.

Mr. TELLER. It seems to me the amendment ought to be printed before we act on it. It is quite an important amendment.

Mr. LODGE. Mr. President, this amendment is simply intended to give reasonable protection to native boats and to the boats which have been sent out in considerable numbers, I understand, from this country to take part in the lighterage and harbor business. The unloading of all large ships at Manila is now necessarily done by lighters. Small vessels, intended solely for that purpose, but with improved machinery, which will make a great difference in the rapidity with which vessels are unloaded, have been sent from this country to be used in that business. There are also a number of native boats now engaged in it and a number of foreign boats. These are not disturbed. All the boats now engaged in business are entitled to have a license, but after this date the lighterage and harbor business is to be confined to vessels owned and built in the Philippines or in the United States.

The information which came to me was so conclusive that if we did not put in some provision in regard to licenses we should be flooded with boats sent over from Hongkong and manned by Chinese that it seemed to me it was absolutely necessary to do something of this sort, and the license seemed to be the only way to protect the native and American people engaged in that business.

Mr. TELLER. Let the amendment be again read.

The PRESIDENT pro tempore. The Secretary will again read the amendment.

The SECRETARY. It is proposed to add, at the end of section 3, on page 3, the following:

And provided further, That the Philippine Commission shall be authorized and empowered to issue licenses to all vessels or other craft now engaged in lighterage or other exclusively harbor business, but after the passage of this act such licenses, except as herein provided, shall be issued only to vessels or other craft built in the Philippine Islands or in the United States and owned by citizens of the United States or by inhabitants of the Philippine Islands.

Mr. CULBERSON. I wish to emphasize the suggestion, made by the Senator from Colorado, that this amendment is of such consequence that it ought to be printed and go over so that it may be considered.

In this connection I call the attention of the Senate to the fact that this amendment has never been considered by the committee at all.

Mr. LODGE. It has not.

Mr. CULBERSON. That is what I have stated.

Mr. LODGE. I thought the Senator asked me a question. I beg his pardon.

Mr. CULBERSON. Oh, no. I was making the statement to the Senate that this particular amendment has never received the consideration of the committee, and it seems to me it is of such importance that it ought to be printed and lie over, so that Senators may have an opportunity to examine it in connection with the entire bill. I trust the Senator in charge of the measure will allow that course to be taken.

Mr. LODGE. The matter was brought to my attention after the bill had been reported. It was such a very small and simple matter that I did what is frequently done here on appropriation bills and other bills with an amendment suggested after a bill has been reported—I prepared it. I showed it to one or two members of the committee. It seemed to me wholly unnecessary to call a committee meeting for the purpose of submitting that amendment, and I ventured to offer it on my own responsibility.

Mr. MALLORY. I should like to ask the Senator from Massachusetts if much of this transportation of passengers and merchandise between the islands is not almost like harbor transportation? If it is so, is not the rule which is prescribed in the bill, providing that any foreign-built vessels may engage in that traffic, as obnoxious as it would be to the lightering business done in Manila Harbor? Manila Harbor, I understand, is quite a large body of water.

Mr. LODGE. The language "engaged in traffic between ports of the Philippine Archipelago" certainly can not cover, as this explicitly covers, the harbor business and the lighterage business of one harbor. "Lighterage and exclusively harbor business" does not mean traffic between ports.

Mr. MALLORY. I admit that, Mr. President; but the harbor of Manila is an exceptional harbor, and I understand vessels of any considerable draft of water can not approach to within some miles of the town of Manila. The bay of Manila is a very large

sheet of water. It is not like the bay of New York. It is much larger, and it requires vessels of considerable size to navigate that bay.

Now, if it is possible to build vessels in Manila or in Luzon and in the United States which are fitted for the business of lighterage in Manila Bay, why is it not also possible that the same style of vessels, small steam vessels, can be built at Manila or in other parts of the Philippine Islands, and permitted to carry on the passenger and freight transportation business between the islands under the American flag and subject to the rules prescribed for our domestic commerce? In other words, I do not see why there should be a distinction as to this particular traffic, and why there should not be a distinction in the insular traffic.

Mr. LODGE. Traffic between the islands?

Mr. MALLORY. I merely suggest that, because it occurs to me, without really having investigated the subject at all, that if there is to be a distinction between these two kinds of craft in the trade in the Philippine Islands, we should understand why the distinction should be made. I confess I do not now see it.

Mr. LODGE. The difficulty, I understand, is this: With the passage of a bill which for the time being allows the entry of foreign vessels, there will be no serious change in the commerce between the islands, because the vessels there employed have been there for some time. It is an established trade among the islands, and there is no great room for introducing new ones. But with the assurance that for a short time at least the coastwise laws will not apply, but that they are to apply before long, there is an expectation that there will be a great many small boats fit only for lighterage, brought over by the Chinese from Hongkong and other Chinese ports, to take possession of the lighterage business in Manila and possibly elsewhere. But Manila is the principal point. The amendment is made necessary by the passage of the bill itself.

Mr. BEVERIDGE. I understand the point of the Senator from Florida to be that vessels of such a size will be required on account of the size of the bay of Manila, that they might also be used for inter-island trade, and therefore there should be no special permission given for craft of this kind. The Senator is under a misapprehension. The ocean-going vessels that take goods to Manila can come within a very short distance of the city. They do not discharge at the keys, but within a very short distance, and the freight is discharged into what are called cascos, which are hauled in by very small tugs, utterly inappropriate for interisland commerse.

The same thing is true of the next largest port in the islands—Iloilo.

It is for this reason that the amendment is required. Vessels of the size required for the interisland traffic would not be at all appropriate for the purposes to which this amendment is directed, and it was because it was expected that Chinese from Hongkong and other places would monopolize this lighterage business that the amendment is offered. I make these remarks simply because the Senator's suggestion, which has weight and substance to it, is based upon a misapprehension of the depth of water and the nature of the two harbors.

Mr. MALLORY. Will the Senator tell me, if he can, what the depth of water is that can be taken up to the city of Manila in the river?

Mr. BEVERIDGE. The depth of water in the river?

Mr. MALLORY. Vessels of what draft can enter?

Mr. BEVERIDGE. I would not undertake to state with the accuracy of a foot or an inch in the river itself.

Mr. MALLORY. Approximately.

Mr. BEVERIDGE. But vessels of considerable size, it is true, can come to private wharves in the Pasig, in Manila itself, but ocean-going steamers discharge in the bay, not, however, as the Senator supposes, at a great distance from it. On the contrary. it is a very short distance—a mile, a half mile, even. Therefore the size of vessels required to do this lighterage work, both in Manila and in the bay at Iloilo, are not of the ocean-going size that he supposes. They are very small.

Mr. MALLORY. The point that occurred to me is this: If it is necessary to throw protection around our domestic vessels and vessels built in the Philippine Islands for this purpose, why should we not also encourage the building of vessels in the Philippine Islands for the interisland trade? I do not think it is necessary that there should be such a very large vessel to engage in trade between the islands of the Philippines. Everything on the subject we have here indicates that only small vessels can successfully engage in the interisland traffic in the Philippines.

Now, if only small vessels can do so, and only small vessels can engage in this lighterage business, why should we protect the small vessels that are engaged in the harbor of Manila or in the bay of Manila and not encourage the building of vessels of similar size at least for the interisland traffic?

Mr. LODGE. The Senator overlooks the fact that we give protection by discrimination in the tonnage dues to vessels engaged in the inter-island traffic, but we give no discrimination whatever in favor of the small vessels engaged in lighterage and exclusively harbor business.

Mr. MALLORY. But, Mr. President——

Mr. LODGE. If the Senator will allow me, if vessels can be used in private business, as he suggests, and as I believe is done, or is proposed to be done at all events, then they get the benefit of the license, because they engage in harbor business and also in inter-island traffic. If they engage only in the inter-island traffic they get the benefit of the discrimination in the first part of the section. But if there is nothing put on about lighterage, I have been informed by persons whom I thought understood the question that there was great danger of the lighterage business passing largely into the hands of the Chinese and Japanese after the passage of this bill.

Mr. BEVERIDGE. The local business.

Mr. LODGE. I have no objection to telling the Senator where the suggestion came from. The matter was first brought to my attention, and it was in regard to that that I drafted the amendment, by the company or the gentlemen who are taking out the 19 vessels I spoke of—the New York Company. They said that they were perfectly willing to take them out and start them under existing conditions in the interisland traffic, but that a portion of their fleet which they took out, which was for lighterage alone, would receive no benefit from the discriminating tonnage, and they apprehend that after the passage of this bill there would be a tendency on the part of the Chinese and the Japanese to come in from Hongkong and deprive them of the opportunity which they sought—to do the harbor business.

Mr. MALLORY. Will the Senator permit me to ask him right there if there is danger of Chinese and Japanese coming in and monopolizing the business with small vessels in the bay of Manila, is there not also some risk that the Chinese and Japanese, as the provisions of this bill permit foreign-built vessels to go into the interisland traffic, will come in and do the same thing?

Mr. LODGE. Not the slightest, as I understand. The Chinese and Japanese they do not apprehend will get into the inter-island traffic or build vessels of that character, but they will build cascoes and small boats simply for lighterage and harbor work.

Mr. BACON. I should like to inquire of the Senator if he has information as to the present system of licensing boats there?

Mr. LODGE. License, I understand, is now issued by the authorities at Manila, as is done in all our ports.

Mr. BACON. As to all classes of boats, even down to the very smallest?

Mr. LODGE. To all boats plying in harbor business.

Mr. BACON. Down to the very smallest?

Mr. LODGE. I understand so.

Mr. BACON. The point to which I wish to call attention especially is the possible necessity of guarding this amendment against what might work a different result from that which the Senator designs. It depends altogether upon what the word "harbor" would be construed to include as to whether my suggestion is of any point. If, by the word "harbor," the bay of Manila is included, then there would be excluded from a good deal of ordinary traffic vessels which are otherwise authorized by this bill to engage in that traffic.

The bay of Manila is almost an inland sea, and if that is intended to be described by the term "harbor," if the word "harbor" includes the whole of that bay, then there are four or five towns on the shores of the bay in which no vessel could engage in traffic between them unless it fell within the class named in this amendment.

Mr. LODGE. The phrase is, the Senator will note, "exclusively harbor business."

Mr. BACON. Yes.

Mr. LODGE. "Now engaged in lighterage or other exclusively harbor business." I think I am right in saying that harbor business is a perfectly understood technical term. It does not mean traffic between ports.

Mr. BACON. I think with that statement by the Senator, made in this connection, it would be construed according to his statement if there was any question ever raised.

Mr. LODGE. If there is traffic between ports—one port in Bataan, the province opposite the bay, and a port in Manila—I suppose that would be traffic between inter-island ports. It is certainly not harbor business. Harbor business is towing and lightering work and everything of the kind.

Mr. BACON. The statement of the Senator sufficiently explains the meaning, I think, and I presume that that construction would follow.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Massachusetts.

The amendment was agreed to.

Mr. LODGE. I move the next committee amendment.

The next amendment of the Committee on the Philippines was, in section 4, on page 3, line 20, after the word "act," to strike out "less the cost of collecting the same;" in line 21, after the word "and," to strike out "the gross amount of;" in the same line, after the word "all," to strike out "collections of;" in line 22, after the word "taxes," to insert "collected;" and in line 24, after the word "upon," to insert "foreign;" so as to make the section read:

SEC. 4. That the duties and taxes collected in the Philippine Archipelago in pursuance of this act, and all duties and taxes collected in the United States upon articles coming from the Philippine Archipelago and upon foreign vessels coming therefrom, shall not be covered into the general fund of the Treasury of the United States, but shall be held as a separate fund and paid into the treasury of the Philippine Islands, to be used and expended for the government and benefit of said islands.

The amendment was agreed to.

The next amendment was, in section 6, on page 5, line 4, after the word "where," to strike out "imported;" so as to make the paragraph read:

That where materials on which duties have been paid are used in the manufacture of articles manufactured or produced in the United States there shall be allowed on the shipment of said articles to the Philippine Archipelago a drawback equal in amount to the duties paid on the materials used, less 1 per cent of such duties, under such rules and regulations as the Secretary of the Treasury may prescribe.

The amendment was agreed to.

The next amendment was, on page 5, after line 10, to insert the following as a new section:

SEC. 7. That merchandise in bonded warehouse or otherwise in the custody and control of the officers of the customs, upon which duties have been paid, shall be entitled, on shipment to the Philippine Islands within three years from the date of the original arrival, to a return of the duties paid less 1 per cent, and merchandise upon which duties have not been paid may be shipped without the payment of duties to the Philippine Islands within said period, under such bonds and regulations as may be prescribed by the Secretary of the Treasury.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. BACON. I should like to inquire from the Senator why that term is made so long—three years?

Mr. LODGE. This section was prepared by the Treasury Department as necessary to the administration of the drawbacks provided for in the bill. It was copied, I think, exactly from the similar administrative provisions in our own customs tariff. It is a usual provision in regard to merchandise in bond.

Mr. BACON. I understand that. The question I asked the Senator was whether that is the usual time, three years.

Mr. LODGE. That is my impression. I have not compared that particular point with our tariff, but the section was prepared at the Treasury Department, and I assumed that they had taken the usual term. I can say to the Senator I can look it up, for I have the tariff here, and tell him what the usual term is.

Mr. BACON. I will state to the Senator that, of course, if that is the usual provision there is no special criticism to be made upon the same one being incorporated here, but in the absence of that and in the first blush it might seem that persons who imported goods into this country with a view of exportation to the Philippine Islands could do so in very much less time than three years, and the longer the lapse of time, the Senator will readily recognize, the greater the opportunity there may be for fraud.

Of course, if that has been the time heretofore recognized by the law and the recommendation of the Treasury Department as a reasonable time for similar privileges, then I have nothing to say about it; but in the absence of that it does occur to me that to say a man can import articles into this country and keep them for three years before he determines to export them to the Philippines is rather a broad liberty. I wish to say in this connection that I am not in favor of their having to pay those duties at any time, but if there is going to be a regulation of that kind, it seems to me it ought to be of a kind to be effective and to guard against imposition.

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the Secretary of War in response to a resolution of the Senate of the 31st ultimo. The Chair thinks it is in response to the resolution offered by the Senator from Texas [Mr. CULBERSON] in relation to the punishment of certain crimes, treason, etc., in the Philippine Archipelago. It will be printed and referred to the Committee on the Philippines.

Mr. CULBERSON. It appears to be in answer to a different resolution from the one I introduced, but I presume that that is the proper reference.

The PRESIDENT pro tempore. The Chair also presents a communication from the Secretary of War in answer to the resolution of the 22d ultimo transmitting "copies of all suggestions, statements, criticisms, and correspondence between the War Department or any official thereof and any person or corporation relating to the customs tariff affecting the Philippine Islands which culminated in the tariff adopted by the Philippine Commission September 17, 1901." It will be printed and referred to the Committee on the Philippines.

Mr. RAWLINS. Mr. President, if there is no objection, I should like to have the report from the Secretary of War as to the law passed by the Philippine Commission read.

The PRESIDENT pro tempore. What is returned is simply a printed law, I take it.

Mr. PATTERSON. The answer must necessarily be a very short one as to whether that law is in fact a law, or is an alleged law. We might just as well have the information now from the desk.

The PRESIDENT pro tempore. The Secretary will read it.

Mr. TELLER. Let the resolution be read.

The PRESIDENT pro tempore. The entire law is sent in by the Secretary of War in answer to the resolution. What will the Senator have read?

Mr. FORAKER. Let the entire communication be read.

The PRESIDENT pro tempore. The communication will be read.

The Secretary read as follows:

WAR DEPARTMENT, *Washington, February 4, 1902.*

SIR: In response to the resolution of the Senate dated January 31, 1902, reading:

"*Resolved*, That the Secretary of War is directed to inform the Senate if the following has been passed by the Philippine Commission, and is being enforced as a law in said islands, and persons punished thereunder, and the date of the promulgation of such order, namely:

(No. 292. By the United States Philippine Commission.)

"SEC. 2. Every person owing allegiance to the United States or the government of the Philippine Islands and having knowledge of any treason against them, or either of them, who conceals and does not, as soon as may be, disclose and make known the same to the provincial governor in the province in which he resides, or to the civil governor of the islands, or to some judge of a court of record, is guilty of misprision of treason, and shall be imprisoned not more than seven years, and be fined not more than $1,000."

"SEC. 8. Every person who shall utter seditious words or speeches; write, publish, or circulate scurrilous libels against the Government of the United States or the insular government of the Philippine Islands, or which tend to disturb or obstruct any lawful officer in executing his office, or which tend to instigate others to cabal or meet together for unlawful purposes, or which suggest or incite rebellious conspiracies or riots, or which tend to stir up the people against the lawful authorities or to disturb the peace of the community, the safety and order of the government, or who shall knowingly conceal such evil practices, shall be punished by a fine not exceeding $2,000, or by imprisonment not exceeding two years, or both, in the discretion of the court.

"SEC. 9. All persons who shall meet together for the purpose of forming, or who shall form, any secret society, or who shall, after the passage of this act, continue membership in a society already formed, having for its object, in whole or in part, the promotion of treason, rebellion, or sedition, or the promulgation of any political opinion or policy, shall be punished by a fine not exceeding $1,000 or by imprisonment not exceeding one year, or both.

"SEC. 10. Until it has been officially proclaimed that a state of war or insurrection against the authority or sovereignty of the United States no longer exists in the Philippine Islands it shall be unlawful for any persons to advocate orally, or by writing or printing, or like methods, the independence of the Philippine Islands or their separation from the United States, whether by peaceable or forcible means, or to print, publish, or circulate any handbill, newspaper, or other publication advocating such independence or separation.

"Any person violating the provisions of this section shall be punished by a fine of not exceeding $2,000 and imprisonment not exceeding one year."

I have the honor to transmit herewith copy of act No. 292, passed by the United States Philippine Commission, as certified to the War Department, and to inform you that this Department has not been advised that any person has been punished for violation of said act, nor that proceedings have been instituted against any person for an alleged violation thereof.

Very respectfully,

ELIHU ROOT, *Secretary of War.*

The PRESIDENT PRO TEMPORE UNITED STATES SENATE.

Mr. HOAR. Mr. President, I wish to inquire if the statement just read, which I heard after the first line or two of it had been read, is a statement of what is the actual law in the Philippine Islands or only a statement of some alleged or proposed law?

Mr. RAWLINS. The request was to have the act transmitted read. That has not yet been read.

The PRESIDENT pro tempore. The communication just read is in response to the resolution offered by the Senator from Utah. The Secretary of War has sent the legislation which was sent to the Department from the Philippine Archipelago, and that has not been read.

Mr. TELLER. Mr. President——

Mr. HOAR. If I understood that correctly, a wife knowing of what is alleged to be the treason of a husband, or a husband knowing what is alleged to be the treason of a wife, or a mother knowing what is alleged to be the treason of a son, or a son knowing the treason of a mother, and so on, of the son and the father and the brother—the person knowing that and not acting as an informer to the government is, under a law imposed by the authority of United States, to be punished by seven years imprisonment. I should like to know whether that is true.

The PRESIDENT pro tempore. As the request was made that the return of the Secretary of War should be read——

Mr. TELLER. That is what we want, Mr. President.

The PRESIDENT pro tempore. It will be read.

The Secretary read as follows:

[Inclosure.]

No. 292.—An act defining the crimes of treason, insurrection, sedition, conspiracies to commit such crimes, seditious utterances whether written or spoken, the formation of secret political societies, the administering or taking of oaths to commit crimes or to prevent the discovering of the same, and the violation of oaths of allegiance, and prescribing punishment therefor.

By authority of the President of the United States, be it enacted by the United States Philippine Commission, that: SECTION 1. Every person resident in the Philippine Islands, owing allegiance to the United States or the government of the Philippine Islands, who levies war against them, or adheres to their enemies, giving them aid and comfort within the Philippine Islands or elsewhere, is guilty of treason, and upon conviction shall suffer death or, at the discretion of the court, shall be imprisoned at hard labor for not less than five years and fined not less than $10,000.

SEC. 2. Every person, owing allegiance to to the United States or the government of the Philippine Islands, and having knowledge of any treason against them or either of them, who conceals, and does not as soon as may be disclose and make known the same to the provincial governor in the province in which he resides or to the civil governor of the islanus or to some judge of a court of record, is guilty of misprision of treason, and shall be imprisoned not more than seven years and be fined not more than $1,000.

SEC. 3. Every person who incites, sets on foot, assists or engages in any rebellion or insurrection against the authority of the United States or of the government of the Philippine Islands, or the laws thereof, or who gives aid or comfort to anyone so engaging in such rebellion or insurrection, shall, upon conviction, be imprisoned for not more than ten years and be fined not more than $10,000.

SEC. 4. If two or more persons conspire to overthrow, put down, or destroy by force the Government of the United States in the Philippine Islands or the government of the Philippine Islands, or by force to prevent, hinder, or delay the execution of any law of the United States or of the Philippine Islands, or by force to seize, take, or possess any property of the United States or of the government of the Philippine Islands contrary to the authority thereof, each of such persons shall be punished by a fine of not more than $5,000 and by imprisonment, with or without hard labor, for a period not more than six years.

SEC. 5. All persons who rise publicly and tumultuously in order to obtain by force or outside of legal methods any of the following objects are guilty of sedition:

1. To prevent the promulgation or execution of any law or the free holding of any popular election.

2. To prevent the insular government or any provincial or municipal government or any public official from freely exercising its or his duties, or the due execution of any judicial or administrative order.

3. To inflict any act of hate or revenge upon the person or property of any official or agent of the insular government or of a provincial or municipal government.

4. To inflict, with a political or social object, any act of hate or revenge upon individuals or upon any class of individuals in the islands.

5. To despoil, with a political or social object, any class of persons, natural or artificial, a municipality, a province, or the insular government, or the Government of the United States or any part of its property.

SEC. 6. Any person guilty of sedition, as defined in section 5 hereof, shall be punished by a fine of not exceeding $5,000 and by imprisonment not exceeding ten years, or both.

SEC. 7. All persons conspiring to commit the crime of sedition shall be punished by a fine of not exceeding $1,000 or by imprisonment not exceeding five years, or both.

SEC. 8. Every person who shall utter seditious words or speeches, write, publish, or circulate scurrilous libels against the Government of the United States or the insular government of the Philippine Islands, or which tend to disturb or obstruct any lawful officer in executing his office, or which tend to instigate others to cabal or meet together for unlawful purposes, or which suggest or incite rebellious conspiracies or riots, or which tend to stir up the people against the lawful authorities or to disturb the peace of the community, the safety and order of the Government, or who shall knowingly conceal such evil practices, shall be punished by a fine not exceeding $2,000 or by imprisonment not exceeding two years, or both, in the discretion of the court.

SEC. 9. All persons who shall meet together for the purpose of forming, or who shall form any secret society, or who shall after the passage of this act continue membership in a society already formed, having for its object in whole or in part the promotion of treason, rebellion, or sedition, or the promulgation of any political opinion or policy, shall be punished by a fine not exceeding $1,000 or by imprisonment not exceeding one year, or both.

SEC. 10. Until it has been officially proclaimed that a state of war or insurrection against the authority or sovereignty of the United States no longer exists in the Philippine Islands, it shall be unlawful for any person to advocate orally or by writing or printing or like methods the independence of the Philippine Islands or their separation from the United States, whether by peaceable or forcible means, or to print, publish, or circulate any handbill, newspaper, or other publication advocating such independence or separation.

Any person violating the provisions of this section shall be punished by a fine of not exceeding $2,000 and imprisonment not exceeding one year.

SEC. 11. Every person who shall administer, or be present and consent to the administering of, any oath or any engagement purporting to bind the person taking the same to commit any crime punishable by death or by imprisonment for five years or more, or who shall attempt to induce or compel any person to take any such oath or engagement or who shall himself take any such oath or engagement, shall be punished by a fine not exceeding $2,000 or by imprisonment not exceeding ten years.

SEC. 12. Any person who administers, or who is present at, and consenting to, the administering of any oath or engagement purporting to bind the person taking the same, either—

1. To engage in any seditious purpose; or

2. To disturb the public peace or commit or endeavor to commit any criminal offense; or

3. To fail or refuse to inform and give evidence against any associate, confederate, or other person; or

4. To fail or refuse to reveal or discover any unlawful combination or confederacy or any illegal act done or to be done or any illegal oath or obligation or engagement which may have been administered or tendered to or taken by any person or the import of any such oath, obligation, or engagement.

And likewise anyone who attempts to induce or compel any person to take any such oath or engagement, and likewise any person who takes any such oath or engagement shall be punished by a fine not exceeding $1,000 or by imprisonment not exceeding five years, or both.

SEC. 13. Any person who, under such compulsion as would otherwise excuse him, offends against either of the last two preceding sections shall not be excused thereby, unless within the periods hereinafter stated he declares the same, and what he knows touching the same, and the persons by whom such oath or obligation or engagement was administered or taken, by information upon oath before a justice of the peace, judge of a court of first instance, or provincial fiscal of the municipality or province in which such oath or engagement was administered or taken. Such declaration may be made by him within fourteen days after the commission of the offense, or, if he is hindered from making it, by actual force or sickness, then within eight days after cessation of such hindrance, or on his trial, if that happens before the expiration of either of those periods.

SEC. 14. Any person who shall have taken any oath before any military officer of the Army of the United States or before any officer under the civil government of the Philippine Islands, whether such official so administering the oath was specially authorized by law so to do or not, in which oath the affiant in substance engaged to recognize or accept the supreme authority of the United States of America in these islands or to maintain true faith and allegiance thereto or to obey the laws, legal orders, and decrees promulgated by its duly constituted authorities, and who shall, after the passage of this act, violate the terms and provisions of such oath or any of such terms or provisions, shall be punished by a fine not exceeding $2,000 or by imprisonment not exceeding ten years, or both.

SEC. 15. The provisions of this act shall not apply to the organized provinces of Batangas, Cebu, and Bohol, nor to any province where civil government has not been established, so long as insurrection against the authority of the United States exists therein, unless the commanding general of the Army of the United States, division of the Philippines, shall authorize and direct prosecutions in the civil courts in such territories for offenses under this act, in which event it shall apply.

SEC. 16. All laws and parts of laws now in force, so far as the same may be in conflict herewith, are hereby repealed: *Provided*, That nothing herein contained shall operate as a repeal of existing laws in so far as they are applicable to pending actions or existing causes of actions, but as to such causes of actions, or pending actions, existing laws shall remain in full force and effect, this act being entirely prospective.

SEC. 17. A foreigner, residing in the Philippine Islands, who shall commit any of the crimes specified in the preceding sections of this act, except those specified in sections 1 and 2, shall be punished in the same way and with the same penalty as that prescribed for the particular crime therein.

SEC. 18. This act shall take effect on its passage.

Enacted November 4, 1901.

Mr. FORAKER. Mr. President, I send to the Secretary's desk the Revised Statutes, and ask that sections 5331 to 5338, both inclusive, may be read.

The PRESIDING OFFICER (Mr. KEAN in the chair). In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

SEC. 5331. Every person owing allegiance to the United States who levies war against them, or adheres to their enemies, giving them aid and comfort within the United States or elsewhere, is guilty of treason.

SEC. 5332. Every person guilty of treason shall suffer death; or, at the discretion of the court, shall be imprisoned at hard labor for not less than five years and fined not less than $10,000, to be levied on and collected out of any or all of his property, real and personal, of which he was the owner at the time of committing such treason, any sale or conveyance to the contrary notwithstanding; and every person so convicted of treason shall, moreover, be incapable of holding any office under the United States.

SEC. 5333. Every person owing allegiance to the United States and having knowledge of the commission of any treason against them, who conceals, and does not, as soon as may be, disclose and make known the same to the President or to some judge of the United States, or to the governor, or to some judge or justice of a particular State, is guilty of misprision of treason, and shall be imprisoned not more than seven years and fined not more than $1,000.

SEC. 5334. Every person who incites, sets on foot, assists, or engages in any rebellion or insurrection against the authority of the United States or the laws thereof, or gives aid or comfort thereto, shall be punished by imprisonment not more than ten years or by a fine of not more than $10,000, or by both of such punishments; and shall, moreover, be incapable of holding any office under the United States.

SEC. 5335. Every citizen of the United States, whether actually resident or abiding within the same or in any foreign country, who, without the permission or authority of the Government, directly or indirectly, commences or carries on any verbal or written correspondence or intercourse with any foreign government or any officer or agent thereof, with an intent to influence the measures or conduct of any foreign government or of any officer or agent thereof, in relation to any disputes or controversies with the United States or to defeat the measures of the Government of the United States; and every person, being a citizen of, or resident within, the United States, and not duly authorized, who counsels, advises, or assists in any such correspondence, with such intent, shall be punished by a fine of not more than $5,000, and by imprisonment during a term not less than six months nor more than three years; but nothing in this section shall be construed to abridge the right of a citizen to apply himself or his agent to any foreign government or the agents thereof for redress of any injury which he may have sustained from such government or any of its agents or subjects.

SEC. 5336. If two or more persons in any State or Territory conspire to overthrow, put down, or to destroy by force the Government of the United States, or to levy war against them, or to oppose by force the authority thereof; or by force to prevent, hinder, or delay the execution of any law of the United States; or by force to seize, take, or possess any property of the United States contrary to the authority thereof; each of them shall be punished by a fine of not less than $500 and not more than $5,000; or by imprisonment, with or without hard labor, for a period not less than six months nor more than six years, or by both such fine and imprisonment.

SEC. 5337. Every person who recruits soldiers or sailors within the United States to engage in armed hostility against the same, or who opens within the United States a recruiting station for the enlistment of such soldiers or sailors, to serve in any manner in armed hostility against the United States, shall be fined not less than $200 nor more than $1,000, and imprisoned not less than one year nor more than five years.

SEC. 5338. Every soldier or sailor enlisted or engaged within the United States, with intent to serve in armed hostility against the same, shall be punished by a fine of $100 and by imprisonment not less than one year nor more than three years.

The PRESIDING OFFICER. The communication which has been read will be printed and referred to the Committee on the Philippines, if there be no objection.

Mr. HOAR. Mr. President——

Mr. LODGE. If my colleague will allow me, I simply want to make a verbal change in the pending amendment.

Mr. HOAR. Very well.

Mr. LODGE. The amendment of the committee, which is now section 7, on page 5, line 18, reads, "under such bonds and regulations." That is a misprint. I want it changed so as to read, "under such rules and regulations as may be prescribed by the Secretary of the Treasury." If that amendment can be disposed of, I shall be obliged, for that will conclude all the committee amendments. We can then have a new print of the bill as amended.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from Massachusetts [Mr. LODGE].

Mr. LODGE. It is merely to correct a misprint.

The amendment to the amendment was agreed to.

Mr. HOAR. If my colleage has got through, I desire to take the floor.

Mr. LODGE. I just want to dispose of this last amendment, which will conclude the committee amendments, and then the bill can be printed as amended.

Mr. SPOONER. Is not the bill still open to amendment?

Mr. LODGE. Certainly; this only disposes of the committee amendments.

Mr. SPOONER. I want to offer an amendment.

Mr. LODGE. I will not propose to reprint the bill now, because the Senator from Wisconsin has an amendment to offer, which I shall be very glad to accept.

The PRESIDENT pro tempore. The question is on the adoption of the amendment of the committee inserting section 7 as it has been amended.

The amendment as amended was agreed to.

Mr. LODGE. That concludes the committee amendments, Mr. President.

Mr. HOAR. Mr. President——

Mr. TELLER. I do not want to interfere with the Senator from Massachusetts, but I have an amendment that I want to take up at the proper time.

Mr. LODGE. All I said was that the last amendment agreed to concluded the committee amendments.

Mr. HOAR. Mr. President, I propose to call the attention of the Senate for a moment to what seems to me an exceedingly harsh and cruel provision of this law, if it is to be called a law, which has just been read, and to say that I am sorry that the Philippine Commissioners seemed to have stopped with the only harsh and cruel provision which is to be found in our own statutes in regard to treason.

Under this provision, as I said just now, the mother must complain of the son; the son must complain of the mother; the father must complain of the child; and the husband must complain of the wife, under a severe penalty. Why, Mr. President, an eminent doctor of divinity was charged before the civil war with having said that he would send his mother into slavery if that were necessary to save the Union, and a spasm of horror went through the whole country. The statement that he had said so was denied, and he said that it was his brother that he said he would send into slavery. Many people thought that that was not much better.

But this provision, which in the United States statute only applies to persons committing such an offense against their own country—to whose allegiance they were born and bred, or whose oath of allegiance, if born elsewhere, they have voluntarily taken—was never applied here, and I do not believe it will be found in the history of human cruelty that it has been applied anywhere to the case of one people undertaking to subjugate another people by conquest where a whole people believe they are entitled as of right to their liberty and independence. But here, at least, hard as it would be, it is mitigated by the fact that the offense both of the traitor and of the person charged with misprision of treason is to be tried by a jury of the peers and fellow-citizens of the person charged and in a district previously ascertained where the offense was committed. This is to be put in execution by an alien authority, by courts—not by juries—paid by an alien power and responsible to alien direction and command.

I do not mean to debate this question much until the case which is to be made up for us by our committee of investigation comes in; but as I have called attention to this one fact as it went in, I wish to call attention also now for a moment to a provision not found in any United States statute; a provision which, if it were attempted to be incorporated in any United States statute, would hurl from power at once by a general storm of popular indignation the government that should undertake to enact it; and that is, that any secret society formed for the purpose of advocating any political opinion whatsoever renders all its membership liable to imprisonment as an offense against the state.

Why, Mr. President, we were told, when we were first asked to enter upon this unhappy career in which the country has been embarked, that we were to give such an example of a perfect, mild, humane, and advanced government abroad that we should adopt it at home as a model for ourselves; and the junior Senator from Indiana [Mr. BEVERIDGE] said in an impassioned speech that he looked for great improvement in our defective and faulty national legislation at home from the example we were to set to mankind when we got started in the Philippine Islands. So far we have this example for our improvement—the application of the harshest doctrine of misprision of treason known to human statute books, without a jury trial, administered by alien courts, responsible to an alien government, of an enactment that a secret society formed for the purpose of advocating any political opinion whatsoever renders its membership punishable like felons! That is the improvement which we are invited to adopt at home.

Mr. PATTERSON. Will the Senator from Massachusetts allow me to relieve at least one member of the Philippine Commission from a part of the odium of this law?

Mr. HOAR. Certainly.

Mr. PATTERSON. Governor Taft before the Philippine Committee had his attention directed to this law. He stated that when it was passed he was sick in bed, and that had he been there doubtless there would have been at least a modification of it.

Mr. HOAR. I am quite ready to believe of that honorable and humane gentleman that what the Senator has said is true.

Mr. BACON. Mr. President, the honorable Senator from Ohio [Mr. FORAKER] immediately after this Philippine statute was read had read the statute of the United States on the subject of treason, providing what should be treason, and in that only following the constitutional provision——

Mr. HOAR. Will the Senator pardon me one moment? I forgot one thing, being interrupted, which I was just about to say. May I add it before the Senator proceeds?

Mr. BACON. Certainly.

Mr. HOAR. I was about to say that here treason against the United States consists only in the actual levying of war against the Government or giving aid and comfort to its enemies, while treason in the Philippine Islands is a very different thing.

Mr. BACON. I had it in mind to make the same statement—that the United States statute but follows the definition of treason which is given in the Constitution of the United States, which limits treason to the acts therein specified. The Senator from Ohio [Mr. FORAKER] had these statutes read, I say, Mr. President, intending thereby, I suppose, to make it appear that this remarkable Philippine act was substantially a copy of that act. The truth is that they are as wide apart as the poles, for the reason just suggested by the senior Senator from Massachusetts [Mr. HOAR]. There is a copying of the penalties, but an entire difference as to the offenses for which those penalties shall be inflicted.

Mr. President, it is not the time now to discuss it, but I should like in this connection, in view of the suggestion I have made, that the purpose of the Senator must have been to show such a correspondence between the two as to find a justification for the Philippine act in the statute of the United States—in view of that I desire, if the Senator will pardon me, to ask him the question, so that we may have as direct an answer as his convenience will permit, whether he approves of the Philippine statute which has been read here to-day.

Mr. FORAKER. Mr. President, I supposed when the Senator from Massachusetts [Mr. HOAR] concluded that I would be given an opportunity to answer him; but, inasmuch as the Senator from Georgia [Mr. BACON] got the floor before I was aware that the Senator from Massachusetts had quit it, I rise now only to say in response to that question that as soon as the Senator concludes, if I may be permitted the privilege of the floor, I will then make answer to the question he has propounded or any other he may see fit to ask in regard to this matter. Is the Senator through?

Mr. BACON. I sat down.

Mr. FORAKER. Very well; but I thought you sat down in deference to myself rather than because you had concluded.

Mr. PATTERSON. Mr. President, I wish to suggest a matter which is pertinent to what has been stated, so that the Senator from Ohio may answer in connection with the communication from the Secretary of War, if he will permit me.

Mr. FORAKER. Certainly; I yield.

Mr. PATTERSON. Mr. President, it developed in the examination before the Philippine Committee that there are three political parties in the Philippine Islands, particularly in Manila. One is the Federal party, which virtually promises statehood at some future time to the Philippine Islands. The other principal party was the partido conservador, or the Conservative party, which, according to the testimony of Governor Taft, has for its platform, first, peace, and then peaceful agitation for the independence of the Philippine Islands. Governor Taft told us of the wonderful advance——

Mr. FORAKER. I yielded to the Senator from Colorado because I thought he wanted to ask a question.

Mr. PATTERSON. I shall be through in a very few minutes.

Mr. FORAKER. I do not want to yield for a few minutes. I only yielded for a question.

Mr. PATTERSON. I think you will see the pertinency of what I am about to say, and I believe you would like to answer what I shall suggest.

Mr. FORAKER. Very well.

Mr. PATTERSON. Governor Taft stated the wonderful progress of the Federal party. The Conservative party, he said, was not of much moment; that it had no membership of any account outside of Manila, and was not progressing in Manila.

Then, with reference to this law, he was asked whether or not the advocacy of the platform of the Conservative party, which was absolute peace first and then peaceful agitation for independence, did not make the members of that party subject to the denunciation of the law which has just been read, and he stated that he supposed it did.

Mr. FORAKER. What is the Senator's question?

Mr. PATTERSON. The question is whether or not the Senator approves of that procedure as well as of the law which has been read.

Mr. FORAKER. I never saw this Philippine statute, and I never heard it read until it was read from the Secretary's desk a few minutes ago. I heard some comments upon it in this Chamber a few days ago, when the resolution in response to which it has been sent here was offered and adopted, and I heard the recitals of that resolution at that time. I heard also just now, as the letter from the Secretary of War was being read, the remarks of the Senator from Massachusetts [Mr. HOAR].

I discovered from his remarks that he was very much disturbed mentally, morally, and otherwise because of a certain provision in this statute, namely, that which (to use his language as near as I can recall it) made it the duty of a wife to disclose to a proper official named treason contemplated or about to be committed or having been committed by her husband, or made it the duty of the child to so inform upon the parent, or of a sister to inform upon her brother, and vice versa; and I understood him to say that was unprecedented, and he wanted to know whether or not it was possible that legislation of that character had been enacted under and by the authority of the United States.

It occurred to me in that connection to send for the Revised Statutes and then call the attention of the Senate to the fact, in answer to the inquiry of the Senator from Massachusetts, that these United States Statutes, enacted by the American Congress, had so provided, not for the Filipinos, but for the people of the United States; and as I read through our own statute on the subject of treason and listened to the reading of the Philippine statute as it was read at the Secretary's desk, I discovered what I now want to particularly call attention to, that not alone, as has been suggested by the Senator from Georgia [Mr. BACON], are the penalties practically the same, but the definitions and general provisions are almost identical

In other words, Mr. President, it is apparent, from a reading and comparison of these two statutes, that the Philippine Commission, in enacting the statute now under consideration for the Philippines, had before them our own statute, as it has now been read from the Secretary's desk from the Revised Statutes of the United States. They have simply adopted its language and its general purport, adding thereto other matters possibly—for I have not had time to read it, but only to hear it read—applicable to the Philippine Islands, and matters that were not applicable here; but of them presently.

For the present, I content myself with calling attention—and inasmuch as the Constitution of the United States has been referred to, I want to call attention to that also—to the similarity, I was about to say, of our statute here and the Philippine statute. It has been said that our statute is but an interpretation and definition more elaborately given of the constitutional provision on the subject.

Mr. President, the constitutional provision on this subject is very short. It is very comprehensive, however. Without this statute we would have no law defining treason or providing for the punishment of treason when committed. The statute was necessary in order to put into the form of law that which by our organic law was made a crime against government in this country. Section 3 of Article III of the Constitution of the United States reads as follows:

> Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort.

The rest of the section has relation to conviction, etc., and it is not necessary to read it now. Such is the constitutional definition of treason in this country. It shall consist only in levying war against the United States or in giving aid and comfort to the enemies of the United States.

Now let us see what the statute contains. The necessity for a statute was not to define what levying war consisted of, but what constituted giving aid to the enemies of the United States. It will be obvious, as attention is called to this statute, that the language in the Constitution did not make necessary all the provisions of this statute, but that they were found by our experience in government to be necessary in order properly to punish the different phases of the offense of giving aid and comfort to our enemies, which was by the Constitution prohibited.

Mr. HOAR. The Senator will pardon me. He does not state that with precise accuracy. It is not giving aid and comfort. It is "adhering to their enemies, giving them aid and comfort."

Mr. FORAKER. "Or in adhering to their enemies."

Mr. HOAR. "Giving them aid and comfort."

Mr. FORAKER. I am obliged to the Senator for calling my attention to the fact that I was not with exact accuracy quoting the language that I was intending to quote. The provision itself defines its purpose. The language is:

> Or in adhering to their enemies, giving them aid and comfort.

In other words, the Constitution undertook to define what was meant by "adhering" to the enemies of the United States. By "adhering" to the enemies of the United States was meant giving them aid or comfort. That is the way I understand it, and that is why I was reading it as I did, my understanding being that treason against the United States consists in levying war against the United States or adhering to the enemies of the United States, to wit, giving them aid and comfort. That is what "adhering" means in the constitutional sense.

Now, having the constitutional provision before us, let me read section 5331, and as I read this statute I want to read the corresponding sections of the Philippine statute:

> SEC. 5331. Every person owing allegiance to the United States who levies war against them, or adheres to their enemies, giving them aid and comfort within the United States or elsewhere, is guilty of treason.

This is but a reenactment of the constitutional provision on the subject.

That act was first passed in 1790; so it is a statute of rather respectable age. Section 5332 provides:

> Every person guilty of treason shall suffer death; or, at the discretion of the court, shall be imprisoned at hard labor for not less than five years and fined not less than $10,000, to be levied on and collected out of any or all of his property, real and personal, of which he was the owner at the time of committing such treason, any sale or conveyance to the contrary notwithstanding; and every person so convicted of treason shall, moreover, be incapable of holding any office under the United States.

I will read one other section of the Revised Statutes before I compare it with the Philippine statute. It is the section to which I called the attention of the Senator from Massachusetts particularly as answering his remarks made in the Senate before I introduced the Revised Statutes, when he wanted to know whether or not under the authority of the United States any statute had ever been passed making it the duty of a wife to inform on the husband, or of a child to inform on the parent, etc. This is as follows:

> SEC. 5333. Every person owing allegiance to the United States and having knowledge of the commission of any treason against them, who conceals, and does not, as soon as may be, disclose and make known the same to the President or to some judge of the United States, or to the governor, or to some judge or justice of a particular State, is guilty of misprision of treason, and shall be imprisoned not more than seven years, and fined not more than $1,000.

Now let me read from the Philippine statute:

> SECTION 1. Every person resident in the Philippine Islands owing allegiance to the United States or the government of the Philippine Islands who levies war against them or adheres to their enemies, giving them aid and comfort within the Philippine Islands or elsewhere, is guilty of treason, and upon conviction shall suffer death or, at the discretion of the court, shall be imprisoned at hard labor for not less than five years and fined not less than $10,000.

You will observe that it is almost identically the language of our own statute, making only such difference in the text as is necessary to make it applicable to the Philippine Islands particularly.

Now, section 2 reads as follows:

> Every person owing allegiance to the United States or the government of the Philippine Islands and having knowledge of any treason against them or either of them who conceals and does not, as soon as may be, disclose and make known the same to the provincial governor in the province in which he resides or to the civil governor of the islands or to some judge of a court of record is guilty of misprision of treason, and shall be imprisoned not more than seven years and be fined not more than $1,000.

I call the attention not only of the Senator from Massachusetts, but also of the Senator from Georgia, to the fact that this section is in identically the same language as the section which has been quoted from our Revised Statutes; not in identically the same language as to the penalty to be imposed, but in identically the same language in defining the crime for which the penalty is to be imposed, viz: Whoever having knowledge of treason does not disclose the same as soon as may be shall be guilty thus and so and be fined thus and so.

Mr. TELLER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Colorado?

Mr. FORAKER. Certainly.

Mr. HOAR. Mr. President——

Mr. TELLER. I yield to the Senator from Massachusetts.

Mr. HOAR. I desire to ask in this connection——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Massachusetts?

Mr. FORAKER. I do.

Mr. HOAR. I desire to ask the Senator from Ohio, as my friend the Senator from Maine is in the habit of saying, right here, whether he approves of that provision as applicable to the Philippine Islands or whether he agrees with Governor Taft, as has been reported here?

Mr. FORAKER. I do not know what Governor Taft has said, but I approve of this provision without any qualification whatever. Now, I ask the Senator from Massachusetts if he approves of this section of the Revised Statutes of the United States which I have just read, and why, if he does, he takes such exception to its counterpart when applied to the Philippines?

Mr. HOAR. I do not.

Mr. FORAKER. You do not approve of it as applied to the United States?

Mr. HOAR. You ask me a question, and I will answer it.

Mr. FORAKER. Let me ask the Senator——

Mr. HOAR. Wait.

Mr. FORAKER. I have the answer. Now, let me ask another question.

Mr. HOAR. You have not yet the answer.

Mr. FORAKER. I asked for an answer, and I have it, and now I want to follow it up with another question.

Mr. HOAR. I say I had not completed my answer; which knows better, the Senator from Ohio or I? He asked me a question——

Mr. FORAKER. Certainly, I yield.

Mr. HOAR. He got part of the answer, and he says I have completed it.

Mr. FORAKER. I yield to the Senator that he may complete his answer, if he so desires.

Mr. HOAR. I do not agree with the statute of the United States. I think that the statute of the United States including mothers and wives and children is a harsh one; but in our circumstances, with respect to treason likely to have been committed within the contemplation of the authors of that statute, such a thing would never practically happen.

But here, going to a foreign country, where the whole population are against you and believe they are right, and are struggling for the very doctrines upon which our statutes are based, it becomes a harsh, cruel, and reprehensible act. I differ with the Senator from Ohio when he says he would have a Philippine mother imprisoned seven years if she did not tell on her son, or a Philippine son imprisoned seven years if he did not tell on his mother. I differ with him. He has the answer now.

Mr. FORAKER. What is not too harsh for an American wife or child is not, in my opinion, too harsh for anybody else; but, as I understand the Senator from Massachusetts, he differentiates as to these statutes only because here in this country our statute is not likely to be violated, as he thinks, while over in the Philippines the statute is likely to be violated.

Mr. HOAR. It has also——

Mr. FORAKER. I want to make this speech, if allowed to.

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Massachusetts?

Mr. HOAR. I do not ask him.

Mr. FORAKER. I will yield presently, but I want to finish these remarks.

In other words, the Senator has no objection to this statute so long as it is dormant, and there is nothing in the conditions to call it into operation or exercise.

Mr. HOAR. I did not say that, Mr. President.

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Massachusetts?

Mr. HOAR. The Senator says I have no objection. I have just stated that I did not approve of it, and I do not approve of it anywhere, but it would not do much harm here.

Mr. FORAKER. Notwithstanding all that the Senator from Massachusetts has just said, the effect of what he had already said when I was about to proceed with my speech was that he has no objection to our statute, no active objection, I mean, simply because he thinks there is no likelihood of its being violated.

Mr. SPOONER. Will the Senator from Ohio allow me to suggest to him that the Congress which enacted that statute evidently thought there would be danger of its being violated or it never would have passed it.

Mr. FORAKER. I was about to call attention to that. I thank the Senator from Wisconsin for calling my attention to it in the way he has. I was about to call the attention of the Senator from Massachusetts to the fact that this statute has been on our statute books longer than he has lived. It was enacted in 1790.

It has been here during all his long, distinguished, and honored career in the American Congress in both Houses; it was enacted by the fathers who framed the Constitution of the United States; the fathers who set our Government machinery into operation. It was their idea of what should be the law of this free American Republic in respect to those who might undertake to overturn and destroy it. During all the period the Senator has been here, every day at liberty to offer repealing acts, or amendments, or other statutory provisions, he has never seen fit to raise his hand in a legislative way against this statute.

Mr. TILLMAN. Mr. President——

Mr. FORAKER. Now, Mr. President, that being true, what I want to call attention to is that our commissioners, away off in the Philippines, where they have the conditions of war that we have heard so much about in this Chamber during the last few days, when they were undertaking to legislate to protect American interests and American sovereignty and American government, took our statute and followed it, followed it in its text and followed it in its penalties. Therefore it was not warranted, when Senators heard the statute read from the Secretary's desk, for them to rise and complain of it as something unprecedented and unheard of in the legislation of civilized governments. I now yield to the Senator from South Carolina.

Mr. TILLMAN. I should like to ask the Senator from Ohio, recalling to his mind the fact that the Filipinos had gone to war with Spain to throw off tyrannical government and oppression which was unendurable, wherein their condition differs from that of our forefathers who went to war with England under similar conditions?

Mr. FORAKER. I might take a great deal of time to answer that. I do not think it is necessary, however, to take any. I think the Senator himself recognizes that there is a distinction.

Our forefathers struggled for their independence and they secured it, and when they secured it they were a free and independent people, and they legislated as they saw fit.

In the Philippine Islands the people were in insurrection against Spain, it is true, but their insurrection against Spain had nothing whatever to do with our operations in the Philippine Islands. We went to the Philippine Islands, not because we were at war with the Filipinos, but because we were at war with Spain and the Philippine Islands were possessions belonging to Spain. We went to the Philippine Islands and conquered that part of the Spanish territory and took title first by conquest and afterwards in accordance with the provisions of the treaty of peace and upon the payment in the way with which the Senator from South Carolina is familiar.

Mr. TILLMAN. Will the Senator from Ohio permit another question?

Mr. FORAKER. Then when our sovereignty was established there, established in such a way as to be recognized by all the world, except the Senator and his political associates, recognized by everybody else all around the globe, then when we were seeking to establish government an insurrection broke out, and, like other insurrections that we know of in the past, it became the duty of the United States Government to suppress it.

It required an army and navy to do it, and we have been employing the Army and the Navy in that behalf, and we owe it to the Army and the Navy, who have been so gallantly and heroically upholding our flag and representing our cause there, to stand here only with words of encouragement.

Mr. TILLMAN. Now will the Senator from Ohio permit me?

Mr. FORAKER. Yes, sir; with pleasure.

Mr. TILLMAN. It seems to me that any fair-minded person must recognize that France came to the assistance of the American colonists, and that through her instrumentality and aid our fathers won their independence from England. Now, recognizing, as the Senator has asserted, that we did not go to Manila because of the struggles of the Filipinos, still as lovers of liberty I want to ask him if he can not see that the Filipinos occupy even a higher position than our fathers did, for the reason that they had entered upon this struggle and through our assistance as allies they had won their country and owned every foot of it or controlled every foot of it except the city of Manila and the city of Iloilo, as is shown by the official reports of our own officers, when this insurrection of which he speaks broke out and when we forced that battle on Saturday night before the ratification of the treaty, when we had no title to the Philippines, when the purchase for $20,000,000, paid to Spain for something she did not own, had not been completed.

I want to ask him if these people, who are struggling under those conditions, having begun their contest against Spain and now continuing it against us, must be treated as they are intended to be treated by this damnable doctrine which has been promulgated by the Commission?

Mr. FORAKER. In the first place, there is no analogy between the coming into this country in our revolution of the armies of France and the going of our armies into the Philippines; but even if there were, in view of the speech which the

Senator from South Carolina has made and the question he has asked, it would be in order for me to ask him on which side of this struggle are his sympathies?

Mr. TILLMAN. My sympathies are with the Filipinos, struggling for their freedom.

Mr. FORAKER. Undoubtedly they are. Everybody knew that, but now we have a flat-footed and unqualified declaration such as, if the Senator were not speaking in his place in the Senate, would make the provisions of the Revised Statutes, in regard to treason, which I have just read, applicable to him.

Mr. TILLMAN. I did not doubt that the Senator would come around to the point where he would accuse me of treason.

Mr. FORAKER. I simply announce what the Senator has declared.

Mr. RAWLINS. In order that——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Utah?

Mr. FORAKER. Certainly.

Mr. RAWLINS. In order that there may not be undue alarm at the present situation, I will invite the attention of the Senator from Ohio to the full text of the Constitution of the United States, all of which he did not read:

> Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort.

This is the part the Senator from Ohio did not read:

> No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

Mr. FORAKER. I did not read it, but I called attention to it, the Senator will remember.

Mr. RAWLINS. Let me complete it.

> The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood or forfeiture, except during the life of the person attainted.

I wish to invite the attention of the Senator from Ohio to a very celebrated case, which arose when this Constitution was in force and when the statute was in force to which he has alluded. It is the case of The United States *vs.* Aaron Burr, which came before the most distinguished jurist this country has known, and in a unanimous opinion by that distinguished judge, presiding over the Supreme Court of the United States, it was held that Burr could not be convicted of treason simply for advising resistance to the United States or cooperating with others who advised resistance against the United States, but that there must be an overt act of treason. You will have to stretch the statute and the Constitution far beyond the limits of the boundaries fixed for it by that distinguished judge before you can punish my friend, the Senator from South Carolina, for treason.

Mr. FORAKER. Mr. President, I am glad to know that the Senator from South Carolina is safe. We could not spare him out of this Chamber. He is of great use and benefit here. He illustrates much that is useful——

Mr. CARMACK. Even though he is a traitor?

Mr. FORAKER. Even though he sympathizes with the Filipinos who are in rebellion against the authority of the United States, and thereby gives aid and comfort to the enemies of the United States.

Mr. TILLMAN. What makes them rebels? They were struggling for their independence against Spain when we went there.

Mr. HOAR. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Massachusetts?

Mr. HOAR. I should like to ask the Senator from Ohio one question.

Mr. FORAKER. Certainly.

Mr. HOAR. And if it be in the least disagreeable to him to answer it, or any part of it, I will withdraw it. Do the people of Ohio, or does the Senator himself, reverence the memory of Thomas Corwin?

Mr. FORAKER. The people of Ohio have a very profound respect for the memory of Thomas Corwin. He was a man of great intellectual endowment. He served his country with great distinction, but Senator Corwin, like some other distinguished Senators I have known, was unfortunate enough in one great emergency of his country to make a profound mistake.

Mr. HOAR. What was the mistake? Perhaps the Senator will answer that or perhaps he will allow me to state.

Mr. FORAKER. The position Mr. Corwin took——

Mr. HOAR. The Senator will allow me one sentence.

Mr. FORAKER. The position Mr. Corwin took in regard to the Mexican war.

Mr. HOAR. Senator Corwin said in this body: "If I were a Mexican as I am an American, I would welcome you with bloody hands to hospitable graves." And the people of Ohio, and the Senator from Ohio, I believe, love and honor him because of that brave utterance.

Mr. FORAKER. Mr. President, I call the attention of the Senator from Massachusetts to the fact that Mr. Corwin, when he made that speech, was serving in the last official position to which he was ever assigned by the people of Ohio.

Mr. CARMACK. But not the last honorable position he ever held.

Mr. FORAKER. No; he was afterwards sent by the President of the United States as minister to Mexico, but he was never after that utterance honored with the confidence and by the ballots of the people of Ohio; not that they entirely disagreed with him——

Mr. HOAR. No.

Mr. FORAKER. There were many who sympathized with him, but the people of Ohio as a whole have always been loyal to the Government of the United States, and now when the flag of our country is being borne by our soldiers to battle every man in Ohio will stand behind them to encourage them, and no man can be honored by the voters of that State who discourages them and throws disparagement on that which they are doing.

Mr. HOAR. Did not the majority of the people of Ohio, or at any rate the entire party to which the Senator himself then belonged in Ohio, sympathize with that utterance?

Mr. RAWLINS. Mr. President——

Mr. FORAKER. In so far as they did, the party went out of power.

Mr. HOAR. Well, I know——

Mr. FORAKER. I know——

The PRESIDENT pro tempore. The Chair wishes——

Mr. HOAR. I will ask but one more question.

The PRESIDENT pro tempore. The Senator from Massachusetts will subside for one moment.

Mr. FORAKER. Now, Mr. President——

The PRESIDENT pro tempore. The Chair wishes that Senators would aid him in securing obedience to the rules of this body. The Chair can not do it himself.

Mr. HOAR. I beg the Chair's pardon. I was wrong.

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Massachusetts?

Mr. HOAR. I want to ask one more question, and then I will stop.

Mr. FORAKER. I yield with pleasure.

Mr. HOAR. Do the people of Ohio settle great questions of morals and justice by a show of hands?

Mr. FORAKER. They do by a show of ballots. The people of Ohio need no defense from me. The first settlement came from the State represented by the distinguished Senator. Our establishment of civil government was at Marietta in 1788, and it was by such men as Manasseh Cutler and Rufus Putnam, as good men as this country has ever produced; and from the day that civil government was established at Marietta for the Northwest Territory down to this time the people of Ohio have been standing loyally and faithfully on every occasion by the Government of the United States, and no man who has ever been suspicioned of not so loyally standing has been allowed very long to continue in their representation in any capacity.

Mr. PATTERSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Colorado?

Mr. FORAKER. Certainly.

Mr. PATTERSON. The Senator from South Carolina referred to the assistance which France rendered to the colonies in the war for independence. We know that under and by virtue of the arrangement made between Benjamin Franklin and the Government of France, France sent its armies to this country and sent its fleets of war. Its armies were welcomed into the midst of the country. Its fleets received free admission into our ports.

Suppose, Mr. President, at the time of the siege of Yorktown the Government of France had negotiated with the Government of Great Britain and paid Great Britain $20,000,000 for the sovereignty of Great Britain over the United States, and then and there, the French soldiers and French fleets being in the midst of the colonies and the colonial ports, those in command of the French army and navy had demanded the submission of the American colonies to the Government of France and had asserted the sovereignty it had bought from Great Britain. What would have been the verdict of the civilized world upon conduct so infamous as that? And there is but little difference, I imagine, between the presence of the army of France and the fleets of France in the colonies and its ports and the presence of the United States with its fleets and its armies in the bay of Manila and in the land of the Philippines.

Mr. FORAKER. Is that all of the Senator's question?

Mr. PATTERSON. I did not say that I was going to ask a question.

Mr. FORAKER. I yielded that the Senator might ask a question. The Senator has given us his view of our situation in the Philippines. I can not undertake to repeat it, but the effect of it is that we are there in such an attitude as that the Filipinos have

a right, justly and equitably, and without the commission of any offense against good government or our authority, to drive us out if they can.

Mr. PATTERSON. We were there and are there as allies of the Filipinos.

Mr. FORAKER. I do not further yield, Mr. President, to the Senator.

Mr. PATTERSON. We are there as the French were allies of the American colonies.

The PRESIDENT pro tempore. The Senator from Ohio refuses to yield.

Mr. FORAKER. For three years we have been debating this question in the halls of Congress and in newspapers, and on all the political stumps throughout the country. Under the leadership of Mr. Bryan it was asserted that the American people had gone into the Philippines as allies of the Filipinos, and that we had treacherously, at the conclusion of the struggle there, overcome them and taken possession of their country and had entered upon a tyrannical rule without regard to their consent.

Mr. President, the American people have answered such speeches as Mr. Bryan made and such speeches as have been made here to-day by the Senator from Colorado and the Senator from South Carolina. The answer of the American people has been emphatic and overwhelming that we had a right, according to the fortunes of war, to go into the Philippines. That country belonged to Spain.

We were at war with Spain, and we had a right to despoil our enemy of his possessions. We went there and we fought and overcame the armies of Spain. We took possession of that country and we have held it ever since, and we will hold it until the authority of the United States is recognized throughout that archipelago—recognized here in the halls of Congress and recognized there in all the islands of the Philippines.

Mr. PATTERSON. And you propose to hold them how much longer?

Mr. FORAKER. I do not know how long we shall hold them, but we shall hold them until we get ready to do something else with them, at any rate.

Mr. TILLMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from South Carolina?

Mr. FORAKER. I do.

Mr. TILLMAN. We are indulging in historical reminiscences, and I want to call the Senator's attention to the fact that the great party to which he belongs, when it first appealed to the people of this country, was defeated, and the cry went up from its great leader that nothing is ever settled until it is settled right. If he appeals to the votes of the ignorant people who have followed his lead and that of the other despoilers of the Philippines as a vindication for this damnable apostacy to the Declaration of Independence he is welcome to the honor and to the enjoyment of it.

Mr. FORAKER. That nothing is ever settled until it is settled right is what Mr. Bryan said about his free-silver proposition after his defeat in 1896.

Mr. TILLMAN. That does not make it wrong.

Mr. FORAKER. He was defeated, but, learning nothing, he had to be defeated again.

Mr. TILLMAN. Then the popular majority is the arbiter of right or wrong.

Mr. FORAKER. It is for the time being.

Mr. TILLMAN. But not forever, thank God!

Mr. FORAKER. Of course, Mr. President, there is no law in this country prohibiting a man or a party from persisting in error.

Mr. TILLMAN. Or persisting in right, either.

Mr. FORAKER. Therefore you were at liberty, so far as any law or custom or usage is concerned, to repeat over again in 1900 the follies that wrecked your political organization in 1896, and notwithstanding the verdict of the American people in 1900, you are at liberty to persist in the position you then occupied with respect to the Philippines.

Mr. CLAY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Georgia?

Mr. FORAKER. Yes, sir.

Mr. CLAY. I desire to ask the Senator from Ohio if he entertains the same views in regard to the Philippines now that he did two days before we ratified the peace treaty?

Mr. FORAKER. Yes, sir; as far as I know. I do not know what the Senator may call my attention to, but speaking in a general way, I do.

Mr. CLAY. I want to call the Senator's attention to a very remarkable speech, a speech which had a great deal to do with ratifying the treaty that we made, which was delivered two days before it was ratified. The Senator from Ohio then said:

> I do not understand anybody to be proposing to take the Philippine Islands with the idea and view of permanently holding them and denying to the people there the right to have a government of their own, if they are capable of it and want to establish it. I do not understand that anybody wants to do that. I have not heard of anybody who wants to do that. The President of the United States does not, I know, and no Senator in this Chamber has made any such statement.

Mr. FORAKER. Mr. President——

Mr. CLAY. Wait one moment. I am not through yet.

Mr. FORAKER. That is a good speech. I am pleased to have the Senator read it; if he will only study it until he understands it, it will do him good.

Mr. CLAY. It is utterly impossible for anybody to understand it as agreeing with the position of the Senator on this occasion.

Mr. FORAKER. Read it and see.

Mr. CLAY. I want to read the following language, used by the Senator from Ohio on that occasion:

> Suppose we ratify the treaty. The islands pass from the possession of Spain into our possession without committing us to any policy. I believe we shall have the wisdom not to attempt to incorporate those islands with our body politic or make their inhabitants a part of our citizenship. I believe we shall have the wisdom, self-restraint, and the ability to restore peace and order in those islands and give their people the opportunity for self-government and freedom under the protecting shield of the United States——

Mr. FORAKER. I stand there precisely still. At that time, Mr. President, we had under consideration the question whether or not we would ratify the treaty of peace. It occurred to me, and, I think, it did to all Senators who voted for the ratification of the treaty, that it was the part of wisdom to take a cession from Spain of her title to the Philippines. Thereby we would bar out all other countries and the matter would be reduced to a question between ourselves and the Philippines.

On the floor of this Chamber it was being charged at that time that we wanted to take possession of the islands for the purpose of holding them perpetually as a colony, and ruling them outside the restraints and limitations of the Constitution and in such a way as to deny them all those personal rights and privileges guaranteed by our Bill of Rights.

I was making an answer to that kind of a speech that had been made just before I addressed the Senate, I think, by the senior Senator from Massachusetts [Mr. HOAR], if I remember now correctly——

Mr. RAWLINS. Mr. President——

Mr. FORAKER. And I said in that connection that that was a matter nobody had yet determined; that it was necessarily a matter left for future determination; that there was no fixed policy in regard to it so far as I was aware; that so far as I was concerned (and I believe that opinion was general), when a government had been established and when the people had shown capacity for government and were set on their way, then we would take into consideration what we would do. I felt that I was safe in prophesying that it would be the will of the American people that they should be allowed self-government under the protection and guardianship of the United States of America, and I think so still.

Mr. RAWLINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Utah?

Mr. FORAKER. But that is a matter to be attended to in the future, and so indefinitely in the future that it is worse than idle for us to talk about it here now.

The PRESIDENT pro tempore. Does the Senator from Ohio yield?

Mr. FORAKER. Certainly.

Mr. RAWLINS. Mr. President, the debate has drifted somewhat from the act.

Mr. FORAKER. I was about to remark that I had not finished reading it.

Mr. RAWLINS. I want to direct the attention of the Senator back to the provision in the act of the Philippine Commission for the punishment of treason. The Senator, the other day, if I understood him rightly, said that he agreed with President Schurman, who was formerly president of the Philippine Commission, that the eventual independence of the islands should be recognized.

I then invited the attention of the Senator to that section of this act which makes any advocacy of the independence of the islands, whether presently or eventually, whether by forcible or by peaceful means, an offense punishable by fine and imprisonment, and alluded to the statement which has since been verified by General Wheaton, that for such statements as were made by President Schurman, men were sent to prison in the Philippine Islands.

Now, I want to ask the Senator from Ohio whether to-day he believes in that particular section of the act making the peaceful advocacy of the establishment at some time of the independence of the islands by peaceful means punishable by fine and imprisonment?

In this connection, before the Senator answers, I wish to make a statement of what was told us by the present president of the

Commission, Governor Taft. He said at the time that act was passed there was peace throughout the archipelago except in some few remote provinces; that there was no hostility being carried on at Manila or anywhere in the archipelago outside of three or four provinces. That is the whole of it. Now, I will thank the Senator to answer.

Mr. BACON. If the Senator will pardon me——

Mr. FORAKER. That is a sufficient question to answer for the present. The position of Dr. Schurman, of Cornell University, was referred to here in the Senate the other day. I said that I had seen in part what Dr. Schurman had said.

I had not seen his speech. I saw the Associated Press account of it that was published in the papers the morning after it was made, and in that account it was stated that in his speech he had quoted from President Roosevelt's message and had given his interpretation of what that meant, and that in his opinion it was the policy and the purpose of the Government ultimately, some time in the future, after peace, law, and order have been restored and government established and capacity demonstrated, to then give to those people local self-government. I do not know what degree of independence he may have contemplated, but that was the effect of it, and I said I took no exception to that, but agreed with it, and so I do.

Mr. RAWLINS. Will the Senator from Ohio permit me?

Mr. FORAKER. I was not through answering the Senator. Now, wait until I finish my answer.

Mr. RAWLINS. I wish to make just one suggestion.

Mr. FORAKER. I was only half through. Well, go ahead.

Mr. RAWLINS. Mr. President, I only wanted to remark that while measured by the standard of this treason act passed by the Philippine Commission the Senator from South Carolina was denounced by the Senator from Ohio——

Mr. FORAKER. Mr. President, I did not yield to the Senator to misrepresent what I said.

Mr. RAWLINS. And measured by——

The PRESIDENT pro tempore. The Senator from Ohio declines to yield.

Mr. FORAKER. I decline to yield, and I claim the privilege of the floor that I may correct the statement just made by the Senator from Utah.

The PRESIDENT pro tempore. The Senator from Ohio has the floor.

Mr. FORAKER. I did not denounce the Senator from South Carolina. The Senator from South Carolina announced that he was in sympathy with the Filipinos, and I said if so, in my opinion, the provisions of the Revised Statutes that had just been read were applicable to him if he were to announce that outside of this Chamber. That is what I said. There was no denunciation about it. I presumed even a Senator had a right to an opinion, and has a right to an opinion even when it differs from the minority in this Chamber.

Mr. RAWLINS. Mr. President——

Mr. FORAKER. Now, Mr. President, I was answering the question that was asked me a moment ago, in which my attention was called to what Dr. Schurman had said and what I said about Dr. Schurman's statement, and then the Senator wanted to know whether or not I agreed with the provisions of this Philippine act which prohibited the advocacy of independence. I wish to read what that provision is, for it has not been correctly stated by the Senator from Utah.

Of course that was an inadvertence. I understood the Senator to say that according to the provisions of this Philippine act it is made an offense, punishable in the severe way here provided, for people in the Philippine Islands now or ever hereafter to advocate independence. Let me read what the section is:

> Until it has been officially proclaimed that a state of war or insurrection against the authority or sovereignty of the United States no longer exists in the Philippine Islands it shall be unlawful—

And so on. It is not necessary to encumber the RECORD by reading it all.

In other words, Mr. President, this Philippine act is an emergency statute. It is a statute passed in recognition of belligerent right and belligerent duty. It is a statute passed to aid the authorities representing the Government in the Philippines in the suppression of insurrection and rebellion against our authority, and it is neither an unheard-of statute nor an unusal statute. It is just such a statute as was in force in this country during every war we have ever had.

Mr. CARMACK. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Tennessee?

Mr. FORAKER. Yes, sir.

Mr. CARMACK. I wish to call the Senator's attention to the fact that the statute applies the penalties to any person who shall advocate the independence of the Philippine Islands by peaceful methods. In other words, if a number of Filipinos should get together and prepare a petition——

Mr. FORAKER. Mr. President, that is precisely parallel to what the case would have been if, during the war for the suppression of the rebellion, the Senator by peaceful means, namely, by coming before the people had advocated by speech the cause of secession and the right of a State to secede and overthrow the Government and destroy the Constitution. That would have been treason. It would have been by peaceful means.

That was not tolerated, or, rather, Mr. President, I should say it was tolerated all too much. It was within the power of the Government to prevent by proper measures any such advocacy of the cause of secession as that would have been, although peaceful in character.

Mr. HOAR. May I ask the Senator a question?

Mr. CARMACK. I want to know——

Mr. FORAKER. If you will wait a minute I will then yield with pleasure. In the Philippine Islands we are still engaged in war in five of those provinces. I understood from the testimony of Governor Taft (and I accept it without any qualification as true) that there is civil government in operation in all but five of the forty or more provinces in the Philippine Islands.

Mr. CARMACK. What I want to know is——

Mr. FORAKER. In those five, however, there is still insurrection. The military and naval power of the Government are at work there to suppress an insurrection and establish and maintain the authority of the United States; and now, while that war is going on, it is treason for a man by any means, peaceful or otherwise, to aid the cause of the enemy of the United States, whether it is by peaceable speech or by taking a sword and gun in his hand.

Mr. CARMACK. The point I was making was that if a man in the Philippine Islands advocates peace and afterwards independence; if he says, "We are opposed to this war; we are for peace, but we want independence after the war is over," he is guilty of a crime under the statute.

Mr. FORAKER. Well, that is a question of construction.

Mr. CARMACK. It applies not simply to a few provinces which are in a state of war. It applies to the pacified provinces. If the people in those pacified provinces say now, "We have here a state of peace and we are in favor of independence; the war is practically over," and if they get up a petition and send it to the Congress of the United States, asking for independence, they are guilty of a crime under that statute.

Mr. FORAKER. That is a question of construction. I do not understand that the Senator is quoting the statute exactly correct. I do understand that it prohibits the advocacy of the cause of the enemies of the Government. We are there maintaining an army. It is the duty of that army to suppress the insurrection, and it is in a fair way to do it if the enemies of this country in the Philippines do not get too much encouragement from the Congress of the United States. There seems to be some danger of that just now.

Mr. CARMACK. If the Senator will permit me one minute——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Tennessee?

Mr. FORAKER. Certainly.

Mr. CARMACK. I will state that, as I understand it, Governor Taft said that the provisions of this statute would apply to a party which has come into existence there advocating peace and afterwards independence.

Mr. FORAKER. I do not know what his construction of it is. He is a good lawyer. He was a good judge when on the bench. He is undoubtedly more familiar with the statute than I am. I have never been able to read it. I only heard it read from the Secretary's desk. I did not gather from it, however, that it was quite so drastic in that particular as the Senator represents.

Mr. HOAR. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Massachusetts?

Mr. FORAKER. I yield to the Senator.

Mr. HOAR. I wish merely to ask the Senator, the Philippine statute saying that anybody who owes allegiance to the United States and does the thing here or elsewhere shall be punished, whether in his judgment his speech, the extract from which was just read, would have rendered him liable to the penalties of that statute if they catch him in the Philippine Islands?

Mr. FORAKER. I would hope not, because I know if it would render me liable to anything, the Senator from Massachusetts would have been hanged long ago. [Laughter.]

Mr. TILLMAN. I hope you will not leave me out of that honorable coterie. [Laughter.]

Mr. FORAKER. If you are real anxious to be hanged, you might be accommodated. [Laughter.] But, Mr. President, I hope nobody will be hanged. I should like to see peace restored. I think the best way to restore peace in the Philippine Islands

is for the American Congress and everybody else in the United States to let it be understood that we propose to stand by the authority of the United States as it is there represented; that we intend to——

Mr. TILLMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from South Carolina?

Mr. FORAKER. Certainly.

Mr. TILLMAN. If the Senator and his party would let the Constitution go to the Philippine Islands, and would not be setting up a new colonial programme here which our forefathers spewed out of their mouths and drove England off this continent to extirpate, there would not be this opposition. But you are making a departure from every fundamental principle that the American people have ever held and stood by and fought and died for, and that is why we are opposed to your programme.

Mr. FORAKER. Oh, Mr. President, if it were not that excuse it would be some other.

Mr. TILLMAN. Oh, of course.

Mr. FORAKER. When we acquired the Louisiana purchase the Constitution did not go there any more than it has gone to the Philippines, and not so much.

Mr. TILLMAN. Of course——

Mr. FORAKER. I hope the Senator will not interrupt me for a moment.

The PRESIDENT pro tempore. The Senator from Ohio declines to yield.

Mr. FORAKER. When we acquired Florida by purchase it was the same, and it has been the same as to every other acquisition of territory down until this minute.

Mr. TILLMAN. Does the Senator pretend to say that when we bought Louisiana we did not guarantee the citizens of that territory the same rights as other citizens of the United States?

Mr. FORAKER. I know that in the treaty under which we acquired the Louisiana purchase it was provided that ultimately, when Congress should see fit to determine——

Mr. TILLMAN. The word "ultimately" was not in it; "as soon as practicable."

Mr. FORAKER. Well, let it be "as soon as practicable," then. The same was in the treaty under which we acquired New Mexico and Arizona, and for fifty years they have been outside the Union. It was in those treaties that the inhabitants of the territory so acquired should be ultimately incorporated into the United States as a part of it. But there was no such provision as to Porto Rico or the Philippines.

Mr. TILLMAN. No; it was left out purposely.

Mr. FORAKER. But, Mr. President, it is a very serious question whether or not the treaty-making power had any right to put into that treaty acquiring territory any provision of that kind that would be obligatory upon the Congress of the United States. We are the political power, and the Congress of the United Stetes has the right to determine the relation that any territory shall sustain to the Government of the United States.

Mr. TILLMAN. But the point I want to ask the Senator about is whether he is ever going to let the Constitution and the rights of American citizens go to the Philippines?

Mr. FORAKER. Mr. President, if the Senator had been diligent in reading what has been done with respect to the Philippines, he would know that the Bill of Rights, which is all there is in the Constitution practically that guarantees personal rights, is already in the Philippines. It is a part of the organic law under which this Commission is acting.

Mr. TILLMAN. If the Bill of Rights is there, how does the Taft Commission get the right to deny trial by jury and everything else to those people?

Mr. FORAKER. Well, Mr. President, I can not answer all the questions that the Senator wants to ask.

Mr. TILLMAN. I should think not.

Mr. FORAKER. The provision for trial by jury is not found in the Bill of Rights. I call attention to the fact—and I did call attention to it a few days ago and put it into the RECORD—that in the letter of instructions given by President McKinley on the 7th day of April, 1900, published in the Annual Report of the War Department for the fiscal year ending June 30, 1901, you will find set out in full every provision of the Bill of Rights as found in the Constitution of the United States.

Mr. TILLMAN. A ukase.

Mr. FORAKER. What does the Senator say?

Mr. TILLMAN. Coming not from this body, not from the people, but from the Czar, the new Czar we have set up in the White House.

Mr. FORAKER. President McKinley was the same kind of a czar that Thomas Jefferson was when the Louisiana purchase was made. When Thomas Jefferson was President and we acquired the Louisiana territory he did not stop to ask the people of Louisiana what kind of government they wanted. We simply sent the representatives of the Government down there and told them to establish a government and proceed with its operation, and in time, when Congress saw fit, they established a government without consulting the people or without giving the people the power or right of election.

When we acquired Florida the same thing was done by another Democratic President. Old Andrew Jackson was sent there as the Government's representative, and he did not stop to ask anybody's consent for what he was going to do, but proceeded with the use of the Army to restore law and order and establish the authority of the United States.

Mr. TILLMAN. Does the Senator contend that those sparsely settled, wild countries like Louisiana and Florida are the same as the Philippine Islands, where there are 200 or 300 people to the square mile?

Mr. FORAKER. Yes, Mr. President, there is a difference. I would not consider them just the same. This is a much more difficult proposition in some respects. But the principle is the same whether there be a hundred thousand people in the territory to be occupied and governed or 10,000,000 people, as there are in the Philippines. That does not make any difference in principle or as to power——

Mr. BACON. Will the Senator pardon me for just a moment?

Mr. FORAKER. Yes.

Mr. BACON. I understood the Senator to say that the Bill of Rights had been extended to the Philippine Islands. Am I correct?

Mr. FORAKER. I understand so.

Mr. BACON. I hold in my hand, Mr. President, what we recognize as the Bill of Rights—the first eight amendments to the Constitution of the United States—and if the Senator will pardon me I will read them——

Mr. FORAKER. I will let you read them.

Mr. BACON. So that we may see as we go along whether there is a single one of them that is permitted in the Philippine Islands.

Mr. FORAKER. On what page is that?

Mr. BACON. I read from the amendments to the Constitution, the edition of our Manual, page 212.

Mr. FORAKER. Go ahead. I have it here.

Mr. BACON. Article I reads:

ARTICLE I.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

I should imagine, Mr. President, that in the act which we have had read here to-day there was a somewhat serious effort to interfere with that.

Mr. FORAKER. Anything more serious than in the Revised Statutes of the United States?

Mr. BACON. Yes; and if the Senator will permit me to I will endeavor to show that.

Mr. FORAKER. I do not want the Senator to do it now.

Mr. BACON. I do not want to do it now. I only want to read this in that connection, and then I will promise not to comment upon it:

ARTICLE II.

A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

Which is absolutely prohibited in the Philippine Islands.

ARTICLE III.

No soldier shall, in time of peace—

Nobody there is permitted to have any firearms, whether he is a soldier or a friend or an enemy.

Mr. FORAKER. Yes.

Mr. BACON. Of course I mean the Filipinos.

ARTICLE III.

No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war but in a manner to be prescribed by law.

Some of these, of course, are not directly applicable.

ARTICLE IV.

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the person or things to be seized.

ARTICLE V.

No person shall be held to answer for a capital or otherwise infamous crime unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property without due process of law; nor shall private property be taken for public use without just compensation.

ARTICLE VI.

In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously

ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

Mr. FORAKER. That is about all there is of the Bill of Rights proper.

Mr. BACON. Then Article VIII provides:

ARTICLE VIII.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Mr. FORAKER. I understand.

Mr. BACON. And I shall be glad if the Senator will point out a single one of them that is in force in the Philippine Islands.

Mr. FORAKER. I will take very great pleasure in doing so. I wish to correct what I said a while ago to this extent. The guaranty of the Bill of Rights that the people shall be allowed to bear arms is not one of the provisions of the organic law found in the instructions of the President; but that, Mr. President, we understand the reason for. It is because they have a state of war over there, and we are not bound to grant our enemies permission to carry guns.

Mr. SPOONER. There is nothing in the Bill of Rights, if the Senator will permit me——

The PRESIDING OFFICER (Mr. PETTUS in the chair). The Senator from Ohio is entitled to the floor. Does he yield?

Mr. FORAKER. Yes.

Mr. HOAR. What do you call the Bill of Rights—the amendments to the Constitution or the original Bill of Rights?

Mr. SPOONER. There is nothing in the Bill of Rights, which has been read by the Senator, that I suppose he would claim would deprive the Government of the United States of the exercise of the power to prevent those who are levying war against the United States from bearing arms?

Mr. FORAKER. That is what I was calling attention to.

Mr. BACON. Mr. President——

Mr. FORAKER. Now, if the Senator will allow me, I will read what I refer to. After calling attention to the character of the Commission and the work in a general way which they are to perform, and admonishing them that they must remember the spirit and the great principles of our form of government, the President proceeded to say—I read from page 8 of this work:

Upon every division and branch of the government of the Philippines, therefore, must be imposed these inviolable rules:

That no person shall be deprived of life, liberty, or property without due process of law; that private property shall not be taken for public use without just compensation; that in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense; that excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted; that no person shall be put twice in jeopardy for the same offense or be compelled in any criminal case to be a witness against himself; that the right to be secure against unreasonable searches and seizures shall not be violated; that neither slavery nor involuntary servitude shall exist except as a punishment for crime; that no bill of attainder or ex post facto law shall be passed; that no law shall be passed abridging the freedom of speech, or of the press, or of the rights of the people to peaceably assemble and petition the Government for a redress of grievances; that no law shall be made respecting an establishment of religion, or prohibiting the free exercise thereof, and that the free exercise and enjoyment of religious profession and worship without discrimination or preference shall forever be allowed.

Now I call upon the Senator from Georgia to admit, as he must, that every provision of the Bill of Rights is incorporated, by the the language I have just read, into the instructions given by the President to the Taft Commission when he sent it there to establish a civil government.

Mr. BACON. As the Senator calls upon me, I suppose I am entitled to answer, and I will do so very briefly.

Mr. FORAKER. I did not mean to call upon the Senator in a disrespectful way.

Mr. BACON. Of course not.

Mr. FORAKER. I perhaps should have said that I called his attention to it.

Mr. BACON. Not at all.

The PRESIDING OFFICER. The Senator from Ohio is entitled to the floor. Does he yield?

Mr. FORAKER. After saying what I have I perhaps should yield, but I would rather not do so.

Mr. BACON. I shall not intrude upon the Senator.

Mr. FORAKER. I prefer that the Senator should take the floor at another time. I do not want to trespass unduly upon the Senate.

Mr. BACON. Mr. President——

The PRESIDING OFFICER. The Senator from Ohio is entitled to the floor, and the Senator from Georgia is out of order.

Mr. FORAKER. I yield.

Mr. BACON. I will not undertake——

The PRESIDING OFFICER. The Senator is out of order.

Mr. BACON. The Senator from Ohio yielded to me.

Mr. FORAKER. I have yielded to the Senator from Georgia.

The PRESIDING OFFICER. But the Senator from Georgia failed to address the Chair and to get permission of the Chair to proceed.

Mr. BACON. Mr. President——

The PRESIDING OFFICER. The Senator from Georgia will proceed.

Mr. BACON. Mr. President, the point to which I desired to have the attention of the learned Senator was not the question of the instructions of the President—certainly not those alone—but what had been done under the instructions of the President.

The learned Senator from Wisconsin [Mr. SPOONER] suggests, and the equally learned Senator from Ohio, I should say in order to make no distinction, echoes the suggestion, that the provision with reference to the bearing of arms certainly never was intended to apply to those who are in arms against the Government.

But the point that I make is as to the statement upon the floor that 40 out of 45 of the Philippine provinces are not now in insurrection, but have been pacified; and yet I state as a fact, and I challenge denial, that there is not a single one of the 45 provinces in which any Filipino is allowed either to bear arms or to have arms.

Mr. FORAKER. Mr. President, I call the Senator's attention, if he will allow me, to the fact that the instructions I have read were given on the 7th day of April, 1900, at which time there was a very different condition of things in the Philippines.

Mr. BACON. Those were the instructions then. I am speaking of the conditions now and the regulations now.

Mr. FORAKER. I hope the Senator will allow me——

Mr. BACON. Just one word, and I will not go further.

I simply invite the attention of the Senator—while of course there is a very great temptation to go further—I now simply invite his reply to the question, not whether it is proper or not, but whether it be true or not, that the act of the Philippine Commission, not with reference to treason as urged by him, but whether the eighth, ninth, and tenth provisions of that act, which the Senator has not yet discussed, are in conflict with this section of what is generally called the Bill of Rights, and especially the one with reference to freedom of speech.

Mr. FORAKER. I see what it is, Mr. President. Our organic law was intended, so far as all these provisions are concerned, for a time of peace. When there comes a time of war, the emergencies of war make many things necessary that are not contemplated; but I see nothing in these provisions to which my attention is particularly called that the Senator has any right to take exception to as inconsistent with the instructions given by the President, as I have read them.

They are, in the first place, Mr. President, a prohibition upon every person who shall utter seditious words or in any way seek to stir up for unlawful purposes——

Mr. BACON. Read all of it.

Mr. FORAKER. I wanted to save time, but I will take a great deal of pleasure in doing so, if I do not unduly detain the Senate, though I read it before——

Mr. BACON. No; you have not read it all.

Mr. FORAKER. I will read it again, and you will then see that I did.

SEC. 8. Every person who shall utter seditious words or speeches; write, publish, or circulate scurrilous libels against the Government of the United States or the insular government of the Philippine Islands, or which tend to disturb or obstruct any lawful officer in executing his office, or which tend to instigate others to cabal or meet together for unlawful purposes, or which suggest or incite rebellious conspiracies or riots, or which tend to stir up the people against the lawful authorities or to disturb the peace of the community, the safety and order of the government, or who shall knowingly conceal such evil practices, shall be punished by a fine not exceeding $2,000, or by imprisonment not exceeding two years, or both, in the discretion of the court.

Mr. President, that is a statute that I can not add to by stopping to explain it or to comment upon it. It simply prohibits all acts, all talk, all efforts of a seditious character that are intended to obstruct unlawfully the authority of the United States. Now comes section 9:

SEC. 9. All persons who shall meet together for the purpose of forming, or who shall form, any secret society, or who shall, after the passage of this act, continue membership in a society already formed, having for its object—

Now, note what the object is—

in whole or in part, the promotion of treason, rebellion, or sedition, or the promulgation of any political opinion or policy, shall be punished by a fine not exceeding $1,000 or by imprisonment not exceeding one year, or both.

Let me ask——

Mr. PATTERSON. Will the Senator allow me?

The PRESIDING OFFICER. The Senator is out of order.

Mr. PATTERSON. I call attention to the phrase "the promulgation of any political opinion or policy shall be punished."

Mr. FORAKER. I will say that I might make a very good reply to the Senator from Colorado by inquiring of him whether or not he imagines that if he were now in the Philippines his liberty would be interfered with by the provisions of this section?

Mr. PATTERSON. I think it might.

Mr. FORAKER. This section can not touch anybody who does not join a secret society, or continues in a secret society, he already belonging to one, which is organized for the purpose of fomenting and promulgating treason against the United States.

Mr. PATTERSON. That is not the language.

Mr. TILLMAN. Mr. President——

Mr. FORAKER. Wait a moment until I answer that. I will read the section again:

SEC. 9. All persons who shall meet together for the purpose of forming, or who shall form, any secret society, or who shall, after the passage of this act, continue membership in a society already formed, having for its object, in whole or in part, the promotion of treason, rebellion, or sedition, or the promulgation of any political opinion or policy, shall be punished by a fine not exceeding $1,000 or by imprisonment not exceeding one year, or both.

Mr. PATTERSON. The promulgation refers to any political opinion. What does the honorable Senator say to that?

The PRESIDING OFFICER. The Senator from Colorado is out of order.

Mr. PATTERSON. I hope my words have been taken down.

The PRESIDING OFFICER. The Senator from Colorado will take his seat. The Senator from Ohio is entitled to the floor.

Mr. FORAKER. Why, Mr. President, there is not one word in this statute from the beginning to the ending of it that would touch any man loyal to the United States—not one.

Mr. TILLMAN. Mr. President——

Mr. FORAKER. Let me finish another section. I want to read that before I yield, and then I will hear the Senator.

SEC. 10. Until it has been officially proclaimed that a state of war or insurrection against the authority or sovereignty of the United States no longer exists in the Philippine Islands it shall be unlawful for any persons to advocate orally, or by writing, or printing, or like methods, the independence of the Philippine Islands or their separation from the United States, whether by peaceable or forcible means, or to print, publish, or circulate any handbill, newspaper, or other publication advocating such independence or separation.

Any person violating the provisions of this section shall be punished by a fine of not exceeding $2,000 and imprisonment not exceeding one year.

Now, Mr. President, as I said a while ago when commenting on that section, which the Senator from Georgia thought I had not read, they have war in the Philippines, and that is what we must remember. Our armies are confronting the battalions of the insurgents, or banditti, I should rather say, of the insurgents. It is a condition of war that they are legislating about.

The question is whether our authority shall be upheld or whether an independent authority shall be established there; and this declaration of the Philippine Commission is that it shall be an offense against the civil law for anybody to advocate that which our armies are there to suppress. Is there anything remarkable about that?

Mr. TILLMAN. Now, will the Senator permit me?

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from South Carolina?

Mr. FORAKER Yes.

Mr. TILLMAN. The Senator said a few moments ago that if I were not here in my official capacity I would have laid myself open to the charge of treason——

Mr. FORAKER. You have not been thinking about that all this while, have you? [Laughter.]

Mr. TILLMAN. I have been thinking about that, and the Senator throws so much additional light upon my pitiable condition that if I should happen to go into this new possession of ours I would be really alarmed. [Laughter.]

Mr. FORAKER. Then I made more of an impression upon the Senator than I supposed I had. [Laughter.]

Mr. TILLMAN. I want to ask the Senator a question.

The PRESIDING OFFICER. Both the Senators are out of order.

Mr. TILLMAN. Have I permission of the Chair to address the Chair?

The PRESIDING OFFICER. To address the Senate, certainly. The Senator from South Carolina.

Mr. TILLMAN. I should like to ask the Senator from Ohio a question. I have read in the reports of General MacArthur, and I have heard it quoted, but have not read it, from the reports of General Chaffee, that practically the entire Filipino population are saturated with this hatred of the American people and this desire for liberty.

Now, I want to ask the Senator, after our experience of three years, after our throttling the aspirations of those people for liberty, which we had taught them to hope for, must we continue this infamous, tyrannical, British, South African, Spanish—I will stop right there; I will not put in the other words, because I can not find any harsh enough to express my indignation——

Mr. FORAKER. Mr. President, I apprehend that the present policy will be continued until, like all other policies of the Republican party, it has been made a triumphant success, and without any help from my friend from South Carolina [Mr. TILLMAN] or those who are affiliated with him. In the Philippine Islands we have a great task.

It is one nobody sought; it is one we assumed because of the fortunes of war; it was thrust upon us, and we undertook it with more or less misgiving, all of us recognizing its serious character. We all had hesitation; we all had doubt as to the step we should take; but when that step was taken, when we acquired those possessions, when we put up our flag there, when we sent our armies there, it was irrevocably settled that they would remain until our cause was victorious.

That may just as well be accepted as a settled fact. Gentlemen may rail about it in Congress or outside, newspapers may comment about it; but the American people having taken possession, we will establish law and order; we will set up a government; we will put it in operation, and we will give the blessings of our free institutions to all who are there to share in the protection we will extend, and not until all that is accomplished will we think of anything else.

Mr. TILLMAN. Now will the Senator permit me?

Mr. FORAKER. Yes, I will. I do not want to, though.

Mr. TILLMAN. I will simply give you a quotation. They "make a solitude and call it peace."

Mr. FORAKER. Mr. President, we heard very much of that same kind of talk when we were trying to legislate about Porto Rico. While proposing that legislation we heard from the Senator's side of the Chamber that it was tyrannical; that it was unjust; that it was unwise; that it was un-American.

Mr. CARMACK. Yes; and you heard it from the President of the United States.

Mr. FORAKER. No, Mr. President; we did not hear it from the President of the United States. The President of the United States in his message said this, which the Senator doubtless has in mind, that it was our "plain duty" to give the people of Porto Rico free trade.

The President of the United States made that recommedation in good faith. And we did give it to them. But when we came to undertake the task of legislation and to make an examination and ascertain the facts, we found out that there must be a civil government there; we found that if we would give them a civil government it must have a revenue to support it, and if it should have revenues to support it, it must have some system of taxation. They had no system of property taxation, and never had had any in Porto Rico. There was no system except to collect tariff duties and excise taxes, and the revenues so collected were insufficient to meet the necessary estimated expenses of the civil government we were establishing.

In that emergency, to meet that necessity, remembering the President's recommendation and sharing in the sympathy that he had expressed in that regard, we provided what? That on certain products between Porto Rico and the United States in commerce there should be collected 15 per cent of the Dingley rates for a period not longer than until the 1st day of March, 1902, or as much less than that time as they might be able to set up a government of their own, establish a tax system, put it in operation, and provide themselves a revenue.

And so successful was the government we established, over the votes of the minority in this Chamber and in the other House, that on the 4th day of last July absolute free trade was given between Porto Rico and the United States, just as the President said it was our "plain duty" to do.

Mr. CARMACK. Finally you did your duty.

Mr. FORAKER. What is that?

Mr. CARMACK. Finally you did your duty.

The PRESIDING OFFICER. The Senator from Tennessee must observe the rules.

Mr. FORAKER. I yield. What was the remark of the Senator?

Mr. CARMACK. The remark was simply that, finally you did your plain duty, and finally did what the President of the United States and the Democratic party thought you ought to have done in the beginning.

Mr. FORAKER. When the President made that recommendation he knew about Porto Rico only in a general way; I knew about it only in a general way, and other Senators knew about it only in a general way; but when the committees were organized, a committee was appointed, and it was made the duty of that committee to examine as to the conditions in Porto Rico, and we discovered presently conditions that nobody had been theretofore aware of.

We found a million people there, 850,000 of whom could not read or write a single word in any language; we found more than 500,000 people in Porto Rico who had never owned a dollar's worth of property in their lives, and who apparently did not ever want to own a dollar's worth of property. That was the character of the people. They were without revenue and without government. The demand of the minority was that we should immediately give them the writ of habeas corpus and trial by jury, when there was

not a lawyer in all the island or a judge upon the bench there who knew what habeas corpus and trial by jury meant.

Mr. CARMACK. I think the Senator is very much mistaken.

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Tennessee?

Mr. FORAKER. Yes; I will yield.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. CARMACK. I think the Senator from Ohio is very much mistaken in that statement.

Mr. FORAKER. In what statement?

Mr. CARMACK. If I remember correctly, Porto Rico exercised the right of self-government under Spain before it was taken by the United States. I know there were some very able lawyers from Porto Rico before our committee, the Committee on Insular Affairs of the House of Representatives, who stated that they were getting along exceedingly well under Spain, which had accorded to them the right of civil government in Porto Rico, and that they had a representative in the Spanish Cortez.

I will make another suggestion to the Senator from Ohio. He says after the committee got to examining into this matter they found out they had to impose a tariff on Porto Rican products. I will suggest to the Senator that the committee of the House, after very careful consideration, brought in a bill in accordance with the recommendations of the President, and that the sudden change of position was suspiciously simultaneous with the appearance of a very powerful lobby here about the halls of Congress.

Mr. FORAKER. Oh, Mr. President, we have heard that kind of an insinuation before. It is unworthy the Senator from Tennessee to make such a suggestion in this Chamber or anywhere else. The suggestion was that the imposition of the tariff on sugar and tobacco was in the interest of the tobacco trust and the sugar trust of this country. That was insisted upon notwithstanding the fact that the legislation was in strict opposition to their interests.

Mr. CARMACK. I have never said anything about the sugar trust.

Mr. FORAKER. It is the most utter nonsense, and, as I said before, it is unworthy the Senator. The testimony was taken. It is in the record. It can be consulted by the Senator. He will find that in the first place I introduced a bill providing for free trade. It was referred to my committee. We examined into the subject. We called witnesses from Porto Rico. They told us of this poverty-stricken condition, of the inability of the people to pay revenue to support a government, and of the character of taxes they were paying.

And as a result of as careful consideration as any subject ever received at the hands of a committee—and that will be testified to by the Democratic members of the committee—we reported honestly, in good faith, as a necessity of the situation, that for the time being there should be 15 per cent levied on products passing commercially between the countries. That was a signal for a great outcry. It was tyranny; it was oppression; it was taxation without representation. We had forgotten the Declaration of Independence, the Senator and others told us.

Mr. President, there was not anything of the kind about it. It was simply an honest, patriotic effort to endeavor to legislate for the people of Porto Rico according to the necessities of that situation, and we met the necessities of it, and the result is a prosperity to-day and for the future of which the Porto Ricans are proud, and of which every American ought to be proud who had any part in bringing it about, and every American who opposed it, as the Senator did, ought to have regret that he did not help to do that thing, so beneficent in its results. And as it was in Porto Rico, so is it in the Philippines.

Mr. BACON. Will the Senator permit me to ask him a question?

Mr. FORAKER. I want to quit, but I will yield.

Mr. BACON. I want to ask one question. As the Senator is speaking of the great liberality and generosity and humanity of the United States in its treatment of Porto Rico, I wish to ask him if he does not remember when that bill was before the Senate, containing as it did a provision for the recoinage of Porto Rican silver, that there was an effort made, on the part of the minority, whom he says should now so greatly regret what they did, to insert a provision in the bill to the effect that when the Porto Rican coins were recoined by the United States Government, the seigniorage should not go into the Treasury of the United States, but that the Porto Ricans should have the benefit of it.

A calculation was made, and it was read to the Senate by the then Senator from Tennessee, Mr. Turley, in which he showed—I have forgotten how much—that a very large sum of money in that recoinage would come into the Treasury of the United States. An appeal was made here that the Senator and those who acted with him would permit the poor Porto Ricans to have that money, and the Senator and those who acted with him denied it, and required that the money should go into the Treasury of the United States, and that the Porto Ricans should lose it.

Mr. FORAKER. Mr. President——

Mr. BACON. And I will say to the Senator, if he will pardon me just one second more, that if I remember correctly the amount of that seigniorage equaled what it was estimated would go into the coffers of the Porto Rican local treasury by reason of the tariff which was about to be enacted. So we were taking it from them with one hand and giving it to them with the other.

Mr. FORAKER. I remember very well indeed what the Senator refers to. Instead of the provision that he and his associates sought to put into that bill we incorporated this: We would take up their pesos, worth in our money about 48 cents on the dollar, at 60 cents each in American money, giving them 12 cents on every peso of absolute profit. Then on top of that we gave them more than $2,000,000, an absolute gratuity, out of the Treasury of the United States.

On top of that we gave them all the revenues collected in the island on the importation of foreign goods and the revenues on imports from that country into this and from this country into that, allowing them to put it all into their treasury, instead of putting it into our own for the benefit of the whole country, as we did in the case of Louisiana and every other Territory we have ever annexed. So it is——

Mr. BACON. Will the Senator allow me?

Mr. FORAKER. Pardon me for just one moment.

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Georgia?

Mr. FORAKER. In one moment I will. We not only did that, but we spared them from the operation of our internal-revenue taxes, authorizing them to establish an excise system of their own far less burdensome and harsh than ours, and we authorized them to put every dollar of the money so derived into their treasury, something unheard of in legislation for any Territory belonging to the United States.

So our legislation with respect to Porto Rico was not only wise, as demonstrated by results, but it was the most generous, the most liberal, the least burdensome to them that was ever enacted by this or any other country in all time for a possession such as Porto Rico is. It is without precedent in the history of the legislation of the world.

Mr. BACON. Will the Senator permit me to ask him a question?

Mr. FORAKER. Certainly.

Mr. BACON. Do I understand the Senator to deny the fact that under the provisions of that law as enacted the coinage of the silver in Porto Rico put about $2,000,000 into the Treasury of the United States, and that there was an absolute refusal on the part of the Senator to permit the change in the bill which would have given Porto Rico that $2,000,000?

Mr. FORAKER. I do not remember just what it figured out.

Mr. BACON. About that sum.

Mr. FORAKER. It seems to me the amount which the Senator has named is too large, but conceding it is $2,000,000 or $4,000,000——

Mr. BACON. I do not pretend that it was so large a sum as that.

Mr. FORAKER. Let it be whatever you say. My answer to that, as the Senate answered then, is that we were not going into free coinage. We were not going into any of these schemes for the coinage of silver money, such as were advocated in other connections, but we would make an honest and liberal transaction with the Porto Rican by which we would give him 12 cents on the peso more than he had any right to expect.

We took all their money and gave them our money instead, and there is not a human being on the island of Porto Rico who has ever found fault with what we did in that respect. To find critics you must come to the Democratic party of the United States.

Mr. BACON. The Senator grows eloquent, but he does not answer the question.

Mr. FORAKER. I think I have.

Mr. BACON. The Senator does not answer the precise question. He is boasting of the great liberality to the Porto Ricans. The precise question which I ask is, whether under that act, not passed inadvertently as to this particular feature, but over the protests of others, the seigniorage on the coinage of that silver, which we asked should go to Porto Rico, did not go into the Treasury?

Mr. FORAKER. We did not concede that it should go to the Porto Ricans instead of the United States any more than we would concede it in any other case.

Mr. BACON. I ask the question was that done or not?

Mr. FORAKER. We simply applied to the Porto Rican transaction the same rule precisely that we have followed with respect to the acquirement of silver and its coinage when we buy

from others; we then go into the market and pay the market price. If we had treated Porto Rico as we treat our own people we would have paid but 48 cents for it at that time. Instead of that we paid them 60 cents, and that, I say, was a most liberal transaction. That is all I can say about it. These are matters about which men will differ.

I want to hasten to a conclusion. I intended calling attention, when I started out, to the statute and to emphasize the fact which must have occurred to every Senator who listened to its reading at the desk that it is almost word for word the statute that is in force in this country to-day, and which has been in force since the very beginning of our Government in respect to the definition of treason, and the penalties and punishments that shall be inflicted upon conviction.

If you will take the statutes and compare them you will find that necessarily the Commission had our own statute before them when they framed this. The section which the Senator from Massachusetts particularly complained about is word for word, from beginning to end, a copy of our own statute. His only excuse for complaining of its enactment in the Philippines, I understand, is that it is liable to be violated over there.

I take it the framers of our statute—our fathers who organized our Government—supposed that that statute would be violated. As the Senator from Wisconsin has suggested to me, it was not only understood by the men who framed our Government, but it was understood by the men who drew and adopted the Declaration of Independence, of which we have heard so much.

They believed in government. They believed in sovereignty. They believed in that government exercising the power necessary to preserve and protect and perpetuate its life against foreign or domestic foes. They believed not only in protecting against foreign foes and domestic foes in arms, but also against those who would conspire by joining secret societies and forming cabals and otherwise engaging in works of sedition calculated to obstruct the authorities and work the overthrow of the Government. They legislated accordingly. That is all there is to it.

Mr. RAWLINS. While the Senator is alluding to the act of our forefathers, I would invite his attention to the act known as the alien and sedition law, from which I think this act of the Philippine Commission is more literally transcribed than from the act which is now contained in the Revised Statutes of the United States; and while the ancestor of his political party perhaps occupied the same position as the Senator does to-day in its advocacy of that measure, it was disapproved by the fathers, and at the next election that party was overthrown and the founder of the Democratic party was elected President of the United States.

Mr. FORAKER. At another time I will take up the alien and sedition law, if the Senator insists upon it, but now, in view of the lateness of the hour and the long time I have trespassed upon the Senate—I will not say trespassed, for I do not believe any Senator is trespassing when he is addressing the Senate—but in view of the long time I have been indulged, I want to conclude at this point.

Mr. TELLER. I was going to ask the Senator if he would not prefer to go on to-morrow?

Mr. FORAKER. I do not think I would. I think I have said all I care to say, but I am much obliged to the Senator for the suggestion, and I will reserve that right.

Mr. TELLER obtained the floor.

Mr. HOAR. I want to set right——

Mr. TELLER. I yield to the Senator from Massachusetts.

Mr. HOAR. I want to set right the statement made by the Senator from Ohio in reply to me. It will take but two or three minutes.

Mr. TELLER. I yield to the Senator from Massachusetts.

Mr. HOAR. I asked the Senator from Ohio, during his eloquent remarks, whether the people of Ohio and whether he loved and reverenced the memory of Thomas Corwin, to which he replied that they did, and added that the people of Ohio settled questions of justice and righteousness by ballot.

Mr. FORAKER. That was in answer to another question.

Mr. HOAR. That was in answer to another question; but I suppose the Senator made no answer to any question that he did not believe to be true. I know that.

Mr. FORAKER. Certainly not; but I want to keep up the connection.

Mr. HOAR. The Senator added that the people of Ohio never afterwards elected Thomas Corwin to a position of honor or trust. In point of fact, unless I am all wrong in my history, Mr. Corwin was not only made a member of the Cabinet by the President of the United States and the Senate after that famous declaration of his, that if he were a Mexican, as he was an American, he would welcome you with bloody hands to hospitable graves, but he was appointed minister to Mexico afterwards to represent this country there. Not only that, but he was elected three or four times a Representative of an Ohio district.

Mr. FORAKER. I did not hear the last statement.

Mr. HOAR. He was elected several times a Representative by an Ohio district.

Mr. FORAKER. Elected to the House?

Mr. HOAR. Elected to Congress.

Mr. FORAKER. In answer to what the Senator from Massachusetts has said, if I was in error I withdraw that statement. It may be that Mr. Corwin was so elected. When I made the answer I did it was my recollection that Mr. Corwin had never after that time been elected to any office. I knew he had served as minister, representing this country in Mexico, and I should have recalled, although I did not at the time, that he had served in the Cabinet. But I did not remember that he had ever come to Congress.

Mr. HOAR. He was twice elected.

Mr. FORAKER. After that?

Mr. HOAR. I want to add further——

Mr. FORAKER. I was not quite through, if you will allow me. What I had reference to was any election by the people of the State of Ohio. He was very much beloved in the district he represented and by all who personally knew him.

Mr. HOAR. I want to add that as I understand the history of Ohio, having been an admiring reader of it, that a very short time only elapsed after which, for a good while, no man could be reelected in great sections in Ohio to any political office whatever who did not thoroughly sympathize with and approve that sentiment of Thomas Corwin.

Because of that single utterance, so honest and so brave and so pregnant with the love of liberty, because of that single utterance to a hostile Senate, Thomas Corwin's name has become one of the great treasures of the Republic. His office, his political power, his eloquence even would have gone into the forgotten annals of the past, but that single standing by righteousness and liberty against even a hostile majority of his own countrymen has put him forever and forever among the immortals.

Mr. President, I wish to say that we need not take these things too seriously. They are great questions. It is a great question whether this Republic of ours, with its immortal glories, shall crush out by power a rising republic, seeking to build itself in freedom and in independence on our model, in accordance with our principles. It is a great question whether we shall refuse to stop the slaughter of hundreds and thousands of Filipinos and of thousands of our own youth by the simple utterance to them of what the Senator from Ohio again and again said he believed, that they ought to have their independence in the end, or whether we shall carry on this terrible business without a limit, increasing and increasing the sentiments of hate that that whole people feel to us, on what I call the wretched pretext that we will not tell men who have arms in their hands what we are going to do with them, which seems to me as reprehensible an utterance as ever came from the lips of an American Senator in the American Senate.

But, at the same time, thinking as I do about these things, I know very well that men as good as I am and wiser than I am differ with me. I do not believe that the brave and honorable Senator from Ohio, a gallant soldier, a great orator, a great statesman, wants to do injustice to any man, and he does not believe for a moment that the men who take the view that I do about these things are traitors to their country or love the flag any less than he does.

Some men show their love for the flag of their country by protecting it from violence; and it is a noble thing to do. Other men show their love for the flag of their country by keeping it pure and preventing it from becoming the symbol of tyranny and injustice.

Is not that, my friend from Ohio, an equally honorable thing to do? You know it is, and we all know it is, and the Senator from Ohio will say any time when not in the heat of debate—he will say it in the heat of debate when he is asked—that the Senators in this Chamber who are resisting this policy are as loyal lovers of their country to-day as he is or as I am. But yet we must discuss great questions of justice and of righteousness on their own merits, and not on the merits of the men who think one way or the other about them.

Now, Mr. President, I have but one word more to say. I differ from the honorable Senator from Ohio when, if I understand him aright, he said that it was a right and righteous thing to do (differing in that respect from his distinguished constituent, Governor Taft) to enact that if a son did not inform against his mother, or a wife did not inform against her husband, or a mother did not inform against her boy, they should be sent as felons to the penitentiary for seven years.

The Senator said he thought that was all right. Just think of it! He thinks that is all right. The mother is to be sent to the penitentiary if she does not inform against her son; the wife is to be sent to the penitentiary if she does not inform against her husband; the boy is to go to the penitentiary if he does not inform

against his mother, if she has comforted her next-door neighbor when he is waging war against the United States.

That is what being in favor of this Philippine Island business brings, honest men to thinking in the year of grace 1902. That is the legitimate result of this cup that you have been holding to the lips of the American people.

Now, Mr. President, the Senator seeks to justify this thing by the fact that our ancestors in 1790 passed a statute with the same provisions. But they never dreamed that any conditions like these would exist or that any conditions would exist where a mother or a son or a wife might be brought to trial under it. They were thinking only of persons who were helping the enemies of this country in foreign wars; that was all. But even then they surrounded it with the great precaution that it should only be proved by two witnesses; that it should only be punished on a trial by jury; that the man should only be sentenced by a judge independent and for life; and that the trial should be by the peers of the person charged, twelve of them agreeing upon the guilt, and it should take place in the vicinage where the thing happened.

You deny all that. The Constitution does not go with the flag. You provide instead of it other equally outrageous enactments, under which the Senator from Ohio himself has been compelled to admit that the speech he made a few years ago, and, if I recollect aright, the speech he made four or five days ago, giving aid and comfort to these people who want independence, being made elsewhere, and if they can catch him in the Philippine Islands they can hang him for treason under the letter of that act.

Mr. President, I will not detain the Senate at this time of the day to talk any more about this matter. I expect to refrain from discussing this case in general until it is all in under the pending investigation, but I wish simply to say that what I have said is what this Philippine Island business has brought good men and brave men and wise men to advocating on the floor of the American Senate.

Mr. TELLER. Mr. President, I move that the Senate do now adjourn.

Mr. LODGE. I hope the Senator from Colorado will let us have a short executive session.

Mr. TELLER. Very well. I move that the Senate now proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 6 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Friday, February 7, 1902, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 6, 1902.

APPOINTMENTS IN THE ARMY.

TO BE SECOND LIEUTENANTS.

Artillery Corps.

Winslow Hart Reaves, of Tennessee, late first lieutenant, Third Tennessee Volunteers, August 22, 1901, to fill an original vacancy.

Infantry Arm.

Daniel M. Cheston, jr., of Pennsylvania, late corporal, Battery A, Pennsylvania Light Artillery, February 2, 1901, to fill an original vacancy.

William A. Haycraft, of Kentucky, late first lieutenant, Forty-fourth infantry, United States Volunteers, February 2, 1901, to fill an original vacancy.

Joseph W. Lacour, at large, late second lieutenant, Twenty-seventh Infantry, United States Volunteers, February 2, 1901, to fill an original vacancy.

Will D. Wills, of Alabama, late battalion sergeant-major, Thirty-ninth Infantry, United States Volunteers, February 2, 1901, to fill an original vacancy.

TO BE ASSISTANT SURGEON.

William J. S. Stewart, of Massachusetts, contract surgeon, United States Army, to be assistant surgeon, United States Volunteers. with the rank of captain, February 4, 1902, vice Pease, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 6, 1902.

ASSOCIATE JUSTICE.

Thomas H. Anderson, to be associate justice of the supreme court of the District of Columbia.

POSTMASTER.

William Fleming, to be postmaster at Athens, in the county of Clarke and State of Georgia.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February 6, 1902.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

LEGISLATIVE APPROPRIATION BILL.

Mr. HEMENWAY. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering appropriation bills; and pending that motion I ask unanimous consent that general debate on the legislative appropriation bill, which I propose to call up in Committee of the Whole, be closed in two hours.

Mr. LIVINGSTON. If the gentlemen on our side do not wish to occupy time, I shall not object.

Mr. DE ARMOND. The bill about to be considered is, I believe, one of the great approppiation bills, is it not?

Mr. HEMENWAY. It is.

Mr. DE ARMOND. In view of the latitude of debate which has been allowed here within the last few days, and the time at our disposal, I think we can afford to give more than two hours to the discussion of this measure.

The SPEAKER. The gentleman from Missouri [Mr. DE ARMOND] objects.

The question being taken on the motion of Mr. HEMENWAY, that the House resolve itself into Committee of the Whole for the consideration of general appropriation bills, it was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. LOUD in the chair) and proceeded to the consideration of the bill (H. R. 10847) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1903, and for other purposes.

Mr. HEMENWAY. I ask unanimous consent that the first reading of the bill be dispensed with.

There was no objection, and it was ordered accordingly.

Mr. HEMENWAY. Mr. Chairman, the legislative appropriation bill for the current fiscal year carried $24,668,248.85—$503,721 less than is recommended for the fiscal year 1903. There was carried in the urgent deficiency bill for the current fiscal year $295,555. Added in this bill for free rural-delivery service, formerly paid from a lump sum appropriation on the post-office appropriation bill, is $275.040, making in the two items $570,595. Taking these items into consideration this bill does not carry an increase over the amount expended and to be expended for the current fiscal year.

While the bill shows an increase of 468 in the number of people employed, a large number of these employees are now in the service. The increase is largely accounted for by the free rural-delivery service, 266 having been formerly carried on the Post-Office appropriation bill. For the Library of Congress there are carried on this bill 34 new employees. In undertaking three years ago to catalogue the books now in the Library we proposed to give the Librarian 91 new employees. We gave him one-third of these people for the fiscal year 1901, one-third more for the fiscal year 1902, and now we give in this bill the additional number, 34.

In the office of the Treasurer of the United States there are 82 new employees provided for. These are made necessary by the change in the currency law. In the auditing department of the Post-Office Department there are 51 new employees, making altogether in these four departments 433 new employees. When I say "new employees," I mean new to this bill. A number of them have heretofore been in service and carried on other bills. The remaining number are distributed among the other departments and have been made necessary by the increase of business. There were many recommendations for increase of salary, but very few have been granted by the committee.

The committee in the report accompanying the bill has carefully set out under each separate head all changes made, so that members may be informed as to the changes without reading the bill to ascertain where they are made.

By oversight two changes made in the bill are not included in the report, and I want to call the attention of the House to those two changes. One change made in the office of the Light-House Board, wherein the pay of one laborer is raised from $600 to $650 per annum, and in the office of public buildings and grounds, where the contingent fund is increased from $600 to $700. By going through the report, which members can secure, you will see pointed out every change made in this bill, either in the way of increase of salary or increase of force or limitation of appropriation. The question of temporary clerks now in the different departments of the Government is taken up on this bill. When this temporary force was granted, the Committee on Appropriations

believed that their services would not be necessary for any great length of time.

We find, however, that the services of this temporary force are absolutely necessary to conduct the business of the several departments; and, in fact, in some of the departments they insist that they not only need all the temporary force, but an additional force. There is only one department where a recommendation is submitted to decrease that force. That is the War Department, where they submit a decrease of only $5,000 in the total appropriation of $600,000. Many of the departments have insisted that this force ought to be covered into the civil service; but as we do not legislate on appropriation bills, no legislation in that regard is placed upon this bill, and the force is carried as a temporary force for another year.

Mr. STEELE. Do I understand the gentleman to say that there is no change in the language of the appropriation?

Mr. HEMENWAY. There is no change whatever as to the temporary force.

Mr. STEELE. It gives the President no more latitude than he heretofore had to cover them under the civil service?

Mr. HEMENWAY. There is no change in the language in this bill. It carries the same language as to the temporary force as for the former temporary force.

The question as to sick leave has been discussed upon the floor of this House, and the committee have gone to the trouble of securing a statement from each of the departments showing the total number of days of annual and sick leaves taken in the different departments. By referring to page 11 of the report, members will find this table:

Annual and sick leave of persons employed during the whole of the calendar year 1901 in certain departments and offices at Washington, D. C.

Department or office.	Number of employees.	Average days of annual leave.	Average days of sick leave.	Average days of total leave.
Department of State	81	26.4	8.6	35
Treasury Department	2,927	27.3	6.8	34.1
War Department	1,621	26.5	7.2	33.7
Navy Department	430	25.7	4.2	29.9
Department of Justice	96	26.1	7.3	33.4
Post-Office Department	714	22.1	6.1	28.2
Department of Agriculture	553	24.7	7.5	32.2
Department of the Interior [a]	3,219	26.9	8.5	35.4
Department of Labor	79	28.9	7.6	36.5
Interstate Commerce Commission	127	25.5	12.9	38.4
National Museum	181	23.7	8	31.7
Total	10,028	26.4	7.4	33.8

[a] Not including the Census Office.

So you will see that in the great departments of the Government both the annual and sick leaves added together do not result in the employees of those departments taking much over thirty days' annual leave, and the average is thirty-three and eight-tenths days, which includes the annual and sick leave. It is true that there are a number of clerks in each of the departments who take the benefit of the full thirty days' sick leave. You must, however, understand that under the law they are not entitled to sick leave unless in extraordinary cases; but a number of employees in these different departments do take advantage of this sick leave and secure the full thirty days, and in some instances more than that. When they have more than thirty days' annual and thirty days' sick leave, it is without pay; but, taken as a whole, this table will show that the sick leave is not abused to any great extent.

Mr. CRUMPACKER. A question on that proposition. Did the committee investigate as to whether adequate safeguards have been established in the various departments so as to prevent an abuse of sick leave?

Mr. HEMENWAY. I have the rules and regulations of each of the different departments. The rules in some of the departments are more strict than in others. In the Department of Labor they require an affidavit of the employee that he was sick and unable to attend to his duties. In other departments they only require the certificate of a physician. Gentlemen may secure by application the rules of the other departments in regulating this sick leave. They are so long I will not take up the time to go into details.

Mr. CRUMPACKER. There is one further question that I desire to ask the gentleman. Does the bill provide for any increase in the force of the Civil Service Commission?

Mr. HEMENWAY. The bill does not provide for any increase in the force of the Civil Service Commission.

Mr. CRUMPACKER. Do they recommend and request an increase in the clerical force?

Mr. HEMENWAY. They have annually for a number of years recommended an increase in the force.

Mr. CRUMPACKER. I desire to ask the gentleman if he does not think that the Commission ought to have an increased force? It is a matter that is known to every member of the House that the Commission is from five to eight months behind in its work of examination and classification of papers, and if the Commission is to continue to do business and provide an eligible list for civil appointments it occurs to me it ought to have an adequate force to transact its business properly.

Mr. HEMENWAY. I call the gentleman's attention to the fact that by details from other departments, under the law, the Commission can receive and do secure sufficient force to transact their business.

Mr. CRUMPACKER. I had a talk with a member of that Commission only two weeks ago, and he told me that they were about five months behind in the examination of papers, and that it was on account of lack of adequate force.

Mr. HEMENWAY. They have detailed to their office from other departments numerous clerks, and I understand can secure more if they desire. At least, it is lawful for clerks to be detailed from other departments to the Civil Service Commission.

Mr. CRUMPACKER. Now, there is one other question. I have not had time to read the report, as I might otherwise have done, to inform myself in relation to these things; but there is one question that is not shown in the report. On page 16, in relation to the employees of the House, I notice that 13 messengers are provided for at an annual salary of $1,200 each, and 13 messengers at an annual salary of $1,000 each. Why is a distinction made in the salaries of these messengers?

Mr. HEMENWAY. In that respect we followed the current law. We make no increase in the salary of any employee of the House.

Mr. CRUMPACKER. The law fixes the salaries and the number.

Mr. HEMENWAY. The existing law fixes the salaries and the number.

Mr. CRUMPACKER. I ask the question because I am informed that these messengers all do substantially the same work and carry the same responsibilities, and 13 get twelve hundred dollars a year, while another 13 get a thousand dollars a year; and that accounts for the numerous resolutions introduced at the close of every Congress to equalize the pay of men doing the same service, in order that they may be put upon an equal basis. I had been hoping that their salaries might be equalized in the law, either by raising the salaries of some or lowering the salaries of others.

Mr. HEMENWAY. I suggest to the gentleman that all the messengers do not perform the same service. There are positions about this House requiring a higher order of ability in a messenger than other places. The difference in salary is made so that those performing more important duties may have higher salaries, and so that there may be room for promotion from time to time.

Mr. CRUMPACKER. At the close of every session of Congress we have been passing resolutions increasing the pay of messengers upon the representation that they were doing the same work and bearing the same responsibilities of others receiving higher pay. We have been passing those resolutions right along, and I presume we have been doing it upon a misapprehension of the facts, in view of the gentleman's statement.

Mr. HEMENWAY. I think the gentleman is laboring under a misapprehension. The increase of salary was where folders or laborers were performing the duties of messengers, and the increased pay was asked to make up the difference between the pay of a laborer or folder and that of a messenger, as the case may be. I have no recollection of any case where the salary of one messenger was increased to equal the salary of another.

Mr. CRUMPACKER. I have one case in mind where a thousand-dollar messenger was paid at the rate of twelve hundred dollars because he did the work of a twelve hundred dollar messenger. I introduced the resolution myself, and it went through.

Mr. HEMENWAY. I hope that the gentleman and other members of this House will not be so successful at this session of Congress in getting that class of legislation passed.

Mr. CRUMPACKER. It may be that I may be able to induce this man to repay the money back into the Treasury after the explanation of the gentleman from Indiana that he is not entitled to it. [Laughter.]

Mr. ROBINSON of Indiana. I desire to call the attention of the gentleman again to the subject of the sick leave of employees in the departments, a subject to which the committee addresses itself largely in the report. I understand that in the Executive Departments in Washington the heads of those departments may require not less than seven hours' service of employees and not more than eight hours, and that these employees are granted an annual leave of thirty days with pay, and in addition to that they have thirty days' sick leave with pay each year.

Mr. HEMENWAY. I want to call the gentleman's attention to this fact, just to correct the statement he makes.

Mr. ROBINSON of Indiana. Certainly.

Mr. HEMENWAY. The law requires that they shall perform not less than seven hours' service.

Mr. ROBINSON of Indiana. I stand corrected.

Mr. HEMENWAY. The head of a department may call upon them to put in seventeen hours a day if he is so disposed.

Mr. ROBINSON of Indiana. Under the law, can they be required to perform more than eight hours' work?

Mr. HEMENWAY. Yes.

Mr. ROBINSON of Indiana. Now, the gentleman has said that there is no abuse of the sick-leave privilege in Washington——

Mr. HEMENWAY. The gentleman does not want to misquote me. I say that in instances there is abuse of the sick leave in Washington, that in many instances there is abuse of it, but on the whole the result is not bad.

Mr. ROBINSON of Indiana. The gentleman does not hold the heads of departments responsible for this, because he says they are doing the best they can under the law. That is the only position in which I desire to place the gentleman. I believe he says that; but the fact nevertheless remains that this abuse exists, and I want to ask him if his committee have considered this branch of the question, that the Government employees here in Washington have sixty days' leave of absence with pay, while the employees of the Government outside of the city of Washington many of them have no leave of absence at all, while others have but fifteen days' leave of absence, and none have the sick-leave privileges unless they are connected with the Executive Departments here in the city of Washington.

Now, has the gentleman's committee considered the question of reducing the sick leave, or cutting it away altogether as a privilege granted to the executive employees in Washington? I rather hoped he would do that, so there should be some means of equalization of the privileges of vacation of all employees throughout the United States.

Mr. HEMENWAY. I want to call the gentleman's attention to this fact, that there is no law giving to the clerks of the departments in Washington thirty days' sick leave. The heads of departments may give them that leave if they so desire.

Mr. ROBINSON of Indiana. Under the law?

Mr. HEMENWAY. Under the law, but there is no law requiring it. On the other hand, the law requires that limited leave be granted for department clerks outside of Washington.

Mr. ROBINSON of Indiana. The gentleman is mistaken in regard to that.

Mr. HEMENWAY. I will call the gentleman's attention to the law. In 1890 fifteen days were given to clerks and employees in first and second class post-offices and to the employees of mail-bag repair shops, and in 1892 thirty days to employees of the Bureau of Engraving and Printing, which was extended in 1896 to compositors and pressmen in the auditing division of that Bureau.

Mr. ROBINSON of Indiana. If the gentleman will pardon me, this is not sick leave, but vacation. In the first place, the printing department in Washington have no sick leave; they get an annual vacation of thirty days, but they do not receive a sick leave.

Mr. HEMENWAY. I call the gentleman's attention to the error he makes—that there is a thirty days' sick leave granted other employees. The table on page 11 of the report shows that they do not get thirty days' sick leave; that the average sick leave, over and above the thirty days' annual leave, is only three days and a fraction. Now, observe the statement: You take all of the departments at Washington and the average sick leave is only a fraction over three days.

Mr. ROBINSON of Indiana. But the law expressly provides thirty days' annual leave of absence, and expressly provides that the department heads may grant thirty days additional, which means that they will grant it.

Mr. HEMENWAY. The law does not expressly grant thirty days' leave of absence with pay.

Mr. ROBINSON of Indiana. But the law does grant thirty days' vacation and thirty days' additional sick leave. True, it is discretionary with heads of departments. I asked the gentleman if his committee had looked into the question of limiting and restricting or cutting away entirely the thirty days' sick leave.

Mr. HEMENWAY. I call the gentleman's attention to the fact that we have no power by the rules of the House to legislate on this question in this bill.

Mr. ROBINSON of Indiana. Yet in 1898 and 1899 you did legislate on this bill.

Mr. HEMENWAY. The rules of the House expressly prohibit legislation on appropriation bills. If the gentleman wishes to change the law, the proper way to go about it is to introduce a bill to that effect.

Mr. ROBINSON of Indiana. I appeal to the gentleman's well-known knowledge of parliamentary law and a practice sometimes followed, and refreshen his recollection, that the committee of which he is chairman has legislated on this subject. In 1898 and 1899 the committee took away a part of the sick leave, limiting it from sixty to thirty days, as shown by his report before us, and I ask the gentleman whether his committee have considered the subject of taking away the thirty days' sick leave?

Mr. HEMENWAY. Not with a view to legislate upon it, because the committee does not want to legislate on this appropriation bill.

Mr. ROBINSON of Indiana. They have changed their mind then since 1898, for they did legislate on this kind of a bill and reduced the sick leave.

Mr. HEMENWAY. I have no doubt but at times, by unanimous consent, legislation has gone on an appropriation bill. It may do so again, to-morrow or to-day, by unanimous consent.

Mr. ROBINSON of Indiana. I only ask the gentleman if his committee had considered the advisability of placing legislation on this bill and taking away the thirty days' sick leave of the administration employees in Washington so that we might deal justly with those outside of Washington?

Mr. HEMENWAY. We have considered the subject, but not with a view to legislation.

Mr. ROBINSON of Indiana. I have introduced a bill on that subject, and when the time comes I hope the gentleman will support it.

Mr. COWHERD. Mr. Chairman, I would like to ask the gentleman from Indiana if he will explain in regard to the board of pensions and how many new employees are created.

Mr. HEMENWAY. We create 20 additional employees for one year's time. The condition there is this. They are two years and over behind on the disposition of pension bills. The Secretary of the Interior desires that this work shall be brought up. The force now employed can keep up with the examination work, but they can not catch up on the two years that they are behind. So we provide for 20 temporary people for one year's time to bring up the work in arrears.

Mr. COWHERD. Is it the idea that these people will be appointed from persons outside of the Department?

Mr. HEMENWAY. They will be appointed by the Secretary of the Interior outside of the Department, and, in my opinion, should in no way be connected with the Pension Office, so they will feel free to reverse the decisions of that office when they think it is not founded on the law and the evidence. I know of many worthy soldiers who have had appeals pending for two years that are not yet acted on, and it is not right that men who fought to maintain the honor of their country's flag, and made it possible that we could now enjoy the wonderful prosperity that we are enjoying, in their old age and unfortunate condition that resulted from their service should be compelled to wait two years to have these appeals settled.

Mr. COWHERD. And the board will be increased by this additional 20 for just one year.

Mr. HEMENWAY. Yes, sir; for one year, in order to bring up the arrears of work.

Mr. LLOYD. I notice that the bill contains a provision for "the office of the Vice-President." Does "Vice-President" mean the President of the Senate?

Mr. HEMENWAY. There is no appropriation carried in this bill for the salary of the Vice-President.

Mr. LLOYD. I understand that; but certain appropriations are made for "the office of Vice-President," and there is no occasion for these appropriations unless they are intended for the office of the President of the Senate.

Mr. HEMENWAY. That appropriation applies, of course, to the office of the President of the Senate.

Mr. SLAYDEN. Allow me a question on the line propounded by my friend from Missouri [Mr. COWHERD]. Is there to be a permanent board of appeals in the Pension Bureau?

Mr. HEMENWAY. There is in the Interior Department a permanent board of appeals.

Mr. SLAYDEN. Now existing?

Mr. HEMENWAY. Now existing. That board has been unable to keep up with the work, so that it is now more than two years behind. It is proposed to put on, for one year, 20 additional people, to bring up the arrears of work.

Mr. SLAYDEN. They will be clerks to the board of appeals?

Mr. HEMENWAY. No; they will be members of the board.

If there be no further questions, I will yield to the gentleman from Georgia [Mr. LIVINGSTON].

Mr. WADSWORTH. Will the gentlemen state the number of increases of salary, and what they are?

Mr. HEMENWAY. By taking the report, the gentleman will find those increases specified under the several heads: for instance, in the Congressional Library, in the several Executive Departments, etc. The increases are very few, taking into consideration the fact that some three or four hundred increases of salary were asked for. The gentleman will find that very few increases of salary have been granted, and those only in cases where the committee thought the increases warranted.

Mr. Chairman, I reserve the balance of my time.

Mr. LIVINGSTON. I yield to the gentleman from South Carolina [Mr. TALBERT].

Mr. TALBERT. Mr. Chairman, while in Committee of the

Whole House on the state of the Union, I will submit some general remarks upon a question of vital importance to the people of my own State, in common with all the Southern States, and one that well might and ought to challenge the attention of the people of the whole nation as well.

I want to address myself to and direct my remarks against the several bills introduced by the gentleman from Indiana, Mr. CRUMPACKER, Mr. OLMSTED from Pennsylvania, and Mr. MOODY from Massachusetts, and in doing so I desire to be dispassionate, yet plain. These bills propose to cut down the representation from some of the Southern States, to investigate election laws, and otherwise interfere with the domestic affairs of our section of the country, just as if we were not 21 years of age; all of which I pronounce absolutely wrong, presumptuous, and unwarranted by any law of right, justice, or common sense, and we of the South are unable to understand why such things should be attempted in the face of the history of this our common country at this time, when it is to the best interest of all sections that peace and harmony should prevail and no apple of discord be thrown in our midst to disturb the present era of good feeling since the commencement of the Spanish war.

It seems to me it is only attributable to a want of broad statesmanship and a selfish and prejudiced spirit mixed up in the hearts of some, at least, with a certain amount of pure "cussedness," I like to have said, but that would be unparliamentary. Some people seem to think of the South as the members of a church advised the new preacher: One told him not to abuse the merchants in his sermons for they were very liberal toward the church; another told him not to abuse the lawyers for they also gave to the church, and another told him not even to be too hard on the saloon keepers for they, too, contributed; but all agreed in saying, "there's an old rich Jew living on the outskirts of town who won't give anything, anyway, and if you want to abuse anybody just give him hell and scissors and a heap of it." [Laughter.] Are not some of the Republicans disposed thus toward the South? Answer me gentlemen.

But let me ask if the South has not contributed in season and out of season her share of men, material, and resources from the beginning of this Government toward making this country what it has been in the past, what it is to-day, and is she not still contributing whatever she can to continue its greatness in the future? Important query and more important still the answer. History will bear me out in the statement that from the birth of the colonies, no section has done more for the country than the South. No section has done more to swell the thirteen little colonies, once hugging the rugged shores of the Atlantic with a population of only 3,000,000, to their present proportions, with a population of nearly 80,000,000 and almost boundless territory, spreading westward until golden harvests with nodding plumes greet the sun as he travels all the way from ocean to ocean, from the Atlantic to the Pacific. Yes, the South has done her part well in all this march of progress, and should not be placed in the category of the much-cursed Jew, and Jews have their rights also, as well as other people, and there are many patriots amongst them.

Gentlemen of the House, do you not know that from Washington to Grant, a period of eighty years, Southern-born men filled the Presidency of the United States for fifty-seven of those years and Northern men for only twenty-three? Southern men led and controlled this country in the main through all the years of prosperity and happiness up to 1860. Every foot of territory from Virginia's princely gift of the great Northwest to the purchase of Alaska was under the administration of a Southern-born President and usually against the bitter opposition of the Northern States. In 1860 there was nearly as much, if not more, money invested in and as many, if not more, students attending Southern than Northern colleges, and the South was generally considered during this period the conservative balance wheel of the country in politics, education, and religion. During the dark days of 1776, when the flag of revolt was flung to the breeze against the black-hearted despotism of Great Britain, the South was not wanting in men and material, and responded gallantly and heroically to every call of her country in peace and in war, and more, is doing it to-day as manfully as ever.

It was the South that gave to this nation the sword of the Revolution, in the person of George Washington, under whose leadership, wise head, patriotic heart, and strong arm our forefathers achieved the glorious freedom and sweet peace we now enjoy. It was the South that gave to this nation the pen of the Revolution, in the person of Thomas Jefferson, who penned the immortal Declaration of Independence, and his memory will live as long as time shall last. It was the South that gave to this nation the tongue of the Revolution, in the person of Patrick Henry, who said "Give me liberty or give me death," the spirit that to-day animates the soul and inspires the heart of every son of the South, and will continue to inspire them till the end of time through all the centuries to come.

It was the South that gave to this nation the great expounder of the Constitution in the person of John Marshall, whose opinions are quoted throughout the land to-day, and it was the South that gave to this nation the greatest and most profound reasoner of his day in the person of John C. Calhoun, whose disquisition upon the organic law of the land stands yet unequaled and unanswered, and whose bones to-day repose quietly in Charleston, S. C., and upon whose tomb is written: "Truth, Justice, and the Constitution," emblematic words of our creed and faith to this day.

What marvelous wonders have been wrought in this broad land of ours during the last century under them! What wonderful growth in national life, in the advancement of science, art, knowledge, and wealth, have been accomplished by standing by them! And in all and through it all the South has always borne a conspicuous and active part and not one time found wanting. Then why should anyone be so prejudiced against our section as to wish the enactment of such measures as I have spoken of in the outset? Why should we not be left to attend to our own business in our own way, so that we may go ahead and help to make this country one of the grandest and greatest in the world? There must be some sinister and selfish motive behind the whole matter somewhere or somewhere else. Do the gentlemen behind these measures of hostility to the South want to charge us with the responsibility of African slavery? If so, we deny it.

History, if I have correctly read it, shows that after the first 20 slaves which the colonists of Jamestown bought from the Dutch ship, no negro was ever landed on these shores that was not brought in a ship of either Old or New England; that Virginia and Georgia made repeated protests against the introduction and perpetuation of slavery; that one of the counts against England which Jefferson had in the original draft of the Declaration of Independence was that she had forced slavery on the colonies against their will; that slavery existed in the Northern States first, and continued to exist there until they found that in their climate and amongst a manufacturing people it would not pay, and they then abolished it partially, not by any means on moral grounds, but on grounds purely commercial and for greed.

Then, instead of emancipating their slaves, they sold the greater part of them to the South for a large sum, and to the West Indies for rum, put the money in their pockets, drank and sold the rum and then began to shed great alligator tears about and to repent of the sin of slavery. Oh, ye Scribes and Pharisees! This tirade against slavery then assumed stupendous proportions, and the quaint, hypocritical cry against it began in earnest, especially as the South seemed to be growing rich and independent upon the strength of their newly made purchases. It is an historic fact that in a convention held in 1827, if I mistake not, for the purpose of considering the slave trade, it was continued for twenty years mainly by the voters of New England, whose ships were then monopolizing the very lucrative business.

This was done, too, as I understand, against the earnest protest of Maryland, Delaware, Virginia, Georgia, and other Southern States, so that it was authorized by law, to say the least of it. And slavery was so distinctly recognized by the Constitution of the United States, and the right of each State to regulate its own domestic affairs so plainly written, that we thought Congress violated the Constitution when it legislated against slavery as clearly as if it had passed laws against the factory labor of New England or the employment of white labor in the Northwest; and this was so distinctly recognized by the leaders of the Abolition party, seeing they could not get around it in any other way, except by defiance, that some of them denounced the Constitution as "a league with hell and a covenant with death," and professed to be governed by a higher law than the Constitution and laws of the country, thus boldly defying the plain law of the land. Daniel Webster, in a speech in 1837, if my memory serves me right, said that—

> Slavery was plainly guaranteed by the Constitution and ought to be carried out according to the intent and purpose of the same—

or words to that effect.

But when they finally succeeded in abolishing it as they did, it could have been nothing more than the triumph of brute force over justice and right, using the plea of military necessity, which has only been for all time the plea of the freebooter through all the centuries past. Mr. Lincoln having said in his first inaugural address that he had no right under the Constitution to interfere with slavery in the States and no disposition to do so if he had the right, it seems to me that afterwards his emancipation proclamation was a plain violation of his oath to support the Constitution. Yet after all that has been said about the degradation, crime, and cruelty of slavery, for which you Northern people are directly responsible, and I here charge it, no laboring people in the world were ever better fed, clothed, or provided for than the negroes of the South, and Southern masters had so far performed their obligations to these slaves whom they bought from the North that they remained faithful through four years of war, and when freed in 1865 over 600,000 of them were members of the church. Then

see what improvement the Southern people made upon your imported goods from Africa. Does this not prove beyond doubt that we can best manage these people in every way?

Thus the heathen savages whom New England greed had caught and brought from the jungles of Africa and sold into the South were so far improved in the hands of the Southerner that our Northern brethren deemed them fit to become citizens, to vote, and to hold office in the South, but not in the North; so that we believe we are still the best judges as to these questions, and we feel that we can still manage them without your help, after having made these reforms amongst them. However, you freed the negroes and the Southern people accepted the situation. When, by legislation, you made him a citizen and counted him as a basis of representation in the National Congress, we accepted the situation and are being represented in the lower House upon the basis made by yourselves, and now you seem to be haunted by your own ghost.

You then went a step further and made him a voter, giving him the privilege of manhood suffrage, which you knew then and know now he was never fit for, and we have even accepted that situation, but with the qualification that we would by means of constitutional restriction upon suffrage impose such regulations as our own domestic relations required, not alone upon the negro but all men; and behold you hold up your hands in holy horror and say he is disfranchised, while you know in most of the Northern States there exists restrictions upon the right to suffrage much more severe and drastic than can be found anywhere in the constitutions of the Southern States. A perusal of these will reveal it; and more, you will find that upon examination of the constitutions of the Southern States that the provisions contained therein have been fashioned after those of the Northern States, and in many cases word for word, and yet these sticklers condemn in the South what is openly approved in the North; and I will attempt to show before I conclude that the negro receives very little consideration in most of the Northern States—before the war, at least.

Then, if the South, according to history, is not responsible for slavery and the advocates of these measures do not desire their enactment on that account, let us ask if it is because the South has not stood squarely by the nation in her troubles with other countries, or, in other words, helped to fight her battles? Then let us see about that proposition. Let us take the Revolutionary war, the Mexican war, and the war with Spain and see the attitude of the Southern States. In this connection I have prepared a statement, with the figures, showing the relative number of troops furnished in these wars by the South and North in whole or in part, as well as by separate States. The figures speak for themselves. It is here shown the number of troops furnished by both sections collectively and by States. Study these figures for yourselves and see whether or not the South has helped to fight your battles. They are correct, as far as I have been able to get at the records. Being unable to find any regular statistics in regard to the war of 1812, which were not complete, I have not given them, but they would bear the same relative proportion. I will insert these figures here as part of my remarks without taking up the time to go over them, showing the different percentages, quotas, etc.

Comparative statement showing population, troops contributed by Southern States, as contrasted with all other States of the Union.

State.	War of Revolution.			War with Mexico.			War with Spain.		
	Population, census of 1790.	Troops contributed.	Per cent to population.	Population, census of 1850.	Troops contributed.	Per cent to population.	Population, census of 1900.	Troops contributed.	Per cent to population.
Alabama				771,623	3,026		1,828,697	3,864	
Arkansas				209,897	1,323		1,311,564	2,728	
Florida				87,445	370		528,542	1,296	
Georgia	82,548	10,679	17.96	906,185	2,132		2,216,331	4,218	
Kentucky				982,405	4,842		2,147,174	5,397	
Louisiana				517,762	7,947		1,381,625	2,794	
Maryland	319,728	22,912	7.17	583,034	1,355		1,188,044	2,597	
Mississippi				606,526	2,423		1,551,270	3,036	
Missouri				682,044	7,016		3,106,665	8,083	
North Carolina	393,751	20,263	5.14	869,039	935		1,893,810	3,802	
South Carolina	249,073	26,417	10.63	668,507	1,077		1,340,316	2,514	
Tennessee				1,002,717	5,865		2,020,616	6,031	
Texas				212,592	8,018		3,048,710	6,506	
Virginia	747,610	56,678	4.58	1,421,661	1,320		1,854,184	5,029	
Total Southern States	1,792,710	136,949	7.64	9,521,437	47,649	5	25,417,548	57,895	2.27
Total all the States	3,929,214	376,771		23,191,876	112,230		76,303,387	220,213	
Total States other than Southern	2,136,504	239,822		13,670,439	64,581	4.72	50,885,839	162,318	3.19

NUMBER OF TROOPS FURNISHED DURING THE WAR OF THE REVOLUTION BY THE SEVERAL STATES.

The exact number of men in the continental establishment furnished by each State in the war of the Revolution is not known, but an approximate estimate, made by Colonel Pierce, Paymaster-General of the Continental Army, and the Treasury accountants in 1787 is as shown in the first column of this table. In addition, however, all the States furnished regiments or independent battalions or companies of State troops, militia, rangers, riflemen, etc., for brief services, who were called out to assist the Continental Army in emergencies or were raised to protect and defend their own States, many of whom were in service at two or more different periods. The exact number thus furnished can not be given, but upon examination of various estimates I believe the figures shown in the second column of the table to be, in round figures, approximately correct.

States.	Continental Army.	State troops, militia, etc.	Total.
New Hampshire	12,497	4,000	16,497
Massachusetts	67,907	20,000	87,907
Rhode Island	5,908	4,000	9,908
Connecticut	31,939	9,000	40,939
New York	17,781	10,000	27,781
New Jersey	10,726	7,000	17,726
Pennsylvania	25,678	10,000	35,678
Delaware	2,386	1,000	3,386
Maryland	13,912	9,000	22,912
Virginia	26,678	30,000	56,678
North Carolina	7,263	13,000	20,263
South Carolina	6,417	20,000	26,417
Georgia	2,679	8,000	10,679
Total	231,771	145,000	376,771

The total here given is excessive as to the number that served in the Army, for many served two, three, and even four terms. Many of the men who entered the service in 1775 reentered in 1776, again in 1777, and again in 1780, and were therefore counted two, three, or four times, and from the best information attainable it is fair to assume that the number of individuals actually engaged in the military service during the war did not exceed 250,000.

Table showing the number of men in the regular and volunteer forces during the war with Mexico, 1846–1848.

State.	Strength.
Regular Army (including marines)	42,545
Volunteers.	
Alabama	3,026
Arkansas	1,323
California	571
Florida	370
Georgia	2,132
Illinois	6,123
Indiana	4,585
Iowa	250
Kentucky	4,842
Louisiana	7,947
Maryland and District of Columbia	1,355
Massachusetts	1,057
Michigan	1,103
Mississippi	2,423
Missouri	7,016
New Jersey	425
New York	2,336
North Carolina	935
Ohio	5,536
Pennsylvania	2,503
South Carolina	1,077
Tennessee	5,865
Texas	8,018
Virginia	1,320
Wisconsin	146
Mormons	585
Remustered volunteers, etc	844
Total	116,321
SUMMARY.	
Regulars	30,954
Militia and volunteers	73,776
Total	112,230

Statement of number of men called for by the President of the United States and number furnished by each State, Territory, and District of Columbia from April 15, 1861, to close of war between the States.

State or Territory.	Aggregate.				Aggregate reduced to a three years' standard.
	Quota.	Men furnished.	Paid commutation.	Total.	
Maine	73,587	70,107	2,007	72,114	56,776
New Hampshire	35,897	33,937	692	34,629	30,849
Vermont	32,074	33,288	1,974	35,262	29,068
Massachusetts	139,095	146,730	5,318	152,048	124,104
Rhode Island	18,898	23,256	463	23,699	17,866
Connecticut	44,737	55,864	1,515	57,379	50,623
New York	507,148	448,850	18,197	467,047	392,270
New Jersey	92,820	76,814	4,196	81,010	57,908
Pennsylvania	385,369	337,936	28,171	366,107	265,517
Delaware	13,235	12,284	1,386	13,670	10,322
Maryland	70,965	46,633	3,678	50,316	41,275
West Virginia	34,453	32,068	.....	32,068	27,714
District of Columbia	13,973	16,554	338	16,892	11,506
Ohio	306,322	313,180	6,479	319,659	240,514
Indiana	199,788	196,353	784	197,147	153,576
Illinois	244,496	259,022	55	259,147	214,133
Michigan	95,007	87,364	2,008	89,372	80,111
Wisconsin	109,080	91,327	5,097	96,424	79,280
Minnesota	26,326	24,020	1,032	25,052	19,693
Iowa	79,521	76,242	67	76,309	68,630
Missouri	122,496	109,111	.....	109,111	86,530
Kentucky	100,782	75,760	3,265	79,025	70,832
Kansas	12,961	20,149	2	20,151	18,706
Tennessee	1,560	31,092	.....	31,092	26,394
Arkansas	780	8,289	.....	8,289	7,836
North Carolina	1,560	3,156	.....	3,156	3,156
California	.....	15,725	.....	15,725	15,725
Nevada	.....	1,080	.....	1,080	1,080
Oregon	.....	1,810	.....	1,810	1,773
Washington Territory	.....	964	.....	964	964
Nebraska Territory	.....	3,157	.....	3,157	2,175
Colorado Territory	.....	4,903	.....	4,903	3,697
Dakota Territory	.....	206	.....	206	206
New Mexico Territory	.....	6,561	.....	6,561	4,432
Alabama	.....	2,576	.....	2,576	1,611
Florida	.....	1,290	.....	1,290	1,290
Louisiana	.....	5,224	.....	5,224	4,654
Mississippi	.....	545	.....	545	545
Texas	.....	1,965	.....	1,965	1,632
Indian Nation	.....	3,530	.....	3,530	3,530
Colored troops*	.....	99,337	.....	99,337	96,033
Total	2,763,670	2,778,304	86,724	2,865,028	2,324,516

*Colored troops organized at various stations in the States in the war, embracing all not specifically credited to States, and which can not be so assigned.

This table shows that every State in the Union furnished men in the Federal army except South Carolina.

WAR DEPARTMENT, RECORD AND PENSION DIVISION, *January, 1892.*

Table showing strength of volunteer forces called into the service of the United States during the war with Spain.

	Strength at muster in.		Strength at muster out.		Total number accounted for on muster-out roll.		Losses while in service.		
							Officers.		
	Officers.	Men.	Officers.	Men.			Promoted or transferred.	Resigned or discharged.	Dismissed.
General officers and staff	1,010	1,329	254	.....	1,010	1,329	33	703	.....
Alabama	141	3,061	144	3,007	158	3,864	3	10	.....
Arkansas	91	1,934	92	2,049	108	2,728	.....	15	.....
California	186	4,441	196	4,587	232	5,587	.....	35	.....
Colorado	49	1,076	49	1,041	70	1,367	7	13	.....
Connecticut	100	2,436	103	2,850	124	3,127	.....	20	.....
District of Columbia	49	922	49	810	53	937	.....	3	.....
Delaware	47	969	43	836	51	977	.....	8	.....
Florida	48	956	48	1,135	54	1,296	.....	5	.....
Georgia	142	3,389	144	3,094	165	4,218	.....	20	.....
Idaho	32	644	32	444	50	678	.....	17	.....
Illinois	489	10,453	487	11,667	547	13,100	4	49	1
Indiana	260	5,564	259	6,408	281	7,142	1	18	.....
Iowa	206	3,354	202	4,403	230	5,000	1	23	.....
Kansas	167	3,735	166	3,957	229	4,000	.....	55	1
Kentucky	186	4,559	199	4,756	217	5,399	1	17	.....
Louisiana	101	2,255	96	2,223	122	2,794	2	17	.....
Maine	61	1,444	61	1,668	67	1,820	1	3	.....
Maryland	91	1,979	98	2,299	114	2,590	.....	15	.....
Massachusetts	277	5,515	274	6,100	321	6,790	2	37	.....
Michigan	233	5,185	231	5,655	262	6,570	.....	26	.....
Minnesota	196	4,222	196	4,462	229	5,151	.....	30	.....
Mississippi	108	2,512	115	2,695	125	2,036	.....	8	.....
Missouri	271	6,234	278	6,978	327	8,083	1	45	.....
Montana	48	976	48	673	78	1,054	.....	28	.....
Nebraska	137	3,232	136	2,938	200	3,846	23	36	.....
Nevada	15	481	16	327	17	505	.....	1	.....
New Hampshire	47	952	47	1,234	60	1,309	.....	10	.....
New Jersey	184	4,163	193	4,522	237	5,264	.....	44	.....
New York	705	15,924	717	17,238	927	19,937	29	171	.....
North Carolina	145	2,840	139	3,263	164	3,802	1	23	.....
North Dakota	27	658	31	507	48	671	.....	17	.....
Ohio	485	9,557	508	12,407	573	13,682	10	47	.....
Oregon	56	1,182	50	1,234	62	1,508	.....	12	.....
Pennsylvania	619	11,696	614	14,636	709	16,739	3	82	.....
Rhode Island	54	1,170	51	1,251	76	1,578	7	18	.....
South Carolina	90	2,060	99	2,077	104	2,514	.....	4	.....
South Dakota	46	983	46	622	70	1,064	.....	20	.....
Tennessee	187	4,148	183	3,993	235	6,031	9	40	.....
Texas	231	5,054	230	4,824	259	6,506	1	27	.....
Utah	15	429	16	443	23	555	.....	.....	.....
Vermont	48	980	49	925	52	992	.....	.....	.....
Virginia	164	3,709	166	4,249	194	5,029	.....	.....	.....
Washington	60	1,379	60	1,180	87	1,767	.....	.....	.....
West Virginia	88	2,245	92	2,196	110	2,584	.....	.....	.....
Wisconsin	198	4,293	195	4,863	211	5,242	.....	.....	.....
Wyoming	17	446	17	296	23	453	.....	.....	.....
United States Volunteers	763	16,992	780	14,499	1,003	18,717	.....	.....	.....
Total	8,970	173,717	8,299	183,581	10,668	220,213	.....	.....	.....

By this statement it will be observed that the South, population considered, in each of the important wars inclusive of the Revolutionary war down to the present time did furnish relatively the largest percentage or quota of troops, thus evidencing her uniform patriotism in every war of importance.

Here is the percentage as shown by these figures in the Revolutionary, Mexican, and Spanish wars as to population and as to quota of troops furnished:

(a) *War of Revolution.*—Out of a total population in all the States of the Union, of say 3,929,214, that of the South was 1,792,710, contributing 7.64 per cent of the troops, as against a population in all the States of the Union other than the South of say 2,136,504, which latter, in all, contributed only 11.22 per cent.

(b) *War with Mexico.*—Of the whole population of the United States, of say 23,191,876, that of the South was 9,521,437, contributing 5 per cent of the troops, as against a population in all the States other than the South of say 13,670.439, which latter contributed only 4.72 per cent.

(c) *Spanish-American War.*—Out of a total population in all the States, of say 76,303,387, that of the South was 25,417,548, contributing 2.27 per cent, as against a population in all the States other than the South of 50,885,839, which latter contributed only 3.19 per cent.

War of Revolution.—Southern States contributed 36.35 per cent of troops.

War with Mexico.—Southern States contributed 42.47 per cent of troops.

War with Spain.—Southern States contributed 26.29 per cent of troops.

These figures abundantly show that no section of the Union has surpassed the South in valor and patriotism in time of national warfare. The annals of history abundantly substantiate this assertion. In calling the roll of the heroes of our early wars—the Revolution, the war of 1812, the Mexican war, the Algerine war, and the various Indian wars—the long list of Southern names can not fail to impress even the most casual observer with the fact that these names were the most active and prominent.

To this list South Carolina has contributed a quota that can not be excelled by any State, either in quantity or in quality. Witness the following, as they appear upon the roll of fame:

Gen. William Moultrie, who struck the first blow for American liberty in the South, in his magnificent defense of Charleston against the invading British fleet of nine men-of-war, attacking them with only 435 men from behind rude, half-finished bulwarks on Sullivans Island, fighting desperately all day and far into the night, and finally beating them off with terrible loss, so destructive was the patriot's fire and so determined were his men.

Gen. Francis Marion, the "Swamp Fox," who regained South Carolina from the British in 1779 by a series of rapid and brilliant guerrilla movements, the like of which has not been recorded in the annals of war in ancient or modern times.

Gen. Thomas Sumter, the "Blue Hen's Chicken," who cooperated with Marion and harried the enemy under Tarleton unmercifully, defeating them in battle after battle at Rockymount, Hanging Rock, Carey's Fort, etc. Tarleton called him a "gamecock always ready for a fight," and when the American general was wounded in one of the engagements Tarleton said:

I shall be very glad to learn that Sumter is in a condition to give us no further trouble. He certainly has been our greatest plague in this country.

Gen. Charles C. Pinckney and Col. Henry Laurens were two of Washington's most esteemed aids-de-camp and did valuable service at Brandywine, Germantown, Monmouth, Charleston, and on many other fields.

Admiral W. F. Shubrick did gallant service in the *Constellation* at the affair of Craney Island in the war of 1812, and in the *Constitution* during the latter part of the war.

Gen. John C. Frémont, the "Pathfinder," was of incalculable service in preventing California from falling into the hands of Mexico in the Mexican war by his masterly tactics with his almost incredibly small force of 60 or 70 men.

Passing over into Georgia, there looms up the heroic figure of Commodore Josiah Tatnall, who was on the *Constellation* at Craney Island, in the Algerine war, under Decatur; with Perry on Lake Erie; commanded the *Spitfire* in the bombardment of Vera Cruz, and in other Mexican engagements, and was in command of the East Indian squadron in the Chinese troubles in 1858, and went to the assistance of the hard-pressed British ships with the historic exclamation, "Blood is thicker than water." Also, there is Gen. David E. Twiggs, a leading figure in the Mexican war, and prominent at Palo Alto, Resaca, Monterey, etc. Also Gen. A. H. Colquitt (afterwards Senator), another brave officer in that war. Also Capt. Samuel Dale, the hero of the "canoe fight" in the Creek war of 1813; and Gens. Samuel Elbert and William McIntosh, famous officers in the Revolutionary war.

Florida was out of the calculation in those early days.

Alabama gave the country the services of Lieut. (now Senator) EDMUND W. PETTUS, Col. P. H. Raiford, Gen. Goode Byran, and other distinguished officers in the Mexican war.

Mississippi furnishes three brilliant names in Gen. F. L. Claiborne, who commanded in the Creek war; Gen. John A. Quitman, who won many laurels at Monterey, Vera Cruz, and especially at Chapultepec; and Col. Jefferson Davis, whose record in the Mexican war was most enviable, and who by his bravery, especially at Buena Vista, where he was severely wounded, won at last the good will of his father-in-law, Gen. Zachary Taylor. General Taylor had always opposed his daughter's marriage to Davis, but after this battle he told her that she had proved a better judge of men than he. All honor to Jeff Davis, the great Confederate chieftain, who served well in the field and on the forum.

The same war developed a group of brave and eminent officers from the far Southwest—Gen. Persifor F. Smith and Col. W. S. Harney, from Louisiana; General Henderson and the renowned Col. (afterwards Gen.) Albert Sidney Johnston, from Texas, and Col. John S. Roane and Colonel Yell, of Arkansas, the latter of whom was killed while gallantly leading his troops to victory at Buena Vista.

Turning east again, we reach Tennessee, which proudly claims Gen. Andrew Jackson, the hero of New Orleans; Gen. Samuel Houston, the leader of the successful Texas revolutionists; Gen. Edmund P. Gaines, who won imperishable fame by his glorious defense of Fort Erie on August 14, 1814, and Gen. Gideon J. Pillow, one of the bravest of the leaders in the Mexican war at Monterey, Vera Cruz, Churubusco, Chapultepec, etc.

Kentucky, always a land of fighters, has given us, first and foremost, Gen. Zachary Taylor, prominent in the war of 1812, the Black Hawk war of 1832, the Seminole war of 1837, and the Mexican war, winning the victories at Palo Alto, Resaca, Monterey, and other battles, and the culminating victory of Buena Vista, where the chagrined Mexican general, Santa Ana, said that Taylor had been thrice beaten and did not know it, and where Taylor's remarks were confined to such sentences as "A little more grape, Captain Bragg." Kentucky also furnished Col. Richard M. Johnson, one of Harrison's right-hand men in the "Tecumseh" campaign, and a mighty factor at the battle of the Thames, with his invincible "Mounted Kentuckians." Also Maj. George Croghan, whose heroic defense of Fort Stephenson at Sandusky was the first gleam of success in the Northwest in that war. Gen. William O. Butler and Col. John S. Williams were two gallant Kentuckians in the Mexican war.

North Carolina gave us Gens. James Moore and Robert Howe, two of the most efficient officers of the Revolutionary army. Gen. Joseph Lane, a grand fighter at Buena Vista and in other Mexican battles, was a native of North Carolina.

Virginia has ample reason to "point with pride." First among the Virginians stands Gen. George Washington, who needs no detailed description. Nor is any needed by Gen. Winfield Scott, the veteran of five wars, the Commander in Chief in three, and the hero of Chippewa, Lundys Lane, Cerro Gordo, Puebla, Vera Cruz, Contreras, Churubusco, Molino del Rey, and Chapultepec. Among other eminent Virginians was Col. Henry Lee, who, though only 19 years of age at the outbreak of the Revolution, did most brilliant service throughout that war.

The surprise and capture of the British garrison at Paulus Hook without the loss of a man was perhaps his most signal feat. His renowned son, Gen. Robert E. Lee, won no less fame in the Mexican war, gaining brevet after brevet at Cerro Gordo, Contreras, Churubusco, and Chapultepec. Gen. Joseph E. Johnston won equal renown in Mexico, at Cerro Gordo, Molino del Rey, and Chapultepec. Other distinguished Virginians were, Gens. Hugh Mercer and Horatio Gates in the Revolution, and Col. George Armistead, the defender of Fort McHenry in the war of 1812, when the morning's dawn showed that "our flag was still there."

Maryland also has a brilliant roster, including Gens. Otho H. Williams and Mordecai Gist, who displayed great bravery and skill in the southern campaigns in the Revolution; Maj. Samuel Ringgold, who fell at Palo Alto; Gen. Nathan Towson, the leading artillerist of the war of 1812, whose guns played havoc with the enemy at Black Rock, Chippewa, and Lundy's Lane; and a quartet of gallant tars that it would be hard to beat—Commodore Stephen Decatur, the glorious commander of the *Chesapeake* and the *President*, and the victor in the Algerine war; Commodore Joshua Barney, conspicnous in the defense of Washington in 1812; Commodore John Rodgers, the captor of the *Highflyer* and various other British vessels in 1813, and Capt. Jesse D. Elliott, second in command under Perry on Lake Erie, and who received Perry on board the *Niagara* after the abandonment of the *Lawrence*.

Delaware is not far behind in naval glory, with her Capt. Jacob Jones, whose *Wasp* took the British *Frolic* so handily early in the struggle of 1812, and Commodore Thomas Macdonough, who, commanding the *Saratoga* in the battle of Lake Champlain, won one of the most complete naval victories on record.

I have only touched the high bumps along, as the traveler said, in this historical sketch; or, as the man said when tied to his bull yearling by a rope, as the animal was rushing along with him at breakneck speed, a neighbor says, "John where are you going?" "Damn if I know; ask the bull." [Laughter.]

In the war for Texan independence Southern blood flowed freely. An especial instance being in the war for Texan independence, so evidenced by the report, in the American Encyclopedia, of the Alamo, a fort in Bexar County, Tex., near San Antonio, on the left bank of the San Antonio River, celebrated in the Texan war for independence. It was an oblong structure, about an acre in extent, surrounded by a wall 8 or 10 feet high and 3 feet thick. Gen. Sam Houston had caused San Antonio to be dismantled, upon which Santa Ana, with a large attachment of his army, invested Fort Alamo February 23, 1836.

The Texans, consisting only of 140 men commanded by Col. William Barrett Travis, retired into the fort, while the Mexicans,

4,000 strong, after taking possession of the town, erected batteries on both sides of the river and bombarded the fort without cessation for twenty-four hours. During this time over 200 shells were discharged into the fort, yet not a man was injured, while the Texan sharpshooters, standing upon the ramparts, were able to pick off man after man of the enemy. Several assaults were now made, but in every instance the Mexicans were repulsed with loss. Colonel Travis repeatedly sent couriers to San Felipe asking for assistance, but only 32 men succeeding in forcing their way through the Mexican lines and reaching the garrison. By March 3 scarcity of provisions, combined with constant watching, had undermined the health of the men without, however, affecting their spirits.

Before daybreak on the 6th a combined attack was made by the whole Mexican force. Twice assaulting, they were twice driven back with severe loss. The Texans, unable to load in a hand-to-hand fight which now ensued, clubbed their rifles and fought with desperation until but six of their band remained alive. These, including Colonel Crockett, surrendered to Castrillion under promise of protection, but being taken before Santa Ana they were by his orders instantly cut to pieces. Colonel Crockett fell, stabbed by a dozen swords. Colonel Bowie, ill in bed, was then shot after having killed several of his assailants. Major Evans was shot while in the act of firing the powder magazine.

The bodies of the slain were collected in the center of the Alamo, and after being horribly mutilated, in which act it is said Santa Ana and his generals joined, they were burned. But three persons—a woman, a child, and a servant—were spared. The Mexican loss was 1,600. The massacre of the Alamo was followed by the battle of San Jacinto, the defeat of the whole Mexican army, and the capture of Santa Ana himself with his best generals. At this last battle the Texans, with the war cry "Remember the Alamo," carried all before them. Colonel Travis was from South Carolina, and also two other Carolinians—Bonham and Bowie—perished there. Yet some men seem to think that nothing good can come out of Nazareth—nothing good can come out of the South.

I would like to remind them again that the great "Father of his Country," "the first in war, the first in peace, and the first in the hearts of his countrymen," came from the South. There were Thomas Jefferson, Virginia; Nathaniel Macon, North Carolina; J. H. Gilliard, South Carolina; Thomas Newton, Virginia; Thomas H. Benton, Missouri; William R. King, Alabama; Dixon H. Lewis, Alabama; John C. Calhoun, South Carolina; Robert Y. Haynes, South Carolina; George McDuffie, South Carolina; William C. Preston, South Carolina; Charles Pinckney, South Carolina; John Mildege, Georgia; James Jackson, Georgia; Henry Clay, Kentucky; John J. Crittenden, Kentucky; John Randolph, Virginia; William H. Crawford, Georgia; Andrew Jackson, Tennessee; John Sevier, Tennessee; Benjamin Fitzpatrick, Alabama; Howell Cobb, Georgia; Robert Toombs, Georgia; and a host of other names from the South and West interwoven with the history of the United States in times of peace as well as in war who had a hand in the legislation which gave grandeur to the nation in the good old times, and their works are inseparably connected with the prosperous times of this country, and it is due these names, together with many other good names from the North, that they should receive something more at the hands of some of our bitter, sectional Republicans than scathing anathemas of hate and prejudice.

Peace be to their ashes, and glory to the works they have left behind them, and I stand here to defend them. These men have contributed very largely to whatever influences have gone toward making this nation what it is, and their descendants, from their time to the present, have done likewise, and will continue to do so, if not prevented by the wavers of the bloody shirt, who seem to think, as the church members thought about the Jew, that the South deserves nothing but "Hell and scissors." [Laughter.] As I have already said, the Jews have rights which should be respected, as well as other people, and I do not here disparage their race at all in relating this little anecdote as an illustration.

Well, then, it may be that some say that the South is to be further chastised for the civil war and the part she took in it. Possibly it is charged that we fought to destroy the Union. If that is charged, I deny it, and I will insert here and indorse the words uttered by the Hon. CHARLES E. HOOKER, of Mississippi, in a speech upon this subject upon the floor of the House a few days ago. He said in substance:

I do not wish it to go down to posterity that the object of the men who withdrew from the House and Senate when the Confederate government was established to raise the armies for the maintenance of the independence of the South were animated by a desire to destroy the fundamental principle which lies at the very basis of the Constitution of the United States. They believed that the rights and interests of the people of the South were jeopardized by Mr. Lincoln and the party that elected him, and they believed that the Government was originally founded by the assent of the States.

They referred to the fact, Mr. Chairman, that when the Government of the United States, at the expiration of the Revolutionary war, was inaugurated by the original thirteen States, that it was a government predicated upon the great principle of State rights and community independence. It was for this that they made the declaration. It was for that that they fought the four years' war of the Confederacy. Am I right or wrong when I say that history defends our action? The original thirteen States framed the government which was to become the government over the States which ratified it, if nine States ratified it; and then by the very declaration of the Constitution itself it was to become a government only over the States so ratifying the same. Five States of the original thirteen, including North Carolina and three others, for a long time refused to accede to the Government of the United States. They finally did so, and it became the government over thirteen States, and the language of the Constitution was that it was to be a government "only over the States so ratifying the same."

The people of the South believed that their rights were jeopardized. They appealed to the great principles which laid at the foundation of the Constitution of 1789, which was the principle of home rule and a community independence. When we had this war it was not for the destruction of that great cardinal principle, but for its preservation. And when the war closed and the Government had to be again reorganized, and these Southern States again to be brought into the Union, how was it done, Mr. Chairman? Not by force of the Government, not by the bayonet and sword, but it was done by the consent of the people in convention assembled. They therefore did not make war upon the principles which lay at the foundation of the Federal Constitution, but they made the war to maintain those principles, to defend and not destroy them.

I want the truth of history to be written, not in the spirit of laudation of one side and abuse of the other, but I want it to be written in the light of history, which will show how the government was originally framed and what was the purpose and object of the men who served in the Confederate army. It was an army organized to preserve the great and vital principles of the Constitution. It was a government founded on those principles, and when the Confederate constitution came to be adopted in Montgomery, and the government finally established at Richmond, they adopted the very same principles, only they specified with more particularity some of the grounds on which that Constitution was adopted. And when the war closed and this rehabilitation had to occur, it was decided by the court of highest resort—by that tribunal to whose decision we bow—that this was originally a government founded upon the consent of the States; that it was a government of free and independent States, based upon the action of the States, and that it was not a government of force and power. And hence it was that every State in the Union that was in the Federal Government furnished its soldiers under that principle of the Constitution mentioned in the decision of the Supreme Court that this was "an indissoluble Union, based on free and independent and indestructible States."

If the States had to yield to the superior force it did not render less sacred the great principles for which they were struggling. It was as old as the history of the English-speaking people, and extended back to the time when our ancestors made the declaration of rights and passed the Bill of Rights, and in our own country to the time when our ancestors assembled in Philadelphia and declared that it was a government for the protection of the interests of the people of the States; that the colonies were and of right ought to be free and independent States. It was to maintain that great principle that the government of the Confederacy was formed and her soldiers fought for it, not for the destruction of the great principles of the Constitution, because they had to be reverted to when we came to reorganize our Government after the war.

At first it was attempted to do this by sending military satraps to the Southern States to be governors over us with an armed force. That was a failure. The reconstruction laws were a failure. It was found that there was no way of reorganizing this Government and bringing back the Confederate States under the Government except by the consent of those States as expressed in their conventions. And thus we stand to-day—reunited, because we were struggling for the great principles of home rule and community independence, and not to destroy the cardinal and essential principles which lie at the very basis of the original Constitution of 1789, which is now the Constitution of the United States of America. [Applause on the Democratic side.]

This sentiment I indorse, every word of it. I believe with this distinguished gentleman that we were only exercising our rights under the Constitution when we proposed peaceably to withdraw from the Union, and then a war of coercion was forced upon us, and nothing was left us but to fight, and "'twere better to fight and lose than not to have fought at all."

Yes, we were defending our homes and our firesides from an invading army. Secession was not treason, and could not be made to so appear. Other sections of this country had agitated the question long before this.

Mr. FOX. May I interrupt the gentleman from South Carolina to ask him a question?

Mr. TALBERT. Certainly, my friend, if your question is not too long, as my time is limited.

Mr. FOX. I would ask the gentleman if he can mention an instance when secession was agitated before that time?

Mr. TALBERT. Yes. I will mention several instances from memory just now. So early as 1842, there was a convention of the New England States held at Hartford, Conn., to consider the advisability of seceding from the Union, and I believe concluded that they had the right under the Constitution to withdraw if their rights were trampled upon or their interests in any way jeopardized, and even threatened to do so unless some things were changed, I belive, in regard to taxation. John Quincy Adams in that year, while a member of the lower House of Congress from Massachusetts, presented to that body a series of petitions signed by a number of his constituents looking toward a withdrawal from the Union. Whereupon, a resolution of censure was offered against him for doing so, but after a long running debate, lasting several days, he vindicated himself before the House and came out victorious, the resolution failing by a large vote.

An account of this transaction may be found in the RECORD, then called the Globe, in the year 1842, during the second session of the Twenty-seventh Congress. Adams was upheld and sustained, at least, by long odds, so that secession even can not be laid

at the door of the South. The Southern people only availed themselves of what they considered, under the organic law of the land, to be their right and privilege—that of peaceably withdrawing from the Union—and we have no apology to offer to anybody or any section for such action. And under the same conditions, surrounded by the same circumstances and environments, which will probably never occur any more—and God grant it may not—we would pursue the same course again. Now, this is not said in any vainglorious or boasting manner, but only to maintain what we believe to be our own rights as we understand the Constitution and laws of the country, and we have rights as well as others. Rhode Island was the last State to adopt the Constitution, and she did not do it till she reserved the right to withdraw if she saw proper under certain conditions.

For making this assertion in a speech in the Fifty-fourth Congress a resolution of censure was offered by Mr. Barrett, a member from Massachusetts, against me; but after a running debate and discussion the matter was dropped and the resolution never heard of any more, and I was vindicated. An account of this may be found in the CONGRESSIONAL RECORD of the first session of the Fifty-fourth Congress. Then, the charge of treason against Jefferson Davis was never brought to issue, from the fact that no tribunal could ever have established treason against him under the Constitution of the nation and its powers, for he was no more of a traitor than Robert Lee or any private Confederate soldier.

Then when we come to consider the unanimity with which the South responded to the call of the President for troops to fight in the Spanish war, those who wore the gray marching side by side with those who wore the blue, it was to have been hoped that no legislation would have been proposed here that would tend to revive bitterness or reopen those old wounds. It will do no good. It can do no good, but only result in harm to every section of the country—even the discussion of such propositions. And it comes to the surface, then, that the only reason given for such interference in our domestic affairs down South by the Crumpacker bill and others, proposing, arbitrarily, to strike down a part of the representation upon the floor of this House of four of the sovereign States of this Union, is because, forsooth, those States are unwilling that the honest administration of their local affairs shall be again conducted by the rule of vice, corruption, venality, and ignorance. We do not want any more experience along that line and do not intend to have it.

We had enough of this bitter cup during the dark days of reconstruction; we never intend to swallow it again, and we feel that there is no power on earth that can make us do it. The logical end of such legislation as is proposed by such Olmsted and Moody resolutions and the Crumpacker bill and others like it is negro domination in the South or hell on earth for white men. It means the return of the rule of the carpetbagger and the negro and scalawag, when every office in most of the Southern States was filled by despicable, loathsome agents of the demon of darkness and corruption; men who had not known us when they came and planted their feet upon our soil and set up their wrongful claims to govern us; men whose only desire before and since the war was to rob and plunder honest people, reveling, as it were, in the green filthiness of their stolen prey, rendering the air even and everything around them too putrid for anything else to breed except vice and those money-mongering human maggots themselves, from the scent and scenes of which a decent dog would have turned away to vomit.

He who would undertake to place the Southern people, who are just as loyal to-day as any other section of this country, in that condition again, is no more entitled to our honest consideration than the midnight assassin who would enter your house at midnight, plunge a dagger to your heart, and rob you of your goods, and carry them off as his own. No man can have our esteem and respect who would attempt it either here or elsewhere.

Gentlemen of the House, those of you who would pass legislation here that would have such a tendency if you would, certainly do not properly understand the conditions confronting us, nor can you have a proper conception of the horrors of carpetbag rule in the South from 1870 to 1876.

While Sherman's march through Georgia—burning barns and homes, slaughtering work horses and stealing cattle, leaving people stripped and naked—and his march to the sea, through South Carolina, with the many acts of cruelty, brutality, and robbery, leaving the people without shelter or food to perish, together with the cowardly burning of Columbia and Atlanta, and other towns, villages, and homes, insulting and leaving defenseless the women and children, are still in their memories, with all its attendant infamy, ruffianism, cowardice, destruction, desolation, and damnation, it is less distasteful and horrible, if it be possible, to our people than the ten years' reign of the carpetbagger, scalawag, and negro, with all its awful, direful, and infernal recollections.

I do not believe that a large number of the more conservative Republicans will vote for these measures. I believe they will rise above passion and prejudice and view the matter from the light of broader statesmanship and be more just to a long-suffering people who, as I have before said, are as loyal to the flag to-day of a reunited country as those of any other section of this great country. Has not the war with Spain yielded its full harvest of results? Ought it not have hushed the loud clamor of sectional voices and brought our country into harmony of sentiment and action? Ought it not to have blotted out all divisions and destroyed all prejudices? The sons of men who faced each other in the red blaze of battle in the war between the States have clasped hands over the bloody chasm, buried the bloody shirt, and are now marching side by side, keeping step to martial music, ready to dare and to die for the same flag and the same country.

Yet the Crumpacker bill proposes to take from the State of Louisiana 2 of her Representatives, reducing her from 6 to 4; from Mississippi, 3, reducing her from 7 to 4; from North Carolina, 4, reducing her from 9 to 5, and from South Carolina, 3, reducing her from 7 to 4. Now, why is it proposed to do this, I have asked? Simply because these States have endeavored to protect themselves by constitutions and constitutional amendments against a return of such conditions as I have described above, from a return to power of those who feasted and fattened upon our people during the reconstruction period, destroying our credit and business and disgracing our institutions. That is the reason we find, and nothing more. Strange as it may appear, the constitutions of these four States are fashioned after those of the North. Take the constitution of my own beloved little State of South Carolina and compare it with that of New York, Massachusetts, Ohio, Connecticut, and many others of the States north of Mason and Dixon's line, and what do you find? You will find their constitutions more restrictive of the suffrage than South Carolina's ever dared to be. Now, let us examine the laws of some of the Northern States and compare them as I said in the outset, as I have collated them from a speech delivered by a distinguished Senator at the other end of the Capitol upon this subject, the late Senator George, of Mississippi, in the Fifty-first Congress, second session.

Mr. CRUMPACKER. I have no desire to disarrange the plan of the gentleman's speech or his argument, but I would like to ask him this question—whether he recognizes the fourteenth amendment as a part of the Constitution of the United States?

Mr. TALBERT. I am not here to stand a civil-service examination individually, and will refer the gentleman to the constitution of South Carolina, but I want to say that I hold in my hand here statistics on this subject, or rather information, from other States along this line, and I find that Indiana, neither before nor since the war, has paid any more attention to the rights of the negro than other States, and hardly as much.

Mr. CRUMPACKER. I would like to have a more definite answer to my question whether the gentleman recognizes the fourteenth amendment as a binding part of the Constitution.

Mr. TALBERT. The constitution of South Carolina conforms to all the articles of the Constitution and all the amendments. The gentleman may take the constitution of the State of South Carolina and he can not find a single scratch of the pen that is in violation of the Constitution or laws of the United States, and that is sufficient answer to the gentleman's question.

Mr. CRUMPACKER. Is not the gentleman aware of the fact that local legislation in a great many of the States has disfranchised a large percentage of the male inhabitants over 21 years of age?

Mr. TALBERT. I assert, and the statement will be sustained by examination, that the laws of the States north of Mason and Dixon's line are much more restrictive and severe in respect to suffrage than those of the South, and the gentleman should inquire in that direction, and I advise him to sweep before his own door before he comes to mine.

Mr. CRUMPACKER. That is not an answer to my question.

Mr. TALBERT. The gentleman must understand that he must not stand up here and attempt to put words in my mouth. I must be allowed to answer in my own way, as I am accustomed to do in other things.

Mr. CRUMPACKER. I beg the pardon of the genial gentleman, who, I thought, in the beginning of his remarks, announced his disposition to be fair and dispassionate——

Mr. TALBERT. I still desire to be fair, and will say that you can take the constitution of South Carolina and I defy you to point out anything that discriminates against the white man or the black man or any other man, but you will find it, as I have stated, absolutely fair and impartial to everybody, and I will say to the gentleman that I had the honor of having a hand in making that instrument.

Mr. CRUMPACKER. I do not claim that the constitution of South Carolina discriminates in terms against any race or any class of citizens; but I do claim that it has substantially disfranchised all the colored population.

Mr. TALBERT. I can not allow my time to be consumed in this way, but will say that all those who are qualified vote and those who are not do not vote.

Mr. CRUMPACKER. Just one moment——

Mr. TALBERT. I must decline to be further interrupted, as I find my time is limited——

Mr. CRUMPACKER. I beg pardon for interrupting the gentleman, and will say that he is at perfect liberty to strike out this interruption when he prints his remarks. I am reluctant to inject any argument of mine into the belly of the gentleman's speech.

Mr. TALBERT. I am obliged to the gentleman, but I do not care anything about his remarks although not very ornate; but now let us see what some of these laws are in the Northern States.

I will now speak of some of the constitutions and laws of the other Northern States, as said in the beginning of my remarks. Let us see what are some of the laws of the State of Massachusetts. In the revision of the laws of Massachusetts of 1814 I find that—

Negroes were not allowed to be enrolled in the militia, but they were required to attend the calls of the militia companies and to do such work as might be required of them by the officers.

I also find that—

Negroes and mulattoes were prohibited from entertaining any negro or mulatto servants under a penalty of 5 shillings for each offense, and if any were unable to pay the fine he was to work in the house of correction at hard labor for two days for each shilling of the fine.

I again find a statute in 1814, a preamble—

That great charge and inconvenience have occurred in divers towns by releasing and setting free negro and mulatto slaves.

I find this law—

That no such persons shall be freed until the bond and security be first given to indemnify the town against such negro or mulatto becoming a charge on the town.

Then, on page 748 of same book, it is also a law—

That if a negro or mulatto shall strike any person of the English or other Christian nation he shall be punished by a severe whipping at the discretion of the justice.

No jury trial was allowed to the negro. At that time these persons of the African race were not even entitled to the right of a trial by jury, but if one of them should strike an Englishman or any other man of a Christian nation he was to be whipped at the public whipping post at the discretion of the justice.

And at the same place it is enacted that no one of the English, Scotch, or other Christian nation shall intermarry with a negro or mulatto, and a penalty of £50 is imposed on any minister who shall solemnize such a marriage. In the compilation of the statutes of 1836 intermarriage between whites and blacks is again prohibited. It may be well to add that negroes were excluded from militia service in Massachusetts until the year 1852.

These things are not mentioned for the purpose of bringing any opprobrium upon that great State whatever. I only want to show here, where there was not one black man to every 1,000 white persons, these things were deemed essential for the preservation of the good order and the liberties and safety of the people of the State of Massachusetts.

Now, let us take Rhode Island:

In the revision of the statutes of 1822, page 371, intermarriage between whites and blacks was prohibited, and such a marriage was declared void. This provision was continued in the revision of 1857, and also in the revision of 1872, eight years after the war closed, and a person joining such a person in marriage was liable to a fine of $200. Whites only allowed to vote—

In Rhode Island, as in Connecticut, the right of a negro to vote came from the adoption of the fifteenth amendment, and not from any act of those States.

I will say here also that, during the war or soon after the war, and before the fifteenth amendment was adopted, a proposition was submitted to the people of Connecticut to enfranchise the negro and make a voter of him, and that proposition was voted down. It was also done in Ohio and Wisconsin and in Illinois, and possibly in some of the other States. The people of these States determined each for themselves that the negro was unfit for political power. This was done, too, in cool moments, with no excitement or passion, and yet nothing is said about it.

In Little Rhody again—

The granting of license for keeping of taverns, alehouses, victualing houses, cook shops, oyster shops, and for retailing liquors was prohibited—

In these exact words—

to any colored or black person, nor shall any white person, duly licensed, suffer any black or colored person in his employ or his agent to sell any liquor whatever, under penalty of forfeiting such license.

Here is the judgment of the State of Rhode Island, as late, at least, as the year 1822, that the negroes were unfit for the right of suffrage, that they were not allowed to participate in the business of the country. They could not keep a boarding house; they could not keep a restaurant; they could not keep even a cake shop; they could not keep a fish and ice store, and they could not keep a place for retailing liquors. Not only that, but a white man having a business of some kind was not allowed to have a negro barkeeper. Yet you have not said a word about this treatment of the negro in Rhode Island. In the same book, on page 444, there is a law to this effect:

If any free negro or mulatto shall keep a disorderly house or entertain any person at unseasonable hours or in an extravagant manner, the town council may break up the housekeeping of such negro or mulatto and bind him out to serve two years.

Gentlemen of the House, that was the judgment of the enlightened, the conservative, the liberty-loving people of this State.

Slavery was abolished in Rhode Island in 1784, but the children of slaves were continued under the control of their owners until they were 21 years of age. By the constitution of 1842 only citizens of the United States were allowed to vote. This excluded negroes, as they were not citizens then.

This was a decision by the supreme court of the State of Connecticut, and afterwards by the Supreme Court of the United States in the Dred Scott case.

In Connecticut, then, we see that—

Slavery was abolished in 1784 by declaring free all born of slave mothers after that time, but their children were born to serve their owners until the age of 25 years. Those born before were continued in slavery. (See Jackson *v.* Bullock, 2 Conn. Reports, 38.) In revision of 1821, only whites were allowed to vote.

We further find that in this State—

The amended constitution of 1845 contains the same provision, and this provision remains in words in the constitution of Connecticut up to the present time.

The date of this compilation from which this is taken is the year 1875.

A negro can not vote in Connecticut except by virtue of the Constitution of the United States. The State constitution prohibits it.

In the revision of 1839 negroes were prohibited from serving in the militia, and in the revision of 1849 and in the revision of 1866, this provision having been left out only in the revision of the year 1875. So much for the status of the negro in the great State of Connecticut up to the present time.

Then in Vermont:

Only whites are allowed to serve in the militia. This provision continued in the revision of 1840 and the revision of 1850, and left out in the revision of 1870.

In New Hampshire whites only were allowed in the militia in the revision of 1853. In Maine marriages between whites and negroes were prohibited.

In Pennsylvania we find that—

Negroes and mulattoes were excluded from militia duty until 1872. The fifteenth amendment did not apply to serving in the militia. It only applied to voting. So Pennsylvania allowed the poor negroes to be excluded from serving in the militia until 1872. They were not allowed to serve on a jury up to that time. Whites only were allowed to vote until 1870—that is, under the fifteenth amendment.

As to New Jersey:

Act passed February, 1820, made free every child born of a slave since July 4, 1804, but provided that such child should remain the servant of the owner of his or her mother, as if bound to service by the overseers of the poor until the male children were 28 and the female 21 years of age.

This is found in the revision of 1847, I believe:

On the 18th of April, 1846, an act was passed to abolish slavery finally, and every slave then in the State was made free; but every such freedman was made apprentice to his then owner, who was only allowed to discharge him from service by securing the certificates of the overseers of the poor and of two justices that such apprentice proposed to be freed was of sound mind and capable of making a support, or without such certificate, if the owner would give bond, with security, that the negro would not become a charge to the county.

That was the New Jersey plan. They freed the negro, but required the owner to hold him except upon proof of his capacity to take care of himself. In this manner New Jersey disposed of the business.

The children of these apprentices were to be supported by their masters till they were 6 years old, and then, in all cases, they were to be bound as poor children by overseers of the poor, the owner having the preference. Persons enticing away such apprentices were declared guilty of a misdemeanor and fined $100, and persons harboring such apprentices were made liable to pay $1 for each day they so harbored them.

Only whites were allowed to be enrolled in the militia and only whites were entitled to vote. (See the constitution of 1847, art. 2).

This constitution, as far as I have been able to learn, has not been changed.

Now comes the great State of Ohio, the generous gift of grand old Virginia to the United States:

Act passed in 1804 prohibited, after June 1 of that year, any black or mulatto persons from settling or residing in the State without a certificate of freedom; any person employing such a person without certificate shall be fined from $10 to $50. In 1807 an act was passed prohibiting any negro or mulatto from settling in the State unless he shall, within twenty days after his arrival, give bond, with two or more freehold sureties, in the penalty of $500, conditioned for the good behavior of such negro or mulatto and to pay for his support in case he shall be unable to support himself; and if any negro or mulatto shall immigrate into the State without complying with the above, it was made the duty of the overseer of the poor to remove him as a pauper. And if any person shall employ, harbor, or conceal such negro or mulatto, and who has not complied with the above, he shall forfeit $100 and be liable to support the same in case he becomes unable to do so.

This is the way Ohio regarded the freedman. She would not allow him to come within her borders unless he would give bond and security that he would not become a charge upon the county. This act was passed in 1807, but was continued in force, I believe, because I see the revision of 1847 cites the place in which you could find the law. It must have been in force up to that time.

In the same act a negro or mulatto was an incompetent witness in any case in which a white person was interested.

The constitution of Ohio, in force when the war ended, confined the right to vote to whites.

And when the proposition was submitted to the people of Ohio, just after the war, to strike out that clause of the Constitution prohibiting negroes from voting, it was voted down by a great majority.

In 1859 an act was passed directing the judges of election to reject all voters who had a distinct and visible admixture of African blood. Judges receiving such votes were made liable to a fine from $100 or $500 and to imprisonment from one to six months; and any person aiding or advising such voting was made liable to imprisonment.

In 1861 an act was passed prohibiting any person of pure white blood from intermarrying or having illicit carnal intercourse with any negro or with any person having a distinct and visible admixture of African blood, under a penalty of a fine of $100 and imprisonment for six months.

In 1868, the very year in which General Grant was elected, the very year in which these reconstructed constitutions were forced upon the people of the Southern States, Ohio passed a law containing severe provisions against negro voting.

Negroes were not allowed to serve as jurors, and the prohibition was in force in 1868.

Now, let us see about Indiana:

By statute (see revision of 1831, page 375) free negroes were prohibited from settling in the State, unless bond and security for $100 in each case was given that he should not become a charge on the county as a pauper, and it was provided that if the negro was convicted of any penal offense (however trivial, as an affray or gaming) the whole bond was forfeited.

A negro settling in the State and failing to give bond was to be hired out by a public officer for six months, unless he removed from the State, and any person hiring or harboring such a negro was liable to be fined $1,000.

A negro or mulatto having one-fourth negro blood could not be a witness for or against a white person.

By the first constitution of Indiana, adopted in 1816, only whites were allowed to vote and only whites could be in the militia.

(Article 7, section 11.) Marriages between whites and blacks were prohibited, and if such persons should go out of the State to marry the marriage was void. Whites and blacks or mulattoes intermarrying were liable to imprisonment in the penitentiary from one to ten years, and all persons aiding in or advising such marriage were punishable in the same way, and any person concealing or harboring whites and negroes who had intermarried, with intent to prevent their detection and punishment, were punishable in the penitentiary from one to five years.

No want of religious belief in whites was a ground to exclude them as witnesses, but blacks and mulattoes were excluded in cases for or against whites. This provision was in force at least as late as 1862.

The constitution of Indiana made in 1851, and still remaining as then written at least as late as 1870, prohibits negroes and mulattoes from voting; and article 13 of that constitution prohibits negroes and mulattoes from moving to and settling in the State; and that constitution makes void all contracts made with negroes and mulattoes so coming into the State, and punishes all persons employing them or encouraging them to settle in the State by a fine of from $50 to $500.

So if a negro should evade the law and should slip into the State of Indiana he was an outlaw; he was not allowed to make any contract for any purpose whatever. There he had no showing whatever indeed.

Go to Illinois. We find some very interesting reading in Illinois, a State which gave us General Grant and Mr. Lincoln.

At an early day Illinois prohibited negroes and mulattoes from settling in the State unless they had certificates of freedom and unless each settler should give bond in the penalty of $1,000, with good security, that he would not become a charge upon the county as a pauper, and that he would at all times demean himself according to law, and any person hiring or giving sustenance to a negro or mulatto settling in the State in violation of this law was liable to a fine of $500. (Revised statutes of Illinois of 1829.)

Marriages between whites and blacks or mulattoes were prohibited, and persons violating the statute on the subject were to be whipped with 39 lashes and imprisoned for one year, and persons solemnizing such marriages, or granting licenses therefor, were to be fined $300 and to be thereafter ineligible to hold office in that State. This was continued in the revision of 1845.

In revised statutes of 1883 the same provision as to settling in the State of free negroes will be found.

In the constitution of Illinois, by which the State was admitted into the Union, slavery was abolished, but the apprenticing and binding out of negro servants was authorized. Under this constitution there were many stringent and severe provisions enacted to secure the rights of the master to the apprentice and to his labor, and to enforce subordination of negroes and mulattoes. These will be found in the revision of 1833, commencing on page 457. Among them is a prohibition against any negro or mulatto being brought into the State to be set free without bond and security in $1,000 given to indemnify to counties against the negro becoming a pauper. Free negroes were also required to have certificates of freedom.

Any negro servant being lazy, disorderly, or guilty of misbehavior to his master or his family was punishable with stripes, and if he refused to work he was to be compelled thereto in like manner; and, moreover, was compelled to serve, after his term had expired, two days for every one he had refused to work. And if he ran away he was also compelled to pay, after his term was out, all expense of catching and bringing him home. He was allowed to acquire goods and money only, not real estate; nor was he allowed to trade in any commodity without the consent of his master.

These bound or apprenticed servants were also punishable in all cases by whipping, when free persons were punishable by fine.

They fined the white man and whipped the negro.

This provision was continued in the revision of 1845, and a person permitting slaves or servants of color, to the number of three or more, to assemble at his or her house for the purpose of dancing or reveling was fined $20 and costs, and the slaves or servants put in jail and whipped. This was continued in the revision of 1845.

Apprentices were also required to be taught to read, write, and to know arithmetic; but a colored apprentice was only to be taught to read. This provision continued in revision of 1858.

Negroes were not allowed to be witnesses for or against whites.

In revision of 1845, keepers of public houses were prohibited from entertaining these servants, negroes, or mulattoes, and the provision against their being witnesses where white men were interested was continued, with the enactment that a mulatto having one-fourth negro blood should be excluded, and Indians were only excluded if they had half Indian blood.

So it appears that an Indian was just twice as good as a negro in the State of Illinois at that time.

And in same revision no negro or mulatto was permitted to reside in the State without a certificate of his freedom, and without giving bond and surety, in the penalty of $1,000, against his becoming a charge on the county, and, further, that he or she, at all times, demean himself or herself in strict conformity with the laws of this State that now or hereafter may be enacted; and for any violation of the laws (however trivial) the whole fine of $1,000 was recoverable. And any person harboring a negro or mulatto or hiring or giving him sustenance, not having such certificate or giving such bond, except he was a resident when the law was passed, was to be fined $500.

Every person bringing a negro in the State for the purpose of freeing him was finable $100. Living in the state of adultery by white with black, and vice versa, punished with $500 fine and with imprisonment in penitentiary for a year, and for each succeeding offense the parties were to be punished doubly and trebly.

That is, the second offense double, the third offense three times, the fourth four times, and so on.

By the new constitution of 1847 only whites were allowed to vote or to serve in the militia. Apportionments for members of the legislature were to be accorded to white population. By article 14 the legislature was required at its first session to pass such laws as would efficiently prevent free persons of color from immigrating and settling in the State, and to prevent effectually the owners of slaves from bringing them into the State for the purpose of setting them free.

By the revised statutes of 1857, page 824, the legislature carried out this provision by the most stringent legislation, and among them was a prohibition against any person bringing into the State any colored person, slave or free, under the penalty of a fine of $500 and imprisonment for one year. And it was also provided that if any negro or mulatto, bond or free, shall come into the State and remain ten days, with the evident intent of residing there, he shall be deemed guilty of a high misdemeanor and fined $50, and he shall be sold to pay fine and costs (if unable to pay them), and his purchaser shall have right to compel him to work, and if, when his term of service under the sale is out, he does not leave the State in ten days he shall be fined $100 and be sold again; and this process of fine, it being increased at every succeeding offense $50, was to go on until the negro or mulatto died or left the State.

In the same book, page 460, persons of color were to have no other interest in the common-school taxes except such amount as they paid themselves. The provision hereinbefore set out against intermarrying between whites and persons of color, against their being witnesses, was continued in the revision of 1858, and was not repealed until 1865. The same provisions also as to adultery between whites and blacks were continued in the revision of 1858, with a special proviso to prevent all misunderstanding, that the law was not to apply where whites alone were the guilty parties.

The constitutional provisions before set out remained unchanged and unaltered until August, 1870.

That was the provision of the laws of Illinois upon the subject running through to the year 1865; but it is said sometimes was under the dictation of Stephen A. Douglas, and these laws did not represent the views and wishes and the sentiments of the people of that great State.

The constitution of Iowa, 1846, article 6, allows only whites in the militia; and by article 2, section 1, only whites were allowed to vote.

Indians, negroes, and mulattoes not allowed to give evidence in a case where whites were interested.

By the new constitution of 1857, idiots, insane persons, and those convicted of infamous crimes, and colored persons—

Note the allocation—

are not allowed to vote. Only whites allowed in the militia.

It was just as bad in Iowa, so far as the right of suffrage was concerned, to be a negro or a mulatto as to be an idiot or an insane person or a person convicted of an infamous crime.

Constitution of Michigan, 1835—only whites allowed to vote.

By the constitution of 1850, article 7, whites, unnaturalized foreigners who have declared their intentions to become citizens, and civilized Indians were allowed to vote, but not negroes or mulattoes.

An unnaturalized foreigner was allowed to vote, but no man who had a distinct and visable admixture of African blood in his veins was allowed to vote. By article 17 of that constitution whites only were allowed to serve in the militia.

They were not even as liberal as they were in Massachusetts. Massachusetts would not allow negroes to serve in the ranks, would not allow them to have guns, would not allow them to march and countermarch and be drilled, but allowed them to go to a camp and to wait on the white soldiers. Michigan was not as liberal as that.

Under the constitution of Wisconsin, article 11, these persons only were allowed to vote: First, white citizens of the United States; second, white persons of foreign birth who had merely declared their intention to become citizens; third, Indians who had been declared by act of Congress citizens, and also any civilized person of Indian descent.

Whites only were allowed in the militia, and only whites were allowed to serve on jury.

This is shown by the revised statutes of that State of 1858.

How was it in Minnesota?

The constitution of 1857 made white citizens and white foreigners voters, as in the constitution of Wisconsin; persons of mixed Indian blood—

"Of mixed Indian blood," mark you—

who have adopted the customs and the habits of civilization, and also persons of whole Indian blood who adopted the language, habits, and customs of civilization, and after being examined by a court and found competent, were also made voters, but negroes and mulattoes were excluded.

In the revision of 1858—

In Minnesota—

only whites could be grand jurors, and only whites could serve in the militia.

Now we come to the State of Oregon, and the history of that State is especially interesting to the American people and to the students of the great questions of how, and by what means, and against what convictions the attempt is made to place the foot of the African in Mississippi, Louisiana, and North and South Carolina upon the neck of the Anglo-Saxon.

Constitution of 1857, whites only were voters, and the constitution, while it prohibited slavery, also prohibited free negroes from coming to the State or holding real estate there, or making any contracts within the State, or maintaining any suit in its courts; and the legislature was required to pass laws to carry out this provision. This constitution was unchanged in 1872, and probably it is so at this time.

By the revised statutes of Nebraska of 1866 negroes were not allowed to vote; but naturalized whites, foreigners who had merely declared their intentions to become citizens, were allowed to vote. * * * Marriages were made void when one party is white and the other had one-fourth or more of negro blood.

The statute on common schools declared that for the purpose of affording a free education "to all white youths" a school tax should be levied on whites only.

This provision was not changed till 1869.

The statute on witnesses provided that every human being of sufficient capacity to understand the obligations of an oath is a competent witness * * * except the following—

Now, let us see who are the exceptions:

Every human being of sufficient capacity to understand the obligation of an oath shall be a competent witness * * *

First. Persons of unsound mind, etc.

Second. Indians and negroes who appear incapable of receiving just impressions of the facts respecting which they are examined or of relating them intelligently or truly.

Only whites were allowed to serve on juries.

The constitution of the State was adopted in 1867. It excluded negroes and mulattoes from voting—

In 1867—

but allowed unnaturalized foreigners to vote as soon as they had declared their intention of becoming citizens.

The prohibition of intermarriage between whites and blacks was reenacted in the code of 1873, and also exclusion of negroes from juries.

The constitution of Nevada, framed in 1864, allows whites only to vote, and whites allowed only in the militia.

By the constitution of Kansas, adopted in 1859, negroes were not allowed to vote, but naturalized foreigners were.

They were excluded from the militia.

Only electors, and they were white only, were allowed to sit on juries. Then, as I have said, you find no such restrictions in the constitution and laws of South Carolina, and I have only cited these cases for information and to show that the Northern States have out-Heroded Herod. Then again I invite attention to the constitution of South Carolina and the laws made under that constitution, again asserting that its provisions are more favorable to the negro than many Northern States, a copy of which I hold in my hand for anyone to read for himself.

I speak more particularly of my own State, one of the proudest and grandest in the Union. I am proud of her and her traditions, her past and present history, her brave men and noble women. I love everything that pertains to her history, her hills and her valleys, her mountains and her meadows, her rivulets and her rivers, and all her memories of the past and glories of the present. No truer, braver, or more heroic men, nor fairer, more patriotic, or more virtuous women live upon the earth. During the fateful days from 1861 to 1865 her sons illustrated their heroism upon a hundred bloody fields, standing by the sinking star of a doomed cause, though just, bearing in their manly hearts a more forlorn hope than that which inspired the Six Hundred at Balaklava, and following the Southern Cross with a devotion and courage that would have added new luster to Rome's victorious legions in her palmiest days. But when our flag went down upon the fatal field of Appomattox, when Robert E. Lee said we would fight no more, South Carolina accepted in good faith, with all the South, the result, and if anything more is needed to test her loyalty I refer you to the Spanish war again, which will have its weight with all fair-minded men.

Some of the richest blood of the South has been poured out in that war upon the decks of our battle ships and upon bloody fields, and to-day wherever our armies are found the South and the North stand together in deeds of patriotic duty. But in addition to all other responsibilities and duties the people of the South have a race problem to solve—the most difficult that ever confronted a proud-spirited people. Yet we feel that we can solve it and will solve it if only let alone; and I want to say right here we feel that we must solve it without any help from the North. It is a question that we alone can settle, best guided by the wisest statesmanship and forbearance toward the negro. Then let us settle it ourselves in our own way.

There are some things in which we are left alone, and one of them was the Charleston Exposition. The Fifty-sixth Congress saw fit at its last session to appropriate $500,000 for Buffalo, N. Y., and $5,000,000 more for the St. Louis Exposition has been granted, and an appropriation of $250,000 was refused to South Carolina for the Charleston and West India Exposition. In advocating that measure I made the following short appeal in a speech upon the floor of the House while the question was pending, but in vain:

Mr. TALBERT. Mr. Speaker, let us look at this matter dispassionately and without excitement. Let us look at it as a business proposition, for it is one of plain business. This Government is asked to spend $250,000 in order to place its own exhibits where they can be seen at the Charleston and West Indian Exposition by visitors from every section of the country. Charleston has raised $250,000 and the State legislature has given $50,000. Now, will the Government do it? This money is not a gift from the Government, but only spending its own money to place upon exhibit its own resources. The gentleman from Minnesota says the St. Louis exposition will be an international one. I say Charleston's will be a national one and will be equally as important as the other. Let us ask if South Carolina's history does not entitle her to consideration along this line, as well as the State of New York, Tennessee, Louisiana, or any of them.

Yes, sir, the record of South Carolina in our struggle for independence can very safely challenge a comparison with any other of her sister colonies. In the patriotism of her women, none excel her, and she can recall with pride the devotion of Mrs. Motte, whose palatial residence being occupied by the British, furnished the patriots with the means of destruction of her own beautiful home. She can point with pride to the perilous trip of Emily Geiger on horseback from old Cambridge to Charleston, carrying the message to General Greene that foiled the brutal Tarleton in his murderous designs. Many other names might be mentioned, but time forbids, and then I am only speaking from memory on the spur of the moment about some of the noble women and men of my native State.

I know her statesmen were potential and prominent in the organization and establishment of our magnificent system of government. She gave to the struggling patriots the "Swamp Fox" in the person of Marion, who was never caught; the gamecock Sumter, who was never defeated, and the gallant Moultrie, who never gave up the fort; and when the chivalric Frenchman, the gallant soldier, the sincere lover of liberty, and Washington's friend and associate, Lafayette, was imprisoned in the Fortress Olmutz it was one of South Carolina's most distinguished soldiers and patriots, Colonel Laurens, who, without regard to the dangers involved in such an enterprise, at his own expense went to France and undertook to effect the release and escape of his illustrious companion in arms.

When future generations shall read the history of our Continental war, there is nothing in prose, poetry, or song, in fiction or reality, more captivating and instructive than South Carolina's part in accomplishing the independence of America. There stands to-day at the head of Broad street, in the city of Charleston, that grand old city by the sea, the very building, then used as a prison, in which patriots were confined by the Tories, and visitors may now see the very spot, with the very iron staples, in which the patriot Hayne was confined, and from which he was taken to cruel and bloody execution, and many other places may be seen there which makes Charleston one of the most historic cities in the United States.

Whatever may have been the history of South Carolina in later years I will not now speak, except to say that her sons have nothing to apoligize for or to be ashamed of. I can simply refer now to her earlier actions and repeat with pride Mr. Webster's reference to Massachusetts in his famous debate with Senator Hayne, "There stands Massachusetts with her Boston Commons, her Faneuil Hall, and her Bunker Hill, and there she will stand forever." The same grand and eloquent tribute will equally apply to South Carolina, where she will stand upon her record forever. Now, Mr. Speaker, South Carolina invites her sister States to come and erect buildings there and place their products on exhibition. She asks the General Government to do so.

We invite the people from the North, South, East, and West to come to South Carolina to see our people and become better acquainted with them. Let us have this small appropriation, and come down into the country whose patriot soldiers with their life's blood have moistened the soil of this nation, as I have already said, upon every battlefield from Bunker Hill and Lexington to Yorktown for American liberty. Come down amongst us and see our marvelous advancement in agriculture, manufacturing, mining, and all the other industries. Come down amongst and help us to prove to the world that we do not punish the most humble citizen, red, white, black, or blue, without a just cause, and help us to give the lie to the slanderous statements recently published in the North American, published in Philadelphia. [Applause.]

This appropriation was snowed under by a large vote. It may have been in part because it was for South Carolina; but this denial did not stop the enterprise, for the grand old city by the sea then went to work with renewed vigor and energy, and to-day the world has never witnessed a more beautiful exposition.

Although unaided by any appropriation from without, the people at the head of this undertaking met and overcame every obstacle. They would not think of defeat, their determination becoming stronger when assistance was refused. They determined to prove to the world that the blood that had for two centuries stirred the hearts of their forefathers to deeds of heroism and valor that will always live in history still flowed in their veins and was as pure as when it inspired the men under Rhett, beating off the minions of Spain and conquering the pirates, or, commanded by Moultrie, scattering and running off the fleet of Parker from the fort of palmetto logs, or those who slept in the woods with the turf as a pillow and the sky as a covering, under Marion, Morgan, Sumter, and Pickens, keeping the torch of victory ablaze, and in 1812 when they went forth against Great Britain, and in the Mexican war planted the palmetto flag first on the walls of Chapultepec. Thus undaunted and undismayed have the sons of these sires gone about the task of making a success of the Charleston Exposition.

Then I warn you that you might as well let us alone in the solution of this race problem, for we intend to solve it and solve it right. Let us alone and we will work out our salvation and destiny profitably and honorably to the white people, satisfactorily and justly to the negro, and to the credit, honor, and upbuilding of our common interest everywhere in this broad land.

That we intend to continue in our constitutions all the regulations and restrictions upon the right of suffrage as a protection against ignorance, vulgarity, and vice you need not doubt for a moment. You may rest assured that we intend to forever preserve white supremacy; nor do we ever again intend to be governed by an ignorant and brutal race. We are the friends of the colored man, and no one recognizes this better than he does himself. He is satisfied with his condition if let alone, and will be happy and contented and prosperous. You may succeed, but I do not believe it, in voting some of these measures through the House, and perchance enact some of them into law; but let me tell you, you can never succeed in altering the laws of nature. They are like the laws of the Medes and Persians. God made this a white man's country and a white man's Government, and, by the eternal, white men intend to rule it or die—South, North, East, or West—and that man who is not a white man in principle ought to cast his lot where he thinks he belongs and live with those he seems to love so well. God made all things, amongst them the birds and fishes, each governed by a natural law, the bird to live in the air and the fish in the water, and so must it be. The bird will die under the water and the fish can not live on the land, and God Almighty never intended Himself that the black bird or the crow should ever get up to the top of the mountain aerie where alone the white eagle lives and raises her brood.

Let me say again, in conclusion, that it may be that you may possibly pass some measure of unwarranted interference with the domestic affairs of the Southern people; but I warn you, yes, I notify you, that you can not stifle the voice, stay the strong arm, subdue the spirit, or destroy the might influence of the Anglo-Saxon. Wherever you find him—whether on the banks of the Hudson or the Potomac, whether in the North or in the South, in the East or in the West—you can not wipe out the fact that he is a white man, before whose tread the wild Indian, the cunning Asiatic, and the ferocious African alike recede. [Applause.]

Again I abjure you, on the other side of the House, to withdraw the apple of discord. Let us alone and let us help you to build up our common interests in the future as we have done in the past. Let prejudices, animosities, and estrangements be buried forever, and then with hands and hearts united, with one purpose—a purpose as high as humanity and justice—inviting the benediction of heaven upon our patriotic efforts, let us go forward in the advancement of this magnificent country of ours, stretching from ocean to ocean, until it has been made to reach upward to the highest and happiest civilization that ever adorned or blessed a people. [Loud applause.]

Mr. HEMENWAY. Mr. Chairman, if there is no one else who desires to speak, I ask the Clerk to proceed with the reading of the bill.

The CHAIRMAN. The Clerk will read.

The Clerk, proceeding with the reading of the bill, read as follows:

CAPITOL POLICE.

For captain, $1,600, and 3 lieutenants, at $1,200 each, hereafter to be selected jointly by the Sergeant-at-Arms of the Senate and the Sergeant-at-Arms of the House of Representatives; 30 privates, at $1,100 each; 30 privates, at $960 each; and 8 watchmen, at $900 each, one-half of said privates and watchmen to be selected by the Sergeant-at-Arms of the Senate and one-half by the Sergeant-at-Arms of the House of Representatives; in all, $74,200, one half to be disbursed by the Secretary of the Senate and the other half to be disbursed by the Clerk of the House of Representatives.

Mr. MADDOX. I should like to inquire of the gentleman from Indiana why the bill makes a distinction in reference to these privates on the Capitol police force. You pay some of them $1,100 each, and some of them $950 each.

Mr. HEMENWAY. That distinction has been made for some time.

Mr. MADDOX. Why is it so?

Mr. HEMENWAY. It has been made for many years. I will state to the gentleman that that is one of the questions that the committee, upon which he and I both have the honor to be members, will take up some time during this session of Congress and try to recast all of these salaries; but in this bill we make no changes whatever in the salaries of the employees of the House or Senate.

Mr. MADDOX. This is what they have been paid heretofore?

Mr. HEMENWAY. These are the salaries they have been paid heretofore.

The Clerk read as follows:

Under Superintendent of the Capitol Building and Grounds: For chief engineer, $1,700; 3 assistant engineers, at $1,200 each; 6 conductors of elevators, at $1,100 each, who shall be under the supervision and direction of the Architect of the Capitol; laborer, $820; 6 firemen, at $900 each; electrician, $1,200; laborer, $1,000; 2 laborers, at $720 each; laborer to clean Statuary Hall and watch statuary therein, $660; laborer in toilet room, $720; 3 cabinet-makers, who shall be skilled in their trade, 1 at $1,200 and 2 at $900 each; in all, $22,600.

Mr. HEMENWAY. I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

On page 13, in line 13, strike out "Architect of the Capitol" and insert in lieu thereof "Superintendent of the Capitol Building and Grounds;" and in line 22 strike out "twenty-two thousand six hundred" and insert in lieu thereof "twenty-six thousand one hundred and forty."

Mr. HEMENWAY. That simply changes the total to conform to the items, and changes the title of this office from Architect of the Capitol to Superintendent of the Capitol Building and Grounds.

The amendment was agreed to.

The Clerk read as follows:

Hereafter the Superintendent of the Capitol Building and Grounds shall supervise and direct the care and repair of all furniture in the Hall, cloak-rooms, lobby, committee rooms, and offices of the House, and all furniture hereafter required for the House of Representatives or for any of its committee rooms or offices shall be procured on designs and specifications made or approved by him.

Mr. ADAMS. Mr. Chairman, I raise the point of order against that paragraph that it is new legislation.

Mr. HEMENWAY. I desire to be heard when the gentleman has completed his statement, Mr. Chairman.

Mr. ADAMS. That changes existing law and therefore comes under the rule of the House—that it is new legislation.

Mr. HEMENWAY. I desire to call the attention of the Chairman to the CONGRESSIONAL RECORD of December 19, 1901, page 411. I call the Chairman's attention to this resolution:

Resolved, That so much of the report of the commission to direct and supervise the refurnishing of the House as relates to the rules of the House be referred to the Committee on Rules, and so much of the said report as relates to the care, repair, and purchase of furniture be referred to the Committee on Appropriations, with authority to report the same in one of the general appropriation bills.

Now, under that resolutian we deal with this question, and I insist that it is properly before the committee.

Mr. ADAMS. Was that made in this Congress?

Mr. HEMENWAY. Made December 19, 1901; it was made to this Congress.

The CHAIRMAN. The Chair would like to ask the gentleman from Indiana if there is any such office under existing law as superintendent of the Capitol building?

Mr. HEMENWAY. The urgent deficiency bill, which has passed the House, changes the title of the Architect of the Capitol to Superintendent of the Capitol Building and Grounds.

The CHAIRMAN. That bill has not become a law.

Mr. HEMENWAY. No.

Mr. ADAMS. I would submit, in spite of the report which the gentleman has called to the attention of the Chair, that that does not change the rule of the House, that this is new legislation and out of order because it changes existing law. The fact that a committee have made a suggestion does not abrogate the standing rule of this House, that new legislation is subject to the point of order.

Mr. HEMENWAY. If the Chair is in doubt, I want to be heard further; but I do not desire to take up the time of the committee if the Chair is not in doubt after reading that resolution.

The CHAIRMAN. The Chair would like to ask the gentleman from Indiana if the House has adopted any resolution covering this subject?

Mr. HEMENWAY. It adopted that resolution which I have read. That action was taken December 19, during this session of Congress, authorizing the Committee on Appropriations to deal with this question on any general appropriation bill and report to the House on this very question, referring the care of furniture, etc., to such person as the Committee on Appropriations desired to refer it to. Now, under that resolution we give to the Superintendent or Architect of the Capitol the care and custody of this furniture and transfer the force charged with its care to his room.

The CHAIRMAN. Has the gentleman that portion of the resolution referring it to the committee?

Mr. HEMENWAY. That was verbatim the language of their recommendation. We can have it, if the Chair desires it.

Mr. ADAMS. Mr. Chairman, I would like to submit to the Chair a little further information, that on this identical subject along in the last Congress a committee was appointed in this House to look after refurnishing the House, and it made a report, and its recommendations were adopted.

Now, this is a change of the law in that respect after the House had considered the matter fully, after it had been investigated by this committee authorized by the House, and now it is a direct change of law as adopted by the House at the last Congress; that is clearly new legislation, Mr. Chairman.

Mr. RICHARDSON of Tennessee. I would like to ask the gentleman from Indiana if this amendment is not in the very words of the provision that was passed in the urgent deficiency bill?

Mr. HEMENWAY. It is in the same language. I believe the gentleman from Tennessee was on the commission. I want to

call the attention of the Chair to the recommendation of the commission if the Chair is in doubt. I have the report of the commission here.

The CHAIRMAN. The Chair would be pleased to hear so much of it as relates to this subject.

Mr. HEMENWAY. The commission also recommend the adoption of the following:

Hereafter the Superintendent of the Capitol Building and Grounds shall supervise and direct the care and repair of all furniture in the Hall, cloakrooms, lobby, committee rooms, and offices of the House; and all furniture hereafter required for the House of Representatives or for any of its committee rooms or offices shall be procured on designs and specifications made or approved by him.

Now, then, following that, upon the report of this commission, the House authorized the Committee on Appropriations to carry out this recommendation on any general appropriation bill. That was given by the resolution the Chair has. Following that authority, we copy into our bill the exact recommendation of this commission, which I think is composed of the gentleman from Tennessee [Mr. RICHARDSON], the gentleman from Illinois [Mr. CANNON], and the gentleman from Pennsylvania [Mr. DALZELL].

Mr. STEELE. I would like to know if this increases the number of employees or decreases the expense?

Mr. HEMENWAY. Well, it will certainly tend to increase the efficiency of those that are employed in this matter.

Mr. STEELE. Who is the man now employed to do this job? There seems to have been some death.

Mr. HEMENWAY. Well, I have the name of the man, and I know there has been trouble.

Mr. STEELE. Is he from Indiana or Pennsylvania?

Mr. HEMENWAY. Well, he is not from Indiana.

Mr. STEELE. Then he must be from Pennsylvania. [Laughter.]

Mr. ADAMS. I will say to the gentleman from Indiana that he is not from Pennsylvania.

Mr. STEELE. Is he recommended by the gentleman from Pennsylvania? It does not make any difference, if he is a good man.

Mr. ADAMS. That has nothing to do with the matter before the House. I do not see why the gentleman should break in in that vein in regard to the point of order. When the gentleman from Indiana says this is the exact language that was recommended by the commission it can not be so, because they recommended that this should be under the Architect of the Capitol; but he says that office has been done away with, and that we now have the Superintendent of the Capitol. It may have been that the commission would not have recommended this if they had known that change was to be made.

This House is flooded by architects all over the country with protests against that change, and it may have been that this commission would not have made that recommendation, and this House would not have passed that resolution giving to the Committee on Appropriations the authority they have, if they had known that change would have been made. When it authorized the Committee on Appropriations to do certain things, it did not authorize them to make legislation on appropriation bills against the rules of the House.

Now, if they wish to make changes, there is a proper way to legislate in conformity with the rules of the House. The rules say that no legislation shall be passed on an appropriation bill. They do not bring in a bill in accordance with the rules of the House. They make it against the rules of the House.

I have never yet seen the Chair hold that any legislation on an appropriation bill under the rules of the House is not subject to a point of order. If that commission or any outside body has recommended this to the Committee on Appropriations in order to carry out the recommendation of the commission, they should bring it into the House in the form of a bill or resolution in conformity with the rules of the House. I respectfully submit to the Chair that this point is well taken, in my judgment.

Mr. HEMENWAY. By the rules of the House the Committee on Appropriations has been authorized to deal with this question on a general appropriation bill, which gives us the jurisdiction; and, following that jurisdiction, we take up the exact language of their recommendation and put it in this bill.

Mr. ADAMS. Does the gentleman hold that that authorizes the committee to break the rules of procedure of the House?

Mr. HEMENWAY. The gentleman does not seem to understand——

Mr. ADAMS. No; I do not.

Mr. HEMENWAY (continuing). That by the resolution of the House, passed December 19, the Committee on Appropriations was authorized to take jurisdiction and to deal with this matter on any general appropriation bill.

Mr. ADAMS. I understand that perfectly.

Mr. HEMENWAY. Then this provision is in order.

Mr. ADAMS. I beg the gentleman's pardon, but it is not in order, for the reason that it authorized the committee to report legislation; but it meant that it should be reported in accordance with the rules of the House. It authorized the committee to report a bill making the change as new legislation, but it is not authorized to bring in this legislation on an appropriation bill against the rules of the procedure of the House. Things must be done in an orderly way, and to authorize the committee to consider this question is not authorizing them to consider it on an appropriation bill, and thereby violate the rules of the House. That is so patent that it hardly needs argument.

Mr. CANNON. Mr. Chairman, I have just come into the House, but my recollection is that the committee is acting under a resolution of the House giving it authority to report this amendment, as I think I can show the Chair if I can find the resolution.

The CHAIRMAN. The Chair would like to ask the gentleman from Illinois or the gentleman from Indiana if the office of "Superintendent of the Capitol Building and Grounds" now exists?

Mr. HEMENWAY. If the Chair is in doubt on that point, I will offer an amendment changing this to the "Architect of the Capitol."

The CHAIRMAN. There is one other question which the Chair desires to ask the gentleman, and that is whether, if this point of order be overruled, you would create by implication the office of "Superintendent of the Capitol Building and Grounds?" The Chair desires to ask if that is the intention of the committee; that if this is passed in its present shape, it will create the office of the Superintendent of the Capitol Building and Grounds?

Mr. HEMENWAY. That office was created on the urgent deficiency bill which has passed the House.

The CHAIRMAN. But that has not yet become a law.

Mr. HEMENWAY. If there is any doubt in the mind of the Chair we will change it to Architect of the Capitol. There is no desire to create a new office at all, and no intention to create one.

Mr. LIVINGSTON. Mr. Chairman, I suggest that if this clause is passed with the word "Superintendent" in it and the urgent deficiency bill does not become a law this clause is inoperative, so that no harm will be done.

The CHAIRMAN. The Chair wanted to get at the idea of the committee as to whether the office would be created if this passed in its present shape.

Mr. CANNON. I think this would not create the office.

Mr. LIVINGSTON. I suggest that it may be made to read either the "Architect of the Capitol" or the "Superintendent of the Capitol Building and Grounds."

The CHAIRMAN. The Chair does not think that would relieve the Chair of this question.

Mr. LIVINGSTON. Suppose we change it to Architect of the Capitol and the urgent deficiency bill becomes a law, then would not this clause be inoperative?

Mr. CANNON. Oh, no; it would not.

The CHAIRMAN. Does the gentleman from Pennsylvania withdraw his point of order, in view of the proposed amendment?

Mr. ADAMS. I do not, Mr. Chairman, for that does not enter into my point at all. My point is that this is new legislation, by taking it away from the Clerk of the House, who now controls the matter, and putting it into the hands of the Architect or Superintendent of the Capitol, or whatever designation you may give him.

The CHAIRMAN. Is that the gentleman's point of order?

Mr. ADAMS. My point of order is that it is new legislation.

The CHAIRMAN. Is it new legislation in that it takes it away from the Clerk?

Mr. ADAMS. My point of order is that it is new legislation.

The CHAIRMAN. The gentleman should point out in what respect it is new legislation.

Mr. ADAMS. I have already pointed out that under the resolution of the House which the gentleman from Indiana refers to, he is named in that resolution as the "Architect of the Capitol." Therefore they are not acting under those instructions, even from their own standpoint, because they now bring in a provision that it shall be transferred to the "Superintendent of the Capitol Building and Grounds." It is new legislation in every phase of it.

The CHAIRMAN. The Chair would not hesitate to rule that the point of order was not well taken if the gentleman's point refers to the question of taking it away from the Clerk, because that power is vested by this resolution in the Committee on Appropriations.

Mr. ADAMS. I make the point of order that it is new legislation, covering every phase of the amendment.

Mr. HEMENWAY. To my mind, Mr. Chairman, the provision is not subject to a point of order. If the urgent deficiency bill does not pass and become a law, then this provision would be inoperative. There would be no new position created. We are clearly within the authority given us by that resolution passed

by the House. Of course if the Chair sustains the point of order, I will avoid the technicality by offering another amendment.

The CHAIRMAN. The Chair feels constrained to sustain the point of order, inasmuch as the amendment proposes to create a new office, which is not within the authority conferred by the resolution.

Mr. HEMENWAY. Then I offer the amendment which I send to the desk.

The Clerk read as follows:

Hereafter the Architect of the Capitol shall supervise and direct the care and repair of all furniture in the hall, cloakrooms, lobby, committee rooms, and offices of the House; and all furniture hereafter required for the House of Representatives or for any of its committee rooms or offices shall be procured on designs and specifications made and approved by the Architect.

Mr. ADAMS. I raise the point of order that this amendment also is new legislation.

The CHAIRMAN. In the opinion of the Chair the amendment comes within the power vested in the committee by the resolution already referred to. The Chair overrules the point of order.

The amendment was agreed to.

The Clerk read as follows:

Office of Doorkeeper: For Doorkeeper, $3,500; hire of horses, feed, repair of wagon and harness, $800, or so much thereof as may be necessary; assistant doorkeeper, and Department messenger, at $2,000 each; 1 special employee (John T. Chancey), $1,500; 1 special employee, $1,500; clerk to Doorkeeper, and janitor, at $1,200 each; 13 messengers, including the messenger to the reporters' gallery, at $1,200 each; 13 messengers, at $1,000 each; messenger to the Speaker's table, $1,000; 14 messengers on the soldiers' roll, at $1,200 each; 12 laborers, at $720 each; 2 laborers in the water-closet, at $720 each; 1 laborer, $600; 8 laborers, known as cloakroom men, at $50 per month each; 10 laborers, during the session, at $60 per month each, $2,400; female attendant in ladies' retiring room, $720; superintendent of folding room, $2,000; 4 clerks in folding room, 1 at $1,800, and 3 at $1,200 each; foreman, $1,500; messenger, $1,200; page, $500; laborer, $720; 9 folders, at $900 each; 5 folders, at $840 each; 18 folders, at $720 each; night watchman, $900; driver, $600; 2 chief pages, at $900 each; 33 pages, during the session, including 2 riding pages and two telephone pages, at $2.50 per day each, $9,982.50; 10 pages for duty at the entrances to the Hall of the House, during the session, at $2.50 per day each, $3,025; horse and buggy for Department messenger, $250; superintendent of document room, $2,000; assistant superintendent of document room, $1,800; 6 assistants in document room, 1 at $1,600, 2 at $1,400 each, 1 at $1,200, and 2 at $1,000 each; in all, $143,037.50.

Mr. BURKETT. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 15, page 16, strike out "13" and insert "15;" also, at the end of the line, insert the words "including two telephone messengers;" and amend line 12, page 17, by striking out the words "and two telephone pages."

Mr. HEMENWAY. I make the point of order in the first place that we have passed the item to which the amendment applies, and that therefore it comes too late, and in the next place that the amendment proposes to change existing law.

The CHAIRMAN. The Clerk had just completed the reading of this paragraph, which is quite lengthy.

Mr. HEMENWAY. Then I make the point of order that the amendment changes existing law.

Mr. BURKETT. Mr. Chairman, under the law at present these messengers are carried on the roll; they are messengers now. I understand this bill changes existing law.

Mr. HEMENWAY. Oh, no. This is in the exact language of the previous bill.

The CHAIRMAN. Does the gentleman from Indiana hold that we have no right on a bill of this kind to increase the number of employees of the House?

Mr. HEMENWAY. Not if it changes existing law. But this is not an effort to increase the number of employees; it is an effort to increase salaries already fixed by law.

The CHAIRMAN. The Chair would like to ask whether this amendment proposes to increase the statutory salary?

Mr. HEMENWAY. There is no statutory salary, but this is an increase of the salary fixed by the last appropriation act, and that is the existing law. It has always been held that an amendment seeking to increase a salary fixed by a previous appropriation act is a change of existing law and subject to a point of order.

Mr. BURKETT. About 400 of the employees or officers named in this bill would be in a bad fix if the gentleman from Indiana is correct.

Mr. HEMENWAY. But let us take the other side of the question. The gentleman from Nebraska [Mr. BURKETT] can not show any law authorizing an increase of these salaries which he proposes to increase. If there is no such law the amendment is subject to the point of order.

The CHAIRMAN. Is there any law that fixes either the salaries or the number of these employees except appropriation bills?

Mr. HEMENWAY. There is no statute; they are fixed by the last appropriation act; and an effort to increase a salary fixed by the last appropriation act is a change of existing law. That is the only law there is on the question. And I say take the other side of it. Can the gentleman point out any law authorizing his amendment?

The CHAIRMAN. The question might arise, then, whether his amendment was not as much in order as your proposition itself. If so, of course it must be held to be in order. If the proposition itself is in order, then the amendment must be in order, unless it is against the statutory law.

Mr. HEMENWAY. Why, if the Chair please, the only law fixing the salaries of these House employees or of the numerous employees of the different departments of the Government is the last appropriation bill. If this amendment is not subject to a point of order, then any member may rise here and propose to increase the salary of any employee of the Government whose salary is not fixed by statute, and it would be in order.

It would be a complete reversal of the rulings of the Chair, at least since I have been a member of this House. There is no law authorizing the increase of these salaries. The gentleman can not point to any provision of law authorizing their increase. So then it is not an appropriation following the current law. It is not an appropriation authorized by law. For that reason it is subject to a point of order.

Mr. LIVINGSTON. Mr. Chairman, I want to submit this to the Chair, that any salary fixed by an appropriation bill is for a given time. It is for twelve months. I think during that twelve months, if that salary should be attempted to be changed, it would be subject to a point of order, and to that extent my colleague is right; but there is no salary for a given clerk, either in this House or in any of the departments, fixed by an appropriation act, which extends beyond a given time, namely, the 1st of July next.

Now suppose, as my colleague says, that that can not be changed—that is, that it is a fixed salary—and suppose that place is not provided for in this appropriation bill at all. Does the gentleman undertake to say that that salary would go on in 1903? Not at all. The salary is fixed from June 30 to June 30 next following, and that is all there is in it, and when that time expires and this bill which we are now considering goes into effect, then the salary of any clerk or employee may be raised or lowered on the appropriation bill. That is my position.

The CHAIRMAN. The Chair is of the opinion that unless there is some statutory provision fixing the salaries of these several employees, and their number, that a proposition of this kind would not be out of order. The Chair approaches this question with great liberalty, because it is a question affecting the House, and therefore the House itself ought to put the most liberal construction upon it; and unless the gentleman from Indiana can cite some statutory provision limiting the salary or limiting the number, the Chair would be constrained——

Mr. HEMENWAY. If the Chair please, there is no statutory provision fixing the salaries of all the employees of all of these departments of this Government, except here and there, and there is no statutory provision fixing the salaries of the employees of this House; but the last appropriation act in this case does fix these salaries, and that is the law. And any effort to change that law by a proposition to increase a salary is subject to a point of order.

Mr. BURKETT. But the present appropriation ends June 30, 1903.

The CHAIRMAN. The Chair thinks the gentleman will find, if he examines the law for the several departments, that there was a statutory provision adopted many years ago fixing the salaries of certain classes of employees.

Mr. HEMENWAY. Certainly.

The CHAIRMAN. Fixing the salaries that certain clerks might receive, and Congress was empowered to provide additional numbers within those classes.

Mr. HEMENWAY. But, Mr. Chairman, after you get away from the clerks of classes 1, 2, 3, and 4 and certain heads of departments whose salaries are fixed by statute, every other salary appropriated for in the different departments, the clerks of $1,000, the clerks at $900, the clerks at $720, the chiefs of divisions, every one of those salaries could be increased by an amendment offered on the floor if this amendment is not subject to a point of order. I think it has been the universal ruling that the appropriation bill fixing a salary was the law until changed. But if the Chair rules that this point of order is not well taken, I say it opens up the gates to an increase of salary of all these clerks who are not classified in the different departments of the Government.

I have always understood that the appropriation act fixing the salary was the law, and that any effort to change that law was subject to the point of order. Here is an employee provided for on an appropriation bill, provided for at a fixed salary, which has been carried from year to year. Here is an effort now to raise that salary and change the existing law, the law which at present regulates that salary. Items are not in order upon an appropriation bill unless authorized by law.

What law, may I ask, Mr. Chairman, authorizes the increase of this salary? There is no law on our statute books or upon an appropriation bill which authorizes the increase of this salary;

consequently, not being authorized by law, it is not in order upon a general appropriation bill.

Mr. MOODY of Massachusetts rose.

The CHAIRMAN. The Chair will hear the gentleman from Massachusetts if he desires to be heard.

Mr. MOODY of Massachusetts. I was just going to say, Mr. Chairman, a word or two upon this point of order. If I remember correctly, it has been repeatedly ruled by Chairmen of the Committee of the Whole, in accordance with the contention of the gentleman from Indiana, that the last appropriation bill became the existing law in respect to the salary there fixed; and therefore it becomes a very important practical question for the Chair to consider whether he will follow these rulings or depart from them.

In all candor I am bound to say to the Chair that as an original question it would seem to me to be difficult to escape the logic of the gentleman from Georgia, that the appropriation bill fixes the salary only for the term covered by that bill; and if I were called upon to rule upon it as an original proposition of law, it would cause me to sustain the proposition of the gentleman from Georgia. I only impress it upon the Chair as res adjudicata, the result of many decisions by Chairmen of the Committee of the Whole. Of course the Chair may think a bad precedent is better overruled than followed. These are all the remarks I desire to submit.

The CHAIRMAN. The Chair would very much like to rule against this point of order, but would like some law upon the subject. It is a very difficult question. The Chair admits that.

Mr. MOODY of Massachusetts. I did not understand the suggestion of the Chair. The only ground upon which I place it to sustain the point of order made by the gentleman from Indiana is, that these points of order have been sustained for the reasons just given the Chair. If it should have to stand the test of pure logic, that is another matter. I do not know of any decision which has overruled the decisions to which I have referred.

Mr. HEMENWAY. Then I wish to call the attention of the Chair, further, to this: I do not know that I quote the provision of the rule like it is, but I think it is that nothing that is not authorized by current law is in order upon an appropriation bill.

Mr. LIVINGSTON. No; you have got that wrong.

Mr. HEMENWAY. Nothing that is not authorized by law. Now, where is the law which authorizes this change in salary?

The CHAIRMAN. This is the law which governs the employees of the House the Chair has here, stipulating the number; and comparing that with your bill, the Chair would like to ask the gentleman whether this bill complies with the statutory number.

Mr. HEMENWAY. I will state to the Chair that it does not. That was repealed in 1874.

Mr. LIVINGSTON. I want to suggest, in addition to what I said a moment ago, that since my connection with this committee the invariable rule has been that where we have wanted a provision to continue after a year we have uniformly used the word "thereafter." I will give you an instance of it. In a clause on an appropriation bill we took out of all the Executive Departments in Washington these time clocks.

That was done in an appropriation bill; but we took care to put right after that, and "shall be in force hereafter." Now, I admit you can fix the amount of the salary by the appropriation bill, perhaps, by using that kind of language, and in carrying it from year to year. No doubt about that.

Mr. HILL. I would like to ask the gentleman a question, if he will yield.

Mr. LIVINGSTON. Certainly.

Mr. HILL. Would you claim that the same rule applied to the diplomatic and consular appropriation bill, that the salaries are fixed each year?

Mr. LIVINGSTON. Yes; they are fixed in the appropriation bill. You can change them every year.

Mr. HILL. I am very glad to get that information, because I have been ruled out twice on that ground.

Mr. LIVINGSTON. In the diplomatic bill they are doing that every year. Salaries are lowered or raised or changed in the appropriation bill that comes before this House. It changes the salaries for this year where they are not fixed by statutes——

Mr. GROSVENOR. Mr. Chairman, I would like to ask the gentleman from Georgia a question.

Mr. LIVINGSTON (continuing). And it is the only law on this question.

Mr. GROSVENOR. I would like to ask the gentleman if this case itself is not a complete test of this question? Suppose that there was no provision in this bill for the payment of this particular salary of this person, would he have any claim against the Government that he could assert for his salary based upon the price he had been paid under a general appropriation bill?

Mr. LIVINGSTON. Not at all.

Mr. GROSVENOR. Then is not that conclusive that it is not a change of an existing statute?

Mr. LIVINGSTON. Yes. The only law in the premises here is the appropriation bill, which is an appropriation ending June 30, 1903. Then it will die, and die by limitation, and every salary in it not carried by statute will die with it; and this House has the right every twelve months to fix it in that way.

The CHAIRMAN. Let the Chair ask the gentleman this question: The gentleman from Indiana says that the appropriation bill clearly violates the law of 1874.

Mr. LIVINGSTON. That has been repealed. The law that you are reading from now has been repealed.

Mr. HEMENWAY. The Chair misunderstood me. The appropriation bill, in the number of employees, does not follow that law. That law, as I understand, has been repealed, and the number of employees in the House has from time to time been changed on appropriation bills. This amendment does not further increase the number, but it increases the salary of those already provided for. It is not an effort to increase the number of employees, but an effort to increase the salary of those on the pay roll; and I insist, Mr. Chairman, that this appropriation bill fixes the salary of those now upon the list, and is the law, and that any effort to increase their salaries is subject to a point of order; that it is not authorized by law, and for that reason is subject to the point of order.

Mr. BARNEY. I would like to ask the gentleman from Indiana a question.

Mr. HEMENWAY. Certainly.

Mr. BARNEY. Are there not several instances on appropriation bills where the salary of Government employees has been increased?

Mr. HEMENWAY. I think that is true, but I think every increase was subject to a point of order. Why, on the Agricultural bill every increase of salary at the last session went off on a point of order, when the point of order was made. On the consular and diplomatic bill two amendments seeking to increase salaries, offered by the gentleman from Connecticut [Mr. HILL], went off on a point of order. It has been the universal custom in this House to hold that any effort to increase the salary already provided for on an appropriation bill is subject to a point of order.

The CHAIRMAN. Does the gentleman contend that an appropriation bill fixes the salary for all time to come?

Mr. HEMENWAY. I do not contend that, but I contend the salary is fixed until it is changed, and it can not be changed on an appropriation bill, if the point of order is made.

Mr. MOODY of Massachusetts. Mr. Chairman, I desire to call the attention of the committee and the Chair to an express decision on the point on page 322 of Mr. Hinds's Parliamentary Precedents. It is a recent decision, made March 30, 1898. The House was in Committee of the Whole House on the state of the Union, considering the naval appropriation bill. An amendment was proposed by Mr. NORTON of Ohio fixing the compensation of the Assistant Librarian at $1,800 instead of $1,400, as provided by the paragraph as read. Mr. JOSEPH G. CANNON of Illinois made a point of order against the amendment on the ground that there was no statute providing for the salary of this officer; that the salary appropriated for from year to year in the appropriation bill was regarded as a legal salary. The Chairman, Mr. SHERMAN of New York, sustained the point of order.

Now, that is a decision exactly in point, and it is but one of a series of decisions that, according to my own memory, has been made. I desire to guard carefully my position, and to repeat what I said to the Chair before, that if the question were an original one it seems to me the point of order would not be well taken, and that the position of the gentleman from Georgia [Mr. LIVINGSTON] would be the right position. But it is a question of standing by the decisions of the House or overruling them, and that question I am entirely content to submit to the present occupant of the chair, it being understood that precedents are in favor of the gentleman from Indiana.

Mr. BURKETT. Mr. Chairman, I do not know that I can say anything to aid the Chair, if the Chair is in doubt. But it occurs to me that in the decision the gentleman from Massachusetts has just quoted from, we are not informed how that office is created for which the salary was intended to be increased. I do not have before me the various decisions, but, in my mind, Mr. Chairman, there is no question about the right to raise a salary in this bill. Under the law this House has a right to name its employees and to pay them. There can be no question about that. The bill that we are now considering is a law for the next fiscal year. The law that they ask us to follow is a law that started out in these words: "Ending June 30, 1902." There is no question in my mind but that law that ended or is to end in 1902 can not be called in to control our right in fixing salaries for 1903.

These decisions that are read do not convince me, and would not convince unless I knew that the offices referred to were not

created under any other law than the act itself. For example, the office of messenger or telephone boy is not created by any general law of the United States. We legislate for them and appropriate for them as one of the necessary parts of this House. Now, our telephone service might be so poor that we did not want to continue it. Suppose the telephones were taken out, and we had no use for the services of the boys?

Now, it seems to me, no one will contend that the Doorkeeper would have the right to appoint those two telephone messengers and that somebody could draw salaries as such simply because a provision for those two messengers has been in some other appropriation act. If we have the right to do away with this telephone messenger, or do away with five pages, or do away with the messengers at some one of these doors, we have the right to raise the salary of these pages, we have the right to put on another page or raise the salary of a messenger or raise the salary of these telephone messengers.

That is simply what the amendment proposes to do—simply to place the salaries of these telephone men up to within $200 of what the telegraph messengers receive. The amendment does not create any new office; it simply fixes the compensation of offices that we have for the next year—offices already created under the terms of the law which expires June 30, 1902.

Mr. HEMENWAY. I have just sent to the desk for the amendment. I observe that it proposes to provide for "two telephone pages." This is clearly an effort to create new offices. There is no law authorizing such an office; to adopt this amendment would create an absolutely new office, to be known as "telephone messenger," and would fix the pay at $1,200 a year.

Mr. BURKETT. The gentleman will allow me to ask whether there is any law outside of the last appropriation act creating the offices of telephone pages.

Mr. HEMENWAY. There is not, so far as I know.

Mr. BURKETT. The last appropriation act expires June 30, 1902.

Mr. HEMENWAY. The gentleman may make a point of order against the whole bill if he desires to do so; but I insist that this is an effort to create two new offices not known now to the law, not now provided for by any statute. If there is any provision which could possibly be offered to an appropriation bill which would be subject to a point of order, the present effort by new legislation to create new offices with new names is subject to a point of order.

The CHAIRMAN. The Chair can not refrain from saying that if this question were presented for the first time he would have no hesitation in ruling the amendment to be in order; but to carry out in that way the conviction of the Chair might overturn the whole appropriation bill, or so large a portion of it as to render it inoperative. The Chair therefore takes the opportunity to shield himself behind the decisions which have been heretofore made, and sustains the point of order.

The Clerk resumed the reading of the bill. The following paragraph was read:

Order (purchasing): For chief of division, $2,250; 1 assistant, $1,500; 1 assistant, $1,200; 3 assistants, at $900 each; 2 assistants, at $720 each; 2 assistants at $660 each; 1 assistant, $520; and 2 messenger boys, at $360 each; in all, $11,530.

Mr. MANN. I desire to reserve a point of order on this paragraph until I have asked a question of the gentleman in charge of the bill. I notice that in this portion of the bill there are several increases of salary; for instance the salary of the chief of division of order (purchasing) is increased from $2,000 to $2,500; the salary of the chief of the division of bibliography is increased from $2,000 to $2,500; the salary of the chief of the division of manuscript is increased from $1,500 to $3,000; and the salary of the chief of the division of maps and charts from $2,000 to $2,500. Reserving a point of order, I simply want to ask the reason for these increases.

Mr. HEMENWAY. They are the result of the hearings had by the committee. I think that as to this particular branch of the Government—the Library of Congress—the pressure for increase of salaries came mostly from members of Congress. These propositions are probably subject to a point of order.

Mr. MANN. I suppose there is no question about that.

Mr. HEMENWAY. If the gentleman from Illinois or anyone else desires to make the point of order——

Mr. MANN. I was not intending to make any point of order, but I wished to know the reason for these increases before the provisions were passed.

Mr. HEMENWAY. The increases have been made in consequence of the facts appearing in the hearing and upon requests of members of Congress. For instance, as to Mr. Griffin, I think several members of the House came and insisted that he was an expert, perhaps the greatest in his line in the United States.

Mr. MANN. May I ask whether members of the House are competent to pass upon the expertness of an officer of the Library?

Mr. HEMENWAY. As to this particular officer, gentlemen say that when you want information upon some particular question and you have not time to look it up, you can go to this gentleman and at once obtain the information you want; that he has wonderful ability in selecting and furnishing books along any particular line which may be desired; that, for instance, if a member wants books bearing on the revenue, or on trusts, or on any other question, this gentleman at the Library is able to furnish a line of books upon any desired subject.

Mr. McCALL. Allow me to ask the gentleman whether this particular increase has not been strongly recommended by the librarian, Mr. Putnam.

Mr. HEMENWAY. Yes, sir.

Mr. McCALL. And he recognizes that this is a highly responsible position and requires that its incumbent should be a scholar and an expert?

Mr. HEMENWAY. In fact, I will say that as to everyone of these increases.

Mr. McCALL. And I will ask the gentleman if Mr. Putnam did not recommend that Mr. Griffin be given $3,000 a year?

Mr. HEMENWAY. That was his recommendation—$3,000 a year.

Mr. McCALL. And then in regard to the position of superintendent of maps; I understand that there is the greatest collection of maps there in the world, and in order to keep that collection up where it now is, relatively to the other great libraries, it is necessary to have a really accomplished man in that position.

Mr. OLMSTED. I should like to add, if you will permit me, that within the knowledge of a great many members of the House, the present chief of that division, Mr. Phillips, is a most accomplished man, most courteous and prompt, most efficient, and of great service to members of this House who desire information in his very important division. I hope that the gentleman from Illinois will withdraw his point of order.

Mr. McCALL. I trust the gentleman will not make the point of order.

Mr. HEMENWAY. These recommendations have been made heretofore. They were made a year ago. The Librarian has been very insistent upon increasing these salaries; not to the amounts that we have here given, but to larger amounts. The Committee on Appropriations declined to do this a year ago, and the year before they declined to do it, but this time, upon the urgent recommendation of the Librarian himself, enforced by many members of Congress who have to deal with these gentlemen over there, they have given the increase which appears in the bill.

I regret to say that my time is so taken up that I have never had the pleasure of meeting them. I do not know either of them, but many members of Congress have come and insisted that these gentlemen were of such great value to them that they thought the recommendation of the Librarian ought to be carried out. Yet we refused to carry it out in full, but did give them a limited increase of salary.

Mr. MANN. Does the gentleman suppose that the members of Congress have taken an active interest in this without any suggestion on the part of the gentlemen who are to be the beneficiaries of the increase?

Mr. HEMENWAY. Well, as a general proposition, I would say that the gentlemen who are to receive the increase are usually very active; but, so far as I know, in these particular cases no requests have come from the gentlemen who are to receive the increased salaries, and I understand that the gentleman occupying the position of chief of the division of bibliography in the Boston Library receives $3,500 a year.

Mr. MOODY of Massachusetts. Thirty-three hundred dollars a year.

Mr. HEMENWAY. Thirty-three hundred dollars a year.

Mr. MOODY of Massachusetts. And this same man received that salary when he was there?

Mr. HEMENWAY. This same man received $3,300 a year while employed in the Boston library. Down here he only receives $2,000 a year, and the Librarian urgently recommended that his salary be increased to $3,000.

Mr. MANN. May I ask the gentleman how these people get their appointments in the Congressional Library?

Mr. HEMENWAY. I do not know.

Mr. MANN. By competitive examination?

Mr. LIVINGSTON. No.

Mr. MANN. Are there any competitive or civil-service examinations for appointments in the Library?

Mr. LIVINGSTON. No.

Mr. HEMENWAY. I have no information as to the means of securing appointments in the Library. I do not know whether they have to pass any examination or not.

Mr. LIVINGSTON. No.

Mr. MANN. The gentleman himself has no employees in the Library?

Mr. HEMENWAY. I believe the great State of Indiana has

three appointments in that whole Library, a very much less number than the other States.

Mr. MOODY of Massachusetts. If the gentleman will excuse me, I should like to answer the question of the gentleman from Illinois [Mr. MANN].

The gentleman referred to did not receive his appointment through any political influence at all. The appointment came through the knowledge of Mr. Young, who was then Librarian, that an exceptionally skillful man in that kind of work was available in the market, and he secured his services.

Mr. LIVINGSTON. I want to suggest, in addition to what my colleague in charge of the bill has said——

Mr. MANN. This is on a reservation of a point of order.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HEMENWAY. I ask unanimous consent that the gentleman from Illinois [Mr. MANN] have sufficient time to conclude his remarks.

The CHAIRMAN. Unanimous consent is asked that the gentleman from Illinois have five minutes additional.

Mr. MANN. That is long enough.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LIVINGSTON. I want to say, in addition to what has been said already——

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] is entitled to the floor.

Mr. MANN. I yield to the gentleman from Georgia [Mr. LIVINGSTON].

Mr. LIVINGSTON. Mr. Chairman, in addition to what has already been said, the Committee on Appropriations have not raised these salaries, so far as I know, at the request of any particular party interested. I just want to say that all along the line.

I know the subcommittee that presents this bill and the whole committee turned down a great many increases that were recommended by the several departments and made increases on merit and necessity. They both exist in this case. These men are good men. We can not hold them by the salaries they are now drawing.

Other libraries are demanding their services, and if we intend to have competent men in this Library as chiefs of these divisions, we have got to pay them the salaries that are paid in Boston and other large cities. We are entitled to good men in the first place, and these good men are entitled to good salaries. That is all your committee proposed to do, and we did it.

Mr. MANN. Mr. Chairman, my desire was to bring out the reason for this increase. I do not intend to insist upon the point of order, because I am willing to yield my judgment to that of the Committee on Appropriations; but what I do wish to call attention to is the fact that this not being under the civil service and appointments not being made from an eligible list, these salaries are increased without difficulty, because perhaps the people in the offices over there are appointed on the solicitation of members of the House and of the Senate.

Mr. McCLEARY. The gentleman will pardon me one moment. I think that the reflection which the gentleman at the close of his remarks has seen fit to make is very unjust. The membership of the Committee on Appropriations and the membership of the Committee on the Library, the two that have to do with this matter, are scrupulously careful not to urge their desires on the Librarian, and if there is any man in the service of the Government free to use his judgment and select the best men in the market for the money he has it is the Librarian of Congress.

Mr. MANN. I did not mean to reflect on the Committee on the Library or the Committee on Appropriations. I think as a rule they are less likely to secure any places in the Library than certain other gentlemen in this building, in another portion of it, are likely to secure. This end of the Capitol does not get much of that kind.

Mr. McCLEARY. We make it a rule to scrupulously avoid urging upon Mr. Putnam any of our desires in such matters.

Mr. MANN. The truth remains that the moment you leave an office out of the classified service and make the appointments in the manner these appointments are made, increases of salaries are asked for and obtained. If this office was in the classified service it would not be asking for the increase.

Mr. HEMENWAY. Will the gentleman allow me to ask him a question?

Mr. MANN. Certainly.

Mr. HEMENWAY. Do you mean to say that the pressure is any greater from those who are not in the classified service than those who are in the classified service?

Mr. MANN. The pressure may be no greater, but the effect is greater.

Mr. HEMENWAY. Why, if the gentleman will take this appropriation bill he will find more increases in the classified places than he will find in the nonclassified places. And I want to say right here, Mr. Chairman, that of nearly 400 applications for increases of salary, the Committee on Appropriations has granted a very few. We have been constantly stating to the members of this House that any one of these increases is subject to a point of order, and any member of this House might exercise his right and prevent the increase of a single salary upon this bill.

The Committee on Appropriations, dealing, as I say, with nearly 400 applications, many of them with merit, and I have no doubt these particular items are of a special merit; because if, as a matter of fact, there is a man in the Library of Congress who can be of special value to the membership of this House, who can furnish information to the membership of this House, who has spent a lifetime in preparing himself to promptly inform members upon questions that they desire information on, it is this gentleman.

When the Librarian finds that he is getting $1,300 less than he formerly received at Boston, and he is about to lose his services, he urges this increase. Why? He is of no especial value to the Librarian, except that he makes the Library useful by being able to furnish the members of Congress the information they desire and furnish it promptly.

Mr. McCLEARY. Put them in the way of getting it.

Mr. HEMENWAY. Yes; put them in the way of getting it. Taking into consideration the recommendation of the Library and many members of Congress who have had occasion to use this man, this salary was increased. The gentleman from Illinois, the gentleman from Georgia, or any other State, may take the increase out by a single point of order.

Mr. MANN. Mr. Chairman, I am perfectly satisfied with the explanation that has been made upon this point, and I withdraw the point of order.

The Clerk proceeded with the reading of the bill.

Mr. HEMENWAY. Mr. Chairman, I move that the committee rise temporarily for the purpose of putting a bill into conference.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LOUD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 10847, and had come to no resolution thereon.

URGENT DEFICIENCY BILL.

Mr. CANNON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the urgent deficiency bill with Senate amendments, and nonconcur in all the Senate amendments, except amendment numbered 58, and to concur in that amendment with an amendment, and to ask for a conference on the bill.

The SPEAKER. The gentleman from Illinois, chairman of the Committee on Appropriations, asks unanimous consent to take up the urgent deficiency bill, to nonconcur in all the amendments except No. 58, and to concur in that amendment with an amendment. Is there objection?

Mr. RICHARDSON of Tennessee. I do not know what that amendment is, Mr. Speaker, and I see none of the minority members of the committee here.

Mr. CANNON. This is the urgent deficiency bill, with a whole lot of Senate amendments, and I want to get it into conference as early as possible.

Mr. RICHARDSON of Tennessee. But why pick out one amendment; why not nonconcur in all?

Mr. CANNON. I think the gentleman will be satisfied with this course.

Mr. RICHARDSON of Tennessee. Reserving the right to object, I would like to hear it read.

The SPEAKER. The motion of the gentleman from Illinois is to nonconcur in all the amendments except Senate amendment 58.

Mr. RICHARDSON of Tennessee. Reserving the right to object, Mr. Speaker, I would like to have that amendment reported.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

(58) Page 47, after line 14, insert:

"For miscellaneous items, exclusive of labor, $20,000."

That the House agree to the amendment of the Senate numbered 58 with an amendment as follows:

Add to said amendment the following:

"*Provided*, That hereafter appropriations made for contingent expenses of the House of Representatives or the Senate shall not be used for the payment of personal services except upon the express and specific authorization of the House or Senate in whose behalf such services are rendered. Nor shall such appropriations be used for any expenses not intimately and directly connected with the routine legislative business of Congress, and the accounting officers of the Treasury shall apply the provisions of this paragraph in the settlement of the accounts of expenditures from said appropriations."

The SPEAKER. Is there objection to taking up the bill as requested by the gentleman from Illinois? [After a pause.] The Chair hears none. The question is on agreeing to the amendment offered to amendment numbered 58.

The question was taken; and the amendment to the amendment was agreed to.

The SPEAKER. The question now is on concurring in amendment No. 58 as amended.

The question was taken; and the amendment as amended was concurred in.

The SPEAKER. The question now is on nonconcurring in all the other Senate amendments.

The question was taken; and the motion of Mr. CANNON to nonconcur in all the other Senate amendments was agreed to.

Mr. CANNON. Now, Mr. Speaker, I ask unanimous consent that the bill may be printed with the amendments, and that a conference be asked for.

The SPEAKER. The gentleman from Illinois asks that the bill and amendments be printed, and asks for a conference. Is there objection? [After a pause.] The Chair hears none.

The SPEAKER appointed as conferees on the part of the House Mr. CANNON, Mr. BARNEY, and Mr. LIVINGSTON.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. HEMENWAY. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole House on the state of the Union for the further consideration of House bill 10847, being the legislative, executive, and judicial appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. LOUD in the chair, for the further consideration of the bill H. R. 10847, being the legislative, executive, and judicial appropriation bill.

The Clerk read as follows:

Office of Auditor for War Department: For Auditor, $4,000; deputy auditor, $2,500; law clerk, $2,000; 6 chiefs of division, at $2,000 each; 16 clerks of class 4; additional to 1 clerk as disbursing clerk, $200; 42 clerks of class 3; 64 clerks of class 2; 54 clerks of class 1; 10 clerks, at $1,000 each; 5 clerks, at $900 each; skilled laborer, $900; 3 clerks, at $840 each; 1 messenger; 3 assistant messengers, and 8 laborers, in all $297,300.

Mr. LIVINGSTON. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 8, page 43, strike out "16" and insert "17."
In line 10, same page, strike out "42" and insert "41."
In line 16, same page, strike out "3" and insert "5."

The amendment was agreed to.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. MCCALL having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, one of its clerks, announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 3293. An act to increase the limit of cost of public building at Cumberland, Md.; and

S. 3287. An act to fix salaries of certain judges of the United States.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 8761. An act to declare the international railway bridge over the St. Lawrence River, near Hogansburg, N. Y., a lawful structure; and

H. R. 9315. An act making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1902, and for prior years, and for other purposes.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to furnish to the House of Representatives, in compliance with its request, a duplicate engrossed copy of the bill (S. 1670) granting permission to Capt. B. H. McCalla, United States Navy, to accept a decoration tendered to him by the Emperor of Germany.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5814) to provide for the execution in the Philippine Islands and in Porto Rico of deeds for land situated in the District of Columbia.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Light-House Board: For chief clerk, $2,400; 2 clerks of class 4; 2 clerks of class 3; 2 clerks of class 2; 4 clerks of class 1; 2 clerks, at $1,000 each; 10 clerks, at $900 each; 1 clerk, $840; 1 clerk, $720; 2 assistant messengers; laborer, $660; assistant civil engineer, $2,400; draftsman, $1,800; draftsman, $1,560; draftsman, $1,440; draftsman, $1,200; in all, $39,800.

Mr. HEMENWAY. I offer the amendment which I ask the Clerk to read.

The Clerk read as follows:

In line 18, page 50, strike out "$660;" and in line 24, before the word "dollars," insert "and sixty."

The amendment was agreed to.

The Clerk read as follows:

Office of assistant treasurer at Chicago: For assistant treasurer, $5,000; cashier, $2,500; vault clerk, $1,800; paying teller, $1,800; assistant paying teller, $1,500; assorting teller, $1,500; receiving teller, $1,500; clerk, $1,600; bookkeeper, $1,500; 3 coin, coupon, and currency clerks, at $1,500 each; 15 clerks, at $1,200 each; messenger, $840; stenographer, $720; janitor, $600; and 3 watchmen, at $720 each; in all, $45,520.

Mr. MANN. I move to amend the paragraph just read by striking out, in line 9, after the word "thousand," the word "five" and inserting in lieu thereof the word "eight," so as to increase the salary of the assorting teller in the subtreasury at Chicago from $1,500 to $1,800 a year. The persons occupying the position similar to this at New Orleans, San Francisco, and Boston receive $2,000 per year; at Philadelphia the salary is $1,800 a year. In Chicago the present salary is $1,500. This salary was fixed years ago. This teller is obliged to stand the loss of any counterfeit bills which he may take; and in some years he has lost as much as $200 in this way.

This amendment proposes simply to fix the salary for this office at the same figure as the salary allowed at Philadelphia and at less than the salary paid at Boston, New Orleans, and San Francisco, where the business is much less than at Chicago. The Chicago business and the Philadelphia business amount to almost the same—$186,000,000 of annual receipts.

I have an amendment which I propose to offer in the same connection, to increase the salary of the receiving teller from $1,500 to $1,700, the latter amount being the same which is paid at the Philadelphia office, and less than that paid at these other and smaller offices.

The amendment was agreed to.

Mr. MANN. I offer another amendment in the same connection.

The Clerk read as follows:

In line 10, page 62, after the word "thousand," strike out "five" and insert in lieu thereof "seven."

The amendment was agreed to.

Mr. MANN. In order to correct the aggregate sum named at the close of the paragraph, I move to amend by striking out, in line 18, "$45,520" and inserting "$46,020."

The amendment was agreed to.

The Clerk read as follows:

Mint at Carson, Nev.: For assayer in charge, who shall also perform the duties of melter, $1,500; assistant assayer, at $1,250; in all, $2,750.

Mr. NEWLANDS. I reserve a point of order on this section. Before making it I wish to put an inquiry to the gentleman from Indiana in charge of the bill. I observe that a reduction has been made in the bill upon the estimates of the Treasury Department in regard to this item. Those estimates call for $2,000 as the salary of the assayer in charge instead of $1,500. They call for $1,500 as the salary of the assistant assayer instead of $1,250, allowed in this bill. They also call for a clerk at $1,500, not allowed in the bill, making in all a reduction of $5,000. Now, I ask the gentleman in the first place what authority the committee has to change a salary fixed by law. I understand that these salaries are fixed by law.

Mr. HEMENWAY. I wish to call the attention of the gentleman to the facts and information on which we base the figures in the bill. Mr. Roberts, the Director of the Mint, stated that the receipts at Carson last year were $277,000, and the cost of running the office about 4 per cent of the total receipts; at Denver the cost is 1 per cent; at Deadwood, 2½ per cent; at Seattle, two-fifths of 1 per cent; at Boise City, 1 per cent; at Helena, 1 per cent; at Charlotte, 1½ per cent.

Now, as the amount taken in at Carson was about the same as the amount taken in at Charlotte, we fixed the same salary at Carson as we did for Charlotte, upon the recommendation of Mr. Roberts, the Director of the Mint.

Mr. NEWLANDS. I find no such recommendation in the report of the hearings.

Mr. HEMENWAY. I am reading from the hearings here.

Mr. NEWLANDS. I understand; but I do not find any such recommendation.

Mr. HEMENWAY. In fact, as the gentleman perhaps knows, the Director of the Mint has very often recommended that this office be abolished altogether; but in view of the former action of the House, when we once struck this provision from the bill altogether and the House put it back, we thought it was our duty to continue the Carson office, but to put the salaries on the same basis that similar offices are receiving.

Mr. NEWLANDS. Will the gentleman tell me what authority the Committee on Appropriations has for changing a provision of the existing law fixing the salaries of these officials at the Carson mint?

Mr. HEMENWAY. Why, we have the authority of the rules of the House. We have a right under the rules of the House to reduce these salaries or to strike the appropriation for Carson out of the bill altogether.

Mr. NEWLANDS. What rule do you refer to?

Mr. HEMENWAY. Why, the rule that has been in existence since Congress first convened.

Mr. NEWLANDS. I should like the gentleman to refer me to it specifically.

Mr. HEMENWAY. Why, the gentleman knows that it is within the jurisdiction of the Committee on Appropriations to determine whether or not these salaries shall be increased or decreased where they are not fixed by statute.

Mr. NEWLANDS. Yes; but that is the question. I understand that these salaries are fixed by statute. I ask the gentleman what authority the committee has for changing existing law in that particular?

Mr. HEMENWAY. As I understand, the ruling of the House has been, if the gentleman will permit me, that the Committee on Appropriations can not increase a salary fixed by statute, but the committee, under the rules of the House——

Mr. NEWLANDS. Why is that so? It is a change of existing law.

Mr. HEMENWAY. If the gentleman will permit me——

Mr. NEWLANDS. Is not a reduction also a change of existing law?

Mr. HEMENWAY. The Chairman of the Committee of the Whole has repeatedly ruled that the Committee on Appropriations may bring in an appropriation of less than the amount fixed by statute.

Mr. BARTLETT. That is the Democratic rule, the rule of the Fifty-third Congress.

Mr. NEWLANDS. I wish to make the point of order regarding the salary reported in the bill, that it is fixed by law, and that the Committee on Appropriations have changed existing law.

The CHAIRMAN. Will the gentleman from Nevada cite the Chair to the statute?

Mr. NEWLANDS. I have not it before me, Mr. Chairman, but the estimates of the Treasury Department refer to Revised Statutes 31, page 649, sections 3496 and 3498 as the existing law covering this matter. If the Chair will indulge me, I will send for the statutes.

Now, reserving the point of order, I will address myself to the expediency of making this recommendation.

If my point of order is not sustained, I propose to offer an amendment increasing these salaries to the amounts contained in the estimates of the Secretary of the Treasury.

Now, as a reason for the very large reduction in the expenses of this office the gentleman says that the receipts of last year were only $277,000, and that the expenses constitute 4 per cent of those receipts. He says he has reduced the expenses of this office so as to equal the expenses of some other office having similar receipts. He also says that the Director of the Mint recommended this change. On the contrary, the estimates of the Secretary of the Treasury make the expenses of this office nearly double those allowed by the committee, and in the hearing the Director of the Mint was questioned regarding the expenses of this office, and he said:

> This is the first year it has been as low as $270,000. It has not been below $500,000.
>
> Mr. LITTAUER. There is no prospect of its increasing?
>
> Mr. ROBERTS. Yes; there is. There is a good deal of prospecting going on in Nevada, and there is considerable prospect. If it does not recover this year I think it could be still further reduced or abolished.

So that the recommendation of the Director of the Mint was that the appropriation should continue for this year; that if the receipts did not return to the old average, that then the reduction should be made in these salaries.

Now, let me say a word with reference to the prospecting that is going on in the State of Nevada. It is something more than prospecting. This Carson mint was established near the Great Comstock, which supplied $600,000,000 of gold and silver to the world; and during the flourishing times of the Comstock it was not a mere assay office, but a great mint.

Now, it has been reduced from a mint to an assay office, and the business has declined as the product of Comstock has declined; but prospectors have been at work in the State, and in the great Tonopah, on the Carson and Colorado Railroad, a strike has been made directly tributary to the Carson mint. In a short time over 2,500 men have gone to that camp, and it is estimated that within the last month very nearly a million of dollars worth was taken out by men enjoying leasehold interests in these mines. These mines are going into the ownership of a great Philadelphia company, and it is intimated that the mines will be conducted during the year on a very large scale. Tonopah is referred to as the new Comstock in that region.

Now, I ask when the Director of the Mint states that they have reached the lowest ebb in receipts at that office, and also states that there is prospecting going on in the State, and recommends the appropriation contained in the Book of Estimates, and a reduction next year if the receipts are not increased, I ask if under that statement it is fair for the gentleman to urge this reduction now?

Now, the statute referred to is on page 985, in volume 31, and it fixed the salaries of the mint at Carson, Nev., "For assayer in charge, who shall also perform the duties of melter, $2,000; assistant assayer and one clerk, at $1,500 each; in all, $5,000." Then, wages for workmen and watchmen. But I observe that this is simply an appropriation bill, I judge, for the year, similar to the one under consideration.

Mr. HEMENWAY. I think that is all.

Mr. NEWLANDS. And therefore it is a mistake to refer to this statute as the law authorizing the salaries, for it is simply in an appropriation bill like that now under consideration; but I know that when the mint at Carson was established the salaries were fixed, and there is a mistake in this book of estimates in referring to this source as authority.

Mr. HEMENWAY. I want to call attention to the fact that the gentleman has not yet shown a statute fixing the salary?

Mr. NEWLANDS. No, I have not yet shown any statute.

Mr. HEMENWAY. On page 180 of the hearings I notice that the Director of the Mint says:

> The situation in Carson is just this: The assayer there is Governor Colcord. He was appointed superintendent of the mint while it was a mint and then appointed assayer. I do not think he is a practical assayer, but I can not remove him, and so we have to have an assistant assayer at Carson.

In other words, you seem to have at the head a man who is not an assayer, and in order to take care of him you have to have an assistant who is competent.

Now, the Committee on Appropriations do not believe it is a proper thing to continue this appropriation for Carson at the amounts they are now receiving, in order that an incompetent man should be taken care of, and they do not believe it is a proper thing to continue it above the amount appropriated for Charlotte, where there is the same amount of business. If next year more business shall be done at Carson, I have no doubt the appropriation can then be increased.

Mr. NEWLANDS. But in the meantime you have deprived that office of the facilities for the business now coming in, the current business.

Mr. HEMENWAY. Oh, no; we continue the same force. We continue the assay office.

Mr. NEWLANDS. How can the gentleman say that he is doing that, when he cuts down the appropriation nearly one-half?

Mr. HEMENWAY. We only put it in line with other similar offices, with the office at Charlotte, where they transact an amount of business which is equivalent to that at Carson. We put the Carson salaries at the same amount as that at Charlotte and other similar offices. I do not believe the salaries at Carson should be so large, simply that this gentleman, whom I have no doubt is a very good man, should continue at the head, when he is not competent to do the work of an assayer.

Mr. NEWLANDS. Regarding Governor Colcord, I have to say that he was superintendent when it was a mint, and when the reduction was made to an assay office he was kept there as assayer in charge. I think the Director of the Mint is mistaken in saying that he is not a practical assayer. My impression is that Governor Colcord is one of the best-equipped men in the State and is an assayer as well as a practical miner.

Now, I have already shown that while the committee reduces the appropriations of that office to a lower amount than ever before, there is a prospect of a very large increase, an absolute assurance of a very great increase in the business of the office in the next fiscal year. Now, the gentleman says that this reduction would only cripple the office during that time, and the only suggestion of relief that he gives me is that after the office has been crippled one year—that is, the next fiscal year—a return can be made to the amount expended previously.

Mr. HEMENWAY. If the gentleman will permit, in place of increasing, the business of this office has been decreasing. There is no evidence that the business will increase. On the other hand, it will decrease.

Mr. NEWLANDS. But the Director admits that it is likely to increase. He says if next year the business does not increase a reduction can be made. The trouble is that the gentleman is not postponing the reduction one year to see what experience can be obtained regarding the work, but he proposes to cut down the assay office immediately.

Mr. HEMENWAY. We propose to provide for the office as it exists now. If a year from now the business of the office has increased, I can only speak for myself, but I will say that I shall be glad to put the salaries of the offices right in line with the salaries of other similar offices.

Mr. NEWLANDS. Will the gentleman permit me to offer an amendment to the section, and we will take a vote on it? I offer first an amendment to line 17, page 67——

The CHAIRMAN. What has become of the gentleman's point of order?

Mr. NEWLANDS. I will have to reserve that.

The CHAIRMAN. The Chair thinks it had better be determined before the gentleman offers his amendment.

Mr. NEWLANDS. I am not able to refer to the existing law at this minute. The estimates refer to an appropriation bill which is similar to the one before us, and I think that is a mistake. I have no doubt at all that there was an original statute fixing these salaries.

The CHAIRMAN. The Chair does not see how the gentleman can offer an amendment while a point of order is reserved which may possibly throw out the whole paragraph.

Mr. NEWLANDS. Then, Mr. Chairman, I ask that the section be passed until I can find the original statute.

Mr. HEMENWAY. I suggest to the gentleman that if his point of order was sustained it would leave the bill with no amount in for salaries; and so he does not want his point of order sustained.

Mr. NEWLANDS. Yes; I do want the point of order sustained.

Mr. HEMENWAY. But the gentleman can see that if the point of order was sustained the provision would go out and it would be left blank.

Mr. NEWLANDS. But if the point of order is sustained, I shall move to amend.

Mr. HEMENWAY. Then, after all, the sole question would be on your amendment; so you can as well withdraw the point of order and proceed.

Mr. NEWLANDS. If the gentleman will accept the amendment, I will withdraw the point of order.

Mr. HEMENWAY. If the gentleman will withdraw the point of order, I will not make any point of order against his amendment. I am willing the House should vote on it.

Mr. NEWLANDS. If the gentleman will accept the amendment——

Mr. HEMENWAY. I will not accept the amendment, but I am willing the committee should vote on it. Otherwise, I ask for a ruling by the Chair.

The CHAIRMAN. The Chair does not want to rule if the gentleman from Nevada asks for further time; but the Chair has the statute before him and is ready to rule.

Mr. NEWLANDS. Very well.

The CHAIRMAN. It has been the uniform custom of the House to appropriate less than the amount of the statutory salary. The House, of course, has a right in an appropriation bill to refuse to appropriate at all. There is no doubt but that this committee would have the right, and not be subject to a point of order, to leave this appropriation out entirely. That is a power that is reserved to the appropriation committees in Congress. The Chair thinks that has been the uniform custom, that the House has the right to fix the amount less than the maximum salary. The Chair, therefore, overrules the point of order.

Mr. NEWLANDS. Now, Mr. Chairman, I offer my amendment. There are a number of amendments, and I will offer them at one time to this entire section:

On page 67, lines 17 and 18, strike out the words "one thousand five hundred" and insert the words "two thousand."

On page 67, lines 18 and 19, strike out the words "one thousand two hundred and fifty" and insert "one thousand five hundred."

On the same page, line 19, after the word "dollars," insert "1 clerk at $1,500."

Lines 19 and 20, strike out "$3,750" and insert "$5,000," that being the total amount.

Lines 20 and 21, strike out "two thousand" and insert "five thousand six hundred."

Lines 23 and 24, strike out "one thousand" and insert "two thousand five hundred."

I will state that this makes the total change about $6,700 in the expense of this office.

The CHAIRMAN. The Chair thinks the gentleman had better confine his amendments to the paragraph under consideration. The gentleman has proposed to amend paragraphs that we have not reached.

Mr. NEWLANDS. Can not the Clerk segregate the amendments?

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

On page 67, in lines 17 and 18, strike out the words "one thousand five hundred" and insert "two thousand."

On page 67, in lines 18 and 19, strike out the words "twelve hundred and fifty" and insert "fifteen hundred."

In line 19, after the word "dollars," insert "one clerk at $1,500."

In lines 19 and 20 strike out the words "twenty-seven hundred and fifty dollars" and insert "five thousand dollars."

Mr. LIVINGSTON. As has been stated by the gentleman in charge of this bill, there has been a proposition by the Director of the Mint for perhaps four or six years back—at any rate four years ago and two years ago—to abolish this office and several others, on account of the simple fact that they are not necessary, and their maintenance is an unnecessary expense to the Government. But let me say to the gentleman from Nevada that instead of abolishing this office, which perhaps for good reasons ought to have been done, the committee have simply cut down the expenses of that office $6,700, the reduction which the gentleman is now seeking to do away with by his amendment. In the hearings before the committee I asked this question of the Director of the Mint:

If the office at Carson City was abolished, how could those people be accommodated? What is the next place?

The answer of the Director of the Mint was:

A great part of the product—more than goes to Carson City—goes to San Francisco now.

Before our committee it was developed that this is an unnecessary expense. I do not want to put this proposition upon the ground that the assayer is either competent or incompetent. I want to put it on the ground that we have no use for this assay office; that is about the truth of it. On account of the mining regions contiguous to San Francisco we are compelled to keep that mint alive; but the whole truth of the case is that the silver business, under the single gold standard, has died out, and that is the trouble with the whole State of Nevada. Your committee is not responsible for this. We may sympathize ever so much with our friends from that State. I do so, I am sure. I do not think that the business ought to have been crippled in that way. I am a double-standard man, and expect always to be; but the facts are just as I have stated. With the very small amount of work done for the Government at that point and the little results shown for that work, it costs three or four times as much to do this work as it does at neighboring assay offices.

I appeal to the gentleman from Nevada to say whether the committee has not done fairly well with him. Instead of attempting to abolish the office, we have proposed simply this reduction of certain salaries. We are charged with the duty of making reductions wherever it can be done. We are bound to recommend reductions when in our opinion they are necessary; and such recommendations ought to be made independently of any party affiliation or any local partiality or bias. We are in honor bound to do it. We have presented this case in a straightforward, business-like way, and I think the gentleman from Nevada must be convinced that he ought to accept our action in good faith; for it has been taken in good faith.

Mr. NEWLANDS. Mr. Chairman, the gentleman from Georgia [Mr. LIVINGSTON] says that the work now done at Carson City can be done at San Francisco. But, sir, San Francisco is nearly 3,000 miles away from Carson. It is 600 miles from the eastern part of our State. It is about 400 miles from the camp of Tonopah, to which I referred, which is developing as the second Comstock of that region.

Now, I ask the gentleman whether he regards it as a matter of convenience to the miners and prospectors of that region to compel them to send their specimens and their ores hundreds of miles in order to be tested when the test could be applied at a Government office conveniently accessible?

Mr. LIVINGSTON. May I suggest to the gentleman that the Government could ship its bullion from his locality to Philadelphia or some other point where there is a mint? It might make a large amount of saving by skipping the assay office at Denver. The amount of assaying that is done there is purely a matter of accommodation for the people of that locality. That office does not mint anything. The Government could make money by shipping the bullion to Philadelphia or San Francisco.

Mr. NEWLANDS. If this metal is shipped to Philadelphia or San Francisco, a heavy charge for expressing must be paid. But why should we by such a system build up mints 3,000 miles away from the mines?

Mr. LIVINGSTON. Let me ask the gentleman one question. With the appropriation carried by this bill can the work be properly done there and the parties doing the work properly sustained?

Mr. NEWLANDS. I do not think so, and I do not believe the Director of the Mint thinks so. On the contrary, he advised the committee against this reduction. Let me read from some remarks which did not catch my eye when I read it before. He was asked by Mr. HEMENWAY:

There is no reason why Carson City should not be put on the same basis as Charlotte, is there?

Mr. ROBERTS. I think I would hesitate to do that this year.

Now, who is the business man in charge of these matters? Is it the gentleman from Georgia [Mr. LIVINGSTON] or the gentleman from Indiana [Mr. HEMENWAY]? No; each one of them will confess with the utmost candor that he knows nothing about the business, either of minting or assaying. Who is charged by the Government with the responsibility of this work? The Director of the Mint, and when the question is asked him by Mr. HEMENWAY as to whether this reduction can not be made corresponding to the expenditure made at Charlotte, a reduction which has been made

in the bill here pending, the Director of the Mint says he would not do it this year, that he would hesitate to do it this year. Is it not to be assumed that he hesitates to do it because it is a business proposition? Has the Carson mint ever been the subject of humanitarianism or liberality or generosity at the hands of the Federal Government? Why, it has been gradually crippled by the recommendation of the Director of the Mint, and when the Director of the Mint, who has been steadily cutting down operations there, asks the Committee on Appropriations to wait a year before taking action upon this matter, I assume that it is his business judgment, and business judgment alone, that controls him.

I ask for a vote.

Mr. HEMENWAY. I desire to say a word before the vote is taken.

The CHAIRMAN. The gentleman from Indiana.

Mr. HEMENWAY. I want the House to understand this proposition. It is not proposed to cripple the Carson assay office, but it is proposed to put it on the basis that other similar assay offices are upon. The Director recommended that it be abolished altogether, and has repeatedly made that recommendation, but we did not believe it was proper to abolish it for the very reason that the gentleman states, that it was an accommodation to the people of that locality. So we put it on the same basis that Charlotte is put on, and other assay offices that handle the same amount of money.

Why, I want to call the attention of the House to the fact that it costs 4 per cent on every dollar that goes through the Carson assay office now—twice the amount of interest that we pay on Government loans. While we are only paying 2 per cent interest on the money we borrow, yet for every dollar of money that we handle through that assay office it costs us 4 per cent.

It only costs us a little over one and a half per cent at Charlotte. They are both doing about the same amount of business now. What reason is there why this House should give to the officers at Carson extravagant salaries and hold the officers at Charlotte down to reasonable salaries? There is absolutely no business reason for it, and I hope the House will not do it. The business out there will not be crippled. The assay office will go on. Its officers will have the same salaries that officers in similar assay offices have in this country, and there is no reason why business there should not move along as smoothly as in other assay offices in this country, and there is absolutely no reason why salaries out at Carson should be away up and salaries at Charlotte away down.

Why, even the salaries at Charlotte have cost us nearly 2 per cent on every dollar we handle, and we are maintaining that office simply for the accommodation of the people of that locality, just as we maintain the office at St. Louis for the accommodation of people in that vicinity, although at an expense to the Government of more than 2 per cent for every dollar that goes through the office.

I hope the amendment will be voted down.

The CHAIRMAN. The question is on the amendment of the gentleman from Nevada.

Mr. NEWLANDS. Let me say just a word.

The CHAIRMAN. Debate on this amendment is exhausted.

Mr. NEWLANDS. I ask unanimous consent to speak for two minutes.

The CHAIRMAN. The gentleman asks unanimous consent that he be allowed to speak for two minutes.

Mr. HEMENWAY. I hope the two minutes will be granted.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. NEWLANDS. The gentleman says that the Director of the Mint sometime ago recommended the abolition of this assay office. I believe he recommended the abolition both of the mint and the assay office at that point. That was true, but the House reversed his judgment then. What is the judgment of the Director of the Mint now? That is the question, not what was his recommendation three or four years ago, when Nevada was at the very lowest ebb of its development. What is his recommendation now in view of the existing conditions? Why, he recommends the continuance of this appropriation.

Mr. HEMENWAY. Will the gentlemen allow a question?

Mr. NEWLANDS. Yes.

Mr. HEMENWAY. Were not the receipts at Carson last year less than they have ever been in the history of that assay office?

Mr. NEWLANDS. That is true; but the Director of the Mint states his reasons for a continuance of this appropriation, saying that there is a great deal of prospecting going on there. He minimized the real condition. There is not only a great deal of prospecting going on, but there is actual bona fide development of the mineral wealth of that State.

The gentleman from Georgia [Mr. LIVINGSTON] says that the silver mining has been killed. So it has; but the people of that State, summoning all their energies, have taken to gold mining, and the gold output of that State has steadily increased, until this last year I believe it was nearly $6,000,000. Now the gentleman appeals to this House to sustain the Director of the Mint upon a recommendation made four years ago, and I appeal to this House to sustain the recommendation of the Director made to-day.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nevada.

The question was taken; and the Chairman announced that the noes seemed to have it.

Mr. NEWLANDS. Division!

The committee divided; and there were—ayes 36, noes 45.

Mr. NEWLANDS. I call for tellers.

Tellers were ordered.

The CHAIRMAN. The gentleman from Indiana [Mr. HEMENWAY] and the gentleman from Nevada [Mr. NEWLANDS] will take their places as tellers.

The committee again divided; and the tellers reported—ayes 47, noes 66.

So the amendment was lost.

The Clerk read as follows:

For wages of workmen and watchmen, $2,000.
For incidental and contingent expenses, $1,000.

Mr. NEWLANDS. Mr. Chairman, I withdraw my other amendment, as I have ascertained the sense of the House.

The Clerk read as follows:

Assay office at Seattle, Wash.: For assayer in charge, who shall also perform the duties of melter, $2,500; chief clerk, $1,800; 1 clerk, $1,600; 1 clerk, $1,500; 1 clerk, $1,400; 1 clerk, $1,200; in all, $10,000.
For wages of workmen and assistants, $27,000.
For incidental and contingent expenses, including rent of building, $9,000.

Mr. JONES of Washington. Mr. Chairman, I desire to offer an amendment.

The Clerk read as follows:

In line 12, page 73, strike out "two" and insert "three;" and strike out "five hundred."

Mr. HEMENWAY. I make the point of order that this is a change of existing law.

Mr. JONES of Washington. I hope the gentleman will reserve his point of order.

Mr. HEMENWAY. Well, I will reserve the point of order if the gentleman desires.

Mr. JONES of Washington. Mr. Chairman, I desire to compare the business of this office and the business of the assay office and mint at Denver, Colo., because that is the one with which a comparison can properly be made. The effect of this amendment is to raise the salary of the assayer in charge of the office at Seattle, who receives a salary of $2,500 to perform the duties of assayer and also the duties of melter. Now, at the mint and assay office in Denver, Colo., they have an assayer who receives $3,000; they also have a melter who receives $2,250. So that the difference between the salaries of the two offices, for the business performed at the mint and performed at Seattle, is $2,750 more at Denver than at Seattle for the same service.

I desire to call the attention of the gentleman in charge of the bill to the amount of business done at these two offices; and I think that that business shows the justice of this amendment, and that the officer at Seattle who performs the duties of both assayer and melter should receive at least as much as the assayer at Denver—$3,000.

Now, the net earnings of the office at Seattle in 1900 were $26,211.40; at Denver, $22,197.66, or $4,000 more at Seattle than at Denver. The net earnings in 1901 at Seattle were $40,598.74; at Denver, $23,587.64—nearly $20,000 more earnings at the assay office at Seattle than at the assay and mint at Denver, Colo.

Now, then, notice the business by way of deposits at these two offices. At Seattle the deposits in 1899 were $6,550,698.16; at Denver, $21,180,138.28. In 1900 the deposits at Seattle were $13,747,011.04, or an increase in that year of $7,000,000; at Denver, Colo., the deposits were $17,098,424.96, or a decrease of $4,000,000. The deposits in 1901 at Seattle were $21,707,166.29; at Denver, $18,233,947.35. In other words, while in 1899 the business in deposits at Denver, Colo., was about $15,000,000 more than at Seattle, in the year 1901 the business at Seattle was $3,000,000 more than the business at Denver, Colo.

The statistics of the manufacture of bars of gold and silver at these two offices is in the same proportion. I call all these figures to your attention. The amount of bullion deposited in these two offices for this time was: At Seattle in 1899, 346,076 ounces; at Denver, 1,135,050 ounces. In 1900, at Seattle, 727,607 ounces; in Denver, Colo., 913,691 ounces. In 1901, in Seattle, 1,130,814 ounces; and at Denver, Colo., 975,262 ounces. Silver, at Seattle in 1899, 96,311 ounces; and at Denver, 54,083 ounces. In 1900, at Seattle, 180,580 ounces; while at Denver it was 85,519 ounces. In 1901, at Seattle it was 234,964 ounces; and at Denver, 76,946 ounces. Now, the total bullion for 1900 was, at Seattle, 908,187 ounces; and at Denver, 999,210 ounces. In 1901, at Seattle it was 1,405,778 ounces; and at Denver, 1,052,208 ounces of bullion.

These figures show briefly the amount of the business done.

Mr. GAINES of Tennessee. What has caused that great increase at Seattle?

Mr. JONES of Washington. It comes from Alaska. It is bullion coming in from Alaska.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GAINES of Tennessee. I move to strike out the last word.

Mr. JONES of Washington. I would like two or three more minutes.

Mr. GAINES of Tennessee. If I may be allowed to do so, I will yield the gentleman two or three minutes of my time.

Mr. LIVINGSTON. I ask that the gentleman's time be extended three minutes.

The CHAIRMAN. Unanimous consent is asked that the time of the gentleman be extended for three minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. JONES of Washington. I desire to call attention to the expense of conducting this office to the Government of the United States. That has already been adverted to by the gentleman from Indiana. The expense at Seattle during the last year was only two one-hundredths of 1 per cent on a dollar, less than any other assay office in the United States. It seems to me that, in view of the continued phenomenal increase in the business of this office, as shown during the last three or four years, and the increase this year and the amount of business done here compared with the amount at Denver, it would be an act of justice that the official who looks after these matters at Seattle should have at least the amount given the assayer at Denver, when he performs not only the duties of assayer, but the duties of melter also. I hope the gentleman will not insist on his point of order.

It will be noticed here, also, that the assistant and laborers in charge at Denver are given an appropriation of $22,000. The assistants and men in charge at Seattle are given an appropriation of $27,000, showing the great responsibility that must rest on the assayer in Seattle, and I want to say that he is one of the best and most efficient assayers in the United States.

Mr. GAINES of Tennessee. Now, Mr. Chairman, I move to strike out the last word, and if the gentleman from Washington will yield I would like to ask him a few questions, because I have another purpose in view. Will the gentleman state whether any of the gold that is brought from Alaska is assayed or minted in British territory contiguous to the United States or the State of Washington?

Mr. JONES of Washington. I think perhaps there has been some assayed in the British territory this last year, because the British Government has offered a royalty to these people coming from Alaska who will have their gold assayed or minted at Vancouver or Victoria. I think that may have diverted some gold from Seattle, although I am not sure.

Mr. CUSHMAN. I want to say, Mr. Chairman, that that is absolutely true; they have offered one-fifth of the royalty to those bringing the gold to the British Columbia office to be assayed.

Mr. GAINES of Tennessee. Now, I would like to ask the gentleman [Mr. JONES] if the matter of establishing a mint in this British territory is not being discussed, and what possibility is there that a mint will be established there?

Mr. JONES of Washington. I can not say positively. I suppose the gentleman is trying to lead somewhat up to the fact that there is a proposition to establish a mint is this country.

Mr. GAINES of Tennessee. I am trying to lead up to the statement that there is a proposition to establish a mint in Washington, and as the gentleman seems to be conversant with the facts that pertain to mints I thought I might get some information from him.

Mr. JONES of Washington. I am willing to give the gentleman any information that I can. I understand that they are advocating putting a mint up in the British territory if they have not got one there already.

Mr. GAINES of Tennessee. Does not the gentleman think it might be a good policy to establish a mint in the State of Washington?

Mr. JONES of Washington. I rather think so.

Mr. CANNON. Now, is not that a wise suggestion——

Mr. GAINES of Tennessee. I am glad to get a compliment from the gentleman from Illinois.

Mr. CANNON (continuing). When the fact is that at any assay office in the United States the Philadelphia price for gold is paid. The Philadelphia price is paid at Seattle or any other office, and the whole expense of transportation to the mint is paid by the United States, and yet the gentleman from Tennessee wants a mint established up in Washington to keep gold from being minted at a mint that does not exist anywhere on the Western coast, in the British possessions. I say again, What a wise suggestion!

Mr. GAINES of Tennessee. Here is what I had in mind, Mr. Chairman, that there is pending before the Coinage Committee, and has been reported, a bill for establishing a mint up in that part of the country. I am not the author of the wise proposition commended by the gentleman from Illinois. The bill was introduced by a very distinguished gentleman from the Republican side of the House. I thought if I could increase the money of this country by increasing the gold coinage, if we could induce all the gold from Alaska to come into the American mint and not go into a British mint and be coined into British money and stay in British territory, it would greatly benefit our country. A mint in the northwestern corner of the United States would induce the gold that came from Alaska to come into the mints of the United States and not go elsewhere, and thus add to our volume of money.

In addition to that, Mr. Chairman, if there is any gold in the Philippine Islands it will be brought by vessels to that northwestern corner of the United States. There is a great line of steamers coming from the Philippine Islands to Seattle or in that neighborhood.

Now, is it wiser or better to have a mint in the British possessions or have the mint over in an American possession? Mr. Chairman, in the "wisdom" of the Committee on Coinage, Weights and Measures, the committee think one should be established in the State of Washington where vessels land with the bullion. So, Mr. Chairman, the gentleman from Illinois has complimented the gentleman from Tennessee in relation to something that the gentleman from Tennessee did not merit, but which, from a patriotic standpoint, I heartily espoused in committee and shall when it comes before the House.

Mr. CUSHMAN. Mr. Chairman, I had no intention of intruding in the realm of this debate. The subject-matter of the debate had its beginning in the motion of my colleague [Mr. JONES] offering an amendment to this bill to increase the salary of the assayer in charge of the Seattle assay office from $2,500 to $3,000 per annum. With that proposition, so ably presented by my colleague, I am in full and hearty accord.

The subject, for the present, however, has taken a different trend and a wider range—regarding the advisability of the establishment of an additional United States coinage mint in the northwestern corner of the United States. As has been well said by the gentleman from Tennessee [Mr. GAINES], why should not such action be taken and such mint established?

The gentleman from Illinois [Mr. CANNON], it would seem from his remarks, thinks there is no need for any additional mints. He says that the miner can now get the same price for his gold at any assay office as he can get at the mint. In the first place, I deny that that statement is correct. All assay offices make a charge to all miners and bullion owners of one-eighth of 1 per cent of the value of the bullion over and above the charge that would be made against the same bullion if it was presented at any mint of the United States.

However, this is not the chief point that I desire to emphasize. The question involved in the establishment of a new mint in the northwestern part of the United States is bigger and broader than one-eighth of 1 per cent. If the contention of the gentleman from Illinois is correct, that because the miner could get almost as much for his bullion at the assay office as at the mint, then there would have never been any necessity of establishing but one mint in the entire United States. But there have been established five different coinage mints in the United States, and four of them are in active operation as mints to-day.

What reason was there for establishing any additional mint after the first one was established and in operation? Yet after the first one was established at Philadelphia there was another established at New Orleans; there was another established at San Francisco; there was another established at Carson, Nev.; there was another established at Denver, Colo. Now, then, if there are any reasons existing to-day against the establishment of a new coinage mint at Tacoma, those same reasons existed against the establishment of the last four mints that this Government has already established.

And all the reasons that operated for the establishment of those last four mints that have been established—I say that all those reasons exist to-day and operate with redoubled force in favor of the establishment of an additional coinage mint in the northwestern part of the United States. A bill for the establishment of that new mint has been introduced by myself during this session of Congress, it has been fully considered by the Coinage, Weights, and Measures Committee of this House, and favorably reported by that committee to this House.

It is very easy for gentlemen to stand up here and glibly declaim that no reasons exist for the establishment of a new mint in that region. It is a fact that the natural trend and flow of the gold bullion coming down from Alaska is toward the American side and not toward the British Columbia side. The citizens and officials of British Columbia have tried in a dozen different ways to turn the gold which now reaches the American side and is being

converted into American eagles—to turn it toward the British Columbia side, where it will be coined into English sovereigns.

Any man who knows anything about mining camps or mining life knows that the place where the miner turns his crude product—the bullion and the dust—into coin is the same place where in all human probability he spends his money and buys his supplies. These are the reasons that have actuated the British Columbia government in establishing a magnificent assay office just across the American border, and these are the reasons that are actuating them in their purpose and desire to establish a branch British mint in that locality. For heaven's sake, are there not as many reasons existing why the American Government should protect the trade of its merchants and retain the flow of gold toward our shores as there are reasons why the British Columbia government should aid its citizens and their trade by filching our gold?

I say this question is broader than mint, and bigger than assay office. It is a question of the supremacy of trade. This Government has never been slow or negligent in protecting its trade or the product of its citizens. Whenever it is necessary to protect the product of some New England factory, men will rise up in this House and cry out for legislation, and we have always voted with you to help maintain your trade and protect your product. We do not expect less help from you when our trade or our product is menaced than we accorded to you under similar circumstances. I shall not talk longer on this question now, but when the proper time arrives I expect to have some pertinent remarks to make on this highly interesting subject.

Mr. HEMENWAY. I make the point of order.

Mr. JONES of Washington. I do not know that I can say anything against the point of order.

The CHAIRMAN. Is there any law on this subject?

Mr. JONES of Washington. The law fixes the salary of this officer.

The CHAIRMAN. And this would be an increase?

Mr. JONES of Washington. Yes, sir.

The CHAIRMAN. The Chair is obliged to sustain the point of order.

The Clerk read as follows:

GOVERNMENT IN THE TERRITORIES.

Territory of Alaska: For governor, $5,000; 3 judges, at $5,000 each; 3 attorneys, at $3,000 each; 3 marshals, at $4,000 each; 3 clerks, at $3,500 each; in all, $51,500.

Mr. GAINES of Tennessee. I move to amend the paragraph just read by striking out "five" in the first line and inserting "three," so as to make it read "the salary of the governor of Alaska, $3,000," instead of $5,000.

Mr. HEMENWAY. I make the point of order that this amendment changes existing law.

The CHAIRMAN. The Clerk will read the amendment.

The amendment was read.

The CHAIRMAN. Does the gentleman from Indiana raise a point of order?

Mr. HEMENWAY. I make the point of order that this amendment changes existing law.

The CHAIRMAN. The Chair overrules the point of order.

Mr. GAINES of Tennessee. I am not surprised at the ruling of the Chair, because it is in keeping with a like ruling of the Chair a few minutes ago.

If we can reduce the salary of a mint officer, as the gentleman from Indiana [Mr. HEMENWAY] contended successfully a few moments ago, maybe, possibly, we can reduce the salary of a governor.

Mr. Chairman, I want to call the attention of the House, in all candor, to the fact that the salary of the governor of this Territory of Alaska was raised—I believe I state the fact—without any request from the governor of the Territory, Mr. Brady, whom I happen to know. I opposed the increase when it was made. The salary was formerly $3,000.

Mr. Chairman, let us take some of the States of this great Union, and what do we find as to this question of governor's salary? In Oregon the salary of the governor, whose duty it is to attend to the execution of the laws of the State, to call special sessions of the legislature, to write messages, and to perform the various other functions of the chief executive, is only $1,500 a year. The salary of the governor of Vermont is only $1,500. And, sir, the great State of Maine, which has sent so many of her illustrious sons to this House, is only $2,000. It is to be remembered that the distinguished and lamented Dingley served as governor of that State, and that we have to-day as members of the House two of her ex-governors—Governor Burleigh and Governor Powers. Then turn to the State of Georgia, and what do we find? The governor's salary is $2,000.

Mr. BARTLETT. And we are ashamed of that salary.

Mr. GAINES of Tennessee. You are not ashamed of your governor.

Mr. BARTLETT. Oh, no; not at all.

Mr. GAINES of Tennessee. No; I have never seen a Democrat from your State who was ashamed of the governor of that State, and to-day you have a great number of distinguished men who are candidates for the governorship of Georgia.

Mr. BARTLETT. But we are ashamed of the salary.

Mr. LIVINGSTON. There may be perquisites that gentlemen do not know anything about.

Mr. GAINES of Tennessee. I do not know anything about that, of course. But let me say in continuation that when we turn to the State of West Virginia we find the salary of the governor $2,000. And the State of Delaware pays her governor only $2,500. The governor of South Dakota receives $2,500, the governor of Nebraska $2,500. The governor of the great State of Iowa, that furnishes the Speaker of this House; that furnishes some of the ablest men in this House on the Republican side—the governor of that State receives only $3,000 a year. Yet we get from that State the new Secretary of the Treasury of the United States, who served that State as governor for the sum of $3,000 a year. We get men of that caliber for that salary in that great State, and many in Iowa wanted the honor of that office when ex-Governor Shaw was nominated first.

Go to the State of North Carolina, and we find there the salary of the governor is $3,000. The salary of the governor of North Dakota is $3,000. So that out of the entire number of States in this Union we find, I believe, that there are 28 governors of States who receive less than the governor of the Territory of Alaska.

Why should this be, Mr. Chairman? She has no legislature. She has no recommendations to make to any local congress. He simply writes an executive letter down here stating the condition of Alaska, once in two years, and still we continue to misrule Alaska legislatively and juridically.

Again, Mr. Chairman, for years we have been paying our Territorial governors salaries even greater than some of these States are paying, particularly Oregon, Vermont, New Hampshire, Maine, Georgia, Utah, West Virginia, Delaware, the Dakotas, and Nebraska. All of them receive less than the governors of our Western Territories. I will insert the table I have read from, as follows:

Salary paid the governor of—	
Philippine Islands	$20,000
New York	10,000
Pennsylvania	10,000
Alaska	5,000
Oregon	1,500
Vermont	1,500
New Hampshire	2,000
Maine	2,000
Georgia	2,000
Utah	2,000
West Virginia	2,000
Delaware	2,500
South Dakota	2,500
Nebraska	2,500
Iowa	3,000
North Carolina	3,000
North Dakota	3,000

Now, why should the Federal Government be extravagant in these matters?

But the story does not stop there. All the salaries of the officials, of the governors in these new territories, begun at a higher figure than ever before in any of our Western Territories, and I believe unnecessarily, and particularly in this instance. In addition to paying the governor—I believe this bill provides for paying the governor of Porto Rico $8,000—we find, over on page 57, a provision paying a salary of "$5,000 a year to a resident commissioner of Porto Rico." Where is this commissioner? What are his duties? What does he do? Who has heard of him, or from him before? Where are his reports? What are his functions? Does he sit in the House, or out in the corridor? I have never had the honor of seeing him or hearing of him. Does he write messages to Congress? I have never had the pleasure of receiving one nor hearing of one. Does he frame or suggest legislation?

Again, Mr. Chairman, what do we find in the Philippine Islands? While we do not pay the salary directly, we will help do it when your imperial tariff law, that is an outrage upon the forefathers of this country, upon our institutions, and upon ourselves, becomes a law. We will have to pay to get our products into that "domestic territory," over which our flag floats. We must pay a high tariff to the Philippine Islands government, and that goes into the Philippine Islands treasury, and from the treasury it goes into the pockets of the governor of the Philippines, $20,000. We could not possibly get a more honorable governor there than we now have.

[Here the hammer fell.]

The CHAIRMAN. The question is on the amendment.

The question being taken, the Chairman announced that the amendment was rejected.

Mr. GAINES of Tennessee. I call for a division, Mr. Chairman.

Several MEMBERS. Too late.

Mr. GAINES of Tennessee. I did not hear the announcement of the Chair.

The CHAIRMAN. If the gentleman contends that he would have called for a division in time if he had heard the statement of the Chair, the Chair will recognize the gentleman to demand a division.

Mr. GAINES of Tennessee. Division, Mr. Chairman.

The CHAIRMAN. As many as are in favor of the amendment offered by the gentleman from Tennessee [Mr. GAINES] will rise.

The committee proceeded to divide.

Mr. GAINES of Tennessee. I am standing alone, Mr. Chairman.

The division having been completed, the Chairman announced the result, ayes 3, noes 20, and that the amendment was rejected.

Mr. SIMS. Nobody understood that the vote was being taken. We thought the Chair was ruling on something.

Mr. HEMENWAY. The vote has been taken twice now.

Mr. SIMS. We on this side did not understand that.

Mr. HEMENWAY. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. LOUD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 10847) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1903, and for other purposes, and had come to no resolution thereon.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 1037. An act granting an increase of pension to Helen A. B. Du Barry—to the Committee on Invalid Pensions.

S. 3293. An act to increase the limit of cost of public building at Cumberland, Md.—to the Committee on Public Buildings and Grounds.

S. 3287. An act to fix the salaries of certain judges of the United States—to the Committee on the Judiciary.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. BINGHAM, for one week, on account of sickness.

Mr. HEMENWAY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 4 o'clock and 55 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Navy submitting an estimate of appropriation for investigating the means of burning liquid fuel for naval purposes, was taken from the Speaker's table, referred to the Committee on Naval Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. BARTHOLDT, from the Committee on Labor, to which was referred the joint resolution of the House (H. J. Res. 9) in reference to the employment of enlisted men in competition with local civilians, reported the same without amendment, accompanied by a report (No. 428); which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were thereupon referred as follows:

A bill (H. R. 10761) granting a pension to Anna Bronson—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 9187) granting an increase of pension to Caroline A. Hammond—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 10440) granting an increase of pension to William C. Read—Committee on Invalid Pensions discharged, and referred to Committee on Pensions.

A bill (H. R. 10805) granting an increase of pension to James B. Mulky—Committee on Pensions discharged, and referred to Committee on Invalid Pensions.

A bill (H. R. 7922) granting an increase of pension to R. G. Watkins—Committee on Invalid Pensions discharged, and referred to Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. JENKINS: A bill (H. R. 10927) to vest in the Spanish Treaty Claims Commission certain powers possessed by circuit and district courts of the United States—to the Committee on War Claims.

By Mr. ALLEN of Maine (by request:) A bill (H. R. 10928) relating to free transfers between street railway lines in the District of Columbia—to the Committee on the District of Columbia.

By Mr. GRIFFITH: A bill (H. R. 10929) to provide for coupon currency in which small sums in any multiple of 5 cents can be conveniently sent by mail—to the Committee on Banking and Currency.

By Mr. BOWERSOCK: A bill (H. R. 10930) to amend an act entitled "An act to regulate commerce," approved February 4, 1887—to the Committee on Interstate and Foreign Commerce.

By Mr. PEARRE: A bill (H. R. 10931) for the extension of School street southward to Columbia road, in the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

By Mr. SHAFROTH: A bill (H. R. 10932) to provide for the purchase of a site and the erection of a public building thereon at Boulder, in the State of Colorado—to the Committee on Public Buildings and Grounds.

By Mr. JONES of Virginia: A bill (H. R. 10933) to provide for the erection, at Fredericksburg, Va., of the monument to the memory of Gen. Hugh Mercer, which it was ordered by Congress, on the 8th day of April, 1777, should be erected—to the Committee on the Library.

By Mr. BARTHOLDT (by request): A bill (H. R. 10934) to amend an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes and their locomotives with driving-wheel brakes, and for other purposes"—to the Committee on Interstate and Foreign Commerce.

By Mr. STEVENS of Minnesota: A bill (H. R. 10992) to provide for the distribution of the reports of the United States circuit court of appeals and of the circuit and district courts—to the Committee on the Judiciary.

By Mr. FLYNN: A bill (H. R. 10993) to make certain grants of land to the Territory of Oklahoma—to the Committee on the Public Lands.

By Mr. MORRIS: A bill (H. R. 10994) to amend an act entitled "An act to provide revenue for the Government and to encourage the industries of the United States," approved July 24, 1897—to the Committee on Ways and Means.

By Mr. METCALF: A joint resolution (H. J. Res. 143) to provide for the printing of a digest of the United States customs laws and decisions—to the Committee on Printing.

By Mr. SHELDEN: A joint resolution (H. J. Res. 144) to provide for the commemoration of the semicentennial anniversary of the commencement of the construction of the ship canal between Lake Huron and Lake Superior, at the falls of the St. Marys River, in the State of Michigan, occurring June 4, 1903—to the Committee on Interstate and Foreign Commerce.

By Mr. HENRY of Connecticut: A joint resolution (H. J. Res. 147) providing for printing annually the Report of the Director of the Office of Experiment Stations, Department of Agriculture—to the Committee on Printing.

By Mr. LONG: A concurrent resolution (H. C. Res. 28) for the printing of certain monographs of the Bureau of Statistics of the Treasury Department—to the Committee on Printing.

By Mr. RIXEY: A resolution (H. Res. 122) requesting information as to amount of fines collected from volunteers in the war with Spain—to the Committee on Military Affairs.

Also, a resolution (H. Res. 123) requesting the Committee on Naval Affairs to report to the House whether the Government navy-yards are properly equipped for building Government ships; also as to the advantage and disadvantage of building said ships in the navy-yards—to the Committee on Naval Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were presented and severally referred a sfollows:

By Mr. ACHESON: A bill (H. R. 10935) granting a pension to William Harrington—to the Committee on Invalid Pensions.

By Mr. BULL: A bill (H. R. 10936) for the relief of the legal representatives of Gardner & Lake—to the Committee on War Claims.

By Mr. BURK of Pennsylvania: A bill (H. R. 10937) granting an increase of pension to John J. Carberry—to the Committee on Invalid Pensions.

By Mr. CASSEL: A bill (H. R. 10938) to reimburse certain persons the amount of expenses incurred and losses sustained by reason of the seizure of certain fraudulently stamped cigars sold them by W. M. Jacobs—to the Committee on Claims.

By Mr. COOPER of Texas: A bill (H. R. 10939) granting an increase of pension to John W. Waldrop—to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: A bill (H. R. 10940) for the relief of Erick Haugen—to the Committee on War Claims.

Also, a bill (H. R. 10941) granting a pension to Harriet A. Howard, widow of Charles A. Howard, late first lieutenant of Company I, Third Regiment Indiana Volunteers—to the Committee on Invalid Pensions.

By Mr. CROWLEY: A bill (H. R. 10942) granting an increase of pension to Silnos P. Teatro—to the Committee on Invalid Pensions.

By Mr. DAHLE: A bill (H. R. 10943) granting an increase of pension to Mathias Schlick, of Madison, Dane County, Wis.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10944) to provide compensation for injuries received by George E. Giles—to the Committee on Claims.

Also, a bill (H. R. 10945) to provide compensation for services as mail carrier by Charles Kiepert, postmaster at Concord, Jefferson County, Wis., on route No. 39212—to the Committee on Claims.

Also, a bill (H. R. 10946) granting a pension to Elizabeth Criddle, of Oregon, Dane County, Wis.—to the Committee on Invalid Pensions.

By Mr. DE ARMOND: A bill (H. R. 10947) to correct the military record of Capt. Levi M. Stephenson—to the Committee on Military Affairs.

By Mr. EDWARDS: A bill (H. R. 10948) for the relief of Warren S. Baxter—to the Committee on Claims.

Also, a bill (H. R. 10949) for the relief of William Flannery—to the Committee on Claims.

By Mr. FLYNN: A bill (H. R. 10950) granting a pension to Thomas S. Smith—to the Committee on Invalid Pensions.

By Mr. FOERDERER: A bill (H. R. 10951) granting a pension to Pauline M. Roberts—to the Committee on Invalid Pensions.

By Mr. JACK: A bill (H. R. 10952) granting a pension to Joseph Nelson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10953) granting an increase of pension to John A. M. Seitz—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10954) granting a pension to Mary J. Gillam—to the Committee on Invalid Pensions.

By Mr. KEHOE: A bill (H. R. 10955) for the relief of T. P. Salyer, of Lawrence County, Ky.—to the Committee on War Claims.

By Mr. LACEY: A bill (H. R. 10956) granting an increase of pension to Frances K. Morrison—to the Committee on Pensions.

By Mr. LINDSAY: A bill (H. R. 10957) granting an increase of pension to Mary E. Stockings, widow of Robert Q. Stockings, late private of Company K, Forty-seventh Regiment New York Volunteers—to the Committee on Invalid Pensions.

By Mr. MARTIN: A bill (H. R. 10958) for the relief of assistant surgeons in the Volunteer Army of the United States—to the Committee on Military Affairs.

By Mr. MAYNARD: A bill (H. R. 10959) providing for the purchase of the Temple Farm, at Yorktown, Va., and for other purposes—to the Committee on Military Affairs.

By Mr. McCLELLAN: A bill (H. R. 10960) for the relief of Gustav Augerstein—to the Committee on War Claims.

By Mr. MICKEY: A bill (H. R. 10961) to provide for the relief of Judd O. Hartzell, of Laharpe, Ill.—to the Committee on Claims.

By Mr. MINOR: A bill (H. R. 10962) to remove the charge of desertion standing against the name of Henry M. Hertwig—to the Committee on Military Affairs.

By Mr. NORTON: A bill (H. R. 10963) granting an increase of pension to Joseph A. Van Pelt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10964) granting an increase of pension to Francis M. Beebe—to the Committee on Invalid Pensions.

By Mr. NEEDHAM: A bill (H. R. 10965) to remove the charge of desertion against C. F. Hertweck—to the Committee on Military Affairs.

Also, a bill (H. R. 10966) to remove the charge of desertion against the military record of Peleg T. Griffith—to the Committee on Military Affairs.

By Mr. PEARRE: A bill (H. R. 10967) for the relief of William Zorn, of Allegany County, Md.—to the Committee on War Claims.

By Mr. REEDER: A bill (H. R. 10968) granting an increase of pension to Zachary Fletcher—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Alabama: A bill (H. R. 10969) for the relief of the estate of James Williams, deceased, late of Jackson County, Ala.—to the Committee on War Claims.

By Mr. RUMPLE: A bill (H. R. 10970) for the relief of James R. Wyrick—to the Committee on War Claims.

By Mr. SHERMAN: A bill (H. R. 10971) granting a special pension to Mrs. Mary Florence Von Steinwehr—to the Committee on Invalid Pensions.

By Mr. SLAYDEN: A bill (H. R. 10972) granting a pension to Mary Francis Smith—to the Committee on Pensions.

By Mr. STEELE: A bill (H. R. 10973) amending the record of Joseph Baker, late of Company B, Forty-seventh Indiana Volunteer Infantry, and grant him an honorable discharge—to the Committee on Military Affairs.

Also, a bill (H. R. 10974) for the relief of Julius C. Kleonne, captain Company K, Seventeenth Indiana Volunteers—to the Committee on War Claims.

By Mr. TAWNEY: A bill (H. R. 10975) granting an increase of pension to Marzavan J. Secord—to the Committee on Invalid Pensions.

By Mr. YOUNG: A bill (H. R. 10976) granting a pension to John A. Levens—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10977) to increase the pension of George D. Fitch, late assistant surgeon, Second Regiment New Jersey Volunteers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10978) for the relief of Jeremiah Eltz—to the Committee on Pensions.

Also, a bill (H. R. 10979) to correct the military record of George Adams—to the Committee on Military Affairs.

Also, a bill (H. R. 10980) to remove the charge of desertion from the record of John W. White—to the Committee on Military Affairs.

Also, a bill (H. R. 10981) to remove the charge of desertion from George W. Smith—to the Committee on Military Affairs.

By Mr. BALL of Delaware: A bill (H. R. 10982) granting an increase of pension to John T. Lungren—to the Committee on Invalid Pensions.

By Mr. SALMON: A bill (H. R. 10983) granting a pension to Josephine Colbath—to the Committee on Invalid Pensions.

By Mr. SMITH of Iowa: A bill (H. R. 10984) to correct the military record of James A. Somerville—to the Committee on Military Affairs.

Also, a bill (H. R. 10985) granting an increase of pension to Madison Epperson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10986) granting an increase of pension to William M. McCrary—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10987) granting an increase of pension to John Lindt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10988) granting a pension to Howard M. Stiles—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10989) granting an increase of pension to Mary L. Abbott—to the Committee on Invalid Pensions.

By Mr. YOUNG: A bill (H. R. 10990) to remove the charge of desertion from George W. Smith—to the Committee on Military Affairs.

Also, a bill (H. R. 10991) granting a pension to James D. Gay—to the Committee on Invalid Pensions.

By Mr. YOUNG: A joint resolution (H. J. Res. 145) for the relief of Henry G. Healy, an employee of the Senate—to the Committee on Claims.

By Mr. ALLEN of Maine: A joint resolution (H. J. Res. 146) authorizing the President to restore and appoint Hamilton H. Blunt to be captain of infantry, United States Army—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petitions of U. S. Grant Post, of Lincoln, Mo.; W. H. Earl Post, of Eskridge, Kans., and A. S. Bennett Post, No. 84, of Downing, Wis., Grand Army of the Republic, for investigation of the administration of the Bureau of Pensions—to the Committee on Rules.

By Mr. ALEXANDER: Petition of railway postal clerks of the Thirty-second Congressional district of New York, for the reclassification of the Railway Mail Service—to the Committee on the Post-Office and Post-Roads.

By Mr. BARTLETT: Resolution of Web Pressmen's Union No. 10, of Atlanta, Ga., for reenactment of Chinese-exclusion law—to the Committee on Foreign Affairs.

By Mr. BOWERSOCK: Papers to accompany House bill 10712, for the relief of Harriet Camp—to the Committee on War Claims.

By Mr. BURK of Pennsylvania: Resolution of Art Federation of Philadelphia, Pa., urging the continuation of the office of Architect of the Capitol—to the Committee on Appropriations.

Also, resolution of the board of directors of the Consolidated Stock and Petroleum Exchange of New York, in regard to repeal of stamp tax on sales of shares or certificates of stock—to the Committee on Ways and Means.

Also, resolutions of Operative Plasterers' International Association of the United States, for the restriction of illiterate immigrants—to the Committee on Immigration and Naturalization.

Also, resolution of King David Castle, No. 342, Knights of the Golden Eagle, for the suppression of anarchists, etc.—to the Committee on the Judiciary.

Also, resolution of the National Live Stock Exchange, against a prohibitive law relating to oleomargarine—to the Committee on Agriculture.

By Mr. BULL: Resolution of Cigar Makers' Union No. 10 and Coopers' Local Union No. 5, of Providence, R. I., favoring the construction of war ships at the navy-yards—to the Committee on Naval Affairs.

By Mr. BUTLER of Pennsylvania: Resolution of W. S. Thompson Post, No. 132, of Oxford, Pa., favoring the construction of naval vessels at Government navy-yards—to the Committee on Naval Affairs.

By Mr. CAPRON: Petition of Bricklayers' Union No. 3, of Pawtucket, R. I., in favor of the reenactment of the Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. CASSINGHAM: Resolutions of Retail Clerks' Union No. 260, of Uhrichsville and Dennison, Ohio, favoring the construction of war ships at the navy-yards—to the Committee on Naval Affairs.

By Mr. COUSINS: Resolutions of Carpenters and Joiners' Union No. 308, of Cedar Rapids, Iowa, and Union No. 299, of Marshalltown, Iowa, American Federation of Labor, for the building of war vessel in United States navy-yards—to the Committee on Naval Affairs.

Also, resolution of Farmers' Institute of Linn County, Iowa, for the passage of a bill to regulate the manufacture and sale of oleomargarine—to the Committee on Agriculture.

By Mr. DAHLE: Petition of Charles Kiepert, postmaster at Concord, Wis., for compensation for carrying the mail on route 39212, from Concord to Sullivan, Wis.—to the Committee on Claims.

Also, petitions of Welsh churches in Cambria, Caledonia, Calamus, Engedi, and Lake, Wis., favoring the anticanteen law at Soldiers' Homes—to the Committee on Military Affairs.

By Mr. DALZELL: Papers to accompany House bill 10411, granting an increase of pension to Mary E. Singley—to the Committee on Invalid Pensions.

By Mr. DRAPER: Petition of the Ale Brewers' Association of the States of New York and New Jersey, asking the remission of war-revenue tax on malt liquors—to the Committee on Ways and Means.

By Mr. EDWARDS: Papers to accompany House bill for the relief of William Flannery—to the Committee on Claims.

By Mr. FOERDERER: Resolution of Operative Plasterers' Association, for the passage of laws which will prevent the immigration of persons who can not read—to the Committee on Immigration and Naturalization.

By Mr. GREENE of Massachusetts: Resolution of the Connecticut Valley Highway Association, relative to the improvement of highways—to the Committee on Agriculture.

Also, resolution of Massachusetts State board of agriculture, urging the passage of the amended Grout oleomargarine bill—to the Committee on Agriculture.

By Mr. GOLDFOGLE: Petition of Ale Brewers' Association of New York and New Jersey, urging the removal of the tax on malt liquors—to the Committee on Ways and Means.

By Mr. GORDON: Paper to accompany House bill No. 9060, providing for enlargement of Lima post-office or Government building—to the Committee on Public Buildings and Grounds.

By Mr. GRAHAM: Petition of Ignacio Casas and Rafael Espin, representing the commercial interests of the province of Santiago de Cuba, favoring closer trade relations with Cuba—to the Committee on Ways and Means.

By Mr. GRIFFITH: Petition of Dr. W. T. Stott and 30 others, of Franklin, Ind., for an amendment to the national Constitution defining legal marriage to be monogamic—to the Committee on the Judiciary.

By Mr. HEPBURN: Petition of Mrs. Jonathan Uhl and 7 citizens of Page County, Iowa, favoring an amendment to the Constitution prohibiting polygamy—to the Committee on the Judiciary.

Also, petition of citizens of Decatur County, Iowa, to accompany House bill 10876, granting a pension to Joseph Mote—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 10431, granting an increase of pension to Robert B. Vermilya—to the Committee on Invalid Pensions.

By Mr. HENRY of Connecticut: Resolution of Tile Layers' International Union No. 31, of Hartford, Conn., favoring an educational test in the immigration law—to the Committee on Immigration and Naturalization.

By Mr. HOWELL: Resolution of the board of freeholders of Hudson County, N. J., in favor of the reenactment of the Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. JACK: Resolution of Calvin A. Craig Post, No. 75, Grand Army of the Republic, Parker, Pa., for the construction of naval vessels in the navy-yards of this country, etc.—to the Committee on Naval Affairs.

Also, paper to accompany House bill 8180, granting an increase of pension to William S. Derby—to the Committee on Invalid Pensions.

Also, petition of the State Grange of Pennsylvania, by W. F. Hill, in support of the Henry antioleomargarine bill—to the Committee on Agriculture.

By Mr. JONES of Washington: Paper of Capt. Omar J. Humphrey, asking for an American register for the steamship *Mananense*—to the Committee on the Merchant Marine and Fisheries.

By Mr. KNAPP: Resolution of Post No. 367, Department of New York, Grand Army of the Republic, urging that the navy-yards be utilized for the construction of war vessels—to the Committee on Naval Affairs.

By Mr. LESSLER: Petitions of post-office clerks in the city of New York, for the classification of clerks in first and second class post-offices—to the Committee on the Post-Office and Post-Roads.

By Mr. LINDSAY: Resolution of Branch 52, American Federation of Labor, Brooklyn, N. Y., favoring the reenactment of the Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. LIVINGSTON (by request): Petition of bankers of Georgia, urging the repeal of the special tax on capital and surplus of banks, etc.—to the Committee on Ways and Means.

By Mr. MANN: Resolution of the Illinois Manufacturers' Association in relation to trade and reciprocity with Cuba—to the Committee on Ways and Means.

Also, resolutions of the Maritime Association of the Port of New York, in opposition to House bill No. 4424, in relation to the so-called "London clause," Harter Act—to the Committee on Interstate and Foreign Commerce.

By Mr. MARTIN: Petition of E. M. Stanton Post, No. 81, of Lead City, S. Dak., favoring the construction of war ships at the navy-yards—to the Committee on Naval Affairs.

By Mr. MINOR: Petition of J. B. Wyman Post, No. 32, Grand Army of the Republic, Department of Wisconsin, for investigation of the administration of the Bureau of Pensions—to the Committee on Rules.

By Mr. McCALL: Petition of American Peace Society of Boston, Mass., asking Congress to declare that self-government shall be granted the Filipinos as soon as they shall prove their ability to maintain stable government—to the Committee on Insular Affairs.

By Mr. MORRELL: Protest of John D. Wyse and 7 other citizens of Michigan, against any tariff reduction for raw sugar—to the Committee on Ways and Means.

Also, petition of Ale Brewers' Association of New York and New Jersey, for the repeal of the tax on malt liquors—to the Committee on Ways and Means.

By Mr. NAPHEN: Petition of Chamber of Commerce of Santiago de Cuba; also resolution of the Illinois Manufacturers' Association, urging reciprocal relations with Cuba—to the Committee on Ways and Means.

Also, petition of the Ale Brewers' Association of New York and New Jersey, asking the remission of war-revenue tax on malt liquors—to the Committee on Ways and Means.

Also, resolution of Connecticut Valley Highway Association, to enable the Road Inquiries Department to equip a train of school instruction—to the Committee on Agriculture.

By Mr. NORTON: Testimony to accompany House bill 7855, granting an increase of pension to Henry Thoman—to the Committee on Invalid Pensions.

Also, paper to accompany House bill 8852, granting an increase of pension to Sarah Jane Lumbert—to the Committee on Invalid Pensions.

By Mr. PEARRE: Statement relating to the claim of William Zorn—to the Committee on War Claims.

By Mr. POLK: Petitions of J. H. Raup, W. B. Chamberlain, and others, of Milton, Pa., and J. D. Williams, Amos Vastine, and others, of Danville, Pa., for amendment of Constitution to prohibit and punish polygamy and defining legal marriage—to the Committee on the Judiciary.

Also, petitions of Union No. 884 and Union No. 37, Carpenters and Joiners, of Shamokin; Daughters of Liberty of Bloomsburg, and unions 1694, 352, 124, and 1552, United Mine Workers of America, all in the State of Pennsylvania, favoring the continuation of the exclusion law against Chinese laborers—to the Committee on Foreign Affairs.

By Mr. PUGSLEY: Resolution of Custom Upholsterers' Union No. 44, of New York City and vicinity, favoring the passage of House bill 9283, for the relief of George Frey—to the Committee on Military Affairs.

By Mr. RUSSELL: Resolution of the State Grange of Connecticut, favoring a bill for the establishment and maintenance of

schools of mines and mining—to the Committee on Mines and Mining.

Also, resolution of the Connecticut Dairymen's Association, favoring the passage of one of the oleomargarine bills—to the Committee on Agriculture.

By Mr. RYAN: Protest of Maritime Association of the Port of New York against the passage of House bill 4424, relating to the so-called "London clause," Harter Act—to the Committee on Interstate and Foreign Commerce.

Also, petition of Ale Brewers' Association of New York and New Jersey for the repeal of the war-revenue tax on malt liquors—to the Committee on Ways and Means.

Also, petition of Pittsburg College of Pharmacy, Pittsburg, Pa., relating to House bill 7189 and suggesting amendments to the same—to the Committee on Interstate and Foreign Commerce.

By Mr. SHALLENBERGER: Petition of J. T. Tillman and 20 other citizens of Culbertson, Nebr., and F. J. Hoerger and 117 others, of Sutton, Nebr., against House bill 6578, known as the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. SHERMAN: Resolution of W. J. Hunt Post, No. 520, of Holland Patent, and Ballard Post, No. 551, of Annsville, Department of New York, Grand Army of the Republic, and Leatherers' Union No. 52, of Utica, N. Y., urging that the navy-yards be utilized for the construction of war vessels—to the Committee on Naval Affairs.

By Mr. SIBLEY: Petition of Union No. 72, of Kane, Pa., American Federation of Labor, favoring the construction of war vessels in Government navy-yards—to the Committee on Naval Affairs.

By Mr. SLAYDEN: Papers to accompany House bill 10972, granting a pension to Mary Francis Smith—to the Committee on Pensions.

By Mr. STEELE: Resolutions of Glass Bottle Blowers' Association No. 61, of Gas City, Ind., and Central Trades Council of Marion, Ind., favoring the construction of war vessels in Government navy-yards—to the Committee on Naval Affairs.

Also, paper relating to the correction of the military record of Julius C. Kloenne—to the Committee on Military Affairs.

By Mr. WILLIAMS of Illinois: Papers to accompany House bill 10288, for the relief of William R. Burton—to the Committee on Invalid Pensions.

By Mr. WOODS: Resolution of Louisiana Colored Men's Industrial Protective League, New Orleans, La., and Hopkins Brown Post, No. 46, Grand Army of the Republic, Glenallen, Miss., against reciprocal trade relations with Cuba admitting sugar free—to the Committee on Ways and Means.

Also, resolution of Chamber of Commerce of San Francisco, Cal., asking for an appropriation for the establishment of a cod hatchery in the waters of Alaska—to the Committee on the Merchant Marine and Fisheries.

Also, resolution of Chamber of Commerce of San Francisco, asking for the establishment of a Government small-arms plant in Sacramento, Cal.—to the Committee on Military Affairs.

By Mr. WRIGHT: Petition of 18 business men and firms of Honesdale, Pa., for reduction of tax on beer—to the Committee on Ways and Means.

By Mr. YOUNG: Resolution of the Illinois Manufacturers' Association, for extension of trade between United States and Cuba—to the Committee on Ways and Means.

Also, paper of J. S. Keerl, in relation to the arid-land measure—to the Committee on Irrigation of Arid Lands.

Also, petition of Ale Brewers' Association of New York and New Jersey, asking for the repeal of the war tax on malt liquors—to the Committee on Ways and Means.

Also, petition of Consolidated and Petroleum Exchange of New York, for the repeal of portions of the war-revenue act—to the Committee on Ways and Means.

SENATE.

FRIDAY, *February 7, 1902.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CULLOM, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal, without objection, will stand approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. MCKENNEY, its enrolling clerk, announced that the House had agreed to the amendment of the Senate numbered 58 to the bill (H. R. 9315) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1902, and for prior years, and for other purposes, with an amendment, in which it requested the concurrence of the Senate; disagrees to the residue of the amendments of the Senate to the bill; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CANNON, Mr. BARNEY, and Mr. LIVINGSTON, managers at the conference on the part of the House.

URGENT DEFICIENCY APPROPRIATION BILL.

Mr. HALE. I ask that the action of the House of Representatives on the urgent deficiency appropriation bill be laid before the Senate.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives upon the bill, disagreeing to the amendments of the Senate and agreeing to amendment numbered 58, with an amendment, as follows:

Add to the amendment of the Senate the following proviso:

"*Provided*, That hereafter appropriations made for contingent expenses of the House of Representatives or the Senate shall not be used for the payment of personal services except upon the express and specific authorization of the House or Senate in whose behalf such services are rendered. Nor shall such appropriations be used for any expenses not intimately and directly connected with the routine legislative business of Congress, and the accounting officers of the Treasury shall apply the provisions of this paragraph in the settlement of the accounts of expenditures from said appropriations."

Mr. HALE. I move that the Senate disagree to the amendment of the House to the amendment of the Senate numbered 58, and insist upon its other amendments, and that it accede to the request of the House for a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. HALE, Mr. ALLISON, and Mr. TELLER were appointed.

PETITIONS AND MEMORIALS.

Mr. BERRY. I present resolutions adopted at a meeting of the Fort Smith and Helena bar associations, of Arkansas, remonstrating against the proposed change of the present Federal circuits and the placing of Arkansas in a circuit to be composed of Texas, Louisiana, and Arkansas. Accompanying the resolutions is a letter from A. Curl, an attorney of Hot Springs, Ark., relating to the same matter. I move that the resolutions and accompanying letter be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. MALLORY presented petitions of Local Union No. 107, of Pensacola; of Carpenters' Union No. 819, of West Palm Beach, and of Painters' Union No. 164, of Jacksonville, all of the American Federation of Labor, in the State of Florida, praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which were referred to the Committee on Naval Affairs.

Mr. COCKRELL presented a petition of Federated Metal Trades Council of St. Louis, Mo., praying for the establishment of reciprocal trade relations with Cuba; which was referred to the Committee on Relations with Cuba.

Mr. WETMORE presented a petition of Local Union No. 10, Cigar Makers' International Union, of Providence, R. I., and a petition of Local Union No. 51, Coopers' International Union, of Providence, R. I., praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which were referred to the Committee on Naval Affairs.

Mr. FOSTER of Washington presented a petition of Musicians' Mutual Protective Union, No. 76, of Seattle, Wash., praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which was referred to the Committee on Naval Affairs.

Mr. QUAY presented a petition of 220 citizens of Franklin, Pa., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented petitions of Lieutenant M. W. Lucore Post, No. 216, of St. Marys; of Newcastle Post, No. 100, of Newcastle; of W. S. Thompson Post, No. 132, of Oxford, Department of Pennsylvania, Grand Army of the Republic, and of Local Union No. 72, Green Glass Blowers' Association, American Federation of Labor, of Southport, all in the State of Pennsylvania, praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which were referred to the Committee on Naval Affairs.

Mr. CLARK of Montana presented a petition of sundry citizens of Great Falls, Mont., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

Mr. PROCTOR presented petitions of Typographical Union No. 402, of Barre, and of Garment Workers' Union No. 32, of Brattleboro, in the State of Vermont, praying for the repeal of the so-called desert-land act, that an appropriation be made for irrigation

surveys, and remonstrating against the granting of public lands; which were referred to the Committee on Public Lands.

He also presented a petition of the New England Milk Producers' Union, of West Canaan, N. H., praying for the passage of the so-called Grout bill to regulate the manufacture and sale of oleomargarine; which was referred to the Committee on Agriculture and Forestry.

Mr. HOAR presented a petition of the Connecticut Valley Highway Association, of Westfield, Mass., praying that an appropriation of $500,000 be made to enable the road-inquiry department at Washington to buy sufficient machinery and build railroad cars to equip a train as a school of instruction to demonstrate the art of road building; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Painters and Decorators' Local Union No. 11, American Federation of Labor, of Boston, Mass., praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which was referred to the Committee on Naval Affairs.

Mr. DEPEW presented petitions of J. C. Walters Post, No. 641, of Huntington; of Martin Holt Post, No. 492, of Cameron; of Fuller Post, No. 246, of Littel Valley; of Mebgar Post, No. 367, of Mexico; of William J. Hunt Post, No. 510, of Holland Patent; of Ballard Post, No. 551, of Amsville, of the Grand Army of the Republic, Department of New York; of Local Union No. 50, United Garment Workers of America, of Newburg; of Journeymen Bakers' Local Union No. 109, of Dunkirk; of Carpenters and Joiners' Local Union No. 754, of Fulton; of Leather Workers' Local Union No. 52, of Utica; of United Brotherhood of Carpenters and Joiners' Local Union No. 6, of Amsterdam; of Plumbers' Local Union No. 253, of Gloversville; of Amalgamated Meat Cutters and Butcher Workmen of North America, Local Union No. 138, of Cohoes; of Laborers' Protective Union No. 9317, of Sandy Hill; and of Elmira Typographical Union, No. 19, of Elmira, all of the American Federation of Labor, in the State of New York, praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which were referred to the Committee on Naval Affairs.

Mr. DOLLIVER presented sundry papers to accompany the bill (S. 2401) for the relief of Parley B. West; which were referred to the Committee on Pensions.

He also presented sundry papers to accompany the bill (S. 3264) granting an increase of pension to John S. Alexander; which were referred to the Committee on Pensions.

He also presented sundry papers to accompany the bill (S. 486) granting a pension to Mary Swan Engler; which were referred to the Committee on Pensions.

He also presented a petition of Cardiff Division, No. 226, Brotherhood of Locomotive Engineers, of Fort Dodge, Iowa, praying for the passage of the so-called Hoar anti-injunction bill; which was ordered to lie on the table.

He also presented a petition of the Sioux City Printing Pressmen's Union, of Sioux City, Iowa, praying for the reenactment of the Chinese-exclusion law; which was referred to the Committee on Immigration.

He also presented a memorial of the Keokuk Retail Grocers' Association, of Keokuk, Iowa, remonstrating against the passage of the so-called parcels-post bill; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of Local Union No. 299, International Association of Machinists, of Marshalltown, and of Barbers' Local Union No. 14, of Oskaloosa, of the American Federation of Labor, in the State of Iowa, praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which were referred to the Committee on Naval Affairs.

He also presented the affidavit of Fletcher J. Walker, of Keokuk, Iowa, in support of the bill (S. 484) granting an increase of pension to Fletcher J. Walker; which was referred to the Committee on Pensions.

Mr. ELKINS presented a petition of the American Federation of Labor of Scranton, Pa., praying for the enactment of legislation to prohibit rafts containing several million feet of lumber, either cut in logs or in piles, from being built and towed in the ocean; which was referred to the Committee on Interstate Commerce.

Mr. FRYE presented a petition of the Maine State Grange, Patrons of Husbandry, praying for the passage of the so-called Grout bill, to regulate manufacture and sale of oleomargarine; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the New Mexico Bar Association, praying for the establishment of a psycho-physical laboratory in the Department of the Interior; which was referred to the Committee on Education and Labor.

He also presented memorials of the Chamber of Commerce and of the Board of Trade of the city of Baltimore, Md., remonstrating against the passage of Senate bills 1791 and 1792, relating to the transportation of merchandise between the United States and foreign ports, and praying for the adoption of an amendment to the Harter Act of 1893, restraing ship owners from inserting clauses in bills of lading relating to flour shipped to foreign ports; which were referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. DEPEW, from the Committee on the Judiciary, to whom was referred the bill (S. 1178) providing for an additional circuit judge in the second judicial circuit, reported it without amendment.

Mr. SIMON, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 162) for the erection of a public building in Reno, Nev., reported it without amendment, and submitted a report thereon.

Mr. STEWART, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 8336) to amend section 3 of chapter 480 of the laws of the United States, approved June 23, 1874, reported it without amendment, and submitted a report thereon.

Mr. DILLINGHAM, from the Committee on the District of Columbia, to whom were referred the following bills, submitted adverse reports thereon; which were agreed to, and the bills were postponed indefinitely:

A bill (S. 1846) for the extension of Fifth street NW., in Takoma Park, D. C.; and

A bill (S. 3080) to provide for the opening of Elm street north from Fifth street to Seventh street, and for the opening of Wilson street north from Fifth to Seventh street, and for the opening of Sixth street north from Spruce street to Pomeroy street.

Mr. McCUMBER, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 598) to provide for the erection of a public building in the city of Grand Forks, N. Dak., reported it with amendments, and submitted a report thereon.

Mr. HEITFELD, from the Committee on the District of Columbia, to whom was referred the bill (S. 3364) to authorize the apportionment of assessments for special improvements, etc., in the District of Columbia, reported it without amendment, and submitted a report thereon.

Mr. MALLORY, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 3740) to confirm title to lot 1, square 1113, in Washington, D. C., reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 217) to confirm title to lot 1, in square 1113, in Washington, D. C., reported adversely thereon, and the bill was postponed indefinitely.

Mr. CLARK of Montana, from the Committee on the District of Columbia, to whom was referred the bill (S. 2966) for the relief of George W. King, reported it without amendment, and submitted a report thereon.

Mr. CULBERSON, from the Committee on Public Buildings and Grounds, to whom were referred the following bills, reported them severally without amendment:

A bill (S. 450) for the erection of a public building at Selma, Ala.; and

A bill (S. 1539) to provide for the purchase of a site and the erection of a public building thereon at Gainesville, in the State of Texas.

Mr. CULBERSON, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 2982) to extend and enlarge the post-office building at Memphis, Tenn., reported it with an amendment.

Mr. MARTIN, from the Committee on the District of Columbia, to whom was referred the bill (S. 1785) for the relief of the estate of William B. Todd, deceased, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 3243) to redeem certain outstanding certificates of the board of audit of the District of Columbia, reported it without amendment, and submitted a report thereon.

Mr. CULLOM, from the Committee on Foreign Relations, to whom was referred the joint resolution (S. R. 31) to authorize Capt. N. M. Brooks, Superintendent of Foreign Mails, Post-Office Department, to accept decorations from the Emperor of Germany, and from the Governments of Liberia and Venezuela, reported it without amendment.

He also, from the same committee, to whom the subject was referred, reported a bill (S. 3621) to authorize John A. Ockerson, Caspar S. Crowninshield, and Miss Anna Tolman Smith to accept decorations tendered to them by the Government of the French Republic; which was read twice by its title.

Mr. McMILLAN, from the Committee on the District of Columbia, to whom were referred the following bills, submitted adverse reports thereon; which were agreed to, and the bills were postponed indefinitely:

A bill (S. 1454) to increase the salaries of the justices of the courts of the District of Columbia; and

A bill (S. 1722) relative to the suit instituted for the protection of the interests of the United States in the Potomac River Flats.

Mr. HANSBROUGH, from the Committee on the District of Columbia, to whom was referred the bill (S. 2426) to amend section 42 of the code of laws for the District of Columbia taking effect January 1, 1902, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. 2678) to incorporate the Eastern Star Home for the District of Columbia, reported it without amendment, and submitted a report thereon.

EMPLOYMENT OF MESSENGERS.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. PROCTOR on the 30th ultimo, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on Agriculture and Forestry be, and it hereby is, authorized to appoint a messenger, to be paid from the contingent fund of the Senate, at the rate of $1,440 per annum, until otherwise provided for by law.

Mr. PRITCHARD, from the Committee on Patents, reported the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Patents be, and is hereby, authorized to employ a messenger, to be paid from the contingent fund of the Senate, at the rate of $1,440 per annum, until otherwise provided by law.

PUBLIC BUILDING AT NEWCASTLE, PA.

Mr. FAIRBANKS. I am directed by the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 605) to provide for the purchase of a site and the erection of a public building thereon at Newcastle, in the State of Pennsylvania, to report it with amendments.

Mr. QUAY. Mr. President, I ask the unanimous consent of the Senate that it proceed to the consideration of the bill and put it on its passage. I do so for the reason that under the instruction of my physicians I am compelled to-morrow to leave the city for an indefinite time, and the bill relating to a public building in my own Congressional district and being similar to one which passed the Senate unanimously in the last Congress, I thought probably I could be indulged by its passage now out of order.

The PRESIDENT pro tempore. The Senator from Pennsylvania asks unanimous consent for the present consideration of the bill. It will be read to the Senate in full.

The Secretary read the bill.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. HOAR. Mr. President, I do not, of course, propose to interfere for a moment with the present bill nor with the convenience or the very reasonable request of the honorable Senator from Pennsylvania, but I should like to take this opportunity to call the attention of the Senate and that of the chairman of the Committee on Public Buildings and Grounds and the chairman of the Committee on Commerce, who is in the chair, to one consideration.

We have brought before us a great many bridge bills and a great many bills for the construction of public buildings. They are very apt to come in near the close of the session, when the time of the Senate is exceedingly valuable, and very often interrupt, by reading a long bill of a good many sections, the business of the Senate. Sometimes the indulgence is asked when a Senator is in the middle of a speech, or an appropriation bill or some other important measure is laid aside for that purpose.

Now, it seems to me that we ought to have one general bill which should say that all public buildings shall be provided for by law, shall be erected and the property acquired in accordance with certain provisions, and put into that bill these formal matters, which are the same in all these bills. Then, whenever authority to erect a public building is granted, we can just provide that there shall be a public building at Pittsburg, Pa., for instance, the proceedings to be in accordance with the statute of so and so, and the cost to be so and so. That would dispose of the whole matter in one minute.

There should be also a bill prepared by the Committee on Commerce, providing that whenever leave is given by Congress to erect a bridge across a navigable stream, which is a way of interstate or international commerce, it shall be done on certain prescribed conditions, and then when authority to construct a bridge is granted it will be granted in a bill which will take one minute to read and three lines to express.

I desire to ask my honorable friend, the chairman of the Committee on Public Buildings and Grounds, and my honorable friend, the chairman of the Committee on Commerce, to prepare such bills. They would save the Senate not only hours but days of time, added together, in every session.

Mr. HAWLEY. Mr. President, I can not refrain from expressing my hearty concurrence. I wonder that these things have not been done before.

The PRESIDENT pro tempore. Is there objection to the consideration of the bill reported by the Senator from Indiana?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendments of the Committee on Public Buildings and Grounds were, on page 1, line 7, after the word "apparatus," to strike out the word "elevators;" in line 11, after the word "apparatus," to strike out the word "elevators;" and in line 12, before the word "thousand," to strike out "two hundred" and insert "one hundred and twenty-five;" so as to read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, for the use and accommodation of the United States post-office and other Government offices in the city of Newcastle and State of Pennsylvania, the cost of said site and building, including said vaults, heating and ventilating apparatus, and approaches, complete, not to exceed the sum of $125,000.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. HEITFELD introduced a bill (S. 3622) to provide for the payment to the heirs of Darius B. Randall, deceased, for certain improvements relinquished to the United States for the use of the Nez Percé Indians; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. PETTUS introduced a bill (S. 3623) to pay the claim against the United States of the trustees of the Cumberland Presbyterian Church of Athens, Limestone County, Ala.; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3624) for the relief of the commissioners' court of Limestone County, Ala.; which was read twice by its title, and referred to the Committee on Claims.

Mr. CARMACK introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 3625) for the relief of Henry Harris;

A bill (S. 3626) for the relief of the estate of John Graham, deceased;

A bill (S. 3627) for the relief of the estate of F. A. De Georgis, deceased;

A bill (S. 3628) for the relief of the estate of H. L. Bradley, deceased; and

A bill (S. 3629) for the relief of the heirs of Mrs. M. L. Rodgers.

Mr. FAIRBANKS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3630) granting an increase of pension to Francis M. Crull;

A bill (S. 3631) granting an increase of pension to Louis Cook;

A bill (S. 3632) granting an increase of pension to Frank E. Freeman; and

A bill (S. 3633) granting a pension to Samuel L. Leffingwell.

Mr. McCUMBER introduced a bill (S. 3634) granting an increase of pension to Elizabeth A. Capehart; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. SIMON introduced a bill (S. 3635) to provide for the purchase of a site and the erection of a building thereon at Oregon City, in the State of Oregon; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 3636) to provide for the purchase of a site and the erection of a building thereon at Albany, in the State of Oregon; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. McMILLAN (by request) introduced a bill (S. 3637) authorizing certain municipal improvements in the District of Columbia, and the anticipation of the revenues of said District on account thereof, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 3638) for the extension of Eighth street northwest, or Wrights road, District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. ELKINS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 3639) for the relief of Alexander P. Hart, heir of Joseph Hart, deceased (with accompanying papers);

A bill (S. 3640) for the relief of Leroy Douglass; and

A bill (S. 3641) for the relief of the estate of William Smallwood, deceased.

Mr. ELKINS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3642) granting a pension to James W. Ward;

A bill (S. 3643) granting a pension to Daniel M. Yeager (with an accompanying paper); and

A bill (S. 3644) granting a pension to James Maley.

Mr. CLARK of Montana introduced a bill (S. 3645) granting an increase of pension to Simeon Deno; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CLAPP introduced a bill (S. 3646) to provide for the distribution of the reports of the United States circuit court of appeals and of the circuit and of district courts; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. BAILEY (by request) introduced a bill (S. 3647) for the relief of Mrs. Gertrude O'Bannon; which was read twice by its title, and referred to the Committee on Claims.

Mr. MORGAN introduced a bill (S. 3648) for the relief of the estate of Peter H. Gold, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3649) for the relief of the estate of James Williams, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. FRYE introduced a bill (S. 3650) granting a pension to Sarah A. Carter; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 3651) appropriating the sum of $3,000 a year for the support and maintenance of the Permanent International Commission of the Congresses of Navigation, and for other purposes; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Commerce.

Mr. MASON introduced a bill (S. 3652) to limit the hours of service of the members of the fire department of the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. QUAY submitted an amendment proposing to appropriate $25,000 for improving the Ohio River, Pennsylvania, intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. CLAPP submitted an amendment providing for the distribution of one set of Federal cases, with digest, to each place in the United States where a circuit or district court of the United States is holden, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. NELSON submitted an amendment proposing to appropriate $50,000 for completing the survey of the public lands in the State of Minnesota, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Lands, and ordered to be printed.

RELIEF OF GLASGOW, MO.

Mr. COCKRELL. I ask that an order be made to reprint Senate report, No. 22, Forty-eighth Congress, first session, made January 9, 1884, by Senator Dolph from the Committee on Claims, touching the bill for the relief of the city of Glasgow, in Missouri, and the citizens thereof. All the copies of the report have been exhausted. It is an important report and consists of only 9 pages, and I hope that 500 copies will be ordered to be printed for the use of the Senate document room.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Missouri? The Chair hears none, and it is so ordered.

EMPLOYMENT OF MESSENGERS.

Mr. DOLLIVER submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Pacific Railroads be, and is hereby, authorized to employ a messenger, to be paid from the contingent fund of the Senate, at the rate of $1,440 per annum, until otherwise provided by law.

Mr. KEAN submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on the Geological Survey be, and is hereby, authorized to employ a messenger, to be paid from the contingent fund of the Senate, at the rate of $1,440 per annum, until otherwise ordered.

Mr. SIMON submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Irrigation and Reclamation of Arid Lands be, and is hereby, authorized to employ a messenger, to be paid from the contingent fund of the Senate, at the rate of $1,440 per annum, until otherwise provided by law.

ASSISTANT CLERK OF COMMITTEE ON PUBLIC LANDS.

Mr. HANSBROUGH submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Public Lands be, and it hereby is, authorized to employ an assistant clerk during the present Congress, to be paid from the contingent fund of the Senate, at the rate of $1,200 per annum.

EMPLOYMENT OF STENOGRAPHER.

Mr. CLAPP submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Interstate Commerce be authorized to employ a stenographer to report hearings before said committee on bills referred to it, the expenses thereof to be paid from the contingent fund of the Senate.

COMMITTEE SERVICE.

Mr. FORAKER. Mr. President, I respectfully resign my place as a member of the Committee to Establish the University of the United States.

Mr. HANNA. I ask to be excused from further service upon the Committee on Relations with Canada.

The PRESIDENT pro tempore. Is there objection to the request of the two Senators? The Chair hears none.

Mr. DILLINGHAM. I desire to be excused from further service upon the Committee on Post-Offices and Post-Roads.

The PRESIDENT pro tempore. The Chair hears no objection made, and the Senator from Vermont is excused.

Mr. PLATT of Connecticut. I move that the Senator from Ohio [Mr. HANNA] be appointed as chairman of the Committee on Enrolled Bills. There is a vacancy in the chairmanship, and the Senator from Ohio is next upon the committee.

The motion was agreed to.

Mr. PLATT of Connecticut. I move that the junior Senator from New Jersey [Mr. DRYDEN] be appointed to the vacancies in the following committees: Relations with Canada, chairman; to Establish the University of the United States; on Enrolled Bills; on Immigration, and on the Library.

The motion was agreed to.

Mr. PLATT of Connecticut. I move that the senior Senator from New Jersey [Mr. KEAN] be appointed to the vacancy upon the Committee on Territories.

The motion was agreed to.

Mr. PLATT of Connecticut. I move that the Senator from Ohio [Mr. FORAKER] be appointed to the Committee on Military Affairs.

The motion was agreed to.

Mr. PLATT of Connecticut. I move that the senior Senator from Vermont [Mr. PROCTOR] be appointed to fill the vacancy upon the Committee on Post-Offices and Post-Roads, the junior Senator from Vermont having been excused from service thereon.

The motion was agreed to.

Mr. PLATT of Connecticut. I move that the Senator from Michigan [Mr. MCMILLAN] be appointed to the vacancy upon the Committee on Appropriations.

The motion was agreed to.

Mr. PLATT of Connecticut. I move that the Senator from Montana [Mr. CLARK] be appointed upon the Committee on the Library.

The motion was agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 5th instant approved and signed the following acts:

An act (S. 202) granting a pension to Mary E. Davis;

An act (S. 1144) granting an increase of pension to Elizabeth O. Gould;

An act (S. 1647) granting an increase of pension to Helen F. M. Edwards; and

An act (S. 1948) granting an increase of pension to Josefa T. Philip.

The message also announced that the President had on the 6th instant approved and signed the following bills:

An act (S. 1035) granting a pension to Esther F. Moody;

An act (S. 1199) granting a pension to Mary A. Lamb; and

An act (S. 1200) granting an increase of pension to Michael Dillon.

The message further announced that the President had on this day approved and signed the joint resolution (S. R. 49) increasing the membership of the Joint Committee of Congress upon the Library.

PENSION APPROPRIATION BILL.

Mr. GALLINGER. I ask the Senate to proceed to the consideration of House bill 8581, being the pension appropriation bill.

Mr. PATTERSON. Mr. President, before the Senate commences the consideration of the bill I desire to make a personal explanation.

Mr. GALLINGER. I yield, Mr. President, for that purpose.

PERSONAL EXPLANATION.

Mr. PATTERSON. Mr. President, at the close of the meeting of the Committee on the Philippines this morning Governor Taft, who has been giving the committee the benefit of his knowledge now for a number of days past, at the close of his statement said what I shall read, and I will state that it is transcribed from the notes of the stenographer:

Governor TAFT. Mr. Chairman, may I say one word, rather of a personal nature? I am sure Senator PATTERSON would not misstate my position in regard to anything that has occurred here; I know, of course, that he would not; and possibly a newspaper report which I saw as to what he said on the floor yesterday was inaccurate, for it put me in the attitude of criticising what my colleagues had done in my absence with respect to the passage of the treason and sedition statute.

What I said, and I think the record will bear me out, when Senator PATTERSON suggested that the statute was passed since I left the islands, was that that was not true. I said no; that it was passed before I left the islands, but that I was on my back; that that put me at the disadvantage of not having heard the discussion, and therefore of not being fully advised as to the statutes by way of informing the committee. But if anything which I said gave the impression, as it seems to have done to Senator PATTERSON, that I was criticising the passage of that statute, or was intimating that the statute would have been different if I had been there, it is certainly an impression that I did not mean to convey, for one of the sections which has attracted most condemnation is the section with respect to independence, and while I did not draft the section, I certainly suggested its necessity to General Wright. While I should like very much to earn the approbation of Senator HOAR for humanity, I must decline to do so at the expense of seeming to avoid a responsibility which is mine as much as my colleagues I shall speak, of course, more at length upon these statutes further on, but I should like to make this statement now, not that I desire, of course, to impute to Senator PATTERSON any misstatement of my position, but to state fully what it is.

The testimony of Governor Taft, which I had in mind, while it may have been printed, had not been distributed to the members of the committee, and I presume it could not have been had until this morning. What I said as to Governor Taft's statement was not intended, and I hardly think my language would justify the assertion that it was intended, to be an accurately verbal report of the Governor's statement upon that subject. I was stating in my own way the impression his language made upon my mind at the time. The statement was made three or four days ago, I think. The exact statement by Governor Taft, giving the full question and the full answer, is as follows, as found on page 83 of the printed testimony of the committee:

Senator PATTERSON. In talking about parties, I should like to have you consume whatever time remains this morning in enlarging upon the facts that were brought out yesterday that there is a second party, one of several other parties, whose name is the Conservador party. The object of that party is first to seek for peace, and, after securing peace, then to agitate for independence. You stated that that party was making no progress in the outside provinces and but little inside. I asked you the question then whether that party came under the denunciation of the law that was enacted by the Commission, I believe since you left, which makes it a crime to advocate the independence of the Philippine Islands. You said you would enlarge upon that or give more information upon it. I should like to have the information about it.

Governor TAFT I do not think there is quite time enough to take up that general subject. I will only make this one remark—that if the Partido Conservador were the only element in the situation there that law would never have been put on the statute books, for the reason that the Partido Conservador never had but 50 members and never could get more than that. They are a pro-Spanish, proclerical party. The law was directed toward a very different thing, to which I shall refer, when I suppose I shall be given an opportunity to speak of those two laws, for which I did not vote, because at that time I was on my back, but with respect to which I have some views and some knowledge, though not so much as I should have had had I been present at the discussion.

I suppose, of course, Mr. President, that my construction of that language, in view of Governor Taft's statement, was not justified. This is what I said:

Mr. PATTERSON. Will the Senator from Massachusetts allow me to relieve at least one member of the Philippine Commission from a part of the odium of this law?

Mr. HOAR. Certainly.

Mr. PATTERSON. Governor Taft before the Philippine Committee had his attention directed to this law. He stated that when it was passed he was sick in bed, and that had he been there doubtless there would have been at least a modification of it.

It is evident from the testimony of Governor Taft that he did not in terms say that if he had been present doubtless there would have been a modification of the law. Governor Taft did not say that, and I suppose I was not justified, if I had been attempting to give his exact language, in using the words I did. Had I had the language of Governor Taft before me during the debate yesterday I should, of course, have read from his printed testimony, and then allow the Senate to determine for itself what it might reasonably be concluded he meant when he said that he did not vote for the law because he was then on his back, but with respect to which he had some views. Having done that, that was all I could have done.

The object I have in rising now is to say that I put in words the impression made upon my mind by the statement of Governor Taft that he had not voted for the law; that at the time he was on his back; that he had some views and some knowledge upon the subject, though not so much as he would have had had he been present at the discussion. It is due to Governor Taft to say that in view of his statement my impression as to his meaning was wrong, and that perhaps I ought not to have attempted to express an impression that the language of another conveyed to my mind; that I ought to have waited until the testimony was in print if I did not recall with accuracy precisely what the language was.

I desire to have the statement made by Governor Taft this morning before the committee made as public as possible—that he not only does not disagree with the law, but that he approves it, and that the section which received the greatest condemnation at the hands of different Senators yesterday was one that he believed was peculiarly necessary, and that he had something to do, as I understand the facts now, in having it put on the statute books of the Philippines.

I desire to disclaim any purpose whatever of misrepresenting Governor Taft. I only wish that the necessity for the explanation did not arise and that Governor Taft had, in fact, said what I believed he had said—that he had made a statement that comported with the impression that his language conveyed to my mind—but as he did not, I suppose that the discussion will have to proceed without even the partial indorsement of Governor Taft of the attitude taken by this side of the Chamber upon the subject of that particular legislation of the Philippine Commission.

H. B. MATTEOSIAN.

Mr. GALLINGER. Mr. President——

Mr. QUARLES. I ask my friend the Senator from New Hampshire to yield to me for just a moment, if he will.

The PRESIDENT pro tempore. Does the Senator from New Hampshire yield?

Mr. GALLINGER. If the bill the Senator desires to have considered does not provoke discussion, I will yield; but I give notice that after that bill is considered I must insist on the consideration of the pension appropriation bill.

Mr. QUARLES. This bill will provoke no debate. It is the bill (S. 567) for the relief of H. B. Matteosian. The reasons why the bill should be considered presently I will not even take the time of the Senate to state. The bill passed the Senate at the last session.

The bill (S. 567) for the relief of H. B. Matteosian was read; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It directs the Secretary of the Treasury to pay H. B. Matteosian, doctor of medicine, late delegate of the United States to the International Sanitary Commission at Constantinople, $600 per annum for each year he was so employed at said post, namely, from November 18, 1874, to September 1, 1886.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PENSION APPROPRIATION BILL.

Mr. GALLINGER. I now ask that the pension appropriation bill may be considered.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8581) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1903, and for other purposes.

Mr. GALLINGER. Mr. President, while I have heretofore been very careful not to load down the pension appropriation bill with any general legislation, I feel constrained to offer an amendment to the bill at the present time, to which I think there will be no objection.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. After the word "prescribe," in line 8, on page 3, it is proposed to insert:

And provided further, That no pension attorney, claim agent, or other person shall be entitled to receive any compensation for services rendered in securing the passage of any special act of Congress granting pension or increase of pension; and any person who shall directly or indirectly contract for, demand, receive, or retain any compensation for such services shall be deemed guilty of a misdemeanor, and upon conviction thereof shall for each and every such offense be fined not exceeding $500, or imprisoned not exceeding two years, or both, in the discretion of the court.

Mr. GALLINGER. Mr. President, in explanation of that amendment, I desire to say that in the appropriation act of 1891 this provision was inserted and is the law:

Provided also, That hereafter no agent or attorney shall demand, receive, or be allowed any compensation under existing law exceeding $2 in any claim for increase of pension on account of the increase of the disability for which the pension has been allowed, or for services rendered in securing the passage of any special act of Congress granting a pension or an increase of pension in any case that has been presented at the Pension Office or is allowable under the general pension laws.

I was not aware until very recently that any allowance was made in the matter of special acts of Congress; but it seems that under the existing law an attorney may receive the sum of $2.

A certain attorney or justice of the peace in your own State, Mr. President [Mr. FRYE in the chair], has several times written me, making suggestions concerning men and women, soldiers and their widows, who, in his opinion, ought to have special acts of Congress passed in their behalf granting them pensions, in one instance sending the names of several such persons. The thing looked suspicious, and I wrote to one of the soldiers, and received from him this letter:

I have your letter of the 24th, in which you inquire if I have made arrangements to pay Mr. Williams any fee providing my bill passes Congress. Yes; I shall pay him $12. I am my own attorney, but Mr. Williams assists me in making out the papers.

Mr. President, I am satisfied that that particular man, a justice of the peace in a country town, is canvassing the soldiers of that community upon the promise of a fee for getting special pension bills through Congress; that he is, I have no doubt, troubling the Senators from that State, the members of the other House from that State, and he is certainly troubling the chairman of the Committee on Pensions of this body. He probably does not know that he is violating the law and making himself amenable to prosecution. If that practice becomes epidemic, as it is likely to, and other claim agents engage in the work of canvassing the soldiers, it is easy for Senators to understand what trouble will come to us here in this matter of special pension legislation.

Mr. President, the Committee on Pensions this year have gone to a good deal of trouble to obviate the necessity for this sort of thing. They have prepared a code of rules. They have even gone further than that, and have prepared two forms of petition—one for pension to widows and one for pension to soldiers. Every Senator can have copies of these petitions by making application to the clerk of the Committee on Pensions. Any woman who can write can fill out one of the widow's blanks, and any man who can write can fill out the other, and when so filled out they will give the committee all the information that is required. Of course, the committee will then go to the Bureau of Pensions and examine the papers, and upon the representations in the petition, which are required to be sworn to, and upon the facts as they appear in the Bureau of Pensions, the committee will determine whether or not there is any justice or equity in the claim. There is no need of any attorney being employed; there is no need of any justice of the peace being employed, and the purpose of the amendment is to prevent what I conceive to be a grave evil. In the first place, it takes money from the soldiers and the widows of soldiers that ought not to be paid, and, in the next place, it threatens to flood Congress with pension bills even greatly in excess of what is coming to us now.

If the amendment be adopted, it will go into conference, and while I will venture to express the hope that it may be retained in the bill, yet, if any good reason is shown by the conferees of the other House why it should not remain in the bill, of course it will go out.

Mr. COCKRELL. How many private pension bills have been presented at this session?

Mr. GALLINGER. I have not ascertained that so far as the Senate is concerned, but I think I am safe in saying that in the other body there are between four and five thousand.

Mr. COCKRELL. A larger number so far this session than ever before?

Mr. GALLINGER. That is what I understand.

Mr. HOAR. I rose to make an inquiry of the Senator from New Hampshire; but just as I was rising the Senator from Connecticut [Mr. PLATT], not now in his seat made a suggestion which, with his leave, I will repeat, unless he wishes to make it himself.

The object of the amendment has my hearty sympathy, but it provides that the offense described shall be a misdemeanor, and that it shall be punished by a certain term of imprisonment. The statute distinction between a misdemeanor and a felony is that any offense punishable by imprisonment in the penitentiary is a felony. So this description pro tanto abolishes this general statute distinction. I suppose the Senator from New Hampshire will have no objection to striking out the word "misdemeanor?"

Mr. GALLINGER. Not at all.

Mr. HOAR. And put in the word "offense." I do not want to make any captious objection, but I do not suppose the Senator wants to dig up here by the roots the distinction that is expounded by the courts. The distinction between a felony and a misdemeanor runs through the whole criminal law in a thousand ways. For instance, you can not ordinarily, where the common law is in force, join a misdemeanor and a felony in the same indictment.

Mr. GALLINGER. I was about to remark that I certainly have no objection, but, on the contrary, will be glad to have the amendment made. I will say, however, in explanation of the amendment that I adopted the precise language of the act of 1891, which says:

Shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for each and every such offense, be fined not exceeding $500 or imprisoned not exceeding two years, or both, in the discretion of the court.

I followed precisely the language of that act, which seems to have met the approval of a previous Congress.

Mr. HOAR. That act must have been inadvertently passed.

Mr. GALLINGER. I presume so. Let the amendment be modified as suggested by the Senator from Massachusetts.

The PRESIDENT pro tempore. The amendment as modified will be stated.

The SECRETARY. Strike out the word "misdemeanor" where it occurs and insert "felony."

Mr. HOAR. Or "offense;" I do not care which.

Mr. GALLINGER. Let the amendment read, "shall be deemed guilty of an offense." I think that "offense" would probably be a better term. It is suggested to me by the Senator from Missouri [Mr. COCKRELL] that the matter of imprisonment might well go out of the amendment, making the punishment merely a fine. I quite agree with that.

Mr. HOAR. No; that should not go out.

Mr. GALLINGER. Very well, then, let it remain.

Mr. HOAR. I rose to ask the Senator from New Hampshire whether the committee had considered, or are likely to consider, the increase in the rate of pensions for total blindness. I have had my attention called to some cases during vacation and to one or two since I came here. I wish to speak with great diffidence about this matter, which has been considered so thoroughly by the Senator and his committee, but I think there is a pretty general feeling that at some time, when our condition warrants it, there might be a little more liberal grant for total blindness.

Mr. GALLINGER. In that connection, Mr. President, I will say that when I was a member of another body my sympathies and interest were attracted toward two classes of pensioners in particular. One was those who had lost both hands and the other those who had lost both eyes. I introduced a bill in that body increasing the pension of soldiers who had lost both hands. Upon investigation I was surprised to find that there were only 22 or 23 soldiers—and that was fifteen years ago—who had lost both hands in the service of the Government. There was no difficulty in securing the passage of that bill, and it became a law. When we started to make an investigation in regard to those who had lost both eyes, I was equally surprised to find there were several thousand of them and that the increased appropriation would be very large—I have forgotten how much—but so large that I have never since pressed it.

Mr. President, the difficulty about that matter is this: First, the increased appropriation will be very considerable, and next, the soldiers who are totally deaf are pressing Congress with a persistency that would surprise all of you who have no direct knowledge of it, claiming that their disability is greater than that of any other class of soldiers; that they are unable to get employment. Of course a blind man is unable to get employment, and a man without hands is, as a rule, unable to get employment; but the totally deaf soldiers also claim that they are unable to get employment, and that their allowance is so small that they ought to have an increase. A blind man gets $72 a month; a man without hands gets, under the law passed in 1887 or 1888, $100 a month; and the totally deaf man $30 a month, much less, it will be observed, than that for the blind man or the man without hands. These soldiers, as I have said, are pressing their claims with great earnestness.

Another class who have been insistent and persistent are the soldiers who have lost limbs in the service of the Government, and with whom we all sympathize. Every year for fifteen years they have been before Congress. They send committees here to be heard by the Committees on Pensions of the two Houses of Congress. We hear them patiently and sympathize with them; and yet, if we should go into the matter of increasing their pensions to the extent they think they ought to be increased, it would take a very large appropriation to meet that increased charge.

We are doing the best we can. We sympathize with all these classes of soldiers. There are especial reasons why we should sympathize with the men who have lost both eyes; but I think we are not yet prepared to take up that question, and I hope it will not be pressed upon the committee at the present session of Congress.

The PRESIDENT pro tempore. The amendment proposed by the Senator from New Hampshire, as modified, will be stated.

The SECRETARY. It is proposed to insert, after the word "prescribe," in line 8, on page 3:

And provided further, That no pension attorney, claim agent, or other person shall be entitled to receive any compensation for services rendered in securing the passage of any special act of Congress granting pension or increase of pension, and any person who shall directly or indirectly contract for, demand, receive, or retain any compensation for such services shall be

deemed guilty of an offense, and, upon conviction thereof, shall for each and every such offense be fined not exceeding $500 or imprisoned not exceeding two years, or both, in the discretion of the court.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from New Hampshire, as modified.

The amendment as modified was agreed to.

Mr. PRITCHARD. I offer an amendment to come in after the amendment just adopted.

The PRESIDENT pro tempore. The amendment submitted by the Senator from North Carolina will be stated.

The SECRETARY. After the amendment just adopted it is proposed to insert:

Provided, That the act approved June 27, 1890, entitled "An act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to widows, minor children, and dependent parents," is construed and held to include all persons who served for ninety days in the military or naval service of the United States during the late war of the rebellion and who have been honorably discharged therefrom: *Provided, however*, That the foregoing shall not apply to those who served in the First, Second, Third, Fourth, Fifth, and Sixth regiments United States Volunteer Infantry who had a prior service in the Confederate army or navy.

Mr. PRITCHARD. Mr. President, this amendment is intended to construe the act of June, 1890, so as to give a pensionable status to those who served in the Confederate army and subsequently joined the Union Army. Under the provisions of section 4716 of the Revised Statutes those who aided or abetted the rebellion are not entitled to a pension. By numerous acts of Congress exceptions have been made to this section, until to-day it only applies to those who claim a pension under the act of June, 1890. Under President Harrison's Administration the then Acting Commissioner of Pensions construed the act of June, 1890, as repealing by implication section 4716 of the Revised Statutes in so far as it related to this class of people, but during the Administration of President Cleveland that ruling was reversed, and that has been the law until the present.

There are many people throughout the Southern States who served for a while in the Confederate army, who subsequently joined the Union Army and rendered faithful and efficient service, who are in destitute circumstances to-day, but they are inhibited from drawing a pension owing to the construction which has been placed upon the act of June, 1890.

I am satisfied in my own mind that the act of June, 1890, by implication repealed section 4716 of the Revised Statutes in so far as it related to this class of pensioners; but the present Secretary of the Interior seems to entertain a different view with respect to the matter, and it is in order that we may have a construction of the act of June, 1890, that I offer this amendment. I will ask the Secretary to read a portion of the report which I made heretofore, which will give us a historical statement as to the different amendments which have been made to section 4716 by Congress heretofore.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read from the report submitted by Mr. PRITCHARD September 14, 1899, as follows:

This resolution, if adopted, will give pensionable status to those who served in the Confederate army and subsequently joined the United States Army, a portion of whom are now denied the benefits of the act of June 27, 1890, on the ground that they aided and abetted the late rebellion against the authority of the United States. The inhibition relative to this class of cases is to be found in section 4716 of the Revised Statutes. The section in question has been amended by four separate acts, the first of which, approved March 3, 1877, provided that nothing contained therein shall be so construed as to apply to such persons as voluntarily enlisted in the Army of the United States and who, while in such service, incurred disability from wound or injury received or disease contracted in line of duty. The act approved August 1, 1892, makes similar provisions for persons who enlisted in the Navy. The act of January 29, 1887, grants what is practically a service pension on service performed during the Mexican war, expressly repealing said section so far as it conflicts with its provisions; and the act approved July 27, 1892, grants pensions to the survivors of the Indian wars which occurred between 1832 and 1842, inclusive; also repeals section 4716 so far as it relates to claims thereunder.

It was clearly the intention of the framers of the act of June 27, 1890, to pension the persons therein named who had served for a period of ninety days and who had been honorably discharged. At the beginning of the late war thousands of citizens residing in the Southern States by force of circumstances were compelled to join the Confederate army, and at the first opportunity left the Confederate cause and made their way through the lines, where they joined the United States Army and served the Government faithfully to the end. At that time the Government of the United States needed their services, and after having accepted the same it ought not to be heard to object to their former record.

The honorable Commissioner of Pensions, in a letter addressed to Senator Pritchard on the 3d day of May, 1898, among other things, said:

"It has been repeatedly urged that no good and sufficient reason exists why claims under the act of June 27, 1890, should be singled out and set apart from all other claims, or why a survivor of the Mexican war or one of the Indian wars who may have performed but a slight service should be entitled to a pension on account of such service, in spite of the fact that he subsequently aided and abetted the rebellion, when a man who may have been disabled by a disability actually incurred while in line of duty prior to March 4, 1861, or a man who, after having engaged in the rebellion for but a short time, and subsequently seeing the errors of his way, enlisted and performed faithful service for the Union, should be denied such status, and it seems that the question now at issue is as to whether the subsequent loyal and faithful service of such persons wiped out any charge of disloyalty which may rest against their records."

Mr. PRITCHARD. Mr. President, I think we have reached that period in our history where we ought to repeal outright section 4716 of the Revised Statutes, but this amendment does not undertake to do that. It simply provides that the act shall be construed so as to give those who served ninety days and who were honorably discharged a pensionable status similar to that of those who did not serve in the Confederate army.

Some time since we gave General Lee a commission in the Regular Army. After that he was promoted. We also appointed General Wheeler in the Regular Army and then promoted and retired him. It does seem to me, in view of that legislation, that we can afford to give the men who for a while fought in the Confederate army and then joined the Union Army and rendered ninety days' service to the Federal Government the small pittance which I ask for them in the pending amendment.

I do not care to discuss this matter any further. I hope the chairman will not raise any objection to the amendment being placed on the appropriation bill. I have sought session after session to have this amendment enacted into law. The Senate has passed it three times. I think the Senate on one occasion repealed section 4716 outright, but on three different occasions the Senate gave its assent to the principles contained in the pending amendment.

Mr. MITCHELL. May I ask the Senator from North Carolina a question?

Mr. PRITCHARD. Certainly.

Mr. MITCHELL. I am very much interested in the amendment, because I think it is right, as I understand it. Does the amendment simply provide for the pensioning of those who went into the Confederate army under duress or to all who afterwards served in the Union Army?

Mr. PRITCHARD. There are no exceptions made. It gives pensions to all who were in the Union Army and served ninety days.

Mr. MITCHELL. No matter in what way they went in?

Mr. PRITCHARD. No, sir. It would be difficult, under the circumstances in our section, to state how a man entered. Some entered willingly, and some went in with the mental reservation that at the very first opportunity they would go through the lines and fight on the other side.

Mr. MITCHELL. I think there is a very large class of that kind of men.

Mr. PRITCHARD. Men who entered with the mental reservation?

Mr. MITCHELL. Yes. I sincerely hope the chairman of the Committee on Pensions will make no point of order against the proposition.

Mr. GALLINGER. I would like to ask the Senator from North Carolina a question for information. Did not the measure which passed the Senate, certainly once and probably twice, contain a provision that guarded it to a much greater extent than the present amendment does? Did it not contain a provision that the men must have gone into the Federal Army prior to a certain date, so as to exclude a very large class of men who were soldiers in the Confederate army and who came into our ranks but a very short time prior to the close of the war and when it was known to every intelligent man in the country that the Confederacy was not to be a success?

Mr. COCKRELL. Let the amendment be read again. I did not catch the distinction which the Senator is making.

Mr. PRITCHARD. All right. Then I will answer the question of the Senator from New Hampshire.

Mr. COCKRELL. I supposed the amendment was substantially Senate joint resolution No. 8 of the present Congress.

The PRESIDENT pro tempore. The Secretary will again state the amendment.

The Secretary read as follows:

Provided, That the act approved June 27, 1890, entitled "An act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to widows, minor children, and dependent parents," is construed and held to include all persons who served for ninety days in the military or naval service of the United States during the late war of the rebellion, and who have been honorably discharged therefrom: *Provided, however*, That the foregoing shall not apply to those who served in the First, Second, Third, Fourth, Fifth, and Sixth regiments United States Volunteer Infantry who had a prior service in the Confederate army or navy.

Mr. PRITCHARD. In answer to the question of the chairman of the committee, I desire to say that the joint resolution which passed the Senate contained a proviso that those who joined the Union Army subsequent to the 1st day of January, I believe it was, 1865, should not be entitled to pensions.

But, in reply to the suggestion of the chairman, I desire to say that if the amendment is changed so as to exclude that class of people a great injury and a great injustice will be done to a very worthy class of people.

It is well known, Mr. President, that thousands of men in western North Carolina and eastern Tennessee remained for months and

months in the mountains, waiting an opportunity to go through the Federal lines in order to join the Union Army. These men lived in caves, slept on the cold ground in the mountains, and endured all manner of hardships rather than fight in the Confederate army; and when the Union Army invaded that section of the country they were there, ready and willing to take up arms in defense of their Government.

Now, I submit that it would be a grave injustice to that class of men to exclude them from the provisions of existing law. I do not think there would be any great number of people affected by it one way or the other, but I do know that there are some men living in my own section of North Carolina who would be affected by it, and I know of a number of men, probably in eastern Tennessee, who would be affected likewise.

Mr. MALLORY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Carolina yield to the Senator from Florida?

Mr. PRITCHARD. Certainly.

Mr. MALLORY. Will the Senator state why the exception of the regiments enumerated in the amendment is made?

Mr. PRITCHARD. I will do so with pleasure. Those regiments were constituted of men who were in Camp Douglas and who volunteered in the Regular Army with the understanding that they were not to be required to fight against the South, but that they would go West and do frontier duty, and with the distinct understanding that they would never claim any bounty or pension. Such being the case, at the suggestion of the Commissioner of Pensions, I put in the provision in question.

Mr. MALLORY. They draw no pension whatever?

Mr. PRITCHARD. No, sir. They draw no pension whatever, nor have they asked for any, as I understand.

Mr. GALLINGER. Mr. President, in reference to the proposed amendment, the Senator from North Carolina does not need any assurance from me that I have endeavored to be very liberal in all these matters of pension legislation. The Senator himself is a very useful member of the Committee on Pensions, and he has been a very helpful member to the chairman. When this matter was first proposed in committee, a bill was prepared—very carefully drawn, as I remember it—and I believe it excluded a very large class of soldiers who had had service in the Confederate army, but who afterwards did render some service to the Union cause. It occurred to the committee at that time, and I think the Senate took that view of it, that the service was rendered at a time when they knew very well that the cause in which they had first been engaged was not to be successful, and they came into the Union Army largely as a consequence of that belief. We passed that bill, Mr. President, and it went to another body, which did not take final action on it.

The Senator from North Carolina at the present session introduced the amendment which he has now offered, and which came to the Committee on Pensions. It was considered very carefully by the committee. I regret that the Senator was not present at the time. I think he was at his home.

Mr. PRITCHARD. Yes; I was.

Mr. GALLINGER. His absence was regretted by the committee, but the committee were unanimously of the opinion that it would be unwise legislation to incorporate a provision of this kind on an appropriation bill. If the Senator will present a bill, either in the terms of the present amendment, or, as I think it ought to be, a more guarded provision, the committee will give it careful and conscientious consideration, and I think the Senator will be able to get, as he did once or twice before, a favorable report on a well-guarded bill.

Mr. President, I have no discretion in this matter. The Senator from Oregon [Mr. MITCHELL], who is kind hearted and large hearted and generous, says he hopes I will not make any objection to the amendment. The Senator from North Carolina expresses the same view. But, Mr. President, I have no discretion to do otherwise than to make objection. The committee of which I chance to be chairman has taken adverse action on the amendment, and for that reason it becomes my duty to prevent it going on the bill, if I can do so, and of course the most effective way is to make the point of order against it, which I feel constrained to do.

The PRESIDENT pro tempore. The point of order is sustained.

Mr. PRITCHARD. I trust the Senator from New Hampshire will withdraw the point of order and let me make one further statement.

Mr. GALLINGER. Certainly; I am pleased to do so.

Mr. PRITCHARD. Mr. President, the distinguished chairman says he thinks the better course is to attempt to have this bill become a law by passing the Senate and going to the House of Representatives. I will state to my friend that I have pursued that course until I am fully satisfied that I can secure no relief from that quarter. I do trust that my friend will not make the point of order and thus preclude this class of people, because it simply amounts to dropping them from the pension rolls.

Since I have been on the Pension Committee I have supported every proposition to pension the Union soldiers. I have fought for every proposition that has come before the committee, and I have supported it in this body cheerfully, because I believe it was right; but I must adopt some means by which I can get this worthy class of people taken care of.

Does the Senator from New Hampshire make the point on the ground that it is new legislation?

Mr. GALLINGER. General legislation on an appropriation bill.

Mr. PRITCHARD. I desire to submit this view in regard to that matter. As I consider it, this is not new legislation. It is simply a proposition to construe existing law with respect to the payment of money to certain classes of people, and it seems to me it does not come within the rule which the distinguished chairman invokes. The amendment simply proposes to construe the law which we are now passing, to place a construction upon it as to the manner in which the money shall be expended. Such being the case, it seems to me it is not new legislation.

The PRESIDENT pro tempore. The Chair reluctantly sustains the point of order.

Mr. GALLINGER. As a matter of explanation, I desire to say—and I think the Senator ought not to press this matter at all—that I find the Senate, during the second session of the Fifty-sixth Congress, passed a joint resolution substantially in the terms of this amendment. It went to another body, and that other body amended it. I had the impression that the Senate had put on that amendment, but it seems otherwise. The other body amended it by adding these words:

> Nor to those who served more than one year in the Confederate army or navy, nor to those who, having had such prior service, enlisted in the military or naval service of the United States after the 1st day of January, 1865: *And provided further*, That no pension shall be granted for any disability incurred while aiding or abetting the late rebellion; and that no pension shall be granted under this resolution except on application therefor filed after its passage.

Mr. PRITCHARD. The House completely emasculated my joint resolution. It was not worth the paper it was written on when they got through with it.

Mr. GALLINGER. I should like to say to the Senator from North Carolina that should the amendment go on this bill and a certain other body be still hostile to it it would be utterly impossible to keep it on. The conferees of the Senate would have to yield, and I think the Senator will see the force of my observation, that he would better have a measure carefully drawn and presented to the Senate, and if, in the wisdom of the Senate, it passes here, as I think it will, then do the best he can elsewhere to have it enacted into law. I feel sure that that is the wise course to pursue.

Mr. PRITCHARD. I desire to give notice now that I will see that not many pension bills are passed until something is done in this direction, in the future.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

PHILIPPINE TARIFF BILL.

Mr. SIMMONS. I desire to ask unanimous consent to put upon its passage the bill (S. 1609) making an appropriation for the purchase from Forsyth County of a site and building for a post-office and other Government offices in Winston-Salem, N. C., and to authorize the sale of the present post-office site in Winston-Salem to Forsyth County.

The PRESIDENT pro tempore. The Senator from North Carolina asks unanimous consent for the consideration of the bill indicated by him. Is there objection?

Mr. LODGE. I gave notice day before yesterday that I should call up House bill 5835 immediately after the morning business.

Of course, I have given way to the pension appropriation bill, as I should have given way for any other appropriation bill, but I do not see that I can give way further. If I am allowed to take up my bill, I will then yield to the Senator from North Carolina. If not, I must object.

Mr. KEAN. I hope the Senator from Massachusetts will also yield to me to secure the passage of a short bill containing only a few lines.

Mr. SIMMONS. I call the attention of the Senator from Massachusetts——

Mr. LODGE. If the Senator from North Carolina will allow me to get up my bill, I shall not object to the bill which he desires to have passed.

The PRESIDENT pro tempore. Does the Senator from North Carolina yield to the Senator from Massachusetts?

Mr. SIMMONS. Certainly.

Mr. LODGE. I move that the Senate resume the consideration

of the bill (H. R. 5833) temporarily to provide revenue for the Philippine Islands, and for other purposes.

The motion was agreed to.

Mr. LODGE. Now I yield to the Senator from North Carolina.

PUBLIC BUILDING AT WINSTON-SALEM, N. C.

Mr. SIMMONS. I ask unanimous consent for the present consideration of the bill (S. 1609) making an appropriation for the purchase from Forsyth County of a site and building for a post-office and other Government offices in Winston-Salem, N. C., and to authorize the sale of the present post-office site in Winston-Salem to Forsyth County.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds with an amendment in section 1, page 1, line 3, before the word "thousand," to strike out "seventy-five" and insert "sixty," and in line 6, before the word "thousand," to strike out "fifty" and insert "thirty-five;" so as to read:

That the sum of $160,000 is hereby appropriated to be used and expended by the Secretary of the Treasury of the United States for the following purposes and no other: $125,000 of this appropriation for the purchase, from the county of Forsyth, State of North Carolina, of a lot of land 200 feet long by 200 feet wide, lying and being in Winston, N. C., and bounded as follows:

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM D. RUTAN.

Mr. KEAN. Mr. President——

Mr. LODGE. I will yield to the Senator from New Jersey [Mr. KEAN] and the Senator from Oregon [Mr. SIMON], and after that I shall object to any further requests for unanimous consent.

Mr. KEAN. I ask unanimous consent for the consideration of the bill (S. 903) for the relief of William D. Rutan.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the accounting officers of the Treasury Department to credit the account of William D. Rutan, late collector of internal revenue at Newark, N. J., with the sum of $1,350, being the net value of certain snuff stamps forwarded by him to the Commissioner of Internal Revenue for exchange under the provisions of an act of Congress approved June 13, 1898, which stamps were lost in transit or otherwise and never accounted for.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ISAIAH TUFFORD.

Mr. SIMON. I ask unanimous consent for the present consideration of the bill (S. 3299) granting an increase of pension to Isaiah Tufford.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pension Isaiah Tufford, late of Company H, Twenty-second Regiment New York Volunteer Cavalry, at the rate of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PHILIPPINE TARIFF BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 5833) temporarily to provide revenue for the Philippine Islands, and for other purposes.

Mr. LODGE. I understand the Senator from Washington [Mr. TURNER] desires to go on this afternoon. The Senator from Wisconsin [Mr. SPOONER], I know, wishes to offer an amendment.

Mr. SPOONER. I move to amend the bill by inserting what I send to the desk, to come in after the word "prescribe," in line 3, page 5.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 5, line 3, after the word "prescribe," it is proposed to insert:

And all taxes paid upon such articles shipped to the Philippine Islands since November 15, 1901, under the decision of the Secretary of the Treasury of that date, shall be refunded to the parties who have paid the same under such rules and regulations as the Secretary of the Treasury may prescribe, and a sum sufficient to make such payment is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. LODGE. I have no objection to the amendment.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The question is on agreeing to the amendment submitted by the Senator from Wisconsin.

The amendment was agreed to.

Mr. LODGE. I will now renew the request I started to make before the Senator from Wisconsin offered his amendment, and that is, that we may have a new print of the bill as it has been amended by the Senate.

The PRESIDING OFFICER. The Senator from Massachusetts asks unanimous consent that the bill may be reprinted as amended. Is there objection? The Chair hears none, and that order is made.

Mr. TURNER addressed the Senate. After having spoken for nearly two hours—

Mr. VEST. Will the Senator from Washington kindly yield to me at this time, that I may ask for the consideration of a local bill?

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Washington yield to the Senator from Missouri?

Mr. TURNER. Yes, sir.

COURTS IN MISSOURI.

Mr. VEST. I ask unanimous consent to call up a bill of local interest only, which it is necessary to have considered and passed now. It will lead to no debate whatever.

The bill (S. 2708) respecting proceedings in the courts of the United States in the western district of the State of Missouri was read; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to amend the several acts of Congress establishing divisions in the western district of the State of Missouri, so as to read as follows:

Persons charged with offenses against the United States in any division of the western district of Missouri may be indicted or proceeded against by information, as now by law authorized, in either division thereof where a grand jury is in attendance and at any session of the court. And pleas by such persons may be accepted in the court where such indictments are found or informations are filed, and in case of pleas of guilty by such persons, sentence of judgment may be pronounced by the court so sitting, the same as if such plea had been entered and such sentence imposed by the court sitting in the division where the offense was committed; and where pleas of not guilty are entered, such court may admit the parties to bail on recognizance taken therein.

SEC. 2. That where trial upon such indictment or information is to be had in the division where the offense was committed, the clerk of the court where such indictment is found or information presented shall forthwith, upon order of the court, transmit the indictment or information, together with a certified copy of the records and proceedings had in such court, to the clerk of the court of the venue, and upon the filing of the same in the latter court the cause shall proceed the same as if the indictment had been found or information filed in the court of venue.

SEC. 3. That any suit in equity or at law which shall be submitted to the court for final hearing, either in term time or in vacation, in any division of said district, may be finally determined by the judge to whom such cause may be so submitted at chambers in any division of said district, and the judgment or decree rendered by him therein shall be filed and entered upon the records of the proper division in vacation and have the same force and effect as if entered in term time. Upon the filing of such judgment or decree in vacation the clerk of the court shall forthwith notify, by letter duly posted to the post-office address, the attorneys or counsel of the respective parties of record. And the judge in vacation may grant leave to file motions for new trials, or in arrest of judgment, and bills of exceptions in such cases the same as in term time; and in reckoning the time for such filing of motion for new trial, and arrest of judgment, and bill of exceptions it shall be from the day when such notice to said attorneys or counsel shall have been duly posted in the mail by the clerk of said court.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY E. M'DONALD.

Mr. MARTIN. I ask unanimous consent for the present consideration of the bill (H. R. 4988) for the relief of Mary E. McDonald.

The bill was read; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It directs the Secretary of the Treasury to pay to Mary E. McDonald and Stephen C. Brown, owners of the McDonald hatching jar and McDonald universal hatching jar, $1,234.06 each, in compensation in full for the use by the United States of all hatching jars invented by the late Marshall McDonald, and for all rights in said jars now possessed by Mary E. McDonald and Stephen C. Brown, and for the right of the United States to hereafter use the patents on said jars.

It further directs the Secretary of the Treasury to pay to Mary E. McDonald, widow of Marshall McDonald, late Commissioner of Fisheries, $2,500, in full compensation for the use by the United States of the McDonald egg transportation crate, the McDonald improved cod hatching box, the McDonald hatching bucket, the McDonald trout can, and of all other inventions of Marshall McDonald, and for their transfer to the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC BUILDING AT NASHVILLE, TENN.

Mr. BATE. With the consent of the Senator from Washington [Mr. TURNER], I ask unanimous consent for the present consideration of the bill (S. 2086) to provide for enlarging the public building at Nashville, Tenn.

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Tennessee?

Mr. TURNER. Yes, sir.

The bill was read; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It directs the Secretary of the Treasury to cause the public building

at Nashville, Tenn., now occupied as a post-office and for other Government offices, to be enlarged so as to make the building suitable for the further and better accommodation of the post-office, the plans and specifications to be drawn, with respect to the present building, so as to furnish to the post-office more room and better accommodations; the plans, specifications, and full estimates for the addition, enlargement, and improvement of the building to be previously made and approved according to law, and not to exceed in cost $100,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SCHOOLS OF MINING AND METALLURGY.

Mr. SCOTT. I ask unanimous consent for the present consideration of the bill (S. 634) to apply a portion of the proceeds of the sale of the public lands to the endowment, support, and maintenance of schools or departments of mining and metallurgy in the several States and Territories in connection with the colleges for the benefit of agriculture and the mechanic arts established in accordance with the provisions of an act of Congress approved July 2, 1862.

The PRESIDENT pro tempore. The bill will be read in full for information, subject to objection.

The Secretary proceeded to read the bill.

Mr. ALLISON. That seems to be a long bill, Mr. President, to be considered at this time.

Mr. LODGE. I hope the Senator from Washington [Mr. TURNER] will be allowed to proceed now with his remarks.

Mr. SCOTT. I hope Senators will not object. The Secretary is almost through with the reading of the bill. It was reported unanimously by the Committee on Mines and Mining, and was before the Senate at the last session and the session before that. It will only take a moment to complete the reading.

Mr. LODGE. I shall ask, after that bill has been disposed of, that the debate may continue on the business which is properly before the Senate.

Mr. SCOTT. I am much obliged to the Senator.

The Secretary resumed the reading of the bill, but before concluding was interrupted by—

Mr. HANSBROUGH. Mr. President, as I understand this bill it provides for appropriating the proceeds from the sales of the public lands for the endowment of certain schools. The Senate is aware that we have now on the Calendar a bill appropriating the proceeds of the sales of public lands for another purpose, which I hope to get up for consideration in a few days. I think the bill called up by the Senator from West Virginia [Mr. SCOTT] will certainly create some debate, and that it ought not to be considered now.

Mr. LODGE. If the bill is going to create debate, Mr. President, I must object to its consideration.

The PRESIDENT pro tempore. Objection is made, and the Senate resumes the consideration of the unfinished business.

PHILIPPINE TARIFF BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 5833) temporarily to provide revenue for the Philippine Islands, and for other purposes.

Mr. TURNER. Mr. President, the pending legislation proceeds upon the theory that we have acquired, in an international as well as a constitutional sense, dominion and sovereignty over the Philippine Islands, and that we have the right to enact legislation for the purpose of taxing the industries and the necessities of the people of those islands. I do not believe such to be the fact. A late and a more careful examination than I had ever before given to the subject has only served to confirm me in the belief which I have entertained from the beginning.

But passing that by, and conceding for the sake of the argument that the Philippine Islands are ours, I say that this bill is indefensible, because it is contrary to and in conflict with the clause of the Federal Constitution which requires uniformity in the laying of taxes, duties, and imposts, and because it flies in the face of the recent decisions of the Supreme Court of the United States in the so-called insular cases, expounding that and other cognate clauses of the Constitution in their relation to the Territories.

Our Republican friends, with their usual industry and enterprise, have undertaken to appropriate those decisions to themselves, and I must confess that they have come very near to succeeding, because they have created an impression in the public mind throughout the country that a majority of the judges in those cases set the seal of judicial approval upon the Republican contention concerning the power of the Government in dealing with our new possessions when, as a matter of fact, a majority of the judges have not only not done anything of that kind, but if I read their opinions correctly, they set the seal of judicial disapproval upon the Republican contention in that respect.

It is impossible to read critically and intelligently the opinions handed down in those cases and come to any other conclusion. It is true that the judgment in one of those cases sustained a tax laid under a law enacted without reference to the uniformity clause of the Constitution, but there is a very plain and well-marked distinction between the judgment in a cause which merely settles the particular concrete thing in controversy and the reasons for that judgment which constitutes the decision of the court.

A judgment serves its full purpose when it decides, for instance, that a particular horse belongs to A which is in the possession of B, and directs that it shall be delivered back into the possession of A; but the reasons upon which that judgment proceeded will live and continue to have vital force as a rule of property between citizens so long as the system of jurisprudence which was expounded by the court continues to exist and have force in the jurisdiction where the judgment was rendered.

It is a fact, and a logical fact, paradoxical as it may seem, that the judgment of a court, of an appellate court, consisting of three or more members, is frequently found to be in opposition to and in conflict with the rationale of the opinions of a majority of the court. This may appear to be a remarkable statement, but it is strictly logical, and it is strictly true. Take, for instance, an action upon a promissory note. The defendant comes into court and pleads non est factum, want of consideration, and the statute of limitations. The case is taken up to an appellate court consisting of three members, Judge A, Judge B, and Judge C, and the case, we will suppose, has been tried in the lower court upon an agreed statement of facts, so that the appellate court is required to pronounce upon the merits of the case. Judge A holds that the note having been made, we will say, by an agent of the defendant without proper authority, was not the note of the defendant, but that it was upon sufficient consideration, and that the statute of limitations had not barred the action. Judge B holds that the note was not upon a sufficient consideration, but that it was the note of the defendant and that its recovery was not barred by the statute of limitations. Judge C holds that the action was barred by the statute of limitations, but that the note was the note of the defendant and that it was on full and ample consideration.

Now, what is the result? There are two members of that court out of three against the defendant on every contention that he made in that case; yet the result must be that a judgment shall be entered that he go hence without day. Upon the questions before the court, and upon which its decision necessarily depended, the court would stand thus: Was the note the note of the defendant? Yeas 2, nays 1. Was the note upon a sufficient consideration? Yeas 2, nays 1. Was the note not barred by the statute of limitations? Yeas 2, nays 1.

Thus upon every single proposition in that case the majority of the court will have pronounced against the law and the facts as contended for by the defendant, and yet the judgment must necessarily be in his favor and he be discharged out of court.

That is what I claim has taken place in the insular cases before the Supreme Court of the United States. Upon every single contention concerning the state of the law made by the Republican side here, upon every single contention necessary to sustain an unequal tax law for Porto Rico or the Philippines made there, a majority of the Supreme Court in the cases to which I have referred have pronounced, and it has been against the Republican contention.

I will now state what I understand to have been the decision of the court in the two cases of De Lima *v.* Bidwell and Downes *v.* Bidwell. Taking those two cases together, a correct digest of the opinions of the court is as follows:

Justice Brown held in his opinion that our newly acquired possessions are as much a part of the territory of the United States as any other territory possessed by us and not organized into a State, but that the Constitution was intended for the States, leaving Congress a free hand in the Territories, and that therefore neither the revenue clauses of the Constitution nor any other clause of that instrument, except such as go to the root of the power of Congress to legislate at all, have application in the Territories. That is the effect of his opinion in those two cases.

Chief Justice Fuller and Justices Brewer, Harlan, and Peckham, who concurred with Justice Brown in the De Lima case and dissented from him in the Downes case, held that Porto Rico was a Territory of the United States, and they held, further, that the revenue clauses of the Constitution and all of its other provisions applied to it ex proprio vigore, and in the same manner applied to all the other Territories.

Justices White, Shiras, McKenna, and Gray dissented in the De Lima case and concurred with Mr. Justice Brown in the judgment in the Downes case, but they concurred with him in no position taken in his opinion in either case. They held that Porto Rico was not a part of the territory of the United States within the meaning of our Constitution, and that it could not become such save by the action of the political department of the Government, either through a treaty providing for its incorporation and

legislation by Congress which implied an acceptance of such treaty provisions, or by a formal act of Congress accepting it into the great American family.

They held, further, however, that once it became a part of the nation, either as a State or as a Territory, it was bound and privileged by all of the provisions intended to have application to the Territories of the United States, and particularly by that one requiring uniformity in the laying of taxes, duties, and imposts.

Now, what is to be deduced as the law from these opinions? According to five of the nine judges, Porto Rico became a Territory of the United States in the same sense as any other Territory immediately on the ratification of the treaty of peace with Spain. According to eight of the nine judges, all such territory—that is, all territory that is such within the sense of our Constitution—is bound and privileged by all the provisions of the Constitution, including the provision requiring uniformity of taxation.

I dislike to take up the time of the Senate in reading long judicial opinions, but I deem it important to do so in this case to show the correctness of the position I have taken concerning the effect of these decisions of the Supreme Court because of the claim of our Republican friends that those decisions gave them a free hand in the matter of legislation for our newly acquired possessions. That claim has gone abroad to such an extent, and has taken such a hold upon the public mind, that I deem it important to show how utterly groundless and unfounded it is.

In the first case, that of De Lima *v.* Bidwell, the sole question was whether upon the ratification of the treaty of peace with Spain Porto Rico became one of the Territories of the United States, and therefore not foreign country within the meaning of the Dingley tariff act, under which it had been undertaken to lay the tariff duties.

Judge Brown delivered the opinion of the majority of the court, which was concurred in by the Chief Justice and Justices Harlan, Brewer, and Peckham. His language leaves no room for doubt or contention as to what the majority intended to hold on the subject before them. It leaves no room for doubt or contention that a majority of that great court intended to hold, and did hold, that the island of Porto Rico was as much a part of the territory of the United States as any organized territory which we then held or over which we have ever exercised sovereignty.

After making an extended examination of the authorities relating to the subject, Judge Brown states his conclusions thus:

From this résumé of the decisions of this court, the instructions of the Executive Departments, and the above act of Congress it is evident that from 1808, the date of Mr. Gallatin's letter, to the present time there is not a shred of authority except the dictum in Fleming *v.* Page (practically overruled in Cross *v.* Harrison) for holding that a district ceded to and in the possession of the United States remains for any purpose a foreign country. Both these conditions must exist to produce a change of nationality for revenue purposes.

That is, there must be cession and possession.

Possession is not alone sufficient, as was held in Fleming *v.* Page; nor is a treaty ceding such territory sufficient without a surrender of possession. (Keene *v.* McDonough, 8 Pet., 308; Pollard's Heirs *v.* Kibbe, 14 Pet., 353, 406; Hallet *v.* Hunt, 7 Ala., 899; The Fama, 5 Ch. Rob., 97.) The practice of the Executive Departments, thus continued for more than half a century, is entitled to great weight, and should not be disregarded nor overturned except for cogent reasons and unless it be clear that such construction be erroneous. (United States *v.* Johnson, 124 U. S., 236, and other cases cited.)

But were this presented as an original question we should be impelled irresistibly to the same conclusion.

Further on, in the same line, this learned justice says:

It—

The Government—

may do for the Territories what the people, under the Constitution of the United States, may do for the States. Indeed, it is scarcely too much to say that there has not been a session of Congress since the Territory of Louisiana was purchased that that body has not enacted legislation based upon the assumed authority to govern and control the Territory. It is an authority which arises not necessarily from the Territorial clause of the Constitution, but from the necessities of the case and from the inability of the States to act upon the subject. Under this power Congress may deal with territory acquired by treaties; may administer its government as it does that of the District of Columbia; it may organize a local Territorial government; it may admit it as a State upon an equality with other States; it may sell its public lands to individual citizens or may donate them as homesteads to actual settlers. In short, when once acquired by treaty it belongs to the United States and is subject to the disposition of Congress.

And, further:

The theory that a country remains foreign with respect to the tariff laws until Congress has acted by embracing it within the customs union presupposes that a country may be domestic for one purpose and foreign for another. It may undoubtedly become necessary for the adequate administration of a domestic territory to pass a special act providing the proper machinery and officers, as the President would have no authority, except under the war power, to administer it himself; but no act is necessary to make it domestic territory if once it has been ceded to the United States. We express no opinion as to whether Congress is bound to appropriate the money to pay for it. This has been much discussed by writers upon constitutional law; but is not necessary to consider it in this case, as Congress made prompt appropriation of the money stipulated in the treaty.

This theory also presupposes that territory may be held indefinitely by the United States; that it may be treated in every particular, except for tariff purposes, as domestic territory; that laws may be enacted and enforced by officers of the United States sent there for that purpose; that insurrections may be suppressed, wars carried on, revenues collected, taxes imposed; in short, that everything may be done which a government can do within its own boundaries, and yet that the territory may still remain a foreign country. That this state of things may continue for years, for a century even, but that until Congress enacts otherwise it still remains a foreign country. To hold that this can be done as matter of law we deem to be pure judicial legislation. We find no warrant for it in the Constitution, or in the powers conferred upon this court. It is true the nonaction of Congress may occasion a temporary inconvenience, but it does not follow that courts of justice are authorized to remedy it by inverting the ordinary meaning of words.

Mr. President, there ought to be no doubt after the language which I have read from the opinion of Mr. Justice Brown that that member of the Supreme Court meant to hold that Porto Rico became a member of the American family as much so as any other Territory over which we have ever exercised sovereignty the moment the treaty of cession between Spain and the United States went into effect; and, holding a like opinion, the Chief Justice and Justices Harlan, Brewer, and Peckham concurred in that opinion, and thereby settled as a judicial fact that these territories are a part of the great American family and that they are entitled to the same protection which the Constitution of the United States was designed to throw around any other Territory.

We next come to the case of Downes *v.* Bidwell. It is there that the great contrariety of opinion exists. It is there that this peculiar but logical judgment which flies in the face of the opinions of a majority of the judges was rendered.

Mr. Justice Brown, with whom concurred Justices White, Gray, Shiras, and McKenna, did not in that case mean to depart one iota from any position that he had taken in the De Lima case. He did not yield his assent to the proposition of the four other judges that Porto Rico had not become a part of the great American family, or was not entitled to the benefit of the Constitution as much as any other one of our organized Territories.

But he took the peculiar and singular position, one which was not taken by any other member of the court, that the revenue clauses of the Constitution were not intended to have effect in any of our Territories, organized or unorganized, even those which we held at the time of the establishment of our own independence, or those which had been acquired since and erected into organized Territories; and it was by virtue of that proposition that he was enabled to concur in the rendition of judgment with the four members of the court who held that, although the treaty of peace made a cession of the new possessions to us, that that treaty did not invest the territory ceded with political rights, did not make it a member of the American political family until the political department of the Government had acted and either expressly or impliedly ratified the treaty.

I will read briefly from Judge Brown's opinion in the Downes case to show that he did not depart from the position taken in the De Lima case. He states the question to be determined in the Downes case as follows:

In the case of De Lima *v.* Bidwell, just decided, we held upon the ratification of the treaty of peace with Spain, Porto Rico ceased to be a foreign country, and became a Territory of the United States, and that duties were no longer collectible upon merchandise brought from that island. We are now asked to hold that it became a part of the United States within that provision of the Constitution which declares that "all duties, imposts, and excises shall be uniform throughout the United States."

* * * * * * *

The case also involves the broader question whether the revenue clauses of the Constitution extend of their own force to our newly acquired territories. The Constitution itself does not answer the question. Its solution must be found in the nature of the government created by that instrument, in the opinion of its contemporaries, in the practical construction put upon it by Congress and in the decisions of this court.

Looking into all those sources of light, through which I shall not follow him, and thereby detain the Senate too long, Judge Brown reaches these conclusions:

To sustain the judgment in the case under consideration it by no means becomes necessary to show that none of the articles of the Constitution apply to the island of Porto Rico. There is a clear distinction between such prohibitions as go to the very root of the power of Congress to act at all, irrespective of time or place, and such as are operated only "throughout the United States" or among the several States.

Thus, when the Constitution declares that "no bill of attainder or ex post facto law shall be passed" and that "no title of nobility shall be granted by the United States" it goes to the competency of Congress to pass a bill of that description. Perhaps the same remark may apply to the first amendment, that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech, or of the press, or the right of the people to peacefully assemble and to petition the Government for a redress of grievances." We do not wish, however, to be understood as expressing an opinion how far the bill of rights contained in the first eight amendments is of general and how far of local application.

Upon the other hand, when the Constitution declares that all duties shall be uniform "throughout the United States," it becomes necessary to inquire whether there be any territory over which Congress has jurisdiction which is not a part of the "United States," by which term we understand the States whose people united to form the Constitution, and such as have since been admitted to the Union upon an equality with them.

And here is the gist of Judge Brown's opinion. The Constitution was made, as he says, for the States united, under the name of the United States, and has no application in its revenue clauses to any other part of the Territories of the United States.

Not only did the people in adopting the thirteenth amendment thus recognize a distinction between the United States and "any place subject to their jurisdiction," but Congress itself, in the act of March 27, 1804 (2 Stat., 298), providing for the proof of public records, applied the provisions of the

act not only to "every court and office within the United States," but to the "courts and offices of the respective territories of the United States and countries subject to the jurisdiction of the United States," as to the courts and offices of the several States. This classification, adopted by the Eighth Congress, is carried into the Revised Statutes as follows:

"SEC. 905. The acts of the legislature of any State or Territory, or of any country subject to the jurisdiction of the United States, shall be authenticated," etc.

"SEC. 906. All records and exemplifications of books which may be kept in any public office of any State or Territory, or any country subject to the jurisdiction of the United States," etc.

Unless these words are to be taken as meaningless, we must treat them as a recognition by Congress of the fact that there may be territories subject to the jurisdiction of the United States which are not of the United States.

Obviously Justice Brown means in this last sentence "not of the United States" in the sense that the United States is only, as he says, the States united.

In determining the meaning of the words of Article I, section 6, "uniform throughout the United States," we are bound to consider not only the provisions forbidding preference being given to the ports of one State over those of another (to which attention has already been called), but the other clauses declaring that no tax or duty shall be laid on articles exported from any State, and that no State shall, without the consent of Congress, lay any imposts or duties upon imports or exports, nor any duty on tonnage. The object of all of these was to protect the States which united in forming the Constitution from discriminations by Congress which would operate unfairly or injuriously upon some States and not equally upon others.

The opinion of Mr. Justice White in Knowlton *v.* Moore (178 U. S., 41) contains an elaborate historical review of the proceedings in the convention, which resulted in the adoption of these different clauses and their arrangement, and he there comes to the conclusion (p. 105) that "although the provision as to preference between ports and that regarding uniformity of duties, imposts, and excises were one in purpose, one in their adoption," they were originally placed together, and "became separate only in arranging the Constitution for the purpose of style." Thus construed together the purpose is irresistible that the words "throughout the United States" are indistinguishable from the words "among or between the several States," and that these prohibitions were intended to apply only to commerce between ports of the several States as they then existed or should thereafter be admitted to the Union.

There could not be a more distinct and explicit enunciation of views than that which Judge Brown has here made. I do not agree that there is any confusion or any ground for misunderstanding in the opinions in the insular cases. When read understandingly and intelligently, they present their purport to the lawyer very clearly; and the purport of Judge Brown's opinions in these two cases was that, while Porto Rico became a part of the Territories of the United States by the act of cession as much as any other Territory which we now hold or ever did hold, the Constitution was made for the United States in the sense of the States united, and had no application to any of our Territories; therefore, that the clause of the Constitution requiring uniformity in taxation did not apply to Porto Rico nor, any more, did it apply to any other of our Territories. But the judges who united with Judge Brown in the judgment in this case proceeded upon no conclusion of that kind; they entertained no views of that kind; their views were diametrically opposed to those of Judge Brown upon each of those two propositions.

I shall not read from the opinions of the Chief Justice and of Mr. Justice Harlan in these cases. If I were undertaking to establish at this moment the correctness of the view which they contended for there, I could not supplement by a single word the magnificent presentation of the case made by them. I pass their opinions over because I am not arguing now whether, as a matter of law and logic, the Constitution does apply to those Territories. I am simply undertaking to show what the Supreme Court of the United States held in these insular cases, and how, holding as they did, it was possible to render the judgment that was rendered.

I turn now to the opinion of Mr. Justice White, who spoke also for three concurring justices, and the opening paragraph of his opinion shows that he did not unite with Justice Brown in a single position that that justice took. He says:

Mr. Justice Brown, in announcing the judgment of affirmance, has in his opinion stated his reasons for his concurrence in such judgment. In the result I likewise concur. As, however, the reasons which cause me to do so are different from, if not in conflict with, those expressed in that opinion, if its meaning is by me not misconceived, it becomes my duty to state the convictions which control me.

Sir, Justice White and the other concurring judges in the Downes case put their concurrence upon this proposition, that the entire history of the acquisition by this country of territory by cession from foreign countries showed that it was the view of the framers of the Constitution and those who had followed them in the administration of the Government, that a mere cession of territory to this country by treaty, being merely the act of the President and of the Senate, the treaty-making power, did not make the territory ceded a part of the Territories of the United States within the meaning of the Constitution, but that it required the action of the political department of the Government to do that, either expressly or impliedly. Hence they held that since the treaty between ourselves and Spain had not provided for the incorporation of the ceded possessions into the Territories of the United States, as other treaties ceding territory to us had done, that no action then taken by Congress could be considered as expressly or impliedly incorporating them.

The consequence was that they had not come into the great American family, but were held by us temporarily by a kind of intangible and shadowy sovereignty, under which we might legislate for them, but under which they were shut out from the constitutional guaranties which protect our other possessions.

I will read briefly from Judge White's opinion:

It is said, however—

Says the justice—

that the treaty for the purchase of Louisiana took for granted that the territory ceded would be immediately incorporated into the United States, and hence the guaranties contained in the treaty related not to such incorporation, but was a pledge that the ceded territory was to be made a part of the Union as a State.

The minutest analysis, however, of the clauses of the treaty fails to disclose any reference to a promise of statehood, and hence it can only be that the pledges made referred to incorporation into the United States. This will further appear when the opinions of Jefferson and Madison and their acts on the subject are reviewed. The argument proceeds upon the theory that the words of the treaty "shall be incorporated into the Union of the United States," could only have referred to a promise of statehood, since the then existing and incorporated Territories were not a part of the Union of the United States, as that Union consisted only of the States. But this has been shown to be unfounded, since the "Union of the United States" was composed of States and Territories, both having been embraced within the boundaries fixed by the treaty of peace between Great Britain and the United States which terminated the Revolutionary war, the latter, the Territories, embracing districts of country which were ceded by the States to the United States under the express pledge that they should forever remain a part thereof.

That this conception of the Union composing the United States was the understanding of Jefferson and Madison, and indeed of all those who participated in the events which preceded and led up to the Louisiana treaty, results from what I have already said, and will be additionally demonstrated by statements to be hereafter made. Again, the inconsistency of the argument is evident. Thus, whilst the premise upon which it proceeds is that foreign territory, when acquired, becomes at once a part of the United States, despite conditions in the treaty expressly excluding such consequence, it yet endeavors to escape the refutation of such theory which arises from the history of the Government by the contention that the Territories which were a part of the United States were not component constituents of the Union which composed the United States.

I do not understand how foreign territory which has been acquired by treaty can be asserted to have been absolutely incorporated into the United States as a part thereof despite conditions to the contrary inserted in the treaty, and yet the assertion be made that the territories which, as I have said, were in the United States originally as a part of the States and which were ceded by them upon express condition that they should forever so remain a part of the United States, were not a part of the Union composing the United States. The argument, indeed, reduces itself to this, that for the purpose of incorporating foreign territory into the United States domestic territory must be disincorporated. In other words, that the Union must be, at least in theory, dismembered for the purpose of maintaining the doctrine of the immediate incorporation of alien territory.

Further on the opinion proceeds:

It is then, as I think, indubitably settled by the principles of the law of nations, by the nature of the government created under the Constitution, by the express and implied powers conferred upon that government by the Constitution, by the mode in which those powers have been executed from the beginning, and by an unbroken line of decisions of this court, first announced by Marshall and followed and lucidly expounded by Taney, that the treaty-making power can not incorporate territory into the United States without the express or implied assent of Congress, that it may insert in a treaty conditions against immediate incorporation, and that, on the other hand, when it has expressed in the treaty the conditions favorable to incorporation they will, if the treaty be not repudiated by Congress, have the force of the law of the land, and, therefore, by the fulfillment of such conditions cause incorporation to result. It must follow, therefore, that where a treaty contains no conditions for incorporation, and, above all, where it not only has no such conditions, but expressly provides to the contrary, that incorporation does not arise until, in the wisdom of Congress, it is deemed that the acquired territory has reached that state where it is proper that it should enter into and form a part of the American family.

I have now read enough to show the line of cleavage between the opinion of Judge Brown in these cases and the opinion of the other judges who concurred with him in rendering the judgment in the Downes case sustaining the tax, Judge Brown holding that the Territories were a part of the United States in every sense that we have ever held Territories, the other members of the court holding that they were not in any sense Territories of the United States, although appurtenant to them, until there had been action by the political department of the Government incorporating them into the American family.

Upon the other question, whether, if they were a part of the Territories of the United States, they were entitled to the benign provisions of the Constitution, and particularly to that provision which requires uniformity in the laying of duties, taxes, and imposts, Judge White left nobody in doubt concerning the views of the members of the court for whom he spoke. He said:

To eliminate all controversies of this character, and thus to come to the pivotal contentions which the case involves, let me state and concede the soundness of some principles, referring in doing so in the margin to the authorities by which they are sustained, and making such comment on some of them as may to me appear necessary.

* * * * * * *

Sixth. As Congress in governing the Territories is subject to the Constitution, it results that all the limitations of the Constitution which are applicable to Congress in exercising this authority necessarily limit its power on this subject. It follows, also, that every provision of the Constitution which is applicable to the Territories is also controlling therein.

To justify a departure from this elementary principle by a criticism of the opinion of Mr. Chief Justice Taney in Scott *vs.* Sanford (19 How., 393), appears to me to be unwarranted. Whatever may be the view entertained of the correctness of the opinion of the court in that case, in so far as it interpreted a particular provision of the Constitution concerning slavery and decided

that as so construed it was in force in the Territories, this in no way affects the principle which that decision announced, that the applicable provisions of the Constitution were operative. That doctrine was concurred in by the dissenting judges, as the following excerpts demonstrate. Thus Mr. Justice McLean, in the course of his dissenting opinion, said (19 How., 542):

"In organizing the government of a Territory, Congress is limited to means appropriate to the attainment of the constitutional object. No powers can be exercised which are prohibited by the Constitution, or which are contrary to its spirit."

Mr. Justice Curtis, also in the dissent expressed by him, said (p. 614):

"If, then, this clause does contain a power to legislate respecting the Territory, what are the limits of that power?

"To this I answer that, in common with all the other legislative powers of Congress, it finds limits in the express prohibitions on Congress not to do certain things; that, in the exercise of the legislative power, Congress can not pass an ex post facto law or bill of attainder; and so in respect to each of the other prohibitions contained in the Constitution."

Seventh. In the case of the Territories, as in every other instance, when a provision of the Constitution is invoked, the question which arises is, not whether the Constitution is operative, for that is self-evident, but whether the provision relied on is applicable.

Eighth. As Congress derives its authority to levy local taxes for local purposes within the Territories, not from the general grant of power to tax as expressed in the Constitution, it follows that its right to locally tax is not to be measured by the provision empowering Congress "To lay and collect taxes, duties, imposts, and excises," and is not restrained by the requirement of uniformity throughout the United States. But the power just referred to, as well as the qualification of uniformity, restrains Congress from imposing an impost duty on goods coming into the United States from a Territory which has been incorporated into and forms a part of the United States. This results because the clause of the Constitution in question does not confer upon Congress power to impose such an impost duty on goods coming from one part of the United States to another part thereof, and such duty besides would be repugnant to the requirement of uniformity throughout the United States.

In the two last sentences Judge White states the precise case which we have before us, namely, that under the provision empowering Congress to lay and collect taxes, duties, imports, and excises, Congress is restrained in the Territories, as much as anywhere else, by the requirement of uniformity, and that failure in a law to require such uniformity would render it repugnant to the Constitution. That idea is laid down by him a little further along in another statement which I shall read, and that will conclude my review of these opinions.

Says Judge White:

There can also be no contention as to the authority of Congress to levy such local taxes in Porto Rico as it may choose, even although the amount of the local burden so levied be manifold more onerous than is the duty with which this case is concerned. But as the duty in question was not a local tax, since it was levied in the United States on goods coming from Porto Rico, it follows that if that island was a part of the United States the duty was repugnant to the Constitution, since the authority to levy an impost duty conferred by the Constitution on Congress does not, as I have conceded, include the right to lay such a burden on goods coming from one to another part of the United States. And, besides, if Porto Rico was a part of the United States the exaction was repugnant to the uniformity clause.

The sole and only issue, then, is not whether Congress has taxed Porto Rico without representation—for, whether the tax was local or national, it could have been imposed, although Porto Rico had no representative local government and was not represented in Congress—but is, whether the particular tax in question was levied in such form as to cause it to be repugnant to the Constitution. This is to be resolved by answering the inquiry, Had Porto Rico, at the time of the passage of the act in question, been incorporated into and become an integral part of the United States?

I think the extracts from the opinions of the judges of the court, which I have read to the Senate, sustain fully the position taken by me at the outset, that a majority of the members of the court in the insular cases distinctly pronounced against the contention of the Republican party as to the power of this Government in dealing with our new possessions. Upon the first proposition, "Are the territories acquired from Spain as the result of the treaty of peace a part of the United States by virtue of that treaty?" the opinion of the court is 5 against 4 that they are. Upon the second proposition, conceding them to be Territories, "Do the clauses of the Constitution with reference to taxation, and particularly that one requiring uniformity in taxation, apply to them?" the opinion of the court is 8 to 1 that they do.

Suppose that case had come up to the Supreme Court upon a certificate of a division of opinion and that these two questions had been certified to the Supreme Court; first, did the Territory of Porto Rico become a part of the United States as much so as any other Territory upon the cession to us of that Territory by Spain, and, second, if it did become such, does the provision of the Constitution requiring uniformity in the laying of taxes, duties, and imposts apply there? The Supreme Court would have had to answer those questions thus certified up to it and leave it to the lower court to render the appropriate judgment. What would have been the answer? The answer would have been, "Yes, Porto Rico did become a part of the Territories of the United States; yes, the Constitution does apply there, requiring uniformity in the laying of taxes, duties, and imposts."

That would have left no room in the lower court to enter any other judgment than one that the taxes collected in that particular case were invalid and that the collector of the port must make restitution to the citizens who had paid those taxes. That would have been the logical judgment of the lower court in that form of proceeding, as much so as the judgment actually rendered by the Supreme Court in the case was the logical judgment upon the peculiar and different and diverging views which the opinions of the judges presented. A few moments ago I instanced the case of an ordinary action on a promissory note in which two out of the three judges had decided against the sufficiency of every defense put in by the defendant, and yet in which the judgment necessarily went in his favor.

I suppose our Republican friends, upon the theory on which they claim that the decisions of the Supreme Court in the insular cases has given them a free hand in dealing with the Territories, would claim in a jurisdiction where a judgment such as that had been rendered, that the liability of debtors to answer for their debts had been abolished, and that debtors had been given a free hand in the matter of the payment of their debts. I suppose they would hold that the effect of the judgment of the Supreme Court in that case was that the question of a sufficient consideration in contracts, and the question as to whether the statute of limitations had run so as to bar the commencement of actions, were no longer of any moment in that jurisdiction. It would be just as logical for them to do so as to now claim that this decision of the Supreme Court of the United States, which pronounces against every contention they have ever made, gives them warrant to proceed in the unconstitutional course which they have marked out for themselves.

Mr. President, this bill flies in the face of the reasoning of the judges in the insular cases. It treats the actual decision reached there with contempt. It does not pay even a passing respect to the opinions of the judges. I remember, six years ago, when the air was filled with Republican denunciations of the Democratic party because it criticised the decision of the Supreme Court of the United States in the income-tax case. The Democratic party never made any proposition to override the decision of the Supreme Court in the income-tax case. It never conceived the idea of treating that decision with contemptuous defiance. Its proposition was to amend the Constitution so that a law might be passed under which an income tax could be constitutionally levied. Yet it was held up to the scorn and contempt of the people of this country as repudiating the solemn adjudication of the highest court of the land, and the people were told that no party was worthy their support which has disrespect for the decisions of the courts.

Here, however, this same party which held the Democratic party up to the scorn and reprobation of the people for merely criticising a decision of the Supreme Court is proposing to push this bill through under whip and spur, notwithstanding that it is plainly and directly in conflict with the Constitution and with the most recent decision of the Supreme Court on the subject; and to add deceit to infidelity, it is making the impudent claim that it is proceeding in accordance with and with all due respect for that decision.

Mr. President, I pass now to another branch of this discussion. Since the debate on this bill commenced I have again looked somewhat into the documents and reports furnished to us concerning the history of our dealings with the Philippine Islands and their unfortunate people. I say I have again looked somewhat into those documents and reports, although I had never before looked through them in their entirety, because they have come to us by piecemeal, as the result of our insistence and persistence, and then only as the political exigencies of the moment seemed to make it safe for the interests of the dominant political party to do so. The most important and instructive revelations have come to us since the last Presidential election, and not having had occasion to examine the subject since that event until the present time, I was ignorant of their purport and their import.

I am not certain that we have them all now. The policy of concealment and duplicity which has been practiced for the last three years in reference to our conduct in the Philippine Islands has been too well known to those of us here at the Capitol, and has been persisted in too shamelessly and brazenly, for us to hope that it has now been abandoned and that we at last have before us a full, true, and complete history of all that has transpired in that far-away country, and involving its unhappy and unfortunate people. But we have enough, and more than enough, in my judgment, to bring the blush of shame to the cheek of every American who loves his country and would see it regulate its conduct, not on lines of false benevolence and philanthropy, but on high and strict principles of honor and justice and fair dealing.

I believe I love my country as much as any man. I have given evidence of it in an humble way during my lifetime. I am proud of its martial glories. I would advance its just interests in every way. My disposition is to be of it and with it and to defend it and protect it at all times and under all circumstances, but I declare that the history of our conduct in the Philippines, as presented to us in these authentic documents and reports has stirred me as I never before was stirred, and has made it seem to me a patriotic duty, in the name of the American people, who have

been kept in ignorance too long, and in the interest of their honor, bedraggled and besmirched by their servants without their knowledge, to denounce that conduct with all the force and strength and vehemence which I possess; and further, to spread that history, so far as it can be done within the limits of ordinary debate and so far as the patience of the Senate will permit, upon our records for the information of the American people, who are no less just and honorable and God fearing than they are loyal and patriotic.

If those documents to which I refer could be placed in the hands of every American voter, we would not long be debating here in Washington the propriety of a tariff bill for a people 7,000 miles distant from us, who claim the right to do that for themselves, who are fighting and dying for that right, and who have never forfeited that right unless they did so when they took up arms in our quarrel and trusted us to deal honorably with them when that quarrel had ended. No, sir. Any political party that proposed such a thing would be left without a corporal's guard in either House of Congress. It would be relegated to the obscurity which it deserves, and would never emerge therefrom until a new generation had purged it of its corrupt and corrupting leadership and until it had come to know, by the discipline and ignominy of defeat, that the claims of justice can not be blotted out by a false and hypocritical philanthropy, and that national honor is of more importance to our children than all the trade that can be gathered up in a hundred years by the subjugation and the enslavement of a helpless and dependent but liberty-loving people.

I took the position, in a speech delivered in this Chamber two years ago, that in our dealings with the people of the Philippine Islands we had violated every obligation that ought to bind honorable men and that ought to bind nations, and that our conduct in that respect was without parallel in the history of the world, even at the hands of the most lawless, arbitrary, and tyrannical of governments. I not only took that position, but I sustained it by irrefragable testimony, and from that day to this, so far as I know, neither in nor out of Congress has any man attempted to impeach that testimony or to controvert the certain and shameful conclusion to which it inevitably leads.

True it is that there have been a great many Republican speeches in this Chamber, discussing generally, at more or less length, both before and since that time, the period covering our connection with the Philippine Islands. But those speeches have generally assumed rather than discussed the facts, and where they have pretended to discuss the facts they have discreetly avoided the evidence to which I referred at that time, and which I shall again bring up and amplify in the remarks I shall make to-day.

Indeed, those speeches have generally been in the nature of philippics filled with denunciation and invective, not only against the unfortunate Filipinos, but against every man in this country who would not join in a frenzied and bloodthirsty outcry against them, and have been intended by their authors more for the purpose of holding their political opponents up to the opprobrium of the country as disloyal and unpatriotic than for any other purpose. Such speeches add nothing to the truth of history, and are forgotten as soon as the political dog days that generated them have passed away.

A similar course was pursued toward Burke and Pitt and Fox in the English Parliament during our own Revolutionary war, with the result that the ears of the people of England were closed to the truth and that disastrous war continued by the English Government until exhaustion supervened. But denunciation and calumny and epithets, so far as they were intended to affect the conduct of those great men, fell on stony and unfruitful soil, and they continued through good report and evil report during the entire war to thunder against the tyranny of their own country against the American colonies.

Without any claim whatever to their eloquence or to the moral grandeur which animated and sustained them, I yet have in me sufficient of their spirit to love truth for the sake of truth, to cleave to national honor for the sake of my country, and to defend liberty everywhere for the sake of humanity, that humanity which we know springs from a single just God and which our sages and philosophers have taught us is entitled alike everywhere to pursue its happiness according to its own ideals and under institutions which it itself has framed and which it itself shall administer.

If it shall be charged that those of us here who speak our minds freely upon the Philippine situation are inciting to insurrection and rebellion, we can remember that we are in distinguished company and take heart accordingly. One hundred and thirty-seven years ago the English ministry were pushing through the House of Commons, at Westminster, an unconstitutional bill for the taxation of the American colonies as we to-day are pushing through the Senate an unconstitutional bill for the taxation of the people of the Philippine Islands. Mr. Grenville, one of the adherents of the ministry, took the opponents of the bill to task for the freedom with which they had spoken in debate, and he told them that they were inciting to sedition and insurrection in the American colonies. His language is so much like some I have heard in this Chamber lately that I wish to read it to the Senate. I read from Hazlitt's Debates, at page 13. Mr. Grenville said:

> The seditious spirit of the colonies owes its birth to factions in this house. Gentlemen are careless of the consequences of what they say, provided it answers the purposes of opposition.
>
> We were told we trod on tender ground; we were bid to expect disobedience. What was this but telling the Americans to stand out against the law, to encourage their obstinancy with expectation of support from hence? Let us only hold out a little, they would say, our friends will soon be in power.

The elder Pitt was then still a member of the House of Commons and was one of the most vehement and eloquent opponents of the unconstitutional measure, and he replied to Mr. Grenville's charge in these words:

> Gentlemen, sir, have been charged with giving birth to the sedition in America. They have spoken their sentiments with freedom against this unhappy act, and that freedom has become their crime. Sorry I am to hear the liberty of speech in this House imputed as a crime. But the imputation shall not discourage me. It is a liberty I mean to exercise.
>
> No gentleman ought to be afraid to exercise it. It is a liberty by which the gentleman who calumniates it might have profited, by which he ought to have profited. He ought to have desisted from his project. The gentleman tells us America is obstinate; America is almost in open rebellion. I rejoice that America has resisted. Three millions of people so dead to all feelings of liberty as voluntarily to submit to be slaves would have been fit instruments to make slaves of the rest.

Is liberty of speech in the American Senate to be less regarded to-day than it was in the English House of Commons one hundred and thirty-seven years ago? I care nothing for the criticism of military satraps; they know little and care less about constitutional liberty; but are not we to be permitted to speak our minds freely here upon the subject without being taken to task for it by Senators themselves? If so, I will not imitate the liberty permitted to himself by Mr. Pitt and say that I am glad the Filipinos resisted, but I will paraphrase his other statement and say that 10,000,000 men so dead to liberty as to permit themselves voluntarily to be made slaves would be fit instruments to make slaves of the rest of us; and I will go further and say that if the resistance of the Filipino people to our wicked and lawless action shall serve to awaken the conscience of the American nation to the base betrayal of liberty involved in this whole Philippine adventure, it will have been a happy and a fortunate incident for the American people and one which is worth all the blood and treasure that it has cost us, because it will prevent us from ever again in all our history entering upon such another adventure.

Mr. President, if it be true that the insurrection has been stamped out in the Philippine Islands—and I see no reason to believe that, but much reason to doubt it—it offers no new light to my mind. Material effects can not change moral principles. Our course in the Philippines is no less wicked and indefensible to-day than it was two years ago or in the beginning. Admit that the spirit of liberty in the Philippines has been subdued. Who is there in this country that ever had any doubt of the result of the war in the Philippines?

Eighty million Anglo-Saxons have been enabled to conquer 10,000,000 Orientals, effeminate by nature and effeminated by centuries of tyranny and misrule. But we may well remember in considering the course that we shall pursue toward that people, even at this late day, that those 10,000,000 Orientals came to our aid as one man in our war with Spain; that those 10,000,000 Orientals who helped us to fight our battles are the only men of the Asiatic continent or its outlying islands who in all history have aspired to liberty and independence and have had the courage and the hardihood to fight and to die for it; that those 10,000,000 Orientals who helped us fight our battles and are singular among all their kin in their aspirations for liberty we have decimated by fire and sword and famine and disease; have wasted and desolated their land, destroyed their homes, scattered their families, and sowed the bitterness of death in every heart and its haunting shadow in every mind.

Why have we done all that? Because we are a great, philanthropic nation, who owed those people so much that we could not trust them to the tender mercies of others, but must extend to them our powerful protection and elevate and uplift them by the influence of our humane Christian civilization. I have heard this answer given so many times, in almost the identical words I have employed and with little more of amplification, that its iteration has made me sick at heart and almost ashamed of my kind—sick at heart at the hypocrisy that could make such a statement, and ashamed of the credulity of those who could accept it and believe it.

There have been some conspicuous and honorable exceptions among those sustaining the policy of Philippine subjugation, men who have not been afraid to avow the end toward which their action tended; but I must, while complimenting those gentlemen

for their candor, condemn their understanding and their principles. But I say it would be much better and it would be much more honorable if everybody who is standing shoulder to shoulder with them in carrying out that policy would be equally candid, because then the issue could be made up with definiteness and certainty for the action of the American people and presented to them without any fear of their misunderstanding it, as they did misunderstand it in the last Presidential election. I invite all our Republican friends, then, to come out into the open, to come out from behind their intrenchments, to quit their bushwhacking and their guerrilla warfare, to avow their sentiments and make their actions conform to them; and then if the American people are to follow in the footsteps of the robber nations of the Old World and make their profit by the conquest and subjugation of weaker nations, they will do it with their eyes open and not be pushed on, step by step, as they are now being pushed on, each step but serving to make retreat more difficult and each step serving as a specious excuse for another step in the wretched and lawless direction into which our footsteps have been turned.

Mr. President, if the Senate will indulge me, I will now produce some of the documentary evidence which points our moral duty to the people of the Philippine Islands, reading from the documents as I proceed to verify my assertions and later drawing the deductions which they seem to imperatively require.

It is well known to all that insurrection had existed in the Philippine Islands even before the breaking out of our own war with Spain. That insurrection was merely one of a great number that had been waged by the people of those islands against Spain because of her tyranny and misrule during the last three hundred years. This last one commenced in August, 1896, and was supposed to have been ended by the treaty of Biac-na-Bato on December 14, 1897, only five months before the breaking out of our own war with Spain.

But, as a matter of fact, the insurrection never was ended, because of the immediate bad faith of Spain in carrying out the provisions of that treaty inserted for the Filipinos as the consideration upon which the war was ended; and while the leaders of the insurrection, under the terms of that treaty, were deported from the islands to foreign countries, the insurrection, as a matter of fact, never was stamped out. It was going on with great force and vigor at the time of our declaration of war against Spain.

I will read briefly from the documents to establish this position. It will take some time to read all these documents, and I regret to detain the Senate, but I feel that a presentation of the true history of this whole matter to the American people is an imperative necessity, and since I see nobody else doing it I have assumed the duty myself, although conscious of my own defects and imperfections in the performance of such a task.

I say that the insurrection which had commenced in August, 1896, and which was supposed to have been ended by the treaty of December 14, 1897, was not ended by that treaty, and was, in fact, going on at the time we appealed to the leaders of the insurrection to come to our assistance in the war with Spain.

I first call the attention of the Senate to an article upon this subject, published in the Singapore Free Press on Wednesday, May 4, 1898. Singapore is in the neighborhood of the archipelago, and the people there are well informed concerning the happenings in that part of the world. This article was published in that paper on May 4, the very day that Admiral Dewey destroyed the Spanish fleet in the harbor of Manila, and only about a week after our declaration of war against Spain. It speaks concerning happenings which occurred before our declaration of war was made. The article says:

In December last General Primo de Rivera, who above all other Spanish generals has an intimate knowledge of the country and its inhabitants, found the position untenable for both parties—

That is, the position of the insurrectionists and of the Government—

Neither of these had the remotest chance of terminating the rebellion decisively, the rebels secure in their mountain fastnesses, the Spaniards holding the chief towns and villages on the coast. Primo de Rivera therefore sent two well-known Philippine natives, occupying high positions in Manila, to propose terms of peace to General Aguinaldo in Biac-na-Bato. A council of the revolutionary government was held, in which it was agreed to lay down arms on condition of certain reforms being introduced. The principal of these were:

1. The expulsion, or at least secularization, of the religious orders, and the inhibition of these orders from all official vetoes in civil administration.

2. A general amnesty for all rebels, and guarantees for their personal security and from the vengeance of the friars and parish priests after returning to their homes.

3. Radical reforms to curtail the glaring abuses in public administration.

4. Freedom of the press to denounce official corruption and blackmailing.

5. Representation in the Spanish Parliament.

6. Abolition of the iniquitous system of secret deportation of political suspects, etc.

Primo de Rivera agreed to these reforms in sum and substance, but made it a condition that the principal rebel leaders must leave the country during His Majesty's pleasure. As these had lost all their property or had had it confiscated and plundered, the Government agreed to provide them with funds to live in a becoming manner on foreign soil.

The rebels laid down their arms and peace was apparently secured, but no sooner had they done so and returned to their houses than the intransigent religious orders commenced at once to again persecute them and trump up imaginary charges to procure their rearrest. The Spanish Government, on its side, imagining itself secure, desisted from carrying out the promised reforms, thinking another trick like that played on the Cubans after the peace of Zanjon, arranged by Martinez Campos, might succeed. The Filipinos, however, with this business before them, refused to be made dupes of, and have taken up arms again, not alone in the immediate districts around Manila, but throughout the archipelago, which merely awaits the signal from General Aguinaldo to rise en masse, no doubt carrying with them the native troops hitherto loyal, and for which loyal service they have received no thanks but only ingratitude.

Gen. Emilio Aguinaldo, accompanied by his aid-de-camp, Col. Marcelo H. del Pilar, and his private secretary, Mr. J. Leyba, arrived incognito in Singapore from Saigon on April 21, 1898. In Saigon, where Aguinaldo had remained for one week, he had interviews with one or two old Filipino friends now resident there. The special purpose of Aguinaldo's visit to Singapore was to consult other friends here, particularly Mr. Howard W. Bray, an old and intimate English friend, for fifteen years resident in the Philippines, about the state of affairs in the islands generally—particularly as to the possibility of war between the United States and Spain, and whether, in such an event, the United States would eventually recognize the independence of the Philippines, provided he lent his cooperation to the Americans in the conquest of the country. The situation of the moment was this, that the conditions of the honorable peace concluded on December 14, 1897, between President Aguinaldo, on behalf of the Philippine rebels, and H. E. Governor-General Primo de Rivera, on behalf of Spain, had not been carried out, although their immediate execution had been vouched for in that agreement.

These reforms would have provided protection to the people against the organized oppression and rapacity of the religious fraternities, would have secured improved civil and criminal procedure in courts, and have guaranteed, in many ways, improvements in the fiscal and social conditions of the people. The repudiation by the Spanish Government of these conditions, made by General Primo di Rivera, now left the rebel leaders, who had for the most part gone to Hongkong, free to act. And it was in pursuance of that freedom of action that Aguinaldo again sought counsel of his friends in Saigon and Singapore, with a view to the immediate resumption of operations in the Philippines.

Mr. SPOONER. Will the Senator permit me to inquire from what book he reads?

Mr. TURNER. Yes, sir. I find this article published in Senate Document No. 62, Fifty-fifth Congress, first session, page 344.

Mr. BACON. That document, I understand, was sent by the Executive Department to Congress.

Mr. TURNER. It is a document which was sent here by the President of the United States. The contents of that document were in the possession of the Executive Department, as well as all of the others from which I shall read, and were likewise in the possession of our peace commissioners at the time the treaty of peace was negotiated in the city of Paris.

I next call the attention of the Senate to a report made by Gen. F. V. Greene for the information of the President and of the peace commissioners, and to the addenda accompanying that report, being a statement of present and past conditions in the island by Agoncillo, who accompanied General Greene to this country, and I will read briefly from General Greene's report and from Agoncillo's statement. I read from page 421 of this Document No. 62:

Insurgent civil administration.—In August, 1896, an insurrection broke out in Cavite under the leadership of Emilio Aguinaldo, and soon spread to other provinces on both sides of Manila. It continued with varying successes on both sides, and the trial and execution of numerous insurgents, until December, 1897, when the Governor-General, Primo de Rivera, entered into written agreement with Aguinaldo, the substance of the document, which is in possession of Señor Felipe Agoncillo, who accompanies me to Washington, being attached hereto and marked A. In brief, it required that Aguinaldo and the other insurgent leaders should leave the country, the Government agreeing to pay them $800,000 in silver and promising to introduce numerous reforms, including representation in the Spanish Cortes, freedom of the press, general amnesty for all insurgents, and the expulsion or secularization of the monastic orders.

Aguinaldo and his associates went to Hongkong and Singapore. A portion of the money, $400,000, was deposited in banks in Hongkong, and a lawsuit soon arose between Aguinaldo and one of his subordinate chiefs named Artacho, which is interesting on account of the very honorable position taken by Aguinaldo. Artacho sued for a division of the money among the insurgents according to rank. Aguinaldo claimed that the money was a trust fund, and was to remain on deposit until it was seen whether the Spaniards would carry out their promised reforms, and if they failed to do so it was to be used to defray the expenses of a new insurrection. The suit was settled out of court by paying Artacho $5,000.

No steps have been taken to introduce the reforms, more than 2,000 insurgents, who had been deported to Fernando Po and other places, are still in confinement, and Aguinaldo is now using the money to carry on the operations of the present insurrection.

I next read from Agoncillo's statement, at pages 429, 430, and 431. This statement, be it remembered, was made at the request of our officers and presented by them as a verity.

BRIEF NOTES BY SEÑOR AGONCILLO.

SEPTEMBER 15, 1898.

On the same day that Admiral Dewey arrived at Hongkong Señor Aguinaldo was in Singapore, whither he had gone from Hongkong, and Mr. Pratt, United States consul-general, under instructions from the said Admiral, held a conference with him, in which it was agreed that Señor Aguinaldo and other revolutionary chiefs, in cooperation with the American squadron, should return to take up arms against the Spanish government of the Philippines, the sole and most laudable desire of the Washington Government being to concede to the Philippine people absolute independence as soon as the victory against the Spanish arms should be obtained. By virtue of this agreement Señor Aguinaldo proceeded by the first steamer to Hongkong for the express purpose of embarking on the *Olympia* and going to Manila; but this intention of his was not realized, because the American squadron left Hongkong the day previous to his arrival, Admiral Dewey having received from his Government an order to proceed immediately to Manila. That is what

Mr. Wildman, United States consul-general in Hongkong, said to Señor Aguinaldo in the interview which took place between them.

A few days after the Spanish squadron had been totally destroyed in the bay of Manila by the American squadron, the latter obtaining a most glorious triumph, which deserved the fullest congratulations and praise of the Philippine public, the *McCuKoch* arrived at Hongkong, and her commander said to Señor Aguinaldo that Admiral Dewey needed him (le necesitaba) in Manila and that he brought an order to take him on board said transport, as well as other revolutionary chiefs, whose number should be determined by Señor Aguinaldo; and in fact he and seventeen chiefs went to Cavite on the *McCulloch*.

Señor Aguinaldo began his campaign against the Spaniards the very day he received the 1,902 Mauser guns and 200,000 cartridges which came from Hongkong.

The first victory which he obtained from the Spaniards was the surrender or capitulation of the Spanish general Señor Peña, who was the military governor of Cavite, had his headquarters in the town of San Francisco de Malabon, and his force was composed of 1,500 soldiers, including volunteers.

The revolutionary army, in six days' operations, succeeded in getting possession of the Spanish detachments stationed in the villages of Bacoor, Imus, Benakayan, Noveleta, Santa Cruz de Malabon, Rosario, and Cavite Viejo.

On the 9th of June last the whole province of Cavite was under the control of the provisional revolutionary government, including many Spanish prisoners and friars, 7,000 guns, great quantities of ammunition, and some cannon.

At the same time that the province of Cavite was being conquered other revolutionary chiefs were carrying on campaigns in the Batangas, Laguna, Tayabas, Nueva Ecija, Bulacan, Batangas, Pampanga, and Morong, which were under control of the revolutionary army by the 12th of June; and such progress was made by the Philippine revolution in the few days of campaign against the Spaniards that by the 3d of August last it held under conquest fifteen important provinces of the island of Luzon. These provinces are being governed by laws emanating from the provisional revolutionary government, and in all of them perfect order and complete tranquillity reign.

It is to be noted that the Spanish Government has sent to Señor Aguinaldo various emissaries who invited him to make common cause with Spain against the United States, promising him that the Government of the Spanish nation would concede to him anything he might ask for the Philippine people; but Señor Aguinaldo has invariably replied to those emissaries that it was too late, and that he could not consider any proposition from the Spanish Government, however beneficial it might be to the Philippines, because he had already pledged his word and honor in favor of certain representatives of the Government at Washington.

In view of this positive resolution of Señor Aguinaldo there began forthwith the intrigues of the Spanish enemy directed against the life of Señor Aguinaldo.

Señor Aguinaldo and the other revolutionists who reside in Hongkong agreed not to take out one cent of the $400,000 deposited in the Chartered Bank and the Hongkong and Shanghai Bank, the only amount which Señor Aguinaldo received from the Spanish Government on account of the stipulated indemnity, but to use it for arms in order to carry on another revolution in the Philippines in case the Spanish Government should fail to carry out the peace agreement, at least in so far as it refers to general amnesty and reforms. All the above-named revolutionists, Señor Aguinaldo setting the example, resolved to deny themselves every kind of comfort during their stay in Hongkong, living in the most modest style, for the purpose of preventing a reduction by one single cent of the above-named sum of $400,000 which they set aside exclusively for the benefit of their country.

I next read from this same document, commencing at page 319, letters written by Mr. Williams, our consul at Manila, to the Department of State and on file in that Department. On the 22d day of February, 1898, three months before our declaration of war against Spain, Mr. Williams wrote:

Peace was proclaimed, and since my coming festivities therefor were held; but there is no peace, and has been none for about two years. Conditions here and in Cuba are practically alike. War exists, battles are of almost daily occurrence, ambulances bring in many wounded, and hospitals are full. Prisoners are brought here and shot without trial, and Manila is under martial law.

The Crown forces have not been able to dislodge a rebel army within 10 miles of Manila, and last Saturday, February 19, a battle was there fought and 5 dead left on the field. Much of such information is found in my longer dispatch, referred to, and which is at your command.

The governor-general, who is amiable and popular, having resigned, wishes credit for pacification, and certain rebel leaders were given a cash bribe of $1,650,000 to consent to public deportation to China. This bribe and deportation only multiplied claimants and fanned the fires of discontent.

Insurgents demand fewer exactions from church and state, a half of public offices, and fewer church holidays, which seriously retard business.

A republic is organized here, as in Cuba. Insurgents are being armed and drilled; are rapidly increasing in numbers and efficiency, and all agree that a general uprising will come as soon as the governor-general embarks for Spain, which is fixed for March.

On March 19, 1898, in another letter to the Department, this consul makes these statements:

Insurrection is rampant; many killed, wounded, and made prisoners on both sides. A battle ship, the *Don Juan de Austria*, sent this week to the northern part of Luzon to cooperate with a land force of 2,000 dispatched to succor local forces, overwhelmed by rebels.

* * * * * * *

Rebellion never more threatening to Spain. Rebels getting arms, money, and friends, and they outnumber the Spaniards, resident and soldiery, probably a hundred to one.

In another dispatch to the Secretary of State, dated March 27, 1898, Mr. Williams said:

Cuban conditions exist here possibly in aggravated form. Spanish soldiers are killed and wounded daily, despite claimed pacification, and the hospitals are kept full.

The majority of casualties are reported from the ranks of the native insurgents, and the cruelties and horrors of war are daily repeated.

Cavite is the naval port of Luzon, situated about 8 miles across the bay from Manila, and about 20 miles distant by way of bay shore and public highway, and last Thursday, March 24, a Crown regiment of natives, the Seventy-fourth, stationed there was ordered to advance against native insurgents near by. The regiment refused to obey orders, and 8 corporals were called out and shot to death in presence of the regiment, which was again ordered to advance and threat made that a refusal would be death to all. All did refuse and were sent to barracks to await sentence. On the morning of the following Friday, March 25, the entire regiment, with arms and equipment, marched out of the barracks and deserted in a body to the insurgents, saying they were willing to fight the foreign enemies of Spain, but would not fight their friends.

Since beginning this dispatch I learn of the desertion to the insurgents of another entire regiment. These are said to be the severest set-backs received by Spain during the two years' insurrection here.

On Friday morning, March 25, a church holiday, a meeting of natives was being held near my consulate in Manila, the natives being unarmed. The building was surrounded by police and military, the meeting broken up, 12 natives wantonly shot to death, several wounded, and 62 taken prisoners. Saturday morning, March 26, the 62 prisoners were marched in a body to the cemetery and shot to death, although it was shown that several were chance passers-by or employees in ships adjoining, not being in attendance at the meeting.

It was cold comfort to the widows and orphans of innocent men to have Spanish officers present them the mangled corpses of husbands and fathers.

Such horrors, but usually on a smaller scale, but at times attended by greater disregard for modern rules of war, occur almost daily, and the piteous cry goes up, "Will it ever stop?"

The Crown forces are now building a cordon of small forts on city's outskirts for defense against provincial natives, who are expected to soon attack Manila. In fact, two detectives and one messenger have come to me this evening with information that attack was to be made to-night, and everybody is anxious, as 8,000 native insurgent soldiers are encamped only 5 miles away.

The insurgents seem to lack arms and organization, but, so far as I can learn, outnumber the Spanish forces and inhabitants twenty to one. Arms are being obtained and organization slowly effected, and all classes fear the near future. It is said that the only reason why Manila has not been taken and burned is because a vast majority of its population is in perfect accord with the insurgents.

In view of these statements of our consul, in view of the activity of the leaders of the insurrection in foreign countries months before our war against Spain, in view of their attempt some months before that event to enter into negotiations with the United States for arms to carry on their insurrection, as shown somewhere, although I have not the paper before me, it is idle and vain to claim, as has been claimed in this body, that there was not a fully and completely developed revolution against the power of Spain going on in that country before we appeared on the scene with either our military or naval forces, or to claim that that revolution, which had been going on from August, 1896, was closed by the treaty of December 14, 1897. That treaty was simply an incident in the revolution, an incident which had occasioned the deportation of certain of the leaders of the revolution; but those who were left behind, finding that the Spanish Government did not propose to carry out the terms of that treaty, continued the revolution, and it was rampant at the time of our declaration of war with Spain.

It is equally vain for anybody to undertake to deny that the aspiration of the revolutionists was for independence and that we knew it. It has been said that independence was an afterthought on the part of certain ambitious Filipino leaders, but from the beginning to the end, for months before our war, during the entire war, and ever since, the object of the Filipino people has been independence, and nothing else, and everybody who had anything to do with that war on our part knew it to be so. They must have known it. I have collected from the documents which have been furnished to us here a great many evidences of that fact, which neither my own voice nor the patience of the Senate will permit me to read, but which I desire shall appear along with such comments as I shall make thereon. I ask leave of the Senate to insert from those documents without reading.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Washington? The Chair hears none.

Mr. TURNER. The printed matter hereafter referred to and not read in full will be found as an addenda at the close of my remarks.

I will here insert a dispatch from Consul Pratt to the Secretary of State setting forth the circumstances under which he came to have his interview with Aguinaldo at Singapore, setting forth that he sought the interview and that Aguinaldo did not, and furthermore, that Aguinaldo informed him distinctly and explicitly that his purpose in proceeding with the insurrection in the Philippines was the independence of the people of those islands.

The dispatch was accompanied by certain newspaper publications which had appeared in the press of Singapore, and in which was set forth more fully than in the dispatch what had transpired between Aguinaldo and Mr. Pratt, and in which was set forth what had transpired between Mr. Pratt and other Filipino patriots in the city of Singapore at a public meeting held at a later period, the dispatch and these publications showing that in all communications, public or private, had with Mr. Pratt he was made aware that the purpose of the Filipino leaders was to secure the ultimate independence of their country from the power of Spain and from that of every other country on the face of the globe. These papers are to be found in Senate Document No. 62, Fifty-fifth Congress, first session, at pages 341, 342, 343, 345, 350, 351, and 352.

The next document that I shall insert is the proclamation of the Filipino junta at Hongkong prior to the departure of Dewey's fleet to Manila Bay, and I call the attention of the Senate and the country to the fact that that document sets out that the Americans having come to aid the Filipinos, as they had come to the aid of the Cubans, had brought independence within their reach,

and for that reason it was urged upon the Filipino people to resist the overtures of Spain and to cleave to the cause of the United States in the war which was then about to be prosecuted by the United States in those islands.

The letter from Mr. Pratt transmitting this proclamation, and the proclamation itself, is found in Senate Document No. 62, at pages 345 and 346.

I shall next insert in this connection from Senate Document No. 208, Fifty-sixth Congress, first session, page 88 to page 100, inclusive, a series of proclamations or decrees issued by the leaders of the Filipino insurrection after the return of Aguinaldo to the islands.

Each and every one of these proclamations—and all of them were issued before the fall of Manila—notified our leaders and officers, both there and here, that the Filipinos were there assisting us in prosecuting the war with Spain for the purpose of securing their independence, and for no other purpose. We paid them nothing and promised them nothing further than our action implied an honorable obligation to respect their well-known aspirations. It is wholly inadmissible to claim that they were fighting merely for a change of masters.

The next point I wish to establish is that our authorities did not disabuse the minds of the Filipino people of the impressions under which they were laboring that we were willing that they should have their independence; that, on the contrary, in view of our knowledge of their aspirations, it must be said that we encouraged them in that impression. This is partially shown, I think, by what transpired between Aguinaldo and Mr. Pratt and between Pratt and other Filipino patriots already referred to. It is further shown by a letter of Consul-General Wildman to Aguinaldo, found in Senate Document No. 62, pages 339–340, in which that official urged Aguinaldo to continue to cleave to the United States and to remember its declaration made at the commencement of the war, that its purpose was not territorial aggrandizement, and advising him that the Filipino people might trust to its sense of honor and justice after the war had been concluded.

I shall next insert a number of letters from General Anderson to Aguinaldo, all of them written before the fall of Manila, and found in Document No. 62, at pages 390 to 394. In these letters it will be noticed General Anderson speaks of our friendly disposition toward the Filipino people, says our forces were there to fight in their cause, makes requisition on him for supplies, asks his cooperation and support in a number of ways, all of which is consistent with a belief that we were in truth there to fight their cause, and inconsistent on the basis of honor and good faith with any other purpose.

I will also insert General Merritt's instructions to General Anderson, found in Senate Document No. 208, at page 14, which show that as late as August 10, three days before the surrender of Manila, it was deemed imperative that we continue on good terms with the insurgents, and give no inkling of our hostile purpose toward them. This explains our complaisance before the surrender of the city and our abrupt change of front after that event.

The only thing I find in all these records that indicates reservation on our part concerning Filipino independence after the conclusion of our war with Spain are the letters of the Secretary of State to Consul Pratt and Consul Wildman, disavowing the implied assurances given by them to Aguinaldo on that subject; but those officials were not instructed to communicate that disavowal to the Filipinos or to their leaders, nor was any other person ever instructed to do so, nor did any person ever inform them that their aspirations were looked on unfavorably by the American Government, although our officials were brought into intimate connection with them every day throughout the siege of Manila.

I ask that the documents to which I have referred may be printed as a part of my remarks without being read.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Washington? The Chair hears none.

Mr. TURNER. My next proposition is that, knowing of these aspirations of the Filipino people, taking no pains to communicate to them any inimical purpose of ours; knowing, moreover, that our agents had led them to believe, impliedly at least, that we were favorable to their aspirations, we accepted their assistance and that it was of great value to us in the war with Spain.

I refer to letters of Consul Williams to the Secretary of State, showing the character and extent of the services performed by the revolutionary forces after the arrival of Aguinaldo at Cavite and before the arrival of our own forces in the archipelago. Those letters are found in Senate Document No. 62, at pages 327, 328, and 329.

Next, the letter of Consul-General Wildman to the Secretary of State, found in Senate Document No. 62, at pages 337 and 338.

Next, the report of Major—now General—Bell, prepared by him for the information of our Peace Commissioners at Paris, found in Senate Document No. 62, at page 379.

Also a note by Major Bell, concerning what the insurgents had done before the capture of Manila, found in Senate Document No. 208, at page 27.

Also a report prepared by Gen. F. V. Greene for the use of our Commissioners at Paris in the negotiation of the treaty of peace with Spain, found in Senate Document No. 62, at pages 418, 419, 420, 421, 422, 423, and 424.

Also the testimony of Gen. Chas. A. Whittier before our Peace Commission in Paris, found in Senate Document No. 62, at pages 499, 500, and 501.

I ask that the portions of those documents which I have indicated may be inserted in the RECORD as a part of my remarks without reading them.

The PRESIDENT pro tempore. The Chair hears no objection to the request of the Senator from Washington.

Mr. TURNER. I next ask attention to evidence showing that, notwithstanding our great obligations to the Filipinos, we cut them out, partly by finesse and partly by force of any part in the surrender of the city of Manila, and then and thereby sowed the seeds of all the trouble which has since arisen between those people and ourselves. General Merritt, who arrived only a few days before the surrender, avoided any communication with Aguinaldo. I find this statement contained in General Greene's report to the Paris Commissioners in Senate Document No. 62, page 423.

The newspaper accounts of the surrender of the city of Manila, which I have not here, but which the Senate and country will remember, show that the attack upon the city of Manila was an opera bouffe affair, arranged between General Merritt and the commander of the Spanish forces there, simply for the purpose of saving the peculiar sense of honor of the Spanish general.

These newspaper accounts are verified by the testimony of General Whittier before our Commission at Paris, and is found in Senate Document No. 62, page 491.

General Merritt, before the surrender of the city of Manila, proceeded by finesse to get possession of the lines held by the insurgents, in order that they might not have the opportunity of participating in the capture of that city. In support of this statement I refer to the testimony of General Merritt himself given before the Commissioners at Paris and contained in Senate Document No. 62, at page 367.

For the purpose of showing how this was done I refer to a letter written by General Anderson to Aguinaldo on the 10th day of August, 1898, only two days before the surrender of the city, in which he sought and by means of which he obtained from the general of the insurgent forces possession of a particular position then held by his forces. This letter is found in Senate Document No. 208, to which I have before referred, at page 17.

Further, and in the same connection, I find in Document No. 208, at page 17, a significant telegram from Aguinaldo to General Anderson, dated August 13, the day of the surrender, at 10.30 a. m., in which he complained that his soldiers were being forced out of their positions by the American soldiers and prevented from participating in the assault upon the city of Manila, which shows that he had no knowledge prior to that time of the arrangement under which, after a feigned assault, the surrender was to be made to us.

I find in this same document, No. 208, at page 18, the memorandum of telegrams sent by General Merritt and General Anderson to Aguinaldo in answer to his telegram of the 13th, showing very plainly that they had arranged to bring about the surrender of the city without his knowledge, and without giving him or the insurgent forces under him any opportunity to participate therein.

I ask leave to have inserted in the RECORD and printed as a part of my remarks the documents to which I refer.

The PRESIDENT pro tempore. The Chair hears no objection to the request of the Senator from Washington.

Mr. TURNER. Mr. President, I will not further weary the Senate at this point with the presentation of documentary evidence, although the temptation is very great to do so, the documents and reports from which I have culled the evidence presented being very full and complete upon the moral aspect of our conduct in the Philippines. I should like to have inserted those documents in full, and would still do so but for the fact that it would make my remarks of interminable length.

Mr. CLAY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Georgia?

Mr. TURNER. Certainly.

Mr. CLAY. I am informed that the Senator from Washington would prefer to finish his remarks on another day. I hope that will be agreeable to the Senator in charge of the bill.

Mr. LODGE. I have no desire to press the Senator from Washington unduly or to go on at this time, but many Senators have been to me asking about adjourning over to-morrow. I should be personally extremely glad to do so. I have had a very fatiguing

week, and I should like very much to adjourn over to-morrow. But we have been three weeks on this bill. The debate seems to be trailing along without any prospect of drawing to an end, and under those circumstances I do not feel that I am at liberty to assent to an adjournment over to-morrow. I dislike extremely to enter upon long sessions and to sit here on Saturday, when we know Senators have other work they desire to do. But, situated as I am, with this bill in my hands, which must pass, which is going to pass, and which is standing in the way of other business in which many Senators are interested, like the irrigation bill, which is next in order, I do not feel that I am justified, without some assurance as to closing the debate, in relaxing in regard to the sessions of the Senate. Otherwise I should——

Mr. TELLER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Colorado?

Mr. LODGE. Certainly.

Mr. TELLER. I think the Senator from Massachusetts will admit that there has been no unnecessary delay in the debate on this bill. If there have been debated some side issues, the debate was not started on this side of the Chamber.

Mr. LODGE. One of them was.

Mr. TELLER. Which one?

Mr. LODGE. The one about Judge Noyes.

Mr. TELLER. If it was, the debate was proceeded with on the other side.

Mr. LODGE. It went on on both sides in each case. One was begun on one side and one on the other.

Mr. TELLER. The revolutionary debate started on the other side, surely.

Mr. LODGE. Yes.

Mr. TELLER. And practically the other one was conducted on the other side yesterday. I should have liked myself to have said something about the question of Judge Noyes, but I felt I ought not to do so under the circumstances, and I refrained. I know another Senator who felt the same way, and he refrained. We refrained from doing it. The Senator from Massachusetts was allowed yesterday to take up his bill and practically complete all the committee amendments. There is only one pending that I know of, and that is the one I myself have offered.

Mr. LODGE. The Senator from Alabama has one, and then there is the amendment of the minority.

Mr. TELLER. I meant aside from that.

Mr. LODGE. I appreciate that I was allowed to complete the amendments to the bill.

Mr. TELLER. The urgent deficiency bill occupied some time.

Mr. LODGE. The urgent deficiency bill, plus Judge Noyes, occupied some time.

Mr. BACON. It was not taken out of the time of this bill.

Mr. LODGE. Not actually.

Mr. BACON. It was taken out of the time of the deficiency bill.

Mr. TELLER. And I suppose nobody will say that the debate was unusual or unexpected.

Mr. LODGE. Oh, no. I find no fault with the debate; but I am anxious, naturally, to get along with the bill.

Mr. TELLER. I wish to say another thing to the Senator from Massachusetts.

Mr. JONES of Arkansas. If the Senator from Colorado will allow me, I should like to say something in this connection. In the beginning of this debate, when the bill first came in, the report of the Commission had not been printed. Senators had not had an opportunity to investigate it, and they had not had an opportunity to see what had been reported. It was absolutely necessary that there should be some delay until Senators could have an opportunity to familiarize themselves with that report.

Mr. TELLER. This bill is a departure from anything we have ever had in American legislation, and it involves the entire question of the present condition. Our whole foreign policy is to be determined by this bill.

If it becomes a law it will change the entire history of the American Government. It will be a complete parting of the ways and entering upon a new and untried system. Our relations to foreign governments will be entirely different from what they have ever been; and I say that a month, two months, is not an unfair time to debate this bill. If the Senators on the other side are not willing to debate it, we on this side are.

Mr. LODGE. If the Senator's idea is that we are to take five weeks more——

Mr. TELLER. I do not say we are to take five weeks more, but I do say we ought not to be driven into a debate on this bill as if there was any necessity for haste.

Mr. LODGE. Now, the Senator knows very well that I have not driven this bill or driven debate, but I have tried to be as accommodating as possible in regard to it; and I am no more anxious to sit here Saturdays and to sit here late every day and begin early than anyone else.

Mr. TELLER. I am not charging that.

Mr. LODGE. I am quite as averse to it. But being responsible for the bill and the business of the Senate, to the extent that I am in charge of this bill, I do not feel justified in allowing days to go by without a session unless I have some reasonable assurance that we can close the debate on the bill within a reasonable time.

Mr. TELLER. I came here yesterday expecting to make a speech on this bill. I could have made it by declining to allow the Senator from Massachusetts to complete the amendments to the bill.

Mr. LODGE. Certainly.

Mr. TELLER. By the time his amendments were completed another question intervened, and of course I had no opportunity. The Senator from Washington had indicated his desire to go on to-day.

Now, Mr. President, Saturday is a day when you do not have anybody in the Senate very much. I do not want to disturb the Senate now by suggesting anything, but most of the time during the day there has not been a quorum in the Senate, and a good deal of the time not more than half, and it seems to me we ought not to be asked to come here to-morrow and debate this bill. The Senator from Washington has taken from a quarter to 2, when he began, I believe, until now, and it is practically half past 4. I think everybody will agree that he has not debated the bill with any unnecessary prolixity.

Mr. LODGE. Oh, no; not at all.

Mr. TELLER. I desire to say that there has not been any disposition on this side to delay unnecessarily the final vote on this bill, although that was charged against us before we had barely had an opportunity to commence to debate it. I should like very much, before I speak, if I do, to have the evidence of the chairman of this Commission. I will not get it if I speak to-morrow or Monday, I suppose. I do not think it is unreasonable for us to say that we think there ought to be an adjournment until Monday.

Mr. DUBOIS. Mr. President, I am quite sure the Senator from Massachusetts is not intimating that there has been unnecessary delay, because he will bear me out in the statement that every member of the minority of the committee at any rate has assured him that there is not the slightest disposition to delay the passage of the bill. We are thoroughly earnest in that statement, and I believe he knows we are.

I imagine I do not violate any confidence in saying that fundamental principles are involved in this bill, and Senators on this side are quite anxious to debate it fully and thoroughly. There is now a bill before our committee, and the testimony which Judge Taft is giving relates quite largely to that bill, as well as to the bill now before the Senate. If the Senate, as the Senator from Massachusetts says with positiveness, is going to pass this bill, contrary to the Constitution, as we think, and involving a departure on our part from fundamental principles, I imagine there will not be a great deal of debate on the civil bill, which is to follow. I am not speaking for anybody except, perhaps, as I speak after consultation with the members of the minority; but if you establish the fact that you are going to tax these people anyway and are going to hold the islands and hold them as colonies, the civil bill ought to be the very best measure we can get up, giving to them as much liberty as possible. I imagine the debate on the civil bill, so far as this side is concerned, will be a question of details.

I know the Senator from Massachusetts is not charging that we are unnecessarily delaying, but it seems to me there ought not to be anything looking like undue haste in passing this bill, which, as we think, involves fundamental principles.

Mr. LODGE. Mr. President, I do not think I have been guilty of anything that can look like undue haste. The bill has been up for three weeks. It has been put over occasionally from day to day to accommodate Senators on the other side who were not ready to go on, and there is, as the Senator from Idaho says, another bill coming—the government bill—containing a great many important provisions in regard to which the Senator from Idaho and other members of the minority have told me it was not their intention to make a general debate, but to discuss it in detail. It is a bill containing provisions, in my judgment, far more important than this one, a bill which must be passed. If the whole Philippine debate is to be confined to this bill, of course that is another thing. I did not suppose such a thing was possible.

But, Mr. President, I merely want Senators on the other side to give me some reasonable assurance, in justice to other measures, that the bill will not be delayed, and that Senators on the other side who desire to speak will speak as rapidly as possible. I do not want to incommode the Senate by long hours and early sessions or sessions on Saturday. I much prefer to avoid that, but I feel compelled to ask for some assurances in regard to the bill.

Mr. JONES of Arkansas. There is no doubt in my mind that

the passage of the bill will be facilitated by not pressing it unduly. The Senator from Massachusetts has not pressed the bill unduly up to this time. He has been entirely reasonable, and we on this side of the Senate Chamber have stated to him that we believed it would facilitate the transaction of business to have more time given and to allow Senators to be prepared to say what they wanted to say, and I believe now that an adjournment over to-morrow will shorten instead of prolong the debate.

Mr. LODGE. In view of what has been said by the Senator from Arkansas—his statement I take just as he makes it, and I am always ready to be guided by him in such matters—I move that when the Senate adjourn to-day it be to meet on Monday next.

The motion was agreed to.

Mr. HOAR. I understand the Senator from Washington does not desire to continue further to-night.

Mr. TURNER. That is true.

UNITED STATES MARSHALS IN INDIAN TERRITORY.

Mr. HOAR. I ask unanimous consent to put on their passage two very brief bills which will give rise to no debate whatever on the floor. The first is the bill (S. 2769) to fix the fees of United States marshals in Indian Territory, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. HOAR. I ask unanimous consent to put in the RECORD a brief letter from the Attorney-General which accompanied the bill.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Massachusetts? The Chair hears none.

The letter referred to is as follows:

DEPARTMENT OF JUSTICE,
Washington, D. C., January 11, 1902.

Hon. GEORGE F. HOAR,
Chairman Committee on the Judiciary, United States Senate.

SIR: Inclosed herewith is a draft of a proposed bill "To fix the fees of United States marshals in the Indian Territory, for certain services performed by them and their deputies; to fix the fees of witnesses in felony cases before United States commissioners, and in civil and criminal cases before the district courts in said Territory, and for other purposes."

The legislation indicated by said draft is believed to be very necessary because the compensation now allowable under the decision mentioned in said draft for services rendered in the Indian Territory by field deputies in felony cases, under the laws of Arkansas, as made applicable to the Indian Territory, is entirely inadequate, and the fees of witnesses in felony cases before United States commissioners are also much less than they should be. The following is an extract from a report made by an examiner of this Department under date of November 12, 1901:

"It is urgently necessary that Congress should extend the provisions of section 829, Revised Statutes, so that the deputies in this district as well as in the central and northern districts shall receive Federal fees in all cases.

"This is equally true as to section 848, governing the compensation of witnesses.

"I submit herewith Exhibit B, prepared by one of the field deputies, showing an actual case where he had just made an arrest of John Litsell, charged with larcency.

"The deputy traveled 15 miles to make the arrest and back, and the same distance on a later day to serve subpœnas. Under the Federal fee bill he would receive three-fourths of the $9.90 fees, or $7.42, and be reimbursed to the extent of $4.75 for expenses. His entire actual expenses having been $6.75, he would have lost $2 of his expenses, which would leave him a net earning of $5.42.

"Working under the Arkansas statutes in accordance with the Comptroller's decision, the deputy received 75 cents altogether for performing two days' services in this larceny case.

"Is it any wonder the field deputies have neglected and been unable to serve warrants in larceny cases; that the crimes of this character being committed are rapidly increasing, and that cattle and horses are being stolen almost in droves until a reign of lawlessness is rapidly approaching?

"One example only of the hardship worked upon witnesses by compensating them for attendance under Mansfield's Digest is cited. This came under my personal observation.

"A woman came into the marshal's office to draw her pay for witness attendance at a preliminary hearing before the commissioner at Ryan. She had traveled across the country with her team something like 30 miles to get to court, spent two or three days making the trip, at an expense of about $10 as she stated, and received as witness fees the sum of 50 cents. She would be obliged to repeat this same experience to attend the grand jury hearing, and, if the defendant was indicted, endure the same hardship a third time in attending court."

I also inclose a report of a grand jury sitting at Chickasha, Ind. T.

The fact that the compensation and fees above mentioned are so inadequate makes it difficult to enforce the law against persons guilty of felonies under the laws of Arkansas as made applicable to the Indian Territory, especially against those guilty of the crime of horse stealing.

It is therefore earnestly recommended that Congress enact legislation substantially in accordance with said draft.

Respectfully, P. C. KNOX, *Attorney-General.*

LIMITATION OF CONSPIRACY.

Mr. HOAR. I now ask unanimous consent to take up the bill (S. 2952) to regulate the practice in the United States courts as to appeals and writs of error.

Mr. JONES of Arkansas. I wish to ask the Senator from Massachusetts if he would not be willing to ask the Senate to take up the bill (S. 1118) to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, a bill also reported by his committee, and it seems to me an important one and one in which a good deal of interest is felt.

Mr. HOAR. I should like to do so, but the Senator from Connecticut [Mr. PLATT] is very much opposed to the bill as at present advised. I think when he has read it he may perhaps be less so; at any rate when he understands its purport. But I should hardly want to take it up in his absence. It would hardly be fair.

Mr. JONES of Arkansas. It is an important measure, and it ought to be taken up and considered by the Senate. It has been reported by the Senator's committee, and the Senator from Connecticut is on the committee.

Mr. HOAR. I am very thoroughly and zealously for the bill. I have present the facts about it and an important decision. I should feel it my duty to this body to address the Senate in favor of this bill for twenty or thirty minutes at least. It is a bill copied from the English law of 1874 on that subject, and it carries out exactly what Chief Justice Shaw, of Massachusetts, as conservative a jurist as ever lived, as careful of all property rights and of law and order as anyone who ever lived, declared to be the common law of Massachusetts. But it has been represented as——

Mr. KEAN. Mr. President, may I ask what is the business before the Senate?

Mr. HOAR. I am, by unanimous consent, making a brief statement why I do not move to take up the bill which the Senator from Arkansas has asked me to call up.

Mr. KEAN. I thought the Senator from Massachusetts asked leave to call up another bill.

Mr. JONES of Arkansas. I hope the Senator from Massachusetts will have permission to make his statement in reply to mine. Otherwise there certainly will be nothing else taken up by unanimous consent this afternoon.

Mr. HOAR. I asked leave to call up another bill, and the Senator from Arkansas asked me why I would not call up the conspiracy bill. I replied that, in the first place, it would not be just to the Senator from Connecticut, who is opposed to it, to take it up in his absence; and I was going on to add that it would be my duty to speak to the Senate for twenty or thirty minutes in favor of the bill if I did so, and then I should be obliged to read a long decision of the chief justice of the State of Massachusetts, who declared that this bill is the common law of Massachusetts. That is all. If the Senator objects, I will stop there.

Mr. KEAN. I never object to what the Senator from Massachusetts desires, but I thought he wanted to have the bill passed.

Mr. HOAR. I thought the Senator from Arkansas would not put me in the attitude of undertaking to discuss the bill in a thin Senate. The Senator from Connecticut is just off a sick bed and is not able to be here all the time. It would be very unfair to compel him to come in or take up the bill when he is not here. I will ask for the consideration of the bill when the Senator from Connecticut is here. The Senator need not be afraid.

Mr. JONES of Arkansas. I regret the absence of the Senator from Connecticut, but I am glad to know that the Senator from Massachusetts will seek an early opportunity to present the bill to the Senate, when I hope it will be passed.

APPEALS AND WRITS OF ERROR.

Mr. HOAR. I ask the Senate to proceed to the consideration of the bill (S. 2952) to regulate the practice in the United States courts as to appeals and writs of error.

The PRESIDENT pro tempore. The Senator from Massachusetts asks unanimous consent for the present consideration of a bill, which will be read.

The Secretary read the bill.

Mr. TELLER. It is absolutely certain that that bill, as near as I can understand it, can not be passed at this time of the day.

Mr. HOAR. The Senator from Colorado perhaps has not observed that the Judiciary Committee report to strike out the second section.

Mr. TELLER. It is a question that I feel a little interest in, touching the getting into courts and the getting out. I see some difficulties in the bill. I should like to have a chance to look at it before it is taken up.

Mr. HOAR. Very well; I will not press it.

Mr. TELLER. There are other Senators here who feel the same way about it, I know.

The PRESIDENT pro tempore. Objection is made, and the bill goes back to the Calendar.

ARREARAGES OF TAXES IN THE DISTRICT OF COLUMBIA.

Mr. MCMILLAN. I ask unanimous consent to call up two bills in connection with taxes in the District of Columbia. It will take but a few moments. They are House bills and have passed the House.

I ask the Senate first to consider the bill (H. R. 10076) to receive arrearages of taxes due the District of Columbia to July 1, 1900, at 6 per cent per annum, in lieu of penalties and costs.

The Secretary read the bill; and, by unanimous consent, the

Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on the District of Columbia with amendments, on page 2, line 1, after the word "the," to strike out "first" and insert "thirty-first;" in the same line, after the word "of," to strike out "July" and insert "December;" and in line 2, after the word "and," to strike out "three" and insert "two;" so as to make the bill read:

Be it enacted, etc., That the rate of interest to be collected of any person owing arrearages of general taxes prior to July 1, 1899, now due to and the liens for which are held by the District of Columbia, shall be 6 per cent per annum, in lieu of the rate and penalties now fixed by law, and all accrued costs: *Provided*, That this act shall apply only to taxes paid on or before the 31st day of December, 1902.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

COLLECTION OF TAXES IN THE DISTRICT OF COLUMBIA.

Mr. MCMILLAN. I ask unanimous consent for the present consideration of the bill (H. R. 4372) to regulate the collection of taxes in the District of Columbia.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. HOAR. My attention was diverted. I should like to know whether the bill makes any change in the principle of assessing property for taxes.

Mr. MCMILLAN. It has nothing to do with assessment. It deals with the payment of taxes.

Mr. HOAR. It merely relates to the method of paying taxes?

Mr. MCMILLAN. It simply allows taxes to be paid twice a year, in two installments, instead of once.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REPORT OF GEORGE I. ADAMS.

Mr. JONES of Arkansas. I am directed by the Committee on Printing, to whom was referred a concurrent resolution of the House of Representatives for the reprinting of a public document, to report it without amendment, and I should like to have it considered by the Senate at this time.

The PRESIDENT pro tempore. The resolution will be read.

The Secretary read the concurrent resolution; and the Senate, by unanimous consent, proceeded to its consideration, as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed at the Government Printing Office 4,000 additional copies of Bulletin No. 184, of the Geological Survey, lately issued, entitled "Oil and Gas Fields of the Western Interior and Northern Texas Coal Measures and of the Upper Cretaceous and Tertiary of the Western Gulf Coast," by George I. Adams, 1,000 for the use of theSenate, 2,000 for the use of the House, and 1,000 for free distribution by the Geological Survey.

Mr. SPOONER. I hope the Senator will consent to enlarge the number provided for the Senate.

Mr. JONES of Arkansas. That is the number fixed in the resolution as it came from the House. We get one-third. If more copies are required, an independent resolution can be brought in.

The concurrent resolution was agreed to.

EXECUTIVE SESSION.

Mr. ALLISON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twelve minutes spent in executive session the doors were reopened, and (at 5 o'clock p. m.) the Senate adjourned until Monday, February 10, 1902, at 12 o'clock meridian.

WITHDRAWAL.

Executive nomination withdrawn February 7, 1902.

Nicholas G. Schad, to be postmaster at Brewton, Ala.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 7, 1902.

COMMISSIONER OF EDUCATION OF PORTO RICO.

Samuel M. Lindsay, of Pennsylvania, to be commissioner of education of Porto Rico.

COLLECTORS OF INTERNAL REVENUE.

Daniel B. Heiner, of Pennsylvania, to be collector of internal revenue for the Twenty-third district of Pennsylvania.

William McCoach, of Pennsylvania, to be collector of internal revenue for the First district of Pennsylvania.

APPOINTMENTS IN THE ARMY—TO BE SECOND LIEUTENANTS.

Artillery Corps.

Winslow Hart Reaves, of Tennessee, late first lieutenant, Third Tennessee Volunteers, August 22, 1901.

Infantry Arm.

Daniel M. Cheston, jr., of Pennsylvania, late corporal, Battery A, Pennsylvania Light Artillery, February 2, 1901.

William A. Haycraft, of Kentucky, late first lieutenant, Forty-fourth Infantry, United States Volunteers, February 2, 1901.

Joseph W. Lacour, at large, late second lieutenant, Twenty-seventh Infantry, United States Volunteers, February 2, 1901.

Will D. Wills, of Alabama, late battalion sergeant-major, Thirty-ninth Infantry, United States Volunteers, February 2, 1901.

James M. Fulton, at large, to be second lieutenant, February 2, 1901.

Girard L. McEntee, jr., at large, to be second lieutenant, February 2, 1991.

Austin M. Pardee, at large, to be second lieutenant, February 2, 1901.

Noble J. Wiley, at large, to be second lieutenant, February 2, 1901.

Cavalry Arm.

Ralph C. Caldwell, at large, late second lieutenant, Forty-first Infantry, United States Volunteers, to be second lieutenant, February 2, 1901.

ASSISTANT SURGEON, UNITED STATES ARMY.

William J. S. Stewart, of Massachusetts, contract surgeon, United States Army, to be assistant surgeon, United States Volunteers, with the rank of captain, February 4, 1902.

PROMOTIONS IN THE ARMY.

Ordnance Department.

First Lieut. Kenneth Morton, Ordnance Department, to be captain, December 18, 1901.

Cavalry Arm.

First Lieut. Eugene P. Jervey, jr., Tenth Cavalry, to be captain, January 31, 1902.

Infantry Arm.

Lieut. Col. Henry C. Ward, Seventeenth Infantry, to be colonel, January 31, 1902.

Maj. Benjamin C. Lockwood, Twenty-first Infantry, to be lieutenant-colonel, January 31, 1902.

Capt. Daniel A. Frederick, Seventh Infantry, to be major, January 31, 1902.

POSTMASTERS.

Oscar E. Lewis, to be postmaster at Shelbyville, in the county of Shelby and State of Indiana.

James H. Jones, to be postmaster at Newcastle, in the county of Henry and State of Indiana.

Willis L. McCampbell, to be postmaster at Middletown, in the county of Henry and State of Indiana.

Charles R. Jackson, to be postmaster at Darien, in the county of McIntosh and State of Georgia.

Joseph J. Schultz, to be postmaster at Kewaunee, in the county of Kewaunee and State of Wisconsin.

George J. Kispert, to be postmaster at Jefferson, in the county of Jefferson and State of Wisconsin.

Stephen Manning, to be postmaster at Columbus, in the county of Columbia and State of Wisconsin.

Freeman B. Dickerson, to be postmaster at Detroit, in the county of Wayne and State of Michigan.

William H. Hosking, to be postmaster at Calumet, in the county of Houghton and State of Michigan.

Charles F. Brown, to be postmaster at Alma, in the county of Gratiot and State of Michigan.

Cary W. Vining, to be postmaster at Lakeview, in the county of Montcalm and State of Michigan.

Calvin E. Houk, to be postmaster at Ironwood, in the county of Gogebic and State of Michigan.

Melvin A. Bates, to be postmaster at Grayling, in the county of Crawford and State of Michigan.

William Samuel Leffew, to be postmaster at Boswell, in the county of Benton and State of Indiana.

George W. Raff, to be postmaster at Traverse City, in the county of Grand Traverse and State of Michigan.

Michael H. Kern, to be postmaster at Menominee, in the county of Menominee and State of Michigan.

John D. Chambers, to be postmaster at Williamsport, in the county of Warren and State of Indiana.

Elam H. Neal, to be postmaster at Jonesboro, in the county of Grant and State of Indiana.

Albert C. Bearss, to be postmaster at Peru, in the county of Miami and State of Indiana.

Joel L. Stewart, to be postmaster at Clintonville, in the county of Waupaca and State of Wisconsin.

Albert L. Scott, to be postmaster at Dickson, in the county of Dickson and State of Tennessee.

John Q. Royce, to be postmaster at Phillipsburg, in the county of Phillips and State of Kansas.

Robert C. Wilcox, to be postmaster at Clarksville, in the county of Montgomery and State of Tennessee.

Giles Rives, to be postmaster at Brownsville, in the county of Haywood and State of Tennessee.

John F. Cole, to be postmaster at Marshfield, in the county of Wood and State of Wisconsin.

Frank M. Givens, to be postmaster at Fond du Lac, in the county of Fond du Lac and State of Wisconsin.

George D. Breed, to be postmaster at Chilton, in the county of Calumet and State of Wisconsin.

Robert F. Haun, to be postmaster at Milan, in the county of Gibson and State of Tennessee.

Ellicott R. Stillman, to be postmaster at Milwaukee, in the county of Milwaukee and State of Wisconsin.

Allan Beggs, to be postmaster at Hudson, in the county of St. Croix and State of Wisconsin.

Robert C. Pugh, to be postmaster at Hayward, in the county of Sawyer and State of Wisconsin.

Adelbert M. Penney, to be postmaster at Waupaca, in the county of Waupaca and State of Wisconsin.

John E. Jones, to be postmaster at Washburn, in the county of Bayfield and State of Wisconsin.

Fred S. Thompson, to be postmaster at Superior, in the county of Douglas and State of Wisconsin.

Clara E. Mortimer, to be postmaster at Crystal Springs, in the county of Copiah and State of Mississippi.

John T. Wood, to be postmaster at Columbus, in the county of Lowndes and State of Mississippi.

Charles S. Moss, to be postmaster at Franklin, in the county of Williamson and State of Tennessee.

Charles Burrows, to be postmaster at Rutherford, in the county of Bergen and State of New Jersey.

Dennis W. Mahony, to be postmaster at Passaic, in the county of Passaic and State of New Jersey.

Anthony T. Woolley, to be postmaster at Long Branch, in the county of Monmouth and State of New Jersey.

Judson M. Spore, to be postmaster at Rockford, in the county of Kent and State of Michigan.

Arthur L. Thomas, to be postmaster at Salt Lake City, in the county of Salt Lake and State of Utah.

Charles H. Roberts, to be postmaster at Bingham Canyon, in the county of Salt Lake and State of Utah.

M. J. Ryan, to be postmaster at Escanaba, in the county of Delta and State of Michigan.

Alonzo M. King, to be postmaster at Plainville, in the county of Rooks and State of Kansas.

Mark Palmer, to be postmaster at Eskridge, in the county of Wabaunsee and State of Kansas.

Richard M. Sampson, jr., to be postmaster at Norway, in the county of Dickinson and State of Michigan.

Abram Babcock, to be postmaster at Morenci, in the county of Lenawee and State of Michigan.

John D. Mangum, to be postmaster at Marquette, in the county of Marquette and State of Michigan.

William H. Smyth, to be postmaster at Atlanta, in the county of Fulton and State of Georgia.

S. Perry Youngs, to be postmaster at Stanton, in the county of Montcalm and State of Michigan.

William Webster, to be postmaster at Sault Ste. Marie, in the county of Chippewa and State of Michigan.

John F. Barrows, to be postmaster at Lawrence, in the county of Van Buren and State of Michigan.

David B. Menerey, to be postmaster at Coleman, in the county of Midland and State of Michigan.

Charles I. Robinson, to be postmaster at Eatonton, in the county of Putnam and State of Georgia.

John W. Martin, to be postmaster at Scottsburg, in the county of Scott and State of Indiana.

Joel F. Thornton, to be postmaster at Greensboro, in the county of Greene and State of Georgia.

Mary A. Melton, to be postmaster at Conyers, in the county of Rockdale and State of Georgia.

Morton Kilgore, to be postmaster at Goodland, in the county of Newton and State of Indiana.

Alfred Welshans, to be postmaster at Danville, in the county of Hendricks and State of Indiana.

E. O. Rose, to be postmaster at Angola, in the county of Steuben and State of Indiana.

Charles H. Richman, to be postmaster at Woodstown, in the county of Salem and State of New Jersey.

Beryl F. Carroll, to be postmaster at Bloomfield, in the county of Davis and State of Iowa.

Harry A. Strohm, to be postmaster at Kentland, in the county of Newton and State of Indiana.

Ferdinand K. Hill, to be postmaster at Sunbury, in the county of Northumberland and State of Pennsylvania.

Byron A. Weaver, to be postmaster at Montoursville, in the county of Lycoming and State of Pennsylvania.

Samuel M. Turk, to be postmaster at Parkers Landing, in the county of Armstrong and State of Pennsylvania.

Eldon Lowe, to be postmaster at Fort Scott, in the county of Bourbon and State of Kansas.

Frederich D. Dismuke, jr., to be postmaster at Thomasville, in the county of Thomas and State of Georgia.

Augustus Loucks, to be postmaster at York, in the county of York and State of Pennsylvania.

Willie A. Sheats, to be postmaster at Monroe, in the county of Walton and State of Georgia.

Frederick W. Collins, jr., to be postmaster at Summit, in the county of Pike and State of Mississippi.

William G. Henderson, to be postmaster at Biloxi, in the county of Harrison and State of Mississippi.

Ellis E. Perkins, to be postmaster at Edwards, in the county of Hinds and State of Mississippi.

Daniel E. Rosser, to be postmaster at Cleveland, in the county of Bolivar and State of Mississippi.

John M. Garvey, to be postmaster at McCune, in the county of Crawford and State of Kansas.

HOUSE OF REPRESENTATIVES.

FRIDAY, *February 7, 1902.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

ORDER OF BUSINESS.

Mr. HEMENWAY. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of appropriation bills.

The SPEAKER. The gentleman from Indiana moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the legislative appropriation bill.

Mr. MAHON. Mr. Speaker, under the rules this day belongs to the Committee on War Claims; but the committee do not care to interfere with this large appropriation bill and the special order on the oleomargarine bill. I therefore ask unanimous consent of the House that the day after the oleomargarine bill is disposed of be assigned to the Committee on War Claims.

The SPEAKER. The gentleman from Pennsylvania, chairman of the Committee on War Claims, asks unanimous consent that that committee be permitted to have the day immediately following the disposition of the oleomargarine bill in lieu of this day, which under the rules belongs to that committee. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The question is on the motion of the gentleman from Indiana.

The question was taken; and the motion was agreed to.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. LOUD in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10847, and the Clerk will read.

The Clerk read as follows:

Territory of Arizona: For governor, $3,000; chief justice and three associate judges, at $3,000 each; secretary, $1,800; interpreter and translator in the executive office, $500; in all, $17,300.

Mr. SMITH of Arizona. Mr. Chairman, I move to amend that section relating to the compensation of the chief justice and three associate justices of the Territory of Arizona by striking out the word "three" and inserting the word "five."

The Clerk read as follows:

On page 74, in line 8, at the end of the line, strike out the word "three" and insert the word "five."

Mr. HEMENWAY. Mr. Chairman, I desire to reserve the point of order.

Mr. SMITH of Arizona. All right. I would like the attention of the gentleman from Indiana and the Committee on Appropriations—as many as are present. The statute gives the chief justice of Arizona $3,600. This Congress or one or two Congresses before this have given a beautiful lot of salaries to the justices of Hawaii.

I want to ask the gentleman from Indiana especially, and the

chairman of the Committee on Appropriations, how it is that in the Territory of Hawaii the expenses of their courts are $28,700 in this bill? They have, as you will find on page 76, a governor at $5,000 and a secretary at $3,000, a chief justice at $5,500 and two associate justices at $5,000; in all, $28,500.

On page 132 of the bill you will find a little more for the Territory of Hawaii; for the payment of the salaries of the clerk and reporter of the United States district court for the Territory of Hawaii, $3,000 and $1,200, respectively. In all, for the Territory of Hawaii, just as I said before, $28,500, and for the entire judicial system of the Territory of Arizona you have $12,000, all told.

Now, I venture the assertion that there has been more property interest involved and more cases tried in one term of the court of Arizona during the last year than in the whole Territory of Hawaii. The committee has made this appropriation for Hawaii, and the gentleman is very hasty in making the point of order against my amendment. I make the point of order against the appropriation for the Territory of Hawaii. If they have any statute to show why they are entitled to such enormous salaries as compared with the other Territories, they ought to do it.

I commend to the gentleman the same beautiful economy that is shown in cutting off the pitiful little $600 rightfully due the judges in Arizona, New Mexico, and Oklahoma. They have given the Territory of Hawaii a regular supreme court, and they have also given it a nisi prius or circuit court.

Mr. HEMENWAY. Will the gentleman permit me to interrupt him? The legislation in regard to Hawaii does not come from the Committee on Appropriations.

Mr. SMITH of Arizona. No.

Mr. HEMENWAY. If the gentleman will permit me to get through.

Mr. SMITH of Arizona. Certainly; but I have the floor.

Mr. HEMENWAY. The legislation came from the Committee on Territories, and passed this House fixing all of these salaries in Hawaii.

Mr. SMITH of Arizona. Did not the legislation come from the same Committee on Territories to this same House fixing the salaries in the case of the other Territories?

Mr. HEMENWAY. If the gentleman will just allow me to make a suggestion for a moment?

Mr. SMITH of Arizona. But does not the gentleman see that if the same Committee on Territories reported to this House and this House passed the bills in regard to the cases of other Territories, what reason, what equity, and what justice or what common sense can the gentleman say would permit such inequalities as this?

Mr. HEMENWAY. I want to call the gentleman's attention to the fact that in the case of Arizona we give the statutory salaries in this bill.

Mr. SMITH of Arizona. You give the statutory salaries, yes. When did you commence that?

Mr. HEMENWAY. A bill of that kind was passed a year or two ago.

Mr. SMITH of Arizona, I think you will find, or the Clerk will find for you, that it is probably $3,600.

Mr. HEMENWAY. I think you will find that the bill provides the statutory salaries.

Mr. SMITH of Arizona. Not only that, but this vigilant Committee on Appropriations, that sees, or should see, that no such unequal and unjust discriminating laws were passed, no matter from what committee they come. Our trial court is also our court of appeal as well, forcing the litigants to appeal from Cæsar unto Cæsar, while in this new and beautiful and delectable country we find that you give them all the courts that any State has.

Mr. RODEY. Including a clerk.

Mr. SMITH of Arizona. Now, I am not complaining because you have done Hawaii justice, but because you are doing the other Territories an injustice. Now, here are four judges in my Territory who do more work than the six justices and two courts in Hawaii. You force them to do more work in a year than they will possibly be called upon to do in six in Hawaii. You give them stenographers and clerks, and you give us nothing. We have to pay for them out of our own pockets. Now, I will ask the gentleman if he has found the law?

Mr. HEMENWAY. I find that the statutory salary is $3,000, and they were formerly appropriated for at $2,600 for a long while, but the Committee on Appropriations raised the amount to $3,000.

Mr. SMITH of Arizona. Why did not the Committee on Appropriations use the same humanity toward the courts of Arizona that it did to Hawaii?

Mr. HEMENWAY. We followed the recent legislation as to Hawaii.

Mr. SMITH of Arizona. Recent legislation! Then it is because the wrong is old that you persist in perpetuating it?

Mr. HEMENWAY. The gentleman from Arizona knows that during the time of Mr. Holman, who happened to come from that side of the House, when he was chairman of the Committee on Appropriations, many salaries were appropriated for at less than the statutory amount. Something like 150 salaries were treated in that way. That practice was commenced at that time and has continued since, although there are not so many salaries appropriated for in that way now.

Mr. SMITH of Arizona. I will ask the gentleman from Indiana if he approves of the course of that gentleman?

Mr. HEMENWAY. It has been approved of time and time again.

Mr. SMITH of Arizona. Can the gentleman suggest any reason why the statutory amount ought not to be allowed to our judges?

Mr. HEMENWAY. We have allowed you all the statutes give, that is $3,000.

The CHAIRMAN. The time of the gentleman from Arizona has expired.

Mr. SMITH of Arizona. I will ask a minute or two longer, Mr. Chairman, and then I will not trouble the committee any further.

Mr. CANNON. Mr. Chairman, I ask that the time of the gentleman from Arizona be extended for five minutes.

The CHAIRMAN. The gentleman from Illinois asks that the time of the gentleman from Arizona be extended five minutes. Is there objection?

There was no objection.

Mr. SMITH of Arizona. Now, the committee has without any consideration whatever, as far as I know—and if it has, the gentleman can show it—given to the far-off Territory of Hawaii, because it was based on recent legislation, a salary of $5,000, while it has persistently kept off from Arizona, New Mexico, and Oklahoma $500 because it was an ancient wrong. What reason was there before the committee for giving $3,000 to the chief justice of Arizona and $5,000 to the Territory of Hawaii?

Mr. HEMENWAY. Oh, the gentleman from Arizona is continually making his comparisons with the Territory of Hawaii. Now, you take the State of Tennessee——

Mr. SMITH of Arizona. We have nothing to do with Tennessee.

Mr. HEMENWAY. Let me make my comparison.

Mr. SMITH of Arizona. I do not want a comparison unless you compare Territory with Territory over which Congress has jurisdiction.

Mr. HEMENWAY. The gentleman declines to have a comparison made with the great States of the Union, where they do more work in a week than they do in a year in Arizona. What is the population of Arizona?

Mr. SMITH of Arizona. What is the population of that district you are talking of where they have so much practice in court?

Mr. HEMENWAY. What is the population of Arizona?

Mr. SMITH of Arizona. I am not going to be led into a discussion of that kind by the ingenuity of my friend from Indiana.

Mr. HEMENWAY. The gentleman declines to answer my question.

Mr. SMITH of Arizona. I am not declining to answer; but I want to know what the gentleman, as member of the Committee on Appropriations, has to do with the question what the States pay their judges? I am confining myself to the matter of these Territories, a matter over which that committee has jurisdiction.

I am attempting to show to the House that what the committee has done with respect to the Territories is injustice, and to show it by reference to what has been done with regard to other Territories, as well as Arizona. As it appears, the statute provides a salary of $3,500 in this case, and I am not going to run up against the rule or the point of order, and I therefore ask that my amendment be changed so as to name $3,500 as the salary instead of $5,000. I hope the gentleman will waive any objection he may have and allow this matter of justice to go through.

Mr. HEMENWAY. I want to call the gentleman's attention to the fact that the governor of this Territory has a salary fixed by statute at $3,500. The judges have salaries fixed at $3,000.

Mr. SMITH of Arizona. If such be the statute, I know that the point of order is good.

Mr. HEMENWAY. I refer the gentleman to section 1879.

Mr. SMITH of Arizona. Is the gentleman referring to the Revised Statutes or to a general appropriation bill?

Mr. HEMENWAY. The Revised Statutes of the United States.

Mr. SMITH of Arizona. If the statute fixes the salary of the judges at $3,000 and if the gentleman insists on the point of order, of course the amendment must be ruled out; but I believe the gentleman wants to be fair. I have one suggestion to make to him: I ask him to treat this as a matter of justice upon a fair statement of the case.

The gentlemen holding these judicial positions are very good lawyers; they are very hard-worked men. Every one of them

belongs to the gentleman's political party, so that I have no political ax to grind; I am asking nothing but justice to these judges. We are forced to pay taxes to meet the expense of the transportation of these judges from county to county.

If the gentleman would withdraw the point of order and agree to allow these men at least $3,600, I think it would be an act not only of grace, but of justice. A good lawyer in that part of the country can not afford to give up his practice to sit as a judge for less than $3,600. I hope the gentleman will withdraw his point of order and recognize the justice of my proposition.

Mr. HEMENWAY. I must insist upon the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. RODEY. Mr. Chairman, I prepared yesterday an amendment in the same line with that which has been presented by the gentleman from Arizona [Mr. SMITH], because of the injustice that I saw in this appropriation, giving the governor of Hawaii $5,000 salary, as against an allowance of $3,000 salary for governors in other Territories; and giving to the governor of Hawaii a clerk and incidental expenses amounting to $3,000 additional, and also giving to the chief justice of Hawaii $5,500 and to the associate justices $5,000 each, as against $3,000 for the Territorial judges in New Mexico, Oklahoma, and Arizona. During the discussion that took place yesterday I made up my mind that perhaps, as these salaries in the older Territories are fixed by statute, I could not get them changed at this time and in this place in Committee of the Whole House. The appropriations in this line for the older Territories, as proposed by the committee, do seem unjust; and they show that if the committee considered that these salaries for the executive and judiciary of Hawaii are right, then it follows that the salaries for the governors and judicial officers of the other Territories are too small, supposing the conditions to be equal.

Because of the condition of things prevailing in the older Territories, because of the great amount of work that the judges there are doing (and as I have practiced law in New Mexico for almost twenty years I know whereof I speak), we have been forced at different times to give to our judges, in addition to the salaries allowed them by the Government of the United States, from $800 to $1,500 each. Every judge in New Mexico to-day receives $800, I think is the amount, in addition to $3,000 appropriated by the Government of the United States. It is because the salaries are insufficient that this extra compensation is paid. And therefore I am intending at some future time to bring in a special bill or proposition to increase these salaries so as to equal those paid to the Hawaiian judges. It is only reasonable that this should be done. I find no fault with the salaries paid to the Hawaiian executive and judiciary. It is probably just.

The gentleman from Indiana [Mr. HEMENWAY] has made a statement which would indicate that perhaps the judges in these Territorial districts do not do as much work as the State judges. But from personal knowledge I will say that in my opinion every judge of a Territory does in cases even as much as twice the work that is done by the State judges, because he not only has to sit as a committing magistrate at times, but as a nisi prius judge; and in addition he has to exercise the jurisdiction of a circuit or district judge of the United States, and has to sit as an associate justice of the Supreme Court of the Territory, so that it has come to be well known that he can not even have a thirty-day vacation during the whole year without permitting the public business to suffer and his work to get behind.

A salary of $3,000 in the older Territories for the governor and the judges is wholly inadequate, and if the Committee of the Whole shall agree to the amendment of the gentleman from Arizona, then I shall move that the allowance to judges in New Mexico and Oklahoma shall be changed so that the governors of those Territories may receive the same salary as the governor of Hawaii, and that our chief justice and associate justices may receive the same salary as the Hawaiian chief justice and associate justices, with an additional allowance for clerks and additional expenses.

Mr. GAINES of Tennessee. Mr. Chairman, I move to strike out the last word. I am opposed to the proposition of the gentleman from New Mexico [Mr. RODEY] and of the gentleman from Arizona [Mr. SMITH].

Mr. HEMENWAY. Mr. Chairman, one moment. Is there any amendment pending before the committee?

The CHAIRMAN. There is an amendment pending to strike out the last word, an amendment offered by the gentleman from Tennessee.

Mr. GAINES of Tennessee. That is an amendment that is very familiar to the tongue of the gentleman from Indiana [Mr. HEMENWAY].

Mr. Chairman, the gentleman who has just addressed the House [Mr. RODEY], as well as the gentleman from Arizona [Mr. SMITH], who preceded him, have based their arguments for an increase in the salaries of the officials of their Territories upon the hypothesis that the judges in Hawaii have been receiving more than the judges in the Territories which they represent; and therefore they say the salaries of the judges in their respective Territories should be raised. Now, I have never heard any just or fair reason why the amount of the salaries which are paid in Hawaii should be paid. Hence their arguments are not well founded.

Mr. Chairman, let us see what they paid the officers in our old Territories of Florida and Louisiana. I refer now to the organic act of the Territories of the United States, as published by the Senate. We find that the judges in these two Territories received $2,500 a year, and some others much less, and this policy obtained throughout the Territorial life of Florida and Louisiana. The judges of the Territories of Arizona and New Mexico are receiving more than the judges of Florida and Louisiana ever did, in days when we had no telegraphs, telephones, or railroads, when I dare say expenses were much more than they are now in any one of the Territories west of the Mississippi River.

Mr. Chairman, I say that it is wrong to increase the salaries of these judges in any of these Territories upon the hypothesis that the judges in Hawaii, who I believe are paid $5,000 a year for their services, are receiving fair salaries instead of extravagant salaries. These judges in Hawaii are not put to any extra expense. They sit in Honolulu the year around, as I understand it. They have splendid court rooms and facilities. And I want to add further, Mr. Chairman, that there is a movement in the Senate to increase the salaries of the judges of the Supreme Court of the United States and of the Federal judges of the lower courts, and I believe the salaries of Senators; and now a movement is on foot here to increase the salaries of these Territorial judges and officers. When and where is this salary-grab policy to end?

I am opposed to such increases, and I shall remain opposed until the people throughout this country, in the Territories and outside of them, from East to West, from North to South, are paid the just claims that the Government of this country owes the people there for debts long since contracted, for which they, hungry and in penury, have been knocking at the doors of Congress for thirty or forty years for a settlement.

This Government, with an overflowing Treasury, is delinquent in paying the just debts of thousands for which it has received full consideration long ago, and yet Congress refuses to pay. I object to making flesh of one and bone of the other. These people who are pressing these claims are without any perquisites. They are without any office, some of them without clothing to cover their backs to come here and appeal for their rights, while others are without food with which to satisfy their hunger.

And yet, Mr. Chairman, they are left to appeal here for consideration which they do not receive. An unwilling hand is given them, when those who are in power, who are drawing high salaries, who have begged and pleaded with the appointing power to give them the positions which they hold, who have plenty of vacation, who have their mileage, who have clerks given them, who have everything that we have here in this House, are asking to have their salaries raised, and I presume they will succeed. I protest against it as long as those who have none of these privileges are mistreated and abused and their claims neglected and turned down from one session to another. To such a policy I am opposed. Fair dealing cries out against it.

The CHAIRMAN. If there is no objection, the pro forma amendment will be considered as withdrawn.

[Mr. GOLDFOGLE addressed the committee. [See Appendix.]

Mr. RODEY. If this Congress will relieve New Mexico from a Territorial condition it will relieve it of the necessity of paying any salary for governor and these other Territorial officers.

Mr. GAINES of Tennessee. I am for making your Territory a State. [Loud applause.] If you can get your Republican friends to join us, we will do so.

Mr. RODEY. And if my Republican friends do less, they will do an injustice to the great Territory of New Mexico. [Renewed applause.]

Mr. GAINES of Tennessee. The task is your party's. The Democrats are willing, and said so in caucus a few nights ago—not a voice dissenting.

The CHAIRMAN. The Clerk will read.

The Clerk, proceeding with the reading of the bill, read as follows:

For legislative expenses, namely: For rent, messenger, postage, stationery, fuel, lights, printing, and incidental expenses for secretary's office; for pay of members and officers of the legislative assembly, mileage, rent of rooms for the legislature and committees, furniture, stationery, printing, binding, fuel, lights, and incidentals, $24,250.

Mr. GAINES of Tennessee. Mr. Chairman, I move to strike out the last word. I do this for the purpose of reading from official documents the amount of salaries paid in several of our old Territories in the early days of the Republic. I read from a compilation gotten up by the Senate, entitled "Organic Acts of the

Territories of the United States." It shows that by the act of March 22, 1822, in the "Territory of Florida" the following salaries were paid:

The governor shall receive an annual salary of $2,500; the secretary, $1,500; the judges, $1,500 each, to be paid quarter-yearly out of the Treasury of the United States. The members of the legislative council shall receive $3 each per day during their attendance in council and $3 for every 20 miles in going to and returning from any meeting of the legislative council, once in each session and no more.

In the district of Orleans and district of Louisiana, by the acts of 1804, the judges received $2,000 each, to be paid out of the revenues of impost and tonnage accruing within the said Territory.

The governor of the "Territory of Wisconsin," by the acts of 1836 and 1838, was paid an annual salary of $2,500 for his services as governor and as superintendent of Indian affairs. The chief justice and his associate justices each $1,800 and the secretary $1,200, and the members of the legislature $3 a day and $3 for every mile of travel to and from the sessions of the legislature. For contingent expenses, $350.

In the "Territory of Oregon," by the act of 1858, the governor was paid $1,500 as governor and $1,500 as superintendent of Indian affairs, and the judges $2,000 each, secretary $1,500.

In the "Territory of Minnesota," under the act of 1849, the governor received $1,500 for governor and $1,500 for superintendent of Indian affairs, and the judges each $1,800.

This is in painful contrast with the salary paid the governor in the Philippines, $20,000; four commissioners $15,000 each, and $5,000 for the judges. In Alaska the governor gets $5,000, raised from $3,000; and three judges $5,000 each. In Hawaii the governor gets $5,000. In Porto Rico the governor gets $8,000, and a commissioner of Porto Rico $5,000, and I believe the judges each get $5,000; while we see from this bill that the salaries paid these officers in the Territories west of the Mississippi are from $3,000 down to $2,500. Three States of the Union pay their governor $1,500.

This is all I have to say just now.

The Clerk, proceeding with the reading of the bill, read as follows:

Territory of New Mexico: For governor, $3,000; chief justice and four associate judges, at $3,000 each; secretary, $1,800; and interpreter and translator in the executive office, $500; in all, $20,300.

Mr. RODEY. Mr. Chairman, for the sake of getting it into the RECORD, I move to make the salary of the governor of New Mexico $5,000, the salary of the chief justice $5,500, and the salary of the associate justices $5,000, so as to put New Mexico in this regard on an equal footing with the Territory of Hawaii.

Mr. HEMENWAY. I make the point of order, Mr. Chairman.

The CHAIRMAN. The point of order is sustained.

Mr. ROBINSON of Indiana. Mr. Chairman, the purpose of this amendment, perhaps, will not be apparent until I shall have made an explanation. The Committee on the Territories of the House has recently had hearings on the subject of the admission of Oklahoma in the sisterhood of States. The testimony of her distinguished citizens show that in extent of area, in population, and in wealth her right to admissibility to the Union can not be questioned. She is entitled to statehood on all the precedents that can be invoked. The soil is fertile, the climate is salubrious, her people are equal to the best. The governors and officers are the best officials that can be found.

Mr. Chairman, the purpose of this amendment is not so much to discuss the subject of Oklahoma as it is to place upon record the party in power on the subject of consistency, which is many times said to be a jewel. The governor of Oklahoma rules more people as governor than does Governor Taft of the Philippine Islands, if in the calculation you exclude in the Philippines those who are within the trochas caused by the severe war measures adopted there, and which include the reconcentrado orders, and exclude the slaves of the Sultan of Jolo and his datos, who should be excluded for the reason that they are not taxed and should have no representation.

Mr. Chairman, we want some consistency upon this proposition of pay to governors. We want to see if you consider it about right to pay a governor in a domestic Territory $3,000 and one in a foreign Territory $20,000. It is a long time since the Republican party placed the salary of the governor of the Philippines at $20,000, and gave him an official residence in addition, and provided pay to the other officers sent there in like proportion. The country is complaining about extravagant salaries—a salary list that pays to the sanitary officers of the Philippines the same amount that is paid the governor of Oklahoma, a salary list that pays the assistant district attorney and deputy assessor in the Philippines a salary equal to that paid to the governor of Oklahoma. To give the party in power here a chance to meet the criticism which may be unjust to them—we shall see by this vote—we place the situation of the governor of Oklahoma against the governor of the Philippine Islands and ask for a vote upon that proposition.

I feel that the members on this side, not being responsible for the salary of Governor Taft, of the Philippine Islands, need not vote for this amendment, that only strikes out the salary of the governor of Oklahoma, although I shall do so. I propose, if my amendment is adopted, as it must be if the Republican party is consistent on this subject by their votes—I expect to follow it up and ask to have inserted an amendment making it $20,000, so that the governor of Oklahoma may be on equal terms with the governor of the Philippines. Why give the governor of the Philippine Islands $20,000 and not give the same amount to the governors of Oklahoma and New Mexico and Arizona?

This calls to mind the situation that prevails in all the colonies of our country—a policy of might makes right and greed triumphs over all. A few days ago there was presented to this House by the gentleman from Nevada [Mr. NEWLANDS] a resolution to annex or to invite Cuba into the sisterhood of States. It was upon the gentleman's resolution that Hawaii was annexed. Hawaii to-day, by the census report, has a population of 154,000, presenting the unfortunate spectacle to this House and to a liberty-loving country, and one whose labor sustains and protects it in peace and in war, of 61,000 Japanese, 26,000 Chinese, and 38,000 Hawaiians, all of which classes are equally dangerous to the interests of American labor. I suggest to the gentleman from Nevada that when he sends his invitation to Cuba to enter our portals that he append below his resolution a little footnote that this is the same old colonial policy of the United States and governed by the sentiment, "'Will you walk into my parlor?' said the spider to the fly."

Cuba will find out, as all others have found out that have been annexed to us, indeed as she already has found out, and as the fox found out in the fable when asked by the lion to go into its den, that the tracks all lead one way.

The toilers all along the line in the United States will suffer, and severely suffer, by this new and dangerous policy.

It ever will be so, so long as we have a foot of foreign territory peopled by a race alien to and different from our own, and which, by reason of such condition, is unfit to bear the responsibilities or share the benefits of the Republic.

The Chinese, Japanese, Cubans, Filipinos, Porto Ricans, and the inhabitants of the Danish West Indies are all of this class and should not be brought in competition with American labor.

Mr. Chairman, the payment of these salaries to the officials of the Philippine Islands is justly chargeable to the opposition; so, therefore, to test their consistency and that we may equalize the salaries of the governors, I hope to be supported in this proposition by the vote of the Republicans.

Mr. HEMENWAY. I make a point of order against the amendment, that it changes existing law.

The CHAIRMAN. The Chair overrules the point of order.

Mr. HEMENWAY. Will the Clerk again read the amendment? I did not catch its purport exactly.

The Clerk read as follows:

In lines 13 and 14 strike out the words "three thousand dollars."

The CHAIRMAN. The gentleman from Indiana does not claim that Congress can not refuse to appropriate salaries?

Mr. HEMENWAY. I move to amend the amendment so as to strike out "$3,000" and insert "$5,000."

Mr. ROBINSON of Indiana. I believe I have stated that if this amendment should be adopted, as I have no doubt it will be, it is my purpose to offer an amendment substituting $20,000, so that the governor may go on and perform his official duties, and for the same price as that of the governor of the Philippines. I shall not vote for the $20,000, but present it to the Republicans for consistency.

Mr. HEMENWAY. I suppose the gentleman understands that on this bill we have nothing whatever to do with the salaries paid in the Philippine Islands.

Mr. ROBINSON of Indiana. Surely not; but the question is the same in principle. You tax the Philippines, make them pay at the point of the sword, and with the money so wrung from them you pay a governor of your selection $20,000, and I want to see whether gentlemen will be consistent and vote the same salary to the governor of Oklahoma, a domestic and deserving Territory of our country.

Mr. NEWLANDS. Mr. Chairman, the gentleman from Indiana [Mr. ROBINSON] has brought into this controversy the resolutions which I had the honor to offer the other day in regard to Cuban annexation. Debate is now under the five-minute rule, and I shall require more time than the rule allows to properly answer the gentleman. I therefore request additional time, say fifteen minutes, for this purpose.

Mr. HEMENWAY. I ask unanimous consent that the gentleman be allowed fifteen minutes to discuss the question.

The CHAIRMAN. Is there objection? The Chair hears none.

Mr. NEWLANDS. Mr. Chairman, the gentleman from Indiana [Mr. ROBINSON] has referred to the resolutions regarding

the annexation of Cuba which I introduced the other day, and he has stated that I ought to append to them a footnote that "this is the same old colonial policy of the United States."

I am at a loss to know what the gentleman means by the expression, "old colonial policy." I was under the impression that the colonial policy was a new policy, inaugurated only within the last few years, involving an abandonment of the traditional policy of the country, which regarded newly acquired territory as infant States, to be governed under the Constitution and the equal laws of the Republic, its people entitled to citizenship in the Republic, and enjoying the confident assurance that ultimately, when population and wealth justified statehood, it would be accorded by the Union.

Under this old and traditional policy the thirteen original States developed their great Northwest Territory into five noble States; under that policy Florida was acquired and developed into a State; under that policy the great Louisiana purchase was made, with its development later on into magnificent States; under that policy the extreme western portion of our continent, including California, was acquired by treaty with Mexico, all of it developed into sovereign States, with the exception of Arizona and New Mexico, which, though held for so long a time without statehood, were yet governed under the Constitution, with citizenship to their people, under laws equally and beneficially operative wherever the flag of the Republic waved. Nothing was then heard of a subject people. Nothing was then heard of dependencies, of territory appurtenant to and not a part of, and the other phrases which have been so glibly framed in pursuance of a new policy.

And if the gentleman will read the resolutions which I have had the honor to introduce he will find that they contemplate not an acceptance of the new colonial policy so recently inaugurated, but a return to the old and traditional policy of the early days of the Republic.

These resolutions declare:

Joint resolution (H. J. Res. 142) providing for a reduction of duty on Cuban sugar and inviting Cuba to become a part of the United States.

Whereas by an act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1902," approved March 2, 1901, the President of the United States was authorized to leave the government and control of the island of Cuba to its people so soon as a government should be established in said island under a constitution which, either as a part thereof or in an ordinance appended thereto, should define the future relations of the United States with Cuba, substantially as in the said act stated; and

Whereas on the 12th day of June, 1901, the convention organized in the island of Cuba for the purpose of framing a constitution for the government of said island adopted an ordinance making provisions substantially in accordance with the requirements of the aforesaid act of Congress; and

Whereas on the 1st day of October, 1901, said convention performed its remaining duty by adopting an electoral law providing for a general election throughout the island of Cuba, to be held on the 31st of December, 1901, to choose governors of provinces, provincial councils, members of the house of representatives, and presidential and senatorial electors; and

Whereas such electoral law also provides that from the 24th day of February, 1902, the several bodies of electors thus chosen shall meet and elect a president, vice-president, and senators; and

Whereas the President of the United States is authorized, after the organization of the government of the island of Cuba as aforesaid, to leave the government and control thereof to its people; and

Whereas it is represented by the military government of Cuba, as well as by the business men, bankers, planters, and other representatives of Cuba, that an economic crisis is pending, owing to the low international price of sugar; that the present crop, consisting of about 850,000 tons, can not be marketed, and it will be unprofitable to harvest and grind it, and that lack of employment and general distress are sure to follow the failure to harvest and grind the existing crop; and

Whereas Cuba seeks a commercial union with the United States whereby sugar and other products of Cuba may enter the United States either free of duty or with a reduced duty in exchange for certain concessions to be made in the admission of certain American products to Cuba; and

Whereas it is the opinion of the Congress of the United States that the best commercial union between Cuba and the United States can be accomplished by political union, by the annexation of Cuba to the United States as a Territory, under the Constitution and laws of the United States, with the assurance of ultimate statehood; and

Whereas it is represented that the sentiment of Cuba is favorable to a political as well as a commercial union, but that time is necessary for its accomplishment, as there is no government now organized there capable of assenting to a political union: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is hereby authorized to admit Cuban sugars, produced from the present crop, upon the payment of three-fourths of the present duty, in consideration of a reciprocal arrangement upon the part of Cuba, giving to the American products entering Cuba such concessions or preferential duties as he may approve and deem advisable, such arrangement to continue until the 1st day of January, 1903.

SEC. 2. That in the meantime the Republic of Cuba is invited to become a part of the United States of America and her people to become citizens of the United States, with the assurance that Cuba will be entitled at first to a Territorial form of government under the Constitution and laws of the United States, with a Delegate in Congress to represent her people, and that ultimate statehood will be granted when, in the judgment of the Congress of the United States, it is advisable to admit Cuba, including such other West India islands belonging to the United States as may be deemed advisable, as a single State in the Union, to be called the State of Cuba.

Does the gentleman find in these resolutions a single line which indicates that they are pursuant to the new colonial policy? Cuba is to be annexed to the United States with her consent; not by violence, but by the free act and will of her people. She is to become a part of the United States, not a military dependency or a subject colony. Her people are to be citizens of the United States, not subjects. She is to have a Territorial form of government under the Constitution, not outside of it, and she is to be entitled to the equal operation of our laws, including our tariff laws. She is to have a Delegate in Congress to represent her people, and she is to have the assurance—

that ultimate statehood will be granted when, in the judgment of Congress, it is advisable to admit Cuba, including such other West India islands belonging to the United States as may be deemed advisable, as a single State in the Union, to be called the State of Cuba.

The annexation of Cuba means the expansion of the Republic, not the development of an empire. It follows the time-honored policy of the country under which expansion meant the acquisition of contiguous continental territory and of adjacent islands, essential to our military and coast defense, the purpose being to give this country a scientific boundary, to secure the expansion of domestic commerce and to minimize naval and military expense by securing the control of the natural military outposts of the country.

What is the occasion for these resolutions? It is represented to us that an economic crisis is approaching in Cuba; not that an economic crisis exists there to-day, but that an economic crisis is threatened in the near future, and that this economic crisis has its origin not in the rupture of the relations between Cuba and Spain, or in the late civil war or in the present military occupation, but in the low price of sugar, the world's price of which is lower than it ever has been. You all know that until recent years the world was supplied mainly with sugar from the cane. While Cuba was torn by a civil war which reduced her output of sugar from 1,000,000 to 100,000 tons annually, the protected sugars and the bounty-fed beet sugars of the world took the place of Cuban sugars in the world's markets. After the war, when Cuba sought to restore herself to her former position, she found that the markets which she had supplied were occupied, but notwithstanding this she commenced vigorously the production of cane sugar, and she has expanded it this year to 850,000 tons—nearly her maximum output before her civil war—and this increased product has weighed down the markets of the world, already overburdened, so that to-day the international price of raw sugar is only about 1¾ cents per pound.

Now, Cuba seeks—what? She seeks to come into the markets of this country, the protected markets of this country, a country which produces only one-third of her sugar consumption, and she asks that the tariff barriers be thrown down, that her product be allowed to enter this country that she may be enabled to receive, not the international price of sugar to which she is now confined, but our domestic price, raised by a protective tariff to double the international price, the price here for raw sugar being about 3½ cents a pound, the international price being about 1¾ cents. What does that mean to Cuba? Why, sir, from her present crop she will receive only $25,000,000, not sufficient, according to her statement, to pay the cost of production. If her sugar is admitted free to this country she will receive double that amount—$50,000,000—and she will thus obtain from this country a commercial union that will enable her people to get $25,000,000 more annually for their sugar product than they can get under existing conditions.

Objection is made by the protected sugar interests of America that reciprocity will so stimulate the production of Cuban sugar as to seriously affect the protected sugar industry of this country, if not destroy it. It is claimed that it is unfair to give Cuba the advantages of a commercial union with this country without the restraints and burdens which a political union would involve, namely, subjection to our labor and Chinese-exclusion laws, as well as to the increased cost of supplies in a protected market. Under reciprocity Cuba would have free access to the cheap labor marts of the world, whilst our sugar producers would be confined to the high-priced labor market of the United States.

I have no doubt that an economic crisis is approaching in Cuba. I have no doubt that unless some relief is given the labor now engaged in grinding the cane and planting the fields will, in the future, be unemployed and that an economic crisis will be attended by acute distress. We all know what acute distress means in Latin-American countries. We all know that the government is held responsible, and that disorder and civil strife follow. The lack of employment in Cuba, arising from a financial crisis, would undo the work of the last three years and subject the new government to all the dangers of discontent and turbulence.

It is clear that some relief should be given to Cuba. The question is, How can this be done most effectually without injury to our own industries? To take Cuba into our commercial union by reciprocity would be to free her from the burdens and restraints of a protective system which has in this country raised the price of all supplies and products above the international level, and has also so restricted the labor market by Chinese exclusion and immigration laws as to maintain a higher level for labor than the

international level. Thus Cuba would have the advantage of a production on the low international level of labor and supplies, but would sell on the higher level of our protected markets, which, in sugar, would secure to her double the price she would otherwise get. The effect would be to rapidly stimulate the production of sugar in Cuba by every device known in the way of cheap labor. Cheap laborers would be imported from Europe. Chinese would be imported, and thus we would put our sugar producers practically in competition with the cheapest labor of the world.

Would it not be much better to invite Cuba to enter our political union, in which she would share all the advantages of commercial union and at the same time be subject to the restraints of our labor laws and to the expenses of a protected market, and meanwhile make a reduction in our duty on Cuban sugar of one-fourth, confining its operation to one year? This would enable her to receive from her present sugar crop six or seven million dollars more than she would otherwise receive. It will relieve her from her distress. It will enable her planters to grind their present crops, but it will not stimulate, as too much concession would, excessive planting in the future, which will add to the existing overproduction.

Cuba asks commercial union with this country. I contend that the best kind of commercial union that Cuba can have is that which political union involves. Such union should not be brought about by force or coercion. We must treat with free Cuba. Annexation by force would not be justified. It must be accomplished, if at all, by the free act of the Cuban people. At present there is no machinery in Cuba by which the popular will can be tested. But the Cuban constitution has been adopted. The Cuban congress will meet soon, Cuban government will be organized, and the United States will then leave the government and control of the island to the people of that island. Cuba will then be in a position to express her will, and it is only necessary to tide over the present emergency by a temporary measure, such as I have introduced, reducing the duty on Cuban sugar one-fourth for one year and inviting Cuba to become a part of the United States under a Territorial form of government, under the Constitution, not outside of it, her people to be citizens, not subjects, with the assurance that ultimately statehood will be granted. Thus economic distress will be avoided, and one year will be given for deliberation and action, the result of which can not be doubted, for every interest, political, sentimental, and commercial, will point to political union.

Now you say, Why do we ask Cuba to unite herself to the United States of America? Gentlemen, the people who have been before us representing Cuba and Cuban interests stated to us that the tie binding Cuba to this country is a close one, close in any event by reason of her proximity; closer still by reason of the exaction of the Platt amendment by this country. They speak of her as a ward of this country, as being under the protection of this country, and that statement is true; for under the Platt amendment we are entitled to go into Cuba and suppress disorder which threatens her independence. Under the Platt amendment we are entitled to take possession of her posts for military defense. We have also placed restrictions upon her treaty-making power; not so far as commercial treaties are concerned, but any treaty which may involve her ultimate independence. So that she is now in the position of a ward of this country.

Certainly no brighter future can be secured to Cuba than that presented by ultimately becoming one of the sisterhood of States. Meanwhile she will occupy the position of an infant State, as a territory under the Constitution and equal laws of the United States—not a mere dependency, like Porto Rico, or a subject territory, like the Philippine Islands.

From the standpoint of Cuba's material interests there can be no question as to the advantage of political union and consequent free trade with this country. She will immediately profit to the extent of $25,000,000 annually on sugar alone, as the duties on her present crop will amount to that.

It may be urged in objection that the suggestion of present annexation is premature; that Cuba must have her experience of independent government. My answer is that every year of postponement will lessen the desirability of political union with Cuba. Should she have independence without reciprocal trade relations she will be without markets for her product, and economic distress will undo the republic. Civil strife and public disorder will reign everywhere. Sanitary precautions will be neglected, and Habana will again become the breeding spot of the yellow-fever pest, and the United States might be compelled to take hold with a strong hand.

Should she maintain her independence with reciprocity she will continue her career as a country of pratically one product—sugar. The sugar industry will be unduly stimulated up to the full point of American absorption. The world will be scoured for cheap labor. Asiatic contract labor will be introduced, and all the objectionable conditions of tropical and semi-tropical life now existing there will be exaggerated. Under reciprocity her population five or ten years hence will be much less desirable for annexation than it is now, composed as it will be of Chinese and other imported cheap laborers. By coming into our political union Cuba will immediately secure the highest degree of freedom enjoyed anywhere upon the earth, and with it a large market for her varied products. These products will not threaten our sugar industry so seriously as they would under reciprocal trade arrangements, for the reasons that the restricted labor laws of this country will apply and will raise the cost of production to such an extent as to prevent overstimulation of her industries, while her supplies will be bought in the high protected markets of this country instead of the cheap markets of the world.

Mr. ROBINSON of Indiana. Mr. Chairman, will the gentleman allow me?

Mr. NEWLANDS. I beg the gentleman's pardon. I have only a few minutes remaining.

Mr. ROBINSON of Indiana. We will extend your time. I want the gentleman to be just to himself.

Mr. NEWLANDS. I will yield to my friend later, if sufficient time is given me.

Now, what does this commercial union mean? What do the beet-sugar men say? What do the cane-sugar men of Louisiana say, these men who have been assisted by a protective tariff that has overstimulated that industry in this country, and which bids fair to put them all upon stilts, rendering their prostration more disastrous in the future? What do they say? Why, they say that they would rather have annexation, that they would rather have Cuba in the political union, than have a commercial union which will give her tariff advantages.

And what is their argument? Why, they say if you strike down the barrier of the tariff wall you admit her products free into this country. And how does she produce them? She produces them by the cheap labor of the world. You will stimulate her production so that it will advance by leaps and bounds. Where will she get her labor? She will get the cheap laborers of Europe, she will get the cheaper laborers from China. She will get them under contract, as she did twenty years ago, at the rate of $4 a month, when men were put under contract for eight years, and their contracts were sold to the highest bidder.

Annexation is bound to come in the future, bound to come because of the intimate relations of these countries, bound to come because Cuba is now our ward and we are bound to protect her. It is bound to come because Cuba will demand it, and it is bound to come because the sentiment of the United States will demand it. And if it is to come I would rather have it come now than twenty years from now. I admit that much of the population of that country is now undesirable; but how much more undesirable will it be after we have given her reciprocity arrangements which will stimulate her sugar industry and permit the immigration to that country of the cheap laborers of Europe and of the degraded labor of Asia. I wish to have these negotiations now, so that our labor laws can apply to that island, so that they can be restricted in their labor colonization, so that they will be put upon the same market for their domestic supplies as we are, so that they will be on a par with our domestic producers in the production of sugar.

I much prefer political union, for that involves the best kind of commercial union that can be established between the two countries.

Such annexation is entirely in line with the traditional policy of the country, which has always contemplated the peaceful annexation, under the Constitution, of contiguous continental territory, and of adjacent islands essential as part of our coast defense. When the time for statehood comes, Cuba, Porto Rico, and other West India islands in our possession can be incorporated into the Union as one State, thus doing away with the danger of overrepresentation in the Senate.

I do not believe in reciprocity agreements which necessarily involve favoritism to certain foreign countries and which will necessarily arouse jealousy and secure the hostility of less-favored nations. I believe that there should be but one boundary to the Republic. I believe that Cuba should be within that boundary, and that within it we should have free trade and without it we should have impartial trade, and that partial trade, such as that promoted by reciprocity treaties, should as a rule be avoided.

Mr. GAINES of Tennessee. How do you want it to come in—as a Territory or a colony?

Mr. NEWLANDS. Not as a colony; that is contrary to my resolution. It provides that Cuba shall come into the United States and form a part of our political union as a Territory, with the assurance of ultimate statehood when the people of the United States are willing to concede it, and collect all these other islands in the West Indies into a single State, not numerous States, thus doing away with the danger of overrepresentation in the Senate of the United States.

Mr. SMITH of Arizona. And New Mexico was given that promise nearly fifty years ago.

Mr. NEWLANDS. That is true; but New Mexico is going to have statehood, though long delayed. It will be long delayed in the case of Cuba; but in the meanwhile her people will be under the equal laws of this country, including the tariff laws, and her government will be under the Constitution and not outside of the Constitution; her people will be citizens, not subjects.

Mr. ROBINSON of Indiana. The gentleman understands the labor situation here. He introduced the resolution that passed the House for the acquisition of Hawaii. What satisfaction does he get out of the annexation of those islands under the Constitution? We find to-day that it has 26,000 Chinamen, more than one-half of whom have gone there since the annexation, and there are 61,000 Japanese, and there are 38,000 Hawaiians and mixed blood, who are no more desirable in competition than the others. Now, what satisfaction does the gentleman get out of these facts of history as a matter of competition with American labor?

Mr. NEWLANDS. There are not as many Chinese there to-day as there were at the time of annexation. And the reason why Japanese have increased is because we have not passed a law to prevent the Japanese from going there. I want to say, however, that the Chinese have not come into Hawaii since annexation.

Mr. ROBINSON of Indiana. But the gentleman very well knows that they are coming into Hawaii.

Mr. NEWLANDS. The Chinese are decreasing to such an extent as to produce a pressure for labor in Hawaii.

Mr. ROBINSON of Indiana. They are coming to Hawaii and coming to this country here, and will come as long as we have island possessions and boats ply between the ports.

Mr. NEWLANDS. They are not coming to the Territory of Hawaii. They are constantly diminishing. The Japanese are coming there, and to this country, because, as I said, we have no exclusion law regarding them, and they simply come under the general emigration laws.

Mr. ROBINSON of Indiana. Does not the gentleman from Nevada regard them as an equally undesirable class of immigrants?

Mr. NEWLANDS. I do not think the Japanese are as desirable as a white population would be. I favored the acquisition of the Hawaiian Islands, although I knew a large portion of the population was undesirable, for I felt that the advantages of the acquisition of that great military outpost of the Pacific, commanding our defensive line, and of the halfway station to the commerce of the Orient, would more than compensate for the disadvantages arising from the acquisition of an undesirable people.

The population of Hawaii was small, aggregating not more than 120,000 people; and let me say that since annexation our Chinese-exclusion law and our immigration laws have been applied to those islands, and have resulted in a very large increase in the wages paid to labor, and that this change will gradually result in the introduction of white labor into those islands. I will further say that, if the United States will pursue a wise policy regarding the public lands of those islands, and will dedicate them to settlement as homes in small holdings, there will be a gradual change in the population of those islands that will amaze the gentleman.

We have not done our full duty to Hawaii since annexation. We have not sufficiently inquired into her economic conditions and so legislated as to promote independent and self-respecting citizenship there. But improvement has already been made, and improvement will continue to be made, particularly if we gradually change their system of landed proprietorship and concentrated ownership.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RICHARDSON of Alabama. I desire to ask the gentleman a question.

The CHAIRMAN. But the gentleman's time has expired.

Mr. RICHARDSON of Alabama. I ask that his time be extended.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that the time of the gentleman from Nevada be extended for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. RICHARDSON of Alabama. Will the gentleman answer this question? I have listened with a great deal of interest to your argument about Cuba. What objection have you, and what reason is there under your resolution why Cuba should not be admitted to statehood instead of being admitted in a Territorial condition?

Mr. NEWLANDS. Because I do not think Cuba is as yet prepared for statehood.

Mr. RICHARDSON of Alabama. Why is it not prepared?

Mr. NEWLANDS. I do not think its people have become sufficiently familiar with American ideas and American institutions to entitle her at present to become a State of the Union.

Mr. RICHARDSON of Alabama. We have instances, as I recollect, in the history of our country where a State was admitted without the intermediate condition of a Territory.

Mr. RODEY. California?

Mr. RICHARDSON of Alabama. California, and Texas was another, probably. Now, is it not a fact, and do you not believe it to be a fact, that the solution of all the troubles that we are gathering around our people with regard to reciprocity and tariff would be to invite Cuba into statehood, and do it upon the basis of the constitution that Cuba has already adopted? Why not?

Mr. NEWLANDS. I would not deem that advisable, but rather than have the present conditions and perpetuate them for all time, with the probability of a civil war and strife there, with the probability of a yellow-fever pest, with the probability of constant friction, I would be willing to take Cuba on almost any terms. But I believe Cuba is prepared now to come into the political union as a Territory, with the assurance of ultimate statehood. Such is the statement of those who appeared before our Ways and Means Committee, and who were competent to speak for Cuba.

Mr. RICHARDSON of Alabama. Does not the gentleman believe that the interests of Cuba are threatened with strangulation and destruction on the question of sugar and tobacco?

Mr. NEWLANDS. So it is represented; and if the present abnormally low price of sugar remains, I have no doubt that there will be an economic crisis.

Mr. RICHARDSON of Alabama. What relief will Cuba get under a Territorial condition?

Mr. NEWLANDS. She will come within the operation of the tariff laws of the United States. That tariff wall will be built around Cuba and will fence her into the United States instead of fencing her out. For the 850,000 tons, her present crop of one year, for which she can get to-day only $25,000,000, she will get $25,000,000 more, and if she continues to produce at that rate she will get an annual bonus of $25,000,000 by being a part of the United States.

Mr. RICHARDSON of Alabama. Does not the gentleman believe that if we invite Cuba to come in as a State, under the constitution that she already has, with such changes as should be made to make it appropriate and applicable to a State under our Government, that all of these troubles would cease to exist, and that Cuba would become more rapidly Americanized than under any other conditions?

Mr. NEWLANDS. I think that statehood would relieve her economic conditions just as much as a Territorial form of government, and no more. But I should regret to see her come at the present time into this Government as a full-fledged State. I believe there is a period of amalgamation through which any country differing with ours in language and institutions should pass before becoming a State in the Union.

Mr. RICHARDSON of Alabama. But the gentleman does believe that it would be better for her to come in as a State than to remain as she is now?

Mr. NEWLANDS. I do.

Mr. ROBINSON of Indiana. Now, just one minute. The gentleman says that they are not fit for statehood now. They have been near us since the flood. If it takes them that long to gain a knowledge insufficient for statehood, how long will it take them to gain the knowledge to fit them to be American citizens to be entitled to statehood?

Mr. NEWLANDS. That depends on the speed of our Americanization of that island. I believe it would be very rapid, and such was the evidence before our committee, which I would be glad to quote if time permitted. Under certain conditions I am prepared to vote for statehood, but I believe Cuba will accept a Territorial form of government, and I should prefer to have her for some time in that relation.

Mr. SHAFROTH. Does the gentleman from Nevada think that she will accept a Territorial form of government in view of the legislation which we are now enacting toward the colonies?

Mr. RODEY. She will not if the same promises are made to her that were made to New Mexico, at least not in the light of what New Mexico has received in the way of fulfillment of those promises.

Mr. NEWLANDS. The gentleman will note that under these resolutions she is admitted as a part of the United States, and not as a territory subject to the United States; that the resolution expressly provides that her people shall be citizens of the United States, and not subjects.

Mr. GAINES of Tennessee. Yes; but did not the Supreme Court hold, under the gentleman's resolution annexing Hawaii, that Hawaii was not a part of the United States, and the Constitution did not extend there?

Mr. NEWLANDS. That was before the legislation organizing Hawaii as a Territory. Under the act of organization she was placed under the Constitution and not outside of it, and to-day

our tariff laws apply to her and there is free trade with the States. Cuba's position would be similar under the resolutions I propose, which are not mere resolutions of annexation, but which fix the status of Cuba and her people.

Mr. GAINES of Tennessee. Under the gentleman's resolution, did that court not hold that Hawaii is not a part of the United States? You will find the opinions in 12 and 13, Hawaii Reports.

Mr. WILLIAMS of Mississippi. Did not the Supreme Court practically decide that New Mexico was not a part of the United States, that Arizona was not a part of the United States under the taxing clause of the Constitution?

Mr. NEWLANDS. I think it did in effect, though possibly it might distinguish between an organized and an unorganized Territory.

Mr. WILLIAMS of Mississippi. Is there anything in your resolution superior to that?

The CHAIRMAN. The time of the gentleman from Nevada has expired.

Mr. WILLIAMS of Mississippi. I ask that the time of the gentleman from Nevada be extended five minutes.

The CHAIRMAN. The gentleman from Mississippi asks that the time of the gentleman from Nevada be extended five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. WILLIAMS of Mississippi. I want to say that I am in sympathy with what I know the gentleman from Nevada intends, but would his resolution, if adopted, put Cuba, as a Territory, upon any higher plane than New Mexico and Arizona now are, as a law question?

Mr. NEWLANDS. As a matter of law, possibly not; as a matter of honor, yes——

Mr. WILLIAMS of Mississippi. Ah!

Mr. NEWLANDS (continuing). Because this resolution invites her to come into the Union under the Constitution and laws of the United States, her people to be citizens, not subjects.

Mr. WILLIAMS of Mississippi. Now, I want to call the attention of the gentleman from Nevada to this fact, that the Territories of Arizona and New Mexico became a parcel of the public domain—that is as indefinite phrase as I can use—under a treaty with Mexico, whereby their inhabitants were to become citizens of the United States, and they were to become a part of the United States. Yet it is contended by the highest authority upon that side that we have a right to treat them, if we want to, just as we have treated the Philippines or Porto Rico.

Now, would the gentleman's resolution be any higher appeal to our honor than the treaty with Mexico? Would it put Cuba upon any higher plane legally?

Mr. NEWLANDS. Let me state to the gentleman that we have not violated that understanding with either Arizona or New Mexico.

Mr. WILLIAMS of Mississippi. But we have asserted the right to violate it.

Mr. NEWLANDS. That is another thing.

Mr. WILLIAMS of Mississippi. We have no motive to violate it, because, as regards Arizona and New Mexico, there has been no sugar or no tobacco interest to stir up Congress to do it. But the sugar and tobacco interests will still continue to operate so far as Cuba is concerned. The motive will be there; and we have asserted the right.

Mr. NEWLANDS. But we can provide for that in these resolutions. I quite sympathize with the gentleman in his view regarding the decision of the Supreme Court, to which he refers. I regard that decision as unfavorably as the gentleman himself does. But if these resolutions, which will bind the good faith of the United States, expressly declare, as they do, that we invite Cuba to a Territorial form of government, with assurance of ultimate statehood and with a temporary provision for a Delegate in Congress, and that all the privileges and guaranties of the Constitution shall apply to her and her people, I do not believe that the Congress of the United States—whatever may be the view of its power—will violate that assurance; and I do not believe that to-day you can get the Congress of the United States to pass discriminating laws against Arizona or New Mexico, even though the Supreme Court should declare that Congress has the power to do so. Besides that, I do not believe that Congress could violate the provisions of its solemn act inviting Cuba into the Union, or that the Supreme Court would so decide.

Mr. WILLIAMS of Mississippi. I admit that there never will be any such discriminating laws applied to Arizona and New Mexico, because the motive does not exist. If the motive did exist—if there were any private interests to bring about such discrimination—I believe there would be discriminating laws of that description, because this Government, as the gentleman knows, is run to a very large extent by private interests.

But what I wanted to ask the gentleman was this: Talking of the matter of good faith, could there be any higher plane of good faith on which any nation could plant itself than the plane on which we planted ourselves by the utterances of Congress and the President at the time of the inauguration of the Spanish war, to the effect that we were not carrying on a war for territorial aggrandizement or the greed of conquest? Yet we have violated that declaration.

Mr. NEWLANDS. That is true so far as the spirit of the war resolutions is concerned. We have adhered to the letter as to Cuba but we have violated the spirit as to the Philippines. We made no express declarations regarding the Philippines, however, and the resolutions which I have introduced regarding Cuba fix her status so explicitly as to leave no room for construction or evasion, and I believe that Cuba can rely upon their enforcement both in honor and in law.

Mr. RODEY. The gentleman from Nevada said that this Government has not violated its promise as to New Mexico and Arizona. I wish to say that when New Mexico became a part of this nation the promise of the treaty was that her citizens should be admitted to all rights and privileges as citizens of the United States at a time to be judged of by Congress. Now, I want to ask him whether he thinks fifty-five years is a reasonable time within which to have carried out that promise according to what was in contemplation of the parties to that treaty when it was signed?

Mr. NEWLANDS. I think not, as to statehood; but the people of that Territory have become entitled to the full privileges of citizens of the United States. They are not subjects; they are citizens of the United States, and in pursuance of the original declaration both national parties in the last campaign pledged action regarding statehood, so that though statehood may have been somewhat delayed, it is assured, and this side of the House recently adopted unanimously a resolution in favor of giving statehood to New Mexico.

[Here the hammer fell.]

APPENDIX.

[Extract from statement of Colonel Bliss, United States Army, collector of the port of Habana, before the Ways and Means Committee. See Hearing, pages 382-390.]

Mr. NEWLANDS. As I understand it, Colonel, the Cuban people wish to come into commercial union with the United States without being subjected to the burdens that political union would involve, such as exclusion of the pauper labor of Europe and restriction of Asiatic immigration. The contention, you understand, on the American side, in behalf of the beet-sugar industry and others, is that it would be unfair to have a commercial union when the Americans are handicapped by restrictive legislation as to immigration and cheap labor, and the Cubans are not.

A GENTLEMAN. And the payment of internal taxes.

Mr. NEWLANDS. Now, I ask you whether or not the Cuban people are prepared to come into political union with the United States so that they will stand upon an equality in the production of sugar?

Colonel BLISS. I think, judging from my own personal acquaintance and from information derived from it, that the great majority of Cubans are ready.

Mr. NEWLANDS. They are ready to come into political union?

Colonel BLISS. Yes, sir.

Mr. NEWLANDS. Do you mean by that that they are willing to come in as a part of the United States under a Territorial form of government under the Constitution, their people being citizens, and wait until the United States is ready to admit Cuba to statehood, or do you mean that they would require immediate statehood?

Colonel BLISS. From all those people who are interested in any way personally in the island of Cuba I have never heard but one statement—that they would be glad to come in as a Territory, as a colony, or remain under the present military administration, or in any way so as to become recognized as a part of the United States.

Mr. NEWLANDS. Now, then, if the United States Government, in the place of tariff concessions, should, by joint resolution adopted by Congress, invite Cuba to come into our political union, first as a Territory, with the assurance that in due time she would be admitted to statehood, do you think that invitation would be accepted by Cuba?

Colonel BLISS. I think it would; yes, sir.

* * * * * * *

Mr. NEWLANDS. Colonel, do you think the Cuban climate is adapted to Americans?

Colonel BLISS. Yes, sir; perfectly.

Mr. NEWLANDS. That they can live there generation after generation without degeneration?

Colonel BLISS. I can not answer you further than my own generation, and, in fact, not for all of that one. I have lived there three years, and have worked hard in all the variations of climate that they have there. I feel as well now as I did when I went there, and I see no reason to think that if I were there twenty-five years longer it would make any difference.

Mr. NEWLANDS. You were speaking a few moments ago regarding the sentiment there as to political union with the United States. Do you derive that sentiment from communications with Spaniards, or from communication with Cubans?

Colonel BLISS. With Spaniards, with Cubans, with laboring men, and with everybody except a certain class of Cuban politicians.

Mr. NEWLANDS. That is a small class, is it?

Colonel BLISS. Comparatively a small class; yes, sir.

Mr. NEWLANDS. Take the leaders in the late war with Spain—the Cuban leaders—what is their sentiment regarding it?

Colonel BLISS. I think that, as a matter of pride, at least, all of those men would prefer to see an independent Cuba. I think—in fact, I know—that there are some of these who have no hesitation in saying that after the pride of their people has been satisfied they will gladly welcome the next step in the solution of this problem.

Mr. NEWLANDS. As a permanent arrangement, do you think they would prefer simply a commercial union with this country, with tariff concessions on both sides, or political union, which, of course, would involve complete commercial union?

Colonel BLISS. That I do not know, sir; but I am satisfied that in bringing about this commercial union of which you speak, any condition that you choose to impose will be gladly accepted; any modification in any law, or the creation of any new law, will be gladly made by Cuba to secure that which is all she asks now, I believe, viz, closer commercial relations with the United States.

Mr. NEWLANDS. Do you think their disposition as to a political union with this country arises from these commercial considerations; or do other considerations enter into it?

Colonel BLISS. I think it all grows out of the commercial considerations.

Mr. NEWLANDS. It is represented here that there is intense hostility upon the part of Cubans to America.

Colonel BLISS. There is on the part of a certain outspoken element; yes, sir.

Mr. NEWLANDS. Is that a large proportion.

Colonel BLISS. I think it is a very small proportion, largely represented by the political men of whom I speak, whose immediate hope for the gratification of their pride and their ambition is in the establishment of an independent government.

* * * * * * *

Mr. NEWLANDS. You have spoken of the American influx that would follow settled conditions there. Do you think Americans there would take hold of the soil and till it? Do you think they would take up small holdings there?

Colonel BLISS. Oh, yes, sir.

Mr. NEWLANDS. Is that climate adapted for Americans in that kind of work?

Colonel BLISS. Perfectly; perfectly. It is warmer in winter and cooler in summer than almost any part of the United States with which I am familiar. I do not know of a more delightful climate, winter and summer, than the island of Cuba, so far as concerns any part of the island that I have visited. Of course, the effect that would be produced on a second generation or a third generation is something that I do not know and can not foresee; but I am acquainted with many Americans, Englishmen, Germans, Frenchmen, and Spaniards who have lived in Cuba from a quarter to a half a century, and who have suffered no deterioration that I can see, either physical or otherwise. I know a good many Americans, small planters, people who have come down and bought 30, 40, or 50 acres of land and are raising vegetables and oranges, who have found that the business is not successful because they can not export anything to the United States. They find that the price they get for a barrel of oranges on the wharves of Habana is counterbalanced by the duty they have to pay in New York.

Mr. NEWLANDS. Do these Americans labor themselves, or do they employ peon labor?

Colonel BLISS. Oh, those whom I have in mind are people that go out and work in the fields themselves.

[Additional statement of Miguel Mendoza on behalf of the Cuban delegation before the Ways and Means Committee. See hearing, page 403.]

Mr. NEWLANDS. Now, Mr. Mendoza, you heard Colonel Bliss's statement regarding the sentiment there as to political union with this country, or annexation?

Mr. MENDOZA. Yes, sir; I quite agree with him.

[Extract from statement of Henry T. Oxnard, president American Beet Sugar Association. See hearings, page 178.]

Mr. NEWLANDS. Then your contention is, if a reciprocal arrangement is made with Cuba, the labor of this country will eventually be competing with Chinese labor in Cuba?

Mr. OXNARD. Yes, sir.

Mr. NEWLANDS. Now, you said if Cuba is annexed to this country and brought inside of our tariff wall and free trade prevailed, of course——

Mr. OXNARD. Exactly.

Mr. NEWLANDS (continuing). Between all the States of this Union and Cuba that those conditions would be such that the beet-sugar interests of this country could compete with the production in Cuba. On what do you base that? Do you base that on the assumption that American wages will prevail there?

Mr. OXNARD. Exactly.

Mr. NEWLANDS. And also the cost of materials and supplies will be the cost in a protected market, instead of in a free-trade market?

Mr. OXNARD. That is my position exactly, and I pointed to the case of Hawaii, which, by practical test, greatly increased the cost of producing sugar under annexation. I will let the gentleman from Hawaii tell you exactly what it is, but there has been a tremendous increase in the cost since it has been making sugar in a protected market.

Mr. SWANSON. You would prefer having free trade with Cuba than an immense reduction in the tariff. I understood you prefer having Cuba annexed and have free trade as it is between the States of the Union than to have an immense reduction in the tariff?

Mr. OXNARD. I do not hesitate a minute on that point, not one.

Mr. GAINES of Tennessee. Mr. Chairman, my friend from Indiana [Mr. ROBINSON] has descanted considerably on the salary of Governor Taft as governor of the Philippine Islands. Now, as the matter was stated yesterday here by me in debate and today by the gentleman from Indiana, there needs to be made an explanation, so that we may not be ignorant of the facts when we criticise this $20,000 salary of Governor Taft. The fact is, as you gentlemen all know, that Governor Taft, when appointed to this place, was receiving a salary of $6,000 as circuit judge, which he resigned. At the urgent solicitation of President McKinley, he accepted this office. It is true, it was his own voluntary act.

Now, what are the conditions which surround him, and what are the conditions which surround every other white man in that climate? The fact is, when he goes there he stares the hospital in the face; and Governor Taft, although he has not been in the hospital, has been quite sick, and had to return home on that account. We see in the morning's paper that General Funston has just come off the surgeon's table for the second time, after having been only about two years in the Philippine Islands, where he showed himself to be a strong, sturdy, magnificent American soldier. He had to return to regain his health, following the rule and practice. Judge Ide is on leave of absence for his health. So that in accepting a position over there Governor Taft, I take it, very naturally said: "There are great risks for me to run. I want to be paid commensurate with the service." And so they gave him $20,000, and his associate commissioners get $15,000 each—four of them.

Now, the hardship and the ground for criticism, in view of the amount paid, is this, that the judges, local and supreme, in the Philippine Islands get only $5,000 a year. The climate affects their health just as much, with a $5,000 salary, as it does the health of the governor and the commissioners, with their large salaries; but the Filipino foots the bill. He is taxed, battle scarred, bruised, stripped of his property, the victim of war with us, the victim of the tyranny and outrage of Spain in the past, yet he is footing the bill, and he says, "Is it fair? Give us soon a government of our own and we will furnish less expensive officers." The Americans foot the bill to some extent, in this, that we pay a tariff to get our goods into the Philippine Islands. The Filipino pays it twice. He pays an export duty when he ships goods out, and he pays an import duty when he ships them in. He pays an export and import duty to us to get his goods here; a double tax if the House bill becomes the tariff law of that island.

Mr. ROBINSON of Indiana. If I may interrupt the gentleman, I want to suggest one further explanation of the amendment. If this carries, which I think it will, I propose to provide that $10,000 of this shall come out of the Philippine treasury.

Mr. GAINES of Tennessee. To be brief, I know the climate. I simply want to state these facts, because I know them of my own personal knowledge. I have never been in Oklahoma, but you all know that is a healthy country. I know a great many people from my own country go there, and it seems to me that the representative from that Territory [Mr. FLYNN] is a very healthy-looking man. So, the question of climate cuts no figure in the size of a salary in Oklahoma. There are no climatic or tropical diseases there to decay the white man's body and mind. There is in the Philippine Islands.

Now, what are the official reports of the health conditions in the Philippine Islands? What does Surg. Charles F. Mason say in General Sternberg's last report. He says:

I do not believe there is any such thing as acclimatization of white men in tropical climates, and that their health gradually deteriorates and they become less fit for active service.

This expert who has studied the diseases of the Tropics, and who went there for the purpose of investigating them, says there is no such thing as acclimatization of the white man in tropical climates.

What does Surgeon Greenleaf state officially in his last report?

Seasoned soldiers of proper age, disciplined and intelligent enough to appreciate the primary rules of hygiene, and moderate in their habits, remain. The proportion of sickness among such men as these would be surprisingly small but for two adverse factors.

The first is the inevitable undermining of the strength of the most robust by tropical service.

Was there any man ever more robust than Governor Taft, any man more robust than Judge Ide, any more robust than General Funston, any more robust than our colleague from Iowa [Mr. HULL], who has been sick since he returned from the Philippine Islands? Further, what does another one of these experts say?

Dysentery prevails throughout the year, but there is a marked increase in the number and severity of the cases at the commencement of the rainy season and a progressive increase in both respects until a maximum is reached toward the end of August. It is by far the most serious disease which attacks the white soldiers in the Tropics, both as regards its mortality and its invaliding effects. Out of 32 deaths from disease in the Twenty-sixth United States Volunteer Infantry during its first year of service in the Philippine Islands, 16 were from dysentery and its complications and 10 more from typhoid fever.

BOILS, ABSCESSES, AND LEG ULCERS COMMON.

Boils, abscesses, and leg ulcers are very common, the latter especially during campaign, when it is impossible to keep the underclothing clean. Though not dangerous to life, these seemingly trifling ailments put a large number of men out of service temporarily and correspondingly swell the sick report.

DEAFNESS AND EAR TROUBLE.

Suppurative inflammation of the middle ear with perforation of the drumhead is of frequent occurrence. It is insidious in its commencement, often deafness and sudden discharge of pus being the first symptoms noticed. Upon examination an acute catarrhal pharyngitis is usually found.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. GAINES of Tennessee. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

Mr. HEMENWAY. I ask unanimous consent that the gentleman have leave to print. We want to go ahead with the bill.

Mr. GAINES of Tennessee. I can finish in three minutes. I simply want the House to hear the facts on this question, which shows the justice in one sense and injustice in another of this $2,000 salary.

The CHAIRMAN. May I ask unanimous consent that the gentleman have three minutes' time?

Mr. GAINES of Tennessee. I do not want to do or see done any injustice to any man on earth, whether he is under the Constitution or outside of it.

The CHAIRMAN. Without objection, the gentleman will proceed for three minutes.

There was no objection.

Mr. GAINES of Tennessee. Now, what else does this expert say?

BUBOES AND SUPPURATION PREVALENT.

Another interesting condition is the prevalence of buboes, both in the groin and axilla, without discoverable point of origin. Frequently a careful examination of the tributary lymph district fails to reveal any lesion whatever, and this though the bubo may proceed to suppuration.

Bathing in the waters in the Philippine Islands produces deafness; it produces the dobey itch, that bores into the flesh and bores to the bone, and continues to bore, which can not be cured unless you burn it or come back to the cold climate of America or go to Japan. It continues, if it is not cured, until it becomes a running ulcer, and that is a condition which occurs to the healthy as well as the weak—white, brown, and black people.

Now, Mr. Chairman, I have heretofore stated that the death rate in Manila was 30 per cent of the children. I take the figures I use from General Sternberg's official figures.

Manila has a population of 242,730, and the board of health of Manila reports in the last war report, at page 138 and 139, and further says:

The number of deaths was 8,671, an annual rate of 42.54 per 1,000, exclusive of the Army and Navy. Twelve cemeteries and one crematory are in charge of the board of health.

Out of 254 bubonic plague cases 199 died. From March 10 to April 10, 1901, the total number of prisoners of war was 4,149; total sick, 1,336. Between August 1, 1900, and April 30, 1901, the total number of invalids sent home for treatment was as follows: Regulars, 1,132; volunteers, 2,861; total, 3,993. Between April 30, 1900, and April 27, 1901, there were 526 men sent home from disability, and this report states:

This is a large number to lose in less than a year's time, but every care has been taken to select cases for discharge, and it is not likely that the figures will be improved upon as new troops come in.

The average daily report of deaths was 3.6 as compared to 4.7 in the last report (of the War Department) between the months of August 1, 1900, and April 30, 1901.

On page 138 this report states:

The transportation of over 4,000 invalids, insane, and men to be discharged on surgeons' certificate of disability to San Francisco has been successfully carried out, and from what I can unofficially gather, great improvement is taking place in the condition of the large majority. Deaths have occurred from dysentery and other diseases, but on many occasions after careful deliberation and on the urgent prayers of the patient the men were sent home as a last resort.

This is from General Greenleaf's report, May 31, 1901.

The Philippine climate causes insanity, but the patients recover by returning them home to the United States; that is, 46 out of 180 which came from the Philippine Islands last year recovered by reason of the sea trip and coming home.

Colonel Greenleaf says:

Almost all the cases of melancholia will be found upon examination to be due to nostalgia, and as a rule in these cases the prognosis is very favorable provided the patient is transferred to the United States.

Now, let us see what the effect of the climate is on the soldiers who go to do battle. The soldiers in China were in the Philippines and in Cuba.

Now, what was the death rate among them? The official figures give the death rate as 33⅓ per cent, and those who were wounded in battle at 66⅔. So that in considering the question of $20,000 for the governor and $5,000 for the judges, this question should be considered, along with giving $15,000 a year to the commissioners, and the fact that it is paid out of the Philippine treasury from taxes that the Filipino people have to pay themselves, excluding the tariff tax we may have to pay, as I have explained. So far the Filipinos have paid the taxes.

The CHAIRMAN. The question is on the adoption of the amendment.

Mr. ROBINSON of Indiana. I ask that the amendment be again read.

The amendment was again reported.

The question was taken on the adoption of the amendment; and the Chairman announced that the noes appeared to have it.

Mr. ROBINSON of Indiana. Division.

The committee divided; and there were—ayes 3, noes 34.

So the amendment was rejected.

The Clerk read as follows:

For legislative expenses, namely: For rent of office, furniture, fuel, lights, clerk hire, printing, postage, ice, messenger, stenographer, janitor, office fixtures, and other incidental expenses of the secretary's office; for pay of members and officers of the legislative assembly, mileage, rent of rooms for the legislature and committees, furniture, stationery, printing, binding, fuel, lights, and incidentals, $24,250: *Provided*, That the legislative assembly shall not consider any proposition or pass any bill to remove the seat of government of said Territory from its present location: *Provided further*, That said legislative assembly shall not make any appropriation or enter into any contract for a capitol building.

Mr. FLYNN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 76, after the word "building," in line 11, add:

"*And provided further*, That the governor shall appoint a commission of three persons, not more than two of whom shall belong to the same political party, who shall reapportion the Territory into legislative and council districts prior to the next Territorial election, and the sum of $1,000 is hereby appropriated to pay the salary of the commission and necessary expenses."

Mr. FLYNN. Mr. Chairman, the legislative assembly of Oklahoma is composed of 13 members in the council and 26 members in the lower house. They are apportioned among the various counties of the Territory in proportion to their population. Last August there were 4,000,000 acres of new land opened up in Oklahoma, out of which were created three new counties. There is no method whereby the people residing in those three counties—and I presume there are from 75,000 to 100,000 people in them—are included in any legislative district, and whereby they can have even a vote in the next legislature unless there is a reapportionment made in the Territory. Similar legislation was enacted by Congress providing for a reapportionment in the Fifty-third or Fifty-fourth Congresses. To allow the new counties representation in the Territorial legislature it is necessary to have such an amendment as this. Hence I have offered this amendment in the interest of the people who are there. I believe that they should be given the same rights of representation that the other people have who reside in the various other counties in the Territory.

Mr. STEPHENS of Texas. Mr. Chairman, I believe that the amendment is necessary and just. It applies to the three new counties created by the act, under which a part of the Indian reservation was opened up, and as the gentleman from Oklahoma very properly says, there are probably from 75,000 to 100,000 people in those counties who have been added to the territorial jurisdiction. No apportionment was made in reference to the new Territory, and it is nothing but just and right that that Territory should be reapportioned, so that these citizens will have the right to be represented both in the house and in the council. They call the senate the council in that Territory and the house of representatives and council makes the legislature; and these three counties under the reapportionment proposed by this amendment would be allowed representation in the legislative body.

The CHAIRMAN. The question is on the adoption of the amendment.

Mr. LACEY. Is there no provision in the original act by which you could have additional representatives for these three counties without having this new apportionment?

Mr. FLYNN. The organic act stops that.

The CHAIRMAN. The question is on the amendment.

The question was taken; and the amendment was agreed to.

The Clerk, proceeding with the reading of the bill, read as follows:

For repair of granite columns at northeast approach to the building, $1,525.

Mr. BELL. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

On page 87, after line 21, insert:

"That hereafter no public building or the approaches thereto other than the Capitol building and the White House, in the District of Columbia, shall be used or occupied in any manner whatever in connection with ceremonies attending the inauguration of President of the United States, or other public function, except as may hereafter be expressly authorized by law."

Mr. BELL. Mr. Chairman, the item just mentioned is for the repair of the granite columns at the gate approaching the east of the War Department. Before every inauguration for President and Vice-President for many years the public buildings and grounds have been given up to a private committee of the District of Columbia for the purpose of raising funds for facilitating the inauguration. After the first inauguration of President McKinley the Commissioner of the Pension Office, in a public statement, said that in that Department alone the Government had paid $70,000 for the salaries of employees that had been turned out for a period of days in order that the Pension Office might be decorated and that these ceremonies might go on. And in addition to that there were innumerable damages. Complaint has been made from every department for the past eight to twelve years, and after every inaugural it is announced in the papers that that will be the last abuse; but we forget by the next inauguration. The Secretary of the Interior and the Commissioner of Pensions have always opposed these things, but a bad precedent has embarrassed them.

During the last inaugural a private committee asked to use the Pension Office and these public grounds, and put all of the employees out of employment on pay for eight days, delayed the pensions of old soldiers, at an enormous expense to the Government, and had three fires started in the building. This committee of private citizens covered the front of the public property of the Government with seats, that the committee rented to the public, and for the same purpose a platform was built to rent to the public over the splendid gate at the east of the War Department. It was given on condition that it would be removed immediately after the ceremonies and that no damage should be done. I am told that these seats were rented for $5 each. After the ceremonies were over the commander at the War Department ordered it removed. No attention was paid to him for days. In the meantime the platform and seats were burned, and in burning these the splendid granite columns, of the value of

about $3,000, were nearly ruined. Three members of the Cabinet met and asked the commander in charge to demand that this committee of the District of Columbia make this good. They appealed to the committee to put up $3,000 to repair this entry way to the War Department. The committee ignored the commander. He went back and appealed to the committee, saying that the Secretary of War and the Secretary of the Navy and the Secretary of the Treasury had demanded that this request be heard, that it was very offensive, and that it was not due courtesy to these officers that they should be ignored.

They had a meeting, and these private committeemen decided unanimously that they would not contribute one cent to the repair of the damages done by reason of this fire. They said they were not a private corporation, that they were not individually responsible. Then the Government official said to them: "You have speculated on the Government's property, you have paid all of the bills, and now you have $5,000 in the treasury as a surplus; you apply that to making these damages good, and if it is not sufficient we will not ask any more."

The CHAIRMAN. The time of the gentleman from Colorado has expired.

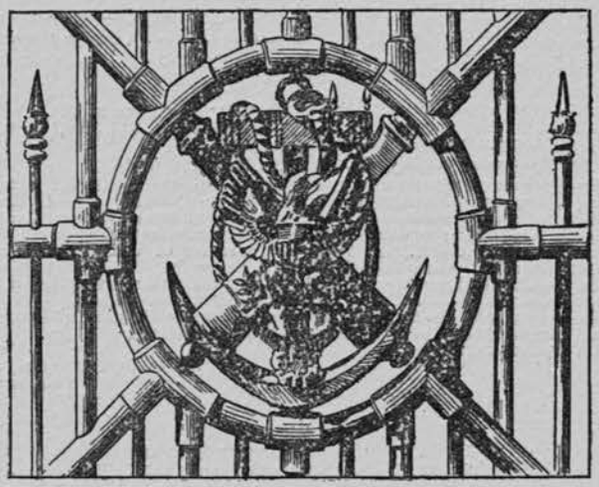
Mr. BELL. By the consent of the committee it was understood that I should have what time I wanted, not to exceed thirty minutes. I want about five minutes more.

The CHAIRMAN. Without objection, the time of the gentleman from Colorado will be extended five minutes.

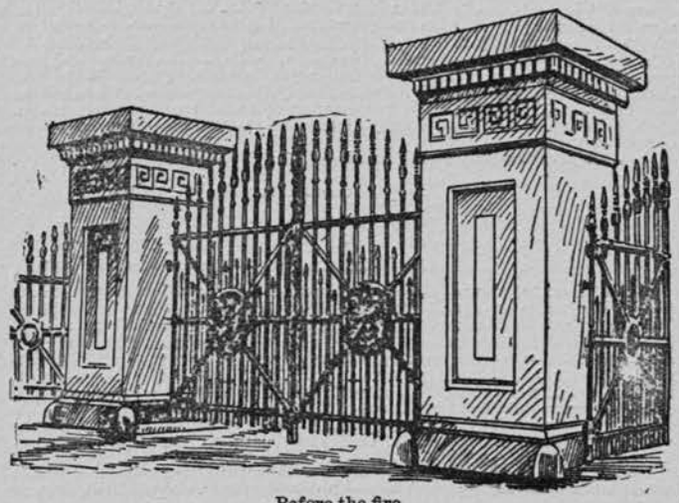
There was no objection.

Mr. BELL. Now, they subsequently ignored the demand of the Secretary of War and everybody else and took that $5,000 and distributed it in the District of Columbia, and we are called upon now to make this appropriation for the purpose of rebuilding what this private committee destroyed while they were using this property. Here the War Department presents that splendid gateway, that splendid approach, before this private committee was permitted to build this platform, and then they show in another column how it was left after the fire.

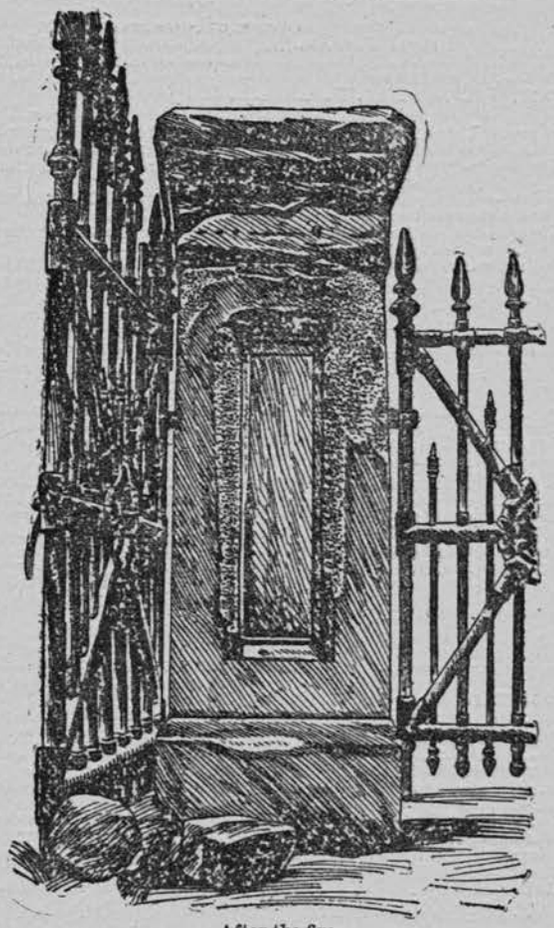
THE DAMAGED GRANITE COLUMNS IN FRONT OF THE STATE, WAR, AND NAVY DEPARTMENT BUILDING.



Escutcheon placed on the gates by General Casey, marking them as the approach to the State, War, and Navy Building.



Before the fire.



After the fire.

The correspondence is extensive, showing the most arrogant treatment from this committee to the entire force of the Government in charge. They voted unanimously that they would not apply a dollar to this repair, though they had had the use of this property and had rented it out for large profits, and it was destroyed while so occupied by the committee.

Now, as I understand, every member of the Appropriation Committee whom I have heard express himself is in favor of this amendment, and I do not want to go further, except I will ask unanimous consent to further extend my remarks in the RECORD, as I want to print the entire correspondence between this private committee and the officers of the Government, showing their arrogant conduct relative to the injury of this magnificent gate and entrance and the gross abuse of the confidence of the officers of the Government, and the disposition to heap every possible expense on the Government, whether right or wrong.

The CHAIRMAN. The gentleman from Colorado asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. BARTLETT. What is the gentleman's amendment in brief?

Mr. BELL. The amendment is that hereafter no building except the Capitol and White House, nor the approaches to buildings, shall be used in these inaugural ceremonies without the express consent of Congress.

Mr. HEMENWAY interrogated Commander Baird as follows:

On the top of page 152 you have an item, "for repair of granite columns at northeast approach to the building, $1,525." What is the matter with those columns?

Commander BAIRD. Those columns were burned. Here is the building as General Casey finished it [exhibiting photographs]. That was the approach, and here is the way the gates looked then. When the inauguration stand was put up, they let it catch fire, and that is the way the columns look now. Here is the escutcheon placed on the gates by General Casey, marking them as the approach to the State, War, and Navy building. You see here the anchor of the Navy Department, the eagle for the State Department, and the gun for the War Department.

Mr. HEMENWAY. Under what authority did this committee erect a stand there at the inauguration?

Commander BAIRD. There was a resolution, I believe, which permitted them to erect a stand on public reservations.

Mr. HEMENWAY. Was their attention called to the damage done by this fire?

Commander BAIRD. Yes, sir; I have the whole correspondence here, a copy of it.

Mr. HEMENWAY. Will you furnish copies to go into the hearing, and you can tell us briefly what they are?

OFFICE OF SUPERINTENDENT,
STATE, WAR, AND NAVY DEPARTMENT BUILDING,
Washington, D. C., March 16, 1901.

The COMMISSION FOR THE
STATE, WAR, AND NAVY DEPARTMENT BUILDING,
Washington.

GENTLEMEN: I have the honor to report that the fire which occurred last night in the observation stand which extends over part of our iron gates, on Executive avenue, has seriously damaged the corners and carving on the granite pylons which carry the gates.

These gates were erected out of the appropriation for this building, and, as approaches, have ever been regarded as part of the building.

I beg permission of the Commission to address the chairman of the inaugural committee, claiming indemnity.

With great respect, your servant,

G. W. BAIRD,
Commander, U. S. N., Superintendent.

Approved:

JOHN HAY, *Secretary of State.*
ELIHU ROOT, *Secretary of War.*
JOHN D. LONG, *Secretary of the Navy.*

OFFICE OF SUPERINTENDENT,
STATE, WAR, AND NAVY DEPARTMENT BUILDING,
Washington, D. C., March 16, 1901.

JOHN JOY EDSON, Esq.,
Chairman Inaugural Committee, Washington.

DEAR SIR: The fire which occurred last night in your observation stand, which extends over the approaches to this building, has seriously damaged the granite pylons which carry the iron gates.

The Government will expect your committee to make good the damages.

By direction of the Secretaries of State, War, and the Navy.

Very respectfully,

G. W. BAIRD,
Commander, U. S. N., Superintendent.

C.

INAUGURAL COMMITTEE, 1901,
Washington, D. C., March 19, 1901.

GEORGE W. BAIRD, U. S. N.,
Superintendent State, War, and Navy Department Building,
Washington.

MY DEAR SIR: Your letter of the 16th instant informing me that the Government would expect the committee to make good the damage to the granite pylons in front of your Department, caused by the burning of the President's reviewing stand, is received.

All the circumstances in the case will be considered, and the matter laid before the inaugural committee, and further reply made to your letter. There is no doubt but what the action of the committee will be satisfactory to the Government.

Very truly,

JOHN JOY EDSON, *Chairman.*

D.

OFFICE OF SUPERINTENDENT,
STATE, WAR, AND NAVY DEPARTMENT BUILDING,
Washington, D. C., April 4, 1901.

Mr. JOHN JOY EDSON,
Chairman Inaugural Committee, Washington Loan and Trust Building.

DEAR SIR: Thanking you for your letter of the 19th ultimo, in reference to the destruction of the stone columns of our iron gates, I beg to invite your attention to the remarks in the Evening Star of last night, in which is printed the subjects your committee proposes considering at its next meeting. In this list of subjects I find no mention of our granite columns. I trust you will not overlook that subject at your meeting.

With great respect, your servant,

G. W. BAIRD.

E.

OFFICE OF SUPERINTENDENT,
STATE, WAR, AND NAVY DEPARTMENT BUILDING,
Washington, D. C., April 15, 1901.

JOHN JOY EDSON, Esq.,
Chairman Inaugural Committee, 1901, Washington.

DEAR SIR: A month ago, in obedience to the order of the Secretaries of State, War, and Navy, I addressed you a letter calling attention to the injury done to our granite columns by the fire which occured in your observation stand.

In your reply, dated 19th March, 1901, you informed me that the circumstances would be considered and laid before the committee, and further reply would be made to my letter; you added that "there is no doubt that the action of the committee will be satisfactory to the Government."

It is currently reported that your committee had a meeting about ten days ago and that the subject of the damage to our columns was discussed.

It is due to the three Cabinet officers that you inform them, as promised, what action was taken by your committee in reference to our damaged property.

With great respect, your servant,

G. W. BAIRD,
Commander, U. S. N., Superintendent.

F.

April 16 Mr. Edson made a personal call upon the superintendent of the State, War, and Navy Department building in reference to the superintendent's letter of the 15th. Colonel Bingham was present.

Mr. Edson disclaimed discourtesy to the Secretaries of State, War, and Navy in his delayed replies to their communications, and stated that in the interim his business had been greatly neglected and he was trying to catch up.

He said his committee could not afford $3,000 to replace the columns. The superintendent said, "It will not require $3,000," and "If the Secretary of War will allow me to set a piece in the large column, I can then, by cutting down the larger pieces to make like parts for the smaller ones, get it done inside of $1,700." Colonel Bingham said, "No one would expect you to give beyond the means you have in your possession." Mr. Edson stated that he would go with Commissioner Macfarland the next day and lay the matter before the Secretary of War. The superintendent understood that the purpose of the visit to the Secretary was to propose setting the piece in the large column to reduce expense of repairs. Instead of this, however, Messrs. Edson and Macfarland requested the Secretary of War to remove the columns entirely. This the Secretary refused to allow.

G.

OFFICE OF SUPERINTENDENT,
STATE, WAR, AND NAVY DEPARTMENT BUILDING,
Washington, D. C., April 22, 1901.

The COMMISSION FOR THE
STATE, WAR, AND NAVY DEPARTMENT BUILDING,
Washington.

GENTLEMEN: On the 16th of March I reported that a fire, which occurred in one of the observation stands the night before, had seriously injured the granite columns which carry the iron gates, the eastern approaches to this building. By direction of the Secretaries of State, War, and the Navy, I addressed a letter to the chairman of the inaugural committee (copy attached and marked "A"), stating that the Government expected that committee to repair the damages.

The reply of the chairman (copy inclosed and marked "B") stated that he had no doubt that the action of his committee would be satisfactory to the Government, and, after a meeting of his committee, he would communicate further with me.

His committee met and discussed the subject, but he failed to inform me of its action, and, after about ten days, I addressed him a letter (copy inclosed and marked "C") requesting that he inform the Secretaries of the action of his committee. I have not been able to get a further written reply from the chairman, and, as the interests of the Government are suffering, I feel obliged to bring the matter to your attention.

In conversation with the chairman and other members of the committee I learn that there is objection in this committee to their acknowledging responsibility, lest it establish a precedent which might involve future similar committees. They also believe that, not being incorporated, they can not be held responsible. They do not deny that their profits exceed by far the amount necessary to repair the damages; they admit having funds more than sufficient to make good our loss.

The committee's existence has a legal status, as shown in joint resolution designated Public Resolution No. 5, of the last session of Congress (copy inclosed), which, I think, imposed responsibilities on the committee. The committee accepted responsibility by filing a bond to indemnify the Government for any damage that might be done to the Pension Office building, which they used as a ballroom. The Secretaries of State, War, and the Navy, having confidence in the committee, granted freely every concession it sought. It therefore appears to me that the committee is morally, if not legally, bound to repair the damages, and not take advantage of a technicality. If they had no public funds available for the purpose there would be an excuse, but they have the funds—the profits of their observation stands and the ball.

Their stand, which was built of highly combustible material (white pine, tarred paper, etc.), was not promptly removed, as had been done before, but remained for more than ten days, even though I had requested its prompt removal.

As the committee no longer replies to my letters, nor in any way signifies what its purpose is, I beg that you invoke the highest legal advice as to its responsibility, jointly or severally.

With great respect, your servant,

G. W. BAIRD,
Commander, U. S. N., Superintendent.

H.

INAUGURAL COMMITTEE, 1901,
Washington, D. C., April 26, 1901.

Commander G. W. BAIRD,
Superintendent State, War, and Navy Department, City.

SIR: Since the receipt of your last two letters of the 4th and 5th instants, calling the inaugural committee's attention to the damage caused by fire by the burning of the President's reviewing stand, and the resulting damage to the gates and pylons under your charge, Commissioner Macfarland and myself have had an interview with the Secretary of War explaining the position taken by the inaugural committee.

The inaugural committee, after careful consideration, are of the unanimous opinion that it should not be expected to pay these damages.

Thanking you for the courtesies always extended to the committee during the arrangements for the inaugural ceremonies, I remain,

Very respectfully,

JOHN JOY EDSON,
Chairman.

I.

OFFICE OF SUPERINTENDENT,
STATE, WAR, AND NAVY DEPARTMENT BUILDING,
Washington, D. C., April 27, 1901.

Hon. ELIHU ROOT,
Secretary of War.

SIR: I beg to inclose a letter just received from the chairman of the inaugural committee, and to invite your attention to my letter of the 22d instant on the same subject.

The committee used Government property and space for profit, and now has in its possession about $5,000, for which it has no other responsibility than to repair the damage done our handsome granite columns; but these gentlemen now declare themselves of "unanimous opinion" that the Government should not expect them to make good the damage done to our gates by one of their employees.

With great respect, your servant,

G. W. BAIRD,
Commander, U. S. N., Superintendent.

J.

WAR DEPARTMENT, *Washington, April 30, 1901.*

SIR: Referring to our conversation the other day about the responsibility for the injuries to the granite posts and iron gates appurtenant to the State, War, and Navy building, caused by the burning of the inauguration stand, it seems to me that, assuming that there was no negligence or failure of duty on the part of the persons employed to erect and remove the stands, the expense of repairing the injury ought to be treated as one of the expenses to be paid out of the fund raised by selling the seats on this very stand and other similar stands, and that the committee ought not to apply that fund to any other purpose, leaving the injury caused by the erection of the stand—which gave rise to the fund—to be paid by the Government, under whose license the stand was raised.

I suggest that the amount necessary should be paid out of the fund, under a stipulation that the payment should not be deemed to be acknowledgment of any personal responsibility or the discharge of a personal obligation, but

the appropriation of a portion of the fund to meet an expense properly and specifically chargeable against the fund itself.

Very respectfully,

ELIHU ROOT, *Secretary of War.*

JOHN JOY EDSON, Esq.,
Chairman Inaugural Committee, 1901,
Washington Loan and Trust Building, Washington, D. C.

The conduct of this private committee should be a timely warning to the Government in the future against turning its property on the inauguration of a President over to any private parties, and other unseeming conduct should also cause Congress to make early provisions against future combinations to raise prices on the recurrence of these occasions. Now, Mr. Chairman, I ask for a vote.

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

Contingent expenses of branch offices at Boston, New York, Philadelphia, Baltimore, Norfolk, Savannah, New Orleans, San Francisco, Portland (Oreg.), Portland (Me.), Chicago, Cleveland, Seattle, Buffalo, Duluth, Sault Ste. Marie, and Galveston, including furniture, fuel, lights, rent and care of offices, car fare and ferriage in visiting merchant vessels, freight and express charges, telegrams, and other necessary expenses incurred in collecting the latest information for the Pilot Chart, and for other purposes for which the offices were established, $30,000.

Mr. JONES of Washington. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 23, page 91, strike out "Seattle" and insert "Port Townsend."

Mr. JONES of Washington. Mr. Chairman, the provision in the bill as it now stands is a change of existing law. Under existing law Port Townsend has one of the branches of the Hydrographic Bureau. The effect of the amendment is to make the provision comply with the existing law. The provision in the bill is subject to a point of order, but I do not wish to make it.

We have no districts in the State of Washington, but I have the honor to represent in part the whole State. I am endeavoring to represent each locality fairly, regardless of size or location. While there is considerable rivalry, and commendable rivalry too, among the different cities of our State, I am satisfied that Seattle would not desire to do anything to the prejudice of the city of Port Townsend. Seattle is a large city, Port Townsend is a small one. The people of Seattle are too large hearted, however, to ask for this change. They do not desire to take from any city anything it now has, and I am satisfied that they have not requested it. It was probably suggested by some of the hydrographic force.

Port Townsend is the port of entrance and clearance of Puget Sound. It is the point where ocean vessels first touch, and where they first report to the officers of the custom-house. There is a Government building at that point, and I suppose that this office could be accommodated in that building without any additional expense for fuel, light, rent, etc.

I think this change of existing law ought not be made, and that the office ought to be continued at Port Townsend, at least until some strong reason is presented here in favor of a change.

The question being taken, the amendment of Mr. JONES of Washington was agreed to.

Mr. JONES of Washington. I offer another amendment, which I ask the Clerk to read.

The Clerk read as follows:

After the word "building," in line 23, on page 91, insert the following:
"Five copies of any pilot chart issued by the Hydrographic Office shall, on request, be delivered to each Senator, Representative, and Delegate in Congress without charge."

Mr. HEMENWAY. I make the point of order that this is new legislation.

Mr. JONES of Washington. I have nothing to say as to that point of order.

The CHAIRMAN. The Chair sustains the point of order. This is evidently a change of law.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR.

Office of the Secretary: For compensation of the Secretary of the Interior, $8,000; First Assistant Secretary, $4,500; Assistant Secretary, $4,000; chief clerk, $2,500, and $500 additional as superintendent of the Patent Office building and other buildings of the Department of the Interior; additional to 1 member of board of pension appeals, acting as chief of the board, $500; 9 members of a board of pension appeals, to be appointed by the Secretary of the Interior, at $2,000 each; for 20 additional members of the board of pension appeals, to be selected and appointed by the Secretary of the Interior for the fiscal year 1903, at $2,000 each; 3 additional members of said board of pension appeals, to be appointed by the Secretary of the Interior and to be selected from the force of the Pension Office, at $2,000 each; special land inspector, connected with the administration of the public-land service, to be appointed by the Secretary of the Interior and to be subject to his direction, $2,500; 4 special inspectors, Department of the Interior, to be appointed by the Secretary of the Interior and to be subject to his direction, at $2,500 each; clerk in charge of documents, $2,000; custodian, who shall give bond in such sum as the Secretary of the Interior may determine, $2,000; 7 clerks, chiefs of division, at $2,000 each, 1 of whom shall be disbursing clerk; 4 clerks, at $2,000 each; private secretary to the Secretary of the Interior, $2,250; 14 clerks of class 4; 14 clerks of class 3; 18 clerks of class 2; 28 clerks of class 1, 2 of whom shall be stenographers or typewriters; returns office clerk, $1,200; female clerk, to be designated by the President, to sign land patents, $1,200; 5 clerks, at $1,000 each; 1 clerk, $900; eight copyists; 2 copyists or typewriters, at $900 each; telephone operator, $900; 3 messengers; 6 assistant messengers; 15 laborers; 2 skilled mechanics, 1 at $900 and 1 at $720; 2 carpenters, at $900 each; 2 skilled mechanics, plumber and electrician, at $900 each; 1 laborer, $600; 6 laborers, at $480 each; 1 packer, $660; conductor of elevator, $720; 4 charwomen; captain of the watch, $1,000; 40 watchmen; additional to 2 watchmen acting as lieutenants of watchmen, at $120 each; engineer, $1,200; assistant engineer, $1,000; and 7 firemen; in all, $314,410.

Mr. CANNON. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 7, page 97, insert after the word "dollars" the words "and for additional compensation while the office is held by the present incumbent, $1,500."

Mr. CANNON. Mr. Chairman, I do not know that it is necessary for me to state the necessity for this appropriation. It was not reported by the full committee, although canvassed in the committee, but I was placed at liberty by the committee to offer the amendment on the floor of the House. I believe it ought to be adopted.

The amendment was agreed to.

The Clerk read as follows:

Indian Office: For the Commissioner of Indian Affairs, $4,000; Assistant Commissioner, who shall also perform the duties of chief clerk, $3,000; financial clerk, $2,000; chief of division, $2,000; principal bookkeeper, $1,800; 5 clerks of class 4; 15 clerks of class 3; draftsman, $1,600; draftsman, $1,500; architect, $1,500; stenographer, $1,600; stenographer, $1,400; 11 clerks of class 2; 26 clerks of class 1; 14 clerks, at $1,000 each; 1 stenographer, and 1 clerk to superintendent of Indian schools, at $1,000 each; 17 copyists; 1 messenger; 4 assistant messengers; 3 laborers; messenger boy, $360; and 4 charwomen; in all, $138,320.

Mr. MONDELL. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 22, page 103, strike out the words "one clerk" and insert "two clerks."

Mr. MONDELL. Mr. Chairman, this amendment is intended to furnish an additional clerk for the superintendent of Indian schools. I ask to have read a communication from the Secretary of the Interior relative to the necessity for this additional clerk.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, November 20, 1901.

SIR: I have the honor to request that one clerk of class 2 be allowed the superintendent of Indian schools. A clerk of the class named for the superintendent is an absolute necessity, owing to the fact that at the present time strong efforts are being put forth to place the schoolroom work upon a more practicable basis, as will be seen by the course of study for the Indian schools recently issued by this Bureau; and in order that the schools may be properly graded the superintendent is compelled to spend much time in the field.

I am glad to state that the recommendations of this office relative to giving agriculture and industrial occupations the importance that is their due are receiving cordial support throughout the service.

Respectfully,

W. A. JONES, *Commissioner.*

The SECRETARY OF THE INTERIOR.

P. S.—I respectfully request that this matter be made special, as it is desired to have this item incorporated in the estimates before they are printed.

W. A. J.

[Indorsement.]

DEPARTMENT OF THE INTERIOR,
November 21, 1901.

Respectfully forwarded to the honorable Secretary of the Treasury approved, and it is recommended that the item be incorporated in the estimates of Indian Service for fiscal year 1903.

E. A. HITCHCOCK, *Secretary.*

Mr. MONDELL. Mr. Chairman, I think it is not neccessary for me to add anything to what the Commissioner of Indian Affairs and the Secretary of the Interior have said relative to the necessity for this additional clerk.

I desire to add to my amendment this further clause—

Amend the total of the paragraph by adding $1,400.

The CHAIRMAN. Without objection, the two propositions of the gentleman's amendment will be treated as one.

Mr. MADDOX. Mr. Chairman, is not this new legislation? Where are the gentlemen of the Appropriations Committee? They have been very industrious this morning in making points of order on new legislation. Where are they now?

The CHAIRMAN. It is rather late to raise a point of order on the amendment.

Mr. MADDOX. I wanted to know whether this proposition was acceptable to gentlemen on the committee.

The CHAIRMAN. The Chair does not know.

Mr. LITTAUER. I do not think the amendment is subject to a point of order. It is authorized by law; but the amount to be added to the total should be $1,000 instead of $1,400.

Mr. MONDELL. I am perfectly willing to modify my amendment in that respect.

Mr. MADDOX. Is there any law providing for this clerk?

The CHAIRMAN. The Chair does not know.

Mr. MADDOX. Well, I am sure I do not. I ask the gentlemen on the other side.

Mr. LITTAUER. It is simply an extension of the service.

Mr. MADDOX. That is not the question. Has this office had this clerk before?

Mr. CANNON. Yes; there is a law providing for this. Section 161 of the Revised Statutes authorizes an increase of the force

of clerks of classes 1, 2, 3, and 4. It has been uniformly held, so far as I know, that this is a service which can be increased under the rules. It is always in order to increase the number of clerks of the classes referred to in section 161 of the Revised Statutes. So that this amendment is not subject to a point of order.

Mr. MADDOX. You are satisfied that it is a proper thing, are you?

Mr. CANNON. I am not informed about that matter. The gentleman heard the communication from the Secretary read. I am not in charge of the bill. The gentleman from Indiana is in charge of it.

Mr. MADDOX. I do not see him in the House at this moment.

Mr. CANNON. Well, the gentleman from New York [Mr. LITTAUER] is also in charge of the bill. I have no knowledge about it, except the communication that was read at the Clerk's desk.

Mr. MADDOX. If you are all content with it, I have no objection to make.

Mr. MONDELL. Mr. Chairman, the amendment is not subject to the point of order. That the Indian service requires this additional clerk is very evident, from the communication of the Commissioner of Indian Affairs. The superintendent of Indian schools has charge of all the Indian schools in the United States.

Mr. MADDOX. If you will allow me, I did not make the point of order. I simply inquired if it was not subject to a point of order.

Mr. MONDELL. I would say to the gentleman that it is not subject to the point of order.

Mr. MADDOX. The chairman did not seem to know, and I wanted to bring out the information.

The amendment was agreed to.

The Clerk read as follows:

For rural free-delivery service: Superintendent, $3,000; supervisor, $2,750; chief of board of examiners of rural carriers, $2,250; 3 clerks of class 4; 6 clerks of class 3; 25 clerks of class 2; 40 clerks of class 1; 50 clerks, at $1,000 each; 115 clerks, at $900 each; 3 messengers; 10 assistant messengers; 5 laborers; 1 female laborer, $540; 3 female laborers, at $500 each; two charwomen; in all, $275,040.

Mr. SIMS. Mr. Chairman, I wish to make a point of order to so much of this paragraph as provides for a superintendent at $3,000 and a supervisor at $2,750. I will suggest that the Chair is better informed on the postal law than myself. I make the point that these are new offices and that this is new legislation.

The CHAIRMAN. Has the gentleman from Indiana anything to offer?

Mr. HEMENWAY. Has the gentleman from Tennessee anything to say?

Mr. SIMS. No.

The CHAIRMAN. He raises the point of order that it is new legislation.

Mr. HEMENWAY. Section 169 of the Revised Statutes, second edition, 1878, provides that—

Each head of a department is authorized to employ in his department such number of clerks of the several classes recognized by law, and such messengers, assistant messengers, copyists, watchmen, laborers, and other employees, and at such rate of compensation, respectively, as may be appropriated for by Congress from year to year.

Here is a service established by law, and a force of clerks carried now on the rolls, paid from a lump sum appropriation on the Post-Office appropriation bill. Under the law we pick them up and appropriate for them on the legislative appropriation bill, fixing their salaries, as we are authorized to do, by recommendation from the head of the Department, under this section of the statute. And I will state to the chairman that we fixed the salaries at the same amount they were receiving and are now receiving under the other appropriation. The head of the Department, the Postmaster-General, has a right to fix their salaries under this section of the statute that I call attention to.

Mr. SIMS. I do not object to the office, but I make the point of order because I think the salaries are too high.

Mr. ROBINSON of Indiana. I will ask the gentleman if he could not arrange that by offering an amendment?

Mr. HEMENWAY. I will suggest to the gentleman that I do not think a motion to reduce the salaries would be subject to a point of order.

Mr. ROBINSON of Indiana. I hope the gentleman from Tennessee will not press the point of order. It is known that the legislation is desirable, in order to maintain the efficiency of the service, and the Committee on Appropriations can usually be trusted on matters of this kind. The officers are under the civil service; and if this were presented as an independent proposition to the House, it would be likely to pass; and it would seem to me that the gentleman from Tennessee [Mr. SIMS] could well withhold the point of order. If he desired to test the other matter by an amendment reducing the amount, that would be perfectly proper.

Mr. SIMS. If the gentleman from Indiana [Mr. HEMENWAY] will advocate an amendment making the salary $2,500 in one case and $2,000 in the other, I will withdraw the point of order.

Mr. HEMENWAY. I do not want to accept any amendment at all. If the gentleman wants to offer an amendment and submit it to the House, I suppose he has that right, under the rules.

The CHAIRMAN. The Chair would like to ask the gentleman from Indiana if he thinks the law that he read applies to a superintendent or to any clerk outside of the classes regularly recognized—that is, classes 1, 2, 3, and 4?

Mr. HEMENWAY. I think it does.

The CHAIRMAN. Is there not a separate law regulating the salaries of superintendents?

Mr. HEMENWAY. There is no law regulating the salaries of superintendents. I will state that the salaries carried on this bill for rural free delivery are followed where they are regulated by statute, and in cases where there is no statute fixing the salary the Postmaster-General fixes the salary himself.

The CHAIRMAN. The Chair will ask the gentleman if the salary of the Superintendent of the Money-Order System is fixed by law or the superintendent of the free-delivery system or the Superintendent of the Dead-Letter Office?

Mr. HEMENWAY. The salary of the Superintendent of the Money-Order Division, I believe, is fixed by law.

The CHAIRMAN. Is it not a matter of fact that all these offices that have a statutory existence are fixed by law and are fixed at the compensation referred to in the act?

Mr. HEMENWAY. I did not catch the Chair's question.

The CHAIRMAN. I will ask the gentleman if the salaries of all these officials have not heretofore been fixed by a statutory law?

Mr. HEMENWAY. I think not. I think, Mr. Chairman, that most of them are fixed by an appropriation act, and in that way I think they are fixed by law, as I understand it.

Mr. LIVINGSTON. Practically all of them are fixed by an appropriation bill.

The CHAIRMAN. The Chair is hardly inclined to hold that the fixing of a salary in an appropriation bill, or even the creation of an office in an appropriation bill, if it might have been there for an unlimited time, would be statutory law.

Mr. HEMENWAY. There is no doubt, Mr. Chairman, in my mind that all these places are in order on this bill. The question of the salary where it has not been fixed by statute is a question for the House to determine. I do not pretend but what a gentleman might offer an amendment reducing these salaries or increasing them because they happen to have been fixed on an appropriation bill heretofore. But certainly they are in order on this bill, and the salaries provided are in order on this bill, but if any member of the House seeks to change the salary by offering an amendment to make it less or make it more, I think the amendment would be in order. But this provision is not subject to the point of order, because these employees are properly carried in this bill and belong to this bill.

The CHAIRMAN. Does the gentleman think that an act creating the office of superintendent at a salary of $100,000 would not be subject to a point of order?

Mr. HEMENWAY. I do not think it would be subject to the point of order, but I think that the House would very promptly vote it off. I have no information myself as to whether these salaries are too high or too low. I am inclined to think that the salaries are fixed at about the right amount. They were fixed by the Postmaster-General, and they have been paid these salaries, and for that reason we take them up on this bill at the salaries heretofore fixed and paid out of the lump appropriation. If the House thinks the salaries are too high and a gentleman desires to offer an amendment reducing them, it is evidently not subject to the point of order, and the House can vote for it.

The CHAIRMAN. The Chair will ask the gentleman if the salary of the superintendent of the free-delivery system is fixed by statute law?

Mr. HEMENWAY. It is fixed on a general appropriation bill.

The CHAIRMAN. Is the gentleman quite sure about that?

Mr. HEMENWAY. Yes, sir. The title was created on an appropriation bill a few years ago.

Mr. LIVINGSTON. That was a new place, and it was fixed in an appropriation bill a few years ago.

The CHAIRMAN. It will be clearly subject to a point of order if the office were created in an appropriation bill. That is a statutory law not created in an appropriation bill. It was created in a law authorizing the Postmaster-General to do it.

Mr. HEMENWAY. It has not been so held heretofore by chairmen of the Committee of the Whole.

The CHAIRMAN. Will the gentleman cite the Chair to a ruling on that question?

Mr. CANNON. If the Chair pleases, I think this whole matter, as I understand it, comes under section 169 of the Revised Statutes. Has the Chair that section? It relates to clerks of class

one, class two, class three, class four, copyists, messengers, and other employees.

Now, my recollection is that under that section we can supply such employees by appropriation, and are authorized to do so under the rule. It would be exceedingly difficult to run a public service without this section of the statute under the rules of the House. There is a series of sections, commencing with 161 and running down to 169, which reads as follows:

Each head of a department is authorized to employ in his department such number of clerks of the several classes recognized by law, and such messengers, assistant messengers, copyists, watchmen, laborers, and other employees at such rates of compensation, respectively, as may be appropriated for by Congress from year to year.

Now, it seems to me that that would include a $2,000 employee or a $3,000 employee, and it was the very object, as I understand, of this legislation in section 169 of the Revised Statutes, that Congress is at liberty, without further legislation, to appropriate for such employees and at such salaries as Congress may provide.

Now, under our particular rules I do not think Congress could legislate and say there shall hereby be created an office of superintendent of mails whose salary shall be $3,000, because that creates something permanently, whereas this law contemplated that Congress should have the power without further legislation—and I think the rule was made, in view of this law, to supply the necessary help to carry on the departments—the only limitation being the discretion of the executive or head of department after Congress had made the appropriation.

The CHAIRMAN. I will ask the gentleman from Illinois if in his opinion this section 169 is not to be construed in connection with the section which precedes, and that there is no salary in the preceding section exceeding $1,800?

Mr. CANNON. No, I think it is something further; because the Chair will see that the whole of title 4, down to and including section 169, refers to clerks and other officials in the Department. So that section 169 refers to all these that were not referred to in the preceding section, commencing with 161, and has placed these additional words:

and other employees, and at such rates of compensation, respectively, as may be appropriated for by Congress from year to year.

Now, take section 167, the annual salaries of clerks and employees in the departments, whose compensation is not otherwise prescribed, shall be as follows:

Clerks of the fourth class, $1,800; clerks of the third class, $1,600; clerks of the second class, $1,400—

and so on; then the women employees, and so on, to messengers. But the concluding section, 169, includes a reference to all of these, and goes further, and says—

at such rates of compensation, respectively, as may be appropriated for by Congress from year to year.

So that, so far as the legislation is concerned, read in the light of the rule of the House, or rather the rule construed in the light of the legislation, in my judgment, it is quite competent for Congress to provide for any employee that it sees proper to provide for under the general legislation here enacted.

I think it is just as competent to provide for superintendent the coming year at $3,000 and stop there as it is to provide for the clerks of class 4.

The CHAIRMAN. The Chair will ask the gentleman from Illinois, if he were drawing this statute, if he would lay as much stress on the words "and other employees" coming, as they do, after "watchmen" and "laborers," as the gentleman seems to? Was that intended to include three and four thousand dollar employees? If the gentleman had been drawing the statute, would he have not placed that first?

Mr. CANNON. If it stopped there, the construction might be as the Chair intimates; but it does not. "And other employees, and at such rates of compensation, respectively, as may be appropriated for by Congress." Now, that is clearly an enlargement of the other sections; it is not only other employees than those especially detailed and referred to in the prior sections of the statute, but it goes on and says "and at such compensation." It seems to me the legislative grant there is plenary and it is a mere question of discretion under the law to appropriate for employees at any rate of compensation that Congress, in the exercise of its discretion under this law, may provide. And therefore a point of order does not lie in this case.

Now, if there were a statute—as there is—for instance, that fixed the salary of the Assistant Postmaster-General, it would not be in order to move to increase that salary beyond the statutory salary fixed by express law, because these sections would have to be construed in connection with that section.

Mr. HEMENWAY. Mr. Chairman, I want to suggest, further, that these people are now employed under the law, pursuant to the law, and for that reason are properly on this bill. As I said a while ago on the question of salary, an amendment seeking to change it is not subject to a point of order; but we are simply continuing in the public service men that are already in the public service, properly in the public service, and under the law authorizing their employment. The law carried on the post-office and post-roads bill authorizes, out of the sum appropriated, the employment of the force to carry on this business. They are employed now under the law, and so the continuation of their employment under this bill is not subject to a point of order.

The CHAIRMAN. If gentlemen have nothing further to submit, the Chair is ready to rule. The Chair would hold that an appropriation bill may contain anything in relation to employees enumerated in these several sections; that is, clerks of classes one, two, three, and four may be employed, as well as messengers, assistant messengers, watchmen, and laborers, to such number as the Appropriations Committee may see fit to provide for.

Mr. HEMENWAY. Right there let me say——

The CHAIRMAN. The gentleman will excuse the Chair for a moment. The Chair thinks the gentleman lays undue stress on language which evidently was not used in view of the creation of any division in the Post-Office Department. The Chair will now hear anything further that the gentleman from Indiana may wish to suggest.

Mr. HEMENWAY. I only wished to emphasize what has been said. Section 169 of the Revised Statutes provides:

Each head of a department is authorized to employ in his department such number of clerks of the several classes recognized by law—

Now, that is one thing—

and such messengers, assistant messengers, copyists, watchmen, laborers—

Now, the statute does not stop there—

and other employees.

If that language does not mean what it says, why is it used? Certain officers of the regular classified service are specified; and if they had been intended as the only officers to which the provision should apply the language would have stopped there. But the gentleman who drew this statute did not stop there; he went on and said:

And other employees, at such rates of compensation, respectively, as may be appropriated for by Congress from year to year.

Now, Mr. Chairman, if it be the fact that this statute meant to include only those in the classified service—that is, classes 1, 2, 3, and 4, and messengers, etc.—what would be the use of this additional language? It would not mean anything. The gentleman who drew the statute, not stopping at that language, recognized that in the service there are many officers not within the classified list, and hence these words:

And other employees, at such rates of compensation, respectively, as may be appropriated for by Congress from year to year.

I do not lay so much stress upon that point, Mr. Chairman, as upon the point that these places are now in existence. They have been already created. In the bill appropriating for the free rural-delivery service, you authorized the Postmaster-General to employ such people in the city of Washington as may be necessary to carry out the intent of that appropriation. These people under that authorization were employed; they are now in the service; they are in office pursuant to law; and this provision does not propose to create any new place. It simply provides fixed salaries for places already created by law. So that as against these provisions the point of order can not be well taken.

As to the question of salary, I do not insist that these salaries can not be changed; they can be changed by proper amendment.

The CHAIRMAN. The Chair has no difficulty whatever in disposing of the strongest contention of the gentleman from Indiana—that these offices are authorized by law. They are authorized by law for the year; that is, for the life of the appropriation bill. As has been decided time and again by the courts, nothing contained in an appropriation bill can live beyond the life of the bill.

Mr. HEMENWAY. I suggest to the Chair that this is the very point which the Chair passed on yesterday, where such employees had been authorized upon an appropriation bill for the present year.

The CHAIRMAN. The Chair did not determine the question to which the gentleman refers.

Now, the Chair recognizes the danger of overruling a point of order of this kind. Considerable stress might be laid upon the argument of the gentleman from Illinois in relation to the words "and other employees;" and that is all that could possibly influence the mind of the Chairman to overrule the point of order. But the Chair does not believe that it was the intent of the framers of the law, using, as they did, the words "and other employees, watchmen, and laborers," to empower the Appropriations Committee to create a new division in an executive department, with salaries beyond those provided for in sections 167 and 168. The Chair feels constrained to sustain the point of order.

The point of order involves the superintendent, at $3,500, and the supervisor, at $2,750. If there be no objection, the Clerk will correct the totals of the paragraph.

There was no objection.

The Clerk read as follows:

Office Second Assistant Postmaster-General: For Second Assistant Postmaster-General, $4,000; chief clerk, $2,100; superintendent of railway adjustments, $2,500; assistant superintendent of railway adjustments, $2,000; superintendent of foreign mails, $3,000; chief clerk, $2,000; chief of division of inspection, $2,000; chief of contract division, $2,000; chief of mail equipment division, $2,000; 9 clerks of class 4; 36 clerks of class 3; 25 clerks of class 2; stenographer, $1,600; 21 clerks of class 1; 17 clerks, at $1,000 each; 6 clerks, at $900 each; messenger in charge of mails, $900; 6 assistant messengers; in all, $184,820.

Mr. GRIGGS. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

In line 8, page 131, after the word "thousand," strike out the words "one hundred" and insert "five hundred."

Mr. HEMENWAY. Mr. Chairman, I reserve the point of order.

Mr. GRIGGS. Mr. Chairman, this amendment proposes to increase the salary of the chief clerk of the Second Assistant Postmaster-General from $2,100 to $2,500.

The chief clerk in the office of the First Assistant Postmaster-General is now paid $2,500. The chief clerk in the office of the Second Assistant Postmaster-General, whose salary this amendment proposes to increase, is one of the most efficient officers in the Post-Office Department. He is in charge of the star-route service. In the absence of the Second Assistant Postmaster-General he is the Acting Assistant Postmaster-General. He occupies really the most responsible position of any chief clerk in the Post-Office Department, and his salary ought to he made at least equal to the salaries of officials of similar duties and less responsibility.

Mr. HEMENWAY. The gentleman is a member of the Committee on the Post-Office and Post-Roads?

Mr. GRIGGS. Yes.

Mr. HEMENWAY. Did your committee recommend this increase of salary?

Mr. GRIGGS. The committee has taken no formal action on it, but the proposition has been discussed informally by 12 members of the committee, and they are unanimous in the opinion that the amendment ought to pass.

Mr. HEMENWAY. Does that include the chairman of the committee?

Mr. GRIGGS. That includes the chairman of the committee.

Mr. HEMENWAY. In view of the fact that a majority of the Committee on the Post-Office and Post-Roads, including the chairman, want this salary increased, I do not feel disposed to make the point of order; but it can be made by any gentleman in the House who desires to make it.

Mr. LIVINGSTON. I hope no member will make it. This is a very deserving, hard-working man, and he ought to be put on all fours with some other men in the Post-Office Department.

The CHAIRMAN. The Chair understands that the gentleman does not insist on the point of order. The question is on the adoption of the amendment offered by the gentleman from Georgia [Mr. GRIGGS].

The amendment was agreed to.

Mr. CANNON. Mr. Chairman, I ask unanimous consent to refer to page 118, line 20, under the head of the Postmaster-General, and to strike out the words "two hundred and fifty," in line 20, and insert the words "five hundred."

The CHAIRMAN. The gentleman from Illinois [Mr. CANNON] asks unanimous consent to refer to page 118, for the purpose of offering an amendment, which the Clerk will report.

The amendment was read, as follows:

In line 20, page 118, strike out "two hundred and fifty" and insert "five hundred."

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CANNON. I do this for the reason that I have received a letter from the Postmaster-General, in which he says he has appointed as private secretary a man who has been in his employment for many years, to whom he has paid $2,500 a year in private life. He asks this increase of $250, with the statement that he will have to pay it himself if Congress does not.

For that reason I offer the amendment for the consideration of the committee.

The amendment was agreed to.

Mr. BARNEY. Mr. Chairman, I ask unanimous consent to go back to page 103, line 11, for the purpose of offering an amendment.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to return to page 103, line 11, for the purpose of offering an amendment, which the Clerk will read.

Mr. BARNEY. The amendment which I offer is to strike out the word "four," in line 11, and insert the word "five."

The CHAIRMAN. Is there objection to recurring to this page for the purpose of offering an amendment? [After a pause.] The Chair hears none. The Clerk will report the amendment.

The Clerk read as follows:

On page 103, line 11, strike out "four" and insert "five."

The question was taken; and the amendment was agreed to.

Mr. BARNEY. Mr. Chairman, I ask unanimous consent that the total in the paragraph be corrected so as to conform to the amendment which has just been agreed to.

The CHAIRMAN. Without objection, the Clerk will be authorized to correct the total.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CANNON having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, one of its clerks, announced that the Senate had passed bills and a joint resolution of the following titles; in which the concurrence of the House of Representatives was requested:

S. 256. An act to provide for the purchase of a site and the erection of a public building thereon at Tacoma, in the State of Washington;

S. 460. An act increasing the limit of cost of public building at Newport News, Va.;

S. 715. An act to provide for two additional associate justices of the supreme court of the Territory of Oklahoma, and for other purposes;

S. 2782. An act to authorize the construction of a bridge across the Columbia River by the Washington and Oregon Railway Company;

S. R. 51. Joint resolution to provide for the printing of 8,000 copies of the Annual Report of the Office of Experiment Stations, prepared under the direction of the Secretary of Agriculture for the fiscal year ended June 30, 1901; and

S. 2170. An act to provide for the purchase of a site and the erection of a post-office building thereon at New York, borough of Manhattan, and State of New York.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 9315) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1902, and for prior years, and for other purposes, disagreed to by the House of Representatives to the amendment of the Senate numbered 58, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HALE, Mr. ALLISON, and Mr. TELLER as the conferees on the part of the Senate.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

To enable the Attorney-General to employ such assistant attorneys, agents, stenographers, and experts to aid the United States attorney for said court as may be necessary to conduct the business of the Court of Private Land Claims during the fiscal year 1902, $4,000.

Mr. HEMENWAY. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

On page 133, line 21, strike out the word "two" and insert in lieu thereof the word "three."

Mr. HEMENWAY. It changes the date. That is all.

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

SEC. 3. That the term of temporary service of such additional clerks and other employees rendered necessary because of increased work incident to the war with Spain, and under the act of June 13, 1898, providing for war expenditures and for other purposes, appointed in the various departments of the Government, shall be extended for the term of one year from June 13, 1902, without compliance with the conditions prescribed by the act entitled "An act to regulate and improve the civil service," approved January 16, 1883, provided they are otherwise competent.

Mr. LITTAUER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amend section 3 by adding:

"*Provided*, That the President may at any time transfer clerks and other employees herein referred to to the classified service."

[Mr. LITTAUER addressed the committee. See Appendix.]

The CHAIRMAN. The question is on the amendment.

Mr. GAINES of Tennessee. Now, Mr. Chairman, I oppose the amendment.

The CHAIRMAN. The gentleman is recognized in opposition to the amendment.

Mr. GAINES of Tennessee. I say, Mr. Chairman, that if we are to make an employment agency out of the Government of the United States, the gentleman's amendment should become the law of the land. But, sir, if we are ever to retrench and reform, if we are ever to cut down the burdens caused by the Spanish war, we are making a very poor effort if this amendment should be adopted.

There is not a clerk in the employ of this Government, whose services are needed, who has a better friend than I have been since I have been in this House. I never turned a deaf ear to any of them or an unwilling hand to assist them; but the gentleman

from New York confesses his case out of court, and I am trying to do my duty by my Government first.

Mr. LITTAUER. Will the gentleman from Tennessee allow me to interrupt him?

Mr. GAINES of Tennessee. Yes, sir.

Mr. LITTAUER. The gentleman said that I said these clerks were upon the roll as temporary clerks because of the increase of work brought about by the war with Spain. I also stated that the heads of departments and bureaus where they are now at work have said unequivocally to us that their services are needed, and will be needed permanently, because of the increased work.

Mr. GAINES of Tennessee. Then why does not the gentleman bring in a regular bill? Why do you seek to put it on an appropriation bill?

Mr. LITTAUER. Because it is a fit place to put it.

Mr. GAINES of Tennessee. The gentleman confessed that it was subject to a point of order——

Mr. LITTAUER. Oh, I beg the gentleman's pardon.

Mr. GAINES of Tennessee. If I had been a member of the committee and known it was subject to a point of order, I should have made it; but not being a member of the committee, not being familiar with the law in regard to this matter, I was not aware of the fact; and I asked the Chair if it was subject to a point of order, if there was any law permitting it, and the gentleman from New York said I was too late. As soon as I could offer the objection I asked the Chair——

The CHAIRMAN. The Chair will state to the gentleman from Tennessee that the debate had proceeded for some time before the gentleman from Tennessee asked the Chair the question.

Mr. GAINES of Tennessee. The gentleman from New York offered the amendment and debated it himself, possibly to cut off the point of order, and now undertakes to get behind his defenseless and sleeveless proposition. I am making no complaint of the Chair. I never made any complaint of the Chair, either as a chairman or as a member of this body.

I do say that there is no necessity for the passage of this amendment. It is not dealing fairly with the members of the House that the gentleman should seek to put new legislation on an appropriation bill; to state the proposition and immediately debate it, and then when I ask if the matter is objectionable, the gentleman to hide behind his defenseless and sleeveless cause. I could not be recognized with the gentleman standing on the floor, where he still stands defending the matter which I think is entirely without merit.

Mr. THAYER. Mr. Chairman, I would like to ask the gentleman who presented the amendment how many persons are to be affected by it, provided it should receive favorable consideration?

Mr. LITTAUER. I understand there are now in the War Department 600, and an appropriation is made in this bill for them of $600,000. In the Internal-Revenue Department there is an appropriation made of $550,000, and I suppose there are upward of 500 clerks to be affected.

In the Post-Office Department there are 22; in the Register's office of the Treasury Department there are 6; in the Auditor's office of the Navy Department there are 19; in the Auditor's office of the War Department there are 88, and in the Auditor's office of the Treasury Department 7. I would again state that the chiefs of each one of these bureaus stated that their services were necessary and will be necessary for the proper conduct of their offices.

Mr. GAINES of Tennessee. Before whom did they make that statement?

Mr. LITTAUER. They made it at the hearings to the subcommittee of the Committee on Appropriations.

Mr. GAINES of Tennessee. Is the gentleman from New York a member of that committee?

Mr. LITTAUER. I am.

Mr. GAINES of Tennessee. Is anything said about this in the report accompanying the bill?

Mr. HEMENWAY. Yes; on page 2 of the report it reads as follows:

> It is proposed in the bill to continue for another year the temporary force of employees now in the Treasury, War, and Post-Office Departments, and whose services were, and are still, rendered necessary because of increased work incident to the war with Spain.

Mr. GAINES of Tennessee. Is there any legislation permitting it?

Mr. HEMENWAY. Yes.

Mr. GAINES of Tennessee. Where is the law?

Mr. HEMENWAY. In the bill. It was on the bill last year in exactly the same language.

Mr. GAINES of Tennessee. Why did the gentleman have to bring it in in this way if it is already in the bill?

Mr. LITTAUER. The amendment is not in the bill.

The CHAIRMAN. The Chair will ask the gentleman from Massachusetts [Mr. THAYER] to which gentleman he yields?

Mr. THAYER. To either.

Mr. GAINES of Tennessee. The gentleman from Massachusetts had taken his seat.

The CHAIRMAN. If the gentleman from Massachusetts [Mr. THAYER] has concluded his remarks, the Chair recognizes the gentleman from Georgia [Mr. LIVINGSTON].

Mr. LIVINGSTON. Mr. Chairman, if the gentleman from Tennessee [Mr. GAINES] had read the report, he would not have charged that there has been unfairness on the part of the Appropriations Committee. We were just as explicit as we could be in that report in affirming that these temporary clerks are needed, and therefore they have been provided for in the bill. If the gentleman doubts the correctness of that position that they are needed, I will only mention one fact of which I presume he is cognizant. While over in the Philippines he doubtless learned the fact that we have now more than 400 military posts established in the Philippine Islands that did not exist four years ago.

Now, Mr. Chairman, since the Spanish war nobody has been sleeping. We state in our report, as we state now on the floor, that the result of the Spanish war and the treaty of Paris has given into our sovereign hands the control of the Philippine Islands. Nothing growing out of that war has decreased the work of the War Department or the Post-Office Department or the Navy Department. On the contrary, the work of those Departments has been increased immensely. That is what we say in the report. Hence we have reported an appropriation for these temporary clerks, not only for that reason, but for one other: Every head of a department or bureau that came before the subcommittee stated that they did not propose to exchange, or were not willing to exchange, these temporary clerks for an equal number selected from the specified service; that they wanted to retain these clerks, who have had experience and have become conversant with the work in hand. The heads of departments and chiefs of bureaus were not willing to exchange these clerks for the clerks of the classified service.

Now, if we should drop these temporary clerks we should have to authorize these bureaus and departments to take from the classified service an equal number of clerks. There would be no money saved, while at the same time you would lose the benefit of the experience and efficiency which these temporary clerks have acquired.

Mr. MADDOX. There is one point I should like to get at. The gentleman says that we ought not be surprised at the proposition made here, because it has been referred to in the report. Now, the report, as I understand, refers to this only as a temporary measure.

Mr. LIVINGSTON. That is correct, and we propose by this provision to make this a temporary force.

Mr. MADDOX. That is the point on which I wanted to hear the gentleman.

Mr. LIVINGSTON. So far as the committee is concerned, we are not responsible for the amendment. But the amendment does not propose to put these clerks in the classified service at all. I might just as well say, without repeating exactly what happened in the committee, that the Appropriations Committee did not put in a clause providing for placing these temporary clerks in the classified service. We had the right to report such a provision; but it would have been subject to a point of order, and we did not do it. But here on the floor of the House a gentleman who happens to be a member of the Appropriations Committee and a member of the subcommittee proposes in his own right that the President shall have the power to put these clerks in the classified service. This House, of course, has the power by unanimous consent to change that proposition and provide for putting these clerks into the classified service without any help or suggestion from the President of the United States. That I would be in favor of doing; I would vote for such an amendment sooner than I would for this.

Mr. MOODY of Massachusetts. Mr. Chairman, when this temporary force was first created, which was done upon the legislative appropriation bill some years ago, I opposed the provision very vigorously. I thought then, and I think now, that this force might well have been drawn from the ordinary channels of the civil service. But we could not well deny the requests of the heads of the Executive Departments of the Government when they said that this temporary force was absolutely necessary to conduct the public business. So it was established as a temporary force, and has been continued from year to year in the legislative appropriation bills, the provision each year being subject to a point of order. It is therefore by the unanimous consent of the House that provision has been made for the temporary force each year up to the present time. The committee this year have reported a provision continuing that temporary force for one year longer.

It has been said to us from year to year that the growth of the Government work as the result of the Spanish war has been such

that these temporary clerks would be needed permanently. As a member of the Committee on Appropriations, I have been reluctant to consent to the transfer of these clerks to the classified service; but I have become convinced that the best interests of the service require their transfer to the permanent classified force of the Government at this time.

I desire to say, Mr. Chairman, that I am not interested in a single one of this force appointed under this temporary provision of the legislative bill. I made no recommendation for appointment under that temporary appropriation. I have no interest except that of the public service; but I believe the interest of the public service at this time will be best subserved by granting the unanimous request of every head of a Department in which this force exists. When that is done, there will no longer be in any Department a temporary force of this character, which gives rise to irritation and comparisons; and it is desirable, in the best interests of the Government service, that this should be suppressed forever. I hope the amendment of the gentleman from New York may prevail.

Mr. MADDOX. Mr. Chairman, this is the amendment:

Provided, That the President may at any time transfer the clerks and other employees herein referred to to the classified service.

That makes them permanent, as I understand.

Mr. LIVINGSTON. It does, provided that the President is willing; but I should like to have that changed to say that he shall.

Mr. MADDOX. That he shall transfer them?

Mr. LITTAUER. I should like to state to the gentleman from Georgia that it does not make them permanent in the sense that those who are in the departments in the regular classified service now are. We shall have to appropriate for these clerks another year.

Mr. MADDOX. My point is that you are carrying an appropriation in this bill for these temporary clerks.

Mr. LITTAUER. For the temporary clerks.

Mr. LIVINGSTON. That is right.

Mr. MADDOX. And if I understand my colleague from Georgia, your committee did not consent to this amendment. My colleague said that the gentleman offered this amendment on his own volition, and that it does not come from the committee.

Mr. LIVINGSTON. No.

Mr. MADDOX. And if I understand it, it does not meet the approval of the committee.

Mr. LIVINGSTON. I think if you would poll the Committee on Appropriations you would find we would vote unanimously to classify them. I am not authorized to speak for the other members of the committee, however.

Mr. MADDOX. I do not want to lecture the Committee on Appropriations, but I do want to say this: You gentlemen of that committee sit there, and when anybody proposes to offer an amendment, no matter what, that does not come from a member of the Committee on Appropriations, the very minute it is sent to the desk one of you gets up and says, "A point of order, Mr. Chairman."

Now here comes an amendment from a member of your committee, and it is offered, and immediately a gentleman begins to speak. No chance is given for the members on this floor to make a point of order. They say it has been debated, and therefore the point of order will not lie. Why, it has almost got to the point that nobody outside of the Committee on Appropriations can be heard about anything, or can make any point at all.

Mr. MOODY of Massachusetts. Will the gentleman yield?

Mr. MADDOX. I want to say right here now, before this House, that there is no greater outrage, if I may characterize it in that way, that is perpetrated upon the House of Representatives than the method that you have of bringing in your appropriations, reporting a bill like this about this time in the evening. The next morning it is printed with the report. Nobody can get it before 11 o'clock.

Mr. HEMENWAY. Will the gentleman permit me, right there?

Mr. MADDOX. When the House meets, the bill is called up for consideration. Nobody has had an opportunity to read it; nobody knows anything about it except the committee themselves. Now, the bill may have a hundred different points of new legislation in it, and yet we do not know anything about it. These gentlemen know that these things are contrary to the rules of the House, but they do not say anything about them.

Mr. LIVINGSTON. May I correct the gentleman? I know my colleague does not want——

Mr. MADDOX. I believe that if we were to do these things as we ought to do them, every man ought to have an opportunity to examine these bills when they come in, and that we ought not to take up an appropriation bill, unless it be in a very great emergency, for at least three days after it is printed, so as to give every member of this House an opportunity to examine it. If this thing is to be left entirely to the Appropriations Committee, we had just as well allow them to bring in their bills and, without saying a word, have them passed.

Mr. LIVINGSTON. I want to suggest to my colleague, the gentleman in charge of the bill [Mr. HEMENWAY], when the first point of order was made and discussed yesterday, right at the very incipiency of the whole transaction touching this measure, put the House on notice, and this is about his language: "There are many other increases in salaries in this bill that are subject to a point of order, if any gentleman wishes to make it."

Mr. WILLIAMS of Mississippi. Did anybody reserve points of order?

Mr. MADDOX. That is the difficulty; where are they?

Mr. LIVINGSTON. You do the Committee on Appropriations entirely too much credit when you say they can come into this House with a bill and the whole House is blindfolded and knows nothing about the transactions of the Committee on Appropriations, that they can rush anything or jam anything through without your knowing anything——

Mr. MADDOX. This is my speech, and I want my time. [Laughter.] I want to say this, when the gentleman says that I do them too much——

Mr. LIVINGSTON. I want to finish the sentence——

Mr. MADDOX (continuing). Credit. I want to say that every member knows the facts here. I do not care to discredit or to lecture, but here we find a member of your own committee who gets up and offers an amendment, supports it, and debates it, and as soon as some gentleman wants to make a point of order he is met with the cry that it is too late. If any other man gets up to offer an amendment, we find that the gentleman is standing watching his bill like a hawk, and objects; yet we find new legislation allowed to be offered in your bill, when you know it is wholly against the rules of the House. When you want to offer anything you jump up and begin to debate it without anybody knowing anything about it. That is the way this whole pocketbook and this whole concern is worked. [Laughter and applause.]

Mr. MOODY of Massachusetts. I want to suggest to the gentleman this, that whatever of merit or truth there may be in the gentleman's remarks they have no application at the present time, for the amendment offered by the gentleman from New York is clearly not subject to the point of order.

Mr. MADDOX. Why did he not give us the chance to make the objection, and have the Chair rule upon it, instead of the gentleman from Massachusetts?

Mr. WILLIAMS of Mississippi. Has any member of the committee made the point of order, if the point of order could be made?

Mr. MADDOX. As soon as we found out what it was, my friend from Tennessee rose to make the point of order; but immediately he was informed he was too late, and by a member of the committee itself. The gentleman began to debate——

Mr. WILLIAMS of Mississippi. Withdraw the objection to the point of order and let us see if it is subject to the point of order.

Mr. HEMENWAY. Mr. Chairman, the gentleman from Georgia, in a running statement here——

Mr. MADDOX. I understand, Mr. Chairman, that we are reducing our Army right along——

Mr. HEMENWAY. I will ask the Chair if the time of the gentleman from Georgia has expired?

Mr. MADDOX (continuing). And at the same time here is a proposition to increase the salaries in the War Department.

The CHAIRMAN. The Chair thought the gentleman from Georgia had taken his seat, and had recognized the gentleman from Indiana; but the Chair was mistaken, and corrects his mistake.

Mr. MADDOX. I was just simply saying——

Mr. HEMENWAY. I understood that the gentleman from Georgia had taken his seat and yielded the floor.

Mr. MADDOX. The gentleman knows as well as I do that I have the floor.

Mr. HEMENWAY. Very well, then; I will take the floor in my own right.

Mr. MADDOX. I just wanted to say that you are adding about 600 clerks to the War Department.

Mr. HEMENWAY. I want to say to the gentleman that he is wholly mistaken.

Mr. MADDOX. Wait until I get through.

Mr. HEMENWAY. All right.

Mr. MADDOX. We are going to have peace, according to Governor Taft, and we will need only about 15,000 troops in the Philippine Islands. Now, in that case, what is the necessity for these 600 additional clerks in the War Department in addition to what they had before the war? Now, what is the business that makes it necessary to have them? I asked that question of the gentleman and I will yield the floor to him to answer.

Mr. HEMENWAY. I do not desire to have the gentleman yield the floor to me. I want it in my own right when I can get it.

Mr. MADDOX. All right.

Mr. HEMENWAY. I want to say that the gentleman, with intention or without intention, has misstated the position of the Committee on Appropriations. He says we can bring into this House bills and shove them through here without anyone having opportunity to know what these bills contain.

Mr. MADDOX. Well, will you allow me to ask you a question?

Mr. HEMENWAY. I deny it.

Mr. MADDOX. Did not you report this bill to the House the day before yesterday about this time?

Mr. HEMENWAY. We reported the bill, certainly.

Mr. MADDOX. Do you not know that it was not printed until 11 o'clock the following day, and it was a bill of about 150 pages; and do you not know that it is impossible for gentlemen to know what it contains?

Mr. HEMENWAY. Will the gentleman allow me to answer?

Mr. MADDOX (continuing). And you brought it up here for consideration the next day.

Mr. HEMENWAY. Will the gentleman allow me to answer him? The gentleman knows that this bill was where every member of the House could get it at 9 o'clock, and with the bill is a report, covering only 10 pages, that any man who has the intelligence that a page ought to have to be on this floor could go over in fifteen minutes and ascertain every change that is in the bill. I call the gentleman's attention to the fact that in the report, under the head of House of Representatives, every change made in the current law is given; next, under the head of Library of Congress, every change made in the current law; next, under the head of Executive Office, every change made in current law; next in the Department of State.

Mr. GAINES of Tennessee. Is there anything stated in this report about this?

Mr. HEMENWAY. I decline to yield to the gentleman from Tennessee.

Mr. GAINES of Tennessee. Is there anything about this?

Mr. HEMENWAY. Every change made in the current law is here distinctly stated in the report, covering only 11 pages; and, as I say, anyone with the intelligence of a page upon the floor could read this report in five minutes and determine every change which is made in this appropriation bill that carries 135 pages.

I call the attention of the gentleman further to the report here where every limitation to an appropriation is set out. Everywhere that we seek to change the current law by the change of a single word it is set out. In my statement to the House yesterday I called attention to two little items that by oversight did not get into the report; one was an increase of $60 in a salary, and the other was an increase of $100 in the expenses for public buildings and grounds.

Now, then, as to the statement of the gentleman from Georgia, that the Committee on Appropriations bring in bills here covering many pages and shove them through when people do not know what is in them, there is absolutely nothing in it, because every change is pointed out in the report.

Mr. SHAFROTH. Does not the gentleman recognize that when a bill is printed and ready for distribution at 9 o'clock in the morning, the members of the House may have other business to attend to; that they have to attend committee meetings and to other business?

Mr. HEMENWAY. I call the gentleman's attention to my opening statement yesterday morning, in which I pointed out to members of the House that there was a report, and that the members could secure the report at the desk, and that in this report, which is very short and very simple, every change in the current law is mentioned.

Mr. SHAFROTH. But that was after the bill was brought up.

Mr. HEMENWAY. It was at the opening of the general discussion. The general debate continued for some time after that. The gentleman from South Carolina [Mr. TALBERT] occupied the time of the House for nearly an hour, and other gentlemen could have had time if they wished it.

Mr. SHAFROTH. Does not the gentleman recognize that if we read the reports it would take some time to impress it on our minds and consider whether it would be wise or unwise; that it takes time to consider these matters?

Mr. HEMENWAY. If the gentleman will take the report and read it, and will say that he does not understand the bill——

Mr. SHAFROTH. It is not a question of understanding; it is a question whether or not it is wise or unwise that this change should be made. In some instances I think they should be made.

Mr. HEMENWAY. Would the gentleman from Colorado suggest that an appropriation bill should be brought in here and reported and then lie ten days before it is taken up?

Mr. SHAFROTH. No; but at least twenty-four hours should elapse after the printing of the report.

Mr. HEMENWAY. Twenty-four hours did elapse after the printing of the report. The bill was reported Wednesday morning and it was not taken up until Thursday morning.

Mr. SHAFROTH. We got the printed report on the same day that it was taken up.

Mr. HEMENWAY. It was printed on Wednesday and the bill came up on Thursday.

Mr. SHAFROTH. It was taken up Thursday morning, and that was the time we got the report.

Mr. HEMENWAY. Twenty-four hours elapsed between the report of the bill and the time it was taken up, and here is the report that states every change of law.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. HEMENWAY. Mr. Chairman, I ask unanimous consent that I may have five minutes more.

The CHAIRMAN. The gentleman from Indiana asks that his time be extended five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. NORTON. Will the gentleman from Indiana permit me a question?

Mr. WILLIAMS of Mississippi. Now, Mr. Chairman, I would like to ask the gentleman——

Mr. HEMENWAY. I must yield to the gentleman from Ohio [Mr. NORTON], who first rose.

Mr. NORTON. Suppose we had all read that report, what is there contained in it that would have given us any information that the gentleman from New York was about to offer an amendment?

Mr. HEMENWAY. Absolutely nothing. On the other hand, what information can a committee give in any report that will foretell what any member may offer by way of amendment? Any gentleman here could have made a point of order. Every member has an equal right and power to make a point of order against this provision in the bill. As for myself, I want to say to the gentleman from Mississippi that this whole provision of a temporary force that has been carried for three or four years on these appropriation bills has been subject to a point of order. It is in violation of law. The law is that clerks shall be appointed through the civil service, but at the time the force was provided for we hoped that in a short time there would be no further necessity for that force.

Consequently the appropriation is temporary; but as time ran on the chiefs of divisions insisted that they needed the force, and insisted that they could not get along without it. They say it is a better force than the force they could get through the civil service, and they asked the committee to put these clerks under the civil service.

Now, I called attention in my statement yesterday to this matter. I said:

> The question of temporary clerks now in the different departments of the Government is taken up on this bill. When this temporary force was granted, the Committee on Appropriations believed that their services would not be necessary for any great length of time.
>
> We find, however, that the services of this temporary force are absolutely necessary to conduct the business of the several departments; and, in fact, in some of the departments they insist that they not only need all the temporary force, but an additional force. There is only one department where a recommendation is submitted to decrease that force. That is the War Department, where they submit a decrease of only $5,000 in the total appropriation of $600,000. Many of the departments have insisted that this force ought to be covered into the civil service; but as we do not legislate on appropriation bills, no legislation in that regard is placed upon this bill, and the force is carried as a temporary force for another year.

I called the attention of the House to the fact that many were insisting that this force ought to go under civil service. Now, the gentleman from New York offered this amendment. No point of order was made. I believe it was good legislation; and by the unanimous consent of the House——

Mr. MADDOX. Let me ask the gentleman a question: Has he investigated this matter himself so as to be able to say whether these clerks are needed or not?

Mr. HEMENWAY. I have.

Mr. MADDOX. Does the gentleman state as his belief that they are needed; that they are necessary for the service?

Mr. HEMENWAY. I do. There is absolutely no doubt about it.

Mr. MADDOX. Did you do that before the bill was made up?

Mr. HEMENWAY. Oh, yes.

Mr. MADDOX. Then why did you not put it in the bill, for it is a change of law?

Mr. HEMENWAY. Well, this House has the power——

Mr. MADDOX. Have you not, according to your own statement, changed the law time and again on this bill?

Mr. HEMENWAY. We have changed it—by unanimous consent.

Mr. MADDOX. Then why did you not change it in this case, if you thought it necessary?

Mr. HEMENWAY. I call the gentleman's attention to this fact: We can not change one line of law on this bill without his consent. We can not change one line of law on this bill without the consent of every member of this House who is in his seat performing his duty; because every line of change that may be proposed is subject to a point of order, and any man on this floor has power to make such a point.

Mr. SHAFROTH. May I ask this question: Is not the wisdom of the amendment offered by the gentleman from New York dependent to a large extent upon the question whether the army in the Philippines shall be reduced to 15,000 or whether it shall be 40,000.

Mr. HEMENWAY. I do not propose to go into that proposition, but to confine myself to the question before the House.

Mr. SHAFROTH. Will not more clerks be needed in the event——

Mr. HEMENWAY. I decline to go into the question of the Philippine Islands.

Mr. WILLIAMS of Illinois. Will the gentleman allow an interruption——

Mr. HEMENWAY. I do not care to be interrupted; I want to discuss the question before the House for a few moments before my time expires.

The provision in the bill for this temporary force was subject to a point of order and has at all times been subject to such a point. No point was made against it; and when it was received without any point of order being made, it was subject to an amendment. The amendment of the gentleman from New York which was then offered is not out of order, and would not have been subject to a point of order if such a point had been made by any member of the House. The original provision itself was subject to such a point, but no point was made; and the gentleman from New York had the right to do what he did—to offer an amendment to the original provision.

Mr. MANN. Will the gentleman allow me a single suggestion? The gentleman, as I understood him, in his opening statement on this floor, called attention to this provision of the bill, and said that there was no provision in the bill which would make this a permanent force or would authorize the President to cover it into the classified service.

Mr. HEMENWAY. I did not use the words "permanent force." As long as this force is needed it is as much a permanent force as the force under the civil service. The idea that the force covered by the civil service is a permanent force is erroneous. The members of that force may be discharged whenever their services are unnecessary.

Mr. MANN. I made a clear distinction between a permanent force and the force under the classified service. The gentleman, as I understood, did say that there was nothing whatever in this bill which would carry these employees beyond the fiscal year for which this appropriation is being made.

Mr. HEMENWAY. And there is nothing of that kind in it. If this amendment is adopted, there is nothing of that kind in it.

Mr. MANN. The gentleman made the statement also that there was nothing in the bill which would authorize the President to cover these clerks into the classified service.

Mr. HEMENWAY. That is true.

Mr. MANN. Now, a member of the House who might have been perfectly willing not to have made a point of order upon paying these temporary clerks for but a year might have clearly desired to make a point of order on the amendment offered by the gentleman from New York. Does the gentleman from Indiana think it was fair to the House or the Committee of the Whole——

Mr. HEMENWAY. Let me answer one question at a time.

Mr. MANN. I have not asked my question yet.

Mr. HEMENWAY. I thought you had, at least one question; and now you are asking another—whether I think it fair to do something. Let me answer your first question.

[Here the hammer fell.]

Mr. JENKINS. As a substitute for the pending amendment, I offer the provision which I send to the desk.

The Clerk read as follows:

Provided, That the President may at any time during the fiscal year 1903 transfer all such additional clerks and other employees herein referred to to the classified service.

Mr. SIMS. Mr. Chairman, I reserve the point of order. I think I am in time this time.

Mr. JENKINS. I will accept the amendment of the gentleman from Georgia.

Mr. LIVINGSTON. With the consent of the gentleman, I move to strike out "1903" and to make it read "1902 or 1903."

Mr. MANN. I reserve a point of order on that, Mr. Chairman, until we know what the amendment is.

The CHAIRMAN. The gentleman from Wisconsin [Mr. JENKINS] has the floor. No other gentleman can offer an amendment while the gentleman from Wisconsin has the floor. Points of order are reserved on this amendment. The Chair now recognizes the gentleman from Wisconsin.

Mr. JENKINS. Mr. Chairman, before discussing the amendment offered by myself as a substitute to the pending amendment I desire to say to the gentleman from Georgia that I am very willing, as far as I am concerned, to agree to the amendment that he suggests. My substitute is a little broader than the amendment offered by the gentleman from New York [Mr. LITTAUER]. I am in full sympathy with the amendment offered by the gentleman from New York, and I propose to support it; but the difference between the two amendments is this, Mr. Chairman: Under the amendment offered by the gentleman from New York it is optional with the President to place one or more of the clerks now on the temporary roll on the permanent roll or in the classified service.

Under the substitute that I have offered it is not discretionary with the President to place any one, less than the whole, on the classified roll. I think there should be no favoritism, and that inasmuch as the War Department tells us that it needs the services of every one of these clerks, and that they are competent, they should all be transferred to the permanent roll, and in this way relieve the War Department from the embarrassment that must grow up from the necessity of deciding between those who should go on the permanent roll and those who should remain on the temporary roll.

Mr. LIVINGSTON. Mr. Chairman, I move to amend the amendment by inserting "nineteen hundred and two or nineteen hundred and three."

The CHAIRMAN. The Chair thinks that the point of order ought either to be insisted upon or withdrawn before we go much further in amending this proposition before the House.

Mr. LIVINGSTON. I ask, then, for the ruling of the Chair.

The CHAIRMAN. Does the gentleman from Tennessee raise the point of order?

Mr. GAINES of Tennessee. I raise the point of order, Mr. Chairman, and I want to submit, first, that the distinguished gentleman from Indiana [Mr. HEMENWAY], should read his own speech, which is found in the RECORD, on page 1450, where he said that the reason why this amendment was not put in the bill was because they could not legislate in this bill. Here is his language:

Many of the departments have insisted that this force ought to be covered into the civil service, but as we do not legislate on appropriation bills, no legislation in that regard is placed upon this bill, and the force is carried as a temporary force for another year.

The gentleman has just read this, and yet failed to make the point of order, although he knew the amendment was subject to it.

Now, Mr. Chairman, the distinguished gentleman from Wisconsin [Mr. JENKINS], with his usual candor and frankness, says this amendment is even broader than the one that it proposes to amend. That is his language. The gentleman from Indiana [Mr. HEMENWAY], in other words, confesses that this matter is new legislation, and that the bill itself provides for the temporary force for another year, to remain as a "temporary force." It should be kept, if at all, "temporary."

Mr. Chairman, I say in all candor that the war with Spain has ended, and that now we only have it in the Philippines, and that has been ended several times, as we have been officially informed, and yet this amendment, which the committee itself, who report this bill, dare not bring in, is offered here in this way, and they dare not make a point of order against it. They knew it was subject to a point of order, and yet not one of that committee raised the point of order, nor did the gentleman from New York [Mr. LITTAUER] give us a chance to raise it here. Certainly it was the duty of the committee to deal more frankly and openly in this matter. We have little chance to know when the bill carries new legislation and when it does not, unless the committee familiar with the bill explain it. I submit, Mr. Chairman, that it is new legislation, and bad legislation at that. Let the clerks, if retained at all, be retained as temporary.

Mr. MOODY of Massachusetts. Mr. Chairman, a parliamentary inquiry. What point of order is now pending, and to what amendment?

The CHAIRMAN. A point of order is pending against the substitute offered by the gentleman from Wisconsin [Mr. JENKINS].

Mr. MOODY of Massachusetts. But no point of order is pending against the amendment offered by the gentleman from New York [Mr. LITTAUER]?

The CHAIRMAN. No.

Mr. THAYER. Mr. Chairman——

The CHAIRMAN. Does the gentleman desire to be heard on the point of order?

Mr. THAYER. No; I want to make an inquiry of the committee. I am rather in favor of the amendment of the gentleman from New York [Mr. LITTAUER], but there is one thing which I do not fully comprehend.

I understand there are now some 500 clerks in the War Department on the temporary list, and his amendment here will make those permanent. If they have been retained there three years under this temporary provision, why can you not retain them right along another year in the same way? Why are we obliged now to make the change?

Mr. LITTAUER. Only to make them permanent, in the sense that they would be under the provisions of what we call the civil-service law.

Mr. THAYER. I understand that.

[Mr. LITTAUER addressed the committee. See Appendix.]

The CHAIRMAN. The Chair will take occasion to say that if the original amendment was before the Chair with a point of order pending it would require all the eloquence of the distinguished gentleman from New York to disabuse the mind of the Chair of some prejudice that he might have against that amendment.

The Chair is quite clear that if the point had been raised that the Chair would have sustained it against the original amendment. The Chair can not be responsible for the negligence of members of the House who sleep on their rights.

Mr. GAINES of Tennessee. Who were outraged by other members of the House on this committee.

The CHAIRMAN. The substitute being in the opinion of the Chair substantially the same as the amendment itself, the Chair overrules the point of order, and the question is on the substitute.

Mr. MANN. Mr. Chairman——

Mr. WILLIAMS of Mississippi. Has that substitute ever been read to the House?

Mr. MANN. Pending the question of the ruling of the Chair, my understanding was that they accepted the amendment to the substitute, making it apply to the present fiscal year.

Mr. LIVINGSTON. I am ready to offer that, if I have an opportunity. I move to amend the substitute, making it 1902 or 1903.

Mr. MANN. I raise the point of order upon that.

The CHAIRMAN. The gentleman from Georgia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert after the word "year" the words "1902 or," so as to read "during the fiscal year 1902 or 1903."

Mr. WILLIAMS of Mississippi. Now, Mr. Chairman, I ask unanimous consent that the substitute as offered by the gentleman from Wisconsin [Mr. JENKINS] may be read.

The CHAIRMAN. Without objection, the Clerk will read the substitute offered by the gentleman from Wisconsin.

The substitute offered by Mr. JENKINS, as proposed to be amended by Mr. LIVINGSTON, was read.

Mr. WILLIAMS of Mississippi. I desire to make the inquiry, is that the substitute offered by the gentleman from Wisconsin plus the amendment of the gentleman from Georgia?

The CHAIRMAN. That includes the amendment offered by the gentleman from Georgia.

Mr. WILLIAMS of Mississippi. Well, I wanted to hear the amendment offered by the gentleman from Wisconsin as a substitute.

The CHAIRMAN. The Clerk will report the substitute as offered by the gentleman from Wisconsin, and will also report the amendment to the substitute, offered by the gentleman from Georgia.

The substitute offered by Mr. JENKINS, and the amendment to the substitute, offered by Mr. LIVINGSTON, were again reported.

The CHAIRMAN. The question is on the amendment of the gentleman from Georgia to the substitute.

[Mr. LITTAUER addressed the committee. See Appendix.]

Mr. JENKINS. My amendment proposes to put them all in and remove all chance of favoritism. The amendment of the gentleman from New York places it in the discretion of the President to put in one or more when he sees fit. Every one of the clerks is meritorious and every one competent. Inasmuch as the Department says they need them, I do not know why the amendment should not be adopted, so as to transfer them all and not give an opportunity to select favorites and exclude those who are just as much entitled to recognition for their services as others.

Mr. CRUMPACKER. Mr. Chairman, I ask that the amendment offered by the gentleman from New York may be again read. It was read under such circumstances that many members of the committee did not understand its provisions.

The CHAIRMAN. Without objection, the Clerk will again report the amendment offered by the gentleman from New York.

The Clerk again read the amendment.

Mr. LIVINGSTON. The difference between the two propositions is this: The gentleman from New York gives discretionary power to the President to do what he chooses, and exercise a great deal of partiality, if he desires to do so. He can put in ten and stop there, or put in a hundred and stop there, or he can pick them out and put them in and leave others out. The amendment of the gentleman from Wisconsin authorizes him to put them all in or none—that is the difference.

Mr. GROSVENOR. And a great deal of difference, too.

The amendment to the substitute offered by Mr. JENKINS was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin as a substitute for the amendment offered by the gentleman from New York.

The question was taken; and on a division (demanded by Mr. SHAFROTH) there were—ayes 77, noes 39.

So the amendment to the amendment by way of substitute was agreed to.

The CHAIRMAN. The question now is on agreeing to the amendment as amended by the substitute.

The question was taken; and on a division (demanded by Mr. SHAFROTH and Mr. GAINES of Tennessee) there were—ayes 81, noes 56.

Mr. SHAFROTH. I call for tellers, Mr. Chairman.

Tellers were ordered; and the Chair appointed as tellers Mr. LITTAUER and Mr. SHAFROTH.

The question was again taken; and the tellers reported—ayes 92, noes 61.

So the amendment as amended was agreed to.

Mr. RAY of New York. Mr. Chairman, with the consent of the committee and the chairman of the subcommittee, I ask to return to page 15 for the purpose of offering an amendment.

Mr. HEMENWAY. I desire to reserve a point of order.

The CHAIRMAN. The amendment will be reported before consent is asked to return to the paragraph. The Clerk will report the amendment.

The amendment was read, as follows:

In line 13, page 15, after the word "Affairs," insert the words "and the Judiciary." In line 14 strike out "one thousand four hundred and fifty-two" and insert "two thousand one hundred and seventy-eight."

The CHAIRMAN. Is there objection to recurring to the paragraph for the purpose of offering the amendment?

Mr. GAINES of Tennessee. What is the amendment about?

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The amendment was again read.

Mr. SHAFROTH. What does this amendment relate to?

Mr. RAY of New York. I will explain.

Mr. SHAFROTH. I reserve the point of order, Mr. Chairman.

Mr. GAINES of Tennessee. I reserve the point of order.

The CHAIRMAN. The question is, first, Will the committee consent to return to the paragraph?

Mr. GAINES of Tennessee. I will not consent, Mr. Chairman, until I know what the amendment relates to.

Mr. RAY of New York. Mr. Chairman, the matter of assistant clerks for three committees was referred to the Committee on Accounts, and that committee has recommended that they be allowed. This includes an assistant clerk for the Committee on the Judiciary. I did not go to the Committee on Appropriations with the matter, but it seems that the other two committees did, and the allowance of compensation for the clerks was put into the appropriation bill. I was not in when that clause of the bill was read, and I simply ask to go back for the purpose of having a provision for the assistant clerk of the Judiciary Committee inserted in the bill, with those of the other committees. This is but just and proper, and carries out the recommendation of the Committee on Accounts. The Committee on Accounts reported the three committees together——

Mr. GAINES of Tennessee. Is this new legislation? Does it change existing law?

Mr. RAY of New York. Oh, I think not.

Mr. GAINES of Tennessee. What does the committee want with two clerks? The committee has not reported any business this session.

Mr. RAY of New York. I beg the gentleman's pardon. We reported five bills this morning, and we have reported a great many heretofore. We shall report many more. We certainly need this clerk.

Mr. GAINES of Tennessee. How many clerks have you had heretofore?

Mr. RAY of New York. We had this assistant clerk in the last Congress; but we have not had one during the present Congress. In order to have one, it is necessary to get authority for it.

Mr. SHAFROTH. Does this provision make this clerk an annual clerk?

Mr. RAY of New York. No; just for the session.

Mr. SHAFROTH. And this is nothing more than you asked for last year?

Mr. RAY of New York. Nothing more than we asked for and had in the Fifty-sixth Congress.

Mr. SHAFROTH. And the salary is the same?

Mr. RAY of New York. There is no salary, but a per diem—$6 a day for the session. The amendment proposes to give us only just what we have had and what we need now.

Mr. SHAFROTH. How did you get left out in this matter, anyway?

Mr. RAY of New York. I went before the Committee on Accounts and the proposition was recommended by them. I did not go to the Committee on Appropriations. I suppose I was negligent in not going there, but I was busy in the committee room. When this item was passed in the pending bill I was not in the House, but busy in committee.

Mr. MANN. I understood the gentleman to state that some time ago the Committee on Accounts made a report covering this clerk, with others.

Mr. RAY of New York. They reported in favor of these three clerks. These other two clerks for Committee on Military and Naval Affairs were inserted in the bill, but not the clerk for our committee, because I suppose I did not go before the committee.

Mr. MANN. I thought the gentleman said he went before the Committee on Accounts?

Mr. RAY of New York. I did go before the Committee on Accounts, but not before the Committee on Appropriations.

Mr. MANN. What was the report of the Committee on Accounts on your matter?

Mr. RAY of New York, They reported in favor of this clerk as well as the clerks of the other two committees.

Mr. MANN. We had before the House some time ago a report from the Committee on Accounts, which was adopted by the House and which was understood to cover everything of this kind.

Mr. RAY of New York. Since that time we went before the Committee on Accounts and they have reported in favor of clerks for these three committees. The Committee on Naval Affairs and the Committee on Military Affairs made application to the Appropriations Committee to have their additional clerks provided for in this bill, and they were put in. But I did not think of going and did not go before that committee in behalf of the Committee on the Judiciary, and I was busy in the committee room the other day when this item was passed in the present bill, so that this request was not made at that time.

Mr. MANN. May I ask the gentleman a further question? As I understand from the gentleman's explanation, the Committee on Accounts made a report recommending an additional clerk for his committee, as well as for the Naval Committee, and what other committee?

Mr. RAY of New York. The Committee on Military Affairs.

Mr. MANN. And that was in the report which the Committee on Accounts submitted to the House?

Mr. RAY of New York. It is now included in the report of the Committee on Accounts, but has never been acted on by the House.

Mr. MANN. Did not the House strike out the provision for those three committees?

Mr. RAY of New York. No, sir.

Mr. MANN. What was done with that report?

Mr. RAY of New York. The report is now pending in the House, but has not been called up or acted on.

Mr. MANN. I remember very distinctly that the House struck out a provision for the Naval Committee.

Mr. RAY of New York. If the gentleman will turn to page 15 of this bill, he will find the following provision:

For an assistant clerk to each of the Committees on Military Affairs and Naval Affairs, at $6 per day each during the session, $1,452.

Those two committees and the Committee on the Judiciary were reported together from the Committee on Accounts favorably. The House has not acted upon the matter at all—upon the report of the Committee on Accounts; it is still pending in the House. But gentlemen representing two of these committees went to the Committee on Appropriations. I did not go; I did not think of it. And I was not in the House when we passed over this item I have just read, which has been already adopted by the House. I was in my committee room at the time. If I had been here I should have brought this proposition up. All three committees were treated alike by the Committee on Accounts. Here is a member of that committee who will confirm what I will say.

Mr. HUGHES. The gentleman from New York, representing the Judiciary Committee, came before the Committee on Accounts, and this additional clerk was allowed to that committee; but because the chairman of the Judiciary Committee failed to go before the Committee on Appropriations and have a provision inserted in this bill the matter was not attended to. That was simply an oversight on his part.

Mr. MANN. Was not this proposition originally reported from the Committee on Accounts and voted down by the House?

Mr. HUGHES. No, sir.

Mr. GAINES of Tennessee. We have not been able to hear the explanation of the gentleman from New York [Mr. RAY]; and therefore, in the absence of information about this proposition, I object to the request for unanimous consent.

Mr. HILL. Mr. Chairman, with the consent of the gentleman in charge of this bill, I desire to offer an amendment, to come in at the end of line 8, page 49. I ask the Clerk to read it.

The Clerk read as follows:

Provided, That for the fiscal year of 1902 and thereafter a full and complete list of all officers, agents, clerks, and other employees of the office of the Comptroller of the Currency, including bank examiners, receivers, and attorneys for receivers, and clerks employed by such examiners and receivers, or any other person connected with the work of said office, in Washington or elsewhere, whose salaries or compensation is paid from the Treasury of the United States or assessed against or collected from existing or failed banks under their supervision or control, shall be transmitted to the Secretary of the Interior in accordance with the provisions of an act of Congress, approved January 12, 1805, relating to the official register: *And provided further*, That the Comptroller of the Currency is hereby directed to include in his annual report to the Speaker of the House of Representatives expenses incurred during each year in liquidation of each failed national bank separately.

The CHAIRMAN. Is there objection?

Mr. UNDERWOOD. Mr. Chairman, I should like to ask the gentleman from Connecticut——

Mr. HEMENWAY. Mr. Chairman——

Mr. GROSVENOR. I will reserve the question of objection.

Mr. RICHARDSON of Tennessee. I reserve an objection.

Mr. HEMENWAY. Will the gentleman yield?

Mr. RICHARDSON of Tennessee. I will withdraw the objection if the gentleman wishes to make some explanation—if we can get order.

Mr. UNDERWOOD. I should like to ask the gentleman from Connecticut——

The CHAIRMAN. The committee will be in order, please. The gentlemen will not proceed until the committee is in order.

Mr. HEMENWAY. Mr. Chairman, I made no objection to returning to this point, for the reason that the gentleman from Connecticut [Mr. HILL] seeks to cure an abuse in the office of the Comptroller of the Currency. We have ascertained that in that office men have been employed who are not carried upon any appropriation bill and are not mentioned in any report from that office to Congress, and that extravagant salaries have been paid. For instance, a receiver at $7,000 a year has been provided for there and one at $5,000 a year is now provided for there.

Mr. GAINES of Tennessee. Who did that?

Mr. HEMENWAY. The Comptroller of the Currency.

Mr. GAINES of Tennessee. And there is no law for it?

Mr. HEMENWAY. With a force of clerks under them. They also have employed a gentleman at $25 per day, with a force of clerks under him. The money to pay this force of clerks has been secured from failing banks. They have been assessed, and in that way the money secured by which these two separate sets of clerks in the city of Washington and, as I understand it, three clerks in the city of Chicago are paid.

Mr. UNDERWOOD. Will the gentleman from Indiana allow me to ask a question?

Mr. HEMENWAY. Yes.

Mr. UNDERWOOD. I should like to know if the purpose of this amendment is solely to furnish Congress with information as to what is being done in that office.

Mr. HILL. That is all.

Mr. HEMENWAY. The purpose of this amendment is to prohibit such a state of affairs in the future, and to require a report of the number of people employed out of this fund, and the salaries paid. That is the sole purpose of the amendment offered by the gentleman.

Mr. RICHARDSON of Tennessee. What bill has been carrying the appropriation for these salaries heretofore?

Mr. HEMENWAY. There has been no appropriation carried for these salaries on any appropriation bill. These people have been paid out of moneys collected from failing banks that were in the hands of receivers.

Mr. RICHARDSON of Tennessee. I see no objection to the amendment.

Mr. SHAFROTH. It seems to me there ought not to be any objection to it.

Mr. WILLIAMS of Mississippi. I withdraw the point of order.

Mr. GAINES of Tennessee. I insist upon it until I have heard from the gentleman from Connecticut.

Mr. HILL. Mr. Chairman, it seems to me this proposition ought to carry itself. I have before me the Official Register, with the law, and as I read it every employee of the United States

Government, his name, residence, salary, and so forth, should be found in it. I believe that refers just as much to a national-bank examiner who is appointed by the Comptroller, and who collects his money from the banks at a specified fee fixed by law, as to the Comptroller who appoints him. But no such report has been made recently, and the information can not be found in the Official Register. The amendment proposes that the names of all appointees of the United States Government who receive compensation or emolument shall, as provided in the act of January 12, 1889, be found in that register.

And in addition to that it provides that the report of the Comptroller of the Currency, which is made to the Speaker of the House of Representatives every year, shall contain the expenses of the liquidation of each bank separately. I do not believe it is right that the creditors of a defunct national bank should have their money taken for expenses without knowing how much is taken; and that is all the amendment calls for. It is not a change of existing law in any sense. I do not believe that it is subject to the point of order, and if it was, I do not believe there is a man on this floor who would want to make it.

Mr. SHAFROTH. It only calls for a report, does it not?

Mr. HILL. That is all.

Mr. WILLIAMS of Mississippi. I withdraw the point of order.

Mr. MANN. Does it apply to anything except the Comptroller's office?

Mr. HILL. I do not know of any other department of the Government where this practice exists, because I know of no other department of the Government where officials are paid by assessments upon defunct institutions. If there were any such, I should include it in the amendment.

Mr. MANN. The reason I ask is because I have been trying to get some information about the Revenue-Cutter Service, and they do not publish in the Blue Book or the Official Register the names of any of the employees.

Mr. HILL. Then I trust the gentleman will offer a similar amendment when that matter comes up on the proper appropriation bill.

Mr. MANN. The gentleman's statement covered both, and I asked whether his amendment covers them both.

Mr. HILL. It simply covers a matter that I know about.

Mr. GAINES of Tennessee. The purpose of this is first to get a report.

Mr. HILL. Certainly.

Mr. GAINES of Tennessee. Now, this is the report from the Comptroller of the Treasury, showing the number of officers, who they are, what they have been paid, who have been appointed to do the work, have done the work, and been paid when there is no work to do.

Mr. HILL. Oh, no.

Mr. GAINES of Tennessee. Is not that the fact?

Mr. HILL. Oh, no; this is the report for this year.

Mr. GAINES of Tennessee. It shows just how little we can hear over here. It is almost impossible to hear. Now I withdraw my objection, having obtained that information.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. HEMENWAY. Mr. Chairman, I present the following amendment to the amendment. I think it will be accepted.

Mr. WILLIAMS of Mississippi. I want to reserve the point of order upon the amendment.

The Clerk read as follows:

Provided further, That hereafter there shall not be paid to any person employed by or under the office of the Comptroller of the Currency, from funds belonging to insolvent national banks, compensation exceeding at the rate of $4,000 per annum.

Mr. WILLIAMS of Mississippi. I withdraw the point of order.

Mr. MANN. I insist upon the point of order, Mr. Chairman.

The CHAIRMAN. What point of order does the gentleman raise?

Mr. MANN. That is purely new legislation, Mr. Chairman—a change of existing law.

Mr. LIVINGSTON. The amendment had no point of order on it, and therefore an amendment to the amendment is not subject to the point of order.

Mr. MANN. I also make the point of order that it is not germane to the amendment.

Mr. HEMENWAY. If the Chair is in doubt, I want to be heard.

The CHAIRMAN. The Chair would be pleased to hear the gentleman from Indiana at the same time he is looking this over.

Mr. HEMENWAY. The amendment offered by the gentleman from Connecticut seeks to prohibit the paying of salaries out of this fund collected from failing national banks. There has heretofore been paid out of this fund salaries of $7,000 a year, of $25 a day, and $5,000 per year, and so on. Now, my amendment seeks to limit the amount of salary that can be paid to any one person out of this fund to which the gentleman's amendment refers.

Mr. MANN. Are you aware of any payment in excess of $4,000?

Mr. HEMENWAY. Yes, sir.

Mr. MANN. What is it?

Mr. HEMENWAY. Here is a rate of compensation to one gentleman of $25 a day, and here is another rate of compensation to another gentleman of $7,000 a year, and a rate of compensation to another of $5,000 a year.

Mr. CANDLER. By what authority of law have these salaries been paid?

Mr. HEMENWAY. I do not believe myself there is any authority of law for the payment of these salaries. They are brought up in this way: When a national bank fails, it is placed in the hands of a receiver. Now, it is claimed by the Comptroller that when these banks get to the point when the receiver is discharged, then their business is finally wound up in the city of Washington here in these two departments. Now, at the head of one of these departments is an expert receiving $25 a day, and at the head of another is an expert receiving $7,000 a year, and they get their salaries by an assessment upon these banks that have failed.

Mr. MANN. This provision would apply to all receivers of national banks anywhere?

Mr. HEMENWAY. Yes.

Mr. MANN. Take, for instance, a national bank of Chicago which failed a few years ago with assets of $10,000,000. The gentleman would limit this so as to apply only to the force employed here.

The CHAIRMAN. The Chair would like to hear what is going on. It is impossible to do so unless the committee be in order.

Mr. MANN. I understand the force in Washington are appointed as a temporary receiver of the bank?

Mr. HEMENWAY. Oh, no; it would not affect the receiver.

The CHAIRMAN. The committee will not proceed any further with business until it comes to order. The Chair is absolutely unable to hear what is said by gentlemen discussing this point of order.

Mr. MANN. Now, Mr. Chairman, if this bill itself carries the appropriation out of which these salaries were paid, it is probable that the point of order would not lie and the appropriation might be limited in the payment of salaries; but this bill has nothing to do with the money out of which these salaries are paid. This is clearly an act of legislation, and while the amendment of the gentleman from Connecticut has been subject to a point of order, and that point of order having been waived, it would not make this amendment not subject to a point of order, because this is clearly additional legislation; not a restriction upon the money appropriated, but a clear act of new legislation, which always changes existing law. This amendment is not germane to the amendment, because the original amendment had no contemplation——

Mr. WILLIAMS of Mississippi. Does not the gentleman think the amendment to the amendment is a limitation upon the subject-matter of the amendment?

Mr. MANN. No. Of course, like the gentleman from Mississippi, my knowledge of the amendment of the gentleman from Connecticut is from the gentleman's own statement. His statement was that this merely called for a report. Now, here is a proposition to fix the salary.

Mr. WILLIAMS of Mississippi. Mr. Chairman, the motion of the gentleman from Connecticut calls for a report. The amendment is that in making the report there shall be no salary above a certain amount.

Mr. MANN. No; there shall be no salary paid above a certain amount.

The CHAIRMAN. The Chair is ready to rule. The Chair has no hesitation in saying that the amendment is not germane to the amendment now before the committee. It is on a different subject-matter. The question is on the adoption of the amendment before the committee.

The question was taken; and the amendment was agreed to.

Mr. SMITH of Illinois. Mr. Chairman, I ask unanimous consent to recur to pages 14 and 15 for the purpose of offering two innocent amendments, and to say that at the time these two paragraphs were read, for a short time, I was absent on account of the serious illness of a friend, and could not be present to offer the amendments at that time.

Mr. HEMENWAY. Mr. Chairman, I regret that I am constrained to object.

The CHAIRMAN. Objection is made.

Mr. GROSVENOR. Mr. Chairman, I move to strike out the last word of section 4. I do it for the purpose, among other things, of inquiring of the gentleman from Indiana what authority decides the question that may be raised under this section as to the competency and capacity of the clerks in the Treasury and other public offices?

Mr. HEMENWAY. I call the attention of the gentleman from

Ohio to a provision that has been carried on the bill for some time that—

The appropriation herein made for the officers, clerks, and persons employed in the public service shall not be available for the compensation of any persons permanently incapacitated for performing such service.

Now, we have struck out the words "permanently incapacitated" and say "incompetent or incapacitated," the object being this, if the gentleman desires to know: We have had considerable trouble in inducing the heads of departments to discharge incompetent clerks, and when the question is put, "Why don't you discharge them?" they say, "Well, your provision states that they must be permanently incapacitated." So we strike out the word "permanently" and say "incompetent or incapacitated."

Mr. GROSVENOR. The gentleman's answer has satisfied me pretty well on that subject. But I have a letter, Mr. Chairman, from a constituent that has given me a good deal of anxiety today, and I want to call the attention of the House of Representatives, sitting in Committee of the Whole, to what I deem a very important question. I had not thought of it until my constituent wrote to me, and he writes me a series of interrogatories of this character. He has discovered, what I had not discovered before until the letter called my attention to it, that the system of rural free delivery that we have heard something about has been placed under the civil-service law of the country, and competitive examinations, academic and otherwise, are to be held for the selection of these important personages who carry the mail.

The wording of the order is of such a broad character that my constituent is worried about this view of it. He says the system, according to his understanding of the language or something similar to that, is made up of three general grand divisions—first, the man himself; second, the horse; and, third, the wagon. [Laughter.]

Now, he desires to know this, Will these competitive examinations that are to be carried on, as I understand it by a board of distinguished scientists—veterinary surgeons, blacksmiths, and wagon makers [laughter]—will that examination be in gross or in detail? Will there be one concern, one aggregation of man, horse, and wagon, or will there be three several component parts, each of which must stand upon its own merit? [Laughter.]

Mr. HEPBURN. Of course, this is a merit system. [Laughter.]

Mr. GROSVENOR. It is of the highest importance, and the merit system is coming squarely into action. [Laughter.]

Mr. ROBINSON of Indiana. I have tried for a long time to bring this matter to the consideration of the Department, but have encountered the same difficulty that the gentleman has.

Mr. GROSVENOR. The Department has got me into this trouble, and I am seeking some method of getting out of it.

There is just as much necessity for a meritorious wagon as there is for a meritorious man; and surely nobody will deny that a meritorious horse is an imperative necessity in this case.

A MEMBER. And harness, too.

Mr. GROSVENOR. The issue was presented to me in this form: Suppose now that in this competitive examination a competitor, A, should rank No. 1 under the man examination; but A's horse is away down at the foot, and the wagon somewhere between. What is to happen? [Laughter.] It seems to me there ought to be a provision that when the man comes into competition, he surrenders himself and his horse and his wagon to the judgement of these scientists, and if A should be selected as the carrier, B must surrender his right to the horse, if his horse is of the best character; and the wagon must take the same course.

Now, I submit to the Committee on Reform in the Civil Service that there ought to be a clear definition sent to the people of the country, advising them where the merit system applies and which is the dominating factor—the man, or the horse, or the wagon. [Laughter.] Which factor is to control in making up this report? It is a matter of magnificent importance, and the whole system is threatened with overthrow on this very ground. [Renewed laughter.]

Mr. LACEY. As I do not see present the distinguished chairman of the Committee on Reform in the Civil Service, and as I am a member of that distinguished committee, I should like to ask the gentleman from Ohio whether there is anything in the merit system that recognizes increased merit by reason of length of service of the wagon or of the horse.

Mr. GROSVENOR. There is another trouble.

Mr. WILLIAMS of Mississippi. How about the "veteran" horse?

The Clerk resumed and concluded the reading of the bill.

Mr. HEMENWAY. I move that the committee rise and report the bill with the amendments to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. LOUD reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 10847) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1903, and for other purposes, and had directed him to report the same back with sundry amendments, and with the recommendation that the amendments be concurred in and the bill as amended passed.

The SPEAKER. The question is on agreeing to the amendments reported from the Committee of the Whole. Is a separate vote demanded on any amendment? [After a pause.] In the absence of such a demand, the Chair will put the question on the amendments in gross.

The amendments were agreed to.

The bill as amended was ordered to be engrossed, and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. HEMENWAY, a motion to reconsider the last vote was laid on the table.

Mr. HEMENWAY. I ask unanimous consent that the gentleman from Nebraska [Mr. BURKETT] be permitted to extend his remarks in the RECORD.

There was no objection.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committee, as indicated below:

S. 2170. An act to provide for the purchase of a site and the erection of a post-office building thereon at New York, borough of Manhattan and State of New York—to the Committee on Public Buildings and Grounds.

S. 2782. An act to authorize the construction of a bridge across the Columbia River by the Washington and Oregon Railway Company—to the Committee on Interstate and Foreign Commerce.

S. 715. An act to provide for two additional associate justices of the supreme court of the Territory of Oklahoma, and for other purposes—to the Committee on the Judiciary.

S. 460. An act increasing the limit of cost of public building at Newport News, Va.—to the Committee on Public Buildings and Grounds.

S. 256. An act to provide for the purchase of a site and the erection of a public building thereon at Tacoma, in the State of Washington—to the Committee on Public Buildings and Grounds.

S. R. 51. Joint resolution to provide for the printing of 8,000 copies of the Annual Report of the Office of Experiment Stations, prepared under the direction of the Secretary of Agriculture, for the fiscal year ended June 30, 1901—to the Committee on Printing.

ENROLLED BILL SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title; when the Speaker signed the same:

H. R. 8761. An act to declare the international railway bridge over the St. Lawrence River, near Hogansburg, N. Y., a lawful structure.

WITHDRAWAL OF PAPERS.

Mr. WHEELER, by unanimous consent, obtained leave to withdraw from the files of the House papers in the case of W. M. Sparks (Fifty-fourth Congress), no adverse report having been made thereon.

LEAVE OF ABSENCE.

Mr. WANGER, by unanimous consent, obtained leave of absence for one day, on account of important business.

And then, on motion of Mr. HEMENWAY (at 5 o'clock and 10 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Supervising Surgeon-General Marine-Hospital Service submitting a revised estimate of appropriation for clerical service—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of revised estimate of cost of completing Locks and Dams Nos. 1 and 3 and for constructing Dam No. 2 on Allegheny River, Pennsylvania—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting the draft of a bill making an appropriation for support of the Permanent International Commission of the Congresses of Navigation—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, recommendations in relation to claims arising from the burning of the steamer *Wynoka*—to the Committee on Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. JENKINS, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 10068) for the creation of a national bureau of criminal identification, reported the same with amendments, accompanied by a report (No. 429); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. STEWART of New Jersey, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 4381) to authorize the Central Railway of West Virginia to build a bridge across the Monongahela River at or near Morgantown, in the State of West Virginia, reported the same without amendment, accompanied by a report (No. 430); which said bill and report were referred to the House Calendar.

Mr. LANHAM, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 10380) to authorize the transfer to an adjoining district of causes in the district or circuit courts of the United States in which the judge of the district wherein such causes are pending is disqualified, reported the same with amendments, accompanied by a report (No. 431); which said bill and report were referred to the House Calendar.

Mr. GROSVENOR, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the Senate (S. 946) to amend section 4400 of the Revised Statutes of the United States, relating to a reciprocal recognition of boiler-inspection certificates between the several maritime nations having marine-inspection laws, reported the same without amendment, accompanied by a report (No. 432); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. LACEY: A bill (H. R. 10995) to regulate the introduction of eggs of game birds for propagation—to the Committee on Agriculture.

By Mr. BOUTELL: A bill (H. R. 10996) to extend the jurisdiction of the circuit and district courts of the United States, and so forth—to the Committee on the Judiciary.

By Mr. WEEKS: A bill (H. R. 10997) authorizing the Commissioners of the District of Columbia to set apart certain streets in the District of Columbia as a speed way—to the Committee on the District of Columbia.

By Mr. OTEY (by request): A bill (H. R. 10998) authorizing certain municipal improvements in the District of Columbia, and the anticipation of the revenues of said District on account thereof, and for other purposes—to the Committee on the District of Columbia.

By Mr. HAUGEN: A bill (H. R. 10999) to provide rules and regulations governing the importation of trees, plants, shrubs, vines, grafts, cuttings, and buds, commonly known as nursery stock, and fruits into the United States, and rules and regulations for the inspection of trees, plants, shrubs, vines, grafts, cuttings, and buds, commouly known as nursery stock, grown within the United States, which become subjects of interstate commerce or exportation—to the Committee on Agriculture.

By Mr. RIXEY: A bill (H. R. 11000) to amend an act entitled "An act to set apart a portion of the Arlington estate for experimental agricultural purposes," and so forth, approved April 18, 1900—to the Committee on Military Affairs.

By Mr. SCOTT: A bill (H. R. 11001) regulating the duties imposed on articles from Cuba imported into the United States—to the Committee on Ways and Means.

By Mr. JENKINS: A bill (H. R. 11002) to amend an act entitled "An act in relation to taxes and tax sales in the District of Columbia," approved February 28, 1898—to the Committee on the District of Columbia.

By Mr. CURTIS: A bill (H. R. 11003) to grant the right of way through the Oklahoma Territory and the Indian Territory to the St. Louis and San Francisco Railroad Company—to the Committee on Indian Affairs.

By Mr. McCALL: A bill (H. R. 11004) regulating the duties imposed on articles from Cuba imported into the United States—to the Committee on Ways and Means.

By Mr. OTEY (by request): A bill (H. R. 11005) to regulate the production and sale of milk and cream in and for the District of Columbia—to the Committee on the District of Columbia.

By Mr. MONDELL: A bill (H. R. 11006) providing for a monument to mark the site of the Fort Phil Kearny massacre—to the Committee on Military Affairs.

By Mr. JENKINS: A bill (H. R. 11054) to provide for the distribution of the reports of the United States circuit courts of appeals and of the circuit and district courts—to the Committee on the Judiciary.

By Mr. CUMMINGS: A joint resolution (H. J. Res. 148) in relation to prison-ship martyrs at Fort Greene, Brooklyn, N. Y.—to the Committee on the Library.

By Mr. SCOTT: A resolution (H. Res. 124) to authorize the Doorkeeper of the House of Representatives to appoint Will Apitz a messenger on the soldier roll of the House—to the Committee on Accounts.

By Mr. WACHTER: A resolution (H. Res. 125) authorizing the chairman of the Committee on Enrolled Bills to appoint a committee-room janitor—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills of the following titles were introduced and severally referred as follows:

By Mr. BABCOCK: A bill (H. R. 11007) for the relief of Capt. Herman C. Schumm—to the Committee on Claims.

By Mr. BURKETT: A bill (H. R. 11008) granting a pension to Annie Woodruff—to the Committee on Invalid Pensions.

By Mr. COWHERD: A bill (H. R. 11009) for the relief of William M. Smith—to the Committee on War Claims.

By Mr. CUSHMAN: A bill (H. R. 11010) for the relief of Ramon O. Williams and Joseph A. Springer—to the Committee on Claims.

By Mr. CURRIER: A bill (H. R. 11011) granting an increase of pension to Emily J. Tallman—to the Committee on Invalid Pensions.

By Mr. DEEMER: A bill (H. R. 11012) to correct the military record of George O. Pratt—to the Committee on Military Affairs.

Also, a bill (H. R. 11013) granting an increase of pension to Mary Hall—to the Committee on Pensions.

By Mr. DICK: A bill (H. R. 11014) granting a pension to Maggie E. Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11015) to correct the military record of Jacob Eckert—to the Committee on Military Affairs.

Also, a bill (H. R. 11016) to remove the charge of desertion and grant an honorable discharge to Richard Lanigan—to the Committee on Military Affairs.

Also, a bill (H. R. 11017) for the relief of A. B. Ackerman—to the Committee on Military Affairs.

Also, a bill (H. R. 11018) granting a pension to Martha J. Hurlbut—to the Committee on Invalid Pensions.

By Mr. GREENE of Massachusetts: A bill (H. R. 11019) directing the Secretary of the Treasury to bestow medals upon First Lieut. David H. Jarvis, Second Lieut. Ellsworth P. Bertholf, and Samuel J. Call, surgeon, all of the Revenue-Cutter Service—to the Committee on Interstate and Foreign Commerce.

By Mr. HALL: A bill (H. R. 11020) granting an increase of pension to Oliver P. Alsbach—to the Committee on Invalid Pensions.

By Mr. JOY: A bill (H. R. 11021) for the relief of Martha A. Murphy—to the Committee on War Claims.

By Mr. KEHOE: A bill (H. R. 11022) granting an increase of pension to Jacob L. Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11023) for the relief of Thomas H. Stapleton—to the Committee on Military Affairs.

By Mr. LACEY: A bill (H. R. 11024) granting an increase of pension to James Poulson—to the Committee on Invalid Pensions.

By Mr. LLOYD: A bill (H. R. 11025) granting a pension to Mary A. Carlile—to the Committee on Invalid Pensions.

By Mr. MARTIN: A bill (H. R. 11026) granting an increase of pension to Dennis F. Andre—to the Committee on Invalid Pensions.

By Mr. METCALF: A bill (H. R. 11027) to correct the military record of August E. Bouquet—to the Committee on Military Affairs.

Also, a bill (H. R. 11028) to correct the military title of Fred R. Nugent—to the Committee on Military Affairs.

By Mr. PADGETT: A bill (H. R. 11029) for the relief of E. C. Overton—to the Committee on War Claims.

Also, a bill (H. R. 11030) for the relief of the estate of Andrew Scott—to the Committee on War Claims.

Also, a bill (H. R. 11031) for the relief of the estate of B. H. Caldwell—to the Committee on War Claims.

Also, a bill (H. R. 11032) for the relief of the estate of Edwin Grant—to the Committee on War Claims.

Also, a bill (H. R. 11033) for the relief of the estate of F. T. McLaurine—to the Committee on War Claims.

Also, a bill (H. R. 11034) for the relief of the estate of Lemuel Long—to the Committee on War Claims.

Also, a bill (H. R. 11035) for the relief of the estate of Jonathan Mills—to the Committee on War Claims.

By Mr. PATTERSON of Tennessee: A bill (H. R. 11036) for the relief of John Conner, sr.—to the Committee on Claims.

Also, a bill (H. R. 11037) for the relief of the heirs of Mrs. M. L. Rodgers, late of Memphis, Tenn.—to the Committee on War Claims.

By Mr. HENRY C. SMITH: A bill (H. R. 11038) granting an increase of pension to Martha W. Taylor—to the Committee on Invalid Pensions.

By Mr. WILEY: A bill (H. R. 11039) granting relief to the estates of James H. Judkins and William T. Judkins—to the Committee on War Claims.

By Mr. WILLIAMS of Illinois: A bill (H. R. 11040) granting an increase of pension to David Holmes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11041) for the relief of Alfred Griffith—to the Committee on War Claims.

By Mr. YOUNG: A bill (H. R. 11042) granting a discharge to Samuel J. Matlock—to the Committee on Military Affairs.

Also, a bill (H. R. 11043) granting a discharge to Charles A. Thomas—to the Committee on Military Affairs.

Also, a bill (H. R. 11044) granting a pension to Fanny Korndoffer, widow of George W. Korndoffer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11045) granting an increase of pension to William Stackhouse—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11046) granting an increase of pension to Thomas W. Rogers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11047) granting an increase of pension to Phoebe Buch—to the Committee on Invalid Pensions.

By Mr. WACHTER: A bill (H. R. 11048) for the relief of Samuel B. Marts, managing owner schooner *Nellie W. Howlett*—to the Committee on War Claims.

Also, a bill (H. R. 11049) granting an increase of pension to Louis H. Mayer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11050) removing the charge of desertion from the record of John R. Carroll—to the Committee on Military Affairs.

By Mr. HENDERSON: A bill (H. R. 11051) granting an increase of pension to Henry E. Williams—to the Committee on Invalid Pensions.

By Mr. PERKINS: A bill (H. R. 11052) for the relief Nelson Johnson—to the Committee on Invalid Pensions.

By Mr. MONDELL: A bill (H. R. 11053) providing for the issuance of patent to the town site of Basin, Wyo., to the municipal authorities thereof for the use and benefit of said town—to the Committee on Patents.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petitions of Grand Army of the Republic Post No. 221, Quenemo, Kans.; Edward Wray Post, No. 209, Linn Creek, Mo.; J. J. McLane Post, No. 50, Dwight, N. C.; Sweet Post, No. 195, Sargeant, Nebr.; David Ford Post, No. 11, Ellensburg, Wash.; Colonel Lennard Post, No. 257, Eldorado Springs, Mo.; General Hazen Post, No. 258, Lincoln, Kans., and Rogersville Post, No. 200, Rogersville, Mo., for investigation of the administration of the Bureau of Pensions—to the Committee on Rules.

By Mr. ADAMS: Resolution of Farragut Association, No. 1, Naval Veterans, of Philadelphia, in favor of House bill No. 3097, to reimburse naval volunteers for clothing furnished—to the Committee on Naval Affairs.

By Mr. BELL: Petition of Post No. 101, Grand Army of the Republic, of Hooper, Colo., urging that the navy-yards be utilized for the construction of war vessels—to the Committee on Naval Affairs.

Also, resolution of Fruit Growers' Association of Boulder, Colo., favoring Government reclamation of arid lands—to the Committee on Irrigation of Arid Lands.

Also, resolution of Carpenters and Joiners' Union of Telluride, Colo., favoring the repeal of the desert-land act—to the Committee on the Public Lands.

Also, resolution of the Trades and Labor Assembly of Pueblo, Colo., against Chinese labor—to the Committee on Foreign Affairs.

By Mr. BELMONT: Resolution of the Illinois Manufacturers' Association, for extension of trade between United States and Cuba—to the Committee on Ways and Means.

Also, resolution of the National Live Stock Exchange, protesting against enactment of legislation directed against butterine—to the Committee on Agriculture.

Also, resolution of New York Odontological Society, favoring a dental corps for the United States Navy—to the Committee on Naval Affairs.

Also, resolutions of the Central Federated Union of New York, favoring the passage of House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, petition of Theodore Unger and 24 other clerks of Branch G, New York City post-office, for the classification of salaries of clerks in first and second class post-offices—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of Jewelers' Association and Board of Trade of New York City, indorsing the action of the recent reciprocity convention—to the Committee on Ways and Means.

By Mr. BRANTLEY: Resolution of the Board of Trade of Brunswick, Ga., for lighted buoys, light-ship, and range lights for the port and outer bar of Brunswick, Ga.—to the Committee on the Merchant Marine and Fisheries.

By Mr. BURK of Pennsylvania: Resolution of the Illinois Manufacturers' Association, for extension of trade between United States and Cuba—to the Committee on Ways and Means.

Also, petition of Ale Brewers' Association of New York and New Jersey, asking for the repeal of the war tax on malt liquors—to the Committee on Ways and Means.

Also, resolution of Farragut Association, No. 1, of Philadelphia, in support of House bill No. 3097, to reimburse naval volunteers for clothing furnished—to the Committee on Naval Affairs.

By. Mr. BURKETT: Petition of William Baumer Post, No. 24, Department of Nebraska, Grand Army of the Republic, for investigation of the administration of the Bureau of Pensions—to the Committee on Rules.

By Mr. BULL: Petition of citizens of Greene, R. I., and vicinity, favoring legislation against anarchists and the dissemination of anarchistic doctrines—to the Committee on the Judiciary.

Also, resolutions of Painters and Paperhangers' Union of Providence, Mule Spinners' Union of Pawtucket, Bricklayers and Masons' Union of Providence, and of the Atlantic Coast Seamen's Union of Providence, R. I., in favor of the exclusion of Chinese laborers—to the Committee on Foreign Affairs.

By Mr. CALDERHEAD: Petition of the Reformed Presbyterian Congregation of Olathe, Kans., in opposition to the passage of the Chinese-exclusion act—to the Committee on Foreign Affairs.

Also, resolution of the Dodge City (Kans.) Commercial Club, condemning the proposed Bowersock land-grazing bill—to the Committee on the Public Lands.

Also, petition of Reliable Flour Company, of Boston, Mass., in relation to the taxation of mixed flour—to the Committee on Ways and Means.

Also, resolution of the National Live Stock Association, at Chicago, Ill., protesting against class legislation directed against coloring, manufacture, or sale of oleomargarine—to the Committee on Agriculture.

Also, resolution of the New Orleans Progressive Union; also resolution of the Kansas State Board of Agriculture, protesting against the proposed tariff reduction on Cuban and foreign sugars—to the Committee on Ways and Means.

Also, petition of Consolidated and Petroleum Exchange of New York, for the repeal of portions of the war-revenue act—to the Committee on Ways and Means.

By Mr. CAPRON: Resolutions of Central Trades and Labor Union, Bricklayers and Masons' Union No. 1, and the Atlantic Coast Seamen's Union, of Providence, R. I.; of Mule Spinners' Union and Painters and Paperhangers' Union, of Pawtucket, R. I., and of Carpenters and Joiners' Union No. 977, of Arctic, R. I., in favor of the exclusion of Chinese laborers—to the Committee on Foreign Affairs.

By Mr. CORLISS: Resolution of Brass Molders' Union No. 23, of Detroit, Mich., favoring the construction of naval vessels at Government navy-yards—to the Committee on Naval Affairs.

By Mr. COWHERD: Petition of William M. Smith, of Missouri, for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. CURTIS: Petition of McPherson Post, No. 4, Department of Missouri, Grand Army of the Republic, to accompany House bill 4474, for the relief of Maj. M. R. William Grebe, of Kansas City, Mo.—to the Committee on Invalid Pensions.

By Mr. CUMMINGS: Resolution of the New York Chamber of Commerce, in favor of the proposed reduction of the present tariff rates on Cuban products—to the Committee on Ways and Means.

By Mr. DRAPER: Petition of the Central Federation of Labor of Troy, N. Y., for the reenactment of the Chinese-exclusion law—to the Committee on Foreign Affairs.

By Mr. GRAHAM: Protest of the Eighth Street Reformed Presbyterian Congregation, of Pittsburg, Pa., against the reenactment of the Chinese-exclusion law—to the Committee on Foreign Affairs.

Also, petition of Ale Brewers' Association of New York and New Jersey, asking for the repeal of the war tax on malt liquors—to the Committee on Ways and Means.

Also, letters of Erasmus Haworth, of Lawrence, Kans., department geological survey, University of Kansas, in relation to grants

of land in aid of the education of the youth of the country in subjects relating to mining and metallurgy—to the Committee on Mines and Mining.

Also, resolution of the National Live Stock Association, at Chicago, Ill., protesting against class legislation directed against coloring, manufacture, or sale of oleomargarine—to the Committee on Agriculture.

Also, resolution of the United Labor League of Pennsylvania, Pittsburg, Pa., in favor of the reenactment of Chinese-exclusion act—to the Committee on Foreign Affairs.

Also, resolutions of the New Orleans (La.) Progressive Union, protesting against reduction in sugar tariff—to the Committee on Ways and Means.

Also, petition of Union No. 14, Brotherhood of Electrical Workers, Pittsburg, Pa., in opposition to the passage of Senate bills 1466 and 2054; also asking for the repeal of the desert-land act and the commutation clause of the homestead act, etc.—to the Committee on the Public Lands.

By Mr. GRIFFITH: Resolution of the Democratic Editorial Association of Indiana, in opposition to proposition to require weekly publications to pay postage when delivered by carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. GOLDFOGLE: Petition of the New York Board of Trade and Transportation, asking that the Indian warehouse be retained in New York City—to the Committee on Interstate and Foreign Commerce.

Also, petitions of the Andujar Company and E. Raffloer, of New York, urging reciprocal relations with Cuba—to the Committee on Ways and Means.

By Mr. HALL: Paper in support of House bill 9992, granting an increase of pension to Dr. W. S. Glenn—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 11020, for the relief of Oliver P. Alsbach, Luthersburg, Pa.—to the Committee on Invalid Pensions.

By Mr. JONES of Washington: Petition of H. W. Confield and others, of Colfax, Wash., concerning schools of mining and mines—to the Committee on Mines and Mining.

By Mr. KNAPP: Resolution of D. F. Schenck Post, No. 271, Grand Army of the Republic, Department of New York, favoring the construction of war ships at the navy-yards—to the Committee on Naval Affairs.

By Mr. LACEY: Resolution of Friends' Church of Oskaloosa, Iowa, against the sale of alcoholic liquors to Filipinos—to the Committee on Alcoholic Liquor Traffic.

By Mr. LITTLE: Papers of Pleasant Hixon to accompany House bill 10804, for the relief of James M. Wright—to the Committee on Invalid Pensions.

By Mr. MOODY of Massachusetts: Petition of O. W. Wallace Post, Grand Army of the Republic, of Rockport, Mass., favoring construction of war vessels in United States navy-yards—to the Committee on Naval Affairs.

Also, resolutions of Quarry Workers' Union No. 8233, of Lanesville, Mass., advocating the reenactment of the Chinese-exclusion act—to the Committee on Foreign Affairs.

Also, resolutions of the Massachusetts State board of agriculture, favoring the amended Grout bill—to the Committee on Agriculture.

By Mr. RAY of New York: Petition of Cigar Makers' Union No. 125, of Norwich, N. Y., praying for the further restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of Eldridge Post, No. 199, of Whitneys Point, N. Y., favoring the construction of war ships at the navy-yards—to the Committee on Naval Affairs.

By Mr. RYAN: Resolutions of the Illinois Manufacturers' Association and Chamber of Commerce of Santiago de Cuba, for extension of trade between United States and Cuba—to the Committee on Ways and Means.

By Mr. SIBLEY: Petition of James Miller and other citizens of Franklin, Pa., for an amendment to the National Constitution defining legal marriage to be monogamic—to the Committee on the Judiciary.

Also, petition of Central Labor Union of Warren. Pa., favoring the passage of the Chinese-exclusion law—to the Committee on Foreign Affairs.

By Mr. STARK: Petition of John Brown Post, No. 76, Grand Army of the Republic, Department of Nebraska, for investigation of the administration of the Bureau of Pensions—to the Committee on Rules.

By Mr. STEWART of New Jersey: Petition of citizens of the Fifth Congressional district of New Jersey, for an amendment to the National Constitution defining legal marriage to be monogamic—to the Committee on the Judiciary.

By Mr. WACHTER: Petition and affidavit of Henrietta C. Carroll, to accompany House bill for the removal of the charge of desertion from the military record of her husband, John R. Carroll—to the Committee on Military Affairs.

Also, letter and account of claim, to accompany House bill for the relief of Samuel B. Marts, owner of schooner *Nellie W. Howlett*—to the Committee on War Claims.

By Mr. WADSWORTH: Resolution of Plasterers' Union No. 173, of Niagara Falls, N. Y., favoring an educational test in the restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. WANGER: Resolution of Cigar Makers' Union No. 446, of Norristown, Pa., for the passage of laws which will prevent the immigration of persons who can not read—to the Committee on Immigration and Naturalization.

By Mr. WILLIAMS of Illinois: Papers to accompany House bill for the relief of Alfred Griffith—to the Committee on War Claims.

By Mr. WOODS: Resolution of the Trans-Mississippi Commercial Congress, for the establishment of a national department of mining, etc.—to the Committee on Mines and Mining.

By Mr. YOUNG: Petition of the Reliable Flour Company, of Boston, Mass., relating to the taxation of mixed flour—to the Committee on Ways and Means.

Also, paper to accompany House bill 11047, for the relief of Phoebe Buch—to the Committee on Invalid Pensions.

HOUSE OF REPRESENTATIVES.

SATURDAY, *February 8, 1902.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

BRIDGE ACROSS THE MONONGAHELA RIVER.

Mr. DALZELL. I ask unanimous consent for the present consideration of the bill which I send to the desk.

The bill (H. R. 5801) to authorize the St. Clair Terminal Railroad Company to construct and maintain a bridge across the Monongahela River, was read, with the amendments of the Committee on Interstate and Foreign Commerce.

There being no objection, the House proceeded to the consideration of the bill.

The amendments were agreed to, and the bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. DALZELL, a motion to reconsider the last vote was laid on the table.

UNITED STATES COURT AT CATLETTSBURG, KY.

Mr. KEHOE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 10070, as amended by the committee.

The SPEAKER. The gentleman from Kentucky asks unanimous consent for the present consideration of a bill which the Clerk will report to the House.

The bill (H. R. 10070) establishing a United States court at Catlettsburg, in the eastern district of Kentucky, was read, as follows:

Be it enacted, etc., That section 9 of "An act to divide Kentucky into two judicial districts," approved February 12, 1901, be, and the same is hereby, amended as follows: Insert immediately after the word "year," in next to last line of said section, the words "at Catlettsburg, beginning on the fourth Monday in May and the second Monday in December in each year."

Mr. KEHOE. I ask the Clerk to read the amendment which is found on the last page of the report.

The amendment was read, as follows:

Strike out all after the word "amended," in line 5, and insert in lieu thereof the following:

"SEC. 9. That the regular terms of the circuit and district courts of the United States for the western district of Kentucky shall be held at the following times and places, namely: At Louisville, beginning on the second Monday in March and the second Monday in October in each year; at Owensboro, beginning on the fourth Monday in November and the first Monday in May in each year; at Paducah, beginning on the third Monday in April and the third Monday in November in each year; at Bowling Green, beginning on the third Monday in May and the second Monday in December in each year.

"That the regular terms of the circuit and district courts of the United States for the eastern district of Kentucky shall be held at the following times and places, namely: At Frankfort, beginning on the second Monday in March and the fourth Monday in September in each year; at Covington, beginning on the first Monday in April and the third Monday in October in each year; at Richmond, beginning on the fourth Monday in April and the second Monday in November in each year; at London, beginning on the second Monday in May and the fourth Monday in November in each year; at Catlettsburg, beginning on the fourth Monday in May and the second Monday in December in each year, and at such other times and places as may hereafter be provided by law."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. PAYNE. I should like to ask the gentleman how many additional places this makes for the holding of court?

Mr. KEHOE. One, sir.

Mr. PAYNE. Only one?

Mr. KEHOE. Only one—at Catlettsburg.

Mr. PAYNE. I suppose there is a court-house there now, is there, or a Government building?

Mr. KEHOE. I do not know, sir. There is no Federal court held within 150 miles, nor any within two Congressional districts, containing a population of 450,000 people.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The amendment is not quite adjusted to the phraseology of the bill; but, without objection, the Clerk will be permitted to correct that.

Mr. KEHOE. Let it be adjusted to the phraseology of the bill. That was the purpose of the committee.

The SPEAKER. Is there objection?

There was no objection.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. KEHOE, a motion to reconsider the last vote was laid on the table.

SETTLERS IN FOREST RESERVES.

Mr. MARTIN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 3084) for the relief of bona fide settlers in forest reserves.

The SPEAKER. The gentleman from South Dakota asks unanimous consent for the present consideration of a bill which the Clerk will report.

The bill was read.

The SPEAKER. Is there objection?

Mr. RICHARDSON of Tennessee. I object.

The SPEAKER. Objection is made by the gentleman from Tennessee.

LIGHT STATION ON BLUFF SHOAL, PAMLICO SOUND, NORTH CAROLINA.

Mr. SMALL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 199) for the establishment of a light station on Bluff Shoal, Pamlico Sound, North Carolina.

The SPEAKER. The gentleman from North Carolina asks unanimous consent for the present consideration of a bill which the Clerk will report.

The bill was read.

The following amendment, recommended by the committee, was read:

Strike out all after the enacting clause and substitute the following in lieu thereof:

"That there be established a light station on or near Bluff Shoal, Pamlico Sound, North Carolina, the cost of which shall not exceed $30,000.

"SEC. 2. That the act approved March 3, 1901, for rebuilding the light station on Northwest Point Royal Shoal, North Carolina, be, and the same is hereby, repealed."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. PAYNE. Mr. Speaker, reserving the right to object, I should like an explanation of the purpose of the bill. As I understand from the reading of the bill, Congress formerly appropriated for this object.

Mr. SMALL. That is correct.

Mr. PAYNE. For what reason was it not built in time?

Mr. SMALL. At the last session of Congress an appropriation of $30,000 was made in the sundry civil bill for the rebuilding of the light station on Northwest Point Royal Shoal, a station that had existed there for a great many years. Since that time the Light-House Board have determined after investigation that Bluff Shoal, a point not a great distance from the former location, is a better site; and this bill is simply to authorize the building of a light station on Bluff Shoal, and repealing the former act making the appropriation for the other place.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. SMALL, a motion to reconsider the last vote was laid on the table.

JOHN HORNICK.

Mr. THOMAS of Iowa. Mr. Speaker, I desire to call up the bill (H. R. 8108) for the relief of John Hornick.

The bill was read, as follows:

Be it enacted, etc., That John Hornick, having served in the infantry service of the United States for more than three years during the war of the rebellion, and having been honorably discharged from such service, be, and he is hereby, relieved from any disability now or heretofore existing, since the date of his said discharge, by reason of any defective naturalization, or by reason of not having been duly naturalized under the laws of the United States; and he is hereby authorized to prosecute, in the Court of Claims of the United States, Indian depredation claim numbered in said court 10389 and entitled "John Hornick, Fred T. Evans, and Richard Dunn *v.* The United States and the Sioux Indians," in which cause judgment was rendered by said court on the 14th day of January, A. D. 1901; and the said court is hereby authorized and directed to reinstate the said cause, so far as the same pertains to the claim of the said John Hornick, and upon the facts, as found and returned by said court, to enter judgment in said cause in favor of the said John Hornick for the sum of $1,556.66, with such costs as he may be entitled to recover under existing law and the rules of said court, the same as if he had been a citizen of the United States at the time said depredation was committed.

The amendments recommended by the committee were read, as follows:

First. That the words "more than," in the fourth line of the first page thereof, be stricken out, and that there be inserted in lieu thereof the word "nearly."

Second. By inserting immediately after the word "Court," in the fifth line of the second page thereof, the words "is authorized."

Third. By striking out the words "the sum of one thousand five hundred and sixty-six dollars and sixty-six cents," on the second page thereof, and inserting in lieu thereof the following words: "such sum as he would have been entitled to recover in said action," and that with the adoption of such amendments your committee recommend that the bill be passed.

The SPEAKER. Is there objection?

Mr. SLAYDEN. Mr. Speaker, reserving the right to object, I would like to ask the gentleman a question or two in reference to this bill and the reason for pressing a bill of this individual character when there is now pending before the Committee on Claims a bill to put into the attitude of this citizen, so far as the prosecution of claims for Indian depredations is concerned, every citizen against whom conditions just as hard as this case indicates are pressing. That bill has been offered in three separate Congresses to my knowledge. It provides for an amendment to the statute, so that men who were not citizens, but who subsequently became citizens, can prosecute claims for Indian depredations. Now, I would like the gentleman to say why the general bill should not be passed instead of his bill to cover an individual case like this?

Mr. THOMAS of Iowa. Mr. Speaker, in answer to the gentleman I desire, in the first place, to say that this bill as reported received the unanimous support of the Committee on the Judiciary. In the next place, I do not believe that there are any cases pending before the House on just a parallel with this one. I will state some of the peculiar facts connected with this case. Mr. Hornick came to the United States from Ireland with his father when he was about eight years of age and located in the State of Illinois. There his father voted at elections; and from the general report in the family Mr. Hornick supposed his father was naturalized, and by reason of that supposed he was a citizen of the United States.

In 1861, when Mr. Hornick was about eighteen years of age, he listed in the Army and served in the Army for about three years. His military record, as we have it from the War Department, is a good one. During all the three years he was only absent from roll call three times, once while he was in the hospital from the result of a gunshot wound received in the service; another time while he was in hospital, disabled from disease contracted in the service, and the third was when he was on detailed duty. These are the only times that he was absent from duty during his service in the Army. During the war his company was engaged in 30 battles and young Hornick took part in 28 of them. At the expiration of his term of enlistment he was honorably discharged. He went into business in Sioux City, Iowa, and continued in business there, exercising all the rights and privileges of citizenship, believing himself to be a citizen of the United States. He voted at elections and performed such other duties as generally devolve upon citizens of the country.

In 1876 he, in connection with Fred T. Evans and Richard Dunn, engaged in the freighting business from points in the then Territory of Dakota and Nebraska into the Black Hills. That was before there were any railroads built out into that country. They had a large herd of cattle and horses used in this business. Sometime in the spring of 1877 they started from a point in Nebraska with a load of freight up to the Black Hills. After discharging their freight at Deadwood they went into camp some miles out from that place and put their herd under guard, and while there a band of the Sioux Indians made a raid upon them, killing one of the guards, stampeded their herd, and ran off a large amount of their stock, none of which was ever recovered. After the act of 1891 conferred jurisdiction upon the Court of Claims to adjudicate and determine claims for Indian depredations committed against citizens of the United States by tribes of Indians in amity with the Government, these parties, Mr. Hornick, Mr. Evans, and Mr. Dunn, commenced their action in that court to recover their damages sustained by this depredation. During the trial of that case it developed that Mr. Hornick was of foreign birth, and upon inquiry no record of his naturalization could be found; and upon this evidence the court in that case made this finding of facts:

This case having been heard by the Court of Claims, the court, upon the evidence, makes the following

FINDING OF FACT.

I. At the time of the depredation stated Fred T. Evans and Richard Dunn were citizens of the United States.

II. At the time of the depredation hereinafter stated John Hornick was not a citizen of the United States.

III. On the 10th day of March, 1877, near Whitewood Creek, Crook City, in the then Territory of Dakota, now State of South Dakota, Indians belonging to the Sioux tribe of Indians took and drove away property of said claimants, which at the time and place of the taking was reasonably worth the sum of $4,556.

Said property was taken as aforesaid without just cause or provocation on the part of the owners or the agent in charge and has never been returned or paid for.

IV. At the time of said depredation the defendant Indians were in amity with the United States.

CONCLUSIONS OF LAW.

Upon the foregoing findings of fact the court decrees, as a conclusion of law, that Fred T. Evans and Richard Dunn recover judgment against the United States and the Sioux tribe of Indians in the sum of $3,104, being two-thirds of the amount found due, as above set forth.

It is ordered that out of the said judgment the sum of $545 be allowed and paid J. S. Lothrop, esq., claimants' attorney of record, in full and for all services in this cause.

No allowance is made to John Hornick, and the petition as to his interest is dismissed for the reason set forth in Finding II.

On this finding of facts and the conclusions of law as stated by the court judgment was rendered in favor of Fred T. Evans and Richard Dunn for two-thirds of the amount found due as damages on account of the depredations, and dismissed the petition as to John Hornick solely on the ground that he was not a citizen of the United States at the time that the depredation was committed, and not being a citizen, he could not invoke the jurisdiction of the court under the provisions of the act of 1891.

The only purpose of this bill is to invest Mr. Hornick with the rights and privileges of a citizen granted by that act and give him a standing in the Court of Claims the same as if he had been a citizen.

The justice of the bill, under the circumstances surrounding this case, I do not believe can, with any reasonable degree of propriety, be questioned by any, and therefore I earnestly urge its passage by the House.

Mr. CLAYTON. Mr. Speaker, may I interrupt the gentleman from Iowa?

Mr. THOMAS of Iowa. Yes, sir.

Mr. CLAYTON. To corroborate his statement that this bill comes from the Committee on the Judiciary, after a full investigation, with the unanimous report of that committee; and it seems to me that the very reason that the gentleman from Texas is using for his opposition to this bill is a reason why it should pass—namely, that general measures covering such bills as this have been introduced in three sessions of Congress and have not passed; and the claimant in this case, it seems to me, if he waits upon general legislation, would have to wait three more Congresses, and maybe thirty times three before his claim can ever be paid. I hope this bill will pass.

The SPEAKER. Is there objection?

Mr. SLAYDEN. I would like just a few words in reply to my friend from Alabama and to the gentleman from Iowa. I have no doubt that any bill which the gentleman from Iowa earnestly supports and heartily recommends to this House is founded in justice. I knew nothing about this case. I have very little doubt but that this man should be paid, but I do know that in the States of the Dakotas, in Wyoming, in Montana, in Colorado, in the Territory of New Mexico, and in the State of Texas, and perhaps in other States with which I am not familiar, there are a number of cases that are parallel to this in every respect. Justice has been denied these citizens also. Their property has been destroyed by Indians, and they have never been able to recover in the Court of Claims. They have had no standing in the Court of Claims, because they were not citizens at the time of the depredations.

Now, upon the frontier of Texas, during the civil war, when the troops of the Government were otherwise engaged and not able to give protection to the frontiersman, the Indians made repeated raids, destroyed property, burned houses, stole cattle and horses, and took them away. These people, good, honest citizens, excellent men, at that time not citizens, because they were all of foreign birth and had not had time or the opportunity to become citizens, were robbed and outraged. Since then they have become citizens of the United States, and they feel and believe that the Government owed them absolute protection, and that the Government should remunerate them for the losses that they suffered. Mr. Speaker, I withdraw my objection to the gentleman's bill.

Mr. TALBERT. Mr. Speaker, I would like to ask the gentleman a question.

Mr. THOMAS of Iowa. Very well.

Mr. TALBERT. I could not hear in the confusion, but I heard the gentleman say something about disability. I would like to ask him if this is a bill to remove the charge of desertion?

Mr. THOMAS of Iowa. It is not.

Mr. PAYNE. Mr. Speaker, reserving the right to object, I notice that this bill comes from the Judiciary Committee. It is a bill for a private claim, and the gentleman who introduces it should have sent it to the Claims Committee, where it would come up in the regular order at the Friday session devoted to that purpose. I think, from the statement of the gentleman from Iowa, this is a just bill, and I shall not object to it at this time. But I want to give notice to the gentleman that I propose to object hereafter to the consideration of private bills presented for unanimous consent, a day having been set aside each month for their consideration, and that they will not be able to get a right of way by referring them to the Judiciary Committee.

Mr. SIMS. Mr. Speaker, I object, on the ground stated by the gentleman from New York.

The SPEAKER. Objection is made.

Subsequently—

Mr. SIMS. Mr. Speaker, I made the objection because I understood the bill to be of a character that should be acted upon at the Friday session, but I understand that I am in error in that regard, and I now withdraw the objection.

The SPEAKER. Is there further objection?

Mr. STEPHENS of Texas. Mr. Speaker, I shall not object, but I wish to state that there are thousands of claims over the western part of this country in exactly the same condition. I do not think the committees of the House should pick out special bills and put them before the Committee on the Judiciary when a general bill would cover every case of that kind. In 1890, I believe it was, a bill covering the entire ground was introduced, limited to three years; that bill passed in 1892 and the time expired in 1895. A great many just claims were barred by this act and never filed. These claims belonged to heirs, married women, and men who could not look after their interests and they can not now be filed for adjudication. They can not now be adjudicated although the claimants have been robbed and plundered by various Indian tribes all over the Western country. I do not think it is right for Congress to refuse to pass a general bill when it allows members to pick out here and there a special bill for consideration. I shall not object to this bill, however, but I want to call the attention of the House to this kind of legislation and to urge the passage of a general bill covering all cases of this kind. I have had such a bill before this House for years and it should become a law.

The SPEAKER. Is there further objection? [After a pause.] The Chair hears none.

The amendments recommended by the committee were agreed to.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was read the third time, and passed.

On motion of Mr. THOMAS of Iowa, a motion to reconsider the last vote was laid on the table.

TRANSFER OF CAUSES IN UNITED STATES COURTS TO ADJOINING DISTRICTS.

Mr. RANDELL of Texas. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 10380) to authorize the transfer to an adjoining district of causes in the district or circuit courts of the United States in which the judge of the district wherein such causes are pending is disqualified.

The Clerk read the bill, as follows:

Be it enacted, etc., That whenever a district judge is for any reason disqualified to try any cause pending before him, or in the district or circuit court of the district of which he is judge, it shall be his duty to make and file with the clerk a certificate showing such fact and the grounds of such disqualification; and thereupon, on motion of any party to such cause, or his attorney of record, and on notice to the other parties interested represented by attorney, the clerk shall enter an order transferring the cause to an adjoining district for trial, which shall be nearest, so far as practicable, to the litigants, and will best serve their convenience: *Provided*, That the parties to said cause may, by agreement in writing, filed with the clerk of the court in which said cause is pending, designate the court in such adjoining district to which said cause shall be transferred.

SEC. 2. That jurisdiction of all causes so transferred is hereby conferred upon the courts and judges in the district to which transferred.

With the following committee amendments:

After the word "judge," in line 5, page 1, insert "and the circuit judge shall from any reason fail to try such cause or assign some other judge to try the same within a reasonable time."

After the words "it shall be," in line 5, page 1, strike out the words "his duty" and insert "the duty of said district judge so disqualified."

In line 6, page 1, strike out the word "facts" and insert the word "fact."

In line 1, page 2, strike out the letters "ni" and insert "in."

In line 3, page 2, strike out the word "court" and insert "division."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was read the third time, and passed.

On motion of Mr. RANDELL of Texas, a motion to reconsider the last vote was laid on the table.

JOHN F. ANTLITZ.

Mr. BURKE of South Dakota. I ask unanimous consent for the present consideration of the bill (H. R. 610) to correct the military record of John F. Antlitz.

The bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. RICHARDSON of Tennessee. Reserving the right to

object, I wish to inquire whether this is not a bill reported from the Committee on Military Affairs?

Mr. PARKER. Yes, sir.

Mr. RICHARDSON of Tennessee. And is on the Private Calendar?

Mr. PARKER. It is not on the Private Calendar.

Mr. RICHARDSON of Tennessee. It is in order on Friday?

Mr. PARKER. No; it is not in order on Friday, because it is not a bill to remove the charge of desertion at all. It is simply a bill on the Private Calendar.

Mr. BURKE of South Dakota. I should like an opportunity to make a brief explanation.

Mr. RICHARDSON of Tennessee. Mr. Speaker, it is almost impossible for us to catch the purport of these bills as read here in the midst of so much confusion. But here is a bill proposing, according to its title, "to correct the military record of John F. Antlitz." Now, it strikes me that it must be a bill to remove the charge of desertion——

Mr. BURKE of South Dakota. It is not.

Mr. RICHARDSON of Tennessee. Or a bill to qualify this man to apply for a pension; and if so, it is not in order on Friday.

The SPEAKER. The Chair will state that this bill would be in order under the rule on either Friday.

Mr. RICHARDSON of Tennessee. I must object to any bill which has its day in court under the rule.

The SPEAKER. Objection is made.

REVOLUTIONARY TROPHIES AT ALLEGHENY ARSENAL, PITTSBURG, PA.

Mr. DALZELL. I ask unanimous consent for the consideration of the joint resolution which I send to the desk.

The joint resolution (H. J. Res. 106) authorizing and directing the Secretary of War to give to the Pennsylvania Society of the Sons of the American Revolution the custody of certain Revolutionary trophies at Allegheny Arsenal, Pittsburg, Pa., was read, as follows:

Resolved, etc., That the Secretary of War be, and he hereby is, authorized and directed to give to the Pennsylvania Society of the Sons of the American Revolution the custody of the two 3-pounder and five 4-pounder brass guns, without carriages, relics of the Revolutionary war, now at the Allegheny Arsenal, Pittsburg, Pa., to be kept at the Carnegie Institute.

The SPEAKER. Is there objection to the present consideration of this joint resolution?

Mr. MADDOX. Reserving the right to object, I should like to hear an explanation.

Mr. DALZELL. This bill comes from the Committee on Military Affairs, the report being unanimous. In the Allegheny Arsenal, at Pittsburg, there are three or four, perhaps five, small brass cannon—relics of the Revolutionary war. The Allegheny Arsenal is about to be abandoned, and the Secretary of War had directed that these cannon be sent to the Watervliet Arsenal, in the State of New York. Of course the citizens of Pittsburg are very desirous to keep in their own midst these Revolutionary trophies; and consequently this resolution provides that the Secretary of War may, at his discretion, loan these cannon to the Pennsylvania Society of the Sons of the American Revolution, who will deposit them for safe-keeping and for public inspection in the Carnegie Institute.

Mr. RAY of New York. How can the gentleman expect that a New Yorker, if he wishes to preserve a consistent record as such, can sit here and allow such a resolution as this to go through?

Mr. DALZELL. I should be very sorry if any New Yorker should make objection to so reasonable a request on behalf of the citizens of Pittsburg.

Mr. RAY of New York. These trophies, as I understand, will go to New York if we do not pass this bill.

Mr. DALZELL. These articles are of no use except as trophies; and there is no New York association to which they might with any propriety go; whereas there is a Pennsylvania association—a Pittsburg association especially—to whom we propose to give the custody of these cannon. They have been at Pittsburg for one hundred years.

Mr. PAYNE. May I suggest to my colleague [Mr. RAY of New York] that we have plenty of such things in New York, and Pennsylvania is a little short in that regard? [Laughter.]

Mr. RAY of New York. My colleague [Mr. PAYNE], who is a colleague of the gentleman from Pennsylvania [Mr. DALZELL] on the Committee on Ways and Means, appears to be willing to deprive New York of trophies which it ought to have, in order that he may "stand in" well with his associate on the committee. He ought to think more of the great State of New York than of his colleague on the committee, although the latter gentleman is no doubt entitled to very great consideration. But the gentleman from Pennsylvania has already had a bill passed today by unanimous consent. He gets something every day, and it strikes me that he is rather selfish in asking to have these trophies diverted from the great State of New York.

Mr. DALZELL. "The great State of New York" does not need them. So far as concerns the suggestion that I am "getting something every day," this is the first day I have had a show. [Laughter.]

Mr. RAY of New York. If there is no objection on the part of New York to this request, will the gentleman from Pennsylvania "stand in" with us in the future to assist New York? [Laughter.]

Mr. DALZELL. That would depend upon the circumstances.

Mr. RAY of New York. I mean under proper circumstances.

Mr. DALZELL. Oh, always.

There being no objection, the House proceeded to the consideration of the joint resolution.

The following amendments, reported by the Committee on Military Affairs, were read, and agreed to:

In line 4 strike out the words "and directed to give" and insert the words "in his discretion to loan."

In line 6 strike out the words "the custody of."

Amend the title so as to read: "Joint resolution authorizing the Secretary of War to loan to the Pennsylvania Society of the Sons of the American Revolution certain Revolutionary trophies at Allegheny Arsenal, Pittsburg, Pennsylvania."

The joint resolution as amended was ordered to be engrossed and read the third time; and it was accordingly read the third time, and passed.

On motion of Mr. DALZELL, a motion to reconsider the last vote was laid on the table.

BOILER INSPECTION.

Mr. GROSVENOR. I ask unanimous consent for the present consideration of Senate bill 946.

The bill was read, as follows:

A bill to amend section 4400 of the Revised Statutes of the United States, relating to a reciprocal recognition of boiler-inspection certificates between the several maritime nations having marine-inspection laws.

Be it enacted, etc., That section 4400 of Title LII of the Revised Statutes of the United States be, and the same is hereby, amended by adding to said section, as amended by the act of Congress approved March 1, 1895, chapter 146, page 699, volume 28, United States Statutes at Large, third session Fifty-third Congress, after the word "aforesaid," a provision as follows: *Provided, however*, That when such foreign passenger steamers belong to countries having inspection laws approximating those of the United States, and have unexpired certificates of inspection issued by the proper authorities in the respective countries to which they belong, they shall be subject to no other inspection than necessary to satisfy the local inspectors that the condition of the vessel, her boilers, and life-saving equipments are as stated in the current certificate of inspection; but no such certificate of inspection shall be accepted as evidence of lawful inspection except when presented by steam vessels of other countries which have by their laws accorded to the steam vessels of the United States visiting such countries the same privilege accorded herein to the steam vessels of such countries visiting the United States; it being further provided that there shall be collected and paid into the Treasury of the United States the same fees for the inspection of foreign passenger steamers carrying passengers from the United States that any foreign nation shall charge the merchant vessels of the United States trading to the ports of such nationality; it being further provided that the Secretary of the Treasury shall have the power to waive at any time the collection of such fees upon due notice of the proper authorities of any country concerned that the collection of fees for the inspection of American steam merchant vessels has been discontinued.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. UNDERWOOD. I ask to have the report read.

Mr. RICHARDSON of Tennessee. Reserving the right to object, I should like to hear an explanation.

Mr. GROSVENOR. This is a Senate bill——

Mr. RICHARDSON of Tennessee. Has it been reported by the House committee?

Mr. GROSVENOR. It is a Senate bill which was unanimously reported by the Senate committee, and has also been unanimously reported by the Committee on Merchant Marine and Fisheries, of the House. The point about the matter is this: There has been some confusion growing out of the divergence in the language of the laws of inspection of the various countries; so that in some cases our ships in foreign ports have been subjected to the expense of a complete inspection of all that relates to the equipment of the ship, and this has become a somewhat important and expensive charge.

Now, this bill proposes simply this, that if a ship comes into our ports it shall only be subjected to so much of an inspection as will show that it is the same ship carried and covered by the inspection certificate of a foreign country, provided that foreign country gives the same reciprocal treatment to our ships in foreign ports. The bill is recommended by the Treasury Department and by the Supervisor of Vessels, and by everybody in our Government interested in the matter.

Mr. UNDERWOOD. Will the gentleman from Ohio allow me to ask him what is required under the law as it now stands?

Mr. GROSVENOR. The law as it now stands is indefinite as to whether our people may not require a complete certification of all that relates to the ship, and this is intended to establish a reciprocal relation between other countries and our country, so as to get rid of the unnecessary expense of the investigation.

Mr. UNDERWOOD. Is it customary in the ports of Europe

that when an American ship comes in there our certificates of boiler inspection are accepted?

Mr. GROSVENOR. I can not speak of all the countries of Europe, but unless they do accept our certificates, then we do not extend to them that reciprocity of investigation. I think the gentleman will see it is only intended that we shall be able to put ourselves in the same favorable relation that we extend to others.

Mr. UNDERWOOD. Does this bill in any way prevent the American authorities from an inspection of a vessel, if they deem it necessary?

Mr. GROSVENOR. Not at all; but, on the contrary, it provides that they may inspect it, to ascertain whether it is in all respects the ship covered by the certificate of the foreign country.

The SPEAKER. Is there objection?

Mr. RICHARDSON of Tennessee. I understood the gentleman to say that the bill had been considered by the House committee.

Mr. GROSVENOR. It has, and is unanimously reported by that committee.

Mr. RICHARDSON of Tennessee. Is it necessary that this bill should be considered by unanimous consent? Why not get it up regularly under the rule?

Mr. GROSVENOR. It will take a little less time now, if the gentleman will not object, than it will at some other time when we have bills that are debatable. This is a bill urged by the Treasury Department, and I am only discharging my duty, having no interest whatever beyond that; and I think, if the gentleman will not object to the bill, it will be out of the way in a very few seconds.

Mr. RICHARDSON of Tennessee. So many good bills are awaiting consideration—that is all.

Mr. GROSVENOR. A good many of them are getting heard also.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. GROSVENOR, a motion to reconsider the last vote was laid on the table.

EULOGIES ON THE LATE REPRESENTATIVE BURKE OF TEXAS.

Mr. WOOTEN. Mr. Speaker, it being now within a few minutes of the hour for the special order, I ask unanimous consent that the special order be taken up.

The SPEAKER. Without objection, the request of the gentleman from Texas for the special order will be taken up at this time.

Mr. WOOTEN. Mr. Speaker, I offer the resolutions which I send to the Clerk's desk.

The SPEAKER. The gentleman from Texas offers the following resolutions, which will be read by the Clerk.

The Clerk read as follows:

Resolved, That the business of the House be now suspended in order that an opportunity may be given for tributes to the memory of Hon. ROBERT E. BURKE, late a member of the House of Representatives from the State of Texas.

Resolved, That as a particular mark of respect to the memory of the deceased, and in recognition of his eminent abilities as a distinguished public servant, the House, at the conclusion of these memorial proceedings, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk be, and he is hereby, instructed to send a copy of these resolutions to the family of the deceased.

The resolutions were agreed to.

Mr. WOOTEN. Mr. Speaker, it was not my privilege to know and to associate with my distinguished predecessor as a Representative in this House, and consequently I can not speak of him with that nearness and knowledge as a Congressman that his former colleagues here can and will speak; but for twelve years I did know him as a man, as a lawyer, as a judge on the bench, and as a private citizen, and I can speak of him personally, professionally, and in all the relations in which one man can know and judge another. He was a man singularly free of guile in his personal and private intercourse. Kind, generous, considerate, and thoughtful for all those with whom he came in contact, he was one of the most benevolent and conscientious friends to all mankind that I ever knew.

On the bench, in which capacity I best knew him, he was tireless, painstaking, indefatigable, and consistently faithful to the right as he understood it and could best conceive it. No man ever lived in the community in which for thirty years he was a conspicuous citizen who ever enjoyed an equal degree of personal popularity, esteem and public confidence, and this meed of universal and uniform credit was due to the unbroken courtesy of his demeanor, the unfaltering kindness of his intercourse and the unquestioned honesty of his motive in all his conduct and attitude toward his fellow-men in every relation of life—personal, professional, and political. What more could be said of any man, and what higher tribute was ever paid to any man's career in the community in which he lived and labored?

He came to Texas as a young man from that State that has contributed more to the growth and greatness of Texas than all the other States in the American Union. Texas from the foundations of its civilization has been a composite production, a mosaic of heterogeneous elements. Out of a complex and almost incongruous mixture of various populations and contradictory influences she has evolved a homogeneous and vigorous citizenship, composed from all possible factors and combining all imaginable elements of strength; but it is a remarkable and significant fact that I may be permitted to mention here and now that Texas owes more of her distinguished names at the bar, on the bench, in the forum, and in every walk of useful enterprise to the State of Alabama than to any other one State in the Union.

It was there that Judge BURKE was born, and from there, as a mere boy, he went out among that gay and gallant host of Southern cavaliers who rode down to death in that far-off summer of '61 with as dauntless mien and as serene a front as any knight-errant who buckled on his armor "in fantastic Gothic chapel, beneath storied windows richly dight." Like so many others of that brave but defeated host he found a new home in a new land, and the echoes of the fading conflict found him a citizen of Texas, ready to build up his fortunes and to link his fate with hers in the dismal days of reconstruction.

Living at first in eastern Texas, he came in 1870 to Dallas, where for the next thirty years he wrought out his successful and honored life among the thrifty and ambitious people of that metropolitan city and county. There was no honor that his people did not freely bestow upon him—there was no labor that he did not willingly perform for them; and so he lived and labored in a congenial atmosphere of generous and grateful appreciation by the citizens whom he so often and so signally served. It would be useless to reiterate here the many acts of personal and private kindness that endeared him to the people among whom he lived and who have not ceased to mourn his death. They are canonized among the sacred recollections of his neighbors and friends.

It would be equally fruitless to recall the many services he rendered his constituents in the various capacities in which he served them. They are recorded in the annals of his State's and his country's history. We to-day come to commemorate his virtues, to speak kindly and affectionately of his memory, and to send out to his people and to all those who value the recognition of merit and nobility a testimony of our enduring regard for a well-spent and virtuous life. It has been said that "Genius can mold no marble so speaking as the place where a brave man labored or the spot where a good man died." If this is true, then this Hall ought to be the perpetual memorial of such men as the one whose death we to-day lament, as their own homes will unceasingly bear witness to the irreparable loss of their presence and influence.

Mr. LOUD. Mr. Speaker, eulogies, as they seem to me, have followed so near the line of flattery that in the past I have refrained from taking part in such as have been presented. But the truth at this time is not flattery, although during the lifetime of a person it is not well at all times even to speak the whole truth.

The late Mr. BURKE became a member of this body in the Fifty-fifth Congress, and was assigned to the committee of which I had the honor to be chairman. In the past I have watched men come to Congress, remain a while, and retire again to private life without even having left a lasting mark upon the country or in this body; but Mr. BURKE almost from the very moment he entered this House became a prominent figure.

As a member of the Committee on the Post-Office and Post-Roads soon after he had been assigned to that committee he was selected, together with Judge McPherson, Mr. BROMWELL, and myself, to revise and codify the postal laws, both civil and criminal. Those laws had not been revised for more than a half of a century. The work demanded the almost undivided attention of the members of the subcommittee for more than four months during the long session and nearly thirty days during the short session. And I wish to speak of him as I knew him on the floor and as I knew him in the committee—an honest, fearless, patient, intelligent, faithful worker, not alone for the interests of his district or his State, but for the whole country at large. His mind was so broad that it knew no North or South, East or West. His impulses and acts were for the betterment of the whole country. I have in days gone by segregated legislators and denominated some as local legislators and others as national legislators.

Of the latter class Mr. BURKE was in the foremost rank. The local legislator to whom I refer, and we have many—and they should not be condemned, because they are necessary—look to the interests of their districts first and, in many cases, the country afterwards. Mr. BURKE kept in view at all times his duty as a

national legislator—looked first to the interests of the country and next to the interests of his own particular locality.

During the consideration of this bill of more than 225 printed pages, to which I have referred, which occupied the time of this House eight or nine days, divided as it was, covering a period of nearly three weeks, then in failing health and a constant sufferer, he was here in his place, across the aisle from where I now stand, having the confidence not alone of his own side of the House, but the confidence of this whole body. His voice and his influence there were felt in such a degree that that bill came out of this House with no amendment of any importance whatever.

It was said in my presence, what I have never repeated before, but what his family, his friends, and the people in his district have a right to know, that our lamented President, William McKinley, took occasion to highly commend Mr. BURKE for the faithful and efficient work he had performed in connection with that legislation, and that he deserved well of his country.

Words that I shall speak are not flattery. The citizens of his district have lost a man that it would be almost impossible to replace. The country has suffered in the loss of Mr. BURKE as great a loss as it has suffered for many years.

Mr. MCCLEARY. Mr. Speaker, I can not tell you how shocked I was less than two weeks ago to learn for the first time that Mr. BURKE was dead. Out of the country at the time of his death, I had not heard of it. Since I learned of his death I have had no opportunity to make suitable preparation to speak of him, and yet I can not allow this opportunity to pass by without saying at least a few words.

I did not know our friend in his home relations; I did not have the honor of serving with him on any committee, and, therefore, I speak as one who learned of him, as most of us learned of him, by seeing him performing his duties here upon the floor of this House. As my friend from California [Mr. LOUD] has said, Mr. BURKE came to this House in the Fifty-fifth Congress. Before he had been here long I noted his expressions on the floor. My first thought of him was, there is a man who has opinions; he is a thoughtful man; he comes to his conclusions after due deliberation; he thinks as a judge thinks; he talks as a judge talks.

Mr. BURKE had a happy way of expressing his thought; he spoke with deliberation; he evidently thought along straight lines. His judgments were clear, as were the expressions of them. I noted especially the courtesy of the treatment which he always accorded to those who differed with him. He realized, Mr. Speaker, that it is no easy task to come to a righteous conclusion on any subject. He realized that we see things from different standpoints, and that in many matters there is room for honest difference of opinion.

In the tones of his voice, in the framing of his sentences, you always felt there was a man whose own opinions were honestly held, and who could realize that a person who differed with him was just as honest and just as capable of forming an opinion. Incapable of double dealing himself, he seemed always to expect and almost always to receive from those with whom he differed frankness in expression. I honored him; I miss him; I mourn him.

Mr. COOPER of Texas. Mr. Speaker, of the many illustrious men who have represented Texas upon this floor, none brought to the discharge of his high duties a loftier conception of the right, cleaner hands, purer patriotism, or a stronger and more patient diligence than did ROBERT EMMET BURKE. What he did was done honestly, according to high conception of duty and with painstaking thoroughness. And it was in this manner that he discharged his duties to his God, his family, and his country from the moment he shouldered his musket in 1863, in defense of the Confederacy, until that fateful moment in the early dawn of a Texas June day when he closed his eyes forever upon the scenes of this world.

It is not necessary to relate here his career in the army of the South. Perhaps nothing should be said further than that he volunteered as a private when a beardless boy and served in the ranks with the devotion, zeal, courage, and self-sacrifice which have immortalized the soldiery of the Confederacy. He entered the army in 1863, and followed his country's flag until it was furled forever, and its people's hopes were dead. In the year succeeding the war he joined the ranks of thousands of his former comrades and moved to Texas, where, under the new conditions afforded by a new State, he commenced his life anew. At this time he was but 19 years of age, and all that he carried with him was a good character, a willingness to work, and an ambition to make something of himself, and this was an equipment that could not fail; it has never failed, and never will.

The war had seriously interfered with his education, and the first years of his residence in Texas were devoted to work by day and study at night. With lofty aims in view, he was steadfast and true at a time when there were many temptations to swerve a young man from the paths of rectitude. It was not long before he attracted the attention of the best people of Jefferson, his new home, and he was recognized by all as a sturdy, diligent, honest, self-respecting young man. He was admitted to the bar in November, 1870, and the following year moved to Dallas.

His exemplary life, recognized legal ability, and amiable personality brought him to the front rapidly, and in 1878 he was elected county judge, to which position he was twice reelected. In 1888 he was elected district judge, and served in this capacity for eight years, and was then elected Representative from the Dallas district to the Fifty-fifth Congress, and was reelected in 1898, and again in 1900.

I mention these facts to show how thoroughly he enjoyed the confidence of the people among whom he lived. That he deserved this confidence, a life of virtue, temperance, fidelity, and conscientious devotion to the public welfare is ample proof.

As a member of this body he achieved all for his people and his country consistent with the opportunities which were afforded him, and it may be said that in every public capacity in which he served his achievement came well up to limits of his opportunity. Those who served with him on committees well remember how diligent he was, how well he bore his responsibilities, and how loyal he was to the interests confided to him. On the floor of the House he was a patient investigator, a ready debater, and at all times a loyal and knightly champion of the principles for which he stood. In all the relations of private and public life he did his duty nobly and left the rest to God.

During the second session of the Fifty-sixth Congress his health failed him, but he clung to his duty until the session's end. Even through days and nights of illness, sometimes of intense pain, he wearied not, for he was looking hopefully to his return home to his loved ones and friends, and was confident that the balmy breezes and gentle sunshine of his beloved State would bring the healing for which he longed. He wanted to live, and surely there was every incentive to a love for life. He was in the prime of life, and around him a loving wife, two sturdy sons grown to manhood, and a daughter just budding into womanhood. He was never more firmly intrenched in the confidence and affections of his people. There was much work he wanted to do for his country and his State, and he had in process plans of great moment to the people who had honored him.

But it was not to be. He returned to Texas to find the fields radiant with the flowers of spring and the perfumed zephyrs vibrant with the music of the birds. No wonder he felt that those cloudless days and nights would bring him health. But he steadily declined until the fears of anxious loved ones became painful, and soon came a physical collapse which portended the gravest consequences. Then it was that the love of a great people enveloped the cottage wherein he suffered and thousands of hearts poured out their earnest prayers for his life.

God knew best. In the dim and misty hours of the morning, while the world was hushed in slumber, under the shadows of a starlit sky, God whispered, and the soul of ROBERT EMMET BURKE joined the great majority. With a serene and all-sufficient faith in the promises of his Redeemer he laid aside the burdens of this world, its affections, its hopes, and its ambitions, and obeyed the summons of his Maker.

Mr. Speaker, in the broad and loving bosom of the majestic Commonwealth of Texas reposes the ashes of many noble and gallant sons—men who have enriched the history of all humanity for all time with their splendid achievements. Texas herself is a monument to the deeds of a great and noble people. While ROBERT EMMET BURKE may not have equaled in many respects the accomplishments of men like Houston, Austin, Crockett, Travis, and a host of patriots whose names are immortalized forever, he performed every duty confided to him with loyal devotion to the people of his State and country; and in his personal contact with his fellow-men he gave the loftiest example of husband, father, and citizen. Tenderly the State he loved so well received his dust to her bosom, and gratefully will the people remember his honest, useful, and gentle life.

Mr. SPERRY. Mr. Speaker, we have set apart this day to commemorate the life of ROBERT EMMET BURKE, and I wish to pay a brief but sincere tribute to his memory. Others who knew him more intimately than I have pronounced his eulogy and described his career.

My acquaintance with him did not extend over any great length of time. I simply knew him as a fellow-member of Congress, a coworker on the same committee and on the floor of this House. But, short as this acquaintance was, I learned to love and respect him for his sterling uprightness, his devotion to duty and what he believed to be right. His word was as good as his bond. He was courteous to all, and he never turned a deaf ear to a worthy appeal. He represented the true type of a Southern

gentleman—gracious, open-hearted, generous, the kind of a man who makes friends and holds them.

Mr. BURKE came to Congress with the indorsement of his people and with a reputation gained in the faithful service rendered in many official positions. For three consecutive terms the people of Dallas County chose him as their county judge, and such was his judicial record that he was elected district judge of his State and reelected, the second time without opposition. During the two terms he was a member of Congress he proved the wisdom of his people in electing him to this House. No favor was too slight for him to grant, if possible; no constituent of his appealed to him in vain. Rich and poor, great and small, all were treated with that kind consideration and gentle courtesy which were so characteristic of the man. He performed the duties of a member of this House not grudgingly, but with a willing heart and with faithful devotion to his people.

In the deliberations of the committee of which we were both members his advice was always welcome. He proved himself a fair and broad-minded legislator who ever tried to do his duty as he saw it, and feared not to state his position upon the questions of the day. To him everything that was false, everything that savored of a sham, was distasteful, and when he spoke his voice had the true ring of a truthful, fearless man who knew his own mind and dared to speak it.

In the daily routine life of a legislator, so full of disappointments, or petty annoyances, we delight in the hearty grasp of the honest hand of a friend. To find a sympathetic soul is like the breaking out of the sun on a cloudy morn. Such a man was ROBERT BURKE. "His song was of love," of integrity; his master chords were manhood and brotherhood. If there were any discords in his life, "they were mere interludes between the lines."

In the death of Mr. BURKE the House lost a valued member and the South one of its noblest sons. My heart went out toward him, and I esteemed him as a friend. The memory of that friendship, of our pleasant associations in this House, will ever remain a bright page in the book of my life. His public career stands boldly out, and we who are left behind can do no less than honor the memory of such a man as ROBERT EMMET BURKE and hand down to posterity our appreciation of him as a friend and associate.

He sleeps peacefully in the land of his adopted State. His memory is loved and honored by all who knew him. The spotless character he has left behind stands out as a lasting monument of fame for others to follow.

The welcome angel came
  Ere yet his eye with age was dim,
Or bent his stately frame;
  His weapon still was bright,
His shield was lifted high
  To slay the wrong, to save the right.

Mr. KLEBERG. Mr. Speaker, when ROBERT EMMET BURKE, late a Representative from the State of Texas, died at his home in Dallas, Tex., on the 5th of June, 1901, the nation, the State, the Sixth Congressional district, and the county of Dallas, Tex., lost the services of one of the most faithful and useful men in public life. His many years on the bench of the county and district courts had stamped him as a fair and upright judge, who, by reason of his lofty sense of justice, had made himself not only invincible before the electors of his county and district, but who had won the respect and approbation of the bench and bar throughout the State of Texas.

He was not technical, but broad and just in his rulings as a judge, and while he was not at all times sustained by the higher courts (and what judge is?) in his decisions on law points, he never could be justly criticised for not reaching for the equity of the case in every instance. He rather clung to the spirit than the letter of the law and aimed always to do substantial justice, and no litigant who came into his court with clean hands ever had a right to complain at the motive of his judgments, and no one, whether friend or foe, can justly say that he ever swerved from the path of right and duty as he saw it. This is all the best and the purest can do who wear the judicial ermine, and it is after all the highest encomium that can be paid a judge on the bench.

No wonder that on account of his faithful services as a nisi prius judge the people of the Sixth Congressional district intrusted him with the wider and more varied duties of a Representative in the American Congress. They did not misplace their confidence, for not only did he bring to his new sphere of action his rugged honesty, his good common sense, his industry, and his unerring judgment of men, but he displayed an aptitude and natural ease to acquaint himself with public men and measures which at once inspired confidence in the National Legislature and pushed him to the front as a painstaking, reliable, and successful representative of the people. In his committees he was appreciated and justly classed by his associates as a wise counselor and an indefatigable worker, frank, honest, industrious, and practical, and when the bills which his committees reported to the House were taken up for consideration in the Committee of the Whole House there was not a member on his committees who inspired greater confidence, who could more readily and lucidly discuss these measures in debate, or who evinced a fuller grasp of the questions at issue than he.

Not only would he give every bill in his committees careful consideration and insist on a clear explanation of all its features, but he would not rest until he had mastered the subject fully himself, and he possessed the happy faculty of explaining and imparting his understanding to others. In the House he was tactful and resourceful in debate, and his aim was always to enlighten and help along the side of a question which he espoused rather than simply to appear conspicuous in debate. He was modest and courteous almost to a fault, and yet he never permitted this modesty to deter him to speak out in forceful terms when duty required. He was incessantly at his post of duty and never shirked to record his vote on the side of right as he saw it and as his conscience dictated. True to the tenets of his party, he was above small party tactics and was fearless and independent in word and action in the highest patriotic sense.

His views on the great questions of the day were broad and liberal and always thoroughly American and Democratic, and while he may not always have exhibited the tact of the politician he always showed the courage and strong common sense of the statesman. He was true as the needle to the pole to the interests of his constituents, and he shunned neither work nor personal discomfort to serve them in and out of season. He stood well among all the members of this great legislative body, regardless as to party lines, and had the full confidence of them all. With such favorable surroundings, together with such rare traits of character and natural capacity and adaptability for Congressional work, it is clear that he was eminently successful and that he gave promise of ranking with the best and most useful men the great State of Texas has ever sent to the Congress of the United States.

But when all this and more has been said of him as a public servant, there remains to be said that which is still a higher encomium of his worth, and that is that in the private walks of life he shone as an exemplar. Never could a man, woman, or child, the rich or the poor, the high or the low who enjoyed his friendship have a more loyal friend. His nature was impervious to either guile, malice, or deceit; he was true as steel. No enemy (and every good man has them) could point his finger to BURKE and justly say that he ever dealt him an unfair or much less a foul blow. BURKE was not only a Chesterfield in manner, but a Navarre in action. In the fierce battles of the forum he did not stoop to little things or to the use of the shafts of slander, but he hit straight from the shoulder and bore himself with knightly courage toward his adversary.

His lance never made a cowardly thrust, nor did there rest a blotch on either his shield or armor. His loyalty as a friend was as sincere as that of a child; he trusted and could be trusted in return. His companionship was as chaste and genial as that of a good woman; his conversation, manner, and conduct full of good cheer, hope, and kindness. His aims and aspirations were lofty, his motives pure, his integrity incorruptible, his convictions true. He loved truth and practiced it in his everyday life; he was generous and forgiving to a fault and abhorred sham and hypocrisy.

Devoted to the partner of his bosom, his children, and his home, he was withal a consistent Christian gentleman, who practiced what he preached—the Golden Rule. Not only is he mourned in grand old Texas, and by every member of the Texas delegation, but by the members of this great body. His name and fame extend far beyond the confines of the Lone Star State, which he loved and so ably represented in part on this floor, and they will endure and live as long as the good deeds of a noble, useful, and blameless life lie treasured in the hearts and are recorded in the history of the American people.

Mr. CLAYTON. Mr. Speaker, it is not more than a just estimate to say that ROBERT E. BURKE was an able lawyer, an upright citizen, a faithful Representative, and a Southern gentleman. Moreover, if other words may be necessary for the whole truth, heat all times showed good will toward his fellow-man and an abiding faith in the wisdom, justice, and mercy of the Heavenly Father.

The good servant has performed faithfully the life task set for him and has gone from amongst us—the Master has called him. Human hearts sorrow and human tears fall, for the mortality has been planted in the dust in order that, through the resurrection, immortality may bloom and fruit and bloom and fruit again and without end in that hereafter, which we truthfully and lovingly call heaven.

"To lie in cold obstruction and to rot" is not the end of just men who have served and pleased God. The sublime love of Him who maketh not for the purpose of destroying has sent the Christ

who reaches down his hand beneath the dust and marble covering and lifteth up those who have departed in His faith and favor. This is, this must be, the consoling truth for men who grieve and women who weep and also grieve. Say not to the agonized, "I know not." Rather say, "Lord, I believe; help Thou mine unbelief." Materialism may challenge Christianity to combat, but the weapon of the first is "of the earth earthy," and the sword of the latter is the everlasting truth, fighting for the soul of man. He that can say "I know that my Redeemer liveth" is comforted and enjoys the blessings of truth and of a philosophy both sublime and divine.

Mr. Speaker, it is not for the benefit of the dead we pay respect to his memory. What men now say can not harm him or add to his happiness, for he sleeps and hears us not. We would stand appalled in the presence of death if we could not answer the question, "If a man die, shall he live again?" "I am the resurrection and the life," said the Saviour; "whomsoever liveth and believeth in Me shall never die."

It is for the benefit of the living and those to come hereafter that we commemorate the virtues of the distinguished dead. Here we present the history, the example, of a good man, and from it we learn that industry, honesty, fidelity, and capacity are appreciated while embodied in the living, and that those virtues blossom in the dust and that on account of them the name of our distinguished friend has become a part of the records of our country.

Mr. Speaker, I came into Congress with Judge BURKE at the memorable extraordinary session of 1897. Very soon I learned to know him as a friend and as an industrious and careful legislator. Often in private conversation he would dwell with pride and pleasure upon his boyhood and early manhood, spent in his native Alabama. As the son loveth his mother, he cherished an abiding affection for the State of his birth—a State, as his worthy successor has beautifully and truthfully told us, that has contributed more than any other State of the Union in great names to Texas history. Mr. Speaker, permit me, while paying tribute to this distinguished man, Alabamian first and Texan by adoption, to acknowledge the compliment paid to the dead sons of my Commonwealth.

Perhaps I ought to forbear to praise the living. It, however, does no violence to propriety, even on this melancholy occasion, to refer to the senior Senator from Texas, CHARLES A. CULBERSON, and to Mr. SHEPPARD, the present Representative from the Fourth district of Texas—a district that has been represented here for twenty-six years by former Alabamians. It sent here from 1876 to 1896 Hon. David B. Culberson, who, though born in Georgia, was reared from infancy in Alabama; after him next came the late John B. Cranford, born in Clarke County, Ala., and then came the present incumbent. To me it is an interesting fact that these men and Judge BURKE, all of the full stature of American manhood, went, with the exception of Mr. Cranford, from the hills of east Alabama—Tallapoosa and Chambers counties—and all, with the exception of Judge Culberson, were natives of Alabama. Perhaps, Mr. Speaker, I may be pardoned for mentioning another great Alabamian, distinguished, and living in Texas—George Clark, of Waco—who went there as a young lawyer from his native county of Greene, in Alabama, and who is at once an ornament and a foremost member of the bar of Texas, and whose legal learning adorns the judicial history of the State of his adoption.

But, Mr. Speaker, it is of the distinguished dead I purposed to speak—of that part of Alabama's rich gift to the history of Texas. A roll call of the great men whose deeds and names enter so largely into the history of Texas would bring in review the lives and characters of many native sons of Alabama. Let me mention Patrick C. Jack, the leader of the first attempt at revolution, in 1832, and a famous orator and patriot; William H. Jack, his brother, and equally distinguished; Moseley Baker, a renowned soldier and statesman of the Republic of Texas and Sam Houston's bitterest enemy; Peter W. Grayson, a great judge, who served as chief justice of the supreme court of the Republic of Texas, and afterwards of the State of Texas; Richard Ellis, president of the convention that declared Texas independence and framed the first constitution of that republic; R. R. Royal, chairman of the "Consultation" in 1835; Pendleton Murrah, governor of that State from 1863 to 1865; A. J. Hamilton, provisional governor in 1866, and perhaps the unrivaled forensic orator in the annals of Texas, and who served in Congress in 1859; George F. Moore, chief justice of the supreme court, a profound jurist; Robert S. Gould, chief justice of the supreme court, and now a distinguished professor of law in the University of Texas. Add to these Abner S. Lipscomb, though born in South Carolina, was reared in Alabama, where he was at one time chief justice of the supreme court, and, after removal to Texas, was on the supreme court bench there for many years, and was one of the ablest of her judges. Let me not omit the name of Oran M. Roberts, who was born in South Carolina, but brought up in Alabama, and who saw his first official service as a member of the Alabama legislature; who went to Texas in 1841, and was there chief justice for sixteen years, and was at one time United States Senator, and twice governor.

Mr. Speaker, I could call the names of many other Alabamians who have added luster to the history of Texas, but those that I have mentioned serve to amply illustrate the truth of Alabama's contribution of great names to Texas history. The life, character, and public service of Judge BURKE furnish another name to the long list of patriotic Alabamians who gave their lives and dedicated their best energies to the development and advancement of Texas—a great State, indeed, and a magnificent and unequaled empire.

Our lamented friend and untiring coworker has gone. Heaven's benediction rest upon him. He has paid the last debt of nature. He has met the inevitable, and the inevitable is God's will. Peace be his, forever and forever.

Mr. LANHAM. Mr. Speaker, "ROBERT EMMET BURKE, of Dallas, was born in Tallapoosa County, Ala., August 1, 1847; volunteered as a private in Company D, Tenth Georgia Cavalry, at the age of 16 and served until the close of the war; removed to Texas in 1866 and located at Jefferson; was admitted to the bar in November, 1870; located at his present home in 1871; was elected county judge in 1878, serving three consecutive terms; was elected district judge in 1888, and was reelected in 1892 without opposition; was elected to the Fifty-fifth Congress as a Democrat."

This is the brief and modest autobiographic statement prepared for the Congressional Directory when he first entered Congress, and in his own language shows the principal events in the history of my dead colleague. It is to be commended for its simplicity and entire absence of self-laudation, and is quite illustrative of the man he was. It tells when and where he was born, his connection as a boy soldier with the Confederate army, his removal to Texas, his admission to the bar, and the official positions he held in the State of his adoption. If nothing more were said, he has told enough of himself in this concise and unpretentious narration of the chief incidents in his career to attract attention and elicit the favorable comment of any considerate man who may read it. It is now left to us to add to this sketch of his life the sad words, "He died on the 5th of June, 1901," and to pay suitable tribute to his memory.

Mr. Speaker, in the Southland it was something to be a Confederate soldier; it was much for a boy of 16 years to go forth to battle in response to his country's call and in vindication of his convictions of duty; it was, later on in his civic experience, a hard task to equip himself under adverse conditions for the engagements of a noble profession; it was an honor to be called to the bench and exercise the jurisdiction of different courts, and it was a distinction to be chosen from the great district he so faithfully represented as a member of Congress. To say that he well and worthily discharged all the duties connected with the various services he has rendered is to affirm what all who knew him will readily indorse.

I knew Judge BURKE perhaps more intimately than anyone with whom he was associated in Congress. There were many things that drew him and me together. In many respects we had a community of experience and aspiration. The friendship between us was close. We understood and confided in each other. I know that he was loyal to his constituency and ever ready to promote their interests. There was a punctuality in his devotion to their demands and a promptness in his attendance upon the sessions of the House and a vigilance of its proceedings that attracted private and public notice. He not only looked after the local measures of his people, but was always attentive to the consideration of general legislation and resolute in the expression of his views on national questions.

He had many friends in Washington, both in official and private circles. His uniform courtesy and pleasant mannerism gave him an easy entry into any of the departments where official business called him, and the expressions of sorrow at his death by those whom he met in such relations are many and sincere. He made an impression that will not soon fade away.

Judge BURKE was a courageous man. He asserted his convictions with great positiveness, and when he reached a conclusion he was insistent and unwavering in its maintenance. I have frequently heard him declare that he would vote for or against a proposition if no one else did. I do not think he could have been induced to do what he did not believe was right. He was a clean, pure, exemplary man, upright in his daily walk and conversation. He so demeaned himself that he was never in fear of any assaults upon or exposure of his modes of life. He conducted himself as became a gentleman and with that dignity that should mark a public representative. He eschewed all forms of dissipation. His

standards and ideals of official deportment and personal excellence were lofty, and he lived up to them.

He was not what would be called a brilliant man, but he was reliable and trustworthy, careful to inform himself, and ready to go wherever his sense of duty led. There was nothing sensational in his composition. His was a steady, unostentatious, consistent course. He strove to be useful rather than showy, to accomplish results rather than to advertise himself. He coveted no undeserved approbation.

He was kindly, forgiving, and charitable in his disposition. He did not bear malice nor cherish resentment. He exemplified the graces of Christian character. He had

A heart within whose sacred cell
The peaceful virtues loved to dwell;
Affection warm and faith sincere
And soft humanity were there.

During the last session of Congress in which he served, it was apparent to his friends that his health was giving way. The decline became more evident and rapid after he returned to his home. He and his family and friends soon realized that he was not long for this world. A short while before his death, in making his last will and testament, he expressed his preparation to meet his God, and has left on record the solace to his loved ones that he was ready for the reward of the Christian. In his home, surrounded by a loving family and sympathizing friends, he fell upon that sleep which knows no waking here, but from which he shall arise refreshed and strengthened, in the great hereafter. With sorrowful hearts and solemn ceremonial we laid all that was mortal of him away in the cemetery of his beloved city, to rest until the resurrection, feeling that in his death a loss irreparable had been sustained by his family, friends, constituency, and country.

Mr. Speaker, it fills me with sadness and, in some degree, a sense of solitude when I recall how many of my friends and colleagues in the Texas delegations with whom I have served from first to last, since I became a member of Congress, have passed away. Coke and Maxey and Hancock and Throckmorton and Stewart and Crain and Cranford and Martin and Kilgore and Culberson and BURKE. I alone am here of those from my State who were in the Forty-eighth Congress. What a harvest the grim reaper has thus gathered! But the sickle will not stop with them, nor cease its work of destruction. Only a little while, and we shall all yield to its cruel stroke, and one by one the names of those now living will be added to the death roll. We should heed the admonitions of our mortality and get ourselves ready for that end which surely awaits us and which we are rapidly approaching. If we live right we shall "die the death of the righteous," as did our lamented colleague, and it may be said of us as we can say of him:

How blest the righteous when he dies,
When sinks a weary soul to rest.
How mildly beam the closing eyes,
How gently heaves the expiring breast!
Life's duty done, as sinks the clay,
Light from its load the spirit flies,
While heaven and earth combine to say
How blest the righteous when he dies!

Mr. MOON. Mr. Speaker, the roll has been called, but no response is made to the name of ROBERT EMMET BURKE, of Texas. A chair is vacant and draped, and another voice is hushed in this great forum. The messenger of the Eternal has passed over the portals of the American House of Representatives. No tumultuous debate breaks the awful silence of the hour. Here partisan wrangle is ended and the conflicts of the living cease, while these walls once again inclose the chamber of the dead. Texas weeps, and the Union sympathizes in her grief. One of her noblest sons has joined the "innumerable caravan in the great beyond."

When He who controls the destinies of men decrees the severance of the ties that bind families, kindred, and friends, and memory recalls the visage of loved ones gone, uniting them with the living in defiance of death, words can not speak the tender emotions that fill the pensive soul and hold it in holy communion with the Creator. Silence and tears are its language, solitude its retreat, and hope and faith in reunion in the immortal unknown its consolation.

When a strong man thus falls in the arena of public life his comrades in the service of the country do well to pause, to meditate, and to speak, that men may know by faithful portrayal the life and character of one who has justly earned the confidence and plaudits of his countrymen, and that the inspiration of such a life may, if it will, lead us in the ways of truth and justice to the achievement of the greatest blessings for mankind.

But fulsome eulogy is mockery of the dead, even as flattery is injustice to the living. If virtues are not to be forgotten, frailties are not to be buried in oblivion. Man is the heir of both, and error, oft-intruding, discloses his weakness; yet, when great and good deeds dominate his nature, character becomes sublime and resplendent, as was demonstrated in the life of ROBERT E. BURKE.

Judge BURKE was born in Tallapoosa County, Ala., in August, 1847. At the age of 16 years he bared his young bosom—heaving with the love of his native South—to the storm of ruthless war in resistance to the invader. He was a private soldier in Company D, Tenth Georgia Cavalry, and served until the close of the struggle between the States.

In 1866 he removed to Texas; was admitted to the bar in 1870; was elected county judge at Dallas in 1878 and twice reelected; was elected judge of the district court at Dallas in 1888 and reelected without opposition in 1892. He was elected to the Fifty-fifth, Fifty-sixth, and Fifty-seventh Congresses. His early education was necessarily neglected. He was a soldier while yet a child—a sentinel on duty in the morning of his youth, true, obedient, and faithful ever. He began the study of law, that greatest and most learned of all professions, without means, uneducated and poorly equipped for such a work, but Celtic blood flowed in the veins of his sound body to nurture his rugged intellect and fire the ambition of his impulsive heart.

Obstacles yielded to his energy, and an honorable professional career was open before him. He was a strong debater, a good lawyer, and a safe counsellor. He quickly discerned the right, and faithfully plead the cause of justice. His administration of the high office of judge of the district court was to his friends and countrymen a source of profound pride and gratification, marked as it was by ability, conservatism, and a rigid adherence to duty in the maintenance of law and order and the rights of citizenship. The verdict of his brethren at the bar is, that he administered the law to the rich and the poor alike, without fear, favor, prejudice, or affection. He was able. He was firm. He was courageous. He loved truth and justice. He was sincere and honest. He knew the law. He loved his fellow-man. These are the essential qualifications of a great judge.

As a Representative in Congress he was wise in legislation and faithful in service, and possessed the highest conception of his duty. His trust in the people was abiding. He believed in the rights of man, and his devotion to republican institutions and constitutional government was supreme.

In the daily walks of life he was affectionate to his friends and considerate of all. He was kind, gentle, and sympathetic. His was a generous friendship that no cold medium knew. Nature made him a gentleman, and so taught him his affinities that he recognized all "kindred spirits." His was a beautiful life of duty to home, country, and God. In the full flower of manhood he falls to sleep in death to awake in eternity.

The dead are like the stars, by day
Withdrawn from mortal eye
But not extinct, they hold their way
In glory through the sky;
Spirits from bondage thus set free
Vanish amidst immensity.
Where human thought like human sight
Fails to pursue their trackless flight.

Mr. SHEPPARD. Mr. Speaker, this day has heretofore been set apart to pay tribute to the memory, life, and character of ROBERT EMMET BURKE, a former member of this body, who died at his home, in the city of Dallas, State of Texas, on the 5th day of June, 1901, surrounded by a devoted wife, affectionate and loving children, together with hosts of relatives and friends.

ROBERT EMMET BURKE was born in Tallapoosa County, Ala., August 1, 1847. At the tender age of 16 he joined the Confederate Army as a private in Company D, Tenth Georgia Cavalry, and served until the close of the war. He removed to the State of Texas in 1866 and located at Jefferson. He married Miss Henderson, of Cass County, Tex., was admitted to the bar in November, 1870, removed to the city of Dallas in 1871, in which city he resided at the time of his death. He was elected county judge of Dallas County in 1887 and served three consecutive terms; was elected district judge in 1888, and was reelected in 1892 without opposition; was elected to the Fifty-fifth, Fifty-sixth, and Fifty-seventh Congresses by overwhelming majorities. Judge BURKE was an unflinching Democrat.

I never knew him intimately until I met him as a member of the Fifty-sixth Congress. I soon saw that he was a plain, unpretentious, bold, out-spoken, honest man, with the courage of his convictions. He was kind and gentle with his friends; he had a sweet temper and always made himself pleasant and agreeable. He was strictly a temperate man and was always at his post of duty. He was an agreeable, jovial, big-hearted, big-souled, good man. I became very much attached to him. The world was made better by reason of his having lived in it. His devoted wife and three children, a daughter and two sons, survive him. May the great God of us all shield, guide, and protect them, and may his sons emulate his life and character is my sincere wish.

Judge BURKE was a consistent member of the Baptist Church

at the date of his death, and had been for years prior thereto. I attended his funeral and heard the pastor of his church testify, in the presence of that large concourse of people that attended his funeral with bowed heads in deep sorrow, that he knew Judge BURKE intimately, and that he was by his bedside during his last illness, and that he had every reason to believe that all was well with Judge BURKE's immortal spirit in the great beyond. What a consolation to his wife, children, and his friends.

Judge BURKE's death should admonish us all "that in the midst of life we are in death."

[Mr. MIERS of Indiana addressed the House. See Appendix.]

Mr. DE ARMOND. Mr. Speaker, without preparation it is not easy to speak justly of the living or of the dead. Affection is a bad counsellor when it comes to matters of judgment, and the spirit of criticism can be unjust quite as easily as just.

Of the man of whom we speak this afternoon it may be said truthfully, without flattery, and without exaggeration, that he possessed in a large degree the merits of mind and of heart which constitute the nobility of human kind. A brave man, he faced all difficulties and dangers without flinching. An honest man, he knowingly did wrong to no one. A conscientious man, he discharged to the best of his opportunity and ability every duty which presented itself. And that highest of tributes may truthfully be paid to him—he was a just judge.

How much is comprehended in this phrase! How easy it is for one in high judicial position to be swerved by passion or by prejudice to favor a friend or to bear down too hard upon a foe. The rectitude of this man, his integrity of purpose, his lofty disposition to seek the right and shun the wrong, won for him in a conspicuous career upon the bench that loftiest title known to the profession, that noblest of tributes found among men—he was a just judge.

In all the relations of life he was a true man—true to his convictions, true to duty as he saw it, in private life and in public life. He was a generous man. The needy never appealed to him, when he could render assistance, to be turned away bootless. The unfortunate found in him a friend, and when charity was called for the response was ready and liberal.

In the walks of private life, as well as in high station, he met manfully the responsibilities which came upon him. As a statesman he was broad-minded, diligent, and patriotic. Here he fulfilled the duties and requirements of life with a lofty spirit, with affectionate loyalty to the people at home, with a deep love for his country, and with an ardent desire to discharge his whole duty.

That he impressed himself favorably not only upon those who were his friends when he came here, but upon the indifferent and the casual, is in itself a high tribute to his inherent worth. Everybody recognized him as a serious-minded man with honest purposes. Everybody regarded him as planning and working true to his own convictions, determining for himself in such light as beat upon him and upon the questions with which he had to deal what the right was, and then pursuing the course of the right, unflinching, unswerved, unchangeable, whatever the end might be.

We are not speaking in the language of fulsome praise, we are not engaged in meaningless exaltation, when we attribute to this good, just, well-balanced, courageous man the virtues which he possessed. Nor are we indulging merely in platitudes when we express the regret, which must be sincere, for his early taking off. Had his life been spared there were many years of usefulness before him and for his country. He would have reached a high rank in the annals of his country's heroes in civil life had his years been lengthened sufficiently to enable him to work out that which he was capable of doing.

The name given him at the christening seems singularly appropriate. Himself of the sturdy Irish race that has given to the world so many illustrious examples of magnificent manhood and peerless womanhood, he was worthy of such ancestry; and the Christian name which was given to him, "ROBERT EMMET," the name of the noble Irish patriot and martyr, was well borne by the courteous, generous, chivalric, magnanimous BURKE.

For my part, I never can be present on one of these occasions when eulogies are pronounced upon deceased members, I never can be at the portal of the grave, without finding my mind irresistibly drifting on the wings of sublime curiosity, in a hopeful trance, across into that shadowy realm which all of us must enter and from which none of us return.

Of course, this is no time for speculation upon these occult subjects. It is no time for a parading of the disclosures of Revelation. And yet we may wonder whether the soul of our friend, enfranchised, is now felicitating and expanding in a brighter and more gorgeous realm, far, far away—immeasurably distant from us—or whether he lives and grows close by, his spirit, now freed from the clogs of earth, hovering about us and lending us encouragement and inspiration.

In the great advances of science is it possible that some time—not in our day, but in the days of our children, or in the more distant years to come—the exact location of the soul in the human body will be found; that the analysis of that which has escaped all analyses heretofore, outside of the Divine laboratory, may be made; that human beings may understand, as never they understood before, and that revelation may come to the individual and through the individual, as now it only comes drifting down with the current of the ages and from the Sacred Book? Of these things we know not; but it is a comforting thought, it is an exalting aspiration, that the spirits of the good, who have striven here upon the earth and have scattered blessings as they went through this life, do find and must find an existence far grander and greater in the immeasurable world, in the limitless time expanded into eternity, beyond the portals of the grave, over which now we drop, humbly and reverently, our tribute of respect.

Mr. BALL of Texas; Mr. Speaker, it is with some diffidence that, without other preparation than personal knowledge of his character, I attempt to pay tribute to the memory of my deceased friend, Judge ROBERT EMMET BURKE. I feel that it would be impossible for me, with patient care and thoughtfully chosen language, to do justice to his memory, and yet I would not do myself justice, knowing him as I did, enjoying his friendship during his life, and cherishing his memory now that he has gone to his last rest, if I failed in this presence to say at least a few words expressing, however feebly, that which my heart fain would voice.

Judge BURKE was a native of that splendid Commonwealth, Alabama, a State which has enriched the history of Texas by the aid of her pioneers in the settlement of the then Mexican province, by the deeds of her heroic sons upon battlefields for the independence of Texas, and whose citizens have woven their history into our jurisprudence and civil life in the upbuilding of our beloved State of Texas. At the age of 16 Judge BURKE enlisted as a private soldier in the Confederate army.

He was not a general, not a colonel, he held no rank, but he belonged to that great body of the soldiers of the Confederacy who stand to-day in history as the concrete expression of the sublimest words in the English language—duty, service, and sacrifice.

Their deeds and his are not of individual record in the annals of war, as are the deeds of those in command.

Their fame is rather like the Milky Way, which tracks its luminous path athwart the spacious heavens, whose untold myriads of stars by their individual brightness obscure each other's light, and yet blended each in all create the magnificent arch whose soft nebulous brightness stands out with more than planetary beauty, a wonderful and glorious whole.

While history may be silent as to his soldierly deeds, knowing him, we know that as a private soldier he well discharged his duty in camp, upon the march, and in "the red blaze of battle," for fidelity to every trust was his watchword through life. No sick or wounded comrade was denied his ministering care, for charity and goodness of heart were his crowning characteristics, and the good Samaritan was not more ready and thoughtful than was he.

Mr. Speaker, if "kind hearts are more than coronets," if doing goods things to mankind as we go along the journey of life are to be laid up in that "mansion eternal in the heavens," then the numberless kind words and gracious deeds with which our friend gladdened so many hearts must long ago have blossomed into flowers of beauty to garland the rock of ages.

Judge BURKE was a plain man of the people—sometimes called the common people. He was one of them; he loved them; he knew them in his and their daily life; his sympathies were with them; not as that pretended sympathy which goes out from the demagogue who seeks to deceive the people for his own ulterior purpose, but as one of whom it can be said above all other things that he loved his fellow-man. His constituents knew it, and, consequently, when he offered for political preferment at their hands he was invincible before the people, who loved and trusted him. He was a devout and earnest Christian man; not one who went about "striking himself upon the breast and thanking God that he was not as other men," not the "holier than thou" kind, for his religion was never obtrusive. He did not go about as a mentor, to rebuke or to criticize those whose conduct was not such as he perhaps would approve; but by kind words of counsel, by the influence of his own example, he went about doing good among his fellow-men, and increased the respect and reverence for the holy gospel, which he professed simply by the silent forcefulness of his own personal example.

It was my good fortune when Judge BURKE and myself entered Congress at the same time to live under the same roof with him for months, and to learn to know him as he was. No man ever came to Congress who was more faithful to his constituents, not only in the greater field of activities in national life, but in the little things that go to make up the sum of the duties of a member of this body. There was not a constituent in his district so

humble, there was not a widow that was so poor, there was no pensioner from the Army against which he fought that had so little influence but that he or she could command the service of Judge BURKE at all times and in all honorable ways. He did not leave it to his private secretary to transact the business of his constituents with the Government departments, but went in person; and I have no doubt during his service in Congress he gave a greater portion of his time to the details which his position imposed upon him than almost any member of Congress for a similar period of time.

I will not enlarge upon my personal regard. I do not desire to be fulsome. Modest in his character and in his disposition, I know that if our dead friend could look down upon us to-day he would far rather that we did him less than justice than say anything that might savor of fulsome or unmerited praise. It can not be said of him, the sentence can not be passed upon him, that "he knew his duty and did it not." But it can be truthfully said that as a citizen, as a soldier, as a judge in the disputes of others, as a member of Congress, as father, as husband, and as friend, that everywhere and at all times Judge BURKE did his full duty as he saw it, and he did it with all the zeal and ability which he possessed. That he should have been cut off in the very flower of his usefulness, to our finite minds is unaccountable; but it is not ours to question the ways of Providence or to say that a man in the zenith of his career should not be taken away. He had no dread of death. Sustained by the principles of the Christian religion, having an experimental knowledge of the value of the golden rule and the Sermon on the Mount by faith and practice during his life, the shadows of death did not appall him.

From the presence of his devoted wife and children he could look out with larger vision and go before, conscious that—

> Death is another life; we bow our heads
> At going out; we think, and enter straight
> Another golden chamber of the King's,
> Larger than this we leave and lovelier.

Mr. STEPHENS of Texas. Mr. Speaker, when Judge BURKE, my fellow-member of this House, my friend and comrade, died, this House lost a conspicuous and able member. ROBERT EMMET BURKE'S devotion to his family, his clean and upright character, his industry and public spirit made him the idol of his Congressional district, and his services here were greatly appreciated and generally approved by them.

Mr. BURKE was a kind, tender-hearted man. Well do I remember how tenderly he watched by the bedside of one of our fellow-members from Texas, the noble, brilliant, and generous John W. Cranford, who, after a long illness, died in a hospital in this city during the Fifty-fifth Congress. We often visited our stricken comrade together and ministered in every way possible to his wants, but he sank rapidly until his spirit departed; and it was during these trying hours that I learned more than ever before to love and respect Mr. BURKE.

Little did I think that my kind, noble, generous friend, BURKE, would be the next one of our delegation to fall asleep and pass serenely into rest on the other shore of that mysterious sea that never yet bore on any wave the images of a homeward sail. But he is dead.

> He gave his honors to the world again,
> His blessed part to heaven, and slept in peace.

To us it is incomprehensible why death claimed this kind husband, good father, and generous friend just at a time when he was serving his country so well and faithfully, when he was in the prime of his mature manhood and in the midst of gratifying achievements for his constituents.

Man's finite mind can not fathom these mysteries. Man indeed proposes, but God alone disposes; and we shall know nothing of the mysteries of death or why our friends and loved ones are taken from us until the Divine Hand shall have withdrawn the veil which shields the portals of heaven from mortal gaze.

We deeply sympathize with the bereaved family of our departed friend, and we hope that the consolation of his religious faith and the healing balm of time will soon bridge the gulf of sorrow caused by the death of the husband and father. His was a noble Christian character, and his life should be studied and emulated by his sons, and by all of the young men who knew him. To know him was to appreciate him, and those who knew him best appreciated him most.

Whether we view R. E. BURKE as a poor young man struggling to educate himself, or as a soldier of the lost cause fighting for his beloved South, or as a briefless young lawyer striving to build up a practice, or as a judge on the bench dispensing justice and equity to his fellow-men, or as a statesman representing his district in Congress, we always, under all circumstances and conditions, find him the same honest, noble-hearted Christian gentleman. To the young and rising generation he has been a living example of what can be accomplished by a poor boy under the most adverse circumstances. He has taught them by example that—

> Honor and shame from no condition rise;
> Act well your part, there all the honor lies.

Mr. DRISCOLL. Mr. Speaker, on this occasion, when the friends of the departed, gathered around his spiritual bier, are commemorating his life and character, permit me, sir, to add my humble tribute of respect and regard to the many sincere and eloquent testimonials which have been offered. Those of you who knew him well in his social and domestic life; those of you from his own State with whom he labored in constructing the laws and developing the resources of that great and promising Commonwealth; those of you, perhaps, with whom he marched and bivouacked, fought and suffered throughout the terrible conflict of the civil war, can speak with knowledge and appreciation of his trials and vicissitudes, his joys and sorrows, his efforts and achievements.

My association with him was comparatively brief, but around that association are clustered many pleasant recollections. He was born and reared in the South, I in the North. We first met two years ago as members of the Contested Elections Committee. His genial disposition first impressed me, and our informal acquaintance soon developed into friendship. Without obtrusiveness or tendency to display his attainments, I gradually learned to esteem him as a man and admire him as a lawyer and legislator. His manners were gentle, quiet, and unassuming. His heart was warm, affectionate, and generous. His character was sensitive, refined, and pure. He was not forward or aggressive in a place where push and self-assertion seemed to count for much. While he was a man of clear views and decided convictions, in defense of which he was always prepared, and was not disposed to compromise with what he considered wrong, yet he recognized the right in others to entertain contrary opinions and gave them credit for honesty of heart and sincerity of purpose.

From natural bent and long experience on the bench, his mind was well poised. It was judicial rather than forensic. His style was logical rather than rhetorical. He took his position and hewed to the line. He was not disposed to do violence to the facts or his own judgment in order that he might create a sensation or turn a gracefully rounded period. He loved Texas, as all Texans do. In season and out of season he espoused its cause and earnestly and loyally championed the interests of his constituents. He impressed me as serious and rather old in manners beyond his years. Possibly ill health and a warning of approaching disease affected his disposition. He died many years before the allotted time, in the midst of a career of activity and usefulness. In the decease of ROBERT EMMET BURKE, his State lost one of its most prudent, faithful, honorable citizens, his country one of its most capable, reliable, and honest legislators.

Mr. BELL. Mr. Speaker, never, during my ten years' service here, have we returned and reopened this House without meeting a somber gloom, caused by some seat being muffled with crape, nor without having the opening prayer saddened by the Chaplain's lamenting the recurrence of fatalities to some one elected to these seats.

How strange that the reaper so often drops his sickle where least expected and garners the unripe stalks and leaves the maturer ones standing.

How many of us would have eagerly changed the chances of longevity with the deceased when we last separated.

Judge ROBERT EMMET BURKE was of that equable, judicial, conservative temperament, ever striving to reduce everything around him to a complete equilibrium, and was ever seeking to move in complete harmony with natural laws, and yet he untimely falls upon the way, while the less vigilant contravenors of the harmonious laws of their being recklessly and defiantly pass on unscathed.

The vicissitudes and accidents of nature are as uncertain and as "erratic as the phantasm of a morning dream."

No one has an assurance of one additional moment here. A mite from an atom of cheese, an invisible mote floating in a sun ray, may strike down the young or the old, the pigmy or the giant, with apparently equal ease.

If the spirit of man, that matchless preserver, in fact, the only embalming fluid that can preserve life and action in this ephemeral body, does, when released, join the forces of nature, and goes on performing the high functions for which it qualified itself when in the body, then we know that of the lamented Judge BURKE will be among the most exalted of this unknown realm.

His every act here was directed toward the amelioration of the hard conditions of his fellow-citizens, whether in his active conduct in legislation, or measured by his deportment toward employee and associate, whether in high or low position.

His quiet and dignified deportment here begot for him a like deferential treatment from all, from the Speaker of the House to the bootblack in the toilet room.

The classifier of men would attribute him to the best type of what is known as the judicial temperament. This is but a brief way of saying that he was unselfish; that he was void of a blinding prejudice; that he could see and detect good or evil equally

in friend or foe; that he took the Golden Rule as the measure of his course of action. Such exemplary characters as the deceased leave a void that is indeed difficult to fill and always sorely lamented.

Mr. WOOTEN. Mr. Speaker, I ask unanimous consent that those who have addressed the House be allowed to extend their remarks in the RECORD, if they so desire, and that those who have not spoken but desire to contribute memorials to Judge BURKE may be permitted to print in the RECORD.

The SPEAKER pro tempore (Mr. LANHAM). The gentleman from Texas asks unanimous consent that those gentlemen who have spoken to-day may have the privilege of extending their remarks in the RECORD; also, that other members who may desire to do so may print remarks in the RECORD on the life and character of the late Judge BURKE. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

And then (at 2 o'clock and 40 minutes p. m.) the House, in pursuance of the resolution, adjourned until Monday next at 12 o'clock meridian.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Edward J. Taylor, administrator of estate of Henry Clevenger, against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Postmaster-General submitting estimate of appropriation for salaries, Post-Office Department—to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

A letter from the Secretary of the Treasury recommending the establishment of a light-house depot near Duluth, on Lake Superior—to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. RAY of New York, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 10386) for the protection of the President of the United States, the suppression of crime against Government, and for other purposes, reported the same with amendments, accompanied by a report (No. 433); which said bill and report were referred to the House Calendar.

Mr. CUSHMAN, from the Committee on the Territories, to which was referred the bill of the House (H. R. 9865) providing for the election of a Delegate from the Territory of Alaska to the House of Representatives of the United States, defining citizenship and the qualifications of electors in said Territory, reported the same without amendment, accompanied by a report (No. 434); which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 8702) granting an increase of pension to Emma McLaughlin—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 9542) granting an increase of pension to John A. Hardy—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (S. 2806) granting an increase of pension to Laura S. Picking—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. HAY: A bill (H. R. 11055) to erect a monument to the memory of Richard Kidder Meade—to the Committee on the Library.

By Mr. WACHTER: A bill (H. R. 11056) to amend section 4417 of the United States Revised Statutes—to the Committee on the Merchant Marine and Fisheries.

By Mr. BABCOCK: A bill (H. R. 11057) to amend the laws relating to duties, and so forth, of the sealer and assistant sealer of weights and measures in the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

By Mr. SMITH of Arizona: A bill (H. R. 11058) for the construction of a reservoir on the Gila River, in Arizona, for irrigating certain lands thereunder—to the Committee on the Public Lands.

By Mr. CORLISS: A bill (H. R. 11059) to amend an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes and their locomotives with driving-wheel brakes, and for other purposes," approved March 2, 1893, and amended April 1, 1896—to the Committee on Interstate and Foreign Commerce.

By Mr. GROSVENOR: A bill (H. R. 11060) to limit the meaning of the word "conspiracy," and the use of "restraining orders and injunctions," in certain cases—to the Committee on the Judiciary.

By Mr. MERCER: A bill (H. R. 11061) for the purchase of a site and the erection thereon of a municipal building in the city of Washington, D. C.—to the Committee on Public Buildings and Grounds.

By Mr. RODEY: A bill (H. R. 11062) to amend an act entitled "An act to make certain grants of land to the Territory of New Mexico, and for other purposes"—to the Committee on the Public Lands.

By Mr. RIXEY: A bill (H. R. 11063) for the erection of a public building at Alexandria, Va.—to the Committee on Public Buildings and Grounds.

By Mr. HOOKER: A joint resolution (H. J. Res. 149) making appropriation to complete the public building at Jackson, Miss.—to the Committee on Public Buildings and Grounds.

By Mr. ALLEN of Maine: A resolution (H. Res. 126) directing the Superintendent of the Capitol Building to place rolling ladders in the House document room—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BELL: A bill (H. R. 11064) for the relief of Anderson Graham, Gardner, Colo.—to the Committee on Pensions.

By Mr. BURKETT: A bill (H. R. 11065) granting an increase of pension to Elizabetta Wilcox—to the Committee on Invalid Pensions.

By Mr. BURLEIGH: A bill (H. R. 11066) for the relief of the estate of George W. Lawrence, deceased—to the Committee on War Claims.

By Mr. CONNELL: A bill (H. R. 11067) granting an honorable discharge to T. C. Kennedy, late of Company B, One hundred and forty-third Regiment, Pennsylvania Volunteer Infantry—to the Committee on Military Affairs.

By Mr. CUMMINGS: A bill (H. R. 11068) for the relief of Thomas F. Rowland—to the Committee on War Claims.

By Mr. FOSTER of Vermont: A bill (H. R. 11069) granting an increase of pension to Peter Lander—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11070) to remove the charge of desertion standing against the name of David Carpenter, late of Company C, Ninth Vermont Volunteers—to the Committee on Military Affairs.

By Mr. HUGHES: A bill (H. R. 11071) for the relief of Sophia M. Pettit—to the Committee on Claims.

Also, a bill (H. R. 11072) for the relief of James M. Stephenson—to the Committee on War Claims.

By Mr. JACK: A bill (H. R. 11073) granting a pension to Jane Von—to the Committee on Invalid Pensions.

By Mr. JOY: A bill (H. R. 11074) for the relief of John W. Magann—to the Committee on Claims.

By Mr. NAPHEN: A bill (H. R. 11075) granting an increase of pension to A. J. Hart—to the Committee on Invalid Pensions.

By Mr. ROBERTSON of Louisiana: A bill (H. R. 11076) for the relief of the estate of James H. Schilling, of the parish of Washington, La.—to the Committee on War Claims.

By Mr. ROBINSON of Nebraska: A bill (H. R. 11077) for the relief of Peter Coyle—to the Committee on Military Affairs.

By Mr. SALMON: A bill (H. R. 11078) granting a pension to Rebecca A. Jenkins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11079) granting an increase of pension to Sylvester J. Tinsman—to the Committee on Invalid Pensions.

By Mr. SCARBOROUGH: A bill (H. R. 11080) for the relief of Nancy McFatter, of Marlboro County, S. C.—to the Committee on War Claims.

By Mr. SHATTUC: A bill (H. R. 11081) granting an increase of pension to John Morlidge—to the Committee on Invalid Pensions.

By Mr. SMALL: A bill (H. R. 11082) for the relief of Morgan C. Gordon, of Camden County, N. C.—to the Committee on War Claims.

By Mr. SMITH of Illinois: A bill (H. R. 11083) granting a pension to Elizabeth Martin—to the Committee on Invalid Pensions.

By Mr. TAWNEY: A bill (H. R. 11084) granting a pension to Anna McFalls—to the Committee on Invalid Pensions.

By Mr. TOMPKINS of Ohio: A bill (H. R. 11085) granting an increase of pension to George W. Recob—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11086) granting an increase of pension to John A. Warner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11087) granting an increase of pension to Amos Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11088) granting a pension to Lillian G. Elkins—to the Committee on Pensions.

Also, a bill (H. R. 11089) granting an increase of pension to Alexander McGowan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11090) granting an increase of pension to John P. Riley—to the Committee on Invalid Pensions.

By Mr. WARNOCK: A bill (H. R. 11091) granting an increase of pension to James Cooley, Company F, Thirty-first Ohio Volunteer Infantry—to the Committee on Invalid Pensions.

By Mr. YOUNG: A bill (H. R. 11092) granting a pension to John Q. Lane—to the Committee on Invalid Pensions.

By Mr. POWERS of Massachusetts: A bill (H. R. 11093) granting a pension to Nannie M. Kimberly—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petitions of Grand Army Post No. 128, Salem, Mo.; Lynch Post, No. 42, Lynden, Wash.; I. N. Earll Post, No. 112, Colby, Wis.; John Green Post, No. 167, Eau Galle, Wis.; Santa Fe Post, No. 423, of Kansas, and Erich Pape Post, No. 184, Zalma, Mo., for investigation of the administration of the Bureau of Pensions—to the Committee on Rules.

By Mr. BABCOCK: Papers in support of House bill 7680, granting an increase of pension to David C. Yakey—to the Committee on Invalid Pensions.

By Mr. BARTLETT: Resolution of Brewery Workmen's Union No. 191, of Macon, Ga., favoring the construction of war ships at the navy-yards—to the Committee on Naval Affairs.

By Mr. BURKETT: Resolution of National Live Stock Association, in favor of reduction of portions of the war-revenue tax—to the Committee on Ways and Means.

Also, resolution of the Nebraska Dairymen's Association, favoring the passage of the oleomargarine bill—to the Committee on Agriculture.

Also, affidavits and papers in the pension case of Mary Cole—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 11065, for the relief of Elizabeth Wilcox—to the Committee on Invalid Pensions.

By Mr. CAPRON: Petition of citizens of Greene, R. I., and vicinity, favoring legislation against anarchists and the dissemination of anarchistic doctrines—to the Committee on the Judiciary.

By Mr. CONNELL: Petition of clerks in the post-office at Scranton, Pa., for the enactment of an eight-hour law and mandatory classification for clerks in first and second class post-offices—to the Committee on the Post-Office and Post-Roads.

By Mr. DE ARMOND (by request): Petition of General Canby Post, No. 10, Grand Army of the Republic, Department of Missouri, for investigation of the administration of the Bureau of Pensions—to the Committee on Rules.

By Mr. FOERDERER: Resolutions of the Illinois Manufacturers' Association, for extension of trade between United States and Cuba—to the Committee on Ways and Means.

Also, petition of Ale Brewers' Association of New York and New Jersey, and United States Brewers' Association of New York City, asking for the repeal of the war tax on malt liquors—to the Committee on Ways and Means.

Also, petition of the National Live Stock Exchange of Chicago, Ill., asking for legislation repealing the tax on sales of live stock made at market centers—to the Committee on Ways and Means.

By Mr. GORDON: Papers in support of House bill No. 10556, granting the veteran bounty of $400 to Oliver H. Wiswell—to the Committee on Claims.

By Mr. GRAHAM: Petition of the National Live Stock Exchange for the repeal of the tax on sales of live stock made at market centers—to the Committee on Ways and Means.

Also, petition of Consolidated and Petroleum Exchange of New York, for the repeal of portions of the war-revenue act—to the Committee on Ways and Means.

Also, petition of Auxiliary No. 1, Ladies of the Union Veteran Legion, of Allegheny, Pa., by Mrs. Nannie Kent, urging the passage of House bill 3067, granting pensions to certain officers and men in the Army and Navy and increasing widows' pensions—to the Committee on Invalid Pensions.

By Mr. HASKINS: Resolutions of the Garment Workers' Union No. 32, of Brattleboro, Vt., in favor of the irrigation of public lands under certain restrictions—to the Committee on Irrigation of Arid Lands.

By Mr. HAY: Paper presenting the claims of descendants, for the erection of a monument to Col. Richard K. Meade, of the Revolutionary war, and asking for an appropriation of $2,500 for the same—to the Committee on Military Affairs.

By Mr. JACK: Resolution of Union No. 6, Tin Plate Workers' Association, of New Kensington, Pa., favoring the Chinese-exclusion act—to the Committee on Foreign Affairs.

Also, resolution of Post 89, Grand Army of the Republic, of Apollo, Pa., urging that the navy-yards be utilized for the construction of war vessels—to the Committee on Naval Affairs.

Also, paper to accompany House bill 8466, granting a pension to Lucinda Sirwell—to the Committee on Invalid Pensions.

By Mr. MINOR: Petition of James G. Blaine Post, No. 110, Grand Army of the Republic, Department of Wisconsin, for investigation of the administration of the Bureau of Pensions—to the Committee on Rules.

By Mr. MORRELL: Resolution of Farragut Association No. 1, of Philadelphia, in support of House bill 3097, to reimburse naval volunteers for clothing furnished—to the Committee on Naval Affairs.

By Mr. ROBERTSON of Louisiana: Petition of citizens of Tangipahoa Parish, La., requesting an appropriation to improve the Tangipahoa River, Louisiana—to the Committee on Rivers and Harbors.

By Mr. SELBY: Resolution of Federal Union No. 9020, of Beardstown, Ill., favoring the enactment of a law excluding the Chinese without limitation from this country—to the Committee on Foreign Affairs.

By Mr. SHATTUC: Remonstrance of Cigar Makers' Union No. 481, of Cincinnati, Ohio, against the reduction of the tariff on Cuban cigars and tobacco—to the Committee on Ways and Means.

By Mr. SAMUEL W. SMITH: Petition of Detroit Division, No. 1, Brotherhood of Locomotive Engineers, in support of Senate bill 1118, limiting the meaning of the word "conspiracy," etc.—to the Committee on the Judiciary.

By Mr. SPERRY: Petition of Cigar Makers' Union No. 39, of New Haven, Conn., praying for the further restriction of immigration—to the Committee on Immigration and Naturalization.

Also, resolutions of Cigar Makers' Union No. 103, of Ansonia, Conn., opposing concessions in the way of tariff reduction to the people of Cuba—to the Committee on Ways and Means.

By Mr. STARK: Petition of W. A. Webb Post, No. 18, Grand Army of the Republic, Department of Nebraska, for investigation of the administration of the Bureau of Pensions—to the Committee on Rules.

Also, petition of H. A. Dalby and 34 other citizens of Fairbury, Nebr., for an amendment to the National Constitution defining legal marriage to be monogamic—to the Committee on the Judiciary.

By Mr. THAYER: Resolutions of Boot and Shoemakers' Union No. 278, of Webster, Mass., in favor of the reenactment of Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. TONGUE: Resolutions of the Chamber of Commerce of Astoria, Oreg., condemning the proposed Bowersock land-grazing bill—to the Committee on the Public Lands.

By Mr. WARNOCK: Paper in support of House bill 11091, granting an increase of pension to James Cooley—to the Committee on Invalid Pensions.

By Mr. WEEKS: Petition of board of trustees of Michigan asylums for the insane, to amend the immigration laws imposing restrictions on insane aliens, etc.—to the Committee on Immigration and Naturalization.

Also, petition of American Federation of Labor Union No. 178, of Marine City, Mich., and Grand Army Post 308, Lapeer, Mich., favoring the construction of war ships at the navy-yards—to the Committee on Naval Affairs.

By Mr. YOUNG: Petition of National Live Stock Exchange, for reduction of certain portions of the war-revenue tax—to the Committee on Ways and Means.

Also, petition of R. C. Zartman and others, of Philadelphia, Pa., for an amendment to the National Constitution defining legal marriage to be monogamic—to the Committee on the Judiciary.

SENATE.

MONDAY, *February 10, 1902.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of the proceedings of Friday last, when, on request of Mr. HALE, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal, without objection, will stand approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. MCKENNEY, its enrolling clerk, announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 199) for the establishment of a light station on Bluff Shoal, Pamlico Sound, North Carolina;

A bill (H. R. 5801) to authorize the St. Clair Terminal Railroad Company to construct and maintain a bridge across the Monongahela River;

A bill (H. R. 8108) for the relief of John Hornick;

A bill (H. R. 10070) establishing a United States court at Catlettsburg, in the eastern district of Kentucky;

A bill (H. R. 10380) to authorize the transfer to an adjoining district of causes in the district or circuit courts of the United States in which the judge of the district wherein such causes are pending is disqualified;

A bill (H. R. 10847) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1903, and for other purposes; and

A joint resolution (H. J. Res. 106) authorizing the Secretary of War to loan to the Pennsylvania Society of the Sons of the American Revolution certain Revolutionary trophies at Allegheny Arsenal, Pittsburg, Pa.

The message further communicated to the Senate resolutions adopted by the House commemorative of the life and public services of Hon. ROBERT E. BURKE, late a Representative from the State of Texas.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 8761) to declare the international railway bridge over the St. Lawrence River, near Hogansburg, N. Y., a lawful structure; and it was thereupon signed by the President pro tempore.

MONUMENT TO COMMODORE PERRY IN JAPAN.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Navy, transmitting, in response to a resolution of the 3d instant, the reports of Rear-Admiral Frederick Rodgers, United States Navy, and Rear-Admiral L. A. Beardslee, United States Navy, retired, relating to the unveiling of the monument to Commodore Perry in Japan.

Mr. HOAR. I have in my possession a number of extracts from Japanese newspapers sent me by the Secretary of State containing an account of that celebration. They are not very voluminous, and I have the authority of the Secretary of State to do what I propose. I move that the reports be printed and with them the newspaper accounts of the celebration belonging to the State Department.

The PRESIDENT pro tempore. The reports will be printed. The Senator from Massachusetts asks unanimous consent that certain extracts from papers to which he has referred may be printed in connection with the reports. Is there objection? The Chair hears none, and it is so ordered.

COST OF NAVAL VESSELS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Navy, transmitting, in response to a resolution of February 21, 1901, a statement showing the amounts authorized for the construction of new vessels under "Increase of the Navy," etc.; which, with the accompanying paper, was referred to the Committee on Naval Affairs, and ordered to be printed.

OFFICE OF REGISTER OF THE TREASURY.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Register of the Treasury in relation to the necessity for an increased force in the office of the Register; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

REPORT OF INDUSTRIAL COMMISSION.

The PRESIDENT pro tempore. The Chair presents the last report of the Industrial Commission. The Commission asks that the letter of transmittal may be printed in the RECORD. It is short. Is there objection. The Chair hears none, and it is so ordered.

The letter referred to is as follows:

INDUSTRIAL COMMISSION,
Washington, D. C., February 10, 1902.

To the Fifty-seventh Congress:

In behalf of the Industrial Commission I have the honor to submit herewith its final report. This is Volume XIX and is devoted to historical reviews of the subjects of our inquiries, and to recommendations for legislation, with appendixes relating thereto.

It presents a substantially complete epitome of the industrial life of the nation and of the important changes in business methods which have taken place in recent years, with a discussion of some of the economic problems which confront the people.

It may not be inappropriate to call attention to certain features of our reports, which we hope will make them convenient to members of Congress and to legislators in the several States, and also to economists and business men throughout the country.

In the first place it was the aim of the Commission to select only the most competent witnesses, although, of course, there were, in the nearly 700 examined, a few who sought to be heard, and some of them, perhaps, for personal as well as public reasons. As a rule, however, the evidence is that of the chief men in business or the heads of business departments, public officials, leaders of organized labor, and experts who have given the subjects exhaustive study.

Having obtained such instructive testimony, it was the next purpose of the Commission to present it in accessible and attractive form: therefore each of the volumes of testimony opens with a narrative review of its substance. This is followed by a digest of the evidence, usually about one-fourth the length of the evidence itself, arranged under topical heads and giving reference to the pages of the testimony and cross references to other evidence on authorities on the same subject. In addition, each volume contains an index of the digest and an index of the testimony, prepared in accordance with the latest and best approved library rules, while the final volume contains an index of its contents and a general index for all the volumes, by means of which quick and sure guidance can be had to all the information presented. Some of these features are unique in Government reports and have been highly commended by economists at home and abroad.

Besides taking testimony the Commission has availed itself of much other authentic information, gathered chiefly from official documents of the nation and the States, from the decisions of courts, and from the researches of experts. Thus a person who seeks knowledge as to the history and latest status of any of the subjects covered can find it in condensed but accurate terms in these volumes without taking the trouble to find and read the many publications from which it has been gleaned. In view of the size of the country and the voluminous nature of the legislation and reports of its forty-five States, and of the many organizations which represent industrial progress, this compendium should prove of service to busy men.

Any reader of the reviews in this final volume can not but be impressed with the immensity and complexity of the industrial life of the nation and with the fact that nearly all kinds of business have undergone almost revolutionary changes in recent years. It would now seem impossible to legislate wisely or to conduct business prudently without obtaining knowledge of these new conditions. It is not presumptuous to say that most students of these reports will find many revelations of business methods and complications of which they knew little before and will have a liberal education in the economic problems of the day.

Possibly a word will be pardoned in reference to the publication and distribution of the volumes. For some months past the demands for them from all over the country and from foreign countries has been so great that regrets are expressed that larger editions were not printed. Doubtless Senators and Representatives have generally sent their allotments to libraries, which will serve the public fairly well so far as all but the final volume is concerned; but as this volume is substantially complete of itself and embraces summaries and conclusions drawn from its predecessors, probably the publication of a very large edition for a much more general and popular distribution would prove to be a profitable and commendable use of public funds.

The Commission regrets that lack of time prevented it from taking testimony in the States on the Pacific coast, now such an important part of the country, and from investigating many branches of industry and some of the newest combinations in sections which it partially covered. It especially regrets its inability to complete an investigation of telegraph systems and proposed Government ownership and of the American merchant marine in the foreign trade. The country has become so vast and its industries so varied and changeable that a bureau in a permanent department of the Government would have all it could do to keep trace of the mutations of business, a subject which is quite apart from the scientific and statistical work now well performed by other bureaus and departments.

The Commission acknowledges with gratitude courtesies received from officials in various departments of the Government and in many of the States, and takes pleasure in testifying to the fidelity of its entire corps of assistants, especially to the valuable aid rendered by most of its expert agents, particularly by its accomplished secretary, Mr. Edward Dana Durand, and by Messrs. F. J. Stimson, J. W. Jenks, William Z. Ripley, John Franklin Crowell, John R. Commons, Max West, and Charles E. Edgerton.

In conclusion, it should be said that the duty which the law devolved upon the Commission, to recommend legislation, has been performed with becoming modesty and without a thought that importance will be attached to its suggestions except so far as they are the results of a careful study of the subjects. The signatures of commissioners apply to the recommendations only, and no commissioner who has signed is necessarily committed to the statements, reasoning, or language of the several reviews which precede the recommendations. It is believed that the conclusions as a whole are based upon a fair balance of evidence, and it is hoped that they will be of service to members of Congress and legislatures in shaping laws to the many new conditions which these reports present.

Respectfully submitted.

ALBERT CLARKE, *Chairman.*

The PRESIDENT pro tempore. The letter of transmittal and the accompanying volume will be referred to the Committee on Printing.

JAMES H. GILFOIL.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings filed by the court in the cause of James H. Gilfoil, administrator of Patrick Gilfoil, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

CATHERINE M'INERNEY.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings filed by the court in the cause of Catherine McInerney, adminstratrix of Dennis O'Dea, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

WASHINGTON AND MARLBORO ELECTRIC RAILWAY.

The PRESIDENT pro tempore laid before the Senate the annual report of the Washington and Marlboro Electric Railway Company of Maryland; which was referred to the Committee on the District of Columbia, and ordered to be printed.

URGENT DEFICIENCY APPROPRIATION BILL.

Mr. HALE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9315) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1902, and for prior years, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 4, 9, 10, 18, 21, 33, 45, 46, 47, 48, 50, 51, and 63.

That the House recede from its disagreement to the amendments of the Senate numbered 5, 6, 7, 8, 11, 12, 14, 15, 16, 17, 19, 20, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 34, 35, 36, 38, 40, 41, 42, 43, 44, 49, 53, 54, 55, 56, 57, 59, 60, 61, 62, 64, 65, 66, 67, 68, 69, and 70, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: Strike out all after the word "necessary," in line 6 of the matter inserted by said amendment; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: After the word "supply," in line 4 of the matter inserted by said amendment, insert the words "and for purchase of additional land;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lines 5 and 6 of the matter inserted by said amendment strike out the following: ", by and with the advice and consent of the Senate;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "the location of which shall be fixed by the President;" and on page 35 of the bill, in line 23, after the word "That," insert the words "on and after June 1, 1902;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: On page 47 of the bill, at the end of line 13, insert the following: ", and the basement of said building may be used for storage of files by the Treasury Department;" and the Senate agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 58, and agree to the same with an amendment as follows: In lieu of the matter inserted by said House amendment insert the following: ": *Provided*, That hereafter appropriations made for contingent expenses of the House of Representatives or the Senate shall not be used for the payment of personal services except upon the express and specific authorization of the House or Senate in whose behalf such services are rendered. Nor shall such appropriations be used for any expenses not intimately and directly connected with the routine legislative business of either House of Congress, and the accounting officers of the Treasury shall apply the provisions of this paragraph in the settlement of all accounts of expenditures from said appropriations incurred for services or materials subsequent to the approval of this act;" and the Senate agree to the same.

On amendments numbered 1, 71, 72, 73, 74, 75, 76, 77, and 78 the committee of conference have been unable to agree.

EUGENE HALE,
W. B. ALLISON,
H. M. TELLER,
Managers on the part of the Senate.

J. G. CANNON,
S. S. BARNEY,
L. F. LIVINGSTON,
Managers on the part of the House.

Mr. HALE. There are only two items for further conference. One is amendment numbered 1 on page 2, relating to the claim of the Mexican Government for a repayment of money in our Treasury. The House conferees were not prepared to agree to this proposition without submitting it first to the House.

The other amendments are those in relation to State claims. While recognizing the force of the Senate proposition, as they are of considerable amount and have never been before the House, the conferees on the part of the House declined to agree to them and desired to submit these amendments to the House itself, which will be done.

Almost all the other amendments of the Senate have been agreed to by the House conferees. There is a provision which regulates the auditing of the contingent fund of the House on which the conferees on both sides were in accord. Aside from that the bill goes to the House. After the report has been accepted I shall ask that the Senate insist on its amendments relating to the Mexican claim and the State claims and ask for a further conference.

The PRESIDENT pro tempore. Will the Senate agree to the report?

The report was agreed to.

Mr. HALE. I move that the Senate further insist upon its amendments not agreed to and ask for a further conference with the House of Representatives.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of Senate; and Mr. HALE, Mr. ALLISON, and Mr. TELLER were appointed.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (H. R. 199) for the establishment of a light station on Bluff Shoal, Pamlico Sound, North Carolina; and

A bill (H. R. 5801) to authorize the St. Clair Terminal Railroad Company to construct and maintain a bridge across the Monongahela River.

The following bills were severally read twice by their titles, and referred to the Committee on the Judiciary:

A bill (H. R. 10070) establishing a United States court at Catlettsburg, in the eastern district of Kentucky; and

A bill (H. R. 10380) to authorize the transfer to an adjoining district of causes in the district and circuit courts of the United States in which the judge of the district wherein such causes are pending is disqualified.

The bill (H. R. 8108) for the relief of John Hornick was read twice by its title, and referred to the Committee on Indian Depredations.

The bill (H. R. 10847) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1903, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

The joint resolution (H. J. Res. 106) authorizing the Secretary of War to loan to the Pennsylvania Society of the Sons of the American Revolution certain Revolutionary trophies at Allegheny Arsenal, Pittsburg, Pa., was read twice by its title, and referred to the Committee on Military Affairs.

STATUTES DEFINING TREASON, SEDITION, ETC.

Mr. FORAKER. Mr. President, a few days ago we had a very interesting debate in the Senate in regard to the statute defining treason, sedition, and misprision of treason, and providing penalties therefor. As a result of that discussion and what was then developed I called on the law officer of the Division of Insular Affairs of the War Department to make a compilation of the statute in question and other statutes enacted by the United States and the various States of the Union on that subject. He has furnished it to me, and I ask that it may be printed as a Senate document.

The PRESIDENT pro tempore. The Senator from Ohio asks unanimous consent that the papers presented by him be printed as a document. Is there objection? The Chair hears none, and it is so ordered.

PETITIONS AND MEMORIALS.

Mr. LODGE presented petitions of the Sportsmen's Club of Springfield, Mass., and of 12 citizens of the State of Massachusetts; of the faculty of Cornell University, of Ithaca, N. Y., and of 20 citizens of New York City, N. Y., and of the State legislature and the fish and game commissioner of the State of Colorado, praying that an appropriation be made for the erection of a monument in the city of Washington to the late Prof. Spencer F. Baird; which were referred to the Committee on the Library.

Mr. DEPEW presented petitions of sundry citizens of Carthage, Babylon, Port Jefferson, Troy, Ossing, Albany, Watertown, Cape Vincent, Pamelia, Saratoga, Frankport, Green Island, Rennsselaer, Yonkers, Lockport, Amsterdam, Schenectady, New Rochelle, Lima, Buffalo, Southampton, Laurel, Manorville, Greenport, Shelter Island, Moriches, East Moriches, Amagansett, Southold, East Hampton, Setauket, Remsenburg, Perry, Bacon Hill, Converse, Parishville, Brooklyn, Scarborough, North Ridgeway, East Marion, Mattituck, Lyons Falls, Turin, Utica, Sauquoit, Auburn, New Hartford, Sand Lake, Warwick, Green Island, Sodus, Pelham Manor, Waverly, Far Rockaway, Woodmere, Dunkirk, Gloversville, and Middletown, and of the Presbytery of Brooklyn and Utica, all in the State of New York, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

Mr. WARREN presented a petition of International Machinists' Union No. 89, American Federation of Labor, of Cheyenne, Wyo., praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which was referred to the Committee on Naval Affairs.

Mr. BURROWS presented petitions of Local Union No. 233, Brotherhood of Painters, Decorators, and Paper Hangers of America, of Flint; of Saginaw Valley Union No. 14, of Saginaw; of Cigar Makers' Local Union No. 393, of Cadillac, all of the American Federation of Labor; of Local Union No. 226, United Brotherhood of Carpenters and Joiners of America, of Traverse City, and of Local Union No. 8, United Mine Workers of America, of Ishpeming, all in the State of Michigan, praying for the reenactment of the Chinese-exclusion law; which were referred to the Committee on Immigration.

He also presented petitions of sundry citizens of Ann Arbor and Detroit, in the State of Michigan, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented a petition of the Survivors' Association, District of Columbia Volunteers, 1861 to 1865, of Washington, D. C., praying for the enactment of legislation authorizing the payment of a bounty to District of Columbia Volunteers in the civil war; which was refered to the Committee on Military Affairs.

He also presented petitions of Federal Labor Union No. 9087, of Adrian; of Boiler Makers and Iron Ship Builders' Local Union No. 269, of Ionia; of Barbers' Local Union No. 15, of Flint; of Federal Labor Union No. 9368, of Lansing; of the Trades and Labor Council of Hancock; of Brewers' Labor Union No. 10, of Grand Rapids; of Longshoremen's Local Union No. 130, of Mackinac Island; of Machinists' Local Union No. 475, of St. Joseph; of Journeymen Barbers' Local Union No. 142, of Ishpeming, and of Local Union No. 178, International Association of Longshoremen, of Marine City, all of the American Federation of Labor; of Andrews Post, No. 294, Department of Michigan, Grand Army of the Republic, of Big Rapids, and of the Jackson Trades Council, of Jackson, all in the State of Michigan, praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which were referred to the Committee on Naval Affairs.

Mr. MITCHELL presented a memorial of the Chamber of Commerce of Astoria, Oreg., and a memorial of sundry citizens of Burns, Oreg., remonstrating against the enactment of legislation providing for the leasing of the public lands for grazing purposes; which were referred to the Committee on Public Lands.

Mr. FOSTER of Washington presented petitions of the Ministerial Alliance, of Pullman, Wash., and of sundry citizens of the State of Washington, praying for the enactment of legislation to prohibit the sale of opium and intoxicating liquors in the island possessions of the United States; which were ordered to lie on the table.

He also presented petitions of Union Post, No. 70, Department of Washington, Grand Army of the Republic, of Chewelah; of Local Union No. 44, United Association of Steam and Gas Fitters, of Spokane, and of E. J. Houghton Post, No. 75, Department of Washington, Grand Army of the Republic, of Havre, all in the State of Washington, praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which were referred to the Committee on Naval Affairs.

Mr. HOAR presented a petition of the Norwood Business Association and Board of Trade, of Norwood, Mass., praying for the repeal of the ad valorem duty of 15 per cent on hides; which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Massachusetts, praying for the establishment of peace in the Philippine Islands in order that an opportunity may be given for the discussion of the situation between the Government of the United States and the Filipino leaders; which was referred to the Committee on the Philippines.

He also presented a petition of Cigar Makers' Local Union No. 28, of Westfield, Mass., praying for the reenactment of the Chinese-exclusion law; which was referred to the Committee on Immigration.

He also presented petitions of Local Union No. 339, International Association of Machinists, of Worcester; of Finishers' Local Union No. 37, of Brockton; of Local Union No. 175, Retail Clerks' Protective Association, of Lynn, and of Carpenters' Local Union, No. 688, all of the American Federation of Labor; of A. St. John Chambre Post, No. 72, Department of Massachusetts, Grand Army of the Republic, of Stoughton, all in the State of Massachusetts, praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which were referred to the Committee on Naval Affairs.

Mr. CLAY presented a petition of the city council of Savannah, Ga., and a petition of the Cotton Exchange of Savannah, Ga., praying for the enactment of legislation to promote the efficiency of the Revenue-Cutter Service; which were ordered to lie on the table.

Mr. BERRY presented a petition of Front End Lodge, No. 345, Brotherhood of Locomotive Firemen, of Fort Smith, Ark., praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases; which was ordered to lie on the table.

Mr. DIETRICH (for Mr. MILLARD) presented a petition of sundry post-office clerks of South Omaha, Nebr., praying for the enactment of legislation providing for the classification of clerks employed in first and second class post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. COCKRELL presented a petition of the Board of Trade of Kansas City, Mo., praying for the establishment of reciprocal trade relations with the Dominion of Canada; which was referred to the Committee on Relations with Cuba.

Mr. FRYE presented petitions of sundry citizens of Berwick, Me., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented a petition of the Merchants' Exchange and Board of Trade of Portland, Me., remonstrating against the enactment of legislation authorizing the transportation of merchandise between the United States and foreign ports, etc.; which was referred to the Committee on Commerce.

He also presented a petition of the International and Benevolent Insurance Society, of Seattle, Wash., praying for the enactment of legislation to suppress anarchy; which was referred to the Committee on the Judiciary.

He also presented a petition of sundry geographers, cartographers, and editors of the United States, praying that on the acquisition of the Danish West Indies their name be changed to that of McKinley Islands; which was referred to the Committee on Foreign Relations.

ACCOMMODATIONS FOR FEMALE EMPLOYEES.

Mr. GALLINGER. Mr. President, the Committee on the District of Columbia were instructed by a resolution of the Senate of January 7 to make an inquiry and investigation as to whether the act of Congress approved March 2, 1895, being "an act to provide that all persons employing female help in stores, shops, or manufactories in the District of Columbia shall provide seats for the same when not actively employed," is being observed, and if not, why its enforcement is being neglected, the result of the investigation to be reported to the Senate.

In pursuance of that resolution, I present a report from the Committee on the District of Columbia, and ask that it may be printed and referred back to the committee.

The PRESIDENT pro tempore. The report will be printed and referred to the Committee on the District of Columbia.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 4037) granting a pension to Julia Maher;

A bill (H. R. 3511) granting an increase of pension to Mary C. Newcomb;

A bill (H. R. 5753) granting an increase of pension to Emil Frank; and

A bill (H. R. 286) granting an increase of pension to Lawrentus Lane.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 3229) granting a pension to Katherine R. A. Ogden, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 3228) granting an increase of pension to Heber C. Griffin;

A bill (S. 3269) granting an increase of pension to Jane E. Thompkins;

A bill (S. 2049) granting an increase of pension to Franklin Taylor;

A bill (S. 2767) granting an increase of pension to Albert D. Scovell; and

A bill (S. 3284) granting a pension to Gilbert P. Howe.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 2394) granting an increase of pension to Sybil F. Hall;

A bill (S. 2923) granting an increase of pension to Elizabeth Floyd Sicard; and

A bill (S. 3559) granting an increase of pension to George E. Houghton.

Mr. GALLINGER. I am directed by the Committee on the District of Columbia, to whom was referred the bill (S. 2967) to require cases of typhoid fever occurring in the District of Columbia to be reported to the health department of said District, to report it adversely. I will state that a similar bill passed both Houses of Congress and has become a law.

The PRESIDENT pro tempore. The bill will be postponed indefinitely.

Mr. PROCTOR, from the Committee on Military Affairs, to whom was referred the bill (S. 3327) in amendment of sections 22 and 26 of an act approved February 2, 1901, entitled "An act to increase the efficiency of the permanent military establishment of the United States," reported it with an amendment, and submitted a report thereon.

Mr. BERRY, from the Committee on Commerce, to whom was

referred the bill (S. 3107) to authorize the construction of a bridge over the Missouri River at or near the city of Kansas City, Mo., reported it with amendments.

Mr. STEWART, from the Committee on Claims, to whom was referred the bill (S. 2213) for the relief of George W. Graham, reported it without amendment, and submitted a report thereon.

Mr. WARREN, from the Committee on Claims, to whom was referred the bill (S. 905) for the relief of Lindley C. Kent and Joseph Jenkins, as the sureties of Frank A. Webb, asked to be discharged from its further consideration, and that it be referred to the Committee on Commerce; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. 3083) providing for the adjudication of certain claims by the Court of Claims, reported it without amendment, and submitted a report thereon.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 2607) granting an increase of pension to Uriah S. Karmany; and

A bill (H. R. 4268) granting an increase of pension to James D. Woodward.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 2013) granting an increase of pension to Sidney Leland; and

A bill (S. 2422) granting an increase of pension to John W. Burnham.

Mr. McCUMBER, from the Committee on Pensions, to whom was referred the bill (S. 2502) granting an increase of pension to Kate Virginia Dewey Cushing, reported it with amendments, and submitted a report thereon.

He also, from the Committee on Claims, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 342) for the relief of the heirs of Aaron Van Camp and Virginius P. Chapin; and

A bill (S. 1680) for the relief of William A. Cowles, administrator of George Cowles, deceased.

Mr. McCUMBER, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 592) to provide for the purchase of a site and the erection of a public building thereon at Deadwood, in the State of South Dakota, reported it without amendment, and submitted a report thereon.

Mr. HOAR, from the Committee on Privileges and Elections, to whom was referred the joint resolution (S. R. 2) proposing an amendment to the Constitution of the United States respecting the commencement and termination of Congress, reported it with amendments.

He also, from the Committee on the Judiciary, to whom the subject was referred, reported a bill (S. 3653) for the protection of the President of the United States, and for other purposes; which was read twice by its title.

Mr. PRITCHARD, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 1728) granting an increase of pension to George W. Thompson;

A bill (H. R. 2265) granting an increase of pension to Martin V. Hathaway;

A bill (H. R. 2628) granting an increase of pension to Andrew Mulholland;

A bill (H. R. 6720) granting an increase of pension to George Patterson; and

A bill (H. R. 1374) granting an increase of pension to James Willard.

Mr. PRITCHARD, from the Committee on Pensions, to whom was referred the bill (H. R. 7343) granting an increase of pension to Martha V. Keenan, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 2100) granting an increase of pension to John McGrath; and

A bill (S. 469) granting an increase of pension to Hiram H. Kingsbury.

Mr. PRITCHARD, from the Committee on Pensions, to whom were referred the following bills and joint resolution, reported them each with an amendment, and submitted reports thereon:

A bill (S. 3424) granting an increase of pension to Minnie E. King;

A bill (S. 3064) granting an increase of pension to Emma Sophia Harper Cilley; and

A joint resolution (S. R. 8) construing the act approved June 27, 1890, entitled "An act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to widows, minor children, and dependent parents."

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 2412) granting a pension to Helen L. Pepper; and

A bill (H. R. 2815) granting an increase of pension to William S. Derby.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 2643) granting an increase of pension to Peter C. Cleek; and

A bill (S. 3403) granting an increase of pension to George M. Emery.

Mr. SIMON, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 3482) granting an increase of pension to Ida C. Emery; and

A bill (S. 3393) granting a pension to William P. Arble.

Mr. DEBOE, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 5162) granting an increase of pension to Andrew H. Gifford; and

A bill (H. R. 3024) granting an increase of pension to Thomas V. Stran.

Mr. DEBOE, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 721) granting an increase of pension to Lavalette D. Dickey; and

A bill (H. R. 1324) granting an increase of pension to Charles N. Lee.

Mr. DEBOE, from the Committee on Pensions, to whom was referred the bill (S. 1800) granting an increase of pension to Jennie C. Ruckle, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 701) granting an increase of pension to Elizabeth Kroger, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. FOSTER of Washington, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 3553) granting an increase of pension to Mary A. Van Wormer;

A bill (H. R. 2617) granting an increase of pension to John Rapple;

A bill (H. R. 5147) granting an increase of pension to Theodore Lane; and

A bill (H. R. 2429) granting an increase of pension to John C. Morrison.

Mr. QUARLES, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 1266) for the erection of a public building at Green Bay, Wis., reported it without amendment, and submitted a report thereon.

Mr. BURTON, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 3204) granting an increase of pension to Mary T. Bruce;

A bill (S. 1942) granting a pension to Kate H. Clements; and

A bill (S. 3388) granting an increase of pension to John L. Peterson.

Mr. BURTON, from the Committee on Pensions, to whom was referred the bill (S. 2508) granting an increase of pension to Pauline Lowe Murphy; reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 3240) granting an increase of pension to Joseph Church;

A bill (H. R. 5259) granting an increase of pension to Gustav Schwartz;

A bill (H. R. 2321) granting an increase of pension to Joseph R. Martin; and

A bill (H. R. 5860) granting an increase of pension to Edward B. Scott.

JUDICIAL DISTRICTS IN GEORGIA.

Mr. BACON. I am instructed by the Committee on the Judiciary, to whom was referred the bill (S. 3509) to transfer the

county of Carroll from the northwestern division of the northern district of Georgia back to the northern district of Georgia of the United States district and circuit courts, to report it favorably without amendment and to ask for its immediate consideration.

Mr. COCKRELL. Let it be read for information.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PERMANENT CENSUS OFFICE.

Mr. QUARLES. I am directed by the Committee on the Census, to whom was referred the bill (H. R. 10308) to provide for a permanent Census Office to report it with amendments and to submit a report thereon.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

Mr. QUARLES. In connection with the report, I desire to make a request.

While the committee were considering this permanent census bill we were overwhelmed with applications for hearings regarding the matter of civil service. We were unable to hear the distinguished gentlemen who wished to appear and requested them to present their arguments in writing. They did so, but too late to be considered by the committee. Therefore, out of deference to those gentlemen, I ask that their communication, which is short, may be printed as a public document for the consideration of the Senate during the pendency of this measure.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Wisconsin? The Chair hears none, and the order is made.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Mr. CULLOM. I introduce a bill prepared by the Spanish Treaty Claims Commission, which I ask to have read the first and second time, and referred to the Committee on Foreign Relations.

The bill (S. 3654) to vest in the Spanish Treaty Claims Commission certain powers possessed by circuit and district courts of the United States was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. FAIRBANKS introduced a bill (S. 3655) to correct the military record of William T. Rominger; which was read twice by its title and referred to the Committee on Military Affairs.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3656) granting a pension to Amzi Lane;

A bill (S. 3657) granting an increase of pension to Nathan Bigham;

A bill (S. 3658) granting an increase of pension to William Pitman; and

A bill (S. 3659) granting a pension to Moses Kettering.

Mr. BURNHAM introduced a bill (S. 3660) granting a pension to Mary Sweeney; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SIMON introduced a bill (S. 3661) granting an increase of pension to George W. Edmunds; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. MITCHELL introduced a bill (S. 3662) granting a pension to Sarah C. Nicklin; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. DIETRICH (for Mr. MILLARD) introduced a bill (S. 3663) to amend an act entitled "An act granting the right to the Omaha Northern Railway Company to construct a railway across and establish stations on the Omaha and Winnebago Reservation, in the State of Nebraska, and for other purposes," by extending the time for the construction of said railway; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also (for Mr. MILLARD) introduced a bill (S. 3664) for the relief of A. H. Raynolds; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also (for Mr. MILLARD) introduced a bill (S. 3665) to remove the charge of desertion from the military record of William Huth; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also (for Mr. MILLARD) introduced a bill (S. 3666) to authorize the sale of a part of the Fort Niobrara Military Reservation, in the State of Nebraska; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. McENERY introduced a bill (S. 3667) to amend section 1 of the act of Congress approved July 12, 1886, relating to the Louisiana State University and Agricultural and Mechanical College; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. HANNA introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3668) granting a pension to Hulda Milligan (with an accompanying paper);

A bill (S. 3669) granting an increase of pension to James H. McVicker;

A bill (S. 3670) granting an increase of pension to Thomas Bliss;

A bill (S. 3671) granting an increase of pension to James Donnelly; and

A bill (S. 3672) granting an increase of pension to James Scannell.

Mr. HANNA introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (S. 3673) to correct the military record of Jacob Cooper;

A bill (S. 3674) to correct the military record of Frank Wempe; and

A bill (S. 3675) to correct the military record of Lora E. Reed (with an accompanying paper).

Mr. DEPEW introduced a bill (S. 3676) to authorize the Secretary of War to acquire, by purchase or condemnation, Constitution Island, in the State of New York; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. FORAKER introduced a bill (S. 3677) to increase the pension of William Hulsizer; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3678) to remove the charge of desertion from the military record of Josiah Clark; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3679) for the relief of Foreman S. Wells; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. KEAN introduced a bill (S. 3680) granting an increase of pension to Amelia Stout MacIntosh; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FOSTER of Louisiana introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 3681) for the relief of Toussaint Ecby;

A bill (S. 3682) for the relief of Mrs. Theodosie E. Flournoy;

A bill (S. 3683) for the relief of the estate of Onezime Leleux, deceased;

A bill (S. 3684) for the relief of Leonora J. Kennedy;

A bill (S. 3685) for the relief of Mrs. M. L. Holt, Mrs. Jane E. Cannon, and Mrs. I. B. Shipp;

A bill (S. 3686) for the relief of Mrs. E. A. Hollis;

A bill (S. 3687) for the relief of William Guchereau

A bill (S. 3688) for the relief of Mrs. Irene Granger;

A bill (S. 3689) for the relief of Mrs. Victor Fabre; and

A bill (S. 3690) for the relief of the estate of John R. Elliott, deceased.

Mr. PETTUS introduced a bill (S. 3691) for the relief of the personal representatives of Newton T. Demouy; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3692) for the erection of a public building at Florence, Ala.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. MARTIN (for Mr. DANIEL) introduced a bill (S. 3693) for the relief of the heirs of John Freeland, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3694) providing for the purchase of the Temple Farm, at Yorktown, Va., and for other purposes; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3695) for the relief of the trustees of the Presbyterian Church of Woodstock, Shenandoah County, Va.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. McCUMBER introduced a bill (S. 3696) granting an increase of pension to Edward H. Armstrong; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. DEBOE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 3697) for the relief of William S. Feland (with an accompanying paper); and

A bill (S. 3698) for the relief of Clement Calhoon.

Mr. DEBOE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3699) granting a pension to William M. Rice (with accompanying papers);

A bill (S. 3700) granting an increase of pension to Thomas McClure (with accompanying papers); and

A bill (S. 3701) granting a pension to Albert N. Jett (with accompanying paper).

Mr. McCOMAS introduced a bill (S. 3702) for the relief of the heirs of Thomas Peter; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

He also introduced a bill (S. 3703) for the relief of the heirs of Benjamin T. Hodges; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. GALLINGER introduced a bill (S. 3704) granting an increase of pension to Frederick E. Rogers; which was read twice by its title, and referred to the Committee on Pensions.

Mr. LODGE introduced a bill (S. 3705) for the relief of Harrison Loring; which was read twice by its title, and referred to the Committee on Claims.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3706) granting an increase of pension to Enoch Bolles;

A bill (S. 3707) granting a pension to Frank H. Keith; and

A bill (S. 3708) granting a pension to Nannie M. Kimberly.

Mr. BURROWS introduced a bill (S. 3709) to provide for the payment of a bounty to District of Columbia volunteers of April, 1861; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. PERKINS introduced a bill (S. 3710) for the relief of the State of California; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3711) relating to rights of way through certain parks, reservations, and other public lands, and authorizing the granting of permits and easements therein; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. BURTON introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3712) granting an increase of pension to Thomas Hislap;

A bill (S. 3713) granting an increase of pension to John Clay;

A bill (S. 3714) granting a pension to Margaret J. Verbiskey;

A bill (S. 3715) granting an increase of pension to Henry Weaver;

A bill (S. 3716) granting an increase of pension to John M. Hartnett;

A bill (S. 3717) granting an increase of pension to Thomas Hoeney;

A bill (S. 3718) granting an increase of pension to Z. A. Wilson;

A bill (S. 3719) granting an increase of pension to James H. Devin;

A bill (S. 3720) granting an increase of pension to James H. Asher;

A bill (S. 3721) granting a pension to John Carr;

A bill (S. 3722) granting an increase of pension to Oxley Johnson;

A bill (S. 3723) granting an increase of pension to Henry C. Rowley;

A bill (S. 3724) granting a pension to George W. McKenzie;

A bill (S. 3725) granting an increase of pension to William D. Gault;

A bill (S. 3726) granting an increase of pension to Andrew J. Stewart;

A bill (S. 3727) granting an increase of pension to Orren D. Lemert;

A bill (S. 3728) granting an increase of pension to Joseph Page; and

A bill (S. 3729) granting a pension to Terressa Jane Hoyt.

Mr. BARD introduced a bill (S. 3730) granting an increase of pension to Jonas Olmstead; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BACON introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3731) for the relief of Miss Honora Ryan;

A bill (S. 3732) for the relief of the heirs of Elias Weaver;

A bill (S. 3733) for the relief of George H. Hogan; and

A bill (S. 3734) for the relief of Edward Haile, surviving partner of Savage & Haile (with an accompanying paper).

Mr. BACON introduced a bill (S. 3735) for the erection of a public building at Macon, Ga.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. ALDRICH introduced a bill (S. 3736) granting an increase of pension to William A. Arnold; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 3737) for the relief of the legal representatives of Gardner & Lake; which was read twice by its title, and referred to the Committee on Claims.

Mr. FRYE introduced a bill (S. 3738) for the relief of the estate of George W. Lawrence, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. TELLER introduced a bill (S. 3739) granting a pension to Thomas M. Moore; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3740) granting a pension to Luther B. Paxon; which was read twice by its title, and referred to the Committee on Pensions.

Mr. COCKRELL introduced a bill (S. 3741) to grant the right of way through Oklahoma Territory, including the Osage Reservation, and the Indian Territory to the Missouri, Kansas and Oklahoma Railroad Company, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. MITCHELL introduced a joint resolution (S. R. 53) proposing an amendment to the Constitution of the United States extending the right of suffrage to women; which was read twice by its title, and referred to the Committee on Woman Suffrage.

AMENDMENT TO PHILIPPINE TARIFF BILL.

Mr. FORAKER submitted an amendment intended to be proposed by him to the bill (H. R. 5833) temporarily to provide revenue for the Philippine Islands, and for other purposes; which was ordered to lie on the table, and be printed.

CALIFORNIA'S MEMORIAL FOR CHINESE EXCLUSION.

Mr. PERKINS submitted the following resolution; which, with the accompanying papers, was referred to the Committee on Printing:

Resolved, That there be printed in pamphlet form 1,000 copies of California's memorial to the President and the Congress of the United States, praying for the reenactment of the Chinese-exclusion law, adopted by the Chinese-exclusion convention, called by the board of supervisors of the city and county of San Francisco, held at Metropolitan Temple, San Francisco, Cal., November 21 and 22, 1901, 500 copies to be for the use of the Senate and 500 copies to be for the use of the House of Representatives.

REPORTS ON INTEROCEANIC CANALS.

Mr. TURNER. Mr. President, by request of the chairman of the Committee on Interoceanic Canals, the Senator from Alabama [Mr. MORGAN], I call the attention of the Senate to the fact that there are no copies now in the document room of Report No. 1 of his committee of the present session of Congress or of Report No. 1337 of the Fifty-sixth Congress, and I ask, at his request, for a reprint of these documents.

The PRESIDENT pro tempore. The Senator from Washington, from the Committee on Interoceanic Canals, asks unanimous consent for a reprint of Report No. 1 of the present Congress and Report No. 1337 of the Fifty-sixth Congress. Is there objection? The Chair hears none, and it is so ordered.

CONSIDERATION OF CALENDAR ON FRIDAY.

Mr. GALLINGER. Mr. President, an order has been made for the delivery of eulogies on Friday next at 4 o'clock. I rise to ask unanimous consent that at 3 o'clock on that day an hour may be given to the consideration of the Calendar, unobjected private pension bills, and bills to correct the military records of soldiers.

The PRESIDENT pro tempore. The Senator from New Hampshire asks unanimous consent that on Friday next at 3 o'clock one hour may be devoted to the consideration of unobjected pension bills and bills to correct military records. Is there objection? The Chair hears none, and it is so ordered.

PENSIONS TO SURVIVORS OF INDIAN WARS.

Mr. MITCHELL. Mr. President, I ask unanimous consent at this time that the Senate proceed to the consideration of Senate bill 640, which I think will lead to no debate. It has been passed by the Senate three or four times heretofore.

Mr. LODGE. I am not going to object to the Senator's bill, but I give notice that when that bill shall have been disposed of I shall then move to proceed to the consideration of the Philippine tariff bill.

The PRESIDENT pro tempore. The Senator from Oregon asks unanimous consent for the present consideration of a bill, which will be read for the full information of the Senate, subject to objection.

The Secretary proceeded to read the bill (S. 640) to extend the provisions, limitations, and benefits of an act entitled "An act granting pensions to the survivors of the Indian wars of 1832 to 1842, inclusive, known as the Black Hawk war, Creek war, Cherokee disturbances, and the Seminole war," approved July 27, 1892; but before concluding, was interrupted by—

Mr. ALDRICH. Mr. President, it will be impossible to pass that bill by unanimous consent. I think it had better go over.

The PRESIDENT pro tempore. The Senator from Rhode Island objects.

Mr. MITCHELL. I hope the Senator from Rhode Island will

not object to the consideration of the bill. It has heretofore passed the Senate three or four times; it has been reported unanimously from the Committee on Pensions; and there is no more meritorious bill pending in the Senate to-day than this very bill.

Mr. ALDRICH. But, confessedly, it will take several million dollars a year out of the Treasury if it should become a law, and it certainly ought not to be passed without explanation and without debate.

The PRESIDENT pro tempore. The Senator from Rhode Island objects.

Mr. MITCHELL. I ask that the objection which has been made may not prejudice the bill, but that it may retain its place on the Calendar.

Mr. ALDRICH. That is all right.

The PRESIDENT pro tempore. The bill will retain its place on the Calendar.

Mr. GALLINGER. Mr. President, before that matter passes from the consideration of the Senate I want to correct a suggestion I made to the Senator from Rhode Island [Mr. ALDRICH]. He asked me quietly how much this bill would probably cost the Government, and I think I suggested two or three million dollars. I wish to say that several years ago, when a report was made by the chairman of the Committee on Pensions, it was then ascertained that the cost for the first year—and these are the very figures supplied by the Commissioner of Pensions—would be approximately $730,000; but many of these are very old men and a good many have died since then. I should think it likely that it might cost half a million dollars the first year, and that it would be wiped out in the course of five or six years.

Mr. MITCHELL. If the bill should go over to another session, it would cost nothing. I hope the Senator from Rhode Island will look into the bill.

Mr. ALDRICH. I will examine it.

Mr. MITCHELL. If the Senator does examine it, I think he will withdraw his objection.

PRESIDENTIAL TERM.

Mr. HOAR. I desire to give notice that at some early day, without undue interruption of the existing business, I shall ask the Senate to take up the constitutional amendment reported this morning, changing the time for the termination of the Presidential term and the terms of Senators and Representatives.

A similar joint resolution passed the Senate once, and, I think, two or three times before. It is quite important, as it must be submitted to the State legislatures, that it should go to the other House very soon. I will not fix any time now, but I will at an early day, probably at some time in the last few days of the present week, ask to have the joint resolution taken up for consideration.

PHILIPPINE TARIFF BILL.

Mr. LODGE. I move that the Senate proceed to the consideration of the bill (H. R. 5833) temporarily to provide revenue for the Philippine Islands, and for other purposes.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Massachusetts, that the Senate proceed to the consideration of what is known as the Philippine tariff bill.

The motion was agreed to.

Mr. COCKRELL. Could not the Senator from Massachusetts allow us to have half an hour or an hour on the Calendar regularly? There are many Senators who desire the consideration of bills.

Mr. LODGE. I dislike to refuse anything the Senator from Missouri asks, and I should be glad to get to the Calendar, but until this bill is moved on—I yielded on Friday, when we adjourned over, and I think this bill ought to be promptly disposed of—I can not yield to any request.

PUBLIC BUILDING AT SPOKANE, WASH.

Mr. TURNER. I ask the Senator from Massachusetts [Mr. LODGE], before proceeding with the discussion of the Philippine tariff bill, to extend his good nature to the point of consenting to the consideration of a bill which will give rise to no debate. It is a short bill.

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Washington?

Mr. LODGE. The Senator from Washington has the floor on the Philippine tariff bill, and, of course, I make no objection.

Mr. TURNER. I ask unanimous consent for the present consideration of the bill (S. 1447) providing for the erection of a public building at the city of Spokane, in the State of Washington.

There being no objection, the Senate, as in Committee of the Whole, proceeded to the consideration of the bill, which had been reported from the Committee on Public Buildings and Grounds with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site, and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States post-office and other governmental offices in the city of Spokane and State of Washington, the cost of said site and building, including said vaults, heating and ventilating apparatus, elevators, and approaches, not to exceed the sum of $500,000.

Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination and of his recommendation thereon, and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to the said proposed sites.

If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites, and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall within thirty days after such examination make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all statements, maps, plats, or documents taken by or submitted to them, in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed $6 per day and actual traveling expenses: *Provided, however*, That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for the purchase of a site and the erection of a public building thereon at Spokane, in the State of Washington."

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. MCKENNEY, its enrolling clerk, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9315) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1902, and for prior years, and for other purposes; recedes from its disagreement to the amendments of the Senate numbered 1, 71, 72, 73, 74, 75, 76, and 77, and agrees to the amendment of the Senate numbered 78, with an amendment; in which it requested the concurrence of the Senate.

URGENT DEFICIENCY APPROPRIATION BILL.

Mr. HALE. I ask the Chair to lay before the Senate the action of the House of Representatives on the urgent deficiency appropriation bill.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives receding from its disagreement to the amendments of the Senate to the bill (H. R. 9315) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1902, and for prior years, and for other purposes, numbered 1, 71, 72, 73, 74, 75, 76, and 77, and receding from its disagreement to amendment numbered 78 with an amendment in lieu of the amendment to insert the following:

And the claims of like character arising under the act of Congress of July 27, 1861 (12 Stat., p. 276), and joint resolution of March 8, 1862 (12 Stat., p. 615), as interpreted and applied by the Supreme Court of the United States in the case of the State of New York against the United States, decided January 6, 1896 (160 U. S. Reports, p. 598), not heretofore allowed, or heretofore disallowed, by the accounting officers of the Treasury, shall be reopened, examined, and allowed, and if deemed necessary shall be transmitted to the Court of Claims for findings of fact or determination of disputed questions of law to aid in the settlement of the claims by the accounting officers.

Mr. HALE. The amendment only defines the kind of claims. I move that the Senate concur in the amendment of the House.

The amendment was concurred in.

PHILIPPINE TARIFF BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 5833) temporarily to provide revenue for the Philippine Islands, and for other purposes.

Mr. TURNER. Mr. President, I believe that I will, at this time, conclude the introduction of documentary evidence in the great cause of human liberty versus Republican perfidy and dishonor, in order that I may proceed without further interruption to draw the deductions from the law and the facts which seem to be authorized and necessary.

On Friday last I inserted as part of my remarks a series of proclamations and decrees relating to the establishment of a revolutionary government in the Philippine Islands after the Philippine leaders had been brought back to the islands by our war ships, and I now again call attention to some of them.

One of these was Aguinaldo's proclamation, issued May 24, 1898, the very day that Aguinaldo landed at Cavite, establishing a dictatorial government. As bearing on that act, I also introduced a letter from Mr. Wildman, our consul at Hongkong, to the Secretary of State, showing that he had consulted with Aguinaldo before he left Hongkong concerning the establishment of this dictatorial government; that, in his opinion, it was necessary for Aguinaldo to proceed in that manner, and that he (Wildman) had concerted with Aguinaldo the very terms of the proclamation which Aguinaldo issued.

I also inserted the testimony of General Whittier, given before our Peace Commission at Paris, to the effect that after Aguinaldo had issued this proclamation he became discouraged because the accessions to his ranks were slow, thought of throwing up his connection with the insurrection, and was persuaded by Admiral Dewey to continue his efforts.

I also inserted a proclamation and decree extending this dictatorial and revolutionary government and laying down rules for the conduct of civil government in the several provinces of the islands. This proclamation was dated June 18, 1898.

On the 6th day of August, 1898, the representatives of the people of the islands met at Cavite, adopted a formal declaration of independence from Spain, and formally established what they then called a revolutionary government as contradistinguished from the dictatorial government which had before that been established by Aguinaldo. The papers showing these acts I also introduced into the record. This was all before the fall of Manila, and all in face of and with the knowledge of our naval and military commanders. I now want to call the attention of the Senate to a further and important act in the evolution of Filipino government.

On the 21st of January, 1899, before the adoption of the peace treaty between this country and Spain, and consequently before any pretense of the cession of the Philippines to us, the representatives of all the Christian people in all the islands of the archipelago met at Malolos, established the Philippine republic, and adopted a constitution which would be a model for any people in the world.

This act took place, as I say, on January 21, 1899. I have before me Document No. 208, of the Fifty-sixth Congress, first session, in which, commencing at page 107 of that document, I find this constitution printed in full. I shall not ask to insert it as part of my remarks because of its very great length, but I wish to call the attention of the Senate to its character and to some of its provisions. It commences thus:

We, the representatives of the Philippine people, lawfully invoked, in order to establish justice, provide for common defense, promote general welfare, and insure the benefits of freedom, imploring the aid of the Sovereign Legislator of the Universe in order to attain these purposes, have voted, decreed, and sanctioned the following

POLITICAL CONSTITUTION.

In the body of the instrument provision is made for establishing the executive, legislative, and judicial departments of the government, the legislative and executive departments being free and popular and their members elected by the Filipino people, and the officers of the judicial department appointed by the legislature. The first title of this constitution is in these words:

FIRST TITLE.—THE REPUBLIC.

ARTICLE 1. The political association of all the Filipinos constitutes a nation, the estate of which is denominated Philippine republic.

ART. 2. The Philippine republic is free and independent.

ART. 3. Sovereignty resides exclusively in the people.

SECOND TITLE—THE GOVERNMENT.

ART. 4. The government of the republic is popular, representative, alternative, and responsible, and is exercised by three distinct powers, which are denominated legislative, executive, and judicial. Two or more of these powers shall never be vested in one person or corporation; neither shall the legislature be vested in one individual alone.

THIRD TITLE—RELIGION.

ART. 5. The State recognizes the equality of all religious worships and the separation of the church and the state.

Then follows the bill of rights of this constitution, to which I wish to call briefly the attention of the Senate.

ART. 7. No Filipinos nor foreigner shall be arrested nor imprisoned unless on account of crime and in accordance with the laws. (S. C., 4th art.)

ART. 8. Any person arrested shall be discharged or delivered over to the judicial authority within twenty-four hours following the arrest. (S. C., 4th art.)

Any arrest shall be held without effect or shall be carried to commitment within seventy-two hours after the detained has been delivered over to a competent judge.

The party interested shall receive notice of the order which may be issued within the same time. (S. C., 4th art.)

ART. 9. No Filipino can become a prisoner unless by virtue of the mandate of a competent judge.

The decree by which may be issued the mandate shall be ratified or confirmed, having heard the presumed criminal within seventy-two hours following the act of commitment. (S. C., 5th art.)

ART. 10. No one can enter the domicile of a Filipino or foreign resident in the Philippines without his consent, except in urgent cases of fire, flood, earthquake, or other similar danger, or of unlawful aggression proceeding from within or in order to assist a person within calling for help.

Outside of these cases, the entrance in the domicile of a Filipino or foreign resident of the Philippines and the searching of his papers or effects can only be decreed by a competent judge and executed during the day.

ART. 14. No Filipino shall be prosecuted nor sentenced, unless by a judge or tribunal to whom, by virtue of the laws which precede the crime, is delegated its cognizance, and in the form which the latter prescribe. (S. C., 16th art.)

ART. 15. Any person detained or imprisoned without the legal formalities, unless in the cases provided in this constitution, shall be discharged upon their own petition or that of any Filipino.

The laws shall determine the form of proceeding summarily in this case, as well as the personal and pecuniary penalties incurred by him who may order, execute, or cause to be executed the illegal detention or imprisonment.

ART. 16. No person shall be deprived temporarily or permanently of his property or rights, nor disturbed in the possession of them, unless by virtue of a judicial sentence. (S. C., 10th art.)

ART. 19. No Filipino who may be in the full enjoyment of his civil and political rights shall be hindered in the free exercise of the same.

ART. 20. Neither shall any Filipino be deprived of:

1. The right of expressing liberally his ideas and opinions, either by word or by writing, availing himself of the press or of any other similar means.

2. The right of associating himself with all the objects of human life which may not be contrary to public morality; and, finally,

3. Of the right to direct petitions, individually or collectively, to the public powers and to the authorities.

ART. 23. Any Filipino can found and maintain establishments of instruction or of education, in accordance with the provisions which are established.

Popular education shall be obligatory and gratuitous in the schools of the nation. (S. C., 12th art.)

ART. 28. The enumeration of the rights granted in this title does not imply the prohibition of any other not expressly delegated.

It is impossible for any person to read this admirable charter of government without coming to the conclusion that the men who framed it were well fitted for self-government. In the division of governmental powers and in the character of the powers conferred on the several coordinate departments of the government it is modeled after our own Constitution and shows close and intelligent study of that instrument. In its just appreciation of civil and religious liberty, and in the provisions for the securing of the same, and in the safeguards thrown around person and property, as well as in the provisions made in the interest of education, it shows an advanced conception of liberty and of rational government of which any people in the world might well be proud.

This constitution established by the Filipinos was not a mere paper constitution, as has been claimed, nor was the republic which they established a shadowy and intangible republic.

At the time the treaty of peace with Spain became of force this constitution and this republic were then and for months before that time had been receiving the hearty, loyal, enthusiastic support of over 6,000,000 Christian people in the islands.

So far as the island of Luzon is concerned, which contains over 4,000,000 of these Christian people, I find the fact which I have stated established by a report made to Admiral Dewey by two naval officers—Leonard and Wilcox—who spent the months of September and October, 1898, traveling through the island of Luzon, and who reported to the Admiral that the revolutionary government of the Filipinos was maintaining peace and order there, and was receiving the loyal support of all the people of that island outside of the city of Manila.

Mr. Sargent, in a series of magazine articles published at a later period, amplified the facts stated in this report to Admiral Dewey. The articles, as well as the report, are printed here as Document No. 66.

As to the island of Panay, which has more than a million of these Christian people, I find the fact which I have stated established by the correspondence between General Miller, the commandant of our forces before Iloilo, and the officials of the revolutionary government then in possession of that island, who held General Miller with his troops on board of his vessels in front of that island for more than seventy days, declining to permit him to take possession of the island in the name of the United States, because they claimed that the Filipino people had established their own government, which was in possession of the island, and that to permit the United States to take possession of it would be in derogation of the authority of that government.

I find the same thing established as to the island of Cebu by the correspondence had with the native officials when our naval force appeared before that island and undertook to take possession of it. The authorities of the revolutionary government there protested stoutly against our Government taking possession of that island, because they said it was in the possession of and owed its allegiance to the Filipino Republic, and to permit the United States to take possession would be in derogation of the rights of that Republic.

I shall not read this correspondence nor these letters of Messrs. Sargent and Wilcox, nor their report to Admiral Dewey, but the parts of the letters of Leonard and Wilcox and of their report which I wish inserted are found in Senate Document 66, at pages 1, 2, 5, 6, 9, 10, 11, 15, 16, 22, 23, 27, 36, 41, 42. The correspondence in front of Iloilo is found in Senate Document No. 208, commencing at page 52 of that document. The correspondence before Cebu is also found in Document 208, at page 148.

I ask leave of the Senate to include in my remarks extracts from these several documents without reading them.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and permission is granted.

Mr. TURNER. Mr. President, if there was any doubt about the effect of this documentary proof which I have offered, it would

be set at rest by what I shall now read to the Senate, namely, a part of the report of General Otis to the Adjutant-General for the year 1899. In that report, commencing at page 75, speaking about the Filipino insurgent government, General Otis says:

Repeated efforts were made to secure some mark of recognition for their government from the American authorities, some of which appeared to be quite cunningly devised. I was addressed by so-called ministers of state on diplomatic subjects, and was visited by accredited members of the Malolos government.

The various foreign consuls resident in Manila were officially informed by this Government of its proceedings and furnished with copies of its so-called decrees. Never since the time Aguinaldo returned to Cavite in May of 1898 and placed himself under the masterful spirit of Mabini had he the slightest intention to accept the kind offices and assistance of the United States, except as they might be employed to hold Spain throttled while he worked the scheme of self-aggrandizement. His success was not in the least astonishing, as after the various islands had driven out the few remaining and discouraged soldiers of their openly declared enemy, they naturally turned to Luzon for some form of central government, the islands of the south being well aware of their inability to maintain successful separate and distinct political establishments.

The crude one in process of formation in central Luzon offered itself through its visiting agents and was accepted in part (notwithstanding race animosities and divergent business interests) and very probably because no other alternative was offered. The eight months of opportunity given the ambitious Tagalo by the hold on Spain which the United States maintained was sufficient also for him to send his troops and designing men into the distant provinces and hold the unarmed natives in subjection while he imposed military authority, and thus in December, 1898, we find in northern and southeastern Luzon, in Mindoro, Samar, Leyte, Panay, and even on the coast of Mindanao and in some of the smaller islands, the aggressive Tagalo, present in person, and whether civilian or soldier, supreme in authority.

The islands mentioned by General Otis in this report where the ambitious Tagalo was found to be in supreme and undisputed authority and control are Mindoro, with a population of 70,296; Samar, with a population of 250,062; Leyte, with a population of 285,495; Mindanao, with a population of 191,802; Panay, with a population of 1,052,586; Luzon, with a population of 4,467,982; making a total of 6,317,982 people.

It is idle for anybody to say that these people are savages, or that they are not reasonably well fitted for self-government. A claim of that kind is a dishonorable imputation upon the United States, because she employed these people as her allies in the war with Spain. Moreover, it is conclusively shown to be untrue by the reports of our officers there, from some of which reports I have already introduced excerpts, and from all of which, or nearly all, I might quote if time and space permitted; but I will content myself on that point with asking leave to insert in the RECORD, without reading, an article by Howard W. Bray, who for fourteen years was a resident of the Philippine Islands, and was well acquainted with the people, their character, and their capabilities, which letter I find in Document No. 62, at page 349.

The PRESIDING OFFICER (Mr. MCCOMAS in the chair). Is there objection to the request of the Senator from Washington? The Chair hears none, and leave is granted.

Mr. TURNER. Mr. President, the evidences I have now produced show that at the time of the outbreak of our war with Spain the Filipino people were themselves carrying on a struggle against Spain and that back of and behind that struggle was the desire of the Filipinos for independence, and that our naval, military, and diplomatic officers, being aware of these facts, with the knowledge of the higher heads of Government, incited that people to continue and to augment their struggle and to assist us in expelling Spain from the archipelago. Not a word, or a syllable, or a whisper was ever communicated to them that we ourselves harbored designs inimical to their independence. A number of our agents gave them what, under the circumstances, must be considered as most unequivocal declarations to the contrary. Others were sedulous that no word or letter should be written or spoken to the contrary, even after they had become aware that we did in fact harbor such designs.

Knowing well what their purpose was, we brought their leaders back to the islands in our war ships. We furnished them and their people with money and arms and equipments and munitions of war. We urged them to rise, to organize, to fight, and to die in behalf of Philippine liberty and independence. And they did fight and die in that cause to such purpose that they had killed or captured or driven within the defenses of the city of Manila every Spanish soldier on the island, with a few insignificant exceptions, before the arrival there of a single, solitary American soldier.

After the arrival of our forces we cooperated with them in pushing the siege of Manila. We shared with them the lines of circumvallation which they had drawn and intrenched around that city. Our soldiers stood shoulder to shoulder with theirs in skirmish and in battle. Our blood mingled with theirs on the ground around that city, spilled in a common struggle, and finally, largely through their efforts and not ours, as a result of their victorious achievements before we even appeared upon the ground, the city of Manila surrendered, and the power of Spain in those islands was broken and destroyed and gone forever.

We have had controversy whether the Filipino people technically, in an international sense, were our allies in the war with Spain. I care nothing about that, although undoubtedly, in my opinion, they were our allies in every sense of the word. But there is one thing about which there has never been any controversy and about which there can be no controversy. We did seek their aid in the war with Spain. They did give us their aid in that war. They were ignorant of any purpose on our part inimical to their aspirations. We, on the other hand, knew full well what their aspirations were, and that they were nothing short of or less than full and complete independence for the Filipino people.

This being so, is it not monstrous and atrocious and unheard of that we should seek to seize their country, without their consent and against their protest, as the spoil of the war with Spain—their war as well as ours? No nation in all the history of the world ever before did such an act. Show me one, and I will withdraw all I have said on this subject. It can not be done.

The truth is that the leaders of the Republican party have dishonored the nation in their greed for power and spoils, and they have been engaged ever since in endeavoring to lull its conscience to sleep with the false and blasphemous pretense that they were serving Almighty God by advancing liberty and religion.

Instead of advancing liberty they have struck it the most damaging blow that it has received since it first found a foothold on the American continent. They have stultified all its pretensions and have weakend its hold on the affections of mankind. They have made it possible to say of this nation, for more than a century the exemplar of liberty throughout the world—

Alas! could she but fully, truly, know
How her great name is now throughout abhorred;
How eager all the earth is for the blow
Which shall lay bare her bosom to the sword;
How all the nations deem her their worst foe,
That worse than worst of foes, the once adored
False friend, who held out freedom to mankind,
And now would chain them to the very mind.

Liberty from this time forth will advance slowly if it does not retrograde. And if the leaders of the Republican party be permitted to revolutionize our Government by ingrafting on it the principles of imperialism involved in colonial conquest and colonial government, liberty not only will not advance, but it will retrograde, and will involve in irremediable ruin and disaster free institutions everywhere—in Asia, in Europe, in Africa, and in America. And if they can have their own way they will revolutionize the Government. They have apparently lost all respect for the principles of liberty which animated the fathers and which lie at the root of our free institutions. They care for nothing, I am sorry to say, except spoils and power, and they represent nothing else except as the result of false pretenses.

But the people of this nation are not debauched if they are. They have deluded and deceived the people for now this long time, but they can not continue to do so indefinitely. Abraham Lincoln, who would not know one of these leaders as a Republican if he could come back to earth and should meet him in the middle of the street, declared that it was possible to fool some of the people all the time and all of the people some of the time, but that it was not possible to fool all the people all of the time. There will come an awakening some time, be assured of that, and the rapid trend of events convinces me that the day is not far distant. If I did not believe so I should despair of my country. When that day comes and the giant rises from his sleep, he will break the Liliputian bonds with which you have encompassed him like rotten threads and will sweep you away from his temple as the wind sweeps away a devouring plague of locusts. All hail the day! May it come soon, and may it be long before the giant sleeps again.

I desire now to look briefly at the aspect in which we have presented ourselves to the world in this Filipino business under the principles of international law; and I say, in the light of those principles, that we are absolutely destitute of the slightest particle of legal right in the Philippine Archipelago and have been so ever since our contest with the Filipinos began.

Our war there is a war of conquest, pure and simple; the conquest of an allied and friendly people, of a free people, of a republican people, who but for our action would now be enjoying in peace and security institutions as free and liberal as those which we ourselves enjoy.

It has been argued that we acquired title to the Philippine Archipelago by conquest from Spain, but that is absolutely untrue. Our commissioners at Paris while negotiating the peace treaty investigated that question, and they informed the President of the United States in a dispatch, which I shall now read to the Senate, that that contention could not be maintained consistently with the principles of international law. I find that dispatch in Senate Document No. 148, Fifty-sixth Congress, second session, page 40:

Mr. Day to Mr. Adee.

[Telegram.]

UNITED STATES PEACE COMMISSION,
Paris, November 3, 1898—10 a. m.

(For the President.—Special.)

After a careful examination of the authorities, the majority of the Commission are clearly of the opinion that our demand for the Philippine Islands can not be based on conquest.

When the protocol was signed Manila was not captured, siege was in progress, and capture made after the execution of the protocol. Captures made after agreement for armistice must be disregarded and status quo restored as far as practicable. We can require cession of Philippine Islands only as indemnity for losses and expenses of the war. Have in view, also, condition of islands, the broken power of Spain, anarchy in which our withdrawal would leave the islands, etc. These are legitimate factors. Have written fully.

Thursday, 11.30 morning.

DAY.

This position taken by our peace commissioners is amply sustained by all the writers on international law. I shall not detain the Senate by an extended examination of the works on that subject, but shall content myself with reading briefly from Halleck, at pages 777 and 778, sections 2, 3, and 23:

SEC. 2. We will here consider the question, When do the rights of military occupation begin, or how are we to fix the date of a conquest? Bouvier defines a conquest to be "the acquisition of the sovereignty of a country by force of arms, exercised by an independent power, which reduces the vanquished to the submission of its empire." It follows, then, that the rights of military occupation extend over the enemy's territory only so far as the inhabitants are vanquished or reduced to submission to the rule of the conqueror.

Thus, if a fort, town, city, harbor, island, province, or particular section of country belonging to one belligerent is forced to submit to the arms of the other, such place or territory instantly becomes a conquest, and is subject to the laws which the conqueror may impose on it; although he has not yet acquired the plenum dominium et utile, he has the temporary right of possession and government. As this temporary title derives its validity entirely from the force of arms on the one side and submission to such force on the other, it necessarily follows that it extends no further and continues no longer than such subjugation and submission extend and continue. Thus, if one belligerent take possession of a port, or town, or province of the other, he can not, therefore, pretend to extend his government and laws over places or provinces which he has not yet reduced to submission, or by reason of a particular possession to claim a general control and authority.

By occupying a port of an enemy's coast we have a right, so long as we retain its possession, to exclude neutral vessels from such port or admit them on such terms as to us may seem fit and proper, but we can not exclude neutral vessels or impose our regulations upon neutral commerce in ports of the enemy which are not in our possession. To extend the rights of military occupation or the limits of conquest by mere intention, implication, or proclamation would be establishing a paper conquest infinitely more objectionable in its character and effects than a paper blockade.

* * * * * * *

Section 3:

It must not be inferred, from what has just been said, that the conqueror can have no control or government of hostile territory unless he actually occupies it with an armed force. It is deemed sufficient that it submits to him and recognizes his authority as a conqueror, for conquests are in this way extended over the territory of an enemy without actual occupation with armed force. But so much of such territory as refuses to submit, or to recognize the authority of the conqueror, and is not forcibly occupied by him, can not be regarded as under his control or within the limits of his conquest.

I read further from this same author, at page 799, section 23:

SEC. 23. But suppose war to be declared and actually commenced, and that one of the belligerents has made manifest his intention to effect the permanent acquisition of a particular portion of the territory of the other, which intention is afterwards accomplished by actual conquest, and that after the declaration of such intention, and while preparation was making to carry it out, the original owner should alienate that territory, in whole or in part, is the conqueror bound to regard such alienation as a valid transfer, or may he disregard it in toto as being an illegal attempt to deprive him of the rights of war?

In other words, did not his avowed determination to effect the permanent acquisition of such territory, his preparation to make the conquest, and his ability to effect it, as proved by the result, give to the conqueror some inchoate or inceptive right to the territory subsequently conquered, or did they not at least suspend the right of the original owner to alienate it? In order to obtain a satisfactory solution of this question, we recur to fundamental principles. The rights of conquest are derived from force alone. They begin with possession and end with the loss of possession. The possession is acquired by force, either from its actual exercise or from the intimidation it produces. There can be no antecedent claim or title from which any right of possession is derived; for if so it would not be a conquest. The assertion and enforcement of a right to possess a particular territory do not constitute a conquest of that territory. By the term conquest we understand the forcible acquisition of territory admitted to belong to the enemy.

Since the peace protocol between the United States and Spain was signed on the 12th day of August, 1898, and the surrender of the city of Manila to us did not take place until the 13th day of August, one day thereafter, it follows necessarily that our possession of that city must be referred to the peace protocol and not to any conquest effected by its capture from the Spanish forces. But for the peace protocol, which provided that it should be given into our possession and retained by us pending the negotiation of the definite treaty of peace, we would have been compelled to return it to Spain, and thereby restore the status quo. But inasmuch as the protocol contemplated our possession, we continued to hold it as a pledge for the good faith of Spain in going forward and carrying out, under the terms of the protocol, the peace for which that protocol provided.

Our sovereignty, then, if we have any sovereignty there at all, did not accrue or commence until the treaty of Paris was ratified by the Senate of the United States, and thereby came to have force and effect; and that event did not occur until the 5th day of February, 1899. Prior to that date no right of ours under international law, except the right to hold the city of Manila as a pledge, which was really holding it under the right of Spain, had accrued in those islands. The effect of this was that the Philippine insurgents were at entire liberty, so far as any intervening rights of ours went, to continue their revolutionary war, to drive Spain from the islands, and to set up and maintain their own independent government. This, as we have seen, they did do.

On the 5th day of February, 1899, Spain did not hold a foot of soil in the entire archipelago. On that day every foot of soil in the islands, outside of those southern islands which professed the Mohammedan religion and which never did acknowledge the sovereignty of Spain any more than they now acknowledge our sovereignty, was in the possession of and giving cheerful allegiance to the Philippine republic. As we have seen, that republic was established on the 21st day of January, 1899, taking the place of the revolutionary government which was established on the 23d day of June, 1898.

Is there anyone in this country or in this body who will say that that people did not have the right to go on and throw off the sovereignty of Spain and to take that sovereignty to themselves, no right of ours or of any other nation having intervened to prevent them from doing so? That proposition, Mr. President, is answered by our own Declaration of Independence:

We hold these truths to be self-evident, that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness. That to secure these rights governments are instituted among men, deriving their just powers from the consent of the governed. That whenever any form of government becomes destructive of these ends it is the right of the people to alter or to abolish it, and to institute new government, laying its foundation on such principles and organizing its powers in such form as to them shall seem most likely to effect their safety and happiness.

Who is there that would deny to that people this God-given right of revolution, declared by this sacred instrument, which marks the beginning of our own struggle for liberty and independence? Had they not suffered a train of abuses and usurpations at the hands of Spain, not indeed evincing a design to reduce them to despotism, because that had already been accomplished, but under which their property and their lives and the honor of their wives and daughters were held subject to the caprice of their merciless and lawless and tyrannical oppressors? Who is there, then, in this land of liberty that would have stayed their hands and bid them stop? No one. No one did stay or stop them or attempt to stop them. They went on with the glorious work of liberating their country in the face of our forces in the islands until long before Spain undertook to cede them to us there was not a single solitary living human being in those islands who represented or claimed to represent in that land the hated despotism of Spain.

It needed no recognition from any foreign government to establish their sovereignty and their independence. They became a nation by their own unity and their own valor. If other nations from prudential reasons declined to give them recognition, that fact could not alter their internal status or change that which had become a solemn fact in the economy of the world. Recognition has to do only with the rights and duties of the citizens of the recognizing state. It has nothing whatever to do with the respective rights of the new state and the older established states. A people become a nation when they are such in fact, and from that time they are entitled to internal sovereignty, to equal independence among the nations, and to have their right recognized and respected by all the world.

This proposition is laid down by the writers upon international law with as much force as the other proposition to which I called the attention of the Senate a few moments ago, and to sustain which I read from Halleck. Upon this proposition I beg to read from Mr. Wheaton's work on international law, at pages 31 and 32, sections 20 and 21, and also at page 39, sections 26 and 27. I send the book to the desk and ask that the Secretary may read the parts which I have indicated.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

SEC. 20. Sovereignty is the supreme power by which any state is governed. This supreme power may be exercised either internally or externally.

Internal sovereignty is that which is inherent in the people of any state, or vested in its ruler, by its municipal constitution or fundamental laws This is the object of what has been called internal public law, droit public interne, but which may more properly be termed constitutional law.

External sovereignty consists in the independence of one political society in respect to all other political societies. It is by the exercise of this branch of sovereignty that the international relations of one political society is maintained, in peace and war, with all other political societies. The law by which it is regulated has, therefore, been called external public law, droit public externe, but may more properly be termed international law.

The recognition of any state by other states and its admission into the general society of nations may depend, or may be made to depend, at the will of those other states, upon its internal constitution or form of government or the choice it may make of its rulers. But whatever be its internal constitution or form of government, or whoever may be its rulers, or even if it be distracted with anarchy, through a violent contest for the government between different parties among the people, the state still subsists in contemplation of law until its sovereignty is completely extinguished by the final dissolution of the social tie or by some other cause which puts an end to the being of the state.

SEC. 21. Sovereignty is acquired by a State either at the origin of the civil

society of which it is composed or when it separates itself from the community of which it previously formed a part and on which it was dependent. (a)

This principle applies as well to internal as to external sovereignty. But an important distinction is to be noticed in this respect between these two species of sovereignty. The internal sovereignty of a State does not, in any degree, depend upon its recognition by other States. A new State springing into existence does not require the recognition of other States to confirm its internal sovereignty. The existence of the State de facto is sufficient in this respect to establish its sovereignty de jure. It is a State because it exists.

Thus the internal sovereignty of the United States of America was complete from the time they declared themselves "free, sovereign, and independent States," on the 4th of July, 1776. It was upon this principle that the Supreme Court determined, in 1808, that the several States composing the Union, so far as regards their municipal regulations, became entitled, from the time when they declared themselves independent, to all the rights and powers of sovereign States, and that they did not derive them from concessions made by the British King. The treaty of peace of 1782 contained a recognition of their independence, not a grant of it. From hence it resulted that the laws of the several State governments were, from the date of the Declaration of Independence, the laws of sovereign States, and as such were obligatory upon the people of such State from the time they were enacted. It was added, however, that the court did not mean to intimate the opinion that even the law of any State of the Union, whose constitution of government had been recognized prior to the 4th of July, 1776, and which law had been enacted prior to that period, would not have been equally obligatory. (b)

The external sovereignty of any State, on the other hand, may require recognition by other States in order to render it perfect and complete. So long, indeed, as the new State confines its action to its own citizens, and to the limits of its own territory, it may well dispense with such recognition; but if it desires to enter into that great society of nations, all the members of which recognize rights to which they are mutually entitled and duties which they may be called upon reciprocally to fulfill, such recognition becomes essentially necessary to the complete participation of the new State in all the advantages of this society. Every other State is at liberty to grant or refuse this recognition, subject to the consequences of its own conduct in this respect, and until such recognition becomes universal on the part of the other States the new State becomes entitled to the exercise of its external sovereignty as to those States only by whom that sovereignty has been recognized.

Mr. TURNER. Now I ask the Secretary to turn to page 39, sections 26 and 27.

The Secretary read as follows:

SEC. 26. If the revolution in a State be effected by a province or colony shaking off its sovereignty, so long as the independence of the new State is not acknowledged by other powers it may seem doubtful, in an international point of view, whether its sovereignty can be considered as complete, however it may be regarded by its own government and citizens. It has already been stated that whilst the contest for the sovereignty continues, and the civil war rages, other nations may either remain passive, allowing to both contending parties all the rights which war gives to public enemies, or may acknowledge the independence of the new State, forming with it treaties of amity and commerce, or may join in an alliance with one party against the other.

In the first case neither party has any right to complain so long as other nations maintain an impartial neutrality and abide the event of a contest. The two last cases involve questions which seem to belong rather to the science of politics than of international law; but the practice of nations, if it does not furnish an invariable rule for the solution of these questions, will at least shed some light upon them. The memorable examples of the Swiss Cantons and of the seven united provinces of the Netherlands, which so long levied war, concluded peace, contracted alliances, and performed every other act of sovereignty before their independence was finally acknowledged—that of the first by the German Empire and that of the latter by Spain—go far to show the general sense of mankind on this subject.

The acknowledgment of the independence of the United States of America by France, coupled with the assistance secretly rendered by the French court to the revolted colonies, was considered by Great Britain as an unjustifiable aggression, and, under the circumstances, it probably was so. (a) But had the French court conducted itself with good faith and maintained an impartial neutrality between the two belligerent parties, it may be doubted whether the treaty of commerce, or even the eventual alliance between France and the United States, could have furnished any just ground for a declaration of war against the former by the British Government. The more recent example of the acknowledgment of the independence of the Spanish-American provinces by the United States, Great Britain, and other powers, while the parent country still continued to withhold her assent, also concurs to illustrate the general understanding of nations that where a revolted province or colony has declared and shown its ability to maintain its independence the recognition of its sovereignty by other foreign States is a question of policy and prudence only.

SEC. 27. This question must be determined by the sovereign legislative or executive power of these other states, and not by any subordinate authority or by the private judgment of their individual subject. Until the independence of the new state has been acknowledged, either by the foreign state where its sovereignty is drawn in question, or by the government of the country of which it was before a province, courts of justice and private individuals are bound to consider the ancient state of things as remaining unaltered.

Mr. TURNER. Mr. President, there is absolutely no escape from the logic of this law as applied to the undisputed facts in the case. For three years now we have been waging a war of conquest against an independent republic, a war destitute of the slightest foundation of right under international law, a war which calls aloud for the reprobation of the God of nature, under whose laws all nations repose for their defense and security, and which will receive His reprobation, rest assured of that, if not by bringing our present purposes to naught, then, sooner or later, some time in our history, by turning our victory to Dead Sea fruit upon our lips.

A nation can not more than individuals avoid the self-wounds inflicted by moral transgressions, and it does not require us to look deeply into the future to see those from which we shall suffer as the result of this transgression. Ten million discontented and rebellious subjects suffering from wrongs which have sunk deeply into their hearts is not a cheerful prospect to begin with. The further fact that they are 7,000 miles distant, will have no disposition to defend themselves, and that we can not defend them in case of war with any first-class power is a still less cheerful prospect for us to contemplate.

But these facts sink into insignificance beside the wound inflicted upon our national organic structure and upon the traditional principles of liberty which we have inherited from our forefathers, which have followed us through all of our growth, and which are a more precious inheritance to our children than all the lands and all the people and all the wealth of all the lands and all the people in the world outside our own land and outside the 80,000,000 liberty-loving American people who inhabit that land.

Oh, my Republican friends, what a tangled skein you have woven for us in the Orient as the result of your policy there! I conjure you to unravel that skein while there is yet time. I conjure you not alone in the name of the hapless Filipinos who trusted you and whose land you have drenched with blood, but I conjure you in the name of 80,000,000 American people and their children and their children's children to stay your hand lest their precious liberties be destroyed along with those of the unhappy people devoted by you to conquest and subjugation and spoliation.

I have heard much, since this Filipino business began, about the obligations of honor which required us to pursue the course we have pursued in the Philippines, much about the great trust that had been devolved upon us there as the result of the war with Spain. I have never, however, heard but one man undertake to analyze those obligations of honor and undertake to defend our course there after such an analysis, and that was the distinguished senior Senator from Wisconsin [Mr. SPOONER], in a speech which he delivered in this Chamber two years ago next June, just before the commencement of the Presidential campaign of that year.

His analysis of the reasons for our action was this: First, that we could not honorably conclude peace with Spain and leave out any provision concerning the Philippine Islands, because, he said, that would leave the Filipinos and the Spaniards still at war, and the result would be that the Spanish forces would return to the islands, subdue the Filipinos, and continue to compel them to yield obedience to their tyrannical and arbitrary government. Second, that we could not require the Spaniards to relinquish sovereignty for the benefit of the Filipino people as we had required them to relinquish sovereignty of the island of Cuba for the benefit of the Cubans, because their pride, already too badly strained in the other terms we had imposed upon them, would have revolted, and that the result would have been a renewal of our war with them. Hence, since neither of the two alternative courses indicated was admissible, he insisted that honor required us to take the sovereignty of the islands to ourselves in order that we might, by our Government, through such course as we might in future pursue, secure the Filipino people the blessings of liberty, which they were striving to secure for themselves.

But unfortunately the claim of the inadmissibility of the first and second alternatives of the Senator fails entirely in the light of well-known facts, facts well known at least in this day, and hence his third necessary alternative is left without any foundation for its support. I agree with him that we could not honorably conclude peace and make no mention of the Filipinos, or make no mention of the Philippine Islands. But I do not agree with him that if we had done so the Filipinos could not have maintained themselves against the power of Spain. On the contrary, I say that they could have done so. The testimony of all of our military authorities there in the islands was that Spain never could have subdued the people of those islands and that they could and would have continued their struggle for independence until they had attained it.

I will call the attention of the Senate to what General Merritt said concerning the first alternative of the Senator from Wisconsin in his testimony before our peace commissioners at Paris:

Mr. GRAY. Suppose, by final treaty with Spain, we should abandon Luzon and all the Philippines, exacting such terms and conditions and guaranties as we should think necessary, and abandon them entirely, reserving only a coaling station, perhaps; what do you think they would do about it?

General MERRITT. I think in the island of Luzon they would fight to the bitter end. I have talked with a number of them, intelligent men, who said their lives were nothing to them as compared with the freedom of the country—getting rid of Spanish government.

Mr. DAVIS. Do you think Spain would be able to reduce them?

General MERRITT. No, sir.

I imagine that General Merritt, who commanded the American forces in the Philippine Islands, who received the surrender of the city of Manila, and who had in addition to his own observation the benefit of the reports of all his subordinates concerning the power and the force of the people of those islands, knows more about this proposition than does the Senator from Wisconsin, and he says that Spain never could have reduced those islands and that they would have continued to struggle to the bitter end

against the hated sovereignty of that country. Other considerations ought to have prevented us remitting the insurgents to another struggle with Spain, but not the one advanced by the Senator from Wisconsin.

How is it with the second alternative? Is it a fact that the pride of Spain had already been so badly strained by the terms imposed by us that she would have revolted and continued the war rather than to have inserted in the treaty of peace a provision relinquishing the islands for the benefit of their own people? There is not the slightest particle of evidence in anything that transpired during the negotiations between the commissioners of the respective countries which indicates anything of the kind. So far as anything appears to the contrary, Spain would just as readily have submitted to a provision in that treaty relinquishing the sovereignty of those islands as she did in the case of Cuba, just as readily as she did consent to their cession to us. Indeed, it is more than likely that she would have preferred that course if it had been proposed to her.

If she had been unwilling to do so, everybody knows that she was prostrate in the dust before us and that she would have been compelled to accept any terms, not absolutely dishonorable, that we chose to impose. It seems, therefore, that the third alternative of the Senator from Wisconsin, which is the one adopted by us, to wit, that we ourselves accept the cession of the islands, has failed of justification upon any ground stated by that Senator. There is, in truth, no ground upon which it can be justified. The speech of the Senator to which I refer was delivered just before the last Presidential campaign, and was, I imagine, largely for home consumption, because it was distributed by the hundreds of thousands throughout the United States during that campaign.

There is one other proposition in it which bears upon some things I have been discussing here, which I wish to notice for a moment, and that is that the Filipinos, if they were our allies in the war with Spain, were false and treacherous allies. The Senator founded that allegation—and it constituted a very great portion of his speech, because he rung the charge of treachery with great force from beginning to end throughout that speech—upon an anonymous letter found by our military forces in the city of Iloilo after they had taken possession of that city. The writer of that letter addressed the commander of the Spanish forces in Iloilo urging him to make common cause with the Filipinos against the Americans, and indicating in the letter that a similar communication had been made by the writer to the general commanding the Spanish forces in the city of Manila before that city surrendered.

This anonymous letter was signed in this wise, "1-1-9-6-1 M;" and the Senator from Wisconsin attributed the letter to Aguinaldo himself, because he said it was written on the private paper used at the headquarters of Aguinaldo, and because the letter "M," which followed the cabalistic figures, stood for "Miong;" that the letter "M" indicated "Miong;" and he said "Miong" was the cipher name for Emilio in the Filipino cipher. It did not seem to have occurred to the Senator that if Aguinaldo was taking this mysterious manner of communicating with our enemies, and desired to conceal his own connection with the matter, he would hardly have written upon his own paper and thus have enabled the authenticity of the letter to be traced, nor did it seem to occur to the Senator that the fact of the letter being signed "M" was not any very great reason for claiming that "M" stood for "Miong," which, upon some authority that he did not explain, he said was the cipher name of Emilio Aguinaldo.

It would be just as logical a deduction to say that the letter "M" stood for "moon," and, since it is a nursery legend that the moon is made of green cheese, that whenever our infants cry for the moon they are exhibiting an inherited appetite for that article of food. [Laughter.] Yet it was upon that flimsy evidence that the Senator from Wisconsin arraigned the Filipino people as false and treacherous to the United States from the very beginning of their connection with us in the Philippine Islands.

The fact of the matter is that they were our open, honorable allies in the war with Spain, not because they had any particular affection for the American people—for they knew nothing about the American people—but because they expected by assisting us to expel Spain from the islands that they would be enabled thereby to acquire their own independence, and they did act honorably, uprightly, and fairly with us until, after the close of the war, it became apparent that this country proposed to extend its own sovereignty over the islands and to deny their aspirations for independence. Then they very naturally and justly became hostile to us. That is all there is about that matter.

Mr. President, let us go forward and look for a moment at the manner in which we have executed this trust of government which we ravished by force and against law and morals from the Filipino people. The first step in the establishment of civil government in the islands was the abdication by Congress of the function devolved on it by the Constitution, and on it alone, to define and create and establish the governmental institutions of our Territories, and Congress by a solemn enactment made the President of the United States the czar and autocrat of those islands, and invested him with authority, by a mere ukase, to establish such a government there as he pleased and to administer it by such instruments and agencies as he pleased. This was not the execution of a trust, but was an abandonment of it.

The President, finding this power devolved upon him, from the best of motives, I have no doubt, appointed what he called the Philippine Commission for the civil government of those islands, composed of five distinguished Americans, who have been there now for the last two years engaged in that very arduous undertaking. They were given a princely salary for their services; I have heard it stated at $20,000 per annum, and I presume that is true.

Mr. BEVERIDGE. Only for the president of the Commission.

Mr. TURNER. And how much for the others?

Mr. BEVERIDGE. Fifteen thousand dollars.

Mr. TURNER. Fifteen thousand dollars for the others. We will say, then, $20,000 for the president and $15,000 each for the four others. It was not to be expected, therefore, that they would be niggardly when they came to fix the salaries of their associates and subordinates in the government of those islands. I was not disappointed, therefore, on looking through this bulky document on our tables, consisting of some 800 pages, entitled Laws and Resolutions Passed by the Philippine Commission, to find, as I had hoped to be, that they have fastened a perfect swarm of American officeholders on that desolated country and that those officeholders are now drawing from its exhausted treasury, supported entirely by the onerous taxation of its people, the enormous sum of more than $2,000,000 per annum.

I find this fact stated in the annual report of the War Department for the fiscal year ending June 30, 1901, part 2 of the report of the Philippine Commission. According to that report there are in the civil service established by this Philippine Commission 1,172 Americans, drawing yearly salaries aggregating $1,233,774. There are in the municipal service of the city of Manila 616 Americans, drawing a yearly sum of $652,500, and in the judicial service there are 33 such Americans, drawing $106,300, making a total of 1,821 American officials imported there, drawing the sum of $1,992,584 in salaries, to say nothing of their perquisites and expenses, concerning which this report shows nothing. To this sum must be added the salaries given to our Philippine Commissioners themselves, making the amount drawn from the exhausted treasury of that desolated country over $2,000,000.

I said at the time that extraordinary law was before the Senate for passage that it created not only a despotism in that country, but that it would lead to the robbery and spoliation of the people of the country. This appears now not only too true, but to make matters worse it appears from authentic documents before us that these officials sent over there for the government of those islands do not even conduct the government in the interest of the people of the islands. Our commissioners, honorable men as they are said to be, and I have no doubt they are, are yet the mere puppets of the executive department of the Government, and their so-called laws are not those which, on due consideration, they find required by the interest of the people of the islands, but they are such as the commissioners are told to enact by the President of the United States and the Secretary of War.

I find on looking through this compilation of the laws and resolutions of the Commission a number of instances where this Commission, appointed to enact laws for the Filipinos, has not been ashamed to spread upon the record in the very body of the laws the fact that the laws were not enacted upon their own responsibility for the interest of the people of that country, but that they were enacted because the Commission had been told to enact them from this end of the line. For instance, on page 189 I find a law providing for the establishment of the several executive departments of the government of that country, prefaced in this way:

Whereas the President of the United States, upon February 23, signed the following executive order—

An order requiring the establishment of those departments there—

Now, therefore, by authority of the President of the United States, and with the concurrence and approval of the Secretary of War first had, be it enacted by the United States Philippine Commision, that, etc.

On page 273 I find another law, the enacting clause reading thus:

By authority of the President of the United States, and with the consent of the Secretary of War first had, be it enacted by the United States Philippine Commission, that, etc.

On page 587 I find another act:

By authority of the President of the United States, and with the concurrence and approval of the Secretary of War first had, be it enacted by the United States Philippine Commission, that, etc.

And again I find another law prefaced with a whereas that the President of the United States had directed its enactment, this last enactment being found upon page 607 of the public laws and

resolutions of the Philippine Commission. I find, moreover, on looking into the history of the tariff law there, which it is the object of this law to fasten upon those people by Federal authority—because this measure that we have now under consideration adopts the tariff law enacted by the Philippine Commission—I find that even that was not enacted by the Commission upon a consideration of what the interests of the people of the Philippine Islands required, but that it was enacted after the law had been submitted to the Secretary of War, after the Secretary of War had called for an expression from every man and every corporation in this country that had anything to sell to the people of those islands, and after the tariff had been made to correspond, not to what the necessities of the people of the Philippine Islands required, but to what the interests of the manufacturers in this country required.

I wish to have the Secretary read from Senate Document No. 134, Fifty-seventh Congress, first session, being a memorandum submitted to us by the Secretary of War, showing the manner in which the information was collected upon which the tariff bill passed by the Philippine Commission was framed, how it was framed, and the considerations which were potent with those who framed it.

The Secretary read as follows:

From San Francisco came a request for a lower duty on gasoline in order to give a market for gasoline launches, stoves, and articles of like character. Exporters in New York objected to a specific classification for precious and semiprecious stones, showing that it was impossible to make a specific rate that would bear any just relation to the value of the articles, and urged the imposition of an ad valorem rate for said merchandise. An article in the New York Journal of Commerce pointed out the inequalities in the iron schedule owing to "a dogged adherence to specific rates," pointing out that apparatus and appliances for electric lighting and power pay ten times the rate prescribed for rails.

Objections were offered also to some paragraphs of the chemical schedule, and certain industries asked for a more favorable rate for articles which they manufactured. There were serious objections made both to the cotton schedule and to the provision requiring that samples be washed and dried before being appraised for duty. These objections came both from the East and the West and were given consideration in the revision made by the Department. The rate proposed for printing paper met with objections, and arguments were advanced for a low duty upon the same, as it would be an important factor in the educational development of the islands. The duty on harness and harness-makers' wares was considered high and a material reduction was urged. The specific and elaborate schedule for watch cases and movements prepared by the Commission met with serious protest, and the impracticability of making a just and equitable schedule on a specific basis was demonstrated, as watches, like precious stones, have no basis of specific valuation, aside from the price, that would be possible to apply in the assessment of an adequate duty thereon.

It was also urged that the duty on typewriters be made lower, as they, too, were educational in their influence, and ought to be given a low rate. The rate on meats, salted and in brine, as well as canned goods of all kinds, was the object of considerable correspondence with producers in the middle West and on the Pacific coast. It was urged that the duty on alcohol be made much higher, in order to prevent the importation of the same for the purpose of making a composite liquor out of the pure alcohol, to the detriment of the revenue and to the liquor sold in the archipelago.

All the correspondence received relative to the proposed tariff was briefed from time to time and forwarded to the Commission at Manila for its information. The advice and views of the collector of customs for Cuba was also requested as to a number of subjects about which it was thought that his experience would afford valuable information, and he took pains to aid in all things brought to his attention.

After the period for receiving suggestions and recommendations had elapsed the work of revision was taken up and each class, group, and paragraph was studied, and in the light of the information received some guarded changes were introduced, the most important being the introduction of a number of provisos, whereby when articles nearly equal in weight, but varying greatly in value, came under the same paragraph the specific duty was to a certain extent equalized, or made to more nearly conform to value, by stating that articles classified under such paragraph should not pay a less duty than 15 or 20 per cent, according to the nature of the goods. This it was thought would tend to equalize tariff taxes without overburdening any single article of necessary consumption and at the same time afford a material increase of revenue.

The first revision was made after a study of the tariff as a whole and in view of the suggestions offered by the commercial interests of the country. Not over 10 per cent of the paragraphs in the proposed tariff met with objections, and this may be taken as an indication of the care bestowed upon it, both by the board and the Philippine Commission.

The rates in no case, except in articles of luxury, such as sparkling wines and fine china, are high. Articles of prime necessity have been taxed lightly; those needed in the development of agriculture and for the improvement of roads and transportation have also been made low. Prohibitive rates have been avoided, and the rapid progress and development of the islands have been kept steadily in view, together with the other side of the question, that the insular government must have revenue for current expenses and for needed improvements.

After the first revision of rates by the Department the proposed tariff was sent to the appraiser of the New York custom-house, who submitted its various classes to different expert appraisers for criticism as to the descriptive language employed, for the purpose of evading, as far as possible, all ambiguous and contradictory language. The reports of the various experts were transmitted to the Department, and their suggestions were carefully considered, and, so far as it was thought best, were embodied in the tariff.

After this second revision Mr. W. Morgan Shuster, who had served as special deputy collector at Habana, Cuba, and who had been recommended to the Philippine Commission for collector of customs at Manila, was asked to go over the entire tariff and make such suggestions as his experience in the practical application of a similar tariff would suggest. This resulted in some changes in the rules for the customs treatment of textiles and in the regulations for levying duties upon containers of merchandise, as well as some minor modifications of rates in some few instances.

After all these changes had been made and approved 200 copies of the tariff, now called "Customs tariff for the Philippine Archipelago," were printed, and 100 copies forwarded to the Commission with Mr. Shuster, who was charged with explaining the changes that had been made, with the reasons therefor, and the Commission was instructed to approve or modify by cable, and authorized to enact, promulgate, and enforce the same.

So that we see by this memorandum from the War Department that the Philippine tariff, which we are asked to approve and indorse by the bill now under consideration, was really framed in this country, not alone with a view of meeting the necessities of the people of the Philippine Islands, but largely with a view of meeting the demands of the manufacturing interests of this country, and to-day we have had laid upon our tables here Document No. 171, Fifty-seventh Congress, first session, containing 324 pages of correspondence between the War Department and the manufacturers and exporters in this country, showing the demands upon which at that time they insisted and which were largely yielded to in the drafting of the measure. Is it any wonder that the Filipinos are rebellious under such a rule?

The iniquity of this personal and autocratic government has been brought home to us forcibly by the so-called enactment of the Philippine Commission, lately sent to us by the Secretary of War for our information, defining the crimes of treason, insurrection, sedition, conspiracy to commit such crimes, seditious utterances, whether written or spoken, the formation of secret political societies, the administering or taking of oaths to commit crimes or prevent the discovering of the same, and the violation of the oath of allegiance, and prescribing the punishment therefor.

By the first section of that measure it is declared:

That every person resident in the Philippine Islands, owing allegiance to the United States or the government of the Philippine Islands, who levies war against them or adheres to their enemies, giving them aid and comfort within the Philippine Islands or elsewhere, is guilty of treason, and, upon conviction, shall suffer death, or, at the discretion of the court, shall be imprisoned at hard labor for not less than five years and fined not less than $10,000.

Section 2 defines the offense of misprision of treason, and punishes it by imprisonment for seven years and by a fine of not more than $1,000. Then follow the definitions of various other acts, some of which are innocent and some of which are vicious, punishments being affixed therefor; and then I come to sections 9 and 10 of this remarkable enactment.

SEC. 9. All persons who shall meet together for the purpose of forming, or who shall form any secret society, or who shall after the passage of this act continue membership in a society already formed, having for its object in whole or in part the promotion of treason, rebellion, or sedition, or the promulgation of any political opinion or policy, shall be punished by a fine not exceeding $1,000 or by imprisonment not exceeding one year, or both.

SEC. 10. Until it has been officially proclaimed that a state of war or insurrection against the authority or sovereignty of the United States no longer exists in the Philippine Islands, it shall be unlawful for any person to advocate orally or by writing or printing or like methods the independence of the Philippine Islands or their separation from the United States, whether by peaceable or forcible means, or to print, publish, or circulate any handbill, newspaper, or other publication advocating such independence or separation.

Any person violating the provisions of this section shall be punished by a fine of not exceeding $2,000 and imprisonment not exceeding one year.

This brutal enactment, in its evident intent and purpose to bring to the scaffold every Filipino patriot who shall continue to struggle for the liberty of his country and to seal and lock up in the minds and hearts of the people, by severe penalties, their most sacred aspirations, is without a parallel in the history of modern government. It will be necessary to go back into the dark ages to find its counterpart, if even there it can be found. It is an example and a warning to us that we can not safely repose arbitrary power even in the hands of the best of men, and it is a foretaste of that rule which we ourselves must establish if we shall continue to endeavor to govern men without giving them any voice in their own government.

Since under our theory all of the Filipinos owe allegiance to the United States, it follows, if this enactment is to be enforced in the Philippine Islands, that from this time henceforth every Filipino captured with arms in his hands is to be tried for treason and either sentenced to death or a long term of imprisonment.

Who vested in the Philippine Commission the conscience of this nation in the matter of punishment, if any, to be inflicted upon the Filipino people for their refusal to recognize our authority? Even those who insist most strongly here that our sovereignty in the islands is full and complete will admit, I imagine, that there was room for a difference of opinion on that point between ourselves and the Filipinos, and will look with abhorrence on this attempt to follow the rigors of war with the ignominy of the halter and the scaffold visited on brave men whose only offense has been that they have sought to vindicate, mistakenly, if you will, the liberties of their own country.

But the most remarkable part of this enactment is found in its sections 9 and 10, which undertake to denounce as a crime, punishable with severe penalties, the meeting together in secret for the purpose of advancing or promulgating any political opinion or policy or the advocating openly, orally or in writing or print, the independence of the Philippine Islands or their separation from the United States either by peaceable or forcible means.

It should be remembered in this connection that the only occasion for the Commission to be in those islands at all, the only

authority they have to be there, is the act of Congress authorizing the President of the United States to establish civil government there whenever the insurrection shall have been suppressed; and the fact that they are there and undertaking to legislate there presupposes necessarily that the insurrection has been suppressed, at least in those parts of the islands where they are pretending to exercise jurisdiction.

In view of this, what has become of the constitutional guaranties in favor of liberty of speech and of the press, and of the right peaceably to assemble, which all the members of the Supreme Court in the recent insular cases declared accompanied our sovereignty wherever it went, no matter whether that sovereignty was partial, as claimed by some members of the court, or full and complete, as held by the majority of the court? If this atrocious violation of liberty shall be tolerated or passed by without the reprobation of Congress, it will constitute a baleful precedent which will come home to us in America sooner or later and serve as an excuse for the throttling of our own liberties.

I was sorry to see a Senator rise in his place in this body the other day and declare that he approved that measure. I do not approve it. I denounce it not only as unconstitutional, but as a relic of barbarism too black even for the most despotic and tyrannical of governments. The fact that a Senator can be found to tolerate such a breach of liberty is another evidence of the fact, so well known, that familiarity with vice makes the best of men lenient to its hideous defects and imperfections and deformities. It is only too true that the first step in an evil course is but the precursor of others which must necessarily follow. We can not avoid the evil so long as we persist in the evil course. There is but one remedy for an individual or a nation which finds its footsteps turned in such a direction, and that remedy is amendment and reformation.

In the sacred name of liberty, attacked not only in the Philippines but in this country as well and throughout the entire world besides, I demand a cessation of the autocratic and unconstitutional course into which the footsteps of this nation have been turned. We can not mitigate the errors of that course, if we would, but we can, if we will, refuse to continue to pursue that course.

That thought brings me to the substitute for the pending measure, offered by the Senator from Utah [Mr. RAWLINS], which I understand represents the sentiments of the minority of the Committee on the Philippine Islands. That substitute is a step, and a long step, in the direction of amendment and reformation in the matter of our dealings with the Philippine Islands. It preserves all the laws and rules and regulations in the islands under which revenues may be raised for the support of government there. It provides for the ultimate independence of the islands under the government of the people of the islands, and provides that we shall continue to maintain order and peace and quiet throughout the islands until, and only until, the people have had an opportunity to establish a government for themselves which can perform that duty.

In all of the speeches which have been delivered on the other side here upon the question of our rights and our duties in the Philippines I do not believe that more than two Senators have distinctly and unequivocally taken a position in favor of continuing to rule and govern the islands without the consent and against the wishes of their own people; possibly not more than one has done so. The one Senator whom I have certainly in mind is my distinguished friend from Indiana [Mr. BEVERIDGE], but I call the attention of the Senate to the fact that Mr. Dooley told us that that distinguished Senator was elected to the Senate at the age of 8, thereby reducing the average age of Senators to 93 years; and that it is not to be expected of him that he should take that rigid and ascetic view of conduct, public and private, which older and more mature Senators are supposed to and which they do, in fact, take.

Moreover, we know that at the time he made his pronouncement he had just returned from a visit to those islands, and it was not unnatural that his mind should be filled to the exclusion of common mundane things, with the voluptuous beauties which had been unfolded before his enraptured gaze in that lovely summer land—

> Where the cypress and myrtle
> Are emblems of deeds that are done in their clime;
> Where the rage of the vulture, the love of the turtle,
> Now melt into sorrow, now madden to crime.
> * * * * *
> Where the virgins are soft as the roses they twine,
> And all save the spirit of man is divine.

But I believe all the Senators upon the other side who have pronounced upon this question, unless possibly there be one other, have taken a very different view of the situation from that entertained by the Senator from Indiana. They have said that while they were in favor of continuing to enforce the present rule and sovereignty of our Government in those islands, it was with a view ultimately of giving independence to the people inhabiting them. I have before me some of the expressions of Senators upon that subject.

The Senator from Minnesota [Mr. NELSON], in a speech delivered in this Chamber on the 20th day of January, 1899, took this position in a colloquy between himself and the Senator from Illinois [Mr. MASON]:

> Mr. MASON. I understand the Senator to say that he is willing to protect the Filipinos from danger within and foes without, and eventually to give them independence. He claims that we will do the same that we promised to do for Cuba. Do I understand the Senator so to state?
> Mr. NELSON. Certainly; when they are fit for it. Do you know anybody who has a contrary intention in the United States?
> Mr. MASON. Oh, yes. (P. 836, January 20, 1899.)

I suppose Mr. MASON had in mind the Senator from Indiana [Mr. BEVERIDGE].

I find that the junior Senator from Massachusetts [Mr. LODGE], who has this bill in charge, on the 24th day of January, 1899, also made a speech upon the Philippine question which is exceedingly good reading at this time. From that speech I extract the following:

> I believe that we shall have the wisdom, the self-restraint, and the ability to restore peace and order in those islands and give to their people an opportunity for self-government and for freedom under the protecting shield of the United States until the time shall come when they are able to stand alone, if such a thing be possible, and if they do not themselves desire to remain under our protection. * * * During the campaign of last autumn I said in many speeches to the people of my State that I could never assent to hand those islands back to Spain; that I wanted no subject races and no vassal state, but that we had by the fortunes of war assumed a great responsibility in the Philippines; that we ought to meet it, and that we ought to give to those people an opportunity for freedom, for peace, and for self-government. (P. 959, January 24, 1899.)

On the 11th day of January, 1899, the Senator from Ohio [Mr. FORAKER] also delivered himself upon this subject, and from his speech I extract the following colloquy between himself and the Senator from Massachusetts [Mr. HOAR]:

> Mr. HOAR. Does the Senator mean, if the people of the Philippine Islands think it is for their happiness to try to govern themselves, that we should withdraw the power of the United States and let them do it?
> Mr. FORAKER. I think when we come to consider the question of policy with respect to the Philippines, with the conditions there existing, their feeling of friendship, or their feeling of consent or of objection, will have much to do with determining Congress in that respect. I say I do not know of anybody, from the President of the United States down to his humblest follower in this matter, who is proposing by force and violence to take and hold these islands for all time to come. That is all I can say in answer to the Senator. * * *
> It is for the Congress of the United States to investigate and find out about the islands of the Philippines, what kind of inhabitants they may have, whether or not they are capable of government, and whether or not they want government, or whether or not only a few want government. What is the feeling of the population? You can not tell that in the short time we have had to deal with them. At least I have not been able to satisfy my mind about it. I hope, in the near future, to be able to do so, and I hope that in due course, at no distant day, we can act intelligently, and I know we will act justly. (P. 572, January 11, 1899, vol. 32, Part I, third session Fifty-fifth Congress.)

The senior Senator from Wisconsin [Mr. SPOONER] has been very full in his several speeches upon this subject. In a speech delivered in the Fifty-fifth Congress, page 1385, volume 32 of the CONGRESSIONAL RECORD, I find that he made these very satisfying declarations:

> But, Mr. President, I shrink from the notion that the interests of this country will be subserved by making permanently a part of our land territory thousands of miles away, inhabited by people aliens, not of our blood, not of our way of thinking, foreign to all of our associations, living in a tropical climate, where the white man can not work, under labor conditions of necessity which we would not permit to exist in the United States. (P. 1385, vol. 32, Fifty-fifth Congress.)
> To acquire distant, nonassimilable peoples in order, through permanent domain, to force our trade upon them, seems to me to be the poorest imaginable national policy. (P. 1385, vol. 32, Fifty-fifth Congress.)
> Permanent dominion over the Philippines by the United States as a part of this country means to me an endless and vast burden upon the industries of our people. We would be as sacredly bound to protect that distant people living under our flag in our territory as we would the people living on the coast of Maine or the people living around Boston Harbor. (Same page and volume as above.)
> Our isolation, Mr. President, is one factor which has aided us in devoting our energies to the development of our resources only just begun. (P. 1386, same volume as above.)
> It may not be sentimental or romantic, but it is true we have grown rich by staying at home and attending to our own business. (Same as above.)
> I look with apprehension upon a policy which may place the United States in a position where by force of environment or neighborship we can be made a compulsory participant in the struggles of the Old World nations over the balance of power in the Orient. Nor can I contemplate with equanimity, Mr. President, the adoption of any policy which may bring into perpetual competition with our people—with the men who raise tobacco on our farms, with the men who labor in our factories—the products of a labor which in the very nature of things must be cheaper than ours, because of radical and unchangeable differences, for climatic and other reasons, in the standard of living and in the wage of labor. (Same page and volume as above.)
> I now feel that if the ratification of this treaty involves a permanent dominion by the United States over the archipelago and its people as a territory of the United States, irrevocably committed us to the policy of territorial expansion, I would not give it my vote. (Same page and volume as above.)
> I have talked with a great many people upon the subject in Wisconsin. I have put to them this question: "Do we want the Philippine Archipelago?" Almost every one of them has said to me: "No; but do not give the islands back to Spain." (Same page and volume as above.)

I believe I might cull from the debates in this Chamber extracts from speeches made by quite a number of other Republican

Senators in harmony and in unison with these declarations which I have read from the speeches of the Senator from Minnesota, the Senator from Ohio, the Senator from Massachusetts, and the Senator from Wisconsin.

It is apparent now, it must be apparent to those Senators, that the people of the Philippine Islands do not want our rule in that country. It must be apparent to them, in view of the full information which we have upon the subject, that the people of the Philippine Islands are fit for and can carry on constitutional government in that archipelago. Why not, then, join with the minority here in putting upon the statute book this wise and just measure proposed as a substitute for the pending measure? It will do what those distinguished Senators have been saying they wanted to do at the proper time. It will bring peace to the islands, and it will result in giving happiness and prosperity under free institutions to the people there, while safeguarding our every interest and securing the execution of all our treaty obligations.

The Senator from Wisconsin [Mr. SPOONER], in concluding the speech which I had occasion to criticise a few moments ago, used the language which I will now read. It is a very eloquent peroration indeed:

> If, Mr. President, in the end it shall come about that through the Spanish-American war we shall have liberated Cuba from the tyranny of Spain, enabled its people to erect an independent government, stable and strong; have made happy and prosperous the people of Porto Rico, and in the far-away Pacific have brought a nonhomogeneous people together into one people, educated them for self-government or independence and given it to them, though it shall have cost much of patience, of trouble, and of sacrifice, we shall have wrought out a consummation more glorious, and afforded a nobler evidence of what liberty-loving people can and will do for liberty than has ever before been seen in the history of the world.

I agree with every word in that peroration. When we shall have done what he says, we will indeed have given a noble evidence to the world of what a liberty-loving people can and will do in behalf of liberty. We have already done much of it. We have given liberty to the people of Cuba and enabled them to establish an independent government of their own, and we have, at least I presume we have, given happiness and prosperity to the people of Porto Rico. Why stop there? Why not complete the happy picture? Why not in the far-away Pacific gather together a nonhomogeneous people—that, I believe, is the term the Senator from Wisconsin used—educate them for liberty and independence, and then give it to them? And if such be our purpose, why not make a declaration of it in some authoritative way?

Yet when there has been a proposition here in the past to make such a declaration, Senators upon the other side have declared with heat and passion that they would never consent to give a pledge to a people with arms in their hands against the power of the United States, and their votes have invariably been given to defeat any such proposition.

It would appear then that if the Filipino people are unable to take us on trust and to see in the flash of every gun that sends a bullet into their breasts, the evidences of a noble and benevolent purpose upon our part, we are to continue to wage against them a desolating and destructive warfare. What a falling off is here from the noble and philanthropic sentiments to which those Senators have given utterance on so many occasions in this Chamber? We will not consent to give a pledge, a mere word, a mere breath, even though it be in accordance with our preconceived determination, even though it will stop bloody warfare, even though it will save a sea of misery and unhappiness, even though it will result in the carrying out of the benevolent and philanthropic purposes which we have held in our hearts and been anxious to extend to those people ever since we have had any connection with them.

Mr. President, I submit to our friends on the other side that they should not permit their angry passions to rise and obscure the noble and benevolent and generous and humane sentiments which have been welling up in their hearts like a living spring, and to which they would have given living and vital expression before this time but for their unfortunate infirmity of temper. You should by all means correct that infirmity. It is a blot upon otherwise noble and perfect characters. Correct it by all means. Give play to your generous and humane sentiments. Join with the minority here in a declaration which is not only in favor of that which they want to accomplish, but in favor of that which you yourselves say that you want to accomplish.

Do this before it is too late, my Republican friends, lest some student of history in the far distant future, who has not had the privilege of knowing you as we know you, looking into your professions and acts, shall conclude in his ignorance what will then appear to be probable—that your professions were a sham and your philanthropy and benevolence a hypocritical cloak under which to hide ignoble and detestable purposes.

For myself, feeling as I do, I could not do anything else than give cheerful support to the substitute offered by the Senator from Utah [Mr. RAWLINS]. It is just and right. It will stop the war. It will do justice to a people to whom we owe much. It will do justice to our own people. It will bring our Government back to its constitutional orbit. It will secure a restoration of the respect of the world for our professions in favor of liberty. It will secure a restoration of the respect of our own people for our own constitutional limitations. It will make our possessions invulnerable to attack from abroad, and will make our sacred institution, now so badly threatened, invulnerable to attack from any quarter, either at home or abroad.

I know not how other Senators may look upon this proposition. They have the same liberty of conscience and action that I claim for myself. But I declare that I could not lay my head upon my pillow and sleep this night if I could get my consent to pursue any other course.

ADDENDA.

[Extracts from documents printed by direction of the Senate of the United States.]

Mr. Pratt to Mr. Day.

[Confidential.]

No. 212.] CONSULATE-GENERAL OF THE UNITED STATES,
Singapore, April 28, 1898.

SIR: I have the honor to report that I sent you on the 27th instant, and confirmed in my dispatch No. 211 of that date, a telegram, which, deciphered, read as follows:

"SECRETARY OF STATE, *Washington:*

"General Aguinaldo gone my instance Hongkong arrange with Dewey cooperation insurgents Manila.

"PRATT."

The facts are these: On the evening of Saturday, the 23d instant, I was confidentially informed of the arrival here, incognito, of the supreme leader of the Philippine insurgents, Gen. Emilio Aguinaldo, by Mr. H. W. Bray, an English gentleman of high standing, who, after fifteen years' residence as a merchant and planter in the Philippines, had been compelled by the disturbed condition of things resulting from Spanish misrule to abandon his property and leave there, and from whom I had previously obtained much valuable information for Commodore Dewey regarding fortifications, coal deposits, etc., at different points in the islands.

Being aware of the great prestige of General Aguinaldo with the insurgents, and that no one, either at home or abroad, could exert over them the same influence and control that he could, I determined at once to see him, and, at my request, a secret interview was accordingly arranged for the following morning, Sunday, the 24th, in which, besides General Aguinaldo, were only present the General's trusted advisers and Mr. Bray, who acted as interpreter.

At this interview, after learning from General Aguinaldo the state of and object sought to be obtained by the present insurrectionary movement, which, though absent from the Philippines, he was still directing, I took it upon myself, whilst explaining that I had no authority to speak for the Government, to point out the danger of continuing independent action at this stage; and, having convinced him of the expediency of cooperating with our fleet, then at Hongkong, and obtained the assurance of his willingness to proceed thither and confer with Commodore Dewey to that end, should the latter so desire, I telegraphed the Commodore the same day as follows, through our consul-general at Hongkong:

"Aguinaldo, insurgent leader, here. Will come Hongkong arrange with Commodore for general cooperation insurgents Manila if desired. Telegraph.

"PRATT."

The Commodore's reply reading thus:

"Tell Aguinaldo come soon as possible.

"DEWEY."

I received it late that night, and at once communicated to General Aguinaldo, whom, with his aid-de-camp and private secretary, all under assumed names, I succeeded in getting off by the British steamer *Malacca*, which left here on Tuesday, the 26th.

Just previous to his departure I had a second and last interview with General Aguinaldo, the particulars of which I shall give you by next mail.

The general impressed me as a man of intelligence, ability, and courage, and worthy the confidence that had been placed in him.

I think that in arranging for his direct cooperation with the commander of our forces I have prevented possible conflict of action and facilitated the work of occupying and administering the Philippines.

If this course of mine meets with the Government's approval, as I trust it may, I shall be fully satisfied; to Mr. Bray, however, I consider there is due some special recognition for most valuable services rendered.

How that recognition can be best made I leave to you to decide.

I have, etc.,

E. SPENCER PRATT,
United States Consul-General.

Mr. Pratt to Mr. Day.

No. 213.] CONSULATE-GENERAL OF THE UNITED STATES,
Singapore, April 30, 1898.

SIR: Referring to my dispatch No. 212, of the 28th instant, I have the honor to report that in the second and last interview I had with Gen. Emilio Aguinaldo on the eve of his departure for Hongkong, I enjoined upon him the necessity, under Commodore Dewey's direction, of exerting absolute control over his forces in the Philippines, as no excesses on their part would be tolerated by the American Government, the President having declared that the present hostilities with Spain were to be carried on in strict accord with modern principles of civilized warfare.

To this General Aguinaldo fully assented, assuring me that he intended and was perfectly able, once on the field, to hold his followers, the insurgents, in check and lead them as our commander should direct.

The general further stated that he hoped the United States would assume protection of the Philippines for at least long enough to allow the inhabitants to establish a government of their own, in the organization of which he would desire American advice and assistance.

These questions I told him I had no authority to discuss.

I have, etc.,

E. SPENCER PRATT,
United States Consul-General.

Mr. Pratt to Mr. Day.

No. 217.] CONSULATE-GENERAL OF THE UNITED STATES,
Singapore, May 5, 1898.

SIR: I regret to have to report that the circumstances attending the departure from here of Gen. Emilio Aguinaldo to join Commodore Dewey, which I had endeavored so hard to prevent being disclosed, were, in substance, made public in yesterday's edition of the Singapore Free Press, from the inclosed copy of which you will note, by reference to my reports Nos. 212 and 213, of the 28th and 30th ultimo, respectively, that though the facts are in the main correctly given, the dates are not quite accurate, and a certain amount of conjecture has been indulged in as regards my action in the matter and that of the commodore.

Almost immediately after the occurrence the editor of the above journal told me that he had been informed, but declined to say by whom.

I endeavored to get him to promise to keep the whole affair quiet, but, though he would not agree to this, he gave me his word not to mention it until after sufficient time should have elapsed to admit of General Aguinaldo's reaching Hongkong, which he must already have done.

Hence no harm can come of the disclosure, and, though it is annoying, I suppose I should rather congratulate myself that the secret possessed by such a number was kept so long.

I have, etc.,

E. SPENCER PRATT,
United States Consul-General.

[Inclosure.—The Singapore Free Press, Wednesday, May 4, 1898.]

THE WAR—IMPORTANT POLITICAL ARRANGEMENT—AGUINALDO IN SINGAPORE—AN INCOGNITO VISIT—HE JOINS ADMIRAL DEWEY—PLAN CARRIED OUT BY AMERICAN CONSUL-GENERAL.

Just before the actual outbreak of hostilities between Spain and the United States Singapore has been the scene of a secret political arrangement by which Gen. Emilio Aguinaldo y Fami, the supreme head of the revolutionary movement in the Philippines, has entered into direct relations with Admiral Dewey, commander of the American squadron in China waters, while that officer was still at Hongkong.

In order to understand and appreciate this interesting historical incident properly, it will be necessary to allude to the causes leading to the second appearance of the rebellion in the Philippines, which was almost coincident with, though not instigated by, the strained relations between Spain and the United States.

In December last Gen. Primo de Rivera, who, above all other Spanish generals, has an intimate knowledge of the country and its inhabitants, found the position untenable for both parties. Neither of these had the remotest chance of terminating the rebellion decisively; the rebels secure in their mountain fastnesses, the Spaniards holding the chief towns and villages on the coast. Primo de Rivera therefore sent two well-known Philippine natives, occupying high positions in Manila, to propose terms of peace to General Aguinaldo in Biac-na-Bato. A council of the revolutionary government was held, in which it was agreed to lay down arms on condition of certain reforms being introduced. The principal of these were:

1. The expulsion, or at least secularization, of the religious orders, and the inhibition of these orders from all official vetoes in civil administration.
2. A general amnesty for all rebels, and guarantees for their personal security and from the vengeance of the friars and parish priests after returning to their homes.
3. Radical reforms to curtail the glaring abuses in public administration.
4. Freedom of the press to denounce official corruption and blackmailing.
5. Representation in the Spanish Parliament.
6. Abolition of the iniquitous system of secret deportation of political suspects, etc.

Primo de Rivera agreed to these reforms in sum and substance, but made it a condition that the principal rebel leaders must leave the country during His Majesty's pleasure. As these had lost all their property or had had it confiscated and plundered, the Government agreed to provide them with funds to live in a becoming manner on foreign soil.

The rebels laid down their arms and peace was apparently secured, but no sooner had they done so and returned to their houses than the intransigeant religious orders commenced at once to again persecute them and trump up imaginary charges to procure their rearrest. The Spanish Government, on its side, imagining itself secure, desisted from carrying out the promised reforms, thinking another trick like that played on the Cubans after the peace of Zanjon, arranged by Martinez Campos, might succeed. The Filipinos, however, with this business before them, refused to be made dupes of, and have taken up arms again, not alone in the immediate districts around Manila but throughout the archipelago, which merely awaits the signal from General Aguinaldo to rise en masse, no doubt carrying with them the native troops hitherto loyal, and for which loyal service they have received no thanks but only ingratitude.

Gen. Emilio Aguinaldo, accompanied by his aide-de-camp, Col. Marcelo H. del Pilar, and his private secretary, Mr. J. Leyba, arrived incognito in Singapore from Saigon on April 21, 1898. In Saigon, where Aguinaldo had remained for one week, he had interviews with one or two old Filipino friends now resident there. The special purpose of Aguinaldo's visit to Singapore was to consult other friends here, particularly Mr. Howard W. Bray, an old an intimate English friend, for fifteen years resident in the Philippines, about the state of affairs in the islands generally, particularly as to the possibility of war between the United States and Spain, and whether, in such an event, the United States would eventually recognize the independence of the Philippines, provided he lent his cooperation to the Americans in the conquest of the country. The situation of the moment was this, that the conditions of the honorable peace concluded on December 14, 1897, between President Aguinaldo, on behalf of the Philippine rebels, and H. E. Governor-General Primo de Rivera, on behalf of Spain, had not been carried out, although their immediate execution had been vouched for in that agreement.

These reforms would have provided protection to the people against the organized oppression and rapacity of the religious fraternities, would have secured improved civil and criminal procedure in courts, and have guaranteed in many ways improvements in the fiscal and social conditions of the people. The repudiation by the Spanish Government of these conditions, made by Gen. Primo di Rivera, now left the rebel leaders, who had for the most part gone to Hongkong, free to act. And it was in pursuance of that freedom of action that Aguinaldo again sought counsel of his friends in Saigon and Singapore, with a view to the immediate resumption of operations in the Philippines.

Meantime Mr. Bray, whose assistance to this journal on matters connected with the Philippines has been very considerable, as our readers will have seen, was introduced by the editor of the Singapore Free Press to Mr. Spencer Pratt, consul-general of the United States, who was anxious, in view of contingencies, to learn as much as possible about the real condition of the Philippines. It was a few days after this that Aguinaldo arrived incognito in Singapore, when he at once met his friends, including Mr. Bray.

Affairs now becoming more warlike, Mr. Bray, after conversation with Mr. Spencer Pratt, eventually arranged an interview between that gentleman and General Aguinaldo, which took place late on the evening of Sunday, the 24th April, at The Mansion, River Valley road. There were present on that occasion Gen. Emilio Aguinaldo y Fami, Mr. E. Spencer Pratt, consul-general, United States of America; Mr. Howard W. Bray; Aguinaldo's private secretary, Mr. J. Leyba; Col. M. H. del Pilar, and Dr. Marcelino Santos.

During this conference, at which Mr. Bray acted as interpreter, General Aguinaldo explained to the American consul-general, Mr. Pratt, the incidents and objects of the late rebellion, and described the present disturbed state of the country. General Aguinaldo then proceeded to detail the nature of the cooperation he could give, in which he, in the event of the American forces from the squadron landing and taking possession of Manila, would guarantee to maintain order and discipline amongst the native troops and inhabitants in the same humane way in which he had hitherto conducted the war, and prevent them from committing outrages on defenseless Spaniards beyond the inevitable in fair and honorable warfare. He further declared his ability to establish a proper and responsible government on liberal principles, and would be willing to accept the same terms for the country as the United States intend giving to Cuba.

The consul-general of the United States, coinciding with the general views expressed during the discussion, placed himself at once in telegraphic communication with Admiral Dewey at Hongkong, between whom and Mr. Pratt a frequent interchange of telegrams consequently took place.

As a result another private interview was arranged at the American consular residence at the Raffles Hotel between General Aguinaldo, Mr. Spencer Pratt, Mr. Howard Bray, and Mr. Leyba, private secretary to General Aguinaldo.

As a sequel to this interview, and in response to the urgent request of Admiral Dewey, General Aguinaldo left Singapore for Hongkong by the first available steamer, the Peninsular and Oriental *Malacca*, on Tuesday, the 26th April, at noon, accompanied by his aide-de-camp, Captain del Pilar, and Mr. Leyba, his private secretary.

The only interview or conversation with any strangers that General Aguinaldo had during his stay in Singapore other than the above interviews was during a visit paid by General Aguinaldo to Mr. W. G. St. Clair, editor of the Singapore Free Press, at the office of this journal. On that occasion General Aguinaldo was accompanied by Mr. Bray and Mr. Leyba.

Throughout the whole stay of General Aguinaldo in Singapore the editor was kept fully informed daily of the progress of affairs. Naturally, however, all statement of what occurred has been withheld by us until what has been deemed the fitting moment has arrived.

The substance of the whole incident, in its relations to the recent course of affairs in the Philippines, has been very fully telegraphed by the editor both to New York and London.

The influence of the incident on the future of the Philippines may prove to be of a far-reaching historical character.

AGUINALDO'S POLICY.

General Aguinaldo's policy embraces the independence of the Philippines, whose internal affairs would be controlled under European and American advisers. American protection would be desirable temporarily, on the same lines as that which might be instituted hereafter in Cuba. The ports of the Philippines would be free to the trade of the world, safeguards being enacted against an influx of Chinese aliens who would compete with the industrial population of the country. There would be a complete reform of the present corrupt judicature of the country under experienced European law officers. Entire freedom of the press would be established, as well as the right of public meeting. There would be general religious toleration, and steps would be taken for the abolition and expulsion of the tyrannical religious fraternities who have laid such strong hands on every branch of civil administration. Full provision would be given for the exploitation of the natural resources and wealth of the country by roads and railways, and by the removal of hindrances to enterprise and investment of capital. Spanish officials would be removed to a place of safety until opportunity offered to return them to Spain. The preservation of public safety and order, and the checking of reprisals against Spaniards would, naturally, have to be a first care of the government in the new state of things.

Mr. Pratt to Mr. Day.

No. 223.] CONSULATE-GENERAL OF THE UNITED STATES,
Singapore, May 20, 1898.

SIR: I have the honor to submit for your consideration a proclamation in Spanish, issued prior to the departure of our fleet for Manila by the insurgent leaders in Hongkong, calling upon the Filipinos not to obey the appeal of the Spaniards to oppose the Americans, but to rally in support of these, as they came as their friends and liberators.

Three copies of the English translation of the above I also inclose for hand ing to the press, should that, in your opinion, seem advisable.

I have the honor to be,

E. SPENCER PRATT,
United States Consul-General.

[Inclosure.]

AMERICA'S ALLIES—THE MANIFESTO OF THE FILIPINOS.

The following is a translation from the Spanish of a proclamation of the rebel leaders in Hongkong, sent over to the Philippines in advance of the American squadron:

Compatriots: Divine Providence is about to place independence within our reach, and in a way the most free and independent nation could hardly wish for.

The Americans, not from mercenary motives, but for the sake of humanity and the lamentations of so many persecuted people, have considered it opportune to extend their protecting mantle to our beloved country, now that they have been obliged to sever relations with Spain owing to the tyranny this nation is exercising in Cuba, causing enormous injury to the Americans, who have such large commercial and other interests there.

At the present moment an American squadron is preparing to sail for the Philippines.

We, your brothers, are very much afraid that you may be induced to fire on the Americans. No, brothers, never make this mistake. Rather blow your own brains out than fire a shot or treat as enemies those who are your liberators.

Your natural enemies, your executioners, the authors of your misery and unhappiness, are the Spaniards who govern you. Against these you must raise your weapons and odium; understand well, against the Spaniards and never against the Americans.

Take no notice of the decree of the governor-general calling you to arms, although it may cost you your lives. Rather die than be ungrateful to our American liberators.

The governor-general calls you to arms. What for? To defend your Spanish tyrants? To defend those that have despised you, and even in public speeches asked for your extermination—those that have treated you little better than savages? No! No! A thousand times no!

Give a glance at history and you will see that all Spain's wars in Oceania have sacrificed Philippine blood. We have been put to fight in Cochin-China

to assist the French in an affair that in no way concerned the Philippines. We were compelled to spill our blood by Simon de Anda against the English, who in any case would have made better rulers than the Spaniards. Every year our children are taken away to be sacrificed in Mindanao and Sulu, on the pretense of making us believe these people are our enemies, when in reality they are our brothers, like us fighting for their independence.

After having sacrificed our blood against the English, against the Annamites, against the people of Mindanao, etc., what recompense or thanks have we received from the Spanish Government? Obscurity, poverty, the butchery of those dear to us. Enough, brothers, of this Spanish tutelage.

Take note, the Americans will attack by sea and prevent any reinforcements coming from Spain; therefore we insurgents must attack by land. Probably you will have more than sufficient arms, because the Americans have arms and will find means to assist us.

There, where you see the American flag flying, assemble in numbers; they are our redeemers.

Our unworthy names are as nothing, but one and all of us invoke the name of the greatest patriot our country has seen, in the sure and certain hope that his spirit will be with us in these moments and guide us to victory—our immortal José Rizal.

Mr. Pratt to Mr. Day.

No. 225.] CONSULATE-GENERAL OF THE UNITED STATES,
Singapore, June 2, 1898.

SIR: I have the honor to submit inclosed a telegram from Hongkong of the 25th ultimo on the situation in the Philippines, published in Singapore yesterday afternoon, the 1st instant.

Considering the enthusiastic manner General Aguinaldo has been received by the natives and the confidence with which he already appears to have inspired Admiral Dewey, it will be admitted, I think, that I did not overrate his importance and that I have materially assisted the cause of the United States in the Philippines in securing his cooperation.

Why this cooperation should not have been secured to us during the months General Aguinaldo remained awaiting events in Hongkong, and that he was allowed to leave there without having been approached in the interest of our Government, I can not understand.

No close observer of what had transpired in the Philippines during the past four years could have failed to recognize that General Aguinaldo enjoyed above all others the confidence of the Filipino insurgents and the respect alike of Spaniards and foreigners in the islands, all of whom vouched for his high sense of justice and honor.

I have the honor to be, etc.,

E. SPENCER PRATT,
United States Consul-General.

Mr. Pratt to Mr. Day.

No. 228.] CONSULATE-GENERAL OF THE UNITED STATES,
Singapore, June 8, 1898.

SIR: I have the honor to submit an article from the London Spectator, which was reproduced in the Singapore Free Press of yesterday, and a reply thereto, published to-day in the same paper, which last, I think, is deserving of special consideration as being the expression of opinion of Mr. H. W. Bray, one of the best authorities on the Philippines and the Filipinos.

I have the honor to be, etc.,

E. SPENCER PRATT,
United States Consul-General.

[Inclosure 2—Singapore Free Press, June 8, 1898.]

THE FATE OF THE PHILIPPINES.

The author of the Spectator article quoted in your yesterday's issue under the above heading has put forward one sensible proposition. His theories on other points may be all right, but I am afraid he has reckoned without his host. America has not yet conquered the Philippines—not by a long way—but will occupy them with the assistance and good will of the Filipinos. The possession of Manila no more means the possession of the Philippines than the possession of New York means the possession of America, and without this good will and assistance of the inhabitants I must beg leave to state that neither the United States nor any other nation could ever hope to take the Philippines, except with an army of 200,000 men or more, if even then, no matter what theorists may say to the contrary. The solutions which the European papers have been kind enough to put forward re the disposal of the Philippines may be dismissed with the words of General Augustin's proclamation, "Vain designs, ridiculous boasts!" When the time comes I am inclined to think the inhabitants themselves are going to have the biggest say in this question, especially after the events of May 30 to June 1 last.

Spain, with an army of 35,000 men fully armed, has been able to do nothing against an army of imperfectly organized Filipinos, who have never disposed to more than 600 rifles. Yet nobody can taunt the Spanish soldier with want of valor, whilst his patient endurance of hardships and privations, indifferent food, and entire absence of personal comforts give him the advantage over other European soldiers, who require an efficient commissariat and transport department. In a country like the Philippines a soldier to be effective must be able to skip from crag to crag like a goat, without hindrance or paraphernalia, to be evenly matched with the inhabitants.

The Tagals will feel very much insulted if they try to garrison their villages by troops of the type proposed by the writer of the article under review. It would be a dangerous experiment. I would not advise the Americans or anyone else to try. Such crass ignorance on the state of the Philippines and its inhabitants exists on every side that it is almost useless to try and explain to outsiders that the Philippines are as different from British India, Ceylon, Burma, the West Indies, etc., as light is from darkness. The people are the most enlightened and vigorous branch of the Malay race, and have been Christians for centuries, in fact longer than the principles of the Reformation were established in Great Britain, and are the nearest akin to Europeans of any alien race, and it is simply ridiculous to imagine that eight to ten millions of such people can be bought and sold as an article of commerce without first obtaining their consent. Let all those who are greedy for a slice of the archipelago ponder well over this before burning their fingers.

To put them on a level with Sikhs and Afridis is simple nonsense. The much overestimated Sikh would find his match pretty soon with the sturdy Philippine native, and those who think differently had better read what no less an authority than General Gordon says of his Philippine troops in the Taiping rebellion.

No decent or respectable Filipino will tolerate any social relations with the pagan Chinese.

The only possible solution of the Philippine question is an independent government, under American protection, and this is the policy I recommended General Aguinaldo and his compatriots to accept, and which will, no doubt, be carried out. Time will show.

H. W. BRAY.

SINGAPORE, *8th June, 1898.*

Mr. Pratt to Mr. Day.

No. 229.] CONSULATE-GENERAL OF THE UNITED STATES,
Singapore, June 9, 1898.

SIR: I have the honor to report that this afternoon, on the occasion of the receipt of the news of General Aguinaldo's recent successes near Manila, I was waited upon by the Philippine residents in Singapore and presented an address which, though written in Spanish, was delivered in French, and which I accordingly replied to in that language.

The reports of the proceedings sent me by the editors of the Singapore Free Press and Straits Times, both of whom were present, I submit herewith, with duplicates for the press, should you consider their publication desirable.

The original address in Spanish was not left with me, but I am promised it as soon as properly written out, and will then forward it.

My reply, however, I can not forward, as it was not written, but extemporaneous, and has been correctly rendered from the French into English in the within reports, from which you will note that I avoided touching upon the question of our future policy re the Philippines.

I have the honor, etc.,

E. SPENCER PRATT,
United States Consul-General.

[Inclosures.—The Straits Times, June 9.]

MR. SPENCER PRATT SERENADED—MEETING OF FILIPINO REFUGEES AT THE UNITED STATES CONSULATE—THEY PRESENT AN ADDRESS TO MR. SPENCER PRATT AND DRINK TO AMERICA, ENGLAND, AND ADMIRAL DEWEY.

The United States consulate at Singapore was yesterday afternoon in an unusual state of bustle. That bustle extended itself to Raffle's Hotel, of which the consulate forms an outlying part. From a period shortly prior to 5 o'clock, afternoon, the natives of the Philippines resident in Singapore began to assemble at the consulate. Their object was partly to present an address to Hon. Spencer Pratt, United States consul-general, and partly to serenade him, for which purpose some 25 or 30 of the Filipinos came equipped with musical instruments. Gradually the crowd gathered in the vicinity of the United States consulate, and after a little quiet preliminary music Dr. Santos, as representing the Philippine community in Singapore, proceeded to read the following address, which was originally drafted in Spanish and then translated into French. The address was read in French, and the following is an English translation:

THE ADDRESS.

"*To the Hon. Edward Spencer Pratt, consul-general of the United States of North America, Singapore.*

"SIR: The Philippine colony resident in this port, composed of representatives of all social classes, have come to present their respects to you as the legitimate representative of the great and powerful American Republic, in order to express our eternal gratitude for the moral and material protection extended by Admiral Dewey to our trusted leader Gen. Emilio Aguinaldo, who has been driven to take up arms in the name of 8,000,000 Filipinos, in defense of those very principles of justice and liberty of which your country is the foremost champion.

"Our countrymen at home, and those of us residing here, refugees from Spanish misrule and tyranny in our beloved native land, hope that the United States, your nation, persevering in its humane policy will efficaciously second the programme arranged between you, sir, and General Aguinaldo in this port of Singapore, and secure to us our independence under the protection of the United States. Our warmest thanks are especially due to you, sir, personally, for having been the first to cultivate relations with General Aguinaldo, and arrange for the cooperation with Admiral Dewey, thus supporting our aspirations which time and subsequent actions have developed and caused to meet with the applause and approbation of your nation. Finally, we request you to convey to your illustrious President and the American people, and to Admiral Dewey, our sentiments of sincere gratitude and our most fervent wishes for their prosperity."

"SINGAPORE, *June 8, 1898.*"

Dr. Santos, having presented the above address to Mr. Spencer Pratt, proceeded, speaking in French, to state his belief that the Filipinos would prove and were now proving themselves fit for self-government. While it would be very desirable that such a government should be under American protection, yet it would be found that the brave Filipinos, who were now driving the Spanish troops before them, were quite fit also to fill offices of civil administration. Referring to certain news which had been telegraphed from Europe, Dr. Santos deprecated the transfer of the Philippines from Spain to any power. He was quite confident that the sympathy of the American people would be with a nation who were struggling to be free.

THE UNITED STATES CONSUL-GENERAL REPLIES.

After listening to the address the United States consul-general, also speaking in French, said:

"Gentlemen, the honor you have conferred upon me is so unexpected that I can not find appropriate words with which to thank you and with which to reply to the eloquent address you have just read to me. Rest assured, though, that I fully understand and sincerely appreciate the motives that have prompted your present action and that your words, which have sunk deep in my heart, shall be faithfully repeated to the President, to Admiral Dewey, and to the American people—from whom I am sure they will meet with full and generous response. A little over a month ago the world resounded with the praises of Admiral Dewey and his fellow-officers and men for a glorious victory won by the American Asiatic Squadron in the Bay of Manila.

"Now we have news of the brilliant achievements of your own distinguished leader, Gen. Emilio Aguinaldo, cooperating on land with the Americans at sea. You have just reason to be proud of what has been and is being accomplished by General Aguinaldo and your fellow-countrymen under his command. When, six weeks ago, I learned that General Aguinaldo had arrived incognito in Singapore I immediately sought him out. An hour's interview convinced me that he was the man for the occasion; and having communicated with Admiral Dewey, I accordingly arranged for him to join the latter, which he did, at Cavite. The rest you know.

"I am thankful to have been the means, though merely the accidental means, of bringing about the arrangement between General Aguinaldo and Admiral Dewey which has resulted so happily. I can only hope that the eventful outcome will be all that can be desired for the happiness and welfare of the Filipinos. My parting words to General Aguinaldo were, 'General, when you have proved yourself great, prove yourself magnanimous,' and from the treatment accorded to the recent Spanish prisoners it would appear that he had done so." [Applause.]

At the conclusion of Mr. Pratt's speech refreshments were served, and as the Filipinos, being Christians, drink alcohol, there was no difficulty in arranging as to refreshments. "Long life and prosperity" were drunk to Mr. Consul-General Spencer Pratt. Then the American Republic was cheered. Then Commodore Dewey was cheered for his gallant victory. Then England was cheered for sheltering the Filipino refugees.

PRESENTING A FLAG.

Then Dr. Santos, as the spokesman of the Filipino refugees, again addressed the audience with many complimentary remarks on the gallantry of Admiral Dewey and the skill and foresight of United States Consul-General Pratt and with glowing forecasts of the prosperity that awaited the Philippine Islands under the new régime. He expressed a desire to have an American flag as a reminiscence of the day's proceedings. Mr. Spencer Pratt, again speaking in French, replied, saying:

"This flag was borne in battle, and is the emblem of that very liberty that you are seeking to attain. Its red stripes represent the blood that was shed for the cause; the white represents the purity of the motive; the blue field stands for the azure of the sky; the stars are the free and independent States of the Union. Take the flag and keep it as a souvenir of this occasion."

At the conclusion of Mr. Pratt's speech, he handed an American flag to Dr. Santos, who received it reverently, and waved it exultantly amidst the cheers of the assembled Filipinos. The flag would, said Dr. Santos, be preserved, so that future generations might look at it with pride.

PROCLAMATIONS AND DECREES ESTABLISHING AND EXTENDING REVOLUTIONARY GOVERNMENT.

[Translation.]

Filipinos:

The great North American nation, the cradle of genuine liberty and therefore the friend of our people oppressed and enslaved by the tyranny and despotism of its rulers, has come to us manifesting a protection as decisive as it is undoubtedly disinterested toward our inhabitants, considering us as sufficiently civilized and capable of governing for ourselves our unfortunate country. In order to maintain this high estimate granted us by the generous North American nation we should abominate all those deeds which tend to lower this opinion, which are pillage, theft, and all sorts of crimes relating to persons or property, with the purpose of avoiding international conflicts during the period of our campaign.

I decree as follows:

ARTICLE I. The lives and property of all foreigners, Chinese being included in this denomination, shall be respected, as well as that of all Spaniards who neither directly or indirectly contributed to carry on war against us.

ARTICLE II. Enemies who lay down their arms must also be respected in like manner.

ARTICLE III. All hospitals and ambulances must likewise be respected, as well as all persons and goods found therein, including the staff on duty, unless they manifest hostility.

ARTICLE IV. Those who disobey what is prescribed in these preceding articles shall be tried by summary process and put to death if the said disobedience has resulted in murder, robbery, or rape.

Given in Cavite, the 24th of May, 1898.

EMILIO AGUINALDO.

[Translation.]

My Beloved Fellow-Countrymen:

I accepted the treaty proposed by Don Pedro H. Paterno, agreeing with the captain-general of these islands under certain conditions, and laying down arms and dismissing the forces under my immediate control, because I believed it better for the country than to carry on the insurrection for which resources were lacking, but since the failure to fulfill any of the said conditions certain bands were dissatisfied and remained under arms, and since a period of five months has elapsed without any step toward the reforms which we demand to advance our country to the rank of a civilized nation, like our neighbor, Japan, which in little more than twenty years has advanced to a satisfactory position, and demonstrated her power and vigor in the late war with China, while the Spanish Government remains powerless to contend with certain obstacles which constantly arrest the progress of our country with a deadly influence which has been a principal factor in causing the uprising of the people.

Now that the great and powerful North American nation have come to offer disinterested protection for the effort to secure the liberation of this country, I return to assume command of all the forces for the attainment of our lofty aspirations, establishing a dictatorial government which will set forth decrees under my sole responsibility, assisted by the advice of eminent persons until these islands are completely conquered and able to form a constitutional convention, and to elect a president and a cabinet in whose favor I will duly resign the authority.

Given in Cavite the 24th of May, 1898.

EMILIO AGUINALDO.

[Translation.]

Filipinos:

This dictatorial government proposes to begin within a few days our military operations, and being informed that the Spaniard intends to send us a parliamentary commission in order to open negotiations for restoring Spanish authority, and being resolved to admit no negotiations of that sort in view of the collapse of a former treaty by default of the same Spanish Government, and noting, moreover, the presence in this place of certain persons coming in the capacity of spies for the said Spanish Government, as general in chief of this region I decree as follows:

ARTICLE I. Civilians or soldiers who enter this territory with authority to negotiate, but without presenting themselves under a flag of truce, as provided for such cases by international law, and also those lacking credentials and documents for their due recognition of character and personality, shall be considered guilty of serving as spies and put to death.

ART. II. Any Filipino who undertakes the aforesaid service shall be considered as a traitor to his country, and there shall be imposed upon him the penalty of hanging by the neck in a public place for the period of two hours with a label attached bearing the statement that he is a traitor to his country.

ART. III. Any soldier or civilian found within our territories seeking to pass over to the enemy bearing secrets of war or plans of fortifications shall also be reckoned as a traitor and put to death.

Given in Cavite the 24th of May, 1898.

EMILIO AGUINALDO.

BACOOR, *July 15, 1898.*

His Excellency the Admiral of the Squadron of the United States in the Islands.

SIR: The revolution having taken possession of the various provinces of the archipelago, this government has found it necessary to adopt the form and organization best suited to the popular will. I have, therefore, the pleasure and honor of placing in your hand the inclosed decrees, which contain the organization referred to, begging that you will communicate to your Government that the desires of this government are to remain always in friendship with the great North American nation, to which we are under many obligations.

I beg, also, that your excellency will have the kindness to forward the inclosed package to H. B. M. consul, with a request from me that he will forward them to their respective destinations.

For which favor the Filipino people and your humble servant will be most deeply grateful to your excellency.

Very respectfully, etc.,

EMILIO AGUINALDO.

[Indorsement to the above—First indorsement.]

U. S. FLAGSHIP OLYMPIA, *Cavite, July 17, 1898.*

Respectfully forwarded for the information of the Department.

GEORGE DEWEY,
Rear-Admiral, U. S. N.,
Commanding U. S. Naval Force on Asiatic Station.

DECREES.

[Translation.]

To the People of the Philippines:

Acts of Providence have placed me in a position for which I can not but recognize my natural inefficiency, but as I have no right to violate the laws of Providence, nor to decline the duties which honor and patriotism impose upon me, I greet you, my beloved people, from that position.

In the face of the whole world I have proclaimed that the aspiration of my whole life, the final object of all my wishes and efforts, is your independence, because I have the inner conviction that it is also your constant longing, since independence for us means the redemption from slavery and tyranny, the recovery of lost liberty, and the admission to the concert of civilized nations.

I understand, moreover, that the first duty of any government is to interpret faithfully the aspirations of the people. With this in view, although the abnormal circumstances of the war have compelled me to constitute this dictatorial government, which assumes full civil and military power, my constant desire is to surround myself with the most prominent people from each province who by their conduct deserve its confidence, so that, learning from them the true needs of each, I may be enabled to adopt the most efficacious means for filling such needs and curing deficiencies in accordance with the wishes of all.

I understand, moreover, the urgent necessity of establishing in each town a solid and substantial organization, a stronger bulwark of public security and the only means for insuring the union and discipline which are indispensable for the establishment of a republic—that is, the government of the people by the people—and for settling international conflicts which may arise.

In virtue of the above considerations I decree as follows:

* * * * * * *

Done at Cavite, June 18, 1898.

EMILIO AGUINALDO.

Then follow instructions concerning the government of provinces and towns, dated June 20, 1898, signed by Emilio Aguinaldo, giving special regulations for—

1. The holding of sessions of the different juntas and councils.
2. The organization of police forces, and the character and duties of the same.
3. The organization of tribunals, civil records, and the census.
4. Taxes and registration of property.

AGUINALDO'S PROCLAMATION OF JUNE 18, 1898, ESTABLISHING THE DICTATORIAL GOVERNMENT.

No. 1.

To the Philippine Public:

Circumstances have providentially placed me in a position for which I can not fail to recognize that I am not properly qualified; but since I can not violate the laws of Providence nor decline the obligations which honor and patriotism impose upon me, I now salute you, Oh my Beloved People.

I have proclaimed in the face of the whole world that the aspiration of my whole life, the final object of all my efforts and strength, is nothing else but your independence, for I am firmly convinced that that constitutes your constant desire, and that independence signifies for us redemption from slavery and tyranny, regaining our liberty, and entrance into the concert of civilized nations.

I understand, on the other hand, that the first duty of every government is to interpret faithfully popular aspirations; with this motive, although the abnormal circumstances of the war have compelled me to institute this dictatorial government which assumes full powers, both civil and military, my constant desire is to surround myself with the most distinguished persons of each province, those that by their conduct deserve the confidence of their province, to the end that, the true necessities of each being known by them, measures may be adopted to meet those necessities and apply the remedies in accordance with the desires of all.

I understand, moreover, the urgent necessity of establishing in each town a solid and robust organization, the strongest bulwark of public security and the sole means of securing that union and discipline which are indispensable for the establishment of the republic—that is, government of the people for the people, and warding off the international conflicts which may arise.

Following out the foregoing considerations, I decree as follows:

* * * * * * * *

Given at Cavite the 18th day of June, 1898.

EMILIO AGUINALDO.

No. 2.

For the execution and proper carrying out of what is prescribed in the decree of this government concerning the management of the provinces and towns of the Philippine Archipelago, I decree as follows:

INSTRUCTIONS CONCERNING THE MANAGEMENT OF THE PROVINCES AND TOWNS.

(Then follow 45 rules concerning the elections, formation of the police, the courts, and the laying and collection of taxes.)

Given at Cavite the 20th of June, 1898.

EMILIO AGUINALDO.

[Translation.]

MESSAGE OF THE PRESIDENT OF THE PHILIPPINE REVOLUTION

If it is true—and it is true—that a political revolution, well conceived, is the violent means which a people employs in order to recover the sovereignty which naturally belongs to it and which has been usurped and trampled upon by a tyrannical and arbitrary government, then the Philippine revolution could not have been more just, for the people have had recourse to it after exhausting all peaceful means counseled by reason and experience.

The former kings of Castile bound themselves to regard the Philippines as a sister nation, associated with Spain in perfect unison of views and interests, and by the constitution of 1812, promulgated at Cadiz on the occasion of the war of Spanish independence, these islands were represented in the Spanish Cortes; but the interests of the monastic corporations, which have always met with unconditional support from the Spanish Government, have taken from them this sacred duty, and the Philippines have been excluded from the Spanish constitution and the people left to the mercy of the discretionary and arbitrary powers of the general government.

Under such circumstances the people clamored for justice, and asked of the mother country the recognition and restitution of their secular rights by means of reforms which would gradually assimilate them with Spain. But their voices were promptly drowned, and the reward of their abnegation was exile, martyrdom, and death. The religious corporations, with whose interests—always opposed to those of the Philippine people—the Spanish Government has identified itself, jeered at these claims and answered, with the knowledge and consent of that same Government, that the liberty of Spain had cost blood.

What other recourse was there left to the people to recover their lost rights? They had no other means but force, and, convinced of this, they have had recourse to the revolution.

And now they no longer limit their claims to the assimilation with the political constitution of Spain, but ask for definite separation from her; they are fighting for their independence, firmly convinced that the time has come when they can and must govern themselves.

So they have constituted a revolutionary government, based upon wise and just laws, adapted to the abnormal conditions through which they are passing, and at the same time preparing them to become a true republic. Taking reason as the only guide for their actions, justice as the only end, and honorable work as the only means, they call upon all their Philippine sons, without distinction of class, to unite firmly together for the purpose of forming a society of nobility, not nobility of birth or pompous titles, but of work and personal merit of each one—a free society, where there shall be no egotism and personal politics that crush and annihilate, no envy and favoritism that debase, no bragging and charlatanry that make ridiculous.

And it could not be otherwise; a people which has given proofs of valor and long suffering in time of trouble and danger, and of industry and diligence in time of peace, is not intended for slavery; such a people is called to be great, to be one of the strongest arms of Providence to direct the destinies of humanity; such a people has sufficient resources and energy to free itself from the ruin and annihilation into which the Spanish Government has plunged it, and to claim a modest but honorable seat in the concert of free nations.

Given at Cavite, June 23, 1898.

EMILIO AGUINALDO.

AGUINALDO'S PROCLAMATION OF JUNE 23, ESTABLISHING THE REVOLUTIONARY GOVERNMENT.

No. 3.

Don Emilio Aguinaldo y Famy, president of the revolutionary government of the Philippines and general in chief of its army.

This government desiring to demonstrate to the Philippine people that one of its ends is to combat with a firm hand the inveterate vices of the Spanish administration, substituting for personal luxury and that pompous ostentation which have made it a mere matter of routine, cumbrous and slow in its movements, another administration more modest, simple, and prompt in performing the public service, I decree as follows:

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Given at Cavite the 23d of June, 1898.

EMILIO AGUINALDO.

INSTRUCTIONS.

Desiring to bring about a proper execution of the decree dated the 23d of the present month, and to provide that the administrative measures shall not result hereafter in the paralysis of public business, but that, on the contrary, it shall constitute the best guaranty of the regularity, promptitude, and fitness in the transaction of public business, I give the following instructions and decree:

(Then follow 10 rules concerning the details of installing the government.)

Cavite, the 27th of June, 1898.

EMILIO AGUINALDO.

To foreign governments:

The revolutionary government of the Philippines on its establishment explained through the message dated the 23d of June last the true causes of the Philippine revolution, showing according to the evidence that this popular movement is the result of the laws which regulate the life of a people which aspire to progress and to perfection by the sole road of liberty.

The said revolution now rules in the provinces of Cavite, Batangas, Mindoro, Tayabas, Laguna, Morong, Bulacan, Bataan, Pampanga, Nueva-Ecija, Tarlac, Pangasinan, Union, Infanta, and Zambales, and it holds besieged the capital of Manila.

In these provinces complete order and perfect tranquillity reign, administered by the authorities elected by the provinces in accordance with the organic decrees dated 18th and 23d of June last.

The revolution holds, moreover, about 9,000 prisoners of war, who are treated in accordance with the customs of war between civilized nations and humane sentiments, and at the end of the war it has more than 30,000 combatants organized in the form of a regular army.

In this situation the chiefs of the towns comprised in the above-mentioned provinces, interpreting the sentiments which animate those who have elected them, have proclaimed the independence of the Philippines, petitioning the revolutionary government that it will entreat and obtain from foreign governments recognition of its belligerency and its independence in the firm belief that the Philippine people have already arrived at that state in which they can and ought to govern themselves.

This is set forth in the accompanying documents subscribed by the above-named chiefs.

Wherefore the undersigned, by virtue of the powers which belong to him as president of the revolutionary government of the Philippines and in the name and representation of the Philippine people, asks the support of all the powers of the civilized world and earnestly entreats them to proceed to the formal recognition of the belligerency of the revolution and the independence of the Philippines, since they are the means designated by Providence to maintain the equilibrium between peoples, sustaining the weak and restraining the strong, to the end that by these means shall shine forth and be realized the most complete justice in the indefinite progress of humanity.

Given at Bacoor, in the province of Cavite, the 6th day of August, 1898.

The president of the revolutionary government.

EMILIO AGUINALDO.

STATEMENT.

The undersigned chiefs of towns comprising the provinces hereinafter named, elected as such in the manner prescribed by the decree of the 18th and the instructions dated the 20th of June last, after having been confirmed in their respective offices by the president of the government and having taken the prescribed oath before him, have met in full assembly previously called for that purpose, for the purpose of discussing the solemn proclamation of Philippine independence.

The discussion took place with the prudence and at the length which so important a question demands, and after suitable deliberation the following declarations were unanimously adopted.

The Philippine revolution records, on the one hand, brilliant feats of arms, realized with singular courage by an improvised army almost without arms, and, on the other, the no less notable fact that the people after the combat have not entered upon great excesses nor pursued the enemy further, but have treated him on the contrary with generosity and humanity, returning at once to their ordinary and tranquil life.

Such deeds demonstrate in an indisputable manner that the Philippine people was not created, as all believed, for the sole purpose of dragging the chains of servitude, but that it has a perfect idea of order and justice, shuns a savage life, and loves a civilized life.

But what is most supprising in this people is that it goes on giving proofs that it knows how to frame laws commensurate with the progress of the age, to respect them and obey them, demonstrating that its national customs are not repugnant to this progress; that it is not ambitious for power, nor honors, nor riches, aside from the rational and just aspirations for a free and independent life and inspired by the most lofty idea of patriotism and national honor; and that in the service of this idea and for the realization of that aspiration it has not hesitated in the sacrifice of life and fortune.

These admirable—and more than admirable, these wonderful—deeds necessarily engender the most firm and ineradicable convictions of the necessity of leaving the Philippines free and independent, not only because they desire it, but because they are prepared to defend to the death their future and their history.

Filipinos are fully convinced that if individuals have need of material, moral, and intellectual perfection in order to contribute to the welfare of their fellows, peoples require to have fullness of life; they need liberty and independence in order to contribute to the indefinite progress of mankind. It has struggled and will struggle with decision and constance, without ever turning back or retrograding before the obstacles which may arise in its path, and with unshakable faith that it will obtain justice and fulfill the laws of Providence.

And neither will it be turned aside from the course it has hitherto followed by the unjustifiable imprisonment, tortures, assassinations, and the other vandal acts committed by the Spaniards against the persons of peaceful and defenseless Filipinos. The Spaniards believe themselves released from every legal obligation toward the Filipinos, for the sole reason that the belligerency of the revolution has not been recognized, taking no account of the fact that over and above every law, whether written or prescriptive, are placed with imprescriptible characters culture, national honor, and humanity. No, the Filipinos have no need ever to make use of reprisals, because they seek independence with culture, liberty with unconditional respect for the law as the organ of justice, and a name purified in the crucible of human sentiment.

In virtue of the foregoing considerations the undersigned, giving voice to the unanimous aspiration of the people whom they represent and performing the offices received from them and the duties pertaining to the powers with which they are invested—

Proclaim solemnly, in the face of the whole world, the independence of the Philippines;

Recognize and respect Señor Don Emilio Aguinaldo y Famy as president of the revolutionary government organized in the manner prescribed by decree of the 23d and instructions of the 27th of June last, and beg the said president that he will ask and obtain from foreign governments the recognition of its belligerency and independence, not only because this act constitutes a duty of justice, but also because to no one is permitted to contravene natural laws nor stifle the legitimate aspiration of a people for its amelioration and dignification.

Given in the province of Cavite the 1st day of August of the year of our Lord 1898, and the first year of the Philippine independence.

Follow the signatures of the local presidents of the provinces, of Cavite, and many others.

* * * * * * * *

The undersigned, secretary of the interior, certifies that the present document is a literal copy of the original, which is deposited in the secretaryship under his charge; in proof of which he signs it with the approval of the president of the revolutionary government in Bacoor the 6th day of August, 1898.

V. B.

El Presidente del G. R.,

EMILIO AGUINALDO.

El Secretario del Interior,

LEANDRO IBARRA.

Letter of Consul-General Wildman to the Secretary of State:

CONSULATE OF THE UNITED STATES,
Hongkong, August 8, 1898.

SIR:

* * * * * * * *

Aguinaldo has written me by every opportunity, and I believe that he has been frank with me regarding both his actions and his motives. I do not doubt but that he would like to be President of the Philippine Republic, and there may be a small coterie of his native advisers who entertain a like ambition, but I am perfectly certain that the great majority of his followers, and all the wealthy educated Filipinos have but one desire—to become citizens of the United States of America. As for the mass of uneducated natives, they would be content under any rule save that of the friars.

My correspondence with Aguinaldo has been strictly of a personal nature, and I have missed no opportunity to remind him of his antebellum promises. His letters are childish, and he is far more interested in the kind of cane he will carry or the breastplate he will wear than in the figure he will make in history. The demands that he and his junta here have made upon my time is excessive and most tiresome. He is a man of petty moods, and I have repeatedly had letters from Consul Williams requesting me to write to Aguinaldo a friendly letter congratulating him on his success and reminding him of his obligations.

I do not care to quote Admiral Dewey, as his letters are all of a strictly personal nature, but I feel perfectly free to refer you to him as to my attitude and actions. I do not say this because I feel that I need to make any defense, but because I believe that the Daily Mail, to which you refer in the above telegram, has misconstrued my attitude, and placed me in a false position.

I find on investigation that the letter you refer to as published in the London Mail was a personal one, written by me on July 25, at the request of Consul Williams, and on lines with which we have been working with Aguinaldo

from the first. Aguinaldo had for some weeks been getting what Admiral Dewey called a "big head," and writing me sulky, childish letters. In consequence I wrote him in part as follows:

"If you stand shoulder to shoulder with our forces and do not allow any small differences of opinion and fancied slights to keep you from the one set purpose of freeing your island from the cruelties under which you claim it has been groaning for so many hundred years, your name in history will be a glorious one. There are greater prizes in the world than being a mere chief of a revolution. Do not forget that the United States undertook this war for the sole purpose of relieving the Cubans from the cruelties under which they were suffering, and not for the love of conquest or the hope of gain. Whatever the final disposition of the conquered territory may be, you can trust to the United States that justice and honor will control all their dealings with you. The first thing is to throw off the Spanish yoke. Do not let anything interfere with this."

If the newspapers can make anything out of this personal letter that looks like a pledge or an assumption on my part of powers that are not vested in me, I must decline to accept their interpretation, and insomuch as Aguinaldo himself does not so construe it, I trust the Department will not consider that I have exceeded the bounds of discretion or embarrassed the Department in any way.

I have the honor, etc.,

ROUNSEVELLE WILDMAN,
Consul-General.

HEADQUARTERS FIRST BRIGADE,
UNITED STATES EXPEDITIONARY FORCES,
Cavite Arsenal, P. I., July 4, 1898.

Señor Don EMILIO AGUINALDO,
Commanding Philippine Forces, Cavite, Luzon.

GENERAL: I have the honor to inform you that the United States of America, whose land forces I have the honor to command in this vicinity, being at war with the Kingdom of Spain, has entire sympathy and most friendly sentiments for the native people of the Philippine Islands.

For these reasons I desire to have the most amicable relations with you, and to have you and your people cooperate with us in military operations against the Spanish forces.

In our operations it has become necessary for us to occupy the town of Cavite as a base of operations. In doing this, I do not wish to interfere with your residence here and the exercise by yourself and other native citizens of all functions and privileges not inconsistent with military rule.

I would be pleased to be informed at once of any misconduct of soldiers under my command, as it is the intention of my Government to maintain order, and to treat all citizens with justice, courtesy, and kindness.

I have, therefore, the honor to ask your excellency to instruct your officials not to interfere with my officers in the performance of their duties and not to assume that they can not visit Cavite without permission.

Assuring you again of my most friendly sentiment and distinguished consideration, I am, with all respect,

THOMAS M. ANDERSON,
Brigadier-General, U. S. Volunteers, Commanding.

HEADQUARTERS EXPEDITIONARY FORCES
TO THE PHILIPPINE ISLANDS,
CHIEF QUARTERMASTER'S OFFICE,
Cavite, P. I., July 17, 1898.

Gen. EMILIO AGUINALDO, *Addressed.*

SIR: General Anderson wishes me to say that the second expedition having arrived, he expects to encamp in the vicinity of Paranaque from 5,000 to 7,000 men. To do this, supply this army and shelter, it will require certain assistance from the Filipinos in this neighborhood. We will want horses, buffaloes, carts, etc., for transportation, bamboo for shelter, wood to cook with, etc.

For all this we are willing to pay a fair price, but no more. We find so far that the native population are not willing to give us this assistance as promptly as required. But we must have it, and if it becomes necessary we will be compelled to send out parties to seize what we may need. We would regret very much to do this, as we are here to befriend the Filipinos. Our nation has spent millions of money to send forces here to expel the Spaniards and to give a good government to the whole people, and the return we are asking is comparatively slight.

General Anderson wishes you to inform your people that we are here for their good, and that they must supply us with labor and material at the current market prices.

We are prepared to purchase 500 horses at a fair price, but can not undertake to bargain for horses with each individual man.

I regret very much that I am unable to see you personally, as it is of the utmost importance that these arrangements should be made as soon as possible.

I will await your reply.

SAM R. JONES,
Major and Quartermaster, U. S. Volunteers, Chief Quartermaster.

HEADQUARTERS FIRST BRIGADE,
UNITED STATES EXPEDITIONARY FORCES,
Cavite Arsenal, Philippine Islands, July 19, 1898.

Señor Don EMILIO AGUINALDO,
Commanding General, Philippine Forces.

GENERAL: The bearer, Maj. J. F. Bell, U. S. A., was sent by Maj. Gen. Wesley Merritt, U. S. A., to collect for him, by the time of his personal arrival, certain information concerning the strength and positions of the enemy and concerning the topography of the country surrounding Manila.

I would be obliged if you would permit him to see your maps and place at his disposal any information you may have on the above subjects, and also give him a letter or pass addressed to your subordinates which will authorize them to furnish him any information they can on these subjects, and to facilitate his passage along the lines upon a reconnoissance around Manila on which I propose to send him.

I remain, with great respect, your obedient servant,

THOMAS M. ANDERSON,
Brigadier-General, U. S. Volunteers, Commanding.

HEADQUARTERS FIRST BRIGADE,
UNITED STATES EXPEDITIONARY FORCES,
Cavite Arsenal, P. I., July 21, 1898.

Señor Don EMILIO AGUINALDO,
Commanding General, Philippine Forces.

GENERAL: I have the honor to request that passes and such other assistance as practicable be given to the bearer, Lieut. E. J. Bryan, and party, who are making a reconnoissance of the surrounding country.

Thanking you for assistance given on previous occasions,

I remain, with great respect, your obedient servant,

THOMAS M. ANDERSON,
Brigadier-General, U. S. Volunteers, Commanding.

HEADQUARTERS FIRST BRIGADE,
UNITED STATES EXPEDITIONARY FORCES,
Cavite Arsenal, P. I., July 23, 1898.

Señor Don EMILIO AGUINALDO,
Commanding Philippine Forces.

GENERAL: When I came here three weeks ago I requested your excellency to give what assistance you could to procure means of transportation for the American Army, as it was to fight in the cause of your people. So far we have received no response.

As you represent your people, I now have the honor to make requisition on you for 500 horses and 50 oxen and ox carts.

If you can not secure these, I will have to pass you and make requisition directly on the people.

I beg leave to request an answer at your earliest convenience.

I remain, with great respect,

THOMAS M. ANDERSON,
Brigadier-General, U. S. Volunteers, Commanding.

AUGUST 10, 1898.

INSTRUCTIONS FROM GENERAL MERRITT BROUGHT BY GENERAL BABCOCK.

1. No rupture with insurgents. This is imperative. Can ask insurgent generals or Aguinaldo for permission to occupy their trenches, but if refused not to use force.

2. No extensions of lines, as proposed in memorandum of August 9, which will bring partial engagement, resulting in loss prior to general assault.

3. One gun can be placed within two hours after receiving the order in the insurgent emplacement on the road facing No. 14; not as good a position as farther to the front and right. Three more guns can be placed behind trench near the beach without precipitating an engagement. Embrasures can be cut through trenches to-night.

4. Troops can occupy trenches on two hours' notice, but are not prepared to make a determined assault without carrying out memorandum of August 9, requiring three days. We can hold trenches against any possible attack and bring 8 field guns into action in front of enemy's lines.

True copy.

J. F. BELL,
Major of Engineers, U. S. A.

Mr. Williams to Mr. Day.

Special.] CRUISER BALTIMORE,
CONSULATE OF THE UNITED STATES,
MANILA BAY, OPPOSITE CAVITE,
Manila, P. I., May 12, 1898.

SIR: To aid you, if possible, permit me to give assurance of the friendliness of the Philippine natives to our country and to me as its representative.

During the period of my residence in Manila every week was a history of barbarities by Spaniards and of efforts, often futile, of the natives to obtain rights and protect their homes.

Scores of times I have heard hopes expressed that either United States or Great Britain would acquire these islands. In all this foreign residents, other than Spanish, concurred, and all such classes are most friendly to me.

In the struggle between Spain and the insurgents the deaths have been many, and greater among the natives. First, because the Spaniards have been much better armed; second, because the Spaniards killed many noncombatants—old men, women, and children—while the natives refrained from such barbarities.

From concensus of opinions of many reliable people, I estimate Spanish forces here about as follows:

First. Naval force, in ships annihilated in the notable battle of Manila Bay, in which 10 Spanish war ships were burned and sunk, 2 auxiliary gunboats ditto, and about 30 steamers, schooners, tugs, etc., captured.

Second. About 4,000 Spanish infantry, nearly a half of whom are in hospitals.

Third. About 6,000 native troops under Spanish officers, but if such officers were deported their soldiers would eagerly follow our flag.

An insurgent leader, Major Gonzales, reported to me last week on the *Olympia*, that they had 37,000 troops under arms, good and bad, surrounding Manila, endeavoring to cooperate with us. In the main they are very poorly armed, but have about 6,600 rifles taken from the Spaniards. They have captured the entire railroad line and the River Pasig, thus cutting off supply lines, while we by cutting off supply by bay and sea can soon starve Manila into surrender.

These natives are eager to be organized and led by United States officers, and the members of their cabinet visited me and gave assurance that all would swear allegiance to and cheerfully follow our flag. They are brave, submissive, and cheaply provided for.

To show their friendliness for me as our nation's only representative in this part of the world, I last week went on shore at Cavite with British consul, in his launch, to show the destruction wrought by our fleet. As soon as natives found me out, they crowded around me, hats off, shouting "Viva los Americanos," thronged about me by hundreds to shake either hand, even several at a time, men, women, and children, striving to get even a finger to shake. So I moved half a mile, shaking continuously with both hands. The British consul, a smiling spectator, said he never before saw such an evidence of friendship. Two thousand escorted me to the launch amid hurrahs of good feeling for our nation, hence I must conclude:

First. Our squadron can force surrender in a day. Spaniards are all cooped up in Manila.

Second. Spanish officers of native regiments away, these 6,000, together with selections from the 37,000 insurgents, can give us ample land forces and can be well armed with rifles of Spanish soldiers and from barracks and arsenals.

Third. Few United States troops will be needed for conquest and fewer still for occupancy. Expulsion of Spaniards—naval, civil, military, and clerics—will remove all discord and danger, and civil government, crude in the beginning but better than the present, will be easy and be well received, while native priests, of which there are many, can fully and with perfect acceptability meet all religious requirements so far as present established religion is concerned.

All natives, all foreigners other than Spanish, and certain Spaniards in mercantile and retired life will aid us to every extent. The people crave a change of flag. Hence I believe ample assurances are at hand that civil government by us will be easy of organization and gratefully received by the people.

My communications to your department are, these war days, supra consular, but on other lines I endeavor to serve our fleet and thus serve our nation.

All rejoice over the merited promotion of our commodore to the rank of rear-admiral, but every man of the fleet proved a hero, and it seems as if the shield of Providence warded off the enemy's shot, leaving our men unharmed, our ships and guns intact, and gave us the most important and unique victory of history.

The student of the next century will read with pride that the right arm of Spain was broken at the battle of Manila Bay, and from this must come the acquisition of the islands, many times more extensive, more populous, and more valuable than Cuba, or else their capture will force Spain to conditions of peace on basis of honor, so much sought by our nation.

I have, etc.,

OSCAR F. WILLIAMS,
United States Consul.

Mr. Williams to Mr. Day.

Special.] U. S. S. BALTIMORE,
CONSULATE OF THE UNITED STATES,
MANILA BAY, OFF CAVITE,
Manila, P. I., May 24, 1898.

SIR: I have the honor to report successful efforts on the part of the insurgents of these islands in preparation for more successful war against Spain.

Officers have visited me during the darkness of night to inform the fleet and me of their operations and to report increase of strength.

At a conference with General Aguinaldo, the head of the movement, I was told that they had now above 4,500 Mauser rifles taken from the Spaniards, and had also abundant ammunition. Until the present they have been fatally crippled in these respects.

Last week Major Gonzales captured two buffalo cart loads of rifle ammunition from the Spaniards. To-day I executed a power of attorney whereby General Aguinaldo releases to his attorneys in fact $400,000, now in bank in Hongkong, so that money therefrom can pay for 3,000 stand of arms bought there and expected here to-morrow.

The same sources informed me that about 37,000 insurgents stand ready to aid United States forces, and General Aguinaldo's headquarters were this morning at 7 o'clock surrounded by 500 to 1,000 men eager to enlist. I was there at that hour and saw the men.

My relations with all are cordial, and I manage to keep them so pro bono publico.

When General Merritt arrives he will find large auxiliary land forces adapted to his service and used to this climate.

I am, sir,

OSCAR F. WILLIAMS,
United States Consul.

Mr. Williams to Mr. Day.

Special.] U. S. S. BALTIMORE,
CONSULATE OF THE UNITED STATES,
Manila, P. I., June 16, 1898.

SIR: I have the honor to report that since our squadron destroyed the Spanish fleet on May 1, the insurgent forces have been most active and almost uniformly successful in their many encounters with the crown forces of Spain. Gen. Emilio Aguinaldo, the insurgent chief, who was deported late in 1897, returned recently to Cavite and resumed direction of insurgent forces. He is not permitted by his people to personally lead in battle, but from headquarters governs all military movements.

He told me to-day that since his return his forces had captured nearly 5,000 prisoners, nearly 4,000 of whom were Spaniards, and all of whom had rifles when taken. General Aguinaldo has now about 10,500 rifles and 8 field pieces, with 8,000 more rifles, 2 Maxim guns, and a dynamite gun bought in China and now in transit. The insurgents have defeated the Spaniards at all points except at fort near Matate, and hold not only North Luzon to the suburbs of Manila, but Batanyes Province also and the bay coast entire, save the city of Manila.

While the Spaniards cruelly and barbarously slaughter Filipinos taken in arms, and often noncombatants, women, and children, the insurgent victors, following American example, spare life, protect the helpless, and nurse, feed, and care for Spaniards taken prisoners and for Spanish wounded as kindly as they care for the wounded fallen from their own ranks.

* * * * * * *

It has been my effort to maintain harmony with insurgents in order to exercise greater influence hereafter when we reorganize government.

Manila is hemmed in; foreigners other than Spaniards have, by kindness of Rear-Admiral Dewey, been allowed to leave the beleaguered city and are cared for on merchant ships in the bay.

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I have the honor, etc.,

OSCAR F. WILLIAMS,
United States Consul.

Mr. Wildman to Mr. Day.

CONSULATE OF THE UNITED STATES,
Hongkong, July 18, 1898.

SIR:

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There has been a systematic attempt to blacken the name of Aguinaldo and his cabinet, on account of the questionable terms of their surrender to Spanish forces a year ago this month. It has been said that they sold their country for gold, but this has been conclusively disproved, not only by their own statements but by the speech of the late Governor-General Rivera in the Spanish Senate June 11, 1898. He said that Aguinaldo undertook to submit if the Spanish Government would give a certain sum to the widows and orphans of the insurgents. He then admits that only a tenth part of this sum was ever given to Aguinaldo, and that the other promises made he did not find it expedient to keep.

I was in Hongkong September, 1897, when Aguinaldo and his leaders arrived under contract with the Spanish Government. They waited until the 1st of November for the payment of the promised money and the fulfillment of the promised reforms. Only $400,000, Mexican, was ever placed to their credit in the banks, and on the 3d of November Mr. F. Agoncillo, late minister of foreign affairs in Aguinaldo's cabinet, called upon me and made a proposal which I transmitted to the State Department in my dispatch No. 19, dated November 3, 1897. In reply the State Department instructed me "to courteously decline to communicate with the Department further regarding the alleged mission." I obeyed these instructions to the letter until the breaking out of the war, when, after consultation with Admiral Dewey, I received a delegation from the insurgent junta, and they bound themselves to obey all laws of civilized warfare and to place themselves absolutely under the orders of Admiral Dewey if they were permitted to return to Manila. At this time their president, Aguinaldo, was in Singapore negotiating, through Consul-General Pratt, with Admiral Dewey for his return.

On April 27, in company with Consul O. F. Williams, we received another delegation, composed of Señor Sandigo, José Maria Basa, Tomas Mascardo, Lorenzo L. Zialcita, Andres E. de Garchitorena, Manuel Malvar, Mariano Llanza, Salvatore Estrella. We agreed on behalf of Dewey to allow two of their number to accompany the fleet to Manila; consequently on the same day I took in the tug *Fame* Alizandrino and Garchitorena, accompanied by Mr. Sandigo, to the *Olympia* in Mirs Bay. On May 2 Aguinaldo arrived in Hongkong and immediately called on me. It was May 16 before I could obtain permission from Admiral Dewey to allow Aguinaldo to go by the United States ship *McCulloch*, and I put him aboard in the night so as to save any complications with the local Government. Immediately on the arrival of Aguinaldo at Cavite he issued a proclamation, which I had outlined for him before he left, forbidding pillage, and making it a criminal offense to maltreat neutrals.

He, of course, organized a government of which he was dictator, an absolutely necessary step if he hoped to maintain control over the natives, and from that date until the present time he has been uninterruptedly successful in the field and dignified and just as the head of his government. According to his own statements to me by letter, he has been approached by both the Spaniards and the Germans, and has had tempting offers made him by the Catholic Church. He has been watched very closely by Admiral Dewey, Consul Williams, and his own junta here in Hongkong, and nothing of moment has occurred which would lead any one to believe that he was not carrying out to the letter the promises made to me in this consulate.

The insurgents are fighting for freedom from the Spanish rule, and rely upon the well-known sense of justice that controls all the actions of our Government as to their future.

In conclusion, I wish to put myself on record as stating that the insurgent government of the Philippine Islands can not be dealt with as though they were North American Indians, willing to be removed from one reservation to another at the whim of their masters. If the United States decides not to retain the Philippine Islands, its 10,000,000 people will demand independence, and the attempt of any foreign nation to obtain territory or coaling stations will be resisted with the same spirit with which they fought the Spaniards.

I have the honor, etc.,

ROUNSEVELLE WILDMAN,
Consul-General.

[From report of General Bell, prepared for the Peace Commission.]

In the city of Santa Cruz, the capital of La Laguna, about 600 Spaniards are besieged by insurgents.

Albay, held by a detachment of Spanish forces, number not known, is also besieged by insurgents.

All the Spanish in the province of Tayabas have just been captured by insurgents, together with a considerable amount of money and other property.

The Spanish still hold Daet, the capital of Camarines Norte, and Nueva Caceres, the capital of Camarines Sur, but both places are besieged by insurgents.

The four provinces, Llocos Sur, Llocos Norte, Isabella, and Cagayan, are still in the possession of the Spanish, but 400 insurgents have been dispatched to attack the Spanish in these provinces.

About 250 Spaniards hold Morong, the capital of the province of the same name.

There is one company of Spanish infantry in Yap, the capital of Ponape, one of the Caroline Islands.

There are also a considerable number of Spanish troops in Cebu, Iloilo, Leyte, and Mindanao.

The island of Mindoro and the provinces of Batangas, Pampangas, Pangasenan, Bulacan, La Union, Tayabas, Bataan, Zanbales, Tarlac, and Cavite (all in the island of Luzon) are under the control of insurgents.

Concerning the insurgents now under arms and about the city, it is practically impossible to count or estimate their number for several reasons: First, they are being continually sent away to other provinces; second, many of them have laid aside their arms temporarily to raise crops for their families. As the organization is very loose, no captain knows the exact number of his following. No reports have ever been made to General Aguinaldo. The closest estimate that can be made of the available armed insurgent force is based upon the number of arms recently captured from the Spanish militia, from the arsenal at Cavite, from Spaniards captured in battle, and bought from Jackson and Evans. Together with the number it is fair to estimate were in the hands of Filipinos, who got them in previous insurrection, this foots up about 40,000, as follows:

From militia	12,000
From arsenal	2,500
From Jackson and Evans	2,000
From Spanish	8,000
In hands of Filipinos (about)	15,000
Total	39,500

From this number there should probably be deducted several thousand guns recaptured by the Spanish and turned in under the provisions of a proclamation offering $50 and amnesty to each insurgent who would come in and give himself and his rifle up to the Spaniards.

* * * * * * *

[Memorandum of General Bell on correspondence between Aguinaldo and General Merritt.]

NOTE OF EXPLANATION.—No positions whatever, with a possible exception of Paco (San Fernando de Dilao), were conquered within the city limits by Aguinaldo's forces. Definite information can be procured of General MacArthur as to whether the insurgents or our forces forced the Spanish to retire from that place.

The Calzada a Aviles merges at the crossroads (where there is really a round open space, with a fountain in the center, and called the Plaza de Rotondo) into the road to Santa Mesa, marked on the map "A Mariquina," to which place it also goes. The First Colorado Regiment has a picket post on this road a half mile beyond the limit mentioned by Aguinaldo.

I gather from the statements of many naval officers that Aguinaldo was invited here and given much assistance and encouragement by Admiral Dewey, who, of course, did not anticipate any complication, and probably never supposed Aguinaldo would at once assume an independence of American control. He has been much concerned and displeased by Aguinaldo's course of conduct, and told me several days ago that he had ceased to recognize him in any way, and had refused to any longer receive his representatives. This prayer to you to "reclaim" Admiral Dewey's protection is doubtless due to this change of attitude on the Admiral's part, who, if permitted to follow his own inclinations, will not only grant Aguinaldo no protection, but will seize his boats and launches at the first overt act.

Attention is invited to General Merritt's promise (page —), made known to Aguinaldo by me verbally, namely, that in the event of the United States withdrawing from these islands, care would be taken to leave Aguinaldo in as good condition as he was found by the forces of the Government. From a remark the general made to me I inferred he intended to interpret the expression "forces of the Government" to mean the naval forces, should future contingencies necessitate such an interpretation. At the time of the entry of the American forces into Manila, which was accomplished without assistance from the insurgents being either needed, requested, received, or desired, the insurgents held the following lines: Joining onto the American trenches facing Mytubig (the Indian name for the locality at the south end of Malate,

in the vicinity of the old fort and bridge), their trenches extended in a large circle around and outside of the Spanish line of blockhouses.

The Spanish held Santa Ana, Concordia, Paco, Cingalon, and Malate; then the line dropped back to blockhouse No. 8, to Macleod's house in Santa Mesa, and continued on around to the bay at Bancu Say, including within it all the suburbs on the northern side of Manila. The lines are indicated in map accompanying my report of July 27. Paranaque, Pasay, San Pedro Macati-Mandaloian, Pasig, Guadalupe, Partero Santalon (where is situated the pumping station), San Juan del Monte (where the reservoir is located), Kabao, Santol, San Francisco del Monte, Caloocan, and Malaben are the villages, towns, and places (immediately in rear of the insurgent trenches and positions) where the insurgent forces were generally located.

After our entry to the city they all advanced their positions and encroached upon our outposts without anyone's authority or permission save their own, and in the face of repeated objections on the part of General Merritt. They can lay no just claim to having conquered from the Spanish the positions now held, except those at the pumping station and reservoir. Prior to the 13th of August they had for weeks been straining every resource in an effort to capture Manila without the assistance of Americans, and before they got ready, without making the slightest progress. Of course, they could never have made the progress they did in investing the city had it not been for the destruction of the Spanish fleet by Admiral Dewey; but they did do much hard fighting and did drive the Spanish from positions in the provinces immediately surrounding Manila into the confines of the city itself. This credit they are entitled to.

[From report prepared by Maj. Gen. F. V. Greene for information of Peace Commissioners.]

The day of reckoning for three centuries of this sort of government came when Admiral Dewey destroyed the Spanish squadron on May 1, 1898. An insurrection had been in progress from August, 1896, to December, 1897. Unable to suppress it, the Government made a written treaty with the insurgent leaders, paying them a large sum of money and promising to introduce various reforms on condition that they would leave the country. Hardly had the Spanish officials recovered from this when the appalling disaster of the destruction of their fleet occurred under their very eyes.

Then followed in rapid succession the naval blockade, the arrival of the insurgent leaders from Hongkong, the raising of an insurgent army, which blockaded Manila on the land side, and finally the American troops. At the end of one hundred and four days after the destruction of the Spanish fleet the city surrendered to a combined land and naval attack of the American forces.

* * * * * * *

The Spanish officials have intense fear of the insurgents, and the latter hate them, as well as the friars, with a virulence that can hardly be described. They have fought them with success and almost without interruption for two years, and they will continue to fight them with increased vigor and still greater prospects of success if any attempt is made to restore the Spanish government. In its present disorganized condition the Spanish Government could not successfully cope with them; on the other hand, it would not surrender to them. The result, therefore, of an attempted restoration of Spanish power in any of the islands would simply be civil war and anarchy, leading inevitably and speedily to intervention by foreign nations whose subjects have property in the islands which they would not allow to be destroyed.

Insurgent troops.—It is very difficult to give exact figures for the numbers of insurgent troops. In his message to foreign governments of August 6, asking for recognition of belligerency and independence, Aguinaldo claims to have a force of 30,000 men, organized into a regular army. This included the force in the provinces of Luzon outside of Manila. What was in evidence around Manila varied from 10,000 to 15,000. They were composed of young men and boys, some as young as 15 years of age, recruited in the rural districts, having no property and nothing to lose in a civil war. They have received no pay, and although Aguinaldo speaks in his proclamation of his intention and ability to maintain order wherever his forces penetrate, yet the feeling is practically universal among the rank and file that they are to be compensated for their time and services and hardships by looting Manila.

Their equipment consists of a gun, bayonet, and cartridge box; their uniform of a straw hat, gingham shirt and trousers, and bare feet; their transportation of a few ponies and carts, impressed for a day or a week at a time; for quarters they have taken the public building in each village or pueblo, locally known as the Tribunal, and the churches and convents. From these, details are sent out to man the trenches. Their food while on duty consists of rice and banana leaves, cooked at the quarters and sent out to the trenches. After a few days or a week of active service they return to their homes to feed up or to work on their farms, their places being taken by others, to whom they turn over their guns and cartridges.

Their arms have been obtained from various sources—from purchases in Hongkong; from the supply which Admiral Dewey found in the arsenal at Cavite; from capture made from the Spaniards. They are partly Mausers and partly Remingtons. Their ammunition was obtained in the same way. They have used it freely, and the supply is now rather short. To replenish it they have established a cartridge factory at the village of Imus, about 10 miles south of Cavite, where they have 400 people engaged in reloading cartridges with powder and lead found at Cavite or purchased abroad. They have no artillery, except a few antique columbiads obtained from Cavite, and no cavalry. Their method of warfare is to dig a trench in front of the Spanish position, cover it with mats as a protection against the sun and rain, and during the night put their guns on top of the trench above their heads and fire in the general direction of the enemy. When their ammunition is exhausted, they go off in a body to get a fresh supply in baskets, and then return to the trenches.

The men are of small stature, from 5 feet to 5 feet 6 inches in height, and weigh from 110 to 130 pounds. Compared with them, our men from Colorado and California seemed like a race of giants. One afternoon, just as we entered Manila, a battalion of the insurgents fired upon the outposts of the Colorado regiment, mistaking them, as they claimed, for Spaniards. The outpost retreated to their support and the Filipinos followed; they easily fell into an ambush, and the support, numbering about 80 men, surrounded the 250 Filipinos, wrenched the guns out of their hands, and marched them off as unarmed prisoners, all in the space of a few minutes. Such a force can hardly be called an army, and yet the service which it has rendered should not be underestimated. Between 2,000 and 3,000 Spanish native troops surrendered to it during the months of June and July. It constantly annoyed and harassed the Spaniards in the trenches, keeping them up at night and wearing them out with fatigue; and it invested Manila early in July so completely that all supplies were cut off and the inhabitants, as well as the Spanish troops, were forced to live on horse and buffalo meat, and the Chinese population on cats and dogs. It captured the waterworks of Manila and cut off the water supply, and if it had been in the dry season, would have inflicted great suffering on the inhabitants for lack of water.

These results, it is true, were obtained against a dispirited army containing a considerable number of native troops of doubtful loyalty. Yet from August, 1896, to April, 1897, they fought 25,000 of the best regular troops sent out from Spain, inflicting on them a loss of over 150 officers and 2,500 men killed and wounded, and they suffered still greater losses themselves. Nevertheless, from daily contact with them for six weeks, I am very confident that no such results could have been obtained against an American army, which would have driven them back to the hills and reduced them to a petty guerrilla warfare. If they attack the American army this will certainly be the result; and while these guerrilla bands might give some trouble so long as their ammunition lasted, yet with our navy guarding the coasts and our army pursuing them on land, it would not be long before they were reduced to subjection.

Insurgent civil administration.—In August, 1896, an insurrection broke out in Cavite under the leadership of Emilio Aguinaldo, and soon spread to other provinces on both sides of Manila. It continued with varying successes on both sides, and the trial and execution of numerous insurgents, until December, 1897, when the governor-general, Primo de Rivera, entered into written agreement with Aguinaldo, the substance of the document, which is in possession of Señor Felipe Agoncillo, who accompanies me to Washington, being attached hereto and marked "A." In brief, it required that Aguinaldo and the other insurgent leaders should leave the country, the Government agreeing to pay them $800,000 in silver and promising to introduce numerous reforms, including representation in the Spanish Cortes, freedom of the press, general amnesty for all insurgents, and the expulsion of secularization of the monastic orders.

Aguinaldo and his associates went to Hongkong and Singapore. A portion of the money ($400,000) was deposited in banks at Hongkong, and a lawsuit soon arose between Aguinaldo and one of his subordinate chiefs named Artacho, which is interesting on account of the very honorable position taken by Aguinaldo. Artacho sued for a division of the money among the insurgents according to rank. Aguinaldo claimed that the money was a trust fund, and was to remain on deposit until it was seen whether the Spaniards would carry out their promised reforms, and if they failed to do so it was to be used to defray the expenses of a new insurrection. The suit was settled out of court by paying Artacho $5,000.

No steps have been taken to introduce the reforms, more than 2,000 insurgents, who had been deported to Fernando Po and other places, are still in confinement, and Aguinaldo is now using the money to carry on the operations of the present insurrection.

On the 24th day of April Aguinaldo met the United States consul and others at Singapore and offered to begin a new insurrection in conjunction with the operations of the United States Navy at Manila. This was telegraphed to Admiral Dewey, and by his consent, or at his request, Aguinaldo left Singapore for Hongkong on April 26; and when the *McCulloch* went to Hongkong early in May to carry the news of Admiral Dewey's victory it took Aguinaldo and 17 other revolutionary chiefs on board and brought them to Manila Bay. They soon after landed at Cavite, and the Admiral allowed them to take such guns, ammunition, and stores as he did not require for himself. With these, and some other arms which he had brought from Hongkong, Aguinaldo armed his followers, who rapidly assembled at Cavite, and in a few weeks he began moving against the Spaniards. Part of them surrendered, giving him more arms, and the others retreated to Manila.

Soon afterwards two ships, which were the private property of Senor Agoncillo and other insurgent sympathizers, were converted into cruisers and sent with insurgent troops to Subig Bay and other places to capture provinces outside of Manila. They were very successful, the native militia in Spanish service capitulating with their arms in nearly every case without serious resistance. On the 18th of June Aguinaldo issued a proclamation from Cavite establishing a dictatorial government, with himself as dictator. In each village or pueblo a chief (jefe) was to be elected, and in each ward a headman (cabeza); also in each pueblo 3 delegates—1 of police, 1 of justice, and 1 of taxes. These were to constitute the junta or assembly, and after consulting the junta the chiefs of pueblos were to elect a chief of province and 3 councillors—1 of police, 1 of justice, and 1 of taxes. They were also to elect one or more representatives from each province to form the revolutionary congress.

This was followed on June 20 by a decree giving more detailed instructions in regard to the elections. On June 23 another decree followed changing the title of the government from dictatorial to revolutionary, and of the chief officer from dictator to president; announcing a cabinet, with a minister of foreign affairs, marine, and commerce, another of war and public works, another of police and internal order, justice, instruction, and hygiene, and another of taxes, agriculture, and manufactures; the powers of the president and congress were defined, and a code of military justice was formulated.

On the same date a manifesto was issued to the world explaining the reasons and purposes of the revolution. On June 27 another decree was issued containing instructions in regard to elections. On August 6 an address was issued to foreign governments stating that the revolutionary government was in operation and control in 15 provinces, and that in response to the petition of the duly elected chiefs of these provinces an appeal is made for recognition of belligerency and independence. Translations of these various documents are all appended, marked B, C, D, E, F, G, and H.

* * * * * * *

Congress was to hold its first session at Malolos about September 20.

While this scheme of government is a pure despotism, yet it claims to be only temporary and intended to "prepare the country so that a true republic may be established." It also provides a rude form of governmental machinery for managing the affairs of the provinces. To what extent it has actually gone into operation it is difficult to say. Aguinaldo claims in his address of August 6 that it is in force in 15 provinces whose aggregate population is about 2,000,000. They include the island of Mindoro and about one-half of Luzon. None of these except Cavite have yet been visited by Americans, and all communication with them by the Spanish Government at Manila has been cut off since May 1.

In the province of Cavite and that portion of the province of Manila outside of the city and its suburbs which was occupied by the insurgent troops, as well as those of the United States, their military forces, military headquarters, etc., were very much in evidence, occupying the principal houses and churches in every village and hamlet; but there were no signs of civil government or administration. It was reported, however, that Aguinaldo's agents were levying taxes or forced contributions not only in the outside villages, but (after we entered Manila) by means of secret agents in the market places of the city itself. At Aguinaldo's headquarters, in Bacoor, there were signs of activity and business, and it was reported that his cabinet officers were in constant session there. Aguinaldo himself never failed to claim all the prerogatives due to his alleged position as the de facto ruler of the country.

The only general officer that saw him or had any direct communication with him was General Anderson. He did much to thwart this officer in organizing a native wagon train and otherwise providing for his troops, and he went so far in a letter of July 23 (copy herewith, marked "J") as to warn General Anderson not to land American troops on Philippine soil without his consent—a notice which it is hardly necessary to say was ignored. The day before the attack on Manila he sent staff officers to the same general asking for our plans of attack so that their troops could enter Manila with us. The

same request had previously been made to me by one of his brigade commanders, to which I replied that I was not authorized to give the information desired.

Aguinaldo did not call upon General Merritt on his arrival, and this enabled the latter to avoid any communication with him, either direct or indirect, until after Manila had been taken. General Merritt then received one of Aguinaldo's staff officers in his office as military governor. The interview lasted more than an hour. General Merritt referred to his proclamation as showing the conditions under which the American troops had come to Manila and the nature of the military government which would be maintained until further orders from Washington. He agreed upon the lines outside of the city of Manila up to which the insurgent troops could come, but no farther, with arms in their hands; he asked for possession of the waterworks, which was given; and while expressing our friendship and sympathy for the Philippine people, he stated very positively that the United States Government had placed at his disposal an ample force for carrying out his instructions, and even if the services of Aguinaldo's forces had been needed as allies he should not have felt at liberty to accept them.

The problem of how to deal with Aguinaldo's government and troops will necessarily be accompanied with embarrassment and diffulty, and will require much tact and skill in its solution. The United States Government, through its naval commander, has to some extent made use of them for a distinct military purpose, viz, to harass and annoy the Spanish troops, to wear them out in the trenches, to blockade Manila on the land side, and to do as much damage as possible to the Spanish Government prior to the arrival of our troops; and for this purpose the admiral allowed them to take arms and munitions which he had captured at Cavite and their ships to pass in and out of Manila Bay in their expeditions against other provinces. But the admiral has been very careful to give Aguinaldo no assurances of recognition and no pledges or promises of any description. The services which Aguinaldo and his adherents rendered in preparing the way for attack on Manila are certainly entitled to consideration; but, after all, they were small in comparison with what was done by our own fleet and army.

[From testimony of Maj. Gen. Charles A. Whittier before Peace Commission at Paris.]

Examination by Mr. Day:

Q. Please state your name, the length of time you have been at Manila, and the opportunities you have had for observation there.

A. Charles A. Whittier, brigadier-general, United States Volunteers. I left San Francisco on June 28 last and went to Honolulu, which I left on July 8, and arrived at Manila on July 25. Remained in the harbor meeting the merchants, who came out to the ship as frequently as they could, until a prohibition was put on their frequent visits.

Officers constantly came aboard of our ship on the way to and from camp and reported the different stories about the conduct of the insurgents and the Spaniards, and of the small engagements occurring, different evenings. After communications addressed by Admiral Dewey and General Merritt to the acting captain-general, asking him to remove his noncombatants, and next demanding the surrender of the city, which requests were both denied the Belgian consul, as a semiintermediary, came repeatedly to Dewey and proposed different methods of giving up the city after we had made an attack, which, he said, was necessary to satisfy the Spanish honor. So the guns opened on August 13, and after the white flag was shown I was sent, in company with Lieutenant Brumby, on the launch of the Belgian consul to receive the surrender.

We landed by a stone pier running out into the water, which was rough and getting rougher, but we got ashore very comfortably at about noon, much better than those who went later in the afternoon. Two carriages awaited us, and an interpreter by the name of Carlos Casademunt, together with Colonel of the Staff Don Jose M. Olaguer and Captain of Artillery Don Francisco Chavairi, who also spoke English, conducted us to the house of the captain-general, where we found about 40 officers awaiting us. They had a number of pages of stipulations, to two of which I could not consent, being that their arms should be given to them and the army sent back to Spain, though I think now it would have been wise to do so.

Admiral Montojo, who had commanded their vessels in the fight, was there, and seemed to have his wits about him better than the rest. I think the captain-general was much frightened. He reported in great trepidation that the insurgents were coming into the city, and I said that I knew that that was impossible, because such precautions had been taken as rendered it so. The subject had been broached two days before and all the arrangements had been made. A little later they said that our people were on the front of the city, the corner of the walled city, and were firing there. I wrote a letter to the commander of the troops, who turned out to be General Greene, and asked that the firing should be suspended, which it was, and Brumby returned to Admiral Dewey.

Going through the city we passed perhaps 1,500 Spaniards, with rude, old-fashioned artillery, and the men looked very well, infinitely better than the Southerners did at the surrender of our other war. I wrote a note to General Merritt asking him to come to the city. They said that the town hall, their hotel de ville, or the ayuntamiento, was the best place for headquarters. We adjourned there, and I asked them to deposit their arms in the courtyard, to which they demurred, saying that it was not yet a formal surrender, but they did stack them, and I went down to meet Merritt, missed him, and when he arrived he found about 3,000 people there with arms. About 9 o'clock a memorandum was made of the surrender, and the next day General Greene, Captain Lamberton of the Navy, Colonel Crowder, and myself were on the commission for the terms of surrender.

After that I made it a point to know all the merchants in the town. I knew all the English, the principal traders there. The only Americans in the place were Mr. Daland, a custom-house broker, and a Mr. Russell, whose father was an American; he is now connected with one of the leading firms. I went over the line of the only railroad in the Philippines, leaving on Saturday morning and going up 120 miles through the rice fields, a country of marvelous and most extraordinary fertility.

The next morning we started out early and went up to Dagupan Bay, the terminus of the road, that little niche on the left [indicated on the map]. We found about 300 insurgents in the cars, who were going down to some points on the line. They said they had been up at Vigan, where the Spaniards had a custom-house, and had been driven out. This station was all battered to pieces by the Spaniards in some previous engagement.

Mr. Gray:

Q. What sort of looking people are the insurgents?

A. They are somewhat undersized, are fairly good in appearance, are brave, will stand any amount of hunger and hardship, and, well led, would be very good soldiers.

* * * * * * *

Aguinaldo went to Cavite, under the permission of Admiral Dewey, in reply to a telegram sent by Spencer Pratt, esq., our consul-general at Singapore, who offered that chief money for his expenses. The offer was declined. After arrival (on one of our ships) he went ashore, accompanied by 13 staff officers, to organize his army; but no adherents appeared the first day, and Aguinaldo, rather discouraged, meditated returning to Hongkong.

I think Dewey advised him to make another effort, at the same time saying that he must leave the public buildings at Cavite, where he had made his headquarters. Soon, from across the bay and from all sides, men gathered. The fact that Dewey permitted the armed men to move from the surrounding districts and for the rebels to take arms (not many, says the Admiral) in the arsenal was the only help we gave him, excepting, of course, the most important destruction of the Spanish navy. From that time the military operations and the conduct of the insurgents have been most creditable. Positions taken and the movements of troops show great ability on the part of some leader—I do not say it was necessarily Aguinaldo, but he gave the directions.

The Chairman:

Q. How many men did he get together?

A. His forces went around the city, taking the waterworks and the north part of the city and running up the railroad. I asked that question of several, and the opinions differed widely—all the way from 8,000 to 30,000 or 40,000 men.

Q. Do you think he had as many as 8,000 men before the surrender?

A. Yes, sir; the environment of the city took a great many men. There is a vast extent of country there, including the waterworks and running around the city, and they certainly had to have more than that to do so.

Q. How many arms did Dewey turn over to them?

A. I never knew exactly. I asked him that question, and he said a very few.

Q. Where did they get the rest of their arms?

A. Some captured from the Spanish, some brought to him by deserters, and there were some shipments of arms from Hongkong—I believe Americans brought them in—and they have lately taken some to Batangas, in the southern part, and have taken some new Maxim guns in there, too.

Mr. Gray:

Q. To the insurgents?

A. Yes.

Q. Since the capitulation?

A. Yes; they changed the name of a vessel and used it. She had had a Luzon name, the *Pasig*, and they changed it to the *Abby*. Dewey sent down and seized the boat, and the insurgents followed to Manila Bay, hoping to reclaim it. In other respects their demands, from their point of view, have not been unreasonable, and show a proper appreciation of the status.

STATEMENT RESUMED.

The day after the surrender (August 13) four representatives of Aguinaldo called on General Merritt, who assured them in general terms that "we are the friends of the Filipinos." At that time they occupied a portion of Manila. We soon demanded that they should give that up, to which Aguinaldo's representative agreed, but in seeking confirmation from him the condition was made that in case we gave up the country they should be restored to the positions then occupied and which they had taken greatly by their own merits. However, matters have been amicably settled. Aguinaldo's headquarters are at Malolos, 23 miles up the railroad. His troops control all the settled part of the island (except Manila), as well as much of the southern country.

The Chairman:

Q. What do you mean by the "southern country"—those islands below?

A. Yes.

Their conduct to their Spanish prisoners has been deserving of the praise of all the world. With hatred of priests and Spaniards, fairly held on account of the conditions before narrated, and with every justification to a savage mind for the most brutal revenge, I have heard no instance of torture, murder, or brutality since we have been in the country.

The Chairman:

Q. Did you ever talk with Admiral Dewey about his relations with Aguinaldo?

A. Yes, sir. He read me a copy of his dispatch in answer to the one in which he is asked the question whether he had made any promises, and he said he had not. Aguinaldo went down with his concurrence, without doubt, and the Admiral allowed armed people to cross the bay and join him and made no remonstrance.

Q. Did he furnish him any arms?

A. He says not, except the few furnished them from Cavite. Foreman, in his article, makes the statement that he has a treaty with Aguinaldo, and I went one morning and left the article with the Admiral to read, and he said it was not true.

Q. This relation—whatever Admiral Dewey did—took place before he got the dispatch of inquiry from the Navy Department—some time before?

A. Yes.

Q. How far does the Admiral say he encouraged Aguinaldo?

A. I do not think he says he gave him any encouragement, except that he rather dissuaded him from returning to Hongkong when he was discouraged.

Q. Did you get that statement from Dewey?

A. Yes. Aguinaldo was rather discouraged when any of the people failed to come to his banner on the first day. That dispatch also included a statement that he knew well the Filipinos and the Cubans, and that the Filipinos were a far superior people—I think that was in that dispatch; it was in one.

Mr. FRYE:

Q. Were they of material assistance to us?

A. Very great. If the protocol had not been signed I think the Spanish at home would have insisted upon their army doing something. They dismissed Augustin because he was not disposed to fight, and I think if they had not had this experience of having been driven back into the city and the water cut off, so even that Jaudenes said he could not remove his noncombatants, the Government would have insisted on his making a fight, and he could have made a very good one, for his position was strong, if they had any fight in them at all. But every place had been taken from them by the Filipinos, who managed their advances and occupation of the country in an able manner.

The Chairman:

Q. The insurrection had been ended in December, 1897, by an arrangement under which money was paid in Hongkong and certain reforms promised. Were these promises ever carried out?

A. Not at all, and Primo de Rivera stated lately in the Cortes that he never made any. I was surprised at reading that statement.

STATEMENT RESUMED.

I talked with Spanish prisoners at Tarlac, an important military station on the line of the railroad, and they said that they had had good treatment only. The wives of two officers had lately visited their husbands in jail (one at Dagupan, 123 miles north) and gave same testimony.

Aguinaldo, in a letter of August 1 to our late consul at Manila, Mr. Williams, said: "Say to the Government at Washington that the Filipino people

abominate savagery; that in the midst of their past misfortunes they have learned to love liberty, order, justice, and civil life." I believe the natives to be brave (under good leadership), most tolerant of fatigue and hunger, and amenable to command and discipline, if justice and fair dealing rule. They are very temperate, as most of the natives of the East are. I have never seen a drunken one, and this with the example of our soldiers, whom they imitate in everything else; very quiet, no loud quarrels, very good house servants and cooks.

[From testimony of Maj. Gen. Wesley Merritt before Peace Commission at Paris.]

General MERRITT. With reference to the last letter read, that letter and one other letter received from Aguinaldo, which has been mislaid and which I can not reproduce, I made no reply to, except to tell him he must withdraw his forces outside those limits.

The commission he refers to was brought to me by General Anderson. He asked me if I would talk to them, and I said I would. It was a few days after the surrender, and I received them at my headquarters in Manila, and they agreed the insurgents should withdraw outside any lines I might designate. I detailed two officers, General Greene and General MacArthur, to designate a line in red pencil, and gave it to them on a map, and told them I should insist on the withdrawal of his troops. It took in part of the lines Aguinaldo's troops had occupied previous to our getting there, but it was necessary to enforce a proper status between the insurgents and our own forces and to keep them out of Manila.

Before that time, rather early after my arrival there at Manila, I had telegraphed to the War Department of the possible trouble that might arise with the insurgents, and asked for instructions as to whether I should consider them as enemies and treat them accordingly in such case. To that request I had no reply, and the consequence was I had to mix diplomacy with force in order to avoid a tilt with them. I knew, if bloodshed was once had, that would be the end of an amicable status there, and to that end I was careful only to enforce that which was proper and which I conceived must be executed in order to have my troops fully occupy the ground we had taken. In his letters to General Anderson he speaks of concessions they made there in the occupation of lines. They did.

I told General Greene—gave him the instructions—to try to get these positions by an amicable arrangement if possible, but, if necessary, to report the fact to me, and I should use force to secure them. At the time I went there I found we had no lines, no base upon which to approach Manila. The insurgents had their pickets to the front of ours, and our main guard was in the rear of their main guard, and I gave General Greene orders to change that status, which he did, and purely by arrangement with that general of whom Major Bell speaks as being a very sensible fellow and a good fellow. It appears, when the request was made of him, he corresponded with Aguinaldo, and the latter agreed to it.

[Telegram.]

CAMP DEWEY, *near Manila, 8—10—'98.*

Gen. EMILIO AGUINALDO,
Commanding Filipino Forces, Bacoor:

Will your excellency consent to my occupation of the intrenchment facing Blockhouse No. 14, on the road from Pasay to Cingalon? Our object is to place artillery to destroy the blockhouse. If you consent, please issue necessary orders to-night. I shall highly appreciate a prompt reply.

THOMAS M. ANDERSON,
Brigadier-General, Commanding Division.

[Telegram.]

BACOOR, *August 10, 1898.*

Brig. Gen. THOMAS M. ANDERSON, U. S. V.,
Camp Dewey.

SIR: Replying to your note of this date, in which you ask me the occupation by your troops of the intrenchments facing Blockhouse No. 14 only, on the road from Pasay to Cingalon, I have the pleasure to tell you that I [am] giving the necessary orders so that your troops may occupy the mentioned intrenchments, and my troops will pass to the immediate intrenchments or to any other place where they think convenient to intrench themselves.

I remain, most respectfully, yours,

E. AGUINALDO.

[Telegram.]

MANILA, P. I., *August 13, 1898.*

General AGUINALDO,
General in Chief, Filipino Forces:

Serious trouble threatening between our forces. Try and prevent it. Your forces should not force themselves in the city until we have received the full surrender. Then we will negotiate with you.

ANDERSON.

[Most urgent—Pineda received from Bacoor 10.50 a. m., 13th.]

General Aguinaldo, Ermita, president of revolutionary government, to General Anderson, Ermita.

I received a telegram. My interpreter is in Cavite. In consequence of this I have not answered until now. My troops are forced by yours, by means of threats of violence, to retire from positions taken. It is necessary to avoid conflict, which I should lament, that you order your troops that they avoid difficulty with mine, as until now they have conducted themselves as brothers to take Manila. I have given strict orders to my chiefs that they preserve strict respect to American forces and to aid them in case they are attacked by a common enemy.

I do not doubt that the good relations and friendship which unite us will be continued if your soldiers correspond to the conduct imposed upon mine.

E. AGUINALDO.

[Memoranda, without date, in General Anderson's handwriting.]

If you apparently have been treated harshly, it is from military necessity and not for want of confidence. We had to take Manila to effect the purpose of our war.

While we may admit the justice of your insurrection, to prevent all possible complications, still it is thought judicious and necessary to have only one army in Manila at once.

[In General Merritt's handwriting.]

The Government of the United States, you may be assured, which as its agent I can make no promises, will deal fairly with the Filipinos, but we must now insist, for the good of all, there shall be no joint occupation of Manila.

NOTE.—This is apparently the draft of a telegram sent in reply to General Aguinaldo's message, dated 10.50 a. m., August 13, and marked "Most urgent."

[Extracts from Document No. 66, Fifty-sixth Congress, first session, said document consisting of an official report by W. B. Wilcox, paymaster, United States Navy, and Leonard R. Sargent, naval cadet, United States Navy, made to Admiral George Dewey concerning information gathered in the island of Luzon, and of magazine articles published by those officers at a later period, concerning the same matter.]

[From the Outlook, September 2, 1899.]

THE BACKWOODS FILIPINO.

[By Leonard R. Sargent.]

It has been my privilege to have been intimately associated with the Filipino people for a short time at a most interesting period of their history. With the permission of Admiral Dewey, I spent the greater part of the months of October and November of 1898, in company with Paymaster W. B. Wilcox, United States Navy, in the interior of the northern part of the island of Luzon. It will be remembered that at that date the United States had not yet announced its policy with regard to the Philippines. The terms of the treaty with Spain were being negotiated by our commissioners at Paris, and the fate of the islands hung in the balance. In the meantime the native population, taking matters into their own hands, had declared their independence from all foreign jurisdiction and had set up a provisional government, with Aguinaldo at its head.

Although this government has never been recognized, and in all probability will go out of existence without recognition, yet it can not be denied that, in a region occupied by many millions of inhabitants, for nearly six months it stood alone between anarchy and order. The military forces of the United States held control anly in Manila, with its environs, and in Cavite, and had no authority to proceed further; while in the vast remaining districts the representatives of the only other recognized power on the field were prisoners in the hands of their despised subjects. It was the opinion at Manila during this anomalous period in our Philippine relations, and possibly in the United States as well, that such a state of affairs must breed something akin to anarchy.

I can state unreservedly, however, that Mr. Wilcox and I found the existing conditions to be much at variance with this opinion. During our absence from Manila we traveled more than 600 miles in a very comprehensive circuit through the northern part of the island of Luzon, traversing a characteristic and important district. In this way we visited seven provinces, of which some were under the immediate control of the central government at Malolos, while others were remotely situated, separated from each other and from the seat of government by natural divisions of land, and accessible only by lengthy and arduous travel. As a tribute to the efficiency of Aguinaldo's government and to the law-abiding character of his subjects, I offer the fact that Mr. Wilcox and I pursued our journey throughout in perfect security, and returned to Manila with only the most pleasing recollections of the quiet and orderly life which we found the natives to be leading under the new régime.

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Our entertainment in the different towns varied according to the facilities at hand; but in all cases music was a leading feature. In the absence of all accessories the village band would be called into the building in which we were received and would play tune after tune well on into the night, while we conversed at our ease with the village fathers. At the little village of Cordon, which has a population of only a few hundred, we passed one of the pleasantest evenings of our journey. In this instance four accomplished little girls gave the entertainment its particular charm. Soon after our arrival the entire village trooped into the large room of the public building that had been turned over to our party. The floor was cleared for a dance, and the band commenced with a waltz. After the waltz was finished two of the little girls danced a minuet and sang a very pretty dialogue accompaniment. The movement of the minuet was very slow and stately, and the little dancers went through it with charming effect.

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We spent three days at Ilagan, and I think that it was here that we were brought into closest touch with the Filipino character. The cultured class, which I have spoken of before, was strongly in evidence, and I think that before leaving we had discussed views with nearly every member of it. They all realized that they were passing through a crucial period in the history of their people, and young and old were eager to acquire all possible knowledge that might assist them to think clearly at this crisis. Their realization of the gravity of their position did not, however, rob their character of its natural gayety, nor make them forget their duty as hosts. On the evening following our arrival a ball was given in our honor, which was attended by all the élite of the town.

There were present about 50 young women and twice that number of men. All were dressed in European fashion. The girls were pleasant and intelligent; the men comported themselves in all respects like gentlemen. It was hard to realize that we were in the very heart of a country generally supposed to be given up to semisavages. At intervals between dances many songs were sung, usually by one or two of the guests, while all frequently joined in the chorus. The national hymn was repeated several times with great enthusiasm. The ball lasted until nearly 3 o'clock in the morning, and broke up with good feeling at its height.

On the second evening we were invited to attend the theater, where two one-act Spanish plays were presented by the young society people of the town. The theater itself had been constructed by the villagers only a few weeks before. It was a large bamboo structure, one end of which was used as the village market, while the stage occupied the other end. The stage arrangements were good; curtain, side scenes, and footlights all en règle. In the performance of the play we saw our friends—these typical young Filipinos—in a light in which very few of our nation have had an opportunity to view them. They comported themselves with credit in a position where humor, intelligence, and artistic ability were the requisites of success.

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There was one form of hospitality which we met both at Ilagan and at Caparri that we would gladly have avoided. I still shudder when I recall the stupendous dinners that were spread before us night after night. The Filipinos pride themselves on their cookery, and it is indeed excellent. There could be no cause for complaint on that score. There is never any suspicion of the greasy and garlicky flavor to the food that characterizes a Spanish meal. Our host at Ilagan employed three cooks, each of whom in turn officiated at the preparation of one of the three dinners which we ate in that town. It is impossible to say which one deserved the palm. The shortest of the three dinners numbered fifteen courses and seemed interminable. In addition to fish, rice, chickens, and other domestic products of the country, there were served game of many sorts, including doves, snipes, deer, mountain buffalo, and boar. It was astonishing how many of the dishes were "coniida del pais," and must be sampled by the visitors to secure a just conception of the Filipino talent in matters of the palate. We felt on leaving the table as if the horn of plenty had been thrust against our lips and its contents to the last crumb forced down our unwilling throats.

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We no longer passed from town to town through unsettled stretches of country. The fields on both sides of the road were under cultivation and

were dotted with laborers, while on the road itself there were always many travelers. The laborers in the fields worked in the shade of large screens of nipa leaves, which they carried with them from place to place.

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At a town in Isabella my attention was drawn to a number of young girls returning from their first communion. They were clothed in dresses of pure white, and long veils hung chastely down below their shoulders.

I drank in the details of the picture with delight until I came to the thick haze that overhung it. Through the meshes of each veil a tube of tobacco was thrust, and every pair of dainty lips gave its continual contribution to the cloud of smoke that dwelt around the little group like a halo of universal sanction.

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Out of respect to the statements of other people which the narrative of my experience may seem to contradict, I wish to say that I have found the native of the interior of Luzon an astonishingly different character from the one ordinarily met in Manila. Previous to my journey I regarded those whom I had encountered in that city with great dislike, and after my return I was unable to overcome that feeling. They are not a fair sample of the race, and I can not expect anyone who has formed his judgment on the subject merely from observations of that type to express an opinion similar to mine as recorded above.

THE MILITARY FILIPINO.

[From The Outlook, September 23, 1899.]

[By Leonard R. Sargent.]

The provisional government which assumed control of Filipino affairs at Luzon Island after the downfall of the Spanish power was a military one. The president of the so-called republic was general of the army and had at his command all the forces of the state, while military officers filled the high positions throughout the provinces. It was continually asserted by those in power that this disposition of the control of affairs had been resorted to merely to tide over the existing emergency, and that it should continue only until the establishment of a permanent peace.

As long as it remained in force, however, the concentration of power was absolute, and, moreover, no change of government could be contemplated without the cooperation of the controlling class. In the event of peace the population hoped to see the reins of government placed in their hands, but if opposition were offered, they certainly had not the power to seize them. The military class controlled the situation, and with it, in great measure, the destiny of the people. Accordingly as they were actuated by motives of patriotism or of personal ambition they could, if unmolested, inaugurate a just and liberal government or they could set upon the galled shoulders of their race a yoke as cruel as that they had just cast off.

It will never be known how they would have stood this crucial test. The peace they had anticipated is further from them now than ever, and it has been decreed that a stronger power should relieve them of the responsibility of the vital decision. Yet they have not been deprived of importance. They still retain the official voice of their people, and it is with them that our nation is now at war. In view of their present preeminent in Luzon affairs, past, present, and future, some interest must attach to every observation of their character, especially to such as tend to show to what extent they represent the feelings and aspirations of the great mass of the Filipino population, and in what measure they have at heart the truest interests of their race.

The leaders of the military element have been drawn, almost without exception, from the younger generation of that enlightened class of Filipinos of which I have spoken in a previous article as existing everywhere throughout Luzon Island. They possess, of course, many qualities in common with their older kinsfolk, in whose charge they have been reared; and yet they differ from them so significantly on many points as to deserve particular attention. The characters of men are not set to such rigid lines as to remain unchanged by the sudden attainment of authority, and the Filipino, like his brother of every other land, assumes a new demeanor with his uniform of office.

Throughout the period of my association with both classes I found the distinction apparent between civilians and military officers. Had Mr. Wilcox and I been provided for our journey with the customary credentials required of travelers in that country, many of the evidences of this difference which came to our notice would have been missing. Starting without passports, however (in fact, after having been refused them by Aguinaldo), our status was such as to invite all possible arrogance on the part of the officials, while throwing the most favorable light upon the open hospitality of the citizens.

Under the circumstances, I am inclined to think that there was a surprising lack of arrogance in the attitude which the officials assumed toward us. Yet there was a dignity in their bearing, and in some cases a coldness, caused by their suspicions of the motive of our journey, which were entirely lacking in their civilian countrymen. "Armor is heavy, but it is a proud burden, and a man standeth straight in it." So these young Filipinos, vested with the authority of their office and supporting the responsibility of their duty toward the state, assumed a manlier and more independent bearing than the genial and conciliatory one of the older men.

In the opposition which they frequently offered to our plans we found much that was inconvenient, but nothing that was unreasonable from their point of view. We found them hard to cajole, or to "bluff," or to move by any means other than a fair and open statement which they could clearly understand. Before the end of the journey we came to regard the military Filipino as the only stumbling block to our progress. And yet, in spite of the annoyance he caused us and of the frequent changes in our itinerary induced by his persistent opposition, we learned to admire him far beyond his simpler and more amiable countrymen.

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At the time of our journey the patriotic enthusiasm of the population was everywhere at its height. The boast of every inhabitant was the national army whose organization was then being rapidly perfected. Commissions were eagerly sought by the young men of the higher class, and there were more volunteers for service in the ranks than could be armed or uniformed.

It was universally asserted that every preparation should be made to defend the newly won independence of the island against all foreign aggression. The older Filipinos, especially those of wealth and influence, declared their desire to give every support in their power to the cause, and were as much a part of the warlike movement as those who actually took up arms. The great majority of the latter, both officers and enlisted men, were extremely young. I have met a brigadier-general of 21 years of age, many captains of 18, and lieutenants of 15 and 16. Captain Natioidad, a particularly young officer of that rank and a member of a prominent Luzon family, explained that it was the aim of his government to rest its defense in the field in the hands of those of its supporters who were at that age that is most forcibly swayed by the love of military glory. For the desperate encounters that might await its army in the future it desired that sort of valor of which discretion is not the better part.

That the civil power should be placed in the same hands was a dangerous experiment, but at the same time a necessary one. The first object of the Filipinos had been to win their independence; the next was to defend it. For both these purposes they had need of their best fighting material, and the selection was made accordingly. The result proved more fortunate than there had been any reason to hope. While exercising absolute authority throughout the island and governing entirely by military law, the leaders of the army appeared, nevertheless, to endeavor to mete out justice to all classes alike. They continued, moreover, to assert their intention to relinquish their temporary power when the establishment of a permanent peace should make such a step possible, and gave most encouraging proof of the good faith with which they spoke.

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At Aparri we saw proof also of the extent of Aguinaldo's authority. Four natives had been tried for robbery and attempted murder and had been sentenced to death. At the time of our visit they were awaiting the arrival from Malolos of the ratification of their sentence by the president.

Everywhere we traveled the greatest loyalty toward Aguinaldo was expressed. Now, at the time of his reverses, it is possible, though I am far from convinced, that he represents but one element of his people; then, in his prosperity, he certainly represented them all—at least in northern Luzon.

At that time the enthusiasm of the people was tuned to the highest pitch. In every village every man was training in arms. Companies were formed of boys from 8 years of age upward. Wooden guns were furnished them and they were drilled systematically every day. The women also were imbued with the spirit. Many and many a time have the people of a village gathered in the large room of the "presidencia," where the paymaster and I were quartered, and put their whole hearts into the songs in which their patriotism found vent. Of these songs the national hymn was the favorite, and no one within hearing ever failed to join in the chorus:

Del sueño de tres siglos
Hermanos despertad!
Gritando, "Fuera España!
Viva la libertad!"

(From your sleep of three centuries,
Brothers, awake!
Crying, "Away with Spain!
Live liberty!")

After a delay of three days we were fortunate enough to catch a small coasting steamer, which took us around the northern end of the island and landed us on the western coast, at the northern end of the province of South Ilocos. From here we proceeded toward Manila. We wished to visit the interior provinces on this side of the island, but were prevented by the authorities. Already the hope was fading that freedom from Spain meant freedom of government. The feeling toward Americans was changing, and we saw its effect in the colder manner of the people and in their evident desire to hustle us along by the most direct road to Manila.

Although the spirit was evidently missing, we were nominally treated with every distinction. A mounted escort was furnished us, which rode ahead with guidons to clear the road.

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REPORT OF TOUR THROUGH ISLAND OF LUZON.

MANILA, P. I., *November 23, 1898.*

SIR: 1. In obedience to your order, we herewith submit a report of the tour of observation of the northern part of the island of Luzon, undertaken by your authority during a leave of absence beginning October 5, 1898.

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11. In the villages of Humingan and Lupao there are a few Spanish prisoners—priests, soldiers, and civil officials. We have seen representatives of each of these three classes in these towns. We could detect no signs of previous ill treatment nor of undue restriction. On the contrary, they appeared to possess the freedom of the town in which they lived.

12. The towns in this section are neither large nor important. Humingan, the largest, has not over two or three thousand inhabitants. The church, with the convent attached, is the largest building in each town; it is built of planed wood, whitewashed. There are three or four houses of planed wood in each town, the rest of the village consisting of grass huts. The presidente local and other local officers are native Filipinos. Most of them have received a certain amount of education at religious schools in Manila. They are intelligent men and are extremely eager to learn news from the outside world. Their knowledge of modern history and geography, however, is extremely limited, and their ignorance of current events is surprising. We brought them their first definite information with regard to Cuba and to their own present status.

One or two of them had heard of the congress at Paris, but no one had any idea as to its object, nor as to its relation to themselves. They were well grounded on only three points—the destruction of the Spanish squadron in Manila Harbor, the surrender of Manila, and the declaration by the Philippine government at Malolos of the independence of the islands and the establishment of a republican form of government, with Señor Aguinaldo as president. Even on these points the details they had received were very inaccurate. Between the towns of Rosales and Humingan there are two small villages, called barrios, varying in population from 1,000 to 3,000 inhabitants. We were thus enabled to sleep in a hut overnight, and avoid camping in the wet fields by the roadside. These barrios are under the jurisdiction of the nearest town or "pueblo."

There were soldiers in each town, but not more than 20 in any place, and there was no commissioned officer in the district. We were cordially received everywhere, not only by the heads of the town, but also by the laboring and farming people, who always saluted us in a friendly manner when we passed. On leaving each town our interpreter was presented by the presidente local with passes. These passes always included our native servants and packmen and sometimes ourselves as well. They were good only to the next town, and secured a comparatively prompt exchange of packmen. We were never allowed to take any men farther than to the next town without permanently attaching them to our party. It is the duty of the presidente local of each town to do his share in facilitating the journey of every properly accredited traveler. Usually the assistance brings him in a pecuniary return. The duty then becomes a privilege, and is very zealously guarded.

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41. At Aparri we went alongside the *Philippina* and reached the wharf by crossing this vessel. We were met on board by Commandante Leyba, military commander in the province of Cagayan. We were taken to a private house, where we were quartered during our stay at Aparri. Here we met Colonel Tirona, commander of the military district, including the provinces of Neuva Vizcaya, Isabella, and Cagayan. He welcomed us cordially and continued from that time to treat us in a very friendly manner. We remained at Aparri three days, until the departure of the steamer *Oslo*, November 9.

42. The steamer *Saturnas*, which had left the harbor the day before our arrival, brought news from Hongkong papers that the Senators from the United States at the congress at Paris favored the independence of the islands with an American protectorate. Colonel Tirona considered the information of sufficient reliability to justify him in regarding the Philippine independence as assured and warfare in the island at an end. For this reason he proceeded to relinquish the military command he held over the provinces and to place this power in the hands of a civil officer elected by the people. On the day following our arrival in Aparri the ceremony occurred which solemnized this transfer of authority in the province of Cagayan.

The presidentes locales of all the towns in the province were present at the ceremony, conducted by a native priest. After the priest had retired Colonel Tirona made a short speech, stating that, since in all probability permanent peace was at hand, it became his duty to relinquish the authority he had previously held over the province, and to place it in the hands of a civil officer elected by the people. He then handed the staff of office to the man who had been elected "jefe-provincial." This officer also made a speech, in which he thanked the disciplined military forces and their colonel for the service they had rendered the province, and assured them that the work they had begun would be perpetuated by the people of the province, where every man, woman, and child stood ready to take up arms to defend their newly won liberty, and to resist with the last drop of their blood the attempt of any nation whatever to bring them back to their former state of dependence.

His speech was very impassioned. He then knelt, placed his hand on an open Bible, and took the oath of office. He was followed by the three other officers who constitute the provincial government, the heads of the three departments—justice, police, and internal revenue. Every town in this province has this same organization. At the time of our departure Colonel Tirona planned to go within a few days to Ilagan and from there to Bayombong, repeating this ceremony in the capital city of each province.

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INTELLIGENCE AND EDUCATION OF THE NATIVES.

53. The Philippine officers, both military and civil, that we have met in all the provinces we have visited, have, with very few exceptions, been men of intelligent appearance and conversation. The same is true of all those men who form the upper class in each town. The education of most of them is limited, but they appear to seize every opportunity to improve it. They have great respect and admiration for learning. Very many of them desire to send their children to schools in the United States or Europe. Many men of importance in different towns have told us that the first use to be made of the revenues of their government, after there is no more danger of war, will be to start good schools in every village. The poorer classes are extremely ignorant on most subjects, but a large percentage of them can read and write.

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POPULAR SENTIMENT REGARDING INDEPENDENCE.

57. Of the large number of officers, civil and military, and of leading townspeople we have met, nearly every man has expressed in our presence his sentiment on this question. It is universally the same. They all declare they will accept nothing short of independence. They desire the protection of the United States at sea, but fear any interference on land. The question of the remuneration of our Government for the expense of establishing a protectorate is never touched upon. On the subject of independence there is, again, a marked difference between the four provinces first visited and those of Ilocos Sur and Union. In the former there is more enthusiasm—the sentiment is more of the people; in the latter it is more of the higher class and of the army. In these provinces we have seen signs of actual discontent with the existing state of things.

ATTITUDE TOWARD THE UNITED STATES.

58. There is much variety of feeling among the Philippines with regard to the debt of gratitude they owe to the United States. In every town we found men said that our nation had saved them from slavery, and others who claimed that without our interference their independence would have been recognized before this time. On one point they are united, however, viz, that whatever our Government may have done for them, it has not gained the right to annex them.

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With regard to the total force of the Philippine army, actual and reserve, we can not speak from our own knowledge.

Colonel Tirona claimed that 200,000 men from all the islands could be put in the field well armed; and several other officers have independently given the same figure. Every officer that we have seen carried a Spanish sword and revolver. They wear these weapons constantly, but regard them with contempt, preferring the bola at close quarters. The *Philippina*, which was at Aparri during our visit, carries two guns of a caliber of about 3 inches. These are the only guns we have seen, with the exception of two revolving cannons in the palacio at Malolos. We saw no fortifications. The Spaniards have left numerous stockades in the wilder regions, and the natives have built a few others.

There are also numerous barricades, thrown up during the insurrection. In the towns the Spaniards defended themselves in the houses for want of other protection. The military spirit pervades the eastern district, where every town and barrio has organized companies of its children, which are drilled every day. In the western districts we did not see any children under arms. The officers have had no military education except that which they gained during the insurrection. Spanish drill tactics are used, and most of the officers are still studying the elementary text-book.

Respectfully submitted.

W. B. WILCOX,
Paymaster, U. S. N.
LEONARD R. SARGENT,
Naval Cadet, U. S. N.

[Indorsement.]

FLAGSHIP OLYMPIA,
Cavite, P. I., December 1, 1898.

Approved and respectfully forwarded for the information of the Navy Department.

Especial attention is invited to this interesting and carefully prepared report, which, in my opinion, contains the most complete and reliable information obtainable in regard to the present state of the northern part of Luzon Island.

GEORGE DEWEY,
Rear-Admiral, U. S. N., Commanding Asiatic Station.

Correspondence before Iloilo, in the island of Panay.

HEADQUARTERS SEPARATE BRIGADE,
Iloilo Harbor, P. I., December 30, 1898.

COMMANDING GENERAL,
Department of the Pacific, Manila, P. I.

SIR: I have just concluded second conference with commission representing the native government at Iloilo. They submitted a communication, copy inclosed herewith.

This communication was supplemented by verbal statements that if we insisted on landing our troops, but without arms and as friends, they could not answer for the attitude of the people, but that the army would endeavor to restrain the people. If we landed in force they would not answer for the attitude of either army or people. This means, plainly, armed resistance to our landing.

A large number of native troops have been brought to the city within the past thirty-six hours. Best estimate 12,000, 2,500 of which are armed with rifles, the remainder being armed with bolos only. Their ammunition supply reported limited.

The situation is further complicated by petition of Iloilo merchants, representing the larger part of mercantile interests there, copy of which find herewith.

I understand, General, that it was at the request of many of the parties signing this petition for protection of life and property at Iloilo that this expedition was organized and dispatched to this point; that their request was largely its justification.

Their present attitude contradicts their previous petition in a measure, and as the situation, if forced by me, by a landing of United States troops, promises great loss of life among noncombatants and destruction of private property at Iloilo I have deemed it best to delay compliance with my orders for a sufficient time to communicate the above information to you and receive your instructions. I am further influenced to this delay because of the fact that before making the formidable attack upon Iloilo now necessary it would be incumbent upon me to give the usual notice looking to the removal of noncombatants to points of safety.

I entertain no doubt of my ability to take and hold Iloilo with my present force, but in view of excitement prevailing among inhabitants of the city and island, as reported to me, and the large number of people assembled in the city, it might be prudent to send an additional regiment to this point.

Two steam launches suitable for towing rowboats for use in landing troops are much needed.

Very respectfully,

M. P. MILLER,
Brigadier-General, Commanding.

[Translation of the letter from President Lopez, of the federal government of Bisayas, to General Miller.]

GENERAL: Upon the return of your commissioners last night we determined and discussed in a definite manner the situation and the attitude of this reason of Bisayas, in regard to its relations and dependence upon the central government of Luzon, and in view of what these commissioners have manifested, I have the honor to notify you that, in conjunction with the people, the army, and committee, we insist upon our pretension not to consent, in our present situation, to any foreign interference without express orders from the central government of Luzon, upon which we state once more that we depend, and with which we are one in ideas, as we have been until now in sacrifices.

Therefore, if you insist on your side upon disembarking your forces, this is our final attitde.

May God give you, etc.

Iloilo, December 30, 1898.

R. LOPEZ, *President.*
——— ———, *Vice-Secretary.*

To General MILLER.

To which General Miller replied on same date, as follows:

HEADQUARTERS FIRST SEPARATE BRIGADE,
EIGHTH ARMY CORPS,
ON BOARD TRANSPORT NEWPORT,
Iloilo Harbor, P. I., December 30, 1898.

Mr. ROQUE LOPEZ,
President Estado Federal de Bisayas, Iloilo.

SIR: I have the honor to express my regret that your committee has concluded to offer armed resistance to the occupancy of Iloilo by the United States forces at this time. I shall wait for the present in a spirit of friendship, hoping that your opinions may change after reconsideration. I will give you timely notice of my intentions.

Very respectfully,

M. P. MILLER,
Brigadier-General, U. S. V., Commanding.

On the 31st of December the president, R. Lopez, wrote a second letter couched in the following language:

General MILLER.

GENERAL: I heartily concur in your wishes, which is also ours, to arrange matters in a spirit of good friendship; but not having the power to surrender the city and the port of Iloilo, which having been taken by our forces in the name of the Filipino republic, whose central government resides in Malolos, I regret finding myself in the position of persisting in not consenting to the landing of your forces without the direct orders of the central government.

I trust that you will see the justice of our claim compacted by the will of the people explicitly declared last night at the great meeting called for the purpose.

May God give you, etc.

The president,

R. LOPEZ.

PRESIDENT'S HOUSE IN THE CITY OF JARO,
December 31, 1898.

On January 1 General Miller transmitted to Señor Lopez the instructions of His Excellency the President of the United States of December 28, relative to the administration of affairs in the Philippine Islands. In transmitting this proclamation General Miller wrote as follows:

HEADQUARTERS FIRST SEPARATE BRIGADE,
EIGHTH ARMY CORPS,
ON BOARD TRANSPORT NEWPORT,
Iloilo Harbor, January 1, 1898.

Mr. ROQUE LOPEZ, *President.*

SIR: The within cablegram from the President of the United States to the United States military governor in the Philippines, transmitted by the latter to me yesterday, is inclosed herewith for the information of your committee and of the people of Iloilo and Panay Island. Its more important statements are:

I. That the destruction of the Spanish fleet in Manila Bay and the surrender of the Spanish army of occupation to forces of the United States, followed by the signing of the treaty of peace at Paris on the 10th instant, operate to give the future control, disposition, and government of the Philippine Islands to the United States.

II. It authorizes and directs the military commander in the Philippines to extend, with all possible dispatch, the military government heretofore maintained in the city, harbor, and bay of Manila to the whole of the Philippine group.

III. It directs that the military government to be established among you shall be exerted for the security of persons and property of the people of the island and for the conformation of their private rights and relations. It announces to you that the army does not come among you as invaders and conquerors, but as friends to establish and maintain a government which will accord to the people what is the heritage of all free peoples—the full measure of individual rights and liberty.

The forces here under my command have been sent to this point for the purpose of executing the above orders. Although fully conscious of my power to occupy the city at any moment, I have, nevertheless, waited, that you might have ample time to fully deliberate upon the questions presented. As indicated in the President's cablegram under existing conditions, the people of Panay Island owe obedience to the political authority of the United States, and grave responsibilities will be incurred if, after deliberation, it is decided to resist that authority. In obedience to my instructions, and in the belief that the highest interests of the people will be served by immediate occupation by the troops under my command and the establishment of the authority of the United States, I again express the desire that the native troops be withdrawn, thus assuring the entry of the forces under my command without unusual incident or menace to life and property interests in Iloilo.

I am, very respectfully,

M. P. MILLER,
Brigadier-General, U. S. Volunteers, Commanding.

On January 9 General Miller received the following letter from Señor R. Lopez in reply to his of January 1:

General MILLER.

GENERAL: We have the high honor of having received your message, dated January 1, of this year, inclosing letter of President McKinley. We have deliberated about these points, and as a result of our deliberation we deduce an answer to one of its clauses. We are not able to enter into discussion respecting the others, because it is not in the power of this council of state.

You say in one clause of your message: "As indicated in the President's cablegram, under these conditions the inhabitants of the island of Panay ought to obey the political authority of the United States, and they will incur a grave responsibility if, after deliberating, they decide to resist said authority."

So the council of state of this region of Visayas are, at this present moment, between the authority of the United States, that you try to impose on us, and the authority of the central revolutionary government at Malolos. The supposed authority of the United States began with the treaty at Paris on the 10th of December, 1898. The authority of the central government of Malolos is founded in the sacred and natural bonds of blood, language, uses, customs, ideas, sacrifices, etc. It is also founded principally on our political constitution, which began with the insurrection, and has been manifested in all its doings, so that the authority of the government of Malolos over us began at a date long before the treaty of Paris.

Now, after consideration, please tell us with sincerity, General, what authority we should obey, whether the authority of the United States, which began with the treaty of Paris on the 10th of December, 1898, of which we do not know officially, because the revolutionary government of Malolos has not been notified, which government is based on previous conquest, anterior to the said treaty, and the natural bonds created by politics and the constitution established since the first moment of the rebellion, on the 11th of August, 1896.

After all has been said we insist in not giving our consent to the disembarkation of your troops without an express order from our central government of Malolos.

The president,

R. LOPEZ.

JARO, *January 9, 1899.*

On January 11 General Miller replied to the letter of Señor R. Lopez of the 9th, as follows:

HEADQUARTERS FIRST SEPARATE BRIGADE,
EIGHTH ARMY CORPS,
ON BOARD TRANSPORT NEWPORT,
Iloilo Harbor, P. I., January 11, 1899.

Mr. R. LOPEZ, *President Federal State of Bisayas.*

SIR: I have the honor and pleasure to acknowledge receipt of your communication of January 9, and regret very much your final conclusion does not conform to the order of the President of the United States, which announces sovereignty over all these islands. You must rest assured in the end that the sovereignty will be maintained, whatever obstructions may temporarily intervene.

The President is very desirous for the people of the Philippine Islands to accept the authority of the United States as friends and without compulsion. You asked me in your letter to tell you, in sincerity, why your people should ackowledge authority of the United States now, rather than the authority of your central government. The President's order tells why you should acknowledge the authority of the United States; that is because of the treaty of Paris, December 10, 1898. The United States, in naval and land battles in Cuba, Porto Rico, and Manila, compelled Spain to relinquish authority over the Philippine Islands to the United States.

To this end she expended millions of dollars and thousands of lives, causing first the adoption of the protocol and finally the treaty. Every nation in the world recognizes the treaty as giving to the United States the same rights in the Philippine Islands as Spain formerly possessed. These rights of our Government were duly considered at Washington prior to the President issuing his order, and, no doubt, on the best legal advice in accordance with international law. I might say that the confederation of which you claim to be a part is not now acknowledged by any nation, and its existence is only accidental as a result of the war between Spain and the United States.

Very respectfully,

M. P. MILLER,
Brigadier-General, U. S. V., Commanding.

Also as follows:

HEADQUARTERS FIRST SEPARATE BRIGADE,
EIGHTH ARMY CORPS,
ON BOARD TRANSPORT NEWPORT,
Iloilo Harbor, P. I., January 11, 1899.

Mr. R. LOPEZ, *President Federal State of Bisayas.*

SIR: I would be glad at any time to receive any of your people, and especially yourself, who wish to consult me, on board the *Newport*. They will be safe and can return at their pleasure. We are making no seizures of boats or property except that necessary to maintain our existence here on transports.

Very respectfully,

M. P. MILLER,
Brigadier-General, U. S. V., Commanding.

On the same date Acting Asst. Surg. Henry Du R. Phelan appeared before the general committee of the so-called Estado Federal de Bisayas, Iloilo, and concerning which he submits the following report:

Report of an interview between Lieut. Henry Du R. Phelan, acting assistant surgeon, Sixth Artillery, with the government of the Federal State of Bisayas.

ILOILO, *January 11, 1899.*

At the meeting were present, President Roque Lopez and Gens. Martin Delgado, Ananio Diocno, Pablo Araneta, chief of expeditionary forces from Manila, and various other military chiefs; Lawyer Raimundo Melliza; Francisco Soriano, and others.

General Miller's letter was presented and handed over to the interpreter, and also the letter of Major-General Otis, which was given by General Miller to Lieutenant Woodward to be read before the meeting. Both these letters were then read and the discussion opened. Lawyer Raimundo Melliza did most of the talking on behalf of the government, and he said in effect, replying to General Miller's letter, that all that the Americans owned was Manila. I said: "Without us you would not have accomplished any results. When the war commenced there was actually no rebellion in these islands, and you took advantage of our war and again rose in revolt. At the beginning of it your chiefs were not here, having fled the country."

The president and the lawyer denied this, saying that their chiefs had gone abroad to purchase arms, and that although they were not in actual warfare, their government was still in existence, and, in fact, they had been in constant rebellion since 1896, since Spain had never lived up to her agreement with Aguinaldo at the time of his withdrawal from the country. Referring to the sacrifices of lives and money which the United States had made in conquering this country, the lawyer said that they also had made great sacrifices in lives, and that they had a right to this country, which they had fought for, and that we are here now to take from them what they had won by fighting; that they had been our allies, and we had used them as such; and that now we are not showing them any gratitude for the help they gave us.

I replied that we both worked together and had driven the Spanish out, and that they are now getting their liberty as a result. They felt hurt about the words "the sovereignty of Spain and of the United States," which appeared in our communications, and said it was simply changing from one to another, and, while they knew the Spaniards, they did not know us. I told them that we are different from any European nation, and of an entirely different character from the Spaniards; that the people of Manila like us; that we spent a great deal of money in their city, and that business was thriving there as it had not been before.

Mr. Melliza said it would take two years for them to know us, and meanwhile we would establish a military government here, taking charge of all their offices. I replied that military occupation was a necessity for a time, and that it was customary to establish one in new possessions, and that as soon as order was assured it would be withdrawn. All that we wish now is to control the custom-house, the post-office, the captaincy of the port, and to establish good order in the city. They smiled at this and remarked: "We have fought for independence and feel that we have the power of governing and need no assistance; we are showing it now. You might inquire of the foreigners if it were not so." They inquired the meaning of the word "Territory" as differing from State. I explained to them what a Territorial and a State government was, and assured them that their liberty would be practically as great under such Territorial or State government as if they were independent, and, moreover, that they would be free from any foreign interference.

Mr. Melliza replied, smilingly: "Since you say you are so friendly and wish to grant us so much liberty, why not have us a protectorate?" I told him that I had no power to discuss that; that our order was to occupy all the islands. They stated that their orders were not to allow us to disembark, and that they were powerless to allow us to come in without express orders from their government. I asked them why they had not communicated with Aguinaldo, adding that we had waited patiently for ten days for a reply. They said it was partly our fault, because they wanted us to give them a vessel to take their commission back to Manila. I told them that we had no vessels to spare.

Mr. Francisco Soriano, one of the commissioners on the transport *Newport* with us, took the floor and said: "On Wednesday evening before Christmas General Otis promised the commission sent by him on the *Newport* that they should ask the North Americans for a steamer in case they would be unable to solve some urgent questions regarding the government of the Bisayas, in order that they might consult the central government." This promise was made known to them, according to Francisco Soriano, by Mr. John MacLeod on the morning of December 25, 1898.

I asked what proof he had to offer, as I knew nothing of this promise. He replied that he had no written proof, as the promises were made verbally. I told him that the city was in our power, and that we could destroy it at any time, but we did not wish to commit a hostile act but wanted to land as friends. Lawyer Melliza replied that he cared nothing about the city; that we could destroy it if we wished; that it was not theirs, as the foreigners owned about all the property. "We will withdraw to the mountains and repeat the North American Indian warfare. You must not forget that."

In regard to the claim that we made of the Philippine Islands by right of conquest and treaty stipulations, Lawyer Melliza said: "International law forbids a nation to make a contract in regard to taking the liberty from its colonies. Iloilo was never surrendered to you; you have no right to it. It was ceded to us by General Rios, who, upon retiring, granted us our liberty, and thus recognized our independence." I replied that whatever agreement General Rios might have made with them at the time of his withdrawal from Iloilo was illegal, as it was posterior to the treaty of Paris. Lawyer Melliza replied that they knew nothing of the treaty of Paris, as they had not received any information concerning it; that they were bound by the central government of Luzon only.

I told them that their government was not recognized by any nation; that all the world was aware of the cession of the Philippines to the United States by the treaty of Paris. He replied that it mattered not, as they now had agents in Europe seeking recognition for their government. Upon inquiring when they had last heard of Aguinaldo, Lawyer Melliza replied that they had heard from him about January 5, 1899, via Capiz; that the message had been brought by Gen. Ananio Diocno and Gen. Pablo Araneta to the effect that Aguinaldo wanted the Bisayas government not to allow the landing of American forces until an agreement had been made with him.

They then requested once more that commissioners be sent to Malolos to obtain the orders of Aguinaldo, and desired them to be sent at once. I asked Lawyer Melliza if Aguinaldo said we could occupy the city would they agree to it. He replied emphatically they would.

At the conclusion of the meeting it was said that, as this question involved the integrity of the entire republic, it could not be further discussed here, but must be referred to the Malolos government.

Correspondence before Cebu.

REPORT OF COMMANDING OFFICER SUBDISTRICT OF CEBU.

HEADQUARTERS SUBDISTRICT OF CEBU,
VISAYAN MILITARY DISTRICT, AND
FIRST SEPARATE BRIGADE, EIGHTH ARMY CORPS,
Cebu, P. I., July 28, 1899.

ACTING ADJUTANT-GENERAL,
Visayan Military District, Iloilo, P. I.

SIR: I have the honor to submit the following report:

* * * * * * *

With this additional force it was considered desirable and practicable to extend our occupation to other parts of the island. This with a view of exploding certain absurd reports in circulation among the credulous natives as to the manner of people the Americans are, as well as to carry out the general instructions to be followed in the occupation of the towns of this island, which were in each case given, and are as follows:

"Take down and keep down the insurgent flag wherever found; respect the rights of persons and property in the territory occupied; treat the inhabitants thereof with equal and exact justice, at all times tempered with kindness, with a view to establishing friendly relations between the people of this island and the United States; set a good example for the natives by enforcing strict discipline in your own command; preserve law and order, but in so doing avoid bloodshed or trouble of any kind if possible, and meet such other and future emergencies as may unexpectedly arise (and which it is impossible to anticipate, and therefore cover by specific orders) by the exercise of that God-given intelligence that an officer is presumed to possess as a prerequisite to holding a commission in the Army of the United States."

On June 16, Company I, Twenty-third United States Infantry, under command of First Lieut. F. G. Stritzinger, jr., occupied the town of San Nicolas, taking quarters in the public tribunal. The occupation of San Nicolas was consummated without trouble or disagreeable incident of any kind, and the tribunal was taken as quarters with the consent of the president of the junta popular, given at a conference with the commanding officer of this subdistrict, the former at the same time expressing the pleasure and security our occupation would give the people of his town.

On June 17 I was surprised at receiving a communication, written in Spanish, from this self-same president of San Nicolas, a translated copy of which is as follows:

"The president of this town of San Nicolas, representing all its junta popular and neighborhood, whose opinion, expressed in a mass meeting held to-day, protests to the troops of the army of occupation and before the civilized world against the act taking place to-day—of the said army placing its flag on the tribunal of this town—which (act) is coupled in no wise with those boastings of civilization in this century, called the enlightened one.

"Then, according to the protest on the occupation of the place and the city of Cebu before the intimation made by the commander of the gunboat *Petrel*, of his nation, on the 22d of February last, and by lack of elements of resistance only, there was understood in said delivery the boundary of the city, pending the events in Manila, where resides Señor Emilio Aguinaldo, only chief of state (recognized?) in this archipelago, to whose dispositions in everything these inhabitants give heed.

"If the necessity of lodging is that which has obliged said forces to occupy this town, as their commander has intimated to the undersigned president, this town, obeying the hospitable sentiments of its inhabitants, gives up its dwellings, but there being no jurisdiction of the ground occupied and given as a principle they (the forces) can not fly thereon the flag of their nation; whereby it protests against said act, contrary to international right, against the integrity of the territory.

"San Nicolas, June 16, 1899.

[Seal of junta popular.] "SANTIAGO FERRARIS."

The day following the receipt of this communication the president and his minister of justice called to advise me that the protest was filed for the sole purpose of pacifying a small and lawless element of the people of the island, who are opposed to American occupation, but whom they feared would assassinate them (the junta popular) in case they did not thus openly protest; but that, in fact, the better element of the town and island were glad of our occupation and the security it guaranteed the people in the town, and that they were delegated by the better citizens of their community to supplement the protest filed with these assurances.

Very respectfully,

THOS. R. HAMER,
Lieutenant-Colonel First Idaho Volunteer Infantry, Commanding.

In view of the verbal intimation made by the commanding officer of the U. S. S. *Petrel*, of the United States squadron, to this government, demanding the surrender of the garrison and city of Cebu, to be accompanied by the hoisting of the American flag in the peremptory term of fourteen hours, the assemblee magna, convoked for its consideration, and the members of which are representative of all the vital forces of the country, agreed unanimously to accede to said demand in view of the superiority of the American forces; but without omitting to point out that neither the government of this province nor any of the inhabitants thereof have the power to conclude decisive acts prohibited by the honorable president of the Filipino republic, Señor Emilio Aguinaldo, our legitimate ruler, recognized as such in virtue of his indisputable capabilities of just government and illustrious generalship and universal suffrage.

Sad and painful is the situation of this city, without means of defense and obliged to act contrary to its own convictions; in view of which it declares before the whole world that the occupation of this town is not based on any of the laws which form the code of civilized nations, which could hardly expect to behold such scenes at the end of a century called the enlightened one.

We are told of conquests, of protectorates, of cessions made by the Spaniards; as if the archipelago, and especially our souls, were merchandise subject to barter, when a single one is worth more than a thousand worlds of that metal called vile, perhaps for the reason that it fascinates as the eyes of a serpent.

But, be that as it may, of all this the commanding officer must treat, as already stated, with Señor Aguinaldo, without whose acquiescence the act which is demanded from this government can not be legal.

A copy of this manifesto will be given to each of the consular agents established in this city, the greatest possible publicity will be given it, and we shall communicate with Aguinaldo, remitting him a copy of this document.

Given in Cebu, the 22d February, 1899.

LUIZ FLORES,
The Commander in Chief.

The PRESIDENT pro tempore. The question before the Senate is on the amendment offered by the Senator from Utah [Mr. RAWLINS] in behalf of the minority of the committee.

Mr. TELLER obtained the floor.

Mr. PATTERSON. Will my colleague yield while I offer an amendment to the pending bill?

Mr. TELLER. Certainly.

Mr. PATTERSON. I offer an amendment to the pending bill.

The PRESIDENT pro tempore. An amendment to the bill itself?

Mr. PATTERSON. Yes, sir.

The PRESIDENT pro tempore. The Senator from Colorado offers an amendment. Does the Senator from Colorado yield for this purpose?

Mr. TELLER. Certainly. Let it be read.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. Add at the end of the bill a new section, as follows:

SEC. 8. That an act adopted by the United States Philippine Commission on November 4, 1901, entitled "An act defining the crimes of treason, insurrection, sedition, conspiracies to commit such crimes, seditious utterances, whether written or spoken, the formation of secret political societies, the administering or taking of oaths to commit crimes or to prevent the discovering of the same, and the violation of oaths of allegiance, and prescribing punishment therefor," be, and the same is hereby, repealed.

Mr. PATTERSON. Before my colleague commences his speech, I ask for a call of the Senate.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Cockrell,	Heitfeld,	Pettus,
Allison,	Cullom,	Hoar,	Proctor,
Bacon,	Dubois,	Jones, Nev.	Quarles,
Bailey,	Fairbanks,	Kean,	Rawlins,
Bate,	Foraker,	Kearns,	Scott,
Berry,	Frye,	Lodge,	Simmons,
Beveridge,	Gallinger,	McCumber,	Simon,
Burton,	Gamble,	McEnery,	Spooner,
Carmack,	Gibson,	Mallory,	Teller,
Clark, Mont.	Hale,	Martin,	Wellington,
Clark, Wyo.	Hansbrough,	Patterson,	Wetmore.
Clay,	Hawley,	Perkins,	

The PRESIDENT pro tempore. Forty-seven Senators have responded to the roll call. There is a quorum present.

Mr. TELLER. Mr. President, there is an amendment, which I offered some days ago, pending. I should like to ask the Senator who has the bill in charge whether he is willing to accept that amendment or not?

Mr. LODGE. My attention was called away.

Mr. TELLER. I want to know whether the Senator who has charge of the bill is willing to accept the amendment, that I offered the other day, to extend the Constitution and laws of the United States to the Philippine Islands?

Mr. LODGE. Let the amendment be read.

The PRESIDENT pro tempore. The amendment will be read.

The Secretary read Mr. TELLER'S amendment, submitted on the 28th ultimo, to add to the bill the following as an additional section:

SEC. 8. That the Constitution and all laws of the United States which are not locally inapplicable shall have the same force and effect within the said Philippine Archipelago as elsewhere within the United States.

Mr. LODGE. I do not accept that amendment at this stage.

Mr. TELLER. I will address myself to that question, I think, this afternoon, but before doing so I wish to offer another amendment to come in as an additional section. I send it to the desk, and I should like to have it read and printed.

The PRESIDENT pro tempore. Does the Senator desire that the amendment shall be read now?

Mr. TELLER. I wish to have it read, and then I want to have it printed.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. Add as a new section at the end of the bill the following:

SEC. —. That it is not intended by the Government of the United States to permanently annex the Philippine Islands as an integral part of the United States, but it is the determination of the United States to establish, with the consent and assistance of the inhabitants thereof, a government or governments suitable to their wants and condition, and that shall give to the inhabitants the control and administration of their local affairs, such as the raising of revenue and the disposition thereof, the maintenance of peace and order in the several communities of said islands that has been or that may be organized by the people thereof.

That there is no intention on the part of the Government of the United States to deprive the people of said islands of their liberties or to subjugate or oppress them, but, on the contrary, to secure to them the blessings of a free government of their own choice that shall recognize and protect the rights and interests of all the people of said islands.

That it is necessary to the establishment of such government that peace and order shall prevail on said islands, in order that the people thereof may be enabled to exercise the rights of freemen and to have free expression of their wishes in the form and character of the government under which they desire to live.

To this end the Government of the United States will at all times cooperate with the peaceably disposed inhabitants in the formation of such governments, and will defend and protect such government or governments so organized from any foreign interference or attempted control by foreign powers until such government or governments shall be able to defend themselves.

The PRESIDENT pro tempore. The amendment will be printed and lie on the table.

Mr. TELLER. Mr. President, I do not know whether it is in order as an amendment.

The PRESIDENT pro tempore. It is not at present.

Mr. TELLER. Then I will give notice that I shall move it at the proper time.

Mr. President, the greatest question that the American people have considered since the close of the civil war has been before the Senate for the last two or three weeks. The Senator who has the bill in charge gets somewhat impatient that there is not more expedition. We have had to-day a carefully prepared speech by the senior Senator from Washington [Mr. TURNER], which was listened to with great interest by some of us, and yet it seems to attract no particular attention on the other side of the Chamber. I observed during the day that from 7 to 12 Senators would be the greatest number seen on the other side almost all the time after the speech commenced. So I can not myself hope to receive any particular attention from the other side of the Chamber.

I am not going to submit the remarks that I am about to make for the sake of making a speech. I am going to put myself on record upon this question. I am going to leave for those who may come after me my protest against certain things and my disapproval of certain things as I see them.

And, Mr. President. I am not going to be disturbed by the unparliamentary and indecent charge that shall be made here, and has already been made, against those of us who do not agree with the Administration policy, that we are less patriotic and less interested in the welfare of the Republic than those who see fit to pursue a policy unheard of in American legislation, who see fit to depart from the fundamental principles upon which this Government has been administered for more than a hundred years, and then charge that all those who do not ageee with them are moved either by intense partisanism or because they have not the welfare of the Republic at heart.

I heard the other night, as we were in the closing hours of the day's session, a Senator sitting a few seats from me charged with being guilty of treason, and it was stated on the floor of the Senate that if he was not shielded by his position as a United States Senator he would come within the provisions of the Constitution and the statute against treason. I do not know that I shall submit myself to the criticism that he did, but, Mr. President, I want to say before I proceed to take up the discussion of this question that no suggestion of that kind with reference to me will deter me from saying what I think I ought to say on this floor. It is not worth while for me to express my astonishment as a lawyer that in a body composed very largely of lawyers, and who are supposed to be familiar with constitutional law, anyone should have ever made such a suggestion.

Mr. President, away back in the early history of this Government of ours the courts of the United States settled what is treason. The Constitution, with a deliberation and a care that perhaps could be found in no other constitution in the world on that subject, defined what treason is. And why did the framers of the Constitution define it? Under the pretense of a lack of allegiance and devotion to the sovereignty of a nation have been committed the worst crimes in the history of mankind. It was easy for the king to say, You are guilty of treason. It is easy yet in some parts of the world. But, Mr. President, in the days of British absolutism it sometimes occurred, and yet no court in Great Britain would have ever declared that the expression of sympathy with rebellion, even at home in Great Britain, was an overt act and that the parties would be guilty of treason. Our Constitution made it impossible that mere words of themselves, unaccompanied by overt and forcible acts, could be treason.

I do not think it is necessary that I should acquit the Senator from South Carolina [Mr. TILLMAN] of this charge. I suppose the charge was lightly made, and I suppose the Senator who made it thought it was a matter of very little consequence to stand up here and charge a Senator with being guilty of treason. Treason is the crime of crimes; it has been said a crime so great that there is not any accessory to treason either before or after the fact. A man must either be guilty of treason or he is not guilty of anything relating to treason. He may be guilty of sedition; he may be, under some of the modern laws we have heard of, amenable to the penalties provided by them, but no man is guilty of treason unless he does some overt act. I might stand here for weeks and express my sympathy with the Filipinos, if I choose to do so, and I should not be guilty of treason.

I do not intend at this particular moment to take up this most remarkable legislation, if you please to dignify it by that name, which we have had in the Philippine Islands. I shall, before I get through, address myself to that proposition. I shall attempt to show that the Senator from Ohio [Mr. FORAKER] wasted his time the other night by explaining that we were attacking statutes already on our statute books. It is true the Senator from Massachusetts [Mr. HOAR] complained that the imposition of the penalties prescribed in one of those statutes would be exceedingly severe in any country, and that they never have been attempted to be put into force in the United States, even during the greatest internecine war that the world ever saw, with the passions of men on both sides perhaps as high as they ever could be raised.

If the Philippine statutes which were transmitted to us the other day should be read to-morrow, we would find that they are merciful and humane compared with the statute which was read here to which the Senator from Ohio gave his personal approval. I do not, however, intend to take up that question now; it is late in the afternoon, and I am going to discuss another phase of this question. When I get through with that I am going to stop, and resume to-morrow, provided, of course, the Senate will allow me to do so.

Mr. President, there was a question here in 1898 as to whether the Constitution by its own force and without the assistance of legislation went into the Territories of the United States. For myself I had no question on that point. I expressed myself very positively that the Constitution of the United States was not in the Philippine Islands, and could not get there until by some positive enactment of law we put it there. I also called the attention of the Senate then, as I mean to do now, to the fact that we have everywhere given to the Territories which we subsequently made States, by positive enactments, the protection of the Constitution so far as it was applicable.

When I say the Constitution of the United States does not go to the Philippine Islands without some positive declaration of law, I do not mean to assert that the great fundamental principles which underlie every republican government in the world do not go there, but they are not given to us by the Constitution; they belong to the form of government under which we live. Whenever you undertake to execute a law of any kind, you are restrained by those fundamental principles. Do you mean to say that anywhere in the United States you could try a man for a crime, acquit him, and then try him over again? I mean, of course, any place over which our jurisdiction extends. Do you mean to say that in any place where the jurisdiction of the United States extends you can compel a man to condemn himself, as is done in the French and Spanish courts, and in some of the other courts of Europe? Why, Mr. President, the attempt would be horrifying to the American people. Do you, Senators, who have heard that so-called law read, mean to say that there is any power that can be given to an American anywhere in the world to make any such laws?

If you create a legislative body anywhere and give it full power to legislate, do you suppose it could pass such a law as that? Do you suppose, when you gave to the President power to create and put there what you call a "commission," that you gave him the power, or that you gave the Commission the power, to pass a law which invades the liberty of the press, the freedom of the person, the liberty of speech, or the liberty of assembling together, as all free men have the right to do? Do you think that can be done anywhere and that the Constitution need to be there to make that an invalid act?

Mr. President, I want to put the Constitution of the United States over the Philippine Islands, and I know when it is put there it will not embarrass, as I shall be told it will on the other side of the Chamber, the administration of public affairs there. It will carry with it the writ of habeas corpus, but it will not carry with it the right of trial by jury. That must be done by positive law. If the Philippine Commission can legislate, as they profess they have a right to do and as they have tried to do, they might have given to those people trial by jury; but they have not attempted to do so. It will not do for anybody to get up here and say, "If you send the Constitution there, you are going to embarrass the administration of public affairs there by creating a condition not suitable to the people of those islands." I repeat, the extension of the Constitution over a given territory does not give the right to trial by jury where the law has not so provided.

The Supreme Court did say as to the Territory of Iowa and the Territory of Utah that they could not deprive their citizens of the right of trial by jury. But, Mr. President, the Constitution had been extended there, and the right of trial by jury had been given to those people. Subsequently amendments were made, which the courts declined to accept, stating that when the statute said a man should have a trial by jury it meant by a jury of 12 men of the neighborhood, and not 6. How did it come about that a jury must be composed of 12 men? Is it in the Constitution? No; it can not be found there; but it is the common-law jury; it is the jury of the English people; it is the jury which every lawyer recognizes when the statute uses that word; it is a part of the unwritten law that goes with English and with American law wherever it extends that a jury means 12 men, not 3, and not 6.

Why can we not put the Constitution of the United States in force in the Philippine Islands? We have already established a

court there. I do not know exactly upon what theory it has been established; but it professes, at least, to be a court, and I suppose that court would recognize the right of an imprisoned person to be tried before it to determine whether he is rightly imprisoned or not. Until a court is established in any Territory it is impossible that the writ of habeas corpus can be in force; but when it is established, I myself believe that then the court would be authorized by the general authorization to exercise the power the courts have always exercised in the issue of that writ.

Mr. President, I want to say here that that writ is not an English writ; it is not an American writ; it is a writ that came out of the old Roman law. That writ was in existence in Spain in 1250. It was called into exercise by the courts of that country even at that early day. When you have got the appliances and the opportunity the writ can be issued, and relief may be had under it; but there are some things that you can not have unless the Constitution is present and in force.

Who can give any reason why the Constitution should not be in force in the Philippine Islands? Why should it not be in force in Porto Rico? Why should it not be in force everywhere, so far as it is applicable, where the flag of the United States floats as the emblem of sovereignty and power?

Mr. President, we have not withheld the Constitution from any portion of our country. We declared in the very first instance after we had adopted it that the legislation in the Northwest Territory should be consistent with the Constitution, and that these fundamental principles, which are recognized in the Constitution, should extend, so far as they were applicable, there, and that in their legislation they must conform themselves to it. Later we declared that the Constitution should absolutely be in force and effect in Louisiana, in Missouri, and in various other Territories. I have a list of them here. I want to call attention to this matter for a few moments only. I am now speaking as to my amendment. As I have said, I am not going to take up the general question until I first dispose of this question.

In the early legislation regarding Florida and some other portions of the country we prohibited the exercise of certain powers which had been exercised by some legislatures in some parts of the world, such as the passage of laws impairing the obligation of contracts, etc. I am not going to waste time on that.

When we organized the Territory of Missouri in 1812 we provided:

> The general assembly shall have power to make laws in all cases, both civil and criminal, for the good government of the people of the said Territory, not repugnant to or inconsistent with the Constitution and laws of the United States.

Provision was made that no ex post facto law should be passed, and various other matters were provided for.

When Wisconsin was organized into a Territory in 1836 this provision was made:

> That the laws of the United States are hereby extended over and shall be in force in said Territory. And also that the laws of the Territory of Michigan shall be extended over the said Territory.

When Iowa was made a Territory in 1838 it was provided:

> That the inhabitants of the said Territory shall be entitled to all the rights, privileges, and immunities heretofore granted and secured to the Territory of Wisconsin and to its inhabitants; and the existing laws of the Territory of Wisconsin shall be extended over said Territory, so far as the same be not incompatible with the provisions of this act, subject, nevertheless, to be altered, modified, or repealed by the governor and legislative assembly of the said Territory of Iowa; and further, the laws of the United States are hereby extended over and shall be in force in said Territory so far as the same or any provisions thereof may be applicable.

Oregon was made a Territory in 1848. The sixth section of the act creating the Territory provided:

> That the legislative power of the Territory shall extend to all rightful subjects of legislation not inconsistent with the Constitution and laws of the United States.

By section 26 of the same act the revenue laws of the United States were extended over the Territory of Oregon, and on March 3, 1849, by a special act the revenue laws of the United States were extended over the Territory of California.

We organized the Territory of New Mexico in 1850. Section 17 of the organic act provided:

> That the Constitution and all laws of the United States which are not locally inapplicaple shall have the same force and effect within the said Territory of New Mexico as elsewhere within the United States.

The Territory of Utah was organized in 1850. The organic act provided:

> That the Constitution and laws of the United States are hereby extended over and declared to be in force in said Territory of Utah, so far as the same or any provision thereof may be applicable.

When Kansas and Nebraska were admitted there was an exceptional condition of affairs, as you all remember. This is the provision which was then made in the organic act:

> That the provisions of an act entitled "An act respecting fugitives from justice and persons escaping from the service of their masters," approved February 12, 1793, and the provisions of the act entitled "An act to amend and supplementary to the aforesaid act," approved September 18, 1850, be, and the same are hereby, declared to extend to and be in full force within the limits of said Territory of Nebraska.

Section 32 of the act provided:

> That the Constitution, and all laws of the United States which are not locally inapplicable, shall have the same force and effect within the said Territory of Kansas as elsewhere within the United States, except the eighth section of the act preparatory to the admission of Missouri into the Union, approved March 6, 1820, which, being inconsistent with the principle of nonintervention by Congress with slavery in the States and Territories, as recognized by the legislation of 1850, commonly called the "compromise measures," is hereby declared inoperative and void.

The Territory of Washington was organized in 1858. Section 6 of the organic act provided:

> That the legislative power of the Territory shall extend to all rightful subjects of legislation not inconsistent with the Constitution and laws of the United States.

Mr. SPOONER. Will the Senator allow me to interrupt him?

Mr. TELLER. Certainly.

Mr. SPOONER. The Senator is making a very interesting speech, Mr. President, and I notice that there are only eight Senators on his side of the Chamber listening to him. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum being suggested, the Secretary will call the roll.

Mr. TELLER. There are as many Senators on this side as there are on the other side.

Mr. LODGE. Mr. SPOONER, and others. Oh, no.

Mr. TELLER. Very nearly.

Mr. ALDRICH. The Senator evidently miscalculates his influence.

Mr. BACON. He is calling the sinners, not the righteous, to repentance.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Cockrell,	Kean,	Pritchard,
Allison,	Culberson,	Kearns,	Proctor,
Bacon,	Cullom,	Lodge,	Quarles,
Bailey,	Dillingham,	McComas,	Simmons,
Bate,	Fairbanks,	McCumber,	Spooner,
Berry,	Foraker,	McEnery,	Teller,
Beveridge,	Frye,	Mallory,	Turner,
Burrows,	Gamble,	Nelson,	Wellington,
Burton,	Hanna,	Patterson,	Wetmore.
Carmack,	Hansbrough,	Perkins,	
Clark, Wyo.	Hawley,	Pettus,	
Clay,	Hoar,	Platt, Conn.	

The PRESIDENT pro tempore. Forty-five Senators have responded to the roll call. There is a quorum present. The Senator from Colorado will proceed.

Mr. TELLER. Owing to the unfortunate condition of affairs in Delaware, that State being without representation, I believe 45 constitute a quorum.

Since I sat down a Senator has said to me that he did not entirely understand my views upon the habeas corpus question. I want to make myself clear on that point. I think whenever a court is organized with general jurisdiction, that court can issue a writ of habeas corpus just as it can issue any other writ which is known to the practice of courts. The difference between that and a jury is, that while the court must take notice that a jury is composed of 12 men, yet there must be some method of calling the jury together. A jury is not composed of every 12 men who may be picked up; it requires machinery to determine who shall compose a jury; and for that reason, until there is legislation, it is utterly impossible to have a jury.

Perhaps I used another term which ought to be corrected, as Senators have asked me in regard to that also. I say the Constitution is put into the Territories practically when we declare that the Constitution shall be in effect in a Territory. That is practically enacting the Constitution into a law. It is a law now, but that is enacting it as a law for the Territory.

Mr. SPOONER. It is put there as a law?

Mr. TELLER. I suppose if it was concluded that the Constitution was not doing any good and might do harm Congress could repeal it, as they could repeal any other provision of law. That question was somewhat mooted and doubted in a certain case, where the Supreme Court raised the question whether when the Constitution had once been put in force it could be withdrawn; but I should say the Constitution is nothing but a law, though it can not be repealed in the usual way that a law can be repealed, so far as its relation to the States is concerned, because the Constitution itself provides how it shall be amended or changed.

Mr. President, to continue on the line I was pursuing when interrupted, section 16 of the enabling act, in the case of Colorado, provided:

> That the Constitution and all laws of the United States which are not locally inapplicable shall have the same force and effect within the said Territory of Colorado as elsewhere within the United States.

Section 16 of the act to organize the Territory of Nevada, approved March 2, 1861, provided:

> That the Constitution and all laws of the United States which are not locally inapplicable shall have the same force and effect within the said Territory of Nevada as elsewhere within the United States.

Section 16 of the act to provide a temporary government for the Territory of Dakota, which included the present States of North and South Dakota and a portion of Wyoming, provided:

That the Constitution and all laws of the United States are made applicable to the Territory.

Section 3 of the enabling act of Arizona provided:

That there shall neither be slavery nor involuntary servitude in the said Territory otherwise than in the punishment of crimes whereof the parties shall have been duly convicted; and all acts and parts of acts, either of Congress or of the Territory of New Mexico, establishing, regulating, or in any way recognizing the relation of master and slave in said Territory are hereby repealed.

Section 13 of the act to provide a temporary government for the Territory of Idaho provided:

That the Constitution and all laws of the United States which are not locally inapplicable shall have the same force and effect within the said Territory of Idaho as elsewhere within the United States.

Section 13 of the act to provide a temporary government for the Territory of Montana, approved May 26, 1864, provided:

That the Constitution and all laws of the United States which are not locally inapplicable shall have the same force and effect within the said Territory of Montana as elsewhere within the United States.

The act approved June 25, 1868, to provide a temporary government for the Territory of Wyoming, in section 16 provided:

That the Constitution and all laws of the United States which are not locally inapplicable shall have the same force and effect within the said Territory of Wyoming as elsewhere within the United States.

The act to provide a temporary government for Oklahoma Territory, approved May 2, 1890, provided:

That the Constitution and all the laws of the United States not locally inapplicable shall, except as far as modified by this act, have the same force and effect as elsewhere in the United States; and all acts and parts of acts in conflict with the provisions of this act are as to their effect in said Territory of Oklahoma hereby repealed.

Mr. President, I believe the Supreme Court in one of its latest decisions has held that the Constitution is not in force in the Philippine Islands. I confess that I speak with great hesitation when I refer to that decision, for I really have found some difficulty in determining exactly what the court has decided, although I do not have much trouble in finding what the judges have decided.

The Senator from Wisconsin [Mr. SPOONER] calls my attention to section 1891 of the Revised Statutes, which was enacted, I think, in 1862. I confess I had overlooked that. It is as follows:

The Constitution and all laws of the United States which are not locally inapplicable shall have the same force and effect within all the organized Territories, and in every Territory hereafter organized, as elsewhere within the United States.

I should like to ask the Senator from Wisconsin if he thinks that carries the Constitution and laws of the United States to the Philippine Islands?

Mr. SPOONER. The Senator has thanked me for calling his attention to the section——

Mr. TELLER. I am obliged to the Senator for that, but I want further information from the Senator.

Mr. SPOONER. I think it does not.

Mr. TELLER. I agree with him. I do not think it does, because I do not believe it can be said that the Philippines are organized territory within the meaning of that section. It seems to me they are not. I do not know whether we shall have an organized territory there at all, because I have not had time to examine the bill in reference to it which is pending here and which, I am told, is to come up some time. Whether that will make it an organized territory within the meaning of that law I do not know.

If it should, then, of course, this amendment of mine would not be required; but inasmuch as I do not know whether that proposed statute is going to pass, I should like to have this amendment made a provision of law. I can conceive of no objection that can be made to saying that the Constitution and laws of the United States, so far as applicable, shall be in force in the Philippine Islands.

I believe, while I am on my feet and before I sit down, I will say another thing or two about the islands. I do not want anybody when I speak to-morrow, if I go on, to get up and ask me whether I approve of this thing that somebody has said or whether I disapprove of it. On this question I am going to act upon my own judgment and not somebody else's.

I committed myself very thoroughly in December, 1898, to the policy I thought we should pursue. I said in most unequivocal terms that we ought apply the principle of the fourth resolution to these islands. The resolution in words does not apply to these islands. That declaration, which we made to the world, was that we were not going into this intervention, and, as we knew, war, for the purpose of profit or gain, and we applied it only to Cuba. But I thought beyond that was the great declaration to the world that "we are not going after profit by this; we do not propose to take any islands; we do not propose to take land. We are not doing this for gain. We are doing this in behalf of humanity."

There is not a Senator here who will not recall the disturbance which existed in Europe, as shown through the public press everywhere—in Germany, France, England, Italy, and Spain—where we were charged with duplicity and hypocrisy. It was said "the Americans are not going into this because they are disturbed by the unhappy condition of Cuba. They are going into it for expansion."

Mr. SPOONER. Will the Senator from Colorado allow me to ask him a question?

Mr. TELLER. Certainly.

Mr. SPOONER. Does the Senator regard the acquisition of Porto Rico as a violation of what is called the Teller resolution?

Mr. TELLER. I never complained of that, because the people of Porto Rico, I believe, wanted us to take jurisdiction of the island. I have never heard that these people complained, and if it had covered that, we would have had a right, of course, to have extended our protection to them in the shape we did extend it to them, if they wanted it.

I do not mean to say now that if the people of Cuba want to be annexed and we want to annex them, that we can not annex them under that provision, but I do say that we can not annex them unless they do agree to it, and they must agree to it with unanimity, not a few rich people who would be benefited financially, but the whole population.

Mr. BACON. Will the Senator from Colorado permit me to suggest, in response to the inquiry of the Senator from Wisconsin, that the action as to Porto Rico, if I recollect rightly, was distinctly put upon the ground that it was an equivalent for a war indemnity, which it was conceded Spain was not in a condition to pay.

Mr. TELLER. I understand the people of Porto Rico wanted us to take the island.

Mr. BACON. That is an additional reason.

Mr. TELLER. Yes, sir; that is a good reason, but it would not have been a good reason, in my opinion, if the people had objected.

Mr. BACON. I concede that.

Mr. SPOONER. I voted for that resolution, and I understood it to be a declaration by the United States to the world that we were not going into war with Spain for the purpose of making Cuba an American asset.

Mr. TELLER. That is true, that we were not going into it for the purpose of despoiling Spain, but to relieve the people of their distress.

I have seen it stated in the press within a few days that I introduced that resolution because I had some intimation that we were not going to do what the history of the Senate shows we declared we were going to do for two years. I intend to take up that question to some extent before this debate is over and show that we were in favor of independence of the island of Cuba. I repeat that the resolution was introduced by me for the purpose of its influence abroad. I do not know exactly how much trouble there was abroad, and I suppose we never shall know, either. It is a great controversy amongst the diplomats of the world whether it was England or France or Germany that proposed intervention in our affairs by saying we must keep our hands off of Cuba. I do not suppose there is anybody here who does not believe that there was such an attempt made.

Now, whether the inception was on the part of Great Britain, as the Germans and French declare, and Russia stood out and said "No," or whether it came from Austria, and Great Britain said, "If the rest of the great powers will go in, we will say to them 'keep your hands off,'" I do not know. But the fact that that is a subject of controversy amongst them shows that there was a sentiment at that time to charge us with attempting to do more than we were declaring we were doing, and to justify themselves in saying, "We must intervene to protect Spain from this despoiling power of the United States."

So I think myself, as the Senator from Wisconsin says, that it was a wholesome resolution; and some day I mean to take it up and show that the criticisms upon it, made, for instance, by my illustrious friend the Senator from Indiana [Mr. BEVERIDGE], that it was hastily done, are not correct. But I do not care about doing that to-night. That is a chapter by itself, which I propose to take up later.

I do not suppose we can get a vote on this proposition now. I should be delighted to hear some one who is not going to vote for it give me some reason why he is not, but I do not suppose anyone will. I suppose the majority here, having the power, will simply content themselves with voting it down, without any excuse. Then when they go to the public they will make the best excuse they can possibly think of. One Senator will be able to make one excuse as to why he did not vote for it, and another Senator will be able to make another as to why he did not vote for it. But it will be a most remarkable thing if the 10,000,000 people over there, whom it is said we are to keep and hold and maintain under our sovereignty, whether they will it or whether

they do not, shall share all the burdens and have none of the benefits of American law.

I am sorry myself that the Constitution did not follow the flag. I wish it had. I did not ever believe it did, and I do not believe now that the court erred in that matter. I do not believe the Constitution follows the flag. But it ought to follow the flag. It is in our power to make it follow the flag. But I do believe that the principles of free government follow the flag to the extent that no enactment, whether it be in the name of the President of the United States or in the name of the Congress of the United States, can violate certain great fundamental principles. One is the right of free speech. The other is the right of the people to assemble themselves together in orderly way, not a tumultuous way, but an orderly way; and the statute which was read by the Senator from Washington [Mr. TURNER] a few minutes since is a violation of every fundamental principle of free people and of free government.

However, I do not care to go on further to-night. I know that there will not be a quorum here a few minutes after I begin to speak, and while I am not very much disturbed whether there is a quorum or whether there is not, I do not care to commence at this late hour of the evening a speech which will probably last two or three hours.

Mr. LODGE. Of course, if the Senator from Colorado prefers to go on in the morning, that is perfectly agreeable to me. I do not care to press him to speak at this late hour if he does not desire to.

Mr. TELLER. Very well.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive bnsiness. After thirteen minutes spent in executive session the doors were reopened, and (at 4 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, February 11, 1902, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 10, 1902.

PROMOTIONS IN THE NAVY.

Commander William A. Windsor, to be a captain in the Navy, from the 27th day of December, 1901, vice Capt. Richard P. Leary, retired.

Lieut. Commander William E. Sewell, to be a commander in the Navy, from the 21st day of January, 1902, vice Commander Edwin C. Pendleton, promoted.

Medical Inspector Nelson M. Ferebee, to be a medical director in the Navy, from the 26th day of January, 1902, vice Medical Director William K. Van Reypen, retired.

Surg. Samuel H. Dickson, to be a medical inspector in the Navy, from the 26th day of January, 1902, vice Medical Inspector Nelson M. Ferebee, promoted.

TRANSFERS IN THE ARMY.

Maj. Frank F. Eastman, Twenty-eighth Infantry, to be commissary with the rank of major, with rank from April 1, 1901, vice Bullard.

Maj. Robert L. Bullard, commissary, to be major of infantry, with rank from April 1, 1901, vice Eastman, Twenty-eighth Infantry.

APPOINTMENT AS MEDICAL OFFICER OF VOLUNTEERS.

Edward A. Romig, of Michigan, late surgeon Fortieth Infantry, United States Volunteers, to be assistant surgeon United States Volunteers with the rank of captain, February 5, 1902, vice Shelby, appointed surgeon.

APPOINTMENTS IN THE ARMY.

TO BE FIRST LIEUTENANTS.

Artillery Corps.

Richard K. Cravens, of the Indian Territory, late first lieutenant, Fortieth Infantry, United States Volunteers, September 23, 1901, to fill an original vacancy.

Harry J. Watson, of Pennsylvania, late captain, Tenth Pennsylvania Volunteers, September 23, 1901, to fill an original vacancy.

TO BE SECOND LIEUTENANTS.

Cavalry Arm.

Thomas P. Bernard, of the District of Columbia, late sergeant, Company B, Forty-seventh Infantry, United States Volunteers, February 2, 1901, to fill an original vacancy.

Thomas A. Rothwell, of New York, late hospital steward Twenty-second New York Volunteers, February 2, 1901, to fill an original vacancy.

Artillery Corps.

Charles J. Ferris, of the District of Columbia, late corporal, Company G, Thirty-first Infantry, United States Volunteers, August 22, 1901, to fill an original vacancy.

Guilford S. Garber, of Indiana, late first lieutenant, Thirtieth Infantry, United States Volunteers, August 22, 1901, to fill an original vacancy.

Charles G. Mortimer, of the District of Columbia, late quartermaster-sergeant, First District of Columbia Volunteers, August 22, 1901, to fill an original vacancy.

Harry H. Seckler, of Kansas, late first lieutenant, Twentieth Kansas Volunteers, August 22, 1901, to fill an original vacancy.

Brainard Taylor, of Massachusetts, late private, Company A, Sixth Massachusetts Volunteers, August 22, 1901, to fill an original vacancy.

James B. Taylor, of Pennsylvania, late sergeant, Company H, Forty-second Infantry, United States Volunteers, August 22, 1901, to fill an original vacancy.

Charles E. Wheatley, of Vermont, to be second lieutenant, February 1, 1902.

Infantry Arm.

Robert L. Meador, of Georgia, late sergeant, Company A, Third Georgia Volunteers, February 2, 1901, to fill an original vacancy.

Charles M. Blackford, of Virginia, to be second lieutenant, February 2, 1901.

Fay W. Brabson, of Tennessee, to be second lieutenant, February 2, 1901.

Leighton Powell, of Illinois, to be second lieutenant, February 2, 1901.

POSTMASTERS.

Frank H. Greene, to be postmaster at Geneseo, in the county of Henry and State of Illinois, in place of Eugene H. Ash, removed.

William M. Hazzard, to be postmaster at Georgetown, in the county of Georgetown and State of South Carolina, in place of Robert B. Anderson, removed.

Frank L. Powell, to be postmaster at Lemoore, in the county of Kings and State of California. Office became Presidential January 1, 1902.

Lucian Bullard, to be postmaster at Forrest, in the county of Livingston and State of Illinois. Office became Presidential October 1, 1901.

George M. Allen, to be posmaster at Cherryfield, in the county of Washington and State of Maine. Office became Presidential January 1, 1902.

Elmer E. Dyer, to be postmaster at Medford, in the county of Burlington and State of New Jersey. Office became Presidential January 1, 1902.

James W. Kelley, to be postmaster at Tuckerton, in the county of Ocean and State of New Jersey. Office became Presidential January 1, 1902.

Eli R. Marsh, to be postmaster at Williamstown, in the county of Gloucester and State of New Jersey. Office became Presidential January 1, 1902.

Eli C. Tolley, to be postmaster at Kenmare, in the county of Ward and State of North Dakota. Office became Presidential January 1, 1902.

Charles E. Johnson, to be postmaster at Bridgewater, in the county of McCook and State of South Dakota. Office became Presidential January 1, 1902.

William G. Arnold, to be postmaster at Clear Lake, in the county of Deuel and State of South Dakota. Office became Presidential January 1, 1902.

Niels C. Poulsen, to be postmaster at Richfield, in the county of Sevier and State of Utah. Office became Presidential January 1, 1902.

Charles F. Rankin, to be postmaster at Brewton, in the county of Escambia and State of Alabama, in place of Nicholas G. Schad. Incumbent's commission expires February 16, 1902.

Austin Wiley, to be postmaster at Arcata, in the county of Humboldt and State of California, in place of Austin Wiley. Incumbent's commission expired January 10, 1902.

George B. Baer, to be postmaster at Cloverdale, in the county of Sonoma and State of California, in place of George B. Baer. Incumbent's commission expired January 10, 1902.

Richard M. Ryan, to be postmaster at Gilroy, in the county of Santa Clara and State of California, in place of Richard M. Ryan. Incumbent's commission expired January 10,1902.

Allen B. Lemmon, to be postmaster at Santa Rosa, in the county of Sonoma and State of California, in place of Allen B. Lemmon. Incumbent's commission expired January 10, 1902.

Frank J. Payne, to be postmaster at Sutter Creek, in the county of Amador and State of California, in place of Frank J. Payne. Incumbent's commission expired January 10, 1902.

Robert J. Nixon, to be postmaster at Yreka, in the county of Siskiyou and State of California, in place of Robert J. Nixon. Incumbent's commission expired January 10, 1902.

George A. Lyman, to be postmaster at Amboy, in the county of Lee and State of Illinois, in place of George A. Lyman. Incumbent's commission expired February 7, 1902.

Harry B. Ward, to be postmaster at Duquoin, in the county of Perry and State of Illinois, in place of Harry B. Ward. Incumbent's commission expired January 20, 1902.

Martin A. Gilson, to be postmaster at Harvey, in the county of Cook and State of Illinois, in place of Martin A. Gilson. Incumbent's commission expired July 20, 1901.

Jerome B. Stewart, to be postmaster at Wilmington, in the county of Will and State of Illinois, in place of Jerome B. Stewart. Incumbent's commission expired January 21, 1902.

John R. Marshall, to be postmaster at Yorkville, in the county of Kendall and State of Illinois, in place of John R. Marshall. Incumbent's commission expires February 18, 1902.

Adrian Reynolds, to be postmaster at Sedan, in the county of Chautauqua and State of Kansas, in place of Adrian Reynolds. Incumbent's commission expired January 10, 1902.

Fred E. Littlefield, to be postmaster at Vinal Haven, in the county of Knox and State of Maine, in place of Fred E. Littlefield. Incumbent's commission expired January 10, 1902.

Robert A. Beckwith, to be postmaster at Southbridge, in the county of Worcester and State of Massachusetts, in place of Robert A. Beckwith. Incumbent's commission expired January 10, 1902.

Faustina M. Towle, to be postmaster at Gaylord, in the county of Otsego and State of Michigan, in place of Faustina M. Towle. Incumbent's commission expired January 10, 1902.

Griffith J. Thomas, to be postmaster at Harvard, in the county of Clay and State of Nebraska, in place of Griffith J. Thomas. Incumbent's commission expired January 14, 1902.

August C. Stecher, to be postmaster at Riverside, in the county of Burlington and State of New Jersey, in place of August C. Stecher. Incumbent's commission expired January 12, 1902.

Enrique H. Salazar, to be postmaster at Las Vegas, in the county of San Miguel and Territory of New Mexico, in place of Enrique H. Salazar. Incumbent's commission expires February 15, 1902.

Byron S. Dayton, to be postmaster at Middletown, in the county of Orange and State of New York, in place of Byron S. Dayton. Incumbent's commission expires February 11, 1902.

Tyre Glenn, to be postmaster at Greensboro, in the county of Guilford and State of North Carolina, in place of Tyre Glenn. Incumbent's commission expired January 21, 1902.

James H. Ramsay, to be postmaster at Salisbury, in the county of Rowan and State of North Carolina, in place of James H. Ramsay. Incumbent's commission expired January 14, 1902.

Daniel Myers, to be postmaster at Chicago, in the county of Huron and State of Ohio, in place of Daniel Myers. Incumbent's commission expired January 31, 1902.

Frank M. Shulze, to be postmaster at Circleville, in the county of Pickaway and State of Ohio, in place of William R. Duvall. Incumbent's commission expired July 21, 1901.

Oliver M. Greenbank, to be postmaster at Woodsfield, in the county of Monroe and State of Ohio, in place of Oliver M. Greenbank. Incumbent's commission expired January 14, 1902.

John C. Ardrey, to be postmaster at Lagrande, in the county of Union and State of Oregon, in place of John C. Ardrey. Incumbent's commission expired January 10, 1902.

I. Warner Arthur, to be postmaster at Bryn Mawr, in the county of Montgomery and State of Pennsylvania, in place of I. Warner Arthur. Incumbent's commission expired May 10, 1901.

Thomas A. Stevens, to be postmaster at Chamberlain, in the county of Brule and State of South Dakota, in place of Thomas A. Stevens. Incumbent's commission expires February 18, 1902.

Robert S. Sharp, to be postmaster at Chattanooga, in the county of Hamilton and State of Tennessee, in place of Robert S. Sharp. Incumbent's commission expired February 2, 1902.

James P. Madsen, to be postmaster at Manti, in the county of Sanpete and State of Utah, in place of James P. Madsen. Incumbent's commission expired January 20, 1902.

Jorgen C. Jacobson, to be postmaster at Elroy, in the county of Juneau and State of Wisconsin, in place of Jorgen C. Jacobson. Incumbent's commission expired January 12, 1902.

Charles S. French, to be postmaster at Lake Geneva, in the county of Walworth and State of Wisconsin, in place of Charles S. French. Incumbent's commission expired January 12, 1902.

James T. Webb, to be postmaster at Lancaster, in the county of Grant and State of Wisconsin, in place of James T. Webb. Incumbent's commission expired January 12, 1902.

Clayton H. Underhill, to be postmaster at Sharon, in the county of Walworth and State of Wisconsin, in place of Clayton H. Underhill. Incumbent's commission expired January 12, 1902.

Richard Price, to be postmaster at Wonewoc, in the county of Juneau and State of Wisconsin, in place of Richard Price. Incumbent's commission expired January 12, 1902.

Peleg A. Coal, to be postmaster at Gibson City, in the county of Ford and State of Illinois, in place of Peleg A. Coal. Incumbent's commission expired January 10, 1902.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 10, 1902.

UNITED STATES ATTORNEY.

James S. Young, of Pittsburg, to be United States attorney for the western district of Pennsylvania.

POSTMASTERS.

William T. Hutchens, to be postmaster at Huntsville, in the county of Madison and State of Alabama.

Blevins S. Perdue, to be postmaster at Greenville, in the county of Butler and State of Alabama.

John B. Lollar, to be postmaster at Jasper, in the county of Walker and State of Alabama.

William C. Starke, to be postmaster at Troy, in the county of Pike and State of Alabama.

Daniel McNiel, to be postmaster at Ozark, in the county of Dale and State of Alabama.

Eli P. Jennings, to be postmaster at New Decatur, in the county of Morgan and State of Alabama.

Frank A. McCoy, to be postmaster at North Tonawanda, in the county of Niagara and State of New York.

Michael Gleason, to be postmaster at Carthage, in the county of Jefferson and State of New York.

John A. Brouse, to be postmaster at Lonoke, in the county of Lonoke and State of Arkansas.

Frank H. Juergens, to be postmaster at Jordan, in the county of Scott and State of Minnesota.

Marcus J. Isaacs, to be postmaster at Etna Mills, in the county of Siskiyou and State of California.

B. C. Ide, to be postmaster at Arroyo Grande, in the county of San Luis Obispo and State of California.

James H. Jennings, to be postmaster at Candor, in the county of Tioga and State of New York.

George G. Mason, to be postmaster at Webster, in the county of Monroe and State of New York.

Hamilton H. Judson, to be postmaster at Farmington, in the county of Dakota and State of Minnesota.

William A. Bennetts, to be postmaster at Ione, in the county of Amador and State of California.

Christian L. Ecklon, to be postmaster at Folsom City, in the county of Sacramento and State of California.

Volney I. Cook, to be postmaster at Belfast, in the county of Allegany and State of New York.

John C. Stowers, to be postmaster at West Palmbeach, in the county of Dade and State of Florida.

Frank M. Reardon, to be postmaster at Victor, in the county of Teller and State of Colorado.

Peter O. Hall, to be postmaster at Atwater, in the county of Kandiyohi and State of Minnesota.

Nelson H. Norman, to be postmaster at Wynnewood, in the Chickasaw Nation, Indian Territory.

Edward C. Watson, to be postmaster at Assumption, in the county of Christian and State of Illinois.

William T. West, to be postmaster at Lancaster, in the county of Garrard and State of Kentucky.

William T. Clements, to be postmaster at Platte City, in the county of Platte and State of Missouri.

Robert P. Underwood, to be postmaster at Greenfield, in the county of Dade and State of Missouri.

Thomas J. Ulen, to be postmaster at Dexter, in the county of Stoddard and State of Missouri.

William F. Quigley, to be postmaster at Tipton, in the county of Moniteau and State of Missouri.

John W. Smith, to be postmaster at Thayer, in the county of Oregon and State of Missouri.

William C. Askin, to be postmaster at Salem, in the county of Dent and State of Missouri.

Robert D. Hamilton, to be postmaster at Kirksville, in the county of Adair and State of Missouri.

John P. Waste, to be postmaster at Plainview, in the county of Wabasha and State of Minnesota.

John W. Hancock, to be postmaster at Casey, in the county of Clark and State of Illinois.

George G. Witty, to be postmaster at Bardwell, in the county of Carlisle and State of Kentucky.

George N. Slaten, to be postmaster at Grafton, in the county of Jersey and State of Illinois.

John G. Grems, to be postmaster at Maryville, in the county of Nodaway and State of Missouri.

Frank C. Wilcox, to be postmaster at Painted Post, in the county of Steuben and State of New York.

August Hauser, to be postmaster at Hicksville, in the county of Nassau and State of New York.

James L. Baker, to be postmaster at Lancaster, in the county of Schuyler and State of Missouri.

Samuel B. Roach, to be postmaster at Mason City, in the county of Mason and State of Illinois.

William A. Mussett, to be postmaster at Grayville, in the county of White and State of Illinois.

Charles W. Penny, to be postmaster at Patterson, in the county of Putnam and State of New York.

J. F. Okey, to be postmaster at Grant City, in the county of Worth and State of Missouri.

David H. Gilchrist, to be postmaster at Gallatin, in the county of Daviess and State of Missouri.

D. G. Williamson, to be postmaster at Staunton, in the county of Macoupin and State of Illinois.

William J. McEldowney, to be postmaster at Chicago Heights, in the county of Cook and State of Illinois.

Fred C. Kile, to be postmaster at Blue Island, in the county of Cook and State of Illinois.

Wilbur T. Norton, to be postmaster at Alton, in the county of Madison and State of Illinois.

George S. Roush, to be postmaster at Lena, in the county of Stephenson and State of Illinois.

Edmund C. Kreider, to be postmaster at Jacksonville, in the county of Morgan and State of Illinois.

Ernest G. Howell, to be postmaster at Geneva, in the county of Kane and State of Illinois.

Christian A. Kuhl, to be postmaster at Pekin, in the county of Tazewell and State of Illinois.

James E. Gregory, to be postmaster at Moweaqua, in the county of Shelby and State of Illinois.

John A. Walter, to be postmaster at Lockport, in the county of Will and State of Illinois.

Susan C. Fulton, to be postmaster at Hawley, in the county of Clay and State of Minnesota.

Laurence O'Brien, to be postmaster at Preston, in the county of Fillmore and State of Minnesota.

Robert Dunn, to be postmaster at Akely, in the county of Hubbard and State of Minnesota.

C. A. Sweet, to be postmaster at Creighton, in the county of Knox and State of Nebraska.

Charles D. Morris, to be postmaster at Trenton, in the county of Grundy and State of Missouri.

Andrew Eiken, to be postmaster at Crookston, in the county of Polk and State of Minnesota.

Albert Humm, to be postmaster at College Point, in the county of Queens and State of New York.

Charles V. Hay, to be postmaster at Weeping Water, in the county of Cass and State of Nebraska.

Henry C. Booker, to be postmaster at Gothenburg, in the county of Dawson and State of Nebraska.

Hiram A. Gardner, to be postmaster at Campbell, in the county of Dunklin and State of Missouri.

Simon P. Loebe, to be postmaster at Charleston, in the county of Mississippi and State of Missouri.

Malissa Conway, to be postmaster at Vandalia, in the county of Audrain and State of Missouri.

Frank I. Swett, to be postmaster at Lebanon, in the county of Laclede and State of Missouri.

James L. Greenlee, to be postmaster at Kahoka, in the county of Clark and State of Missouri.

Ida Blackburn, to be postmaster at Savannah, in the county of Andrew and State of Missouri.

William A. McCool, to be postmaster at Indianola, in the county of Redwillow and State of Nebraska.

C. W. McConaughy, to be postmaster at Holdrege, in the county of Phelps and State of Nebraska.

Charles F. Bean, to be postmaster at Glendive, in the county of Dawson and State of Montana.

Thurlow S. Armstrong, to be postmaster at Butte, in the county of Boyd and State of Nebraska.

Lewis M. Short, to be postmaster at Ainsworth, in the county of Brown and State of Nebraska.

Levi M. Copeland, to be postmaster at Minden, in the county of Kearney and State of Nebraska.

John J. Inman, to be postmaster at Salamanca, in the county of Cattaraugus and State of New York.

Sanford D. Cole, to be postmaster at Wymore, in the county of Gage and State of Nebraska.

William E. Morgan, to be postmaster at Greeley, in the county of Greeley and State of Nebraska.

Benjamin C. Eaton, to be postmaster at Pittsford, in the county of Monroe and State of New York.

George L. Bowers, to be postmaster at Vernon, in the county of Oneida and State of New York.

William S. Mills, to be postmaster at Fillmore, in the county of Allegany and State of New York.

Harriet L. Knapp, to be postmaster at Shortsville, in the county of Ontario and State of New York.

Nathan Van Wagenen, to be postmaster at New Paltz, in the county of Ulster and State of New York.

Albert H. Lapham, to be postmaster at East Aurora, in the county of Erie and State of New York.

Eugene N. Hayes, to be postmaster at Boonville, in the county of Oneida and State of New York.

George R. Vail, to be postmaster at Chester, in the county of Orange and State of New York.

Levi A. Shove, to be postmaster at Brewster, in the county of Putnam and State of New York.

Artie E. Galloway, to be postmaster at Silver City, in the county of Grant and Territory of New Mexico.

Elizabeth A. Wheeler, to be postmaster at West Derry, in the county of Rockingham and State of New Hampshire.

William E. Lissenden, to be postmaster at Mariner Harbor, in the county of Richmond and State of New York.

George F. Wattson, to be postmaster at El Reno, in the county of Canadian and Territory of Oklahoma.

Allen J. Papen, to be postmaster at Las Cruces, in the county of Donna Ana and Territory of New Mexico.

F. O. Blood, to be postmaster at East Las Vegas, in the county of San Miguel and Territory of New Mevico.

John J. Burke, to be postmaster at Norman, in the county of Cleveland and Territory of Oklahoma.

Frank Frantz, to be postmaster at Enid, in the county of Garfield and Territory of Oklahoma.

John W. Deam, to be postmaster at Geary, in the county of Blaine and Territory of Oklahoma.

Joseph Marks, to be postmaster at Covington, in the county of Tipton and State of Tennessee.

Robert S. Link, to be postmaster at Abbeville, in the county of Abbeville and State of South Carolina.

Herbert C. Huber, to be postmaster at Mountain View, in the county of Washita and Territory of Oklahoma.

William H. Faulkner, to be postmaster at South Boston, in the county of Halifax and State of Virginia.

Benjamin B. Weisiger, to be postmaster at Manchester, in the county of Chesterfield and State of Virginia.

Blanton W. Burford, to be postmaster at Lebanon, in the county of Wilson and State of Tennessee.

William G. Young, to be postmaster at Tazewell, in the county of Tazewell and State of Virginia.

Charles H. Revercomb, to be postmaster at Covington, in the county of Alleghany and State of Virginia.

Sydney S. Trevvett, to be postmaster at Glenallen, in the county of Henrico and State of Virginia.

James F. Harrison, to be postmaster at Piedmont, in the county of Mineral and State of West Virginia.

John O. Jackson, to be postmaster at Blackstone, in the county of Nottoway and State of Virginia.

Charles Alexander, to be postmaster at Boydton, in the county of Mecklenburg and State of Virginia.

Henry C. Showalter, to be postmaster at Harrisville, in the county of Ritchie and State of West Virginia.

John O. Huey, to be postmaster at Mannington, in the county of Marion and State of West Virginia.

Harry E. Munday, to be postmaster at Shepherdstown, in the county of Jefferson and State of West Virginia.

Edwin L. Brunton, to be postmaster at Walla Walla, in the county of Wallawalla and State of Washington.

William A. Buckley, to be postmaster at Sprague, in the county of Lincoln and State of Washington.

Alphonso F. Learned, to be postmaster at Port Townsend, in the county of Jefferson and State of Washington.

Lawrence A. Inkster, to be postmaster at Davenport, in the county of Lincoln and State of Washington.

Arthur M. Blackman, to be postmaster at Snohomish, in the county of Snohomish and State of Washington.

Joseph G. Tuttle, to be postmaster at Waterville, in the county of Douglas and State of Washington.

HOUSE OF REPRESENTATIVES.

MONDAY, *February 10, 1902.*

The House met at 12 o'clock m.

The Chaplain, Rev. HENRY N. COUDEN, D. D., offered the following prayer:

Let Thy blessing, Almighty God, our Father, descend upon us this day. Make us to know Thy will. Give us the disposition and the strength to do it. And, O Lord, let Thy blessing descend upon all who are in anxiety, all who are sick and afflicted; especially let Thy blessing descend upon the President and his companion. Spare the life, we beseech Thee, of their child, that he may grow up to be a comfort and a blessing to them in their declining years. This we ask in the name of Christ our Lord. Amen.

The Journal of Saturday's proceedings was read and approved.

OLEOMARGARINE BILL.

Mr. HENRY of Connecticut. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole House on the state of the Union for the further consideration of House bill 9206, the oleomargarine bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. LACEY in the chair, for the further consideration of House bill 9206.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the oleomargarine bill, and the Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 9206) to make oleomargarine and other imitation dairy products subject to the laws of the State or Territory into which they are transported, and to change the tax on oleomargarine.

Mr. FEELY. Mr. Chairman, I wish to submit the bill reported by the majority and the whole report, and the bill submitted by the minority and the whole of the minority report, to be printed as an appendix to the remarks which I shall submit on this question.

The debate, so far as it has proceeded on this question, has disclosed the very great and deep interest of the various constituencies represented upon the floor of this House. It has shown a varied interest. We have heard words of encouragement for the cow from southwestern Iowa and for the dairymaid of North Carolina. We have heard representations here for the Texas steer, and we have heard representations from some of the packing interests.

I do not know that it is necessary to state on the floor of this House the various interests to be argued for and represented here, but I will submit that on this great question of taxation, this question of the right and propriety of using the taxing power of the Government, claimed by some to be supreme, is a question that ought to command an inquiry into the conscience of members, as well as into the consciences of the constituents of members. It sounds well, it will read well in the RECORD, it will do well for home consumption, for members on the floor of this House to stand here and say that they represent the consciences of their constituents.

There are two classes of statesmanship which have become manifest during the last decade of American politics. One school is the school that has its ear ever to the ground listening for the word from home on every question, and the other school is the school that weighs public questions in the balance of common sense, in the balance of intelligent and wise legislation, and casts its vote on the floor of this House in favor of the conclusion rather than by the latter process. Members who expect to gain the good will of the constituent body, always placing the ear close to the ground, may sometimes be swerved from what they would consider the plain duty by listening to the sometimes misguided cry of their constituents, whether made manifest, as in this case, by postal cards prepared in the city of Chicago or by letters or communications from the public press in other various districts.

I submit, Mr. Chairman, that if this Republic is going to secure the best advice, the soundest judgment from members on this floor, there ought to be used in the determination of every question here that cool judgment which comes from a conviction well grounded after study rather than from a postal card indited in some market of the world, sent to a farmer, addressed and sent here to a member of this House.

Members have stood on the floor of this House and have courageously stated that they granted to every member the right to vote as his conscience dictated. The right to vote, said some, as the consciences of the constituents dictate; but I submit to you when the last day has come—I mean the last day of your Congressional service, and I appreciate fully that the last day of Congressional service to some of you is very far ahead—when the last day of Congressional service has come, you will be sounder and freer in your own mind and your consciences will be more easily composed if you know that to the disposition of every question you have brought sound judgment, rather than fear caused by the hue and cry of constituents, who are many times illy advised on the question about which they would advise you.

Now, to come down to the discussion in specie of the various provisions of this bill, I desire to state that I agree with all who have declared that the necessity was evident for legislation on this subject. I think my experience and locality permits me to agree with both majority and minority on this committee that there is a great amount of fraud connected with the retail traffic in oleomargarine. And there may be some fraud connected with the disposition of the wholesale trade in oleomargarine. And after three days of extensive debate, after the records were ransacked for evidence of frauds, you brought forth only one manufacturer who had been detected, who had been unquestionably going beyond his bounds as a wholesaler in oleomargarine.

And the gentleman from Wisconsin rose here and read a long article detailing how this manufacturer told his retail consumers how to furnish oleomargarine that would approach butter in color at different seasons of the year. That was the one instance submitted on the floor of this House, and there is not a member here, and there will not be a member, who will attempt to condone the actions of that one wholesaler in the business of oleomargarine.

Mr. Chairman, the minority of this committee insists that because there is fraud in the retail business of oleomargarine, because there has been one instance, because there has been perhaps two instances, of nefarious and unjustifiable conduct in the wholesale business of oleomargarine, this House has not the moral right or the power to stamp out the industry. I have heard a great deal about fraud in oleomargarine. I have heard the voice of the gentleman from Wisconsin and the voices of the gentlemen from Minnesota and southwestern Iowa raised here against the frauds in oleomargarine. Against whom have you been talking, gentlemen? Have you been making Don Quixotes of yourselves by fighting a windmill? Everyone understands about the frauds. You do not deceive anybody but the constituents to whom you mail your addresses by talking about fraud. Fraud is admitted. But we say to you that the report made by the minority on this question provides in every respect a better solution for the question of the disposition of this fraud than your majority report.

The gentleman from Iowa stated here that the legislation of 1886 was based upon the same principle upon which the present measure is based. Is it? Does he forget some of the speeches made on the floor of this House by the distinguished gentleman from Missouri and the distinguished gentleman from Illinois? Let us see if this was, as stated by the gentleman from Ohio, a question as to the deleteriousness of this product. We all remember—at least, we all remember having read—the speech of the gentleman from Illinois, the gentleman who represents the greatest dairy district in this country, who is being attacked to-day by this same organization of busybodies, this same conscience keeper of the House of Representatives, for having been absent from his seat when this question was up one week ago. Let us see how roseate was his opinion of the cow. Let us see what a beautiful opinion he had of the product known as oleomargarine in 1886. On May 24 of that year he said:

During the Franco-Prussian war an inventive genius, by the name of M. Mége, discovered that the fats of such animals as cattle, horses, and dogs could be made into a substitute for butter. The war measure of the inventive Frenchman was seized and improved upon by the ever-inventive Yankee. Our Patent Office has been besieged with applications for patents.

After pointing out the various articles said to be used in the manufacture of oleomargarine, comprising 60 in all, Mr. Hopkins proceeded, as follows:

If these imitations of, and substitutes for, pure butter were marked or labeled what they really are, and the dealers and consumers advised of what they are purchasing and eating, no complaints would be made by the dairymen.

Continuing, Mr. HOPKINS said:

The great wrong is the fraud and deception practiced in selling such loathsome compounds for genuine butter. It is asserted by the friends of these bogus substitutes for butter that they are healthy. They are not. All kinds of filthy fats are used in their manufacture. Animals dying from all kinds of diseases are utilized, and after going through their bleaching and deodorizing processes are manufactured into oleomargarine and sold for pure butter.

Gentlemen of rare scholarship and scientific attainments have given this whole subject years of careful thought and study, and are unqualified in their statements of its unwholesome and loathsome character. Its consumption, in their judgment, leads to insanity, Bright's disease, and many of the ailments that undermine the strongest and most robust constitutions.

These extracts from the speeches of Mr. HOPKINS, and Mr. Hatch of Missouri, the father of the present act, show conclusively that these men honestly believed at the time that the statements were made that they were facts, and they were fully convinced that the measure they had under consideration was an honest and patriotic one, and one that should command the fullest support of this House. They show that even at that early day, before science had demonstrated to the world and the world had accepted the fact, that oleomargarine was wholesome and nutritious, there was no effort made or contemplated to strike down this industry, but all that was wanted by that measure was to prevent deleterious ingredients entering into the manufacture of this article. There was no talk in those days of repressive taxation, there was no talk of coming back to Congress and asking for a heavier tax on the product in the event that the tax they laid was insufficient to stamp out the industry.

All that was asked or contemplated by the promoters of that legislation was to provide sufficient revenue to properly police the manufacture and sale of that article, and provide sufficient protection so that it would be sold on the market for just what it

was. That is all we need to-day; that is all the minority bill proposes to do.

Now, my dear friends from the Northwest, calm yourselves; be not dismayed, dispel your alarm; we do not intend to put in this product all the dead dog and animals that we can gather along the railroads, as was stated by the gentleman from Missouri, Mr. Hatch, and by Mr. HOPKINS, in 1886.

We propose that it shall be manufactured as honestly as it is to-day, and that its ingredients shall be as pure and wholesome and as healthy as every one of you admit it is to-day, and we propose that it shall be sold for exactly what it is.

The manufacturers of oleomargarine have done something to close the mouths of all the ranters against the dishonest product, oleomargarine. The only complaint we have at the present time outside of that distinguished body, that able conscience keeper of the House of Representatives, the National Dairy Union, whose members sit around with a tab in their hands watching the friends of the cow, the only complaint we have outside of that organization is the outcry of certain members of the House concerning fraud in the retail distribution of the product, and in one, or possibly two, instances in the wholesale distribution of it, not a word about deleterious products being used in its manufacture. I might read to you a long list of opinions presented by various chemists, whose opinions are entitled to consideration, but I will not occupy the time of the House in that way, knowing how many desire to be heard on this measure.

I want to submit, however, what is known to most of the people who have examined this question; that is, that the decisions of the courts of last resort have declared this product to be honest and nutritious and wholesome; and have declared it to be an article of commerce, even so far that the courts of last resort will take judicial notice of that fact.

In the case of Schollenberger *v.* Pennsylvania (171 U. S. Reports, p. 10) the Supreme Court quotes from the decision of Judge Hughes of the eastern district of Virginia in the case of Ex parte Scott and others, in which the circuit court for the eastern district of Virginia (66 Fed. Rep., 45) says:

> It is a fact of common knowledge that oleomargarine has been subjected to the severest scientific scrutiny, and has been adopted by every leading government in Europe, as well as America, for use by their armies and navies.

And the court says, on page 12:

> The article is a subject of export and is largely used in foreign countries. Upon all these facts we think it apparent that oleomargarine has become a proper subject of commerce among the States and with foreign nations.
>
> The general rule to be deduced from the decisions of this court is that a lawful article of commerce can not be wholly excluded from importation into a State from another State where it is manufactured or grown. A State has power to regulate the introduction of any article, including a food product, so as to insure purity of the article imported, but such police power does not include the total exclusion even of an article of food.

Mr. GAINES of Tennessee. Will the gentleman yield for a question?

Mr. FEELY. With pleasure.

Mr. GAINES of Tennessee. As I understand it, the proposed legislation does not strike at the making of oleo and selling it as oleo, or the making of oleo and keeping it in the form of oleo, but it strikes at the making of oleo and selling it as butter, contrary to the statute and contrary to good morals, which you say is a fraud.

Mr. FEELY. I would say to the gentleman from Tennessee that no matter what excuses may be made by members on the floor of the House on the ground that this is a revenue measure, the words of the pioneer in this legislation, the words of the gentleman from whom almost all of the members from Minnesota are trying to rob the credit of this measure, the words of that gentleman have made it plain to us that this was a repressive measure; that this was distinctly what the gentleman from Wisconsin, Governor Hoard, said was a repressive measure, and intended to stamp out oleomargarine as a competitor in the field with cow butter.

Mr. GAINES of Tennessee. As a competitor under the name of oleo, or as a competitor sold as butter?

Mr. FEELY. As a food product. The gentleman from Tennessee well knows that no man will stand on the floor of this House and that no committee will be found having the temerity to report a bill into this House that would allow the fraudulent substitution of and selling of oleomargarine in the markets as and for butter.

Mr. GAINES of Tennessee. You are opposed to that, then?

Mr. FEELY. I certainly am opposed to that.

Mr. THAYER. Will the gentleman yield to me?

Mr. FEELY. Yes.

Mr. THAYER. I should like to call attention to the wording of your minority bill, changing the phraseology of the statute as it now reads, transposing the word "only" to the position after "production" instead of placing it before the word "oleomargarine." I wish to ask you now if you intend by your bill, if it goes into effect, that a manufacturer of oleomargarine, having paid the special tax of $400 as a manufacturer, if he should sell his oleomargarine at wholesale at a place other than where it was manufactured, would be obliged to pay the other tax? It occurred to me, when you say "and who sells oleomargarine of his own production only at the place of manufacture," that that would be the effect of it, and that if a manufacturer sold oleomargarine of his own manufacture at any other place than the factory it would compel him to pay two taxes.

Mr. FEELY. As far as I am concerned, I believe that that is a misinterpretation of the law. I certainly intend that he shall not have to pay two taxes.

Mr. THAYER. Would he not be obliged to do so under the phraseology of the bill, changing it from the original statute, which provided that where one sells only oleomargarine of his own manufacture he is not obliged to pay the other tax? But you have transposed it so that if he sells oleomargarine of his own manufacture only at the place of manufacture he is not obliged to pay any other tax; but you do not relieve him from paying another tax for the sale at another place besides the place of manufacture.

Mr. FEELY. I am not sure that I fully comprehended the gentleman's question. I may have done so. If in the remarks that I am now about to make I show that I have comprehended the gentleman's question, I hope he will be satisfied with the answer that I make.

I am about to come to a discussion of the first section of this majority bill. The National Dairy Union has sent out a statement that may bring out an answer to the question of the gentleman from Massachusetts. I wish to address myself to the first section of this bill.

The first section of this bill is based on historic excise legislation. It is based on the bigoted desire of grasping creamery interests in this country to place an honest competitor on the same basis with the makers and sellers of intoxicating liquors.

It is based on the hint expressed by the Supreme Court's decision in the original-package case to the effect that Congress might grant permission to the several States to pass laws under the police powers of those respective States that would be effective, despite the grant to Congress by the Constitution of the right to regulate interstate and foreign commerce.

They propose to allow each State in this Union that so desires to place a proscriptive bar around its boundaries and prohibit even the introduction of this article. The time will come, Mr. Chairman, when a fuller appreciation of this product, oleomargarine, will warrant every man on the floor, whether he has been in receipt of postal cards from the National Dairy Union or not, in decrying any such legislation. Has it come to this, that the Houses of Congress are expected to pass measures whereby an honest and nutritious product—a product admittedly wholesome—is to be kept out of one State because the legislature of that State does not like it? You may pass this law to-day, but sensible men who deliberate upon legislation will not be hasty in passing a law that will allow any State in this Union to proscribe an honest, wholesome, and legitimate food product.

I personally am in favor of the broadest freedom in the disposition of this product, and I would not have the manufacturer pay a special tax at any place of sale, as referred to by the gentleman from Massachusetts. I would have every manufacturer of the article have the lawful right to send it in the original package to any man, even in Wisconsin, who would write him a letter asking him to send him a pound or two pound package of oleomargarine, even if it drove into frenzied alarm all the representatives from the dairy sections of this country. If the people want oleomargarine, and if they want it colored, they are entitled to it, so long as they know what they are getting; if they are fully advised by the manufacturer as to what the article is and he has labeled it as such according to law. Section 3 of the majority bill is the important section in the bill. It is the section concerning which members began to talk here a week ago to-day, about it being a revenue measure, and it is the section about which members were talking on the following Wednesday evening, about it being a measure to repress fraud by putting on a 10-cent tax for the purpose of "taxing fraud out of oleomargarine."

Now, is not that a beautiful phrase? Will not that sound well in the valleys of southwestern Iowa and up in the valleys of Wisconsin, one of the most beautiful States in the Union, whose people are thoroughly wedded to raising dairy cows, to producing butter and cheese, "to stamp fraud out of oleomargarine."

Why, to listen to gentleman on the other side of this question, one might think that we here on this side were a band of Bulgarian brigands; that we were in a conspiracy with the gang of "adulterers," to use the language of some of the dairy papers

in this country, "whose headquarters are in the city of Chicago," and that we were trying to loot the consumers of this country and sell oleomargarine as if it were butter. If that is the opinion you entertain of us, gentlemen, you are on the right path, you are proper in your methods, so that you can place it on the plane of competition where it will have no competitors to test it.

Mr. TAWNEY. Will the gentleman permit me to interrupt him?

Mr. FEELY. Certainly.

Mr. TAWNEY. Whether that is our opinion of the people of Chicago or not, I desire to ask the gentleman a question on that line, whether or not the firm of which he is a member were not the attorneys in the case of The People of Illinois against M. A. Wright, and The People of Illinois against Charles R. Harrie, in 1899?

Mr. FEELY. Oh, yes.

Mr. TAWNEY. And if in the closing paragraph of the brief which you presented on behalf of the people against the oleomargarine retailer you did not use this language:

> The very vigor with which these cases are being contested by the manufacturers or mixers is evidence of the immense magnitude of the imposition now being perpetrated upon the public, for such defense would only be made to protect systematic and lucrative fraud.

Mr. FEELY. Oh, yes; that language is in that brief.

Mr. TAWNEY. Is not that the opinion you expressed in your brief?

Mr. FEELY. That is the opinion expressed in the brief that was drawn by my partner. [Laughter on the Republican side.] Wait a minute, my distinguished friend from Minnesota, before you laugh. I will admit that our firm were the attorneys, or rather my partner was the attorney, for the people in those cases; but I do not see where the materiality of the gentleman's question comes in at all.

Mr. ROBINSON of Indiana. You deprecated fraud?

Mr. FEELY. I deprecated fraud there and deprecate it here; and I regret to say to the gentleman from Minnesota that his bigoted attorneyship for the farmers from Minnesota has so evidently blinded him that he supposes that I would entertain for a moment the proposition of condoning fraud there or here.

I expected that question. You know there are things in the past life of every one of you that might be dug up here on the floor and submitted to you. I suppose that the conscience of the distinguished gentleman from Minnesota, the able pioneer—I do not know whether or not he is the pioneer principe, but he is one of the pioneers of this legislation—I do not know whether his conscience would allow him to accept a retainer from one of these notorious manufacturers of oleomargarine or not. I know when I am in the law business I am there to take care of the interests of the people who retain me, just the same as when I am here I am here to legislate as I think best for the people of the United States according to my convictions on such legislation. [Applause.]

Mr. Chairman, if this bill is passed by Congress a general invitation will be extended to every class to come here to the doors of this House and demand legislation beneficial to that class and destructive of every competitive class. If the lobby is strong enough, if the spies are watchful enough, if the fears of the National Legislature can be played upon strongly enough, nothing will prevent the passage of a flood of such bills as we have presented here.

There is an old principle, dear to the heart of every lover of the traditions and beliefs of the party which I love, and that is, "That government is best which governs least."

Let us pause in our mad rush to accede to the clamor for legislation, let us carefully consider every measure presented to us in this House, and let us so hold the balance that justice will be done, that freedom will be extended to all in the great field of production and trade. Let us encourage honest endeavors in honest enterprises, and let us discourage appeals to the National Government on the part of those engaged in one industry for a measure which will be destructive of the rights, occupation, and property of those engaged in another industry. Let us not turn the balance in favor of the producer and against the consumer of a necessary article of food. [Great applause.]

Mr. WM. ALDEN SMITH. Mr. Chairman, I desire to have read by the Clerk the telegram which I send to the desk.

The Clerk read as follows:

LANSING, MICH., *February 5, 1902.*

TO CHAIRMAN MICHIGAN CONGRESSIONAL DELEGATION,
Washington, D. C.

Following passed unanimously to-day at State Dairymen's Association meeting at Lansing:

"Whereas the sale of oleomargarine as butter has in the past and does in the present defraud innocent consumers and unjustly injures the legitimate business of the dairymen:

"*Resolved*, That the Michigan Dairymen's Association approves the bill now before Congress which taxes the sale of oleo colored to resemble pure butter, and requests our Senators and Representatives to use every effort to secure the passage of the same."

FRED M. WARNER, *President.*
S. J. WILSON, *Secretary.*

Mr. WM. ALDEN SMITH. Mr. Chairman, I desire simply to say a few words in addition to that telegram. The present law taxes oleomargarine 2 cents a pound. That law was passed in 1886, and is known as the "Hatch law." We propose, in the interest of the consumers of oleomargarine, to reduce the tax from 2 cents a pound to one-quarter of 1 cent a pound, and in the interests of the dairymen, the farmers, and the butter makers of this country we propose to raise the tax upon oleomargarine colored in imitation of butter to 10 cents a pound.

I believe this legislation is fully warranted. I believe that we are acting within our proper and legitimate authority. I believe that not only the dairymen but the farmers and laboring men of this country will sustain us in this matter, and therefore I desire to put myself on record in favor of this legislation.

Mr. Chairman, it is not possible for me to be here when this vote will be taken to-morrow, but I desire to be upon record, and I have already been paired with the gentleman from Michigan [Mr. CORLISS], who would cast his vote on the other side of the question. The matter is important to the farmers of our State, and I commend this legislation to my associates here as highly necessary, and hope it will be enacted into law. [Applause.]

Mr. HAUGEN. Mr. Chairman, I fully appreciate that every argument has been exhausted on both sides of this question, and that there remains nothing to be said, and had it not been for certain remarks made by the opposition I should not at this time offer any observations or ask to be recognized. I had the privilege of presenting my views on this subject a year ago, and I have nothing now to add, nothing to retract, and no apologies to make. But in view of the abuse, sarcasm, and the statements made by the opposition impugning the motives of the friends of this bill, I shall endeavor to answer some of the charges which have been made.

The friends of this bill now before the House have been charged with cowardice and with a lack of courage to vote their honest convictions; that we have been intimidated and solely influenced by our constituents who have been or are in the dairy business, while those on the other side occupy a more exalted plane and who claim to be infallible, spotless, pure, and clean and above suspicion, regardless of the bellowing Texas steer prodding them in the back, the cotton-seed industry of the South, the thousands of dollars employed to defeat this bill, the 5,492 fraudulent dealers in this country, the 28 oleomargarine manufacturers with all their influence and the millions of dollars back of them hammering at the doors of Congress, and so earnestly pleading that this gigantic fraud may be continued and perpetuated; and that all of these powerful influences have not appealed to their sympathy, and that they absolutely occupy and maintain an unprejudiced position, notwithstanding these inducements and influences brought to bear with so much pressure.

Oh, my friends, well might you have spared yourselves and your constituents this humiliation. You better discuss the merits and demerits of this bill rather than engage in personal insinuations and abuse. There is an old maxim that "people living in glass houses should not throw stones;" and it is a well-known fact that "self-praise bears no weight." You have my sympathy. Your abuse and energy has been all in vain. The friends of this bill are willing that it should stand upon its merits, and I trust that the opposition will consider it in this light. If so, I think there is no question as to the result.

The bill comes before you backed by a majority of the Agriculture Committee—12 to 5; by practically 5,000,000 families engaged in the dairy business, and, I believe, by a large majority of the 76,000,000 people; certainly by a large majority of the consumers of butter; at least by those who have looked into the merits of this measure, and who understand the bill.

It has the indorsement, I believe, of every food and dairy commissioner in the United States, and nearly every editor and publisher of agricultural papers. Representative men and women have appeared before our committee heartily indorsing the bill, such as Mr. Jones, representing the National Grange, an organization of thirty-five years' standing, and with subordinate branches in 40 States in the Union, a membership of more than 500,000; Mrs. Smith, representing the Women's Industrial Association; each voicing the sentiment of their respective organizations, and speaking with authority; General Grout, an exmember of this House and author of the Grout bill; exgovernor Hoard of Wisconsin; Mr. Adams, food commissioner of Wisconsin, appeared in behalf of the food commissioners of the different States; Secretary Knight, of the National Dairy Union. All of whom are persons of integrity, high standing, and representative people of this

country, and who zealously and earnestly recommend the passage of this bill.

In this connection I ask the privilege of incorporating in my remarks a statement of Mr. Aaron Jones, master of the National Grange and a member of the legislative committee (p. 243, hearings of com.):

Mr. JONES. Mr. Chairman and gentleman, I come in here as a farmer, that having been my business all my life. I have been and am engaged in cattle farming and stock growing. I also represent the National Grange, an organization of thirty-five years' standing; an organization that has subordinate branches in 40 of the States of this Union; an organization that is thirty-five years of age. We have in membership something over 500,000 of the farmers of the United States. Our membership is composed of all classes of men engaged in agriculture—those that are engaged in dairying, those that are engaged in stock growing on a large or small scale, those who are horticulturists—in fact, the entire branch of agriculture. Our organization represents the only national organization of farmers in the United States. It is entirely nonpartisan in its organization. Our organization is established for the purpose of promoting the interests of agriculture.

This matter of the protection of the farming interests of this country we have considered from the standpoint of the best interests of the agricultural classes as well as the best interests of the citizenship of this country. We have given very much thought and attention to this protection of the dairy interests, pure foods, unadulterated foods, and the sale of commodities for what they are. We believe to-day that the best interests of the people of this country are to prohibit or prevent any of the adulteration of the food or medicine products of this country. We believe that every article ought to be put upon the market and sold for what it is, and not what it may represent in appearance. We have been decidedly from the beginning opposed to the oleomargarine people coloring their products in imitation of butter.

* * * * * * *

Three consecutive annual sessions we have been demanding of Congress the passage of a bill embracing the principles involved in this Grout bill. In 27 of the States of this Union the State granges have also indorsed the principles represented in the Grout bill. We have branches to the number of 4,000 subordinate granges, scattered in 40 States of this Union, meeting in their neighborhoods and counties, that have considered, indorsed, and urged the passage of a bill embracing the principles of the Grout bill.

We have county organizations to the number of 1,500 scattered all over this country from the Atlantic to the Pacific coast. I want you to understand that this membership is composed of Democrats and Republicans, and men of all shades of political opinion and all classes of the farming population. We have 1,500 of those organizations representing counties that have considered in detail this bill, and have urged and memorialized Congress for the passage of a bill embracing this principle.

Now, we believe that the farming interest—that is, the producer of 70 per cent of the wealth that goes into the channels of the trade of this country—we believe that our interest, as represented by the dairy and the cow, is a vast interest, and we believe that Congress should protect us from the adulteration or the imposition of a bogus article being palmed off on the public for the genuine article. We believe that it is injurious to the markets of this country and injures our business, and that we are entitled to protection at the hands of the Congress of the United States.

We believe that this bill embraces that protection, and with a unanimity that we have never had upon any other measure we come to Congress asking that this bill become a law, and we hope—we believe—that the justice of the members of Congress, representing the entire people, will recommend the measure that is now pending before you, for the principle involved therein. We believe that the 10-cent tax upon colored oleomargarine will give us that protection, and we hope that your committee will recommend to Congress, as unanimously as may be, such a measure, and we believe it will become—hope it will become—a law of this country, and we believe and hope that it will be enforced, with the view so that when the purchaser goes and buys he knows just exactly what he buys, so that the consumer when he goes to a hotel, and there is a thing set before him as an article of food resembling butter, will know that it is butter.

Also a statement by Charlotte Smith, president Woman's Industrial and Patriotic League, District of Columbia (p. 275, hearings).

JANUARY 22, 1902.

MR. CHAIRMAN AND GENTLEMEN OF THE COMMITTEE ON AGRICULTURE: I will make a few brief remarks on the subject of oleomargarine. I will not quote statistics or refer to scientists' and physicians' opinions as to oleo as a pure food product. That has all been gone over by the oleo lobbyists and paid attorneys. I will, however, give a few plain facts from an independent industrial woman's standpoint, who represents the consumers of butter, butterine, etc., or more commonly speaking, "cow butter" and "steer butter."

We were threatened one day last week, Mr. Chairman, by the attorney for the oleo and cattlemen's combine, that if there was any more legislation enacted to restrict the manufacture of oleo oil, that not only a panic, but a revolution would follow. He also stated before this committee that there is $200,000,000 invested in the industry of oleo in this country.

Mr. Chairman and gentlemen of the committee, I appear before you to represent the industrial women, who are largely the purchasers as well as the consumers of butter or butterine. Women are far in excess of men in all but five States of this Union; therefore, there is a large surplus population of women over men in this country. There are nearly 4,000,000 self-supporting women who have no voice in the enacting of laws in State or national legislatures, and yet 84 per cent of all the wealth of the nation is created by women in light manufacturing industries. Notwithstanding this, they are helpless spectators looking on at unjust laws being enacted in legislative halls.

Not until man became a butter manufacturer was imitation of butter placed upon the market. Butterine was unknown to women, who are generally honest and opposed to adulterated food products.

The pretty dairy maid is a creature of the past. Man, the adulterator of food products, has usurped the place once occupied by women who made pure butter for the markets of the world. Behold the result of man's butter making. We are a nation of dyspeptics because of the poisonous compounds used and forced upon the market. There was a time in the history of our country when it was the pride of every woman to be a good housekeeper, and the farmers' daughters must be good butter makers, that they might make eligible matches. But this is all a thing of the past.

The offal of swine and steer has largely taken the place of butter upon the markets. This material, which women formerly used for the manufacture of soap, is now utilized into a so-called butter product, and backed up by paid scientists, attorneys, and lobbyists, as well as a subsidized press, and therefore the unsuspecting consumer is imposed upon by purchasing butterine in place of creamery butter made by women.

Therefore, the decline in pure butter products has also affected the matrimonial market, for matrimony has declined 60 per cent in the States of New York and Massachusetts alone by bachelors who are able to maintain and support wives and families. Thirty-two per cent of the nonmarrying men reside in the country and rural districts. I attribute this decrease in matrimony by farmers largely because women are no longer a necessary adjunct to the farmer lads to help them create wealth, owing to the existence of the oleo-cotton-oil-soap-fat combine, which has thus deprived many women and girls of legal providers and 40,000,000 people of pure cow butter in this country alone.

Mr. Chairman and gentlemen of the Committee on Agriculture, I solemnly protest against this "steer-butter" product as a competitor of pure butter. Greater restrictions should be placed upon the oleo combine, for the success of the combine is in deceiving the general public by substituting the butterine product for pure butter.

Also, a petition signed by editors and publishers representing 136 agricultural papers, which, I believe, includes nearly every agricultural paper of any importance in the United States. These papers have a combined circulation of 3,651,056.

PETITION FOR PASSAGE OF OLEOMARGARINE BILL.

To the Fifty-seventh Congress of the United States:

We, the undersigned editors of publications devoted to agriculture, and representing the sentiments of the farmers of the United States, believing that future prosperity and welfare of the farmers of this country depends very largely upon the preservation of the dairy industry upon the farm, earnestly petition your honorable body to enact into legislation during the present session what was known in the last session as the Grout bill, which passed the House by the tremendous majority of 104, was favorably reported by the Senate Committee on Agriculture, and while occupying a privileged position on the Senate Calendar, failed of passage because of the rush of important appropriation bills at the close of the session

We also protest against the substitution of any other measure which in anyway eliminates the tax of 10 cents per pound on oleomargarine colored in semblance of butter, and which can not be lawfully sold in 32 States having four-fifths of the population of the United States.

Also one statement out of about 500 petitions sent me by my constituents:

NO SUBSTITUTE FOR THE GROUT BILL.

We have not authorized, and do not approve making, any change in the Grout bill as it passed the House in the Fifty-sixth Congress. So we can not indorse H. R. 4, introduced by Mr. TAWNEY. But we most heartily indorse and approve H. R. 1, introduced by Mr. MCCLEARY, which is our Grout bill word for word, and we very earnestly request you to support H. R. 1 vigorously.

While the bill under consideration is not H. R. 1, introduced by Mr. MCCLEARY, however, it is the Grout bill word for word, except with a few amendments, to which I will refer later.

Mr. Chairman, this is not a new proposition. It is a proposition that has been before the House for a quarter of a century.

Mr. BURLESON. If the gentleman will allow me right there, I wish to ask him if it is not true that in the hearing before the committee Mr. Aaron Jones, master of the National Grange, made this statement:

We have county organizations to the number of 1,500 scattered all over this country from the Atlantic to the Pacific coast. I want you to understand that this membership is composed of Democrats and Republicans, and men of all shades of political opinion and all classes of the farming population.

* * * * * * *

We feel so deeply upon this question that a large majority of our people will remember the position that various members representing them in the Congress of the United States will take upon it, because Congressmen represent us in their delegated capacity.

In the light of that veiled threat, replying to the gentleman's suggestion in reference to my observations, and reference to the timid, what would you say if I informed you that the statements made by me were based upon confessions made in private by members of this House, and, as I understand, some of them were members of the Committee on Agriculture?

Mr. HAUGEN. Well, Mr. Chairman, I will leave it to the gentleman himself to make his own explanation, as well as Mr. Jones and members.

Mr. BURLESON. This is to you.

Mr. HAUGEN. It is very possible the gentleman made the statement. The fact that this gentleman makes this statement does not voice the sentiment of any member of this committee or member of this House.

But much has been said and many a slur has been thrown out to the friends of this bill, charging them with being cowards, coerced by their constituents, as well as a lack of courage to vote their honest convictions; that they who represent dairy districts dare not vote against this bill and go home to their constituents and ask for a reelection.

Let me say to you that, as much as I would like to have every member on this floor support this bill, I or any friend of this bill would not want it passed through deception. Do not for one moment suppose that your vote or any other member's vote favoring this bill will insure your or his renomination or reelection. Do not understand me to say, however, that your efforts and your honest purposes will not be appreciated by the dairy people. Most assuredly they will, for they are not an ungrateful class of people and will appreciate your efforts in securing justice and protection against fraud and deception. But it is also true that the average farmer is not a professional politician. As a rule the farmers are the most independent and industrious people we have. They are contented to look after their farms and to attend

to their business and leave politics to take care of itself, except to exercise their duty and rights as citizens. And the unscrupulous corporations and individuals, through their agents, often shape and manipulate politics, conventions, etc.

My experience has been that when you fight fraud and steals you run up against the real thing. In my legislative work I have had some experience along these lines. I had the honor and pleasure of aiding in dealing the death blow to an institution in my State, organized, I believe, for no other purpose than robbery; and we felt more or less elated over the results, and of course I felt that my actions had been such as to warrant me in asking for a renomination and reelection, which I did, and had a very interesting campaign. No sooner had I returned to my home than I found agents were traveling over my district to teach those intelligent people how to vote who I suppose were capable of deciding for themselves who should represent them.

What occurred then I expect to occur again; in fact, I am not so sure but it has already been manifest.

My friends, as before stated, it is not the dairymen who are sending out agents inviting men to Congress who will do their bidding and serve their purposes; and in connection with this statement let me say to you that undoubtedly we all have in our districts men whose heart, soul, body, and brains are permeated and dominated by egotism, and whose heads are bursting with deceit and conceit, and who are naturally inclined and disposed to close their ears and bigoted eyes to everything and anything, regardless of justice and public welfare, except when their nose is glued onto a piece of trickery, jobbery, and fraud, illuminated and magnified with cold cash, and who possess a burning heart to relieve you and me.

These men are not sought by the dairy people. They are sought by the dishonest and unscrupulous corporations and individuals who have an ax to grind or something at stake, or something to ask, or that their schemes and frauds may be guarded and perpetuated; but, my friends, be not alarmed. I, in my humble efforts, have survived, and you have nothing to fear. Vote your convictions; stamp out this gigantic fraud and deception; satisfy your conscience; go to your people with a clean hand, and your rewards will be many. If not on next election day, it is sure to come, sooner or later. If not before, you will receive your reward on the day beyond; and I predict for you a place in the front ranks of those 5,000,000 dairymen in the grand march, passing through the pearly gates into a region where no oleomargarine is offered for sale, certainly not unless it is sold for what it is. And you and your posterity will have the satisfaction of you having aided in restricting and suppressing this infamous fraud and deception, and in preventing these 5,492 fraudulent dealers from thrusting 62,000,000 pounds of oleomargarine down the throats of millions of unwilling consumers every year.

Now, Mr. Chairman, as I said, this is not a new proposition. It is a proposition which has been before Congress for a great many years. It is not a new-born babe ushered into this House; it is the same old bedfellow. It is one which has been carefully considered by the Committee on Agriculture, a committee of which I have the honor of being a member in this and the Fifty-sixth Congress. This committee in the two Congresses has given extensive hearings—yes, for days, weeks, and months—and have given it the most careful consideration.

It is one that has received earnest consideration by the American people; one that has been thoroughly discussed, and I believe it meets with the approval of 90 per cent of our citizens. There is no question in my mind but that it meets with the approval of 99 per cent of the butter consumers of this country, and certainly by those who understand this bill. It is true, my friends, that this bill comes here backed by the 5,000,000 manufacturers of butter, as shown by the thousands of petitioners.

It is true that Mr. Jones appeared before us as the representative of the National Grange, speaking with the authority of this organization, an organization of thirty-five years' standing, with subordinate branches in 40 States in the Union, and with a membership of 500,000 people. Mrs. Smith appeared before that committee and spoke with authority for the National Women's Industrial Association of the United States, voicing its sentiment. One hundred and thirty-six editors and publishers, including nearly every agricultural paper of any prominence in this country, with a combined circulation of 3,651,000, have petitioned for its passage.

This bill was reported by the Committee on Agriculture a year ago, by a majority report. It was made a special order in this House, and passed by a two-thirds majority, and I trust and believe that a large majority of this House will give it their hearty and loyal support.

Mr. BURLESON. Will my friend permit me?

Mr. HAUGEN. Let me finish my statement. So, my friends, the bill is here; it is here with a record, and it is here with friends to back it, though it has some foes.

Mr. BURLESON. We all know that. Now will you permit me?

Mr. HAUGEN. I have only an hour.

Mr. BURLESON. I would like you to answer one short question.

Mr. HAUGEN. I will answer any question.

Mr. BURLESON. And you can answer it yes or no. Did a single person appear before the Committee on Agriculture demanding the enactment of this bill who spoke for the consumers of oleomargarine? That can be answered yes or no.

Mr. HAUGEN. Well, I am not sure whether anybody appeared before the committee directly for the consumer of oleomargarine. I could not answer that question at this time.

Mr. BURLESON. As a matter of fact, they did not.

Mr. HAUGEN. Mrs. smith and Mr. Jones voiced the sentiments of those people, and I believe they knew the facts. Mrs. Smith stated that the people whom she represented were consumers of butter, and that she was. However, this is immaterial. The purpose of this bill is to suppress fraud.

The friends of this measure charge oleomargarine with fraud, deception, and imposition—a charge which no man on this floor or elsewhere will, can, or dare deny. Even the eminent gentleman from Ohio [Mr. GROSVENOR], whom every man on this floor respects for his integrity, sound judgment, and profound wisdom, has admitted that fraud is being perpetrated all over the land, but only by the so-called dishonest farmers who buy oleo and sell it for butter. Well might he have added 1,005 dealers in his own State, selling 8,830,960 pounds of oleomargarine made in imitation of butter, sold in 1899, every pound of it in violation of the laws of his own State. Well might he have added 2,020 dealers in the State of Illinois, selling 18,638,921 pounds of this same counterfeit.

Well might he have added three dealers selling 79,000 pounds in my own State, and well might he have added 5,492 dealers selling 62,825,582 pounds of yellow oleomargarine in the United States contrary to the laws of the several States, for the gentleman well knows that 32 States, representing, according to the Federal census of 1890, a population of 50,117,440, or about five-sixths of the total population of the United States, have enacted laws absolutely prohibiting the sale of yellow oleomargarine. Yet we find, according to Secretary Gage's report in response to a resolution passed by this House the first session of the Fifty-sixth Congress, that 5,492 dealers were engaged in the selling of this counterfeit, and that in violation of the laws. According to Secretary Gage's report during the fiscal year ending June, 1899, 62,825,582 pounds of yellow oleomargarine made in semblance of butter was sold by the 5,492 dealers in these 32 States, while 1,501 dealers sold only 16,860,141 pounds in the remaining 20 States and Territories.

Well did the gentleman from Ohio know that the sale of oleomargarine in Ohio is permitted only when free from coloring matter or other ingredients to cause it to look like butter and made in such form and sold in such manner as will advise the consumer of its real character, and that the 8,830,969 pounds of yellow oleomargarine sold by the 1,005 dealers in his State in 1899 was sold contrary to the laws of his State.

In my State we have a drastic law absolutely prohibiting the coloring of imitation butter or cheese. It provides "that every package shall be plainly marked 'Substitute for butter' or 'Substitute for cheese,' and each sale shall be accompanied by a verbal notice and a printed statement that the article is an imitation, * * * giving the address of the maker; and that the use of these imitations in hotels, bakeries, etc., must be made known by signs. Nevertheless, as shown by Secretary Gage's report, I find that three dealers sold 79,922 pounds of yellow oleomargarine in the year 1899 in my own State, every pound of it sold in violation of the law; and every pound thus sold displaced a pound of butter and robbed the dairy producer of his legitimate market.

In the State of Wisconsin, notwithstanding the law prohibiting the sale of oleomargarine made in imitation of butter, and permitting the sale of oleomargarine only when it is free from color or other ingredients to make it look like butter, we find 23 dealers selling 714,743 pounds of yellow oleomargarine in violation of the laws of that State; and so on until you find 5,492 dealers selling more than 62,000,000 pounds of yellow oleomargarine in the 32 States which have enacted laws prohibiting its sale; and this out of a total product of only 83,000,000 pounds. Hence we find that six-eighths of the total produce was sold in violation of the laws of the States. Well did these distinguished gentlemen from the State of Illinois, who have so strenuously opposed this measure, know that the laws of their State provides that imitation butter shall not be colored to resemble butter; and well did they know that these 2,020 dealers sold 18,000,000 pounds notwithstanding their State laws. So there can be no doubt but that gross fraud and deception is and has been perpetrated. This, however, is generally conceded, and the only question is as to the percentage of fraud. I hold that 75 to 90 per cent of the product of

oleomargarine is sold in open violation of the law; sold for pure butter, at butter prices, and consumed as butter.

The question was asked yesterday, "What is the attitude of the laborers toward this bill?" My answer is that the laborers, yes, the men who earn their bread by the sweat of their brows, are entitled to protection against fraud, deception, and imposition, and are entitled to as good butter as anybody, and they have as much right and interest in this bill as anyone, as they are the ones who are generally imposed upon through its fraudulent sale. The wealthy families and first-class hotels as a rule do not buy their butter directly from these unscrupulous dealers, but buy directly of the fancy creameries or their agents, and exercise precaution in buying and in securing pure butter, while the laborer buys from the retail dealer, who palms off this counterfeit for butter and at butter prices.

And I venture the assertion, without fear of successful contradiction, that 75 per cent of the 8,000,000 pounds sold in Ohio and the 18,000,000 pounds sold in Illinois was sold to the laborers in those States. No, it is not the laborers who would be benefited by you encouraging and bolstering up this gigantic fraud; it is the pockets of the unlawful and unscrupulous dealers throughout the country.

Much has been said as to the State of Illinois. It has been alleged that in that State—in the city of Chicago more particularly—that the State laws are being violated and that colored oleomargarine is sold in defiance of the law. To satisfy myself, upon my trip home during the holiday recess I stopped off at the city of Chicago with the view of ascertaining whether or not this were true.

I went from place to place where butter was supposed to be sold inquiring for pure butter. In most cases I inquired for the best creamery butter, and purchased some 20 pounds in the 20 different places. I had some doubt whether or not these were the genuine article, not that I had any reasons to believe that the authorities of the State of Illinois were negligent in enforcing the laws, but upon investigation I found that creamery butter was selling wholesale at 25 cents, and found that the retail dealers advertised and sold what they called the very best creamery butter for 22 to 24 cents per pound, or about 2 cents per pound less than the actual cost of butter. To make it an absolute certainty, upon my return to Washington I sent a part of 10 packages to Dr. H. W. Wiley, chief chemist of the Agricultural Department, requesting him to make an analysis of the samples supposed to be butter; and I hold in my hand the report giving the results of his analysis, which I wish to have incorporated in my remarks.

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF CHEMISTRY, OFFICE OF THE CHIEF,
Washington, D. C., January 16, 1902.

Hon. G. N. HAUGEN,
House of Representatives, Washington, D. C.

DEAR SIR: In harmony with your request of the 9th instant, I have made an examination of the samples of supposed butter which you sent, marked 1 to 10, inclusive. The analytical data obtained are as follows:

Number.	Water.	Fat.	Curd.	Ash.	Reichert-Meissl number.	Refractive index at 25°.
	Per cent.	*Per cent.*	*Per cent.*	*Per cent.*		
1	11.12	84.96	1.56	2.36	2.54	57
2	8.20	88.11	.81	2.88	2.25	59.4
3	11.97	82.93	1.04	4.06	2.76	56.3
4	9.85	85.08	2.11	2.96	1.78	55.5
5	12.25	83.56	1.31	2.88	3.25	56.9
6	11.62	84.51	1.02	2.85	2.65	57.2
7	11.25	84.46	1.37	2.92	5.06	56
8	11.55	84.37	.90	3.18	4.08	55.9
9	9.79	87.14	1	2.07	1.44	59.3
10	10.54	85.55	1.25	2.66	2	53.8

From the above data it is seen that every one of these samples is oleomargarine. Nos. 5, 7, and 8 have a considerable percentage of genuine butter, probably from 10 to 20 per cent. Under the column per cent of ash is given the mineral matter present in the samples, nearly all of which is common salt. The percentage of water is about that of normal butter prepared in the best manner for the market. All of the samples were colored with a yellow coal-tar dye.

Trusting that the above data will prove satisfactory, I am,
Respectfully,

H. W. WILEY, *Chief.*

This investigation and analysis discloses the fact that every pound of these 10 samples was oleomargarine. No. 5, 7, and 8 have a considerable percentage of genuine butter, probably from 10 to 20 per cent. All of the samples were colored with a yellow coal-tar dye.

Mark you, the State of Illinois has upon its statute books a law prohibiting the sale of oleomargarine made in semblance of yellow butter. Every pound of these packages was purchased for pure butter. Every pound sold in violation of the law; every pound displaced a pound of butter. And there is and can be no question but that every one of the 20 packages purchased by me in the city of Chicago was oleomargarine and not butter, or that which it was sold for. What is true of these 20 dealers whom I called upon I take it is also true of every other dealer in the city, as well as a large number of dealers in other parts of the State and in other States of the Union.

In addition to this, I wish to read to you from a letter from a retail dealer's clerk in Chicago to the secretary of the National Dairy Union:

During the past twenty-two years I think I have worked in nearly every first-class grocery in Chicago, and I can truthfully say that eight out of every ten have been and are still selling butterine for pure butter. I recently was employed in one of the largest groceries and markets on one of the most prominent streets of the city. During the time I was employed there we never sold one pound of butter, for we never had it in the house to sell. We clerks would talk among ourselves about it, and would often compare notes with other clerks, and to satisfy myself I made quite a canvass of all the stores in the mile and found not one that did not impose on its trade.

This man was in a position to know of what he spoke, and in view of what I know of the situation I have no doubt but what every word of it is true. Let me read to you extracts from letters sent out from the manufacturers of oleomargarine to their retail dealers. I read to you a letter signed and sent out by William J. Moxley, Chicago, one of the largest manufacturers of oleo in the United States, under date of August 2, 1899. First, the letter calls the retail dealer's attention to two circular letters sent out by Hugh V. Murray, an attorney for Illinois Dairy Union, and one by C. Y. Knight, a gentleman who is well known by a large number of us, one who has persistently, earnestly, and effectively labored for the dairy interests of this country and to whom much credit is due. Mr. Moxley, after paying his compliments to these gentlemen, makes this statement:

With the hired attorney, who is earning his fee, we have nothing to say, only to inform you that these gentlemen are trying to ring in a bluff. You will notice in their circulars that by insinuations they would have people believe they represent some official authority. The Internal-Revenue Department looks after their own business and the State after theirs, and should this so-called dairy union interfere with your business in the way of prosecution as to the State laws, we hereby guarantee you protection to the extent of paying all fines, costs, etc., until the color law is decided unconstitutional in the supreme court of the State of Illinois, and will further, on receiving complaint, take such action for damages as will make it unpleasant for some of those who are attempting to interfere with your and our own legitimate business.

* * * * * * *

We strongly recommend you to pay no attention to those circulars. We have always been in a position to protect our customers from injustice and blackmailers, and will be ever at your service should you require our aid.

Respectfully, yours,

WM. J. MOXLEY.

Braun & Fitts sent out the following letter at about the same time:

Every licensed butterine dealer in Chicago has received circular letters from the secretary and attorney for the Illinois Dairy Union, promising all sorts of trouble to dealers in butterine (that honest and pure article of food). Well, now, don't you believe a word of it. There is a law against blackmailing, and we want now and here to go on record to the assertion, as an affidavit, that we shall civilly and criminally prosecute any man or party of men interfering unlawfully with the butterine business in this or any other State. We know exactly where we stand: we are properly advised on the subject, and now we make you a "fair offer:" "Handle our goods as you always have; we in turn promise and guarantee full protection against the State law (which has been declared unconstitutional) to the extent of paying cost of prosecution, fines, and paying all costs pertaining thereto." In declaring the law unconstitutional, one of the judges stated to the effect "that the butter ring were, in his opinion, liable to prosecution to recover damages done an honest industry." Fair enough, isn't it? Renew your efforts, and be assured that we will be prepared to fight any number of rounds in any kind of a legal fight to the finish. Handle our butterine and be safe.

I wish to call your especial attention to these statements:

Should the so-called dairy union interfere with your business in the way of prosecution as to the State laws, we hereby guarantee you protection to the extent of paying all fines, costs, etc.

And the statement made by Braum & Fitts:

We know exactly where we stand. We are properly advised on the subject; and now we make you a fair offer: Handle our goods as you always have; we, in turn, promise and guarantee you protection against the State laws (which has been declared unconstitutional) to the extent of paying costs of prosecution, fines, and paying all costs pertaining thereto.

And their statement:

Renew your efforts and be assured we will be prepared for any number of rounds in any kind of legal fight to the finish. Handle our butterine and be safe.

This needs no explanation. Is this not an encouragement from the manufacturer to the dealer to induce the dealers to sell the counterfeit? The language used is broad and clear. The guaranty is absolute, and there can be no question as to the intent on the part of the manufacturer. I also read to you from a copy of a circular issued by Mr. Moxley under date of April 15, 1899.

CHICAGO, *April 5, 1899.*

NOTICE TO THE TRADE.

Inclosed find a color card, which is as near the color of our butterine as the printer's art can represent. Our aim in sending you this card is to aid you in selecting the proper color suitable to your trade. Mistakes are easily made, but hard to remedy.

In nearly every section of the country there is a difference in the color of butter, and even in certain seasons of the year there is a change, as you will have noticed. In winter butter is of a lighter color than in summer. In many sections this is the result of the difference in feed or pasture.

We can give you just what you want at all seasons if we know your requirements. As an example, No. 1 has no coloring matter, No. 2 a little coloring, and so on to No. 8, which is the highest-colored goods we turn out. Preserve this card, order the color you want by number, and we will send you just what you want.

Yours, truly, W. J. MOXLEY.

The language used in this circular letter is explicit, and there can be no doubt as to its meaning.

Notwithstanding these startling facts, the distinguished gentleman from Illinois, after his elaborate remarks in opposition to this bill, asked the question, "How much of this oleomargarine is sold in violation of the law?" If he will take the trouble to ascertain the facts he will find that 99 out of every 100 dealers in Chicago are to-day selling and have for years sold oleomargarine and nothing but oleomargarine, all being sold for pure butter; and it is a positive fact that a pound of pure butter can hardly be purchased in that city. In view of the fact that fraud and deception is being perpetrated, and in view of this report, made by Chief Chemist Wiley, containing analytical data of oleomargarine bought for butter, and which discloses the fact that every pound of it was oleomargarine and every pound was colored in imitation of butter——

Mr. BURLESON. It took an expert chemist to decide it.

Mr. HAUGEN. It did not; I knew it was oleomargarine.

Mr. TAWNEY. It takes an expert to determine counterfeit money.

Mr. HAUGEN. Now, every pound of that was bought by me as pure butter, and every pound sold was sold for pure butter, and every pound displaced a pound of butter and robs the legitimate consumer or producer of butter of his market. Now, what is true of these 10 packages I hold is true of the 22 packages, and what is possible in the city of Chicago is also possible in the State of Illinois, and what is true as to the State of Illinois is true in every State in the Union.

Mr. SNODGRASS. Will the gentleman yield to me for a question?

Mr. HAUGEN. I will.

Mr. SNODGRASS. You speak of having purchased oleomargarine when you called for butter. Does the gentleman believe that if the substitute bill should become a law that would be possible?

Mr. HAUGEN. That would open the way for fraud in every State in the Union, notwithstanding the laws of the State. If it is the purpose of this House to open the gate to wholesale fraud and deception, then I say let my friends adopt this substitute. But if it is proposed by this House that this fraud should be restricted and suppressed, then I say vote for the majority bill.

Mr. SNODGRASS. The gentleman does not believe that if Congress should pass a law requiring the retail dealer to sell oleomargarine with the name stamped into the product, with the stamp on the outside of the package——

Mr. HAUGEN. My friend knows that there is nothing in the substitute bill that would prevent the hotel keeper or the restaurant keeper——

Mr. SNODGRASS. I say with the name stamped into the product and with the revenue stamp on the outside of it——

Mr. HAUGEN. I wish to state to the gentleman that I have only one hour of time. I wish to say that there is nothing in the substitute to hinder any hotel keeper or any restaurant keeper shaving off the word "oleomargarine" impressed in the article and serving it to his boarders for pure butter. The gentleman knows that the largest portion of the article is disposed of in that way.

Mr. SNODGRASS. Will the gentleman state whether or not, in his opinion, it will prevent the retail dealer from practicing such frauds as was practiced upon him?

Mr. HAUGEN. Oh, possibly it might, but it is safer to leave these matters to the several States of the Union.

Mr. SNODGRASS. I think so, too, and after the disposition of it to the retail dealer we will leave it to the States.

Mr. SIMS. I would like to ask the gentleman from Iowa a question.

Mr. HAUGEN. Very well.

Mr. SIMS. What did the gentleman pay for the 22 pounds of butter, buying it a pound at a time?

Mr. HAUGEN. That is how I knew it was oleomargarine. I found butter that day was selling at wholesale for 25 cents a pound. I found dealers advertising and offering to sell the best creamery butter for 23 and 24 cents a pound. Oleomargarine sold then for about 1 or 2 cents less than the actual cost of butter, and there was one thing certain, and that was that the product was counterfeit.

Mr. SIMS. Then the gentleman was not fooled; he knew it by the price. [Laughter.]

Mr. HAUGEN. I had a grave suspicion. [Laughter.]

Mr. SIMS. In the 22 places that the gentlemen went did they not offer to sell him real creamery butter?

Mr. HAUGEN. They offered to sell me real creamery butter, and claimed this was real creamery butter, but every pound of it was oleomargarine.

Mr. SIMS. Was that the best they had?

Mr. HAUGEN. I called for the best they had. It is an absolute fact that it is almost impossible to buy a pound of butter in the city of Chicago. Ninety-nine times out of one hundred they sell oleomargarine for butter.

Mr. SIMS. They seem to like it.

Mr. HAUGEN. Eighteen million pounds of it is crammed down the throats of the people there, and the most of them are unwilling consumers.

Mr. MONDELL. It is practically impossible for a person to distinguish between oleomargarine and butter, as I understand.

Mr. HAUGEN. I think so; that is, when oleomargarine is made and colored in imitation of butter. A counterfeit greenback may be so made as to be almost undistinguishable from a genuine note.

Mr. MONDELL. It seems to me a rather extraordinary figure of speech for the gentleman to say that a great deal of oleomargarine is crammed down the unwilling throats of the American people.

Mr. HAUGEN. They buy what they suppose to be butter, and they receive oleomargarine. They do not receive what they call for.

Mr. FLEMING. Allow me to ask whether the price of dairy butter on the market has gone up or down since this bill was before the House the last time?

Mr. HAUGEN. Oh, the price of butter is going up and down every year; I can not answer that question.

Mr. SLAYDEN. Is it not higher now than it was a year ago?

Mr. HAUGEN. Certainly, and it ought to be; everything else is higher now.

But, Mr. Chairman, this violation of law is not confined to the State of Illinois alone. Take the great State of Wisconsin, a State which is so ably represented upon this floor, and which is so ably represented upon our committee in the person of Mr. DAHLE, a gentleman of large experience and practical knowledge of affairs, who has given this subject his untiring energy, thought, and attention, and to whom much credit is due in behalf of this legislation—a great State where, we are told, the law is being enforced as well as it can be by human beings, and where the matter of enforcing the law is not in the hands of officers who are negligent in their duties, and where they have no corrupt courts. I had occasion to visit Milwaukee and Racine, and while there I purchased a few pounds of oleomargarine. Upon my return I sent four of those packages to the same chief chemist with a request that he analyze the packages and report—a report which I hold in my hands and which I ask to have incorporated in my remarks.

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF CHEMISTRY, OFFICE OF THE CHIEF,
Washington, D. C., January 16, 1902.

DEAR SIR: In harmony with your request of the 9th instant, I have made an examination of the samples of supposed butter received from you labeled 1R, 2R, 3R, and 4R. The analytical data follow:

	1R.	2R.	3R.	4R.
Per cent of water	7.95	9.87	5.76	13.32
Per cent of fat	85.19	85.26	90.66	82.61
Per cent of curd	1.19	.91	.84	1.75
Per cent of ash	5.67	3.96	2.74	2.32
Reichert-Meiss No	2	1.05	28.50	2
Refractive index at 25°	60.5	61.8	50.6	56.9

From the above data, it is seen that only one of the samples, viz, 3R, is genuine butter; all the others are oleomargarine. In regard to coloring matter, all are colored with a yellow coal-tar dye; 3R, however, has only a slight amount of coloring matter. The other samples are all heavily colored. Under the head of ash is given the mineral constituents of these samples, almost all of which is common salt.

Trusting that you will find the above data satisfactory, I am,
Respectfully,

H. W. WILEY, *Chief.*

Hon. G. N. HAUGEN,
House of Representatives, Washington, D. C.

I find, according to this report made by Mr. Wiley, that 3 out of those 4 pounds were oleomargarine—every pound colored in imitation of butter, and a deep color at that—every pound sold in violation of the law.

So the question is not before this House whether a fraud is or is not being perpetrated. The question is as to the percentage of fraud, and the percentage can be no less than 80, and in some instances it may exceed 99 per cent.

Now, a word as to its ingredients and whether or not oleomargarine is a wholesome, palatable, and a nutritious article. I am not a chemist, and do not care to express an opinion upon this subject, but I will incorporate in my remarks extracts from Governor Hoard's statement made before our committee. Governor Hoard is a gentleman of large experience, a practical man, broad

and fair minded, absolutely reliable, and one whose integrity and judgment can not be questioned.

Dr. Schweinitz, of the Agricultural Department, in making an inspection of oleomargarine factories and abattoirs several years ago, told the secretary of the dairy union that he saw a pile of restaurant and meat-market refuse upon the floor of an oleomargarine factory then located in Pennsylvania, and that he was informed by those in charge that the better quality of this refuse fat was used for oleomargarine and the remainder for soap grease. J. S. Iglehart, Baltimore's superintendent of street cleaning, in an interview published in the Baltimore American August 17, 1900, is reported as follows, in connection with a tour he had made in search of a plant for the proper disposition of Baltimore's garbage.

"Mr. Iglehart further explained that many of the garbage contractors in other cities made a profit out of the refuse by separating the oil, etc., from the garbage. In addition to the oil, which is always marketable at fair prices, there is a lot of fertilizing material in the general product of the plant. 'One man in the West told me that he knew of an instance where butterine was made from the oil that was extracted from the product of his plant,' said the commissioner. 'I did not see any of the butterine, and do not believe that I would very much relish it if I knew that it was made from street garbage, but I was told that it was an absolutely pure article of food, and quite popular. It was, of course, sold as butterine, and I doubt very much whether the purchasers knew anything of its origin; otherwise I do not believe that it would be so popular.

"'Another contractor showed me a jug containing some of the water that had been extracted from the refuse. It was the purest looking water I ever saw, but I did not care to drink any of it. The gentleman told me that he was conducting an experiment. I took his word for it and begged off from sampling the stuff. Every time I ate butter or drank water in that city I thought I was tasting garbage.'"

It has been frequently charged that the fat from horse butcheries is made up into oleo oil, and also that fats taken from animals which have died a natural death of disease have also been so utilized.

While we have not spent time and money seeking evidence of these things for the reasons stated, I desire to lay before you for your own mature consideration the fact that in no other way can we account for the production of the amount of oleo oil that is consumed and exported in this country. During the fiscal year of 1899-1900 there were, according to the Treasury Department reports, 142,000,000 pounds of oleo oil exported from this country. The same Department shows that in the same year 24,000,000 pounds were used in the manufacture of oleomargarine in this country. This is a total supply of 166,000,000 pounds for the year.

Now, where did this come from? How much oleo oil do cattle make per head?

The statement made before the Senate Committee on Agriculture in 1886 by Elmer E. Washburn, a live-stock dealer in Chicago, showed that from 148,893 head of cattle slaughtered in that city by one of the largest packing concerns there was an average of 61.5 pounds of fat in those animals used in oleo oil, and that those 61.5 pounds made 28.1 pounds of oleo oil, which goes to prove that there is less than 1 pound of oleo oil to 2 pounds of fat. If there were 28.1 pounds of oleo in each of the 5,000,000 head of cattle slaughtered in this country during the same year, this would account for only 140,000,000 of the 166,000,000 pounds in sight. This leaves 24,000,000 pounds to be accounted for. But the oleo people, in all their declarations to Congress and manifestoes to the public, claim that only the finest caul fat of the steer is used in the manufacture of oleomargarine. Experiments made by our present Secretary of Agriculture while dean of agriculture of the Iowa College showed that in 30 steers averaging in weight 1,508 pounds there was an average of but 37.66 pounds of caul fat.

As it is well known that 1,200 pounds would be a heavy average for the general run of animals marketed, there would not be found more than an average of 30 pounds of caul fat in each. As Mr. Washburn's testimony is that it takes more than 2 pounds of raw fat to make 1 pound of oleo oil, it is plain that the average animal will not produce more than 15 pounds of oleo oil from its caul fat. At this rate we can account for but 75,000,000 of the 166,000,000 pounds of oleo oil that makes its appearance upon the market.

These figures have been placed before the oleomargarine makers and they challenged to show the origin of this extra oleo oil. They have never made any attempt to show us how they get 166,000,000 pounds of oleo oil out of 5,000,000 head of cattle. We are bound to presume, therefore, that they have recourse to some source of supply regarding which they do not care to take the public into their confidence.

Mr. ALLEN. You say that there is no reason why this should not be so. Then how do you account for the balance of the oleomargarine of the country?

Mr. HOARD. In my opinion, it is made from the refuse fats.

Mr. ALLEN. Where do these refuse fats come from?

Mr. HOARD. From dead animals and from all sorts of sources.

Mr. ALLEN. How much do you estimate the 5,000,000 head of cattle will produce of the oleo proper?

Mr. HOARD. One hundred and forty million pounds; but I am speaking in these last figures of the caul fats. Oleo oil is made entirely from caul fat, and caul fat is only one portion of the fat of the animal.

The CHAIRMAN. How many pounds do you figure out is made from refuse matter?

Mr. HOARD. The difference is about 24,000,000 pounds.

This is provided that the statement of the oleo manufacturers is true, that they make it only from caul fat.

Mr. MOODY. Now, if they make it from caul fat you leave it to inference where the other comes from, whether it is from the garbage wagon or where?

Mr. HOARD. Yes; I leave it to inference.

Also a statement of Hugh Reed, foreman of one of the departments of public printing, and whose trustworthiness was vouched for by one of the honored members of this House a year ago, a statement which appeared in the Evening Star May 10, 1900, in an interview given in response to the question, "Is it true that all kinds of fat are used in Chicago to make oleo oil, which is made into oleomargarine?" Reed replied:

I know positively that this is true. I was one of the few who in workmen's clothes was permitted to go through some of the establishments where oleo oil is made in that city. There was one place, at the corner of Archer avenue and ——— street (he gave its name), where the scraps from the restaurants and hotels of Chicago were taken by their ten collectors with wagons for the purpose every day. I have been right in this place and seen these scraps of fat put through the processes that bring them finally into the bags in the presses where the oil is pressed out of them.

The scraps from these restaurants and hotels are divided into two classes—one from which the oleo oil is made, the other going into soap. Not only that, but this same establishment purchased the fat from the horse butchery out on the Brighton road, which fat was used in the same manner as the scraps from the hotels and restaurants. And what I saw with my own eyes at this place is well known to the employees and workingmen in that neighborhood, and the subject of common discussion throughout that locality. I have a close relative employed in one of these concerns right now, and he knows all about the business from a to z.

Dr. De Schweinitz, of the Agricultural Department, in his visit to a factory which was several years ago located in Philadelphia, found the same condition of affairs. Oleo oil was being made from a pile of fat scraps collected from the hotels, restaurants, and butcher shops, which pile gave out such an odor that it was sickening, and the makers admitted it was being made into oleomargarine. The same thing was found by a reporter of the Newark Advertiser early in January of this year, when he stumbled onto a rendering establishment near that city that was doing the same thing.

But it is easy to prove by statistics which are indisputable that every kind of fat and scraps are being used in the manufacture of oleo oil, which goes later into oleomargarine. The makers of oleomargarine claim that the carcasses from which their fats are taken "are killed under the supervision of the Government," hence perfectly wholesome and healthful. This is their strong argument—"all oleomargarine made under the supervision of the Government."

Now a word as to the word "yellow;" whether or not the so-called "Grout bill" shall be amended by inserting the words "yellow butter" in place of the word "butter." As to this proposition there has been some difference of opinion among the dairy people. In my opinion this is a dangerous word to use. If it should go into the bill it seems to me it would open the gate to wholesale fraud and deception. By inserting this word we fix a standard by which manufacturers and dealers may color their substitute. If we use the phrase "made in imitation of butter" it covers all shades of butter which are yellow, varying according to the different seasons and the feed given the cow, and there can be no question and nothing to quiver over by any jury or court. And in the light of experience this seems to be a dangerous word to use. In the State of Illinois, where they have enacted a law prohibiting the sale of oleomargarine made in semblance of yellow butter, we find from Chemist Wiley's and Secretary Gage's reports that they are selling colored oleomargarine under this law.

We also find the same thing existing in the State of Wisconsin, a State which also prohibits the sale of oleomargarine made in semblance of yellow butter. Notwithstanding, the colored oleomargarine is being sold in that State, as is shown by Secretary Gage's report, and this report made by Mr. Wiley, which shows that of the four packages purchased by me in Racine and Wisconsin, only one was genuine butter, all the others were oleomargarine and all were colored with a yellow coal-tar dye; and, mark you, colored very heavy at that. If it is possible for the oleomargarine dealer to sell his colored oleomargarine in the States of Illinois and Wisconsin under the drastic laws enacted in those States (and there is no question but that the laws are being daily and openly violated in all the cities and all of the towns of any considerable size in these two States), it is also possible for every State that has enacted similar laws prohibiting the sale of oleomargarine made to imitate yellow butter.

In the light of the experience we have had in the State of Wisconsin, I was very much surprised to learn that the idea of amending this bill and inserting the word "yellow" and the idea of removing the entire tax on uncolored oleomargarine originated with the food commissioner representing that great dairy State, and where the oleomargarine laws are so grossly violated. And in view of the stubborn fight made by the opposition in our committee for retaining this word in the bill, I am free to say that I look upon this word with suspicion; but in view of the difference of opinion among the friends of the bill, I am willing to yield to their judgment and will give the bill my hearty support, even if so amended.

Now, a word as to the bill. Section 1 provides:

A bill to make oleomargarine and other imitation dairy products subject to the laws of the State or Territory into which they are transported, and to change the tax on oleomargarine.

Be it enacted, etc., That all articles known as oleomargarine, butterine, imitation butter, or imitation cheese, or any substance in the semblance of butter or cheese not the usual product of the dairy and not made exclusively of pure and unadulterated milk or cream, transported into any State or Territory or the District of Columbia, and remaining therein for use, consumption, sale, or storage therein, shall, upon the arrival within the limits of such State or Territory or the District of Columbia, be subject to the operation and effect of the laws of such State or Territory or the District of Columbia, enacted in the exercise of its police powers, to the same extent and in the same manner as though such articles or substances had been produced in such State or Territory or the District of Columbia, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise: *Provided*, That nothing in this act shall be construed to permit any State to forbid the manufacture or sale of oleomargarine in a separate and distinct form and in such manner as will advise the consumer of its real character free from coloration or ingredient that causes it to look like yellow butter.

Section 1 gives the several States authority over oleomargarine—that is, when oleomargarine is transported into any State or Territory or the District of Columbia, and remaining therein for use, consumption, sale, or storage, shall, upon arrival within the limits of such State or Territory, be subject to the operation and effect of the laws of such State or Territory enacted in the exercise of its police powers to the same extent and in the same

manner as though such article or substitute had been produced in the State. This section does away with the effect of what is known as the "original-package law," and, as interpreted in the case of "Leisy *v.* Hardin," where it was held by the Supreme Court that a carload of beer in cans, which was shipped from the State of Illinois into the State of Iowa, could be sold by the shipper or consignee in the State of Iowa in the unbroken "original packages" notwithstanding the laws of Iowa, which prohibited the sale of beer and making it a criminal offense to sell.

The courts have held that in the absence of Congressional permission to do so the State had no power to interfere by seizure or any other action in prohibition of importation and sale by the foreign or nonresident importers. In view of these decisions, it was thought best to enact into law the principles laid down in the so-called "Wilson bill," which provided that intoxicating liquors became subject to the local laws when they were shipped into any State or Territory, and which has been sustained by the United States Supreme Court in the case of Plumley *v.* Massachusetts (155 U. S., 462), in the Justice Harlan decision. It was held in this decision by the Supreme Court that oleomargarine colored in imitation of yellow butter and shipped into Massachusetts, a State which had a statute preventing absolutely the manufacture and sale of oleo shipped into this State from another State, became subject to the laws of Massachusetts on its arrival in the State, but permitting the manufacture and sale of oleo free from coloration or ingredient that causes it to look like butter, and not in conflict with the interstate-commerce clause of the Constitution, where the laws of Massachusetts permitted the manufacture and sale of oleo free from coloration or ingredient that causes it to look like butter.

Or, in other words, the first section provides that when the counterfeit substitute is taken into a State or Territory it shall be subject to the laws of the States and Territories concerning such substitute.

This section is identical with the first section of the "Grout bill," which passed the House in the last Congress. There can be no objection to this section; it seems absolutely fair and safe to leave the regulation as to manufacture and sale of this article to the several States.

SEC. 2. That the first clause of section 3 of an act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," be amended by adding thereto, after the word "oleomargarine," at the end of said clause, the following words:

"And any person that sells, vends, or furnishes oleomargarine for the use and consumption of others, except to his own family and guests thereof, without compensation, who shall add to or mix with such oleomargarine any ingredient or coloration that causes it to look like butter, shall also be held to be a manufacturer of oleomargarine within the meaning of said act and subject to the provisions thereof."

This section defines the manufacturer. The committee, upon investigation, and visiting establishments where oleomargarine was made, found that oleomargarine could be colored after it had been made. It was generally supposed that in order to color oleomargarine it would be necessary to melt it; but upon investigation we found that it was not necessary to melt it, and that it could be colored simply by working it over by hand, or running it through a cylinder, or a machine made for that purpose, and that the coloring could be added without much difficulty. To prevent this coloring after manufacture, either by retail dealers, wholesale dealers, or hotel or restaurant keepers, the committee recommends this amendment to the original Grout bill. And I think there can be no question with the friends of this bill as to the necessity of inserting this section:

SEC. 3. That on and after July 1, 1902, the tax upon oleomargarine, as prescribed in section 8 of the act approved August 2, 1886, and entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," shall be one-fourth of 1 cent per pound when the same is not made in imitation of butter; but when made in imitation of butter, the tax to be paid by the manufacturer shall be 10 cents per pound, to be levied and collected in accordance with the provisions of said act.

Section 3 reduces the tax from 2 cents to ¼ cent per pound on oleomargarine when the same is not made in imitation of butter, and increases the tax from 2 to 10 cents per pound when made in imitation of butter. This bill does not increase the cost of oleomargarine by imposing an additional or burdensome tax. It reduces the tax 1¾ cents per pound on oleomargarine not made in semblance of butter, thus reducing the cost except where it is made in semblance of butter, so that the poor man or the laborer whom you have spoken of may buy the genuine article—oleomargarine—at a reduced price, and if he proposes to color it for his own use, his family or guests, he is permitted to do so under the bill, and which can readily be done without any expense or inconvenience. But when the article is colored to deceive, the additional tax is added.

This section amended, as recommended by the committee, in striking out the word "yellow," to which I have already referred, is verbatim that of the Grout bill; and in this section we come to the bone of contention. Pure butter to-day selling at from 23 to 35 cents per pound; oleomargarine selling for from 10 to 12 cents per pound; that is, when it is sold for what it is—a difference of from 11 to 23 cents per pound in the cost of the two articles—is an incentive to the dealer to palm off the cheaper article for the more costly one. With the manufacturers at his back offering to defend him in the courts and pay the fines if convicted, and the enormous profit, the temptations overcome the dealers, the laws are violated, and gross fraud is being perpetrated all over this whole country. The consumer buys this counterfeit at butter prices, and eats it as pure butter, being both deceived and imposed upon by the unscrupulous dealers. By increasing the tax 8 cents per pound on oleomargarine made in imitation of butter, the incentive for fraud is removed; if not in full, at least in part.

SEC. 4. That wholesale dealers in oleomargarine shall keep such books and render such returns in relation thereto as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may, by regulation, require; and such books shall be open at all times to the inspection of any internal-revenue officer or agent. And any person who willfully violates any of the provisions of this section shall for each such offense be fined not less than $50 and not exceeding $500 and imprisoned not less than thirty days nor more than six months.

Section 4 is verbatim the act of 1896, except the penalty clause, and nobody doubts the advisability and necessity of this amendment.

Another suggestion and I am done. In the United States we have more than 5,000,000 families engaged in the dairy business, producing more than 2,000,000,000 pounds of butter, valued at more than $500,000,000. In the State of Iowa we had a year ago 994 creameries, with an average investment of $3,000 each, making a total investment of $2,982,000; while there were in the United States at that time 26 oleomargarine manufacturing plants, with an estimated average investment (based upon mercantile agencies' reports) of $25,000, or a total of $650,000. Since then two have been added, and if the same average investment applies to these two factories we have at this time a total investment of $700,000 in oleomargarine manufacturing establishments, which would be less than one-quarter of the amount of money invested in creameries in the State of Iowa alone. However, I understand that the amount invested is much greater now, and probably equals the amount invested in creameries in Iowa.

Thirty-two States, with a population, according to the Federal census of 1890, of more than 50,000,000 people (now more than 60,000,000), or about five-sixths of the total population of the United States, have laws absolutely prohibiting the sale of oleomargarine; yet we find 5,492 dealers selling 62,852,582 pounds of yellow oleo in those 32 States, out of a total product of 83,000,000 pounds, while 1,501 dealers sold 16,860,140 pounds in the remaining States and Territories. The manufacture and sale of oleo has grown from the insignificant sum of 21,513,537 in 1888 to 83,000,000 pounds in 1899, and to the enormous sum of 107,045,028 in 1900, and about 104,000,000 in 1901, a gain of about 500 per cent in twelve years. Seventy-five per cent of this counterfeit substitute is sold and eaten for pure butter, and at butter prices, and sold in defiance of the law. Public welfare demands the enactment of some law that this gross fraud and deception that is now being perpetrated may be suppressed and to protect the 5,000,000 producers of butter, as well as the millions of consumers, and to give the consumers the privilege and right to choose between the genuine article and the unwholesome substitute.

Iowa makes about one-tenth of all the butter made in the United States. In 1900 we shipped out of the State 85,280,715 pounds, and in 1901 89,806,645 pounds; and it is safe to say that an amount equal to this was consumed in the State. It is estimated that the output of butter in that State alone amounts to $37,000,000 per year, and we are injured to the extent of from two to five million dollars every year by this wholesale fraud and deception; and in view of this imposition we demand and are entitled to protection, as are all other producers of butter, and upon this subject we must have national legislation.

Experience has taught us that State laws are inadequate. The purpose of this legislation is not to ruin one industry for the benefit of another. Our aim and purpose is to secure legislation that will insure purity and wholesomeness, and that will give protection to the pure-butter producers against a fraudulent competition, as well as to protect the consumer. Then if anybody wishes to buy this inferior article in preference to pure butter they will be able to buy it for what it is worth and not be swindled and compelled to pay butter prices. Canada absolutely prohibits the making of counterfeit butter or cheese and is now reaping the benefit for foreign trade.

Be not deceived by the statement that is frequently made that such legislation would ruin the cattle and cotton-seed industries or this country. It has been claimed that such legislation would affect the price of cattle to the extent of $2 to $4 per head. What an absurdity.

It was claimed by one of your representatives before our committee that we slaughter annually 7,000,000 cattle. According to

the estimates in the Yearbook, we annually slaughter more than 5,000,000 head. Taking your own figures, 7,000,000 head at $3 per head makes a total of $21,000,000. Compare this amount with the report made by the manufacturers of oleo themselves to the Treasury Department and reported to this House, in accordance with a resolution passed by the Fifty-sixth Congress, which shows that only $2,313,333 worth of oleo oil is consumed in the manufacture of oleomargarine. You will see that this $2,250,000 is only about one-ninth of the $21,000,000. If so, one-ninth of $3 would be less than 35 cents per head. And that is, if the statement is true that oleo oil is made out of the best fat of the steer, and that it can not be sold for other purposes; but if it is pure and wholesome fat and lard that oleo oil is made out of, it will certainly sell for something, and it is a positive fact that lard is to-day selling for nearly as much as oleo oil. Of course, it is true that oleo oil sells for a little more than lard, but there is also the item of expense in manufacturing oleo oil, and when you deduct the cost of its manufacture you will find there is no difference in the price of oleo oil and lard, and the price of our cattle would not be affected to any considerable extent.

I admit that if the oleo oil is made out of refuse fat from hotels and restaurants, and scrap fat picked up in the alleys and streets and from the horse butcheries, there might be some loss to the manufacturer of oleo oil, as the articles could not be used for any other purposes, and he would be the loser; but nobody will contend that the scrap fats and waste picked up in the streets and alleys will affect the price of the steer. Certainly not to the extent as stated by the distinguished gentleman from Missouri, who makes the ridiculous statement that this bill will affect the cattle industry of this country to the extent of $60,000,000 per year. Of all the inconsistent statements made in the committee and upon this floor this is the most absurd. Does not the gentleman know that the cost of the total produce of oleomargarine for any given year is in the aggregate less than $9,000,000? The cost of all the ingredients entering into oleomargarine, including butter, milk, oleo oil, cotton-seed oil, and butter oil, is only about one-seventh of the $60.000,000.

What is true of the cattle industry is also true of the cotton-seed industry of this country. A representative of the cotton-seed industry appeared before the Agriculture Committee last winter and made the statement that the cotton-seed industry in this country aggregated $65,000,000. If you will turn to the Yearbook you will find that we annually export 50,620,219 gallons of cotton-seed oil, valued at about 40 cents per gallon, or a total of $20,250,916, while the report of the Secretary of the Treasury shows that only 4,357,514 pounds of cotton-seed oil and 4,342,904 pounds of butter oil, which is practically the same as the cotton-seed oil, was used in the manufacture of oleomargarine, and which is valued at about 5 cents per pound, or a total valuation of $435,000, which is less than one-third of the cotton-seed industry of this country and only about 2½ per cent of the amount exported.

Therefore there is nothing in the claim that just and conservative legislation along these lines would ruin either of these industries, nor would it increase the price of oleomargarine to the consumers. I repeat that these millions of producers are justly entitled to consideration, and that this honest and legitimate industry should be protected against fraudulent competition and deception, as well as protecting the millions of consumers of dairy products who are imposed upon and swindled by this counterfeit.

Purity, honesty, justice, wholesomeness, common sense, and public welfare demand the enactment of this law in order that this infamous, gigantic fraud, deception, and imposition may be stamped out. [Applause.]

I ask the privilege of appending to my remarks a number of tables and data pertaining to this subject.

The formula for each of three distinct grades of oleomargarine, of general manufacture, is given below to show the use of different ingredients and their variation in quantity:

Formula 1—Cheap grade.

	Pounds.
Oleo oil	495
Neutral lard	265
Cotton-seed oil	315
Milk	255
Salt	120
Color	1¼
Total	1,451¼

Will produce from 1,265 to 1,300 pounds of oleomargarine.

Formula 2—Medium high grade.

	Pounds.
Oleo oil	315
Neutral lard	500
Cream	280
Milk	280
Salt	120
Color	1¼
Total	1,496¼

Will produce from 1,050 to 1,080 pounds of oleomargarine.

Formula 3—High grade.

	Pounds.
Oleo oil	100
Neutral lard	130
Butter	95
Salt	32
Color	¼
Total	357¼

Annual production of oleomargarine in European countries.

Country.	Quantity produced.	Quantity imported.
	Pounds.	*Pounds.*
United Kingdom	82,000,000	110,000,000
Denmark	35,000,000	4,500,000
Norway	22,000,000	
Sweden	22,000,000	
Germany	220,000,000	
Netherlands	123,000,000	
Belgium	20,000,000	

Quantity of oleomargarine produced and amount of internal revenue received therefrom, 1886 to 1900, inclusive.

Fiscal year ending June 30.	Quantity produced.	Taxes.				
		Total.	General tax, 2 cents per pound.	Special taxes.		
				Manufacturers, $600.	Wholesalers, $480.	Retailers, $48.
	Pounds.					
On hand Nov. 1, 1886	181,090					
1887 (from Nov. 1, 1886)	21,513,537	$723,948	$435,924	$31,700	$101,400	$154,924
1888	34,325,527	864,140	653,355	17,150	70,376	123,259
1889	35,664,026	894,248	677,302	12,400	73,914	130,632
1890	32,324,032	786,292	619,206	11,700	55,318	100,068
1891	44,392,409	1,077,924	871,488	6,950	53,192	146,294
1892	48,364,155	1,266,326	945,675	10,400	103,036	204,215
1893	67,224,298	1,670,644	1,301,318	15,350	115,644	238,332
1894	69,622,246	1,723,480	1,328,558	11,250	107,394	276,278
1895	56,958,105	1,409,211	1,065,293	8,950	98,784	236,184
1896	50,853,234	1,219,432	952,475	15,725	72,264	178,968
1897	45,531,293	1,034,130	850,691	7,200	45,900	130,339
1898	57,516,136	1,315,781	1,107,775	7,600	44,272	156,134
1899	83,139,901	1,956,619	1,609,913	11,500	71,884	263,322
1900	107,045,028	2,543,785	2,085,273	15,450	97,919	345,143
1901, about	104,000,000					

Table showing the gross pounds of butter shipped out of the State for the past two years, by counties.

County.	1900.	1901.
Adair	605,317	875,916
Adams	581,975	559,130
Allamakee	1,476,326	1,332,513
Appanoose	16,060	12,635
Audubon	1,247,699	1,314,022
Benton	1,084,878	2,156,417
Black Hawk	1,995,864	2,153,417
Boone	151,644	127,843
Bremer	2,952,977	3,512,289
Buchanan	3,055,157	3,188,855
Buena Vista	1,523,704	1,536,403
Butler	3,478,528	2,731,339
Calhoun	1,002,551	1,735,258
Carroll	860,090	840,692
Cass	528,233	452,580
Cedar	626,720	250,945
Cherokee	272,286	272,286
Chickasaw	2,840,310	2,801,605
Clarke	153,845	109,950
Clay	807,446	863,539
Clayton	2,647,195	2,257,950
Clinton	567,935	1,247,339
Crawford	339,963	822,090
Dallas	797,029	764,781
Davis	98,480	50,207
Decatur	33,361	52,164
Delaware	2,768,670	2,602,036
Des Moines	264,168	325,596
Dickinson	372,313	606,596
Dubuque	2,365,897	2,854,048
Emmet	734,065	80,590
Fayette	2,824,260	2,441,381
Floyd	839,289	703,575
Franklin	813,885	835,532
Fremont	5,578	5,112
Greene	1,198,247	429,436
Grundy	953,723	880,050
Guthrie	969,187	1,804,308
Hamilton	1,993,776	965,326
Hancock	645,883	561,237
Hardin	2,095,381	2,475,465
Harrison	120,239	176,866
Henry	48,150	76,250
Howard	1,480,032	1,550,764
Humboldt	1,087,827	840,593
Ida	355,010	292,210
Iowa	553,463	654,859

Table showing the gross pounds of butter shipped, etc.—Continued.

County.	1900.	1901.
Jackson	1,045,188	1,052,066
Jasper	403,678	440,509
Jefferson	70,231	79,810
Johnson	86,488	144,394
Jones	1,777,375	3,214,444
Keokuk	213,218	219,718
Kossuth	2,070,859	2,241,718
Lee	116,922	82,388
Linn	1,359,450	1,305,220
Louisa	39,737	34,280
Lucas	17,010	700
Lyon	449,772	396,858
Madison	64,970	62,682
Mahaska	119,650	78,020
Marion	99,943	73,300
Marshall	639,214	644,932
Mills	53,025	29,412
Mitchell	1,934,608	1,740,367
Monona	52,829	44,577
Monroe	6,452	20,292
Montgomery	198,248	165,901
Muscatine	127,586	93,914
O'Brien	558,713	650,822
Osceola	93,265	116,800
Page	431,400	387,601
Palo Alto	1,966,315	1,930,012
Plymouth	796,800	785,742
Pocahontas	762,041	514,028
Polk	714,498	450,361
Pottawattamie	688,245	765,119
Poweshiek	401,871	408,773
Ringgold	53,996	119,727
Sac	981,054	857,333
Scott	282,787	300,023
Shelby	643,222	814,697
Sioux	576,566	477,404
Story	1,791,868	1,571,909
Tama	854,289	747,528
Taylor	62,829	167,222
Union	915,689	1,004,807
Van Buren	47,040	60,142
Wapello	323,691	216,485
Warren	35,290	50,315
Washington	348,694	346,590
Wayne	629,789	840,815
Webster	640,179	839,672
Winnebago	1,197,160	1,433,116
Winneshiek	1,948,495	1,936,404
Woodbury	1,212,583	3,845,852
Worth	1,070,796	1,021,832
Wright	1,127,068	1,075,520
The State	85,280,715	89,806,645

Gross increase, by counties	pounds..	10,551,770
Gross decrease, by counties	do....	6,025,840
Net increase for State	do....	4,525,930

I submit here a list of these States, with the population of each as shown by the census of 1890:

	Population.		Population.
New York	5,997,853	South Carolina	1,151,149
Pennsylvania	5,228,014	Nebraska	1,058,910
Illinois	3,826,351	Maryland	1,042,390
Ohio	3,672,316	West Virginia	762,798
Missouri	2,679,184	Connecticut	746,253
Massachusetts	2,238,943	Maine	661,086
Michigan	2,093,889	Colorado	412,198
Iowa	1,911,896	New Hampshire	376,530
Kentucky	1,858,635	Washington	349,390
Georgia	1,837,353	Oregon	313,767
Tennessee	1,765,518	Vermont	332,442
Wisconsin	1,686,880	South Dakota	328,808
Virginia	1,655,980	Utah	207,905
Alabama	1,513,017	North Dakota	182,711
New Jersey	1,444,933	Delaware	168,493
Minnesota	1,301,826	Total	50,117,440
California	1,208,130		

Ingredients of 80,000,000 pounds oleomargarine made in 1889.

	Pounds.		Pounds.
Neutral lard	31,297,251	Stearin	5,890
Oleo oil (tallow)	24,491,769	Glucose	2,550
Cotton-seed oil	4,257,514	Milk	14,200,576
Sesame	486,310	Butter oil	4,342,904
Coloring matter	148,970	Salt	6,773,670
Sugar	110,164	Butter	1,568,319
Glycerin	8,963	Cream	3,527,410

The States and Territories which have not passed laws forbidding the sale of oleomargarine colored in semblance of butter are:

	Population.		Population.
Texas	2,235,523	New Mexico	153,593
Indiana	2,192,404	Montana	132,156
North Carolina	1,617,947	Idaho	84,385
Kansas	1,427,096	Oklahoma	61,834
Mississippi	1,289,700	Wyoming	60,705
Arkansas	1,128,179	Arizona	59,620
Louisiana	1,118,587	Nevada	45,761
Florida	321,422	Total	12,604,790
Rhode Island	345,506		
District of Columbia	230,392		

I also submit a statement showing the States into which it was shipped, together with the number of dealers in each State and the number of pounds so disposed of:

Yellow oleomargarine sold contrary to law in 1899.

State.	Number of dealers	Quantity sold.	State.	Number of dealers	Quantity sold.
		Pounds.			*Pounds.*
Alabama	21	226,053	New York	14	222,788
California	.....	74,923	North Dakota	18	7,710
Colorado	95	1,123,537	Ohio	1,005	8,830,969
Connecticut	5	134,255	Oregon	3	41,250
Delaware	48	40,475	Pennsylvania	717	11,433,341
Georgia	61	495,004	South Carolina	24	258,159
Illinois	2,020	18,638,921	South Dakota	4	55,432
Iowa	3	79,922	Tennessee	83	714,640
Kentucky	217	1,490,577	Utah	.....	8,450
Maine	17	102,274	Vermont	1	2,990
Maryland	58	1,791,950	Virginia	121	1,159,400
Massachusetts	108	2,083,889	Washington	5	63,345
Minnesota	30	1,343,865	West Virginia	172	1,206,865
Missouri	231	3,133,313	Wisconsin	23	714,742
Nebraska	73	1,024,985			
New Hampshire	19	445,583	Total	5,492	62,825,583
New Jersey	296	5,875,975			

Oleomargarine sold in States where legal to color.

	Number of dealers	Quantity sold.		Number of dealers	Quantity sold.
		Pounds.			*Pounds.*
Alaska	5	18,080	Mississippi	17	104,622
Arkansas	35	380,389	Montana	.....	446,022
Arizona	5	78,767	Nevada	.....	625
District of Columbia	61	816,848	New Mexico	12	115,850
Florida	82	590,225	North Carolina	9	110,224
Idaho	3	58,224	Oklahoma	10	117,398
Indiana	306	3,923,228	Rhode Island	333	3,594,984
Indian Territory	21	152,278	Texas	162	1,518,264
Kansas	186	1,658,544	Wyoming	5	39,547
Louisiana	140	1,043,502	Total	1,501	16,860,142
Michigan	109	2,092,521			

Mr. CANNON. Will the gentleman from Iowa yield for a motion for the committee to rise?

Mr. HAUGEN. Certainly.

Mr. CANNON. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker pro tempore (Mr. PAYNE) having taken the chair, Mr. LACEY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill 9206, the oleomargarine bill, and had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, one of its clerks, announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 605. An act to provide for the purchase of a site and the erection of a public building thereon at Newcastle, in the State of Pennsylvania;

S. 567. An act for the relief of H. B. Matteosian;

S. 1609. An act making an appropriation for the purchase from Forsyth County of a site and building for a post-office and other Government offices in Winston-Salem, N. C., and to authorize the sale of the present post-office site in Winston-Salem to Forsyth County;

S. 903. An act for the relief of William D. Rutan;

S. 3299. An act granting an increase of pension to Isaiah Tufford;

S. 2708. An act respecting proceedings in the courts of the United States in the western district of the State of Missouri;

S. 2086. An act to provide for enlarging the public building at Nashville, Tenn.; and

S. 2769. An act to fix the fees of United States marshals in Indian Territory, and for other purposes.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 4372. An act to regulate the collection of taxes in the District of Columbia; and

H. R. 4988. An act for the relief of Mary E. McDonald.

The message also announced that the Senate had passed with amendments bills of the following titles; in which the concurrence of the House of Representatives was requested:

H. R. 8581. An act making appropriations for the payment of

invalid and other pensions of the United States for the fiscal year ending June 30, 1903, and for other purposes; and

H. R. 10076. An act to receive arrearages of taxes due the District of Columbia to July 1, 1900, at 6 per cent per annum in lieu of penalties and cost.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9315) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1902, and for prior years, and for other purposes, had further insisted upon its amendments disagreed to by the House, had asked a further conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HALE, Mr. ALLISON, and Mr. TELLER as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment the following resolution:

House concurrent resolution No. 11.

Resolved by the House of Representatives (the Senate concurring), That there be printed at the Government Printing Office 4,000 additional copies of Bulletin No. 184 of the Geological Survey lately issued, entitled "Oil and Gas Fields of the Western Interior and Northern Texas Coal Measures and of the Upper Cretaceous and Tertiary of the Western Gulf Coast," by George I. Adams, 1,000 for the use of the Senate, 2,000 for the use of the House, and 1,000 for free distribution by the Geological Survey.

URGENT DEFICIENCY BILL.

Mr. CANNON. I desire to submit a privileged report—the report of the committee of conference on the urgent deficiency bill. I ask that the reading of the report be dispensed with, and that the statement of the House conferees as to the effect of the report as agreed upon may be read in lieu thereof.

There was no objection.

The report of the committee is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9315) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1902, and for prior years, and for other purposes, having met after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 4, 9, 10, 18, 21, 33, 45, 46, 47, 48, 50, 51, and 63.

That the House recede from its disagreement to the amendments of the Senate numbered 5, 6, 7. 8, 11, 12, 14, 15, 16, 17, 19, 20, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 34, 35, 36, 38, 40, 41, 42, 43, 44, 49, 53, 54, 55, 56, 57, 59, 60, 61, 62, 64, 65, 66, 67, 68, 69, and 70, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: Strike out all after the word "necessary," in line 6 of the matter inserted by said amendment; and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: After the word "supply," in line 4 of the matter inserted by said amendment, insert the words "and for purchase of additional land;" and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lines 5 and 6 of the matter inserted by said amendment strike out the following: ", by and with the advice and consent of the Senate;" and the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with amendments as follows: In lieu of the matter inserted by said amendment insert the following: "the location of which shall be fixed by the President," and on page 35 of the bill, in line 23, after the word "That," insert the words "on and after June 1, 1902;" and the Senate agree to the same.

Amendment numbered 52: That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: On page 47 of the bill, at the end of line 13, insert the following: ", and the basement of said building may be used for storage of files by the Treasury Department;" and the Senate agree to the same.

Amendment numbered 58: That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 58, and agree to the same with an amendment as follows: In lieu of the matter inserted by said House amendment insert the following: ": *Provided*, That hereafter appropriations made for contingent expenses of the House of Representatives or the Senate shall not be used for the payment of personal services except upon the express and specific authorization of the House or Senate, in whose behalf such services are rendered. Nor shall such appropriations be used for any expenses not intimately and directly connected with the routine legislative business of either House of Congress, and the accounting officers of the Treasury shall apply the provisions of this paragraph in the settlement of all accounts of expenditures from said appropriations incurred for services or materials subsequent to the approval of this act:" and the House agree to the same.

On amendments numbered 1, 71, 72, 73, 74, 75, 76, 77, and 78 the committee of conference have been unable to agree.

J. G. CANNON,
S. S. BARNEY,
L. F. LIVINGSTON,
Managers on the part of the House.

EUGENE HALE,
W. B. ALLISON,
H. M. TELLER,
Managers on the part of the Senate.

The statement of the House conferees is as follows:

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9315) making appropriations to supply urgent deficiencies submit the following written statement in explanation of the action recommended in the accompanying conference report on each of said amendments, namely:

On Nos. 2 and 3: Appropriates $1,250, as proposed by the Senate, for rent of additional building for the Treasury Department, and strikes out the appropriation of $5,500 proposed by the Senate for additional quarters for the office of the Treasurer of the United States and $900 for an additional room for the Bureau of Statistics.

On Nos. 4 and 5: Appropriates $3,150,000, as proposed by the House, instead of $3,250,000, as proposed by the Senate, to refund the tobacco tax.

On Nos. 6, 7, 8, 9, and 10, under the head of public buildings: Appropriates, as proposed by the Senate—

For rent of buildings at Cleveland, Ohio., $6,000;

For repairs of public building in the customs district of Frenchmans Bay, Me., $7,000; and

For post-office at Columbus, Ga., $3,000;

and strikes out the appropriations proposed by the Senate—

For the Treasury building, $17,000; and

For the Butler Building, $4,000.

On Nos. 11 and 12: Appropriates, as proposed by the Senate, $500 additional for contingent expenses in each of the Territories of Arizona and New Mexico.

On Nos. 13, 14, 15, 16, 17, 18, and 19, relating to the Fish Commission: Appropriates, as proposed by the Senate, as follows:

For fish hatchery at Erwin, Tenn., $5,000;

For fish hatchery at Green Lake, Me., $4,000;

For fish hatchery at Duluth, Minn., $2,000;

For fish hatchery at Gloucester, Mass., $2,500;

For fish hatchery at Woods Hole, Mass., $2,000; and

For surfboat for steamer *Albatross*, $500;

and strikes out the appropriation of $10,000 proposed by the Senate for a lobster hatchery in Maine.

On No. 20: Appropriates, as proposed by the Senate, $321.56 for official telegrams for the Interstate Commerce Commission.

On Nos. 21 and 22: Appropriates $600, as proposed by the House, instead of $900, as proposed by the Senate, for contingent expenses of the office of superintendent of insurance in the District of Columbia, and appropriates $5,000, as proposed by the Senate, for the surveyor's office, District of Columbia.

On No. 23: Appropriates $7,000, as proposed by the Senate, instead of $4,500, as proposed by the House, for care, repair, and refurnishing of the Executive Mansion.

On Nos. 24 and 25: Appropriates $500,000 for the establishment of a military post in the vicinity of Manila, P. I., as proposed by the Senate, instead of the same sum "for the proper shelter and protection of officers and enlisted men of the Army in the Philippine Islands," as proposed by the House.

On No. 26: Appropriates $3,000, as proposed by the Senate, for the protection, preservation, and repair of fortifications.

On No. 27: Appropriates $10,000, as proposed by the Senate, for shooting galleries and ranges for the Army.

On No. 28: Appropriates $208,819.67, as proposed by the Senate, to reimburse Philippine insular funds for small gunboats and other craft, ordnance, and ordnance stores turned over to the Navy.

On Nos. 29, 30, and 31: Appropriates, as proposed by the Senate, under the Bureau of Equipment, Navy Department, $800,000 for purchase of coal and $450,000 for equipment stores.

On Nos. 32 and 33: Appropriates $3,800, as proposed by the Senate, for hire of quarters for the Marine Corps, and $30,000, as proposed by the House, instead of $32,500, as proposed by the Senate, for contingent expenses of the Marine Corps.

On No. 34: Appropriates $2,000, as proposed by the Senate, for per diem expenses of four special inspectors in the Department of the Interior.

On No. 35: Appropriates $2,000, as proposed by the Senate, for the Columbia Institution for the Deaf and Dumb.

On No. 36: Appropriates $21,245.75, as proposed by the Senate, instead of $16,905.75, as proposed by the House, for work at and general repairs to the Capitol.

On No. 37: Strikes out the provision proposed by the Senate requiring that the superintendent of the Capitol building and grounds shall be appointed by and with the advice and consent of the Senate.

On No. 38: Appropriates $1,053.02, as proposed by the Senate, for a filtering plant installed in the Senate wing of the Capitol.

On No. 39: Reduces the number of land offices and land districts in Alaska on and after June 1, 1902, to one, the location of which shall be fixed by the President.

On No. 40: Appropriates $5,000, as proposed by the Senate, for engraving and printing geological maps of the United States.

On Nos. 41, 42, 43, 44, and 45, relating to Indian affairs: Appropriates, as proposed by the Senate—

For traveling expenses and incidental expenses of investigation, $1,000;

For contingencies of the Indian service, $6,000; and

For expenses of purchasing goods and supplies, $15,000; and makes the appropriation for suppressing smallpox applicable to Indians on tribal lands owned by them, and strikes out the provision proposed by the Senate authorizing the Secretary of the Interior to make regulations for quarantine for Indians.

On No. 46: Strikes out the appropriation of $1,250 proposed by the Senate for rent of buildings for the Post-Office Department.

On Nos. 47 and 48: Appropriates $491,040, as proposed by the House, instead of $217,300, as proposed by the Senate, for rural free delivery.

On Nos. 49, 50, and 51: Makes a verbal correction in the text of the bill; appropriates $15,000, as proposed by the House, instead of $18,200, as proposed by the Senate, for the Spanish Claims Commission, and strikes out the provision proposed by the Senate fixing the number and compensation of certain employees of the Commission.

On No. 52: Inserts a provision authorizing the use of the basement of the Court of Claims building for storage of files by the Treasury Department.

On Nos. 53, 54, 55, 56, 57, 58, 59, 60, 61, and 62, relating to the Senate: Inserts various sums proposed by the Senate for contingent and other expenses of that body, and inserts, in lieu of the provision proposed by the House relating to appropriations for contingent expenses of the House and Senate, the following: ": *Provided*, That hereafter appropriations made for contingent expenses of the House of Representatives or the Senate shall not be used for the payment of personal services except upon the express and specific authorization of the House or Senate in whose behalf such services are rendered. Nor shall such appropriations be used for any expenses not intimately and directly connected with the routine legislative business of either House of Congress, and the accounting officers of the Treasury shall apply the provisions of this paragraph in the settlement of all accounts of expenditures from said appropriations incurred for services or materials subsequent to the approval of this act."

On No. 63: Strikes out the appropriation of $1,000 proposed by the Senate for index to Government publications.

On No. 64: Inserts an appropriation of $100,000 for printing and binding for the Treasury Department.

On Nos. 65, 66, and 67: Appropriates $115,038.75, as proposed by the Senate, instead of $61,522.29, as proposed by the House, for the payment of judgments of the Court of Claims.

On Nos. 68 and 69: Appropriates $61,726, as proposed by the Senate, instead of $14,345.50, as proposed by the House, for the payment of judgments in Indian depredation claims.

On No. 70: Appropriates $22,874.31, as proposed by the Senate, for judgments of United States courts.

On Nos. 1, 71, 72, 73, 74, 75, 76, 77, and 78: Relating to the payment to Mexico of money erroneously claimed by and paid to the United States on account of awards in the La Abra and Weil claims, and to the payment of claims of certain States for expenses incurred in raising volunteers, the committee of conference have been unable to agree.

The bill as passed by the House appropriated $17,076,470.54; as passed by the Senate it appropriated $20,255,176.83. The conference committee, so far as they have been able to agree, have eliminated from the bill $145,050, proposed by the Senate amendments, and have restored to the bill $273,740 stricken out by the Senate in the appropriation for rural free delivery.

The amendments on which the conference committee have been unable to agree appropriate $1,466,225.12.

J. G. CANNON,
S. S. BARNEY,
L. F. LIVINGSTON,
Managers on the part of the House.

Mr. CANNON. Mr. Speaker, I do not think of more than one or two matters that I want to explain at this stage of the proceedings, unless some gentleman desires to ask about others. I propose to move the adoption of this report, which would be the first step toward bringing the two Houses into agreement, and then it would be for the House to take such steps as it may deem proper touching the matters still in controversy.

Mr. BARTLETT. As I did not catch very distinctly the reading of the statement of the House conferees, I wish to ask the gentleman from Illinois [Mr. CANNON] whether by this report the amendment adopted in the House increasing the appropriation for rural free-delivery service is agreed to?

Mr. CANNON. Exactly as it passed the House.

Mr. BARTLETT. The provision adopted by the House with reference to this service is left in the bill?

Mr. CANNON. Yes, sir; exactly the House provision.

Mr. HILL. Mr. Speaker, I desire to thank the conferees on the part of the House for securing concurrence in that amendment; and I wish to state, for the satisfaction of the House, that I have the highest possible authority for saying that this appropriation will be used exactly as was intended by the House, notwithstanding it was not in our power to specify the way in which it should be used, to wit, for the increase of the salaries of carriers in the rural-delivery service from $500 to $600 a year from and after the 1st of March for the balance of this year.

Mr. CANNON. Now, Mr. Speaker, there is one other matter to which I wish to call atention, because the provision which has been adopted amends the law touching expenditures to be made in the future from the contingent funds of the House and the Senate.

For some years past the accounting officers of the Treasury have settled the accounts of expenditures from the contingent funds of the House and the Senate under the law upon the audit of the Committee on Accounts of the House or upon the audit of the corresponding committee of the Senate—the Committee on Contingent Expenses. For some time past it has come to the knowledge of some members of the House that the administration or expenditure of the contingent funds of the two Houses—both the House and the Senate—has been exceedingly loose; and under the loose practice which has prevailed it has been quite within the power of one body or the other to practically legislate, notwithstanding the fact that legislation under the Constitution must be by some measure that passes both Houses and is approved by the President.

The exact matter out of which this question grew was a House amendment to which the Senate has now agreed, providing as follows:

Provided, That hereafter appropriations made for contingent expenses of the House of Representatives or the Senate shall not be used for the payment of personal services except upon the express and specific authorization of the House or Senate in whose behalf such services are rendered, nor shall such appropriations be used for any expenses not intimately and directly connected with the routine legislative business of either House of Congress; and the accounting officers of the Treasury shall apply the provisions of this paragraph in the settlement of all accounts of expenditures from said appropriations incurred for services or materials subsequent to the approval of this act.

The necessity for this legislation has existed for years; but the particular matter, I fancy, which caught the attention of the House, as well as the Senate, was a Senate resolution authorizing the Committee on the District of Columbia of the Senate to report plans for the development and improvement of the entire park system of the District of Colmmbia. That resolution made the Senate contingent fund available to pay the expenses connected with the preparation of such plans. Under the authority of that resolution the committee proceeded to act. Eminent architects were called. Gentlemen whose expenses were all paid by the public were sent to Europe, and their action figured in Associate Press dispatches and various other kinds of dispatches. They adopted a great plan for the improvement of the city of Washington and the District of Columbia, the working out of which would probably cost a couple of hundred million dollars, more or less, and would occupy probably, or ought to occupy, a couple of hundred years. Models were made of the whole thing, and they have been on exhibition in the Corcoran Art Gallery. Arrangements have been made for carting them about the country to various large cities. And so on, and so on.

I undertake to say that if this House had been called upon for such work it would not have agreed to it; but that is a matter within the domain of assertion or prophecy. The main fact, however, is that Congress never did so agree. But the time comes when the contingent fund of the Senate has to be reenforced to pay these expenses, amounting in round numbers up to date to $47,000. As the time came for payment, it seemed to the House that this expenditure had better be stopped, and for the future a limitation had better be put on the expenditures of the contingent funds of both Houses, so as to confine such expenditures to current matters of legislation—ordinary expenditures—and to provide, as is provided with reference to expenditures of every other department of this Government, that these accounts should be audited by the accounting officers of the Treasury.

The House and the Senate are the lawmaking power, and we see to it that every other department of the Government, including the executive, shall not only first be authorized to make the expenditure by law, but, when it is made, that the accounting officers of the Treasury shall audit the accounts and pass them or reject them, as the law provides. Well, as we are the law-making power, it was the opinion of the House when we passed this amendment, as it was the opinion of the House and Senate conferees, that the law-making power should take the same medicine that it made every other department and officer of this Government take, namely, that it should have its accounts audited; and under this provision I apprehend that there will be no further legislation by one body alone, involving the expenditure of $50,000 or a million of dollars; in other words, that legislation shall be as the Constitution intended it should be.

I thought it proper to call the attention of the House to this matter, without criticism upon any individual. My impression is that possibly individuals may have been surprised at this outcome. Probably nobody contemplated at the beginning what the expenditure would be, but you know when we start with architects and specialists and scientists, those having skill and technical knowledge, with the great army of alleged people of that kind, you never know where you are going to stop, and we fortunately now come, if this provision is adopted, to a stopping place.

Mr. RICHARDSON of Tennessee. I realize the importance of the matter upon which the gentleman is speaking, and I want to ask him now if the conferees have reached a conclusion on that matter?

Mr. CANNON. Yes.

Mr. RICHARDSON of Tennessee. Both bodies have agreed?

Mr. CANNON. Yes.

Mr. RICHARDSON of Tennessee. Both sets of conferees?

Mr. CANNON. Yes.

Mr. RICHARDSON of Tennessee. It is almost impossible for us to hear the gentleman on this side in the confusion. I want to ask him how the line is to be drawn by the two bodies as to what items shall be allowed and paid from the contingent fund?

Mr. CANNON. I will have the provision read again.

Mr. RICHARDSON of Tennessee. I want to know exactly how you can tell what is going into the contingent fund.

Mr. CANNON. This includes it, as you will see.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Provided, That hereafter appropriations made for contingent expenses of the House of Representatives or the Senate shall not be used for the payment of personal services, except upon the express and specific authorization of the House or Senate, in whose behalf such services are rendered; nor shall such appropriation be used for any expenses not intimately and directly connected with the routine legislative business of either House of Congress; and the accounting officers of the Treasury shall apply the provisions of this paragraph in the settlement of all accounts of expenditures from said appropriations incurred for services or materials subsequent to the approval of this act.

Mr. RICHARDSON of Tennessee. How does that get into this bill? Did the Senate insert it, or was it in the House bill?

Mr. CANNON. The House bill substantially contained the provision, and with slight modifications, strengthening it rather than weakening it; this was the agreement.

Mr. RICHARDSON of Tennessee. It is new legislation, is it not?

Mr. CANNON. Oh, certainly.

Mr. RICHARDSON of Tennessee. Entirely. I think it is entirely proper, but I was wondering how it got into the urgent deficiency bill.

Mr. CANNON. My recollection about it is that some vigilant member——

Mr. RICHARDSON of Tennessee. I have no doubt the gentleman's recollection is correct.

Mr. CANNON. That some vigilant member—I do not recall who it was.

Mr. LIVINGSTON. It was yourself. [Laughter.]

Mr. CANNON. Oh, now it comes to me and I will tell my friend. The Senate came, as I knew it would come, with an extraordinary proposition for an increase of its contingent fund, and I had the impression that the appropriations were so extraordinary that there was but one explanation for it, and therefore, by unanimous consent, when the matter was considered on the Senate amendments in the House, I asked for the adoption of this provision, and the House being clearly of the opinion gave the unanimous consent. It went back to the Senate, and this is the result. It all comes back to me now.

Mr. RICHARDSON of Tennessee. That is eminently proper.

Mr. BARTLETT. I desire to ask the gentleman from Illinois a question. The gentleman understands that the Committee on Accounts, of which I happen to be a member, has resolutions before it frequently to pay officers in the House who fill various positions here the difference between the salaries of the positions to which they were appointed and the salaries ordinarily paid for the labor that they actually perform.

Mr. CANNON. It does not affect that.

Mr. BARTLETT. It ought to affect it.

Mr. CANNON. This does not, because it says, "Shall not be used for the payment of personal services except upon express and specific authorization by the House or the Senate."

Mr. BARTLETT. What I intended to say was, these employees who are not discharging duties for which they were authorized to be paid. For instance, they were appointed as folders and perform the duties of messengers, and they came before our committee and asked for the difference between the pay.

Mr. CANNON. I will say to my friend, as I recollect it, there is a prior statute which prohibits that thing, and I want to be entirely frank with my friend. I believe that that prior statute, with this provision that requires the accounting officers of the Treasury to perform their function, will break up that practice. I think it ought to.

Mr. BARTLETT. I think, so too. I did not ask for that object. I think that thing ought to be put a stop to.

Mr. CANNON. I think that will stop it, except as you provide for it by joint resolution. Now, Mr. Speaker, with these remarks, I move the adoption of the conference report.

Mr. WILLIAM W. KITCHIN. Before that motion is submitted, I desire to ask the gentleman one question. What disposition has the conference made of the $500,000 item for the shelter of troops at Manila?

Mr. CANNON. I am glad the gentleman called my attention to that matter, as I intended to speak of it in fairness to the House. The Senate, if the gentleman has before him the bill with the Senate amendments, by amendment No. 24 strike out the House provision for the proper protection and shelter of officers, etc., and they inserted the following language by amendment No. 25:

MILITARY POST.

For the establishment in the vicinity of Manila, P. I., of a military post, including the construction of barracks, quarters for officers, hospital, storehouses, and other buildings, as well as water supply, lighting, sewerage, and drainage, necessary for the accommodation of a garrison of two full regiments of infantry, two squadrons of cavalry, and two batteries of artillery, to be available until expended, $500,000.

By the report that is made, the House agrees to the two Senate amendments which strikes out the House provision and inserts the Senate provision which I have just read.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The question was taken; and the conference report was agreed to.

Mr. CANNON. Now, Mr. Speaker——

Mr. RICHARDSON of Tennessee. Before the gentleman begins, will he answer another question. I would like to know how much increase has been agreed to in the agreement between the two Houses thus far? As I understand it, the bill, when it passed the House, carried $17,168,000, and there has been added to it, by the agreements already made by the two Houses, how much? The Senate added a little over three millions.

Mr. CANNON. By the agreement the bill has increased about a million a half.

Mr. RICHARDSON of Tennessee. You have agreed to half of the increase the Senate made, in round numbers?

Mr. LIVINGSTON. Oh, no.

Mr. RICHARDSON of Tennessee. They increased it over three millions, and you have agreed to a million and a half. There are about a million and a half in the remaining amendments not agreed to.

Mr. CANNON. About a million and a half in the matters yet open. Now, Mr. Chairman, the committee of conference have been unable to agree to $1,466,235.12. Now, there are certain amendments in here on which the conferees report that the Senate further insist on. There are amendments 1, 71, 72, 73, 74, 75, 76, 77, and 78. Amendments 73 to 77, inclusive, are for the refund of expenses incurred in raising volunteers—namely, the State of Maine, $131,000 and some odd dollars; Pennsylvania, $689,000 in round numbers; New Hampshire, $108,00 in round numbers; Rhode Island, $124,000 in round numbers. These various claims have been audited by the auditing officers of the Treasury Department under the principle laid down in the case of the State of New York against the United States, reported in 160 U. S. Reports, as I recollect it. Now, Senate amendment 78 I will read:

And the claims of like character arising under the act of Congress of July 27, 1861 (12 Stat., p. 276), and joint resolution of March 8, 1862 (12 Stat., p. 615), not heretofore allowed or heretofore disallowed by the accounting officers of the Treasury, shall be reopened, examined, and allowed, and if deemed necessary shall be transmitted to the Court of Claims for findings of fact or determination of disputed questions of law to aid in the settlement of the claims by the accounting officers.

Now, then, this Senate amendment was adopted for the purpose, and in my judgment the amendment would accomplish that purpose, of enabling certain States that presented claims for so-called interest that was paid upon indebtedness that they made under the act of 1861 and 1862, and which were rejected by the accounting officers of the Treasury Department, but which are upon all fours with the New York claims on which a recovery is had. It enables those States to have claims reopened and audited, so as to receive the same treatment that the Supreme Court of the United States gave to the State of New York when it rendered judgment against the United States, which was believed by the Senate to be a proper provision.

It was believed by the Senate to be a proper provision. In my judgment, it is a proper provision. But, for the purpose of having no question whatever as to just what is meant by this Senate amendment, my colleague, the gentleman from Indiana [Mr. HEMENWAY], upon the Committee on Appropriations, has prepared an amendment which I understand he desires to offer, and which, it seems to me, would make it absolutely sure that if the Senate provision was so amended there would be accomplished, what it seems to me, the Senate desired to accomplish and what, in my judgment, ought to be accomplished.

Mr. MOODY of Massachusetts. Before the gentleman takes his seat I would like to ask him if he knows how much of an expenditure this amendment will involve?

Mr. CANNON. It is stated here.

Mr. MOODY of Massachusetts. Yes; Maine, New Hampshire, and Rhode Island——

Mr. CANNON. Yes.

Mr. MOODY of Massachusetts. My question is, How much in addition will this amendment probably involve?

Mr. CANNON. I can not tell the gentleman.

Mr. HEMENWAY. About two millions and a half.

Mr. CANNON. The gentleman from Indiana informs me as near as can be ascertained about two millions and one-half.

Mr. MOODY of Massachusetts. That includes the States named as well as the others that have claims?

Mr. CANNON. Yes. I did not give as close attention to the aggregate of the matter as did the gentleman from Indiana.

Mr. MOODY of Massachusetts. I would like to ask the gentleman if he recalls the claims which were placed by the Senate amendment on the sundry civil bill last year and which were rejected by the House after debate—the claim of the State of Nevada and the claims of California and Oregon?

Mr. CANNON. I recollect them very well.

Mr. MOODY of Massachusetts. Will the adoption of either of these amendments in any way involve claims of that character?

Mr. CANNON. It seems to me not; but, in order to make it absolutely sure, so that there can be no question about it, the gentleman from Indiana has prepared an amendment that I think specifically covers such claims only as were covered by the Supreme Court in the State of New York against The United States. I think without that they would not be covered. Certainly, from what the conferees of the Senate say, there was no intention to cover them, and from my knowledge of them, with the best examination I can give them, I feel quite sure that they are not covered. Those claims the gentleman referred to covered bounty and double pay——

Mr. MOODY of Massachusetts. Yes; bounty and extra pay; and if the principle was once recognized the expenditure would amount to a billion dollars.

Mr. CANNON. I think they are clearly not covered by this amendment, but if my friend will yield, I will yield to the gentleman from Indiana to offer his amendment, and I think that will answer the question better than I can do it, because it forecloses any possible question that might arise as to whether these claims the gentleman refers to are covered.

Mr. HEMENWAY. Mr. Speaker, I offer the following amendment:

The Clerk read as follows:

That the House recede from its disagreement to the amendment of the Senate No. 78 and agree to the same with an amendment as follows:

In lieu of the matter inserted by said amendment insert the following:

"And the claims of like character arising under the act of Congress of July

27, 1861 (12 Stats., p. 276), and joint resolution of March 8, 1862 (12 Stats., p. 615), as interpreted and applied by the Supreme Court of the United States in the case of the State of New York against The United States, decided January 6, 1896 (160 U. S. Rep., p. 598), not heretofore allowed or heretofore disallowed by the accounting officers of the Treasury shall be reopened, examined, and allowed; and if deemed necessary shall be transmitted to the Court of Claims for findings of fact or determination of disputed questions of law to aid in the settlement of the claims by the accounting officers."

Mr. HEMENWAY. Now, Mr. Speaker, in view of the statement of the gentleman from Illinois explaining this matter, I do not think I need to say anything, unless some gentleman wishes to ask a question.

Mr. LIVINGSTON. Is not that the amendment which was carried from the House to the Senate?

Mr. HEMENWAY. Almost; but there is some difference.

Mr. CANNON. We adopt the decision of the Supreme Court, which the other did not contain.

Mr. LIVINGSTON. I understand.

Mr. HEMENWAY. We confine it to the case decided in the Supreme Court wherein the State of New York is plaintiff against the United States.

Mr. SMITH of Kentucky. And that amendment will exclude the claims of Nevada and California and Oregon?

Mr. HEMENWAY. Yes.

Mr. LIVINGSTON. Would it not be better to strike out the word "like" and put in the word "same," as I am not sure but the Nebraska claim would be covered as it now stands?

Mr. HEMENWAY. Oh, I think not.

Mr. SIMS. As I understand, the gentleman's amendment will apply to all States having claims coming under this decision—that it is a general law in that respect.

Mr. HEMENWAY. Yes; following the suggestion that the gentleman made to me some time ago.

Mr. SIMS. I think that is much wiser than having these separate bills coming in from time to time.

Mr. MOODY of Massachusetts. Would the gentleman from Indiana have any objection to this amendment: After the word "and," in line 21, insert the words "if found to be in the scope of said decision, may be allowed?"

Mr. HEMENWAY. I do not believe that is necessary. This clearly confines it to claims of the same kind that were allowed in the four States that have been determined. There is no doubt but that this amendment, which has been gone over very carefully and submitted to the Comptroller of the Treasury, confines the claims to those covered by the New York decision and no others.

Mr. MOODY of Massachusetts. Mr. Speaker, I desire to make this statement: I know that the gentleman from Indiana does not intend to accomplish it, but it might be possible under his amendment. The gentleman is making it mandatory on the accounting officers to allow claims of a like character with those described in that decision of the Supreme Court. Now, it might be that the claims would turn out to be ill founded. If they are claims that must be allowed, they would have to be allowed. Why not say "may" be allowed?

Mr. HEMENWAY. If the gentleman from Massachusetts will permit, they could not be claims not well founded if they were similar to the New York claims. I want to say that they are on all fours with the New York claims.

Mr. MOODY of Massachusetts. You are in substance adjudicating on the claims here at this time without knowing anything about the amount. It is adjudicating on the amount of it, because you say that claims that are made under the provisions of that statute must be allowed as they are made.

Mr. HEMENWAY. Yes; but the gentleman must not misunderstand the matter. It does not go to the extent of fixing any amount. It says that they shall allow the claims after being properly audited and passed upon by the Court of Claims.

Some claims for interest account and similar expenses were filed against the Government and passed upon adversely prior to the decision in the New York case referred to in 160 United States Reports, page 598.

Other claims involving a similar principle and equity were not filed, possibly for the reason that the adverse action was anticipated.

In view, however, of the decision of the Supreme Court in the New York case, where the court held a claim for interest was an equitable and just claim against the Government, it is only fair that since such decision clearly fixes the liability of the Government with all States where the claim is clearly just the Government should now accept such claim as fair and just and provide for the payment of the same.

The amendment proposed clearly intends to cover two classes of cases—one where the claims have been disallowed by the accounting officers and those where the accounting officers have not allowed them, or where they have not even been considered by the accounting officers—so long as the cases of either of which two classes fall within the principle laid down in the New York case referred to.

The State of Indiana, my own State, sold bonds in order to raise funds to equip the volunteers, and in the sale of such bonds not only suffered by loss of an interest account, but, owing to the unfortunate situation that existed at that time in the State, the bonds were sold at a discount, making the discount and interest both losses to the State, and consequently a just and equitable charge against the Government.

The States of Ohio, Michigan, Illinois, and Kentucky clearly fall within the same intent of this proposed amendment, coming as they do clearly within the principles laid down by the decision in the New York case.

There is no more reason why the claim should have been paid to the State of New York than the claims should now be paid to the States of Indiana, Ohio, Michigan, Illinois, and Kentucky.

It is thought wise, therefore, that rather than compel each of these States to urge its claim singly and alone by way of special legislation before Congress, by an amendment in the language here proposed all of these States which fall within the purview and principles of the decision of the New York case shall be provided for in order that justice may be done each in the discharge of their several claims.

It is no more than fair and just that so long as these several States which I have just named each holds a claim against the Government of a similar nature to that of the New York claim, that the accounting officers should be required by mandatory statute to reopen such claims as have heretofore been disallowed and examine and allow them under the principles set forth in the New York decision, and also fair that no claim which had not been acted upon by the accounting officers because it had not been pressed, so long as it stands on all fours with the New York case, should also be considered and allowed.

Mr. CANNON. I ask for a vote.

The question being taken, the motion was agreed to.

Mr. CANNON. I move that the House recede from its disagreement to the amendments of the Senate numbered 71, 72, 73, 74, 75, 76, and 77, and agree to the same. These amendments relate to claims that have already been audited.

The motion of Mr. CANNON was agreed to.

Mr. CANNON. Mr. Speaker, that disposes of all the amendments except amendment numbered 1.

Mr. BARNEY. If my colleague on the committee will yield for the purpose, I move that the House recede from its diagreement to Senate amendment No. 1 and agree to the same. This amendment provides for the payment of what are known as the La Abra and Weil claims. The facts in this case seem to be about these: Something more than thirty years ago this Government and the Government of Mexico entered into treaty relations by the terms of which claims of the citizens of Mexico against this Government and claims of citizens of this Government against Mexico were submitted to a commission composed of one commissioner selected by this country, one by Mexico, and Sir Edward Thorton as the referee. Various claims were allowed by that commission against both Governments. Among them were these two claims, amounting to something more than a million dollars, and it was provided that Mexico should pay these claims in installments.

Before Mexico had made any payment upon these claims she protested against their payment, alleging that they had been founded in perjury and fraud. But early in these payments she presented no evidence on this subject, but simply made the naked protest, which our State Department did not consider sufficient to warrant us in holding up the claims. So a part of them were paid, the sums paid amounting altogether to $412,572. After that, evidence was presented to the State Department of this perjury and fraud, and subsequent payments were held up. Thereupon, these claims pressing for payment against the General Government, Congress by law provided for an action to be begun by the Attorney-General against the La Abra Mining Company and the Weil Mining Company for the purpose of determining the question whether these claims were founded upon perjury and fraud or not. That action was tried, and the judgment of the Court of Claims was that these claims were founded upon perjury and fraud and ought not to be paid. But the court in its findings also found that the Government of Mexico had been guilty of laches and negligence in not presenting its case before this commission when the claims were originally allowed. Thereupon, this Government paid to Mexico the balance of the sum which had been paid to us, and which remained in our hands and not paid over to the claimants; and the minister of Mexico, in an exceedingly courteous note acknowledging the payment of these sums, released this Government from any claim on account of the sums which had already been paid to these claimants.

Now, I want to say frankly that as I look at this whole case I see no legal claim and no equitable claim against this Government

on the part of Mexico. I do not believe that if the circumstances were all taken into consideration as they would be between individuals a court of equity would ever give the Government of Mexico a single dollar against the United States; because, while unquestionably those claims were founded in perjury and fraud, the court holds that the Government of Mexico ought to have known of these facts and ought to have presented them to this Commission and had the question properly adjudicated, in which case this Government would never have paid any of these claims at all.

But, now, in consideration of the fact that this perjury and fraud was the perjury and fraud of American citizens against the citizens of a sister Republic and a weak Republic, and taking into consideration the further fact that we are continually having claims against sister republics of the south, and for the purpose of showing our magnanimity toward a weaker Government, and for that matter for the purpose of doing what perhaps no other government on the face of the earth would do, I am willing to repay to Mexico the money which she thus paid to us on account of the fraud and perjury of our citizens.

Another consideration which perhaps ought to be taken into account is the fact that many of our citizens are all the time investing their capital in Mexico in the mining and other business. It is in their interest, and incidentally in the interest of us all, that the most friendly relations should continue between this Government and our sister Republic. Under all these circumstances we can afford to be magnanimous to our weaker sister and to go further than even the principles of equity would require us to do in restoring to her money which has been unjustly extorted from her by dishonest American citizens.

I have conferred with the State Department about this matter, and they agree substantially with me as to the equities of this case, yet payment is recommended by the office of the Secretary of State. It was called for in the message of President Roosevelt and was called for in one of the messages of President McKinley. Therefore, taking all these facts into consideration, I hope the motion will prevail and this amendment will go upon the bill.

Mr. CANNON. I ask for a vote.

The motion was agreed to.

Mr. CANNON. I believe that disposes of the bill, Mr. Speaker. This bill will go to the Senate with a message covering the action of the House without any formal motion.

The SPEAKER pro tempore. The Chair, then, will recognize the gentleman from Connecticut [Mr. HENRY].

LEAVE TO COMMITTEE ON INDIAN AFFAIRS TO SIT DURING SESSIONS.

Mr. SHERMAN. If the gentleman will allow me, I desire to ask unanimous consent that the Committee on Indian Affairs be permitted to sit during the sessions of the House.

The SPEAKER pro tempore. The gentleman from New York, Chairman of the Committee on Indian Affairs, asks unanimous consent that that committee be permitted to sit during the sessions of the House. Is there objection?

There was no objection.

OLEOMARGARINE.

Mr. HENRY of Connecticut. I move that the House resolve itself into the Committee of the Whole for the further consideration of the bill H. R. 9206.

Mr. WILLIAMS of Mississippi. Pending that, I want to make a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Mississippi.

Mr. WILLIAMS of Mississippi. My parliamentary inquiry is this, Mr. Speaker: The House having the other day by unanimous consent given a legislative day to the general discussion of the oleomargarine bill and another day to discussion under the five-minute rule, the bill to be displaced temporarily by appropriation matters presented to the House, this morning the matter which has just been concluded was presented and has consumed very nearly if not quite an hour. Will that time be added to the time of general debate?

The SPEAKER pro tempore. The Chair is of opinion that the House gave a legislative day for the general debate on the oleomargarine bill, and the time which has been otherwise occupied to-day would be lost to the oleomargarine bill. Of course it is in the power of the House to sit later than 5 o'clock if it desires to do so.

Mr. WILLIAMS of Mississippi. I understand that.

The SPEAKER pro tempore. The Chair thinks that without some further order from the House the general debate on the oleomargarine bill will end with this legislative day.

Mr. WILLIAMS of Mississippi. What I want is a construction of the order already existing. I do not want to ask any further time from the House. I want a construction of the order already existing. Now, that order was that a day be given to general debate upon this question and another day to debate under the five-minute rule, the subject being temporarily displaced by appropriation bills. Now, if you can occupy an hour in this manner and take it away from the time to be given to the oleomargarine bill, why could not the whole of the other day have been taken away in the same manner because an appropriation bill was brought up and discussed during the entire day?

The SPEAKER pro tempore. The Chair does not feel called upon to answer that conundrum, but it is clearly of the opinion that the order means one legislative day.

Mr. WILLIAMS of Mississippi. Well, is a legislative day five hours?

The SPEAKER pro tempore. The Chair thinks that the order would end the general debate with the end of this legislative day.

Mr. WILLIAMS of Mississippi. No special day was designated in the original agreement. It just said "a day."

The SPEAKER pro tempore. The House had already commenced the consideration of the oleomargarine bill in general debate to-day.

Mr. WILLIAMS of Mississippi. Before we go into the committee I want to ask unanimous consent that the fifty minutes just now consumed in the consideration of the urgent deficiency bill be added to the session this afternoon for general debate upon the oleomargarine bill.

Mr. WADSWORTH. If necessary.

The SPEAKER pro tempore. The Chair suggests to the gentleman from Mississippi that this is entirely in the province of the majority of the committee. There is no rule requiring that the House shall adjourn at 5 o'clock, and the matter is in the control of the committee, so that a majority of the committee can determine when the committee shall rise.

Mr. WILLIAMS of Mississippi. My object in asking it was because I supposed the House alone could deal with that question.

Mr. PAYNE. The committee need not rise until 6 o'clock, if it so desires.

Mr. LACEY. Or 7 or 8 o'clock.

The CHAIRMAN. The question is on the motion of the gentleman from Connecticut that the House resolve itself into the Committee of the Whole.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 9206) to make oleomargarine and other imitation dairy products subject to the laws of the State or Territory into which they are transported, and to change the tax on oleomargarine, with Mr. LACEY in the chair.

Mr. HAUGEN. Mr. Chairman, I yield fifteen minutes to the gentleman from Iowa [Mr. THOMAS].

Mr. THOMAS of Iowa. Mr. Chairman, I had no intention of submitting any remarks upon the pending bill until quite recently; but after hearing some of the remarks of the opposition I have concluded to make a few observations on some of the provisions of the bill, and in doing so, to refer to some of the arguments that have been advanced in opposition to the measures proposed by the bill.

The observations in opposition have certainly taken a very wide range—wide enough, indeed, to take in every element, whether in favor of or opposed to the pending measure. The arguments used display an ingenuity almost unheard of on the floor of this House. The gentleman from Illinois [Mr. FOSTER], in addressing the House in opposition to the bill the other day, stated:

> Let us examine briefly these two measures and see what it is that they would accomplish if enacted. The majority bill on its face provides that oleomargarine shall be subject in any State to the laws of that State.
>
> Now, as 32 States, through their legislatures, have been prevailed upon to pass laws forbidding the manufacture and sale therein of oleomargarine colored in resemblance of butter, if this bill should become a law such colored oleomargarine manufactured in other States could not be taken into and sold in these 32 States, even in the original packages. This would at once deprive oleomargarine of the larger part of the market, and the rest of it would be swept away by the other provisions of the bill, namely, that all oleomargarine colored to resemble butter shall be taxed 10 cents a pound. In other words, this bill is simply aimed at the total and utter destruction of the oleomargarine industry.

The same gentleman, further along in his speech, said:

> And here, on the other hand, are the butter monopolists who are hurt by its sale, who say, "No, we will not let oleomargarine be sold at all—we will crush it out of existence;" for that, Mr. Chairman, is what they will do if they can pass this bill.

The gist of this argument, Mr. Chairman, is that it is the purpose of the pending bill to crush out the oleomargarine industry; to absolutely prevent the sale of the article as a food product.

This certainly is a strong appeal to those interested in the manufacture and sale of oleomargarine and to those who desire to purchase it as an article of food, but the range of argument taken by the opposition goes clear to the other side of the question as well. The pendulum has swung to the other side of the sky, even to the distant horizon. We have heard the gentleman from Ohio [Mr. GROSVENOR], in most eloquent terms, give reasons, sufficient unto himself, for going to the fullest extent in opposition to the bill.

Observing that the general drift of public opinion in the country, as well as among the members of the House, is in favor of the provisions of this bill, it has become quite apparent to the opponents of its provisions that in order to successfully defeat its passage by the House it is necessary to gain the support, not only of those who are interested in the manufacture and sale of oleomargarine and those who prefer it as an article of food to pure butter, but also to enlist in the opposition those who still believe in maintaining the reputation of the American cow and of holding her in that high esteem that she has from time immemorial gained in the barnyard of every well-regulated household.

I am not able to give the exact language of the gentleman from Ohio [Mr. GROSVENOR], but he stated, in substance, that if the bill should pass and become a law it would result in removing the prejudice now existing against oleomargarine, and create a taste among our people in favor of the product, and in this way build up a great industry that would, in the end, afford a strong competition in the markets of the country with the dairy interest.

And to add emphasis to his remarks, and that they might produce the desired effect, he took occasion to say to those who are here supporting the pending measure on the floor of the House that when the dairy interest shall have been driven from the field of operation by the competition of the oleomargarine manufacturer their constituents would reproach them with their want of foresight in not discovering the results that would follow such legislation, and that instead of gaining their good will they would incur the displeasure of their constituents for supporting a measure from which such dire results would follow. Arguments of this kind ought to be convincing to the ordinary mind. They cover every range from one extreme to the other, and are made evidently upon the theory of the old saw, "Pay your money and take your choice."

This kind of argument reminds me of the argument I heard a number of years ago in a trial of a cause, wherein a fellow was being tried on a charge of larceny in stealing coal from a railroad flat car. It was claimed that he took a large lump of coal onto his shoulder and carried it away from the car, and for this cause the prosecution was instituted. Two young attorneys were engaged in the defense, and somewhat in the line of the arguments in opposition to this bill, it was thought, by the attorneys, that it was necessary in order to establish their defense to cover every theory in the case.

One of the attorneys in his argument urged to the jury that the defendant was so short that it was impossible for him to take such a large lump of coal down from the car onto his shoulder and carry it away, while the other attorney urged that the man was so tall that it was impossible for him to take so large a lump of coal from the car up onto his shoulder and make away with it. The jury took a conservative view of the matter and convicted the fellow. So we believe it will be in this case—the House will take a conservative view of the arguments, pursue an intermediate course, adopt the provisions of the bill, and pass it—and we believe the country at large will take the same view and approve their action.

Coming now to another point in the discussion, I will call attention to the arguments of the gentleman from New York [Mr. WADSWORTH], chairman of the Committee on Agriculture. He made the following statement the other day in his address before the House:

I oppose it—

Referring to the bill of the majority—

because it punishes the manufacturer for a fraud committed, not by him, mark you, but by the retail dealer in butter. He is the man who commits the fraud complained of. He buys the oleomargarine from the manufacturer in wholesale quantities. He takes it to his shop and takes it down into his cellar. You go there and want to buy a pound of butter, and he scoops you out oleomargarine and sells it to you for butter. This is the fraud, and fraud should be stopped, and that is the purpose we have in view in the minority bill. The manufacturer should not be punished. No additional burden should be put on him when he is not committing a dishonest act.

Now, Mr. Chairman, right by the side of this quotation, I desire to read a notice sent out by Mr. W. J. Moxley, of Chicago, April 5, 1899, directed to the trade. It will be remembered that Mr. Moxley was one of the principal oleomargarine manufacturers of the country, and we may take the course pursued by him as the general course pursued by the manufacturers of this article generally. Mr. Moxley is one who has taken, perhaps, as active an interest in opposition to legislation of this kind as any other manufacturer of the article. His notice is as follows:

NOTICE TO THE TRADE.

Inclosed find a color card which is as nearly the color of our butterine as printer's art can represent. Our aim in sending you this card is to enable you to select the proper color suitable for your trade. Mistakes are easily made, but hard to remedy.

In nearly every section of the country there is a difference in the color of butter, and even in certain seasons of the year there is a change, as you will have noticed. In winter butter is of a lighter color than in summer. In many sections this is the result of a difference of the feed of the cattle. We can give you just what you want at all seasons, if we know your requirements. As an example, No. 1 has no coloring matter, No. 2 a little coloring, and so on to No. 8, which is the highest colored goods we turn out. Preserve this card, ordering the color you want by the number, and we will send you just what you want.

Yours, truly,

W. J. MOXLEY.

It is admitted, even by those who are strongly opposing this bill, that those who are engaged in the business of selling oleomargarine are constantly violating the provisions of the existing law, and it is their contention that this does not apply to the manufacturer. What, now, is the purpose of the notice or circular sent out by Moxley to his customers, but to advise them that he will provide oleomargarine in any color that they may desire, so that it will correspond with the color and particular tint of the butter that is placed on the market in the several communities where the oleomargarine is to be shipped and sold? True, the purchaser, when he buys from Moxley, knows that he is buying oleomargarine, but when Moxley gives them this information and ships them the oleomargarine he does so for the purpose of enabling his customers to violate the law.

He prepares the spurious article with the view of reaching the consumer through the deception practiced by him, and he does it for the purpose of extending his own trade, and for that reason is just as guilty of the fraud committed as the party to whom he ships his product. He, as well as the other manufacturers of oleomargarine, rely on the fact that in order to secure a market for their product they must keep in pace in coloring and appearance with the various tints of butter in the communities where the article is to be sold. They realize that without this there will be no sale, or comparatively no sale of their product. This is plainly disclosed in the argument of the gentleman from Illinois [Mr. FOSTER] when he says, in reference to the purposes of the bill under consideration:

There would be no objection to this plan if the people would buy the uncolored, but they will not. For some reason, partly from pride, perhaps, but mostly from prejudice, people want their butter, or whatever they use in place of butter, to be yellow.

How has this habit grown up among the people, may I ask, that they "want their butter or whatever they use in place of butter to be yellow?" It is because it is the natural color of the product of butter. It is the habit, I will admit, that has grown up among the people, because yellow, in various tints, is the natural color of butter. Good pure butter made from cream, yellow in color, has been used by the people for many generations, long before the production of oleomargarine was thought of by anyone, and the people have become so attached to it that they desire the pure article, and they desire to obtain an article that they know to be pure, and for that reason they are opposing the proposition to permit oleomargarine manufacturers and sellers to palm off on them a spurious article as butter. The gentleman from Illinois [Mr. FOSTER] says "that there would be no objection to the plan proposed by the bill if the people would buy the uncolored article, but they will not." This is a strong reason why the bill is opposed. It is also a strong reason why it should be passed.

This is true, because the oleomargarine makers and sellers must depend upon the reputation built up among the people of this country for pure butter for the sale of their spurious article. When not made in imitation of pure butter it has not the support of that reputation, and is, as is admitted by the gentleman from Illinois, discredited by the people and will not be bought on the markets by them. The gentlemen opposing this bill have entirely failed to explain upon what theory they base the demand that the oleomargarine people have the right to claim and appropriate to themselves and rely for the sale of their article on the reputation built up for themselves by the dairy business of the country. I submit that there is no theory upon which such contention can be successfully maintained. Yet it is this that lies at the foundation of the opposition to the pending measure for the purpose of extending their trade.

Let me now call the attention of the House to another point in this discussion. I desire here to examine some of the statements in the minority report of the Committee on Agriculture. The minority report makes this statement:

It is charged, and doubtless truly, that the present law is violated by unscrupulous retailers.

And without being very far from the truth it might well say "that the present law is violated by all retailers," and still go one step further and say that the manufacturers, for the purpose of extending their trade, place it in the power of the retailer to violate the law and aid and encourage them in so doing.

The minority report further goes on to state:

In conclusion, the members of the Committee on Agriculture who have joined in this minority report beg to assure the House and the country, in the most solemn manner possible, that it has been their earnest intention and is now their determination to do everything possible to be done to enforce the sale of oleomargarine as oleomargarine and to prevent its sale as butter. To prevent fraud and not to impose or hamper a legitimate industry has been and is our purpose.

And to that end, as they claim, the minority submit, with the report, a substitute bill.

It is a rule, I believe, applicable in both legal and moral ethics, that successfully to attack any evil that has become strong or prevalent is to strike at the root of it. Remove the inducement to commit the wrong and a remedy will speedily follow. I am not here to deny or disguise the fact that this is one of the purposes of the measure now under discussion.

Both sides of this question agree that under the present law frauds are committed. Both sides agree that additional legislation is required to prevent this fraud or to reduce it to a minimum. But the division comes in the character of the legislation to be enacted to bring about this much-desired result. Nearly all the discussion had on this question has been confined to the bill reported to the House by the majority of the committee, to its purposes, and to the probable influence that it will have if enacted into a law.

Let me here examine some of the provisions of the minority bill and point out what seems to be its purpose and what effect it would have on existing law and existing relations between the Federal Government and the people of the several States if it were enacted into a law.

Section 6 of the substitute bill provides:

That all oleomargarine shall be put up by the manufacturer for sale in packages of 1 and 2 pounds, respectively, and in no other or larger or smaller package; and upon every print, brick, roll, or lump of oleomargarine, before being so put up for sale or removal from the factory, there shall be impressed by the manufacturer the word "Oleomargarine" in sunken letters, the size of which shall be prescribed by regulations made by the Commissioner of Internal Revenue and approved by the Secretary of the Treasury; that every such print, brick, roll, or lump of oleomargarine shall first be wrapped with paper wrapper with the word "Oleomargarine" printed on the outside thereof in distinct letters, and said wrapper shall also bear the name of the manufacturer, and shall then be put up singly by the manufacturer thereof in such wooden or paper packages or in such wrappers, and marked, stamped, and branded with the word "Oleomargarine" printed thereon in distinct letters and in such manner as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe, and the internal-revenue stamp shall be affixed so as to surround the outer wrapper of each 1 and 2 pound package.

This seems to be very precise in its statements, and it does not sound very bad on casual reading. But the serious objections to this part of the bill are not so much to the provisions here quoted as to the company surrounding them. If these provisions were incorporated into the majority bill as a means of identification and as evidence of the payment of the tax required to be paid on the colored article, speaking for myself alone, I do not know that I should seriously object. But the joker follows and is contained in the proviso which declares:

Provided, That any number of such original stamped packages may be put up by the manufacturer in crates or boxes, on the outside of which shall be marked the word "Oleomargarine," with such other marks and brands as the Commissioner of Internal Revenue shall, by regulations approved by the Secretary of the Treasury, prescribe.

Retail dealers in oleomargarine shall sell only the original package to which the tax-paid stamp is affixed, and shall sell only from the original crates or boxes in which they receive the pound or 2-pound prints, bricks, rolls, or lumps; which said crates or boxes shall be at all times so placed as to expose to the customer the mark or brand affixed thereon by the requirement of this act.

What is the evident purpose of this proviso? It has a meaning, and it is a deep one. Is it for the purpose of preventing fraud or deception? No. Because the moment these packages go into the hands or the cellars of the dealers, they can remove these stamps and wrappers and pack the oleomargarine in tubs and firkins, and then place it on the market as butter just as conveniently as they are now doing, and without any greater liability to detection than exists under the present law. But the purpose of this section of the substitute, taken in connection with the proviso, is to place the traffic in oleomargarine under the protection of the interstate commerce clause of the Constitution and to take away from the several States the power they have under existing law to control its sale when transported from one State into another.

Now, Mr. Chairman, let us proceed to examine briefly some of the decisions of the Supreme Court of the United States on this question.

In the case of Leisey *v.* Hardin (135 U. S., 100) it was held that any article of commerce transported from one State into another came under the protection of the commerce clause of the Constitution, and that the shipper or consignee had the right to sell it in the unbroken "original package" in which it was shipped, and that such sale could not be controlled or prohibited by State law.

In that case it was not determined what constituted an "original package" of commerce. But in the case of Coe *v.* Errol (116 U. S., 517) it was held that when goods, the product of a State, have begun to be transported—that is, when they have been put in process of transportation from one State to another—and not till then, they become the subject of interstate commerce, and as such become subject to national regulation, and cease to be under the control of State laws.

This principle was affirmed in the case of Kidd *v.* Pearson (128 U. S., 1).

From this it is quite evident that the Supreme Court in using the term "original package" with reference to interstate commerce has reference to the package as formed and made up when it comes under the jurisdiction or protection of the commerce clause of the Constitution; that is, to its form when it was put in process of transportation from one State to another. Then, and not till then, it becomes an article of interstate commerce.

Under the principles announced by these decisions and the existing laws of Congress for the regulation of commerce, when the manufacturer puts up his product in small packages, and then, for convenience of shipment or for other purposes, puts up the small packages in crates, boxes, or barrels, and in this form puts them in process of shipment into another State for sale, it comes within the purview of and remains under the protection of Federal law until these commercial packages are broken, and when that is done the small packages comprising the larger ones become subject to the laws of the State to which they have been consigned. This interpretation of the law defining an "original package" is sustained by the decisions of the Federal circuit courts and by the supreme courts of a number of the States, and the principle is recognized by the Supreme Court of the United States, and no court, so far as I am advised, sustains a contrary doctrine.

With this view of the law before us, the motives for the minority amendment become quite apparent.

The States now have the authority, within their own jurisdictions, to control or prohibit absolutely the manufacture or sale of oleomargarine in any form, whether it be colored to look like butter or whether it be entirely without coloration, except where its sale is protected as an article of interstate commerce.

Under existing law the commercial packages, made up of the 1 and 2 pound packages, as proposed by the minority amendment, could be put up by the manufacturers and transported by them into another State for sale and sold there without hindrance from State authority, except as the State may control or prevent its sale in the exercise of its power of police regulation; but the moment the package is broken open and the 1 and 2 pound packages are offered for sale, they become subject to the jurisdiction of the State law.

This is the point that the amendment to the bill seeks to avoid. Not only to avoid this, but to have Congress, in the exercise of its constitutional power to regulate commerce between the States, define the package of commerce, or "original package," as it has come to be known, as it applies to the shipment of oleomargarine, and instead of authorizing the sale in the "original packages" only, as defined under existing law, to extend our interstate-commerce laws so as to authorize its sale in broken packages as well; to authorize the sale of oleomargarine in broken packages, uninfluenced by State law. But this is not the only purpose of the minority amendment.

In the case of Plumley *v.* Massachusetts (155 U. S., 462) it was held that a statute of Massachusetts, preventing absolutely the manufacture and sale of oleomargarine in that State when artificially colored so as to cause it to look like butter, but permitting the manufacture and sale of oleomargarine free from coloration or ingredient that causes it to look like butter, is not in conflict with the interstate-commerce clause of the Constitution. By this decision of the Supreme Court it was held that oleomargarine colored in imitation of butter and shipped into Massachusetts from another State became subject to the laws of Massachusetts on its arrival in that State.

The minority bill, if adopted, would be an exercise of the power of Congress under the Constitution to regulate commerce, and it would nullify the rule established in the Plumley case, and authorize the sale of the colored product as well as the uncolored, and that, too, in the broken packages, in the face of any prohibitive statute of the State.

In the exercise by Congress of its authority to regulate commerce between the States it may declare what articles are subjects of commerce. It may declare how shipment shall be made, and make such regulations governing the form and size of commercial packages and how they shall be put up and transported as in its wisdom may seem proper.

Were it not for the high standing of the members of the Committee on Agriculture who signed the minority report, after an examination of their substitute amendment, I should be inclined to believe that, coupled with their purposes, so positively asserted, of "their determination to do everything possible to be done to enforce the sale of oleomargarine as oleomargarine and to prevent its sale as butter" there was a further purpose, not so positively asserted, but as plainly apparent, to give to the oleomargarine dealer a field of operation freer from State control than prevails under existing law. But it would perhaps be sufficient answer to this, to consider the fact that the minority amendment is only a paper proposition, without any expectation that the good sense of the American people will ever consent to its being enacted into a law.

The Congress of the United States has not exercised its powers under the Constitution to regulate interstate commerce as it applies to the transportation and sale of oleomargarine, nor does the bill under consideration contemplate such regulation. It leaves the jurisdiction of the State and Federal Governments over the control of the interstate transportation and sale of the article just where it is placed by the Constitution as defined by judicial construction being, uninfluenced by Federal legislation.

But in the minority bill, if it be enacted into legislation, is an exercise of the constitutional power of Congress to regulate commerce; and in that regulation the package of interstate commerce, or, in other words, the "original package," of commerce is defined; and it is defined to be the 1 and 2 pound package, put up for the protection and benefit of the retail trade. This takes away the power of the State to control the retail trade of the article after the shipment of the package into another State and the package as transported has been broken—a power that the States now possess under existing law as declared by the courts.

What say you, on the other side of the House, who are constantly crying out aloud against every measure that can by any means be construed into a purpose of taking away any of the rights of the States that they now possess? Will you support a measure of this kind? Have you so far changed your "spots" that you are ready to abandon a theory that has been the anchor of your political faith for generations, and say, now that so far as the protection of the reputation of the cow is concerned, we will yield gracefully our preconceived ideas of State authority to the Federal jurisdiction?

While we all believe that additional legislation is necessary to prevent fraud in the sale of oleomargarine, let us be practicable and adopt a measure that will strike at the root of the evil and enact into law the pending measure before the House.

The gentleman from Illinois [Mr. FOSTER], in the course of his remarks against the pending bill, refers to the opinion of the Supreme Court of the United States in the case of Schollenberger *v.* Pennsylvania (171 U. S., 1), and quotes from the opinion in that case that "oleomargarine had become a proper subject of commerce among the States and foreign countries," and then goes on to say:

Yet in the face of this decision of our highest court it is now coolly proposed by the promoters and sponsors of this bill to wipe out the entirely proper and legitimate industry of the manufacture and sale of oleomargarine. And why? This is not stated in the bill, but in the reports and remarks on the subject of oleomargarine is referred to as an "adulterated article of food."

It is a sufficient answer to the gentleman to place alongside of the quotation from the Supreme Court in the Shollenberger case and the vigorous remarks of the gentleman the following quotation from the same court in the case of Plumley *v.* Massachusetts, which was also an oleomargarine case:

Says the court—

It will be observed that the statute of Massachusetts which is alleged to be repugnant to the commerce clause of the Constitution does not prohibit the manufacture or sale of all oleomargarine, but only such as is colored in imitation of yellow butter produced from pure, unadulterated milk or cream of such milk. If free from coloration or ingredient that "causes it to look like butter" the right to sell it "in a separate and distinct form and in such manner as will advise the consumer of its real character," is neither restricted nor prohibited. It appears in this case that oleomargarine, in its natural condition, is of a light yellowish color, and that the article sold by the accused was artificially colored in imitation of yellow butter.

Now, the real object of coloring oleomargarine so as to make it look like genuine butter is to make it appear to be what it is not, and thus induce unwary purchasers who do not closely scrutinize the label upon the package in which it is contained to buy it as and for butter produced from unadulterated milk or cream from such milk. The suggestion that oleomargarine is artificially colored so as to render it more palatable and attractive can only mean that customers are deluded by such coloration into believing that they are getting genuine butter.

If anyone thinks that oleomargarine not artificially colored so as to make it look like butter is as palatable or as wholesome for purposes of food as pure butter, he is, as already observed, at liberty under the statutes of Massachusetts to manufacture it in that State or sell it there in such manner as to inform the customer as to its real character. He is only forbidden to practice in such matters a fraud upon the public. The statute seeks to suppress false pretenses and to promote fair dealing in the sale of an article of food. It compels the sale of oleomargarine for what it is to prevent its sale for what it is not.

Can it be that the Constitution of the United States secures to anyone the privilege of manufacturing and selling an article of food in such a manner as to induce the mass of the people to believe that they are buying something which in fact is wholly different from that which is for sale? Does the freedom of commerce among the States demand a recognition of the right to practice deception upon the public in the sale of any article, even those that may have become the subject of trade in different parts of the country?

If the gentlemen who are opposing the pending measure, and who have been copious in their quotations from the Supreme Court of the United States respecting the manufacture and sale of oleomargarine as a proper product for food and interstate commerce, are willing to take the opinion of that court as expressive of the true moral phase of the question involved in such legislation as is proposed by this bill, then I would most earnestly commend them to a careful reading of the opinion of that court in the Plumley case.

In conclusion, I desire to read an extract or two from remarks made by me when the Grout bill was under consideration in the House during the Fifty-sixth Congress, which is equally applicable to the pending bill, and expressive of some of my views relating to the same:

"This decision is based upon the principle that the statute of Massachusetts, which contains provisions similar to the statutes of many of the other States, was enacted for the purpose of protecting its citizens from deception and fraud; and it recognizes the fact that the manufacture and sale of oleomargarine, when artificially colored in imitation of pure butter for the purpose of making it appear like butter and to induce its sale as such, is a fraud upon the public which the legislatures of the several States have the right to prohibit by proper legislation.

"While the laws of these States prohibiting the sale of oleomargarine when colored in imitation of butter have been sustained by the Supreme Court of the United States as within the power reserved to the several States under the Federal Constitution, they have proven entirely inefficient to accomplish the purpose designed by their enactment.

* * * * * * *

"The manifest purpose of this bill is to secure the cooperation of the State and Federal authorities to prevent the fraudulent manufacture and dealing in oleomargarine; to protect the public, who desire a pure article of butter, as well as the butter makers against fraud and deception, and to require that olemargarine, when placed on the market, stand on its own merits as oleomargarine and not on the reputation of pure butter.

* * * * * * *

"Oleomargarine is a much cheaper article and can be produced at a much less cost and put upon the market at a much less price than genuine dairy and creamery butter. The object of this section is to adopt this as a revenue measure by the General Government, and as an incident to this measure to prevent the manufacture and sale of oleomargarine when artificially colored in imitation of butter, or to place such a tax upon it that when placed upon the market the actual cost of doing so to the producer will be as great, or nearly as great, as the cost of making or manufacturing and placing upon the market pure butter; or, to state the proposition in other words, it proposes to require the oleomargarine manufacturer or dealer to pay a tax on oleomargarine colored as butter large enough to raise the expense to the producer equal to the expense of producing pure butter or to rely for a sale of his product upon its actual merits without deception or fraud in artificially coloring it to resemble pure butter and then selling it on the market as such.

"If the bill now pending becomes a law, it will leave the oleomargarine dealer and manufacturer the right and privilege of manufacturing and selling their product upon the market without restriction, except the payment of a tax of one-fourth of 1 cent per pound; and all those who desire or prefer to use oleomargarine instead of pure butter, because they may think it better or cheaper than butter, will have the opportunity of buying it at its real and actual value and price. The oleomargarine in its natural color is as palatable and as healthful as a food product, and it may be as handsome in appearance as genuine yellow butter, but when it does not have the coloring the opportunities for deceiving the public and realizing the profits by reason of the reputation of creamery butter are removed. The proposition that this is a proper subject of legislation in the interests of honest and legitimate trade, so far as applies to dairymen and butter makers and also to the public who desire to use dairy products, can hardly be controverted.

"It is claimed by those who oppose this bill that the manufacture of oleomargarine has grown to be a great industry, and that, if this bill becomes a law, it will materially affect this industry and impair the large capital invested in the oleomargarine business and throw many people engaged in that business out of employment. If we admit this to be true, it presents no argument against the bill, but rather sustains the proposition that the bill ought to be passed. There is nothing in the bill that imposes any restriction on the manufacture and sale of oleomargarine with its natural color, except the tax of one-fourth of 1 cent per pound, and to this tax there seems to be but little objection. If the only objections made to the bill were confined to this provision, speaking for myself alone, I should be willing to see this provision stricken out.

"Under the second section of this bill the manufacturer of oleomargarine, with the exception of the small tax imposed, has the same freedom to manufacture and put his product on the market as and for olemargarine as the dairyman has to put his product on the market as and for pure butter. But this is not what the oleomargarine manufacturer wants. He wants to put his product on the market without restriction, not as oleomargarine, but as and for genuine dairy or creamery butter; and his objection to the bill arises from the fact that it requires him to pay the tax of 10 cents per pound when it is colored in resemblance of butter,

and in this way raises the expense of putting his product on the market up to the price of creamery butter. This removes the opportunity for large profits. The butter dealer sells his product for what butter is actually worth on the market. The oleomargarine dealer wants the privilege of selling his, not for what it is actually worth on the market as oleomargarine, but for the price that butter brings on the market. The fact is, there is not now and never has been a market price, open and public, for oleomargarine between dealers and consumers. It has never been put on open market as oleomargarine. The evidence taken before the committees of Congress plainly establish the fact that it would not find purchasers if offered for sale as oleomargarine. It is therefore put on the market as butter and at butter prices.

"It is further urged that oleomargarine is a healthful food product and can be produced much cheaper than butter, and that those who desire to buy the cheaper article ought to be permitted to do so. We may admit this to be true. But the fact remains that the pending bill does not attempt to impose restrictions on the manufacture or sale of oleomargarine as such, but on the contrary it requires that it be designated as a distinctive product, so that those who desire it may have the genuine article, without coloring to resemble butter, at oleomargarine prices. If uncolored, all chance of deception and fraud is removed, and the party who wants to buy the stuff at its actual value will have the privilege of doing so and will get a cheaper food product for what it is worth; but when colored to resemble butter, and sold as butter, he must pay butter prices. Oleomargarine colored in resemblance of butter is not sold at oleomargarine prices, because that would disclose its identity and destroy the demand for it as a butter."

Mr. SLAYDEN. Mr. Chairman, after the magnificent argument of the gentleman from Missouri [Mr. COWHERD], and the clear and unanswerable reasoning against the enactment of this bill by the gentleman from Ohio [Mr. GROSVENOR], and the equally strong protests of other gentlemen there remains little to be said. I would not consume the time allotted to me if I did not believe that I would sin against the people who sent me here if I remained quiet while they were being robbed.

I have sat through this debate for several days and listened, with more or less patience, to what has been said on both sides of the question. I have heard many excellent reasons advanced why this piece of selfish and flagrant class legislation should not be enacted, but, with all due respect to my friends who support it, no adequate reason for its passage.

Parrot-like, they have all gotten up and shouted, "Fraud!" and then ignored the minority bill, which would cure the fraud of which they complain, if fraud there be.

Like Gratiano, they "speak an infinite deal of nothing. Their reasons are as two grains of wheat in two bushels of chaff. You shall seek all day ere you find them, and when you have them they are not worth the search."

THE PURPOSE OF THE BILL.

This measure has been before Congress for some years, and yet members of this House and others are disputing as to its purpose.

The gentleman from Connecticut [Mr. HENRY] says that his purpose is to prevent the fraudulent sale of oleomargarine as butter, but slyly and aside he admits a pressure from certain Wyndham County dairymen, who I suspect care much less for the alleged fraud than they do for an advancing butter market.

By looking at the writings and the speeches of the real authors of the bill, by studying their testimony before the committee, we can form a correct estimate of their purpose in proposing and pushing it.

Certain manufacturers of butter have been here urging the adoption of the majority report and the passage of the bill. Read the hearings carefully, and it will not take you long to learn that this pretended desire to suppress fraud is the rankest humbug. They are not concerned for morals. They have no antipathy to counterfeits, because they themselves are counterfeits. What they want is a bill in the interest of their dairies, a bill which will compel consumers to pay more for their products, a bill which takes the dollars out of one man's pockets and puts them into the pockets of another man. A star witness for the advocates of this bill, a special pleader of eminence and ability, is an ex-governor of Wisconsin, whose examination by Mr. WILLIAMS demonstrated unusual ability in evasion. His mental agility while pleading for moral butter markets, and incidentally for the protection of his own butter farm, commands my profound respect.

Rarely could the most ingenious cross-examination elicit a frank answer to a simple question. Clever man though he is, it seemed impossible to make him understand that if it is sinful to color wholesome oleomargarine into the semblance of yellow June butter, it must also be wicked to color wholesome white butter into the semblance of yellow butter. He could not be persuaded to admit that both would be frauds intended to deceive the consumer for the greater profit of the seller.

Turn to pages 32 and 33 of the hearings, and you will find that Mr. SCOTT, of Kansas, asked ex-Governor Hoard this question:

I was simply asking whether this bill would be demanded if, after its passage, just as much oleomargarine would be manufactured and put on the market as is now manufactured and sold?

To which Mr. Hoard replied:

In that case, sir, I would come before Congress and demand a still higher tax.

From which reply, Mr. Chairman, it will be seen what is the real purpose of the most distinguished advocate of the bill outside this Hall.

He and his have decreed the death of the oleomargarine industry. If this outrageous bill will not do the deed, he will come and demand a rate of taxation that will destroy it.

There seems to be some dispute about the statement of Mr. Adams, the pure-food commissioner of the State of Wisconsin, but he is reported in the hearings of the last Congress to have said, and Mr. WADSWORTH, of New York, and Mr. WILLIAMS of Mississippi, both honorable and intelligent men, affirm that he did say, that the purpose of this bill is to drive the oleomargarine manufacturers out of business.

But there is still another witness to the purpose of this bill, one Knight—an errant knight, it seems to me—who went on record with this statement: "We have a remedy almost at hand which will eliminate the manufacture of this article [oleomargarine] from the pure-food product list."

Knight, from his obscurity, speaks frankly what the eminent ex-governor of Wisconsin fears to say but evidently wishes to accomplish. Clearly, sir, the purpose of the bill is to destroy one honest American industry and to build up another at the expense of the consuming public. It is a frank assault upon one useful and beneficent article of commerce by another which was honest and beneficent until it conceived and promoted this scheme of robbery.

CAREER OF DISHONESTY AND HYPOCRISY.

The legislative career of this bill has been marked by dishonesty and hypocrisy. It first demanded the repression of the manufacture and sale of oleomargarine as an unhealthful food. The common sense of the people who consumed it and the learning of the scientific men who examined it drove them from that position. It was necessary to have a new shibboleth, a battle cry which would not make them absurd every time they uttered it, and so they took up the cry of fraud.

Had there been any truth in their original contention that oleomargarine was unwholesome, it was the duty of government State and national, to forbid its manufacture, not to regulate its sale.

Evidence taken by committees charged with the investigation of this article of food, the testimony of witnesses who know the conditions under which the butter of commerce and the oleomargarine of commerce are made, shows that the latter is not only as wholesome as the best butter, but cleaner than any but the best butter.

It being established by the testimony of competent witnesses that it is as wholesome and as clean as well-made butter, I am moved to ask what quarrel any man can have with this excellent food which modern science has given us?

It is a question of color. They tell us that it is colored in imitation of butter. They all hark back to the same feeble, foolish cry of fraud in color.

Why are they not frank enough to say that whatever deception there is in coloring is practiced by both?

When this bill was under discussion in the Fifty-sixth Congress one dairy orator said that it was a fraud to color oleomargarine yellow, but a proper thing to color butter yellow. This privilege to practice fraud is claimed as a right by the dairymen. It is what ex-Governor Hoard, of Wisconsin, poetically calls the "copyright of Almighty God."

PROTECTION GONE MAD.

This bill marks a distinct and dangerous step in the policy of protection. It is protection gone mad.

Hitherto the advocates of the peculiar and selfish system of taxation known as the protective policy have been content to get such advantages for their favorites as could be had under the pretense of raising revenue for the support of the Government. But here it is unblushingly put forward in all its hideous nakedness. It has the one virtue of being unmasked. The bill, reduced to its final analysis, is protection individualized, specialized.

NOT A REVENUE MEASURE.

The authors of the bill do not expect to raise public revenues by its enactment; they do not even claim that it is intended to put money into the public Treasury. They are far too clever for that.

They realize that they would be in a ridiculous attitude before the country if they were, at this time, to propose a bill to increase

the income of the Government—already collecting $100,000,000 a year more than an extravagant Republican Congress will or can spend.

There were 1,500,000,000 pounds of butter made in this country during the last fiscal year, and 107,000,000 pounds of oleomargarine. Thus, you will see, 1 pound of the already heavily taxed oleomargarine is scaring the life out of 15 pounds of the dairy product, and the latter has evoked the power of the Government for repressive taxation.

Suppose half of the 107,000,000 pounds of oleomargarine pays to the Government a tax of 10 cents a pound, the result will be to put into a Treasury which does not need it, which the great Committee on Ways and Means tells us they do not want, some $5,000,000. That much more money will be taken each year from the people who do need it and turned into a Government which does not.

If the tax is paid and the oleomargarine still consumed, those who eat it will have to pay 10 cents a pound extra for a good, wholesome food, which it should be the aim of the Government to give them at as little cost as possible consistent with a fair profit to the man who produces it.

But if it is not paid and oleomargarine is eaten in its natural color, the price of butter will not be advanced, and the bill will be a disappointment to its authors.

Will they come back then and ask for a still higher tax, as Mr. Hoard, of Wisconsin, suggests, or will they have the courage and frankness to say to Congress, "We want to be absolutely protected against competition; we demand of you a law which will forbid the manufacture and sale of oleomargarine?"

CLASS LEGISLATION.

As I have not the honor to be a member of the legal profession, I shall not try to hint at what the courts may do with this bill. It may be that a wise and thoroughly American President will see it to be his duty to stand between the robber and the victim in this case, and so deprive the courts of the privilege of passing on the question.

But one thing I do know, one thing I have clearly learned from an occasional reading of the Constitution, and that is that in section 8 of the first article it says:

All duties, imposts, and excises shall be uniform throughout the United States.

And I also know that to specially and heavily tax one good, wholesome article of food while exempting others is not uniformity, whatever courts and lawyers may say.

No fair-minded man can read the hearings, no fair-minded man familiar with the conditions of its inception and the current history of this legislation can come to any other conclusion than that the taxing power of the Government has been invoked to cripple or destroy one business in the interest of another which happens to have more friends on this floor.

The regulation of food products is an incident of police control in the States. We in Texas do not invite your guardianship. All we want you to do is to leave us our constitutional right of local self-government. We will look after the health and comfort of our own citizens.

HOW IT INJURES OTHER INTERESTS.

There might be less objection to this bill if it merely helped the butter manufacturers. But in helping themselves they hurt others. There are four thousand million dollars invested in breeding cattle in this country. Yet it appears that the voice of this mighty industry, when appealing for justice and fair treatment, can not reach this Chamber. A skillful and active lobby has shut off communication.

More than 6,000,000 cattle are slaughtered every year in less than a dozen cities of this country. Mr. Hoard tries to make it appear that if you killed the oleomargarine industry you would not take over 50 cents a head off these cattle. But if that were true, which it is not, what right have you to rob the cattle growers of $3,000,000 a year to enrich the already prosperous, the admittedly prosperous dairymen?

But, Mr. Chairman, it is not $3,000,000 a year, but three times $3,000,000 which will be taken from the cattle growers by this bill. And in a like way you will tax the growers of swine to increase the prosperity of your pets.

It is unjust, and the bill ought to be revolting to every man, every Democrat particularly.

Are the growers of cattle and swine not entitled to the rights and privileges of all other American citizens; are they not equally entitled to the consideration of government? I submit that question to my fellow-Democrats who are going to support this bill.

For several years our cotton planters have been fighting adverse conditions. When they have had good crops the price has usually been so low that there was no profit in the yield. When they have had good or moderately good prices for cotton it has been because damage to the crop, sometimes local, sometimes general, had cut down the yield. So in neither event have they made money.

Yet you propose a tax, not desirable for revenue, which will add another burden to the cotton planter.

Is there any reason in decency or morals, or in the teachings of the Democratic fathers, I will say to those of my own political faith, for this piece of vicious class legislation?

A DANGEROUS PRECEDENT.

Once started, who can tell where this sort of legislation will end? I do not know whether when it comes from the mill, and before it reaches the refiner, there is any difference in the appearance of cane sugar and beet sugar, but in the minds of many people there is a prejudice in favor of the product of the cane and against that of the beet. I also know that the latter is rapidly dividing the markets of the country with the former.

Let us suppose that there is a difference in the appearance of the sugar as it leaves the mills, and let us further assume that the producers of cane sugar could muster a majority of the votes of this House to their support, would this piece of legislation not be a precedent for placing a similar handicap on the beet grower?

There are a great many more corn growers in this country than there are rice growers. In many households grits, made of corn, is used as we use rice in the South. To the careless observer rice is not unlike grits in appearance.

Now, suppose that in the teeming Northwest the people should conclude that rice, because of its likeness to grits, was hurting their trade, might they not, with this as a precedent, ask for a special tax of 5 or 10 cents a pound on the Southern grain?

You may think my comparison absurd, my illustration overdrawn, but it is not one bit more absurd than this sort of legislation would have been thought a few years ago.

AIDING THE TRUSTS.

Furthermore, Mr. Chairman, this bill is in aid of a trust. Already there is a butter trust formed and waiting to enjoy the benefits of your legislation. I recently read an account of a new creamery or butter trust organized with a capital of $18,000,000.

The president is to live in New York and struggle along with a salary of $50,000 a year, while the Western manager will try to make both ends meet in Chicago on the paltry sum of $30,000 a year.

Contrast their condition with the much-taxed cotton and cattle growers, upon whose industry is to be laid a special levy to support it.

There are Republicans here who can stand any sort of customs tax aimed at foreigners who gag at the Grout bill.

There are Federalists here, Hamiltonians, whose consciences and judgments protest against this exercise of the Federal power as unprecedented, unwarranted by the Constitution, and dangerous.

Mr. Chairman, I ask leave to print as a part of my remarks an account of the creation of the new butter trust in the interest of which this Congress is now legislating. I want the country to know that no sooner is a trust born than a majority of this body hastens to bring it gifts and to see that it has a silver spoon in its mouth.

BIG BUTTER TRUST—TWO KANSAS MEN TO CONSOLIDATE ALL UNITED STATES CREAMERIES—CAPITAL STOCK, $18,000,000—THEY ALREADY CONTROL ABOUT 400 CREAMERIES IN THE WEST—CHARLES H. PATTISON TO BE MANAGER, WITH HEADQUARTERS IN NEW YORK, AND JOHN A. PARKS TO BE WESTERN MANAGER—BOTH POPS.

TOPEKA, *January 20.*

It was learned here to-night that Charles H. Pattison and John A. Parks, of the Kansas creamery trust, had swung the deal they have been working on for the organization of a gigantic creamery trust to take in all the large creameries of the country. The new corporation is to be known as the National Creamery Company, and will have a capital of $18,000,000. It will be chartered in New Jersey. Headquarters will be established in New York, with a branch in Chicago. Pattison will be vice-president and manager of the concern, and will live in New York. John A. Parks will be manager of the Western business, with headquarters at Chicago. Pattison is to receive $50,000 a year salary and Parks $30,000.

Parks is president of the Continental Creamery Company, known as the Kansas Creamery Trust, and Pattison is secretary and treasurer. They are two Kansas boys, and only a few years ago were as poor as Job's turkey. Contrary to the rule, they got their start in politics. For many years both worked in the newspaper business in Colorado. Pattison ran a paper in a mining camp for three months, when the camp's population consisted only of Pattison and the postmaster. The other people all moved to another place, where a rich gold strike was made. Pattison had to stay and print his paper in order to get pay for some legal notices, and the postmaster stayed because he was getting a good salary to do so. His salary was based on the population of the town before the inhabitants all moved away. Parks also knocked around setting type in the country newspaper offices in Colorado.

Finally the two drifted to Kansas. Parks got hold of the Beloit Call and made it one of the best country weeklies in Kansas. Pattison went to Abilene and got a job in a bank. During the Populist wave, Pattison was elected county treasurer of Dickinson County and Parks was later elected State printer. Neither one "blew in" his money. Each saved it, and after they got out of office they began to buy up creameries. They made money hand over fist and reinvested it in more creameries. Then they organized the Continental Creamery Company and consolidated all of their creameries. They still continued to gobble up Western creameries until they own about 400, including skimming stations, in Kansas, Nebraska, Colorado, and Oklahoma. Inspired by success with their Kansas creamery trust, they set to work to organize a trust on a larger scale. Pattison went to New York and presented the possibilities of a creamery trust to the moneyed men and, as given out to-day, he has completed the deal.

[Loud applause.]

During the delivery of the foregoing remarks of Mr. SLAYDEN the Chairman, at the expiration of ten minutes, said: The time of the gentleman from Texas [Mr. SLAYDEN] has expired.

Mr. SLAYDEN. Mr. Chairman, how much time have I occupied? I had ten minutes originally, and the gentleman from New York [Mr. WADSWORTH] told me that he would yield me ten minutes more.

The CHAIRMAN. The time has been shortened one hour.

Mr. SLAYDEN. But I had ten minutes in the first place, and afterwards an additional ten minutes yielded by the gentleman from New York.

Mr. HOOKER. I ask that the gentleman from Texas be allowed to proceed for ten minutes longer. The speech which he is making is very instructive.

Mr. WOOTEN. I wish to ask a parliamentary inquiry. While we were in the House a few minutes ago, a question was raised as to the making up of the time which we had lost on this question by business of the Appropriations Committee interrupting this order; and it was ruled that it would be the province of the committee to decide that question. Fifty minutes were consumed here this morning in the discussion of a conference report; and I ask unanimous consent of the Committee of the Whole that fifty minutes be added to the time allowed for this general debate.

The CHAIRMAN. That matter is entirely within the control of the House when the committee shall rise.

Mr. WOOTEN. It ought to be decided now, so that the time to be allotted to different speakers may be determined.

The CHAIRMAN. The question will have to be settled after we get back into the House.

Mr. WOOTEN. I ask unanimous consent that fifty minutes be added to the time allowed for general debate.

The CHAIRMAN. The Committee of the Whole can rise in order that that question may be settled, but it can not be done in this way. The gentleman from Texas claims that in addition to the ten minutes to which he was entitled he was yielded ten minutes more by the gentleman from New York [Mr. WADSWORTH].

Mr. NORTON. Mr. Chairman, Ohio is a State not alone great in agriculture. It has so many and varied industries that to repeat them would almost be the recapitulation of all the trades and pursuits of man.

Mining, manufacturing, shipping by land and by water, horticulture, and every avocation join with agriculture to make the Buckeye State one of the leading States of the Union. In my own district nearly every industry is represented, and with their varied interests their wants are many and often conflicting, but upon this question I have heard no dissenting voice; all are agreed that it is well to prevent fraud, and I am in favor of the passage of the bill, not simply because the sentiment of the people is favorable to it, but because I believe it is a wise and just measure.

Truly, one might think, in looking over the actions of the several Congresses in late years, that the policy of the majority party had been based upon the text "He that hath, to him shall be given: and he that hath not, from him shall be taken even that which he hath." Year after year the "infant" industries have been "protected" and fostered by special legislation, favoritism, special privileges, and monopolies until we have witnessed the most gigantic combinations of capital, under the control of these favored syndicates and trusts, ever known in the world's history. These organized creatures of greed and cupidity have but to send a message here stating their wishes or commands, and the Republican majority hasten to register their acquiescence in the scheme, no matter how nefarious it may be, but now, when agriculture, when the farmer, whose labor is at the foundation of all industries, comes, not to ask a special favor, not to demand tribute, not to injure or destroy any proper, honorable, or legitimate industry, but simply asks that we raise a bulwark against an encroachment upon the right and just exercise of his business and help him defend himself from a fraud and an imposition that threatens his well-being—now when he comes to us asking justice, shall he plead in vain?

We hear the criticism that this bill did not originate here in Congress, but came from the farm. To me that is one of the strong points in its favor. When a bill comes before us bearing the earmarks of the lobby, it is always well to examine it closely and put the burden of proof upon its advocates to show its merits. The syndicates, the lords of Wall street, have their agents here continually; they dog one's steps at all hours, demanding indorsement of the legislation they devise and threatening with their vengeance anyone who has manhood enough to express an opinion and have a will of his own. They have their attorneys and an organized corps of lobbyists and experts, with money and influence, to use every means possible to put through their measures; they crowd the committee rooms day after day, to secure quick and favorable reports; but the farmers, how about them? They can not, and do not, come here to lobby and bulldoze. They exercise their right of petition, and ask us as a representative body to give their cause a fair hearing. If there be any class among the millions of our people who deserve to be heard upon this floor, and whose needs and requests should be heeded, it is the farmers of our land. They are the mainstay of the country; why, it is even by their labor that we live and move and have our being, for, sift the whole fabric of society, the whole question of material life, to the foundation, and we find, after all, that the farmer is the man upon whom we must all depend.

There is no more conservative class of people in all our domain than the farmer, and in their conservatism they have been so disinclined to disturb existing conditions, so moderate in resisting imposition, and so patient in bearing unjust and unnecessary burdens that the majority leaders and the protected syndicate magnates look upon them now simply as "dumb, driven cattle," fit only to be taxed and expected to vote in accordance with the directions given them through a subsidized press; but, sir, there is a limit to their forbearance, and when the sons of toil do become aroused, then beware of their just wrath and righteous indignation!

Here we have a bill presented, not as class legislation, not to create any monopoly, not oppressive or unduly arbitrary, but a bill to protect the general public as well as the farmer and butter maker.

If this bill was to forbid the manufacture of oleomargarine, if it proposed to place a prohibitory tax upon it, I would vote against the bill; or even if it made butter a favored product, giving it some portion of the protection that other favored products have received, I should then oppose it; but none of these conditions exist. We have laws to-day protecting patented products, trademarks, and such like from imitation and infringement, and public sentiment sustains them. We have laws prohibiting the making of counterfeit money, and the moral sense of the country upholds the laws, and in this bill now before us it is sought to regulate the business of a crowd—a semitrust—that seeks to spread its product under false colors, and at the expense of the butter industry.

Now, let us look at the question plainly. What is it that this bill seeks to do? It is simply this—to prevent the manufacture and sale of an article represented to be butter when it is not butter. It places an internal-revenue tax of 10 cents a pound upon oleomargarine when it is colored up to resemble butter and a tax of only one-fourth of 1 cent per pound upon pure oleomargarine. Is there anything in this that an honest man would object to? If he is a manufacturer he has the benefit of a difference of 9¾ cents to his favor in the cost of having his product ready for the market.

There is no objection on the part of the farmers anywhere to the manufacture of oleomargarine nor to its sale when it is made and sold as such, but when it is made in imitation of butter and exposed for sale behind large signs as "choice butter" then it becomes a competitor, with all the advantages of a smuggler over an honest dealer, and a fraud upon the community.

There is need of legislation on this subject and along the lines laid down in this bill. The committee hearings developed the fact that out of the millions of pounds of oleomargarine made, only about 15 per cent of the product was sold to the consumer as such, the remaining 85 per cent being sold as butter. Now, if the oleomargarine people would sell their product on its merit, as oleomargarine or butterine, then the butter makers would not complain against their competition; but when this mixture of lard, oleo oil, cotton-seed oil, skim milk, and so on, which can be sold at a profit at 8 or 10 cents a pound—when this is offered to the public as butter, then the legitimate butter maker has the right to come and ask that the restraining hand of the law be placed upon such dishonest and unscruplous makers and dealers.

We hear again that there is a trust back of this bill; that there is a creamery trust, a national dairy union trust, and all that; but it is only the old story of the wolf muddying the stream and accusing the lamb of doing it. If there is any trust, it is opposed to this measure. There are but comparatively few people, only a small number of individuals, who are interested in the factories which manufacture oleomargarine, but they have plenty of capital and are combining to control the business and also to fight this bill, which will, if passed, at least prevent them from adding to the immense wealth they have obtained under false pretenses. Yes; back of the opposition to this bill is the cupidity of the few who are seeking to become, or already are, a part of the great oleomargarine trust. [Applause.]

It has been well said that there can be no butter-making trust. The field is too broad for such a combination. From the Atlantic to the Pacific, in every State, especially every State north of Mason and Dixon's line, almost every farmer's family is interested in the manufacture and sale of butter, and these are the people who make up the great framework of our nation.

There is no monopoly in butter making. When in 10,000 homes

in every State butter is made, for home consumption and for sale, in the aggregate exceeding many times the product of all the creameries and dairy concerns, there can be no monopoly. The creameries and the largest butter-making establishment in the land can only control a limited market, and you will find that they keep the price of their product above that of the domestic article. No; in the manufacture of butter there can be no great trust organized; but in the manufacture of oleomargarine the possibilities are enormous. There is already a trust in the production of the article, and you all know how rapidly a trust will grow, how it reaches out into all the avenues of its special line and paralyzes every interest that comes into conflict with its own.

The objection of my colleague from Ohio [Mr. GROSVENOR] that this bill would break down a great industry to build up another, while not a valid objection or one that can be sustained, comes with poor grace from such an ardent advocate of laws, tariff laws that have caused the destruction of more interests than one can keep count of, laws by which trusts have been built up, whose grasp has throttled competition, closed out the small producer, and beggared thousands of laborers and workingmen. It is a strange sight—it would be humorous, if the occasion was not so serious—to see this valorous champion of syndicates, trusts, and every corporate combination stand up and hear him bewail the terrible results that will happen to this oleo trust if this law passes and the members of that trust are compelled to sell their product under its right name. He well knows the nature of a trust, knows the methods by which they act.

There is not a member of this body but knows of some instance where by the operation of a trust business has been driven from some city or town, tradesman and manufacturer forced into bankruptcy, shop and factory closed, and many homes ruined. I need not tell you of this. You all know well the gaping, rapacious, never-satisfied maw of the trusts; you recognize their greed, and know in this case that unless we curtail its strength now this oleomargarine trust will soon be preying upon the already well-nigh overburdened farmers. My Ohio colleague must have forgotten his home surroundings, or lost touch with the farmers of Athens County, or realized that the farmers had lost their attachment for him when he aligns himself with the champions of fraud and of a demoralizing industry. I would not for a moment assume or suggest any reason for his attitude other than that this is a case where "Jove is nodding," for the gentleman's love for the farmer is so well known that no other solution fits the case. [Laughter.]

The gentleman from Iowa [Mr. HEPBURN] very neatly showed us from the RECORD what my colleague's opinion was of the farmer only a few brief weeks ago, just prior to the organization of the Ohio general assembly: Why, there was nothing too good for the farmer, and the protecting shield of the law should rest above him lest he be imposed upon by "skim-milk cheese," or his flocks be met by the terrible competition of "mixed wool." Here now is an opportunity for him to return to the fold, and prove the sincerity of his desire to better the condition of the agriculturist and protect them from fraudulent and underhanded competition, by supporting this bill.

My Southern friends who are opposing this measure seem to be troubled with a dimness of moral vision. They do not look with their usual clearness into the right and wrong of the question. Cotton-seed oil has cast a film over the retina of their judgment, so that they fail to distinguish honesty and justice, and only behold a possible increased market for their product. Let us examine a little further. This bill does not restrict the legitimate manufacture and sale of oleomargarine as such; it simply prevents its being masqueraded as butter. Now, the friends of oleomargarine, while they are all consumers of butter and prefer it to oleomargarine, claim that it is nutritious, wholesome, and healthy, and will drive poor butter from the market. Then why not let this bill pass and have pure oleomargarine and pure butter meet in fair and open competition in our markets? Then, by all the arguments you advance, oleomargarine ought to hold its own and you would retain your market. But no; the trouble is that the oleomargarine manufacturers and dealers want to pass the article off as choice, pure, unadulterated butter, thereby increasing their sales and enlarging their profits. The whole position and argument of the cotton-seed oil friends is on a par with those who would favor the issuing of counterfeit money because it would open up a market for the product of their paper mills. [Applause.]

I do not know as I can blame my friends from Texas, who oppose this bill, quite so much as I otherwise might, for the cows they raise in that part of the country have no udders. They only have horns, and it is a precious small sight of milk they get out of horns [laughter]; but their arguments seem to me to be far-fetched when they soberly ask, and ask as if they thought the question applied to this bill, "If one industry can be taxed out of existence by the exercise of the taxing power for the benefit of another industry?" Now, although that condition is so far removed from the bill before us as not to have even psychological connection, yet the history of Republican legislation has shown, over and over again, just such a wiping out of industry after industry for a favored few, and such legislation they will continue. In a short time they will present a bill to tax the whole country for the benefit of a few shipowners.

If there is anything in this bill attacking or destroying any industry, then it is an industry based on hypocrisy, adulteration, and fraud, and not a legitimate, respectable business. It does not attack or wipe out even the oleomargarine business; it only so fixes and regulates the business that the dishonest dealer, the violator of law, shall be restrained or feel the penalty for his criminal act.

There is no denial to anyone of the right to buy, sell, or use oleomargarine, if they choose to do so. It does not deny "to the poor man the right to set upon his table a substitute for butter which is attractive in appearance and which does not betray his poverty." There is nothing of the kind in the bill, but it does prevent the unscrupulous dealer from selling any poor man, or any man, oleomargarine when the customer asks for butter and pays for butter.

I am a Democrat, and as such I want our country to be guided by a policy which will look more to our honor and our good name than to the dollar. I want the individual man to prosper and also secure the greatest good to the greatest number, rather than sacrifice everything to the mercenary greed of syndicates, and, above all, having honor, integrity, and truth as guide marks we follow in our national destiny, and in saying this I simply voice Democratic doctrines and principles, and say they are higher and purer than any interpretation which places honor lower than cotton-seed oil, or even the cattle on a thousand hills. [Applause.]

How strangely inconsistent are the arguments presented by the opponents to the bill. Let me read the bill:

A bill (H. R. 9206) to make oleomargarine and other imitation dairy products subject to the laws of the State or Territory into which they are transported, and to change the tax on oleomargarine.

Be it enacted, etc., That all articles known as oleomargarine, butterine, imitation butter, or imitation cheese, or any substance in the semblance of butter or cheese not the usual product of the dairy and not made exclusively of pure and unadulterated milk or cream, transported into any State or Territory or the District of Columbia, and remaining therein for use, consumption, sale, or storage therein, shall, upon the arrival within the limits of such State or Territory or the District of Columbia, be subject to the operation and effect of the laws of such State or Territory or the District of Columbia, enacted in the exercise of its police powers, to the same extent and in the same manner as though such articles or substances had been produced in such State or Territory or the District of Columbia, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise: *Provided*, That nothing in this act shall be construed to permit any State to forbid the manufacture or sale of oleomargarine in a separate and distinct form and in such manner as will advise the consumer of its real character, free from coloration or ingredient that causes it to look like yellow butter.

SEC. 2. That on and after July 1, 1902, the tax on oleomargarine as prescribed in section 8 of the act approved August 2, 1886, and entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," shall be one-fourth of 1 cent per pound when the same is not made in imitation of yellow butter; but when made in imitation of yellow butter the tax to be paid by the manufacturer shall be 10 cents per pound, to be levied and collected in accordance with the provisions of said act.

It is charged on one hand that the bill will kill the oleomargarine business in order to establish a butter monopoly, and then, again, the cry is that the revenue collected will result in the piling up of an enormous surplus in the Treasury. In the first place they say, when oleomargarine is taxed 10 cents a pound, it is such a prohibition tax that the trade can not bear it, but when it is taxed only one-fourth of a cent per pound we will have such an increase in the revenues of the Government that the Treasury will burst with the surplus.

Now, is not that condition of affairs a strong argument in support of the fact that "honesty is the best policy" even in the oleomargarine trade? Why, on the very face of it it seems as though the people engaged in the oleomargarine business ought not to need legislation to make them be good.

As a matter of fact, this is not a revenue bill, nor does it seek to bring in a large income to the Government. It is a restrictive measure, an exercise of the taxing power simply to keep the production of oleomargarine under governmental supervision, that the health and interests of the general public may be best conserved.

But, for argument's sake, let us concede that in its operation the bill will bring in a large revenue, an enormous surplus, will not that be evidence of the fact that this bill does not bear hardly upon the industry, and that the trade is large and remunerative. Then, too, if the apparent present policy of the Administration is to be carried out, there will be plenty of need for a large surplus and a still larger revenue.

Take only one of the "elephants" on our hands at the present time. We have still a war in which we are engaged. With almost the same regularity of English notes of regret announcing defeats in South Africa, so we are told that the war in the Philippines is over, and yet we are continually being called upon for

men and means to maintain our authority in isolated towns and stations throughout one or two of the islands of the archipelago. We are told that "we have the Philippines as a prize of war, and we are going to keep them forever."

Even with the employment of native troops as allies Spain was unable to conquer the Philippines in three hundred years. Perhaps we might do it in fifty, at least many of the officers and men who are there fighting think it will take us that long. And think of the expense of keeping an army there that long. Would it not require a large revenue here? It is true that fifty or even ten years of warfare such as we have over there, without quarter, and yet where more men would die from jungle fever than by the lead and steel of the foe, would be a high price to pay for even a group of islands much richer indeed than these.

In addition to these expenses we have the colonial civil government, or satrapy, over there at an expense and on salaries that would not blush when compared with the pay rolls of the steel trust officials. Much as I deplore these conditions, they exist, and show how we have wandered away from the moral standard which we as a nation once held up. We are in the Philippines now only that favored ones may be enriched, their coffers filled by looting, and fat offices given to control influence in high quarters. The course of wisdom and of humanity would have been for us to have kept our plighted faith with the Filipinos and aided them in the maintenance of their established government. Had we done this, we, as a people and a nation, would have had their eternal friendship and gratitude. Treaty rights would have been granted us to any extent we might have desired, and war, with its tears, its agonies, its rivers of blood, and seas of wasted treasure, would not now be raging and drawing from our land our heroic sons. [Applause.]

Mr. Chairman, I deny that this bill is in any way sectional. Wherever there is the owner of a cow, there is a person interested in the bill, and there is no section of the country where cows are not owned and kept. Wherever there is a person who is opposed to adulteration, fraud, and deceit, there you will find a man who is interested in and favors the passage of this bill. I stand here favoring this bill and represent no corporate monopoly, no greedy trust, but the sturdy and honest citizen, who asks that we favor the maintenance of the good old-fashioned ideas of morality and fair dealing and look less to wealth than to character and place man above the dollar. [Applause.]

This is not, primarily, a partisan question, and only becomes one as it conflicts with the interests of trusts, which are notoriously under the sheltering care of the Republican party.

It is true that it is a protection measure, but it is the protection of an honest industry and an honest article against the assault of a trust and against an imitation, a hypocritical, a deceitful production. It is the protection of the homes of the land, North and South, East and West, from the sordid, grasping power of a piratical trust sailing under false colors, and all true men should cast aside self-interest and blind adherence to trust dictation and honestly and fearlessly support this bill. [Applause.]

Mr. NEVILLE. Mr. Chairman, as a member of the committee I desire to yield twenty minutes to my colleague from Nebraska [Mr. SHALLENBERGER].

Mr. SHALLENBERGER. Mr. Chairman, in the brief time allotted to me I shall not attempt to go into any lengthy discussion of the legal phases of the oleomargarine business, because that topic has already been thoroughly gone over by gentlemen who are better qualified to pass upon it than I am. I will content myself with the general proposition that we can not go far wrong in the equities of this case if we shall in all honesty and candor endeavor to find what is the real public evil in the situation, and, having determined that, we shall with equal honesty endeavor to find a remedy which shall be at once effectual as well as legal.

I believe it has been generally admitted in the discussion of the subject upon this floor that there is a certain element of fraud that enters into the oleomargarine business at some point in the production or sale of that commodity, and also, Mr. Chairman, I believe that the same thing was quite generally admitted before the committee in the testimony at the hearings held by it. In support of this statement I want to quote a portion of the testimony of one of the gentlemen who, as I understand, appeared on behalf of the oleomargarine factories in this city. Quoting from the testimony of Mr. Scott, of Pennsylvania, he says:

> The genius which succeeded by the application of chemical fluids and compounds in transforming a mass of loathsome and unwholesome ingredients into an article of food at a trifling cost does not hesitate to impose the product upon the public and receive in the way of excessive profit the difference between the cost of the imitation or counterfeit article and that of pure butter.

Mr. Chairman, I also wish to quote from a summary of the report of our Industrial Commission which has just been given to the public press. I find in a portion of that report, referring to pure-food products, the following recommendation:

> It is recommended that a pure-food section in the chemistry division in the Department of Agriculture be established to prevent adulterations and false branding and deceptive imitations of food.

Now, this recommendation, it seems to me, Mr. Chairman, plainly indicates that in the opinion of this Industrial Commission there are false brandings and deceptive imitations of food being made in this country which are inimical to the public welfare. I think I may go further and say that the oleomargarine business was originally predicated upon fraud. It had its origin in the fact that some crafty chemist discovered that from certain by-products in the packing-house industry, which heretofore had had but little value, he could produce a compound that when colored like butter and pressed into attractive rolls or prints could be sold upon the market at an enormous profit. I am opposed to the perpetration of fraud upon the public, and especially when that fraud is productive of profit to the promoters and at the expense of a legitimate industry.

Further, Mr. Chairman, what is the object proposed to be attained by these two bills which are before the committee for consideration? What do both of them profess to do? Certainly the aim of both is to make impossible the fraud that at present exists in this industry. What convinces me that the majority bill will be effectual is because it makes it profitable for the manufacturer to encourage and build up an honest industry.

There is an old adage, Mr. Chairman, to which we are frequently referred, and that is that "honesty is the best policy;" and I believe that the universal experience of mankind will demonstrate the general truth of this maxim. Yet, strange as it may seem, it sometimes takes the enactment of a legal statute to convince certain gentlemen in business of the truth of that proposition.

There is another recently coined phrase that we often hear used at this time, and that is that "trade follows the flag." That trade does always follow the flag may be a question open to dispute; but I believe it will be generally admitted that trade does follow profit, and because the majority bill puts a profit upon the side of the manufacturer who produces a compound that must be sold for what it really is, and takes profit away from him who produces a product whose chief value and sale upon the market depends largely upon the fact that it may deceive the public, I believe that the majority bill will have a practical value as a preventive of fraud.

Further, Mr. Chairman, it was brought out in the testimony before the committee, I believe, that the principal features of the minority bill—that is, providing fines and penalties when fraud is proven—have already been enacted into legislation by thirty-two of the forty-five States of this Union, and it was also admitted before that committee, I think by every person who testified, that legislation along this line to regulate the business has failed in every State in which it has been tried.

I submit in all honesty and candor, if we are in earnest in this attempt to drive the fraud out of the oleomargarine business, why not go right to the thing that underlies and supports the fraud, and remove that support; lay the ax at the very root of the evil and see if the fraud will not then fall for want of support.

The distinguished gentleman from Texas [Mr. SLAYDEN], who has preceded me, quoted a little from the Merchant of Venice to illustrate his point, and I hope I may be pardoned if I illustrate my meaning also in the same way. You will remember, Mr. Chairman, in that great scene in the Merchant of Venice where Shylock is upon trial before the duke, for wanting to cut a pound of flesh from nearest the heart of the merchant Antonio, and the duke convicts him and sentences him to death, and then at the appeal of Portia he pardons him but condemns him to the loss of all his lands and wealth, and sends the old man penniless from the door, then the old man turns to the duke and says: "No, rather take my life; for you do take my life when you do take the means whereby I live."

And the only way that you will take the life of the fraud in the oleomargarine business is to take from it the means whereby it lives, and that is the right of the manufacturer to give to his concocted compound a color that nature herself mixes in the product of the cow, and is the one most distinguishing feature by which that product has been known for two thousand years as the very hall-mark of its genuineness.

Mr. STEPHENS of Texas. Upon that question, Is it right that you should color renovated butter? If it is wrong to color one kind, why is it right to color the other kind?

Mr. SHALLENBERGER. I will say to the gentleman that I do not defend any attempts at fraudulent practices with any other food product. I say now that I am ready to support any legislation that will eliminate any fraud that there may be in the butter business as well as to support that which will eliminate fraud from the oleomargarine business.

Now, Mr. Chairman, I do not wish to discuss further this side of the question. I freely admit that the side of the question which appeals most closely to me is that of the man and the farmer who produces the cattle and the milk, which are alike essential to the oleomargarine and to the dairy industry. I find that the packing house and butter producers were represented very ably before the Agricultural Committee, and their interests

have been defended ably upon this floor; but there is another who stands behind them both and supports them both, and that is the farmer, the man behind the cow. I know that he does not cut so heroic a figure in history as the man behind the gun, but he is just as essential to the continued prosperity and perpetuity of this country.

I remember that in a colloquy between the gentleman from Texas [Mr. BURLESON] and the gentleman from Kansas [Mr. SCOTT] the other day the question was raised as to whether there was any industrial interest represented before that committee. And at least by inference the gentleman from Kansas stated that there was not. I wish to read here a portion of the speech in which the gentleman from Texas interrogated him:

Mr. BURLESON. Right on that point, will the gentleman permit another question?

Mr. SCOTT. Certainly.

Mr. BURLESON. Is it not a fact that hundreds of protests were received by the committee from labor organizations from one end of the country to the other, protesting against this legislation upon the ground that they were the consumers of oleomargarine and would be affected thereby?

And the gentleman from Kansas said:

Such protests, representing in the aggregate many thousand laboring men, were received during the last Congress and have been published in the hearings that were given before the committees during the Fifty-sixth Congress.

Now, Mr. Chairman, I find upon examination of the testimony before this committee that there was a representative of one class of labor in this country, and a very numerous class in a certain industry, and I shall read to the House a part of the statement of the president of the Women's Industrial and Patriotic League, who testified before the committee. This witness, Mr. Chairman, testified before the committee, and it is not disputed that she was a representative of industrial women, who are largely consumers as well as producers of butter and butterine. What does she say?

Not until man became a butter manufacturer was imitation of butter placed upon the market. Butterine was unknown to women, who are generally honest and opposed to adulterated food products.

I do not believe that there is a gentleman on the floor who will dispute that. And then she states further:

The pretty dairymaid is a creature of the past. Man, the adulterator of food products, has usurped the place once occupied by women who made pure butter for the markets of the world. Behold the result of man's butter making. We are a nation of dyspeptics because of the poisonous compounds used and forced upon the market. There was a time in the history of our country when it was the pride of every woman to be a good housekeeper, and the farmers' daughters must be good butter makers, that they might make eligible matches. But this is all a thing of the past.

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Therefore, the decline in pure butter products has also affected the matrimonial market, for matrimony has declined 60 per cent in the States of New York and Massachusetts alone by bachelors who are able to maintain and support wives and families. Thirty-two per cent of the nonmarrying men reside in the country and rural districts. I attribute this decrease in matrimony by farmers largely because women are no longer a necessary adjunct to the farmer lads to help them create wealth, owing to the existence of the oleo-cotton-oil-soap-fat combine, which has thus deprived many women and girls of legal providers, and 40,000,000 people of pure cow butter in this country alone.

Now, Mr. Chairman, I appeal to this distinguished Representative from the State of Texas, representing, as he does, the beauty and chivalry of that great State, to come out from behind his buckskin long-horned Texas steer and come over with us upon the side of the gentle American cow and the American housewife and the American farmer's rosy-cheeked daughter. [Laughter and applause.]

Mr. Chairman, there is a broader field to this question, and that is its effect upon our general live-stock interests and the continued prosperity of this country.

Mr. Chairman, of the various branches of our agricultural wealth which contribute to the prosperity of the farmer the live-stock industry is the most profitable. And of the various branches of the live-stock business the one that extends over the entire country—from East to West, from North to South—is what is commonly known as the cattle industry. Because of climate and other conditions the growing of sheep is confined to certain localities; the growing of horses and mules for the market is confined to another, and, as we all know, hogs and corn are twin essentials of a common industry, and are both largely confined to what is known as the corn belt.

But, Mr. Chairman, the American cow is just as useful and just as profitable, if she is handled intelligently, in New England as she is in California, or in the Mississippi Valley, or in Texas, or the Dakotas. The total value of our neat cattle now approaches approximately the enormous sum of $1,500,000,000 and extending over every one of the 45 States and the Territories, and is one of the pillars which support our foreign commerce.

The twentieth century confronts the cattle producers with new conditions, which they must be prepared to meet. We are still the greatest producers of beef in the world. But, Mr. Chairman, this cattle industry is rapidly changing. The great ranges in the West and the Southwest—the great reservoirs from which we have drawn our principal supplies of beef cattle—are rapidly passing away, for two reasons. First, the onward march of the Western settler is rapidly breaking them up into small private holdings, and second, because of the consequent overstocking of the ranges yet left in the West with sheep and cattle these ranges have been eaten down to the very ground. The exposure of the grass roots to the sun and the wind in that dry climate has destroyed the grasses and has made many of them practically deserts; and, as our Agricultural Department has wisely indicated, one of the great problems of the future is the reseeding and reproduction of grasses upon those portions of the arid West that can never be anything further than grazing grounds.

Now, upon that subject I wish to quote from the distinguished Secretary of Agriculture, so practical as he is upon every subject upon which he touches that is essential to our agricultural population:

Now, then, the tendency in the South, where they have destroyed the lands by perpetual cropping, and the tendency west of the Missouri, in the semidry belt, where they are destroying the grazing lands by injudicious overgrazing, is to take a greater interest in the dairy cow than in the steer, and in the case of settlers who want to raise families out west of the one hundredth meridian the interest grows every day on behalf of the dairy cow, and with regard to the production of steers east of the Missouri River on the farms, there is no comparison whatever. The small amount of cattle that commerce calls for in making oleomargarine is infinitesimal in value compared with the injury that the growth of this bogus industry will inflict upon legitimate agriculture, that requires a dairy cow.

In support of my position that the cattle-producing supremacy and wealth in cattle holdings is rapidly passing to those States that are developing the value of the milk products of their cattle, I have collected a few figures from the advanced report of the Census Bureau.

Now, I want to quote from the figures of the Census Department, showing eight States that are to-day the greatest holders in cattle and which have produced the most material wealth. The first State is the great State of Texas, an empire in itself. The conditions are so peculiar in Texas that we have to study that case by itself.

Texas is so vast in its domain that as yet the home builders have had to encroach but little upon the ranges, and yet in Texas already many of the great ranges are being broken up into small ranches. The X I T ranch of the so-called Panhandle region has lately been put upon the market and sold into small ranches, and eventually Texas will be so covered with small farms that she will become in wealth and population what she now is in domain—the Empire State of the Union.

Mr. KLEBERG. Will the gentleman allow me to say that the large ranches of Texas are only fit for raising beef; can never be used for agricultural or dairy purposes. The principal industry there is the cattle-raising business—the raising of beef.

Mr. SHALLENBERGER. I have already admitted that the State of Texas has peculiar conditions confronting it, because of its enormous extent, and that different portions of the State are subject to different climatic conditions.

Now, Mr. Chairman, the second State in the Union in the extent of its cattle holding is a State of only one-eighth of the size of Texas—the State of Iowa—the smallest in dimensions of the ten States to which I have referred. That State, during the last ten years, under the intensive style of cattle raising, depending not only upon the value of the beef but also upon the value of the milk and butter as necessary incidents to maintaining her cattle, has added 471,299 head of cattle to her holdings. Illinois within the same period has added only 35,411. Kansas has added 1,307,010, standing third in the list of cattle-holding States.

Minnesota, a State where cattle are maintained for a dual purpose—the production of both milk and beef—has added 515,846 head of cattle to her herds in the ten years that are passed; Missouri, largely a beef-producing State, has added but 17,770 head to her herds in the ten years; Wisconsin, another great dairy State, has increased hers by 776,507, and Nebraska, the youngest State among the entire eight which I have mentioned, and with the smallest population of any of them, yet with the highest educational standard and the lowest percentage of illiteracy among her people of any State in the Union, as is shown by this same census; Nebraska, a State whose farming community is not excelled in intelligence by that of any country on earth, has, by her thrifty farmers turning their attention to the problem of maintaining their cattle in small herds, and which can only be done at a profit to the husbandman, and all the sources of profit in the industry are realized upon, has increased her herds of cattle 1,037,610 head in the decade just past, the largest percentage of increase in the number of cattle held shown by any State under our flag.

These eight States which I have mentioned, and in seven of which the value of the milk products has become absolutely essential to the support of the herds, have within their borders nearly 33,000,000 head of cattle, or practically one-half of all the cattle in the entire United States, showing conclusively, in my judgment, that our continued prosperity as a beef and cattle producing nation depends upon maintaining to the farmer an undebauched market for the sale of the milk products of his cattle.

These same States are also the greatest sources for our beef supplies, and in practically three-fourths of the other States in the Union and which hold two-thirds of the balance of the cattle in the country the cattle industry could not possibly live without the profit derived from the sale of the milk and the products derived from it.

In the Great Plains region east of the Rocky Mountains, where formerly the steer, the coyote, and the buffalo ranged side by side, there lives to-day a population of 10,000,000 of energetic and progressive American citizens, essentially home builders and small farmers. It is a purely agricultural region and always will remain so. The large ranches disappeared before this tide of immigration and civilization, and the enterprising American farmer has had to wrestle with the proposition of the production of his beef and the maintenance of his cattle upon expensive grains and forages raised by his own toil, instead of the free range grasses of the prairies. Practical experience has proven that only where grass is cheap and abundant can the growing of cattle be profitably maintained if the one source of profit is in the production of beef. While the value of the offspring of the cow is estimated at about one-third of her value for each year of its growth, the value of her milk product, which requires the labor of the farmer and his family in its production, is estimated to be double that of the value of the animal itself.

The milk and butter industry has become fundamental, with the beef product as a secondary consideration and corollary thereto.

There is another point that I wish to touch upon that is raised several times during this discussion, especially by the members representing large cities and whose constituents are consumers of butter. These gentlemen have asked what value there can be in this majority bill to the producers of butter if it does not enhance the price thereof? Its value lies in this: That it will enable the producers of butter to work out in their line of industry what has become the most pronounced feature in all successful lines of business development in this country, and which has demonstrated that it is not by high prices that great business profits are now built up, but by increasing the volume of business; that increased consumption and not increase in prices will produce the largest volume of profit. Practically every large and successful industry in this country has been developed upon this principle.

Every great department store illustrates it; our modern merchant princes have built up their fortunes because they have come to realize it. The greatest industrial organizations of capital in this country, those which are the producers of staple products in manufacture, owe their wonderful and enormous profits that they have directed their lines of energy toward producing enormous sales by the reduction of the price to the consumer as the principal means whereby this end might be accomplished. If the volume of real butter sold and consumed in this country could be doubled, the producers of butter could sell their product at a much lower price to the consumer and yet enormously increase their own profit on the product. It is not by the profit on the individual sale, but by the profit on the enormity of the total output that the modern manufacturer and dealer realizes large returns in his business.

We shall do well, Mr. Chairman, to consider with great care the interest of the small farmer in our action upon this bill—the man who, by honest toil and by the aid of his thrifty family, builds up a modest competency to maintain that family and educate his children, and who enters so largely into the great totality both of our population and our wealth.

We love to boast of the wealth and riches of this great nation, now far exceeding that of any other nation upon earth, amounting, according to the census of 1900, to over $80,000,000,000. We have the most wonderful mining wealth, great manufactories, great cities, and great railroads, yet the wealth of the soil and the products of the farm, which the farmer wrings from it by honest toil, exceeds the wealth of all other branches of industry combined. We like to boast, also, of our great balance of trade that has grown so great in the last few years that it at once staggers and terrifies the rest of the world. This balance of trade has made possible our most unexampled prosperity and has added $500,000,000 of gold to our stock of money in circulation in five years.

It has now reached the enormous sum of $1,100,000,000 of money, even enough to buy a modern trust, yet of all this enormous balance, so essential to the continued prosperity of this country, practically two-thirds of it, more than $800,000,000, is the result of the farmer's toil. He is heard of but little in matters of legislation, but he has always been ready to support the nation's honor or credit in time of need. No matter how much you of the cities may boast of your wonderful growth and prosperity, it is all yet dependent upon the prosperity of the farmer—the man behind the cow, if you please. Speculators and promoters of water-soaked and wind-blown corporations will bring panics and disasters upon this country in the future as they have in the past, and after the storm has passed by the farmer will go to work once more to build up the credit which others have pulled down.

Upon the prosperity of our great cattle industry depends the prosperity of our great agricultural army—the men who go out in the spring and harrow over the broad bosom of mother earth and draw from it in sunshine and rain the wealth which nature has so generously stored there for man's use. This is an agricultural country, and will be for generations to come. Our supremacy as an exporting nation depends upon our ability to maintain our supremacy as an exporter of agricultural products.

With the credit of this nation now expanded to an extent never before known in all our history of the past; with every dollar of our money rushing through the avenues and veins of commerce in effort to maintain undiminished this great flood tide of our prosperity and our trade, the continued prosperity of the man who tills the soil has become the very foundation rock upon which our entire business fabric rests, and which once shattered will shake this great industrial, commercial, and wealth-producing nation to its very center. [Applause.]

Mr. CORLISS. Mr. Chairman, the purpose of this measure is to elevate the price of a product of a small number of producers to the great detriment of a very much larger number of consumers. The Government should prohibit the manufacture and sale of a product intended for human diet deleterious to health. This has been done by an act of Congress which compels the manufacturer of oleomargarine to disclose all material that constitute such manufacture, and it is claimed in consequence of this law that the oleomargarine manufactured in this country is wholesome food.

The Government has also assumed to tax this product and to compel manufacturers to stamp the product, so that the jobber, retailer, and consumer may know its character. Beyond this we should not go. When I was a boy upon my father's farm in Vermont, and milked the cows and assisted my mother in skimming the milk, churning the cream, and making the butter, I remember that in the spring, when the cows were feeding upon old hay and the butter was white, I used to grind up carrots and extract the carrot juice and mix it with the butter, so as to make it look like fresh grass butter. This was done to meet the æsthetic tastes of the Bostonians to whom my father sold the butter. This is being done in all the creameries of our country. Why should we take from the consumer the right to have a wholesome food like butterine or oleomargarine colored like butter? When the Government undertakes to control the manufacture of a product for human diet, and by proper laws compels all producers to eliminate from the manufacture thereof everything deleterious to health, and produces a wholesome article of food, and informs the consumer by a stamp regulation what it is, the duty of the Government has been performed; and class legislation like the measure proposed should not be permitted.

I am credibly informed that out in Iowa they have a manufacturing institution producing every year from corn and other materials more sirup, which they sell upon the market as Vermont maple sirup, than is gathered from all the maple trees in this country. They make it to look like Vermont maple sirup and to taste like Vermont maple sirup and even smell like Vermont maple sirup. Why not stop this manufacture and give to the farmers the benefit of a like protection to the producers of real maple sirup? The next step after the enactment of this measure will be an army of special agents going about the country at the expense of the people looking for harmful colors in food products. The army of such special agents is already too large. This measure is unwise and should be defeated.

Mr. MONDELL. Mr. Chairman, at this late hour in the discussion of this question I hesitate somewhat to take up the time of the House. But the gentleman from Nebraska [Mr. SHALLENBERGER] has just interjected a new argument into the discussion. He has appealed to our chivalry, to our hopes for the growth and population of our country by the argument that the oleomargarine industry discouraged matrimony and jeopardized the occupation of the dairy maid. Now, Mr. Chairman, if that be true, it is a forceful argument for the bill, and it behooves all those who expect to vote against it to give good reason to the House for the conviction that is within them and some very sound arguments why the bill should not become a law.

Mr. Chairman, to me the introduction of this measure marks an epoch in the legislation of this country. We have reached that stage in the history of legislation when there is unblushingly presented for our consideration a measure which, in the confident hope and expectation of its friends and sponsors, will either absolutely destroy or seriously cripple a legitimate industry, and this unlawful purpose is attempted to be concealed under the guise of a revenue measure. Not content with this, the friends of the bill propose and contemplate in the third section a meddlesome, inquisitorial, and tyrannical nosing about by the officers of the

Government into the kitchens and pantries of the nation. Mr. Chairman, it would be beyond all comprehension——

Mr. HENRY of Connecticut. This measure simply reenacts the present law, the law of 1886. There is no new feature in it.

Mr. MONDELL. There is nothing in the present law which would justify the agent of the Revenue Department to invade the kitchens of the country to discover whether or not a boarding-house keeper, having purchased uncolored oleomargarine, colored it for the use of her boarders. It is just that sort of petty tyranny that this bill authorizes, though I am not surprised the gentleman hesitates to admit it.

This bill attempts to disguise all of its inquisitorial and tyrannical provisions. They are thinly veiled, but they are here nevertheless.

Now, Mr. Chairman, it would be incomprehensible how ordinarily well-meaning, honest, broad-minded, liberty-loving gentlemen could bring themselves to support legislation of this character, if it were not for the fact that history furnishes us with countless examples of how, under the unconscious seductions of considerations of political self-preservation and a sophistry which confuses regulation and repression, equally honest gentlemen have ofttimes in the past brought themselves to believe that they were justified in enacting repressive and class legislation. I do not imagine that when the present law was passed there was a gentleman in the House who would have admitted that any conditions could arise which would justify the legislation now before us. But so it always has been with this class of legislation.

Mr. TAWNEY. Will the gentleman allow an interruption right there?

Mr. MONDELL. Yes.

Mr. TAWNEY. I will state for his information that the bill which passed the House in 1886 provided for a tax of 10 cents a pound on oleomargarine, just as is now proposed by the bill under consideration.

Mr. MONDELL. Mr. Chairman, so much the worse for that legislation. It did not become a law at any rate, so that it is evident that somewhere in the Congress of the United States there were people who did not believe legislation similar to that now before us was justified or justifiable.

But I was going to say, Mr. Chairman, that it has always been thus with legislation of this character, with sumptuary legislation. Once let the seeds of error enter men's minds, once let the idea get abroad that there can be any justification of legislation which will aid one industry at the expense of another, let there be just a grain of fraud, real or fancied, as a balm for smarting conscience and a ground for specious arguments, and there is no limit to the repressive and tyrannical legislation that men will persuade themselves is justifiable.

The gentlemen tell us that this legislation is intended to prevent fraud, when the legislation upon its very face is a fraud. It comes here under as false a color as the moonbeam-tinted December butter upon which the friends and sponsors of the bill propose to place the royal prerogative of a golden hue. [Applause.] It is brought here as a revenue measure; and still not a man on the floor of the House, least of all the friends of the measure, hope or expect that it will produce any revenue. Those who have most urgently pressed its passage expect that it will destroy an industry, if we are to take them at their word.

Mr. Adams, pure food commissioner of the State of Wisconsin, in his testimony before the committee on March 7, 1900, said:

> There is no use beating about the bush in this matter. We want to pass this law and drive the oleomargarine manufacturers out of the business.

Charles Y. Knight, secretary of the National Dairy Union, in a letter to the Virginia Dairyman, dated May 18, 1900, writes:

> Now is the time for you to clip the fangs of the mighty octopus of the oleomargarine manufacturers who are ruining the dairy interests of this country by manufacturing and selling in defiance of law a spurious article in imitation of pure butter. We have a remedy almost in grasp which will eliminate the manufacture of this article from the food-product list. The Grout bill, now pending in the Agricultural Committee of the House of Representatives in Congress, meets the demand.

W. D. Hoard, ex-governor of Wisconsin and president of the National Dairy Union, stated in his testimony before the committee on March 7, 1900, as follows:

> To give added force to the first section of the bill, it is provided in the second section that a tax of 10 cents a pound shall be imposed on all oleomargarine in the color or semblance of butter. In plain words, this is repressive taxation.

And on January 13, 1902, in his testimony before the Committee on Agriculture, House of Representatives, the same witness, replying to the question as to "whether this bill (H. R. 9206—or similar measure) would be demanded if, after its passage, just as much oleomargarine would be manufactured and put on the market as is now manufactured and sold," said:

> In that case, sir, I would come before Congress and demand a still higher tax.

But the gentlemen say they do not wish to stamp out an industry, but that they do wish to prevent fraud; and still there is not a line or a syllable in the measure brought before the House that by any possibility can prevent fraud unless in doing so it absolutely puts an end to a legitimate industry. There is no fraud in the manufacture of colored oleomargarine. If there be a fraud in the manufacture of that article, how do the gentlemen of the committee justify themselves in attempting to put an end to the fraud in the factory and in the retail store and encourage the fraud within the sacred precincts of the home? for under the provisions of the bill a man may at his own fireside color oleomargarine, and that shall be no fraud; but should he happen to place some of the article so colored before a chance boarder he commits a heinous crime.

Now, there is not a gentleman on the floor of the House who does not understand that there can be no fraud in the manufacture of this article colored as butter. Selling oleomargarine for that which it is not is a fraud and should be punished, and in the minority bill an honest effort is made to devise means to stamp out the fraud without attempting to ruthlessly stamp out an industry.

I deny that oleomargarine is generally colored for the purpose of misleading or defrauding. It is colored for the same reason that most butter is colored. The butter of June, as one gentleman has poetically described it, as the product of the wedding of the sunshine and the luscious grasses of that beautiful month, is of a golden hue. It is the best product of the dairy. It is the most palatable, it is in every way the most satisfactory product. And as the eye and the palate of men for countless generations have come to accept the color of June butter as a criterion of the best product, so the manufacturers of butter the year round have sought to color the butter made in other months the same color as the butter of June; not with the idea of misleading the consumer into supposing that he is eating June butter in December, but in order to present to him an article which his palate and his eye accept as having the appearance of the best product of the dairy.

And so when the manufacturers of oleomargarine proceed to the manufacture of an article which is a substitute for butter he very naturally, properly, and legitimately, and lawfully colors it the same color that the farmers and the dairymen color the butter of other months than June.

Now, if the gentlemen who support the majority bill are so anxious to stamp out fraud, there would have been some provision in their bill which would have stamped out the fraud without putting an end to an industry. I regret that I can not agree with the gentleman from Ohio in the belief that this legislation will not absolutely destroy the oleomargarine industry. I believe it will. I believe that the gentlemen who bring this bill into the House have wrought better than they knew, or knew better than the interpretation they placed on the measure when they presented it to us, because, if I read correctly the last paragraph of section 2, it positively and absolutely prohibits the manufacture of the article commonly known as oleomargarine.

The ingredients of that article are well known. According to a report of the Commissioner of Internal Revenue, May 14, 1900, the following are the ingredients used in the production of oleomargarine in the United States and the percentage of each:

	Per cent.		Per cent.
Neutral lard	34.37	Stearin	0.07
Oleo oil	26.82	Glucose	.03
Cotton-seed oil	4.77	Milk	15.55
Sesame	.53	Salt	7.42
Coloring matter	.16	Butter oil	1.76
Sugar	.12	Butter	1.72
Glycerin	.01	Cream	3.86

It will be noticed that of the ingredients 22.89 per cent are butter, milk, and cream. Without these ingredients the article known as oleomargarine can not be manufactured, can not be churned, will not have the grain and appearance of butter, will not have the taste of butter, to say nothing of the color of butter. Now, under the provisions of this second section no article can be used in the manufacture of oleomargarine, except it pay the tax of 10 cents a pound, which "causes it to look like butter." Well, these are the articles that make it look like butter, that give it the grain of butter, that give it the taste of butter, that make it a substitute for butter, and under this legislation, in my opinion, these ingredients can not be used, and therefore if any article can be manufactured and sold as oleomargarine without paying the tax it will be a compound of oleo oil and neutral lard that will not have the appearance, the grain, nor the taste of butter, even white butter, and therefore will be unsalable as a substitute for butter.

Mr. KLEBERG. Will the gentleman permit me a question?

Mr. MONDELL. And as an article of manufacture oleomargarine will be entirely prohibited.

Mr. KLEBERG. I entirely agree with the gentleman, and the section provides that same prohibition.

Mr. MONDELL. Yes, sir. Now, Mr. Chairman——

Mr. OVERSTREET. Before the gentleman proceeds, will he yield to a question? Can the gentleman give any explanation of the difference in the meaning of the language which is used where it "looks like butter" and that "made in imitation of butter?" The section following the one the gentleman has just referred to uses the expression "when made in imitation of butter." Is there any distinction in that language?

Mr. MONDELL. I think there is little distinction, Mr. Chairman; I think the use of either phraseology will prohibit the manufacture of oleomargarine, even of white oleomargarine, because oleomargarine as a substitute for butter is made in imitation of butter. No one denies that; and it is legitimate to make oleomargarine in imitation of butter, not for the purpose of selling it as butter, but for the purpose of providing a cheap and wholesome article which will take the place of butter on the tables of those who are not able to stand the cost of high-priced butter. [Applause.] If it can not in the future be manufactured of the ingredients I have referred to (butter, milk, and cream), which give it the grain and flavor of butter, unless it pay the 10-cent tax (and I hold that under the bill it can not), then you have destroyed the industry.

Mr. OVERSTREET. Will the gentleman state whether or not oleomargarine is used in any other way except as a substitute for butter?

Mr. TAWNEY. That is a hard question.

Mr. MONDELL. Why, I do not know of all the uses of oleomargarine. I know oleomargarine is used as a substitute for butter by those who know what it is, by those who buy it for what it is, by those who buy it because it is a good, healthful, and cheap product, by those who buy it on account of its superior keeping qualities over the best creamery butter.

Mr. OVERSTREET. Will the gentleman refer to the section following the one which he has just quoted, wherein it provides that oleomargarine, when not made in imitation of butter, shall be taxed one-fourth of 1 cent, but when made in imitation of butter 10 cents a pound? Will not that, in the judgment of the gentleman, fix a definite tax on all oleomargarine at 10 cents a pound, for the reason that it can not be made in any other way except in imitation of butter?

Mr. MONDELL. I think that is true.

Mr. OVERSTREET. Then will not that, in a larger measure than the question of any ingredients, stamp out that industry by a prohibitive tax?

Mr. MONDELL. I thank the gentleman for further light in the matter. There are so many infamous things in the bill that no one gentleman on this floor could by any possibility have time enough to find them all. [Applause.]

Now, Mr. Chairman, they say to us that the farmers of the country are demanding this legislation. The gentleman from Nebraska, however, has just stated that the farmers had not been heard from in the hearings on this bill.

Mr. Chairman, I have the highest regard for the farmers of this nation. I believe they are the bone and the sinew and the hope of the nation, that in the future as in the past there shall come from the farms of America the men who shall control her destinies, civil, religious, and economical. And it is because I have so high a regard for the American farmer, because I believe so thoroughly in his love of fair play, in his adherence and devotion to the principles upon which our Government is founded that I do not believe the farmers of the nation, now or any time in the past, have demanded legislation fundamentally wrong. I do not believe that when this legislation is understood by the farmers of the nation, when it is laid bare to them in all its vicious nakedness, that they will be favorable to it or that they are now favorable to it. I believe they will punish the men who in their name propose to commit this crime against the principles of personal liberty and equal opportunity. [Applause.]

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. I thought I had thirty minutes, Mr. Chairman.

The CHAIRMAN. The gentleman had twenty minutes.

Mr. SIMS. Mr. Chairman, I ask that the gentleman's time be extended ten minutes.

Mr. TAWNEY. Well, Mr. Chairman, general debate closes at 5 o'clock, and there are a number of other gentlemen who wish to be heard.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that the time of the gentleman from Wyoming may be extended ten minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. SIMS. I would like to ask the gentleman from Wyoming if there is practically any such thing as oleomargarine not in imitation of butter?

Mr. MONDELL. There is no such thing, and there can not be. The whole intent, object, and effect of the bill will be to stamp out the oleomargarine industry.

Mr. SIMS. It can not stand the 10 per cent tax?

Mr. MONDELL. It will not and can not stand the 10 per cent tax.

Mr. THAYER. I understood the gentleman from Wyoming to say that if this bill of the majority went into effect it would absolutely prohibit the manufacture of oleomargarine because certain articles which he enumerated went into the composition. I do not understand——

Mr. MONDELL. Well, I beg the pardon of the gentleman from Massachusetts. I have only ten minutes, and I can not give the gentleman time to make a speech.

Mr. Chairman, it is well understood that the creamery trust, so called, is in favor of this measure. Having obtained control, practically, of all the creamery and dairy butter in the country, all not manufactured on the farms, they now seek legislation which will destroy a dangerous rival. It is a remarkable fact to me, in view of the insistence by members here that the farmers of the country are all in favor of this measure, that it has been deemed necessary to have so powerful a lobby exerting its influence on members here to secure this legislation.

There is scarcely a man on this floor that does not represent to a greater or less extent a farmer constituency. There is not a man on the floor that does not have a high regard for that constituency. There is not a man here that is not anxious to to do all that he legitimately can for the interest of that constituency. And yet, in spite of that fact, in spite of the fact that the farmer is more generally represented on the floor of Congress than any other class of American citizens, when a bill is brought here which is claimed primarily to be in the interest of the farmer, gentlemen seem to consider it necessary to bring here a lobby to influence members the like of which I have never seen since I have been a member of this body. It seems to me that the necessity for that sort of thing is condemnation of the measure itself, and proof that it is not the farmer himself, but a selfish interest in his name that is clamoring for this legislation.

Now, Mr. Chairman, the laboring men of the country use this article. The clerk on a small salary uses this article; the farmers themselves who sell their milk to the creameries, as has been stated by the gentleman from Ohio, use this product. They understand it to be a healthy article of food, a palatable article of food. It certainly is—and still this Congress says to these men, "You can not use this healthful, palatable article of food; you can not have this palatable article of food placed before you because there is a certain industry in the country that demands that there shall be an end put to its manufacture."

Gentlemen come in here and say that they are legislating in favor of the poor man. In what way, pray? Because they propose by this legislation to allow him to use a nauseous, unpalatable compound of natural lard and oleo oil in place of oleomargarine, if he sees fit to use it, with a tax of only one-fourth of a cent per pound, knowing full well that that article can not and will not be used.

Now, Mr. Chairman, in the name of fair play, in the name of justice as against repressive legislation, I hope that this bill may be voted down. It is the history of throwbacks, not only in legislation, but in nature, that they generally go back to the most repulsive and primitive form. And no repressive legislation ever promulgated by the edict of the Czar of all the Russias was more iniquitous than the legislation we are now asked to vote for. [Applause.]

In a measure that is wrong in principle and cloaked in a false pretense, as this is, no portion is free of objection, but the last paragraph of section 2 is the bright peculiar gem of its iniquities. This paragraph, as I have already pointed out, would not only practically prohibit, as would also section 3, as has been pointed out by the gentleman from Indiana, the manufacture of oleomargarine, either white or colored, as the prohibitive 10-cent tax would apply to oleomargarine as now manufactured even though not colored, but, worse than all, it contemplates a meddlesome and inquisitorial prying into the affairs of private citizens such as has never been contemplated by an American legislative body.

What an elevating and edifying spectacle would be presented under the provisions of that section when the Paul Prys and sleuths of the Internal-Revenue Department invaded the kitchens of the boarding houses of the land to discover whether or no some poor widow might not be buying white oleomargarine and then coloring it herself for her boarders, and if it were discovered that she were guilty of this heinous crime, even though the boarders aforesaid might be fully informed of and perfectly satisfied with the coloring operation, the widow could be forthwith dragged to the bastile and subjected to the pains and penalties of manufacturing oleomargarine without a license. What a joy it is to

contemplate the possibility and probability of this sort of thing under this legislation. I suppose after the bill is passed the gentlemen who are urging its passage will be presenting candidates as collectors of internal revenue for this new and hugely edifying service. I have no doubt but what they will be able to find gentlemen who are favorable to this kind of legislation and who would have the proper stomach for this sort of petty tyranny.

The bill presented by the minority of the committee is a measure calculated to prevent frauds in the sale of oleomargarine, and would, in my opinion, have that effect. Under its provisions oleomargarine could only be sold in 1 and 2 pound packages, stamped, wrapped in paper properly marked, and bound about with an internal-revenue stamp. I believe it would be practically impossible to practice a fraud under the provisions of this bill. If it became a law, oleomargarine would be sold for what it is, and as it is now universally recognized by the highest medical authorities the world over to be a pure and wholesome and nutritious product it is entitled to the same consideration that any other healthful food product is; sold for what it is, those who desire it could use it. A great majority of people would of course still prefer butter, but in seasons and localities when butter was high many people of small income would undoubtedly use oleomargarine. Every consideration of justice and fair play recommends the passage of the bill of the minority. The selfish interests who wish to have a legitimate industry stamped out naturally favor the majority bill, and no doubt some good men have brought themselves to believe that they were justified in voting for the majority bill as the only way of preventing fraud, but even if it were true that only in this way could fraud be prevented I do not believe that would justify the passage of the bill. I do believe, however, that the minority bill will prevent fraud and still give the people an opportunity to buy a cheap, wholesome, and nutritious article of food. [Applause.]

[Mr. DAHLE addressed the committee. See Appendix.]

Mr. BRANTLEY. Mr. Chairman, at this late hour of this debate I can not hope to add much, if anything new to the discussion, but believing the principle involved in the pending measure to be bad, if not vicious, I desire to state in the brief time at my disposal some of the objections to it, without attempting any detailed argument in support of them.

The majority of the committee, in their report favorably commending this bill to the House, took occasion to refer to it as drastic legislation. A reading of the bill justifies this reference, but a reading of the majority report utterly fails, in my humble opinion, to justify the enactment of any such drastic legislation.

Before undertaking remedial legislation of any kind it is always wise to follow the old maxim of the common law, and look first to the old law and then to the evil that needs to be remedied. Armed with the information thus obtained, we can the better determine the proper remedy to apply.

Pursuing this course in this case, we find on our statute books now a law to prohibit oleomargarine from being sold as butter and a law that, in its provisions and requirements, appears to me to be drastic enough to satisfy the most ultra of the butter makers.

This law gives a legal definition to the word "butter" and to the word "oleomargarine," and provides that the manufacturer of as well as the wholesale and retail dealers in oleomargarine shall each pay large license fees in order to engage in the business, and in addition to these fees a tax of 2 cents per pound is imposed upon all oleomargarine.

Under this law the manufacturer must keep such books and inventories and give such notices and bonds as may be required of him by the Commissioner of Internal Revenue.

His oleomargarine must be sold in a certain prescribed way, with certain prescribed marks and brands and stamps affixed upon it.

In the language of the law itself, the business of a manufacturer of oleomargarine is always under the surveillance and supervision of the Commissioner of Internal Revenue, his agents and deputies.

The retail dealer can only sell from the original package, nor can the original package in which the oleomargarine comes, or the stamps, be used a second time.

A violation of any of these provisions of the law brings upon the violator the penalty of the law.

Any oleomargarine deleterious to health that is put upon the market, and any unstamped packages of oleomargarine, become immediately forfeited to the Government, and in addition proper penalties are imposed.

One analytical chemist and one microscopist, at a salary of $2,500 each per annum, are authorized to be employed by the Commissioner of Internal Revenue in order to carry out the provisions of the present law, and, in addition, he is authorized to employ such additional chemists and microscopists as are found to be necessary.

As to the wisdom or unwisdom of this law as it now exists, we are not to-day concerned. We are dealing with it as an existing fact. Our investigation shows, however, that it is apparently ample, sweeping, and drastic enough to protect the public from the fraudulent sale of oleomargarine and to compel oleomargarine to be sold for what it is.

We find further, from the report of the minority of the committee, that many of the leading chemists and scientists of this and other countries have testified that oleomargarine is an absolutely pure, wholesome, and cleanly food product, and in no way is harmful or deleterious to health. The majority of the committee make no issue upon this point, and we may, therefore, assume that the purpose of this bill is in no way to protect the consumer from an impure or unhealthful food product. In fact, the discussion that has been had upon this floor has demonstrated that there is perhaps no food product to-day that is more closely watched than oleomargarine, and perhaps none that the public is better protected against impurities in.

What, then, is the evil that this bill proposes to remedy, and what is the remedy proposed? The evil is charged to be that oleomargarine is colored to imitate butter, and, being so colored, is sold as butter, and not as oleomargarine, to an unsuspecting public. Briefly, the charge is that the present law, designed to compel oleomargarine to be sold as oleomargarine, is being violated, and this alleged violation is the real evil that this bill is proposed to remedy.

The first remedy proposed in the bill is to say by act of Congress that oleomargarine shipped from one State to another, under the protection of the interstate-commerce law, shall, upon reaching the State of its delivery, regardless of the interstate-commerce law, become at once subject to the laws of that State with reference to the sale of oleomargarine.

I have not the time to discuss the legal, and perhaps the constitutional, questions involved in this kind of legislation, nor have I any objection to urge against the law of the State of Georgia upon the subject of oleomargarine becoming immediately applicable to all oleomargarine the moment it reaches the State of Georgia. Indeed, I believe that our law so applies now, and would not become any more applicable by reason of the passage of this bill. That this is true is perhaps due to the nature of the law that we have in Georgia. I want to say, however, upon this particular provision of the pending bill that, speaking for myself, I believe that each State is a sovereign, and in its own sphere that its power is complete. I do not believe that the Congress has any power to subtract from the constitutional power of any State, nor do I believe that Congress can add to that power. In other words, I believe that when Congress undertakes to delegate powers to a State the same principle is involved as when Congress undertakes to subtract from the powers of a State. I do not favor that kind of legislation.

This provision in the bill, I presume, was inserted by reason of the decision of the Supreme Court of the United States in the Schollenberg case, wherein it was held that the prohibitory law against oleomargarine in the State of Pennsylvania did not apply to oleomargarine shipped into the State while under the protection of the interstate-commerce law.

I think it better to let this question rest where the Supreme Court left it, and let Congress deal directly with all matters in which interstate commerce is involved, and not attempt to delegate its powers to the States, or in any manner seek to avoid its own proper exercise of them.

The next provision of importance in the pending bill, and the one to which the most serious objection is to be urged, is the one providing that when oleomargarine is "made in imitation of butter" the tax shall be 10 cents per pound, instead of 2 cents, as under the existing law.

I invite the attention of the House particularly to the language of this provision, to wit, "made in imitation of butter." The original bill, as it was introduced, contained the word "yellow," and the language of this provision then read, "made in imitation of yellow butter." The committee, however, in its wisdom, saw proper to strike the word "yellow," and to leave this provision so as to impose a tax of 10 cents per pound on all oleomargarine made in imitation of butter, regardless of its color. The question of color is not involved in the pending bill as it now stands.

Everyone knows that oleomargarine is intended as a substitute for butter, and that it is made in imitation of butter. It seems to me that when it has the general form or appearance of butter, or appears to be of the same general consistency, or has the odor or the taste of butter, that it is undoubtedly made in imitation of butter. It would therefore follow that if this bill becomes a law not yellow oleomargarine alone, but all oleomargarine, whether it be red, or blue, or yellow, will become subject to a tax of 10 cents per pound. The friends of this measure have all along insisted that by this bill they were reducing the tax on oleomargarine not colored in imitation of butter from 2 cents to one-quarter

of a cent per pound, and that they had no objection to uncolored oleomargarine being sold; but we find that they have presented a bill that, either intentionally or through an oversight of the committee, as I hope, will not allow any oleomargarine, no matter what its color, to be sold.

Some of the friends of this increased tax have undertaken to defend it upon this floor upon the ground that the same principle is involved in a 10-cent tax as in the 2-cent tax already imposed, and that there is no difference in principle between this bill and the original law of 1886. For my part I am able to see, or at least I think I am, a vast difference in principle between the two taxes. It seems to me that there is a great gulf between a simple revenue tax, easily paid without hurt to the business paying it, and one that it is impossible to pay and which is prohibitory in its effect. It may, for instance, be perfectly proper to levy a revenue tax on tobacco, one that is sufficiently low to allow the tobacco industry to thrive and flourish, and yet it would be highly improper and wrong to make this tax so exorbitant that the tobacco interest could not pay it and live.

I recognize that this country—unwisely, however, as I believe—has for a great many years pursued the policy of levying prohibitory taxes through the medium of the tariff laws, but these taxes, it has always been claimed, have been directed against the foreigner. Under the principle of high protection we have made our tariff laws high enough to be repressive in many instances, but in every instance the claim has been made that the repression was directed against the foreigner. We have in the pending bill, however, the direct attempt to apply this principle of high protection and repressive taxation against a part of our own people in favor of another part. It does seem to me that if the phrase "protection run mad" can ever be applied to any proposition it must be applied to this one.

If we now enter upon the policy marked out in this bill, where will it end? We can multiply instances where it can be invoked with as much consistency and as much justice as it is invoked here. For instance, the people of my section are engaged in the making of a pure cane sirup, which they believe to be as pure and as wholesome as can be found in the world. They have not yet reached the limit to which they will engage in it. In truth, the industry is yet in its infancy. Suppose, however, as this industry grows it invades the the territory of the maple-sirup people, could not the friends of maple sirup, invoking the principle of this bill, ask for repressive taxation to keep cane sirup from competing with them?

Again, another suggestion on a little different line occurs to me. The country to-day is full of an adulterated, chemically concocted maple sirup. It is branded and sold as pure maple sirup. It is an imposition upon the public. Would not the sanity of any man be questioned who undertook to repress this evil by taxing the genuine maple sirup out of existence? And yet that is identically the proposition involved in the pending bill.

Pursuing, however, the subject of high protection, if this Congress undertakes to apply this principle among our own people, where purely domestic interests are involved, the outcome of it is cause for serious apprehension. Such an application must array section against section, interest against interest, greed against greed, and it must ever be the battle of the strong against the weak, and the final and utter perversion of the great principles of equity and justice upon which this Government was founded.

Let us proceed further and see the first and immediate effect of the increased tax rate from 2 cents to 10 cents per pound. The report of the majority of the committee informs us that the average cost to the manufacturer of oleomargarine of a pound of his finished product is, including the present tax, 10.59 cents, and that the same is sold at prices ranging from 11½ cents to 18 cents per pound, or an average of about 14 cents per pound.

With the passage of this bill the cost to the manufacturer, according to these figures, would be 18.59 cents per pound, or more than the highest price at which the product is now sold. The passage of the bill will mean one of two things; either the consumer must pay this additional price for the product or else the manufacturer of it must go out of business. There is no justification, in my opinion, for either of these alternatives to be brought about. It must be patent to anyone that if the present law, which absolutely prohibits oleomargarine from being sold as anything else, is defective, the defect, whatever it is, can not be cured and is not even attempted to be cured by this bill. The manufacturer of oleomargarine can not now, with or without coloring his product, sell it for butter without incurring the serious penalty of the law; and this bill does not provide any greater penalty for violating the law than now exists, nor does it make it any harder or more difficult to perpetrate a fraud than does the present law. If the pending bill will have any effect whatever upon the fraud, it seems to me that its tendency must be to increase the fraud, as it offers a greater incentive to commit fraud, to wit, the saving of 10 cents per pound tax as against 2 cents at present.

If the manufacturer of oleomargarine complies with the present law and sells his product as oleomargarine, he should be privileged to sell it in whatever color he chooses to make it. The manufacturer of butter is privileged to color his product, and he does color it in such way as he thinks will add to its attractiveness and its sale, and the same privilege should be given to the manufacturer of oleomargarine when he sells his product for what it is. If the coloring of oleomargarine made it deleterious to health, or even tended to make it so, then the coloring should be prohibited and not taxed or licensed, as this bill proposes to do. No claim is made, however, that this coloring affects oleomargarine injuriously any more than it is claimed that coloring butter affects it injuriously. The majority of the committee inform us not that the coloring is hurtful, but that investigations have shown that "uncolored oleomargarine can be easily and quickly colored without melting or apparent injury to the product."

It is true the charge is freely made that it is a fraud for the manufacturer of oleomargarine to color his product yellow, and yet the friends of this measure do not condemn the maker of butter for coloring his product yellow. If the one is per se a fraud the other is equally so, for the coloring is exactly the same in each case. If it should be declared a crime for the manufacturer of oleomargarine to color his product, it should equally be declared a crime for the maker of butter to color his product. There is no justification in principle for making any distinction between them in this regard.

No charge is made, so far as I know, that the manufacturers of oleomargarine do not comply with the law. The minority of the committee inform us that no charge of this kind is made, or if made could be sustained, and yet it appears that because unscrupulous retail dealers in oleomargarine, who buy the product as oleomargarine from the manufacturers and sell it as butter in violation of the law, it is proposed by this bill to increase the burdens of the manufacturer, if not to drive him out of business. No more unjust, unfair, or inequitable legislation could be proposed. What could be more unjust than to punish one man for the sins of another?

The most interesting part of this whole question is that nobody seems to be clamoring for this bill except the manufacturers of butter. In all the petitions and memorials and letters that have come to this Congress on this subject I have seen none except those from the butter men. No consumer or body of consumers has been heard from so far as my information goes. There is no clamor or appeal for the protection of the consumer, but the entire bill is for the protection of the butter makers.

I am willing, Mr. Chairman, to give the butter makers all the protection to their business that is needful and in consonance with sound principles and good morals, but I am opposed to using the taxing power of this Government for the purpose of crushing out a legitimate industry for the benefit of a competing industry. In my judgment the man with the beef steer has as many rights in this body as the man with the milk cow. The man with cotton seed, with hogs, and with beef cattle, the products of which go into the making of oleomargarine, are each entitled to as much standing here as the man with milk cows. We have no right on principle to curtail the market of these people for their products in order that the market for the man with milk cows may be enlarged. To do so would be to engage in vicious class legislation, productive of more evils than I can point out in the brief time I have to speak.

The charge has been freely made on this floor that the pressure for the enactment of this bill into a law comes from the promoters of an immense butter trust that is now being organized. Whether or not this be true, I am not prepared to say; but I am clearly of the opinion that the small producer of butter—the man who supplies only the home market—has no interest whatever in this proposed legislation, for, whether it be enacted into law or not, the price of his product will not be affected. He can always command a market for what he produces, and oleomargarine has never yet competed with him, and never will.

The majority of the committee do not make themselves plain in their report when they express the opinion that, after the passage of this bill, the sale of oleomargarine will continue. Do they mean continue to the same extent as now, or to a greater or a lesser extent? Since I have heard at least one supporter of this measure declare upon the floor that its passage will increase the sale of oleomargarine and another one declare that its passage will decrease the sale of this product, I am convinced that the language used in the report is a compromise between these two extreme positions.

It is pertinent to inquire, however, if this bill will not curtail the output of oleomargarine, why pass it at all? It is confessedly not a revenue measure, and is not designed as such. It neither adds to nor takes from the stringency of the present law against fraud; then what purpose can it possibly accomplish if it does not restrict the sale of oleomargarine? When the majority of the

committee came to write their report, had they forgotten what one of the leading advocates of this measure, ex-Governor Hoard, who visited Georgia and other portions of the South in the interest of this legislation, said before them? They quote him as saying that if as much oleomargarine is sold after the passage of this bill as before, he will come before Congress again and demand a still higher tax. I find, too, that the distinguished gentleman for whom this bill was named in the last Congress, to wit, the honorable Mr. Grout, said to the present committee, in substance, that he feared it was a mistake to reduce, as this bill proposes to do, the tax on oleomargarine not made in imitation of butter from 2 cents to one-fourth cent per pound. His fear was based, as he said, upon the apprehension that the new law would not yield sufficient revenue to defray the expenses of administering it. Surely, if he had any idea that the sale of oleomargarine would continue to the extent that now exists, or that its sale would increase, he would not have given expression to any such fear.

Mr. Chairman, there can be but little merit in the plea of the butter interests for protection against oleomargarine when the statistics show that the total manufacture of oleomargarine in the United States last year was only 104,000,000 pounds, as against 1,500,000,000 pounds of butter. To ask protection, and such protection as this, against this kind of competition, it seems to me, displays a grasping greed that nobody ought to countenance. But even if the claim of the butter people had more merit than it possesses, the kind of protection they ask for should not be granted; for no legitimate industry should be stricken down, or even crippled, by the Government in order to benefit another.

I have no objection to section 4 of this bill, in which it is provided that wholesale dealers in oleomargarine shall keep books, subject to the inspection of the internal-revenue officers. I think that provision in line with the present law, and so long as we keep the present law on our statute books I am willing for it to be strengthened in whatever way may be necessary in order to make it effective.

I am in favor of any amendment to it that is in the interest of honesty and fair dealing and against fraud. If it is now defective, let us perfect it, so that it may accomplish the purpose for which it was intended. The minority of the committee have offered a substitute for the pending bill, wherein they increase the penalties for a violation of the present law and provide still further safeguards against the fraudulent sale of oleomargarine. If we are going to enact any further legislation upon this subject, let us enact this substitute into law, for it is aimed solely against fraud, while protecting that which is honest and legitimate, and in both these respects it differs from the pending bill.

I am opposed, Mr. Chairman, to the wrongful use of the taxing power. I am opposed to using the powers of this Government to build up any industry upon the ruins of another legitimate one. I am opposed to using this Government to aid any monopoly, whether it be in butter or anything else. I am in favor of "equal rights to all and special privileges to none." For these reasons this bill can not command my support. [Loud applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. BROWNLOW having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, one of its clerks, announced that the Senate had agreed to the amendment of the House of Representatives to the amendment of the Senate numbered 78 to the bill (H. R. 9315) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1902, and for prior years, and for other purposes.

OLEOMARGARINE.

The committee resumed its session.

Mr. LAMB. Mr. Chairman, it does indeed look like thrashing over old straw at this late hour to discuss the questions arising in this debate after the exhaustive debate of a year ago and after all that we have heard on this floor within the past three or four days. But, Mr. Chairman, I simply desire to bring up in a few words the rear of the column in this well-fought battle for the cow. It is a most natural rôle I assume, for really I was a buttermilk ranger, and I am grateful to the cow. [Laughter.]

There are men on both sides of this Chamber who understand what it is to bring up the rear. In defeat, to protect the retreating army; in success, to gather up every halting soldier and urge him to the pursuit, and to see that every prisoner is safe and protected. The men on that side who served with one of the finest bodies of mounted men who ever rode to battle, and those on this side who followed the plume of that prince of cavaliers, J. E. B. Stuart; or rode with brave Morgan, or that greatest general, perhaps, that the cavalry arm of the service produced, the almost invincible wizard of the West, the gallant Forrest—understand and appreciate this simile.

I think I am bringing up the rear of the victors to-day, and while congratulating the successful, I desire to deal gently and kindly with the vanquished. I have dismounted often and walked that some weary prisoner might rest as he rode my horse. And I shall carry the burden to-day that some of my colleagues on this side may, I trust, feel better satisfied. May I not yield one hope, that a few, otherwise disposed, now will determine to stand by the cow when I have presented as plainly as I can, as facetiously as I may, as pleasantly as I will, the reasons that impel the majority of the Agricultural Committee to present this bill to the House.

What are the facts in the case, as a lawyer would say, if he were arguing it? Why, Mr. Chairman, 32 States in this Union have passed laws forbidding the manufacture and sale of oleomargarine colored to resemble butter. These States contain a population of over 60,000,000. Their laws on this subject have been upheld by the Supreme Court in three decisions. The law of 1886 that places the tax of 2 cents a pound on oleomargarine in order to enforce the clause requiring the branding of every package sold has been violated. The revenue has been collected, it is true, but the law has not been enforced, except in rare cases, against the offenders.

The present bill, Mr. Chairman, imposes a tax of 10 cents on this article whenever it is colored in imitation of butter; and the result will be that it will take out the large profits realized by the retail dealers and tend to even up the profits on butter and colored oleomargarine.

Now, in this view I am sustained by the judgment of the Hon. W. D. Hoard, president of the National Dairy Union. See my question and his answer on page 34 of the hearings. We have the evidence of the manufacturers themselves to show that the cost of their article, with a tax of 2 cents included, is only about 8 cents per pound.

These two articles of even value, as some claim, would have the same chance in open market, while the uncolored oleomargarine could be sold for 10 or 12 cents, with a good profit to the manufacturer. If this article is as good as butter, as many claim, and it can be sold with a profit at 12 and 13 cents a pound, then it is only a question of a few years perhaps when butter will be driven out of the market and the great dairy interests of the country go to the wall, as some have already gone in the State of Virginia.

It is, then, a discrimination in favor of the manufacturer that we protest against; and we can say that with a tax of 10 cents, if he chooses to pay it, he will stand on all fours with the butter maker. At the same time, the consumers of butter will pay no more than they now pay for this article, save as they are affected by the great law of supply and demand.

You ask me, very naturally, how this is possible. The answer I can give you in a very few words. The profits of this business now go the retail dealer. That is the point in this case, and that is a point which gentlemen should fully understand, for we have abundant evidence to establish it. If you have studied these hearings, my colleagues, you know that this is a fact.

Mr. Chairman, in the old town of Petersburg, Va., around whose outer walls died so many brave men of the two armies, whose deeds of valor will live in song and in story while the lesson of Thermopylæ fires the heart of patriotism and the charge at Balaklava brightens the lamp of chivalry, there is as sweet a little girl as ever "nestled in a woman's arms or climbed a father's knee, the envied kiss to share." She has a peculiar idea about prayer. She thinks she ought to petition the Almighty herself, and, after reciting at her mother's knee every night the Lord's Prayer, she then puts up a petition of her own to her Father in Heaven.

A few years ago, when this little girl was just 4½ years old, her mother asked her, after she had made her silent prayer, "Daughter, what did you ask the Lord to do in that petition just now?" The little girl made reply, "Mamma, I asked the Lord if he would not please remove that mole that has been growing on the side of your face for several months; but I said to Him, Lord, I think that mole has come to stay."

I have not a doubt that this typifies the feeling of some men on this side who are voting along this line—there are just as many all over the country—who are praying that these manufacturers may be entirely suppressed, but they believe, like the little girl in regard to the mole, that these manufacturers have "come to stay." The other side dwelt upon the statement made by Governor Hoard and Mr. Knight in the hearings passed here. These gentlemen may have hoped and prayed one way last year, but under the better light of experience and the education of the last few days, perhaps, and fuller investigation, they believe now that oleomargarine manufacturers have "come to stay."

Mr. Chairman, I know they have come to stay. I was of this opinion last year. When I discussed this question on this floor last session my colleague from Tennessee [Mr. GAINES]—and I

hope he is in his seat now; we all know that he is possessed of an inquiring mind—asked this question:

Mr. GAINES. I should like to ask the gentleman a question.
Mr. LAMB. Certainly.
Mr. GAINES. Is this 10 per cent tax under the Grout bill a prohibitory tax?
Mr. LAMB. It will very likely have that effect, so far as the colored article is concerned, but it will not prohibit the manufacture of this article in its natural state. I have no question that more of it will be manufactured after the tax is imposed. A taste will be educated for this article and people will buy it, not under the guise of something else, but buy it for what it is, at what it is worth. If they want to color it they have a right to do so in their own homes.

Mr. Chairman, a year ago, before we went out to that historic spot near Washington and witnessed the interesting performance of which I have spoken, I made that declaration, because I was raised on a farm and I knew what could be done in coloring butter. The extract of carrot root will do the same.

If I needed further proof of the fact, it was shown a few weeks ago, when many members of the Committee on Agriculture went by invitation to visit a manufacturing establishment near this city, where, in the years gone by, gentlemen of Congress and their friends were wont to go occasionally to settle their real or fancied difficulties by shooting themselves to death.

The investigation of the manufactory located at the historical spot I have mentioned showed it to be in superb order well and conducted. We saw a pound of oleomargarine in its natural state made into the semblance of butter in a few seconds by working a few drops of coloring matter into the article. We also saw a rolling cylinder filled with the article and the coloring matter uniformly distributed through it as the cylinder was turned by a crank.

In a very short time the white oleo had changed to a beautiful yellow color. The imitation was complete. From the moment that I saw this I was convinced that oleomargarine had come to stay. And, Mr. Chairman, it just shows one thing that is patent in the history of nations and of individuals, that their destinies turn frequently upon points that are in themselves as insignificant as anything you might mention.

A most original and graphic writer, delineating the battle of Waterloo, remarked that here a general of division fell, that there brigades with their commanders perished, that yonder the grand old Imperial Guard, that had never known defeat, plunged the front ranks of its corps into a yawning chasm of earth that the rear might ride across their dead bodies into no less certain death upon the fixed bayonets of the hollow squares of Wellington.

And that writer goes on to show that the grandest army the sun ever shone down on, commanded by the loftiest military genius the world had ever given birth to, was routed and destroyed, for why? Because on one bright Sabbath morning a little cowboy said to a general, "Sire, take this road, not that," referring to the fact, as you well know, that Blücher marched by a more direct route to the scene of action and arrived there just in time to decide the momentous issues of that day. And if I had the time I would show you that a similar occurrence happened right over at the first battle of Manassas, when Kirby Smith was piloted through the woods by a more direct route and arrived in time to decide the issue of that conflict.

Now, my friends, this little incident—this committee visiting that place—discovered what will be told all over the country, to every laboring man's wife in the confines of this Republic, and it will enter into practice, and it will possibly save these oleomargarine people who are pressed to death by a butter trust. Who ever heard of a butter trust, and who believes there could be one? That incident developed two facts; first, that the housekeepers of this country will soon learn how easy it is to color oleomargarine, and when this has once begun, the taste for the food having already been cultivated, the demand for uncolored oleomargarine will begin and the manufacture of the article will be stimulated.

In the second place it showed how easily the provisions of the bill of the minority of the committee could be set aside or evaded. There is nothing in this bill to prevent the purchase by hotel keepers, restaurant and boarding-house people of all the one or two pound packages they choose from a retail dealer and removing the stamp and serving the article to the consumer. I want those who favor this minority report to think about this question along that line.

Now, Mr. Chairman, a word to those gentlemen who honestly and conscientiously oppose this bill; and I am going to give them credit for just as much integrity of purpose and as much honesty as I claim for myself and my colleagues on this side of the Chamber, who see no danger lurking in this bill, as has been predicted by the gentleman from Ohio [Mr. GROSVENOR], whose epigrammatic sentences were taken as the text for a splendid speech by my friend from Texas.

A word for these Texas people, and I hope my young friend [Mr. BURLESON] is in his seat. Virginia feels an abiding interest in the Lone Star State. Her sons have migrated to that land of promise, and some of the sons of Texas have come back to Virginia to secure the companions of their bosoms. I remember very well that soon after the war a private of my own company migrated to Texas, and Virginians watched him as he carved his name upon the roll of fame high among the civic heroes of this age.

Why, were I a few years younger, from all I hear of that land of promise, I should be tempted to cast my lot with such a people. I might even do so now, save that I have some pride in being buried close by where the beautiful Pocahontas pleaded for the life of the first white man who ascended the historic Chicahominy, a stream that has been made famous both by the early and the latter history of this land. [Laughter.]

But there is another tie between myself and the noble sons of the Lone Star State. I have found my Mentor, my vade mecum. and my spiritual adviser to a great extent in one of her gifted sons. And what shall I do when he is made chief magistrate of that grand Commonwealth? Why, you will have a lamb in the Fifth-eighth Congress without a shepherd. [Laughter.]

I turn, Mr. Chairman, from the contemplation of this delightful picture to one that fills my very soul with regret and mortification. The riot act was read to some of us on this side a few days ago. I fear we will soon have a political reformatory for the Democratic reconcentrados on this side and a commission to pass judgment on their conduct, so that they can be properly dealt with and made to respect the Constitution. Some of us are "timid and misguided Democrats." Some of these men, so defined, have stood where death held high carnival and faced the cannon's mouth or a battle line of flaming muskets as calmly as if on dress parade.

But does my valiant young colleague, the gentleman from Texas [Mr. BURLESON], who used the language above quoted and other adjectives equally as severe, say he was speaking of moral courage? Of course he was. Then let me remind him that—

> The brave man is not he who feels no fear,
> For that were stupid and irrational,
> But he whose noble soul its fears subdues
> And bravely dares the danger nature shrinks from.

Many of these Democrats who will to-morrow record their votes for the pending measure have shown their moral courage, not only in this House, but on many hard-fought political fields in their own States. Some of them resisted carpetbag rule and had the moral courage to refrain from killing the last one who set his foot on Southern soil. They stood manfully defending their few remaining rights when reconstruction laws, unnecessary and tyrannical, were forced upon them. Later on they protested, in sullen silence and gloom at first, and then arose in the majesty of a righteous indignation and rended the shackles that had been forged by the passage of the fifteenth amendment to the Federal Constitution.

Mr. BURLESON. Will the gentleman permit an interruption?

Mr. LAMB. If I had time I should like to do so, but I have not the time.

Mr. BURLESON. I want to suggest that it was ballots and not bullets that I was referring to.

Mr. LAMB. While many of these things were being accomplished the young gentlemen who pronounced these Democrats timid and misguided were playing leapfrog on the green lawns of their native States. [Laughter.]

No wonder the other side, through one of their talented leaders, made jest of the incident that occurred here yesterday. I will illustrate, simply to point a moral, the emotions they felt by telling a little story that has never drifted from eastern Virginia, or else my colleague from the Sixth district [Mr. OTEY] would have told it here long ago. [Laughter.]

An old widower in one of the lower counties of Virginia was paying his attentions to a beautiful lady in the neighborhood. Although often invited to remain all night by the father of the young lady, he would never consent to do so. One stormy night, however, his host told him that no man could leave his house on such a night as that, and he had his horse put up and persuaded the gentleman to spend the night.

At bedtime he gave a negro boy a candle and told him to see the gentleman to bed. "Yes, sir," said the boy. And the happy old widower followed the boy to his room. He found it difficult to get rid of the boy. He said to him, "I will blow out this candle; you can go." The boy answered, "No, sir; massa said I must see you in bed, an' I'm gw'ine to do it." And the old fellow had to disrobe himself. When he unstrapped an artificial leg and laid it on the table the boy moved back to the door. As he ran his hand through his hair and laid his wig on the mantelpiece the boy had his hand on the knob of the door.

As the widower put his hand in his mouth and laid his gold plate in front of him, the boy rolled down the steps, crying, "Massa, massa, for God's sake come here. This man is tearin' heself all to pieces." [Great laughter.] My friends, "a house divided against itself can not stand." "Men do not gather grapes of thorns or figs of thistles."

But we are told that there is another interest that will suffer if

this bill passes. The manufacturers of cotton-seed oil are much disturbed, although only 7 per cent of their product is used. There is a growing demand all over the world for this oil. From the frozen shores of the Baltic to the isles of Greece, "where burning Sapho loved and sung," if you will allow a little rhetoric, all Europe is asking for cotton-seed oil.

I see from a book here, that I wish I had time to quote from, that France and Italy both have prohibited oleomargarine from being colored in imitation of butter. France takes $16,000,000 worth of your cotton-seed oil every year, and they send it back to this country made into olive oil to go on the tables of our rich people.

Mr. KLEBERG. Is not that a fraud, and ought it not to be suppressed by legislation?

Mr. LAMB. That is a matter that we have nothing to do with.

Mr. GAINES of Tennessee. If it will not embarrass you, I will ask a question.

Mr. LAMB. You can not embarrass an old soldier and a red-headed man [laughter] by asking questions.

Mr. GAINES of Tennessee. Then I will ask you the question.

Mr. LAMB. Ask it.

Mr. GAINES of Tennessee. Now, if the oleomargarine manufacturer does not manufacture his oleomargarine "in imitation of butter," the 10-cent tax will not apply?

Mr. LAMB. Why, certainly not.

Mr. GAINES of Tennessee. Then if he does make it "in imitation of butter" he runs up against the law and has to pay the penalty of 10 cents for the violation of the law done by his own voluntary act.

Mr. LAMB. That is the way I understand it. I stated this a year ago when you asked a question that helped me very much.

Now I will come to some more important points; but before I leave this question of cotton-seed oil I wish to say that I was sorry to hear some gentlemen from the splendid Commonwealths of the South dwell upon their losses, and one of them, running his hand gracefully in his pocket, say, "Will you permit these people to rob us of our cotton-seed oil and our cattle interest?"

My friends, the cattle interest is only, as I can figure it, 50 cents or 75 cents a head, and, in view of this legislation, you will net more on the oil than you ever did before, and there will be a better demand for home consumption of cotton-seed oil that comes from the Southern States. It is $500,000 divided up among the ten Southern States.

Mr. BELLAMY. Will the gentleman allow me an interruption?

Mr. LAMB. I have not the time.

Mr. BELLAMY. The gentlemen says $500,000. Was it not over two and one-half millions last year?

Mr. LAMB. The gentleman is good at figures. Take the 104,000,000 pounds of oleo manufactured. The report of the Treasurer of the United States gives you the component parts. Take your 7 per cent of cotton-seed oil and satisfy yourself.

Now, as to the constitutionality of this law. On this floor, at the last session, I quoted various decisions of the Supreme Court and several writers on the Constitution that clearly established the right of this body to enact such a law as this. These decisions have already been referred to during the able discussion on this measure and I will not repeat them. My colleague from Missouri [Mr. COWHERD] brushed aside in a few words the basic principle upon which the opponents of this measure rest their whole case. He said:

> I deny the right of Congress to make any such legislation. I am not going to deny it on constitutional grounds. I understand too well that in these later days the Constitution is an old-fashioned instrument that has no place in our discussion on this floor, and I understand too well that in these times of a "shifting majority of one" he would be a bold man indeed who would attempt to prophesy what would be the fate of any legislation when it reached the court of last resort.

It is not enough for the opponents of this measure, driven under the three recent decisions of the Supreme Court as well as the forceful utterances of the same tribunal years long gone by to abandon this contention, that this measure is unconstitutional, but in the heat of debate here they inveigh against a coordinate branch of this Government. This may be permissible on the hustings. Even then I submit that it is in poor taste, for the reason that anything tending to break down respect for law and authority is to be deplored in a government constituted as this Republic.

If there is one sin in America more marked than another, it is a lack of reverence—reverence for authority; reverence for law; reverence for age; reverence for the Sabbath. In some sections, even reverence for women.

Mr. COWHERD. And lack of reverence for the cow. [Laughter.]

Mr. LAMB. Nay, sir; rather reverence for "the maiden all forlorn, that milked the cow with the crumpled horn."

In this particular, Mr. Chairman, I hold that we are in danger of losing our ideals just as the Roman ideal of obedience to law and authority was lost when Roman probity and virtue declined and the noble Roman youth became corrupted by contact with the vices of the Asiatic nations whom they conquered.

But permit me to notice one practical point presented by my eloquent friend from Missouri [Mr. COWHERD]. He made a fine speech, we all admit.

It is a well-known fact that the oleomargarine makers use only about $4,000,000 beef fat, $2,000,000 lard, and $2,000,000 per year of animal fats in the oleomargarine that is produced in this country. Our friend from Kansas City states that he has it from one of the best-informed cattlemen in the United States if they are deprived of a market for that amount of animal fat it will cause a loss to the live-stock industry of this country of something like $62,000,000 per year. I presume that this is about as well founded as most of the claims made by the live-stock men.

But, accepting the statement as true, let us look at the matter in another light. The manufacture and sale of oleomargarine is displacing $25,000,000 worth of butter annually. If the cutting off of a market for $4,000,000 of product will cause the live-stock men a loss of $62,000,000, which in round numbers is $16 for every dollar's worth of product displaced, why will not the displacing of $25,000,000 worth of butter cost the dairyman sixteen times that amount, or $400,000,000 annually? Isn't one proposition as reasonable as the other?

What's sauce for the goose is sauce for the gander.

Now, about the $500,000 cotton-seed oil that goes into the manufacture of oleomargarine. Why, it is only a bagatelle to the Commonwealths of the South, with all their wealth. Even could the opponents of this bill show that this tax would be prohibitory, you can not check the march of progress in the South. Young men from Texas, you have behind you the most splendid inspiration that ever nerved a people to the race of life since the dawn of civilization on the world. [Applause.]

What does the spirit of Alamo teach you? Where is the example of your noble fathers who charged like demigods at Gaines Mills and in the dense woods of Chancellorsville who made a record for themselves and for the South that will live in song and in story while the sky has a star or the ocean a tide. And now these, their descendants, are asking us to protect the interests of cotton-seed oil!

Mr. BURLESON. If the gentleman will pardon me, we are not asking protection, but we are protesting against protection.

Mr. LAMB. Exactly. I only wish I had fifteen minutes to make that utterance the text for a speech on this subject. Now, I want as succinctly as I can to illustrate the position of my colleagues on this side, and I must do it by telling another little anecdote.

There was down in Virginia, along the seacoast, a fishing party shipwrecked on one occasion from a small boat. Standing along the banks was an anxious and solicitous crowd. One man was particularly interested in a friend that had gone down twice, and he cried out in the agony of his soul, "Save, oh, for God's sake, save that redheaded man you see there who has gone down twice." As he was sinking a third time under the briny waves a man seized him by the hair and pulled him ashore.

The man that saved him was curious to know why this man wanted him saved. He said, "He is your brother, ain't he?" "No, sir." "Then he is your first cousin?" "No, sir; he isn't any kin to me." "Then," says the man who saved him, "in the name of common sense, why did you want him saved above all the others?" "Why," he said, "my friend, to tell you the truth, that fellow owes me $2.50. [Laughter].

Mr. TALBERT. He was a dairyman, was he not?

Mr. LAMB. No, sir; he had that $2.50 invested in cotton-seed oil.

We object to the minority plan for several reasons. I will give you one or two.

First, the minority plan attempts to legalize the coloring of oleomargarine, against which 32 States of this Union have protested.

In the second place, the provisions of that minority bill will certainly cripple, and it may be will finally destroy, the great butter interests of this country.

Third. The temptation to fraud, which is the basic principle of this whole question, will only be removed in the degree that the price of this article is lowered by the absence of competition, for the hotel, restaurant, or boarding-house keeper, as well as all men who purchase this article to sell again, can buy as much as they choose in 1 or 2 pound packages and then put it on their table or sell it to their customers. The present law, bad as it is, would be preferable to this proposition of the minority.

The advocates of this substitute ask why should it not be just as permissible to color oleomargarine as to color butter. We reply, because they are not colored for the same purpose at all. Butter is not colored to resemble a better article; oleomargarine

is colored to make it resemble a better product—colored to deceive. That is what it is done for. The coloring adds nothing to the food value of the article. The proposed taxation against colored oleomargarine works no hurt to the consumer. Those who want that substitute for butter can buy it much cheaper in its natural state.

My time is nearly out, yet I have not touched one of the main questions presented in connection with this bill—what the laboring man has got to say about it. My colleagues, I represent a district where there are two large cities and over 1,000 manufacturers, small and great. There are 10,000 workingmen in those two cities, and not a single man of them has written me upon this question. And their commissioner of labor, who has their confidence and support, has written me that he is in favor of the bill.

The merchants in the city of Richmond who deal in this article all write me that they are in favor of the bill. Gentlemen here have asked me, "How is it that you, representing a commercial as well as an agricultural community, are so strong in favor of this bill?" I answer, because I represent an intelligent people who read, and they know the fraud that is being practiced in the city of Richmond. Many merchants of that city have written me letters indorsing the bill.

Mr. WACHTER. Will the gentleman state what merchants?

Mr. LAMB. I will insert some of their letters. I have not time now to go over all the names.

Mr. WACHTER. Are they butter merchants?

Mr. LAMB. Butter merchants—commission merchants.

Mr. WACHTER. I thought so.

Mr. LAMB. Here is a letter that presents the case in such a strong light that it will carry conviction to the mind of my friend from Maryland [Mr. WACHTER]:

Hon. JOHN LAMB, *Washington, D. C.*

DEAR SIR: We write in the interest of the Grout bill, to beg for it your vote and your influence.

Because the manufacture of butterine has almost destroyed the butter interest of the State.

Because it is not right that the few who are making this bogus butter should add to their millions at the expense of every poor woman in the land who owns a cow.

Because the business in oleomargarine or butterine encourages deception, it being regularly advertised and palmed off as genuine butter, and is so advertised now in this city.

I mention but few of the many reasons that call for the passage of this Grout bill, and beg you to support the bill.

Yours, truly, J. D. McINTIRE.

The editor of the Southern Planter, a leading agricultural journal of the South, published in Richmond, Va., writes as follows:

DEAR SIR: I hope that we may count on you using all your influence in favor of the Grout bill now before the Agricultural Committee. The dairying interest in the South, and especially in Virginia, is becoming a large one, and this bill is of great importance to that interest.

Yours, truly, J. F. JACKSON.

A petition from the merchants and citizens of Richmond, Va., numerously signed, asking for the passage of this bill, says in part:

We highly commend your position in this matter and assure you that your attitude can not affect the interest of anybody in this State who is complying with our State laws, while the accomplishment of the object which you seek to attain would put thousands of dollars into the pockets of the people now going into the pockets of bogus butter makers of other States.

We believe the bill a just and honest one, and we further know that public opinion demands it, and, were it put to a vote with our people, that 90 per cent of the people would vote for it. We further assure you that 90 per cent of our people who buy oleomargarine buy and eat it for butter, as we have never seen or heard of oleomargarine being advertised as oleomargarine, but always as pure or fine creamery butter. See the deception used.

These letters and petitions clearly indicate the views of my constituents on this important subject, and I take it that the same opinions are held by a large majority of citizens of the rest of the State.

The commissioner of agriculture of the State of Virginia, in a letter of recent date written to me on the subject, says:

The merchants make such a large profit from the sale of oleomargarine they prefer handling it to butter, and it has consequently ruined the dairy interest in this State. Ten years ago the dairy business in this State was developing splendidly, but now most of them have closed up on account of competition of oleomargarine. Our farmers are heavy losers on this account.

The failure of our farmers to keep a large number of cows and raise more stock is hurtful to the agricultural advancement in this State.

The State board of agriculture at its last meeting, November 30, unanimously passed a resolution requesting the Congressmen and Senators of this State to support the Grout bill.

I produce this witness, and could easily add many others, to offset the declaration made in the very able report of the minority of the committee that "the manufacture and sale of oleomargarine does not interfere with the growth and prosperity of the butter industry."

Virginia is almost a unit for this measure. In evidence of this she will present nearly a solid vote here. There are able lawyers in the Virginia delegation. If they were convinced that danger lurked in this bill, as predicted by the gentleman from Ohio [Mr. GROSVENOR] and the gentleman from Texas [Mr. LANHAM], do you suppose they would give it their support? Virginia needs and demands this legislation; her small industries have been wonderfully quickened in the past decade.

The enterprises in her manufacturing centers have contributed in good part. Outside capital has been coming into the State. Northern and Western farmers have been buying lands. The census report shows that the State is being divided into smaller farms, and that the intensive versus the extensive system of agriculture prevails. The commissioner of agriculture, the agricultural board of the State, and the agricultural people all favor this measure. The farmers, as a rule, demand it. No Virginia Representative need fear to cast his vote for the bill.

Its provisions when enacted into law will work in harmony with the laws of 32 States of the Union.

Oleomargarine, colored in imitation of butter, will have a fair chance. The temptation to perpetrate fraud and deceive customers will be abated, if not entirely removed.

It is the duty of every legislative body to pass the necessary laws to prevent fraud and deception. Nothing grows so fast as crime. Countenance the smallest crime, and it will increase tenfold. License one crime, and there are persons always willing to commit a greater crime and point to the crime licensed as their excuse.

Pass this bill and 5,000,000 farmers will approve your action, while their children will rise up and call you blessed. Pass this bill and thousands upon thousands of dealers in butter all through our land will heave a sigh of relief and say, "Well done, thou good and faithful servants."

The patient, toiling tillers of the soil, the bone and sinew of the land, the producers, as well as the consumers, who do not often ask legislation at your hands, now urge you to pass a measure that will help resuscitate our common mother earth.

Mr. Chairman, the passage of this bill will relieve struggling men, helpless women, and defenseless children in nearly every State of this Union. It will help to save the farmer. When you save him you save your country.

Who saves his country saves all things, and all things saved shall bless him; who lets his country die lets all things die, and all things dying shall curse him.

[Applause.]

Mr. WOOTEN. Mr. Chairman, as a new member of this House I have followed the course of this debate with some degree of amusement and a still greater degree of amazement; and I believe my amazement has reached its climax in listening to the remarks of the gentleman who has just taken his seat—not only amazement, but a certain degree of humiliation. The gentleman from Virginia [Mr. LAMB] has seen proper to apostrophize Texas—"young Texas"—and the representatives of "young Texas." I can only reply by saying that the saddest thing that can befall a man or a people or a State is to find a shattered idol and a deserted shrine. The people of Texas, from the time that she first fought for her independence and established her integrity as a free Commonwealth, have been accustomed to look to the State of Virginia, the "Old Dominion," the birthplace and the last resting place of Thomas Jefferson, as the center of their political hope and the shrine of their political faith. And to find that hope forsaken and that faith betrayed by such degenerate Virginia statesmanship as we have listened to during the last few minutes is enough to shatter the idols and to destroy the hopes of even "young Texas." [Laughter.]

Now, Mr. Chairman, a careful reading of the testimony adduced before the Committee on Agriculture of the House at the various hearings that have been held upon the bill, and a critical analysis of the arguments that have been made on the floor by the advocates of the measure, seem to me to establish beyond question the pernicious features of the proposed legislation, both as a particular exercise of unwarranted Federal power and as a general declaration of vicious Federal policy. I submit that no fair-minded man who has examined this testimony and listened to these arguments can come to any other conclusion than that this bill is intended to materially damage, if not to utterly destroy, the manufacture and sale of oleomargarine, together with every interest and industry concerned in the production of that useful and harmless article of food supply.

Disguise it as they will by specious pretexts, avoid it as they may by ingenious and sophistical reasoning, the men who originated this measure and are pressing its passage have but one object in view; that is, to tear down and drive out oleomargarine production for the purpose of building up and enriching the Dairy Union and the butter trust. It is the rankest attempt at class legislation and governmental discrimination in favor of one private industry and against another that was ever made in Congress or anywhere else in this country. In fact, no one who professes to speak authoritatively for the origin and objects of the bill pretends to deny that this is its purpose. I shall not take time to draw attention to the many admissions to this effect contained in the hearings reported from the committees of this and

the last Congress. I will merely quote from the "Views of the minority" of the Committee on Agriculture in support of their substitute bill, as follows:

Mr. Adams, pure food commissioner of the State of Wisconsin, in his testimony before the committee on March 7, 1900, said:

"There is no use beating about the bush in this matter. We want to pass this law and drive the oleomargarine manufacturers out of the business."

Charles Y. Knight, secretary of the National Dairy Union, in a letter to the Virginia Dairyman, dated May 18, 1900, writes:

"Now is the time for you to clip the fangs of the mighty octopus of the oleomargarine manufacturers who are ruining the dairy interests of this country by manufacturing and selling in defiance of law a spurious article in imitation of pure butter. We have a remedy almost in grasp which will eliminate the manufacture of this article from the food-product list. The Grout bill, now pending in the Agricultural Committee of the House of Representatives in Congress, meets the demand."

W. D. Hoard, ex-governor of Wisconsin and president of the National Dairy Union, stated in his testimony before the committee on March 7, 1900, as follows:

"To give added force to the first section of the bill, it is provided in the second section that a tax of 10 cents a pound shall be imposed on all oleomargarine in the color or semblance of butter. In plain words, this is repressive taxation."

And on January 13, 1902, in his testimony before the Committee on Agriculture, House of Representatives, the same witness, replying to the question as to "whether this bill (H. R 9206—or similar measure) would be demanded if, after its passage, just as much oleomargarine would be manufactured and put on the market as is now manufactured and sold," said:

"In that case, sir, I would come before Congress and demand a still higher tax."

Mr. JOHNSON. What he said was "We will demand a higher tax."

Mr. WOOTEN. And all this is still further established by the fact that the advocates of this measure are not willing to confine themselves within the limits of a just and reasonable protection against fraud. If the object was to detect and prevent the sale of spurious imitations of genuine butter, then the law already on the statute books does that as well as any rational police regulation can do, and if it did not, the substitute bill reported here by the minority of the committee strengthens it to the satisfaction of any man who merely wants protection against fraud. The present law forbids the coloring of oleomargarine to imitate butter, imposes heavy occupation taxes upon the manufacturers and dealers in the article, requires it to be stamped and labeled for what it is, and exacts severe penalties for a violation of these provisions. The substitute bill increases these license taxes, enlarges the penalties, and in every way meets the demands for adequate protection to the purchaser and consumer. But this is not enough, because it is not what is sought by the dairy trust. They must have "repressive taxation," effective discrimination, total destruction of a rival industry.

To show how completely the original contentions upon which the claim for this kind of legislation was based have been abandoned, we have only to review the history of antioleomargarine legislation. There was a time when the enemies of this trade declared that oleomargarine was a most despicable and deleterious article, unfit for food consumption under any and all circumstances. That contention was exploded in France thirty years ago. The first artificial butter was made in that country in 1867, and at once a "cow crusade" began against its manufacture and sale, on the ground of its unwholesomeness. The dairymen were aghast at the prospect of such an inroad upon their monopoly. But the chemists and scientific experts of France declared the denunciation to be unfounded in fact and unsupported by experiment.

Mr. LAMB. Does not the gentleman know that both France and Italy legislated against it?

Mr. WOOTEN. Certainly; because the same dairy trust succeeded in controlling the legislature of France that apparently controls this House to-day. But the scientific experience and the scientific judgment of France did not sustain the contention. And I want to tell the gentleman when he goes to foreign countries and foreign governments that he is simply falling in line with the men who are to-day advocating this kind of legislation. We are not France; neither are we Germany, nor England, nor Italy, nor Austria. We are America, and supposed to be governed by the constitutional rule of uniform and equal taxation.

In 1888 the State board of health of Massachusetts, after an exhaustive investigation, reported that the prejudice against oleomargarine was without foundation in fact or reason; that its wholesomeness as food was unquestionable, and that its manufacture and sale were attended with as much average care, cleanliness, and honesty as genuine butter from the dairies of the country. For ten years past this judgment has been confirmed with increasing emphasis by the observation and experience of the world, and there is not to-day in Europe or America a reliable and competent chemist or food expert who does not cheerfully attest the fact that this despised product is among the most desirable, necessary, healthy, and inexpensive sources of food supply. So the sanitary argument is no longer seriously urged or listened to by candid and intelligent men anywhere.

Mr. THAYER. Will the gentleman yield for a question?

Mr. WOOTEN. Certainly.

Mr. THAYER. Do you not know that the laws against the sale of this patent butter in Massachusetts are more strict than in any other State in this Union to-day?

Mr. WOOTEN. Certainly; but I know that those laws were passed in the face of the opinion of the best experts in your State and because your legislature, like so many others, was subsidized by the same trust that is trying to subsidize this House. [Laughter.] I quote from the scientific reports of the board of health of your State, not from the results of lobbying legislation in the halls of your legislature.

Mr. THAYER. I guess you have never been up there.

Mr. WOOTEN. No, sir; and I do not want to go there. [Laughter.] But I have read the records of your State, and I know the kind of your legislation from the days of King Philip down.

Mr. THAYER. Are there any better laws in any State in the Union than are recorded there in Massachusetts?

Mr. WOOTEN. I think so.

Mr. THAYER. Where? In Texas?

Mr. WOOTEN. I would much prefer the laws of Texas.

Mr. THAYER. That is a matter of taste.

Mr. WOOTEN. Entirely so.

Mr. TAWNEY. Just as it is in reference to oleomargarine.

Mr. WOOTEN. Just as it is with reference to a great many other matters involved in this bill.

Now, Mr. Chairman, I say this question of sanitation, the question of the wholesome character of oleomargarine as a food, is not a debatable question. As I have said, there is not to-day in America or Europe a competent or reliable food expert or chemist who will declare that oleomargarine is an unwholesome article of food. No one has done so.

Next came the plea for protection against fraudulent imitations of genuine butter, and the "color test" was urged as the criterion that should be recognized and enforced by law. In all of the first bills proposed upon this subject the gravamen of the offense was made to consist in the coloring of oleomargarine to resemble real butter, and it was sought to prohibit the use of any coloring matter that would imitate the color of genuine dairy butter. But that argument, too, has failed and is no longer insisted upon. In the testimony before the committee the champions of the Dairy Union admitted that it would not sustain their purpose. They testified that genuine butter varies in color at different seasons of the year and according to the different cows used and the variety of povender fed to the herds.

No man can say with any degree of accuracy or certainty what the natural color of butter is or may be under varying conditions. Therefore it would be manifestly absurd and impracticable to prohibit or to punish the imitation of an undefined and indefinable color. Then, again, it is universally admitted that most of the dairy butter in the market is artificially colored, and that the dairymen use precisely the same material for the purpose that is used by the oleomargarine manufacturers, generally what is known in the laboratory as "annotto." Now, the law could scarcely define or impute to any man a fraudulent intent in imitating something that itself has no fixed or natural standard of color and which itself has been artificially and fraudulently colored to resemble some supposed standard of excellence or beauty.

Mr. LAMB. But my friend knows it is not colored to imitate a superior article. Butter is colored to meet the demand for yellow butter.

Mr. WOOTEN. I do not care to yield further to the vagaries of my friend from Virginia.

Mr. LAMB. They are not vagaries.

Mr. WOOTEN. I must decline to yield. Governor Hoard, in his testimony before the committee, stated emphatically, and you will find it reported here, that no genuine butter had any specific or definite color; that it varied at different seasons, and that it varied in the same bulk taken from the same dairy; and he expressly stated that he refused to have the color test applied to butter. He said that there was no means of knowing at a given time what is the only and proper color of butter, and therefore you see how impossible and how impracticable it would be to apply the test of fraud upon the subject of color.

Mr. DAHLE. Did not Governor Hoard expressly state that butter had a yellow tinge, and that it varies in shade?

Mr. WOOTEN. He expressly stated in the first place, when they asked him about it—if he would not be satisfied to leave oleomargarine uncolored—and he said "no."

Mr. DAHLE. That does not answer my question. Did he not claim that all butter is yellow?

Mr. WOOTEN. No, sir.

Mr. DAHLE. But in different shades?

Mr. WOOTEN. He expressly refused to answer that question when proposed to him. Now, I do not care to consume my time by details of the question. You have got the printed hearings before you. What I am undertaking to show, Mr. Chairman, is

that this plea of sanitation, this plea of fraudulent imitation, is a mere subterfuge, a means by which they seek to tear down and destroy and drive out of the market the oleomargarine industry. That is the fixed object.

Mr. HAUGEN. Does not the gentleman think that fraud has been perpetrated?

Mr. WOOTEN. No, sir; to take what some of these men say you might believe so.

Mr. HAUGEN. It has been admitted by everybody.

Mr. WOOTEN. I have never admitted it.

Mr. HAUGEN. Eighty per cent of it——

Mr. WOOTEN. No man ever admitted it; but these men assume it, and base their whole fight upon an assumption, not upon established facts.

Mr. HAUGEN. Everybody knows that 80 per cent of that which is sold is a fraud.

Mr. WOOTEN. Who knows it?

Mr. HAUGEN. Secretary Gage stated that in his report last year.

Mr. WOOTEN. That has never been disclosed to this House, and, besides, is not very good authority.

Mr. HAUGEN. I think you have disclosed the fact that you do not know very much about what you are talking about.

Mr. WOOTEN. Perhaps not, but I have read the hearings before the committee, and that is the only means of obtaining authentic information that we have. I do not pretend to know all that some of these gentlemen know in this House, but I say there is no authentic statement of any man here that there is any more fraud in the treatment and sale of oleomargarine than there is in the sale or manufacture of butter or any other commodity that is put upon the market. It would be impossible under the laws to absolutely prevent fraud in any line. There is not a pursuit or line of manufacture in this country in which there is not some fraud committed. If there is, I would like to know what it is.

There is no more fraud committed in the manufacture of oleomargarine than there is in dairy butter. Why, I have here a copy of the Chicago Dairy Produce, which is the official organ of the National Dairy Union, and in that paper I find a page devoted to an advertisement of a certain preparation of boracic acid, called "Preservitas," which is recommended to the butter manufacturers, the butter producers, as a means of preserving butter. Well, we all know the history of boracic acid during the Spanish war. We know how many poor soldiers went to their death with the preserved beef doctored with a preparation of this same "Preservitas," which this journal says is prepared to be used by the butter makers. I tell you, there is as much fraud, especially in the coloring and preservation of butter, as there is in the oleomargarine business.

Mr. DAHLE. Will the gentleman permit me to ask him this question: Are you prepared to say that there is at any time any ingredient put in butter to make it keep except salt?

Mr. WOOTEN. I speak by authority of the organ of the dairy trust.

Mr. DAHLE. If the gentleman says that is the organ of the dairy trust, have you any means by which you can prove that?

Mr. WOOTEN. It says so.

Mr. DAHLE. Is there any such thing as a dairy trust? Do you know of such a trust?

Mr. WOOTEN. Well, I do not know that anybody knows absolutely about any of these great combinations called trusts. That is the idea I have about it, and, I think, so would any other man who was capable of intelligent appreciation. There is no doubt that this whole movement was conceived and originated by the National Dairy Union. You can call it a trust if you please. Perhaps it is not, technically and legally speaking, a trust. Some gentleman called attention the other day to the great butter trust that was organized in Kansas City lately, with $18,000,000 capital.

Mr. POU. Do you doubt that the oleomargarine is a trust also?

Mr. WOOTEN. I do not know; and I do not care; but if it is, I do not think this Congress ought to discriminate between one trust and another by encouraging the one with a protective tariff and imposing upon the other a proscriptive burden that will drive it out. If they are both trusts, then they both ought to be suppressed; but not under a tariff protection so that one may destroy the other. I do not believe in that. The taxing power of the Federal Government was never conferred by the Constitution for that purpose.

Mr. DAHLE. Will you allow another question? In speaking of trusts. In the State of Wisconsin——

Mr. WOOTEN. I do not want to have any controversy with you about the State of Wisconsin. I do not care to go into these details, and I decline to yield further.

What we are now asked to do is to impose a confiscatory tax upon the manufacture and sale of oleomargarine, regardless of its color and without reference to its counterfeit resemblance to butter, and we are told that it is a legitimate exercise of police power and Federal taxation. Mr. Chairman, I would much prefer to consider this measure without regard to the selfish or local or pecuniary interests involved and entirely as an unjust, unwarranted, and dangerous attempt to promote private monopoly by special legislation, to invade the constitutional jurisdiction of the several States of the Union, to destroy freedom of interstate commerce, and to use the supreme prerogative of governmental taxation for avowedly oppressive and destructive ends. That is the comprehensive, patriotic, and prudent view to take of the matter, and it is the only view that, it seems to me, ought to prevail with gentlemen on this side of the House.

I am aware of the fact that some conscientious and able Democrats on this floor feel constrained to vote for this measure upon grounds of expediency and local loyalty; but, my friends, if we consent to such legislation in this instance upon such narrow and selfish considerations, what may we not be called upon to sanction in the future, if we are to be logical and consistent? I know that in my own case there are grave and mighty local interests constraining me to oppose the bill; but if I understand my own feelings in the matter those are not the controlling motives that lead me to raise my protest against it. Since, however, these things must necessarily have their influence in deciding men's actions, and have been already introduced as weighty arguments in the course of this debate, let us see for a moment what the local, pecuniary, purely commercial aspects of the situation are.

Who is asking for this legislation? Not the people, not the farmers, not the laboring classes, not the stockmen and stock raisers, not the great mass of those who purchase and consume the dairy products and the oleomargarine products of the country. On the contrary, the sole and supreme interest behind this and all similar bills that have come to Congress is the great dairy trust that has been building up its despotic monopoly throughout the country for the past twenty years, and now considers itself strong enough to destroy by this bill a worthy, profitable, and flourishing industry that competes with it in the markets of the Union and the world. That is all there is in the agitation and enthusiasm in favor of this bill.

I know that gentlemen here have said that they have received letters from some of their prominent farmer constituents urging the passage of the bill, but I find in a recent issue of the same paper I spoke of before, the Chicago Dairy Produce—the organ of the National Dairy Union—a form of circular letter intended to be copied and sent to Congressmen by such unwary people as could be induced to do so under the false plea that this bill is for the benefit of the farmers of the country and against the great oleomargarine trust that is polluting the food supply and defrauding the people with spurious imitations of butter. I venture to say that every letter that has been sent to members of this House from their rural constituents emanated from this Chicago propaganda, organized and manipulated by the dairy trust.

Against this bill the true farmer's interests are arrayed upon every consideration of self-protection, upon principle, and upon policy. I have the honor to represent one of the largest and most prosperous agricultural districts in this entire Republic, and I know that my people are opposed to this and all similar measures, first, because they are un-Democratic, and next, because they are antagonistic to the true farming interests of the country. The great dairy syndicates and unions of the country are not composed of farmers nor allied to the farming class in any way.

On the contrary, they work a positive injury to the real farmer. They destroy his home market for the butter that his wife and daughters make on the farm; they drive out all local competition by the monopoly they are enabled to establish under the patronage and protection of laws like this; they depreciate the value of his farm products and his stock-raising industry by practically confiscating the property and destroying the trade of the cotton-seed-oil mills, packing houses, and stock yards where he is now able to realize ready and lucrative profits from the output of his farm. I deny that any genuine farmer favors this bill or will be benefited by it.

Mr. GREEN of Pennsylvania. Forty thousand in Berks County, Pa., almost all of them Democrats, are asking for this legislation.

Mr. WOOTEN. How many of them are in the dairy business?

Mr. GREEN of Pennsylvania. About 5,000.

Mr. WOOTEN. I supposed so. I say that the great farming, agricultural districts of this country—the true farming population of the United States—have not asked for this bill, do not favor the bill, and will not be benefited by it.

The laboring classes—what is known as "organized labor"—are against this measure to a man, because it takes from their tables and from the poorly supplied larders of their humble homes a cheap and wholesome article of food and turns them over to the tender mercies of the butter trust for such meager and high-priced substitute as they can afford to buy. There are hundreds of thousands of homes in the United States—the homes of the

wage-earners and breadwinners in our large cities and crowded factory districts and mining camps—where not an ounce of butter or anything like it will ever go when you have struck down the oleomargarine industry and established the dairy despotism that prompts and stands sponsor for this bill. Is the poor man's lot so easy now that you can afford to take away any of its pleasures or add to any of its burdens?

And, then, the immense stock-raising interests of the West and Southwest, representing 26 States and Territories and an invested capital of more than $4,000,000,000—how do they stand toward this bill? At their last annual session in the city of Denver only two months ago they unanimously resolved to fight it with all their power and to appeal to Congress to spare them the terrible loss they will inevitably sustain if this blow is struck at them from behind the bulwarks of proscriptive taxation in the interest of private monopoly.

And, then, what is to be the effect upon the cotton-seed-oil mills of the South and upon the cotton planter who finds in them his only salvation from the ruinously low price of his cotton crop? There were in the United States, for the season of 1901–2, in operation 452 cotton-seed-oil mills, of which number 128 were in Texas, 10 in the Indian Territory, and 6 in Oklahoma. The balance were in the other Southern States. These mills represent an estimated value, in property and plant, of $30,000,000, and by the market they furnished to the farmer for his cotton seed they added one-third to the value of his cotton crop throughout that region where cotton is king, and where, until this added value was realized, the white and green colors of his royal garniture were but the badges of poverty and servitude for the struggling masses of our people. Will you strike out by one stroke of unjust and unequal Federal taxation the value of the great industry that has brought relief and hope and prosperity to the cotton fields of the new South; and will you, at the same time, practically confiscate without due process of law and destroy without compensation the $30,000,000 worth of property owned by the cotton-seed-oil mills, not for public use or benefit, but at the behest and for the benefit of the cow corporations and dairy monopolies of the Northwest?

If this bill is passed you will do all these things, and you will do more. You will inaugurate a policy and set a precedent that must lead to the vilest and most oppressive legislation that ever stained the statute books of a Republic whose motto is "equal rights to all and special privileges to none." [Applause.]

Mr. LLOYD. Mr. Chairman, may I ask the gentleman this question: Are you in favor of the substitute bill?

Mr. WOOTEN. I am in favor of neither of these bills.

Mr. GAINES of Tennessee. Would you invoke the interstate-commerce clause to prohibit the sending of oleo from one State to another labeled as butter and to be sold as butter?

Mr. WOOTEN. I would favor any law that has for its object the suppression of fraud.

Mr. GAINES of Tennessee. Would you favor that kind of a law?

Mr. WOOTEN. I want to tell the gentleman that I will favor any law that is directly aimed at fraud, whether it be in oleomargarine or anything else, and I do not favor a law that abandons the plea of fraud and simply seeks by direct taxation, by an internal tariff upon the commerce between the States, to destroy a legitimate and honest industry.

Mr. LLOYD. I wish to call your attention to one other item. You referred to the live-stock association which met in Denver. That association passed this resolution:

Resolved, That we heartily approve of such legislation as the law proposed by the Wadsworth substitute.

Mr. WOOTEN. That is because, like everybody else, when they come to the horns of the altar of justice in Congress, called here by the paralyzing opposition of a great trust, they are willing to take the best that they can get. But, as a Democrat, as an opponent of special legislation, as a believer in the creed that every honest industry in this country has a right to thrive without discrimination or proscription against it, I say that I do not favor the substitute bill nor the original bill.

I may vote for the substitute as the lesser of two evils, just as this live-stock association favors the lesser of the two evils. It has gotten to that point in this country that there are great interests, honest interests, which can not come here to ask for their full rights, but they must come on bended knee and take the pitiful portion that the trusts propose to give to them in the modified substitute that the minority is compelled to submit, in lieu of what they ought to have. I say that every man who has signed the report in favor of the substitute bill knows that it is not what he wants, but he offers it as a middle ground between utter destruction, effective discrimination, tax repression against oleomargarine, and a compliance with the terms of the law as it now exists.

Now, Mr. Chairman, this bill is indefensible upon the highest and most substantial grounds of constitutional and political principle. It involves a doctrine and policy of Federal power and of the taxing prerogatives of the Government that can not be upheld by anyone who values the correct ideas of our governmental system, still less by any Democrat who respects the teachings and traditions of his party. The right and power of taxation is the highest and most responsible function that pertains to any government, and in a free government like this it is the one prerogative that approaches to royalty in its capacity for promoting or destroying private interests and public prosperity.

We all know that the first great parliamentary struggle in England to maintain the principles of English constitutional law was the fight against the Crown monopolies that were being built up by the special and unusual advantages conferred upon them by the royal prerogative—patronage and favor. We can have no crown monopolies here, but we can have and we are rapidly fostering great syndicates and combinations of corporate and financial monopoly by the taxing power and patronage of the Federal Government. The trusts and corporations that are being enriched for private benefit at the public expense, and under the guise of protective tariffs and such internal taxation as that involved in this bill, are in every respect similar to and equally pernicious with the Crown monopolies that roused to activity and vehement parliamentary protest the patriots and statesmen of Elizabeth's time in England. Then we have seen how the same kind of policy made miserable the lot of the colonies that once belonged to such countries as Spain in her days of splendor and prowess.

A great deal has been said during the past three years about imperialism, but almost too much attention has been paid to its territorial and colonial aspects. We have felt the dangers of the imperial ideas of government as applied to the acquisition of foreign territory and the despotism of military occupation of distant colonies of alien races; but we have not fully realized the disasters and dangers of imperialism as practiced and promoted by the policies and administration of the dominant party at home. We have been dealing with imperialism at long range, but we must very soon deal with it at our own doors and in the midst of our own social, industrial, and political affairs.

Measures like this one demonstrate all the pernicious and destructive operations of the imperial theory of taxation. For three centuries imperial Spain governed her colonies and her own soil and citizenship under a system of government-protected monopolies precisely as we are now asked to build up and protect this one. The Crown claimed and enforced a monopoly in all the necessaries of life, and farmed them out to the favored persons and corporations who would render in return the most valued subserviency to the royal will. Salt, tobacco, gunpowder, the precious metals were all claimed as the special prerogatives of the King, and were protected from private use and commercial competition by the most onerous and odious restrictions and the heaviest burdens of taxation. Every avocation of business and every pursuit of private industry was subjected to the vigilant tyranny of royal monopoly and administered as a means of filling the coffers of the Kingdom and enriching the favorites of the Crown.

The whole land swarmed with Government agents, taxgatherers, spies, and the hireling emissaries of this system of private monopoly at public expense. That was Spanish imperialism as administered to her American colonies, and it left to them a legacy of misery, poverty, bondage, and ruin that ultimately filled her possessions with woe, bloodshed, and unending revolution.

We are to-day preparing to pursue, if we are not already practicing, the very same methods in some of those colonies that we have wrested from Spanish tyranny, and, worst of all, we are inaugurating by measures like this the same system of Government protection and legalized monopoly on American soil and among American industries.

Against such a theory and practice of Federal power the Democratic party has set its face like flint ever since it began to teach and to defend the true constitutional rules of Federal jurisdiction. According to the historic contention of the Democratic party the power and right of taxation rest entirely upon the ground of public necessity—taxes can be justly and constitutionally imposed only for the purpose of raising revenues to pay the expenses of the Government honestly and economically administered. From the days of Jefferson that has been and is to-day the only true and consistent Democratic position. The party has never recognized and indorsed the use of Federal taxation for police purposes. It belongs in no just and proper sense to the Federal Government to exercise police power over the affairs belonging to the States, and least of all can that power be enforced by the levying and collecting of taxes. If the Democratic party ever sanctions and adopts that policy it must abandon every great doctrine and stultify every historic declaration it has espoused in the past.

Gentlemen have quoted in this debate, as a justification for the admitted discrimination and destruction that are intended and

involved by this bill, the famous utterance of Chief Justice Marshall in the case of Maryland *v.* McCulloch, that "the power to tax is the power to destroy." Judge Marshall did not announce that proposition with approbation nor advance it as an argument to justify the prostitution of the taxing power for private ends under the pretext of police regulation. He merely stated a fact: he did not declare a doctrine. Like every other great function of government, taxation may be used for unrighteous as well as righteous ends, and in that sense it involves the power to proscribe, to discriminate, and finally to destroy. When it is so used, it becomes the worst form of tyranny, for it promotes private monopoly and confers special privileges upon those who enjoy its benefits, while it ostracises, impoverishes, and crushes those who bear its burdens.

I was startled the other day to hear the gentleman from Illinois [Mr. BOUTELL] eulogize Thomas Jefferson and invoke his authority against this bill. Coming as it did, from that side of the Chamber, it seemed to me to carry the force of a rebuke to some on this side who claim a closer loyalty to the teachings of the father of American Democracy. It is indeed true that this bill contravenes every tenet and teaching of Thomas Jefferson, not only as it violates and invades the reserved constitutional rights of the several States, but as it despises and destroys every doctrine of uniform and equal taxation, and establishes the principle of private monopoly at public expense.

But the gentleman from Illinois avowed himself a follower of Jefferson's great antagonist, Alexander Hamilton, and I wondered that he did not recognize the paternity of this bill in the precepts of the great Federalist. This kind of legislation can trace an unbroken lineal descent from the teachings of Alexander Hamilton. In his great report on "manufactures and commerce" he declared that it should be the policy and the purpose of the Federal Government "to foster and build up certain special industrial and commercial interests, which would in turn become the bulwarks of the Government." Pursuant to that policy and purpose he advocated a national banking system, supported by a perpetual national indebtedness (which he paradoxically declared to be a national blessing), in order to solidify and strengthen the moneyed interests of the country as a bulwark of Federal power and prerogative, and later on the taxing power was invoked to proscribe and destroy State banks. That policy has given us the present system of national banks, with their practical monopoly of financial influence and their despotism over the so-called "business interests" of the country.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. SIMS. Mr. Chairman, a little while ago I rose and asked for ten minutes additional time to be given to the gentleman from Wyoming [Mr. MONDELL]. I did not know at the time that it was to come out of any gentleman's time on this side of the House. I find out since that it was curtailing the time of the gentleman from Texas. I now ask the House to give him ten minutes additional time.

Mr. TAWNEY. Mr. Chairman, I understand there are only sixteen minutes time left on this side. I shall not object to the request of the gentleman from Tennessee if the committee, by unanimous consent, will allow me a half hour to-morrow morning in which to close the debate.

Mr. WILLIAMS of Mississippi. What is the request, Mr. Chairman?

Mr. SIMS. The request is to give the gentleman from Texas [Mr. WOOTEN] ten minutes additional time.

Mr. WILLIAMS of Mississippi. I have no objection to that request, but any request that involves any time to be taken to-morrow from the debate under the five-minute rule and devote it to general debate I shall object to.

Mr. SIMS. I made a request for ten minutes additional time for the gentleman from Wyoming, not knowing that it was curtailing anybody else. I now find that it is actually taken from the time of the gentleman from Texas, and I ask that he be given ten minutes more.

The CHAIRMAN. The gentleman from Tennessee asks that the time of the gentleman from Texas be extended for ten minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. WOOTEN. Mr. Chairman, I was proceeding to show that this character of legislation is in direct line with the Hamiltonian theory of building up private interests at public expense, in order that they may become the bulwarks of the supporters of that policy and of the Administration that favors that line of legislation. I spoke of the national banks as one of the factors in the carrying out of that theory. Then Hamilton proposed a system of protective tariffs to foster manufacturing monopolies at home and to bar out commercial competition from abroad. That policy, under the fruitful manipulation of Hamilton's political descendants, has given us the enormous industrial syndicates and trusts that to-day dominate the trade, transportation, manufactures, and even the legislation of the Republic. It has given us a national oil, under the patronage of the Standard Oil Company; it has given us national monopolies in wire, steel, iron, coal, copper, glass, tobacco, sugar, and almost every other commodity of commerce. Now the same policy proposes to give us a national butter monopoly in the hands of the National Dairy Union and under the pretext of a police regulation against oleomargarine.

The tariff has fostered the trusts by building a barrier against the outside world and enabling the great corporations to establish their despotism by uninterrupted spoliation of the American people; and now the same school of political philosophy—the school of Hamilton and the Federalists—proposes by legislation like this to put the same policy of discrimination and proscription into practice at home by inaugurating a system of internal tariffs upon interstate commerce, using the Federal powers of taxation and police regulation to destroy one industry in order to enrich another. It is only a question of time—not a very long time—when every other interest that is active and influential enough to make itself heard will be clamoring for similar protection and patronage under the guise of police regulation. The beet-sugar industry will want legislation against the cane-sugar industry, and vice versa.

The manufacturers of silken and woolen goods will want regulation by taxation against the makers of mixed and mercerized goods. Already the flour mills are asking for taxation against mixed flours. Even the dairymen will begin to fight each other, and the cow will begin to bellow against those of her own kind who are not up to a proper standard of breeding and milk production. I saw lately a bulletin from the Bureau of Animal Industry containing the report of a veterinary expert who says that all Jersey cattle are infected with tuberculosis and are congenitally inflicted with pleuropneumonia. He pointed out how the breed came originally from the bleak and inhospitable island of Jersey or Guernsey, where they acquired the taint of pulmonary disease, and he graphically declared that "the very color of their hair bears the hectic flush of incipient consumption." Consequently, he advises that the time must come, sooner or later, when steps must be taken to get rid of Jersey dairies by exterminating Jersey cattle. Imagine what a flood of bills like this will come into this House when the National Dairy Union begins to discriminate bebetween the different breeds of milch cows.

Mr. Chairman, such legislation is wrong in principle, dangerous in practice, ruinous in all its logical consequences and tendencies. Once inaugurated, no man can foresee its result or prophesy its end. It involves a radical departure from the true principles of Federal taxation, an unconstitutional exercise of Federal power, an unwarranted invasion of State sovereignty, a palpable interference with interstate commerce. Nobody asks for it but the butter trust, whose industry it is intended to nationalize and to monopolize. It will drive out and destroy a great, a desirable, a profitable, and a beneficial industry in order to raise the price of butter for the dairyman and to cement the despotism of the cow and the cow corporations over the food supply of the whole country. [Apuplase.]

[Mr. GAINES of Tennessee addressed the committee. See Appendix.]

Mr. HENRY of Connecticut. Mr. Chairman, I move that the committee do now rise; and pending that motion, I ask unanimous consent for general leave to print. There are a number of gentlemen who have not had an opportunity to speak on this bill who desire to do so.

The CHAIRMAN. The Chair suggests that the request ought to be submitted to the House. The question is on the motion that the committee do now rise.

The question was taken; and the motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. LACEY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 9206 and had come to no resolution thereon.

LEAVE TO PRINT ON OLEOMARGARINE BILL.

Mr. HENRY of Connecticut. Mr. Speaker, I ask unanimous consent that general leave to print be granted in view of the fact that a number of gentlemen have not had an opportunity to speak.

Mr. PAYNE. Within what time?

Mr. HENRY of Connecticut. Within ten days.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that general leave to print may be had for ten days.

Mr. UNDERWOOD. Mr. Speaker, reserving the right to object, I want to know whether this is to be on all questions or is it confined to the oleomargarine bill?

Mr. HENRY of Connecticut. Confined to the oleomargarine bill.

Mr. GAINES of Tennessee. Well, Mr. Speaker, as debate has

been general, it has been on quite a number of subjects, not all of them confined to the oleomargarine bill, and it seems to be an injustice to these gentlemen to now confine their extensions to the oleo question when they discussed some other question. I have not made any speech; it is nothing to me.

The SPEAKER. The gentleman from Connecticut amends his request by adding that the discussion shall be confined to the oleomargarine bill.

Mr. WILLIAMS of Mississippi. Mr. Speaker, I was engaged in conversation, or some one in conversation with me, and I did not hear the gentleman's request.

The SPEAKER. The Chair will restate it. The gentleman from Connecticut asks unanimous consent that general leave to print be given all members of the House for ten days, the remarks to be confined to the pending bill. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

SENATE BILLS AND RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, Senate bills and resolutions of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 605. An act to provide for the purchase of a site and the erection of a public building thereon at Newcastle, in the State of Pennsylvania—to the Committee on Public Buildings and Grounds.

S. 567. An act for the relief of H. B. Matteosian—to the Committee on Claims.

S. 1609. An act making an appropriation for the purchase from Forsyth County of a site and building for a post-office and other Government offices in Winston-Salem, N. C., and to authorize the sale of the present post-office site in Winston-Salem to Forsyth County—to the Committee on Public Buildings and Grounds.

S. 903. An act for the relief of William D. Rutan—to the Committee on Claims.

S. 3299. An act granting an increase of pension to Isaiah Tufford—to the Committee on Invalid Pensions.

S. 2708. An act respecting proceedings in the courts of the United States in the western district of the State of Missouri—to the Committee on the Judiciary.

S. 2086. An act to provide for enlarging the public building at Nashville, Tenn.—to the Committee on Public Buildings and Grounds.

S. 2769. An act to fix the fees of United States marshals in Indian Territory, and for other purposes—to the Committee on the Judiciary.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 4372. An act to regulate the collection of taxes in the District of Columbia; and

H. R. 4988. An act for the relief of Mary E. McDonald.

Mr. WACHTER, also from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval bill of the following title:

H. R. 8761. An act to declare the international railway bridge over the St. Lawrence River, near Hogansburg, N. Y., a lawful structure.

WITHDRAWAL OF PAPERS FROM THE FILES.

Mr. OVERSTREET, by unanimous consent, was given leave to withdraw from the files of the House, without leaving copies, papers in the case of Rufus Neal, Fifty-sixth Congress, no adverse report having been made thereon.

Mr. PAYNE. Mr. Speaker, on behalf of the gentleman from Connecticut, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 25 minutes p. m.) the House adjourned until to-morrow at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Attorney-General submitting an estimate of appropriation for penitentiary at Fort Leavenworth—to the Committee on Appropriations, and ordered to be printed.

Annual report of the Washington and Marlboro Electric Railway Company for the year ending December 31, 1901—to the Committee on the District of Columbia, and ordered to be printed.

A letter from the chairman of the Industrial Commission, submitting the final report of the Commission—to the Committee on Labor, and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. THOMAS of Iowa, from the Committee on Claims, to which was referred the bill of the House (H. R. 299) for the relief of William C. Dodge, reported the same without amendment, accompanied by a report (No. 435); which said bill and report were referred to the Private Calendar.

Mr. SCHIRM, from the Committee on Claims, to which was referred the bill of the House (H. R. 10469) for the relief of Mrs. Eleonora G. Goldsborough, widow of the late Surg. Charles B. Goldsborough, reported the same with amendments, accompanied by a report (No. 436); which said bill and report were referred to the Private Calendar.

Mr. SALMON, from the Committee on Claims, to which was referred the bill of the House (H. R. 2492) to reimburse the Mellert Foundry and Machine Company for money retained by the United States for failure to complete a contract within a specified time, reported the same without amendment, accompanied by a report (No. 437); which said bill and report were referred to the Private Calendar.

Mr. FOSTER of Vermont, from the Committee on Claims, to which was referred the bill of the House (H. R. 367) for the relief of Angus A. McPhee, reported the same without amendment, accompanied by a report (No. 438); which said bill and report were referred to the Private Calendar.

Mr. RUMPLE, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2012) granting a pension to Catherine Conroy, reported the same without amendment, accompanied by a report (No. 439); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5553) granting a pension to Nancy E. Hardy, reported the same with amendment, accompanied by a report (No. 440); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6029) granting a pension to Mary E. Kelly, reported the same with amendment, accompanied by a report (No. 441); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7130) granting a pension to Elizabeth Lowden, reported the same with amendment, accompanied by a report (No. 442); which said bill and report were referred to the Private Calendar.

Mr. RUMPLE, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2000) granting a pension to John M. Core, reported the same without amendment, accompanied by a report (No. 443); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6864) granting an increase of pension to Milton A. Embick, reported the same with amendments, accompanied by a report (No. 444); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5536) granting an increase of pension to Daniel Schram, reported the same without amendment, accompanied by a report (No. 445); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1129) granting an increase of pension to William H. Shaffer, reported the same with amendments, accompanied by a report (No. 446); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8471) granting a pension to Eliza A. Wright, reported the same with amendments, accompanied by a report (No. 447); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9696) granting a pension to Ezekiel J. Robinson, reported the same with amendments, accompanied by a report (No. 448); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 886) granting an increase of pension to Jonas M. McCoy, reported the same without amendment, accompanied by a report (No. 449); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3275)

granting an increase of pension to William G. Johnson, reported the same with amendment, accompanied by a report (No. 450); which said bill and report were referred to the Private Calendar.

Mr. RUMPLE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3241) granting an increase of pension to H. G. Knights, reported the same with amendments, accompanied by a report (No. 451); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5102) granting a pension to Margaret Baker, formerly Maggie Ralston, reported the same with amendments, accompanied by a report (No. 452); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1503) granting a pension to Michael Farrell, reported the same with amendments, accompanied by a report (No. 453); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2167) granting a pension to Jane Kuhn, reported the same with amendments, accompanied by a report (No. 454); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7771) granting an increase of pension to Frank Seaman, reported the same with amendment, accompanied by a report (No. 455); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5982) granting an increase of pension to Christine B. Knapp, reported the same with amendment, accompanied by a report (No. 456); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5413) for the relief of Alfred H. Van Vliet, late adjutant Eleventh Michigan Cavalry, reported the same with amendments, accompanied by a report (No. 457); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1688) granting an increase of pension to Charles Armstrong, reported the same with amendment, accompanied by a report (No. 458); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 311) granting a pension to Susan H. Stevens, reported the same with amendment, accompanied by a report (No. 459); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8180) granting an increase of pension to William S. Derby, reported the same without amendment, accompanied by a report (No. 460); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9149) granting a pension to Sara B. Andrews, reported the same with amendment, accompanied by a report (No. 461); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9821) granting an increase of pension to John W. Moore, reported the same with amendments, accompanied by a report (No. 462); which said bill and report were referred to the Private Calendar.

Mr. NORTON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 282) granting an increase of pension to John O'Rourke, reported the same without amendment, accompanied by a report (No. 463); which said bill and report were referred to the Private Calendar.

Mr. DARRAGH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2600) granting a pension to Richmond L. Booker, reported the same with amendments, accompanied by a report (No. 464); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 700) granting a pension to Rebecca Dobbins, reported the same without amendment, accompanied by a report (No. 465); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1743) granting a pension to S. A. Graves, reported the same with amendments, accompanied by a report (No. 466); which said bill and report were referred to the Private Calendar.

Mr. DARRAGH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6687) granting an increase of pension to Lorenzo Blackman, reported the same with amendment, accompaniedby a report (No. 467); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2526) granting an increase of pension to William J. Simmons, reported the same without amendment, accompanied by a report (No. 468); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1697) granting an increase of pension to Richard A. Lawrence, reported the same with amendment, accompanied by a report (No. 469); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10044) granting an increase of pension to Capt. William Larzalere, late of Companies F and D, Sixty-ninth Ohio Volunteer Infantry, reported the same with amendments, accompanied by a report (No. 470); which said bill and report were referred to the Private Calendar.

Mr. NORTON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1275) granting an increase of pension to Charles W. Thomas, reported the same without amendment, accompanied by a report (No. 471); which said bill and report were referred to the Private Calendar.

Mr. JETT, from the Committee on War Claims, to which was referred the bill of the House (H. R. 6196) transferring a lot in Woodland Cemetery to the city of Quincy, Ill., reported the same without amendment, accompanied by a report (No. 472); which said bill and report were referred to the Private Calendar.

Mr. PRINCE, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 4260) to correct the military record of James A. Somerville, reported the same without amendment, accompanied by a report (No. 473); which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, Mr. SLAYDEN, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 1019) to relieve Benjamin F. Burgess of the charge of desertion, reported the same adversely, accompanied by a report (No. 474); which said bill and report were ordered to lie on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were thereupon referred as follows:

A bill (H. R. 8004) granting an increase of pension to Matilda R. Schoonmaker—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 8553) granting a pension to Joseph Tusinski—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 7364) granting an increase of pension to Maria Louisa Michie—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BARTLETT: A bill (H. R. 11094) for the erection of a public building at Macon, Ga.—to the Committee on Public Buildings and Grounds.

By Mr. JENKINS: A bill (H. R. 11095) to amend the charter of the Columbia Railway Company of the District of Columbia—to the Committee on the District of Columbia.

By Mr. CRUMPACKER: A bill (H. R. 11096) to refund the amount of duties paid in Porto Rico upon articles imported from the several States from April 11, 1899, to May 1, 1900, to confer jurisdiction on the Court of Claims to render judgment thereon, and making an appropriation therefor—to the Committee on the Judiciary.

By Mr. FLOOD: A bill (H. R. 11097) to require city and street railway companies to use vestibule fronts in certain months—to the Committee on the District of Columbia.

By Mr. BENTON: A bill (H. R. 11098) to grant the right of way through Oklahoma Territory, including the Osage Reservation, and the Indian Territory to the Missouri, Kansas and Oklahoma Railroad Company, and for other purposes—to the Committee on Indian Affairs.

By Mr. NORTON: A bill (H. R. 11099) to amend section 1189 of chapter 35 of "An act to establish a code of law for the District

of Columbia," approved March 3, 1901—to the Committee on the District of Columbia.

By Mr. YOUNG: A bill (H. R. 11100) granting increase of pension from $72 per month to $90 per month—to the Committee on Invalid Pensions.

By Mr. SOUTHARD: A bill (H. R. 11101) providing for a naval training station on Lake Erie at or near Toledo, Ohio—to the Committee on Naval Affairs.

By Mr. BANKHEAD: A bill (H. R. 11172) to grant a right of way to the Warrior Southern Railway Company through the tract of land in the State of Alabama reserved for the use of the United States in connection with the improvement of the Black Warrior River, and known as Lock 4—to the Committee on Rivers and Harbors.

By Mr. PEARRE: A bill (H. R. 11173) authorizing the Washington Gaslight Company to purchase the Georgetown Gaslight Company, and for other purposes—to the Committee on the District of Columbia.

By Mr. VANDIVER: A bill (H. R. 11174) providing for the erection of a public building at Poplarbluff, Mo.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 11175) providing for the erection of a public building at Cape Girardeau, Mo.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 11176) providing for the erection of a public building at West Plains, Mo.—to the Committee on Public Buildings and Grounds.

By Mr. SMITH of Illinois: A resolution (H. Res. 128) to provide a clerk to the Committee on Private Land Claims, at $2,000 per annum—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. ACHESON: A bill (H. R. 11102) granting an increase of pension to Francis A. Wallace—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11103) granting an increase of pension to Samuel H. Barnett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11104) granting an increase of pension to Milton S. Collins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11105) granting an increase of pension to Benjamin F. Hawthorne—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11106) granting an increase of pension to George W. Lloyd—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11107) granting a pension to James Morrison—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11108) granting an increase of pension to Bazel Lemley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11109) granting a pension to Enoch Calvert—to the Committee on Invalid Pensions.

By Mr. BENTON: A bill (H. R. 11110) to carry out the findings of the Court of Claims in the case of John R. Henderson, administrator of Michael C. Henderson, deceased—to the Committee on War Claims.

Also, a bill (H. R. 11111) to carry out the findings of the Court of Claims in the case of C. T. Wilson, administrator of Philip Mathews, deceased—to the Committee on War Claims.

By Mr. BROMWELL: A bill (H. R. 11112) granting a pension to S. Agnes Young—to the Committee on Invalid Pensions.

By Mr. BROWN: A bill (H. R. 11113) granting an increase of pension to John Mohr—to the Committee on Invalid Pensions.

By Mr. CREAMER: A bill (H. R. 11114) for the relief of Hannah E. Boardman, administratrix of William Boardman, deceased—to the Committee on War Claims.

By Mr. CRUMPACKER: A bill (H. R. 11115) granting a pension to Angeline H. Taylor—to the Committee on Invalid Pensions.

By. Mr. DALZELL: A bill (H. R. 11116) granting an increase of pension to George Knorr—to the Committee on Invalid Pensions.

By Mr. DOVENER: A bill (H. R. 11117) to pension William T. Hamilton, of Wheeling, Ohio County, W. Va.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11118) to pension R. J. Myers, of Wheeling, Ohio County, W. Va.—to the Committee on Invalid Pensions.

By Mr. GROSVENOR: A bill (H. R. 11119) granting an increase of pension to J. M. Parker—to the Committee on Invalid Pensions.

By Mr. HEMENWAY: A bill (H. R. 11120) granting an increase of pension to Mary F. Parke—to the Committee on Invalid Pensions.

By Mr. HEPBURN: A bill (H. R. 11121) granting an increase in the pension of George W. Hubbard—to the Committee on Invalid Pensions.

By Mr. HUGHES: A bill (H. R. 11122) granting an increase of pension to John W. Copley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11123) granting a pension to William Hutchison—to the Committee on Invalid Pensions.

By Mr. KETCHAM: A bill (H. R. 11124) granting an increase of pension to Mary Scott—to the Committee on Invalid Pensions.

By Mr. KLEBERG: A bill (H. R. 11125) granting an increase of pension to John S. Campbell—to the Committee on Invalid Pensions.

By Mr. LESTER: A bill (H. R. 11126) for the relief of the estate of Mary A. Bell, deceased—to the Committee on War Claims.

Also, a bill (H. R. 11127) for the relief of the Propeller Tow Boat Company, of Savannah—to the Committee on War Claims.

By Mr. LOVERING: A bill (H. R. 11128) for the relief of Harrison Loring—to the Committee on War Claims.

By Mr. MICKEY: A bill (H. R. 11129) granting an increase of pension to Garret I. Post—to the Committee on Pensions.

Also, a bill (H. R. 11130) granting a pension to William Hall—to the Committee on Invalid Pensions.

By Mr. MUDD: A bill (H. R. 11131) to carry into effect the finding of the Court of Claims in behalf of Peter Targarona—to the Committee on War Claims.

By Mr. MUTCHLER: A bill (H. R. 11132) for the relief of John Sailer, or Sailor, late private, Company A, Forty-seventh Regiment Pennsylvania Volunteers—to the Committee on Invalid Pensions.

By Mr. PRINCE: A bill (H. R. 11133) granting an increase of pension to James D. Lafferty—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11134) granting an increase of pension to Josiah Tilden—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Alabama: A bill (H. R. 11135) for the relief of Mary C. Smith, heir at law of Alexander F. Perryman, deceased—to the Committee on War Claims.

Also, a bill (H. R. 11136) for the relief of Jacob A. Paulk, of Lauderdale County, Ala.—to the Committee on War Claims.

Also, a bill (H. R. 11137) for the relief of Jacob A. Paulk, of Lauderdale County, Ala., administrator of Johnson A. Paulk—to the Committee on War Claims.

Also, a bill (H. R. 11138) for the relief of the estate of Marius B. Cawthon, deceased—to the Committee on War Claims.

By Mr. RICHARDSON of Tennessee: A bill (H. R. 11139) granting a pension to Carter B. Harrison—to the Committee on Invalid Pensions.

By Mr. SHAFROTH: A bill (H. R. 11140) granting a pension to Madison M. Burnett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11141) granting an increase of pension to John H. Burrowes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11142) granting an increase of pension to Francis H. Leclaire—to the Committee on Invalid Pensions.

By Mr. SIMS: A bill (H. R. 11143) for the relief of John Smith—to the Committee on War Claims.

By Mr. TALBERT: A bill (H. R. 11144) granting an increase of pension to Anderson Howard—to the Committee on Pensions.

Also, a bill (H. R. 11145) granting an increase of pension to Mary Ann Key—to the Committee on Pensions.

By Mr. TAYLOR of Alabama: A bill (H. R. 11146) for the relief of the personal representatives of Newton T. Demouy—to the Committee on Claims.

By Mr. TOMPKINS of Ohio: A bill (H. R. 11147) granting an increase of pension to Wilson Tolbert—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11148) granting an increase of pension to James Woodruff—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11149) granting a pension to David Hood—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11150) granting an increase of pension to John Logan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11151) granting a pension to Sarah R. Dewland—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11152) granting an increase of pension to George W. Recob—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11153) granting an increase of pension to H. Berkstresser—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11154) granting a pension to Joseph Lanning—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11155) granting an increase of pension to Henry F. Byers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11156) granting a pension to Martha Alice McCloud—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11157) granting a pension to Lucia M. Adams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11158) granting an increase of pension to O. R. Brake—to the Committee on Invalid Pensions.

By Mr. TRIMBLE: A bill (H. R. 11159) to remove the charge

of desertion from the military record of John C. Kane—to the Committee on Military Affairs.

By Mr. WATSON: A bill (H. R. 11160) granting an increase of pension to Joshua F. Spurlin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11161) granting an honorable discharge to George W. Allison—to the Committee on Military Affairs.

Also, a bill (H. R. 11162) granting an honorable discharge to Samuel Brown—to the Committee on Military Affairs.

Also, a bill (H. R. 11163) granting an increase of pension to John Lawrence—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11164) granting a pension to Godfrey Williams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11165) granting an honorable discharge to Isaac Hampton—to the Committee on Military Affairs.

Also, a bill (H. R. 11166) granting an increase of pension to Jonathan Harlan—to the Committee on Invalid Pensions.

By Mr. WILEY: A bill (H. R. 11167) granting a pension to Godfrey Harris—to the Committee on Invalid Pensions.

By Mr. BROWNLOW: A bill (H. R. 11168) granting an increase of pension to Isaac Phipps—to the Committee on Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 11169) to increase the pension of Jesse D. Echols—to the Committee on Invalid Pensions.

By Mr. BURKE of South Dakota: A bill (H. R. 11170) granting an increase of pension to William Kunselman—to the Committee on Invalid Pensions.

By Mr. PEARRE: A bill (H. R. 11171) granting relief to Elizabeth A. Nalley—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of Voorhis Post, No. 72, of Eldon, and Buckner Post, No. 154, of Eldora, Department of Iowa; Meade Post, No. 40, and Asbury Caldwell Post, No. 51, Department of Maine; C. D. Sanford Post, No. 79, and E. P. Hopkins Post, No. 209, Department of Massachusetts, Grand Army of the Republic; also petition of Joseph A. Dudgeon, for investigation of the administration of the Bureau of Pensions—to the Committee on Rules.

By Mr. ACHESON: Resolution of Painters' Union No. 208, Washington, Pa., for the reenactment of the Chinese-exclusion law—to the Committee on Foreign Affairs.

By Mr. ALEXANDER: Resolutions of Car Builders' Union of Buffalo, N. Y., asking for reenactment of the Chinese-exclusion law—to the Committee on Foreign Affairs.

By Mr. BARTHOLDT: Petitions of the American Congress Society, of St. Louis, Mo., and other citizens of St. Louis, Mo., in favor of a Federal election law—to the Committee on election of President, Vice-President, and Representatives in Congress.

Also, petition of Press Feeders' Union, No. 43, of St. Louis, Mo., in favor of the reenactment of the Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. BARTLETT: Resolution of mayor and council of Savannah, Ga., favoring the passage of House bill 5796, to promote the efficiency of the Revenue-Cutter Service—to the Committee on Interstate and Foreign Commerce.

By Mr. BELL: Resolution of Miners' Union No. 32, of Victor, Colo., in opposition to Mongolian immigration—to the Committee on Foreign Affairs.

Also, resolution of the State Horticultural Society, of Boulder, Colo., in opposition to reduction of tariff on sugar—to the Committee on Ways and Means.

Also, resolution of the State Horticultural Society, of Boulder, Colo., in relation to the arid-land measure—to the Committee on Irrigation of Arid Lands.

By Mr. BINGHAM: Resolution of the Philadelphia Maritime Exchange, opposing the passage of Senate bills 1791 and 1792 and House bills 4424 and 9059, amending the so-called Harter Act—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Philadelphia Maritime Exchange, favoring House bill 7189 and Senate bill 2162, relating to the United States Marine-Hospital Service—to the Committee on the Merchant Marine and Fisheries.

Also, resolutions of the Philadelphia Maritime Exchange, asking for reciprocal tariff with Cuba—to the Committee on Ways and Means.

By Mr. BOWERSOCK: Petition of the National Live Stock Exchange, for the repeal of the tax on sales of live stock made at market centers—to the Committee on Ways and Means.

Also, resolutions of the Chamber of Commerce of Wichita, Kans., favoring amendments to the interstate-commerce law—to the Committee on Interstate and Foreign Commerce.

By Mr. BROMWELL: Resolution of Cigar Makers' Union No. 481, of Cincinnati, Ohio, against the reduction of duty on Cuban cigars and tobacco—to the Committee on Ways and Means.

Also, paper to accompany House bill 11112, granting an increase of pension to S. Agnes Young—to the Committee on Invalid Pensions.

By Mr. BROWNLOW: Petition of citizens of Midway and Greenville, Tenn., for amendment of Constitution to prohibit and punish polygamy and defining legal marriage—to the Committee on the Judiciary.

By Mr. CASSINGHAM: Resolution of the Ohio State Grange, Patrons of Husbandry, of Tippecanoe County, Ohio, in favor of the election of United States Senators by a direct vote of the people—to the Committee on Election of President, Vice-President, and Representatives in Congress.

Also, petition of the National Live Stock Exchange of Chicago, Ill., asking for legislation repealing the tax on sales of live stock made at market centers—to the Committee on Ways and Means.

By Mr. DALZELL: Resolutions of Wood, Wire, and Metal Lathers' Union No. 33, of Pittsburg, Pa., in favor of the exclusion of Chinese laborers—to the Committee on Foreign Affairs.

By Mr. DEEMER: Resolution of Carpenters' Union No. 691, of Williamsport, Pa., for the reenactment of the Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. EMERSON: Petition of A. M. Cook Post, No. 326, Grand Army of the Republic, of Greenwich, N. Y., favoring construction of war vessels in United States navy-yards—to the Committee on Naval Affairs.

By Mr. ESCH: Resolutions of Cigar Makers' Union No. 61, of La Crosse, Wis., favoring a further restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. GREENE of Massachusetts: Resolutions of the Board of Trade of Lynn, Mass., favoring the appointment of a commissioner to inquire into trade relations with China and to establish a permanent exposition of American products—to the Committee on Foreign Affairs.

By Mr. GROSVENOR: Resolution of the National Live Stock Association, at Chicago, Ill., protesting against class legislation directed against coloring, manufacture, or sale of oleomargarine—to the Committee on Agriculture.

Also, resolution of Federal Labor Union No. 6876, of Chillicothe, Ohio, in relation to the arid-land measure—to the Committee on Irrigation of Arid Lands.

Also, resolution of the American Farm Company, of Morocco, Ind., in opposition to reduction of tariff on sugar—to the Committee on Ways and Means.

By Mr. HEMENWAY: Petition of General Willich Post, No. 543, Department of Indiana, Grand Army of the Republic, urging that the navy-yards be utilized for the construction of war vessels—to the Committee on Naval Affairs.

By Mr. HILDEBRANT: Petition of Anna Quinby and other citizens of Edenton, Ohio, in favor of an amendment to the Constitution defining legal marriage to be monogamic, etc.—to the Committee on the Judiciary.

By Mr. JACKSON of Kansas: Petition of Earlton Post, No. 206, Grand Army of the Republic, Department of Kansas, for investigation of the administration of the Bureau of Pensions—to the Committee on Rules.

By Mr. JENKINS: Petition of Ellsworth Post, No. 118, Department of Wisconsin, Grand Army of the Republic, for investigation of the administration of the Bureau of Pensions—to the Committee on Rules.

By Mr. JOY: Petition of 1,240 merchants and manufacturers of Kansas City, Mo., favoring reciprocal trade agreement between the United States and Canada—to the Committee on Ways and Means.

By Mr. KITCHIN: Papers to accompany House bill 1360, for the relief of W. J. Tapp & Co.—to the Committee on Claims.

By Mr. LACEY: Petition of citizens of Newton, Iowa, for amendment of pension act of 1901—to the Committee on Invalid Pensions.

By Mr. LESTER (by request): Petition of Smith Birdsey Dayton, in relation to privateering in the war of the Revolution—to the Committee on War Claims.

By Mr. LITTAUER: Resolution of Cigar Makers' Union of Gloversville, N. Y., favoring an educational test in the restriction of immigration—to the Committee on Immigration and Naturalization.

Also, resolution of the Massena (N. Y.) Board of Trade, for the removal of a bar from the head of Long Sault Island, St. Lawrence River, to the mainland—to the Committee on Rivers and Harbors.

By Mr: LITTLEFIELD: Resolution of Bath Lodge, No. 466, Bath, Me., Association of Machinists, for the passage of laws which will prevent the immigration of persons who can not read—to the Committee on Immigration and Naturalization.

By Mr. LOUDENSLAGER: Petition of Newport Council, No.

199, Junior Order United American Mechanics, of Newport, N. J., and of Cabinetmakers' Union No. 5, of Trenton, N. J., favoring a reenactment of the Chinese-exclusion law—to the Committee on Foreign Affairs.

Also, petition of residents of Salem County, N. J., for anti-polygamous legislation—to the Committee on the Judiciary.

By Mr. MARSHALL: Petition of Louis McLean Hamilton Post, No. 15, of Grafton, N. Dak., favoring the construction of war ships at the navy-yards—to the Committee on Naval Affairs.

By Mr. MARTIN: Resolution of South Dakota Retail Merchants' Association, in relation to penny postage—to the Committee on the Post-Office and Post-Roads.

By Mr. MOODY of Massachusetts: Petition of Otis W. Wallace Post, No. 106, Grand Army of the Republic, Department of Massachusetts, for investigation of the administration of the Bureau of Pensions—to the Committee on Rules.

By Mr. MOODY of Oregon: Petition of Portland Printing Pressmen's Union, No. 43, asking passage of an exclusion law that will apply to Asiatic labor generally—to the Committee on Foreign Affairs.

Also, petition of liquor dealers of Portland, Oreg., favoring the adoption of certain amendments to House bill 178, relating to the internal-revenne laws—to the Committee on Ways and Means.

By Mr. MORRELL: Petition of the Illinois Manufacturers' Association, favoring reciprocal trade relations with Cuba—to the Committee on Ways and Means.

Also, petition of Consolidated Stock and Petroleum Exchange of New York and of the National Live Stock Exchange, for repeal of war-revenue tax—to the Committee on Ways and Means.

Also, petition of National Tea Duty Repeal Association, favoring repeal of war tax on tea—to the Committee on Ways and Means.

By Mr. NAPHEN: Resolutions of the Lynn Board of Trade, Lynn, Mass., for the establishment of a permanent exposition of American products in Shanghai, China—to the Committee on Foreign Affairs.

By Mr. PATTERSON of Pennsylvania: Resolution of Carpenters and Joiners' Union No. 228, of Pottsville, Pa., urging the reenactment of the Chinese-exclusion law, etc.—to the Committee on Foreign Affairs.

Also, resolution of Team Drivers' Union No. 251, of Shenandoah, Pa., favoring the construction of war vessels in Government navy-yards—to the Committee on Naval Affairs.

By Mr. PRINCE: Resolution of Chamber of Commerce of Quincy, Ill., favoring Senate bill 569, providing for a department of commerce and industries—to the Committee on Interstate and Foreign Commerce.

Also, petition of H. S. Weakley and others, of Galesburg, Ill., for the repeal of portions of the war-revenue act—to the Committee on Ways and Means.

By Mr. RICHARDSON of Alabama: Papers and photographs to accompany House bill 4015, for the relief of the trustees of the Methodist Episcopal Church South, Decatur, Ala.—to the Committee on War Claims.

Also, petition of A. H. Irons, D. Cook, A. A. Hardage, and D. W. Speake, board of deacons, to accompany House bill 4026, for the relief of the Presbyterian Church of Decatur, Ala.—to the Committee on War Claims.

By Mr. ROBINSON of Indiana: Petition of C. J. Ricker and 4 other citizens of Edgarton, Ind., for the election of United States Senators by direct vote of the people, etc.—to the Committee on Election of President, Vice-President, and Representatives in Congress.

By Mr. RYAN: Petition of National Live Stock Exchange, for reduction of certain portions of the war-revenue tax—to the Committee on Ways and Means.

Also, resolution of Baltimore Chamber of Commerce, favoring amendment of Harter Act of 1893, to prevent penalizing American goods—to the Committee on Interstate and Foreign Commerce.

By Mr. SHALLENBERGER: Petition of Otto Fliesbach and 6 others, of Chase County, Nebr., against House bill 6578, known as the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. SCARBOROUGH: Petition of Moses Quick, of Marlboro County, S. C., praying reference of war claim to Court of Claims—to the Committee on War Claims.

By Mr. SHAFROTH: Resolution of Colorado State Horticultural Society, against reciprocal trade relations with Cuba admitting sugar free—to the Committee on Ways and Means.

Also, resolution of the Colorado State Horticultural Society, favoring Government reclamation of arid lands—to the Committee on Irrigation of Arid Lands.

By Mr. SOUTHARD: Resolutions of Gas Well Workers' Union No. 43, of North Baltimore, Ohio, and Brotherhood of Stationary Firemen No. 2, of Toledo, Ohio, favoring the construction of war vessels in Government navy-yards—to the Committee on Naval Affairs.

Also, resolutions of Oil and Gas Well Workers' Union No. 5, of Hammansburg, Ohio, and Flint Glass Workers' Union No. 81, of Toledo, Ohio, for the reenactment of the Chinese-exclusion laws—to the Committee on Foreign Affairs.

By Mr. STEWART of New York: Petition of Plumbers and Gas and Steam Fitters' Union No. 105, of Schenectady, N. Y., in favor of the exclusion of Chinese laborers—to the Committee on Foreign Affairs.

Also, resolution of Carpenters' Union No. 146, of Schenectady, N. Y., favoring the building of war vessels in the navy-yards—to the Committee on Naval Affairs.

By Mr. TRIMBLE: Petitions of citizens of the Seventh Congressional district of Kentucky, asking for an antipolygamy amendment to the National Constitution—to the Committee on the Judiciary.

By Mr. WANGER: Petition of Cigar Makers' Union No. 489, of Souderton, Pa., for an educational test for immigrants—to the Committee on Immigration and Naturalization.

By Mr. WARNOCK: Papers to accompany House bill 5700, granting a pension to Wilhelmina Stout—to the Committee on Invalid Pensions.

By Mr. WEEKS: Resolution of Michigan Chapter, American Institute of Architects, urging the continuation of the office of Architect of the Capitol—to the Committee on Appropriations.

By Mr. WILLIAMS of Illinois: Paper to accompany House bill 11169, granting an increase of pension to Jesse I. Echols—to the Committee on Invalid Pensions.

By Mr. WILSON: Resolutions of the Illinois Manufacturers' Association, for extension of trade between United States and Cuba—to the Committee on Ways and Means.

Also, petition of Mrs. Josie N. Glass and others, of Brooklyn, N. Y., for an amendment to the National Constitution defining legal marriage to be monogamic—to the Committee on the Judiciary.

Also, petition of General Henry W. Slocum Post, No. 28, Department of New York, Grand Army of the Republic, favoring the construction of war ships at the navy-yards—to the Committee on Naval Affairs.

Also, petitions of R. Amavizcar & Co., of Habana, Cuba; Heydrich Raffloer, of New York, and Virginio Poro, of Santiago de Cuba, urging reciprocal relations with Cuba—to the Committee on Ways and Means.

Also, resolution of New York Odontological Society, favoring a dental corps for the United States Navy—to the Committee on Naval Affairs.

Also, resolutions of the Central Federated Union of New York, favoring the passage of House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. WOODS: Resolution of Southwest Miners' Association, Los Angeles, Cal., for the establishment of a national department of mining, etc.—to the Committee on Mines and Mining.

SENATE.

TUESDAY, *February 11, 1902.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

SOUTH HAVEN HARBOR IMPROVEMENT.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 9th ultimo, certain information relative to the report of Capt. Charles Keller, Corps of Engineers, concerning certain proposed improvements of South Haven Harbor, Michigan; which was referred to the Committee on Commerce, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a concurrent resolution authorizing the Clerk of the House of Representatives, in the enrollment of the bill (H. R. 9315) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1902, and for prior years, and for other purposes, to insert the word "thirteenth," on page 9, in line 9, in lieu of the word "thirtieth;" in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (H. R. 4372) to regulate the collection of taxes in the District of Columbia; and

A bill (H. R. 4988) for the relief of Mary E. McDonald.

PETITIONS AND MEMORIALS.

Mr. FAIRBANKS presented petitions of sundry citizens of Franklin, Muncie, Samaria, Indianapolis, Amo, and Whiteland, all in the State of Indiana, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented petitions of the Central Labor Union, American Federation of Labor of Clinton, of Cigarmakers' Local Union No. 415, of Elkhart, and of Press Feeders and Helpers' Union No. 39, of Indianapolis, all in the State of Indiana, praying for the reenactment of the Chinese-exclusion law; which were referred to the Committee on Immigration.

He also presented petitions of Lafayette Division, No 302, of Lafayette; of Elkhart Division, No. 19, of Elkhart, and of Indianapolis Division, No. 103, of Indianapolis, all of the Order of Railway Conductors, in the State of Indiana, praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases; which were ordered to lie on the table.

Mr. BATE presented a petition of the Tobacco Board of Trade, of Clarksville, Tenn., praying that the internal-revenue laws be amended so as to abolish the license charge upon tobacco dealers; which was referred to the Committee on Finance.

Mr. CULLOM presented the petition of J. D. Mason and 30 other citizens of Aurora, Ill., praying for the restoration of raw sugar to the free list; which was referred to the Committee on Finance.

He also presented a petition of the Commercial Club, of Chicago, Ill., praying for the establishment of reciprocal trade relations with France; which was referred to the Committee on Foreign Relations.

He also presented a petition of sundry wholesale grocers and tea merchants of Chicago, Ill., praying for the repeal of the duty on tea; which was referred to the Committee on Finance.

He also presented a petition of Scandinavian Local Union No. 194, Brotherhood of Painters and Decorators of America, of Chicago, Ill., praying for the reenactment of the Chinese-exclusion law; which was referred to the Committee on Immigration.

Mr. PENROSE presented a petition of the Luzerne County Medical Society, of Wilkesbarre, Pa., praying for the enactment of legislation to increase the efficiency and change the name of the United States Marine-Hospital Service, etc.; which was referred to the Committee on Commerce.

He also presented a petition of sundry citizens of Philadelphia, Pa., praying for the passage of the so-called Grout bill to regulate the manufacture and sale of oleomargarine; which was referred to the Committee on Agriculture and Forestry.

He also presented petitions of 29 citizens of Philadelphia, 31 citizens of Danville, and 141 citizens of Franklin, all in the State of Pennsylvania, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented petitions of Order of Railroad Telegraphers, Division No. 3, American Federation of Labor, of Harrisburg; of Charles S. Whitworth Post, No. 89, of Apollo; of New Wilmington Post, No. 448, of New Wilmington; of Captain George Stow Post, No. 274, of Tionesta; of William S. Thompson Post, No. 132, of Oxford; of Newcastle Post, No. 100, of Newcastle, and of Calvin A. Craig Post, No. 75, of Parker, all of the Department of Pennsylvania, Grand Army of the Republic, in the State of Pennsylvania, praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which were referred to the Committee on Naval Affairs.

He also presented petitions of Leather Glazers' Union No. 5, of Philadelphia; of Federal Union No. 7174, of Jermyn; of Tub Molders Helpers' Union No. 7452, of New Brighton; of Kindling Wood Workers' Union No. 7100, of Austin; of the American Lace Curtain Operative Union, of Philadelphia; of Cigarmakers Local Union No. 466, of Easton, and of Local Union No. 6, Tin Plate Workers' International Protective Association, of New Kensington, all of the American Federation of Labor, in the State of Pennsylvania, praying for the reenactment of the Chinese-exclusion law; which were referred to the Committee on Immigration.

Mr. COCKRELL presented a resolution of the Board of Trade of Kansas City, Mo., favoring the adoption of an amendment to paragraph 3, Schedule A, of the war-revenue act by increasing the ratio of taxation on traffic carried on in bucket shops, etc.; which was referred to the Committee on Finance.

Mr. TELLER presented petitions of the Colorado State Horticultural Society; of the Colorado State Grange, Patrons of Husbandry, and of the Fruit Growers' Association of Boulder County, all in the State of Colorado, praying for national aid in irrigation, and remonstrating against certain representations on this subject and against a reduction of the tariff on sugar; which were referred to the Committee on Irrigation and Reclamation of Arid Lands.

He also presented a petition of Victor Miners' Union, No. 32, Western Federation of Miners, of Victor, Colo., and a petition of District Union No. 1, American Federation of Labor, of Denver, Colo., praying for the reenactment of the Chinese-exclusion law; which were referred to the Committee on Immigration.

He also presented petitions of Carpenters and Joiners' Union No. 717, of Denver; of Wood-Wire and Metal Lathers' International Union No. 48, of Colorado Springs; of Musicians' Protective Association No. 49, of Cripple Creek, and of Musicians' Protective Union No. 136, of Trinidad, all of the American Federation of Labor; of Sterling Post, No. 44, Department of Colorado, Grand Army of the Republic, of Sterling, and of Harrison A. Condon Post, No. 105, Department of Colorado, Grand Army of the Republic, of Vernon, all in the State of Colorado, praying for the enactment of legislation authorizing the constuction of war vessels in the navy-yards of the country; which were referred to the Committee on Naval Affairs.

He also presented a memorial of the Bryan Good Government Club, of Newcastle, Colo., remonstrating against the leasing of public lands to other than actual settlers and home builders thereon; which was referred to the Committee on Public Lands.

He also presented a petition of the Chamber of Commerce of Cripple Creek, Colo., praying for the establishment of a department of mining; which was referred to the Committee on Mines and Mining.

He also presented a petition of the Chamber of Commerce of Colorado Springs, Colo., praying for the adoption of certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

He also presented a petition of Black Hawk Union, No. 137, Western Federation of Miners, of Black Hawk, Colo., praying for the passage of the so-called Hoar anti-injunction bill to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases; which was ordered to lie on the table.

He also presented a memorial of the State Horticultural Society of Colorado, remonstrating against the removal of the duty on sugar; which was referred to the Committee on Finance.

Mr. SCOTT presented a petition of Local Union No. 893, United Brotherhood of Carpenters and Joiners, of Wellsburg, W. Va., praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which was referred to the Committee on Naval Affairs.

He also presented petitions of Local Union No. 8532, American Federation of Labor, of Martinsburg, and of American Flint Glass Local Union No. 9, of Wheeling, all in the State of West Virginia, praying for the reenactment of the Chinese-exclusion law; which were referred to the Committee on Immigration.

Mr. FRYE presented a petition of the Chamber of Commerce of the State of New York, praying for a reduction of the rates of duty on sugar and tobacco imported into the United States from the island of Cuba; which was referred to the Committee on Relations with Cuba.

He also presented a petition of the Rochester Musicians' Protective Association, No. 66, American Federation of Musicians, of Rochester, N. Y., praying for the reenactment of the Chinese-exclusion law; which was referred to the Committee on Immigration.

He also presented a memorial of the Chamber of Commerce of the State of New York, remonstrating against the reenactment of the Chinese-exclusion law, and praying for a continuance of the present so-called Geary exclusion law until the expiration of the present treaty with China in 1904; which was referred to the Committee on Immigration.

AFFAIRS IN THE PHILIPPINES.

Mr. COCKRELL. I present the letter of Emma S. Milliken, of Philadelphia, Pa., inclosing a printed circular "By way of Manila," containing a reprint of articles from the press City and State and Public Ledger, with regard to the conditions in the Philippines. I move that the letter and accompanying circulars be referred to the Committee on the Philippines.

The motion was agreed to.

JAMES E. M'NAIR.

Mr. COCKRELL. I present a formal application of James E. McNair, Company K, Sixth Regiment Tennessee Volunteer Cavalry, for an increase of pension, duly verified by his affidavit, together with the affidavit of Charles T. Caraway, and move that they be referred to the Committee on Pensions to accompany the bill (S. 896) granting an increase of pension to James E. McNair.

The motion was agreed to.

ADULTERATION OF FOOD PRODUCTS.

Mr. McCUMBER. I present a tabulated statement prepared by the Agricultural Department for the Senate Committee on

Manufactures, showing the most common articles of food consumption in the United States in an adulterated or other imperfect form, of adulterants used, the extent of adulteration, preservatives used, and substitutes, with references. I move that the statement be printed as a document.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. KEAN, from the Committee on Claims, to whom was referred the bill (S. 2122) for the relief of Charles Hurrle, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Naval Affairs, to whom was referred the bill (S. 192) authorizing the appointment of Allen V. Reed, now a captain on the retired list of the Navy, as a rear-admiral on the retired list of the Navy, reported it without amendment, and submitted a report thereon.

He also, from the Committee on Pensions, to whom was referred the bill (S. 3522) to increase the pension of certain Mexican war pensioners to $12 per month, reported it with amendments, and submitted a report thereon.

Mr. GIBSON, from the Committee on Pensions, to whom was referred the bill (H. R. 1200) granting an increase of pension to Olive P. Goodwin, reported it with amendments, and submitted a report thereon.

Mr. HANNA, from the Committee on Naval Affairs, to whom was referred the bill (S. 1321) to restore to the active list of the Navy the name of James G. Field, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (S. 2231) to waive the age limit (and the provided requirement that a candidate for appointment to acting boatswain in the Navy who is over age must have served as an apprentice to be eligible for examination) in the case of Chief Boatswains' Mate Charles A. Wilson, United States Navy, a candidate for the appointment of acting boatswain in the United States Navy, and to examine, appoint, and warrant him as a boatswain in the United States Navy;

A bill (S. 2587) to authorize the President to place the name of Archibald K. Eddowes on the retired list of the United States Navy with the rank of chief engineer, United States Navy; and

A bill (S. 1224) authorizing the President to place on the retired list of the Navy, as chief engineer, the name of P. J. McMahon, late chief engineer in the United States Navy.

Mr. DEBOE, from the Committee on Pensions, to whom was referred the bill (S. 2947) granting an increase of pension to Elizabeth A. Shaw, reported it with an amendment, and submitted a report thereon.

Mr. DIETRICH, from the Committee on Public Lands, to whom was referred the bill (S. 2442) confirming title to the State of Nebraska of certain selected indemnity school lands, reported it without amendment, and submitted a report thereon.

Mr. WARREN, from the Committee on Military Affairs, to whom was referred the bill (S. 2877) to remove the charge of desertion standing against the record of Thomas Blackburn, reported it with an amendment, and submitted a report thereon.

Mr. PENROSE, from the Committee on Naval Affairs, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 1103) to authorize the use of depositions before naval courts in certain cases; and

A bill (S. 1102) to provide for the convening of general courts-martial at remote naval stations.

Mr. SIMMONS, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 151) to provide for the purchase of a site and for the erection of a public building thereon at Ogden, in the State of Utah, reported it with an amendment, and submitted a report thereon.

BILLS INTRODUCED.

Mr. HALE introduced a bill (S. 3742) granting an increase of pension to Charles Frye; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3743) granting an increase of pension to Frances Gurley Elderkin; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3744) relative to the fees of attorneys in cases before the Spanish Treaty Claims Commission; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. COCKRELL introduced a bill (S. 3745) to provide for the acquiring of rights of way by railway companies in the Indian Territory, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. GIBSON introduced a bill (S. 3746) to amend section 2593 of the Revised Statutes, relating to ports of entry; which was read twice by its title, and referred to the Committee on Commerce.

Mr. MARTIN introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 3747) providing for the adjustment and settlement of the claim of the State of Virginia against the United States for advances and expenditures made in the war of 1812, with Great Britain;

A bill (S. 3748) for the relief of M. L. Cobb, administrator of W. W. Cobb, deceased; and

A bill (S. 3749) for the relief of Henry M. Smith (with accompanying papers).

Mr. DEBOE introduced a bill (S. 3750) for the relief of William Fehr, administrator; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3751) for the relief of Catherine B. Jones; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3752) for the relief of W. A. Short; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3753) placing Moris C. Hutchins on the retired list of the Army with rank of major; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

He also introduced a bill (S. 3754) granting a pension to George W. Nance; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. KITTREDGE introduced a bill (S. 3755) granting an increase of pension to Nelson Gardner; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BURTON introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (S. 3756) for the relief of William Blundell;
A bill (S. 3757) for the relief of John N. Hill;
A bill (S. 3758) for the relief of John F. Lewis;
A bill (S. 3759) for the relief of Elijah G. Steely;
A bill (S. 3760) for the relief of John M. Barnes;
A bill (S. 3761) for the relief of William T. Grady;
A bill (S. 3762) for the relief of Ormas R. Dolittle;
A bill (S. 3763) for the relief of Marshall B. Gallion;
A bill (S. 3764) for the relief of Samuel Allen; and
A bill (S. 3765) for the relief of A. R. Hartzell.

Mr. BURTON introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 3766) for the relief of Simeon Motz, Nathaniel Robbins, and William J. Sloan;

A bill (S. 3767) for the relief of Daniel M. Frost;

A bill (S. 3768) for the relief of Kate Riling, widow of John Riling;

A bill (S. 3769) for the relief of R. W. Branson; and

A bill (S. 3770) for the relief of Harriet Camp, widow of Adam Camp.

Mr. FAIRBANKS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3771) granting an increase of pension to Christopher C. Richards;

A bill (S. 3772) granting an increase of pension to James A. Bruner;

A bill (S. 3773) granting an increase of pension to Leroy Roberts; and

A bill (S. 3774) granting an increase of pension to Mary C. Munson.

Mr. CULLOM (by request) introduced a bill (S. 3775) granting a pension to Maurice Langhorne; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3776) granting an increase of pension to Mary E. Dugger; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PENROSE introduced a bill (S. 3777) to enforce the repayment of moneys alleged to have been illegally collected by the District of Columbia from the United States; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3778) to correct the military record of Reuben L. Clymer; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

He also introduced a bill (S. 3779) for the relief of Thomas J. McGinnis; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

He also introduced the following bills; which were severally

read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3780) granting an increase of pension to George W. Weidman;

A bill (S. 3781) granting a pension to George A. Mercer;

A bill (S. 3782) granting an increase of pension to William Mays;

A bill (S. 3783) granting an increase of pension to Margaret M. Armor;

A bill (S. 3784) granting an increase of pension to E. P. Cochran; and

A bill (S. 3785) granting an increase of pension to John C. Lloyd.

Mr. SCOTT introduced a bill (S. 3786) to correct the military record of James C. Means; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CLARK of Montana introduced a bill (S. 3787) to establish an additional land office at Twin Bridges, in the State of Montana; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Public Lands.

Mr. FRYE introduced a bill (S. 3788) granting an increase of pension to Francis B. Coombs; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

POLITICAL STATUS OF FILIPINOS.

Mr. CARMACK. I introduce a joint resolution, which I ask may be read the first and second times by its title and lie over, as I may desire to address the Senate upon it.

The joint resolution (S. R. 54) regarding the political status of the inhabitants of the Philippine Islands was read the first time by its title.

The PRESIDENT pro tempore. The Senator from Tennessee requests that the joint resolution lie upon the table.

Mr. SPOONER. Let it be read in full.

Mr. CARMACK. Yes; I should like to have it read in full.

The PRESIDENT pro tempore. The joint resolution will be read at length.

The joint resolution was read the second time at length, as follows:

Be it resolved by the Senate, etc., That the United States regard with extreme disfavor any movement having for its object the early or ultimate admission of the Philippine Islands as a State or States of the Union; and any action on the part of persons holding office under the authority of the United States that gives sanction or encouragement to such a movement is hereby condemned.

That to confer the rights and privileges of citizens upon the inhabitants of the Philippine Islands would tend to destroy the integrity of the citizenship and to degrade the character of the Government of the United States.

That to maintain the relation of sovereign and subject between the Government of the United States and a people under its dominion would be repugnant to the principles of the Constitution.

The PRESIDENT pro tempore. At the request of the Senator from Tennessee, the joint resolution will be printed and lie upon the table.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. MARTIN submitted an amendment directing the Secretary of the Treasury to resettle and readjust the claim of the State of Virginia for and on account of advances and expenditures made by said State in the war of 1812, and proposing an appropriation to pay whatever amount may be found due, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Claims, and ordered to be printed.

Mr. GAMBLE submitted an amendment proposing to appropriate $15,000 for the enlargement and improvement of Hope Indian School at Springfield, S. Dak., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. PENROSE submitted an amendment proposing to appropriate $9,000 for rent of a suitable building for storage of supplies for the Post-Office Department, intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. BEVERIDGE submitted an amendment proposing to appriate $2,500 for the warden of the jail of the District of Columbia, to be paid under the direction of the Attorney-General, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. CLARK of Montana submitted an amendment proposing to raise the grade of the United States consulate at St. Helena, island of St. Helena, from Class VI to Class V, intended to be proposed by him to the consular and diplomatic appropriation bill; which was referred to the Committee on Foreign Relations, and ordered to be printed.

He also submitted an amendment proposing to raise the grade of the United States consulate at Belize, Honduras, from Class VI to Class V, intended to be proposed by him to the consular and diplomatic appropriation bill; which was referred to the Committee on Foreign Relations, and ordered to be printed.

Mr. BURROWS submitted an amendment proposing to increase the salaries of certain officers in the office of the Secretary of the Senate, intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

URGENT DEFICIENCY APPROPRIATION BILL.

Mr. HALE. I ask the Chair to lay before the Senate the concurrent resolution which has just come from the House of Representatives.

The PRESIDENT pro tempore laid before the Senate the concurrent resolution; which was read, as follows:

Resolved by the House of Representatives (the Senate concurring), That the Clerk of the House of Representatives be directed, in the enrollment of the bill H. R. 9315, "An act making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1902, and for prior years, and for other purposes," to insert the word "thirteenth" on page 9, in line 9, in lieu of the word "thirtieth."

Mr. HALE. The concurrent resolution simply makes the date of the act conform to the statute, and I ask that it be put on its passage.

The concurrent resolution was considered by unanimous consent, and agreed to.

ORDER OF BUSINESS.

The PRESIDENT pro tempore. The morning business is closed.

Mr. COCKRELL. I ask that the Calendar may be proceeded with for a short time.

Mr. LODGE rose.

Mr. COCKRELL. Let us have the time until 1 o'clock for the Calendar of unobjected cases.

Mr. LODGE. I should be very glad to go on with the Calendar, as the Senator knows, but I feel bound to press the Philippine bill for consideration. It is standing in the way of a great many bills, the passage of which is desired, and I am most anxious to bring it to a conclusion. I see no way to bring it to a conclusion except to keep it before the Senate. Therefore I shall move that we proceed——

Mr. COCKRELL. I think the Senator would facilitate the passage of all bills, as well as those on the Calendar, by giving a reasonable time to the Calendar, and not compel Senators to be getting up now and then all the way through the proceedings and asking for the consideration of this and that bill. That has been my experience. However, the Senator can pursue his own course.

Mr. GALLINGER. I hope we may go on with the Calendar for a while.

Mr. LODGE. Very well; I can not resist the appeal of the Senator from Missouri. I will yield until 1 o'clock to the Calendar.

Mr. COCKRELL. Now, let the Calendar under the rule be proceeded with.

The PRESIDENT pro tempore. The Calendar under Rule VIII is in order.

Mr. GALLINGER. As an order has been made for the consideration of pension bills, I suggest that they be passed over as they are reached, and that we simply take up the other bills on the Calendar.

The PRESIDENT pro tempore. Is there objection to passing by all the pension bills, there being an order that an hour on Friday next shall be given for the consideration of those bills? The Chair hears none.

THE PRESIDENTIAL TERM.

Mr. HOAR. Mr. President, I desire to ask unanimous consent——

Mr. COCKRELL. No, Mr. President; I hope the Senator will not ask for anything. We have gotten to the Calendar once.

Mr. HOAR. Am I entitled to make my request before the Senator interposes?

Mr. COCKRELL. The Senator will consume that much more time. He will have it objected to; that is all.

The PRESIDENT pro tempore. The Senator from Massachusetts is entitled to the floor.

Mr. HOAR. I was about to state that I desire to ask unanimous consent to give precedence in the consideration of the Calendar to Senate joint resolution No. 2 on the Calendar, and I will state the reason. I am obliged to leave Washington for home for an indefinite period, at any rate for several days, the latter part of this week. This is an amendment to the Constitution, which has twice passed the Senate unanimously.

Mr. COCKRELL. Let it be read, then.

Mr. HOAR. I wish my friend would allow me to complete my statement.

Mr. COCKRELL. I wanted to have the joint resolution passed; that is the only reason.

Mr. HOAR. I think it would be a more decorous and proper way to allow me to complete my statement. The joint resolution consists of only half a dozen lines, and it ought to go to the State legislatures at once. I ask that it be read. I was rather impatient in my reply. I beg pardon of my friend from Missouri.

The PRESIDENT pro tempore. The Senator from Massachusetts asks unanimous consent for the present consideration of a joint resolution, which will be read.

The Secretary read the joint resolution (S. R. 2) proposing an amendment to the Constitution of the United States respecting the commencement and termination of Congress.

Mr. COCKRELL. What is the day fixed?

Mr. HOAR. The last Thursday of April, the day Washington was inaugurated.

Mr. COCKRELL. I hope the joint resolution will be passed.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

Mr. STEWART. Mr. President——

Mr. COCKRELL. I hope the Senator will let it be passed.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which had been reported from the Committee on Privileges and Elections with amendments.

The first amendment was, in line 11, at the beginning of the line, to strike out "Wednesday" and insert "Thursday;" and in line 12 to strike out "Wednesday" and insert "Thursday;" so as to read:

That the Fifty-eighth Congress and the term of office of the President and Vice-President shall continue until the last Thursday of April, in the year 1905, at noon; and the last Thursday of April, at noon, shall thereafter be substituted for the 4th day of March as the commencement and termination of Congress and of the terms of the President, Vice-President, Senators, Representatives, and Delegates in Congress.

The amendment was agreed to.

The next amendment was to insert at the end of the joint resolution:

And if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the last Thursday in April next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President.

The amendment was agreed to.

Mr. STEWART. Mr. President, as to the latter clause, I see every reason to favor it and nothing against it. As to changing the day of inauguration I see many objections.

It contemplates a larger display in better weather than we ordinarily have on those occasions. I think those displays are dangerous, and that in the case of a disputed election we might have a revolution. We saw the country trembling on the verge of a revolution in 1876, when there was a disputed election. The provision changes the time to a warmer and more pleasant season, and that will bring more of the military from the various States here, and we will increase the danger by such a change.

I think that is a critical point in the history of our country. It has been the experience of all governments that the danger of change and revolution occurs at the time of a change of government. In all monarchical governments they have now, I believe, in every instance, the sovereign sworn in, and the inauguration or coronation, or whatever it is called, takes place months afterwards. The coronation ceremonies of King Edward are going to occur hereafter. That has been a precaution taken by that country. Republics have had the same difficulty. I think if we are going to make a change the President should be sworn in privately, and the ceremonies should occur afterwards, and let the military of the various States come here then.

Mr. HOAR. That can be done by law. That does not require a constitutional amendment.

Mr. STEWART. If that is the only object, and if it can be done by law, why not do it by law? The only reason for this is to have the ceremonies at a more pleasant season of the year.

Mr. HOAR. If the Senator will pardon me, this provision giving us a reasonably long second session of Congress and all that can not be done by law.

Mr. STEWART. I do not see any necessity for that.

Mr. HOAR. We can change the inauguration at any time.

Mr. STEWART. I do not see why we should lengthen the term of service of those now in office. It will be like the back pay, and if we lengthen our term there will be about as much of a howl about it as there was about the back pay.

The point is to have better weather for inauguration. The Senator from Massachusetts says that that can be done by legislation. Let us have it done by legislation. Have all the display you please, but do not have the military of all the States here and the town full of people at the time the new President comes into office. If you do, you take the chances of danger and of having a revolution at that period.

I have rather congratulated myself that the 4th of March was usually a very bad day and that it prevented such a large crowd as would have otherwise come here. I think it is the very best day we could have; it is about the most boisterous day; but if you change the inauguration to the last Thursday of April, when there is good weather, you will have the whole country here. We do not want to have the country here when any solemn duty like swearing in a President takes place. That, I think, ought to be avoided.

I think there is serious objections to this change. There is the objection I have stated, and there are many others which might be stated. I do not think the joint resolution ought to be passed in the morning hour under the five-minute rule. While I have not exceeded that time, perhaps others may want to debate it at greater length, and I hope the joint resolution will go over. I shall object to its consideration in this perfunctory way. Let Senators have a chance to discuss it.

The PRESIDENT pro tempore. The Senator from Nevada objects to the present consideration of the joint resolution.

Mr. HOAR. I understood that the Chair had asked for objection, and no objection being made, the Senate considered it and adopted the amendments.

The PRESIDENT pro tempore. The Senator from Massachusetts moves that the Senate proceed to the consideration of the joint resolution, notwithstanding the objection.

The motion was agreed to.

The PRESIDENT pro tempore. Certain amendments have been made. If there be no further amendments, the joint resolution will be reported to the Senate.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

Mr. MALLORY. I should like to have the joint resolution read in full.

The PRESIDENT pro tempore. The joint resolution will be read.

Mr. COCKRELL. Let it be read as it is now amended.

The PRESIDENT pro tempore. As amended, it will be read.

The Secretary read the joint resolution as amended, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following amendment to the Constitution of the United States be proposed for ratification by the legislatures of the several States, which, when ratified by legislatures in three-fourths of the United States, shall be valid as a part of the said Constitution, namely:

That the Fifty-eighth Congress and the term of office of the President and Vice-President shall continue until the last Thursday of April, in the year 1905, at noon; and the last Thursday of April, at noon, shall thereafter be substituted for the 4th day of March as the commencement and termination of Congress and of the terms of the President, Vice-President, Senators, Representatives, and Delegates in Congress. And if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the last Thursday in April next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President.

The PRESIDENT pro tempore. The question is on the engrossment and third reading of the joint resolution.

Mr. BACON. I should like to inquire of the Senator from Massachusetts if the last clause does not need a little amendment? It provides that in case the House of Representatives, where it has the duty devolved upon it, shall fail to elect a President the Vice-President shall exercise the duties of the office. The Senator will note the fact that under the law the House of Representatives in such a case would probably be charged at the same time with the choice of a Vice-President.

Mr. HOAR. No; the Senate.

Mr. BACON. Of course; the misstatement as to the House was a mere inadvertence on my part.

Mr. BAILEY. I desire——

Mr. BACON. I think still, if the Senator from Texas will pardon me, that it does not change the point which was in my mind when I made the statement.

Mr. HOAR. It is a mere reenactment as applicable to the last Thursday in April of the provision in the present Constitution. There is no change.

Mr. BACON. Will the Senator pardon me for a moment? I want to call the Senator's attention to the fact that in case the House should fail to elect a President, but the Senate should elect a Vice-President—that is the point I am coming to—the amendment leaves it in doubt as to whether it refers to the President who is in office prior to that date or the one who shall then be elected; and it seems to me that that ought to be definitely stated.

Mr. HOAR. I do not think there can be any doubt. It is a precise copy of the language of the existing Constitution.

Mr. COCKRELL. Does not the provision simply make the Constitution as it is applicable to the new condition and extend the time from February to April?

Mr. HOAR. Yes; but let me state it a little more fully. It will take but a moment.

There was no provision for the Vice-President succeeding where the President-elect died before taking the oath. That has been provided for by another amendment to the Constitution which passed the Senate. This transfers all the constitutional

mechanism now applicable to the 4th of March, that is, to the four years' term which began on the 4th of March when we started, to the last Thursday in April.

The provision of the Constitution is that if before the expiration of the term on the 4th of March the House has not elected a President, there being a failure by the electors, then the Vice-President who has been elected by the Senate shall succeed. The only change here is that it says if they do not do it by the last Thursday in April then the Vice-President shall take the office. There is absolutely no other change.

Mr. BACON. I understand that, and I hope the Senator will let me state the point I make, which he has not answered so far as I am able to understand.

Suppose that the House fails to elect a President and the Senate elects a Vice-President, I understand from what the Senator says that in that case the Vice-President thus elected would under this amendment exercise the duties of the office. Am I correct?

Mr. HOAR. Yes.

Mr. BACON. Now, I want to put the further question. Suppose the House fails to elect a President and the Senate fails to elect a Vice-President, does this amendment mean that the Vice-President of the former Administration shall take the office?

Mr. HOAR. No.

Mr. BACON. As I understand the Senator, then, the amendment does not provide for a case where there will be a failure both on the part of the House to elect a President and on the part of the Senate to elect a Vice-President.

Mr. HOAR. That is provided for in the other constitutional amendment which has passed. When there is not anyone entitled to succeed, Congress has provided previously by law upon what officer the duties shall devolve.

The provision which the Senator now calls attention to is that if the House do not elect a President the Vice-President shall succeed. He has been already elected by the Senate. It can not be the old Vice-President, because he is not to succeed until the previous term has expired, on the fourth Thursday of April. So, of course, the newly elected Vice-President who has taken the oath, and who is always, in fact, sworn in before the President, succeeds. I do not see how we could make it any clearer or simpler. It could not be applicable to the old Vice-President.

Mr. BACON. If it necessarily means what the Senator says, of course its simplicity is apparent, but the reply of the Senator that it can not be the Vice-President of the preceding Administration is not, it seems to me, conclusive, because if we should choose to make it so we could do it by a constitutional amendment.

Mr. HOAR. But we have not made it so.

Mr. FORAKER. If the Senator will allow me, I did not hear the first part of his remarks. My attention was turned in a different direction at the time, and I do not know whether the fact has been stated to him that the only effect of this amendment is to substitute the last Thursday of April for the 4th day of March in the Constitution as it now stands. We do not change the rule at all, but simply the date when the rule shall operate. For instance, if the Senator will take the Constitution, Rules, and Manual, and turn to page 218 he will find the following clause in the latter part of Article XII of the amendments to the Constitution:

> And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them before the 4th day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President.

If the Senator will read the amendment here proposed, he will find that it is but a repetition of that exact language, without any change whatever except only as to the date named; that is to say, instead of providing "before the 4th day of March next," this amendment provides "before the last Thursday in April," so that there is no change whatever in the constitutional rule on that point. It was the object of the committee in adopting that language to simply make the amendment operative throughout and put everything in harmony.

Mr. BACON. I find that I am in error. I was not aware of the fact, Mr. President, that the language had been followed exactly. In fact, I do not see why, if there is no amendment to that clause, it should have been repeated in this legislation.

Mr. HOAR. Because the last Thursday of April has to be substituted for the 4th of March. That is the change.

Mr. BACON. I see. The Senator is right.

The joint resolution was ordered to be engrossed for a third reading; and it was read the third time, and passed (two-thirds of the Senators present voting in the affirmative).

WILLIAM B. THOMPSON.

Mr. COCKRELL. I ask that we begin the Calendar at Order of Business 239 (Senate bill 39). The other cases will have to be passed over, and I make this suggestion so as not to waste time in calling those before that number.

The bill (S. 39) to correct the military record of William B. Thompson was announced as first in order on the Calendar; and the Senate, as in Committee of the Whole, proceeded to its consideration. It directs the Secretary of War to correct the military record of William B. Thompson, Company C, Sixty-third Regiment Indiana Infantry Volunteers, by removing therefrom the word "deserted" and substituting therefor the words "absented himself without proper authority, and was, on writ of habeas corpus, by the civil authorities, in September, 1862, discharged at Indianapolis, Ind., being under 21 years of age."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

OVERLAND EXPEDITION TO POINT BARROW.

The joint resolution (S. R. 39) recognizing the able and gallant services of Capt. Francis Tuttle, Revenue-Cutter Service, his officers and men of the *Bear;* also the heroic services of Lieuts. David H. Jarvis, Ellsworth P. Bertholf, and Dr. Samuel J. Call, composing the overland expedition to Point Barrow, Arctic Ocean, for the relief of imperiled whalers was considered as in Committee of the Whole.

Mr. HAWLEY. I want to amend the joint resolution by providing for a silver reproduction of that medal for the sailors.

The PRESIDENT pro tempore. The Senator from Connecticut moves an amendment, which will be stated.

Mr. COCKRELL. The joint resolution refers to the officers and crew all the way through.

Mr. LODGE. According to the title the men are included.

Mr. HAWLEY. If that be so, very good. I will withdraw the amendment.

Mr. CULLOM. They are not included in the body of the joint resolution, I think.

Mr. COCKRELL. In the body of the joint resolution the officers and crew are both referred to.

Mr. SPOONER. But the men are not included in the medal clause.

Mr. HAWLEY. They ought to be.

Mr. SPOONER. Does the Senator from Connecticut waive his amendment?

Mr. HAWLEY. I do, because I now understand that the sailors are already included.

Mr. SPOONER. No; they are not.

Mr. COCKRELL. They are mentioned in the body of the joint resolution, but they are not included in the medal clause.

Mr. HAWLEY. Then I renew my amendment providing a silver medal for the sailors of that expedition.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. After the word "expedition," in line 15, it is proposed to insert:

> And a silver medal of an appropriate design, to be approved by the Secretary of the Treasury, to be awarded to each of the sailors of said overland expedition.

The PRESIDENT pro tempore. The Chair thinks that the Senator had better withdraw the joint resolution for the present and prepare an amendment, whilst the Senate proceeds with the consideration of other bills on the Calendar. There will have to be an appropriation for the sailors' medals, the same as for the others.

Mr. SPOONER. I suggest that the bill be passed over without losing its place on the Calendar.

The PRESIDENT pro tempore. The bill will be passed over, retaining its place on the Calendar.

Mr. SPOONER subsequently said:

I ask that Senate joint resolution No. 39, which was passed over a moment ago, may be now considered.

The PRESIDENT pro tempore. In the absence of objection, the joint resolution will be considered before the Senate as in Committee of the Whole.

Mr. SPOONER. I find on examination that the joint resolution needs no amendment. It is drawn in exact accord with the recommendation of President McKinley in his message of June 17, 1899, to thank the captain and officers and men of the revenue cutter *Bear*, separately giving the thanks of Congress to these four officers, and providing for medals. They are the men, and the only men, who composed the relief in the overland expedition.

Mr. HAWLEY. Does it provide for the common sailors as well as the officers?

Mr. SPOONER. It gives to the common sailors, just what it gives to the captain and officers of the *Bear*, the thanks of Congress; but it gives separately the thanks of Congress and a gold medal to the four officers who alone constituted the overland expedition.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT GAINESVILLE, TEX.

Mr. BAILEY. I ask unanimous consent for the present consideration of the bill (S. 1539) to provide for the purchase of a site

and the erection of a public building thereon at Gainesville, in the State of Texas.

The bill was read: and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It directs the Secretary of the Treasury to acquire, by purchase, condemnation, or otherwise, a site, and to contract for the erection and completion thereon of a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, for the use and accommodation of the United States post-office and other Government offices in the city of Gainesville and State of Texas, the cost of the site and building, including vaults, heating and ventilating apparatus, and approaches, complete, not to exceed $80,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

TRADE STATISTICS.

Mr. STEWART. I ask unanimous consent for the present consideration of a bill to which there will be no objection.

Mr. FAIRBANKS. I ask that the Calendar be proceeded with, according to the agreement.

Mr. LODGE. The agreement was to go on with the Calendar regularly.

The PRESIDENT pro tempore. Objection is made to the request of the Senator from Nevada [Mr. STEWART]. The next bill on the Calendar will be stated.

The bill (S. 2479) to facilitate the procurement of statistics of trade between the United States and contiguous territory over which it exercises control was announced as next in order.

The PRESIDENT pro tempore. That bill will be passed over without prejudice.

SUBPORT OF ENTRY AT NACO, ARIZ.

The bill (S. 2848) for the establishment of a subport of entry at Naco, Ariz., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SCHOOLS OF MINING AND METALLURGY.

The bill (S. 634) to apply a portion of the proceeds of the sale of the public lands to the endowment, support, and maintenance of schools or departments of mining and metallurgy in the several States and Territories in connection with the colleges for the benefit of agriculture and the mechanic arts established in accordance with the provisions of an act of Congress approved July 2, 1862, was announced as next in order.

Mr. COCKRELL. Let that bill be passed over without prejudice. It would consume too much time to consider it now.

The PRESIDENT pro tempore. The bill will be passed over without prejudice.

FOG SIGNAL AT PIEDRAS BLANCAS, CAL.

The bill (S. 3128) to establish a fog signal and a keeper's dwelling at Piedras Blancas, Cal., was considered as in Committee of the Whole. It proposes to establish at Piedras Blancas, Cal., a fog signal and a dwelling for a keeper, at a cost not to exceed $15,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MONUMENT TO DOROTHEA LYNDE DIX.

The joint resolution (S. R. 30) for the erection of a monument to the memory of Dorothea Lynde Dix was considered as in Committee of the Whole. It appropriates $10,000 for the purpose of preparing and improving a site and erecting and completing the erection of a monument to the memory of Dorothea Lynde Dix on the property now owned by the National Dorothea Dix Memorial Association at Hampden, Me., and provides that the plan for the improvement of the site and the design for the monument shall be selected and approved by a commission to consist of the Secretary of War, the president of the National Dorothea Dix Memorial Association, and the chairman of the committee of the Society of the Army of the Potomac on the Dorothea Dix memorial, and that the appropriation of $10,000 shall be disbursed under the direction of the Secretary of War, but not until a good and clear title to the site and access thereto shall be vested in the United States.

Mr. LODGE. Mr. President, I had supposed that monument was to be erected in Washington. I did not know it was to be erected outside of Washington. It seems to me we shall be opening up a very large question if we go into the building of monuments in the States. I do not know where this monument is to be placed; but if it is to be placed outside of Washington I should like to consider the joint resolution further before I assent to it. I must object now.

Mr. HALE. Mr. President, in view of the action of the Senate in erecting a monument to that distinguished patriot and martyr, General Warren, at Roxbury, Mass., I hope the Senator from Massachusetts will not now object to the same principle being applied here to the memory of this most illustrious woman and philanthropist. The record of the world shows no such history of devotion and self-sacrifice of health and fortune and life as Dorothea Lynde Dix conferred upon mankind by her great services for more than forty years. The little sum of $10,000 is asked for a monument to be placed where she sleeps to-day, on land owned by the National Dorothea Dix Memorial Association. Already, as I have said, the Senate has taken ground in that direction. Not many of these monuments will ever be erected outside of Washington; but whenever a case like this, or a case like that of General Warren, is presented, I will, for one, vote to make an exception and erect the monument.

Mr. LODGE. I was not aware that we had made exceptions of that kind. If that is the case, I have no desire to press an objection. My objection was not, as the Senator well knows, to a monument to Dorothea Lynde Dix.

Mr. HOAR. I will remind my colleague of the case of Gen. George Rogers Clark, which was passed.

Mr. HAWLEY. Mr. President, I can not forbear from expressing my entire concurrence with the remarks of the Senator from Maine [Mr. HALE]. I had the honor of a considerable acquaintance with this most distinguished woman. I knew something of her labors in various fields of charity and well-doing, and I will vote for anything in her honor.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 8581) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1903, and for other purposes; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BARNEY, Mr. VAN VOORHIS, and Mr. BELL managers at the conference on the part of the House.

PENSION APPROPRIATION BILL.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 8581) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1903, and for other purposes, and asking for a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. GALLINGER. I move that the Senate insist on its amendment and agree to the conference asked for by the House of Representatives.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. GALLINGER, Mr. PRITCHARD, and Mr. TURNER were appointed.

PHILIPPINE TARIFF BILL.

Mr. LODGE. I move that the Senate now proceed to the consideration of House bill 5833, being the Philippine tariff bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 5833) temporarily to provide revenue for the Philippine Islands, and for other purposes.

The PRESIDENT pro tempore. The pending motion is on the amendment offered by the Senator from Colorado [Mr. PATTERSON].

Mr. STEWART. I ask the Senator from Massachusetts to allow me a moment in order that I may ask for the consideration of a bill to which there will be no objection.

Mr. LODGE. I yielded for an hour to allow bills on the Calendar to be taken up. I must object to other bills after having yielded so long.

The PRESIDENT pro tempore. The Senator from Colorado [Mr. TELLER] is entitled to the floor.

Mr. TELLER. Mr. President, as I said yesterday, I do not intend in what I shall say to go into the question of our power to hold territory nonadjacent to the United States, nor do I intend to discuss the legal question involved. I said more than two years ago that I did not think the question whether or not we should hold those islands was in controversy. I felt certain from the hour that Dewey went into the harbor of Manila that we should be compelled to have some relations with those people, and that those relations must be of more than a commercial character.

I believe that those islands, if we have to hold them as we are now holding them, will not be profitable and can not be made

profitable. I myself have never believed they could be made profitable; and yet I have believed that for certain reasons it was a proper thing for the Government of the United States to have a closer relation with them than they have with any other country. I have believed that in the hands of certain European or Asiatic powers those islands would be dangerous to us. For that reason, and for that reason alone, I believe it well that we should maintain, if possible, friendly relations with the people of the Philippine Archipelago. But I have never supposed that there would be an attempt on our part to take and hold and own the islands in the complete sense of the term. I am sure when the treaty with Spain was before the Senate that that result was not anticipated by any member of this body, and I am sure that the party in power did not contemplate at that time the present existing condition of things.

I want now to repeat that I do not believe any profit can be made by holding the islands commercially if we have to hold them by force. Not only is it contrary to our principles of government, but it is contrary to our interests to hold any people in subjection or compel them to give us commercial privileges and opportunities which they do not give to other nations. I had supposed that if we were to accept this as a question unsettled, the first problem would be, perhaps, to determine what our rights may be there. Inasmuch as there is nobody in the world save the Filipino who can challenge the right of the United States to hold or not to hold those islands, and nobody is likely to do so, and nobody would be allowed to do so if anyone should attempt it——

Mr. SPOONER. Except here.

Mr. TELLER. It is not worth while, therefore, outside of the American Congress, where it is a proper subject of debate, to consider that question. Inasmuch as we have been told by those in authority and by the friends of the Administration on this floor and elsewhere that there was no question about the continued attempt to dominate those islands, I do not propose to go into that subject to any great extent.

I myself believe, Mr. President, that had there been a wise administration of affairs with reference to the islands there need not have been the unhappy condition which now exists. I believe there need have been no war. I am not now going to stop to determine where the trouble came from, whether from the Army or from the Executive branch of the Government. It is enough to say that we got into a war—a war that has existed for nearly if not quite three years—a war, Mr. President, which, if officers of the Army of the United States are to be depended upon, is as likely to continue for the next ten, fifteen, or twenty years as when it began it was likely to continue for three years.

The Senator from Washington [Mr. TURNER], who preceded me yesterday, went into an elaborate discussion, which I think was pertinent enough for those who choose to indulge in it, to show that we had no right in the Philippines whatever. I myself think that we are there wrongfully; and yet I know that any considerable discussion of that question here and now under present conditions would be a waste of time.

As I said two years ago, the thing for us to address ourselves to is what is to be the relation of those people to us, and not whether or not we have the power, if we see fit to exercise it, simply to hold their country.

I am not alarmed by anything which has been said about "scuttle;" that it would be undignified and cowardly for us to leave the islands. That does not disturb me. I think if we are in the islands, no matter whether rightfully or wrongfully, if it is not to the interest of the American people that we should remain there, we ought to get away. Will anybody dispute that proposition? Is there incumbent upon us a duty so great that we are compelled to stay there, as we are staying, undoubtedly, against the will of 95 per cent of that population? I put the number thus large because, whatever may be said of it, I do not believe that there is any considerable number of the people of the islands who would not be glad to see the United States Army leave there and all attempts at government on our part abandoned.

I wish the conditions were otherwise than they are. I wish we could have remained there with the consent of the people, not for the profit we shall be able to realize from them commercially, but for the benefit which we might have conferred upon them. But is there anybody here who believes that we can force a government on those people contrary to their wishes? Does anybody here believe that we can force a civilization and a culture upon them contrary to their desires? Has that result ever been accomplished in the history of the world? The Filipinos are a tropical people; they are of an entirely different race from that to which we belong; they have none of the ideas of government which we have, and they will not entertain such ideas. Even with our tutelage, even with all our efforts, they will have nothing of it, because our idea of government does not commend itself to the southern or oriental races. Government to the Asiatic mind is an entirely different thing from government in the mind of the Anglo-Saxon. In the whole history of mankind there has never been an Asiatic people which has risen to the high conception of the rights of man entertained by the Anglo-Saxon. A government suited to our condition, and which would be desirable for us, is not suited to them, nor would it be desirable for them. The President of the United States says with truth that no nation has ever been able to fit and prepare a tropical people for a free government, as free government is understood by us. He might have extended that remark so as to embrace all Asiatic people if he had chosen to do so, and, more than that, he might have extended it to all the peoples of the world.

I aver here—and if any Senator can find that I am mistaken, I shall be glad to have him point out the instance—that in the whole history of the world no nation has ever elevated another nation when that nation resisted and objected to the attempt at elevation. Nay, more, Mr. President, no nation has ever elevated itself from a low degree to a higher plane of mental and political condition by the assistance of any other people in the world, except as an example.

The world is full of failures. Every attempt, I believe, that the Roman people made was a failure, unless it may be said they met some degree of success in Gaul; and what was accomplished there consumed more time in its accomplishment than the people of the United States will be willing to give to their effort at tutelage and education in the Philippine Islands.

Fifty-five years before the Christian era the Romans, in the very height and splendor of their intellectual attainments, attempted to force their civilization upon the Britons, and when they had been in England two centuries they were still holding their position there, not with the consent of the people, but against their will. History records the fact that when they had been there two hundred and sixty-five years in the attempt to Romanize and civilize the Britons, they sacrificed in one single year 50,000 Roman soldiers. When after four hundred and some odd years of attempted domination Rome took away her army, she took away to a large degree her civilization with it, and she left the people of those islands in such a demoralized, such a helpless condition, that they became the prey for the next four hundred years of the robbers of the world.

Historian Green speaks of the condition in which England was left, and I desire to call the attention of the Senate to his remarks. In Green's Short History of the English People, page 5, we read:

> The wealth of the island grew fast during centuries of unbroken peace, but the evils which were slowly sapping the strength of the Roman Empire at large must have told heavily on the real wealth of the province of Britain. Here, as in Italy or Gaul, the population probably declined as the estates of the landed proprietors grew larger, and the cultivators sank into serfs, whose cabins clustered around the luxurious villas of their lords. The mines, if worked by forced labor, must have been a source of endless oppression. Town and country were alike crushed by heavy taxation, while industry was checked by a system of trade guilds which confined each occupation to an hereditary caste. Above all, the purely despotic system of the Roman Government, by crushing all local independence, crushed all local vigor. Men forgot how to fight for their country when they forgot how to govern it.

There is a whole chapter of human history in a few lines. That has been the history of every attempt to dominate a people of considerable numbers, although the domination may have been attempted by the superior race, and, as we think, the race better fitted for government.

I might mention a great number of cases in the history of the world, but it is not necessary to do so. I simply declare, as a proposition unassailable and uncontradictable, that if ever a people are elevated, the elevation must be accomplished by their own efforts. I do not mean to say that a country like ours can not have, and that it has not had, great influence on the people of the world and incited them to better conditions, because it is true that its influence has been felt.

I have no doubt that the example of the colonies in their fight for independence and in the good government they established after they had attained their independence brought on the great contest which soon followed, and in which all of the European world participated, and out of which grew, whatever you may say of the tyranny of Napoleon, and although with bloodshed and disaster to all the people who participated in it, more for the human race than has been attained in any other two hundred and fifty or five hundred years in human history. It was Napoleon who broke the strength of the theory of the divine right of kings. I have not any doubt myself that Lafayette, with his conception of American government and American freedom, was an important factor in bringing on, though unintentionally on his part, the great French rebellion against the constituted authorities. Wicked as that revolution was in many details, yet out of it came infinite good. But our influence was then, and it should ever be, that of an exemplar, and we should not attempt, Mahomet-like, to enforce upon other people our civil, political, or religious views.

DOCTRINE OF DESTINY.

I think I may safely assert that it is not the duty of any individual or nation to attempt an impossible task, or to attempt a task difficult in the extreme unless it is to be followed by great good. We have attempted that task, sometimes under the pretense that it was to bring a commercial advantage to us, sometimes under the pretense that destiny or Providence had imposed the duty on us. I do not know what men mean when they tell us that destiny has required us to do a certain thing. Do they mean, in the case of the Philippines, that the Omnipotent has decreed that we shall enter upon a period of spoliation and war, and that with blood and bayonets, and swords, and the thundering of cannon we shall force upon the people of the Philippine Islands that which we think is good for them and that which they think they know is not good for them? If I had such conceptions of Deity, I should have to change every sentiment of my heart, and I do not believe it is much less than sacrilege to say that the Almighty demands this sacrifice of us.

I should want, before I engaged in it, a plain edict from the Almighty. It would have to come, not as the oracles came to the old Greeks, not as they came to the heathen world when it professed to hear the voice of its gods. I should want to know that it was the voice of the good God and that it was not the prompting of the evil one. I could imagine that the methods we are pursuing might emanate from the god of evil and wickedness, but I can not conceive how they could emanate from the Lover of the human race, from that God who is Love.

If I could hear the directing voice of the Almighty in this matter, and could thus be made to feel that it was a duty incumbent upon us to carry our civilization to the Philippine Islands, I would not hesitate, no matter what the cost. But I insist that His voice has not been heard in this question. I insist that if there is any reason why we should be there it can not be found in the command of Deity.

OPPOSED TO AMERICAN INTERESTS.

Mr. President, it is equally certain to me that the interest of the United States does not demand our presence in the Philippines on our present footing. It is equally certain to me that even if we should get rid of the question of morals, if we should forget that nations must respond for wrongdoing like men, if we should forget every page of our history, if we should forget what our fathers declared over and over again, and what they went to war for—the maintenance of a principle—that governments are instituted by men for the benefit of men, and their just powers are derived from the consent of the governed—if we should forget that in the interest of commercialism, I insist that there is no such demand on us, for no man can stand in this Chamber and show me that in a generation, or in ten generations, can we be compensated by the trade there for what we have already sacrificed and suffered, and that against the will and protest of the people who rightfully own and should control, according to American ideas, the land in which they live.

Now, after nearly three years of conflict, after years of actual warfare, with a large army in the Philippines—I am told that already 120,000 men have been there—what is the situation? How many we have left there, and how many have returned to go to early graves, how much evil we have inflicted upon our people by that course, independent of the cost in dollars and cents, God alone knows. No human being can tell us to-day what will be the influence upon a great army there amidst all the temptations and vices of a tropical climate and among a tropical people.

It remains yet to be determined by the future how much we are to be damaged, not alone in our purse, but how much we are to be cursed in our physical and mental and moral manhood.

There are some things difficult to speak about in public. I shall be pardoned, I hope, when I say that if the Army surgeons there are to be trusted, we shall receive a curse of curses, not only in this generation, but in the generations to come. The blood of the American citizen will be contaminated by a vice which flourishes, especially in tropical countries, to an extent never heard of before in this or any other civilized country, in my opinion. That remains for the future.

I can measure the dollars; I can count what it costs in that respect; I can consider what it takes out of the pockets of the American people; and with our great wealth, great as the cost is, I will not put it for a minute by the degradation that has come to American manhood in the soldiers that we have sent to those islands. I will not attempt to measure it by the side of the degradation that has come to the whole American people by our contact there, by lessening their respect for those great, eternal truths that no Christian nation can for a moment forget or overlook. The worse evil that is befalling us is not the money we are paying out. That we can pay; that we can forget, great as it is and burdensome as it is; but the other will remain with us always, a debt never to be paid. There will be no redeemer for that.

Mr. President, is it worth it? What do we get? Is there a Senator in this Chamber who is happy over the condition there?

FROM THE PHILIPPINE POINT OF VIEW.

Is there one here who will say that he has no sympathy with the struggling Filipinos? Can anyone fail to sympathize with them when he sees death and destruction measured out to them and knows, as he must know, that those men believe at least that they are fighting for home and fireside, doing that which the whole world has declared to be a virtue of superior character.

I may not agree with them. I may not believe that the great American people mean to subjugate and destroy those people. I may not believe, and do not believe, that the American people desire their subjugation or the destruction of their liberties. But we have not succeeded in convincing the Filipino that that is not our attitude.

The Senator from Massachusetts [Mr. LODGE] tells us that those people must submit. The Senator from Ohio [Mr. FORAKER] in impassioned terms declared to us that the American Army would stay there until every Filipino acknowledged its supremacy. He might have added, I suppose, until he either acknowledged its supremacy or went to his grave.

Why are those men in arms against the United States? I could understand why Aguinaldo, an ambitious Asiatic, might take up arms against us, for he wanted power and he wanted the advantage that he could secure as the leader of the people. But what of the rank and file? What do the common Filipinos mean when they stand in battle before us and when they are ready to go to their deaths in the strife? Do they not mean that they are standing in defense of what they believe to be right?

As an American I can not feel happy over the defeat of, and I can not myself wish that there should come disaster to, American arms. But I can not but respect the people who believe that we are attempting to subject them and put upon them a government and a system of civilization that they dislike. I can not help feeling for them, and I believe every man here feels for them. He may say they are misguided, that they are ignorant; but after all the man who, when he thinks his home is assailed, stands in front of it with his gun is a model of excellency the world over.

The American people came to their existence as a nation through blood. We had a long and bloody war—seven years of contest with the then ruling power of the world—but it was not longer than the war in the Philippine Islands will be. A Senator has said to me that there is no counterpart between our condition and that of these people. That is right; there is not. We were Englishmen. We had come from England and settled here under English charters and English law, but when England attempted to put upon us a tax that we believed she should not we went to war. We did not take up arms because of any atrocities committed upon us. We did not go to war because we were suffering from anything that Parliament had done. We fought for a principle. As Webster said, in the Senate, in 1834, we went to war against a preamble. We went to war against a parliamentary declaration that England had a right to govern us and provide for taxation of the American colonies without their consent. When Parliament passed a resolution declaring that the right existed to enact all the legislation required for the colonies, Mr. Wilkes, a member of the House of Commons, said, referring to it, "It is the compendium of slavery," and when Lord North said, "The tax is trifling," Englishmen in both Houses responded, "The American people are not fighting because of the size of the tax."

They were fighting because of the violation of the principle that taxation and representation under English law must go together. Oh, no; the conditions are not the same, but we had the right to fight. If we were justified in resisting, so is the Filipino.

It was demonstrated here by the Senator from Washington [Mr. TURNER], as it has been demonstrated before, that when we went there the Filipino had for years been making a contest in those islands for independence from Spanish rule, and that he had every reason to believe that we were to give him a better condition than that which Spain had maintained.

RESPONSIBILITY FOR THE WAR.

Mr. President, I am not going into the question whether or not we promised the Filipinos independence. I am not going to touch that subject. It does not make any difference whether we promised it to them specifically or not. We had for one hundred and twenty-five years declared that people situated as they were situated had a right to govern themselves, and they had no reason to suppose that we had changed our attitude on that subject. They had a right to believe—as you and I believe and everybody here believes—that with a temporary domination that would come in those islands there would come a condition consistent with our declaration made during the last one hundred and twenty-five years by every act of ours and by ten thousand individual declarations that went out to the world as the cardinal principles of the American people.

When they found that we were adding to our Army, and when they found we were not making any promises or pledges to them, that we were not doing for them what we did for Cuba, that their demand that the same provision should be applied to them as to Cuba met with no response from the dominant party here, it is not surprising that they should have thought there was a necessity for the maintenance of their army. It is not astonishing that the friction of two armies of different peoples should have brought about a collision such as there was brought about on the 4th of February, 1899.

It is not a question whether they were to blame or we. In my view of the case, if they were to blame, if it is admitted they brought on the war, still it was our duty to have said to them, not by General Otis who was there, but for the American nation to have said to them by the legislative body, by the Executive of the United States, in an official manner, "There is to be no subjugation here."

Do you not believe that if we had asserted the principle which is set forth in the amendment I offered yesterday there would have been peace in those islands? Why could we not have done so? Did not our interests and our duty alike demand that course? If not, I pray some Senator here to enlighten me on that subject, either now or at some future time. I am sure I have as much interest in the success of the American people as any man who sits on the other side of the Chamber. I believe I have as much appreciation of the country's glory and greatness as anybody else in the Senate, and I can not myself see where there would have been any lowering of dignity if the American nation had said to those people, "You are making a mistake as to our intentions." The Senators who sit on the other side of the Chamber had control of the legislative and executive departments. Why did they not say to those people: "We do not intend to subjugate you."

You would have said it over and over again when you were appealing to us, who are not in accord with you on general subjects, to vote for the ratification of the treaty. You could not have ratified the treaty if you had declared your present policy to be the policy to be pursued under it. You lacked but a vote or two of being defeated. You would have lacked a dozen. You would have received no votes except from those who surrendered their judgment to the party caucus if you had told the truth when the treaty was before us, if you knew the truth. I do not charge now that any Senator here meant to misrepresent. I believe that the policy then was the policy enunciated in the fourth resolution with reference to Cuba up to a time after the treaty was ratified. And then, Mr. President, in some way—I do not know how—some evil influence became dominant and took control of the executive department of the Government, and the President's voice was no longer for peace, but for war.

No, Mr. President, there is not any counterpart of our relation to England at the time of the Revolution in the relation of the Philippines to the United States now. We were an intelligent people, but we knew what would happen to us if we remained under English rule.

Not degradation, not despoiling of property, not enslavement in the sense the term is used, but political enslavement was what our forefathers feared. We would have had to submit to a Parliament where we had no representative, which said to us, "You shall pay a tax of 3 pence or 2 pence a pound upon tea. You shall put a stamp upon everything that you buy and everything that you sell; every document that you issue you shall put a stamp on." That is taxation. What we said was that taxation without representation is tyranny.

Is it any less tyranny in the Philippine Islands than it was in America? I do not believe that we did intend, as a nation, to subjugate and destroy those people. And yet we apparently thought it was not necessary to make any effort to convince them that that was not the case. As a result of this negligence we have the war, flagrant war (if the reports are true, with probably 20,000 American citizens sacrificed) and the other evils of which I have spoken. Are these to last forever? After all, we are not ready, the great American people are not ready, after three years to say through the legislative department what the policy is to be; and yet you wonder that the ignorant Filipinos, men not acquainted with us, doubt whether we are to give them freedom or not. What reason have they to suppose that we are going to give them freedom? If we do not mean to hold them in our strong grip, in the grip of the greatest power in the world, which they realize as well as we, why can you not say to them that they are mistaken?

Has not the Administration had time to develop a policy? Is it possible that there are not statesmen enough in the Republican organization or in public life to determine what justice to the Filipino, what justice to the American people, what the interest of the Filipino and the interest of our own people demand? Must we go along in this unhappy condition? Do you think you answer the appeal of the Filipino when you reply to him, "You must submit; we will subjugate you. When you have laid down your arms, when you have surrendered yourself and are incompetent of further contest, then we will tell you what we are going to do with you?" The declaration was made here the other day that there is one thing we will promise. It was not said that we will promise peace, not that we will promise good government, but that we will promise the Filipino that the god of war shall be felt in every section of his land unless he submits unconditionally to us.

THE ENGLISH PRECEDENT.

Mr. President, I have spent some time in the last few months reading up the history of the conflict between Great Britain and this country. I have taken up the debates, and I found again and again accounts of men rising in the House of Lords and in the Commons and saying to their fellows, "Would you, could you deal with rebels with arms in their hands? No, no; there must be unconditional surrender. When the American people surrender then we will tell them what we are going to do." Pages of their reports are taken up with that kind of declaration.

But there were men there, liberty-loving Englishmen, who dared to stand up and say that they would not if they were in the place of the Americans surrender under that demand. It was not pleasing to the party in power in England, but no man rose in Parliament in the whole history of the war and charged any other man with treason when he said as Pitt said, "I admire and I love the Americans for the resistance they are making."

I wish to read an extract or two from speeches that used to stir our blood. I want to read what used to be in the old English reader when I was a boy, which we have all read with unction and delight, and which had a tendency to stimulate American youth with love of freedom, which had much to do with implanting in us the sentiment that the greatest glory in American life is the love of liberty and justice and the belief that when that departs from us the glory of America will be gone and the end of the Republic will come.

To go back somewhat to the time before we got into trouble with Great Britain, you will recall that Great Britain had had continental wars and had been in trouble with the rest of the world. When she was in her greatest possible distress there came forward an Englishman who brought order out of confusion, who stimulated the people of that country as no other man ever stimulated them or. in my opinion, the people of any other country in the world. That Englishman was none other than the Earl of Chatham, the great Pitt, and he had undoubtedly greater influence upon English character than any other man who ever lived. In his old age, full of honors and glory, tottering in his walk as an aged man does, he made his way to the House of Lords to defend the Americans, though not to defend American independence, for he said: "I am not for American independence; I do not like the way you are driving these people to independence." Then he added: "I wanted the dependency of the American people upon the Crown, but I want it as an Englishman; I want it as I have it in the county in which I live, and as we have it in every English shire and in every county."

Mr. President, if those words should be uttered here now, if Pitt were here and could speak here as he spoke there, he would be charged with sedition and treason on the floor of this Senate. Hear him further:

As to conquest, therefore, my lords, I repeat it is impossible. You may swell every expense and every effort still more extravagantly, pile and accumulate every assistance you can buy or borrow, traffic and barter with every little pitiful German prince that sells and sends his subjects to the shambles of a foreign prince, your efforts are forever vain and impotent, doubly so from this mercenary aid on which you rely, for it irritates to an incurable resentment the minds of your enemies to overrun them with the mercenary sons of rapine and plunder, devoting them and their possessions to the rapacity of hireling cruelty.

There is probably not a Senator here who has not, when a boy, declaimed these very words in the schoolhouses of the country:

If I were an American as I am an Englishman, while a foreign troop was landed in my country, I would never lay down my arms. Never! Never! Never!

Not long since, in the city of Paris, there was a gathering of distinguished men, and at that gathering, among others, was the English minister, Mr. Monson, a scholarly gentleman—a man holding high rank aside from his position as an ambassador—who paid a high tribute to Pitt. The occasion was the American University Dinner Club, at Paris, February 22, 1897. If Pitt's position was contested then, as it was by some of the English lords who did not agree with him, the English sentiment to-day appears to be with him. This now is from the speech of the English ambassador:

It is unnecessary for me to remind you that even at the outset of the struggle, and for some time after its commencement, there were not wanting in the mother country voices and those the most eloquent, which not only denounced the policy of the King's Government, but proclaimed with conviction the impossibility of the task proposed. You must all of you remember the brilliant oration in which the great Chatham pointed out to his colleagues in the House of Lords the absolute futility of the enterprise.

"My lords," said he, "you can not conquer America."

And then Mr. Monson read the same extract from Pitt's speech that I have just read to you. When he concluded the quotation there was loud applause, and then he said—and this is what I particularly want to read:

This was the voice, these were the sentiments, of the most enlightened of the scions of the mother country. They failed in arresting the policy against which they were directed, and in my judgment they happily failed; but, none the less, they remain on record as the generous expression of a sympathy which the adherents of the court might qualify as treasonable, but which was in harmony with the traditions of England and with the principles by which she has achieved her constitutional liberties.

Mr. President, it was not necessary to wait until the days of Mr. Monson for a vindication of Pitt and his associates. It came many years before. It came when Lord Brougham, a great Englishman, said that George Washington was the greatest man of all the ages and that the principles for which he fought were the dearest of all to free men.

I read still further from Mr. Monson's remarks, as follows:

If Washington was the personification of sincere and modest patriotism, surely Chatham embodies in his mighty soul the inspirations of a patriotism none the less sincere nor less genuine, because it found an inadequate response on the part of those who encouraged a kind-hearted monarch in a course which exposed him to the charge of tyranny.

Preeminent on the east and west of the Atlantic stand up the figures of those two patriots; the one, the type of the calm, reflecting soldier, penetrated with the justice of his cause, and prepared to make every sacrifice on its behalf; the other, the sagacious statesman, ripe in years, experience, and foresight, brimful of sympathy with the cause of liberty, and overflowing with a true appreciation of the spirit which had been aroused by England's disregard of her best traditions.

Mr. HOAR. What is the Senator reading there?

Mr. TELLER. I stated that I was reading from the speech of the British ambassador to France, made February 22, 1897, in the city of Paris, at an American dinner. I read it to show that it is not inconsistent with loyalty to my Government, nor love and admiration for it, to protest against what I believe to be a great wrong, not only to the people of the Philippine Islands, but a great wrong to the American people.

Mr. President, let me read a word or two more from what Mr. Pitt said apropos of our rebellion against the exactions of the mother country:

The independent views of America have been stated and asserted as the foundation of this address. My lords, no man wishes for the due dependence of America on this country more than I do. To preserve it, and not confirm that state of independence into which your measures hitherto have driven them, is the object which we ought to unite in attaining. The Americans, contending for their rights against the arbitrary exactions, I love and admire; it is the struggle of free and virtuous patriots; but contending for independence and total disconnection from England, as an Englishman, I can not wish them success; for in a due constitutional dependency, including the ancient supremacy of this country in regulating their commerce and navigation, consists the mutual happiness and prosperity both of England and America.

In the same address he said further:

You can not conciliate America by your present measures; you can not subdue her by your present or by any measures. What, then, can you do? You can not conquer, you can not gain, but you can address; you can lull the fears and anxieties of the moment into an ignorance of the danger that should produce them. But, my lords, the time demands the language of truth. We must not now apply the flattering unction of servile compliance or blind complaisance. In a just and necessary war to maintain the rights or honor of my country I would strip the shirt from my back to support it. But in such a war as this, unjust in its principle, impracticable in its means, and ruinous in its consequences, I would not contribute a single effort nor a single shilling.

A few days later, while this old statesman was standing on the brink of the grave, for the volume which contains these speeches of his also contains the addresses that were made in Parliament on his death, he spoke again on the subject of the American Revolution. Parliament was considering the use of the Indians. They were disclaiming against such warfare and saying that Great Britain had degraded herself by using these savages, as we are degrading ourselves by using the Macabebes, and one of the lords said:

It was perfectly justifiable to use all the means that God and nature put into our hands.

Upon this, Mr. Pitt (the Earl of Chatham) again rose and said:

I am astonished, shocked, to hear such principles confessed, to hear them avowed in this House or in this country; principles equally unconstitutional, inhuman, and unchristian.

My lords, I did not intend to have encroached again upon your attention, but I can not repress my indignation, I feel myself impelled by every duty. My lords, we are called upon as members of this House, as men, as Christian men, to protest against such notions standing near the Throne, polluting the ear of majesty. "That God and nature put into our hands." I know not what ideas that lord may entertain of God and nature, but I know that such abominable principles are equally abhorent to religion and humanity. What! to attribute the sacred sanction of God and nature to the massacres of the Indian scalping knife, to the cannibal savage, torturing, murdering, roasting, and eating; literally, my lords, eating the mangled victims of his barbarous battles. Such horrible notions shock every precept of religion, divine or natural, and every generous feeling of humanity. And, my lords, they shock every sentiment of honor, they shock me as a lover of honorable war and a detester of murderous barbarity."

He then goes on to say that, old and infirm as he is, he could not refrain from entering his indignant protest.

Mr. President, the other day, when the Senator from Ohio [Mr. FORAKER] exclaimed with so much force and enthusiasm that we would continue this war until every man laid down his arms and surrendered to us, I could not help thinking that on several occasions the British King in his address to Parliament insisted in, if not quite the language, the same spirit, that he would continue the war upon the Americans until they should acknowledge the right of Great Britain to tax without representation and their proper dependence on the British Parliament.

I turn now for a moment to read, not the whole of the speech, but a few words from the utterances of the King, George III:

My Lords and gentlemen, I will steadily pursue the measures in which we are engaged for the reestablishment of that constitutional subordination which, with the blessing of God, I will maintain through the several parts of my dominions.

He then goes on at considerable length to speak of the American people as rebels, as lacking in gratitude for all that Great Britain had done for them in so many years.

OUR POSITION CRITICAL.

Mr. President, every man who has stood in the Senate for the last two years and found fault with the present condition in the Philippine Islands has done so at the risk of exciting the displeasure of the party in power. I do not care to what political organization he belongs, I do not care what public service he may have rendered, either to his State or the nation, if he calls attention to the wicked and infamous condition that exists in those islands and expresses the belief that there is a better way, he is held up to the contempt of the whole American people, and if he stands on this side of the Chamber he is charged with an attempt to introduce politics into the discussion of these questions.

Now, sir, if I know myself, I desire to make no political capital out of American misfortunes. I want to make no capital out of a condition that makes me sick at heart and sometimes makes me almost hopeless for the future of this great Government of ours.

I believe, Mr. President, as I stand here before the American Senate and the American people, that this is a critical period in American history. The legislation that we are to enact here will not only have its influence upon the 8,000,000 or 10,000,000 Filipinos, but the result will be felt by the 76,000,000 Americans. If persisted in, this course will absolutely change the character of the American Government. You can not continue a war for subjugation; you can not continue to insist that 10,000,000 men are to be encumbered with all the burdens of a relation to the United States, but to have none of its benefits, as is the case when you deny to them the constitutional rights that you give to everybody else; and the American people can not continue to submit, as they do submit now, to allow those things to go on, without a protest, without experiencing the degradation of the public morals which is rapidly approaching and is the inevitable result of injustice perpetrated by national authority.

Why, sir, you can maintain a republic only upon the intelligence and morality of the people. No republic has ever been upheld upon any other basis, and upon no other basis can one be upheld. Whenever we shall lose respect for the rights of men; whenever we shall see the American flag become the emblem, not of justice and right, but of force only, you will see a rapid decay of political morality and of the love of freedom. You may have a Republic in name. The Republic may not die in name; it may live; but it will not be the Republic of the fathers; it will not be the Republic that it was intended to be; it will not be the Republic of our youth. We may have great wealth, we may have great learning, and we may make high-sounding speeches about liberty and freedom and republican government, and yet not have a Republic at all.

Do not the readers of history remember that Augustus and others of the Cæsars were supposed to be living in a republic? No man was more fond, I believe, of parading his devotion to the republic than Augustus Cæsar himself, and yet a more absolute lord and master never existed on the face of the earth. That was a period of letters, of enlightenment, of art, of science, and of philosophy, and they maintained for years a pretense that they had a republican government, with an absolutely autocratic ruler.

There have been other republics besides ours, and they have lived longer than this Republic has lived, but there is no certainty because we have lived one hundred and twenty-five years that we will live always. We will live always, Mr. President, if we keep in mind all the time that justice must be done by every man to every other man, and, above all, that as a nation we must deal equitably with every power that we come in touch with.

THE UNITED STATES AS A WORLD POWER.

We are a great world power, Mr. President; the greatest in the world, I hear the Senator from Wisconsin [Mr. SPOONER], who sits in front of me, say. I agree with him. In all history there has not been such a nation as this. We have not suddenly sprung into a world power. When more than two generations ago—yes, nearly three generations ago, eighty years ago—we said to the world, "Thus far may you go and no farther; you shall not touch the struggling Republics of South America," they respected that declaration, and they have respected it ever since. I said before

that, in my judgment, we had had the greatest influence upon the affairs of mankind of any people, at least in modern times; and we have had that influence to our glory, not as a great world power, but as lovers of men and lovers of justice.

THE PHILIPPINE COMMISSION AND ITS WORK.

We have in the Philippine Islands 6,000,000 Christian men. They are not heathens. They may not be up to our standard; they may not have learned the liturgy of freedom as we have learned it; their anthems may not be sung to the same tune as ours in their celebration of liberty and freedom, but according to their capacity they are as liberty loving as we are. Their conceptions are not so high, but their conceptions are their own, given to them by the Almighty, and they have a right to them, and we have no right to say that ours are better. There are 6,000,000 of Christian people that we are attempting to deprive of the right of self-government. I know it will be said in reply, "That is not true." When do you propose to give them self-government? I asked that question of the Senator from Wisconsin a year ago; I asked him what was to be our policy. He then told me, as he told the Senate, that we would have to send a commission out there to find out the facts in order to determine what should be our policy. We have sent a Commission there, not to find out the facts—although that may be one of their duties—but we have sent them there, as we have been told again and again, to supply an example to those people of what constitutes American government.

Yet in the face of this declaration you have in the statutes enacted for that archipelago by the Philippine Commission something which shows the conception of that Commission of what an American government ought to be, and if any Filipino can fall in love with that he ought to be a slave for the balance of his life.

Who have been the tyrants of the world? Those who exercised power without right. It does not make any difference what you call them, they who assume power—and all power is assumed which does not come from the people over whom it is to be exercised—are tyrants.

I do not intend to spend very much time over that so-called law which was read to us here last week, but I want to allude to it briefly.

For more than twenty-two years I have had a seat in this Senate. I believe I have been as careful in my attendance as most Senators. I came into the Senate a comparatively short time after the close of the great civil war. We had then to deal with a great many ugly questions growing out of that war, and I have been a witness of some very strange occurrences in this body, things that would not be tolerated now, but which were, perhaps, justifiable, or respectable, I may say, after that great war. But I never saw anything that struck me as so remarkable as the so-called enactments of the Philippine Commission which were read the other day in the hearing of the Senate. I had seen accounts of some of those enactments in the public press, but I had assumed, for the credit of the Commission, that they were not truly stated. I can not help expressing the gratification that came to me when a Senator on this floor declared that the president of that Commission did not approve of those enactments.

I had respected that official for many years as a man of learning, of character, and as a prominent citizen of the United States. I had known his father; I had known something of his family; and when it was stated here that he had not approved of those enactments my heart took courage. But when a few days later I learned that he, like the Senator from Ohio [Mr. FORAKER], had given his adhesion to those enactments as proper enactments my heart sank within me. I do not know whether the American Senate, controlled now by the Republican party, is going to stand for those enactments or not; I do not know whether the Senators can satisfy their consciences or the American people by the violation of the fundamental principles of free government by saying, as the French say—I shall not give it in French for fear that I might not get the proper pronunciation—"that is war."

When trouble occurred in France, and when outrages of a gross character were committed, the Frenchmen said, as an excuse, "That is war." Mr. President, you can not say that is war, for I assert here now that the history of mankind does not furnish a parallel for the infamy of these enactments. Wilkes said the declaration that Parliament had a right to enact all the laws for America was the compendium of tyranny. So I say of this, Mr. President, it is the compendium of tyranny, it is the compendium of infamy; and yet I have seen men stand up on this floor and say that they believed it was necessary. If it is necessary that we should violate constitutional principles, if it is necessary that we should outrage all the traditions of liberty-loving people for ages, it is not worth while that we should attempt to hold those islands a single minute. No obligation can be great enough upon us to require such a sacrifice of conscience and of decency as we should make if we give our adhesion to that idea.

I want to see if there are any more Senators sitting on the other side of the Chamber who will stand up and say, "We believe that is a just and a righteous act." Let me read it, Mr. President. I notice the Senator from Ohio skipped it. I know that at heart he did not believe in it; at least, I can not believe that he did.

Mr. FORAKER. Will the Senator allow me to ask what it is that he says I skipped in the reading of the statutes?

Mr. TELLER. Oh, you read it.

Mr. FORAKER. Then why does the Senator say that I skipped it?

Mr. SPOONER. You skipped denouncing it.

Mr. TELLER. The Senator read it, but without making any comments on it, I mean.

Mr. FORAKER. I hope the Senator will allow me to say that there is not anything in that statute that I am not content to read and indorse and comment upon.

Mr. TELLER. Well, Mr. President, to my surprise the Senator said that several days ago, but he said it in the heat of debate. Having great respect for the Senator, I attributed the utterance in great part to the fact that it was said in the heat of debate. If he says now, after deliberation and thought, that he approves of the statute, it is not for me to criticise him; I leave him to the ages; I leave him to the people who shall come after him; I leave him to the liberty-loving people and the law-abiding people of the country. If he can say in his heart, after deliberation, that the statute that I shall read in a few minutes is a proper one to pass, no matter what the exigencies may be, I leave him to settle that, not with me, but with the American people, with the people, as I have said before, who have liberty-loving ideas.

The Senator read with a good deal of interest the other day several statutes of the Philippine Commission which comport exactly with our statutes. The Senator can not see any difference between the statutes passed by the Philippine Commission and our statutes. Why, sir, the difference between conditions is everything in a statute. We provide that if a man learns that treason is contemplated or has been committed he must make the fact known. If by the infirmities of human nature, by his love for somebody, or by his fears, or from the fact that he sympathizes with treason, he does not see fit to make it known, what shall happen to him? He is to be tried by a jury of his peers; he is to have his neighbors called and they are to listen to the testimony; they are to consider it; they are to adjudicate upon it. The Filipino is to be tried, Mr. President, by no jury. He is to be tried by an American judge, in most cases, and when he is not tried by an American judge he is to be tried by what would have been called in Revolutionary days a Tory Filipino. He is to be tried by a man who for a stipend that is paid him goes onto the bench to do the work of the conqueror of his people, who withholds from him, as from all, any promise of a better time in the immediate future or any other future, except the indefinite promise that "when you are fit for self-government we will give it to you."

Mr. President, let me read this statute. I want to read first the eighth section, which provides that—

> Every person who shall utter seditious words or speeches, write, publish, or circulate scurrilous libels against the Government of the United States or the insular government of the Philippine Islands, or which tend to disturb or obstruct any lawful officer in executing his office, or which tend to instigate others to cabal or meet together for unlawful purposes, or which suggest or incite rebellious conspiracies or riots, or which tend to stir up the people against the lawful authorities or to disturb the peace of the community, the safety and order of the Government, or who shall knowingly conceal such evil practices, shall be punished by a fine not exceeding $2,000 or by imprisonment not exceeding two years, or both, in the discretion of the court.

Mr. FORAKER. Will the Senator allow me to interrupt him there?

Mr. PRESIDING OFFICER (Mr. RAWLINS in the chair). Does the Senator from Colorado yield to the Senator from Ohio?

Mr. TELLER. Yes.

Mr. FORAKER. I want to inform the Senator that that section is copied almost verbatim from the statute of Tennessee on the subject of treason and sedition. I have the Tennessee statute before me, and will read it, with the Senator's permission.

Mr. TELLER. I will take the Senator's word for it. He need not read the statute.

Mr. BATE. May I ask the Senator from Ohio what is the date of that statute?

Mr. FORAKER. That is the Tennessee statute. I do not know the date; it is not given here. But it is followed by a note in this compilation to the effect that—

> This section was probably drafted by Hon. Luke E. Wright, acting governor of the Philippines, who formerly practiced law in Tennessee. Being familiar with the statutes of that State, he naturally adopted the language employed by the Tennessee legislature in creating an enactment of similar character.

It is given here as section 5555 of the Code of Tennessee. I should like to read it.

Mr. TELLER. I would rather the Senator would not interrupt

me by reading anything at all now. I will yield to him for anything that is proper, but I am not going to yield for a speech.

Mr. FORAKER. Inasmuch as the Senator read section 8 of the enactment of the Philippine Commission, I thought I should like to show that it was put in there by incorporation from the Tennessee statute.

Mr. TELLER. That is not the statute I referred to, nor a counterpart of it; but I will come to that.

Is it any answer to that to say that some other community may have passed a law that is cruel and harsh and opens to the courts a latitude of discretion to determine what is to disturb the public, to determine what incites rebellion? All these things are left not to a jury to determine, but to a court. In Tennessee a jury of Tennesseans would say whether a man's act incited to rebellion or not, and he would be tried before a Tennessee judge; but it is not a Filipino judge who sits out there and who would determine such a case. If he is a Filipino, he has American money in his pocket and wants to keep his place, and we know that in the days of our Revolution there were no people so harsh upon our liberty-loving soldiers and the people who stood for freedom and independence as were the tories. It will not do for the Senator to think he has answered that question by saying Tennessee did it or Ohio did it or that any other State did it. Conditions are different.

DO THE FILIPINOS WANT US?

We are over there, Mr. President, acting professedly in the interest of the Filipinos, and you on the other side of the Chamber are telling us that the Philippine people want us there; that the great majority of the people want us there; and yet you justify such enactments by saying a condition exists there which makes it necessary. If the people want you there, you do not need any such statutes as these, and if you do need them, it is self-evident that the people do not want you there. That I think I may say without offense to anybody. I believe we all know that as a matter of fact the Filipino people do not want us there, but the contrary is always the cry of power under such circumstances.

I could read from the debates in Parliament of the eighteenth century to show that such a plea was made in England during our Revolution. Member and lord, one after another, in both houses rose again and again, declaring that three-fourths of the American people wanted English rule; that it was the wicked American Congress that had got control of affairs and would not allow peace to be made on British terms. Not only that, Mr. President, but Parliament appointed a committee which took testimony, and a member of the first Continental Congress went before the committee and swore that three-fourths of the American people wanted to submit to British rule, but that the other fourth were so infamous that they would not allow them to do so. Speech after speech was made to the effect that the people of the colonies wanted British law and British authority. But notwithstanding these representations England sent over here a great army of 60,000 men to keep the minority in check. This is just the course we are pursuing toward the Philippines, except that we have had at one time 10,000 more men there than England sent to America.

Mr. SPOONER. Will the Senator allow me to ask him a question?

The PRESIDING OFFICER. Does the Senator from Colorado yield?

Mr. TELLER. Certainly, for a question.

Mr. SPOONER. Did not the Senator vote to send the Army over there?

Mr. TELLER. I did not have anything to say about that.

Mr. SPOONER. The Senator voted for the bill.

Mr. TELLER. What bill?

Mr. SPOONER. The bill increasing the Army.

Mr. TELLER. Do you mean originally?

Mr. SPOONER. Yes.

Mr. TELLER. When we had to increase the Army, I voted for the increase, I presume.

Mr. SPOONER. It was to enable the President to send troops to the Philippines. The Senator voted for that act, I presume?

Mr. TELLER. I am going to say a word or two about that.

Mr. HOAR. I do not want to interrupt the Senator when he is answering another question——

Mr. TELLER. I will yield to the Senator.

Mr. HOAR. But I want, before he passes from that point, to call his attention to the remark he made about our sending 10,000 more troops to the Philippines than Great Britain sent here. As I understand, we have sent, including those we have there now and those who are under orders to go there, 120,000 men to the Philippines, if I am not mistaken.

Mr. TELLER. You are not mistaken.

Mr. HOAR. I thought the Senator was understating it.

Mr. TELLER. I was recalling the fact that there were 71,000 American soldiers in the Philippine Islands at one time, whilst all that Great Britain ever sent here at all times was 66,000. Of course they were not all in the field at the same time. A part of the time some of them were in durance vile as prisoners of war.

Mr. HOAR. Taking all the troops we have sent to the Philippines and those now under orders, we have sent about twice the number that Great Britain sent here during the Revolutionary war.

Mr. TELLER. Yes; we have sent to the Philippines about 120,000 troops.

Mr. BATE. We have 40,000 there now, according to the Adjutant-General. We have had as many as 77,000 there, 62,000 of them regulars. They are all regulars who are there now.

Mr. TELLER. It has been stated that we had 76,000 troops in the Philippines. I believe 71,000 was really the correct number. I want to leave this subject for a minute, but I shall come back to it. The Senator diverted me.

Mr. HOAR. I beg pardon.

Mr. TELLER. Not at all. I am entirely willing that the Senator should have interrupted.

THE PEACE TREATY.

Mr. President, I am one of those who voted for the treaty with Spain. Before it got here I made up my mind that the best thing we could do was to ratify the treaty and get rid of Spain in the settlement of the question. Long before the treaty came here I made a speech in the Senate, in which I announced myself for the treaty, as I understood it to be, and I should probably have been for the treaty if it had contained other provisions, because I was anxious to close up the war between the United States and Spain. Until the treaty was ratified there was technically a state of war. We had some troops over in the Philippines; we had some troops in Cuba; we had a large number of troops ready to go from here, if there was a necessity for it, either to Cuba, the Philippine Islands, or anywhere else, if Spain should attempt to continue the contest. One object in ratifying the treaty was to reduce the Army.

On the 20th of December, 1898, I announced, in the most unequivocal terms that my language would permit, that I did not want to hold the Philippine Islands; that I did not want to make them a part of the United States. As I say, the treaty had not been received here when I announced in unmistakable terms the doctrine that had been promulgated in the Senate by the Senator from Georgia [Mr. BACON] who sits before me. Every idea that he then enunciated I agreed to and had proclaimed on the floor of the Senate. I believed then, and I believe now, that the best thing that could have been done would have been to ratifiy that treaty "instanter." We ratified it on the 6th day of February, and it required every vote that could be gotten to secure its approval. Yes, we ratified it, but accompanying the ratification was the declaration of every leading Republican in this Chamber and every leading Republican in public life that the charges which had been made on this side of the Chamber and on the other side—that we were to keep those people against their will and hold the islands—were not true. The Senator from Washington [Mr. TURNER] yesterday read the record on this subject of a few. He might have read the record of twice as many. Every man was committed to this one proposition: That when the treaty should be ratified we, the American Congress, would determine what should be the attitude of the American people toward those people over there.

We did not then have access to the files of the Department of War. On the 21st day of December, 1898, the President of the United States sent a proclamation to the Philippines. I do not hesitate to say here that if that proclamation had been read to the American Senate not a solitary vote would have been secured on this side of the Chamber for the ratification of the treaty, because it enunciated a policy in absolute contradiction to that which was proclaimed here on this floor both in executive and in open session as to what should be the policy of the American people touching the islands. Those instructions of the President went to the Philippine Islands, and when they reached General Otis he censored and cut out the objectionable matters contained in them, because he said if they were published they would bring on war. And yet, Mr. President, one proclamation from Otis and another from General Miller went to the Filipino people long before we heard of or had any knowledge of them, and the Filipino people said: "Otis is lying to us and Miller is telling us the truth."

Mr. President, I have not the slightest doubt that this duplicity did more to hasten the contest than anything and all other things done. I can imagine its effect upon a people, not savages, but, as stated here, a people many of whom are educated, a people who had been in contest with Spain, a large percentage of whom are the equals in intelligence and learning of the people of almost any nation in the world, a people who, the Senator from Mississippi [Mr. MONEY] tells us, had 800 students in the University of Manila and thousands of students in the European universities when

the trouble began. Is it strange that such a people should have suspected our honesty? Not at all.

BEGINNING OUR WAR IN THE PHILIPPINES.

Moreover, we did not know when we voted for this army that the commander of the Filipino army had said to our general in charge: "This is a mistake, and if you want a cessation of hostilities we will have it." I know the report that that statement was made has been denied, but no man can read the statement of General Otis first and last and not believe that it is true as I repeat it, that we might have had a cessation of hostilities. The statement is further to the effect that the Filipinos were then on the defensive, not on the aggressive, and that we were the aggressive party during that first battle.

Mr. HOAR. I should like to ask the Senator from Colorado a question, if he will allow me.

Mr. TELLER. Certainly.

Mr. HOAR. I wish to ask the Senator from Colorado if the original order of General Otis, directing him to proceed to enforce submission, was not itself an act of war under the law of nations?

Mr. TELLER. I am somewhat diffident as to my knowledge of the laws of nations as they are now being construed. I do not know what they are under present conditions, but I should say that formerly, ten years ago, it would have been a declaration of war.

Mr. HOAR. Suppose any nation on the face of the earth had issued to its military commander an order to subdue another people; is there any people on the face of the earth who would not treat that as an act of war?

I put that question because of what seemed to me the very unimportant discussion as to whether the Filipinos fired first on that night when the first shots were fired, or we did. There had been, as I conceive, a formal and unquestionable act of war on our part long before.

Mr. TELLER. I think the Senator from Massachusetts is right as to the question of law, and coming as it did with two interpretations of it, it is not strange that the Filipinos did not lay down their arms, nor is it strange that the conflict arose.

The best peacemaker in the world is not a soldier; the best person to maintain the peace is not a soldier, and some of us realized the danger there was of a conflict with those people during the whole time.

THE SEDITION LAWS OF THE PHILIPPINES.

Mr. President, I am coming back to this legislation, so called. I deny that it is entitled to be dignified by the name of legislation, but it is the law under which the Filipino must live. It is the law under which he must act. I read one section, to which the Senator from Ohio thinks he has answered all objections by saying that Tennessee has a statute like it. He might have gone to Russia, but if he had done so I do not think he could find one quite like the one I am going to read. We once had a sedition law here, but if anybody will get it and read it—I read it the other day—he will find that it is as mild as a dove, and this is a roaring lion compared to it. Now let me read:

> All persons who shall meet together for the purpose of forming or who shall form any secret society, or who shall after the passage of this act continue membership in a society already formed, having for its object, in whole or in part, the promotion of treason, rebellion, or sedition, or the promulgation of any political opinion or policy, shall be punished by a fine not exceeding $1,000, or by imprisonment not exceeding one year, or both.

Is there a Senator who will say that Congress, with all its power, could pass such a law as this? I should like to have some Senator who thinks it can be done to answer this question now. If he wants to reply he can have an hour out of my time to do so. Is there anybody, who knows what is the power of Parliament, who would say here that the English Parliament could pass such a law and have it held valid by the courts of Great Britain? I do not believe any Senator here will put himself on record as saying that that is a valid law.

Mr. MITCHELL. May I ask the Senator from Colorado a question?

Mr. TELLER. Certainly.

Mr. MITCHELL. Is it not a fact that the substitute reported by the minority of the committee recommends the continuance of that law?

Mr. TELLER. No; it does not.

Mr. MITCHELL. I so understand it.

Mr. TELLER. But if it did, I am not bound by that.

Mr. MITCHELL. No; I do not believe the Senator is——

Mr. TELLER. I stated yesterday that I was not bound by anybody's opinion in this matter but my own. But the minority refer to and say "the laws." Does that expression mean simply "a law?" If it does, I do not understand what "laws" are. That could not be a law if it had behind it the entire body of Congress, every man voting for it, and the President signing it. Why? Because it is contrary to the great Bill of Rights; because it is contrary to the Declaration of Independence; because it is contrary to the Constitution of the United States; because it is contrary to every principle of justice and humanity. It is an invasion of the rights of mankind, and I repeat that, if your condition over there is so deplorable that you must justify it by saying that it is a proper thing to do, God have mercy on the people of those islands, and God have mercy on the man who stands before the American people and says it is a just and righteous law. I repeat, it is the compendium of tyranny. Yes; it is the compendium of infamy, and I shall not bring myself within the criticism of any Senator here who has a liberty-loving heart when I repeat that assertion. It can not be said too often.

Mr. President, a thousand islands like those of the Philippines are not worth such a degradation of the so-called legal department of the Government as is involved in that so-called law, not if they were all that is pictured by the fancy of those who forget that we owe something to mankind and that we owe something to those people—and certainly we do owe something to them if our flag rightfully floats over them. What we owe them is protection in the enjoyment of everything that we have for our own benefit.

Now, will you stand before the world and say an American needs more protection than the Filipino, that the law is a violation of an American's rights but not a violation of the Filipino's, and yet talk to him and talk to us about the benefits you are conferring upon him by putting him under the flag of our country?

Before I get through I intend to call attention to the condition over there, and I believe it to be damnable. I believe it to be a disgrace to us. I believe it is unnecessary on any line of conduct that we are justified in pursuing; yet I do not believe it is so bad as it must be if that act can be justified as an act of war.

PHILIPPINE STATUTE COMPARED WITH TREASON LAWS OF THE UNITED STATES.

Following the section of the law I have read there are several other sections on the same line, and it is possible that the Senator from Ohio in his researches may find that some other people, forgetful of the great principles of human rights, have enacted some law like each of them. But I challenge him now, and I challenge every man here, to find anywhere in the annals of human history an enactment like that in its entirety. The hordes of Asia that invaded Europe with their Mohammedan teachings, with their declaration that they would impose on the people a better religious belief than they had, never when they trampled out the government where they went descended to such wickedness and cruelty as are found in that act. No man would be safe under it.

Mr. FORAKER. I understood the Senator from Colorado to challenge me to cite any legislation, in any country, State, or nation, similar to that upon which he has been commenting. I call his attention to the statutes of the State of Maryland, and if he will only compare the section from the Maryland statute on treason and sedition with the section upon which he has been commenting he will find that it is almost a literal transcript.

Mr. TELLER. There is a wide difference.

Mr. FORAKER. I contend that there is not. I can not now do more than to answer the challenge by making the citation.

Mr. TELLER. The Senator will have plenty of opportunity to answer the statement.

Mr. FORAKER. Yes, I merely now point to the statute. I will say to the Senator that in due time I will undertake to satisfy everybody who will listen that there is no difference in point of principle, and only that difference in language which the different situation makes necessary.

Mr. TELLER. The Senator can not do that. It is not the fact. Suppose the provisions are similar. Under what condition was the Maryland statute enacted? When it became a law there was a great slave population in that State and it was applied to the slaves. Has the time come when in this Chamber legislation is to be directed and justified by the slavery legislation that preceded the late war?

Mr. FORAKER. If the Senator will allow me, I will say that he is mistaken; that it was enacted when the Union was threatened with overthrow. It was because there was a large disloyal population in the State of Maryland ready to go into insurrection, and it was enacted for precisely the same purpose that that statute has been enacted in the Philippines.

Mr. SPOONER. And it shows that on its face.

Mr. FORAKER. It shows it on its face.

Mr. TELLER. Those were times which were exceptional.

Mr. FORAKER. Will the Senator allow me to add one word? I dislike to interrupt him, but I wish to call his attention in this connection, if he will bear with me, to the fact that I have gone pretty carefully through this statute, and I find that it is made up of United States Revised Statutes, different sections from different State statutes, and a continuance, in a modified form, of the Spanish code that was already in existence in the Philippine Islands.

Mr. TELLER. I have examined the Spanish code. The Senator can not find all of that statute in the Spanish code.

Mr. FORAKER. No; not all of it.

Mr. TELLER. No.

Mr. FORAKER. I say a part of it is taken from the Spanish code; but most of it, four-fifths of it, is taken from the laws of the United States.

Mr. TELLER. If it was taken from the laws of the United States, it was taken from those laws that are not enforced and never have been enforced. I wish the Senator would keep in mind, and I want everybody else to keep in mind, a wide distinction between that law in the Philippine Islands and a law where the jury system prevails and where every man has a right to appeal, not to a hostile court, but to a court of the vicinage in which he lives and to his neighbors as a trial jury.

Here the Filipino is to be tried by a hostile court, to be tried by a court that does not understand his language, or, if tried by a court which does understand, that has surrendered to the conqueror and has become the willing oppressor of the people of that country. When I say that the counterpart of the Philippine legislation can not be found, I mean that it can not be found under the circumstances; and they must be taken into consideration. Possibly in the excitement of our civil war some things may have been done that were not justifiable. But I repeat, as I said yesterday, that there was no attempt to execute a similar law to this during the civil war. I refer to the laws upon our statute book of which the Senator from Massachusetts particularly complained.

I venture to say that there was not a single case during our war of 1861–1865 in which the loving mother of a rebel soldier was compelled to give evidence of his disloyalty to anybody. What would have been the condition in Kentucky, what would have been the condition in some parts of Virginia, where families were divided, if such a law had been enforced? It was impossible that the American sentiment at any time could have justified this procedure—that when the disloyal soldier, coming back from the Confederate battlefield, and coming into the home where the mother was a loyal woman, and there were plenty of those cases, or where the father was a loyal man, that that father or that mother must take him and surrender him to the authorities or give notice of where he was and what he was doing. The attempt to carry out or to enforce such a law would have been resisted in the most determined manner by the entire Northern people. We recognized the belligerent rights of the South in the very beginning of the war. Europe recognized them. I say now that section 9 of that Philippine act is an invasion of the law of nations as to belligerent rights.

I said that this statute had no counterpart. I think I ought to change that statement. There is possibly one as wicked. When Maximilian was trying to force himself, by Austrian and French bayonets, upon a throne in our neighboring Republic of Mexico, and when he found the people apparently subdued to-day in the field to-morrow, he made an order which history says he stipulated with the officials when he made it should not be enforced. That was that every Mexican found with arms in his hands should be considered a pirate against the Government and be executed without trial. That order did much, I am told to arouse the people of Mexico; and when they, by force of arms, got possession of Maximilian and his assistants, the wife of a distinguished officer went to the President of Mexico, a man of great ability and of great worth, and pleaded with him on her bended knees for the life of Maximilian.

He said: "Madam, if all Mexico were on their knees before me, justice requires the execution of this man for that order." And he had him executed; and badly as the world felt to see the Emperor thus executed, for he was a chivalric man, mankind universally admitted that the act was within the laws of war and he deserved his fate, except for the palliating circumstance, not then known to the world, that he had protested that the act must not be enforced. But the decree was enforced, and the wicked men who enforced it went to their death at the same moment that he did. If the law has any counterpart, there it is.

According to this statute, the Filipino shall not advocate independence, neither in peace nor in war. The pulpit is closed. The rostrum is closed. The mouth of every Filipino is closed. If those who passed that enactment could have reached the thoughts and sentiments of the Filipinos, they would doubtless have made it a crime for them to aspire to liberty and independence. This act complained of is not the Maryland act in words or spirit.

Mr. President, there never has been a people struggling for liberty since I can remember that I have not at least felt my heart go out to them. I may think that the Filipinos are mistaken men and that they ought to submit to us and trust to our generosity, but they do not believe so. I would make it possible for them to believe that we are not robbers and murderers, disregarders of rights, but that we are still lovers of justice and liberty, not liberty and justice applied to ourselves alone, but of liberty and justice as applied to all men.

IS THERE COMMERCIAL ADVANTAGE IN HOLDING THE PHILIPPINES?

Now I desire to take up another phase of this case. I have taken more time than I ought to have consumed in this debate, but I have been led on by the magnitude of the subject. This is a question for the great American people to settle. It has not been settled. It is before us. We are to deal with it. We are to settle at this session of Congress what shall be our policy, what shall be the future relation of the Filipinos to our Government. I do not, therefore, make any apology. I should despise myself as unworthy of a seat on this floor if, entertaining the opinions I do, I did not stand here and protest.

Mr. President, I am not without hope. I know that some day, and I hope that day is not far distant, the American people will take hold of this subject, and I believe they will do justice as they see it. The great body of the American people are still true to these great principles, and they will see this matter as some of us think we see it. They will not be blinded by the declaration that there is money in this thing; that there is commercial advantage.

What is it that we are to get? I hope some Senator will be prepared to-morrow, or before we vote on this bill, to tell us where the commercial advantage comes. I repeat the statement with which I began, that the only advantage in holding these islands is that they may never be used to our disadvantage; that no strong power may ever get lodgment there. I repeat, and the history of the world will sustain me in the assertion, that the way to hold them is to hold them by the consent of the people of the islands, and in no other way can we hold them so that they will be of benefit. In any other way that you may hold them they will be a source of danger to us.

Mr. PLATT of Connecticut. Will the Senator from Colorado permit me?

Mr. TELLER. Certainly.

Mr. PLATT of Connecticut. Is the Senator from Colorado entirely certain that at the present time there is not a majority of the Christian people, as they are called, of the Philippine Islands who do consent to our government there?

Mr. TELLER. If I can believe a very distinguished officer of our Army who I insist has better opportunities of knowing than any civil commissioner, if I can trust the written letters that I have seen from men in high authority, written within the last sixty days, there is not a tithe of them who want us there. But if the Philippine people do want us, let them have an opportunity of speaking. Let them have the opportunity of saying so, not in front of your bayonets, not with your soldiers dominating them, but give them an opportunity to express their opinion without the fear of bayonet rule.

General MacArthur says that the efforts that we are making to bring these people into such relation with us as will entitle them to a government of their own means the entire reorganization of society. What an undertaking! What does that mean, Mr. President? It means a people, the most conservative on the face of the earth, attached by traditions to things that exist, are to change every sentiment in their minds and to adopt a civilization inconsistent with their ideas of right, because we think it beneficial to them that they should.

I have no question in my own mind but that not a small per cent, but practically no considerable number, of the people desire our presence in those islands. I know something of the Asiatic mind. I have come in contact with it more or less for the last forty years. I know that when the civil Commission goes out the natives will meet them with banners, and they will build arches and all that, but they would shoot the commissioners if they found them where they could safely do so. It is the Asiatic way; it is Asiatic dissimulation. I know that when the chairman of the Commission went around the islands the people attended, and there were huzzas. Does any man here believe that a people who had been fighting Spain and who have seen no other American government but autocracy have fallen in love with it and want it to dominate them? It is preposterous to suppose that that could be the case, and the evidence does not support the presumption, no matter what the chairman of the Commission may say.

DECLARATION OF INDEPENDENCE.

Mr. HOAR. May I ask the Senator a question?

Mr. TELLER. You may.

Mr. HOAR. I ask him if he does not think that a belief on the part of our Commission there that that people, or a majority of them, favor our rule is not totally inconsistent with and negatived by the decree the Commission have lately promulgated, under which, if the Americans in Manila on the next Fourth of July undertake to celebrate the day by a simple reading of the Declaration of Independence, they are liable to be sent to the penitentiary?

Mr. TELLER. I introduced some things that bear on that point the other day. I will refer to the subject, though I had not intended to do so. I said that Senators on the other side of the Chamber would be afraid to read the Declaration of Independence. Of course I meant publicly. I suppose that occasionally some of them will read it in secret, and perhaps they will think of the time when their hearts did beat in sympathy with the principles declared in it, and they will wonder how they could have believed in such antiquated ideas as therein contained. But what I meant to say is that they would not stand up here and read the Declaration, because if the fact that they had done so was telegraphed out to Manila it would incite rebellion.

Mr. President, I do not know of any document—in all of my reading I have never seen anything that would excite a man more to stand for his rights than the Declaration of Independence.

A night or two after I had made my previous statement here a gentleman of high character, whom I have known for many years, after spending eighteen months in the islands, said to me that on a gala day there he was invited to make a speech, and the question came up as to what should be his subject. He said perhaps he would talk in line with our Declaration of Independence, when the committee on arrangements, an American committee, said to him that it was not safe to do that. I saw in the papers recently—I do not know whether the statement is truthful or not—that some assemblage where that document was read were regarded by the authorities as disloyal and seditious gatherings, because they were reading and commenting on the Declaration of Independence. That may be a newspaper story, but I can see very well——

Mr. BURTON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from Kansas?

Mr. TELLER. I yield.

Mr. BURTON. May I ask a question? Did I understand the Senator to say that the Commission said to that gentleman that he could not make the speech?

Mr. TELLER. Oh, no, I did not say so; I said the committee that was holding the meeting.

Mr. BURTON. I beg your pardon.

Mr. TELLER. I do not know what the Commission has said about those things. I should not, after reading that ninth section of their so-called act, think it possible for the Commission to allow anybody to read the American Declaration of Independence. If that act could be justified the Commission would be justified in saying that the Declaration of Independence could not be read.

I wish now to speak for a little while in reply to the Senator from Connecticut. Of course I shall not myself accept the statement made by the optimistic witnesses who come here and tell us that peace prevails when Army officers say it does not. I will trust the Army officer. He is there to keep peace. He is there to secure the subjugation of the Filipino and to compel him to admit that he is being governed as he ought to be governed by this Commission. He has a difficult task, but that is what he is there for and that is what he is attempting.

Mr. PLATT of Connecticut. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Colorado yield?

Mr. TELLER. I yield.

Mr. PLATT of Connecticut. I asked the question that I did because I had been reading from the reports of the civil government of 23 provinces which were put into the testimony of Governor Taft. I do not wish to take the time now to quote from these reports, but when the Senator is through I should like to put them in the RECORD.

Mr. TELLER. I do not care what the Senator does with the reports when I get through. I am liberal about being interrupted. It is quite possible for the Senator from Connecticut to determine in an authoritative way whether there is a majority of the people out there who want our rule. You have the Administration. You have the purse. You have everything. You can send a commission there, as we were told a year ago you were going to do. You ought to send it. You ought to pick out a commission of the best men in the United States and send them there. That is a condescension which Great Britain made to us when we were at war with her. She sent two commissions over here to see if she could not compose the difficulty.

I said before that the Army is not a proper agent to do these things. Neither do I believe that the civil Commission is a proper agent. You ought to send a commission there, and, what is more, you ought to bring from the islands here, if there is a question about it, 200 or 300 of the people and let them tell their story here. A year ago I put into the RECORD the protest of 2,000 Filipinos from the city of Manila, not one of them raising his hand against the Government, not one of them ever having done so that I know of, in which they said in the most unequivocal terms, in the same terms and tones that Pitt used in speaking of the Americans, "You can not subdue and subjugate the Filipino people."

Since I made the statement as to the Declaration of Independence I have read a letter from an Army officer who is a man of some prominence, though not in command. This letter was written to another officer and was a private letter, not for the public, in which he depicted the conditions over there. There are plenty of such men who can be brought here to give their testimony. I know they will give it under the shadow of the domination of the War Department, and I know if they are Regular Army officers they will come here at the risk of their deserved and recognized rights of promotion, but they will come if called. If that is a charge against the War Department, Mr. President, you have only to look at the record of the War Department for two years past to find a justification of the charge. Yet, in the face of the probability of exciting departmental displeasure, you can get in the Philippine Islands men who will come here and tell the truth, and you can not say it is asking too much to ask that they be brought. What has this war cost in money, to say nothing of the cost in blood and manhood? It has cost probably not less than $350,000,000. It is to cost you twice that amount if the civil Commission tell the truth. It will cost you ten times that amount if Chaffee and MacArthur can be relied upon. And what are you to get?

Let me submit now, so that some one may reply, what it is that you get. A trade there which with all the world this year was worth $53,000,000, of which our share was $4,500,000, imports and exports, $1,000,000 less than it was last year. Yet we will hear that trade follows the flag? With Great Britain there was a trade of $17,000,000 as against our trade of $4,500,000, $2,000,000 of which was exports from the United States to Manila. And what do you suppose the major part of that was composed of? Of the $2,061,000 exports from the United States to Manila, $1,110,000 was in wine, beer, and whisky.

Mr. President, if the whole trade came to us, and if the profit of the whole $53,000,000 came to us, it would not pay the cost of this war for a single week, and if it was all profit it would not pay for the conduct of this war a single year.

Later I mean to touch upon what the condition is there more fully than I have done, but I do not care about going any further to-night, and in accordance with the universal custom of the Senate, believing as I do that there is no haste in this matter, that this is a question of such infinite importance, not to the Filipinos alone, but to us, I feel justified in asking the Senate to allow me to cease for the present and to continue to-morrow or at some subsequent time.

Mr. PLATT of Connecticut. Mr. President, I did not desire to interrupt the Senator from Colorado [Mr. TELLER], because I think this matter of interruption in the Senate has been carried to a great length, and I desire always to refrain from interrupting a Senator in a way which will disturb the thread of his argument and the continuity of his speech.

But I did wish to call attention to the reports of the civil governors in the different provinces of the Philippine Islands. They are Filipinos; they are not Americans. They were appointed civil governors of the provinces in the islands by the Taft Commission, as I understand, and now in almost all of the provinces elections are going on among the people for civil governors who will take the places of the appointed governors.

Before I call attention to their reports, I want to say that it is a very strange thing, Mr. President, if there is no peace and no prospect of peace in those islands, that our army has been reduced there from 70,000 men to less than 40,000 men. It is not true that we have an army of 70,000 men there, as has been so repeatedly said here. We did have an army of 70,000 men there.

Mr. TELLER. May I interrupt the Senator?

Mr. PLATT of Connecticut. Yes, sir.

Mr. TELLER. I certainly did not say that we have an army of 70,000 men there.

Mr. PLATT of Connecticut. No; the Senator did not say so, but it has been said repeatedly.

Mr. TELLER. I understand that we have an army of 40,000 there.

Mr. PLATT of Connecticut. We have an army of a little less than 40,000 American troops, and there are some three or four thousand, more or less, who belong to a provincial army, so to speak, which was authorized at the last session of Congress. But I am told—I did not hear it myself—that Governor Taft in his testimony before the committee said—I think on the last occasion when he was before the committee—that arrangements had already been made for the recall of 10,000 of the troops now there, so that in the near future there would be only 30,000 American troops in in the Philippines.

Now, it seems to me very strange, Mr. President, that if these people are struggling against subjugation, for the establishment of liberty, which we are trying to deprive them of, there is at the

same time a condition of things which enables us to reduce our army in the Philippines from 70,000 to 30,000 men.

I think if we take facts and not fancies, if we take things as they really are and not as they are conjured up by the party of protest and disapproval, we shall see that we are getting along very well in the Philippine Islands, and are progressing very rapidly toward a condition there in which, under the sovereignty of the United States, a government will be established in which the Filipinos themselves will have a very large share of participation and which will be entirely satisfactory to them, and which they will welcome as a blessing to themselves and the archipelago.

Now, with regard to these reports, they are very significant. It can scarcely be said that these witnesses are to be discredited, for they are Filipino governors, governors of provinces in which civil government has been established. I do not know that I will read all of them, but I do desire to read extracts from some of them.

Mr. TELLER. What does the Senator read from?

Mr. PLATT of Connecticut. I am reading from the hearings before the Committee on the Philippines, and it will be about page 190. "Reports of provincial governors and others on general conditions in 23 provinces in which there is no insurrection." Will somebody tell me how many provinces are now under civil administration? I think there are 30.

Mr. ALLISON and Mr. LODGE. Thirty-four.

Mr. PLATT of Connecticut. Here are reports from 23 of them.

Mr. GALLINGER. All but 14 of them.

Mr. PLATT of Connecticut. All but 14.

Mr. HOAR. Who had appointed these governors?

Mr. PLATT of Connecticut. I had already stated, if the Senator had been listening——

Mr. HOAR. I was listening.

Mr. PLATT of Connecticut. That they had been appointed by the Philippine Commission, and I take it——

Mr. LODGE. Elections have since been held, and they have since been elected by the people.

Mr. PLATT of Connecticut. Either they have been elected or others were elected in their place.

Mr. RAWLINS. Will the Senator from Connecticut yield?

Mr. PLATT of Connecticut. Elections! Think of it! Think of it, Senators, who talk about subjugation going on there! Elections are being held for municipal officers and provincial officers.

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from Utah?

Mr. PLATT of Connecticut. I will yield to the Senator.

Mr. RAWLINS. Do I understand the Senator to state that all those governors are natives or Filipinos?

Mr. PLATT of Connecticut. I judge that most of them are, from their names.

Mr. RAWLINS. Some of them are and some of them are not.

Mr. PLATT of Connecticut. I will read the names. I think that will be sufficient to justify the remark. I do not know that I can pronounce the names of these provinces, but the first is a report from the governor of the province of Ilocos Norte, and is dated December 17, 1901. That is not so very long ago. It is as follows:

CIVIL GOVERNOR, *Manila:*

In reply to your telegram of 17th instant. The people of this province are humble, very timid, and obedient. The law is complied with in a peaceful manner. Violations of law so far occurred only through deceit and impositions on part of people of other provinces.

AGBAYANI, *Governor.*

PROVINCE OF RIZAL.

I will not read all of this report, because it is long.

Rizal Province is composed of the 19 towns formerly a part of the province of Manila and the 14 towns belonging to the districts of Morong. Provincial government established on June 20, 1901. Municipalities were organized from June to September. In almost all the towns the justice courts are already in operation. The court of first instance has been established since July 11, 1901. Peace in Rizal is complete. All inhabitants are in favor of the civil government and devoted to American sovereignty.

Rizal is a province with 33 towns.

Then we come to the province of Pampanga. The name of the governor of the province is C. Joven.

At the present time this province is in the most peaceable condition. Many of the natives are highly educated, and since the introduction of the public schools under the United States Government a great improvement is noticed among the lower classes.

* * * * * * *

The few remaining malefactors and bandits in this province are being constantly traced and captured by the insular police. I believe that this province is in better condition than ever before, and under the present system of government will continue to improve, as affording an opportunity and inspiration to develop its resources.

Then we come to the province of Bulacan:

The province of Bulacan, under my charge, presents, politically considered, a sublime idea of its sincere gratitude and loyalty to the Government of the United States of America in the Philippine Archipelago.

I am justified in this statement by that very revolutionary spirit shown by the province in past times, and the readiness with which the inhabitants recognized the laudable intentions of the Government of the great North American nation in regard to this country and the urgent need for becoming thoroughly penetrated with the transcendent importance of peace, being convinced that only under peace can the welfare and uplifting of the Philippines under American rule be effected.

Then he refers to a certain time when civil government was established, and says:

From that time the province of Bulacan has been enjoying an unbroken peace, and its inhabitants, contented beyond measure with the establishment of civil rule in the Philippines, are doing all they can to strengthen that peace as a necessary basis for their happiness, thus showing their appreciation of the Government which now so wisely rules the destinies of this country.

A little further on I find:

The local governments organized under the new municipal code are being carried on with a fair regularity, and the pueblos—

Those are the towns, I suppose—

are extremely contented with the personality, liberty, and responsibility of their municipios, as in all democratic countries.

That is signed Jose Serapio, provincial governor of Bulacan. I think he must be a Filipino.

Mr. TELLER. He is a Filipino.

Mr. PLATT of Connecticut. Yes.

Mr. TELLER. That is what I understand.

Mr. PLATT of Connecticut. Then comes the province of Union. I do not know where that word came from, Mr. President, but I rather expect they have been renaming that province from a term which is so dear to the American people—the province of Union.

My report, which goes forward by special messenger in a few minutes, covers many pages, giving valuable information concerning province as to peace and general conditions. The province is perfectly peaceful, and this condition has existed for over a year. People are all at work in the fields and at their various professions. Civil government is accepted on every side—

Now, listen to this—

and there is no possible reason to think that they will ever change in this feeling under the present form of government.

This is signed by Ortego, governor. Now I come to the province of Ambos Camarines. This is dated December 19, 1901:

Two small bands insurgents surrendered last September; since then no insurgent or hostile element in province. This condition is permanent so far as people of province concerned. No doubt sentiment is for continued peace and confidence intentions American Government.

That is signed James Ross, governor. He may be an American. Then I come to the province of Albay. This letter is directed to Governor Taft. It says:

Permit me to join with the natives and provincial officials of this province in wishing you a speedy recovery from your recent illness.

The people and the officers throughout this province have noticed from the periodicals a report of your return to the States, but we all sincerely hope you are not leaving the islands permanently. The people have the greatest confidence in your friendship and best wishes for their welfare, and many of them have requested me to beg of you not to leave the islands permanently. To this request of theirs permit me to add that of my own—that when your duties are completed in the States we may hope to again see you in the islands.

So they are not feeling that they are oppressed. He then goes on to say:

Schools have been organized in all pueblos and a greater part of the barrios. The nineteen leading pueblos in the province now have American instructors, and the progress they are making is exceptionally gratifying.

This is signed A. U. Betts, provincial governor. He may not be a Filipino; but here, I believe, is a Filipino—Potenciano Lesaca, provincial governor of the province of Zambales. He writes from Iba, Zambales, P. I., December 16, 1901, and the letter is directed to Hon. Mr. Wright, acting civil governor of the islands:

Your telegram of the 15th instant, in which you direct me to transmit a written report as to the peace conditions in this province, has been received by the provincial government, and I have the honor to report to you that the said conditions are truly satisfactory, so much so, in fact, that I can assert without the slightest exaggeration that in no point whatever of the province, including the most distant barrios of any pueblo, and even in the mountains, is there noticeable the slightest sign of the existence of a revolution, and nothing remains of the former revolution but the sad evidences of the damage caused by and through the war, which are manifest, unfortunately, in the greater or less losses in property and loved ones by the inhabitants of the province; and the victims of those losses, as harmful as they are regretted, can not but still feel them, though they suffer in patience and with Christian resignation.

Here is one signed P. Sison, provincial governor of the province of Pangasinan. He says:

In answer to your telegram of the 15th instant, asking for a report on the state of peace and the general conditions of the province, I have the honor to inform you that since civil régime has been established the inhabitants enjoy perfect tranquillity and comfort, and that their conditions are growing better each day under the new régime.

I can not read all of this. Here is one from the province of Sorsogon, signed by J. G. Livingston, provincial governor. He is probably an American, and from the standpoint of our friends on the other side of the Chamber is, therefore, not to be believed. He says:

I believe I can state with confidence that the civil government is working as well as could be expected and that the general conditions are good, and that with a few modifications of the laws, looking to a stricter watch over

the people, keeping the restless at work, and preventing the scattering and isolation of families in the remote portions of the mountains, where they rapidly become but little better than savages, that the province of Sorsogon will rapidly develop and will remain peaceful. Then, when roads are built and communication between all the towns is made easy, the ignorance of the people, which is pitiable, will disappear.

All things considered, the general conditions are all that can be expected.

Here is another governor who is probably an American, and, therefore, I do not suppose that his testimony will be accepted by the other side; but I do hope the testimony of the Filipinos themselves will not be discredited. This is from the province of Leyte:

Out of 50 towns in the province, 44 have been organized under the municipal code and are exhibiting very gratifying results in the management of their municipal affairs. The remaining 6 received orders to hold elections on the first Tuesday in this month, so I presume that all of them are now organized, but the returns have not yet reached this office.

* * * * * * *

The people generally are anxious for civil government, and the officials elected in the various towns are developing, as a general rule, a very high degree of intelligence in the performance of their respective duties.

That the great majority of the people are happy and contented with their present condition is evidenced by the renewed activity displayed in all branches of industry. Agricultural, commercial, and manufacturing industries are taking on new life throughout the province, while the people are rebuilding their towns and homes, and are erecting, in many instances, substantial and comfortable buildings, instead of nipa shacks.

One of the most gratifying, and, to my mind, one of the most encouaging indications as demonstrating their appreciation of our institutions, as well as the popularity of the same, is the intense interest manifested among the masses to acquire a knowledge of the English language. During the current year the municipalities in this province have expended about 10,000 pesos in the construction and equipment of schoolhouses, which I think is quite a good showing for newly organized towns just recovering from the effects of a two or three years' war.

There are at present 36 American teachers on duty in the province, all of whom are doing excellent work. It affords me much pleasure to report that, with but one or two exceptions, there has been absolutely no friction between the padres and the schools, while quite a number of the padres have exhibited a desire to learn our language.

Mr. LODGE. The Senator is reading about the schools. May I ask a question there?

Mr. PLATT of Connecticut. Certainly.

Mr. LODGE. May I ask if the Senator has given—I was called from the Senate Chamber for a moment—the statement in regard to school-teachers that was made before the Philippine Committee?

Mr. PLATT of Connecticut. I shall be obliged to the Senator from Massachusetts if he will give that.

Mr. LODGE. There are 835 American teachers in the islands, distributed in 445 towns. In 200 of those towns there are no American soldiers, and the school-teachers are there alone among the natives. There has been only one case of an American teacher being interfered with. He was carried by a band of insurrectos to the mountains and returned afterwards in safety. That is the only case of interference with teachers in 200 unoccupied towns.

Governor Taft also testified that after the time he left Manila and while he was on the water, garrisons had been withdrawn by General Chaffee from some 81 posts.

Mr. PLATT of Connecticut. Here is a report from the provincial governor of Cagayan, dated Taguegarao, December 21, 1901. He says:

Peaceable condition of province is general and thoroughly established, which can be understood by contemplating the enthusiastic reception made to me at all towns where I hold municipal elections. People are very favorable to establishment of civil government and very obedient to the United States.

I shall not take the time of the Senate by reading further from these reports, but they are very interesting all through. They convince me, Mr. President, that we are making most rapid progress toward the establishment of peaceable, peaceful, and satisfactory government among the natives of the Philippines.

Mr. HOAR. I was informed by one of the clerks just now that there is in the possession of the Secretary's office but one copy of the joint resolution introduced by the Senator from Louisiana [Mr. McENERY] February 6, 1899, and adopted by the Senate, declaring the purpose of the United States toward the Philippine Islands. I hold that copy in my hand at this moment. I move that it be reprinted with the several amendments proposed and the several votes, including the list of yeas and nays. It will only make a very brief pamphlet altogether.

The PRESIDENT pro tempore. The Senator from Massachusetts asks unanimous consent that joint resolution 240 of the Fifty-fifth Congress, third session, declaring the purpose of the United States toward the Philippine Islands, introduced by the Senator from Louisiana [Mr. McENERY], together with the amendments which have been offered to it, and all votes which have been taken upon it by yeas and nays——

Mr. HOAR. Or upon the amendments——

The PRESIDENT pro tempore. Or upon the amendments, be printed. Is there objection? The Chair hears none.

Mr. SPOONER. I move to amend by including also the vote on the treaty and the votes on the amendments offered to it——

Mr. HOAR. I have no objection to that.

Mr. SPOONER. The vote on the treaty of Paris as it passed, and the votes on the amendments offered to it. They have all been made public.

Mr. HOAR. I will accept the amendment.

The PRESIDENT pro tempore. The Senator from Massachusetts [Mr. HOAR] modifies his amendment by including that which is proposed by the Senator from Wisconsin [Mr. SPOONER].

Mr. COCKRELL. Now, what does the proposition embrace?

The PRESIDENT pro tempore. It will embrace a reprint of the joint resolution, also of all the amendments offered to the resolution, also of all the yea-and-nay votes upon the resolution and the amendments to it, also the votes upon the treaty and upon the amendments offered to the treaty.

Mr. SPOONER. That is right.

Mr. COCKRELL. Will that contain an exact copy of the treaty itself in the beginning of the document?

Mr. SPOONER. That would be just as well. The Senator from Massachusetts has no objection to that?

Mr. HOAR. I have no objection.

Mr. COCKRELL. The treaty itself ought to come first in the publication, so that we may be able to understand it.

Mr. SPOONER. All right.

The PRESIDENT pro tempore. The Chair will put the question to the Senate in that way.

Mr. COCKRELL. Let us have it in that way, so that when it is published the treaty will come first.

The PRESIDENT pro tempore. The motion is to reprint the treaty, all the amendments to the treaty, and the votes upon them; also the votes upon the treaty itself, together with the other matters which have been stated to the Senate. Is there objection? The Chair hears none, and it is so ordered.

Mr. HOAR. Mr. President, I listened with great interest to the statement of the Senator from Connecticut [Mr. PLATT], which was certainly, nobody will question, a very important statement; and, of course, coming from the Senator from Connecticut, it was a very clear and very sincere statement. I do not wish just now to enter upon a discussion of the particular point suggested by that statement; but there are two or three things that ought to be taken into consideration, and ought to be at some time explained in connection with that statement.

Just about a year ago, if I remember the date aright, there was presented—I will not be sure; I think I did not present it, but that it was presented by the Senator from Colorado [Mr. TELLER]—a statement of, I think, 2,000 petitioners, citizens of Manila, containing, if I do not forget, the names of the leaders of what is conceded to be the very able bar there and of a large number of men of university education and the principal inhabitants—bankers, brokers, and business men. That place had been in the uninterrupted possession of the United States since the Spaniards left it. It was the headquarters of the activities of the Philippine Commission and of all American influence there; and with one accord the representatives of the wealth, intelligence, jurisprudence, and business interests of that community, no one of whom had ever been engaged in forcible resistance to our authority, declared that it was their desire and the desire of their people that they should have independence.

The Senator from Connecticut did not state the date of the document from which he read.

Mr. PLATT of Connecticut. Oh, yes, I did. The first one was dated December 17, 1901, and I stated that the dates ran down to December 21 last.

Mr. HOAR. I was about to state that it must have been within eight, ten, or twelve months of that unanimous and most impressive appeal.

In addition to that, I myself presented petitions from a very large number indeed of the municipal authorities and leading men of the villages all through the civilized portion of the Philippine Islands, especially Luzon. They reminded me of the proceedings of the New England towns preceding our Revolutionary war. They were to the same purpose, but in general in different language. They were adopted by public meetings held at the townhouse or some place therein, with an equivalent name in their vocabulary, the principal inhabitants of each of those places assembling voluntarily to declare their purpose.

The language, usually that of some presiding officer or mover of the resolution, was elegant, clear, and impressive, and the handwriting was in general of a character indicating a degree of education and scholarship—all the citizens present, or most of them, signing these petitions, in these, I suppose, hundreds of communities—of a character indicating an education and scholarship superior to the ordinary country towns in my part of the country now, and quite equal, I think, to the average character of the members of this body, certainly very much superior to my own.

Mr. FAIRBANKS. Will the Senator permit me to ask him a question?

Mr. HOAR. Certainly; but as this is a narrative, would it not be well for the Senator to wait until I have concluded it?

Mr. FAIRBANKS. I will interrupt the Senator but a moment. I wish to ask whether the Senator knows about what proportion of the inhabitants of those several villages were represented by the actual signers?

Mr. HOAR. These petitions were certified to by the village authorities in all cases where the meetings were held at the towns. I do not know what proportion they represented, but the number of signers in each case was not very large—from 30 to 40 or 50.

Now, what has happened since? We have some knowledge of how human nature works. I hear something of the Asiatic mind on both sides of this debate. The one great record in history or literature of the Asiatic mind is the Old Testament, which seems to me more like the working of the mind that I have known and been brought up to know as the American and English mind than any other in all history or literature. But I assume that human nature is the same in many respects everywhere; that there is a love of country, and Mr. Taft says that that passion exists in the Philippines; that there is a love of liberty there. Our great American philosopher declares that God will take the sun out of the sky ere freedom out of man.

What has happened since? There has been an absolute disarming of that people. These declarations which the Senator from Connecticut turned over as a sweet morsel under his tongue are the declarations of a conquered and disarmed people—disarmed by a great army, drilled and disciplined, and apt for fighting as no other like army on earth. They have gotten from all these people every weapon of defense.

I do not enter upon any question of the processes by which these men were led to give up their weapons, because I do not mean to make any charge against the honor of the officers or the soldiers of my country until some investigation, where both sides have been heard, has shown that it is warranted; and I will say here that if investigation shall show that it is warranted I know the Senators who differ with me on this general question will be as swift and as zealous to express their indignation as I or any other man can be. But whatever may have been the processes, the result is accomplished.

Mr. President, that has been accomplished by an army of ours. The Senator says there are some 3,000 Filipino soldiers against the 40,000 Americans there now. Are there any Filipino officers of high rank among that brave and intelligent people? Is there a man who as yet we have trusted to command a military force to be levied against these proceedings of resistance, which the Senator would have us believe are as odious to the Filipinos in general as to us?

There is another thing. The Senator quotes from the certificates of certain provincial governors who reported to Governor Taft, and who testified to the delightful condition of things, but the governors whom he quotes are all appointed by American power—every one of them—and paid by American money. Does the Senator think that certificates as to the condition of public sentiment when our Revolutionary war broke out, or even when it had been going on for a year, made to the British Parliament by the Tory governors of that time, would have been accepted anywhere as of great historical value?

Another thing. My honorable and enthusiastic friend from Connecticut spoke two or three times over of the fact that they had had elections, and he said "elections," "elections," "elections." Well, they had something they called elections. But it is a little peculiar to the American understanding to hear of an election, or at any rate, to hear of a man from Connecticut speaking about it in this debate when it is a penitentiary offense for everybody who takes part in it to advocate any political opinion whatever.

An election! An election, if I may imitate my friend, where there is to be no freedom of speech, no discussion, everybody putting in his vote clad in a straight waistcoat and liable to have his tongue cut out, or something much worse, if he suggests to one of his fellow-citizens any political opinion whatever!

Mr. PLATT of Connecticut. To what does the Senator refer?

Mr. HOAR. I refer to the enactment of the Commission read here. I wonder if the Senator has in his possession the platform upon which those governors ran? Has he the resolutions of the meetings where they were nominated? Has he the speeches which were made? Here was an election by a free people, 10,000,000 in number or thereabouts, three times as many as we had when we elected General Washington after the Revolution, and he can not for the life of him tell us on what platform the men ran, what speech any candidate made, or that even a political party could have been formed without sending every member of it to the penitentiary. It seems very natural to the Senator from Connecticut that that should happen. I should like to see them try it once in that dear little State of Connecticut, which I love as he does, and get the reports from the selectmen of the various towns of the great content of that people.

Then, an election without debate. All the inhabitants, according to my honorable friend, devoted to American sovereignty. All of them have been changed by a conversion as sudden as that of St. Paul, although the light and voice may have come from a very different quarter. But all converted within six short months—six short months having been devoted to making every man of them give up his arms and hunting through the mountains for the men who had been their leaders up to that time. And then they come in with their election, without debate, for it is treason to have a political debate. They are all dreadfully in love with American citizenship!

Another thing that struck me as rather comical, if I may be allowed to take any comedy out of this tragedy, was when the Senator read that the Filipinos were all growing in appreciation of our institutions. What are those institutions of ours that they appreciate?

Mr. BEVERIDGE. Free schools.

Mr. HOAR. Disarming the citizens, having elections without debates, and having the local chief magistrates appointed by a foreign country. Those are our institutions as we translate them to the Philippine Islands.

Free schools, cries out an enthusiastic youth on my left. Free schools! What kind of free schools? We teach citizenship in our free schools. We have an American flag over the schoolhouse. Can they teach citizenship in the Filipino free schools or have a Filipino flag—the flag of the country—hanging over the schoolhouse?

Mr. BEVERIDGE. The American flag.

Mr. HOAR. Can they read to those scholars, as was suggested during the debate, the Declaration of Independence, or the great amendments to our Constitution, and tell them there is the great foundation of citizenship? Can the little boy of 10 or 15 in a class in those free schools say that he loves liberty; that all men are created equal, and that governments derive their just powers from the consent of the governed? The poor little fellow will have to be sent first to the coal bin and then to the penitentiary. These are what are called free schools, and that is the way they are to teach appreciation of our institutions.

What do the children in our free schools do? They do not sit on Washington's birthday. They read the Farewell Address, but you might as well put a spark of fire into a powder mine as to have Washington's Farewell Address read in one of those free schools where they teach American institutions.

The free school here at home does not keep on the Fourth of July, but the Filipino school, if it does not keep, can not at least have anything said such as we say here on the Fourth of July. I wonder if they speak pieces in the free schools in the Philippine Islands. When we were young we used to speak a speech made by a Revolutionary villain named Patrick Henry, "Give me liberty or give me death."

I wonder if they speak that piece we used to speak in our humble way—Chatham's famous speech, the one finest oratoric utterance in all human history since the time of Greece—"Sir, I rejoice that America has resisted." I should like to hear a little chap out in a Philippine schoolhouse speak that. I wonder if Warren's address to his troops is one of the ways in which they teach the little fellow to appreciate American institutions:

> Stand! The ground's your own, my braves;
> Will you give it up to slaves?

Or Marco Bozzaris's address to his soldiers, which we used to know by heart? I wonder if they would allow the little fellow to speak a Fourth of July oration—and I have no doubt he has delivered a great many—by my honorable friend the Senator from Indiana [Mr. BEVERIDGE.]

I will venture to say, without having read them—and I should be a wiser and better man if I had—that there is not a Filipino free school in which any Fourth of July address he ever delivered in his life, or until within the last five years, or any important political speech he ever delivered in his life, or until within the last four or five years, would be allowed to be uttered by the school boy.

I hope the rosy view of my friend the Senator from Connecticut will turn out to be all right, but I confess I am afraid he will have to try again.

Mr. PLATT of Connecticut. Mr. President, my respect for the Senator from Massachusetts [Mr. HOAR] for his long and distinguished and able service to his country prevent me from replying in the tone in which I should reply to another Senator if he had delivered the speech which has been delivered by the Senator from Massachusetts. The people of the country will be sincerely sorry if they read this speech and mark his sneers at the efforts which we are making to educate the children of the Philippine Islands.

But I must allude to the premises upon which he bases his remarks. He says the Senator from Colorado [Mr. TELLER] presented here, something like a year ago, a petition with 2.000 signatures attached from people in the city of Manila asking for

independence, and that he, the Senator from Massachusetts, presented resolutions which had been passed at town meetings in the Philippine Islands expressive of the same desire. I remember that he took occasion then to say that he believed or thought that the people who signed their names to those resolutions were more intelligent, and I do not know but that he said more patriotic than the citizens of the country towns in the State of Massachusetts.

Mr. HOAR. No; I did not say that, Mr. President. I said they would compare very well with them so far as could be gathered from the indications of the handwriting and the language and the style of the paper.

Mr. PLATT of Connecticut. I think he said to-day—the RECORD when it is published in the morning will show whether he is correct or I am—that those petitions and the handwriting showed a condition of education and development in those towns which surpassed that of the country towns of Massachusetts.

Mr. HOAR. Will the Senator pardon me? I am sure he does not want to misrepresent me. I said in the mere matter of handwriting they were, I thought, equal to the average of this body, and far superior to my own.

Mr. PLATT of Connecticut. It struck me very strangely when he commented upon these petitions last year. It struck me equally strangely to-day. I can not understand what has come over the spirit of the Senator's dream which makes him think that the people of the Philippine Islands, if they do not surpass the people of Massachusetts, are their equals in all respects.

From this petition of 2,000 people in the city of Manila and from these resolutions which were passed in the town meetings expressing a desire for independence, the Senator considers that the fact has been conclusively established that all the people of the Philippine Islands are or were then earnestly desirous of independence.

What is the fact, Mr. President? The city of Manila is a city of 300,000 inhabitants; I think more than that—between three and four hundred thousand inhabitants. Here was a petition which we have a right to suppose was signed by all the people who could be found to sign it in the city of Manila; and whether they were men or women or children, who they were that signed that petition, how it was obtained, we know nothing; but it is paraded here now, as it was then, as conclusive evidence, which must not be questioned, that the people of Manila all desire independence, and that we are proceeding to stifle their desire for liberty and independence.

Then we come to the resolutions that were said to have been signed in town meetings. How they were procured, by whom they were suggested, whether by the junta at Hongkong or in Boston, nobody knows. They had a suspicious similarity which indicated that they had been prepared in some one source outside of those towns. They read and appeared very much as that class of petitions which we here in the Senate call machine petitions, which come to us on printed heads from all over the country on occasions.

But I insist that however honestly they might have been obtained, and however honestly the petition of 2,000 people in a city of 300,000 inhabitants or over might have been obtained, it is not, and it was not then, to be regarded as conclusive evidence of a determination not to accept the Government of the United States in the Philippine Islands and its sway.

Then, having thus established what the Senator supposes is the fact, having produced what he seems to think incontrovertible proof of that fact, he asks what has happened since to change the minds of the people. The Senator himself scarcely questions the accuracy of the representation of the conditions there at present. I think no Senator on this floor will go that far. Here are five men in those islands constituting the American part of the Philippine Commission.

The Commission consists of eight, three Filipinos serving upon the Commission, whose names I do not know. But I want to state the names of the American commissioners. It is well to recall them in the Senate of the United States from time to time. They are men than whom now no higher stand in the country, or ever stood in the country, for intelligence, for patriotism, for truthfulness, for honesty of purpose, or for ability. I refer to Taft, Worcester, Wright, Ide, and Moses. What these men say about the conditions of the Philippine Islands is to be whistled down the winds by the sneers of our friends on the other side, reenforced by the Senator from Massachusetts. I propose to trust those men as not misrepresenting the situation in the Philippine Islands.

Mr. CARMACK. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from Tennessee?

Mr. PLATT of Connecticut. Certainly.

Mr. CARMACK. I should like to ask the Senator what he would think if he finds it to be true that all the military officers have exactly the opposite opinion from the opinion held by the commissioners?

Mr. PLATT of Connecticut. I have no evidence that all the military officers hold a different opinion, and I do not believe it is true; but I think the Senator from Tennessee himself will scarcely go to the extent of trying to discredit in the United States Senate and before the American people the honesty, integrity, patriotism, and ability of Luke Wright, of Tennessee. We have some officers out there——

Mr. CARMACK. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from Tennessee?

Mr. PLATT of Connecticut. Certainly.

Mr. CARMACK. Of course I do not mean to impeach the honesty or the patriotism of Mr. Wright, but I do say that I believe General MacArthur has more accurate information as to the conditions existing in the islands than has General Wright or Governor Taft either.

Mr. PLATT of Connecticut. We have some officers out there. We have Generals Chaffee and Hughes and Davis and Bell and Grant, and if those five officers, gallant and brave, could have stood in this Chamber the last week and heard what Senators have said about the condition in the Philippine Islands, I think they could not have refrained from taking part in that debate themselves.

The Senator from Massachusetts says, what has happened to change the condition which he had so conclusively established, that the people a year ago were all opposed to the American Government, to American sovereignty, and to the continuance of our Government there, and were all earnestly clamoring for and demanding absolute independence. I will tell one or two things that have happened there, besides the disarmament of the people.

But right here as I progress I wish to say that if we have been by force and wickedness disarming a people, and the evidence shows that in twelve months after disarmament there exists no latent hostility to the Government of the United States, but everywhere a desire to submit to its sovereignty and to come under the beneficence of its sway, it is certainly evidence of very remarkable progress toward that condition of things which we all desire shall prevail in those islands.

But I will tell you one other thing that has happened. This Commission, composed of the men whom I have mentioned, have since that date gone into 34 provinces in those islands and asked the people there to establish civil government for themselves, and the people have taken them at their word and established civil government there. A very wicked thing, apparently, it is thought, that these eight men, five Americans and three Filipinos, composing the Commission, have been doing. But it is satisfactory to the people of the islands. We have been doing some other things there.

Mr. HOAR. May I ask the Senator from Connecticut a question?

Mr. PLATT of Connecticut. Certainly.

Mr. HOAR. Does he think that if the treason law had been submitted to the people of the Philippine Islands by a referendum and debated they would have adopted it?

Mr. PLATT of Connecticut. I am not sufficiently familiar, perhaps, with what is called the treason law, and I will not stop now to discuss that proposition. I will say, however, that in my own State we have a law which we have never thought was inconsistent with our rights or our liberties, and which I in my own State am ready to discuss and defend. I wish to read it. After the law which relates to treason and misprision of treason we have this statute in Connecticut:

SEC. 1398. Every person in this State who shall in time of war or rebellion against this State or the United States, directly or indirectly, commence or carry on any intercourse with any enemy or rebel, or with any person, for the purpose of being communicated to him with intent to aid him or to defeat or embarrass the measures of the government of this State or of the United States, or shall, directly or indirectly, sell or transport, or attempt to transport to such enemy or rebels arms, munitions of war, or provisions, or supplies of any kind, shall be fined not more than $1,000 or imprisoned in the State prison not less than three nor more than seven years, or both.

As I understand that statute, Mr. President, there are certain persons living in the State of the Senator from Massachusetts who, if they had come into the State of Connecticut and commenced to carry on intercourse with the Filipinos with intent to aid them or to defeat or embarrass the measures of the government of the State or of the United States, would have subjected themselves to the penalty of this statute; and yet the people of Connecticut have not been chafing under it. The people of Connecticut think that is right, and that a man who, when there is a rebellion against the State or the United States, enters into communication with the enemy for the purpose of embarrassing the operations of the State or United States, commits a crime, and subjects himself to punishment.

I undertake to say that not only the people of Connecticut, but

the people of Massachusetts who live right around Fanueil Hall will say that is right; and when anyone with arms in his hands anywhere that the United States is entitled to sovereignty is resisting that sovereignty he is an enemy of the United States, and that anyone who corresponds with him to encourage him to continue in that hostility to the United States commits a crime and deserves punishment.

But, Mr. President, this is a diversion. We have done some other things there. We have established schools, at which I am sorry to hear the sneers of the Senator directed. We have sent out a thousand American teachers there to teach them the institutions of our Government with the language which those institutions have always accompanied and always will accompany.

But before that we did some things that no other government on earth ever did. We established schools in the Philippine Islands before we sent these civilian teachers there, and we detailed privates from this Regular Army of ours, so denounced in this Chamber, to teach those schools.

I knew one of those teachers, a private detailed from a company of the Regular Army. When he first established the school, not more than a dozen pupils could attend, and they had to be brought there by the police. They came naked, with an idea that they were being brought to a place of punishment. But very soon they learned that dress was something which the American Government signified. They were soon clad in the ordinary habiliments of scholars. They exhibited an eagerness to learn and to learn the English language which was fairly surprising, and when the American teachers went there and this private was relieved from the school he had 160 scholars as intelligent, as well-mannered, and eager to learn as scholars anywhere on the face of the earth. What other country ever detailed private soldiers to teach school in its conquered country?

Those things we have done, Mr. President, and to my mind they account for the change which has come over the people of the Philippine Islands. They see that we mean them well. They see that we would do them good. They see that we would lead them toward a new civilization and a better life. They see that under our institutions, under our Government, they are to enjoy a degree of liberty, free speech, and happiness which they could never have enjoyed under the Government of Spain or under a government of the much praised and sainted Aguinaldo.

Now, Mr. President, in the sneers which the Senator from Massachusetts has seen fit to indulge in with reference to this most patriotic, beneficent work in the Philippine Islands, he refers, with his usual inaccuracy, to a statute, and, as I understood him to say—the RECORD will tell to-morrow morning whether he said it or not—he said that at an election in the Philippine Islands no man could express a political opinion without having his tongue cut out or some other terrible thing done to him.

Let us see what that statute is. What is it? The Senator says that under this statute you shall not discuss the issues of an election when an election is pending. Let us see if that is so.

> All persons who shall meet together for the purpose of forming, or who shall form, any secret society, or who shall after the passage of this act continue membership in a society already formed having for its object, in whole or in part, the promotion of treason, rebellion, or sedition, or the promulgation of any political opinion or policy, shall be punished by a fine not exceeding $1,000 or by imprisonment not exceeding one year, or both.

Is there anything in that which prevents free speech at an election or preceding an election, or which prohibits the declamation of those grand things to which the Senator has referred, the stirring phrases of Marco Bozzaris or of Warren's address? Not at all, Mr. President. It seems strange that human observation can be so warped as to draw such conclusions.

It does prohibit secret societies, as this Government ought to prohibit the secret doings of the anarchists. It does prohibit secret societies aimed at the existence of government, as we ought in this country to prohibit and punish membership in secret societies organized for the purpose of destroying government.

Mr. PATTERSON. May I ask the Senator from Connecticut a question?

Mr. PLATT of Connecticut. Certainly.

Mr. PATTERSON. Does not section 9 prohibit the formation of secret societies for the promulgation of any political opinion or policy whatsoever?

Mr. PLATT of Connecticut. I have quoted it verbatim et literatim. That statute is aimed primarily at secret societies having for their object, in whole or in part, the promotion of treason, rebellion, or sedition, and this further clause is added, "for the promulgation of any political opinion or policy." But it is not a prohibition of public discussion. It can not be so construed.

It is a statute aimed at secret plotting against the Government and our government there. It is a statute aimed at that plotting which in the city of Manila at one time came near breaking out into a massacre of our troops and our citizens and our friends.

Whether that clause be wise and proper or not, it does not justify the inference drawn by the Senator from Massachusetts in his disparagement of our school operations in the Philippine Islands. It does not prevent the reading of the Declaration of Independence. It does not prevent discussion preceding elections. It prevents nothing that is in the open. It prevents plotting in the dark against the Government and its authority.

Now, Mr. President, let us argue this question as it is. Let us see what the fact is. Do not let us shut our eyes to the real condition of things there and go back into the early period of this discussion and now occupy ourselves not merely with thrashing over old straw, but the stirring up of moldy straw. Do not let us take for granted every word of criticism, every word of opposition that has been made upon our Government, upon its officers, civil and military.

Do not let us take the ground that they are all to be discredited and not believed, and that even the slightest whisper which comes from over the water from Manila itself, from the junta in Hongkong, from the anti-imperialistic societies of this country (few, I am happy to say) are to outweigh and overthrow the testimony of our best, our ablest, our most trustworthy officials.

We attribute improper motives and improper objects and purposes to our civil authorities in the Philippine Islands, to our military authorities there. Why this eagerness to catch up everything which is said against them, to impute to them every bad motive, every cruelty ever practiced anywhere in the world? Mr. President, I can not account for it; it seems to me absolutely unaccountable.

The truth about this whole matter is that we acquired these islands, as the Senator from Colorado says, legally, rightfully, and, as he admits, they are under the sovereignty of the United States. However it may have occurred, there was rebellion or insurrection against the authority of the United States there, and it was no more justifiable there than it would be in the State of Massachusetts or in the Territory of New Mexico.

If we are a Government worthy of the name, worthy of living, worthy of a place in the present or the future, whenever men take arms against the Government of the United States in any country, district, or territory where the sovereignty of the United States prevails we will put down that rebellion; and it does not make any difference, Mr. President, whether it is in the Philippine Islands, or the District of Columbia, or the district of Alaska, or in South Carolina, or in any State of this Union. No perversion of the doctrine of independence and no perversion of the glory of liberty is going to convince this American people that it is not only its right but its duty to itself to put down armed resistance against the Government wherever it may rear its hateful head.

I do not want to say anything to revive the memories of the saddest war of recent times, but I can not refrain from alluding to the fact that for four long years we resisted this doctrine that government in its strict and literal sense depended upon the consent of the governed, and that eleven States and the people of those States, claiming that they could not be coerced, claiming that they were struggling for liberty and establishing an independence of their own, for four long years fought that question out with us, and we prevailed.

And now, if I understand, we have done the same thing in the Philippines. Some people over there, a few only compared with the great mass of people, followed the fortunes of one Aguinaldo. Did he have any consent of the governed to rely upon? If the doctrine of the consent of the governed must be strictly enforced here, I inquire what consent of the governed this vaunted and eulogized Aguinaldo had in the Philippine Islands? What right had he, any more than we, to demand the right to govern those islands?

Why, it is an open and uncontradicted truth that he did not represent a majority, a third, a fourth, or a fifth of the whole people of the Philippine Archipelago in that effort of his to subjugate that people and deprive them of their liberties. Oh, the subjugation of that people by Aguinaldo is praiseworthy, but the insistence that when we have sovereignty there our sovereignty must be respected is discreditable.

But time went on, and Aguinaldo surrendered. His army—and he had one once—vanished. There was no organized army left; and we have now before us, Mr. President, evidence which tends to show, to be followed by evidence which I believe will conclusively show, that in all that we have done and all that we now propose to do we have in the Philippine Islands the consent of the people of those islands.

Now, what is all this about, Mr. President? We had after that four years of war the consent of the people of the South to come back under the old flag, and they rejoice in it to-day, and we alike with them rejoice, and the animosities of that contest are forgotten. We have one flag in this country, thank God, and around that and under that flag we rally with a fraternal feeling that we never felt before we tried out the question whether a people demanding independence from the sovereignty of the United States were entitled to it.

We tried that out in the Philippines as we did in those eleven States, and the result is the same. The men who were in arms against us are now quite content to come in with us under our flag. If the testimony of these Filipino governors of those provinces is to be believed, we are either now in a position where we have this consent of the governed that American authority shall be maintained there, or we are rapidly securing that consent.

I can not understand, Mr. President, what it is that so excites our friends on the other side. I can not understand why these principles of liberty and independence and free government, in which we all believe and glory, are appealed to here in this juncture to show that we should now, having arrived at a point, or certainly nearly arrived there, where we have the consent of the people of those islands, abandon them, drop them, as was said the other day, recall our troops and leave them to the formation of such a government as they may choose to form, whether a republic, a monarchy, an empire, an autocracy, or whatever government some ambitious chieftain may be able to establish in those islands. Oh, no, Mr. President.

I did not intend to be drawn into these remarks, but the Senator from Colorado seems to have adopted the old Zoroastrian system of religion, of a good and an evil god. He says that if there is any call upon us to do what we have been doing in the Philippine Islands it must be the bad god whose voice we are listening to and not the good God that he wishes to follow.

Notwithstanding what the Senator from Colorado has said, notwithstanding the frequent remarks we hear on the other side that there is no moral obligation, no Christian duty resting upon us to do anything more in the Philippine Islands than to return from them, I do think that we are under the obligation and direction of a higher power with reference to our duty in the Philippine Islands.

Talk about commercialism! Is this matter to be weighed by bookkeeping to see where the balance of advantage is in dollars and cents? I think the United States of America has a high call to duty, to a moral duty, to a duty to advance the cause of free government in the world by something more than example. It is not enough to say to a country over which we have acquired an undisputed and indisputable sovereignty: "Go your own gait; look at our example. In the entrance of the harbor of New York, our principal port, there is the statue of Liberty Enlightening the World. Look at that, and follow our example."

No, Mr. President. When the Anglo-Saxon race crossed the Atlantic and stood on the shores of Massachusetts Bay and on Plymouth Rock that movement meant something more than the establishment of religious and civil liberty within a narrow, confined, and limited compass. It had in it the force of the Almighty; and from that day to this it has been spreading, widening, and extending until, like the stone seen by Daniel in his vision cut out of the mountain without hands, it has filled all our borders, and ever westward across the Pacific that influence which found its home in the *Mayflower* and its development on Plymouth Rock has been extending and is extending its sway and its beneficence.

I believe, Mr. President, that the time is coming, as surely coming as the time when the world shall be Christianized, when the world shall be converted to the cause of free government, and I believe the United States is a providentially appointed agent for that purpose. The day may be long in coming, and it may be in the far future, but he who has studied the history of this western world from the 22d day of December, 1620, to the present hour must be blind indeed if he can not see that the cause of free government in the world is still progressing and that what the United States is doing in the Philippine Islands is in the extension of that beneficent purpose.

Mr. HOAR. Mr. President, I think I ought to detain the Senate by a word or two in justice to myself and in justice to a great cause.

I can not return the taunt of my honorable friend from Connecticut [Mr. PLATT] in regard to the matter of inaccuracy. I am not prepared to say that inaccuracy is usual with that Senator. He is only inaccurate when he undertakes to deal with great questions of public liberty, of the history of freedom and of constitutional law; but it will take but one brief moment to see how inaccurate he is in those matters.

The Senator from Connecticut began by being inaccurate in his quotation of what I said when he represented me as saying that the people in those Philippine towns meetings were superior to the people of Massachusetts, or that the people who signed the petitions, the great lawyers and bankers and business men in Manila, were superior to the Senate of the United States.

Mr. PLATT of Connecticut. I did not say that.

Mr. HOAR. What I said was that in the matter of handwriting, which is some token and test of education, the men there would compare favorably with Senators who sat about me and wrote a much better hand than I myself did, and that the proceedings of the village communities did not suffer in comparison with the proceedings of ours during the Revolutionary war. But that is a trifle.

The Senator criticised the character of the petitions to which I adverted. When I spoke of 2,000 petitioners, which was my recollection, confirmed by that of another Senator——

Mr. TELLER. Still more than that.

Mr. HOAR. The Senator from Colorado says the number is still more. The Senator from Connecticut says it is to be presumed that they got all the petitioners they could, and that that is a small number in a city of 300,000 inhabitants. Was it ever heard that the petitions of bankers, of brokers, of business men, of boards of trade, which come from our cities have larger numbers, or that they are in the habit of trying to get all the petitioners they can when they send us their views about public questions?

The Senator says that nobody knows what was the character of those meetings in the rural communities, hundreds of them, if I recollect. The Senator is inaccurate there. Somebody does know, and the Senate knows if it chooses to open its eyes. They were certified to by the town authorities then existing, presided over usually by the chief magistrate of the town at the meetings, and expressed their opinions at the townhouse.

Mr. President, these are small inaccuracies, if any mistake can be small in a gentleman charged in part with the honor of a great republic and the right, the justice, and the liberty of another smaller but still numerous people.

The Senator is also inaccurate when he talks about the doctrine of the consent of the governed. He says we voted that down when we put down our brethren who were in arms against us during the civil war.

We did not do any such thing. We only claimed that the doctrine of the consent of the governed was applicable to the right of one people to trample another under their feet, and that the Southern people were one with us, not a separate people, and had consented when they came into the Union at the beginning to be the people of the United States with us, and had submitted by their own consent—I am not saying whether we were right or wrong, but that was our doctrine, which prevailed—and had submitted with one consent all their States to a declaration that the laws of the United States and the Constitution should be the governing law for them forevermore, unless constitutionally amended, anything in the law or constitution of any State whatever to the contrary notwithstanding. Is not that the consent of the governed that we stood on? We were carrying out the constitutional consent of the governed on the most important occasion in human history.

Mr. President, Abraham Lincoln, whose utterances would be treason under the beautiful statute which the Senator from Connecticut inaccurately read, declared on his way to be inaugurated, knowing well through what peril even at that time he was journeying, in a speech in Philadelphia that this great doctrine of the consent of the governed was one for which, if need be, he was ready to be assassinated. It seems as if his prophetic soul foresaw his fate.

This citation of the case of the civil war by my honorable friend from Connecticut is of a piece with the parrot utterances that we hear of late, that Jefferson, when he accepted Louisiana, was not standing by the great doctrine he had declared, and that Sumner, when he got through the bill for the purchase of Alaska, was not standing by it.

Sumner made an elaborate speech, in which he said that he was not departing from that doctrine, for which he also was ready to be a martyr. The gentlemen who think so are sincere, undoubtedly, but if the necessities of this case and this crisis shall demand it of them they will be ready to persuade themselves next that the Saviour of mankind never believed the doctrine of the Sermon on the Mount and never practiced the Golden Rule.

Mr. President, let us now come to the Connecticut statute, the statute which my honorable friend read. The Connecticut statute, like the statute of treason passed by the United States Government in 1790, was leveled at the crime of rendering aid and comfort to a foreign foe. Even then it was surrounded by the safeguards which I mentioned the other day and which the Senator from Colorado mentioned here to-day. It was a crime which would warrant and would cause any mother to disown her son, any wife to disown her husband, any sister to disown a brother, and any son to reject the name of his father.

But is it for that reason that it is decent or fitting, when a great people are standing together for their independence, to put that in practice in such a case? We did not disturb our own statute of treason, it is true, during the civil war, but we never brought one human being to trial under it.

Even then it was not considered that it should be put in force. We felt, as Burke said he did, that we could not draw an indictment against a whole people. It would have filled mankind with horror if this Connecticut statute or if our statute of treason of

1790 had been enacted in 1861, or at any time thereafter, to be put in force against Tennessee, or Virginia, or Kentucky, or Missouri. That is the trouble with my honorable friend from Connecticut.

It was said once that an eminent and well-known public man, who used to cite historic examples for what he did, made up his character of the faults and crimes of all the great men who had previously lived; and the Senator from Connecticut seems to think we should fill our statute books with the cruelties or the perverted meaning of all the great statutes of the past.

Now, Mr. President, come to this statute for a moment, and let us see what kind of an election the Senator refers to. The Senator read this statute inaccurately in emphasis——

Mr. PLATT of Connecticut. Mr. President——

Mr. HOAR. I am going to read what the Senator did not.

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Connecticut?

Mr. HOAR. Certainly.

Mr. PLATT of Connecticut. If I read it inaccurately, it was the result of a slip of the tongue. I think I read every word of it.

Mr. HOAR. Well, let us see. The Senator from Connecticut said that there had been elections which showed that the people of the Philippine Islands did not desire their independence, but that they were content with what he called the sovereignty of the United States. Sovereignty used to be a thing that could not be bought with gold over an unwilling people or could not be won by force of arms, as the United States understood the law of nations. But let that pass.

Those elections were had under this law. Did the Senator read section 10?

Mr. PLATT of Connecticut. No.

Mr. HOAR. Very well. Then he did not read the part of the law which applies to what we are talking about, and when a Senator leaves out a part of the law which applies to what he is talking about he reads it inaccurately, in my opinion. [Laughter.]

SEC. 10. Until it has been officially proclaimed that a state of war or insurrection against the authority or sovereignty of the United States no longer exists in the Philippine Islands it shall be unlawful—

Will Senators give me their attention—

for any person to advocate, orally or by writing or printing, or like methods, the independence of the Philippine Islands or their separation from the United States, whether by peaceable or forcible means, or to print, publish, or circulate any handbill, newspaper, or other publication advocating such independence or separation.

Now, here is an election from which this is determined by my honorable friend the Senator from Connecticut who is sending his notions of public liberty around the world, and they settle in that election the opinion of the people of the Philippine Islands on this very question of independence under a law which sends a man to the penitentiary for a year if he advocates one side of the question, even by peaceable means, or if he "print, publish, or circulate any handbill, newspaper, or other publication, advocating such independence or separation." And it is my "usual inaccuracy" that thinks that that was not a fair election according to American ideas, and that it does not disclose to us the true opinion of a people who have been forcibly disarmed within six months.

Mr. PLATT of Connecticut. The Senator from Massachusetts referred to section 9.

Mr. HOAR. I referred to section 10.

Mr. PLATT of Connecticut. In the remarks to which I replied I understood him to refer to section 9.

Mr. HOAR. Did the Senator know of section 10 when he made his speech?

Mr. PLATT of Connecticut. I did.

Mr. HOAR. He did. The Senator knew of section 10 when he made his speech, and he knew that the elections were held under that law; and then he did not read the law, but declared the election was conclusive evidence that these people were now fond of our rule, and then he criticised me for inaccuracy.

Mr. PLATT of Connecticut. Will the Senator from Massachusetts permit me?

Mr. HOAR. Certainly. I will not only permit the Senator, but I shall be delighted to have some explanation.

Mr. PLATT of Connecticut. The election of which he speaks and of which he says I spoke, I spoke of in this way originally. I was referring to the civil governors appointed by the Philippine Commission.

Mr. HOAR. That is not an election.

Mr. PLATT of Connecticut. The Senator from Massachusetts said they had now been elected.

Mr. HOAR. No, I did not.

Mr. PLATT of Connecticut. I mean the junior Senator from Massachusetts [Mr. LODGE].

Mr. HOAR. I beg pardon.

Mr. LODGE. I stated that an election had been held. It is true; it has been held.

Mr. PLATT of Connecticut. Those are the only elections to which I referred.

Mr. HOAR. The Senator from Connecticut is again inaccurate. He alluded to the reports furnished us by the governors of these places, and he said that they had elections.

Mr. LODGE. They have had.

Mr. HOAR. And that those elections indicated the contentment of the people with the rule of the United States, and that they no longer had any desire for independence; and then he read part of section 9, the part of this statute which did not apply. I call his attention to the fact that these elections were held under the law which sent every man who was in favor of one side of the question, which he says was settled by them, to the penitentiary for saying so. Am I inaccurate now?

Mr. PLATT of Connecticut. No. The Senator from Massachusetts is infallible. [Laughter.]

Mr. HOAR. I think I am not inaccurate, and I am very glad that when I put that grave and great question to the Senator he has not anything but a very small joke for a reply.

Now, let us go back to section 9 for a moment, and see if the Senator was accurate when he said it applied only to secret societies to propagate anarchy. In the first place, did I correctly understand the Senator to say that?

Mr. PLATT of Connecticut. I did not say that.

Mr. HOAR. He did not say that. Then he does not say it now, I suppose, and he did not then. I understood him to say that. The RECORD will show whether or not I correctly caught his meaning. But let us see:

All persons who shall meet together for the purpose of forming, or who shall form, any secret society—

I do not like secret societies very well; I never belonged to one in my life, but I wonder what our Masons and Odd Fellows and A. P. A.'s and other societies think of that, Master Brook, for a law in the year of grace 1902, which is to be sent around the world, according to the Senator, as showing the glory of American institutions. But let us go a little further—

or who shall, after the passage of this act, continue membership in a society—

Not now a secret society, but any society—

already formed—

Is not a political party a society, I should like to know, and if a man continues membership in any political society already formed—

having for its object, in whole or in part—

I leave out the words "the promotion of treason, rebellion, or sedition"—

or the promulgation of any political opinion or policy.

Any political opinion or policy! If you continue a member of it you are to go to the penitentiary for not exceeding one year. And that is freedom? What an eminent Republican statesman, now withdrawn from public life, described in one of his felicitous phrases as "canned liberty," which we are engaged in sending to this distant region.

I shall not detain the Senate long at this late hour, although I have several other things which I should like to talk about. I wish to allude only to one other thing. The Senator mourns that we can not accept the opinion of the Philippine Commission and of Governor Taft. He has not quite concluded giving his opinion yet, but let that pass. He has given a good deal of it which has been quoted.

I like and respect Governor Taft, and I dare say his associates deserve—perhaps all of them; certainly some of them—the eulogy which the Senator has pronounced. But the trouble in believing Governor Taft and his Commission is that we are met by the Army officers, who tell us a very different story. Governor Taft meets a Filipino gentleman who comes to see him when he goes to a city—whether the Filipino gentleman be sincere or otherwise I can not say—and he tells him a glowing story, rose-colored and optimistic, and he reports it.

The governor does not have to look out for the men when they are situated where they can strike a blow, but the Army officer does. He is all over that country in the person of his soldiers and subordinates. He is getting reports all the time from his military organization, and officials and instrumentalities, and he tells you that you must have many thousand troops for a long period in the Philippines. Now, which are we to believe?

I might as well turn on my friend, the Senator from Connecticut, and say, will you not accept the honor of an American soldier and the sagacity of an American officer? We have unfortunately to choose between two sources of testimony, the soldier and the civilian.

I have been told that even in Manila there are ladies, the wives of famous soldiers, who never sit down in a room without having their back to the wall for fear of a blow being struck at them. I

do not know anything about that at all, and I am certainly not able to establish it except by the testimony of one single witness, so I do not put any stress on it.

But the United States can not sit down in quiet among these people that so long for its sovereignty and cry for it as children cry for Mrs. Winslow's soothing sirup. The people of the United States can not sit down without placing their backs to the walls or without 40,000 or 50,000 soldiers to defend them. That is a fact, and that fact helps us determine whether we will take the evidence of the civilian or the soldier.

These things that I have stated constitute another fact. Governor Taft, if he is correctly reported, says that these people are in favor of our sovereignty and do not want independence. If that be true, why does Governor Taft accompany that declaration by saying that if a man advocates that independence by peaceable means, without a thought of forcible resistance, he must go to the penitentiary for not more than a year?

Mr. President, I have learned to trust men, even the greatest and the best men, not by what they say but by what they do; and when Governor Taft says that the Filipino people do not want independence, and says at the same time nobody shall express that desire above his breath, I distrust the opinion, and for evidence of the fact look to the act.

When he says that the people are enjoying American freedom and at the same time he promulgates a law that makes it a penitentiary offense to read the Declaration of Independence on the Fourth of July, I confess I am very little impressed by his judgment and very profoundly impressed by his edict.

Mr. LODGE. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 45 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, February 12, 1902, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February 11, 1902.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. ALLEN of Maine, for five days, on account of important business.

PENSION APPROPRIATION BILL.

The SPEAKER laid before the House the pension appropriation bill with a Senate amendment.

The Clerk read the Senate amendment, as follows:

Page 3, line 8, after "prescribe," insert:

"*And provided further*, That no pension attorney, claim agent, or other person shall be entitled to receive any compensation for services rendered in securing the passage of any special act of Congress granting pension or increase of pension; and any person who shall directly or indirectly contract for, demand, receive, or retain any compensation for such services shall be deemed guilty of an offense, and upon conviction thereof shall, for each and every such offense, be fined not exceeding $500 or imprisoned not exceeding two years, or both, in the discretion of the court."

Mr. BARNEY. Mr. Speaker, I move that the House disagree to the amendment and ask for a conference.

The motion was agreed to.

The SPEAKER appointed as conferees on the part of the House Mr. BARNEY, Mr. VAN VOORHIS, and Mr. BELL.

ARREARAGES OF TAXES IN THE DISTRICT OF COLUMBIA.

The SPEAKER also laid before the House the bill (H. R. 10076) to receive arrearages of taxes due the District of Columbia July 1, 1900, at 6 per cent per annum in lieu of penalties and costs.

The Clerk read the Senate amendment.

Mr. JENKINS. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

On motion of Mr. JENKINS, a motion to reconsider the last vote was laid on the table.

Mr. CANNON. Mr. Speaker, I ask that the House consider the following concurrent resolution.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the Clerk of the House of Representatives be directed, in the enrollment of the bill H. R. 9315, to insert the word "thirteenth," on page 9, in line 9, in lieu of the word "thirtieth."

Mr. CANNON. Mr. Speaker, that is merely to correct an error in the date. I ask the adoption of the resolution.

The SPEAKER. The Chair is of opinion that the unanimous consent of the House should be had first. Without objection, this resolution will be now considered. [After a pause.] The Chair hears none.

The resolution was agreed to.

OLEOMARGARINE BILL.

Mr. HENRY of Connecticut. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole House on the state of the Union for the further consideration of bill H. R. 9206.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, with Mr. LACEY in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the oleomargarine bill, and the Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 9206) to make oleomargarine and other imitation dairy products subject to the laws of the State or Territory into which they are transported, and to change the tax on oleomargarine.

The CHAIRMAN. General debate having been closed by order of the House, the Clerk will read the bill by sections:

The Clerk read as follows:

Be it enacted, etc., That all articles known as oleomargarine, butterine, imitation butter, or imitation cheese, or any substance in the semblance of butter or cheese not the usual product of the dairy and not made exclusively of pure and unadulterated milk or cream, transported into any State or Territory or the District of Columbia, and remaining therein for use, consumption, sale, or storage therein, shall, upon the arrival within the limits of such State or Territory or the District of Columbia, be subject to the operation and effect of the laws of such State or Territory or the District of Columbia enacted in the exercise of its police powers to the same extent and in the same manner as though such articles or substances had been produced in such State or Territory or the District of Columbia, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise: *Provided*, That nothing in this act shall be construed to permit any State to forbid the manufacture or sale of oleomargarine in a separate and distinct form and in such manner as will advise the consumer of its real character free from coloration or ingredient that causes it to look like yellow butter.

The following amendment, reported by the Committee on Agriculture, was read:

In line 11, page 2, strike out the word "yellow;" so as to read "causes it to look like butter."

The CHAIRMAN. The pending question is on this amendment reported by the committee.

Mr. GAINES of Tennessee. Mr. Chairman——

Mr. HENRY of Connecticut. I ask for a vote.

The CHAIRMAN. The gentleman from Connecticut is recognized. Does the gentleman rise to oppose the amendment?

Mr. HENRY of Connecticut. I ask for a vote on the amendment.

Mr. GAINES of Tennessee. Mr. Chairman, we can not hear one word the gentleman says.

Mr. TAWNEY. The gentleman asks for a vote on the amendment.

The CHAIRMAN. The Chair will recognize some one in opposition to the amendment first.

Mr. GAINES of Tennessee. Mr. Chairman——

The CHAIRMAN. The gentleman from Tennessee is recognized in opposition to the amendment.

Mr. GAINES of Tennessee. I want to ask some gentleman who supports this bill what the proviso in the first section of it means; and I desire to have order before I proceed further. It is a matter of very great importance.

The proviso of the bill, Mr. Chairman, reads as follows:

Provided, That nothing in this act shall be construed to permit any State to forbid the manufacture or sale of oleomargarine in a separate and distinct form and in such manner as will advise the consumer of its real character, free from coloration or ingredient that causes it to look like butter.

Now, the gentleman from Connecticut [Mr. HENRY] will remember that I asked the gentleman from Minnesota [Mr. MCCLEARY], while on the floor a few days ago, what was meant by this proviso. Without undertaking to explain it, which I believe he said he could not do, the gentleman referred me to the gentleman from Mississippi [Mr. WILLIAMS], whom he said had caused it to be inserted in the bill. I then called on the gentleman from Mississippi [Mr. WILLIAMS] to explain it, and he said the gentleman from Minnesota [Mr. MCCLEARY] was mistaken; that he had nothing to do with it and knew nothing about it. Now, since that time I have been informed, in a private conversation with the gentleman from Minnesota [Mr. MCCLEARY], that this provision is made and put into this bill to restrain the existing rights of the several States to act in reference to oleomargarine; to restrain the exercise of the inherent functions or police powers which the States have always retained and have now.

Since that time, Mr. Chairman, I have read the speech of the gentleman from Kentucky [Mr. ALLEN] of the committee reporting this bill, and at page 1361 of the RECORD he states in effect the same thing—that is, that it strikes out the present powers of the State governments. If that is the case, and I think it is, that provision should be remodeled.

Mr. GREEN of Pennsylvania. Strike it out entirely.

Mr. GAINES of Tennessee. And if the gentlemen who have so conscientiously worked to suppress or rather to outlaw this fraud have put something in this bill that they do not understand, or something more than they intended to, then this statement of mine is for the purpose of sharply challenging it to their attention and asking them to state clearly in the proviso what they really mean and let the House be fully informed. If they mean to prostrate the States, or if this proviso means to do so, then I am against this proposition. If they mean to strengthen the States, then I am for it; but as it reads, Mr. Chairman, which I may add is in the most abstruse language, very hard to understand, I am opposed to it.

I have submitted it to lawyer after lawyer on this side, and on first blush they say that it does not interfere with the State; but, after a moment's reflection, they say that the effect of it will be to paralyze State rights, which is wrong.

Now, which is it? Not one gentleman on the opposite side of the House has undertaken to explain this provision. Gentlemen upon this side, in private conversations with me, as well as the distinguished lawyer from Kentucky [Mr. ALLEN], in his speech, have said that it is a direct thrust at, a destruction of State powers.

Now, Mr. Chairman, in the case of Austin against The State of Tennessee, a cigarette case, reported in 179 United States, the Supreme Court clearly recognized the principle that the State has the right to exercise this police power. That is one of the rights which they have reserved, one of the rights they never surrendered and can not surrender, one of the rights they never should surrender, and one of the rights which I believe the gentleman from Connecticut [Mr. HENRY] does not want to impair. We want those rights to remain as they are, and I call upon my friend from Connecticut [Mr. HENRY] and the gentleman from Minnesota [Mr. TAWNEY], from whom we have not heard, to explain to this House what the meaning of this proviso is. I am sure they will be equally as candid and frank in making the explanation as I have been serious and honest in bringing the matter to their attention and to the attention of the House.

Mr. THAYER. What was the case to which you referred? You did not tell us what the finding in that case was.

Mr. GAINES of Tennessee. This was a case where the cigarette men——

Mr. WADSWORTH. Mr. Chairman——

Mr. GAINES of Tennessee. Just a moment.

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from New York?

Mr. GAINES of Tennessee. Yes.

Mr. WADSWORTH. Will the gentleman from Tennessee allow me to say to him that in the course of a few minutes an amendment will be offered which will cover the point to which he is referring, and I suggest that the gentleman wait until that amendment is offered, when he can continue his discussion when it will be more germane.

Mr. GAINES of Tennessee. Then you have an amendment covering that point?

Mr. WADSWORTH. Yes.

Mr. GAINES of Tennessee. I am glad to hear it.

Mr. WADSWORTH. And I hope the gentleman will wait a few minutes before he proceeds with his discussion.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. HENRY of Connecticut. I ask for a vote on the amendment.

The committee amendment was agreed to.

Mr. HENRY of Connecticut. I offer an amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Connecticut offers an amendment, which the Clerk will report.

Mr. BARTLETT. I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BARTLETT. We were unable to hear the Chair when he put the motion. What amendment was pending?

The CHAIRMAN. A committee amendment to strike out the word "yellow."

Mr. BARTLETT. And that has been adopted?

The CHAIRMAN. That has been adopted.

Mr. WILLIAMS of Mississippi. And now comes the next committee amendment.

The Clerk read the amendment, as follows:

Amend section 1 by adding thereto, after the word "butter," in the twelfth line of page 2 of the bill, the words "of any shade of yellow."

So that it will read:

Free from coloration or ingredient that causes it to look like butter of any shade of yellow.

Mr. SCOTT. Mr. Chairman I wish to say a word on the amendment emanating from the majority of the committee. I shall support this amendment because it is in line with the position I have taken on this bill from the beginning. But I am unable to understand how gentlemen who have supported what is known as the Grout bill and its lineal descendants are able to give their concurrence to the pending amendment. I hold in my hand a postal card signed by a half dozen or so of my constituents, the printed heading of which reads as follows:

No substitute for the Grout bill!—We have not authorized and do not approve making any change in the Grout bill as it passed the House in the Fifty-sixth Congress. So we can not indorse H. R. 4, introduced by Mr. Tawney; but we most heartily indorse and approve H. R. 1, introduced by Mr. McCleary, which is our Grout bill word for word, and we very earnestly request you to support H. R. 1 vigorously.

Mr. Chairman, I have no doubt that every member of this committee has received scores of cards similar to this. I am informed that in the last Congress practically cartloads of petitions of a similar character were received by members of the then House, and it is perfectly well known to all of you who sit on this floor that the sentiment of the country has been cultivated to support what has been known as the Grout bill.

In further confirmation of what I have said on this subject I wish to direct attention to a petition which I hold in my hand, which is a printed copy of the original now on file with the Committee on Agriculture. The first paragraph of this petition reads as follows:

We, the undersigned editors of publications devoted to agriculture, and representing the sentiments of the farmers of the United States, believing that future prosperity and welfare of the farmers of this country depends very largely upon the preservation of the dairy industry upon the farm, earnestly petition your honorable body to enact into legislation during the present session what was known in the last session as the "Grout bill," which passed the House by the tremendous majority of 104, was favorably reported by the Senate Committee on Agriculture, and, while occupying a privileged position on the Senate Calendar, failed of passage because of the rush of important appropriation bills at the close of the session.

This petition is signed with the names of gentlemen who, from the heading, appear to be the editors of "all the leading agricultural publications in this country," representing a constituency of over 3,000,000 people. It is directly in line with the addresses delivered on this floor calling our attention to the fact that 50,000,000 of people, through the legislation of their own States, are demanding the passage of the Grout bill.

Now, I submit that the measure originally known as the Grout bill has been already so much changed that its father would not recognize it if he should meet it in the big road; and if this pending amendment is made to it the measure will be of such a character that the author of the bill would repudiate it. I hold in my hands the hearings before the Agricultural Committee, and from page 261 I wish to quote, in support of the statement I have just made, the statement of Mr. Grout. Let me explain that this gentleman was before the committee, expressing his views upon this proposition—the question of inserting or omitting the word "yellow"—the question presented in the pending amendment. Upon that question Mr. Grout spoke as follows:

In the second section of the bill there is a proviso, and I see that Mr. HENRY has changed the language there by putting in "yellow." I want to say that that language incorporated there is taken right from the decision in the Plumley case, from the supreme court in the Plumley case. It will be exceedingly dangerous to interpolate a word there that would change that one single particle, because the Lord knows where the lawyers would run with it.

On page 269 the same speaker says:

I say that is what we want the tax on, and we do not want any limitation on it; we do not want to say "yellow butter." I tell you, my friends, that this bill, just as your Uncle Dudley drew it, will cover this question and will accomplish the result, if it can be accomplished at all. Let them pay that 10-cent tax, whether the coloring be much or little, and if you do not stand on that I would not give a rush for this law. I want to go on record as saying so to you gentlemen here, and I am on record. I would not give anything for it if you do not put that in.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SCOTT. I ask unanimous consent to occupy one minute more.

There was no objection.

Mr. SCOTT. So I say to you gentlemen who have felt yourselves committed to the Grout bill that according to the declaration of the author of that measure the adoption of the pending amendment will change it to such an extent that you will not be bound by that pledge; because in voting for this bill thus amended you will be voting for a bill which is entirely different from the Grout bill—a bill which the author of the measure declares he would not give a rush for, and which would not accomplish what he sought to accomplish when he introduced the bill.

THE BILL AS PASSED.

The following is a copy in full of H. R. 9206 in the form in which it passed the House, changes from the original Grout bill being indicated by italics:

An act to make oleomargarine and other imitation dairy products subject to the laws of any State or Territory or the District of Columbia into which they are transported, and to change the tax on oleomargarine, and to amend an act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886.

Be it enacted by the Senate and House of Representatives of the United

States of America in Congress assembled, That all articles known as oleomargarine, butterine, imitation butter, or imitation cheese, or any substance in the semblance of butter or cheese not the usual product of the dairy and not made exclusively of pure and unadulterated milk or cream, transported into any State or Territory or the District of Columbia, and remaining therein for use, consumption, sale, or storage therein, shall, upon the arrival within the limits of such State or Territory or the District of Columbia, be subject to the operation and effect of the laws of such State or Territory or the District of Columbia, enacted in the exercise of its police powers to the same extent and in the same manner as though such articles or substances had been produced in such State or Territory or the District of Columbia, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise: *Provided, That nothing in this act shall be construed to forbid any State to permit the manufacture or sale of oleomargarine in any manner consistent with the laws of said State, provided that it is manufactured and sold entirely within the State.*

Sec. 2. That the first clause of section 3 of an act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, be amended by adding thereto after the word "oleomargarine," at the end of said clause, the following words:

"And any person that sells, vends, or furnishes oleomargarine for the use and consumption of others, except to his own family and guests thereof without compensation, who shall add to or mix with such oleomargarine any ingredient or coloration that causes it to look like butter of any shade of yellow shall also be held to be a manufacturer of oleomargarine within the meaning of said act, and subject to the provisions thereof."

SEC. 3. That section 8 of an act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, be, and the same is hereby, amended so as to read as follows:

"SEC. 8. That upon oleomargarine which shall be manufactured and sold, or removed for consumption and use, there shall be assessed and collected a tax of 10 cents per pound, to be paid by the manufacturer thereof; and any fractional part of a pound in a package shall be taxed as a pound: *Provided*, When oleomargarine is free from coloration or ingredient that causes it to look like butter *of any shade of yellow* said tax shall be one-fourth of 1 cent per pound. The tax levied by this section shall be represented by coupon stamps; and the provisions of existing laws governing the engraving, issue, sale, accountability, effacement, and destruction of stamps relating to tobacco and snuff, as far as applicable, are hereby made to apply to stamps provided for by this section."

Sec. 4. That the Secretary of Agriculture is hereby authorized and required to cause a rigid sanitary inspection to be made from time to time, and at such times as he may deem necessary, of all factories and storehouses where butter is renovated; and all butter renovated at such places shall be carefully inspected in the same manner and to the same extent and purpose that meat products are now inspected. The quantity and quality of butter renovated shall be reported monthly. All renovated butter shall be designated as such by marks, brands, and labels, and the words "Renovated Butter" shall be printed on all packages thereof, in such manner as may be prescribed by the Secretary of Agriculture, and shall be sold only as renovated butter. Any person violating the provisions of this section shall, on conviction thereof, be deemed guilty of a misdemeanor, and shall be fined not less than $50 nor more than $500, and imprisoned not less than one month nor more than six months.

The Secretary of Agriculture shall make all needful sanitary and other rules and regulations for carrying this section into effect. And no renovated butter shall be shipped or transported from one State to another or to foreign countries, unless inspected as provided in this section.

Sec. 5. That wholesale dealers in oleomargarine shall keep such books and render such returns in relation thereto as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may, by regulation, require; and such books shall be open at all times to the inspection of any internal-revenue officer or agent. And any person who willfully violates any of the provisions of this section shall for each such offense be fined not less than $50 and not exceeding $500, and imprisoned not less than thirty days nor more than six months.

SEC. 6. This act shall take effect on the 1st day of July, 1902.

Passed by the House of Representatives February 12, 1902.

Attest:

A. McDOWELL, *Clerk.*

Mr. HENRY of Connecticut. Mr. Chairman, this is an amendment that has received a great deal of care and consideration from the committee. It has followed the language that is approved, I believe, by the entire committee, both the majority and the minority of members. It was a change that was asked for by the dairy commissioners of several States, and also a change that was also desired by the oleo manufacturers. And at least one manufacturer said at the committee hearings—I quote from Mr. Tillinghast—"If you put in the word yellow, making it read ingredients that caused it to look like yellow butter, that would be satisfactory." So we insert the words "butter of any shade of yellow," and in doing so believe that we have satisfied all parties at interest.

Allow me to further say that this section is substantially the same as in the Grout bill. The attempt has been made to indicate that there was a radical change in the measure. It is not so. This is the Grout bill with the same provisions that the Grout bill contained, only with the limitation that the butter shall not be made in any shade of yellow. This amendment has been asked for by gentlemen on both sides of the House, as I have explained.

Mr. OVERSTREET. Will the gentleman allow me to ask him a question?

Mr. HENRY of Connecticut. I will.

Mr. OVERSTREET. Can the gentleman state how many different shades of yellow there are?

Mr. HENRY of Connecticut. Oh, a great many.

Mr. OVERSTREET. I make the inquiry because I have been informed that there are 40,000 different shades of red and about 30,000 different shades of brown. Is the gentleman able to state how many different shades of yellow this amendment is undertaking to cover?

Mr. HENRY of Connecticut. It covers all shades of yellow. The gentleman can make his own estimate.

Mr. OVERSTREET. It covers about 30,000 different shades.

Mr. SMITH of Kentucky. I would like to ask the gentleman a question.

Mr. HENRY of Connecticut. I yield to the gentleman.

Mr. SMITH of Kentucky. I would like to ask the gentleman upon what theory does your committee conclude that it ought to be an offense against the law to imitate butter of some shade of yellow and not an offense against the law to imitate butter of any other color?

Mr. HENRY of Connecticut. Butter does not have any other color than yellow.

Mr. SMITH of Kentucky. Suppose it was pure white butter?

Mr. HENRY of Connecticut. Then it would imitate pure white butter, if you can find such.

Mr. SMITH of Kentucky. Would it not be an offense against the law to make oleomargarine to imitate white butter?

Mr. HENRY of Connecticut. Oh, no.

Mr. SMITH of Kentucky. Why should it not be an offense to imitate one as much as to imitate the other?

Mr. HENRY of Connecticut. That is a matter for the gentleman to decide for himself.

Mr. SMITH of Kentucky. Why do you discriminate in favor of yellow butter against white butter or any other color?

Mr. HENRY of Connecticut. Because yellow is the natural color of butter.

Mr. ALLEN of Kentucky. I would like to ask the gentleman if he regards orange color as synonymous with yellow?

Mr. HENRY of Connecticut. I do not. Orange is another color.

Mr. ALLEN of Kentucky. Will that prohibit oleomargarine being colored an orange color?

Mr. HENRY of Connecticut. Oh, I do not know as to that, but I have here an expression of opinion from the dairy commissioner of Massachusetts, Mr. Whittaker. I read from a personal letter:

> The oleo people tried to evade our law by making some stuff a much deeper color, so that it could hardly be called an imitation of dairy butter. The trouble with the scheme was that the consumers would not buy such looking stuff, so dark and repulsive.

The color referred to was orange-yellow or a darker shade.

Mr. ALLEN of Kentucky. I will ask the gentleman if it is not the opinion of Mr. Grout, a gentleman who is very earnest in the advocacy of this bill, that the amendment now being offered would not have the effect that the promoters of the bill propose?

Mr. HENRY of Connecticut. Mr. Grout is not in issue at this time.

Mr. ALLEN of Kentucky. Is not that his opinion?

Mr. HENRY of Connecticut. I do not care to answer. The question is personal to Mr. Grout.

Mr. STEELE (to Mr. ALLEN of Kentucky). You must not ask embarrassing questions.

Mr. HENRY of Connecticut. It is no embarrassment to me. The committee, not Mr. Grout, are responsible for the terms of this bill.

Mr. WILLIAMS of Mississippi. Mr. Chairman, the majority of the Committee on Agriculture brought in the bill with an agreement to strike out the word "yellow," as it appeared in the printed bill before the House. The impression was that would leave the language as follows, "that this tax on this commodity, except when it was free from color or ingredient that made it look like butter." If there was an ingredient in it that made it look like butter in consistency without looking like butter in color, it would leave it subject to this 10-cent tax. During the argument of the case in the House of Representatives the majority of the Committee on Agriculture discovered their error.

They now come in and agree to say in the bill that in order to be held to "look like butter it must be some shade of color." Now, I shall vote for the amendment offered by the gentleman from Connecticut, representing the majority of the committee, because it will leave behind it, if adopted, a less iniquitous bill than the bill would be if the amendment were not adopted, for the simple reason, as I fear, that if the amendment is not adopted then, in my opinion, the question will arise and be adjudicated in favor of the proposition that uncolored oleomargarine might be subjected to tax of this bill, whereas, if it is adopted, it will have to have some color in order to be subject to tax.

Mr. TAWNEY. Let me ask the gentleman if he means to say that this would subject uncolored margarin to taxation? He means to say that it would subject uncolored oleomargarine to the laws of the State.

Mr. WILLIAMS of Mississippi. In this particular section it would. Subsequently there is another amendment to cure the same defect in the taxation clause, and that is the main thing to be considered.

Mr. SIMS. May I ask the gentleman, a member of the committee, a question? Is it not a fact that there is no such thing as white butter; that it is always some shade of yellow?

Mr. WILLIAMS of Mississippi. I have seen butter as white as my shirt front fresh from the laundry, and every man, I suppose, that lives south of the butter-making blue-grass country and south of the red-clover and timothy country, who has ever seen butter made in the winter time, sees it every year.

Mr. SIMS. I know it is white compared with other butter, but is it white in legal terms?

Mr. WILLIAMS of Mississippi. It is as white as your shirt front, and whiter than oleomargarine.

Mr. SIMS. Is oleomargarine a pure white?

Mr. WILLIAMS of Mississippi. Almost a pure white; it is the color of white butter, and neither one of them has any shade of yellow at all. Some butter has, and most butter has. Some butter has no shade of yellow at all. The oleo fresh from the factory has no shade of yellow.

The CHAIRMAN. Debate is exhausted on this amendment.

Mr. HENRY of Mississippi. Mr. Chairman, I move to strike out the last two words. Much has been said on this bill, and what I say now may not change the result of the vote, but I feel I would not be true to the people whom I represent, nor to my own conscience, if I failed to say something on this occasion. If there was not a pound of cotton seed from which the oil is made, one of the ingredients in oleomargarine; if there was not a hoof of beef or of hog raised in my State, and, on the contrary, there was a dairy on every 10 acres of land in my district, I would oppose this bill. Indeed, I will oppose any measure that tends to strike down one product to help another, both equally wholesome. I would oppose any measure which strikes at one enterprise to the upbuilding of another industry.

It might be well for us to consider who the parties are who come to Congress to ask for the passage of such a stringent measure. Taking the report of the committee and the hearings relating to oleomargarine legislation, I find that only those who are directly interested either in the manufacture of butter or the manufacture of oleomargarine have presented anything to your committee tending to enlighten this House. We find by a review of the hearings that the manufacturers of butter urge this measure, and we are willing, therefore, in our desire to arrive at a just conclusion, to leave it to the record in this case and see if they have produced such evidence as would warrant the passage of a bill which will, in my opinion, take away from the States the rights of the States, and which will at once become dangerous and pernicious legislation.

The gentleman from Vermont the other day, in discussing this measure, insists that the objection to it is a mercenary one, and appeals, therefore, to the sense of justice of those who oppose it. I answer him and say that in most of the matters which we have to discuss money in some way or other necessarily figures, that is to say, that in the end all things are determinable by aiding or assisting one in the undoing of another. And while perhaps there may be two interests, as there are, I claim still that it should not be urged that our opposition to this bill is purely mercenary.

I feel that we of the American Congress should raise ourselves above any feeling of interest that we may have in the outcome of any measure that is presented to us for final settlement. We should, as far as possible, be governed by the Constitution of the United States, and never depart from that Constitution so long as it in any way teaches us or leads us to a just, honest, and upright conclusion. Is this measure such a one that follows the Constitution of the United States? We find in section 8 of the said Constitution the declaration "that all tax must be uniform." Can it possibly be urged that the tax on oleomargarine, in the absence of any similar tax upon butter, is uniform? Was such taxation possibly contemplated by the makers of this great law? No one, I take it, will insist that such was the fact. We all know and we all believe that the Constitution was made for all of the people, and that when we attempt by any legislation whatever to so change that Constitution as to put a tax upon one product and not be willing to apply that to a similar one we are departing from the laws laid down to us by our forefathers and are doing that which is assuredly wrong.

All business is legitimate if it does not come within conflict of law, order, and good government, and the very report upon which this bill is based admits that the making of oleomargarine is a legitimate business done in conformity with the law. So the making of butter is a legitimate business. It only differs from the making of oleomargarine in that the ingredients are not identically the same. The oleomargarine, it is true, contains most of the ingredients contained in butter. Indeed, so true is this that even the greatest experts have been unable, and are now unable, to designate the one from the other when the two are presented to them.

I read from page 30 of the hearing in regard to oleomargarine legislation, where a scientist says: "It contains essentially the same ingredients as natural butter from the cow's milk. It is perfectly wholesome and will have as high a nutritious value." Mr. Hoard, when asked the question, "What do you say to that?" answered that he had nothing to say to that; that he had heard that statement made, but still doubted the truthfulness of it.

The chairman of the Agricultural Committee then stated: "We have here the opinions of the following scientists," and named the professor of chemistry at Columbia College, New York; the professors of the University of Virginia and the University of Pennsylvania; of Stevens Institute of Technology, New Jersey; director of agricultural experiment station and ex-professor of agricultural chemistry in Yale College; Professor Caldwell, of Cornell University; the professor of Amherst Agricultural College; Professor Williams, of Missouri State University; Professor Alvord, formerly of Massachusetts Agricultural College and president of the Maryland College of Agriculture, now chief of the Dairy Division of the United States Department of Agriculture, and a number of other professors of chemistry. "The opinion of all of these men is that oleomargarine is wholesome. Would you have your judgment stand, then, against them, or are we to infer they are all prejudiced and among the scientific prostitutes of the age?"

Mr. Hoard answers: "No, sir; I did not say that." "Then I ask you do you consider oleomargarine wholesome or unwholesome?" "I consider it unwholesome."

Now, Mr. Chairman, we are here confronted by a great dairy man, the Hon. W. D. Hoard, chairman of the National Dairy Union, who is willing to put his own personal opinion up against the great scientists of this age and say that oleomargarine is unwholesome, in face of what the different gentlemen I have named, professors from the different institutions, say in regard to it. Does it not then occur to you that the distinguished gentleman, Mr. Hoard, is himself so biased and prejudiced against the manufacture of oleomargarine that he does not apply to it his usual good judgment, but is led off by a feeling that should not affect our minds, and he, therefore, becomes a prejudiced judge, and not one capable of giving a fair opinion? I make this excuse for Mr. Hoard, because no one could question Mr. Hoard's honesty or integrity. Your committee, I am glad to see, has abandoned the very ground taken by Mr. Hoard, and I, possibly, should not have made the reference that I have to Mr. Hoard's testimony but that I desire to show to this House the nature of the testimony given by those who have come here and sought this relief for butter and ask that this curse be put upon oleomargarine.

No man would stand here and say that he would dare ask to put a tax upon one of the great industries so numerous in our country that they might be protected against like industries in some other portions of the country. You certainly would not ask to tax any of the great mills that turn out textile fabrics or cloth of any sort to preserve or protect the old-fashioned spinning wheel or loom, and yet I say to you in all honesty that such taxation would be just as honest and as righteous as the taxation which you here propose to pass. This, I say, would be a piece of rank protectionism and be indefensible.

Much has been said here about the protection of the small farmer who makes a few pounds of butter weekly and takes it to town on Saturday and sells it, and gets in exchange for it something that his family desires. It is urged that the passage of this measure is a protection to that farmer. I deny that such is the case. The small farmer or the large who has a surplus of cream not used in the living of his family may put up a few pounds of butter each week, and is given in exchange for it something from the store.

But that is a small matter when you take into consideration the fact that that same farmer makes his living for his family and educates his children, not from the little butter that he sells, but from that which he raises in his fields. Generally the products that come from his fields are those which go to produce oleomargarine. Several of the chief ingredients in oleomargarine are the beef, the hog, the cotton seed, butter cream, and butter oil. The farmer may not raise beef cattle, but he raises the commodities which feed beef and sustain them and fatten them for market. So in the case of the hog, and the milk, butter, and cream; if any he raises or produces can be sold it is sold in large quantities to the oleomargarine dealer. The sale therefore of a few pounds of butter could not compare with the sale of the different cereals that are mentioned, and also of the sale of the hogs and the cattle, or the food stuff that he makes for them.

The defenders of this measure say that it will not hurt oleomargarine and it will not help butter. Those who say that, though, are members of this House, and not those who have gone before the committee and given their testimony.

I read now, from page 215, from a statement of Mr. H. C. Adams, dairy and food commissioner of Wisconsin, in which he says:

I said that there was no use in beating the devil about the stump, and our purpose in going to Congress with this bill providing for the 10-cent tax on

butterine or oleomargarine was to practically prohibit the business of the manufacturing of oleomargarine colored in imitation of butter. Some gentlemen on the committee insist that they understood me to say that it was our deliberate purpose to crush this business of manufacturing oleomargarine.

On page 217, among other things, Mr. Adams said:

We come here to Congress and ask for what we regard as substantially prohibitory tax upon the colored article.

Now, how can any gentleman stand on the floor of this House in the face of that statement and deny the fact that this measure is for the support of dairy butter and for the undoing of oleomargarine? If they urge it in their conclusion, they do so not from the record in this case, not from the statements of the witnesses before this committee, but from their own desire to misstate the facts as they exist. The idea of "not hurting oleomargarine," when from the very lips of the witness (Mr. Adams) he tells you that such is their intention! And that is not all. Governor Hoard says, on page 8:

We do not pretend to be endeavoring to protect the health of the people primarily. We are endeavoring to protect our own pockets and those of consumers who desire to purchase our product.

Nor is that all. Hon. W. W. Grout says, on page 252, in urging the passage of this legislation, and as a witness before the committee, that—

With these two provisions, the States taking up the matter after their own fashion on the anticolor laws, the Government being sure to have their 10-cent tax, there will be a remedy. It is a little like the darky fixing the trap for the coon so that he would get the coon whether he was going or coming. With these two provisions it is likely that oleomargarine will be a thing of the past.

There again, to my mind, there can be no doubt of the intended purpose of this measure as taken from the words of the witnesses who were presented before the committee to urge its presentation here in the House by the committee and its final passage.

Aside from the constitutional wrong which would be committed by the passage of this bill, I would call the attention, Mr. Chairman, of the House to the fact that butter is known to be a disease carrier. It carries germs of certain diseases. This is certain of milk, and it can hardly be doubted that butter may act in the same way; and this is most strongly urged, since in ordinary creaming of milk all but small portions of the bacteria rise with the cream. That has been shown to be true by the report of the health commissioner of the District of Columbia made in 1895, where tuberculosis has been spread through the milk supply; and numerous instances have been observed in which outbreaks of typhoid fever, scarlet fever, and diphtheria have affected those families living in the localities supplied by certain milkmen. The cause of sickness in those families is laid to the milk supply; and it has been found out definitely that the milk supply might serve as a medium of spreading these fevers if it came from the dairy where disease prevailed.

These suggestions of mine are not merely my opinion based upon supposition, but they are my opinion as taken from the statements made by scientific gentlemen who have given this matter study. And I would have the House to understand that I do not make these statements except upon the authority of men who are absolutely unprejudiced and unbiased, and have no reason on earth to make any other than a true statement of the conditions.

So much then for butter. What do we find in regard to oleomargarine? In the first place, the statements of those who have investigated the manufacture of this product are that the manufacture of oleomargarine or butterine in properly constructed factories is much cleaner than the manufacture of butter, and that the larger factories are as nearly perfect in all respects as it is possible to make them.

It is made from the richest and choicest fat of the beef. That fat is taken before the animal is skinned, thoroughly washed, thrown into a vat of ice water, to stand until the following day. Then it is cut up fine and cooked. After being cooked it is placed in linen cloths and the oil is extracted in a hydraulic press. The residue left in the cloths after pressing is commercially known as sterin. The tallow element is therefore effectually removed. The lard, neutral lard, is obtained from the leaf lard of the pig. The leaf is taken out as soon as the animal is killed, thoroughly washed, and put in a freezer for twenty-four hours. It is then cut into shreds and cooked, and after straining presents a snowy white color. But this is not all. Both the pig and the cattle are examined by Government inspectors before and after killing to see that diseased animals are excluded. Oleo oil and neutral lard, therefore, are the basis of the so-called oleomargarine. These are churned with cream or milk, salted, and colored with annotto, run through cold water, worked in a butter-worker, and placed in suitable packages, and labeled, according to the United States laws, "Oleomargarine."

It is apparent, therefore, that nothing but the most wholesome butter fats are used and that the most scrupulous precautions as regards cleanliness are observed in the manipulations. And this extends not only to the materials used, but also to the utensils, workrooms, and the persons and clothing of the employees.

Dr. Ames, of the United States Navy, said before the Senate committee that "the manufacture of butterine in properly constructed factories is much cleaner than the manufacture of butter."

Comparison, therefore, when drawn between butter of the dairy and oleomargarine, finds everything in favor of oleomargarine. Several gentlemen in this House have given utterance to language only calculated, as I take it, for home consumption. The protection of the poor, they say—the protection of those who want to buy butter and are unable to do so because none is offered. In all seriousness I ask these gentlemen, Have they read the evidence here, or do they represent a district where butter is made and where they must look to the votes of the dairymen for their return to Congress? Have they examined the record and seen where fraud is perpetrated in the making of butter? I dare say they have not, or if they have, they have not given the question the honest consideration it deserves, but have tried to frame their language to suit those whom they wish to help or receive help from.

No, Mr. Chairman, the fraud is not all on one side, and while we who support the amendment to this bill would not for one moment be understood as abetting a fraud in the sale of oleomargarine, we do urge that it be given fair treatment, for we find abundance of fraud in the manufacture of butter, as I will show.

I read now from page 229 of the hearing relating to oleomargarine legislation:

In regard to what is known as renovated butter or process butter. That butter, which is known to be picked up at hotels and other places and sent into cities where they have those creameries for putting butter through what is known as a renovated process, where they boil it, and add a little cream, and churn it up, and send it out upon the market.

Mr. Adams states, on page 229:

We have a renovated-butter factory in our State, Illinois. We do not sell it in our State, however, because we require it to be branded; but it is shipped out of the State.

The question was then asked Mr. Adams how this renovated butter was made. He says:

They take the cheap butters, some of them are rancid, some of them tolerably good, but they are lacking in grade and not merchantable. They take them and mix them together and melt them, then chill the melted butter in cold water. Of course, when they are melted they become of the same consistency and of the same color; the product becomes uniform; then it is chilled and churned in milk and resalted.

Mr. Adams states further:

There is no particular objection to the process. The trouble with renovated butter is that, although when it is first made it is pretty good, it goes off rapidly in flavor, and it is a fraud to sell it for creamery butter, which it is not. That fraud is often perpetrated, and there is no defense for it.

Now, then, Mr. Chairman, we also find fraud in the making of butter. We also have the statement of the distinguished gentleman, Mr. Adams, that this fraud is perpetrated upon the people; that the cheap butters, the rancid butters, and the tolerably good butters and that lacking in grade and not merchantable are all taken together and mixed.

And while his own State, that of Illinois, has placed a ban upon the sale of such butter, yet he admits that that butter is sent outside of the State and sold for creamery butter. And yet he says that this bill is to prevent fraud, when we have his own statement that fraud is being perpetrated in the making of butter such as I have described, which is, as the testimony shows, one of the greatest industries of the butter trade. The very butter that we are told comes from the farmer is, as we are also told, of a low grade, and does not keep and becomes rancid; that very butter is the butter that is worked up, renovated, put through this process, and distributed to the people.

Some gentlemen here might suggest, however, that oleomargarine is made of refuse fats; in fact, that has been stated by Mr. Hoard; but the proof is not with these gentlemen, as is shown from the testimony of Prof. George M. Kober, who has recently qualified himself as expert of hygiene and bacteriological studies. He says on page 50 of the hearing:

Oleomargarine can not be made from rancid fat, and in its manufacture great care must be exercised to exclude any material however slightly tainted. It can not be made from fats having a marked or distinctive taste, and its flavor is derived wholly from the milk or genuine butter employed in its manufacture. It contains, as a rule, less water than does genuine butter, and consequently any difference in food value is in its favor. It undergoes decomposition much more slowly and may be kept many months without becoming rancid. Many comparative studies have been made on this point and results generally have shown what I have said.

We have, therefore, Mr. Chairman, the admission of fraud by the butter people in the making of butter, and the charges of fraud by the butter people against oleomargarine, not from the manner in which it is made, but from the manner in which it is disposed. To quote Governor Hoard once again, we find that he insists, on page 9 and page 15, on the large use of refuse matter in the making of oleomargarine. He says:

It has been frequently charged that the fat from horse butcheries is made up into oleo oil, and also that fats taken from animals which have died a

natural death from disease have also been so utilized. While we have spent time and money seeking evidence of these things, I desire to lay before you for your mature consideration the fact that in no other way can we account for the production of the amount of oleo oil that is consumed and exported in this country. During the fiscal year of 1899-1900 there were, according to the Treasury Department reports, 142,000,000 pounds of oleo oil exported from this country. The same Department shows that in the same year 24,000,000 pounds were used in the manufacture of oleomargarine in this country. This is a total supply of 166,000,000 pounds for the year. Now, where did this come from? How much oleo oil do cattle make per head?

The statement made before the Senate Committee on Agriculture in 1886 by Elmer E. Washburn, a live-stock dealer in Chicago, showed that from 148,893 head of cattle slaughtered in that city by one of the largest packing concerns there was an average of 61.5 pounds of fat in those animals used in oleo oil, and that those 61.5 pounds made 28.1 pounds of oleo oil, which goes to prove that there is less than 1 pound of oleo oil to 2 pounds of fat. If there were 28.1 pounds of oleo in each of the 5,000,000 head of cattle slaughtered in this country during the same year, this would account for only 140,000,000 of the 166,000,000 pounds in sight. This leaves 24,000,000 pounds to be accounted for. But the oleo people, in all their declarations to Congress and manifestoes to the public, claim that only the finest caul fat of the steer is used in the manufacture of oleomargarine.

Experiments made by our present Secretary of Agriculture while dean of agriculture of the Iowa College showed that in 30 steers, averaging in weight 1,508 pounds in weight, there was an average of but 37.66 pounds of caul fat. As it is well known that 1,200 pounds would be a heavy average for the general run of animals marketed there would not be found more than an average of 30 pounds of caul fat in each. As Mr. Washburn's testimony is that it takes more than 2 pounds of raw fat to make 1 pound of oleo oil, it is plain that the average animal will not produce more than 15 pounds of oleo oil from its caul fat. At this rate we can account for but 75,000,000 of the 166,000,000 pounds of oleo oil that makes its appearance upon the market.

These figures have been placed before the oleomargarine makers, and they challenged to show the origin of this extra oleo oil. They have never made any attempt to show us how they get 166,000,000 pounds of oleo oil out of 5,000,000 head of cattle. We are bound to presume, therefore, that they have recourse to some source of supply regarding which they do not care to take the public into their confidence.

On page 15 Mr. Hoard says, in answer to question by Mr. Allen:

Mr. ALLEN. Then how do you account for the balance of oleomargarine in the country?

Mr. HOARD. In my opinion it is made from the refuse fats, as stated.

The CHAIRMAN (Mr. WADSWORTH). How many millions of oleo oil used in a year?

Mr. HOARD. Let me go over that again.

Mr. Hoard reread a part of his prepared paper covering this subject.

The CHAIRMAN. That is what I insisted, that 75,000,000 of the 166,000,000 pounds are those accounted for.

Mr. HOARD. This is so, provided that the statement of the oleomargarine manufacturer is true, that they make it only from caul fat.

Mr. MOODY. Now, if they make it from caul fat you leave it to inference where the other comes from: whether it is from the garbage wagon or where?

Mr. HOARD. Yes; I leave it to inference.

Now, Mr. Chairman, I invite your attention and the House to pages 201 and 202 of the hearing, which contains a statement of the Hon. William M. Springer, representing the National Live Stock Association of the United States, which is a voluntary association, and its membership represents nearly every State in the Union and in all of those where live stock is raised to any extent, and many where only a little is done. Mr. Springer, among other things, said:

There is one other point to which I want to call your attention before I close—that is as to the amount of oleo oil produced in this country.

That argument of Governor Hoard was very ingenious, and it left the impression upon this committee, if you believed his statements, that it would be impossible to have that amount of production of oleo oil in this country unless resort was made to the questionable places to which he called attention, and therefore it was intimated that the manufacturers of oleomargarine must use impure materials in order to make their products. Gentlemen, it seems to me that that is a slander upon the manufacturers of oleomargarine which has all the elements of a criminal libel—to pass upon an honest industry such an imputation as to their goods as that contained in the extract which I have quoted.

If such an imputation was cast upon the dairymen of the country there would be suits for slander all along the line, because it would tend to injure their business, and the person making such statements would be criminally and civilly responsible for the words. What are the facts? The 5,000,000 head of cattle slaughtered in this country, to which he referred, and the statement as to how much oleo oil was made from each steer, do not represent the actual facts. I have a statement here from Mr. Charles F. Martin, secretary of the National Live Stock Association, in an address he delivered at Topeka, Kans., day before yesterday, in which he was referring to the live-stock industry in this country.

Right here, gentlemen, I might say that there is nobody in the United States more competent to speak upon this subject than Mr. Martin. He has been secretary of the association since its organization, giving his entire time to the business of the cattlemen. He states in a public meeting of the Kansas Stock Breeders' Improvement Association then in session that the amount of cattle slaughtered in this country last year was 7,000,000 head. Now mark this: Twenty-eight pounds of oleo oil per steer, which was Governor Hoard's statement, and you would have 196,000,000 pounds of oleo oil produced in the United States. We have a surplus, therefore, of 30,000,000 pounds after you have supplied the amount required for export and home consumption in the manufacture of oleomargarine. It is easy enough to distort facts. It is easy enough to take statistics of one time and make them apply to some other statistics of another time. If you wish to deal fairly, take the statistics as they are. I hold that Mr. Martin is perfectly competent to state the facts upon this subject, and that is what he states.

This statement as to 5,000,000 head was based upon figures concerning the cattle slaughtered at Chicago, Kansas City, and other large cities. It took no account of the vast amount of business done elsewhere throughout the country, at all of which places all the by-products are preserved just as carefully as at the slaughtering houses of the great cities. Hence we have 7,000,000 head of slaughtered cattle to draw from to get the oleo oil necessary to supply the foreign demands and the amount which is required in the production of oleomargarine in this country, and we still have a large surplus of 30,000,000.

That part of Governor Hoard's statement which endeavors to show that the average animal will produce only 15 pounds of oleo oil has no foundation in fact. Mr. Washburn's statement was that there were 61.5 pounds of caul fat to the steer, and not 30 pounds, and that there would be produced 1 pound of oleo oil out of the caul fat. But Governor Hoard said:

"The oleo people, in all their declarations to Congress and manifestos to the public, claim that only the finest caul fat of the steer is used in the manufacture of oleomargarine."

That is true. And if only 15 pounds of oleo oil of the finest quality can be produced from each steer that is slaughtered, and if only 5,000,000 head of cattle are slaughtered each year, the manufacturers would still have 75,000,000 of oleo oil of the finest quality to draw from in order to obtain the 24,000,000 required in the annual production of oleomargarine in the United States.

The statistics for the year ending June 30, 1901, show that there were exported during that year oleo oil to the amount of 161,651,413 pounds. The oleo oil used in the manufacture of oleomargarine for that year was about 28,000,000 pounds. These two items would aggregate 194,651,413 pounds of oleo oil produced in the United States during that year. The product of 7,000,000 cattle, at 28 pounds of oleo each, would amount to 196,000,000 pounds. This amount would furnish our exports for that year and the 28,000,000 required in the manufacture of oleomargarine and still leave a surplus of 1,350,000 of oleo oil unaccounted for in this country.

Gentlemen of the committee, in view of these facts, do you not regard it as unfair for Governor Hoard to parade before this committee and the country such slanderous charges in reference to the manufacturers of a product which all the scientists in the world have stated is a wholesome and healthful article of food for the people? I ask fair dealings at the hands of this committee in behalf of the people that I have the honor to represent here. They are not only the producers of the raw materials out of which oleomargarine is made, but they are consumers, to some extent, of the finished product. On the ranches of the cattlemen of the country butter is not generally produced. On one ranch I know of, where 12,000 head of calves were branded in one year, there was not a pound of butter made. Those people desire to purchase butterine and oleomargarine for their ranches, because they can keep butterine for an indefinite length of time, whereas it would be impossible to supply their employees with butter at all by reason of its susceptibility to rancidity. They want it, therefore, for their employees.

You will observe that Mr. Springer characterizes the charges made by Governor Hoard as slanderous. I say that certainly from the testimony adduced it is unfair, and no honest man should be led off by a statement which has been so conclusively shown to be false. I turn now to page 60 of the hearing and see what Professor Kober says on the proposition of making oleo out of refuse:

Mr. SCOTT. I would like to ask you whether, in your opinion, oleomargarine suitable for the market can be made from refuse-fat grease?

Mr. KOBER. While it is not absolutely impossible, I think it highly improbable.

Mr. SCOTT. You are not inclined to believe, then, the reports which have been circulated to the effect that in many butterine factories the cast-off refuse, from animals which have died natural deaths, or from the hotels and restaurants, is used in the manufacture of oleomargarine?

Mr. KOBER. I certainly do not believe it, and I do not believe there is a professor of hygiene in the United States who believes it.

Mr. SCOTT. Would you mind giving the reasons why you do not believe it? Do you think it chemically possible?

Mr. KOBER. As has been stated, oleomargarine can not be made from fats that have either the slightest degree of rancidity or have a marked distinctive taste—that is, a pronounced taste—that would indicate its having been made of old or rancid fats. The taste would at once indicate that. The object is to get the most palatable product possible, and therefore the interests of the manufacturers are subserved by selecting only the purest fats. If they did not, the product would not sell.

Surely it can not be said that the gentleman who studies science for the purpose of helping the world, for the purpose of science itself, and for the purpose of leaving his name to the people of all ages as a great and learned man, would come here and make a false statement to the Congress of the American people about a matter of this sort. No, gentlemen, your honesty must speak out, and you must be able to say to your people when you return to them to defend your vote if you vote in favor of this measure, or if you are criticised when you vote against it, that you did what your conscience dictated; that you voted from a sense of of right; that in your vote was a principle of justice, and that you were not swayed by the statements made by gentlemen who were biased and prejudiced.

The gentlemen who urge this measure before this Congress say that they object to oleomargarine being colored, and yet we find the statements of Mr. Adams and of Mr. Hoard, and of everyone who has been before this committee and has given testimony, that they all color their butter and that the coloring of their butter makes it worth from 5 to 10 cents per pound more; in other words, butter is not always yellow, but the tastes of people are such that they desire butter to look yellow, and in conformity to their desire these honest gentlemen who come here asking for legislation which would strike oleomargarine admit that their butter is not yellow at first, but is made so to suit the fastidious taste of the consumer. Why can not those who are unable to buy this fine butter, who are compelled by circumstances to eat a cheaper product, be allowed to have their product colored to suit their taste? It is a false argument; it is one that will not stand before the people, who, in the end, are the honest judges and determine all things.

There is another question, Mr. Chairman. There is, according to the testimony, a certain amount of butter made in the United States, to wit, 1,500,000,000 pounds, of which amount only 800,000,000 pounds is put upon the market. Figuring, in round numbers, the population at this time at 80,000,000 of people living in the United States, we find that each person in the United States

would be allowed 10 pounds of butter per capita a year. In other words, each day we would have only two one-hundredths of a pound of butter per capita in the United States. This is an awful deficit, and one that must be overcome in some way. Then why, in heaven's name, would you strike down a product which takes the place of butter, which goes hand in hand with butter, which satisfies the rich and the poor, which is acceptable, when without it there would be such a small allowance of butter or its equal to the people of this country? That all this is an argument based upon reason and common sense should be sufficient to kill this bill.

Mr. Chairman, it is not my purpose to make a hero of any man. A man owes a common duty to his people, and simply because he stands up and dares to do that which is right is no reason for any unusual applause. But since my coming to Congress I have observed that all men do not vote upon a proposition as they think they should, and, as the gentleman from Iowa [Mr. HEPBURN] said a few days ago, that doubtless a great many votes would be cast upon this proposition by members in which ulterior motives would prevail, and that their votes would not voice their sentiments or their idea of what was just and right. It is a sad commentary indeed upon the honesty and integrity of the American people that they should have representatives here who fear to do their duty according to their convictions.

There stands to-day, though, one in this Hall who certainly portrays all the characteristics of an honest man, a man who has large interests in the dairy product, a man whom I am told is interested in the making of butter from more than a thousand cows, and yet that man is chairman of this great Committee of Agriculture, and although he is opposed by members of his own party on that committee, yet dares to come here and say to this Congress that this bill should not pass; that it is legislation that should not be adopted; that it is legislation that is not for the good of all the people; that it is legislation for the good of a select few; that it is class legislation, and is therefore wrong. Certainly the suggestion of the gentleman from Iowa would not reach Mr. WADSWORTH, of New York, Mr. WADSWORTH'S people should be proud of their Representative, and future years of his return to Congress would but prove the value of a man who votes even against his own pecuniary interests in order that he may best truly and honestly serve the people of the entire country. [Loud applause.]

Now, Mr. Chairman, in conclusion I would say that this measure is undemocratic, it is un-American, it is unrighteous, it is as pernicious legislation as it is dangerous, it is unworthy of a great people, of a great Government, of free institutions, and unconstitutional of the Constitution made for all the people with "special privileges to none and with equal rights to all." [Loud applause.]

Mr. HENRY of Connecticut. I ask for a vote.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. GREEN] is recognized.

Mr. GREEN of Pennsylvania. Mr. Chairman, the gentlemen of the opposition, wanting substantial and convincing arguments, have grown eloquent in their addresses. They seem to have forgotten that they were not addressing their confiding constituents on the stump but the House of Representatives of a great nation.

They have sought to introduce and discuss irrelevant propositions. They have resorted to quibbles and that favorite resort of the pleader of a weak case, arguments "ad hominem." They have unblushingly loudly proclaimed and used for their premises statements which have no existence in fact. They have by false premises and false logic tried to make the worse appear the better reason.

Not satisfied, they have sought to bully the friends of this bill; hurl denunciation and opprobrious epithets at them; impute wrong and selfish and mercenary motives for their defense, and roundly abuse them in every conceivable way. They may consider it argument to call us Constitution breakers, industry wreckers, enemies of the poor, false friends of labor, creatures of the corrupt butter trust, oppressors of the poor, weak, struggling oleomargarine manufacturer.

Those of us who will vote for this measure and who occupy seats on the Democratic side of this body, who represent Democratic constituencies—men who are steadfast and loyal to the Democratic party and Democratic principles—come in for a still greater share of their abuse.

Many of their speeches ring with the arrogant old plantation strains.

We are called timid and misguided Democrats, and, to cap the climax, are read out of the party. Right here let me say, by way of an aside, that but a few weeks ago this arrogant Representative from the Lone Star State undertook to read out of the party all but about half a dozen of the Democratic members of this House, and seemed to be outraged because we protested and looked upon him as a Jonah instead of a Moses.

My friend's ideas of Democracy are either unique or confused, and we will fling the broad mantle of charity around him. Yet it is but fair to tell him that there is a little spot in Pennsylvania where the seed of Democracy was planted long before his State had any existence as a State and was but a wilderness where the ancient savage roamed.

That that seed grew up and flourished in the days of the fathers of this Republic; that from that time to this it has ever maintained its pristine strength and glory and its unswerving fidelity to the Democratic party.

In the heart of this section lies the district I have the proud honor to represent, with its quarter of a million people. These people bid me cast their vote for this bill. There are 20,000 farmers dwelling there, all of whom keep milch cows and produce milk and butter. One-fourth of them are extensively interested in the products of the dairy, and ask an honest market for their products. In the two great cities in that district, where dwell one-half the population, they too ask that the imposition and fraud practiced upon them by making them pay butter prices for oleomargarine shall be stopped and they be given what they pay for—honest butter.

Does it not seem strange that some men should insist upon denying to others rights which they vociferously demand for themselves—that of having an opinion?

Such men have the colossal impudence to set up their opinions against those of a vast majority and against the justices of the Supreme Court without ever entertaining a suspicion that there is a possibility of their being wrong. This is noticeable in some of the speeches made against this bill. Its advocates have one consolation, that whenever one of these intemperate and dyspeptic orators addresses this body he makes votes for the measure and increases the already large majority.

Who originated this bill? None other than the representatives of the dairy interests of the United States. Who are back of it, actively pressing the enactment into law of its provisions? Every farmer who keeps cows—every owner of a cow is interested. Every man interested in manufacturing the 1,500,000,000 pounds of honest butter is watching our action. This is the selfish and offensive trust which these gentlemen so loudly denounce.

We may expect them before long to refer to organized labor as the gigantic labor trust, and for the same reasons call them bad names.

The vast army of honest men constituting this so-called butter trust are to be granted no consideration, their rights and interests our opponents say are not to be protected, nor their injuries redressed.

Is it reasonable that this vast multitude would besiege the doors of Congress if they had no real grievance and only sought legislation to raise the price of their products?

I say never. They have a grievance—a great wrong has been done them—a gigantic and extensive fraud has been practiced upon them, and they ask its discontinuance, and invoke to that end the strong arm of their National Government.

Who oppose their demand, and why?

Chiefly those who represent districts where beef and pork and cotton-seed oil are extensively raised and who find a market for an insignificant part of their product at the oleomargarine manufactory.

Many of these advocates of imitation butter start their song with high moral and religious sentiments and urge its defeat on legal, equitable, and even constitutional grounds, but whenever a stanza is finished their chorus is—

"Rally around the beeves, the hogs, and the cotton-seed oil."

Very few gentlemen are really candid enough to give this as the real reason for their intense opposition to this bill; but no one is really deceived by their pretenses. Long ago they have thoroughly convinced their listeners that to them this is a "local issue."

There is no doubt that on that theory, and that alone, can their attitude be explained, and if they would plainly say so and not beat around the bush, we would at least admire their frankness and condone even their bad temper.

An oleomargarine diet seems sure to produce bad temper, and in that respect is very like dyspepsia and a disordered liver.

But what propositions do they advance for arguments?

First. That oleomargarine, colored or uncolored, is nutritious and wholesome.

We answer: True, but the fraud practiced in marketing it is corrupt.

Second. That the enactment into law of the provisions of this bill will decrease and not increase the revenue the United States now derives from taxing oleo.

We reply: In all probability it will, but the bill is not entirely, only incidentally, a revenue measure.

Third. That it is wrong to use the taxing power of the Government to crush out one industry to increase the profit from another.

We say: In the abstract you are right; but this measure will

not crush the legitimate industry, but we hope will wipe out the fraud practiced in its sale when colored and sold for butter.

That the 10 cent a pound tax is punitive and to prevent extensive and notorious fraudulent practices, and we have a perfect right to use this great power in suppressing it, especially as the effects of these frauds are so serious to honest interests, and it is practiced for the sole purpose of giving excessive profits to the maker and seller.

Fourth. They claim that this imitation butter is not sold for dairy butter.

We answer: The statutes passed by the legislatures of 32 States of this Union must prove beyond controversy that the fraud is practiced very extensively, and the States have taken every means to prevent and punish it, with but partial success.

Further, that it is recognized as being practiced even in the States of Georgia, Alabama, Mississippi, Louisiana, and Texas—the homes of many of the bill's most violent opponents.

If any additional evidence on this subject should be asked for, hundreds of instances have been furnished; mountains have been piled on mountains, and many of the opposition admit the fact.

Fifth. It is claimed that the manufacturers do not commit the frauds, and the handlers, and not they, should be punished.

That they are the active parties in the conspiracy—procure, aid, and abet it, and to a large extent profit by it—can not be doubted.

That they pocket enormous profits from the practice of the fraud is apparent and has not been gainsaid. Anyone reading the evidence in the prosecutions in Pennsylvania is overwhelmed by the fact clearly established that the direct agents of these manufacturers are often the instigators of the fraud. They pay large salaries and offer the most tempting inducements to procure subagents; they openly advertise that this butter can be sold for honest butter; they offer to protect their employees from prosecution, and, when prosecuted, from punishment, and to this end agree to pay all fines and legal expenses. They guarantee immunity from prosecution by bribing local and State officials whose duty is to ferret out, furnish evidence, and prosecute the fraud.

I know personally of one instance where a member of my company immediately after muster out from the United States service in the war with Spain only three years ago was offered large pay, indemnity from prosecution, if possible, and the payment of his fine and legal expenses in case of conviction.

One of the purposes of this 10-cent tax levy is to so decrease these enormous profits that the manufacturer obliged to depend upon an ordinary profit can not afford to offer these inducements and shoulder these heavy expenses.

The theory is based upon a knowledge of human nature, that if sufficiently large inducements are not offered men can not be procured to be parties to the practice of these frauds, and I believe that will very generally be the case.

We further answer to the manufacturers' plaint that this bill reduces the tax from 2 cents to one-quarter of a cent a pound on the uncolored product, so that if he sells as much as he does now his profit will be 1¾ cents greater than at present if sold at the same price, making the margin of profit very high, higher than in most industries.

Sixth. The assistance of the poor workingman is invoked by these rogues, and it is claimed that he will be prevented from buying oleomargarine when he wants it, and we are assured he does want it. As long as there is a market it will be manufactured to meet the demand and he can get it. He will be a very large gainer by this law, for he can buy very much cheaper. He will get 2 and even 3 pounds for the same money he pays for 1 now.

If it will be more inviting or more palatable to have it colored like butter, the provisions of the bill permit the consumer to color it. One of the stock arguments of the opposition is that the passage of the measure will not produce the results the dairymen seek, as a few drops of coloring matter, a paddle, and a little elbow grease will produce the imitation, even when the uncolored only is manufactured. This I regard as not only the strongest but the only real argument which has been brought against the bill.

The fact remains that the man who wishes to buy oleo will get it very much cheaper and will not be made to pay butter prices for it, and when he wants butter he will get exactly what he buys and pays for.

I am satisfied that last year 80,000,000 pounds of oleo was sold for butter and about $8,000,000 was taken by fraud from the pockets of the consumers.

It is no wonder that these oleo manufacturers are so clamorous against this proposed law and so anxious to continue the practice of this fraud, for a very large percentage of this reaches their pockets.

Seventh. It is claimed the price of butter will increase and the butter consumer will have to pay more; that this is the only purpose for the enactment of this legislation. As far as its raising the price is concerned, I believe that there is great doubt whether it will, and, if it will, this raise will be temporary.

Dairy products are governed by the natural laws of supply and demand. When profits raise, more people go into the business, and the result is that the price quickly comes down to that which constitutes the cost and the ordinary profit. So it will be with butter when an honest market is given it and it has fair competition with the products of the factory.

One thing is certain, if the provisions of this bill are effective in suppressing the sale of the imitation, when a man wants butter he will get it, even if he does pay a cent or two more, and when he wants oleo he will get it much cheaper.

Controlled by natural laws, when there is a general rise in commodities butter will share in the rise with hay and grain which is fed and labor which is employed.

Eighth. Some claim that the payment of a 10-cent tax by the manufacturer under the provisions of this bill will legalize the sale of oleo for real butter, and the Government thereby is licensing a fraud. Nothing can be farther from the truth. The payment of a 10-cent tax will only allow the manufacturer to sell the colored imitation butter for imitation butter, and the same penalties set forth in this bill and in the statutes of the various States will be enforced and the fraud punished.

Ninth. A very pertinent inquiry has been made and the argument is advanced by the opponents that the enactment of this legislation will not cure the evil, as the oleo may go uncolored from the manufactory, but as it is easily colored this will be done by those who handle and sell the product and by the keepers of hotels, restaurants, and boarding houses.

It is useless to deny that this can be done and it is in all probability absolutely impossible to draft legislation to secure absolute honesty in handling this product from the manufacturer to the consumer, but still this has been corrected as much as possible.

First. The person coloring oleomargarine for sale at wholesale or retail, or who supplies guests in hotels and places of public entertainment, under the provisions of this bill becomes a manufacturer and must have a license and be subject to all the penalties imposed on the manufacturer for infractions of the law, and he must pay the 10 cents to the United States.

These infractions are crimes against the United States and punishable by its officials. We all know how carefully they collect United States revenue, and the 10 cents a pound due the Government by the storekeeper or boarding-house keeper will be collected or he will be punished expeditiously. A double force of officials will be at work to suppress the fraud, those of the State and those of the nation. Both State and national courts will be open to punish infractions. The increased chance of discovery, the severity of the punishment, the small profit to be derived in proportion to the risk run will soon stop the abuse, especially when the manufacturer has ceased to spend large sums of money to procure men to engage in this nefarious business.

The friends of this bill at least ask to try this plan, and have confidence in succeeding in enforcing the law and stopping the abuse.

Tenth. The argument that this is class legislation and protection run mad, we say, has no merit.

By protective tariff the law, by limiting or cutting off entirely foreign competition, forces the consumer in the domestic market to pay a greater price than he would be obliged to pay if there were honest competitive markets. This addition, or a large part of it, goes into the pockets of the manufacturer, forcibly taken as it is by law from the consumer.

But the case before us has no parallel in the cases arising under the protective tariff policy. The butter interests seek no restrictions to be placed on fair or honest competition, and are perfectly satisfied to have all imitations of dairy products in the competition, and are ready and willing to meet them in the open market; but they do claim that that market must be an honest one and that it is not fair that oleo shall be sold for butter and be an honest butter competitor, just as if 100,000,000 pounds of additional butter was forced on the market and, more than that, by every art of the merchant forced on the unsuspecting consumer. Such competition is made greater than that of an equal amount of butter.

As far as the consumer is concerned, no money is forced from his pockets by taxation; by protecting him from the cheat his money is saved and he is protected from being cheated.

So that this is only class legislation, inasmuch as it does with two classes—those who are honest and imposed upon, and the classes represented by the impostors and rogues.

Such class legislation as upholds and protects honest men in their dealings I will by vote and voice always uphold, and the criminal class will always be punished, especially when their wrongs become crying evils in the land and affect large business interests in particular and the public in general.

They are in reality pro bono publico, as are the provisions of this measure.

Eleventh. Finally, the argument is advanced that the bill is unconstitutional; but these arguments have been ably argued and the pertinent authorities cited. These show that the Supreme Court have ruled as constitutional cases which embody the same principle and are practically on all fours with this.

The opposition, unable to refute the strength of these arguments, meet them by declaring that the Supreme Court are all wrong and do not construe the provisions of the Constitution correctly.

We answer, in framing legislation we can not follow the individual opinion of members, but must be guided by the decisions and declarations of the court of last resort, who have the only authoritative right to pass upon the constitutionality of a national law, and when they once say it is constitutional it thereby becomes so and can be put into practical operation. That is what the advocates of oleo legislation seek and must be pardoned if they believe with the court in the constitutionality of this measure.

My vote will not be cast for this bill because I think it will be a revenue producer, but an honesty compeller.

It will be cast in the affirmative for the very reason that it is repressive taxation—repressive of fraud.

And when I cast my vote for this bill I am satisfied that it will be the fair expression of the people of the district I have the honor to represent—it will be a benefit and protection of our large dairy interests as well as the protection of every purchaser or consumer of butter.

Mr. HENRY of Connecticut. I ask for a vote on the amendment.

Mr. RICHARDSON of Alabama. I ask the gentleman to yield to me.

Mr. HENRY of Connecticut. I will give the gentleman some time later. I must insist now upon the debate being closed upon this amendment. I move that the debate on this amendment be closed.

The CHAIRMAN. The question is on the motion of the gentleman from Connecticut that all debate on this amendment be now closed.

The motion was agreed to.

Mr. HENRY of Connecticut. Now, Mr. Chairman, I ask for a vote on the amendment.

The CHAIRMAN. The Clerk will again report the amendment.

The amendment was again read, as follows:

Amend section 1 by adding thereto after the word "butter" in the twelfth line, on page 2 of the bill, the words "of any shade of yellow."

Mr. RICHARDSON of Alabama. I move to strike out the last word of the amendment.

Mr. CHAIRMAN. Debate on this amendment is now closed.

Mr. RICHARDSON of Alabama. I offer another amendment, then.

The CHAIRMAN. Debate on the amendment is closed. The question is on the amendment offered by the gentleman from Connecticut [Mr. HENRY].

The amendment was agreed to.

Mr. RICHARDSON of Alabama. Mr. Chairman, I move to strike out the last word.

In the five minutes allowed me I will not be able to give but an imperfect outline of the views that I entertain in opposition to this bill which has been so ably and exhaustively discussed on either side of this Chamber.

The bill is not of that character calculated to invite or appeal to political partisanship, but it appears to be the product of local interests, for it is sumptuary in its nature. It is a noticeable fact developed in this discussion that in whatever section of the country—North, South, East, or West—the dairy interests were strong and well established, there we find the most earnest advocates of this measure.

I am opposed to the bill, Mr. Chairman, for a great many reasons, which I would gladly elaborate if I had the time. My chief objection to it is that on its face it violates flagrantly and defiantly one of the best-established and most universally-accepted precepts and principles of equity—that as a measure it comes before us "with unclean hands." It proposes to ask equity, but refuses to do equity. I say, Mr. Chairman, apply that cardinal principle to this bill, and what is the result of it? Why, the supporters and friends of the bill in the defense they make for it, in my opinion, are put in the attitude of entering a plea of "confession and avoidance."

They admit that they have imposed a tax of 10 cents per pound, out of which they do not expect to realize any revenue at all. Why, then, the tax? How do they propose to avoid this plea of confession? They frankly admit that the bill is not intended to create revenue. They, by the logic of their own arguments, admit that they are deliberately undertaking by this bill, which bears on its face a misrepresentation, a deceit and a fraud. To do what? Why, to strike down a rival competing industry—the coloring of oleomargarine so as to make it look like butter—the grandest and the most colossal fraud, they charge, that was ever born on the American continent. Why, I ask, this drastic, this paralyzing effort against so innocent and wholesome commodity as oleomargarine? I pretermit, Mr. Chairman, all my views upon the constitutional question involved in this bill. My time will not permit me. Suffice it for me to say that this character of legislation invites the American Congress into a domain of legislation which seems to me would appeal to the fears and apprehensions of all patriotic and thoughtful men on either side of this Chamber.

I am aware that the highest courts of our country and our most distinguished and leading law writers have frequently said in past years that the jurisdiction of Congress could be invoked and the taxing power resorted to in order to destroy certain "noxious articles of consumption." That proposition can not be safely denied by anyone. Has anyone on either side of the Chamber contended that oleomargarine falls with "the family" of that kind of article? Is it a "noxious article?" Its ingredients are cotton-seed oil, the fat of the hog and the beef cattle, and milk. No man has contended that it was "a noxious article." Stripped, Mr. Chairman, of all the guise, drapery, and false pretenses that able and ingenious gentlemen have thrown around this bill, it stands out "in bold relief" that by and through this bill, yea, by a solemn act of Congress, which falsely pretends to be for "revenue only," we are undertaking to strike down and destroy one industry to promote the interests of another. The bill proposes to say to the farmers who sell their cotton-seed oil and hog and beef-cattle fat to be used as ingredients in making oleomargarine that you shall not make such sale because it interferes with the profits of the sale of butter. The advocates pretend that what they object to is that we color our oleomargarine and make it yellow, like butter. But this can not be true, for the sixth section of the substitute of the minority makes ample and careful provisions against oleomargarine being sold for butter. We are just as much opposed to fraudulently selling oleomargarine for butter as the advocates of this bill are, but we do believe that a man has the right to buy and eat oleomargarine if he wishes to do so, and especially if it is marked "Oleomargarine" and he knows what he is buying.

I know, Mr. Chairman, of no analogy in law, in the experience I have had at the bar, to this kind of legislation save that where men—and you and I have seen them as lawyers—loudly protest that they are seeking to advance the morality, good order, and law-abiding spirit of the community in resorting by prosecution to the arm of the criminal law when in fact and in truth they are seeking to enforce the collection of a private debt. The enactment, Mr. Chairman, of such legislation will establish a dangerous precedent—harmful and vicious in all its tendencies.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WANGER was recognized.

Mr. RICHARDSON of Alabama. I suppose that, under the general rule, I have the right to extend my remarks in the RECORD.

Mr. HENRY of Connecticut. You have that right.

Mr. BARTLETT. I ask unanimous consent that the time of the gentleman from Alabama be extended five minutes.

A MEMBER. I object.

The CHAIRMAN. The gentleman from Pennsylvania was recognized. Does he yield to the gentleman from Georgia?

Mr. WANGER. I yield for a submission of the request.

Mr. BARTLETT. I make the request that the gentleman from Alabama be allowed five minutes more.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent that the time of the gentleman from Alabama may be extended five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. RICHARDSON of Alabama. Now, Mr. Chairman, in connection with what I have just been saying, as evidencing the line of reasoning resorted to to maintain this bill, I point out one instance which my attention has been called to in the speech in the RECORD made in support of this measure by the distinguished gentleman from Vermont [Mr. HASKINS]. I contend that what I now refer to is that specious character of reasoning and argument by which it is sought to sustain the bill. The gentleman from Vermont was attempting to make an explanation, Mr. Chairman, of what Mr. Adams, the pure-food commissioner of Wisconsin, had said before the committee, and the gentleman quotes an explanation of Mr. Adams in regard to what he said before the committee. What did Mr. Adams say? I read from the RECORD.

Mr. Adams said:

I said on that occasion there was no use in beating the devil around the stump, and our purpose in coming to Congress for this bill providing for a 10-cent tax on butterine was to try to practically prohibit the business of the manufacture of oleomargarine colored in imitation of butter.

The gentleman from Vermont [Mr. HASKINS] complained that the minority report did Mr. Adams an injustice, because Mr. Adams had explained that statement. What is the explanation?

This is how Mr. Adams explains it:

They understood me to say [said Mr. Adams] that it was our deliberate purpose to crush this business of manufacturing oleomargarine.

I ask any fair-minded man what is the difference between a deliberate purpose to crush out oleomargarine and a determination on Mr. Adams's part, by use of the 10 cents tax, "to practically prohibit the business of manufacturing oleomargarine colored in imitation of butter?" Why, Mr. Chairman, I have heard, in the course of my professional life, some of the ablest judges upon the Federal and State bench undertake to explain the difference between a "reasonable doubt as to the guilt of the defendant" and the "probability of his innocence." I say I have heard learned discussions on that question, but if the gentleman from Vermont would give us the benefit of his explanatory abilities he could doubtless render valuable assistance to our able courts in the great legal struggle they have made for years in drawing the lines of legal demarcation when a reasonable doubt commences, when it stops, and where it goes. I am opposed to this bill, Mr. Chairman, because it is unjust, unfair, unpatriotic, and un-American. If there is one characteristic of the masses of the American people that stands out boldly all the time it is their love of "fair play." It prevails with them in public and private matters. They despise an effort to take an underhold or a blow "below the belt." They want fair play in all things. Does this bill give it? It uses the strong arm of the law to break down an honest and proper enterprise to put money in the pockets of the dairymen. There is simply no end to such legislation when it once gets a fair start. It simply depends on power, not right. This bill is a skillfully organized appetite of greed and selfishness.

Now, Mr. Chairman, one word more. I have heard with regret a great deal said on our side about making this bill a political test of a man's fealty to the Democratic party. During the short time I have been in Congress I do not hesitate to say that I have seen but few political questions arise that drew strict party lines. It ought to be the desire and the wish of all of us on both sides of this Chamber to keep politics, as far as possible, out of the general legislation of the country. I do not believe that the gentleman from Virginia [Mr. LAMB], who spoke so earnestly in favor of this bill, is any less a Democrat than those Democrats who oppose the bill. I do not apply such tests to my party associates. It does not accord with my idea that on all occasions, large and small, we must make each one a political test. Why, my distinguished friend from Iowa [Mr. HEPBURN] said that we had read out the Bryanites, we had read out the Goldbugs and those who voted for the Philippine bill, and soon, he said, we would not have anybody left in our party.

Ah, I say to my distinguished friend from Iowa, be patient and wait. The Democratic party is all right. We are following the wise advice once given by General Grant. We think we can interpret the signs of the times. We are carefully keeping our own council. We are sitting up straight in the boat. We hear the mutterings afar off, yet very near. We know what perplexing questions are burdening to-day the shoulders and consciences of the Republican party. We know upon whose shoulders is thrown the great responsibility of settling the great and portentious question of whether this country will deal honestly and fairly with Cuba. On this question the eager eyes of the country are on you. We are watching and waiting to see how you are to meet the earnest demand that comes up from all sections of our country and from all classes of the people for tariff reform. Of course, we know that the great trusts are watching you too. We know that the question of selecting the route and constructing the Nicaragua Canal devolves upon the Republican party. When all these great questions are settled, and settled as the Republican party proposes to settle them, the Democracy, with the Bryanites and the Goldbugs and those that voted for the Philippine bill, faithful to their party principles, will stand in solid phalanx, backed by an indignant people, and in next November elect to the House for the Fifty-eighth Congress a majority of Democrats, a hopeful forerunner of the great national contest of 1904. [Applause on the Democratic side.]

Mr. WANGER. Mr. Chairman, as a friend of pure food, I have been delighted at the many expressions in favor of legislation which will produce the much-desired result of having articles of food sold to the public for exactly what they are. In the meantime, as one step in that direction, I cordially favor the measure proposed by the majority of the Committee on Agriculture. And in doing that it seems to me I am the friend of the farmer not only who is engaged in the dairy business, but as well of the farmer who raises cotton, cattle, or any other product which enters into the composition of oleomargarine or any other form of imitation of or substitute for butter.

Now, it seems to me that the friends of agriculture, and especially those engaged in it, and the consumers of the country have a right to arraign the manufacturers and dealers in oleomargarine because they either have not, on the one hand, paid to the producers a fair measure of value of the articles which enter into the manufacture of oleomargarine, or, on the other hand, they have asked an unjust and unreasonable price for their article. If they had devoted but a tithe of the money which they have applied for protection and corruption, and which they have seized in the shape of unreasonable profits, to the purpose of education of the public with respect to the merits of oleomargarine, if it is the healthful, digestible, satisfactory compound that they have claimed it is, it would not have been necessary for them to have masqueraded under a cloak and to have deceived the public as to what they were buying.

I believe that this measure is one step in the direction of having this product exploited before the country upon its merits and everybody informed as to what it really is and getting it at a fair price. And every man who supplies anything which goes into its manufacture is interested in that condition being brought about, if it is a useful, healthful article. Of course, if it is unhealthful, if the pretense that it is as good as butter is false, then let that be known, and let that pretense be taken away from its exploitation in American markets.

Now, this matter of color is a very important thing. I agree that it is a deception as to all articles in degree and in kind, but in a very material kind. Whether you are coloring butter or oleomargarine the color is introduced for the purpose of deception, in the one case as to quality and in the other case as to the nature of the article itself. Nobody will pretend that color in an way deteriorates the quality of butter, and the practice with respect to it began anterior to the manufacture of oleomargarine. Many people—a very large part of the American people—believe that color introduced into oleomargarine induces them unconsciously to take as a substitute for what they intend to get an unhealthful article, one which its makers recognize can not be justified and profitably produced and sold upon its merits, thus cheating the consumer by deceiving him. In this way, as they contend, the health of the consumer is impaired, while at the same time the producers lose a fair share of the returns to which they are entitled for the article which they supply, whether that be butter or the ingredients of oleomargarine.

Therefore it seems to me that in so legislating that oleomargarine must come out from under the mask, must throw off the disguise which has been thrown around it heretofore, and devote some part of the funds now annually extorted by deception from the innocent and defrauded consumers of the country to advertising and the other legitimate methods to introduce a substitute food, we benefit all the farmers, cotton growers, and cattle raisers of the country, and protect consumers in getting the article they desire and not being innocent and defrauded contributors toward their own robbery and that of the agricultural producers of the nation.

[Here the hammer fell.]

Mr. BOUTELL. I offer the amendment which I send to the desk.

The Clerk read as follows:

Strike out in line 8, page 1, the words "use and consumption" after the word "for."

Mr. BOUTELL. Mr. Chairman, the worst and most startling feature of this bill, the evil spirit animating the measure, the approval of which by this House marks a most dangerous tendency in our national legislation, is to my mind the invasion of the rights of the States and the usurpation by the National Legislature of those governmental functions which the founders of our institutions thought it best for the protection of the people to leave to the local authorities. The plea that this kind of national legislation is necessary to prevent fraud is a sad and most lamentable commentary on the results of the one hundred and thirteen years of our federative system.

We are all equally opposed to fraud and in favor of the proper punishment to suppress it, especially in the matter of food products. When I pay for olive oil, for example, I want to get the product of the olive and not the extract of cotton seed or corn or hogs. When I pay for maple sirup I want to get, and I am entitled under the laws to get, a product of the sap of the maple tree and not a combination of corncobs and glucose. When I pay for honey I am entitled to get bee-made honey and not man-made honey. When I pay for sardines I am entitled to get a Mediterranean fish preserved in olive oil and not a New England menhaden preserved in its own fat. And when I pay for butter I am entitled to get a product of cream and not a product of suet.

But, Mr. Chairman, there is no fraud in the manufacture of oil that looks like olive oil; no fraud in putting up the fish that imitate sardines; no fraud in the bottling of sirup that looks like maple sirup; no fraud in the manufacture of a substance that looks like butter. Neither is there any fraud in the consumption of these imitations. Neither is there any fraud in giving away one substance that looks like another. The legal fraud,

Mr. Chairman, is in obtaining money by false pretenses—by selling something in imitation of another thing.

The prevention of that fraud, Mr. Chairman, comes within the criminal jurisprudence of each one of the separate States. This is a matter that was left by the founders of our institutions to the States; and when gentlemen come in here and plead for this measure as necessary to accomplish the desired result, they must do it evasively. Who ever heard of oleomargarine being taxed by a State? Who ever heard of taxing any imitation product by any State? It is only by the imposition of a national tax—by evasion—that the National Government assumes control, usurps the authority which our fathers left—wisely and rightly left—with the States.

Now, Mr. Chairman, the retention of these three words, "use and consumption," in line 8, page 1, says in effect: "Where a State forbids the use and consumption of an article made in the State, but allows the use and consumption of the same article imported from abroad or brought in from another State, the Federal legislature can come in and say the law of the State permitting the use and consumption of this article is of no effect."

Mr. Chairman, has it come to pass that all of the legislatures of our 45 States have been so shorn of authority that they can not carry out the principles of the common law and their own statutory enactments, but that we must come in here and by evasion, through the subterfuge of a revenue bill which is not a revenue bill, undertake in each State to subvert the laws of the State and inject into their legislative codes matter not passed upon by the legislatures? [Applause.]

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. RICHARDSON of Alabama. I ask that the gentleman's time be extended five minutes.

Mr. BOUTELL. I do not want five minutes. I only want thirty seconds.

The CHAIRMAN. Is there objection to extending the gentleman's time one minute?

There was no objection.

Mr. BOUTELL. And in closing, let me say, Mr. Chairman, that I do not believe there is any man in this assembly who may vote for this measure who, in future years, will not look back upon his action, in strengthening the few weak precedents that already exist, with consternation and regret.

It is no answer to this character of legislation to say that some precedents have already been established. Mr. Chairman, if, in moments of weakness, of prejudice, of panic, we have strayed aside from the paths of wise legislation, let us hasten to retrace our steps and regain the path which alone leads to national safety and honor. [Applause.] And if we pass this measure, let us pass it with these two words stricken out.

Mr. TAWNEY. Mr. Chairman, no bill that will be considered or passed by this Congress will benefit directly so many people or injure so few, if the claims of those opposed to its passage are well founded, as the bill now under consideration. On the one hand, it is intended to protect 70,000,000 consumers and at least 5,000,000 producers of butter from fraud and deception in the sale of an article intended for human consumption. On the other hand, it can affect adversely only 30 manufacturers of oleomargarine, the success of whose business depends upon their ability to evade and break down the laws of the States that prohibit the manufacture and sale of oleomargarine colored in imitation of butter.

Gentlemen on the other side declaim vociferously against its passage because, they say, it will destroy and is intended to destroy the manufacture and sale of oleomargarine, and that this is done solely for the benefit of the dairymen of this country. If this were true, it would not be a serious calamity. This conclusion can only be reached, however, by admitting that oleomargarine when made and sold in its natural color and for that which it is will not be purchased; therefore the manufacture of the product will cease. In other words, they can only sustain their claim as to the destruction of this industry by admitting that oleomargarine can not be sold for what it is, but must be sold for that which it is not—sold as butter—and sold, too, in violation of law and the right of the consumer to know what he is purchasing. If this is so, then, gentlemen, you are right in claiming that this bill will destroy the oleomargarine industry. And in that case the industry should be destroyed, for no industry should exist or be permitted to be carried on whose success depends entirely upon fraud and the doing of those things prohibited by law, which by the logic of your own claim you admit the oleomargarine manufacturers and dealers must do in order to succeed and successfully carry on their business.

A great deal has been said, Mr. Chairman, about the right of the manufacturer of oleomargarine to dispose of his product free from legislative restriction, because it is a healthful food product and entitled to the same freedom in the open market as butter. This, sir, I deny. That it is healthful is not proven. That it may contain ingredients deleterious to health is proven, and as long as it masquerades in the butter market in the stolen garments of butter it is an outlaw and not entitled to any favor.

We manufacture, in round numbers, annually about 1,500,000,000 pounds of butter. About 700,000,000 pounds of this is consumed by the producers and their families, leaving between eight and nine hundred million pounds to be disposed of in the open market. This market is a butter market, not an oleomargarine market, and belongs to the farmer. There is to-day no established market for the sale of oleomargarine, as there would be if oleo was all its friends claim for it. The butter market should be supplied by butter producers, not by oleo manufacturers. But, according to the statistics of the Treasury Department, at least one-eighth of that market is literally stolen annually from the farmer by the sale of 104,000,000 pounds of oleomargarine as butter.

The testimony before the committee shows that at least 90 per cent of oleomargarine is colored and goes to the consumer as butter at very nearly butter prices. To that extent, therefore, it displaces the genuine product of the farm and to that extent it is a fraud and should be stamped out. If there is a demand for oleomargarine as such, the manufacturer has the undoubted right to supply that demand, but he has no right to counterfeit the product of butter and with his counterfeit take the farmers' market for genuine butter. If there is a demand for oleomargarine as a butter substitute and the manufacturer can show the consumer that this substitute is equal, or almost so, to genuine butter and is cheaper, it would be his right to offer his product in competition with butter, but in that case it could only be offered for that which it is, or as a butter substitute, and the consumer would then know what he is getting and would be protected against the fraud now practiced upon him.

As long, therefore, as the manufacturer of oleomargarine seeks to displace genuine butter in the open market by offering or selling his product to the consumer for butter and at butter prices, so long will the agitation against this spurious product, against this fraud, against this secret violation of State laws be continued, and the farmers fully protected against fraudulent competition, and protected in their right to supply the legitimate butter market of this country.

There is not a manufacturer of oleomargarine, there is not a dealer in oleomargarine, who advertises his product as such in any newspaper of the country. It would be fatal to their business if he did. You can pick up the market reports published in the various commercial centers throughout the United States, and in none of them will you find quotations on the price of oleomargarine. This is so because oleomargarine is not sold for what it is and there is no market for its sale.. They sneak into the butter market, as it were, in the darkness of the night, and by fraud and counterfeiting supply the demand for butter, and, being counterfeiters, should be dealt with as such. In so far as they do a legitimate business this bill will not interfere with them or their business.

The laws of 32 States of the Union prohibit the manufacture and sale of oleomargarine in the semblance of butter, and, Mr. Chairman, it is very evident from the amendment just offered by the gentleman from Illinois [Mr. BOUTELL] that the opponents of this bill propose, either directly or indirectly, to break down the laws of these States by permitting the shipment of oleomargarine made in one State into States where its sale in the semblance of butter is expressly prohibited. That is the purpose of this amendment. It will authorize the sale of oleomargarine to the consumer in the original package under the protection of the interstate-commerce law and the original-package decisions of the Supreme Court of the United States, and thus defeat the purpose of State legislation. For that reason the amendment should be defeated.

Mr. WILLIAMS of Mississippi. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Minnesota yield to the gentleman from Mississippi?

Mr. TAWNEY. I decline to yield. I have had no opportunity to speak on this bill during the general debate, having given my time to members of the committee, and I can not yield now.

Mr. WILLIAMS of Mississippi. Mr. Chairman, upon yesterday in the general debate those on our side had ten minutes more time than those on the other side, and I agreed with the gentleman from Connecticut [Mr. HENRY] to ask unanimous consent that that ten minutes overplus may be given to the gentleman from Minnesota [Mr. TAWNEY] in addition to the five minutes he is now using.

Mr. TAWNEY. I thank the gentleman for his kindness, but I think I can say in the few minutes allowed me all that I care to say upon this amendment. Later, when we come to the discussion of the substitute offered by the chairman of the committee [Mr. WADSWORTH], it is possible I may desire more time.

As I was saying, Mr. Chairman, it is evident that the purpose of the opponents of this measure is either directly or indirectly

to break down the laws of the 32 States of the Union that have been passed for the purpose of preventing the manufacture or sale of oleomargarine colored as butter within these States.

Now, it is admitted by the gentleman who has just addressed the committee that if these words are stricken out it will destroy the jurisdiction of the State over the manufacture and sale of oleomargarine as long as it remains within that State in the original or commercial package. The purpose of this section is to give force and effect to the laws of these States. It is not for the purpose of breaking down those laws that this section is proposed. Under the decisions of the State courts to-day, under a decision rendered about the middle of January last by the supreme court of the State of Maryland—and I cite this only as an example—State legislation is ineffective as against an original package of oleomargarine.

That State enacted a law prohibiting the sale of oleomargarine colored in imitation of butter. Oleomargarine was shipped into the State from another State, and the supreme court of the State of Maryland held that as long as oleomargarine remained a subject of commerce, as long as it remained in the original package, the law of the State had no effect whatever, and in so far as it attempted to prohibit its sale, it was in violation of the Constitution and laws of the United States.

Mr. BARTLETT. Is it not true that the Supreme Court of the United States in at least three cases have decided just to the contrary?

Mr. TAWNEY. The supreme court of the State of Maryland, in the decision referred to just now, went into that question and discussed the apparent conflict between the cases decided in the Supreme Court of the United States, to which the gentleman refers, and held that in the Shellaberger case the Supreme Court of the United States has declared that a State can not prohibit the sale of oleomargarine within the jurisdiction of the State so long as it remains in the original package; and the proposed amendment, I say, is only another attempt to absolutely protect oleomargarine in the original package, or as long as it remains an article of commerce.

For that reason I trust that the amendment will be voted down, for there is no other way whereby you can make effective the laws of the 32 States that have been enacted for the purpose of restricting the manufacture and sale of oleomargarine colored in imitation of butter.

Mr. CLAYTON. May I ask the gentleman a question?

Mr. TAWNEY. I have no time to devote to a colloquy with the gentleman.

Mr. CLAYTON. The gentleman is discussing the law, and I desire to ask him a question.

Mr. TAWNEY. I will answer the gentleman's question, if I can.

Mr. CLAYTON. Section 1 of the bill invokes the commerce power of Congress, does it not?

Mr. TAWNEY. The first section of this bill is simply to meet the original-package decision of the Supreme Court of the United States.

Mr. CLAYTON. Exactly, and it is done under the commerce clause of the Constitution.

Mr. TAWNEY. It is not done under the commerce clause of the Constitution, but it will take away from oleomargarine colored in imitation of butter within a State that has prohibited its sale the protection of the interstate-commerce laws of the United States.

Mr. CLAYTON. I am not asking the effect of it. Now, I desire to know where the power to enact the first section of this bill is derived, if it is not derived from the commerce clause.

Mr. TAWNEY. It is derived from the same source from which Congress derived its power to pass the Wilson bill, making the prohibition laws of the State of Iowa and other States effective.

Mr. CLAYTON. Not at all. The Wilson bill was a tax measure.

Mr. TAWNEY. I beg the gentlemen's pardon. The Wilson bill was not a tax measure. It did not relate to any tax at all. I am speaking of the Wilson law that was passed by Congress after the decision in the original-package case by the Supreme Court of the United States.

Mr. CLAYTON. Mr. Chairman, I thought the gentleman had reference to the Wilson tariff bill.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. CLAYTON. I ask unanimous consent that the gentleman be allowed five minutes additional. I want to ask the gentleman a question.

The CHAIRMAN. The gentleman from Minnesota has yielded the floor.

Mr. HENRY of Connecticut. I move to close debate on this amendment.

The CHAIRMAN. The gentleman from Connecticut [Mr. HENRY] is recognized, and he moves that debate be now closed on the pending amendment.

The question being taken, on a division (demanded by Mr. HENRY of Connecticut) there were—ayes 76, noes 3.

Accordingly the motion was agreed to.

The CHAIRMAN. The question now is upon the amendment offered by the gentleman from Illinois [Mr. BOUTELL].

Mr. COWHERD. May we have it reported?

The CHAIRMAN. The amendment will be again reported.

The Clerk read as follows:

Strike out "use, consumption," in line 8, page 1, after the word "for."

The question being taken, on a division (demanded by Mr. BOUTELL) there were—ayes 53, noes 66.

Accordingly the amendment was rejected.

Mr. SCOTT. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

Strike out all the proviso in section 1, line 7, page 2, after the word "otherwise," and substitute the following:

"*Provided*, That nothing in this act shall be construed to forbid any State to permit the manufacture or sale of oleomargarine in any manner consistent with the laws of said State, provided that it is manufactured and sold entirely within the State."

The CHAIRMAN. The question is on the amendment of the gentleman from Kansas.

Mr. SCOTT. Mr. Chairman, before addressing myself to the amendment I wish to state that I am paired on this general proposition with the gentleman from Illinois [Mr. GRAFF]; that if he were here he would vote with the majority of the committee, while I would vote with the minority.

Now, Mr. Chairman, I offered this amendment by authority of the minority of the Agricultural Committee, regarding it as one of very great importance. As a Republican I do not bow down to any fetich of States' rights. I believe with all my intelligence and with all my heart that in everything pertaining to the national sovereignty the Federal Government of the United States is, and should be and must be, supreme. Nevertheless I believe in an orderly distribution of the functions of government. I believe that it is not only proper but necessary that matters pertaining to the local government of the various States of this Union should be remitted to the legislatures of those various States. In the commonwealth which I have the honor in part to represent upon this floor no State law has been passed regulating in any way the manufacture or sale of oleomargarine.

There has been no agitation for any such law. We have great oleomargarine factories in that State, and we have great dairy interests there, but they seem to have been able to get along peaceably together; and it does seem to me that so long as the people of Kansas are satisfied with the situation out there the people of the other States of this Union have no right to interfere. It seems to me that if it is satisfactory to us to manufacture oleomargarine in any color, and sell it without any limitation, it is no concern to the inhabitants of the other States of this Union. Therefore, I protest against the insertion of a provision in this bill which shall reach out the arm of the Federal Government into my State and dictate how we shall control and govern ourselves.

I appeal especially to gentlemen on the other side who have been brought up in the atmosphere of State sovereignty. I regret that my colleague on the committee, the gentleman from Virginia, who was so very much in favor of the majority report of this bill, is not now in his seat. I see that he now is. I call his attention directly and particularly to this amendment, for I do not see how, with the associations which have surrounded him from his youth up, he can by any stretch of his conscience vote against this proposition; and I appeal to members representing the majority bill on this floor to accept the amendment, because I can not conceive how any argument can be made against it which will be justified by a proper consideration of what is due to the various functions of government as divided between State legislation and national legislation.

Mr. GAINES of Tennessee. Why do you want the proviso?

Mr. SCOTT. We want the proviso to take the place of the proviso put in the other bill?

Mr. GAINES of Tennessee. Why do you want the proviso in the original bill? Why do you not get rid of it?

Mr. SCOTT. We do not want it really. We would much rather have the bill without it, but inasmuch as such a provision is made in the original bill we propose to change it as my amendment suggests, to shape the bill in such a way that it may be consistent with our ideas of what such legislation should be.

Mr. GAINES of Tennessee. I am opposed to dictating to the States what the States have a right to say and do without the proviso. That is why I object to that provision.

Mr. SCOTT. I am glad to hear the gentleman say so.

Mr. GAINES of Tennessee. What I say is, I object to dictating

to the States as to what they shall do when it refers to matters over which the States have exclusive control and about which the Federal Government has no power to dictate, which is this case.

Mr. SCOTT. If the gentleman occupies that position he will have an opportunity to vindicate it by voting for this amendment.

Mr. BARTLETT. I desire to ask the gentleman a question.

Mr. SCOTT. I yield to the gentleman for a question.

Mr. BARTLETT. I desire the gentleman to state what power or what authority Congress has to say that any State within its borders shall not manufacture and sell to its citizens any product that it may determine to be wholesome and not injurious?

Mr. SCOTT. I deny that it has any power whatever.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BELLAMY. Mr. Chairman, if the object of the oleomargarine bill is to protect the citizen from being defrauded, I am in hearty sympathy with its purpose. But if it is merely to protect one legitimate industry from the competition of another, I am very strongly opposed to the bill.

What its object is can only be ascertained by a close perusal and study of the measure and of the testimony of the various witnesses who have appeared before the Committee on Agriculture, published in the pamphlet which has been laid upon the desks of the members of this House.

The first section of this bill reads as follows:

That all articles known as oleomargarine, butter, imitation butter or imitation cheese, or any substance in the semblance of butter or cheese not the usual product of the dairy and not made exclusively of pure and unadulterated milk or cream, transported into any State or Territory or the District of Columbia and remaining therein for use, consumption, sale, or storage therein, shall, upon the arrival within the limits of such State or Territory or the District of Columbia, be subject to the operation and effect of the laws of such State or Territory or the District of Columbia enacted in the exercise of its police powers to the same extent and in the same manner as though such articles or substances had been produced in such State or Territory or the District of Columbia, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise: *Provided*, That nothing in this act shall be construed to permit any State to forbid the manufacture or sale of oleomargarine in a separate and distinct form and in such manner as will advise the consumer of its real character, free from coloration or ingredient that cause it to look like butter.

If this section were enacted into law, and if all the other provisions of the bill were eliminated and all other restrictions on the statute book on this subject were wiped out, then the whole matter of the sale of oleomargarine would be left to the States, and each State could protect its citizens from being defrauded, by causing all oleomargarine to be marked as such before being sold in the State, and any person selling it for and as butter to be guilty of obtaining money under false pretenses and punished in a degree commensurate with the crime. Every person interested in good government believes in protecting his fellow-citizen from being defrauded, and every State should have a law making a person who willfully and knowingly sold or caused to be sold any article in imitation of another, as the genuine article, guilty of a felony.

There are many intermixtures which are not injurious or hurtful in their ingredients, but cheap in character, which are sold as a genuine article and the purchaser thereby deceived and made to pay a higher price than he would have paid if he had been informed of the true character of the article. This is immoral, a deceit, and a fraud, and punishable as such at the common law and in many States by statute.

But, Mr. Chairman, is the purpose of this bill to protect the innocent consumer of the article? I think not, as is manifest from a perusal of the third section of the bill.

This section says:

That on and after July 1, 1902, the tax on oleomargarine shall be one-fourth of 1 cent per pound when the same is not made as butter, but when made in imitation of butter the tax shall be 10 cents per pound.

Now, I ask any sensible man if that section does not permit any person to defraud his neighbor and sell him imitation butter if he is willing to pay a tax to the Government of 10 cents a pound? This, Mr. Chairman, makes the Government guilty of a flagrant fraud on its own citizens, a particeps criminis with the manufacturer who makes it. This is a most detestable business, and I will never give my vote to a measure which puts a premium on rascality and not only authorizes but encourages the Government to go into the fraud business, as it is revolting to every instinct of honesty, philanthrophy, and patriotism.

But, Mr. Chairman, that section discloses that the true purpose of the bill is to protect the butter maker from the competition of the oleomargarine maker.

If oleomargarine were an injurious article, deleterious to health, every legislator should take pleasure in suppressing its sale.

But all chemists—in fact, I believe that it is the consensus of opinion of scientific experts, chemists, and bacteriologists alike that oleomargarine is both a healthful and wholesome food product, and specially a cheap article of food which is in the power of every man, however poor, to procure; that it is healthful has been admitted by the advocates of this measure on this floor. According to the best authority the product is made from oleo oil, neutral lard, butter, cream, milk, salt, and cotton-seed oil.

The process of manufacture, I gather from the testimony before the committee, is as follows:

Oleo oil is made from caul fat, the richest and choicest fat of the beef. This fat amounts to about 40 pounds to the animal. It it taken out before the animal is skinned, thoroughly washed, and thrown into a vat of ice water to stand until the following day; then it is cut up fine and cooked. The fat is cooked and placed in linen cloths, and the oil is extracted in a hydraulic press. The residue in the cloths after pressing it is commercially known as stearin. The tallow element is therefore effectually removed. Neutral lard is obtained from the leaf lard of the pig. The leaf, amounting to about 5 or 6 pounds to the pig, is taken out as soon as the animal is killed, thoroughly washed, and put into a freezer for twenty-four hours. It is then cut into shreds and cooked, and after straining presents a snowy white color. Both pigs and cattle are examined by Government inspectors before and after killing, so that diseased animals are excluded.

Oleo and neutral lard, therefore, are the basis of the so-called oleomargarine or butterine. These are churned with cream or milk, salted and colored with annotto or butter color, run through cold water, worked in a butter worker, and placed in suitable packages and labeled, according to United States laws, "Oleomargarine."

Those who are familiar with the manufacture of oleo oil, neutral lard, and the process of making oleomargarine—and I may say here, in passing, that the establishments visited by me appear to court a most rigid inspection—can not fail to have been impressed with the fact that nothing but the most wholesome and pure fats are used, and that the most scrupulous precautions as regards cleanliness are observed in the manipulations.

This extends not only to the material, the utensils, and the workrooms, but also to the person and clothing of the employees, and I can cheerfully corroborate the testimony of Dr. Ames, of the United States Navy, when he declared before the Senate Committee (pp. 348-350)—

"That the manufacture of butterine in properly constructed factories is much cleaner than the manufacture of butter, and that he has found the factories of Kansas City nearly perfect in that respect."

He says—

"It should be more generally used and not looked upon as an inferior article and makeshift for butter, when it is really superior."

Chemical composition of butter and oleomargarine.

	Fat.	Casein.	Sugar.	Salt.	Water.
	Per cent.	*Per cent.*	*Per cent.*	*Per cent.*	*Per cent.*
Butter	81.36	1.95	1	5.41	11.27
Oleomargarine	84.76	.74	.....	5.49	9.01

The great distinction between butter fat and margarine fat lies in the fact that butter fat contains nearly 8 per cent of the volatile fats, while the margarine has about one-half per cent. In the analysis of these substances this difference is made use of.

As to the wholesomeness and healthfulness of the article, I quote from the same source:

Wholesomeness and digestibility of oleomargarine.—Uffelmann, professor of hygiene, as early as 1890, reported that butterine is nearly as digestible as butter, fully 96 per cent being utilized, and after quoting the experiments on this point of Sell, a food expert of the German health office, declared that no objections should be urged against its use as long as it is properly prepared from wholesome fats and sold under its real name.

Prof. H. W. Wiley, chief chemist of the United States Department of Agriculture, testified before the Senate Committee on Manufactures on adulteration of food products (pp. 14-16) that, from a nutritive point of view, all the fats and oils used as food have nearly the same value as heat producers. Butter fat has a heat value of a little more than 9,000 calories per gram, while the beef fat of oleomargarine has a slightly less heat value, but the butter fat is a little more easy of digestion, so that there is practically no difference in the value of the two fats in the human economy. Cotton-seed oil has practically the same heat value as oleomargarine, and is probably a little easier of digestion. Dr. Wiley considers mixtures of animal fats and vegetable oils to be perfectly wholesome, but objects to the payment of fancy prices by persons in straitened circumstances, who suppose they are getting butter when they are not.

Comparative digestibility of butter and oleomargarine.—The most valuable experiments as to the relative digestibility of butter and oleomargarine were made by Adolph Mayer in 1883 (Landwirth, Versuchs-Anstalt, pp. 215-232), N. Kienzel in 1898 (Oest. Chem. Zeitung, 1, pp. 198-202, and 2, p. 145), and H. Lühring (Zeitschrift für Untersuch, der Nahr- und Genussmittel, June, 1899, p. 484), with the following results:

	A. Mayer.	N. Kienzel.	H. Lühring.	Average of all experiments.
Digestibility of—	*Per cent.*	*Per cent.*	*Per cent.*	*Per cent.*
Butter	98.40-97.10	96.65	95.69	96.96
Oleomargarine	96.40-95.80	95.64-95.72	96.68-96.70-96.93	96.27

From these feeding experiments it would appear that, while 97 per cent of the natural butter is digested, the digestibility of the artificial product is only about 0.7 per cent less; in other words, the two are practically alike in point of digestibility.

Professor Jolles, in a report to the Imperial Academy of Sciences, in Vienna, March, 1894, arrived at a similar conclusion. Hultgren and Lundergren, the Swedish physiologists, and Wibbens and Huizenga, from the Physiological Institute of Berlin, offer similar testimony. The last-named authors conclude their article in Archiv für die gesammte Physiologie LXXXIII, February, 1901, page 609, by saying:

"Everybody has to cut his coat according to the cloth, and it is therefore a great blessing for all mankind that those who have to deny themselves the regular use of natural butter will find in artificial butter a wholesome and cheap substitute."

As a teacher of hygiene, I have urged upon my students for years to bring

the merits and nutritive value of this food stuff to the attention of the public, and in the interest of the wage-earners of this country to correct, as far as possible, the prejudice which has been created against the use of this product, provided always it is sold under its true name and at its real value. In this opinion I am glad to be supported by the highest scientific authorities in this country and abroad. Professor Schweitzer, of the Missouri State University, in his testimony before the Senate committee, states—

"That careful physiological experiments reveal no difference whatever in palatability and digestibility between butter and the brand of butterine which I have examined."

Professor Barker, of the University of Pennsylvania, considers butterine quite as valuable a nutritive agent as butter. Professor Johnson, of Yale University, says that for all the ordinary and culinary purposes it is the full equivalent of good butter made from cream, and regards the manufacture of oleomargarine as a legitimate and beneficent industry. Prof. J. S. W. Arnold, of the medical department, University of New York, characterizes it as "a blessing for the public and in every way a perfectly pure, wholesome, and palatable article of food." Henry Morton Stevens, Institute of Technology, New Jersey; S. C. Caldwell, of the chemical laboratory, Cornell University; Henry A. Mott, of New York; W. O. Atwater, Wesleyan University, Connecticut, all offered similar testimony.

Now, Mr. Chairman, we are told by eminent scientists that milk from which cream and butter is derived is frequently the cause of epidemics of typhoid fever, scarlatina, diphtheria, sore throat, and erysipelas. I here quote from Dr. George M. Kober, professor of hygiene, Georgetown University, in a statement on butter and butter substitutes, pages 89, 90, and 91, which was made before the Committee on Agriculture on the 14th of January, 1902:

EPIDEMICS OF MILK TYPHOID, SCARLATINA AND DIPHTHERIA, SORE THROAT, AND ERYSIPELAS.

We know now that disease germs may not only survive, but in many instances actually proliferate in the milk, and it is not a difficult matter to point out the many ways by which they may gain access, especially when some of the employees connected with the dairy or farm are also engaged in nursing the sick (as in examples marked †) or are suffering themselves from some mild infection while continuing their usual duties, or are convalescents from the disease. (See examples marked ‡.)

It is quite conceivable how animals wading in filth and sewage-polluted water or meadows may infect the udder or teats with the germs of typhoid fever, and through it the milk. (See instances marked !.) We can also appreciate how infected water may convey the germs by washing the utensils or by deliberate adulterations. (See instances marked §.) Infection may also take place through the agency of scrubbing brushes, dishcloths, and exposure to contaminated air. Last, but not least, the agency of flies and other insects as carriers of the germs to the milk and other food stuffs can not be ignored.

In 1895, in the city of Washington, I had abundant opportunity to observe the influence of flies in the spread of typhoid fever, and so recorded my opinion in my official report.

TYPHOID FEVER.

Of the 195 epidemics of milk typhoid, the writer has collected 110, Mr. E. Hart 69, and Freeman 16. The latter are included in the subjoined table, in which the main facts are presented. In 148 of these epidemics there is evidence of the disease having prevailed at the farm or dairy. In 67 instances it is probable that the infection reached the milk by soakage of the germs into the well water with which the utensils were washed, and in 16 instances, Nos. 7, 51, 70, 79, 103, 104, 113, 114, 115, 116, 120, 130, 136, 139, 149, 152, the intentional dilution with pollutted water is a matter of evidence.

In No. 184 the bacteria coli commune was demonstrated in the wash water. In Nos. 149 and 188 it is claimed that the specific germ of typhoid fever was isolated in the water supply, and in No. 189 sewage bacteria were found in ice cream sold by street vendors. In 7 instances (Nos. 12, 83, 121, 124, 131, 147, 178) the infection is attributed to the cows drinking or wading in sewage-polluted water and meadows. In 4 instances (Nos. 144, 151, 163, 189) the infection was spread in ice cream prepared in infected premises. In 7 instances the infection was spread through milk delivered at creameries (Nos. 96, 120, 146, 155, 172, 183, 188). In 24 instances the dairy employees also acted as nurses (Nos. 1, 4, 8, 14, 18, 19, 28, 34, 41, 43, 47, 52, 72, 77, 91, 127, 130, 137, 142, 154, 155, 165, 173, 177). In 10 instances the patients, while suffering from a mild attack of enteric fever or during the first week or ten days of their illness, continued at work, and those who are familiar with the personal habits of the average dairy boy will have no difficulty in surmising the manner of direct digital infection (Nos. 118, 119, 128, 132, 140, 162, 164, 166, 177, 190).

In one instance (No. 28) the milk tins were washed with the same dishcloth used among the fever patients. In No. 159 the man who milked the cows was also the night-soil scavenger, and probably conveyed the germs into his own family. In another instance (No. 177) a boy working at the dairy and who had recently driven a night-soil wagon developed typhoid fever. A sister of the boy was taken sick ten days later, their mother nursed them both and washed the dairy utensils, including a cloth milk strainer. In No. 111 the owner of a milch cow, whose child was sick with typhoid fever, kept the milk in a safe in the sick room, it being the only room at the disposal of this poor widow. In No. 182 Sir Cameron, the health officer of Dublin, believed the milk was infected by absorbing exhalations from the dejecta of the patient while being carried down the stairs.

He placed some enteric dejections close to a vessel of milk, and in ten minutes found that it had become infected, as proved by subsequent culture tests. In this, as well as similar instances, the writer would suggest that the contagion was carried by flies rather than by absorbing exhalations.

SCARLET FEVER EPIDEMICS.

Mr. Hart collected 21 epidemics, Dr. Freeman 5, and the writer 73, making a total of 99 epidemics spread through the medium of the milk supply, the details of which will be found in Table No. II.

In 68 instances the disease prevailed either at the milk farm or dairy. In 6 instances persons connected with the dairy either lodged in or had previously visited infected houses. (See Nos. 8, 9, 10, 11, 15, 45.) In Nos. 12 and 99 it is believed that the infection was conveyed from a fever house visited by the dairyman, who was in the habit of taking his milk can into the houses, and by means of infected empty bottles. In 17 instances the infection was doubtless conveyed by persons connected with the milk business, while suffering or recovering from an attack of the disease (see Nos. 2, 26, 30, 33, 47, 63, 64, 66, 76, 78, 80, 88, 89, 91, 95, 96, 98), and in at least 10 cases by persons who acted as nurses while handling the milk (Nos. 1, 2, 7, 9, 13, 14, 16, 29, 69, 92).

In three instances, Nos. 1, 86, 87, the milk had been kept in the cottage or rooms close to the sick room. In No. 75 the cows had been milked into an open tin vessel, which was carried across an open yard past an infected house, and in No. 59 the milkman had wiped his cans with white flannel cloths (presumably infected) which had been left in his barn by a peddler. Nos. 25 and 49 appear to have been instances of mixed infection of scarlet fever and diphtheria. In the Hornsey epidemic, No. 87, it was stated that "the milk was distributed by two men, and that at the houses at which one of these men delivered milk there were no cases at all, while at those at which the second man delivered there were 15 or 16 cases. At this man's house a child had suffered from scarlet fever, showing clearly the manner of infection as having taken place by infected clothing, and the germs were most likely conveyed into the milk while this man pushed his arm into the big can to fill the little ones during his rounds.

In 19 instances the infection was attributed to disease among the milch cows; in 4 of these (Nos. 19, 20, 21, 40), the puerperal condition of the animal is blamed. In 9 instances inflammation of the udder or teats was found (see Nos. 34, 38, 44, 46, 65, 67, 68, 72, 75), and in 6 instances loss of hair and casting of the skin in the animals were noted (Nos. 19, 20, 21, 43, 45, 46). As a matter of fact, many of the epidemics of scarlet fever and diphtheria in Great Britain have been attributed to a milk supply derived from animals suffering with local affections of the teats and udder. Thus, in November and December, 1885, an epidemic appeared at Marylebone, St. Pancreas, and Hampstead, which W. H. Power traced to a particular milk farm at Hendon, but could discover no sign of scarlet fever at or near the dairy.

Upon examination of the cows some of them were found to be suffering from an ulcerative disease of the teats and udders, and from various other circumstances he inclined to the belief of the bovine origin of this disease. This opinion was shared by the late Sir George Buchanan, who requested Dr. Klein to make an examination of the disease observed among the milch cows at Hendon. The latter found certain micrococci in the diseased tissues and organs of these cows and in the discharge from their teats, and succeeded in growing these in a variety of culture media. Inoculations of calves with this material, whether from cultures or direct from the cow, produced a disease having unmistakable affinities both with the Hendon disease and human scarlatina.

Klein found this microbe to inhabit the tissues and organs both of the human scarlatina patient and of the Hendon cow, and declared that we need no longer hesitate to call it the "micrococcus scarlatinæ."

These views were strongly combatted by Thin, Crookshank, and Brown, and from the evidence before us we conclude that there is no proof that there is a disease in the cow which is communicable as scarlet fever or diphtheria to man. This question, however, seems to us by no means settled, and is one that merits the most searching investigation by pathologists and bacteriologists. In the meantime there is nothing strained in the assumption that in these debatable instances and in all the epidemics marked with an asterisk (*), i. e., in 35 out of 135 epidemics of scarlet fever and diphtheria, tabulated by the writer, we are dealing with a streptococcus or staphylococcus infection, and it will often be impossible to differentiate clinically such attacks from true diphtheria and scarlet fever.

In addition to Klein's testimony as to the presence of a streptococcus in these cases, Guillebeau made an examination of the milk of 76 cows suffering from udder inflammation, in all of which he found pyogenic organisms, capable of producing similar inflammation when inoculated in healthy animals.

Dr. Cotterill has published epidemics of a febrile sore throat which appeared to be neither scarlet fever nor diphtheria, but nevertheless caused by the milk from cows which had an eruptive disease on the teats and udders. Grey Edwards, in August, 1897, published cases of follicular tonsilitis, in which the staphylococcus pyogenes aureus and albus, and the streptococcus pyogenes (short form) were not only found by Severn, director of a London pathological laboratory, in the suspected milk, and in the milk of a certain animal, but also in the sweeping (culture) from the throat. Moreover, Prudden reports 24 cases of diphtheria, in which all but two he demonstrated a streptococcus, probably identical with the streptococcus pyrogenes and streptococcus erysipelatous.

Baginsky, in 1892, reports that of 154 cases of diphtheria treated under his supervision, in 118 cases Löffler's bacillus was present, while in the remaining 36 only cocci (staphylococci and streptococci) could be demonstrated.

When we further consider that toxines may and do produce a scarletinous exanthem, we feel fully warranted in reaffirming our statement uttered five years ago, that in all the epidemics of scarlet fever and diphtheria which were traced to milk from cows suffering with some inflammatory lesions of the udder or from puerperal fever, we have typical instances of a streptococcus and staphylococcus infection.

DIPHTHERIA EPIDEMICS.

Mr. Hart collected 12 epidemics of milk diphtheria, Freeman 2, and the writer added 22 more, making in all 36 epidemics. (See Table III.) In 13 of these 36 instances diphtheria existed at the farm or dairy, and in 12 instances marked * the disease is attributed directly to the cows having gurget, chapped, and ulcerated conditions of the teats and udder. (See Nos. 2, 5, 8, 16, 22, 23, 24, 25, 28, 29, 31, 34.) In No. 26 one of the dairymaids suffered from a sore throat of an erysipelatous character. In No. 33 the patient continued to milk while suffering from diphtheria. In No. 35 the driver of the wagon was suffering from a sore throat, which Professor Howard believes to have been diphtheria, although the bacillus diphtheriæ was not demonstrated in this case, the cultures having been made at least five or six days after the subsidence of the throat symptoms and the probable disappearance of the false membrane.

It is, of course, difficult to account for the infectious qualities of the milk in those epidemics where the disease in question could not be found at the milk farm or shop. In the epidemics of so-called scarlet fever and diphtheria which were attributed to inflammatory conditions of the teats and udder, for reasons already given we feel justified in believing that we have to deal with a staphylococcus or streplococcus infection, while in the typhoid epidemics traced to milk farms or shops where no cases of enteric fever could be found, we are either forced to the conclusion that the specific germs remained dormant for a long time, or that certain varieties of bacteria may acquire virulent properties by suitable environments, which, unfortunately, too often exist in connection with milk farms.

The possibility of the infectious germs being carried by flies into the milk should not be overlooked, nor the fact that milk bottles from infected houses and which have been exposed in the sick room may and probably are often the medium of conveying the primary contagion to the dairy, and the health department of Washington, as soon as a case of diphtheria or scarlatina is reported, notifies the dairyman to discontinue leaving bottles, but as Dr. Walsh justly remarks, "there is danger of contagion before the case is diagnosed, or in cases where the disease is not recognized at all."

It is interesting to note that of 195 epidemics of milk typhoid, 99 of scarlet fever, and 36 of diphtheria, a total of 330 epidemics, 243 have been recorded by English authors, 52 by American, 14 by German, and 11 by Scandinavians, and 5 each came from Australian and French sources. This is probably due to the fact that the English and Americans usually consume milk in a raw state, while in Germany, France, and the Continent of Europe milk is rarely used without previous boiling (sterilization). It can scarcely be an index alone of the greater interest taken in England and the United States in preventive medicine.

This is quoted to show that butter made from milk and cream may be, under certain circumstances, very unhealthful, and that,

as a matter of comparison, oleomargarine has at least an equal showing to the respect and confidence of the people as a good food product.

During the debate on the Grout bill at the last session of Congress Mr. Bailey of Kansas, a member of the House, a large cattle raiser, stated that the manufacture of oleomargarine made every beef cattle worth to the owner from $1 to $2 per head more by reason of the utilization of the fat for the manufacture of butterine, oleomargarine, and similar products. We see, therefore, that the man that raises cattle to sell for beef, the cotton planter that raises cotton and sells his seed for oil is entitled to some rights, and his products should not be discriminated against and taxed to give an advantage to the dairymen of the country.

I see from the bulletin just issued to-day by the Census Department from a report made by Daniel C. Roper, expert special agent on cotton-seed products, that last year there were 93,325,729 gallons of cotton-seed oil produced in the United States. His tables are as follows:

Number of establishments, quantity, cost, and average cost per ton of cotton seed crushed; and quantity, value, and average value per unit of products manufactured, 1900.

States and Territories.	Number of establishments.	Cotton seed.			Products.			
		Tons.	Cost.	Average cost per ton.	Total value.	Oil.		
						Gallons.	Value.	Average value per gallon.
								Cents.
United States	357	2,479,386	$28,632,616	$11.55	$42,411,835	93,325,729	$21,390,674	22.9
Alabama	27	172,093	2,019,085	11.73	2,952,254	6,704,951	1,520,834	22.7
Arkansas	20	190,015	2,245,710	11.82	3,188,812	7,224,971	1,644,465	22.8
Georgia	46	271,833	3,246,814	11.94	4,787,100	10,606,693	2,468,386	23.3
Indian Territory	6	26,415	297,939	11.28	446,078	931,885	207,251	22.2
Louisiana	21	250,983	2,833,767	11.29	4,397,891	9,692,640	2,222,762	22.9
Mississippi	41	394,678	4,577,995	11.60	6,671,031	15,033,565	3,364,278	22.4
North Carolina	20	107,660	1,313,663	12.20	1,880,015	4,388,277	979,637	22.3
Oklahoma	6	26,425	247,520	9.37	410,063	937,021	186,761	19.9
South Carolina	48	156,642	2,186,408	13.96	3,043,547	6,162,218	1,545,934	25.1
Tennessee	15	168,307	1,848,829	10.98	2,737,038	6,454,173	1,363,555	21.1
Texas	102	692,604	7,560,661	10.92	11,519,656	24,354,695	5,696,263	23.4
All other States	5	21,731	254,225	11.70	378,350	834,640	190,548	22.8

Of this amount of nearly 94,000,000 gallons the exports of the same were as follows:

Exports of cotton-seed oil, 1870 to 1901.[a]

Year.	Gallons.	Value.[b]	Average value per gallon.
			Cents.
1870	(c)	$14,946	
1871	(c)	140,577	
1872	547,165	293,546	53.6
1873	709,576	370,506	52.2
1874	782,067	372,327	47.7
1875	417,387	216,640	51.9
1876	281,054	146,135	52
1877	1,705,422	842,248	49.4
1878	4,992,349	2,514,323	50.4
1879	5,352,530	2,232,880	41.7
1880	6,997,796	3,225,414	46.1
1881	3,444,084	1,465,255	42.5
1882	713,549	330,260	46.3
1883	415,611	216,779	52.1
1884	3,605,946	1,570,871	43.6
1885	6,364,279	2,614,592	41.1
1886	6,240,139	2,115,974	33.9
1887	4,067,138	1,578,935	38.8
1888	4,458,597	1,925,739	43.2
1889	2,690,700	1,298,609	48.3
1890	13,384,385	5,291,178	39.5
1891	11,003,160	3,975,305	36.1
1892	13,859,278	4,982,285	36
1893	9,462,074	3,927,556	41.5
1894	14,958,309	6,008,405	40.2
1895	21,187,728	6,813,313	32.2
1896	19,445,848	5,476,510	28.2
1897	27,198,882	6,897,361	25
1898	40,230,784	10,137,619	25.2
1899	50,627,219	12,077,519	23.9
1900	46,902,390	14,127,538	30.1
1901	49,356,741	16,541,321	33.5

[a] Commerce and Navigation of the United States.
[b] The value of cotton-seed oil, at the time of exportation, in the ports of the United States whence exported.
[c] Quantity not stated.

The destinations of our cotton-oil products are given in the following table, and it is observable that France, from which we get our best sardines and many of our greatest delicacies, consumed last year over 13,000,000 gallons, and yet the possibilities of the use of cotton-seed oil are hardly yet conceived:

Destinations of cotton-seed oil exported during the year ending June 30, 1900.[a]

Country.	Cotton-seed oil.	
	Gallons.	Value.
Total	46,902,390	$14,127,538
EUROPE.		
Austria-Hungary	4,824,560	1,448,571
Belgium	1,914,502	591,747
Denmark	487,835	143,779
France	13,595,564	4,075,057
Germany	4,256,573	1,330,240
Gibraltar	11,250	4,000

Destinations of cotton-seed oil exported, etc.—Continued.

Country.	Cotton-seed oil.	
	Gallons.	Value.
EUROPE—continued.		
Italy	2,660,276	874,758
Malta, Gozo, etc	110,187	$36,301
Netherlands	9,411,170	2,766,774
Russia, Black Sea	120	40
Sweden and Norway	204,519	56,718
United Kingdom	1,585,436	492,100
NORTH AMERICA.		
Bermuda	30	13
British Honduras	199	74
Dominion of Canada:		
Nova Scotia, New Brunswick, etc	1,663	596
Quebec, Ontario, Manitoba, etc	370,392	113,756
British Columbia	22	17
Newfoundland and Labrador	30,874	11,641
Central American States:		
Costa Rica	1,996	861
Guatemala	303	112
Honduras	1,773	591
Nicaragua	5,855	2,148
Salvador	6,743	3,267
Mexico	4,134,679	1,021,613
West Indies:		
British	269,759	85,640
Cuba	123,961	33,135
Danish	7,418	2,530
Dutch	1,410	461
French	475,503	161,129
Haiti	431	200
Porto Rico	15,355	6,639
Santo Domingo	127,669	54,798
SOUTH AMERICA.		
Argentina	135,739	55,621
Brazil	766,842	284,936
Chile	61,081	24,839
Colombia	11,821	4,546
Ecuador	3,261	1,344
Guiana:		
British	75,234	26,177
Dutch	53	22
French	5,200	1,957
Peru	57	17
Uruguay	213,504	84,066
Venezuela	134	55
ASIA.		
Japan	7,393	2,966
Turkey in Asia	7,753	2,341
OCEANIA.		
British Australasia	89,357	32,610
AFRICA.		
British Africa	27,244	7,718
French Africa	611,202	193,299
Portuguese Africa	1,310	423
Turkey in Africa—Egypt	240,928	83,305
All other Africa	6,250	2,600

[a] Commerce and Navigation of the United States, 1900.

Forty-nine million gallons were exported last year, which left 45,000,000 for home consumption, of which a little less than one-fourth went into the manufacture of oleomargarine. Commenting on the increase of the production of cotton-seed oil, that eminent statistician says:

The increase in the production from 281,054 gallons in 1876 to 5,352,530 gallons in 1879 was much in excess of the supply required for the limited field in which it was then utilized. About this time, however, it was discovered that cotton-seed oil could be advantageously combined with beef fat to make a substitute for lard. Then followed the further discoveries that this oil could be utilized in packing American sardines and, in combination with other substances, in making artificial butter. This increased the demand and gave a permanent stimulus to the industry.

In the year 1899 nearly 9,000,000 pounds of cotton oil went into the manufacture of oleomargarine, and I have just been informed by the statistician of the Agricultural Department 200,000 barrels of refined cotton oil, or 220,000 barrels of crude oil, to obtain which required 250,000 tons of seed to be crushed, were used in said manufacture in the year 1901. At 25 cents per gallon this would be about two and one-fourth million dollars, or, more accurately, about $2,220,000.

In the hearing before the Senate committee in 1901 Mr. D. A. Tompkins, of Charlotte, N. C., an expert oil manufacturer and statistician, in reply to the question as to how the cotton-seed interests would be affected by the Grout bill, said:

Mr. TOMPKINS. I can tell you right now that they have $6,000,000 worth of interest a year in it if this bill is passed in depreciation of the value of cotton seed. According to my estimate of 3,000,000 tons of cotton seed which are used for making oil every year, their loss would be $6,000,000 a year—the loss of the cotton-seed people alone. Now, you would bleed the working people of the country of ten millions more, and you would bleed the stock people of five. That is what you would do. That is an estimate of the value, in dollars and cents, of these interests.

Before the same committee Mr. Henry Bond, of Tennessee, representing the cotton-seed interests of that State, said:

Testimony heretofore given before your committee indicates that about 40,000 barrels of cotton-seed oil are used in the manufacture of that portion of oleomargarine that is consumed in this country annually; and while we have no definite data, the impression prevails that more margarine oil is exported than is used here.

The mills of Tennessee will crush this year about 150,000 tons of seed and make over 100,000 barrels of oil, or probably just about enough to fill the requirements of the oleomargarine trade.

The oleomargarine manufacturers, however, use only the very best grades of cotton-seed oil wherever they can find it, and pay higher prices than the mills can obtain from any other source, and we believe that their demands go a long way toward setting the market price for the whole cotton-seed oil production.

After it was known last spring that Congress would not (for some time, at least) further impede the oleomargarine business the price of cotton-seed oil at once advanced, and the advance was maintained all during the summer and fall, until Congress reassembled and renewed the attack upon it. Since then, although other conditions seemed to warrant the expectation of higher prices, oil has declined about 5 cents per gallon, or $2.50 per barrel, and we believe this decline is due to the threatened legislation against oleomargarine, which deters the manufacturers from making purchases for future use.

Favorable weather all fall and winter had expedited the picking and ginning of the cotton and the marketing of the seed. That part of the business is practically over now, and there is no way in which the mills can protect themselves, so that they alone will have to bear the burden of the loss this season.

Hereafter, however, should the Grout bill or any similar prohibitory measure become law, and these conclusions be correct, the mills, in self-protection, will be forced to reduce the price of seed to correspond with the reduced price of oil, and the farmers will then have to bear the loss.

A decline of $2.50 per barrel in the price of oil will necessitate a reduction of $2.50 per ton in the price of seed; and upon that basis the Tennessee mills alone would pay out for the quantity of seed used this year $375,000 less than they would otherwise do, even if there should be no further decline in the market price of oil; and this loss would fall upon the class of farmers least able to bear it.

This statement applies with equal force and truth to every oil mill, and on the same basis will indicate, on the 2,000,000 tons of seed bought by the 400 mills an annual loss to the farmers of the South of $5,000,000; and this, mark you, is caused merely by the fear of the enactment of the law. What depression would result from its actual enactment can only be conjectured.

A few words about our product:

The manufacture of cotton-seed oil is conducted entirely by means of machinery, and with the utmost cleanliness. From the time it leaves the fields as seed cotton until it leaves the mills as oil it is not touched by hand. As it is the cheapest edible oil known, it is not possible to profitably adulterate it. Its nutritive qualities are so well recognized by physicians that its use is often indicated by them, even in its crude state, to those of their patients who, suffering from tuberculosis and other wasting diseases, are unable to buy the higher-priced olive and cod liver oils. Its palatability is known by everyone engaged in its manufacture. Though oil mills run only a few months in the year, they never have any trouble in getting hands, and at the time of starting up are usually overwhelmed with applicants. A negro will quit any other job to get where he can inhale the fragrant odor of the oil and drink as much of it as he pleases.

Besides the interests of the cotton planter, cotton-oil manufacturer, the swine raiser, and the cattle raiser, there are millions of laboring people of the United States who are affected by this legislation.

The live-stock associations and the labor unions of the United States have generally passed resolutions against the passage of this law, as they regard oleomargarine to-day as the poor man's butter, and its consumption is rapidly increasing, not only in this country, but throughout the world. It is sweet, pure, wholesome, and cheap, and within the reach of every laboring man throughout the length and breadth of this country.

Labor can afford to purchase it at prices from 15 to 20 cents per pound. They can not afford to buy creamery butter even at the present price of 35 cents per pound, much less to pay 50 cents per pound, which is the real object of the solicitude of these creamery manipulators. It is one of the tenets of the great party of which I have the honor to be an humble member that it advocates equal rights to all and special privileges to no man. In other words, it contends for those measures which confer the greatest good on the greatest number. It is opposed to class legislation, and both the pending bill and the Wadsworth substitute are obnoxious to the theory of government which is its purpose and mission to establish.

There is not one creamery in the United States where there are 1,000 cotton planters, cattle raisers, and laborers.

Are we, then, by this drastic measure to affect the interest of 1,000 of the good citizens of our country—the substance, the bone, the very sinew of our land—and discriminate against them in favor of the one creamery?

I hope not.

A just government does not discriminate in favor of one class of its people against another. It leaves each class to work out its destiny in generous rivalry, unfettered by restrictive laws, but encouraged to go forward in the development of its work and business, with the confident assurance of the equal protection of the laws of the land.

Now, Mr. Chairman, the wise course for this Government to pursue as to this question, I submit, is this:

Let each article, whether it be butter or oleomargarine, stand on its own merits. Make it severely punishable by law for any person to manufacture or sell oleomargarine shipped to another State unless the package containing it is branded or stamped as oleomargarine.

Or, preferably, give the States, as provided for in section 1 of the pending bill, the power to regulate its sale. The States will pass the proper statutes prohibiting the sale under false pretenses. This remedy will be ample and complete to protect the citizen from being defrauded, and the Revised Statutes of the United States will have expunged from it a most iniquitous and pernicious piece of class legislation.

It is the evil example of unjustly fostering one enterprise at the expense of another, by excessive and unjust tariff laws, which has so seared, if not corrupted, the public conscience as to at last make it respectable for the butter manufacturers to clamor for protection against a legitimate rival industry—not of foreign competition, but one conducted at home by American enterprise, genius, and capital. [Loud applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. JENKINS having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, one of its clerks, announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 1447. An act to provide for the purchase of a site and the erection of a public building thereon at Spokane, in the State of Washington; and

S. 3509. An act to transfer the county of Carroll from the northwestern division of the northern district of Georgia back to the northern district of Georgia of the United States district and circuit courts.

The message also announced that the Senate had passed without amendment the following resolution:

Resolved by the House of Representatives (the Senate concurring), That the Clerk of the House of Representatives be directed, in the enrollment of the bill H. R. 9315, to insert the word "thirteenth" on page 9, in line 9, in lieu of the word "thirtieth."

OLEOMARGARINE.

The committee resumed its session.

Mr. LEVER. Mr. Chairman, my lamented and distinguished predecessor, the late Dr. Stokes, was a member of the Agricultural Committee, which thoroughly considered this same bill last year. He was among the members of the committee who signed the minority report on this bill, and entered his most solemn protest against the passage of the majority report. My great faith in the soundness of his judgment upon all propositions which came under his consideration would be a strong inducement to me to record my vote against this bill. But I have made an independent investigation of the subject, and have found, as I most invariably found during my long association with him, that his judgment was reliable and his conclusions wise and just.

Mr. Chairman, so extraordinary a piece of legislation as is contemplated by this bill should demand of its sponsors and promoters extraordinary reasons for its enactment into law. A bill that purposes to use the taxing power of Congress to restrict and hamper the sale of one industry, honest and legitimate in its character, so that another industry may thereby secure a monopoly of the trade at present divided between the two, should show alarming conditions to insure its favorable consideration by this House.

There should be a general demand for such legislation coming from all the people everywhere, and not a single voice representing a single dollar of vested property or stored-up labor, should cry out against it, before this Congress could be justified in violating the spirit of our Constitution in giving its sanction to this bill. An alarming public need is the only condition that could give a semblance of justification to a measure so arbitrary, discriminating, and unjust in its effects.

There might be extraordinary occasions, such as a depleted Treasury, resulting from extraordinary expenses, incurred, perhaps, in the prosecution of war or in an enterprise of general and public benefit, demanding such extraordinary legislation, in order to meet a public need; but it is hard even to imagine circumstances so exceptional as to justify such an exercise of the taxing power of Congress.

We have looked through volumes of testimony dealing with every phase of this matter, read numerous able and exhaustive articles, followed closely all the elaborate controversies touching this question, and studied carefully the clear-cut and unmistakable decisions of the Supreme Court and the various authorities on constitutional law affecting the issue here presented in a vain and ineffectual effort to find some reason for the remarkable and indefensible position assumed by the advocates of this bill.

Nowhere can there be found solid ground for them to stand upon, and we find them shifting from one position in 1886, when they asserted oleomargarine was unhealthful and unwholesome, to an exactly opposite position taken the other day by the leader of the majority of the committee reporting this bill, when he flew away from the old position, admitted the wholesomeness and healthfulness of the article, but charged that it was being fraudulently sold in competition with creamery butter.

They take a position one day that there is no purpose to destroy the oleomargarine industry, that they are only after its illegal sale, and the next day its stoutest advocates, in cold blood and premeditatedly, substantially declare the intention of this bill to be: the stamping out of the oleomargarine industry. They are like the proverbial flea—it is there and it is not there. You follow these men in their reasoning to a point where it seems they must reach a conclusion and take a position, and before you know it, they have gone off on a tangent, disappeared, gone up in vapor, and you find you have been following a logical will-o'-the-wisp, an argumentative chimera.

A close analysis of their devious windings, however, shows one purpose more distinctly than any other, and that is their disguised intention to drive the oleomargarine manufacturer from the field of competition with creamery butter. Cover it up as they may, the purpose crops out under the fire of debate. For instance, Mr. ADAMS, in arguing the side of the advocates of the bill, exclaimed:

> There is no use beating about the bush in this matter. We want to pass this law and drive the oleomargarine manufacturers out of the business.

Another instance, when Mr. Knight, secretary of the National Dairy Union, in his famous letter of May 18, 1900, wrote:

> Now is the time for you to clip the fangs of the mighty octopus of the oleomargarine manufacturers.

Another admission of the same purpose, by ex-Governor Hoard, in his testimony last year before the House Agricultural Committee, speaking for the National Dairy Union and the interest represented by it, used these plain words in reference to the purpose of this bill:

> In plain words, this is repressive taxation.

I admire the candor of the governor. It is in striking contrast to the hypocritical palaver of some other of the advocates of this measure, whose intentions, though similar to those of Governor Hoard, are disguised in profuse expressions of sympathy for the consumer, who, they say, is defrauded and imposed upon, and for the dairyman, who, they assert, is brought in competition with an article doing an unfair business.

Whoever heard of a trust sympathizing with the man it is fleecing? And it is fleecing both the dairyman and the consumer. Their sympathy is such sympathy as a lion has for the lamb. If there is anything, above all things, which the Almighty looks with favor upon, it is a candid man going at things in a direct way; and I think if there is anything which arouses His supreme contempt and disgust, it is the hypocrite. The world loves an honest and direct man and despises the hypocrite and knave.

The success of the promoters of this legislation in driving a bill similar to the one under consideration through this House by a two-thirds majority at the last session has emboldened them to more fully uncover their positions. They are saying things now which they would not have dared say last year. Governor Hoard has added a later edition to his testimony of last year, and we find him perfectly frank in admitting that this bill is aimed, primarily, at the destruction of the oleomargarine industry. Before the Committee on Agriculture on January 15, 1902, in reply to the direct question as to his wish if this bill failed to reduce the manufacture of oleomargarine, he said:

> In that case, sir, I would come before Congress and demand a still higher tax.

In other words, the Governor wants this Congress to understand that if this bill fails to rid his people of an annoying, yet legitimate, competitor, he will come back here and ask for the passage of a bill which will accomplish that purpose. If this load fails to do the work, he serves notice on us that he will load with heavier shot the next time. Other admissions, expressions, and deductions could be given, but they would only serve as cumulative evidence and have no value in establishing the main point.

I can not see how any fair mind, after studying the testimony as given at the several hearings before the Committees on Agriculture of the House and Senate, can hesitate in concluding that the direct and only purpose of those most directly interested in the passage of the majority report of the committee on this bill is to destroy, root and branch, a successful rival of the creamery butter trust for the supply of butter or butter substitutes to the country. This is the only reason that I can see for the adoption of the majority report.

Congress is to be made the tool with which one individual destroys the property of another. It is lending the Government to the purposes of the robber and confiscator. It is giving governmental sanction to the destruction of legitimate enterprise. It is holding up one enterprise by governmental hands and with the same hand cutting the throat of an equally deserving enterprise. It is subverting the high functions of this Congress to small and mean uses.

Mr. Chairman, we have gotten the purpose of this legislation—the destruction of the colored oleomargarine industry. Let us go one step farther and learn the character of oleomargarine, what it is, and what are its uses. It is a cheap substitute for butter, made of certain products of the cow, hog, and the oil of cotton seed. It is absolutely healthful and wholesome. This is admitted by dairymen themselves, and the consumers of the product, and the overwhelming weight of scientific opinion.

Those who eat the article have had no harmful results from it, and all agree in pronouncing it a very palatable and satisfactory substitute for butter and less dangerous as a carrier of disease germs than the highest-price butter, because it is subjected to a great heat in its manufacture and the germs are killed. It is more palatable and pleasing to the taste than the low-price butter, and is meeting a sale which strongly testifies to its purity and popularity. It is cheaper than high-price butter and as good, and is as cheap as low-price butter and better and more palatable. It meets every requirement of the rules of health, and is a valuable addition to the food supply of the world.

It is a legitimate article of commerce, having all the rights to the protection of the law which such legitimacy gives to every such article of commerce. If there is doubt about the correctness of this proposition, we prove it by invoking the decision of the Supreme Court in the Shallenberger case and the implications carried by the act of Congress of 1886 imposing a 2-cent tax on the colored product. The court in this case, speaking of the effect of the law of 1886 in legitimatizing oleomargarine, uses this language:

> This shows that Congress, at the time of its passage in 1886, recognized the article as a proper subject of taxation, and as one which was the subject of traffic and exportation to foreign countries and of importation from such countries. Its manufacture was recognized as a lawful pursuit, and taxation was levied upon the manufacturer of the article, upon the wholesale and retail dealers therein, and also upon the article itself.

At another point, and in the same connection, the court uses language which leaves no doubt as to its meaning. It says:

> The article is a subject of export and is largely used in foreign countries. Upon all these facts we think it apparent that oleomargarine has become a proper subject of commerce among the States and foreign nations.

In the light of that language and the testimony of the experts and scientists, the legitimacy of the product is well established, and we are brought face to face with the proposition whether or not Congress has the legal or moral right to use its taxing power to destroy a legitimate article of commerce.

Boiled down to its essence, this legislation attempts to pervert the taxing power of the Government by using it to strike down free and open competition between home industries, giving to one a monopoly, with capacity to raise or lower prices of an important food product at its will, and driving the other from the field of legitimate trade. Does this Congress have the authority in law or morals to destroy an enterprise, honest in its character, which is giving to the wage-earner and laboring man all over this country a cheap, wholesome, and healthful article of food? No one, I believe, has so far forgotten the fundamental principles of right and equity underlying our free institutions as to give a serious affirmative to such a proposition.

The question is elemental, and the merest casual student of the

theories, giving such beauty and strength to our system of government, must unhesitatingly deny to Congress such a right. It is true Congress has the constitutional right to levy taxes for public purposes. In other words, it is within the power and right of this body to lay a tax for the purpose of raising revenue to meet the expenses of the Government. Such taxation would be for the benefit of all the people, without discrimination, and is agreeable to the spirit of our institutions and to our notions of right. Equally elemental is the negative of the principle just laid down.

Congress has no right to use its taxing power except for the purpose of meeting the public need; and when it gives its sanction to a measure whose purpose is not to raise revenues beneficial to all the people alike—for such purpose is affirmatively disclaimed by the sponsors of this legislation and is disproven by the overflowing condition of the Treasury—it goes clearly beyond its power. When legislation is intended to crush one industry that another may exact unrestrained tribute of all the people, Congress violates the letter and spirit of our fundamental law when it gives its approval.

There is entire unanimity of judicial authority sustaining this contention. The doctrine is recognized everywhere and by everyone. Theorist, economist, and constitutional lawyers and writers unite in denying to Congress the right to use its taxing power in the interest of one industry against another. In a case the Supreme Court of the United States uses this pointed language in speaking against governmental favoritism:

> To lay with one hand the power of the Government on the property of the citizen, and with the other bestow it upon favorite individuals to aid private enterprises and build up private fortunes is none the less a robbery because it is done under the forms of the law and is called taxation.

Along this same line, and in the same case, the court says:

> There can be no lawful tax which is not laid for public purposes.

The power of Congress to make pets and favorites of one industry, of one class of people, at the expense of another industry and to the detriment of another class of people, is here expressly denied by the highest judicial tribunal in the land. Such a perversion of the taxing power of the Government will not and should not be tolerated by the people who have its power always to fear.

If this bill passes this House, Mr. Chairman, and it meets the expectation of its friends, it will violate one of the most sacred rights guaranteed by the Constitution—the right to protection in the use and enjoyment of property. Millions of dollars have been invested in the oleomargarine industry upon the assumption that the usual protection afforded by the Government against interference with legitimate enterprise would be given it. This property has become a vested right in the hands of the individual, and so long as it is used in a way not injurious to the health and the morals of the people, so long as it respects the rights of others and conforms itself to the requirements of the law, it challenges the equal protection of the law guaranteed it by the Constitution.

It is proposed in this bill to forget the Constitution, to forget right and to destroy the property of men who have spent their lives in accumulating it. It is proposed to lay the heavy hand of the Government on a vested right whose only sin is the sin of being the rival of large monopolies already existing, and of contemplated monopolies, the executive officer of one of which, if the press reports are true, is to receive a salary as large as the President of the United States. We are asked to close our ears to the appeals of reason and fairness and to shut our eyes to the bold letters of the Constitution and the various decisions of the courts.

It is sought to have us turn our backs on the dangers lurking in such a use of the power to tax. We are asked to establish a precedent when we know it will bring down upon this Congress, in the future, thousands of demands for legislation whose only object is to drive competition from the field and to establish monopoly of trade. We are asked to give legislative force to the doctrine of might over right, we are urged to cover up wrong with a legislative cloak, and to set an example of governmental favoritism and unfairness. Why give to the world this miserable exhibition of legislative heedlessness and cowardice?

I do not impugn the motive of any man voting for this measure. I take it that he is acting in accordance with his conception of right. I protest against the idea which seems current, that public position makes men dishonest or susceptible to influences which would not affect them in private life. Public men are just as honest as the general public, as a rule. A Representative is the exponent of public honesty just as he is the exponent of public intelligence. He represents as much the virtues of his people, or their vices, as he does their political and individual opinion.

If the public sense of right and justice is warped, the representative of that sentiment will be proportionately warped. In this case I think each man is voting his conscience, and I think he is representing what the conscience of his constituency at present seems to be. This bill will pass. That is inevitable. But I believe it will inevitably be repealed. My unshaken faith in the honest intent of the American people and their representatives on the floor of this House gives me reason to think this legislative monstrosity will ultimately meet the fate of all such abortions of justice and right.

Mr. Chairman, the effect of this kind of legislation will be disastrous, and this particular bill, if it passes, will be invoked as a precedent for all kinds of legislation, selfish in its nature and unjust in its effect. It sets the example and asserts the right of Congress to officiously intermeddle with private individuals in their lawful pursuits, lending itself to the one to the destruction of the other. The principle in this bill is just as wrong as the principle which induced Congress to place a tax on State-bank issue in order that national banks might have a monopoly of the banking business of the country. It is a vicious principle whose evil effects are unlimited.

By giving Congress the power to destroy competition we are giving it the power to create monopolies. You say, in substance, that whenever the pressure is great enough, whenever the clamor is loud enough, Congress has a right to come to the rescue of an industry by destroying its competing rival. The moment you assert that principle you throw wide open the door for every class and kind of legislation looking to the destruction of competition and resulting in the creation of monopolies that will eat into the vitals of the body politic, control its legislation, and administer its laws.

This legislation aims specifically at the perpetuation of the butter trust, but its effect will be the creation of numberless monopolies. If it is right for Congress to destroy competition in the interest of the butter trust, is it too great a stretch of the imagination to predict the coming of the day when this same body, acting upon this precedent, reasoning analogously from this example, will legislate out of existence certain unfavored and weak industries in the interest of certain others, stronger and more favored?

The same principle which gives Congress the right to destroy the oleomargarine for the benefit of the butter industry can be called upon to destroy our Southern molasses industry that the maple-sirup industry may be without competition. Why, it is a fact that there has already been introduced into this House a bill in the interest of woolgrowers of Ohio as against the cotton grower of the South. It is almost identical in principle with the one now under discussion. It purposes to hamper and restrict the sale and manufacture of a certain cloth called "shoddy," into which cotton enters as a component part.

The same hypocritical reason is given for the passage of both the bills, and the real purpose in both is to stifle free competition, and thereby perpetuate monopoly. No one objects to labeling oleomargarine so that the consumer may know what he is buying, and the minority report on this bill proposes this, and I am willing to support it. Every safeguard should be used to prevent the fraudulent sale of oleomargarine, and what is said of oleomargarine is equally applicable to the sale of butter which has been renovated and given false color. We should throw no restrictions around the sale of one which we do not throw around the other. Let each tub stand on its own bottom. The deserving will stand the longer.

This body has never been called to pass upon a more drastic piece of class legislation. And what is the reason offered by the advocates of this bill for its passage? It is claimed that oleomargarine is sold fraudulently as butter, and is therefore a dishonest competitor. They say it is possible to make these fraudulent sales because it is given a yellow color—the same color assumed by Elgin butter. They therefore ask for a tax on colored oleomargarine sufficient to drive the industry from the field of legitimate commerce.

The butter men assert a right to the use of the yellow color and come to this Congress and ask it to deny that color to oleomargarine. Butter has no patent right to a yellow color. The truth is, butter is not yellow except during a few months of the year when the cow is feeding upon rich pasturage. During the winter months butter is almost white in its natural color, but when you go to buy it in the market it is always yellow. How comes it so? The beautiful golden tint is added to it, and for the purpose of deceiving the buyer into the belief that he is getting the butter of a fat, sleek, well-fed Jersey cow.

The public has been educated to think yellow is the best butter. It is more pleasing to the eye and is in greater demand, and brings from 5 to 10 cents more per pound in the market than its unfortunate uncolored white companion. Hence the color is added, and poor, inferior, rancid butter is revamped and renovated and colored and is sold for first-class butter. The color is the thing that catches the bird. The trade demands it. Yet the dairymen are asking Congress to forbid to others the doing of a thing which they themselves do, and urge their contention with all the vehemence of pharisaism run mad.

I can not see why we should deny to oleomargarine any privilege which we accord to butter. To give butter color and added value and to deny oleomargarine color, thereby destroying it, is class legislation of the most pronounced type and will come back to haunt this House. It is contrary to the principle of "equal and exact justice to all," and a dangerous field for this Congress to enter into. We have no right to discriminate between equally meritorious industries. In the court of conscience it is condemned. It is unsound and vicious in principle, dangerous and unsafe in policy.

Ten years ago a bill so far-reaching in its effect, so violative of the personal and property rights of the citizen, so infringing upon the power of the States, so discriminating and unjust in the treatment of a legitimate enterprise, could not have been reported from a committee to this House. But in these days of marvelous progress, when men worship mammon, when we forget the traditions of the fathers and go off into a policy despised by patriots, when we shut our eyes to the struggles of a people to be free, when we are the aggressors in a war of subjugation, despoilers of home and fireside, there is no wonder that we should give tolerance to this iniquity.

We are now beginning to reap the whirlwind of protection. The wolves are beginning to tear each other. Those who can not get a monopoly by tariff taxation are coming here to get it by having Congress place a prohibitory tax on the produce of a rival. The whole theory of protection for protection's sake is wrong, and the wrong principle is working itself out in this masked assault upon legitimate effort. You will reap what you sow, is a principle running through national as well as individual life. In protection we have sown to the wind, and in this legislation we are reaping the whirlwind. Shall we go on forever disregarding the principles of justice and heeding the insistency of greed until Right lies handcuffed at the feet of Might?

Mr. Chairman, the practical effect of this bill is the creation of a great butter monopoly, with the power to regulate butter prices to suit itself. The price of creamery butter will go up, to what extent no one can tell. This is measured only by the greed of the monopoly, and ordinarily that is limited only by the utmost capacity of the consumer to pay. The dairymen believe their product will be greatly advanced in value by this legislation, and hence the vim which has characterized their efforts to secure favorable consideration.

In this conclusion reason and common sense concur. When all competition is gone, there is nothing to prevent the monopoly then created from raising the price of butter. Who will be benefited by this? No one except the large dairymen and the butter monopoly. It gives them the power to reach into the pockets of the consumer and demand their own prices for butter. The small farmer, with a few cows furnishing a few pounds of butter each week for sale, will never know the difference, so far as the price received for his butter is concerned.

The local merchant, the local market, will continue to regulate the price of country butter in the future as it has done in the past. Butter raised on our farms, where it is only a very minor product, does not go into the general market, and is not affected by general market prices. A rise in the price of Elgin butter does not carry with it a corresponding rise in the price of country butter. Elgin butter will bring 35 cents per pound in Columbia, while the average price for country butter will not exceed 20 cents per pound. This legislation will help the Elgin manufacturer of butter because it gives him a monopoly, but it will not raise the price of country butter one iota, and will not, therefore, help the producer of the country product. The butter trust alone will be benefited by this legislation.

In support of the contentions here made—that the small farmer will not be benefited by destroying the oleomargarine industry—I want to quote from the testimony of Governor Hoard, and he is the man leading the fight for the butter trust. On page 28 of the hearings before the committee the following is shown:

Mr. SCOTT. I ask you if oleomargarine does not compete chiefly with the cheaper grades of butter, and is it not a fact that it has no effect on the better grades of butter?

Mr. HOARD. No, sir. It sells for the best grade of butter wherever it can be imposed.

The above is a direct refutation of the idea some farmers have been led into having, that by destroying oleomargarine added value will be given to the few pounds of butter that they are able to sell each week. As shown here, the spokesman of the butter interest distinctly denies that oleomargarine comes in competition with the butter made on the small farms, and therefore, whatever might become of the industry, the price of farm butter would not be affected in the least. But the price of butter made by the large manufacturers, who turn out thousands of pounds of butter each day, is affected by the competition of oleomargarine and kept within reasonable limits by it, and that is why oleomargarine is sought to be destroyed.

The solicitude of the friends of this bill for the consumer of butter is amusing in its absurd hypocrisy. They tell us they wish to protect the public from the imposition of unscrupulous manufacturers. They are emphatically silent about protecting the great consuming public against the greed of the butter monopoly. If the wage-earner and laboring man had wished the passage of this bill, he would not have hesitated in making that wish known to the committee. But instead of hearing any demand for this enactment, the spokesman of the great labor organization of this country appeared before the committee last year and strongly protested against this legislation.

Every factory operative, every miner, every laborer who is a consumer of butter, we are assured, enters his solemn protest against this bill which is so inimical to their best interest. They assert the right to choose between butter and a cheap but wholesome substitute, and they claim the right to have that substitute colored to suit their taste.

They tell us that a great many of their more unfortunate number, living in large cities, can not afford the luxury of creamery butter even now, and they predict when the only competitor of creamery butter is destroyed, as it will be by the passage of this bill, when there is no rival remaining to equalize the butter market, giving the consumer a reasonable price, when the butter monopoly is consummated, the price of butter, such as they can get, will rise to such a degree as to put a prohibition on its use by the poor man. It will practically dry up the butter on the bread of the wage-earner, the man who works at the forge and in the factory, whose toil is ceaseless and whose luxuries are few.

Butterine is the friend of the poor man. It stands between him and the butter trust. They tell us we have no right to assume to dictate to them what shall go on their table, and if I mistake not the grit that is in them they will resent such interference with this privilege, and they ought to resent it.

But in addition to the well-founded objection to this kind of legislation, already urged, there are other objections, selfish in their character, no doubt, which intensify the opposition of Southern members to this bill.

When we take into consideration the fact that cotton-seed oil is one of the chief ingredients of oleomargarine, it is not surprising that a majority of Southern members, representing the great cotton belt of the country, should note most carefully every phase of this question before giving their assent to the bill. To pass this bill is to hurt the cotton-seed industry of the South. In proof of this proposition I quote from resolutions adopted by the cotton-oil superintendents from North Carolina and South Carolina at Charleston, S. C., July 6, 1900:

That this association implores Congress not to destroy an industry which now uses nearly 10,000,000 of the best grade of cotton-seed oil annually, and thus kill that quantity of our most profitable output.

In this same connection, to show the effect of this legislation and to call attention to the magnitude of the cotton-seed industry in the South, I desire to make a few extracts from the statement of Mr. Oliver, representing the cotton-seed-oil men of the two Carolinas and Georgia, made before the Committee on Agriculture last year. I want to show just the amount of money that this bill will drive out of the South, and just the amount of money the cotton producer, the farmer, gets out of this industry. He said:

The cotton-seed-oil interests of the South have invested in plants not less than $50,000,000. The working capital necessary to conduct the business is not less than $50,000,000 more, making $100,000,000 employed in the business. The mills have converted a product, namely, cotton seed, which was once considered a perfect nuisance by the farmers and ginners, into an article bringing to the cotton planter millions of dollars and to the laboring man millions more and to the railroads a large and profitable tonnage in and out, amounting to millions of dollars in freight. There has been paid to the cotton producers this season not less than $40,000,000 for about two-fifths of the seed produced. There has been paid to the railroads to haul the seed in and the products of oil mills out not less than $15,000,000. There has been paid to laborers dependent upon the manufacture of cotton seed at least $10,000,000, making a grand total paid out by the oil mills of not less than $65,000,000, and this for a product that forty years ago was considered absolutely worthless, and for only two-fifths of the seed produced, the balance being used on the farms for fertilizing and for cattle feed.

The cotton-seed industry is in its infancy. It is easily within the memory of many of the members of this House when cotton seed were considered by the majority of farmers as of no value whatever except as a fertilizer. But the discovery of the value of cotton-seed oil and cotton-seed meal has developed a market for cotton seed which has made the by-product at least a third as valuable as the product itself. In other words, cotton seed forms about 30 per cent of the value of the cotton crop.

The cotton grower, the farmer, the large farmer and the small farmer, the man who raises a hundred bales of cotton, and the man who raises only one is directly and vitally interested in the defeat of this bill, which will cripple the cotton-seed oil industry, and thereby greatly lessen the demand for his cotton seed. As just stated, the cotton-seed business is young. As yet it is hardly out of its swaddling clothes. To what extent it may ultimately

develop if unhampered by discriminating legislation is reasoned out by the gentleman just quoted. He says:

If the oil mills are not crippled by adverse legislation in this country and others it is only a matter of time when all cotton seed not required for planting will be worked up in oil mills, creating a market value for the seed, money paid out for transportation and labor, from a crop of 12,000,000 bales of cotton, a grand total amounting to at least $150,000,000, or about one-half of the value of the cotton crop itself.

This gives an idea of what the cotton-seed business may mean to the South. One hundred and fifty millions of dollars added to the property value of the South! One hundred and fifty millions of dollars for one farm by-product! To destroy that industry means something to the farmer of the South, and he is protesting against this bill, this stab at one of his most valuable and developing products.

The cotton-seed industry in South Carolina alone amounted last year—and it is rapidly increasing each year—to over three and one-half million dollars. The actual value to the farmer—the cotton grower—was over two and one-quarter million dollars. Who can estimate what that value will be ten years hence? And shall we pass this bill and cripple that enterprise which is and is to be of such vast importance to the cotton farmers? As business men, viewing a business proposition, we can not vote for this bill, but we oppose it on higher ground than this, and upon these higher grounds we are willing to have the country judge us.

I am against this bill, because we have no constitutional authority to use the taxing power of Congress to destroy a legitima e article of commerce. I am against it because it gives added powers to the National Government, and that is dangerous and undemocratic. I am against it because it seeks to destroy competition and create monopoly, and that is un-American. I am against it because it is the rankest kind of class legislation, and that is contrary to the genius of our institutions. I am against it because it makes this Congress a party to a mean and contemptible assault upon an honest product, and that is cowardly. I am against it because it is governmental favoritism, and that is unfair. I am against it because it is applying the Republican doctrine of protective tariff to home industry and seeks to inaugurate an internal tariff movement, and that is dangerous. I am against it because it sets a bad precedent for legislation, and that is unwise. I am against it because it is a violation of the rights of vested property, and that is wrong.

There is no principle in law or morals that will sanction it. There is no doctrine of Democracy agreeable to it. Every instinct of justice and right protests against it. Every precept of reason, every example of wise statesmanship point to its dangers, and bid us avoid them.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I desire now the close attention of Democrats that have committed themselves to the passage of this bill without amendment through this House, or think they have. I think I can convince anyone of them that he should vote for the amendment just offered by the gentleman from Kansas. I ask the studious attention of the gentleman from Tennessee [Mr. GAINES] and the gentleman from Virginia [Mr. LAMB] and of those good Democrats from the good old State of Missouri, who happen to be wrong, from my standpoint, on this issue, to this amendment, at any rate.

Mr. Chairman, on page 2 of the bill there is a proviso, and that proviso reads as follows:

That nothing in this act shall be construed—

Mark you the language—

shall be construed to permit any State to forbid the manufacture, etc., of oleomargarine.

Mr. GAINES of Tennessee. Will the gentleman allow me?

Mr. WILLIAMS of Mississippi. I can not, for I have only five minutes. If the gentleman will let me go along I will explain what he wants to know much better than I could in answer to a question.

Now, I want gentlemen to understand the proviso:

Nothing in this act shall be construed to permit any State to forbid the sale or manufacture of oleomargarine.

Why should a State be "permitted to forbid" the sale and manufacture of oleomargarine if it wanted to, under its police powers? Now, gentlemen have said on the floor of this House that that proviso was put here to meet certain objections which I made to the bill, and that will bring me along to the right line of thought.

My objection was, before the proviso was put in, that the Federal Government in attempting to carry itself on the lines of interstate commerce and the taxing powers into the State, in the control and licensing of this business, had infringed on the reserved rights of the State, and I therefore wanted a proviso to safeguard them. The gentleman from Kansas has offered the proviso that will safeguard them, and I shall read it to the House, so that the House shall see what ought to be the proviso in the bill, but what is not. The proviso now in the bill is absolutely absurd on the very face of it, and, if not absurd, it contains an inherent or latent assertion of a right to forbid to a sovereign State the right to forbid, or to permit a sovereign State to forbid, the sale or manufacture of an article.

Now, here is what we offer in place of it. I say that no man who believes in the rightful distribution of powers between the Federal Government and the States, who believes that Congress ought not to attempt, by innuendo or otherwise, to trench upon those rightful powers, can vote against this proviso:

Provided, That nothing in this act shall be construed to forbid any State to permit the manufacture or sale of oleomargarine in any manner consistent with the laws of the State, provided that it is manufactured and sold entirely within the State.

The effect of this is simply that nothing in this act shall be so construed as to forbid the State of Texas, for instance, from chartering an oleomargarine factory, which shall manufacture and sell oleomargarine, provided only that it manufactures it and sells it entirely within the State of Texas. I call the attention of the gentleman from Virginia to it. I call the attention of the gentleman from Tennessee to it. I call attention of the gentlemen from the great Democratic State of Missouri to it.

Mr. GAINES of Tennessee. I do not need any castigation in regard to my position upon this proviso. I have been against it all the time—both in the original bill and in the amendment. Neither are necessary.

Mr. WILLIAMS of Mississippi. I am glad to hear it.

Mr. GAINES of Tennessee. I have been doing all that I could within the last four days on this floor to oppose that proviso, and I shall continue to do so as long as it is in the bill. I do not need any castigation.

Mr. WILLIAMS of Mississippi. Mr. Chairman, far be it from me to "castigate" the gentleman from Tennessee. Nobody deserves it less, and nobody would receive less of it at my hands. But I had understood from the character of questions being asked by the gentleman that he was in favor of this bill; and I have understood from the spirit which has been shown here "all along the line" that there was a solid phalanx coming up to vote for the bill, without any amendment whatsoever. Now, I say to the gentleman from Tennessee that unless this amendment be adopted I do not think he or anybody else who believes that the States have left to them and ought to have left to them one solitary vestige of reserved rights can vote for this bill unless this proviso is taken out and this substitution made.

[Here the hammer fell.]

Mr. JACKSON of Kansas. Mr. Chairman, it is my object and purpose to support the majority bill, not because it is the best that the mind might conceive; not because it meets with my hearty and unqualified approval, for it does not, but because as between the two bills the majority more nearly accomplishes the object and purpose desired. I am informed that sundry amendments will be suggested; but until I know their nature and character, of course I can not tell which, if any, one of these amendments I will support. I regret exceedingly that on this measure many of the Democrats are not fully in accord with some of our Democratic brethren in the South. From the remarks just made by the distinguished gentleman from Mississippi [Mr. WILLIAMS] I judge that the Democrats who do not support the minority bill will be excommunicated. But inasmuch as no Democratic caucus has undertaken to make this a party issue; inasmuch as there are almost as many true and loyal Democrats supporting the majority bill as the minority, I have no fears of my standing in the party. [Applause.]

The fact is, in the last two days of general debate many foolish and unwise things have been said; statements have been made which would far better have been left unsaid; and if but a small per cent of the statements made are true, not only should the majority bill pass, but there should be some drastic measure to purify this legislative Hall. However, I am sure that the statements were made in the heat and passion of debate, and there was no intention to impugn the motives and integrity of any member.

Because we can not all think and see alike will not justify us in questioning the purity of motive of those with whom we do not agree. Almost all who have taken part in the general discussion seem to have forgotten the real question at issue; each has sought to outdo the other in devotion to the farmer and laborer. Why not strip this question of all subterfuge? Why not deal with it honestly, frankly, and candidly? Surely the farmer and the laborer have enough to bear without being the scapegoat of fraud and rascality. [Applause.]

In my judgment it is not a question as to whether oleomargarine is pure and wholesome; it is not a question whether or not you may prefer oleomargarine to butter, or vice versa; it is not a question as to which industry, if either, would be benefited or injured by this legislation. The all-important question in its final analysis is simply one of right or wrong.

Is it right to permit oleomargarine to be so manufactured that

it can be either fraudulently used or sold for butter? Shall we permit one industry not only to impose upon the consumer, but also its competitor. In a word, shall we make it possible that the consumer shall have the opportunity of knowing whether he is buying and using oleomargarine or butter?

Both bills seem to recognize this right to the consumer; both bills seem to recognize that the industry ordained and created by God should not suffer by reason of any unjust and unfair imposition. Both bills concede that oleomargarine has been, is to-day, and will continue to be, sold and used in the name of butter unless there is some legislative restraint. This seems to be an admitted fact.

Personally I know nothing with reference to this question other than as I gather from the testimony taken before the committee and the two reports which we have before us. I neither affirm nor deny that oleomargarine is being sold and used in imitation of butter. But when it is admitted and conceded to be a fact, then why should we not adopt some measure which will be drastic enough to remedy the wrong of which we complain? In other words, if we are to legislate at all, and if oleomargarine is being fraudulently used for butter and thereby necessitates legislation, why not legislate in an intelligent manner and in such a way as to accomplish the purpose? Why should we have impotent legislation, as suggested in the minority bill?

The gentlemen who support this minority bill may be able to fool some of the people, but they can not fool all the people. Each speech which has been made in behalf of the minority denounces the majority bill as class legislation. Even my colleague from Kansas [Mr. SCOTT], in the strongest possible language, not only denounces it as class legislation, but insists that we are seeking to build up one industry at the expense of another. And yet I find that he, as a member of the committee, joined in the minority report.

The minority bill recognizes that a certain class of consumers shall have the right to know whether they are using and purchasing oleomargarine or butter, but denies that right to all of the citizens. It recognizes this right to a selected class, but they give no legislation stringent enough to accomplish the purpose. In effect, it simply means that if you have home and family you shall not be defrauded in this way; but if you are not fortunate enough to have either home or family, if you belong to that vast army of men and women who, either through poverty or taste, depend, for a consideration, upon the table of another, then you are not entitled to any consideration. [Applause.]

Mr. Chairman, the minority bill is a decoy; it is a shift and a device. Every speech made by its reputed supporters has been the strongest indictment of its perfidy. The minority know that if their bill is right in principle, so is the majority bill. They know if the majority bill is wrong in principle, so is the minority bill. There is no halfway ground. Both bills admit and concede that oleomargarine is fraudulently disposed of for butter, and the minority has not the manhood and courage to prevent that fraud. [Applause.]

Sir, I take no interest in the clamor about class legislation. A few of my Democratic brethren have become so embittered by reason of the iniquitous protective policy of the Republican party that they have lost their discriminating faculties. The purpose of this bill is not to destroy an industry. It is aimed at a fraud and to protect the consumer, and also to give to the housewife, the dairyman—yea, the cow, an honest competitor. [Applause.] It does not seek to destroy the manufacture of oleomargarine, nor will it have that effect so long as it is manufactured and sold honestly and does not impose on the public by claiming that it is something which it is not. If it is dishonest; if it will not come out and be an open, honorable competitor with butter, then, sir, it should be required to pay a penalty for its dishonesty. It is true the minority speak lightly of this question of imitation and deception and refer to the numerous imitations of household ware. They should remember that two wrongs do not make a right; if lawyers, they know that a man who sells an article making representations as to the nature, kind, and quality of the article, and the person relying on such representations purchases the same and pays a price for the article as represented, and if it is not the character and quality of the article as represented, then the vendor is guilty of fraud and may be prosecuted.

Such a law does not have for its object and purpose the protection of the manufacturer of that article, but seeks to protect the citizen. I deny that there is any class legislation in this. We are seeking to destroy fraud and deception. We are maintaining and insisting that the citizen shall have the right to be informed and know that when he demands butter he is receiving the article for which he pays his money. If, by such legislation, we injure an industry it is but the reflex action of wholesome legislation. We must understand that the underlying and fundamental principle of this Government is the greatest good to the greatest number. The barons, who have made untold millions by reason of a protective tariff, would have the same right to say to us—who believe that the tariff is unjust—that it would be unfair to their interest to reduce the tariff, and if we did so reduce it would be class legislation.

Sir, there is no more class legislation in this bill than that given us by the great Lawgiver, approved and ratified by every State in the nation, when it was said, "Thou shalt not murder; thou shalt not steal." Every man who commits a wrong against his fellow-citizen has the same right to complain of class legislation if you seek to punish him. If you say that the manufacturers of oleomargarine are honest, I answer that when they make a product in imitation of butter, and when they know, as the evidence before this committee discloses they do know, that by reason of that imitation it is sold to some of their customers for butter, they are guilty of fraud. They are particeps criminis.

In my judgment it does not become the manufacturers of oleomargarine to discuss class legislation. It does not become them to seek to avoid their own dereliction by claiming that some one else is as guilty as they. In my experience as a lawyer I never knew of a criminal who was not anxious to mitigate his offense by calling the attention to other people who were also guilty. If oleomargarine is all that its friends claim it to be, it should have no objections to this bill, but should accept this opportunity to come before the people as an honest product, advertising and insisting that it is far superior to butter, and let the people have an opportunity to determine whether or not they prefer oleomargarine to butter.

Mr. Chairman, for my part I sometimes become weary and heartsick with the constant cry that the Government can't do this and it can't do that. Standing in the daybreak of the twentieth century, we behold marvelous things which this Government has accomplished. Many of these things have been done over the persistent and vehement protests of "can't." [Applause.]

This Government, sir, is all powerful; this Government is the people, and the people can do anything with their Government that they desire, in so far as it affects their rights. This Government is to-day doing many things of which I do not approve; it is doing things which I trust and hope the people will, in their sober second judgment, change and modify. I trust and hope that the Government will always be for honor, integrity, liberty, and freedom. I trust and hope it will ever be the sworn enemy of fraud, deceit, tyranny, and oppression. [Applause.]

In my judgment, the Government has a right to strike down fraud wherever it may be, and invoke such means as is necessary to accomplish it. I maintain that it is the duty of the Government to protect the citizen in all of his rights where he can not in the exercise of his political rights protect himself.

This is an age of progress, and we must keep abreast of the times. New conditions are constantly confronting us, and we should be able to meet these conditions bravely and courageously. I believe in progress, and I believe it should be along the line and principles of the Declaration of Independence. I am very sorry to hear some, especially my Democratic brethren, so bitterly oppose the taxing provisions of this bill. The taxing power is one of the mighty arms of the Government. It is to be used for the protection of the Government, for justice, for equality, for honor, and should not be used for oppression and injustice. To-day we have a great problem before us, a question which is engaging the attention of the ablest men of the land. The tyrannical trusts of this nation are sapping the vital cord of individuality and destroying competition. It is a question that must be solved, and some of the ablest men of our party are advocating to-day taxation as the best and most efficient remedy.

If we deny this power of taxation by the Government, as claimed by some of my Democratic brethren, then we will have to look for other and different means by which to remedy this evil. I notice in the minority report on the bill for the reduction of the war taxes that our Democratic brethren advocate taxation as one of the means to destroy the trusts of this land. We, as Democrats, are in favor of an income tax and therefore we should not be so hasty in denouncing the power of taxation as some have been in the general discussion on this bill.

I have, Mr. Chairman, consumed more time than I had expected, but I desire to submit one further thought. The minority insist that they represent the interests and welfare of the farmer and laborer. If this be true, then why do they insist that the object and purpose of the bill is to break down one industry and build up another. The one which they say we seek to build up is the honest product from the cow, and therefore the one in which the farmer and laborer are most interested.

This bare statement is sufficient to take the mask from their faces and expose the absurdity of their claim. The farmer and the cow, in one sense, are colaborers, and legislation that protects their product, by giving it honest competition, can not be other than helpful. It will be beneficial to the laborer, because

it will permit him to obtain oleomargarine at a less cost and expense than he pays to-day. It gives him the option of determining whether he wants butter or oleomargarine, and while not increasing the price of butter, will decrease the price of oleomargarine.

Mr. Chairman, within the history of the Republican party this is the first time when a goodly number of them have advocated a measure to help the farmer and the laborer, and I feel that we should show our appreciation by making it unanimous. Let us be thankful for small things; let us trust and hope that it is a good omen for better legislation in the future. [Prolonged applause.]

Mr. ZENOR. Mr. Chairman, I had not thought in the first place of participating in the discussion of the bill that is now pending before the House; but, representing a district composed largely of agricultural interests, and I may say a district that contains no oleomargarine industries and no large dairying interest, but composed largely of farmers scattered through the district, as most districts represented by gentlemen on this floor are composed, I feel it to be my duty to state my position on the bill. I think that I am free from any particular prejudice, and not subject to the influence of any special interests, in my advocacy of the passage of the majority bill introduced by the Agricultural Committee.

I have been surprised, Mr. Chairman, at the course of argument that has been pursued by many gentlemen upon our side of the House, as well as by many gentlemen upon the other side of the Chamber. I regret and deprecate, as did my colleague from the State of Missouri, the spirit that seemed to animate some gentlemen in the discussion of these two different measures. I have been unable to recognize the necessity for any gentleman on this side in the discussion of the merits of this proposition to undertake to arraign any Democratic brother because he, in the exercise of his judgment, in the position he takes on this proposition, differs with those who take an opposite view.

Mr. Chairman, a discussion has been injected into the consideration of this bill in reference to the clause in the first section of it. I have been unable to discover anything in the phraseology of this particular provision of the bill, this proviso, that attempts to transfer to the Federal Government any power not already possessed, or attempts to reach out into and interfere with the exercise of the sovereign powers of any State of this Union. It merely provides that this act shall not be construed to permit any State to forbid the manufacture of oleomargarine in a certain manner and form.

It seems to have been the purpose of the authors of this bill to preclude any inference that might be drawn upon the part of the legislatures of the States that this bill conferred authority upon those legislatures to exercise any additional power in their legislation against oleomargarine. It is simply a provision as a precautionary measure. It confers no power upon the legislature. It restricts the legislatures of the States, according to my view, in no respect whatever, and in that sense I take it that it is not undemocratic nor unconstitutional.

I have listened with amazement to some gentlemen who, in speaking upon this bill, say that it is not only a violation of the Constitution, but that it is a violation of all the traditions of the Democratic party; that we have always been opposed to any legislation imposing taxation for the purpose of building up one industry at the expense of another or to tear down one industry to upbuild another.

I take it, and according to my view, this legislation has grown out of public necessity, out of a demand upon the part of the great body of the people of this country, the great farming interest of this country, the great agricultural interest of this country, not that a tax be imposed upon one industry for the purpose of building it up or for the suppression of another, but to suppress a fraud that is admitted by those who advocate the minority bill and those who oppose the passage of either one of these bills.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ZENOR. Mr. Chairman, I ask for five minutes more.

Mr. HENRY of Connecticut. I shall have to object to any extension of time.

Mr. GAINES of Tennessee. Mr. Chairman, the gentleman from Mississippi [Mr. WILLIAMS] has risen in his seat here to-day and pointed out "the gentleman from Tennessee" and "the gentleman from Virginia" as though they had been derelict in their duty and their Democracy was getting below par.

I want to say to the gentleman that I was the first man upon the floor of this House who discovered the very matter that he has brought to the attention of the House to-day, and that I asked the gentleman from Minnesota [Mr. MCCLEARY] to explain that provision, and then he said that the gentleman from Mississippi [Mr. WILLIAMS] was the author of it. I looked around through the House and finally found the gentleman in the cloakroom, and asked him to explain this provision, and asked him if it did not restrain existing State rights. The gentleman [Mr. WILLIAMS] came upon the floor and disclaimed any connection with the authorship of this provision in any way.

Again, when the first section of this bill was read this morning, I approved all of it except the proviso beginning at the word "otherwise," line 7, page 2. I objected to that, and have repeatedly done so heretofore. I do not know whether the gentleman from Mississippi [Mr. WILLIAMS] was in his seat or in the cloakroom. I was on the floor working at this matter, trying to perfect this bill, if possible; trying to remove objectionable provisions and substitute proper ones.

I objected to this proviso because I thought that it encroached upon existing State laws and State rights. Then the gentleman from Kansas [Mr. SCOTT] rose and said, as did others, that he had an amendment to cure the trouble I was pointing out. So that, Mr. Chairman, I have been just about as industrious and about as Democratic as the gentleman from Mississippi, learned and experienced as he is in this House, classic in his knowledge, and always patriotic and Democratic. I am opposed to the proviso in the bill, but the amendment removes the objection greatly; but neither is necessary.

I am a better Democrat, it seems, than the gentleman from Mississippi, because I say the States already have the right, and I am opposed to Congress undertaking to give to the States what they already have. Let them stand on their own rights when they have them, and not depend on Congressional action as to them.

Mr. WILLIAMS of Mississippi. Will the gentleman allow me to ask him a question?

Mr. GAINES of Tennessee. Certainly.

Mr. WILLIAMS of Mississippi. According to your position, which I think is a good one, this entire section ought to be stricken out.

Mr. GAINES of Tennessee. No; only the proviso. The first part of the section strengthens the powers of the States.

Mr. WILLIAMS of Mississippi. Let me ask the gentleman this. Here is a section which undertakes to say the States shall have certain rights, and, in my opinion, it does not say it with sufficient clearness. Now, we offer a proviso which clearly says that nothing in the act shall be construed to forbid any State to permit the manufacture or sale of oleomargarine consistently in its own lines, provided the sale is within its borders. This is simply a limitation upon the intimation of the Federal authority.

Mr. GAINES of Tennessee. The States have that right. The States have the right to prohibit the manufacturing of a thing within their limits, even though the article manufactured may afterwards become interstate commerce or is made to ship into some other State.

Mr. WILLIAMS of Mississippi. I think so.

Mr. GAINES of Tennessee. Why, then, do you want either proviso? The States have these rights without this amendment, regardless of Congress.

Mr. WILLIAMS of Mississippi. Without this proviso I think legal questions will arise and suits would arise.

Mr. TAWNEY. Will the gentleman from Mississippi allow me to ask him a question?

Mr. WILLIAMS of Mississippi. Certainly.

Mr. TAWNEY. I desire to ask the gentleman from Mississippi this question: Wherein does anything in any part of section 1—that is, with the proposed proviso—interfere with the States and the rights of the States authorizing the manufacture of oleomargarine if sold within the States?

Mr. WILLIAMS of Mississippi. I find it in the probable assumption, Mr. Chairman—in the reservation, at least—that the rights of the States are dependent upon a declaration of the Congress of the United States.

Mr. GAINES of Tennessee. Exactly. That is the position I have taken all the time.

Mr. TAWNEY. Then why not strike out the proviso?

Mr. WILLIAMS of Mississippi. I want to limit it——

The CHAIRMAN. The time of the gentleman has expired.

Mr. WILLIAMS of Mississippi. To strike out the entire thing, because—the gentleman has asked me a question, Mr. Chairman, let me answer it—because if the States already have this power this bill is unnecessary to give it to them. If the States already have not this power then it is an attempt on the part of Congress to divest itself of a power that it now has and vest it in the States. Therefore neither is clear, and I think no part of it would be necessary at all, but you contend that it is, and then the part of it which I offer is to restrict and limit the purview and scope of it.

Mr. TAWNEY. The States have the power you contend for to control the sale of oleomargarine when not protected by the interstate commerce.

Mr. HENRY of Connecticut. I now move that all debate upon the pending amendment be closed.

Mr. GAINES of Tennessee. They have committed a fraud upon me in taking my time, but I suppose I can not help it.

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. LAMB. Allow me one suggestion.

The CHAIRMAN. The motion is agreed to, and debate is closed on the pending amendment. The Clerk will report the amendment.

The amendment was again read.

Mr. WANGER. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WANGER. Is a division of that question possible, so that we can have a vote separately on the motion to strike out this proviso and another upon the substitute?

The CHAIRMAN. The motion to strike out and insert is indivisible under the rules.

Mr. LAMB. I rise to a parliamentary question.

The CHAIRMAN. The gentleman will state it.

Mr. LAMB. Would it be in order to move to strike out all after the word "otherwise," in line 7, and offer a substitute for that? As a member of the committee, I desire to say that if my friend from Mississippi had made that speech in the committee we could have considered it then.

Mr. WILLIAMS of Mississippi. The gentleman made that speech two years ago, and they put this proviso in to meet his objection.

The CHAIRMAN. Debate on this amendment is exhausted.

Mr. WANGER. I desire to offer an amendment to the amendment.

Mr. WILLIAMS of Mississippi. This is a substitute pending before the committee.

Mr. WANGER. I desire to offer an amendment to the substitute.

The CHAIRMAN. The gentleman from Virginia [Mr. LAMB] made a parliamentary inquiry which the Chair was not able to answer, owing to the debate that immediately ensued. Will the gentleman state the proposition again?

Mr. LAMB. I ask, Mr. Chairman, if it would be in order to move, as a substitute for the motion pending, to strike out all after the word "otherwise," in line 7, down to line 12, on page 2?

The CHAIRMAN. The Chair thinks that would not be in order. The question is on the motion to strike out and insert.

Mr. WANGER. Mr. Chairman, I move to amend that amendment by striking out that part which relates to "and to insert" and all that follows.

The CHAIRMAN. That would be a subdivision of the proposition that is forbidden by the rules.

The question was taken; and on a division (demanded by Mr. SCOTT) there were—ayes 72, noes 54.

Mr. HENRY of Connecticut. Mr. Chairman, I ask for tellers.

Tellers were ordered; and the Chair appointed as tellers Mr. HENRY of Connecticut and Mr. SCOTT.

Mr. UNDERWOOD. Mr. Chairman, I ask how many members voted for tellers?

The CHAIRMAN. The Chair counted until he saw that there were more than 20, and that being sufficient, he ceased counting.

Mr. UNDERWOOD. Is not it necessary to have one-fifth of a quorum?

The CHAIRMAN. It is. The Chair counted up to 20, and 20 being sufficient, he stopped.

Mr. UNDERWOOD. I make the point of order that the Chair did not ascertain the number voting for tellers.

The CHAIRMAN. The Chair announced that there were more than a sufficient number. The chair counted to 20, and ceased counting as there were more than 20, and that was a sufficient number. If the gentleman from Alabama raises any question, the Chair will count again. Does the gentleman challenge the count?

Mr. UNDERWOOD. No, Mr. Chairman; I do not challenge the count.

Mr. GROSVENOR. Mr. Chairman, I ask unanimous consent that the amendment be again reported.

The CHAIRMAN. The gentleman from Ohio asks that the amendment be again reported. Is there objection? [After a pause.] The Chair hears none.

The Clerk again read the amendment offered by Mr. SCOTT.

The question was again taken; and the tellers reported that there were—ayes 96, noes 66.

So the amendment was agreed to.

Mr. BARTLETT. Mr. Chairman, I ask that the Clerk read the amendment which I send to the desk.

The Clerk read as follows:

Amend section 1 by adding at end of section the following:

"*Provided, however*, That none of the provisions of this section or of this bill shall apply to or be enforced against healthful and wholesome food products manufactured in whole or in part out of pure cotton-seed oil, or food products in the production of which pure cotton-seed oil enters as an ingredient."

[Mr. BARTLETT addressed the committee. See Appendix.]

Mr. ZENOR. Mr. Chairman, when I yielded the floor a few minutes ago I was about to say that during the course of this discussion I have listened attentively to the arguments of those opposed to the passage of the majority bill. It is not denied by those who are opposed to the bill that upon its face—according to the language and phraseology employed in the original bill—it is constitutional. It is conceded by every opponent of the bill that upon its face there is no constitutional objection appearing. This question has passed under the discussion of not only this Congress, but through the Fifty-sixth Congress; and in 1886 the constitutionality of a similar law was very thoroughly discussed.

I wish to call the attention of my distinguished friend from Texas [Mr. BURLESON] to the position then taken by the very distinguished Representative from that State then on this floor—Judge Reagan—who in a discussion of that bill, although opposed to its passage as a matter of policy, virtually conceded that the measure itself was constitutional.

That bill, Mr. Chairman, as it was originally introduced by the committee proposed, as this bill proposes, to impose a tax of 10 cents a pound upon the sale and manufacture of oleomargarine. The tax was, however, finally reduced to 2 cents per pound. But the same principle was involved.

Now, Mr. Chairman, in reference to the question of invoking the power of Congress to impose taxation for the purpose of regulating the sale of oleomargarine, a confusion, it seems to me, exists in the minds of some gentlemen in relation to this particular phase of the question. No Democrat here, I presume, would be in favor of the imposition of Federal taxation for the purpose of crushing out any industry of this country. It is foreign to any purpose of mine.

I would oppose as strenuously as any man on this floor any proposition to impose any kind of tax upon any particular industry for the purpose of building up or helping another industry. It is not the industry that this tax is directed against. It is not for the purpose of crushing out the manufacture of oleomargarine that we are asked now to vote a tax of 10 cents a pound. This bill is directed against the practice of fraud as now carried on by the manufacturers of oleomargarine and the wholesale and retail dealers.

Gentlemen make comparisons, and say that we are in favor of taxing out of existence one industry for the purpose of protecting another industry. The great body of the farmers of this country do not demand any such discrimination. The great body of the agricultural interests in this country do not demand invidious legislation at the hands of Congress. They are the last people on earth who would ever come to Congress in the form of a trust or otherwise to demand special legislation or favoritism at the hands of Congress of the United States.

Ah, my friend, they are the only people who ordinarily, when measures of legislation involving their interests are pending here, are not heard in the lobbies and in the hotels of the city of Washington. When a measure is introduced here looking to the conservation of the interests and welfare of the farmer, the welfare of the agricultural interests, the welfare of the great dairy interests, it seems surpassingly strange that members of this House, professing their fidelity and devotion to the farmer, are found upon the floor of this House ready and willing to denounce the representatives of the dairy interests and the advocates of a bill calculated in my judgment not to wipe out, crush, or cripple a legitimate industry, but to protect the great body of the people—not only the farmer, not only the dairy interests, but the consumers all over the country—against the imposition constantly and continually practiced by the sale of oleomargarine.

I believe in this bill for the reason that I am in favor of bridging the chasm that lies between the cost of the manufacture of this article—this colored oleomargarine in imitation of butter—and the immense profit that the manufacturers make in putting it on the market and selling it as butter in competition with the product of the dairy interests of this country. I think if you bridge the chasm, if you will wipe out this large profit, you will thereby destroy to a certain extent the incentive of these gentlemen to perpetrate and practice these frauds, and for that reason I am in favor of this bill. [Applause.]

This subject has been the study of the most thoughtful and best-posted men of the whole country, since the practice of fraud and deception in the sale of this article has attracted the attention of the public by its rapid growth and development, and this majority bill, which is substantially what is so well-known through the entire country as the "Grout bill," seems to be the final culmination of this thought and study and the best and most efficient remedy to crush out this fraud and deception and force these two rival and competing food products to take their legitimate

places in the markets of the country upon their own intrinsic merits—to be sold and purchased for what they really are. It is admitted on both sides that the coloring matter used in the manufacture of oleomargarine to imitate and look like yellow butter adds nothing to the quality, nothing to its digestibility or nutrition.

The sole and only purpose of its use—so say its advocates—is to adapt it to the taste and fancy of the consumers. But, Mr. Chairman, I very much fear that this reason is not the real, not the true one. I suspect, as the courts have held, that this coloring matter is used in the manufacture of oleomargarine as a means to destroy the power of the public to discriminate and distinguish between the oleomargarine and pure butter in the markets, in the hotel, boarding house, and restaurant. We want merely that these two articles shall be exposed for sale for what they are; that the consumer may know when he buys a pound of butter that he is getting butter, and if he wants a pound of oleomargarine that he can procure the same at a price that it is really worth, and not be compelled to pay the higher price of dairy butter for the cheaper and inferior article.

According to the report of the Commissioner of Internal Revenue for year ending June 30, 1901, there was manufactured of oleomargarine 104,943,856 pounds. This would, it is true, not be more than 1¼ pounds per capita of our population, while the dairy interests have invested, according to conservative estimates, in the whole country, about $2,500,000,000 in plants and equipments. The butter products of the country amount annually to about 1,500,000,000 pounds, and amount in the aggregate to about the sum of $500,000,000. There are at least 5,000,000 of people engaged in the dairy interest, and every farmer, large or small, makes more or less butter for the market, and it is no inconsiderable part of his income.

About 700,000,000 pounds are consumed by the producers, and the remaining 800,000,000 pounds placed upon the market. I grant you that this is not a full supply of butter. I am aware that if our people could buy and were able to supply themselves with butter to the full extent of their wants and needs that all the butter and oleomargarine produced would not supply our people with more than 19 to 20 pounds per capita of our population, but this, I take it, will not excuse the flagrant, open, and notorious violation of the laws of thirty-two States of the Union against the fraudulent practices of the oleomargarine interests in manufacturing and selling their product in the butter markets of the country for pure butter. Let this bill be enacted into law, and under its operation let this substitute for butter enter the race of competition with the dairyman and farmer; but let it do so in its natural state, in its original condition, without wearing the guise and mark of its competitor, without seeking the markets under false and deceptive pretenses, and the dairy and farming interests of this country will not protest, will not complain, but will take pride in the rivalry and hold the primacy in the markets of the world with their superior and unexcelled food product. [Applause.]

Mr. CLAYTON. Mr. Chairman, I rise to challenge a statement made by the gentleman from Kansas [Mr. JACKSON]. He said that the essential principles underlying the bill reported by the majority and the minority were the same. Mr. Chairman, there is not a lawyer in this House who will read these two measures who can come to that conclusion. The bill reported by the majority invokes two powers conferred upon Congress by the Constitution. The first section of that bill invokes the commerce power conferred upon Congress and seeks to subvert that power to a use which is unauthorized. Read that section and you will see that it is to get rid of the effect of the original-package decision. It is also an attempt on the part of Congress to delegate to the States, in some degree, certain power and control over the purely domestic commerce of the State. Furthermore, Mr. Chairman, it violates in other particulars the proper construction of the commerce clause of the Constitution.

The substitute bill offered by the minority is a revenue bill, pure and simple. There is not a regulation in the minority bill except regulation to enforce a revenue law and for the purpose of the collection of revenue.

Every man here admits that Congress, under the taxing powers of the Constitution, has the power to impose a purely revenue tax upon oleomargarine, whisky, and the like. The power of Congress to levy taxes for the purpose of raising revenue to support the Government seems only to have been limited by the decision of the Supreme Court which says you can not tax the income of the idle holders of idle capital to defray the governmental expenses.

Mr. Chairman, one provision of the majority bill invokes the taxing power of Congress. From the beginning, power to tax has been held to be distinct from the commerce power of Congress, which ought never to be used except as a means for regulating interstate commerce and foreign commerce and trade with the Indian tribes. The commerce power of the Congress should not be used as a means to exact taxation from the people.

Mr. Chairman, the reserved rights of the States are invaded in the majority bill. In my opinion the reserved rights of the States are not invaded in the minority bill. The majority bill seeks to destroy the reserved power in the States to regulate their own domestic affairs. What difference is it to New York or Pennsylvania or Wisconsin that the people of Missouri and Alabama are permitted by their States to eat butter or to make and eat oleomargarine, or to make and drink white whisky or red whisky, or to drink branch water, as it may suit them. [Applause.]

[Here the hammer fell.]

Mr. TAWNEY. I ask for the reading of the pending amendment.

The CHAIRMAN. Without objection, the amendment will be again reported.

The Clerk read as follows:

Amend section 1 by adding, in line 12, as amended, after the word "yellow," the following:

"*Provided, however*, That none of the provisions of this section or of this bill shall apply to or be enforced against healthful and wholesome food products manufactured in whole or in part out of pure cotton-seed oil or food products into the production of which cotton-seed oil enters as an ingredient."

Mr. TAWNEY. Mr. Chairman, I move that all debate on the pending amendment and on section 1 of the bill be closed.

The CHAIRMAN. The gentleman from Minnesota moves that all debate on the pending amendment and on section 1 of the bill be closed.

The motion was agreed to.

The CHAIRMAN. The question now recurs on the amendment offered by the gentleman from Georgia [Mr. BARTLETT].

The question being taken, on a division (demanded by Mr. BARTLETT) there were—ayes 34, noes 67.

Accordingly the amendment was rejected.

Mr. TAWNEY. Mr. Chairman, at the request of the gentleman in charge of the bill, who is temporarily absent, I offer in behalf of the majority of the committee the following amendment to section 2.

Mr. WADSWORTH. The section should be read.

Mr. TAWNEY. I withhold the amendment until the committee amendment has been acted upon.

The CHAIRMAN. The Clerk will proceed with the reading of the bill by sections.

The Clerk read as follows:

SEC. 2. That on and after July 1, 1902, the tax upon oleomargarine as prescribed in section 8 of the act approved August 2, 1886, and entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," shall be one-fourth of 1 cent per pound when the same is not made in imitation of yellow butter; but when made in imitation of yellow butter the tax to be paid by the manufacturer shall be 10 cents per pound, to be levied and collected in accordance with the provisions of said act.

The following committee amendment was read:

Strike out all of the section and insert in lieu thereof the following:

"SEC. 2. That the first clause of section 3 of an act entitled 'An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine,' be amended by adding thereto, after the word 'oleomargarine,' at the end of said clause, the following words:

"'And any person that sells, vends, or furnishes oleomargarine for the use and consumption of others, except to his own family and guests thereof without compensation, who shall add to or mix with such oleomargarine any ingredient or coloration that causes it to look like butter shall also be held to be a manufacturer of oleomargarine within the meaning of said act and subject to the provisions thereof.'"

Mr. TAWNEY. Mr. Chairman, I offer the amendment which is at the Clerk's desk.

The CHAIRMAN. The gentleman from Minnesota offers the following amendment to the amendment.

The Clerk read as follows:

Amend by striking out of the committee amendment all after the word "oleomargarine," in line 2, page 3, and insert the following:

"Approved August 2, 1886, be amended by adding thereto after the word 'oleomargarine,' at the end of said clause, the following words:

"And any person that sells, vends, or furnishes oleomargarine for the use and consumption of others, except to his own family and guests thereof without compensation, who shall add to or mix with such oleomargarine any ingredient or coloration that causes it to look like butter of any shade of yellow shall also be held to be a manufacturer of oleomargarine within the meaning of said act and subject to the provisions thereof."

Mr. TAWNEY. I will state, Mr. Chairman, that this amendment changes the bill as reported only in this respect. After the word "oleomargarine" in line 2, the words "approved August 2, 1886," are inserted. Then, in line 9, after the word "butter," the words "of any shade of yellow" are inserted. That is the only change in the proposed amendment. The rest of it is a mere recital of the language of the section as it was reported originally from the committee.

The first change is essential, because it omits to perfectly describe the act it proposes to amend, as it omits the words "approved August 2, 1886." The second is in line with the amendment the committee has already adopted in section 1, by inserting the

words "of any shade of yellow." That is the only change this amendment makes in the section as reported by the committee.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.

The question was taken; and the amendment was agreed to.

The CHAIRMAN. The question now is on the amendment offered by the committee.

Mr. WADSWORTH. I offer the following amendment.

The CHAIRMAN. To which the gentleman offers the following amendment.

The Clerk read as follows:

Strike out, in line 5, page 3, the words "person and that" and insert "and any retail or wholesale dealer in oleomargarine or butter or any corporation, including manufacturer of butter who;" also, in line 6, after the word "others," strike out all down to the word "who," in line 7.

Mr. WADSWORTH. Now, Mr. Chairman, to my mind the most objectionable——

The CHAIRMAN. The committee has already adopted the amendment offered by the gentleman from Minnesota.

Mr. WADSWORTH. That is very true; but mine is another amendment.

The CHAIRMAN. It is an amendment to that which the committee has already adopted. The original text would be open to amendment, but not the language of the amendment of the committee.

Mr. WADSWORTH. I supposed I had the right to offer any amendment to that section which did not interfere with his amendment, and I am offering that amendment.

Mr. TAWNEY. I make the point of order that the gentleman's amendment should have been offered to the amendment offered by me.

The CHAIRMAN. The amendment should have been offered before. Is there objection to its being considered now?

Mr. WADSWORTH. I offer the amendment as an amendment to the amendment.

The CHAIRMAN. The amendment having been agreed to by the committee, it would not be competent to offer an amendment to that.

Mr. GROSVENOR. Mr. Chairman, the committee has the right to offer an amendment to the section. If that had been in the way of perfecting the section it would have been in order for the gentleman from New York to offer an amendment to the committee's amendment when offered. Now, the section has been perfected, and it is now subject to amendment. Any other rule than that would simply cut off all amendments by merely permitting the committee to offer an amendment which would be adopted, and then cut off amendments to the section itself.

The CHAIRMAN. What the gentleman will see is this: The committee has already adopted the amendment.

Mr. GROSVENOR. Very well. That has perfected the section. Now, for the first time, it is open to amendment by someone not authorized by the committee to offer an amendment. This is a very plain proposition; it is not new; it is very old, and it is the only way an outside member of the House can offer an amendment.

The CHAIRMAN. The committee's amendment has already been adopted.

Mr. GROSVENOR. But the section has not been adopted.

The CHAIRMAN. But this is not a proposition to amend the section. Of course the gentleman from New York could offer to amend the original section as it stood.

Mr. GROSVENOR. He could not do it because the committee had an amendment which they had not offered. That amendment has been adopted, and the question recurs on the original section.

The CHAIRMAN. He offered it to the committee amendment.

Mr. GROSVENOR. The section has not been passed.

The CHAIRMAN. The gentleman can offer this amendment to the original section, but can not to the amendment the committee offered.

Mr. GROSVENOR. It is not offered as an amendment to the committee amendment, which was adopted by the committee, but to the section. It is clearly in order.

The CHAIRMAN. The gentleman offers it as an amendment to the part which has been stricken out. The original section is still open to amendment.

Mr. WADSWORTH. I will offer it as an amendment to the section.

The Clerk read as follows:

Strike out in line 5, page 3, the words "person and that" and insert "and any retail or wholesale dealer in oleomargarine or butter and any corporation, including manufacturers of butter, who;" also in line 6, after the word "others," strike out all down to the word "who," in line 7.

The CHAIRMAN. The gentleman will suspend. Line 7 on page 3 has been stricken out. It can not be amended after stricken out, and the Chair would suggest——

Mr. WADSWORTH. There is a mistake. It is line 5, page 3. I offer it as an amendment to the section as adopted.

The CHAIRMAN. That has already been adopted by the committee. The gentleman can go back to the original section, which has not been disposed of, and that may be amended.

Mr. WADSWORTH. If that is the parliamentary procedure, I will do that.

Now, Mr. Chairman, I offer this as an amendment to section 2.

The CHAIRMAN. Section 2 is open to amendment. The Clerk will report.

The Clerk read as follows:

Strike out in line 5, page 3, the words "person and that" and insert "and any retail or wholesale dealer in oleomargarine or butter, and any corporation, including manufacturers of butter, who;" also in line 6, after the word "others," strike out all down to the word "who," in line 7.

Mr. WADSWORTH. Now, the point of my amendment is this. I think it is the most iniquitous provision in the bill——

The CHAIRMAN. The gentleman still offers his amendment to the amendment which has been adopted. There is no difficulty if the gentleman will apply his amendment to the original section, which has not been disposed of.

Mr. TAWNEY. Mr. Chairman, the amendment which the committee has adopted and which I offered strikes out all of section 2 after the word "oleomargarine," on page 3, line 2, and then inserts the language contained in the amendment. Now, as I said, the only effect of that was to add after the word "oleomargarine" the words "approved August 2, 1886," and again after the word "butter," in line 9, "of any shade of yellow." That is a rewriting of that portion of the entire section. Now, the gentleman's amendment should have been offered to my amendment before the latter was adopted.

Mr. WADSWORTH. Mr. Chairman, I ask unanimous consent to amend the section, notwithstanding the adoption of the amendment.

The CHAIRMAN. The gentleman from New York asks unanimous consent, notwithstanding the adoption of the amendment by the committee, to offer his amendment to the same and amend the committee's amendment. Is there objection?

Mr. RAY of New York. I object, Mr. Chairman.

Mr. WADSWORTH. Then I move to strike out the section as amended by the gentleman from Minnesota, and insert the amendment which I offer.

Mr. TAWNEY. I ask that the Clerk report the section as it will read when amended.

Mr. THAYER. Mr. Chairman, gentlemen on this side do not understand the tangle which the gentlemen over there have got into.

The CHAIRMAN. The gentleman from New York has prepared an amendment adapted to the condition of the section before the committee amended it, and it does not fit the situation now.

Mr. THAYER. It seems to me his purpose is to amend the amendment we have adopted by substituting something else for it. The only way that can be done is to reconsider the vote by which the amendment was adopted and then the question is before the House.

The CHAIRMAN. It is very easy for the gentleman from New York to re-form his amendment and make it applicable.

Mr. WADSWORTH. Mr. Chairman, I move to amend section 2 by striking out line 24, page 2, all after the word "that," and inserting the amendment I send to the desk.

The CHAIRMAN. After the word "that" in the substitute section?

Mr. TAWNEY. Will the gentleman from New York explain from the bill as printed just what the effect of that amendment would be.

The CHAIRMAN. The Chair thinks the gentleman from New York has obviated the difficulty.

Mr. WADSWORTH. Mr. Chairman, the object of the amendment is simply this: The bill of the majority provides that:

Any person that sells, vends, or furnishes oleomargarine for the use and consumption of others, except to his own family and guests thereof without compensation, who shall add to or mix with such oleomargarine any ingredients or coloration that causes it to look like butter, shall also be held to be a manufacturer of oleomargarine within the meaning of said act, etc.

Now, that makes any boarding-house keeper, no matter how many or few boarders he may have, subject to that law, and makes him, within the intent of this paragraph, a manufacturer of oleomargarine. If he colors it after purchasing it of the retail or wholesale dealer and serves it to the guests it makes him a manufacturer.

Mr. TAWNEY. If he colors it for sale.

Mr. WADSWORTH. If he colors it for his boarders. My point is to apply the law to the retail and wholesale dealer in oleomargarine or butter, to corporations, and manufacturers, and not go into the privacy of the home and dictate to the American

citizen in what color, form, or shape he shall put his food on the table. That is the object of my amendment.

Mr. WILLIAMS of Mississippi. I ask, Mr. Chairman, for the reading of the amendment that has been sent to the desk.

The CHAIRMAN. The Chair will have read first the following extract from Jefferson's Manual:

The Clerk read as follows:

But if it had been carried affirmatively to strike out the words and to insert A, it could not afterwards be permitted to strike out A and insert B. The mover of B should have notified, while the insertion of A was under debate, that he would move to insert B; in which case those who preferred it would join in rejecting A.

After A is inserted, however, it may be moved to strike out a portion of the original paragraph, comprehending A, provided the coherence to be struck out be so substantial as to make this effectively a different proposition; for then it is resolved into the common case of striking out a paragraph after amending it. Nor does anything forbid a new insertion, instead of A and its coherence.

The Clerk read as follows:

Amend the committee's substitute for section 2 as amended by striking out all after "that" in line 24, page 2, and inserting in lieu thereof the following:

"The first clause of section 3 of an act entitled 'An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine,' approved August 2, 1886, be amended by adding thereto after the word 'oleomargarine,' at the end of the said clause, the following words:

And any retail or wholesale dealer in oleomargarine or butter and any corporation (including manufacturers of butter) who sells, vends, or furnishes oleomargarine for the use or consumption of others who shall add to or mix with the said oleomargarine any ingredient or coloration which causes it to look like butter shall also be held to be a manufacturer of oleomargarine within the meaning of said act and subject to the provisions thereof.

Mr. WADSWORTH. Mr. Chairman, I wish to explain the purpose of this amendment. I do not believe that Congress desires to go into the privacy of American homes and supervise or control what may be served on their tables. If any family wish to put upon their table a beefsteak that has been pounded, they ought to have the right to do it. If they want to put a little water in their milk because they have not money enough to pay for pure milk, they should have that privilege. And if, within the privacy of their own homes, they want to add a little coloring matter to oleomargarine, I do not see why we should undertake to interfere.

Mr. TAWNEY. Does the gentleman intend that this amendment shall apply to butter as well as oleomargarine?

Mr. WADSWORTH. No; I do not.

Mr. TAWNEY. The language of the amendment will have that effect.

Mr. WADSWORTH. It is intended to apply to the dealer who sells oleomargarine fraudulently as butter.

Mr. TAWNEY. But I infer from the reading that the amendment would place the person who colors butter upon the same level as the manufacturer of oleomargarine who colors oleo.

Mr. WADSWORTH. No.

Mr. RAY of New York. Mr. Chairman, I desire to be heard for a moment in regard to this amendment; and I think my colleague from New York [Mr. WADSWORTH] will take no offense from my references to him. It is well known, and the gentleman from New York can not take exception to the statement, that he is opposed to this bill as it stands.

Mr. WADSWORTH. The gentleman mistakes me there. I am not opposed to wiping out the fraud in the sale of oleomargarine. The gentleman must not put me in a false position.

Mr. RAY of New York. If that is true, then the gentleman does not intend by any amendment to this bill to throw the door wide open for any person to sell, vend, or furnish oleomargarine for the use and consumption of others when it is colored in imitation of butter. Now, this section, as written, prevents anything of that kind. It is designed for that purpose and for no other.

My colleague asserts that this bill, as it has been amended by this committee, would prevent the householder from coloring oleomargarine, if he desired so to do, for use upon his own table; and he says it would prevent a boarding-house keeper from purchasing oleomargarine and then coloring it in imitation of butter and putting it before his guests or boarders as pure butter. If the section as it now reads will prevent that fraud, then I think every friend of the dairyman, every friend of pure butter, should insist upon its standing as it is.

Mr. GROSVENOR rose.

Mr. RAY of New York. I have no time to yield to the gentleman.

Now, will this amendment, already adopted, have the effect which he claims for it? Certainly not. How does it read?

Any person who sells, vends, or furnishes oleomargarine for the use or consumption of others except his family and guests—

The householder and his family and his guests are excepted. Now, are not the boarders in my family a part of my family?

A MEMBER. They are not guests without compensation?

Mr. RAY of New York. They are a part of my family. Everybody understands that. The boarders in my home are a part of my family. It has been decided five hundred times under the criminal law that the boarders in a man's home are entitled to his protection under that principle of the law which declares that I may defend myself and my family.

The word "family" does not apply to my wife and to my children alone, but to all who have the right to live in my house.

Mr. SIMS. It says "without compensation."

Mr. RAY of New York. It makes no difference whether they are paid compensation or not.

Mr. WILLIAMS of Mississippi. But the bill says so.

Mr. RAY of New York. They form a part of my family.

Mr. PERKINS. Will the gentleman allow a question?

Mr. RAY of New York. So far as I have time.

Mr. PERKINS. Does the gentleman hold that if a man has a son who is past 21 years of age, who continues to live with his father and pay his board, that he would not be within the meaning of this bill?

Mr. RAY of New York. He is a part of my family as long as he is rightfully living there.

Mr. GROSVENOR. The gentleman from New York is making a mistake by not reading the bill which is before his own eyes.

Mr. RAY of New York. I am speaking to the bill that is before my own eyes, and I am seeking to prevent the substitution of words in this section of the bill that will open the law to everyone to defy its provisions and, under a false pretense, color oleomargarine for sale and for use or disposition to others. That is what I am seeking to do, and I have watched the language that my colleague from New York [Mr. WADSWORTH] would seek to write into this bill. It would not have the effect to protect the family and to protect the boarders, but it would have the effect to open the door wide for the coloring of oleomargarine in defiance of the provision of the law.

That is the reason why I am in earnest about it. I have watched his words with great care. This comes in here at a time when the friends of this bill can not examine the words and study the meaning of them; but I have watched them with great care to see what the effect would be.

Mr. GROSVENOR. Mr. Chairman, is this a five-minute debate, or what?

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. GROSVENOR. I should like to be heard.

Mr. RAY of New York. I should like to explain——

Mr. GROSVENOR. The gentleman will not allow me to read the words to which I want to call his attention.

Mr. RAY of New York. I will, if I can have time. I ask unanimous consent that I may proceed for three minutes.

The CHAIRMAN. The gentleman from New York [Mr. RAY] asks unanimous consent that he be allowed to proceed for three minutes. Is there objection?

There was no objection.

Mr. RAY of New York. Now, I will listen to the gentleman from Ohio.

Mr. GROSVENOR. I quote from the language of the bill:

And any person that sells, vends, or furnishes oleomargarine for the use and consumption of others, except to his own family and guests thereof without compensation, who shall add to or mix with such oleomargarine any ingredient or coloration that causes it to look like butter shall also be held to be a manufacturer of oleomargarine within the meaning of said act and subject to the provisions thereof.

Mr. RAY of New York. Yes.

Mr. GROSVENOR. What is the meaning of that?

Mr. RAY of New York. Members of his own family and others——

Mr. GROSVENOR. And guests thereof, not members of the family, who are there without paying compensation. Now, that means that the boarding-house keeper who colors his oleomargarine, if he is found out by these detectives who can smell of the American table hereafter, shall be punished because he has colored the butter that his guests, who are paying board, are going to eat. The gentleman can not escape from that conclusion.

Mr. RAY of New York. Let me suggest to my friend from Ohio that the purpose suggested by my colleague from New York, that he desires to accomplish, if that be the only purpose of his amendment, can be accomplished by the insertion in that very clause of the word "boarders"—"except to his own family, boarders, and guests thereof without compensation."

Mr. WADSWORTH. That is a different proposition.

Mr. RAY of New York. If that be the purpose of the gentleman, let him say so.

Mr. WADSWORTH. That is my purpose.

Mr. RAY of New York. Vote his amendment down, and then you can get the protection you want by saying "except to his own family, boarders therein, and guests thereof."

Mr. TAWNEY. I should like to ask the gentleman if a boarder in a boarding house who is paying for his board is not as much

entitled to protection against the fraud of oleomargarine as any other man is?

Mr. RAY of New York. There is no use in striking out two-thirds of this section and inserting words that will throw the door wide open to fraud for the sake of reaching his suggestion, which is that he designs to protect the boarders in a boarding house. That could be accomplished by inserting the two words which I have suggested in the section as it now stands.

Mr. WILLIAMS of Mississippi. Mr. Chairman, in answer to the gentleman from New York, if I can have order. The gentleman from New York [Mr. WADSWORTH] did not voluntarily strike out the proviso in order to fix this little thing, as the gentleman says. He was compelled to pursue that parliamentary method, owing to the parliamentary situation in which he found himself. So much for that.

Now, by the amendment offered by the gentleman from New York—and I understand he is willing to go farther than he has gone in order to make certain his object, so as to meet this condition of things. In Chicago, New York, and all the great cities very often in certain tenement parts of the cities where people are keeping boarders, where the wife of a laboring man is keeping house for him, and perhaps another laboring man, being his brother or her brother, he may have one or two boarders.

Now, if this bill goes through as it is, it will make any poor woman in the tenement district supposed to be aware of what the law is, and make her a manufacturer, subject to all the penalties of this bill, and all the taxes and all the penalties will accrue to her. Now, it is for the House to say, first, whether they desire to do that or not.

I understand the gentleman from New York [Mr. WADSWORTH] is willing to add after the word "corporation" in his amendment the words "public hotels or restaurants," so as not to allow an exemption to people who keep public hotels and public restaurants. And that is what it intends to do. Now, let me answer the strictures of the gentleman from New York, a great lawyer, chairman of the Committee on the Judiciary, upon what the section means as it is now. It reads:

Any person that sells, vends, or furnishes—

Furnishes—

oleomargarine for the use and consumption of others, except to his own family.

And except whom else?

"And guests." Guests "without compensation." If they are guests without compensation they are persons furnished with it, and the use and consumption of these guests with compensation falls under the definition of manufacturer under this bill and the party becomes subject to the penalties and fines of this bill.

Mr. RAY of New York. May I interrupt you?

Mr. WILLIAMS of Mississippi. Yes.

Mr. RAY of New York. Now, I do not claim that "guests without compensation" would include boarders, but I do claim that the words "his own family" include and protect boarders. Now, I want to ask my friend from Mississippi, do you think there is any harm done to any person if we enact a law——

Mr. WILLIAMS of Mississippi. I consented for a question, and the gentleman knows that I have but five minutes, and the gentleman refused——

Mr. RAY of New York. I will ask that you have further time. This is an important matter.

Mr. WILLIAMS of Mississippi. Ask your question then.

Mr. RAY of New York. I will not interrupt without your consent.

Mr. WILLIAMS of Mississippi. You have my consent.

Mr. RAY of New York. Is there any wrong done to anyone by any possibility by making it provide against private boarding-house keepers buying oleomargarine in the market and then coloring it to imitate butter and putting it before their boarders as pure butter? I think that should be stopped as well as the other fraud.

Mr. WILLIAMS of Mississippi. Now, Mr. Chairman, the gentleman has conceded in his question already that as a matter of fact and as a matter of law a boarder is a part of the family. Now, that is either correct or incorrect. Now, as a matter of fact, I think I need not argue to you to show that it is incorrect; but if it were correct, then the boarders in a public hotel would be part of the hotel proprietor's family, and boarders in a public boarding house would be part of the boarding-house keeper's family.

What the gentleman from New York [Mr. WADSWORTH] is trying to do is to protect the women who keep a few private boarders; women who are endeavoring by keeping boarders to help their husbands eke out a living. Now, he intends to offer to insert the words "public restaurants and public hotels."

Mr. WADSWORTH. I should be very glad to do so.

Mr. WILLIAMS of Mississippi (continuing). There will be a bona fide amendment, and it will protect the private boarding-house keepers who take a few boarders, and will give them an exemption from the penalties provided in this bill.

Now, the gentleman from New York [Mr. RAY] asks me the further question if I know of any reason why an honest boarder at one of these private boarding houses should not be protected from fraud. I answer the gentleman that I do not know any; but I do know a great many reasons why the poor wife of a laboring man, occupying a little bit of a tenement and having one or two people for boarders, if she buys oleomargarine and colors it, should not have visited upon her all these severe penalties that would wipe her, her husband, and family out of existence.

The very manufacturer's license tax would be too much. Now, if you want to punish her at all, punish her in some other way, by fine of $10, $15, or $20. [Loud applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. THAYER. Mr. Chairman, we have heard a great deal in the last four days about fraud. Eighteen members of this House, gathered from States all over this country—from Vermont to Mississippi—and constituting the Committee on Agriculture, have agreed that there should be some legislation which shall stop the fraud that has been perpetrated by the manufacture, sale, and consumption of oleomargarine. They have all agreed that there is a necessity for some legislation. The majority of them have presented the legislation which they think is required in the form of the majority bill, and the minority have presented it in the form of their bill. If there is a necessity of doing away with the fraud, it is well to consider who the persons are who should be protected, who are affected by it the most.

The manufacturer that manufactures oleomargarine knows that he manufactures it, and he manufactures generally nothing else in the butter line. The wholesaler who goes to him is not defrauded, because he goes to purchase oleomargarine, and he gets it. The retailer goes to the wholesale dealer, and he goes there to purchase oleomargarine, and he gets it, and he is not defrauded. The retailer undertakes to sell that commodity to be used by the consumer. I undertake to say, having had some experience in this violation of the oleomargarine law by parties in my State, that nine-tenths of all the parties who purchase of the retail seller are not defrauded.

They come to the retail seller and purchase oleomargarine because they want it. Who, then, suffers from the fraud? It is the man who goes to a cheap hotel; the man who goes to the cheap boarding house, or to the lunch counter, or the night lunch wagon, or to the restaurant; those who gather in the boarding houses of the mining camps and in the boarding barracks where railroads are being constructed and canals built and public enterprises are being promoted. These are the people who are being deprived of their just rights. They expect to receive butter, they pay for butter, they think they are getting butter, whereas in many instances they receive this counterfeit. But if the amendment which the gentleman from New York now proposes prevails, we might as well burn up this bill that has been presented here, because the great majority of those whom we are attempting to protect will get no protection whatever. I undertake to say that the men and women of all classes who are principally defrauded are the boarders; those who, by force of circumstances, are away from their families or homes, if they have any anywhere; those who have a right to expect to receive butter instead of colored grease.

Mr. WILLIAMS of Mississippi. Will the gentleman yield to me for a question?

Mr. THAYER. Yes.

Mr. WILLIAMS of Mississippi. Does the gentleman understand that anything in the amendment offered by the gentleman from New York [Mr. WADSWORTH] would exempt a public hotel keeper or a restaurant keeper from being subject to the penalties of this bill if they bought uncolored oleomargarine and colored it? If it does, the gentleman has misunderstood the amendment.

Mr. THAYER. But how about the boarding-house keepers, the lunch-room keepers, the restaurant keepers, and the men who take boarders in the camps and mines? Thousands and tens of thousands of people are every day eating this concoction and do not know it. These are the men who would not be affected by this bill if your amendment should prevail. The great object of this bill is to protect those whom we believe are being defrauded. We propose to stamp out the fraud where it is practiced or to deprive them of the opportunity to practice fraud who are now practicing it without let or hindrance, and the bill with your amendment in it would be powerless to restrain the very ones we seek to restrain. I believe that all classes of people engaged in the manufacture and sale of oleomargarine in this country are generally honest. This legislation is to protect not the poor man who goes to the store and buys a pound of oleomargarine. He goes there to purchase it, knowing what it is and what he wants, and in nine cases out of ten they are the men who get what they want. The fraud is not there.

Now and then there may be a case where the purchaser goes to purchase butter and he is sold oleomargarine. But I undertake to say that the great body of our people are honest, the manufacturers are honest, the wholesaler is honest, the retailer is honest, with now and then an exception where they undertake to deliver oleomargarine in place of butter. But it is the consumer who is being defrauded. He is the one who is imposed upon and deceived and is unable to protect himself. Did you ever hear of a person asking for oleomargarine when there was honest butter on the table? If we adopt the amendment proposed by the gentleman from New York, the life and virtue of this bill is gone.

Mr. TAWNEY. Mr. Chairman, I want to say one word in reply to the gentleman from New York who offers the amendment. The original amendment to section 3 of the existing oleomargarine law does not apply to anyone who would buy manufactured, uncolored oleomargarine and color it again for sale either as oleomargarine or butter, or as anything else.

In the course of the investigation by the Committee on Agriculture—and I have this information from the chairman of that committee—certain members of the committee visited an oleomargarine factory near the Capitol and there witnessed the operation of coloring uncolored oleomargarine without reducing it by any process whatever, heat or otherwise; but by the mere coloring of the salt and mixing the salt through the uncolored oleomargarine, they produced a colored oleomargarine that resembled butter so that no one not an expert could detect the difference.

While that process was going on another gentleman remarked that he knew of a better plan than that, and when they got through he took a little coloring matter, sprinkled it over a brick of pure uncolored oleomargarine, and, with a butter paddle, produced in a few minutes, to all appearances, a perfect roll of butter. So that to pass this bill without amending this clause defining a manufacturer of oleomargarine would open the door to a more gigantic fraud than has ever been perpetrated in the manufacture and sale of oleomargarine, for every pound would be manufactured uncolored, and the retailer and the wholesale dealer would take it into his cellar and color it as butter, and sell it as butter, and not be liable to any penalty, for, the property being his, he would violate no law by simply coloring his own property.

By the provisions of that section of the pending bill providing for the tax upon colored and uncolored oleomargarine, the tax on oleomargarine colored as butter or in any shade of yellow is 10 cents per pound, while the tax upon the uncolored oleomargarine, or oleomargarine free from coloration or any ingredient that would give it any shade of yellow, is one-quarter of 1 cent per pound.

Here, then, we have a difference of 9¾ cents per pound on the same manufactured product, but made in two different colors, one natural, the other artificial. This would constitute a most powerful inducement to the manufacturer and to the dealer to manufacture oleomargarine uncolored, and then, as I have said, with the aid of a little coloring matter and a butter ladle the dealer, or purchaser, or hotel proprietor, or restaurant keeper, or boarding-house keeper would color the uncolored product and sell it to the consumer or place it upon the table for his guests as butter. This would lead inevitably to a most gigantic fraud and should not be permitted; but inasmuch as the purchaser could make or save the tax of 9¾ cents per pound, the fraud would unquestionably be committed unless we make the tax on both the colored and the uncolored the same.

But the dairymen and their friends have no desire to place a burden of that kind upon the manufacture and sale of oleomargarine in its natural color, for in its natural color it is a legitimate product, but not a competitor of butter. All the dairymen want is to put that burden upon the product of the oleomargarine factory made in the color of butter and made in that color for the purpose of being disposed of in the open market as butter.

To permit, therefore, the manufacture and sale of uncolored oleomargarine, to give to those who wish or of necessity are compelled to purchase a substitute for butter at a price below the cost of the genuine article, it is proposed to place only a one-fourth cent tax on the uncolored article. This would not enhance its price and would not prevent its sale if, as the friends of oleomargarine claim, it is as pure, as sweet, and as wholesome as genuine butter.

But, Mr. Chairman, the only way, then, this can be accomplished and the fraud I have referred to prevented is to amend that clause of the existing oleomargarine law defining a manufacturer to be "one who manufactures for sale," so that the person who buys manufactured uncolored oleomargarine and colors it in imitation of butter for the purpose of again selling it shall be deemed a manufacturer and compelled to take out a manufacturer's license, at a cost of $600, and pay the 10 cents per pound tax on the uncolored oleomargarine which he colors for sale either to customers or guests.

The amendment I have offered is for the purpose of closing the door, as I have said, to that fraud. But if you allow a man who is running a boarding house, as proposed by the gentleman from Mississippi, to color uncolored oleo, every retail dealer in oleomargarine, every unscrupulous rascal who has been evading the existing law will have a boarder in his house to protect him, and he will be coloring manufactured uncolored oleomargarine for sale as butter.

So that you can not adopt this amendment, even excepting boarders—you can not go beyond the limitations proposed in the amendment I have offered and make any exceptions without opening the door to greater frauds than have ever been perpetrated in the carrying on of this business.

In the course of this debate the opponents of this measure have vigorously defended the manufacturers of oleomargarine, claiming that, with one exception, their business is conducted honestly and without fraud; that if there is fraud practiced in connection with the business of making and selling oleomargarine, it is limited entirely to the dealer.

Let me give you a few notable instances of fraud practiced by the manufacturer in order to disprove the statements of the men who have so eloquently defended the manufacturers of spurious butter.

Last month a representative of the Hammond Manufacturing Company, of Hammond, Ind., the largest manufacturer of oleomargarine in that State, was arrested upon the charge of having offered the food commissioner of Michigan a standing bribe to permit his company to dispose of oleomargarine in Michigan in violation of the laws of that State and without interference from the dairy and food department.

A year ago last winter, in exposing the fraudulent character of the oleomargarine business in Philadelphia, the North American published a facsimile telegram from the Holland Butterine Company, of Pittsburg, the only makers of oleomargarine in Pennsylvania, in which it agreed for a cent a pound extra charge on their oleomargarine to protect retail dealers against the enforcement of their State law.

On page 493 of the Senate evidence is printed a copy of an affidavit made by Braun & Fitts, manufacturers of oleomargarine in Chicago, and filed in the Federal court of Chicago about a year ago, in which it is stated under oath by a representative of that concern, and as an excuse for their not testifying, that an examination of their books would disclose incriminating evidence. In this action they were charged with fraud by the collector of internal revenue in connection with one of the greatest conspiracies for swindling the public ever conceived, and they offered in settlement the sum of $7,500, but the offer was at that time rejected.

On the same page of this testimony you will find copies of the record of the arrest of one Frank Mathewson, president of the Oakdale Manufacturing Company, of Providence, R. I., an oleomargarine factory. The arrest was made upon the complaint of W. F. Kinney, collector of internal revenue of the Connecticut district. This is the largest oleomargarine manufacturing company in the East. The arrest in this case was upon the charge of concealing facts in connection with their business which, by the regulations of the Internal-Revenue Department, they were obliged to enter in their books.

A. T. Dow, formerly with Armour & Co., of Chicago, and later a manufacturer of oleomargarine, on his own confession, was fined in the circuit court of the United States in Chicago last year the sum of $10,000 and imprisoned for six months for fraudulent practices in the conduct of his establishment.

The charter of the Capital City Dairy Company, of Columbus, Ohio, was revoked a year ago by the supreme court of that State, and the revocation was confirmed January 6, 1902, by the Supreme Court of the United States. The ground upon which it lost its charter was repeated and flagrant violations of the laws of the State. This was the largest oleomargarine factory between Rhode Island and Chicago.

The president of the much-lauded and advertised Standard Butterine Company of Washington, D. C., Walter P. Wilkins, whose factory is almost within sight of the Capitol building, is to-day under indictment in the District of Columbia, charged with fraudulently removing brands, marks, and stamps from packages of oleomargarine, with intent to sell the same as butter, while his brother recently served a sentence of four months and paid a fine of $1,500 for the commission of a similar offense. This brother is now manager of the establishment of Braun & Fitts, of Chicago.

If you will again examine the Senate evidence, page 615, you will see where the oleomargarine makers of Chicago appeared and furnished bond for the future appearance of the principals in the most gigantic swindle in the sale of oleomargarine ever committed in any business of any kind.

On page 612 you will find the history of one of those swindlers, written by former Attorney-General Griggs, the facts therein contained being taken from the Internal-Revenue Department.

On page 552 of this same evidence you will note that there was presented to the Senate committee documentary evidence, including the original bonds, showing how representatives of the leading oleomargarine establishments of this country appeared repeatedly in the courts to protect retailers of oleomargarine charged with the fraudulent sale of oleomargarine as butter. Not once did they do this; this record shows that it was a very common practice and occurred on many different occasions from one end of the year to the other.

These are only a few instances of the flagrant violation of the existing oleomargarine law by the manufacturers of oleomargarine. The number of instances could be multiplied several times over if the records of the Department of Justice and the Internal-Revenue Department were carefully examined.

The instances which I have cited embrace violations of the law and fraudulent practices by the manufacturers of more than one-half of the oleomargarine that is manufactured in this country.

Now, Mr. Chairman, I think the debate on this section should close.

Mr. MANN rose.

Mr. WILLIAMS of Mississippi. Let me put a question to the gentleman from Minnesota [Mr. TAWNEY]. Does he think that the amendment of the gentleman from New York [Mr. WADSWORTH] would protect a retailer in doing what the gentleman a moment ago supposed him to do?

In other words, when this amendment goes on to provide that corporations, public boarding houses, public hotels and restaurants vending or furnishing oleomargarine shall be manufacturers—leaving out any provision in regard to private boarding houses—does not the gentleman know, as a lawyer, that if any man, for the purpose of vending oleomargarine to the public at large, should undertake to resolve himself into a fraudulent boarding house, and not only supply his guests at his table with this article, as contemplated by the amendment of the gentleman from New York, but go further and sell it out doors—does the gentleman suppose that under such a state of facts the man could be protected by the amendment of the gentleman from New York?

Mr. TAWNEY. My friend from Mississippi is now indulging in the practice which he criticised my friend from New York a little while ago for indulging in—that is, making a speech in the form of a question. I would like to ask the gentleman from Mississippi how the administrators of this law are to distinguish between a private boarding house and a public boarding house—a little one or a big one?

Mr. WILLIAMS of Mississippi. Under the laws of Mississippi the distinction between a private boarding house and a public boarding house is very clear.

Mr. TAWNEY. But, thank God, our laws all over the country are not the same as in Mississippi.

Mr. WILLIAMS of Mississippi. I suppose the same distinction applies elsewhere. Public boarding houses are licensed, are they not?

Mr. TAWNEY. Not anywhere in the United States, I think, except in the gentleman's own State.

Mr. WILLIAMS of Mississippi. If this question should arise in court, it would be for the jury to determine whether the house in question was a private boarding house or a public boarding house—whether it took anybody that applied or only select guests.

Mr. TAWNEY. Is the gentleman answering my question?

Mr. WILLIAMS of Mississippi. I answer the gentleman by saying that a public boarding house is one that takes as a boarder anybody who comes and pays. A private boarding house is like a private family, only private boarders or select boarders being accepted. The volume which I hold in my hand recognizes this distinction.

Mr. UNDERWOOD obtained the floor.

Mr. TAWNEY. Mr. Chairman, I move that debate on this amendment and on the pending section be now closed.

Mr. UNDERWOOD. I understand that I am recognized.

The CHAIRMAN. The Chair has recognized the gentleman from Alabama.

Mr. WADSWORTH. Will the gentleman yield to me for only a moment?

Mr. UNDERWOOD. I will if I do not lose the floor.

Mr. WADSWORTH. I shall be very glad to accept the amendment proposed by the gentleman from Mississippi [Mr. WILLIAMS], to include public boarding houses and hotels.

Mr. WILLIAMS of Mississippi. And restaurants.

Mr. WADSWORTH. And restaurants.

Mr. UNDERWOOD. I yield for a minute to the gentleman from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS of Mississippi. In connection with the question asked a moment ago by the gentleman from Minnesota [Mr. TAWNEY], I wish to refer to a legal decision made in the case of Cady *v.* McDowell, decided in 1869 by the supreme court of the State of New York. It will be found in volume 1 of the reports of that court, page 484. In that case the court says:

> A boarding house is not, in common parlance or in legal meaning, every private house where one or more boarders are kept occasionally only, and upon special considerations. But it is a quasi-public house, where boarders are generally and habitually kept, and which is held out and known as a place of entertainment of that kind.

Now, that is the definition of a boarding house in the State of New York, in the absence of any statutory definition.

Mr. UNDERWOOD. Mr. Chairman, in order that I may occupy my five minutes under the rule, I move to strike out the last word. I have not attempted to make an argument on this bill. I have listened with pleasure to a great many arguments that have been made here; but I think the discussion which has just taken place on the last amendment demonstrates more clearly than all the discussions that have preceded it the viciousness of this legislation. You are going now to require that this legislation shall go into the home of every citizen of the United States, from those who live in the palaces to those who live in the hovels, that the Federal Government, with its scores of marshals and employees, shall follow the housewives of this country. And the class of legislation that you propose to put on the bill provides no slight punishment. It is no small dereliction to violate this law.

You gentlemen who propose to put this legislation into the homes of your constituency remember the pains and penalties that you are carrying there. This law says that any person who willfully violates any of the provisions of this section shall for each such offense be fined not less than $50 and not exceeding $500, and imprisoned not less than thirty days nor more than six months, one or both. That is what you are going to carry into the homes of this country. You know as well as I do that there are hundreds and hundreds of poor people in this land who will never know that this law has been enacted until the deputy sheriff walks into that house to tell them they have committed a criminal offense. Not a criminal offense in the eyes of God, not a criminal offense because it is a violation of the decalogue, but a criminal offense because you, in order to protect a cow monopoly, to protect these men who want to build up one business at the expense of the other, are creating this class of crimes to punish your own constituency.

I do not think that there could be any more dangerous class of legislation that you could pass. You know as well as I do that all laws are violated. You can pass a law against murder, but men will commit murder. You can prohibit stealing, but men will steal. You can prohibit the sale of colored oleomargarine, but there are people who are going to violate this law and show others how to violate it. The men who go out to sell white oleomargarine and teach innocent people how to color it will not call their attention to this law. They will escape the pains and penalties that you impose, which will ultimately fall on innocent heads. I say that the amendment offered by the gentleman from New York [Mr. WADSWORTH] would protect a large class of these people from the severe penalty that you are about to put on them.

Mr. TAWNEY. I move that debate on the pending amendment and section be now closed.

The CHAIRMAN. The gentleman from Minnesota moves that debate on the pending amendment and section be now closed.

The motion was agreed to.

The CHAIRMAN. The Chair understands that the gentleman from New York [Mr. WADSWORTH] desires to ask unanimous consent for some modification of his amendment.

Mr. WADSWORTH. I ask unanimous consent to insert the words "public restaurant and hotel."

The CHAIRMAN. The gentleman from New York asks unanimous consent to modify his pending amendment by inserting the words "public restaurant and hotel."

Mr. RAY of New York. I object to that.

The CHAIRMAN. Objection is made.

Several MEMBERS. Add the words "public boarding house."

Mr. WADSWORTH. I have no objection to inserting the words "public boarding house," if public boarding houses have a legal status before the country.

The CHAIRMAN. It can only be done by unanimous consent.

Mr. WADSWORTH. Then I will simply ask unanimous consent to put in the words "public restaurant and hotel."

The CHAIRMAN. The gentleman from New York asks unanimous consent to insert the words "public restaurant and hotel."

Mr. RAY of New York. I object to any modification of the amendment.

Mr. MANN. I move to amend the amendment by inserting those words.

The CHAIRMAN. The motion is not in order. The amendment would be in the third degree, and it could only be made by unanimous consent.

Mr. MANN. Why can not the amendment be made?

The CHAIRMAN. The rule gives only one amendment to a substitute, and this is in the third degree and can not be offered except by unanimous consent.

Mr. TAWNEY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TAWNEY. This vote is on the amendment offered by the gentleman from New York, limiting the definition of a manufacturer of oleomargarine to corporations, wholesale and retail dealers, is it not?

The CHAIRMAN. The amendment has been fully reported.

Mr. TAWNEY. I simply wanted the committee to understand it.

Mr. WADSWORTH. It limits the wholesale and retail dealers in oleomargarine and in butter. It limits them to corporations and manufacturers of butter, public restaurants, and hotels. It excepts private persons and individuals.

Mr. CANDLER. I ask for the reading of the amendment.

The CHAIRMAN. Without objection, the amendment will be again reported.

The amendment was again read.

The CHAIRMAN. The question is on the amendment just reported.

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. WADSWORTH. Division! Let us have tellers on it.

The CHAIRMAN. The Chair understands the gentleman from New York to demand tellers.

Mr. WADSWORTH. Take the division first, Mr. Chairman.

The committee divided; and there were—ayes 84, noes 99.

Mr. WADSWORTH. Tellers, Mr. Chairman.

The question was taken on ordering tellers.

The CHAIRMAN. A sufficient number; tellers are ordered, and the gentleman from New York [Mr. WADSWORTH] and the gentleman from Minnesota [Mr. TAWNEY] will take their places as tellers.

The committee again divided; and tellers reported—ayes 111, noes 126.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Add as a new section, section 3, to read as follows:

"SEC. 3. That on and after July 1, 1902, the tax upon oleomargarine, as prescribed in section 8 of the act approved August 2, 1886, and entitled 'An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine,' shall be one-fourth of 1 cent per pound when the same is not made in imitation of butter; but when made in imitation of butter, the tax to be paid by the manufacturer shall be 10 cents per pound, to be levied and collected in accordance with the provisions of said act."

The CHAIRMAN. The Chair would like to have the attention of the committee a moment. The motion to adopt the substitute as amended has not yet been put to the committee. The Chair will now put it.

The question was taken; and the substitute as amended was agreed to.

The CHAIRMAN. The question is upon the amendment of the committee, inserting the new section 3; which has just been read. The Chair recognizes the gentleman from Connecticut.

Mr. HENRY of Connecticut. I offer the following amendment.

The Clerk read as follows:

Amend by striking out of the committee amendment entitled section 3 all after the word "That" in line 12 of page 3 and insert the following:

"Section 8 of an act entitled 'An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine,' approved August 2, 1886, be, and the same is hereby, amended so as to read as follows:

"'SEC. 8. That upon oleomargarine which shall be manufactured and sold, or removed for consumption or use, there shall be assessed and collected a tax of 10 cents per pound, to be paid by the manufacturer thereof; and any fractional part of a pound in a package shall be taxed as a pound: *Provided*, When oleomargarine is free from coloration or ingredient that causes it to look like butter of any shade of yellow, said tax shall be one-fourth of 1 cent per pound. The tax levied by this section shall be represented by coupon stamps; and the provisions of existing laws governing the engraving, issue, sale, accountability, effacement, and destruction of stamps relating to tobacco and snuff, as far as applicable, are hereby made to apply to stamps provided for by this section.'"

The CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut to the amendment offered by the committee. The gentleman from Connecticut is recognized.

Mr. HENRY of Connecticut. I yield to the gentleman from Minnesota to explain the amendment.

Mr. TAWNEY. Mr. Chairman, I will say, in explanation of this amendment to the committee amendment, that it changes existing law in only two particulars. It changes the word "two" to "ten," making the tax 10 cents instead of 2 cents a pound, and it adds a proviso imposing a tax of one-fourth of 1 cent a pound upon oleomargarine when made without color or upon uncolored oleomargarine. In other words, it is a reenactment of section 8 of the existing oleomargarine law of August 2, 1886, with these two exceptions.

The tax is changed from "two" to "ten" a pound on oleomargarine as defined in that law, not a tax of 10 cents a pound on oleomargarine as defined in the section as originally reported by the committee to the House, but it is 10 cents a pound on oleomargarine as defined in the existing law, and when oleomargarine is manufactured free from discoloration or from any ingredients giving the color of yellow, or any shade of yellow, it is then taxable at the rate of one-fourth of 1 cent a pound; so that those who wish to use oleomargarine upon their tables or in their kitchens can go to a store and buy it, and buy it for less than they are paying for it at the present time.

The tax is reduced from 2 cents to a quarter of a cent a pound; but if they put into their product that which entirely changes the character of the product, enabling the manufacturer to sell it and the retailer to sell it for that which it is not, and thereby perpetrate a fraud upon the consumer, he must pay a tax of 10 cents a pound, so that with the original cost and tax added it will bring its cost up to the cost of manufacturing butter.

Now, when they want to use it, that is, when the poor downtrodden laboring men, for whom our friends on the other side have manifested such great solicitude, want to use oleo on their tables; when the poor wife of the poor laboring man wants to keep a boarder in order to help pay their household expenses, as the gentleman from Mississippi [Mr. WILLIAMS] has told us, by buying a cheap product for use upon her table, she can go to the factory or she can go to the store and buy uncolored oleomargarine for less than she can buy that product to-day, and for a great deal less than she would have to pay at this time for that product colored in imitation of butter.

That is the only change proposed in the existing law, Mr. Chairman, in the amendment offered by the committee. It changes the tax from 2 to 10 cents a pound, with the proviso exempting uncolored oleomargarine from the present tax, with the exception of a quarter of a cent, or rather, reducing the tax upon uncolored oleomargarine to a quarter of a cent a pound.

I wish to say, for the information of the committee, right here, that under the existing definition of oleomargarine, as that product is defined in the law of 1886, it is very questionable whether oleomargarine is taxable at all. Three years ago a decision was rendered by Judge Grosscup in the circuit court of the United States in Chicago in which he held that uncolored oleomargarine was free from taxation under the existing law, because without the color of butter he held it was not made in imitation of butter.

But the oleomargarine manufacturers themselves prefer to have some tax on the uncolored product. That will appear from the testimony presented to the Committee on Agriculture. The reason given is that it gives their product a standing and character in the market that it would not otherwise have.

I will say here that the bill I introduced at the beginning of this session expressly provided that uncolored oleomargarine should be exempt from any tax, because when made in its natural color it is not a competitor with butter, but in the judgment of the committee it was deemed best to retain a portion of this tax in order that the Government might be able to determine and inquire into and have an interest in investigating the business of manufacturing the uncolored oleomargarine, and thereby police that business as well as police the manufacturer of the colored oleomargarine. I have nothing further, Mr. Chairman, to say in support of this amendment.

Mr. WILLIAMS of Mississippi. I want to ask if the gentleman's amendment is exactly what is printed in the bill on our desks?

Mr. TAWNEY. No; it is not.

Mr. WILLIAMS of Mississippi. The words "every shade of yellow" is what is added?

Mr. TAWNEY. No; what I have offered is offered as a substitute for section 3, as that section is reported by the committee.

Mr. WILLIAMS of Mississippi. The amendment the gentleman has just offered as a substitute, or whatever it was, is literally section 3 as printed, except the words "every shade of yellow" is added?

Mr. TAWNEY. No.

Mr. WILLIAMS of Mississippi. What is the difference?

Mr. TAWNEY. What is offered is the identical language of section 8 of the existing law. What the committee reported was an entirely different phraseology, and it is for the purpose of avoiding a possible conflict between the definition of the product on which the 10-cent tax is imposed, as that product is defined in the committee bill, and the definition of oleomargarine, as defined in the existing law. In order to avoid any possible conflict, the substitute reenacts the present section of the law of 1886, changing the word "two" to "ten," and adding a proviso for a quarter of a cent a pound tax on uncolored oleomargarine.

Mr. GROSVENOR. Mr. Chairman, I offer the following, which

I send to the desk, to follow at the end of the sections after the committee amendments are disposed of.

The Clerk read as follows:

Add as an amendment to section 8, line 22, page 8, after the word "act," the following:

"That the tax on all sirups put up, labeled, or sold in imitation of maple sirup shall be taxed 10 cents per pint, to be levied and collected in accordance with the provisions of this act."

Mr. TAWNEY. I make the point of order, Mr. Chairman, that the amendment is not germane.

Mr. GROSVENOR. Upon that, Mr. Chairman, I would like to be heard.

The CHAIRMAN. The Chair thinks it is not in order at this time.

Mr. TAWNEY. And, furthermore, it is an amendment in the third degree and therefore is not in order.

The CHAIRMAN. It is not in order.

Mr. GROSVENOR. I did not claim it was now in order. I said I desired to offer it at the end of the section after the committee amendments were disposed of.

The CHAIRMAN. The point is made that it is not germane and the Chair sustains the point of order.

Mr. GROSVENOR. I do not understand how it is not germane. I may find out after awhile from some of these able parliamentarians. [Laughter.]

Mr. BURLESON. Mr. Chairman, I offer as a substitute for section 3 the amendment that I send to the Clerk's desk.

The Clerk read as follows:

Amend section 3, in line 22, page 3, after the word "act," by adding thereto the following:

"That on and after July 1, 1902, there shall be levied and collected a tax of one-fourth of 1 cent per pound on manufactured ice when same is sold in 1 and 5 pound blocks, and each block shall be stamped 'Counterfeit ice,' but when same is made in imitation of natural ice, by nature's process from river and lake water, and sold in blocks larger than 5 pounds, the tax to be paid by the manufacturer shall be 10 cents per pound, to be collected in accordance with the provisions of this bill."

Mr. TAWNEY. I make the point of order, Mr. Chairman——

Mr. BURLESON. I do not yield to the gentleman.

Mr. TAWNEY. I do not care whether the gentleman does or not. I have a right to raise the point of order that this amendment is not germane to the section that it is proposed as a substitute. Furthermore, it is not a substitute. It is not germane to the bill, and is as foolish as the gentleman that offered it.

Mr. BURLESON. It is not as vicious as the bill supported by the gentleman from Minnesota. [Laughter.]

The CHAIRMAN. The point of order is made by the gentleman from Minnesota, and the Chair sustains the point of order.

Mr. BURLESON. I appeal, Mr. Chairman, from the decision of the Chair.

The CHAIRMAN. The gentleman from Texas appeals from the decision of the Chair.

Mr. TAWNEY. I move to lay the appeal on the table.

Mr. BURLESON. I have a right to be heard on the appeal. Bearing upon this substitute, I want to appeal to any earnest and sincere believer in the majority bill to give me one reason why this substitute should not be adopted. As a matter of fact, the same vicious principle underlies both. No man can gainsay it. There is no divinity that hedges around butter or milk that gives them a peculiar protection over God's pure water that is found in streams and the lakes. [Applause.] Now, gentlemen, you who are behind this majority bill, I will admit that manufactured ice is purer than natural ice; that natural ice often contains germs of malaria and germs of typhoid fever, and I will also admit that butter often contains the germs of tuberculosis, which will never be found in the manufactured oleomargarine.

Now, gentlemen, I offer this amendment only to accentuate the rank absurdity and injustice of the measure that is being advocated by the selfish and ambitious gentleman from Minnesota. [Laughter and applause.]

Mr. Chairman, I withdraw the appeal, and also the substitute, as it has served my purpose.

Mr. FOSTER of Illinois. Mr. Chairman, I desire to offer the amendment which I send to the desk.

The Clerk read as follows:

Amend the amendment by striking out the words "10 cents" wherever they occur and inserting in lieu thereof "3 cents."

The CHAIRMAN. This is an amendment in the third degree, and is not permissible at this time.

Mr. FOSTER of Illinois. Then I withdraw it for the present.

Mr. FEELY. Mr. Chairman, I send to the desk a substitute which I desire to offer for the section.

The Clerk read as follows:

Strike out section 3 and insert in lieu thereof the following:

"SEC. 3. That on and after July 1, 1902, the tax upon oleomargarine, as prescribed in section 8 of the act approved August 2, 1886, and entitled 'An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine,' shall be one-fourth of 1 cent per pound when the same is not made in imitation of butter; but when made in imitation of butter, the tax to be paid by the manufacturer shall be 5 cents per pound, to be levied and collected in accordance with the provisions of said act."

Mr. FEELY. Mr. Chairman, I do not desire to indulge in any debate on this amendment. I simply wish to submit it as a test of the fairness of the majority so far as they have proceeded upon this bill. They have closed the door against the poor boarding-house keepers of this country by forbidding them to use butterine, even if desired by their boarders. Men have stood upon the floor of this House and assumed that if the law did not prevent it the vast army of boarding-house keepers in this country would commit fraud. The gentleman from Massachusetts stated here that the wholesaler is committing no fraud, that the retailer is committing no fraud, but that the fraud is committed down in the ranks of those who pander to the taste of the consumer. Gentlemen, vote, if you please, to place an arbitrary tax of 10 cents per pound on this product when colored in a color as natural to it as yellow is the natural color of December butter, and satisfy yourselves, if you can, that you are not conforming to an arbitrary test imposed upon you by someone outside of this hall.

Men may as well say that 10 cents is the natural tax upon oleomargarine as to say that yellow is the natural color of December butter. If there is a spirit of fairness left in this House, if there is one consideration that can prevail here against striking down a legitimate industry, then I ask that you adopt this substitute placing the tax on colored oleomargarine at 5 cents a pound—not 10 cents—the latter tax being so heavy as absolutely and wholly to drive out of existence in the business world the honest business of manufacturing and selling oleomargarine.

Go on, gentlemen, if you will, using the taxing power of the Government for a purpose for which it never was intended. Go on, States-rights men, if you will, using the power of the Government to prevent the separate States of the Union from passing laws which permit the manufacturing, retailing, and eating of an honest product; and then go back to your constituents and, if you can, defend your consistency.

[Here the hammer fell.]

Mr. CLAYTON. Mr. Chairman, I desire to offer an amendment to the substitute.

The CHAIRMAN. The Clerk will read the proposed amendment.

The Clerk read as follows:

Add at the end of the substitute the following:

"And the tax on all preparations of glucose, sucrose extracts, and other compounds put up, labeled, or sold as pure sugar candy, when not made entirely of sugar, with proper coloring and flavoring ingredients, shall be 10 cents per pound, to be levied and collected in accordance with the provisions of this act."

Mr. TAWNEY. I make a point of order against this amendment.

Mr. CLAYTON. Let me say one word.

Mr. TAWNEY. I insist on the point of order.

Mr. CLAYTON. I want to protect the babies and children against this candy that contains clay and other deleterious substances. While we are going on with this business of protection, let us protect the babies and children against this impure candy.

The CHAIRMAN. The Chair sustains the point of order.

Mr. CLAYTON. Mr. Chairman, I appeal from that decision.

The CHAIRMAN. The gentleman from Alabama appeals from the decision of the Chair.

Mr. CLAYTON. Now, upon that I desire to be heard briefly.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the committee?

Mr. CLAYTON. Mr. Chairman, this is a sweet subject that I am going to talk on, and I ask you to hear me a little while. This measure and the debate growing out of it have shown a disposition here in the House and on the outside to go into what directly belongs to State authority. This is a matter of dealing with food and a matter of police regulation.

Now, the amendment that I have offered to the substitute is no more absurd and no more unauthorized than is the main proposition pending before this House. If we are going to protect grown men and women against fraudulent butter or oleomargarine, I say if we recognize that as a proper subject for the legislation of Congress, we ought to protect the young children and the babies of this country from deleterious candy made in part from flour, white clay, glucose, chalk, and a number of other things that are put into candy that are certainly deleterious to the health of the babies and the children. [Applause.]

A MEMBER. And our sweethearts.

Mr. CLAYTON. And our sweethearts, too, as somebody says. [Laughter.]

Now, Mr. Chairman, some of you millionaires over there, who are able to buy Huyler's candy, do not need this; but we poor fellows who have got to buy stick candy to give to our sweethearts, our babies, and our children, need this just as much as you need your oleomargarine bill. The babies cry for it. [Applause.]

Now, give us this. We not only need this, but we need protection against this fraudulent maple-sirup business that is practiced all over the country. Why, you yankees have had to abandon your wooden-nutmeg business, because we have got onto that; but every grocery store in my town sells your fraudulent maple sirup as the pure juice of the tree, boiled down to the proper consistency. [Laughter.] Now, protect us against all these. In the name of American liberty [laughter], in the name of the constitutional rights of our sweethearts, our children, and our babies, I beg you to adopt this amendment. [Applause.]

I withdraw the appeal from the decision of the Chair.

The CHAIRMAN. The gentleman from Alabama withdraws his appeal.

Mr. ALLEN of Kentucky. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

SEC. 4. That the Secretary of Agriculture is hereby authorized and required to cause a rigid sanitary inspection to be made from time to time, and at such times as he may deem necessary, of all factories and storehouses where butter is renovated; and all butter renovated at such places shall be carefully inspected in the same manner and to the same extent and purpose that meat products are now inspected. The quantity and quality of butter renovated shall be reported monthly. All renovated butter shall be designated as such by marks, brands, and labels, and the words "Renovated butter" shall be printed on all packages thereof in such manner as may be prescribed by the Secretary of Agriculture, and shall be sold only as renovated butter. Any person violating the provisions of this section shall, on conviction thereof, be deemed guilty of a misdemeanor, and shall be fined not less than $50 nor more than $500, and imprisoned not less than one month nor more than six months.

The Secretary of Agriculture shall make all needful sanitary and other rules and regulations for carrying this section into effect. And no renovated butter shall be shipped or transported from one State to another, or to foreign countries, unless inspected as provided in this section.

Mr. TAWNEY. Mr. Chairman, I make the point of order against this amendment that it is not germane to the section to which it is offered as an amendment.

Mr. WILLIAMS of Mississippi. Mr. Chairman, we want to be heard on that proposition.

Mr. TAWNEY. My point of order is this: This section relates exclusively to the imposition of a tax upon a certain product. The proposed amendment is intended to regulate, inspect, and supervise the manufacture of another product without any tax whatever.

The CHAIRMAN. The Chair thinks this is not germane to this section. It should be offered as an independent section at the proper time.

Mr. ALLEN of Kentucky. It was my purpose to offer that as an additional section, and at the end of this section I want it to be considered as pending, as an additional section.

The CHAIRMAN. It would not be proper to offer it in this connection.

Mr. ALLEN of Kentucky. I should like to have it considered as pending.

Mr. WILLIAMS of Mississippi. We ask, then, that it be considered as pending.

The CHAIRMAN. The gentleman asks unanimous consent that it be considered as pending. Is there objection?

Mr. MAHON and others objected.

Mr. WILLIAMS of Mississippi. Then we will ask for the floor at the proper time.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Minnesota to the committee amendment.

Mr. TAWNEY. Mr. Chairman, there have been so many amendments offered, I would like to have the Clerk read the amendment or have the Chair state the amendment that is proposed to be voted on now first.

The CHAIRMAN. If there is no objection, the Clerk will report the amendment. The committee amendment to which this is offered is already before the committee in print. The amendment to the committee amendment will be reported.

The Clerk read as follows:

Amend by striking out of the committee amendment entitled section 3 all after the word "That," in line 12 of page 3, and insert the following:

"Section 8 of an act entitled, 'An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine,' approved August 2, 1886, be, and the same is hereby, amended so as to read as follows:

"'SEC. 8. That upon oleomargarine which shall be manufactured and sold, or removed for consumption or use, there shall be assessed and collected a tax of 10 cents per pound, to be paid by the manufacturer thereof; and any fractional part of a pound in a package shall be taxed as a pound: *Provided*, That when oleomargarine is free from coloration or ingredient that causes it to look like butter of any shade of yellow, said tax shall be one-fourth of 1 cent per pound. The tax levied by this section shall be represented by coupon stamps; and the provisions of existing laws governing the engraving, issue, sale, accountability, effacement, and destruction of stamps relating to tobacco and snuff, as far as applicable, are hereby made to apply to stamps provided for by this section.'"

The CHAIRMAN. The question is on the amendment just read.

Mr. LESSLER. Mr. Chairman, the gentleman from Minnesota [Mr. TAWNEY] made the statement in his opening remarks on this section that the consumer was protected here; but it is plain to all of us that the manufacturer is named here, and there is no question in the mind of anybody that if the consumer wants the product he has got to pay the 10 cents. There are some of us who are in earnest on the subject of protecting the consumer and those of us who represent large cities, and who know the conditions existing there, are well aware what the result will be. We understand why the poor man buys this imitation product, if you will call it that. We know that this 10-cent tax will have to come right out of his pocket, and it will come out of the pockets of people to whom every penny is important.

It is very much like a bill that might be introduced here imposing a penalty in favor of a railroad company when a man is run over by the cars, allowing that company to sue the man who was run down. Here is a proposition to protect the poor man against fraud, to protect the hotel men against fraud, by asking somebody to pay 10 cents a pound tax. Ultimately, and in the last instance, that 10 cents will have to come out of the pockets of men who have very little money to spend, who want 15-cent butter or butterine or oleomargarine, who do not want it white, who do not know how to color it, who will not learn how to color it, but who want the yellow product; and it is a shame and an outrage to deprive them of that which they want and which they ought to have. [Applause.]

Mr. STEPHENS of Texas. Mr. Chairman, I would be derelict in my duty to my constituents if I did not object to the passage of this bill. I represent the largest cattle-growing district in the greatest cattle-growing State in this Union, and I would misrepresent my people if I did not raise my voice against this iniquitous measure. The time-honored Democratic principle of equal rights to all and special privileges to none is plainly violated by this bill. The advocates of this bill object to oleomargarine because it is colored like butter, yet, at the same time, they claim the right to color butter. Why should Congress give butter makers the right to color their product and deny a like right to makers of oleomargarine? Why should the Elgin Creamery be permitted to buy up all the rancid butter in the country and renovate it and color it as they please, and then put it on the market and sell it as butter, and the makers of oleomargarine be deprived of this right? Is this equal rights for all and special privileges for none? If you make it unlawful to color oleomargarine, why not at the same time make it unlawful to color creamery butter or renovated butter? What is sauce for the goose should be sauce for the gander.

If it is lawful to color the product of the cream of the cow, should it not also be lawful to color the product of the tallow that comes from the cow's brother, the steer? The Whig and Republican parties have always contended for prohibitive tariff duties, so as to destroy foreign trade in our home markets, but this bill, the most indefensible piece of special legislation ever proposed in the American Congress, proposes to destroy and drive from the markets of this country the poor man's butter (oleomargarine), so that the creamery butter makers may be deprived of a dangerous competitor and thus be enabled to completely monopolize the butter business of the country and raise the price of creamery butter from 30 to 45 cents a pound at least. The Associated Press dispatches of January 20, this year, state that a butter trust with $18,000,000 capital has been formed in New York, with Charles H. Patterson as manager. This trust has already bought up 400 creameries, and propose to buy up all the large creameries in this country.

This bill is in the interest of this dairy trust. By it they will destroy and drive oleomargarine out of the markets. Congress has been flooded with petitions from labor unions located in all the large cities protesting against the passage of this bill. They call oleomargarine the poor man's butter. They say that they can purchase it from 15 to 20 cents per pound, and that they can not afford to purchase creamery butter at the present price of 35 cents per pound. They claim that oleomargarine is a wholesome article of food; that it is pure and sweet, and is hard to distinguish from the best dairy product, and is far superior to renovated butter.

Therefore in the name of the laboring men of this country I protest against the passage of this bill. I also protest against its passage in the name of the cotton raisers of the South, for the reason that cotton-seed oil enters largely into the ingredients of oleomargarine, and the object of this bill is not to control the sale of oleomargarine, but to prevent its manufacture.

The caption of this bill declares that oleomargarine is an imitation dairy product; and in its first section declares everything not made exclusively of pure and unadulterated milk or cream is an imitation dairy product. The proviso at the end of this section will permit any State to prevent the sale or manufacture of oleomargarine if any "ingredient that causes it to look like butter" is used in the manufacture of oleomargarine.

Now, it is well known that cream and milk is used in the manufacture of oleomargarine, and it can not be made without it. Hence it is within the power of any State under this bill to prevent the manufacture of this poor man's butter, oleomargarine.

Section 3 of the bill declares that when oleomargarine is made in imitation of butter it shall be taxed 10 cents per pound. Now, the caption declares that oleomargarine is an imitation butter. Hence all oleomargarine will be taxed 10 cents a pound, and this is a prohibitive tax and will at once stop its manufacture, and this will depreciate the value of every beef steer, every hog, and every pound of cotton seed produced in this country. This loss will fall almost wholly on the South and West, and its benefits will accrue almost entirely to the North and East, so that we have not only to witness the great injustice of one industry seeking to destroy another, but also of one section of our country almost solidly lining up against another section for the purpose of throttling an industry that rivals one of their own.

As the price of the beef steer, the hog, and the cotton seed of the South and West goes down, the price of the dairy cow and butter in the East and North goes up. The millions thus lost in the one section will be gained in the other.

I shall attach to my speech a copy of a resolution adopted by the National Live Stock Association at its annual meeting at Denver, Colo., in December last. This resolution sets forth in plain terms the injustice of this bill. But we are told by the advocates of this bill that they would not object to oleomargarine if it was not colored yellow, so as to imitate butter. May I inquire when the creamery trust got a patent on the color known as yellow?

If they have a valid patent on this color, then the oleomargarine manufacturers could not use that color; otherwise they can. I had always thought that God gave that color to mankind, among others, when he made the rainbow; and the yellow color in the rainbow is certainly not a new discovery; hence it is not patentable, and one man has as much right to use it as another. It has also been shown that the makers of oleo were the first men to use yellow coloring matter in the manufacture of their product, and that the creamery-butter makers adopted the same color and now claim the exclusive right to use the color.

If coloring oleomargarine yellow is a fraud and a crime, then it should be wholly prohibited and punished as a crime and not taxed out of existence, But is it a fraud? If so, is it not also a fraud for the fair sex to powder or color their faces, because perchance some scheming Delilahs might thereby allure some strong and confiding Samsons into the toils of matrimony? Almost every article we eat or wear is judged by its color. This truism has produced a modern slang phrase, viz: When speaking of something out of the usual order of things, or of doubtful propriety, we often say that it is a "little off color." We find that beer, whisky, tobacco of all grades, candy, tea, cloth, and clothing of all kinds are almost universally colored by manufacturers, and if we undertake to regulate all these things by law we will have a government of paternalism run mad.

I object to this bill because I believe in the Democratic doctrine of States rights, and that the States themselves should legislate on these subjects, and not the Congress of the United States.

I am opposed to this bill because if enacted into a law it would be unconstitutional and void. The Constitution provides that all taxation shall be equal and uniform; but you, by this bill, propose to tax oleomargarine because it is colored yellow, and refuse to tax creamery butter or renovated butter, which is also often colored yellow. You propose to tax it because you say it purports to be butter when it is not butter, but is a fraud. If this contention is true, then you would have to tax the wooden nutmegs of New England and all other spurious things on the market, and thus secure uniformity of taxation.

I want to warn this House that this bill is most vicious and dangerous in its tendencies; that it subverts the fundamental principles of our Government; that it seeks to destroy a lawful business by an abuse of the taxing power of the Government; that it will array one section of the country against another, one business interest against another, in that it points out the remedy of taxation as a means of wrecking a rival business interest. It will array the laboring man against the capitalist, because in this piece of legislation he sees the creamery trust refuse to him the right to color the substitute for butter that his poverty forces him to buy, and by destroying the oleomargarine industry forces him to pay from 10 to 20 cents more per pound for creamery butter than the former price.

This species of legislation will array the strong populous parts of our country against the weaker parts, the stronger rival business against the weaker, and, in my judgment, is only the forerunner of a Pandora's box of like evil measures that will return with frightful regularity to plague future Congresses.

The following is a resolution adopted by the National Live Stock Association:

HEADQUARTERS NATIONAL LIVE STOCK ASSOCIATION,
Denver, Colo.

The following resolution was unanimously adopted by the Fifth Annual Convention of the National Live Stock Association, held in Chicago, Ill., December 3, 4, 5, and 6, 1901:

Whereas the National Live Stock Association has heretofore announced itself as unalterably opposed to that class of legislation which builds up one industry at the expense of another equally as meritorious, and has opposed the passage of the bill for a law known as the "Grout bill," which certain dairy interests sought to have passed by the last Congress of the United States, but which failed to reach a vote; and

Whereas unofficial notice has been served upon the officers of this association that this same measure will be reintroduced in the coming session of Congress and forced to an issue; and

Whereas the openly expressed intention of the movers of this law is to destroy the manufacture of oleomargarine, a product of the packing house, which has been declared by Government authorities to be a pure food product as wholesome and healthful as butter; and

Whereas the stockmen of the United States believe that this product should be sold upon its own merits, and favor any legislation that will prevent or compel the manufacturers to sell their product for just what it is, a substitute for butter, but draw the line on legislation that would unjustly hamper the industry by compelling the manufacturers to offer their product in a form that would make it offensive to the eye of the consumer, and consequently unpalatable; and

Whereas the so-called "Wadsworth" substitute for the Grout bill, offered in the last Congress, which provides that the oleomargarine product be only offered for sale in one and two pound packages, each package labeled in plain letters, meets with the approval of the members of this association: Therefore,

Resolved, That the National Live Stock Association, in convention assembled, representing more than four billions of invested capital, reiterates its former expressed disapproval of such class legislation as the old Grout bill, and we protest against the passage of any law of this nature, firmly believing that such legislation is unjust, unconstitutional, and unfair, and not to be telerated in a free country.

Resolved, That we heartily approve of such legislation as the law proposed by the Wadsworth substitute in the last Congress, and we approve any legislation which, in a legitimate manner, compels manufacturers to offer their products for sale for just what they are.

Resolved, That we heartily indorse the position taken by Hon. J. W. WADSWORTH, chairman of the House Committee on Agriculture in the last Congress, and believe that, in justice to him, he should be retained as chairman of that committee in the present Congress. The thanks of this convention are due, and are hereby tendered, to Senators MONEY of Mississippi, HEITFELD of Idaho, WARREN of Wyoming, and BATE of Tennessee, members of the Senate Committee on Agriculture, for their able and successful opposition to the passage of the Grout bill during the closing session of the last Congress.

Resolved, That the executive committee of this association be instructed to forward copies of these resolutions to Congress and to take such action as it may think necessary and proper to oppose the passage of any bill containing such provisions as the so-called Grout bill.

Attest:

JOHN W. SPRINGER, *President.*
CHAS. F. MARTIN, *Secretary.*

Mr. TAWNEY. I ask for a vote on the amendment.

The CHAIRMAN. The question is on the amendment just reported.

The question was taken; and the amendment was rejected.

Mr. ALLEN of Kentucky. Mr. Chairman, I offer the following.

The CHAIRMAN. The question is on the substitute offered by the gentleman from Illinois.

The question was taken; and the substitute was agreed to.

The CHAIRMAN. The question is on the substitute as amended.

The question was taken; and the amendment was agreed to.

Mr. ALLEN of Kentucky. I offer the following section.

The Clerk read as follows:

SEC. 4. That the Secretary of Agriculture is hereby authorized and required to cause a rigid sanitary inspection to be made from time to time, and at such times as he may deem necessary, of all factories and storehouses where butter is renovated; and all butter renovated at such places shall be carefully inspected in the same manner and to the same extent and purpose that meat products are now inspected. The quantity and quality of butter renovated shall be reported monthly. All renovated butter shall be designated as such by marks, brands, and labels, and the words "renovated butter" shall be printed on all packages thereof, in such manner as may be prescribed by the Secretary of Agriculture, and shall be sold only as renovated butter. Any person violating the provisions of this section shall, on conviction thereof, be deemed guilty of a misdemeanor, and shall be fined not less than $50, nor more than $500 and imprisoned not less than one month nor more than six months.

The Secretary of Agriculture shall make all needful sanitary and other rules and regulations for carrying this section into effect, and no renovated butter shall be shipped or transported from one State to another, or to foreign countries, unless inspected as provided in this section.

Mr. TAWNEY. Mr. Chairman, I make the point of order that this amendment is not germane to this bill.

Mr. ALLEN of Kentucky. In what respect.

The CHAIRMAN. The Chair will hear the gentleman on the point of order.

Mr. TAWNEY. This bill is, in fact, a revenue bill. It provides for a tax on oleomargarine. It is only an amendment to the existing law, relating exclusively to this subject of taxing and regulating the manufacture and sale of oleomargarine. It relates exclusively to the Internal-Revenue Department, under whose administration the law has been placed. It is a revenue measure in that sense, while the proposed amendment relates exclusively to

the manufacture of another product free from all tax and places the manufacture of that product under an entirely different department of the Government.

Mr. ALLEN of Kentucky. Mr. Chairman, the intent and the purpose of this legislation is to prevent fraud. That is the claim of gentlemen upon the other side. Now, if this legislation proposed in that amendment is to prevent fraud also in the sale of butter, I would like to know the reason why it is not germane to the subject. That is the whole object and purpose of it.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I desire to be recognized on that point of order; and in that connection I want to call the attention of the Chair to the title of this bill, so as to show that this amendment is in order under the title of the bill. If the Chair will turn to the amended title, at the end of the bill, he will find this language:

A bill to make oleomargarine and other—

Other—

imitation of dairy products subject to the laws of the State or Territory, etc., and to put a tax upon it.

Now, then, if renovated process butter is not "other imitation of dairy products," I would like to know what would fall within that definition?

Mr. WANGER. Is it to make it subject to the laws of the State or Territory?

Mr. WILLIAMS of Mississippi. The subject-matter is the same, if it is for the purpose of dealing with the imitation of dairy products. It is true it deals with it in a different manner, and if it reach and touch the subject-matter, I do not believe the manner in dealing with it cuts out the jurisdiction.

Mr. McCLEARY. It is not an imitation butter dairy product.

Mr. WILLIAMS of Mississippi. It is an imitation dairy product, if there is anything about it but old rancid butter picked up, and the most of it oleomargarine.

Mr. McCLEARY. But it is butter.

Mr. WILLIAMS of Mississippi. And furthermore, it is to amend an act defining butter. This title reads as I have said, and it furthermore reads "to amend an act defining butter." Now, if the Chair please, just one moment. After the language referring to other dairy products, in the fore part of the title, I call the Chair's attention to the further provision in the title, namely, "And to amend an act entitled 'An act defining butter,'" and the gentleman's amendment does not define butter.

The CHAIRMAN. The Chair is of the opinion that it is germane, although it is questionable as to whether the jurisdiction is obtained over the proposition without any taxation being connected with it. But the question being one of imitation butter, the Chair is of opinion that this section is germane. As to its constitutionality, of course, the Chair can not pass upon that. The question is on agreeing to the amendment offered by the gentleman from Kentucky.

Mr. ALLEN of Kentucky. I desire to be heard. [Cries of "Vote!" "Vote!"] Why, gentlemen, are you so anxious to vote? I was assured during the remarks I made a few days since by the gentleman managing this bill that they did not propose that any amendment should come in save and except committee amendments. I say to my friend that he has not kept faith; that he has not followed the track that he laid out. This Committee of the Whole House this evening has added to this bill an amendment which was a broad plank of States' rights, and now I ask gentlemen to cross over on that plank, and let us add another amendment to the bill that will make it a better one than it now is.

Mr. Chairman, they say they want to prevent fraud; that that is the purpose of it; that they want to go into the hotel and the restaurant where men who get their meals are required to eat oleomargarine, a wholesome and healthy product. And now I will give you an opportunity to vote. If you want to protect the consumer, if you want to help the man who will eat a dangerous article of food, I assure you, gentlemen, you can do it by voting for this amendment, which brands and marks renovated butter as renovated butter.

Mr. WILLIAMS of Mississippi. Will the gentleman permit an interruption?

Mr. ALLEN of Kentucky. Certainly.

Mr. WILLIAMS of Mississippi. I want to say right here, I read to the House in the last Congress, and I have the authority of the chief of the dairy division of the Agricultural Department, who has to do with this renovated process butter, to say that it does more harm and is more unwholesome than oleomargarine.

Mr. ALLEN of Kentucky. I will read a part of a letter that was written by Mr. Henry E. Alvord, Chief of the Dairy Division of the Agricultural Department, to Dr. J. J. Baumann, 661 Jersey avenue, Jersey City, N. J. I will only read a part of it:

The chief objection to this renovated butter is that it is sold in large quantities under misrepresentation in place of fresh creamery butter, and at prices much above its actual value. Fraud upon purchasers and consumers is thus perpetrated, and this is the feature connected with the business which needs governmental interference and regulation.

Very respectfully, yours, HENRY E. ALVORD.

Now, Mr. Chairman, the propounders of this bill have relied upon the Agricultural Department as authority in propounding and proposing this character of legislation, and they are assured now by the Agricultural Department itself that this renovated butter is sold in fraud of right; that it is an injurious and dangerous product, which ought to be restricted, or at least ought to be required to be sold as renovated butter.

Mr. TAWNEY. Will the gentleman answer this question: Will you vote for the bill with this amendment in it?

Mr. ALLEN of Kentucky. No, sir; I would not. Take the taxing power that will destroy the industry out of it and I will. But I do not propose to tax renovated butter out of existence. I am not proposing to tax the renovated butter, but I am proposing that it shall be branded, in order that a consumer may know what he is eating, and if you desire to prevent fraud you are estopped from voting against the amendment I offer.

[Mr. FINLEY addressed the committee. See Appendix.]

Mr. TAWNEY. Mr. Chairman, I move that debate on the pending amendment be now closed.

The question was taken; and on a division (demanded by Mr. UNDERWOOD) there were—ayes 137, noes 70.

Mr. UNDERWOOD. I ask for tellers, Mr. Chairman.

The CHAIRMAN (after counting). Not a sufficient number, and tellers are refused. The ayes have it, and debate is closed on the pending amendment. The question now is on the amendment offered by the gentleman from Kentucky.

The question on the amendment was taken; and on a division (demanded by Mr. WILLIAMS of Mississippi) there were—ayes 129, noes 118.

Mr. HENRY of Connecticut. I demand tellers, Mr. Chairman.

Tellers were ordered; and the Chair appointed as tellers Mr. HENRY of Connecticut and Mr. ALLEN of Kentucky.

The question was again taken; and the tellers reported—ayes 127, noes 107.

So the amendment was agreed to.

Mr. BOUTELL. Mr. Chairman, I offer an amendment to the bill.

The CHAIRMAN. The next section has not been read.

Mr. BOUTELL. This is an amendment to the bill preceding the section which the Clerk is about to read.

The CHAIRMAN. Is it offered as an additional section?

Mr. BOUTELL. This is a new section.

The CHAIRMAN. The gentleman from Illinois offers a new section to the bill.

Mr. HENRY of Connecticut. I ask that the reading of the bill may be proceeded with.

The CHAIRMAN. The committee will please be in order. The Clerk will report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Amend the bill by inserting the following as section 5:

"That the tax on all fish put up in imitation of sardines shall be 10 cents a box, to be levied and collected in accordance with the provisions of this bill."

Mr. TAWNEY. Mr. Chairman, I make the point of order that the amendment is not germane.

The CHAIRMAN. The Chair sustains the point of order.

Mr. HENRY of Connecticut. I ask now that the Clerk proceed with the reading of the bill.

The Clerk read as follows:

SEC. 4. That wholesale dealers in oleomargarine shall keep such books and render such returns in relation thereto as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may, by regulation, require; and such books shall be open at all times to the inspection of any internal-revenue officer or agent. And any person who willfully violates any of the provisions of this section shall for each such offense be fined not less than $50 and not exceeding $500 and imprisoned not less than thirty days nor more than six months.

The CHAIRMAN. The question is on the amendment proposed by the committee.

The question was taken; and the amendment was agreed to.

Mr. FLEMING. Mr. Chairman, I offer an amendment as a new section to the bill.

The Clerk read as follows:

Amend by adding a new section as follows:

"The purpose of this bill is to prevent the practice of fraud, and not to raise revenue."

Mr. GROSVENOR. Mr. Chairman, I make the point of order that that is not legislation. [Laughter.]

Mr. FLEMING. Not that it is out of order?

Mr. GROSVENOR. That is a stump speech. [Laughter.]

Mr. FLEMING. The gentleman does not get the full force of it. Mr. Chairman, if there has been one thing more patent in

this debate than another it is that the purpose of this bill, as claimed by its advocates, is to prevent the practice of fraud, and not to raise revenue. Why should we not tell the truth and allow this section to go in? I am frank to say that my purpose in putting it there is to give the Supreme Court an opportunity to knock out the entire bill, as I think they will do. All I want is to get the facts before the court.

The CHAIRMAN. There was no point of order raised.

Mr. TAWNEY. A point of order was made that the amendment was not germane.

The CHAIRMAN. The point of order has not yet been made.

Mr. FLEMING. The gentleman from Minnesota [Mr. TAWNEY] did not catch the delicate wit of the gentleman from Ohio [Mr. GROSVENOR], who said that the statement of fact in the amendment was not necessary; that it was perfectly patent that this was not a revenue bill and not a bona fide effort to protect the people against fraud. This amendment embodies simply a statement of fact—a matter that has been admitted by almost every man on the floor who has argued the bill.

Mr. GROSVENOR. Will the gentleman allow me a question?

Mr. FLEMING. Yes.

Mr. GROSVENOR. Does not the gentleman think that in construing this statute the court would look at the statute itself and not at a supplemental declaration of this character?

Mr. FLEMING. Let me ask the gentleman, does he not think that if a declaration of this kind be made a part of the statute it makes clearer to the court what the real intent of the statute is, and gives the court the opportunity to apply the law and declare the whole bill unconstitutional.

Mr. GROSVENOR. I will as an answer to the gentleman's question ask him another question. [Laughter.] Does this proposition make any clearer to the gentleman himself what the purpose of the bill is than it would be without this provision?

Mr. FLEMING. I think not, but the judges of the Supreme Court not having had the opportunity to hear the numerous admissions on this floor in regard to the purpose of the bill, I want to put the admission in such a shape that the court will have it before their eyes as a part of this law, and consequently will declare the entire law unconstitutional.

Mr. GROSVENOR. I have not any doubt that they will do that in any event, for the fact is that never before was such a question as this presented to the Supreme Court of the United States.

The question being taken on the amendment of Mr. FLEMING, it was rejected, there being—ayes 71, noes 163.

Mr. HENRY of Connecticut. I offer the amendment which I send to the desk.

The Clerk read as follows:

Add to the bill the following section:
"SEC. 6. That this act shall take effect on the 1st day of July, 1902."

The amendment was agreed to.

Mr. HENRY of Connecticut. I offer a further amendment, to perfect the title.

Mr. RICHARDSON of Tennessee. I submit that an amendment to the title is not in order at this stage.

Mr. HENRY of Connecticut. I ask to have the amendment read.

Mr. RICHARDSON of Tennessee. But it is not in order until the consideration of the bill is completed. I desire to offer as an amendment an independent section.

The CHAIRMAN. The gentleman from Connecticut [Mr. HENRY] will withhold his amendment for the present; the gentleman from Tennessee [Mr. RICHARDSON] desires to offer an amendment to the bill.

Mr. RICHARDSON of Tennessee. As an independent section I offer the amendment which I send to the desk.

The Clerk read as follows:

Amend the bill by adding the following section:
"That upon all products manufactured by the United States Steel Corporation, a company organized under the laws of New Jersey, there be assessed and collected an internal-revenue tax of 10 per cent ad valorem, to be paid by said corporation. And that upon all other products manufactured in the United States by corporations known as trusts there shall be assessed and collected a tax of 5 per cent ad valorem, to be paid by the manufacturer.
"All laws for the assessment and collection of internal-revenue taxes shall apply to the provisions of this act."

Mr. HENRY of Connecticut. I make the point of order that this amendment is not germane.

Mr. RICHARDSON of Tennessee. Mr. Chairman, I want to say a word on the point of order, and only a word.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. RICHARDSON of Tennessee. Mr. Chairman, the pending bill is claimed by its friends to be a revenue bill. In objecting to the amendment proposed by the gentleman from Kentucky [Mr. ALLEN] a little while ago, the gentleman who speaks for the bill [Mr. TAWNEY] said that this was a revenue bill, a bill designed for revenue purposes. As a bill for revenue purposes it taxes one industry for the benefit of another. It taxes one product of a manufactory for the benefit of another. The amendment I propose taxes the products or the manufactures of certain corporations. It imposes a revenue tax of 10 per cent ad valorem. The language of the amendment is:

That upon all products manufactured by the United States Steel Corporation, a company organized under the laws of New Jersey, there be assessed and collected a tax of 10 per cent ad valorem, to be paid by the said corporation, and that upon all other products manufactured in the United States by corporations known as trusts there shall be assessed and collected a tax of 5 per cent ad valorem, to be paid by the manufacturer.

Mr. GREEN of Pennsylvania. I wish to ask whether the Democratic leader of this House really believes this amendment if adopted would be germane?

Mr. RICHARDSON of Tennessee. Why, certainly; I am arguing that it is germane. It is germane because we have before us a revenue bill, and when you bring in a bill to raise revenue, a bill imposing a tax, as this bill proposes to do, on a certain product, I insist we can tax the product of another industry or manufacture, and that being so, the amendment is germane to the bill. You can not undertake to say, because a bill covers two subjects, that the latter would not be germane. Tax bills cover many subjects.

You bring a bill here taxing the product of one industry for revenue. That is what the gentleman from Minnesota [Mr. TAWNEY] says the pending bill is here for, and that, in effect, is what the committee has just decided, as I understand it. The bill is upheld because it is a bill raising revenue. The object of the bill is expressed on its face, but the committee, by voting down the amendment offered by the gentleman from Georgia, has decided that it is a revenue bill. The committee has proceeded all along upon the idea that it is a bill raising revenue; and without that how would it have any status in the House?

Mr. GROSVENOR. Will the gentleman allow me to ask him a question?

Mr. RICHARDSON of Tennessee. In a moment. Originally, in 1886, when the first oleomargarine bill was considered in this House, it was then considered alone, as I remember it, upon the idea that it was a revenue-raising bill, as the gentleman from Ohio [Mr. GROSVENOR] remembers.

Mr. GROSVENOR. Yes.

Mr. RICHARDSON of Tennessee. This bill enlarges or extends that act, and being a bill to raise revenue, we have the right, it seems to me, to offer this amendment. Now I yield to the gentleman from Ohio.

Mr. GROSVENOR. What I want to ask the gentleman is, if this is a bill to raise revenue, how did it get to the Committee on Agriculture?

Mr. RICHARDSON of Tennessee. How did the bill of 1886 get there?

Mr. GROSVENOR. It did not get there.

Mr. RICHARDSON of Tennessee. It did get there, and the gentleman from Missouri, Mr. Hatch, chairman of the Agricultural Committee, had charge of it.

Mr. TAWNEY. It got there by a vote of the House in 1886.

Mr. McRAE. I should like to suggest to the gentleman that it went there by a vote of the House on the motion of Mr. Hatch.

Mr. RICHARDSON of Tennessee. That may be.

The CHAIRMAN. The Chair sees no difficulty whatever in the proposition. This is a bill to regulate the interstate commerce in oleomargarine, and incidentally to tax the same. The question of taxing butter and regulating the butter and oleomargarine business has no connection with the proposition in the amendment now offered. It is therefore not germane. The Chair sustains the point of order.

Mr. HENRY of Connecticut. I move that the committee do now rise and report the bill to the House.

Mr. WADSWORTH. I move to strike out all after the enacting clause, and substitute the following, which I ask the Clerk to read.

The Clerk began the reading of the proposed substitute, which is as follows:

Bill offered as a substitute for H. R. 9206 by the minority of the Committee on Agriculture of the House of Representatives.

A bill to amend sections 3 and 6 of an act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886.

Be it enacted, etc., That sections 3 and 6 of an act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, be amended so as to read as follows:

"SEC. 3. That special tax on the manufacture and sale of oleomargarine shall be imposed as follows:

"Manufacturers of oleomargarine shall pay $600 per annum. Every person who manufactures oleomargarine for sale shall be deemed a manufacturer thereof.

"Wholesale dealers in oleomargarine shall pay $480 per annum. Every person who sells or offers for sale oleomargarine in quantities greater than 10 pounds at a time shall be deemed a wholesale dealer therein; but a manufacturer of oleomargarine who has given the required bond and paid the

required special tax, and who sells oleomargarine of his own production only at the place of its manufacture in the original packages, to which the tax-paid stamps are affixed, shall not be required to pay the special tax of a wholesale dealer on account of such sales.

"Retail dealers in oleomargarine shall pay $48 per annum. Every person who sells or offers for sale oleomargarine in quantities not greater than 10 pounds at a time shall be regarded as a retail dealer therein. And sections 3232, 3233, 3234, 3235, 3236, 3237, 3238, 3239, 3240, 3241, and 3243 of the Revised Statutes of the United States are, so far as applicable, made to extend to and include and apply to the special taxes imposed by this section, and to the persons upon whom they are imposed: *Provided*, That in case any manufacturer of oleomargarine commenecs business subsequent to the 30th day of June in any year, the special tax shall be reckoned from the 1st day of July in that year, and shall be $500."

"SEC. 6. That all oleomargarine shall be put up by the manufacturer for sale in packages of 1 and 2 pounds, respectively, and in no other or larger or smaller package; and upon every print, brick, roll, or lump of oleomargarine, before being so put up for sale or removal from the factory, there shall be impressed by the manufacturer the word 'oleomargarine' in sunken letters, the size of which shall be prescribed by regulations made by the Commissioner of Internal Revenue and approved by the Secretary of the Treasury; that every such print, brick, roll, or lump of oleomargarine shall first be wrapped with paper wrapper with the word 'oleomargarine' printed on the outside thereof in distinct letters, and said wrapper shall also bear the name of the manufacturer, and shall then be put up singly by the manufacturer thereof in such wooden or paper packages or in such wrappers, and marked, stamped, and branded with the word 'oleomargarine' printed thereon in distinct letters, and in such manner as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe, and the internal-revenue stamp shall be affixed so as to surround the outer wrapper of each 1 and 2 pound package: *Provided*, That any number of such original stamped packages may be put up by the manufacturer in crates or boxes, on the outside of which shall be marked the word 'oleomargarine,' with such other marks and brands as the Commissioner of Internal Revenue shall, by regulations approved by the Secretary of the Treasury, prescribe.

"Retail dealers in oleomargarine shall sell only the original package to which the tax-paid stamp is affixed, and shall sell only from the original crates or boxes in which they receive the pound or 2-pound prints, bricks, rolls, or lumps; which said crates or boxes shall be, at all times, so placed as to expose to the customer the mark or brand affixed thereon by the requirements of this act.

"Every person who knowingly sells or offers for sale, or delivers or offers to deliver, any oleomargarine otherwise than as provided by this act, or contrary to the regulations of the Commissioner of Internal Revenue made in pursuance hereof, or who packs in any package any oleomargarine in any manner contrary to law, or who shall sell or offer for sale, as butter, any oleomargarine, colored or uncolored, or who falsely brands any package or affixes a stamp on any package denoting a less amount of tax than that required by law, shall be fined for the first offense not less than $100 nor more than $500 and be imprisoned not less than thirty days nor more than six months, and for the second and every subsequent offense shall be fined not less than $200 nor more than $1,000 and be imprisoned not less than sixty days nor more than two years."

Mr. WADSWORTH (during the reading). I ask unanimous consent to dispense with the further reading of the substitute. It is printed in the views of the minority, and I can explain it in a minute or two.

The CHAIRMAN. If there is no objection, the further reading will be dispensed with.

There was no objection.

Mr. WADSWORTH. This bill, offered by the minority of the Committee on Agriculture, is printed in the last page of the report.

Mr. Chairman, by this bill, in the first place, we preserve all the license fees demanded by the law of 1886—$600 a year for the manufacturer, $480 a year for the wholesaler, and $48 a year for the retail dealer—and we preserve the 2 cents a pound tax. That part of the bill of 1886 is not altered in one iota.

Now, instead of allowing the manufacturer of oleomargarine to sell it in tubs of 10, 20, 30, 40, or 50 pounds—and if I recollect right there is no limit to the size of the tub in the majority bill—we forbid him to manufacture and sell it, except in two ways: In pound or 2-pound tablets, upon which he must indent the word "Oleomargarine" in letters the size and depth of which shall be prescribed by the Commissioner of Internal Revenue.

Then he shall wrap it in a wrapper of tissue paper, upon which is printed the name of the manufacturer, the district, and again the word "Oleomargarine." As a second wrapper he must wrap it in cheese cloth or in wooden cloth, with the word "Oleomargarine" printed on it in this way [illustrating], and around the whole the revenue stamp, represented by that blue band. Then the retail dealer and the wholesale dealer are forbidden under severe penalties to sell it to the consumer in any form except as above provided for.

The minute he attempts, as has been suggested on this floor, to take 10 or 20 of these 1-pound packages, take off the wrappers, and throw them into a tub and mix them up, for every time that he breaks a package he violates the law by breaking that revenue stamp. If he takes 20 pounds and mixes them up, he commits 20 violations of the law, subjecting him to 20 penalties.

Now, the majority bill compels the sale of oleomargarine in tubs, containing any number of pounds——

Mr. DAHLE. We do not force it.

Mr. TAWNEY. In not less than 10-pound tubs.

Mr. WADSWORTH. Not less than 10 pounds. I thank the gentleman for correcting me.

Mr. Chairman, the law goes further. It demands and enforces that the manufacturer of oleomargarine shall ship it in boxes or crates marked with the name of the manufacturer and the word "oleomargarine" on each side, and then it goes further and makes a provision which I frankly confess I do not know whether we can enforce or not. It says that the retail dealer or the wholesale dealer must keep that box in evidence, and must sell the oleomargarine from that box.

Mr. GROSVENOR. That is not any different from the law in regard to kegs of beer, etc.

Mr. WADSWORTH. My point is simply this, that in the summer time this box probably would have to be kept in a refrigerator, and perhaps for that reason the dealer might not be able to strictly comply with the law.

Mr. Chairman, under the majority bill the product can be sold in 10, 20, 30, 40, and 50-pound tubs. I think this is a 10-pound tub. It goes into the hands of the wholesale or retail dealer, and the consumer goes in and asks for a pound of butter. The dealer goes down into the cellar and scoops up a pound of oleomargarine and sells it to the consumer as butter. Now, as fraud is sought to be stopped by both bills, I submit to the House would not the minority bill most nearly and effectually accomplish that purpose?

The CHAIRMAN. The time of the gentleman has expired.

Mr. WILLIAMS of Mississippi. I ask that the gentleman may have five minutes more time.

Mr. WADSWORTH. I think the ocular demonstration I have made more effective than all the talk that could be made upon the subject.

The CHAIRMAN. Unanimous consent is asked that the time of the gentleman be extended for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. WADSWORTH. I want to ask the House in all fairness under which law is the fraud most difficult to perpetrate? The retail or wholesale dealer can sell 50 pounds to one consumer and he perpetrates but one violation of the law and is subject but to one fine. The man who sells but 1 pound or 2 pounds is subject to the same penalty. [Applause.] If the severity of the penalty imposed is going to prevent a fraud, then the minority bill will be the most effective, for it imposes, by long odds, the severest penalties. This is a matter which you can see with your own eyes.

Mr. WILLIAMS of Mississippi. One thing I would like the gentleman to make plain to the House, and that is the very fact that if in the sale of one of these packages the revenue stamp is broken he is made amenable to the punishment under the substitute bill, regardless of how it happened.

Mr. WADSWORTH. I said a short time ago that the moment he breaks that stamp he violates the law and is subject to the penalty, and if he violates the law in breaking the stamp in two separate pound packages he violates the law twice, while if he breaks the stamp on this 50-pound package he violates it but once. I have explained the practical working of the bill by this ocular demonstration, and do not care to say anything more.

Mr. PEARRE. Then I would like to be recognized in my own right.

The CHAIRMAN. The gentleman from Maryland is recognized.

[Mr. PEARRE addressed the committee. See Appendix.]

The CHAIRMAN. The debate is exhausted on the amendment.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Mississippi moves to strike out the last word.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I heard with absolute astonishment the beginning of the remarks of the gentleman from Maryland [Mr. PEARRE]. He said he did not believe that this substitute bill was introduced here for the purpose of decreasing frauds in the oleomargarine business, and that they would not be decreased under it any more than they are under the present law. It may be possible that the substitute bill will not put an end to all frauds. It is hard for law to do that, but it is still harder for me to believe in the mental integrity of a man who would say that we have not introduced this bill bona fide for the purpose of shutting off frauds in the oleomargarine business.

That is not all. The gentleman wants to know who will shut them off. A little while ago the Republican party had a Secretary of the Treasury who was supposed to be an honest man. The gentleman from New York [Mr. WADSWORTH] is supposed to be an honest man. The gentleman from Pennsylvania [Mr. CONNELL] is supposed to be an honest man. The gentleman from Kentucky [Mr. ALLEN] is presumed to be one, but the gentleman from Maryland seems to imagine that these colleagues of his in the House will introduce a bill to cut off frauds in the oleomargarine business without the purpose of so doing, and I would like to read him how it would be cut off from the mouth of Secretary Gage himself when examined before the Senate committee. I read:

Mr. SPRINGER. The difficulties which have been called to the attention of the committee in regard to the selling of oleomargarine or butterine seem to

relate to the fact that the retail dealer may break the original package and deal it out in smaller quantities to suit the desires of the purchaser, and in so doing he can sell oleomargarine or butterine to a consumer who presumes that he is buying butter.

Now, I desire to ask you whether it would be possible to make such rules and regulations (if the law so authorizes) requiring the selling of oleomargarine to the consumer by the agents of the manufacturer or the retail dealer in the original package, without breaking even the stamp itself around the original package, that the selling of oleomargarine for butter would be prevented, and it would have to be sold for what it really is?

Secretary GAGE. I think so. I have read the amendment or substitute bill recommended by the minority report of the House committee.

The ACTING CHAIRMAN. That is what is known as the Wadsworth bill?

Secretary GAGE. It provides a method of putting up oleomargarine in packages of 1 pound or not more than 2 pounds, I believe. Am I right?

Mr. SPRINGER. Yes, sir; that is right.

Secretary GAGE. They are, as I understand, required to be separate and distinct from each other, with a revenue stamp wound around them and sealed as effectively as a box of cigars is with its stamp. I can not imagine any reason why that would not be a very effective means of preventing the dealer from opening these packages and selling the product as butter. The abuse in that respect would be reduced to an infinitesimal amount. Of course a dealer could cut a package in two, obliterate the stamp, and sell half a pound at a time as butter.

Senator MONEY. That is possible with cigars and everything else, is it not?

Secretary GAGE. It is possible in every department, but the temptation would be so small, and the penalties so great, that my opinion is that such deception would scarcely be practiced at all.

Mr. SPRINGER. That is to say, if the dealer is required to sell it to the consumer in the original packages and is not allowed to break them?

Secretary GAGE. That is what I mean.

Mr. SPRINGER. It would almost do away with the possibility of fraud on the consumer?

Secretary GAGE. Yes, sir.

Mr. TAWNEY. Mr. Chairman, I said during the debate on the amendment offered by the gentleman from Illinois to the first section of this bill that it was an attempt to do indirectly what the substitute known as the Wadsworth substitute proposed to do directly, and that was to break down the laws of thirty-two States of the Union that have prohibited the manufacture and sale of oleomargarine colored in imitation of butter.

I know the gentleman said it does not do anything of the sort. One supporter of the substitute said to me on this floor yesterday that all they wanted was to pass the substitute in order that they could sell oleomargarine in the States where it is now prohibited. I will tell the Committee of the Whole how they propose to accomplish it. This morning I cited you a decision of the supreme court of the State of Maryland rendered only last month, in which it was held that under the laws of that State the sale of oleomargarine in original packages manufactured and shipped into the State could not be prevented by an act of the legislature.

Now, observe the specific language of this substitute with reference to how these packages are to be packed. The goods are to be put up in original packages—1 or 2 pound packages; and the package is not to be changed from the time it leaves the factory to the time it reaches the consumer; and then the amendment very artfully says—

Provided, That any number of such original stamped packages may be put by the manufacturer in crates or boxes.

Now, if you want to break down the law of your respective States, so that oleomargarine may be admitted therein and sold, notwithstanding your State laws, then vote for this substitute and you will accomplish that result. The package as it leaves the factory, under this substitute, would be an original package, and under the decision of the Supreme Court of the United States and the decisions of the supreme courts of the States that original package could not be touched by the laws of any State until it reached the consumer.

I say that, whether this is the purpose of the chairman of the committee or not, I am confident that nine-tenths of the members of this House who are supporting this substitute do it advisedly, knowing that the laws of the States which have prohibited the manufacture and sale of oleomargarine colored to resemble butter will be entirely destroyed, so far as the sale of this product in their States as an article of interstate commerce is concerned; and it is for that reason that this legislation is sought.

But, Mr. Chairman, let us inquire more particularly into the provisions of this proposed substitute offered by the gentleman from New York [Mr. WADSWORTH]. It is important that every member of this House should clearly understand its provisions, because it is upon this substitute and its apparent fairness and its apparent attempt to prevent fraud that the oleomargarine manufacturers and their friends rely to defeat the passage of the anti-oleomargarine bill under consideration.

Wherein is this so-called Wadsworth substitute any improvement over the oleomargarine law of 1886, which law has proven so ineffectual in the matter of protecting the public against fraud in the sale of oleomargarine? The provisions which the gentleman from New York [Mr. WADSWORTH] so eloquently lauded as being perfect and most effectual in stamping out fraud in the sale of this product are contained in section 2, which reads as follows:

SEC. 2. That all oleomargarine shall be put up by the manufacturer for sale in packages of 1 and 2 pounds, respectively, and in no other or larger or smaller package; and upon every print, brick, roll, or lump of oleomargarine, before being so put up for sale or removal from the factory, there shall be impressed by the manufacturer the word "oleomargarine" in sunken letters, the size of which shall be prescribed by regulations made by the Commissioner of Internal Revenue and approved by the Secretary of the Treasury; that every such print, brick, roll, or lump of oleomargarine shall first be wrapped with paper wrapper with the word "oleomargarine" printed thereon in distinct letters, and said wrapper shall also bear the name of the manufacturer, and shall then be put by the manufacturer thereof in such wooden or paper packages or in such wrappers and marked, stamped, and branded with the word 'Oleomargarine' printed thereon in distinct letters, and in such manner as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe, and the internal-revenue stamp shall be affixed so as to surround the outer wrapper of each 1 and 2 pound package: *Provided*, That any number of such original stamped packages may be put up by the manufacturer in crates or boxes, on the outside of which shall be marked the word 'Oleomargarine,' with such other marks and brands as the Commissioner of Internal Revenue shall by regulations approved by the Secretary of the Treasury prescribe.

"Retail dealers in oleomargarine shall sell only the original package to which the tax-paid stamp is affixed.

"Every person who knowingly sells or offers for sale, or delivers or offers to deliver, any oleomargarine otherwise than as provided by this act or contrary to the regulations of the Commissioner of Internal Revenue made in pursuance hereof, or who packs in any package any oleomargarine in any manner contrary to law, or who shall sell or offer for sale, as butter, any oleomargarine, colored or uncolored, or who falsely brands any package, or affixes a stamp on any package denoting a less amount of tax than that required by law, shall be fined for the first offense not less than one hundred nor more than five hundred dollars and be imprisoned not less than thirty days nor more than six months; and for the second and every subsequent offense shall be fined not less than two hundred nor more than one thousand dollars and be imprisoned not less than sixty days nor more than two years."

What are the provisions of the present law with respect to the sale of oleomargarine and the marking of packages, and also in respect to the penalties imposed for violations of the law and violations of the regulations prescribed by the Commissioner of Internal Revenue? Section 6 of the present law, relating to this branch of the subject, reads as follows:

SEC. 6. That all oleomargarine shall be packed by the manufacturer thereof in firkins, tubs, or other wooden packages not before used for that purpose, each containing not less than 10 pounds, and marked, stamped, and branded as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe; and all sales made by manufacturers of oleomargarine and wholesale dealers in oleomargarine shall be in original stamped packages. Retail dealers in oleomargarine must sell only from original stamped packages, in quantities not exceeding 10 pounds, and shall pack the oleomargarine sold by them in suitable wooden or paper packages, which shall be marked and branded as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe.

Every person who knowingly sells or offers for sale, or delivers or offers to deliver, any oleomargarine in any other form than in new wooden or paper packages as above described, or who packs in any package any oleomargarine in any manner contrary to law, or who falsely brands any package or affixes a stamp on any package denoting a less amount of tax than that required by law, shall be fined for each offense not more than $1,000, and be imprisoned not more than two years.

You will note that the present law provides for an extreme penalty of $1,000 fine and two years' imprisonment for each offense. The Wadsworth substitute, under guise of stricter provisions against fraud, limits this penalty to $500 fine and six months' imprisonment for the first offense.

Now, what does the present law provide in the shape of safeguards against fraud upon the consumer? That—

Retail dealers in oleomargarine must sell only from original stamped packages, in quantities not exceeding 10 pounds, and shall pack the oleomargarine sold by them in suitable wooden or paper packages, which shall be marked and branded as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe.

And what provisions for marking and branding has the Commissioner of Internal Revenue prescribed? First, that all retail packages of oleomargarine must be legibly stamped in plain Roman letters, not less than one-quarter inch in height; that the stamp must be in ink in marked contrast in color with the paper, and that these marks must be in plain sight to the purchaser when he is handed the package. The rulings of the Department, which under this act have the force of law, explicitly provide that concealed or illegible marks are not in compliance with the law, and that when so concealed or made illegible will be considered as not marked.

Yet, despite the fact that the penalties in the existing law are four times as severe *for failing to stamp* oleomargarine properly as the proposed Wadsworth substitute provides for the *removal of the marks*, it is known that these provisions are daily violated with impunity. In the big city of Chicago, where more than 2,000 retail dealers in oleomargarine do business, not one of them advertises oleomargarine for sale. Recently two members of the Committee on Agriculture went into 10 places, one after the other, and at every place were given oleomargarine either unstamped entirely or illegibly stamped, in response to requests for the best grade of creamery butter. This condition has been known to the internal-revenue officers at Chicago through the evidence introduced here the past two years, if in no other way, and we have no evidence that there has been any effort to remedy it.

And why? The collector of internal revenue at Chicago, as well as at every other point, knows that these dealers have paid their license and have the right, so far as the Government is concerned, to sell oleomargarine. They know that the oleomargarine these dealers are selling comes from manufacturers who have paid the

2 cents per pound tax thereon. They know that the failure of these dealers to stamp the retail packages properly involves no loss of revenue to the Government; revenue officials are guarding the Government's revenues, not acting as policemen to enforce police regulations. They are zealous and faithful when the protection of revenue is involved, but they do not get up much enthusiasm in prosecuting a dealer who pays his license, and the more he cheats the public into purchasing this revenue-paying article the more revenue he produces at the rate of 2 cents per pound.

Now, wherein does the Wadsworth substitute provide greater precautions than are at present provided?

If the dealer to-day *fails* to stamp a retail package "oleomargarine," he is liable to a fine of $1,000 and two years' imprisonment. Under the Wadsworth substitute, if he accomplishes the same thing through the *removal* of the stamp and marks of identification, he is liable *only for a fine of from $100 to $500, and not less than thirty days and not more than six months' imprisonment* for the first offense.

One is a crime of omission, with two years' imprisonment provided, the other a crime of commission, with but six months' imprisonment. Which is the better law?

Now, let us look a little into the safeguards thrown around this traffic by the majority bill. It provides a tax of 10 cents a pound when oleomargarine is made in imitation or color of butter, which it is illegal to sell in 32 States. This 10-cent tax is intended to bring the price of this illegal article up to a cost that will take from it the incentive to defraud, which is always present with the facilities afforded for its sale as butter. It reduces to one-fourth of a cent per pound the tax on the uncolored article, which can be sold legally in any State. Note the contrast.

The Wadsworth measure, in making 1 and 2 pound packages "original" packages, is a deep-laid plan to more completely tie the hands of the States and render their laws ineffective by intrenching an outlawed article behind the interstate-commerce law. It is drawn in the interest of the makers of oleomargarine to give this counterfeit a standing before the courts that it has never had before, that of giving the retailer a right he has never had before, the selling of an original package.

Suppose the Wadsworth substitute were adopted. Where are the colored goods to be sold? You can not legally sell them in Maine; that State has prohibited their sale since 1895. You can not lawfully sell them in New Hampshire; they can not be sold in Vermont; since 1891 Massachusetts has forbidden their sale, and while this law was vigorously fought up to the United States Supreme Court, in the case of Plumley *v.* People (U. S., 155) the law was upheld by this highest court in 1895, in which Mr. Justice Harlan, rendering the court's opinion, said:

It will be observed that the statute of Massachusetts, which is alleged to be repugnant to the commerce clause of the Constitution, does not prohibit the manufacture or sale of all oleomargarine, but only such as is colored in imitation of yellow butter, produced from pure, unadulterated milk, or cream of such milk. If free from coloration or ingredient "that causes it to look like butter," the right to sell it "in a separate and distinct form, and in such manner as will advise the consumer of its real character," is neither restricted or prohibited.

It appears in this case that oleomargarine in its natural condition is of "a light yellowish color," and that the article sold by the accused was artificially colored "in imitation of yellow butter." Now, the real object of coloring oleomargarine so as to make it look like genuine butter is that it may appear to be what it is not, and thus induce unwary purchasers who do not closely scrutinize the label upon the package in which it is contained to buy it as and for butter, produced from unadulterated milk, or cream from such milk.

The suggestion that oleomargarine is artificially colored so as to render it more palatable and attractive can only mean that customers are deluded by such coloration into believing that they are getting genuine butter. If anyone thinks that oleomargarine not artificially colored so as to cause it to look like butter is as palatable or as wholesome for purposes of food as pure butter, he is, as already observed, at liberty under the statute of Massachusetts to manufacture it in that State or to sell it there in such manner as to inform the customer of its real character. He is only forbidden to practice in such matters a fraud upon the general public.

The statute seeks to suppress false pretenses and to promote fair dealing in the sale of an article of food. It compels the sale of oleomargarine for what it really is by preventing its sale for what it is not. Can it be that the Constitution of the United States secures to anyone the privilege of manufacturing and selling an article of food in such manner as to induce the mass of people to believe that they are buying something which, in fact, is wholly different from that which is offered for sale? Does the freedom of commerce among the States demand a recognition of the right to practice a deception upon the public in the sale of any articles, even those that may have become the subject of trade in different parts of the country? * * *

You can not lawfully sell this counterfeit article in Connecticut, this State having forbidden it in 1895. New York outlawed this colored article as far back as 1887, and revised the law in 1893. The oleomargarine people thought this law to be unconstitutional, but in the case of People *v.* Arenburg (105 N. Y., 123, 129, and 130) the court said:

"Assuming, as is claimed, that butter made from animal fat or oil is as wholesome, nutritious, and suitable for food as dairy butter; that it is composed of the same elements and is substantially the same article, except as regards its origin, and that it is cheaper, and that it would be a violation of the constitutional rights and liberties of the people to prohibit them from manufacturing or dealing in it, for the mere purpose of protecting the producers of dairy butter against competition, yet it can not be claimed that the producers of butter made from animal fats or oils have any constitutional right to resort to devices for the purpose of making their product resemble in appearance the more expensive article known as dairy butter, or that it is beyond the power of the legislature to enact such laws as they may deem necessary to prevent the simulated article being put upon the market in such a form and manner as to be calculated to deceive.

"If it possesses," continued the court, "the merits that are claimed for it, and is innocuous, those making and dealing in it would be protected to the enjoyment of liberty in those respects, but they may legally be required to sell it for and as what it actually is and upon its own merits, and are not entitled to the benefits of any additional market value which may be imparted to it by resorting to artificial means to make it resemble dairy butter in appearance. It may be butter, but it is not butter made from cream, and the difference in cost or market value, if no other, would make it a fraud to pass off one article for the other."

Again: "The statutory prohibition is aimed at a designed and intentional imitation of dairy butter, in manufacturing the new product, and not at a resemblance in qualities inherent in the articles themselves and common to both." The court, therefore, held that artificial coloring of oleomargarine for the mere purpose of making it resemble dairy butter came within the statutory prohibition against imitation and "that such prohibition is within the power of the legislature, and rests upon the same principle which would sustain a prohibition of coloring winter dairy butter for the purpose of enhancing its market price by making it resemble summer dairy butter should the legislature deem such a prohibition necessary or expedient."

The goods can not be legally sold in Pennsylvania, the supreme court of that State having within the past eighteen months upheld a law forbidding traffic in colored oleomargarine. It can not be lawfully sold in Maryland. This law has a number of times been upheld by the higher courts of Maryland, and—

In McAllister *v.* State (72 Md., 390) the court of appeals of Maryland sustained the validity of a statute of that State declaring it unlawful to offer for sale as an article of food in imitation and semblance of natural butter. The object of the statute being to protect purchasers against fraud and deception, the power of the legislature, the court said, following the previous decision in Pierce *v.* State (63 Md., 596), was too plain to be questioned.

The sale of this article, which the Wadsworth substitute seeks to foster, is forbidden in New Jersey:

In Waterbury *v.* Newton (21 Vroom, 534), the New Jersey supreme court sustained the validity of an act that forbade the sale of oleomargarine colored with annato. In response to the suggestion that oleomargarine colored with annato was a wholesome article of food, the sale of which could not be prohibited, the court said:

"If the sole basis for this statute were the protection of the public health this objection would be pertinent and might require us to consider the delicate questions, whether and how far the judiciary can pass upon the adaptability of the means which the legislature has proposed for the accomplishment of its legitimate ends. But, as already intimated, this provision is not aimed at the protection of the public health. Its object is to secure to dairymen and to the public at large a fuller and fairer enjoyment of their property by excluding from the market a commodity prepared with a view to deceive those purchasing it. It is not pretended that annato has any other function in the manufacture of oleomargarine than to make it a counterfeit of butter, which is more generally esteemed and commands a higher price.

"That the legislature may repress such counterfeits does not admit, I think, of substantial question. Laws of like character have of late years been frequently assailed before the courts, but always without success." It was further held by the court that the statute of New Jersey was not repugnant to the clause of the Constitution empowering Congress to regulate commerce among the States, but that the package there in question, and which had been brought from Indiana, became upon its delivery in Jersey City subject to the laws of New Jersey relating generally to articles of that nature. (50 N. J. L., 535, 537.)

And I should have said that in pronouncing the New Hampshire law constitutional the supreme court of that State said:

So in State *v.* Marshall (64 N. H., 549, 551, 552), arising under a statute of New Hampshire relating to the sale of imitation butter, the court said:

"Butter is a necessary article of food of almost universal consumption, and if an article compounded from cheaper ingredients, which many people would not purchase or use if they knew what it was, can be made so closely to resemble butter that ordinary persons can not distinguish it from genuine butter, the liability to deception is such that protection of the public requires those dealing in the article in some way to designate its real character. * * *

"The prohibition of the statute being directed against imposition in selling or exposing for sale artificial compounds resembling butter in appearance and flavor, and liable to be mistaken for genuine butter, it is no defense that the article sold or exposed for sale is free from impurity and unwholesome ingredients, and healthful and nutritious as an article of food."

The State laws of Delaware forbid the sale of this colored compound. Virginia has legislated against it. Ohio has since 1894 excluded it so far as a State enactment could, and a year ago so flagrant became the violations of its laws and so defiant these manufacturers of counterfeit butter that the supreme court of the State annulled the charter of the Capital City Dairy Company upon quo warranto proceedings instigated by the attorney-general upon grounds of flagrant and repeated violations of the law. This company appealed to the Supreme Court of the United States, and on the 6th of last month Mr. Justice White handed down an opinion, in which is the following:

The supreme court of Ohio, however, having before it the evidence introduced upon the issues of fact made in the pleadings, held that oleomargarine was an article which might easily be manufactured so as to be hurtful, and thus result in fraud and injury to the public, and that the inhibition of the use of coloring matter in oleomargarine was a reasonable police regulation tending to insure the public against fraud and injury. The purpose of the legislation in *permitting* the use of harmless coloring matter in *butter* and requiring that *oleomargarine* be sold in its *natural* state was declared not to be for the purpose of discriminating in favor of butter, but to provide a ready means by which the public might know that an article offered for sale was butter and *not* oleomargarine.

It can not in reason be said, as a mere matter of judicial inference, that

such regulations for such purpose were a mere arbitrary interference with the rights of property, denying the equal protection of the laws or that they amounted to a taking of property without due process of law. *It follows that the legislature of Ohio had the lawful power to enact the regulations.*

Kentucky does not permit the legal sale of this colored article. Michigan forbade it in an act passed three years ago, which through a technicality in passage was invalidated in the courts, but the law was promptly reenacted last winter.

Illinois, the home of oleomargarine, has forbidden this traffic, and while the law is rendered inoperative as the result of a decision of a lower court wherein three judges sat en banc and one upheld while two condemned the law, it has not gone to the supreme court. These colored goods can not legally be sold in Wisconsin, Minnesota, Iowa, Nebraska, North Dakota, South Dakota, Utah, Colorado, Oregon, Washington, California, and your boasted live-stock State of Montana established a precedent by passing a law in 1895 which reads:

Dealers must pay a license of 10 cents a pound on each pound sold.

Nor has this legislation been confined to the North, thus making it, as has been attempted to prove, a sectional issue. What do the laws of the State of our friend from Alabama provide?

It was approved in 1895 and provides that—

No article which is in imitation of pure yellow butter, and not made wholly from pure milk and cream, shall be manufactured, sold, or used in any public eating place, hospital, or penal institution.

And what is the law of the State from which comes our distinguished friend, the leader of the minority? The State of Tennessee provides that—

Any article which is in imitation of yellow butter and not made exclusively from pure milk or cream is prohibited.

This law was enacted seven years ago, and has not been repealed. In 1896 South Carolina passed a law forbidding the sale of oleomargarine colored in semblance of butter. Missouri has had such a law upon its statute books since 1895, and

In State *v.* Addington (77 Mo., 110, 118) the court, referring to a statute prohibiting the manufacture and sale of oleaginous substances or compounds of the same in imitation of dairy products, said:

"The central idea of the statute before us seems very manifest; it was, in our opinion, the prevention of facilities for selling or manufacturing a spurious article of butter resembling the genuine article so closely in its external appearance as to render it easy to deceive purchasers into buying that which they would not buy but for the deception.

"The history of legislation upon this subject, as well as the phraseology of the act itself, very strongly tend to confirm this view. If this was the purpose of the enactment now under discussion, we discover nothing in its provisions which enables us, in the light of the authorities, to say that the legislature, when passing the act, exceeded the power confided to that department of the government; and unless we can say this we can not hold the act as to be anything less than valid."

Just analyze this proposition. The people come to us for legislation to aid in upholding the laws of their States. The minority frames a bill, reported originally from a subcommittee, of which the admitted champion of the oleomargarine traffic was the chairman, proposing the giving of a stone where bread is asked, to further weaken State laws and give oleomargarine a fresh grip through lessening penalties, making smaller packages original packages, which retailers at $48 per year license can sell, instead of their sale being confined to wholesalers in lots of 10 pounds at a license of $480 per year. A law differing not at all from the already ineffectual statute on the books, except that it makes a crime of commission instead of omission; a law where there is no more incentive for the revenue department to enforce its provisions than in the present act.

What about incentive to punish violations of the 10-cent tax bill? The Internal-Revenue Department does not permit revenue to escape. What is the fate of the illicit manufacturer? One A. T. Dow, of Chicago, conducted an illicit establishment in an out-of-the-way place and, as is almost universally the case, the revenue officers in time detected it. What did the Government do to Dow? He was fined $10,000, to make up the revenue he had dodged, and sent to jail for six months.

An ignorant German woman in Story County, Iowa, mixed a few pounds of tallow in a 40-pound firkin of butter, becoming under the law a manufacturer of oleomargarine, the same as a retailer or restaurant or hotel keeper would under the provisions of House bill 9206, should he mix coloring matter with uncolored oleomargarine and dispose of it. What did the Internal-Revenue Department do to this farmer's wife? Went hundreds of miles, sought out the offender, and assessed her husband $600 manufacturers' license, as provided by the act of 1886, and in addition $300 penalty for engaging in the manufacture of oleomargarine without first taking out a license.

And in going to the train to look up this adulterator of 40 pounds of butter, which was the full amount shipped per week, these revenue officials passed at least thirty places in the city of Chicago where the regulations of the department were being violated hundreds of times every day, and the public defrauded, but no revenue lost to the Government because the goods had already paid the tax.

If we stop for a moment and consider the fact that the Internal Revenue Department of the Government is one of those arms of the public service charged with the function of collecting the revenue of the Government, and that it does not possess the necessary facilities for policing the manufacture and sale of any product beyond the enforcement of the revenue provisions of Federal laws, we will readily see why the present oleomargarine law has failed to accomplish some of its most important purposes. As the late Commissioner of Internal Revenue often said to me, "My department of the Government is a revenue-collecting department, not a police department. So that when the revenue is collected this department does not and can not see to the enforcement of those provisions of this law and the regulations intended to protect the public from fraud and deceit."

Does the Wadsworth substitute propose anything in the interest of the poor man, about whom its advocates pretend to be so concerned? Does it make it possible for the poor man to get the nourishing ingredients any cheaper than now? No. It provides no reduction in tax on the uncolored article; and why? Because the manufacturers of oleomargarine, who are the real advocates of this bill, do not want to encourage the sale of the uncolored article. While they pretend to encourage it, they really fear its advent into the field, knowing that their big profits are gone when the business is put on its own bottom and it is possible no more to palm off oleomargarine as butter. [Applause.]

Mr. HENRY of Connecticut. Mr. Chairman, I move that debate on the pending amendment be closed.

The motion was agreed to.

The question having been taken on the proposed substitute of Mr. WADSWORTH,

The CHAIRMAN. The noes appear to have it.

Mr. WADSWORTH. To save time, let us have tellers at once.

Tellers were ordered; and Mr. WADSWORTH and Mr. HENRY of Connecticut were appointed.

The committee again divided; and the tellers reported—ayes 116, noes 146.

So the amendment was rejected.

Mr. HENRY of Connecticut. I move that the committee now rise and report the bill as amended.

The CHAIRMAN. The gentleman from Connecticut sent up a few moments ago a proposed amendment to the title. If there be no objection, that amendment will now be read.

The Clerk read as follows:

Amend the title so as to read: "A bill to make oleomargarine and other imitation dairy products subject to the laws of any State or Territory or the District of Columbia into which they are transported, and to change the tax on oleomargarine, and to amend an act entitled 'An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine,' approved August 2, 1886."

The amendment was agreed to.

Mr. HENRY of Connecticut. I now renew my motion that the committee rise and report the bill with the amendments.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. LACEY reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 9206) to make oleomargarine and other imitation dairy products subject to the laws of the State or Territory into which they are transported and to change the tax on oleomargarine, and had directed him to report the same back with sundry amendments, and to recommend that the amendments be agreed to and the bill as amended passed.

The SPEAKER. Is a separate vote demanded upon any amendment?

Mr. TAWNEY. I demand a separate vote on the second amendment—the one in reference to renovated butter.

The SPEAKER. If no other separate vote is demanded, the Chair will submit the remaining amendments in gross.

The question being taken, the amendments reported from the Committee of the Whole, with the exception of amendment numbered 2, were agreed to.

Mr. TAWNEY. Mr. Speaker, the amendment on which I ask a separate vote is the amendment in relation to renovated butter.

The SPEAKER. The Clerk will report the second amendment.

The Clerk read as follows:

Strike out all the proviso in section 1, in line 7, page 2, after the word "otherwise," and substitute the following:

"*Provided*, That nothing in this act shall be construed to forbid any State to permit the manufacture or sale of oleomargarine in a manner consistent with the laws of said State, provided that it is manufactured and sold entirely within the State."

Mr. HENRY of Connecticut. Mr. Speaker, I move to reconsider the vote just taken. There was a misunderstanding.

Mr. RICHARDSON of Tennessee. Regular order!

The SPEAKER. The gentleman from Connecticut moves to reconsider the vote last taken by the House.

Mr. UNDERWOOD. I make the point of order that you are now considering the question of voting on amendment numbered

2, and that it has passed the point where we can reconsider whilst this motion is pending.

The SPEAKER. The motion to reconsider is always in order. The Chair overrules the point of order. The question is on the motion to reconsider.

Mr. UNDERWOOD. I move to lay that motion on the table.

The SPEAKER. The question is on the motion to reconsider the vote by which the amendments were adopted in gross.

Mr. WADSWORTH. I move to lay that motion on the table.

The SPEAKER. The gentleman from New York moves to lay that motion on the table. That is in order.

The question being taken, there were on a division (demanded by Mr. UNDERWOOD)—ayes 140, noes 143.

Mr. UNDERWOOD. The yeas and nays.

Mr. HENRY of Connecticut moved that the House do now adjourn, but subsequently withdrew the motion.

Mr. UNDERWOOD. I have demanded the yeas and nays.

The yeas and nays were refused, 43 members (not a sufficient number) rising in support of the demand therefor.

Accordingly, the motion to lay on the table a motion to reconsider was rejected.

Mr. HAUGEN. Now, Mr. Speaker, I demand a separate vote on the amendment offered by the gentleman from Connecticut.

The SPEAKER. That is not the question. The question before the House is on the motion of the gentleman from Connecticut [Mr. HENRY] to reconsider the vote which was taken on the amendments in gross.

The question being taken on the motion to reconsider, on a division there were—ayes 148, noes 93.

So the motion to reconsider was agreed to.

Mr. TAWNEY. Now, Mr.Speaker, I ask for a separate vote on the amendment relating to renovated butter, the number of which amendment I do not know. I ask the Clerk to specify it. It is a new section that was inserted in the bill on the motion of the gentleman from Kentucky [Mr. ALLEN].

The SPEAKER. The gentleman from Minnesota demands a separate vote on the section which the Clerk will report.

The Clerk read as follows:

SEC. 4. That the Secretary of Agriculture is hereby authorized and required to cause a rigid sanitary inspection to be made from time to time, and at such times as he may deem necessary, of all factories and storehouses where butter is renovated; and all butter renovated at such places shall be carefully inspected in the same manner and to the same extent and purpose that meat products are now inspected. The quantity and quality of butter renovated shall be reported monthly. All renovated butter shall be designated as such by marks, brands, and labels, and the words "Renovated butter" shall be printed on all packages thereof in such manner as may be prescribed by the Secretary of Agriculture, and shall be sold only as renovated butter. Any person violating the provisions of this section shall, on conviction thereof, be deemed guilty of a misdemeanor, and shall be fined not less than $50 nor more than $500, and imprisoned not less than one month nor more than six months.

The Secretary of Agriculture shall make all needful sanitary and other rules and regulations for carrying this section into effect. And no renovated butter shall be shipped or transported from one State to another, or to foreign countries, unless inspected as provided in this section.

Mr. WILLIAMS of Mississippi and Mr. WADSWORTH demanded the yeas and nays.

The SPEAKER. The gentleman from Mississippi demands the yeas and nays.

Mr. FLEMING. Mr. Speaker——

The SPEAKER. The Chair will first put the question. The question is on agreeing to the amendment just reported by the Clerk.

Mr. FLEMING. I desire to offer an amendment to that amendment. I understand the previous question has not been ordered. I desire to amend by adding at the end of that section the following words:

And the tax of 2 cents per pound shall be levied and collected upon each pound of renovated butter, under the terms and provisions of this bill.

The SPEAKER. The Clerk will report the amendment.

Mr. TAWNEY. I make the point of order that the amendment is not in order.

The SPEAKER. The Chair overrules the point of order. No previous question has been ordered or asked.

Mr. FLEMING. I have the floor, have I not, Mr. Speaker?

The SPEAKER. The gentleman has the floor. The Clerk will report the amendment first.

The Clerk read as follows:

Add to the section the following words:

"And the tax of 2 cents per pound shall be levied and collected on each pound of renovated butter, according to the provisions and terms of this act."

Mr. FLEMING. Now, Mr. Speaker, unless we put some kind of a revenue tax on this, I see no way in which to enforce the provisions of the section.

Mr. WILLIAMS of Mississippi. Why, we inspect meat every day without it. This is an exact copy of the law under which we inspect meat. I suggest to the gentleman that he withdraw his motion.

Mr. FLEMING. I withdraw my amendment, Mr. Speaker.

The SPEAKER. The gentleman from Georgia withdraws his amendment.

Mr. PAYNE. I move the previous question on the bill and amendments to the final passage.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. WILLIAMS of Mississippi. Division! Mr. Speaker, what was the question? Gentlemen around me did not understand. They thought they were voting upon the amendment of the gentleman from Georgia, which I understand the gentleman has withdrawn.

The SPEAKER. The gentleman from Georgia withdrew his amendment, and the question before the House is on agreeing to the amendment which has been read recently by the Clerk in full.

Mr. WILLIAMS of Mississippi. Very well.

Mr. RICHARDSON of Tennessee. I make the point of order, Mr. Speaker, that we had not voted on the amendments in gross, which is usually done before the vote is taken on an amendment on which a separate vote is demanded.

The SPEAKER. It may be done either way. The Chair is submitting the question on this amendment.

Mr. WILLIAMS of Mississippi. I call for a division on the last vote. We might as well have the yeas and nays.

The SPEAKER. The gentleman calls for the yeas and nays.

The question was taken; and the yeas and nays were ordered.

The SPEAKER. The question is upon agreeing to the amendment last reported by the Clerk.

Mr. WADSWORTH. Pending that motion, I move that the House do now adjourn.

The SPEAKER. The gentleman from New York moves that the House do now adjourn.

The question was taken; and the Speaker announced that the noes appeared to have it.

Several MEMBERS. Division!

The House divided; and there were—ayes 150, noes 106.

The SPEAKER. Pending the announcement, the Chair submits the following report of the Committee on Enrolled Bills:

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 946. An act to amend section 4400 of the Revised Statutes of the United States relating to a reciprocal recognition of boiler-inspection certificates between the several maritime nations having marine-inspection laws.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 3509. An act to transfer the county of Carroll from the northwestern division of the northern district of Georgia back to the northern district of Georgia of the United States district and circuit courts—to the Committee on the Judiciary.

S. 1447. An act to provide for the purchase of a site and the erection of a public building thereon at Spokane, in the State of Washington—to the Committee on Public Buildings and Grounds.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. CAPRON, for the balance of the week.

To Mr. ESCH, for three days from February 11, on account of important business.

The result of the vote was then announced; and accordingly (at 6 o'clock and 10 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of George W. Bowen, administrator of estate of John W. Hawkins, against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Robert H. Boteler against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a recommendation for the establishment of lights in Boston Harbor—to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. FLEMING, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 10780) to transfer the county of Carroll from the northwestern division of the northern district of Georgia back to the northern district of Georgia of the United States district and circuit courts, and for other purposes, reported the same with amendments, accompanied by a report (No. 480); which said bill and report were referred to the House Calendar.

Mr. SOUTHARD, from the Committee on Coinage, Weights, and Measures, to which was referred the bill of the House (H. R. 68) to establish a mint of the United States at Tacoma, in the State of Washington, reported the same with amendment, accompanied by a report (No. 482); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 10447) for the relief of the Winchester and Potomac Railroad Company, reported the same without amendment, accompanied by a report (No. 475); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 11127) for the relief of the Propeller Towboat Company, of Savannah, reported the same without amendment, accompanied by a report (No. 476); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 9632) for the allowance of claims of certain citizens of Virginia for damages to their property incident to the encampment at Manassas and march from Camp Alger to Thoroughfare Gap, Virginia, as recommended by a board of officers appointed for the consideration of claims for damages to property by volunteer soldiers during the war with Spain, reported the same without amendment, accompanied by a report (No. 477); which said bill and report were referred to the Private Calendar.

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 10936) for the relief of the legal representatives of Gardner & Lake, reported the same without amendment, accompanied by a report (No. 478); which said bill and report were referred to the Private Calendar.

Mr. THOMPSON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 8650) for the relief of the estate of Leander C. McLelland, deceased, reported the same with amendment, accompanied by a report (No. 479); which said bill and report were referred to the Private Calendar.

Mr. CLAUDE KITCHIN, from the Committee on Claims, to which was referred the bill of the House (H. R. 1360) for the relief of W. J. Tapp & Co., reported the same without amendment, accompanied by a report (No. 481); which said bill and report were referred to the Private Calendar.

Mr. ESCH, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 6847) to correct the record of Michael Hayes, reported the same without amendment, accompanied by a report (No. 484); which said bill and report were referred to the Private Calendar.

Mr. KEHOE, from the Committee on War Claims, to which was referred House bill 8262, reported in lieu thereof a resolution (H. Res. 129) referring to the Court of Claims the papers in the case of Thomas R. Hill, accompanied by a report (No. 488); which said resolution and report were referred to the Private Calendar.

Mr. CALDWELL, from the Committee on War Claims, to which was referred House bill 9479, reported in lieu thereof a resolution (H. Res. 130) referring to the Court of Claims the papers in the case of William B. Payne, accompanied by a report (No. 489); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 5717, reported in lieu thereof a resolution (H. Res. 131) referring to the Court of Claims the papers in the case of Sam M. Nally, accompanied by a report (No. 490); which said resolution and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk and laid on the table, as follows:

Mr. STEVENS of Minnesota, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 33) to correct the military record of Ira J. Paxton, reported the same adversely, accompanied by a report (No. 483); which said bill and report were laid on the table.

Mr. MONDELL, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 9232) for the relief of Sylvester D. Foss, reported the same adversely, accompanied by a report (No. 485); which said bill and report were laid on the table.

He also, from the same committee, to which was referred the bill of the House (H. R. 9077) for the relief of William P. Barry, reported the same adversely, accompanied by a report (No. 486); which said bill and report were laid on the table.

He also, from the same committee, to which was referred the bill of the House (H. R. 8632) for the relief of George E. Day, reported the same adversely, accompanied by a report (No. 487); which said bill and report were laid on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 7115) granting a pension to Norville J. Hannum; and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. MIERS of Indiana: A bill (H. R. 11177) to amend section 2 of the act of June 27, 1890, and to establish uniformity in evidence required—to the Committee on Invalid Pensions.

By Mr. MAYNARD: A bill (H. R. 11178) to fix the compensation of light-house keepers and to provide for their retirement on half pay—to the Committee on Interstate and Foreign Commerce.

By Mr. COOPER of Texas: A bill (H. R. 11179) to provide for the selection of a site for the establishment of a navy-yard and dry dock on or near Sabine Pass, or the Neches or Sabine rivers, in the State of Texas—to the Committee on Naval Affairs.

By Mr. GAINES of West Virginia: A bill (H. R. 11229) to amend section 8 of the act of January 22, 1901, creating two judicial districts in West Virginia—to the Committee on the Judiciary.

By Mr. SPARKMAN: A bill (H. R. 11230) authorizing, empowering, and directing the Commissioner of Fish and Fisheries to establish on the Gulf of Mexico a station for the investigation of problems connected with the marine-fishery interests of the region—to the Committee on the Merchant Marine and Fisheries.

By Mr. LEWIS of Georgia: A bill (H. R. 11231) to provide for the payment of interest on all money now deposited, or hereafter deposited, in national banks of the United States—to the Committee on Ways and Means.

By Mr. MUDD: A bill (H. R. 11232) directing the Commissioners of the District of Columbia to refund certain moneys received by the collector of taxes of the said District—to the Committee on the District of Columbia.

By Mr. DICK: A bill (H. R. 11233) to provide for quieting claims of title to public lands—to the Committee on the Judiciary.

Also, a bill (H. R. 11234) relating to jurisdiction on appeals in the court of appeals of the District of Columbia and transcripts on appeals in said court—to the Committee on the Judiciary.

By Mr. CANNON: A concurrent resolution (H. C. Res. 29) directing the Clerk of the House of Representatives, in the enrollment of House bill No. 9315, to insert the word "thirteenth" on page 9, in line 9, in lieu of the word "thirtieth"—Passed.

By Mr. FLYNN: A concurrent resolution (H. C. Res. 30) authorizing and directing the Public Printer to print 5,000 additional copies of the report of the governor of Oklahoma for 1901 and to deliver the same to the Department of the Interior—to the Committee on Printing.

By Mr. KEHOE: A resolution (H. Res. 129) referring the bill (H. R. 8262) for the relief of Thomas R. Hill, with all the accompanying papers, to the Court of Claims for a finding of facts—to the Committee of the Whole House.

By Mr. CALDWELL: A resolution (H. Res. 130) referring the bill (H. R. 9479) for the relief of William B. Payne, with all the accompanying papers, to the Court of Claims for a finding of facts—to the Committee of the Whole House.

Also, a resolution (H. Res. 131) referring the bill (H. R. 5717) for the relief of Sam M. Nally, with all the accompanying papers, to the Court of Claims for a finding of facts—to the Committee of the Whole House.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. ADAMS: A bill (H. R. 11180) granting an increase of pension to Henry W. Gaskill—to the Committee on Invalid Pensions.

By Mr. BINGHAM: A bill (H. R. 11181) granting a pension to Alice D. H. Krause—to the Committee on Pensions.

By Mr. BLAKENEY: A bill (H. R. 11182) for the relief of the legal representatives of the survivor of Adam, William, and Talbot Denmead—to the Committee on War Claims.

By Mr. BRISTOW: A bill (H. R. 11183) for the relief of Eliza Percival—to the Committee on Invalid Pensions.

By Mr. BURK of Pennsylvania: A bill (H. R. 11184) to correct the military record of Randall C. Wood—to the Committee on Military Affairs.

By Mr. CANNON: A bill (H. R. 11185) for the relief of Joshua P. McDonald—to the Committee on Military Affairs.

By Mr. COONEY: A bill (H. R. 11186) granting an increase of pension to Julia E. Crawford—to the Committee on Pensions.

Also, a bill (H. R. 11187) granting a pension to John L. Lee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11188) to pension Adam Braunersreuter—to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: A bill (H. R. 11189) to grant an increase of pension to Jennie M. Gilbert—to the Committee on Invalid Pensions.

By Mr. JONES of Virginia: A bill (H. R. 11190) for the relief of George W. Nock, Grangeville, Va.—to the Committee on Pensions.

Also, a bill (H. R. 11191) for the relief of Edward Nock—to the Committee on Pensions.

By Mr. KEHOE: A bill (H. R. 11192) granting an increase of pension to Darius Dryden—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11193) granting an increase of pension to Henderson Pennington—to the Committee on Invalid Pensions.

By Mr. LOVERING: A bill (H. R. 11194) for the relief of Harrison Loring—to the Committee on War Claims.

By Mr. MAHON: A bill (H. R. 11195) for the relief of the legal representatives of Hillman & Streaker—to the Committee on War Claims.

By Mr. MAYNARD: A bill (H. R. 11196) granting a pension to Abbie Bourke—to the Committee on War Claims.

Also, a bill (H. R. 11197) granting a pension to the minor children of Daniel J. Reedy—to the Committee on Pensions.

Also, a bill (H. R. 11198) for the relief of Charles Cox—to the Committee on War Claims.

Also, a bill (H. R. 11199) granting a pension to Lewis Walton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11200) granting a pension to Mrs. J. McDonald Armistead—to the Committee on Invalid Pensions.

By Mr. MIERS of Indiana: A bill (H. R. 11201) granting an increase of pension to William T. Harden—to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 11202) for the relief of N. W. Jones—to the Committee on War Claims.

By Mr. POWERS of Maine: A bill (H. R. 11203) granting an increase of pension to H. W. Gay—to the Committee on Invalid Pensions.

By Mr. REEDER: A bill (H. R. 11204) granting an increase of pension to John Fritts—to the Committee on Invalid Pensions.

By Mr. RHEA of Virginia: A bill (H. R. 11205) for the relief of I. R. Harkrader—to the Committee on Claims.

By Mr. RIXEY: A bill (H. R. 11206) granting a pension to Adaline T. Fisher—to the Committee on Invalid Pensions.

By Mr. ROBB: A bill (H. R. 11207) granting an increased pension to James H. Spurgin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11208) for the relief of the heirs and legal representatives of John W. Hancock, deceased—to the Committee on War Claims.

By Mr. SCHIRM: A bill (H. R. 11209) granting an increase of pension to Margaretha Engelhardt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11210) to remove the charge of desertion from the military record of William A. Steward—to the Committee on Military Affairs.

By Mr. SCOTT: A bill (H. R. 11211) granting an increase of pension to Edward Williams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11212) granting an increase of pension to J. D. Sims—to the Committee on Invalid Pensions.

By Mr. SHAFROTH: A bill (H. R. 11213) for the relief of Mrs. Arivella D. Meeker—to the Committee on Indian Affairs.

Also, a bill (H. R. 11214) granting an increase of pension to George W. Neely—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11215) granting an increase of pension to Charles Christy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11216) granting a pension to Julia L. Parrott—to the Committee on Invalid Pensions.

By Mr. SHALLENBERGER: A bill (H. R. 11217) for the relief of Charles W. Noell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11218) granting an increase of pension to Reuben W. Bartram—to the Committee on Invalid Pensions.

By Mr. HENRY C. SMITH: A bill (H. R. 11219) granting an increase of pension to John W. Hicks, Horton, Mich.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11220) granting an increase of pension to Marion N. Burgess—to the Committee on Invalid Pensions.

By Mr. WARNOCK: A bill (H. R. 11221) granting a pension to Cephas Davis, son of James Davis, Company B, Forty-fifth Ohio Volunteer Infantry—to the Committee on Invalid Pensions.

By Mr. WHEELER: A bill (H. R. 11222) for the relief of the estate of James A. Gregory—to the Committee on War Claims.

By Mr. WILLIAMS of Illinois: A bill (H. R. 11223) granting an increase of pension to Martin Schubert—to the Committee on Invalid Pensions.

By Mr. LASSITER: A bill (H. R. 11224) for the relief of Lettie Myers—to the Committee on War Claims.

Also, a bill (H. R. 11225) for the relief of the estate of Thomas F. Fenn, deceased—to the Committee on War Claims.

By Mr. VAN VOORHIS: A bill (H. R. 11226) granting a pension to Isaac Dobbins—to the Committee on Invalid Pensions.

By Mr. DOUGHERTY: A bill (H. R. 11227) granting a pension to Maj. Samuel P. Cox—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 11228) granting a pension to James P. Billington—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11235) granting a pension to Mary T. Easton—to the Committee on Invalid Pensions.

By Mr. ACHESON: A bill (H. R. 11236) granting a pension to Thomas Ridgeway—to the Committee on Pensions.

By Mr. MERCER: A bill (H. R. 11237) granting a pension to Catherine A. Carroll—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALEXANDER: Petition of Daniel O'Grady and others, of Buffalo, N. Y., representing Buffalo Liquor Dealers' Association, favoring House bills 178 and 179, for reduction of tax on liquor—to the Committee on Ways and Means.

By Mr. ALLEN of Maine: Petition of B. C. Wentworth and other citizens of Berwick, Me., for an amendment to the national Constitution defining legal marriage to be monogamic—to the Committee on the Judiciary.

By Mr. BABCOCK: Petition of George W. Bell Post, No. 53, Grand Army of the Republic, Department of Wisconsin, for investigation of the administration of the Bureau of Pensions—to the Committee on Rules.

Also, petition of George W. Bell Post, No. 53, Department of Wisconsin, Grand Army of the Republic, urging that the navy-yards be utilized for the construction of war vessels—to the Committee on Naval Affairs.

By Mr. BELL: Resolution of Miners' Union No. 26, of Silverton, Colo., for the reenactment of the Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. BINGHAM: Papers to accompany House bill 11181, granting a pension to Alice D. H. Krause—to the Committee on Pensions.

By Mr. BRISTOW: Resolution of National Association of Credit Men, urging the creation of a department of commerce and industries—to the Committee on Interstate and Foreign Commerce.

By Mr. BURGESS: Petition of citizens of Jackson County, Tex., requesting an appropriation of $100,000 to conduct experiments to destroy Mexican boll weevil—to the Committee on Agriculture.

Also, resolutions of citizens of Austin County, Tex., in relation to the Boer war—to the Committee on Foreign Affairs.

By Mr. BURK of Pennsylvania: Resolution of Leather Glazers' Union No. 5, of Philadelphia, Pa., for the passage of laws which will prevent the immigration of persons who can not read—to the Committee on Immigration and Naturalization.

Also, resolution of Glass Blowers' Association No. 33, of East Downington, Pa., American Federation of Labor, concerning the construction of Government vessels in navy-yards—to the Committee on Naval Affairs.

Also, resolution of National Live Stock Association, in favor of reduction of portions of the war-revenue tax—to the Committee on Ways and Means.

By Mr. CANNON: Papers to accompany House bill No. 11185, for the relief of John P. McDonald—to the Committee on Military Affairs.

Also, resolutions of the Trades and Labor Council of Danville, Ill., concerning the reenactment of the Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. CASSEL: Resolutions of Cigar Makers' Union No. 338, of Lincoln, Pa., and Iron Molders' Union No. 9334, of Columbia, Pa., in favor of the exclusion of Chinese laborers—to the Committee on Foreign Affairs.

Also, resolution of Lieutenant W. H. Childs Post, No. 226, Grand Army of the Republic, of Marietta, Pa., relating to the construction of war ships—to the Committee on Naval Affairs.

By Mr. COONEY: Paper to accompany House bill 11187, for the relief of John L. Lee—to the Committee on Invalid Pensions.

By Mr. DALZELL: Resolution of Women's Union Missionary Association of Allegheny County, Pa., in regard to polygamy and the sale of firearms in our new possessions—to the Committee on the Judiciary.

By Mr. DRAPER: Report of the committee on foreign commerce and the revenue laws of the Chamber of Commerce of the State of New York on the Chinese-exclusion act—to the Committee on Foreign Affairs.

Also, report of the committee on foreign commerce and the revenue laws of the Chamber of Commerce of the State of New York on the reduction of the tariff on sugar and tobacco—to the Committee on Ways and Means.

Also, resolution of Brotherhood of Railroad Trainmen of Albany, N. Y., in support of Senate bill 1118, limiting the meaning of the word "conspiracy," etc.—to the Committee on the Judiciary.

By Mr. EDWARDS: Petition of Plasterers' International Association No. 86, of Helena, Mont., favoring exclusion of undesirable immigrants—to the Committee on Immigration and Naturalization.

Also, petition of Rev. Chester Ferris and others, of Great Falls, Mont., for an amendment to the National Constitution defining legal marriage to be monogamic—to the Committee on the Judiciary.

By Mr. ELLIOTT: Resolution of the Young Men's Business League, of Charleston, S. C., favoring the passage of House bill 5796, to promote the efficiency of the Revenue-Cutter Service—to the Committee on Interstate and Foreign Commerce.

By Mr. EMERSON: Resolution of Laborers' Protective Union No. 8962, of Glens Falls, N. Y., American Federation of Labor, relative to the construction of vessels in Government navy-yards—to the Committee on Naval Affairs.

By Mr. ESCH: Paper in support of House bill 8735, favoring the sale of public lands for the maintenance of agricultural and mechanical colleges—to the Committee on Mines and Mining.

By Mr. FITZGERALD: Resolution of Glass Bottle Blowers' Association of the United States, favoring the enactment of a law excluding the Chinese without limitation from this country—to the Committee on Foreign Affairs.

Also, resolutions of Brotherhood of Railroad Trainmen (New York State legislative board), favoring bill to limit the power of Federal courts in granting injunctions in trade disputes—to the Committee on the Judiciary.

Also, petition of the National Live Stock Exchange, for the repeal of the tax on sales of live stock made at market centers—to the Committee on Ways and Means.

By Mr. GRAHAM: Petition of Press Feeders' Union No. 31, of Pittsburg, Pa., in favor of the reenactment of Chinese-exclusion act—to the Committee on Foreign Affairs.

Also, resolution of the Pennsylvania Dairy Union, favoring the passage of the oleomargarine bill—to the Committee on Agriculture.

Also, resolution of Major W. G. Lowry Post, No. 548, of Wilkinsburg, Grand Army of the Republic, Department of Pennsylvania, asking that some of the new war ships shall be constructed in the navy-yards of our country—to the Committee on Naval Affairs.

By Mr. HAMILTON: Resolutions of Twin City Union, No. 475, American Federation of Labor, St. Joseph and Benton Harbor, Mich., favoring the construction of war vessels in Government navy-yards—to the Committee on Naval Affairs.

By Mr. HILL: Petition of J. Leroy Buck and others, of New Milford, Conn., against the reduction of the internal-revenue tax on wrapper tobacco—to the Committee on Ways and Means.

Also, resolution of the State Grange of Connecticut, favoring a bill for the establishment and maintenance of schools of mines and mining—to the Committee on Mines and Mining.

Also, petition of Moore-White Post, No. 18, Grand Army of the Republic, of Danbury, Conn., for a public building for post-office purposes in Danbury, Conn.—to the Committee on Public Buildings and Grounds.

By Mr. HOWELL: Petition of Hiawatha Council, Junior Order United American Mechanics, of East Millston, N. J., in favor of the reenactment of the Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. JACK: Petition of Post No. 623, Grand Army of the Republic, of West Newton, Pa., urging that the navy-yards be utilized for the construction of war vessels—to the Committee on Naval Affairs.

By Mr. JACKSON of Kansas: Petition of Givens Post, No. 200, Grand Army of tho Republic, of Hallowell, Kans., for the building of war vessels in United States navy-yards—to the Committee on Naval Affairs.

Also, resolutions of Railroad Conductors' Association No. 62, of Leavenworth, Kans., favoring the Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. JONES of Washington: Petition of Colonel Burnham Post, No. 76, Grand Army of the Republic, Department of Washington and Alaska, for investigation of the administration of the Bureau of Pensions—to the Committee on Rules.

By Mr. KAHN: Resolution of Chamber of Commerce of San Francisco, Cal., asking for an appropriation for the establishment of a cod hatchery in the waters of Alaska—to the Committee on the Merchant Marine and Fisheries.

Also, resolution of Chamber of Commerce of San Francisco, asking for the establishment of a Government small-arms plant in Sacramento, Cal.—to the Committee on Military Affairs.

By Mr. LINDSAY: Resolution of Boot and Shoe Makers' Union No. 160, of Brooklyn, N. Y., favoring the continuation of the exclusion law against Chinese laborers—to the Committee on Foreign Affairs.

By Mr. LIVINGSTON: Petition of Thomas G. W. Crussell, of Fulton County, Ga., praying reference of war claim to Court of Claims—to the Committee on War Claims.

By Mr. LOUD: Resolutions of the Chamber of Commerce of San Francisco, Cal., for the establishment of a small-arms plant at Sacramento, Cal.—to the Committee on Military Affairs.

Also, resolution of the San Francisco Chamber of Commerce, for the establishment of a cod hatchery on the Pacific coast—to the Committee on the Merchant Marine and Fisheries.

By Mr. LOUDENSLAGER: Petitions of citizens of Salem County, Cumberland County, and Merchantville, N. J., praying for the enactment of a law against polygamy—to the Committee on the Judiciary.

Also, resolutions of Junior Order United American Mechanics of Hartville and Port Norris, N. J., favoring legislation for the suppression of anarchy—to the Committee on the Judiciary.

Also, petition of the Presbytery of New Brunswick, N. J., against the repeal of the anticanteen law—to the Committee on Military Affairs.

Also, petitions of various citizens of Salem, Central Trades Union, and Builders' Trades Union, all of Salem, N. J., and Junior Order United American Mechanics of Swedesboro, N. J., favoring the Chinese-exclusion act—to the Committee on Foreign Affairs.

Also, resolution of Bricklayers and Masons' International Union of Bridgeton and Camden, N. J., urging the employment of union men in the construction of the naval dry dock at New Orleans, La.—to the Committee on Naval Affairs.

Also, petitions of Carpenters and Joiners' Union No. 20, of Camden; Builders' Trades Union No. 8340, of Salem, and Union 620, of Vineland, N. J., favoring the construction of war vessels in Government navy-yards—to the Committee on Naval Affairs.

By Mr. MAYNARD: Resolution of the Seaboard Medical Association of Virginia and North Carolina, favoring the establishment of a psycho-physical laboratory in the Department of the Interior—to the Committee on Appropriations.

By Mr. MIERS of Indiana: Paper to accompany House bill 10119, granting a pension to William F. Bunger—to the Committee on Invalid Pensions.

By Mr. ROBB: Papers to accompany House bill 11208, for the relief of the heirs and legal representatives of John W. Hancock, deceased—to the Committee on War Claims.

Also, papers to accompany House bill 11207, granting an increase of pension to James H. Spurgeon—to the Committee on Invalid Pensions.

By Mr. ROBINSON of Indiana: Petition of Team Drivers' Union No. 78, of Fort Wayne, Ind., favoring the construction of war ships at the navy-yards—to the Committee on Naval Affairs.

By Mr. RYAN: Petition of American Warehouse Association, urging the creation of a department of commerce and industries—to the Committee on Interstate and Foreign Commerce.

By Mr. RUMPLE: Resolution of Tri-City Musical Society, No. 67, of Davenport, Iowa, American Federation of Labor, favoring the building of vessels in the United States navy-yards—to the Committee on Naval Affairs.

By Mr. SCOTT: Petition of Chamber of Commerce of Wichita, Kans., favoring the passage of House bill 8337, amending an act to regulate commerce to prevent discrimination in freight rates—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the State Society of Labor and Industry of Kansas, for reenactment of the Chinese-exclusion law—to the Committee on Foreign Affairs.

By Mr. SHAFROTH: Petitions of B. C. Tormey and Charles Johnson, of Eaton; G. K. Dickerson, of Greeley, and others, of the State of Colorado, against reciprocal trade relations with Cuba admitting sugar free—to the Committee on Ways and Means.

Also, resolutions of the Chamber of Commerce of Sterling, Colo., and Fruit Growers' Society of Boulder, Colo., in relation to the arid-land measure—to the Committee on Irrigation of Arid Lands.

By Mr. SHALLENBERGER: Petition of F. A. Thompson and 11 other citizens of Clay Center, Nebr., and Good & Bennett and 14 other merchants of Cowles, Nebr., against House bill 6578, known as the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. SHERMAN: Resolutions of Cigar Makers' Union No. 210, of Rome, N. Y., concerning the Chinese-exclusion act—to the Committee on the Judiciary.

By Mr. SIBLEY: Petition of Cigar Makers' Union No. 122, for exclusion of Chinese—to the Committee on Foreign Affairs.

By Mr. SKILES: Resolution of Plasterers' Union No. 210, of Mansfield, Ohio, praying for the further restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. SMITH of Illinois: Resolution of Woodworkers' Union No. 182, of Cairo, Ill., favoring an educational test in the restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. SPERRY: Resolutions of Central Labor Union of Meriden, Conn., and Wood Carvers' Association of New Haven, Conn., favoring the exclusion of Chinese—to the Committee on Foreign Affairs.

Also, resolution of New Haven Wood Carvers' Association, favoring restriction of undesirable immigration—to the Committee on Immigration and Naturalization.

By Mr. STEWART of New York: Resolution of Horsfell Post, No. 90, of Schenectady, Grand Army of the Republic, Department of New York, favoring the construction of war ships at the navy-yards—to the Committee on Naval Affairs.

By Mr. THAYER: Petition of Machinists' Union No. 339, of Worcester, Mass., American Federation of Labor, favoring the construction of war vessels in Government navy-yards—to the Committee on Naval Affairs.

By Mr. VAN VOORHIS: Paper to accompany House bill 11226, granting a pension to Isaac Dobbins—to the Committee on Invalid Pensions.

By Mr. WARNOCK: Paper to accompany House bill 11221, granting a pension to Cephas Davis—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: Papers to accompany House bill 11223, granting an increase of pension to Martin Schubert—to the Committee on Invalid Pensions.

Also, petition of James P. Billington, for a pension—to the Committee on Invalid Pensions.

By Mr. VREELAND: Resolutions of Fuller Post, No. 246, and J. M. Brown Post, No. 285, Grand Army of the Republic; Musical Union No. 134, of Jamestown, and Barbers' Union No. 109, of Dunkirk, N. Y., favoring the construction of war vessels in Government navy-yards—to the Committee on Naval Affairs.

Also, resolution of Woman's Missionary Society of the Presbyterian Church of Fredonia, N. Y., for an amendment to the National Constitution defining legal marriage to be monogamic—to the Committee on the Judiciary.

By Mr. ZENOR: Resolution of Basil B. Decker Post, No. 334, Grand Army of the Republic, of French Lick, Ind., urging that the navy-yards be utilized for the construction of war vessels—to the Committee on Naval Affairs.

SENATE.

WEDNESDAY, *February 12, 1902.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. LODGE, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

WASHINGTON NAVY-YARD.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Navy, transmitting, in response to a resolution of the 21st ultimo, copies of all papers and reports relating to the proposed extension of the Washington Navy-Yard, either on the east or west side thereof, and the estimated cost of such extension, etc.; which, with the accompanying papers, was referred to the Committee on Naval Affairs, and ordered to be printed.

HAMILTON H. BLUNT.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 20th ultimo, a copy of the record and papers bearing upon the court-martial and military service of Hamilton H. Blunt, late captain, Forty-ninth United States Volunteer Infantry; which, with the accompanying papers, was referred to the Committee on Military Affairs, and ordered to be printed.

WASHINGTON, ALEXANDRIA AND MOUNT VERNON RAILWAY.

The PRESIDENT pro tempore laid before the Senate the sixth annual report of the Washington, Alexandria and Mount Vernon Railway Company; which was referred to the Committee on the District of Columbia, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. LODGE presented petitions of the Megantic Club and sundry citizens of Boston, of the Rod and Gun Club and sundry citizens of Northampton, of the South End Gun Club and sundry citizens of Newburyport, in the State of Massachusetts, and of the faculty of the University of Illinois, praying that an appropriation be made for the erection in the city of Washington of a statue to the late Prof. Spencer F. Baird; which were referred to the Committee on the Library.

Mr. FAIRBANKS presented petitions of Norman Eddy Post, No. 579, of South Bend; of Thomas J. Brooks Post, No. 322, of Lafayette; of Basil B. Decker Post, No. 334, of French Lick, and of Lakeview Post, No. 246, of Syracuse, of the Department of Indiana, Grand Army of the Republic; and of International Broom Makers' Local Union No. 6, American Federation of Labor, of South Bend, all of the State of Indiana, praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which were referred to the Committee on Naval Affairs.

He also presented the petitions of B. C. Raymond, of Hamilton; T. R. Tucker, of Salem, and of B. L. Hollester, of Muncie, all in the State of Indiana, praying for the passage of the so-called Grout bill to regulate the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

Mr. WELLINGTON presented a petition of Iron Molders' Local Union No. 19, American Federation of Labor, of Baltimore, Md., praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which was referred to the Committee on Naval Affairs.

He also presented petitions of Garfield Council, No. 4, Daughters of Liberty, of Cumberland, and of Pants Workers' Local Union No. 114, United Garment Workers of America, of Baltimore, in the State of Maryland, praying for the reenactment of the Chinese-exclusion law; which were referred to the Committee on Immigration.

Mr. WETMORE presented a petition of Ives Post, No. 13, Grand Army of the Republic, Department of Rhode Island, praying for the enactment of legislation authorizing the construction of a battle ship at each United States navy-yard having proper facilities to do the work; which was referred to the Committee on Naval Affairs.

He also presented petitions of the Rhode Island Mule Spinners' Association, of Pawtucket; of the Providence Branch of the Atlantic Coast Seamen's Union, of Providence; of Bricklayers and Masons' Union No. 1, of Providence, and of Carpenters and Joiners' Local Union No. 342, of Pawtucket, all of the State of Rhode Island, praying for the reenactment of the Chinese-exclusion law; which was referred to the Committee on Immigration.

Mr. QUARLES presented a petition of sundry citizens of Watertown, Wis., praying for the repeal of the war tax on bank capital; which was referred to the Committee on Finance.

He also presented a petition of the Wisconsin State Agricultural Convention, praying for the enactment of legislation authorizing the use of a portion of the proceeds of public lands for agricultural and mechanical colleges; which was referred to the Committee on Public Lands.

He also presented a petition of Cigar Makers' Local Union No. 61, of La Crosse, Wis., praying for the reenactment of the Chinese-exclusion law; which was referred to the Committee on Immigration.

He also presented a petition of Cigar Makers' Local Union No. 182, of Madison, Wis., and a petition of Local Union No. 89, Metal Polishers, Buffers, Platers, and Brass Workers' Association, of Racine, Wis., praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which were referred to the Committee on Naval Affairs.

Mr. FOSTER of Washington presented a petition of David Fard Post, No. 11, Grand Army of the Republic, Department of

Washington, of Ellensburg, Wash., praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which was referred to the Committee on Naval Affairs.

Mr. PRITCHARD presented a petition of sundry citizens of Pender County, N. C., praying that an appropriation be made to beautify the old battle ground of Moore's Creek, in that State; which was referred to the Committee on Military Affairs.

He also presented the petition of Edward Wetherington, of North Carolina, praying that his claim be referred to the Court of Claims; which was referred to the Committee on Claims.

Mr. GAMBLE presented a petition of the Western Live Stock Association of South Dakota, praying for the enactment of legislation conferring jurisdiction upon the circuit and district courts for the District of South Dakota in certain cases, and for other purposes; which was referred to the Committee on the Judiciary.

He also presented a petition of the South Dakota Retail Merchants' Association, praying for the reduction of letter postage to 1 cent per ounce, etc.; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of E. M. Stanton Post, No. 61, Grand Army of the Republic, Department of South Dakota, of Lead, S. Dak., praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which was referred to the Committee on Naval Affairs.

Mr. KEAN presented petitions of sundry citizens of Trenton, Camden, Haddonfield, and Haddon Heights, all in the State of New Jersey, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented a petition of Local Union No. 7, Glass Bottle Blowers' Association, American Federation of Labor, of Millville, N. J., praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which was referred to the Committee on Naval Affairs.

He also presented a petition of Local Union No. 121, United Brotherhood of Carpenters and Joiners of America, of Bridgeton, N. J., praying for the repeal of the so-called desert-land act; which was referred to the Committee on Irrigation and Reclamation of Arid Lands.

He also presented petitions of the board of chosen freeholders of the county of Hudson; of 125 members of Newport Council, No. 199, Junior Order United American Mechanics, of Newport, and of the American Wire Weavers' Protective Association, of Belleville, all in the State of New Jersey, praying for the reenactment of the Chinese-exclusion law; which were referred to the Committee on Immigration.

He also presented petitions of sundry post-office clerks of Hoboken and Paterson, in the State of New Jersey, praying for the enactment of legislation authorizing the classification of the salaries of clerks employed in first and second class post-offices; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. GALLINGER presented a petition of Oliver W. Lull Post, No. 11, Grand Army of the Republic, Department of New Hampshire, of Milford, N. H., praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which was referred to the Committee on Naval Affairs.

Mr. CLAY. I present a petition of Star Division, No. 323, Brotherhood of Locomotive Engineers, of Augusta, Ga., praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of restraining orders and injunctions in certain cases. I ask that the petition be printed in the RECORD without the signatures and that it lie on the table.

There being no objection, the petition was ordered to lie on the table and to be printed in the RECORD, as follows:

Whereas there is pending in the Senate of the United States, introduced by the Hon. GEORGE F. HOAR, Senator from the State of Massachusetts, a bill to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, commonly known as the "Hoar anti-injunction bill," the full text of which is as follows:

"*Be it enacted, etc.*, That no agreement, combination, or contract by or between two or more persons to do or procure to be done, or not to do or procure to be done, any act in contemplation or furtherance of any trade dispute between employers and employees in the District of Columbia or in any Territory of the United States, or may be engaged in trade or commerce between the several States or between any Territory and another, or between any Territory or Territories and any State or States or the District of Columbia, or with foreign nations, or between the District of Columbia and any State or States or foreign nations, shall be deemed criminal, nor shall those engaged therein be indictable or otherwise punished for the crime of conspiracy if such act committed by one person would not be punishable as a crime, nor shall such agreement, combination, or contract be considered as in restraint of trade or commerce, nor shall any restraining order or injunction be issued with relation thereto. Nothing in this act shall exempt from punishment otherwise than as herein excepted any person guilty of conspiracy for which punishment is now provided in any act of Congress, but such act of Congress shall as to the agreements, combinations, and contracts hereinbefore referred to be construed as if this act were therein contained;" and

Whereas said bill is in the hands of the Senate Judiciary Committee, to which it was referred for consideration, and it appearing that Hon. A. O. BACON, who is a Senator from the State of Georgia, is a member of said committee:

Resolved, That he be respectfully requested and earnestly urged to give to said measure the most earnest attention and careful investigation and consideration and lend his vote and influence and great abilities in securing its passage.

Resolved further, That Senator A. S. CLAY and the Representatives of Georgia in the lower House of Congress be also requested to assist in having this measure of such vital importance enacted into a law.

Resolved further, That a copy of this preamble and these resolutions be immediately forwarded to our Senators and Representatives, respectively.

The foregoing resolutions were unanimously adopted at a meeting of Star Division, Brotherhood of Locomotive Engineers, No. 323, held at Augusta, Ga., February 9, 1902.

Mr. TURNER. Mr. President, I hold in my hand a memorial to Congress from the American Anti-Trust League of the United States. The memorial sets forth the existence in this country of certain trusts and combinations, the organization, system, and conduct of which are in conflict with the prohibitions of the act of Congress of July 2, 1900, known as the Sherman anti-trust law.

The memorial also represents that the fact of the existence of these organizations has been brought to the attention of the Attorney-General with the request that the machinery of the law provided by the act of Congress in question be set in motion for their destruction, but that thus far no such action has been taken, and that the league have been unable to secure any assurances that any such action will be taken in the future.

The memorial prays that Congress may investigate these matters and take such action as it may deem proper to secure the vindication of its own laws.

There are certain allegations in the memorial concerning the former business connections of the present Attorney-General and the motives which they think have operated to secure nonaction upon his part, concerning which I know nothing. There are also similar allegations concerning his predecessor in the office of Attorney-General.

In consenting to become the medium of presenting these grievances to the Senate I do not wish to be understood as holding any views whatever concerning those matters, but because of the gravity of the questions presented and the high character of this organization, which I understand to be strictly nonpartisan, I present the memorial, and for the same reasons I ask that it may be referred to the Judiciary Committee and printed in the RECORD as a part of our proceedings.

The PRESIDENT pro tempore. The Senator from Washington asks unanimous consent that the memorial which he presents be printed in the RECORD.

Mr. GALLINGER. Mr. President, it seems to me that if the Senator should ask that it be printed as a document it would be better. I have not often objected to matters going into the RECORD, and yet, inasmuch as the Senator admits that the memorial contains certain allegations against the present Attorney-General and the late Attorney-General, I do not think it ought to go into the RECORD. I shall object to it, Mr. President.

Mr. TURNER. I stated that the memorial makes certain allegations concerning the former business connections of the Attorney-General and concerning the motives which are supposed to have induced him to take nonaction. I do not think that it would subserve any good purpose to print it as a document. My object in asking for its insertion in the RECORD was that it might go to the country with the daily presentation of the doings of Congress, in order that the country might have information upon this subject. Of course, if the Senator from New Hampshire objects, I suppose that is the end of the matter.

The PRESIDENT pro tempore. The memorial will be referred to the Committee on the Judiciary.

Mr. HANSBROUGH presented a petition of Louis McLean Hamilton Post, No. 15, Grand Army of the Republic, Department of North Dakota, of Grafton, N. Dak., praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which was referred to the Committee on Naval Affairs.

Mr. CLARK of Montana presented a petition of Henry W. Lawton Camp, No. 24, Spanish-American War Veterans, of Butte, Mont., praying for the enactment of legislation for the relief of volunteer officers and soldiers who served in the Philippine Islands beyond the period of their enlistment; which was referred to the Committee on Military Affairs.

Mr. CULBERSON. Mr. President, it is probably within safe limits to say that during the past year the boll weevil destroyed 300,000 bales of cotton in Texas. The extent of its ravages in the past few years——

Mr. HOAR. Will the Senator be kind enough to speak a little louder? He is not very well heard on this side of the Chamber.

Mr. CULBERSON. I stated that it would probably be within safe limits to say that the boll weevil during the past year destroyed 300,000 bales of cotton in Texas. On account of the

ravages of this pest, grave apprehension is felt for the future as to the cultivation of cotton, particularly in the central, southeastern, and southwestern portions of our State.

It is, of course, impossible to say at this time what may be accomplished toward arresting the operations of this pest, but something, perhaps, is being done. In line with what is being done by the Department of Agriculture I present, at the request of the Representative from the Tenth district of Texas, a petition signed by a number of citizens of that district, asking relief from Congress on the subject, and in consequence of its importance I ask that it may be printed in the RECORD, without the signatures, because it is short and will not occupy a great deal of space.

There being no objection, the petition was referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

THE STATE OF TEXAS, *County of Jackson:*

To the Congress of the United States:

We, the undersigned citizens of said county and State, respectfully ask the privilege of submitting for your consideration a question of vital importance to the cotton industry of the South, to wit:

We live and do business in a section of country where cotton, our staple crop, is stricken and ravaged by the Mexican cotton weevil. It is only those who live in the weevil-infested districts and have seen and experienced the disastrous effects of this pest upon the country who can fully appreciate the importance of finding a remedy for exterminating or controlling this enemy of cotton.

In 1896 the weevil first made its appearance in our country, but did little damage to the crop in that year. Up to that year our lands yielded variously from one-half to 1 bale of cotton per acre. In 1897 the weevil had so multiplied, developed in such force, that the same lands with the same cultivation required from 6 to 10 acres to produce 1 bale bale of cotton. Cold weather seems to have but little effect upon them, and in sections of heavy and frequent rainfall they increase and spread with greater rapidity.

The rapidity with which they are extending over the cotton belt of Texas is alarming, and we feel justified in predicting that unless they are checked or exterminated they will in a comparatively short period spread over the entire cotton belt of the United States, and in the event of that direful calamity we will see our own country importing instead of exporting cotton.

Aside from the value and importance of this crop to the cotton factories of the country and to the commerce of the United States, and aside from the value of the cotton-seed products, such as oil, meal, etc., the value of the crop as it is sold by the farmer entitles it to the highest consideration.

The Government's estimate for 1901 is 9,674,000 bales. If an average of $25 per bale was paid to the producer, $223,850,000 would be distributed among the masses in the cotton-producing area of the United States. The value of the seed product almost equals in value that of the staple itself.

Let the cotton industry be destroyed, or let the total yield be reduced even 50 per cent, and incalculable disaster must follow.

Having great confidence in the ability of the scientific force of the Agricultural Department of the United States to find us relief from this pest, we respectfully ask for the passage of the bill introduced in the House of Representatives by Hon. GEORGE F. BURGESS, seeking an appropriation of $100,000 to enable the Secretary of Agriculture to solve the problem of the Mexican weevil and other pests afflicting material interests in our section of the country.

Mr. BERRY presented a petition of sundry citizens of Siloam Springs, Ark., praying for the adoption of certain amendments to the bill providing for the protection of fish and game in the Indian Territory; which was referred to the Committee on Indian Affairs.

Mr. DUBOIS presented a petition of the Farmers' Club of Latah County, Idaho, praying for the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of the Idaho Mining and Stock Exchange, of Boise, Idaho, remonstrating against including the department of mines in the department of commerce; which was ordered to lie on the table.

He also presented a petition of sundry citizens of Boise, Idaho, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

Mr. ALLISON presented a petition of the Commercial Club of Muscatine, Iowa, praying for the repeal of the present bankruptcy law; which was referred to the Committee on the Judiciary.

He also presented a petition of the Iowa State Park and Forestry Association, praying for the establishment of a national park on the Leach Lake Indian Reservation, in the State of Minnesota; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of sundry wholesale tea dealers of Davenport, Iowa, praying for the reduction of the duty on tea; which was referred to the Committee on Finance.

He also presented petitions of the congregation of the Friends' Church, of Oskaloosa; of George Hall and sundry other citizens of Cedar Rapids; of the Ministerial Association of Ottumwa; of the Woman's Missionary Society of the Presbyterian Church of Volga, and of Rev. E. E. Hastings and sundry other citizens, all in the State of Iowa, praying for the enactment of legislation to prohibit the sale of opium, firearms, and intoxicating liquors in the island possessions of the United States; which were ordered to lie on the table.

He also presented petitions of Local Union No. 111, American Federation of Labor, of Des Moines, and of Local Union No. 1761, United Mine Workers of America, of Madrid, in the State of Iowa, praying for the reenactment of the Chinese-exclusion law; which were referred to the Committee on Immigration.

He also presented petitions of Mrs. F. H. Sherwood and sundry other citizens of Martinsburg, of the Woman's Christian Temperance Union of Tabor, of A. L. Campbell and sundry other citizens of Lebanon, of Rev. W. H. McCuskey and sundry other citizens of Volga, of John Anderson and sundry other citizens of Cedar Rapids, and of R. P. Smith and sundry other citizens of Ida Grove, all in the State of Iowa, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented petitions of Trinity City Musical Society, American Federation of Music, of Davenport; of Retail Clerks' Local Union No. 395, of Centerville; of the Trades and Labor Assembly of Centerville; of the Trades and Labor Assembly of Keokuk; of Tailors' Local Union No. 160, of Cedar Rapids; of Local Union No. 299, International Association of Machinists, of Marshalltown; of Barbers' Local Union No. 19, of Oskaloosa, all of the American Federation of Labor, and of E. C. Buckner Post, No. 154, Department of Iowa, Grand Army of the Republic, of Eldora, all in the State of Iowa, praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which were referred to the Committee on Naval Affairs.

Mr. PENROSE presented petitions of L. R. Tiper Post, No. 454, of Hopewell; of Robert Aldhen Post, No. 527, of South Bethlehem; of William H. Child Post, No. 226, of Marietta; of Major W. G. Lowy Post No. 548, of Wilkinsburg; of I. C. Markle Post, No. 623, of West Newton, all of the Department of Pennsylvania, Grand Army of the Republic; of Journeymen Barbers' Local Union No. 266, of Sunbury, and of Journeymen Barbers' International Union No. 203, of Reading, of the American Federation of Labor, in the State of Pennsylvania, praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which were referred to the Committee on Naval Affairs.

He also presented petitions of Press Feeders and Helpers' Union No. 31, of Pittsburg; of Iron Workers' Local Union No. 9334, of Columbia; of Division No. 8, Brotherhood of Railway Trackmen, of Spruce Creek; of United Cloak Pressers' Local Union No. 3, of Philadelphia; of American Glass Workers' Local Union No. 38, of Beaver Falls, and of Local Union No. 348, International Association of Machinists, all in the State of Pennsylvania, praying for the reenactment of the Chinese-exclusion law; which were referred to the Committee on Immigration.

Mr. FRYE presented a petition of Easton Grange, No. 159, Patrons of Husbandry, of Easton, Me., praying for the passage of the so-called Grout bill to regulate the manufacture and sale of oleomargarine; which was referred to the Committee on Agriculture and Forestry.

Mr. COCKRELL. I present the affidavit of J. W. Shepherd in support of the bill (S. 1353) granting a pension to J. W. Shepherd. I move that it be referred to the Committee on Pensions to be considered in connection with the bill.

The motion was agreed to.

MONONGAHELA RIVER BRIDGE.

Mr. BERRY. I am directed by the Committee on Commerce to report back favorably the bill (H. R. 5801) to authorize the St. Clair Terminal Railroad Company to construct and maintain a bridge across the Monongahela River, and I ask that it take the place on the Calendar of Senate bill S. 2804, the House bill being a copy of the Senate bill, and that the Senate bill be indefinitely postponed.

The PRESIDENT pro tempore. If there be no objection, the House bill will take the place on the Calendar of the Senate bill, and the Senate bill will be indefinitely postponed.

Mr. BERRY subsequently said: I reported this morning from the Committee on Commerce the bill (H. R. 5801) to authorize the St. Clair Terminal Railway Company to construct and maintain a bridge across the Monongahela River. I ask that the bill be recommitted to the Committee on Commerce.

The PRESIDENT pro tempore. If there be no objection, the bill will be recommitted.

Mr. BERRY. Senate bill 2804 was indefinitely postponed, and I presume that that action should be reconsidered and the bill recommitted to the Committee on Commerce.

The PRESIDENT pro tempore. If there be no objection, the vote of the Senate indefinitely postponing the Senate bill relating to the Monongahela River Bridge will be reconsidered and the bill will be recommitted to the Committee on Commerce. The Chair hears none, and it is so ordered.

REPORTS OF COMMITTEES.

Mr. CLARK of Wyoming, from the Committee on Public Lands, to whom was referred the bill (H. R. 202) to amend section 2294

of the Revised Statutes of the United States, reported it without amendment, and submitted a report thereon.

Mr. BURNHAM, from the Committee on Claims, to whom was referred the bill (S. 918) for the relief of Alphonso M. Potvin, reported it without amendment, and submitted a report thereon.

Mr. KEARNS, from the Committee on Mines and Mining, to whom was referred the bill (S. 150) for the establishment of an assay office at Provo City, Utah, reported it without amendment.

Mr. WARREN, from the Committee on Claims, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 208) for the relief of Jeronemus S. Underhill;

A bill (S. 2604) to pay certain Treasury settlements; and

A bill (S. 925) for the relief of the legal representatives of Chauncey M. Lockwood.

Mr. SIMMONS, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 2897) providing for the erection of a public building in the city of Durham, N. C., reported it without amendment, and submitted a report thereon.

Mr. KEAN, from the Committee on Claims, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 1928) for the relief of G. H. Sowder; and

A bill (S. 1024) for the relief of Larrabee & Allen.

Mr. CULLOM, from the Committee on Foreign Relations, reported an amendment proposing to increase the salary of the United States minister to Persia from $5,000 to $7,500, intended to be proposed to the diplomatic and consular appropriation bill, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. GALLINGER, from the Committee on Naval Affairs, reported an amendment proposing to appropriate $754,000 for the removal of Hendersons Point, near the navy-yard, Portsmouth, N. H., intended to be proposed to the river and harbor appropriation bill, and moved that it be referred to the Committee on Commerce and printed; which was agreed to.

PRINTING OF BULLETINS.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the concurrent resolution submitted by Mr. MCMILLAN on the 6th instant, reported it without amendment; and it was considered by unanimous consent, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound in cloth 4,000 copies of each of the following bulletins of the Bureau of Rolls and Library of the Department of State, namely, Calendars of the Correspondence of Thomas Jefferson, James Madison, and James Monroe, 1,000 copies for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 1,000 copies for distribution by the Department of State.

Mr. HOAR. What is the number of copies for distribution by the Senate?

Mr. PLATT of New York. One thousand for the Senate and 2,000 for the House.

Mr. HOAR. It seems to me that that is an unusually small number. We shall have a great mass of applications for copies.

Mr. PLATT of New York. I would not care to increase the number.

Mr. HOAR. Very well, I will not insist on it.

The concurrent resolution was agreed to.

Mr. MCCUMBER, from the Committee on Pensions, to whom was referred the bill (S. 577) granting an increase of pension to Joseph W. Burch, reported it with amendments, and submitted a report thereon.

SPANISH TREATY CLAIMS COMMISSION.

Mr. CULLOM. I am directed by the Committee on Foreign Relations, to whom was referred the bill (S. 3654) to vest in the Spanish Treaty Claims Commission certain powers possessed by circuit and district courts of the United States, to report it favorably with a small amendment, and I ask that the bill be now considered. The members of the Spanish Treaty Claims Commission are very anxious for immediate legislation on the subject, and I think there will be no objection to the bill. I hope it will be put on its passage.

The PRESIDENT pro tempore. The bill will be read in full to the Senate for its information.

The Secretary read the bill, as follows:

Be it enacted, etc., That the Spanish Treaty Claims Commission, being a Commission created by an act entitled "An act to carry into effect the stipulations of article 7 of the treaty between the United States and Spain concluded on the 10th day of December, 1898," approved March 2, 1901, in addition to the powers vested in said Commission under and by virtue of said act, be, and is hereby, vested with the same powers now possessed by the circuit and district courts of the United States to compel the attendance and testimony of parties, claimants, and witnesses, to preserve order and to punish for contempt, and to compel the production of any books or papers deemed material to the consideration of any claim or matter pending before said Commission.

That said Spanish Treaty Claims Commission is also vested with all the powers now possessed by the circuit and district courts of the United States to take or procure testimony in foreign countries. The testimony of witnesses so taken or procured shall be given only before officials where the laws of the place of taking enforce the attendance of witnesses and provide for the punishment of persons who may be guilty of perjury before such officials.

That said Commission is hereby authorized to designate any suitable persons connected therewith to serve all process issued by said Commission in the District of Columbia, preserve order in the place of sitting, and execute the orders of the said Commission; and outside of the District of Columbia the writs of said Commission shall be executed by United States marshals or their deputies in their respective districts.

When testimony is to be taken before any commissioner appointed by said Commission within any district or Territory, the clerk of any court of the United States for such district or Territory shall, on application of either party, or of his agent, issue a subpœna for such witness, commanding him to appear and testify before the commissioner at a time and place stated in the subpœna; and if any witness, after being duly served with such subpœna, refuses or neglects to appear, or after appearing refuses to testify, not being privileged from giving testimony, and such refusal or neglect is proven to the satisfaction of any judge of the court whose clerk issues the subpœna, such judge may proceed to enforce obedience to the process, or punish the disobedience, as any court of the United States may proceed in case of disobedience to process of subpœna to testify issued by said court; and the production before such commisssoner of any paper or writing, written instrument, book, or other document, may also be required in the manner prescribed in section 869 of Revised Statutes of the United States.

Mr. HOAR. I think I should like to have that bill stand over. If I may be allowed before objecting to make one suggestion, I will state that it vests in a tribunal which is not a court the power to punish witnesses for contempt. That involves the power to sentence to imprisonment without limit absolutely, as I understand it, unless there be some statute regulation of that power which I do not recall now. It seems to me very questionable—I do not wish to express an opinion now—that we should inaugurate, or if we ever have inaugurated, that we should extend the policy of giving the power of commitment for contempt to tribunals which are not judicial tribunals within the constitutional sense. Therefore, I should like to have the matter stand over.

Mr. BATE. Mr. President, I rose to ask that the bill might go over, because from the reading I see how important and far-reaching it is. It proposes to give the Commission the power of a court to punish persons for contempt and other offenses. I also want to have the bill go over. It is one of that character of bills that should not be allowed to pass without critical examination and being understood.

Mr. CULLOM. I, of course, can not object to its going over, but I hope the Senators who object now will allow us to take it up for consideration as soon as possible, because the members of the Commission are very anxious to have some such bill passed in order to prosecute the work of the Commission.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

Mr. HOAR subsequently said: Mr. President, I have read carefully the bill for which the Senator from Illinois [Mr. CULLOM], from the Committee on Foreign Relations, a while ago asked present consideration, and I desire to withdraw my objection. The bill seems to be very carefully guarded and to pursue the course followed in other bills in regard to such matters.

Mr. BERRY. The Senator from Tennessee [Mr. BATE] also objected to the consideration of the bill. I do not now see him in his seat, and I am not willing to have the bill taken up in his absence. I shall, therefore, object to its consideration until the Senator from Tennessee comes in.

Mr. CULLOM. Let the bill lie over until the Senator from Tennessee comes in. I shall then ask that it be taken up.

ARIZONA EXHIBIT AT ST. LOUIS EXPOSITION.

Mr. BURNHAM. I am directed by the Select Committee on Industrial Expositions, to whom was referred the bill (S. 3090) to approve and ratify an act of the legislative assembly of the Territory of Arizona, entitled "An act to provide for the collection, arrangement, and display of the products of the Territory of Arizona at the international exposition to be held in St. Louis in 1903," approved March 21, 1901, to report it with an amendment in the nature of a substitute.

Mr. VEST. I ask the Senate to consider the bill at this time. It is a mere formal matter.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment of the Select Committee on Industrial Expositions was to strike out all after the enacting clause and insert:

That act numbered 86 of the legislative assembly of the Territory of Arizona, approved March 21, 1901, entitled "An act to provide for the collection, arrangement, and display of the products of the Territory of Arizona at the international exposition to be held at St. Louis in 1903," be, and the same hereby is, approved and ratified.

The amendment was agreed to.

Mr. PLATT of Connecticut. Why is it necessary that Congress should approve an act of the Territory of Arizona? Is it not the law that all acts of Territories are valid unless disapproved by Congress? I should like to have an explanation from the Senator.

Mr. VEST. There is a provision in the organic act of the Territory of Arizona which requires that when they appropriate money by an act of the Territorial legislature for other than the necessary routine expenses of the Territory Congress shall give its approval.

Mr. PLATT of Connecticut. That is all right.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read:

A bill to approve and ratify an act of the legislative assembly of the Territory of Arizona, entitled "An act to provide for the collection, arrangement and display of the products of the Territory of Arizona at the International Exposition to be held at St. Louis in 1903."

BILLS AND JOINT RESOLUTION INTRODUCED.

Mr. MILLARD introduced a bill (S. 3789) relating to the jurisdiction on appeals in the court of appeals of the District of Columbia and transcripts on appeals in said court; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 3790) to provide for quieting claims of title to public lands; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 3791) to provide suitable medals for the officers and crew of the United States vessel of war *Kearsarge;* which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 3792) granting an increase of pension to Marietta Elizabeth Stanton; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3793) granting a pension to Sarah H. H. Lowe; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 3794) to provide for the erection of a public building at Norfolk, in the State of Nebraska; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. RAWLINS introduced a bill (S. 3795) granting a pension to Samuel N. King; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 3796) granting additional lands adjacent to its site to the University of Utah, and for other purposes; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 3797) authorizing the Secretary of War to deliver old pieces of ordnance to the Indian war veterans; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. TALIAFERRO introduced a bill (S. 3798) for the relief of Mariah L. Trowell, administratrix of Benjamin F. Trowell, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. MALLORY introduced a bill (S. 3799) providing for the erection of a public building at the city of Fernandina, Fla., and for other purposes; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. HEITFELD introduced a bill (S. 3800) to grant certain lands to the State of Idaho; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. BERRY (for Mr. JONES of Arkansas) introduced a bill (S. 3801) for the relief of Jacob P. Stroope; which was read twice by its title, and referred to the Committee on Claims.

He also (for Mr. JONES of Arkansas) introduced a bill (S. 3802) to correct the military record of Daniel Smith; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. FAIRBANKS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3803) granting an increase of pension to Philip Caslow;

A bill (S. 3804) granting an increase of pension to Frederick C. Waterman;

A bill (S. 3805) granting an increase of pension to John L. Cooper; and

A bill (S. 3806) granting an increase of pension to Andrew M. Banks.

Mr. PENROSE introduced a bill (S. 3807) for the relief of Mary F. B. Grice; which was read twice by its title, and referred to the Committee on Claims.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (S. 3808) to correct the military record of John C. Webb; and

A bill (S. 3809) to correct the military record of John Piles.

Mr. PENROSE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3810) granting a pension to Isabella Brockway (or St. John);

A bill (S. 3811) granting a pension to Mary A. Artman (with an accompanying paper);

A bill (S. 3812) granting a pension to Michael J. Madden; and

A bill (S. 3813) granting an increase of pension to Condy Manelius (with an accompanying paper).

Mr. PRITCHARD introduced a bill (S. 3814) for the relief of Mary A. Payne; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also (by request) introduced a bill (S. 3815) for the relief of John A. McFarland, administrator of the estate of Malcolm McArthur, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3816) granting a pension to Robert B. Courts; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. WELLINGTON introduced a bill (S. 3817) for the relief of Isabella Ray McGunnegle, widow of the late Lieut. Commander Wilson McGunnegle, United States Navy; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3818) granting an increase of pension to Isabella Ray McGunnegle; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BARD introduced a bill (S. 3819) granting a pension to William A. P. Fellows; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GALLINGER introduced a bill (S. 3820) granting an increase of pension to Warren B. Judd; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HANSBROUGH introduced a bill (S. 3821) to extend the time for presentation of claims under the act entitled "An act to reimburse the governors of States and Territories for expenses incurred by them in aiding the United States to raise and organize and supply and equip the Volunteer Army of the United States in the existing war with Spain," approved July 8, 1898, and under acts amendatory thereof; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. LODGE introduced a bill (S. 3822) to amend the military record of Henry W. Dunbrack; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3823) to establish a light-house on the Graves, at the mouth of Boston Harbor, to mark the entrance to the new Broad Sound Channel; which was read twice by its title, and referred to the Committee on Commerce.

Mr. ALLISON. I introduce, by request, a bill, to be referred to the Committee on Post-Offices and Post-Roads. I wish to say that I would be glad to have the committee look into the matter, as I think the bill has some merit.

The bill (S. 3824) providing for the manner of payment of postage on books, catalogues, and other printed matter was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. ALLISON introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (S. 3825) authorizing the appointment as a brigadier-general on the retired list of a medical officer on the retired list for distinguished service;

A bill (S. 3826) for the relief of Catharine Brown;

A bill (S. 3827) removing the charge of desertion from the record of Abraham Judd; and

A bill (S. 3828) removing the charge of desertion from the record of James A. Bell.

Mr. ALLISON introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 3829) for the relief of B. F. Moody & Co. or their legal representatives; and

A bill (S. 3830) for the relief of G. G. Davisson.

Mr. ALLISON introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3831) granting an increase of pension to Owen D. Lovejoy;

A bill (S. 3832) granting an increase of pension to Seth L. Craig; and

A bill (S. 3833) granting an increase of pension to Alexander R. Fuller.

Mr. CULBERSON introduced a bill (S. 3834) to provide for the purchase of a site and the erection of a public building thereon at Sherman, in the State of Texas; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. MORGAN introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 3835) for the relief of the estate of Preston Smith, deceased;

A bill (S. 3836) for the relief of the estate of Mills Jenkins, deceased; and

A bill (S. 3837) for the relief of Sophia H. Fitts (with accompanying papers).

Mr. MITCHELL introduced a bill (S. 3838) to refer to the Court of Claims the claim for the *Tunxis;* which was read twice by its title, and referred to the Committee on Claims.

Mr. McENERY introduced a bill (S. 3839) to authorize the Secretary of the Treasury to adjust the accounts of Morgan's Louisiana and Texas Railroad and Steamship Company for transporting the United States mails; which was read twice by its title, and referred to the Committee on Claims.

Mr. LODGE introduced a bill (S. 3840) for the relief of Harrison Loring; which was read twice by its title, and referred to the Committee on Claims.

Mr. BERRY introduced a joint resolution (S. R. 55) directing the Secretary of War to cause an examination to be made to determine if there is probability and danger of the Mississippi River cutting through the space dividing such river from the St. Francis River in the vicinity of Walnut Bend, Ark.; which was read twice by its title, and referred to the Committee on Commerce.

AMENDMENTS TO BILLS.

Mr. KEAN submitted an amendment proposing to increase the grade of the United States consulate at Geneva, Switzerland, from Class VI to Class V, intended to be proposed by him to the diplomatic and consular appropriation bill; which was referred to the Committee on Foreign Relations, and ordered to be printed.

Mr. PENROSE submitted an amendment intended to be proposed by him to the bill (H. R. 8327) to amend an act entitled "An act for the protection of the lives of miners in the Territories;" which was referred to the Committee on Mines and Mining, and ordered to be printed.

Mr. GAMBLE submitted an amendment proposing to increase the grade of the United States consulate at Munich, Bavaria, from Class V to Class III, intended to be proposed by him to the diplomatic and consular appropriation bill; which was referred to the Committee on Foreign Relations, and ordered to be printed.

WHELPLEY'S "NATION AS A LAND OWNER."

Mr. GIBSON. I move that the pamphlet entitled "The Nation as a Land Owner," by J. D. Whelpley, reprinted, by permission of Harper & Bros., from Harper's Weekly, issues of November 30, December 7, and December 14, 1901, be printed as a document and referred to the Committee on Public Lands. It is an interesting statement of the present condition of the public lands, and also contains something on the question of irrigation.

The motion was agreed to.

EMPLOYMENT OF ASSISTANT CLERK.

Mr. HANNA submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Enrolled Bills be, and it is hereby, authorized to employ an assistant clerk, to be paid from the miscellaneous items of the contingent fund of the Senate, at the rate of $1,440 per annum, until otherwise provided for by law.

PARK SYSTEM OF THE DISTRICT OF COLUMBIA.

Mr. GALLINGER submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound in cloth 10,000 copies of Senate Report No. 166, Fifty-seventh Congress, first session, being the report on the improvement of the park system of the District of Columbia, 4,000 copies for the use of the Senate and 6,000 copies for the use of the House of Representatives.

PHILIPPINE CUSTOMS TARIFF.

Mr. LODGE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That there be printed for the use of the War Department 1,000 copies of Senate Document No. 171, Fifty-seventh Congress, first session, entitled "Correspondence relating to the Philippine customs tariff."

THE CENSUS OFFICE.

Mr. LODGE. I submit a resolution, for which I ask present consideration.

The resolution was read, as follows:

Resolved, That the Secretary of the Interior be, and he is hereby, directed to send to the Senate a list of the persons employed at the present time in the Census Office, stating the nature of the duties performed and the date of appointment in each case.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. COCKRELL. I should like to ask about how many employees there are in the Census Office.

Mr. LODGE. That is what I want to find out.

Mr. COCKRELL. The resolution simply calls for a list of the employees.

Mr. LODGE. It does, and when appointed.

Mr. COCKRELL. I did not understand that it said when appointed.

Mr. LODGE. The date of appointment. If desired, I will add the amount of the compensation.

Mr. COCKRELL. Let the resolution be read again.

The Secretary again read the resolution.

Mr. GALLINGER. I suggest that the resolution shall call for the date of appointment and compensation in each case, if the Senator does not object.

Mr. LODGE. Certainly not. I want to make it as full as possible. I suggest that the resolution be modified by making it read "the date of appointment, the State whence appointed, and the amount of compensation."

Mr. GALLINGER. That will do.

The PRESIDENT pro tempore. The resolution will be so modified.

Mr. COCKRELL. That is, to put in the date when appointed.

The PRESIDENT pro tempore. And the compensation.

Mr. COCKRELL. And the State from which the appointment was made and the compensation?

Mr. ALLISON. There may be some appointed from the District of Columbia, and it might be well to say "including the District of Columbia."

Mr. LODGE. Yes; "the place whence appointed," so as to include the District of Columbia.

Mr. GALLINGER. And the Territories?

The PRESIDENT pro tempore. The Secretary will read the resolution as modified.

The Secretary read the resolution as modified, as follows:

Resolved, That the Secretary of the Interior be, and he is hereby, directed to send to the Senate a list of the persons employed at the present time in the Census Office, stating the nature of the duties performed, and the date of appointment, place whence appointed, and amount of compensation in each case.

The resolution as modified was agreed to.

ADELBERT AMES.

Mr. PRITCHARD submitted the following resolution; which was referred to the Committee on Privileges and Elections:

Resolved by the Senate of the United States of America, That the Secretary of the Senate be, and hereby is, authorized and directed to pay to Adelbert Ames, formerly a Senator from the State of Mississippi, the sum of $4,876.71, due him as a Senator of the United States in the Forty-first Congress, from the 4th of March, 1869, to the 22d of February, 1870, to be paid from the miscellaneous items of the contingent fund of the Senate.

SCHOOLS OF MINING AND METALLURGY.

Mr. SCOTT. I move that the bill (S. 634) to apply a portion of the proceeds of the sale of the public lands to the endowment, support, and maintenance of schools or departments of mining and metallurgy in the several States and Territories in connection with the colleges for the benefit of agriculture and the mechanic arts established in accordance with the provisions of an act of Congress approved July 2, 1862, be recommitted to the Committee on Mines and Mining.

The motion was agreed to.

PERMANENT CENSUS OFFICE.

Mr. QUARLES. I desire to give notice that to-morrow morning after the routine business I shall ask the Senate to take up for consideration during the morning hour the bill commonly known as the permanent census bill.

Mr. LODGE. I want to say, in regard to the notice just given by the Senator from Wisconsin [Mr. QUARLES], that I appreciate the importance of the bill which he desires to bring up. I know there is a great pressure to have it immediately acted upon, but it is a bill that is going to give rise to a good deal of debate and is going to consume, in my opinion, a great deal of time. I shall be forced, therefore, though very reluctantly, to oppose its being taken up at the expense of the unfinished business of the Senate.

I will also say to the Senator from Wisconsin that I have this morning asked for information in regard to that matter, which I think we ought to have furnished before we take up the bill for discussion.

Mr. GALLINGER. Mr. President, my attention was attracted by the suggestion made by the Senator from Wisconsin [Mr. QUARLES] to the fact that I reported a bill on the 16th of January, which has been four times favorably reported from the Committee on Commerce, and has twice passed the Senate without division, to promote the efficiency of the Revenue-Cutter Service. I am very desirous to have that bill considered at an early day, and will now say that if an opportunity presents on Friday

at the conclusion of the morning business I shall ask the Senate to consider it. I think it will take but very little time.

Mr. QUARLES. As the Senator from Massachusetts [Mr. LODGE] has well observed, there is a very great pressure brought to bear upon me, and I presume upon other Senators, for the speedy consideration of the permanent census bill. I need not mention the reasons which prompt that pressure. They are obvious to every Senator.

Of course, when this matter is presented—and I shall try to present it at an early day to the Senate—the question will be, whether we shall not, after all, be expediting business on the whole by using the morning hour for other business and allowing the regular order of business to be taken up every afternoon at 2 o'clock. I think the experience we have had already in this discussion will demonstrate that we are making a mistake by confining the attention of the Senate to the regular order of business during the morning hour. We can transact here every morning a considerable amount of business and not materially interrupt or impede the general discussion. I shall hope that when the time comes the Senate may consider the proposition favorably.

ENROLLED BILLS SIGNED.

A message from the House of Representatives by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (S. 946) to amend section 4400 of the Revised Statutes of the United States, relative to a reciprocal recognition of boiler-inspection certificates between the several maritime nations having marine-inspection laws:

A bill (H. R. 9315) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1902, and for prior years, and for other purposes; and

A bill (H. R. 10076) to receive arrearages of taxes due the District of Columbia to July 1, 1900, at 6 per cent per annum, in lieu of penalties and costs.

PHILIPPINE TARIFF BILL.

Mr. LODGE. I move that the Senate proceed to the consideration of what is known as the Philippine tariff bill.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Massachusetts that the Senate proceed to the consideration of the bill named by him.

Mr. COCKRELL. Will not the Senator consent to run a half hour on the Calendar?

Mr. LODGE. I hope the Senator will not ask that now. I am very anxious to get on with the Philippine tariff bill. I yielded yesterday. I want to make progress with the bill and get it out of the way. We are going to take an hour on Friday for pension bills.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Massachusetts [Mr. LODGE], that the Senate proceed to the consideration of the Philippine tariff bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 5833) temporarily to provide revenue for the Philippine Islands, and for other purposes.

The PRESIDENT pro tempore. The pending question is on the amendment offered by the Senator from Colorado [Mr. PATTERSON].

Mr. TELLER resumed the speech begun by him yesterday. After having spoken one hour and ten minutes—

Mr. MALLORY. Will the Senator from Colorado permit me to interrupt him for a moment?

Mr. TELLER. Certainly.

Mr. MALLORY. I desire to submit an amendment to the pending bill, and I ask that it be printed and lie on the table.

The PRESIDING OFFICER (Mr. PATTERSON in the chair). The amendment will be printed and lie on the table.

Mr. VEST. I ask for the reading of the amendment offered by the Senator from Florida.

The PRESIDING OFFICER. The Secretary will read the amendment.

The SECRETARY. It is proposed to strike out all of section 3 and to insert in lieu thereof the following:

SEC. 3. That until July 1, 1903, the same tonnage taxes shall be levied, collected, and paid upon all foreign vessels coming into the United States from the Philippine Archipelago, and in addition to any tonnage dues or taxes now imposed by the government of the Philippine Islands upon all foreign vessels, except vessels of Spain owned by Spanish subjects engaged in traffic between the ports of the Philippine Archipelago, which are required by law to be levied and collected, and paid upon vessels coming into the United States from foreign countries: *Provided, however*, That until July 1, 1903, the provisions of law restricting to vessels of the United States the transportation of passengers and merchandise directly or indirectly from one port of the United States to another port of the United States shall not be applicable to foreign vessels engaging in trade between the Philippine Archipelago and the United States, or between ports in the Philippine Archipelago; and thereafter such provisions shall not apply to vessels of Spain owned by Spanish subjects entering the ports of the Philippine Islands until the expiration of the ten years mentioned in article 4 of the Treaty of Paris of December 10, 1898.

And further provided, That the Philippine Commission shall be authorized and empowered to issue licenses to all vessels or other craft now engaged in lighterage or other exclusively harbor business; but after the passage of this act such licenses, except as herein provided, shall be issued only to vessels or other craft built in the Philippine Islands, or in the United States and owned by citizens of the United States or by inhabitants of the Philippine Islands.

And it shall be the duty of the Secretary of the Treasury, as soon after the approval of this act as practicable, to make and promulgate such rules and regulations as may be necessary for the nationalization of all vessels built in the United States or in the Philippine Islands and owned, at the date of the approval of this act and thereafter, by inhabitants of said islands not subjects or citizens of any foreign nation; and no inhabitant of said Philippine Islands, not the subject or citizen of any foreign nation, possessed of the other qualifications required by existing law to act as an officer of a merchant vessel of the United States, shall be disqualified as an officer of any vessel nationalized in accordance with the provisions of this act by reason of not being a citizen of the United States.

Mr. TELLER. Mr. President, after I surrendered the floor yesterday there was some discussion which was foreshadowed by the question the Senator from Connecticut [Mr. PLATT] had asked me about the sentiment of the people of the Philippine Islands. Before I take up any other proposition I want to say a few words on that point and also a few words about the statement made by the Senator from Connecticut in the course of a speech. I can not put my eye at the moment on the part of the Senator's speech to which I refer, but I recall it very well. He said that I had said that the United States is rightfully in the Philippine Islands. I have never said that, Mr. President. What I said was that by international law we were undoubtedly there under its terms.

I also said the other day that there was nobody who would contest our right there except the Filipinos. No nation in the world is going to raise any question with us if we take the entire sovereignty and insist on the right to subjugate and oppress the people of those islands who came to us by our cession from Spain. I have said, therefore, that our rights in the Philippines did not seem to me to be a very practical question in considering the proposed legislation.

I said a year ago in the Senate that it was apparent that the party in power intended to keep and hold those islands while that party remains in power, and that it was therefore certain that the islands would be held by the United States for the next four years, if not longer.

I find no trouble about our title now—none whatever. I know that it may be properly questioned, but it is not going to be questioned, except here and in the Philippine Islands. It has been determined, so far as it can be determined through the military branch of the Government, that we are in possession. As I recall it, Cicero once said in one of his orations that matters which had been settled in a military tribunal by a military adjudication would never be reversed in a court of law, and this proceeding is not likely to be reversed in a court of law. We know already that the courts have decided that the Philippines are a part of the United States. I do not mean to say, nor did I mean to say yesterday or the day before, that I agree with all the statements of the court, but I accept the court's conclusion. I would not be understood as saying that I consider it so binding upon me that I could not rightfully cast my vote against it if I had an opportunity and it were proper to do so.

OUR RIGHTS IN THE PHILIPPINES.

But recognizing the fact that the court apparently had to make an effort to reach the conclusion that it did reach, and which it reached by devious ways, I do not mean to use that word offensively, but to say that by a curious method, no two of the judges quite agreeing on all of the propositions, but a majority agreeing in the final conclusion, a decision was reached. I do not think, as I said a year ago, that morally we are rightfully in possession of those islands, because I do not myself believe—I want that to be distinctly understood—that when we took the sovereignty we took it with a right to hold it against the will of the nine or ten million people there.

But, more than that, I now say that I do not believe there is any court in the world now established, or any set of judges in the world now constituted, who would declare that those Filipinos who resist our domination are technically or actually guilty of treason. They have never owed any allegiance to us. They did owe allegiance to Spain, but Spain had no right to transfer that allegiance. She transferred by treaty her sovereignty over the soil, but she could not sell to us the 9,000,000 or 10,000,000 people there. They were resisting Spain at the very time that we made this treaty, were in arms against her, and were believed by most people to be capable of maintaining that position against Spain and of winning their independence if we should let them alone. Hence I say that I do not believe that they are technically guilty of treason. I do not feel toward them, and I do not believe the people of this country generally feel toward them, as we feel toward men who owe allegiance by birth, or by their voluntary submission to it, and

afterwards decline to observe the duties of citizenship toward the Government under which they live.

As I have before said, every Senator who discusses this question, differing with the Administration or the dominant party, discusses it under embarrassment and in some respects under restraint, and subjects himself to criticism, and is likely to be put into a false position by impassioned appeals of Senators differing with him by eulogies of the flag, by a very beautiful piece of oratory where a Senator declares, for instance, that the flag always stands for all that is good and that opposition to whatever is being done under it must be opposition to that good. All that may be very pretty, but it is not argument.

Then, I am sorry to say that it seems to me that in this debate there is not that exactness and fairness that ought to characterize a debate in the Senate. I want to speak of that when the Senator from Ohio [Mr. FORAKER] comes in, if he shall come in while I am speaking. If not, I shall have to speak of it in his absence.

DO THE FILIPINOS WANT US?

The issue last night raised by the Senator from Connecticut [Mr. PLATT] was whether the people in the Philippine Islands wanted our domination. Whenever the Senator can show they do want it, I will be with him; whenever he can prove here, with a fair degree of evidence, that three-fourths of the people there want it, I will be for compelling the other fourth of them to submit, because I know that the doctrine that the consent of the governed is necessary to proper government does not mean that every individual must indicate his consent. Whenever the majority of those people shall say they want the Government of the United States, then the others must submit to it.

But, Mr. President, is there any Senator on this floor who really believes that three-fourths of the people of those islands want us there? I am now speaking of three-fourths of the Christians, and do not include the heathen and wild men, who can not have a conception one way or the other, and we will let them go. Indeed, does anybody believe that any considerable number, much less three-fourths, of those people are anxious for our domination—that is, that they are so attached and devoted to the Government of the United States that they would not willingly see our soldiers vacate the garrisons and our ships sail out of their harbors? I do not think that anybody believes so except the Senator from Connecticut, and, knowing that Senator to be a lawyer of long experience, I am utterly unable to understand how he can believe it. But I must assume that he does; that he believes three-fourths of those people are panting and anxious and waiting for the other fourth to quit fighting, so that they may enter into the full joys of the autocratic government that you have established over there.

I can understand if you had a government there of the people and by the people, or if you were promising, as I have proposed in the amendment which I have offered to this bill, and which will be voted down I fear—if you were promising at some time, it might be in the dim and distant future, but at some time, to give those people a government of their own, I might understand, I say, that there might be hopeful men there who would be willing to wait and hope, and meantime accept our domination. But under the circumstances the statement that our sovereignty is now demanded taxes my credulity.

In the first place, there is a population over there absolutely unlike our own; there is a civilization there absolutely distinct from ours. It is true they are Christians; but, as one writer says of them, they are Christians with even more superstition than faith.

They are stanch adherents to one of the great Christian churches, and they are not savages, as I am going to show before I get through. They are civilized people, mainly—I am speaking now of the Christian people—and yet they never had a line of thought on any question that was in accordance with ours, except the single one of devotion to liberty, which somebody has said the Almighty had planted in the heart of every man to a greater or less degree, and probably in a lesser degree in the Asiatic mind than in that of some other races of the world. They have that idea in common with us. That is admitted by everybody. It is admitted by the Commission and it is contended by the three Filipino members of the Commission who tell us of the conditions there. They say they are devoted to liberty. They go on to explain why it is that the trouble arose, and they say very frankly that it was because they doubted our purpose, that they did not believe we were going to give them the liberty which they wanted, and that is the reason they were in hostile array against us.

We do not need any argument to show that these people wanted independence against Spain when it had control of the islands. They went to war. Indeed, they have always been at war with Spain. They were at war with Spain when we went there, and we encouraged them to continue the war with that country. They gathered an army, though it is said they had no government, and that there was not much I admit. But still there was an army there bigger than ours when we took Manila. There was an army there without a commissary; an army without any means of being clothed, and no compensation was being rendered to them. It was a volunteer army seeking freedom from Spanish domination and Spanish cruelties; and that fact of itself ought to show that they wanted freedom. And freedom, Mr. President, never existed in any country where the people who proposed to enjoy it were not the managers and controllers of their own affairs and their own destiny. You can not have freedom when somebody commands obedience.

Up to this hour there is not a Filipino alive who has any reason to say that we are to give those people a free government, unless he may have heard that declaration here in an unofficial manner. The Government of the United States has absolutely declined during three straight years and a few days more now of war to say to those people that even in the distant future we will give them a government of their own. We have said to them, "When we can fit you for self-government, when we can educate you up to our ideals, then we will give you a government." Mr. President, to say that three-fourths of those people will welcome our domination under such circumstances is to say that they are unfit for government of any kind. But everybody knows that is not true.

COURTESY IN THE SENATE.

I do not want to say anything offensive in this debate if I can help it, and if I do so accidentally I suppose I shall have to take it back. I said the other day that every Senator on the other side of the Chamber knew a certain fact. Thereupon half a dozen Senators called me to order, when I was absolutely and strictly within parliamentary rules in making the statement. I singled out no Senator; but I was as much in order when I said that as if I had said that the Republican party, composed of six or seven million men, believe this or do not believe that, and I challenge the parliamentarians in this body to deny that I was in order. Not wishing to seem to be unfair, I took it back, and said "everybody ought to know," not because it was out of order, but I did not wish to offend anyone.

Mr. SPOONER. That was more polite.

Mr. TELLER. That might have been more polite, Mr. President, but not more parliamentary. It is a good deal more so than when Senators stand on the floor and charge us with treason, or even charge us with a less interest in public affairs than they claim to have.

I want to call the attention of the Senator from Connecticut to the colloquy between him and some other Senators last night.

Mr. CARMACK. I should like to ask the Senator what he would think if he finds it to be true that all the military officers have exactly the opposite opinion from the opinion held by the commissioners?

Now, what was the Senator's answer?

Mr. PLATT of Connecticut. I have no evidence that all the military officers hold a different opinion.

The Senator was not asked that. He was asked what he would say if all the officers did say so, and he replied, "Well, I have no evidence that they did say so." The Senator is a lawyer, and he knows that does not answer the question. I want to ask him now what he would say if all the officers did say so? Suppose my premises are false, then what? The Senator can answer my question now, or he can answer it after I get through.

Mr. PLATT of Connecticut. Mr. President, I do not know that I am called upon to answer a purely hypothetical question.

Mr. TELLER. No, it is not a hypothetical question, Mr. President. We assert that that is a fact. I assert here and now that every military officer, so far as I know, who has been in the Philippine Islands, or who is there now, is asserting that the condition is absolutely different from what it is asserted to be by the Philippine Commission. That is a question for proof, and the Senator——

Mr. PLATT of Connecticut. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from Connecticut?

Mr. TELLER. The Senator can bring the proper officers before him and find out, when I make that statement, whether or not it is true. It would not be belied or contradicted if he could find somebody who should come here from the islands and who, under the terrorism which prevails in Army circles, should say that he thought the people were different.

Mr. PLATT of Connecticut. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Colorado yield?

Mr. TELLER. In a moment.

What is the public sentiment of the commanding men of the Army? That is the question. I did not mean to put the Senator off, but I wanted to finish my sentence. If he desires to say anything, I will yield.

Mr. PLATT of Connecticut. If I deem it important, Mr. President, I shall reply to the Senator in the future.

Mr. TELLER. Mr. President, the Senator from Connecticut said:

I have no evidence that all the military officers hold a different opinion, and I do not believe it is true; but I think the Senator from Tennessee himself will scarcely go to the extent of trying to discredit in the United States Senate and before the American people the honesty, integrity, patriotism, and ability of Luke Wright, of Tennessee.

Nobody has attempted to discredit any man connected with the Commission; but who has the best opportunity to form opinions—the officers of the Army or the members of the Commission? That is the question, and it is not any answer at all to say, "Why, these are men of high character." We admit they are men of high character.

PRESENT CONDITIONS.

Here is another rather remarkable statement made by the Senator from Connecticut, and I do not know what it means:

Mr. PLATT of Connecticut. We have some officers out there. We have Generals Chaffee and Hughes and Davis and Bell and Grant, and if those five officers, gallant and brave, could have stood in this Chamber last week and heard what Senators have said about the condition in the Philippine Islands, I think they could not have refrained from taking part in that debate themselves.

Now, does the Senator mean to say that all those men agree with the Commission? Does he say here or will he say, in view of General Chaffee's report (which I have never been able to get except that I have seen it in the newspapers, but I have no doubt the Senator can get it), that General Chaffee agrees with the Commission?

Mr. PROCTOR. Will the Senator from Colorado allow me?

Mr. TELLER. Certainly.

Mr. PROCTOR. I happen to have received this morning a letter from Manila. It is very short, merely a page or so, and I will read part of it.

Mr. TELLER. The Senator can read it all.

Mr. PROCTOR. I will read everything that concerns this matter. The letter is dated at the Headquarters Division of the Philippines, Manila, P. I., December 27, 1901.

The first page refers solely to some friends of mine who were traveling, and then the writer says:

I may say to you that I believe we are progressing fairly well in stamping out what remains of the insurrection in the Philippine Islands, and, without promising anything, I believe that we shall have the matter fairly settled in two or three months. If you note the map of the archipelago occasionally you might pay particular attention to the provinces of Batangas, Laguna, and Tayabas, in the island of Luzon. They are now the scene of what hostilities remain in this island, and military operations there are extremely active; so much so, in fact, that we hear things are getting very uncomfortable for the insurrectos themselves and for others who have by every means in their power—deception, money, and supplies—aided the parties conducting this guerrilla warfare. I think in a short time, Senator, they will get tired; it is certain they will get tired before I do. It is a good sign when men of influence, heretofore quietly resting on their oars, are stepping to the front and endeavoring to prevail on the leaders of the insurrection to give up.

In the island of Samar the insurrection is still on. The force is not large, but sufficiently so to keep up disquiet in that island. The island itself is an awful place, by nature, for campaigning; is a very difficult spot, indeed, for troops to operate in. A couple of hundred men at the present time are setting at defiance the best endeavors of about 3,000 of our troops. Of course, it is only on rare occasions that our soldiers find any of the hostile force, but we must occupy all the towns in order to prevent supplies getting to the enemy, if possible.

On the island of Mindoro there is also a small force, possibly 75 or 100 rifles, but I am not distressed over that island just yet. They will easily come into the fold when the other sections referred to have been restored to quiet.

From what I have stated, you can readily see that the territory mentioned is but a small part of the Philippine Archipelago. In nearly all the rest of it comparative quiet now prevails.

Wishing you, Senator, a happy New Year, believe me,

Yours, truly,

ADNA R. CHAFFEE.

Mr. HOAR. May I ask the Senator from Vermont one question? Does he understand the stamping out, to which his correspondent alludes, to be the equivalent exactly of reconciling a people to our rule?

Mr. PROCTOR. Stamping out what remains of the insurrection is his expression.

Mr. CARMACK. Will the Senator from Colorado allow me? I desire to understand one thing in the letter. The writer speaks of men of influence coming to the front and prevailing on the leaders of the insurrection to surrender. I understand that refers to the provinces of Batangas and Samar. I so understood from the reading of the letter.

Mr. ALLISON. Laguna is also mentioned.

Mr. PROCTOR. He was speaking of those provinces, but in that sentence he does not specifically confine it to them. It might fairly be interpreted as meaning the insurrection in those provinces.

Mr. CARMACK. If the Senator from Colorado will allow me, I wish to say that it is not at all surprising that men of influence in those particular provinces should be coming to the front to induce the leaders of the insurrection to surrender, because by the orders issued by General Bell and by General Smith, in those provinces, their subordinate officers are commanded to arrest all men of influence who do not prove their loyalty within a certain time by inducing some leaders of the insurrection to surrender, and if within ten days they can not accomplish that then they are to be deported from the island, their wives and children driven into the mountains, and their towns destroyed. So it is not at all surprising that some of them under that inducement should be acting as the letter indicates.

Mr. TELLER. I will come to what General Chaffee says before I get through. That is a letter which shows, I think, just what the condition there is. You may "stamp it out." I have not yet said you could not "stamp it out," but I do not believe you can keep it stamped out. We compelled by force of arms the Filipino army to disband. The War Department says—and if there is any question about it I will read the statement, although I suppose there will be none—that they did not disband because they were defeated. They did not come into conflict with us, so that we could defeat the whole army, but they disbanded because they thought it was a better way to conduct the war, and undoubtedly it was for them, making it more difficult for us. They pursued the course which has been wisely pursued for many thousands of years by other people when they are acting on the defensive. I do not suppose Fabius I was the first that ever practiced that system of military defense, although we have given it his name.

There has been some complaint—of which I shall speak before I get through—of the cruelties that are practiced. I have spoken of them once before, a year ago. They have been continued more or less ever since, and will be continued just as long as you have natives in your Army. The Senator from Connecticut continued:

But right here as I progress I wish to say that if we have been by force and wickedness disarming a people, and the evidence shows that in twelve months after disarmament there exists no latent hostility to the Government of the United States, but everywhere a desire to submit to its sovereignty and to come under the benificence of its sway, it is certainly evidence of very remarkable progress toward that condition of things which we all desire shall prevail in those islands.

If that desire for American domination does exist, it is remarkable. I would to God that it did exist. Nobody would be better pleased than I would to know that it existed. The question at issue is, Does it exist? The Senator assumes that it does. If that is true, if three-fourths of the people there are in full sympathy with us, anxious to recognize our sovereignty and obey our laws, there is not any reason in the world why we should not reduce our army to a very much smaller number than they talk about, and there is not any reason in the world why we should continue to practice those things which we have been practicing and which I say are contrary to the law of nations and the laws of war.

I doubt whether you can find anywhere in the annals of history anything quite equal to General Bell's order, of which my friend the Senator from Tennessee [Mr. CARMACK] has just spoken, when you consider the condition; when you consider that these are not and have not been our subjects; when you realize that to-day there is not a Filipino alive who can state what is his relation to this Government. You withhold from him citizenship; or if you have conferred it upon him, you have done it in such a way that he has no proof of it. He would have a very different relation and owe a different allegiance, under the law of nations, if he had been a citizen or even a subject of ours. He has been neither, unless you can buy allegiance when you buy territory.

I stated the other day, and I want to repeat it, for you can not repeat it too often, that under international law the people of a country which you subject by force of arms are entitled to the country in which they live, and are entitled to have the laws that existed there under the former government, or they are entitled to have laws made by the conqueror for them. You have not done either. You have ignored the laws there. You have not legislated for them, except in a way that, if they have any idea of liberty and law, must be very offensive to them. And your legislation is not only offensive to them, but it is offensive to the moral sense of every man on the face of the earth who has any knowledge of the rights of man. If you have three-fourths of them, then your statutes are still more infamous, and the conduct of the Army to them in many respects has been more infamous than we had supposed.

I do not intend to waste any time over the eloquent words of the Senator from Connecticut, in which he declared that—

notwithstanding what the Senator from Colorado has said, notwithstanding the frequent remarks we hear on the other side that there is no moral obligation, no Christian duty resting upon us to do anything more in the Philippine Islands than to return from them, I do think that we are under the obligation and direction of a higher power with reference to our duty in the Philippine Islands.

If I believed that to be true, I should still say that Providence could not sanction the methods we are pursuing, even to secure the ends that Providence had declared we should secure.

Mr. SPOONER. Will the Senator allow me to ask him a question?

Mr. TELLER. Oh, certainly.

Mr. SPOONER. Has the Government of the United States

done anything in the Philippine Archipelago which meets the approval of the Senator or which he regards as right or beneficent?

Mr. TELLER. That question it is hardly proper for the Senator to ask.

Mr. SPOONER. I have listened to the Senator and I have not in his speech discovered an opinion upon his part that anything that has been done over there by the Government was right or beneficent, and I thought perhaps I was doing him injustice in my mind.

Mr. TELLER. I will try to make this speech from my standpoint. I am not the subject of catechism from the Senator from Wisconsin, who assumes now by his question that I am simply here as a fault-finder. Either he does not realize that I am here as an American Senator or he thinks I do not realize that fact.

We have done beneficent things there of which it is not necessary that I should now speak. We are accomplishing some things. We are attempting some things I do not believe we can accomplish, although the object and the purpose were beneficent and good. But I am here to complain of those things that I think we ought not to do. That question is another proof of what I stated a little while ago, of the embarrassment and limitations under which we must address the Senate and the country upon this question. If a Senator with whom I have associated so many years has so ill an opinion of me as to believe I am here simply to find fault because I do not happen to be in accord with the policy of this Government, I do not think he has thoroughly made my acquaintance, or else I do not know myself. I know that I have no desire to make any political capital out of this unfortunate position. I know, and my record in this body ought to satisfy the Senator from Wisconsin of it, that I follow what I believe to be my own conscience and judgment.

I have stood by his Administration when it was absolutely necessary that it should have my vote, not because I was a member of it, not because I was in sympathy with its general purposes and ends, not but that I believed that its domination over the country would in the end be hurtful—I am not now speaking of material interests—but because I believed it was right and just and proper that I should; because on more than one occasion I believed it was to the interest of the people of the United States that I should do so; and I have never, since I have been in the Senate, been afraid to differ from the political organization with which I was connected whenever in my judgment it was right and proper that I should do so.

I am not addressing the Senate as a fault-finder. I am speaking because I believe, in the first place, that the policy we are pursuing toward those people is a wicked and unfortunate policy; because I believe it is a policy that can not succeed; because I believe that if you want to hold the islands, it is a policy you ought to abandon. Mr. President, I hope I have not been led into saying anything I ought not to say. I may be a little too sensitive about those things.

THE PHILIPPINE TREASON CODE.

I was in hopes the Senator from Ohio [Mr. FORAKER] would be here this morning. He is not. I have not before me the speech he made yesterday when he interrupted me, and I can speak only from memory, but if I do not do him justice I will be very glad if anybody will correct me.

The Senator called our attention to section 10, which he said was the code of Tennessee. Substantially that may be true, but he did not read all of the section of the Tennessee code. He did not read that part of it which provides substantially that no man shall be punished except by a jury of his countrymen. Can not he and can not the Senate see the difference between the case of men who are subject to the arbitrary control of a court and men who have the right, first, to be presented to a grand jury; secondly, to have a jury of their own peers, and, thirdly, to have a judge who knows the people and who is in sympathy with them.

To my surprise, the Senator from Ohio also read the ninth section—a question that I understand he, as well as the Senator from Connecticut, is willing to indorse and defend. I said yesterday that there was not, I thought, anywhere in the world a counterpart of that section. The Senator said it was the Maryland statute. I want to say, with the Maryland section before me, in the very document which the Senator had, and the Philippine section 9, that the very offensive portion, the most offensive portion, that which violates the rights of men more certainly than any other, is not in the Maryland provision at all. The Philippine statute first provides:

> All persons who shall meet together for the purpose of forming, or who shall form, any secret society, or who shall after the passage of this act continue membership in a society already formed having for its object, in whole or in part, the promotion of treason, rebellion, or sedition.

That portion might be fairly said to be a repetition of the Maryland act, although it is not entirely so. But the Philippine law continues:

> Or the promulgation of any political opinion or policy.

I repeat that that clause is not in the Maryland statute. It is not in any act that the Senator has brought here. In my judgment it is not in any act ever before written in the English language.

I said the only counterpart I knew of was in Mexico, but that was not a counterpart, for there the person complained of had to have arms in his hands and be in opposition to the Government. I am not going to spend much time on this point, for I know other Senators will discuss it fully and critically.

The Senator from Connecticut attempted to make some explanation of that provision, but his explanation was very lame; and it only shows that when a man is determined to sustain a bad cause, he will always make a bad argument.

Mr. HOAR. Will the Senator from Colorado allow me in this connection? I dislike very much to interrupt him, but I have not heard in the debate what seems to me a very important matter. I think the Senator, when I was out, alluded to it, but I will ask him a question on that point, as he has just spoken on the subject. I refer to the United States statute and the constitutional definition of treason. The Constitution of the United States provides that no person shall be convicted of treason without the testimony of two persons to the same overt act. That is not only a rule of evidence, it is a definition of the crime. Nobody can commit treason against the United States but by an overt act.

Now, the Philippine Commission in undertaking to copy it has provided for treason without that limitation anywhere, so that under its enactment a person may commit treason by words, by inciting other persons to do it, committing no overt act, and can be found guilty on the hearsay evidence of a single witness—that is, the evidence of the man who heard what he said. It seems to be that among all the gross, indefensible provisions of this code this is on the whole the worse.

I beg pardon of the Senator from Colorado, but I wish that that may go in connection with the statement he has just made.

Mr. TELLER. The Senator has no occasion to beg my pardon. I am glad to have him make the statement. He might even have gone further.

Section 10 is not quite so offensive as section 9, and it may have in some of the laws of the States a counterpart, in part at least, although it has not as a whole. That is a section which makes it a crime for the people of the islands—

> To advocate, orally or by writing or printing or like methods, the independence of the Philippine Islands or their separation from the United States, whether by peaceable or forcible means, or to print, publish, or circulate any handbill, newspaper, or other publication advocating such independence or separation.

I will leave that question. I have before me the United States act of 1862, passed with reference to the then existing war in the United States, when, as I said the other day, the passions of the people, North and South, were aroused to a degree perhaps never before witnessed in any community, and it is merciful compared with the most merciful part of this wonderful statute, so called, concerning sedition in the Philippine Islands. If any Senator wants to look at it, he will find that it was enacted on the 17th of July, 1862.

Mr. President, we are told now that there is a state of practical peace over in those islands, and that all we have got to do is to keep on a little longer, and, as General Chaffee says, they will stamp it out. Before I get through I will show how they are stamping it out.

EFFECT ON ORIENTAL TRADE.

The Senator from Connecticut [Mr. PLATT] makes the whole matter turn upon the question of the elevation of that race and our submission to a duty imposed upon us by Deity that we can not avoid.

In 1900 there were the same prophecies made. We were told then that peace was practically secured in the Philippine Islands. I notice that in the address of Mr. LODGE, the permanent chairman of the Republican national convention held in Philadelphia in June, 1900, in speaking of this question, he said:

> It is for the American people to decide this question. Our position is plain. The restoration of peace and order, now so nearly reached, in the Philippines shall be completed. Civil government shall be established, and the people advanced as rapidly as possible along the road to entire freedom and to self-government under our flag.

I will not read all of it.

Mr. LODGE. I should be delighted to have the Senator read it all. I think it is pretty good reading.

Mr. TELLER. I have no objection to reading further.

Mr. LODGE. I did not mean that the Senator should read the whole speech.

Mr. BACON. You do not think it is all good, then?

Mr. TELLER. I desire to read another paragraph necessary to fairly state his ideas.

Mr. LODGE. The Senator is welcome to read any part of it. I was only joking.

Mr. TELLER. The chairman then goes on and says "we will

not retreat." I do not know of anybody who has asked them to retreat or has asked the Government to retreat. The chairman then said:

We make no hypocritical pretense of being interested in the Philippines solely on account of others. While we regard the welfare of these people as a sacred trust, we regard the welfare of the American people first. We see our duty to ourselves as well as to others. We believe in trade expansion. By every legitimate means within the province of government and legislation we mean to stimulate the expansion of our trade and to open new markets. Greatest of all markets is China. Our trade there is growing by leaps and bounds. Manila, the prize of war, gives us inestimable advantages in developing that trade. To-day when our legations are in danger, when our missionaries are assailed and our consuls threatened, it is well, indeed, that we have ships in the bay of Manila and troops that we can send to protect our own.

Mr. President, I am willing to agree with the Senator that was one possible advantage we got out of this condition; but I am not willing to agree with the statement in the next sentence, which I want to read:

Manila is the corner stone of our Eastern policy, and the brilliant diplomacy of John Hay in securing from all nations a guaranty of our treaty rights and of the open door in China rests upon it.

That I do not believe, Mr. President. I do not believe our policy rests upon Manila. I do not believe that Manila will ever be a particularly advantageous port for us through which to secure the Asiatic trade. I wish to repeat that the advantage of holding Manila is that somebody else shall not have it to our detriment, and not that we can make it the basis for Asiatic trade.

I have in my hands here a speech made by Mr. HILL of Connecticut, a distinguished member of the House belonging to the political party which has control of the Government, published in the National Geographic Magazine, with reference to our trade with China, to which I wish to call the attention of the Senator from Massachusetts and to the attention of the Senate, because it accords exactly with my ideas about this matter, and I have not been a careless observer of affairs in the Asiatic world for the last twenty years. Mr. HILL had made a trip around the world, and these are his conclusions:

There is no sphere of influence for us there, and to look upon Manila as a base for Chinese trade is like chasing rainbows for a pot of gold, for commercial bases are not established 600 miles at sea and where storage and reshipment charges would be more than the direct freight to the destined market. The integrity of China can not be preserved by a protectorate of the powers, and if it could the people of this country would not permit our Government to be a partner in it. China must reform herself or go to pieces speedily.

My judgment is that her destiny is slow but sure absorption by Asiatic Russia, and that the world will be the gainer by the change.

I agree to the first proposition, that there is every probability that Asiatic Russia will absorb China, but I do not believe China will be the gainer, nor do I believe the world will be a gainer, although I think China will suffer less, practically, than we and the other peoples.

I do not know what the late treaty between Japan and England, by which it is said they have agreed to enter into an alliance to protect the autonomy of China and hold it, may result in, but I hope that the report that China's autonomy is to be maintained is true. I said in the fall of 1897, and a little later, in the first month of 1898, that that was a very desirable thing to secure, and that I believed it was the duty of Great Britain and the United States to say to Russia, "Hands off of China." But we did not do that and Russia has moved into Manchuria. No matter what may be said about its being a temporary lodgment, it is a permanent appropriation of that great section of the Chinese Empire, and it is to be held and controlled by Russia, and to be the vantage point from which she will sally out upon the balance of that great Empire, and I greatly fear she will dismember it in spite of the new alliance of Great Britain and Japan. That compact may have the effect of retarding it for a time, but I believe it is almost inevitable now that dismemberment will be the result. But this is somewhat foreign to the subject under discussion.

Mr. President, I wish to read another statement that the chairman of the conveution made in Philadelphia in 1900:

We take issue with the Democrats who would cast off the Philippines because the American people can not be trusted with them, and we declare that the American people can be trusted to deal justly, wisely, and generously with these distant islands and will lift them up to a higher prosperity, a broader freedom, and a nobler civilization than they have ever known. We have not failed elsewhere. We shall not fail here.

I would be delighted if I knew that that was a prophecy which would be fulfilled, but I do not see that the steps are being taken which it seems to me will bring about that desirable end. That, I want to say, is why I complain. I am in accord with that sentiment if it can be put into execution; I should like to see it done; but I know enough of the human race to know that these noble ends can only be accomplished with the consent and approval of the Philippine people themselves.

If you would put into this proposed statute the amendments which I offered the other day and modify and change them, if you think they are too drastic or not sufficiently elastic, and with those provisions in the bill send it over to them, I believe you would take a great step in the direction of the aspirations of the chairman of the Republican national convention as he uttered them in 1900 at the convention in Philadelphia. I am sorry the statement the Senator made as chairman of his party's convention, when he said peace was practically accomplished, has not been borne out by the facts.

THE SPANISH WAR.

I have been reading from the Republican campaign book of 1900, and while I have the book in my hands I wish to turn to the Republican platform of 1900. It is in some respects a statement of facts, not of principles, and here is one of its statements:

Its armies were in the field, and the quick and signal triumph of its forces on land and sea bore equal tribute to the courage of American soldiers and sailors and to the skill and foresight of Republican statesmanship.

That assertion hardly comports with the declaration in another place which was made the other day, that the Democratic party forced the Administration into that war. I do not agree with that statement myself, for I do not believe the Democratic party did force the Republican party into the war. We went to war because the American people were excited on the subject of Spain's treatment of the Cubans, and I should like to say now, although it may seem to be a little foreign to what I have been saying, that before we voted on the bill which brought war, and which everybody knew would bring war, I expressed my opinion on this floor that we might avoid war. Everything that has happened since has convinced me that if we had taken the right steps under Mr. Cleveland's Administration or under the Republican Administration and declared the belligerency of the Cuban people alone, without a recognition of the Republic, they would have taken care of the islands themselves.

Mr. President, if there has been any instance in our long history when we failed to do what we ought to have done, this is such an instance, and we are punished for not doing our duty. We are being punished for a failure to do our duty in 1896, 1897, and the early portion of 1898.

I have not finished reading from the platform. Here is another extract:

To ten millions of the human race there was given "a new birth of freedom," and to the American people a new and noble responsibility.

It looked, I suppose, to the American people that that was a feat, and if we had accomplished it, it certainly would have been a great thing, and would have commended this party to the public confidence and support. But, unfortunately, it was not true. It is true that the American people had assumed a new responsibility. It may be a noble responsibility. That would depend exactly upon how we execute that responsibility. If we execute it in righteousness and justice, it will be all right. If we do not, it will be disastrous to us.

I now turn to another prophecy:

Now for the Philippines. The insurrection still goes on because the allies in this country of the bloody insurrectionary oligarchy in Luzon have taught their foolish dupes to believe that Democratic success at the polls next November means the abandonment of the islands to the savages, who would scramble for the bloody plunder until some other strong civilized nation came in to do the work that we would have shown ourselves unfit to perform. Our success in November means peace in the islands. The success of our opponents means an indefinite prolongation of the present bloody struggle.

That is from the speech of Hon. Theodore Roosevelt, who seconded the nomination of McKinley in the Philadelphia convention.

Now let me read what the distinguished Senator from Ohio [Mr. FORAKER] said in his address in that gathering. Remember at that time we were being told that the war was practically over, as we are now told that it is over. He said:

In one hundred days we drove Spain from the Western Hemisphere, girdled the earth with our acquisitions, and filled the world with the splendor of our power.

Mr. President, that is oratory.

The Senator continues:

In consequence the American name has a greater significance now. Our flag has a new glory. It not only symbolizes human liberty and political equality at home, but it means freedom and independence for the long-suffering patriots of Cuba, and complete protection, education, enlightenment, uplifting, and ultimate local self-government and the enjoyment of all the blessings of liberty to the millions of Porto Rico and the Philippines. What we have so gloriously done for ourselves we propose most generously to do for them.

There are some other things in the address of the Senator from Ohio that might be read, because they were very good, but the trouble with the whole of it was that the premises were false and the conclusions therefore erroneous. There was no condition there that justified the statement, in the first place, made in the platform that we had lifted 10,000,000 people from slavery to freedom.

THE PHILIPPINE PEOPLE.

The Philippine inhabitants are composed of Christians, heathens, and Mohammedans; of civilized, highly educated, and cultured, and those with practically no culture, scarcely above savagery and barbarism. And yet 6,000,000 of them, said Dean Worcester, are not only Christians, but, he said, you may fairly say that they are homogeneous. There is the foundation for a government. If there

are 6,000,000 worshiping at the same altar, believing the same great moral truths, practically speaking the same language, though not all of them, but not more diversified than in many of the European countries, there is, I say, a homogeneity that can be made the basis of a government.

I know that it is in some places common to charge that these people are all simply savages. I read a speech, made not long ago in another place, where they were pronounced to be the lowest possible of all humanity. That there are some such on the islands there is not any doubt, but that there are any considerable number is denied by everybody who has been there, particularly by Professor Worcester and by Mr. Forman, an observing Englishman who spent eighteen years there. It is also contradicted by our knowledge acquired since February 6, 1898.

The other day we had quite a discussion here as to the lecture which Professor Schurman had delivered at Boston. Since that time he has done me the honor to send me the full text of his address, which I have found very interesting and very instructive. I wish to read portions of the lecture, composed largely of extracts which he quoted from the report which he assisted in making as one of the Philippine Commissioners. He says:

The first reform—that on which all others depend—is the admission of the Filipinos themselves to a participation in the functions and control of government.

Now, Mr. Schurman is not an anti-imperialist. He is not a Democrat; nor is he a demagogue. I believe that sentence commends itself to every intelligent, thinking man. Every man who has studied history must know that you can not deny to those people participation in the government and maintain it except by absolute force. I continue to quote from Mr. Schurman:

They have reached a state of progress and civilization, at least in Luzon and the Visayas—

And that will take more than half of them—

which entitles them to representative institutions; and the constitution of the Philippine republic was responsive to popular demand in providing for a representative legislature, which was designated an assembly. Had Spain granted the reiterated demand of Philippine reformers for representative institutions, it is highly probable that her flag would to-day be waving over the archipelago. And in this connection I must reiterate what I have elsewhere said of our own obligation to understand, appreciate, and sympathize with the ideas and sentiments of the Filipinos:

"The United State scan succeed in governing the Philippines only by understanding the character and circumstances of the people and realizing sympathetically their aspirations and ideals. A government to stand must be firmly rooted in the needs, interests, judgment, and devotion of the people, and this support is secured by the adaptation of government to the character and possibilities of the governed—what they are, what they have in them to become, what they want, and, not least, what they think they are entitled to have and enjoy."

Mr. President, I think that is excellently well put, and if it should subject him, if he had been in the Philippine Islands, to the penitentiary, or some other place, he certainly would have my sympathy. There are so many good things here that I should like to read them all, but I will not attempt it; it would make my remarks too long. This is what he stated to the audience:

I conceived an exceedingly high opinion of the educated Filipinos, who, however, form a small minority, possibly 10 per cent at most, of the people. And I recognize that the popular tendency to admire and almost worship their educated men rendered these favored individuals the natural leaders of the people.

When the masses of a community look up to the men of educasion, does it not indicate an aspiration to secure an education themselves?

To meet them in a sympathetic and appreciative spirit, to satisfy their natural aspirations and ambitions, and to enlist them actively in the support of American sovereignty seemed to me the most important object for American authorities in the Philippines.

I approve of that.

For myself, I can say with all sincerity that to have met and known these educated Filipinos, to have had social intercourse and official relations with them, I count one of the pleasantest and most interesting recollections in my life. I described to them and indicated the service they might render us in the establishment of civil government in the Philippines in the following terms:

Now, this comes from his report:

The educated Filipinos, though constituting a minority, are ar more numerous than is generally supposed, and are scattered all over the archipelago; and the Commission desires to bear the strongest testimony to the high range of their intelligence, and not only to their intellectual training, but also to their social refinement, as well as to the grace and charm of their personal character. These educated Filipinos, in a word, are the equals of the men one meets in similar vocations—law, medicine, business, etc.—in Europe or America. It is scarcely an exaggeration to say that these picked Filipinos will be of infinite value to the United States in the work of establishing and maintaining civil government throughout the archipelago. As leaders of the people, they must be the chief agents in securing their people's loyal obedience to the new government, to which, therefore, the dictates of policy, as well as plain common sense and justice, require us to secure their own cordial attachment. And it has been a leading motive with the Commission in devising a form of government for the Philippines to frame one which, to the utmost extent possible, shall satisfy the views and aspirations of educated Filipinos. They believe that the Territorial system herein set forth will accomplish that object.

Here is another extract:

In the Malay States Great Britain set up a protectorate because they had sultans and she had no sovereignty.

I do not know what Professor Schurman means by that statement, because Great Britain had asserted sovereignty over the Malays for many years. She had not actual control; she had been wise enough not to attempt to inaugurate a government there until Sir Andrew Clarke, I think about eighteen years ago, disregarding absolutely the instructions given him when he went there, organized a government of the Malay people themselves, and for eighteen years there has been none of the disturbance in the Malay Peninsula which occurred yearly before Sir Andrew went there. Great Britain holds merely a nominal control over the Malays, and she holds it without an army.

In Luzon and the Visayas there are no sultans, and the United States has sovereignty. The conclusion in favor of an American protectorate over the Christianized Philippines is certainly not derived by parity of reasoning.

I must, however, acknowledge that the policy of an American protectorate was very dear to the hearts of the insurgents.

When they talked about independence they meant local independence, and the principal men repeatedly declared that they had expected the United States to maintain a general protecting care over them. They realized that if we had withdrawn our army before the treaty was ratified it was likely that Germany, or Russia, or Japan, or some other power would have entered there, and their condition would probably have been but little, if any, better than it was under Spain.

But in citing the example of the federated Malay States they were playing with a two-edged weapon. For each of the Malayan States has become a veiled crowned colony in which, though everything is done in the name of the Sultan (who flies his own flag and enjoys increased income)—

That is precisely what we have done in the Sulu Archipelago—

the British authorities have exclusive control of taxation and expenditures, give "advice" which the Sultan must adopt, and even push their dominion to the extent of deposing the Sultan and settling the succession, or ordaining a general manumission of slaves.

Mr. President, I want to say that that is not an accurate statement. I took some pains some time ago to look into that matter. While Great Britain does reserve to herself the right of intervention and interference, she has not intervened, and it has not been necessary for her to do so. The right of taxation is exercised by the Malays themselves, as well as the maintenance of order throughout the peninsula. This I will read, because it is explanatory of what Professor Schurman said to the Commission:

The idea of a protectorate entertained by the insurgent leaders, under which they should enjoy all the powers of an independent sovereign government, and the Americans should assume all obligations to foreign nations for their good use of those powers, would create an impossible situation for the United States. Internal dominion and external responsibility must go hand in hand. Under the chimerical scheme of protection cherished by Aguinaldo, if a foreigner lost his life or property through a miscarriage of justice in a Philippine court, or in consequence of a governor's failure to suppress a riot, then the United States would be responsible for indemnity to the foreigner's government, though without possessing the power of punishing the offenders, of preventing such maladministration, or of protecting itself against similar occurrences in the future.

That is not a correct statement of international law. We can create a government there that will be practically a State to all intents and purposes, except that it would not be entitled to representation in Congress. We are not responsible when foreigners are injured in a State. It is true that we have paid some bills in such cases in order to maintain good-fellowship, but international law never requires us to pay, as we did pay for the killing of Chinamen in Wyoming before it became a State and in Washington after it became a State.

I read a statement here last year that I can not turn to now without taking more time than I care to occupy. I read at length the statement of an Englishman, a consul in the Philippines for many years, in which he paid the very highest tribute to the Filipinos; and the Commission themselves pay a high tribute to those people.

You are not dealing with savages; you are dealing with a people who have some idea of their rights and some idea of the character of our Government. I want to read just a little from this report of the Federal party signed by three native members of the Commission:

The successes of the Union Army in the war convinced the Filipinos that there was a superior force which would annihilate them; but these successes could not prevent the people—bleeding and without strength—from tenaciously continuing a suicidal struggle to escape the new slavery which they so greatly feared, even though it were at the cost of death.

That extract does not indicate that they are savages, Mr. President. That is a tribute to those people, who are acting, of course, under a false impression and who are misinformed as to our purposes, for I do not charge that we intend to do the wicked things we are apparently doing over there.

WHAT WE SHOULD DO.

Somebody will tell me, when I express sympathy with those people and anxiety that they should have all the blessings of a free government, that I would give them the American Constitution and American law. Mr. President, I would proclaim to them in tones that the world would understand that they were to

suffer nothing at our hands, that if for a time it did appear that we were not looking to their interests, yet the great American heart is with them, and that there is no purpose of subjugation or destruction.

Why not do it, Mr. President? Why not say it? Are we afraid? Do we distrust ourselves? If we mean to give those people a government of their own, in God's name let us say so now and stop this cruel war. And you can stop it, in my judgment. I believe we can send a commission there and arrange terms easily. I would not send members of the Senate or of the House, but I would call private citizens into the public service and send them over there. I believe I can name, and you can name, a half dozen men who would go over there, who, in my judgment, would bring peace out of disorder and do away with the confusion that reigns. Is it not worth the effort, Mr. President, or are we to do what Spain attempted to do in Cuba—subjugate the people, and, if you can not do that, kill them off? Let me read a little more of what is said about the Federal party in the petition of that party to Congress:

The Federal party is constantly laboring to show to the Filipino people that nothing will benefit them as much as an unconditional adoption of American civilization, in order that they may at the proper time constitute a State similar to others of the Union. This is the final purpose of its platform, which clearly explains the aspirations of the party, which are, briefly, as follows: A steadily increasing autonomy, the separation of church and state, representation of the Philippines in the Federal Congress, and the adoption of the American Constitution, culminating at last in the admission of the islands as one of the States of the Union.

I think their aspirations are impossible of realization. I know that there has been at least here very little, if any, encouragement of that idea. I myself have no desire to see those people incorporated into the Union as a State. The Senator from Wisconsin [Mr. SPOONER] a year ago declared in the most unequivocal terms that he did not so desire, and I presume he still does not. We do not want 10,000,000 people, or 8,000,000 people, or whatever the number may be, who are not homogenous, and who can not be harmonious with us. It would be infinitely better to say to them, "Form your own government; create your own establishment; take care of yourselves locally; maintain order, and we will see that the world does not disturb you." If anything is to be gained by holding them, we should gain it in that way. If commerce is our purpose, we can not gain it with a hostile people. Our imports from the islands have fallen off in the last year $1,000,000, while Great Britain has increased hers. The most desirable article of Philippine export, which is hemp, has gone largely to Great Britain, and we are getting very much less of it than we got last year. While our whole trade with the islands is $4,500,000, that of Great Britain is very nearly four times as great as that sum, amounting to seventeen millions and some hundreds of thousands of dollars.

Let me conclude what these people say:

The Filipino people is ardently desirous of education; it thirsts for justice, and it was only through the fear of a perpetuation of the era of abuse and oppression which characterized the old sovereignty that it was impelled to a tenacious resistance against the sovereignty of the United States. When the Government of the United States shall have organized public education, and when the organization of justice shall give complete satisfaction to all who demand the defense of their rights, then will it be possible to see the true sentiments that our people harbor to the new sovereignty.

Then they go on and say that they hope substantially to establish the English language as the language of the people. Mr. President, I have not any idea that the three native members of that Commission ever supposed that it was possible to establish in the Philippipe Islands the English language as the general language of those people. Such an effort would be futile. That is the Asiatic method of pleasing us, from whom they hold their positions and from whom they get their pay. It means nothing. You can not force upon those people an education. They may be anxious to acquire an education, and some of them may be anxious to adopt the tongue of their invaders and conquerors, but it is not in the nature of things that a whole people should adopt our language nor even our civilization, and any attempt to make them do so will be a failure.

We have 835 teachers now there teaching English. One-half of their time is devoted to instructing the Filipino teachers, so the superintendent says. I do not know how many Filipino teachers are there, but without being definite in the report, it is said there are several thousand. They have schools all over the islands and have had for some years. They have not been well supported nor well attended because the system of financial affairs has been such that there was not pay for the teachers under Spanish rule.

I always want to pay a tribute, Mr. President, where I think it is deserved, and I want to say I think it is one of the best things that this Administration has done, save one, which I meant to speak of when I was dealing with China a while ago, and I will speak of it now. I think the policy of furnishing the Filipinos with English teachers was most excellent, in that it must be a purely voluntary movement on their part, for no nation in the world has ever been willing to have forced on them the tongue of another nation. You can see that going on now in Finland and in Poland; you can see where the Germans are attempting to force the German language upon people, and they are being resisted very vigorously.

DIPLOMACY IN CHINA.

When I spoke of Manila and the fact that we did have some advantage by sending our ships there, I meant, had not my attention been distracted, to say one thing with reference to our foreign diplomacy with China. I do not know who is entitled to the credit; I do not know whether it is the late President of the United States or whether the policy emanated from the present Secretary of State, but I want to say for myself, as I said before, somewhat connected with this great problem, that the action of the Government of the United States in that connection is the most beneficial and the most statesmanlike that has occurred in our history for many years, and the world owes us an obligation because of our position on the Chinese question that it will be most difficult to discharge. I do not know, I repeat, whether our course was due to the late President or Mr. Hay, or to both; but they, or one of them, is entitled to the greatest possible credit for the great good which was accomplished. If there could be as much statesmanship and as much mercy and justice applied to this Philippine question, we would get out of it, and there would not be much trouble with it.

A PARALLEL CASE TO THAT OF THE PHILIPPINES.

General Chaffee in his report declares that there is no instance in history in which a whole people had been in opposition to a government, to the powers existing, as was the case in that country. He told us that those people would take the oath of allegiance to the United States, and the next day they would be found fighting with the Philippine forces. Mr. President, that was exactly what happened during the Revolutionary war in this country. It was stated in Parliament that four-fifths of all the Americans were in favor of British control and were likely to give up the contest. In connection with that debate, Mr. Wilkes, in a speech delivered in the House of Commons in November, 1777, said:

I am aware, sir, that it will be said the Americans will, in case of general success on your part, give up the contest and submit to the terms prescribed. The late experience of General Burgoyne is the fullest answer to this objection. He tells us that the very provincials who were most forward to profess themselves loyalists and take the oath of allegiance, submit to Lieutenant-Colonel Baum, were the first to fire on him. Baum was defeated and surrendered to these so-called loyalists.

If anyone has the curiosity to examine that speech he will find it in the Parliamentary History, volume 19, pages 420 and 421.

Wilkes then proceeds to defend the conduct of the provincials on the ground that their oaths were not given voluntarily, but were given under force. He then says:

Nor is it to be considered treachery. It was a compact not originating from free will or mutual consent, but founded mainly on force and dissolved in the same manner. (P. H., vol. 19, p. 421.)

So when General Chaffee complains of the people of Manila he but repeats history.

I have a letter here from Mr. Schurman, which he wrote a day or two after the controversy here in the Senate, which I desire to read:

BOSTON, MASS., *January 21, 1902.*

Editor of the Tribune:

The report that I have joined the anti-imperialists, and that at a dinner last night I said, "The Filipinos must have their independence," and that "McKinley so intended," is not correct. I have not joined the anti-imperialists. I was a guest of the Boston Reform Club last night, and after dinner spoke on the Philippine question. My speech was a part of a long address recently given before Cornell University, which is now in the press of Charles Scribner's Sons.

I have the book here now.

I must refer for details to that publication, which will appear in a few days. In the meantime I would say this to the Tribune: When President McKinley invited me to accept the presidency of the first Philippine Commission he said the sole object of taking the Philippines was the humanitarian one of carrying them the blessings of liberty. Our Commission reported that the intelligent Filipinos, though recognizing the need of temporary American intervention and tutelage, all desired and hoped for ultimate independence. I said last night that these two objects coincided. The Filipinos want ultimate independence, and our progressive grants of liberty and home rule must eventuate in independence, and it is American sentiment and Philippine sentiment that must finally settle the question.

JACOB GOULD SCHURMAN.

He also said in his Boston speech:

Both Americans and Filipinos desire the political enfranchisement of the Filipinos; there can be no issue between them except in regard to the time when an independent and sovereign Philippine republic should be established.

In the course of his speech he made this comment upon the American administration in the Philippines:

Those Americans, patriotic, but unversed in history, who desire to recreate the Filipinos in their own similitude will always be able to demonstrate that Oriental clay is still without shape and seemliness in the American potter's hand, and that, for a perfect product, a vessel of honor and glory, the American wheel must be kept going for years, or perhaps for generations, or possibly even for centuries. Heaven save the Filipinos from such an impertinent and meddlesome earthly creator. The Filipinos are to develop along their

own racial lines, not along ours, and it is colossal conceit and impudence to disparage them because they are different from ourselves. Any decent kind of government of the Filipinos, by the Filipinos, is better than the best possible government of Filipinos by Americans.

He says further:

If the Filipinos are to learn to govern themselves in the manner of the really free nations, the sooner they get at it the better.

Mr. SPOONER. From whom is the Senator reading?

Mr. TELLER. I have been reading from Professor Schurman in his Boston address. I have here and am going to read a dispatch in relation to General Chaffee, dated Manila, January 28:

MANILA, *January 28.*

General Chaffee curtailed his trip and returned here this morning. He says he found the conditions satisfactory everywhere except at Samar, where continuous rain during the past two months has retarded the campaign, especially against such an elusive enemy.

The condition of Capt. David D. Porter's marines, who took part in the expedition into the interior of Samar, is much worse than previously described. They suffered fearful hardships, and were without food for several days. The natives who accompanied the marines claimed they were unable to distinguish the edible roots, which the marnes did not believe. The anger of the marines against the natives is intense. None of the latter returned with the marines.

The marines suffered so acutely from starvation that they ate raw the flesh of two dogs.

When Captain Porter and the first three of his men staggered into camp they were delirious, and difficulty was experienced in ascertaining the whereabouts of their companions.

Mr. President, there is also a report regarding some captures, which I do not care to insert in the RECORD. Some of those men never returned. I want also to read another dispatch from Manila of the same date, January 28:

MANILA, *January 28.*

The criticism of the Senate minority report on the Philippine tariff bill has been general, both in public and private, here, though many people admit the statements made in the report are correct.

General Wheaton's vigorous criticism referred entirely to Professor Schurman's speech at Boston, though he holds the professor in high personal esteem. The statement that a person who made such remarks here as those credited to the professor during his Boston speech would be sent to jail referred merely to the recent sedition law.

COMPLAINTS OF THE FILIPINOS.

Mr. President, I have several matters here which I propose to put in the RECORD without reading. The Filipinos recently addressed a petition to the President of the United States, in which they said:

The committee, having authority to act from the general in command of the Filipino forces, beg to submit for your earnest attention an appeal, the objects of which are to secure permanent peace in our country and the establishment of such relations between the two countries as shall meet the approval of the American Government and satisfy the legitimate aspirations of our people.

I shall insert the remainder of the appeal in my remarks without reading.

The matter referred to is as follows:

Owing to lack of knowledge of the real cause of opposition to American authority many conclusions have been reached which have since proved to be erroneous. Any one of these prophecies might have been fulfilled if the grounds upon which they were made had been true. But all these prophecies have failed because they did not take into account the intense and universal desire of our people for independent national life. A review of the present situation also will show that this aspiration has lost none of its force. All the reverses which our people have met, and all the rigors of a war in which, in many respects, mercy has not been conspicuous, have not lessened their determination to continue the defense, at whatever sacrifice. The hope that the American rule would find favor with our people, owing to the establishment of civil government, has not been realized. We have evidence that during the last three months discontent has been growing more intense.

In support of these statements we point to the pronounced recrudescence of the armed resistance to American control; to the fact that three provinces have been returned to military rule, and to the equally significant fact that of the three Filipino political parties in the Philippines two are working, by peaceful means, for ultimate independence, and the third for admission as States of the Union, all rejecting the colonial idea. But we wish to state distinctly that our war is waged in the spirit of the Declaration of Independence. Our objects are the same as those which animated the founders of the country with which we are now in conflict, and from whom we received moral "aid and comfort." And we are fortunate in finding our justification written upon the brightest pages of American history.

It is natural that there should be mutual distrust, but this distrust has been increased by the continued refusal of the United States to give assurance that the rights of the Filipino, as they understand them, will receive ultimate recognition. It is true that we have been promised many good things, but accompanying these promises there has been a demand for unconditional surrender, without any assurance that the one thing which we value most will ever be granted to us. When the bread of national life is asked for, it will not suffice to offer a stone, even though the stone be a diamond. In view, therefore, of the remoteness of a settlement of the conflict, and in view of the impending serious loss of life and property to both parties, we appeal for a reconsideration of the situation in the hope that a way may be found, mutually satisfactory, of ending this conflict, by giving such intimation to our countrymen as will assure them of the ultimate recognition of their legitimate rights.

Apart from contending claims, the chief difficulty to a settlement lies in the contention that negotiation with those who offer armed resistance to the authority of the United States would result in loss of prestige to America. The popular form of this contention is: "We must first teach these Filipinos to respect us and to submit to our authority." The "respect" of a people who have been battered into submission is a respect which ought to be regarded by every free American with pity, contempt, and scorn. Our real respect can be obtained by other and more dignified means. We do not require any further lesson to teach us the immeasurable superiority in power of a nation free for more than one hundred years, ten times as great in population, and incalculably greater in wealth. In our present condition our forces are limited in monetary resources, very inadequately armed, and imperfectly organized. We therefore consider it no discredit to acknowledge, and we hereby authoritatively acknowledge, that American power is supreme and that the prestige of American arms has been vindicated throughout this conflict.

A second difficulty is the assumption that, if internal control were given to the Filipinos, those who had supported American authority would be liable to maltreatment. Such an assumption is hardly in harmony with the belief, held by many Americans, that a majority of our people are in favor of American rule. A majority ought surely to be able to defend itself. But we contend that the supposition is groundless. A large proportion of those who openly support American authority do so only to avoid suspicion, and their heart is with their countrymen in arms. At the proper time satisfactory undertakings could be given of protection, and of amnesty to those who have taken up arms against our people for all acts done under American authority, America to have the right, as she has the means, to enforce such contracts.

A technical difficulty arises out of the fact that the Philippine government has never received recognition, and the consequent contention that there is no Philippine authority with which the American Government can negotiate, even if it had the desire. We claim to have authority on behalf of the Philippine people—authority which, having been properly conferred, is acknowledged and would be obeyed. But if there is technical validity in the above contention, our people would accept indirect assurance of the ultimate recognition of their rights, either by the proclamation to our people, by annunciation of policy to the American people, or by such other method as may be deemed proper. The object of this appeal would thus be achieved, without giving recognition to any real or so-called Philippine authority. As soon as peace has been established a constitutional convention could be convened similar to the one in Cuba, with which future relations could be held, and by which all differences could be adjusted.

Finally, with the earnest prayer that this appeal may meet a favorable response, we respectfully represent that no way can be found of putting an end to this unhappy conflict which does not include an adequate assurance to our people of some form of ultimate national life. We ask in all sincerity: Is not this aspiration both legitimate and laudable? And if so, what other course would you have a self-respecting people adopt? What greater proof of our sincerity and devotion could there be than the prolongation of resistance even after the complete supremacy of American arms has been established? The armies of America can march unresisted from end to end of our country, but wherever they are not present our people unite, drawn together by a common desire. The American amies can defeat our troops, but they can not defeat or destroy this desire, unless by the destruction of those who hold it—and such an act as this we can never believe the American people would knowingly authorize. And if it prove that yours should be the hand to liberate our people, a name, honored in your country, will be beloved and ever memorable in ours.

Mr. BACON. Will the Senator give the date of that?

Mr. TELLER. There is no date to it, but it is recent. It was promulgated this fall, probably two months ago; perhaps less than that.

THE WATER CURE.

I am going to read some part of this, although it is not pleasant reading. This is an extract from City and State, published in Philadelphia, by Herbert Welsh:

If anyone had said just previous to the Spanish-American war that torture was about to become an accepted means of producing a military or political result under our flag, he would have been laughed at as a fool or a madman; but it now looks very much as though what we state is a literal truth, without exaggeration, so far as our Philippine possessions are concerned. And we may say, moreover, that in these tropical islands torture of a very horrible description has been used under the authority of the United States flag as a means to produce a military or political result.

Either this is actually the case or else a large number of persons have entered into a conspiracy, through a period of two years, to defame the honor of the United States flag by trying to make it appear that torture has been so used. If we adopt this theory, we must also conclude that Mr. George Kennon, the distinguished Siberian investigator, a man of high character and standing, has been a party to this conspiracy or a victim of it, and that the New York "Outlook," one of the most influential and respectable of imperialist or expansion papers, has been an instrument for spreading the libel. Let us look at the facts. A year from last June the editor of City and State, while attending the arbitration conference at Lake Mohonk, had some conversation with Mr. Howard M. Jenkins, the editor of the Friends' Intelligencer, relative to a quotation that had appeared in that journal from an Omaha paper—a letter of a soldier in the Philippines—giving an account of what was called the water-cure torture. This, the writer said, was inflicted on Filipinos in order to make them reveal hidden guns. The account, republished in our issue of June 21, 1900, is as follows.

I presented perhaps not the same facts, but I have heretofore made a statement on this subject, and now, if there is any member of the Committee on the Philippines here he can say whether I am correct or not. But I understand that Commissioner Taft has stated before the committee that that torture has been inflicted. I do not know how much he said had been done, but that there have been instances of it he admitted.

Mr. CARMACK. I do not know that Governor Taft exactly admitted it. I am not quite sure that he exactly admitted that it had been done. But he did not deny it.

Mr. TELLER. I was told by a member of the committee that he had admitted it.

Mr. CARMACK. I do not know whether or not he admitted it in so many words.

Mr. TELLER. The account I wish to bring to the attention of the Senate is as follows:

A. F. Miller, a member of the Thirty-second United States Volunteers, writing from the Philippine Islands to the Omaha World, under date of March 5, describes the means used by the United States soldiers to compel captured Filipinos to give up their concealed arms. He says:

"We go out on a hike, catch a negro, and ask him if he has a gun. He will give us a polite bow and say, 'No sabe,' and then we take hold of him and give him the 'water cure,' after which he can get us two or three guns. Now, this is the way we give them the water cure: Lay them on their backs, a man standing on each hand and each foot, then put a round stick in the mouth and pour a pail of water in the mouth and nose, and if they don't give

up pour in another pail. They swell up like toads. I'll tell you it is a terrible torture.

"We went up the bay the other day to get some robbers, and secured three. They would not tell where they had their guns. So we gave them the water cure (salt water), and two of them gave us their guns. We gave the other one so much water we nearly killed him, yet he would not tell. Guess he was an old head; they have lots of grit. They will stand and see you half kill one of their friends, and won't tell a thing. When it comes to their time to take the cure, they will take their clothes off, lie down, and take two or three pails of water before they will say a word. One of them said, 'You can kill me, but you can not make me tell.'"

The editor of the paper, who is a Republican, not a Democrat, says:

This seems to us incredible. Upon our return to Philadelphia, a few days later, a gentleman known to us stepped into our office and placed in our hands a long letter from another soldier in the Regular Army in the Philippines addressed to relatives in this city. It had every evidence of being sincere and genuine. This letter described events as they appeared to the writer, and was wholly without any tone of exaggeration or sensationalism. It described the "water-cure" torture just as did the letter quoted above. We give the following extract:

——, PHILIPPINE ISLANDS,
April 25, 1900.

MY DEAR ——: As this is the last day for some time that I will have a chance to write, I thought this would be a good time to begin one. We are still at it, and making preparations for the rainy season, which is expected about the middle or latter part of June. Any of the natives who have a gun can turn it in to us and get $30 Mexican (Mexican money) for it, so a good many are bought in that way. We have a company of Macabebe scouts here who go out with white troops, and if they can not get any guns voluntarily they proceed to give the fellow the water cure—i. e., they throw them on their backs, stick a gag in their mouths to keep it open and proceed to fill them with water until they can hold no more, then they get on them and by sudden pressure on the stomach and chest force the water out again. I guess it must cause excruciating agony, as they nearly always disclose where guns are hidden. Of course there is no pay for guns got in that manner. It is rather a harsh way for us to use them. I wonder how we would feel were we used in such a manner? The soldiers who look on think it is a huge joke.

These Macabebes are a people who have always been held in contempt and subjection by the Tagals. They are not very numerous and not the equal of the latter in anything except ferocity. Had the former known a year ago that they would take arms for us, I think they would have exterminated them.

That is, if the Filipinos had known it, they would have exterminated the Macabebes.

Mr. BATE. Who inflicted that punishment, and for what? I did not quite catch the statement.

Mr. TELLER. It is inflicted because they do not give up guns. The soldiers ask if they know where there are any guns hidden. They say no, and without waiting to know whether they do or not, they inflict the torture.

Mr. BATE. Who?

Mr. TELLER. The American soldiers.

Mr. BATE. On the Filipinos?

Mr. TELLER. On the Filipinos. I have a statement somewhere, although I do not know whether I have it here, that nearly one-half of all on whom this torture is inflicted die.

Between the two there is little to choose, except that the Macs. are more cowardly, and indulge their craven ferocity under the protection of Americans.

I will put in the remainder of that column, and then I wish to call attention to what Mr. Kennon says:

I saw two American prisoners who came in here a few days since; one is a Fourth Cavalry man, the other from the Twelfth Infantry. They were with General Macabolas' command. They say they got used pretty well, on the whole. They stole away in the night and arrived here after five days' travel. They looked pretty tough. They say that Macabolas has 4,000 men, all armed, with plenty of ammunition, and that they can get all the food and clothing they want from the people through whose districts they pass. He is presumably waiting for the rainy season to start in. It looks like a concerted plan on his part to make it warm for us. If there is fun, we will not be surprised. I am sorry to say that we will have to call for more troops.

Without giving the name of the writer, which we were not authorized to do, we published in City and State the part of this letter given above. We also sent it to the Springfield Republican, and it was published in that paper. The matter seemed to attract but little attention. One of our subscribers, however, wrote to us a letter, which we published, expressing incredulity. Later, during the same summer, the question was revived by the appearance of another letter from a soldier in the Philippines—John E. White, a sergeant in the Ninth United States Infantry—in the pages of the Atlanta Constitution, in which the water-cure torture was described much in the same way. This letter was as follows:

"These Macabebes have a novel treatment to make a prisoner 'habla.' They catch a Tagalo—their sworn enemies—and lay him flat on his back, put a club about 4 feet long in his mouth, and a man stands on each end of this club, which forces his mouth wide open. They then proceed to quench his thirst until his stomach looks like a hill of potatoes, and then they tap him gently(?) on the aforesaid stomach with the butt end of a gun. If the water does not spurt out of his mouth high enough to suit them they will playfully jump on him, which usually has the desired effect, and when they get through with him if there are any guns concealed or buried around there he will very promptly produce them. This may sound very shocking to you at home, but if you were here you would realize fully that extreme cases require extreme measures.

"We had been going on scouting parties nearly three months here day and night before a company of these Macabebes were sent here, and we never found a single gun. As soon as they came they went to every barrio where we had been and got from five to a dozen from every one of them by means of the hydraulic treatment. They had the Tagalos and Pampangos so stirred up that a great many of them brought in their guns without waiting to be told. We were surprised completely when the Macabebes found four guns in a house less than 100 yards from our outpost right here in the town."

Here is what Mr. Kennon says:

Later on Mr. George Kennon, the special investigator of the Outlook, wrote in the issue of that journal, March 9, 1901—

About a year ago—

on this subject as follows:

"For the practice of torture in the Philippines there is no excuse whatever, and yet that we have sanctioned, if not directly employed, the 'water torture,' as a means of extorting information from the natives seems certain.

"An officer of the Regular Army now serving in Luzon, from whose letters I have already made quotation, describes the 'water torture,' as practiced by Macabebe scouts in our service, as follows:

"'A company of Macabebes enter a town or barrio, catch some man—it matters not whom—ask him if he knows where there are any guns, and upon receiving a negative answer, five or six of them throw him down, one holds his head, while others have hold of an arm or a leg. They then proceed to give him the "water torture," which is the distension of the internal organs with water. After they are distended a cord is sometimes placed around the body and the water expelled. From what I have heard, it appears to be generally applied, and its use is not confined to one section. Although it results in the finding of a number of guns, it does us an infinite amount of harm. Nor are the Macabebes the only ones who use this method of obtaining information.

"'Personally, I have never seen this torture inflicted, nor have I ever knowingly allowed it; but I have seen a victim a few minutes afterwards, with his mouth bleeding where it had been cut by a bayonet used to hold the mouth open, and his face bruised whore he had been struck by the Macabebes. Add to this the expression of his face and his evident weakness from the torture, and you have a picture which, once seen, will not be forgotten. I am not chicken-hearted, but this policy hurts us. Summary executions are and will be necessary in a troubled country, and I have no objection to seeing that they are carried out, but I am not used to torture. The Spaniards used the torture of water throughout the islands as a means of obtaining information, but they used it sparingly and only when it appeared evident that the victim was culpable. Americans seldom do things by halves. We come here and announce our intention of freeing the people from three or four hundred years of oppression, and say 'We are strong, and powerful, and grand.' Then to resort to inquisitorial methods and use them without discrimination is unworthy of us, and will recoil on us as a nation.'

"It is painful and humiliating to have to confess that in some of our dealings with the Filipinos we seem to be following more or less closely the example of Spain. We have established a penal colony; we burn native villages near which there has been an ambush or an attack by insurgent guerrillas; we kill the wounded; we resort to torture as a means of obtaining information; and in private letters from two officers of the Regular Army in the Philippines I find the prediction that in certain provinces we shall probably have to resort to the method of reconcentration practiced by General Weyler in Cuba."

Coming down almost to date, we find the following testimony on the same subject in a letter from a correspondent of the Columbia (S. C.) State, written from Binan, P. I. This was quoted by the Springfield Republican December 24, 1901.

I need not say that the Springfield Republican is not a Democratic paper.

Mr. ALDRICH. What is it?

Mr. TELLER. I do not know that it is a Republican paper, but for at least forty years that I have been familiar with it it has been one of the leading journals of the United States. This is the letter:

The Americans are using the severest methods to put down the rebellion in Samar. General Smith has ordered everyone to come into the towns by a certain day, and all who are found in the country after then will be killed without question. In Mindoro, Samar, and Leyte the Americans are using fire and sword as the Spaniards used them in Cuba.

Mind you that is December 24, 1901.

This is part of a report from Mindoro: "Captain Bent applied the torch to the rebel quarter, went back to Monsolia, rounded up the horses and carabas and shot them, set fire to the town, watched it until it got well under way, marched back to the Monsol, did the same there, and then got on the *Custer* and sailed back. Like reports come every day from Samar—

That is where General Chaffee, in the letter read by the Senator from Vermont [Mr. PROCTOR], said the rebellion would be stamped out in a short time.

But no Americans over here blame the army for such measures, as these natives have no respect for anything short of torture. They are exceedingly cruel themselves, and they consider leniency a sign of weakness and fear.

The "water cure" is the favorite torture of the Americans to force the natives to give information concerning the insurrectos. The native is bound and gagged, and one soldier pours water and sand down his throat while another beats him on the stomach, which soon swells out like a drum. This torture is said to be horrible, and it generally makes the Filipino betray everything, but many of them are game to the last and carry their secret to the grave. A soldier who was with General Funston told me that he helped administer the "water cure" to 160 natives, all but 26 of whome died.

That statement is worse than I made it:

A soldier who was with General Funston told me that he helped administer the water cure to 160 natives, all but 26 of whom died.

Mr. President, if these horrible narrations are not true, the American Government owes it to itself to prove that they are not; and if they are not true the Administration can prove their inaccuracy. We are spending on those islands and on our Army not less than $250,000,000 a year, and while it may cost something to prove or disprove the accusation, we should be given the truth, even at the risk of adding somewhat more to the expense. I should be glad to know that it is a slander against the Army. But I am compelled to believe that after the attention of the country has been called to it for more than a year and no effort made to disprove it, that it is true.

Mr. BACON. Will the Senator permit me in this connection?

Mr. TELLER. Certainly.

Mr. BACON. I do not think the Senator properly guards his language in saying it is the work of the Army. I desire to say, from some little personal knowledge, that I do not think that is a proper charge, as the Senator unintentionally expresses it.

Mr. TELLER. I read the charge that a soldier under General Funston said——

Mr. BACON. The Senator will pardon me for a moment. He does not understand me. Conceding that everything that is charged is true, and that the occurrences are correctly narrated in the several articles and letters, I am quite sure that while an investigation may prove them to be true—and I do not wish to be understood as suggesting anything to the contrary—I am equally sure that it will be found that while the presence of the Army has given the opportunity to the vicious part of the Army for the perpetration of these atrocities, it is not the work of authorized persons.

Mr. TELLER. Oh, I do not suppose any order has been issued to that effect.

Mr. BACON. The Senator will not misunderstand me. As he knows, I am very much in sympathy with the contention which he makes, and I took the liberty of interrupting him for the purpose of making a statement with which I was quite sure he would agree; and the last statement he has made indicates that he does agree with the suggestion which I wished to make.

SAVAGES FOR SOLDIERS.

Mr. TELLER. I read the statement that a soldier accompanying one of our generals said he had assisted in applying the torture to 160 men, all but 26 of whom had died. I doubt whether General Funston himself would agree to that; but they send out a little corporal's guard somewhere, and they pick up what they call a negro, and they inflict the water torture on him. They do not, perhaps, go back and tell the officers that they did it, but what we are responsible for is the fact; otherwise we would have stopped it. And we are responsible for the Macabebes, who are our soldiers. They are under our pay. They have been enlisted under an act of Congress against which I voted, because I knew that we ought not to enlist that class of people.

Mr. CULBERSON. Bearing upon the question as to the truth or falsity of these charges, I will ask the Senator from Colorado to allow me to read a paragraph or so from the testimony of Governor Taft.

Mr. TELLER. Read it.

Mr. CULBERSON. On page 75 of the hearing Governor Taft said:

Governor TAFT. What I am trying to do is to state what seemed to us to be the explanation of these cruelties—that cruelties have been inflicted; that people have been shot when they ought not to have been; that there have been individual instances of water cure, that torture which, I believe, involves pouring water down the throat so that the man swells and gets the impression that he is going to be suffocated and then tells what he knows, which was a frequent treatment under the Spaniards, I am told—all these things are true.

At the bottom of page 75 we find this question asked by Senator PATTERSON and the answer of Governor Taft:

Senator PATTERSON. I do not think the charge of inflicting the water cure has been made against American soldiers as much as against the native troops who have been enlisted in the American Army, or as an appurtenance to the American Army. For instance, the Macabebes. Many letters have been published making statements of this kind, that Macabebes would be sent out for the purpose of securing the surrender of guns, and the persons would deny that they had any guns. Then the Macabebes would throw them upon the ground, one soldier on one hand and another on the other, secure their feet, pry open their mouths with a stick, and then pour buckets of water down their throats till they swelled up to an abnormal size, and then jumped upon their stomachs. It has been stated that invariably under that treatment guns were produced where there were no guns before; this with the knowledge of American officers, the Army getting the advantage of it in securing arms from natives, which they were seeking, without any serious reproof.

Governor TAFT. I have no doubt there were such instances—of course, a great many more than there ought to have been—but if the Senator will excuse me, dependence on private letters from private individuals as to what occurred is dependence on a very broken reed.

Mr. BACON. If the Senator from Colorado will pardon me for just one moment, I do not wish to be understood, by anything I may have said, as casting any doubt on the fact of the practice of these tortures. I have not a doubt of them. But I simply wished to say something which I was satisfied the Senator from Colorado himself would say: That while these acts were done by those who were under the general command of American officers, they were not, technically speaking, the acts of the Army.

Mr. TELLER. They are tolerated. I thought when the country's attention was called to the practice a year ago (it was about a year ago that I made some remarks and presented an array of evidence on that point) that it would be stopped. But I am satisfied from what I have read and what I have found since that it has been carried on ever since to some considerable extent, largely, doubtless, by the Macabebes, who never ought to have been taken into our service.

The enlistment of these people is as bad as the taking of Indians into their service by the British during the Revolutionary war, and that was condemned by nearly everybody in England in public life. They compelled every officer who had been in the service to give some excuse, and under the pretense that the colonists were about to do the same thing they said they had taken them in. Yet it was shown in the debates that we had never proposed to employ the savages, and that the British had taken them in and armed them and equipped them and allowed them to kill our wounded and scalp our dead. I could read, if I wanted to take the time, denunciations from at least a dozen public men of England, including the Earl of Chatham, on that very point—denouncing the wickedness of employing savages of that character in the English army. He declared it to be a disgrace to the English Government.

Mr. DUBOIS. Will the Senator from Colorado pardon me for a moment?

Mr. TELLER. Certainly.

Mr. DUBOIS. The whole testimony, including the testimony of Judge Taft, is that the Macabebes have never been friendly with their own people. They were the allies of Spain during all those wars, and they are utterly detested by the other Filipino people. They are renegades from their own people.

MILITARY PROCLAMATIONS.

Mr. TELLER. I am now going to read what Mr. Herbert Welsh calls an unparalleled proclamation. I think there is another proclamation as bad, but I can not put my hand on it. I refer to the order of General Bell. I shall read a reference to it. I have seen it, but I am not prepared to present it, because I do not know where I put it.

The following extract from General Smith's proclamation to the people of the island of Samar is taken from the Manila Freedom of November 10, 1901:

That is a paper in accord with the administration of public affairs by the civil Commission.

He desires to announce to all the influential natives of the district, and especially to those in the island of Samar, that up to and including the 10th day of November, 1901, those who desire to establish the fact that they are friendly to the American Government can do so in any one of the following ways:

I call the attention of the Senate to this:

1. By giving information as to the location of any guns used for purposes of insurrection.
2. By giving information as to the whereabouts of persons in insurrection.
3. By inducing persons in insurrection to present themselves, with their rifles or other arms, to the nearest American official.

They can not establish the fact of their friendship by protestations of any kind.

Those who fail to avail themselves of the opportunity presented will be regarded as distinctly unfriendly to the American Government, and will be treated accordingly.

In explanation of the last paragraph, General Smith says that all influential citizens of Samar who have not presented evidence of the kind mentioned of their loyalty to the American Government by November 10 will be deported from Samar to Guam or some other island, their wives and children sent into the mountains, and their towns destroyed. There will be no postponement or delay in fulfilling this promise.

Commenting on this, the Springfield Republican says:

The proclamation of Gen. Jacob H. Smith to the population of Samar and Leyte, which was dated November 1, and is printed elsewhere on this page, seems to have had no salutary effect in promoting pacification. No one, however, can well afford to say that General Smith's proclamation was lacking in severity. Indeed, it may easily be criticised as unwarranted by the precepts of civilized warfare, and as calculated to inflame resistance rather than break it. A well-known American statesman writes to say that "of all the events of war that have come under my notice" General Smith's proclamation "has no parallel."

I do not know what American that is. This is the Republican's editorial which I am now quoting. It continues:

A little study of the proclamation reveals its character. The general assumed that every inhabitant of Leyte and Samar was an active enemy of American rule, thus reversing the principle that an individual may be presumed to be living in obedience to authority so long as there is no evidence to show that he is hostile. And, acting on that assumption, General Smith called upon the inhabitants to prove their loyalty, and, remarkable to say, he restricted the proofs they could offer by arbitrarily setting up three tests, and then placed a limit of ten days upon the time in which such proof could be presented. These conditions really applied to the entire population, for although General Smith referred particularly to "influential" natives, he was the sole judge as to who might be or might not be "influential."

Now, it might easily be the fact that many well-disposed natives, living in the towns and occupied in peaceful pursuits, would be unable to furnish the special proof of their loyalty which the General called for. Any person, therefore, whatever the real facts in his case, who could not tell General Smith within ten days where a gun was located, or where an insurrecto could be captured, or who could not persuade some insurrecto to surrender, was liable to be exiled and to have his home and property destroyed.

It is clearly the duty of the opposition in the Senate to bring up for discussion the whole question of the methods now being employed in the conquest of the middle islands. Secretary Root has officially declared that a state of war exists in the archipelago, and it is at least desirable, under such conditions, that the conquest be conducted on the part of the United States with scrupulous fidelity to the rules of civilized warfare.

Mr. CULBERSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from Texas?

Mr. TELLER. I do.

Mr. CULBERSON. I will state to the Senator that I have a full copy of the proclamation of General Bell with reference to reconcentration, and also his order to subordinate commanders. I think it is important in connection with the order just read from General Smith, and if it will not interrupt the course of the Senator's remarks I will be glad to have it read at this time.

Mr. TELLER. I think I will withhold it and read it a little later on.

The Evening News, of Plattsburg, N. Y., of January 20, 1902,

published a letter from a soldier by the name of Joseph Woodville. Introducing the letter, the News says:

Charles Robinson, formerly a member of Company G, Twenty-first Infantry, now retired and living in this village, Monday received a letter from Joseph Woodville, who is still with the company in the Philippines. Mr. Robinson allows us to make the following extracts from the letter, which is dated December 15:

I will read only a part of the letter. It is from Batangas Province, and the following is an extract from it:

General Bell is in command here. He has surely got the niggers bluffed. He has issued an order that all must be in by December 25, and if not they will be killed and their houses burned. There are but a few houses left on the hills, all having been burned. We have had no pay in four months and it is hard telling when we will get any.

Wishing you and all the people in Plattsburg well,

I remain, your friend,

JOSEPH WOODVILLE.

TESTIMONY OF ATROCITIES.

I have another letter. All that I know about it is that it appeared in the Portland Oregonian of January 29, 1902, and is as follows:

SEATTLE, *January 28.*

Clarence Clowe, of Seattle, who recently arrived home from the Philippines, where he served as a private in Company H, Twenty-fifth Infantry, United States Volunteers, has authorized the publication of a letter written by him to Senator HOAR from the islands June 10, 1900. Clowe asks in the letter honorable discharge from a service that is outraging his conscience. In alleging inhuman treatment by American soldiers toward Filipinos he says in part:

"At any time I am liable to be called upon to go out and bind and gag helpless prisoners, to strike them in the face, to knock them down when so bound, to bear them away from wife and children, at their very door, who are shrieking pitifully the while or kneeling and kissing the hands of our officers, imploring mercy from those who seem not to know what it is, and then, with a crowd of soldiers, hold our helpless victim head downward in a tub of water in his own yard, or bind him hand and foot, attaching ropes to head and feet, and then lowering him into the depths of a well of water till life is well-nigh choked out and the bitterness of death has been tasted, and our poor, gasping victims ask us for the poor boon of being finished off, in mercy to themselves.

"All these things have been done at one time or another by our men, generally in cases of trying to obtain information as to the location of arms and ammunition.

"Nor can it be said that there is any general repulsion on the part of the enlisted men to taking part in these doings. I regret to have to say that, on the contrary, the majority of soldiers take a keen delight in them and rush with joy to the making of this latest development of a Roman holiday."

The Evansville Journal-News of January 31, 1902, contained the following:

Mrs. E. J. Felts, who resides at 929 East Illinois street, has received a letter from her son, H. H. Felts. He is at Laguan, P. I., on a United States battle ship. It was dated December 9, 1901, and it reads as follows:

"DEAR MOTHER: We are having a hot time here, but don't worry. I will take care of myself. We are fighting more or less every day. We are constantly cruising around these islands. The inland troops are driving the insurgents to the coast and we have the job of killing them. We have strict orders to kill every insurgent we catch between the towns and the coast, and it keeps us constantly moving almost day and night.

"A short time ago we landed 10 soldiers and they went about half a mile out to an old trench where they found 80 insurgents hiding. They opened fire on them and the negroes fought them with rocks, clubs, arrows, and bamboo guns, and one of the 10 men came back for reinforcements, which only left 9 to fight the 80. When reenforcements got there there was only 1 able to stand on his feet to shoot, and the others were lying on the ground wounded, but still firing. The 9 were holding the trench against the negroes.

"This looks almost impossible, but it is the actual truth. When the reenforcements got there they soon wiped them out, so none of the negroes got away to tell the story."

These were not negroes; they were natives.

"A few days later we landed 25 soldiers to go to an inland town, where they attacked 400 or 500 insurgents and fought them for twelve hours, when the dispatch messenger came for help to bring them back to the ship. There had been but two lives lost and most of them were wounded. Their lieutenant was killed and one private soldier, and they brought their dead bodies back to the ship. The men showed that they had had a terrible battle. Some of them were carrying the wounded and were not hardly able to walk themselves. Some of them had nearly all their clothes torn off, and some had even lost their shoes. These poor boys were a pitiful sight to see.

"H. H. FELTS,

"*Cavite, Manila, U. S. S. Pampanga, Naval Station.*"

Mr. President, I do not vouch for these statements. I do not know that they are absolutely true; but I do know that charges made of this kind in the public press ought to be investigated. If false, it ought to be shown that they are false.

I have some clippings here that I have saved to indicate what has been said by the public. I am not going to read anything from a Democratic newspaper, because I know what would be said of it. I am going to read from Republican or independent newspapers.

[Detroit Free Press (Independent), January 21.]

Weylerism is Weylerism, whether it manifests itself in Cuba or in the Philippines. If it was a brutal, cowardly policy for Spain to adopt, it is a brutal, cowardly policy for the United States to adopt.

That is an independent paper.

[Boston Herald (Independent), January 21.]

This new order is * * * a new confession of the fact that a large part of the natives who have professed to be reconciled to our Government are not reconciled. * * * It puts an end to all statements that the people desire our sovereignty.

[Milwaukee Sentinel (Republican), January 22.]

The "zones" will not be "camps" in the Weyler or Kitchener sense, and there will be no privations and hardships of the kind connected by the hateful word "reconcentration." * * * Since the people of Batangas are not amenable to reason and good treatment, a measure of military severity will be resorted to which will doubtless prove effective. But General Chaffee's character is a warrant that there will be no Weylerism.

I have never charged that Weylerism to the extent of starving these people was to be connected with the reconcentration.

[Baltimore American (Republican), January 21.]

With what astonishment do we read that a general of our Army in the far-off Philippines has actually aped Weyler and Kitchener. * * * We have actually come to do the thing we went to war to banish. Our good name is dearer than all the islands of the sea. In the name of all that is best in our humanity, civilization, and patriotism, let the Government at Washington erase this stain before it becomes fixed and inerasable.

[Chicago Evening Post (Republican), January 22.]

After reading that General Bell had been forced to the extreme of adopting reconcentrado methods to suppress the insurgent Filipinos in the province of Batangas and then to-day perusing Governor Taft's optimistic "no war" report, the American people can not be blamed for feeling a trifle puzzled. Nor is it surprizing that they should say in their perplexity: "Let us have the truth about conditions in the Philippines; let Congress undertake a thorough investigation."

[Buffalo Enquirer (Independent), January 17.]

There has been altogether too much star-chamber business connected with the management of our affairs in the Philippine Islands, and the time has come when publicity should be given to Philippine matters.

[Springfield (Mass.) Republican, independent, January 17.]

The Maine explodes, and our Government has an investigation going in no time. This Philippine war, which began about three years ago, has been a great national calamity, having now cost the United States some $300,000,000 and thousands of American lives, while it has swept with fire and sword the land of the Filipino people, destroying their towns and villages and sending to their graves uncounted numbers of the native population. Why should not that, too, be investigated, in order that the full truth concerning the origin and the conduct of it may be known?

The City and State, of Philadelphia, Ind., is independent, but is published by a Republican.

[City and State (Philadelphia, Ind.), January 16.]

If Senator HOAR's resolution shall be favorably acted upon, and if the Senators appointed in accordance with its provisions shall perform their duties faithfully and impartially, we shall have an official statement of the utmost importance.

That is the resolution which did not pass.

[Chicago Record-Herald (Republican), January 18.]

To claim the Philippines as property of the United States and treat them as we treat foreign countries in the matter of the tariff is to advertise the forcible character of the ownership and to offend the national sense of what is right and fitting.

The rest of it is a reference to General Bell's order, and as the order is here I will not put it in. I have several extracts that I do not care to fill up the RECORD with. I will, however, read the following:

MANILA, *January 1, 1902.*

Lieut. Charles D. Rhodes, of the Sixth Cavaly, accompanied by two orderlies, when within 6 miles of Manila to-day, came across 20 armed insurgents in a cuartel or barracks. The insurgents shouted "Americanos," and Lieutenant Rhodes feigned a retreat. But in reality he took the cuartel in flank and drove out the insurgents, capturing two rifles, three revolvers, and some ammunition. Rhodes then burned the barracks down and proceeded to Manila.

General Wheaton's report from the island of Samar indicates that little has been accomplished there. The attitude of the natives is even more unfriendly than ever before. General Chaffee will probably visit the island in order to investigate the state of affairs prevailing there.

On the other hand, in Batangas Province, the organized campaign against the insurgents is progressing favorably, and speedy results are expected.

MANILA, *December 18, 1901.*

There were six skirmishes in various parts of Batangas Province yesterday. The insurgents did not make a single stand. Several Filipinos were killed. The Americans had only a few men wounded. Additional troops have been sent to General Bell, who is carrying on an aggressive campaign in Batangas, Tayabas, and Laguna provinces.

There are some other things in the article that are hardly worth putting in.

MANILA, *December 5, 1901.*

Colonel Winta's column has had a sharp brush with 40 insurgents in the Sipa Mountains, killing several of them and burning 14 cuartels. Advices from Catbalogan, capital of the island of Samar, report that the insurgent general, Lukban, has offered to negotiate terms of surrender with General Smith. To this offer the American commander replied that the time for negotiations had passed. Lieut. Commander James M. Helm, commanding the U. S. gunboat *Frolic*, destroyed during November 147 boats engaged in smuggling supplies to the insurgents. General Smith has ordered all male Filipinos to leave the coast towns for the interior. In order to be allowed to return, they must bring guns, prisoners, or information of the whereabouts of insurrectionists.

VICTORIA, B. C., *December 19, 1901.*

The Manila Times, referring to the plan of campaign in Samar, says:

"The Cavite marines to the number of 330 are stationed at Balangiga. These marines, in conjunction with the soldiers of the Eleventh Infantry, will operate from the south, scouring and burning the country northward until they meet and join hands with the Twenty-sixth, the Twelfth, the Seventh, and the Ninth regiments. This is the first part in the plan of campaign. When the southern part of the island is thoroughly cleaned up, operations will then begin from Luzon down to the southern line of troops, thus rounding up Lukban's army for final extermination.

"Samar Island will be made a desert where birds can not live. There is a bare possibility that, awed by the terrible punishment about to be inflicted, Lukban and his followers will decide to throw themselves on the mercy of the Americans, trusting to any terms which may be given them. Lukban's friends have become so terrified that they have beseeched General Hughes to postpone his measures of retaliation until the rebel chief can be advised of the situation and be given a chance to present himself to the American forces. These supplicants have received but slight encouragement from General

Hughes, but they will be allowed to communicate with Lukban. He may possibly receive the treatment accorded prisoners of war, and the present measures of retaliation be thus avoided."

The English Fortnightly, in the last number, has a statement that the order had gone out that Lukban should be shot on sight if taken prisoner.

MANILA, *December 5, 1901.*

General Chaffee has issued orders for the closing of all ports in the Laguna and Batangas provinces. The quartermasters there will cease paying rents to the Filipinos for buildings used for military purposes, as it is known that a large proportion of the money so paid finds its way to the insurgents in the shape of contributions, and General Chaffee intends that no more Government funds shall find their way into the hands of the enemy. The reason for closing the ports is that too many supplies are found to be getting into the possession of the insurgents.

General Chaffee intends giving General Bell, commanding the troops in the Batangas province, every assistance he may require to subdue the insurrectos.

That is all that I need read. I do not care about putting it all in. There is some personal reference to Governor Taft which is unimportant here:

MANILA, *December 10, 1901.*

Thousands of people are leaving Batangas Province for places of safety.

Gen. James M. Bell reports an important engagement between a force of insurgents at Labo, province of Camarines, and a detachment of the Twentieth Infantry. Three Americans were killed. The loss of the enemy is not known, but it is believed to have been heavy. General Bell anticipates a speedy extermination of the irreconcilables.

A large force of insurgents recently attacked the town of Lipa, province of Batangas, killing 1 soldier and several Americanistas. Troop H, First Cavalry, killed 10 of the enemy before the remainder of the insurgent force escaped. The Filipinos evidently expected a victory, for they had cut the wires and carried off a hundred yards of the line.

The natives are stirred by the closing of the ports, and bitterly object to reconcentration.

A Filipino force consisting of 200 riflemen and 400 bolomen recently attacked Nagpartian, province of North Ilocos. Company M, Eighth Infantry, acting on the defensive, drove off the enemy, killing 11 of them with no loss to themselves.

Mr. President, I read these extracts to show that war is still rife in that island. I have here an article that appeared in all the public press of this country on the 20th of last December. It begins with the following from General Chaffee:

History affords no parallel of a whole people thus practically turning war traitors, and in the genius of no other people was ever found such masterful powers of secrecy and dissimulation; but it is needless to say that no powerful state was ever erected or ever can be erected upon such immoral and unenlightened foundations.

Then the article proceeds:

This statement is made by General Chaffee, military governor of the Philippines, in a review of one of a number of court-martial cases in the islands, the records of which have been received at the War Department.

The case which brought forth this comment from General Chaffee was one wherein seven natives were tried jointly on a charge of murder. The accused were soldiers in the insurgent army, and after defeat by the American army in the field abandoned even the show of open opposition of the half-uniformed guerrilla bands and took up their residence at Taytay, in Morong Province, Luzon, a place protected by an American garrison. Then, following the proclaimed policy of the insurgent chiefs, they proceeded to organize secretly a bolo band.

After the native population within the lines of the army of occupation had been authorized to establish civil government the band came forward under the leadership of a resident padre, dictated and secured their election as municipal officers of Taytay, and entered upon their duties under American authority. Then ensued a remarkable attempt to serve two masters. In all lawful matters they served with due appearance of loyalty the American Government, while at the same time they labored secretly and diligently in the interests of the insurrection. This dual form of government, says General Chaffee, existed everywhere, in strongly garrisoned cities like Manila, as well as the smallest barrio. The municipal officers of Taytay next entered upon a series of murders and continued their deadly work until the growing number of mysterious disappearances from the community led to the discovery of the perpetrators by the American authorities.

Mr. President, when you think that this is being done by the men who are placed over these Filipinos, you can see what the condition is there.

I have a letter here from an officer in the Philippines, received by a member of his family in this city. It is dated October 29, 1901, and is as follows:

CATBALOGAN, SAMAR, *October 29, 1901.*

* * * I don't want to alarm you about the conditions here, but they are very serious at present. You have probably read about the massacre of Company C, of the Ninth—48 men killed, including 3 officers; 12 wounded. I'll write you all the details later. It was an awful thing. A naval officer and four sailors were killed at a little place a few miles from here the day before yesterday. They have at least one fight on the island every day. The fact is that the niggers have our troops pretty well bluffed at present, and we are just about holding our own and waiting for reenforcements. There have been about 5,000 more troops ordered here.

All the women have been ordered away, and things are very lively. In the face of all this, of course, I would not leave here on a leave of absence, or in any other way, if I can help it. I do not know what you will think of me when I say I hope you have not done anything toward getting a leave for me. You must think I am very changeable, but, of course, when I wrote you that I would like to get a leave I did not know I was going to get into a hot box like this with my regiment. If you have moved in the matter and I do get a leave I shall certainly give it up, for, of course, I will stay right here with my regiment until it is all over.

The little town is right in a pocket, with hills all around it. It is fired into almost daily. Day before yesterday they opened up and wounded several men before they were driven out by the gunboat in the harbor.

This came from Manila December 29, 1901, and states what Governor Wright said:

Governor Wright said he was satisfied that the majority of the Filipinos recognize and appreciate what had been done, and that their leaders were doing all in their power to bring the remaining insurgents to a peaceful view of the situation.

Concluding, Governor Wright said the natives inhabiting the island of Samar had, during all their history, been an unmanageable race, and he was not surprised at their present hostility.

Maj. Henry Allen, formerly governor of the island of Leyte, and who was chosen chief of the insular constabulary, has left Manila for a tour of inspection through the islands of Leyte and Mindoro. He will report to the Commission of the conditions existing there, and particularly of the situation in the province of Misamis, Mindoro, where the military authorities have asked to have affairs returned from the civil back to their own control.

I think that has been done.

Five insurgent officers and 175 men, with 6 cannon, 51 rifles, and 17 shotguns, surrendered yesterday to the American authorities on the island of Cebu. It is now believed this island is pacified.

I have a dispatch here dated Atlanta, Ga., December 27, which reads:

ATLANTA, GA., *December 27, 1901.*

Joseph Ohl, special commissioner of the Constitution to the Philippines, has made a careful study of the military conditions existing there under American rule. Mr. Ohl is the Washington correspondent of the Constitution, and was sent East with the Congressional party which sailed for the Orient during the past summer on the United States transport. His arraignment of the military occupation in the Philippines is regarded here as a forerunner of what will be heard in Congress before the session is over. A portion of his letter follows:

"CEBU, P. I.—The highly civilized and humane methods that characterized the rule of Weyler in Cuba are being resorted to by the American Army in its efforts to subject the Viscayans of this island of Cebu, of Bohol, and would be put into effect in Samar if the conditions were favorable.

"Whole villages have been burned by the orders of the general commanding this district, and the concentrado policy of which we heard so much in Cuba is about to be put into operation here, if, indeed, it can not be said to have already been instituted.

"General Hughes believes that 'war is hell,' as Sherman said, and he is giving the people of Cebu a taste of the brimstone. Only a few nights ago an American officer boasted that he was known as the Weyler of the district where he is in command. He also said, although it may seem incredible, that he was proud of being so called.

"The people of the United States have no conception of the conditions prevailing down there. If they had, a howl would go up from one end of the country to the other. Army officers tell of these things in confidence, but nothing is said with the idea that it shall get to the outside world.

"The people are to be brought in from the country and cooped up in the towns. Those who refuse to come are to be hunted down. The only difference I can see between this and Weyler's methods, which brought down the wrath of the world upon the head of Spain, is that the Filipino reconcentrados will in all probability be fed better than the Spanish fed those in Cuba.

"A detachment of soldiers went the other day to a town where there had been prepared a feast, the occasion being a fiesta of a religious character. The soldiers ate all there was to eat, then burned the town.

"A man living in the country was surprised one day by a lot of Signal Corps men, under escort, stringing a telegraph wire near his little home in the country. He was gratified, because he believed this to be an evidence of advancement of his part of the country. He was not so happy when he was informed that he was expected to guard that wire religiously, and that if anything happened to it—if it should be cut—his house would be burned down. Some nights later the wire was cut, and investigation showed it had been cut near his house. When the wire was repaired, the soldiers made good their instructions and burned his house."

Mr. TILLMAN. Will the Senator from Colorado allow me to ask a question of the Senator from Massachusetts?

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from South Carolina?

Mr. TELLER. Certainly.

Mr. TILLMAN. I will address the chairman of the Committee on the Philippines. I notice that there is considerable complaint on the part of a large number of very important and interesting newspapers of a star-chamber investigation by the Committee on the Philippines; in other words, the absence from its sittings of the representatives of the press.

Mr. LODGE. Mr. President, that is as idle a story as was ever repeated. In the investigation being conducted by the Committee on the Philippines the Associated Press has a representative there every day; the Sun Association has a representative there every day; the Scripps-McRae Association has a representative there every day. Those are the three great press associations, which cover practically all the newspapers of the country, and which are the three represented here on the floor of the Senate. The hearings have been entirely open to them. The committee decided not to open the hearings to the public because their room is totally inadequate, and that would only serve to delay and protract the hearings. But, as I say, we admit the representatives of the press associations, which cover practically every newspaper in the country, and they have made very full reports of all that has been said there. Special correspondents have not been admitted, but, so far as I am aware, they have concurred in the wisdom of this arrangement, because all their newspapers are served by these press associations.

The testimony is printed every day as rapidly as possible, and is in the committee room in full for anyone who wants to consult it. The press associations give the fullest possible reports, and all the hearings are public in the widest sense.

Mr. TILLMAN. I simply wished to get information, because I saw the accusation made that the reports now being sent out are colored and garbled.

Mr. LODGE. If they are colored and garbled, which I do not agree to be the case, it is because the Associated Press, the Sun

Association, and the Scripps-McRae Association garble and color them. In my judgment, they do nothing of the kind.

Mr. TILLMAN. I am not making the accusation. I am merely repeating what I have heard.

There is another question I propose to ask the chairman of the committee, and that is, What other witnesses are to be called or when will Governor Taft get through? In other words, will we be able to get any information from any source which we may want to present in an authoritative way before Congress adjourns?

Mr. LODGE. As soon as Governor Taft gets through——

Mr. TILLMAN. The Senator is pressing this bill with might and main, day and night, pushing and shoving to get to a vote; and yet Senators want to get all the facts in regard to the war in the Philippines and some data which we think should be obtainable if the committee would bring in some witnesses, but they do not seem likely ever to reach them.

Mr. LODGE. This bill has nothing to do with the conduct of the war. It is simply a tariff bill, as the Senator well knows. We have heard Governor Taft every day for ten days, and the minority of the committee will bear me out in the statement that the committee has been as diligent as it was possible to be in hearing him. His testimony naturally takes some time. The Senators on the committee, both of the majority and minority, have desired to ask him a great many questions. I should be very glad if his testimony could be finished at the earliest possible day, and of course it will be. Then we shall go on and call Army officers—that is the present plan—and call in witnesses whom any member of the committee desires who can throw any light on affairs in the Philippines. Of course, the first thing to do is to hear what Governor Taft, who is here temporarily, has to say. That course has been agreed to by the committee without dissent.

Mr. TILLMAN. I hope the Senator does not think I am finding any fault with the committee as to the conduct of the investigation. I just wanted a little light in order to be able to form some opinion as to when we might get some facts that would be acceptable, if we ever can get other witnesses before the committee.

Mr. PATTERSON. Mr. President, with reference to the admission of the press to the examinations before the Committee on the Philippines, I think it may be stated that the first proposition was to totally exclude the press. I think that proposition was made by the chairman of the committee. Some of us objected.

Mr. LODGE. I never made such a statement before the committee—never. I object very seriously, Mr. President, to this wholly unusual course of bringing the discussions of a committee into this Chamber. It is never done here. I simply deny for myself that I made any such proposition.

Mr. PATTERSON. Notwithstanding the denial of the chairman of the committee, I reiterate what I said. I was the first one to object on the committee——

Mr. LODGE. Mr. President, I should like to ask the Senator from Colorado whether he reiterates that I asked to have the press excluded from the hearings by the committee?

Mr. PATTERSON. My recollection is that that was your proposition.

Mr. LODGE. Mr. President, I have denied it absolutely. That is not the case. I made no such suggestion.

Mr. HOAR. Mr. President, I rise to a question of order.

Mr. PATTERSON. Mr. President——

The PRESIDENT pro tempore. The Senator from Massachusetts [Mr. HOAR] rises to a question of order. The Senator will state it.

Mr. HOAR. My question of order is, that it is not in order to state what occurred in a committee except by the committee's authority.

Mr. PATTERSON. Mr. President——

The PRESIDENT pro tempore. The Senator from Colorado.

Mr. HOAR. I ask for a ruling of the Chair on that point of order.

Mr. PATTERSON. Mr. President, the Senator from Alabama [Mr. PETTUS] who sits by my side agrees with the Senator from Massachusetts [Mr. HOAR] that referring to what has transpired in a committee is out of order. I want to say that I do not believe that simply admitting the representatives of the three press associations to the examinations before the committee gives that kind, degree, and character of publicity to examinations that are deemed by a great many Senators to be of the importance that these are, for the reason that the Associated Press and the other press associations necessarily curtail the reports, while if the correspondents of the press stationed at Washington had the opportunity to report the proceedings, the country would get every phase and every color of whatever was stated before the committee. They would have the opportunity to discuss, to enlarge, and to suggest.

Representatives of the Democratic papers would probably view the testimony from one standpoint and representatives of the Republican papers from another standpoint. It is only by that free and open discussion that the true bearing of the testimony that is elicited can be gotten to the public. I agree with the newspapers that are complaining of the exclusion of their regular correspondents, that this is to a certain extent a star-chamber investigation.

The principal newspapers of the country, through men who are particularly skilled in reports of that kind, should have the opportunity of being represented in this investigation and in every other investigation of like character by their own chosen representatives. Being thus represented, no harm could come, but, on the contrary, the greatest good would result; for then the testimony, the facts, and the circumstances would be discussed before the public in the different lights and from the different standpoints that the newspaper men of the country would occupy toward them.

I simply say so much because I, as one member of the committee, do not wish to stand before the public as favoring the arrangement by which only the representatives of the Associated Press, the Sun newspaper, and the Scrips-McRae Press are admitted to the room of the committee.

Mr. CARMACK. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Colorado [Mr. TELLER] yield to the Senator from Tennessee?

Mr. TELLER. I do.

Mr. CARMACK. I know the Senator from Colorado [Mr. PATTERSON] does not mean to charge, and I do not think any Senator of the minority would charge, that there has been any effort on the part of the committee to suppress information in regard to the investigation that is going on. I do not think there has been any intention of that sort on the part of any member of the committee, whether of the majority or the minority.

I think it was agreed among us that it would be impossible to hold our sessions in the small room occupied by the committee, and it was thought by some of us—I believe I myself made the suggestion—that admission to the three press associations would be ample and would relieve us from the charge of conducting a star-chamber investigation.

I must say, Mr. President, that I have been disappointed in the reports of the press associations. I think they have sent very meager and imperfect and not very well edited reports of the examinations. I do not think that has been the intention at all, but that it is simply due to the fact that the Associated Press and these other press associations always send meager reports of such matters because the majority of the newspapers they serve would not want full reports; but I think some means could be arranged by which the special correspondents should be given early access to the testimony before the committee. I do not know exactly how it can be arranged; but if the newspapers that want a fuller report than is given by the press associations can be very early given access to the testimony, I think it will answer the purpose. It is not practical in the room where the committee now sits that access should be given to all the correspondents.

As I have said, I do not think there was any intention on the part of anyone to hold a star-chamber investigation.

Mr. TILLMAN. Mr. President——

Mr. PATTERSON. Will the Senator from South Carolina yield to me for a moment?

Mr. TILLMAN. Certainly.

Mr. PATTERSON. Mr. President, I want to disclaim any desire or any purpose of charging that it was proposed by any member of the committee that there should be what is termed a star-chamber investigation. If I had not been stopped by the point of order, it would have been entirely proper to say that the explanation was made that the testimony would be printed from day to day, and then the entire press of the country could have access to it. I objected to a thing of that kind for the reason that then the news would be a day old and the press of the country would have no use, as it never has, for stale news.

I want to disclaim all purpose of suggesting that there was an inclination upon the part of any member of the committee to keep from the public the testimony, whatever it might be. The question arose, Mr. President, from the size of the room and the discomfort that would necessarily follow from a very crowded attendance. If I had not been arrested by the point of order, that matter would have been made perfectly clear before I took my seat a little while ago.

Mr. TILLMAN. Mr. President, if the Senator from Colorado [Mr. TELLER] will permit me——

Mr. TELLER. Certainly.

Mr. TILLMAN. I would suggest, if I may be permitted to suggest, that we have a very commodious room in the Library for the use of Senators, where this committee could hold its investigations and give access to such members of the press as chose to attend the sittings.

I expect later on there will be some rather startling evidence given, and if it is to be sifted by these three press associations in the way Governor Taft's evidence has been sifted, or rather

condensed, I do not think it will be satisfactory to the Senate or to the people of the United States.

While, of course, I have no intention of criticising the committee, it does seem to me that the utmost publicity should be given in an investigation involving such vital questions; in other words, the whole issue of the Philippine situation, as to what we are to do and how we are to get out of that thing with honor. We have got hold of them, and some men say we can not let loose. I concede that their contention has great force. We certainly can not hold on and continue Weyler's methods with any degree of satisfaction to anybody. I think we owe it to the people of the country to give them the full account of everything that is brought before the committee of investigation. Here we are expressing opinions; there we will get witnesses, and the credibility of those witnesses will, of course, depend upon the character of the men.

Mr. TELLER. Mr. President——

The PRESIDENT pro tempore. The Senator from Colorado is entitled to the floor and will proceed.

THE QUESTION ABOVE PARTISANSHIP.

Mr. TELLER. Mr. President, I have not concluded all I desire to say on this subject, but I think I have talked as long as I ought to be required to do to-day, and I shall ask the Senate to allow me to proceed for a very short time to-morrow morning.

Before I sit down I want to say to the Senator from Wisconsin [Mr. SPOONER] that if he thought I seemed to exhibit more irritation than was necessary about what he said, I have not the slightest feeling regarding it, and I know he did not intend any disrespect or discourtesy to me.

Mr. President, I have tried to approach this question simply from the standpoint of justice. I feel that the honor and reputation of my country are at stake. I can not but feel that we are entering upon a course that must, if persisted in, be absolutely disastrous to us, not simply in the point of money, but in point of morals.

I have myself never been so active a partisan that I would allow my country to suffer in the interest of any party whatever. I hold that country is above party and that duty is above party, Mr. President. In my service in this body, when in accord with the party now in power, I found myself not infrequently compelled to differ from it and to vote practically alone. That I have sometimes done when sitting on the Republican side of the Chamber because I did not approve of the policies that party adopted. If I thought, Mr. President, that I was here as a partisan, if I thought I would present to the Senate one scrap of evidence or one attempted argument which I would not present if I were sitting on that side of the Chamber, I should feel that I was unfit for this public place. Hence, I could but feel it when the Senator from Wisconsin thoughtlessly put a question to me, which seemed to me at least, though I do not suppose he so intended it, to indicate that he thought I had forgotten that I occupied the highest possible position in American public life as a member of this body, and that I had a duty to my country that was greater than any possible obligation I could have to any political association. I am not of that temperament, Mr. President, that I am so anxious to exploit my own ideas and to force them upon other people that I can not see what is just and right.

If I exhibited more warmth, as I probably did, than the circumstances demanded or required or justified, I simply want to say that I felt I was doing a great public duty and a public service, and I was trying to perform that duty in the best possible manner, knowing full well that, however I might try, it would be weakly and improperly done, but that it would be done according to the best of my ability before my country and before my God.

Mr. SPOONER. Mr. President, I want to say to the Senator from Colorado that I had asked leave to interrupt him. I did not intend to put any question which would be offensive.

Mr. TELLER. I know that.

Mr. SPOONER. And I think the Senator, on reflection, will not find anything in the question which I put to him which involved that. The Senator had made a long speech, to which I had listened attentively, as I always listen to his speeches, and nothing escaped him which manifested in any way an approval of what the Administration had done over there, and I thought it was a fair question to put to him whether his impeachment was an absolute and universal one. I did not mean to imply at all that the Senator was unpatriotic. I never imputed such a thing to him in any debate, and I had no intention of doing so when I interrupted him.

Mr. TELLER. I acquit the Senator of any such intention. I am willing to accept his suggestion that I was perhaps a little too sensitive, but I had intended as part of my remarks to say, if the Senator had not interrupted me, what I did about the Chinese affair. I had had it in mind for a long time that, when an opportunity presented, I should like to pay a merited tribute to the Administration for its management of affairs in China.

I mean also before I get through, unless I forget it—and such was certainly my purpose when I commenced this speech—to pay a tribute also to the attempt of our Government to institute and create an educational system in the islands of the Philippines. That I approve; that is probably one of the things, that if we should withdraw from the islands to-morrow, would still be left.

When anybody tells me that the teachers in the Philippines are safe, I will say that I should expect them to be safe when I read in almost every document I take up of the thirst, the anxiety, and the earnestness of those people for educational facilities. If they were savages I should expect them to kill the teachers; but I do not believe they will do so. I do not believe the teachers will be disturbed even in regions where it would not be safe for a soldier to travel. I believe a teacher may safely travel anywhere in the Philippines.

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the Secretary of War, which will be read.

The Secretary read the communication as follows:

WAR DEPARTMENT, *Washington, February 12, 1902.*

SIR: I have the honor to forward herewith a copy of a letter from Hon. William H. Taft, governor of the Philippine Islands, to the Secretary of War, with an inclosure thereto, entitled "Federal Party Message to the Congress of the United States of America," dated at Manila, November, 1901.

Very respectfully,

ELIHU ROOT, *Secretary of War.*

Hon. WILLIAM P. FRYE,
President pro tempore, United States Senate.

Mr. SPOONER. Mr. President, I ask that the entire communication may be read.

The PRESIDENT pro tempore. If there is no objection, the Secretary will read the papers accompanying the communication from the Secretary of War.

The Secretary read the accompanying communication from Hon. William H. Taft and the petition, which appear later in the proceedings.

Mr. HOAR. Mr. President, I do not wish to resume yesterday's debate at this hour in the afternoon; but it seems to me this document is a pretty extraordinary commentary on what was said yesterday. Senators read the provision in section 9, which prohibits membership in any society, secret or open, for the propagation or promulgation of any political opinion or policy. Now here is a political party, an association with by-laws——

Mr. ALDRICH. Oh, no.

Mr. HOAR. Oh, yes; it is a political party.

Mr. ALDRICH. I suggest to the Senator that he read section 9.

Mr. HOAR. Very well.

All persons who shall meet together for the purpose of forming or who shall form any secret society—

Now do not be rash about it—

any secret society, or who shall after the passage of this act continue membership in any society——

Mr. FAIRBANKS. Secret society?

Mr. HOAR. No, it is not; of course.

Mr. GALLINGER. It means that.

Mr. HOAR. It does not mean that. It is absolutely distinct. The difference is emphasized. It says:

A society already formed, having for its object, in whole or in part, the promotion of treason, rebellion, or sedition, or the promulgation of any political opinion or policy—

Of any sort or kind—

shall be punished by a fine not exceeding $1,000, or by imprisonment not exceeding one year, or both.

Here is a society with by-laws, according to the statement of that paper, established, promulgating certain political opinions; and this provision which I have read is followed by section 10:

Until it has been officially proclaimed that a state of war or insurrection against the authority or sovereignty of the United States no longer exists in the Philippine Islands, it shall be unlawful for any person to advocate, orally or by writing or printing, or like methods, the independence of the Philippine Islands or their separation from the United States, whether by peaceable or forcible means, or to print, publish, or circulate any handbill, newspaper, or other publication advocating such independence or separation.

Any person violating the provisions of this section shall be punished by a fine of not exceeding $2,000 and imprisonment not exceeding one year.

Mr. RAWLINS. Will the Senator from Massachusetts yield to permit me to read what Governor Taft recently said in his testimony in regard to the Federal party? It is very brief. I do not wish to interrupt the Senator.

Mr. HOAR. The Senator can read it now, if he pleases.

Mr. RAWLINS. I read from page 51 of Governor Taft's testimony:

Senator RAWLINS. If you will permit me in this connection, two members of your Commission, I believe, are members of the Federal party?

Governor TAFT. Yes, sir; three of them are.

Senator RAWLINS. Three. And the object of that party, as contained in its platform, is, first, territorial government, with representation in Congress, and, further away, statehood?

Governor TAFT. Yes, sir.

Senator RAWLINS. And that same promise, or an assurance of that description, is being made to the people to induce them to surrender their arms and submit to the Government?

Governor TAFT. If you are stating that "whereas" as coming from me, I will have to qualify it in certain respects.

Senator RAWLINS. That is the object of the party and the declaration of its platform. You agree with me?

Governor TAFT. Yes; that is true.

Senator RAWLINS. And the Federal party is, as stated in your report, an effective instrument in the pacification of the islands?

Governor TAFT. It is.

Senator RAWLINS. Is not that party holding out a promise in that way—I do not mean expressly—that those ends will be realized if the people submit to the authority of the United States?

Governor TAFT. The Federal party, if you will permit me to say so, is made up of a majority of the educated people in the islands. It is certainly the political organization most widespread in the islands. The Federal party formed their platform. They brought it to us to approve or disapprove. We said we could not approve or disapprove; that the question of statehood was a question so far removed in the future that it was none of our business to discuss it; and so we have reiterated through the island.

The statement in the platform is that. That is one of the aspirations of the party. It does not involve, and the platform does not state that it has ever been promised by anybody having any authority in the islands, and while its presence there may have united and may have brought people to the hope that it would be done, and it may be that some people have been misled by it——

Senator RAWLINS. Would it not necessarily have that significance to the people, ignorant to a degree, when three of the members of the Commission, officials under our own Government, are the most prominent leaders of that party?

Governor TAFT. It is possible that it has had some influence of that sort.

Senator RAWLINS. What I wanted to ask in this connection is, When that expectation, built up in that way, is disappointed, as it may be, what will be the effect upon those people?

Governor TAFT. To begin with, Senator RAWLINS, the question of statehood, like the question of independence, is so far in the future, in my judgment—I give only my judgment—and it is so understood by the people there, I think, that I do not regard that feature of it as very important.

The truth is that the Federal party included a good many who were not in favor of statehood, who were in favor of ultimate independence, and so expressed themselves. The Federal party was founded chiefly on the platform of peace, and now they have formed a party in Manila opposed to the Federal party and called the party of peace. I say opposed. It is taking different lines, hoping to bring about peace, and then looking to the future, as they may progress, either to statehood or to independence.

Mr. HOAR. Now, Mr. President, it is perfectly lawful, according to the interpretation of this statute, to publish political opinions when three members of the Commission happen to be members of the society for promulgating them and to continue members of that political society, provided—we want to have our scientific deduction of the general rule precisely coincide with the particular fact—provided they accompany their promulgation of their opinion with the expression of a marvelous admiration for the wisdom of the commissioners. That seems to be the result.

Let me repeat, Mr. President, here is a law or edict under the authority of the United States which, in the great question what shall be the fate of a great people, permits persons of precisely the way of thinking of rulers appointed by a foreign country to belong to political associations and to promulgate political opinions at their discretion, and makes it a penal offense to belong to any society or to print or publish or in any way circulate in newspaper or other publication any other political opinion whatever. They tell us the Philippine Islanders do not want independence, and they point to their expression, when it is a penal offense to express any desire for independence whatever.

Mr. SPOONER. If the Senator from Massachusetts will pardon me, he wants, in what he says, to be fairly accurate. The section reads:

All persons who shall meet together for the purpose of forming, or who shall form, any secret society, or who shall, after the passage of this act, continue membership in a society already formed.

The Senator read it "any." It is "a."

Mr. HOAR. I read it aright, but I may have been repeating it; I do not know.

Mr. ALDRICH. In the first reading the Senator read "any" instead of "a."

Mr. SPOONER. It was a pure inadvertence, and the Senator would want to be correct; that is all.

Mr. HOAR. What I said will be printed unchanged in that particular. The Senator will find, I think, that I read it exactly. It may be that when I repeated it more than once I translated it. but it means exactly the same thing.

The PRESIDENT pro tempore. What shall be done with the rest of the paper? The reading of it has not been completed.

Mr. SPOONER. I ask that it may be printed in the RECORD.

Mr. HOAR. I thought it had been read.

Mr. ALDRICH. Had not the reading of the petition been finished?

The PRESIDENT pro tempore. The Secretary finished the reading of the petition, but there are other matters in the paper.

Mr. HOAR. Let them be printed as a document also.

Mr. SPOONER. I ask that all the matters sent by the Secretary of War be printed in the RECORD.

The PRESIDENT pro tempore. The Senator from Wisconsin asks that the remainder of the paper which has not been read and which was submitted to-day be printed in the RECORD. Is there objection?

Mr. BACON. I inquire whether the names are appended or not?

Mr. SPOONER. They are not.

Mr. BACON. I thought if the names were appended it might be well to omit them.

The PRESIDENT pro tempore. The Chair hears no objection to the printing of the papers in the RECORD.

The papers referred to are as follows:

WAR DEPARTMENT, *Washington, February 12, 1902.*

SIR: I have the honor to forward herewith a copy of a letter from the Hon. William H. Taft, governor of the Philippine Islands, to the Secretary of War, with an inclosure thereto, entitled "Federal party message to the Congress of the United States of America," dated at Manila, November, 1901.

Very respectfully,

ELIHU ROOT, *Secretary of War.*

Hon. WILLIAM P. FRYE,
President pro tempore United States Senate.

WASHINGTON, D. C., *February 8, 1902.*

The SECRETARY OF WAR, *Washington, D. C.*

SIR: Just before I left Manila I was requested by representatives of the Federal party to present to the two Houses of Congress a memorial of the Federal party to those Houses which accompanies this communication.

Very respectfully,

WM. H. TAFT.

Federal party—Message to the Congress of the United States of America accorded in extraordinary assembly, November, 1901, Manila.

To the Congress of the United States:

The Federal party, assembled in extraordinary convention, called pursuant to its by-laws, resolved under this date to transmit to the Congress of the United States a memorial of the tenor following:

The Spanish-American war ended with the treaty of Paris, dated December 10, 1898, article 9 of which, last paragraph, lays down the following: "The civil rights and political status of the native inhabitants of the territories hereby ceded to the United States shall be determined by the Congress."

The performance of this international obligation of the United States has been deferred to this time because of the unfortunate fact of the Filipinos having attacked the sovereignty of the United States, a hostile act which the Federal party regards as having been brought about through misunderstandings and not through hatred of the American sovereignty. It is a demonstrated fact, nevertheless, that at this time out of the 60 provinces and districts into which the Philippine Archipelago was formerly divided in two only (Batangas and Samar) does war exist, and it may be asserted that the remaining 58 are completely pacified. In the majority of these the Federal party has committees professing the ideals set forth in its platform, and they are duly represented in this convention.

It is likewise a notorious and demonstrated fact that the pacified pueblos anxiously desire the prompt appearance of a definitive civil rule, as is shown by the obvious fact that they joyfully accepted the provisional civil régime which the United States Civil Commission, presided over by the Hon. Mr. Taft, has established in all the pacified pueblos and provinces, it being pertinent to add here that the Commissioners were received everywhere with sincere and splendid manifestations of enthusiasm, demonstrative of the ardent desire to enjoy as soon as may be civil rule.

It is, lastly, a fact, likewise admitted, that those who are still in arms allege the lack of a civil régime, agreed upon and promulgated by the Congress of the United States, as a weighty pretext for their belligerent attitude, which régime shall determine at once the political status and civil rights of the native inhabitants of the Philippine Archipelago, pursuant to the said article 9 of the treaty of Paris.

From the foregoing facts are deduced the timeliness, advisability, and necessity for Congress at its next session to carry into effect the intention expressed in the treaty of Paris to define the future of the Philippines in its relations with the United States, as well as in those which affect the individual and internal existence of the archipelago.

On the other hand, from the moment that the great majority of the Filipinos accept and recognize American sovereignty there is no reason for not replacing the military régime by a civil rule of a popular character, in conformity with the decisive words of the never to be forgotten President McKinley, recorded in this message addressed to the Congress on December 5, 1899, and transmitted in the instructions given to the Secretary of War, Mr. Root, who, on April 7, 1900, in turn communicated them to the Hon. Mr. Taft, president of the United States Civil Commission in these islands, for his guidance and that of his colleagues on the Commission.

The civil commission has officially proclaimed that the civil régime, with the implantation of which it was charged, is merely of a provisional character, with a very decided tendency toward a liberal evolution for the future. (Speeches of Mr. Taft on July 4 and September 2 of this year at the inauguration of the provisional civil rule.) The Federal party invokes the above-cited words to justify before Congress the propriety of this memorial, which, moreover, is based on article 1 of the amendments to the Constitution of the United States of December 17, 1787, which consecrates the rights of people peaceably to assemble and petition the Government for a redress of grievances.

Entering now into the substance of this memorial, the Federal party divides it into two parts, following the order of the importance and transcendency of the petitions contained therein.

FIRST PART—PETITION FOR ANNEXATION AND FORM OF GOVERNMENT.

The Federal party has made an exhaustive study of the sentiments of the Filipino people, as well as those animating the American people, with respect to determining the future of these islands.

From the mass of data which the Federal party has had before it, and seriously and formally considered, it is clearly deduced that the intention of the Americans and Filipinos is to constitutionally join the Philippines to America in such a way that the former may never be separated from the latter, nor the latter disunited from the former.

"In order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty" are the principles in which the policy which should be followed in the Philippines should be inspired without the loss of a moment.

To make of the Philippines a colony of the United States or to grant independence to the Philippines would be to hand the islands over to disorder and to anarchy, to destruction and to chaos.

In effect the colonial system involves the principles of difference of citizenship, inequality of rights, and other consequent abuses and injustices, of all of which we Filipinos were surfeited under the Spanish Government, and for this reason we reject everything which tends toward a colony.

Philippine independence, with or without a protectorate, means the holding of power by all the terrible elements of the sects which predominate, and would predominate still for some years, until the anger of Filipinos toward Filipinos shall have been completely calmed, education become more general, and the fananticism we have inherited from Spain exiled.

Federation or annexation would settle all these difficulties by concentrating the interests of the Filipino people upon education and labor, the most efficient means for bringing about a prompt uplifting.

The Federal party can assure the Congress that the foregoing is the true opinion of the best elements and greater part of the Filipinos, as is evidenced by the annexed report of the Federal party, which was made by direction of General MacArthur, and which has all the character of an official document.

In behalf, then, of the Federal party, this convention has the honor to very respectfully present to the Congress the following petition praying a declaration by the Congress of the United States to the effect that Philippine Islands as they are described in the treaty of Paris and subsequent conventions with Spain, are an integral part of the Republic of the United States of North America, the said Philippine Islands constituting a Territory with the rights and privileges which the Constitution of the United States grants to the other Territories, such as that of becoming eventually a State of the Union.

Therefore the Federal party proposes the following form of Territorial government:

(*a*) *Executive power.*—A governor appointed by the President of the United States, with a veto power over the chambers similar to that which the American Constitution grants the said President of the United States, assisted by four secretaries—of the interior, of the treasury, of public instruction, and of agriculture, industry, and commerce—who shall be appointed by the governor, with the consent of the Filipino senate.

All appointments made by the governor in the exercise of his authority to offices the salary of which shall exceed $3,000 a year shall be made with the consent of the Filipino senate.

(*b*) *Legislative power.*—To be composed of two chambers, a senate and a chamber of representatives.

The senate shall be composed of 30 members, of which 14 shall be appointed by the governor and the remaining 16 elected by suffrage by each of the existing 14 judicial districts, at the rate of 1 senator for each district, except the district of Manila, which shall have 2 senators.

The requirements for senator are: To be a Filipino or American citizen, with a residence for the latter in the country of a year at least prior to the election or appointment; to be 30 years of age; to be a landed proprietor to the value of $5,000, or to have an income of $500 per annum prior to election or appointment.

The senatorial elections shall be made by the municipalities of the respective judicial districts, and elections for senators of the judicial district of Manila by the members of the advisory board of the said city, and two additional representatives from each of its districts to be chosen by suffrage.

The number of representatives shall not exceed 1 for every 100,000 inhabitants.

Until a census shall be taken there shall be 1 representative from each province and district and 6 for the city of Manila, all to be chosen by popular vote.

In order to be a representative it is necessary to be a Filipino or American, the latter with a residence of three years and of lawful age.

To be an elector it is necessary to be a Filipino or American, with a residence of one year in the locality, to be 21 years of age, and to be able to read and write.

The office of senator or representative shall be incompatible with any other office remunerated by the government.

The term of office of senator or representative shall be for four years and two years, respectively, with the right to reelection.

One-half of the members of the senate shall be renewed every two years.

The sessions of both chambers shall not exceed ninety days in each year.

The senators and representatives shall be paid $25 for each day of session attended.

Each chamber shall make its own rules and elect its own presiding officer.

The presiding officer of the senate shall in all cases be the substitute of the governor.

(*c*) *Judicial power.*—There shall be a Federal court for the trial of Federal matters, following the established usages in other recognized Territories, the members of which shall be appointed by the President of the United States.

The supreme court, the courts of first instance, and other inferior courts shall continue as at present until the Filipino congress shall otherwise determine.

Representation in the Congress of the United States.—The Filipino Archipelago shall be represented in the Congress of the United States by two representatives of the Philippines in joint session assembled.

The foregoing form of government, which we believe to be in keeping with the social and political conditions of the country, is based upon the democratic principles contained in our platform and on the desire of the Filipinos to be educated in the governmental usages of America. For these reasons we hold as sacred the principle of the complete separation of the powers and the office of secretary and legislator as incompatible.

We facilitate the admission of Americans to the legislature by recognizing the authority of the governor to appoint 14 members of the 30 who are to compose the senate, for the purpose, already mentioned, of educating ourselves in American legislation.

SECOND PART.

In this second part the Federal party suggests to the Congress the fulfillment of other great aspirations of the country of a social and economical character by recommending the adoption of adequate measures within the sovereign attributes of the Congress.

The principal of these aspirations relates to the remedy for the ancient evil known as the friar, under which denomination are included all the religious orders now existing in these islands.

In the preamble to the great American Constitution fundamental benefits of every civilized society are clearly defined, and they are:

"To form a more perfect Union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity." These are likewise the earnest desire of the Filipino people, but the religious orders constitute an element which are visibly opposed to the Filipino people securing such noble ends.

It seems unnecessary to record here that the abuses committed by the religious orders against the Filipino people were what brought about the bloody struggles of the past, and are the cause of the deep hatred existing between the Filipinos and the friars, continuously and at this very time fed by two very serious reasons, which are the contentions with respect to the administration of the wealthy Filipino parishes, and the controversies as to the ownership of the great estates situated in several provinces of the archipelago.

Through the causes above set forth there occurred a short time ago several mobs or disturbances, which were settled peaceably, thanks to the tact and prudence of the American authorities, especially of the civil governor, Mr. Taft, but such disturbances may be repeated with frequency and be converted into violent commotions, as has happened in the past, so long as the cause of the evil shall continue.

For this reason the Federal party believes it to be its duty to make known to the Congress the existence of so grave and transcendental an evil, in order that, acting within its sovereign authority, it may be pleased to take the steps best suited to attacking them at the root, especially recommending the course suggested by Governor Taft in his various reports, without prejudice to the rights asserted by the pueblos.

Another of the great aspirations of the country is the obtention of a general and complete amnesty.

In the pacified portions of the Philippine Islands there are to-day thousands of prosecutions brought against the revolutionists who have surrendered and submitted to American sovereignty, for acts of violence committed by the said revolutionists while they were in the field and prior to their surrender

Clear it is that the said prosecutions are taken cognizance of by the military as well as the ordinary courts, and it is also clear that in the trials thus instituted the apprehending and arrest of the accused are ordered.

This legal procedure, which at the beginning did not cause any uneasiness, is now, by reason of the great number of accusations, beginning to be a menace to peace, because a majority of the ex-revolutionists, becoming alarmed by the news of approaching prosecution spread by the periodicals inimical to peace, came in under the protection of the authorities, but some have already taken refuge abroad, and others have taken themselves to the field, to the extent that one insurrecto general who had previously surrendered (General Lacuna) hid himself again in the forest because of the news published by said periodicals that he was to be rearrested. Thanks to the wisdom of the authorities, General Lacuna was prevailed upon to come back within the law.

The Federal party ought to add to the foregoing that there are many revolutionists who have submitted themselves to the American sovereignty, who are now deported to distant islands or are undergoing sentences in jails and prisons, the families, relatives, and friends of whom are now suffering the greatest sorrow and many are in want.

All this accumulation of evils, some justifiable and others not, likewise produce a very great obstacle to complete pacification, by reason of which there has been awakened a general aspiration for the complete amnesty and the forgetfulness of the past, excepting, of course, for crimes of murder of women and children.

The Federal party also complied with its duty by bringing to the notice of Congress this desire of the Filipino people and recommending its granting.

The third great aspiration of the Filipinos is to secure a prompt and efficacious remedy for the want of money, which shall respond, under the best possible conditions, to the requirements of agriculture.

Agriculture is the sole basis of the private and public wealth of the Philippine Islands, where industry and commerce have not had favorable opportunities to grow in the past.

The five years of war through which the country has passed, together with the great evils of the rinderpest and floods, have destroyed the best and most necessary aids of the splendid agriculture of the Philippines by exhausting the money of the pueblos, the majority of which have been burned.

We have to-day the field fallow, and the field hands inactive, for there are no working animals, nor money to buy them; nor is there money to defray the other expenses of cultivation and farm work. This lack of money and the resultant paralyzation of agriculture occasion the evils of highwaymen and famine, which produce personal insecurity in unpopulated places, evils that can only be remedied through the undertaking of great public works, such as the construction and repair of roads, bridges, and public buildings, and the establishment of agricultural banks under the direction and responsibility of the provincial governments themselves, which shall make loans under the favorable conditions of long terms, small payments, and low interest, secured by mortgages.

For this reason the Federal party believes it also to be its duty to suggest to the Congress, in order to remedy this evil known by the name of the metallic crisis, the granting of authority to the present government to negotiate a loan at a fair interest, amortizable gradually within fifty years, to be secured by the insular, provincial, and municipal revenues of the Philippines.

The fourth of the great aspirations of the country is to obtain from the Congress the approval of all the acts of the Civil Commission of the United States in these islands, presided over by the Hon. Mr. Taft, because the country is convinced of the great benefits accruing to the pueblos and provinces through the laws enacted by the said Commission.

In fact, when it is remembered that in a little over a year the honorable Commission has personally visited and organized the principal provinces of the archipelago, endowing them with the provincial and municipal codes; that it has, moreover, reorganized the courts of justice, promulgating a new Code of Civil Procedure, and is now engaged in wisely spreading the civil rule which it established on the 4th of July of this year by order of the Secretary of War, the Hon. Mr. Root, we Filipinos would be very ungrateful were we not to recognize in the honorable executors of the never to be forgotten Mr. William McKinley the blessings of liberty so often promised to the Filipinos by that unfortunate and ever loved President.

The last general aspiration is based on the intentions of the American Government to apply the money captured from the former Filipino government to the purposes most beneficial to the people of the Philippine Islands, the real providers of such money—an intention which seems evident from the annexed "concessions" granted Señor Felipe Buencamino on June 28, 1900, by Major-General MacArthur, commanding general and military governor in the Philippines—in order to secure the pacification of the insurgents in arms.

The Federal party suggests to the Congress the creation with said money of a trust fund, to be devoted to encouraging higher education among the Filipinos in the most practical and advisable way.

A board of trustees selected from among the most prominent Filipinos should administer the said fund, applying it to the said purpose.

Manila, November 9, 1901.

Recorded.

ALEJANDRO ALBERT, *Secretary.*

ORIGIN AND GROWTH OF THE FEDERAL PARTY.

MANILA, *May 14, 1901.*

Maj. Gen. ARTHUR MACARTHUR,
Military Governor in the Philippines, Manila, P. I.

GENERAL: After the outbreak of hostilities between the American and the Filipino troops, in February, 1898, those of us in Manila sought to constitute a party which, accepting American sovereignty, could bring about peace and permit the Filipinos under those conditions to petition the United States for such rights and privileges as they might desire, by the employment of lawful means.

At that time a sort of delirium possessed all minds; men who reasoned dispassionately were rare, and the majority, almost the entirety, of Filipinos believed that their ideals of independence were of easy realization.

The Filipinos did not know the United States, except through the proclamations, the speeches, and the orders of the Spanish authorities, and articles published in the Spanish press, in all of which the United States were presented as a threatening peril, not only to liberty, but also to civilization, religion, and the family. These means were also used for inculcating a belief in the debility and impotence of the United States for a struggle with the Filipinos.

This was, as you are aware, the reason for the immense lack of confidence felt toward the United States by the Filipinos, and their feeling of absolute security that they could overcome their great adversary in a struggle.

In order to bring about peace it was necessary to wait with patience and confidence for the course of events to demonstrate to the Filipinos how erroneous were their beliefs. The lesson so experienced was long, and, unfortunately, cost the ruin of this country and many human lives.

The abuses of the men who wielded power in the Philippine camp and the injustice and discontent which prevailed everywhere demonstrated the impossibility of organizing an independent government; the triumph of American arms showed that the accusation of cowardice, which had been spread broadcast through the country in the time of Spanish domination, was nothing but a stupid calumny, and finally, the conduct of the Americans after their victories showed that they were not the cruel and wicked men they were accused of being by the Spanish civil, military, and religious authorities in official documents.

To some of us it appeared that this was an opportune occasion for forming a political party, and the preliminaries of the preparation of our platform were commenced. The principal civil leaders of the insurrection and some of the generals were already in Manila, some of them having surrendered and others having been captured by the Union forces, and had already acknowledged the sovereignty of the United States. This fact was favorable to the work undertaken, convincing the people that peace was an absolute necessity and that it would be the origin and starting point of a period of justice, during which liberty would gain the rights which could never be attained by force of arms.

Messrs. Buencamino, Dr. Frank S. Bourns, Ner, Argüelles, Dancel, Fabié, Yangco, Torres, Arellano, and others, full of faith and confidence in their success, undertook this work. Their efforts were crowned by the convocation of a meeting which was held on the 23d day of December, 1900. In that meeting, over which Mr. Florentino Torres presided, the manifesto of the Federal party was read, and a numerous gathering, among whom were numbers of Filipinos known for their anti-Americanistic tendencies and irreconcilable attitude toward American sovereignty, was informed of the nature of the platform of the party. The platform was adopted by all, and thus the Federal party was established.

I must confess, however, without desiring to offend the loyalty of anyone, that this brilliant result did not cause me a great deal of satisfaction.

We were living in Manila under a military régime, and it was but reasonable to suppose that many would associate themselves with the party in order that they might not appear publicly as enemies of the American Government. However, I was soon convinced of the real influence of the party and the sincerity of its members, not only on account of the rapidity of its growth in the provinces, but also by the more significant fact of the surrender of arms subsequently by many nationalists, who, after acknowledging the sovereignty of the United States, identified themselves with us, declaring that they were giving up the armed struggle by reason of powerful influences exercised over them by the Federal party. Of these facts your excellency is doubtless fully aware.

For the purpose of forming committees in the different towns we sent into the provinces delegates with proper instructions for the purpose in hand, but so great was the effect produced by our party that in many towns committees were formed prior to the arrival of the delegates, and enthusiastic adhesions were spontaneously made on every hand.

The first material demonstration of the importance of the Federal party was brought to my notice while accompanying the Civil Commission on its journey through the provinces of Pampanga, Tarlac, and Pangasinan, where, thanks to the preparatory work of the party, a representative element composed of the best classes of those provinces made for the first time a public manifestation of sympathy, confidence, and adhesion to the sovereignty of the United States. And these demonstrations were of great utility, for, in addition to spreading in the Philippines a new sentiment, they served to convince other Filipinos that it was already possible to demonstrate their loyalty to the new sovereignty without endangering their lives.

On the 22d of February last your excellency had evidence of the Americanized sentiments of the Federals in Manila when you were present at that memorable manifestation on the Luneta, where more than 7,000 men of every class of society joyfully hailed the name of Washington and rendered homage as enthusiastic as sincere to the American banner.

In the journeys which the Commission subsequently made to the two provinces which had been most obstinately insurgent, Bulacan and Bataan, we were able to observe at that time that our party had established peace and confidence among their inhabitants. On the journey made through the southern part of the archipelago by the Civil Commission, in which I was invited to join them as president of the Federal party, the honorable Commission saw—and you have also been informed, no doubt, of the same thing by your military subordinates—that our supporters have done all that they could or should do to assist the work of the government.

In provinces where but few or no foreigners are found our committees were formed rapidly, and they succeeded in overcoming the general disconfidence of the people; but in those provinces wherein foreigners (Spaniards) reside we have had to overcome not a few difficulties, for they are not only spreading ideas which tend to incite disconfidence, but, moreover, seek to convey to the members of our party a belief that when peace is reestablished the American Government will persecute the Federals in order to totally destroy a peaceful Philippine body politic after having annihilated their armed forces.

The name which we have given our party served the Spanish press of this capital as a pretext to stimulate the chauvinistic spirit of the Filipinos to the end that another party be organized to oppose us, which, instead of aspiring to federation, should look toward independence.

Such an attitude has strengthened our party and given us an opportunity to demonstrate to the Filipinos that nothing can be so beneficial to them as the complete adoption of American civilization with the hope of some day being admitted as one of the States of the Union.

After peace is established, all our efforts will be directed to Americanizing ourselves; to cause a knowledge of the English language to be extended and generalized in the Philippines, in order that through its agency the American spirit may take possession of us, and that we may so adopt its principles, its political customs, and its peculiar civilization that our redemption may be complete and radical.

Our undertaking will not be an easy one; the ancient domination inculcated in our spirit, customs, and habits, which can not be easily changed; but just as the Filipinos saw by experience that they had been deceived in supposing that independence was possible, and in believing the calumnies which were heaped upon the Americans, now they will also learn by experience that the progress and civilization of our country depends upon a complete assimilation of the American spirit.

The routine and spirit of tradition which is peculiar to countries not in an advanced stage of civilization and an erroneous idea concerning our own history are reasons which have led certain Filipinos to adopt the idea of retaining as useful and glorious the enervated form of civilization left us by the former domination. Nevertheless, when passions are somewhat allayed, common sense will not be long in showing that the past domination fell because it represented miserable vestiges of a worn-out and incomplete civilization, and that now only it can be said that the Filipinos have an opportunity of becoming completely civilized, guided by a nation truly capable of civilizing and of conferring upon other peoples the benefits of its institutions and customs.

The Filipino people have an insatiable thirst for learning, a thirst for justice, and their tenacious resistance to the sovereignty of the United States was due solely to the fear that the abuses and vexations of the ancient domination would be continued by the new. Whenever the Government of the United States organizes public instruction and the administration of justice gives satisfaction to all those who appear to defend their rights, then we shall see what the feelings of our people will be toward the new sovereignty.

The Federal party believes in America. It believes in the Philippines. It rests assured that America, in a day not far distant, will give to the Filipinos all the rights which are enjoyed by the inhabitants of the Columbian continent, and also trusts that the Filipinos, within a very short time, will realize their true interests and will enter without reserve or suspicion upon the path which the Federal party has pointed out to them. Inspired in the American spirit, adopting the English language, reading and thinking as Americans, unto them it is given to demonstrate sooner or later to the Republic of the United States that they are capable and worthy of forming part of the great Federation.

The history of the American people, the aptitude of Filipinos for civilization, and the observation of events which have taken place in the Philippines from 1896 to the present time justify the assertion that the Americanization of the Philippines will be more rapid than is believed by the most optimistic, and that as a consequence the triumph of the ideal of our Federal party will be complete.

I send herewith a statement which shows the organization of the committees day by day from January to the latter part of April. There are many committees which have been organized in the provinces of the existence of which we have not yet received in the secretary's office any official notification, because they forward the notification of the organization of their committee to the headquarters of the province, and the latter does not always notify Manila as promptly as we would like.

I also send you a note of the approximate number (exact minimum figure) of our members, as also résumé of the surrenders of armed men which have been accomplished through the efforts of the party.

Your very respectful servant,

H. PARDO DE TAVERA.

Table of the committees of the Federal party organized in the Philippine Archipelago, 1901.

[Prepared from data furnished by the secretary of the party.]

Province.	Jan.	Feb.	Mar.	Apr.	May.	June.
Albay			8			
Ambos Camarines		4	4			
Antique		1	1			
Abra		1				
Bulacan	5	13	3			
Bataan	9					
Batangas	1	1	8			
Bohol			1			
Cebu	1		2	5		
Cavite		5	1			
Capiz		11	3			
Cagayan			13			
Ilocos Norte		1	11			
Ilocos Sur			3			
Isabela			1			
Iloilo			1			
Jolo				1		
Laguna	1	8	4			
Leyte		1	1			
Manila	15	12				
Morong	1	13				
Marinduque	4	1				
Mindanao				2		
Nueva Ecija		1				
Negros			1			
Pampanga	16	6				
Pangasinan	3	22	2			
Sorsogon		1		1		
Samar		1	1	3		
Tarlac	2	6	1			
Tayabas		5	5			
Union		2	1			
Zambales	5	6	10			
Total	63	122	86	12		

APPENDIX.

According to the existing data in the secretary's office of the Federal party there are at present 296 organized committees throughout the archipelago, with more than 200,000 members.

The presentation of the following generals, colonels, chiefs, officers, soldiers, and arms has been secured through the work of the Federal party:

Generals	11
Colonels	14
Lieutenant-colonels	14
Majors	20
Chiefs of guerrillas	6
Captains	46
Lieutenants	106
Soldiers	2,640
Civilians	6
Cannons	22
Guns	4,440
Revolvers	60

OFFICE OF THE UNITED STATES MILITARY GOVERNOR
IN THE PHILIPPINE ISLANDS,
Manila, P. I., July 2, 1900.

The military governor is prepared to assure the native citizens of the Philippine Islands that the following provisions will be embodied in any form of civil government established in the archipelago by the United States:

1. No person shall be deprived of life, liberty, or property without due process of law.

2. Private property shall not be taken for public use without just compensation.

3. In all criminal prosecutions the people shall enjoy the right of a speedy public trial; to be informed of the nature and cause of the accusations; to be confronted with the witnesses against them; to have compulsory process of obtaining witnesses in their behalf, and to have assistance of counsel in their defense. Excessive bail shall not be required; excessive fines shall not be imposed, nor cruel or unusual punishments inflicted.

4. No person shall be put twice in jeopardy for the same offense, or be compelled in any criminal case to be a witness against himself.

5. Unreasonable search and seizure shall not be practiced.

6. Neither slavery nor involuntary servitude shall exist except as a punishment for crime.

7. No bill of attainder or ex post facto law shall be passed.

8. No law shall be passed abridging the freedom of speech or of the press or of the rights of the people to peacefully assemble and petition the government for a redress of grievances.

9. No disqualification to holding office, either civil or military, in the government hereafter to be established under the sovereignty of the United States in these islands, shall arise from service in the insurgent army.

10. As, under the Constitution of the United States complete religious freedom is guaranteed, and no minister of religion can be interfered with or molested in following his calling in a peaceful or lawful manner, and there must be complete separation of church and state, so here the civil government of these islands hereafter to be established will give the same security to the citizens thereof and guarantee that no form of religion shall be forced by the government upon any community or upon any citizen of the islands; that no minister of religion in following his calling in a peaceful and lawful manner shall be interferred with or molested by the government or any person; that no public funds shall be used for the support of religious organizations or any member thereof; that no official process shall be used to collect contributions from the people for the support of any church, priest, or religious order; that no minister of religion, by virtue of his being a minister, shall exercise any public or governmental office or authority, and that the separation of church and state must be complete and entire.

In his individual capacity the military governor makes himself responsible for the following:

1. Upon the complete cessation of hostilities and the surrender of all arms now in the hands of the Filipino army, the private property now in the possession of the United States shall be returned, upon due identification, to the individual owners or adequate rent paid for the use thereof, provided that the owners in each case take the prescribed oath of allegiance. This shall not involve the payment of damages for property heretofore used, destroyed or consumed.

2. All money now held in these islands or in the hands of any Filipino agent in Hongkong or elsewhere for the use of the insurgent army shall, upon being deposited in the United States treasury in the city of Manila, become a trust for the benefit of the widows and orphans of insurgent soldiers killed in battle or who may have died from disease contracted in the service since the 4th day of February, 1899, and for the assistance of the disabled soldiers of such army. The said trust fund shall be distributed by a committee of Filipinos, to be appointed by the United States military governor upon the recommendation of General Aguinaldo or such other high authority as may be satisfactory to all concerned.

The committee thus appointed to hold its meetings and perform its functions under the advice and control of the military governor, the action of the committee in all particulars to be subject to the approval of the military governor. In consideration of the deposit of the funds as described above, the commanding general of the United States forces and military governor will release all claim to the possession and enjoyment of such funds in behalf of the United States, and further agrees to turn over to the committee above described, for the same purpose, the money which the Army of the United States has captured from the insurgent forces, provided that the amount so turned over by the military governor shall not in any event exceed the amount captured by the United States forces during the period of hostilities.

ARTHUR MACARTHUR,
Major-General, United States Volunteers,
Military Governer in the Philippines.

Mr. HOAR. Let it be printed also as a document.

The PRESIDENT pro tempore. The Senator from Massachusetts asks that the papers be also printed as a document. Is there objection? The Chair hears none.

Mr. LODGE. I will state to the Senator from Georgia that the signed memorials are at the War Department. I will ask to have them sent down. They fill a large packing case.

Mr. BACON. I do not wish to be misunderstood. Under the motion which was made, if there were a large number of names, it might unduly encumber the RECORD. That was the only object I had in view.

Mr. PATTERSON. Mr. President, I think it but right that the significance of this communication should be especially called to the attention of the Senate. It is a communication from the Federal party of the Philippine Islands, named "A message to the Congress of the United States of America accorded in extraordinary assembly, November, 1901, at Manila."

It may be regarded as the utterances of three members of the United States Philippine Commission. It is recognized, and has been stated by General Taft, that this Federal party has been the chief mainstay of his Commission in securing peace, so far as peace exists, in the Philippine Islands, where the Army has done its work and surrendered the islands or a portion of the islands to the control of the civil authorities.

The statement made by the Federal party is a part of, or at least is printed in connection with, the report of the Philippine Commission to the Secretary of War. It is signed by three members of the Philippine Commission. Being the mainstay of the peace party in the Philippine Islands, being the chief instrument in securing consent on the part of the Filipinos to American rule, it is of the utmost importance to understand what the Federal party declares, what its platform is, and what it holds out to the Filipino people.

To the members of the Federal party the position of an independent State in the American Union is the equivalent of an independent government; and I am inclined to think that if the American Congress was to declare that the archipelago would be given statehood, with all the rights and privileges and protection that are given to American States and the inhabitants thereof, it would have almost as soothing an effect as a declaration that they should be granted their independence.

This Federal party has met with the success that has attended its efforts, has brought accessions to the peace party in the islands under a declaration and a pledge that it stands for statehood in the American Union; and I take it that if the Republican party should make known their purpose that in this generation and probably in the next they do not intend to give statehood to the Philippine Islands, you would find that the Filipinos who have rallied to the American standard and to the cause of peace in the Philippine Islands would leave as rats desert a sinking ship.

Mr. President, let me call your special attention to the declaration of the Federal party, the declaration that has brought into its ranks the boasted numbers as described by gentlemen upon the other side. Under the head of part first comes the petition for annexation and for a government.

The Federal party has made an exhaustive study of the sentiments of the Filipino people as well as those animating the American people with respect to determining the future of these islands.

From the mass of data which the Federal party has had before it, and seriously and formally considered, it is clearly deduced that the intention of the Americans and Filipinos is to constitutionally join the Philippines to America in such a way that the former may never be separated from the latter nor the latter disunited from the former.

"In order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty" are the principles in which the policy which should be followed in the Philippines should be inspired without the loss of a moment.

To make of the Philippines—

Mark this language—

To make of the Philippines a colony of the United States or to grant independence to the Philippines would be to hand the islands over to disorder and to anarchy, to destruction and to chaos.

Either "to make of the Philippines a colony of the United States or to grant them independence"—this Federal party places both these propositions upon the same footing—"would be to hand the islands over to disorder and to anarchy, to destruction and to chaos." As I understand it, it is as a colony the Filipinos are to be held. Let the party declare that such is its purpose; let its course be such as to convince the Filipinos that that is the purpose of the Administration, then, in the opinion of three members of the United States Philippine Commission, it "would be to hand the islands over to disorder and to anarchy, to destruction and to chaos."

In effect the colonial system—

The party says—

involves the principles of difference of citizenship, inequality of rights, and other consequent abuses and injustices, of all of which we Filipinos were surfeited under the Spanish Government, and for this reason we rejected everything which tends toward a colony.

Will the Senators upon the other side take warning by this notice? The chief mainstay upon which the peace party has rested in the Philippines is this Federal party, and this Federal party has told the Filipino people that there will be no colonial system, but that they will be the inhabitants of an independent State in the Federal Union.

Philippine independence, with or without a protectorate, means the holding of power by all the terrible elements of the sects which predominate, and would predominate still for some years, until the anger of Filipinos toward Filipinos shall have been completely calmed, education become more general, and the fanaticism we have inherited from Spain exiled.

The same thing they say by inference, if they shall be held as a colony or if the principles of colonialism shall govern the relations between the Philippine Islands and the United States.

Federation or annexation would settle all these difficulties by concentrating the interest of the Philippine people upon education and labor, the most efficient means for bringing about a prompt uplifting.

The Federal party can assure the Congress that the foregoing is the true opinion of the best elements and greater part of the Filipinos, as is evidenced by the annexed report of the Federal party, which was made by direction of General MacArthur and which has all the character of an official document.

In behalf, then, of the Federal party, this convention has the honor to very respectfully present to the Congress the following petition, praying a—

Declaration by the Congress of the United States to the effect that Philippine Islands as they are described in the treaty of Paris and subsequent conventions with Spain are an integral part of the Republic of the United States of North America, the said Philippine Islands constituting a Territory with the rights and privileges which the Constitution of the United States grants to the other Territories, such as that of becoming eventually a State of the Union.

I say to the Senators upon the other side, there is the alternative, a Territory under the Constitution, with all the rights that the citizens of the existing Territories now enjoy under the Constitution, eventually to become a State, or else the islands once more to revert to anarchy, to give life to the war party, to necessitate the enlisting of more soldiers and the sending of greater armies over to the islands for their ultimate and complete subjugation, if that is possible.

This country should be frank with the Filipinos. They should know whether they are intended for statehood, whether they are to receive a Territorial form of government under the protection of the Constitution, or whether they are to resort to the last avenue that is open to those who aspire for liberty and love independence.

EXECUTIVE SESSION.

Mr. LODGE. Unless some Senator desires to go on at this time, I move that the Senate now proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 5 minutes p. m.) the Senate adjourned until to-morrow, Thursday, February 13, 1902, at 12 o'clock meridian.

CONFIRMATION.

Executive nomination confirmed by the Senate February 12, 1902.

POSTMASTER.

William B. McIlhenny, to be postmaster at Gettysburg, in the county of Adams and State of Pennsylvania.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February 12, 1902.*

The House met at 12 o'clock m.

The following prayer was offered by the Chaplain, Rev. HENRY N. COUDEN, D. D.:

Almighty and most merciful God, whose ways are past finding out, yet who reignest supreme, we are carried back in thought to-day to those years of civil strife when the land ran red with blood, and we are reminded of that strong, rugged, patient, tender-hearted, loving man whom Thou raised up and brought in an opportune moment out of obscurity to be the nation's savior. We thank Thee for his life, for his deeds, and above all for his great sterling character. We thank Thee that that strife is over; that if there was malice it is gone, if there was animosity it is buried, if there was hatred it has passed away; that we stand a united nation, with all our longings, hopes, and aspirations centered in one country, one flag, one God and Father of us all. Help us so to live that we shall be missed by our fellow-men when we are gone, for Thine is the kingdom and the power and the glory forever. Amen.

The Journal of yesterday's proceedings was read and approved.

OLEOMARGARINE BILL.

The SPEAKER. The question as affecting the bill H. R. 9266, the oleomargarine bill, now is on the amendment offered by the gentleman from Kentucky [Mr. ALLEN] on the subject of the renovation of butter. The previous question has been ordered and the yeas and nays ordered on this amendment.

Mr. SHAFROTH. Mr. Speaker, may we have the amendment read? There are so many that do not know what the amendment is. I ask for the reading of the amendment.

The SPEAKER. Without objection, the amendment will again be reported.

Mr. SLAYDEN. Mr. Speaker, let us have order while it is being read.

The SPEAKER. The House will be in order.

The amendment was read, as follows:

SEC. 4. That the Secretary of Agriculture is hereby authorized and required to cause a rigid sanitary inspection to be made from time to time, and at such times as he may deem necessary, of all factories and storehouses where butter is renovated; and all butter renovated at such places shall be carefully inspected in the same manner and to the same extent and purpose that meat products are now inspected. The quantity and quality of butter renovated shall be reported monthly. All renovated butter shall be designated as such by marks, brands, and labels, and the words "Renovated butter" shall be printed on all packages thereof in such manner as may be prescribed by the Secretary of Agriculture, and shall be sold only as renovated butter. Any person violating the provisions of this section shall, on conviction thereof, be deemed guilty of a misdemeanor, and shall be fined not less than $50 nor more than $500, and imprisoned not less than one month nor more than six months.

The Secretary of Agriculture shall make all needful sanitary and other rules and regulations for carrying this section into effect; and no renovated butter shall be shipped or transported from one State to another, or to foreign countries, unless inspected as provided in this section.

The question was taken; and there were—yeas 152, nays 126, answering "present" 9, not voting 69; as follows:

YEAS—152.

Adams,	Bowie,	Butler, Mo.	Cowherd,
Adamson,	Brantley,	Calderhead,	Creamer,
Allen, Ky.	Bromwell,	Candler,	Crumpacker,
Ball, Tex.	Brundidge,	Clark,	Cummings,
Bartholdt,	Burgess,	Clayton,	Dalzell,
Bell,	Burk, Pa.	Connell,	Davey, La.
Bellamy,	Burleson,	Conry,	Davis, Fla.
Benton,	Burnett,	Cooney,	De Armond,
Boutell,	Burton,	Cooper, Tex.	De Graffenreid,
Dinsmore,	Kitchin, Claude	Moody, Mass.	Shackleford,
Dougherty,	Kitchin, Wm. W.	Moody, Oreg.	Shafroth,
Douglas,	Kleberg,	Moon,	Sheppard,
Edwards,	Lanham,	Naphen,	Sims,
Elliott,	Lassiter,	Newlands,	Slayden,
Feely,	Latimer,	Otey,	Small,
Fleming,	Lessler,	Overstreet,	Smith, Ky.
Foster, Ill.	Lester,	Padgett,	Snodgrass,
Fox,	Lever,	Patterson, Tenn.	Sparkman,
Gaines, Tenn.	Lewis, Ga.	Payne,	Steele,
Gilbert,	Lewis, Pa.	Pierce,	Stephens, Tex.
Gillett, Mass.	Little,	Pou,	Sutherland,
Goldfogle,	Livingston,	Powers, Me.	Talbert,
Gooch,	Lloyd,	Randell, Tex.	Tate,
Griffith,	Long,	Ransdell, La.	Thompson,
Hanbury,	Loud,	Reid,	Tongue,
Hedge,	Loudenslager,	Rhea, Ky.	Underwood,
Henry, Miss.	Lovering,	Richardson, Ala.	Wachter,
Henry, Tex.	McAndrews,	Richardson, Tenn.	Wadsworth,
Hooker,	McClellan,	Rixey,	Wanger,
Howard,	McCulloch,	Robb,	Warner,
Hughes,	McLain,	Robertson, La.	Weeks,
Jack,	McRae,	Robinson, Ind.	Wheeler,
Jackson, Kans.	Maddox,	Rucker,	White,
Johnson,	Martin,	Ruppert,	Wiley,
Jones, Wash.	Maynard,	Ryan,	Williams, Miss.
Joy,	Mickey,	Scarborough,	Wilson,
Kahn,	Miers, Ind.	Schirm,	Wooten,
Kehoe,	Mondell,	Selby,	Zenor.

NAYS—126.

Acheson,	Driscoll,	Ketcham,	Robinson, Nebr.
Alexander,	Eddy,	Knapp,	Rumple,
Aplin,	Emerson,	Lacey,	Russell,
Babcock,	Evans,	Lamb,	Salmon,
Ball, Del.	Fletcher,	Lawrence,	Sherman,
Barney,	Foerderer,	Lindsay,	Showalter,
Bates,	Fordney,	Littlefield,	Sibley,
Bishop,	Foster, Vt.	McCall,	Skiles,
Blackburn,	Gardner, Mich.	McCleary,	Smith, Ill.
Blakeney,	Gardner, N. J.	McDermott,	Smith, S. W.
Bristow,	Gibson,	McLachlan,	Snook,
Brown,	Gillet, N. Y.	Mahon,	Sperry,
Brownlow,	Gordon,	Marshall,	Stark,
Burke, S. Dak.	Green, Pa.	Metcalf,	Stevens, Minn.
Burleigh,	Greene, Mass.	Miller,	Stewart, N. J.
Butler, Pa.	Grow,	Minor,	Stewart, N. Y.
Caldwell,	Hall,	Moody, N. C.	Sulloway,
Cannon,	Hamilton,	Morgan,	Tawney,
Cassel,	Haskins,	Morrell,	Thayer,
Cassingham,	Haugen,	Morris,	Thomas, Iowa
Conner,	Heatwole,	Mudd,	Tirrell,
Coombs,	Henry, Conn.	Mutchler,	Tompkins, Ohio.
Cooper, Wis.	Hepburn,	Needham,	Van Voorhis,
Currier,	Hildebrant,	Nevin,	Vreeland,
Curtis,	Hitt,	Olmsted,	Warnock,
Dahle,	Howell,	Otjen,	Watson,
Darragh,	Hull,	Parker,	Williams, Ill.
Davidson,	Jackson, Md.	Patterson, Pa.	Woods,
Deemer,	Jenkins,	Pearre,	Wright,
Dick,	Jett,	Perkins,	Young.
Dovener,	Jones, Va.	Prince,	
Draper,	Kern,	Ray, N. Y.	

ANSWERED "PRESENT"—9.

Bartlett,	Hay,	Norton,	Taylor, Ala.
Cochran,	Mann,	Powers, Mass.	Trimble.
Fitzgerald,			

NOT VOTING—69.

Allen, Me.	Dayton,	Kluttz,	Shattuc,
Bankhead,	Esch,	Knox,	Shelden,
Beidler,	Finley,	Kyle,	Smith, Iowa
Belmont,	Flood,	Landis,	Smith, H. C.
Bingham,	Foss,	Littauer,	Smith, Wm. Alden
Boreing,	Fowler,	Mahony,	Southard,
Bowersock,	Gaines, W. Va.	Mercer,	Southwick,
Breazeale,	Gill,	Meyer, La.	Spight,
Brick,	Gleun,	Neville,	Storm,
Broussard,	Graff,	Palmer,	Sulzer,
Bull,	Graham,	Polk,	Swanson,
Burkett,	Griggs,	Pugsley,	Tayler, Ohio
Capron,	Grosvenor,	Reeder,	Thomas, N. C.
Corliss,	Hemenway,	Reeves,	Tompkins, N. Y.
Cousins,	Hill,	Rhea, Va.	Vandiver.
Cromer,	Holliday,	Roberts,	
Crowley,	Hopkins,	Scott,	
Cushman,	Irwin,	Shallenberger,	

The following pairs were announced:

Until further notice:

Mr. HENRY C. SMITH with Mr. TAYLOR of Alabama.

On this vote:

Mr. BURKETT with Mr. RHEA of Virginia.

Mr. GILL with Mr. SHALLENBERGER.

Mr. FOWLER with Mr. VANDIVER.

For this day:

Mr. LITTAUER with Mr. POLK.

Mr. CROMER with Mr. NEVILLE.

Mr. REEDER with Mr. FLOOD.

Mr. BEIDLER with Mr. HAY.

Until the 14th:

Mr. MERCER with Mr. SWANSON.

Mr. SOUTHARD with Mr. NORTON.

On this bill:

Mr. REEVES with Mr. BANKHEAD.

Mr. BINGHAM with Mr. FINLEY.

Mr. ESCH with Mr. CAPRON.

Mr. TOMPKINS of New York with Mr. FITZGERALD.

Mr. LANDIS with Mr. SULZER.
Mr. WM. ALDEN SMITH with Mr. CORLISS.
(Mr. SMITH for the bill; Mr. CORLISS against it.)
Mr. BULL with Mr. CROWLEY.
(Mr. BULL against the bill; Mr. CROWLEY in favor of it.)
Mr. FOSS with Mr. BROUSSARD.
(Mr. FOSS for the bill; Mr. BROUSSARD against it.)
Mr. GRAFF with Mr. SCOTT.
Mr. BREAZEALE with Mr. GRIGGS.
(Mr. BREAZEALE for the bill; Mr. GRIGGS against it.)
Mr. SMITH of Iowa with Mr. MAHONEY.
(Mr. SMITH for the bill; Mr. MAHONEY against it.)
Mr. ROBERTS with Mr. POWERS of Massachusetts.
(Mr. POWERS for the bill; Mr. ROBERTS against it.)
Mr. HOPKINS with Mr. GRAHAM.
(Mr. HOPKINS for the bill; Mr. GRAHAM against it.)
Mr. KLUTTZ with Mr. THOMAS of North Carolina.
(Mr. KLUTTZ for the bill; Mr. THOMAS against it.)
Mr. BRICK with Mr. GAINES of West Virginia.
(Mr. BRICK for the bill; Mr. GAINES against it.)
Mr. SOUTHWICK with Mr. COCHRAN.
(Mr. COCHRAN for the bill; Mr. SOUTHWICK against it.)
Mr. HILL with Mr. GROSVENOR.
(Mr. HILL for the bill; Mr. GROSVENOR against it.)
Mr. COUSINS with Mr. BELMONT.
(Mr. COUSINS for the bill; Mr. BELMONT against it.)
Mr. HEMENWAY with Mr. SPIGHT.
(Mr. HEMENWAY for the bill; Mr. SPIGHT against it.)
Mr. TAYLER of Ohio with Mr. BARTLETT.
Mr. HOLLIDAY with Mr. PUGSLEY.
Mr. ALLEN of Maine with Mr. SHELDEN.
(Mr. ALLEN for the bill; Mr. SHELDEN against it.)
For this session:
Mr. BOREING with Mr. TRIMBLE.
Mr. DAYTON with Mr. MEYER of Louisiana.

Mr. BARTLETT. Mr. Speaker, I observe that I am paired with the gentleman from Ohio, Mr. TAYLER. I have voted aye, and I desire to withdraw my vote and be marked "present."

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called Mr. BARTLETT's name, and he answered "present," as above recorded.

Mr. HOOKER. Mr. Speaker, I observe that a pair has been read of myself with the gentleman from New Jersey. It was only for yesterday and does not prevail to-day, and therefore should not be read.

The SPEAKER. The pair has been withdrawn.

The result of the vote was then announced as above recorded.

The SPEAKER. The question now is on agreeing to all the other amendments in gross.

The question was taken, and all the other amendments were agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The question was taken; and the bill was ordered to be engrossed and read a third time; and being engrossed, it was read the third time.

The SPEAKER. The question now is on the passage of the bill.

Mr. WADSWORTH. Mr. Speaker, I move to recommit the bill with instructions to report the minority bill as a substitute.

The SPEAKER. The gentleman from New York moves to recommit the bill with instructions to report back the substitute bill.

Mr. WADSWORTH. And on that, Mr. Speaker, I ask for the yeas and nays.

Mr. GAINES of Tennessee. Mr. Speaker, I would like to ask the gentleman if that includes the amendment which has just been adopted by the House?

Mr. WADSWORTH. No, it does not, for it is not in the substitute bill. I am willing to have it in if it can be done by unanimous consent.

The SPEAKER. The Clerk will read the instructions.

The Clerk read as follows:

To recommit the bill with instructions to report the following bill as a substitute:

A bill to amend sections 3 and 6 of an act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886.

Be it enacted, etc., That sections 3 and 6 of an act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, be amended so as to read as follows:

"SEC. 3. That special tax on the manufacture and sale of oleomargarine shall be imposed as follows:

"Manufacturers of oleomargarine shall pay $600 per annum. Every person who manufactures oleomargarine for sale shall be deemed a manufacturer thereof.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent that the further reading of the bill may be dispensed with.

The SPEAKER. The gentleman from Alabama asks unanimous consent to dispense with the further reading of the proposed instructions.

Mr. TAWNEY. Pending that, Mr. Speaker, I rise to make a parliamentary inquiry. This proposition was voted on after consideration in Committee of the Whole and was defeated, and this is simply for the purpose of securing another vote on an amendment offered in Committee of the Whole.

The SPEAKER. The House knows nothing about what was done in the Committee of the Whole except as was reported by the Chairman of the committee. Besides, the point of order would be too late. Is there objection to the request of the gentleman from Alabama?

Mr. TAWNEY. I object, Mr. Speaker.

The SPEAKER. Objection is made, and the Clerk will continue with the reading.

The Clerk, proceeding with the reading of the bill, read as follows:

"Wholesale dealers in oleomargarine shall pay $480 per annum. Every person who sells or offers for sale oleomargarine in quantities greater than 10 pounds at a time shall be deemed a wholesale dealer therein; but a manufacturer of oleomargarine who has given the required bond and paid the required special tax, and who sells oleomargarine of his own production only at the place of its manufacture in the original packages, to which the tax-paid stamps are affixed, shall not be required to pay the special tax of a wholesale dealer on account of such sales.

"Retail dealers in oleomargarine shall pay $48 per annum. Every person who sells or offers for sale oleomargarine in quantities not greater than 10 pounds at a time shall be regarded as a retail dealer therein. And sections 3232, 3233, 3234, 3235, 3236, 3237, 3238, 3239, 3240, 3241, and 3243 of the Revised Statutes of the United States are, so far as applicable, made to extend to and include and apply to the special taxes imposed by this section, and to the persons upon whom they are imposed: *Provided*, That in case any manufacturer of oleomargarine commences business subsequent to the 30th day of June in any year, the special tax shall be reckoned from the 1st day of July in that year, and shall be $500."

"SEC. 6. That all oleomargarine shall be put up by the manufacturer for sale in packages of 1 and 2 pounds, respectively, and in no other or larger or smaller package; and upon every print, brick, roll, or lump of oleomargarine, before being so put up for sale or removal from the factory, there shall be impressed by the manufacturer the word 'Oleomargarine' in sunken letters, the size of which shall be prescribed by regulations made by the Commissioner of Internal Revenue and approved by the Secretary of the Treasury; that every such print, brick, roll, or lump of oleomargarine shall first be wrapped with paper wrapper with the word 'Oleomargarine' printed on the outside thereof in distinct letters, and said wrapper shall also bear the name of the manufacturer, and shall then be put up singly by the manufacturer thereof in such wooden or paper packages or in such wrappers, and marked, stamped, and branded with the word 'Oleomargarine' printed thereon in distinct letters, and in such manner as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe, and the internal-revenue stamp shall be affixed so as to surround the outer wrapper of each 1 and 2 pound package: *Provided*, That any number of such original stamped packages may be put up by the manufacturer in crates or boxes, on the outside of which shall be marked the word 'Oleomargarine,' with such other marks and brands as the Commissioner of Internal Revenue shall, by regulations approved by the Secretary of the Treasury, prescribe.

"Retail dealers in oleomargarine shall sell only the original package to which the tax-paid stamp is affixed, and shall sell only from the original crates or boxes in which they receive the pound or two pound prints, bricks, rolls, or lumps; which said crates or boxes shall be, at all times, so placed as to expose to the customer the mark or brand affixed thereon by the requirements of this act.

"Every person who knowingly sells or offers for sale, or delivers or offers to deliver, any oleomargarine otherwise than as provided by this act, or contrary to the regulations of the Commissioner of Internal Revenue made in pursuance hereof, or who packs in any package any oleomargarine in any manner contrary to law, or who shall sell or offer for sale, as butter, any oleomargarine, colored or uncolored, or who falsely brands any package or affixes a stamp on any package denoting a less amount of tax than that required by law, shall be fined for the first offense not less than $100 nor more than $500 and be imprisoned not less than thirty days nor more than six months, and for the second and every subsequent offense shall be fined not less than $200 nor more than $1,000 and be imprisoned not less than sixty days nor more than two years."

The SPEAKER. The question is on agreeing to the motion of the gentleman from New York to recommit the bill with instructions.

Mr. TAWNEY. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 117, nays 162, answering "present" 9, not voting 68; as follows:

YEAS—117.

Adams,	Connell,	Gaines, Tenn.	Latimer,
Adamson,	Cooper, Tex.	Goldfogle,	Lessler,
Allen, Ky.	Cowherd,	Hanbury,	Lester,
Ball, Tex.	Creamer,	Hedge,	Lever,
Boutell,	Crumpacker,	Henry, Miss.	Lewis, Ga.
Bowersock,	Cummings,	Henry, Tex.	Little,
Bowie,	Dalzell,	Hooker,	Livingston,
Brantley,	Davey, La.	Howard,	Long,
Bromwell,	Davis, Fla.	Hughes,	Loud,
Brundidge,	De Graffenreid,	Johnson,	Loudenslager,
Burgess,	Dinsmore,	Joy,	Lovering,
Burk, Pa.	Douglas,	Kahn,	McAndrews,
Burleson,	Edwards,	Kehoe,	McCall,
Burnett,	Elliott,	Kitchin, Claude	McClellan,
Burton,	Feely,	Kitchin, Wm. W.	McCulloch,
Butler, Mo.	Fleming,	Kleberg,	McDermott,
Candler,	Foster, Ill.	Lanham,	McLain,
Clayton,	Fox,	Lassiter,	McRae,

Maddox,	Randell, Tex.	Sheppard,	Underwood,
Mahoney,	Ransdell, La.	Sims,	Wachter,
Mann,	Reid,	Slayden,	Wadsworth,
Maynard,	Rhea, Ky.	Small,	Wheeler,
Mondell,	Richardson, Ala.	Smith, Ky.	White,
Moon,	Richardson, Tenn.	Snodgrass,	Wiley,
Naphen,	Robertson, La.	Sparkman,	Williams, Miss.
Otey,	Rucker,	Steele,	Wilson,
Overstreet,	Ruppert,	Stephens, Tex.	Wooten.
Padgett,	Ryan,	Talbert,	
Patterson, Tenn.	Scarborough,	Tate,	
Pierce,	Schirm,	Thompson,	

NAYS—162.

Acheson,	Emerson,	Lamb,	Robinson, Nebr.
Alexander,	Evans,	Lawrence,	Rumple,
Aplin,	Fletcher,	Lewis, Pa.	Russell,
Babcock,	Foerderer,	Lindsay,	Salmon,
Ball, Del.	Fordney,	Littauer,	Selby,
Barney,	Foster, Vt.	Littlefield,	Shafroth,
Bates,	Gardner, Mich.	Lloyd,	Shallenberger,
Bell,	Gardner, N. J.	McCleary,	Sherman,
Bishop,	Gibson,	McLachlan,	Showalter,
Blackburn,	Gilbert,	Mahon,	Sibley,
Blakeney,	Gill,	Marshall,	Skiles,
Bristow,	Gillet, N. Y.	Martin,	Smith, Ill.
Brown,	Gillett, Mass.	Metcalf,	Smith, S. W.
Brownlow,	Gooch,	Mickey,	Snook,
Burke, S. Dak.	Gordon,	Miers, Ind.	Sperry,
Butler, Pa.	Green, Pa.	Miller,	Stark,
Calderhead,	Greene, Mass.	Minor,	Stevens, Minn.
Caldwell,	Griffith,	Moody, Mass.	Stewart, N. J.
Cannon,	Grow,	Moody, N. C.	Stewart, N. Y.
Cassel,	Hall,	Moody, Oreg.	Sulloway,
Cassingham,	Hamilton,	Morgan,	Sutherland,
Clark,	Haskins,	Morrell,	Tawney,
Conner,	Haugen,	Morris,	Thayer,
Conry,	Heatwole,	Mudd,	Thomas, Iowa
Coombs,	Henry, Conn.	Mutchler,	Tirrell,
Cooney,	Hepburn,	Needham,	Tompkins, Ohio
Cooper, Wis.	Hildebrant,	Nevin,	Tongue,
Currier,	Hill,	Newlands,	Vandiver,
Curtis,	Howell,	Olmsted,	Van Voorhis,
Cushman,	Hull,	Parker,	Vreeland,
Dahle,	Jack,	Patterson, Pa.	Wanger,
Darragh,	Jackson, Kans.	Payne,	Warner,
Davidson,	Jackson, Md.	Pearre,	Warnock,
De Armond,	Jenkins,	Perkins,	Watson,
Deemer,	Jett,	Pou,	Weeks,
Dick,	Jones, Va.	Powers, Me.	Williams, Ill.
Dougherty,	Jones, Wash.	Prince,	Woods,
Dovener,	Kern,	Ray, N. Y.	Wright,
Draper,	Ketcham,	Rixey,	Zenor.
Driscoll,	Knapp,	Robb,	
Eddy,	Lacey,	Robinson, Ind.	

ANSWERED "PRESENT"—9.

Bartlett,	Hay,	Powers, Mass.	Trimble,
Cochran,	Norton,	Shackleford,	Young.
Fitzgerald,			

NOT VOTING—68.

Allen, Me.	Cousins,	Holliday,	Roberts,
Bankhead,	Cromer,	Hopkins,	Scott,
Bartholdt,	Crowley,	Irwin,	Shattuc,
Beidler,	Dayton,	Kluttz,	Shelden,
Bellamy,	Esch,	Knox,	Smith, Iowa
Belmont,	Finley,	Kyle,	Smith, H. C.
Benton,	Flood,	Landis,	Smith, Wm. Alden
Bingham,	Foss,	Mercer,	Southard,
Boreing,	Fowler,	Meyer, La.	Southwick,
Breazeale	Gaines, W. Va.	Neville,	Spight,
Brick,	Glenn,	Otjen,	Storm,
Broussard,	Graff,	Palmer,	Sulzer,
Bull,	Graham,	Polk,	Swanson,
Burkett,	Griggs,	Pugsley,	Tayler, Ohio
Burleigh,	Grosvenor,	Reeder,	Taylor, Ala.
Capron,	Hemenway,	Reeves,	Thomas, N. C.
Corliss,	Hitt,	Rhea, Va.	Tompkins, N. Y.

So the motion to recommit the bill with instructions was rejected.

The following additional pairs were announced:

On this vote:

Mr. BURKETT with Mr. RHEA of Virginia.

Mr. BARTHOLDT with Mr. BELLAMY.

For this day:

Mr. YOUNG with Mr. BENTON.

Mr. FOWLER with Mr. GLENN.

The result of the vote was announced as above stated.

The bill was passed.

On motion of Mr. SHERMAN, a motion to reconsider the last vote was laid on the table.

ORDER OF BUSINESS.

Mr. MAHON. I move that the House resolve itself into the Committee of the Whole on the state of the Union for the purpose of considering bills on the Private Calendar.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. OLMSTED in the chair, and proceeded to the consideration of the Private Calendar.

JERONEMUS S. UNDERHILL.

The CHAIRMAN. The first bill in order is the bill (H. R. 1795) for the relief of Jeronemus S. Underhill.

The bill was read, as follows:

Be it enacted, etc., That the claim of Jeronemus S. Underhill for further compensation for the construction of the light-draft monitor *Modoc* may be submitted by said claimant, within six months after the passage of this act, to the Court of Claims under and in compliance with the rules and regulations of said court, and said court shall have jurisdiction to hear and determine and render judgment upon the same: *Provided, however*, That the investigation of said claim shall be made upon the following bases: The said court shall ascertain the additional cost which was necessarily incurred by the contractor for building the light-draft monitor *Modoc* in the completion of the same by reason of any changes or alterations in the plans and specifications required and delays in the prosecution of the work: *Provided further*, That such additional cost in completing the same and such changes or alterations in the plans and specifications required and delays in the prosecution of the work were occasioned by the Government of the United States; but no allowance for any advance in the price of labor or material shall be considered unless such advance could not have been avoided by the exercise of ordinary prudence and diligence on the part of the contractor: *And provided further*, That the compensation fixed by the contractor and the Government for specific alterations in advance of such alterations shall be conclusive as to the compensation to be made therefor: *Provided*, That such alterations, when made, complied with the specifications of the same as furnished by the Government aforesaid: *And provided further*, That all moneys paid to said contractor by the Government over and above the original contract price for building said vessel shall be deducted from any amounts allowed by said court by reason of the matters hereinbefore stated: *And provided further*, That if any such changes caused less work and expense to the contractor than the original plans and specifications, a corresponding deduction shall be made from any allowance which may be made by said court to said claimant.

Mr. MAHON. Mr. Chairman, this bill is in terms exactly like the other bills which have passed this House in regard to claims that have been pending before the Department and Congress for years. The last Congress disposed of a few of these cases. If nobody desires to debate this bill, I ask that it be laid aside to be reported to the House with a favorable recommendation.

Mr. PAYNE. I should like a little more information about the bill.

Mr. MAHON. I yield to the gentleman from New York [Mr. SHERMAN].

Mr. MOODY of Massachusetts. Will the gentleman from New York permit me to make a suggestion?

Mr. SHERMAN. Certainly.

Mr. MOODY of Massachusetts. I observe that this bill and the one following it on the Calendar are exactly of the same character, and I suggest to the gentleman whether it might not save time to have both bills considered at the same time.

Mr. MAHON. I have no objection.

Mr. MOODY of Massachusetes. Then I ask unanimous consent that the next bill be read and considered in connection with the pending bill.

Mr. CLAYTON. I object to that. I think that would be railroading things through too fast.

Mr. SHERMAN. Mr. Chairman, after the historic and very remarkable victory of the *Monitor* over the *Merrimac* during the civil war it was thought advisable by the Navy Department to construct a large number of vessels somewhat similar to the *Monitor*, and in the year 1863 contracts were made providing for the construction of 20 such vessels, one of which was the *Modoc*, the vessel named in this bill.

After the letting of the contracts, the contractor was advised by a representative of the Navy Department that it was the desire of the Department to take advantage of the knowledge gained from the battles taking place from time to time, and from the experience derived from the action of vessels already constructed as to the value of this class of vessels, and that therefore it would be desirable that such changes as might be thought wise should be made from time to time in the specifications with reference to the vessels contracted for.

The contract with Mr. Underhill provided that this vessel should be begun in June, 1863, and should be finished in December of the same year, the contract price being $395,000. The contract contained the provision that $4,500 should be deducted for every month of delay in the completion of the work beyond the contract period, and an additional allowance of $4,500 for every month that might be saved in the time of the completion of this work would be paid the contractor, showing how important it appeared to the Government that this vessel should be completed at the earliest possible moment.

As a matter of fact the *Modoc* was not completed for eighteen months, or until June, 1865, or after the close of the war.

The specifications were materially changed in most important respects. There is no question—there never has been any question raised at any time—that the contractor in this case or in any similar case was in the slightest degree responsible for the delay from 1863 to 1865 in the completion of the vessel. The Department at all times assumed, and it assumes to-day, full responsibility for the delay that was caused.

Immediately after the contract was let, and in August, 1863, this contractor received from the representative of the Navy Department a letter in which the representative, Mr. Stimers, stated the following:

The building of ironclad steamers is a novelty in this country as in every other. It is therefore impossible to make a complete general plan and to write complete specifications at one date which will satisfy all the requirements subsequent experience and study point out, the more especially as the fleet already in service is actually engaged with the enemy and developing

rapidly the weak points of the original constructor. The Navy Department, however, desires that vessels now completing shall have incorporated in them all the improvements which our experiences and study of the subject shall point out.

That course was followed and the plans were changed from time to time to a most material extent, and the contractor was absolutely stopped in the continuance of his work for months at a time.

In 1887, in response to an inquiry from the then chairman of the War Claims Committee, Mr. Butterworth, the representative of the Navy Department wrote a letter in which he stated the following. The letter is under date of January 27, 1887, and it says:

From the first the plans were continually changed and important modifications introduced, all in the direction of more expensive work and material and requiring longer time for execution. This increased length of time involved greatly increased cost of the work to the contractors, owing to the delay and rapidly increasing rise at that date in the cost of material and labor.

Let me inject right there, Mr. Chairman, that during the period from the letting of the contract to the completion of the work the price of iron increased from $60 per ton to $225 per ton, and the price of labor increased over 40 per cent. The letter continues:

The war was then at its height, and the Government was in the market for the whole mechanical resources of the country, which were not able to meet the demand upon them, and as a result the price of certain materials and labor used in the construction of ships and machinery rose abnormally high above even the general increase of prices.

I might elaborate to a considerable extent upon this branch of the subject and demonstrate conclusively, beyond the possibility of doubt, that the Navy Department assumes every particle of responsibility for all delay and admit that that delay caused by them involved an enormous additional cost to the contractor.

Now as to the compensation. There have been three boards provided to examine into this subject. The first—the Gregory board, appointed by the Secretary of the Navy—allowed certain additional amounts to this contractor and other contractors. These amounts allowed were paid, but they provided simply for payments to the contractor at the contract prices for the additional amount of labor and material that went into this work, disregarding absolutely the question of the advance in the material and advance in labor at a time beyond the period when the contract work would have been completed had the contractor been allowed to proceed with his work without interference from the Navy Department.

After the close of the war another board was appointed in pursuance of a resolution by the Senate, called the Selfridge board, and before the board certain claimants presented their claims for additional compensation, and this claimant was invited to present his. For the reason that his work had not then been accepted this claimant did not present to the Selfridge board any claim, so that whatever action the Selfridge board may have taken it had no effect whatever upon the case which we are now considering.

Thereafter, in 1867, in pursuance of Congressional action, there was appointed a board, called the Marchand board, and before that board the claims of these several contractors was presented, and the claim of this contractor, Mr. Underhill, was presented before that board, and that board made a finding.

The resolution providing for the formation of that board specifically stated and defined its duties. They were called upon to report to Congress a tabulated statement in each case, which should contain the "name of the contractor, the description of the work, the contract price, the whole increased cost of the work over the contract price, and the amount of increased cost caused by the delay and action of the Government aforesaid, and the amount already paid the contractor over the contract price."

Before that board this claimant, Underhill, presented his claim. That board made a report. The report did not comply with the terms of the resolution. That board did not make findings that the resolution required it to make; but, on the contrary, it made a tabulated report which contained the whole increased cost of the work over the contract price (that is what the resolution provided), as claimed by the contractor, not as proved before them; not as adjudged by them to have been proved, but simply the amount claimed by the contractor; or, in other words, simply made a tabulation of the claims made before them by the several contractors, this contractor among them.

The resolution provided that the amount of such increased cost caused by the delay and action of the Government should be stated. Now, the board, instead of making findings as specifically required to do—finding the amount of such increased cost caused by the action of the Government as determined by this board to be due upon the matter which had been in fact submitted to them—they never took actual proof.

So that we come down to the present time without ever having any adjudication of this particular case as to the merits of the claim of this contractor for the additional cost to him of completing the work in its changed, altered, enlarged condition, an additional cost brought about, not by changes of the contract of the specifications, but more particularly in the delay caused by the Government in the completion of this work; and this bill simply provides that this contractor be allowed to go to the Court of Claims and prove before that court what the additional cost was by reason of the Government causing delay in the completion of that work, in the change of the specifications, the delay which caused the additional cost of materials, additional price of labor; and with the provision in the bill now the Court of Claims shall take into consideration whether that additional cost for labor and material might have been avoided by the use of the reasonable care and foresight that should have been exercised by a prudent business man.

Mr. SIMS. I want to ask the gentleman a few questions, and I think it will develop the facts better than any speech. Now, in the first place, these contractors got all the Government agreed to pay them. Is that not correct?

Mr. SHERMAN. They got all the Government agreed to pay them for work the Government originally contracted to receive at fixed prices, but they had agreed to finish the work before a certain time, when the price for the materials which they agreed to furnish were from 40 to 200 per cent less than they had to pay because of the delay.

Mr. SIMS. The Government changed the specifications, which caused the delay?

Mr. SHERMAN. They did; and there was further delay while waiting developments.

Mr. SIMS. Now, then, was not the question of additional cost caused by reason of these delays considered and paid for by the Secretary of the Navy?

Mr. SHERMAN. This was paid by the Government, and this only. The Government considered the amount of additional material and additional labor that went into that work at the prices fixed by the contract, and that price covered a period from June, 1863, to December, 1863, while in fact the material and the work were furnished not from June to December, 1863, but down to June, 1865, after the close of the war, and after the time that the material and labor increased in price from 50 to 200 per cent.

Mr. SIMS. I understand that you admit that the Government did pay the additional compensation?

Mr. SHERMAN. Admit that the Government paid some additional compensation; yes.

Mr. SIMS. Is not that the usual way for the Department to do about these things?

Mr. SHERMAN. It is the usual way that the Department does these things.

Mr. SIMS. When the contractors take these contracts do they not take them with due notice that such will be the case?

Mr. SHERMAN. That was not done in this case. There was no such provision in the contract, and nothing of the kind was suggested.

Mr. SIMS. Was not that question submitted to the Gregory board by the contractors?

Mr. SHERMAN. This claimant submitted nothing to the Gregory board at all.

Mr. SIMS. The Gregory board of the Navy Department considered all these cases. I understood you to say that this was submitted to the Selfridge board.

Mr. SHERMAN. Neither the Selfridge board nor the Gregory board considered this case. The Marchand board considered this claim.

Mr. SIMS. I understood that this case was submitted to the Gregory board.

Mr. SHERMAN. I beg your pardon. I misspoke myself. The Gregory board did consider Mr. Underhill's contract, and they did make him an allowance.

Mr. SIMS. What did the Gregory board base that on.

Mr. SHERMAN. They based it on the amount of the additional material and the additional work required to do the contract work at the contract price, disregarding the element of time.

Mr. SIMS. Did they not make an award for an additional price over and above the contract?

Mr. SHERMAN. They made an award for additional material and additional labor that went into the work at contract prices, but not at the prices that existed at the time the labor was done and the material furnished.

Mr. SIMS. Was not that paid accordingly?

Mr. SHERMAN. No, sir; it never has been paid.

Mr. SIMS. The amount that the Gregory board found was paid?

Mr. SHERMAN. Oh, yes.

Mr. SIMS. Now, then, did not the contractor sign a receipt in full of all demands when he got that pay?

Mr. SHERMAN. I think not. I think he has never signed a receipt in full. In any event, this bill provides that whatever he has received shall be credited to the Government when this is adjudicated.

Mr. SIMS. Did he not only accept the award but sign a receipt in full of all claims?

Mr. SHERMAN. He signed a receipt, but I do not know whether it stated "in full" or not. I have not a copy of it. Perhaps my friend from Pennsylvania can tell you.

Mr. SIMS. Did he not afterwards lay his matter before the Marchand board, and did not they find that nothing was due him?

Mr. SHERMAN. They did; but that question was never submitted to the Marchand board. The Marchand board had no right to pass upon that question. They had no authority to pass on the amount due him. The Marchand board was authorized to examine and report on such increased cost caused by the delay and action of the Government; that is all. But that is not what they found.

Mr. SIMS. That was what was submitted to them.

Mr. SHERMAN. That was what was submitted to them to ascertain. They reported the amount as determined by the Marchand board to be due. The Marchand board had no authority to determine anything of that kind. Nobody knows what the Marchand board took into consideration or how they reached their conclusions upon the evidence they had before them.

Mr. SIMS. What was the report of the Marchand board on this claim?

Mr. SHERMAN. They reported that the board determined nothing to be due. They say "the amount of such increased cost caused by the delay and action of the Government as determined by this board to be due"—"nothing."

Mr. SIMS. The Marchand board was a board appointed by the Navy Department?

Mr. SHERMAN. Under a resolution of Congress.

Mr. SIMS. And that board has acted upon it and reported nothing due?

Mr. SHERMAN. Nothing of the kind. It did not report in accordance with the resolution. It went beyond its authority and reported something not submitted to it, and reported upon something that nobody asked them to report upon, and nothing was submitted as evidence in proof of what they found.

Mr. THOMAS of Iowa. Will the gentleman from New York permit a suggestion?

Mr. SHERMAN. Certainly.

Mr. THOMAS of Iowa. Was not the Marchand board appointed by a joint resolution of both Houses, and not by the Senate alone?

Mr. SHERMAN. Yes. It was the Selfridge board that was created only by the Senate resolution.

Mr. THOMAS of Iowa. Now, if the gentleman will pardon one further question. Did not the Baldwin court subsequently take this question into consideration, as well as the former board?

Mr. SHERMAN. The Baldwin board? The one preceding a bill which General Grant vetoed, does the gentleman mean?

Mr. THOMAS of Iowa. I think so.

Mr. SHERMAN. The Marchand board is the last one that considered the *Modoc* claim.

Mr. THOMAS of Iowa. I do not remember whether this was the one subsequent to the Marchand board or not. It was appointed by the Secretary of the Navy.

Mr. SHERMAN. I think the Marchand board is the last board that considered this claim.

Mr. SIMS. Now the reason I am asking the gentleman these questions is to develop the facts in the case, because there are two or three claims like this, and this will avoid a discussion of them, and we want to understand it. I do not want to make any speech, but I want the facts to come out.

Mr. SHERMAN. There is no one more desirous than I am to let the real facts be known to the House in their entirety, so that whatever action is taken shall be understandingly.

Mr. HAMILTON. Will not the gentleman from New York restate what this claim is?

Mr. SHERMAN. This claim is to permit the contractor for the construction of the *Modoc* to go before the Court of Claims and there prove what additional cost this work was to him by reason of the fact that the United States delayed him in the completion of the work. During the period covered by the delay, an additional year or more, the price of labor and material advanced from 40 to 200 or 300 per cent, and for that advanced cost, caused solely and admittedly by everybody by the act of the Government, this claimant asks to be reimbursed, and that is all there is in this case.

Mr. HAMILTON. Whatever reimbursement is had——

Mr. SHERMAN. The bill provides that he shall be charged in the settlement of the case with all that he has heretofore been paid——

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. SHERMAN. Was I not recognized without limitation as to time?

The CHAIRMAN. The Chair understood that time was yielded to the gentleman from New York by the gentleman from Pennsylvania [Mr. MAHON].

Mr. MAHON. How much more time does the gentleman want?

Mr. SHERMAN. No doubt five minutes will be sufficient.

Mr. MAHON. I yield to the gentleman.

Mr. SIMS. I want to ask the gentleman from New York this question: If we pass this bill or any bill like it, in which we give compensation for increased cost of material due to delay, will it not establish the precedent that the contractor in such cases takes no risk of that sort and that the Government in all these cases must pay?

Mr. SHERMAN. It establishes no precedent, for the precedent has already been established by at least three former Congresses in passing bills in which the principle involved was identical with this.

Mr. SIMS. I want to state very frankly to the gentleman from New York that I do not believe these other bills ought to pass, nor this one; but I want to say in all candor that I think this claim is just as good as either of them, and the next two on the Calendar are just as good as this.

If we are bound by the action of former Congresses, it would be absolute injustice not to pass these bills; but I think former Congresses have established bad precedents. I shall vote against these bills.

Mr. SHERMAN. I have said all I desire to say. I move to lay the bill aside with a favorable recommendation, unless some other gentleman desires to be heard.

Mr. DE ARMOND addressed the Chair.

The CHAIRMAN. The Chair will say to the gentleman from Missouri [Mr. DE ARMOND] that the gentleman from Pennsylvania [Mr. MAHON] has control of the floor at present.

Mr. MAHON. How much time does the gentleman want? Will ten minutes suffice?

Mr. DE ARMOND. Yes, sir.

Mr. MAHON. I yield to the gentleman.

Mr. DE ARMOND. Mr. Chairman, I do not care to go into the details in relation to this bill. I desire merely to call the attention of the Committee of the Whole to the general policy involved. This claim is nearly forty years old. According to the statement of the gentleman from New York [Mr. SHERMAN] there was opportunity to have it passed upon by the Selfridge Board, but for some reason which the gentleman does not know, but which he ought to know, the claim was not presented.

The bill is a peculiar one in its phraseology and make-up. It binds the court to make just such investigation in just such a way as the claimant desires. The claim has been settled—settled more than once, settled a generation ago—and now it is to be referred to the Court of Claims to find certain things, after the evidence for the opposing side is doubtless gone, and when those things can be made to appear which will take $200,000 or $300,000 out of the Treasury, without any reference to the merits or demerits of the proposition.

There ought to be an end of these old claims. There ought to be a time when the people of the United States should no longer be called on to pay these huge claims, trumped up after everybody who knows the facts which would refute and overthrow them has passed off the stage of action or is no longer to be found.

This is an industry which thrives and flourishes. On the one side there is the promise—and if bills be drawn and passed as this is, the absolute assurance, without reference to merit—that anywhere from $100,000 to $1,000,000 can be taken out of the Treasury at no greater expense than that involved in getting testimony to make a sort of prima facie case. The bill makes no provision for the other side—the United States.

Now, while this process is going on, hundreds and thousands of meritorious claims, small in amount, and therefore not having behind them that machinery and force necessary to put them through—small claims in regard to the justice of which there can be no question—are allowed to lie by and to die. Small claimants go down to their graves, while the money is in the Treasury to pay them, and with no question as to their right to draw it from the Treasury, if a little legislation, as to the propriety of which there ought to be no question, were passed.

But such claims have to lie by. Year after year, generation after generation the claimants for small amounts go down in penury to their graves, while these huge claims, based upon no merit, grown over with the mold of years, claims settled and supposed to be out of sight long ago, are dug up now merely to filch something from the Treasury which does not belong to the claimants, and through they go.

Nobody can read this bill—with all deference to the gentleman who prepared it and the gentleman who reported it—nobody can read this bill without being satisfied that the purpose is really to tie the court, to put the court to the work of finding out certain things which the claimants wish to have found out, and

to bar the court from the opportunity or right to find out other things which ought to be found out, and which if established, as they probably could be, would overthrow speedily every pretense of merit in this claim. I do not know that there is any use in discussing these things. I do not know that there is any use in calling the attention of the House to them. It is notorious that a large claim, backed by persons of strong influence, can get through here, no matter how greatly lacking in merit, while small claims depending upon merit alone have a very slender prospect.

For one I am opposed to any such legislation as this. There is no equity in it, there is no justice, there is no propriety in it. The gentleman from New York [Mr. SHERMAN] says we will not be establishing a precedent, that three have been established. Again we have this sacred cry of precedent—a wrong once done is to be made the reason for the continuation of wrongdoing. It is a lame argument that gentlemen offer, a lame excuse that they bring forward when they have nothing better. "What is the reason for this action; what is the merit of this claim; what is the propriety of what you ask?" "Oh, there is a precedent for it." A precedent has been established, and in the sacred name of precedent raid the Treasury, tear down the bars that ought to be up for the protection of the people. Throw to the winds the old settlements made when the transactions were fresh and people knew all about them, and do reverence to the authority of precedent, and allow the claimant to have what he asks and in the way he asks it.

It is strange that this claim never came before the Selfridge board when everything was fresh, when people then living knew about it, and with records then at hand could easily have been brought forward to defeat an unjust claim. Then it was not thought advisable to bring it forward, but now, thirty-five or forty years after the transaction, a bill curiously framed, artfully framed, is to be put through the Congress, merely "submitting the claim to the Court of Claims, not providing for its payment, not appropriating a dollar out of the Treasury," gentlemen say, but leaving it to the Court of Claims in such a way and manner, with such questions only submitted, that the finding of the court, not according to equity and merit, but according to the case which the claimant makes for himself, can be but one way. For one I am opposed to it.

Mr. MAHON. Mr. Chairman, I think the gentleman from Missouri is a fair man, intelligent, and a good lawyer; and when he says there is no merit in these claims it shows that he has not given them the long, hard study necessary to enable him to get at all the facts.

Now, there are three of these claims on this Calendar; this and two more; and I am going to read a brief extract from the Hon. G. V. Fox, Assistant Secretary of the Navy, which is published in a document of this House, and which I think will satisfy the gentleman that these contractors are not to blame. This matter has been in the Navy Department and before these different boards, and if the claim is old it is not the fault of the contractor, who has been presenting it for forty years. It is the fault of the Government in not urging it to a more rapid passage. Now, this Congress has submitted bills in exactly the same terms. This is an exact copy of bills that the House and Senate have sent to the President, and that he has signed. The courts have examined other cases where the United States appeared by attorney, and after a fair, full hearing the court awarded to the claimants the amounts found to be due or else found that nothing was due.

This is a letter written December 15, 1864, by Hon. G. V. Fox, Assistant Secretary of the Navy, and addressed to the chairman of the Committee on the Conduct of the War:

Having accepted the undertaking to build these vessels, the several parties named made arrangements accordingly, having the yards, machinery, etc., necessary therefor, and entered into contracts for the necessary materials, based upon the contracts with the Government, and commenced the work on the several vessels named. About this time, Chief Engineer of the Navy Stimers having returned from Charleston, where he had been sent to make observations as to the conduct of Ericsson's monitors in battle, a consultation was had at the Navy Department, in which (quoting from Mr. Stimers's evidence)—

"The matter was discussed as to whether we had better build our vessels in strict accordance with the letter of the contracts which we were giving out, without any change whatever, or had better take advantage of every such fight and make improvements as we went along, although we fully appreciated that it would delay their completion and add to their cost. Assistant Secretary Fox made the remark that he thought following this course would probably entail an extra cost of a million of dollars for each battle where the monitors were engaged. Well, it was decided that that course should be followed. The contracts for the light-draft monitors, of which the *Etlah* was one, had already been drawn, specifications, general drawings, etc., of the original plans, but we went immediately to work to make changes on them in accordance with what I have already explained as the policy to be pursued. You will understand, therefore, why it was that I should send constant instructions to Mr. McCord, directing him to make his vessel different from what he had contracted to do; why I sent him drawings that differed from those specified in the contract. You will find, too, that these might be very material, as they certainly were. The acts, therefore, which I performed, which affected Mr. McCord and affect this case, were to direct him to make a different vessel from the one he contracted to do.

"Acting upon this theory, the Department commenced forwarding to the contractors orders for changes and drawings before even the keel was laid, and those changes, which in the aggregate affected all parts of the vessel, making in the end almost entirely different vessels, were continued, and the drawings furnished therefor for nearly a year and a half after the time specified in the contract for their completion had elapsed, and from the 23d of June, 1864, for about the period of three months, work was suspended altogether upon these vessels by the orders of the Navy Department, which had then in contemplation some general changes in their construction which required time to perfect. All of this time, however, the contractors were under heavy expenses for the maintenance of the yards and men, whom they dared not discharge for fear of inability to supply their places, and not knowing on what day their services would be required.

"In addition to all this, the prices of labor and materials required for the work, and for which the contractors had made provision during the time of the contracts, rapidly advanced, so that, as found by the Committee on War Claims of the first session of the Forty-third Congress, iron that at the date of the contracts was worth $65 per ton advanced during the prolonged time to $220 per ton, and labor from $2.50 per day to $4 per day.

This is the statement of the constructor and the designer of these ships. Now, all these people ask is that they shall be allowed to go into court and have this matter inquired into.

Mr. Chairman, I am ready for a vote.

Mr. GAINES of Tennessee. I want to ask the gentleman how it is that this claim has been pending here for forty years and has not been paid, if it is a meritorious claim, as the gentleman asserts?

Mr. MAHON. Just as hundreds of others from your State have not been paid, which I will report in a bill after a while. Claims from your State have also been here for forty years for private individuals.

Mr. GAINES of Tennessee. If meritorious, then they should have been paid forty years ago.

Mr. MAHON. Yes; they have simply been delayed by the Government.

Mr. GAINES of Tennessee. They have been delayed because Congress has neglected to attend to the affairs of the people. We have not dealt out justice evenhanded throughout the different sections of the country; Congress has been partial; committeemen and committees have been partial, and the Government, although it has plenty of money to pay, rich as it is, is the slowest debtor of any concern or individual that pays at all. Such a record under such circumstances is a disgrace to the Government, and to the honest claimants an outrage; and Congress, this one and those of the past, have been the wrongdoers.

Mr. THOMAS of Iowa. Will the gentleman yield for a question?

Mr. MAHON. Yes.

Mr. THOMAS of Iowa. How much has already been paid over and above the amount of the contract price in this case?

Mr. MAHON. I want to say to the gentleman that this bill is not for the contract price. It does not ask that any money be paid by the Government. It is simply that these contractors shall have the question investigated as to the amount that is due them for the increase in the price of material and labor during the time that these boats were being built beyond the time when they would have been completed if the contractors had been allowed to go ahead and had not been delayed through the action of the Navy Department. And it is claimed that they have never been paid for the increased material or increased labor.

Mr. THOMAS of Iowa. I think I can gather the purpose of the bill from the bill itself, but I asked the gentleman a question for information, and I would like to get an answer.

Mr. MAHON. I can not tell you unless I were in the committee room.

Mr. THOMAS of Iowa. These men were to be paid over the contract price?

Mr. MAHON. They were paid the contract price. They were paid for the material and extra work done; but the Navy Department, or the boards of the Navy, felt that they were not authorized under the existing law to pay them for the increased price of labor and of material; and that is the way with all of these bills. They have sent them to Congress time and again, and one-half of them have been adjudicated; and the chairman of the Committee on War Claims thinks it is time to send these bills to the Court Claims and have an end to it.

Mr. THOMAS of Iowa. Was not there a complete settlement at one time?

Mr. MAHON. If you build a vessel for the Government and if the Navy Department determined to pay you $30,000, although it is $100,000 less than you are entitled to, with your men in your yards and needing the money, they would compel you under duress to sign a receipt in full or you have to wait for fifty years.

The CHAIRMAN. The question is on laying the bill aside with a favorable recommendation.

Mr. DE ARMOND. I would like to ask the gentleman from Pennsylvania a question. Why was not this matter put in some other form? If this matter is to be referred to the Court of Claims, why is it not referred so that it may be made subject to any defense that may be made against it?

Mr. MAHON. This bill provides fully, so that if these parties are found to owe the Government anything that can be considered

too. It is the same bill that has been passed in Congress for the past ten or fifteen years.

Mr. DE ARMOND. Why do you not simply refer to the Court of Claims the claim of these men? You provide that the Court of Claims shall find as to certain things. Now, no doubt in a settlement there could be taken into account the fact, if a fact, that claimants had to pay more and did pay more for labor and more for material than had been contemplated. That may really be embraced in the settlement made, and made part and parcel of it, and yet under this bill the court may leave that entirely out of consideration.

Mr. MAHON. This subject has been carefully investigated by the Supreme Court. The Government is not restricted. There is full power to carry their case to the court. They can appeal to the Supreme Court on this whole matter, and certainly the gentleman from Missouri would not be afraid to trust the court.

Mr. DE ARMOND. But what I say is, the whole matter can not be heard. The bill does not refer the whole controversy to the Court of Claims, but as to whether a certain extra price was paid for labor and material, and how much, and then provides for a deduction from what already had been paid.

The CHAIRMAN. The question is on laying the bill aside with a favorable recommendation.

Mr. SHACKLEFORD. I want to ask the gentleman one more question. Why was it not presented at the last Congress?

Mr. MAHON. We did present it at the last Congress.

Mr. SHACKLEFORD. Why was it not passed at the last Congress?

Mr. MAHON. This bill was reported, but it was not reached on the Calendar.

Mr. SHACKLEFORD. Was it not one of those large lot of bills that are brought over from one session to another?

Mr. MAHON. I have no interest in the bill, nor is it from my State. I simply bring it up as a matter reported from my committee.

Mr. DE ARMOND. I desire to ask the gentleman one further question. When did this claim first appear before Congress?

Mr. MAHON. This case was first brought up in the Fifty-first Congress and a favorable report was made on it by the Hon. David B. Culberson, a member of Congress, who presented a full and able report from the Committee on War Claims.

Mr. DE ARMOND. Recommending it at that time?

Mr. MAHON. This particular bill?

Mr. DE ARMOND. This particular bill. I understood it was for another purpose.

Mr. MOODY of Massachusetts. With the permission of the gentleman from Pennsylvania, I would like to give to the gentleman from Missouri a possible explanation of the form of the bill. Upon the reading of the report on a like bill which is to follow, I find that during the delay, which was caused by the change in the plans, the men were there kept under employment for fear if they were dismissed from their employment they could not be regained for that work; and it may be, as the gentleman suggests, for this purpose this bill was expressed as it is; that it should be for such claim as they could maintain.

Mr. MAHON. The gentleman asked when this bill was introduced, and I said it was in the Fifty-first Congress. That was not this bill. I want to be fair. That was a similar bill. The first time this bill came was the Fifty-sixth Congress, and it was reported and placed on the Calendar of this House.

Mr. DE ARMOND. It came in after thirty years.

Mr. MAHON. It has been in the Navy Department all that time.

Mr. DE ARMOND. I want to suggest one other thing about the form of the bill.

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Missouri?

Mr. DE ARMOND. I would like to have a little time in my own right, Mr. Chairman.

Mr. MAHON. How much time does the gentleman want?

Mr. DE ARMOND. I only want a few minutes; I am not trying to consume time. I understand that this claim has been pending for thirty or forty years, and it seems to me there is no need of great dispatch. [Laughter.]

Mr. MAHON. How much time does the gentleman want?

Mr. DE ARMOND. Five minutes. I suppose I would have a right to take the floor myself in my own time unless the gentleman asks the previous question on the bill, and it is ordered.

Mr. MAHON. Oh, I would not do that.

The CHAIRMAN. The gentleman from Missouri is recognized for five minutes.

Mr. DE ARMOND. Mr. Chairman, I was going to offer a word or two about the form of the bill. I asked the gentleman why it took this form, but he has not told us. There is nothing in the form or substance of the bill that hampers the claimant in any particular; the only party hampered is the Government. There is nothing in this bill that would preclude the contractor from recovering for the amount paid out on account of increased wages and increased cost of material, although both of those things might have been comprehended in the settlement heretofore made. He might have been paid, might have accepted, and might have been contented with what was allowed him. The court is required to find out how much he paid for labor and material, by reason of delay, in excess of what he otherwise would have paid. It is not required to find out, and it is not permitted to find out, whether the excess payment for labor and material, if any, was comprehended in the settlement made and covered by the extra amount of money paid to him over the contract price.

Now, that is so remarkable a thing that one can hardly think it is a mere happen so. If this claim ought to be referred to the Court of Claims, it ought to be referred for investigation of the whole matter, not merely to find out how much more this claimant paid for labor and for material at a later period than he might have paid at an earlier one, but to determine on all the facts whether the Government really owes him anything in law or equity.

Now, if the object be to have a fair investigation, I see no objection to making the bill general in its terms. If the object is to insure a recovery, without regard to the right to recover, the bill, either by accident or design, is well calculated to accomplish that end.

Mr. CANNON. Mr. Chairman, I want to say a word or two.

Mr. MAHON. How much time does the gentleman want?

Mr. CANNON. Two minutes. As I understand it, and I ask the gentleman from Pennsylvania if the bill is on all fours with what is known as the Selfridge board bills, a number of which have already been paid?

Mr. MAHON. The same principle is involved, except this bill includes nothing except the increase of material and labor.

Mr. CANNON. These bills I refer to——

Mr. MAHON. Include that with other matters.

Mr. CANNON. Well, so far as increase of the price of material and the price of labor is concerned this bill is on all fours with the bills referred to.

Mr. MAHON. Exactly.

Mr. CANNON. How many of them are left?

Mr. MAHON. Three bills before the Committee on War Claims and seven altogether. It appears that some of the owners have died, and we have not been hunting them up.

Mr. CANNON. There are these three, and then you say there are four more?

Mr. MAHON. Yes.

Mr. CANNON. Does that include all of the claims?

Mr. MAHON. All claims of this class. I am informed by the gentleman from Indiana [Mr. HOLLIDAY] that there are seven in both branches.

Mr. CANNON. And those seven include all there are?

Mr. MAHON. Yes; that is right.

Mr. THOMAS of Iowa. Does that include the Selfridge board claims?

Mr. MAHON. No; those are a different class. They have been passed upon by the Selfridge board. The Selfridge board has not passed on these claims.

Mr. CANNON. The Selfridge board was not a board that bound?

Mr. MAHON. No.

Mr. CANNON. Who has passed upon these claims?

Mr. MAHON. Nobody.

Mr. SIMS. The Marchand board has passed upon them.

Mr. MAHON. The Marchand board did not pass upon them. The gentleman is on the Committee on War Claims and he ought to know the authority of that board did not permit it to pass upon these claims.

Mr. SIMS. I will take the statement of the gentleman from New York [Mr. SHERMAN].

Mr. MAHON. The gentleman from Tennessee ought not to be ignorant of the facts about the Marchand board.

Mr. SIMS. And the gentleman from Pennsylvania does not care to have me expose my familiarity with this matter——

Mr. MAHON. The gentleman can expose it as much as he pleases, and perhaps it will rebound very effectually.

Mr. SHERMAN. This particular bill was not referred to the Selfridge board because at the time that board was in existence the work on this vessel had not been completed and accepted.

Mr. SIMS. Did not the gentleman say that the Marchand board considered this matter?

Mr. SHERMAN. I did.

Mr. SIMS. That is the way I understood the gentleman; and I correctly repeated a few moments ago what the gentleman had said.

Mr. CANNON. I must say that from time to time I get these

different boards mixed up. In former years I did what I could on two or three occasions to examine these questions, some of them arising under one board and some of them under another. But as the years run round I forget the particulars of the individual cases; and as to taking them up now and examining them anew, it would require very considerable work. I know that a number of these claims, against what little opposition I was able to make on one occasion here for two or three hours, were passed.

Now, if this is a bill of the same class as those that have heretofore been passed—if the same questions are involved in whole or in part—I think this bill is wrong. But if the gentleman expects me to exhibit that familiarity with this case which one ought to have in order to discuss a bill of this kind, I simply say I am unable to do so without taking one or two or three days, as the case might be, in looking up the facts. So that in the present condition of things I shall content myself with voting against this bill on general principles.

Mr. SIMS. I do not think that this bill is one whit worse than the others of the same class that have been passed. In their nature these claims are all alike. Although the particular facts are not the same, they all seem to be about alike in their general nature and scope, regardless of what board ever considered them before.

Mr. CANNON. The other bills contained legislative provisions, as this bill does, for sending certain matters to the Court of Claims. If the other bills were right, this is right, I presume; if the others were wrong, this is wrong.

Mr. SIMS. I do not know anything about the legislative provisions contained in the bills heretofore passed; but so far as the merits are concerned these bills seem to be just as good as any of the rest; but I do not think the others were good enough to be voted for; and I do not think this is.

Mr. CANNON. As I voted against the others, all I can do, with my present knowledge and recollection as to the particular matters of objection against the other bills and against this, is to content myself with voting against this bill.

The CHAIRMAN. The question is, Shall the bill be laid aside to be reported with a favorable recommendation?

The question being taken, there were—ayes 51, noes 34.

Mr. DE ARMOND. I make the point that there is no quorum present.

The CHAIRMAN. The Chair will count the committee.

After a count—

The CHAIRMAN. There are 132 members present—more than a quorum of the Committee of the Whole. The motion to lay aside the bill with a favorable recommendation is agreed to.

ATLANTIC WORKS, BOSTON, MASS.

The next business was the bill (H. R. 4003) for the relief of the Atlantic Works, of Boston, Mass.

The bill was read, as follows:

Be it enacted, etc., That the claims of the Atlantic Works, of Boston, Mass., for further compensation for the construction of the ironclad monitor *Casco* and the turrets of the *Monadnock* and *Agamenticus*, may be submitted by said claimant, within six months after the passage of this act, to the Court of Claims under and in compliance with the rules and regulations of said court, and said court shall have jurisdiction to hear and determine and render judgment upon the same: *Provided, however*, That the investigation of said claim shall be made upon the following basis: The said court shall ascertain the additional cost which was necessarily incurred by the contractor for building the ironclad monitor *Casco* and the turrets of the *Monadnock* and *Agamenticus* in the completion of the same by reason of any changes or alterations in the plans and specifications required and delays in the prosecution of the work: *Provided further*, That such additional cost in completing the same and such changes or alterations in the plans and specification required and delays in the prosecution of the work were occasioned by the Government of the United States; but no allowance for any advance in the price of labor or material shall be considered unless such advance could not have been avoided by the exercise of ordinary prudence and diligence on the part of the contractors: *And provided further*, That the compensation fixed by the contractor and the Government for specific alterations in advance of such alterations shall be conclusive as to the compensation to be made therefor: *Provided*, That such alterations, when made, complied with the specifications of the same as furnished by the Government aforesaid: *And provided further*, That all moneys paid to said contractor by the Government over and above the original contract price for building said vessel and turrets shall be deducted from any amounts allowed by said court, by reason of the matters hereinbefore stated: *And provided further*, That if any such changes caused less work and expense to the contractor than the original plans and specifications, a corresponding deduction shall be made from the contract price and the amount thereof shall be deducted from any allowance which may be made by said court to said claimant.

Mr. MAHON. I yield to the gentleman from Massachusetts [Mr. MOODY].

Mr. MOODY of Massachusetts. Mr. Chairman, this bill was introduced by my colleague [Mr. ROBERTS], who is now absent upon public duty connected with the Committee on Naval Affairs, of which he is a member. The case is "on all fours" with that which the committee has just passed. This bill is, I believe, verbatim the bill that was presented by the gentleman from New York [Mr. SHERMAN]. In every respect the two cases are alike. In view, therefore, of the lucid and accurate statement made by that gentleman and by the gentleman from Pennsylvania [Mr. MAHON], the chairman of the Committee on War Claims, I think I ought not to detain the committee for a moment. I do not see that I can assist members in any way in dealing with the question, and unless some one desires to make an inquiry I will ask to have a vote on the bill.

Mr. DE ARMOND rose.

Mr. MOODY of Massachusetts. I yield to the gentleman from Missouri [Mr. DE ARMOND].

Mr. DE ARMOND. Mr. Chairman, the gentleman from Massachusetts [Mr. MOODY] has given as the reason for passing this bill the fact that a bill just like it has been passed. Will the gentleman do what has not yet been done—give us some reason why this bill should pass, or why the other should have passed? Nobody has given any reason why the other bill should have passed. Now, will not the gentleman from Massachusetts delay the proceedings long enough to give us a reason why this should pass, and particularly in the form in which this bill is drawn? I ask the gentleman—and I trust he will be candid enough to answer—why he thinks this bill should include such a provision as the following:

That the investigation of said claim shall be made upon the following basis: The said court shall ascertain the additional cost which was necessarily incurred by the contractor for building the ironclad monitor *Casco* and the turrets of the *Monadnock* and *Agamenticus* in the completion of the same by reason of any changes or alterations in the plans and specifications required and delays in the prosecution of the work.

I ask the gentleman whether he does not understand this provision to limit the Court of Claims to an inquiry upon those particular questions and to ignore in the consideration all defenses that might be made based upon the actual merits of the case?

Mr. MOODY of Massachusetts. I can only reply that such information as I have in regard to this case has come to me since the opening of to-day's session of the House, because I anticipated that my colleague would be present to look after the bill. It is, however, no fault of his, as imperative public duties have called him elsewhere.

I understand the immediate reason for selecting this form of bill is that it is the form which passed the Fifty-first Congress in some four cases. Why the form was originally selected in that way I can not tell, but I presume it was to bring before the court exactly the question which the claimants intended that the court should pass upon, and if there had been any objection to it on the part of the Navy Department or on the part of the committee I presume that objection would have made itself manifest in an amendment; but I think the gentleman from Missouri ought to take into account the provisos in this bill, which follow that part of it which he has read, because they limit very carefully what can be done.

Let me call the gentleman's attention to the fact that in the first place the delays must have been occasioned by the Government of the United States, and the court must so find. In the second place, nothing can be allowed for advances in the price of labor or material, unless such advance could not have been avoided in the exercise of ordinary prudence and diligence. In the next place, if the price of these alterations were specifically agreed upon, that agreement shall be conclusive. In the next place, it must appear that the alterations conformed exactly to the specifications furnished by the Government. In the next place, it is provided that if there has been ever any money paid to the contractor above the original contract price, it shall be deducted from the judgment of the court. In the next place, it is provided that if the changes in the specifications resulted in decreasing the cost to the contractor, that decrease should be deducted from the judgment of the court.

Now, I can not say exactly why this particular form of bill was adopted, any further than I have already stated; but I confess that it seems to me to have been exceedingly carefully drawn in the interests of the Government, if the policy of paying these claims is recognized at all.

Mr. DE ARMOND. Now, let me ask the gentleman this question: Can he imagine why there was left out of this a provision to the effect that if these matters were submitted to a board and passed on and the subject of controversy settled, that the settlement should not be disturbed?

Mr. MOODY of Massachusetts. Well, I suppose the reason is because Congress heretofore has acted contrary to that principle. The gentleman from Missouri does not remember it, but I remember a case, not like this, a case that I thought less strong than this. I opposed it upon the floor. I made a very careful examination. I went up to the Navy Department and examined the question there. It seemed to me then that settlements should be respected, that it was unwise to open settlements that had once been made and inquire whether they were right or wrong; but by an overwhelming majority, on both sides of the House, the Committee of the Whole, followed by the action of the House, decided against me upon that subject. From that time forward I have voted for

these bills as reported by the Committee on War Claims, thinking that the great majority of both sides of this House were wiser than I.

Mr. CRUMPACKER. Let me ask the gentleman a question. Was this claim ever before a board for adjudication?

Mr. MAHON. No.

Mr. MOODY of Massachusetts. I do not know personally. I understand from the gentleman from Pennsylvania [Mr. MAHON] that it was not.

Mr. CRUMPACKER. I so understood, and therefore made that suggestion, and I presume that is the reason why that provision was not put in the bill, because there has been no adjudication of this claim by any board.

Mr. MOODY of Massachusetts. I can only state that upon information. I am told that that is so. Certainly there was no investigation by the Marchand board, because the committee has reported upon that subject very specifically in these words:

> We think it demonstrable beyond all question that the Marchand board did not have authority to adjudicate these claims, that it did not accord to the claimants the opportunity to present their cases, etc.

Mr. HILL. I should like to inquire, Mr. Chairman——

Mr. MOODY of Massachusetts. May I be permitted to answer the interrogatories of the gentleman from Missouri [Mr. DE ARMOND], if he has any further questions?

Mr. DE ARMOND. Can the gentleman from Massachusetts state when this claim first appeared before Congress?

Mr. MOODY of Massachusetts. I can not. It has been in Congress ever since I have. I know that, because, while not in my district, and while I have not in any way represented the claim, it has been constantly called to my attention.

Mr. DE ARMOND. I will ask the gentleman from Massachusetts whether, if this matter is to be submitted to the Court of Claims, the whole case ought not to be submitted?

Mr. MOODY of Massachusetts. Mr. Chairman, I would say that I would not wish to alter a bill that is drawn with so much care by the Committee on War Claims. Neither would I wish this case submitted to the court under restrictions that did not obtain in the case which has just preceded it, which is upon all fours with it. As an original proposition, I think I should be with the gentleman from Missouri on that question.

Mr. DE ARMOND. The gentleman suggests that this bill was drawn with great care by the Committee on War Claims. I wish to ask him if he does not think that is an undeserved compliment? In the first place, the original bill was undoubtedly prepared by its author for the purpose of submitting to the Court of Claims exactly what he desired to have submitted to the Court of Claims and for the purpose of excluding from the consideration of the Court of Claims just what he desired not to have considered, and he being successful in Congress and later on in the Court of Claims, it simply became a matter for the work of a copyist.

Mr. MOODY of Massachusetts. Well, I think that is so. I think my answer is fairly open to the gentleman's criticism. But I presume, in the first place, it was drawn with great care by someone when the bill was presented before the Fifty-first Congress.

Mr. DE ARMOND. There is no question about that, and I think the purpose of the bill is perfectly apparent from the bill itself. I will ask the gentleman from Massachusetts whether he does not think that the original author of the bill knew what he was doing when he did it, and if he did not draw it for the purpose of having submitted to the Court of Claims what he desired to have submitted and for the purpose of not having submitted to the Court of Claims exactly what he did not desire to have submitted.

Mr. MOODY of Massachusetts. What I could say upon that subject would be mere conjecture; but my experience would lead me to believe that this was probably the fact, that the first paragraph of the bill was in all likelihood prepared by someone representing the claimant, but that these provisos were put in by the committee, perhaps on the suggestion of the Navy Department, for the purpose of guarding the interest of the Government in the bill. That is mere conjecture, however. I know nothing about it.

Mr. DE ARMOND. Does it not look more reasonable that these provisos were put in by the original claimant or his representative in order to prevent someone in this House from making the same suggestion and criticisms in regard to it that would certainly have been made if those amendments had not been placed in the bill? Has that occurred to the gentleman from Massachusetts?

Mr. MOODY of Massachusetts. That is possible. I know nothing about it.

Mr. DE ARMOND. Is not that probable?

Mr. MOODY of Massachusetts. Well, I do not know. I hardly think I can pass on that question.

Mr. DE ARMOND. Does not the gentleman think that the bill should be so amended that the whole question could be submitted to the Court of Claims, instead of the narrow question which the claimant has called up?

Mr. MOODY of Massachusetts. I will make the suggestion to the gentleman from Missouri that by reading this report he would find that such a procedure would open up a very much larger claim which is not opened by this bill, and that is for the cost of the holding in employment during the long time in which this work was suspended by the Government of the men who were necessary for its continuation when the Government resumed it. That, I have no doubt, is a very large item. Now, the claims for the work upon these monitors are not large in number. There were only 20 of them.

All except seven have been sent to the Court of Claims and the claims paid. Three of those seven are now on the Calendar, and there is no question but that the delay in their construction, which gave rise to these claims, was caused by the action of the Government. The Government appointed a commission. The moment the first monitor came out and it was found to be a complete failure the Government ordered work suspended on all the monitors and appointed a commission to make changes, and the plans were changed over and over again, and in the meantime these various shipbuilding concerns kept their men in their employ, and I should hardly wish to reopen a claim of that kind at this time.

Mr. DE ARMOND. Do you think that this claim would be broad enough to leave it in the power of the court to take in account the amount paid out on this account at the time. Would you not include that kind of a proviso?

Mr. MOODY of Massachusetts. Well, it had not occurred to me that that would be possible. I do not think it would be.

Mr. DE ARMOND. Are you willing to allow a proviso to go in to include that?

Mr. MOODY of Massachusetts. Well, I am not in charge of the bill, and I think the gentleman from Missouri ought not to ask me to consent to this amendment.

Mr. DE ARMOND. You want it sent there with the same favorable terms on which the original pioneer in this matter went there?

Mr. MOODY of Massachusetts. I want just as good a bill as any other bill, and I am free to say that, as I am representing an absent colleague instead of speaking entirely on my account.

Mr. DE ARMOND. The gentleman knows the fact that this bill concedes the right of recovery, but makes no provision for a deduction.

Mr. MOODY of Massachusetts. It concedes it practically, I should say.

Mr. DE ARMOND. We send the bill, therefore, with instructions to find for these people, and without any permission to make a deduction.

Mr. MOODY of Massachusetts. Practically that is so. The claim is for the cost necessarily incurred by the contractors by reason of the change of plans and the expenses which have been put upon the contractor on account of the fault of the Government. This bill is, in effect, an instruction to the Court of Claims to award to the claimant that much. Now, what is the trouble with that, if such is proved to be the fact?

Mr. DE ARMOND. The trouble is this: That you wish to submit a claim for damage done to the Government thirty or forty years ago, when there have been one, two, or three settlements that the Government has made since the work was done.

Mr. MOODY of Massachusetts. There has been no settlement with the Government in this case.

Mr. DE ARMOND. And in all these cases the matter has been investigated and the Government has afforded an opportunity for them to prove their claim.

Mr. MOODY of Massachusetts. In this case the gentleman from Pennsylvania says no.

Mr. DE ARMOND. The Government appointed three boards, and there was nothing to prevent this claim going before them. Why should this claimant or any other claimant be opposed to giving to the court authority to inquire into the whole matter and ascertain whether the Government does owe anything in equity? Instead of doing that, the bill is so framed as to force a recovery.

Mr. MOODY of Massachusetts. The bill is so framed, I will say to the gentleman from Missouri, that if the court finds the facts to which I have alluded, that a loss has been unconscionably brought upon the contractor through the sole fault of the Government, then the contractor may recover the damage. In that sense it is an instruction to the Court of Claims to find for the claimant if these facts are found to be true.

Mr. DE ARMOND. That whole matter might have been adjudicated again and again and settlements made; and it might be shown satisfactorily to the court that the matter had been disposed of, and yet the court would be obliged to find for the claimant.

Mr. MOODY of Massachusetts. Not at all; because the proviso is here that all moneys that have been paid to the contractors by the Government over and above the original contract price shall be deducted from that judgment.

Mr. DE ARMOND. That does not cover the matter.

Mr. MOODY of Massachusetts. It seems to me that it does.

Mr. DE ARMOND. Suppose these settlements were made in discharge of this very matter, and all these things were included, yet the court is not given the opportunity to consider the whole matter, and obtain all the evidence and documents which might show that this claimant ought to have no more.

Mr. MOODY of Massachusetts. Of course if that is the finding—it it appears that these claims have once been settled—the claimant could not have any more.

Mr. DE ARMOND. But the court can not go into that.

Mr. MOODY of Massachusetts. The whole question as to how much it is is with the court.

Mr. DE ARMOND. No.

Mr. MOODY of Massachusetts. And if the court finds, as this suggests, that nothing has been paid, the judgment must be for the amount due under the terms of this bill.

Mr. DE ARMOND. The court finds, first, whether there was any increase in pay for labor under certain conditions, whether there was any increase in the cost of material. If the court finds there was, the court ascertains the amount and what they have been paid in advance of the contract price, although these particular payments may have been embraced in and covered by the amount paid in excess of the contract price.

Mr. MOODY of Massashusetts. With all due deference to the opinion of the gentleman from Missouri, which I value highly, it does not seem to me that that is a fair construction of the bill.

Mr. DE ARMOND. If it were not, there could be no objection to submitting the whole controversy to the court. The objection to submitting the whole controversy—I am not specializing this case, and I appreciate the gentleman's situation—the objection to submitting the whole controversy to the court in this case and others is that the claimant thinks he would not come out so well if the whole controversy was submitted as he would if certain parts picked out by himself were submitted for the court to pass upon.

Mr. MOODY of Massachusetts. Mr. Chairman, we have a Committee on War Claims. I know some of the gentlemen on this side, and with the chairman of that committee I have great confidence in them. I know some gentlemen on that side of the House. I have confidence in them, and I can not believe that they would agree unanimously on a form of bill which is designed to abandon and not protect the interests of the United States.

Mr. DE ARMOND. But everyone must admit that another bill would protect the interests of the United States better than this bill. No man will deny that. Then, what is the objection to the other bill?

Mr. MOODY of Massachusetts. The gentleman from Pennsylvania [Mr. MAHON] says this sort of bill has been before the Court of Claims, and that it is satisfactory to the Government. Now, with that statement, I will ask for a vote.

Mr. HILL. If the gentleman from Massachusetts will allow me, on page 12 of the Calendar is another bill, Calendar No. 150, a bill for the relief of the Atlantic Works, of Boston, and I want to know if that refers to this same matter?

Mr. MAHON. That is a claim under the Selfridge board.

Mr. MOODY of Massachusetts. That is to pay for a finding by the court.

Mr. HILL. No; I think not. It is for the payment of excess of cost over the contract price, which had been paid in full on two gunboats.

Mr. MAHON. It is to pay a finding of the Selfridge board and involves a direct appropriation by the House.

Mr. HILL. It is in precisely the same language as this bill.

Mr. LOVERING. Mr. Chairman, I would like to ask the gentleman from Massachusetts if it is not a fact that during the construction of these Government boats the reason for the great increase in the price of labor was due to the great demand the Government was making in its drafts of men for the Army and Navy.

Mr. MOODY of Massachusetts. Yes; I suppose so.

Mr. LOVERING. In that respect, did not the Government get all and more than it has paid for, and are not these people, under these circumstances, entitled on that account to remuneration?

Mr. MOODY of Massachusetts. I think my colleague is right.

Mr. SIMS. I want to correct the gentleman from Massachusetts. The gentleman said that this was a unanimous report. I admit that there is no minority report, but I did oppose the claim. I want to say this, that I have examined the merits of this particular case. I honestly think that this is a better claim than the one we passed for the gentleman from New York a little while ago, and still I do not think it is good enough for me to vote for it. [Laughter.] I think it is as good as any that has passed.

Mr. MOODY of Massachusetts. Now, I thank the gentleman from Tennessee for that. Can we have a vote on this now, Mr. Chairman?

Mr. DRISCOLL. Mr. Chairman, is it proper to offer an amendment at this time? I want to offer an amendment.

Mr. MOODY of Massachusetts. I hardly want to yield to the gentleman for that purpose, but let it be read for information.

The CHAIRMAN. Does the Chair understand that the gentleman from Massachusetts yields to the gentleman from New York?

Mr. MOODY of Massachusetts. I simply yield for the purpose of having the amendment read for information and for no other purpose.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Amend by striking out all of said bill after the word "same," in line 9, page 1.

Mr. MAHON. With that amendment the Government would have no protection.

Mr. MOODY of Massachusetts. I want to say that I think that would be letting down the bars against the Government. Every one of the provisos is in the interest of the Government, and I hope the gentleman will withdraw that amendment.

Mr. DRISCOLL. I should rather have the whole thing go to the Court of Claims.

Mr. MOODY of Massachusetts. I think I should if I was representing the claim, but I think it would be better to have this bill go just as it is.

Mr. HEPBURN. Mr. Chairman, a parliamentary inquiry. I would like to know under what rule of this House a bill can be forced along in this way?

Mr. MOODY of Massachusetts. I had no idea of suggesting for a moment that this bill could be forced to a vote without allowing the right of amendment. If the gentleman from Pennsylvania [Mr. MAHON] yields the floor, the other gentleman from Pennsylvania [Mr. DRISCOLL] has the right to offer his amendment. But I take it, from his acquiescence in my suggestion, that he is ready for a vote on the bill.

Mr. DRISCOLL. No; I do not withdraw the amendment.

Mr. MOODY of Massachusetts. Then I hope it will be voted down.

The CHAIRMAN. As the Chair understands, the gentleman from Pennsylvania [Mr. MAHON] was first recognized, and he yielded his time, or a portion of it, to the gentleman from Massachusetts [Mr. MOODY]. The hour not having expired, the gentleman from Pennsylvania still controls the time.

Mr. MOODY of Massachusetts. Then I yield for the purpose of having a vote upon the amendment. I hope it will be voted down.

The question being taken, the amendment of Mr. DRISCOLL was rejected.

Mr. MAHON. I now ask for a vote on the motion to lay the bill aside with a favorable recommendation.

The motion was agreed to.

ORDER OF BUSINESS.

The CHAIRMAN. The Clerk will report the next bill.

Mr. DALZELL. Mr. Chairman, it has already appeared during this discussion that there are on the Calendar three bills identical in character. Two of them have been acted upon. I happen to represent the third, which from its position on the Calendar can not be reached in regular order to-day. But as the Committee of the Whole has already sent two of these cases to the Court of Claims, I ask unanimous consent that House bill 3505 may be considered at this time.

The CHAIRMAN. Is there objection?

Mr. DE ARMOND. I dislike to object; but, as the committee has reported all of these claims in a certain order, I think we ought not disturb that order, and therefore I object.

Mr. DALZELL. Does not the gentleman think it a matter of justice that this claim should be treated in precisely the same way that the other two have been?

Mr. DE ARMOND. The trouble is, that the Committee on Claims has arranged these various matters in a certain order, and I do not think that that order should be lightly disturbed, because such action might appear in the nature of a reflection upon the committee.

Mr. DALZELL. I sympathize with the gentleman in his anxiety to preserve the rights of the Committee on Claims, but I do not find any member of that committee making any particular "kick" against my proposition. I trust the gentleman will let this case be taken up.

Mr. GAINES of Tennessee. How long has this bill been pending before Congress?

Mr. DALZELL. This bill is identical with the other two bills.

Mr. GAINES of Tennessee. It has been pending, I presume, for forty years.

Mr. DALZELL. It stands on precisely the same grounds as the other two bills.

Mr. GAINES of Tennessee. I am curious to know how long the bill which the distinguished gentleman from Pennsylvania [Mr. DALZELL] now espouses has been pending in Congress.

Mr. DALZELL. I can not answer the gentleman.

Mr. GAINES of Tennessee. Will the gentleman's colleague [Mr. MAHON] tell us how long this claim has been pending in Congress?

Mr. MAHON. It has been pending the same length of time that certain claims from the State of Tennessee have been pending.

Mr. GAINES of Tennessee. I am not asking any question with regard to Tennessee. I hope we shall get to the claims of that State after a while. But I am anxious to know how long the claim which the distinguished gentleman from Pennsylvania espouses has been pending before Congress.

Mr. DALZELL. The clerk of the Committee on War Claims tells me that it has been here since the Forty-third Congress.

Mr. GAINES of Tennessee. Twenty-eight years! Now, the point I want to make is that if there is any merit in this claim, the long time it has been pending shows what an outrage the American Congress is imposing upon the honest Government claimants of this country. If it is a just claim it ought to have been paid twenty-eight years ago. On the other hand, if it is an unjust claim it ought to be defeated. That is what I mean to say.

Mr. DALZELL. I agree with the gentleman. Does the gentleman from Missouri [Mr. DE ARMOND] insist on his objection?

Mr. DE ARMOND. I am very sorry to do so; but it seems to me that it would interfere with the regularity of our proceedings to do otherwise.

CLAIMS UNDER THE BOWMAN ACT.

Mr. MAHON. I have been instructed by a unanimous vote of the committee to call up the bill (H. R. 8587) for the allowance of certain claims for stores and supplies, reported by the Court of Claims under provisions of the act approved March 3, 1883, and commonly known as the Bowman Act. This is a bill covering claims from a great many States. It is the same bill that was passed by the House in the last Congress. It is known as the "omnibus bill." It embraces 172 cases where claims for stores or supplies furnished to the Army of the United States were referred to the Court of Claims and reported back from that court with a recommendation for an appropriation by Congress.

The CHAIRMAN. The gentleman from Pennsylvania moves to take up House bill 8587.

Mr. BARTLETT. Why does the gentleman wish to displace House bill 3641, which is next in order on this Calendar?

Mr. MAHON. The Committee on War Claims, by unanimous vote, have instructed me, as they have a right to do, to make the motion to take up this bill, because so many members of the House are interested in it; and the bill ought to go promptly through this House and to the other body. I make that motion.

The CHAIRMAN. The question is upon the motion of the gentleman from Pennsylvania.

Mr. BARTLETT. Before we vote on this I want to ask the gentleman a question. I do not desire to be captious about anything, but I want some information.

Mr. MAHON. I will give it to you.

Mr. BARTLETT. I know you will. I want to know when the gentleman proposes to take up the next bill on the Calendar, the one that is now in order.

Mr. MAHON. Right after the passage of this bill we will take up the Calendar in regular order, without any variation.

Mr. CRUMPACKER. I should like to ask the gentleman a question or two about this measure. I understand that this is a bill providing for an appropriation to pay claims that have already been adjudicated.

Mr. MAHON. That is right.

Mr. CRUMPACKER. And it provides for appropriations to pay the exact amounts found due by the court after investigation.

Mr. MAHON. The exact amount.

Mr. CRUMPACKER. In every instance?

Mr. MAHON. Yes.

Mr. CRUMPACKER. Therefore it need not take a great amount of time.

Mr. MAHON. No, sir.

Mr. CRUMPACKER. I have no objection to that.

The CHAIRMAN. The question is on the motion of the gentleman from Pennsylvania [Mr. MAHON] to take up the bill (H. R. 8587) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act.

The motion was agreed to.

The CHAIRMAN. The Clerk will read the bill.

The Clerk began the reading of the bill.

Mr. MAHON. I ask unanimous consent to dispense with the first reading of the bill, and that this be considered the second reading.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

The CHAIRMAN. The Chair deems it well to inform the committee that the bill is now being read by paragraphs for amendment.

The Clerk read as follows:

To David I. Lillard, of Cook County, $1,980.09.
To the Modern Woodmen of America, of Sangamon County, $5,423.62.

Mr. GIBSON. I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

On page 5 strike out the whole of lines 22, 23, 24, and 25.
On page 6 strike out the whole of lines 1 and 2.

Mr. GIBSON. Those claims have been paid.

The CHAIRMAN. Without objection, the question will be taken upon these two amendments together. Is there objection?

There was no objection.

The amendments were agreed to.

The Clerk read as follows:

To Eli Wade, of Washington County, $347.

The following committee amendment was read:

In line 3, page 9, strike out "Eli" and insert "Elie."

The amendment was agreed to.

Mr. HEPBURN. Mr. Chairman, I move to strike out the last word. I do so for the purpose of asking the chairman of the committee if all these claims have been before the Court of Claims and adjudicated by that court?

Mr. MAHON. All these items have been before the Court of Claims, the amounts due have been found by that court, and the clerk of our committee has gone most carefully over all the items.

Mr. HEPBURN. I understand that there are a number of these claims that depend for their authenticity solely on the representations of Treasury agents some twenty years ago.

Mr. MAHON. No; there are no claims here except claims under the Bowman Act. A similar bill passed in the last Congress.

Mr. WILLIAMS of Mississippi. Are all the claims which have been passed upon by the Court of Claims since the last omnibus bill under the Bowman Act included in this bill?

Mr. GIBSON. There are some which have been passed upon by the court since, but they will be put on in the Senate.

Mr. MAHON. Some findings have been sent in since this bill was prepared, but we leave them for the Senate to put them on the bill as an amendment.

Mr. WILLIAMS of Mississippi. The object of the bill is to pay such claims as have been favorably adjudicated by the Court of Claims, and no others?

Mr. MAHON. Yes; to pay findings of the Court of Claims under the Bowman Act that have been reported by that court to the Speaker of the House.

Mr. BARTLETT. Reported under the Bowman Act?

Mr. MAHON. Yes.

Mr. RICHARDSON of Alabama. I understand that the committee has passed over a matter that I wanted to offer an amendment to. I ask unanimous consent to return to page 3, line 11.

Mr. MAHON. What is the gentleman's amendment? Is it to change a name or something like that?

Mr. RICHARDSON of Alabama. I wanted to offer an amendment.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to recur to page 3, line 11.

Mr. MAHON. Let the amendment be reported for information.

Mr. RICHARDSON of Alabama. It is for the purpose of offering an amendment to strike out "one hundred and seventy-two dollars" and insert "three hundred dollars."

Mr. MAHON. I object. You can not go behind the findings of the court.

The CHAIRMAN. Objection is made.

Mr. RICHARDSON of Alabama. I should like an opportunity to state my reason for offering the amendment.

Mr. MAHON. The gentleman may have very good reasons, but this bill is simply framed to pay the exact amount of the judgments which have been found by the Court of Claims.

Mr. RICHARDSON of Alabama. I ask the chairman of the committee for a few moments in which to state my reasons for offering this amendment. Then the gentleman can object, if he is not satisfied with the reasons.

Mr. MAHON. How long will it take?

Mr. RICHARDSON of Alabama. Two or three minutes.
Mr. MAHON. All right.
Mr. RICHARDSON of Alabama. Now, Mr. Chairman, the reason I suggested that is, I know, in the first place, the claimant in this matter, Charles Posey. He is a very aged colored man, residing in Lauderdale County, Ala., the district I have the honor to represent on this floor. I know him quite well, and I know very well what his neighbors have written to me about him. In this case the Court of Claims says:

He is a citizen of the United States, residing in Lauderdale County, Ala., where he resided during the war of the rebellion, and that at different times in said period the United States forces, by proper authority, took from him quartermaster stores and supplies, consisting of horses, flour, meal, bacon, potatoes, and poultry, and appropriated the same to the use of the United States Army.

I put it, Mr. Chairman, to anyone in this committee, and any gentlemen on this floor, if it can be possible that $177 would be a reasonable amount for "horses" and the things therein enumerated.

Now, the report says "horses." That certainly must mean more than one; and surely no man here would say that $177 is a fair compensation for horses, certainly two, if not more, and other articles taken from that old negro under these circumstances, whose loyalty was absolutely established, and who was true to the Government, slave as he was. I am informed that in his old age he is honored and respected by both the white and colored people among whom he resides. Surely if they took more than one horse, as the report says, and flour, meal, and other things, that $177 would not be a proper amount for reimbursement, realizing, as we do, the value of horses at that time. Surely this amount is not a fair and just compensation to that old man. The great Government of the United States, under these conditions and circumstances, ought not to take his property for the use of the Army and then make this small and pitiful allowance to him.

Now, it is said frequently that we of the South do not do the negro justice; but I freely and gladly appear here as his representative, and ask gentlemen on this floor if they think this is right and fair for the Government to take horses from this old negro, a friend of the Union, without just, fair, and honorable compensation, Mr. Chairman, as he was and as he is, and he is reliable. I can not myself speak of personal knowledge in this matter, but I understand that the Federal troops took two or three horses from the old man, and yet they allow him $177 for all the articles I have enumerated. I think if he was treated fairly, instead of giving him $177 he should be given the amount of $300, as suggested by my amendment. This is nothing but fair, just, and equitable on the part of our great Government. The Government no more than an individual can afford to be unjust and not pay honest and just claims.

Why, sir, the record that I have before me declares that he was loyal and true to the Government, when loyalty meant something in the South at that time. The circumstances are such that he is entitled to the amount that I ask at the hands of both the Republicans and Democrats of this House. It seems to me, Mr. Chairman, that the amendment ought to be allowed and the amount reported ought to be increased. The court says that they took "horses" and flour, and took potatoes, and then in its conclusion says: "We made no allowance for poultry." They even took all his chickens, and hens, and ducks, and everything else—wiped him literally up—and they make no allowance for that, and I am asking you to make him a fair and just allowance for these things for which he received nothing, and I know if the House had a fair opportunity, and the gentleman from Pennsylvania will withdraw his objection and allow a vote, the amendment will pass.

Mr. MAHON. I do not know anything about the facts in this case.

Mr. RICHARDSON of Alabama. Well, I do, and I am telling them.

Mr. MAHON. Wait. This case is just in the condition of 1,500 others. The horses might not be worth over $10 apiece. It was presented to the Court of Claims by a lawyer having the highest experience of any man in that court, and they have awarded this man, after a complete hearing of the facts, $177; and we can not go behind the action of that court. We have in our committee to-day any number of claims for an increase, but we never have and we never will agree that that shall be done. It is our court, and when they submit findings of fact this House must sustain them in their findings. If not, we will be antagonized on this floor. In referring these bills to that court they receive all the consideration they can get. I would like to help the gentleman, but can not go back of the findings of fact by the court.

Mr. RICHARDSON of Alabama. Is it not a fact that you have not a claim reported back here of a similar character to this for a negro?

Mr. MAHON. Oh, yes; plenty of them.

Mr. GIBSON. Plenty of them.

Mr. MAHON. Probably dozens of them scattered all over the country.

The CHAIRMAN. Is there objection?

Mr. MAHON. I object.

The Clerk, proceeding with the reading of the bill, read as follows:

NEBRASKA.

To Frank G. Simmons, of Seward, $1,090.91.

Mr. GIBSON. Mr. Chairman, I offer the following amendment, recommended by the committee.

The Clerk read as follows:

On page 12, strike out the whole of lines 1, 2, and 3.

Mr. STARK. That is right. It has been paid, and it should have been been stricken out.

The amendment recommended by the committee was agreed to.

The Clerk read as follows:

SOUTH CAROLINA.

To Martha Cook, administratrix of Willi Cook, deceased, of Beaufort County, $816.

Mr. GIBSON. Mr. Chairman, I offer the following amendment, recommended by the committee.

The Clerk read as follows:

On page 13, line 5, strike out "Willi" and insert "William."

The amendment was agreed to.

The Clerk read as follows:

To Jesse B. Derient, administrator of Peter Derient, deceased, of Knox County, $444.

Mr. GIBSON. Mr. Chairman, I offer the following amendment, recommended by the committee.

The Clerk read as follows:

On page 18, lines 3 and 4, strike out "Derient" and insert "Derieux."

The amendment was agreed to.

The Clerk proceeded and completed the reading of the bill.

Mr. GIBSON. Mr. Chairman, I move that the bill be laid aside to be reported to the House with a favorable recommendation.

The motion was agreed to.

PROPERTY TAKEN DURING THE WAR WITH SPAIN.

The next business on the Private Calendar was the bill (H. R. 3641) for the allowance of certain claims for property taken for military purposes within the United States during the war with Spain, reported by the Secretary of War in accordance with the requirements of an item contained in the sundry civil appropriation act, approved June 6, 1900, authorizing and directing the Secretary of War to investigate just claims against the United States for private property taken and used in the military service within the limits of the United States, etc.

Mr. MAHON. Mr. Chairman, I ask that the first reading of the bill be dispensed with, and that it be read for amendment under the five-minute rule.

The CHAIRMAN. The gentleman from Pennsylvania asks that the first reading of the bill be dispensed with, and that the bill be read for amendment under the five-minute rule. Is there objection? [After a pause.] The Chair hears none.

Mr. PAYNE. Mr. Chairman, I want to inquire of the gentleman from Pennsylvania if these claims have been audited by the War Department?

Mr. MAHON. The gentleman from New York will recollect that in the sundry civil appropriation bill, approved June 6, 1900, there was a section put in directing the Secretary of War to investigate these claims against the United States for private property taken and used in the military service within the limits of the United States. Under that the Secretary of War has adjudicated 202 claims which are in this bill, aggregating in the amounts asked for by the claimants $161,763.86. The amount recommended for payment on these 202 claims is $55,755.21. There are 8 other claims awaiting further evidence which amounts to $38,507.59. These claims are for camps rented, etc., and they are certified by the Secretary of War to the Speaker of the House of Representatives.

Mr. DALZELL. About one-third of the amount of the claims are allowed?

Mr. MAHON. Yes.

The Clerk, proceeding with the reading of the bill, read as follows:

GEORGIA.

To James H. Butner, $10.

Mr. MADDOX. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend by inserting, on page 2, after line 25, "J. H. Brown, $75."

Mr. MADDOX. Mr. Chairman, this claim was presented to the commission which passed upon all of these claims now before the House, and they decided that it was a tort, and therefore that

the Government was not liable. I propose to take issue with them and appeal to this House on that question. They decided that a number of the cases which I presented were torts, and I do not know but they were correct under the constructions given them by the War Department, but on this particular one I differ with them and appeal to the House. This is the state of facts: Down at Chickamauga, when the Army was in rendezvous there, a corral of horses was stampeded at night and escaped. General Brooke detailed an officer and squad of men to go into the country and gather up the stock scattered about the country.

In this case a sergeant was detailed and went out to the house of this man, J. H. Brown, and took a horse 5 years old, which Mr. Brown valued at $75 and was one that he raised from a colt. He was away from home at the time. The sergeant took the horse against the consent of Mr. Brown's wife, carried it back to the quarters at Chickamauga, and proposed to turn it into the pen. When he got there those in charge of the yard declined to receive the horse because it could not be identified by anybody. He was ordered to return it. I am not quite sure whether he was ordered to return it, but it was returned back to the sergeant, and in any event the man, Mr. Brown, never recovered his horse and lost him entirely.

As soon as Mr. Brown returned home he reported the matter to General Brooke and General Brooke had the matter investigated. In the meantime the officer who had been sent out after the horses had left, as his regiment had been removed to Knoxville. They found him there and he admitted that he took the horse and offered to turn it over to the authorities, but it was not identified by the officers there, and he said he returned it to this man Mr. Brown in Sequatchie Valley. Now, Mr. Brown lived in exactly the opposite direction.

Now, the question simply hinges on this point. This man took this horse by mistake. He was acting under orders of his commanding officer to proceed with his detail of men and gather up the scattered horses. In his efforts to do so some one told him this horse at Brown's was a Government horse, and acting under the orders given him, he seized upon it and carried it back to the camp. It proved to be a mistake. Those in authority and in charge of the horses refused to receive it. This officer claims he sent it back. This is proven to be untrue. He may have tried to do so, but the owner never recovered it. If this soldier had taken this horse of his own volition, then it would not be the act of the Government; but if he took it while under orders from his superior officers, not for himself, but, as he believed, for the Government, and as one of the Government estray horses, and the owner never received it back, then the Government would be liable.

The officer took the horse, thinking it belonged to the Government; but when he had carried it back to the camp the officers there failed to identify it, and he was ordered to return it. He claims that he did return it by sending it in the opposite direction; but it is a fact that the owner never saw his horse again.

Now, is this a case where the man was simply the victim of an act of a soldier not under orders, or did the Government take the horse for its own use? The officer who was sent out took the horse thinking it was Government property; and when the mistake was discovered the horse was not returned to its owner. This man lost his horse; and it was valued at the modest sum of $75. In my judgment this is undoubtedly a just claim against the Government, and it ought to be paid. I appeal to the committee to do justice to this poor man.

Mr. PAYNE. Did all these witnesses appear before the War Department commission?

Mr. MADDOX. The papers were all there.

Mr. PAYNE. All this evidence was introduced there?

Mr. MADDOX. Yes, sir; the claim went to the commission with the evidence. just as I have stated, as I remember it.

Mr. PAYNE. Did the commission find against the claim?

Mr. MADDOX. They treated the case as a tort; they did not deny the facts of the case, as I understood it.

Mr. PAYNE. But after hearing all the evidence they reported against the claim?

Mr. MADDOX. They determined that it was a tort. Now, the question is, Was it a tort?

Mr. MAHON. This claim is for a small amount, but its payment might establish a principle which would cause us a good deal of trouble hereafter and lead to the payment of a good deal of money. The files of the Committee on War Claims are to-day full of such claims—claims which did not properly come within the jurisdiction of that War Department board. The Government learned something from the civil war. The magnitude of the Spanish war was not so great. During the Spanish war no sergeant or enlisted man had the right to exercise such authority as is supposed to have been exercised in this case. The gentleman from Georgia claims that this sergeant was commissioned to collect horses. But during the Spanish war the Government did not take property of citizens in that way, because we had ample time and means to obtain in the regular way whatever property was required; this horse was simply stolen by this sergeant.

Mr. MADDOX. The papers do not show that this officer stole the horse; if he did, he must have stolen it after he had taken it back to the camp.

Mr. MAHON. If the owner of the horse had made complaint and the grand jury had indicted this officer, the military authorities would have turned him over to be tried for horse stealing, as was done in several cases in California.

Mr. Chairman, a provision was carefully drawn and inserted in the sundry civil bill for the hearing of claims for loss of private property arising out of the Spanish war. The object was that we might settle such claims promptly—put an end to them within a year or two and not have them coming back to Congress for the next thirty or forty years. The Committee on War Claims have to a man stood up against bills such as the one now pending. We insist that these claims should have gone before that board and been there adjudicated. Are you now going to open the gates to let in such claims?

This man had a fair hearing before the board the same as other men having similar claims. If I had been his counsel when his case was heard by that board, I would have inquired of the War Department whether this sergeant had any authority from a quartermaster to go out and take that horse.

Mr. MADDOX. The papers show that fact. That is not even doubted.

Mr. MAHON. In the State of Iowa, during the civil war, horses were taken by the soldiers, but no claim has ever come to Congress for reimbursement. This case is simply one of tort. I trust this Government will never recognize the right of any man to come in here and make a claim for depredations of this kind on the part of our troops. I would be glad to see this man paid for his horse, and I do not know but I would contribute $10 toward paying this poor fellow. But let us stand by the rule which should control cases of this kind so that we may not be overwhelmed with such claims in the future.

Mr. MADDOX. The gentleman does not seem to catch the point of this case at all. This officer was detailed to go out and bring these horses back into the corral. He took this horse thinking that it was Government property. That fact appears in the case and is not denied by anybody.

Mr. MAHON. Government horses are all branded with letters two or three inches large.

Mr. MADDOX. It is not denied that the officer took this horse and carried it back to the corral, and there the officers failed to identify it. If the sergeant stole the horse he stole it after the officers failed to identify it. Right here is the distinction which removes from this case the idea of tort. That is, when the horse was taken he was acting under orders of his superior officers.

This commission made a mistake; but there is no appeal, because the commission is dissolved. The only appeal is to Congress. The question is whether, under the circumstances I have stated, this man ought to be paid for his horse. There was no tort committed, because the officer believed the horse to be Government property, though it afterwards appeared that it was not.

Mr. MAHON. During the Spanish war no enlisted man or sergeant was sent out to take horses from the people anywhere. Horses were purchased in the market.

Mr. MADDOX. The gentleman does not understand me. Some of the Government horses ran away; and this sergeant, with a body of troops, was sent to recover them. This man's horse was taken along with others. The sergeant took it by mistake. This man ought to be paid. If favorable action upon this case establishes a precedent. it is a precedent in the right direction.

Mr. MAHON. If this is such a plain case as the gentleman states, if this officer was out seeking to recover Government horses and by mistake took this man's horse, why did not the owner of the horse make out his case before this board?

Mr. MADDOX. These papers were sent to the board, just like all the balance of them. This man had no attorney, and I want to say to this House that when I took up this report and found that they had decided that this case was a tort I was indignant, and went immediately to the Committee on Claims and stated that I was astonished that the commission should find that this was a tort when the evidence was so plain to the contrary. The claimant had no attorney.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Georgia [Mr. MADDOX].

The amendment was agreed to.

Mr. GIBSON. In line 5 of page 2, I move to strike out the words "one hundred and;" so that it will read "$36" instead of "$136."

The CHAIRMAN. The Clerk will report the amendment.
The Clerk read as follows:

Page 2, line 5, strike out "one hundred and;" so that it will read: "To A. Campbell, $36."

The amendment was agreed to.
Mr. GIBSON. I send up another amendment.
The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.
The Clerk read as follows:

On page 2, between lines 23 and 24, insert:
"To Mrs. E. C. Beach, $321.
"To H. W. Beach, $388, and to J. D. Clark, $37.50."

Mr. GIBSON. I will state to the committee, Mr. Chairman, that this is the supplemental report from the War Department on subsequent findings in the State of Florida. I move the adoption of the amendment.
The amendment was agreed to.
The clerk read as follows:

To M. J. O'Leary, $435.

Mr. GIBSON. I move to strike out the word "four," in line 17, and to insert the word "three;" so that it will read "$335."
The amendment was agreed to.
The Clerk read as follows:

To T. W. and Gordon Lee, $325.75.

Mr. GIBSON. I offer the amendment which I send to the Clerk's desk.
The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report:

In lines 9 and 10 strike out "three hundred and twenty-five" and insert "one hundred and forty-five."

The amendment was agreed to.
The Clerk read as follows:

To Lee & Gordon Mill Company, $270.

Mr. GIBSON. In line 13, after the word "seventy," I move to insert the word "five;" so that it will read "seventy-five dollars."
The CHAIRMAN. The Clerk will report the amendment.
The Clerk read as follows:

In line 13, after the word "seventy," insert the word "five."

The amendment was agreed to.
The Clerk read as follows:

To the State of Georgia, $316.99.

Mr. GIBSON. I offer the amendment which I send to the Clerk's desk.
The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.
The amendment was read, as follows:

On page 4, between lines 21 and 22, insert:
"To W. A. Huff, $324.
"To T. M. Woolfolk, $250."

Mr. GIBSON. These are subsequent findings of the War Department.
The amendment was agreed to.
The following committee amendment was read, and agreed to:

In line 15, page 5, strike out "Gregory" and insert "Gregori."

The Clerk read as follows:

SOUTH CAROLINA.

To James F. Williams, $90.

Mr. JOHNSON. I offer the amendment which I send to the Clerk's desk.
The CHAIRMAN. The gentleman from South Carolina offers an amendment, which the Clerk will report.
The Clerk read as follows:

On page 8, line 24, strike out "F" and insert "T."

Mr. JOHNSON. That is just to correct a mistake in the initials of the man.
The amendment was agreed to.
The Clerk read as follows:

To W. W. S. Orr, $31.

Mr. JOHNSON. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.
The CHAIRMAN. The gentleman from South Carolina offers the following amendment:
The Clerk read as follows:

On page 9, line 19, after the word "to" insert "estate of."

The amendment was agreed to.
The Clerk read as follows:

To Charles Taylor, $308.

Mr. GIBSON. I offer the following amendment.
The CHAIRMAN. The gentleman from Tennessee offers the amendment which the Clerk will report.
The Clerk read as follows:

In line 1, page 12, strike out "three" and insert "two."

Mr. GIBSON. The amount should be "$208" instead of "$308."
The amendment was agreed to.
Mr. GIBSON. I offer the following, also.
The CHAIRMAN. The gentleman from Tennessee offers an amendment which the Clerk will report.
The Clerk read as follows:

On page 12, after line 4, insert:
"To A. J. Wedderburn, $173."

The amendment was agreed to.
Mr. GIBSON. I move to amend the bill by adding the amendment I send to the desk.
The CHAIRMAN. The gentleman from Tennessee moves to amend the bill by adding an amendment which the Clerk will report.
Mr. GIBSON. I will state that these claims are of a similar character and reported by the committee as a separate bill, but they belong to the same class. They are from the State of Virginia, and have all been favorably reported by the War Department.
Mr. BARTLETT. I desire to ask the gentleman a question about this matter. I am not disposed to oppose it. There are a number of these claims which are from the result of awards of the Spanish War Commission. They have been made under the provisions of the sundry civil bill, and there are a number of others which the Commission said they are not authorized to consider and report on. Now, I am not going to oppose the passage of these claims. I think they ought to pass; but what I desire to know is this: There are, I know, in my own State and in my own district, certain claims which have not been put in any bill, because, although they were found to be just claims, the Commission determined that they could not report upon them, because they were the result of torts committed, and not by reason of any contract, implied or expressed. I want to know what the gentleman is going to do with these other claims?
Mr. GIBSON. They have not come before us. As soon as the War Department sends them the committee will put them in shape.
Mr. BARTLETT. Some of them are reported.
Mr. GIBSON. All those that are reported are in the amendment.
Mr. BARTLETT. I have seen them in a report of the War Department.
Mr. GIBSON. These are all reported by the War Department. Every solitary one of them that they have reported is here.
Mr. BARTLETT. I do not know if they have not been reported to the committee. These seem to be somewhat different.
Mr. GIBSON. They have not come to us.
Mr. BARTLETT. Are these the claims that were passed by the Commission?
Mr. GIBSON. They are the claims that have come to us.
Mr. BARTLETT. But they were passed by another commission.
Mr. GIBSON. Not by the same Commission, but under the same law.
Mr. BARTLETT. Under the same law?
Mr. GIBSON. Under the same law, but by different boards.
Mr. MADDOX. I reckon not. I want to find out about this, because it is a very important matter.
Mr. GIBSON. The gentleman from Virginia [Mr. RIXEY] will explain it to you.
Mr. MADDOX. I will not object. I simply want to find out something about it. I have quite a number of claims exactly like this that have been turned down by this Commission.
Mr. GIBSON. We do not report any case that is turned down. We simply recommend the passage of the claims that this board recommends.
Mr. MADDOX. What I want to find out is this: If we can not get these claims passed by the War Department and by the Commission established for that purpose, how is it that the gentleman from Virginia comes in here and gets these claims reported?
Mr. GIBSON. They have to do some things before they can do others.
Mr. MADDOX. We were in time.
Mr. GIBSON. As soon as they were reported we put them in a bill and have offered it as an amendment.
Mr. RIXEY. I will state to the gentleman from Georgia I found there were a number of these claims near Thoroughfare Gap, where these troops were in camp for some time, and I introduced a bill to pay these claimants the amounts found due by the War Department, and that bill was reported favorably by the Committee on War Claims, and I think they ought to be paid. I do hope there will be no objection to the amendment.
Mr. MADDOX. I think so, too.
Mr. RIXEY. And if my friend has any similar claims I hope they will be paid promptly.

Mr. MAHON. Mr. Chairman, I make the point of order that these claims are not such as are authorized by this bill.

The CHAIRMAN. The Chair desires to hear the point of order raised by the gentleman from Pennsylvania.

Mr. MAHON. This is a bill, as the title shows, for the allowance of certain claims for property taken for military purposes within the United States during the war with Spain, reported by the Secretary of War in accordance with the requirements of an item contained in the sundry civil appropriation act approved June 6, 1900, authorizing and directing the Secretary of War to investigate just claims against the United States for private property taken and used in the military service within the limits of the United States, etc.

Now, Mr. Chairman, there is no authority to put anything in this bill except the findings of that board under that section of the sundry civil bill. This is not that board. It is the findings of other officers of the War Department.

Mr. BARTLETT. I want to state to the gentleman——

Mr. MAHON. Now, hold on a minute. Now they are trying to inject into this bill a class of claims that do not come under that title.

Mr. GIBSON. We can amend the title.

Mr. MAHON. No, we will not amend the title. I will insist upon the point of order.

Now, Mr. Chairman, as chairman of the Committee on War Claims, coming in here with a bill and making the statement that this bill contains the findings of a board of the War Department, created under a certain act, and nothing else, we must be fair to this House, and not undertake to put anything in this bill that does not come from that board.

Mr. BARTLETT. I want to ask the gentleman from Pennsylvania now if this is the bill which proposes to pay citizens of Virginia certain damages done by the soldiers there, found by a commission composed of a board of officers appointed by the Secretary of War for the purpose of ascertaining the facts. I know that there are now reported from these officers and furnished to this House by the Secretary of War a number of claims that have been found that are due and ought to be paid, and they were presented to the Spanish War Claims Commission, but they declined to report them on account of a restriction contained in the sundry civil bill, under which they were confined to contracts and not to torts; and that is the reason why they can not put them in that bill.

Mr. MAHON. It is the reason; and I do not want them on this bill. Let every tub stand on its own bottom. I know that the War Department sent out men to assess the damages, and the purpose of that is to keep the testimony for the Government, so that the War Department in the future can be protected.

Now, it is not this class of claims at all, and it has no business in this bill. So I insist on my point of order, Mr. Chairman, that the amendment is not germane.

Mr. RIXEY. Mr. Chairman, I insist that the gentleman's point of order comes too late; the amendment has been considered. Now, I want to say, Mr. Chairman, in regard to this claim, that this bill was introduced——

The CHAIRMAN. The Chair will state that the amendment has not been considered and has not been reported to the committee.

Mr. GIBSON. Mr. Chairman, I will state that these claims——

Mr. MAHON. Mr. Chairman, let us discuss the point of order. It is getting late, and I want to get on.

Mr. GIBSON. Well, Mr. Chairman, I withdraw the amendment rather than consume unnecessary time. I move that the bill be laid aside with a favorable recommendation.

The motion was agreed to.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. DALZELL having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, one of its clerks, announced that the Senate had passed bills and joint resolutions of the following titles; in which the concurrence of the House of Representatives was requested:

S. 2848. An act for the establishment of a subport of entry at Naco, Ariz.;

S. 1539. An act to provide for the purchase of a site and the erection of a public building thereon at Gainesville, in the State of Texas;

S. 39. An act to correct the military record of William B. Thompson;

S. R. 30. Joint resolution for the erection of a monument to the memory of Dorothea Lynde Dix;

S. R. 39. Joint resolution recognizing the able and gallant services of Capt. Francis Tuttle, Revenue-Cutter Service, his officers and men of the *Bear;* also, the heroic services of Lieuts. David H. Jarvis, Ellsworth P. Bertholf, and Dr. Samuel J. Call, composing the overland expedition to Point Barrow, Arctic Ocean, for the relief of imperiled whalers;

S. R. 2. Joint resolution proposing an amendment to the Constitution of the United States respecting the commencement and termination of Congress; and

S. 3128. An act to establish a fog signal and a keeper's dwelling at Piedras Blancas, Cal.

The message also announced that the Senate had passed the following resolution:

Senate concurrent resolution No. 20.

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound in cloth 4,000 copies of each of the following bulletins of the Bureau of Rolls and Library of the Department of State, namely: Calendars of the Correspondence of Thomas Jefferson, James Madison, and James Monroe, 1,000 copies for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 1,000 copies for distribution by the Department of State.

The message also announced that the Senate had insisted upon its amendment to the bill (H. R. 8581) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1903, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House of Representatives on the disagreeing votes of the two Houses thereon, and had appointed Mr. GALLINGER, Mr. PRITCHARD, and Mr. TURNER as the conferees on the part of the Senate.

CARSON-NEWMAN COLLEGE, JEFFERSON CITY, TENN.

The committee resumed its session.

The next business on the Private Calendar was the bill (H. R. 4842) for the relief of the trustees of the Carson-Newman College at Jefferson, Tenn.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the trustees of Carson-Newman College, formerly the Mossycreek Baptist College, at Jefferson City, Tenn., out of any money in the Treasury not otherwise appropriated, the sum of $6,000, in full compensation for the use, occupation, and consumption of the property of said college and trustees by the military forces of the United States during the late war of the rebellion.

With the following amendments recommended by the committee:

Strike out "Carson-Newman" wherever it appers in the bill and insert in lieu thereof "Carson and Newman," and amend the title.

Mr. RIXEY. Mr. Chairman, I would like to ask the gentleman of the committee a question. I do not want to embarrass him about the bill, for I have no doubt it is a just one. This bill is for occupation of a church?

Mr. GIBSON. Yes.

Mr. RIXEY. I know of a number of other bills introduced that are on the same line. There are a number of bills introduced of that character by myself. I represent the Eighth district of Virginia, across the river, where one army or the other, and sometimes both, camped during the war. Many battles were fought there, and almost every church for 60 miles from Washington, on the Southern road, was used as a hospital. Some of the brick churches were torn down and the bricks taken and used for the purpose of building quarters for the officers. What I want to ask is why not report some bill directing the Secretary of War to inquire and report what would be a fair compensation for these churches?

Mr. GIBSON. I will state to the gentleman that this bill passed both Houses at the last Congress, but reached the President too late for his signature. I hope under the circumstances the House will let it go through at an early date.

Mr. RIXEY. I am not opposing this bill. I have no doubt that it is a just bill, as the others to which I have referred are just bills; but I am calling the gentleman's attention to these other bills and asking him why it would not be well to have a general bill.

Mr. GIBSON. I am with the gentleman on that.

Mr. RIXEY. I want to know why the Committee on War Claims do not report a general bill?

Mr. GIBSON. We did report one in the last Congress, and I take it that we will in this.

Mr. GAINES of Tennessee. Mr. Chairman, I would like to ask my colleague [Mr. GIBSON] how it is that this one, his bill, and this alone, when there are four other similar bills before his committee, is reported here? I am informed there are five bills pending before this House like this—four besides this one. How is it that the distinguished committee, with which my colleague occupies the second place, and often first, comes in and reports this bill in preference to all the others?

Mr. GIBSON. I will state to the gentleman, and I think I will give him a good reason, because this bill passed both Houses in the last session of Congress.

Mr. GAINES of Tennessee. But why were not the other four bills reported and passed by the last Congress? They were certainly pressed before the committee.

Mr. GIBSON. They will all be reported in due time. Some bill must stand first on the Calendar. I think the gentleman will agree that I have been very liberal and that I have reported a great multitude of these claims. I admit that this is from my own district, but it is all that my district has. It passed the last Congress and it was the fault of the situation that it was not signed.

Mr. GAINES of Tennessee. Does the gentleman from Tennessee, my colleague, mean to say that this is all that his Congressional district has received from Congress?

Mr. GIBSON. It is the only bill of this sort.

Mr. GAINES of Tennessee. Are there not hundreds of other things that the distinguished gentleman has secured for his district?

Mr. GIBSON. Oh, let us get down to business. [Laughter.]

Mr. GAINES of Tennessee. Well, I will get back to the other question. How is it that this bill only is reported from the committee in preference to these four other bills?

Mr. GIBSON. Suppose you were in my place and you had a bill that had passed both Houses of Congress and your constituents were pressing you, would you not report it from the committee?

Mr. GAINES of Tennessee. Yes; I would report it, but the very reason that would make me report that bill would prompt me to deal with my colleagues in the House with the same general spirit of liberality. If I reported my own bill, I would report the others at the same time.

Mr. RICHARDSON of Alabama. Does the gentleman say that he would not report his own bill?

Mr. GAINES of Tennessee. I would not report mine unless I could report the others.

Mr. SIMS. Mr. Chairman, I want to say that my colleague on the committee [Mr. GIBSON] is the most liberal man on that committee. He urges the report of bills that I have to fight almost all the time. I think he is so liberal that he is not right.

Mr. GAINES of Tennessee. Well, I am satisfied that he is not right in this case. I am for his bill if there is no other man in the House to support it. It is a just bill; it is for taking the property of a church, and it is time that it should be paid for; but I can not understand, Mr. Chairman, how this Congress should be asked to pass this bill when there are other bills equally as meritorious and indisputable before the committee similar to it and which should have been reported as well as this.

Mr. GIBSON. This is the only bill I have reported in this Congress for my district; and it is the only one I shall report. I am going to report two or three for my colleague [Mr. GAINES of Tennessee], but these bills can not all be reported on the same day.

Mr. GAINES of Tennessee. Are you going to report my bills during this session of Congress?

Mr. GIBSON. I am going to vote in favor of making the report. I must have the concurrence of the majority of the committee in order to report them.

Mr. GAINES of Tennessee. My distinguished colleague [Mr. GIBSON] will bear me out in saying that he informed me the committee had decided to send the balance of these bills over to the Senate.

Mr. GIBSON. I will state——

Mr. GAINES of Tennessee. What are you going to do? Are you going to report the balance of these bills to this House——

Mr. GIBSON. If the gentleman will permit me to answer his questions one by one, and not pile question upon question, we shall get closer to the real facts. I stated to the gentleman that in passing on these claims we wanted to get a clean bill through to the Senate as soon as possible, and that the Senate would add on these other bills, just as they have done in former sessions.

Mr. GAINES of Tennessee. I am not in the Senate; and I am dependent upon this House for my rights. I am trying to find out whether this bill and similar bills which I have presented are going to be reported or not; and if not, why? If the Committee has adopted a rule not to report these bills, but send them to the Senate and let the Senate do the business, I want to know why that is done. I am in favor of my colleague's bill, but I say in all candor and frankness that bills similar in character and equally meritorious should receive equal consideration.

Mr. PAYNE. Mr. Chairman, we have heard considerable about everything else except this bill. The gentleman from Tennessee [Mr. GIBSON] says that this bill passed the House and Senate a year or two years ago.

Mr. GIBSON. Oh, no; in the last Congress.

Mr. PAYNE. That would be a year or two years ago. He says that this bill was passed by both Houses a year or two years ago, but was not signed by the President. There might have been a very good reason why the President did not sign it. The statement the gentleman has made does not throw any light upon the merits of the bill. I should like to know something about the case. I am not particularly interested in knowing why the gentleman has reported one bill and not another. I suppose he may have been acting under the instructions of his committee or subcommittee in reporting the bill introduced by himself, and not reporting the bills introduced by the other gentlemen from Tennessee. But that does not give us any light on the merits of this bill. I should like to hear some reasons in favor of this claim—why it is made, how they get at the amount, why it was not paid at any time during the last forty years, and everything of that sort. It is a pretty stale claim, and we ought to have some information about it.

Mr. GIBSON. I will take great pleasure in giving the gentleman and the Committee of the Whole the information desired. In 1864, during the war of the rebellion, the Federal Army was encamped in the neighborhood of the place where this property was situated. Now, every man who was in the Army will remember what an awful winter the winter of 1863-64 was. In order to secure winter quarters for the troops the college buildings were torn down. The bricks were used for the purpose of erecting chimneys and otherwise protecting the winter quarters. The woodwork was also used in the erection of winter quarters. The magnificent grove was cut down and used partly for the same purpose and partly for fuel. The major-general who ordered this to be done and the brigadier-general who executed the order both testified—and their evidence is before the committee—that they estimated the damages at $8,000. But the Committee on War Claims would not take into consideration the question of damages; they simply estimated the value of the property absolutely used or consumed by the Army of the United States, and fixed upon a valuation of $6,000, at which sum they reported the bill. It has passed this House time and time again. In the last Congress it passed both Houses and went to the President, but it reached him too late, as did quite a number of other bills, to receive his signature. These are the facts. I move that the bill be laid aside to be reported with a favorable recommendation.

The question being taken on the amendment reported by the committee, it was agreed to.

The bill as amended was laid aside to be reported with a favorable recommendation.

Mr. MAHON. Mr. Chairman, I move that the committee do now rise and report the bills to the House with a favorable recommendation.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. OLMSTED, Chairman of the Committee of the Whole on the Private Calendar, reported that that committee had had under consideration certain bills and had directed him to report the same back to the House with the recommendation that the bills H. R. 1795 and H. R. 4003 do pass without amendment, and that the bills H. R. 8587, H. R. 3641, and H. R. 4842 do pass with amendments.

Mr. MAHON. Mr. Speaker, I move the previous question on the bills and amendments to their final passage.

The previous question was ordered.

The SPEAKER. The Clerk will report the first bill.

JERONEMUS S. UNDERHILL.

The first business was the bill (H. R. 1795) for the relief of Jeronemus S. Underhill.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

ATLANTIC WORKS, BOSTON, MASS.

The next business was the bill (H. R. 4003) for the relief of the Atlantic Works, of Boston, Mass.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. SHERMAN, a motion to reconsider the votes by which the bill passed was laid on the table.

CLAIMS UNDER THE BOWMAN ACT.

The next business was the bill (H. R. 8587) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act, reported from the Committee of the Whole with amendments.

The SPEAKER. Is a separate vote demanded on the amendments? If not, they will be submitted in gross.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. MAHON, a motion to reconsider the last vote was laid on the table.

SPANISH WAR CLAIMS.

The next business was the bill (H. R. 3641) for the allowance of certain claims for property taken for military purposes within the United States during the war with Spain, reported by the

Secretary of War in accordance with the requirements of an item contained in the sundry civil appropriation act, approved June 6, 1900, authorizing and directing the Secretary of War to investigate just claims against the United States for private property taken and used in the military service within the limits of the United States, etc., reported from the Committee of the Whole with amendments.

The SPEAKER. Is a separate vote demanded on any of the amendments? If not, they will be voted upon in gross.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. OLMSTED, a motion to reconsider the last vote was laid on the table.

CARSON-NEWMAN COLLEGE, JEFFERSON CITY, TENN.

The next business was the bill (H. R. 4842) for the relief of the trustees of the Carson-Newman College, at Jefferson City, Tenn., reported from the Committee of the Whole with an amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and was accordingly read the third time, and passed.

By unanimous consent, the title of the bill was amended as recommended by the committee.

On motion of Mr. GIBSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 10076. An act to receive arrearages of taxes due the District of Columbia to July 1, 1900, at 6 per cent per annum, in lieu of penalties and costs; and

H. R. 9315. An act making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1902, and for prior years, and for other purposes.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills and joint resolutions of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 3128. An act to establish a fog signal and a keeper's dwelling at Piedras Blancas, Cal.—to the Committee on Interstate and Foreign Commerce.

S. R. 2. Joint resolution proposing an amendment to the Constitution of the United States respecting the commencement and termination of Congress—to the Committee on the Judiciary.

S. R. 39. Joint resolution recognizing the able and gallant services of Capt. Francis Tuttle, Revenue-Cutter Service, his officers and men of the *Bear;* also the heroic services of Lieuts. *David H.* Jarvis, Ellsworth P. Bertholf, and Dr. Samuel J. Call, composing the overland expedition to Point Barrow, Arctic Ocean, for the relief of imperiled whalers—to the Committee on Interstate and Foreign Commerce.

S. R. 30. Joint resolution for the erection of a monument to the memory of Dorothea Lynde Dix—to the Committee on the Library.

S. 39. An act to correct the military record of William B. Thompson—to the Committee on Military Affairs.

S. 1539. An act to provide for the purchase of a site and the erection of a public building thereon at Gainesville, in the State of Texas—to the Committee on Public Buildings and Grounds.

S. 2848. An act for the establishment of a subport of entry at Naco, Ariz.—to the Committee on Ways and Means.

Senate concurrent resolution 20:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound in cloth, 4,000 copies of each of the following bulletins of the Bureau of Rolls and Library of the Department of State, namely: Calendars of the correspondence of Thomas Jefferson, James Madison, and James Monroe; 1,000 copies for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 1,000 copies for distribution by the Department of State—

to the Committee on Printing.

CHANGES OF REFERENCE.

By unanimous consent, the Committee on Patents was discharged from the further consideration of the bill (H. R. 11053) providing for the issuance of patent to the town site of Basin, Wyo., to the municipal authorities thereof for the use and benefit of said town, and the same was referred to the Committee on the Public Lands.

By unanimous consent, the Committee on the Post-Office and Post-Roads was discharged from the further consideration of House Document No. 375, relating to salaries in the rural free-delivery service, and the same was referred to the Committee on Appropriations.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. DEEMER, for the remainder of this week, on account of important business.

And then, on motion of Mr. MAHON (at 4 o'clock and 23 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior submitting an estimate of appropriation for Hot Springs Reservation, in Arkansas, was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. KAHN, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 4555) to provide for two additional associate justices of the supreme court of the Territory of Oklahoma, and for other purposes, reported the same with amendment, accompanied by a report (No. 491); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BABCOCK, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 10372) to transfer to the Secretary of the Interior such supervision of the Government Hospital for the Insane, Freedmen's Hospital and Asylum, and the Washington Hospital for Foundlings as may have been conferred upon the Board of Charities of the District of Columbia under the act approved June 6, 1900, creating such board, reported the same without amendment, accompanied by a report (No. 494); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10692) granting an increase of pension to David C. Maples, reported the same without amendment, accompanied by a report (No. 492); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5761) granting a pension to Thomas F. Walter, reported the same with amendment, accompanied by a report (No. 493); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were thereupon referred as follows:

A bill (H. R. 1507) granting a pension to Louis Leith—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 11129) granting an increase of pension to Garret I. Post—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 11132) for the relief of John Sailer or Sailor, late private, Company A, Forty-seventh Regiment Pennsylvania Volunteers—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. CORLISS: A bill (H. R. 11238) to increase and allow a pension of $12 per month to all soldiers of the civil war who have established their right to a pension under the act of June 27, 1890—to the Committee on Invalid Pensions.

By Mr. LACEY: A bill (H. R. 11239) to grant certain lands to the State of Idaho—to the Committee on the Public Lands.

By Mr. BRISTOW: A bill (H. R. 11240) to authorize the Secretary of the Navy to cede certain lands to the State of New York—to the Committee on Naval Affairs.

By Mr. BABCOCK: A bill (H. R. 11241) to amend an act entitled "An act to regulate, in the District of Columbia, the disposal of certain refuse, and for other purposes," approved January 25, 1898—to the Committee on the District of Columbia.

By Mr. LACEY: A bill (H. R. 11242) to tax manufactures from the wood of the Sequoia gigantea, or "big trees"—to the Committee on Ways and Means.

By Mr. MAYNARD: A bill (H. R. 11243) to provide for the erection of a public building in the town of Suffolk, in the State of Virginia—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 11244) to complete the public building in the city of Norfolk—to the Committee on Public Buildings and Grounds.

By Mr. RODEY: A bill (H. R. 11245) to amend an act entitled "An act to establish a Court of Private Land Claims and to provide for the settlement of private land claims in certain States and Territories," approved March 3, 1891—to the Committee on Private Land Claims.

By Mr. LITTLE: A bill (H. R. 11246) to define who are and who are not fellow-servants of railroad and mining corporations, and defining the defense of said corporations on account thereof—to the Committee on the Judiciary.

By Mr. SHACKLEFORD: A bill (H. R. 11247) extending the provisions of sections 2304 to 2309 of the Revised Statutes of the United States in certain cases—to the Committee on the Public Lands.

By Mr. RANDELL of Texas: A bill (H. R. 11248) to provide for the purchase of a site and the erection of a public building thereon at Sherman, in the State of Texas—to the Committee on Public Buildings and Grounds.

By Mr. BOWERSOCK: A bill (H. R. 11298) to authorize the construction of a railroad and wagon bridge across the Missouri River at or near Parkville, Mo.—to the Committee on Interstate and Foreign Commerce.

By Mr. STEWART of New Jersey: A joint resolution (H. J. Res. 150) giving the thanks of Congress to Capt. Charles A. De Arnaud, on the staff of General Frémont, Missouri Volunteers, for very important and meritorious services rendered to the country in 1861—to the Committee on Military Affairs.

By Mr. WHEELER: A resolution (H. Res. 132) directing the Secretary of War to cause to be made a survey and estimate of a wing dam at or near Ogden Landing, Kentucky—to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BINGHAM: A bill (H. R. 11249) granting a pension to Katharine Rains Paul—to the Committee on Invalid Pensions.

By Mr. BROMWELL: A bill (H. R. 11250) granting an increase of pension to Arthur L. Currie—to the Committee on Invalid Pensions.

By Mr. BULL: A bill (H. R. 11251) granting an increase of pension to Jeremiah Law—to the Committee on Invalid Pensions.

By Mr. CURRIER: A bill (H. R. 11252) granting an increase of pension to Edwin M. Gowdey—to the Committee on Invalid Pensions.

By Mr. CUSHMAN: A bill (H. R. 11253) for relief of George F. Ormsby—to the Committee on Naval Affairs.

By Mr. DARRAGH: A bill (H. R. 11254) to correct the military record of Andrew Martin—to the Committee on Military Affairs.

By Mr. FLYNN: A bill (H. R. 11255) for the relief of Elizabeth N. Sullivan—to the Committee on War Claims.

By Mr. GRIFFITH: A bill (H. R. 11256) granting a pension to Elizabeth Whitehorn—to the Committee on Invalid Pensions.

By Mr. HILDEBRANT: A bill (H. R. 11257) granting a pension to John W. Cundiff—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11258) granting a pension to William F. Randolph—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11259) to remove the charge of desertion from the military record of William H. Phillips—to the Committee on Military Affairs.

Also, a bill (H. R. 11260) to remove the charge of desertion from the military record of William H. Hannah—to the Committee on Military Affairs.

Also, a bill (H. R. 11261) for the relief of Isaac Holbrook—to the Committee on Military Affairs.

By Mr. HUGHES: A bill (H. R. 11262) for the relief of Benjamin Stribling—to the Committee on Invalid Pensions.

By Mr. HULL: A bill (H. R. 11263) granting an increase of pension to William H. Ballard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11264) granting an increase of pension to Joseph M. West—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11265) granting an increase of pension to William Bagley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11266) granting a pension to John Kelly—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11267) granting a pension to Miller C. Hunter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11268) removing charge of desertion from George J. Dennis, Company C, Thirty-third New Jersey Infantry—to the Committee on Military Affairs.

By Mr. IRWIN: A bill (H. R. 11269) for the relief of Rudolphus Minton—to the Committee on War Claims.

By Mr. JACKSON of Kansas: A bill (H. R. 11270) for the relief of David Hogan—to the Committee on War Claims.

By Mr. JOY: A bill (H. R. 11271) granting a pension to Louisa Gregg—to the Committee on Invalid Pensions.

By Mr. CLAUDE KITCHIN: A bill (H. R. 11272) to pay to J. B. McRae $99 for services as hospital steward, and so forth—to the Committee on War Claims.

Also, a bill (H. R. 11273) to pay F. Y. Ramsay, heir at law and distributee of the late Joseph Ramsay, $430.42, for balance due the said Joseph Ramsay as collector of customs and superintendent of lights in the district of Plymouth, N. C.—to the Committee on Claims.

By Mr. WILLIAM W. KITCHIN: A bill (H. R. 11274) for the relief of W. R. Albright—to the Committee on War Claims.

By Mr. LEWIS of Pennsylvania: A bill (H. R. 11275) granting an increase of pension to Agideons Noel, late assistant surgeon of Two hundred and fifth Regiment Pennsylvania Volunteer Infantry—to the Committee on Invalid Pensions.

By Mr. MANN: A bill (H. R. 11276) to correct the military record of Hall P. Talbot—to the Committee on Military Affairs.

By Mr. McANDREWS: A bill (H. R. 11277) granting an increase of pension to Sarah Reed—to the Committee on Invalid Pensions.

By Mr. MIERS of Indiana: A bill (H. R. 11278) granting a pension to Hester A. Godman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11279) granting an increase of pension to James D. Moore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11280) granting an increase of pension to Henry J. Feltus—to the Committee on Invalid Pensions.

By Mr. MORRELL: A bill (H. R. 11281) to remove the charge of desertion from the military record of John McKinley—to the Committee on Military Affairs.

By Mr. MUDD: A bill (H. R. 11282) to remove the charge of desertion from the record of John Bittel—to the Committee on Military Affairs.

By Mr. NORTON: A bill (H. R. 11283) to remove the charge of desertion from the record of Millard F. Nicholson—to the Committee on Naval Affairs.

By Mr. PEARRE: A bill (H. R. 11284) to confirm title to lots 3, 4, and 5, in square 979, in Washington, D. C.—to the Committee on the District of Columbia.

By Mr. PERKINS: A bill (H. R. 11285) for the relief of William Sheldon—to the Committee on Invalid Pensions.

By Mr. POWERS of Massachusetts: A bill (H. R. 11286) granting a pension to Ellen M. Pooke—to the Committee on Invalid Pensions.

By Mr. REID: A bill (H. R. 11287) for the relief of William H. Roach, of Arkansas—to the Committee on War Claims.

By Mr. RIXEY: A bill (H. R. 11288) granting an increase of pension to William E. Ball—to the Committee on Pensions.

By Mr. RUMPLE: A bill (H. R. 11289) granting a pension to Elizabeth M. Sale—to the Committee on Invalid Pensions.

By Mr. SCHIRM: A bill (H. R. 11290) to remove the charge of desertion from the record of Joseph Reighter—to the Committee on Military Affairs.

Also, a bill (H. R. 11291) providing for the payment of arrears of pension to Jerome E. Pampell—to the Committee on Invalid Pensions.

By Mr. SHAFROTH: A bill (H. R. 11292) granting an increase of pension to Mary Louise Worden—to the Committee on Pensions.

By Mr. SKILES: A bill (H. R. 11293) to amend the military record of Witmer Reese—to the Committee on Military Affairs.

Also, a bill (H. R. 11294) granting a pension to Belle McCombs—to the Committee on Invalid Pensions.

By Mr. SMALL: A bill (H. R. 11295) for the relief of the estate of Mary Beasley—to the Committee on War Claims.

By Mr. THOMAS of North Carolina (by request): A bill (H. R. 11296) for the relief of Elizabeth T. Flowers and Sarah E. Bridges—to the Committee on War Claims.

By Mr. WARNOCK: A bill (H. R. 11297) granting an increase of pension to William Mixon, Company C, Second United States Infantry—to the Committee on Invalid Pensions.

By Mr. SNODGRASS: A bill (H. R. 11299) increasing the pension of Elijah B. Hudson, of Dayton, Tenn.—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Papers to accompany House bill 11236, granting a pension to Thomas Ridgeway—to the Committee on Invalid Pensions.

Also, resolution of Glass Workers' Union No. 93, of Charleroi, Pa., favoring the enactment of a law excluding the Chinese without limitation from this country—to the Committee on Foreign Affairs.

By Mr. BABCOCK: Paper to accompany House bill 7679, granting an increase of pension to Franklin Snyder—to the Committee on Invalid Pensions.

By Mr. BINGHAM: Petition of members of Storekeepers and Gaugers' Association of the first collection district of Pennsylvania, urging the enactment of House bill No. 3095, giving them an annual vacation of thirty days—to the Committee on Ways and Means.

Also, papers in support of House bill 11249, granting a pension to Catharine Rains Paul—to the Committee on Invalid Pensions.

By Mr. BOWERSOCK: Resolutions of the State Society of Labor and Industry of the State of Kansas, concerning the reenactment of the Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. BROWN: Resolution of the Wisconsin State board of agriculture, in support of House bill 8735, favoring the sale of public lands for the maintenance of agricultural and mechanical colleges—to the Committee on Mines and Mining.

By Mr. BULL: Resolution of Ines Post, No. 13, Grand Army of the Republic, of Providence, R. I., relating to the construction of war ships—to the Committee on Naval Affairs.

Also, resolutions of Central Trades and Labor Union, Coopers' Union No. 51, and Barkeepers' Union No. 285, all of Providence, R. I., and Union No. 342, of Pawtucket, R. I., in favor of the exclusion of Chinese laborers—to the Committee on Foreign Affairs.

By Mr. BUTLER of Pennsylvania (by request): Petition of West Chester (Pa.) Typographical Union, No. 466, praying for the further restriction of immigration—to the Committee on Immigration and Naturalization.

Also, resolution of General W. S. Hancock Post, No. 255, Grand Army of the Republic, of Downingtown, Pa., relating to the construction of war ships—to the Committee on Naval Affairs.

By Mr. CAPRON: Petition of Henry D. Scott and other citizens of Newport, R. I., in favor of the acquisition by the Government of title to certain land on the Bull Run battlefield—to the Committee on Military Affairs.

By Mr. CONNELL: Petitions of E. N. Willard and others, and C. G. Schroeder and others, all of Scranton, Pa., for the repeal of the tax on beer—to the Committee on Ways and Means.

Also, petition of Central Labor Union of Carbondale, Pa., and Federal Union No. 7174, of Jermyn, Pa., favoring the passage of the Chinese-exclusion law—to the Committee on Foreign Affairs.

By Mr. CORLISS: Resolution of Bolt and Nut Workers' Union and Broom Makers' Union, of Detroit, Mich., in favor of the reenactment of the Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. DAHLE: Petition of missionary societies of the Presbytery of Madison, Wis., favoring an amendment to the Constitution relating to polygamy—to the Committee on the Judiciary.

By Mr. DALZELL: Petition of Twentieth Century Club of Pittsburg, Pa., for securing a national forest reserve in the Appalachian Mountains—to the Committee on the Public Lands.

By Mr. DARRAGH: Resolution of Andrews Post, No. 294, Department of Michigan, Grand Army of the Republic, urging that the navy-yards be utilized for the construction of war vessels—to the Committee on Naval Affairs.

Also, paper to accompany House bill 10545, granting an increase of pension to Solomon P. Brockway—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 6690, granting a pension to Henrietta Rice—to the Committee on Invalid Pensions.

By Mr. DRISCOLL: Resolution of Mosaic and Encaustic Tile Layers' Union No. 10, of Syracuse, N. Y., for the passage of laws which will prevent the immigration of persons who can not read—to the Committee on Immigration and Naturalization.

By Mr. FITZGERALD: Resolution of the Illinois Manufacturers' Association, urging reciprocal relations with Cuba—to the Committee on Ways and Means.

By Mr. GRAHAM: Petition of United Presbyterian Presbytery of Allegheny, Pa., Rev. J. W. Witherspoon, clerk, for an amendment to the Constitution prohibiting polygamy—to the Committee on the Judiciary.

By Mr. GRIFFITH: Resolutions of Stony Point Grange, No. 1733, Patrons of Husbandry, of Indiana, favoring the amended Grout bill; also Senate bill 1439—to the Committee on Agriculture.

By Mr. HOWELL: Protest of the Presbytery of New Brunswick, N. J., against the repeal of the anticanteen law—to the Committee on Military Affairs.

By Mr. JACK: Resolution of Joseph Shields Post, No. 638, Grand Army of the Republic, of Covode, Pa., relating to the construction of war ships—to the Committee on Naval Affairs.

Also, paper in support of House bill 10219, granting a pension to J. Banks Hunter, of Leechburg, Pa.—to the Committee on Invalid Pensions.

By Mr. JACKSON of Kansas: Petition of Frank P. Blair Post, No. 54, of Galena, Department of Kansas, Grand Army of the Republic, urging that the navy-yards be utilized for the construction of war vessels—to the Committee on Naval Affairs.

Also, papers to accompany House bill 10222, for the relief of Benjamin E. Morgan—to the Committee on Invalid Pensions.

By Mr. JOY: Paper in support of House bill 11271, granting a pension to Louisa Gregg—to the Committee on Invalid Pensions.

By Mr. KEHOE: Resolution of Woodworkers' Union No. 13, of Farmers, Ky., for the reenactment of the Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. KNAPP: Resolution of Iron Molders' Union No. 78, of Watertown, N. Y., for the reenactment of the Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. LASSITER: Petition of Sallie R. Walton, of Dinwiddie County, Va., praying reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. MANN: Resolution of Glass Bottle Blowers' Union No. 81, of Chicago Heights, Ill., American Federation of Labor, concerning the construction of Government vessels in navy-yards—to the Committee on Naval Affairs.

Also, resolution of Chicago Post-Office Clerks' Union, No. 8703, in favor of the reenactment of Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. MERCER: Resolution of Omaha Branch of Transvaal League of America, protesting against the sending of representatives to the coronation of Edward VII—to the Committee on Foreign Affairs.

Also, resolution of the Nebraska Dairymen's Association, favoring the passage of the oleomargarine bill—to the Committee on Agriculture.

Also, resolution of citizens of Omaha, Nebr., in favor of the election of United States Senators by a direct vote of the people—to the Committee on Election of President, Vice-President, and Representatives in Congress.

Also, petition of the post-office clerks of Omaha, Nebr., favoring the passage of House bill 5286, to provide for the classification of salaries of clerks employed in post-offices of the first and second classes—to the Committee on the Post-Office and Post-Roads.

Also, petition of Coopers' Union No. 10, American Federation of Labor, of South Omaha, Nebr., and Grand Army Post No. 55, of Papillion, Nebr., favoring the construction of war ships at the navy-yards—to the Committee on Naval Affairs.

By Mr. MIERS of Indiana: Petition of citizens of Linton, Ind., in favor of reducing the tax on whisky—to the Committee on Ways and Means.

Also, resolutions of Grand Army posts of Cataract and Loogootee, Ind., relating to the construction of war ships—to the Committee on Naval Affairs.

By Mr. MINOR: Resolution of George D. Eggleston Post, No. 133, Grand Army of the Republic, of Appleton, Wis., favoring the construction of war ships at the navy-yards—to the Committee on Naval Affairs.

By Mr. MOODY of Massachusetts: Resolutions of Central Labor Union, Haverhill, Mass., advocating the restriction of Chinese immigration—to the Committee on Foreign Affairs.

Also, resolution of Central Labor Union, Haverhill, Mass., advocating the construction of war vessels in United States navy-yards—to the Committee on Naval Affairs.

Also, resolutions of A. W. Bartlett Post, No. 49, Grand Army of the Republic, Newburyport, Mass., advocating the building of war vessels in United States navy-yards—to the Committee on Naval Affairs.

By Mr. MORRELL: Resolution of the Art Federation of Philadelphia, against change of title of Architect of the Capitol—to the Committee on Appropriations.

By Mr. NAPHEN: Resolution of International Association of Machinists, of Boston, Mass., American Federation of Labor, relative to the construction of vessels in Government navy-yards—to the Committee on Naval Affairs.

By Mr. NORTON: Petition of M. F. Nicholson, for the removal of the charge of desertion from his record in the United States Navy—to the Committee on Naval Affairs.

By Mr. PRINCE: Petition of certain depositors in the defunct Freedmen's Savings Bank and Trust Company, for an appropriation to pay their losses—to the Committee on the Judiciary.

By Mr. ROBINSON of Indiana: Petition of Friendship Lodge, No. 70, of Fort Wayne, Ind., American Federation of Labor, relative to the construction of vessels in Government navy-yards—to the Committee on Naval Affairs.

By Mr. RYAN: Petition of Daniel O'Grady and others, of Buffalo, N. Y., representing Buffalo Liquor Dealers' Association, favoring House bills 178 and 179, for reduction of tax on liquor—to the Committee on Ways and Means.

Also, resolutions of Clothing Cutters and Trimmers' Union No. 46, of Buffalo, N. Y., concerning the reenactment of the Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. RUMPLE: Petition of the president of Ancient Order of Hibernians of Scott County, Iowa, for an investigation into the charge that the services of an expert horse buyer of the United States Army were tendered to the British Government for the purpose of aiding it in the purchase of horses and mules in this country for service against the Boers—to the Committee on Foreign Affairs.

By Mr. SHAFROTH: Resolutions of a mass meeting of citizens of Grand River Valley, Colorado, in favor of the irrigation of public lands—to the Committee on Irrigation of Arid Lands.

Also, petitions of Mrs. L. E. Ebersoll and other citizens of Denver, Colo., for the suppression of polygamy—to the Committee on the Judiciary.

By Mr. SHERMAN: Resolutions of Butcher Workmen's Union No. 13, of Utica, N. Y., advocating the reenactment of the Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. SNOOK: Paper to accompany House bill 10560, for the relief of Albert Cogswell—to the Committee on Invalid Pensions.

Also, paper to accompany House bill 5510, granting a pension to Thomas Thompson—to the Committee on Invalid Pensions.

By Mr. THAYER: Resolution of International Association of Machinists, Boston, Mass., American Federation of Labor, relative to the construction of vessels in Government navy-yards—to the Committee on Naval Affairs.

By Mr. WADSWORTH: Petition of citizens of Lima, N. Y., praying for the enactment of a law against polygamy—to the Committee on the Judiciary.

Also, resolution of Carpenters and Joiners' Union No. 289, of Lockport, N. Y., favoring the construction of war vessels in United States navy-yards—to the Committee on Naval Affairs.

Also, resolutions of Cigar Makers' Union No. 489, of Niagara Falls, N. Y., and Iron, Steel, and Tin Workers' Union No. 1, of Lockport, N. Y., in favor of the exclusion of Chinese laborers—to the Committee on Foreign Affairs.

By Mr. WARNOCK: Paper to accompany House bill 11297, granting an increase of pension to William Mixon—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: Paper in support of House bill 11235, granting a pension to Mary T. Easton—to the Committee on Invalid Pensions.

By Mr. WOODS: Resolution of the Chamber of Commerce of Boise, Idaho, for the establishment of a national department of mining, etc.—to the Committee on Mines and Mining.

SENATE.

THURSDAY, *February 13, 1902.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. BERRY, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal, without objection, will stand approved.

IMPROVEMENT OF PORT OF BRUNSWICK, GA.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 15th ultimo, a letter from Capt. Cassius E. Gillette, the local United States engineer officer at Savannah, Ga., relative to the feasibility of providing an inside water route from the Altamaha River into the port of Brunswick, Ga., in which he suggests the sum of $8,000 as the cost of the work indicated; which, with the accompanying papers, was referred to the Committee on Commerce, and ordered to be printed.

THE CENSUS OFFICE.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of yesterday, a list of the persons employed at the present time in the Census Office, the nature of the duties performed, and the date of appointment, place whence appointed, etc.; which, with the accompanying paper, was referred to the Committee on the Census, and ordered to be printed.

SLOOP CORNELIA.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims, set out in the findings by the court relative to the vessel sloop *Cornelia*, Burr Thorp, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 1970) to provide an American register for the barkentine *Hawaii*.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 1795) for the relief of Jeronemus S. Underhill;

A bill (H. R. 3641) for the allowance of certain claims for property taken for military purposes within the United States, during the war with Spain, reported by the Secretary of War in accordance with the requirements of an item contained in the sundry civil appropriation act approved June 6, 1900, authorizing and directing the Secretary of War to investigate just claims against the United States for private property taken and used in the military service within the limits of the United States, etc.;

A bill (H. R. 4003) for the relief of the Atlantic Works, of Boston, Mass.;

A bill (H. R. 4842) for the relief of the trustees of Carson and Newman College, at Jefferson City, Tenn.;

A bill (H. R. 8587) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act; and

A bill (H. R. 9206) to make oleomargarine and other imitation dairy products subject to the laws of any State or Territory or the District of Columbia into which they are transported, and to change the tax on oleomargarine, and to amend an act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886.

PETITIONS AND MEMORIALS.

Mr. WETMORE presented a petition of Cigar Makers' Local Union No. 94, of Pawtucket, R. I., and a petition of Coopers' Local Union No. 51, of Providence, R. I., praying for the reenactment of the Chinese-exclusion law; which were referred to the Committee on Immigration.

Mr. FAIRBANKS presented petitions of Federal Labor Union No. 7106, of South Bend; of Muncie Lodge, No. 20, of Muncie; of Cigar Makers' Local Union No. 214, of Bluffton, and of Cigar Makers' Local Union No. 33, of Indianapolis, all of the American Federation of Labor, in the State of Indiana, praying for the reenactment of the Chinese-exclusion law; which were referred to the Committee on Immigration.

He also presented petitions of Elberfeld Post, No. 484, of Elberfeld; of Marsh B. Taylor Post, No. 475, of Lafayette; of Freedom Post, No. 22, of Freedom; of General Willick Post, No. 543, of Haubstadt; of General Steele Post, No. 9, of Rockville, and of Jasper Packard Post, No. 589, of Lafayette, all of the Department of Indiana, Grand Army of the Republic; of the Dunkirk Trades Council, of Dunkirk, and of General Team Drivers' Local Union No. 78, of Fort Wayne, of the American Federation of Labor, all in the State of Indiana, praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which were referred to the Committee on Naval Affairs.

Mr. FOSTER of Washington presented a petition of the Spokane Grocers' Association, of Spokane, Wash., and a petition of the Seattle Retail Grocers' Association, of Seattle, Wash., praying for the passage of the so-called pure-food bill; which were referred to the Committee on Manufactures.

Mr. GIBSON presented a petition of 29 citizens of Great Falls, Mont., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented the memorial of George Burton and 130 other citizens of Columbus, Mont., and the memorial of Sterling Tunnell and 82 other citizens of Fishtail, Mont., remonstrating against the leasing of public lands; which was referred to the Committee on Public Lands.

Mr. PATTERSON presented a petition of the Colorado State

Horticultural Society, praying for the enactment of legislation providing for the reclamation of the arid lands of the West; which was referred to the Committee on Irrigation and Reclamation of Arid Lands.

He also presented a memorial of the Colorado State Horticultural Society, remonstrating against the removal of the duty on Cuban sugar; which was referred to the Committee on Finance.

He also presented a petition of the Fruit Growers' Association of Boulder County, Colo., praying for the enactment of legislation providing for the irrigation of the arid lands of the West, and remonstrating against a reduction of the duty on sugar; which was referred to the Committee on Finance.

He also presented a petition of Sterling Post, No. 44, Department of Colorado, Grand Army of the Republic, of Sterling, Colo., and a petition of Local Union, No. 475, American Federation of Labor, of Florence, Colo., praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which were referred to the Committee on Naval Affairs.

Mr. HOAR presented a petition of Cigar Makers' Local Union No. 255, American Federation of Labor, of Lowell, Mass., praying for the enactment of legislation prohibiting the immigration of illiterate persons; which was referred to the Committee on Immigration.

He also presented a petition of Stationary Firemen's Local Union No. 88, American Federation of Labor, of Worcester, Mass., praying for the reenactment of the Chinese-exclusion law; which was referred to the Committee on Immigration.

He also presented petitions of Paul Revere Post, No. 88, Department of Massachusetts, Grand Army of the Republic, of Quincy; of George S. Boutwell Post, No. 48, Department of Massachusetts, Grand Army of the Republic, of Ayer; of Carpenters' Local Union No. 802, of Hyde Park; of Metal Polishers' Local Union No. 65, of Haydenville; of Bartenders' Local Union No. 92, of Marlboro; of Journeymen Plumbers' Local Union No. 12, of Boston, and of International Association of Machinists' Local Union No. 264, of Boston, all of the American Federation of Labor, in the State of Massachusetts, praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which were referred to the Committee on Naval Affairs.

Mr. PERKINS presented a petition of 530 railway employees in the State of California, praying for the reenactment of the Chinese-exclusion law; which was referred to the Committee on Immigration.

He also presented a memorial of 2,000 cigar makers of San Francisco, Cal., remonstrating against a reduction of the duty on Cuban cigars; which was referred to the Committee on Finance.

He also presented a petition of the Chamber of Commerce, of Sacramento, Cal., praying for the establishment at Sacramento, Cal., of a Government plant for the manufacture of small arms; which was referred to the Committee on Military Affairs.

He also presented a petition of the Chamber of Commerce, of Sacramento, Cal., praying for the establishment in Alaska of a hatchery for the propagation of cod; which was referred to the Committee on Fisheries.

Mr. PENROSE presented petitions of Jewelry Workers' Local Union No. 5, of Philadelphia; of the Central Labor Union, of Carbondale; of Federal Labor Union No. 9101, of Johnsonburg, and of Good Hope Lodge, No. 19, of McKeesport, all of the American Federation of Labor, in the State of Pennsylvania, praying for the reenactment of the Chinese-exclusion law; which were referred to the Committee on Immigration.

He also presented petitions of John Fisher Post, No. 387, of Riceville; of Joseph Shields Post, No. 638, of Covode; of T. D. Swarts Post, No. 218, of Moscow; of John W. Gray Post, No. 90, of Philipsburg; of Yeager Post, No. 13, of Allentown, and of Clarksville Post, No. 557, of Clarksville, all of the Department of Pennsylvania, Grand Army of the Republic, in the State of Pennsylvania, praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which were referred to the Committee on Naval Affairs.

Mr. MONEY presented the petition of Mary W. Dewees, of Madison County, Miss., relative to the claim of the estate of Oscar L. Dewees, deceased, for cotton and commissary supplies in quartermaster stores taken during the late civil war; which was referred to the Committee on Claims.

Mr. GAMBLE presented a petition of Ransom Post, No. 6, Grand Army of the Republic, Department of South Dakota, of Mitchell, S. Dak., praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which was referred to the Committee on Naval Affairs.

He also presented a petition of the Commercial Club, of Chicago, Ill., praying for the ratification of the proposed convention with France; which was referred to the Committee on Finance.

Mr. HARRIS presented a petition of sundry citizens of Cherryvale, Kans., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

INJUNCTIONS IN CONSPIRACY CASES.

Mr. HOAR. I move that the public documents which I hold in my hand, together with arguments and decision of the court in Commonwealth *v.* Hunt (4 Metcalf) be printed as a document. These are documents which relate to injunctions in matters of conspiracy, and they are all of them, except two, Senate or House documents which have been already printed. One is a report of the Judiciary Committee of the Senate in 1896 and one a report of the Judiciary Committee of the House and a hearing there. Of the two which are not Senate or House documents one is a brief magazine article and the other is a bulletin of the Department of Labor. It will make a very brief document altogether, and it will be quite a convenience for the Senate to have them printed in one document.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Massachusetts? The Chair hears none, and the order is made.

REPORTS OF COMMITTEES.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (S. 3655) to correct the military record of William T. Rominger, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. WARREN, from the Committee on Military Affairs, to whom was referred the bill (S. 306) for the relief of Leonard L. Dietrick, reported it without amendment, and submitted a report thereon.

Mr. STEWART, from the Committee on Claims, to whom was referred the bill (S. 172) for the relief of the estate of Charles M. Roberts, deceased, reported it with an amendment, and submitted a report thereon.

Mr. FAIRBANKS, from the Committee on the Judiciary, to whom was referred the bill (S. 3313) to divide the State of Illinois into three judicial districts and to provide for terms of court therein, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 3220) providing for an additional circuit judge in the seventh judical circuit, reported it with amendments, and submitted a report thereon.

Mr. TELLER, from the Committee on Claims, to whom was referred the bill (S. 877) to quiet the titles of certain lands in the State of Mississippi, and for the relief of the estate of Eli Ayers, deceased, reported it without amendment, and submitted a report thereon.

Mr. HARRIS, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 3104) to grant the right of way through the Oklahoma Territory and the Indian Territory to the Enid and Anadarko Railway Company, and for other purposes, reported it with an amendment, and submitted a report thereon.

Mr. TALIAFERRO, from the Committee on Claims, to whom was referrred the bill (S. 2731) for the relief of Salvador Costa, reported it without amendment, and submitted a report thereon.

NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the following concurrent resolution of the House of Representatives, reported it without amendment; and it was considered by unanimous consent, and agreed to:

Resolved by the House of Representatives (the Senate concurring), That there be printed and bound in cloth of the Report of the Board of Managers of the National Home for Disabled Volunteer Soldiers, in addition to the usual number, 500 copies of the report proper, 500 copies of the Report of the Assistant Inspector-General on the State Homes, and 150 copies of the record of members, for the use of the Home.

CALIFORNIA'S MEMORIAL FOR CHINESE EXCLUSION.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the resolution submitted by Mr. PERKINS on the 10th instant, reported it without amendment; and it was considered by unanimous consent and agreed to, as follows:

Resolved, That there be printed in pamphlet form 1,000 copies of California's memorial to the President and the Congress of the United States, praying for the reenactment of the Chinese-exclusion law, adopted by the Chinese-exclusion convention, called by the board of supervisors of the city and county of San Francisco, held at Metropolitan Temple, San Francisco, Cal., November 21 and 22, 1901, 500 copies to be for the use of the Senate and 500 copies to be for the use of the House of Representatives.

ST. FRANCIS RIVER, ARKANSAS.

Mr. BERRY. Yesterday I introduced a joint resolution (S. R. 55) directing the Secretary of War to cause an examination to be made to determine if there is probability and danger of the Mississippi River cutting through the space dividing such river from the St. Francis River in the vicinity of Walnut Bend, Ark., and it was referred to the Committee on Commerce. The

Committee on Commerce has instructed me to ask the Senate to amend the resolution so as to make it a concurrent resolution, and with that amendment I ask unanimous consent for its present consideration.

The PRESIDENT pro tempore. The Senator from Arkansas, from the Committee on Commerce, reports a concurrent resolution, which will be read.

The concurrent resolution was read and considered by unanimous consent, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause an examination to be made to determine if there is probability and danger of the Mississippi River cutting through the space dividing such river from the St. Francis River, or injuring or destroying the Government work constructed in the vicinity of Walnut Bend, Ark., some 20 miles above the mouth of the St. Francis River, and if such danger exists, to cause to be made a survey and estimate of the amount necessary to prevent damage to the navigation of the St. Francis River, or for the protection or extension of the Government work heretofore constructed at or near such point.

Mr. BATE. I will thank the Senator from Arkansas to explain the concurrent resolution for which he is asking consideration. It seems to be important, and, for aught I can now see from the caption, it may trespass upon the territory of Tennessee, and if so, I want to know about it.

Mr. BERRY. It is simply made necessary by reason of a provision in the river and harbor act. Neither the Chief of Engineers nor the Secretary of War has authority to order a survey or estimate without a concurrent resolution of the two Houses. The concurrent resolution simply authorizes the Secretary of War to direct the engineer there to estimate as to the probable damage to this work and to report to Congress. It carries no appropriation. It is simply for an estimate.

Mr. BATE. It is merely preliminary, then, and not permanent.

Mr. BERRY. It is simply an estimate. The matter is to be determined hereafter.

Mr. BATE. Then I have nothing to say about it.

The PRESIDENT pro tempore. The question is on agreeing to the concurrent resolution.

The concurrent resolution was agreed to.

Mr. BERRY, from the Committee on Commerce, to whom was referred the joint resolution (S. R. 55) directing the Secretary of War to cause an examination to be made to determine if there is probability and danger of the Mississippi River cutting through the space dividing such river from the St. Francis River in the vicinity of Walnut Bend, Ark., reported adversely thereon; and the joint resolution was postponed indefinitely.

EMPLOYMENT OF MESSENGER.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. SIMON on the 7th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on Irrigation and Reclamation of Arid Lands be, and is hereby, authorized to employ a messenger, to be paid from the contingent fund of the Senate, at the rate of $1,440 per annum, until otherwise provided by law.

EMPLOYMENT OF STENOGRAPHER.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. CLAPP on the 7th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on Interstate Commerce be authorized to employ a stenographer to report hearings before said committee on bills referred to it, the expenses thereof to be paid from the contingent fund of the Senate.

EMPLOYMENT OF MESSENGER.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. PRITCHARD on the 7th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on Patents be, and is hereby, authorized to employ a messenger, to be paid from the contingent fund of the Senate, at the rate of $1,440 per annum, until otherwise provided by law.

EMPLOYMENT OF ASSISTANT CLERK.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. GALLINGER on the 6th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on Pensions be, and hereby is, authorized to employ an assistant clerk at the rate of $1,800 per annum, to be paid from the contingent fund of the Senate, until otherwise provided by law.

BILLS INTRODUCED.

Mr. PATTERSON introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3841) granting an increase of pension to George W. Neely; and

A bill (S. 3842) granting a pension to William Aikin (with accompanying papers).

Mr. PENROSE introduced a bill (S. 3843) for the relief of the legal representatives of Hillman & Streaker; which was read twice by its title, and referred to the Committee on Claims.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3844) granting an increase of pension to James W. P. Parsons; and

A bill (S. 3845) granting an increase of pension to John W. Foster.

Mr. HOAR introduced a bill (S. 3846) granting a pension to Ellis Norris; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PRITCHARD introduced a bill (S. 3847) granting an increase of pension to Samuel H. Banner; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. WETMORE introduced a bill (S. 3848) granting a deed of quitclaim and release to Lorillard Spencer, his heirs and assigns, of all the right, title, and interest in and to certain land in the city of Newport, R. I.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. FOSTER of Washington introduced a bill (S. 3849) granting an increase of pension to Benjamin F. H. Luce; which was read twice by its title, and referred to the Committee on Pensions.

Mr. KEAN introduced a bill (S. 3850) in regard to a monumental column to commemorate the battle of Princeton, and appropriating $30,000 therefor; which was read twice by its title, and referred to the Committee on the Library.

Mr. CULLOM introduced a bill (S. 3851) to provide for the purchase of a site and the erection of a public building thereon at Ottawa, in the State of Illinois; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. CLAPP introduced a bill (S. 3852) for the relief of Rev. Charles Wright; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. FAIRBANKS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3853) granting an increase of pension to George M. Smith;

A bill (S. 3854) granting a pension to Anderson Carpenter;

A bill (S. 3855) granting an increase of pension to Jonathan Mathews; and

A bill (S. 3856) granting an increase of pension to Harrison Horner.

Mr. HANSBROUGH introduced a bill (S. 3857) to promote and encourage the mining, mineral, and metallurgical sciences of the United States; which was read twice by its title, and referred to the Committee on Mines and Mining.

Mr. CLAY introduced a bill (S. 3858) for the relief of the Propeller Towboat Company, of Savannah; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. MONEY introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 3859) for the relief of the legal representatives of Oscar L. Dewees, deceased; and

A bill (S. 3860) for the relief of J. N. McIntyre.

Mr. HARRIS introduced a bill (S. 3861) granting a pension to Charles Pollard; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CARMACK introduced a bill (S. 3862) for the relief of Solomon Lyons; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3863) for the relief of N. W. Jones; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. HOAR introduced a bill (S. 3864) to provide for the construction of a light-house and fog signal at Diamond Shoal, on the coast of North Carolina, at Cape Hatteras; which was read twice by its title, and referred to the Committee on Commerce.

IMPROVEMENT OF EVERETT HARBOR, WASHINGTON.

Mr. FOSTER of Washington. I introduce a joint resolution and ask for its immediate consideration.

The joint resolution (S. R. 56) providing for a modification in the adopted project for the improvement of Everett Harbor, Washington, was read the first time by its title and the second time at length, as follows:

Resolved, etc., That in carrying on the work of improvement of Everett Harbor, Washington, authorized in the river and harbor act of March 3, 1899, the Secretary of War may, in his discretion, postpone the dredging and improvement of Old River, and may widen or deepen, or both widen and deepen, the harbor basin and channel through the tide flats, and take such steps as may seem to him desirable to protect and conserve the work as performed.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

Mr. ALLISON. I do not object to the joint resolution, but I suggest to the Senator from Washington that it seems to me it would facilitate its passage if it had the sanction of the Committee on Commerce; or has it that sanction?

Mr. FOSTER of Washington. The work is already under contract, and the joint resolution authorizes a change from the old contract under the supervision of the engineers to a new work without any further appropriation.

Mr. ALLISON. But would it not facilitate its passage through another body if the joint resolution had the sanction of the Committee on Commerce before its passage here? I make that suggestion to the Senator.

Mr. FOSTER of Washington. Perhaps it would.

Mr. ALLISON. I suggest that it be allowed to be referred to the Committee on Commerce.

Mr. FOSTER of Washington. Very well; let it be referred.

The PRESIDENT pro tempore. The joint resolution will be referred to the Committee on Commerce.

AMENDMENTS TO BILLS.

Mr. STEWART submitted an amendment proposing to increase the salary of the assayer in charge of the mint at Carson, Nev., from $1,500 to $2,000, providing for an additional clerk for the same, proposing to increase the appropriation for wages of workmen and watchmen at said mint from $2,000 to $5,600, and proposing to increase the appropriation for incidental and contingent expenses at the same from $1,000 to $2,500, intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment proposing to appropriate $462,441.97 to reimburse the State of Nevada for money advanced in aid of the suppression of the war of the rebellion, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Claims, and ordered to be printed.

Mr. PLATT of New York submitted an amendment proposing to amend chapter 10, title 7, of the Revised Statutes of the United States, to provide for the publication by the Bureau of Statistics of reports of imports and exports of bonds, stocks, and other evidences of value, intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. FOSTER of Washington submitted an amendment proposing to appropriate $15,000 for repairs and improvements at the United States penitentiary at NcNeils Island, Washington, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. CLAPP submitted an amendment intended to be proposed by him to the bill (S. 590) for the relief of the Mille Lac Chippewa Indians in the State of Minnesota; which was ordered to lie on the table, and be printed.

RAILROADS IN CUBA.

Mr. McENERY submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be, and he hereby is, directed to inform the Senate what railroads, if any, are now being built in the island of Cuba, by whom, and under what authority of law.

Also what permission, if any, has been given by the military authorities of the United States in the island of Cuba for the building of any railroad, public or private, and under what provisions of law such permission has been granted.

RURAL FREE-DELIVERY DIVISION.

Mr. GALLINGER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Postmaster-General be, and he is hereby, directed to send to the Senate a list of the persons employed in the rural free-delivery division of the Post-Office Department at the time said persons were placed in the classified service by Executive order, giving the names, place whence appointed, length of service, and whether or not any examination was required either at the time of appointment or when placed in the classified service.

SPANISH TREATY CLAIMS COMMISSION.

Mr. CULLOM. Yesterday I reported from the Committee on Foreign Relations the bill (S. 3654) to vest in the Spanish Treaty Claims Commission certain powers possessed by circuit and district courts of the United States, and asked for its immediate consideration. There was objection to it for the time being, but I understand that both Senators who objected have since withdrawn their objection. I therefore ask that the bill be taken up for consideration.

Mr. BATE. I made objection to the bill yesterday morning when it was presented, because I thought it involved a great deal and gave too great powers to the Commission, giving to it the same powers that are given to a regularly established court. I thought from the character of the bill that it ought to be considered by the Committee on the Judiciary. Upon examination, however, I find that the bill has been before the Committee on Foreign Relations, and it is one of that class of bills which goes with propriety to either of those committees. I conferred with the chairman of the Committee on the Judiciary, and he has examined it. I find that he thinks there is no particular objection to it, and upon a close examination myself, I find that what I objected to relates to established courts and not to the Commission. Therefore I take pleasure in withdrawing the objection I made yesterday on that account, and I will let the bill take its usual course.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The PRESIDENT pro tempore. The bill was reported from the Committee on Foreign Relations, with an amendment, which will be stated.

Mr. CULLOM. The amendment proposed by the committee, I think, was in the wrong place. It ought to come in on the second page, after line 12, instead of where it was placed.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 2, at the end of line 12, insert:

Testimony so taken may be certified by the official taking the same, and returned by him directly to the Commission in Washington.

Mr. CULLOM. That refers to foreign testimony.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ORDER OF BUSINESS.

Mr. LODGE. I move that the Senate proceed to the consideration of the bill (H. R. 5833) temporarily to provide revenue for the Philippine Islands, and for other purposes.

Mr. QUARLES. Will the Senator from Massachusetts yield to me for a moment?

Mr. LODGE. Certainly; I yield to the Senator to make a statement.

Mr. QUARLES. Mr. President——

Mr. LODGE. Of course the motion I made will stand.

The PRESIDENT pro tempore. The motion is pending. The Senator from Massachusetts yields to the Senator from Wisconsin.

Mr. QUARLES. I gave notice yesterday that at the close of the routine business this morning I would move to proceed to the consideration of the bill (H. R. 10308) to provide for a permanent Census Office, and I desire that that measure may be brought to the attention of the Senate at this time.

Mr. LODGE. I shall be glad, as the Senator knows, to yield to him to take up that bill. I am heartily in favor of the establishment of a permanent Census Office, and I know the desirability of disposing of that bill at an early day. But the bill of which I have charge is before the Senate delaying other business, and I feel bound to keep it before the Senate in order to dispose of it at the earliest possible moment.

Moreover, Mr. President, we could not dispose of the permanent census bill if we took it up this morning. The information I asked for yesterday has only just been laid upon the Clerk's desk. It is not in print. I do not want to discuss the point which interests me in the bill until I have that information. Probably we could not go on this morning with the permanent census bill in any event, because the information asked for is not yet before us.

I think, if the Senator from Wisconsin will wait until we get the information asked for in a form in which we can deal with it, he can get on faster with his bill then.

Mr. QUARLES. Mr. President, the information called for is here, and it is all tabulated. I can not understand that there is any excuse whatever for having printed the names of 2,200 young

men and young women who have been appointed upon the recommendation of Senators and Members to this force, the furnishing of which adds nothing to it at all. It is all tabulated. The results are few and quickly arrived at.

Mr. LODGE. But the information I am in search of is not tabulated anywhere that I know of in any document. Otherwise I should not have asked for it.

Mr. QUARLES. It certainly is.

Mr. LODGE. There are no dates of appointment given in any report I have seen.

Mr. QUARLES. I think the Senator is mistaken.

The PRESIDENT pro tempore. The Senator from Massachusetts moves that the Senate proceed to the consideration of House bill 5833.

Mr. BURTON. Did I understand that the Senator from Wisconsin made a motion with respect to the census bill?

The PRESIDENT pro tempore. He did not. The Senator from Massachusetts made a motion.

Mr. LODGE. I made a motion to proceed to the consideration of House bill 5833.

Mr. BURTON. Mr. President, I do not think that the census bill ought to await the disposition of the Philippine bill. There are grave reasons why the census bill should be taken up and considered. I am not in charge of the bill; the chairman of the committee is in charge of it; but I do not think we ought to delay the consideration of the measure by the Philippine bill. I know there are several days yet left of the present week and I feel sure that it will take but a short time to dispose of the census bill. I wish the Senator from Massachusetts would give us at least a little time for the census bill and see if we can not make headway with it, and then go back to the measure which he has in charge. I do not want to seem to oppose the wishes of the Senator from Massachusetts, but I do think that we ought to take up the census bill.

Mr. ALLISON. Mr. President, like the Senator from Massachusetts, I am entirely in favor of a proper bill to make the Census Office a permanent one, and it may be a matter of pressing importance. I do not know how pressing it is, but I know that the bill now under consideration as the unfinished business is of the utmost importance. It is my experience here that when we divide a day into two parts by the consideration of different measures we do not make much progress with either. I should very much prefer the setting aside of the Philippine bill on some day if it can be shown that the census bill must be passed now. I do not know why it should be pressed this morning. We are going on very well, as I understand. For myself, I want some information that I have not yet been able to secure. I think the information suggested yesterday by the Senator from Massachusetts is important, and I hope the Senator from Wisconsin will not press that measure this morning. I think the information ought to be printed, and we ought to have a chance to look at it before we consider the bill.

Mr. QUARLES. My distinguished friend from Massachusetts is in error in his suggestion that the date of appointment is not furnished by this information.

Mr. LODGE. No; but it is not in print.

Mr. QUARLES. I know.

Mr. LODGE. There is but one copy. We can not all use one copy.

Mr. COCKRELL. I certainly want to look at it myself.

Mr. LODGE. If the Senator from Wisconsin will pardon me, I knew it was there, of course; but I want it in print, so that I can see it. I want to examine it before I take part in the discussion of the bill.

Mr. QUARLES. I feel sure that if the Senators understood the pressure which is upon me in regard to this matter they would certainly come to my relief. A man with this bill hung around his neck might better be in the Philippine Islands than in Washington. I want to have an opportunity to get the bill considered, and I appeal to the Senator to relieve me from this situation. I am in the vale of tears. I very much wish that the Senator from Massachusetts would withdraw his motion and permit us just to take the morning hour.

Now, I think we are wasting time here. Under our rules, if a Senator chooses to address the Senate three days on the Philippine bill, he will take three days. If we undertake to curtail him, he will probably take four days. We take the morning hour and plunge into the Philippine business, and at about half past 3 o'clock the Senator who has the floor surrenders it, with the request that he be permitted to go on the next day.

I submit, Mr. President, that if the policy I suggest had been carried out, we would have this bill cleared from the Calendar and would have made just as much progress with the Philippine bill as we have made.

If Senators desire that the names of these 2,200 young men and young women should appear in print, and if the printing of their names is an essential condition to the taking up of this matter, I would move, if it is in order, that to-morrow morning after the routine business the bill known as the permanent census bill may be taken up during the morning hour.

The PRESIDENT pro tempore. There is one motion already pending, and such a motion would not be in order.

Mr. HANSBROUGH. I suggest to the Senator to give notice.

Mr. LODGE. The Senator can give notice that he will take the bill up to-morrow, and to that I have no objection at all. That will give him until 3 o'clock, when the special order begins; and I shall not attempt to press the Philippine bill at all to-morrow.

Mr. QUARLES. Very well, with that understanding——

Mr. LODGE. That will give the Senator an opportunity to call up the bill after the routine morning business, and he will get nearly three hours for its consideration to-morrow.

Mr. BATE. Mr. President, I merely wish to say that I sympathize with the Senator from Wisconsin in regard to a census bill. I want to have it disposed of. It is a very important measure. It seems to be pretty well conceded that we are going to have a census bill passed, and the sooner we get through with it the better certainly it will be for the country.

There are a great many persons who have been appealing to me as well as the Senator from Wisconsin in regard to this matter, and among others I have had an interview with the Director himself. He says that whatever is done ought to be done as soon as it can consistently be done, for there are a number of former employees who are still here, hoping for reappointment, and the matter ought to be settled, so that they may know what their fate is to be, whether they will be kept in the regular service or whether they will be dismissed. Therefore he urges that the bill be considered at an early day.

Furthermore, Mr. President, the measure touching the Philippines has been absorbing the time of the morning hour for two or three days. As I understand, the purpose of the morning-hour rule is to allow just such matters as the census bill, which is crowded out by the regular order, to be called up and considered. For the sake of the virtue and dignity, if nothing else, of the regular order this regular order should not be brought up before 2 o'clock and absorb the time of the morning hour when it properly belongs to the time and has the inside track after 2 o'clock. I think we ought to go on this morning with the bill which the Senator from Wisconsin has in charge, unless he wishes to make some other arrangement.

The PRESIDENT pro tempore. The Senator from Massachusetts moves——

Mr. TILLMAN. Mr. President, I wish merely to suggest to the Senator from Massachusetts, who is doubtless pressing this measure owing to the fact that he is being pressed from the rear, that the reason he gave a moment ago why he did not want to have the census bill pressed this morning is the very reason why a great many of us do not want the other measure pressed that he is advocating. We want some information, and we can not get it. He says he has not had an opportunity to see a certain document relating to the Census Office in print. There are other things coming every day that we would like to get in print, and we can not get them.

Mr. LODGE. If the Senator from South Carolina will give a date, as I did, within twenty-four hours, I will agree.

Mr. TILLMAN. Give a date about what?

Mr. LODGE. About voting on the Philippine bill.

Mr. TILLMAN. My dear sir, I could not undertake to corral the Senate and say when it is going to vote on any given day. I have no authority to speak for this side or the other side. I presume the debate will go on until we get through with it, as we do on all matters, and we will finish it some of these days and vote.

Mr. CULLOM. I call for the regular order.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Claims:

A bill (H. R. 1795) for the relief of Jeronemus S. Underhill;

A bill (H. R. 3641) for the allowance of certain claims for property taken for military purposes within the United States during the war with Spain, reported by the Secretary of War in accordance with the requirements of an item contained in the sundry civil appropriation act, approved June 6, 1900, authorizing and directing the Secretary of War to investigate just claims against the United States for private property taken and used in the military service within the limits of the United States, etc.;

A bill (H. R. 4003) for the relief of the Atlantic Works of Boston, Mass.; and

A bill (H. R. 8587) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act.

The bill (H. R. 9206) to make oleomargarine and other imitation dairy products subject to the laws of any State or Territory or the District of Columbia into which they are transported, and to change the tax on oleomargarine, and to amend an act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, was read twice by its title, and referred to the Committee on Agriculture and Forestry.

CARSON AND NEWMAN COLLEGE, TENNESSEE.

The bill (H. R. 4842) for the relief of the trustees of Carson and Newman College, at Jefferson City, Tenn., was read twice by its title.

Mr. BATE. I should like to have the Senate take action upon the bill at this time. A similar bill passed the Senate and passed the House and went to the President, but failed to reach him in time for his signature. The bill has now come to the Senate from the House, and it will take but a minute to pass it. I wish to have it disposed of without going to a committee, it having been considered by the committee heretofore.

The PRESIDENT pro tempore. The Senator from Tennessee asks unanimous consent for the present consideration of the bill. It will be read in full to the Senate.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the trustees of Carson and Newman College, formerly the Mossycreek Baptist College, at Jefferson City, Tenn., out of any money in the Treasury not otherwise appropriated, the sum of $6,000, in full compensation for the use, occupation, and consumption of the property of said college and trustees by the military forces of the United States during the late war of the rebellion.

Mr. LODGE. How much is the amount?

The PRESIDENT pro tempore. Six thousand dollars.

Mr. BATE. It is a small matter.

Mr. LODGE. Has the bill been reported from a committee?

Mr. BATE. It has been considered by the committee, and it passed the Senate and passed the House and went to the President, but did not reach him in time for him to sign it. The House has now passed the same bill and sent it to the Senate.

Mr. LODGE. Has the bill been before the Senate committee and had a formal report?

The PRESIDENT pro tempore. The Chair is informed that it has not at this session, but at a former session it was reported from the committee.

Mr. KEAN. I object to the consideration of the bill. Let it be referred. The committee will act on it promptly.

Mr. SPOONER. I stopped the bill last year by a motion to reconsider in order that I might look into it, and I did look into it.

Mr. BATE. It went to the President.

Mr. SPOONER. I intended to withdraw the motion. I do not know whether I did withdraw it.

Mr. BATE. Certainly you did.

Mr. SPOONER. At any rate upon an examination I found that it is a proper bill.

Mr. BATE. The Senator delayed it simply by his motion, and then it went to the President only a day or two before final adjournment, and that is the reason it was not signed by him.

Mr. KEAN. There is no reason why the bill should not go to the committee.

Mr. BATE. It has been before the committee.

Mr. KEAN. Not at this Congress.

Mr. BATE. Not at this session, of course; but heretofore it has been considered by the committee. That is why I have asked to have it passed now, and I think in justice it should be passed.

Mr. KEAN. The regular course is to have the bill go to the Committee on Claims.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in the Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PHILIPPINE TARIFF BILL.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Massachusetts [Mr. LODGE].

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 5833) temporarily to provide revenue for the Philippine Islands, and for other purposes.

Mr. TELLER. Mr. President, when I concluded yesterday I said I had presented perhaps as much as it was necessary for me to present to attract the attention of the Senate to the complaint which is universal, that we are not carrying on the war in the Philippine Islands as we ought to carry it on. I might have presented to the Senate a still larger array of evidence of the same character if I had desired, but I did not care to encumber the RECORD with anything more in that line.

I do not intend by the presentation of these various newspaper articles and telegraphic dispatches from Manila to make myself at all responsible for the charges which are made in them. I think it belongs to the Senate when a prima facie case is made to investigate it. The Senate is now investigating those subjects through its committee, and I think the committee should take up that phase of the subject. Whether the charges be true or not, the American people should know; whether or not they are true, the American people should have some information on this subject. This morning I have received a recent number of the Army and Navy Journal, which repeats this charge of maltreatment of Filipinos. I do not care to read it, for it is practically what has already been read.

I do not mean to bring against the American Army a charge of cruelty, except as the facts are convincing that such a condition exists. I do not wish to attack the Army; I do not wish to complain of it. I know very well the duty of a soldier is to obey his orders, and if soldiers of the United States have inflicted cruelties upon the prisoners they have taken or upon people whom they suspect of having information which they desire to secure, the responsibility for that rests with the Government itself; it rests with the commanding officers of the Army, and not with the common soldiers.

I confess that such things are not pleasant to repeat in the Senate and to the country. The debate itself is not pleasant. It is never agreeable to be compelled to criticise men in public life, and yet without such criticism it would be utterly impossible to maintain a republican form of government.

I especially wish to disclaim any undue criticism of the Army, for I must say that when men of education and learning, men occupying high positions, men who have had all the benefits of the culture of the schools and have been under the refining influences of church and home in a land of liberty like ours enact a law concerning sedition such as has been presented here and then defend it, and when it finds numerous defenders on the floor of this Senate under the plea that it is war, you can not and must not be hard upon the common soldier, who perhaps is less fortunate and has not had the training and opportunities of his superiors and who sees in every Filipino an enemy of the country, and who justifies himself in practicing unusual cruelties on the Filipino because "it is war."

THE FEDERAL PARTY IN THE PHILIPPINES.

Since I concluded yesterday discussing to some extent the controversy which arose between the Senator from Connecticut [Mr. PLATT] and myself upon a question of fact there has come here to the Senate of the United States a memorial from the Federal party in the Philippines, which has been read in our hearing and is now found in the RECORD, which I think confirms the position I took, and seems to me to be an absolute refutation of the position taken by the Senator from Connecticut.

This matter, after its presentation, was very pointedly discussed for a few moments by my colleague [Mr. PATTERSON], and I shall merely say that it seems to me to present to us, coming as it does and in the way it has come, the question fairly whether or not we are to have any legislation now on this subject. I can not for myself understand how the party in power is going to escape the responsibility of replying in some way to this memorial by an affirmative act giving those people to understand what is to be our policy.

To some this may seem to be an encouraging epistle, but to me it is exceedingly discouraging. One very positive idea is to be found in it, and that is, that the people over there who are connected with the Federal party, which we are led to believe by the Senator from Connecticut [Mr. PLATT] have a large part of the population there in actual or in sympathetic relation with them, want some definitive and established form of government. They are willing to accept, first, a territorial government, and then they wish ultimately to become a State in the Union. They have gone to the people of those islands with the assertion that if they would submit to the Government of the United States and yield obedience to it, first as a Territory and ultimately as a State, their rights would be recognized. They tell us that under no circumstances will it do to have what is evidently proposed by the present legislation or even what is proposed by the offered legislation, which has not reached us in a shape to be taken up definitely and determined, that there must be absolute independence on the one side, or there must be annexation and incorporation in the Government of the United States, first, as a Territory and then as a State.

Mr. President, I believe we owe it to those people to say to them either one thing or the other—that we are either going to do that or that we are not. If the Federal party is really an important agent for the pacification of the islands, as Governor Taft tells us it is, and upon which pacification over there so far as it has gone now rests, then we should no longer allow the people to be deceived. If we

do not intend to make a State of the Philippine Islands, we should promptly tell them that they are going to the people on a false basis, on a false premise, and that we can not carry out their wishes and aspirations.

They tell us substantially if that is denied to them there will be confusion and anarchy and revolution as bad as, or probably even worse, than exists now. The entire memorial is in the RECORD. I do not care to read a single extract from it. Senators have heard it read; and it is for the party in power to respond, or, if they do not they will be in the attitude of allowing those people of the Federal party to deceive the people of the Philippine Islands, and when their eyes shall be opened to the fact of the deception practiced upon them everybody must know what the result will be. If we shall have withdrawn our army, then there will be need of another army.

DIVERGENT VIEWS.

I have very positive views on this subject. I had very positive views, even before the treaty reached us, as to our duty in the premises. I have not hesitated to declare those views on this floor repeatedly, and I want to repeat them.

While the Administration appears to have no settled policy whatever, a few Senators here have enunciated their individual policies. So far as they have been stated, they seem so far to be discordant with the views of the Administration. On the 20th of December, 1898, before we had received the Spanish treaty, but when we knew its contents in a general way by cablegrams from Europe, I said:

I believe in the principle which was enunciated in the fourth clause of the joint resolution approved April 20, 1898:

"That the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said island, except for the pacification thereof, and asserts its determination, when that is accomplished, to leave the government and control of the island to its people.

That was a quotation from the resolution. Then I said:

That is a declaration solemnly made by the people of the United States when it was apparent to us all that we were going to war.

Later I said:

That in terms only applied to Cuba, but in principle it applied to every possession of ours acquired during this war. If any Senator had suggested that in addition to Cuba there should be added the words "or any other possession we may acquire during this war," it would have met, as this joint resolution met, I believe, the unanimous support of this body and of the other, and also of the President of the United States, as is suggested to me by the Senator from Massachusetts [Mr. HOAR]. These words would have been added to the joint resolution with the approbation of all.

I continued at some length, urging that that was an obligation upon us; that our duty and our interests were alike united in securing to the Filipinos such a government as we had indicated we were going to secure for Cuba. I said I thought that was justice to them, and I also announced that we would make a mistake if we denied it to them. I suggested that if we did not do them justice, we might have war, and if we did, 50,000 soldiers would not be enough for that archipelago.

I have before me also a letter written by Hon. George Frisbie Hoar, dated January 11, 1900, in which he enunciated what he regarded the duty of the United States in those matters. He said:

I would send General Wood or General Miles or Admiral Dewey to Luzon. I would have him gather about him a cabinet of the best men among the Filipinos, who have the confidence of the people and desire nothing but their welfare. In all provinces and municipalities where civil government is now established possessing the confidence of the people, I would consult with their rulers and representatives. I would lend the aid of the Army of the United States only to keep order. I would permit the people to make laws and to administer laws, subject to some supervision or inspection, till the disturbed times are over and peace has settled down again upon that country, insuring the security of the people against avarice, ambition, or peculation.

So soon as it seems that government can maintain itself peacefully and in order I would, by degrees, withdraw the authority of the United States, making a treaty with them that we would protect them against the cupidity of any other nation and would lend our aid for a reasonable time to maintain order and law. I would not hesitate, if it were needful, although I have not the slightest belief that it would be needful, to vote to make them a loan of a moderate sum to replenish their wasted treasury.

Mr. President, I will not stop to read what I further said on the subject, except to remark that after the 20th of December I was in full accord with the view expressed in that letter, and declared before the Senate that I thought it was our duty to call upon our representatives in the Philippines to say to the leading men of the provinces in a general way what we thought they ought to do, and to advise them to go to work and bring order out of the then unsettled condition by establishing a government of their own. But we did not do that. We have carried on a war for three years; we have carried it on against the people in those islands in a vigorous manner. I am not one of those who are willing to say that the United States Government can not subdue the people of the Philippine Archipelago. I know a population of 80,000,000, with the great resources of the United States, can ultimately do what General Chaffee says they are determined to do, and that is to stamp out opposition to the United States.

INCREASE OF THE ARMY.

I was asked the other day if I did not vote for the increase of the Army. I suppose it was intended by that question to intimate that, having voted for the increase of the Army for the purpose for which the Government has since used it, I was bound not to criticise present conditions. I voted for the Army without any knowledge that it would be used to subjugate or to distress the Filipinos, but I presume I should have voted for the increase, because at that time we were technically at war with Spain, even if I had known that Army might have been used for some improper purposes. I suppose, perhaps, on the highest plane of morality it may be demanded of me, and of every other Senator here, that when the administration of public affairs asks us for an appropriation for the Army, we should go into the question and see whether it is an absolutely righteous purpose for which they use it, but yet such have not been American precedents or American history.

I admit that perhaps I have not reached that plane where I can look out and see the whole world on an absolute equality with my own country. I sympathize with struggling people everywhere. When I see a people attempting to exercise the rights of freemen, protesting against what they regard as oppression, my heart goes out to them, as I believe the heart of every Senator here does. And yet when the Army of the United States is executing orders for which it is not responsible I can not bring myself to see with pleasure the destruction of that Army. While I deplore the loss of life that such a conflict must bring, yet I shall reserve the right on all occasions to hope and trust, if I possibly can, that my side—the American side—has been in the right. In other words, much as I sympathize with the people in the Philippine Islands, I can not wish misfortune to the American arms, and I presume that I shall again vote for an appropriation in the Army bill, which may be used for purposes which, if I had the control of it, it would not be used for.

The people in 1900 continued in power the political organization which for four years had been in the control of the Government. They had a right to do so. I did not believe it was wise, and I do not believe it now; but the people so believed. I do not believe the voters intended to say that they approved of this war and the condition as it now is, but they authorized and empowered the present Administration to carry on the war as it saw fit. I yield obedience to the American mandate at the polls, but I enter my protest here. When I have done that, in my judgment, I have discharged the duty incumbent upon me. I am not required to stand here and attempt to defeat an appropriation bill because I think the Administration is not carrying on the war as I believe the American people want it carried on, for the great mass of the people of the United States intrusted that duty to the judgment of that political organization, and to that they must look. If they do not like it, they must wait until an opportunity comes to change it.

THE WAY OUT OF IT.

Mr. President, I have not made this speech, I will say, with the hope that I would convince anybody who has not already been convinced that the methods now employed are not calculated to bring about what we all desire, and that is peace in those islands. I have felt ever since this difficulty began that properly our policy as a nation and the disposition of this question belongs to the party in power. Theirs is the primary obligation; but I can not disconnect myself from it to the extent that it is not necessary for me, I believe, as a member of this body, to enter my protest against that which I think is wrong, and to give my support to that which is right. I believe there is a way out of this difficulty; I think I can see it. I have not the power to command. My judgment is simply that of one individual. The administration of public affairs is in the hands of those who are supposed to represent the majority of the American people.

Mr. ALDRICH. Will the Senator allow me to ask him a question?

Mr. TELLER. Certainly.

Mr. ALDRICH. I presume the Senator has already stated what that "way" is; but if he has not, I should be very glad to hear him state it now.

Mr. TELLER. Mr. President, I will state that I believe there are more ways than one. I believe if you will accept the proposition made in the petition of the Federal party that you can settle things in the Philippine Islands. I believe if you will give those people to understand that they shall be a State in the Union you can compose your differences. I, however, do not want to settle it in that way, nor do I believe Senators who sit on the other side of the Chamber want to do it in that way. The expression that we had during the debate on the treaty and almost every utterance from the other side of the Chamber since were and have been in antagonism to that suggestion.

Mr. ALDRICH. If the Senator will pardon me, do I understand him to state that as his plan?

Mr. TELLER. I am coming to that. I believe that is one plan. I would rather do what some people speak of with scorn and derision; I would rather withdraw the Army from those islands and turn the islands over to the people and let them work

out their own destiny as best they may than to make them a part and parcel of the United States. I do not want to incorporate into the United States a population equal to one-tenth of our number which is so discordant with ours. I believe the strength of any nation is the homogeneity of its people and their harmonious relation one with another. I do not believe you can put our people and any large number of Asiatics together without ultimate friction and ultimate disagreement. If you establish a whole community of that character, you will have trouble with that community; they will not be in harmony with our views on general subjects, and there ought not to be that relation.

Is there any other way? The Federal party, strong and influential as they declare themselves to be in the paper read yesterday, say a colony will not do. They say independence under a protectorate will not do, and yet Mr. Schurman——

Me. ALLISON. With or without a protectorate?

Mr. TELLER. They said independence would not do with protection.

Mr. ALDRICH and Mr. SPOONER. Or without.

Mr. TELLER. Oh, Mr. President, they do not say the people would not be satisfied. They say the people would not maintain a proper government. They say—I am speaking now of the people—that the people there want a State government; that the people want independence. Some of them say, at least, that independence would not do and that anarchy and confusion would arise out of that.

Now, I take it for granted we are not going to give them a State government. If anybody on the other side of the Chamber thinks that is the solution of the problem, let him say so. I confess that, much as I should dislike to see those islands made into a State and admitted into the Union, I would infinitely prefer that plan, disastrous as I believe it would be, to the present condition, which I believe is one that will continue practically indefinitely, for while we have the power, as I said before, to stamp out this opposition you can not change the public sentiment of eight or ten million people by the use of the sword.

Mr. ALDRICH. I should like to state that the Federal party in their memorial protest against having independence with or without a protectorate.

Mr. TELLER. Yes; that is what I understand.

Mr. ALDRICH. As I understand the Senator from Colorado—and I am not trying to put any words in his mouth——

Mr. TELLER. I think not.

Mr. ALDRICH. I know he has occupied a very patriotic position in regard to this whole matter. I understand that at the present moment, in view of all the difficulties, the Senator sees no way of dealing with the Philippine Islands except to send them out into the world to take care of themselves.

Mr. TELLER. No; I did not say that.

Mr. ALDRICH. That is what I understood the Senator to say.

Mr. TELLER. No. I said, rather than to make them into a State I would send them out and let the consequences follow. If the Federal party are right and anarchy would prevail, let it go. Anarchy prevails there now, and it will prevail there under the present system.

Mr. ALDRICH. As I understand the memorial of the Federal party, they suggest a Territorial form of government.

Mr. TELLER. First.

Mr. ALDRICH. With the hope that ultimately it may result in statehood.

Mr. TELLER. Very good.

Mr. ALDRICH. Now, does the Senator carry his opposition to the balance of it so far that he would not vote for a Territorial form of government there?

Mr. TELLER. I should vote for a Territorial form of government, but that is not the question. They do not say a Territorial form of government will answer their purpose and maintain peace. They do not stop at that, as I can show you if you have any question about it. They want a Territorial government under the Constitution of the United States. They want to be put in the same relation that the Territory of Colorado was in for fifteen or sixteen years and that other Territories were and are in.

A government of that kind is not so very objectionable. The only difficulty we of Colorado had during the fifteen or sixteen years was that we were deprived of the privilege of voting for President of the United States; we were deprived of the privilege of electing our own governor; we were deprived of the privilege of electing certain judges, but we elected the great body of the judges of the Territory. We elected county judges and county treasurers and county commissioners and an auditor of state. We elected various officers. We were a people who were able pretty well to take care of ourselves, and when judges did not behave themselves we made it "warm" for them, so that they got out and we got somebody else. We never had much trouble with the governors. We had some exceedingly good men as Territorial governors. When we organized the State, we took the man who had been Territorial governor, appointed by the President of the United States, and put him on our ticket and elected him governor of the State. My recollection is we elected him twice—once afterwards—but I do not just at this moment recall with certainty that that is true.

But that is not sufficient for these people. They must have also a promise of statehood. But if Senators believe they can compose this difficulty by giving them simply a territorial form of government and not commit the Government of the United States to their ultimate admission into the Union, that is another question. I think if you will read carefully this statement and the statement made by these people to General MacArthur, published I think in this document, and also in the Commission's report, you will find they want more than that and they are going beyond that. They do not stop with the statement "we are going to be a Territory of the United States." But they add "we are going to be a State of the United States."

THE QUESTION OF TERRITORY.

Mr. SPOONER. While perhaps it is not pertinent to what the Senator has been saying, yet we hear a good deal in these latter days as to a distinction between territory belonging to the United States, or appurtenant, or whatever you choose to call it, and incorporated Territories. What, according to the Senator's notion, constitutes the distinction?

Mr. TELLER. The distinction may not be very marked in law, while quite so in fact.

Mr. SPOONER. I do not know, and that is why I asked the Senator.

Mr. TELLER. I think it is a leading question, and since within the last few years the Supreme Court has got to deciding certain questions, as it seems to me, with some political bias, I am almost afraid to state what that court would decide where a political question is involved. I understand the fact to be, not the law——

Mr. SPOONER. If we organize a Territory, no matter how we organize it, I suppose we could repeal the law organizing it?

Mr. TELLER. Undoubtedly.

Mr. SPOONER. What is the test—that is what I want to get at—between a territory appurtenant and an incorporated Territory.

Mr. TELLER. We have not had any experience with that question. With every acquisition of territory we have taken a pledge as to the citizenship, including the last, and that we took with the declaration that Congress should fix the citizenship of these people, which we have not done, but we have the power to do it.

Mr. PATTERSON. In response to the question of the Senator from Wisconsin, though not propounded to me, I will state that I understand the Federal party to mean——

Mr. SPOONER. I am not talking about the Federal party.

Mr. PATTERSON. By a Territorial form of government under the Constitution—that is what you are talking about?

Mr. SPOONER. No.

Mr. PATTERSON. Then I misunderstand you altogether.

Mr. SPOONER. What I am talking about is this: The distinction has been drawn between territory appurtenant and therefore in a sense not a part of the United States, and territory incorporated into the United States. I was trying to get from the Senator from Colorado [Mr. TELLER] his notion as to what is the foundation for the distinction, how they differ, in what respect they differ. I am not speaking of this petition at all.

Mr. PATTERSON. May I make a suggestion in connection with it?

Mr. TELLER. Certainly.

Mr. PATTERSON. A Territory incorporated into the United States, such as New Mexico and Arizona and the Indian Territory and Oklahoma, so far as the Constitution of the United States is concerned, in the matter of tariff laws and revenue laws and all other laws of a general nature made to carry into effect the will of Congress with reference to the States and Territories of the United States, is on an absolute equality with the States. In other words, you could not apply, in principle or in fact, the proposed law, which it is the purpose of Congress to apply to the Philippine Islands, to a Territory incorporated into the United States. You could not draw a customs line around New Mexico or around Arizona and say that different revenues shall be collected at that custom line on goods going into those Territories or goods coming out of those Territories, but the custom laws must be applicable to all alike, States and Territories.

The writ of habeas corpus is there. The entire Bill of Rights ingrafted into the Constitution is there, not by the grace of an officer, a so-called governor, or by the grace of a United States commission, but by virtue of the Constitution of the United States. But the Philippine Islands are not in that category at all. The present bill keeps them as a colony, with the right of Congress to legislate for that colony entirely independent of and outside of the Constitution of the United States.

Mr. SPOONER. I am obliged to the Senator from Colorado [Mr. PATTERSON] for giving me a great deal of information, much of which I am not at all certain is true. He says that the Philippines are not incorporated, and New Mexico and the Indian Territory and Arizona are incorporated, into the United States, and that the Constitution ex proprio vigore, I suppose he means, extends over those Territories. I do not know by what warrant the Senator says that. I do know that Congress has adopted as a law in each of those Territories the applicable provisions of the Constitution. The Senator says that the customs laws of the United States, the Constitution being over those Territories, and the excise laws, etc., must be uniform.

Mr. PATTERSON. Yes, sir.

Mr. SPOONER. I recollect one case, the Cherokee tobacco case, in which the Supreme Court held that the Indian Territory was the territory of the United States, and sustained the validity of a law which exempted that Territory from certain taxes which were in force in all the United States or the States united and in the other Territories.

Mr. PATTERSON. It should be perfectly apparent——

Mr. SPOONER. I beg the Senator's pardon. I did not mean to become involved in a discussion in his time, and I did not ask the question which I put to the senior Senator from Colorado except as one lawyer asks another in whose ability he has confidence.

Mr. TELLER. I will state to the Senator what I think is the distinction between unorganized and organized territory, and will give an instance to illustrate my meaning.

After we had admitted Missouri there was in the extreme West a region which had no relation to the General Government, because there was no population there. There was no attempt to make a Territory. When Kansas was organized into a Territory, Kansas included a portion of what is now Colorado. In 1859–60 there was a large population in the area afterwards included in Colorado which was claimed by people living in eastern Kansas. The whole community disputed this claim. They said: "We are not in Kansas."

There were probably 50,000 people. Some Kansas officials went up there, and I believe they attempted to organize that country into a county, but they did not succeed, because whatever might have been the statutes, the people repudiated them, and the whole community proceeded to govern themselves just as if there were not any question where the line was, asserting they were not within the boundaries of Kansas as originally established. The controversy continued in that way from 1859 until the fall of 1861, when the statute creating Colorado as a Territory took effect. It was passed in February, but there was no government organized there for some time. The miners' courts, which we had established in the mountains, and what they called the provincial courts, in the valleys among the farmers, continued to exercise their jurisdiction till October of that year, although the Territory was established in the February preceding. We maintained that the Territorial law did not take effect until our judges and the governor arrived.

The governor and the judges came out late in the summer, and in October they organized courts. There was an attempt to organize in one section before that, but the people repudiated the whole proceeding, because they did not think that it was organized. There we were without any national control whatever, and yet subject to the general allegiance to the Government. The civil war was then in progress. We enlisted men, and it turned out afterwards that we enlisted them without authority from anybody; but the Government accepted them, and we maintained all the conditions of an orderly and well-regulated society everywhere.

Now, I call that an unorganized Territory. We evaded the question whether we were really in Kansas, but, as we did not recognize Kansas, we stood on a line where we might retreat.

Then came the organized Territory. Our legislature met in the month of October, and from that time on, of course, all our proceedings conformed to the demands of the Territorial law. Now, at that time there were sections of the country still west of us, I think southwest, which were not included in any Territory; at least if they were so included, society was absolutely without any government except as the people themselves created it.

I do not know whether or not the civil Commission established in the Philippines has made an organized Territory of those islands. I do not know what would be the decision on that point, but I believe the enactment for Porto Rico did make it an organized Territory, and I think, although we did not say so, that it is an organized Territory.

I have not any doubt myself that the inhabitants of Porto Rico are citizens of the United States, although ex industria we did not say so. A provision in the bill that they should be citizens was stricken out, but I have not any doubt that if they should come here and attempt to exercise the rights of citizenship in the United States it would be held that they were citizens. I do not see how such a holding could be avoided.

I should have some difficulty in satisfying my own mind that the Philippines are organized properly into a Territory, because a Territorial organization means, or it has heretofore meant, participation by the people under such provisions as Congress may make.

WOULD GIVE THE PHILIPPINES A GOVERNMENT.

I know this is a very ugly question. I said I had a method. If I had control of this matter—that is, if I were in charge of the Executive duties—I would send a commission with all the authority I could give it, to say to those people of the Philippines just what I have said in my amendment to the bill, on which I mean to say a few words before I quit. I would say to them, "Now, we do not intend to do what you have been insisting we are doing. We want you to get together and determine what kind of a government you want," as the Federal party there has done. I do not know whether the government suggested by the Federal party would be the best government for them to have, speaking about their local affairs; but if they want a legislature and all that, I should give it to them, and then I should say to them:

"We do not want to make you citizens of the United States. We want to give you absolute independence, so far as your local affairs are concerned. You shall do everything you could do as citizens of a State. We will not interfere with you. If nobody interferes with you, if foreign powers will let you alone, you shall govern yourselves entirely. If foreign powers will not let you alone we will see that you are not disturbed. You need not create an army or a navy."

I would do for them just what Cuba expects us to do for her. The Senator from Rhode Island knows what Cuba expects us to do. They do not expect in Cuba to have an army or a navy under this new government. They expect to make some arrangements with us by which our Army and our Navy will be available for their assistance whenever there is a necessity for it. I will ask the Senator if I have misstated what he thinks on the subject.

Mr. ALDRICH. Will the Senator please restate it?

Mr. TELLER. I say I would do what the people of Cuba expect us to do and what we expect to do for Cuba. I said the Cuban people, from what they said to our subcommittee, of which the Senator and myself are members, do not intend to create either an army or a navy. The representative men said in very explicit terms that if there was foreign trouble they would look to us; and when I asked one of the committee, "How are you going to collect your revenue and prevent smuggling?" he said they expected some arrangement with the United States, which they would be glad to make, because they did not feel rich enough to have either an army or a navy.

I should say to the Filipinos, "If anybody attempts to smuggle, we will send out a ship or ships and see that they are not permitted to do so." all of which is subject to some arrangement to be made with them. I do not believe there would be any difficulty at all in doing that with those people, for that is local independence. Except as concerns their foreign relations they would be as independent as they could be under absolute independence; and Mr. Schurman says they were devoted to the idea that the United States was to have a protectorate over them. Every leading Filipino, so far as I know, who at the time of the ratification of the treaty, or just previous to it, expressed an opinion, said that whatever relation they had to the world was to be subject to our general supervision. "Protectorate" is the usual term to be applied in such cases; with that I believe they would be satisfied.

That would be my position, and I would send out there, as I have said two or three times in this speech—I believe it is important to do it, and we were told a year ago it would be done—a commission, not of Senators and Members, but a commission of clear-headed men; not a commission of three or five, but a commission of fifteen or twenty, if necessary. It should be composed of men who, when they went over there, would take in every phase of the difficulty; who would consider every proposition that ought to be considered, but primarily would consider how to satisfy those people and make them trust us. That is the great problem now that we are to deal with. I want to deal with this matter in a practical way. I am not a theorist.

I believe those people are capable of self-government. They are not capable of maintaining a State, like the inhabitants of Colorado or the people of Wisconsin or of Indiana. They can not maintain, and they will not in a hundred years, with all our help and all our assistance, be able to maintain, such communities as we maintain. Our Commission say they hope they may be able to do so in a generation, but more likely, say the Commission, it will be two generations. It will be a thousand years before the Asiatic mind will stand before the world representing those great fundamental truths of free government for which the Teutonic branches of the

human race stand. It is not in them. They do not think like we do. Their minds do not run in the same way. Their ideas of justice and right are as distinct from ours as day is from night. It has always been so, and it always will be so, because there will be no such amalgamation of the race with the great liberty-loving race of the world as will change them.

THE QUESTION OF SOVEREIGNTY.

Mr. McCOMAS. If the Senator will permit me, I did not hear the first part of his statement. What does the Senator propose to do with the sovereignty over the islands, which has been ceded to us?

Mr. TELLER. The sovereignty is simply the right we have to exercise power. Now, we can exercise full sovereignty if we want to do so and if we think it is worth while to do so. We can execute a moiety of it if we so desire. We can submit to the people, so far as sovereignty there is concerned, control of their own affairs absolutely without interference on our part; always, of course, reserving the right to intervene if society should be disrupted or broken up there, as we would in Cuba, without the Platt resolution and without any contract with those people.

Mr. McCOMAS. Then, if the Senator will permit me, if the sovereignty should be ceded to some entities or some one in the islands, what would become of our obligation to Spain for ten years, under article 4 of the treaty, with respect to the ships and merchandise of Spain?

Mr. TELLER. Oh, that is a matter about which there would be no trouble. Does the Senator from Maryland believe that if we should make an arrangement with those people they would object to that provision being included in their constitution or the charter upon which they acted?

Mr. McCOMAS. The Senator will allow me. I did not mean to divert him. If the Filipinos should object, would we not then have all the responsibility resulting from our obligations under that treaty?

Mr. TELLER. We are not likely to make any arrangement satisfactory to those people wherein they would stand upon any question of that kind. We would say to them, "Here is an obligation we have assumed. You must carry that out." They would be glad to do so; and if they did not do it we would have the power, I suppose, to make them do it. That is borrowing trouble when there is none in sight. It is a suggestion of a difficulty which, in my judgment, does not exist. There are difficulties ahead of us, I want to say to the Senator from Maryland, and it is not worth while to imagine some things that probably never will arise to plague us or trouble us. If there was any trouble of that kind, it would not take long to ask Spain what she would take in the way of indemnity to let us off from that provision, and if she said she wanted a hundred million dollars for it, and it is not worth a million, I would infinitely rather give her a hundred million dollars than to continue the present condition. If that were the only obstacle, it would not stand in the way in the slightest, in my opinion.

I think it is in our interest and our duty to compose affairs in the Philippine Islands, if it is within the realm of possibility. It is not the Deity or destiny that has put upon us an obligation of that kind. I am courageous enough myself in the interest of the American people to resist the pretense that it is both, because I do not believe either the Deity or destiny has had anything to do with this matter at all.

IN THE MATTER OF TRADE.

We are expending a large sum of money, for which we are getting no return, and we never will get any return commensurate with the expense. There is not any hope of it. These are not a people that will ever become valuable to us. Their trade with us is less than that of any second-rate town west of the Alleghenies with the Eastern States to-day.

You can not go into any town of 25,000 people west of the Alleghenies whose trade is not worth more to the States east of the Allegheny Mountains than the entire trade we get from the Philippines or are likely to get. When we cease to export whisky, wine, and beer there, which is one-half of the trade now, the amount of our exports, I think, will be immensely small. It is a million less, I want to say, than it was last year, while that of England is very much greater. If we secure any trade at all with the Philippine Islands, we must secure it because it is to the interest of the inhabitants to trade with us. If there is any better market in the world than we furnish, they will go to that market.

I do not know how much the war in the Philippine Islands has cost us. I do not know that anyone is aware of the amount. I have seen it stated at all the way from $300,000,000 to $500,000,000. I do not know how much it is going to cost us in the future.

One hopeful, optimistic commissioner tells us that in a few years 15,000 soldiers will be sufficient in the Philippines. Another, not a commissioner, but another person with equal and better opportunities, tells us that it will take 50,000 men for many years to maintain peace and order.

Mr. President, if three-quarters of those people want our domination, there should be no necessity for 15,000 or any other number of troops over there. But 15,000 will be a great burden, and more likely the number will be 50,000.

Now, what do you get for that outlay? What could you do with that money if you had it? What could we have done with the $350,000,000 or $400,000,000 that we have expended over there in the last three years? You could have practically made all the great rivers in this country highways for the commerce of the country beyond any further necessity of expenditure for many years. You might have opened a ship canal from the Gulf of Mexico to the Great Lakes which the biggest ship in the world could traverse with the amount of money that we have expended there with no benefit whatever. With what we are to expend, even according to the optimistic views of the chairman of the Commission, you could in a few years build a waterway up around through to the Great Lakes from the city of New York, where you could run ships of large capacity. You could open, as I said, all the great rivers of the country. There are a thousand things that you could do with so much money.

We are going on here year after year with an expense for which there is no recompense and no reward. Why? Because, some say, our commercial interests require it. Some say our obligation to the Divine Master demands it. The interest of the American people does not require it, our duty to the Filipino does not require it, nor do I believe that our duty to God requires it. I therefore think we ought to compose this difficulty in some way.

Now, I know there is a proposition here to give the Philippine people a new government. If that is all that is offered to them, and when that is enacted into a law and carried over there the Federal party will disband, and the difficulties will again arise which have existed and which they in some part probably have composed, for, if the Federal party tell the truth, they will not accept that kind of a government, either as a territorial or as an independent government.

Mr. President, why can we not compose those difficulties there? Are we afraid that the world looking on will say that the United States, great as it is, is not big enough to tramp out the resisting brown men of the archipelago? Are we afraid of sneers from abroad? I hear every little while that our duty demands that we should do this and that we should do that, and that if we do not do it we will be the derision of mankind. Sir, I would do what is right before God, and let the criticisms of men come. If I could feel that the legislation comported with justice and right, I would not care what the world said about it. All the acclaim and all the eulogies and the praise of the world for our conduct can not compensate for the feeling that we must have in our hearts that we are not legislating upon the high plane of American liberty and American law.

I would a thousand times rather have the commendation of American judgment than the commendation of all mankind aside from that. I believe, as I said yesterday, that if we will show as much statesmanship in connection with this matter as we did show in connection with the Chinese question, we will get out of this difficulty with honor to ourselves and with profit and blessing to the people of those islands.

A SOURCE OF WEAKNESS TO THE UNITED STATES.

I believe that a wise administration of affairs may be beneficial to those people, but I do not think that you can force upon them a government contrary to what their notions may be of right, and have peace there. I believe that probably we can with our Army prevent any considerable resistance to American control, but there will be in the hearts of those people (and it will last, as we know, not this generation, but the next and the next and the next) a feeling that they have been improperly treated, and when the opportunity is presented they will resent it and vindicate their manhood, if they are men, by declaring themselves independent of our control.

Our great strength has been that we have been a compact and solid nation. There has been no place for foreign lodgment on our shores. Since we composed the difficulty of 1861–1865 there has been no place where a foreign foe could land that would not have found an absolutely united people against them. It would not have been the invasion of the United States; it would have been the invasion of the neighborhood where the foreign foe stepped, and every man would have been there ready to defend his home. Will it be so in the Philippine Islands? If they are hostile to us and we are holding them simply by the strong arm of the great Army of ours, when difficulties shall arise (and nobody can say when in the course of human events there will be controversies in the great Asiatic Sea where we may be in contest, as I have not any doubt we will be, with foreign powers, either Asiatic or European) we will find these islands a source of absolute weakness and

of absolute danger, while if the people were in heart with us they would be a genuine benefit to us under these conditions.

Mr. President, it is worth while, if we are to hold those people, to attach them to us not by the strong arm of the law, but by the tender and strong cords of affection and respect. We are great and strong and we can afford to be merciful and charitable. There are many things that we could do there. I should like to see the Government of the United States now take such steps as shall convince the Filipinos that we are their friends. I am willing to open the Treasury door. I am willing to say to those people: "You have an ugly question of title to your soil here. It will cost something to get rid of the religious body which holds a great portion of the good land, and we are under obligation to Spain to protect them in it by our treaty. We will buy that property of the friars and we will not sell it to you, but we will give it to you in such quantities as is consistent with your needs and your wants." Suppose it did cost us a good deal of money; I would give it to them. I would say to them, "Your revenues are small; if we can compose this difficulty by giving you money to be expended in opening up your roads, rehabilitating the waste places that war has devastated, we will do it."

But, Mr. President, I am very much afraid that this devastating war will go on, and it will go on until undoubtedly those people will submit; and when we have devastated the land, as one of those officers says, to the extent that a bird can not live in it, and the people are cowed and weighed down with the burden of our power, somebody will say, I suppose, as was said by the old Briton when he spoke of the plundering Romans, "They make a desert and call it peace."

We do not want peace in that way. We want peace with honesty and justice. We want a peace that will be beneficial to the Filipinos and beneficial to us. We can get it; and it is now for the party in power to determine whether that course will be pursued.

TO AMEND THE PENDING BILL.

I have offered an amendment to this bill. I do not know that it will meet the approval of anybody in the Senate, but it seemed to me to be a basis upon which we might start. I am not attached to the form of it, but I believe that it becomes now our duty and our interest to say to those people what we mean to do, although the chairman of the committee said we should not do so. If we mean to hold them with the strong hand of the law and make colonies of them, let us be honest and say so. Let us increase the army there and compel obedience to our unfair and unwise demands if that is to be the policy of the Government.

I have proposed to provide by my amendment—and I want it to go into the RECORD—

That it is not intended by the Government of the United States to permanently annex the Philippine Islands as an integral part of the United States—

That this Senate has declared heretofore—

but it is the determination of the United States to establish, with the consent and assistance of the inhabitants thereof, a government or governments suitable to their wants and condition—

That every man who has spoken on the other side of the Chamber has declared to be the purpose of the Government of the United States. But his word does not go there. I want the American people through the Congress of the United States to make that declaration—

suitable to their wants and condition, and that shall give to the inhabitants the control and administration of their local affairs, such as the raising of revenue and the disposition thereof—

That we are bound by every law of right to give them.

the maintenance of peace and order in the several communities of said islands that have been or that may be organized by the people thereof.

SEC. —. That there is no intention on the part of the Government of the United States to deprive the people of said islands of their liberties or to subjugate or oppress them, but on the contrary to secure to them the blessings of a free government of their own choice that shall recognize and protect the rights and interests of all the people of said islands.

SEC. —. That it is necessary to the establishment of such government that peace and order shall prevail on said islands in order that the people thereof may be enabled to exercise the rights of freemen and to have free expression of their wishes in the form and character of the government under which they desire to live.

SEC. —. That to this end the Government of the United States will at all times cooperate with the peaceably disposed inhabitants in the formation of such governments, and will defend and protect such government or governments so organized from any foreign interference or attempted control by foreign powers until such government or governments shall be able to defend themselves.

Mr. President, there is not any time fixed in the amendment when that is to be done. I did not see how I could fix a time, and I do not know that anybody can do so. I doubt very much whether the sensible and intelligent people over there will demand that we shall fix a time. It might properly have been added, I think, that the principles enunciated here should be carried out as rapidly as possible.

I believe the public declaration in a law of that kind would meet very well the demand that they are making for local government. It is possible that it is not strong enough, but I am afraid it is too strong to satisfy those who have the control and management of this question.

I have on my table a good many things that I had intended, when I commenced this speech, to present. I have gone over with care the debate which occurred during the time the treaty was before the Senate, and the debates which have since taken place. I find that the Senate, and I may say also the other branch of Congress, if it is proper for me to refer to it, have been in accord with the proposition all the time that those people were to have a government of their own ultimately, so that the only question which seemed in dispute is as to how we are to attain that point where we can safely give them a government.

I want to conclude on this question as I began. Observers, students of history, will bear me out in the statement that there is no example whatever in the history of mankind where a great body of people numerous as these or half as numerous as these, have ever been elevated beyond their condition by the invasion of a superior race. If you could send over there a million American citizens or two million of them with our American ideas you could expedite and hasten this movement toward their elevation. That you can not do. There will not be in all those islands 10,000 Europeans and Americans; and if there are more than that number they will not be the men who go there to uplift and elevate those people; they will be the men who go there to exploit them. Men will go there to make wealth; they will not be the missionaries of good government. No, Mr. President, if there is to be an elevation, our standard is entirely too high for the Asiatic mind; it must be an Asiatic evolution and not an American one.

I agree that this problem is a difficult one, and I think we should take into consideration what we are trying to do. We are trying to do what the President declares never has been done, and what I declare never can be done. The President said it never was done with an Asiatic race. I declare that it never has been done—although the effort has been frequently tried—with any race whatever. The most promising race of the world has made its progress by its own ambition and ideals, and not from those of others, and so it will be with those people.

Mr. MITCHELL obtained the floor.

Mr. TELLER. If the Senator from Oregon will yield a moment, I wanted to introduce General Bell's proclamation. Mr. President, I do not care to make any comments on it except to say that if the condition there demands such an order—and I call the attention of Senators not simply to the order which was first issued, but to the order that went out with it to the subordinate commanders—if such an order is necessary or is justified, the condition over there is enough to make any American heart bleed. I should like to have General Bell's proclamation read, or that it may go into the RECORD.

The PRESIDING OFFICER (Mr. FOSTER of Washington in the chair). It will be read.

Mr. HOAR. Can it not be printed without being read at length?

Mr. BEVERIDGE. Yes; it can.

Mr. BACON. I hope it may be read.

Mr. BATE. Let it be read,

Mr. TELLER. Some Senators around me ask to have it read. I am not particular whether it is read or not. Of course I have read it. I had never read it until last night.

Mr. BACON. I do not care to insist on the reading.

Mr. HOAR. I suggest that it go into the RECORD as if it were read.

Mr. BACON. I have no objection in the world to that course.

Mr. TELLER. That is what I asked in the first instance. However, I do ask the Senators who sit on the other side of the Chamber to read that order.

The matter referred to is as follows:

THE RECONCENTRATION ORDER.

The reconcentration order is dated at Batangas, December 8 last, and is as follows:

"*To all station commanders:*

"In order to put an end to enforced contributions, now levied by insurgents upon the inhabitants of sparsely settled and outlying barrios and districts by means of intimidation and assassination, commanding officers of all towns now existing in the provinces of Batangas and Laguna, including those at which no garrison is stationed at present, will immediately specify and establish plainly marked limits surrounding each town, bounding a zone within which it may be practicable, with an average-sized garrison, to exercise efficient supervision over and furnish protection to inhabitants (who desire to be peaceful) against the depredations of armed insurgents. These limits may include the barrios which exist sufficiently near the town to be given protection and supervision by the garrison, and should include some ground on which live stock could graze, but so situated that it can be patrolled and watched. All ungarrisoned towns will be garrisoned as soon as troops become available.

"Commanding officers will also see that orders are at once given and distributed to all the inhabitants within the jurisdiction of towns over which they exercise supervision, informing them of the danger of remaining outside of these limits, and that unless they move by December 25 from outlying barrios and districts, with all their movable food supplies, including rice, palay, chickens, live stock, etc., to within the limits of the zone established at their own or nearest town, their property (found outside of said zone at said

date) will become liable to confiscation or destruction. The people will be permitted to move houses from outlying districts should they desire to do so, or to construct temporary shelter for themselves on any vacant land without compensation to the owner, and no owner will be permitted to deprive them of the privilege of doing so.

"In the discretion of commanding officers, the prices of necessities of existence may also be regulated in the interest of those thus seeking protection.

"As soon as peaceful conditions have been reestablished in the brigade these persons will be encouraged to return to their homes, and such assistance be rendered them as may be found practicable.

"J. F. BELL,
"*Brigadier-General, Commanding.*"

COURSE OF ACTION OUTLINED.

This order was followed by a long telegraphic circular addressed by General Bell to all station commanders, which is probably the most remarkable document of its kind in the history of the United States. It sums up the difficulties of the situation in the Philippines and outlines a vigorous course of action for the suppression of the insurrection. It also bears date December 8, and is as follows:

"A general conviction, which the brigade commander shares, appears to exist that the insurrection in this brigade continues because the greater part of the people, especially the wealthy ones, pretend to desire but in reality do not want peace. That when all really want peace we can have it promptly. Under such circumstances it is clearly indicated that a policy should be adopted that will as soon as possible make the people want peace and want it badly.

"It is an inevitable consequence of war that the innocent must generally suffer with the guilty, for when inflicting merited punishment upon a guilty class it is unfortunately at times impossible to avoid the doing of damage to some who do not individually deserve it. Military necessity frequently precludes the possibility of making discriminations. This is regrettable, but it should be borne in mind that the greatest good to the greatest number can best be brought about by putting a prompt end to insurrection. A short and severe war creates in the aggregate less loss and suffering than benevolent war indefinitely prolonged. For reasons here indicated, which are well known to all, and chief of which is the delay and difficulty in ascertaining the exact truth, it will be impossible to wage war efficiently and at the same time do abstract justice in operations unquestionably essential to putting down an insurrection which has long continued in the territory of this brigade.

"Natural and commendable sympathy for suffering and loss and for those with whom friendly relations may have been maintained should therefore take a place subordinate to the doing of whatever may be necessary to bring a people who have as yet not felt the distressing effect of war to a realizing sense of the advantages of peace.

"War in the disturbed portions of this brigade, and when manifestly necessary in those portions supposed to be peaceful or which are under civil government, will be conducted in accordance with the provisions of General Order 100, Adjutant-General's Office, 1869, which publishes instructions for the government of armies of the United States in the field. The provisions of this order will be directly adhered to, but no station commander will put anyone to death as a measure of retaliation for assassination under sections 27, 28, 34, and 148 without obtaining authority from a superior commander, nor will the death penalty be inflicted in any case without similar authority. General Order 100 is now being reprinted at division headquarters, and when copies are received they will be distributed. Particular attention is invited to the last paragraph of section 62, in particular reference to the possible repetition of the Balanguiga affair.

OFFICERS URGED TO USE THEIR JUDGMENT.

"Commanding officers are urged and enjoined to use their discretion freely in adopting any or all measures of warfare authorized by this order which will contribute in their judgment toward enforcing the policy or accomplishing the purpose above announced.

"It is not necessary to seek or wait for authority from these headquarters to do anything or take any action which will contribute to the end in view. It is desired that subdistrict commanders accord to their subordinate officers and commanders a degree of confidence and latitude in operations similar to that herein conferred upon them. Such restraint and supervision only should be exercised as is dictated by sound discretion and as may be essential to securing concert of action and cooperation when desirable, adherence to authorized methods, and a uniform policy and harmonious action in working for a common end. Subordinate commanders and young officers of experience should not be restrained or discouraged without excellent reason, but should be encouraged to hunt for, pursue, and vigorously operate against armed bodies of insurgents wherever they may be found. Considering the comparative moralé of our troops and insurgents and the lack of reliable ammunition and training on the part of the latter, it is not believed there exists any just cause for exceptional caution or apprehension in attacking them boldly. At any rate, under present conditions, legitimate chances should be accepted, as excessive caution will do us incalculable harm. Except when the advantage in position and numbers are overwhelmingly on the side of the enemy, our troops should always assume the offensive and advance on and pursue them vigorously. The best defense against these people is to assume a vigorous offensive at once. To retire in the presence of this enemy is generally hazardous and discouraging to our troops.

NEED FOR CAREFULNESS.

"Nothing herein contained will be so interpreted as to warrant or excuse carelessness or a lack of well-known and proper precautions. Though troops should be aggressive, they should be military in methods and precautions against surprise and ambush should never be neglected.

"In addition to maintaining active operations against armed bands of insurgents, persistent and systematic efforts will be made through the use of spies, loyal police, native scouts, intelligence officers, provost-marshals, and provost courts to discover, apprehend, and punish all agents, collectors, organizers, contributors, and sympathizers who secretly aid, assist, and extend encouragement or comfort to those in arms. Many such persons will unquestionably be found among municipal officials and councils and tenientes or caberas or barrios.

UNTRUSTWORTHY TOWN OFFICERS.

"It is so probable as to amount almost to a certainty that the election of all town officials in the provinces of Batangas and Laguna has been dictated by Malvar or other insurgent leaders, and that they would never have been permitted to discharge their functions without molestation had they not continued to be subservient to the will of the insurgent leaders and been acting as their agents or at least have done nothing inconsistent with their interests. It is perfectly safe and easy for town councils to enact the most violent legislation against the insurrection and, sending copies thereof to the insurgent leaders, to secretly inform them that the legislation was enacted under compulsion of Americans or in order to deceive and lull them to sleep, but that the town officials propose to continue their aid of the insurrection secretly just as heretofore. It can be adopted, as a rule, without danger of error, that whenever an insurgent sympathizer writes a letter or takes any action under pretense of opposition to the insurrection that he will immediately secretly convey to insurgent officials the information that he was compelled to do so or did so to mislead Americans. The loyalty of persons should not be judged by such acts or by words alone, nor should the public enactments of councils in favor of peace and against insurrection be accepted as conclusive proof of the loyalty of town officials.

MAY BE KNOWN BY THEIR ACTS.

"The only acceptable and convincing evidence of the real sentiments of either individuals or town councils should be such acts publicly performed as must inevitably commit them irrevocably to the side of Americans by arousing the animosity and opposition of the insurgent element. Such acts are reliable evidence, but mere words are worthless. No person should be given credit for loyalty simply because he takes the oath of allegiance or secretly conveys to Americans worthless information and idle rumors which result in nothing. Those who publicly guide our troops in operations against the enemy, who denounce and assist in arresting the secret enemies of the Government, who publicly obtain and bring reliable and valuable information to commanding officers, those, in fact, who publicly array themselves against the insurgents and for Americans should be trusted and given credit for loyalty, but no others. No person should be given credit for loyalty solely on account of his having done nothing for or against us so far as known. Neutrality should not be tolerated. Every inhabitant should either be an active friend or be classed as an enemy.

DISLOYALTY OF THE NATIVE PRIESTS.

"Another dangerous class of enemies are wealthy sympathizers and contributors, who, though holding no official position, use all their influence in support of the insurrection, and, while enjoying American protection for themselves, their families, and property, secretly aid, protect, and contribute to insurgents. Chief and most important among this class of disloyal persons are native priests. It may be considered as practically certain that every native priest in the provinces of Batangas and La Laguna is a secret enemy of the Government and in active sympathy with insurgents. These are absolutely our most dangerous enemies, more dangerous even than armed insurgents because of their unequaled influence. They should be given no exemptions whatever on account of their calling. On the contrary, whenever sufficient evidence is obtainable they should be brought to trial.

"Should well-founded suspicion rest against them, in the absence of competent evidence, they should be confined and held as a necessary military precaution to preclude further activity or bad influence on their part. The same course should be pursued with all of this class, for to arrest anyone believed to be guilty of giving aid or assistance to the insurrection in any way, or of giving food or comfort to the enemies of the Government, it is not necessary to wait for sufficient evidence to lead to conviction by a court, but those strongly suspected of complicity with the insurrection may be arrested and confined as a military necessity and may be held indefinitely as prisoners of war, in the discretion of the station commander, or until receipt of other orders from higher authority It will frequently be found impossible to obtain any evidence against persons of influence as long as they are at liberty, but once confined evidence is easily obtainable.

AGAINST WEALTHY AND INFLUENTIAL.

"The apprehension and punishment of one individual of the abovementioned classes (men of wealth and standing and officials) is of greater importance and will exercise greater influence than the punishment of a hundred ignorant hombres, for whose suffering no principale cares a straw. The wealthy and influential and town and insurgent officials are therefore those against whom our most energetic efforts should be directed. The common people amount to nothing. They are merely densely ignorant tools, who blindly follow the lead of the principales. When guilty they must be arrested and confined in order to put an end to further activity on their part; but whenever it is possible to reach their chief or leader through their testimony they may be promised immunity from trial for such simple offenses as aiding and assisting or being insurgents. They should not be released, however, unless they are willing to demonstrate their loyalty by public participation in operations against their former leaders.

"Provost courts can not operate in the provinces of Cavite and Tayabas, but any disloyal person escaping from Batangas or Laguna into other provinces of the brigade may be there arrested by the military authorities and be sent back for trial by military courts in the province from which they escaped. Insurgents or armed ladrones residing in Cavite or Tayabas and operating across the line in Batangas or Laguna, or other persons living in Cavite or Tayabas, who furnish aid or assist the insurgents in any way or who engage in insurrectionary intrigues or operations will be arrested and reported to these headquarters for further instructions. Any station in Batangas or Laguna at which a provost court does not now exist will be reported and an officer recommended as such.

"Wherever the constabulary have been organized, cordial cooperation will be extended to and solicited from them. Commanding officers will promptly transmit by wire to other commanding officers any information which may possibly be of assistance to them, and are expected to seek cooperation and concert of action from each other whenever such may appear to be desirable.

"Additional telegraphic instructions will follow suggesting expedients or policies which are believed to be efficacious in particular contingencies. Acknowledge receipt.

"J. F. BELL,
"*Brigadier-General, Commanding.*"

Mr. MITCHELL. Mr. President, while the bill now under consideration was pending in the Philippines Committee of the Senate I submitted to the Senate, and had on my motion the same referred to that committee, certain proposed amendments. These proposed amendments were in substance as follows:

By the first amendment I proposed to place on the free list the following products of the United States going into the Philippine Archipelago: All cereals and all products of cereals, such as grain, wheat, oats, barley, flour, and the like; also wood and all manufactures of wood, such as lumber, shingles, furniture, and the like; all seeds and forage, meats and fish, fruits and vegetables. This amendment also provided that upon all other products going into the Philippines from the United States 50 per cent only of the rates of duty on each article and schedule, respectively, which are required by the Philippine Taft Commission tariff act to be levied, collected, and paid upon like articles imported from foreign countries should be levied, collected, and paid.

The second amendment proposed to levy and collect upon all

articles coming into the United States from the Philippine Archipelago only 50 per cent of the rates of duty on each of the articles and schedules, respectively, which are required to be levied, collected, and paid upon like articles imported from foreign countries.

The committee, in the bill as reported, adopts these amendments only in part. They do recommend, however, that upon all articles the growth and product of the Philippine Archipelago coming into the United States from the Philippine Archipelago there shall be levied, collected, and paid only 75 per cent of the rates of duty required to be levied, collected, and paid upon like articles imported from foreign countries.

They further provide that the rates of duty which are required to be levied, collected, and paid upon the products of the Philippine Archipelago coming into the United States shall be less any duty or taxes levied, collected, and paid thereon upon the exportation thereof from the Philippine Archipelago, as provided by an act of the United States Philippine Commission, this to be done under such rules and regulations as the Secretary of the Treasury may prescribe; but all articles the growth and product of the Philippine Islands now admitted into the ports of the United States free of duty, and exported from the said islands for use and consumption in the United States, shall be, and are, exempt from any export duties imposed in the Philippine Islands.

My next and last proposition was to strike out all that portion of section 3 of the bill which provided that the same tonnage taxes shall be levied, collected, and paid upon all vessels coming into the United States from the Philippine Archipelago which are required by law to be levied, collected, and paid upon vessels coming into the United States from foreign countries. This amendment has been adopted by the committee, but in a modified form, so as to relate only to American vessels coming into the United States from the Philippine Archipelago, or engaged in traffic between the ports of the Philippine Archipelago.

This is a discrimination in favor of American vessels which is right and proper enough, although, in view of the limited number of American vessels now in use between the mainland and the islands, I believe it would have been wise to have released the tonnage tax on foreign vessels also, for a time at least, which would have been a further discrimination in favor of our own trade against foreign countries engaged in trade with us or with the Philippine Archipelago.

These several committee amendments are, in my judgment, a great improvement of the bill as it came from the House, but they do not go to the extent in improving the bill proposed by my amendments. And I am glad to see in this connection that the distinguished Senator from Ohio [Mr. FORAKER] has, since the bill has been reported to the Senate, proposed an amendment which goes even further in the direction of limiting trade restrictions between the archipelago and the United States.

By his amendment it is proposed that upon all articles the growth and product of the Philippine Archipelago coming into the United States from the Philippine Archipelago there shall be levied, collected, and paid only 25 per centum—instead of 75 per centum as agreed to by the committee—of the rates of duty which are required to be levied, collected, and paid upon articles imported from foreign countries. This proposed amendment of the distinguished Senator from Ohio shall have my cordial support. I only regret it does not go further and limit the duties on all products going from the United States into the Philippine Archipelago to 50 per centum, at least, of the duties exacted by the Philippine Commission as the same are brought into life by the first section of the bill.

I now crave the indulgence of the Senate for a short time while I shall present some of the reasons why, in my judgment, all these suggested amendments should have been incorporated in the bill.

Mr. President, I feel obligated, in view of the recent decisions of the Supreme Court of the United States, to assent to the principle recognized in the pending bill, both as it passed the House of Representatives and as reported to the Senate from the Philippines Committee, in so far as it recognizes the constitutional right of the Congress to levy such customs tariffs on the products of the Philippine Archipelago coming into this country, and on other products going from the United States to the islands of the archipelago, as Congress may deem necessary, expedient, and just; and I further, but most reluctantly, and based solely on emergency considerations, give my assent, but only as a temporary measure, to the proposition to impose such reasonable trade restrictions on products passing between the mainland and the islands for a time, until other and better systems of taxation can be devised, for the purpose of aiding in securing the necessary revenue to meet, not only the ordinary expenses of the Philippine government, but those necessary to aid in the great work of internal improvement, the establishment of schools, the building of roads, the development of commerce, the establishment of sanitary regulations, the support of courts, police, and other instrumentalities of a higher life and better civilization, and which will also at the same time guard and protect in a reasonable and proper manner the industries of the United States and American labor.

But, while I assent to all this, I deny that under existing conditions it is either expedient, necessary, or right to apply to our insular possessions the same rule in this respect that we apply to foreign countries. These possessions came to us as one of the results of a righteous war. They are not the fruits of a war of conquest. They are, on the contrary, the unexpected fruits of a war waged in opposition to cruel oppression, and in the interest of human liberty and of humanity; a war unlike any other war and every other war in which this country was ever engaged, in this: That it was a war sanctioned, sustained, approved, and prosecuted by the whole American people, irrespective of party, irrespective of section, irrespective of color or of previous condition.

And while these possessions are not a part of the United States, under the rule recently established by the highest judicial tribunal of our country, they belong to the United States. They are ours. Ours to govern and protect; ours to develop and expand; ours to civilize and Christianize; ours to lift from the gloom and darkness and despair of the persecutions of four hundred years into the bright sunlight of a new life; ours to guard against all unwarrantable interference from foreign powers; ours to utilize in our own interest, and in their interest in the extension of our commerce, in the promotion of our trade, in the development of American influence, prestige, and power.

Therefore it is, Mr. President, I earnestly insist, that the Congress of the United States, in dealing with these possessions, should differentiate in their favor, as also in favor of the United States, in establishing trade relations between these respective portions of our common country. A country and a government now sheltering and embracing under one flag—and that the American flag—one fruitful island in the Atlantic, and many hundreds of islands of incomparable value in the Pacific. We owe this to the people of these new possessions; we owe it likewise to the people of the United States. These islands are not foreign countries. They are domestic territory, and belong to the United States.

THE CUBAN AND PHILIPPINE POLICY AND THE PORTO RICO AND PHILIPPINE POLICY CONTRASTED.

The relation existing between these insular possessions, Porto Rico, Hawaii, Guam, the Philippines, and the United States, is wholly different from that existing between either the United States and England, France, or Germany, or other foreign countries, and also wholly different from that existing between the United States and Cuba. In the case of Cuba, the island is neither a part of the United States, nor does it belong to the United States, but the United States stands as its temporary sponsor, as its trustee.

The United States is the trustee, Cuba and her people are the cestui que trust. But this is a relation which, while it may call for the exercise of certain protectorate acts, does not impose on the United States any duty to enter into any treaties or other commercial regulations with Cuba that may in any manner affect adversely any American interest. Having given them their freedom from Spanish oppression, therefore, and opened the way for them to establish a government of their own, we are, I submit, under no more obligations to extend to them any trade relations not consistent with our own interests than we are to do the same thing with any other foreign country in this or any other hemisphere.

That we have as a nation given a pledge that a stable government shall be established and maintained in Cuba is conceded. This must be done, and this is being done, But this pledge does not, I submit, impose on us a duty to make trade concessions to the planters and producers of Cuba which will materially militate against the planters, agriculturists, and producers of our own country. Such a concession, it is respectfully submitted, is not an obligation resting upon us, either expressly or by implication. No such duty attaches to us by reason of our pledge to guarantee a stable government.

Whatever we may be able to do to aid in building up a stable government in Cuba, and in advancing the material prosperity of the Cubans, which we can do without entering into antagonisms against American industries and American labor, we stand pledged to do. Only this and nothing more. If we do this, we meet every obligation which the honor of our nation imposes on us, and in failing to do anything more than this, we have in no wise failed to be faithful to every pledge heretofore made to the Cubans, or to maintain our high character for national integrity among the nations.

I entirely agree in view of the incorporation into the new Cuban constitution, at the solicitation, if not, indeed, at the dictation of the United States, of the Platt amendment, whereby the Cubans are not permitted to enter into treaties with other countries except by our consent, that a duty was imposed upon the United States to do anything in our power to aid them, not only in establishing and maintaining a stable government, but also in develop-

ing their resources and promoting their various industrial interests, provided always that nothing shall be required of us that shall tend to the destruction of any one of the great industrial enterprises of our own country or which will materially antagonize the interests of the American laborer.

If it is true, as claimed by those who so persistently insist on tariff reductions on Cuban products, that the Cubans are in dire need of outside assistance, and if the United States, either by reason of any obligation imposed by any one or all of the acts of recent history or on the score of humanity must meet the demand, then let the obligation be met by the whole American people, representing all industries, and all enterprises, and all interests, and not be imposed on a small proportion of the agriulcturists of America, representing two or three only of the great American industries.

Of course, if a reciprocity arrangement can be made with Cuba which will be to the advantage of our people, or which will not seriously affect adversely any American interest or American labor, and which may be of benefit to Cuban interests, then, by all means, let us have it. I give hearty and unqualified approval to the sentiment expressed by the President in his late message, when he said:

> There is general acquiescence in our present tariff system as a national policy. The first requisite to our prosperity is the continuity and stability of this economic policy. Nothing could be more unwise than to disturb the business interests of the country by any general tariff change at this time.

But I confess, as at present advised, I am not prepared to give such unqualified approval to the statement in the message to the effect that, in the case of Cuba, there are weighty reasons of morality, or of national interest, why the policy of reciprocity should be held to have a peculiar application, nor to the recommendation of the President in favor of a substantial reduction in the tariff duties on Cuban imports into the United States, especially if it is intended to apply to the products of sugar and tobacco. It is possible there might be some slight reduction on sugar without seriously affecting the beet and cane sugar interests of this country; but as I understand present conditions, any very material reduction would result in ruin to that growing industry in this country.

But, however true this statement may be, and however wise this recommendation of the President—and all will agree that they are both prompted by motives of the most exalted patriotism and based upon the highest considerations of public duty—I do insist that if this be true as to Cuba, then it is doubly true as to the Philippines. And I submit further, that if the policy enforced in the last Congress of permitting the products of Porto Rico to come into the United States at 85 per cent reduction of the rates of duty imposed by the Dingley Act and later on entirely free, and this all largely in the interest of the trade and commerce of the people of the Atlantic States, as well as of the people of Porto Rico, then upon what principle of right or justice or equity must the people of the Pacific coast States pay the same rates on Philippine products coming into this country that are imposed by the Dingley Act?

Why make fish of one and flesh of the other? Why impose one rule on our insular possessions in the Atlantic Ocean and another on our possessions in the Pacific Ocean? Why have free trade between the United States and our outlying possessions on one side of the continent and preserve and enforce trade restrictions on the other side of the continent?

Are not the people of California, Oregon, Nevada, Washington, Idaho, and Montana, the people of the West, and of the great Northwest entitled to as much consideration at the hands of Congress as are the people of the States bordering on the Atlantic Ocean? Are not the people living under our own flag, occupying our own territory in the distant Pacific, entitled to equal trade and commercial privileges with those occupying our territory at our very door in the near Atlantic. Can, Mr. President, this apparent, in fact this real discrimination against the people of the great and growing Northwest, and against the people of the Philippine Archipelago be accounted for on any principles of justice, equality, or right?

If the moral, social, commercial, and political welfare of the people of Cuba and Porto Rico is dependent in a large measure, as it seems to be contended, on the relaxation of trade restrictions between those islands and the United States, then is it not equally so in reference to the moral, social, commercial, and political welfare of the people inhabiting the Philippines? What occult force, Mr. President, if any, is operating on the Congress of the United States, and this, too, without Congress seemingly being conscious of the fact or realizing either its existence or its operation, and which seems to compel the nation's Parliament to arrive at such absolutely contradictory conclusions? You may attempt to explain it by a reference to the different character of the productions of the different islands or on any other basis or theory, but let me tell you you can never, in my judgment, be able to explain it to the satisfaction of the great body of the American people, and I am quite sure you will not be able to do it to the satisfaction of the people of the great Pacific Northwest.

Why, it has been discovered since the pending bill passed the House of Representatives that the agents of the Government on the ground—the Taft Commission—the direct representatives of the President and the Secretary of War and of the United States, have recommended that the rates on these products coming into the United States from the Philippine Archipelago, except those to go on the free list, be admitted at 50 per cent of the rates imposed by the Dingley Act on like products from foreign countries, and Governor Taft, now in the Capitol and under examination before the Philippine Committee of the Senate, not only adheres to that recommendation, but gives it as his opinion that it would be wise to admit these products at 75 per cent of the rates imposed by the Dingley Act on like products from foreign countries.

IN DEALING WITH OUR INSULAR POSSESSIONS THE SUBJECT OF COMMERCE SHOULD BE CONSIDERED.

Aside from the question of raising sufficient revenue to meet all legitimate expenses of the government in the Philippines, Congress, it is submitted, should, in enacting legislation of this character, have an eye single to the promotion of commerce, to the expansion of our trade with our outlying possessions, and to the development of the undeveloped resources of these possessions.

As showing something of the sentiment of the people of the Pacific coast on this question, I read the following, published in the San Francisco Chronicle of recent issue and copied with approval by the Morning Oregonian, of Portland, Oreg.:

> "Glory" is not a satisfactory return for what we are doing in the Philippines. The pleasure of policing the islands for all nations of the earth except ourselves to trade there is equally unsatisfactory. The consciousness of doing good to mankind may soothe the declining years of men and nations, but the lusty American people want cash. If we pay the Philippine bills we want the Philippine market. We have no use for an "open door," especially if Americans can not get through the opening. To put it bluntly, we want a door wide open to us and partially closed to other people. We pay for it and we want it. If any American official has ever intimated that we would maintain any other kind of a door in the Philippines, he exceeded his authority and will alone be dishonored if his promise is repudiated.

There is to-day an irrepressible struggle, a commendable rivalry, going on between the civilized, progressive nations of the earth for precedence in position and primacy of success in industrial progress. No one of these nations will ever reverse any step already taken, nor become laggard in continued effort to advance. The achievements in this direction of one power but serve as vital stimulants to all the others. The contest is on, and never since the world began with such vigor and determination as now. Each nation is striving with unprecedented energy and incomparable zeal to rival all others, not only in scientific invention and in industrial development, but in increased production at reduced cost, and in the establishment of the minimum in time between the points of production and the points of distribution; and the minimum in the cost of transportation between these two points.

As means to these ends resort is had to various devices on the part of each nation—the improvement of rivers and harbors; the construction of artificial waterways for ships and other vessels; the construction of railroads; the subsidies of the merchant marine; improvement in machinery used in the production of agricultural, manufacturing, mineral, and other products, thus lessening the cost of production.

Secretary Root has, in one of his reports, expressed a hope that some concessions might be made to the Philippines in order to permit trade which might result in making them prosperous, and therefore friendly.

This, Mr. President, is the correct idea. We should give to them concessions in trade which will instill into their minds encouragement, confidence, and hope; which will cause them to realize the wide difference between the iron and hurtful rule of the Spaniard and the beneficent and helpful rule of the American; which will present for their consideration business prospects, agricultural, commercial, and trade attractions, and which will have the effect of turning their minds from the attractions of the arts of war to those of the arts of peace—from a life of indolent, ignorant inaction to one of industry, intelligence, and peace.

THE PROTECTION GRANTED BY THE TARIFF IN EVERY CASE WHERE IT IS NEEDED MUST BE MAINTAINED.

I believe, Mr. President, in the principle enunciated by the President when, in his recent message, he said, "Reciprocity must be treated as the handmaiden of protection," and when, in that same message, he declared that "Our first duty is to see that the protection granted by the tariff in every case where it is needed is maintained, and that reciprocity be sought for so far as it can be safely done without injury to our home industries."

It has been the shibboleth of the tariff advocates in the Republican party that the tariff on foreign products the like of which can be produced in this country should be maintained in order to promote the infant industries of this country. And certain infant industries, in the line of manufactures, in this country

have in this way been very properly supported and protected until they have long since been able to stand alone and maintain themselves; and they should now be compelled to compete in our markets with like products of every nation, free from any aid from customs tariff. While these manufacturing industries were in their infancy tariff protection was "needed."

This is illustrated in a variety of instances, notably in the steel-rail industry and in the tin-plate industry. Before the principle of protection was applied to the steel-rail industry in this country we were paying England $120 per ton for steel rails, and it was then confidently asserted by the enemies of the protective system that steel rails could not be manufactured in this country. But what was the result? The United States is now manufacturing steel rails of a better quality, and in a greater amount than ever before in any country, and we are supplying the world with steel rails at a fraction of only a little over one-fifth of the former price, or at about $28 per ton.

The development of the iron and steel industry in the United States in the past thirty years has been marvelous. Thirty-one years ago, in 1870, the total product of steel of all kinds in this country was but a fraction over 68,000 tons. Ten years thereafter, in 1880, it was within a fraction of one and a quarter million tons. In 1890 it had reached over four and a quarter million tons, while in 1899, two years ago, the output was nearly 11,000,000 tons, the exact amount, according to the Statistical Abstract, being 10,639,857 tons. But even at the present prevailing rates those engaged in this industry have become multimillionaires.

These, then, and in some other like cases that might be mentioned, are instances in which the protection afforded by the protective tariff is no longer "needed." It is in such instances that Congress may act wisely in withholding protection. Let Congress strike out boldly against these manufacturing industries which have ripened into gigantic trusts, and which have brought and are bringing to their promoters princely individual wealth whose millions can scarcely be counted; wealth surpassing that of anything shown by the history of any preceding age. But let Congress hesitate to strike down in its infancy an agricultural industry like that of the beet sugar; an industry producing an article of universal consumption; an article not used merely by the rich few, but by the great masses of humanity, the poor as well as the rich; an agricultural industry in which, on the faith of the pledge of protection given by the United States, many millions of dollars have been invested, and an industry which, if compelled now to compete with the more than 1,000,000 tons of sugar that will soon be produced annually in the island of Cuba, must inevitably be driven to the wall and out of existence.

Why should not Congress, while turning a sympathetic ear to the Cuban sugar planters—and incidentally to the American sugar refiners—have some consideration for the many million farmers of this country who "earn their bread by the sweat of their face?" Let us give a helping hand to the agriculturist, as well as to the manufacturer; to the men who toil on the farm, as well as to those who work in the shop; to that poor, struggling portion of humanity who go from their humble homes to their daily toil with the rising of the sun, as well as to those who dwell in parlors of luxury and bask securely in the sunshine of affluence.

The sugar trust, the steel trust, and certain other formidable combinations that might be mentioned are able to stand alone. The beet-sugar industry is not. The former do not need protection; the latter does.

THE BEET-SUGAR INDUSTRY OF THE UNITED STATES SHOULD BE PROTECTED.

No inconsistency can be successfully charged against the man who advocates the exception from trade restrictions on the products of the Philippine Archipelago and who at the same time insists on the application of the protective system in our commercial relations with Cuba, and this for two very satisfactory reasons.

First, in the former case—that of the Philippines—we are dealing with a people occupying American territory and owing allegiance to the American flag, while in the latter we are legislating in reference to our commercial relations with a foreign people occupying foreign territory and owing allegiance to their own flag.

In the second place, in the case of the Philippine Archipelago, there is no danger whatever—and I now speak more particularly of sugar—of the products of those islands, both by reason of their meager production and inferior quality, ever coming into dangerous competition with the beet and cane sugar interests of this country, while in the case of Cuba the vast production of the island and the quality of the sugar makes it not only a dangerous rival but one that will necessarily result, if given the benefit of free entry, in the ruin of the beet-sugar industry in this country.

The annual product or annual crop of Cuba in 1901 was over 100 per cent that of the previous year. In 1899–1900 the output was 308,453 tons, while in 1900–1901 it was 635,856 tons, while the estimated crop for this year is 875,000 tons. But this is far short of the capacity of production on the part of Cuba, as is made clear by the historical fact that prior to the Spanish war, in 1893–94, the output of Cuban sugar was 1,087,000 tons.

Now, when the fact is considered that raw Cuban sugar, 96° test, can be delivered in New York free of duty for $2 a hundred pounds, or 2 cents a pound, while it costs in this country to produce beet sugar about 4.04 cents per pound, this not including freight or depreciation in plant, and while the cost of producing raw sugar in Cuba is but a fraction, if any, over 1.50 cents per pound, it will be seen at a glance, if Cuban sugar is admitted free, the beet-sugar industry in this country must go to the wall; an industry in which there is invested to-day in factories alone about $27,000,000, and this, of course, does not include the investments in beet raising, nor does it take into consideration the fact that there are about 200,000 acres now dedicated to beet raising, producing an annual crop of the value of over $8,000,000 and giving employment to over 3,000 people, who receive over a million and a half dollars yearly in wages.

And, in addition to all this, it must be borne in mind that this industry is yet in its swaddling clothes, and its rapid development in the recent past, under the fostering care of the protective tariff, fully justifies the estimates that are made that this industry, if properly protected, will in the near future, at least inside of the next ten years, lead to the annual cultivation of about 3,000,000 acres of beets, giving employment to over 300,000 people, who will receive more than $100,000,000 annually in wages, and furnishing opportunity for profitable investment to the extent of over $500,000,000 in capital.

In the last two years, from 1898–99 to 1900–1901, there was an increase in the output of beet sugar in this country of 140 per cent, the product two years ago in this country being but a fraction over 32,000 tons, while that of the last year was 76,800 tons, and the estimate for the present year is about 200,000 tons.

THE AMERICAN CONSUMER WILL NOT BE BENEFITED BY FREE RAW SUGAR.

And, after all, who are to be benefited by placing Cuban sugar on the free list or by a large reduction of duty? Surely not the American consumer. Nor is it at all likely that the Cuban producer will be much, if any, benefited. With duty removed or materially reduced, the market will be controlled absolutely by what is popularly known as the sugar trust in this country; that is, the American Sugar Refining Company. And in turn, after procuring the raw sugar at their own price, they will fix a price on the refined article to be purchased by the great body of American consumers. The American consumer is not and can not be a competitor with the sugar trust, or with either of the sugar trusts. There is but one competitor the American Sugar Refining Company has, and that is the beet-sugar refiners.

It is not therefore, I submit, to the interest of the great body of American consumers of sugar to simply aid one trust—which would be the case in placing Cuban sugar on the free list—in breaking down another trust engaged in the same industry. And this upon the principle that two great trusts engaged in the same business and competitors of each other constitute a less evil than one trust monopolizing the whole country.

Besides, in addition to all this, if we must have a trust at all, then better have one engaged wholly in the manufacture and refining of the domestic product, that of the cane of Louisiana and the sorghum and beet of other States.

To three gigantic trusts and the influence they are capable of exerting, and by which they often deceive and mislead many honest and patriotic men both in official life and out of official life, is very largely due to-day the demand from many sources for a reduction of duties on Cuban products.

These are, first, the sugar trust, which monopolizes and controls the Cuban crop and regulates its price; second, the English tobacco trust, which controls more than 60 per cent of the tobacco industry of Cuba, and third, the American tobacco trust, which virtually controls the balance of that industry.

Arrayed against the demands of these insatiable trusts may be found our domestic cigar-leaf industry, the growers of tobacco leaf, the manufacturers of cigars, and all related industries; the producers of sugar beets, of cane, and of sorghum; the manufacturers of domestic sugar from cane, beets, and sorghum, and all related industries, involving hundreds of millions of dollars of home investments.

Mr. President, in addition to what I have said on this subject, I beg to say I am one of those kind of Republicans who believe in keeping faith with the people; in other words, adhering to the platform of the party on all important questions. The Republican party in national convention at St. Louis, Mo., on June 18, 1896, adopted the following plank in their platform:

> We condemn the present Administration for not keeping faith with the sugar producers of this country. The Republican party favors such protection as will lead to the production on American soil of all the sugar which the American people use, and for which they pay other countries more than $100,000,000 annually.

I beg to attract the attention of the Senate to the following statement, bearing upon the general subject of sugar production

and consumption in the United States, found in the report made by the committee on statistics at a meeting of the Michigan Sugar Manufacturers' Association, held at Saginaw, Mich., December 23, 1901:

The consumption of sugar in the United States during the year 1900 was 2,486,228 tons of 2,000 pounds each. The annual rate of increased sugar consumption in this country for the past nineteen years has been 6.34 per cent. At this rate of increase the amount of sugar used in the United States in 1910 will be 4,032,496 tons, or, in round figures, 4,000,000 tons. The cane area in our country is able to produce not to exceed 1,000,000 tons annually. This leaves 3,000,000 tons, which can be furnished from home-grown beets if tariff legislation remains favorable during the intervening years.

Europe, with much less available beet area than the United States, produced in 1900 5,950,000 tons of beet sugar. Every European country making a success of the industry maintains not only a protective tariff of from 1 cent to 8 cents per pound, but also a direct bounty of from one-fourth of a cent to nine-tenths of a cent per pound. If Europe can produce beet sugar, we can, if given an opportunity.

To produce 3,000,000 tons of beet sugar annually would require 600 plants each having a daily capacity of 500 tons of beets. These plants would represent the following investment and annual business:

Invested in plants	$300,000,000
Working capital	$50,000,000
Acres of beets	3,000,000
Valua ion of land growing the crop	$150,000,000
Tons of beets	27,000,000
Tons of sugar	3,000,000
Value of beets	$135,000,000
Annual pay roll for labor in factories	$42,000,000
Tons of coal used annually	5,500,000
Tons of lime rock used annually	1,890,000
Tons of coke used annually	208,000
Freight paid railroads annually	$27,000,000
Annual payment for bags and barrels	$6,000,000
Farmers' families raising beets	750,000
Men employed in factories	125,000
Men employed in raising beets during season	1,200,000

An industry with such possibilities can be established in the United States within the next ten years. The entire question depends upon tariff legislation. Leave the tariff as it is and the industry is assured. Remove it and this is impossible. Will this gigantic industry be allowed to thrive and enhance the entire agricultural interests of the country, permeating every avenue of business, or will it be destroyed and the sugar market of the United States be surrendered to a trust whose policy is dictated by one man?

If permitted to thrive, the competition between these 600 beet-sugar factories will ultimately reduce the price of sugar far below the price it would reach if controlled by a single corporation. Such reduction will come gradually, as the development of the business under keen competition will justify. The beet-sugar industry stands to-day at the turning point. The trust recognizes this fact and is putting forth every effort to crush the industry. Will Congress stand for the people or for the trust?

THE OPEN DOOR.

It has been suggested that in the event of our according any special trade concessions to the Philippines not conceded to the people of foreign countries that we will, to an extent, close the open door to our trade in China. In other words, if we extend certain special privileges to the people of our own possessions we will suffer at the hands of foreign powers in respect to our trade relations in China. And has it come to this, Mr. President, that we dare not have a domestic policy of our own, that we dare not establish commercial relations with people who inhabit territory belonging to us, and who owe allegiance to the American flag, without endangering our commerce with foreign powers?

The question of our trade with China and our capacity to successfully compete for that trade with England, Germany, Russia, and France is one wholly outside of and independent of the question of our domestic policy, and depending on other conditions. But were it otherwise, then better forfeit whatever benefits we might otherwise enjoy rather than surrender our right to treat fairly and justly and equitably a people inhabiting our own territory and bearing allegiance to the American flag. Let us have an open door, or, if not that, at least a partially open door for trade relations between people of our insular possessions and those of the main land, even though it implies a partial sacrifice of trade benefits in other directions.

The distinguished Senator from Massachusetts [Mr. LODGE], chairman of the Committee on the Philippines, in his opening speech in support of this bill, said:

It has been suggested that in the duties imposed in the Philippine Islands upon articles imported there a discrimination should be made in favor of articles the growth and product of the United States.

And then he remarked that—

The objection to that seemed to your committee, and seems to me, to be fatal.

And then the distinguished Senator assigned three reasons in support of this objection:

The first is, that if we discriminate in our own favor upon articles entering the Philippines from the United States, we seriously diminish the principal source of revenue of those islands; secondly, because we must, under Article IV of the treaty of Paris, give Spain the same discrimination that we give to ourselves; and thirdly, and which the Senator characterizes as being far broader and more fatal than either of the other two, that if we discriminate in the Philippine tariff in favor of our own products, "we," to use the language of the distinguished Senator, "at once break down the policy of an 'open door,' for which we contend in China."

The first of these objections, which relates simply to the amount of revenue that will be affected, I pass over without stopping to discuss, further than to say that the modifications proposed by the amendments I submitted to the committee would not very seriously diminish the revenue, and, besides, other means of raising revenue should be devised, if not practicable now, very soon, which would impose less restrictions on the trade and commerce between the United States and the Philippine Archipelago.

THE MOST-FAVORED NATIONS DOCTRINE CAN NOT APPLY.

The second objection I concede; that is to say, I concede that under the Paris treaty we are bound to grant Spain the same privileges in the archipelago that we have, but I deny the consequences which the distinguished Senator asserts will follow. I deny that the concessions made to Spain in the Paris treaty can have the effect of either jeopardizing our rights to the full benefits of an open door in China or of conferring any rights or privileges on any foreign power by reason of the most-favored nations doctrine.

The answer to these two objections are ready and conclusive. The rights thus enjoyed by Spain for the period of ten years do not vest in that nation in virtue of any commercial treaty or trade arrangement between the United States and Spain, but, on the contrary, this provision in the treaty of peace was a part of the price, plus the $20,000,000 in cash, and plus the precious blood of our soldiers and sailors, which we paid Spain for all her improvements and rights in the Philippine Archipelago, in Porto Rico, and in Guam.

It is clear, therefore, even if the doctrine of an open door can be applied to our own country, which I deny, this arrangement with Spain could not be held to interfere with it. Besides, this concession to Spain, as part consideration for the purchase of the Philippines, or, perhaps, more properly speaking, for the purpose of obtaining the signatures of the Spanish commissioners to the Paris treaty of peace, was consummated long prior, long before the doctrine of an open door in China, as at present understood, was seriously thought of by the United States or by any other power.

And in view of the fact that this concession to Spain was but one of the many considerations and stipulations in a treaty of peace concluded by the two countries after a decisive war in which we were victorious, and not a concession made in a commercial treaty having but one purpose, the promotion of commerce between the two nations, the doctrine of the favored nations clause can not possibly apply. Hence it is no foreign power can claim any commercial rights as against us because of the settlement the United States saw fit to make with Spain in the treaty of peace.

The construction which has always been placed on the most favored nations clause is that it only relates to favors *gratuitously* granted. It has no application to *purchased* concessions, no relation to favors for which there is a consideration, express or implied.

August 27, 1894, Congress passed a law putting salt on the free list, with a provision that duties at the rate existing prior to the passage of the act should be collected on salt "imported from any country, whether dependent or independent, which imposes a duty on salt exported from the United States." The German Government at that time exacted a duty on American salt going into that country; but notwithstanding this, that Government made a claim that by reason of the American act putting salt on the free list as to all countries which did not exact duties on American salt, German salt was, in virtue of the doctrine of the most favored nations clause, entitled to come into the United States free of duty. The question was submitted to United States Attorney-General Olney, who, after citing the doctrine of the most favored nations clause as I have just stated it, said:

The form which the provision of our recent tariff act relating to salt may have assumed is quite immaterial. It enacts in substance and effect that any country admitting American salt free shall have its own salt admitted free here, while any country having a duty on American salt shall have its salt dutiable here under the preexisting statute. * * * Germany of course is entitled to that concession upon returning the same equivalent. (21 Opinions of the Attorney-General, 80-83.)

The doctrine I have just stated was clearly recognized by the Supreme Court of the United States in the case of Bartram *v.* Robertson, decided May 23, 1887, Mr. Justice Field delivering the opinion of the court (122 U. S., 116).

In that case the court held that the provisions in the treaty between the United States and Denmark, concluded April 26, 1826, and revived by the convention of April 11, 1857, did not authorize the importation duty free from Danish dominions of articles made duty free by the convention of January 30, 1875, between the United States and the King of the Hawaiian Islands, but otherwise subject to duty by a law of Congress. And this upon the ground that the concession which was allowed the King of the Hawaiian Islands was for a compensation wholly different from that involved in the Danish treaty. In other words,

the doctrine enunciated was and is that a purchased concession, one for a special, valuable consideration—as is that of the concession to Spain—does not operate to confer rights on other nations under the most favored nations clause.

This same doctrine was announced by Mr. John Quincy Adams, Secretary of State, in his letter to M. de Neuville, French minister, December 22, 1817, and referred to in Wharton's, II, 38, in referring to the eighth article of the treaty of April 30, 1803, ceding Louisiana to the United States, which provided that, "and ships of France shall be treated upon the footing of the most favored nations in the ports of the ceded territory," said:

> The eighth article does not say, and can not be understood to mean, that France should enjoy as a free gift that which is conceded to other nations for a full equivalent. If French vessels should be admitted into the port of Louisiana upon the payment of the same duties as the vessels of the United States, they would be treated upon a footing more favored than any other nation; since other nations, with the exception of England, pay higher tonnage duties, and the exemption of the English vessels is not a free gift, but a purchase at a fair and equal price.

All works on international law recognize this as the correct exposition of the doctrine relative to what is known as the "most-favored-nations clause."

OUR FOREIGN TRADE WILL NOT BE ADVERSELY AFFECTED IF WE DIFFERENTIATE IN FAVOR OF OUR INSULAR POSSESSIONS.

And as to the third objection, that to accord trade preferences to the people of the Philippine Archipelago, over those of foreign nations, will, in any manner or to any extent, or under any conceivable circumstances, affect us adversely as to our policy in reference to an open door in China, I most emphatically deny.

And I assert in the most positive manner of which I am capable that the doctrine involved in such a claim is not only one that can not be successfully maintained for one minute, but, on the contrary, it is a doctrine pregnant with danger to the commercial interests of the United States, and one which this Government can not afford to concede, and can not concede, except by a partial surrender of the rightful prerogatives which attach to us as a sovereign and independent Government. It is, in my judgment, a doctrine of the most dangerous import; it is a partial surrender, without any compensating benefits, of one of the very highest prerogatives this Republic possesses.

What, in brief and succinctly, is the proposition, let us inquire? It is simply this: That we, a sovereign nation, can not establish such domestic commercial relations between the United States and our own insular possessions as we may deem for our best interests, and for the best interests of the people of our outlying possessions, without by such act giving good cause of complaint against us by some foreign power, and establishing a right in morals and under the principles applicable to the comity of nations, on the part of some, or all of the foreign powers, to object and to make our action the basis of a right to retaliate by doing something that will affect our trade relations in China, and which will thus close to us the open door in China.

Such a doctrine, Mr. President, to my mind is simply monstrous. But not only so, but dangerous in the extreme as a virtual surrender of our vested, constitutional, and sovereign right to regulate our own internal and domestic commercial and trade relations to suit ourselves. As well might all the foreign powers on earth combine and protest against our American policy to reserve our coastwise trade exclusively for American vessels.

What is meant by the "open door?" I accept as substantially correct the definition of the distinguished Senator from Massachusetts that it is "a tariff which treats all nations without discrimination." This, when applied to China, as I understand it, means simply this: That while China as a sovereign power may levy such customs duties on imports into that country and such export duties from that country to other countries as she may deem proper, she must not discriminate in favor of any nation by giving differentials to one that are not accorded to all others.

But because we stand for such a policy in respect to the China trade, does it follow that we as a nation must adopt a similar policy in reference to our own country? Most certainly not. And if we do adopt such a policy, is that any just ground for dissent upon the part of any power on earth? Most certainly not. If our right to participate in the benefits of an open door in China involves such a sacrifice of sovereign rights on our part, then better that door be forever closed.

When, I inquire, did the United States ever agree, and with whom and on what terms, to surrender our sovereign and indisputable and indestructible right to establish such commercial and trade relations between the United States and Porto Rico, Hawaii, and the Philippine Islands as we might deem for the best interests both of the people of the United States and of the inhabitants of those islands, respectively? No such agreement, either express or by implication, was ever entered into.

Never has the United States stooped to such a humiliation, and it never will; but, standing erect in all its unimpeachable majesty, this Republic will ever maintain the American doctrine of its undisputed and indisputable right, and inherent sovereign power, to establish and regulate its commercial and trade relations between its own people and the people inhabiting any and all of its outlying possessions, whether in the frigid regions of Alaska or in the distant islands of the seas.

Are we to stand supinely by and see Russia, and Germany, and England, and France, and other foreign powers absorb the great bulk of the Philippine trade, as they are now doing? Are we to be duressed and driven into an abandonment of what we know to be our rightful, constitutional, sovereign powers by fear of a partial loss of trade in China?

England's policy for the last one hundred years or more has been one of differentialism in favor of the people of her colonies, and so with France, and so with all other European colony-holding countries. And yet we, the greatest power on earth, will hesitate to declare a policy of justice and right affecting our own people for fear of suffering in the great international competition for the trade and commerce of the world.

I am for one unwilling to advocate any policy that will tend to prevent us from being a beneficiary in the fullest sense of the term in the trade and commercial benefits that are to flow from an open door in China. I am not unmindful of the fact that we have now a market in China for many of our surplus products. I am cognizant of the fact that our present shipments of cotton goods from the United States to China amounts to more than $10,000,000 annually and is increasing largely every year.

And I am not unaware of the fact that we are to-day falling far short of selling China our proper proportion of her imports. China's total imports amounts annually to $161,353,000, of which amount we furnish only about $11,081,146, or but 6.8 per cent. Nor do I fail to remember that we are needing many of the products of the Orient which we do not produce in this country. And therefore, to a certain extent and on certain lines, the principle of reciprocity can very properly be applied in respect to our trade relations with China.

But while I agree to all this, I deny in the most emphatic terms that because we may deem proper to establish a domestic policy of our own in respect to our commercial relations between the United States and the people of our insular possessions that we do by this in any manner or to any extent jeopardize our rights to all the benefits we would otherwise enjoy in respect to the opportunities of an open door in China.

Neither China herself nor any one of the foreign powers interested in oriental commerce has any right to criticise or find fault with such a policy, nor do I believe they will. And any suggestion on our part that we must, in order to avoid criticism and opposition on the part of foreign powers in this respect, refrain from establishing a domestic policy which we believe and know to be right, is an evidence of governmental cowardice on our part. It is, in my judgment, a servile surrender of one of the highest attributes attaching to our sovereignty, as the greatest and grandest republic on earth.

An open door in the Orient is all well enough, but if the price of it is to be the surrender of a principle, of the right to exercise the very highest prerogatives attaching to us as an independent sovereign power, then that door had better be forever closed. We, as a nation, it seems to me, have passed beyond that point in our nation's history when we, in order to advance the trade and commerce of our country, are compelled to kneel in servile submission to either England, France, Germany, Russia, or any other power on the face of the earth.

Let our first great effort be to legislate so as to secure the domestic tranquillity and promote the prosperity of our own people, whether inhabitants of the mainland or of our insular possessions, and to promote and advance the common welfare of all; and we may be sure in such a course we will command the admiration and respect of every civilized nation on the face of the globe, and in such case our trade and commerce in all directions, instead of being hampered and injured, will, in my judgment, be encouraged, enlarged, promoted, and benefited.

While keeping in mind the question of revenue, Congress should, it occurs to me, legislate with a view to developing trade and commerce between the United States and our insular possessions; and whenever the principle of reciprocity can be applied, by permitting such of our products to enter those possessions as can successfully compete with like articles from foreign countries, then no customs burden should be imposed on such products, and they should have an open door into those possessions, free from any trade restrictions.

The marvelous development of our resources, the unparalleled increase in our manufacturing, agricultural, horticultural, and dairy products, our amazing capacity for still further annual increase in the production of these varied products to amounts in most instances far beyond the demands for home consumption and home markets, should impel us, while carefully guarding our own industries and our own labor, to be on the lookout in

every direction for markets for our surplus products. For this purpose we should look not only to our insular possessions, not only to the countries of this hemisphere, but to all foreign countries of this and the other hemisphere as well.

This was the great central idea sought to be taught and enforced on the American mind by the late President McKinley in his last great speech at Buffalo. In that speech he, among other things, said:

> Already our capacity to produce has developed so enormously and our products have so multiplied that the problem of more markets requires our urgent and immediate attention. Only a broad and enlightened policy will keep what we have. No other policy will get more. In these times of marvelous energy and gain we ought to be looking to the future, strengthening the weak places in our industrial and commercial systems, that we may be ready for any storm or strain.

Our capacity to hold our proper share of the oriental trade, outside of that with our insular possessions, depends, in my judgment, on other grounds than those which may grow out of our commercial regulations with a people of our own territory. It depends mainly on our capacity to control the great lines of transportation. Our merchant marine must be lifted from its present insignificance as a factor in the carrying trade of the world, and we as a nation must rise paramount and take our position as a commercial nation in the front rank of those engaged in controlling the world's transportation.

When this is done, then, and then only, will we be in a position to reap the full commercial benefits rightfully belonging to us, not only in our insular possessions, but through the means of the open door in the Orient.

THE RECENT ALLIANCE BETWEEN GREAT BRITAIN AND JAPAN.

Moreover, it may be truthfully said that nothing we could do or leave undone would tend so strongly, in my judgment, to keep wide to us an open door in China as the recent alliance between Great Britain and Japan.

This alliance seems a most decided checkmate to Russia in connection with her designs in reference to Manchuria. Had Russia succeeded in her purpose in securing and maintaining a permanent foothold in Manchuria, and in dominating that province with Russian influence and power, the trade door to the United States, as to that portion of China at least, would have been completely closed. But now that these two great powers, Great Britain and Japan, have joined hands in a solemn compact to the end that the integrity and independence of the Chinese Empire shall be preserved, and that there shall be no destruction of the territorial status quo, either in China or the adjoining regions, it means not only to these powers and all other foreign powers, but to the United States as well, an open door as to the trade of the entire Chinese Empire.

While the United States may not, by reason of her traditional policy, enter into any alliance with these powers, it is, or in my judgment at least, should be, a source of congratulation upon the part of the United States that this alliance between Great Britain and Japan has become an accomplished fact. It is, in one sense, a recognition of the wise policy inaugurated months ago by our own Government in reference to conditions, present and future, in the Orient.

OUR FOREIGN TRADE.

A careful inquiry into the present state of the commerce of the world, and of the relation borne to it by the United States, and the share in that trade and commerce in which the United States at present participates, makes it clearly apparent that something must be done, by legislation or otherwise, that will tend to bring to the United States a greater portion of the world's trade and commerce than we now enjoy.

We are not to-day furnishing any country on the face of the globe—and especially is this true with reference to European and Asiatic countries—our proper proportion of the total products being purchased annually by foreign countries.

For instance, the share of the United States to-day of the total of European imports annually is but a fraction over 14 per cent. The total of European imports to-day annually (I speak now particularly with reference to the year 1900) reaches the enormous sum of $7,895,831,000, while our share of this amount is but $1,114,952,953.

The largest proportion of trade enjoyed by the United States in any European country is that of the United Kingdom. The total imports of the United Kingdom for the year 1900 were $2,548,260,000, of which amount the United States furnished $602,221,375, or 23.6 per cent.

The next highest in any European county is Germany, where our share is 14.2 per cent of the whole. Germany's total imports for the year 1900 amounted to $1,389,264,000, of which total amount the United States furnished $197,603,400, or 14.2 per cent.

The country in which the United States enjoys the smallest proportion of the trade compared with the whole is that of Switzerland (with the single exception of Roumania), which is only thirteen one-hundredths of 1 per cent. Switzerland's total imports for the year 1900 amounted in value to $214,800,000, of which amount we furnished but $297,283.

This disproportion runs through every one of the European countries. Our share of Austria-Hungary's imports is but 2.2 per cent; of Belgium, 10.9 per cent; of Denmark, 13.9 per cent; of France, 9.3 per cent; of Greece, 1.3 per cent; of Italy, 10.7 per cent; of the Netherlands, 10.5 per cent; of Portugal, 8.8 per cent; of Roumania, 0.07 per cent; of Russia, 2.8 per cent. Russia's total imports in the year 1900 amounted to $294,837,000, our share being but $8,498,950. Our per cent of Spain's imports for the year 1900 was 8.8 per cent of the total; of Sweden, 5 per cent, and of Turkey, 3.4 per cent.

But this same lack of a proper proportion of the trade is also apparent when we come to consider our trade with Asia. The total Asiatic imports for the year 1900 reached the enormous amount in value of $1,125,882,000, of which amount our share was but $60,500,519, or but 5.3 per cent.

The country to which we furnish the largest proportion is Japan. Japan's total imports for the year 1900 amounted in value to $143,630,000, of which amount the United States supplied $26,492,235, or 18.4 per cent.

Our share in China, as I have already said, is but 6.8 per cent. Our share in the imports of Aden in the year 1900 was 5.5 per cent.

In India, whose total imports in the year 1900 amounted to $377,950,000, our share was but $7,508,120, or but 1.9 per cent of the total amount.

In Ceylon, out of the imports into that country in 1900, amounting in all to $40,779,000, the United States furnished $212,300, or but five-tenths of 1 per cent.

Of the $57,044,000 in value of the imports into the Straits Settlements in 1900, our share was but $973,600, or but 1.6 per cent.

In the Dutch East Indies our proportion was but 2.5 per cent, we furnishing in all $1,994,858 in value in a total of $76,911,000 of the imports into that country in the year 1900.

In the French East Indies the disproportion is still greater, as out of $37,170,000 in value imported into that country in 1900 we sent but $118,102, or but three-tenths of 1 per cent of the total.

While of the over $125,000,000 of value of imports into Hongkong in the year 1900 the United States supplied but $9,373,239, or but 7.5 per cent.

Our proportion in Korea, out of a trade amounting to nearly $6,000,000, was but $130,297, or but 2.4 per cent.

In Asiatic Russia, out of a total of imports into that country in 1900 in value of $14,458,000, our share was but $1,390,558, or only 9.6 per cent.

To Siam we sent products in the year 1900 amounting in value to the sum of $164,311, while the total imports of that country in that year were of the value of $12,644,000, our share being 1.2 per cent.

Of the $32,500,000 of imports into Asiatic Turkey in the year 1900, our share was the miserable pittance of $241,000, or seven-tenths of 1 per cent.

By a reference to our trade with African countries we find we are far in the rear in obtaining our due proportion of the trade of those countries. The total value of imports for the year 1900 into African countries was $373,884,000, of this amount the share of the United States was but $22,518,725, or but 5.9 per cent of the total.

For instance, British Africa imported in that year the sum total in value of $167,469,000, while of this amount the United States furnished but $19,190,658, or but 11.4 per cent.

The total value of the imports into French Africa for that year was $107,756,000, of which the United States furnished $926,550, or eight-tenths of 1 per cent.

German Africa imported $8,233,000 worth in that year, of which amount the United States furnished the pittance of $2,757, or about three one-hundredths of 1 per cent.

In Portuguese Africa the United States did slightly better. Of the $16,655,000 worth imported into that country in the year 1900 the United States furnished $837,368, or about 5 per cent of the total as her share.

We exported into the Congo Free State in the year 1900 products of the value of $8,550, while the sum total of the imports into that country for that year was $4,771,000. Our share, therefore, was about 1 per cent of the total.

Liberia has but little trade. The total of her imports for 1900 being $886,000, of which amount the share of the United States was $27,355, or about 3 per cent of the total.

Egypt has quite a large trade. The total value of her imports for the year 1900 was $67,675,000, of which amount the United States furnished $1,524,144, or about 2.2 per cent of the total.

Tripoli has but small trade. The total value of her imports for 1900 was $2,430,000, of which amount the United States furnished $1,345, or five one-hundredths of 1 per cent.

Coming to the North American countries we find the United

States fares somewhat better, but not as well as she should do and must do in the future.

The total imports of all North American countries, or, in other words, for North America, for the year 1900 was in value $388,591,000, of which amount the United States furnished $200,978,000, or 51.7 per cent.

In this connection, and for the sake of brevity, I submit the following table, showing the amount of imports into each of the North American countries during the years, in the main, of 1900, one of them for the year 1898, and five of them for the year 1899, and showing the share of the trade in these countries, respectively, enjoyed by the United States, both in amount and per cent:

North American imports.

[Figures taken from official reports of each country at latest date obtainable.]

Countries.	Year.	Total.	From United States.	United States' share.
				Per cent.
British North America	1900	$180,804,000	$104,781,000	57.9
Mexico	1900	65,470,000	38,270,000	58.4
Bermuda	1900	1,986,000	1,299,000	61.8
British Honduras	1900	5,960,000	669,000	11.1
Costa Rica	1900	6,080,000	1,688,000	27.7
Gautemala	1899	2,765,000	843,000	30.4
Honduras	1899	1,404,000	1,038,000	73.9
Nicaragua	1900	3,515,000	1,767,000	50.2
Salvador	1900	3,347,000	756,000	22.5
British West Indies	1900	28,740,000	8,630,000	30.0
Danish West Indies	1898	1,142,000	644,000	56.3
Dutch West Indies	1899	769,000	557,000	72.4
Guadeloupe	1900	4,274,000	2,008,000	21.6
Martinique	1900	4,985,000		
Santo Domingo	1899	1,696,000	1,118,000	65.9
Cuba	1900	71,681,000	34,347,000	47.9
Haiti	1899	3,943,000	2,633,000	66.7
Total for North America		388,591,000	200,978,000	51.7

Coming now to a consideration of our trade with South American countries, we find the total value of imports going into all South American countries for the year 1900 to be $341,778,000, the share of the United States being $41,247,590, or only about 12 per cent of the total.

I submit the following table showing the amount of imports into each of these South American countries during the year 1900, with the exception of Colombia and Venezuela, in which the figures are given for 1898, and Peru for 1899, and also the share of the United States, respectively, both in amount and in per cent of the total:

South American imports.

[Figures taken from official reports of each country at latest date obtainable.]

Countries.	Year.	Total.	From United States.	United States' share.
				Per cent.
Argentina	1900	$109,513,000	$11,095,538	10.1
Bolivia	1900	6,005,000	120,033	1.9
Brazil	1900	112,856,000	11,516,681	10.2
Chile	1900	38,785,000	4,596,525	11.8
Colombia	1898	11,083,000	2,605,544	23.5
Ecuador	1900	6,708,000	1,590,055	23.7
British Guiana	1900	6,595,000	1,879,847	28.4
Dutch Guiana	1900	2,569,000	555,726	21.6
French Guiana	1900	1,945,000	211,764	10.8
Paraguay	1900	1,838,000	8,487	.4
Peru	1899	10,530,000	2,311,886	21.9
Uruguay	1900	24,732,000	1,738,742	7.
Venezuela	1898	8,559,000	3,016,762	35.2
Total for South America		341,778,000	41,247,590	12.0

From all that has been said it will be seen that the total imports of all foreign countries at the present time, or at least up until within the last year and a half, was of the value of about $10,398,189,000, of which amount the United States imported into all of these foreign countries the sum of $1,468,373,470, or only about 14.1 per cent of the whole amount.

OUR NATION'S MARVELOUS INCREASE IN WEALTH.

But, notwithstanding this great disproportion in the share of the world's trade now enjoyed by the United States compared with that of all other foreign countries, the United States has been bounding ahead in the increase of national wealth in a manner calculated to bewilder the nations and command universal admiration.

About one-half a century ago, in 1850, the wealth of this country was but $7,135,780,228; in 1860 it had more than doubled, and was then $16,159,616,068; while in 1890 it had more than quadrupled what it was in 1860, as in that year it reached the enormous figure of $65,037,091,197; while in the year 1900 the wealth of the country had increased to the startling amount of $95,000,000,000.

Some of our Democratic free-trade friends may reply, "Take off your tariff on the products of these foreign countries, and you will swell the volume and value of our own exports with these countries." To this I respond, most assuredly; and I believe this should be done either by reciprocity arrangements or by direct act of Congress whenever it can be done without bringing these foreign products, the result of cheap labor, into ruinous competition with like products, either of the farm or of the shop, produced in our own country.

But whenever the introduction of the product of any foreign country does threaten the death or seriously endanger the existence of any American industry or affects adversely the welfare of the American laborer, then, I say, put up the bars, just as it is our policy to exclude Chinese laborers from this country, even though it may to some extent reduce the volume and value of our exports into foreign countries.

And while it is true we have a comparatively small proportion of trade in the various foreign countries, as compared with all other countries, it is, nevertheless, a fact that our domestic exports to-day are much greater than any other country, the monthly average being higher than that of any other country. While our domestic exports for the nine months ending with the month of September last amounted, as I have just stated, to $1,024,605,181, the United Kingdom, the second largest exporter of domestic products of any country in the world, exported in the same nine months but $1,018,845,768, or less than the amount exported in that time by the United States by $5,760,413.

Besides, is it not a fact apparent to all that but for the protective policy our foreign trade would not be to-day by many millions in either volume or value what it is? It is an historic and indisputable fact that when the Wilson free-trade tariff act was in operation our annual exports were but a fraction over $880,000,000, while to-day, under the upbuilding provisions of the protective system, as embodied in the Dingley bill, our exports have reached the enormous amount of considerably over one thousand million dollars annually. In fact, according to the official report of the Bureau of Statistics of the Treasury Department, our exports of domestic products for the nine months ending September 30 last were $1,024,605,181.

An apt and speaking illustration of the fact that our protective tariff is not to be held justly responsible for the lack of a proper proportion of our export trade into the various foreign countries is found in our trade with Canada.

In a speech of Mr. John Charlton, member of the Canadian Parliament, made before the New York Chamber of Commerce in November last, on trade relations between the United States and Canada, he showed that Canada was the third largest customer in the world for the products of the United States; that Canada in the fiscal year ending June 30, 1901, purchased United States products valued at $119,306,000, while the exports from Canada into the United States during the same year were—exclusive of gold and silver—of the value of but $39,497,000, or less than one-third of our exports into Canada.

Why this discrepancy? It is because our protective system cheapens all American products; and although Canada and the mother country have been doing all in their power for years to swing Canadian purchases to Great Britain by a system of discriminating duties in favor of Great Britain and against the United States, still Canada continues to purchase of the United States, and why? Simply because of the cheapness in price of our products compared with that of like products in Great Britain and other foreign countries.

It is clearly evident, therefore, that so far as our protective policy operating to reduce the amount of our exports into foreign countries the very reverse is true. And if, instead of this policy, we had had free trade for the past fifty years in this country our export trade would not be, in my judgment, one-half what it is to-day. In the face of such a record of our trade with Canada, it is clear we have nothing to gain and much to lose from the establishment of a system of reciprocity with Canada.

THE SUBSTITUTE PROPOSED BY THE MINORITY.

While I regret the able committee—the Philippines—of which the distinguished Senator from Massachusetts is chairman, could not have seen their way clear to recommend further amendments to the House bill looking to trade stimulation in the direction of the amendments proposed by me, I can not give my consent to the substitute proposed by the minority of that committee; and with the alternative presented—while the amendments proposed by the committee are not all I desire, and for which I have labored, they are nevertheless a great improvement, in my judgment, over the House bill—there is but one course for me to pursue, and that is to support the committee amendments.

What, Mr. President, is the precise proposition of the minority, as embodied in the proposed substitute and as elaborated in the accompanying views of the minority? It is, in brief, a proposition that the United States shall, subject to a temporary occupation of the archipelago by the United States, until the people

thereof have established what the minority are pleased to designate as "a stable government," and until "sufficient guaranties have been obtained for the performance of our treaty obligations to Spain, for the safety of those inhabitants who have adhered to the United States, and for the maintenance and protection of the rights which have accrued under their authority," relinquish all claim of sovereignty over and to the archipelago known as the Philippine Islands.

To do this, Mr. President, is to call a halt and take a backward step in the grand advance made by this nation in the past few years to the forefront as a world power. To do this is to acknowledge our incapacity as a nation to successfully compete with the civilized nations of the earth in the competitive race of nations toward a higher and better civilization. To do this would, in the language of President Roosevelt, which we find in his late message, "mean that they" (the islands) "would fall into a welter of murderous anarchy." To do this would be, to again repeat the language of the President, "such a dereliction of duty on our part as would be a crime against humanity."

If, by anything or everything that we have done in the past few years, by legislation or otherwise, a trust has been imposed on us in respect to our dealings with the people of Cuba, an infinitely higher and more sacred trust is imposed on us by what has transpired in the past few years, in war and in peace, in respect to the people of the Philippines.

Are we now, after a successful war, in which our armies and navies, by their incomparable valor and unparalleled victories, have brought to the American name an imperishable glory, have attracted the astonishment and commanded the admiration of the world, to surrender ignominiously the fruits of these great triumphs? Are we, after the precious blood that has been shed, after the loss of human life that has been sacrificed, to say nothing of the millions of money expended, and after and in pursuance of the treaty of peace, ratified and confirmed by both nations, the sovereignty of those islands has been transferred to us and the allegiance of their people transferred from that of the Spanish Crown to that of the American flag, are we after all these things have transpired, and after we have entered upon the performance of the sacred trust of leading these people to a higher and better national life and to a civilization of which they never dreamed—are we, I say, after all these things have transpired, to renounce our sovereignty and turn our back upon these people, haul down the American flag, declare these islands foreign territory, and abandon ignominiously a national trust, the most important, the highest, and most sacred ever imposed upon any nation since the beginning of time?

And yet this is what is proposed, as I understand it, by the minority of the committee. To do this would be to do that in reference to which the pages of history fail to furnish a national parallel. To do this would be to detract from our national prestige. It would be a voluntary surrender of one of the highest of our national prerogatives, a confession of our inferiority as a world power and it would bring upon us the ridicule and contempt of all self-respecting nations.

Had the minority of the committee, in their substitute and accompanying views, recognized and accepted the legitimate results of the Spanish war and the resulting treaty of peace and the facts of history, and the principles of international law as they must necessarily be applied to and determine the status of our insular possessions, and then openly and firmly taken their stand upon the doctrine of an absolute free interchange of products between these possessions and the United States, and between the islands respectively, then they would have an issue that would have commanded the respect of all, even of those who are of the opinion that there should, for the purpose of revenue, be temporary trade restrictions.

But when they in their proposed substitute ignore history, fling to the wind all the fruits of a successful war, brush aside as worse than useless all acquired by the grand victories of our Army and Navy and accepted and approved by our treaty of peace, repudiate the principles of international law as applicable to existing conditions, insist on the relinquishment of all claim to American sovereignty in our insular possessions, demand the withdrawal of the protection of the American flag, turn back the wheels of progress and erect a blockade in American civilization, concluding with the remarkable and startling proposition that from and after the passage of their proposed substitute the Philippine Archipelago shall be foreign territory—I say when such a proposition is assumed by our friends of the minority of the committee it leads in a backward direction, and the American people, the best representatives of the Anglo-Saxon race now extant, have never yet in all their incomparable history even halted, much less taken a backward step, in the great international contest for primacy in the grand work of industrial progress and of the promotion of the principles of human liberty, the amelioration of the condition of the downtrodden and oppressed, in the elevation of the human race, and, in my judgment, they never will.

And in this connection it does seem to me our friends of the minority are somewhat inconsistent. This Chamber has been ringing for the past two weeks with fervid and emphatic denunciations of the various laws, rules, and regulations enacted by the Taft Commission. They, or many of them at least, have been assailed as tyrannical in the extreme, as subversive of liberty, as gross invasions of civil and political rights, as constituting a disgrace to American citizenship. Especially was my friend the Senator from Washington [Mr. TURNER] both eloquent and emphatic in these denunciations. He denounced these laws as a "work of tyranny, too black even for the most despotic and tyrannical government that exists on the face of the earth."

He insisted, further, that the leaders of the Republican party had dishonored the nation by their greed for power and spoils. "They have done so," said he, "in their greed for power and spoils; they have done so under the false and blasphemous pretense that they were serving the Almighty God by advancing liberty and religion. Instead of advancing the cause of liberty," said he, "they have struck it the worst blow it has received since it first found a foothold on the American continent," while my greatly esteemed friend the venerable Senator from Colorado [Mr. TELLER], in referring to one of these Philippine laws, said: "The statute is a violation of every fundamental principle of free people and free government."

And yet the minority of the committee in their proposed substitute for the pending bill, after providing that the United States shall continue to occupy and govern said archipelago until the people thereof shall have established a stable government, and until sufficient guaranties have been obtained for the performance of our treaty obligations with Spain, for the safety of those inhabitants who have adhered to the United States, and for the maintenance and protection of all rights which have accrued under their authority, conclude with this remarkable statement:

That until the people of the islands shall establish a government, as hereinbefore provided all laws, rules, and regulations—

Every last one of them, those that are tyrannical and those that are not—

now in force for the government of the islands, and the raising of revenue therefor, shall be in force, except as the same may be in conflict with this act.

There is nothing in the act which conflicts. It is a plain proposition that they propose to extend every one of these laws indefinitely so far as the provisions of the substitute are concerned.

Mr. RAWLINS. Will the Senator allow me?

Mr. MITCHELL. Certainly.

Mr. RAWLINS. The Senator's criticism, as I understand it, is that the final clause of the substitute of the minority proposes to continue in force the existing laws pending the temporary occupation of the islands by the United States, I suppose including the provisions of the sedition act making it an offense to advocate independence in the islands, I ask the Senator whether he does not think that provision would be in conflict with this act, the very purpose of which is to secure independence to the islands?

Mr. MITCHELL. I think not.

Mr. RAWLINS. The Senator thinks not?

Mr. MITCHELL. I think not. I think this——

Mr. RAWLINS. I will further say to the Senator, by his permission, that at the time that clause was inserted the members of the minority had not had laid before them the various acts of the Philippine Commission, and especially had their attention not been called to the act known as the sedition act. We indulged in what was then to us the reasonable, but now turns out to be a violent, presumption that the eminent men we had sent over there would only adopt measures reasonable in their character for the purpose of providing temporarily a government for the people, and we thought we ought to provide a status quo. But I wish to add further, if the Senator will permit me one moment——

Mr. MITCHELL. I should like to answer at that point. The last answer of the Senator from Utah is a good one; the first answer was a very bad one, in my judgment.

Mr. RAWLINS. I am glad——

Mr. MITCHELL. If it is true, as stated by the Senator, that this clause was inserted before they knew anything about the fact of the laws being tyrannical, then the answer is a good one.

Mr. RAWLINS. That is correct; and I further wish to state that the minority of the committee have a proposition, since they made the discovery as to the character of those laws, to annul and disapprove them. I think the minority will vote for that provision, and I hope the Senator will do so.

Mr. MITCHELL. In other words, as I was about to state, notwithstanding the infamous character of all or many of the laws, rules, and regulations now in force for the government of these islands—as so strenuously insisted upon in the speeches to which I have referred—our Democratic friends, at least that portion of them who signed the minority report, as well as all who support that substitute, recommend and urge that they be continued in

force. If these acts or any of them are of a tyrannical and oppressive character, as stated, why continue them in force? Why not demand their immediate repeal? Why not insist that such tyrannical acts should at once be wiped from the statute books of the country?

Congress unquestionably has the power to repeal the Spooner amendment, to abrogate every law enacted by the Taft Commission, and even to abolish the Commission itself. Why not do this instead of recommending that the laws, rules, and regulations which they have denounced as tyrannical and subversive of the principles of human liberty be continued on the statute books of the country? This seems to be a most remarkable recommendation when considered in connection with the speeches to which we have been listening. I can not bring myself to believe that this proposed substitute can receive the hearty approbation and approval of all our Democratic friends.

The distinguished, erudite, and able Senator from Mississippi [Mr. MONEY], I imagine, does not take very kindly to it. He has a scheme of his own. But while he told us in his interesting speech the other day that he expected to vote for the minority substitute, he at the same time told us that he had not "examined it carefully." "I shall give it my vote," he tells us, "while not thoroughly approving the method." And he tells us further, in speaking of the proposed substitute, this: "There are a great many things I would have left out, and some things I would have inserted."

All these statements taken together can hardly be construed as any very cordial or enthusiastic indorsement of the proposed substitute. Just what the "great many things" are which the Senator would have left out of the substitute the distinguished Senator does not tell us; nor does he deem it advisable to inform us what any or all of the "some things" are which he would have inserted.

It is to be regretted that our Democratic friends can not agree on just what ought to be done, or just what their platform on this subject is to be in the next Presidential contest.

OUR TITLE TO THE PHILIPPINE ARCHIPELAGO IS UNASSAILABLE.

The distinguished and able Senator from Washington [Mr. TURNER] denies our right to the Philippine Archipelago, under what he claims are the well-recognized principles of international law, and he bases his argument on an assumption of fact which is without any just foundation. He assumes and asserts as a fact that the Filipinos had achieved independence and established an independent government in the islands prior to the fall of Manila.

If this were really true, then the deduction of the Senator would, I concede, indeed be right. If, as a matter of fact, the Filipinos had, prior to the date of our destruction of the Spanish fleet, really achieved independence and established an independent government of their own—a government recognized by the conquered Spain and by other foreign powers—then I concede our victory over Spain would not have had the effect, under the well-recognized principles of international law, of transferring the sovereignty of those islands to us or the allegiance of the Filipinos to our flag; and in such event no right, either in virtue of the victory of our armies and our fleets, nor yet by virtue of the Paris treaty of peace, would have vested in us to those islands.

But I deny the claim of the distinguished Senator as to the assumed fact. I deny that the Filipinos had prior to the fall of Manila ever succeeded to their independence. The indestructible facts of history will not sustain the assumption of the Senator. I deny that they had ever at any time prior to the fall of Manila established an independent government. When did Spain recognize their independence? When did any other power on earth recognize their release from Spanish sovereignty? When did either Spain or any other of the great powers ever concede that they had achieved their independence or established an independent government? The utter fallacy of the whole argument of the distinguished Senator abides in his assumption of an alleged fact which never had any existence.

This is the clearly discernible vice, this is the deadly "fly in the ointment," which utterly destroys the very plausible argument of the distinguished Senator. Any claim, therefore, that there is any defect in our title to the Philippine Archipelago, based on the strange suggestions of our Democratic friends and so strenuously insisted upon by the distinguished Senator from Washington in his recent speech, that at the time of the Paris treaty the Filipinos were in possession of those islands and had conquered Spain and secured their independence and established an independent government of their own, is wholly barren of support.

As a matter of fact, those people, so far from having achieved independence and established an independent government of their own, had not been even urging a war for independence. They were professedly contending with Spain for other and wholly different purposes than that of independence. They had not prior to the destruction of the Spanish fleet by Dewey made any claim that they were contending for independence. They claimed to be fighting simply for the purpose of compelling certain reforms, as they claimed, such as the right to representation in the Cortez, the expulsion of the friars, and the restoration of the people to their lands, with a division of the Episcopal sees between the Spanish and native priests, the freedom of the press, religious toleration, economic autonomy, and laws similar to the laws of Spain.

But even were it true that they had been fighting for independence and had virtually accomplished such purpose, as claimed by the distinguished Senator, it is not true, as I have stated, that their independence had ever been recognized by Spain, the United States, or any other sovereign power of the world, and by the universally accepted rule of international law until this is done the territory remained under the sovereignty of Spain and the people were subjects of Spain. By that treaty, therefore, the United States was endowed with absolute sovereignty over these islands, and it was specifically provided, as follows:

The civil rights and political status of the native inhabitants of the territory hereby ceded to the United States shall be determined by the Congress.

In the absence, therefore, of any action on the part of Congress, what, I inquire, was the President's sworn constitutional duty on the ratification of that treaty, in view of the then existing state of affairs in the island of Luzon? It must be remembered that two days before the ratification of that treaty Aguinaldo and his Tagal followers had made war upon our soldiers in the island of Luzon. They had fired on the American flag. They had committed open acts of insubordination and insurrection. This was continued after the ratification of the treaty.

It was therefore an insurrection upon the part of the inhabitants of those islands, or a small portion of them, against the sovereignty of the United States. And while it is true the President has no power under the Constitution to declare war, he not only has the power, but it is his sworn constitutional duty, to call out the military and naval forces of the United States for the purpose of suppressing insurrections. This authority, as we must all agree, is expressly conferred upon the Chief Executive of the nation, first, by section 3 of Article II of the Constitution of the United States, which provides, among other things, that the President shall take care that the laws are faithfully executed, and by two statutes that have remained unrepealed on the statute books of the Republic, one for more than one hundred years and the other nearly one hundred years; the one was passed February 28, 1795, and the other March 3, 1807.

Mr. RAWLINS. Mr. President——

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Oregon yield to the Senator from Utah?

Mr. MITCHELL. Yes, sir.

Mr. RAWLINS. Is not the Senator aware of the fact that on the 22d of July, prior to the fall of Manila, Admiral Dewey telegraphed to the Secretary of the Navy that the Filipinos expected independence; that prior to the fall of Manila a constitution and form of government had been adopted providing for an independent government; that General Otis, after the fall of Manila, prior to the making of the Paris treaty, officially reported that that government, at the head of which was Aguinaldo, had control of all the islands, including a considerable part of Mindanao; that his authority was dominant even in Manila; that an order for the celebration of the death of Rizal was universally obeyed throughout the islands, including Manila; that all business was suspended throughout the islands on that day; that during that same time, according to the report of Admiral Dewey, three eminent naval officers, commissioned by him to that service, went to the island and found peace prevailing, life and property secure, and the people operating under an organized government?

Mr. MITCHELL. Mr. President, an answer to that question is to be found in the report of the first Philippine Commission sent out from Manila, which is signed by——

Mr. RAWLINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Utah?

Mr. MITCHELL. The Senator will excuse me a moment. I wish to answer his question.

Mr. RAWLINS. Very well.

Mr. MITCHELL. I hold in my hand the report of the first Commission sent by this Government to the Philippine Islands, signed by Jacob Gould Schurman, George Dewey, Charles Denby, and Dean C. Worcester. That report is dated November 2, 1899.

Mr. RAWLINS. The report to which I allude relates to the condition prior to the arrival of that Commission.

Mr. MITCHELL. This report relates to the condition which existed in the Philippines prior to the downfall of Manila, and I desire to read from the report in answer to the question of the Senator from Utah.

Mr. RAWLINS. Mr. President——

Mr. MITCHELL. Wait a moment. This is an extract from the report:

If the foregoing statements regarding the attitude of the Filipinos toward independence seem to be in contradiction with the fact that some Filipinos are now engaged in resisting the sovereignty of the United States, it should

be recalled that the Tagalog insurrection is an inheritance from Spain, and that if the idea of independence is now one of its animating forces it had originally no place in the movement, and that it is to-day a much weaker force than the selfish ambitions of leaders who deceive the misguided people or than that distrust and hatred of the white race which has been engendered in them by three centuries of experience with the only branch of it they have ever known.

The Tagalog leaders also appreciate the value in foreign markets of the idea of independence as a justification of rebellion; but it is not that idea which secured them soldiers, or munitions of war, or tributes from other provinces, but the strong hand of force, coupled with persistent misrepresentations of the purposes and objects of the American Government, for the dissemination of which both circumstances and the native suspicion of the white man were peculiarly favorable. Nor can it with any propriety be said that an insurrection confined to Tagalogs—who, if all are included, number 1,600,000 souls—has for its object the independence of the peoples of the Philippine Islands, who number about 8,000,000.

And even among the Tagalogs the idea of independence is a more or less superfluous appendage to the insurrectionary movement. For the rebellion (in which the United States has merely succeeded to Spain's place) arose out of definite grievances and sought redress for definite wrongs. In a proclamation in the Tagalog dialect, bearing the pseudonymous signature "Malabar," which was extensively circulated in July, 1897, the ends sought by the insurgents—

I call the attention of the Senator to what they were fighting for—

the ends sought by the insurgents, who had been in rebellion since 1896, were succinctly and clearly stated in the following terms:

"1. Expulsion of the friars and restitution to the townships of lands which the friars have appropriated, dividing the incumbencies held by them, as well as the episcopal sees, equally between peninsular and insular secular priests.

"2. Spain must concede to us, as she has to Cuba, parliamentary representation—

Not independence, but—

"parliamentary representation, freedom of the press, toleration of all religious sects, laws common with hers, and administrative and economic autonomy.

"3. Equality in treatment and pay between peninsular and insular civil servants.

"4. Restitution of all lands appropriated by the friars to the townships or to the original owners, or in default of finding such owners, the State is to put them up to public auction in small lots of a value within the reach of all and payable within four years, the same as the present State lands.

"5. Abolition of the Government authorities' power to banish citizens, as well as unjust measures against Filipinos; legal equality for all persons, whether peninsular or insular, under the civil as well as the penal code.

"The war must be prolonged to give the greatest signs of vitality possible, so that Spain may be compelled—

To do what? To grant independence? No, sir; but—

"to grant our demands, otherwise she will consider us an effete race, and curtail rather than extend our rights."

Now follows what the Commission, including Admiral Dewey as one of the commissioners, said:

This certainly is no scheme of independence.

Whatever Admiral Dewey may have telegraphed, we find him here in his official report joining with his cocommissioners, after reciting the grievances of these people for the redress of which they have been contending against Spain for many years, in making this statement:

This certainly is no scheme of independence. It is a statement of grievances, a demand of reforms, and, by implication, a bill of rights. In detail, the items of the programme are: (1) The expulsion of the friars, and the restitution of the lands held by them to the townships or to the original owners; (2) the recognition of Filipino priests in filling the incumbencies vacated by the friars; (3) absolute religious toleration; (4) the equality of all persons—Filipinos as well as Spaniards—before the law; the assimilation of the laws of the archipelago to those of Spain, and the equality of Filipinos with Spaniards in the civil service; (5) the freedom of the press; (6) the establishment of representative institutions; (7) home rule; (8) abolition of deportation and other unjust measures against Filipinos, and (9) the continuance of the war as a means to coerce Spain into granting these rights.

Not for the purpose of coercing them into granting independence, but into granting the rights just enumerated.

Mr. RAWLINS. Mr. President——

Mr. MITCHELL. I will yield in a moment. Admiral Dewey and his co-commissioners say:

It was not the intention or desire to shake off Spanish sovereignty, but merely to abolish its abuses and to vindicate and secure under its ægis the civil, political, and religious rights and liberties of the Filipinos.

Mr. RAWLINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Utah?

Mr. MITCHELL. I yield.

Mr. RAWLINS. Mr. President, the proclamation to which reference has been made by the Senator was issued in 1897, and doubtless sets forth the desires of the Filipino people at that time. They succeeded in obtaining a treaty with Spain securing, as they supposed, those ends in the latter part of 1897, known as the treaty of Baguabac.

Every one of the stipulations of that treaty having been violated, the Filipino people again resorted to arms; and when war was declared by the United States against Spain, the Administration at Washington was informed, and the President sent the information with his approval to the Senate, that those people had informed our consular officers and Admiral Dewey that what the people there expected as the basis of their cooperation with us was independence. Before leaving Hongkong a proclamation setting forth those purposes was issued and carried to the islands by Admiral Dewey——

Mr. MITCHELL. I did not yield to the Senator for a speech but for a question.

Mr. RAWLINS. And promulgated, if the Senator will permit me, to those people, and a copy sent to the President. Admiral Dewey on the 22d of July telegraphed to the Secretary of the Navy explicitly—and it will be found in his official report—that the people there expected independence. While it is true—without going through in detail what has been time and time again shown in the debates here—that in 1897 and succeeding that the people desired what is there set forth, and what they thought they had obtained by the treaty of Baguabac, they were disappointed; and when they again took up arms they took up arms for the purpose of achieving their independence and had practically achieved it before the treaty was made between Spain and the United States.

Mr. MITCHELL. In answer to what the Senator has said, I desire to ask him a question. I ask, Did Spain ever recognize the independence of those people? I desire an answer to that question.

Mr. RAWLINS. No.

Mr. MITCHELL. Never did?

Mr. RAWLINS. Spain did not; but the people, as a matter of fact, had achieved their independence, for before the treaty of Paris was made, December 8, and especially before it was ratified by the Senate in February, Spain had been driven from the islands.

Mr. MITCHELL. That is not an answer to my question.

Mr. RAWLINS. Spain did not then have control of a foot of territory anywhere in the archipelago.

Mr. MITCHELL. Now, Mr. President, I undertake to say that neither Spain nor any other power on earth ever recognized the independence of those people in the Philippine Islands prior to the downfall of Manila or at any other time, and I assert it as a doctrine of international law, which the distinguished Senator, because he is a good lawyer, will not deny, that until their independence was recognized by foreign powers the sovereignty of the mother country did not pass to and attach to the people claiming to be independent.

Mr. TELLER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Colorado?

Mr. MITCHELL. Yes.

Mr. TELLER. I do not wish to interrupt the Senator, but I wish as a lawyer to enter my denial that that is international law.

Mr. MITCHELL. But I insist, Mr. President, the Senator will find that it is international law if he will study it carefully.

Mr. RAWLINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Utah?

Mr. MITCHELL. Yes.

Mr. RAWLINS. My attention has been called by a man most familiar with international law, whose opinion is much better than mine upon that subject, to the fact that there have been many instances where people had revolted from their parent country and struggled for independence, whose independence has been recognized by other nations without any recognition on the part of the mother country.

I do not agree with the Senator's proposition that recognition by the mother country of the independence of a people who have in fact achieved their independence by force of arms is necessary to the recognition of that fact, and I deny also, as a matter of international law, that the recognition of that fact by any nation is essential if it has been established that the people in reality have achieved their independence.

Mr. MITCHELL. But, Mr. President, the Senator has submitted a different proposition entirely from the one he entered upon in the first place. I undertake to say that the Senator can not point to any recognition, either by Spain or by any other government, of the independence of those people; neither can he point to any established government erected by those people prior to the downfall of Manila.

Now, I want to ask the Senator this question: Does he contend here and now that at the date of the Paris treaty sovereignty did not rest with Spain?

Mr. RAWLINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield?

Mr. MITCHELL. Yes, sir.

Mr. RAWLINS. My answer, in a word, is that sovereignty is the actual power of control which one government may have over a people or a territory. There can be no such thing as constructive sovereignty. The moment any nation loses the control of a people so that its laws are no longer in force or respected by that people—after those people have enforced and practically applied the rules adopted by themselves—just at the moment that occurs sovereignty ceases to exist.

It may be only suspended. It is possible that Spain might

have reconquered the islands, but I do say that on December 1, 1898, Spain was not in possession or in control as a sovereign exercising actual sovereignty over a foot of the archipelago. That being true, she had no sovereignty there, and was not in possession of anything to which it could be transferred.

Mr. MITCHELL. The doctrine the Senator advocates is that there can be such a thing as a shifting sovereignty; that if a mob obtains control for a moment, sovereignty then attaches. Is that so?

Mr. RAWLINS. No; I do not think that follows; but where a people have organized a government, promulgated law, established institutions, raised armies, and have enforced the laws which they have promulgated under regulated authority, and in that way gained the dominion and control of a people and territory, that is sovereignty. It may exist for a month or a year, it may be overthrown, but while it does exist in that form it is sovereignty; and that condition, if we are to believe the official reports of General Otis and the dispatches that were sent here covering the period in question by those who were actually representing us upon the ground, was the condition prevailing in the archipelago prior to the treaty.

Mr. MITCHELL. I think the Senator would have the greatest difficulty in finding any recognition in any work on international law of the doctrine he advocates. The truth is that the sovereignty of Spain was recognized by every power on earth at the date of the Paris treaty. There was no recognition of something that did not exist as a matter of fact, and there could not have been.

Mr. RAWLINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Utah?

Mr. MITCHELL. I do.

Mr. RAWLINS. The distinguished Senator from Alabama [Mr. MORGAN], who does not entirely agree with the minority in some phases of this question, but who is familiar with international law, places the ground of our title to the Philippine Islands upon conquest—not upon cession—by conquest, he claims, because we had captured Manila. In my view, as pointed out by the Senator from Washington [Mr. TURNER], because we had gained possession and control of the islands our sovereignty attached and displaced that of Spain.

Mr. MITCHELL. The victory we won at Manila was a victory over Spain, not over the Filipinos. It was Spain we were warring with.

Mr. TILLMAN. Will the Senator allow me?

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from South Carolina?

Mr. MITCHELL. Yes, sir.

Mr. TILLMAN. There were two victories at Manila—one over the Spanish fleet and one over the Filipinos. Which one does the Senator refer to?

Mr. MITCHELL. I am speaking of the fall of Manila.

Mr. TILLMAN. When did Manila fall?

Mr. MITCHELL. When Dewey captured it with his guns.

Mr. TILLMAN. Not at all. The city was not surrendered until General Merritt, or some other—I believe it was General Merritt who was in command of the American army—aided by the Filipino army, besieged and captured Manila.

Mr. MITCHELL. Does the Senator from South Carolina hold that the people of the Philippine Islands had achieved their independence at the date of the treaty of peace?

Mr. TILLMAN. I hold that they had driven the Spaniards out of the islands and held every foot of them, except the cities of Manila and Iloilo.

Mr. MITCHELL. Had they achieved their independence, established a government, and been recognized?

Mr. TILLMAN. They were much nearer to it than were the American colonies in 1783.

Mr. MITCHELL. Being very near to and being right there, are two different things.

Mr. TILLMAN. If we had acted toward the Filipinos with the same magnanimity that France acted toward us, we would have recognized the independence that the Filipinos had won, but we did not do it.

Mr. MCCOMAS. I should like to ask a question of the Senator from Oregon, who has so admirably analyzed the substitute of the Senator from Utah [Mr. RAWLINS] who has just taken his seat.

Mr. MITCHELL. I yield to the Senator.

Mr. MCCOMAS. I wish to remind him that the first three lines of the substitute presented by the Senator from Utah assume that Spain had sovereignty over the archipelago, assume that Spain ceded the archipelago and sovereignty to us in terms. The substitute provides:

That, subject to the provisions hereinafter set forth, the United States of America hereby relinquish all claim of sovereignty over and title to the archipelago known as the Philippine Islands.

In addition to that the Senator has well characterized the project of having the existing laws, rules, and regulations now in force perpetuated until the people of the islands shall establish a government.

I ask the Senator, as a student of international law—I mean the Senator from Oregon, not the Senator from Utah, who has so suddenly and strangely shifted from his former position to his statement a moment ago—I ask the Senator from Oregon how it is possible that when we have relinquished all claim of sovereignty as the substitute provides, "subject to the provisions hereinafter set forth," none of which contemplate the retention of that sovereignty—how under international law we could possibly perpetuate, when we leave the islands without a treaty-making power, any laws, rules, and regulations? Would we not just leave the islands a chaos?

Mr. MITCHELL. I prefer to leave the answer to that question to our Democratic friends of the minority.

Mr. TILLMAN. Will the Senator allow me?

Mr. MITCHELL. Yes.

Mr. TILLMAN. I am no lawyer, but I have a little common sense. I want to ask the Senator and his colleagues, who are referring with a great deal of unction every once in a while to the substitute, whether they are ready to adopt the substitute?

Mr. MITCHELL. I am not.

Mr. TILLMAN. Of course not; and yet you take the substitute, pick it to pieces, and ignore the fundamental principle involved in the first section, which recognizes that those people shall have liberty, shall have government, which we will assist them to establish after destroying the one they had established. We have conquered them; we have subjugated them; we have destroyed every semblance of government they have ever established; and we recognize that—the Democrats do, but you do not; you claim that they never had a government.

Mr. MITCHELL. The answer to that is simply this, that two days before the ratification of the treaty of peace Aguinaldo and his followers made war on our soldiers and on the American flag, and the United States, in pursuance of a constitutional duty, entered upon the business of suppressing that insurrection.

THE CONSENT OF THE GOVERNED.

Mr. President, a great deal has been said in this debate about the consent of the governed. I want to call the attention of our Democratic friends to a little history on that subject made by the Democratic party. Our Democratic friends claim to be following in the footsteps of the Democratic party for the last fifty years or more, in reference to the great questions cognate to those now agitating the country, and they make the welkin ring in opposition to a government without the consent of the governed.

I beg to attract the attention of our friends to the position of the Democratic party on this question, as illustrated by the Democratic administration of President Pierce in what is known in history as the "Ostend manifesto." What were the facts in connection with that manifesto, and what was the manifesto itself?

Franklin Pierce, a Democrat, was President of the United States. William L. Marcy, another leading Democrat, was his Secretary of State. James Buchanan, another Democrat, and afterwards President of the United States, was minister to England. J. Y. Mason, another Democrat, was minister to France, and Pierre Soulé was minister to Spain.

Minister Soulé, our minister to Spain, was charged by President Pierce to open negotiations with Spain on the subject of the acquisition of Cuba. Pending this, President Pierce directed those three ministers plenipotentiary to meet and confer upon the subject and to submit their joint views. In pursuance of these instructions they met at Ostend, in Belgium, in October, 1854, and after a conference they addressed a letter embodying their conclusions.

This letter was addressed to William L. Marcy, the then Secretary of State, and this letter is what is known in our political history as the "Ostend manifesto." It was in every essential particular a Democratic document, embodying the then principles of the Democratic party upon the subject of expansion. And what was the doctrine upon the subject of expansion announced in that manifesto? It was in substance and effect that the United States should acquire Cuba, if possible, by purchase from Spain; but if that were found to be impossible, then we should wrest it from Spain without the consent of the Government of Spain or of the people of Spain or of Cuba.

By that manifesto it was proposed that the United States Government should offer Spain a price for Cuba, to use the language of the manifesto, "far beyond its then value," and that if such offer was refused by Spain then, to again use the language of the manifesto, "We shall be justified by every law, human and divine, in wresting it from Spain if we possess the power."

Now, what followed? The Republican party in its national convention of 1856 denounced this Ostend manifesto and the doctrine which it enunciated. And why? Not because it might not

have favored the peaceable purchase of Cuba, but because that party then, as now, was opposed to wresting by force from any sovereign on this or any other continent any foreign territory whatever.

When our Democratic friends, therefore, talk about governing without the consent of the governed I would point them to this record of their own party, so recent as 1854, which shows that they then favored the forcible acquisition of foreign territory, not only without the consent of the sovereign, but without the consent of the people of the territory to be ceded or of those remaining under the old sovereign.

As bearing upon the question of our responsibility in connection with the present and future management and control of our insular possessions, I give unqualified approval to the following sentiment expressed by President Roosevelt in his interesting history of the Cuban war:

> The guns that thundered over Manila and Santiago left us echoes of glory, but they also left us a legacy of duty. It is more than idle for us to say that we have no duty to perform and can leave the islands to their fate.
>
> Let us, as we value our self-respect, face these responsibilities and meet and perform them in a way to redound to our glory, with a high resolve for the widest freedom of individual initiative, pursuing no policy that is hostile to the welfare of the many. While our nation's first duty is within its own borders, it is not to be absolved from facing its duties as a whole, and if it refuses to do so it forfeits its rights to struggle for a place among the people that shape the destiny of mankind.

Mr. HOAR. May I ask the Senator from Oregon a question?

Mr. MITCHELL. Certainly.

Mr. HOAR. The Senator has been asking our Democratic friends whether they stood by the old Democratic doctrine of the consent of the governed. Considering the recent history of our own party, may I ask the Senator if he proposes to stand by the old doctrine of the Republican party? Which does he agree with—the Republican or the Democratic doctrine?

Mr. MITCHELL. I do not agree with the Democratic doctrine of that day, nor with the doctrine advanced in the substitute proposed to the pending bill by the minority of the committee.

Mr. HOAR. I want to ask the question whether the Senator agrees with the doctrine of the Republican party of that day?

Mr. MITCHELL. I agree with the doctrine of the Republican party as enunciated in the platform of 1856.

Mr. HOAR. So do I.

Mr. MITCHELL. In which they denounced the "Ostend manifesto," because by that manifesto the Democratic party took the position of obtaining Cuba in any way, at any cost, or under any circumstances. They even proposed to pay a higher price for it than it was worth, and if Cuba refused, then to take it by force of arms. The Republican party of that day denounced that proposition, and I agree with them, and the Republican party stands to-day precisely where it stood in 1856 upon the great subject of expansion and in its attitude toward foreign nations.

Mr. HOAR. The difference between my friend and me is that on the Philippine question I stand by the old doctrine of the Republican party and the Senator does not.

Mr. TELLER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Colorado?

Mr. MITCHELL. I have yielded the floor.

Mr. TELLER. I want to suggest to the Senator from Oregon that the Republican party seems to have adopted the Democratic position of 1854, and the Democratic party, I believe, has got on the Republican platform of 1856.

I should like to say while I am on the floor that the Democratic party as a party never adopted the principle of the "Ostend manifesto." It was not a Democratic measure, though it was the work of three quite illustrious and prominent Democrats.

Mr. President, I asked to-day to have inserted in the RECORD an order of General Bell. Several Senators desire to have it read, so that it may go into the RECORD to-morrow morning. I ask now that it may be read.

The PRESIDING OFFICER. The Senator from Colorado asks that the order from General Bell, referred to by him, be read. The Secretary will read it, in the absence of objection.

The Secretary read the order, which will be found in full preceding Mr. MITCHELL'S speech.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the junior Senator from Colorado [Mr. PATTERSON].

Mr. MONEY. On behalf of my colleague [Mr. MCLAURIN], who is unavoidably absent attending a sick brother, I desire to offer an amendment to the amendment offered by the Senator from Wisconsin [Mr. SPOONER] to the pending bill, and also a proposed amendment to another section of the bill.

The PRESIDENT pro tempore. Are both amendments offered on behalf of the Senator's colleague?

Mr. MONEY. Yes, sir.

The PRESIDENT pro tempore. Does the Senator desire to have them read now?

Mr. MONEY. No, sir; but I should like to have them printed.

The PRESIDENT pro tempore. The amendments will be printed.

Mr. PATTERSON. Mr. President, what is the pending question?

The PRESIDENT pro tempore. The pending question is on the amendment offered by the junior Senator from Colorado.

Mr. PATTERSON. I trust no vote will be pressed upon any of these amendments until the discussion is entirely through. I know there are some Senators who desire to speak upon that amendment—the one I offered—and whenever the discussion is through, and I am of the opinion it will not continue very long, then all these amendments can be taken up seriatim.

Mr. LODGE. If we could agree on a time for taking a vote on all the amendments, then all the amendments could wait until the end; but if we carry on the debate in this way there is nothing open to us except to have the question put on the amendments as they arise, unless Senators are ready to debate them.

Mr. PATTERSON. I think no delay is occasioned by simply allowing the amendments to stand. As soon as the debate is concluded, then, without any further delay, votes will be taken on the amendment and then upon the bill.

Mr. LODGE. No delay, of course, is occasioned by allowing the amendments to stand, because agreements always carry the amendments as well as the main question; but the delay is caused by Senators not being ready to go on with the debate, and yet saying they wish to have the debate continue from day to day. All that remains under those circumstances is to press the votes as they occur on each amendment. I would much prefer, if I could, to make an agreement on a reasonable time which would bring all the amendments to the final vote and would enable Senators to consult their own convenience with respect to speaking. It is very disagreeable to me to keep pressing the bill in this way at a time when it is not convenient for Senators to speak, but until an agreement to vote is reached no choice is left to me.

Mr. PATTERSON. Let me ask the chairman of the committee whether Senators on the other side of the Chamber expect to make speeches.

Mr. LODGE. I do not know. I know of only one Senator on this side who has said anything to me about making a speech.

Mr. PATTERSON. Is that the Senator from Wisconsin [Mr. SPOONER]?

Mr. LODGE. The Senator from Wisconsin.

Mr. PATTERSON. That speech is to be made, at least.

Mr. LODGE. It is not to be made on this amendment, and I am certain the Senator from Wisconsin will not interfere with any agreement as to a time for taking a vote.

Mr. PATTERSON. It is not altogether improbable that the Senator from Wisconsin will talk about the sedition laws of the archipelago, and I think it very safe to predict that he will. If the Senator from Wisconsin will say that he will not discuss that subject, then we would be on more even terms in determining whether these amendments shall go over.

Mr. SPOONER. Will the Senator from Colorado give me some reason for asking me to enter into a stipulation as to what I will discuss and what I will not?

Mr. PATTERSON. I have no reason at all to give, but I am appealing to the chairman of the committee to allow the amendments to go over until the time comes when we shall have votes upon the amendments as well as on the measure itself.

Mr. SPOONER. I do not want to have this bill delayed a moment in order to enable me to make a speech.

Mr. LODGE. I knew that was the Senator's feeling.

Mr. SPOONER. I waive all that.

Mr. LODGE. I would be only too glad to have amendments wait until the final vote, and not press the vote on any amendment. I have no power to insist upon a vote at any time. My appeal to the opponents of the bill, now that we have been four weeks upon it, is that they should kindly make some agreement at which time we may take a vote. If we do not, I am forced to keep the bill before the Senate continually and to press a vote on each amendment as it comes up, which I dislike to do as much as anyone.

The PRESIDENT pro tempore. Votes on amendments can be postponed only by unanimous consent.

Mr. LODGE. Precisely.

The PRESIDENT pro tempore. And only one amendment is in order at a time.

Mr. MONEY. If a vote is desired simply because nobody will speak, I will speak myself for a little while, although if the Senator from Utah is about to make a motion I will yield to him.

Mr. RAWLINS. I was simply going to make a suggestion to the Senator from Massachusetts. I am sure there is no disposition to delay voting on the amendments or on the bill.

Mr. LODGE. If there is no disposition to delay, then why

should we not come to an agreement to vote at a reasonable time?

Mr. MONEY. Fix a time.

Mr. RAWLINS. There is a very thin Senate at present, and I dislike at this juncture to undertake to bind Senators to a definite time without knowing precisely who desire to speak upon the bill. But I am sure that if this matter is permitted to take its course we shall reach a vote within a reasonable time. We will reach it in the usual way, with which the Senator has never found any difficulty. There are a number of Senators, I think, on this side who may want to talk, and there are at least one or more on the other side, and I should not want to make any arrangement now which would interfere with the purposes of those Senators. The latter part of next week, or sometime next week, very likely we will get a vote.

Mr. WELLINGTON. I should like to say that before a vote is had on this bill I desire to submit some remarks upon it. I should have had no objection to speaking to-day, but it is now after 4 o'clock, almost half past 4, and I dislike very much to begin at this hour. I understand, however, that the Senator from Massachusetts who has this bill in charge will not call it up to-morrow, and very probably an adjournment will be had over Saturday. I should be glad to begin on Monday, if that be agreeable.

Mr. LODGE. The Senator from Maryland has stated correctly, that I do not propose to call up this bill to-morrow. We have two unanimous-consent agreements for to-morrow, one for eulogies upon a deceased Representative at 4 o'clock, and one at 3 o'clock for the consideration of unobjected pension bills, and between the conclusion of the routine morning business and 3 o'clock the time is to be given to the census bill. If the census bill is not concluded to-morrow, we shall sit, I suppose, on Saturday, in order to finish it. If it is concluded to-morrow, it is my intention to move that we adjourn until Monday. There is some executive business which the chairman of the Committee on Foreign Relations desires, I believe, to lay before the Senate on Monday. If that is disposed of early, I believe there will be a general desire to devote the remainder of that day to the Calendar.

On Tuesday it is my intention to ask the Senate to resume the consideration of the Philippine bill, and I shall then be forced, as the time has run so long now, to ask the Senate to exclude all other business and to sit longer hours. I dislike extremely to do it, and I was in hopes that some agreement could be reached as to the time for taking the vote. I am not disposed to press unreasonably for that date at all, but the Senator from Utah says a reasonable time, and a reasonable time for an agreement I am more than willing to make.

Mr. TILLMAN. What would the Senator from Massachusetts consider a reasonable time, if I may ask him?

Mr. LODGE. It is for the Senator from Utah to make the proposition about a reasonable time, because it is on the other side of the Chamber that the speeches are to be made.

Mr. PATTERSON. We already know of two speeches on the other side.

Mr. LODGE. The speech of the Senator from Maryland, I take it, will be on your side.

Mr. PATTERSON. Well, physically it will not be.

Mr. LODGE. Physically it will not be, but the physical part is not the important part of the Senator's speech.

Mr. RAWLINS. There are a number of Senators who are absent and do not anticipate a vote on this question until they have an opportunity to return. As I said, I think very likely we will be able to reach an agreement for a vote some time next week. Let it go until Tuesday, and then we will determine it.

Mr. LODGE. I have stated very frankly to the Senate what my purpose is in giving way to-morrow and on Monday, and I hope the Senator from Utah, who represents the minority report, will be willing on Tuesday to try to reach some agreement as to time. As I have said, I have no desire to make a very short limit. I want him to suit his own convenience. I think it will accommodate Senators on the other side much more if there is a time agreed upon. Then they can make their speeches at their own convenience, and the amendments will all go up to the final vote. I trust that on Tuesday, when I shall renew this request, the Senators on the other side will be willing to make some arrangement with us for taking the final vote.

Mr. WELLINGTON. I understand from the Senator from Massachusetts that it is not his intention on Monday next to press the Philippine bill. Then I shall not be present on Monday, but I shall be ready to proceed and shall claim the floor if it be convenient——

Mr. HOAR (to Mr. WELLINGTON). Take it now.

Mr. WELLINGTON. I can take the floor now and resume it on Tuesday morning for the purpose of speaking on the Philippine bill.

Mr. LODGE. That is entirely agreeable to me. I shall, of course, ask the Senate to proceed to its consideration immediately after the morning business.

Mr. WELLINGTON. Immediately after the morning business.

The PRESIDENT pro tempore. What is the pleasure of the Senate?

Mr. HOAR. What is the pending amendment? I do not care to have it read. I want to know what it is about.

The PRESIDENT pro tempore. The pending amendment is one proposed by the junior Senator from Colorado [Mr. PATTERSON]. It is short. Does the Senator desire to have it read?

Mr. TELLER. Is not the pending amendment the one I proposed?

The PRESIDENT pro tempore. The amendment of the senior Senator from Colorado comes one later.

Mr. TELLER. I do not suppose anybody desires to go on with the debate at this hour. If not, I should like to make a motion that the Senate adjourn.

Mr. GALLINGER. I think we ought to have a brief executive session, if the Senator will make that motion.

Mr. LODGE. I will make the motion that the Senate proceed to the consideration of executive business.

Mr. HOAR. Will the Senator from Colorado yield to me?

Mr. TELLER. The Senator from Massachusetts [Mr. LODGE] has the floor.

Mr. LODGE. I yield to my colleague.

APPEALS AND WRITS OF ERROR.

Mr. HOAR. There is a very brief and simple bill in regard to appeals and writs of error, the consideration of which was postponed because the time of the Senator from Colorado [Mr. TELLER] was taken up by his remarks in the Senate and he had no opportunity to examine it. It is the bill (S. 2952) to regulate the practice in the United States courts as to appeals and writs of error. I should like to know whether the Senator from Colorado has had an opportunity to examine the bill.

Mr. TELLER. I have not had a chance to look at it. However, if the Senator from Massachusetts thinks it is all right, I will not object.

Mr. HOAR. It is not important enough to press it against any Senator's objection.

Mr. TELLER. I will try to-morrow to get a chance to look at it.

Mr. HOAR. I should like to call up that bill to-morrow morning after the routine business; and as it will take only a minute and will lead to no debate, I shall ask the Senate to pass it.

Mr. TELLER. I should like to suggest to the Senator the question I had in mind, which is whether it is properly provided that parties who do not wish to take an appeal can get a judgment, as they ought to do. Now, if that is secured so that the Senator is satisfied it is all right, I shall not make any further suggestion.

Mr. HOAR. That is all right. I ask the Senate to consider the bill.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Massachusetts for the present consideration of the bill indicated by him?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment, to strike out section 2, as follows:

SEC. 2. That in any case in which an appeal or writ of error has heretofore been dismissed for nonjoinder of a party or parties, appellant or appellee, plaintiff or defendant in error, after the time limited for appeal or writ of error had expired, the appellant or plaintiff in error shall have the further time of six months after the passage of this act within which to take a new appeal or writ of error, and on such appeal or writ of error the record and copies thereof filed shall stand as the record in the new appeal or writ of error.

So as to make the bill read:

Be it enacted, etc., That no appeal or writ of error now pending or hereafter brought in any court of the United States shall be dismissed for misjoinder or nonjoinder of parties because any joint plaintiff or joint defendant in any judgment or decree has not been subjected to summons and severance or other equivalent proceedings. But in the event such parties are deemed necessary in any court of error or appeal, their appearance and joinder may be obtained or dispensed with by such orders or amendments as shall be deemed needed. And no writ of error or appeal shall operate as a supersedeas or suspend any process of execution except as to party prosecuting the same and joining in the bond therefor.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in

executive session the doors were reopened, and (at 4 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Friday, February 14, 1902, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 13, 1902.

PROMOTIONS IN THE NAVY.

Commander William A. Windsor, to be a captain in the Navy, from the 27th day of December, 1901.

Lieut. Commander William E. Sewell, to be a commander in the Navy, from the 21st day of January, 1902.

Medical Inspector Nelson M. Ferebee, to be a medical director in the Navy, from the 26th day of January, 1902.

Surg. Samuel H. Dickson, to be a medical inspector in the Navy, from the 26th day of January, 1902.

Lieut. (Junior Grade) John T. Tompkins, to be a lieutenant in the Navy, from the 22d day of September, 1901.

Lieut. (Junior Grade) Simon P. Fullinwider, to be a lieutenant in the Navy, from the 28th day of September, 1901.

Lieut. William A. Gill, to be a lieutenant-commander in the Navy, from the 9th day of October, 1901.

Asst. Surg. Eugene J. Grow, to be a passed assistant surgeon in the Navy, from the 8th day of June, 1901.

P. A. Surg. Norman J. Blackwood, to be a surgeon in the Navy, from the 3d day of November, 1901.

Asst. Surg. Edward G. Parker, to be a passed assistant surgeon in the Navy, from the 10th day of January, 1902.

Lieut. (Junior Grade) Ridley McLean, to be a lieutenant in the Navy, from the 7th day of August, 1901.

PROMOTIONS IN THE MARINE CORPS.

To be captains.

First Lieut. James C. Breckinridge.
First Lieut. Arthur T. Marix.
First Lieut. William H. Parker.

To be first lieutenants.

Second Lieut. Richard P. Williams.
Second Lieut. Thomas A. Mott.
Second Lieut. John C. Beaumont.
Second Lieut. Norman G. Burton.

REGISTER OF THE LAND OFFICE.

John A. Williams, of Lamar, Colo., to be register of the land office at Lamar, Colo.

RECEIVERS OF PUBLIC MONEYS.

John H. Duncan, of Springfield, Mo., to be receiver of public moneys at Springfield, Mo.

Charles D. Warner, of Coeur d'Alene, Idaho, to be receiver of public moneys at Coeur d'Alene, Idaho.

POSTMASTERS.

Eli R. Marsh, to be postmaster at Williamstown, in the county of Gloucester and State of New Jersey.

James W. Kelley, to be postmaster at Tuckerton, in the county of Ocean and State of New Jersey.

Elmer E. Dyer, to be postmaster at Medford, in the county of Burlington and State of New Jersey.

George M. Allen, to be postmaster at Cherryfield, in the county of Washington and State of Maine.

Fred E. Littlefield, to be postmaster at Vinal Haven, in the county of Knox and State of Maine.

William G. Arnold, to be postmaster at Clear Lake, in the county of Deuel and State of South Dakota.

Charles E. Johnson, to be postmaster at Bridgewater, in the county of McCook and State of South Dakota.

Daniel Myers, to be postmaster at Chicago, in the county of Huron and State of Ohio, in place of Daniel Myers.

August C. Stecher, to be postmaster at Riverside, in the county of Burlington and State of New Jersey.

Robert A. Beckwith, to be postmaster at Southbridge, in the county of Worcester and State of Massachusetts.

Thomas A. Stevens, to be postmaster at Chamberlain, in the county of Brule and State of South Dakota.

Oliver M. Greenbank, to be postmaster at Woodsfield, in the county of Monroe and State of Ohio.

Frank M. Shulze, to be postmaster at Circleville, in the county of Pickaway and State of Ohio.

Theodore A. Fritchey, to be postmaster at Olney, in the county of Richland and State of Illinois.

Harley R. Moberley, to be postmaster at Windsor, in the county of Shelby and State of Illinois.

Enrique H. Salazar, to be postmaster at Las Vegas, in the county of San Miguel and Territory of New Mexico.

Leonidas S. Ebright, to be postmaster at Akron, in the county of Summit and State of Ohio.

Fred Yeager, to be postmaster at Perrysburg, in the county of Wood and State of Ohio.

Murray P. Brewer, to be postmaster at Bowling Green, in the county of Wood and State of Ohio.

Selah S. Connell, to be postmaster at West Carrollton, in the county of Montgomery and State of Ohio.

Ephraim D. Killinger, to be postmaster at Edgerton, in the county of Williams and State of Ohio.

Ivor J. Davis, to be postmaster at Niles, in the county of Trumbull and State of Ohio.

John W. Cupp, to be postmaster at Galion, in the county of Crawford and State of Ohio.

Philo S. Clark, to be postmaster at Portsmouth, in the county of Scioto and State of Ohio.

George B. Frease, to be postmaster at Canton, in the county of Stark and State of Ohio.

John B. Strobel, to be postmaster at Ironton, in the county of Lawrence and State of Ohio.

Chester R. P. Waltz, to be postmaster at Delta, in the county of Fulton and State of Ohio.

George W. Wilkinson, to be postmaster at North Baltimore, in the county of Wood and State of Ohio.

Frank H. Greene, to be postmaster at Geneseo, in the county of Henry and State of Illinois.

Walter S. Brigham, to be postmaster at Wauseon, in the county of Fulton and State of Ohio.

W. Sherman Hissem, to be postmaster at Loudonville, in the county of Ashland and State of Ohio.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February 13, 1902.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read, corrected, and approved.

DEPOT FOR REVENUE-CUTTER SERVICE.

The SPEAKER announced the change of reference of the bill (H. R. 10778) to provide for a site for a depot for the Revenue-Cutter Service from the Committee on Public Buildings and Grounds to the Committee on Interstate and Foreign Commerce.

LIGHT-HOUSE KEEPER'S DWELLING AT CALUMET HARBOR.

Mr, MANN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk.

The Clerk read as follows:

A bill (H. R. 7675) to construct a light-house keeper's dwelling at Calumet Harbor.

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized to have constructed a light-house keeper's dwelling at Calumet Harbor, Lake Michigan, Illinois, at a cost not to exceed the sum of $10,000.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the words "ten thousand" and insert in lieu thereof the words "seven thousand five hundred."

Mr. RICHARDSON of Tennessee. Before consent is given, I would like to know why this bill should be given unanimous consent. There are other bills of like import and of as much importance. I can not understand why we should go to work and single out separate bills and put them before the House. The rules provide how they shall come up, and unless there is some very urgent reason I shall object. I am willing to hear the statement of the gentleman, but I can not see why this bill should be given preference over 10,000 other bills pending here.

Mr. MANN. Mr. Speaker, I am not able to explain to the gentleman the theory of unanimous consents in the House. It has been too long in vogue, and the gentleman is too well acquainted with that matter. As to the bill itself, I may say that the Department has for several years reported that the light-house keeper's dwelling now established at this point is unfit for habitation, and has earnestly recommended in several reports that $7,500 should be appropriated.

There is a life-saving station at this point now, and it is necessary that there should be a light-keeper's dwelling there. The light-keeper's dwelling is now there, but unfit for habitation. The Department has reported that it was not fit for people to live in, and in their last report, just published, they say that the dwelling is much worse than ever before. I may say to the gentleman from Tennessee that all of these bills which come from the Committee on Interstate and Foreign Commerce have been invariably called up in the House by request for unanimous consent for consideration, and I know of no case here of a bill of this

kind, recommended by the committee and by the Department, where objection has ever been made to consideration.

Mr. RICHARDSON of Tennessee. The gentleman is altogether mistaken in that. Now, if this bill was regularly on the Calendar, would it not be reached at any time after a call of committees, after taking one hour, to move to go into the Committee of the Whole to consider this business under your rules?

Mr. MANN. Mr. Speaker, I suppose there is no doubt whatever that this bill might be reached upon the Union Calendar in the regular way; but the gentleman knows very well that under the practice of the House that would practically postpone the consideration of the bill; very likely the consideration of it would never be reached; and if that should become the practice of the House, it would absolutely do away with the passage of any bills by unanimous consent.

Mr. RICHARDSON of Tennessee. How much does the bill carry?

Mr. MANN. Seven thousand five hundred dollars.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. MANN, a motion to reconsider the vote by which the bill was passed was laid on the table.

JAMES L. PROCTOR.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 718.

The Clerk read as follows:

A bill (H. R. 718) to correct the military record of James L. Proctor.

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to grant an honorable discharge in lieu of the dishonorable discharge heretofore granted to James L. Proctor, of the county of Kings, State of New York, late a private in Company F, Ninetieth Regiment of New York Veteran Volunteers: *Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. FITZGERALD, a motion to reconsider the vote by which the bill was passed was laid on the table.

AMERICAN REGISTER FOR BARKENTINE HAWAII.

Mr. KAHN. Mr. Speaker, I ask unanimous consent for the present consideration of the Senate bill I send to the desk.

The Clerk read as follows:

A bill (S. 1970) to provide an American register for the barkentine *Hawaii*.

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to cause the foreign-built barkentine *Hawaii*, owned by James Rolph, jr., of San Francisco, Cal., a citizen of the United States, to be registered as a vessel of the United States; and said vessel shall not engage in the coasting trade of the United States except between the Pacific coast and the Hawaiian Islands.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. KAHN, a motion to reconsider the vote by which the bill was passed was laid on the table.

TRANSFER OF LOT IN WOODLAND CEMETERY TO CITY OF QUINCY, ILL.

Mr. JETT. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 6196) transferring a lot in Woodland Cemetery to the city of Quincy, Ill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and is hereby, authorized to convey to the city of Quincy, Ill., all the right, title, and interest of the United States in and to a certain parcel of land known and described as lot No. 33, in block 1, in Woodland Cemetery, in the county of Adams and State of Illinois, according to a plat of said cemetery as the same is recorded in the recorder's office of said county.

Mr. PAYNE. Mr. Speaker, I would like some explanation of that.

Mr. JETT. I will say to the gentleman from New York that this is a bill authorizing the Secretary of War to convey whatever right, title, or interest the Government of the United States has in lot 33, in block 1, of a certain cemetery at Quincy, Ill., to the city of Quincy. It was conveyed to the Government in 1870, and it was provided that, whenever it ceased to be used for the purposes of a burying ground, then it should go back to the city of Quincy. That was the provision in substance in the deed, that it was only conveyed to the Government for the purposes of a burying ground, and the War Department has reported that it is no longer used for that purpose, and they recommend this bill. In fact, the War Department suggested the provisions of the bill itself.

Mr. CANNON. Whereabouts in the city of Quincy is this situated?

Mr. JETT. At what is called Woodlawn Cemetery.

Mr. CANNON. Near the banks of the river?

Mr. JETT. Yes, sir.

Mr. CANNON. How many acres?

Mr. JETT. This piece of land is 90 by about 120 feet. The Government was compelled to take up the bodies and remove them to another burying ground on account of the fact that the land was washing away.

Mr. CANNON. Have the remains of the soldiers buried there been removed?

Mr. JETT. They have been all removed, and it is so stated by the Quartermaster-General. He states emphatically that the Government uses it no longer for the purposes it was conveyed for, and recommends that whatever title the Government has shall be conveyed back to the city of Quincy.

Mr. CANNON. That was the condition of the grant the gentleman said?

Mr. JETT. That was the condition of the deed when it was conveyed by the city of Quincy to the Government for a burying ground.

Mr. HULL. I think the deed says it was conveyed for cemetery purposes, without any provision that it should revert back. This is a bill that was reported by Mr. Marsh in the last Congress, but it failed to become a law from the fact that it was started too late in the session. I do not think there is any objection to it at all.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was read the third time, and passed.

On motion of Mr. JETT, a motion to reconsider the last vote was laid on the table.

WILLIAM T. PRATT.

Mr. CANNON. Mr. Speaker, I would be glad to be recognized to ask unanimous consent to discharge the Committee of the Whole House from the further consideration of the bill (H. R. 3297) to correct the military record of William T. Pratt, as it is a bill that ought to be passed.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the Committee of the Whole be discharged from the further consideration of the bill which the Clerk is about to report, and that the same be now considered.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion now standing against the record of William T. Pratt, late a private of Company A, Fifty-first Regiment Indiana Volunteer Infantry, and died November 28, 1864.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. PAYNE. Mr. Speaker, I would like to ask if this bill has been reported from the committee?

Mr. CANNON. This bill passed the House and Senate last session, but so late that it failed of approval, and has been reported now, and the report states the whole story. The facts are, this soldier is shown to have died on the march. The circumstances are such that there can be no reasonable doubt about his death; that he was left by the wayside and has not been heard of since. This bill was amended by the Senate on the motion of Senator COCKRELL, as is usual in such cases. It seems to me that it is in proper shape.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time; and being engrossed, was read the third time, and passed.

ASSISTANT CLERKS TO COMMITTEES.

Mr. LOUD. Mr. Speaker, I am directed by the Committee on Accounts to present the following three privileged reports which I send to the desk, and ask that they be taken up in the order of their number.

The SPEAKER. The gentleman from California makes three privileged reports from the Committee on Accounts, and the Clerk will read the first.

The Clerk read as follows:

[Report to accompany House resolution No. 93.]

The Committee on Accounts, to whom was referred House resolution No. 93, authorizing the appointment of assistant clerks to the Committees on Military Affairs and Naval Affairs, each of said clerks to be paid out of the contingent fund of the House at the rate of $6 a day during the sessions of the present Congress, have had the same under consideration and recommend its adoption.

The Committees on Military Affairs and Naval Affairs, besides having jurisdiction of the appropriation bills for the support of the Army and Navy, which involve upon the regular clerks to said committees a large amount of work, are called upon to consider a vast number of bills of a general and private nature relating to the Army and Navy establishments and to their personnel, involving many details and requiring clerical assistance in their proper consideration, reference, and disposition by the committees. The number

of bills referred to those committees, in addition to general legislation, for the removal of charges of desertion, to correct military and naval records, and in regard to muster and pay, etc., run into the thousands, and to docket them, refer them to subcommittees, systematically arrange them for ready reference, together with the papers in each case, and to attend to the correspondence with the departments and reply to the questions of members and others in relation thereto requires the additional clerical assistance which those committees have been accorded in a number of past Congresses, and which, with the natural growth of the business of the House, is even more necessary, it seems to your committee, at this time. We therefore recommend the adoption of the accompanying resolution.

House resolution 93.

Resolved, That the chairmen of the Committees on Military Affairs and Naval Affairs be, and are hereby, authorized to appoint an assistant clerk to each of said committees, to be paid out of the contingent fund of the House at the rate of $6 per day for each clerk during the sessions of the Fifty-seventh Congress.

Mr. UNDERWOOD addressed the Chair.

Mr. LOUD. I desire to retain the floor; but I will yield to the gentleman from Alabama [Mr. UNDERWOOD].

Mr. UNDERWOOD. Do I understand the gentleman from California that this resolution comes here as a privileged resolution from the Committee on Accounts?

Mr. LOUD. It does.

Mr. UNDERWOOD. Then I would like to ask the gentleman whether the Committee on Accounts did not some time ago bring in a resolution reorganizing entirely the matter of committee clerks in this House and allowing the chairmen of committees to appoint their individual clerks, the same as other members of the House have the right to do, and then to dispense with the additional committee clerks?

Mr. LOUD. Oh, yes; and I will say that the committee did hope to so reorganize finally the matter of clerkships that this pressure would cease, but I suppose the pressure will go on long after the gentleman and I have been laid in our graves, and it has become so great that it is almost impossible to resist it.

In this case, however, the committee having charge of the legislative appropriation bill provided for these clerks, the provision to take effect after the last day of next June. Therefore, in view of the fact that the House had acted on this question, we thought it just to provide——

Mr. UNDERWOOD. I should like to ask the gentleman whether it is proposed not only to give these committees the regular session clerks that have been allowed heretofore, but, in addition, to give the same clerical force that we had last year?

Mr. LOUD. That is just what we now propose, and it is just what this House resolved to do, so far as we have the power, in its action on the legislative bill, and I have no doubt that the Senate will concur in our action. This resolution merely carries out what this House resolved upon in the consideration of the legislative bill last week.

Mr. UNDERWOOD. As I understand the gentleman, the only reason for adopting this resolution is that the "pressure" from the committees of the House is so great that it can not be resisted.

Mr. LOUD. I do not know that I would put the matter in quite so plain language, but I will say the House provided that after June 30 these additional clerks should be allowed. Personally, I have been opposed to all these provisions, but the House having adopted a provision of this kind to take effect after the 30th of June, I would favor making it operate from the present time.

Mr. UNDERWOOD. Does the gentleman think it is necessary that there should be appointed both the individual clerks of the chairmen of these committees and also these additional clerks, being more than the committees had in the last Congress?

Mr. LOUD. Representing the Committee on Accounts, I will say that evidently the committee came to that conclusion, or they would not have reported this resolution.

Mr. UNDERWOOD. I am asking the gentleman for his own view on the question.

Mr. LOUD. Well, at this time I should dislike to express an opinion, after the House has disposed of the question. We can endeavor to stop what may be undertaken in the future, but we can not stop what has passed.

Mr. BARTLETT. Mr. Speaker, representing in part the minority of the Committee on Accounts, I voted for this resolution in the committee and shall vote for it in the House. The reasons which actuated me to vote for it in the committee and which will impel me to vote for it in the House I shall state briefly.

The Committee on Accounts have endeavored, by the resolutions heretofore adopted in regard to giving clerks to chairmen of committees, to put these gentlemen, so far as their personal clerks are concerned during the session, upon the same plane with other members of the House who are not chairmen of committees. We found that under the resolution as originally adopted, allowing personal clerks to members of this House, the members of the House who were chairmen of committees, with annual clerks, were not paid during the session of Congress anything for clerk hire. They were therefore compelled to pay out of their private funds considerable sums of money during the session in order to have their individual business or correspondence as Representatives of their districts attended to.

We also found that the time of the clerks of committees was taken up with the business of the committees, and that in this way an unnecessary and an unjust burden was placed upon these gentlemen who are chairmen of committees by requiring them to pay out of their own pockets expenses necessarily incurred for attending to their individual business as members of the House. The other members of the House—members who are not chairmen of committees—are allowed by law a certain sum per month for clerk hire, but this has not been allowed heretofore to chairmen of committees during the session of Congress.

Now, for one I have endeavored as far as I can to be economical; but for one I did not think that it was just and right to the chairmen of these committees. In the first part of the session the Committee on Accounts reported a resolution in which we assigned to the gentlemen who were the chairmen of committees $100 a month each, appropriated out of the contingent fund, for their personal clerks. Now, the Committee on Military Affairs, the Committee on Naval Affairs, and the Committee on the Judiciary have come before this Committee on Accounts—both minority members and majority members—and have stated to us that it is absolutely necessary, not for the convenience of the chairmen, or anything of that sort, but necessary for the public business, that these assistant clerks should be assigned to them.

Now, I take it for granted that these gentlemen—the chairman of the Committee on Military Affairs, the chairman of the Committee on Naval Affairs, and the chairman of the Judiciary Committee, and the various members of those committees who came before the committee of the House—would not have come before that committee and insisted and urged that these assistant clerks were necessary unless they were needed. And, relying as we are bound to do upon the statement of these gentlemen that assistant clerks to those three great committees of the House are necessary in order to carry out the public business, in order that the chairmen of these committees shall not be subjected to the expense of paying from their own pockets for clerk hire to transact the business of Congress, I have voted for this measure in the committee, and I propose to vote for it in the House.

It is not a wasteful expenditure of money; it is a necessary expenditure of money, in my judgment, in order that the chairmen of these committees may be put on the same footing with the other members of the House here in the matter of clerk hire, in order that they may attend properly to their business as members, and in order that these committees may transact the large amount of business that is before them—public business, not for the individual benefit of the chairmen of those committees, but for the benefit of the members of this House.

Mr. LOUD. Mr. Speaker, I yield five minutes to the gentleman from Iowa [Mr. HULL].

Mr. HULL. I think, Mr. Speaker, I will want but two or three minutes. I shall confine what I have to say to the matter of the Committee on Military Affairs. We have over 2,000 bills now before that committee, and while the greater number of them are personal and private bills, still they necessitate the constant attention of one clerk to properly record them and to answer questions of members in regard to what subcommittee a bill is before. I want to say to this House that never, since I have been chairman, have I had any benefit from the clerkships provided under the rule for the ordinary correspondence of members. It is absolutely impossible for the Committee on Military Affairs to transact its business in a manner satisfactory to the members of this House unless an extra clerk is provided.

Under the rule giving me an extra clerk as my own, I took him from his desk for one day, but was compelled to let him go back to the work that he had been doing, which was recording bills and assigning them to subcommittees, answering questions of members, referring bills to the War Department, and taking care of papers, so that every member could come there and find out where his bills were, what their condition was, and what papers were necessary; and if any member of the House will go into the room of the Committee on Military Affairs at any time of the day he will find other members of this House there asking questions of this extra clerk. It is necessary for your business, gentlemen, that at least this committee have an extra clerk.

Mr. LOUD. Mr. Speaker, I yield three minutes to the gentleman from Texas [Mr. SLAYDEN].

Mr. SLAYDEN. Mr. Speaker, all I have to say in regard to this proposition to allow the Committee on Military Affairs an extra clerk is this, that not a day goes by without half a dozen to a dozen members of this House interviewing me personally and urging me to give attention to bills which they have before the Committee on Military Affairs. Now, if so many of them come to me, it is reasonable to suppose that many more go to the majority

members of that committee, who unquestionably have more influence and more power in bringing out reports upon their bills. As the chairman of the committee [Mr. HULL] has stated, there are about 2,000 bills before that committee, and the members who have sent bills to that committee seem to possess unusual zeal in the prosecution of those bills to a report at least. This morning one of the subcommittees of which I happen to be a member has spent about two hours in digging bills out of the respective boxes in which they have been placed and going over the records, with a view to trying to make a report to gratify members who are pressing upon them for that purpose, and it is impossible for us to give the attention required and requested by members unless we have this additional aid.

Mr. LOUD. Mr. Speaker, I ask for a vote.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The resolution as amended was agreed to.

JANITOR TO COMMITTEE ON PRINTING.

The SPEAKER. The Clerk will report the next resolution.

The Clerk read as follows:

The Committee on Accounts, to whom was referred House resolution No. 101, providing for the appointment of a janitor for the room of the Committee on Printing, to be paid out of the contingent fund of the House, at the rate of $60 per month, during the present Congress, have had the same under consideration, and recommend its adoption, with an amendment.

Twenty-three committees of the House are provided with janitors by law, who also act as messengers. Your committee are of the opinion that the volume and importance of the work of the Committee on Printing also warrants the granting of janitor and messenger service, as contemplated by the resolution.

The following amendments are recommended:

In line 4, after the word "present," insert the words "session of," so that the employment of a janitor for said committee under this resolution will not extend beyond the present session of Congress.

In line 5, before the word "until," insert the word "or."

So that the resolution as amended will read:

"*Resolved*, That the chairman of the Committee on Printing is hereby authorized to appoint a janitor to said committee room, to be paid out of the contingent fund of the House, at the rate of $60 per month, during the present session of Congress, or until otherwise provided for by law."

Mr. LOUD. I want to state that the legislative appropriation bill also provided for this after the 30th of next June.

The amendments recommended by the committee were agreed to.

The resolution as amended was agreed to.

ASSISTANT CLERK TO COMMITTEE ON THE JUDICIARY.

The SPEAKER. The Clerk will report the next resolution.

The Clerk read as follows:

The Committee on Accounts, to whom was referred House resolution No. 112, authorizing the appointment of an assistant clerk to the Committee on the Judiciary, said clerk to be paid out of the contingent fund of the House during the sessions of the Fifty-seventh Congress at the rate of $6 per day, have had the same under consideration and recommend its adoption.

This resolution proposes to give to the Committee on the Judiciary the same clerical assistance which it had in the last Congress. The personal clerk allowed the chairman under the resolution adopted January 15, 1902, does not render an assistant clerk to the committee less necessary than formerly.

The work of the Committee on the Judiciary, as shown by its chairman, is voluminous in the consideration of the large number and various kinds of proposed legislation submitted to it affecting the judicial system of the United States, often and almost constantly necessitating, it was stated, work upon the part of the chairman and clerk during evenings and Sunday as well as during the day. The employment of an assistant clerk, who combines a knowledge of the law with stenography, and thus be able to render expert professional service, is thought to be necessary for the proper transaction of the business of this important committee, and your committee therefore recommend the adoption of the accompanying resolution.

The resolution was read, as follows:

Resolved, That the chairman of the Committee on the Judiciary be, and he is hereby, authorized to appoint an assistant clerk for said committee during the sessions of the Fifty-seventh Congress, his salary to be paid from the contingent fund of the House at the rate of $6 per day.

Mr. LOUD. Mr. Speaker, there should be an amendment. If the amendment is not there I will state that I will offer an amendment, the same as accompanies the other resolution, "until otherwise provided for by law."

The Clerk read as follows:

Add at the end of the resolution "until otherwise provided for by law."

Mr. UNDERWOOD. I would like to ask the gentleman whether this is also carried in the legislative appropriation bill?

Mr. LOUD. I will state, Mr. Speaker, that it is not.

Mr. UNDERWOOD. Then I would like to ask the gentleman what is the reason for providing for this additional clerk when the resolution was adopted early in the session, when it was brought in; and I would like to know why, in the interest of economy, it is necessary to give this committee, with their members' private secretary, also an additional clerk?

Mr. LOUD. I will state, Mr. Speaker, on behalf of the committee that the Committee on Accounts evidently came to the conclusion that even after the allowance of the clerk to the chairman of the committee, the same as the gentleman from Alabama has, that there was still such a sufficient amount of work for the Committee on the Judiciary that one clerk was unable to perform it.

Mr. UNDERWOOD. Mr. Speaker, I would like to ask the gentleman this: Of course it is apparent that the Committee on Accounts came to that conclusion, but I would like to find out from the gentleman from California, if I can, some reason which led the Committee on Accounts to reach the conclusion that they have.

Mr. LOUD. Mr. Speaker, why I have answered that question of the gentleman—that such representations were made to the Committee on Accounts that they became satisfied that there was such an amount of work for the Committee on the Judiciary that one clerk could not perform the work.

Mr. UNDERWOOD. Well, as I now understand it, the chairman of the Committee on the Judiciary has a clerk to the committee, and the present private secretary, and, as an addition to that, they ask for an additional clerk. What evidence was there before the committee to show that it was necessary to have an additional clerk, in addition to the two the committee already have?

Mr. LOUD. Now, I can see from the twinkle in the gentleman's eye that he is trying to get the opinion of the gentleman who is presenting this report. The gentleman who does present the report is endeavoring, as far as he can, to represent the committee. I say again that the committee became convinced that there was a demand for this clerk.

Mr. LANHAM. I will state to the gentleman from Alabama that we have the same clerical service that we had on the Committee on the Judiciary last Congress.

Mr. UNDERWOOD. Well, of course, the effect of this resolution that we adopted some time ago would give to the chairman of the committee an additional clerk.

Mr. LANHAM. I want to suggest to my friend from Alabama, who served for a long time on the committee, that he is conversant with the amount of work to be done and the clerical assistance necessary. I do not suppose there is a harder-worked committee in the House than the Committee on the Judiciary, or one that has more important measures come before it for consideration, and therefore it does seem to me we ought to have all the clerical assistance we need.

Mr. UNDERWOOD. I had the pleasure of serving on that committee with the gentleman from Texas and with a lot of very pleasant associates; but it is because of the fact that I had served on the Committee on the Judiciary for some time that I was convinced that two clerks were amply able to do the work of that committee. But as the Committee on Accounts have come in——

Mr. BARTLETT. I want to interrupt my friend from Alabama to say that the Committee on the Judiciary, under a resolution passed by this House and reported by the Committee on Accounts, has but one clerk.

Mr. UNDERWOOD. Oh, well, but we gave them another.

Mr. BARTLETT. And that the clerk that you speak about as a clerk to the committee is the personal clerk to the chairman of the committee.

Mr. UNDERWOOD. I understand that fiction thoroughly.

Mr. BARTLETT. It is not a fiction, but a fact.

Mr. UNDERWOOD. Heretofore the Committee on the Judiciary, and these other committees, had a committee clerk, and then they had an assistant clerk, who acted as a private secretary to the chairman during the session of Congress. Now, as the law stands, they have a regular clerk, and in addition to the regular clerk they have a private secretary provided for the other members who takes the place of the assistant clerk in acting as the private secretary of the chairman, and in addition to that the Committee on Accounts of the House proposes to give an additional clerk. Well, I have got no objection, but in the interest of economy I would like the matter to go on record.

Mr. BARTLETT. The gentleman will allow me to say that we had an additional telegrapher, that was more of a sinecure than anything else, and the gentleman was very much in favor of that.

Mr. LOUD. I call for a vote.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The resolution as amended was agreed to.

On motion of Mr. LOUD, a motion to reconsider the several votes by which the various resolutions were passed was laid on the table.

MOUNTING OF MAPS.

Mr. HEATWOLE. Mr. Speaker, I am directed by the Committee on Printing to ask unanimous consent for the present consideration of the following resolution.

The SPEAKER. The gentleman from Minnesota, by direction of the Committee on Printing, calls up the following resolution for consideration, which the Clerk will report.

The Clerk read as follows:

House resolution 117.

Resolved, That the superintendent of the folding room, by and under the direction of the Doorkeeper, be, and he is hereby, directed to mount with rollers and hangers the quota of printed United States maps allotted to Congress for 1900, at a price not to exceed 30 cents each, payment for same to be made upon certified bills approved by the Committee on Accounts.

The SPEAKER. Is there objection to the consideration of the resolution? [After a pause.] The Chair hears none.

The resolution was considered, and agreed to.

On motion of Mr. HEATWOLE, a motion to reconsider the last vote was laid on the table.

CIRCUIT COURTS OF APPEAL.

The SPEAKER. The Clerk will now call the standing committees of the House.

When the Committee on the Judiciary was called—

Mr. RAY of New York. Mr. Speaker, I call up in behalf of the Judiciary Committee the bill (H. R. 109) to amend section 7 of "An act to establish circuit courts of appeal and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March 3, 1891, as amended by act approved February 18, 1895, and further amended by act approved June 6, 1900.

The SPEAKER. Is this by authority of the committee?

Mr. RAY of New York. By authority of the committee.

The SPEAKER. The gentleman from New York, the chairman of the Judiciary Committee, by authority of that committee, calls up the following bill, which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That the seventh section of the act entitled "An act to establish circuit courts of appeal and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March 3, 1891, as amended by act approved February 18, 1895, and again amended by act approved June 6, 1900, be, and the same is hereby, amended to read as follows:

"SEC. 7. That where, upon a hearing in equity, in a district court or in a circuit court, or by a judge of a district court or of a circuit court in vacation, an injunction shall be granted or a receiver shall be appointed, or an injunction or receivership shall be continued, refused, or dissolved, or an application to dissolve an injunction or receivership shall be refused by an interlocutory order or decree, whether an appeal in such cases from the final decree would be to the circuit court of appeals or to the Supreme Court, an appeal may be taken from such interlocutory order or decree granting an injunction or appointing a receiver, or continuing, refusing, dissolving, or refusing to dissolve an injunction or receivership, to the circuit court of appeal: *Provided*, That the appeal must be taken within thirty days from the entry of such order or decree, and it shall take precedence in the appellate court; and the proceedings in other respects in the court below shall not be stayed, unless otherwise ordered by that court or by the appellate court, during the pendency of such appeal: *And provided further*, That the court below may, in its discretion, require, as a condition of the appeal, an additional bond."

SEC. 2. That this act shall be in force from and after its passage.

Mr. RAY of New York. Mr. Speaker, I now yield to the gentleman from Indiana [Mr. OVERSTREET], who has charge of the bill.

Mr. OVERSTREET. Mr. Speaker, the act creating the circuit court of appeals, approved March 3, 1891, contained a provision granting the privilege of appeal to the defendant in an action granting an injunction, but did not accord the privilege of appeal to the plaintiff. This act was first amended by the act of February 18, 1895, in which amendment the privilege was granted to both parties, putting both plaintiff and defendant on a footing of equality in matters of appeal. On June 6, 1900, the original act was again amended by Congress by granting appeals from interlocutory orders in receiverships.

The draftsman of that amendment evidently had before him only the language of the original bill, for the reason that when the act of June 6, 1900, was considered and passed it was in the language of the original act, and not as amended by the act of February, 1895; and consequently that omission deprived the plaintiff of the privilege of appeals in matters of injunctions.

This bill now under consideration corrects that mistake and does no more than place upon an equality both parties in any such suit, and restores the language which was placed in the original bill by the amendment of February 18, 1895.

I may say for the information of the House that this bill, in the identical language it now contains, passed the House at the last Congress, but so late in the session that it was not considered in the Senate. It is recommended by the American Bar Association, and is, as I state, merely to correct what the committee believes to have been a mistake by the draftsman at the time the act of June 6, 1900, was passed.

Mr. BARTLETT. I would like to make a suggestion to the gentleman from Indiana.

Mr. OVERSTREET. I will yield to the gentleman.

Mr. BARTLETT. The gentleman refers to the act of 1900, which contained the right of appeal in cases where a receiver was appointed and an injunction not granted. I want to state that I was the author of that bill that amended the act, and that the change in the bill I drew, whereby the omission was made which the gentleman seeks to correct, was made by a subcommittee of the Judiciary Committee before whom my bill went. The mistake was not in my original draft of the bill referred to that committee.

Mr. OVERSTREET. Very probably the mistake occurred in the Judiciary Committee.

Mr. BARTLETT. The bill as originally drafted and introduced into the House, and which the Judiciary Committee sought to correct, and which this bill will correct, contained the language in the original bill as amended. The mistake, if any, was committed unintentionally by the subcommittee of the Judiciary Committee of the House.

Mr. OVERSTREET. I think the gentleman from Georgia is correct, and this bill is merely to correct that unquestionable mistake.

Mr. PERKINS. As I understand the gentleman, this bill allows an appeal by the plaintiff where a temporary injunction has been dissolved.

Mr. OVERSTREET. It puts both the plaintiff and the defendant on an equal footing on the question of appeal, not only in injunctions but in interlocutory orders in receiverships.

Mr. PERKINS. What provision does it contain to continue temporary injunctions in case of appeal?

Mr. OVERSTREET. It makes no change in that. This bill makes no change or provision with reference to that, and whatever the law is to-day it continues.

Mr. LACEY. What provision does it make in relation to superseding these orders appealed from by appropriate bonds?

Mr. OVERSTREET. My recollection is that the same provision relative to the period within which appeals may be made and the question of bonds are continued the same as existing law. I think I am correct in that. The proviso of this bill states that the appeal may be taken within thirty days from the entrance of such an order and decree and shall take precedence in the appellate court. Proceedings in other respects in the court below shall not be stayed unless ordered by that court or by the appellate court during the pendency of such appeal; and that the appeal must be taken within thirty days from the entry of such order or decree, and it shall take precedence in the appellate court; and the proceedings in other respects in the court below shall not be stayed, unless otherwise ordered by that court or by the appellate court, during the pendency of such appeal.

Mr. LACEY. If there is an order appointing a receiver which has not been executed, or which has been executed, and subsequently an appeal is taken, whether or not a bond could be furnished to supersede that order. Or, an order dissolving an order for the appointing a receiver, whether the dissolution or the vacation of that order could likewise be superseded, and a bond taken in place of the order. Is there any change in the existing law?

Mr. RAY of New York. There is no change in the existing law in that regard, except the bill requires that the appellant shall give adequate additional bond providing for all costs and court damages that may occur to the other party by reason of the granting of the order. The law now makes ample provision in the case of appeal by the party now allowed an appeal for all costs and damages during a suspension of the operation of the order. This act requires an additional bond, in the discretion of the court, because the law as it stands, not having provided for the appeal permitted by this act, made no provision for a bond to take care of the interests of the adverse party pending such an appeal. If the appeal is to be allowed, as provided by the act now under consideration, the party taking it should be required, if the court so orders, to give a bond.

Mr. OVERSTREET. If no gentleman desires to ask a further question, I call for a vote.

The question being taken, the bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. OVERSTREET, a motion to reconsider the last vote was laid on the table.

SPANISH-AMERICAN CLAIMS COMMISSION.

Mr. RAY of New York. I call up, by authority of the Committee on the Judiciary the bill (H. R. 8586) amending the act of March 2, 1901, entitled "An act to carry into effect the stipulations of Article VII of the treaty between the United States and Spain concluded on the 10th day of December, 1898."

The bill was read, as follows:

Be it enacted, etc., That section 4, chapter 800, page 878, second session Fifty-sixth Congress, is hereby amended by adding thereto the following provision:

"Such rules and mode of procedure shall conform, so far as practicable, to the mode of procedure and practice of the circuit courts of the United States; and the said Commission is hereby vested with the same powers now possessed by the circuit and district courts of the United States to compel the attendance and testimony of parties, claimants, and witnesses, to preserve order, and to punish for contempt; and said Commission shall have power to compel the production of any books or papers deemed material to the consideration of any claim or matter pending therein.

"That the marshal of the United States for the District of Columbia, or

his deputies, shall serve all process issued by said Commission, preserve order in the place of sitting, and execute the orders of said Commission.

"That said Commission, or any commissioner appointed by it to take testimony, is hereby authorized to appoint an officer to serve any subpœna or process issued by said Commission or commissioner."

Mr. RAY of New York. I yield the floor to my colleague on the committee, the gentleman from Wisconsin [Mr. JENKINS], who has charge of the bill.

Mr. JENKINS. Mr. Speaker, the bill has been read; and the House seems to be informed as to its object and scope. Unless some gentleman desires to ask some question——

Mr. MOODY of Massachusetts. I should like to ask a question.

Mr. JENKINS. I yield to the gentleman for that purpose.

Mr. MOODY of Massachusetts. I should like to know the reason for conferring upon this Commission the power to punish for contempt. That struck me, as I heard it read, as a rather extraordinary proposition.

Mr. JENKINS. Well, I will say to the gentleman that the only power that this Commission has at present with respect to matters of this kind is under section 4 of the act creating the Commission, which reads as follows:

That the Commission is empowered to make all necessary or convenient and proper rules and regulations of practice and procedure for the transaction of its business.

That is the only power this Commission has to procure testimony and to preserve order in the court. There is now pending before that court or Commission, whatever you may please to call it, claims amounting to some $75,000,000 which the Commission are expected to examine into, and they are asking now that they be empowered the same as the circuit and district courts of the United States to compel the attendance and testimony of parties, claimants, and witnesses to preserve order and to punish for contempt. They certainly ought to have this power. I might say also that this bill, without any amendment, has been passed by the Senate this morning. The Commission feel at present almost powerless, and have asked the Judiciary Committee to be expeditious in procuring the passage of this bill, so as to assist them in the proper discharge of their duties.

Mr. MOODY of Massachusetts. It may be very proper that this Commission should exercise many of the authorities enumerated in this bill, but it does seem to me extraordinary that it should require a power to punish for contempt, and not only contempt committed in the presence of the Commission, but contempt outside. I should like to ask the gentleman whether the Committee on the Judiciary gave any consideration to that question?

Mr. JENKINS. I will say to the gentleman that the Judiciary Committee gave to this the same attention that they give to all matters coming before them. I do not want the gentleman or the House to understand that anything coming before that committee does not receive all the consideration it is entitled to. This matter was thoroughly considered and the bill unanimously reported from the committee.

Mr. MOODY of Massachusetts. My inquiry is whether the question of giving the Commission power to punish for contempt was specifically considered by the committee?

Mr. JENKINS. I would like to ask the gentleman whether he has any reasons—and if he has I am perfectly willing to yield to him that he may point them out to the House—whether he has any reasons for believing that this Commission should not have power to punish for contempt? This is an important commission.

Mr. MOODY of Massachusetts. I will say to the gentleman that if the extraordinary power to punish for contempt—to imprison a man without the right of trial by jury—is to be given in this case it should only be given upon due consideration, and I do not believe that this part of the bill has received that due consideration. [Applause on the Democratic side.] The power to punish for contempt is a most extraordinary power, and in my opinion it ought not be conferred on anybody except a court of justice.

Mr. JENKINS. The Commission have now the same power, so far as that is concerned, to determine claims that come before them. We are simply proposing by this bill to give them the same powers that the circuit and district courts of the United States have.

Mr. MOODY of Massachusetts. I understand that, but my point is that a commission differs essentially from a court. The power to punish for contempt is an extraordinary power, quite likely to be abused. I do not suggest that it will be abused by the members of this Commission, for whom I entertain the highest respect, but it seems to me that we ought not to confer this extraordinary power upon any commission; and if the gentleman will yield to me I will move to amend by striking out that part of the bill.

Mr. LACEY. May I be allowed a suggestion?

Mr. JENKINS. I yield to the gentleman from Iowa.

Mr. LACEY. Mr. Speaker, we had this same question up as to courts-martial in the last Congress; and we passed a law, not authorizing courts-martial to punish for contempt, but making the disobedience of a summons a punishable offense. We had the same question up the other day in this House in regard to witnesses summoned to appear before receivers and registers of land offices; and in order to meet the question we provided that disobedience to a summons to appear before a register or a receiver of a land office should be a misdemeanor; so that the party offending could be punished upon trial in a court, where he might have all the rights accorded to an individual in a court.

And the same question comes up as to bringing witnesses before committees of the House. I do not believe this Commission is a court, and therefore that power to punish for contempt in the ordinary way could not be lawfully delegated to it.

Mr. MOODY of Massachusetts. Mr. Speaker, if I may be permitted——

Mr. JENKINS. I yield to the gentleman from Massachusetts [Mr. MOODY.]

Mr. MOODY of Massachusetts. It seems to me that the suggestion made by the gentleman from Iowa [Mr. LACEY] is a wise one, and I hope the gentleman from Wisconsin [Mr. JENKINS] will move to recommit this bill and report it with such provisions as have been described by the gentleman from Iowa. Everyone wishes this Commission to be protected in the dignity and order of its proceedings; and it can be done by creating the offense of contempt, which shall be punishable in a court in the ordinary way, and I hope the gentleman, without a motion from anyone else, will move to recommit this bill for the purpose of correcting it in this regard.

Mr. JENKINS. I will say to the gentleman that I have not any such intention at the present time.

I want to say first, Mr. Speaker, that the Commission feel as though they ought to have this power, in view of the fact of the enormous responsibility thrust upon them by this original act. Now, this is not the time or place to receive Democratic applause with reference to punishment for contempt in the absence of a trial by jury. That question is going to be determined at another time and at another place, and I have very decided views with reference to that question, if I can ever be permitted to express them; but, at the same time, I did not think it appropriate, as far as I was concerned, to draw this line upon this Commission. If we are going to take away this power to punish for contempt without trial by jury, it should be taken away entirely and from all of the courts of the United States; but, inasmuch as this bill passed the Senate this morning, I did not feel like yielding for the purpose of having the bill recommitted or to have any amendment made here. I want now, for a moment, to yield the floor to my colleague from New York, the chairman of the committee, who has asked me to do it.

Mr. LACEY. I should like to ask the gentleman one question before he yields the floor.

Mr. JENKINS. I will yield for the purpose of answering the question.

Mr. LACEY. I will ask him if, in his opinion, the power to punish for contempt can be delegated to a mere committee or a commission?

Mr. JENKINS. I have no doubt, I will say to the gentleman from Iowa [Mr. LACEY], as to the power of Congress to delegate that authority. The wisdom of it may be entirely another question. As I have said, I have very decided views with reference to it and I have openly expressed them, but I do not care to discuss that question now.

Mr. LANHAM. I would like to ask the gentleman a question. Is not the object of this bill to facilitate the Government in getting testimony necessary to protect the interests of the Government?

Mr. JENKINS. I will say to the gentleman from Texas that it is to aid the Government.

Mr. LANHAM. That is what I understood.

Mr. JENKINS. And not to delegate any extraordinary power to that Commission. The question whether the Commission amounts to the dignity of a court is not of any importance here. I want to yield now to the gentleman from New York [Mr. RAY].

Mr. RAY of New York. Mr. Speaker, I trust we may have order, because this is an important matter. When the proposition to create this Commission was made in the last Congress, and the bill came in from the Committee on War Claims creating this Commission, I opposed the measure strenuously and bitterly, because I believed, as I said before, that these matters aggregating one hundred or more million dollars in claims against this Government ought to go to and be adjudicated by and before one of the courts already established. I believed then, as I believe now, that all these claims ought to have been sent to the Court of Claims for adjudication. I succeeded at first in having that disposition made of the bill, and it was referred back to the Committee on War Claims with instructions to report a bill referring these claims to the Court of Claims.

The Committee on War Claims, I think, with some reluctance obeyed the instruction of the House; but that committee came in in such a half-hearted way that the gentleman from Massachusetts [Mr. MOODY] and others, anxious to have this Commission created—and the gentleman from Massachusetts will remember it——

Mr. MOODY of Massachusetts. The gentleman is quite mistaken about that.

Mr. RAY of New York Do you think I am mistaken?

Mr. MOODY of Massachusetts. I think so.

Mr. RAY of New York. I think if the gentleman will turn to the RECORD he will find I am correct. If I am incorrect I shall be glad to be corrected; but my recollection is that when it came up again the gentleman from Massachusetts was one of the most strenuous advocates of this Commission. Now I shall apologize humbly and abjectly if I am mistaken; but that is my recollection.

However that may be, the result was that the former instruction of the House was disagreed to, and this Commission was authorized. Now, the interests of the people of this country are at stake. We have here how many millions of claims already?

Mr. JENKINS. Seventy-five millions of dollars of claims.

Mr. RAY of New York. These claims arose largely and almost entirely in the island of Cuba, and out of matters connected with that island and its affairs before the Spanish war. The probabilities are that the most of these claims will be acted upon favorably by that Commission. The Commission finds itself to-day without the power to bring witnesses in behalf of the Government, to give testimony in the interest of the Government, and without power to compel a witness to give evidence or answer questions. These claimants have no difficulty in bringing their witnesses from all quarters of the earth. From Spain, from Cuba, from Porto Rico, and all the adjacent islands and territories they bring their witnesses. They have no difficulty. Now, the Commission desires the power to compel those persons who have knowledge of the facts and who are within the jurisdiction of the Commission to appear and to give testimony.

Now, I ask the gentleman from Massachusetts [Mr. MOODY], as a lawyer, how can this Commission take care of the interests of this Government, how can we produce the evidence, how can we compel the attendance of these witnesses to give evidence in behalf of the Government if that Commission is without power to punish the witness who refuses to appear and give evidence—who refuses to answer when present?

Mr. MOODY of Massachusetts. In a very simple manner.

Mr. RAY of New York. Will you tell me how?

Mr. MOODY of Massachusetts. In a very few words.

Mr. RAY of New York. Well, tell me.

Mr. MOODY of Massachusetts. By making it an offense for anyone unwarrantably to refuse to testify before this Commission, or in any way to resist a subpœna, and to punish that offense in the courts having jurisdiction where it is committed.

Mr. JENKINS. Will my friend from Massachusetts yield for a question?

Mr. MOODY of Massachusetts. Yes.

Mr. JENKINS. How are you going to enforce that order in Cuba? And there is where the witnesses are.

Mr. MOODY of Massachusetts. How are you going to enforce the power to punish for contempt in Cuba?

Mr. JENKINS. The contempt may be committed here, but the witnesses are all in Cuba.

Mr. WHEELER. Will the gentleman yield for a question?

Mr. RAY of New York. In a moment. Wait until I have answered the question of the gentleman from Massachusetts [Mr. MOODY], and then I will listen to you with pleasure. I want to ask my friend from Massachusetts: In the courts of justice of his State, when a witness refuses to appear, refuses to give testimony, refuses to answer, do the parties go without the testimony or may he be punished for contempt? Do they adjourn the suit until a prosecution can be brought in another court to recover damages of the witness because he will not come and answer?

Mr. MOODY of Massachusetts. I will say to my friend that no commission in Massachusetts, and there are many, have the power to punish for contempt.

Mr. RAY of New York. Take this Commission. You have clothed it with all the powers of a court, with all the dignity of a court, excepting simply you have not given it the power to maintain order during its sessions, nor have you given it any power to produce evidence in behalf of the Government.

Mr. WHEELER. Mr. Speaker, will the gentleman permit me?

Mr. RAY of New York (continuing). Why, you have given it power already to decide millions of dollars of claims against this Government without any power to protect the interests of that Government? Now, there is another question I want to answer which was put by the gentleman from Massachusetts. He asked my colleague on the committee if the Committee on the Judiciary gave consideration to this question of the power to punish for contempt—whether it was wise so to do. The Committee on the Judiciary did consider that question, and there was not a dissenting voice on the committee at that time. It was deemed proper and wise, if we are to have a court, clothed with the dignity of a court, clothed with the power to pronounce a judgment against this Government to the amount of $75,000,000, to clothe it with the power to compel the attendance of witnesses in behalf of the Government of the United States. And I am astonished that a gentleman from the old Commonwealth of Massachusetts, where the courts are empowered to punish for contempt, should raise his voice here against a tribunal of the United States, created by the Congress pursuant to the Constitution, having the power to punish a man if he refuses to appear in court to answer proper questions, or refuses to go upon the witness stand and give his evidence if in court, or refuses to obey a subpœna. It does not interfere with the rights of a citizen; and if it should be true that these gentlemen who now occupy these high positions, appointed to that Commission by the President of the United States and confirmed by the Senate of the United States, will unjustly punish, or if it be true that we can not safely confer upon them this power—the same power that a justice of the peace has, the same power that a county judge has, the same power that all judges and courts have—we better abolish the Commission to-day or as soon as possible and start again. Now I will answer my friend.

Mr. WHEELER. This Commission has an attorney to represent the Government before it.

Mr. RAY of New York. It has assistant attorneys-general, as I think they are called.

Mr. WHEELER. They are lawyers representing the Government.

Mr. RAY of New York. They have assistant attorneys-general authorized by the law.

Mr. WHEELER. These attorneys have the right to take depositions in behalf of the Government, have they not?

Mr. RAY of New York. No; the attorneys do not have that right; but the commissioners appointed by the Commission have.

Mr. WHEELER. The Commissioners have the right to authorize the taking of depositions for the purpose of elucidating questions considered by them?

Mr. RAY of New York. They have the right to go to different points and have the witnesses called before them and take their statements. The trouble is there, that if the witness refuses to appear, or having appeared and being in the presence of the Commission, refuses to answer, the Commission is powerless. We will suppose that the Commissioner or the Commission itself goes right to the man who knows all the facts, and presents itself before him and says here, "Answer this question pertinent to the case," and the witness refuses to answer, refuses to open his mouth, the Commissioners are powerless and the Government is powerless in such a case.

Mr. WHEELER. Let me go along a little further. Any commissioner of the United States has the right to take this proof.

Mr. RAY of New York. There the gentleman is mistaken. The act creating this Commission provides that it shall be taken by the Commission itself or certain commissioners appointed by them.

Mr. WHEELER. And the Commission has no right to call upon United States commissioners to take this proof?

Mr. RAY of New York. You refer, I suppose, to the ordinary United States commissioners. No: the bill does not, if I remember it correctly, give any such authority.

Mr. WHEELER. If the gentleman is correct about that statement, I do not see how there can be any question but this should become law.

Mr. RAY of New York. I do not think there is any question.

Mr. WHEELER. It is very extraordinary that this Commission should not have the power to go to an ordinary United States commissioner and have him take proof in a case pending before the Commission to which the Government is a party.

Mr. RAY of New York. Now, I will state the condition exactly as it is. The Commission, as originally appointed, is authorized to appoint a certain additional number of commissioners to take testimony; but it does not confer any power whatever upon the commissioner or commissioners to compel the witness to appear or to compel him to answer a single question; and it leaves this Government, as I said before, absolutely powerless. This Commission has not the power of a justice of the peace in your town or mine or your county or mine. This Commission has not the power and authority that we have conferred by law upon the United States commissioners all through this land.

Mr. LANHAM. And the appeal for this legislation comes from the officers of the Government and not from the claimants?

Mr. RAY of New York. Why, certainly. Of course this proposed act is objected to by the claimants, those who make these

enormous claims against the Government; they do not want it because they see that now the United States is at a great disadvantage.

Having looked up the record, I am pleased to say that I was mistaken in stating that the gentleman from Massachusetts [Mr. MOODY] favored the creation of this Commission. He opposed it, and voted against it even after I had "changed my mind"—and I did, under pressure—and spoke and voted for the bill creating the Commission. I again make my apology to the gentleman.

Mr. LESSLER. Does not the report that accompanies the bill show that a similar power has been given to a similar commission?

Mr. RAY of New York. Yes.

Mr. CRUMPACKER. I want to ask the gentleman from New York if this confers an authority on the Commission to compel the attendance of witnesses on behalf of the claimants as well as on behalf of the Government?

Mr. RAY of New York. It is in general terms, and I think it will. It ought to; it ought to be fair and equal in its applications.

Mr. CRUMPACKER. The thought occurred to me that if the claimants, as matter of fact, do procure the attendance of witnesses, unless the power resides in this tribunal, which I regard as a judicial tribunal—unless the power resides in this tribunal to compel the attendance of witnesses on their part, if their claims are disallowed they will besiege Congress in future years for an allowance of claims disallowed by this Commission, because they will say that the court was not constituted to give them a fair hearing.

Mr. RAY of New York. Of course they would say it was a court that acted on such evidence as was volunteered, and no more, and that as there was no power to get evidence which was necessary to them, that they had not had a full hearing or a fair show.

Mr. CRUMPACKER. I think this is a wise measure and one that ought to pass.

Mr. RAY of New York. The Judiciary Committee has given this matter close and careful attention, and it seems to me a commission that has the power to pronounce judgment against the United States of $75,000,000 ought to have the power and right to protect the Government. [Applause.]

Mr. JENKINS. Mr. Speaker, I want to say to the House that this power that is sought by this bill to be conferred upon the Spanish Claims Commission is identical with the same power conferred on the Alabama court of claims, so called. It is neither more nor less. It does not exceed the powers conferred by law upon the district and circuit courts of the United States. Now, I want to yield ten minutes to the gentleman from New Jersey [Mr. PARKER].

Mr. WHEELER. Before the gentleman from Wisconsin yields, I want to say a word. Some members on this side of the Chamber have an idea in their minds that this Commission has no judicial power. I desire to inquire if the Commission is vested with judicial powers, and that its findings shall have the same effect as the findings of the Court of Claims, and if Congress is expected to appropriate the money for their judgments?

Mr. JENKINS. I so understand it.

Mr. BREAZEALE. I want to ask the gentleman a question. Do I understand him to say that the power herein sought to be conferred on this Commission is similar in scope to that conferred on the Alabama Claims Commission?

Mr. JENKINS. Yes; identically the same. I now yield to the gentleman from New Jersey [Mr. PARKER].

Mr. PARKER. Mr. Speaker, the gentleman from Indiana by his question touched the kernel of this matter. When upon the War Claims Committee I found that after the civil war there had been a Commission, without court powers, which investigated the various claims against the Government and reported which should be paid.

That Commission, acting only upon such evidence as might be brought before it, and without the power to investigate and try and determine as a court, had operated as a commission to perpetuate claims against the Government, claims which, although refused over and over again in various Congresses, were finally by some more complacent Congress passed.

It had caused millions of dollars of loss to the Government because, while the facts were fresh, it had not caused all cases to be heard and determined. When the bill constituting this Commission came before this House I felt that the one fault in the bill was that it did not expressly make that Commission a court with powers to hear and determine, oyer and terminer, and end each case as to the claimant and as to the Government.

This defect has been felt by the Commission. They are trying to do justice, and therefore to get in all the evidence that any claimant may choose to bring before them, and all the evidence that can be got by the powers of the Government while the matter is fresh and so to determine these claims once and for all so that they will not have to be tried over again. The Commission is not called a court in express language, but its duties and constitution are those of a court. The name is of no importance. The men who sit in England for the trial of criminal cases under a commission of oyer and terminer, and nisi prius, are none the less a court because they are called a commission. What makes a court is the powers given to it, and this bill proposes to give power to issue process, to compel the attendance of parties and witnesses, and then to award by way of final judgment and so to end the matter. Unless this be so this Commission will only serve to perpetuate claims by taking down evidence which can be referred after fifty years when the opportunity to impugn that evidence is gone.

With the powers granted by this bill the Commission will do justice between the Government and the claimant upon the law as upon the facts. It can compel the attendance of parties and the testimony of witnesses, as well as the production of books or papers, and the marshal is required to serve all process issued by the Commission. Thereupon their determination assumes the force of a judgment, being the determination of a public authority upon full hearing in pursuance of law.

Mr. KEHOE. Has anybody thus far refused to produce any books before the Commission or refused to answer any questions?

Mr. PARKER. I know of no power of the Commission to compel the parties to come and abide by the determination of the Commission.

Mr. KEHOE. But has the business of the Commission been interfered with in any way by the refusal of persons to attend, or to produce books or papers, or to answer questions?

Mr. PARKER. I so understand. The report of the Attorney-General will speak more clearly on that point. As I understand, the Commission finds itself in difficulty because it can not compel the complete trial of any particular matter coming before it for determination.

Mr. RAY of New York. It was so represented before the committee by the attorney on behalf of the Government of the United States, who came before us and was given a hearing.

Mr. KEHOE. It was represented that business has been interfered with in this way?

Mr. RAY of New York. Yes, sir; the Commission finds itself embarrassed.

Mr. JENKINS. I yield five minutes to the gentleman from Georgia [Mr. FLEMING], a member of the committee.

Mr. FLEMING. It seems to me that members of the House ought to have no difficulty in accepting this bill in the form in which it is placed before them. Under the laws of the United States a commissioner authorized to try little revenue cases out in the mountains is clothed with sufficient power to punish for contempt in his court—to compel a witness to answer; and it seems to me that if the liberties of American citizens can be intrusted to one man sitting under those circumstances, there certainly can be no danger to those liberties when those powers are intrusted to five judges, sitting in the capital city of the nation.

Mr. LACEY. Will the gentleman yield for a question?

Mr. FLEMING. I will.

Mr. LACEY. The gentleman is aware, is he not, that the commissioner sitting, for instance, in a moonshiner case is an officer of a court and is subject to the orders of the court?

Mr. GAINES of Tennessee. And is subject to the Constitution and the laws.

Mr. FLEMING. I know that the commissioner sits as a court, and I also know that for all practical purposes this Spanish Claims Commission is sitting as a court, and furthermore that it is sitting as a court in pursuance of the power given to us in the Constitution to grant those powers. That is my answer.

Now, Mr. Speaker, what abuse——

Mr. PERKINS. May I be allowed a question—only for information?

Mr. FLEMING. Certainly.

Mr. PERKINS. I understood from the statement of the chairman of the committee that most of these witnesses are necessarily residents of Cuba, and that therefore it is difficult for the Government to obtain the evidence which in many cases is needed. Now, how can any steps be taken which would be effectual in compelling any such witness to appear before this Commission?

Mr. RAY of New York. Such a witness will not be harmed by this bill.

Mr. PERKINS. I am asking my question only for information.

Mr. FLEMING. I think the gentleman's question is quite pertinent, and I do not believe that this bill, if passed, will cover the case he suggests. But there are a great many other abuses which are being practiced, I understand, in reference to claims, abuses which this bill will correct. Suppose that this Commission has before it a claim for $5,000 in behalf of some citizen of the United States. Suppose that citizen brings forward

his testimony and establishes a prima facie case. Suppose that the officers of the Government ascertain that there are some witnesses in this country who, if placed upon the stand and compelled to testify, will break down the prima facie case made out against the Government. Now, at present, the Commission has no power to force those witnesses before it to give testimony to the truth.

Mr. PERKINS. One other question for information. Does the process issued by this Commission for the attendance of witnesses run to any part of the United States?

Mr. FLEMING. I imagine it will do so, for all practical purposes, under this amended bill.

Mr. PARKER. No; I think not.

Mr. FLEMING. Well, I am not sure how far it will go, but I imagine it would go to that extent.

Mr. PARKER. The process of the circuit and districts courts extends only within the State in which it is issued; and this bill proposes to give to the Commission the same power exercised by the circuit and district courts.

Mr. PERKINS. Does the process of this Commission operate only within the District of Columbia?

Mr. PARKER. The Commission does not necessarily sit in the District of Columbia; its powers will operate in any State in which it may be sitting.

Mr. RAY of New York. The Commission may go to any State of the Union—for instance, to Florida—where there are many witnesses; may organize there, and may issue its process, which would run to all parts of Florida.

Mr. PERKINS. But it is now sitting in Washington?

Mr. RAY of New York. It is; and while sitting in Washington its process can not reach into remote parts of the Union—Texas, Oregon, etc.—in order to compel witnesses to come from those points to attend the hearings of the court.

Mr. PERKINS. Process issued in the District of Columbia would only run in the District of Columbia?

Mr. RAY of New York. Yes; but the Commission may sit in any of the States.

Mr. FLEMING. My answer made a moment ago was, I think, entirely correct. This bill will give this Commission power to obtain the testimony of any witness in the United States. The place where the witness will be summoned to give his testimony will be within the jurisdiction of the circuit court within which he is residing. That is my answer to it. My first answer I consider was entirely correct.

Now, Mr. Speaker, let us assume this sort of a case—and I call it to the attention of the gentleman from Massachusetts [Mr. MOODY]: Suppose a case is on trial before this Commission, and the officers of the Government ascertain that certain witnesses in any State of the Union are in possession of evidence or information which if placed on record as testimony will break down the case that has been made against the Government. This Commission summons one of those witnesses, and I will suppose that that witness comes into the room where he has been summoned to testify, and has taken his oath. Now, suppose he refuses to answer the questions propounded. Shall the whole machinery of the Government be stopped?

The SPEAKER. The time of the gentleman has expired.

Mr. JENKINS. I yield the gentleman from Georgia [Mr. FLEMING] two minutes more.

Mr. FLEMING. I say, Shall the whole machinery of the Government be stopped until, as suggested by the gentleman from Massachusetts [Mr. MOODY], a Federal grand jury can be summoned and the witness indicted for violating a law of the United States and then tried and convicted? And even then, perhaps, you would never get the testimony out of him, if he is willing to stand the punishment. Now, Mr. Speaker, that is all there is to it. I think this is a wise, a conservative, a proper, and, I may add, a necessary provision for the proper performance of the duties of this court Commission. There are five judges, I believe, are there not?

Mr. JENKINS. Yes; five.

Mr. FLEMING. And if, as I suggested in the first instance, a United States commissioner can sit up in the mountains in internal-revenue cases and punish for contempt a witness who appears before his court, and if the liberties of American citizens are not endangered by that, surely we are not running any great risk when we allow five well-trained lawyers, lawyers who are selected for their probity and for their skill and ability, constituting a court or a commission, here in the city of Washington, to exercise the same powers.

Mr. JENKINS. Mr. Speaker, I yield ten minutes to the gentleman from Massachusetts [Mr. MOODY].

Mr. MOODY of Massachusetts. Mr. Speaker, there is no reason whatever for confusing the issue which I raised by the question which I propounded to the gentleman from Wisconsin [Mr. JENKINS]. This Commission ought to be clothed with suitable powers to do their work. I have no disposition to deny them any constitutional powers which will enable them to do their duty properly and protect the interests both of the claimants and of the United States. The only criticism which I made upon the bill was directed against that part of it which confers upon the Commission the right to punish for contempt; that is, the right to punish people for acts committed within or without their presence, and without the trial guaranteed by the Constitution. The gentleman from Georgia [Mr. FLEMING] asks me if I would not be willing to grant that power to five as distinguished gentlemen as those who compose that Commission.

Mr. Speaker, in answer to that I will say that I would not grant the right to imprison any citizen of the United States without a trial according to law to any five gentlemen of the United States, no matter how distinguished, at least unless they are acting under the responsibilities of judicial power. There is a way to provide for this. It is by following the suggestion of the gentleman from Iowa [Mr. LACEY]. It is a familiar suggestion to my mind, because commissions in city governments are enabled to perform their duties of investigation in precisely the manner indicated by the gentleman from Iowa [Mr. LACEY]; but it is suggested that this Commission is a court and ought to have the powers belonging to a court. I deny it. It is not a court. It can not be a court under the provisions of the Constitution of the United States.

Mr. RAY of New York. May I ask the gentleman why not?

Mr. MOODY of Massachusetts. Because the members do not have a tenure of their office during good behavior. There is no doubt about it.

Mr. RAY of New York. Has my friend read that provision of the Constitution which says that the Congress of the United States may establish tribunals inferior to the Supreme Court? And whenever it establishes a tribunal with judicial powers, as we have done here, it becomes a court. It may have greater jurisdiction or lesser jurisdiction.

Mr. MOODY of Massachusetts. The gentleman does not display his usual accuracy.

Mr. RAY of New York. The nature of it is determined by the functions it performs and not by the name you give it.

Mr. MOODY of Massachusetts. Mr. Speaker, let me call to the gentleman's mind the provision of the Constitution of the United States.

ART. III. The judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior.

Mr. RAY of New York. Well, now——

Mr. MOODY of Massachusetts. Let me finish about this, and then I will yield.

Mr. Speaker, all of us remember the case that arose in Florida, the name of which escapes me for the moment. I know the occupant of the chair remembers it. I know the gentleman from New York must remember it. It was Insurance Company *v.* Canter. It arose with reference to the courts that were constituted by Congress in Florida. These judges were not holding a tenure during life. The point was made that they were not constitutional courts and had not the right to exercise the judicial power of the United States.

Mr. RAY of New York. Right there——

Mr. MOODY of Massachusetts. Let me finish my sentence.

Mr. RAY of New York. I should think you would not want to hear what I have to say.

Mr. MOODY of Massachusetts. Let me finish my sentence. The Supreme Court held that those courts were lawful courts, because they were not the courts of the United States which were mentioned in the article of the Constitution to which I have referred. They were not constitutional courts, but were legislative courts. Does the gentleman suggest that within the United States, where that provision of the Constitution is unquestionably binding, courts can be constituted except upon the condition that the judges shall hold their positions during good behavior?

Mr. RAY of New York. The Congress of the United States have established courts in all the Territories of the United States, and we have vested them with judicial power, and they are the only courts that we have in the Territories, and in every single instance we have provided by law a certain tenure of office which is less than life—most of them four years, and some of them other terms.

Mr. MOODY of Massachusetts. I quite agree.

Mr. RAY of New York. Does my friend from Massachusetts claim that they are not courts, that they are not judges, that they do not have judicial power?

Mr. MOODY of Massachusetts. I do not. I agree that they have judicial power, but it is not the judicial power of the United States that is mentioned in the Constitution.

Mr. RAY of New York. What judicial power is it, when Congress gives it?

Mr. MOODY of Massachusetts. It is the judicial power which is exercised by the authority of Congress, in that provision which gives Congress the right to make needful rules for the disposition of the territory and other property of the United States.

Mr. RAY of New York. They have inherent power, the Supreme Court of the United States holds, to punish for contempt.

Mr. MOODY of Massachusetts. There is nothing that I have said in the slightest contradictory or contrary to that.

Mr. RAY of New York. You say that the inferior tribunals of the Territories are not courts.

Mr. MOODY of Massachusetts. I did not. I will not be misrepresented by the gentleman, or misunderstood.

Mr. RAY of New York. Wait one minute. Did you not say this: That these Territorial courts do not have the judicial power that is spoken of in the Constitution?

Mr. MOODY of Massachusetts. I did.

Mr. RAY of New York. You claim they do not?

Mr. MOODY of Massachusetts. I do.

Mr. RAY of New York. Where do they get their power to punish for contempt? There is nothing in the acts of Congress creating them, as I remember, that gives any such power. It has been held over and over again that they do have it. Where do they get it? Tell me that.

Mr. MOODY of Massachusetts. Congress, as I have already said, is given this power to constitute the courts of the Territories under a provision of the Constitution which I am trying to find, and will in a moment; but as I am not able to find it at present, it is one with which we are all familiar.

Mr. GROW. Section 8, I guess.

Mr. MOODY of Massachusetts. It is the provision which gives to Congress the power to dispose of and make rules and regulations respecting the Territory and other property of the United States. I think I quote it with substantial accuracy. It is an extra constitutional power, and it has been held by the Supreme Court of the United States that that power is exercised outside of the limits and restrictions of the Constitution.

Mr. PARKER. Will the gentleman yield to me for a question?

Mr. MOODY of Massachusetts. Certainly.

Mr. PARKER. Are not these commissioners appointed for good behavior? It seems to me that they are under the act. The act constitutes, in my judgment, a special court, which only lasts for two years, but any commissioner appointed by that court holds for good behavior.

Mr. MOODY of Massachusetts. It had not occurred to me that such was the case.

Mr. PARKER. Have you looked at the terms of the act recently?

Mr. MOODY of Massachusetts. I have not.

Mr. PARKER. I would just like to quote it:

The President shall appoint, with the advice and consent of the Senate, five suitable persons, learned in the law, who shall constitute a commission, whose duty and jurisdiction shall be to receive, examine, and adjudicate all claims.

Stating what they are, the Spanish claims.

It shall adjudicate said claims according to the merits of the several cases on principles of equity and international law.

It then provides that attorneys-general shall practice before them.

Mr. MOODY of Massachusetts. I hope the gentleman will not read any more.

Mr. PARKER. I will not read at all; it is long act. It makes an award which is to be final, except in cases of appeal or submission to the Supreme Court, and that the powers and jurisdiction granted to the Commission shall last only for two years, with the provision of its continuation for six months. That seems to me to constitute a temporary court, of which the members hold during good behavior, but only during the term of the existence of the court.

Mr. MOODY of Massachusetts. Mr. Speaker, it does not seem to me, with all due deference to the gentleman from New Jersey, that gentlemen who hold their offices for two years and six months hold them for good behavior in the meaning of the Constitution of the United States.

Mr. RAY of New York. Now, allow me to call the gentleman's attention to a clause of the Constitution that he has evidently forgotten, although he has doubtless read it a hundred times. It is that section of the Constitution that defines the express power of Congress and, among other things, contains this provision: "To constitute tribunals inferior to the Supreme Court." It is under that provision that our Territorial courts are organized. They are tribunals inferior to the Supreme Court, and the Supreme Court of the United States has always so held.

Mr. JENKINS. I now yield five minutes to the gentleman from North Carolina [Mr. BELLAMY].

Mr. BELLAMY. Mr. Speaker, this tribunal, known as the Spanish Claims Commission, is for all practical purposes a court, and has the same jurisdiction, except as to the question of contempt, of all Spanish war claims, as I understand it, as the Court of Claims has on ordinary claims committed to its jurisdiction by law. Now, Mr. Speaker, I think it ought to have conferred upon it the power to punish for contempt; and it would be far more preferable to the power of punishing a witness who fails to attend by indictment. A few days ago when we had under discussion in this body the Lacey land bill, you may call it, with due respect to that gentleman and that committee, I thought the power then conferred to indict for a misdemeanor witnesses who failed to attend that tribunal was a great outrage. You can conceive a case where a witness living 600 or 700 miles from the tribunal, and who, by reason of sickness or any other good cause, fails to attend; if you make him indictable for a misdemeanor in a United States district court you are involving him in an enormous expense which ought not to be entailed upon him if he is innocent of willful disobedience to the subpœna.

It is not reasonable to suppose that the five able and honest lawyers who constitute the Spanish Claims Commission will abuse their power to punish for contempt any more than it would be to presume that the power in this respect of any of the United States judges would be abused.

The right to punish for contempt for willful and contemptuous disobedience of a subpœna is one that every court should possess, because its proceedings would be hampered very much, if not in many cases altogether interrupted, unless this power is conferred.

Let us presume that our judges are honest, and this presumption is well founded by the century's experience with our judicial system.

Anyone that has any practice in the United States courts knows that the defendant in an indictment is never allowed his witness fees unless, under certain circumstances, he invokes the power of the courts to summon them beforehand. He gets an order from the district judge, on account of his poverty, to procure their attendance. I say that a witness who resides 600 miles away and is compelled to attend, and who has a good case, if he be indicted, is required to go before that tribunal, summon his witnesses, and take them there, and even if he is declared innocent of any willful violation of the order of the court, can only be absolved by the payment of several hundred dollars; whereas if the power of contempt is conferred on the tribunal, that individual can be attached for contempt, and if he purges himself of the contempt by affidavit the courts will excuse him. I say, therefore, that as a practical matter it is better for the interest of the citizen to confer on the court the power to punish for contempt than to make it indictable in the courts of the United States.

Mr. CLARK. I would like to ask the gentleman a question.

Mr. BELLAMY. Very well.

Mr. CLARK. Does the gentleman think that because we passed a bad bill the other day that that is a justification to extend the power of punishing for contempt in this matter?

Mr. BELLAMY. Certainly not; but I say that the power to punish for contempt is preferable to making the witness indictable for the same offense, when the indictment is attended with so much cost to the witness, even if he be innocent of a willful violation of the court's order.

Mr. OLMSTED. Does the gentleman recollect whether the Interstate Commerce Commission has the power to punish for contempt?

Mr. BELLAMY. It has not; but I think it ought to be conferred upon it.

Mr. OLMSTED. But it has the power to certify the matter to the district court of the United States.

Mr. BELLAMY. I think so.

Mr. OLMSTED. Does not the gentleman think that would be the proper power to confer upon this Commission?

Mr. BELLAMY. No; I think it would be better for the witness to have the privilege of purging himself by an affidavit than to have him indicted and brought into court.

Mr. JENKINS. Mr. Speaker, I now yield five minutes to the gentleman from Iowa, and at the close of his remarks I will demand the previous question.

Mr. LACEY. Mr. Speaker, I am in hearty sympathy with the purpose of this bill, and think there ought to be a provision by which the Commission can secure the attendance of witnesses. The Interstate Commerce Commission is charged with duties more responsible and more important, the registers and receivers in the land offices in the course of years try cases of more value than this Commission will try, large as it is, and courts-martial also ought to have the same authority to bring witnesses before them. This question is one of method.

Why should gentlemen insist on adopting a method which is unconstitutional? Why do they insist on enacting a provision of law under which, if they attempt to arrest a witness, the court

would discharge him on habeas corpus? The Interstate Commerce Commission had the same difficulty, and it was answered by an act of Congress passed in 1893:

Any person who shall neglect or refuse to attend and testify, or to answer any lawful inquiry, or to produce books, papers, tariffs, contracts, agreements, and documents, if in his power to do so, in obedience to the subpœna or lawful requirement of the Commission shall be guilty of an offense, and upon conviction thereof by a court of competent jurisdiction shall be punished by fine not less than $100, nor more than $5,000, or by imprisonment for not more than one year, or by both such fine and imprisonment.

Now, I am loath to object to anything that the Judiciary Committee reports—a committee as distinguished and able as it is. I should hesitate to criticise the provision in the bill, but this is a matter that I have had occasion to investigate at various times for the last twelve years, and during that time I have been endeavoring to secure legislation in regard to obtaining evidence before the registers and receivers in the land offices. The question is, therefore, one to which I have given some thought, and I feel perfectly sure that the provision embraced in this bill would be declared unconstitutional, and that anyone arrested thereunder would be discharged on habeas corpus by any court of competent jurisdiction.

It is perfectly easy to obtain the desired end in a right way. The Interstate Commerce Commission and courts-martial had the same difficulty, and it would be easy to frame a bill on the same lines as applied to them. The Judiciary Committee is composed of lawyers. Yet they can not issue a subpœna to bring a witness before that committee and testify in any proceeding before the committee.

They can send for persons and papers, but if the persons and papers do not come they can not arrest for contempt; and yet that tribunal would be a safe one to vest the power in if the Constitution permitted it. Therefore the statute provides that such witnesses can be punished for misdemeanor for violating the subpœna, and it seems to me where the line is so well marked out by previous legislation there is no reason for departing from it now. The fact that the Commission has asked for it in this form does not justify us in adopting a form which would be invalid. Why not take the method heretofore adopted by Congress in dealing with this question?

Mr. JENKINS. I now ask the previous question on the bill to its passage.

Mr. McCALL. Will the gentleman yield to me for a question?

Mr. JENKINS. Just for a question.

Mr. McCALL. I should like to ask the gentleman from Wisconsin whether this Claims Commission does not have authority to sit within the Territories of the United States?

Mr. JENKINS. I can not answer that question. The act is here, and the gentleman can examine the law.

Mr. McCALL. I mean the Commission as constituted by the original act.

Mr. PARKER. Under the original act I think they have power to sit wherever they please.

Mr. McCALL. Then, I would like to ask whether the authority given to Congress by the Constitution to provide for Territorial courts would in any way apply to this case, and whether, under the original act, judicial powers would not be exercised within what everybody must concede to be the territorial limits of the United States by a tribunal not having the judicial tenure?

Mr. PARKER. This Commission holds its sessions in the city of Washington.

Mr. RAY of New York. The Territorial courts are not courts of the United States in the same sense as are the circuit and district courts.

Mr. THAYER. Will the gentleman from Wisconsin yield to me just a minute?

Mr. JENKINS. I have not the time, or I would gladly yield.

Mr. THAYER. Well, half a minute.

Mr. JENKINS. I have not the time.

Mr. MAHON. Mr. Speaker, I believe this question is debatable, and I want to suggest to the gentleman from Wisconsin, if he will allow me——

Mr. JENKINS. I move the previous question on the bill to its passage.

Mr. MAHON. If the gentleman is going to undertake to railroad this bill through the House, he will need a quorum.

Mr. JENKINS. If the gentleman wants to filibuster, let him do so.

Mr. MAHON. You can not cut off members in this way on this bill.

The SPEAKER pro tempore (Mr. OLMSTED). The question is on ordering the previous question.

The question having been put,

The SPEAKER pro tempore. The noes seem to have it.

Mr. JENKINS. I call for a division.

Mr. MOODY of Massachusetts. Mr. Speaker, am I not now entitled to be recognized, the previous question having been refused?

Mr. JENKINS. I have demanded a division.

The SPEAKER pro tempore. The House is dividing.

Mr. MOODY of Massachusetts. I beg pardon. I thought the result had been announced.

The question having been taken, there were—ayes 45, noes 48.

Mr. JENKINS. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. MOODY of Massachusetts. I ask unanimous consent to suggest to the gentleman from Wisconsin this proposition: It seems to me we ought not to be consuming time——

Mr. RAY of New York. I rise to a point of order. The yeas and nays have been ordered, and argument or debate is now out of order.

Mr. MOODY of Massachusetts. Very well.

The question was taken; and there were—yeas 131, nays 78, answered "present" 9, not voting 138; as follows:

YEAS—131.

Adamson,	Driscoll,	Lessler,	Rumple,
Alexander,	Elliott,	Lever,	Ruppert,
Allen, Ky.	Emerson,	Lewis, Ga.	Russell,
Aplin,	Fleming,	Lewis, Pa.	Scarborough,
Bartholdt,	Fletcher,	Littauer,	Schirm,
Bates,	Gaines, Tenn.	Littlefield,	Scott,
Bellamy,	Gaines, W. Va.	Long,	Shattuc,
Blackburn,	Gardner, Mich.	McCleary,	Shelden,
Boutell,	Gibson,	McRae,	Showalter,
Bowie,	Gillet, N. Y.	Maddox,	Sibley,
Brantley,	Griggs,	Marshall,	Skiles,
Breazeale,	Grosvenor,	Martin,	Smith, Ky.
Bristow,	Grow,	Metcalf,	Smith, S. W.
Brown,	Hamilton,	Mickey,	Sperry,
Burgess,	Hanbury,	Minor,	Stephens, Tex.
Burk, Pa.	Haskins,	Moody, N. C.	Stevens, Minn.
Burke, S. Dak.	Hedge,	Moody, Oreg.	Sulloway,
Burnett,	Hepburn,	Moon,	Sutherland,
Butler, Pa.	Hill,	Mudd,	Tawney,
Cannon,	Howard,	Needham,	Thomas, Iowa
Clayton,	Howell,	Nevin,	Tirrell,
Conner,	Jenkins,	Otey,	Tompkins, N. Y.
Cooper, Tex.	Jett,	Overstreet,	Van Voorhis,
Cooper, Wis.	Joy,	Parker,	Wachter,
Corliss,	Kahn,	Patterson, Pa.	Warnock,
Crumpacker,	Kern,	Patterson, Tenn.	Watson,
Cummings,	Kitchin, Claude	Payne,	Weeks,
Currier,	Kleberg,	Pearre,	Wheeler,
Curtis,	Knapp,	Perkins,	Wiley,
Dalzell,	Lamb,	Powers, Me.	Williams, Ill.
Dick,	Lanham,	Powers, Mass.	Wooten,
Dinsmore,	Lassiter,	Ray, N. Y.	Wright.
Draper,	Latimer,	Reid,	

NAYS—78.

Ball, Del.	Griffith,	Mahon,	Ryan,
Bartlett,	Hall,	Mann,	Selby,
Bromwell,	Hay,	Maynard,	Shackleford,
Brundidge,	Henry, Miss.	Miers, Ind.	Shafroth,
Butler, Mo.	Henry, Tex.	Moody, Mass.	Shallenberger,
Candler,	Hildebrant,	Morgan,	Sheppard,
Cassingham,	Hooker,	Mutchler,	Sims,
Cochran,	Johnson,	Olmsted,	Slayden,
Coombs,	Jones, Wash.	Padgett,	Small,
Cowherd,	Kitchin, Wm. W	Pierce,	Snook,
Cushman,	Lacey,	Prince,	Stark,
Davey, La.	Lindsay,	Randell, Tex.	Thayer,
Davis, Fla.	Little,	Richardson, Ala.	Underwood,
Dougherty,	Lloyd,	Richardson, Tenn.	Wanger,
Douglas,	Lovering,	Rixey,	White,
Edwards,	McAndrews,	Robb,	Williams, Miss
Evans,	McCall,	Robertson, La.	Woods,
Fox,	McClellan,	Robinson, Ind.	Zenor.
Goldfogle,	McDermott,	Robinson, Nebr.	
Gordon,	McLain,	Rucker,	

ANSWERED "PRESENT"—9.

Brownlow,	Clark,	Irwin,	Tate,
Burleson,	De Graffenreid,	Norton,	Thompson.
Cassel,			

NOT VOTING—138.

Acheson,	Conry,	Gilbert,	Kyle,
Adams,	Cooney,	Gill,	Landis,
Allen, Me.	Cousins,	Gillett, Mass.	Lawrence,
Babcock,	Creamer,	Glenn,	Lester,
Ball, Tex.	Cromer,	Gooch,	Livingston,
Bankhead,	Crowley,	Graff,	Loud,
Barney,	Dahle,	Graham,	Loudenslager,
Beidler,	Darragh,	Green, Pa.	McCulloch,
Bell,	Davidson,	Greene, Mass.	McLachlan,
Belmont,	Dayton,	Haugen,	Mahoney,
Benton,	De Armond,	Heatwole,	Mercer,
Bingham,	Deemer,	Hemenway,	Meyer, La.
Bishop,	Dovener,	Henry, Conn.	Miller,
Blakeney,	Eddy,	Hitt,	Mondell,
Boreing,	Esch,	Holliday,	Morrell,
Bowersock,	Feely,	Hopkins,	Morris,
Brick,	Finley,	Hughes,	Naphen,
Broussard,	Fitzgerald,	Hull,	Neville,
Bull,	Flood,	Jack,	Newlands,
Burkett,	Foerderer,	Jackson, Kans.	Otjen,
Burleigh,	Fordney,	Jackson, Md.	Palmer,
Burton,	Foss,	Jones, Va.	Polk,
Calderhead,	Foster, Ill.	Kehoe,	Pou,
Caldwell,	Foster, Vt.	Ketchum,	Pugsley,
Capron,	Fowler,	Kluttz,	Ransdell, La.
Connell,	Gardner, N. J.	Knox,	Reeder,

Reeves,	Smith, Wm. Alden	Storm,	Trimble,
Rhea, Ky.	Snodgrass,	Sulzer,	Vandiver,
Rhea, Va.	Southard,	Swanson,	Vreeland,
Roberts,	Southwick,	Talbert,	Wadsworth,
Salmon,	Sparkman,	Tayler, Ohio	Warner,
Sherman,	Spight,	Taylor, Ala.	Wilson,
Smith, Ill.	Steele,	Thomas, N. C.	Young.
Smith, Iowa	Stewart, N. J.	Tompkins, Ohio	
Smith, H. C.	Stewart, N. Y.	Tongue,	

So the previous question was ordered.

The Clerk announced the following pairs:

For the session:

Mr. LOUDENSLAGER with Mr. DE GRAFFENREID.

Mr. DAYTON with Mr. MEYER of Louisiana.

Mr. BOREING with Mr. TRIMBLE.

Mr. MORRELL with Mr. GREEN of Pennsylvania.

Mr. HEATWOLE with Mr. TATE.

Mr. RUSSELL with Mr. MCCLELLAN.

Mr. BULL with Mr. CROWLEY.

Mr. WANGER with Mr. ADAMSON. (Excepting election cases.)

Until further notice:

Mr. TOMPKINS of New York with Mr. FITZGERALD.

Mr. HOPKINS with Mr. GRIFFITH.

Mr. BEIDLER with Mr. FOSTER of Illinois.

Mr. COUSINS with Mr. SULZER.

Mr. HEMENWAY with Mr. KLUTTZ.

Mr. BINGHAM with Mr. NEVILLE.

Mr. REEVES with Mr. BANKHEAD.

Mr. REEDER with Mr. FLOOD.

Mr. HOLLIDAY with Mr. PUGSLEY.

Mr. TAYLER of Ohio with Mr. GLENN.

Mr. IRWIN with Mr. GOOCH.

Mr. BARNEY with Mr. MCRAE.

Mr. BRICK with Mr. CALDWELL.

Mr. KYLE with Mr. FEELY.

Mr. DEEMER with Mr. POLK.

Mr. SMITH of Iowa with Mr. THOMPSON.

Mr. BURTON with Mr. SPARKMAN.

Mr. BURKETT with Mr. SHALLENBERGER.

Mr. LANDIS with Mr. CLARK.

Mr. JACK with Mr. FINLEY.

Mr. FOSS with Mr. BROUSSARD.

On this vote:

Mr. DARRAGH with Mr. JACKSON of Kansas.

Mr. STEELE with Mr. BELMONT.

Mr. CROMER with Mr. CONRY.

Mr. BURLEIGH with Mr. BELL.

Mr. BABCOCK with Mr. DE ARMOND.

Mr. SHERMAN with Mr. NAPHEN.

For this day:

Mr. CONNELL with Mr. VANDIVER.

Mr. CAPRON with Mr. THOMAS of North Carolina.

Mr. KNOX with Mr. TALBERT.

Mr. HAUGEN with Mr. SPIGHT.

Mr. DOVENER with Mr. SALMON.

Mr. ESCH with Mr. RHEA of Virginia.

Mr. EDDY with Mr. RHEA of Kentucky.

Mr. GARDNER of New Jersey with Mr. RANSDELL of Louisiana.

Mr. GRAFF with Mr. POU.

Mr. KETCHAM with Mr. MCCULLOCH.

Mr. BISHOP with Mr. KEHOE.

Mr. GILL with Mr. LESTER.

Mr. DAVIDSON with Mr. JONES of Virginia.

Mr. GRAHAM with Mr. GILBERT.

Mr. STEWART of New York with Mr. CREAMER.

Mr. FORDNEY with Mr. COONEY.

Mr. WARNER with Mr. NEWLANDS.

Mr. VREELAND with Mr. LIVINGSTON.

Mr. ACHESON with Mr. BALL of Texas.

Mr. GREENE of Massachusetts with Mr. MAHONEY.

Mr. YOUNG with Mr. BENTON.

Mr. SOUTHWICK with Mr. WILSON.

From February 12 to 20:

Mr. BROWNLOW with Mr. SNODGRASS.

February 13 and 14:

Mr. MERCER with Mr. SWANSON.

Mr. SOUTHARD with Mr. NORTON.

Mr. WM. ALDEN SMITH with Mr. BURLESON.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time.

Mr. MOODY of Massachusetts. Mr. Speaker, I move to recommit the bill to the committee with instructions to report the same back, striking out the words "and to punish for contempt" in the first line of the second page thereof.

The SPEAKER pro tempore. The gentleman from Massachusetts moves to recommit the bill, with an instruction, which the Clerk will report.

The Clerk read as follows:

On page 2, line 1, strike out the words "and to punish for contempt."

The SPEAKER pro tempore. The question is on the motion of the gentleman from Massachusetts to recommit, with the instructions reported by the Clerk.

The motion was rejected.

The SPEAKER pro tempore. The question now is on the passage of the bill.

The bill was passed.

On motion of Mr. JENKINS, a motion to reconsider the last vote was laid on the table.

TRANSFER OF CARROLL COUNTY, GA.

Mr. RAY of New York. Mr. Speaker, I now call up the bill (H. R. 10780) to transfer the county of Carroll from the northwestern division of the northern district of Georgia back to the northern district of Georgia of the United States district and circuit courts, and for other purposes.

The SPEAKER pro tempore. The gentleman from Georgia calls up a bill, which the Clerk will report.

The bill was read, as follows:

Be it enacted, etc., That the county of Carroll, in the State of Georgia, be, and is hereby, transferred from the northwestern division of the northern district of Georgia to the northern district of Georgia of the United States district and circuit courts; and that all subpœnas, summonses, and other processes heretofore issued returnable at Rome, Ga., be held good returnable at Atlanta, Ga.

The following amendments, recommended by the committee, were read:

That section 1 be amended by striking out the word "back" after the word "Georgia," line 5.

That the following words in lines 6 to 9 be stricken out, to wit: "and that all subpœnas, summonses, and other processes heretofore issued returnable at Rome, Ga., be held good and returnable at Atlanta, Ga." and that the following words be substituted in their stead, to wit: "but this transfer shall not affect any suit or legal proceeding begun prior to the passage of this act."

Mr. RAY of New York. I desire to yield to the gentleman from Georgia [Mr. FLEMING], who is a member of the committee and has charge of the bill.

Mr. FLEMING. Mr. Speaker, this is simply a bill to transfer one county in the State of Georgia, in the northwestern division of the northern district, back into the northern district.

Two years ago a bill was passed creating a separate division, and the county of Carroll was placed in the northwestern division. Since then it has been ascertained that that was against the wishes of the members of the bar and, I may say, of the people of the county. The northwestern division had its business attended to at the city of Rome. The northern division had its business attended to in the city of Atlanta, and the members of the bar of the county of Carroll are unanimously in favor of attending at Atlanta instead of at Rome. The judge, I understand, is also favorable to the change, or raises no objection. The bill was introduced by my colleague, Mr. ADAMSON, who lives in the county of Carroll. My colleague, Mr. MADDOX, who was the author of the bill passed two years ago, has authorized me to say that he raises no objection to the transfer as far as he is concerned. So I hope that the bill will be passed with the amendment unanimously reported from the committee. The amendment is simply to allow all cases that have heretofore been filed in the northwestern division to be completed in that division.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

By unanimous consent, the title of the bill was amended so as to read:

A bill to transfer the county of Carroll from the northwestern division of the northern district of Georgia to the northern district of Georgia of the United States district and circuit courts, and for other purposes.

On motion of Mr. FLEMING, a motion to reconsider, the vote by which the bill was passed was laid on the table.

WHITE RIVER RAILWAY COMPANY.

Mr. JOY (when the Committee on Interstate and Foreign Commerce was called). Mr. Speaker, I desire to call up from the Committee on Interstate and Foreign Commerce, by direction of the committee, the bill S. 650.

The Clerk read as follows:

A bill (S. 650) granting to the White River Railway Company the right to construct, maintain, and operate a single-track railway across the lands of the United States in the south half of the southwest quarter of section 22, township 14 north, range 8 west of the fifth principal meridian, in the county of Independence, in the State of Arkansas, reserved for use in connection with the construction of Lock No. 3, Upper White River, Arkansas.

Be it enacted, etc., That the White River Railway Company, a corporation created and existing under and by virtue of the laws of the State of Arkansas, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a single-track railway over and across the lands of the United States in the south half of the southwest quarter of section 22, township 14 north, range 8 west of the fifth principal meridian, in the county of Independence, in the State of Arkansas, reserved for use in connection with the construction of Lock No. 3, Upper White River, Arkansas, said railway to be constructed, maintained, and operated upon the following terms

and conditions, to wit: The railway track so authorized shall be carried across the above-described land on a trestle affording not less than 13 feet longitudinal clearance between bents, the cap timbers of said trestle to be not over 12 feet in length, and the batter of the inclined posts not to exceed 3 inches horizontal distance to 1 foot vertical distance. Said White River Railway Company, its successors and assigns, shall build and maintain, at their own expense, at some near-by point, a siding or spur track from which the United States can receive and forward freight, either in carload lots or less than carload lots. Said railway company shall, during the time of the construction of the lock and dam, establish Lock No. 3 as a flag station for all trains carrying passengers. Said White River Railway Company shall not use the river banks within a distance of 150 feet above and below the limits of the lock walls of said Lock No. 3 as a place for depositing spoil and waste, except under such conditions as may be approved by the United States engineer officer in charge of the improvements of Upper White River, Arkansas.

SEC. 2. That there is hereby specially reserved to the United States the right to erect chutes or other structures over and under said trestle, and in such manner as not to interfere with the movement of trains; to load or unload cars while on the main track of said railway in the vicinity of Lock No. 3, provided regularly scheduled trains shall not be thereby delayed; and to build temporary warehouses and other structures, not only along the said railway trestle, but also along the railway track adjacent to said reservation for said Lock No. 3, on each side thereof, and as close thereto as can be done without interfering with the safe movement and operation of trains, and the said White River Railway Company shall permit the United States to enter upon its right of way adjacent to the Government reserve for the purpose of so doing: *Provided*, That the United States, in exercising its right to excavate under the aforesaid trestle, will not be responsible to the said railway company, its employees, passengers, patrons, or the public for any delay or injury caused by said excavation.

SEC. 3. That all work done by said White River Railway Company under this act shall be subject at all times, during and after its completion, to the approval of the Secretary of War, and shall be done under the supervision of the engineer officer of the United States Army in charge of the improvement of Upper White River, Arkansas.

SEC. 4. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. CORLISS. Mr. Speaker, the right to construct cable lines is a public utility or franchise held by the people. Its control is an inherent right of the nation. No one has a right to lay a cable without permission of Congress.

There is no law in existence under which cable lines may be laid. Congress, by a special act in 1867 (15 Stat., 10), authorized the American Atlantic Cable Company to lay, land, and operate cable lines on the Atlantic coast, except the coast of Florida, expressly reserving the right to alter, amend, or repeal the permission granted. The reservation of the Florida coast in the foregoing act was in consequence of the act of May 5, 1866 (14 Stat., 44), authorizing a cable from the coast of Florida to the West Indies.

While these acts confer privileges to the companies named, they contain no provision of a general character upon the subject. No general legislation of any character has since been had covering the subject-matter. The act of July 24, 1866, entitled "An act to aid in the construction of telegraphic lines, etc." (14 Stat., 221), authorizes any telegraph company, under certain conditions, to construct, maintain, and operate lines of telegraph in the United States. This act applies to the interior land telegraphic lines in the United States, and not to submarine cable lines of communication between the United States and foreign lands or islands in the ocean. This act has been examined and its scope determined by an opinion of the Department of Justice, written by Hon. George H. Williams, in which he held:

That telegraphic lines connecting the United States with other countries are a subject which properly falls under the regulating power of Congress, I entertain no doubt. Yet Congress has provided no general regulations concerning it. The act of July 24, 1866, entitled "An act to aid in the construction of telegraphic lines," etc. (14 Stat., 221), authorizes any telegraph company, under certain conditions, to construct, maintain, and operate lines of telegraph over and across the navigable streams or waters of the United States; but it is manifest that this act was intended to apply simply to interior lines of telegraph designed for communication between points within the United States, and not to exterior oceanic lines.

But we are not limited in the consideration of this subject to the opinion of the Department of Justice. In the joint resolution providing for the annexation of the Hawaiian Islands to the United States (vol. 30, U. S., p. 750) Congress expressly reserved to itself the right to control the public domain in the following language:

The existing laws of the United States relative to public lands shall not apply to such lands in the Hawaiian Islands, but Congress shall enact special laws for their management and disposition. * * *

In the insular cases, particularly the case of Downs *v.* Bidwell (182 U. S., 379), Justice Brown, announcing the opinion of the court after an extensive inquiry into the action of Congress respecting the various Territories from time to time acquired, says (pp. 278, 279):

The practical interpretation put by Congress upon the Constitution has been long continued and uniform to the effect that the Constitution is applicable to territories acquired by purchase or conquest only when and so far as Congress shall direct. * * *

Congress has assumed to control the construction and operation of cable lines in Alaska, and has authorized the Secretary of War to establish commercial business over such lines. It is important to note that in this act it was expressly provided—

That no telegraph or cable lines owned or operated or controlled by persons not citizens of the United States or by any foreign corporation or government shall be established in or permitted to enter Alaska.

Is is not far more important for the maintenance of peace and the welfare of our people to control cable communication with Hawaii, Philippine, and other islands in the Pacific?

POWER OF THE EXECUTIVE.

The right to lay ocean cables and control conditions under which they may be landed and operated is held exclusively by Congress. The Executive is not in my judgment authorized by the Constitution or laws to permit the establishment of cable lines. The precedents established by the acts of our Presidents justify my position. It is true cable lines have been laid under conditions established by President Grant, but never with the authority of the President. In order to prevent the establishment of an offensive cable monopoly, President Grant threatened to employ the Army and Navy to resist the landing of the French cable in 1869. He compelled the company to agree to certain conditions for the protection of our Government and people before he would withhold his resistence to the landing of the cable. He did not assume the power to grant permission to lay the cable, but submitted to Congress a communication fully covering the subject-matter in the following language:

I present this subject to the earnest consideration of Congress. In the meantime, and unless Congress otherwise direct, I shall not oppose the landing of any telegraphic cable which complies with and assents to the points above enumerated, but will feel it my duty to prevent the landing of any which does not conform to the first and second points as stated, and which will not stipulate to concede to this Government the precedence in the transmission of its official messages, and will not enter into a satisfactory arrangement with regard to its charges.

It will be observed that President Grant rested his authority solely upon his power to prevent the landing of the cable, which was deemed inimical to the interests of our Government and people; but the right to prevent the landing of the cable did not carry with it the right to grant permission to lay, nor did he or any subsequent President ever assume such authority.

Hon. W. Q. Gresham, one of the ablest jurists of our country, while holding the office of Secretary of State, expressly held that the President had no authority to grant permission for the laying of cables without authority of Congress.

In a communication bearing date August 15, 1893, in reply to an application of a company for the privilege of laying a cable, he held:

There is no Federal legislation conferring authority upon the President to grant such permission, and in the absence of such legislation executive action of the character desired would have no binding force.

This position was in full accord with the opinion of his predecessors, Hon. Hamilton Fish and Hon. James G. Blaine. This position was sustained by Mr. Olney, Attorney-General, one of the ablest jurists that ever had the honor to fill a Cabinet position. In 1895 Mr. Olney held:

There is no Federal statute conferring authority upon the Executive to grant or withhold permission to land cables on the shores of the United States. This Department has, therefore, no power to act in the matter, and I am unable to comply with your request.

But it is contended that the subject has been adjudicated by the decision of Judge Lacombe (77 Fed. Rep., 495) in the case of the United States against the French Cable Company.

A bill was filed to restrain this company from laying a cable connecting Haiti with the United States without the permission of the Government. The case was brought before the court upon an application for a preliminary injunction before the presentation of the facts, and the court justly denied the petition upon three grounds: First, because the cable had already been laid and the facts relied upon in the bill had not been presented to the court; secondly, because the President had power to enforce his decisions without the aid of the court; and thirdly, because Congress was then in session, and if there was any urgent necessity could take immediate action, as it held absolute authority over the subject. In his opinion he stated:

Without the consent of the General Government, no one, alien or native, has any right to establish a physical connection between the shores of this country and that of any foreign nation.

Such consent may be implied as well as expressed, and whether it shall be granted or refused is a political question which, in the absence of Congressional action, would seem to fall within the province of the Executive to decide. It is further thought that the Executive may effectually enforce its decision without the aid of the courts, but even if the defendants are correct in the contention that the Executive has nothing to do with the matter, it is certainly indisputable that Congress has absolute authority over the subject. That body is now in session, and if any urgent necessity should call for immediate action it can settle the question with such definiteness as to leave no further room for argument. Preliminary injunction refused.

It is important to know that the defendant in this case was one of the allied companies controlled by the Commercial Cable Company, now seeking to again steal upon our shores with a cable for the purpose of establishing a foreign cable monopoly, and I desire to call attention to the language of the court, in which he says:

But even if the defendants are correct in the contention that the Executive has nothing to do with the matter, it is certainly indisputable that Congress has absolute authority over the subject.

It is therefore clear, first, that the court did not hold that the Executive had authority, but that the defendant, the Mackay

Company, now seeking to surreptitiously usurp an important public franchise in the Pacific, did contend that the Executive had no authority over such matters.

Hon. John Sherman, while Secretary of State, on May 11, 1897, expressly refused to permit the French Cable Company to lay a supplementary cable between Brest and Cape Cod, Massachusetts, on the ground that the President had no authority to grant permission to lay cables. In his opinion he stated:

The existing cable was laid under permission granted by the President of the United States in 1879, subject to the action of Congress and to certain conditions. Without discussing the question of his authority to grant that permission, I have the honor to inform you that the present Executive does not regard himself as clothed, in the absence of legislative enactment, with the requisite authority to take any action upon the application which you present.

August 23, 1901, John W. Mackay sent a cable from London to the Secretary of State, in which he stated:

I wish to lay and operate submarine cable or cables from California to the Philippine Islands by way of the Hawaiian Islands by means of an American corporation to be organized hereafter. I respectfully write to ascertain the conditions upon which such cable may be landed at the various points under the jurisdiction and control of the United States.

The same conditions that have been prescribed by the United States in connection with the landing of Atlantic cables owned by domestic corporations will be satisfactory to me in connection with this proposed enterprise.

In September, 1901, the Commercial Pacific Cable Company was formed in New York with a capital of $100,000, and a written application for permission to lay this cable was presented to the President. This application was executed by the secretary of the Commercial Pacific Cable Company and certified to the adoption by its board of directors of certain cunningly devised modifications of the conditions imposed upon all Atlantic cable companies. It must be remembered that President Grant and Secretary Blaine, in order to protect our country and people against cable monopolies and cable companies holding exclusive rights and privileges, established conditions and enforced an agreement to comply therewith before they would allow a cable to be landed. They not only compelled a forfeiture by agreement of all combinations and exclusive privileges, but allowed the landing of cables subject to the approval of the conditions imposed by Congress. Let us examine these conditions and compare them with the rascally modifications embraced in the proposal of the Commercial Cable Company.

The best way to expose such villainy is the deadly parallel. Compare them and note the changes printed in italics:

Grant and Blaine conditions under which Atlantic cables were landed.	*Commercial Pacific Cable Company petition.*
(1) That neither the company, its successors or assigns, nor any cable with which it connects, shall receive from any foreign government exclusive privileges which would prevent the establishment and operation of a cable of an American company in the jurisdiction of such foreign government.	(1) That neither this company, its successors or assigns, nor any cable with which it connects (*and over which it exercises control*), shall receive from any foreign government exclusive privileges which would prevent the establishment and operation of a cable of an American company in the jurisdiction of such foreign government.
(2) That the company shall not consolidate or amalgamate with any other line or combine therewith for the purpose of regulating rates.	(2) That the company will not consolidate or amalgamate with any other line or combine therewith for the purpose of regulating rates (*except to make through rates*).

John W. Mackay cabled from London in August, 1901, that—

The same conditions that have been prescribed by the United States in connection with the landing of Atlantic cables owned by domestic corporations will be satisfactory to me.

But when his company was organized and a formal application was made, the exclusive rights and monopoly held by his English ally in whose interest he made the application confronted him, and he was compelled to surreptitiously insert the words to which I have called attention.

Do you wonder that the President refused to act upon this petition?

The officers of the Commercial Company evidently thought their rascally modifications had been so ingeniously devised as not to be discovered, or that the Secretary of State and President were too stupid or indifferent to the public welfare to detect their villainy.

It is well known that Mr. Mackay personally called upon the President and urged approval of this petition. But the President, following the precedents of his predecessors, refused to grant permission and rightly called public attention to the subject in his message to Congress.

What was the next step of this American ally of the English cable monopoly? Baffled in their attempt to deceive the President, and being afraid to submit their application to the public scrutiny of Congress, they employed an ingenious lawyer to find some way to stealthfully lay their cable upon our shores and usurp the cable rights of the Pacific Ocean, and hold for their English ally the cable monoply of the East.

He found the general act of 1866, to which I have referred, relative to telegraph lines in the United States, and on the 12th day of December, 1901, filed with the Postmaster-General an acceptance of this statute, and now boldly declares that he wants no action by Congress.

I have already shown by the decision of the Department of Justice, by the act annexing the Hawaiian Islands, and by the decision of the Supreme Court in the Downs case, that this act does not apply to ocean cables. Still this American ally brazenly assumes the audacity of an English monopolist and proposes to lay, land, and operate the Pacific cable without authority from the Government of the United States, and in direct violation of the conditions imposed by President Grant and Congress upon other cable companies without any limitation as to tariff tolls or control of the cable in time of war, but in combination with the Eastern Extension Cable Company, holding the cable monopoly in the East and claiming exclusive cable rights in Guam and the Philippine Islands under Spanish grants, in direct violation of the two paragraphs referred to in the conditions imposed by President Grant and Secretary Blaine.

Are the members of this House willing to be charged with the disposition of Nero of old and sleep while this American ally usurps the rights of the people and steals the greatest public franchise now held by our country?

When the committee authorized a favorable report upon this measure the cable monopolist, recognizing the weakness of its position, but hoping to overcome the effect of a favorable report and prevent action by Congress, on the 8th day of February, 1902, filed with the Attorney-General a written communication, which will be made a part of the minority report herewith submitted.

This is another subterfuge through which the ingenious cable monopolist hopes to usurp the cable privileges of the Pacific. Let us examine this instrument.

It is a proposal in the shape of a letter, accompanied by a lease of cable privileges to be executed by the Secretary of the Treasury of the United States and signed by the Commercial Pacific Cable Company.

By what authority does the cable company assume to clothe the Secretary of the Treasury with power to make this lease? The acts with reference to Hawaii expressly deny to the Secretary of the Treasury such power. The contract is therefore voidable and of no binding force or effect.

What do they propose for the privilege they ask?

1. To lay a cable to the Philippine Islands via Hawaii on or before January 1, 1905.

Why this delay when it is well known that the cable can be constructed and laid within eighteen months, except it be for the purpose of extending to the English cable monopoly the fabulous profits, now enjoyed by this cable company, for two or three years longer than is necessary.

Why should our army, civil government, and vast interests in the Philippine Islands wait the pleasure of the cable company?

2. To land said cable on American soil only, provided the cable company finds the depth of the ocean satisfactory to enable it to go to Guam instead of the Marshall Islands, owned and controlled by Germany, where, we have justification for saying, it is their purpose to go in the construction of this cable.

It has been claimed—and we would be pleased to have this cable monopolist deny—that Germany offers a subsidy for the construction of this cable so as to connect its Marshall Islands instead of the island of Guam, where our country has a naval station that demands cable communication. The Navy Department has surveyed the route, and declares that an all-American cable can be and should be constructed. The peace of the Pacific Ocean and the supremacy of the American people demand an all-American cable, landed on American soil only, without any conditions whatever.

3. It proposes "not to receive from any foreign government exclusive privileges, which would prevent the establishment and operation of a cable of an American company in the jurisdiction of such foreign government."

Of what value is this proposal when it is known that the Eastern Extension Cable Company holds exclusive rights for cable privileges on the islands of Guam and the Philippines, and its American ally, the Commercial Pacific Cable Company, admits of an understanding between them whereby the chain of communication is to be welded and monopolized across the Pacific Ocean?

4. It proposes "not to consolidate or amalgamate with any other line or combine therewith for the purpose of regulating rates, except to make through rates."

Here we have the ingenious modifications heretofore referred to. How could they combine except with their ally holding these privileges in the East? What greater combination can be possibly desired by any monopolist? The exception gives them all the monopoly desired, and is in express violation of the conditions imposed upon every cable laid across the Atlantic.

I repeat, it remains to be seen whether Congress will, by inaction, permit the rights of the people to be usurped by this American ally of the foreign cable monopoly.

The SPEAKER pro tempore. The time of the gentleman has expired.

During the delivery of Mr. CORLISS's remarks,

Mr. BARTLETT said: Mr. Speaker, I rise to a point of order. I desire to inquire what is before the House, and make the point of order that the gentleman is not discussing the measure before the House.

The SPEAKER pro tempore. The Chair sustains the point of order.

Mr. CORLISS. As this is the first manifestation of an effort to get a submarine cable laid at this Congress, I am sorry that an objection should come from the Democratic side.

Mr. GAINES of Tennessee. We generally discover anything submarine.

The SPEAKER pro tempore. The Chair would suggest to the gentleman from Michigan that the House is not sitting in Committee of the Whole, and that any debate except directly on the measure before the House is not in order.

Mr. CORLISS. I am aware of that, Mr. Speaker. I ask the indulgence that I may be permitted to address the House for ten minutes upon this important subject, the discussion of which I have commenced.

The SPEAKER pro tempore. The gentleman from Michigan asks unanimous consent to proceed for ten minutes in the discussion of the question upon which he started. Is there objection? [After a pause.] The Chair hears none.

Mr. JOY. I insist upon proceeding with the bill under consideration, Mr. Speaker, and will ask for the reading of the report. It is very short.

Mr. GAINES of Tennessee. I would suggest that the gentleman can state it more briefly than the report.

Mr. JOY. At the request of the gentleman, Mr. Speaker, I will state that this bill is to provide for the laying of a railroad track in Arkansas across a corner of a piece of Government property, it being impracticable to build the railroad through the country unless it crosses this tract. I will also state that the railroad is already built under a revocable license from the War Department, and with the provision that it shall be revoked unless Congress make it a legal structure. This is simply to carry out the license heretofore granted by the War Department under the language of that restriction. The War Department approves the bill with such amendments as were recommended by the Secretary of War, and it passed the Senate two weeks ago.

Mr. GAINES of Tennessee. It meets with the approval of the committee?

Mr. JOY. It meets with the approval of the committee. I waive the reading of the report.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. JOY, a motion to reconsider the vote by which the bill was passed was laid on the table.

ORDER OF BUSINESS.

Mr. JOY. Mr. Speaker——

Mr. SIMS. Mr. Speaker, I rise to move that the House resolve itself into Committee of the Whole House on the state of the Union to consider the bill S. 88. I am authorized by the Committee on War Claims to make that motion.

The SPEAKER. The gentleman from Tennessee moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering the bill S. 88.

The Clerk read as follows:

A bill (S. 88) for the relief of parties for property taken from them by military forces of the United States.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Tennessee to go into the Committee of the Whole House on the state of the Union.

Mr. HEPBURN. I would like to ask the gentleman if he has authority of the committee?

Mr. SIMS. I have the authority of the Committee on War Claims to make the motion.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HEPBURN. Division.

The House divided; and there were—ayes 46, noes 45.

Mr. HEPBURN. I did not hear the announcement.

The vote was again announced.

Mr. HEPBURN. I ask for tellers.

Tellers were ordered.

The SPEAKER pro tempore. The Chair will appoint as tellers the gentleman from Iowa [Mr. HEPBURN] and the gentleman from Tennessee [Mr. SIMS].

The House again divided; and tellers reported—ayes 83, noes 57.

So the motion to go into Committee of the Whole House on the state of the Union was agreed to.

PROPERTY TAKEN BY MILITARY FORCES OF THE UNITED STATES.

The House accordingly resolved itself into the Committee of the Whole House on the state of the Union, Mr. MOODY of Massachusetts in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill S. 88, which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That the Quartermaster-General is directed, under such rules and regulations as may be approved by the Secretary of War, to investigate, or cause to be investigated, the claims of artillery and cavalry officers and private soldiers of the Confederate army for horses, side arms, and baggage alleged to have been taken from them by Federal troops, acting under orders, in violation of the terms of surrender of the Confederate armies, and he shall, subject to the approval of the Secretary of War, issue his voucher to such persons as shall be shown by such investigation to be entitled thereto, which voucher shall be paid out of any money in the United States Treasury not otherwise appropriated.

SEC. 2. That no claimant shall be entitled to or receive any voucher as herein provided unless he shall establish to the satisfaction of the Quartermaster-General that he, or the person through or from whom he asserts said claim, was paroled at the time of said surrender; that he had kept his parole in good faith; that he was the actual owner of the horses, side arms, and baggage for which he claims compensation; that such property was taken from him by troops of the United States acting under orders and in violation of the terms of the surrender under which he was paroled. And if the soldier has died since his parole was received, the sum he may be entitled to shall be paid to his wife; if she be dead, then to his children; if he has no wife or child or children living, then to his parents, or either of them if one of them be dead; and no other shall be entitled to receive the same. If he has minor children, the same may be paid to their guardians.

Mr. SIMS. Mr. Chairman, I will use but a few moments on this bill. This is a bill identical in character, and I believe in terms, with a bill that passed both the House and Senate in the last Congress, but failed to reach the President in time to be signed. Briefly stated, it is a bill to pay the officers and men of the soldiers of Lee's and Johnston's armies for private property, consisting of horses, bridles, and saddles, taken from them by the regular officers of the United States after the surrender in violation of the terms of the surrender. It is not a direct appropriation bill, but authorizes the Secretary of War to investigate. It is limited with all the conditions that are set out in the latter part of the bill.

I will not go into details as to the bill. A similar bill was introduced into the House, reported from the Committee on War Claims unanimously. The bill was introduced by my colleague, Mr. PADGETT of Tennessee, who is familiar with the details of the bill, and I yield such time to him as he may need to explain the details of the bill.

The CHAIRMAN. How much time does the gentleman yield?

Mr. SIMS. I yield ten minutes.

Mr. PADGETT. Mr. Chairman, early in the session I introduced a bill similar to this bill in the House, and Senator BATE introduced this bill in the Senate. The bills are identical. The bill was referred to the Committee on Claims in the Senate and to the Committee on War Claims in the House. Both committees unanimously reported and recommended the passage of the bill. The Senate has acted upon the bill and passed it and sent it to the House. In order that we may take the matter up and dispose of it at once, we have called up the Senate bill.

The committee in its report gives the order and the terms of the surrender as agreed upon between General Grant and General Lee and General Sherman and Gen. Joseph E. Johnston, by the terms of which it was expressly stipulated and agreed that the soldiers were allowed to retain their side arms and horses.

Mr. GILBERT. I want to make a suggestion to the gentleman.

Mr. PADGETT. I will yield.

Mr. GILBERT. The word "child" or "children" is used here, and I want to ask if it would not be better to use the word "descendants."

Mr. GAINES of Tennessee. That would involve sending it back to the Senate.

Mr. PADGETT. This bill was gone over very carefully at the last Congress, in the Senate; it was passed by the House, and in the very terms in which it is offered here. It has been considered very thoroughly by those interested in the matter, and I would not like to endanger the passage of the measure by consenting to an amendment at this time.

Mr. GILBERT. I have no doubt it has been carefully considered, but the English language is sometimes plain. If the soldier has no wife or children living, then it goes to his parents or either of them. If they be dead, no other shall be entitled to receive it. I know an instance where, under the terms of this bill, a grandchild could get nothing. The soldier has no parents and no children, but he has left a grandchild, and under the terms of this bill that grandchild could not get anything. I desire to suggest if it would not be better to make it "descendants."

Mr. PADGETT. If it were an original proposition I might

consider it, but the friends of this measure have considered it carefully. It has passed three or four times before the committees, and the friends who have given it consideration do not wish to endanger the passage of the bill at this time.

Mr. GILBERT. I am friendly to the bill, but it occurs to me that there are instances where there are grandchildren who would not receive any part of the funds, although entitled to do so.

Mr. PADGETT. This measure has been examined by its friends without a dissenting vote; passed the Senate without a dissenting vote. It has the indorsement and recommendation of the Senate committee and the House committee upon two hearings at this time. It would be to me a very great pleasure, and it would be to those few Confederate soldiers who will receive the benefits from this legislation, if it should pass this House without a dissenting vote. It would be a practical demonstration of the beautiful sentiments that have been uttered upon other occasions, where prejudice has passed away and where patriotism and a common sympathy and a bond of union has taken the place of prejudice. I do hope and trust that this bill will receive the unanimous vote of this House.

Mr. SIMS. Mr. Chairman, I now yield five minutes to the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES of Tennessee. Mr. Chairman, this bill is identical with the Senate bill that passed the Senate last year and passed the House. That bill was very closely investigated, and was framed under and by advice of the senior Senator from Tennessee [Mr. BATE] and senior Senator from Wisconsin [Mr. SPOONER].

Mr. Chairman, I need to say but a few words about this matter. Senator SPOONER said this bill "is really a bill of honor"—not simply one of dollars and cents, but "a bill of honor"—and I do myself the honor to read the exact words of that distinguished lawyer and Republican. I will read what he said from the RECORD:

Mr. SPOONER. Will the Senator permit me? I looked at this bill, and as it came from the House it was an improperly drawn bill. It would amount to a denial of justice to refer it to the Court of Claims. The claims are all small, and I have found in my experience as chairman of the Committee on Claims that the Quartermaster-General's Department has always made very careful and much more satisfactory investigation of such claims than the Court of Claims. This really is a bill of honor, if I may be permitted to say so. It does not assume that there was any violation by the soldiers of the United States Army, acting under orders of the terms of surrender, which authorized officers to take home with them their side arms and their private baggage and their horses, and also authorized private soldiers to do so.

There, Mr. Chairman, we find this distinguished lawyer, Senator, and Republican saying not only that it would be a denial of justice to refer it to the Court of Claims, but he goes further and says:

This really is a bill of honor, if I may be permitted to say so.

But, Mr. Chairman, he is not the only distinguished man who has investigated this question. We find that President McKinley, at Galena, in 1873, when delivering an address upon the birthday of President Grant, used this language:

The liberal terms given to Lee at Appomattox revealed in the breast of the outsider a soft and generous heart. He wanted no vengeance; he had no bitterness in his soul: he had no hates to avenge. He believed in war only as a means of peace. His large, brave, gentle nature made the surrender as easy to his illustrious foe as was possible. He said, with the broadest humanity—

Now, I ask the special attention of the House to this language—

"Take your horses and side arms, all of your personal property and belongings, and go home—not to be disturbed, not to be punished for treason, not to be outcasts; but go cultivate the fields whereon you fought and lost. Yield faithful allegiance to the old flag and restored Union and obey the laws of peace."

Commenting on this, President McKinley said:

Was ever such magnanimity before shown by victor to vanquished? Here closed the great war, and with it the active military career of the great commander.

There, Mr. Chairman, are the terms of surrender dictated by General Grant and repeated by Mr. McKinley in commending the virtues and the kindness of heart of General Grant and his lack of any disposition to humiliate, but rather conciliate, the vanquished; and it is meet and proper for Congress to see that the terms of this surrender are faithfully executed, and this bill is intended to do so—nothing more nor less.

[Here the hammer fell.]

Mr. HEPBURN. Will the gentleman from Tennessee [Mr. SIMS] allow me to ask him a question in regard to this bill? Has there been any estimate made of the cost of this proceeding to the Treasury of the United States?

Mr. SIMS. According to the best estimate made in the committee, the amount will be very small. The value of any single horse would not perhaps exceed $100 or $200. According to the best evidence before the committee, we thought the total amount would not exceed $20,000 or $30,000.

Mr. HEPBURN. Are you willing to put a limitation of that character in the bill?

Mr. SIMS. No; because I am not sufficiently acquainted with the case to make any limitation on the amount.

Mr. HEPBURN. Are you willing to double that sum as the amount to be paid under the bill?

Mr. SIMS. I am not able to suggest any limitation, because in attempting to do so I might do injustice; but the method of investigation authorized by the bill is so perfectly clear and specific that no fraud can be practiced; no extraordinary prices could be put upon these horses. The Secretary of War is to determine whether any claim is just and entitled to payment. We know, as a matter of history, that there were not a great many of these horses taken by orders of regularly authorized officers of the United States. These horses were taken chiefly, I believe, at Strawberry Plains, East Tennessee. I can not undertake to state specifically the amount of the claims, but I think it will be small. My colleague on the committee, the gentleman from Tennessee [Mr. GIBSON], has investigated the matter more thoroughly than I have, and I shall be glad if he will answer the question of the gentleman from Iowa.

Mr. GAINES of Tennessee. Let me quote again the language of Senator SPOONER:

These claims are all small.

That is the identical language of Senator SPOONER after he had investigated the case—investigated not only the bill we are asking to have passed, but investigated the amount of the claims.

Mr. HEPBURN. The amount of the claims taken individually would perhaps be small; the largest would probably be for the value of a single horse. But the question is, How many of them are there? The bill fixes no limitation. It provides for a roving commission consisting of a single officer, who is to go all over the country and take these proofs, and then to issue vouchers, payable at the Treasury of the United States. This is a most extraordinary method of ascertaining the indebtedness of the Government in matters of this kind.

Mr. PADGETT. The report says that these claims will not exceed 450 in number.

Mr. HEPBURN. But the bill does not limit payment to 450. You open the door for possibly 450,000 claims.

Mr. PADGETT. The claims can not reach that amount, because there were not anything like that many horses.

Mr. HEPBURN. Will the gentleman accept an amendment limiting the expenditures under this bill to the amount of the claims now filed? I believe that wherever a soldier or officer has had his horse or his arms taken from him in violation of a parole, he ought to be reimbursed. But I do not like this kind of legislation; it opens too wide a door. I think the gentleman, in order to have this matter pass off pleasantly, had better agree to some limitation, either as to the number of claims filed or as to the gross amount that may be expended.

Mr. PADGETT. There have been no claims at all filed.

Mr. HEPBURN. Well, then, limit it to the number of claims reported by the committee, or double that if you please. I am not particular about the amount. I want every man to be paid, but it does seem to me that this legislation is dangerous. Suppose that a mistake is made by the Secretary of War in the selection of an officer. Suppose he gets the wrong man—a man who is not honest. He issues his vouchers in unlimited quantity, and they become payable at the Treasury.

Now, I am not opposing your bill. I believe its general purpose is right, but I do think that in the interests of economy and fairness, and to prevent frauds against the Treasury, you ought to be willing to consent to some limitation.

Mr. TALBERT. If the gentleman will allow me to make a suggestion——

Mr. PADGETT. Mr. Chairman——

The CHAIRMAN. To whom does the gentleman yield?

Mr. SIMS. I yield to the gentleman from South Carolina to make a suggestion.

Mr. TALBERT. My friend is on the right track. He wants to have the right thing done. Would it not be well to say $50,000 or $75,000, if so much be necessary.

Mr. HEPBURN. I will not quarrel with that proposition.

Mr. TALBERT. If so much be necessary.

Mr. SIMS. I want to reply to the gentleman from Iowa. I fully appreciate the good feeling of the gentleman and am satisfied that he has nothing except what is good in view in trying to protect the Treasury; but by the very terms of the bill I do not see how there can be any danger to the Treasury. I will read that part of the bill to the House. It is more explicit than anything I can say:

SEC. 2. That no claimant shall be entitled to or receive any voucher as herein provided unless he shall establish to the satisfaction of the Quartermaster-General that he, or the person through or from whom he asserts said claim, was paroled at the time of said surrender; that he had kept his parole in good faith; that he was the actual owner of the horses, side arms, and baggage for which he claims compensation; that such property was taken from him by troops of the United States acting under orders and in violation of the terms of the surrender under which he was paroled. And if the soldier has died since his parole was received, the sum he may be entitled to shall be paid to his wife; if she be dead, then to his children; if he has no wife or child or

children living, then to his parents, or either of them if one of them be dead; and no other shall be entitled to receive the same.

That makes it so specific that anyone who may show himself entitled to anything under this bill should certainly be paid, even if the amount was a million dollars. I have stated to the gentleman that I do not believe proof can be made for exceeding the value of 200 horses. But if it could be, it certainly ought to apply to everyone who can come under the conditions of the bill.

Mr. GROSVENOR. I want to ask the gentleman from Tennessee if he is willing to put in the amendment I suggest, after the word "troops," in line 8 in the first section, to insert the words "after the surrender at Appomattox." I shall insist on that amendment, or I shall not be free to support this bill.

Mr. SIMS. After the surrender at Appomattox?

Mr. GROSVENOR. Yes.

Mr. SIMS. Well, this applies to Lee's and Johnston's armies. They did not both surrender there.

Mr. GROSVENOR. I mean after that surrender.

Mr. SIMS. You mean for horses taken after that surrender, in violation of the terms of surrender?

Mr. GROSVENOR. Yes. You see, the vice in the bill as drawn is this: I know it is capable of construction either way, but its most reasonable construction would be to pay for all the horses taken from Confederate soldiers during the whole of the war, if the final surrender at Appomattox would have entitled them to retain their horses. This will make it entirely plain, by putting after the word "troops" the words "after the surrender at Appomattox."

Mr. SIMS. As I understand the bill, I have no objection to that amendment.

Mr. GROSVENOR. I offer that as an amendment to the bill.

Mr. SIMS. The only trouble about it is that this will take the bill back to the Senate.

Mr. GROSVENOR. It will not cause it to go through a long controversy in the Senate. It will be acquiesced in the very moment it is reported to the Senate.

The CHAIRMAN. Does the gentleman from Tennessee yield for the purpose of allowing the gentleman from Ohio to offer the proposed amendment?

Mr. SIMS. Certainly.

Mr. GROSVENOR. I offer that amendment.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert after the word "troops," in line 8, section 1, the words "after the surrender at Appomattox."

The CHAIRMAN. That amendment is now pending.

Mr. SIMS. The gentleman from Ohio understands that Johnston surrendered after that date, did he not?

Mr. GROSVENOR. Yes; he did; quite a number of days afterwards.

Mr. SIMS. I wanted to be sure of that.

Mr. GROSVENOR. And if the gentleman would prefer to have it, instead of saying "after the surrender at Appomattox," I would say "after the 9th day of April, 1865."

Mr. SIMS. No; the other language is definite enough.

Mr. GROSVENOR. It covers the point.

Mr. PADGETT. Would it not be better to say "at and after?"

Mr. GROSVENOR. I have no objection to that.

Mr. PADGETT. I suggest that modification of the amendment.

Mr. GROSVENOR. Very well.

The CHAIRMAN. Without objection, that modification will be made to the amendment offered by the gentleman from Ohio. The question is upon agreeing to the amendment offered by the gentleman from Ohio.

The amendment as modified was agreed to.

Mr. HEPBURN. I want to know if the gentleman will agree to put in an amendment limiting the amount?

Mr. PADGETT. I stated I was willing to accept an amendment of $100,000—"not to exceed $100,000, or so much thereof as may be necessary."

Mr. HEPBURN. That seems to be a very large amount to pay for 450 claims of this kind.

Mr. GAINES of Tennessee. I would state, Mr. Chairman, that in the debate in the Senate the senior Senator from Tennessee [Mr. BATE], who is entirely familiar with the details of this matter, in response to an interrogatory on the floor of the Senate, stated the value of these claims would not exceed $30,000. I will read from the RECORD:

Mr. BURROWS. Let me ask the Senator how much is carried by the bill?
Mr. BATE. I can not tell exactly. It depends upon the number; but it will not exceed $30,000.
Mr. BURROWS. How much in the aggregate?
Mr. BATE. Twenty-five or thirty thousand dollars will cover the whole thing. A great many of them are dead and gone.

Mr. HEPBURN. Make it $50,000.

Mr. GROSVENOR. Put it right at the end of the section.

Mr. PADGETT. I understood the gentleman to say that $75,000 would be satisfactory.

Mr. HEPBURN. I said so at the time, but I had not heard from the gentleman from Tennessee. [Laughter.]

Mr. PADGETT. If the gentleman will place it at $75,000, or so much as will be necessary, it will be satisfactory.

Mr. HEPBURN. Mr. Chairman, I move to add, at the end of line 17, "provided, that the expenditure under this act shall not exceed $50,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

After the word "appropriate," in line 14, page 1, add the following: "*Provided*, That the expenditure under this act shall not exceed $50,000."

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The question now is on the motion of the gentleman from Tennessee, that the committee rise and report the bill favorably to the House.

Mr. CANNON. Mr. Chairman, before the gentleman makes that motion, I want to suggest to him the propriety of amending this bill so that on the auditing of these claims, as other claims for back pay and bounty to Federal soldiers, that they shall be certified to Congress for appropriation. I do not recollect of any act which enables the Secretary of War to take money out of the Treasury on vouchers.

It seems to me, and I do not say this to antagonize the claims, that after they had ascertained that they should be reported to Congress, as claims for pay and bounty, and generally all kinds of claims are, they should be brought to the consideration of Congress for appropriation. Take what is known as the 4th of July claims. The gentleman is aware that for many years appropriations were made as a matter of course, and substantially for all of them. Once in a while, on investigation, it was found that some of them ought not to be paid, and exceptions were made. And so for supplies and various things, in the main, all that have passed the auditing officers have been appropriated for; but in some cases very considerable amounts have been cut out, because on investigation frauds appeared. It seems to me that the bill might well be amended in that particular.

Mr. SIMS. Why, Mr. Chairman, I admit the general good sense and general good judgment of the suggestions made by the gentleman from Illinois, but if the War Department is to investigate these claims this long time afterwards, and has to report back, and then they have to come here in the nature of a private bill for appropriation, we might just as well not pass this measure. The bill is hedged in and guarded in every way. These horses were taken, and not in the nature of a tort, but by the orders of Federal officers, who did not mean to violate the terms of the surrender. At this late day it seems to me very hard to require any additional legislation after this bill passes.

Mr. CANNON. I do not seek legislation, for instance, as you understand legislation, on the findings of the Court of Claims. I was merely proposing such an amendment as would place this on all fours with audited claims that are certified every year from the Treasury and ordinarily put on the deficiency bill. The deficiency bill recently passed carried a whole lot of them. The limitation I do not regard as being valuable. You understand the fact that it was in the minds of the House of Representatives that these claims were so small that they would not exceed $50,000. If an investigation should show that they go to $5,000,000, or any other sum, the gentleman knows quite as well as I do that after you once start that that limitation would be removed, and if the claims were on all fours, ought to be removed.

Mr. SIMS. I am perfectly sure that they will never reach $50,000. It was not the horses of all the surrendered soldiers that were taken; only a few. I regret very much to accept any amendment which will cause any additional delay, and shall appeal to the gentleman, if the bill is not in the best possible way that he would have it, not to insist on the amendment. The bill has been framed by those who have given careful attention to the subject, and it certainly is as meritorious as a bill can be, and now, forty years or more since the thing was done, I appeal to the gentleman not to insist on an amendment, but to let the bill pass.

Mr. CANNON. Does the gentleman think that this makes an appropriation:

Which vouchers shall be paid out of any money in the Treasury not otherwise appropriated?

Mr. SIMS. Those who investigated this bill so understand. If not, it can be made on the report of the Secretary of War to appropriate for it.

Mr. CANNON. I am quite sure I do not know whether it does or not. I suppose the intention was to appropriate, or at least to have the vouchers paid by virtue of the provision. This bill will, anyhow, have to go back to the conference.

Mr. SIMS. It has to go to the Senate.

Mr. CANNON. It has to go back to the Senate. I suppose this amendment would be sufficient to enable the conferees, if it goes into conference, to consider the suggestion that I have made if it seems to them wise.

Mr. SIMS. I hope the gentleman from Illinois will not move an amendment. I insist, Mr. Chairman, on the motion that the committee now rise and report the bill favorably to the House.

The CHAIRMAN. Does the gentleman from Illinois move an amendment?

Mr. CANNON. No, Mr. Chairman, I think I will not.

The CHAIRMAN. The motion of the gentleman from Tennessee is that the committee rise and report the bill favorably to the House.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MOODY of Massachusetts, the Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration Senate bill 88 and had agreed to two amendments, and recommended that the same be reported back to the House with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on either amendment? If not, the Chair will submit the amendments in gross.

The amendments were agreed to.

The bill was ordered to be read a third time; and being read the third time, was passed.

On motion of Mr. SIMS, a motion to reconsider the last vote was laid on the table.

Mr. HEPBURN. The regular order, Mr. Speaker.

The SPEAKER. The Clerk will call the next committee.

The Clerk called the Committee on Interstate and Foreign Commerce.

BRIDGE OVER THE MISSOURI RIVER NEAR CITY OF ST. JOSEPH, MO.

Mr. HEPBURN. Mr. Speaker, I desire to call up House bill 7171, "to authorize the construction of a bridge over the Missouri River at or near the city of St. Joseph, Mo." There is a Senate bill precisely similar to this, identical in language, not yet reported from the Committee on Interstate and Foreign Commerce. I move to substitute the Senate bill 1165 for House bill 7171.

The SPEAKER. The gentleman from Iowa asks unanimous consent that the Committee on Interstate and Foreign Commerce be discharged from a similar bill to Senate bill 1165, and that the Senate bill be considered. Is there objection? [After a pause.] The Chair hears none.

The Clerk read the Senate bill at length.

Mr. HEPBURN. Now, Mr. Speaker, I yield five minutes to the gentleman from Kansas [Mr. CURTIS].

Mr. CURTIS. Mr. Speaker, the bill before the House was introduced by Mr. COCHRAN of Missouri. It has been unanimously reported by the Committee on Interstate and Foreign Commerce. It was approved by the War Department. All the amendments suggested by the War Department were adopted by the committee, and I therefore ask that the bill do pass.

Mr. HEPBURN. I will now yield to the gentleman from Missouri [Mr. COCHRAN] if he wishes.

Mr. COCHRAN. Mr. Speaker, the bridge provided for in this bill is in the districts represented by the gentleman from Kansas and mine, and we are therefore jointly interested. As has been stated, the bill has the unanimous approval of the Committee on Interstate and Foreign Commerce, and it is inconceivable that there could be any objection to its passage. It is to grant facilities of a new bridge to the principal railroads in the country, and the construction of it is undoubtedly necessary and almost indispensable.

The bill was ordered to be read a third time; and being read the third time, was passed.

On motion of Mr. CURTIS, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. Without objection, the House bill 7171 will lie on the table.

There was no objection.

LIFE-SAVING STATION AT OR NEAR BOGUE INLET, NORTH CAROLINA.

Mr. HEPBURN. Mr. Speaker, I desire to call up House bill 61, to authorize the establishment of a life-saving station at or near Bogue Inlet, North Carolina.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to establish a life-saving station at or near Bogue Inlet, North Carolina, in such locality as the General Superintendent of the Life-Saving Service may recommend.

Mr. HEPBURN. I will yield, Mr. Speaker, to the gentleman from North Carolina [Mr. THOMAS] five minutes.

Mr. THOMAS of North Carolina. Mr. Speaker, this is a bill to establish a life-saving station at or near a point on the North Carolina coast known as Bogue Inlet. The bill requires very little explanation or discussion. It has the indorsement of the Superintendent of the Life-Saving Service, Mr. Kimball, who, as members know, is conservative in his recommendations of the establishment of these stations. It is a well-known fact that the able and efficient Superintendent of this Service does not recommend the establishment of a life-saving station unless there is a necessity for it.

At this particular point on the North Carolina coast there is, without doubt, need for a life-saving station. There is no station within 35 miles to the north and 65 miles to the south. The nearest station is at Cape Lookout, and there is another at Cape Fear, but between Cape Lookout and Cape Fear this proposed station will be the only one for 100 miles of the North Carolina coast. The commerce at Bogue Inlet, which is in Onslow County, N. C., is extensive and is increasing annually. There have been recently at this point two wrecks, involving in one case, according to the reports to the General Superintendent of the Life-Saving Service, the loss of one vessel and cargo, valued at $26,000; and in the other case damage to the vessel and loss of cargo, a total damage and loss of $7,000.

Bogue Inlet is an inlet of great importance, at least of such importance as to justify the establishment of a station at or near it for the protection of human life and of property in jeopardy.

Large vessels are constantly plying in and out of this inlet carrying millions of feet of lumber annually, besides other freights of large amount. Vessel owners, sea captains, and pilots have petitioned for this station for the protection of commerce and life.

The passage of the bill without amendment has been favorably recommended by the Committee on Interstate and Foreign Commerce, and I hope the bill will pass as recommended by the committee. As a part of my remarks I submit the report of Superintendent Kimball:

TREASURY DEPARTMENT,
OFFICE GENERAL SUPERINTENDENT LIFE-SAVING SERVICE,
Washington, January 15, 1902.

SIR: I have the honor to acknowledge the receipt from you, for report, of a letter from the Committee on Interstate and Foreign Commerce, transmitting House bill 61, Fifty-seventh Congress, first session, to authorize the establishment of a life-saving station at or near Bogue Inlet, North Carolina, and asking for suggestions touching the merits of the bill and the propriety of its passage.

Under date of February 11, 1901, in compliance with a like request, I made a report to you on a bill from the same committee of like import, H. R. 4480, Fifty-sixth Congress, first session, in which I said:

"In reply I would respectfully say that Bogue Inlet lies between Cape Lookout and Cape Fear, which points include Onslow Bay. There is a life-saving station at the point of each cape, but there is none on the coast lying between them, a distance of about 100 miles. Bogue Inlet lies about 35 miles to the westward of Cape Lookout. Considerable commerce passes in and out of the inlet, and quite a number of disasters have occurred in its immediate neighborhood, involving losses which the presence of a life-saving station would have either averted or materially lessened.

"Besides the question of affording protection to the commerce above referred to should also be considered the liability of vessels passing the Lookout or the Frying Pan Shoals, through stress of weather and ocean currents, to get into the bight of the bay and so fall in with the land and its dangers, as occurred in two instances during the last fiscal year, when the schooners *Carrie L. Davis* and *Thomas L. James*, the former bound from Savannah to Philadelphia and the latter from Savannah to Rondout, N. Y., went ashore at Bogue Inlet, one being totally wrecked, suffering the loss of both vessel and cargo, amounting to $26,000, and the other the loss of the entire cargo and damage to the vessel, amounting in all to $7,000.

"An officer of the service who was recently in the vicinity of Bogue Inlet informs me that he learned that the commerce passing through the inlet had largely increased of late and is likely to still further increase.

"In view of the foregoing, the establishment of the life-saving station contemplated by the bill would seem to be desirable."

This report was transmitted to the committee, with your concurrence, on the same day, and I beg that the report on that bill, as above set forth, be made my report on the bill under consideration.

Respectfully,

S. I. KIMBALL,
General Superintendent.

THE SECRETARY OF THE TREASURY.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was read the third time, and passed.

On motion of Mr. THOMAS of North Carolina, a motion to reconsider the last vote was laid on the table.

BRIDGE ACROSS ARKANSAS RIVER NEAR FORT GIBSON.

Mr. HEPBURN. I call up the bill (S. 73) to authorize the construction of a bridge across the Arkansas River near Fort Gibson, Ind. T.

The bill was read.

The SPEAKER. The question is on ordering the Senate bill to a third reading.

Mr. HEPBURN. Mr. Speaker, I will yield five minutes to the gentleman from Arkansas [Mr. DINSMORE], if he is in the House and desires to occupy the time. If not, I will say that this bill is in the usual form. It contains all the ordinary provisions for guarding the interests of the United States. It was submitted to the Secretary of War, and we have from him the statement that he knows of no reason why it should not be passed, or rather I should have said the corresponding House bill was submitted to

the Secretary and he suggested one amendment, which you find incorporated in this Senate bill.

Mr. NORTON. I offer the amendment which I ask the Clerk to read.

The Clerk read as follows:

In line 11, page 2, after the word "expense" and before the word "provided," insert:

"*Provided*, That this act shall in no wise interfere with the construction or location of any bridge which has already been constructed over the Arkansas River or that may be in the course of construction, and."

Mr. NORTON. Mr. Speaker, it is not my purpose to oppose the passage of this bill; but it certainly seems eminently proper that the amendment I have offered should be inserted and for reasons that the House ought to understand.

Another company is building a bridge on precisely this ground—directly and absolutely along the line where this bridge is now proposed to be built. The company has proceeded with the work and has expended some fifteen or twenty thousand dollars upon it. They acquired their rights through the courts, under a law authorizing the exercise of such authority in cases of this kind.

Now another railroad company proposes to build a bridge, and to build it directly over the line and upon the right of way of the bridge already being constructed. I know that there can be no objection to this amendment. It will impose no hardship upon these people. They will have the same right to use this bridge as they will to use their own. Both are to be toll bridges. Why a bill of this kind should be passed after an exclusive right has been given to another company I can not understand.

Mr. SHACKLEFORD. Was the exclusive right of which the gentleman speaks granted by any act of Congress?

Mr. NORTON. It was granted by the court under an act of Congress authorizing the courts to grant such rights. I am satisfied that the author of this bill would accept this amendment in the Senate and would have no objection to it.

Mr. SHACKLEFORD. I suggest that the gentleman let the bill go to the Senate, and, if his suggestion is correct, let it be amended there.

Mr. NORTON. This bill has already passed the Senate, and, if passed here without amendment, will not go back to that body, but will become a law.

Mr. HEPBURN. Mr. Speaker, the controversy to which the gentleman from Ohio [Mr. NORTON] has referred was entirely unknown to me until, I think, to-day. I believe he is mistaken as to some of the matters of fact of which he has spoken. In the first place, the bill does not locate this bridge at a particular point, but gives authority for the building of the bridge on one of the subdivisions, I think, of the survey. This is a navigable stream; at least it is such in contemplation of law. I think it is not navigated by anything but very small boats. But there is no power on the part of anyone except Congress to authorize the construction of a bridge at this place or near it.

I am sorry that I do not know enough of the local controversy to discuss this matter more intelligently. The House bill was introduced by the gentleman from Arkansas [Mr. DINSMORE], who has taken much interest in it. I see him now in the House, and will yield him ten minutes that he may speak for himself upon this question.

Mr. DINSMORE. Mr. Speaker, I hope that the amendment offered to the bill will not prevail. I was not aware that the matter could come up at this time, as the House had passed from the call of committees, and I was absent from the floor on other business when the bill was called up.

This bill was introduced at an early day of the session, and at one time could have been passed probably by unanimous consent; but the gentleman from Ohio [Mr. NORTON] has received a communication from parties interested in the matter who wanted the amendment proposed by him to be incorporated in the bill.

I desire to state that this bill was introduced to allow the Ozark and Cherokee Central Railroad to construct a bridge across the Arkansas River, just below the mouth of the Grand River, near Fort Gibson, in the Indian Territory; but that company had procured from the Interior Department all the rights that were required by law, had made their surveys and conformed to the requirements of law in every respect.

Afterwards a railroad company which had been formed, the Muskogee and Western Railway Company, conceived the idea of constructing a bridge across the Arkansas River.

The bill before the House proposes to vest the Ozark and Cherokee Central Railway Company with the right to construct a bridge on a certain section of land over the Arkansas River. Congress can not vest that company with authority to interfere with any of the vested rights of any other company. In fact, there is no company which has any vested rights to be interfered with; but there is a provision of the statute with reference to the construction of parallel lines of road first requiring the approval of the Interior Department or the Secretary of the Interior. This company which I mention, the Muskogee and Western Railway Company, having conceived the idea of constructing this bridge, entered, as I am advised, upon the construction of a bridge without any authority of law whatever, except an order of court.

The amendment proposed—I have not heard it read, but I have no doubt it is the same amendment that was suggested to me by the gentleman from Ohio [Mr. NORTON] some time ago—is to insert a proviso in the bill that the construction of the bridge proposed in the bill should not interfere with any other bridge in course of construction, or any of its interests.

As before remarked, we can not interfere with any of the vested rights of any other company by this act. The act proposes only to allow the construction of a bridge upon a certain section of land, and a section of land is a mile long. I do not desire to animadvert upon the motives of the other company, but it has occurred to me and has been suggested that they might have had some ulterior purpose in forcing the Ozark and Cherokee Central ultimately to use their bridge which they proposed to construct as a toll bridge, and to get in ahead if possible.

Now, what is proposed by this bill is to give the right to construct a bridge, which has been obtained by compliance with all the requirements of law with the exception of an act of Congress, which is necessary. The other company applied to the War Department some time ago for authority from that Department to construct a bridge. The War Department refused to give that authority, and informed them by correspondence, which I have seen, which was submitted to me by the chief engineer of the War Department, that they could not do so without an act of Congress. They proposed to establish a fixed span bridge, and there is no authority of law for its construction.

They pretended to do so in compliance with the provisions of the statutes of Arkansas, which by act of Congress have been extended to the Indian Territory, but they have not even complied with that. Therefore I went to the War Department and ascertained from them that this company had no rights whatever; but the company at whose instance this bill has been introduced, and in which I have not the slightest personal interest further than that the road proposed and being constructed begins at the town in which I live and is extending into the Indian Territory and will be built across a large part of it. They, in good faith, have entered upon the construction of a railroad, several miles of which is now in operation. They made their surveys. They obtained all the authority necessary from the Interior Department. They came to Congress to get the authority of Congress for the construction of a bridge.

It is proposed now to amend this act to prevent that company from interfering with any bridge in course of construction. As I have remarked, we can not interfere with any vested rights in any other company; but by this proviso as inserted in this bill they may obtain ground for some litigation and disturbance of these parties in the carrying out of the authority vested in them by the act. Therefore I hope that the amendment will not be adopted by the House.

Mr. NORTON. Mr. Speaker, I certainly have no desire——

The SPEAKER. Does the gentleman from Iowa yield to the gentleman from Ohio?

Mr. HEPBURN. I yield to the gentleman.

Mr. NORTON I have no desire to interfere with this legislation, and certainly the gentleman is mistaken when he says that the company now constructing this bridge, and that have spent months of work upon it and have expended more than $20,000 upon it, are undertaking to interfere with a bridge that they allege is to be constructed, when this was prior to your even thinking of your road.

Mr. DINSMORE. Will the gentleman permit me one moment?

Mr. NORTON. Certainly.

Mr. DINSMORE. The amendment would not give you the benefit of the construction, for this bridge has been stopped by order of the United States Government, and proceedings are now under consideration for the prosecution of the men for constructing this bridge; and it is not in course of construction.

Mr. NORTON. If there is any such process that the gentleman can show, I would be perfectly willing to withdraw my amendment.

Mr. DINSMORE. I have seen the correspondence in the War Department myself, and a letter from the Department of Justice saying that it has been considered best not to begin the prosecution at this time, but that the work has been stopped by order of the Government.

Mr. NORTON. Now, Mr. Speaker, my friend has intimated that this company has no authority for proceeding to construct the bridge. The authority comes from the courts of the Indian Territory, the Federal courts, under a general law, and that general law authorizes the construction of these bridges or turnpikes, or any other method of carrying over wet lands. This bridge is

not being constructed over a navigable stream. The gentleman will admit that he can not run a canoe up the stream 4 miles below where this bridge is being constructed.

Mr. DINSMORE. That is not altogether accurate. There is no practical navigation, which covers all the purposes of the gentleman; but I want to say there is no law which authorizes any company to build a fixed-span bridge across a navigable stream without an act of Congress to authorize it, and the Arkansas River at the point proposed for construction of a bridge is below the head of navigation, and there is no law of the State of Arkansas which can authorize the construction of a bridge at this point which these gentlemen propose.

Mr. NORTON. Mr. Speaker, if it be true that you can not interfere in any way with vested rights, then this amendment certainly can do no harm; and I can see no reason why the gentleman should be technical upon the question when he admits that he can not interfere with any vested rights, if they have any. This amendment simply allows that to be done, which would not interfere.

Mr. DINSMORE. But the gentleman's amendment does not propose a proviso against interfering with a vested right, but to interfere with any bridge now being constructed. If this proviso should be adopted, and if they commence the construction without authority of law, they will interfere with the construction of a road proceeding with the sanction of law; of a road actually in the course of construction, with miles already in operation, and I scarcely think that this House ought to sanction such an interference on the part of this company. If they have vested rights, they can not be interfered with by this act; if they have no vested rights, then they have nothing to complain of.

The SPEAKER. The time of the gentleman has expired.

Mr. DINSMORE. I hope the amendment will be voted down.

Mr. HEPBURN. I hope the amendment will not prevail.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

BRIDGE ACROSS THE MISSOURI RIVER.

Mr. HEPBURN. I call up the bill S. 910.

The bill was read, as follows:

A bill (S. 910) to extend the time for the completion of a bridge across the Missouri River.

Be it enacted, etc., That section 6 of the act approved March 3, 1899, authorizing the Dakota Southern Railroad Company to construct a combined railroad, wagon, and foot-passenger bridge across the Missouri River at the city of Yankton, S. Dak., be, and is hereby, amended by extending the time for commencing the construction of said bridge to March 3, 1903, and by extending the time for completing said bridge to March 3, 1905.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MEMPHIS, HELENA AND LOUISIANA RAILWAY COMPANY.

Mr. HEPBURN. I call up Senate bill 1839, authorizing the Memphis, Helena and Louisiana Railway Company to construct and maintain a bridge across the White River, in the State of Arkansas.

The bill was read at length.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

BRIDGE ACROSS WHITE RIVER, ARKANSAS.

Mr. JOY. I call up the bill (S. 1838) authorizing the Memphis, Helena and Louisiana Railway Company to construct and maintain a bridge across the Arkansas River, in the State of Arkansas.

The bill was read at length.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

BRIDGE ACROSS BAYOU BARTHOLOMEW, ARKANSAS.

Mr. JOY. I call up the bill S. 651.

The bill was read, as follows:

A bill (S. 651) extending the time within which the Mississippi River, Hamburg and Western Railway Company is authorized to construct a bridge across the Bayou Bartholomew in Arkansas.

Be it enacted, etc., That the time within which the Mississippi River, Hamburg and Western Railway Company, a corporation existing under the laws of the State of Arkansas, was authorized by the act approved on the 12th day of March, 1898, entitled "An act authorizing the Mississippi River, Hamburg and Western Railway Company to construct and maintain a bridge across the Bayou Bartholomew in Arkansas," to construct its said bridge is hereby extended so that the said corporation may continue and complete the said construction within three years from the passage of this act: *Provided*, That said construction and maintenance thereof shall in all other respects be in compliance with the terms of the said act approved on the 12th day of March, 1898.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

BRIDGE ACROSS MONONGAHELA RIVER, NEAR MORGANTOWN, W. VA.

Mr. HEPBURN. Mr. Speaker, I call up the bill (H. R. 4381) to authorize the Central Railway of West Virginia to build a bridge across the Monongahela River at or near Morgantown, in the State of West Virginia.

The Clerk read the bill at length.

The bill was ordered to be engrossed and read a third time; and it was engrossed and read the third time, and passed.

On motion of Mr. HEPBURN, a motion to reconsider the several votes by which the bills reported from the Committee on Interstate and Foreign Commerce were passed was laid on the table.

ELECTION OF UNITED STATES SENATORS.

The Clerk proceeded with the call of committees. When the Committee on Election of President, Vice-President, and Representatives in Congress was called,

Mr. CORLISS. Mr. Speaker, I am directed by the committee to call up House joint resolution 41, proposing an amendment to the Constitution providing for the election of Senators of the United States.

The Clerk read the joint resolution, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following amendments be proposed to the legislatures of the several States, which, when ratified by three-fourths of said legislatures, shall become and be a part of the Constitution, namely: In lieu of the first and second paragraphs of section 3 of Article I of the Constitution of the United States of America, the following shall be proposed as an amendment to the Constitution:

"SEC. 3. The Senate of the United States shall be composed of two Senators from each State, who shall be elected by a direct vote of the people thereof, for a term of six years, and each Senator shall have one vote; a plurality of the votes cast shall elect, and the electors shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

"When vacancies happen, by resignation or otherwise, in the representation of any State in the Senate, the same shall be filled for the unexpired term thereof in the same manner as is provided for the election of Senators in paragraph 1: *Provided*, That the legislature of any State may empower the executive thereof to make temporary appointments until the next general election, in accordance with the statutes or constitution of such State."

This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as a part of the Constitution.

The following amendments were recommended by the committee:

In line 1, page 2, after the word "cast," insert the words "for candidates for Senator."

In line 8, page 2, strike out the words "the legislature of any State may empower."

In line 9, page 2, strike out the word "to" and insert the word "shall," and strike off the letter "s" to the word "appointments."

Insert in line 10, after the word "general," the words "or special," and after the word "election" insert the word "held" in the same line.

Mr. CORLISS. Mr. Speaker, it is not my purpose to discuss this joint resolution. This resolution is almost identical with the resolution adopted in the Fifty-fourth, Fifty-fifth, and Fifty-sixth Congresses. I have personally discussed it on the floor of the House. It is well known to all of the members, and I will content myself with the reiteration of the remarks of our distinguished Speaker in the Fifty-fifth Congress, when he said that this was a measure demanded by the American people, and that the members of this House, representing directly the people, should pass this measure, and continue to pass it, and knock upon the doors of the Senate until it listens to the voice of the people. If there are members of the committee who desire to discuss the measure I will yield to them. If not, I reserve the balance of my time.

Mr. RICHARDSON of Tennessee. The gentleman from Michigan states that this resolution proposing this amendment to the Constitution is in almost indentically the language of the resolution passed in former Congresses. Will the gentleman be kind enough to tell us where it differs from the former resolution for which the most of us voted?

Mr. CORLISS. There is no substantial difference. It provides for the election of United States Senators by a direct vote of the people. It provides for it in almost the identical language of the former act or bill which passed the House.

Mr. RICHARDSON of Tennessee. I supposed the gentleman had the former resolutions before him and could tell us wherein it differs.

Mr. CORLISS. The amendments that have been suggested by the committee make the bill the same as the bill that was passed in the Fifty-sixth Congress. The amendments were suggested for the purpose of making it identical, and with these amendments we will have the same measure that was passed in the last Congress.

Mr. BREAZEALE. Mr. Speaker, I do not care to make a speech on this bill. I merely want to call the attention of the House to the fact that the committee were unanimous in their report on this bill.

Mr. CORLISS. The committee was unanimous. I would like to make a parliamentary inquiry, Mr. Speaker.

Mr. CLAYTON. Mr. Speaker, I did not hear the remarks of the gentleman from Michigan, but I desire to ask him a question.

The SPEAKER. Does the gentleman from Michigan yield to the gentleman from Alabama?

Mr. CORLISS. I do.

Mr. CLAYTON. Do I understand the gentleman from Michigan to say that the measure the committee has reported, together with the committee amendments suggested, makes it the identical measure that passed the House at the last session of Congress?

Mr. CORLISS. I intended to be so understood.

Now, a parliamentary inquiry, Mr. Speaker: Whether a roll call is necessary, or is it sufficient that a two-thirds vote is cast, in the judgment of the Speaker?

The SPEAKER. If the House orders it, it must be had. In the early times, during the war period, when great amendments were pending the Speaker ordered a roll call; but in the more recent times the practice has been to put it to vote, the presumption being that a quorum was present, and the Chair deciding, in his opinion, whether there was a two-thirds vote in favor of the measure. It is always within the power of the House to test the matter.

Mr. CORLISS. Unless there is some member who desires to discuss the matter, I will ask for a vote.

Mr. GROSVENOR. Mr. Speaker, I would like to make one or two inquiries. First, I would like to know what the measure is as the amendments will make it read. We are proposing to amend the Constitution of the United States; to put a vital change into the Constitution without knowing what it is. There are half a dozen amendments there, and we have not had them read in an intelligent way——

The SPEAKER. The measure has been read and the amendments have been reported. If the gentleman from Ohio requests, the Clerk will again report the bill with the amendments.

Mr. GROSVENOR. That would not do any good unless the bill can be read as it will read when amended.

The SPEAKER. The Clerk will read the bill as it will read if amended.

The Clerk read the bill as it would read if the committee amendments were adopted.

Mr. GROSVENOR. If the gentleman will allow me, there is a provision there which I thought I caught when the amendments were read, and which I think is a bad one. In case of a vacancy, as I gather the substance of the provision, the governor of the State, as now, will fill the vacancy, but at the next "special or general" election held in that State the election of a Senator to serve for the term will take place.

Now, I do not believe that that is a wise provision. Special elections are held in the States quite often for special purposes—the approval of constitutional amendments, and votes upon various questions of that character. It seems to me that the words "or special" ought to be stricken out. I do not think that a State ought to be precipitated into the election of a Senator at a special election, when there is no occasion for it, the governor having already filled the vacancy.

Mr. CORLISS. The gentleman is aware that the State would control the matter?

Mr. GROSVENOR. No; not at all.

Mr. CORLISS. The State authorities would have to order a special election, if one should be held.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The joint resolution as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed (two-thirds voting in favor thereof).

The SPEAKER. Is there any further business from the committee?

Mr. CORLISS. Nothing further.

LEAVE OF ABSENCE.

Mr. BRICK, by unanimous consent, obtained leave of absence for fifteen days, on account of important business.

CHANGE OF REFERENCE.

By unanimous consent, the Committee on Public Buildings and Grounds was discharged from the further consideration of a bill of the following title, and the same was referred to the Committee on Appropriations:

A bill (H. R. 10513) for the purchase of land in Fort Reno subdivision northwest as a site for a colored schoolhouse.

And then, on motion of Mr. PAYNE (at 4 o'clock and 45 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Navy, transmitting a response to the inquiry of the House of Representatives in relation to the United States receiving ship *Vermont*—to the Committee on Naval Affairs, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a copy of a letter from the governor of the Philippine Islands, an inclosure entitled "Federal Party Message to the Congress of the United States"—to the Committee on Insular Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for transporting destitute citizens from Alaska—to the Committee on Appropriations, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the sloop *Cornelia*, Burr Thorp, master, against the United States—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Aaron B. Hoffman against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, relating to the establishment of a beacon light at Cabras Island, Porto Rico—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. LACEY, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 10065) to provide for the acquiring of rights of way by railway companies in the Indian Territory, and for other purposes, reported the same with amendments, accompanied by a report (No. 530); which said bill and report were referred to the House Calendar.

Mr. MARTIN, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 9037) to allow the commutation of homestead entries in certain cases, reported the same with amendment, accompanied by a report (No. 532); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. NORTON, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 11241) to amend an act entitled "An act to regulate, in the District of Columbia, the disposal of certain refuse, and for other purposes," approved January 25, 1898, reported the same with amendments, accompanied by a report (No. 543); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 4442) for the relief of Sarah E. E. Perine, reported the same without amendment, accompanied by a report (No. 495); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 6323) for the relief of Everett B. Curtis, administrator of John J. Curtis, deceased, reported the same without amendment, accompanied by a report (No. 496); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4945) granting a pension to Shadrack I. Corbett, reported the same with amendments, accompanied by a report (No. 497); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7525) granting a pension to Marion Barnes, reported the same with amendment, accompanied by a report (No. 498); which said bill and report were referred to the Private Calendar.

Mr. NORTON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5543) granting an increase of pension to Samuel W. Skinner, reported the same with amendments, accompanied by a report (No. 499); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6356) granting an increase of pension to G. W. Taylor, reported the same with amendments, accompanied by a report (No. 500); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3106) granting an increase of pension to Hugh R. Richardson, reported the same

without amendment, accompanied by a report (No. 501); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4456) granting a pension to Ruth B. Osborne, reported the same with amendment, accompanied by a report (No. 502); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 8707) granting an increase of pension to James R. Ambrose, reported the same without amendment, accompanied by a report (No. 503); which said bill and report were referred to the Private Calendar.

Mr. DARRAGH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9659) granting a pension to Laura A. Van Nye, reported the same with amendments, accompanied by a report (No. 504); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 9) granting an increase of pension to Mourse R. Adams, reported the same without amendment, accompanied by a report (No. 505); which said bill and report were referred to the Private Calendar.

Mr. RUMPLE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10178) granting an increase of pension to Daniel Thomas, reported the same with amendment, accompanied by a report (No. 506); which said bill and report were referred to the Private Calendar.

By Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9296) granting a pension to Mary E. Chapman, reported the same with amendment, accompanied by a report (No. 507); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6023) granting an increase of pension to Robert L. Akridge, of the Thirty-third Kentucky Regiment, now a resident of Danbury, Conn., reported the same with amendments, accompanied by a report (No. 508); which said bill and report were referred to the Private Calendar.

Mr. DARRAGH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 611) granting a pension to Theodore F. Collins, reported the same with amendments, accompanied by a report (No. 509); which said bill and report were referred to the Private Calendar.

Mr. LATIMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 196) granting an increase of pension to Richard N. Blodgett, reported the same without amendment, accompanied by a report (No. 510); which said bill and report were referred to the Private Calendar.

Mr. RUMPLE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2669) granting a pension to Isabella Compton, reported the same with amendment, accompanied by a report (No. 511); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5789) granting an increase of pension to Joseph Seithen, reported the same with amendment, accompanied by a report (No. 512); which said bill and report were referred to the Private Calendar.

Mr. NORTON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7990) granting an increase of pension to Uriah Reams, reported the same with amendment, accompanied by a report (No. 513); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1611) granting a pension to Cynthia M. Record, reported the same without amendment, accompanied by a report (No. 514); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2192) granting a pension to Benjamin Shearer, reported the same with amendments, accompanied by a report (No. 515); which said bill and report were referred to the Private Calendar.

Mr. RUMPLE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3418) granting a pension to Dennis Dyer, reported the same with amendment, accompanied by a report (No. 516); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10486) granting a pension to Alida Payne, reported the same with amendment, accompanied by a report (No. 517); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1145) granting an increase of pension to Lucinda C. Scott, reported the same without amendment, accompanied by a report (No. 518); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4821) granting an increase of pension to Herbert A. Boomhower, reported the same with amendments, accompanied by a report (No. 519); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9463) granting an increase of pension to Edgar A. Stanley, reported the same with amendment, accompanied by a report (No. 520); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2700) granting an increase of pension to Martha A. Couch, reported the same without amendment, accompanied by a report (No. 521); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5109) granting an increase of pension to Frederick M. Hahn, reported the same with amendment, accompanied by a report (No. 522); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3352) granting an increase of pension to Margaret M. Boyd, reported the same with amendment, accompanied by a report (No. 523); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1523) granting a pension to Susan J. Taylor, reported the same with amendment, accompanied by a report (No. 524); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1328) granting an increase of pension to Gotthard Koerner, reported the same with amendment, accompanied by a report (No. 525); which said bill and report were referred to the Private Calendar.

Mr. DARRAGH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1325) granting an increase of pension to William J. Wallace, reported the same with amendments, accompanied by a report (No. 526); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4927) granting a pension to George Tucker, reported the same with amendment, accompanied by a report (No. 527); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1378) granting an increase of pension to Mrs. Bessie H. Lester, reported the same with amendments, accompanied by a report (No. 528); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 195) granting a pension to Nellie Bartlett, reported the same without amendment, accompanied by a report (No. 529); which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the Senate (S. 1931) granting an increase of pension to Etta Scott Mitchell, reported the same with amendment, accompanied by a report (No. 535); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2098) granting a pension to George H. Morton, reported the same without amendment, accompanied by a report (No. 536); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1355) granting a pension to Lura B. Rogers, reported the same without amendment, accompanied by a report (No. 537); which said bill and report were referred to the Private Calendar.

Mr. WHITE, from the Committee on Pensions, to which was referred the bill of the House (H. R. 7846) granting a pension to Michael Tynan, reported the same with amendment, accompanied by a report (No. 538); which said bill and report were referred to the Private Calendar.

Mr. SELBY, from the Committee on Pensions, to which was referred the bill of the House (H. R. 1485) granting an increase of pension to Thompson B. Moore, reported the same with amendments, accompanied by a report (No. 539); which said bill and report were referred to the Private Calendar.

Mr. BROMWELL, from the Committee on Pensions, to which was referred the bill of the House (H. R. 7364) granting an increase of pension to Maria Louisa Michie, reported the same with

amendments, accompanied by a report (No. 540); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 9397) granting a pension to J. S. Lewis, reported the same with amendment, accompanied by a report (No. 541); which said bill and report were referred to the Private Calendar.

Mr. SHELDEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 8292) granting a pension to Hester Thomas, reported the same without amendment, accompanied by a report (No. 542); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were referred as follows:

A bill (H. R. 4259) for the relief of D. W. Price—Committee on War Claims discharged, and referred to the Committee on Claims.

A bill (H. R. 11196) granting a pension to Abbie Bourke—Committee on War Claims discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 7077) granting a pension to Felix Linsay—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 10471) to pay Joseph Hunter certain arrearages of pension—Committee on Invalid Pensions discharged, and referred to the Committee on Claims.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. HANBURY: A bill (H. R. 11300) to increase the efficiency of the Life-Saving Service by the retirement of keepers and members of crews—to the Committee on Interstate and Foreign Commerce.

By Mr. SCOTT: A bill (H. R. 11301) to divide the Indian Territory into counties and to establish the county seats thereof, and for other purposes—to the Committee on Indian Affairs.

By Mr. SHACKLEFORD: A bill (H. R. 11302) to provide for the erection of a public building at the city of Columbia, Mo.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 11303) to put wood pulp on the free list—to the Committee on Ways and Means.

By Mr. MIERS of Indiana: A bill (H. R. 11304) to provide special laws for ex-Union soldiers who were prisoners of war, and for other purposes—to the Committee on Reform in the Civil Service.

By Mr. PATTERSON of Tennessee: A bill (H. R. 11305) to regulate the practice in the United States courts as to appeals and writs of error—to the Committee on the Judiciary.

By Mr. HEDGE: A bill (H. R. 11306) to extend the time for the construction of a bridge across the Mississippi River at Burlington, Iowa—to the Committee on Interstate and Foreign Commerce.

By Mr. SHAFROTH: A bill (H. R. 11307) to provide for the purchase of a site and the erection of a public building thereon at Denver, in the State of Colorado—to the Committee on Public Buildings and Grounds.

By Mr. LOVERING: A bill (H. R. 11308) to encourage the sale and exportation of articles of domestic manufacture—to the Committee on Ways and Means.

By Mr. GORDON (by request): A bill (H. R. 11309) to grant certain lands to State of Ohio—to the Committee on the Public Lands.

By Mr. TONGUE: A bill (H. R. 11310) to provide for a final settlement with the Tillamook tribe of Indians of Oregon for lands ceded by said Indians to the United States in a certain agreement between said parties dated August 7, 1851—to the Committee on Indian Affairs.

Also, a resolution (H. Res. 133) that the Committee on Irrigation of Arid Lands be, and hereby is, authorized to have printed such papers and documents as may be necessary for the business of said committee—to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. ACHESON: A bill (H. R. 11311) granting an increase of pension to A. J. Hertzog—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11312) granting a pension to William Newton—to the Committee on Invalid Pensions.

By Mr. APLIN: A bill (H. R. 11313) for the relief of Robert B. Tubbs—to the Committee on Military Affairs.

By Mr. BARTLETT: A bill (H. R. 11314) granting an increase of pension to Mary E. Pettit—to the Committee on Invalid Pensions.

By Mr. BELL: A bill (H. R. 11315) granting an increase of pension to Harvey Conley, Del Norte, Colo.—to the Committee on Pensions.

By Mr. CONNER: A bill (H. R. 11316) granting an increase of pension to Thomas E. McIntire—to the Committee on Invalid Pensions.

By Mr. COONEY: A bill (H. R. 11317) for the relief of the heirs and legal representatives of William Bishop, deceased—to the Committee on War Claims.

By Mr. EDDY: A bill (H. R. 11318) to remove the charge of desertion from Thomas Colahan—to the Committee on Military Affairs.

By Mr. FEELY: A bill (H. R. 11319) granting an increase of pension to Henry D. Fulton—to the Committee on Invalid Pensions.

By Mr. HANBURY: A bill (H. R. 11320) for the relief of Mary Leary and children—to the Committee on Claims.

By Mr. HASKINS: A bill (H. R. 11321) granting a pension to Frank W. Gold—to the Committee on Invalid Pensions.

By Mr. HEDGE: A bill (H. R. 11322) granting an increase of pension to Jacob Shafer—to the Committee on Invalid Pensions.

By Mr. IRWIN: A bill (H. R. 11323) for the relief of Jordan Mosby—to the Committee on Military Affairs.

By Mr. LINDSAY: A bill (H. R. 11324) granting an increase of pension to E. F. Sicard, widow of the late Rear-Admiral Montgomery Sicard, of United States Navy—to the Committee on Pensions.

Also, a bill (H. R. 11325) granting an increase of pension to James Merrick, sergeant, Company I, One hundred and thirty-third Regiment—to the Committee on Invalid Pensions.

By Mr. MAHON: A bill (H. R. 11326) granting a pension to Mabel L. Darte—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11327) granting an increase of pension to Charles E. Pettis—to the Committee on Invalid Pensions.

By Mr. MUDD: A bill (H. R. 11328) for the relief of Nellie Lane—to the Committee on Claims.

By Mr. PEARRE: A bill (H. R. 11329) for the relief of Mrs. Inez Shorb White—to the Committee on Claims.

By Mr. RANSDELL of Louisiana: A bill (H. R. 11330) for the relief of Kate T. McCulloch and the estates of Nathan Trotter and Mary Tucker McFarland, deceased, late of Carroll Parish, La.—to the Committee on War Claims.

By Mr. RAY of New York: A bill (H. R. 11331) granting a pension to Eunice M. Stickle—to the Committee on Invalid Pensions.

By Mr. RIXEY: A bill (H. R. 11332) for the relief of the trustees of Round Hill Church, of King George County, Va.—to the Committee on Claims.

By Mr. SELBY: A bill (H. R. 11333) granting an increase of pension to Daniel A. Jones—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11334) granting an increase of pension to Martha Palmer, widow of George H. Palmer—to the Committee on Invalid Pensions.

By Mr. SHAFROTH: A bill (H. R. 11335) for the relief of Manuel A. Fernandez and other heirs of Miguel Fernandez, deceased, late of Mayaguez, Porto Rico—to the Committee on Claims.

By Mr. SHATTUC: A bill (H. R. 11336) for the relief of James W. Jones—to the Committee on Claims.

By Mr. SHERMAN: A bill (H. R. 11337) for the relief of the legal representatives of James and Milton Caldwell—to the Committee on War Claims.

By Mr. SKILES: A bill (H. R. 11338) granting a pension to Julia Buel—to the Committee on Invalid Pensions.

By Mr. SMALL: A bill (H. R. 11339) granting a pension to Augustus Blount—to the Committee on Invalid Pensions.

By Mr. TATE: A bill (H. R. 11340) for the relief of McClure & Willbanks—to the Committee on Claims.

By Mr. BOUTELL (by request): A bill (H. R. 11341) granting a pension to Maurice Langhorne—to the Committee on Invalid Pensions.

By Mr. GIBSON: A bill (H. R. 11342) granting an increase of pension to Luman Fuller—to the Committee on Invalid Pensions.

By Mr. PAYNE: A bill (H. R. 11343) granting a pension to Mary Louise Lowry—to the Committee on Pensions.

By Mr. VANDIVER: A bill (H. R. 11344) to correct the record of Francis M. Keltner—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of W. H. H. Irwin Post, No. 70, Department of Nebraska; General Harrison Post, No. 36, Department of South Dakota, and W. H. H. Grinter Post, No. 282, Department of Kansas, Grand Army of the Republic, for investigation of the administration of the Bureau of Pensions—to the Committee on Rules.

By Mr. BARTLETT: Resolution of Star Division, No. 323, Brotherhood of Locomotive Engineers, of Augusta, Ga., in support of Senate bill 1118, limiting the meaning of the word "conspiracy," etc.—to the Committee on the Judiciary.

Also, petition of M. Peyser, jr., and union cigar factory of Macon, Ga., protesting against any change of the rates of duty on tobacco and cigars—to the Committee on Ways and Means.

By Mr. BELL: Resolution of the Chamber of Commerce of Colorado Springs, Colo., for the passage of amendments to strengthen interstate-commerce act—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of Brotherhood of Locomotive Engineers, Basalt, Colo., favoring bill to limit the power of Federal courts in granting injunctions in trade disputes—to the Committee on the Judiciary.

Also, resolution of the State Board of Horticulture of the State of Colorado, against the destruction of useful birds—to the Committee on Agriculture.

By Mr. BOWERSOCK: Resolution of Kaw Valley Beef Butchers' Union, No. 4, of Kansas City, Kans., in favor of the exclusion of Chinese laborers—to the Committee on Foreign Affairs.

Also, resolution of Coopers' Union No. 18, of Kansas City, Kans., American Federation of Labor, concerning the construction of Government vessels in navy-yards—to the Committee on Naval Affairs.

By Mr. BROMWELL: Resolution of Hecker Post, No. 638, Grand Army of the Republic, Cincinnati, Ohio, favoring the construction of war vessels in Government navy-yards—to the Committee on Naval Affairs.

Also, resolutions of Electrotypers' Union No. 31, of Cincinnati, Ohio, concerning the Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. BUTLER of Pennsylvania (by request): Resolution of Iron Molders' Union of Chester, Pa., urging that the navy-yards be utilized for the construction of war vessels—to the Committee on Naval Affairs.

Also, resolution of Iron Molders' Union of Chester, Pa., praying for the further restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. CANNON: Resolutions of Cigar Makers' Union No. 80, of Danville, Ill., and Wood, Wire and Metal Workers and Lathers' International Union No. 19, of Joliet, Ill., in favor of the reenactment of Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. CASSINGHAM: Resolution of Federal Labor Union No. 8170, of Coshocton, Ohio, in favor of the reenactment of Chinese-exclusion act—to the Committee on Foreign Affairs.

Also, resolution of United Brewery Workers' Union No. 162, of Newark, Ohio, favoring restriction of undesirable immigration—to the Committee on Immigration and Naturalization.

Also, papers to accompany House bill 2241 for the relief of Dorothy S. White—to the Committee on Invalid Pensions.

By Mr. CONRY: Petition of Massachusetts College of Pharmacy, regarding House bill 7189 and Senate bill 2162, relating to the United States Marine-Hospital Service—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Copper Plate Printers of Boston, Mass., praying for the further restriction of immigration—to the Committee on Immigration and Naturalization.

Also, resolution of International Association of Machinists, of Boston, favoring the construction of naval vessels at Government navy-yards—to the Committee on Naval Affairs.

By Mr. DAHLE: Petition of Cigar Makers' Union No. 182, of Madison, Wis., for the building of war vessels in United States navy-yards—to the Committee on Naval Affairs.

By Mr. DALZELL: Petition of W. G. Lowry Post, No. 548, Grand Army of the Republic, of Wilkinsburg, Pa., urging that the navy-yards be utilized for the construction of war vessels—to the Committee on Naval Affairs.

Also, resolution of Good Hope Lodge, No. 19, of McKeesport, Pa., favoring the Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. DARRAGH: Resolution of International Longshoremen's Union No. 53, of Traverse City, Mich., urging that the navy-yards be utilized for the construction of war vessels—to the Committee on Naval Affairs.

Also, resolution of International Longshoremen's Union No. 53, of Traverse City, Mich., favoring the continuation of the exclusion law against Chinese laborers—to the Committee on Foreign Affairs.

By Mr. DAVIS of Florida: Resolution of U. S. Grant Post, No. 10, Department of Florida, favoring the construction of war vessels in Government navy-yards—to the Committee on Naval Affairs.

By Mr. EDDY: Resolution of St. Paul Jobbers' Union, of St. Paul, Minn., in favor of opening Chippewa Indian Reservation, in Minnesota, to settlement—to the Committee on Indian Affairs.

Also, resolution of Minneapolis (Minn.) Association of Credit Men, in regard to the Ray bankruptcy bill—to the Committee on the Judiciary.

Also, resolution of Covina (Cal.) Orange Growers' Association, against the ratification of pending reciprocity treaties—to the Committee on Ways and Means.

Also, resolution of American Association of Master Pilots of Steam Vessels, relating to mariners' wages, obstructions and deposits in the harbor of New York City, etc.—to the Committee on the Merchant Marine and Fisheries.

By Mr. FITZGERALD: Petition of Matanzas Board of Trade of Cuba, for tariff concessions to Cuba—to the Committee on Ways and Means.

By Mr. GIBSON: Petition of Lamar McConnell Post, No. 91, Grand Army of the Republic, Department of Tennessee, for investigation of the administration of the Bureau of Pensions—to the Committee on Rules.

Also, petition of Mahala Stapleton, asking to be restored on the pension roll—to the Committee on Invalid Pensions.

By Mr. GOLDFOGLE: Petition of the National Tea Duty Repeal Association, asking for repeal of war tax on tea—to the Committee on Ways and Means.

Also, resolution of the Illinois Manufacturers' Association, for extension of trade between United States and Cuba—to the Committee on Ways and Means.

Also, resolutions of the International Good Roads Congress, of Buffalo, N. Y., and Automobile Club of New York City, for an appropriation for improved roads in various sections of the country—to the Committee on Agriculture.

Also, resolutions of Brotherhood of Locomotive Firemen (New York State legislative board), favoring bill to limit the power of Federal courts in granting injunctions in trades disputes—to the Committee on the Judiciary.

Also, petition of the National Live Stock Exchange, for the repeal of the tax on sales of live stock made at market centers—to the Committee on Ways and Means.

By Mr. GRIFFITH: Petition of Nicholas Cornet and other citizens of Versailles, Ind., in support of an amendment to the Constitution for the election of United States Senators by direct vote of the people—to the Committee on Election of President, Vice-President, and Representatives in Congress.

Also, petition of Susan E. Clark, of Rising Sun, Ind., to accompany House bill 8789, granting her a pension—to the Committee on Invalid Pensions.

By Mr. HEMENWAY: Resolution of Post No. 484, Grand Army of the Republic, of Elberfeld, Ind., favoring the construction of war vessels in Government navy-yards—to the Committee on Naval Affairs.

By Mr. LACEY: Resolution of Coopers' Union of Ottumwa, Iowa, favoring an educational test in the restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. LINDSAY: Resolutions of Cigar Makers' Union No. 132, of the borough of Brooklyn, N. Y., favoring exclusion of the Chinese from the United States and their insular possessions—to the Committee on Foreign Affairs.

By Mr. MINOR: Resolution of Wisconsin Division of the American Wire Weavers' Protective Association, favoring the construction of Government vessels in navy-yards—to the Committee on Naval Affairs.

By Mr. MOODY of Massachusetts: Resolution of International Association of Machinists of Boston, Mass., favoring the construction of war vessels in Government navy-yards—to the Committee on Naval Affairs.

By Mr. PATTERSON of Pennsylvania: Petition of Federal Labor Union No. 8874, of Shenandoah, Pa., favoring the Chinese-exclusion act—to the Committee on Foreign Affairs.

Also, petition of Division No. 165, Street Railway Employees, of Girardville, Pa., favoring an educational test in the restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. PAYNE: Petition of the Political Equality Club of Auburn, N. Y., for an amendment to the Constitution providing that the right of citizens to vote shall not be denied or abridged by any State on account of sex—to the Committee on the Judiciary.

By Mr. RAY of New York: Resolutions of Central Labor Union of Ithaca, N. Y., favoring the exclusion of Chinese—to the Committee on Foreign Affairs.

Also, petition of farmers of Delaware County, N. Y., favoring

the passage of the oleomargarine bill—to the Committee on Agriculture.

Also, resolutions of Empire Lodge, No. 24, International Association of Car Workers, Norwich, N. Y., in favor of laws restricting immigration—to the Committee on Immigration and Naturalization.

Also, resolutions of Ben Marvin Post, of Walton, N. Y., Grand Army of the Republic, and Carpenters and Joiners' Union of Ithaca, N. Y., favoring the construction of war vessels in Government navy-yards—to the Committee on Naval Affairs.

By Mr. ROBINSON of Indiana: Petition of C. D. Creager and 11 other citizens of Butler, Ind., favoring the election of United States Senators by direct vote of the people—to the Committee on Election of President, Vice-President, and Representatives in Congress.

By Mr. RIXEY: Papers to accompany House bill 11332, for the relief of Round Hill Church, of King George County, Va.—to the Committee on War Claims.

By Mr. RUMPLE: Resolutions of Federal Labor Union No. 6303, of Muscatine, Iowa, for reenactment of Chinese-exclusion law—to the Committee on Foreign Affairs.

By Mr. RUPPERT: Resolutions of Cigar Packers' Union No. 251, of New York City, in favor of the exclusion of Chinese laborers—to the Committee on Foreign Affairs.

By Mr. RYAN: Resolution of Farragut Post, No. 4, Grand Army of the Republic, Department of California, favoring the construction of war ships at the navy-yards—to the Committee on Naval Affairs.

Also, petition of Lake Seamens' Union and Tile Layers' Union, No. 5, all of Buffalo, N. Y., for the restriction of illiterate immigrants—to the Committee on Immigration and Naturalization.

By Mr. SALMON: Petition of J. A. Webb and 74 other citizens of Madison, N. J., praying for the enactment of a law against polygamy—to the Committee on the Judiciary.

By Mr. SELBY: Petition of citizens of Franklin, Ill., for an amendment to the Constitution providing for the election of Senators by a direct vote of the people—to the Committee on Election of President, Vice-President, and Representatives in Congress.

Also, petition of Post No. 97, Grand Army of the Republic, of Beardstown, Ill., for the building of war vessels in United States navy-yards—to the Committee on Naval Affairs.

By Mr. SHALLENBERGER: Petitions of Dennis Neville and 37 merchants of Upland, Nebr., and H. Cramer & Sons and 28 other merchants of Hardy, Nebr., against House bill 6578, known as the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. SHATTUC: Paper to accompany House bill 11336, for the relief of James W. Jones—to the Committee on Claims.

By Mr. SIBLEY: Petition of Cigar Makers' Union No. 194, of Bradford, Pa., and Central Labor Union of Franklin, Pa., for exclusion of Chinese—to the Committee on Foreign Affairs.

By Mr. SKILES: Petition of Julia Buel, to accompany House bill 11338, granting her a pension—to the Committee on Invalid Pensions.

By Mr. SMITH of Kentucky: Paper to accompany House bill 1584, for the relief of Henry C. Bumgardner—to the Committee on Military Affairs.

By Mr. STEVENS of Minnesota: Resolution of farmers of Nelson, Douglas County, Minn., against Cuban tariff concessions—to the Committee on Ways and Means.

Also, petition of women of Congregational churches of St. Paul, Minn., for an amendment to the Constitution defining legal marriage to be monogamic—to the Committee on the Judiciary.

Also, petition of Capital City Lodge, No. 459, St. Paul, Minn., International Association of Machinists, urging appropriation for the Ordnance Department of United States Navy—to the Committee on Naval Affairs.

Also, petition of American Association of Master Pilots, in relation to mariners' wages, also to amend an act relating to obstructions and injurious deposits within New York Harbor, etc.—to the Committee on Rivers and Harbors.

By Mr. STEPHENS of Texas: Petition of Mrs. Mary Malone, in relation to war claim—to the Committee on War Claims.

By Mr. SULLOWAY: Resolution of Charles H. Phelps Post, Grand Army of the Republic, of Amherst, N. H., favoring the building of vessels in the United States navy-yards—to the Committee on Naval Affairs.

By Mr. VANDIVER: Papers to accompany House bill for the removal of the charge of desertion from the military record of Francis M. Keltner—to the Committee on Military Affairs.

By Mr. WOODS: Resolution of Cigar Makers' Union No. 453, of Nevada City, Cal., favoring the passage of the Chinese-exclusion act—to the Committee on Foreign Affairs.

Also, resolution of Cigar Makers' Union No. 453, of Nevada City, Cal., for an educational test in the restriction of immigration—to the Committee on Immigration and Naturalization.

SENATE.

FRIDAY, *February 14, 1902.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal, without objection, will stand approved.

ERASTUS S. JOSLYN.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the findings filed by the court in the cause of Erastus S. Joslyn *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. GALLINGER. I present resolutions adopted by the National Board of Trade, the New Hampshire Board of Trade, the Manchester (Mass.) Board of Trade, the Lynn (Mass.) Board of Trade, the Concord Commercial Club, of New Hampshire; the Lawrence Board of Trade, of Massachusetts; the Worcester Board of Trade, of Massachusetts; the Chamber of Commerce of Boston, Mass.; the Atlanta Chamber of Commerce, of Georgia; the Merchants and Manufacturers' Association of Milwaukee, Wis., and of the Commercial Club of Minneapolis, Minn., praying for the enactment of legislation providing for the appointment of a commission to study and report upon the commercial and industrial conditions in China and Japan, with a view to the establishment of a permanent exposition of American products at Shanghai, China.

Mr. President, as there are two bills before the Committee on Commerce on this subject, I move that the resolutions be referred to that committee.

The motion was agreed to.

Mr. GALLINGER presented a petition of Charles H. Phelps Post, No. 43, Department of New Hampshire, Grand Army of the Republic, of Amherst, N. H., praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which was referred to the Committee on Naval Affairs.

He also presented a petition of sundry citizens of Somersworth, N. H., and a petition of the Woman's Christian Temperance Union of East Haverhill, N. H., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented a petition of the National Building Trades Council of America, of St. Louis, Mo., praying for the reenactment of the Chinese-exclusion law; which was referred to the Committee on Immigration.

He also presented a petition of Farragut Post, No. 4, Department of California, Grand Army of the Republic, of Vallejo, Cal., praying for the enactment of legislation giving preference to the veterans of the Army and Navy in employment in the navy-yards of the country; which was referred to the Committee on Naval Affairs.

Mr. HOAR presented petitions of Longshoremen's Union No. 189, of Newburyport; of Boot and Shoe Union No. 230, of Conway, and of Bartenders' Union No. 147, of Greenfield, all of the American Federation of Labor, in the State of Massachusetts, praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which were referred to the Committee on Naval Affairs.

Mr. HEITFELD presented a petition of E. D. Baker Post, No. 6, Grand Army of the Republic, Department of Idaho, of Hailey, Idaho, praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which was referred to the Committee on Naval Affairs.

Mr. WETMORE presented a petition of Carpenters and Joiners' Local Union No. 176, of Newport, R. I., and a petition of Steam and Hot Water Fitters' Local Union No. 31, of Providence, R. I., praying for the reenactment of the Chinese-exclusion law; which were referred to the Committee on Immigration.

He also presented a petition of Steam and Hot Water Fitters' Local Union No. 31, of Providence, R. I., praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which was referred to the Committee on Naval Affairs.

Mr. McMILLAN presented petitions of the Cigar Makers' Local Union No. 393, American Federation of Labor, of Cadillac; of Saginaw Valley Union No. 14, American Federation of Labor, of Saginaw, and of Mine Workers' Union No. 8, United Mine Workers of America, of Ishpeming, all in the State of Michigan,

praying for the reenactment of the Chinese-exclusion law; which were referred to the Committee on Immigration.

He also presented a petition of sundry citizens of Detroit, Mich., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented a petition of sundry post-office clerks of Port Huron, Mich., praying for the enactment of legislation providing for the classification of the salaries of clerks in first and second class post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Michigan Chapter, American Institute of Architects, remonstrating against any change being made in the title of the Architect of the United States Capitol; which was referred to the Committee on Rules.

He also presented petitions of the Trades and Labor Council of Hancock; of Journeymen Barbers' Local Union No. 142, of Ishpeming; of International Longshoremen's Association Union No. 178, of Marine City; of Brewers' Labor Union No. 10, of Grand Rapids, and of Brass Molders' Local Union No. 23, of Detroit, all of the American Federation of Labor, and of Andrews Post, No. 294, Department of Michigan, Grand Army of the Republic, of Big Rapids, all in the State of Michigan, praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which were referred to the Committee on Naval Affairs.

Mr. FOSTER of Washington presented a petition of Typographical Union No. 355, of Whatcom, Wash., praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which was referred to the Committee on Naval Affairs.

Mr. MITCHELL. I present a petition of the legislature of Oregon, praying that an appropriation of $44,000 be made to relieve Curry County, in that State, from the indebtedness incurred in the building and construction of a post-road along the coast of the Pacific Ocean, etc. I ask that the petition be printed in the RECORD, and referred to the Committee on Military Affairs.

There being no objection, the petition was referred to the Committee on Military Affairs, and ordered to be printed in the RECORD, as follows:

House joint memorial No. 1.—Memorial to Congress.

Whereas the county of Curry, in the State of Oregon, has constructed a post-road along the coast of the Pacific Ocean from the north line of said county to the southern line of said county, a distance of about a hundred miles, at a cost of over $75,000; and

Whereas said Curry County has a population of not to exceed 1,868 inhabitants and a voting population of 477; and

Whereas the taxable property in said Curry County at the present time amounts to but about $503,282; and

Whereas in the construction of said post-road said county has incurred an indebtedness on account thereof of $44,000; and

Whereas said road so built and constructed by said county is the only post-road running north and south through said county along said coast, and it is indispensable in delivering mail to the inhabitants of said county, and is daily used by the United States Government for that purpose, and the same is the only post-road west of the coast range of mountains running through said county, connecting the State of Oregon and the State of California; and

Whereas it is only just that the General Government should aid in the construction and maintenance of said post road to the extent at least of reimbursing said county in the amount of said indebtedness, as a matter of justice to the people of said Curry County: Therefore,

The legislative assembly of the State of Oregon does hereby petition and memorialize Congress of the United States to appropriate to said Curry County the sum of $44,000 to relieve it from the indebtedness incurred in the building and construction of said post road, and our Representatives and Senators in Congress are hereby directed to use their best efforts to secure such an appropriation as a matter of justice to the taxpayers and the people of said Curry County.

The secretary of state be, and he is hereby, authorized to transmit a certified copy of this memorial to our delegation in Congress for their instruction and guidance.

Adopted by the house January 17, 1901.

Senate amendment concurred in by the house January 22, 1901.

L. B. REEDER, *Speaker of the House.*

Concurred in by the senate with amendment January 21, 1901.

C. W. FULTON, *President of the Senate.*

Approved January 31, 1901.

T. T. GEER, *Governor.*

[Indorsed.]

House joint memorial No. 1, A. C. Jennings, chief clerk executive department, State of Oregon. Received January 29, 1901. Filed January 31, 1901. F. I. Dundar, secretary of state.

OFFICE OF THE SECRETARY OF STATE,
Salem, Oreg., February 8, 1902.

UNITED STATES OF AMERICA, *State of Oregon:*

I, F. I. Dunbar, do hereby certify that I am the secretary of state of the State of Oregon and custodian of the seal of said State; that the foregoing transcript of house joint memorial No. 1, of the twenty-first regular session of the legislative assembly of the State of Oregon, filed in the office of the secretary of state of the State of Oregon January 31, 1901, has been by me compared with the original copy of the said house joint memorial No. 1 now on file in this office, and that it is a true and correct transcript thereof, and the whole of said original house joint memorial No. 1.

In testimony whereof I have hereunto set my hand and affixed hereto the the seal of the State of Oregon.

Done at the capitol, at Salem, Oreg., this 3d day of February, A. D. 1902.

[SEAL.] F. I. DUNBAR, *Secretary of State.*

Mr. MITCHELL presented petitions of Abe Lincoln Post, No. 68, Department of Oregon, Grand Army of the Republic, of Toledo; of John Buchner Post, No. 70, Department of Oregon, Grand Army of the Republic, of Veronia, and of Team Drivers' International Union No. 182, American Federation of Labor, of Astoria, all in the State of Oregon, praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which were referred to the Committee on Naval Affairs.

He also presented a petition of Local Union No. 482, Brotherhood of Painters, Decorators, and Paper Hangers of America, of Oregon City, Oreg., praying Congress to enact a law before the termination of the present Chinese law so as to exclude Chinese persons from entering any part of the United States or its domain; which was referred to the Committee on Immigration.

He also presented the petition of Bushnell B. Loomis, of Philomath, Oreg., praying that he be granted a pension; which was referred to the Committee on Pensions.

Mr. BURNHAM presented the petition of G. B. Merritt and 31 other citizens of Somersworth, N. H., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented a petition of Oliver W. Lull Post, No. 11, Department of New Hampshire, Grand Army of the Republic, of Milford, N. H., and a petition of Charles H. Phelps Post, No. 43, Department of New Hampshire, Grand Army of the Republic, of Amherst, N. H., praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which were referred to the Committee on Naval Affairs.

He also presented a petition of the Board of Trade of Manchester, N. H., praying for the appointment of a commission and the establishment of a permanent exposition of American products in Shanghai, China, to promote the commerce of the United States with that country; which was referred to the Committee on Commerce.

Mr. FAIRBANKS presented petitions of Logan Division, No. 20, Brotherhood of Locomotive Engineers, of Logansport; of the John Hill Division, No. 248, Brotherhood of Locomotive Engineers, of Elkhart; and of Wayne Division, No. 119, Order of Railway Conductors, of Fort Wayne, all in the State of Indiana, praying for the passage of the so-called anti-injunction bill to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases; which were ordered to lie on the table.

He also presented a petition of the Commercial Club of Muncie, Ind., praying for the establishment of reciprocal trade relations with Cuba; which was referred to the Committee on Relations with Cuba.

He also presented a petition of the Trades Council, of Marion, Ind., praying for the repeal of the so-called desert-land act, and for the commutation clause of the homestead act, etc.; which was referred to the Committee on Public Lands.

Mr. FRYE presented a petition of the New York Commandery of the Naval Order of the United States, praying for the organization of a national naval reserve; which was referred to the Committee on Naval Affairs.

He also presented a petition of the legislature of Nebraska, praying for the adoption of an amendment to the Constitution providing for the election of United States Senators by a direct vote of the people; which was referred to the Committee on Privileges and Elections.

REPORTS OF COMMITTEES.

Mr. BARD, from the Committee on Indian Affairs, to whom was referred the bill (S. 3536) for the relief of certain Mission Indians of California, and for other purposes, reported it with amendments, and submitted a report thereon.

Mr. BATE, from the Committee on Military Affairs, to whom was referred the bill (S. 458) making an appropriation for completing the construction of the road to the national cemetery, near Pensacola, Fla., reported it without amendment, and submitted a report thereon.

PRINTING OF MONOGRAPHS.

Mr. PLATT of New York. I am directed by the Committee on Printing, to whom was referred a concurrent resolution submitted by the Senator from Illinois [Mr. CULLOM], providing for the printing of certain monographs prepared by the Bureau of Statistics, to report it favorably with amendments. I ask unanimous consent for the present consideration of the resolution.

The Senate, by unanimous consent, proceeded to consider the concurrent resolution.

The amendments of the Committee on Printing were, on page 1, line 7, before the word "thousand," to strike out "ten" and insert "two;" in the same line, after the word "thousand," to insert "five hundred;" in line 11, before the word "thousand," to strike out "ten" and insert "five;" in line 14, before the word

"thousand," to strike out "twenty" and insert "ten;" in line 15, before the word "thousand," to strike out "ten" and insert "two;" in the same line, after the word "thousand," to insert "five hundred;" on page 2, line 1, before the word "thousand," to strike out "ten" and insert "five;" in line 2, before the word "thousand," to strike out "ten" and insert "five;" in line 4, before the word "thousand," to strike out "ten" and insert "five;" in line 6, before the word "thousand," to strike out "twenty" and insert "ten;" in line 8, before the word "thousand," to strike out "twenty" and insert "ten;" in line 10, before the word "thousand," to strike out "twenty" and insert "ten;" in line 12, before the word "thousand," to strike out "ten" and insert "two;" in line 14, before the word "thousand," to strike out "ten" and insert "two;" in the same line, after the word "thousand," to insert "five hundred;" in line 15, after the word "hundred," to strike out "twenty" and insert "five;" in line 18, before the word "thousand," to strike out "ten" and insert "two;" in line 19, before the word "thousand," to strike out "ten" and insert "two;" in the same line, after the word "thousand," to insert "five hundred;" in line 20, before the word "thousand," to strike out "ten" and insert "two;" in the same line, after the word "thousand," to insert "five hundred;" in line 21, before the word "thousand," to strike out "ten" and insert "two;" in the same line, after the word "thousand," to insert "five hundred;" in the same line, before the word "thousand," to strike out "ten" and insert "two;" in line 22, after the word "thousand," to insert "five hundred;" in line 23, before the word "thousand," to strike out "ten" and insert "two;" in the same line, after the word "thousand," to insert "five hundred;" in line 24, before the word "thousand," to strike out "ten" and insert "two;" in the same line, after the word "thousand," to insert "five hundred;" in the same line, after the word "Manufactures," to strike out "twenty" and insert "ten;" and on page 3, line 1, before the word "thousand," to strike out "ten" and insert "five;" so as to make the concurrent resolution read:

Resolved by the Senate (the House of Representatives concurring), That there be printed the number of copies hereinafter stated of the following monographs prepared by the Bureau of Statistics of the Treasury Department: Commercial China in 1900, 10,000 copies; Commercial Japan in 1900, 10,000 copies; Commercial Australia in 1900, 2,500 copies; Commercial Africa in 1900, 10,000 copies; Commerce of South America, Central America, Mexico, and West Indies, 10,000 copies; The Russian Empire and the Trans-Siberian Railway, 5,000 copies; Colonial Administration, 1800 to 1900, 20,000 copies; Great Canals of the World in 1900, 10,000 copies; Submarine and Land Telegraphs of the World, 2,500 copies; Maximum and Minimum and Conventional Tariffs, 1900, 5,000 copies; National Debts of the World, 1800 to 1900, 5,000 copies; Sugar Production of the World, 1850 to 1900, 5,000 copies; Territorial Expansion of the United States, 1783 to 1900, 10,000 copies; Porto Rico, Hawaii, Philippine Islands, Guam, Samoan Islands, and Cuba, 10,000 copies; Progress of the United States in its Material Industries, 1800 to 1900, 10,000 copies; Banks of the United States, 1789 to 1900, 2,000 copies; Shipping Industry of the United States, 1769 to 1900, 2,500 copies; Reciprocity Treaties of the United States, 1850 to 1900, 5,000 copies; Movement of Prices in the United States, 1840 to 1899, 2,000 copies; Grain Trade of the United States, 2,500 copies; Provision Trade of the United States, 2,500 copies; Cotton Trade of the United States, 2,500 copies; Coal Trade of the United States, 2,500 copies; Iron and Steel Trade of the United States, 2,500 copies; Lumber Trade of the United States, 2,500 copies; Exports of Domestic Manufactures, 10,000 copies; Internal Commerce of the United States, 1900, 5,000 copies. One-fourth of the number designated in each case to be for the use of the Senate, one-half for the use of the House of Representatives, and one-fourth for the Bureau of Statistics of the Treasury Department. Said reprints to be separately bound in paper, and wherever practicable printed from plates in possession of the Public Printer.

Mr. CULLOM. I merely want to say that small favors are thankfully received. The committee have cut down the number quite extensively, but we must take what we can get.

The amendments were agreed to.

The concurrent resolution as amended was agreed to.

EMPLOYMENT OF MESSENGER.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. DOLLIVER on the 7th instant, reported it without amendment, and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on Pacific Railroads be, and is hereby, authorized to employ a messenger, to be paid from the contingent fund of the Senate, at the rate of $1,440 per annum, until otherwise provided by law.

EMPLOYMENT OF ASSISTANT CLERK.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. HANNA on the 12th instant, reported it without amendment, and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on Enrolled Bills be, and it is hereby, authorized to employ an assistant clerk, to be paid from the miscellaneous items of the contingent fund of the Senate, at the rate of $1,440 per annum, until otherwise provided for by law.

EMPLOYMENT OF MESSENGER.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. KEAN on the 7th instant, reported it without amendment, and it was read, as follows:

Resolved, That the Committee on the Geological Survey be, and is hereby, authorized to employ a messenger, to be paid from the contingent fund of the Senate, at the rate of $1,440 per annum, until otherwise ordered.

Mr. CLAY. Mr. President, I believe we ought to have all the messengers and all the clerks we need to transact the public business, but I notice on December 18 we employed an assistant clerk, at $1,800 per year, and on January 9, 1902, we employed an extra messenger for the Committee on Immigration, at $1,440 per year. On the same day an assistant clerk was employed for the Committee on Standards, Weights, and Measures, at a salary of $1,800 per year.

Again, on January 13, we employed another extra messenger, at $1,440 per year; also, an extra clerk, at a salary of $1,800. Again, on January 20 we employed another extra messenger for the Committee on Coast Defenses, at $1,440 per year. Again, on January 21, 1902, we employed another extra messenger, at $1,440 per year for the Committee on the Organization and Expenditures of the Executive Departments.

Now, that is not all. January 22, 1902, we employed another extra messenger for the Committee on Printing, at a salary of $1,440 per year. Again, on January 23, we employed another extra messenger, at $1,440 per year. On January 23, 1902, we employed another messenger, at $1,440 per year. Then, on January 28, we employed another messenger, at $1,440 per year. On January 29 we employed another for the Coast and Insular Survey Committe, at $1,440 per year. On January 29, 1902, we employed another messenger, at $1,440 per year. January 30, 1902, we employed another messenger for the Committee on Agriculture and Forestry, at $1,440 per year. Again, January 31, we employed another messenger, at $1,440 per year, and on February 3, 1902, we employed another messenger, at $1,440 per year.

It appears, Mr. President, that during the last thirty days we have employed more than 20 extra messengers and assistant clerks in the United States Senate at a salary of $1,440 per year each, and I have been informed that messengers have been employed for committees that never meet. If the services of these additional employees are needed to enable Senators to discharge their official duties, then I have no objection, but if we are creating new places for political favorites, regardless of the need of their services, we ought to stop.

Mr. President, I am not penurious, but it does strike me that we have gone far enough. We ought to have enough clerks and messengers to attend to the business of the Senate, and when that is done we ought to be willing to stop. We ought to look at it in a plain business way. If one Senator can introduce and have passed a resolution providing for the employment of an extra messenger to assist him in the discharge of his duties, then the same rule should apply to minority as well as majority Senators.

Mr. President, I simply desire to call attention to the fact and to show how far we have gone on the line we are pursuing this morning.

Mr. HOAR. Mr. President, I should like to be permitted to say one word on this subject.

The Senator from Georgia, I think, overlooks for the moment the gravity and the laboriousness of the duties we all have to perform. A Senator of the United States exercises in his own person one-half of the legislative power of a great State. He has to deal with subjects the like of which no other legislative body on earth has under its control. He is dealing now not only with the administrative affairs, the jurisprudence, and the interstate and international commerce of a great continent, but he is dealing also with the concerns of new foreign territories which have come practically under our control and which require the consideration, study, and action which the establishing of new conditions make necessary.

I do not think that for a Senator to have the assistance of one clerk and one messenger in the discharge of those duties—getting books, compiling statistics, in addition to the ordinary work of attending to the duties of a committee room and taking care of that and helping him about his official correspondence, typewriting, receiving dictation, and so on—is an unreasonable thing. If that power is cut down it is not the convenience or comfort of Senators that is cut down; it is the efficient service to the people.

There are Senators in this body certainly who have to work a great deal harder than I do. I know the nature of the subjects with which they have to deal and the variety assigned to their several committees and their conduct in this body, which require a physical and mental labor which I should be incapable of performing at my age. I have in the service of the Judiciary Committee two clerks and one messenger, and I do not believe that there are three harder worked young men in the whole city of Washington than those three. If I had two more at my control I could employ them profitably to the advantage of my own State

and to the advantage of the public service, as well as to my own convenience.

I acquit, of course, the Senator from Georgia of any desire to appeal to a narrow, parsimonious feeling which may exist anywhere. He is the last man in the world to whom that could occur. But I think he underrates the needs of the Senate. I think the people of the United States are intelligent enough to know that they get better and more satisfactory service when a Senator is not all the time burdened, intellectually and physically, with the details of small matters which can be put upon an assistant.

Mr. BERRY. Mr. President, I think the Senator from Massachusetts misunderstood the Senator from Georgia. If I am correctly informed, the additions which have been put on are in addition to the one messenger for each Senator appointed prior to that time. These are assistant clerks and additional messengers. I think that under the rule established here it was arranged that every Senator should appoint a messenger, except the minority Senators, who have no committees, and they were permitted to have a messenger, but at a reduced price.

Mr. HEITFELD. At $720.

Mr. BERRY. At $720 instead of $1,440.

Mr. GALLINGER. If the Senator will permit me——

The PRESIDENT pro tempore. Does the Senator from Arkansas yield to the Senator from New Hampshire?

Mr. BERRY. Certainly.

Mr. GALLINGER. I think the Senator is laboring under a misapprehension on one point, and I know he does not wish to do so.

Admitting that the Senators in the majority in the Chamber have been granted the privilege of naming a messenger, those messengers in every instance are employed by the Sergeant-at-Arms, and have no relation to the Senator or his committee. The only committees that have messengers assigned to them are those the Senator will find included in the appropriation bill.

Mr. BERRY. I do not think I said anything differently from that. My understanding was that each Senator of the majority and each Senator of the minority who is chairman of a minority committee is entitled to name a messenger who receives a salary of $1,440 a year. Each Senator of the minority who is not chairman of a committee is, under some rule or regulation which was made, permitted to name one at $720 a year.

Now, these additional appointments, as the Senator from Georgia says, have been coming in here from day to day. A messenger is appointed by the majority in addition to the messengers that they already have, and a number of appointments of assistant clerks have been made. I have seen this going on from day to day. While the responsibility rests with the majority of the Senate, and there is no doubt about it, as to the employees that they shall have, yet I think every Senator, in a certain way, is responsible unless he raises his voice against it. It seems to me that in the last month these appointments have been out of all reason. I think messengers and assistant clerks have been appointed to committees where they were not needed. I refused on one committee of which I am a member. It is true it has a great deal of work, but I think the committee clerk is not overworked on that committee. The chairman asked me to sign a paper requesting that the committee be given an assistant clerk. I told him I would be glad to accommodate him, but I did not think it was right and I could not do it, and I did not sign it. There is one other committee of which I am a member where I was asked to sign a paper for a messenger, and I will state that that committee has never had a single meeting. I was asked to sign to get a messenger for that committee and I declined to do it.

I thoroughly agree with the Senator from Georgia. I think the Senate has a sufficient number of employees. I realize what the Senator from Massachusetts says as to the work and all that, but I do think that in continuing from day to day to appoint additional messengers and assistant clerks we have gone beyond what is reasonable and what is right. I think that such practices bring upon the Senate the just criticism of the country in regard to its extravagance for its own convenience. I am opposed to the resolution.

Mr. LODGE. Mr. President——

The PRESIDENT pro tempore. One moment. Is there objection to the present consideration of the resolution? The Chair hears none, and the resolution is before the Senate.

Mr. LODGE. Some time ago the Senate provided that each Senator should have a clerk or a private secretary without regard to whether he was chairman of a committee or not. These additional messengers amount in many cases to giving each Senator two clerks. I am not speaking of committee clerks of course now, I am speaking simply of individual appointments. It amounts to giving a Senator two clerks instead of one; and I am prepared to say that on that broad ground, applying it to every Senator in this Chamber, I think they are entitled to it.

It is true that the roll of the Senate has swollen to enormous proportions. Undoubtedly it might be reduced without affecting the immediate work of each Senator. It all arises, in my judgment, from the fact of the insufficient salary. In other words, Senators get the salary that they ought to receive indirectly. It would be a great deal better, I think, and a great deal more approved by the country, if each Senator had a proper salary, and then the multiplication of assistants would no longer be justified, because if a Senator needed more in any given case than the one secretary allowed he could pay for it himself. But under existing circumstances it is impossible for many Senators to pay for additional assistants.

Judging from my own experience, I do not think that a Senator, especially if he represents a large and populous State, is able to attend to the work of that State and his duties in this Chamber without two clerks. In my own case, and I am speaking from a very recent experience, owing to the work that my committee is engaged in at this moment, with hearings every morning from 10 to 12, and then the necessary presence of the members of that committee on the floor during the rest of the day, I know that I, and I think almost all of the members of my committee, have been in this Capitol building from 10 until 6. I know that I myself have had no opportunity to attend to the mass of mail which, in common with other Senators, I receive daily, and to attend to the work of that committee, to see that the papers are ready, that the hearings are printed, that the proof is corrected, that it is laid on the desks of the members of the committee, and that the bill is properly looked after here, as it must be by the members of the majority and minority who are specially interested in it. I say that in my own case, as chairman of that committee, with a clerk for myself and a messenger for the committee, I have just as much as I can do to deal with my own work.

I believe the true solution, as I have said, is to pay what every man in this Chamber practically thinks ought to be paid, and allow one secretary. Then if a Senator needs more he has the money, if he chooses to expend it in that way, to employ additional assistants. But, as we are now situated, it seems to me that every Senator of the minority and majority ought to have, if he so desires, two clerks, or a clerk and a messenger—whatever name you choose to give them—instead of one.

I instanced my own case; but I know many Senators in this Chamber to-day who have two clerks, and yet the mass of mail they receive, the mass of correspondence they must have, representing even larger and more populous States than my own, is such that they are paying out of their own pockets in order to do the public work. Now, I do not believe the American people in the least desire that sort of thing. I believe that they want their public servants paid a fair living wage, and one which will enable them to do the work properly and efficiently that they are sent to do. If it is not done directly by a proper salary it is going to be done indirectly by the multiplication of clerks and assistants which every Senator finds that he needs.

Mr. TELLER. Mr. President, I know the Senator from Massachusetts did not mean to say what, it seemed to me, he did say, and which might be so construed by the public. It struck some Senators sitting near me in the same way. The Senator did not mean, by saying that it was an indirect way to increase our salaries, that we were getting any financial benefit?

Mr. LODGE. Oh, of course not, Mr. President.

Mr. TELLER. That is simply what I wanted to have understood.

Mr. LODGE. I did not suggest that for a moment.

Mr. TELLER. No.

Mr. LODGE. I meant that if a proper salary was paid, these little perquisites—a little money for stationery and an additional messenger here and an additional clerk there, and mileage and all these other things that are used indirectly to swell the salary—would disappear. I believe the business way is to pay an ample salary, give each Senator one clerk, pay that clerk an ample salary, and then if the Senator needs more assistants he will be able to obtain them without trenching on his proper living expenses.

Mr. TELLER. I wish to say that it does not help out the salary. Of course, if we had $10,000 or $15,000 a year we could afford to hire our own clerks, but every Senator who employs a clerk must pay the clerk the amount allowed to the clerk, that is, the clerk does not get it from the Senator; he gets it from the Secretary of the Senate.

Mr. CULLOM. Senators do not handle the money or have anything to do with it.

Mr. TELLER. They do not handle the money. I want that to go out distinctly. In some places I believe the money is handled by those who get the benefit by way of a clerk, but that is not the case in the Senate.

Mr. LODGE. Oh, certainly not.

Mr. TELLER. We do not touch the money.

Mr. LODGE. The Senator knows that I never meant to imply

anything of the sort. They are all paid by the disbursing officer. No Senator has anything to do with the payment of the money.

Mr. TELLER. I know the Senator did not mean it, but I want it to go out to the country clearly that we do not handle the money or have any financial benefit from it. All we do have is the benefit of the service.

Mr. LODGE. That is all.

Mr. TELLER. And that, as the Senator from Massachusetts says, we certainly need.

Mr. LODGE. I am much obliged to the Senator for calling my attention to it.

Mr. TURNER. Mr. President, I have no doubt that some of these messengers whom we have been voting may not be very necessary, but I have not been disposed to call any of the resolutions providing for the payment of additional messengers into question, because I know that as a general thing they are very necessary.

I agree entirely with what both the Senators from Massachusetts say about the great burden imposed upon the shoulders of Senators here in the performance of the ordinary routine work pertaining to their duties as representatives of the States. I know that in my own case, what with the committees taking up my time in the mornings and the routine duties, I absolutely have not had time to be in this Chamber in the afternoons either to listen to or participate except to a very limited extent in the business of this body.

What the Senators have said in reference to chairmen of committees applies, not to the same extent, but with very great force to every Senator in this Chamber.

I have no disposition to object to giving any Senator who thinks he needs additional clerical assistance that assistance, but I think this matter ought to be equalized. When I first came into this body it was the rule that each Senator, in addition to his private secretary, should have a messenger at $1,440 per annum. After our Republican friends reorganized the body they continued that as to all Senators, either on the majority or the minority side, who were chairmen of committees; but they cut the Senators down who were not chairmen of committees upon the minority side to a laborer at $720, thus enabling them to get some additional clerical assistance, but not such as they need, not giving the employee sufficient compensation so that they could get the character of clerical assistance that they actually need in the performance of their routine duties.

For this reason, Mr. President, and in order to equalize this matter, I have prepared an amendment to the pending resolution, which I hope our friends on the other side will vote for. I offer it in good faith. It is absolutely essential, in my judgment, that all Senators should have the assistance which the amendment I shall offer provides. I hope that Senators will vote for it.

The PRESIDENT pro tempore. The Senator from Washington offers an amendment to the pending resolution. The amendment will be read to the Senate.

The SECRETARY. It is proposed to add at the end of the resolution the following:

> Each Senator, not chairman of a committee, shall be entitled to employ a messenger at a salary of $1,440 per annum, to be paid from the contingent fund of the Senate.

Mr. ALLISON. Mr. President, I think the Senator from Washington is mistaken as respects what has been hitherto done as to messengers and clerks of Senators not chairmen of committees. I have had considerable experience in the matter of adjusting the clerical force of the Senate. We have had frequent controversies with the House of Representatives in regard to this matter. Several years ago the Senate inserted in one of the appropriation bills a provision authorizing the appointment of clerks to Senators not chairmen of committees at the rate of $1,200 per annum. That contest lasted for three or four years, the House always yielding on the particular appropriation bill, but always making the contest when it appeared again in an appropriation bill.

Finally that was acceded to by the House, and gradually the House of Representatives adopted a rule whereby each member of the House should be allowed $1,200 for clerk hire, and that rule prevails in the House at this time. Each member of the House has a clerk of his own at $1,200, and I think it also applies to members who are chairmen of committees. I may not be correct about that. I have not in mind exactly the provision.

Some years ago, I think the senior Senator from Connecticut was chairman of a committee which was directed to inquire into and adjust the salaries of clerks to committees and clerks to individual Senators.

Mr. TURNER. I wish the Senator from Iowa would permit me to interrupt him.

Mr. ALLISON. Very well; I yield to the Senator.

Mr. TURNER. The Senator commenced his remarks by saying that he thought I was mistaken as to the rule which had prevailed.

Mr. ALLISON. I will end, I think, by showing wherein the Senator is mistaken as to the rule.

Mr. TURNER. Then I will wait until the Senator has concluded

Mr. ALLISON. That committee arranged a scheme for the Senate whereby each committee of the Senate was allowed a clerk at $1,800 a year, with certain excepted committees, the clerks of which were to receive $2,220 a year. It also provided that each Senator not a chairman of a committee should be entitled to a clerk at a salary of $1,500 per year, and that is the prevailing provision as respects clerks. Every Senator on this floor not a chairman of a committee has an individual clerk at the rate of $1,500 a year, but every Senator who is chairman of a committee does not have such a clerk.

Therefore, when we have a chairman of a committee, whether on this side or on the other, he is entitled to a clerk at $1,800 a year, but he is not entitled to a clerk for his own exclusive use.

There never has been, so far as I know, any provision that each Senator should be entitled to a messenger as well as a clerk. It was arranged, I think, two years ago, not by statute, but by a fair adjustment among Senators, that each Senator not chairman of a committee should be entitled either to a messenger at $1,440 or to a laborer at $720, so that every minority Senator here who is chairman of a committee has a clerk with a salary of $1,800 or $2,200, as the case may be, but he is not entitled to a messenger. However, we provided a sufficient number of messengers in our adjustment two years ago to give practically to each member of the majority the selection of a messenger, but that messenger was not for the use of the individual Senator; he was for the use of the Senate. So all the messengers about these corridors and in these halls and attached to committee rooms in various ways are messengers of the Senate and not messengers of committees. Of course many of these messengers are detailed in the mornings to do work not connected with any committee, but they are all in some form attached to some committee, looking after the committee room, etc.

When that adjustment was made, it was also provided that the minority should have one of two kinds of messengers, either at a salary of $1,440 or $720 per annum, so that, as I understand—I was not a member of the committee, and, therefore, I may not state it with absolute exactness—Senators in the minority now, though it may not apply to all of them, but practically to all of them, are entitled to a clerk at $1,500 per annum and a messenger either at $720 or $1,440. Senators of the minority party, as I understand, have a messenger at one or the other of those salaries absolutely for their own use.

A number of committees for a good many years have had messengers especially assigned to their committee rooms. I do not now remember how many, but fourteen or fifteen. The number has gradually risen, so that the number has been increased from year to year, and now, at this session, I understand from the suggestion of the Senator from Georgia, that there have been added as messengers to committees some twelve or fourteen.

Mr. PLATT of Connecticut. Will the Senator permit me to make a suggestion?

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Connecticut?

Mr. ALLISON. I yield to the Senator, because he knows more about this subject than I do.

Mr. PLATT of Connecticut. We have added since the commencement of this session, prior to this morning, 19 employees, some of whom are messengers and some assistant clerks, upon resolutions introduced the same as those which we have passed upon this morning. There are 3 more this morning, which make 22, and 1 ready to report, but not reported, which makes 23.

Mr. ALLISON. Very well. We are, therefore, adding rapidly to the force of the Senate.

I agree with what was said by the senior Senator from Massachusetts [Mr. HOAR] and the junior Senator from Massachusetts [Mr. LODGE], that we ought to have here a sufficient force to reasonably discharge our public duties and such incidental duties as belong to a Senator. We all know that the work of Senators is constantly increasing. But I have a belief—it may be founded only upon what I see—that we are adding too rapidly to this force; that we are taxing the contingent fund of the Senate to a degree that will be exceedingly inconvenient sooner or later in our dealings with the House of Representatives upon these subjects, although they have always yielded to us, and I presume always will allow us our own way as respects the expenditures of the Senate; but, so yielding, it seems to me that we ought to have a care that our employees are not multiplied too rapidly and to see that those employees are in every case necessary to the current work of the Senate.

Our Committee to Audit and Control the Contingent Expenses of the Senate is, I think, the committee that should have the responsibility, and does by law, as I undersand, have the respon-

sibility of reporting to the Senate whether or not these clerks are needed, and when they report that additional clerks are necessary I think we ought to fairly consider that they are reporting after a proper examination of the subject.

The amendment suggested by the Senator from Washington is an amendment which I think he ought not to insist upon at this time. I believe that there ought to be a committee, and, as I have said, I think the Committee to Audit and Control the Contingent Expenses of the Senate is the proper one that ought now to take a roster—if I may use that term—of the Senate force and see whether or not that force as now constituted from time to time is a sufficient force to transact the public business of the Senate. I think that would be a wise thing to do. If it shall then turn out that the suggestion of the Senator from Washington is a proper suggestion, whereby necessarily the force will be largely increased, then I think the committee ought to report in favor of this proposition, and we ought to agree to it. It is certain that from year to year we have increased the force of the Senate, not only as respects the majority, but also as respects the minority Senators, far beyond what existed in former times or as existed in recent times.

I do not make any motion about this matter, because I do not wish to interfere with it, but I think some committee ought to take the question up and deal with it.

Mr. TURNER. Mr. President, I do not controvert what the Senator from Iowa says concerning the legislative history of this question or concerning the question which the employment of these various officers presents under the law authorizing their employment, but it is a fact which has probably escaped the attention of the Senator from Iowa, by reason of his being the chairman of a large committee having ample clerical assistance, that prior to the last organization of the Senate by the majority on the other side there were enough messengers employed under the law so that the Sergeant-at-Arms was enabled to give to every Senator in this body, whether upon the majority or minority side, a messenger at $1,440 per annum to assist him in the performance of the detail duties which necessarily devolved on him. It is a fact that when the Senate was reorganized, through some rule or order, the history of which I am not entirely familiar with, that this messenger was cut off from Senators upon the minority side not chairmen of committees, and they were compelled to content themselves with a laborer at $720 per annum.

I say that it is indisputable, and every Senator in this body on either side knows it, that a Senator can not have time to give attention to his public duties by reason of the routine duties of his position, unless he has ample clerical assistance. It is a fact that his secretary, generally not being a stenographer, but generally being a person upon whom he can rely for advice and assistance in collating information necessary to be had by him in the transaction of his public duties in this Chamber, is not enabled to give very much time to the performance of those routine duties, and each Senator needs a thoroughly competent and reliable man to assist him in the performance of his departmental duties and in the conduct and dispatch of his correspondence with his constituents.

While it is true that the clerks of committees are not technically the clerks of the chairmen of those committees, yet, outside of a half dozen important committees in this Chamber, it is known that, as a matter of fact, they are as much so as the clerks of Senators who are not chairmen of those committees; and outside of a half dozen important committees in this Chamber, the messengers attached to those committees perform as their sole duties this detail work which I have been referring to as being devolved upon every Senator.

Mr. BERRY. Will the Senator permit me to say a word?

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Arkansas?

Mr. TURNER. Yes, sir.

Mr. BERRY. Mr. President, I think the Senator is mistaken in regard to his last statement. I do not think the messengers appointed by many Senators who are chairmen of committees render any assistance to the Senators themselves. In a large number of cases I know they do not. I refer to the messengers who are on duty at the doors and in various other places who have been appointed by those who were chairmen of committees. In many cases they render no service to the Senator individually at all.

Mr. TURNER. I am speaking about messengers to committees, and not the general messengers of whom the Senator speaks.

Mr. BERRY. I beg the Senator's pardon. I did not so understand him.

Mr. TURNER. But even as to those messengers who are stationed in the halls and corridors and at the doors, I know, as a matter of fact, that they are enabled in many cases to be of great service to the Senator who has been accorded their appointment in the performance of his routine duties.

It is true that we have added, as the Senator from Connecticut [Mr. PLATT] has said, some 20 or 21 messengers to the roll of this body, all by special resolutions like that now upon the table for consideration. Those have all gone to swell the assistance given to our friends on the other side in the performance of their duties. There are not over 10 members on the minority side who are not now given a messenger, and the amendment which I offered here—whether or not its wording accomplishes the purpose it was intended to accomplish, in view of the labor now accorded to minority Senators who have not these messengers, I am willing to make the wording specific, if it be not so already—will not, as I say, result in adding to the pay roll of the Senate over 10 additional employees, with additional compensation amounting to $720 per annum each.

It does seem to me that our friends on the other side, who are amply supplied with clerical assistance, ought not to grudge that to the minority Senators on this side, who they know are overwhelmed with the performance of their routine duties that interfere with public duties, to which they ought to be permitted to give their entire attention.

Mr. ALLISON. I am sure that the Senator from Washington does not mean to impute to me indifference because, as he said, I happened to be chairman of a committee that was amply provided with clerical force. I hope the Senator from Washington will take occasion to withdraw that remark.

Mr. TURNER. If the Senator will permit me a moment, I meant to impute nothing of the kind to him. I only said his attention had not been called to this change, which was forcibly borne upon me, and that he being the chairman of a large committee it had not affected him in anyway.

Mr. ALLISON. So far as the Committee on Appropriations is concerned, I wish to say to the Senator that the present clerk of the Committee on Appropriations has been the clerk of that committee for, I think, nearly thirty years. During the period of my chairmanship, which extends back to 1881, I think he has written for me in vacation two letters. With that exception, every moment of his time is occupied with his duties to the committee, and he spends as many hours in this Capitol as any Senator on this floor, and many more hours than most Senators. Therefore, the fact that I have a clerk to the Committee on Appropriations is of no value to me as respects all the various matters that are outside of that committee room.

I have also a messenger assigned to the committee room. The members of the Committee on Appropriations will know how much service he can be to me personally during any of the hours of the day. So the assistant clerk I have, or, rather, which the committee has, is constantly occupied during the day, at least, with matters connected with the committee.

If Senators of the minority were, as individual Senators, by any rule entitled to messengers prior to the beginning of this Congress, I am not aware of it. If the Senator from Washington, as a Senator, had a messenger prior to the beginning of this Congress, he must have had that messenger by assignment of the Sergeant-at-Arms, and not by any law or provision in any statute book which gives to an individual Senator a messenger. I know of no such statute and no such arrangement, unless the arrangement may have been made through the Sergeant-at-Arms of the Senate.

Whilst saying this, I am willing, for one, that each Senator, whether of the minority or majority, shall have such force as is needed for the transaction of the public business and the incidental duties connected with the position of a Senator. But if this matter is to be pressed upon the Senate this morning, I shall move to recommit the resolution which is before the Senate, with the amendment proposed by the Senator from Washington, for further examination and consideration, so that we may be informed as to just what the situation is.

Mr. PLATT of Connecticut. Mr. President, it will be remembered that several days ago, perhaps two or three weeks ago, there was a resolution introduced providing for the appointment of a messenger or an assistant clerk for the Committee on Coast and Insular Survey or the Committee on Coast Defenses, I do not remember which, but I think the Committee on Coast Defenses, and I felt it my duty to suggest then that we were going too fast in this matter. It was not a gracious or a pleasant thing to do, but I felt that I ought to bring the matter to the attention of the Senate. The Senate, however, seemed to take no interest in it; the resolution passed, and since then I think six or eight other resolutions of a similar character have passed, and we have this morning three or four more.

I realize, Mr. President, the fact that we are all overworked. I do not believe the country understands or begins to understand the amount of work which burdens a Senator of the United States if he attempts to discharge his full duty as a Senator. I am not opposed to having such assistance voted to Senators as will enable them properly to perform their work, but I do not think there ought to be discrimination in these matters. We

can not, as it seems to me, properly vote to one Senator a messenger or assistant messenger, or a clerk or assistant clerk, and withhold such clerical force from other Senators who are just as much burdened with work. But the practice of the Senate has led to this result, that we have a clerical force, or a force of messengers and employees, which is supposed to be necessary to transact the business of the Senate and its committees. We have authorized the appointment in addition, by the resolutions which have been passed, of assistant clerks and messengers, who are to be really the private clerks of the chairmen of committees, to whom the appointments are on the face of them made. That is not fair, Mr. President, unless it is to be extended throughout the Senate.

We have had here this morning, I think, a committee appointment of a messenger or a clerk or assistant clerk to the Committee on Pacific Railroads, which we have already passed, and one to the Committee on the Geological Survey, which we have passed. Those committees are not overburdened with work. They meet seldom—very seldom—they have few bills before them. The clerks of those committees have time to devote to the personal, or public personal, business—if I may use the expression—of the chairman of the committee, a great deal more so than the clerk of the Committee on Appropriations, or the clerk of the Committee on Post-Offices and Post-Roads, or the clerk of the Committee on Pensions, or the clerks of other like committees that have numerous bills before them, which engage the attention and the labor of the clerk and perhaps of the assistant clerk of the committee all the time.

Mr. President, Senators have spoken about what help they have as chairmen of committees. I trust I may be pardoned for speaking of what assistance I have. There is a clerk of the committee of which I am chairman, I have a laborer detailed at the door of my committee room as a messenger, and that is all. I think, Mr. President, that I am as much burdened with public business as perhaps any Senator. If these resolutions are to pass, there ought to be one passed for my benefit. If we are to go on and by these separate resolutions appoint for the benefit of Senators here and there clerks or messengers, who are really to be their assistants, we should go through the list, as it seems to me.

I think it is a matter that should be considered by some committee as to whether the clerical force of the Senate and the employees of the Senate are now sufficient or not, as to whether we ought to have additional appointments; that some rule should be adopted about it; that there should be no discrimination; that one Senator should not have, under the guise of appointing a messenger or a clerk to his committee, some one to help him do his public and private work here in the Senate, and another Senator, equally deserving, not have such assistance. I think the whole matter ought to be referred to the Committee to Audit and Control the Contingent Expenses of the Senate, who should look into it and make a report as to what force we have and whether it is sufficient, and, if it is not sufficient, what we ought to have.

I think there is another thing that might well be considered by such a committee. The Sergeant-at-Arms and the Secretary of the Senate have certain duties to perform with reference to the business of the Senate. I think that their force should be entirely independent of and disconnected with appointments for the benefit and for the assistance of Senators. I do not think that, under cover of appointing people who are really supposed to belong to the force of the Sergeant-at-Arms or to the force of the Secretary of the Senate, these appointments to help Senators and enable them to perform their duties should be made.

I have prepared here hastily a resolution, which I know is not now in order, but which I wish may be read for the information of the Senate, and which I hope will pass, so that this whole matter may be considered by some committee of the Senate, and I think the Committee to Audit and Control the Contingent Expenses of the Senate is the proper committee.

The PRESIDENT pro tempore. Without objection the resolution of the Senator from Connecticut [Mr. PLATT] will be read.

The Secretary read as follows:

Resolved, That the Committee to Audit and Control the Contingent Expenses of the Senate be directed to consider the necessity of the present or an additional clerical force of the Senate, and to report by bill or otherwise.

Mr. GALLINGER. Mr. President, I would not say a word on this subject were it not for the fact that I am a member of the Committee to Audit and Control the Contingent Expenses of the Senate and have had my share of trouble in connection with the matter that is under consideration.

The exact number of messengers and assistant clerks appointed by resolution during the present session of Congress is 13 messengers and 4 assistant clerks. Whether they have been needed in every case or not I am not prepared to say; but the presumption is that there was a necessity for their employment.

I have myself felt that this matter ought to be taken up by some committee and be carefully considered and arranged in a way that would be just to every Senator and that would not do injustice to the Government or to the Senate itself.

I am modest about speaking of my own committee, Mr. President. We have burdens there that we keep to ourselves, and it is well that we do. We have correspondence from every State in the Union that we have to answer, and we have a procession from morning until night, including Sunday, of people who have to be listened to. My individual work is so far behind in many respects that I sometimes despair of ever being able to catch up with it.

For three years an additional person has been employed by that committee whose name is not on the roll, but payment has been made. Yesterday the Senate in its wisdom gave that committee an additional assistant clerk. I think it was a wise thing to do, not because of any benefit it will bring to me, but because of the fact that it will enable the committee to better discharge the duties which are being pressed upon it by Senators, by Representatives in Congress, and by the general public.

Mr. President, I took occasion the other day to say that in my opinion—and I am very glad to know that the press of my State has applauded rather than condemned me for it—the pay of Senators was utterly inadequate and parsimonious. I am not myself able to pay much out of my private purse to compensate help that ought to be provided by the General Government. I have done something in that line, and I know other Senators who have done much more than I have.

When these resolutions come to the Committee to Audit and Control the Contingent Expenses of the Senate, while I have held my breath somewhat in regard to them and have mildly suggested that it was perhaps a questionable practice, yet I have not felt like denying my vote in favor of their favorable report, and they have come here and have been passed.

I have no particular remedy to suggest. Perhaps the plan which the Senator from Connecticut has embodied in his resolution will best meet the requirements of the case. If the matter goes to the Committee to Audit and Control the Contingent Expenses of the Senate it certainly will have very careful consideration, and it is possible that we may be able to evolve some plan which will give better satisfaction to the individual members of this body, and which will give relief to many Senators who, I know, are carrying burdens that they ought not to be asked to carry.

Mr. TURNER. In view of the proposed resolution of the Senator from Connecticut, I withdraw the amendment to the pending resolution.

The PRESIDENT pro tempore. The Senator from Washington withdraws the amendment.

Mr. SPOONER. I understand the Senator from Connecticut will withdraw his resolution.

Mr. PLATT of Connecticut. I did not offer it.

The PRESIDENT pro tempore. The resolution was not pending at all.

Mr. PLATT of Connecticut. The Senator may embody it in a motion, so as to make an instruction to the committee.

Mr. SPOONER. I move to recommit the resolution to the Committee to Audit and Control the Contingent Expenses of the Senate, with instructions to consider the necessity for the present or any additional clerical and messenger force of the Senate, and to report by bill or otherwise.

I desire to say a word on this subject. When, in the early part of the session, a similar resolution came before the Senate, and the Senator from Connecticut [Mr. PLATT] rather objected, I felt constrained also to express the opinion that such resolutions ought to be referred to some committee which would consider the necessity for the proposed increases in the clerical force and the messenger force of the Senate, it being admitted that the Committee to Audit and Control the Contingent Expenses of the Senate simply considered the question whether there was sufficient money in the contingent fund to pay the additional employees.

As we are going along we are discriminating in an unfair way. As the Senator from Iowa [Mr. ALLISON] has said, every Senator upon the minority side of the Senate who is not chairman of a committee has not only a secretary, but he has a laborer, who is named by him and is entirely subject to his direction. There is a measure of justice in that, and almost necessity, growing out of the fact that a good many of our Senators are stationed in the Maltby House, a good ways from the Senate, men who work very hard, who study public questions, who have occasion to send very frequently to the Library for books, and need such service. There is no doubt about that.

But what the Senator from Iowa says as to the ordinary committee messengers is true. They are a part of the force of the Sergeant-at-Arms. They are nominated ordinarily by the chairman of the committee. He appoints them. But they are in the service of the Senate.

Now, as chairman of the Committee on Rules I nominated a man as a messenger. I have no use whatever of him. He is hardly ever in my committee room, and I have never utilized him

at all for any purposes of the committee, much less for any purposes of my own. That is true of other chairmen on this side of the Chamber. These men are engaged in discharging duties imposed upon them by the Sergeant-at-Arms, and they are really in the service of the Senate in fact, although technically in the service of the committee.

These resolutions which we have been passing from time to time provide for the appointment of messengers who are not to be in the service of the Senate, but who are really to be in the service of the committee, which means the members of the committee and the chairman of the committee. There is a discrimination.

I ventured to express a doubt whether it was wise to grant these messengers. I was told—and I yielded to it because it is difficult and ungracious to antagonize such a proposition—that the chairman of a committee and the committee know whether they need the messenger or not, and when a chairman of a committee, under instructions from his committee, reports that the committee needs a messenger that that ought to be taken as the end of it.

So we have gone along, as I expected we would, and have passed day after day these resolutions, and before we are through with it of course every committee will have a messenger (some of the messengers entirely subject to the control of the chairman and not in the service of the Senate, and others in the service of the Senate and having nothing to do with the committee), and the minority, not chairmen of committees, each Senator having a messenger subject to his entire direction.

I think the whole subject should be carefully investigated and revised. There is great force in what the Senator from Washington [Mr. TURNER] and other Senators have said as to the inadequacy of the clerical and other help for Senators. I try to work in the Senate and to do the duty of a Senator. I do it with one secretary. I dictate replies to my correspondence, which is voluminous, and I hardly ever get to the investigation of a public question in which there is a general public interest until after people generally have retired for the night. It is not the right way to do business. It is not conducive to the best investigation or to the best public service; and I have no hesitation whatever in saying that in the present environment and under the present circumstances, considering the incidental duties of a Senator, we are not so situated as to be able to do the service which the people expect of us and which we come here to perform, in its relation to large public matters of far-reaching consequences, which are complicated and which require the utmost care and study.

I move to recommit the resolution with instructions to the committee as I have stated.

The PRESIDENT pro tempore. Will the Senator from Wisconsin send the instructions to the desk?

Mr. SPOONER. I will state them. I move to recommit the resolution with instructions to consider the necessity for the present of any additional clerical and messenger force of the Senate, and to report by bill or otherwise.

Mr. DUBOIS. Mr. President, I think we ought to be perfectly frank in discussing this question, and we ought to deal justly with ourselves.

Mr. QUARLES. Will the Senator from Idaho permit me to make a suggestion? I dislike very much to interrupt the Senator, and I venture to do so only because of the exigency in which I am placed.

Mr. DUBOIS. I can get through sooner than the Senator from Wisconsin can make his statement, if he will pardon me.

Mr. QUARLES. I appeal to Senators that under the circumstances, if there is to be further debate, it be postponed so as not to interfere with the wish of the Senate as to taking up another measure.

Mr. DUBOIS. I am a new Senator; that is to say, I am beginning a new term, and take the position of other new Senators, and necessarily in consequence have not so many burdens placed upon me as have older Senators or those in more responsible positions on committees. But I think I can safely say that there have not been seven mornings during the entire session when I have not been engaged in committee work, and I think at least one-third of the time since the session commenced I have been engaged in committee work night as well as morning.

Now, I have a laborer at $720 a year, and he is quite valuable to me; but he happens to be a young man from my own State who desired to study law, and he came here. He is a stenographer and he aids me, but he has to eke out his salary with money derived from his parents. I have no money to give him. I have nothing but my salary and could not increase his. In consequence of that I feel a delicacy in asking him to do any extra work. I want him to have as much time as possible for his law studies.

With all this work which I have, which represents the work of every Senator here who is trying to do his duty by his country and his constituents, we simply can not get along and give the proper attention to questions which come up in the Senate and about which we ought to inform ourselves. I believe, as the Senator from New Hampshire [Mr. GALLINGER] does, that we ought to increase our own salaries; but the Senate does not seem disposed to do so. I certainly think we ought to deal justly with ourselves in relation to the help we should have.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Wisconsin to recommit the resolution with the instructions which have been stated.

The motion to recommit was agreed to.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Mr. LODGE introduced a bill (S. 3865) to establish light-houses at the mouth of Boston Harbor to mark the entrance to the new Broad Sound Channel; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Commerce.

Mr. TELLER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3866) granting an increase of pension to William H. Ambrose (with an accompanying paper);

A bill (S. 3867) granting an increase of pension to R. E. Maxwell; and

A bill (S. 3868) granting a pension to Archie Nunnelly (with accompanying papers).

Mr. MARTIN (for Mr. DANIEL) introduced the following bills; which were severally read twice by their tiles, and referred to the Committee on Claims:

A bill (S. 3869) for the relief of the estate of John J. Mitchell, deceased;

A bill (S. 3870) to refer the war claim of the estate of Carter B. Butler, deceased, to the Court of Claims;

A bill (S. 3871) for the relief of Lucy B. Legrande, Catharine Jameson, Elizabeth H. Lester, Shirley B. Shackelford, Edwin A. Gibson, and the heirs of Henry Shackelford, deceased;

A bill (S. 3872) for the relief of C. A. Sprinkel;

A bill (S. 3873) for the relief of the estate of Lewis Shumate, deceased;

A bill (S. 3874) for the relief of Lettie Myers; and

A bill (S. 3875) for the relief of the estate of Dr. Bailey Shumate.

Mr. MARTIN introduced a bill (S. 3876) for the relief of Wesley Rankins; which was read twice by its title, and referred to the Committee on Claims.

Mr. WARREN introduced a bill (S. 3877) to grant a right of way to the Laramie and Sweetwater Valley Railway Company over and upon lands within the Shoshone Indian Reservation, in the State of Wyoming; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 3878) granting an increase of pension to Matthew Ulen; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. SIMMONS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 3879) for the relief of Henry R. Bryan;

A bill (S. 3880) for the relief of Thomas D. Meares, administrator of Armand D. Young, deceased;

A bill (S. 3881) for the relief of the estate of H. D. Coley, deceased;

A bill (S. 3882) for the relief of the estate of W. F. Sanderson;

A bill (S. 3883) for the relief of the estate of William C. Lewis;

A bill (S. 3884) for the relief of Mary N. Bryan; and

A bill (S. 3885) for the relief of the estate of Samuel T. Carrow, deceased.

Mr. FAIRBANKS introduced a bill (S. 3886) to appropriate money to pay the claim of the Indiana State board of agriculture; which was read twice by its title, and referred to the Committee on Claims.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3887) granting an increase of pension to James A. Ludington;

A bill (S. 3888) granting a pension to Jesse H. Hubbard;

A bill (S. 3889) granting a pension to Hulda Stephens;

A bill (S. 3890) granting a pension to Nathaniel M. Gregg; and

A bill (S. 3891) granting a pension to Thomas H. Boswell.

Mr. MCCOMAS introduced a bill (S. 3892) to pay certain claims of the Wichita and affiliated bands of Indians against the United States; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 3893) for the relief of the legal representative of the survivor of Adam, William, and Talbot

Denmead; which was read twice by its title, and referred to the Committee on Claims.

Mr. CLARK of Montana introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Indian Affairs:

A bill (S. 3894) to provide for the erection of two dormitory buildings for the use of Fort Shaw Industrial School, in Montana; and

A bill (S. 3895) for the purchase of cattle for the Indians on the Northern Cheyenne Indian Reservation, in Montana, and for the construction of a fence around a portion of said reservation.

Mr. MCENERY introduced a bill (S. 3896) to amend section 3362 of the Revised Statutes, relating to tobacco; which was read twice by its title, and referred to the Committee on Finance.

He also introduced a bill (S. 3897) for the relief of the estate of Henry E. Lawrence; which was read twice by its title, and referred to the Committee on Claims.

Mr. MCMILLAN introduced a bill (S. 3898) providing for the erection of a public building at Flint, Mich.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 3899) to fix the standard of weights and measures by the adoption of the metric system of weights and measures; which was read twice by its title, and referred to the Select Committee on Standards, Weights, and Measures.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on the District of Columbia:

A bill (S. 3900) to amend an act entitled "An act to provide for the appointment of a sealer and assistant sealer of weights and measures in the District of Columbia, and for other purposes," approved March 2, 1895;

A bill (S. 3901) to require the Columbia Railroad Company to extend its street railroad line along Bladensburg road to the Mount Olivet Cemetery, District of Columbia, and for other purposes;

A bill (S. 3902) to amend an act entitled "An act to regulate, in the District of Columbia, the disposal of certain refuse, and for other purposes," approved January 25, 1898; and

A bill (S. 3903) to provide for suitable accommodations at the Government Hospital for the Insane for the detention and treatment of indigent female epileptics and feeble-minded persons resident in the District of Columbia.

Mr. PRITCHARD introduced a bill (S. 3904) to repair, improve, and enlarge the public building at Greensboro, N. C.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. SCOTT introduced a bill (S. 3905) for the relief of the trustee of St. Joseph's Catholic Church, at Martinsburg, W. Va.; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3906) for the relief of the trustees of the German Evangelical Church of Martinsburg, W. Va.; which was read twice by its title, and referred to the Committee on Claims.

Mr. SIMON introduced a bill (S. 3907) granting an increase of pension to William P. Ross; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. CLARK of Wyoming introduced a bill (S. 3908) granting homesteaders on the abandoned Fort Bridger Military Reservation, in Wyoming, the right to purchase one quarter section of public land on said reservation as pasture or grazing land; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Public Lands.

Mr. BURNHAM introduced a bill (S. 3909) granting a pension to Joseph Rever; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3910) granting an increase of pension to Robert S. Woodbury; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PATTERSON introduced a bill (S. 3911) granting an increase of pension to Henry Smith; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 3912) granting an increase of pension to John T. Dewees; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MITCHELL introduced a bill (S. 3913) for the relief of the Kathlamet band of the Chinook Indians, of the State of Oregon; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 3914) granting an increase of pension to Bushnell B. Loomis; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BURTON introduced a bill (S. 3915) to amend section 2 of an act entitled "An act concerning the practice in Territorial courts and appeals therefrom," approved April 7, 1874; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. CULBERSON introduced a bill (S. 3916) granting an increase of pension to John S. Mitchell; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HAWLEY introduced a bill (S. 3917) to increase the efficiency of the Army; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. FRYE introduced a bill (S. 3918) to prevent dangers to navigation from rafts on the Pacific Ocean; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Commerce.

Mr. WARREN introduced a joint resolution (S. R. 57) relating to military badges; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. PLATT of New York introduced a joint resolution (S. R. 58) authorizing and requiring the Secretary of War to contract with Charles Stoughton for the improvement of the Harlem Kills, in strict conformity with the survey and report thereon in 1891 by Col. John Newton; which was read twice by its title, and referred to the Committee on Commerce.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. DILLINGHAM submitted an amendment providing for the appointment of a customs collector in the district of Vermont, to reside at Burlington, and for one in the district of Memphremagog, to reside at Newport, in that State, etc., intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. TALIAFERRO submitted an amendment authorizing the Secretary of the Treasury to settle the mutual account between the United States and the State of Florida by continuing the computation of interest upon the principal on both sides to the date of settlement, and ascertaining the balance due that State, etc., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Claims, and ordered to be printed.

CONVICTION OF TREASON IN THE PHILIPPINES.

Mr. HOAR. I desire to give notice of an amendment to be offered to the bill in regard to the revenues of the Philippine Islands. Let it be read at the desk and printed.

The amendment was read, ordered to lie on the table, and to be printed, as follows:

Amendment intended to be proposed to the bill (H. R. 5883) temporarily to provide revenue for the Philippine Islands, and for other purposes.

Insert at the end of the bill the following:

"No person in the Philippine Islands shall, under the authority of the United States, be convicted of treason by any tribunal, civil or military, unless on the testimony of two witnesses to the same overt act, or on confession in open court."

PORTLAND COMPANY, OF PORTLAND, ME.

On motion of Mr. FRYE, it was

Ordered, That the bill (S. 1091) for the relief of the Portland Company, of Portland, Me., be recommitted to the Committee on Claims.

SOUTH HAVEN HARBOR IMPROVEMENT.

Mr. MCMILLAN submitted the following concurrent resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to send to Congress, as soon as practicable, the report of Capt. Charles Keller, Corps of Engineers, in reference to certain proposed improvements of the South Haven Harbor, Michigan.

EMPLOYMENT OF STENOGRAPHER.

Mr. BACON submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved by the Senate, That the Committee on Woman Suffrage be authorized to employ a stenographer to report the proceeding at the hearing of the National American Woman Suffrage Association before the committee on joint resolution S. R. 53.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

A bill (S. 73) to authorize the construction of a bridge across the Arkansas River near Fort Gibson, Ind. T.;

A bill (S. 650) granting to the White River Railway Company the right to construct, maintain, and operate a single-track railway across the lands of the United States in the south half of the southwest quarter of section 22, township 14 north, range 8 west of the fifth principal meridian, in the county of Independence, in

the State of Arkansas, reserved for use in connection with the construction of Lock No. 3, Upper White River, Arkansas;

A bill (S. 651) extending the time within which the Mississippi River, Hamburg and Western Railway Company is authorized to construct a bridge across the Bayou Bartholomew in Arkansas;

A bill (S. 910) to extend the time for the completion of a bridge across the Missouri River;

A bill (S. 1165) to authorize the construction of a bridge over the Missouri River at or near the city of St. Joseph, Mo.;

A bill (S. 1838) authorizing the Memphis, Helena and Louisiana Railway Company to construct and maintain a bridge across the Arkansas River, in the State of Arkansas; and

A bill (S. 1839) authorizing the Memphis, Helena and Louisiana Railway Company to construct and maintain a bridge across the White River, in the State of Arkansas.

The message also announced that the House had passed, with amendments, the bill (S. 88) for the relief of parties for property taken from them by military forces of the United States, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 61) to authorize the establishment of a life-saving station at or near Bogue Inlet, North Carolina;

A bill (H. R. 109) to amend section 7 of "An act to establish circuit courts of appeal, and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March 3, 1891, as amended by act approved February 18, 1895, and further amended by act approved June 6, 1900;

A bill (H. R. 718) to correct the military record of James L. Proctor;

A bill (H. R. 3297) to correct the military record of William T. Pratt;

A bill (H. R. 4381) to authorize the Central Railway of West Virginia to build a bridge across the Monongahela River at or near Morgantown, in the State of West Virginia;

A bill (H. R. 6196) transferring a lot in Woodland Cemetery to city of Quincy, Ill.;

A bill (H. R. 7675) to construct a light-house keeper's dwelling at Calumet Harbor;

A bill (H. R. 8586) to amend the act approved March 2, 1901, entitled "An act to carry into effect the stipulations of Article VII of the treaty between the United States and Spain, concluded on the 10th of December, 1898;

A bill (H. R. 10780) to transfer the county of Carroll from the northwestern division of the northern district of Georgia to the northern district of Georgia of the United States district and circuit courts, and for other purposes; and

A joint resolution (H. J. Res. 41) proposing an amendment to the Constitution providing for the election of Senators of the United States.

PERMANENT CENSUS OFFICE.

Mr. QUARLES. I ask unanimous consent for the present consideration of the bill (H. R. 10308) to provide for a permanent Census Office, and for the suspension of the limitation of debate imposed by Rule VIII.

The PRESIDENT pro tempore. The Senator from Wisconsin asks unanimous consent for the present consideration of the bill indicated by him, and that the limitation on debate under Rule VIII be suspended. Is there objection? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Census with amendments.

Mr. QUARLES. I ask that the first reading of the bill be dispensed with and that the bill be read now for amendment, and that the committee amendments be first considered.

Mr. ALLISON. It is understood that the bill is not to be considered under the five-minute rule?

The PRESIDENT pro tempore. Unanimous consent was given for the suspension of the rule. The Senator from Wisconsin now asks unanimous consent that the formal reading of the bill be dispensed with, that it be read for amendment, and that the committee amendments first receive consideration. Is there objection? The Chair hears none.

The Secretary proceeded to read the bill.

The first amendment of the Committee on the Census was in section 3, line 4, page 2, before the word "dollars" to strike out "five thousand" and insert "seven thousand five hundred," so as to make the section read:

SEC. 3. That the permanent Census Office shall be in charge of a Director of the Census, appointed by the President, by and with the advice and consent of the Senate, who shall receive an annual salary of $7,500. It shall be his duty to superintend and direct the taking of the Thirteenth and subsequent censuses of the United States and to perform such other duties as may be imposed upon him by law.

Mr. ALLISON. Are the amendments to be considered as they are reached?

Mr. QUARLES. That is the proposition which I made.

Mr. ALLISON. I hope the amendment will be passed for the present.

The PRESIDENT pro tempore. The Senator from Iowa asks that the amendment may be passed for the present.

Mr. QUARLES. Very well.

The PRESIDENT pro tempore. It will be passed over.

The reading of the bill was resumed. The next amendment was, in section 4, page 2, line 9, to strike out "three" and insert "four;" so as to read:

That there shall be in the Census Office, to be appointed by the Director thereof, four chief statisticians, who shall be persons of known and tried experience in statistical work, at an annual salary of $2,500 each.

The amendment was agreed to.

The next amendment was in section 4, page 2, line 12, after the "thousand," to insert "eight hundred;" so as to read:

A chief clerk, at an annual salary of $2,800.

The amendment was agreed to.

The next amendment was, in section 4, page 2, line 17, to strike out "three" and insert "four;" so as to read:

Four expert chiefs of divisions, at an annual salary of $1,800.

The amendment was agreed to.

The next amendment was, in section 5, page 3, line 14, after the word "placed," to insert "without further examination;" and in line 18, after the word "appointments," to insert "to the clerical force;" so as to make the section read:

SEC. 5. That all employees of the Twelfth Census Office, at the date of the passage of this act, above the grade of skilled laborer shall be, and they are hereby, placed, without further examination, under the provisions of the civil-service act approved January 16, 1883, and the amendments thereto and the rules established thereunder; and all new appointments to the clerical force in the Census Office hereby created shall be made in accordance with the requirements of the civil-service act above referred to.

Mr. ALLISON. I ask the Senator from Wisconsin to agree to pass this provision by. I think there are some other amendments to be offered to the section. I do not wish to offer an amendment, but the Senator from Massachusetts indicated to me his desire to offer an amendment to this provision, and he has been called away for the time being.

Mr. QUARLES. Very well, let it be passed over for the time being.

Mr. BAILEY. Does that include the passing by of the whole section?

Mr. ALLISON. The whole section. I do not know what is the nature of the amendment to be offered by the Senator from Massachusetts.

Mr. BAILEY. I shall move to strike out the civil-service part of it myself.

Mr. ALLISON. The amendment to be offered by the Senator from Massachusetts may affect some of the provisions proposed to be inserted by the committee.

The PRESIDING OFFICER (Mr. HANSBROUGH in the chair). Does the Senator from Iowa desire that the entire section shall be passed over for the present?

Mr. ALLISON. The entire section.

The PRESIDING OFFICER. It will be so ordered.

The reading of the bill was resumed. The next amendment of the committee was, in section 8, page 5, line 11, before the word "registration," to strike out "the" and insert "such;" in line 12, after the word "as," to insert "in the discretion of the Director," and, in line 14, after the word "detail," to strike out the words "in the discretion of the Director;" so as to make the section read:

SEC. 8. That there shall be a collection of the statistics of the births and deaths in registration areas for the year 1902, and annually thereafter, the data for which shall be obtained from such registration records of such States and municipalities as in the discretion of the Director possess records affording satisfactory data in necessary detail, the compensation for the transcription of which shall not exceed 2 cents for each birth or death reported.

The amendment was agreed to.

The next amendment was, in section 10, page 6, line 11, before the word "authority," to strike out "equal" and insert "like;" so as to read:

That the special agents appointed under the provisions of this act have like authority with the enumerators in respect to the subjects committed to them under this act and shall receive compensation at rates to be fixed by the Director of the Census.

Mr. ALLISON. I should be glad to have the Senator from Wisconsin explain why the word "equal" is stricken out and "like" inserted. This is an amendment to section 17 of the act of 1899, and the word "equal" is there used.

Mr. QUARLES. The reason why that change was made was because it was suggested by some of the lawyers on the committee that the word "like" was the more appropriate legal term. It was a mere question as to which term was the more appropriate. It is not of any great importance. It was thought that the

word "like" was a better and more accurate term than the word "equal."

Mr. SPOONER. Would not the word "same" be better than either?

Mr. QUARLES. Possibly so. If the Senator makes that suggestion, I am very ready to accept it.

Mr. ALLISON. The only reason why I inquired is that we seem to have gotten on very well with the word "equal" for two or three years, and I thought it might be better to retain the phraseology unless there is some special reason for abandoning it.

Mr. QUARLES. There is no special reason, Mr. President. If there is objection to it I am not tenacious about it. It was supposed that "like" was a better word.

The PRESIDING OFFICER. The amendment will be agreed to without objection.

Mr. COCKRELL. What is the point here?

The SECRETARY. In line 11, strike out the word "equal" and insert the word "like."

Mr. COCKRELL. "Equal" is in the old law, is it not?

Mr. ALLISON. "Equal" is in the old law. I supposed it was intended that these special agents should have the same authority as was conferred in the old law upon enumerators who had charge of the mechanical and manufacturing schedules. Of course it is not expected that these special agents will enumerate population.

Mr. QUARLES. Oh, no.

Mr. McCOMAS. As I understand, the enumerators have certain powers of visitation and inquiry, and these special agents are to have like authority. The statute gives them certain inquisitorial powers, and this gives the special agent the like power. It is not exactly the same power, but it is like power.

Mr. COCKRELL. Equal power, then?

Mr. ALLISON. Under the existing law, when it is necessary for a special agent to make an investigation, that special agent has equal power with the enumerator for the same purpose. If he has like power, it may be the same power; I am not sure. I suppose it is intended to be a similar power.

Mr. QUARLES. Yes, sir.

Mr. McCOMAS. That is it.

Mr. COCKRELL. Let the law remain as it is, then.

The PRESIDING OFFICER. The Chair will ask the Senator from Wisconsin if he accepts the suggestion of the Senator from Iowa and the Senator from Missouri that the word "equal" shall remain?

Mr. McCOMAS. I understand that there is no motion pending.

Mr. QUARLES. I have heard no motion made.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The Secretary resumed the reading of the bill and read to the end of section 11.

Mr. QUARLES. To correct the phraseology of section 11 I desire to offer an amendment. In line 11, page 7, of the printed bill, after the word "abolished," I move to insert the words "to take effect July 1, A. D. 1902."

Mr. ALLISON. I think that is a very proper amendment.

Mr. QUARLES. It is offered to carry out the real purpose of the law, and it was not clearly expressed.

Mr. ALLISON. Of course the printing could not very well be immediately transferred. I should like to have the Senator explain why it is that this important change is proposed now?

Mr. QUARLES. In regard to the printing?

Mr. ALLISON. In regard to the printing.

Mr. QUARLES. There has always been more or less friction and difficulty with the general Printing Office by reason of the fact that the Census Office had an establishment of its own, and it was thought better by the Director himself that to avoid any possible friction the whole matter of printing and binding should be handed over to the Public Printer. It was to avoid any such friction that the suggestion was made, and I think it is a very wise one. Instead of having a separate establishment and a separate roll let the Public Printer do the whole business.

Mr. ALLISON. I think perhaps that is very well. As it is now, I understand the whole of this printing is done in the Census Office.

Mr. QUARLES. Yes, sir.

Mr. ALLISON. And a very large printing establishment is now in existence there. I do not know precisely how this great transfer can be made, though I think it is wise to make it, by the date fixed, July 1, 1902. Is it expected by the Director of the Census that all the printing will be done as the law practically requires before the 1st of July, 1902?

Mr. QUARLES. Oh, that would be impossible. The law charges the Bureau with the taking of statistics that will last months longer.

Mr. ALLISON. I understand that, but the law as it stands now provides that the four volumes, which are to be the only volumes of the census, are to be printed and distributed before the 1st of July, 1902, and the investigations that are to be made hereafter are to be printed, if at all, in the form of special reports. The information I desire is whether when the printing office is turned over to the Public Printer it will be turned over with all the printing done that is required to be done by the 1st day of July next.

Mr. QUARLES. I understand that that will be the case. The Director advised me that the principal volumes will be ready for publication and circulation on or before the 1st day of July, 1902.

Mr. ALLISON. Some of them have been already issued.

Mr. QUARLES. Oh, yes; some of them have been issued.

Mr. TILLMAN. Before the Senator in charge of the bill takes his seat, I should like to make an inquiry of him.

The PRESIDING OFFICER. The Senator from South Carolina will suspend while the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 5833) temporarily to provide revenue for the Philippine Islands, and for other purposes.

Mr. ALLISON. I ask that the unfinished business may be informally laid aside, so that we can go on with the census bill.

The PRESIDING OFFICER. That will be the order, in the absence of objection.

Mr. TILLMAN. I was going to say that the present Director of the Census in organizing this bureau, as far as my observation has gone, has displayed such a phenomenal grasp of the work of the office and has been so successful in carrying it on up to this time that I doubt the wisdom of getting the results of his work in a tangle with this other printing establishment. We have had a great deal of difficulty in getting some documents from there, and while I do not criticise the Public Printer, because he has been inundated, possibly, with more than he could exactly handle expeditiously, I seriously doubt the wisdom of the transfer.

The Director may have conferred with the Senator, and his judgment in the matter would govern me very much, but knowing how expeditiously and satisfactorily has been the furnishing to the public of the results of the work where he has had full control and has had no third man in the way between him and the actual workmen, I seriously doubt whether it will reduce expenses or will facilitate the transmittal of the statistical work which we are going to get.

Mr. QUARLES. If the Senator from South Carolina will permit me, I may be able to give him another reason. The taking of the census, and especially the next one, is going to be a herculean task. It is going to tax the ingenuity of the Director and the energy of the force that we have. I feel that it is very desirable, in view of that fact, to take off the shoulders of the Director every bit of labor and responsibility that we may. The organization of a large force in a printing office involves a good deal of responsibility and a great deal of time, and the Director has, of course, to organize that force and superintend the whole matter of printing.

I think it is far better, in view of the work that we are committing to the Director, to take that off his shoulders and let the Public Printer do it all, so that he will simply call upon that officer of the Government for such printing as he desires, and have that much more time and energy to devote to the legitimate work of the census.

Mr. McCOMAS. I simply want to supplement the statement of the Senator from Wisconsin in charge of the bill, and to reassure the Senator from South Carolina. The report with this bill states what the Director himself stated in my own presence. He says:

This is done—

That is, the transfer of the printing—

in accordance with the recommendation of the Director, whose experience—

In his office—

justifies him in believing that the printing of the Census Office can be done with equal economy and greater advantage at the Government Printing Office.

In relation to the suggestion of the Senator from Iowa, this section states pretty plainly what is to be done in respect of this transfer.

And the Director of the Census is hereby authorized and directed to have printed, published, and distributed, from time to time, bulletins and reports of the preliminary and other results of the various investigations authorized by law; and all of said printing and binding shall be done by the Public Printer at the Government Printing Office.

Until the 1st of July, all such works and reports, I understand, it is contemplated shall be done in the existing office, and thereafter in the Government Printing Office, where the Director says experience has shown it can be done with equal economy and to greater advantage.

Mr. ALLISON. I do not object to this transfer.

Mr. McCOMAS. I did not understand you to say so. You approve it?

Mr. ALLISON. I think it is a wise thing to do; but I did not think it wise to fix a date so that a half-completed volume or an unbound volume should be transferred from one printing office to another, even though the printing office itself was transferred. In other words, it seemed to me that if this was the proper date it should mean that these four volumes which are required to be printed by the 1st of July, 1902, should then be completed and distributed; and therefore my inquiry only went to the question of time.

Mr. McCOMAS. If the Senator will permit me before he takes his seat, it seems to me if in view of that very excellent practical suggestion, it might be well if the chairman of the committee, the Senator in charge of the bill, would consent to say "on the 1st day of July, 1902, or as soon thereafter as practicable."

Mr. TILLMAN. I am certain that a little elasticity right along there would facilitate the transfer without the friction which the Senator from Iowa suggests may occur, or rather the loss and delay.

Mr. ALLISON. The Senator must see, in the line of the suggestion now made, when this work is done at the Government Printing Office it must be done under an appropriation made for the office of the Public Printer. This printing is done, as I understand it, under the general appropriation made for the Census Office. The entire expenses of the Census Office are now paid out of a lump appropriation. So, the 1st of July, if it can be done by that date, is the most convenient time to make this change, because it is the beginning of the fiscal year.

Mr. QUARLES. That is what I had in mind in suggesting that date. I do not think there is any trouble in having all those volumes printed and distributed before that time.

Mr. HAWLEY. Mr. President, I have in my hand a petition here.

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Connecticut?

Mr. QUARLES. Certainly.

Mr. HAWLEY. It is a petition from very many of the highly respectable and learned citizens of Connecticut, saying:

The undersigned citizens of the United States respectfully pray that provision be made for such collection of statistics of and relating to marriage and divorce as shall bring the report on this subject which was made by the Department of Labor under an act of March 3, 1887, down to the latest practicable date.

Your memorialists respectfully refer to the reasons given in the petition for the original investigation and in the report thereon by the Committees of the Judiciary on pages 10 to 12 of that report as valid also in respect to a supplementary inquiry.

We would also show that the many changes in the marriage and divorce laws since 1886, the last year included in the original investigation; the work of the commissions on uniform legislation that have been created in thirty or more States and Territories; other efforts at uniformity, and especially the extensive interest now taken in the study and treatment of these subjects in our institutions of learning and elsewhere, are further reasons why this supplementary investigation should now be made.

And we would show further that many inquiries are made for this information, and that, with the exception of a very few States, the material remains uncollected and is beyond the reach of private enterprise, while it can probably be secured at comparatively small expense by the same agency that made the report of 1889.

To comply with this petition I suppose would require some amendment of the pending bill. I do not see that the statistics on divorce and marriage are included in the subjects to be considered.

Mr. QUARLES. I would call the attention of the Senator to the schedule on population.

Mr. HAWLEY. Where is that?

Mr. QUARLES. I can call the attention of the Senator to it in a moment. The enumerator is required to report as to each person enumerated, whether, single, married, widowed, or divorced.

Mr. HAWLEY. Where is that?

Mr. QUARLES. It is in the population schedule. It has been employed in taking the Twelfth Census.

Mr. ALLISON. That information is already at hand, and it has been published, or will be published by the 1st of July.

Mr. QUARLES. Certainly.

Mr. HAWLEY. I then ask that this petition be referred to the Committee on Education and Labor.

Mr. ALLISON. The investigation that is mentioned here is an investigation by the Department of Labor. It was made some years ago. We have had in the Committee on Appropriations frequent petitions to make appropriation for it, which we have not done thus far; but if such an investigation should be made it should be made where the former investigation took place.

Mr. HAWLEY. The committee could attend to that.

Mr. McCOMAS. I ask the attention of the Senator from Iowa to a statement in respect of the four volumes. I am now informed that the four volumes printed this year are now, on account of greater facility, being printed in the office of the Public Printer, and of course will be there completed. This removes that difficulty in the amendment.

Mr. BATE. I should like to ask the Senator who has the bill in charge upon the question of bookmaking and printing, whether he has consulted with the Director, the head of this institution. He has had charge of it now for a year or two, and we must all concede that he organized it with much success and conducted it with a great deal of propriety. I myself would like to know whether he thought it was proper that it should go to the public printing office or whether it should be retained as an establishment under him. I would be governed greatly by him after his experience and his success in the management and conduct of that institution. I should like to know the Director's opinion upon the subject.

Mr. QUARLES. Mr. President, I will say to the Senator from Tennessee that the committee have consulted the Director of the Census very fully, and if the Senator will consult the report of the committee he will see a paragraph upon that subject, wherein the committee said that this provision is in accordance with the best judgment of the Director of the Census.

Mr. BATE. I am not on the committee and have not been associated with the matter in any way so that I might know what ought to be done. I did not know that the matter had been considered in that view, and I am very glad to hear that it has been done.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from Wisconsin [Mr. QUARLES].

The amendment was agreed to.

The PRESIDENT pro tempore. The Chair will ask the Senator from Wisconsin if the committee intend to add to the amendment which has just been adopted the words "or as soon thereafter as may be?"

Mr. QUARLES. No, Mr. President. It has been developed that that is unnecessary, and therefore I do not choose to accept it as an amendment to the amendment.

The Secretary resumed and concluded the reading of the bill.

The PRESIDENT pro tempore. There was an amendment passed over.

Mr. QUARLES. There were two amendments passed over.

The PRESIDENT pro tempore. The first amendment passed over will be stated.

The SECRETARY. On page 2, section 3, line 3, after the words "salary of," the committee propose to strike out "five thousand" and insert "seven thousand five hundred;" so as to make the section read:

That the permanent Census Office shall be in charge of a Director of the Census, appointed by the President, by and with the advice and consent of the Senate, who shall receive an annual salary of $7,500. It shall be his duty to superintend and direct the taking of the Thirteenth and subsequent censuses of the United States and to perform such other duties as may be imposed upon him by law.

Mr. ALLISON. Mr. President, I know it is an ungracious thing to make a suggestion in reference to salaries, and I should not make a suggestion in this instance did I not believe that this salary is larger than is necessary, if the Census Office is to be made a permanent bureau. There is no salary paid in the city of Washington so large as the salary which is proposed here outside of the salaries paid to Cabinet ministers and the judiciary.

I make this suggestion because the Committee on Appropriations many times have been pressed to increase the salaries of very high and responsible officers, and we have not felt that we ought to do it for the reason that we did not wish to take out one particular salary and make it an exception. I do not know whether this is to be a permanent bureau or not—we shall come to that in a few minutes—but it is a bureau in the Interior Department, as I understand the purpose and intent of this bill. I intend a little later on to move an amendment which will perhaps make that clear.

The highest salary paid in Washington, outside of Cabinet positions, is that paid to the officer next in rank to the Attorney-General, which is $7,000 per annum.

Mr. BAILEY. The Interstate Commerce Commissioners get $7,000.

Mr. ALLISON. Yes; the Interstate Commerce Commissioners get $7,000.

When this office was first created the salary was $6,000. Then it was increased because of the extraordinary work pressed upon the Director of the Census, and on account of the very large responsibility devolved upon him. But now this is to be a permanent establishment, to take its place with the other Government establishments in this city, and I submit that $6,000, which is the highest salary that is now paid to any officer in this city occupying a bureau position or a position under any head of a department, is sufficient. I trust the Senator from Wisconsin [Mr. QUARLES], having charge of this bill, will consent to a modification of his amendment whereby this salary shall be placed at that sum. That is a thousand dollars more than any of us receive here in this Chamber, and it is, as I have said, the salary paid to only one or two people in the city of Washington outside of the Cabinet.

Mr. QUARLES. Mr. President, there were two reasons why your committee suggested this amendment. The first reason was that we considered $5,000, as the bill came to us from the other body, entirely inadequate for the service that an efficient Director of the Census was expected to perform. The second reason was that by a special act, passed after the act of 1899 had gone into force, the salary of the Director of the Census was put at $7,500. We therefore thought for these two reasons that it was incumbent upon us, or at least proper, that we should present this amendment, so that the Senate might again vote upon the proposition.

Regarding the first proposition which underlies the amendment of the committee, I beg to say I think it is agreed on every hand that we have been successful in obtaining the services of a most able and efficient Director. What is it that accounts for the great success that he has achieved in performing this work? It is his great organizing ability. It is his ability to handle a large number of employees, to systematize their work so as to get the very best effort out of every clerk in that force. That is a rare faculty; very few men possess it, and in the industrial world today the great combinations of capital are bidding for just that kind of talent far larger sums than the sum that is proposed here.

To illustrate that, a large manufacturer in my own State last summer said to me: "I have 500 men in my factory. I am now looking for a man who has peculiar organizing ability, the power to establish a system in my shops. I am willing to pay him $10,000 a year, and I can not find the man."

Mr. HAWLEY. How much are you willing to take yourself for your own wages?

Mr. QUARLES. Well, Mr. President, in reply to that suggestion, I have only this to say. This Senate should not compel even the Director of the Census to submit to the humiliation that the Representatives and Senators in this Congress have forced upon them, namely, the taking of a salary entirely inadequate to pay their ordinary current expenses, and I do not propose to impose that upon any man who has such duties to perform as the Director of the Census.

Mr. HAWLEY. I suppose he could wait a few minutes.

Mr. QUARLES. Yes; he might wait a few minutes, and we have been waiting a few minutes. If we wait until we get an increase of our salaries, we shall be very old, I am afraid.

Mr. HAWLEY. You propose to put him ahead of Senators to the extent of $2,500 a year?

Mr. QUARLES. Yes. The miserable pittance which we are getting I do not propose to compel any man of the standing of the Director of the Census to accept.

But, to return a moment to what this great manufacturer said to me. When I asked him whether $10,000 was not a large salary he said to me, "That man will save his salary two or three times a year by his organization and system." He said: "If he saves 10 cents a day in the efficiency of every man in my factory, that will be $50 a day, $300 a week, $1,200 a month, or $14,400 a year."

Mr. President, here is a man who is put in charge at times of 3,500 clerks. I contend that if he has this organizing ability which Governor Merriam has developed, he will get 10 cents a day more work out of every one of those clerks by his organization and systematic arrangement of that work. That is $350 a day and $2,100 a week, and he will more than save his annual salary in a month just by that little change in the efficiency of the employees.

Not only that, Mr. President, but you are selecting a man who, during the taking of the decennial census, is in charge of an army of 53,000 people outside of the clerical force; and think what that organizing ability will count for when you have that great force. Why, Mr. President, this salary is only a trifle, and ought not to be considered, in my judgment, for a moment, because the Director will more than save it every month. I do not believe we can get this Director to serve for $5,000 a year, because his ability is worth twice that to some industrial institution.

Mr. ALLISON. I have proposed to fix the salary at the amount received by the Director when he was first appointed.

Mr. QUARLES. That, of course, is better than the amount proposed by the House; but I still insist that $7,500, in view of the great ability and efficiency that he has demonstrated here to the satisfaction of every Member and Senator in this Congress, is none too great. But of course I shall not delay the Senate by any elaborate discussion. The Senate will fix the salary to suit itself. I hope, however, the Senate may sustain the committee, and agree to give the salary which the committee has reported.

Mr. ALLISON. I move to amend the amendment on page 2, line 3, section 3, by striking out "seven thousand five hundred" and inserting "six thousand."

The PRESIDENT pro tempore. The amendment offered by the Senator from Iowa to the amendment of the committee will be stated.

The SECRETARY. On page 2, line 3, section 3, it is proposed to amend the amendment by striking out "seven thousand five hundred" and inserting "six thousand;" so as to read "who shall receive an annual salary of $6,000."

The PRESIDENT pro tempore. The question is on the amendment to the amendment. [Putting the question.] By the sound the "noes" have it.

Mr. ALLISON. I call for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. MALLORY (when his name was called). I have a general pair with the senior Senator from Vermont [Mr. PROCTOR]. As I do not see him present, I withhold my vote. If he were present, I should vote "nay."

Mr. PLATT of New York (when his name was called). I inquire if the Senator from Idaho [Mr. HEITFELD] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not voted.

Mr. PLATT of New York. I am paired with that Senator, and therefore withhold my vote. If at liberty to vote, I should vote "nay."

Mr. TILLMAN (when his name was called). I have a general pair with the Senator from Vermont [Mr. DILLINGHAM], who, I think, is absent.

The PRESIDENT pro tempore. The Senator from Vermont has not voted.

Mr. TILLMAN. Then I withhold my vote, unless I can get an exchange of pairs.

The roll call was concluded.

Mr. BERRY. I desire to state that my colleague [Mr. JONES of Arkansas] is necessarily absent. He is paired with the Senator from Maine [Mr. HALE].

Mr. BAILEY (after having voted in the affirmative). I have a general pair with the senior Senator from West Virginia [Mr. ELKINS]; and as he has not voted, I will withdraw my vote.

Mr. DUBOIS (after having voted in the negative). I inquire if the junior Senator from Oregon [Mr. MITCHELL] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not.

Mr. DUBOIS. I have a general pair with that Senator, but under our agreement I can vote on questions which are not political if I see fit, and so I shall allow my vote to stand.

Mr. HANNA (after having voted in the negative). I am paired on political questions with the Senator from Utah [Mr. RAWLINS]. While I do not consider this a question as to which my pair should apply, I shall withdraw my vote unless I can arrange for an exchange of pairs with the Senator from South Carolina [Mr. TILLMAN] or some other Senator. Will it be agreeable to the Senator from South Carolina to make such an exchange?

Mr. TILLMAN. That is entirely agreeable to me.

Mr. HANNA. Then I will let my vote stand.

Mr. TILLMAN. Under that arrangement I am at liberty to vote, and I vote "yea."

Mr. HANSBROUGH. I inquire if the Senator from Rhode Island [Mr. ALDRICH] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not.

Mr. HANSBROUGH. Then I take the liberty of transferring my pair with the Senator from Virginia [Mr. DANIEL] to the Senator from Rhode Island [Mr. ALDRICH], and vote. I vote "nay."

The result was announced—yeas 15, nays 32; as follows:

YEAS—15.

Allison,	Hawley,	Pettus,	Turner,
Bate,	Lodge,	Platt, Conn.	Warren,
Berry,	Martin,	Teller,	Wetmore.
Cullom,	Patterson,	Tillman,	

NAYS—32.

Bard,	Depew,	Hanna,	Millard,
Burnham,	Dubois,	Hansbrough,	Perkins,
Burton,	Fairbanks,	Jones, Nev.	Pritchard,
Carmack,	Foster, La.	Kearns,	Quarles,
Clapp,	Foster, Wash.	Kittredge,	Scott,
Clark, Wyo.	Frye,	McComas,	Simmons,
Clay,	Gallinger,	McCumber,	Spooner,
Deboe,	Gamble,	McEnery,	Taliaferro.

NOT VOTING—41.

Aldrich,	Dillingham,	Kean,	Platt, N. Y.
Bacon,	Dolliver,	McLaurin, Miss.	Proctor,
Bailey,	Dryden,	McLaurin, S. C.	Quay,
Beveridge,	Elkins,	McMillan,	Rawlins,
Blackburn,	Foraker,	Mallory,	Simon,
Burrows,	Gibson,	Mason,	Stewart,
Clark, Mont.	Hale,	Mitchell,	Vest,
Cockrell,	Harris,	Money,	Wellington.
Culberson,	Heitfeld,	Morgan,	
Daniel,	Hoar,	Nelson,	
Dietrich,	Jones, Ark.	Penrose,	

So the amendment to the amendment was rejected.

The PRESIDENT pro tempore. The question recurs on the amendment offered by the committee.

The amendment was agreed to.

The PRESIDENT pro tempore. The next section passed over was section 5.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 718) to correct the military record of James L. Proctor;

A bill (H. R. 3297) to correct the military record of William T. Pratt; and

A bill (H. R. 6196) transferring a lot in Woodland Cemetery to city of Quincy, Ill.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (H. R. 61) to authorize the establishment of a life-saving station at or near Bogue Inlet, North Carolina;

A bill (H. R. 4381) to authorize the Central Railway of West Virginia to build a bridge across the Monongahela River at or near Morgantown, in the State of West Virginia; and

A bill (H. R. 7675) to construct a light-house keeper's dwelling at Calumet Harbor.

The bill (H. R. 109) to amend section 7 of "An act to establish circuit courts of appeal and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March 3, 1891, as amended by act approved February 18, 1895, and further amended by act approved June 6, 1900, was read twice by its title, and referred to the Committee on the Judiciary.

The joint resolution (H. J. Res. 41) proposing an amendment to the Constitution providing for the election of Senators of the United States was read twice by its title, and referred to the Committee on privileges and Elections.

COMPENSATION FOR PROPERTY TAKEN BY MILITARY FORCES.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 88) for the relief of parties for property taken from them by military forces of the United States, which were, on page 1, line 8, after the word "troops," to insert "at and after the surrender at Appomattox;" and on the same page, line 14, after the word "appropriated," to insert "*Provided*, That the expenditures under this act shall not exceed $50,000."

Mr. BATE. Mr. President, I think those amendments of the House of Representatives are proper, and I move that the Senate concur in them.

The motion was agreed to.

SPANISH TREATY CLAIMS COMMISSION.

The bill (H. R. 8586) amending the act of March 2, 1901, entitled "An act to carry into effect the stipulations of article 7 of the treaty between the United States and Spain concluded on the 10th day of December, 1898," was read twice by its title.

Mr. CULLOM. Mr. President, yesterday the Senate passed a bill on this same subject, but it is different from the bill which has come from the House of Representatives. I ask that the House bill be now taken up, so that I may move the substitution of the bill as passed by the Senate in place of it, in order to get action by the two Houses as quickly as possible. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. SPOONER. What becomes of the Senate bill?

Mr. CULLOM. I propose to substitute that for the House bill.

The PRESIDENT pro tempore. The Senator from Illinois moves to strike out all after the enacting clause of the House bill and insert the bill on the same subject as passed by the Senate.

Mr. CULLOM. The bill which we passed yesterday in the Senate in reference to the Spanish Treaty Claims Commission, giving them power to take testimony, etc., was sent to the House of Representatives. That bill was then read in full, so that Senators are familiar with it. I ask that the House bill may be read, as I believe that is necessary, and that the Senate bill be then substituted in its place.

Mr. QUARLES. I hope the Senator will not inject anything here that will cause delay in the progress of the census bill.

Mr. CULLOM. The bill will take but a moment. If it causes any discussion I will withdraw it. It is quite important that it should be passed promptly.

The PRESIDENT pro tempore. The Senator from Illinois moves to strike out all after the enacting clause of the House bill and to insert the bill which passed the Senate yesterday on the same subject.

Mr. HOAR. I do not want to be in the least captious, but it does seem to me that it is rather bad to have a precedent by which a House bill is rejected without being read once, and an amendment substituted without being read, although, of course, the Senate bill which is proposed as an amendment has been adopted.

Mr. CULLOM. I did not ask to have the House bill acted upon without reading.

Mr. HOAR. That is what I understood.

The PRESIDENT pro tempore. The Chair was alone responsible for that.

Mr. HOAR. I do not wish to be captious, but I think the Chair will see that if we do not have everything which is acted upon read once in full we shall get into trouble.

Mr. CULLOM. The bill is very short and will take but a moment.

The PRESIDENT pro tempore. The Secretary will read the bill as it passed the House of Representatives.

The Secretary read as follows:

Be it enacted, etc., That section 4, chapter 800, page 878, second session Fifty-sixth Congress, is hereby amended by adding thereto the following provision:

"Such rules and mode of procedure shall conform, so far as practicable, to the mode of procedure and practice of the circuit courts of the United States; and the said Commission is hereby vested with the same powers now possessed by the circuit and district courts of the United States to compel the attendance and testimony of parties, claimants, and witnesses, to preserve order, and to punish for contempt; and said Commission shall have power to compel the production of any books or papers deemed material to the consideration of any claim or matter pending therein.

"That the marshal of the United States for the District of Columbia, or his deputies, shall serve all process issued by said Commission, preserve order in the place of sitting, and execute the orders of said Commission.

"That said Commission, or any commissioner appointed by it to take testimony, is hereby authorized to appoint an officer to serve any subpœna or process issued by said Commission or commissioner."

Mr. CULLOM. Now I ask that the Senate bill which was passed yesterday, I think without objection, be substituted for the House bill which has just been read.

The PRESIDENT pro tempore. The Senator from Illinois moves to strike out all after the enacting clause of the House bill, which has just been read, and to amend by inserting the bill which was passed by the Senate yesterday, which will be read.

The SECRETARY. It is proposed to strike out all after the enacting clause and to insert:

That the Spanish Treaty Claims Commission, being a Commission created by an act entitled "An act to carry into effect the stipulations of Article VII of the treaty between the United States and Spain concluded on the 10th day of December, 1898," approved March 2, 1901, in addition to the powers vested in said Commission under and by virtue of said act, be, and is hereby, vested with the same powers now possessed by the circuit and district courts of the United States to compel the attendance and testimony of parties, claimants, and witnesses, to preserve order and to punish for contempt, and to compel the production of any books or papers deemed material to the consideration of any claim or matter pending before said Commission.

That said Spanish Treaty Claims Commission is also vested with all the powers now possessed by the circuit and district courts of the United States to take or procure testimony in foreign countries. The testimony of witnesses so taken or procured shall be given only before officials where the laws of the place of taking enforce the attendance of witnesses and provide for the punishment of persons who may be guilty of perjury before such officials. Testimony so taken may be certified by the official taking the same and returned by him directly to the Commission in Washington.

That said Commission is hereby authorized to designate any suitable person connected therewith to serve all process issued by said Commission in the District of Columbia, preserve order in the place of sitting, and execute the orders of the said Commission; and outside of the District of Columbia the writs of said Commission shall be executed by United States marshals or their deputies in their respective districts.

SEC. 2. When testimony is to be taken before any commissioner appointed by said Commission within any district or Territory, the clerk of any court of the United States for such district or Territory shall, on application of either party, or of his agent, issue a subpœna for such witness, commanding him to appear and testify before the commissioner at a time and place stated in the subpœna; and if any witness after being duly served with such subpœna, refuses or neglects to appear, or after appearing refuses to testify, not being privileged from giving testimony, and such refusal or neglect is proven to the satisfaction of any judge of the court whose clerk issues the subpœna, such judge may proceed to enforce obedience to the process, or punish the disobedience, as any court of the United States may proceed in case of disobedience to process of subpœna to testify issued by such court; and the production before such commissioner of any paper or writing, written instrument, book, or other document, may also be required in the manner prescribed in section 869 of the Revised Statutes of the United States.

Mr. BURTON. I desire to inquire whether the Senate bill was considered in committee?

Mr. CULLOM. It was considered in committee and in the Senate, laid over one day, and passed yesterday.

The PRESIDENT pro tempore. The question is on the adoption of the amendment submitted by the Senator from Illinois [Mr. CULLOM].

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill to vest in the Spanish Treaty Claims Commission certain powers possessed by circuit and district courts of the United States."

Mr. CULLOM. I now move that the Senate ask for a conference with the House of Representatives on the bill and amendment.

The motion was agreed to.

By unanimous consent, the President pro tempore was author-

ized to appoint the conferees on the part of the Senate, and Mr. CULLOM, Mr. LODGE, and Mr. MORGAN were appointed.

Mr. CULLOM. I now move that a message be sent to the House of Representatives requesting the return of the bill on the same subject which passed the Senate yesterday.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Illinois that the House of Representatives be requested to return the bill on the same subject which was yesterday passed by the Senate.

The motion was agreed to.

CARROLL COUNTY, GA.

Mr. CLAY. The Chair has just laid before the Senate a bill which passed the House yesterday and came to the Senate to-day. On Thursday an identically similar bill passed the Senate. The House measure is the bill (H. R. 10780) to transfer the county of Carroll from the northwestern division of the northern district of Georgia back to the northern district of Georgia of the United States district and circuit courts, and for other purposes. I ask that the House bill be now considered and passed. It is the same as the Senate bill. There is no difference at all in them. The House bill passed the House yesterday and came to the Senate this morning.

Mr. QUARLES. I hope the Senator from Georgia will not press that request at this time.

Mr. CLAY. It will not take half a minute, I will say to the Senator.

Mr. QUARLES. It interferes with the pending measure, and the time is limited.

Mr. CLAY. I will not interfere with the bill of which the Senator from Wisconsin is in charge. I withdraw the request, and merely ask that the bill be withdrawn from the committee and lie on the table. I will ask to have it taken up when the census bill is concluded. It was referred to a committee a few minutes ago.

The PRESIDENT pro tempore. Without objection, the bill will be recalled from the committee and will remain on the table for the present.

ORDER OF BUSINESS.

Mr. TELLER. Mr. President, I rise to a parliamentary inquiry. I wish to know what has become of the census bill, under parliamentary rules. Has not the motion of the Senator from Illinois and the proceeding of the Senate displaced the census bill?

The PRESIDENT pro tempore. The Senator from Illinois moved that the House be requested to return a Senate bill to the Senate.

Mr. TELLER. No; I am referring now to the census bill. It seems to me that that proceeding has suspended operations on the census bill. Of course the Senator from Wisconsin can move to take it up again. I want to keep the record somewhere nearly right, if I can. You can not have two bills before the Senate and at the same time the subject of Senatorial consideration. When the Senator from Illinois made his motion, and the Senate agreed to it, we displaced the census bill. It can only be got before the Senate by taking it up, which the Senator can have done in a half minute, and the record will be right then; but otherwise the record will be out of shape.

Mr. QUARLES. I should like to inquire of the Senator from New Hampshire [Mr. GALLINGER] whether he feels tenacious about his special order at 3 o'clock. It lacks now ten minutes of 3. Would it be agreeable to the Senator to take up his special order to-morrow and allow us to proceed to-day with the census bill? If it is agreeable, I will make the proper motion.

Mr. GALLINGER. If I can have assurances that we are to have a session to-morrow, and pension bills can be given an hour immediately after the consideration of the morning business, I shall be glad to accommodate the Senator; but I must have the assurance that we are to meet to-morrow.

Mr. TELLER. I should like to have a response to my parliamentary inquiry.

The PRESIDENT pro tempore. The point of the Senator from Colorado is entirely well taken.

Mr. QUARLES. Mr. President——

The PRESIDENT pro tempore. The Senator from Wisconsin asks unanimous consent that the census bill——

Mr. TELLER. If he does that, it will be all right.

The PRESIDENT pro tempore. He asks unanimous consent that the census bill be proceeded with.

Mr. QUARLES. I simply delayed the request in order to ascertain what were the wishes of the Senator from New Hampshire.

The PRESIDENT pro tempore. If there is no objection, the Senate will resume the consideration of the census bill. The Chair hears none.

CONSIDERATION OF PENSION BILLS.

Mr. GALLINGER. Upon the assumption that a session of the Senate will be held to-morrow, I ask unanimous consent that the order giving an hour this afternoon for the consideration of pension bills be changed, so that the hour will begin immediately after the close of the morning business to-morrow.

The PRESIDENT pro tempore. The Senator from New Hampshire asks unanimous consent that the order made yesterday that the Senate at 3 o'clock to-day should consider unobjected pension bills be reconsidered, and that it be made the order for to-morrow immediately after the routine morning business. Is there objection?

Mr. SPOONER. That means, necessarily, that we shall adjourn until to-morrow when we do adjourn.

The PRESIDENT pro tempore. It comes very near to it.

Mr. TELLER. That is what I rose to inquire about. I want to object to that.

Mr. GALLINGER. Mr. President, let the order stand.

PERMANENT CENSUS OFFICE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10308) to provide for a permanent census office.

Mr. BAILEY. I suggest to the Senator in charge of the census bill that we can dispose of it within thirty minutes now, I think, if we would simply postpone the special order from 3 to 4 or from 3 to half past 3 o'clock.

Mr. QUARLES and others. No.

Mr. BAILEY. I see that the chairman of the Census Committee indicates that he does not concur in the opinion that the bill can be disposed of in thirty minutes.

Mr. QUARLES. I think not. Section 5 is the one most liable to provoke debate.

Mr. BAILEY. I think it ought to provoke a roll call, but I do not suppose anybody is——

Mr. GALLINGER. I will venture to suggest to the Senator from Texas, if he will permit me, that there is another special order for 4 o'clock.

Mr. BAILEY. I have just been advised of that fact. It is practically certain that we shall not get through with the bill this afternoon, and there is a matter to which I desire to call the attention of the chairman, and I think I shall make a motion touching it. I have some hesitation, because a member of the committee ought not to be seeking to amend the bill without having fairly notified the committee. I was not present when this bill was considered in committee.

Mr. LODGE. May I ask what the amendment is?

Mr. BAILEY. I am now going to indicate it.

Mr. LODGE. I want to ask the Senator if we have finished the committee amendments? I was out of the Senate Chamber.

Mr. BAILEY. We have finished all the committee amendments except those in section 5.

Mr. LODGE. I want to move an amendment to that section. I have been out. I did not know.

Mr. ALLISON. I will say to the Senator from Texas that section 5 was passed over.

Mr. BAILEY. I propose to offer an amendment to section 3, the section which was under consideration.

The present bill provides for the appointment of a Director without any term of office. My own judgment is that no appointment ought to be made except for a fixed term and at a fixed salary. This appointment is indefinite—so indefinite as to render it objectionable. When the census was a temporary matter, the work to be disposed of and the office then to be discontinued, the appointment of the Director of the Census for an indefinite time was not objectionable, because the nature of the work limited his term of office.

In accordance with that view, Mr. President, if it be in order I wish to offer an amendment. I put it in that shape because I am not sure whether the entire section was passed at that time or merely an amendment of the committee. If the entire section was passed, reserving only the committee amendment for consideration, then perhaps such a motion would not be in order.

Mr. ALLISON. Allow me to say to the Senator from Texas that every section in the bill is open to amendment by any Senator who wishes to offer an amendment. I have an amendment which I propose to offer to the first section.

Mr. BAILEY. I have served in a body where a different rule prevailed, and I thank the Senator from Iowa for informing me of the practice in this body. Then I move——

The PRESIDENT pro tempore. Will the Senator from Texas withhold his motion for one moment?

Mr. BAILEY. Certainly.

The PRESIDENT pro tempore. The Chair calls the attention of the Senator to the fact that unanimous consent was given that committee amendments should first receive consideration. Section 5 was passed by, and the committee amendment in section 5 has not been acted upon. After it shall have been acted upon, then the entire bill will be open to amendment.

Mr. BAILEY. It suits me quite as well to reserve my amendment until that stage.

The PRESIDENT pro tempore. The Secretary will read section 5, which was passed over.

The Secretary read section 5.

The PRESIDENT pro tempore. The amendment proposed to section 5 by the committee will be stated.

The SECRETARY. In section 5, page 3, line 14, after the word "placed" it is proposed to insert "without further examination;" and in line 18, after the word "appointments," to insert "to the clerical force:" so as to make the section read:

SEC. 5. That all employees of the Twefth Census Office, at the date of the passage of this act, above the grade of skilled laborer shall be and they are hereby placed, without further examination, under the provisions of the civil-service act approved January 16, 1883, and the amendments thereto and the rules established thereunder; and all new appointments to the clerical force in the Census Office hereby created shall be made in accordance with the requirements of the civil-service act above referred to.

The amendment was agreed to.

Mr. LODGE. Mr. President, I desire to offer an amendment to section 5, to insert after the word "act," in line 13, the words "who are retained in the employ of the permanent census."

The PRESIDENT pro tempore. The amendment proposed by the Senator from Massachusetts will be stated.

The SECRETARY. On page 3, line 13, section 5, after the word 'act,' it is proposed to insert "who are retained in the employ 'of the permanent census;" so as to read:

That all employees of the Twelfth Census Office at the date of the passage of this act who are retained in the employ of the permanent census above the grade of skilled laborer shall be, and they are hereby, placed without further examination under the provisions of the civil-service act.

Mr. LODGE. Mr. President, my purpose in offering the amendment is this: I entirely approve of this provision which transfers to the permanent census and there places under the classified service a body of clerks who have been trained in the census work. But there are in the Census Office at the present time 2,298 employees. The Director of the Census informs me that there will probably be about 800 retained in the permanent census, with a likelihood of a reduction to 500. That will leave 1,000 to 1,200 clerks embraced within section 5 who will be covered into the classified service, but not employed in the permanent census.

I make this statement about the number to be employed in the permanent census from what the Director told me, because the bill makes no limitation whatever. The Director of the permanent census, so far as this bill is concerned, can appoint, if he wants to, 10,000 clerks. There is absolutely no limitation whatever placed on it. It simply says such number as may be necessary for the prompt performance of the duties. Therefore I have quoted what he said to me about 500 or 800 clerks. I think myself that this very unusual proposition should be changed. I do not think it safe to create any department without some limitation on the number of clerks to be employed. But that is another point.

If 800 are to be taken into the permanent census it leaves, as I have said, about 1,200—a thousand at least—who are covered into the classified service by section 5. That seems to me to produce a great injustice to others. The annual draft from the eligible lists in this city is about six or seven hundred. Those eligibles are persons of both sexes who have passed the examinations required by the Government, and who stand at the head of the list. The 1,000 or 1,200 clerks covered in by this section, and not taken into the permanent census, will be in the classified service with a right to transfer ahead of all these eligibles. The result will be to throw over for another year a large number of men and women who have taken the examinations in good faith, and who have passed high up, and who, in the nature of things, would receive appointments.

The PRESIDENT pro tempore. Will the Senator from Massachusetts suspend? The hour has arrived for the execution of an order of the Senate.

Mr. LODGE. I will take the floor to-morrow when the bill comes up again.

The PRESIDENT pro tempore. The Secretary will state the first pension bill on the Calendar.

FRANKLIN B. DELANY.

The bill (S. 2930) granting an increase of pension to Franklin B. Delaney was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, before the word "late" to strike out "Delaney" and insert "Delany;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Franklin B. Delany, late of Company I, Thirty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Franklin B. Delany."

THOMAS J. STOWERS.

The bill (S. 1135) granting an increase of pension to Thomas J. Stowers was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas J. Stowers, late of Company D, One hundred and ninety-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN A. HAZELTON.

The bill (S. 2867) granting an increase of pension to John A. Hazelton was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 3, after the word "and," to insert "he is;" in the same line, after the word "hereby," to strike out "is;" and in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John A. Hazelton, late of Company K, Fifteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ABBIE M. PACKARD.

The bill (S. 1041) granting a pension to Abbie M. Packard was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Abbie M. Packard, helpless and dependent daughter of Charles Packard, late of Company D, Thirteenth Regiment Maine Volunteer Infantry, and Company K, Thirtieth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JASON LEIGHTON.

The bill (S. 3036) granting an increase of pension to Jason Leighton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jason Leighton, late of Company H, First Regiment Maine Volunteer Heavy Artillery, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAMANNA E. LYNDE.

The bill (S. 1748) granting an increase of pension to Williamanna E. Lynde was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Williamanna E. Lynde, widow of Frederick M. Lynde, late captain, First Regiment United States Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SARA B. ANDREWS.

The bill (S. 8) granting a pension to Mrs. George Leonard Andrews was considered as in Committee or the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sara B. Andrews, widow of George L. Andrews, late colonel Second Regiment Massachusetts Volunteer Infantry and brigadier-general, United States Volunteers, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Sara B. Andrews."

GEORGE W. MYERS.

The bill (S. 2398) granting an increase of pension to George W. Myers was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Myers, late of Company F, Ninth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELLA BAILEY.

The bill (S. 1933) granting a pension to Ella Bailey was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ella Bailey, helpless and dependent daughter of Joseph Bailey, late captain, Fourth Regiment Wisconsin Volunteer Infantry, and brevet brigadier-general, United States Volunteers, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LUCY W. SMITH.

The bill (S. 2692) granting an increase of pension to Lucy W. Smith was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, after the word "Cavalry," to insert "and brigadier-general, United States Volunteers;" and in line 9, before the word "dollars," to strike out "forty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lucy W. Smith, widow of Thomas C. H. Smith, late colonel First Regiment Ohio Volunteer Cavalry, and brigadier-general, United States Volunteers, and pay her a pension at the rate of $30 dollars per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARIE J. SMYTH.

The bill (S. 2732) granting an increase of pension to Marie J. Smyth was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause, and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Marie J. Smyth, widow of Thomas S. Smyth, late acting ensign, United States Navy, and pay her a pension at the rate of $15 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JULIUS W. CLARK.

The bill (S. 1289) granting an increase of pension to Julius W. Clark was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Julius W. Clark, late captain of Company F, Twenty-fourth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARIE U. NORDSTROM.

The bill (S. 3026) granting an increase of pension to Marie U. Nordstrom was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "late," to insert "of Company E, First Regiment Maine Volunteer Cavalry, and;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Marie U. Nordstrom, widow of Charles E. Nordstrom, late of Company E, First Regiment Maine Volunteer Cavalry, and captain, Tenth Regiment United States Cavalry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ROBERT M. SCOTT.

The bill (H. R. 1484) granting an increase of pension to Robert M. Scott was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the word "Volunteers," to insert "war with Mexico;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert M. Scott, late a private in Company A, Second Regiment Missouri Mounted Volunteers, war with Mexico, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

JAMES SMITH.

The bill (H. R. 3266) granting an increase of pension to James Smith was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "war," to strike out "Mexican," and in the same line, before the word "and," to insert "with Mexico;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Smith, late of Company D, Second Regiment Illinois Volunteer Infantry, war with Mexico, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

HIRAM S. KINGSLEY.

The bill (H. R. 5169) granting an increase of pension to Hiram S. Kingsley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hiram S. Kingsley, late of Company K, First Regiment Michigan Volunteer Light Artillery, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELISHA B. TAYLOR.

The bill (H. R. 5108) granting an increase of pension to Elisha B. Taylor, alias Elisha T. Bisbee, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elisha B. Taylor, alias Elisha T. Bisbee, late of Company I, Tenth Regiment Maine Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANCES E. STEBBINS.

The bill (S. 713) granting a pension to Frances E. Stebbins was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Frances E. Stebbins, widow of

De Wayne Stebbins, late acting master, United States Navy, and to pay her a pension of $20 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CYNTHIA A. M'KENNY.

The bill (S. 1467) granting an increase of pension to Cynthia A. McKenny was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Cynthia A. McKenny, widow of Thomas I. McKenny, late major and aid-de-camp of volunteers and brevet brigadier-general United States Volunteers, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SAMUEL BRISCOE.

The bill (H. R. 6465) granting an increase of pension to Samuel Briscoe was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel Briscoe, late of Company G, Third Regiment Wisconsin Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. H. SCOTT.

The bill (S. 2531) granting an increase of pension to William H. H. Scott was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. H. Scott, late of Company C, Third Regiment Missouri State Militia Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ANN DEMONBRUN.

The bill (S. 462) granting a pension to Sallie Demonbrun was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ann Demonbrun, widow of Francis M. Demonbrun, late of Company D, Second Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Sallie Demonbrun, helpless and dependent daughter of said Francis M. Demonbrun, the additional pension herein granted shall cease and determine.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Ann Demonbrun."

MABEL H. LAZEAR.

The bill (S. 358) granting a pension to Mabel H. Lazear was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-five" and insert "seventeen;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mabel H. Lazear, widow of Jesse W. Lazear, late acting assistant surgeon, United States Army, and pay her a pension at the rate of $17 per month, and $2 per month additional on account of each of the minor children of the said Jesse W. Lazear until they reach the age of 16 years.

The amendment was agreed to.

Mr. GALLINGER. I desire the attention of the Senator from Missouri, in order that there may be no misunderstanding about this bill. It is the Lazear case, which was discussed some time ago, when the Senator from Maryland called the attention of the Senate to it. It develops that Dr. Lazear was an acting assistant surgeon in the Army at the time of his death.

Mr. COCKRELL. Of course he was. The Senator from Maryland did not state his case.

Mr. GALLINGER. He did not state his case precisely.

Mr. COCKRELL. He was in the military service.

Mr. GALLINGER. He was in the military service.

Mr. COCKRELL. And his widow is to be pensioned for his having been in that service.

Mr. GALLINGER. Precisely.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RHODY ANN BRADSHAW.

The bill (S. 3157) granting an increase of pension to Rhody Ann Bradshaw was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Rhody Ann Bradshaw, widow of Benjamin Bradshaw, late of Capt. Lumsford Loving's company, Virginia Militia, war of 1812, and to pay her a pension of $25 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ADELAIDE WORTH BAGLEY.

The bill (S. 508) granting an increase of pension to Adelaide Worth Bagley was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, after the word "ensign," to strike out "of the," and in line 8, before the word "dollars," to strike out "of fifty" and insert "at the rate of twenty-five;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Adelaide Worth Bagley, dependent mother of Worth Bagley, late ensign, United States Navy, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JENNIE A. M'KINLEY.

The bill (H. R. 2620) granting a pension to Jennie A. McKinley was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, after the word "Volunteers," to strike out "in the Mexican;" and in line 8, after the word "war," to insert "with Mexico;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jennie A. McKinley, widow of Albert S. McKinley, late of Captain Morgan's company of Iowa Mounted Volunteers, war with Mexico, and pay her a pension at the rate of $8 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

GEORGE B. BOYD.

The bill (H. R. 3300) granting an increase of pension to George B. Boyd was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George B. Boyd, late of Company E, One hundred and fourteenth Regiment Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MICHAEL SAMELSBERGER.

The bill (S. 1626) granting an increase of pension to Michael Samelsberger was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "seventy-two" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Michael Samelsberger, late of Company A, Forty-fifth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ANN ELIZA TROUT.

The bill (S. 1331) granting a pension to Ann Eliza Trout was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ann Eliza Trout, widow of Samuel Trout, late of Company H, Eighty-eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $8 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ABBY CLARK M'NETT.

The bill (S.1139) granting a pension to Abby Clark McNett was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Abby Clark McNett, widow of Andrew J. McNett, late lieutenant-colonel One hundred and forty-first Regiment New York Volunteer Infantry, and colonel, United States Army, retired, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALEXANDER BEACHBOARD.

The bill (S. 502) granting a pension to Alexander Beachboard was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "Second," to insert "Regiment;" in line 7, after the word "Carolina," to strike out the word "Regiment" and insert "Volunteer;" and in the same line, after the word "Mounted," to strike out "Volunteer;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alexander Beachboard, late of Company B, Second Regiment North Carolina Volunteer Mounted Infantry, and pay him a pension at the rate of $12 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ANNIE E. TAGGART.

The bill (S. 628) granting a pension to Annie E. Taggart was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the word "cavalry," to strike out "and the United States Navy;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Annie D. Taggart, widow of William H. Taggart, late surgeon Second Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $25 per month.

Mr. GALLINGER. Let the words "and acting assistant surgeon, United States Army," be inserted in lieu of the words proposed to be stricken out. I move that amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARTHA R. OSBOURN.

The bill (S. 322) granting a pension to Martha R. Osbourn was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martha R. Osbourn, widow of Francis A. Osbourn, late of Company I, Twentieth Regiment Indiana Volunteer Infantry, and first lieutenant Company H, Sixteenth Regiment Veteran Reserve Corps, and pay her a pension at the rate of $17 per month and $2 per month additional on account of each of the minor children of the said Francis A. Osbourn until they reach the age of 16 years.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN B. WILCOX.

The bill (H. R. 2416) granting an increase of pension to John B. Wilcox was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John B. Wilcox, late of Company A, One hundred and forty-ninth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JEREMIAH EVANS.

The bill (H. R. 2484) granting an increase of pension to Jeremiah Evans was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jeremiah Evans, late of Company E, Sixty-first Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $16 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY S. COMER.

The bill (H. R. 815) granting an increase of pension to Henry S. Comer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry S. Comer, late of Company E, Fifth Regiment Pennsylvania Reserve Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVID CUPPS.

The bill (H. R. 4182) granting an increase of pension to David Cupps was considered as in Committee of the Whole. It proposes to place on the pension roll the name of David Cupps, late of Company E, Fourth Regiment Pennsylvania Volunteer Cavalry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANCIS M. THOMPSON.

The bill (H. R. 2983) to amend an act entitled "An act granting an increase of pension to Francis M. Thompson," approved March 3, 1901. It proposes to amend the act entitled "An act granting an increase of pension to Francis M. Thompson," approved March 3, 1901, by striking out the word "sixty," where the same appears in said act, and inserting in lieu thereof the word "seventy-two," so that the act, after the enacting clause, shall read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Francis M. Thompson, late of Company D, Twenty-first Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

SEC. 2. That the increase of pension provided for by this amendment shall relate back to and take effect from the date of the passage of said original act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS H. M'CONNAUGHEY.

The bill (H. R. 5002) granting an increase of pension to Thomas H. McConnaughey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas H. McConnaughey, late of Company M, Fourth Regiment Iowa Volunteer Calvary, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMBROSE BURTON.

The bill (H. R. 2502) granting an increase of pension to Ambrose Burton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ambrose Burton, late private in Company I, Frst Regiment of Kentucky Mounted Volunteers, war with Mexico, and to pay him a pension of $16 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

VIRGINIA TERRILL.

The bill (H. R. 8652) granting an increase of pension to Virginia Terrill was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "Indian," to insert "Florida;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Virginia Terrill, widow of

William M. Terrill, late of Captain Williams's company, Louisiana Volunteers, Florida Indian war, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ANNA J. THOMAS.

The bill (S. 3213) granting a pension to Anna J. Thomas was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Anna J. Thomas, widow of Zachariah E. Thomas, late of Company A, First Regiment Iowa Volunteer Cavalry, and second lieutenant Company E, Eleventh Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of $15 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DAVID PETEE.

The bill (H. R. 3184) granting an increase of pension to David Petee was considered as in Committee of the Whole. It proposes to place on the pension roll the name of David Petee, late of Company A, One hundred and eighty-ninth Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARSHALL BACHELDER.

The bill (H. R. 6684) granting an increase of pension to Marshall Bachelder was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Marshall Bachelder, late of Company B, Eighth Regiment Michigan Volunteer Infantry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARIA LOUISA MICHIE.

The bill (S. 1681) granting an increase of pension to Maria Louisa Michie was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Maria Louisa Michie, widow of Peter S. Michie, late professor at Military Academy, assimilated to rank of colonel, United States Army, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JACOB BARTON.

The bill (S. 2929) granting an increase of pension to Jacob Barton was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, after the word "Vermont," to strike out "Volunteers" and insert "Volunteer;" in the same line, after the word "and," to strike out "of," and in line 9, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jacob Barton, late of Company I, Fourteenth Regiment Vermont Volunteer Infantry, and Company C, Ninth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH A. NUNEZ.

The bill (S. 3097) granting an increase of pension to Joseph A. Nunez was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "additional," insert "major and;" and in line 8, before the word "dollars," to strike out "twenty-two" and insert "twenty-five;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph A. Nunez, late major and additional paymaster, United States Volunteers, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FRANK J. CLARK.

The bill (S. 1641) granting an increase of pension to Frank J. Clark was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Frank J. Clark, late of Company D, Fourteenth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

OLIVER GISBORNE.

The bill (S. 3072) granting a pension to Oliver Gisborne was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, after the word "Infantry," to strike out "Spanish American;" and in the same line, after the word "war," to insert "with Spain;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Oliver Gisborne, late of Company H, First Regiment Vermont Volunteer Infantry, war with Spain, and pay him a pension at the rate of $50 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SIMEON PARTRIDGE.

The bill (S. 3258) granting a pension to Simeon Partridge was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Simeon Partridge, late of Company B, Second Regiment New Hampshire Volunteer Infantry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ELIZABETH K. PRESCOTT.

The bill (S. 3257) granting an increase of pension to Elizabeth K. Prescott was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth K. Prescott, widow of William H. Prescott, late captain Company K, Second Regiment New Hampshire Volunteer Infantry, and of Sixteenth Regiment United States Infantry, and to pay her a pension of $20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ANNIE M'ELHENEY.

The bill (S. 3329) granting an increase of pension to Annie McElheney was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Annie McElheney, widow of William McElheney, late of Company C, Forty-second Regiment New York Volunteer Infantry, and to pay her a pension of $24 per month in lieu of that she is now receiving. But in the event of the death of Mary T. McElheney, helpless and dependent daughter of William McElheney, the additional pension granted shall cease and determine.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH M. CLOUGH.

The bill (S. 3322) granting an increase of pension to Joseph M. Clough was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph M. Clough, late lieutenant-colonel Eighteenth Regiment New Hampshire Volunteer Infantry and brevet brigadier-general, United States Volunteers, and to pay him a pension of $50 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES E. BACHELDER.

The bill (H. R. 5149) granting an increase of pension to Charles E. Bachelder was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles E. Bachelder, late of Company A, First Regiment New Hampshire

Volunteer Heavy Artillery, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEVI CROSS.

The bill (H. R. 7408) granting an increase of pension to Levi Cross was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Levi Cross, late of Company A, Eleventh Regiment Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY F. HOOPER.

The bill (H. R. 6459) granting an increase of pension to Mary F. Hooper was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary F. Hooper, widow of Quincy A. Hooper, late acting volunteer lieutenant, United States Navy, and to pay her a pension of $30 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HELEN M. EVANS.

The bill (H. R. 2528) granting a pension to Helen M. Evans was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Helen M. Evans, dependent mother of William F. Evans, late of Company B, Thirty-fourth Regiment Massachusetts Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CATHERINE PFLUEGER.

The bill (H. R. 3230) granting a pension to Catherine Pflueger was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Catherine Pflueger, widow of William Pflueger, late of Company B, One hundred and fifty-fourth Regiment New York Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY TRIPP.

The bill (H. R. 1017) granting a pension to Mary Tripp was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary Tripp, widow of Charles M. Tripp, late of the frigate *Columbus*, United States Navy, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEIGHTON J. FOLSOM.

The bill (H. R. 287) granting an increase of pension to Leighton J. Folsom was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Leighton J. Folsom, late of Company F, Twentieth Regiment Maine Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SUSAN M. PARDEE.

The bill (H. R. 4208) granting an increase of pension to Susan M. Pardee was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Susan M. Pardee, widow of Henry C. Pardee, late major, Twentieth Regiment Connecticut Volunteer Infantry, and to pay her a pension of $25 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

IDA R. SIEGFRIED.

The bill (H. R. 6453) granting an increase of pension to Ida R. Siegfried was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ida R. Siegfried, widow of Charles A. Siegfried, late medical inspector, United States Navy, and to pay her a pension of $35 per month in lieu of that she is now receiving, with $2 additional on account of the child Margareta M. until she shall have reached the age of 16 years.

Mr. GALLINGER. I move to amend the bill by striking out the word "thirty-five," in line 8, before the word "dollars," and inserting "forty." It was through an inadvertence that the rate named in the bill was inserted.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

JEDEDIAH S. VALLET.

The bill (H. R. 3413) granting an increase of pension to Jedediah S. Vallet was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jedediah S. Vallet, late of Company C, Seventh Regiment Rhode Island Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVID A. IRELAND.

The bill (H. R. 2193) granting an increase of pension to David A. Ireland was considered as in Committee of the Whole. It proposes to place on the pension roll the name of David A. Ireland, late captain Company C, Fiftieth Regiment Ohio Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CYRUS ODELL.

The bill (H. R. 1285) granting an increase of pension to Cyrus Odell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Cyrus Odell, late of Company E, Twenty-fifth Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. M'CLURE.

The bill (H. R. 2455) granting an increase of pension to George W. McClure was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. McClure, late of Company K, Third Regiment Kentucky Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALICE DE K. SHATTUCK.

The bill (S. 3054) granting an increase of pension to Alice De K. Shattuck was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the name "Shattuck," to insert the word "late;" in line 7, after the word "Army," to insert "and pay her a pension," and in line 8, after the word "month," to insert "in lieu of that she is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alice De K. Shattuck, widow of Lucius H. Shattuck, late hospital steward, United States Army, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DAVID A. LANE.

The bill (S. 636) to remove the charge of desertion against David A. Lane was considered as in Committee of the Whole. It directs the Secretary of War to correct the military record of David A. Lane, late a member of the Sixteenth Maine Infantry Volunteers and of the First District of Columbia Cavalry Volunteers, and to grant him an honorable discharge as of date September 24, 1864, from Company M of said First District of Columbia Cavalry Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

TALTON T. DAVIS.

The bill (S. 690) to correct the military record of Talton T. Davis was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with amendments, in line 4, after the word "to," to strike out "remove the charge of desertion now borne on the records of the War Department against" and insert "correct the military record of;" in line 8, after the word "and," to strike out "issue;" in the same line, after the word "to," to insert "grant;" in the same line, after "discharge," to strike out "to" and insert "as of;" in line 9, after the word "date," to strike out "from the 8th day of;" in the same line, after the word "October," to insert "eighth;" and in line 10, after the word "sixty-two," to

insert "*Provided*, That no pay, bounty, or allowances shall be allowed by reason of this act;" so as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to correct the military record of Talton T. Davis, of Marion, Kans., late of Company H, Twenty-first Regiment Kentucky Volunteer Infantry, and to grant him an honorable discharge as of date October 8, 1862: *Provided*, That no pay, bounty, or allowances shall be allowed by reason of this act.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ANDREW J. FREEMAN.

The bill (S. 1967) granting an increase of pension to Andrew J. Freeman was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty-six;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew J. Freeman, late of Company F, Twentieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

STEPHEN A. TOOPS.

The bill (S. 1256) to remove the charge of desertion from the military record of Stephen A. Toops was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, in line 6, after the word "Militia," to strike out "and to issue to him an honorable discharge" and insert:

Cavalry Volunteers, who absented himself without proper authority July 30, 1862, and so remained until September 19, 1862, when he enlisted in Company C, in the Seventh Regiment Missouri Volunteer Cavalry, served faithfully, and was honorably discharged June 13, 1865.

So as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion now standing on the records against Stephen A. Toops, late private of Company D, Second Regiment of Missouri State Militia Cavalry Volunteers, who absented himself without proper authority July 30, 1862, etc.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JULIA MAHER.

The bill (H. R. 4037) granting a pension to Julia Maher was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Julia Maher, widow of Thomas Maher, late of Company K, Fourth United States Artillery, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY C. NEWCOMB.

The bill (H. R. 3511) granting an increase of pension to Mary C. Newcomb was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary C. Newcomb, widow of Simon D. Newcomb, late first lieutenant Company C, Ninety-third Regiment New York Volunteer Infantry, and to pay her a pension of $17 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

KATHERINE R. A. OGDEN.

The bill (H. R. 3229) granting a pension to Katherine R. A. Ogden was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the words "widow of," to strike out "Second Lieutenant;" in line 7, before the word "Thirteenth," to strike out "Company E" and insert "late second lieutenant;" and in line 8, before the words "United States," to insert "Regiment;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Katherine R. A. Ogden, widow of Charles C. Ogden, late second lieutenant, Thirteenth Regiment United States Infantry, and pay her a pension at the rate of $15 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

EMIL FRANK.

The bill (H. R. 5753) granting an increase of pension to Emil Frank was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Emil Frank, late of Company F, Fifteenth Regiment New York Volunteer Heavy Artillery, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LAWRENTUS LANE.

The bill (H. R. 286) granting an increase of pension to Lawrentus Lane was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lawrentus Lane, late of Company A, Seventeenth Regiment United States Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HEBER C. GRIFFIN.

The bill (S. 3328) granting an increase of pension to Heber C. Griffin was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty-six;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Heber C. Griffin, late of Company D, Seventh Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JANE E. TOMPKINS.

The bill (S. 3269) granting an increase of pension to Jane E. Tompkins was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jane E. Tompkins, widow of Charles H. Tompkins, late colonel First Regiment Rhode Island Volunteer Light Artillery, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SYBIL F. HALL.

The bill (S. 2394) granting an increase of pension to Sybil F. Hall was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sybil F. Hall, widow of Edwin G. Hall, late of Company H, One hundred and fifty-second Regiment New York Volunteer Infantry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FRANKLIN TAYLOR.

The bill (S. 2049) granting an increase of pension to Franklin Taylor was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Franklin Taylor, late of Company H, Sixteenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALBERT D. SCOVELL.

The bill (S. 2767) granting an increase of pension to Albert D. Scovell, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an

amendment, in line 8, before the word "dollars," to strike out "twenty-four" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Albert D. Scovell, late of Company I, Third Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GILBERT P. HOWE.

The bill (S. 3284) granting a pension to Gilbert P. Howe was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Gilbert P. Howe, late unassigned Maine Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELIZABETH FLOYD SICARD.

The bill (S. 2923) granting an increase of pension to Elizabeth Floyd Sicard was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth Floyd Sicard, widow of Montgomery Sicard, late rear-admiral, United States Navy, and to pay her a pension of $50 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE E. HOUGHTON.

The bill (S. 3559) granting an increase of pension to George E. Houghton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George E. Houghton, late of Company F, Fifth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

URIAH S. KARMANY.

The bill (H. R. 2607) granting an increase of pension to Uriah S. Karmany was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Uriah S. Karmany, late of Company H, Second Regiment Minnesota Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES D. WOODWARD.

The bill (H. R. 4268) granting an increase of pension to James D. Woodward was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James D. Woodward, late of Company I, First Regiment New York Volunteer Light Artillery, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SIDNEY LELAND.

The bill (S. 2013) granting an increase of pension to Sidney Leland was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "seventy" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sidney Leland, late of Company G, First Regiment Michigan Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

KATE VIRGINIA DEWEY CUSHING.

The bill (S. 2502) granting an increase of pension to Kate Virginia Dewey Cushing was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, after the word "brigadier-general," to insert "and;" and in the same line, after the word "Commissary-General," to insert "of Subsistence;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Kate Virginia Dewey Cushing, widow of Samuel T. Cushing, late brigadier-general and Commissary-General of Subsistence, United States Army, and pay her a pension at the rate of $50 per month in lieu of that which she is now receiving.

The amendments were agreed to.

Mr. GALLINGER. I move to strike out the word "which," in line 9, before the words "she is now receiving."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN W. BURNHAM.

The bill (S. 2422) granting on increase of pension to John W. Burnham was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Burnham, late of Company C, Tenth Regiment Minnesota Volunteer Infantry, and first lieutenant Company H, One hundred and twenty-fifth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HELEN L. PEPPER.

The bill (H. R. 2412) granting a pension to Helen L. Pepper was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Helen L. Pepper, widow of Eason Pepper, late of Company E, Fifty-second Regiment Pennsylvania Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM S. DERBY.

The bill (S. 2815) granting an increase of pension to William S. Derby was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William S. Derby, late of Company A, Sixty-first Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PETER C. CLEEK.

The bill (S. 2643) granting an increase of pension to Peter C. Cleek was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the word "Volunteer," to strike out "Infantry" and insert "Cavalry;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Peter C. Cleek, late of Company K, Seventh Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE M. EMERY.

The bill (S. 3403) granting an increase of pension to George M. Emery was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "Volunteer," to insert "Reserve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George M. Emery, late of Company D, First Regiment Pennsylvania Reserve Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

IDA C. EMERY.

The bill (S. 3482) granting an increase of pension to Ida C. Emery was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "captain," to strike out "and brevet lieutenant-colonel" and insert "Company E, Fifty-fifth Regiment Indiana Volunteer Infantry, and Company C;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ida C. Emery, widow of Charles Emery, late captain Company E, Fifty-fifth Regiment Indiana Volunteer Infantry, and Company C, One hundred and twenty-fourth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM P. ARBLE.

The bill (S. 3393) granting a pension to William P. Arble was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William P. Arble, late of Captain Parker's company, Iowa Mounted Volunteers, war with Mexico, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE W. THOMPSON.

The bill (H. R. 1728) granting an increase of pension to George W. Thompson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Thompson, late of Company G, Eighteenth Regiment New York Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARTIN V. HATHAWAY.

The bill (H. R. 2265) granting an increase of pension to Martin V. Hathaway was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Martin V. Hathaway, late of Company E, Forty-fourth Regiment Indiana Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANDREW MULHOLLAND.

The bill (H. R. 2628) granting an increase of pension to Andrew Mulholland was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Andrew Mulholland, late private, Company H, One hundred and tenth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE PATTERSON.

The bill (H. R. 6720) granting an increase of pension to George Patterson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George Patterson, late of Company F, Third Regiment Illinois Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARTHA V. KEENAN.

The bill (H. R. 7343) granting an increase of pension to Martha V. Keenan was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 8, before the word "war," to strike out "Mexican;" in the same line, before the word "and," to insert "with Mexico," and in line 9, after the word "month," to strike out "the same to be;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martha V. Keenan, widow of John F. Keenan, late private, Company D, District of Columbia and Maryland Volunteers, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

JAMES WILLARD.

The bill (H. R. 1374) granting an increase of pension to James Willard was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Willard, late assistant surgeon, First Regiment Potomac Home Brigade Maryland Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN M'GRATH.

The bill (S. 2100) granting an increase of pension to John McGrath was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John McGrath, late of Company E, One hundred and fortieth Regiment Illinois Volunteer Infantry, and to pay him a pension of $25 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passd.

MINNIE E. KING.

The bill (S. 3424) granting an increase of pension to Minnie E. King was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Minnie E. King, widow of Charles A. E. King, late lieutenant, United States Navy, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving, and $2 per month additional on account of the minor child of said Charles A. E. King until he reaches the age of 16 years.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EMMA SOPHIA HARPER CILLEY.

The bill (S. 3064) granting an increase of pension to Emma Sophia Harper Cilley was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emma Sophia Harper Cilley, widow of Clinton A. Cilley, late major and assistant adjutant-general, United States Volunteers, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HIRAM H. KINGSBURY.

The bill (S. 469) granting an increase of pension to Hiram H. Kingsbury was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hiram H. Kingsbury, late of Company D, Eighth Regiment Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ANDREW H. GIFFORD.

The bill (H. R. 5162) granting an increase of pension to Andrew H. Gifford was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Andrew H. Gifford, late of Company H, Eighty-first Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS V. STRAN.

The bill (H. R. 3024) granting an increase of pension to Thomas V. Stran was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas V. Stran, late a corporal of Company A, Second Regiment Indiana Volunteer Infantry, war with Mexico, and to pay him a pension of $16 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LAVALETTE D. DICKEY.

The bill (S. 721) granting an increase of pension to Lavalette D. Dickey was considered as in Committe of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lavalette D. Dickey, widow of Charles J. Dickey, late captain, Twenty-second Regiment United States Infantry, and major, Eighth Regiment United States Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving, and $2 per month additional on account of the minor child of said Charles J. Dickey until he reaches the age of 16 years.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JENNIE C. RUCKLE.

The bill (S. 1800) granting an increase of pension to Jennie C. Ruckle was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "One," to strike out "of the," and in line 9, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jennie C. Ruckle, widow of Nicholas R. Ruckle, late colonel One hundred and forty-eighth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES N. LEE.

The bill (H. R. 1324) granting an increase of pension to Charles N. Lee was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "late," to strike out "of" and insert "first lieutenant;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles N. Lee, late first lieutenant Company B, Eleventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MARY A. VAN WORMER.

The bill (S. 3553) granting an increase of pension to Mary A. Van Wormer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary A. Van Wormer, widow of Aaron Van Wormer, late of Company A, Tenth Regiment Missouri Volunteer Cavalry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN RAPPLE.

The bill (H. R. 2617) granting an increase of pension to John Rapple was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Rapple, late of Company A, Ninth Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THEODORE LANE.

The bill (H. R. 5147) granting an increase of pension to Theodore Lane was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Theodore Lane, late of Company A, Twenty-second Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $36 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN C. MORRISON.

The bill (H. R. 2429) granting an increase of pension to John C. Morrison was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John C. Morrison, late of Company F, Twenty-fourth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY T. BRUCE.

The bill (S. 3204) granting an increase of pension to Mary T. Bruce was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the words "United States," to insert the word "Regiment," and in the same line, after the word "Infantry," to strike out "Regiment;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary T. Bruce, widow of Amos J. Bruce, late first lieutenant, Twelfth Regiment United States Infantry, war of 1812, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PAULINE LOWE MURPHY.

The bill (S. 2508) granting an increase of pension to Pauline Lowe Murphy was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Pauline Lowe Murphy, widow of William L. Murphy, late captain, Thirty-ninth Regiment United States Volunteer Infantry, war with Spain, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving, and $2 per month additional on account of the minor child of said William L. Murphy until she reaches the age of 16 years.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

KATE H. CLEMENTS.

The bill (S. 1942) granting a pension to Kate H. Clements was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "of," to strike out "the late;" in line 7, before the word "captain," to strike out "formerly" and insert "late;" and in line 9, after the word "month," to insert "in lieu of that she is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Kate H. Clements, widow of Alexander H. Clements, late captain and commissary of subsistence, United States Volunteers, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Kate H. Clements."

JOHN PETERSON.

The bill (S. 3388) granting an increase of pension to John L. Peterson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, before the name "Peterson," to strike out the initial letter "L.;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Peterson, late of Company E, Forty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to John Peterson."

JOSEPH CHURCH.

The bill (H. R. 3240) granting an increase of pension to Joseph Church was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph Church, late of Company H, Twenty-third Regiment Wisconsin Volunteer

Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GUSTAV SCHWARTZ.

The bill (H. R. 5259) granting an increase of pension to Gustav Schwartz was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Gustav Schwartz, late of Company E, First Regiment Michigan Volunteer Cavalry, and to pay him a pension of $50 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH R. MARTIN.

The bill (H. R. 2321) granting an increase of pension to Joseph R. Martin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph R. Martin, late of Company E, Twenty-fourth Regiment Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWARD B. SCOTT.

The bill (H. R. 5860) granting an increase of pension to Edward B. Scott was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edward B. Scott, late of Company F, Sixth Regiment United States Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MEXICAN WAR SURVIVORS.

The bill (S. 3522) to increase the pension of certain Mexican war pensioners to $12 per month was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll at the rate of $12 per month, all Mexican war survivors now on the roll, or who may hereafter be placed on the roll, under the acts of January 29, 1887, March 3, 1891, and February 5, 1897.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to increase the pension of Mexican war survivors to $12 per month."

OLIVER P. GOODWIN.

The bill (H. R. 1200) granting an increase of pension to Oliver P. Goodwin was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions, with amendments, in line 7, after the word "Volunteers," to strike out "Mexican;" in line 8, before the word "and," to strike out the comma and insert "with Mexico;" in the same line, before the word "pay," to strike out "to;" and in the same line, after the word "pensions," to insert "at the rate;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Oliver P. Goodwin, late of Knapp's company of Colonel Easton's battalion Missouri Volunteers, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

ELIZABETH A. SHAW.

The bill (S. 2947) granting an increase of pension to Elizabeth A. Shaw was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the word "Indiana," to strike out "Volunteers" and insert "Volunteer Infantry;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth A. Shaw, widow of Benjamin C. Shaw, late major, Seventh Regiment Indiana Volunteer Infantry, and lieutenant-colonel Sixty-eighth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS BLACKBURN.

The bill (S. 2877) to remove the charge of desertion standing against the record of Thomas Blackburn was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of War be, and he is hereby, authorized and directed to correct the military record of Thomas Blackburn, late a member of the Eighty-fifth New York Infantry Volunteers, and to grant him an honorable discharge as of date May 30, 1862, from Company G of said regiment: *Provided*, That no pay, bounty, or allowances shall be allowed by reason of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH W. BURCH.

The bill (S. 577) granting an increase of pension to Joseph W. Burch was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "major," to strike out "of the;" in line 7, before the word "Indiana," to strike out "of;" and in line 8, before the word "dollars," to strike out "twenty-five" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph W. Burch, late major, Forty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM B. FRANKLIN.

Mr. HAWLEY. I ask unanimous consent for the present consideration of the bill (S. 1453) authorizing the appointment and retirement of William B. Franklin with the rank of colonel, United States Army.

The old gentleman is 80 years old, very feeble, reduced in means, and has a splendid record, which I might read to the Senate, but I will not take the time to do so now.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ENID AND ANADARKO RAILWAY COMPANY.

Mr. COCKRELL. I ask unanimous consent for the present consideration of the bill (H. R. 3104) to grant the right of way through the Oklahoma Territory and the Indian Territory to the Enid and Anadarko Railway Company, and for other purposes. It is a bill which has been reported favorably by the Committee on Indian Affairs, and to which there is no objection.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Indian Affairs with an amendment, to add to the bill the following as new sections:

SEC. 13. That the right to locate, construct, own, equip, operate, use, and maintain a railway and telegraph and telephone line or lines into, in, or through the Indian Territory, together with the right to take and condemn lands for right of way, depot grounds, terminals, and other railway purposes, in or through any lands held by any Indian tribe or nation, person, individual, or municipality in said Territory, or in or through any lands in said Territory which have been or may hereafter be allotted in severalty to any individual Indian or other person under any law or treaty, whether the same have or have not been conveyed to the allottee, with full power of alienation, is hereby granted to any railway company organized under the laws of the United States, or of any State or Territory, which shall comply with this act.

SEC. 14. That the right of way of any railway company shall not exceed 100 feet in width except where there are heavy cuts and fills, when 100 feet additional may be taken on each side of said right of way; but lands additional and adjacent to said right of way may be taken and condemned by any railway company for station grounds, buildings, depots, side tracks, turnouts, or other railroad purposes not exceeding 200 feet in width by a length of 2,000 feet. That additional lands not exceeding 40 acres at any one place may be taken by any railway company when necessary for yards, roundhouses, turntables, machine shops, water stations, and other railroad purposes. And when necessary for a good and sufficient water supply in the operation of any railroad, any such railway company shall have the right to take and condemn additional lands for reservoirs for water stations, and for such purpose shall have the right to impound surface water or build dams across any creek, draw, canyon, or stream, and shall have the right to connect the same by pipe line with the railroad and take the necessary grounds for such purposes; and any railway company shall have the right to change or straighten its line, reduce its grades or curves, and locate new stations and to take the lands and right of way necessary therefor under the provisions of this act.

SEC. 15. That before any railroad shall be constructed or any lands taken

or condemned for any of the purposes set forth in the preceding section, full compensation for such right of way and all land taken and all damage done or to be done by the construction of the railroad, or the taking of any lands for railroad purposes, shall be made to the individual owner, occupant, or allottee of such lands, and to the tribe or nation through or in which the same is situated: *Provided*, That correct maps of the said line of railroad in sections of 25 miles each, and of any lands taken under this act, shall be filed in the Department of the Interior, and shall also be filed with the United States Indian agent for Indian Territory, and with the principal chief or governor of any tribe or nation through which the lines of railroad may be located or in which said lines are situated.

In case of the failure of any railway company to make amicable settlement with any individual owner, occupant, allottee, tribe, or nation for any right of way or lands or improvements sought to be appropriated or condemned under this act, all compensation and damages to be paid to the dissenting individual owner, occupant, allottee, tribe, or nation by reason of the appropriation and condemnation of said right of way, lands, or improvements shall be determined by the appraisement of three disinterested referees, to be appointed by the judge of the United States court, or other court of jurisdiction in the district where such lands are situated, on application of the corporation or other person or party in interest. Such referees, before entering upon the duties of their appointment, shall each take and subscribe, before competent authority, an oath that he will faithfully and impartially discharge the duties of his appointment, which oaths, duly certified, shall be returned with the award of the referees to the clerk of the court by which they were appointed.

The referees shall also find in their report the names of the person and persons, tribe, or nation to whom the damages are payable and the interest of each person, tribe, or nation in the award of damages. Before such referees shall proceed with the assessment of damages for any right of way or other lands condemned under this act, twenty days' notice of the time when the same shall be condemned shall be given to all persons interested, by publication in some newspaper in general circulation nearest said property in the district where said right of way or said lands are situated, or by ten days' personal notice to each person owning or having any interest in said lands or right of way: *Provided*, That such notice to any tribe or nation may be served on the principal chief or governor of the tribe. If the referees can not agree, then any two of them are authorized to and shall make the award. Any party to the proceedings who is dissatisfied with the award of the referees shall have the right, within ten days after the making of the award, to appeal, by original petition, to the United States court, or other court of competent jurisdiction, sitting at the place nearest and most convenient to the property sought to be taken, where the question of the damages occasioned by the taking of the lands in controversy shall be tried de novo, and the judgment rendered by the court shall be final and conclusive, subject, however, to appeal as in other cases.

When the award of damages is filed with the clerk of the court by the referees, the railway company shall deposit the amount of such award with the clerk of the court, to abide the judgment thereof, and shall then have the right to enter upon and take possession of the property sought to be condemned: *Provided*, That when the said railway company is not satisfied with the award, it shall have the right, before commencing construction, to abandon any portion of said right of way and adopt a new location, subject, however, as to such new location, to all the provisions of this act. Each of the referees shall receive for his compensation the sum of $4 per day while actually engaged in the appraisement of the property and the hearing of any matter submitted to them under this act. Witnesses shall receive the fees and mileage allowed by law to witness in courts of record within the districts where such lands are located. Costs, including compensation of the referees, shall be made part of the award or judgment and be paid by the railway company: *Provided*, That if any party or person other than the railway company shall appeal from any award, and the judgment of the court does not award such appealing party or person more than the referees awarded, all costs occasioned by such appeal shall be paid by such appealing party or person.

SEC. 16. That where a railroad is constructed under the provisions of this act there shall be paid by the railway company to the Secretary of the Interior, for the benefit of the particular tribe or nation through whose lands any such railroad may be constructed, an annual charge of $15 per mile for each mile of road constructed, the same to be paid so long as said lands shall be owned and occupied by such nation or tribe, which payment shall be in addition to the compensation otherwise provided herein; and the grants herein are made upon the condition that Congress hereby reserves the right to regulate the charges for freight and passengers on said railways and messages on all telegraph and telephone lines until a State government or governments shall exist in said Territory within the limits of which any railway shall be located; and then such State government or governments shall be authorized to fix and regulate the cost of transportation of persons and freights within their respective limits by such railways; but Congress expressly reserves the right to fix and regulate at all times the cost of such transportation by said railways whenever such transportation shall extend from one State into another, or shall extend into more than one State; and that the railway companies shall carry the mail at such prices as Congress may by law provide; and until such rate is fixed by law the Postmaster-General may fix the rate of compensation.

SEC. 17. That any railway company authorized to construct, own, or operate a railroad in said Territory desiring to cross or unite its tracks with any other railroad upon the grounds of such other railway company shall, after fifteen days' notice in writing to such other railroad company, make application in writing to the judge of the United States court for the district in which it is proposed to make such crossing or connection for the appointment of three disinterested referees to determine the necessity, place, manner, and time of such crossing or connection. The provisions of section 3 of this act with respect to the condemnation of right of way through tribal or individual lands shall, except as in this section otherwise provided, apply to proceedings to acquire the right to cross or connect with another railroad. Upon the hearing of any such application to cross or connect with any other railroad, either party or the referees may call and examine witnesses in regard to the matter, and said referees shall have the same power to administer oaths to witnesses that is now possessed by United States commissioners in said Territory, and said referees shall, after such hearing and a personal examination of the locality where a crossing or connection is desired, determine whether there is a necessity for such crossing or not, and if so, the place thereof, whether it shall be over or under the existing railroad, or at grade, and in other respects the manner of such crossing and the terms upon which the same shall be made and maintained: *Provided*, That no crossing shall be made through the yards or over the switches or side tracks of any existing railroad if a crossing can be effected at any other place that is practicable.

If either party shall be dissatisfied with the terms of the order made by said referees it may appeal to the United States court of the Indian Territory for the district wherein such crossing or connection is sought to be made in the same manner as appeals are allowed from a judgment of a United States commissioner to said court, and said appeal and all subsequent proceedings shall only affect the amount of compensation, if any, and other terms of crossing fixed by said referees, but shall not delay the making of said crossing or connection: *Provided*, That the corporation desiring such crossing or connection shall deposit with the clerk of the court the amount of compensation, if any is fixed by said referees, and shall execute and file with said clerk a bond of sufficient security, to be approved by the court or a judge thereof in vacation, to pay all damages and comply with all terms that may be adjudged by the court. Any railway company which shall violate or evade any of the provisions of this section shall forfeit for every such offense, to the person, company, or corporation injured thereby, three times the actual damages sustained by the party aggrieved.

SEC. 18. That when in any case two or more railroads crossing each other at a common grade shall, by a system of interlocking or automatic signals, or by any works or fixtures to be erected by them, render it safe for engines and trains to pass over such crossing without stopping, and such interlocking or automatic signals or works or fixtures shall be approved by the Interstate Commerce Commissioners, then, in that case, it is hereby made lawful for the engines and trains of such railroad or railroads to pass over such crossing without stopping, any law or the provisions of any law to the contrary notwithstanding; and when two or more railroads cross each other at a common grade, either of such roads may apply to the Interstate Commerce Commissioners for permission to introduce upon both of said railroads some system of interlocking or automatic signals or works or fixtures rendering it safe for engines and trains to pass over such crossings without stopping, and it shall be the duty of said Interstate Commerce Commissioners, if the system of works and fixtures which it is proposed to erect by said company are, in the opinion of the Commission, sufficient and proper, to grant such permission.

SEC. 19. That any railroad company which has obtained permission to introduce a system of interlocking or automatic signals at its crossing at a common grade with any other railroad, as provided in the last section, may, after thirty days' notice, in writing, to such other railroad company, introduce and erect such interlocking or automatic signals or fixtures; and if such railroad company, after such notification, refuses to join with the railroad company giving such notice in the construction of such works or fixtures, it shall be lawful for said company to enter upon the right of way and tracks of such second company, in such manner as to not unnecessarily impede the operation of such road, and erect such works and fixtures, and may recover in any action at law from such second company one-half of the total cost of erecting and maintaining such interlocking or automatic signals or works or fixtures on both of said roads.

SEC. 20. That all mortgages executed by said railway company conveying any portion of its railway, with its franchises, that may be constructed in said Indian Territory, shall be recorded in the Department of the Interior, and the record thereof shall be evidence and notice of their execution, and shall convey all rights, franchises, and property of said company as therein expressed.

SEC. 21. That Congress hereby reserves the right at any time to alter, amend, or repeal this act, or any portion thereof.

SEC. 22. That any railway company which has heretofore acquired, or may hereafter acquire, under any other act of Congress, a railroad right of way in Indian Territory may, in the manner herein prescribed, obtain any or all of the benefits and advantages of this act, and in such event shall become subject to all the requirements and responsibilities imposed by this act upon railroad companies acquiring a right of way hereunder. And where the time for the completion of a railroad in Indian Territory under any act granting a right of way therefor has expired, or shall hereafter expire, in advance of the construction of such railroad, or of any part thereof, the Secretary of the Interior may, upon good cause shown, extend the time for the completion of such railroad, or of any part thereof, for a time not exceeding two years from the date of such extension.

SEC. 23. That an act entitled "An act to provide for the acquiring of rights of way by railroad companies through Indian reservations, Indian lands, and Indian allotments, and for other purposes," approved March 2, 1892, so far as it applies to the Indian Territory, and all other acts or parts of acts inconsistent with this act are hereby repealed: *Provided*, That such repeal shall not affect any railroad company whose railroad is now actually being constructed, or any rights which have already accrued; but such railroads may be completed and such rights enforced in the manner provided by the laws under which such construction was commenced or under which such rights accrued.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

MEMORIAL SERVICES ON THE LATE REPRESENTATIVE BROSIUS.

The PRESIDENT pro tempore. The Chair lays before the Senate resolutions of the House of Representatives, which will be read.

The Secretary read as follows:

IN THE HOUSE OF REPRESENTATIVES,
February 1, 1902.

Resolved, That the business of the House be now suspended that opportunity may be given for paying tribute to the memory of Hon. MARRIOTT BROSIUS, late a member of the House of Representatives from the State of Pennsylvania.

Resolved, That as a particular mark of respect to the memory of the deceased and in recognition of his eminent abilities as a distinguished public servant, the House at the conclusion of these memorial proceedings shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk be instructed to send a copy of these resolutions to the family of the deceased.

Mr. PENROSE. Mr. President, I offer resolutions and ask that they be read.

The PRESIDING OFFICER (Mr. QUARLES in the chair). The Secretary will read the resolutions submitted by the Senator from Pennsylvania.

The Secretary read the resolutions, as follows:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of the Hon. MARRIOTT BROSIUS, late a Representative from the State of Pennsylvania.

Resolved, That the business of the Senate be now suspended in order that fitting tribute may be paid to his private and public virtues.

Resolved, That as a further mark of respect the Senate at the conclusion of these ceremonies do adjourn.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

Mr. PENROSE. Mr. President, we have suspended the business of the Senate that we may commemorate the life and services of MARRIOTT BROSIUS, late a Representative from the Tenth district of Pennsylvania, and that we may pay our tribute of esteem and respect to his memory. Mr. BROSIUS was a distinguished Representative from the State of Pennsylvania. He was born in Colerain Township, in Lancaster County, on March 7, 1843. His ancestors, both paternal and maternal, were of sturdy Quaker stock. His great grandfather, Henry Brosius, emigrated from England in the year 1780 and settled in Philadelphia. His grandfather, Mahlon, was born in Chester County, and was a potter by occupation and a prominent member of the Society of Friends. His father, Clarkson, was also a native of Chester County, and was engaged in agricultural pursuits.

Clarkson Brosius was a splendid type of the antislavery social-reform agitators, and did much to mold the sentiment of the North in the exciting political events that marked the period prior to the outbreak of the civil war, and young BROSIUS absorbed all of the patriotic spirit of his father. His early days were spent on a farm, but he grasped every opportunity to procure such education as was afforded by the neighboring schools. In November, 1861, being a student at Chestnut Hill Academy and 18 years of age, he enlisted as a member of Company K, Ninety-seventh Pennsylvania Infantry, under Capt. William Wayne, a grandson of Gen. Anthony Wayne. The regiment saw hard service, and returned in March, 1864, with only one-third of the original muster left. Subsequently the regiment was assigned to Gloucester Point, and it was in the engagements at Green Plains and Bermuda Hundred. In this battle Mr. BROSIUS was a sergeant and received the wound that ever afterwards prevented him from raising his right arm. Years after, one of the field officers of his regiment paid him this tribute:

His record is linked and written with the Ninety-seventh Regiment, on whose roll his name was subscribed in 1861. Its history is his history, and its fame is his fame, and its glorious deeds are the sum of the faithful and brave deeds of the men who, with him, went forth at the call of this country to battle for the preservation of the nation. Among the most earnest and yet quiet and unobtrusive in all his actions was MARRIOTT BROSIUS. From the day of his enlistment in the service until stricken down by the bullet of the enemy, he was ever at his post of duty, active and vigilant as a sentinel, brave and courageous in the line of battle. He was regarded as a model soldier, as well from the force of culture that indicated the perfect gentleman, as from the exact fulfillment of duty that indicated the trained veteran and soldier.

Upon returning home after the war, Mr. BROSIUS resumed his studies at the Millersville Normal School, where he remained until 1867. He then taught school in Chester County for a short time, and finally returned to Lancaster to read law with Hon. Thomas E. Franklin, ex-attorney-general of the State. Later he entered the law department of the University of Michigan at Ann Arbor, and graduated with honors in 1868. In the same year he was admitted to the Lancaster bar, and soon gained a fine reputation as a lawyer. He early became known as an orator of high attainments. As a public speaker he attracted and impressed his audiences by his commanding presence, his distinct elocution, and his polished rhetoric. In the early days of the temperance movement he received from the Order of Good Templars an offer of the position of State lecturer of the organization, being recommended for this position by the poet George W. Bungay, who had been much impressed by his speeches. He performed this arduous work with fidelity, and his services were in constant demand. He gradually acquired a national reputation as a speaker. He delivered memorial addresses at the national cemeteries at Antietam, at Gettysburg, and at Arlington. He addressed many prominent political clubs in New York and Chicago, and made numerous Grand Army of the Republic, Decoration Day, literary, and political speeches. In 1893 Ursinus College conferred upon him the honorary degree of LL. D.

In 1882 Mr. BROSIUS was a delegate to the Republican State convention. The Republican party of Pennsylvania was at that time torn asunder by factional strife. Mr. BROSIUS received the nomination from the convention as Congressman at large, but was defeated, with the rest of the Republican State ticket, at the election. In 1888 he was nominated and elected a Representative in Congress from the Tenth district, and he was reelected for every term since that date, his last term, his seventh, establishing a record without an equal in the district. As a member of Congress, Mr. BROSIUS, by reason of his eloquence, his ability, and his industry, soon acquired a prominent position. In the Fifty-first Congress he was a member of the Committee on Agriculture, and immediately took an interest in measures of special importance to his agricultural constituents. He was also a member of the Committees on the Militia and on Private Land Claims, and with great industry he took up and discussed before the House questions of pensions, the tariff, silver, and immigration. In the Fifty-sixth Congress, during which the present currency act became a law and the gold standard was adopted, he was the chairman of the Committee on Banking and Currency.

As a representative of Lancaster County Mr. BROSIUS was earnest and conscientious. He was endowed with high personal character and possessed the love and respect of his constituents to a marked degree. At the time of his death he was perhaps the best known citizen in his district, at home and abroad. He was patriotic, eloquent, and conscientious to a preeminent degree.

Hon. J. Hay Brown, one of the justices of the supreme court of Pennsylvania, thus spoke of him at a meeting of the members of the Lancaster bar held to pay tribute to the memory of Mr. BROSIUS:

The virtues of our dead friend and brother have been justly extolled by those who have spoken, and it is not needful that I should longer dwell upon them. But if I do not speak of them it is not because any other man's appreciation of them was higher. In every relation of life he was exemplary, and from the beginning to the end he was pure and his hands were clean. His good qualities ought to be remembered here and recalled from time to time in order that they may be emulated. As a citizen, soldier, lawyer, statesman, husband, and father he was pure, brave, successful, able, affectionate, and God-fearing. More than this can not be said of mortal being, and though he fell at his work when the rays of the day's sun were still shining upon him, and before the shades of eventide had gathered about him, his life was not lived in vain.

The Tenth district, which Mr. BROSIUS so long represented in Congress, embraces the county of Lancaster, which is one of the richest and most fertile sections of Pennsylvania, if not of the whole United States. There is no finer agricultural land in the world than Pequea Valley. The limestone land in Donegal, Hempfield, and Manor is equally fertile. There is not another county in the State possessing such an amount and variety of the sources of natural wealth, and none where these resources have been more industriously developed. Beginning in the year 1710 the county was rapidly settled by a large immigration of Scotch-Irish Presbyterians and Germans from the Palatinate. These Scotch-Irish and Germans are recognized as being the two most important elements in the settlement of our country.

In Lancaster County particularly the Germans, by their thrift, intelligence, enterprise, and industry, developed the agricultural and mineral resources of the county with extraordinary success, and great and flourishing communities have been built up. James Buchanan and Thaddeus Stevens are counted among the many distinguished sons of Lancaster County. It is doubtful whether there is another county which can boast of as many wealthy and well-to-do farmers, or of as many thriving and progressive communities.

The State of Pennsylvania has lost an eloquent and distinguished Representative. We, his colleagues, lament the death of an esteemed associate, and we extend to his family our sincere sympathy in their great bereavement.

Mr. MCCOMAS. Mr. President, the Lancaster district of Pennsylvania has been aptly characterized by the Senator from Pennsylvania [Mr. PENROSE] who has just taken his seat as a country of marvelous richness, inhabited by a sturdy people—the Scotch-Irish and the German elements. And down that broad valley—through the Cumberland Valley—to the western end of my own State flowed this immigration of Germans and Scotch-Irishmen, reaching the gates of the mountains on their way toward the winning of the West.

This Lancaster population is very like my own country, and with this came certain intercommunication which in a measure obliterated State lines and made general intelligence and knowledge of the men in one section well known in the other. Thus during my lifetime I have seen somewhat and heard much of that sturdy people who made up the typical district which was represented so long, so ably, so conscientiously by my personal friend, MARRIOTT BROSIUS.

It has been a fortunate district, the Senator has just said. I first remember its Representative when in my youth I saw carried into this Chamber in a great chair that leader of leaders, Thaddeus Stevens, when, though broken in health, with unbroken will, as one of the managers of the House of Representatives, he appeared here in the impeachment trial of President Andrew Johnson.

In those, his declining days, with grim humor he would ask the stalwart young men who were carrying him upstairs: "I wonder, boys, who will carry me when you are dead and gone?"

He lived and died with unabated powers of leadership, and the people of Lancaster until his death followed his fame, were proud of his career, and never faltered in the support and confidence they extended to their great Representative.

He was followed by a man of quite a different type, but of splendid characteristics, the Hon. A. Herr Smith, who served for ten years in the House of Representatives, with ability, zeal, and confidence, the same sturdy and sterling people in the beautiful land of splendid farms, cozy villages, and great towns of Lan-

caster County. It was a compact, unique district, characterized as regards the people to a degree equaled by few Congressional districts in the country by fidelity to the Representative of their choice. I served for years with Mr. Smith, who was years ago gathered to his fathers.

There came after him in the Fifty-first Congress, one of the most exciting and tempestuous in our recent history, an interesting character. I remember when he came. His name attracted my attention. Only a year or two before I had heard some of those present at the Antietam Cemetery, when Mr. BROSIUS delivered the oration of which the Senator from Pennsylvania has just made mention, speak with marked praise and strong commendation of his eloquent and pleasing address.

From that unconscious telegraphy between that section of Pennsylvania and the western end of my own State I had known his name quite long, and this incident was fresh in my memory; and when this tall, vigorous, lithe, sinewy, and graceful person appeared on the floor of the House of Representatives he easily drew my attention. In the chance of location we sat near by each other, and one of those intimacies which are formed under this roof and under that roof yonder from propinquity in the Chamber or on committees arose, and MARRIOTT BROSIUS and I were good friends from that time forth.

I knew him well. I sought his society. I saw very much of him after I left the House, in which he remained so long in such useful service, and he always grew in my regard, while on my part there was increasing admiration for his conscientious devotion to public duty and his clean, manly personality. He was modest, studious, a man who toiled terribly. He was a rhetorician, but quite logical and clear. He was an orator by nature. He was a lawyer of large acquirements. He had learned to "scorn delights and live laborious days." Much of the frivolity of life was far removed from him by reason of early poverty, by his temperament, and a devotion to his family throughout his busy life.

We were such good friends that I, who then represented one of the very close districts in the House of Representatives, could freely call upon my friend MARRIOTT BROSIUS to help me in my contests, which were earnest. He was everywhere, by reason of his reputation throughout the country as an orator, sure to gather a crowded hall, large audiences, to charm them by his manliness, his sincerity, his noble gift of speech, and to sway them by his oratory. Though in great demand everywhere throughout the country, my old friend always remembered to give me such help, ready, loyal, cordial, and willing, as I asked, and to help me with his influence on the hustings.

Not only did he serve the principles he advocated in his own and neighboring States, but far and wide throughout the country, in many campaigns, MARRIOTT BROSIUS was an orator sought after, listened to, and urged again to come. He advocated principles which he conscientiously believed. Thus, from long service of years in the House, he had come to realize ever more clearly and to see ever more widely the impress which his intellect and his character made upon the House and thereafter upon the country.

For such a man to die at 58 years of age was a loss, almost a calamity, to his district and a great loss to his country—after he had won his place in the front rank among his peers, after he had so recently, as chairman of Banking and Currency, linked his name in our history with a great struggle for a sound currency and had so honorably and manfully fought for the triumph of a standard of value in which he honestly believed the prosperity of his country was greatly concerned—a standard which the world now widely accepts. It was indeed a great misfortune to lose such a man in the very prime of his powers and his public usefulness.

The Quaker lad at the country store; the soldier boy in the fresh, new uniform, smiling, and yet almost tearful, adventurous, looking back, and yet eager to march to the front; turning from home, from father, from mother, brothers and sisters, to follow the flag he had been taught to love, putting aside the pacific teachings of the Quaker sect; going at the call of Lincoln early in 1861; the wounds suffered amid the terrible carnage of a bloody charge; a brave young soldier falling when the flag of his country had just been planted on the field of victory; the camp hospital, the fevers, the constant and yet the heroic suffering; the march home again, stricken and wounded, when war was over; the years of care and self-nursing; the memory and the pain of those wounds in battle; the busy years of a lawyer's life; caring for a young family; the life of love at home—and oh, how he delighted to think of it and to talk of it; the triumphs of the orator; the campaigns; the national struggles over great issues; the crowded halls, the long journeys, the victory, then the great Hall of Representatives; the ceaseless cares and labors of the Congressman and the heavy responsibilities undermined the strong constitution broken down by those wounds and lessened his vitality as his fame grew wider and wider. Then the collapse, the mourning at home and throughout the country for MARRIOTT BROSIUS, and those deeper and never-ending griefs of his dearest ones for which there is no solace.

This was a typical American leader and statesman, and suggests a faint outline of a noble life. Happy the country which can produce many such men! Happy the country that, preeminent among many such men, it enjoyed the lifetime services, as a youth in war, in manhood in civil life, of such an American statesman as MARRIOTT BROSIUS!

But for myself I mourn more for the man, brave and modest, magnetic, always of even temper, with great personal charm, a man of a logical and strong mind, and yet full of imagination and poesy, a political leader who was still more a scholar and thinker.

I recall with mournful satisfaction the good friend, the strong lawyer, the lover of learning, and, even better, one who, loving learning, still better loved his country, his home, and his family, and I sincerely mourn the departure of such a man from his place in the House of Representatives.

MARRIOTT BROSIUS was as pure as he was brave and manly. There was no malice in him. He was strong in conviction, firm in purpose, placid, yet ever pertinacious. He was not guileful. There was, as I have said, a personal charm that won confidence and friendship.

Within twenty years I have seen both ends of the Capitol, this Senate and that House yonder, reconstructed. Many hundreds whose words and deeds held the public attention, and deserved to hold it, have gone the way of death. Others succeeded; others will still follow them. The world belongs to those who come last. Few will live longer in the affectionate remembrance of their fellows than will MARRIOTT BROSIUS in the memory of his friends. This strong and good man, this true American and public servant, without stain, a hero, a patriot, has passed to his reward.

Mr. GALLINGER. Mr. President, it is a comforting thought that—

> It is not all of life to live,
> Nor all of death to die.

That in this life we may reasonably look beyond for something better, and that when death comes we may confidently accept the words of Kant, and say, "The other world is not another place, but another view;" or, as another has said, "Death is not the end of life, but an event in life."

Mr. President, MARRIOTT BROSIUS was my friend, and the few words that I shall speak to-day will be uttered simply as a tribute of friendship, leaving to others the recital of his public career as an honored representative of the great State of Pennsylvania, which Commonwealth he so long served with distinguished fidelity and acknowledged ability.

For six years it was my privilege to live under the same roof with Mr. BROSIUS, and thus to observe him in his daily walk and conversation. During all that time I never knew him to speak a harsh word or to utter a sentence that might not have been spoken in any presence. He was a genial, kind-hearted, broad-minded, generous man—a Christian gentleman in the truest sense of the term. A tender husband, a loving father, a patriotic and high-minded citizen, a loyal friend—what better tribute can be paid to his memory? How well I remember his cordial greeting, his helpful words, his bright and witty sayings. In his presence there was constant sunshine; in his soul, perpetual tenderness and love.

Mr. BROSIUS was simple and democratic in his tastes, yet he was a true aristocrat, the manifestations of which are integrity, courtesy, and honor. So far as I know, he had the respect and confidence of all with whom he came in social or official contact. His cheerfulness was contagious, his courtesy unvarying, and his sense of honor beyond criticism. If he ever was misunderstood or misrepresented, he gave answer in kind words and in a life fashioned upon generous lines and high ideals. He was a sincere man. There were no shams or hypocrisies in his nature. What he professed to believe he believed with all his heart. He lived above the little meannesses and frivolities of life, with aspirations for better things than the husks and follies of this world.

At his home and throughout his Congressional district he was trusted and loved by all classes, and in the performance of his public duties was beyond criticism, being patient, consistent, and honest in all things. He attended promptly to all the little matters that come to a man in public life, and at the same time did not neglect the larger affairs of legislation and statecraft, paying special attention to the great questions of currency and finance. He was a friend of the deserving poor, an ardent sympathizer with the soldiers of the country, of which he was one, carrying through life the proof of his service in a badly crippled arm. He was loyal in his friendships, popular among his associates, eloquent in debate, and enthusiastic in the advocacy of any cause in which he

became thoroughly enlisted. In short, Mr. BROSIUS was a well-rounded and thoroughly self-poised man, whose service to the country, both in peace and war, will not be forgotten, and whose memory will be held in tender remembrance by all who were privileged to enjoy his friendship. He was withal a true American, deeply interested in the educational and moral progress of State and nation. Such men shed luster on the institutions of our country, and greatly contribute to the welfare and advancement of all classes of our people.

Mr. President, on a bleak and dreary day I stood by the open grave of my friend. A great concourse of people had come from far and near to testify, by their presence and their tears, the loss that they had sustained. The beautiful home was crowded with men and women who felt that they had sustained a personal loss; and when all that was mortal of MARRIOTT BROSIUS had been consigned to the tomb, in a spot from which a great sweep of hill and valley delights the eye, a solemn hush fell upon all, and the voice of grief came up from many hearts in audible expression. And then to some of us came the beautiful words of dear Phillips Brooks:

> If we could only know * * * the presence of God into which our friend enters on the other side, the higher standards, the larger fellowship with all his race, and the new assurance of the personal immortality with God; if we could know all this, how all else would give way to something almost like a burst of triumph as the soul that we loved went forth to such vast enlargement, to such glorious consummation of its life.

Mr. President, in that wonderful lecture of Ruskin's on "The Mystery of Life" are to be found the loftiest and grandest sentiments that should govern and control the human will—the subordination of evil, and the cultivation of the pure, the noble, and the true. Our friend lived up to that standard. The Golden Rule was his watchword, and the principles of the Christian religion his guiding star. Thus living and thus dying, may it not truthfully be said of him:

> Life's race well run,
> Life's work all done,
> Life's victory won,
> Now cometh rest.

Mr. SPOONER. Mr. President, upon a sudden request, with which my heart bids me to comply, I rise to speak a few unstudied words in tribute to the memory of MARRIOTT BROSIUS.

I esteemed and shall always esteem it an honor that I knew him and was admitted to his friendship. He possessed in more than an ordinary degree the qualities which compel not only respect but admiration and which invited confidence.

He realized, as a member of Congress, that this is a great people, a great Government, with vast, far-reaching, and complicated interests which can only be conserved by the wise solution of troublesome problems demanding the utmost fidelity, investigation, and thought.

I speak no perfunctory word when I say of Mr. BROSIUS that I believe no man ever came into the legislative service of this country with higher aspirations and a nobler purpose to bear every burden which public life could possibly put upon one than did he. He was essentially a strong man, a rugged man, educated—finely educated, Mr. President—mainly, I have thought sometimes, in the rough school of life and experience in contact with the world, in the last analysis the finest school after all.

He was a man brave in every way. He was brave as a soldier, and he bore through life, without secret repining or open complaint, pain from wounds received in battle under the flag which he loved.

He was as brave in private life and in public life as he was as a soldier under the flag. No duty appalled him. He never shrank from any responsibility, and it is a great thing to be able to say of one that when his day is done, when he has gone to rest, he shrank from the performance of no duty, that his career was a lofty one, and an honorable one, and that in it and through it he left an impress upon the institutions and the legislation of his country which never will be forgotten.

I agree with the Senator from Maryland [Mr. MCCOMAS], although his opportunity of accurate knowledge and judgment was far better than mine, in his statement that Mr. BROSIUS was a natural orator. I have listened to him sometimes with rapt and intense eagerness and interest. He was a man of pleasing, aye, fascinating personality. He was a lover of literature. He was a student of books, a man of exquisite taste, who had ready always for his use the riches of the best literature.

He was a fine lawyer, as I had opportunity more than once to know. He was very jealous of the commercial honor, as he deemed it, of the United States, and a more indefatigable and assiduous laborer in public life and in the public interest I have not met.

Mr. President, it was with a shock of pain that I learned of his death. It came to him, as it might have come to him upon the field of battle, without premonition or warning. It is not a bad way to die for one who is prepared to die, and MARRIOTT BROSIUS was prepared to die. It is true, as has been spoken of him by the Senator from Pennsylvania [Mr. PENROSE], that in his death Pennsylvania lost one of the noblest of her citizens and the country lost one of the bravest, truest, most faithful and patriotic of public servants.

The PRESIDING OFFICER. The question is on the adoption of the resolutions.

The resolutions were unanimously agreed to; and under the third resolution, the Senate (at 4 o'clock and 58 minutes p. m.) adjourned until to-morrow, Saturday, February 15, 1902, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

FRIDAY, *February 14, 1902.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read.

CORRECTION OF THE JOURNAL.

Mr. WEEKS. Mr. Speaker, I desire that the Journal of Wednesday last may be corrected. When the vote was taken on the motion to recommit the oleomargarine bill I was in my seat and voted "no." I am reported as not voting. I desire to have the Journal corrected.

The SPEAKER. Without objection the correction of the Journal will be made as requested.

There was no objection.

The Journal as amended was then approved.

ADJOURNMENT UNTIL MONDAY NEXT.

Mr. PAYNE. I move that when the House adjourns to-day it adjourn to meet on Monday next; and pending that, I wish to give notice that on Monday I shall call up the bill for the repeal of the war-revenue taxes.

The question being taken on the motion of Mr. PAYNE, it was agreed to.

ADDITIONAL COPIES OF UNITED STATES STATUTES, ETC.

Mr. MCCLEARY. I ask unanimous consent for the present consideration of the resolution which I send to the desk.

The SPEAKER. The gentleman from Minnesota [Mr. MCCLEARY], the chairman of the Committee on the Library, asks unanimous consent for the present consideration of the resolution which will be read.

The Clerk read as follows:

House resolution 134.

Resolved, That the Superintendent of Documents be, and he is hereby, authorized and directed to issue to the library of the House, for use in said library, 25 copies of volume No. 30 of the United States Statutes at Large, and 25 copies each of Supplement to the Revised Statutes of the United States, volume No. 2, parts 1 to 5, inclusive, and Supplement to the Revised Statutes of the United States, volume No. 2, part 6.

There being no objection, the House proceeded to consider the resolution, which was adopted.

ORDER OF BUSINESS.

Mr. SULLOWAY. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of business on the Private Calendar under the rules.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union (Mr. LACEY in the chair), and proceeded to the consideration of business on the Private Calendar under the rules.

JOHN W. TAYLOR.

The first business was the bill (H. R. 9161) granting an increase of pension to John W. Taylor.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Taylor, late of Company F, Second Regiment Tennessee Mounted Volunteer Infantry, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

Mr. TALBERT. Mr. Chairman, I notice that on this Calendar we have 267 or 268 bills, and that two-thirds of them are for increase of pensions. I ask unanimous consent that we first consider bills granting original pensions, before taking up those proposing to grant increase of pensions. It seems to me it would be just and right to give pensions to those who have not had any pensions at all in preference to those who are already drawing a certain allowance, for they can wait to have their pensions increased better than those who have no pension at all. I hope there will be no objection to this request.

Mr. SHATTUC. I object.

The CHAIRMAN. Objection is made to the request. The question is on laying aside the bill with a favorable recommendation.

Mr. TALBERT. Mr. Chairman, I would ask that the report be read, so that we may see what we are doing in the premises.

The CHAIRMAN. The gentleman from South Carolina asks that the report be read in his time.

Mr. GIBSON. I will ask the gentleman if a statement will not do?

Mr. TALBERT. I will be perfectly satisfied with a short statement.

Mr. GIBSON. The bill was introduced by the gentleman from Tennessee [Mr. SIMS] on the other side of the House, and the proof before the committee shows that this soldier served from September, 1862, to June, 1863, and he afterwards served from January, 1864, until March, 1865, when he was mustered out as captain. He is totally disabled, and the bill only gives him $12 a month.

Mr. SIMS. Mr. Chairman, I do not want to take up any time of the House, but I have two affidavits here in support of the bill that I desire to have inserted as a part of my remarks.

There was no objection.

The affidavits are as follows:

STATE OF TENNESSEE, *County of Perry, ss:*

In the matter of John W. Taylor's military service while with Company E, Sixth Tennessee Cavalry.

Personally came before me, a county court clerk in and for the aforesaid county and State, W. O. Averett, aged 61 years, citizen of the town of Linden, county of Perry, State of Tennessee, well known to me to be reputable and entitled to credit, and who, being duly sworn, declares in relation to aforesaid case as follows:

That he was first sergeant of Company E, Sixth Tennessee Cavalry; that said Taylor was enrolled in said company September 18, 1862; that said Taylor remained with the company for about nine months, and did faithful service without receiving any pay, not having been mustered into service. From some cause the regiment was unable to procure muster until some months after said Taylor left the command, that, not being mustered into service, none could draw pay, which created much dissatisfaction. Affiant does not say why said Taylor left, but does not believe he intended to desert the service, as he recruited a company soon after leaving under authority of Andrew Johnson, who was then military governor of Tennessee.

Affiant further declares that he has no interest in said claim, and is not concerned in its prosecution.

W. O. AVERETT.

Sworn to and subscribed before me this day by the above-named affiant, and I certify that I read said affidavit to said affiant, and acquainted him with its contents before he executed the same. I further certify that I am in no wise interested in said case, nor am I concerned in its prosecution, and that said affiant is personally known to me; that he is a credible person and so reputed in the community in which he resides.

Witness my hand and official seal this 4th day of February, 1902.

[SEAL.] M. A. TUBBS, *County Court Clerk.*

STATE OF TENNESSEE, *Perry County:*

In the matter pertaining to the military service of John W. Taylor, while with Company E, Sixth Tennessee Cavalry.

Personally appeared before me, county court clerk in and for the aforesaid county and State, W. C. Webb, aged 61 years, a citizen of Linden, Perry County, Tenn., well known to me to me to be reputable and entitled to credit, and who, being duly sworn, declares as follows:

That he was first lieutenant of Company E, Sixth Tennessee Cavalry, afterwards captain of Company G, Sixth Tennessee Cavalry; that he enrolled the said John W. Taylor to serve in said Company E, September 18, 1862; that said Taylor remained with the company for about nine months and did faithful service without receiving any pay, having never been mustered into the service.

From some unknown cause the company and regiment was unable to procure their muster until months after the said John W. Taylor had left the command, but our muster finally came and was dated back prior to the time said Taylor left, and doubtless the records show (but affiant does not now remember) that said Taylor was mustered into Company E, Sixth Tennessee Cavalry, when in deed and in truth he was not.

Being unable to draw any pay in consequence of not having been mustered was creating some dissatisfaction in our regiment at the time said Taylor left the command. I do not pretend to say why he left, but it is evident that he did not leave with the intention of desertion from the service of the United States, as he obtained authority from Andrew Johnson, the military governor of the State of Tennessee, to recruit a company and capture all marauding bands of rebels he might find, and my information at the time was that he was doing valuable service, as above authorized, as early as in the fall of the year 1863.

Affiant further declares that he has no interest in said claim.

W. C. WEBB.

Sworn to and subscribed before me by the above-named affiant, and I certify that I am in no wise interested in this matter, and that said affiant is personally known to me that he is a credible person.

Witness my hand and seal this 4th day of February, 1902.

[SEAL.] M. A. TUBBS,
County Court Clerk.

The bill was ordered to be laid aside with a favorable recommendation.

CATHARINE MOORE.

The next business on the Private Calendar was the bill (S. 890) granting a pension to Catharine Moore.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Catharine Moore, late nurse, Medical Department, United States Volunteers, and pay her a pension at the rate of $12 per month.

The bill was ordered to be laid aside with a favorable recommendation.

JOHN L. SMITH.

The next business on the Private Calendar was the bill (H. R. 7144) granting an increase of pension to John L. Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John L. Smith, late of Company A, Eleventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

Strike out all of lines 6, 7, 8, and 9 and insert in lieu thereof the following: "of John L. Smith, late of the Twentieth Battery Indiana Volunteer Light Artillery, and pay him a pension at the rate of $14 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM M. GUY.

The next business on the Private Calendar was the bill (H. R. 2547) granting an increase of pension to William M. Guy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William M. Guy, late of Company C, Sixty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JACOB D. CALDWELL.

The next business on the Private Calendar was the bill (H. R. 7823) granting an increase of pension to Jacob D. Caldwell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jacob D. Caldwell, late of Company E, One hundred and thirty-fourth Indiana Volunteer Infantry, and pay him a pension of $50 in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "Indiana," insert the word "Regiment."

In line 8 strike out the words "of fifty dollars" and insert in lieu thereof the words "at the rate of $40 per month."

Mr. LONG. Mr. Chairman, I hope the second amendment, reducing the rate from "fifty" to "forty" dollars a month will not be adopted. The report of the committee clearly shows that the pensioner is entitled to an increase to $50 a month, and I am informed that there is no objection from the committee to the amendment being rejected.

Mr. CALDERHEAD. Mr. Chairman, I am familiar with the case, as I made the report. The committee was entirely satisfied that this man's paralysis was the result of injury to his spine. The Bureau of Pensions admitted that the injury to the spine was incurred in the service, but for some reason or other it does not admit that the paralysis is the result of the injury to the spine. The committee believes it was. The committee will not insist upon the amendment.

Mr. MOODY of Massachusetts. I understand the committee to be content if the committee amendment be voted down.

Mr. CALDERHEAD. It will.

The CHAIRMAN. The question is upon the first amendment, which the Clerk will report.

The Clerk read as follows:

In line 7, after the word "thirty-fourth," insert the word "regiment."

The question was taken; and the amendment was agreed to.

The CHAIRMAN. The question is now upon the second amendment, which the Clerk will report.

The Clerk read as follows:

In line 8 strike out the words "of fifty dollars" and insert "at the rate of $40 per month."

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. CALDERHEAD. Division!

The committee divided; and there were—ayes 16, noes 49.

So the amendment was rejected.

The bill as amended was ordered to be laid aside with a favorable recommendation.

AARON C. BADGER.

The next business was the bill (H. R. 9670) granting an increase of pension to Aaron C. Badger.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Aaron C. Badger, late of Company A, Fifteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

Mr. WHEELER. Mr. Chairman, I desire to know if I can be recognized for the purpose of debate on this measure.

The CHAIRMAN. Certainly; that is in order.

Mr. WHEELER. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. WHEELER. I do not desire to debate this bill, but I should like to have a few moments to discuss another subject. I do not care to be interrupted in what I desire to say, and unless I can proceed without interruption for, say, ten or fifteen minutes, I do not care to proceed.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that he may proceed at this time to speak, without being confined to the bill, for fifteen minutes. Is there objection?

Mr. CALDERHEAD. Do I understand the gentleman to say that he does not desire to discuss this bill?

Mr. WHEELER. I do not desire to debate the bill. I simply desire to take advantage of this opportunity to submit some remarks on another subject.

Mr. MIERS of Indiana. For what time?

Mr. WHEELER. Not exceeding fifteen minutes.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Kentucky is recognized for fifteen minutes.

Mr. WHEELER. Mr. Chairman and gentlemen, I have read with lively interest the recent exposure and criticism in the press upon the attitude of Great Britain and the other foreign powers toward the Republic during the war of 1898, and I think it not inopportune to call the attention of the country to the attitude of the present Administration not only at that time, but now. Divisions of public sentiment among the people of the United States are to be desired.

I suppose no man would desire every citizen of the Republic to concur upon any great measure. It is the salvation of our system of government that there is a division of opinion among the people of this country; but until the inauguration of the President in 1896 there was never any division of sentiment upon one great question, and that was the splendid isolation of the Republic and its fixed determination to hold aloof from all entangling alliances with foreign powers.

Less than five years ago the most sacred traditions of the Republic were disregarded. The belief and fixed judgment of well-nigh every patriotic citizen was overturned, and for the first time we witnessed a President of the United States, aided and egged on by a pitiable flunky in the State Department, stretching his arms across the water to embrace the historic enemies of the American people.

From that good hour until now we have made ourselves a laughing stock at every court in Europe because of our flunkyism, our truculency, and the disgraceful sycophancy of the representatives of the Republic at the feet of Great Britain; and now, when it serves the purpose of some other great nation, the pitiable spectacle is presented, not only to the liberty-loving people of the Republic, but to the world, that we have been hugging to our bosom during the last five years a nation that has systematically and persistently attempted to destroy the liberties of the American people since the battle of Yorktown.

We find now that, despite the fact that the present Administration is afraid, even in the face of its great majority, to ask an appropriation of $60,000 or $100,000 to pay some shoulder-strapped, gold-laced flunky to cross the water and bow the knee and kiss the hand of some English king; that while this very pitiable spectacle is being presented to us, in every newspaper of the Republic it is being heralded abroad that in 1898, when we were seeking to strike the shackles of serfdom from off the heels of Cuba, that nation was then secretly in our own capital attempting to form a coalition of the great powers of the world to prevent that interposition.

And it has not caused a ripple in diplomatic circles. It has been the boast of America, diplomacy to the contrary notwithstanding, that when our State Department said no we meant no, and when we said yes we meant yes. It remained for the present and the just closed Republican Administration to inaugurate a system of European diplomacy, with a kid-gloved, velvet-tongued gentleman, who has to travel out of his way to find a response to a plain categorical question.

We are destroying the integrity and the pride and the intelligence and the honesty of that great department of the Government. I have a respect for the present occupant of the White House. I frankly avow I think he is too honest to be palatable to the average Republican partisan. A little quixotic, it is true, hasty tempered, full-blooded, and not exactly desirable to many of his party. But I indulged the hope that the lingering element of Americanism would induce him at the first opportunity to boot out that man in the State Department who, in my humble judgment, has brought us to this humiliating condition.

England a friend of the United States! I would to God she were; but what a spectacle have we presented in order to be able to boast that we have the friendship of Great Britain and have become a world power! Never before in the history of the Republic has there been a struggle for freedom on the part of any people that Representatives in this Chamber did not hasten to declare that we regarded with solicitude the endeavors and efforts of that people to obtain their liberty.

For more than four years we have witnessed Great Britain maintaining military stations inside the borders of the Republic. We have seen her agents going up and down this country enlisting men and buying materials of war. And I believe I will not travel outside the record when I assert that any member upon this floor who has served here as much as four years has received letters from his constituents protesting against the enforced enlistment of American boys by the English Government to do battle in South Africa.

I know I have received a number of them. Less than thirty days ago I transmitted a pitiable appeal to the American consul in South Africa, asking him to do something to secure the release of an American boy who had been forced to enlist in the English army to fight the Boers in South Africa. Whether it be true or false I know not; but the letter that came from the parents of this boy, asking me to transmit it, said that they had in vain appealed to the State Department to take an interest in the matter.

Afraid of shocking the delicate sensibilities of Great Britain, wanting to be a world power, wanting to inaugurate this new system of diplomacy in our country! I want the people of the United States to understand distinctly who is responsible for the deep humiliation and disgrace that has been brought to the American people. The Republican party has sanctioned and does sanction the attitude not only of this but of the previous Administration in its conduct of our foreign affairs. We have swung further away from democratic traditions, from republican ideas, and from republican principles in the last five years than in the previous hundred years.

Things are now accepted as a matter of course that would have tested the patriotism and shocked the intelligence of our forefathers beyond endurance, all growing out of this striving to lock arms with the great European powers and become a world power. To foster this new idea of diplomacy, we sit quietly by and allow a representative of a great power to assemble in his residence in the capital of the Republic the representatives of every other great nation, and make the cold-blooded and deliberate demand or request that they join with him in a determination arbitrarily and with force to prevent the American people from carrying out their declared intention to rid Cuba of her serfdom.

It may be well enough to treat the representatives of foreign powers with courtesy and consideration. Far be it from me to ask any other mode of treatment; but I do declare that if the publication in the press is true, this man Pauncefote ought to be ordered to take the first ship across the waters. We want no such man in the Republic. If he comes here to represent his Government, well and good; but if he comes here to hatch conspiracies, to attempt to force his wishes and his ideas upon the American people, the sooner we are rid of him the better it will be.

And another thing, Mr. Chairman, which I regard as an unfortunate incident and which I only refrain from discussing on account of the ordinary amenities that should obtain between one gentleman and another. I allude to the fact of the opportunity seized by the chief citizen of the Republic to send a member of his family across the water for the purpose of participating in the coronation of a King.

I shall not discuss that, because it of necessity involves matters I do not care to go into here. I will, in passing, say that it is a most unfortunate circumstance. It is unprecedented in our history, and is to-day deeply regretted by country-loving men in the Union. I am sorry that he did it. It is establishing a precedent that he ought not to recognize, and it is but one more link in the chain showing toward what end we are drifting.

One other matter I wish to advert upon. In the next few days we are to have a brother of a ruler come over to this country and take charge of a little tug, ship, vessel, or yacht—whatever you please to term it—built by some people up in New York. We are appropriating thousands of dollars, and people are falling over each other to get to see a little Dutchman come over and take charge of a little ship. [Applause on the Democratic side.] What difference does it make whether he is Prince Henry or not? There are thousands of citizens of this Republic following the plow as noble, as honest, as intelligent as Prince Henry or Prince Anybody Else. [Applause on the Democratic side.]

Why do the American people give heed to this foolish and disgraceful flunkeyism enacted by the present Administration? What difference does it make to us whether he is a brother of the Emperor, a sister of the Emperor, or a mother of the Emperor? It is evidence of our good will, they say. What do we care about the good will of the German people? Let us treat them politely, as one honest man treats another, but why should we bow down to these people any more than to any other people?

Mr. WANGER. Will the gentleman allow me a question?

Mr. WHEELER. Yes.

Mr. WANGER. The gentleman said why should we care if he happens to be a mother of the Emperor. It would be an interesting fact if he were, would it not? [Laughter.]

Mr. WHEELER. It might be interesting to the gentleman; it is of no interest to me one way or the other, neither psychologically, physiologically, or politically. But, Mr. Chairman, it will not do to pass this matter over lightly. It is significant of the trend of modern republican thought.

Mr. GROSVENOR. Will the gentleman allow me a question?

Mr. WHEELER. Yes.

Mr. GROSVENOR. If the gentleman had been living at the time Lafayette came to this country, bearing the commission of the King of France, would he have overruled the action of George Washington in sending a commission to meet him and accompanying him over the country?

Mr. WHEELER. No; I would have been proud to join in the commission to welcome the Marquis Lafayette. He was a great soldier, a great fighter, and fought for the rights of the American people. [Applause.] But this man represents that kingism or flunkeyism that seeks to enslave the labor of every people under the sun.

Mr. GILLETT of Massachusetts. Does the gentleman criticise the Democratic Administration of James Buchanan in receiving the Prince of Wales?

Mr. WHEELER. That is a very different thing. [Laughter and derisive cries on the Republican side.] Not at all; not at all; that is a very different thing. We received him not as we are receiving this man, if I recollect right, but he came as the official head of his Government.

Mr. GROSVENOR. On the contrary, he came under another name, and the attendant that was with him came incognito also, coming as a mere private citizen, and was taken charge of by the Government during his entire stay in the United States, and dined at the White House by a Democratic President at a time when Democracy meant something.

Mr. WHEELER. If the gentleman is correct, then I condemn in unmeasured terms the attitude of that Democratic Administration.

Mr. GROSVENOR. All right.

Mr. WHEELER. But I do not admit the gentleman's statement, because I know the gentleman's facility for manufacturing history when it suits his purpose on the floor.

Mr. GROSVENOR. The gentleman has put up his veracity against mine in support of his statement that Buchanan did not receive the Prince of Wales and did not entertain him. I join issue with the gentleman——

Mr. WHEELER. I did not say that.

Mr. GROSVENOR. I put my statement against his.

Mr. WHEELER. I insist that I did not put my word against that of the gentleman on this question. I said frankly that I did not know; and I said that if it was true I condemned in unmeasured terms the action of that Democratic administration.

[Here the hammer fell.]

Mr. BOUTELL. Mr. Chairman, I want to reply very briefly to some of the observations of the gentleman from Kentucky [Mr. WHEELER]. It seems to me, Mr. Chairman, that the criticism which has been made upon the head of one of our great Government Departments by the gentleman from Kentucky should not go unanswered in this House. I believe that no one of our Secretaries of State has reflected more credit upon American diplomacy than has the gentleman who now presides with force and dignity over our Department of State. [Applause.] I want to recall for just a moment the bright page in American diplomatic history that was written by Secretary Hay during the closing months of the last year.

We all remember how all Europe, and America as well, were stirred and startled by the events that were taking place in China. Our forces were sent out with all dispatch to protect our official representatives and our own citizens in China. We were brought suddenly into intricate and complicated diplomatic relations with the representatives of the leading monarchies of Europe. In these negotiations we were true to our best national traditions, and we gave a distinct shock to the diplomatists and statesmen of Europe.

Sir Henry Wotton three centuries ago wrote in the album of Christopher Fleckamon what he called a "merry definition of an ambassador:"

An ambassador is an honest man sent to lie abroad for the Commonwealth.

It is to the great and lasting credit of American diplomacy that the representatives of our Republic have always been sent abroad to tell the truth for the good of the Commonwealth. [Applause.] When that trouble was progressing in China, Russia made the first proposition to the powers which looked directly and plainly to the dismemberment of the Chinese Empire. That was promptly rejected by the American State Department. Then a few days later, on the 18th of September, came the proposition of the German representative, which we promptly rejected. Now I want to read just a few words from an able, unprejudiced, and disinterested scholar and commentator on these proceedings.

On September 18 the German Government proposed to the powers that they should consider as a preliminary condition for entering into diplomatic negotiations with the Chinese Government a surrender of such persons as might be determined upon by their representatives at Pekin as being the first and real perpetrators of the crimes committed in Pekin against international law. On September 21 our Government peremptorily rejected this proposal. Mr. Dunnell, writing in the February number of the Forum, says of this incident:

This was a bold stroke. It was not merely a blunt rejection of the German proposal; it was also a notice to Europe that we should withdraw from the concert unless a basis of negotiation more in harmony with our general policy should be quickly agreed upon. It was received with jeers and flaunts by the diplomats and journalists of Europe. The "amateurish diplomacy" of America was ridiculed, and our threat to withdraw from the concert was characterized as presumptuous and dishonorable. All the leading English papers strongly indorsed the German plan. The London Times said editorially that the country "would be both astonished and shocked if our [British] Government did not warmly support the German proposal." France, Austria, Italy, and Japan were all prepared to follow the German programme; but Lord Salisbury, following the lead of the United States, condemned it by withholding any formal reply and by seeking a compromise.

The German proposal was virtually an invitation to all the powers to join Germany in declaring war upon China, for the latter country would inevitably have refused to comply with the demand; and a war on China, under the circumstances, meant a partition of the empire, and the probability of a European conflict. It was also highly objectionable and unwise because it involved the danger of protracted disagreement among the powers as to the persons who should be brought to trial, as to the organization of the court, and as to the nature of the evidence to be received and the punishments to be inflicted. It violated the salutary rule of international law that one nation shall not be compelled to surrender its citizens to another for punishment. Subsequent events have shown that the "amateurish diplomacy" of the United States, by killing the German proposal, saved Europe from committing an egregious blunder.

Mr. WHEELER. Will the gentleman yield a moment?

Mr. BOUTELL. Certainly.

Mr. WHEELER. The incident narrated in what the gentleman has just read was not conducted by Mr. Hay; nor did he have any more to do with it than the gentleman from Illinois. At the time of the transaction of the matters enumerated in the article that the gentleman holds in his hand Mr. Hay was sick and absent from the State Department, and the negotiations were conducted by Mr. Root, the Secretary of War, aided by the Assistant Secretary of State, Mr. Adee.

Mr. BOUTELL. That is not quite correct, for all the diplomatic intercourse and all the negotiations carried on between our representatives in China and the representatives of the foreign powers were outlined and approved by Secretary Hay himself and were in accordance with a policy agreed upon by President McKinley and the Secretary of State.

Mr. WHEELER. What authority has the gentleman for making that statement? He does not dispute the fact that Mr. Hay was sick at the time of this immediate transaction, does he?

Mr. BOUTELL. Never too sick to attend to the duties of his Department and give directions to his assistants and to our representatives in China, which were faithfully followed.

Mr. WHEELER. Was he not absent from the capital?

Mr. BOUTELL. Absence from the capital does not preclude a public official from attending to the duties of his office.

Mr. WHEELER. That is true, but I desire to make this statement: I have not the record by me, but I venture to assert that cursory investigation will disclose the fact that Mr. Hay was sick—confined to his bed somewhere on the North Atlantic coast, and every dispatch in connection with the transaction referred to came from Mr. Root, the Secretary of War, or Mr. Adee, the Assistant Secretary of State, and Mr. Hay had no more to do with the matter than the gentleman from Illinois.

Mr. BOUTELL. There is glory enough for all. But now let me read what this unprejudiced observer and commentator says in his praise of President McKinley and Secretary Hay. I wish to adopt his words and make them my own.

Mr. WHEELER. I want the record, if the gentleman is going to dispute my statement.

Mr. BOUTELL. I have no dispute with the gentleman from Kentucky. Secretary Hay could never be far enough from the capital to lose control of his office. Now, this is the summing up of that bright chapter in the history of our American diplomacy conducted by the present able and scholarly head of that Department.

A review of the diplomatic negotiations leading up to the present settlement is a lesson in patriotism for the American citizen. In its handling of the

Chinese difficulty President McKinley's Administration was splendidly loyal to the best traditions of American diplomacy. By virtue of its moderation, its moral impulse and direction, its fullness of knowledge, its straightforward and open methods, its boldness and self-sufficiency, American diplomacy, in the hands of President McKinley and Secretary Hay, proved itself a mighty instrument of civilization.

Our naval victories at Manila and Santiago have been ridiculously overrated as means of advancing our position among the nations. If that position has recently become somewhat more important, it is chiefly due to the capturing of foreign markets by our merchants and manufacturers and to the leading part we played in the Chinese drama. To the public men of Europe, especially the diplomats, our bold, firm, and independent position, taken at the very outset of the Chinese crisis and before Europe had spoken, came as a veritable shock. They had been comparatively indifferent to our easy victories over a dying nation, but they were quick to perceive the portentous significance of our bold entrance into the field of international politics. Here, indeed, was a new force to be reckoned with, and they knew instinctively that it would work counter to their secretly cherished purposes. Our action has notably strengthened the dislike and apprehension with which we are regarded in the chancelleries of continental Europe.

[Loud applause.]

Mr. WHEELER. Mr. Chairman, does the gentleman intend to pull in another Schley and Sampson on us, and say that Mr. Hay was in, although absent? Is that the object of the gentleman in reading the article?

Mr. BOUTELL. No. I am reading these extracts to show that an unprejudiced observer, a man without the mental and political strabismus of my friend from Kentucky, who could look straight at a problem, thought that the head of our State Department was loyal to the best traditions of American diplomacy. [Loud applause on the Republican side.] And I for one, Mr. Chairman, can not sit here and listen calmly and in silence to the suggestion or demand of the gentleman from Kentucky, made in language more forceful than parliamentary, that the present Secretary of State should be put out of his office by the President of the United States. It ought to be matter of national pride with us, regardless of party prejudices, to sustain the position which Secretary Hay has given to American diplomacy. To our diplomatic history he has added the last and one of the most brilliant pages. [Loud applause on the Republican side].

Mr. ROBINSON of Indiana rose.

[Cries of "Regular order!"]

The CHAIRMAN. The question is on laying the bill aside with a favorable recommendation.

The bill was ordered to be laid aside with a favorable recommendation.

JAMES HARPER.

The next business on the Private Calendar was the bill (H. R. 5160) granting an increase of pension to James Harper.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Harper, late of Company K, Thirty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ELIAS LONGMAN.

The next business on the Private Calendar was the bill (H. R. 4035) granting an increase of pension to Elias Longman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll the name of Elias Longman, late of Company H, Forty-fifth Regiment Illinois Infantry Volunteers, at the rate of $50 per month, said pension to be in lieu of the one he now receives.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elias Longman, late of Company H, Forty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARY MORELY.

The next business on the Private Calendar was the bill (H. R. 7308) granting an increase of pension to Mary Morely.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Morely, widow of George Morely, of Company K, Forty-fourth Indiana Volunteers, and Twenty-third Indiana Infantry, civil war, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Morley, widow of George Morley, late of Company K, Forty-fourth Regiment Indiana Volunteer Infantry, and Company F, Twenty-third Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Mary Morley."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN H. COATES.

The next business on the Private Calendar was the bill (H. R. 5261) granting an increase of pension to John H. Coates.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John H. Coates, late of Companies F and K, Fourteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HENRY BURNS.

The next business on the Private Calendar was the bill (H. R. 7997) granting a pension to Henry Burns.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Burns, late of Company H, Fourteenth Pennsylvania Cavalry, and pay him a pension of $72 per month.

The amendments recommended by the committee were read, as follows:

Strike out all of lines 6, 7, and 8 and insert in lieu thereof the following: "of Henry Burns, late of Company H, Fourteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Henry Burns."

The CHAIRMAN. The question is on the committee amendment.

Mr. DALZELL. Mr. Chairman, I move to amend the committee amendment by striking out "forty" and inserting the word "fifty." Just one word in reference to that.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 10 of the committee amendment strike out "forty" and insert "fifty."

Mr. DALZELL. Mr. Chairman, this pensioner, Henry Burns, is absolutely blind and absolutely helpless. The pension board that examined him last recommended him at the rate of $72 a month. They found that his blindness was due to his Army service, but that board of pension examiners was overruled by the medical division of the Pension Bureau here. Testimony has been filed with the Committee on Invalid Pensions of two specialists of the city of Pittsburg who are familiar with this man's case to the effect that his blindness is due to his Army service. In point of fact, he ought to be on the pension roll at the rate of $72 a month, instead of at the rate of $50 now claimed for him.

Mr. SULLOWAY. Mr. Chairman, the amendment is accepted by the committee. It is a very meritorious case indeed.

Mr. MIERS of Indiana. Mr. Chairman, I very much dislike to take issue with the gentleman from Pennsylvania [Mr. DALZELL]. I am perfectly in accord with the idea of giving to every old soldier with an honorable service the very highest rate of pension possible, and fully agree with the gentleman that if this soldier's disability was of service origin he would be entitled to $72 a month. The Pension Department has ascertained that he was entitled to only $14 pension of service origin. I agree with the distinguished gentleman from Pennsylvania that if you take the report of the medical board who examined him at his home, it looks as though his disability was of service origin. For one, I think it should be taken, or at least it should have great weight. I also concede in this case and thousands of others that the reviewing board in the Pension Department overruled the home board and three legal adjudications in the Pension Bureau; but we are up against this state of facts, and it occurs in many cases, and if this law-making body does not approve of it, it should say so in a substantial way, for it has occurred not only in this case, but in hundreds, yes thousands, of others, many of which have been

referred to the Committee on Invalid Pensions, and that is the greatest cause for so many bills here.

This committee is confronted with this fact, that the people of this great American Republic demand liberal pensions, and I believe would sustain the action of the committee if we had said this old soldier should have $72 a month, yet there is no law for it. On the other hand, here is a Department presided over by a gentleman selected for that purpose, who is under obligation to the head of that Department, the Secretary of the Interior, and he in turn to the Administration. The Secretary of the Interior has agreed with the Commissioner of Pensions that it is within the province of the medical board to strike down all other adjudications and reduce the amount to $14 a month. The committee have adopted rules of procedure covering these cases, and we feel that there must be some uniform action by the committee. We do not hope to grant all the relief demanded by special legislation. It requires some affirmative legislation. If we do not approve the action of the Commissioner we ought to say so. As legislators, as representatives of all the people, we should strike down the action of the Commissioner of Pensions only where justice demands it, and increase the pensions in a spirit of fairness and uniformity, and not be carried away by eloquence or influence. There are five hundred other cases pending before the committee that are just as meritorious.

So far as I am individually concerned, if there could be a general law or a general plan by which these men could all be put on the same basis, I would join the gentleman from Pennsylvania [Mr. DALZELL] and agree to $72, but the Invalid Pensions Committee thought $40 the limit, and I propose to stand by it. The committee has thought it wise to draw a moderate line somewhere between disabilities which were of service origin and those which were thought probably so under the proof in the Pension Department; and we have said in this case that we believe, in view of the fact that it was probably of service origin, that we were willing to give the old soldier the benefit of the doubt and increase his pension from $14 to $40. In view of the fact that there are hundreds of thousands that are lodged at $12, I think we do well to make it $40.

In doing so we have established a precedent, and if we may ignore that precedent and say in this individual case, "Give him $50 because his case is a lamentable one," although the case is not of service origin, then we are met with the same argument in every other instance where there is a pitiable case, and there are such cases by the thousand. The committee has given this case careful consideration; there is no other place it can be considered. I do not think it safe to break away from the judgment of the committee. If this Committee of the Whole House, with the full knowledge that the committee has done its best to establish rules and precedents that ought to govern in all cases of this kind and is ready to override the committee and give $50 in this case, then I am willing to give $50 in ten or fifteen other cases that are on this Calendar, and we will largely increase our allowances from this on. Our committee has already been accused of being too liberal.

I believe this committee has gone to the limit in this case and given all that ought to be given under the law. If you want these men to have more pension than this committee has recommended in this and many other cases, then do not do it in this way, but present a general bill that will put these old soldiers on an equality one with the other. While there are so many receiving so much less pension than recommended here I can not give my consent to increase it beyond $40; but if the action of the committee is not to govern the House, then I should like to know where we are to be controlled and what is to be the rule of action. We had better be conservative and give a little relief to a great many and not give so much to a few, so as not to make the charge of favoritism already made stand out any more prominent than it does.

Mr. DALZELL. Mr. Chairman, I do not disagree with the gentleman from Indiana as to the propriety of having a supervising examiner in the Pension Bureau. I do not advocate the proposition that the report of the examiners at the homes of the claimants should be conclusive. I quite agree that such returns ought to be subject to revision. But I recall what the gentleman said on this floor two or three weeks ago—that it was the policy of the Committee on Pensions to require only such proof as would be required to make out a case in a court of justice.

In this case we present to the Committee on Pensions the testimony of three physicians, and they say that this man's disabilities are the result of his service. I present, in addition to that, the testimony of two other physicians who have examined him, and they testify to the same thing. What court is there in Christendom that on the production of such testimony uncontradicted would refuse to award the man's claim? Why, this man is blind; he does not know night from day; he is destitute; he is in poverty; he is helpless, and he must be fed. He walked 147 miles, according to the testimony, over frozen ground to a rebel prison when he was a mere boy, and barefooted at that, and I would be ashamed of this committee if, under these circumstances, they refused to give him what his services to his country deserve.

Mr. MIERS of Indiana. Will the gentleman allow me a question?

Mr. DALZELL. Yes.

Mr. MIERS of Indiana. How long has he been blind?

Mr. DALZELL. Two years.

Mr. MIERS of Indiana. Does the gentleman claim that the fact that he went blind in 1900 show that his blindness was of service origin?

Mr. DALZELL. Five physicians so testify, and two of them specialists who have examined him.

Mr. MIERS of Indiana. I will repeat what I said a moment ago. It is possible, and perhaps probable, that it was of service origin. Therefore the committee thought it wise to increase it to $40, and now the gentleman from Pennsylvania, when the man has only been blind two years, is ready to say that it was of service origin and go to the real limit. I do not think the amendment ought to be adopted.

Mr. DALZELL. I am appealing to the gentleman's rule laid down on the floor of this House, that when a claimant has made out such a case as would justify him in getting the verdict of a jury in court he should be allowed it.

Mr. MIERS of Indiana. Will the distinguished gentleman from Pennsylvania join us in a general law that will preclude the Commissioner of Pensions requiring proof beyond a mere preponderance?

Mr. DALZELL. I will, yes.

Mr. MIERS of Indiana. I am glad to hear it.

Mr. SIMS. Now, Mr. Chairman, in view of the high regard I have for the gentleman from Pennsylvania, I would like to ask him a question.

Mr. DALZELL. Very well.

Mr. SIMS. The gentleman has too much influence in this House to speak lightly of such things. What does he suppose the pension roll would amount to if all the claims could be allowed under the impassioned utterance of members?

Mr. DALZELL. Oh, I do not see any relevancy in that question.

Mr. SIMS. Your man was raised to $40 by the committee, and then if it was raised to $50 now on account of the gentleman's impassioned utterance, why, other cases should be treated in the same way.

Mr. DALZELL. But this is all in accordance with the decision of the pension board who examined the man.

Mr. SIMS. What pension board?

Mr. DALZELL. The local pension board.

Mr. SIMS. Oh, the local pension board!

Mr. DALZELL. The Pension Bureau did not apply the rule of evidence advocated by the gentleman from Indiana, which would prevail in any court of justice, but applied the other technical rule, which solves all doubts against the claimant.

Mr. SIMS. If the entire pension roll was to be governed in that way, we would have a pension roll amounting to $400,000,000.

Mr. DALZELL. I am not discussing that; I am discussing the present case.

Mr. TALBERT. Mr. Chairman, I have no doubt that all the gentleman from Pennsylvania has said about this soldier is true. I have no doubt he was a good soldier; but that is one evidence of the fact that there is no satisfying what you may call the pension sharks of this House. Now, here is a soldier drawing $14 a month under the general law. He has been repeatedly to the Pension Bureau seeking to increase his pension, and yet has failed for the want of a proper status before that Bureau, showing that he really does not deserve a single dollar's worth of increase.

Now, then, as I have said on former occasions, he comes here and argues as he would to a court of appeal, makes his statement to the committee—the committee that I believe have spent days and nights investigating and looking into this case—and I had congratulated myself that at last this House would not override the bounds set by the committee. I had concluded to sit here quietly and vote for the bill, or at least that I would make no objection to the bill which the committee is now bringing in, considering that they had concluded to bring in only meritorious bills.

Now, we have a case here where the committee has been liberal beyond conception. They find the disability of blindness can not be traced to service origin, but in their sympathy and love for the old soldier they have agreed to increase it from $14 to $40 a month, and on the top of that the gentleman from Pennsylvania asks that it be increased $10 more. I am willing to vote for the bill as brought in here by the committee, but I do not think that this House ought now to set a precedent overriding the committee. If you do, you open the doors for a flood of amendments to every bill that is brought in here. If you amend that bill you will have to amend every other bill for every other member of the House, because on each side they are waiting to get to the bill

which they have on the Calendar. That is why the House is so full here to-day; and if you raise this man you will have to raise everyone else. I am opposed to this, and I protest against the amendment and hope it will be laid on the table.

The question being taken, there were on a division (called for by Mr. DALZELL)—ayes 40, noes 47.

So the amendment of Mr. DALZELL was rejected.

The question being taken upon the amendment reported by the committee, it was agreed to.

The bill as amended was laid aside to be reported favorably to the House.

HENRY N. TRACY.

The next business on the Private Calendar was the bill (H. R. 668) granting an increase of pension to Henry N. Tracy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry N. Tracy, late of Company F, Ninth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read and agreed to, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOSEPH W. GRANT.

The next business on the Private Calendar was the bill (H. R. 1350) granting an increase of pension to Joseph W. Grant.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph W. Grant, late of Company F, Fourteenth Maine Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, and agreed to, as follows:

In line 6, before the word "Maine," insert the word "Regiment."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The bill as amended was ordered to be laid aside with a favorable recommendation.

ALFRED N. MOSIER.

The next business on the Private Calendar was the bill (H. R. 8954) granting an increase of pension to Alfred N. Mosier.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alfred N. Mosier, late of Company C, Sixteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of what he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

WILLIAM RHEUBY.

The next business on the Private Calendar was the bill (H. R. 6004) increasing the pension of William Rheuby.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Rheuby, Company A, First Regiment of Indiana Volunteer Infantry, and pay him a pension of $30 per month in lieu of the pension he is now receiving.

The amendments reported by the committee were read, and agreed to, as follows:

Strike out all of lines 6, 7, and 8 and insert in lieu thereof the following: "of William Rheuby, late of Company A, Thirty-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to William Rheuby."

The bill as amended was ordered to be laid aside with a favorable recommendation.

GEORGE FOWLER.

The next business on the Private Calendar was the bill (S. 1465) granting an increase of pension to George Fowler.

The bill was read, as follows:

Be it enacted, etc. That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George Fowler, late of Company K, Ninth Regiment Michigan Volunteer Infantry, and first lieutenant Company H, First Regiment Michigan Volunteer Sharpshooters, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

EUNICE P. DETWEILER.

The next business on the Private Calendar was the bill (S. 200) granting an increase of pension to Eunice P. Detweiler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eunice P. Detweiler, widow of John S. Detweiler, late major, Ninth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

CAROLINE N. ALLEN.

The next business on the Private Calendar was the bill (S. 2131) granting a pension to Caroline N. Allen.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Caroline N. Allen, dependent mother of Charles N. Allen, late of Company K, Second Regiment New Hampshire Volunteer Infantry, and hospital steward, United States Army, and pay her a pension at the rate of $12 per month.

The bill was ordered to be laid aside with a favorable recommendation.

JAMES MORRIS.

The next business on the Private Calendar was the bill (H. R. 2225) granting an increase of pension to James Morris.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Morris, late of Company H, Twenty-sixth Regiment Pennsylvania Volunteers, and pay him a pension at the rate of $35 per month in lieu of that he is now receiving.

The amendments reported by the committee were read, and agreed to, as follows:

In line 7 strike out the word "Volunteers" and insert in lieu thereof the words "Volunteer Infantry."

In line 8 strike out the word "thirty-five" and insert the word "thirty."

The bill as amended was ordered to be laid aside with a favorable recommedation.

JOHN L. BRANSON.

The next business on the Private Calendar was the bill (H. R. 307) granting an increase of pension to John L. Branson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John L. Branson, late of Company G, Seventy-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JOHN FERGUSON.

The next business on the Private Calendar was the bill (S. 1167) granting an increase of pension to John Ferguson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Ferguson, late of Thirteenth Battery Massachusetts Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ALFRED BOTTON.

The next business on the Private Calendar was the bill (H. R. 898) increasing the pension of Alfred Botton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Alfred Botton, late of Company C, Twenty-first Regiment of Michigan Volunteer Infantry, and pay him a pension of $50 a month.

The amendments reported by the committee were read, and agreed to, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alfred Bolton, late of Company C, Twenty-first Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Alfred Bolton."

The bill as amended was ordered to be laid aside with a favorable recommendation.

FRANCIS M. GILMAN.

The next business on the Private Calendar was the bill (H. R. 2219) granting an increase of pension to Francis M. Gilman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Francis M. Gilman, late musician, Fourth Maine Infantry Volunteers, from $17 per month to $50 per month; this increase to be for nearly total blindness of both eyes, and to be in lieu of the pension which he is now drawing.

The following amendment, recommended by the Committee on Invalid Pensions, was read:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations

of the pension laws, the name of Francis M. Gilman, late musician of the Fourth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

RICHARD W. MUSGROVE.

The next business on the Private Calendar was the bill (S. 193) granting an increase of pension to Richard W. Musgrove.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Richard W. Musgrove, late of Company D, Twelfth Regiment New Hampshire Volunteer Infantry, and captain Company I, First Regiment Infantry, United States Volunteers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

FRANCIS PEARSON.

The next business on the Private Calendar was the bill (H. R. 5959) granting an increase of pension to Francis Pearson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Francis Pearson, late of Company E, Eighth Regiment Ohio Volunteer Infantry, and Company E, Third Michigan Cavalry Volunteers, and pay him a pension at the rate of $35 per month in lieu of that he is now receiving.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

Strike out all of lines 6, 7, 8, and 9 and insert in lieu thereof the following: "of Francis Pearson, alias James F. Pearston, late of Company E, Third Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Francis Pearson, alias James F. Pearston."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

BENJAMIN BRITTINGHAM.

The next business on the Private Calendar was the bill (H. R. 5863) granting an increase of pension to Benjamin Brittingham.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to place on the pension roll, at the rate of $50 per month, the name of Benjamin Brittingham, late first lieutenant of Company K, One hundred and seventh Regiment Illinois Volunteer Infantry, and pay to said soldier said pension in lieu of that which he is now receiving.

The following amendment, recommended by the Committee on Invalid Pensions, was read:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin Brittingham, late of Company K, One hundred and seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

DANIEL C. KNOWLES.

The next business on the Private Calendar was the bill (S. 919) granting an increase of pension to Daniel C. Knowles.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel C. Knowles, late captain Company D, Forty-eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JAMES R. M'CLELLEN.

The next business on the Private Calendar was the bill (H. R. 8269) granting an increase of pension to James R. McClellen.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James R. McClellen, late private, Eighty-eighth New York Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that which he is now receiving.

The following amendment, recommended by the Committee on Invalid Pensions, was read:

Strike out all of lines 6, 7, and 8 and insert in lieu thereof the following: "of James R. McClellen, late of Company C, Fifth Regiment United States Cavalry, and Company D, Eighty-eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

LUCY B. BEVIS.

The next business on the Private Calendar was the bill (H. R. 5714) granting a pension to Lucy B. Bevis.

The bill was read, as follows.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lucy B. Bevis, widow of Benjamin F. Bevis, late first lieutenant Company G, Thirty-second Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $17 per month.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 9, after the word "month," insert the following: "In lieu of that she is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Lucy B. Bevis."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOSEPH W. MULFORD.

The next business on the Private Calendar was the bill (S. 194) granting a pension to Joseph W. Mulford.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph W. Mulford, late acting ensign, United States Navy, and pay him a pension at the rate of $40 per month, to be paid to his legally constituted guardian.

The following amendment, recommended by the Committee on Invalid Pensions, was read:

In line 7 strike out the word "fifty" and insert in lieu thereof the word "forty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN GAGAN.

The next business on the Private Calendar was the bill (H. R. 3688) granting an increase of pension to John Gagan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Gagan, late of Company B, Twenty-eighth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

OSCAR REED.

The next business on the Private Calendar was the bill (S. 2334) granting an increase of pension to Oscar Reed.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Oscar Reed, late of Company A, Eleventh Regiment West Virginia Volunteer Infantry, and Company E, Tenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 month in lieu of that he is now receiving.

The following amendment, recommended by the Committee on Invalid Pensions, was read:

In line 7, after the word "and," strike out the word "of."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

EDWARD M. KANOUSE.

The next business on the Private Calendar was the bill (H. R. 336) granting an increase of pension to Dr. Edward M. Kanouse.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Dr. Edward M. Kanouse, late corporal, Third Battery Wisconsin Light Artillery, and pay him a pension of $50 per month in lieu of $17 per month which he is now receiving.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward M. Kanouse, late of the Third Battery Wisconsin Volunteer Light Artillery, and pay him a pension of $30 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Edward M. Kanouse."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

DAVID POLLOCK.

The next business on the Private Calendar was the bill (S. 1621) granting an increase of pension to David Pollock.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions

and limitations of the pension laws, the name of David Pollock, late of Company A, First Battalion Delaware Volunteer Cavalry, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JAMES F. CHARLESWORTH.

The next business on the Private Calendar was the bill (H. R. 2465) granting an increase of pension to James F. Charlesworth.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James F. Charlesworth, late lieutenant-colonel Twenty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $60 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "sixty" and insert in lieu thereof the word "fifty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN CHANDLER.

The next business on the Private Calendar was the bill (S. 197) granting an increase of pension to John Chandler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Chandler, late of Company F, Second Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ANGELINE MURRAY.

The next business on the Private Calendar was the bill (H. R. 8304) granting an increase of pension to Angeline Murray.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Angeline Murray, widow of Col. John B. Murray, One hundred and forty-eighth Regiment New York Volunteer Infantry, and pay her a pension of $30 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

Strike out all of lines 6, 7, 8, and 9 and insert in lieu thereof the following: "of Angeline Murray, widow of John B. Murray, late colonel One hundred and forty-eighth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

EVA H. M'COLLEY.

The next business on the Private Calendar was the bill (H. R. 7237) granting an increase of pension to Eva H. McColley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eva H. McColley, widow of Jacob M. McColley, late of Company B, Thirty-third Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the words "twenty-five" and insert in lieu thereof the word "twelve."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARY TAYLOR.

The next business on the Private Calendar was the bill (S. 888) granting an increase of pension to Mary Taylor.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Taylor, widow of Lewis Taylor, late captain Company E, Forty-fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

CHRISTINA DANIELS.

The next business on the Private Calendar was the bill (H. R. 5072) granting a pension to Christina Daniels.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Christina Daniels, mother of Edwin B. Daniels, deceased, late of Company G, First Regiment Massachusetts Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "deceased."

In line 8 strike out the word "twelve" and insert in lieu thereof the word "eight."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

LUCINDA W. CAVENDER.

The next business on the Private Calendar was the bill (S. 891) granting a pension to Lucinda W. Cavender.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lucinda W. Cavender, widow of John S. Cavender, late colonel Twenty-ninth Regiment Missouri Volunteer Infantry, and brevet brigadier-general, United States Volunteers, and pay her a pension at the rate of $30 per month.

The bill was ordered to be laid aside with a favorable recommendation.

CHARLES L. SWEATT.

The next business on the Private Calendar was the bill (S. 1143) granting an increase of pension to Charles L. Sweatt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles L. Sweatt, late of Company F, Twelfth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JOHN VALE.

The next business on the Private Calendar was the bill (H. R. 2673) granting an increase of pension to John Vale.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll the name of John Vale, late of Company H, Second Minnesota Volunteers, at the rate of $50 per month, said pension to be in lieu of the one he now receives.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Vale, late of Company H, Second Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

LOREN S. RICHARDSON.

The next business on the Private Calendar was the bill (S. 2484) granting an increase of pension to Loren S. Richardson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Loren S. Richardson, late of Company H, Second Regiment United States Sharpshooters, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

LIZZIE C. YOUNG.

The next business on the Private Calendar was the bill (S. 2609) granting a pension to Lizzie C. Young.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lizzie C. Young, widow of Richard J. Young, late of Company G, Third Regiment United States Volunteer Infantry, and pay her a pension at the rate of $12 per month.

With the following committee amendments:

In line 8 strike out the word "twelve" and insert in lieu thereof the word "eight."

In line 9, after the word "month," insert the words "and $2 per month additional for each of the minor children of said soldier until such children shall have arrived at the age of 16 years."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MAHLON C. MOORES.

The next business on the Private Calendar was the bill (H. R. 8541) granting an increase of pension to Mahlon C. Moores.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and required to place on the pension roll of the United States, at the rate of $50 per month, the name of Mahlon C. Moores, late first lieutenant Company H, One hundred and eightieth Regiment Ohio Volunteer Infantry, war of the rebellion, such pension to begin from and after the passage and approval of this bill and to be paid to him from that time in lieu of the pension which he is now receiving.

The following amendment was recommended by the committee:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mahlon C. Moores, late first lieutenant Company H, One hundred and eightieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

FREDERICK SHAFER.

The next business on the Private Calendar was the bill (H. R. 9227) granting an increase of pension to Frederick Shafer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frederick Shafer, late of Company F, Twenty-eighth Regiment of Iowa Volunteer Infantry, and pay him a pension at the rate of $50 a month in lieu of that he is now receiving.

The following committee amendments were recommended:

In line 7 strike out the word "of."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "forty."

In the same line strike out the word "a" and insert in lieu thereof the word "per."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

NAPOLEON B. PERKINS.

The next business on the Private Calendar was the bill (S. 1610) granting an increase of pension to Napoleon B. Perkins.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Napoleon B. Perkins, late of Fifth Battery, Maine Volunteer Light Artillery, and pay him a pension at the rate of $60 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

M. CALLIE GLOVER.

The next business on the Private Calendar was the bill (H. R. 6869) granting a pension to Mrs. M. Callie Glover.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mrs. M. Callie Glover, widow of Albert D. Glover, late a major of the Third Missouri Cavalry and a captain of Company B of the Third Missouri Volunteer Cavalry, and pay her a pension at the rate of $24 per month.

With the following amendments, recommended by the committee:

Strike out all of lines 6, 7, 8, and 9 and insert in lieu thereof the following: "of M. Callie Glover, widow of Albert D. Glover, late major, Third Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of $25 per month."

Amend the title so as to read: "A bill granting a pension to M. Callie Glover."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

GEORGE W. BLACK.

The next business on the Private Calendar was the bill (S. 1329) granting an increase of pension to George W. Black.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Black, late sergeant-major, Twelfth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now recieving.

The bill was ordered to be laid aside with a favorable recommendation.

JAMES A. EDMONDS.

The next business on the Private Calendar was the bill (H. R. 1852) granting an increase of pension to James A. Edmonds.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James A. Edmonds, late of Company M, Eighth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The following amendment was recommended by the committee:

In line 6 strike out the letter "M" and insert in lieu thereof the letter "H."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HARRISON T. DE LONG.

The next business on the Private Calendar was the bill (S. 1977) granting an increase of pension to Harrison T. De Long.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harrison T. De Long, late of Company I, Thirteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

LIZZIE A. CAMPBELL.

The next business on the Private Calendar was the bill (H. R. 1280) granting a pension to Lizzie A. Campbell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lizzie A. Campbell, widow of Thomas D. Campbell, late of Company K, One hundred and eighty-fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The following amendment was recommended by the committee:

In line 9 strike out the word "twenty" and insert in lieu thereof the word "twelve."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MATILDA ARMSTRONG.

The next business on the Private Calendar was the bill (S. 2107) granting a pension to Matilda Armstrong.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Matilda Armstrong, dependent mother of William A. Armstrong, late of Company E, Fifty-seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The bill was ordered to be laid aside with a favorable recommendation.

JAMES D. ELDERKIN.

The next business on the Private Calendar was the bill (H. R. 3422) to increase the pension of James D. Elderkin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, at the rate of $30 per month, the name of James D. Elderkin, late fife major and leader of band, First Regiment Michigan Infantry, also Fifth Regiment Michigan Infantry, and pay him such pension on and after the passage of this act.

The amendments reported by the committee were read, and agreed to, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James D. Elderkin, late fife major, Fifth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving."

Amend title so as to read: "A bill granting an increase of pension to James D. Elderkin."

The bill as amended was ordered to be laid aside with a favorable recommendation.

TEMPY FRENCH.

The next business on the Private Calendar was the bill (S. 2485) granting an increase of pension to Tempy French.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Tempy French, widow of John L. French, late of Company E, First Regiment New Hampshire Volunteer Heavy Artillery, and pay her a pension at the rate of $15 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

BENJAMIN WYLIE.

The next business on the Private Calendar was the bill (H. R. 3694) granting a pension to Benjamin Wylie.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin Wylie, late unassigned member of the First Regiment Minnesota Heavy Artillery, and pay him a pension at the rate of $14 per month.

The amendment reported by the committee was read and agreed to, as follows:

Strike out all of lines 6, 7, and 8 and insert in lieu thereof "of Benjamin Wylie, late an unassigned private, First Regiment Minnesota Volunteer Heavy Artillery, and pay him a pension at the rate of $10 per month."

The bill as amended was ordered to be laid aside with a favorable recommendation.

LAURA B. WEAR.

The next business on the Private Calendar was the bill (S. 1805) granting a pension to Laura B. Wear.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Laura B. Wear, widow of D. Walker Wear, late lieutenant-colonel Forty-fifth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendment reported by the committee was read, and agreed to, as follows:

In line 6 strike out the initial and name "D. Walker" and insert in lieu thereof the name and initial "David W."

The bill as amended was ordered to be laid aside with a favorable recommendation.

ROLLIN TYLER.

The next business on the Private Calendar was the bill (H. R. 5862) granting an increase of pension to Rollin Tyler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rollin Tyler, late of Company G, Third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments reported by the committee were read, and agreed to, as follows:

In line 7 strike out the word "Infantry" and insert in lieu thereof the word "Cavalry."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The bill as amended was ordered to be laid aside with a favorable recommendation.

DENNIS HANNIFIN.

The next business on the Private Calendar was the bill (S. 1148) granting an increase of pension to Dennis Hannifin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Dennis Hannifin, late second-lieutenant Company F, Seventy-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

WILLIAM K. HOFFMAN.

The next business on the Private Calendar was the bill (H. R. 2786) granting a pension to William K. Hoffman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William K. Hoffman, late of Company I, Twenty-seventh Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The amendments reported by the committee were read, and agreed to, as follows.

In line 8, after the word "month," insert the words "in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to William K. Hoffman."

The bill as amended was ordered to be laid aside with a favorable recommendation.

ELMER L. STEVENS.

The next business on the Private Calendar was the bill (S. 2392) granting an increase of pension to Elmer L. Stevens.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elmer L. Stevens, late of Company G, Tenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ANNIE S. HUMMEL.

The next business on the Private Calendar was the bill (H. R. 8486) granting a pension to Annie S. Hummel.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Annie S. Hummel, widow of David Hummel, deceased, late captain of Company C, One hundred and ninety-second Pennsylvania Infantry, and grant her a pension at the rate of $12 per month.

The amendments reported by the committee were read, and agreed to, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Annie S. Hummel, widow of David Hummel, late captain Company C, One hundred and ninety-second Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $8 per month."

Amend the title so as to read: "A bill granting a pension to Annie S. Hummel."

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARY R. MILLER.

The next business on the Private Calendar was the bill (S. 1337) granting an increase of pension to Mary R. Miller.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary R. Miller, widow of William E. Miller, late colonel Twenty-eighth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendments reported by the committee were read, and agreed to, as follows:

In line 8, after the word "month," add the words "in lieu of that she is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Mary R. Miller."

The bill as amended was ordered to be laid aside with a favorable recommendation.

CHARLES H. BAKER.

The next business on the Private Calendar was the bill (H. R. 4827) granting a pension to Charles A. Baker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles A. Baker, Burlington, Vt., late of Company E, Twelfth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments reported by the committee were read, and agreed to, as follows:

In line 6 strike out the letter "A" and insert in lieu thereof the letter "H."

In the same line strike out the words "Burlington, Vt."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

Amend the title so as to read: "A bill granting an increase of pension to Charles H. Baker."

The bill as amended was ordered to be laid aside with a favorable recommendation.

SAMUEL HYMER.

The next business on the Private Calendar was the bill (S. 2359) granting a pension to Samuel Hymer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel Hymer, late captain of Company D, One hundred and fifteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment reported by the committee was read, and agreed to, as follows:

In line 6, after the word "captain," strike out the word "of."

The bill as amended was ordered to be laid aside with a favorable recommendation.

NORRIS L. LUNGREN.

The next business on the Private Calendar was the bill (H. R. 7968) granting a pension to Norris L. Lungren.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Norris L. Lungren, late of Company C, First Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of $25 per month.

The following amendment, recommended by the Committee on Invalid Pensions, was read:

In line 8 strike out the word "twenty-five" and insert in lieu thereof the word "twelve."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

DANIEL T. ROSE.

The next business on the Private Calendar was the bill (S. 692) granting an increase of pension to Daniel T. Rose.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel T. Rose, late of Company L, Ninth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now reciving.

The bill was ordered to be laid aside with a favorable recommendation.

DEWIT CLINTON M'COY.

The next business was the bill (H. R. 2124) granting a pension to Dewit Clinton McCoy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Dewit Clinton McCoy, late a lieutenant-colonel of the Eighty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

Strike out all of lines 6, 7, and 8 and insert in lieu thereof the following: "of Dewitt C. McCoy, late lieutenant-colonel Eighty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Dewitt C. McCoy."

Mr. BATES. Mr. Chairman, I move to amend the amendment, to strike out "twenty-four" and insert in lieu thereof "thirty-six."

The CHAIRMAN. The gentleman from Pennsylvania proposes an amendment which the Clerk will report.

The Clerk read as follows:

In line 11 strike out "twenty-four" and insert in lieu thereof "thirty-six."

Mr. BATES. Mr. Chairman, my colleague, Mr. DEEMER, of the subcommittee, made the report on this bill, and was to have made this motion, but he is unavoidably absent from the city. The motion is to make the amount $36 instead of $24.

Mr. SULLOWAY. I suggest to the gentleman that he make a motion to recommit the bill.

Mr. BATES. Mr. Chairman, if you will recognize me for that purpose I will move that this bill be recommitted.

Mr. SULLOWAY. There is no objection, if it is desired to recommit the bill to the committee.

The CHAIRMAN. The gentleman from Pennsylvania moves that the bill be reported back with the recommendation that it be recommitted to the committee.

Mr. SULLOWAY. If that can be done in committee.

The CHAIRMAN. The Chair is of the opinion that the amendment should be disposed of before the bill can be recommended to be recommitted.

Mr. MIERS of Indiana. I suggest to the gentleman that he withdraw his amendment.

Mr. SULLOWAY. I understood the amendment was withdrawn.

The CHAIRMAN. There is a committee amendment pending, which will have to be disposed of before the question of recommittal can arise.

Mr. SULLOWAY. Do I understand that a bill with committee amendments can not be recommitted?

The CHAIRMAN. Not at all; but the amendments should be disposed of before the Committee of the Whole recommends recommitment.

Mr. MIERS of Indiana. Then it could be considered with reference to its merits. The committee would not be bound by the action of this Committee of the Whole?

The CHAIRMAN. Not if it is recommitted. The committee of course would consider the bill upon its merits as they appeared to the committee then.

Mr. BATES. On the amendment to the amendment I want to yield to my colleague [Mr. SIBLEY] for a moment.

Mr. SIBLEY. Mr. Chairman, I am very familiar with this case and know Colonel McCoy very well, and I should think if the amendment offered by my colleague from Pennsylvania were withdrawn and the bill sent back to the committee again, there would be no trouble in securing the favorable action of the committee, in view of the facts which I can state.

The report of the committee failed to state that Colonel McCoy some two years since suffered from a stroke of paralysis and lay for many weeks at the point of death. I know this fact from my own personal knowledge. He was a gallant soldier; he is a worthy citizen and a courteous gentleman.

Mr. GIBSON. Does the gentleman make the statement that he makes with reference to this man's disability from his own personal knowledge?

Mr. SIBLEY. I do make that statement from my own personal knowledge, and regret that it has not been brought out in the report.

Mr. GIBSON. Mr. Chairman, in behalf of the members of the committee around me, who constitute a majority, in view of the additional facts disclosed by the gentleman from Pennsylvania [Mr. SIBLEY], we accept the amendment. We have no objection to it.

The CHAIRMAN. The question is on the amendment to the amendment offered by the gentleman from Pennsylvania.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

JANE TAYLOR.

The next business on the Private Calendar was the bill (S. 2128) granting a pension to Jane Taylor.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jane Taylor, widow of William Taylor, late first lieutenant Company G, One hundredth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $17 per month.

The bill was ordered to be laid aside with a favorable recommendation.

SILAS H. CRONK.

The next business on the Private Calendar was the bill (H. R. 969) granting a pension to Silas H. Cronk.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Silas H. Cronk, late of Company B, One hundred and fiftieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $16 per month.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "sixteen" and insert in lieu thereof the word "twelve."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. VAN VOORHIS having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, one of its clerks, announced that the Senate had passed, without amendment, bills of the following titles:

H. R. 4842. An act for the relief of the trustees of Carson and Newman College, at Jefferson City, Tenn.;

S. 2952. An act to regulate the practice in the United States courts as to appeals and writs of error;

S. 3090. An act to approve and ratify an act of the legislative assembly of the Territory of Arizona, entitled "An act to provide for the collection, arrangement, and display of the products of the Territory of Arizona at the international exposition to be held at St. Louis in 1903;"

S. 3654. An act to vest in the Spanish Treaty Claims Commission certain powers possessed by circuit and district courts of the United States.

Senate concurrent resolution 22.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause an examination to be made to determine if there is probability and danger of the Mississippi River cutting through the space dividing such river from the St. Francis River, or injuring or destroying the Government work constructed in the vicinity of Walnut Bend, Ark., some 20 miles above the mouth of the St. Francis River; and if such danger exists to cause to be made a survey and estimate of the amount necessary to prevent damage to the navigation of the St. Francis River, or for the protection of extension of the Government work heretofore constructed at or near such point.

Senate concurrent resolution 23.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to send to Congress, as soon as practicable, the report of Capt. Charles Keller, Corps of Engineers, in reference to certain proposed improvements of the South Haven Harbor, Michigan.

The message also announced that the Senate had passed without amendment the following resolution:

House concurrent resolution 5.

Resolved by the House of Representatives (the Senate concurring), That there be printed and bound in cloth of the report of the Managers of the National Home for Disabled Volunteer Soldiers, in addition to the usual number, 500 copies of the report proper, 500 copies of the report of the assistant inspector-general on the State Homes, and 150 copies of the record of members, for the use of the Home.

CHARLES F. BURGER.

The committee resumed its session.

The next business on the Private Calendar was the bill (S. 889) granting an increase of pension to Charles F. Burger.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles F. Burger, late of Company G, Tenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

WRIGHT H. AUCHMOODY.

The next business on the Private Calendar was the bill (H. R. 5957) granting a pension to Wright H. Auchmoody.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Wright H. Auchmoody, late of Company I, Fifty-sixth New York Volunteers, and pay him a pension of $50 per month.

The amendment recommended by the committee was read, as follows:

Strike out all of lines 6, 7, and 8 and insert in lieu thereof the following: "of Wright H. Auchmoody, late of Company I, Fifty-sixth Regiment New

York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Wright H. Auchmoody."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SUSAN F. CONNIT.

The next business on the Private Calendar was the bill (S. 1267) granting an increase of pension to Susan F. Connit.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Susan F. Connit, widow of Horace E. Connit, late major, Twenty-ninth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JOHN EMERSON.

The next business on the Private Calendar was the bill (S. 1020) for the relief of John Emerson.

The bill was read, as follows.

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to amend the military record of John Emerson, late a private in Company I, Nineteenth Maine Infantry, by removing the charge of desertion from said record and granting him an honorable discharge: *Provided*, That no pay, bounty, or emolument shall accrue by the passage of this act.

The bill was ordered to be laid aside with a favorable recommendation.

KATE VIRGINIA DEWEY CUSHING.

The next business on the Private Calendar was the bill (H. R. 9312) granting an increase of pension to Kate Virginia Dewey Cushing.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Kate Virginia Dewey Cushing, widow of Samuel T. Cushing, late brigadier-general, Commissary-General United States Army, and pay her a pension at the rate of $50 per month in lieu of that which she is now receiving.

The amendment recommended by the committee was read, as follows:

Strike out in line 7 the word "Commissary-General."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MABEL H. LAZEAR.

The next business on the Private Calendar was the bill (H. R. 6926) granting a pension to Mabel H. Lazear.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mabel H. Lazear, widow of Jesse W. Lazear, late surgeon on staff of Surgeon-General, United States Army, and specially detailed for work in Cuba in connection with the investigation of yellow fever, and particularly as to its propagation and transmission, and who contracted yellow fever at Columbia Barracks, Cuba, in September, 1900, and died therefrom on September 25, 1900, after accomplishing important results of great and lasting benefit to the service, and that the Secretary pay her a pension at the rate of $30 per month, and $2 per month to each of two minor children of said surgeon during their minority.

The amendment recommended by the committee was read, as follows:

Strike out all in the bill after the words "Jesse W. Lazear" in line 6, and substitute therefor the following:

"Late acting assistant and contract surgeon, United States Army, and pay her a pension at the rate of $17 per month and $2 additional for each of the minor children of said Jesse W. Lazear until they shall have reached the age of 16 years."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ADELLA C. CHANDLER.

The next business on the Private Calendar was the bill (H. R. 597) granting a pension to Adella C. Chandler, widow of Bartley M. Chandler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Adella C. Chandler, widow of Bartley M. Chandler, late of Captain West's company, Indian war, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "company," strike out "Indian war" and insert in lieu thereof the words "of Tennessee Volunteers, Cherokee disturbances."

In line 8 strike out "twelve" and insert in lieu thereof the word "eight."

Amend the title by striking out the words "widow of Bartley M. Chandler."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HARRY H. SIEG.

The next business on the Private Calendar was the bill (H. R. 8493) granting a pension to Harry H. Sieg.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Harry H. Sieg, the helpless son of Henry A. Sieg, deceased, late of Company F, Ninth United States Infantry, at the rate of $25 per month.

The amendments recommended by the committee were read, as follows:

After the word "roll," in line 4, insert "subject to the provisions and limitations of the pension laws."

In line 5, before the word "helpless," strike out "the," and after the word "helpless" insert "and dependent," and in the same line strike out "deceased."

In line after the word "Infantry," insert "and pay him a pension."

In line 7 strike out the word "twenty-five" and insert in lieu thereof the word "twelve."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

RICHARD FRISTOE.

The next business on the Private Calendar was the bill (H. R. 5247) granting an increase of pension to Richard Fristoe.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Richard Fristoe, late of Company G, First Regiment Missouri Mounted Volunteers, and him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "and," insert the word "pay;" in line 8 strike out "twenty-five" and substitute therefor "twelve."

Mr. BROMWELL. Mr. Chairman, I have an additional amendment to offer. After the word "Volunteers," in line 7, insert the words "war with Mexico."

The CHAIRMAN. The question is on the amendments reported by the committee.

The amendments were agreed to.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Ohio.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARTHA A. DE LAMATER.

The next business on the Private Calendar was the bill (H. R. 2273) granting a pension to Martha A. De Lamater.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martha A. De Lamater, widow of Walter A. De Lamater, late of Company I, Sixth United States Infantry, and pay her a pension at the rate of $12 per month.

The amendment recommended by the committee was read, as follows:

Add to the end of the bill the words, "and $2 additional on account of each of the minor children of the said Walter De Lamater, until they shall have reached the age of 16 years."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

LUE EMMA M'JUNKIN.

The next business on the Private Calendar was the bill (H. R. 6018) granting a pension to Lue Emma McJunkin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Lue Emma McJunkin, foster mother of Walter C. Snively, late of Company D, Twelfth Regiment of United States Infantry, and pay her a pension of $12 per month on and after the passage of this act.

With the following amendments recommended by the committee:

In line 6 strike out the word "member."

In line 7, after the word "Infantry," insert "war with Spain;" and in the same line, after the word "pension," insert "at the rate."

In line 8 strike out "on and after the passage of this act."

The committee amendments were agreed to.

The bill was laid aside to be reported to the House with a favorable recommendation.

GEORGE C. LEIGHTON.

The next business on the Private Calendar was the bill (H. R. 1018) granting an increase of pension to George C. Leighton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George C. Leighton, late of

Company E, First Regiment Massachusetts Volunteer Infantry, war with Mexico, and pay him a pension at the rate of $15 per month in lieu of that he is now receiving.

The bill was laid aside to be reported to the House with a favorable recommendation.

JOSEPH J. ASHBY.

The next business on the Private Calendar was the bill (H. R. 6861) granting an increase of pension to Joseph K. Ashby.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Joseph K. Ashby, late a private in Company E, First Regiment Missouri Mounted Volunteers (Mexican war), from $12, the amount now received by said Ashby under pension certificate No. 6947, to $50 per month.

With the following amendment, recommended by the committee:

Strike out all in the bill after the words "directed to," in line 4, and substitute therefor the following:

"Place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph J. Ashby, late private, Company E, First Regiment Missouri Mounted Volunteers, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving."

Mr. LANHAM. Mr. Chairman, I want to suggest an amendment. I move to strike out, in line 13, the word "twenty" and insert the word "forty." I wish to say that this is a bill, in my judgment, of extraordinary merit. The claimant is a very poor and helpless old man; indeed, he is "wrinkled with age and hoary with the dust of years." He is absolutely helpless and dependent besides a great sufferer from disease. He is now living upon the kindness and benevolence of fraternal and charitable organizations. To give you some idea of his age, he enlisted in the Mexican war the same year in which I was born, and it will be discovered from an inspection of myself that I have reached the point where "the almond tree is flourishing," and am no longer young. I believe the amount recommended by the committee is insufficient to meet the demands in this case.

The bill as originally introduced by myself was for $50 per month. The committee struck out the "fifty" and recommended $20 a month. I believe this man ought to have more than that. He can not enjoy this bounty of the Government but for a little while. He will soon go to his long home, and I believe it will be right for this House to give him that amount of pension per month which would reasonably meet the absolute necessities of his case for his few remaining years. I earnestly request that the amendment I have offered may be adopted by the Committee of the Whole.

The CHAIRMAN. The Clerk will read the amendment proposed by the gentleman from Texas.

The Clerk read as follows:

In line 13 strike out the word "twenty" and insert the word "forty."

Mr. BROMWELL. Mr. Chairman, there is nothing unusual in this case. It is a case of a Mexican war soldier who had about a year's service. It is a service pension strictly and solely, and he is now getting from the Pension Bureau the maximum rate allowed of $12 a month. He is 80 years old and in needy circumstances. But there is nothing exceptional in that. In every case which this Committee on Pensions reports to the House these facts are frequently found. We will report it in the bill recommending an increase over the pension allowed by law.

Mr. LANHAM. Is my friend from Ohio aware that the beneficiary is feeble, requiring the attendance and care of others; that he has nothing in the world upon which to support himself, and is dependent upon the charity of benevolent organizations? It is an extraordinary case, it seems to me.

Mr. BROMWELL. Mr. Chairman, I have here the report of the committee, made by Mr. DE GRAFFENREID, of that committee, which shows, as I say, that there is nothing exceptional in this case. The old gentleman is 74 years of age. I said 80 years on the statement made by the gentleman from Texas. The report says:

The claimant, who resides at 507 North Third street, Forth Worth, Tex., was a private in Company E, First Missouri Mounted Volunteers, and served from June 11, 1846, to June 24, 1847, in the war with Mexico, and he is now in receipt of a pension of $12 per month, allowed by law to the totally disabled and needy survivors of that war. Claimant is now 74 years old, a man of intelligence and high standing, but now so reduced in financial circumstances that he is obliged to depend upon a fraternal and charitable organization for support. It is shown that, in addition to the feebleness consequent upon his advanced age, claimant has a serious disease of the rectum and also suffers from a strangulated hernia and from a severe disease of the heart.

There is not a case comes into the House from the Committee on Pensions but that makes an equally strong appeal for an increased rate. Now, the Committee on Pensions has liberally increased this man's pension. The law says $12 is the maximum, but the Pension Committee has allowed him $20 in this bill, and the gentleman in asking that this amount shall be increased to forty or thirty or twenty-five dollars goes beyond anything allowed by this Committee on Pensions, which has endeavored to be sustained in all these cases, and acts not only fairly but liberally with every one of these claimants, as established in every case it has reported. I therefore hope that the committee will reject the amendment for the sake of consistency in all of these cases and to prevent favoritism that will grow out of taking any one individual case in which one individual member is interested and prevent discrimination in these matters.

Mr. LANHAM. If my friend could see all the letters and papers I have submitted to the Committee on Pensions, embracing other facts than are stated in the report, I believe he would regard this as an exceptional case, standing out conspicuously from many others.

Mr. BROMWELL. As I said before, all of these facts and all of the papers were before the subcommittee, Mr. DE GRAFFENREID, who reported this bill, and upon his judgment and the submission of the whole case to the entire committee the committee thought $20 not only a fair, but a liberal, allowance.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The question was taken, and on a division (demanded by Mr. LANHAM) there were 42 ayes and 41 noes.

Mr. LANHAM. What it the result, Mr. Chairman?

The CHAIRMAN. Forty ayes; 41 noes.

Mr. LANHAM. I am satisfied with that result.

Mr. BROMWELL. I am not; and I ask for tellers, Mr. Chairman.

Tellers were ordered; and the Chair appointed as tellers Mr. BROMWELL and Mr. LANHAM.

The question was again taken; and the tellers reported 49 ayes and 55 noes.

So the amendment was not agreed to.

The amendment recommended by the committee was agreed to.

The bill was laid aside to be reported to the House with a favorable recommendation.

ELIZABETH W. SIMMONS.

The next business on the Private Calendar was the bill (H. R. 7341) granting a pension to Elizabeth W. Simmons.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth W. Simmons, widow of Samuel Simmons, a soldier from Virginia in the war of 1812, and pay to her a pension at the rate of $12 per month.

The amendments reported by the committee were read, and agreed to, as follows:

In lines 6 and 7 strike out "a soldier from Virginia in the" and substitute therefor the words "late of Captain Emerson's company, Virginia Volunteers."

In line 8 strike out the word "to."

The bill as amended was ordered to be laid aside with a favorable recommendation.

HIRAM CRONK.

The next business on the Private Calendar was the bill (H. R. 1796) for the relief of Hiram Cronk.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hiram Cronk, a soldier in the war of 1812, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment reported by the committee was read, and agreed to, as follows:

In line 6, after the word "Cronk," strike out "a soldier in the," and insert in lieu thereof the words "late of Capt. Edmund Fuller's company, New York Volunteers."

The bill as amended was ordered to be laid aside with a favorable recommendation.

MALVINA C. STITH.

The next business on the Private Calendar was the bill (H. R. 5289) granting a pension to Malvina C. Stith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Malvina C. Stith, surviving widow of Robert Stith, late of Company C, United States Dragoons, from 1833 to 1836 A. D., and pay her a pension at the rate of $20 per month.

The amendments reported by the committee were read, and agreed to, as follows:

In line 6 strike out the word "surviving;" in line 7, after the words "Company C," insert "First," and after the word "Dragoons," in line 7, strike out the words "from 1833 to 1836 A. D.," and substitute therefor the words "Indian war;" in line 9 strike out the word "twenty" and insert in lieu thereof the word "eight."

The bill as amended was ordered to be laid aside with a favorable recommendation.

B. F. DRAPER.

The next business on the Private Calendar was the bill (H. R. 7074) granting a pension to B. F. Draper.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of B. F. Draper, a veteran soldier of the United States Army in Mexico in 1847 and 1848, and pay him a pension of $30 per month.

The amendment reported by the committee was read, and agreed to, as follows:

Strike out all in the bill after the word "roll," in line 4, and substitute therefor the words "subject to the provisions and limitations of the pension laws, the name of Benjamin F. Draper, late of Company H, Tennessee Volunteers, war with Mexico, and pay him a pension at the rate of $12 per month."

The bill as amended was ordered to be laid aside with a favorable recommendation.

NARCISSA TAIT.

The next business on the Private Calendar was the bill (H. R. 9383) granting a pension to Narcissa Tait.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Narcissa Tait, widow of Felix Tait, a soldier of the Mexican war, and pay her a pension at the rate of $20 per month.

The amendments reported by the committee were read, and agreed to, as follows:

In lines 6 and 7 strike out "a soldier in the Mexican war" and insert in lieu thereof "late a private in Captain Green's company, First Texas Mounted Rifles, war with Mexico."

Also amend by striking out the word "twenty," in line 7, and inserting in lieu thereof the word "eight."

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARY A. HOUSE.

The next business on the Private Calendar was the bill (H. R. 3515) granting a pension to Mary A. House, Army nurse.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary A. House, Army nurse, assigned to Thirteenth Regiment Minnesota Volunteer Infantry, and assigned to First Reserve Hospital, Manila, P. I., and pay her a pension at the rate of $12 per month.

The amendments reported by the committee were read, and agreed to, as follows:

Strike out of the title the words "Army nurse."

In lines 6, 7, and 8 strike out "assigned to Thirteenth Regiment Minnesota Volunteer Infantry, and assigned to First Reserve Hospital, Manila, P. I.,' and substitute therefor the words "war with Spain."

The bill as amended was ordered to be laid aside with a favorable recommendation.

AMANDA JACKO.

The next business on the Private Calendar was the bill (H. R. 8293) granting a pension to Amanda Jacko.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Amanda Jacko, widow of Joseph Jacko, late of Captain Knowlton's Independent Wisconsin Volunteers, Mexican war, and pay her a pension at the rate of $8 per month.

The bill was ordered to be laid aside with a favorable recommendation.

THOMAS BUTLER.

The next business on the Private Calendar was the bill (H. R. 4209) granting a pension to Thomas Butler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Butler, late of Company M, Third Regiment United States Cavalry, and pay him a pension at the rate of $24 per month.

The amendment reported by the committee was read, and agreed to, as follows:

In line 8 strike out "twenty-four" and insert "twelve" before the word "dollars."

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN M'GRATH.

The next business on the Private Calendar was the bill (S. 526) granting an increase of pension to John McGrath.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John McGrath, late of Company C, Seventh Regiment United States Cavalry, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

SARAH M'CORD.

The next business on the Private Calendar was the bill (S. 887) granting a pension to Sarah McCord.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah McCord, widow of Marcus D. L. McCord, late of Captain Terry's company, First Regiment Tennessee Mounted Volunteer Infantry, Cherokee Indian war, and pay her a pension at the rate of $8 per month.

The bill was ordered to be laid aside with a favorable recommendation.

HENRY B. SCHROEDER.

The next business on the Private Calendar was the bill (S. 1783) granting an increase of pension to Henry B. Schroeder.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry B. Schroeder, late first lieutenant and captain, Third Regiment United States Infantry, war with Mexico, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

MARY E. W. MORGAN.

The next business on the Private Calendar was the bill (S. 232) granting a pension to Mary E. W. Morgan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary E. W. Morgan, widow of Stokely Morgan, late lieutenant-commander, United States Navy, and pay her a pension at the rate of $25 per month, and $2 per month additional to the minor child of said Stokely Morgan until said child shall have reached the age of 16 years.

The bill was ordered to be laid aside with a favorable recommendation.

INDIAN APPROPRIATION BILL.

On motion of Mr. SHERMAN, the Committee of the Whole rose informally; and the House having resumed its session,

Mr. SHERMAN, by unanimous consent, reported from the Committee on Indian Affairs the bill (H. R. 11353) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1903; which was read the first and second time, and, with the accompanying report, referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

Mr. McRAE. I reserve all points of order on this bill.

The Committee of the Whole then resumed its session.

A. CURTIS STEEVER CARPENTER.

The next business on the Private Calendar was the bill (S. 2161) granting an increase of pension to A. Curtis Steever Carpenter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of A. Curtis Steever Carpenter, widow of William L. Carpenter, late captain, Ninth Regiment United States Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

FRANCES M. REILLY.

The next business on the Private Calendar was the bill (S. 920) granting an increase of pension to Frances M. Reilly.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frances M. Reilly, widow of Henry J. Reilly, late captain Light Battery F, Fifth Regiment United States Artillery, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving, and $2 per month additional on account of each of the minor children of said Henry J. Reilly until they shall reach the age of 16 years.

The bill was ordered to be laid aside with a favorable recommendation.

JOHN G. BROWER.

The next business on the Private Calendar was the bill (H. R. 1529) granting an increase of pension to John G. Brower.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to place upon the pension roll the name of John G. Brower, late private, Company H, Tenth Regiment Pennsylvania Infantry (reserves), and pay him a pension at the rate of $50 per month in lieu of that which he is now receiving.

The following amendment, recommended by the Committee on Invalid Pensions, was read:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John G. Brower, late of Company H, Tenth Regiment Pennsylvania Reserve Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CHARLES H. WICKHAM.

The next business on the Private Calendar was the bill (H. R. 4084) granting a pension to Charles H. Wickham.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles H. Wickham, late of Company H, One hundred and forty-second New York Volunteers, and second lieutenant, Twenty-ninth United States Colored Troops, and pay him a pension at the rate of $40 per month.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles H. Wickham, late of Company H, One hundred and forty-second Regiment New York Volunteer Infantry, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Charles H. Wickham."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM M. STROPE.

The next business on the Private Calendar was the bill (H. R. 1808) granting an increase of pension to William M. Strope.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William M. Strope, late of Company L, Seventh Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

NATHANIEL EATON.

The next business on the Private Calendar was the bill (S. 199) granting an increase of pension to Nathaniel Eaton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nathaniel Eaton, late of Company G, Thirteenth Regiment New Hampshire Volunteer Infantry, and captain Company E, Thirty-ninth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 6 strike out the word "private" and insert the word "of."

In line 8, after the word "Colored," insert the word "Volunteer."

In line 9 strike out the word "forty" and insert the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN S. HUNTER.

The next business on the Private Calendar was the bill (H. R. 9220) granting an increase of pension to John S. Hunter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John S. Hunter, late a sergeant, Third Missouri Cavalry Volunteers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The following amendment, recommended by the Committee on Invalid Pensions, was read:

Strike out all of lines 6, 7, and 8 and insert in lieu thereof the following: "of John S. Hunter, late of Company M, Third Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ISRAEL P. COVEY.

The next business on the Private Calendar was the bill (H. R. 3272) granting a pension to Israel P. Covey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place the name of Israel P. Covey, late first lieutenant of Company B, Forty-fourth Regiment Illinois Infantry Volunteers, upon the pension roll, and to grant him a pension of $25 per month, the same to be in lieu of any pension now drawn.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

Strike out all after the enacting clause and insert in lieu thereof the following: "That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Israel P. Covey, late of Company B, Forty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving."

Amend title so as to read: "A bill granting an increase of pension to Israel P. Covey."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ALICE M. BALLOU.

The next business on the Private Calendar was the bill (H. R. 7907) granting an increase of pension to Alice M. Ballou.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alice M. Ballou, widow of S. S. Ballou, late of Company C, Forty-ninth New York Infantry Volunteers, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving: *Provided, however*, That in the case of the death of the helpless child, Gilbert T. Ballou, on whose account the pension of Alice M. Ballou is increased, the pension of said Alice M. Ballou shall continue only at the rate of $8 per month from and after the date of death of said helpless child, Gilbert T. Ballou.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 6 strike out the first letter "S." and insert in lieu thereof the word "Schuyler."

In line 7 strike out the letter "C" and insert in lieu thereof the letter "E."

In same line strike out the words "New York Infantry Volunteers" and insert in lieu thereof the following: "Regiment New York Volunteer Infantry."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

NELLIE M. EMERY.

The next business on the Private Calendar was the bill (S. 2390) granting a pension to Nellie M. Emery.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nellie M. Emery, widow of George W. Emery, late of Company H, Sixth and Eleventh Regiments New Hampshire Volunteer Infantry, and pay her a pension at the rate of $8 per month.

The bill was ordered to be laid aside with a favorable recommendation.

KEPHART WALLACE.

The next business on the Private Calendar was the bill (H. R. 2175) granting an increase of pension to Kephart Wallace.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Kephart Wallace, late of Company M, Nineteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

THOMAS HALL.

The next business on the Private Calendar was the bill (H. R. 8620) granting a pension to Thomas Hall.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Hall, late of Company F, Second Regiment Louisiana Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The following amendment, recommended by the Committee on Invalid Pensions, was read:

In line 6, before the word "Louisiana," insert the word "Regiment."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

KAZIER WASHBURN.

The next business on the Private Calendar was the bill (H. R. 6487) granting a pension to Kezia Washburn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Kezia Washburn, widow of William Washburn, late of Company E, Fourth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the word "Kezia" and insert in lieu thereof the word "Kazier."

Amend the title so as to read: "A bill granting a pension to Kazier Washburn."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HENRY GIFFORD DUNBAR.

The next business on the Private Calendar was the bill (S. 1094) granting an increase of pension to Henry Gifford Dunbar.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Gifford Dunbar, late of Company I, Seventh Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

CARLETON A. TRUNDY.

The next business on the Private Calendar was the bill (H. R. 6515) granting an increase of pension to Carleton A. Trundy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to Carleton A. Trundy, late of Company G, Seventh Maine Regiment, also late a master's mate in the United States Navy, a pension of $30 per month in lieu of the pension he is now receiving.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Carleton A. Trundy, late of Company G, Seventh Regiment Maine Volunteer Infantry, and acting master's mate, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SARAH MALEY.

The next business on the Private Calendar was the bill (H. R. 6873) granting a pension to Sarah Maley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Sarah Maley, widow of Thomas E. Maley, late lieutenant-colonel, United States Army, retired, and pay her a pension of $30 per month in lieu of pension she is now receiving.

The amendments recommended by the committee were read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah Maley, widow of Thomas E. Maley, first lieutenant and regimental quartermaster, Fifth Regiment United States Cavalry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving."

Amend title so as to read: "A bill granting an increase of pension to Sarah Maley."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARCIA M. MERRITT.

The next business on the Private Calendar was the bill (S. 2010) granting an increase of pension to Marcia M. Merritt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Marcia M. Merritt, widow of William H. Merritt, late lieutenant-colonel First Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

THOMAS W. ROBINSON.

The next business on the Private Calendar was the bill (H. R. 8306) granting an increase of pension to Thomas W. Robinson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas W. Robinson, late of Company G, Sixth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "C" and insert in lieu thereof the letter "G."

In line 8 strike out the word "twenty-five" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SUSAN TERRY.

The next business on the Private Calendar was the bill (H. R. 3769) granting a pension to Mrs. Susan Terry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Susan Terry, widow of Lewis D. Terry, late of Captain McClintock's company, Kentucky Home Guards, who was drawing a pension under certificate No. 590152, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

Strike out all of lines 6, 7, 8, 9, and 10, and insert in lieu thereof the following: "of Susan Terry, widow of Lewis D. Terry, late of Captain McClintock's company, Kentucky Home Guards, and pay her a pension at the rate of $8 per month."

Amend title so as to read: "A bill granting a pension to Susan Terry."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HENRY FISHER.

The next business on the Private Calendar was the bill (S. 568) granting an increase of pension to Henry Fisher.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Fisher, late of Company F, Second Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JOEL METZ.

The next business on the Private Calendar was the bill (H. R. 5218) granting an increase of pension to Joel Metz.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joel Metz, late a private of Company B, First Regiment Pennsylvania Volunteers, war with Mexico, and late private of Company E, Sixth Pennsylvania Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

Strike out all of lines 6, 7, 8, 9, and 10 and insert in lieu thereof the following: "of Joel Metz, late of Company E, Sixth Regiment Pennsylvania Reserve Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM EUGAS.

The next business on the Private Calendar was the bill (H. R. 4115) granting a pension to William Engas.

The bill was read, as follows;

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Engas, late of Company F, Fiftieth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Engas" and insert in lieu thereof the word "Eugas."

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "twenty."

Amend the title so as to read: "A bill granting an increase of pension to William Eugas."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN E. FARRELL.

The next business on the Private Calendar was the bill (S. 2389) granting a pension to John E. Farrell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John E. Farrell, late of Thirtieth Unassigned Company, Maine Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The bill was ordered to be laid aside with a favorable recommendation.

CHARLES A. SHEAFE.

The next business on the Private Calendar was the bill (H. R. 7432) granting a pension to Charles A. Sheafe.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles A. Sheafe, late captain of Company I, in the Fifty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $60 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Company," insert the letter "I."

In the same line strike out the words "in the."

In line 8 strike out the word "sixty" and insert in lieu thereof the word "twenty-four."

Mr. RICHARDSON of Tennessee. Mr. Chairman, I desire to offer an amendment to this amendment of the committee changing the amount from $24, as proposed by the committee, to $36. I introduced this bill for this soldier, a gentleman who lives in my own town, and whom I have known for thirty-five years. He was a captain in an Ohio regiment and served between three and

four years in the war between the States. He is now nearly 70 years of age. He has grown very stout, and he is almost unable from physical disability to earn a living. As I have stated, he was a good soldier for nearly four years. He was captain of Company I of the Fifty-ninth Regiment of Ohio Volunteers. He located in the State of Tennessee at the close of the war, and has lived there ever since. As I have stated, he is unable to earn a living; he has no income, has no property, has no relatives in Tennessee, and so far as I know no near relatives anywhere. He lived in Ohio, as I have stated, came to Tennessee at close of war, and has made a splendid citizen, as I happen to know, and I have known him intimately for thirty-five years.

Now, sir, he is almost dependent at times on his friends. He has been afflicted with sciatica, and has the rheumatism so badly at times that he has to go to bed for weeks. He has been a practicing lawyer, and I have practiced at same bar with him for many years, as he resides in my home town. I have no interest in the case except that he is a most deserving soldier of the late war. He is a man of ability. By reason of his bad health and of the affliction upon him he is unable to support himself, and $24 a month, the amount given him in the amendment to the bill, will not support him.

Mr. SMITH of Kentucky. Has he no property?

Mr. RICHARDSON of Tennessee. He has no property and no income. He is a clever gentleman, and I know the community in which he lives, because I have lived there myself a great many years. I know they are good to him and will help take care of him; but I do insist that he ought to have more that $24 a month. He was a captain in the war. I will read what the committee say, in conclusion, in the report. This report was made by the gentleman from Texas [Mr. KLEBERG], from the Invalid Pensions Committee:

There is on file in the Pension Bureau a letter from the vice-president of the Stones River Battlefield National Association, of Murfreesboro, Tenn., addressed to the Commissioner of Pensions, in which the Pension Bureau is asked to place the claim of this officer in the hands of a pension examiner if practicable; that Captain Sheafe, like the writer, had all these years hesitated about making an application for pension, not because he felt he was not entitled to it, but from a commendable pride; that there was no more faithful, courageous, and intelligent soldier in the third division of the Twenty-first Army Corps; that for two years the officer had been an inmate of the writer's home, suffering greatly with neuralgic headaches and sciatic rheumatism, etc.

I have seen him with my own eyes suffering until it seemed that death would be a relief. I never in my service on the floor have asked for an increase of pension that I remember, but I do insist that in this case this man ought to have more than $24 a month. I believe $36 a month would support him in that community. We are not extravagant down there. Our ways of living are simple and cheap, and I believe if you give him $36 a month he can be sustained and supported, and I most earnestly ask that the committee agree to the change. Instead of fixing his pension at $24 let us insert $36 a month for him. He can not in the course of nature live a great many years longer, and therefore can not for a great while be a tax on the Government. I hope very much that my amendment placing his pension at $36 a month will be agreed to without opposition.

Mr. SULLOWAY. Mr. Chairman, I will say that the gentleman from Tennessee states a very different case from what appeared in evidence before the committee. He states a much stronger case than we had before the committee, and as he states it from his own personal knowledge I take it that no one will question it. Judge KLEBERG reported the case, and if he is satisfied with the amendment I am sure I am.

Mr. DALZELL. Mr. Chairman, I hope the gentleman from Indiana [Mr. MIERS] and the gentleman from South Carolina [Mr. TALBERT] will allow the committee's report in this case to be overruled and give the gentleman from Tennessee what he wants.

Mr. RICHARDSON of Tennessee. I am much obliged to the gentleman from Pennsylvania, and I am sure that he says this from disinterested motives. [Laughter.]

Mr. TALBERT. Mr. Chairman, I want to say that I am ready to stand by the committee in its recommendations; I am absolutely opposed to increasing the amount fixed by the committee for any soldier by a vote in this House. I believe the committee is as liberal as it ought to be, and sometimes too liberal, and I think I ought to stand by the committee.

Mr. CALDERHEAD rose.

Mr. SHATTUC. Regular order, Mr. Chairman.

Mr. GIBSON. This is the regular order.

Mr. SHATTUC. I think the time being consumed in making speeches for the RECORD is entirely unnecessary. [Laughter.]

Mr. GIBSON. If the gentleman would keep that in mind he never would make any speeches at all. [Laughter.] Mr. Chairman, I wish to say in reference to this particular case that the facts brought before the committee were not as strong as stated by the gentleman from Tennessee. If we had had the statement of the gentleman from Tennessee, I think we would have given this soldier a larger rate, and, so far as I am concerned, I am entirely willing that the amendment should be agreed to. I regard it as a proper amendment.

The CHAIRMAN. The question is on the amendment offered to the amendment by the gentleman from Tennessee.

Mr. GROSVENOR. Mr. Chairman, I take the floor to oppose the passage of this bill. The gentleman from Kentucky at the beginning of the session to-day took occasion to raise the question of veracity between the statement which I made and the facts of history as he understood them, and I avail myself of this question now pending before the House to occupy only a few moments to set him right in regard to history. I have no controversy with the gentleman from Kentucky. I thought he was speaking in forgetfulness, at least, of the history of his country, and I based my opinion at the time upon the fact that I was living and a man of nearly 27 years of age at the time of the visit of the Prince of Wales to the United States.

I saw the Prince of Wales myself. I listened to the speech of welcome that was made when he first put his foot upon American soil at Niagara, in the State of New York, and I followed with a good deal of interest, as a young man would, the career of that gentleman in the United States, and now, when a bitter attack is made upon the President of the United States, and incidentally upon the House of Representatives, I will assume, in advance, and the Senate, and all the people of the United States who are to be within reach of the coming visit of Prince Henry to the United States, it may be well to refer to historical facts. I speak first of the visit of our commission to London at the time of the coronation of King Edward.

Mr. ROBINSON of Indiana. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. ROBINSON of Indiana. I rise to make a suggestion to the gentleman from Ohio involving the question of the time to be occupied in the discussion of matters dehors the question before the House. I desire that there may be some arrangement as to how long this political discussion is to continue, so that we may know whether the disposition of these pension claims will be interfered with.

Mr. GROSVENOR. I am very glad the gentleman feels this anxiety. I did not notice his anxiety this morning when the gentleman from Kentucky occupied some twenty minutes on this matter.

Mr. ROBINSON of Indiana. It was probably because the gentleman from Ohio [Mr. GROSVENOR] was not in the Hall at the time. If he had been, he would have seen the same anxiety manifested by me then that I manifest now, that this day be occupied with pension business instead of political discussions.

Mr. GROSVENOR. I was in the Hall of the House at the time this morning the gentleman from Kentucky began and by silence gave my consent to the gentleman from Kentucky proceeding. And now I hope the gentleman from Indiana, under the circumstances, will not interrupt me for ten or fifteen minutes while I occupy the floor on this question.

Mr. ROBINSON of Indiana. I do not object to any reasonable limitation.

Mr. GROSVENOR. I shall conform myself to a very reasonable limitation of time.

Mr. ROBINSON of Indiana. Will not the gentleman agree to confine himself to ten or fifteen minutes?

Mr. GROSVENOR. I think I can say all I desire to say in fifteen minutes. A considerable portion of what I shall bring to the attention of the House is a part of public documents and public history.

Several MEMBERS. Go on.

Mr. ROBINSON of Indiana. I can not consent that the gentleman shall "go on" indefinitely on this question while pension matters are pending.

Mr. SHATTUC. I ask unanimous consent that the gentleman from Ohio be allowed eighteen minutes.

Mr. WHEELER. I hope I shall be allowed time to reply.

The CHAIRMAN. Is there objection to the gentleman from Ohio proceeding for eighteen minutes? The Chair hears none.

Mr. GROSVENOR. I hope now gentlemen will consent to give me this time without any interruption, except such interruptions, if any, as may become pertinent.

I asked the gentleman from Kentucky what his opinion was of George Washington's reception of Lafayette, and he made a very pertinent answer, satisfactory to himself and to me. Lafayette came here, it is true, bearing a royal commission; but it was equally true that he had been the friend of the United States, although I do not commit myself to the whole of the general doctrine that France was especially the friend of the United States. They were fighting their enemy upon our soil and tried to get into a fight with us before George Washington had time to die; and he had to be recalled from his retirement to get ready to fight the

French, even within a few years after their demonstrations of love and affection for us.

Now let us come to this question of the Prince of Wales. I ought to say that I believe the gentleman from Kentucky will not stand by all of the remarks he made to-day. Some of them, it seems to me, were in a temper that he will not adhere to upon cooler and calmer reflection. I think it very unfortunate that a member of the House of Representatives, at a time when the American people are put to the test whether or not they are gentlemen, should protest in such language as the gentleman from Kentucky has used, in advance, against the reception of Prince Henry of Germany. I suppose that his speech will be read to-night on the ship before it leaves Bremen, and will be exploited as the message of the American people to a coming guest, to a gentleman who has volunteered to visit our shores.

Mr. WHEELER. Will the gentleman permit me to interrupt him a moment?

Mr. GROSVENOR. I hope the gentleman will not use up my time.

Mr. WHEELER. Just a moment. I do not intend to let the gentleman from Ohio put me in a false position, as he apparently seeks to do. I shall welcome gladly any gentleman to the shores of America. It is the official position of the gentleman coming to our shores and the official color given to his reception against which I protest.

Mr. GROSVENOR. The gentleman, I have no doubt, will stand by his own language. Referring to the action of the President in the matter of the coronation of the King, he said:

I shall not discuss that, because it of necessity involves matters I do not care to go into. I will in passing say that it is a most unfortunate circumstance. It is unprecedented in our history, and is to-day deeply lamented on the part of every country-loving man in the Union. I am sorry that he did it. It is establishing a precedent that he ought not to recognize, and it is but one more link in the chain showing toward what end we are drifting.

Now, I understand that to have been made in reference to the sending of a commission to the coronation of King Edward.

Mr. WHEELER. You misunderstand it entirely, if you did. It is a matter that I do not desire to go into; but in order to clarify the situation I will state that it refers to the President of the United States, as is currently reported, sending a member of his family with the commission.

Mr. GROSVENOR. Oh! Oh, well, that is a little matter of a young lady 18 years old accompanying a gentleman and a lady on a visit to Europe. That is a matter rather undersized, and I shall say nothing about that.

Mr. SHATTUC. May I ask the gentleman from Ohio a question?

Mr. GROSVENOR. You must not use up my time.

Mr. SHATTUC. May I ask just a question?

Mr. GROSVENOR. Very well, let us have the question.

Mr. SHATTUC. Do you think it is courteous and nice for the distinguished gentleman from Kentucky [Mr. WHEELER] to characterize this gentleman coming over here as a "little Dutchman?"

Mr. GROSVENOR. I was coming to that. The gentleman ought not to make my speech in advance. [Laughter.] Now, I am going to refer to the matter of the coronation of King Edward, simply to say this: It is within my personal knowledge that whatever is done officially by the United States in the matter of sending a commission to witness the coronation of King Edward will be carrying out plans that were made by the deceased President, William McKinley, and not only that, but the head of the commission himself had been selected by the dead President. So that the criticism, whatever it may be, just or unjust, should fall upon him and not upon his successor, who was bound by every principle of justice and fair play to carry out the suggestions of his predecessor that had been made known to the country on the other side of the water; and I have no apology to make for that commission going over there. It was the right thing to do.

It is the act of a nation of gentlemen in dealing with another nation of gentlemen, and I do not believe that if you will poll the constituency of the gentleman from Kentucky [Mr. WHEELER] there would be 5 per cent of them who would condemn the act of the United States in sending that commission across, and, as I have already said, the question of permitting a lady—a member of the President's family—to go where she pleased and make a visit whenever she please is a question that I leave to the distinguished gentleman from Kentucky [Mr. WHEELER] to fight out with the young lady herself; and I will tell him one thing, based upon a mere temporary judgment of her, she will give him a great deal of trouble if he gets into a debate with her on the question of whether she ought to go or not. [Laughter.]

But let us come to a matter of much more serious importance. The gentleman says:

We are appropriating thousands of dollars, and people are falling over each other to get to see a little Dutchman come over and take charge of a little ship. [Applause on the Democratic side.]

Applause at what? Because he is a Dutchman? It appears later what it was for and why it was.

What difference does it make whether he is Prince Henry or not? There are thousands of citizens of this Republic following the plow as noble, as honest, as intelligent as Prince Henry or Prince Anybody Else. [Applause on the Democratic side.]

Well, they are not visiting us, my friend; that is the trouble. They are here. They are the hosts and not the guests.

He says further:

Why do the American people give heed to this foolish and disgraceful flunkyism enacted by the present Administration? What difference does it make to us whether he is a brother of the Emperor, a sister of the Emperor, or a mother of the Emperor? It is evidence of our good will they say. What do we care about the good will of the German people?

Perhaps not at this season of the year. Later in the fall, when the frost begins to fall and persimmons are ripe, some of us are somewhat anxious about "these German people." [Laughter.] And we do not always call them "little Dutchmen," and we do not always applaud on the Democratic side at that season of the year, when they are attacked.

Let us treat them politely, as one honest man treats another; but why should we bow down to these people any more than to any other citizens?

Now, this is the language of the gentleman, which, I think, on reflection, he will hardly stand by. Then came a question between the gentleman and myself as to a matter of history, I saying that the Prince of Wales in 1860 was received officially by the Government of the United States and given a state dinner in the White House. The gentleman had never heard of it, apparently. Of course I am bound to presume that he had not. He was not born at that time, and he had not read that history of the great Administration of the last Democratic President back of Grover Cleveland. [Laughter and applause on the Republican side.] And so he disputed my word, and it was a question of veracity, although the gentleman finally said that he put it only upon the ground that he did not believe it.

Mr. WHEELER. Now, Mr. Chairman, I said nothing of the sort.

Mr. GROSVENOR. Well, I beg the gentleman's pardon. I have his exact words. That was the language that I understood he had used, but he did not use exactly that language. I will give him the benefit of that, of course.

Mr. WHEELER. I remember with perfect distinctness what I did say.

Mr. GROSVENOR. I quote further:

Mr. GILLETT of Massachusetts. Does the gentleman criticise the Democratic Administration of James Buchanan in receiving the Prince of Wales?

Mr. WHEELER. That is a very different thing. Not at all, not at all, that is a very different thing. We received him not as we are receiving this man, if I recollect right, but he came as the official head of his Government.

Mr. GROSVENOR. On the contrary, he came under another name, and the attendant that was with him came incognito also, coming as a mere private citizen, and was taken charge of by the Government during his entire stay in the United States, and dined at the White House by a Democratic President at a time when Democracy meant something.

Mr. WHEELER. If the gentleman is correct, then I condemn in unmeasured terms the attitude of that Democratic Administration.

Mr. WHEELER. That is a very different thing.

Mr. GROSVENOR. All right.

Mr. WHEELER. But I do not condemn it, because I know the gentleman's facility for manufacturing history when it suits his purpose on the floor. I deny his premises, and I insist, Mr. Chairman, that we are all doing wrong.

Mr. WHEELER. Now, if the gentleman will permit me, at the time that colloquy took place, there was great confusion in the House, as many will remember, and the Chairman was rapping for order. I did not say that I denied his premises. What I did say was "if the gentleman is correct, then I condemn it in unmeasured terms, but I am unwilling to accept the gentleman's statement in view of the facility with which he manufactures history to suit his purposes on this floor."

Mr. GROSVENOR. Well, I am trying to get at the facts, so the House can judge who it is that manufactures history on the floor of the House. The Prince of Wales, under the title of Lord Renfrew, landed in this country in September, 1860. He came here at the invitation of James Buchanan, President of the United States.

He had already planned a tour of Canada, but was not coming to the United States; and Mr. Buchanan wrote a letter to Queen Victoria, which I will put in the RECORD, if there is no objection, inviting him to become the guest of the United States. He was a boy of 19, traveling in a private capacity, representing nothing but a boy's interest in coming to the United States, and in a letter from the Queen, dated June 22, 1860, among other things she said:

The Prince of Wales will drop all royal state on leaving my dominions and travel under the name of Lord Renfrew, as he has done when traveling on the Continent of Europe.

The Queen accepted the invitation of the President, and the Prince first appeared in the city of Niagara. I was present, for I looked upon him with great interest. His first public reception in the United States after leaving Niagara was made at Detroit. Then he came to Chicago, presided over at that time, as I believe,

by a good Democratic mayor, and he was received with high honors and distinction. In the short time I have I can not go into the details of it, though I must describe one of the receptions he had. He came to St. Louis, a Democratic city, and was there received by the mayor, and given the freedom of the city, and everything that could be done was done for his entertainment. Then at Cincinnati he was received by the mayor of the city and the Hon. R. B. Bowler, father of the gentleman who was since that time a Democratic Comptroller of the Treasury of the United States.

Then at Pittsburg, by the mayor; again at Harrisburg, by the mayor and the governor of the State of Pennsylvania. Then he came to Washington, where there was a Democratic Administration, pure and simple. It was an old school Democratic Administration, and Lewis Cass was its prophet. He was Secretary of State, and he was sent by President Buchanan to the station to meet this boy, the representative of a kindred people, and he was escorted by General Cass into the city. He was received by the President of the United States with an affection bordering upon a father's. I will not, for the present purpose, my time being so limited, undertake to read any considerable portion of it, but "he was received at the threshold of the White House by the President."

He did not wait for him to be brought in and introduced in a formal way, as is to be done with Prince Henry. But he met him with open arms extended, like as the old fellow did when the son came back from an exploration of another country. The fatted calf was all ready, waiting for his entertainment.

Mr. WILLIAMS of Mississippi. The prodigal son. [Laughter.]

Mr. WHEELER. What book is that?

Mr. GROSVENOR. The first quotation?

Mr. WHEELER. The last one.

Mr. GROSVENOR. This is a book the gentleman evidently does not know. I am making it a part of my speech, so that the gentleman can get posted on the subject.

He was received at the threshold of the White House by President Buchanan, who looked composed as usual. He shook him by the hand in the most fatherly manner imaginable and like one who knew his guest well. It was just such a hearty welcome as a rich old bachelor uncle would give to the nephew he intended to make his heir.

He then introduced him to Miss Harriet Lane, the lady of the White House, and that night he was given a State dinner, at which the Cabinet ministers and their wives and Lord Lyons and his first secretary of legation and two or three others attended. The next day, the account continues, Mr. Buchanan took his entire Cabinet and took the Prince and his retinue and put them on the *Harriet Lane*, a Government cutter, and took them to Mount Vernon to the grave of Washington, bringing them back here. Then the Prince was shown all over the city of Washington, shown the two Houses of Congress, although not in session, and was shown everything in the Chambers. Then he made a detour to Richmond, where he was received by the governor and shown every possible attention that could have been shown to General Lee had he been alive. Then they brought him back, and he had receptions at Baltimore and Philadelphia; then went to New York, where a great ball was given to him, and where the Democratic mayor, Wood, took charge of him.

The governor of New York received him, and during that time the *Harriet Lane* was making her way around the country and arrived in New York, and took the Prince and his retinue, and carried them up to West Point in the Government ship. He went to Boston, and so on around the country. It is not worth while to go into it any further than I have gone. The Administration invited him to come to this country, and nobody ever made a protest against it that I have heard up to this time. The President invited him to become the guest of the United States. He was a boy of 19, and he simply represented, as his mother said, nothing, save that the time might come when he might sit upon the throne of England, and every honor was given to him, and all the country said "Amen" to that, and nothing short of that would have been admitted by any man in this country as a proper discharge of plain duty.

Now, what have we? The brother of the Emperor of Germany, not a Dutchman; a German, a Teuton of the Teutonic race. You have been perhaps misguided on the subject in these South African Boer days. [Laughter.] That is where the Dutch live. But he is a German. He is admiral of the German navy. This is the gentleman that went over to the bay of Manila after the capture of the Spanish fleet. He was with the German fleet when Dewey gained his great praise for the signal manner he did his duty after the capture, and there had been a little misunderstanding, and Dewey said to Admiral Diederichs that if he did not take his ship out of the range of his guns he might have trouble, and the German admiral took them out like a gentleman and offered a full apology for the misunderstanding he had on the subject, all of which was approved by the prince admiral upon his arrival. He is the highest officer of the German navy, coming here of his own suggestion upon a friendly mission without any invitation from the President of the United States, and I want to know if up in the headwaters of the streams that my friend so ably represents on this floor there lives anybody that would have his President, the President of his country, refuse to be a gentleman under circumstances like that. [Great applause on the Republican side.]

He is coming to be received in the city of New York; he is coming to be received in the city of Washington. He will be received as a public character representing the high position he occupies would be received, though he came from a country that was not a "little Dutch" country.

Mr. WHEELER. Will the gentleman allow me to answer some of his interrogatories?

Mr. GROSVENOR. No; I am trying to make my speech. I am putting some part of it into interrogatories, but the gentleman can answer them at a future time. He is to receive the honors due a gentleman of that high character. He is to receive a degree at Harvard University. He is to have a reception there and all over the country. I imagine these will afford a great deal of pleasure to the people, and they will be glad that our nation and its President know how to receive a foreign gentleman of such high distinction and treat him as one gentleman ought to treat another.

The following is the letter of the President to the Queen, inviting the visit of the Prince:

To Her Majesty QUEEN VICTORIA:

I have learned from the public journals that the Prince of Wales is about to visit Your Majesty's North American dominions. Should it be the intention of His Royal Highness to extend his visit to the United States, I need not say how happy I should be to give him a cordial welcome to Washington.

You may be well assured that everywhere in this country he will be greeted by the American people in such a manner as can not fail to prove gratifying to Your Majesty. In this they will manifest their deep sense of your domestic virtues, as well as their convictions of your merits as a wise patriot and constitutional sovereign.

Your Majesty's most obedient servant,

JAMES BUCHANAN.

WASHINGTON, *June 4, 1860.*

The Queen's reply is as follows:

BUCKINGHAM PALACE, *June 22, 1860.*

MY GOOD FRIEND: I have been much gratified at the feeling which prompted you to write to me, inviting the Prince of Wales to come to Washington. He intends to return from Canada through the United States, and it will give him great pleasure to have an opportunity of testifying to you in person that these feelings are fully reciprocated by him. He will thus be able, at the same time, to mark the respect which he entertains for the Chief Magistrate of a great and friendly State and kindred nation.

The Prince of Wales will drop all royal state on leaving my dominions, and travel under the name of Lord Renfrew, as he has done when traveling on the Continent of Europe.

The Prince Consort wishes to be kindly remembered to you.

I remain, ever your good friend,

VICTORIA R.

The following is copied from a book entitled "Royalty in the New World; or, the Prince of Wales in America," by Kinahan Cornwallis. The writer accompanied the Prince of Wales and was an accredited correspondent of the New York Herald:

He was received at the threshold of the White House by President Buchanan, who looked as composed as usual. He shook him by the hand in the most fatherly manner imaginable, and like one who knew his guest well. It was just such a hearty welcome as a rich old bachelor uncle would give to the nephew he intended to make his heir. There was, consequently, no mistake about its sincerity.

Of course it was not long before he introduced his niece, Miss Lane, to his illustrious guest, and the blush of beauty stole across her features as she echoed the old man's greeting, more inwardly, however, than aloud.

In the course of an hour after this the grounds of the White House presented a gay scene. The President, with the Prince and suite, and nearly a hundred ladies and gentlemen, composed of the élite of Washington society, were out walking and enjoying the pleasures of fresh air, a fine view, and cheerful conversation. Meanwhile the boys and girls from the back streets were enjoying their part in the world's great show by grinning at them through the gate railings and other places in the distance, which latter, no doubt, lent enchantment to the view.

Dinner followed at the Presidential Mansion, the company, in addition to the royal party, consisting of Cabinet ministers and their wives, Lord Lyons and his first secretary of legation, and two or three others.

It was about 11 on the next morning when the Prince, accompanied by Lord Lyons, Secretary Floyd, and others, drove up to the eastern front of the Capitol, where he was received by the Architect and chief engineer of the public works, and by them conducted over the building. First they visited the Library, from which they passed by a private staircase to the Senate Chamber and the committee rooms, and thence to the Rotunda, where the beautiful paintings hung round its magnificent interior attracted their especial attention.

The history of Pocahontas was inquired into, and even the "Surrender of Lord Cornwallis" became a theme of pleasant conversation. From this they proceeded through the old Hall of the House of Representatives to the new Hall of the House, where the sides occupied by the Administration and opposition members were pointed out, and much general information afforded in answer to their queries. The Speaker's room was next entered, then the Agricultural and other rooms, the Naval and Military Committee apartments, and offices of the Senate. The party then viewed the Capitol grounds from the portico of the east front, and, descending the steps after half an hour's stay, drove back to the White House, where, at noon, the doors were thrown open for the President's reception in honor of the Prince of Wales.

I went in with the crowd of ladies and gentlemen, nearly all of whom were in their usual morning dress, a few military and naval uniforms excepted. Such a flutter of crinoline never was seen in the Presidential Mansion before; such a glistening of bright eyes, all having the one object in

view; such a busy murmur of women's voices, all bearing upon the one theme, and that theme the Prince of Wales, who stood almost within hearing in the east room and on the right of the President.

I need not mention how Mr. Buchanan was dressed, for he was perhaps never seen either at breakfast, dinner, or supper in any other costume than a black dress suit and white necktie; but I may say that the Prince appeared in the same colored clothes that he wore during the morning.

It was evidently wonderfully new to His Royal Highness to see such familiarity between ruler and subject as he did on this occasion. It was contrary to his ideas of a levee for ladies to attend, especially when they all came up smiling in their bonnets and said, "How are you, Mr. Buchanan?" at the same time extending their hands for the old gentleman to shake, which he did with his usual warmth and frankness, so much so that if he had exclaimed to those he knew best, "Bless me, Betsey, how well you're looking," it would have created but little surprise on the part of Albert Edward.

The host of the White House stood on the eastern window side of the room, but not far from its center, and very soon the apartment, extensive as it is, became uncomfortably crowded, and the Prince showed signs of weariness of the reception before it had progressed half an hour. Many of the ladies and some of the gentlemen extended their hands to him after exchanging a cordial shake with the President, and this His Royal Highness evidently felt to be a great bore, although politeness compelled him to submit to it with a show of pleasure.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

[Cries of "Regular order!"]

Mr. WHEELER. Mr. Chairman——

Mr. SULLOWAY. Mr. Chairman, I insist on the regular order.

Mr. WHEELER. Mr. Chairman, I hope the gentleman from New Hampshire will permit me to have five minutes.

Mr. SULLOWAY. If the gentleman from Kentucky will pardon me, I want to say this: When the gentleman asked unanimous consent for a little time this morning, I supposed he was to talk on the subject of pensions. But he thrust something in here that has taken up half the afternoon, a matter that he could have spoken on when we have time to burn on appropriation bills. The result is that the little time we have assigned here to our committee is consumed, and we have got to stop, if I have the power to stop it, as a matter of justice to our business.

Mr. MIERS of Indiana. Will the gentleman allow me an inquiry?

Mr. SULLOWAY. Yes.

Mr. MIERS of Indiana. The gentleman from Kentucky only occupied fifteen minutes this morning, and the gentleman from Ohio has occupied twenty minutes. Now, the gentleman from Kentucky wants five minutes to reply.

Mr. SULLOWAY. Will the gentleman from Kentucky be content with that?

Mr. WHEELER. Yes.

Mr. SULLOWAY. Very well, Mr. Chairman, I will yield, but I give notice that hereafter I shall insist on the regular order.

The CHAIRMAN. The gentleman from Kentucky is recognized for five minutes.

Mr. WHEELER. Mr. Chairman, had I known the history of the gentleman from Ohio I should never have ventured the remarks I indulged in in the early part of the day. I have been often at a loss to account for the peculiar manner of my friend from Ohio. I saw there was something different from most men; that there was an atmosphere that he moved in which I could not comprehend. The situation was never explained to my satisfaction, and I am sure it has never been satisfactorily explained to the House until a few moments ago. Had I dreamed that the gentleman had come in contact with royalty in his early life, and that his whole future was colored and his deportment changed by that incident, I should not have offended his sensibilities or his sensitive feelings on the subject. [Laughter.]

Now, at the risk of his displeasure and in the hope that I may be able to portray in a dignified way my conception of this controversy, I desire to say that I should be very much disturbed if it was supposed for an instant that the present occupant of the White House, or any other President of the United States, at all times and under all circumstances was anything but a gentleman. But there are gentlemen and gentlemen. I think that every honest man who pays his debts and obeys the law and fears God is a gentleman.

Mr. HILL. White or black.

Mr. WHEELER. Yes, white or black. I have seen many negroes whom I regarded as more princely gentlemen than many white men of my acquaintance. I always sought to treat them as gentlemen. But I do not believe that shoulder straps conferred by some foreign potentate, kid gloves, ease of manner, and perfumed person constitute a gentleman any more than a rough exterior, an honest heart, and a man who obeys the laws of his country. Nor do I think it is incumbent on the President of the United States, in extending a welcome to some visitor to our shore, that he shall forget that every principle of our republican institutions is hostile to everything that squints at monarchy, concentrated power, or the divine right of kings.

I oppose the suggestion that a man can be born great. I oppose the suggestion that because a man is born to a place under a foreign power that he should on that account be the recipient of flunkyism even by some worthy son of toil who has been elevated to the first place in the Republic, not as a creature of accident, but who by the force of his own genius and achievements has risen above the dead level of mediocrity. [Applause.]

And I protest in the name of democracy and republicanism, not against the reception of this German, if he be not a Dutchman—and it is certainly not a badge of dishonor to be a Dutchman, nor is it a badge of dishonor to be a German—I protest against the official reception of this German, if you please, leaving the world to suppose that the descendants of the people who established a republican form of government in this country desire now to shake hands with everything that stands for kings, for princes, and for potentates.

It is that against which we protest; and nothing that the gentleman has read in the proceedings connected with the reception given to the Prince of Wales by a Democratic President squints at the suggestion that Congress was asked to make an appropriation to entertain him officially, or that the Administration was too cowardly to demand judgment of its own people upon the question of making an appropriation for the purpose of entertaining him. He was received in his private capacity, as the gentleman from Ohio himself admits; and the President received him as "an uncle would his nephew upon whom he expected to bestow his heritage," so your report reads.

What would be the consequences if the present President of the United States should attempt to receive this German as a man would receive his nephew? I have no objection to extending to him every courtesy and all hospitality; but I object to the Republic of the United States undertaking to play the flunky at the feet of a little German prince; and I object to the United States sending emissaries abroad to whistle their fingers and dance attendance in the ante chamber of some Britisher because he is going to wear the crown, when less than one hundred years ago the predecessors of that man, acting through their military officers, sacked our Virginia towns, raped our women, and burned our men.

A MEMBER. And burned our Capitol.

Mr. WHEELER. And burned this Capitol. Do you tell me I am un-American when I oppose such a proposition? I tell you every American citizen, irrespective of party alignment, if judgment were demanded upon this thing, would say that our people should stay at home, and if we must be "gentleman" at the expense of being Democrats and Republicans, I would rather be an American, though I wore the brand of not being a "gentleman" from the standpoint of some European potentate.

[Here the hammer fell.]

CHARLES A. SHEAFE.

The Committee of the Whole on the state of the Union resumed consideration of the bill (H. R. 7432) granting a pension to Charles A. Sheafe.

The amendments reported by the committee were read. The first and second committee amendments were agreed to. The amendment of Mr. RICHARDSON to the third committee amendment was agreed to, and the bill as amended was laid aside to be reported favorably to the House.

WILLIAM R. UNDERWOOD.

The next business on the Private Calendar was the bill (H. R. 3747) granting an increase of pension to William R. Underwood.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of William R. Underwood, late of Company L, Eighth Regiment Missouri State Militia Volunteer Cavalry, a pension certificate No. 685185, to $30 per month, he being unable to support himself by manual labor of any kind, the same being subject to the provisions and limitations of the pension laws.

The amendment reported by the committee was read, and agreed to, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William R. Underwood, late of Company L, Eighth Regiment Missouri State Militia Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving."

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM H. PIERCE.

The next business on the Private Calendar was the bill (H. R. 3412) granting an increase of pension to William H. Pierce.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Pierce, late of Company G, Second Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment reported by the committee was read, and agreed to, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The bill as amended was ordered to be laid aside with a favorable recommendation.

THEOPHILUS GOODWIN.

The next business on the Private Calendar was the bill (S. 1622) granting a pension to Theophilus Goodwin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Theophilus Goodwin, late of Company H, Fifth Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The bill was ordered to be laid aside with a favorable recommendation.

ABBIE WEBSTER.

The next business was the bill (H. R. 5521) granting a pension to Abbe Webster.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Abbie Webster, widow of Byron G. Webster, of Barker's Illinois Dragoons, on the pension roll of the United States, subject to the provisions and limitations of the pension laws now in force, and to pay to the said Abbie Webster a pension at the rate of $12 per month.

The amendments reported by the committee were read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Abbie E. Webster, widow of Byron G. Webster, late of Captain Barker's Dragoons, Illinois State Militia, and pay her a pension at the rate of $8 per month."

Amend the title so as to read: "A bill granting a pension to Abbie E. Webster."

Mr. TALBERT. Mr. Chairman, I desire to call attention to the nature of the report accompanying this bill. I said a few moments ago I was willing to stand by the reports of this committee, a great many of which I have looked over. But I want to read a portion of this report to show how liberal this committee are and how in some cases they are willing to depart from the rules of law or justice or right:

The soldier named in this bill, according to the records of the adjutant-general of the State of Illinois, was a member of Captain Barker's Dragoons, Illinois State Militia, from April 19, 1861, to August 18, 1861, when discharged.

The organization was not mustered into the service of the United States and was purely a State organization.

So here is a State organization to which this man belonged. He never was a soldier, never was mustered into the service of the United States—

but did, according to report of the War Department, serve in West Virginia, under command of United States officers, from about June 22 to July 27, 1861.

A little over one month.

He should have been in the Army at least ninety days, according to the law, in order to entitle him to any pension; and yet they overleap the law and bring in a report here to pension this woman as his widow, notwithstanding the fact that he had never been mustered into the service, and was in the service only a little over one month. The report says:

The claim of the beneficiary named in the bill as widow of the soldier, and filed April 2, 1891, under the act of June 27, 1890, was rejected by the Pension Bureau September 25, 1893, upon the ground that, inasmuch as the soldier, or the organization in which he served, had not been mustered into the United States service, title to pension could not obtain under the act of June 27, 1890.

He had no standing at all, no claim under the law whatever, and yet they have recommended that his widow be given a pension.

It is shown that she possesses no property and has no income from any source save that of her daily labor.

I have no doubt that is a fact. A great many people have no property.

They say further:

Your committee are of the opinion that this beneficiary should be placed in the same position as those widows of soldiers whose husbands were mustered into the United States service, and it being shown that the beneficiary married the soldier prior to January 27, 1890, and that she is without other means of support than her daily labor, your committee recommend the passage of the bill.

Now, they take the position that this widow, whose husband was never a soldier, should have a pension. I doubt if he ever fired a gun or heard a cap pop, and yet this committee come forward and say that this widow should be placed in the same position as the widows of soldiers who fought during the war until the end and were honorably discharged. I just want to call the attention of the House to this report made by this committee here. I make no further comment. I am willing for the committee to pass it, if they desire to pass it. Yet upon the face of these facts men will rise on this side and that side and ask ten, fifteen, and twenty dollars more for the claimants whom they represent than the committee are willing to allow.

I do submit again that this House ought not in any instance to vote a single dollar more than this committee recommends, because the committee are investigating these claims; and, while I say that in some cases, under the pressure that is brought upon them and because of their liberality and their sympathy for the soldiers, they go further than they ought to go, I submit that when they come in here with their report, this House ought to stand by them and not allow them to be overridden by increasing pensions in this way.

Here is a case where the woman's husband never was a soldier. I doubt if he ever smelt gunpowder or ever popped a cap, or anything of that sort; and yet they say that she ought to be placed in the same position as widows of soldiers who fought throughout the war and were discharged at the end of the war. I can not understand why this committee should recommend any such thing as that, and yet they have done it. Now, I submit that the country ought to know the whys and wherefores of this pension legislation.

Mr. STEVENS of Minnesota. Mr. Chairman, I wish to say just a word about this case. I know something about it personally. This woman who seeks for this pension was the wife of a man who served in Captain Barker's Illinois Dragoons. He left his home, his wife, and his small children, went into the service, chased over the mountains of West Virginia for some time, as the report shows, a little over a month, and incurred a disease there from which he died subsequently. This woman by her own exertions reared her family.

Mr. MIERS of Indiana. The man died of consumption within about two years afterwards.

Mr. STEVENS of Minnesota. Yes; he incurred a fatal illness at that time, from which he died. This woman has done the best she could, has supported herself and reared her family, and now it is but right that the Government should do the best it can by paying her a small pension of $8 a month, and that is all this committee has granted. This man was a soldier and did soldier's work.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

SELDEN E. WHITCHER.

The next business was the bill (H. R. 4488) granting an increase of pension to Selden E. Whitcher.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Selden E. Whitcher, late of Company H, First Battalion, Fourteenth United States Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The following amendments recommended by the committee were read:

In line 6 strike out the words "First Battalion."

In line 7, after the word "Fourteenth," insert the word "Regiment."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty."

Mr. TALBERT. Mr. Chairman, I also desire to call the attention of the House to some parts of the report in this case. Here is a soldier who has been pensioned at the Pension Department as far as the disability from which he suffers would allow, and has been given a pension of $6 a month. The committee come in with a report recommending an increase from $6 to $20 per month. As the bill was first introduced it was to make the increase to $30, but they have cut it down $10 and recommend that the amount to be given him be $20 a month. Now, it appears that this man was hurt in the toe. The report says:

The wound was inflicted upon the second toe at the junction of the first and second phalanges. The toe was nearly severed in twain at this articulation and at the subsequent healing anchylosis of the joint occurred.

In other respects the toe and foot is in a healthy condition, no disability resulting.

In other words, it was a little hurt on his toe. Now, they come in here, because they can not get any other excuse—because they have no pensionable status at the Bureau on which they can give him an increase—and he comes and shows this committee that he has a little scratch on his toe and works on the sympathy of the committee, and they recommend that his pension be increased from $6 to $20 a month. I submit that that ought not to be. I just want to call attention to that fact and see if someone will not have conscience enough to object to such proceedings.

Mr. RUMPLE. If the gentleman will look at the second page of the report he will find that not only has this man an injury to his toe, but he had a subsequent disease by which he is now totally disabled. He is a total wreck, and this is only to increase his pension to $20 a month.

Mr. CONNER. I would suggest to the gentleman from South Carolina that this soldier was shot while he was in the Army. The fact is, he was shot in the foot, and he has had ever since that time a great deal of trouble on account of his wound. Sometimes it has affected him to the extent it has caused him a good deal of pain in that limb, extending as far as the hip. I know

this gentleman personally. I frequently meet him, and know he is suffering from the disease of rheumatism that is attributable to his service in the Army. I met him last fall and in the early winter, and he is practically disabled from moving about at times on account of rheumatism and injury to his foot. It is certainly a meritorious claim, and should be allowed.

Mr. TALBERT. I would just like to say to the gentleman that while the other disabilities may be attributable to army service, the origin of this little limp is that he hit his toe against something in running out of a fight somewhere. [Laughter.]

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

Mr. SULLOWAY. I move that the committee rise and report the bills to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. LACEY, Chairman of the Committee of the Whole, reported that that committee had had under consideration sundry private bills, and had directed him to report them back, some without and some with amendments, favorably.

POST-OFFICE APPROPRIATION BILL.

Mr. LOUD, from the Committee on the Post-Office and Post-Roads, reported the bill (H. R. 11354) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1903; which was referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

Mr. RICHARDSON of Tennessee. I desire to reserve all points of order on the bill, Mr. Speaker.

PENSION BILLS PASSED.

The following House bills, reported from the Committee of the Whole without amendment, were severally considered, ordered to be engrossed and read a third time, read the third time, and passed:

H. R. 9161. A bill granting an increase of pension to John W. Taylor;

H. R. 9670. A bill granting an increase of pension to Aaron C. Badger;

H. R. 8954. A bill granting an increase of pension to Alfred N. Mosier;

H. R. 307. A bill granting an increase of pension to John L. Branson;

H. R. 3688. A bill granting an increase of pension to John Gagan;

H. R. 1018. A bill granting an increase of pension to George C. Leighton;

H. R. 8293. A bill granting a pension to Amanda Jacko;

H. R. 1808. A bill granting an increase of pension to William M. Strope; and

H. R. 2175. A bill granting an increase of pension to Kephart Wallace.

The following House bills, with amendments, favorably reported from the Committee of the Whole House, were severally considered, the amendments agreed to, the bills as amended ordered to be engrossed and read a third time; and they were accordingly read the third time, and passed.

H. R. 7144. A bill granting an increase of pension to John L. Smith;

H. R. 2547. A bill granting an increase of pension to William M. Guy;

H. R. 7823. A bill granting an increase of pension to Jacob D. Caldwell;

H. R. 5160. A bill granting an increase of pension to James Harper;

H. R. 4035. A bill granting an increase of pension to Elias Longman;

H. R. 7308. A bill granting an increase of pension to Mary Morely (title amended);

H. R. 5261. A bill granting an increase of pension to John H. Coates;

H. R. 7997. A bill granting a pension to Henry Burns (title amended);

H. R. 668. A bill granting an increase of pension to Henry N. Tracy;

H. R. 1350. A bill granting an increase of pension to Joseph W. Grant;

H. R. 6014. A bill granting an increase of pension to William Rheuby (title amended);

H. R. 2225. A bill granting an increase of pension to James Morris;

H. R. 898. A bill granting an increase of pension to Alfred Botton (title amended);

H. R. 2219. A bill granting an increase of pension to Francis M. Gilman;

H. R. 5959. A bill granting an increase of pension to Francis Pearson (title amended);

H. R. 5863. A bill granting an increase of pension to Benjamin Brittingham;

H. R. 8269. A bill granting an increase of pension to James R. McClellen;

H. R. 5714. A bill granting a pension to Lucy B. Bevis (title amended);

H. R. 366. A bill granting an increase of pension to Dr. Edward M. Kanouse (title amended);

H. R. 2465. A bill granting an increase of pension to James F. Charlesworth;

H. R. 8304. A bill granting an increase of pension to Angeline Murray;

H. R. 7237. A bill granting an increase of pension to Eva H. McColley;

H. R. 5073. A bill granting a pension to Christina Daniels;

H. R. 2673. A bill granting an increase of pension to John Vale;

H. R. 2609. A bill granting a pension to Lizzie C. Young;

H. R. 8541. A bill granting an increase of pension to Mahlon C. Moores;

H. R. 9227. A bill granting an increase of pension to Frederick Shafer;

H. R. 6869. A bill granting a pension to Mrs. M. Callie Glover (title amended);

H. R. 1852. A bill granting an increase of pension to James A. Edmonds;

H. R. 1280. A bill granting a pension to Lizzie A. Campbell;

H. R. 3422. A bill granting an increase of pension to James D. Elderkin (title amended);

H. R. 3694. A bill granting a pension to Benjamin Wylie;

H. R. 5862. A bill granting an increase of pension to Rollin Tyler;

H. R. 2786. A bill granting a pension to William K. Hoffman (title amended);

H. R. 8486. A bill granting a pension to Annie S. Hummel;

H. R. 4827. A bill granting an increase of pension to Charles A. Baker (title amended);

H. R. 7968. A bill granting a pension to Norris L. Lungren;

H. R. 2124. A bill granting a pension to Dewit Clinton McCoy (title amended);

H. R. 969. A bill granting a pension to Silas H. Cronk;

H. R. 5957. A bill granting a pension to Wright H. Auchmoody;

H. R. 9312. A bill granting an increase of pension to Kate Virginia Dewey Cushing;

H. R. 6926. A bill granting a pension to Mabel H. Lazear;

H. R. 597. A bill granting a pension to Adella C. Chandler, widow of Bartley M. Chandler (title amended);

H. R. 8493. A bill granting a pension to Harry H. Sieg;

H. R. 5247. A bill granting an increase of pension to Richard Fristoe;

H. R. 2273. A bill granting a pension to Martha A. De Lamater;

H. R. 6018. A bill granting a pension to Lue Emma McJunkin;

H. R. 6861. A bill granting an increase of pension to Joseph K. Ashby;

H. R. 7341. A bill granting a pension to Elizabeth W. Simmons;

H. R. 1796. A bill for the relief of Hiram Cronk;

H. R. 5289. A bill granting a pension to Malvina C. Stith;

H. R. 7074. A bill granting a pension to B. F. Draper (title amended);

H. R. 9383. A bill granting a pension to Narcissa Tait;

H. R. 3515. A bill granting a pension to Mary A. House, Army nurse (title amended);

H. R. 4209. A bill granting a pension to Thomas Butler;

H. R. 1529. A bill granting an increase of pension to John G. Brower;

H. R. 4084. A bill granting a pension to Charles H. Wickham (title amended);

H. R. 9220. A bill granting an increase of pension to John S. Hunter;

H. R. 3272. A bill granting a pension to Israel P. Covey (title amended);

H. R. 7907. A bill granting an increase of pension to Alice M. Ballou;

H. R. 8620. A bill granting a pension to Thomas Hall;

H. R. 6487. A bill granting a pension to Kezia Washburn (title amended);

H. R. 6515. A bill granting an increase of pension to Carleton A. Trundy;

H. R. 6873. A bill granting a pension to Sarah Maley (title amended);

H. R. 8306. A bill granting an increase of pension to Thomas W. Robinson;

H. R. 3769. A bill granting a pension to Mrs. Susan Terry (title amended);

H. R. 5218. A bill granting an increase of pension to Joel Metz;

H. R. 4115. A bill granting a pension to William Engas (title amended);

H. R. 7432. A bill granting a pension to Charles A. Sheafe;
H. R. 3747. A bill granting an increase of pension to William R. Underwood;
H. R. 3412. A bill granting an increase of pension to William H. Pierce;
H. R. 5521. A bill granting a pension to Abbie Webster (title amended); and
H. R. 4488. A bill granting an increase of pension to Selden E. Whitcher.

The following Senate bills, without amendment, favorably reported from the Committee of the Whole, were severally considered, ordered to a third reading, read the third time, and passed:

S. 890. An act granting a pension to Catharine Moore;
S. 1465. An act granting an increase of pension to George Fowler;
S. 200. An act granting an increase of pension to Eunice P. Detweiler;
S. 2131. An act granting a pension to Caroline N. Allen;
S. 1167. An act granting an increase of pension to John Ferguson;
S. 193. An act granting an increase of pension to Richard W. Musgrove;
S. 919. An act granting an increase of pension to Daniel C. Knowles;
S. 194. An act granting a pension to Joseph W. Mulford;
S. 2334. An act granting an increase of pension to Oscar Reed;
S. 1621. An act granting an increase of pension to David Pollock;
S. 197. An act granting an increase of pension to John Chandler;
S. 888. An act granting an increase of pension to Mary Taylor;
S. 891. An act granting a pension to Lucinda W. Cavender;
S. 1143. An act granting an increase of pension to Charles L. Sweatt;
S. 2484. An act granting an increase of pension to Loren S. Richardson;
S. 1610. An act granting an increase of pension to Napoleon B. Perkins;
S. 1329. An act granting an increase of pension to George W. Black;
S. 1977. An act granting an increase of pension to Harrison T. De Long;
S. 2107. An act granting a pension to Matilda Armstrong;
S. 2485. An act granting an increase of pension to Tempy French;
S. 1805. An act granting a pension to Laura B. Wear;
S. 1148. An act granting an increase of pension to Dennis Hannifin;
S. 2392. An act granting an increase of pension to Elmer L. Stevens;
S. 1337. An act granting an increase of pension to Mary R. Miller;
S. 2359. An act granting an increase of pension to Samuel Hymer;
S. 692. An act granting an increase of pension to Daniel T. Rose;
S. 2128. An act granting a pension to Jane Taylor;
S. 889. An act granting an increase of pension to Charles F. Burger;
S. 1267. An act granting an increase of pension to Susan F. Connit;
S. 1020. An act for the relief of John Emerson;
S. 526. An act granting an increase of pension to John McGrath;
S. 887. An act granting a pension to Sarah McCord;
S. 1783. An act granting an increase of pension to Henry B. Schroeder;
S. 232. An act granting a pension to Mary E. W. Morgan;
S. 2161. An act granting an increase of pension to A. Curtis Steever Carpenter;
S. 920. An act granting an increase of pension to Frances M. Reilly;
S. 199. An act granting an increase of pension to Nathaniel Eaton;
S. 2390. An act granting a pension to Nellie M. Emery;
S. 1094. An act granting an increase of pension to Henry Gifford Dunbar;
S. 2010. An act granting an increase of pension to Marcia M. Merritt;
S. 568. An act granting an increase of pension to Henry Fisher;
S. 2389. An act granting a pension to John E. Farrell; and
S. 1622. An act granting a pension to Theophilus Goodwin.

On motion of Mr. SULLOWAY, a motion to reconsider the votes whereby the several bills were passed was laid on the table.

JOSEPH COWGILL.

Mr. MIERS of Indiana. Mr. Speaker, I desire to ask unanimous consent that the bill (H. R. 9848) granting an increase of pension to Joseph Cowgill may be recommitted to the Committee on Invalid Pensions. The gentleman from Indiana who introduced the bill has new evidence, and I ask that it may be recommitted.

The SPEAKER. The gentleman from Indiana asks unanimous consent to discharge the Committee of the Whole House from the consideration of House bill 9848 and that it may be recommitted to the Committee on Invalid Pensions.

Mr. MIERS of Indiana. And that it hold its place on the Calendar.

The SPEAKER. That request the Chair declines to submit. Is there objection to the request of the gentleman that the Committee of the Whole be discharged and that the bill be recommitted. [After a pause.] The Chair hears none.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles and the following resolutions were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

Senate concurrent resolution 22:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause an examination to be made to determine if there is probability and danger of the Mississippi River cutting through the space dividing such river from the St. Francis River, or injuring or destroying the Government work constructed in the vicinity of Walnut Bend, Ark., some 20 miles above the mouth of the St. Francis River, and if such danger exists, to cause to be made a survey and estimate of the amount necessary to prevent damage to the navigation of the St. Francis River, or for the protection or extension of the Government work heretofore constructed at or near such point—

to the Committee on Rivers and Harbors.

Senate concurrent resolution 23:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to send to Congress as soon as practicable the report of Capt. Charles Keller, Corps of Engineers, in reference to certain proposed improvements of the South Haven Harbor, Michigan—

to the Committee on Rivers and Harbors.

S. 3654. An act to vest in the Spanish Treaty Claims Commission certain powers possessed by circuit and district courts of the United States—to the Committee on the Judiciary.

S. 3090. An act to approve and ratify an act of the legislative assembly of the Territory of Arizona, entitled "An act to provide for the collection, arrangement, and display of the products of the Territory of Arizona at the international exposition to be held at St. Louis in 1903—to the Committee on the Territories.

S. 2952. An act to regulate the practice in the United States courts as to appeals and writs of error—to the Committee on the Judiciary.

LUCY S. BANE.

Mr. LAMB. Mr. Speaker, I ask unanimous consent that the Committee of the Whole House be discharged from the consideration of the bill (H. R. 2539) granting a pension to Lucy S. Bane, and that the same may be recommitted to the Committee on Invalid Pensions.

The SPEAKER. The gentleman from Virginia asks unanimous consent that House bill 2539 be taken from the Committee of the Whole House, that it be discharged from the consideration of that bill, and that the bill be recommitted to the Committee on Invalid Pensions. Without objection, that order will be made. [After a pause.] The Chair hears none.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had this day presented to the President of the United States for his approval bills of the following titles:

H. R. 10076. An act to receive arrearages of taxes due the District of Columbia to July 1, 1900, at 6 per cent per annum in lieu of penalties and costs; and
H. R. 9315. An act making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1902, and for prior years, and for other purposes.

The SPEAKER. The Chair will state for the information of the House that a new system has been inaugurated and is now carried out by the Committee on Enrolled Bills, whereby a report is made as to the time when a bill goes to the President, so that it will go on record, and members can see when the time for the return of a bill from the President has elapsed. This is an old system, but has been out of use for some time.

LEAVE OF ABSENCE.

Mr. CONNELL, by unanimous consent, obtained leave of absence for one week, on account of important business.

CHANGE OF REFERENCE.

By unanimous consent, the Committee on War Claims was discharged from the further consideration of the bill (S. 908) for the relief of Sarah K. McLean, and the bill was referred to the Committee on Claims.

And then, on motion of Mr. PAYNE (at 3 o'clock and 50 minutes p. m.), the House, in pursuance of its previous order, adjourned until Monday next.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. SHERMAN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 10305) to amend section 14 of the act approved June 29, 1898, entitled "An act to provide for the construction of a bridge across the Niagara River," reported the same with amendment, accompanied by a report (No. 546); which said bill and report were referred to the House Calendar.

He also, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 11353) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1903, and for other purposes, reported the same, accompanied by a report (No. 547); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 1980) to establish a marine hospital at Savannah, Ga., reported the same with amendment, accompanied by a report (No. 548); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LITTLEFIELD, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 5809) for the further distribution of the Reports of the Supreme Court, reported the same with amendments, accompanied by a report (No. 549); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LOUD, from the Committee on the Post-Office and Post-Roads, to which was referred the bill of the House (H. R. 11354) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1903, reported the same, accompanied by a report (No. 550); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 3 of Rule XIII, Mr. KEHOE, from the Committee on War Claims, to which was referred the bill of the House (H. R. 6345) for the relief of Robert Hubbord, reported the same without amendment, accompanied by a report (No. 545); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were referred as follows:

A bill (H. R. 5560) granting a pension to Annie L. Evans—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 11132) for the relief of John Sailer, or Sailor, late private, Company A, Forty-seventh Regiment Pennsylvania Volunteers—Committee on Pensions discharged, and referred to the Committee on Military Affairs.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. HEATWOLE: A bill (H. R. 11345) to establish a fish-hatching and fish station in the State of Minnesota—to the Committee on the Merchant Marine and Fisheries.

By Mr. TONGUE: A bill (H. R. 11346) respecting the sale and taxation of inherited Indian allotments, and for other purposes—to the Committee on Indian Affairs.

By Mr. MUDD: A bill (H. R. 11347) to limit the hours of service of the members of the fire department of the District of Columbia—to the Committee on the District of Columbia.

By Mr. BATES: A bill (H. R. 11348) to promote the efficiency of the clerical service in the Navy of the United States—to the Committee on Naval Affairs.

By Mr. COWHERD: A bill (H. R. 11349) for the purchase of a bronze portrait statue of George Washington—to the Committee on the Library.

By Mr. HULL: A bill (H. R. 11350) to increase the efficiency of the Army—to the Committee on Military Affairs.

By Mr. BROWNLOW: A bill (H. R. 11351) to empower the Secretary of War to set aside a part of each national cemetery in the United States for the burial of deceased enlisted men and their wives—to the Committee on Naval Affairs.

By Mr. KLUTTZ: A bill (H. R. 11352) to establish terms of the circuit and district courts of the United States for the western district of North Carolina at Wilkesboro, N. C.—to the Committee on the Judiciary.

By Mr. SHERMAN, from the Committee on Indian Affairs: A bill (H. R. 11353) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1903, and for other purposes—to the Union Calendar.

By Mr. LOUD, from the Committee on the Post-Office and Post-Roads: A bill (H. R. 11354) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1903—to the Union Calendar.

By Mr. WACHTER: A bill (H. R. 11355) making April 14 of each year a legal holiday, to be known and celebrated as "Martyr's Day"—to the Committee on the Judiciary.

By Mr. MORRIS: A bill (H. R. 11398) to amend an act entitled "An act to provide revenue for the Government and to encourage the industries of the United States," approved July 24, 1897—to the Committee on Ways and Means.

By Mr. DRISCOLL: A bill (H. R. 11399) for the erection of a public building at Syracuse, N. Y.—to the Committee on Public Buildings and Grounds.

By Mr. WACHTER: A joint resolution (H. J. Res. 151) authorizing the improvement of the ground owned by the United States in the city of Baltimore, Md., known as Fort McHenry—to the Committee on Military Affairs.

By Mr. PAYNE: A resolution (H. Res. 135) providing for the consideration of H. R. 10530—to the Committee on Rules.

By Mr. LOUD: A resolution (H. Res. 136) granting consideration of rural free-delivery item in Post-Office appropriation bill—to the Committee on Rules.

By the SPEAKER: A concurrent resolution of the legislature of Nebraska favoring a convention to propose an amendment to the Constitution of the United States providing for the election of United States Senators by vote of the people—to the Committee on Election of President, Vice-President, and Representatives in Congress.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. ACHESON: A bill (H. R. 11356) granting an increase of pension to George W. Henderson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11357) granting a pension to Capt. W. P. Fryer—to the Committee on Invalid Pensions.

By Mr. BANKHEAD: A bill (H. R. 11358) for the relief of Thomas T. Dunn and others—to the Committee on Private Land Claims.

By Mr. BELL: A bill (H. R. 11359) for the relief of S. H. Caldwell—to the Committee on War Claims.

By Mr. BROWNLOW: A bill (H. R. 11360) for the relief of Reuben R. Sea—to the Committee on Military Affairs.

By Mr. CANNON: A bill (H. R. 11361) granting a pension to George H. Coffey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11362) granting an increase of pension to Jesse L. Garrett—to the Committee on Pensions.

Also, a bill (H. R. 11363) granting an increase of pension to Mary L. Crosby—to the Committee on Invalid Pensions.

By Mr. DALZELL: A bill (H. R. 11364) to remove the charge of desertion from the military record of James Charles Cramer—to the Committee on Military Affairs.

Also, a bill (H. R. 11365) granting an increase of pension to William H. Hotham—to the Committee on Invalid Pensions.

By Mr. DOUGHERTY: A bill (H. R. 11366) granting a pension to Garrett M. Brockman—to the Committee on Pensions.

By Mr. DRISCOLL: A bill (H. R. 11367) granting an increase of pension to Orson N. Earl—to the Committee on Invalid Pensions.

By Mr. FITZGERALD: A bill (H. R. 11368) to correct the military record of G. G. Martin—to the Committee on Military Affairs.

By Mr. GARDNER of New Jersey: A bill (H. R. 11369) granting an increase of pension to Berthold Fernow—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11370) for the relief of Anna M. Mershon, administratrix of Daniel S. Mershon, deceased—to the Committee on War Claims.

By Mr. GIBSON: A bill (H. R. 11371) granting an increase of pension to Ferdinand Heiskell—to the Committee on Invalid Pensions.

By Mr. GILLET of New York: A bill (H. R. 11372) to remove the charge of desertion from the military record of Gilbert Moore—to the Committee on Military Affairs.

Also, a bill (H. R. 11373) granting an honorable discharge to Charles J. Chatfield, jr., deceased—to the Committee on Military Affairs.

By Mr. HANBURY: A bill (H. R. 11374) granting an increase of pension to William McCord—to the Committee on Invalid Pensions.

By Mr. HAUGEN: A bill (H. R. 11375) granting a pension to Charles F. Merrill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11376) granting a pension to A. O. Doolittle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11377) granting restoration of former rate of pension to John Holverson—to the Committee on Invalid Pensions.

By Mr. HAY: A bill (H. R. 11378) that the name of George M. Totten, late Company C, Fifty-eighth Illinois Infantry, be granted an honorable discharge and charge of desertion standing against him be removed—to the Committee on Military Affairs.

By Mr. HULL: A bill (H. R. 11379) granting an increase of pension to Sarah S. Long—to the Committee on Pensions.

By Mr. MICKEY: A bill (H. R. 11380) granting a pension to John Donnelly—to the Committee on Invalid Pensions.

By Mr. MONDELL: A bill (H. R. 11381) granting an increase of pension to Abraham N. Bradfield—to the Committee on Invalid Pensions.

By Mr. MORGAN: A bill (H. R. 11382) for the relief of Moses J. Robertson—to the Committee on Claims.

Also, a bill (H. R. 11383) granting a pension to John Henry Carter—to the Committee on Invalid Pensions.

By Mr. MORRELL: A bill (H. R. 11384) granting an increase of pension to Mary Wolcott Kilburn—to the Committee on Pensions.

Also, a bill (H. R. 11385) granting an increase of pension to Eleanor Harris Hord—to the Committee on Invalid Pensions.

By Mr. POWERS of Massachusetts: A bill (H. R. 11386) granting an increase of pension to David E. Burbunk—to the Committee on Invalid Pensions.

By Mr. SHALLENBERGER: A bill (H. R. 11387) for the relief of Nathaniel M. Ayers—to the Committee on Invalid Pensions.

By Mr. SHOWALTER: A bill (H. R. 11388) granting a pension to William Vogan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11389) granting a pension to David Gravatt—to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 11390) granting a pension to S. C. Roe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11391) granting a pension to Francis M. Burke, of Dundee, Tex., a veteran of the Mexican war—to the Committee on Pensions.

By Mr. SUTHERLAND: A bill (H. R. 11392) granting land to the James B. McKean Post, No. 1, Grand Army of the Republic—to the Committee on Military Affairs.

By Mr. YOUNG: A bill (H. R. 11393) granting an increase of pension to James H. Price—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11394) granting a discharge to Samuel J. Matlack—to the Committee on Military Affairs.

By Mr. TATE: A bill (H. R. 11395) granting a pension to Mary Pitman—to the Committee on Pensions.

By Mr. GILLETT of Massachusetts: A bill (H. R. 11396) to remove the charge of desertion standing against the name of D. J. Mahoney—to the Committee on Military Affairs.

Also, a bill (H. R. 11397) granting permission to Lieut. Col. F. H. Phipps to accept the medal of merit tendered by His Imperial Majesty the Sultan of Turkey—to the Committee on Foreign Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petitions of Bradbury Post, No. 15, Machias, Me.; Joe Hooker Post, No. 9, Baraboo, Wis.; John A. Otis Post, No. 238, Trim Belle, Wis.; Charles H. Phelps Post, No. 43, Amherst, N. H.; Veteran Post, No. 436, New York City; Thomas A. McCoy Post, No. 34, Lander, Wyo.; E. D. Baker Post, No. 6, Hailey, Idaho; W. S. Hancock Post, No. 107, Heightstown, N. J.; Morton Post, No. 17, Hebron, Nebr.; Washington Post, No. 135, Adair, Iowa, and Custer Post, No. 1, Laramie, Wyo., Grand Army of the Republic, for investigation of the administration of the Bureau of Pensions—to the Committee on Rules.

Also, petition of Dubuque (Iowa) Trades and Labor Council, for the reenactment of the Chinese-exclusion law—to the Committee on Foreign Affairs.

Also, petition of Dubuque (Iowa) Trades and Labor Council, indorsing certain recommendations of Secretary Wilson—to the Committee on the Public Lands.

Also, petition of Dubuque (Iowa) Trades and Labor Council, asking change of methods so that differences with Government employees may be adjusted by official committees—to the Committee on the Judiciary.

By Mr. ALEXANDER: Resolution of Lake Seamen's Union No. 73, of Buffalo, N. Y., favoring an educational test in the restriction of immigration—to the Committee on Immigration and Naturalization.

Also, resolution of Lake Seamen's Union No. 73 and Cutters and Trimmers' Union of Buffalo, N. Y., favoring extension of the Chinese-exclusion act—to the Committee on Foreign Affairs.

Also, resolution of Brotherhood of Railroad Trainmen of Albany, N. Y., favoring bill to limit the power of Federal courts in granting injunctions in trade disputes—to the Committee on the Judiciary.

Also, resolution of Lake Seamen's Union of Buffalo, N. Y., regarding House bill 7189 and Senate bill 2162, relating to the United States Marine-Hospital Service—to the Committee on the Merchant Marine and Fisheries.

By Mr. BABCOCK: Petition of Jerry Turner Post, No. 85, Grand Army of the Republic, Department of Wisconsin, for investigation of the administration of the Bureau of Pensions—to the Committee on Rules.

By Mr. BATES: Resolution of John Fisher Post, No. 337, Grand Army of the Republic, of Riceville, Pa., favoring the construction of war vessels in Government navy-yards—to the Committee on Naval Affairs.

Also, resolution of Cigar Makers' Union No. 107, of Erie, Pa., for an educational test in the restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. BELL: Resolution of General Shields Post, No. 78, of Newcastle, Colo., favoring the construction of Government vessels in navy-yards—to the Committee on Naval Affairs.

By Mr. BOWERSOCK: Petition of Osawatomie (Kans.) Typographical Union, favoring restriction of undesirable immigration—to the Committee on Immigration and Naturalization.

By Mr. BRICK (by request): Affidavit of Frank F. Reed, concerning legislation affecting St. Joseph River—to the Committee on Interstate and Foreign Commerce.

Also, resolution of Broom Makers' Union, and Norman Eddy Post, Grand Army of the Republic, all of South Bend, Ind., in relation to employment of labor in navy-yards, and favoring the construction of war ships at the navy-yards—to the Committee on Naval Affairs.

Also, resolutions of Federal Labor Union of South Bend, Ind., and Cigar Makers' Union No. 379, of Rochester, Ind., asking for reenactment of the Chinese-exclusion law—to the Committee on Foreign Affairs.

Also, resolution of Cigar Makers' Union No. 415, of Elkhart, Ind., praying for the further restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. BROWN: Resolution of Farragut Post, No. 4, of Vallejo, Cal., Grand Army of the Republic, favoring the construction of naval vessels at Government navy-yards—to the Committee on Naval Affairs.

Also, petition of citizens of Menominee, Mich., favoring the reenactment of the Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. BURGESS: Petition of citizens of Austin and Colorado counties, Tex., in relation to the Boer war—to the Committee on Foreign Affairs.

By Mr. BURLESON: Resolution of the Texas Millers' Association, for legislation amending the existing interstate-commerce act—to the Committee on Interstate and Foreign Commerce.

By Mr. CALDERHEAD: Resolution of the Chamber of Commerce of Wichita, Kans., for the passage of amendments to strengthen interstate-commerce act—to the Committee on Interstate and Foreign Commerce.

Also, petition of Manhattan Post, No. 271, Grand Army of the Republic, Department of Kansas, for investigation of the administration of the Bureau of Pensions—to the Committee on Rules.

Also, resolutions of Robert Hale Post, No. 328; Axtell Post, No. 253; Sherman Post, No. 113, Department of Kansas, and Farragut Post, No. 4, Department of California, Grand Army of the Republic, urging that the navy-yards be utilized for the construction of war vessels—to the Committee on Naval Affairs.

By Mr. CANNON: Papers to accompany House bill 11362, granting an increase of pension to Jesse L. Garrett—to the Committee on Pensions.

Also, testimony in support of House bill 11363, granting an increase of pension to Mary L. Crosby—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 11361, granting a pension to George H. Coffey—to the Committee on Invalid Pensions.

By Mr. CASSINGHAM: Resolutions of Lodge No. 80, International Association of Machinists, Newark, Ohio, asking passage of an exclusion law that will apply to Asiatic labor generally—to the Committee on Foreign Affairs.

By Mr. COOPER of Wisconsin: Resolutions of convention of tobacco farmers, dealers, and manufacturers of Wisconsin, and Janesville Leaf Tobacco Growers' Association, of Wisconsin,

against Cuban tariff concessions—to the Committee on Ways and Means.

By Mr. DALZELL: Papers to accompany House bill 11365, granting a pension to William H. Hotham—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 11364, to remove the charge of desertion against the record of Charles Cramer—to the Committee on Military Affairs.

By Mr. DRAPER: Petition of Laundry Workers' Union No. 9, of Troy, N. Y., and resolutions of the National Building Trades Council, of Worcester, Mass., concerning the Chinese-exclusion act—to the Committee on Foreign Affairs.

Also, resolutions of the National Building Trades Council, held at Worcester, Mass., in relation to the leasing of public lands, irrigation, and homesteads—to the Committee on the Public Lands.

Also, petition of Henry I. Mack, of Catskill Station, N. Y., in relation to crime and immoralities in the Philippines—to the Committee on Insular Affairs.

Also, petition of National Grange, Patrons of Husbandry, Washington, D. C., in relation to various measures pending in Congress—to the Committee on Interstate and Foreign Commerce.

By Mr. FITZGERALD: Resolution of the National Building Trades Council of America, favoring the passage of the Chinese-exclusion law—to the Committee on Foreign Affairs.

Also, resolutions of Farragut Post, No. 4, Grand Army of the Republic, Department of California, and Brooklyn (N. Y.) Branch, International Wood Carvers' Association, favoring the construction of war vessels in Government navy-yards—to the Committee on Naval Affairs.

By Mr. GREEN of Pennsylvania: Paper to accompany House bill 10096, granting an increase of pension to Jonathan W. Reber—to the Committee on Invalid Pensions.

Also, petition of Yeager Post, No. 13, Grand Army of the Republic, of Allentown, Pa., and Journeymen Barbers' Union No. 203, of Reading, Pa., for the building of war vessels in United States navy-yards—to the Committee on Naval Affairs.

Also, resolutions of Federated Trades Council of Reading, Pa., favoring the Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. GRIFFITH: Resolution of Woodworkers' Union No. 169, of Columbus, Ind., favoring extension of the Chinese-exclusion act—to the Committee on Foreign Affairs.

Also, resolutions of Woodworkers' Union No. 169, of Columbus, Ind., in favor of laws restricting immigration—to the Committee on Immigration and Naturalization.

Also, paper to cacompany House bill 9274, granting a pension to Lizzie Carmer—to the Committee on Invalid Pensions.

By Mr. GORDON: Petition of Cigar Makers' Union, Wapakoneta, Ohio, for the further restriction of immigration—to the Committee on Immigration and Naturalization.

Also, resolution of Barbers' Union No. 58, of Lima, Ohio, favoring the construction of war ships at the navy-yards—to the Committee on Naval Affairs.

By Mr. HENRY of Connecticut: Petition of Cigar Makers' Union No. 42, of Hartford, Conn., for the restriction of illiterate immigrants—to the Committee on Immigration and Naturalization.

By Mr. HULL: Petition of the Des Moines Employing Printers' Association, in regard to reciprocal relations with Cuba—to the Committee on Ways and Means.

By Mr. JACK: Papers to accompany House bill 10216, granting a pension to E. P. Cochran—to the Committee on Invalid Pensions.

By Mr. JACKSON of Kansas: Petition of Samuel Sanders, to accompany House bill 7787, granting him a pension—to the Committee on Invalid Peusions.

By Mr. JONES of Washington: Petition of Baker Post, No. 20, Grand Army of the Republic, Department of Washington and Alaska, for investgation of the administration of the Bureau of Pensions—to the Committee on Rules.

By Mr. JOY: Petition of Insurance Agents' Union No. 8673, of St. Louis, Mo., concerning the Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. MOODY of Oregon: Resolution of the Chamber of Commerce of Seattle, Wash., relating to the extension of the coasting laws of the United States to the Philippine Islands—to the Committee on the Merchant Marine and Fisheries.

By Mr. MORGAN: Paper of Moses J. Robertson, relating to a claim in his behalf—to the Committee on Claims.

Also, papers to accompany House bill 11383, granting a pension to John H. Carter—to the Committee on Invalid Pensions.

By Mr. MORRELL: Protest of the East Washington Citizens' Association against the further erection of a workhouse building in the District of Columbia—to the Committee on the District of Columbia.

Also, appeal of the Merchants' Association of New York, favoring Cuban reciprocity—to the Committee on Ways and Means.

By Mr. NAPHEN: Resolution of Electrical Workers' Union No. 103 and Bay State Lodge of American Federation of Labor, of Boston, Mass., urging that the navy-yards be utilized for the construction of war vessels—to the Committee on Naval Affairs.

Also, resolution of Boiler Makers and Iron-Ship Builders' Union No. 250, of Boston, Mass., in favor of the reenactment of the Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. OTJEN: Petition of Robert Chivas Post, No. 2, Grand Army of the Republic, of Milwaukee, Wis., favoring the construction of war vessels in Government navy-yards—to the Committee on Naval Affairs.

By Mr. POWERS of Massachusetts: Petition of L. A. Jones and others for an amendment to the National Constitution defining legal marriage to be monogamic—to the Committee on the Judiciary.

By Mr. ROBINSON of Indiana: Petition of Walter Stump and 3 other citizens of Cromwell, Ind., favoring the election of United States Senators by direct vote of the people—to the Committee on Election of President, Vice-President, and Representatives in Congress.

By Mr. ROBINSON of Nebraska: Papers in support of House bill providing for the erection of a public building in the city of Columbus, Nebr.—to the Committee on Public Buildings and Grounds.

Also, papers to accompany House bill 9950 granting a pension to Moses Whitcomb—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 9475 granting a pension to John W. Genung—to the Committee on Invalid Pensions.

By Mr. RUPPERT: Petition of the Merchants' Association of New York, for the relief of Cuba—to the Committee on Ways and Means.

Also, resolution of the National Building Trades Council of America, in favor of the reenactment of the Chinese-exclusion act—to the Committee on Foreign Affairs.

Also, resolution of the National Building Trades Council of America, favoring the national irrigation of arid lands, etc.—to the Committee on Irrigation of Arid Lands.

By Mr. RYAN: Resolution of National Building Trades Council favoring the reenactment of the Chinese-exclusion act—to the Committee on Immigration and Naturalization.

Also, resolution of the National Building Trades Council for national irrigation of arid lands—to the Committee on Irrigation of Arid Lands.

Also, resolutions of Brotherhood of Railroad Trainmen (New York State legislative board), favoring bill to limit the power of Federal courts in granting injunctions in trades disputes—to the Committee on the Judiciary.

By Mr. SHAFROTH: Protest of farmers of northern Colorado against the passage of a measure to admit free of duty sugar grown in Cuba—to the Committee on Ways and Means.

Also, resolution of the Bryan Club, of Denver, Colo., favoring the Chinese-exclusion act—to the Committee on Foregn Affairs.

By Mr. SHALLENBERGER: Petitions of I. M. Cole and 5 merchants of Cairo, Nebr., and William A. Voight and 19 others, of Nelson, Nebr., against House bill 6578, known as the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. SHOWALTER: Petition in support of House bill 11389, granting an increase of pension to Daniel Gravatt—to the Committee on Invalid Pensions.

By Mr. SIBLEY: Resolution of Glass Blowers' Union No. 47, of Sheffield, Pa., favoring the enactment of a law excluding the Chinese without limitation from this country—to the Committee on Foreign Affairs.

Also, petition of citizens of Utica, Pa., praying for the enactment of a law against polygamy—to the Committee on the Judiciary.

By Mr. SAMUEL W. SMITH: Resolution of Painters, Decorators, and Paper Hangers' Union No. 233, and Cigar Makers' Union No. 186, of Flint, Mich., favoring the continuation of the exclusion law against Chinese laborers—to the Committee on Foreign Affairs.

By Mr. WANGER: Resolution of Cigar Makers' Union No. 446, of Norristown, Pa., in favor of the reenactment of Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. WILSON: Appeal of the Merchants' Association of New York, for the relief of Cuba—to the Committee on Ways and Means.

By Mr. VREELAND: Resolution of the Foreign Missionary Society of the Presbyterian Church of Olean; also two petitions of sundry citizens of Olean, N. Y., for an amendment to the Constitution prohibiting polygamy—to the Committee on the Judiciary.

Also, resolution of Carpenters and Joiners' Union No. 546, of Olean, N. Y., concerning the construction of Government vessels in navy-yards—to the Committee on Naval Affairs.

SENATE.

SATURDAY, *February 15, 1902.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal, without objection, will stand approved.

OFFICE OF SURVEYOR-GENERAL OF LOUISIANA.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Interior submitting an increase in the estimate of appropriation for the year 1903 for clerks in the office of surveyor-general of Louisiana from $7,000 to $9,400; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

FREDERICK L. GREENE.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings filed by the court in the cause of Frederick L. Greene, administrator of Thomas B. Flower, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. COCKRELL presented the petition of Charles Mueller, secretary of the Liquor Merchants' Benevolent Association of Kansas City, Mo., praying for a reduction of the tax on whisky from $1.10 to 70 cents per proof gallon; which was referred to the Committee on Finance.

He also presented a petition of the M. K. Goetz Brewing Company, of St. Joseph, Mo., praying for the repeal of the war-revenue tax on beer; which was referred to the Committee on Finance.

He also presented the memorial of J. C. Mitchelson, president of the Kansas City Leaf Tobacco Board of Trade, of Kansas City, Mo., remonstrating against any reduction of the tariff on tobaccos and cigars; which was referred to the Committee on Finance.

He also presented a petition of the National Building Trades Council of America, of St. Louis, Mo., praying for the enactment of legislation providing for the construction of reservoirs to equalize the flow of streams and to save the flood waters in order to irrigate the public lands of the West; which was referred to the Committee on Public Lands.

He also presented petitions of the National Building Trades Council of America, of St. Louis; of the State Council of Missouri, Junior Order of United Mechanics, of St. Louis; of Cigar Makers' Local Union No. 322, American Federation of Labor, of Joplin, and of Cigar Makers' Local Union No. 95, American Federation of Labor, of St. Joseph, all in the State of Missouri, praying for the reenactment of the Chinese-exclusion law; which were referred to the Committee on Immigration.

He also presented petitions of the Broom Makers' Local Union No. 45, American Federation of Labor, of St. Louis; of O. H. Wood Post, No. 57, Department of Missouri, Grand Army of the Republic, of Brookfield; of Custer Post, No. 7, Department of Missouri, Grand Army of the Republic, of St. Joseph; of General Simon Cameron Post, No. 437, Department of Missouri, Grand Army of the Republic, of Cross Timbers, and of Captain Joseph H. Little Post, No. 129, Department of Missouri, Grand Army of the Republic, of Denver, all in the State of Missouri, praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which were referred to the Committee on Naval Affairs.

He also presented the petitions of W. S. Dille, manager of the Holden Creamery Company, of Holden; of D. G. Evans and sundry other citizens of Carl Junction; of E. L. Buckwalter, secretary of the Marion County Dairy Association, of Palmyra, and of G. J. Tansey, president and general manager of the St. Louis Transfer Company, of St. Louis, all in the State of Missouri, praying for the passage of the so-called Grout bill to regulate the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Merchants' Exchange of St. Louis, Mo., praying for the adoption of a certain amendment to the present bankruptcy law; which was referred to the Committee on the Judiciary.

He also presented a petition of the Merchants' Exchange of St. Louis, Mo., praying for a reduction of the tariff duties on Cuban sugar and tobacco and for the establishment of reciprocal trade relations with Cuba; which was referred to the Committee on Relations with Cuba.

He also presented petitions of sundry citizens of Hannibal, Mo., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of the Indian Territory, praying for the admission of that Territory into the Union as a State; which was referred to the Committee on Territories.

Mr. FOSTER of Washington presented a petition of sundry citizens of Seattle, Wash., praying for the adoption of certain amendments to the bill (H. R. 178) to amend the internal-revenue laws, etc.; which was referred to the Committee on Finance.

Mr. SCOTT presented a petition of sundry citizens of Wiggins, W. Va., praying for the reenactment of the Chinese-exclusion law; which was referred to the Committee on Immigration.

Mr. CLARK of Wyoming presented a petition of Local Union No. 122, Hotel and Restaurant Employees' International Alliance, of Cheyenne, Wyo., praying for the reenactment of the Chinese-exclusion law; which was referred to the Committee on Immigration.

Mr. GALLINGER presented petitions of sundry citizens of Lebanon, West Lebanon, and Derry, all in the State of New Hampshire, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

Mr. WARREN presented a petition of Thomas A. McCoy Post, No. 34, Grand Army of the Republic, Department of Wyoming, of Lander, Wyo., praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which was referred to the Committee on Naval Affairs.

Mr. TILLMAN. I present a petition in the shape of an argument of the Board of Trade of Georgetown, S. C., on the subject of the improvement of Winyah Bay and Sampit River in that State. I move that the petition be printed as a document and referred to the Committee on Commerce.

The motion was agreed to.

Mr. PATTERSON presented petitions of Typographical Union No. 82, American Federation of Labor, of Colorado Springs; of E. M. Stanton Post, No. 37, Department of Colorado, Grand Army of the Republic, of Salida, and of General Shields Post, No. 78, Department of Colorado, Grand Army of the Republic, of Newcastle, all in the State of Colorado, praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which were referred to the Committee on Naval Affairs.

He also presented a petition of Amalgamated Wood Workers' Local Union No. 3, American Federation of Labor, of Denver, Colo., and a petition of the National Building Trades Council of America, of St. Louis, Mo., praying for the reenactment of the Chinese-exclusion law; which were referred to the Committee on Immigration.

Mr. FRYE presented a petition of the Union League Club, of New York City, praying for the establishment of reciprocal trade relations with Cuba; which was referred to the Committee on Relations with Cuba.

He also presented a petition of the Merchants' Exchange of St. Louis, Mo., praying for a reduction of the duties on Cuban sugar and tobacco and for the establishment of reciprocal trade relations with Cuba; which was referred to the Committee on Relations with Cuba.

REPORTS OF COMMITTEES.

Mr. WARREN, from the Committee on Military Affairs, to whom was referred the bill (S. 1879) authorizing the appointment and retirement of David McMurtrie Gregg as a captain in the United States Army, reported it without amendment, and submitted a report thereon.

Mr. STEWART, from the Committee on Claims, to whom was referred the bill (S. 2216) for the relief of Elizabeth Muhleman, widow, and the heirs at law of Samuel A. Muhleman, deceased, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2037) for the relief of Lincoln W. Tibbetts, reported it without amendment, and submitted a report thereon.

Mr. TELLER, from the Committee on Claims, to whom was referred the bill (S. 3112) conferring jurisdiction on the Court of Claims to determine all claims of the confederated bands of Ute Indians of Colorado, asked to be discharged from its further consideration, and that it be referred to the Committee on Indian Affairs; which was agreed to.

Mr. CLAY, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 688) for the relief of David H. Lewis, reported it without amendment, and submitted a report thereon.

Mr. PROCTOR. There have been several pure-food bills, so called, introduced, some of which were referred to the Committee

on Manufactures and others to the Committee on Agriculture and Forestry. The Committee on Manufactures had jurisdiction of such a bill and made an exhaustive investigation and report. The Committee on Agriculture and Forestry ask to be discharged from the further consideration of Senate bills 2987 and 3342, and that they may be referred to the Committee on Manufactures.

There being no objection, the Committee on Agriculture and Forestry were discharged from the further consideration of the following bills, and they were referred to the Committee on Manufactures:

A bill (S. 3342) for preventing the adulteration, misbranding, and imitation of foods, beverages, candies, drugs, and condiments in the District of Columbia and the Territories, and for regulating interstate traffic therein, and for other purposes; and

A bill (S. 2987) to prevent the transportation of deleterious foods and drinks, and for the appointment of a dairy and food commissioner.

Mr. PROCTOR, from the Committee on Agriculture and Forestry, to whom was referred the bill (S. 2958) to develop the agricultural resources of the Mississippi Valley, asked to be discharged from its further consideration, and that it be referred to the Committee on Commerce; which was agreed to.

CARROLL COUNTY, GA.

The PRESIDENT pro tempore. The Chair lays before the Senate a bill from the House of Representatives, to which he calls the attention of the Senator from Georgia [Mr. CLAY].

The bill (H. R. 10780) to transfer the county of Carroll from the northwestern division of the northern district of Georgia to the northern district of Georgia of the United States district and circuit courts, and for other purposes; was read twice by its title.

Mr. CLAY. Mr. President, that bill has been passed by the House of Representatives. I ask unanimous consent that it may be taken up for immediate consideration, and afterwards I shall ask that the Senate bill on the same subject may be recalled from the other House, and when returned I propose to have it indefinitely postponed.

The PRESIDENT pro tempore. The Senator from Georgia asks unanimous consent for the present consideration of the bill the title of which has been read.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. COCKRELL. As I understand, this bill is in the precise language of the bill which has already passed the Senate and gone to the House of Representatives, but has not yet been acted upon there.

Mr. CLAY. That is true.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. CLAY. I move that the House of Representatives be requested to return to the Senate the bill (S. 3509) to transfer the county of Carroll from the northwestern division of the northern district of Georgia to the northern district of Georgia of the United States district and circuit courts, and for other purposes.

The PRESIDENT pro tempore. The Senator from Georgia moves that the House of Representatives be requested to return to the Senate the bill named by him.

The motion was agreed to.

The PRESIDENT pro tempore. The Chair understands the Senator from Georgia to enter a motion to reconsider the vote by which the Senate bill was passed?

Mr. CLAY. Yes, sir.

The PRESIDENT pro tempore. That motion will be entered.

REPORT OF INDUSTRIAL COMMISSION.

Mr. PLATT of New York. I am instructed by the Committee on Printing to report an original concurrent resolution, and I ask unanimous consent for its present consideration.

The PRESIDENT pro tempore. The concurrent resolution will be read.

The Secretary read the concurrent resolution, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound in cloth the usual number of Volume XIX of the Report of the Industrial Commission, being the final report of said Commission, for the use of Congress.

Mr. COCKRELL. I should like to ask if all the other volumes that have been printed have been printed in the same number?

Mr. PLATT of New York. The same number.

The concurrent resolution was considered by unanimous consent, and agreed to.

WARREN B. NUDD.

Mr. GALLINGER. I am instructed by the Committee on Pensions, to whom was referred the bill (S. 3820) granting an increase of pension to Warren B. Nudd, to report it favorably and without amendment. As this is a case of great distress on the part of a soldier, I ask unanimous consent that the bill may have immediate consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Warren B. Nudd, late of Company A, Fifth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EMPLOYMENT OF STENOGRAPHER.

Mr. GALLINGER, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted yesterday by Mr. BACON, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved by the Senate, That the Committee on Woman Suffrage be authorized to employ a stenographer to report the proceedings at the hearing of the National American Woman Suffrage Association before the committee on joint resolution S. R. 53.

BILLS AND JOINT RESOLUTION INTRODUCED.

Mr. SCOTT introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 3919) for the relief of John W. Kennedy;

A bill (S. 3920) to pay to the State of West Virginia money advanced to certain officers of the One hundred and thirty-third Regiment West Virginia Militia; and

A bill (S. 3921) for the relief of the Methodist Episcopal Church of Martinsburg, W. Va.

Mr. BERRY (for Mr. JONES of Arkansas) introduced a bill (S. 3922) for the relief of the estate of Nathan P. English, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. GALLINGER introduced a bill (S. 3923) for the relief of George W. Weston; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

He also introduced a bill (S. 3924) to refer to the Court of Claims the war claims of the State of New Hampshire; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. LODGE introduced a bill (S. 3925) for the relief of the Atlantic Works, of Boston, Mass.; which was read twice by its title, and referred to the Committee on Claims.

Mr. GAMBLE introduced a bill (S. 3926) granting a pension to Anna H. Zoll; which was read twice by its title, and referred to the Committee on Pensions.

Mr. COCKRELL introduced a bill (S. 3927) for the relief of Charles P. Chouteau; which was read twice by its title, and referred to the Committee on Claims.

Mr. HARRIS introduced a bill (S. 3928) for the relief of the heirs of Lawrence D. Bailey; which was read twice by its title, and referred to the Committee on Claims.

Mr. QUARLES introduced a bill (S. 3929) granting an increase of pension to L. A. Brace; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TELLER introduced a bill (S. 3930) to provide for the purchase of a site and the erection of a public building thereon at Denver, in the State of Colorado; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. PATTERSON introduced a bill (S. 3931) to amend the act of Congress entitled "An act authorizing the Secretary of War to furnish a duplicate certificate of discharge when the same has been lost;" which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. FAIRBANKS introduced a bill (S. 3932) for the payment of the claim of M. M. Defrees for the construction of a sewer adjacent to the lands of the United States known as the "Arsenal grounds," in the city of Indianapolis, Ind.; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3933) appropriating money to pay the claim of the Western Paving and Supply Company; which was read twice by its title, and referred to the Committee on Claims.

Mr. LODGE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 3934) for the relief of the owners and crew of the Hawaiian bark *Arctic;*

A bill (S. 3935) for the relief of Winslow Warren; and

A bill (S. 3936) for the relief of the sufferers by the wreck of the United States revenue cutter *Gallatin* off the coast of Massachusetts.

Mr. QUARLES (for Mr. SPOONER) introduced a bill (S. 3937) for the relief of Charles Gray; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

He also (for Mr. SPOONER) introduced a bill (S. 3938) to reimburse G. H. Kitson for money advanced to the Menominee tribe of Indians of Wisconsin; which was read twice by its title, and referred to the Committee on Claims.

He also (for Mr. SPOONER) introduced a bill (S. 3939) granting an increase of pension to David T. Lindley; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also (for Mr. SPOONER) introduced a bill (S. 3940) granting an increase of pension to Eliza C. Deery; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. STEWART introduced a joint resolution (S. R. 59) to credit the State of Nevada with certain military supplies belonging to the United States Government and distributed by the governor thereof without proper vouchers to volunteers in the late war with Spain; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

AMENDMENT TO INDIAN APPROPRIATION BILL.

Mr. FOSTER of Washington submitted an amendment proposing to appropriate $48,550 for the support and education of 150 pupils at the Indian school at Tacoma, Wash., and for new buildings and repairs at the same, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

REPORTS BY COMMITTEE ON INTEROCEANIC CANALS.

Mr. HARRIS submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the expenses incurred by the Committee on Interoceanic Canals in having prepared an analytical index of Senate Report No. 1337, Fifty-sixth Congress, and Senate Report No. 1, Fifty-seventh Congress, authorized by resolution of the Senate of January 30, 1902, be paid from the contingent fund of the Senate upon vouchers approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

EMPLOYMENT OF ASSISTANT CLERK.

Mr. MCCUMBER submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Manufactures be, and it is hereby, authorized to employ an assistant clerk, to be paid from the miscellaneous items of the contingent fund of the Senate, at the rate of $1,440 per annum, until otherwise provided for by law.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

A bill (S. 193) granting an increase of pension to Richard W. Musgrove;

A bill (S. 194) granting a pension to Joseph W. Mulford;

A bill (S. 197) granting an increase of pension to John Chandler;

A bill (S. 199) granting an increase of pension to Nathaniel Eaton;

A bill (S. 200) granting an increase of pension to Eunice P. Deuweiler;

A bill (S. 232) granting a pension to Mary E. W. Morgan;

A bill (S. 526) granting an increase of pension to John McGrath;

A bill (S. 568) granting an increase of pension to Henry Fisher;

A bill (S. 692) granting an increase of pension to Daniel T. Rose;

A bill (S. 887) granting a pension to Sarah McCord;

A bill (S. 888) granting an increase of pension to Mary Taylor;

A bill (S. 889) granting an increase of pension to Charles F. Burger;

A bill (S. 890) granting a pension to Catharine Moore;

A bill (S. 891) granting a pension to Lucinda W. Cavender;

A bill (S. 919) granting an increase of pension to Daniel C. Knowles;

A bill (S. 920) granting an increase of pension to Frances M. Reilly;

A bill (S. 1020) for the relief of John Emerson;

A bill (S. 1094) granting an increase of pension to Henry Gifford Dunbar;

A bill (S. 1143) granting an increase of pension to Charles L. Sweatt;

A bill (S. 1148) granting an increase of pension to Dennis Hannifin;

A bill (S. 1167) granting an increase of pension to John Ferguson;

A bill (S. 1267) granting an increase of pension to Susan F. Connit;

A bill (S. 1329) granting an increase of pension to George W. Black;

A bill (S. 1337) granting an increase of pension to Mary R. Miller;

A bill (S. 1465) granting an increase of pension to George Fowler;

A bill (S. 1610) granting an increase of pension to Napoleon B. Perkins;

A bill (S. 1621) granting an increase of pension to David Pollock;

A bill (S. 1622) granting a pension to Theophilus Goodwin;

A bill (S. 1783) granting an increase of pension to Henry B. Schroeder;

A bill (S. 1805) granting a pension to Laura B. Wear;

A bill (S. 1977) granting an increase of pension to Harrison T. De Long;

A bill (S. 2010) granting an increase of pension to Marcia M. Merritt;

A bill (S. 2107) granting a pension to Matilda Armstrong;

A bill (S. 2128) granting a pension to Jane Taylor;

A bill (S. 2131) granting a pension to Caroline N. Allen;

A bill (S. 2161) granting an increase of pension to A. Curtis Steever Carpenter;

A bill (S. 2334) granting an increase of pension to Oscar Reed;

A bill (S. 2359) granting an increase of pension to Samuel Hymer;

A bill (S. 2389) granting a pension to John E. Farrell;

A bill (S. 2390) granting a pension to Nellie M. Emery;

A bill (S. 2392) granting an increase of pension to Elmer L. Stevens;

A bill (S. 2484) granting an increase of pension to Loren S. Richardson; and

A bill (S. 2485) granting an increase of pension to Tempy French.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 307) granting an increase of pension to John L. Branson;

A bill (H. R. 366) granting an increase of pension to Edward M. Kanouse;

A bill (H. R. 527) granting a pension to Adella C. Chandler;

A bill (H. R. 668) granting an increase of pension to Henry N. Tracy;

A bill (H. R. 898) granting an increase of pension to Alfred Bolton;

A bill (H. R. 969) granting a pension to Silas H. Cronk;

A bill (H. R. 1018) granting an increase of pension to George C. Leighton;

A bill (H. R. 1280) granting a pension to Lizzie A. Campbell;

A bill (H. R. 1350) granting an increase of pension to Joseph W. Grant;

A bill (H. R. 1529) granting an increase of pension to John G. Brower;

A bill (H. R. 1796) for the relief of Hiram Cronk;

A bill (H. R. 1808) granting an increase of pension to William M. Strope;

A bill (H. R. 1852) granting an increase of pension to James A. Edmonds;

A bill (H. R. 2124) granting an increase of pension to Dewit C. McCoy;

A bill (H. R. 2175) granting an increase of pension to Kephart Wallace;

A bill (H. R. 2219) granting an increase of pension to Francis M. Gilman;

A bill (H. R. 2225) granting an increase of pension to James Morris;

A bill (H. R. 2273) granting a pension to Martha A. De Lamater;

A bill (H. R. 2465) granting an increase of pension to James F. Charlesworth;

A bill (H. R. 2547) granting an increase of pension to William M. Guy;

A bill (H. R. 2609) granting a pension to Lizzie C. Young;

A bill (H. R. 2673) granting an increase of pension to John Vale;

A bill (H. R. 2786) granting an increase of pension to William K. Hoffman;

A bill (H. R. 3272) granting an increase of pension to Israel P. Covey;

A bill (H. R. 3412) granting an increase of pension to William H. Pierce;

A bill (H. R. 3422) granting an increase of pension to James D. Elderkin;

A bill (H. R. 3515) granting a pension to Mary A. House;

A bill (H. R. 3688) granting an increase of pension to John Gagan;

A bill (H. R. 3694) granting a pension to Benjamin Wylie;

A bill (H. R. 3747) granting an increase of pension to William R. Underwood;

A bill (H. R. 3769) granting a pension to Susan Terry;

A bill (H. R. 4035) granting an increase of pension to Elias Longman;

A bill (H. R. 4084) granting an increase of pension to Charles H. Wickham;

A bill (H. R. 4115) granting an increase of pension to William Eugas;
A bill (H. R. 4209) granting a pension to Thomas Butler;
A bill (H. R. 4488) granting an increase of pension to Selden E. Whitcher;
A bill (H. R. 4827) granting an increase of pension to Charles H. Baker;
A bill (H. R. 5073) granting a pension to Christina Daniels;
A bill (H. R. 5160) granting an increase of pension to James Harper;
A bill (H. R. 5218) granting an increase of pension to Joel Metz;
A bill (H. R. 5247) granting an increase of pension to Richard Fristoe;
A bill (H. R. 5261) granting an increase of pension to John H. Coates;
A bill (H. R. 5289) granting a pension to Malvina C. Stith;
A bill (H. R. 5521) granting a pension to Abbie E. Webster;
A bill (H. R. 5714) granting an increase of pension to Lucy B. Bevis;
A bill (H. R. 5862) granting an increase of pension to Rollin Tyler;
A bill (H. R. 5863) granting an increase of pension to Benjamin Brittingham;
A bill (H. R. 5957) granting an increase of pension to Wright H. Auchmoody;
A bill (H. R. 5959) granting an increase of pension to Francis Pearson, alias James F. Pearston;
A bill (H. R. 6014) granting an increase of pension to William Rheuby;
A bill (H. R. 6018) granting a pension to Lue Emma McJunkin;
A bill (H. R. 6487) granting a pension to Kazier Washburn;
A bill (H. R. 6515) granting an increase of pension to Carleton A. Trundy;
A bill (H. R. 6861) granting an increase of pension to Joseph K. Ashby;
A bill (H. R. 6869) granting a pension to M. Callie Glover;
A bill (H. R. 6873) granting an increase of pension to Sarah Maley;
A bill (H. R. 6926) granting a pension to Mabel H. Lazear;
A bill (H. R. 7074) granting a pension to Benjamin F. Draper;
A bill (H. R. 7144) granting an increase of pension to John L. Smith;
A bill (H. R. 7237) granting an increase of pension to Eva H. McColley;
A bill (H. R. 7308) granting an increase of pension to Mary Morley;
A bill (H. R. 7341) granting a pension to Elizabeth W. Simmons;
A bill (H. R. 7432) granting a pension to Charles A. Sheafe;
A bill (H. R. 7823) granting an increase of pension to Jacob D. Caldwell;
A bill (H. R. 7907) granting an increase of pension to Alice M. Bailou;
A bill (H. R. 7968) granting a pension to Norris L. Lungren;
A bill (H. R. 7997) granting an increase of Pension to Henry Burns;
A bill (H. R. 8269) granting an increase of pension to James R. McClellen;
A bill (H. R. 8293) granting a pension to Amanda Jacko;
A bill (H. R. 8304) granting an increase of pension to Angeline Murray;
A bill (H. R. 8306) granting an increase of pension to Thomas W. Robinson;
A bill (H. R. 8486) granting a pension to Annie S. Hummel;
A bill (H. R. 8493) granting a pension to Harry H. Sieg;
A bill (H. R. 8541) granting an increase of pension to Mahlon C. Moores;
A bill (H. R. 8620) granting a pension to Thomas Hall;
A bill (H. R. 8954) granting an increase of pension to Alfred N. Mosier;
A bill (H. R. 9161) granting an increase of pension to John W. Taylor;
A bill (H. R. 9220) granting an increase of pension to John S. Hunter;
A billl (H. R. 9227) granting an increase of pension to Frederick Shafer;
A bill (H. R. 9312) granting an increase of pension to Kate Virginia Dewey Cushing;
A bill (H. R. 9383) granting a pension to Narcissa Tait; and
A bill (H. R. 9670) granting an increase of pension to Aaron C. Badger.

PUBLIC BUILDING AT SELMA, ALA.

Mr. PETTUS. I ask unanimous consent for the present consideration of the bill (S. 450) for the erection of a public building at Selma, Ala.

The PRESIDENT pro tempore. The Calendar under Rule VIII is in order, and the Senator from Alabama asks unanimous consent for the present consideration of the bill indicated by him.

Mr. QUARLES. I will not object to the consideration of this bill, but immediately after it is disposed of I shall ask the Senate to take up the census bill and proceed with it.

The PRESIDENT pro tempore. The bill called up by the Senator from Alabama will be read.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It directs the Secretary of the Treasury to purchase or otherwise provide a site and cause to be erected thereon a substantial and commodious building, with fireproof vaults, for the use and accommodation of the post-office, and for other Government uses, at Selma, Ala. The building thereon, when completed upon plans and specifications to be previously made and approved by the Secretary of the Treasury, shall not exceed in cost $100,000, including cost of site.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NOTICE OF EXECUTIVE SESSION.

Mr. CULLOM. Mr. President, I wish to announce that on Monday, immediately after the routine morning business, I shall ask the Senate to go into executive session for the purpose of disposing of the Danish treaty.

PERMANENT CENSUS OFFICE.

Mr. QUARLES. I ask unanimous consent that the Senate proceed to the consideration of the bill (H. R. 10308) to provide for a permanent Census Office, and I also ask that the limitation of debate under Rule VIII be dispensed with.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The PRESIDENT pro tempore. The Senator from Wisconsin asks unanimous consent that the rule limiting debate may be suspended. Is there objection? The Chair hears none, and it is so ordered. The pending question is on the amendment of the Senator from Massachusetts [Mr. LODGE].

Mr. LODGE. Mr. President, when the special order was up yesterday I had the floor and was discussing an amendment which I had offered to section 5 of the bill. The object of my amendment was to confine the provisions of that section to persons retained in the employment of the permanent census. I stated the figures in a way that might be misunderstood, and I wish to restate them.

There are now 2,298 persons employed in the Census Office. There are 145 temporary employees, who ought to be deducted, and others, I suppose, who are being dropped from the rolls as the appropriation expires, but the result will be to carry over into the general classified service about a thousand persons. Assuming that 800 are to be retained in the permanent census, about a thousand to twelve hundred persons will be carried into the classified service, and applying become eligible for transfer to any and every department of the Government.

It is to that that I am opposed, because it seems to me that it constitutes a great injustice to the persons now at the head of the eligible lists, a position which they have earned by their own success in the competitive examinations. It would deprive all the persons at the head of the eligible lists of any opportunity of appointment in the departments during the present year, and that would force them over and compel them to take another examination.

The United States opens those examinations to all its citizens and requires that they shall pass the examinations before they can take a place in the classified service, and they are now confronted by a thousand or twelve hundred persons arbitrarily placed in the classified service, who will have a right of transfer, which will shut them out entirely from their right of appointment.

Among those on the eligible lists undoubtedly are many soldiers who under the law are entitled to precedence in appointment. They will be deprived of that preference because these transferred clerks will be in a superior position for acceptance by the departments.

It is on account of that injustice, Mr. President, to all these persons who have taken the regular examination that I desire to see the present transfer confined to those who are to be retained in the Census Office.

Mr. GALLINGER. Will the Senator permit a question?

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from New Hampshire?

Mr. LODGE. Certainly.

Mr. GALLINGER. The Senator from Massachusetts has always taken a great interest in this so-called civil-service reform. I should like to ask him if he has ever turned his attention to some plan of reducing the existing eligible list.

As an illustration, I called the attention of the Civil Service Commission the other day to the case of a young lady who had

passed the civil-service requirements, and I was informed that there were almost 300 persons ahead of her. If she should live one hundred years she could not be certified under the existing condition. I called the attention of the Public Printer to a case where a young lady had passed an examination for that service, and if I mistake not there were some three hundred and eighty-odd ahead of her. Now, at the end of eight months more she will be dropped from the list and will have to take another examination and start over again, and the presumption is that she never will be certified.

And yet, notwithstanding that condition of things, Mr. President, all over this country, in my own city, regularly they are holding examinations. The money of the Government is being paid out and these boys and girls are getting on a list that amounts to nothing except to enervate them and make them good for nothing in ordinary service, because they are expecting a Government job when not one out of forty of them is ever certified or ever will be certified.

I wish the Senator would turn his attention in some way to a possible reform in that regard.

Mr. LODGE. Mr. President, I do not think that there is any possible reform which can prevent American citizens from seeking Government service.

Mr. GALLINGER. No, Mr. President, if the Senator will permit me; but it strikes me when the eligible lists are of such a length further examinations are a travesty and nothing else.

Mr. LODGE. They are not made of length by the Commission, of course. The lists are made long by the number of persons who apply and who succeed in passing.

Mr. PETTUS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Alabama?

Mr. LODGE. Certainly.

Mr. PETTUS. I merely desire to ask the Senator a question. The bill admits all the clerks in the Census Office into the civil service. I ask the Senator if he does not think that eighteen months' or two years' hard service under a great organizer like the Census Director is a better qualification than a mere examination.

Mr. LODGE. I think it is an excellent qualification. I am glad the Senator asked that question, for it enables me to make a statement of one of the objections.

Mr. PETTUS. There is one other point I want to call your attention to. I wish to inquire of you whether the bill, if this clause is passed, without your amendment, would not merely admit those clerks into the civil-service qualification at this day. Would it put them ahead of anybody else?

Mr. LODGE. It would, of course, put them one stage ahead of all those who are on the eligible list.

Mr. PETTUS. Why so?

Mr. LODGE. Because they would all be in the service and the eligibles would not be there. The point the Senator makes about experienced clerks is one which I am very glad to have brought up, because it is for that reason I asked for the list of appointments.

Mr. PETTUS. Will the Senator allow me again?

Mr. LODGE. Certainly.

Mr. PETTUS. Is it not true also that all these employees have either been examined by the Civil Service Commission or by this harder organizer in charge of the Census Bureau? All of them, as I understand, were examined a year or two ago, or whenever they were employed.

Mr. LODGE. They have been examined, Mr. President.

Mr. CULLOM. Will the Senator allow me a moment?

Mr. LODGE. Certainly.

Mr. CULLOM. I simply wish to say that to my knowledge several persons who had passed the civil-service examination and made application for appointment in this Bureau failed to pass the examination that was required by the Bureau.

Mr. LODGE. Mr. President, I return to the point raised by the Senator from Alabama in regard to all these being such experienced clerks. I think that is true of a great many of them, and I think it constitutes a good reason for their being transferred to the classified service and for employment under the permanent census. Undoubtedly all who go into the permanent census will be the best and most experienced clerks.

But where I think that rule does not work is in regard to some other appointments. For instance, there have been 19 appointed in the present month whom it is proposed to transfer, in the guise of experienced clerks, into the classified service. There have been 150 appointed within a year, most of them within six months, a large proportion of the 150 since October. Now, they have taken the places of experienced clerks and certainly can not be said to be experienced themselves. I think that is an injustice. I think it is unjust to those who have taken the examination in due course and who stand at the head of the eligible lists.

Those lists are large. The Government is bound, if it establishes a certain examination as a necessary requirement for admission to the public service, to open it to all persons. They can not shut up the list at any given time and wait until those lists are exhausted. They must give a fair opportunity to all to come in and take the examination, and those who pass best come to the head of the list and get appointments.

From six to seven hundred are appointed in this city in the Departments annually, and some forty-five hundred are appointed from the eligible lists throughout the country, so that there is a constant appointment from the eligible lists every year, and a large appointment from them. It is impossible to prevent persons coming in and trying to enter the service under that system. I do not know of any system by which we could get rid of the numbers.

I can refer to cases where there are no examinations. I remember that some years ago, when President Harrison was in office, the then Secretary of State, Mr. Blaine, told me that for 190 consulates he had over 6,000 applications, and it would seem that there must have been a number of disappointed persons when the appointments were made. I see no way of getting rid of the difficulty which the Senator from New Hampshire has suggested, and which undoubtedly does lead to a great deal of disappointment.

But the sole point I desired to make was in regard to what seemed to me an unfairness in this particular case, and that is the unfairness to those who stand in the classified service eligible for appointment, from six to seven hundred of whom will be appointed in the natural order of things during the current year as vacancies occur in the service. They will be all shut out, or may be all shut out, by this transfer, and they will be deprived of a fairly earned opportunity.

If all these thousand clerks were experienced and tested clerks, it would be another thing perhaps, although even then I think the injustice would exist; but many of the appointments have been made very recently, and cases arise like the one which was brought to my attention this morning. A lady came to see me who had been two years in the Census Bureau. She had the highest testimonials from the officers under whom she had been employed. She was dropped with the reduction of the appropriation, as many others have been dropped, and persons who have been appointed in the current month are retained. Now, that, Mr. President, is not retaining the experienced clerk. I ought to say that I had never seen the lady before and she does not come from my State. She simply brought me her papers because of what I had said yesterday on this point.

Therefore it is not the experienced clerks altogether who are going to get this transfer into the classified service, but a great many who have no claim to it at all on the ground of tested work.

Mr. McCUMBER. Mr. President, will the Senator yield for just a question?

Mr. LODGE. Certainly.

Mr. McCUMBER. I wish to have the Senator explain to me how all the persons who are already eligible are going to be crowded out in such a manner that the present incumbents of the Census Office may take their place. We will suppose that in a few months, or in the course of, perhaps, a year, all but about five hundred in the Census Office will be discharged. The Senator does not presume to say that all of these can be transferred in that time to other departments or that other than a very small percentage of them can be transferred?

Now, if they are once discharged because the work has been completed, will those persons who have been discharged displace the other eligibles? Can not any department when it calls for other help call for it from any of the eligibles? Could they be required to make the demand or fill their quota from those who had been discharged from the Census Office? I do not understand that to be the case, and therefore that is the reason why I have asked the Senator the question.

Mr. LODGE. I do not think the Senator, then, understands the law. The provision is that this transfers bodily to the classified service, we will say, some eighteen hundred or two thousand clerks.

Mr. McCUMBER. I understand that.

Mr. LODGE. Certainly; I did not say the Senator did not understand the present law, but the law in regard to transfers. We will say that 800 of those clerks are retained in the permanent census and the other 1,000 or 1,200 are discharged the day after the bill passes. They are all eligible for transfer; that is, not being separated from the service by any fault of their own, they are held to be in the service for the purposes of transfer, just as if they held the office and were actually performing its duties.

Mr. McCUMBER. For how long a time?

Mr. LODGE. They hold it for one year. Therefore, for one year, and that is the precise point, they are in the service for purposes of transfer, whereas the eligibles are of course not in the

service at all, and can only come up on certification when a vacancy occurs. Then when a vacancy occurs instead of the eligibles being certified up to the appointing power, nothing is necessary except to transfer one of these clerks who is already in the service.

Mr. McCUMBER. Will the Senator inform me what proportion of those would in all probability be called for and transferred during the year?

Mr. LODGE. About 700, probably, during the year in Washington—that is, in the departments. The annual draft from the eligible lists amounts to between 600 and 700 persons. All those persons could be appointed by this transfer.

Mr. BERRY. Will the Senator permit me to ask him a question in this connection?

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield?

Mr. LODGE. Certainly; with pleasure.

Mr. BERRY. Who will determine the order of selection? Will the head of the Department select such persons as he desires out of the 700 or 800, as he chooses to obtain them?

Mr. LODGE. Certainly.

Mr. BERRY. How will it be determined as to who will be first selected by the head of the department?

Mr. LODGE. From the clerks to be transferred?

Mr. BERRY. Yes.

Mr. LODGE. He can take any one he wants.

Mr. BERRY. It rests entirely with the head of the department to take any one of the 800?

Mr. LODGE. To take any one of the thousand clerks eligible for transfer. He can take any one he is persuaded should be taken.

Mr. CLARK of Wyoming. Mr. President, there are two questions I should like to ask the Senator from Massachusetts for information.

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield?

Mr. LODGE. Certainly.

Mr. CLARK of Wyoming. The first is in regard to the probability of old soldiers being shut out from the ordinary, regular, continuous civil service by the section to which the Senator refers.

Mr. LODGE. I said soldiers. I did not say old soldiers.

Mr. CLARK of Wyoming. Well, soldiers.

Mr. LODGE. If the Senator refers to veterans of the civil war, in the necessity of things, owing to age, there will be very few of those; but the Senator must remember that there are a great many young men who served in the Spanish war, or who have served in the Philippines, who are eligible for appointment. I think there are quite a number of those who will come up.

Mr. CLARK of Wyoming. That is exactly what I want the Senator to explain. How is this bill going to make a hardship on those particular people?

Mr. LODGE. Certainly, as there is a percentage of them among the eligibles, it is fair to assume that that, as a matter of fact, will be the case. When they are certified for appointment, they have preference under the law. Of course, if no eligibles are certified, they never will have the benefit of that preference.

Mr. CLARK of Wyoming. That is true.

Mr. LODGE. If the transfer is made, the ex-soldiers on the eligible list have no preference.

Mr. CLARK of Wyoming. But if they are upon the list of the Civil Service Commission, do they not still retain that preference even after the passage of the present bill?

Mr. LODGE. Of course they retain a preference, but they never have an opportunity for its exercise.

Mr. CLARK of Wyoming. May I ask the Senator why?

Mr. LODGE. Because the thousand clerks who are eligible for transfer will more than take up the six or seven hundrend vacancies which may occur in a year.

Mr. CLARK of Wyoming. I want to ask the Senator another question.

Mr. LODGE. Certainly.

Mr. CLARK of Wyoming. Upon whose order or request are these transfers made? In other words, do the thousand men or women in the Census Bureau at once pass into the classified service or are they placed there at the request of the head of some department?

Mr. LODGE. They will be in the classified service under this law.

Mr. CLARK of Wyoming. They will be in the classified service exactly as everybody is in that service who has passed a civil-service examination?

Mr. LODGE. Certainly; they are in the classified service.

Mr. CLARK of Wyoming. They are in the classified service precisely the same as if they had already been put on the eligible list?

Mr. LODGE, No; they are not on the eligible list. The eligible list is composed of persons who have passed a civil-service examination and are eligible for appointment. These persons are already in; they have been appointed; they have passed that stage. They are eligible not for appointment, but for transfer.

Mr. CLARK of Wyoming. They have been appointed, but they are not on the eligible list?

Mr. LODGE. That makes no difference as to their eligibility for transfer.

Mr. CLARK of Wyoming. For the purpose of transfer, but not for the purpose of appointment.

Mr. LODGE. Yes. They do not have to be appointed.

Mr. CLARK of Wyoming. The head of the department must go to the Civil Service Commission and ask for a transfer of some man or some woman who has already been in the service for a year or eighteen months? I ask the Senator for information.

Mr. LODGE. I suppose, Mr. President, the heads of departments could disregard this provision. I suppose they could, but I am not sure about that.

Mr. CLARK of Wyoming. I want to be right about this matter.

Mr. LODGE. I understand that.

Mr. CLARK of Wyoming. It occurs to me that the only effect of this provision is to put those who have served in the Census Bureau for six months, or a year, or two years, exactly upon the same footing as those who are in the highest classification, and have passed an examination for entrance into the service.

Mr. LODGE. There is where the Senator is wrong. It does not put them on that list. It does not make them eligible for appointment.

Mr. CLARK of Wyoming. But it makes them eligible for transfer.

Mr. LODGE. It retains them in the service, which is a very different thing; that is, they are one stage ahead. They are in the service; they are not separated from it for the purpose of transfer; and if a vacancy occurs and one of these census clerks gets a transfer, he is in; so he does not require an appointment.

Mr. CLARK of Wyoming. May I ask the Senator how a clerk can get this transfer?

Mr. LODGE. He gets a transfer by the request of the appointing officer, whoever he may be.

Mr. CLARK of Wyoming. Then, as I understand the Senator, the appointing officer of the Treasury Department, for instance, can do one or two things under this law——

Mr. COCKRELL. Mr. President, we can not hear the conversation which has been going on on the other side, and we should be glad to hear it.

The PRESIDENT pro tempore. Senators will please preserve order in the Chamber.

Mr. CLARK of Wyoming. The appointing officer may do one of two things: He may ask for one of three of the highest on the civil-service list, or he may ask for a transfer from the Census Bureau of one of those clerks in the service there, under this provision. Is that true?

Mr. LODGE. I suppose that choice is left to him—that is, he can ask the Civil Service Commission for a certification of three names or he can transfer one of these clerks in the Census Office into his Department.

Mr. CLARK of Wyoming. Then, in other words, there is nothing in this provision that compels the head of any department to take one of those men or women who have been employed in the Census Office to the exclusion of those who are upon the civil-service lists proper?

Mr. LODGE. That is a point that I am not perfectly clear about, as to whether this would compel the selection from those clerks or not. If it is to be left absolutely to the discretion of the appointing officers to do what they please, then, of course, they can take them or not.

Mr. ALLISON. Will the Senator from Massachusetts yield to me for a moment?

Mr. LODGE. Certainly.

Mr. ALLISON. Mr. President, I understand the law and the regulations to be that the head of one department may call upon the head of another department for the transfer of a particular clerk by name; and with the consent of the Civil Service Commission and the department of which that demand is made that clerk can be transferred. I understand it requires the cooperation of the department desiring the clerk and the cooperation of the department dispensing with the clerk, and also, perhaps, the assent of the Civil Service Commission. But as to that I do not know.

Mr. LODGE. Yes; the Commission has to certify that the clerk was not separated from the service through any fault of his own.

Mr. CULLOM. I was about to make the suggestion which has just been made by the Senator from Massachusetts [Mr. LODGE]. I undertook lately the work of getting a transfer for a clerk, and I found out that I had to call upon the Civil Service Commission for their certification.

Mr. LODGE. I think, if the interpretation of the Senator from Wyoming [Mr. CLARK] is correct, that the department officers have this choice, we shall all of us obtain a very minute knowledge of the possibilities of transfers before the year is out.

Mr. CLARK of Wyoming. The Senator will recognize that I have only asked for information.

Mr. LODGE. I understand that, of course, and I am very glad to give it so far as I am able.

I do not desire to detain the Senate any longer. My point simply is that it is important to retain the well-trained clerks of the Twelfth Census in the permanent bureau, but I do not think it is fair, and I do not think it is wise administration, to give this right for a year to a thousand or twelve hundred more clerks, some of whom have had no experience whatever, and some twenty of whom have been appointed this month. That, it seems to me, is unfair to others and would deprive a number of deserving persons who have taken the civil-service examination in good faith of the opportunity for appointment which they would otherwise receive.

This is all I desire to say on this subject, Mr. President, but I want to say a single word upon another matter before I sit down.

Mr. SCOTT. Will the Senator allow me to ask him a question?

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from West Virginia?

Mr. LODGE. With great pleasure.

Mr. SCOTT. I ask the Senator what experience those people on the eligible list have had? He complains of those who have been only a short time in the Census Bureau not having experience. Those on the eligible list can have had no experience at all.

Mr. LODGE. I do not complain of their having no experience. I was meeting the argument that they were to be preferred because they had experience. They have not had experience, and everyone who goes on the eligible list is also without experience, but he or she is obliged to be on probation for six months before a clerk like that can receive a full appointment; whereas these clerks, some of whom have been appointed during the present month, can be transferred, and they do not have the six months' probation, they never have had a test, and they never have had experience.

Mr. President, before I sit down I want to call the attention of the Senate to another point. I have prepared no amendment, but perhaps the Senator from Iowa [Mr. ALLISON] has considered the matter also; and that is the provision in section 4, that as many clerks of class 1, copyists, etc., with salaries at the rate of not less than $600, are to be appointed "as may be necessary for the proper and prompt performance of the duties required by law."

I should like to have the Senator from Iowa, who has had an unequaled experience on all these questions relating to administration, state if such a provision as that is not wholly exceptional; if in all the departments of the Government there is not some limitation put upon the number of clerks that any bureau may employ?

Mr. ALDRICH. Will the Senator from Massachusetts allow me?

Mr. LODGE. Certainly.

Mr. ALDRICH. I call the attention of the Senator to section 7, on page 5, where there is another provision which allows the Director of the Census to appoint as many special agents as he may deem necessary.

Mr. LODGE. I had not noticed that. That is in the same line as the other.

Mr. ALDRICH. That is in addition to the powers given in the fourth section.

Mr. LODGE. I should like the Senator from Iowa to state whether or not that is exceptional.

Mr. TELLER. I want to ask the Senator from Massachusetts a question before he sits down.

Mr. LODGE. Certainly.

Mr. TELLER. I want to know how under the fifth section—I ask for information, because I do not quite understand—how these clerks who are put within the civil-service rules will be certified to the different departments after they have been discharged from the Census Office?

Mr. LODGE. They do not have to be certified. A clerk who is or has been appointed to a Government office and separated from the service, as these are, without fault of his own, is eligible to transfer at any time within one year. All that has to be done is that the Secretary of War, we will say, writes to the Director of the Census and asks him to transfer to the War Department one of these clerks who had been discharged, and who, for the purpose of transfer, is still in the service.

Mr. TELLER. I should like to say that that will not be a very valuable provision for those clerks. There will be very few of them who will be brought within the civil-service rules who will get into office if they have to wait until the head of some department calls for them. If it is the desire of the supporters of this proposition to give these people an opportunity to get into the public service, they should go on to the civil-service list as if they had been examined under the civil-service rules, and then go through the same experience.

Mr. LODGE. This gives them something better than that.

Mr. TELLER. Oh, no.

Mr. LODGE. Yes; it puts them in the service.

Mr. TELLER. It gives them something better theoretically, but practically, so far as it goes, it does not give them any real standing.

Mr. LODGE. The Senator knows, of course, the practical thing will be that there will be 600 or 700 vacancies occur in the departments in the course of a year, and that we all on both sides, in the House of Representatives and in the Senate, have clerks in the Census Office who were appointed on our recommendation, who, after passing the examination required, were appointed to that office. Now, all those clerks who are not retained in the permanent census will come to us and go to the members of the other House to get transfers, and a large number of them will get transfers, I suppose. In that way they will shut out all the eligibles at the head of the eligible list, who, I think, deserve their chance during the current year.

Mr. TELLER. It seems to me that of course there might be influence enough brought to bear on the different heads of departments to get all these people in, but I should doubt very much whether they could. I am not certain now that they would have to get the approval of the Civil Service Commission.

Mr. LODGE. That will be entirely formal, because that is merely certifying they were separated from the service without fault of their own. That is obvious, because they would be separated simply by the failure of an appropriation. That will be merely formal.

If I may say one word further, the Senator of course knows that those 1,000 or 800 clerks are not going to be put into other departments in a body.

Mr. TELLER. No.

Mr. LODGE. They will go along one, two, and three at a time whenever there is a vacancy, and there will be a rush to get these transfers.

Mr. TELLER. It seems to me that if there was a desire to take care of these clerks they ought to be certified to the Civil Service Commission and then certified to the departments.

Mr. LODGE. But that would not put them as well off as this puts them now. This puts them in a much better position than if they were put on the eligible list——

Mr. TELLER. I hardly think so.

Mr. LODGE. Because it relieves them from all further examination. They are already appointed. This simply requires them to get a transfer.

Mr. TELLER. For a year, and then if they have the political strength to get some Senator or Representative to go to the head of a department and persuade him to call for them then they will get in; but if they do not have that influence they will not get in.

Mr. LODGE. I have been inclined to think, from the profound and general interest manifested toward this bill in both Houses, that those clerks have got a good deal of political strength on both sides.

Mr. LODGE subsequently said: Mr. President, I should like to ask leave to print with the remarks I made this morning a statement from the president of the Civil Service Association in my State without having it read. I ask leave to have it printed as part of my remarks.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and that order will be made.

The statement referred to is as follows:

Some reasons respectfully suggested to the Committee of the Senate on the Census showing why the measure making the Census Bureau permanent should not contain provisions allowing the present employees to be put into other departments over the heads of candidates who have passed a competitive examination.

THE FACTS.

The facts, as we understand them, are these: Some years ago the Congress of the United States rejected the proposed amendment placing the Census Bureau under the Civil Service Commission, and passed the law in a form giving the Superintendent power to appoint nominees as he pleased and with such examination, if any, as he pleased. The members of Congress then, at the suggestion of the Superintendent of the Census, sent in certain names as nominees for appointment. These nominees far exceeded the number of places to be filled, and it was necessary to weed them out by some form of examination, and they were put through a pass examination and those less competent, amounting roughly to not far from one-half the total number, were rejected. But these examinations were not open and competitive, designed to secure the most competent that were to be had in the whole country, but merely pass examinations, designed to eliminate the poorest of the group nominated. Employment in the Census Bureau has never been open to the citizens of the United States generally, but only to that small fraction of those citizens who happened to enjoy or to be able to secure the favorable action of some member of Congress.

It is understood that the larger part of the present employees of the Census Bureau are shortly to be discharged because they are no longer required, and, if they are eligible to appointment in other departments at Washington, the same reasons which had caused them to be nominated for these positions

will cause requests to be made for their transfer to these other departments. If so transferred, they will take precedence of candidates who have passed an open competitive examination, who stand, and who have for some time stood, at the head of the list, and who are equitably entitled under the law as it now stands to be certified for appointment on the first vacancy. It has been estimated by those familiar with the figures that if all the employees who are to be discharged from the Census Bureau by the gradual and necessary reduction of force be transferred to other departments, they will fill all vacancies that are likely to occur in these other departments, so far as Washington is concerned, for a period of between one and two years.

AMOUNTS TO SUSPENSION OF CIVIL-SERVICE LAW.

(1) Such a provision as this bill contains would amount to a practical suspension or temporary repeal of the civil-service laws for a period of between one and two years, so far as it touches the center of government. It is idle to have a law, with all the machinery for enforcing it, with a corps of examiners, a series of examinations, and a resulting list of candidates, carefully selected, when there are to be no vacancies to be filled. It is throwing out of gear and rendering useless an entire governmental department, so far as Washington is concerned.

IF THE LAW IS TO BE REPEALED, EVEN PARTIALLY, IT SHOULD BE DONE AVOWEDLY AND NOT BY INDIRECTION.

(2) If the civil-service laws are to be abrogated at Washington for a year or two, the issue should be clearly understood by the people at large, and it should be done openly and by a measure to that effect, which the people should fully comprehend, and not as an indirect result of an unnecessary provision in a bill to create a permanent census bureau—in itself an admirable object.

IS UNFAIR AND DOES NOT CARRY OUT PROMISES MADE BY GOVERNMENT.

(3) To promote those appointed by favor over the heads of those who have proved by competitive examinations their qualifications to stand at the head of the list is very unfair. Now, for many years the Government has been publicly announcing "Enter these examinations, pass them well, and you shall be certified for appointment to the first place that becomes vacant." It is now proposed that the same power which created this law shall say: "True, we promised that, but we now propose to put in, over your heads or in your places, a group of our personal friends, for a year or two; when these are appointed, you can have your chance." Apart from the disappointment of waiting so long, can these candidates, who have spent time, money, and hope in proving their qualifications for office, have any assurance whatever that, if this has been done once, it may not be done again, and that after this group has been transferred to other departments, some other legislation may not be passed providing for another group, and so on indefinitely?

BAD PRECEDENT.

(4) It is perfectly obvious that if this method of overriding the civil-service law be successful it will inevitably open a door to other like indirect attacks on the law every time a new group of employees become the subject of legislation. These groups are constantly arising under the various temporary-employment acts.

THE PRESENT EMPLOYEES NOT SPECIALLY SKILLED.

(5) The fact that the present employees are good employees and that under the admirable training of the present able Director they are doing good work proves very little, because most of the work done by them is very simple. It is understood that nearly three-quarters of the employees perform duties largely mechanical, such as counting, sorting, and feeding and tending machines.

IF SUPERIOR, THEY NEED NO HELP; IF INFERIOR, THEY OUGHT NOT TO HAVE IT.

(6) In reality, however, this question of their excellence and experience cuts both ways. If they are equally able, or more able than those whom they would meet from the country at large in open competitive examinations, then their present experience would certainly enable these experienced employees to obtain higher places on the competitive list, and consequent appointment, and they do not need this favoring legislation. If, on the other hand, these employees, in spite of their experience, could not come out ahead of their competitors in open competitive examinations, they ought not to have this favor, for they are obviously inferior to those open competitors, and should not take their places.

NO MATTER HOW GOOD THESE EMPLOYEES ARE, SPECIAL FAVORS TO THEM VIOLATE FUNDAMENTAL PRINCIPLES.

(7) Nobody contends that Congressmen may not select good persons to nominate to office. Our position is that the steady gain of the "merit system," or open competitive system, in public favor shows that the people of this country demand that office shall not be given on monarchical system of personal favor, but on the republican system of open competition free to all.

THE FEELING IN THIS STATE STRONGLY AGAINST IT.

(8) So far as the feeling of its own State is concerned, the association has made a decisive test. It sent out a number of circulars, a small part only to its own members, the greater part to leading citizens in all sections of the State, about whose views on the subject of civil service it knew nothing, selecting the larger part of the names from the lists of the Republican club and the smaller part from the lists of the Democratic club. Within forty-eight hours the association received over 500 replies, all but one of which opposed the attack on the civil-service system, and only one favored it. The number of the replies greatly exceeded the number of responses which can usually be got to any printed circular, and would indicate that the sentiment of this State is overwhelmingly opposed to anything which tends to injure the open competitive system. Moreover, the newspapers and several public bodies of the State have in general taken the same position, and so far as we have been able to observe from the newspapers in other part so fthe country this is the general sentiment shown by the press and the public in the country at large.

PEOPLE WANT FAIR PLAY AND NO FAVOR.

(9) Apart from any such test, it is obvious, from the nature of things, that the people at large do not want a system that goes by favor, but prefer a system which is open to all. The simple reason is that those who enjoy or can obtain the favorable consideration of members of Congress must necessarily be very small, probably not a thousandth part of the whole people, certainly not a hundredth part; and since the offices are so few in comparison with our great population, this one-hundredth will always more than fill them, leaving the other ninety-nine hundredths, whoever they may be from time to time, absolutely without any chance of Government employment at any time.

Very respectfully,

MASSACHUSETTS CIVIL SERVICE REFORM ASSOCIATION.
By W. W. VAUGHAN, *President.*

Mr. TELLER. I want to say that I sympathize with the people who have been in the Census Office. I know that is a good force. When the civil-service law took effect I was Secretary of the Interior. I received some criticism because I did not call on the Civil Service Commission immediately for employees of the Interior Department. I took those who were about to be discharged by the closing of the census work and put them into the different divisions of the Interior Department other than the census. I knew something about them. They were about as good a class of clerks as were ever put into a service of that kind in the city of Washington, I will venture to say, because they had been under the discipline and training of the Census Office under Gen. Francis A. Walker for three years or more. I believe now we could get a very much better force if we call on the thousand clerks who have been in the Census Office than we should get from a thousand clerks on the certified list of the Civil Service Commission. I want these clerks to have a fair show, which I do not believe they will get under this provision.

Mr. TILLMAN. Will the Senator allow me?

Mr. TELLER. Certainly.

Mr. TILLMAN. I suggest to the Senator from Colorado that some of this census force that will be supernumerary, so to speak, will have a much better show than others. While we here agree to put them all on an equality by putting them within the pale of appointment without examination by the Civil Service Commission, it is very evident that the influence of individual clerks will secure to them a transfer, while many who have no such influence—they may have Senators behind them, and they may have Representatives behind them—will not have the same "pull," to use a phrase which is common here, with the appointing officers, and therefore we are providing for a system of favoritism in the making of these appointments which in itself is objectionable. If the Senator from Massachusetts is so solicitous for a purified and clarified and dignified and a decent civil service, I would direct his attention toward an amendment which would enable those people to be appointed on merit rather than on partisanship. Then I should be more in sympathy with his amendment.

Mr. LODGE. You mean these appointments?

Mr. TILLMAN. I mean the supernumeraries in the census whom we are now putting within the pale of appointment without further examination.

Mr. LODGE. Does the Senator mean to say that all these appointments in the Census Office have been made from Republicans?

Mr. TILLMAN. Not at all, and I do not mean to say that the transfers will all be made from Republicans; but I say here that some Senators and Representatives will get recognition from the appointing officers and others will not. Perhaps the Senator from Massachusetts and I will get our full share. I am sure he will. [Laughter].

Mr. LODGE. I trust we shall.

Mr. TILLMAN. I am very certain the Senator will.

Mr. LODGE. I trust, however, there are no two Senators more deserving. [Laughter.]

Mr. TILLMAN. I am glad to be found in such good company [laughter]; but I am afraid when the sharing comes it will not be shared even.

Mr. LODGE. I know very little about the political distribution of the appointments in the Census Office, but from what I have heard I think there is a very fair representation of minority appointments.

Mr. TILLMAN. I am satisfied that the minority—if the Senator will permit me—have got a more than liberal share; and I take some credit for that, because, in the framing of the Census bill, I assisted some of my friends on the other side of the Chamber in striking out a provision in the law, as it passed the Senate, which provided that not exceeding two-thirds of them should come from one political party, and substituting a provision in the law which provided that they should be appointed on merit and character and general worthiness rather than because they were Republicans, Democrats, or Populists.

But what I am speaking of now is that we have found ourselves in the position of having some very valuable material here to furnish some additional clerks without going through the civil-service barrier, so to speak, or climbing over or under it. I should like to see some provision in the bill which would enable these people to get into the Government service on merit rather than by reason of having certain influence behind them with the appointing officers. We know very well they will not all get places, and we know that some of them will not get any place, no matter how meritorious they may be or how valuable their services may have been, but that appointments will simply be made by the heads of the various departments upon the solicitation of this Senator or that Member of the House of Representatives, who may have the personal friendship or the political influence which will obtain the appointment, rather than the deserving qualities of the appointee. I hope the Senator from Massachusetts will turn his attention in that direction and see if he can not frame such an amendment,

even if it gets voted down, as it is evidently going to be. You, perhaps, ought not to let them through, but if let through, they ought to be let through on merit rather than on a partisan basis.

Mr. ALLISON. Mr. President, the provision in section 5 of this bill, as it now stands, seems to me to be very vague as to what will become of the employees now in the Census Office. According to its provisions all those employees at the time of the passage of the act will, if it shall pass to-day, be incorporated within the "provisions of the civil-service act approved January 16, 1883, and the amendments thereto, and the rules established thereunder."

I take it for granted that the intent and the purpose—and I shall be glad to have the Senator from Wisconsin [Mr. QUARLES] who is in charge of this bill explain to me whether or not it is the intent and purpose of this provision—to incorporate those clerks into the classified service as the clerks in other departments are incorporated. I desire to know whether it is the intention to throw them in—if I may use that word—to the classified service by this single section, or whether it is intended that they shall be in the classified service as employees of the Census Office itself?

Mr. QUARLES. Mr. President, the theory of the committee was to put, immediately upon the passage of this bill, every member of this splendid force under the protection of the civil service. Immediately upon the passage of the bill every member of that force would thereby have all the protection of the civil-service act.

I think the distinguished Senator from Massachusetts [Mr. LODGE] is in error when he speaks of the slow process by which these clerks will be absorbed into the civil service. If I understand the provisions of this section as it is here presented, it contemplates the absorption of these clerks into all branches of the service—not departmental service alone, but the postal service, the Internal-Revenue Service, and all other branches of the service throughout the United States.

Now, there are appointed, as I am informed, every year in all these branches of the civil service between seven and eight thousand employees. My distinguished friend is somewhat inaccurate in the figures he has given to the Senate—unintentionally, no doubt. The number is less than a thousand who would not be permanently employed in the census and who would be open to a transfer under this act. Indeed, if this act should be delayed until the 1st day of March, there would be exactly 755 clerks or employees above the grade of skilled laborer who would enjoy the benefit of the right of transfer not only to the departments, but to the entire service throughout the United States. I will not, however, take more of the time of the Senator.

Mr. ALLISON. I am glad to hear the Senator.

Mr. QUARLES. I have gone far enough, probably, to answer the question, and I will wait until the Senator is through.

Mr. ALLISON. Mr. President, I believe as this section now stands it will hold out a delusive hope to the employees who are now in the Census Office, or else it will have the effect to greatly disturb the other departments of the Government. The object of the provision is to retain this splendid force—to use my friend's description of it—in the civil service, not only in the Census Office, but elsewhere. As I understand the general scope of the census, though, the 2,600 employees, or whatever the number is—we have it here in one of these documents——

Mr. MCCUMBER. Two thousand two hundred and ninety-eight.

Mr. ALLISON. The 2,298 people who are now employed in the Census Office are not to be retained there. As I understand—and I hope the Senator will correct me if I am mistaken—it is expected by the 1st of July, 1902, that a large number of these people will be discharged; how many I do not know.

Mr. QUARLES. The office will be reduced down to 800.

Mr. ALLISON. There will be within the civil-service rules and laws about 1,400 discharged from the Census Office by the 1st of July next who are now employed there and who are to be brought within the purview of the general civil-service law. Am I right in that?

Mr. QUARLES. I can give the Senator the very figures if he would like them.

Mr. ALLISON. I do not desire especially accurate figures, because I know they are liable to be changed between now and the 1st day of July or after that time. Therefore, I only wanted to know in a general way about the number that will be discharged. But it may be well to have the accurate figures, and if the Senator will give them to me I shall be obliged to him.

Mr. QUARLES. Two thousand two hundred and ninety-eight is the total at the present time of that establishment. There are 443 laborers and other employees who will not be within the purview of this act. That would make 1,855. On the 1st day of March there will be discharged 300. That will leave 1,555, and during March 500 more will be discharged.

Mr. ALLISON. Making about 800 before the 1st of April.

Mr. QUARLES. Yes; if this bill should pass at any time after the 1st day of March there would be 1,500, and out of that number 800 would be permanently retained. That would leave 700 who would be eligible to transfer from the Census Office.

Mr. ALLISON. Mr. President, the 700 who are to be discharged between now and the 1st of July are indulging a vain hope if they think that any considerable number of them will be retained because of this section.

I submit to Senators that under existing law the clerical force in the departments is not subject to transfer to outside employment in the different States, either under the postal service or under the Internal-Revenue Service. There are exceptions to that rule, of course, but if they are so transferred they will take the places of other people who are already employed and who reside in the neighborhood where the service is rendered. That is especially true with the postal service. The idea of transferring a clerk in any one of the departments here and now within the range of the civil service to a position as postal clerk or to any service outside of this city in the Post-Office Department is new to me, if it can be done, and if the Senator knows that it can be done I shall be glad to have him give me the authority, because I want to have transferred a good many of such clerks, if I can find an opportunity to have them transferred into the service in other parts of the country, as many have applied to me in months past.

The 700 people will be discharged with a certificate of competency and merit between now and the 1st day of July. The 1st day of April the Senator from Wisconsin states as the date. I undertake to say that this provision will be of no material value to them (and so far as I am concerned, if I have any interest in it, I want that to be known to those who are seeking to have themselves placed within section 5) unless we go further before we finish the bill and provide that those people shall be transferred into this department or that department and take the place of the people who are now employed there.

When the war with Spain began it became necessary to employ a large number of temporary clerks in the War Department and in the Treasury Department, and there were employed there as temporary clerks 600 people. They were not employed under the civil service, so called. They were employed by the Secretary of War, upon examinations instituted in his Department, and were temporary. They were continued, I think, for one or perhaps two years as temporary clerks in the War Department, but they were gradually reduced in number, so that during the present fiscal year there are employed about 300 clerks in the War Department who have had the advantage of nearly four years of service in the Department, and who are still carried on the rolls as temporary clerks.

Now, for one I do not wish, by implication or in any other way, to say that those clerks, who have had four years' experience in the Quartermaster's Department, in the Commissary-General's Department, in the Adjutant-General's Office, and in all the ramifications of the War Department, who have thus become familiar with their duties and who have been sifted from 600 to 300, retaining, as I believe and am sure, the most competent persons in the force, and all of whom are competent people, shall have substituted for them persons in the classified service.

A year ago we were called upon in the Appropriations Committee to put these temporary clerks into the classified service by statute. It was not done, because it was hoped that the exigencies of the War Department would enable them sooner or later to discharge a number of those people, and we did not want to put them within the range of the civil service and hold out to them the vain hope that they might be appointed, when they would not be able to find other places.

The House of Representatives at the present session, in the legislative, executive, and judicial appropriation bill, which is now pending in the Committee on Appropriations, have, so far as they could under their rules, required that the 300 people in the War Department shall be transferred into the classified service. This, I understand, has the approval of the Secretary of War and of those who are immediately employing those people. If that shall pass, and I am sure it will pass, because I believe if there is to be any transfers by statute those people who have served faithfully and have acquired the requisite knowledge during four years are entitled to enter into the classified service, and it is so with a similar force, though not so large, in the Treasury Department.

Hence I do not see where the 700 people who are to be presently discharged can find a lodging place under the civil service, unless it is proposed, in a larger way even than this bill now proposes, to substitute these clerks for clerks already in the classified service.

Mr. GALLINGER. That could not be done, could it?

Mr. ALLISON. I do not know. I will ask the Senator whether it can be done.

Mr. GALLINGER. I should think not.

Mr. ALLISON. For instance, there is a provision in this bill which requires statistics of mines and mining to be taken annually.

Mr. QUARLES. I wish to correct the Senator, because I know he desires to be correct.

Mr. ALLISON. Not annually?

Mr. QUARLES. Decennially.

Mr. ALLISON. Once in ten years. Therefore what I am about to say does not apply, perhaps, to that branch of the service. But it is proposed to take within the scope of this bill a considerable force now in the classified service as respects the annual statistics of agriculture, which work is now performed faithfully and well and thoroughly in the Agricultural Department. Now, if this is to pass, and we are to gather into the Census Office the statistical information which is now being conducted by other branches of the Government, it will necessitate the discharge of the skilled people who are employed there, because, I take it, it is not proposed, even here, that we shall go on and duplicate information of a statistical character.

Mr. ALDRICH. Will the Senator from Iowa allow me?

Mr. ALLISON. Yes, sir.

Mr. ALDRICH. The statistics in regard to mines and mining and these various other subjects are not to be collected decennially, according to this bill.

Mr. ALLISON. No, they are not.

Mr. ALDRICH. They can be collected at any time.

Mr. ALLISON. Yes, sir.

Mr. ALDRICH. Annually, or semiannually, or quarterly, or at any other time, within the discretion of the Director of the Census. There is no provision——

Mr. QUARLES. We can not hear what the Senator from Rhode Island says. We should be glad to hear his suggestion.

Mr. ALDRICH. I say these statistics in regard to mines and mining and all the other subjects contained in section 7 of the bill are not, by the terms of the bill, to be collected decennially, but at any time and all the time, whenever the Director of the Census sees fit to collect them.

Mr. QUARLES. The Senator has certainly fallen into an error.

Mr. ALLISON. I think the Senator from Rhode Island is mistaken about that. I will give my understanding of it.

Mr. ALDRICH. I wish to call the attention of the Senator to the reading of the provision. I shall be glad to be corrected if I am in error.

Mr. ALLISON. I hope the Senator will read it.

Mr. ALDRICH. It says:

That after the completion and return of the enumeration and of the work upon the schedules relating to the products of agriculture and to manufacturing and mechanical establishments provided for in section 7 of this act, the Director of the Census is hereby authorized to collect statistics relating to, etc.

Then he is to collect these statistics.

Mr. ALLISON. Yes.

Mr. ALDRICH. Yes; after certain things are done.

Mr. ALLISON. There is a singular provision here as respects mines and mining; and I may as well mention it now, as it has been commented on by the Senator from Rhode Island. This provision of section 7 provides that certain inquiries shall be made relating to—

Mines, mining, quarries and minerals, and the production and value thereof, including gold in divisions of placer and vein, and silver mines, and the number of men employed, the average daily wage, average working time, and aggregate earnings in the various branches and aforesaid divisions of the mining and quarrying industries until July 1, 1904.

I believe the committee have recommended the striking out of the words "quarries" and "and quarrying." I will ask the chairman whether I am correct. I have the first print of the bill. Is that retained in the bill?

Mr. TELLER. We ought to strike it out.

Mr. ALLISON. This provision authorizes the inquiries to be made as to mines and mining until July 1, 1904.

Mr. ALDRICH. Is the Senator certain that "until July 1, 1904," does not apply to the whole paragraph?

Mr. ALLISON. I am not certain, but I think it ought to be rendered certain. I have no doubt the Senator from Wisconsin will say that it applies only to mines and mining, because it is taken from section 8, which has been revived here and amended "so as to read as follows," etc. This provision gives the Census Office until 1904 to gather these statistics, and it fixes no time when the result of the examination shall be made.

Now, I submit to my friend who has charge of this bill that statistics which take more than two years to gather and an indefinite time to tabulate and formulate are statistics of no value or of comparatively little value. Especially is that true when we now have a bureau in the Department which furnishes the statistics and prints a volume called the Mineral Resources of the United States, which volume not only comprehends gold and silver, but comprehends in ample degree all the minerals in the United States, such as coal, iron, petroleum, copper, and everything else that can be gathered within its folds as representing the mineral resources of our country.

These statistics have been thus gathered and are being now gathered by a corps, which I undertake to say is a trained force, of competent and intelligent men in this city and in this country, who produce an annual volume of immense value to the people of the United States, and at a total expenditure of $50,000.

It is here suggested that we shall have statistics gathered, allowing two years and four months to gather them, when we will have laid upon our tables at least two volumes of statistics covering the whole question within the period in which those statistics are to be gathered. If we are not to have these volumes, and thus a duplication, then in our next appropriation bill we will be obliged, if this prevails and supersedes the other inquiry, to dismiss the force, which is ample and competent and which is now doing exactly what is proposed here to be done in two years and four months.

Mr. McCUMBER. I should like to ask the Senator where they will get the data in order to give us annually the records of our mines and mining and all that he has spoken of, unless they get it through the Census Office or some officers authorized to get definite information of it?

Mr. ALLISON. The census law which this amends provided that precisely this information should be gathered and that it should be published on the 1st of July, 1903. Now, if I understand the object of a decennial census, aside from the question of population and direct taxes, it is that we may compare decennially the growth and development of our country; and therefore we have hitherto gone into these elaborate schedules, requiring very exact information for the decennial period. This inquiry will be of value if it shall be carried out as section 8 of the original law requires it shall be and a report be made in 1903, because under this provision this information, if it shall be given at all, will be given in such way as to run it very nearly into the thirteenth decennial census.

That is why I object to that. But I merely call attention to it now with a view of saying that, unless we are to have duplication, we will find ourselves in a position where we will have a long list of competent and intelligent and trained clerks put out of the civil service in order to put others into it; and if that is not the effect, we will have a large number of competent people who must be discharged entirely from the service, and who, under the law of 1893 and the rules made under it, can only get in by applying within a year.

Now, it goes without saying that all those who are thus turned out will be seeking an opportunity to reenter the service within a year. That opportunity may come to them if they can find favorably disposed a Secretary of the Treasury, or a Secretary of War, or a Secretary of the Navy—not a Secretary of the Interior, because I understand, unless I misinterpret the wishes and desires of the committee, that this Bureau is to continue, until we pass the commerce department law, in the Interior Department, and therefore if it is a bureau in the Interior Department, I take it at least that these clerks could take vacancies in other bureaus of the Interior Department.

But it seems to me, and I mention it now with a view to expressing my own opinion, that as this bill now stands it establishes a separate and distinct department in this Government. We have just within a month created a new department; and now we are called upon by this bill, unless it is amended, and I suppose it is perhaps intended to amend it, or, if it is not, we are called upon here now to make another department of Government; for under this bill as it stands the Census Office is a distinct and separate department of this Government, and is made so by the measure before us.

I will be glad to have the Senator from Wisconsin tell me whether that is or is not the purpose.

Mr. QUARLES. The purpose and the only purpose of this bill, as I understand it, is to change the character of the Census Office from a temporary, peripatetic affair into a permanent office. The destiny of this office will be determined of course by the fate of a bill which is now being considered or about to be considered in another place. If the other House shall agree with us, then this permanent bureau takes itself under the new department. If not, it remains as a bureau in the Interior Department, and I can not understand by what process of reasoning my distinguished friend would exaggerate it into a separate department by itself.

Mr. ALLISON. I am very glad to have that explanation. The bill provides:

That the Census Office temporarily established in the Department of the Interior in accordance with an act entitled "An act to provide for taking the Twelfth and subsequent censuses," approved March 3, 1899, is hereby made a permanent office.

This bill goes on in every feature of it to provide that the Director of the Census shall appoint all the officers and all the persons who are to engage in the work. That is manifestly unconstitutional and needs amendment so as to put these officers within the purview of appointment by a head of a department. I see

the Senator from Wisconsin [Mr. SPOONER] is looking at the Constitution. I hope he will quote that clause. If that is the purpose, then this bill will have to be amended in a great many parts. The Constitution says the President shall have power to appoint—

all other officers of the United States whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of Departments.

Mr. MCCUMBER. What section is that?

Mr. ALLISON. I read from section 2 of article 2, respecting the powers of the President.

Mr. QUARLES. If the Senator——

The PRESIDING OFFICER (Mr. BURTON in the chair). Does the Senator from Iowa yield to the Senator from Wisconsin?

Mr. ALLISON. Certainly.

Mr. QUARLES. I would venture to call the distinguished Senator's attention to section 5, where there is a specific method pointed out for the selection of every one of those so-called officers and employees, namely, the method prescribed by the civil-service act, so called.

Mr. ALLISON. That applies——

Mr. LODGE. That covers the clerical force, if the Senator will allow me to say so.

Mr. ALLISON. I know, and that is the very thing I am criticising.

Mr. LODGE. But it leaves the skilled laborers and the whole body of lower appointments subject to the objection of the Senator from Iowa.

Mr. ALLISON. Yes, but I am now making a criticism upon all of the provisions of this statute, which provides that the Director of the Census shall employ all the clerks, all the statisticians, all the experts. He can only do that under the Constitution if the Director of the Census is the head of a department. That is the criticism I make. Therefore while the Senator from Wisconsin thinks I have an extraordinary view, I merely express a view which I find on the face of these papers and documents, which gives to the Director of the Census the power and the authority of the head of a department.

Then I will call his attention to another thing which gave me some trouble when I looked at it casually, and that is, the bill says the Census Office "is hereby made a permanent office," without saying that it is an office under the Interior Department, as all bureaus must be, if they are under that Department, or if they are under any other department, it must be so stated. Now, it is not sufficient, I submit to the Senator, that we shall hang this Department or Bureau in the air—suspend it, as somebody's coffin was said to have been suspended—until we see the end of the commerce department bill, which is now pending in another body; and if this is an independent department, as I undertake to say it is, judging from the whole scope and range of its provisions, then what becomes of the bill we passed the other day creating a department of commerce and industry, which provided that the Census Bureau should be transferred from the Department of the Interior to the department of commerce, which would be an impossibility if in the meantime by law it has been made an independent department of the Government? Of course, I understand that the statute may be amended in the processes that bills go through here so as to avoid that difficulty.

Mr. GALLINGER. Mr. President, I should like to ask the Senator a question for information. The Senator has quoted the Constitution of the United States, and it interested me. Does the Senator now contend that, inasmuch as the Director of the Census appointed all the officials who are now serving, he did it in violation of the Constitution of the United States?

Mr. ALLISON. I will answer the Senator.

Mr. GALLINGER. That is, under the existing statute?

Mr. ALLISON. Of course, this is to continue the existing statute, but I undertake to say that if we had put into play some of the provisions of the original law of 1900, wherein it is made a penal offense to refuse to give an appointee of the Director information which he is authorized to require, it would have been an answer in a criminal procedure to have said that this man was not an officer of the United States. Whether these appointments have been made directly or actually, whether formally or informally, by the Secretary of the Interior, I do not know. But I know how that statute was passed. The Senator will probably recollect. At least, it is my recollection——

Mr. GALLINGER. Mr. President——

Mr. ALLISON. If the Senator will allow me just a moment——

Mr. GALLINGER. Certainly.

Mr. ALLISON. It is my recollection that it was sought then to make it an independent department and segregate it from the Secretary of the Interior, and we had here, if I remember rightly, a considerable debate upon that subject, and finally upon a yea and nay vote we inserted "the Secretary of the Interior" about the close of the discussion of the bill, and it passed in that form. That was a temporary bill, and if there was in a fair degree a violation of this declaration of the Constitution it was overlooked and never corrected. But now we are to make here an office which is to be eternal, we hope.

Mr. GALLINGER. Now, if the Senator will permit me just a word, of course I am not going to undertake to controvert his construction of the Constitution, it seems to be pretty explicit, but it does seem to me extraordinary that Congress passed a law vesting in the Director of the Census the power of appointing some 3,000 clerks who have been in office two or three years without question, and that now the Constitution is invoked to prohibit that same officer from doing the very thing he did under the act which was passed here, and I think without the Senator's opposition in that particular.

Mr. ALLISON. Undoubtedly in that particular, and I have explained what I remember as to the fact that there was then a condition, as I am glad there is not now, for I understand this now is within the purview of the bureau.

Mr. GALLINGER. I want to add, if the Senator will permit me, that I feel very sure the Secretary of the Interior was never consulted about these appointees. A document which came to me showed conclusively that, in certain cases, the Director of the Census had appointed them on his own volition entirely.

Mr. ALLISON. Very likely; and I want to say for the Director of the Census that so far as I know—and I think I know much of the subject—I believe he has been wise in the selection he has made. I know a great many of the people who are in important positions; I will say that none of them are from my own State, but they are gentlemen who are highly qualified for the work assigned to them severally. I mention Mr. North, of New England, who has charge of the manufacturing branch, who is certainly one of the best men who could possibly be assigned to that duty. So of Mr. Powers.

Mr. GALLINGER. And Mr. Wines.

Mr. ALLISON. So of Mr. Powers, in charge of agricultural statistics, and Mr. Wines, who is the assistant director, which I see has been omitted here in this bill. Mr. Wines is certainly a most competent person.

So I am not criticising the Director of the Census at all. I think he has done wisely and well as respects the organization and the methods used and the materials gathered together for the purpose of taking the census.

Mr. President, when I speak of this I speak of it because it has been my fortune in some other instances to know that the rule in regard to the Constitution is imperative. We thought in the organization of the Library of Congress to in some way arrange as respects the employees of that great department, and we found that there was no way constitutionally whereby we could do it except to put the Librarian at the head of it and create it a department of the Government in order that he might have the power of making appointments; and thereby we put him in a position where he is now absolute in his power as to all the persons employed in his service, and he has to report to no one except to Congress. That is true as to the Library.

Mr. TILLMAN. Mr. President——

Mr. ALLISON. In a moment. If it had been possible to have arranged that otherwise, it would have been so arranged when the Library provisions were adopted.

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from South Carolina?

Mr. ALLISON. Certainly.

Mr. TILLMAN. I have listened with a great deal of interest to the Senator's exposition of the Constitution.

Mr. ALLISON. I am not explaining it. I merely read it.

Mr. TILLMAN. Well, the Senator seems to have discovered a vice.

Mr. ALLISON. Oh, no.

Mr. TILLMAN. Then the mention of the fact that the Constitution vests the appointments of officers in the heads of departments and that the Director of the Census is not the head of a department was a mere academic discussion on the part of the Senator.

Mr. ALLISON. It was not. I was clearly stating——

Mr. TILLMAN. I thought the Senator was endeavoring to point out a provision of the Constitution which makes it obligatory upon Congress not to vest such an appointment in anyone except the heads of departments.

Mr. ALLISON. No; and I——

Mr. TILLMAN. And as the Director of the Census is a subordinate officer in the Interior Department, we, to that extent, as pointed out by the Senator from New Hampshire, have been guilty of a lapsus, so to speak.

Mr. ALLISON. I do not so consider it. It was in the original Census act of 1899, and therefore in the provisions for the temporary census.

Mr. TILLMAN. It does not follow that we might not have forgotten the Constitution away back yonder. I suppose the

time-honored breach of this proposition may have given it the sanction of constitutional law.

Mr. ALLISON. I raised the question. I understand that——

Mr. TILLMAN. I am going to ask the Senator's attention to another extraordinary provision, which the Senator from Texas called attention to yesterday, but as he is out of the Chamber I will ask him to give his opinion on it, and that is in regard to the permanency of the appointments.

In section 3 it is provided that the permanent Census Office shall be in charge of a Director of the Census appointed by the President, by and with the advice and consent of the Senate, and so on. It does not state the length of time for which he shall be appointed. Is he to be appointed during good behavior or, like the judges of the Supreme Court, is he to be appointed for life? That appears to me to be a provision that ought to be amended by fixing some time, four years, eight years, ten years, twenty years, or any other time you want, but still there should be some limitation somewhere.

Mr. FAIRBANKS. Will the Senator allow me to introduce a couple of bills for reference?

Mr. TILLMAN. Certainly. I am just asking the Senator from Iowa to give us the benefit of his opinion and long experience here. I have found him possibly the best-equipped man in this Chamber, and I always listen to him with a great deal of interest. I learn a great deal every time he speaks.

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Indiana?

Mr. ALLISON. I yield to the Senator from Indiana.

[The bills introduced by Mr. FAIRBANKS appear under their appropriate heading.]

Mr. TILLMAN. Now, if the Senator will permit me a little further, I will call attention to the fact that the previous censuses have been considered temporary. I mean the working machinery particularly. The provision that the appointment of the subordinates in taking the census shall be in the power or gift of the Director will not obtain hereafter if we are going to make this a permanent part of the department, and therefore the Senator's constitutional objection must lie, I should think.

Mr. ALLISON. I have no doubt about it, but I only suggest that. Now, as to the office itself. As I understand the bill now, as it appears, the office comes under the usual range of offices not having a fixed term. Of course there are a number of such.

Mr. TILLMAN. We have none except the judges, have we?

Mr. ALLISON. I should think that probably we have. I am not quite sure, but I do not think our ministers abroad——

Mr. TILLMAN. They are largely matters of change of party.

Mr. GALLINGER. Collectors of internal revenue have no fixed term. National-bank examiners have no fixed term, and there are other such officers.

Mr. ALLISON. There are a great many who have not a fixed term. The consuls are appointed without a definite term. I do not know of any bureau officer or any departmental officer here who has not a fixed term.

Mr. TILLMAN. That is what I was calling attention to. The Senator from Texas yesterday mentioned it. He is not now here.

Mr. TELLER. I should like to ask the Senator from Iowa if he does not think that there should be a fixed term for this office? Of course, heretofore, when the Director was appointed to complete a census it was not necessary to make a fixed term, but it seems to me that when it becomes a permanent bureau the term should be fixed.

Mr. ALLISON. I should hope the committee would consider that, if they have not considered it.

Mr. TILLMAN. Of course if it is a department of the Government you would not expect to have a fixed term. We do not have a fixed term for the Secretary of the Interior or the Secretary of the Treasury.

Mr. ALLISON. They are Cabinet officers.

Mr. TILLMAN. They come in with a party and they go out with a party. When the President goes out they generally go out, too. I do not know, but I suppose the President would have the right to remove this man at any time.

Mr. ALLISON. I suppose he would have that right.

Mr. TILLMAN. But I should think it would be well to fix a term, say, of four years, which is the custom.

Mr. ALLISON. That is a matter of detail which I think the committee will present.

Mr. GALLINGER. Mr. President, if the Senator will permit me, before he passes from this constitutional question that, as a layman, somewhat interests me, let me ask him if he is clear that when the Constitution speaks of officers, or even inferior officers, it means clerks and messengers and the army of census enumerators who must necessarily be employed by the Director of the Census? Does the Senator mean to argue that these small positions must necessarily, because of the constitutional provision, come under the head of a department?

Mr. ALLISON. I do not mean that as to enumerators. Enumerators may be employed, and that is the usual way. The Secretary of the Interior employs agents. The Commissioner of Indian Affairs makes employment. But I submit to the Senator, as I do to the lawyers of the Senate—I believe I am not regarded as one of the fraternity, especially——

Mr. TELLER. I thought you were.

Mr. ALLISON. Especially on matters of constitutional law.

Mr. SPOONER. You are mistaken about that.

Mr. ALLISON. I thank the Senator. But wherever we have a secretary, wherever there is a salary attached, I take it that that is a minor office; I take it that these gentlemen who so well dispose of our business here in various methods and ways are all officers of this Government. They are officers of the Senate, and under the Constitution they are provided for in that way. So I think there can be no question about it. However, I did not mean to argue that question. Of course that does not apply to enumerators. It depends upon the statute whether it would apply to supervisors. If they were employed at so much a head or so much a day, I should think they would not come within the purview of the Constitution.

I drifted away by accident or incident from what I was trying to say about this provision. I think the amendment suggested by the Senator from Massachusetts [Mr. LODGE] might be a wise one, although I am not sure but that if a Secretary of the Treasury would want to take an accomplished young man or woman from the Census Office to do some work in the Treasury Department he might designate her for that work and go through the processes—because there are processes—necessary to enable him to secure the services of that young man or young lady. But that I have found is a vain hope. In two or three instances people have come to me and said, "I should like to get into the Treasury," or in some other Department. I would ask, "How do you expect to get there?" They would say to me—and I will state that this happened before the present Secretary came in, I have had no such application since—"If you will get the Secretary of the Treasury to call for me, then I can easily get the Postmaster-General to assent to my transfer."

Mr. GALLINGER. On that point, if the Senator will permit me, I should like to ask him what the modus is whereby the Civil Service Commission draw clerks from the several departments to aid them in their work, which is being constantly done, increasing their own force at the expense of the departments?

Mr. ALLISON. Well, that is another circuitous method whereby some people seem to be able to do what they wish to do.

Mr. GALLINGER. Exactly.

Mr. ALLISON. And some other people have not that opportunity. I understand that the Commission have the right under the law to ask for clerks. I think, in fact, there was a provision in the original statute of 1883 that the Commission might draw upon the various departments for service and have clerks assigned. It would be, I think, rather rare when a Secretary of the Treasury would refuse such a request from the Commissioners. He would take care, I think, to send the poorest clerk to serve the Commission. I think that would be the rule, although I do not know. He might send his best one. But what I wanted to say as respects the section is that, when it is finally disposed of, it will result in many people being disappointed, and when they are disappointed they will, of course, find fault with somebody, and perhaps properly.

But there is another thing I should like to ask the Senator from New Hampshire, who is familiar with this whole business, as he is with everything connected with our Government, and I want to ask him that in order that I may answer the suggestion made by the Senator from South Carolina. The Senator from South Carolina said it was probable that after we extended this blanket of protection over these people, who are now numbering 1,800, or whatever the number may be, and when it became necessary that of that number 800 should be picked up and discharged with a proper certificate of merit and there were no charges of any kind as to their record, in the struggle that will come between Senators from different States and Representatives from different States and from the same State as to who shall be picked out for slaughter and who shall be retained for three months longer, I might not fare as well in the dismissals as the Senator from South Carolina, and there would be favoritism.

Mr. TILLMAN. Mr. President, I hope the Senator——

Mr. ALLISON. I want to say to the Senator, if he will allow me just a moment, and then I will yield, that there is a provision in the law of 1883, and I have it here before me, which I want to call the attention of the Senate to, which I fear may not be sufficiently guarded in this fifth section.

3.—

These are the duties of the Commissioners—

Appointments to the public service aforesaid in the Departments at Washington shall be apportioned among the several States and Territories and

the District of Columbia upon the basis of population as ascertained by the last preceding census.

Mr. TILLMAN. Right there will the Senator permit me?

Mr. ALLISON. Certainly.

Mr. TILLMAN. I had the temerity to make inquiry the other day of the Civil Service Commission to know how South Carolina stood, and I was informed that she had only 71 per cent of her quota of appointees in the departments at Washington, showing that some other States have more than their quota; and yet the representatives of South Carolina here, at least this one, can not get anybody by the civil-service barrier or get the just proportion of appointments which the State is entitled to.

Mr. ALLISON. If South Carolina has only 70 per cent of her quota some other State must have 110 per cent possibly.

Mr. GALLINGER. Mr. President, if the Senator will permit me, I will state that the trouble comes from the District of Columbia and two or three States adjoining.

Mr. TILLMAN. But how does it come, if the law is obeyed?

Mr. GALLINGER. The law is not obeyed. That is the point.

Mr. TILLMAN. Very well. Then, it seems to me, if the Senator from Iowa will permit me, that we ought to put some kind of a leverage somewhere to screw down or screw up this machine. I hope the Senator from New Hampshire will join in helping to screw it up.

Mr. ALLISON. I have no doubt he will. As I see it here, I presume the Senator from New Hampshire is ready to say that his State is credited with very few people.

Mr. TILLMAN. It is a very small State, you know.

Mr. ALLISON. It is small as compared with Texas or New York.

Mr. TILLMAN. Or Nevada.

Mr. ALLISON. Now, Mr. President, if these people are to be covered in as a body (and I am not criticising the action of the committee in proposing to do this), we should so cover them in as to do justice under the civil-service law which protects them or is to protect them. So, if it shall turn out that this blanket is spread over them, it ought to turn out also that there should be a provision here that in minimizing the number from 1,800 to 700 or 800, removals or discharges should follow the second section of the civil-service law, so that the States under the civil service shall, in the spirit and essence of the law itself, be protected in this blanket covering.

Mr. TILLMAN. Do I understand the Senator to suggest that we incorporate a provision here which would require the Director of the Census in selecting persons for retention that they shall be pro rata among the States?

Mr. ALLISON. No, sir; not exactly that. We can not do that here.

Mr. TILLMAN. If we simply have it understood that that is the opinion of the Senate I think we can safely leave it to the Director, if we do not tie him up so tight that his natural fairness and desire to be regardful of the rights of even the minority will be overcome by the pressure from his own party.

Mr. ALLISON. I should say, "Having due regard for the second section of the act approved January 16, 1883," so that by some statutory provision we shall call his attention to it; that is all. I think that would be sufficient.

Mr. TILLMAN. I desire to say here, since I have mentioned it, if the Senator will permit me, that, so far as I have seen and experienced the workings of the Census Bureau, the Director has been absolutely fair and even generous toward the minority. So I am not criticising in any degree his action, if we do not pass some act here in making the Bureau permanent that will tie his hands.

Mr. ALLISON. Mr. President, that is all I desire to say upon this particular point.

Mr. STEWART. Mr. President, while this matter of putting clerks who have been in the service under the protection of the civil service is before the Senate, I desire to put myself on record as being totally opposed to the present method of securing service in the departments. It has an element in it which in all ages, so far as we have any record, has led to unfair means and, perhaps, corruption. It has the element of secrecy about it. The public at large, although a few people may know it, do not know how a person gets into office through the civil service. They do not know upon what basis they are marked; they do not know how they are selected, and how it is all done. This undoubtedly could be explained if the people had access to the information, but they have not. It is all much of a mystery. Thousands of people have made trial to get in, have been examined, and they are now on the waiting list.

I do not believe that this is the best way to select men for office. I think we should bring to bear some of the practical experience that great corporations—the railroad companies, who are so successful in the management of their affairs—use in selecting their employees. There should be more attention paid to the effectiveness of the parties in the particular line. Six months or a year of service is a great deal better test than any casual examination. There are a great many questions which are entirely irrelevant. Some persons can not get in who make the best and most efficient clerks. They can not answer these far-fetched questions; they are not right from school.

As I said, we have thousands of people on the waiting list. I do not believe in the system at all. The great objection to the system is that the people do not know how it is done.

I believe that every man is naturally honest; but he can only be kept so by publicity. Where there is secrecy, there is always a chance for fraud and an opportunity to go into fraud. There is undoubtedly favoritism. We hear of it every day. The people are constantly talking about this service. It is a mystery to them. I believe in that portion of the civil service which retains competent and meritorious officials. I do not believe in them being turned out every time a new Administration comes into power.

The mode of selecting these officials is, I think, entirely defective. The old mode, which was called "the spoils system," had some defects, but it was better in many respects than the present, and secured for the Government better clerks. Before the civil service was inaugurated there was a chance for the departments to secure good clerks, for the reason that the heads of the departments had more discretion in the selection; but it was defective by reason of the fact that it permitted Senators and Representatives to make their recommendations orally. If the old system could be corrected and its defects cured by securing publicity, it would give us a most efficient service.

If Senators and members of the House of Representatives were allowed to nominate the clerks in the departments on receiving notices that vacancies existed—if they had to make the appointments from their States or their districts—and the names of the nominees had to he posted up in the departments for sixty days, if there was anything wrong about them, if they were deficient in character or in ability, the searchlight of public opinion would be turned on them, and the people in the respective districts would make objections. Then, at the end of the sixty days, if the nominee was not suitable, the head of the department would be informed, and the nominee would be rejected. That would also be a check on Senators and members and would keep them straight.

Mr. SPOONER. Would not that give to Senators and Members more trouble than they have now?

Mr. STEWART. No; the trouble would not be so great as it is now, because each Senator and Representative would have so many appointments allotted to him, and he would only make nominations as vacancies occurred. It would not be difficult for a Senator or a member of the House of Representatives to nominate six or eight or ten clerks a year from his State or his district, and the people of the State or the district would keep him informed as to the character of the persons to be nominated. This would prevent the appointment of unworthy persons.

But, as I have said, the great objection to the old system was that Senators and Representatives suggested appointments orally and secretly. The oral and secret recommendations should be done away with. There would then be much more responsibilities and much more care exercised in making nominations. No trouble occurs about the nominations at West Point and Annapolis. The greatest care is maintained in the selections of proper persons to pass the competitive examinations. There is seldom any scandal in relation to those appointments, because they are public, and the responsibility is somewhere; but where is the responsibility as to appointments now? Who knows who is responsible for the way people are selected and how they get into the public service?

I am opposed to the present system, and I want to go on record to that effect, because the time will come when the people will rise up against it and overthrow it. It puts all the power of appointment in a few hands, and we do not know and can not know how it is exercised.

Mr. TILLMAN. Will the Senator allow me a question?

Mr. STEWART. Any question.

Mr. TILLMAN. I do not think that examinations, so far as I have been able to discover, display favoritism or any lack of fairness; but it is the appointments from the list of eligibles that appear to me to be fundamentally wrong, because the officials are allowed to select them from three on the list, instead of having the matter arbitrary and forcing the appointing officer who has a vacancy in his department to take the highest man or the highest woman, the one who has won it, under the rule which they themselves have established.

As it is now, he is given an option. He may reject all three if he wishes and call for a fourth, and if the fourth person on the list is the one whose pull with the department officer is greater than that of the others he will get the appointment. You see the unfairness that exists in that feature; but the Senator and I, of

course, are absolutely interdicted from doing anything toward improving the civil-service system. I do not want to do anything toward tearing it down, because it is the only barrier that Senators and Members of the House of Representatives have between them and the insane asylum, I think, from the importunities of the officeholders. [Laughter.]

Mr. STEWART. I do not believe there would be much importunity if we merely had the nomination of the persons to be appointed. There has been very little importunity in regard to the appointment of cadets to West Point and Annapolis, because members have to select from their own districts and select upon their responsibility. I do not know but that the examinations are fair; I do not charge that they are not; but they might not be fair and the world would not know it. That is my objection to the present system. I do not know that the selections from the list of eligibles are unfair; they may not be fair; but the world will not know whether they are fair or not. The fact is, I do not like the present system because we do not understand the machinery, and we can not see it. The people of this country want to know how they are governed; and this is a system of government they do not understand and can not understand. I confess I do not understand how it is done. It may be done fairly, but the public does not know whether it is or not. Let the system be simplified, and let us understand how it is done, and then the people will be better satisfied.

Senators talk about importunity. There would be less importunity if the appointments were made upon the responsibility of Senators and Members of the House of Representatives having the appointment of five, six, or ten appointees in the course of a year, or one, two, or three, as the case might be, as vacancies occur. Then there would be no importunity. As to the people around here who are impecunious, who excite so much sympathy, and who want us to help them, if the proper system were inaugurated, we should be relieved from their importunity, because they would see that it was useless, and Senators and Members would select people with a view to their ability to properly perform the functions of the office.

Mr. TILLMAN. Will the Senator from Nevada pardon a suggestion?

Mr. STEWART. Yes.

Mr. TILLMAN. The Senator is so far away from his constituency and it is so numerous that of course he does not really understand the situation.

Mr. STEWART. Oh, that is an intimation that Nevada is not as thickly populated as South Carolina. The Senator is very much mistaken as to that. The population of Nevada is periodically quite large.

Mr. TILLMAN. The Senator is aware that the usual test is the number of people to the square mile. I think Nevada has less population now than in 1868, when she was admitted into the Union.

Mr. STEWART. Oh, no; let me tell the Senator that Nevada has increased in population 10,000 in the last year. There have been discoveries of mines there in the last year which surpass the discoveries made in any State in the last twenty years; and Nevada will have by the time of the next census a good population. Nevada is all right.

Mr. TILLMAN. I am not casting any reflections on Nevada. I merely suggest to the Senator that he is relieved of the importunities from which the rest of us suffer. Even I, from South Carolina, with only 1,340,000 population, am pestered, although I am in the minority and have absolutely no influence or pull anywhere.

Mr. STEWART. I have been here a long time and know a great many people, and if the Senator does not think that applicants come to me from all parts of the country as often as to other Senators he is very much mistaken. I have been importuned as much as anybody, and I know the inconvenience of being importuned when you can do nothing for the people who apply to you. I want to put a certain responsibility on each Senator and Representative, so as to secure the best appointments, and when they have discharged that responsibility that will be the end of it. They will soon learn that there will be less importunity and less scandal than there is now.

Mr. GALLINGER. I will ask the Senator from Nevada [Mr. STEWART], and, if he will permit me, at the same time the Senator from South Carolina [Mr. TILLMAN], if the importunity that now comes to public men is not very largely from people who are already in the civil service asking for promotions, for transfers, and all that sort of thing? On one occasion in this Chamber I said I thought the civil-service law ought to be amended so that when people were put in the civil service they would not be permitted to importune members of the House and members of this body to secure promotions for them or transfers for them. That is the class of importunity that comes to me.

Mr. STEWART. I will say that I was here two terms before the civil-service law was passed, and we had then as good service in the departments as we now have, and I must say that I had less importunity then than I now have, because then they saw there was but very little to be done, and now almost all of them want something done, and but very little can be done.

So far as this bill is concerned, I have no doubt that the employees who have had experience in the Census Office have been much more fairly examined and have proved their efficiency in a much more satisfactory way than those who have been appointed after examinations which have very little to do with the particular work to which they are to be assigned. If the census clerks should be transferred to other departments, we should get a better class of clerks than we now get under the mysterious system which prevails, for many of the civil-service questions are abstract and mysterious and can only be answered by those who have just come from colleges and schools. An ordinary man can not answer such questions as are propounded. I do not suppose that five members of the Senate could go through a civil-service examination for a clerkship in any department. That does not prove the fact that Senators would not make fair clerks—that is, those of them who can write well enough—but still they could not pass the civil-service examinations. Such examinations, as I have said, can only be passed by those who are fresh from schools and colleges, who have had no experience in clerical work, and who have had no trained habits of work or industry, but who have the education which enables them to answer these conundrums.

I do not believe that is the way to get an efficient service. I do not believe there is any railroad company desirous of employing a conductor, for instance, who would examine him in astronomy or in botany or in a great many of the things that the Civil Service Commissioners require. No railroad company would subject a conductor or anybody who was to be placed in an important position on the railroad to any such examination. I think most of the questions asked in these examinations are entirely irrelevant and relate to matters with which persons will have nothing to do in the event of their appointment, but the persons who have been in the Census Bureau and have proved their efficiency will make the best clerks that can be obtained for the departments. There is no doubt about that, because they have had the experience and have already undergone such an examination as tended to develop their capacity for this kind of work. The civil-service examinations as they are conducted are of no consequence, and great harm has been done by the thousands who are now on the waiting list being kept out of other employment. This is doing injury to the country. I think we should try some other mode of putting men in office.

I like that part of the civil-service law which keeps men in office when they are there and are useful and valuable, but the wholesale changing of clerks and employees whenever there was a change of Administration did incalculable damage.

As I have said, we can secure competent clerks and employees without all this mysterious machinery we have, which nobody understands, but which keeps thousands on the waiting list, to the injury of the industries of the country, and under which we do not get as good service as we should otherwise get.

The PRESIDENT pro tempore. The question is on the amendment submitted by the Senator from Massachusetts [Mr. LODGE].

Mr. GALLINGER. I send to the desk, and ask to have read, a proposed amendment to the bill, which at the proper time I shall offer.

The PRESIDENT pro tempore. The amendment intended to be proposed by the Senator from New Hampshire will be read.

The SECRETARY. In line 18, on page 3, section 5, after the word "thereunder," it is proposed to insert:

And persons who have served as soldiers in any war in which the United States may have been engaged, and the widows of soldiers, shall have preference in the matter of certification.

Mr. DUBOIS. Mr. President, I send to the desk——

Mr. GALLINGER. Does the Senator desire to go on now?

Mr. DUBOIS. I send to the desk an amendment to the pending bill.

Mr. GALLINGER. Let it be read.

Mr. DUBOIS. Yes; let it be read. I give notice that I shall offer it at the proper time.

The PRESIDENT pro tempore. The amendment intended to be proposed by the Senator from Idaho will be read.

The SECRETARY. It is proposed to amend by adding at the end of section 9 the following:

To enable the Director of the Census to perform the duties prescribed by this section, true and accurate reports shall be made to him annually by all corporations engaged in manufacturing, which reports shall state in detail the nature of the business or different lines of business, if there be more than one conducted by such corporation; the number of factories or establishments owned or controlled by it; the precise character of the business conducted at each factory or establishment and the gross receipts of such business; the amount of the capital stock and the proportion of which has been fully paid up; the surplus, the operating expenses, wages, taxes, both national and State, together with detailed statements as to the quantity of its product or

products sold for export; the prices per unit obtained therefor; the rebates, if any, allowed upon products sold for export and the prices charged to dealers in the United States; any and all agreements with other corporations, companies, or individuals engaged in manufacturing the same or similar products for the maintenance of uniform prices; the limiting of production or with reference to the wages of labor, and all arrangements with transportation companies for specially advantageous freight rates.

Such reports shall be verified by the president, manager, or chief officer of the corporation, who, upon the demand of the Director, shall furnish such additional details as said Director may deem necessary to apprise him fully of the nature and extent of the business and the methods applied in its management. The failure by the president, manager, or chief officer of any manufacturing corporation to make the reports herein provided for, or any intentionally false statements concerning any matter set forth in a report which he does make, shall, for every such offense, be punished by a fine of not less than $1,000 or more than $5,000, or imprisonment for not less than one month or more than one year, or by both such fine and imprisonment.

All information thus obtained by the Director of the Census shall be permanently filed in his office, in convenient and accessible form, be classified, and published annually.

Mr. QUARLES. Now, Mr. President, I hope we may have a vote on the pending amendment.

Mr. GALLINGER. A word before the vote is taken. I do not think it necessary for me to say anything in advocacy of the amendment I have sent to the desk. I feel sure that the Senator in charge of the bill will agree that that amendment is a proper one to be made. It simply gives under this bill the same preference to soldiers and the widows of soldiers that will be found in most of our statutes where appointments are made to public office. I want to say, however, a few words about the pending matter in a general way.

Mr. President, perhaps I may be pardoned for suggesting that my intimate relations with the Civil Service Commission on a certain memorable occasion warrant me in having opinions. The total number of persons in the Census Office at the present time, as is shown by a document on our desks, outside of certain technical and special employees, is 2,217. Of these, 159 were appointed in 1899, 1,890 in 1900, 151 in 1901, and 17 in 1902. The figures may not be absolutely exact, but they are very nearly exact.

So that from this it appears, Mr. President, that there are now in that office 159 persons who have been there approximately three years, 1,890 who have been there approximately two years, and only 168 who have been appointed during the years 1901 and 1902; so that these persons have had a large experience and, beyond a question, are competent to discharge the duties that they will be called upon to discharge in any department of the Government.

It must be borne in mind, Mr. President, that all of these clerks had a severe ordeal to pass before they received appointments in the Census Office. Many of the clerks who have passed the civil-service examination successfully have told me that the examination they were obliged to undergo to enter the work of the Census Office was even more severe than it was under the Civil Service Commission.

The original civil-service act was passed in 1883. That act I have no disposition to find fault with. It protects the clerical force of the Government and prevents them from being discharged promiscuously upon the change of an Administration. I think in that respect it is a very desirable statute. There is one feature of it, however, that I as a layman have never been able to quite grasp. I have been taught that legislative bodies can not delegate legislative power. I think that is a general proposition; and yet, Mr. President, under the provisions of some act—I think not this civil-service act, but under some other statute—by Executive order the civil service has been extended so as to sweep into it tens of thousands of people who were not included in the original act. They have been taken from above, and they have been taken from below.

They have taken watchmen, laborers, and those who are higher in position than the ordinary clerks. I have always doubted whether that was a proper thing to do; and yet it has been done, and is being done. In view of that fact, Mr. President, it seems to me that the opposition that is made to putting these few hundred clerks, who have had from two to three years' experience and have passed a very rigid examination, into the classified service has not much force.

Mr. CULLOM. Will the Senator allow me to make a brief statement?

Mr. GALLINGER. Certainly.

Mr. CULLOM. I was told that over 600 of these people passed the civil-service examination before they got into the Census Bureau.

Mr. GALLINGER. I have no doubt of it. As I have said, Presidents by simple Executive order, by a scratch of the pen, have swept into the classified service tens of thousands of men and women who could no more have passed a civil-service examination than the Senator from South Carolina [Mr. TILLMAN] could run the dirigible balloon of Santos-Dumont; and I know some of them.

Mr. TILLMAN. He has not been able to run it himself so far, has he? [Laughter.]

Mr. GALLINGER. No; not very well.

Only a few days ago, Mr. President, the President of the United States, at the suggestion, I suppose, of somebody, discovered that there were several hundred—I do not know how many; I do not know but that there were a thousand—people in the rural free-delivery service in this country. I happen to know one of those clerks who tried the civil-service examination twice, but did not succeed in passing, and yet by a scratch of the pen of the President of the United States those hundreds of people are in the classified service to-day, and but a very small proportion of them could possibly have passed the civil-service examination.

A few years ago the force outside the civil service in what was then the Second Auditor's Office, now known as the Auditor for the War Department, was put into the civil service by Executive order.

Mr. STEWART. And in the Government Printing Office also.

Mr. GALLINGER. Exactly. I will get to that in a moment. And yet, Mr. President, we are told here, with apparent seriousness, that great danger is going to come to the public service if we take six or seven or eight hundred clerks who have had two or three years' service under a man who has demonstrated his capacity for managing men and women, who passed a very severe examination when they entered the service, and put them in the classified service. I do not think there is any danger about it at all, and I think, Mr. President, that we ought not to hesitate about passing that feature of the bill.

Mr. CULLOM. If the Senator will allow me, I missed the figure by over 100; it is over 700, instead of 600.

Mr. GALLINGER. Over 700, instead of 600, Mr. President.

The Senator from Nevada [Mr. STEWART] asks me if that does not apply to the Government Printing Office. It does. The Government Printing Office is in the classified service to-day, in my opinion, without any authority of law.

I do not think I violate any secret when I say that there is in the Government Printing Office, in stereotyped plates, an opinion of an Attorney-General of the United States saying that, under the statute, that workshop was not properly included in the classified service. It is true that that opinion has not been promulgated, but I understand that the opinion was written and was put in type, and beyond all question it states the precise legal aspect of that case.

Mr. TILLMAN. Will the Senator tell us what Attorney-General was so cowardly that he did not have manhood enough to promulgate his own opinion?

Mr. GALLINGER. I think the Attorney-General could not have promulgated his own opinion.

Mr. TILLMAN. Without being removed himself?

Mr. GALLINGER. No; I think not. I think he was asked to give an opinion, and that opinion was written, and the party to whom it was rendered might or might not have promulgated it.

Mr. LODGE. The Senator does not mean to say that the Civil Service Commission put the Government Printing Office under the civil-service law?

Mr. GALLINGER. Of course not; but the Civil Service Commission, Mr. President, has been reaching out and grasping power every day of its life. It is here to-day, and it is everywhere where there is anything that it can grasp. The President of the United States has recently issued an order that the postal clerks of this country and the post-office clerks of this country must not ask a member of Congress to vote for a bill that would give them a fair salary. If they ask it, it is at their peril. Yet this Civil Service Commission is here, and it is everywhere, grasping power and exerting more power than the President of the United States, his Cabinet, and both Houses of Congress combined. There is no doubt about it.

But I am not going to make an attack upon the Civil Service Commissioners. They are like all the rest of us; they are human, and they want more power than they have got to-day if they can get it, and as long as Congress continues to allow them to grasp power they will continue to grasp it. There is no doubt about that.

I wish that the question as to whether, by Executive order, a statute such as is before me now can be extended so as to include 50,000 people or more who are not included in that statute is a constitutional statute? The test never has been made. I wish that it had been made.

Mr. SPOONER. Whether it was a valid order?

Mr. GALLINGER. Yes.

Mr. CULLOM. It does not give him power to make the order.

Mr. GALLINGER. It does not. It is claimed there is another statute that does; but it is a very vague and indefinite statute under which this thing is done.

Now, Mr. President, a few words more and I am done. I do not care to discuss this matter very much. I am going to vote for this bill. I am going to vote for any reasonable amendment that is offered to it, of course, because I do not imagine it is a

perfect bill. I think very likely it is an imperfect bill in many of its features. The Senator from Massachusetts says that there are hundreds of young men who ask to be appointed to consular places, and who do not get appointments, and thereby they are disappointed, and he uses that as an illustration to show that if these six or seven hundred young men and young women are put in the classified service they may not get appointments, and we ought to save them from that disappointment.

If it could be known—and no one can furnish that information but the Civil Service Commission, and I think I shall ask for it some of these days—how many young men and young women who have left their homes have gone to the cities and spent from $5 to $10 on each pilgrimage to take the civil-service examination, who have passed the examination and have been put on the eligible list, have waited for one year and been dropped from it, and have gone again and been examined and been dropped from it, and have gone again and been examined and dropped from it—if the truth could be known and the expense it has been to the young men and the young women of this country could be aggregated, I think it would appall the Congress of the United States, and we can all imagine the disappointments it has brought to these young people.

I have in my mind a young lady who passed three examinations, a year apart, in this city, and she passed at a very high rate. She is from my own State. She did not get an appointment. She left in despair and is doing other work; and all over our country this condition of things exists, and yet the Commission are holding examinations all the time. One is scheduled for my city in the near future, and yet the eligible list is loaded down with hundreds and thousands of names that never will be reached for certification, and these young men and women are destined to disappointment.

Not only that, Mr. President, but the young man who takes the civil-service examination and passes it nine times out of ten is not worth anything for business purposes. He expects to get a Government job, as he calls it, and he waits a year and he takes the examination again, and he waits another year, and he is enervated. I have a pathetic letter in my desk in the committee room from the father of a young boy who took the examination two years ago. He tells me that the boy is not worth anything because he expects to get Government employment, and he appeals to me to get him something to do in the Government service. I have known many and many such cases.

So far as my State is concerned I do not know whether it is properly cared for in the Departments or not. I know it to be true that the rolls of every Department of this Government, so far as appointments from New Hampshire are concerned, are loaded down with people who never have been heard of in the State of New Hampshire for the last twenty-five years. The son of a dead Senator from a Western State is on the rolls at a high salary credited to the State of New Hampshire, and the only claim he has upon the State is that his mother was born in New Hampshire. I do not know who put him there. Such men, even if they once belonged to the State, do not come home to vote. They do not contribute for political purposes. They are of no earthly account to the State, and do not belong to the State, and there ought to be some way of weeding them out. But there is not. The Civil Service Commission say they are there and they have to stay there until they die, and I presume that is a fact.

The distinguished Senator from Iowa [Mr. ALLISON], who always instructs us, and who is usually correct, says that these people, if they get into the civil service, can not be transferred. I do not think that is true.

Mr. ALLISON. Can not be transferred?

Mr. GALLINGER. Can not be transferred. That is what I understood the Senator to say.

Mr. ALLISON. They may be transferred under rule 10, I understand.

Mr. GALLINGER. Did not the Senator argue that they could not be transferred?

Mr. ALLISON. I think in the beginning of my observations I did say that this statute was not quite so clear upon that subject as I wish it were, but I said I believed, and so I believe, that their chance of being transferred is very limited.

Mr. GALLINGER. I know that transfers are going on all the time. There is no question about that, and I have no doubt that these young people will have a chance to be transferred if they get into the service as the bill proposes.

Mr. President, I of course am very modest about making a suggestion on a constitutional or a law question since the lecture I got from the distinguished senior Senator from Alabama once because I suggested that I did not pretend to know any law, and I repeat now that I do not pretend to know any law, except I believe law has been defined as common sense, and I believe I possess a trifle of common sense.

The Senator from Iowa has cited the Constitution to show that the power of appointment can not be lodged in the Director of the Census, and he says an office is any place that has a salary attached to it. If that be so, we have been violating in our legislation the Constitution of the United States ever since the Senator from Iowa has been a member of this body, and that is a great many years. Turn to the very act creating the Civil Service Commission itself, which is the most powerful organization in the world, according to my judgment, and you will find that—

Said Commission is authorized to employ a chief examiner, at $3,000 a year.

And they may employ a stenographer and a messenger—$1,600 for the former and the latter at $600 a year—and, as I said a moment ago, the Director of the Census for three years has been employing this large force of clerks, and he was given authority to do it in the statute that created the Census Office, and nobody has found fault, and I think it is a trifle late to raise a constitutional argument in opposition to the passage of that feature of this bill. We are certainly doing it and have been doing it, and nobody has raised a question as to its constitutionality or unconstitutionality, and I have no fear it will attach if this bill becomes a law.

Just one word more and I am done. New Hampshire has not fared very well in the Census Office, but that does not make any difference to me. I turn to this document again and I find that the State of Maryland has a percentage as between the clerks and the number of gentlemen who represent her in the two Houses of 11⅝ per cent.

Mr. TELLER. How much?

Mr. GALLINGER. Eleven and five-eighths. New Hampshire has 3½, and the civil-service State of Massachusetts has nearly 5. The District of Columbia has a very large representation. I think the District has the greatest pull there is on earth. Some people talk about a political pull, but when it comes to a social pull we politicians are not in. And recently three very competent clerks from New Hampshire have been dropped from the roll of the Census Office, while this tremendous preponderance in favor of the District of Columbia and two or three States near Washington continues.

Mr. McCOMAS. Will the Senator from New Hampshire permit me for a moment?

Mr. GALLINGER. Certainly.

Mr. McCOMAS. He spoke a while ago of the persons whose parents lived in New Hampshire years ago and settled here and who had been appointed from New Hampshire. An immense number of persons have been appointed from Maryland and Virginia who have not been in those States for many years.

Mr. GALLINGER. I presume that is true.

Mr. McCOMAS. Then other persons come here from distant States, and they go out in the suburbs and get a home, and when they are promoted or transferred they are registered as from Maryland, and thus Wisconsin and Iowa and New Hampshire and all the other great States are represented, while a million and a quarter of people in Maryland have for some years been excluded from any appointments under the civil service.

Mr. GALLINGER. I think likely there is a good deal in that. I simply know that when you come to look up the number of appointments made in any of the departments or the Printing Office, and see the number of appointments from the State the Senator represents in part, it is something appalling to those of us who get scant courtesy if we chance to ask for the appointment even of a person outside of the civil service. There are a few places still outside of the civil service, but they are almost all taken by the most earnest and radical advocates of that fetich. They get almost all these outside places. We so-called spoilsmen do not get many of them.

I meant to make some other comparisons, but I will not, because I know the Senator from Wisconsin is anxious to get a vote on the pending amendment, and I very likely ought not to have taken a single moment of time. I have opinions about this matter, and I shall continue to hold those opinions, whether they are correct or otherwise, and I will simply content myself now by saying that in my judgment no harm will come to the classified service by putting into it these few hundred clerks, who have been trained in the performance of clerical work, and who beyond a question are competent to take any clerical position in any Department of the Government of the United States. So far as concerns the few temporary clerks in the War Department and the Treasury Department, to whom the Senator from Iowa referred, I think they ought to be put into the classified service, and I have wondered how it has happened that these Executive orders have swept into the service clerks who have not had any experience whatever and who never were examined and who could not pass a civil-service examination, and these clerks, who have rendered such satisfactory service as temporary clerks in the War Department and the Treasury Department, have been neglected. It ought not to be so.

That is all I care to say. I think this is a good bill; I think it

will secure good service for the Government, but very likely it needs amendment. But we ought not to be too critical and too technical about it. We ought to approach the subject in the spirit of liberality, and we ought, so far as we can, properly to take care of these young men and young women who have given so satisfactory service and who ought not, in my opinion, to be taken out of the service at present for the sake of making way for people who are simply on the eligible list and who are not in the city of Washington and who will not suffer very great loss if they are not certified for appointment.

Mr. SCOTT. Mr. President. I shall detain the Senate only a moment. I fully agree with all that my friend the Senator from New Hampshire [Mr. GALLINGER] has said with regard to this matter, and having once occupied a position in Washington in one of the departments, I think I can speak from experience on some of the questions which have been raised here to-day.

The Senator from Iowa [Mr. ALLISON] undertook to say that you can not transfer those who are eligible to and from the States; that those people, I understood him to say, could only be transferred to the different departments here. As Commissioner of Internal Revenue I transferred people from the States who were acting under collectors and brought them to Washington. On the other hand, I sent them from here or from the States into different States, so that they were in the classified service.

The main thing, though, I rose to say is that I am opposed to civil service from the beginning. It is an outrage on the American people, and it will soon be that we will not need the services of Congress at all. The Civil Service Commissioners will be the people who will run this country.

The people appointed under the civil service are not to be compared with the temporary people, and whenever you have clerks on a permanent roll, where you must prefer charges in order to get rid of an incompetent clerk, you are in a position where you do not get half the service that you get out of a clerk when he knows that upon his efficiency depends his retention.

I tell you the whole system is wrong. This country once rebelled against England partly for the holding of office for life, and we are creating a civil pension list here that is astounding. Here is a poor old soldier trying to get his pension increased from $6 a month to $8 or $12 and we higgle over it. It goes before a committee and we come before the Senate and we are afraid we can not get the amount increased $1 or $2 a month. Here are persons who have been in these departments from twenty-five to thirty years, who are drawing anywhere from $1,400 to $1,800, who are not competent to earn $500 and who neither you nor I would use in our business at all; and yet we are paying them a pension and nothing else. Keeping them in office is a pension, and I protest against this thing being carried on as it is, and I will vote for this bill because it will prevent the civil-service people, if possible, from getting these people in off the civil-service list, where they stand eligible.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Massachusetts [Mr. LODGE].

The amendment was rejected.

Mr. GALLINGER. I ask that my amendment may be submitted, if it is in order.

The PRESIDENT pro tempore. The amendment proposed by the Senator from New Hampshire will be stated.

Mr. QUARLES. I am willing to accept the amendment.

Mr. COCKRELL. Let it be stated.

The PRESIDENT pro tempore. It will be stated.

The SECRETARY. On page 3, section 5, line 18, after the word "thereunder," it is proposed to insert:

> And persons who have served as soldiers in any war in which the United States may have been engaged, and the widows of soldiers, shall have preference in the matter of certification.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from New Hampshire.

The amendment was agreed to.

Mr. LODGE. I move to strike out the words "above the grade of skilled laborer." A great many of these skilled laborers are clerks, doing clerical work. They have been there just as long as the others, and I see no possible reason for making the distinction. If we are going to retain them all, and I believe in retaining part, I see no reason for making that distinction. I think the skilled laborers who are performing clerical work are entitled to just as good treatment as the rest of the force.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Massachusetts will be stated.

The SECRETARY. On page 3, section 5, line 13, it is proposed to strike out the words "above the grade of skilled laborer."

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Massachusetts. [Putting the question.] The noes appear to have it.

Mr. LODGE. I ask for the yeas and nays.

Mr. TELLER. Will the Senator from Massachusetts tell us what will be the effect of the amendment?

Mr. LODGE. Simply to give to the skilled laborers, many of whom, if not most of whom, are performing clerical work, the same privileges accorded all the others, and I do not see why they should not have it.

Mr. TELLER. They are now excepted from that privilege?

Mr. MCCUMBER. Have they been examined?

Mr. LODGE. They have all been examined.

Mr. QUARLES. The trouble with that amendment is that it covers laborers who are not under the classified service at all.

Mr. LODGE. But the skilled laborers are under the classified service in the other departments.

Mr. QUARLES. But your amendment will cover every charwoman.

Mr. FORAKER. I do not so understand it. Is not the Senator in charge of the bill mistaken in that interpretation?

Mr. LODGE. Certainly.

Mr. FORAKER. It seems to me that the Senator from Massachusetts is right. The text of the bill makes it applicable only to those above the grade of skilled laborer.

Mr. LODGE. The law now excludes certain classes.

Mr. FORAKER. I voted for the amendment a moment ago, and shall vote for it again, just for that reason. I do not see why this should be made applicable only to those who are above grade of skilled laborer.

Mr. LODGE. Neither do I.

Mr. FORAKER. Skilled laborers ought certainly to be allowed to have the benefit of this provision.

Mr. QUARLES. The Senator will see by looking at section 5 the langnage is, "All employees now in the Census Office." That includes laborers of every grade, and will put into the classified service everyone.

Mr. LODGE. I will modify my amendment. I move to strike out the word "skilled."

Mr. FORAKER. There can not be any such interpretation——

Mr. LODGE. I do not think there can be any such interpretation——

Mr. FORAKER. As the Senator in charge of the bill gives to the language, in view of the punctuation. I wish the Senator would read it carefully again. It reads as follows:

> That all employees of the Twelfth Census Office at the date of the passage of this act above the grade of skilled laborer shall be, and they are hereby, placed without further examination under the provisions of the civil-service act.

In other words, anybody above that grade will receive the benefit of this provision.

Mr. QUARLES. It is proposed to strike out "above the grade," etc., and that leaves it where I say it will be left; that every laborer will be put under the civil service.

Mr. LODGE. Then I will modify my amendment so as to strike out the word "skilled."

Mr. FORAKER. Why not put it "below the grade of skilled laborer?" Then you will accomplish the purpose exactly.

Mr. QUARLES. I have no objection to the amendment as modified by the Senator from Massachusetts.

Mr. GALLINGER. I suggest "including skilled laborers."

Mr. LODGE. "Including skilled laborers."

The PRESIDENT pro tempore. The Senator from Massachusetts modifies his amendment, which will be stated.

The SECRETARY. In line 13, section 5, after the word "act," it is proposed to strike out the words "above the grade of skilled laborer" and insert "including skilled laborers."

Mr. BACON. That will not do.

Mr. LODGE. That is correct, if the Senator from Georgia will allow me. The Senator from New Hampshire is right. There are certain classes who are not in the classified service and can not be transferred there because no classified service exists for them.

Mr. BATE. Where will the line be drawn? "Skilled laborer" must have a technical meaning. Does it include watchmen, laborers, etc.?

Mr. QUARLES. Strike out the word "skilled" and you will have it right.

Mr. LODGE. Very well. My object will be attained, as the chairman says, by my own amendment, which is to strike out the word "skilled."

Mr. MALLORY. I call the attention of the Senator from Massachusetts to the list of the classes of laborers furnished by the Director of the Census in response to his request, and there is no such classification as skilled laborer among them. There is a classification of laborer, charwomen, and messenger boys, but there seems to be no such designation as "skilled laborer" in the classes of employees of the Census Department.

Mr. LODGE. There is a grade of skilled laborer. It is a recognized grade and within the classified service.

Mr. MALLORY. In the classified service?

Mr. LODGE. Yes.

Mr. MALLORY. But I understand this bill refers to the employees of the Census Office.

Mr. LODGE. Many of those who are put down as laborers are skilled laborers.

Mr. MALLORY. Many of them no doubt do clerical work.

The PRESIDENT pro tempore. The Senator from Massachusetts moves to strike out the word "skilled."

Mr. ALLISON. I want to ask the Senator from Massachusetts if he means to include all laborers in the Census Office?

Mr. CULLOM. No.

Mr. LODGE. No. I mean to include skilled laborers.

Mr. ALLISON. Then I think the amendment suggested by the Senator from New Hampshire is the true one—"including skilled laborers."

I desire to give another reason why I think the word "above" should not be used. At present the messengers and assistant messengers are under the civil service.

Mr. LODGE. Yes.

Mr. ALLISON. That service would include also these boys who are assistant messengers, in a sense; and, according to my experience and observation, they are a valuable set of young men. Should not the clause read, "including skilled laborers, messengers," etc., because as it is I fear it will only apply to the clerical force, unless you include specifically the messengers and assistant messengers.

Mr. LODGE. If my original amendment is accepted, leaving out that qualification, all persons who are now in the classified service in other departments will be retained under this bill, and those who are not within the classified service, like charwomen, etc., will not be under this, because you can not put in the classified service employments which are not classified.

Mr. ALLISON. You still use the word "above."

Mr. LODGE. You strike out the limitation——

Mr. ALLISON. You want to strike out "above" as well.

Mr. LODGE. My original proposition was to strike out the words "above the grade of skilled laborer," and that transfers all who are properly within the classified service to the classified service.

Mr. ALLISON. I do not quite understand why the words "above the grade of skilled laborer" are used. I do not know that a messenger is either above or below the grade of skilled laborer, or whether he is on a par with a skilled laborer. I suppose it is the intent and purpose of this section to put within the civil service all that class of persons who are now, in other departments, included in the civil service.

Mr. LODGE. That is the purpose of it, and that is why I object to that limitation.

Mr. ALLISON. I object to it also.

Mr. LODGE. If we are going to take this body of persons and transfer them to the classified service I do not see why we should exclude the watchmen and messengers and skilled laborers, many of whom are clerks. It seems to me a gross injustice. I do not see any reason for it at all, or any good reason that can be given for excluding one class of employees and including another. My original amendment can not possibly hurt anything, and it does bring them all in.

Mr. FORAKER. I think the Senator has it in better shape now, if he will allow me to suggest it, than he had before. There are two ways, I understand, of accomplishing what he desires. He desires that the skilled laborers shall be put into the classified service.

Mr. LODGE. Certainly.

Mr. FORAKER. That can be done by striking out the word "skilled," as now proposed. Then, I understand, it would have that effect. Or he can do it by inserting, after the word "above," the words "and including;" so that it would read:

Above and including the grade of skilled laborer.

Mr. ALLISON. Where would that leave messengers?

Mr. FORAKER. I am assuming in what I am saying that messengers belong in the class of skilled laborers, from what was said by the Senator from Massachusetts.

Mr. TILLMAN. I suggest to the Senator from Ohio that if he will leave out the word "skilled" he will accomplish what the Senator from Iowa desires, and then you will include laborers. You will pretty well include everybody. I do not see why we do not take in the whole kit and boodle.

Mr. LODGE. Precisely.

Mr. TILLMAN. Simply say all employees.

Mr. LODGE. Precisely; that is exactly what I want. The Senator from South Carolina has put it in his usual clear manner. That is exactly what I am trying to obtain.

Mr. FORAKER. As I understand the present amendment, as made by the Senator from Massachusetts, it is to strike out the word "skilled."

Mr. LODGE. No; I think that the true amendment here is my original amendment, to strike out the words "above the grade of skilled laborer." Then everybody who is in the classified service in other departments can be transferred, and those who are not in the classified service can not be transferred. I mean, for instance, the charwomen, who are not classified. This does not transfer them, because their employment is not a classified employment.

Mr. FORAKER. It seems to me that would be the effect of the proposed law. We do not refer to the classifications here at all, but describe them as—

All employees of the Census Office at the date of the passage of this act, above the grade of skilled laborer, shall be, and they are hereby, placed without further examination under the provisions of the civil-service act.

So it seems to me the true way to amend it is to strike out the word "skilled."

Mr. LODGE. Very well.

Mr. ALLISON. And "above."

The PRESIDENT pro tempore. The Senator from Massachusetts now moves to strike out the word "skilled."

Mr. COCKRELL obtained the floor.

Mr. BURTON. Mr. President——

Mr. COCKRELL. I yield to the Senator from Kansas.

Mr. BURTON. I simply desire to call attention to the fact that what is known as skilled laborers are not classified at all.

Mr. LODGE. I beg the Senator's pardon. There are certain skilled laborers in the classified service.

Mr. BURTON. I think the Senator from Massachusetts is mistaken.

Mr. LODGE. If they are not classified, this will not take them in.

Mr. COCKRELL. I suggest to the Senator from Massachusetts that the best way to settle this is to declare what classes shall be taken under the civil-service law—that all employees occupying positions within the civil-service law and rules—and then strike out "above the grade," and you have it; all those there in the office occupying positions under the civil-service law are by this amendment placed under it.

Mr. LODGE. The Senator from Wisconsin [Mr. SPOONER] has drafted an amendment which meets that exactly, and I think that is a proper way to get at it.

The PRESIDENT pro tempore. Does the Senator from Massachusetts withdraw his amendment?

Mr. LODGE. I withdraw it for the time being.

Mr. SPOONER. I move to amend section 5, lines 13 and 14, by striking out the words "above the grade of skilled laborer" and inserting in lieu thereof, after the word "act," in line 13, the words "except those not eligible to appointment in the classified service under existing law and rules."

Mr. LODGE. That is right.

The PRESIDENT pro tempore. The Senator from Wisconsin moves an amendment, which will be read.

Mr. MALLORY. Mr. President——

The PRESIDENT pro tempore. The Senator from Florida will allow the amendment to be read to the Senate.

Mr. ALDRICH. Let the amendment be read.

Mr. MALLORY. Certainly.

The SECRETARY. In line 13, page 3, after the word "act," strike out the words "above the grade of skilled laborer" and insert "except those not eligible to appointment in the classified service under existing law and rules."

Mr. MALLORY. I understand that there are a number of employees of the Census Bureau who are classed as laborers but who are doing clerical duty. I gathered that from the remark made by the Senator from Massachusetts, and also from other sources of information. If that is true, it seems to me that injustice to some extent would be done them by the adoption of the amendment of the Senator from Wisconsin in the shape in which it is now, unless it could be determined that the duty which is to be performed shall be the criterion as to whether they are eligible under the ordinary civil-service rules.

Mr. SPOONER. If the positions are not in the classified service, of course they would not be eligible under the civil-service rules.

Mr. MALLORY. A laborer under the Census Bureau is not within the classified service, but that very laborer might be performing duties and has been probably for a year or two performing duties which come under the classified service. I think that is a fact, and if that is the case, then the Senator's amendment does not cover such exceptional cases. It is true they are exceptional, and there are such cases undoubtedly.

Mr. GALLINGER. If the Senator will permit me, I think that the Civil Service Commission has recently issued a manifesto calling attention to that and forbidding its continuance, and that very few such people are now employed as skilled laborers doing clerical work. There have been a good many in the past.

Mr. MALLORY. I will state to the Senator from New Hampshire that it does not affect at all the Census Office force which goes under the civil service, as I understand it; but they are still in that service, and there are quite a number who are classed as laborers who are receiving only $600 a year, but who, nevertheless, perform clerical duty.

Mr. BATE. It is an undeniable fact that there are numerous persons, especially ladies, in the Treasury Department, in the Bureau of Engraving and Printing, and in the Interior Department who are doing what is called skilled laborers' work. They are getting, say, $50 a month, or something like that, and some of them have been in the Department for a year. They are not strictly in the civil service or under it. This would cut them out altogether.

Mr. LODGE. I want to include them.

Mr. BATE. And I want to help you to do it; but it does not seem to me this accomplishes that purpose.

Mr. LODGE. I think the amendment of the Senator from Wisconsin will have to be modified. As it reads now it refers to the person. It ought to refer to the position.

Mr. SPOONER. That is what I was about to propose. I ask leave to withdraw the amendment and offer another.

The PRESIDENT pro tempore. Without objection the amendment is withdrawn.

Mr. SPOONER. I move to amend section 5, in line 13, by striking out the words "above the grade of skilled laborer" and inserting in lieu the words "except those holding positions not now in the classified service."

Mr. BACON. That would not do it.

Mr. FORAKER. It would take in charwomen, surely.

Mr. LODGE. That is a right exception. It excepts the positions not now in the classified service.

The PRESIDENT pro tempore. The Senator from Wisconsin [Mr. SPOONER] offers an amendment, which will be read.

The SECRETARY. On page 3, line 13, after the word "act," strike out the words "above the grade of skilled laborer" and insert "except those holding positions not now in the classified service."

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Wisconsin.

The amendment was agreed to.

The PRESIDENT pro tempore. The bill is in Committee of the Whole and still open to amendment.

Mr. HANSBROUGH. I offer an amendment, to come in at the end of line 20, on page 3.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 3, at the end of section 5, line 20, insert:

Provided, That the persons who are placed under the operation of the said civil-service act by the provisions of this section shall be apportioned by States and Territories, and at their own option shall be added to the respective lists of persons who are eligible to appointment under existing law.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from North Dakota [Mr. HANSBROUGH].

The amendment was rejected.

Mr. QUARLES. I desire to offer an amendment to come in on page 4, line 7.

Mr. McCOMAS. If the Senator in charge of the bill will permit me, I should like to know in respect of the last amendment, that the employees of the Twelfth Census Office, "except those not now in the classified service," if it is not a definition of all the employees who are now in the service? None of them are now in the classified service; none of them hold positions in the classified service, and if you say that all the employees——

Mr. ALDRICH. Except——

Mr. McCOMAS. Except those holding positions not in the classified service, you carefully exclude all the employees in the service.

Mr. TILLMAN. "Except those of the grade of," etc., I thought the Senator put in.

Mr. McCOMAS. It seems to me that the amendment of the Senator from Massachusetts, concurred in by the Senator from Ohio, simply omitting the word "skilled," effectuates the purpose. I submit, with deference to the clearer mind of the two Senators from Wisconsin, that we have now by a very apt term excluded everybody in the Census Office, because every one of them is a person who does not hold a position now in the classified service.

Mr. SPOONER. Mr. President——

The PRESIDENT pro tempore. The Senator from Wisconsin [Mr. QUARLES] offers an amendment, which will be read.

The SECRETARY. On page 4, line 7, section 7, after the word "authorized" insert the word "decennial."

The amendment was agreed to.

The PRESIDENT pro tempore. Are there further amendments?

Mr. QUARLES. I should like to have the amendment to section 5 fixed so that there could be no possible question about it.

Mr. BATE. Let the section be read as amended.

Mr. QUARLES. It occurs to me that there is point in the suggestion of the Senator from Maryland [Mr. McCOMAS].

The PRESIDENT pro tempore. The Secretary will read section 5 as amended.

The Secretary read as follows:

SEC. 5. That all employees of the Twelfth Census Office at the date of the passage of this act, except those holding positions not now in the classified service, shall be, and they are hereby, placed without further examination under the provisions of the civil-service act of January 16, 1883, and the amendments thereto and the rules established thereunder; and persons who have served as soldiers in any war in which the United States may have been engaged and the widows of soldiers shall have preference in the matter of certification, and all new appointments to the clerical force in the Census Office hereby created shall be made in accordance with the requirements of the civil-service act above referred to.

Mr. SPOONER. I am frank to admit that that amendment is not exactly right——

Mr. LODGE. Now, Mr. President——

Mr. SPOONER. Allow me; I am not through. I further admit that my mind is not entirely clear about it. I further admit that in that particular I am on a par with the balance of my colleagues in the Senate. [Laughter.]

Mr. LODGE. Mr. President, I have yielded to a great many suggestions, and I am going to try my hand. I do not know whether I shall be more fortunate than others in making an amendment which will attain to the object which I think we all desire. I want to suggest this amendment. I will ask the Clerk to read it, and then the Senate can see what it is.

SEC. 5. That all employees of the Twelfth Census Office holding positions which are classified in other departments of the Government at the date of the passage of this act—

Striking out the words "above the grade of skilled laborer"—

shall be, and they are hereby, placed, etc.

Mr. SPOONER. That is right.

The PRESIDENT pro tempore. Does the Senator desire that the vote by which the last amendment was adopted shall be reconsidered?

Mr. LODGE. I do.

The PRESIDENT pro tempore. The Senator from Massachusetts asks unanimous consent that the vote by which the amendment offered by the Senator from Wisconsin [Mr. SPOONER] was agreed to shall be reconsidered. Is there objection? The Chair hears none, and it is reconsidered.

Now, the Senator from Massachusetts moves an amendment, which will be read.

Mr. LODGE. I move to amend so as to read:

That all employees of the Twelfth Census Office holding positions which are classified in other departments of the Government at the date of the passage of this act—

Striking out the words "above the grade of skilled laborer"—

shall be, etc.

Mr. ALDRICH. Will the Senator tell us what that means?

Mr. LODGE. It means that everybody in the Census Bureau who holds a position which in any other department of the Government is a classified position is transferred to the classified service of the Government; and those who hold a position which would not be classified in the Treasury or War Department, of course are not transferred, because there is no classification to transfer them to.

Mr. McCUMBER. The Senator says it includes all of those already in other departments who are holding classified positions.

Mr. LODGE. No; I did not.

Mr. McCUMBER. But the amendment as it reads does not go so far as the explanation. It means those who are employees in the Census Office, who are now holding positions, which positions they now hold are classified in other departments. Now, they are not classified in other departments. [Laughter.] That is really the meaning of it.

Mr. LODGE. The Senator will notice that I use the words "which would be classified."

Mr. McCUMBER. I can not see why striking out the word "skilled," as was suggested by the Senator from Massachusetts, is not sufficient. We all know what labor is. I do not think a messenger is declared or known to be a laborer in any of the departments. Therefore, striking out the word "skilled" would take in messengers and everyone above the class of simple laborers. Why would not that be sufficient?

Mr. LODGE. I thought it was sufficient in the beginning, but I have been somewhat confused since, and I will return to my original, plain, simple amendment, to strike out the word "skilled."

Mr. ALLISON. Mr. President——

Mr. LODGE. Others will have objection to it.

Mr. ALLISON. I have this objection to it, that it excludes all laborers, skilled and unskilled, and I do not think that ought to be done. Now, a skilled laborer is a laborer.

Mr. MALLORY. I suggest to the Senator, in view of the amendment offered by the Senator from Massachusetts, that it be adopted so that it will read as follows:

That all employees of the Twelfth Census Office at the date of the passage of this act performing duties that are classified in the other departments within the civil service are hereby placed, without further examination, etc.

Mr. McCOMAS. Mr. President——

Mr. MALLORY. Mr. President, I believe I have the floor.

The PRESIDENT pro tempore. The Senator from Florida has the floor.

Mr. MALLORY. My purpose in pressing this amendment is to make the character of duty that is being performed the test of the advisability of being placed under the classified service. Referring to what I have already said on the subject, some of the employees of the Census Bureau who are classed as laborers are performing clerical duties which, if they were under the civil service, would be within the civil-service rules. It seems to me that this suggestion would cover the object that is sought by the various amendments.

The PRESIDENT pro tempore. Does the Senator from Massachusetts withdraw his amendment?

Mr. LODGE. There seems so much dissatisfaction with the amendment to which I have returned, and as it must be perfectly evident to the Senate that I have no pride of opinion in the form of amendment, I will withdraw it and allow the Senator from Iowa [Mr. ALLISON] and the Senator from Maryland [Mr. McCOMAS] and the Senator from Florida [Mr. MALLORY] to offer suggestions.

The PRESIDENT pro tempore. The Senator from Florida proposes an amendment which will be read.

Mr. MALLORY. I will read that portion which applies to this particular point:

That all employees of the Twelfth Census Office at the date of the passage of this act performing duties that are classified in the other Departments within the civil service are hereby placed, without further examination, etc.

Mr. McCOMAS. Will the Senator from Massachusetts and the Senator from Florida accept a suggestion, which reverses the order of language in this controversy about language, to make the section read:

That all employees of the Twelfth Census Office except unskilled laborers be, and they are hereby, placed, etc.

Every other class is classified now in some degree—clerk, messenger, watchman, and skilled laborer. So if you make it read that all the employees of the Census Office except unskilled laborers shall be transferred you attain, I submit respectfully and confidently, the object so much desired.

The PRESIDENT pro tempore. The Senator from Florida [Mr. MALLORY] offers an amendment, which will be read to the Senate. The clerks have not been able to get it all.

Mr. MALLORY. Let me state it again:

That all employees of the Twelfth Census Office at the date of the passage of this act performing duties that are classified in the other departments as under the civil service are hereby placed, without further examination, etc.

Mr. SCOTT. Mr. President, the duties are not classified.

Mr. TILLMAN. Mr. President, I humbly put the inquiry to the Chair whether this body is not so muddled that it had better adjourn, else we would never pass a civil-service examination, and not one of us could hope to be eligible to reelection. [Laughter.]

The PRESIDENT pro tempore. The Chair is in doubt, but will be obliged to submit it to the Senate. [Laughter.]

Mr. TILLMAN. Then, if the Senator in charge of the bill will consent, let the matter stand and fix it in conference, because it is absolutely in his power after his head gets clear. We can leave it alone and the conferees at the other end will help him straighten it out, so that we can accomplish the result aimed at.

Mr. LODGE. We can straighten it out.

Mr. TILLMAN. There are so many innumerable efforts here that I feel absolutely hopeless that we shall ever get it straight.

Mr. QUARLES. Mr. President, I think there is an objection to the amendment proposed by the Senator from Florida [Mr. MALLORY]. It may be considered technical, but there is certainly an objection to it. The duties are not strictly classified; a position is classified, and when you say that a duty is classified, technically it is incorrect.

I submit that the amendment proposed by the Senator from Maryland [Mr. McCOMAS], which excludes only unskilled laborers, will accurately meet exactly what we all desire.

Mr. BURTON. May I ask the chairman of the committee if that would not include the chief statistician?

Mr. McCOMAS. He is not classified now.

Mr. FORAKER. It would not, I think, because that is otherwise provided for. It is provided that the chief statistician shall be selected in a particular way, namely, by the appointment of the Director. One who is specifically provided for would not fall under any general provision.

Mr. McCOMAS. I renew the amendment I moved.

The PRESIDENT pro tempore. There is an amendment pending offered by the Senator from Florida [Mr. MALLORY]. The question is on agreeing to that amendment.

The amendment was rejected.

The PRESIDENT pro tempore. The Senator from Maryland offers an amendment which will be stated.

Mr. McCOMAS. In section 5, line 13, page 3, I move to strike out the words "above the grade of skilled laborer" and insert the words "except unskilled laborers."

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Maryland.

The amendment was agreed to.

The PRESIDENT pro tempore. Are there further amendments?

Mr. QUARLES. To obviate the objection raised by the Senator from Iowa, I desire to offer an amendment.

The PRESIDENT pro tempore. The Senator from Wisconsin offers an amendment which will be read.

Mr. GALLINGER. While the clerks are preparing the amendment, I wish to suggest an amendment which I think the chairman of the committee will agree to. The words "Census Office" occur in the bill fifteen or twenty times, but in section 5 it speaks of the "Twelfth Census Office." I want the word "Twelfth" to come out. It is an incongruity, and I move to strike it out.

The PRESIDENT pro tempore. There is an amendment pending. The amendment proposed by the Senator from Wisconsin [Mr. QUARLES] will be read.

The Secretary. On page 5, line 5, section 7, strike out the words "Director of the Census," and insert in lieu thereof the words "head of said department."

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. GALLINGER. Now I move to strike out the word "Twelfth," in line 12, of page 3, section 5.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 3, line 12, before the word "Census" strike out the word "Twelfth."

The amendment was agreed to.

Mr. QUARLES. To complete the amendment which has just been passed, I ask the Senate to amend the printed bill on page 2, line 9, by striking out the words "Director thereof" and inserting in lieu "head of the department to which said bureau shall be attached," so that the appointment may be made by the head of the department.

Mr. GALLINGER. That is right.

Mr. ALLISON. Before that is agreed to I should be glad to know which department the Senator intends it to be attached to. It is to be attached to some department.

Mr. QUARLES. The sense of the Senate has once been taken on that proposition.

Mr. ALLISON. And therefore probably it will not be changed; but in the meantime if these amendments are to be adopted it should be attached somewhere, because the bill now pending elsewhere may not become a law in its present shape.

Mr. GALLINGER. Temporarily established in the Interior Department.

Mr. QUARLES. If attached to the Interior Department, I suppose the amendment would be equally effectual.

Mr. ALLISON. The phrase "head of the department" is very good, but it seems to me that the first section should be amended so as to attach it to the Department of the Interior, and then the legislation already had when finally passed will transfer it.

Mr. GALLINGER. It does say "the Census Office temporarily established in the Department of the Interior."

Mr. ALLISON. Where is that?

Mr. GALLINGER. In the very first line.

Mr. ALDRICH. That does not permanently attach it.

Mr. ALLISON. That does not cover the point I make.

Mr. GALLINGER. Oh, I see.

Mr. TELLER. Is there any amendment pending?

The PRESIDENT pro tempore. There is one amendment pending.

Mr. ALLISON. I do not object to the amendment, but I trust that it may be followed by amendment so that it will be material to the general scope of the bill.

The PRESIDENT pro tempore. The Senator from Wisconsin [Mr. QUARLES] offers an amendment, which will be stated.

The SECRETARY. On page 2, line 9, section 4, strike out the words "Director thereof" and insert "head of the department to which the said bureau may be attached."

The amendment was agreed to.

Mr. TELLER. I desire to offer an amendment, to come in on page 2, after the word "law," in line 7, at the end of section 3, which I will send to the desk.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. At the end of section 3, on page 2, it is proposed to insert:

There shall also be an assistant director of the Census, to be appointed in like manner, who shall be an experienced statistician, and shall receive an annual salary of $4,000; and during the absence of the Director of the Census, or when the office of Director shall be vacant, the assistant director shall perform the duties of the Director.

Mr. QUARLES. Mr. President——

Mr. TELLER. I do not know but the Senator is going to accept the amendment. If he is, I do not want to say anything regarding it. The amendment that I have offered is in the language of the present law. The House sent us a provision for three statisticians and the Senate has increased the number to four. I think it would be much better to have an assistant director who shall be a statistician.

Mr. QUARLES. I will accept the amendment of the Senator.

Mr. TELLER. All right. If the Senator accepts the amendment, I do not wish to make any further remarks regarding it.

The PRESIDENT pro tempore. The question is on the amendment submitted by the Senator from Colorado [Mr. TELLER].

The amendment was agreed to.

The PRESIDENT pro tempore. It will now be necessary to have another amendment in section 4, line 12, on page 2, where provision is made for "a chief clerk, at an annual salary of $2,800, who in the absence of the Director shall serve as acting director."

Mr. TELLER. That is what I propose to do, but that is simply a pro forma amendment.

Mr. QUARLES. I move an amendment, on page 2, lines 13 and 14 of the printed bill, by striking out the words "who in the absence of the Director shall serve as acting director."

The amendment was agreed to.

Mr. TELLER. I desire to offer another amendment simply to conform to what the practice of the Government has been with reference to officers of this grade:

The Director of the Census and the assistant shall be appointed for a period of four years, but shall be removable at pleasure.

That is the form that is used in appointing most of the public officers in reference to their term of office.

Mr. BATE. I think that does not apply to the Department of Labor.

Mr. TELLER. It does not apply to all officers, but it applies to the Commissioner of Indian Affairs and to officers of that class. The Department of Labor may be an exception.

Mr. ALLISON. It is not an exception. It does apply to the Department of Labor, and the head of that Department is appointed for four years.

Mr. TELLER. I think there may be some officers as to which that is not the case.

Mr. QUARLES. I will accept the amendment.

The PRESIDENT pro tempore. The amendment of the Senator from Colorado [Mr. TELLER] will be stated.

The SECRETARY. It is proposed to add to the bill the following:

The Director of the Census and assistant shall be appointed for a period of four years, but shall be removable at pleasure.

The amendment was agreed to.

Mr. TELLER. I believe that amendment ought to come in after section 3, and the subsequent sections be renumbered.

The PRESIDENT pro tempore. It can come in as section 3½.

Mr. TELLER. On page 2, after line 7.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Mr. ALLISON. I call the attention of the Senator in charge of the bill to the language in line 7, on page 1, section 1, "is hereby made a permanent office." Should not the words "in the Department of the Interior" be inserted there?

Mr. QUARLES. I understand that is a matter of law without any amendment.

Mr. ALLISON. I do not think it is; but the amendment will do no harm even if it is a matter of law.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Iowa will be stated.

The SECRETARY. In section 1, on page 1, line 7, after the word "office," it is proposed to insert "in the Department of the Interior."

Mr. ALLISON. I desire to state to the Senator from Wisconsin that if the bill which we passed the other day shall become a law in the form which it passed the Senate, and this bill passes before that time, it will be transferred to that department.

Mr. COCKRELL. There is no doubt about that.

The PRESIDENT pro tempore. The question is on the amendment submitted by the Senator from Iowa [Mr. ALLISON].

The amendment was agreed to.

Mr. BACON. I want to call the attention of the Senator from Colorado to what possibly may have been an inadvertence in the amendment offered by him, which was adopted a while ago. There is no provision, as I understand, that the assistant director shall be appointed by and with the advice and consent of the Senate.

Mr. TELLER. It says "in like manner."

Mr. BACON. I beg the Senator's pardon. I did not notice that.

Mr. TELLER. The amendment says "in like manner," and the Director is appointed by the President by and with the advice and consent of the Senate.

The PRESIDENT pro tempore. Those words appear in the amendment.

Mr. BACON. I was mistaken. The amendment was verbally reported, and I did not catch those words.

Mr. ALLISON. I want to ask the attention of the Senator in charge of the bill to page 4, lines 15, 16, etc.

To mines, mining, quarries and minerals, and the production and value thereof, including gold in divisions of placer and vein, and silver mines, and the number of men employed, etc.

Is it proposed that there shall be anything more than a ten-year report on matters of that kind?

Mr. QUARLES. Mr. President, the Senator has failed to notice one of the amendments which I proposed, to insert the word "decennially" after the word "authorized," in line 7.

Mr. ALLISON. I had not observed that.

Mr. QUARLES. There would be no doubt of the intent, I think, even without that word.

Mr. ALLISON. Very well; that answers the purpose.

Mr. President, I desire to attract the attention of the Senate for a moment. I move to strike out section 8 of the bill, and I will explain to the Senate the object I have in making the motion.

As I understand, section 8 proposes to enlarge—how greatly I do not know—the statistics of births and deaths by providing that hereafter they are to be taken annually. Section 8 of this bill is to some extent a reenactment of section 8 of the existing law. That section is reenacted with certain things omitted, and one provision is inserted in a modified form. I will say to the Senator that I had some trouble in discovering the real intent and object of segregating these statistics from section 8 until I found that certain things applying to those statistics as found in the original section 8 are removed or omitted. The original section respecting vital statistics, or statistics of births and deaths, provides, among other things, for statistics in relation to—

to crime, pauperism, and benevolence, including prisoners, paupers, juvenile delinquents, and inmates of benevolent and reformatory institutions; to deaths and births in registration areas.

The statistics as to deaths and births in registration areas, found in section 8 of the original law, are eliminated from section 7 and 8 of the pending bill, as contained in section 8 of the original act, which reads:

The statistics of deaths and births provided for in this section shall be obtained from and restricted to the registration records of such States and municipalities as possess records affording satisfactory data in necessary detail, in the discretion of the Director.

That is omitted from the new method proposed. It certainly ought not to be omitted if it is intended to take the census of births and deaths annually. I can see that it will be a comparatively easy thing to take the census of births and deaths in registered areas from the records kept in those areas; but if we are now to enlarge this provision whereby deaths and births are to be ascertained by registered areas outside of the registration in those areas, not to regard that registration, but to take those statistics independent of or subsidiary to them, it will be a very expensive luxury to the people of the United States. I do not object, and I shall not object, to taking this census of births and deaths annually in registered areas and in the form and method prescribed in the original law, but if we are to take a census of births and deaths in the manner provided in section 8 of this bill it will lead to a great expenditure of money, and I do not believe it is wise to do it.

Even under the provision of the section of the original law it would cost a considerable sum, probably $75,000 annually, to take such a census; but if you are to go outside of that, and send agents and other people to make investigations of births and deaths, the expenditure for this purpose may be far beyond anything that Congress would naturally contemplate. Therefore this careful limitation in the original census law, which was surely prepared after great consideration, I think ought to be retained, and I think the new sections 7 and 8 of this bill should be stricken out, because that is the only material thing that is changed, as I understand, except the procuring of annual statistics.

Mr. QUARLES. Mr. President, I think a careful reading of section 8 of the bill answers the objection made by the Senator from Iowa. The only collection of statistics of births and deaths that is authorized by section 8 is within registered areas. It is expressly provided that—

the data for which shall be obtained from such registration records of such States and municipalities as in the discretion of the Director possess records affording satisfactory data in necessary detail.

There is all the power given.

Mr. ALLISON. There is no other power given in that section, but there is a general sweeping power found in other sections.

Mr. QUARLES. Mr. President——

Mr. ALLISON. If the Senator will allow me to propose an amendment to that eighth section, to insert the restriction provided in the old law, I shall not object, but I want to call the Senator's attention to the phraseology of the bill, which is that—

the data for which shall be obtained from such registration records of such States and municipalities as in the discretion of the Director possess records affording satisfactory data in necessary detail—

But suppose they do not, what then?

Mr. QUARLES. Then those statistics are not taken.

Mr. ALLISON. Then let us make sure that they will not be taken. The Director of the Census is first required to make "a collection of the statistics of the births and deaths in registration areas for the year 1902, and annually thereafter." Those registration areas comprise a large number of cities and several States. I believe the State of New Hampshire, the State of Massachusetts, and perhaps some other New England States are involved in those registration areas. The whole State of Illinois has been recently brought within the registration areas.

So far as the records are concerned, they are easily obtainable by written communications to the proper officers and securing the data by paying 2 cents for the name of each person, which is ample compensation, and which will cost, in my judgment, $75,000 annually if confined to those records; but it may be increased from year to year, I will say to the Senator, to $200,000 or $300,000 if we are to roam over the country with special agents and all sorts of people, gathering statistics of births and deaths, which is more difficult, and we will find that we are involving the Government annually in a very great expenditure.

Mr. QUARLES. If the Senator will listen, I will suggest an amendment which, I think, will cover this point, and I am perfectly willing to concede that. On page 5, section 8, line 11, of the printed bill, after the word "from," insert the words "and restricted to," so that it shall read:

The data for which shall be obtained from, and restricted to, such registration records, etc.

Mr. ALLISON. With one amendment I shall agree to that—"which shall be obtained only from, and restricted to." It is the same thing practically; but I want to put it so that there will be no mistake about the question that these annual statistics shall be gathered by correspondence and not special agents.

The PRESIDENT pro tempore. The Senator from Iowa [Mr. ALLISON] offers an amendment, which will be stated.

The SECRETARY. After the word "obtained," on page 5, section 8, line 11, it is proposed to insert "only," and in the same line, after the word "from," to insert "and restricted to," so as to read:

The data for which shall be obtained only from and restricted to such registration records, etc.

Mr. ALLISON. I think that will cover it.

The amendment was agreed to.

Mr. DUBOIS. I now offer the amendment which has heretofore been read.

The PRESIDENT pro tempore. The Senator from Idaho offers an amendment, which will be stated.

The SECRETARY. It is proposed to amend section 9 by adding thereto the following:

To enable the Director of the Census to perform the duties prescribed by this section, true and accurate reports shall be made to him annually by all corporations engaged in manufacturing, which reports shall state in detail the nature of the business or different lines of business, if there be more than one conducted by such corporation; the number of factories or establishments owned or controlled by it, the precise character of the business conducted at each factory or establishment, and the gross receipts of such business; the amount of the capital stock, and the proportion of which has been fully paid up; the surplus, the operating expenses, wages, taxes, both national and State, together with detailed statements as to the quantity of its product or products sold for export, the prices per unit obtained therefor, the rebates, if any, allowed upon products sold for export, and the prices charged to dealers in the United States; any and all agreements with other corporations, companies, or individuals engaged in manufacturing the same or similar products for the maintenance of uniform prices, the limiting of production, or with reference to the wages of labor, and all arrangements with transportation companies for specially advantageous freight rates.

Such reports shall be verified by the president, manager, or chief officer of the corporation, who, upon the demand of the Director, shall furnish such additional details as said Director may deem necessary to apprise him fully of the nature and extent of the business and the methods applied in its management. The failure by the president, manager, or chief officer of any manufacturing corporation to make the reports herein provided for, or any intentionally false statements concerning any matters set forth in a report which he does make, shall for every such offense be punished by a fine of not less than $1,000 or more than $5,000, or imprisonment for not less than one month or more than one year, or by both such fine and imprisonment.

All information thus obtained by the Director of the Census shall be permanently filed in his office in convenient and accessible form, be classified, and published annually.

Mr. DUBOIS. I trust the Senator from Wisconsin will accept the amendment which I have offered. I will ask the Secretary to read what President Roosevelt said to us in his message to this Congress on this very subject, the subject of my amendment.

The Secretary read as follows:

TREATMENT OF TRUSTS.

The first essential in determining how to deal with the great industrial combinations is knowledge of the facts—publicity. In the interest of the public, the Government should have the right to inspect and examine the workings of the great corporations engaged in interstate business. Publicity is the only sure remedy which we can now invoke. What further remedies are needed in the way of governmental regulation, or taxation, can only be determined after publicity has been obtained by process of law and in the course of administration. The first requisite is knowledge, full and complete—knowledge which may be made public to the world.

Artificial bodies, such as corporations and joint stock or other associations, depending upon any statutory law for their existence or privileges, should be subject to proper governmental supervision, and full and accurate information as to their operations should be made public regularly at reasonable intervals.

The large corporations, commonly called trusts, though organized in one State, always do business in many States, often doing very little business in the State where they are incorporated.

Mr. DUBOIS. Mr. President, I am not making any indiscriminate attack on the trusts, but it is a subject that is attracting the attention of the country, and some time in the future, and I think in the not very distant future, we shall be compelled to legislate in regard to them.

My amendment simply carries out fully the suggestion of President Roosevelt, which is that the utmost publicity shall be given to the transactions of the great trusts.

We are establishing a census bureau which is to be permanent, and it occurs to me that there is no better time or place in which to start this machinery which will make public the transactions of the great trusts than in this bill.

I will say to the Senator that I believe it will be of advantage all round if this amendment shall be adopted.

Mr. QUARLES. Mr. President, I appeal to the friends of the measure suggested by the distinguished Senator not to load this bill down with that subject-matter at this time, because it will imperil the bill. A subsequent bill, an independent bill, can be framed at any time by the Senator, which will stand upon its own merits, and will lead, of course, to great discussion. If it is desired that that result shall be accomplished, I submit, Mr. President, it can be done far better in an independent measure than it can be by putting it into this bill. I hope, therefore, that the amendment will not prevail, no matter how much we may sympathize with the purposes which the distinguished Senator has at heart. I know it will imperil this bill and delay it indefinitely if the amendment is pressed, and there are peculiar reasons why the bill should receive prompt consideration. I therefore appeal to the Senator to withdraw the amendment at this time, and to present his measure in the form of an independent bill.

Mr. DUBOIS. Mr. President, it can not be in the form of an independent bill. I simply ask by my amendment, following section 9, that the statistics be collected by the simplest means. The amendment is perfectly germane. The duties prescribed should not be provided for in a separate bill appointing somebody or some commission to make these investigations, which properly belong to the bureau which is being created. I can not concede and I will not concede that the Republican party does not wish to lay bare the transactions of these trusts.

The Senator intimates that by putting this provision in the bill it will beat the bill. I am not satisfied as to that. I should think, if anything, it would help the bill.

The PRESIDENT pro tempore. The question is on the amendment submitted by the Senator from Idaho [Mr. DUBOIS]. [Putting the question.] By the sound, the "noes" have it.

Mr. TELLER. Let us have the yeas and nays, Mr. President.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CLARK of Wyoming (when his name was called). I am paired with the Senator from Kansas [Mr. HARRIS]; but I transfer my pair to the Senator from Nebraska [Mr. DIETRICH], and vote. I vote "nay."

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from Virginia [Mr. MARTIN]. He does not appear to be present, and I therefore withhold my vote.

Mr. HANNA (when his name was called). I have a general pair with the Senator from Utah [Mr. RAWLINS], but I will transfer that pair to the Senator from New York [Mr. DEPEW], and vote. I vote "nay."

Mr. HANSBROUGH (when his name was called). I am paired with the senior Senator from Virginia [Mr. DANIEL]. I will transfer that pair to the junior Senator from New Jersey [Mr. DRYDEN], and vote. I vote "nay."

Mr. HEITFELD (when his name was called). I am paired with the senior Senator from New York [Mr. PLATT], but I have made arrangements with the senior Senator from Michigan [Mr. MCMILLAN], who is paired with the Senator from Kentucky [Mr. BLACKBURN], to transfer our pairs, so that the Senator from New York will stand paired with the junior Senator from Kentucky, and the Senator from Michigan and I can vote. I vote "yea."

Mr. BERRY (when the name of Mr. JONES of Arkansas was

called). My colleague [Mr. JONES of Arkansas] is paired with the Senator from Maine [Mr. HALE]. If my colleague were present, he would vote "yea."

Mr. MONEY (when the name of Mr. MCLAURIN of Mississippi was called). My colleague [Mr. MCLAURIN of Mississippi] is unavoidably absent on account of sickness in his family. If my colleague were here, he would vote "yea." He is paired with the Senator from Washington [Mr. FOSTER].

Mr. MONEY (when his name was called). I am paired with the junior Senator from Iowa [Mr. DOLLIVER]. If he were present, I should vote "yea."

Mr. QUARLES (when his name was called). I have a general pair with the senior Senator from Texas [Mr. CULBERSON]. I will transfer that pair to the absent Senator from Maryland [Mr. WELLINGTON] and vote. I vote "nay."

Mr. TALIAFERRO (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. SCOTT]. If he were present, I should vote "yea."

The roll call was concluded.

Mr. MCMILLAN (after having voted in the negative). I have a pair with the junior Senator from Kentucky [Mr. BLACKBURN]. I will transfer that pair to the Senator from Nevada [Mr. JONES], and allow my vote to stand.

Mr. CULLOM. I will take the liberty of transferring my pair with the junior Senator from Virginia [Mr. MARTIN] to my colleague [Mr. MASON] and vote. I vote "nay."

Mr. DUBOIS (after having voted in the affirmative). I inquire if the junior Senator from Oregon [Mr. MITCHELL] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not voted.

Mr. DUBOIS. It is quite evident to me that this is a political proposition, and therefore I withdraw my vote.

Mr. CARMACK (after having voted in the affirmative). I desire to inquire if the Senator from Wisconsin [Mr. SPOONER] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not voted.

Mr. CARMACK. Then I beg leave to withdraw my vote, as I am paired with that Senator.

Mr. MONEY. In order to make a quorum, I will vote, unless my pair with the Senator from Iowa [Mr. DOLLIVER] can be transferred. I vote "yea."

Mr. DUBOIS. I should like to vote to make a quorum.

Mr. ALDRICH. I think the Senator from Idaho is justified in voting to make a quorum.

Mr. DUBOIS. Very well; I ask to have my vote recorded. I vote "yea."

Mr. CARMACK. In order to make a quorum, I will vote. I vote "yea." It will not change the result.

The result was announced—yeas 17, nays 31; as follows:

YEAS—17.

Bacon,	Cockrell,	Mallory.	Tillman,
Bate,	Dubois,	Money,	Vest.
Berry,	Foster, La.	Patterson,	
Carmack,	Gibson,	Simmons,	
Clay,	Heitfeld,	Teller,	

NAYS—31.

Aldrich,	Fairbanks,	Kearns,	Penrose,
Allison,	Foraker,	Kittredge,	Perkins,
Bard,	Frye,	Lodge,	Platt, N. Y.
Burton,	Gallinger,	McComas,	Proctor,
Clapp,	Gamble,	McEnery,	Quarles,
Clark, Wyo.	Hanna,	McMillan,	Stewart,
Cullom,	Hansbrough,	Mitchell,	Wetmore.
Dillingham,	Hawley,	Nelson,	

NOT VOTING—40.

Bailey,	Dietrich,	Kean,	Pritchard,
Beveridge,	Dolliver,	McCumber,	Quay,
Blackburn,	Dryden,	McLaurin, Miss.	Rawlins,
Burnham,	Elkins,	McLaurin, S. C.	Scott,
Burrows,	Foster, Wash.	Martin,	Simon,
Clark, Mont.	Hale,	Mason,	Spooner,
Culberson,	Harris,	Millard,	Taliaferro,
Daniel,	Hoar,	Morgan,	Turner,
Deboe,	Jones, Ark.	Pettus,	Warren,
Depew,	Jones, Nev.	Platt, Conn.	Wellington.

So the amendment of Mr. DUBOIS was rejected.

Mr. ALLISON. I wish to move an amendment, on page 5, after line 7, to insert:

Provided, That the statistics of special classes and of crime, pauperism, and benevolence specified in this section shall be restricted to institutions containing such classes.

I appeal to the Senator from Wisconsin to allow this amendment to be inserted. It was inserted and is in the law as it stands now.

Mr. QUARLES. Does that include the deaf and dumb?

Mr. ALLISON. It does not include the deaf and dumb.

Mr. QUARLES. Very well.

Mr. ALLISON. I want to say something about the deaf and dumb, however.

Mr. QUARLES. That was the subject of a special act?

Mr. ALLISON. That was the subject of a special act.

Mr. QUARLES. I have no objection to the amendment.

The PRESIDENT pro tempore. Without objection, the amendment proposed by the Senator from Iowa will be agreed to.

Mr. MALLORY. Let it be read.

The PRESIDENT pro tempore. It will be read.

The SECRETARY. It is proposed to add the following at the end of line 7, on page 5:

Provided, That the statistics of special classes and of crime, pauperism, and benevolence specified in this section shall be restricted to institutions containing such classes.

The amendment was agreed to.

Mr. ALLISON. I should like to ask the Senator from Wisconsin why it is that in this amended provision he has not reinserted the provision respecting the deaf and dumb, which was found to be so important in connection with the taking of the Twelfth Census that it was dealt with specifically by a statute passed on the 1st of February, 1900?

Mr. QUARLES. If the Senator will look at line 9, page 4, he will find "feeble-minded, deaf, dumb, and blind."

Mr. ALLISON. I am aware of that. What I want to do is to insert what I do not see here.

Mr. QUARLES. What is that?

Mr. ALLISON. Namely:

Provided, That in taking the census of said classes the inquiries shall be confined to the following four questions, namely: Name, age, sex, and post-office address.

I will read the whole of this deaf and dumb provision.

And the Director of the Census is authorized and directed to collect statistics relating to all of the deaf, dumb, and blind, notwithstanding the restrictions and limitations contained in section 8 of said act entitled "An act to provide for taking the Twelfth and subsequent censuses."

I do not know, and I will ask the Senator whether under this eighth section as amended it will be possible for the Director of the Census to go beyond the spirit of the amendment of the act of February 1, 1900, because that was intended to restrict inquiries respecting the deaf and dumb. Now, if the Department of the Census will feel itself under constraint to follow that law, which is now to be repealed, perhaps it will not be necessary to reenact it; but it seems to me that is an important provision as to the deaf and dumb.

I should be glad to add another proviso with respect to the deaf and dumb, unless I can have some assurance that it is already provided for in some way.

Mr. QUARLES. In the opinion of the committee it was; but I do not feel so certain now, in looking at it, but that the Senator is right in his criticism. I have no objection to making it more definite, so as to prevent any possibility of what the Senator suggests.

Mr. ALLISON. Very well. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The Senator from Iowa presents an amendment, which will be stated.

The SECRETARY. On page 5, after the amendment already adopted, it is proposed to insert:

And provided further, That in taking the census of said classes of deaf, dumb, and blind the inquiries shall be confined to the following four questions, namely, name, age, sex, and post-office address.

The amendment was agreed to.

Mr. ALLISON. I ought to ask pardon of the chairman for proposing so many amendments.

Mr. QUARLES. On the other hand, I am obliged to the Senator for his suggestions.

Mr. ALLISON. I wish to offer another amendment to section 9, to strike out a part beginning with the word "and," in line 24:

And that the Director of the Census shall annually collect the statistics of the cotton production of the country as returned by the ginners.

I make that motion.

Mr. TILLMAN. Will the Senator allow an expert to talk a little on that subject before he presents his amendment?

Mr. ALLISON. I offer the amendment with the view of hearing experts, and I will yield to the Senator in a moment. I offer it because I understand that the statistics of cotton production are now gathered at very little expense in the Department of Agriculture and are taken with great precision and accuracy, and I do not think we ought to duplicate that work.

Mr. TILLMAN. Mr. President, there are two instrumentalities which deal with cotton statistics. One is the cotton exchanges and boards of trade of various cities; the other is the Department of Agriculture. The Department of Agriculture has an organized force of statistical correspondents, several thousand in number, about one, I will say, in each county in the cotton belt. The information of the Department is derived from this source only. The correspondents are usually men of intelligence and reputation, who are very good guessers, but the work of the Agricultural Department in dealing with the cotton crop is pure guesswork from start to finish, and the cotton exchanges and cotton buyers and those who deal in the article are also engaged in

the business of guessing, basing their estimates, of course, upon private letters from their correspondents and commission merchants and others engaged in the business.

The result is that very often the guessing is very wide of the mark, and we who engage in the cultivation and growth of cotton have found the price run down unduly and held down by the estimates of this man and that man and the other man, and even the Agricultural Department has been charged with indulging in guesswork which was somewhat wild in the interest of a certain speculative tendency. I never have believed that this charge had any foundation. I believe that the present Secretary of Agriculture and his officials have strenuously endeavored to obtain correct information as far as it was practicable, but still they have missed the mark very widely sometimes.

Now, the proposal here is that the Director of the Census shall organize a system of collecting information in regard to the size of the cotton crop through officials who are paid, not through persons who are given a few packages of seed and some bulletins and who are more or less indifferent or ignorant; and if the cotton farmers—the men who grow cotton—are allowed to obtain definite information from the ginneries, it will be very valuable.

I will state here that the ginning is now done almost entirely by steam, and in localities where a gin is established there will be a circle of 3 or 4 miles, sometimes 8, in which the cotton is hauled to one establishment. Anyway, we could find out through the Director of the Census and the instrumentalities which he could put to work very fully and completely just what amount of cotton was being ginned, and the amount of cotton that is being ginned every year is relatively the same percentage of a given crop. In other words, it is almost as regular in its performance as the ebb and flow of the tide.

I have prepared an amendment which simply provides for the publication of monthly bulletins, beginning with October and ending with the 1st of March, so that the crop will have been ginned and reported, and practically by Christmas it will be known of all men who want to know what the crop is through this instrumentality, whereas through the present instrumentalities of the Agricultural Department and the cotton exchanges and cotton factors and speculators the cotton planters are left to the mercy of the speculators who bull or bear the market.

Now, as I said, I do not include the Agricultural Department in that, other than that its guesswork does not allow its reports to have that weight which this report from the Director of the Census as to the actual amount ginned would have.

This is very much in the line of reports from the thrashers, who make reports voluntarily, although I think in some States it may be by law, as to the outturn per acre of the wheat crop in the West; and I suggest to the Senator from Iowa that this is not money wasted at all; that it will be the source of valuable information to those of us who are engaged in growing cotton. If the amendment which I propose to offer is accepted, the cotton planters and the manufacturers and everybody engaged in the business of handling cotton in any shape, form, or fashion will be benefited by it.

So I hope he will withdraw his objection to this clause, because it in no wise conflicts with the present work of the Department of Agriculture, which is valuable; but, as I said a moment ago, although I did not elaborate it, it deals largely with the growing crop, the crop from the time of its planting up to the time of its maturity, because the rainfall, the heat, the condition of the weather, and everything, the presence of the boll weevil and caterpillars and other things which go to reduce the crop, the amount of fertilizers used—all those things are factors in determining or in guessing, for it is purely guesswork, what the amount of the crop will be.

Last July, owing to the extreme amount of moisture, cold rain, the cotton crop in the South was more backward up to the 1st of July, and its promise was of a worse character as to outturn than any crop of which I have any recollection during my entire experience, and yet from the 10th of July until September the weather was so favorable and everything was in the direction of helping to make the cotton grow and to mature that we made a fairly good crop of cotton in the South. So I think the Senator can well afford to leave this item in, because there is no conflict. The statistics of the Department of Agriculture, as I said, are based entirely upon the voluntary information of, say, one man in a community, whereas this proposal here is to get the returns from every gin, and do it by telegraph, if necessary, and have a tabulated statement published for the information of the country the 1st of every month from October to March.

Mr. McCOMAS. I call the Senator's attention to the fact that the Director of the Census, before our committee, said that these returns would not only be accurate, but very inexpensive in their collection.

Mr. TILLMAN. I understand it will be very inexpensive. All that is necessary is first to get in touch with the ginners, and then some little compensation to them for making the return, and to pay one or two clerks here in the Bureau, and you will have an absolutely accurate report of the progress of the ginning of the crop and its preparation for market.

Mr. McCOMAS. It was proposed to include domestic animals on farms and the like, but the Director of the Census said that the cotton matter would be very inexpensive, while the other would require a large expenditure.

Mr. TILLMAN. And a lot of guesswork, too.

Mr. ALLISON. I agree with the Senator from South Carolina that it is important to those who produce cotton that they should be in possession of early and accurate information respecting the cotton crop of the current year. It is also important that those who produce cotton fabrics in our own country and elsewhere should also be aware of the condition of the cotton crop from time to time.

Now, my objection to this amendment is that it provides that the extent of the crop shall be ascertained from the ginners, if that is the proper term.

Mr. TILLMAN. That is the proper term.

Mr. ALLISON. That is, I agree, a method of getting a statement of the crop each year, but there are other things which must be as important to the cotton grower as even an accurate report from the ginners. I know it is so in the region of country where I live. We watch always and carefully the weekly report of the Agricultural Department as respects the rains, the storms, and the conditions of the soil, not only in our own State, but in the States that produce crops similar to our own.

I am sure that the cotton producers of the country must welcome the most careful and accurate information respecting the cotton crop from the time the seed is put in the ground until it is matured, and even before it is put into the ground, for it is important to them that they should know the condition of the ground even before the cotton is planted.

Mr. TILLMAN. Will the Senator from Iowa allow me to suggest a compromise here?

Mr. ALLISON. Certainly.

Mr. TILLMAN. If the Senator wishes to have the Government engage in protecting the producers of cotton from the speculators who lie us out of 1 or 2 cents every year, and sometimes 3, by their bearish reports, which they manipulate and control, I will make a suggestion. For instance, we have sold the bulk of the present crop at 7½ cents, and it is now 8½, and we have always contended that it was not a big crop. But these fellows who have the manipulation of figures, not the Department of Agriculture especially, but others, reduced the price of cotton simply by declaring that we had a bigger crop than we made.

If the Senator wants to transfer the collection of all statistics in regard to farm products from the Census Office to the Agricultural Department, and will give Secretary Wilson money to do it in the way that it is proposed the Census Bureau shall do it, I will welcome the change. But what do we see? Every time any proposition is made here to make the Agricultural Department respectable, or to give to it any consideration commensurate with its importance, somebody who never saw a plow handle, except perhaps in the distance, and who does not know anything about agriculture—some lawyer, for instance, as we have in the other end of Capitol, who is chairman of the committee—objects to giving out any seeds and wants to reduce the money for bulletins, and all that kind of thing, and they grow niggardly and economical and critical, and every other thing except hypocritical. They do not grow hypocritical except when they go home and go to shaking the horny hand of the farmers for votes. Whenever we come here for a decent appropriation for agriculture we are sneered out of court.

If the Senator proposes, when the agricultural appropriation bill comes here, to help me to induct into that some amendments that I would suggest possibly, I am willing to let this go out if the chairman is. Of course the Senate will do as it pleases anyway. But I give notice here that if this goes out, I want it and everything pertaining to statistics, honest, trustworthy statistics, in regard to cotton, to go to the Agricultural Department, and to give the Department money enough to collect them.

Mr. ALLISON. That is a compromise to which I can easily accede.

Mr. BERRY. Will the Senator from Iowa permit me for a moment? I should like to know what is the proposition now before the Senate.

Mr. ALLISON. My proposition is to strike out the provision respecting the annual collection of cotton statistics.

Mr. BERRY. Does that provision interfere in any way with what the Secretary of Agriculture is doing? Does it restrict him in any way or take away any of his power?

Mr. ALLISON. I should like to explain, if I can have the opportunity, just the situation. Of course, if it takes nothing away from the valuable work of the Secretary of Agriculture, then there

would be no harm in doing this through the Census Office, unless we wanted in some way to economize, so far as practicable, in our general expenditures.

I was amazed, I will say now to the Senator from South Carolina, to find in some discussions that I recently read in the public prints, not discussions in this Chamber, but outside of it, that nothing was being done practically in the Agriculture Department as respects the statistics of cotton production; and feeling interested in that subject, desiring, as I do very much, to have a full report annually of cotton production, I addressed a letter to the Secretary of Agriculture. It is not necessary for me to ask the Secretary to read it, but I will ask permission to have it put in the RECORD.

The PRESIDENT pro tempore. Without objection, the letter will be printed in the RECORD.

The letter is as follows:

UNITED STATES SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, February 3, 1902.

Hon. JAMES WILSON,
Secretary of Agriculture.

DEAR MR. SECRETARY: I notice in the census bill which passed the House on the 30th ultimo section 9 provides that the "Director of the Census shall annually collect the statistics of the cotton production of the country as returned by the ginners," and also "shall make any additional special collections of statistics relating to any branch of agriculture as may be required of him by Congress."

I have noted that these statistics respecting cotton production have been gathered annually for some time in the Department of Agriculture. Will you kindly inform me when the Department of Agriculture commenced gathering annual statistics of the cotton production of the country, and under what statute, if any; also inform me, in as much detail as practicable, the methods adopted by the Department to secure accurate or approximate statistics of such production; also the cost of collecting these statistics, in the manner to be described by you, by persons employed by the Department, or otherwise secured, gathering them outside of the city of Washington; also the cost, as near as may be, of collating these statistics in the proper bureau in your Department.

I would also be glad to have you make me a separate statement of the method whereby you gather annual statistics of the cereal productions of our country, including wheat, corn, barley, etc., and the cost thereof, and the annual appropriation for all these purposes for each year, segregating these appropriations for the different productions, stating separately as for corn, wheat, cotton, etc., for each year. I would also be glad to have you send me a table of these estimates of production for each year, at least during your administration, or as far back as practicable; also the statistics of actual production, as shown by sale or consumption of crops or otherwise, in order that a comparison may be made between your estimates of production and the actual production, as near as may be, as disclosed afterwards.

I would like also to know how soon after these statistics are gathered and tabulated in your Department they are published, and how they are published, and whether or not at any time any advance information is given to special persons as to the result of these investigations.

I will also thank you to send me any other information that will be of value as respects the methods now pursued to secure the information indicated above.

Very truly, yours, W. B. ALLISON.

Mr. ALLISON. I received an answer from the Secretary of Agriculture upon this subject. My question in substance was whether or not there was in the Agricultural Department now ample provision for taking the statistics of cotton production annually, and the answer of the Secretary I propose to insert in the RECORD. I will not take the time to read it, unless someone wants to have it read. I will merely state the substance of it. In this letter the Secretary says that his Department takes now from the cotton gins of the country an accurate statement of every bale of cotton produced. I agree that if you have many methods, that is probably the very best. He states that that is being done, and that they have a list of the ginneries, which they add to and subtract from as ginneries change. They not only do that, but they have methods and systems whereby they verify the productions of cotton from these estimates and statements, including the cotton gins, by following the cotton, as far as practicable, during the entire year.

Now, from reading this lettter and from my own observation, I feel very sure that, whatever we may do here, we ought not in the slightest degree to interfere with or impair what I believe to be the efficient statistics annually coming from the Secretary of Agriculture.

Mr. BERRY. Will the Senator permit me a minute?

Mr. ALLISON. Certainly.

Mr. BERRY. Mr. President, I thoroughly and entirely agree with the Senator from Iowa, that no power now possessed by the Secretary of Agriculture to acquire this information should be taken away from him. I want to say for myself that I think the Secretary of Agriculture is one of the most efficient men I have ever known. I believe absolutely in his ability and in his integrity in every way. I think if we had all Cabinet officers like him it would be well for the country. There is nothing the Senator can say on behalf of Secretary Wilson that I will not indorse.

But it is a matter of the greatest importance to the people of the Southern country, to the cotton-growing region, that we shall have at all times, when it is possible to obtain it, the most accurate information as to the probable amount of the crop which is going to be produced.

If the pending bill adds to or makes another department where additional information can be obtained, I do not think we ought to hesitate for one moment on account of the expense. I would like to have the provision remain in the bill; and if it in any way interferes with the power or the duties of the Secretary of Agriculture in what is now being done by his Department, I want it amended so that it will not have that effect. But I think the question of expense should not stand in the way of getting the fullest information possible. If we get it from two sources and it corresponds in any way approximately, it will give the greatest confidence in the information to the people of the country, and will thereby protect the cotton raisers from the imposition that has so frequently been placed upon them by persons running the price of cotton down and buying it, by which they lose what they are entitled to receive.

Mr. ALLISON. I have entire sympathy with the suggestions of the Senator from Arkansas. We ought to avail ourselves of every possible method whereby we can secure early and as accurate information as practicable about a crop that enters so largely into our own production, and which enters so largely into our exports. But I want the Senator to understand, as I understand, that in view of the fact that the other bureau, which is now a bureau in the Agricultural Department, has a complete range of the entire cotton region and not only ascertains from day to day the exact condition of the crops and the soils and production—I see the Senator from South Carolina smiles at that; it may be that it is not true?

Mr. TILLMAN. If the Senator will permit me to smile I will also smile, and then answer him.

Mr. ALLISON. I understand that it is true. It may be that I am wholly mistaken in supposing that the rainfall is gathered every day at a single hour, and that the temperature is taken at a single hour over great areas. There is the place outside the Chamber here to which we all go every morning to ascertain whether in our States the temperature is above or below zero, or whether it rains or snows, or whether there is a blasting cyclone, or what not. If that is not information, then we do not have it.

But I understand that the information, as respects agriculture, taken by the Weather Bureau goes all over our own country and elsewhere.

If that be true, then it certainly must be worth while for a cotton grower in Texas, for instance, if there is a heavy storm in that State, to know what is happening on the same day in South Carolina or Tennessee. It seems to me that that would furnish some information as to the condition of the crops. That runs along every day of the year. Now, I may be mistaken, but I understand that is furnished weekly, at least, to all the people in the country so far as it is possible to furnish it through the means of the mail.

The Secretary of Agriculture informs me that that is a very important element in ascertaining the crop. He states in this letter that when the time arrives for harvesting the crop, if I may call it a harvest, or at least transporting the cotton to the ginneries, then he has accurate data from day to day of the number of bales of cotton ginned. I take it that there is an average number of pounds in each bale.

Mr. TILLMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from South Carolina?

Mr. ALLISON. Certainly.

Mr. TILLMAN. Will the Senator point out in the agricultural appropriation bill the fund from which the Department of Agriculture gathers this information?

Mr. ALLISON. I can do so very easily.

Mr. TILLMAN. I think the Senator is very much mistaken as to any such fund being there. There is a little fund there for contingencies and one thing or another. From my own personal observation and knowledge the number of weather observers, voluntary and all of them, doing the work of taking the rainfall, the direction of the wind, the temperature, and all that kind of thing, and sending it in, are so few that that information is mainly used for the generalization as to the climatic conditions over an area of two or three States, such as we get outside of the Chamber here. For instance, the weather man here told me that we had 12 inches of snow in South Carolina last night. I presume that snow is rather a general thing when it starts in, and that we have it. He said it was at Charlotte and at Augusta. Those two towns, however, happen to be one in North Carolina and the other in Georgia, and there is no report from my own State, because there is no peg out there to represent it.

Mr. ALLISON. Is there no peg for South Carolina?

Mr. TILLMAN. I do not think there is.

Mr. ALLISON. I am very sure there ought to be.

Mr. TILLMAN. There ought to be three or four. But I will state the object I seek to accomplish. I join the Senator from Arkansas in giving all the credit possible to the present efficient Secretary of Agriculture in his efforts to give us correct information and to subserve the best interests of the farmers of the

United States. No man has any higher admiration for him than I have. But I want to serve notice that you can not get this information in any degree that will be of value, beyond a kind of intelligent guessing, except in the way proposed here.

Now, we should give the Secretary of Agriculture enough money, and I warn you it is not going to take any ten or twenty thousand dollars. I am not going to be satisfied with any postage stamps. When you come to make that appropriation I am going to ask you for a considerable sum. But if you will let this go in here, then we will give the Secretary of Agriculture something, and we will have a check. We will have two departments of the Government not conflicting, but cooperating, in obtaining information in regard to this great interest which involves, you might say, the prosperity and happiness of the entire Southern agricultural region, 25,000,000 of our people or something like that number—20,000,000 anyhow. I am not counting those in towns, engaged in other occupations.

Mr. ALLISON. I will say to the Senator that there is a general appropriation for gathering agricultural statistics which not only includes cotton, but corn and everything else.

Mr. TILLMAN. How much is that?

Mr. ALLISON. It is $150,000.

Mr. TILLMAN. That is a sweet sum to reach out over the entire United States from one end of it to the other. I said "sweet." No, it is but pitiful and contemptible to be appropriated at all. It amounts simply to giving a lot of people some circulars, and you do not recompense them for their work. You do not do anything that is at all adequate and commensurate with the interests involved; and yet everybody sneers at the Secretary of Agriculture because he can not do any better.

Mr. ALLISON. The appropriation was $130,000 in one case. What I desire to state is that there is ample authority in the existing law for the Secretary of Agriculture to take these statistics, and he has certainly had all the money he wants or all the money he has asked for. I know there has been no deficiency in the last two years.

Mr. MONEY. Will the Senator allow me to interrupt him right there? The Secretary of Agriculture has not had all the money he has wanted.

Mr. TILLMAN. Indeed he has not.

Mr. MONEY. He has made a very moderate estimate all the time. His administration has been exceedingly intelligent and efficient, but he has not had all the money he wanted. I know that a lack of sufficient appropriation caused a certain fund to be diverted from its purpose to consider questions affecting the wheat region in the Northwest.

Mr. ALLISON. That is a mere question of appropriation. I have no doubt that an ample fund will be provided for taking this census annually, as it has been taken, either in the Agricultural Department or here, or by both. It is here proposed to take it from the gins and in no other way, and the Census Office can not take it in any other way, because it does not have the machinery that the Agricultural Department has.

Mr. TILLMAM. Right there—will the Senator allow me?

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from South Carolina?

Mr. ALLISON. Certainly.

Mr. TILLMAN. After, we will say, March, the cotton of the country is practically in the hands of third parties, not in the hands of the men who grow it. It is in the hands of second parties, anyway. The price from then until September does not interest the average farmer, because he has none. Therefore, the period during which the Agricultural Department's interest and information are looked forward to—in other words, the growing period and the planting period, and all that kind of thing—is dependent upon the conditions of which I have spoken, and which involve the rise or fall of cotton in the hands of somebody other than the man who grows it; whereas in the fall, from September until Christmas, the returns from the gins of the actual out turn of a given crop, of the amount pro rata grown or returned in any given area, indicate very clearly what the final round up or summing up of the crop will be.

Mr. ALLISON. I agree to that. That is all covered now.

Mr. TILLMAN. I do not want to have any duplication of work between the Agricultural Department and the Census Bureau, and I do not want to belittle the Agricultural Department in any way, but I do declare here, now, that I am going to fight for more liberal appropriations for that Department, and I do not want anybody here to get up and sneer at it. Not only that, but I do not want those who are on the Agriculture Committee—I am not a member of the committee—to go to the other end of the Capitol and give away in conference the amendment that we may put on here.

Mr. BACON. I should like to ask the Senator from Iowa a question, with his permission. Does the Senator propose to strike out the remaining part of the paragraph; and if not, why does he propose to strike out this one provision in the paragraph and leave all the others?

Mr. ALLISON. What part?

Mr. BACON. At the bottom of page 5 is the provision the Senator proposes to strike out, and the remaining portion of the paragraph to which I refer is on page 6.

Mr. ALLISON. I will answer the Senator. The bill as it comes to us from the House proposes to collect annual statistics of the cotton production of the country as returned by the ginneries. Now, then, that confines the Director of the Census to securing certain people at the ginneries to report to him the number of bales ginned, which I agree is very valuable information. But the Secretary of Agriculture now takes it. I should be in favor of so modifying the following phrases as certainly to include cotton in the various collections that are proposed in a general way following on page 6.

Mr. BACON. Will the Senator permit me to make a suggestion as to why the present language should be retained? I do not wish to repeat what has been so well said by the Senator from South Carolina and the Senator from Arkansas as to the necessity of this provision or the desirability of it, nor as to the satisfactory manner in which the Secretary of Agriculture has performed this as well as all other duties. But the Senator from South Carolina pointed out a distinctive advantage in having this particular piece of information in addition to all the information which can be gathered from the sources indicated by the Senator from Iowa, the character of the soil, the date of the planting, the temperature, the fall of rain. All those are general, from which, as the Senator from South Carolina correctly says, an approximate guess is made. But when you get from the ginneries the number of bales or the number of pounds which have been ginned you have one criterion which the planter would peculiarly rely upon, because he could then form a very much better estimate for himself than he could get from anybody else as to all these other conditions.

Mr. ALLISON. I agree to that.

Mr. BACON. If the Senator will pardon me just a minute longer; as I understand the purpose of this bill it is that the Secretary of Agriculture shall continue in the work which he is now doing and from which there will be this general estimate made for the benefit of all parties in the country who desire to avail themselves of it, but that there shall be this particular piece of information given in order that those who are most interested in it may avail themselves of it and govern themselves thereby.

Mr. ALLISON. Mr. President, I agree that this information is not only important, but essential. However, I must differ from my friends from Georgia and South Carolina in their suggestion that it is additional information. If they want duplicate information, then this provision ought to remain, because the Secretary of Agriculture now does state the identical information.

Mr. BACON. Will the Senator pardon me for a moment? The Senator, I think, is mistaken in that statement. The Secretary of Agriculture from this source of information and from all other sources of information publishes an estimate as to the amount of the crop.

Mr. ALLISON. He does.

Mr. BACON. But, so far as I know, he does not publish separately and periodically the amount of cotton that has been ginned in the country. That is what we want by this provision. Then he can make his other estimates.

Mr. ALLISON. Of course I can not answer especially as to that.

Mr. BACON. I am quite sure he does not, and that is the information we want.

Mr. ALLISON. I understand that he does do it.

Mr. BERRY. Mr. President——

Mr. ALLISON. If the Senator will allow me just one moment, what I desire is that there shall not be duplicate work; but if those who are so largely interested in the production of cotton desire a verification of the information furnished by the Secretary of Agriculture not only from the ginneries, but from everywhere else as respects the cotton crop, then the amount proposed to be expended may be justified.

Mr. President, I now ask to have inserted in the RECORD the letter of the Secretary of Agriculture addressed to me, because in it he states that he takes this information from the ginneries.

The PRESIDENT pro tempore. The Chair hears no objection to printing the letter in the RECORD.

The letter referred to is as follows:

DEPARTMENT OF AGRICULTURE,
Washington, February 7, 1902.

SIR: I have the honor to acknowledge receipt of your letter of the 3d instant, relative to the statistical work of this Department and more particularly to its investigations of the subject of cotton production in the United States.

This work had its beginning in the year 1840, an appropriation of $1,000 having been made by Congress the preceding year "to be expended by the Commissioner of Patents for the collection of agricultural statistics and for

other agricultural purposes." During the twenty-two years that the future Department of Agriculture was merely the agricultural section of the Patent Office its statistical work was for various reasons intermittent and desultory, but since the passage of the act of May 15, 1862, establishing a separate Department of Agriculture, its continuity has been practically unbroken.

In the act in question provision was made for the employment of a statistician, and the Commissioner was required to "procure and preserve all information concerning agriculture which he can obtain * * * by the collection of statistics * * *." Thus for forty years the Division or Bureau of Statistics, as it has at different times been designated, has reported annually on agricultural production in the United States, increasing from time to time the number of products separately reported upon, successively bringing within the scope of its investigations the number and value of farm animals, the value of the more important products of the soil on the farm and in the principal markets, the cost of production, the cost of transportation, the wages of farm labor, and other proper subjects of statistical inquiry connected with the agricultural industry.

Up to 1899 the Department's statistical reports were based entirely upon returns from voluntary correspondents, reporting either directly to the Department at Washington or through its statistical agents in the several States. Crop estimates based exclusively upon these returns have, however, frequently and sometimes signally failed to keep pace with the astonishingly rapid development of our American agriculture, correspondents being insensibly biased in their statement toward an acreage and a production somewhat less than were warranted by actual conditions. For two years after his appointment the present Statistician had no official sources of information open to him other than the reports of these voluntary correspondents, and, as a result, the production in consecutive years of two unprecedentedly large cotton crops was not foreshadowed in the Department's preliminary estimates with the accuracy that has since been made obtainable by other methods.

In October, 1899, however, two special field agents (a number subsequently increased to four) were appointed and various new sources of information were made available, it being the duty of such field agents to watch carefully the development of each important crop thoughout the entire period of its growth, and to keep in close touch with the best-informed opinion in regard to conditions and prospects. The result of this addition to the Department's crop-reporting service was quickly seen in its preliminary estimate of the cotton crop of the year 1899-1900, which, though made as early as December 1, 1899, proved to be within 1 per cent of the actual crop, as determined by its subsequent movement.

The following year the Department began the collection of cotton statistics from ginners, making up for that purpose, through its various agencies, the most complete list of ginneries that is to-day in existence. Then followed the Department's preliminary estimate of the cotton crop of 1900-1901, which, like its immediate predecessor, was subsequently demonstrated to have been within one or two bales in each hundred of the crop actually produced.

In this connection I desire to invite your attention to certain statements that have been made in justification, as is alleged, of the continued collection of cotton statistics from ginners by another office of the Government. It is stated in the report of the Census Committee of the House of Representatives on the bill for the organization of a permanent census bureau that an annual census of cotton production, to be obtained from the reports of cotton ginners, would be a "continuance of work already twice done by the temporary Census Office with results of the most gratifying character, enabling the country to know at an early date the exact dimensions of the annual cotton crop with a greater accuracy than has been possible heretofore," and during the discussion of the census bill in the House of Representatives, on Thursday, January 30, 1902, Representative KLUTZ, a member of the committee, said:

"There has never been for the Southern cotton planter—and I represent in part at least a cotton-growing constituency—anything worth so many million dollars to the Southern planter as the cotton statistics which have been taken by the Census Bureau." (See CONGRESSIONAL RECORD, p. 1151.)

Now, as a matter of fact, neither of the census reports in question added a single dollar to the value of the crop to which it related or was of the slightest benefit either to the actual producer or to Southern commercial interests in general. Neither of them was issued until the crop reported upon had been sold, two-thirds of it was in the hands of European manufacturers, and the interest of the producer was wholly transferred to the crop of the succeeding year.

The first of these two census reports was for the cotton year 1899-1900, and it was not issued until March 5, 1901, six months after the completion of the commercial year and fifteen months after the Department of Agriculture had published an estimate of the same crop, demonstrated, as already stated, to have been within 1 per cent of the actual production.

The second of the two reports was for the cotton year 1900-1901. This was issued September 28, 1901, nine and one-half months after the Department of Agriculture had issued for the same crop an estimate so accurate that its subsequently ascertained close agreement with the actual production was commented upon throughout the entire cotton world as a marvel of statistical forecasting.

It is the reports of this Department, not those of the Census, that have been of value to the South the last two years. The investigations carried on simultaneously by the two officers have not, however, always been clearly differentiated even by the ginners themselves, and it is perhaps scarcely to be wondered at that there should have been some inequitable distribution of whatever credit attaches to the work.

In one important particular the Department of Agriculture has a great advantage over the Census Office as regards the collection of statistics from ginners. This consists in the fact that the Department is not exclusively dependent upon such statistics, but utilizes them in connection with reports from other agencies. It is always difficult, and in most cases impossible, to obtain by correspondence complete statistics concerning the operations of any industry so extensive as that of cotton ginning; and the department that can utilize such statistics as may be obtainable in connection with statistical data received from other sources and can compile and publish them promptly is surely the one that can use them to the best advantage.

In the preparation of his cotton report of December 3 last the Statistician of the Department had returns from: (1) Correspondents reporting each for his county on information systematically collected; (2) correspondents reporting each for his own precinct; (3) correspondents reporting through a salaried representative of the Department, known as a State statistical agent, who analyzes and coordinates their work; (4) correspondents consisting exclusively of planters and reporting only as to their own plantations; (5) correspondents consisting exclusively of ginners, and not only reporting the number of bales ginned between August 15 and November 20, in 1901 and 1900, with the average gross weight per bale and the average weight of bagging and ties, but also reporting as to the average yield of cotton per acre in their respective localities; (6) correspondents consisting exclusively of bankers and merchants; and, lastly, (7) the Department's special field agents, absolutely unrestricted, as I have said, as to the sources of information obtained by them for the official use of the Department.

These are the agencies that enable the Department to make accurate estimates of the cotton production of the South when such estimates are of value to the planter. The reports received from them, numbering many thousands for each estimate, are not dealt with in mass, but those of each class are separately tabulated with a view to the determination, for the Department's future guidance, of their respective approximations to accuracy.

Various improvements have been made during the last two years in the Department's methods of estimating the acreage and production of wheat, corn, and other principal crops, and it is my confident expectation that its estimates of every important product of the soil, as well as of live stock and animal products, will, in the very near future, be found to be as close approximations to the actual production as are now its estimates of the cotton crop.

The total appropriation for the statistical work of the Department for the last completed fiscal year was $149,160, of which $15,000, approximately, was used, as provided in the appropriation bill, in investigations concerning the feasibility of extending the demands of foreign markets for the agricultural products of the United States, leaving $134,160 for the general statistical work of the Department. Of this amount $35,000, approximately, was paid for work done outside of Washington by State statistical agents, cotton agents, and special field agents, and $87,000, approximately, was expended for the tabulation of the 2,500,000 reports received during the year and in the preparation of the various statistical publications issued by the Department.

It is impossible to determine the separate cost either of collecting or tabulating the statistics of any particular product, but I may state that during the calendar year 1901 cotton was reported upon seven times, wheat eight times, corn and oats each six times, and barley, rye, buckwheat, hay and grass, potatoes, tobacco, fruit, rice, and other products from two to eight times each.

I wish to say to you, in conclusion, that the labor involved in the making of crop estimates is very greatly increased by the extreme precautions that are taken to render impossible the premature disclosure of official information. For many years past, if not throughout the entire period during which the Department has been issuing these estimates, there have been allegations at more or less frequent intervals that such improper disclosures had occurred, and while such charges are now much less frequent than in former years and rarely fail to carry with them their own refutation, they still recur at intervals and will probably continue to do so.

Occasionally there are offered for sale on one or another of the exchanges figures alleged by their possessors to have been privately secured from some employee of the Department. A claim of this sort put forth in December, 1900, was urged with such vehemence and persistency that I deemed it proper to have it investigated by officers of the Secret Service, who found it to be without a shadow of foundation. On other occasions the object aimed at is a temporary disturbance of prices, of which advantage can be taken by those engineering it. A conspicuous illustration of this particular form of the evil occurred on October 3 last, when a rumor was circulated on the New York Cotton Exchange that the Government report on cotton, to be issued at 12 o'clock at noon, would indicate a crop 67 per cent of the normal.

The industrious spreading abroad of this rumor, with a certain affectation of confidence in its authenticity, caused a fall of 55 cents per bale in the price of cotton. When the official report was published it was found to indicate only 61 per cent of a normal crop, and not only was the decline in price at once overcome, but cotton advanced $1 per bale from the opening quotations of the day. On still other occasions the allegation that certain persons received the Department's estimate in advance of its regular publication has been part of a systematic effort to weaken the effect of the official report on the market. This was resorted to in December last with great boldness and persistency. At that time unusually wide differences of opinion existed in the commercial world as to the size of the cotton crop. There were persons who believed that the crop was one of the largest ever grown and others who placed it at considerably below the world's estimated requirements.

The information received by this Department from a great variety of sources was such as to leave absolutely no room for doubt that the crop was a very short one, and on the publication of the official report the price of cotton advanced rapidly. The accuracy of the Department's last two annual estimates rendering it impossible to discredit its figures by any legitimate methods, recourse was had by persons interested in keeping down the price of cotton to the most frivolous and contemptible of devices, culminating only a few days ago in the cabling to Liverpool of a statement so utterly false and malicious as to have excited universal reprobation. The position of the Department, however, is absolutely unassailable, since with regard to the more important crops no approach to a definite estimate can possibly be made until within one or two hours of the time fixed for its publication. The final computations are made by the Statistician personally, even when, as on several occasions, including December 2-3 last, this precaution involves an entire sacrifice of rest on his part for the thirty-six hours preceding the publication of the report.

The manner in which such publication is effected is as follows: At 12 o'clock at noon on the third day of each month during the growing season of cotton and at 4 o'clock in the afternoon on the tenth day of each month during the growing season of other principal crops there is simultaneously handed to all applicants and to the Western Union Telegraph Company and the Postal Telegraph-Cable Company, for transmission to the exchanges and the press, a mimeographed statement containing such estimates of conditions, prospects, or actual production as may be proper at that particular season of the year, together with the corresponding estimates of former years for comparative purposes. The same afternoon, in the case of cotton, a printed card containing the most important points of the report is mailed to 24,000 post-offices in the Southern States for public display, and within twenty-four hours, in the case of products other than cotton, a similar card is mailed to every post-office in the country, thus placing the latest available information within the farmers' immediate reach.

Very respectfully,

JAMES WILSON,
Secretary.

Hon. W. B. ALLISON,
United States Senate.

Mr. BERRY. Now, will the Senator from Iowa permit me?

Mr. BACON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Arkansas?

Mr. ALLISON. I yield to the Senator from Arkansas, and then I will yield to the Senator from Georgia.

Mr. BERRY. I wish to ask the Senator from Iowa not to insist on striking out this clause. It is admitted that the cost will not be great. I wish to make this suggestion: It is not only important that we shall have accurate information, but it is important that when that information is given out the whole country will believe it is true information.

The Senator will understand that while nobody who is acquainted with the Agricultural Department doubts the entire honesty and integrity of it, yet if that information could be supplemented by this additional information, and it should correspond and produce the results probably as estimated by the Secretary of Agriculture, it would tend largely to fix in the minds of all the people, both the farmers and the speculators, the probable amount of the crop, and would thereby, I think, be of great benefit to the planters in the South. It is admitted that the cost will not be much, and I hope that the Senator will not insist on striking it out of the bill.

Mr. QUARLES. Mr. President, I wish to put before the Senate in a very few words this whole matter in a nut shell. It is a matter concerning which I have no personal feeling whatever, and I concede that gentleman upon the other side of the Chamber ought practically to settle this question; but it ought to be settled in the light of the facts.

I am not willing that my distinguished friend from Iowa and the Senator from South Carolina should enter into a stipulation here to take away from the Census Bureau its legitimate work and transfer it to the Agricultural Department. I hold in my hand the two publications, the last publications, one by the Agricultural Department and the other by the Census Office. They convey the very information that the Senate desire.

Mr. ALLISON. What are the dates of each?

Mr. QUARLES. They are for the same year.

Mr. ALLISON. I mean the dates of the publication.

Mr. QUARLES. I will give the date. The work that the Census Office does is an enumeration pure and simple. That is the legitimate business of the Census Bureau. The work that the Agricultural Department does is an estimate. I call attention to the statement made by the Secretary of Agriculture in this last publication. He says:

> In estimating the crop of the States and Territories, the Department has followed its usual method, the statistical data used being furnished by the officials of the rail and water lines that have transported cotton from the States of production, by the officials of the mills located in those States, and by special agents of the Department at the Southern ports and important receiving points in the interior.

Then if you look at the reports from the mills——

Mr. ALLISON. Will the Senator give me the date of that report, if he can.

Mr. QUARLES. I will, sir. It was printed in 1901, and it is entitled the "Cotton Crop of 1899 and 1900."

Mr. ALLISON. I know, but what is the date of the statement?

Mr. QUARLES. The date of this paper is January 31, 1901. Now, when you look to the mills you will find that each one of those cotton mills manufactures cotton from various States, so that in order to get this estimate they have to separate the cotton that comes from Georgia, for instance, from the cotton that the Georgia mills derive from other States. So it is an estimate pure and simple.

On the other hand, the Census Bureau sends enumerators to the cotton gin and they get the actual weight in pounds of the cotton. While the Agricultural Department deals with States alone, the Census Bureau deals with counties, so that the Census Bureau furnishes the number of pounds, not the number of bales, because a cotton bale is an uncertain thing now. Here you have the number of pounds from each county in the State. There is no estimate of it, because, as everyone knows, cotton is ginned the same year that it is grown, whereas in the estimate made by the Agricultural Department at the mills and at the wharves there may be some of the last year's crop which has been held over.

Inasmuch, Mr. President, as this work is strictly enumeration, it belongs to the Census Bureau; that is its function, and I think that the statistics the Census Bureau gives are much more accurate. My friend says that the Census Bureau confines itself to the gins. That is true. Why? Because the Census Bureau went one year to the plantations by enumerators, and found out from each plantation in each one of the Southern States exactly the amount of cotton that was raised. Then it took the reports of the ginneries, and it found out by that method that the reports of the ginneries were absolutely accurate. For that reason it is that the Census Bureau has confined itself to the gins, because by experience that method has been found to be entirely accurate. I am told by the Director that with the permanent census force he will be able to give to the country in May or June of each year full statistics of the preceding year, whereas by the process of estimation there is no basis for estimation until the end of the fiscal year, which is the 31st of August or the 1st of September.

Mr. TILLMAN. Will the Senator allow me to correct him there?

Mr. QUARLES. Certainly.

Mr. TILLMAN. As I stated a moment ago, the cotton crop matures and is practically through with any process of growth by the middle of October. Of course, the frost sometimes will cut a figure in the yield, because the late bolls which are frost-bitten will not open; but ordinarily the cotton crop is done its growth, is ready to be gathered, and is largely already in the ginhouses or other receptacles by the last of October.

Any data coming from any source whatsoever as to the amount of cotton raised in this last year, for instance, that does not reach the cotton planter when the cotton is being ginned and marketed are no good. What we want is correct information in the months of September, October, November, and December as to the probable outturn of a given crop, because upon that will depend the price which we can command.

If we have made eleven and one-half million bales, we will expect to get a low price, but if we have made but 10,000,000 bales, we will demand and receive, when we know we have got no higher yield than that, a fair price, a remunerative price, and it is to obtain this information in time to be of use to us that I am anxious. It would be absolutely useless, it would be stale and dead, and of no earthly value to anybody if obtained in May. I have an amendment here, which I propose to offer, requiring the Census Bureau to issue monthly bulletins, commencing with the 1st of October, when we will have ginned, you may say, the cotton picked in the month of September and the last of August, and then on down every thirty days, so that when we have had the returns from some authentic source as to the amount of cotton ginned, we can determine by percentages just about what the crop is going to be; for, as I said, that amount is about as regular every year as the ebb and flow of the tide in the ocean.

We have no use for any statistics in May or April. There are very few people who have any cotton in May, except the speculators—those who bought it in the fall and in the early winter at a reduced price, which they brought about by declaring a large crop had been raised and manipulating the sources of information. I am not, of course, including the Agricultural Department in this. But the necessity for accurate information, or of forbidding speculating in futures, which this Senate has refused to do, though the other House passed such a bill some years ago, but through influences in New York, which were then dominant, and seem to be dominant still, forbidding any legislation to prohibit anyone selling ahead agricultural products—I say, unless you can do one or the other the farmers will be absolutely at the mercy of these sharks.

Mr. QUARLES. Mr. President, I was about to suggest that I fully concur in all that has been said as to the great value and efficiency of the work of the Agricultural Department under its present management, and while I do not know enough about the cotton crop or its production to give an intelligent opinion, it has seemed to me that there was room for the work both of the Census and the Agricultural Department.

Mr. TILLMAN. That is exactly what I want, so that they will be a check on each other.

Mr. QUARLES. Mr. President, let the Agricultural Department get these statistics from month to month and apprise the planters and dealers of the conditions and the best estimates that can be given; then let the Census Bureau supplement that by an actual enumeration, and get those schedules out as quickly as possible. Then, I think, you will have exactly what you want, and everybody will be satisfied.

Mr. TILLMAN. That is right.

Mr. QUARLES. What I am tenacious of is the prerogative of the Census Bureau. Enumeration belongs to it, and when anyone seeks to take away from it and to deposit in another bureau strictly enumeration work I feel bound, as chairman of the Committee on the Census, to object to it; but let the two be harmonious and work together, and you will not get any more statistics than you want, and each will help the other.

Mr. ALLISON. Mr. President, what I object to in this matter is that the provision here is not enumeration work. The Senator from Wisconsin read from a bulletin of the Agricultural Department of January 31, 1901, and then he read a statement from the Census Office, saying that one method was accurate and the other was not. The bulletin of January 31 was a bulletin which has engaged the attention of the Bureau having that matter in charge respecting a very different thing than the production of cotton. That bulletin, at the time when it was issued, was intended to show how the cotton crop was moving which had already been produced, and all these statements were taken for the purpose of verification.

What the Senator from South Carolina says is exactly true—that in May, or even in April, of this year information as to the crop of last year is of no more value to the producers or to the merchants in any of the Southern States than is last year's almanac, and not so much.

If I understand the movement of the cotton market, practically all the cotton is marketed, either in our own country or in Europe, before April of the year following its production; and what is not marketed is held for speculation or held for contingencies as to the crop that is to come.

Mr. TILLMAN. That is right.

Mr. ALLISON. Therefore, no information that comes in April or in May, such as the Director of the Census said he would furnish, will be of any value whatever to anybody. What is wanted is a quick statement from the cotton gins; and I venture to say—and the Senator from South Carolina will correct me, if am mistaken—that practically every bale of cotton grown in 1901 was baled *prior* to the middle of January, 1902, at the cotton gins, or probably before the middle of December. Am I right about that?

Mr. TILLMAN. Cotton ginning is nearly always completed by Christmas. There may be some little delay somewhere in the Mississippi Valley. On those rich Western lands they can not get through picking until away along toward the end of February.

Mr. ALLISON. The minute the last bale of cotton is ginned, the bureau having such subjects in charge should be able to show the result of that ginning, and it should be done by the 1st of January.

The Secretary of Agriculture shows in a letter, which I asked to have printed, and which ought to be printed, that by the middle of December, or about that time, he has all the returns from all the ginneries, and therefore he gives that information in his bulletins. Then he goes on after that and ascertains from boards of trade and from the great markets where cotton is bought and sold how much of that estimated production from the ginneries *is being* marketed, so that when May or June comes he will be able also to verify the amount produced as shown by the ginneries, and will be able also to make an estimate of what cotton will be carried over from one year into the next year, and thus affect the price of the product that is grown during the succeeding year.

The Senator must not accept a statement from the report which he has taken as an illustration of what is now proposed by this bill. That statement as respects cotton was taken by the enumerators in 1900 going from farm to farm and from house to house; of course they finally did the same thing with the ginneries. I have the statement here somewhere, taken from one of the reports of the Secretary of Agriculture, that he delayed his report of 1901 as to the final estimate of the amount of cotton produced in that year in order that he might receive from the Census Bureau the report of the Director, who had made a farm-to-farm canvass.

Unless you make such a canvass, you must rely upon the ginneries; and if you rely upon them, you get accurate information by a very cheap method. That is what the Secretary of Agriculture is now doing. To say that this is an enumeration and therefore applies to the Census Bureau, I submit to my friend from Wisconsin, is far from what are the facts in the case. We are not enumerating. There is not a line in this bill, except as to other classes of statistics, which is an enumeration.

I suppose the next step will be to have the Census Office make an enumeration of the production of corn, as well as of cotton. When I first saw this bill I wondered why it was that cotton should be included and corn and wheat omitted——

Mr. TILLMAN. Mr. President——

Mr. ALLISON. The Senator will pardon me. I like him very well, perhaps too much, but I want to go on and finish my sentence.

I very soon saw the reason was that cotton, unlike corn, unlike wheat, and unlike almost any other farm product, had to be used up in factories, and therefore, in the nature of its production and use, it always finds a quick market; so that the cotton produced last year is practically all now in the course of being sold or practically has all been sold by the people who grew it.

Mr. TILLMAN. Will the Senator allow me a word there? It is so very seldom that I can get an opportunity to give information to my wonderful friend from Iowa that I am very proud when the opportunity offers.

Mr. ALLISON. I am very glad to have the Senator give me information.

Mr. TILLMAN. It is this, that cotton as it comes from the field in its first stage has to go through another manipulation before it is marketable, whereas corn does not—at least, you begin at once to use the corn by feeding it to your hogs, your horses, your beef cattle, and your other live stock about the farm, and you may not sell a pound of it; but every pound of cotton has to be ginned before it can be used at all.

Mr. ALLISON. I knew that.

Mr. TILLMAN. I beg his pardon—of course the Senator knew it, but he did not state it a moment ago.

Mr. QUARLES. I ask unanimous consent that the pending bill may be considered by the Senate immediately after the executive session on Monday; and that in the meantime the bill be reprinted with all the amendments that have been adopted.

Mr. TILLMAN. I should like to offer an amendment.

Mr. QUARLES. This does not cut off any amendment.

Mr. TILLMAN. I know, but my amendment is to perfect the bill; otherwise I have got to vote against it, and I want to help the Senator to get the ginning business straight.

Mr. CLAY. I hope the Senator from Wisconsin [Mr. QUARLES] will accept the amendment of the Senator from South Carolina [Mr. TILLMAN], which covers the very objection made, and which has been very forcibly stated by the Senator from Iowa [Mr. ALLISON].

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The Chair will state that there is one amendment pending.

Mr. CLAY. Cotton does not begin to mature until about the first of September. We begin picking and ginning it in the latter part of September, and continue picking and ginning during September, October, November, and December. So any report in May afterwards would be of no service; but if this bill should provide for a monthly report during the ginning seasons of the year it would be of great value.

Mr. QUARLES. I will be pleased to accept the amendment.

Mr. CLAY. I am sure the Senator from Wisconsin is exceedingly anxious to perfect this feature of the bill. I will say just a word. One year there was a mistake made in estimating the crop by Mr. Neil of 1,500,000 bales more than we made. He estimated entirely too large a crop. Cotton went down nearly 2 cents per pound. So soon as the real facts were ascertained it immediately advanced, but the farmers of the South lost a great deal by reason of that miscalculation.

Mr. TILLMAN. If the Senator in charge of the bill will permit, I will offer my amendment as a substitute for the amendment offered by the Senator from Iowa [Mr. ALLISON]. My amendment is to perfect the text of the bill, and his amendment is to strike out.

Mr. ALLISON. My amendment is to strike out.

The PRESIDING OFFICER. The amendment proposed by the Senator from South Carolina [Mr. TILLMAN] will be stated.

The SECRETARY. In section 9, on page 6, line 1, after the word "ginners," it is proposed to insert:

And bulletins giving the results of the same shall be issued monthly, beginning October 1 of each year and continued till March 1 following.

The PRESIDING OFFICER. Does the Senator from Iowa withdraw his amendment temporarily in order to enable the Senator from South Carolina to propose his amendment?

Mr. COCKRELL. The amendment is in order. It is intended to perfect the text.

Mr. ALLISON. I will withdraw my amendment with great pleasure.

The PRESIDING OFFICER. It is to amend the text, the Chair understands.

Mr. BERRY. The Senator from Wisconsin agreed to accept the amendment.

The PRESIDING OFFICER. The Senator from Wisconsin may agree to accept the amendment, but the Senate will have to vote upon it.

Mr. BERRY. He asked unanimous consent.

Mr. QUARLES. I asked unanimous consent that the bill might be considered after the executive session on Monday.

The PRESIDING OFFICER. The Chair has not yet put the request. The Senator from South Carolina, as the Chair understands, desires a vote on his amendment.

Mr. TILLMAN. No; the amendment is accepted by the chairman of the committee.

The PRESIDING OFFICER. It can not be accepted. The amendment can not be acted on without a vote.

Mr. QUARLES. Let it be printed.

The PRESIDING OFFICER. The Chair will put to the Senate the request of the Senator from Wisconsin, if he will restate it.

Mr. QUARLES. I ask unanimous consent for the consideration of the bill known as the permanent census bill immediately after the executive session shall be concluded on Monday, and that in the meantime the bill, with all pending amendments and all amendments which have been adopted, shall be printed.

The PRESIDING OFFICER. Is there objection to the request made by the Senator from Wisconsin? The Chair hears none, and that order is made.

Mr. HANSBROUGH. I wish to offer an amendment simply for the purpose of having it printed. The amendment has heretofore been read. I ask that it be printed and be pending.

The PRESIDING OFFICER. The amendment proposed by the Senator from North Dakota [Mr. HANSBROUGH] will be ordered to be printed in the absence of objection.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 11th instant approved and signed the act (S. 74) to authorize the Southern Missouri and Arkansas Railroad Company to build a bridge across the Current River in Arkansas.

The message also announced that the President had on the 14th instant approved and signed the act (S. 1747) to prevent the sale of firearms, opium, and intoxicating liquors in certain islands of the Pacific.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 307) granting an increase of pension to John L. Branson;

A bill (H. R. 366) granting an increase of pension to Edward M. Kannouse;

A bill (H. R. 597) granting a pension to Adella C. Chandler;

A bill (H. R. 668) granting an increase of pension to Henry N. Tracy;

A bill (H. R. 898) granting an increase of pension to Alfred Bolton;

A bill (H. R. 969) granting a pension to Silas H. Cronk;

A bill (H. R. 1018) granting an increase of pension to George C. Leighton;

A bill (H. R. 1280) granting a pension to Lizzie A. Campbell;

A bill (H. R. 1350) granting an increase of pension to Joseph W. Grant;

A bill (H. R. 1529) granting an increase of pension to John G. Brower;

A bill (H. R. 1796) for the relief of Hiram Cronk;

A bill (H. R. 1808) granting an increase of pension to William M. Strope;

A bill (H. R. 1852) granting an increase of pension to James A. Edmonds;

A bill (H. R. 2124) granting an increase of pension to Dewit C. McCoy;

A bill (H. R. 2175) granting an increase of pension to Kephart Wallace;

A bill (H. R. 2219) granting an increase of pension to Francis M. Gilman;

A bill (H. R. 2225) granting an increase of pension to James Morris;

A bill (H. R. 2273) granting a pension to Martha A. De Lamater;

A bill (H. R. 2465) granting an increase of pension to James F. Charlesworth;

A bill (H. R. 2547) granting an increase of pension to William M. Guy;

A bill (H. R. 2609) granting a pension to Lizzie C. Young;

A bill (H. R. 2673) granting an increase of pension to John Vale;

A bill (H. R. 2786) granting an increase of pension to William K. Hoffman;

A bill (H. R. 3272) granting an increase of pension to Israel P. Covey;

A bill (H. R. 3412) granting an increase of pension to William H. Pierce;

A bill (H. R. 3422) granting an increase of pension to James D. Elderkin;

A bill (H. R. 3515) granting a pension to Mary A. House;

A bill (H. R. 3688) granting an increase of pension to John Gagan;

A bill (H. R. 3694) granting a pension to Benjamin Wylie;

A bill (H. R. 3747) granting an increase of pension to William R. Underwood;

A bill (H. R. 3769) granting a pension to Susan Terry;

A bill (H. R. 4035) granting an increase of pension to Elias Longman;

A bill (H. R. 4084) granting an increase of pension to Charles H. Wickham;

A bill (H. R. 4115) granting an increase of pension to William Eugas;

A bill (H. R. 4209) granting a pension to Thomas Butler;

A bill (H. R. 4488) granting an increase of pension to Selden E. Whitcher;

A bill (H. R. 4827) granting an increase of pension to Charles H. Baker;

A bill (H. R. 5073) granting a pension to Christina Daniels;

A bill (H. R. 5160) granting an increase of pension to James Harper;

A bill (H. R. 5218) granting an increase of pension to Joel Metz;

A bill (H. R. 5247) granting an increase of pension to Richard Fristoe;

A bill (H. R. 5261) granting an increase of pension to John H. Coates;

A bill (H. R. 5289) granting a pension to Malvina C. Stith;

A bill (H. R. 5521) granting a pension to Abbie E. Webster;

A bill (H. R. 5714) granting an increase of pension to Lucy B. Bevis;

A bill (H. R. 5862) granting an increase of pension to Rollin Tyler;

A bill (H. R. 5863) granting an increase of pension to Benjamin Brittingham;

A bill (H. R. 5957) granting an increase of pension to Wright H. Auchmoody;

A bill (H. R. 5959) granting an increase of pension to Francis Pearson, alias James F. Pearston;

A bill (H. R. 6014) granting an increase of pension to William Rheuby;

A bill (H. R. 6018) granting a pension to Lue Emma McJunkin;

A bill (H. R. 6487) granting a pension to Kazier Washburn;

A bill (H. R. 6515) granting an increase of pension to Carleton A. Trundy;

A bill (H. R. 6861) granting an increase of pension to Joseph K. Ashby;

A bill (H. R. 6869) granting a pension to M. Callie Glover;

A bill (H. R. 6873) granting an increase of pension to Sarah Maley;

A bill (H. R. 7074) granting a pension to Benjamin F. Draper;

A bill (H. R. 7144) granting an increase of pension to John L. Smith;

A bill (H. R. 7237) granting an increase of pension to Eva H. McColley;

A bill (H. R. 7308) granting an increase of pension to Mary Morley;

A bill (H. R. 7341) granting a pension to Elizabeth W. Simmons;

A bill (H. R. 7432) granting a pension to Charles A. Sheafe;

A bill (H. R. 7823) granting an increase of pension to Jacob D. Caldwell;

A bill (H. R. 7907) granting an increase of pension to Alice M. Ballou;

A bill (H. R. 7968) granting a pension to Norris L. Lungren;

A bill (H. R. 7997) granting an increase of pension to Henry Burns;

A bill (H. R. 8269) granting an increase of pension to James R. McClellan;

A bill (H. R. 8293) granting a pension to Amanda Jacko;

A bill (H. R. 8304) granting an increase of pension to Angeline Murray;

A bill (H. R. 8306) granting an increase of pension to Thomas W. Robinson;

A bill (H. R. 8486) granting a pension to Annie S. Hummel;

A bill (H. R. 8493) granting a pension to Harry H. Sieg;

A bill (H. R. 8541) granting an increase of pension to Mahlon C. Moores;

A bill (H. R. 8620) granting a pension to Thomas Hall;

A bill (H. R. 8954) granting an increase of pension to Alfred N. Mosier;

A bill (H. R. 9161) granting an increase of pension to John W. Taylor;

A bill (H. R. 9220) granting an increase of pension to John S. Hunter;

A bill (H. R. 9227) granting an increase of pension to Frederick Shafer;

A bill (H. R. 9383) granting a pension to Narcissa Tait; and

A bill (H. R. 9670) granting an increase of pension to Aaron C. Badger.

AMENDMENT TO LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. NELSON. I submit an amendment intended to be proposed by me to the legislative, executive, and judicial appropriation bill, which I move be referred to the Committee on Appropriations and printed.

The motion was agreed to.

Mr. ALLISON. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 27 minutes p. m.) the Senate adjourned until Monday, February 17, 1902, at 12 o'clock meridian.

SENATE.

MONDAY, *February 17, 1902.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. FOSTER of Washington, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

EDWARD A. M'ILHENNY.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of March 1, 1901, a letter from First Lieut. D. H. Jarvis, Revenue-Cutter Service, relative to the petition, account, and evidence of Edward A. McIlhenny, in which he recommends that the sum of $4,785.55 be paid Mr. McIlhenny for his expenses and services in caring for shipwrecked sailors in the Arctic Ocean in the years 1897 and 1898; which, on motion of Mr. MCENERY, was ordered to lie on the table, and be printed.

TERMS OF MEMBERS OF THE HAWAIIAN SENATE.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the acting governor of the Territory of Hawaii, together with a letter from the governor of that Territory, both relating to the manner of determining who of the 15 members of the senate of that Territory and elected at the first election shall hold office for the term of two years and who for the term of four years; which, with the accompanying papers, was referred to the Committee on Pacific Islands and Porto Rico, and ordered to be printed.

BRIG MERCURY.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims, set out in the findings by the court relating to the vessel brig *Mercury*, George Lee, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

MABEL H. LAZEAR.

The bill (H, R. 6926) granting a pension to Mabel H. Lazear was read twice by its title.

Mr. GALLINGER. Mr. President, the Senate passed a bill in identical terms with that bill, and I ask unanimous consent that it be put upon its passage. I shall then ask that the Senate bill be reconsidered and indefinitely postponed.

The PRESIDENT pro tempore. The Senator from New Hampshire asks that the bill receive present consideration, a bill of the same tenor having already passed the Senate. Is there objection?

There being no objection, the bill was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mabel H. Lazear, widow of Jesse W. Lazear, late acting assistant and contract surgeon, United States Army, and to pay her a pension at the rate of $17 per month and $2 additional for each of the minor children of the said Jesse W. Lazear until they shall have reached the age of 16 years.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. GALLINGER. I move to reconsider the votes by which the bill (S. 358) granting a pension to Mabel H. Lazear was ordered to a third reading and passed.

The motion to reconsider was agreed to.

Mr. GALLINGER. I move that the bill be indefinitely postponed.

The motion was agreed to.

KATE VIRGINIA DEWEY CUSHING.

The bill (H. R. 9312) granting an increase of pension to Kate Virginia Dewey Cushing was read twice by its title.

Mr. GALLINGER. Mr. President, this bill is in precisely the same condition as the bill which has just been acted upon. The Senate has passed a bill in identical terms, carrying the same rate of pension. I ask for the present consideration of the House bill.

There being no objection, the bill was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Kate Virginia Dewey Cushing, widow of Samuel T. Cushing, late brigadier-general, United States Army, and to pay her a pension at the rate of $50 per month in lieu of that which she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. GALLINGER. I move to reconsider the votes by which the bill (S. 2502) granting an increase of pension to Kate Virginia Dewey Cushing was ordered to a third reading and passed.

The motion to reconsider was agreed to.

Mr. GALLINGER. I move that the bill be indefinitely postponed.

The motion was agreed to.

PETITIONS AND MEMORIALS.

Mr. PLATT of New York. I present a petition of the Chamber of Commerce of New York, in which they represent "that the conditions at present existing upon the island of Cuba are such that unless some prompt measures of economic relief shall be applied distress and suffering among a large part of the population of the island will inevitably follow, leading to increased disaffection, political dissension, and general lawlessness." The petition makes various other representations. I move that it be referred to the Committee on Finance.

The motion was agreed to.

Mr. PROCTOR presented petitions of Jarvis Post, No. 43, of Springfield; of Isaac Blake Post, No. 104, of West Charleston, and of J. J. Hale Post, No. 66, of Ripton, all of the Department of Vermont, Grand Army of the Republic, in the State of Vermont, praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which were referred to the Committee on Naval Affairs.

Mr. BURNHAM presented petitions of the Woman's Christian Temperance unions of Portsmouth, Lakeport, Dover, Gonic, Derry, and of John B. Pike and 33 other citizens of Lebanon, all in the State of New Hampshire, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

Mr. NELSON presented sundry affidavits in support of the bill (S. 2505) granting an increase of pension to John Barnard; which were referred to the Committee on Pensions.

He also presented a petition of Flour City Division, No. 494, Brotherhood of Locomotive Engineers, of Minneapolis, Minn., and a petition of Division No. 395, Brotherhood of Locomotive Engineers, of Duluth, Minn., praying for the passage of the so-called Hoar anti-injunction bill to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases; which were referred to the Committee on the Judiciary.

He also present a petition of the Commercial Club of Minneapolis, Minn., praying for the appointment of a commission to ascertain what products of our farms, mills, and workshops may be sold in China and Japan, with a view to increasing the use and consumption of American products in those countries; which was referred to the Committee on Commerce.

He also presented a memorial of the Jobbers' Union, American Federation of Labor, of St. Paul, Minn., remonstrating against the enactment of legislation enlarging the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented the petition of W. H. Pierce and 147 other citizens of St. Paul, Minn., praving for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

Mr. FOSTER of Washington presented a petition of the Western Central Labor Union, of Seattle, Wash., praying for the reenactment of the Chinese-exclusion law; which was referred to the Committee on Immigration.

Mr. CULLOM. I present a series of resolutions adopted by the American Chamber of Commerce of Paris, France, at its annual meeting held in Paris January 18, 1902, signed by the president and secretary thereof, favoring the ratification of the pending reciprocity treaty between the United States and France. As the resolutions are brief, I ask that they may be read and referred to the Committee on Foreign Relations.

There being no objection, the resolutions were read, and referred to the Committee on Foreign Relations, as follows:

Resolutions adopted by the American Chamber of Commerce of Paris at its annual meeting January 18, 1902.

Whereas the American Chamber of Commerce of Paris did, at its annual meetings of 1900 and 1901, adopt resolutions expressing its appreciation of the advantages of a reciprocity treaty between France and the United States; and

Whereas after careful investigation and mature consideration it is more than ever convinced that a reciprocity treaty as proposed would surely tend to largely develop and increase the commercial relations and exchanges between France and the United States, and would prove most beneficial to the industries of the United States: Now, therefore, be it

Resolved, That the American Chamber of Commerce of Paris, in general meeting assembled on January 18, 1902, again calls attention to the supreme importance it attaches to the ratification of the proposed treaty and expresses its most earnest hope that the Governments of both France and the United States, in order to thus foster the development of the commercial relations between the two countries, will now promptly ratify the reciprocity treaty, as signed by their representatives June 24, 1899; and be it further

Resolved, That a copy of the above resolution be sent to the chairman of the Committee on Foreign Relations of the United States Senate.

Paris, February 7, 1902.

[SEAL.]

FRANCIS KIMBEL, *President*.
WILLIAM S. DALLIBA, *Secretary*.

Mr. CULLOM. I present a petition, signed by a large number of distinguished citizens of Chicago, in my State, praying that such provision be made for the collection of statistics of and relating to marriage and divorce as shall bring the report on the subject by the Department of Labor down to the latest practicable date. I move that the petition lie on the table, the provision referred to having been incorporated in the pending bill to provide for a permanent Census Office.

The motion was agreed to.

Mr. LODGE presented a petition of 100 citizens of Attleboro, Mass., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

Mr. McMILLAN presented a petition of the State Farmers' Institute of Monroe County, Mich., praying for the retention of the duty on sugar imported from Cuba; which was referred to the Committee on Finance.

He also presented petitions of V. O. Bretz Post, No. 382, of Lake Odessa, and of O. D. Jackson Post, No. 326, of Potterville, Department of Michigan, Grand Army of the Republic; of Tobacco

Workers' International Union No. 13, of Detroit; of Typographical Union No. 186, of Muskegon; of International Longshoremen's Local Union No. 53, of Traverse City, and of Longshoremen's Local Union No. 130, of Mackinac Island, all of the American Federation of Labor, in the State of Michigan, praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which were referred to the Committee on Naval Affairs.

He also presented petitions of Shingle Weavers' Union No. 7099, of Menominee; of Federal Labor Union No. 8250, of Port Huron, and of Mine Workers' Union No. 7, of National Mine, all of the American Federation of Labor, in the State of Michigan, praying for the reenactment of the Chinese-exclusion law; which were referred to the Committee on Immigration.

Mr. KEAN presented a memorial of the Presbytery of New Brunswick, N. J., remonstrating against the repeal of the anti-canteen law; which was referred to the Committee on Military Affairs.

He also presented a petition of Local Grange No. 9, Patrons of Husbandry, of Woodstown, N. J., praying for the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Iron Molders' Union No. 267, American Federation of Labor, of Trenton, N. J., praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which was referred to the Committee on Naval Affairs.

He also presented a petition of sundry citizens of Madison, N. J., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented memorials of the Woman's Christian Temperance Unions of Hancocks Bridge, Plainfield, and Moorestown, and of Andrew J. Garrett, of Plainfield, all in the State of New Jersey, remonstrating against the regulation and control of vice by the board of health of Manila, P. I.; which were referred to the Committee on the Philippines.

He also presented petitions of Washington Camp, No. 7, Patriotic Order of Sons of America, of Trenton; of Coopers' Union No. 40, American Federation of Labor, of Jersey City; of Car Workers' Union No. 8, American Federation of Labor, of Dover; of Hiawatha Council, No. 110, of East Millstone; of Olympia Council, No. 269, of Berlin, and of Council No. 220, of Jacobstown, all of the Junior Order of United American Mechanics, in the State of New Jersey, praying for the reenactment of the Chinese-exclusion law; which were referred to the Committee on Immigration.

Mr. CLAY presented a petition of Local Union No. 82, Amalgamated Association of Street Railway Employees, of Atlanta, Ga., praying for the reenactment of the Chinese-exclusion law; which was referred to the Committee on Immigration.

Mr. GALLINGER presented petitions of the Woman's Christian Temperance unions of Lakeport, Dover, Greenville, Gonic, Nashua, and Portsmouth, all in the State of New Hampshire, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

Mr. CLARK of Montana presented a petition of Federal Labor Union, No. 175, Western Labor Union, of Kalispell, Mont., praying for the enactment of legislation providing for the exclusion of all Asiatic labor in general from the United States; which was referred to the Committee on Immigration,

Mr. DOLLIVER presented a memorial of the Retail Grocers' Association, of Cedar Rapids, Iowa, and a memorial of the Retail Grocers' Association, of Osage, Iowa. remonstrating against the passage of the so-called parcels-post bill; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of sundry citizens of Fort Dodge and Fayette County, in the State of Iowa, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented a petition of Bricklayers' Local Union No. 2, American Federation of Labor, of Des Moines, Iowa, praying for the reenactment of the Chinese-exclusion law; which was referred to the Committee on Immigration.

He also presented petitions of J. P. Sapley Post, No. 125, of Traer; of Ed Hamlin Post, No. 112, of Wellman; of Jefferson C. Davis Post, No. 44, of Carroll; of Colonel Hughes Post, No. 168, of Decorah, all of the Department of Iowa, Grand Army of the Republic; of Machinists' Local Union No. 219, of Fort Madison; of Retail Clerks' International Union No. 395, of Centerville, and of Labor Protective Union No. 9145, of Burlington, all of the American Federation of Labor, in the State of Iowa, praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which were referred to the Committee on Naval Affairs.

He also presented sundry papers to accompany the bill (S. 2399) granting an increase of pension to William H. Ijams; which were referred to the Committee on Pensions.

He also presented the affidavit of John T. Alexander, of Rock Rapids, Iowa, to accompany the bill (S. 3264) granting an increase of pension to John T. Alexander; which was referred to the Committee on Pensions.

He also presented the affidavit of Nelson Wells, of Mount Pleasant, Iowa, to accompany the bill (S. 3265) granting an increase of pension to Nelson Wells; which was referred to the Committee on Pensions.

He also presented the affidavit of John M. Box, of Floris, Iowa, to accompany the bill (S. 1260) granting an increase of pension to John M. Box; which was referred to the Committee on Pensions.

He also presented the affidavit of Thomas Glynn, of Keokuk, Iowa, to accompany the bill (S. 1644) granting a pension to Thomas Glynn; which was referred to the Committee on Pensions.

He also presented the affidavit of Nathan L. Faulkner, of Fairfield, Iowa, to accompany the bill (S. 1261) granting a pension to Nathan L. Faulkner; which was referred to the Committee on Pensions.

He also presented the affidavit of Anna H. B. Lewis, of Ottumwa, Iowa, to accompany the bill (S. 1262) granting an increase of pension to Anna H. B. Lewis; which was referred to the Committee on Pensions.

He also presented the affidavit of Ellen J. Clark, of Bailey, Iowa, to accompany the bill (S. 1643) granting an increase of pension to Ellen J. Clark; which was referred to the Committee on Pensions.

He also presented sundry papers to accompany the bill (S. 3263) granting an increase of pension to Martin B. Fitch; which were referred to the Committee on Pensions.

He also presented a petition of the Trades and Labor Congress of Dubuque, Iowa, praying for the repeal of the desert-land act and the commutation clause of the homestead act; which was referred to the Committee on Public Lands.

He also presented a petition of the legislative board of the Brotherhood of Locomotive Engineers of Lake City, Iowa, and a petition of Division No. 6, Brotherhood of Locomotive Engineers, of Boone, Iowa, praying for the passage of the so-called Hoar anti-injunction bill to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases; which were ordered to lie on the table.

He also presented a petition of the Franklin Club, of Des Moines, Iowa, praying for the establishment of reciprocal trade relations with Cuba; which was referred to the Committee on Relations with Cuba.

He also presented a petition of the Monthly Meeting of Friends, of Bangor, Iowa, praying for the enactment of legislation to prohibit the sale of intoxicating liquors, firearms, and opium to the inhabitants of the island possessions of the United States; which was ordered to lie on the table.

He also presented a petition of the Farmers' Institute, of Sioux County, Iowa, praying for the establishment of the proposed national park in Minnesota; which was referred to the Committee on Public Lands.

He also presented a petition of the Trades and Labor Union, American Federation of Labor, of Dubuque, Iowa, praying for the enactment of legislation to enable the United States officials to treat with official labor committees; which was referred to the Committee on Education and Labor.

He also presented a petition of Local Union No. 55, United Iron Workers of America, of Des Moines, Iowa, and a petition of Local Union No. 43, Coopers' International Union, of Sioux City, Iowa, praying for the reenactment of the Chinese-exclusion law; which were referred to the Committee on Immigration.

He also presented a memorial of the congregation of the Reformed Presbyterian Church of Wyman, Iowa, remonstrating against the reenactment of the Chinese-exclusion law; which was referred to the Committee on Immigration.

He also presented a petition of the Western Grocer Company, of Chicago, Ill., praying for the repeal of the present bankruptcy law; which was referred to the Committee on the Judiciary.

Mr. BERRY presented the petition of James T. Pomeroy and sundry other citizens of Eureka Springs, Ark., praying for the passage of the so-called Grout bill to regulate the manufacture and sale of oleomargarine; which was referred to the Committee on Agriculture and Forestry.

Mr. PLATT of Connecticut presented a petition of the Union League Club, of New York City, praying for the establishment of reciprocal trade relations with Cuba; which was referred to the Committee on Relations with Cuba.

He also presented a petition of sundry citizens of Watertown, Conn., praying for the ratification of the reciprocity treaties with foreign countries; which was referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of Watertown,

Conn., praying for the enactment of legislation to carry out the recommendations of the President to the end that the islands of Cuba and the Philippines may receive generous treatment at the hands of this Government; which was referred to the Committee on the Philippines.

Mr. ELKINS presented a petition of Local Union No. 883, American Federation of Labor, of Wellsburg, W. Va., praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which was referred to the Committee on Naval Affairs.

Mr. HANSBROUGH presented a petition of the congregation of the Methodist Episcopal Church of Drayton, S. Dak., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented a petition of Typographical Union No. 311, American Federation of Labor, of Grand Forks, S. Dak., praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which was referred to the Committee on Naval Affairs.

Mr. FRYE presented a petition of Portland Typographical Union No. 66, American Federation of Labor, of Portland, Me., praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which was referred to the Committee on Naval Affairs.

He also presented a petition of Grateful Lodge, No. 494, Brotherhood of Railroad Trainmen, of Lexington, Ky., praying for the passage of the so-called Hoar anti-injunction bill to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases; which was referred to the Committee on the Judiciary.

PROTECTION OF NATIVE RACES AGAINST INTOXICANTS.

Mr. MONEY. I ask consent to have published as a document Senate Document No. 200, Fifty-sixth Congress, second session, with additions thereto from ex-Presidents Harrison and Cleveland, Mr. Chamberlain, of the Royal Committee of the British Humane Society, and others, concerning the protection of the native races against intoxicants.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Mississippi? The Chair hears none, and it is so ordered.

REPORTS OF COMMITTEES.

Mr. BERRY, from the Committee on Commerce, to whom was recommitted the bill (H. R. 5801) to authorize the St. Clair Terminal Railroad Company to construct and maintain a bridge across the Monongahela River, reported it without amendment.

He also, from the same committee, to whom was recommitted the bill (S. 2804) to authorize the St. Clair Terminal Railroad Company to construct and maintain a bridge across the Monongahela River, reported adversely thereon; and the bill was postponed indefinitely.

Mr. GIBSON, from the Committee on Pensions, to whom was referred the bill (H. R. 1198) granting a pension to Josiah H. Buckingham, reported it with amendments, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 7623) granting a pension to Aaron M. Applegate;
A bill (H. R. 2561) granting a pension to Sarah O. Fields; and
A bill (S. 3660) granting a pension to Mary Sweeney.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 3704) granting an increase of pension to Frederick E. Rogers; and

A bill (S. 3187) granting an increase of pension to Leroy S. Smith.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 2287) granting an increase of pension to Georgie Josephine Walcott, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3577) granting an increase of pension to Mary V. Walker, reported it with amendments, and submitted a report thereon.

Mr. SCOTT, from the Committee on Military Affairs, to whom was referred the joint resolution (H. J. Res. 106) authorizing the Secretary of War to loan to the Pennsylvania Society of the Sons of the American Revolution certain revolutionary trophies at Allegheny Arsenal, Pittsburg, Pa., reported it without amendment.

He also, from the Committee on Pensions, to whom was referred the bill (S. 1939) granting an increase of pension to Penrose W. Reagan, reported it with an amendment, and submitted a report thereon.

Mr. PRITCHARD, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 3518) granting a pension to Nodine A. Turchin; and
A bill (H. R. 428) granting a pension to Sarah Bowers.

REPORTS BY COMMITTEE ON INTEROCEANIC CANALS.

Mr. GALLINGER, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. HARRIS on the 15th instant, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the expenses incurred by the Committee on Interoceanic Canals in having prepared an analytical index of Senate Report No. 1337, Fifty-sixth Congress, and Senate Report No. 1, Fifty-seventh Congress, authorized by resolution of the Senate of January 30, 1902, be paid from the contingent fund of the Senate upon vouchers approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

BILLS INTRODUCED.

Mr. SCOTT introduced a bill (S. 3941) for the relief of the Winchester and Potomac Railroad Company; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. CULLOM introduced a bill (S. 3942) granting an increase of pension to Jesse W. Bice; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DEBOE introduced a bill (S. 3943) to establish a university of the United States; which was read twice by its title, and referred to the Committee to Establish the University of the United States.

Mr. DOLLIVER introduced a bill (S. 3944) to remove the charge of desertion against James Boyle; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3945) granting an increase of pension to James B. McNett; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 3946) granting a pension to Joseph Grade; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3947) providing for the manner of payment of postage on books, catalogues, and other printed matter; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Post-Offices and Post-Roads.

Mr. BLACKBURN introduced a bill (S. 3948) for the relief of the estate of E. R. Gordon, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. MORGAN introduced a bill (S. 3949) for the relief of James R. Nance; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3950) for the relief of the estate of Marius B. Cawthon, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. McLAURIN of South Carolina introduced a bill (S. 3951) for the relief of Mrs. Jane A. Sanders; which was read twice by its title, and referred to the Committee on Claims.

Mr. TURNER introduced a bill (S. 3952) for the relief of the Lower Band of the Chinook Indians of the State of Washington; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. GIBSON introduced a bill (S. 3953) granting additional lands adjacent to its site to the University of Montana; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Public Lands.

Mr. FOSTER of Louisiana, introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 3954) for the relief of the estates of Francis A. Gonzales and Antonio Gonzales;

A bill (S. 3955) for the relief of the estate of Appoline Fournier, deceased;

A bill (S. 3956) for the relief of the estate of Desire Le Blanc, deceased;

A bill (S. 3957) for the relief of Samuel E. Loeb;

A bill (S. 3958) for the relief of Miss Virginia McLaughlin;

A bill (S. 3959) for the relief of Mrs. Emily C. McIntyre;

A bill (S. 3960) for the relief of the estate of Mrs. Ellen Morrissey, deceased;

A bill (S. 3961) for the relief of the estate of Marcelin Lafleur, deceased;

A bill (S. 3962) for the relief of the estate of Hyacinth Alliene Morgan, deceased;

A bill (S. 3963) for the relief of the estate of Joseph Mensman, deceased;

A bill (S. 3964) for the relief of Valerien Martin;

A bill (S. 3965) for the relief of the estate of Adelon Vignes, deceased; and

A bill (S. 3966) for the relief of the estate of Mrs. Celestine Vavasseur, deceased.

Mr. CLAY introduced a bill (S. 3967) for the relief of Raymon O. Williams and Joseph A. Springer; which was read twice by its title, and referred to the Committee on Claims.

Mr. HANSBROUGH introduced a bill (S. 3968) to prevent the sale of intoxicating liquors in immigrant stations and other public buildings; which was read twice by its title, and referred to the Committee on Immigration.

Mr. PRITCHARD introduced a bill (S. 3969) for the relief of O. F. Adams; which was read twice by its title, and referred to the Committee on Claims.

Mr. SIMON introduced a bill (S. 3970) granting an increase of pension to Mary Elizabeth Fales; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. FOSTER of Washington (by request) introduced a bill (S. 3971) to prevent the filling of street cars beyond their seating capacity within the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. McMILLAN introduced a bill (S. 3972) granting an increase of pension to Antonette Stewart; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. NELSON (by request) introduced a bill (S. 3973) for the relief of certain occupants or claimants or owners of property at Nogales, Ariz.; which was read twice by its title, and referred to the Committee on Claims.

Mr. BURROWS introduced a bill (S. 3974) granting an increase of pension to Martin Justice; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PLATT of Connecticut (by request) introduced a bill (S. 3975) to refund internal-revenue taxes paid by owners of private dies; which was read twice by its title, and referred to the Committee on Claims.

Mr. ELKINS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3976) granting a pension to Martin Brown;

A bill (S. 3977) granting a pension to Margaret P. Smith;

A bill (S. 3978) granting a pension to William H. Winans; and

A bill (S. 3979) granting a pension to Rosaline V. Campbell.

Mr. ELKINS introduced a bill (S. 3980) for the relief of S. T. Knott and E. M. Knott, executors of estate of Samuel Knott, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. McCOMAS introduced a bill (S. 3981) to carry into effect the finding of the Court of Claims in behalf of Peter Targarona; which was read twice by its title, and referred to the Committee on Claims.

Mr. SCOTT introduced a bill (S. 3982) for the relief of the personal representatives of the late John M. Doddridge; which was read twice by its title, and referred to the Committee on Claims.

AMENDMENTS TO BILLS.

Mr. McENERY submitted an amendment intended to be proposed by him to the bill (H. R. 8587) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act; which was referred to the Committee on Claims, and ordered to be printed.

Mr. FOSTER of Washington submitted an amendment proposing to increase the salary of the chief clerk, office of the First Assistant Postmaster-General, from $2,500 to $3,000 per annum, intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MITCHELL submitted an amendment proposing to appropriate $20,000 for additions and improvements to the Columbia River Quarantine Station, near Astoria, Oreg., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

He also submitted the following amendments intended to be proposed by him to the river and harbor appropriation bill; which were referred to the Committee on Commerce, and ordered to be printed:

An amendment proposing an appropriation for improving the mouth of the Columbia River, Oregon;

An amendment proposing an appropriation for improving the Lower Willamette and Columbia rivers below Portland, Oreg.;

An amendment proposing an appropriation for improving the Columbia River between the mouth of the Willamette River and the city of Vancouver, Wash.;

An amendment proposing an appropriation for improving the Columbia River at the Cascades, Oreg.;

An amendment proposing an appropriation for improving the Upper Columbia and Snake rivers, Oregon and Washington;

An amendment proposing an appropriation for procuring a right of way for a canal at The Dalles of the Columbia River, between the foot of The Dalles Rapids and the head of Celilo Falls, Oregon;

An amendment proposing an appropriation for improving the Clatskanie River, Oregon;

An amendment proposing an appropriation for improving the Willamette River above Portland and the Yamhill River, Oregon;

An amendment proposing an appropriation for improving the Willamette River, Oregon;

An amendment proposing an appropriation for improving the Long Tom River, Oregon;

An amendment proposing an appropriation for improving the mouth of the Siuslaw River, Oregon;

An amendment proposing an appropriation for improving the Coquille River, Oregon;

An amendment proposing an appropriation for improving the Coquille River between Myrtle Point and Coquille City, Oreg.;

An amendment proposing an appropriation for improving Coos River, Oregon;

An amendment proposing an appropriation for improving the entrance to Coos Bay and Harbor, Oregon;

An amendment proposing an appropriation for improving Yaquina Bay, Oregon;

An amendment proposing an appropriation for improving Tillamook Bay, Oregon;

An amendment providing for a survey and estimate for further improvement at Tillamook Bar, Oregon;

An amendment providing for a survey and estimate for the improvement of the Yaquina River, Oregon, between Toledo and its mouth; and

An amendment providing for a survey and estimate for the improvement of the bar at the mouth of the Umpqua River, Oregon.

Mr. LODGE submitted an amendment proposing to increase the salary of the Chief of the Division of Bibliography, Library of Congress, from $2,500 to $3,000 per annum, intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations.

Mr. McCUMBER submitted an amendment intended to be proposed by him to the bill (H. R. 8587) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act, and for other purposes; which was referred to the Committee on Claims, and ordered to be printed.

Mr. KITTREDGE submitted an amendment proposing to appropriate $22,000 for survey of lands in the Pine Ridge and Standing Rock Indian reservations in South Dakota, etc., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

He also submitted an amendment proposing to appropriate $20,000 for improving the Missouri River at Evarts, S. Dak., intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

He also submitted an amendment proposing to appropriate $60,000 for improving the Missouri River at Pierre, S. Dak., intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

He also submitted an amendment proposing to appropriate $60,000 for improving the Missouri River at Elk Point, S. Dak., intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

He also submitted an amendment proposing to appropriate $52,500 for building dams and constructing reservoirs at Lake Kampeska, Lake Poinsett, and on the Sioux River, in South Dakota, etc., intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. GALLINGER submitted an amendment proposing to increase the salary of the consul at Saltillo, Mexico, from $1,000 to $1,500, intended to be proposed by him to the consular and diplomatic appropriation bill; which was referred to the Committee on Foreign Relations, and ordered to be printed.

INVESTIGATION OF INDIAN SCHOOLS.

Mr. TURNER. Mr. President, by request I offer the resolution which I send to the desk. I also present certain papers tend-

ing to support the statements of fact contained in the resolution, certainly to the extent of requiring a careful investigation by the proper organ of this body. I ask that the resolution, after having been read, may be referred, with the accompanying papers, to the Committee on Indian Affairs, and printed.

The resolution was read, as follows:

Whereas it appears upon creditable information that the schools established in many of the Indian reservations in this country, as well as many nonreservation schools, are conducted loosely and without proper supervision; that tuberculous pupils and pupils suffering from other contagious diseases, and received in such schools, and housed in dormatories with other children without and attempt to segregate them or protect the healthy children from contagion; that there is a system in vogue in the Indian service whereby Indian children are forcibly taken from their own reservations and sent to far-distant schools, which system has resulted in an appalling mortality among such children by reason of changes of climate, want of proper attention, absence of friends and familiar surroundings, and other causes incident to such a system; that there is intermixture of the two sexes in such schools, without proper supervision in many cases, with the result that many of the female children are debauched, and the morals of the children of both sexes perverted and destroyed; and

Whereas it appears that the unwisdom of said system, and the gross abuses practiced under it and inseparable from it, have been brought to the attention of the Commissioner of Indian Affairs through official reports from subordinates, and notwithstanding the same that official persists in continuing and still further extending the system: Therefore, be it

Resolved, That for the information of the Senate and Congress the Committee on Indian Affairs be, and it hereby is, directed to investigate the subject of the management of the Indian schools and reservations, and to report the result of such investigation to the Senate at the earliest practicable moment; and to that end said committee is authorized to summon and examine witnesses, and to report their testimony along with its findings to the Senate; and the expenses of such investigation shall be paid from the contingent fund of the Senate.

The PRESIDENT pro tempore. The resolution will be printed and referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. GALLINGER. Mr. President, I beg to say that I think the resolution ought to go first to the Committee on Indian Affairs. It contemplates an investigation.

The PRESIDENT pro tempore. If there is no objection, the resolution and the accompanying papers will be printed and referred to the Committee on Indian Affairs.

Mr. TURNER. That course is very satisfactory to me, Mr. President.

EXECUTIVE SESSION.

Mr. CULLOM. If there is no further morning business, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and thirty-five minutes spent in executive session the doors were reopened.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 15th instant approved and signed the act (S. 946) to amend section 4400 of the Revised Statutes of the United States, relating to a reciprocal recognition of boiler-inspection certificates between the several maritime nations having marine-inspection laws.

ASSAY OFFICE AT PROVO CITY, UTAH.

Mr. RAWLINS. I ask unanimous consent for the present consideration of the bill (S. 150) for the establishment of an assay office at Provo City, Utah.

The PRESIDENT pro tempore. The bill will be read to the Senate for its information.

The Secretary read the bill.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. ALDRICH. Mr. President, I object. I wish to ask what committee the bill came from?

The PRESIDENT pro tempore. From the Committee on Mines and Mining.

Mr. ALDRICH. All bills of this kind go to the Committee on Finance. We have a half dozen bills of this character now pending before that committee. This bill should have been referred to the Committee on Finance originally. I object to its present consideration, and at the proper time I shall move that it be referred to the Committee on Finance.

The PRESIDENT pro tempore. The Senator from Rhode Island objects to the present consideration of the bill. It will retain, without prejudice, its place on the Calendar, the Chair assumes.

Mr. ALDRICH. Yes.

MISSOURI AND MERAMEC WATER COMPANY.

Mr. COCKRELL. I ask unanimous consent that the Senate consider a little bill of only a page and a half. It will take just a moment. It is Senate bill 2977.

Mr. QUARLES. I shall not object to the consideration of this bill, but by virtue of the unanimous consent on Saturday, immediately after it is disposed of I shall ask the Senate to take up the permanent Census Office bill.

Mr. COCKRELL. I ask the Senate to proceed to the consideration of the bill (S. 2977) authorizing the Missouri and Meramec Water Company to take water from the Missouri River, and to construct and maintain a dam or other devices for that purpose. It is a bill favorably reported from the Committee on Commerce.

The PRESIDENT pro tempore. The bill will be read.

The Secretary read the bill, and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Commerce with an amendment, to add the following additional section:

SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

Mr. COCKRELL. Now, I wish to offer one or two little amendments, just to perfect the bill and to remove possibility of criticism.

On page 1, line 10, after the word "to," I move to insert the words "conduct and," and in line 11, after the word "water," to insert "not otherwise used;" so that it will read:

such supply of water as may be necessary or required for the purposes of said corporation, and to conduct and discharge said water not otherwise used at a point on the Meramec River in the neighborhood of Meramec Highlands, in the county of St. Louis and State of Missouri.

The amendment was agreed to.

Mr. COCKRELL. On page 2, at the beginning of line 7, after the word "discharge," I move to insert "at any time;" so as to make the proviso read:

That such withdrawal and discharge, at any time, of water shall not be so great as to interfere with the navigation of said Missouri or Meramec River.

The amendment was agreed to.

Mr. COCKRELL. In line 10, after the word "said," I move to insert the words "dam devices, lock, and other structures, and;" so as to read:

That said corporation shall submit detailed plans showing the location and method of constructing said dam devices, lock and other structures, and canal to the Secretary of War for approval.

That will give them the right to examine the plans for the dam as well as the canal. I want them to examine as to the kind of a wing dam that shall be constructed to draw the water out.

The amendment was agreed to.

Mr. COCKRELL. After the word "for," in line 11, and before the word "approval," I move to insert "for his consideration and;" so as to read:

That said corporation shall submit detailed plans showing the location and method of constructing said dam devices, lock and other structures, and canal to the Secretary of War for his consideration and approval.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PERMANENT CENSUS OFFICE.

Mr. QUARLES. Pursuant to the unanimous agreement of Saturday, I ask the Senate to proceed to the consideration of the bill (H. R. 10308) to provide for a permanent census office.

The PRESIDENT pro tempore. The Chair lays the bill before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill.

The PRESIDENT pro tempore. The pending amendment was offered by the Senator from South Carolina [Mr. TILLMAN] and will be read to the Senate.

The SECRETARY. On page 7, line 1, after the word "ginners" at the end of the line, insert:

And bulletins giving the results of the same shall be issued monthly, beginning October 1 of each year and continued till March 1 following.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from South Carolina.

Mr. QUARLES. Mr. President, as I announced to the Senate on Saturday before the adjournment, I shall not oppose this amendment. I can understand from the discussion we then had how important it may be. I hope, therefore, the amendment of the Senator from South Carolina may be adopted.

Mr. ALLISON. Mr. President, I am sorry the Senator from South Carolina is not in his seat. On Saturday, when the amendment was read at the desk, it struck me that it would be perhaps a wise one to make; but on further investigation I am sure that the amendment ought not to be agreed to for the reason that, so far as I can see, there is no advantage to be gained by bulletins during the period indicated.

As I understand the idea of the Senator from South Carolina, it was that there should be monthly bulletins from the beginning of the period of ginning cotton to the end of it. I do not see of what value they could be to the producer of cotton, especially as there are already bulletins issued by the Agricultural Department, not only beginning with July, or whatever the date is——

Mr. GALLINGER. Between October and May.

Mr. BERRY. The amendment of the Senator from South Carolina provides for monthly bulletins between October and March.

Mr. ALLISON. I ask that the amendment may be again read.

The PRESIDENT pro tempore. The amendment will be again stated.

The Secretary again read the amendment of Mr. TILLMAN.

Mr. ALLISON. As I understand, the ginning of cotton begins early in September.

Mr. BERRY. Yes.

Mr. ALLISON. And it is practically concluded by the 1st of January. Therefore bulletins issued upon that subject between January and March would be of no value.

I made inquiry this morning at the Department of Agriculture with a view of obtaining information for myself and contributing that information so far as I could to others, as to the exact method pursued by the Secretary of Agriculture respecting the subject of cotton.

I put into the RECORD of Saturday last a letter from the Secretary of Agriculture; I do not know that Senators have had time to read that letter, but if they have they will have found that it gives in a general way the methods pursued by the Department of Agriculture respecting the cotton crop, and I wish now to briefly state what is done regarding that crop each year. I have before me copies of bulletins issued monthly by the Secretary of Agriculture respecting the cotton and other crops in our own country and elsewhere. I read from the June report:

The Statistician estimates the total area planted in cotton—

This is for the year 1901—

at 27,532,000 acres, an increase of 2,111,000 acres, or 8.3 per cent over the acreage planted last year, and of 2,498,000 acres, or 10 per cent, over the acreage actually picked. The increase in States where the area planted and that picked last year were practically the same is 10 per cent in North Carolina, Florida, and Arkansas, 9 in Georgia and Louisiana, 7 in South Carolina, 14 in Tennessee, 25 in Oklahoma, 20 in Indian Territory, 18 in Virginia, and 12 in Missouri. In Alabama the increase is estimated at 9 per cent over the acreage planted last year and 12 per cent over that picked, in Mississippi at 2 per cent over that planted and 7.9 per cent over that picked, and in Texas at 8 per cent over that planted and 10 per cent over that picked.

The average condition of the growing crop—

This is in June—

is 81.5 as compared with 82.5 on June 1 of last year, 85.7 at the corresponding date in 1899, and 86.4, the mean of the June averages of the last ten years. A condition of 81.5 is, with one exception, the lowest June condition in twenty years.

The condition by States is as follows:

North Carolina	87	Louisiana	80
South Carolina	80	Texas	84
Georgia	80	Arkansas	81
Florida	88	Tennessee	78
Alabama	76	Oklahoma	88
Mississippi	82	Indian Territory	85

The foregoing estimates are based on schedules returnable from all classes of correspondents on May 20, somewhat modified by subsequent reports from State and traveling agents of the Department.

That was the first bulletin issued for the year 1901 relative to the cotton crop, and this is certainly most valuable information to every grower of cotton, because it gives in brief a comparison of the acreage and a comparison of the situation of the crop on the day of the issuance of the bulletin.

I find the bulletin of July, 1901, gives the condition of the cotton crop on July 1 of that same year:

The monthly report of the statistician of the Department of Agriculture shows the average condition of cotton on June 25 to have been 81.1, as compared with 81.5 on the 20th of the preceding month.

It seems that these conditions are taken on the 20th of each month.

Then follows along the situation respecting the cotton crop on the 20th of June. I will only read the closing paragraph:

Excessive rain, followed by a heavy growth of grass and weeds, have caused much damage in Alabama, Georgia, South Carolina, and North Carolina, while in Louisiana and Texas the growth has been retarded by drought. The gravity of the situation is greatly increased in North Carolina, South Carolina, Georgia, and to some extent in other States, by a scarcity of labor.

That was the condition on the 20th of June.

The next bulletin we have is dated the 20th of September. I will not read it, but will state that it shows the condition of the cotton crop at that time, taking into account the returns of the Department of Agriculture during the two preceding months.

The monthly report of the statistician for September shows the average condition of cotton on August 24 to have been 71.4, as compared with 71.2 on the 25th of the preceding month.

There was an impairment of condition during August amounting to 18 points in Texas, 10 in Oklahoma, 8 in Arkansas, 7 in Alabama, 4 in Virginia, 2 in Louisiana, and 1 point in North Carolina and Florida. On the other hand, there was an improvement during the month in Georgia, South Carolina, and Tennessee, etc.

I do not read that in detail because I do not wish to take up the time of the Senate.

I omitted the August report, which report is also stated in some detail. Then I have the condition of the crop on the 20th day of September, as shown by the October bulletin, as compared with other years. I shall not stop to read that statement.

Then comes the report of the cotton crop in December, which is the preliminary report, showing the situation of that crop on the 20th of November. This report gives, or attempts to give, a full account of the cotton ginned between August 15—I believe I previously said the last of August—but it is "between August 15," when the ginning begins, "and November 20, this year and last year, with the average gross weight per bale, and the average weight of bagging and ties. This has enabled the statistician to determine the average net weight of bales for each separate State and for the entire cotton belt, and these weights have been used in estimating the total number of bales produced," etc.

Then it gives the average cost of picking.

The first question which occurred to me in looking over these bulletins was to ascertain how this information was gathered, because it seemed to me most important information to the producers of cotton. I find that the cotton belt is especially distinguished by a map, which I hold in my hand, which contains certain centers of cotton production—Oklahoma, Galveston, Vicksburg, New Orleans, Atlanta, Augusta, Memphis, Little Rock, Charleston, Savannah, etc.

The condition of the cotton from week to week is found by means of telegraphic reports in detail from the cotton-producing regions to these central places. I have here somewhere a complete analysis of this statement, but perhaps it is not necessary to go into it.

On the morning of every day there are observers who, about 10 o'clock, telegraph the conditions regarding the cotton crop during the preceding twenty-four hours to these central places; and at the end of the week in these central places, which are indicated on this map, the man in charge of the weather service there makes up a total, and that total respecting the cotton crop throughout the entire area is distributed to the people each week. When he makes up his statement of the conditions at his particular station, he telegraphs that particular information to all the other stations; each of them telegraphs to the Agricultural Department the situation of the cotton crop on each of these days; and this information is printed at Montgomery, Ala., for instance, where one of these central stations is located.

Mr. PLATT of Connecticut. May I ask the Senator a question?

Mr. ALLISON. Yes, sir.

Mr. PLATT of Connecticut. Those are crop reports?

Mr. ALLISON. Those are crop reports.

Mr. PLATT of Connecticut. While the crop is being grown?

Mr. ALLISON. Yes; while the crop is being grown.

Mr. PLATT of Connecticut. Does the Agricultural Department follow the cotton after ginning commences so as to render reports such as are contemplated by this amendment?

Mr. ALLISON. It does.

Mr. PLATT of Connecticut. That is what I wanted to know.

Mr. ALLISON. And therefore the condition of the progress of the ginning is carried every week to the Agricultural Department through the reports of the ginners.

Mr. CLAY. Will the Senator allow me to ask him a question? I know he wants to be perfectly fair.

Mr. ALLISON. I am stating what I get from the record.

Mr. CLAY. I wish to say that there is quite a difference between these estimates and the census reports. The estimates to which the Senator refers simply give information from the central stations, located in different sections of the South, and are simply guesswork to a large extent.

As I understand, as to the entire reports of the Agricultural Department in regard to the growth of the crop and in regard to the number of bales ginned, the information is furnished in this way, but this amendment, if I understand it, simply authorizes the census reports to be made from the gins each month during the ginning season, so as to ascertain how much the crop is and how much we make each year in comparison with the previous year, so as to enable us to ascertain the number of bales of cotton that will probably be made in the year.

Mr. ALLISON. That is exactly what this amendment contemplates, and it is exactly what is being done now with absolute accuracy, so far as accuracy can be secured through human agencies.

Mr. QUARLES. Will the Senator permit me to ask him a question, if it will not interrupt him?

Mr. ALLISON. It will not interrupt me.

Mr. QUARLES. I will ask whether there is not this radical difference between the information furnished from these two sources, whether the Agricultural Department in any of its reports or estimates deals with anything less than the States, while the Census Bureau deals with each county in the State?

Mr. CLAY. I will say to the Senator that this amendment provides that the Census Bureau shall deal with each ginner in every State in the South.

Mr. QUARLES. Yes; the information is prepared with reference to each county in the State, so that you can compare its production for a long line of years.

Mr. CLAY. That is correct.

Mr. QUARLES. And it is done by enumeration. We send an enumerator to the ginnery.

Mr. ALLISON. Very well. That is a proposition which I now hear for the first time—that we are to select cotton and send special agents from here, I suppose, who shall go into every county, stand by the side of every ginnery, and see how many bales are ginned on a particular day.

There are engaged in this work in the cotton States, exclusive of the ginners, 63,795 people, who are selected in every county of every State and who are supposed to be reliable men located in that county, familiar with the production and with the progress and development of the cotton from week to week. There are 65,674 ginners in the cotton belt, every one of whom reports to the Agricultural Department with absolute accuracy, because he has no reason to do otherwise, the number of bales of cotton ginned at his ginnery.

That is the method, and that is what I am trying to show. I am endeavoring to do this in order that the Senator from Georgia may not be misled into the idea that by this proposition he is likely to get any additional information or as accurate information as is now given to every cotton producer in the Southern States.

It is not a central estimate. It is an estimate, as a matter of course, but it is an estimate gathered from the people who reside in the county—six, eight, or ten of them, we will say, in various portions of a county where cotton is grown—and that information is telegraphed to one of these central places, tabulated there, and then published, not only in that locality, but it is sent to all the other localities and there published, so that, if I am a producer of cotton in South Carolina, I can know on a particular day in June, July, August, September, October, November, or December not only what is being done in my county and in my State, but I can know also the condition of the crop in every other cotton State in the Union.

These estimates are sent broadcast everywhere from these central places—I have simply illustrated with Montgomery, Ala.—so that they may be reviewed by the daily and weekly newspapers and by the men who are interested in the production of cotton. They are sent to boards of trade in New Orleans, in Memphis, in Savannah, or wherever there is a board of trade dealing in cotton, and every producer, every dealer in cotton, and every newspaper that has enterprise enough to publish this information where cotton is grown has an opportunity of knowing every month, indeed every week, the situation of the cotton crop. That is the position.

Mr. CLAY. I desire to ask the Senator if I correctly understood him to say—for I want to get it correctly——

Mr. ALLISON. That is what I desire.

Mr. CLAY. Do I understand the Senator to say that the ginners in the various counties of the different States where cotton is produced now make monthly reports to the Agricultural Department as to the number of bales of cotton that are ginned each month?

Mr. ALLISON. They do.

Mr. CLAY. Where is the law for doing that?

Mr. ALLISON. There is no law for doing it, except that law which authorizes and directs the Secretary of Agriculture to gather statistics of the products of the field and the farm. In order to be able to do that intelligently, he has organized and erected a complete machinery of people who are interested in this business, whereby they give him, from month to month and from week to week, every detail which the cotton producer ought to have.

Mr. CLAY. I will say to the Senator that I have no idea that one-half of the ginneries in the South report at all to the Agricultural Department. Many of them are located far off from railroads, and this information, according to my understanding, is largely guesswork; it is simply an estimate.

Mr. ALLISON. How can it be guesswork when the information is reported by the men who own the ginneries and who gin the cotton?

Mr. CLAY. The reports have been found in several instances to be incorrect. It has been found in several instances that the crop was short of the estimates by a million or a million and a half bales. I do not mean to say that the reports of the Departpartment of Agriculture are incorrect. Cotton firms often overestimate the crop, reduce prices, and we want every possible effort to get correct estimates.

Mr. ALLISON. I shall say a word about that presently; but what I am trying to show now is that the proposition which is before the Senate is wholly unnecessary, because all the details are now given whereby a just and accurate estimate may be made of the cotton crop.

I live in a State where we produce large quantities of corn. Does anyone suppose that I should wait, if I am a farmer, to know how many bushels of corn have been put in my bin or in my barn before I wake up to the question of what the price of corn is in Chicago? Suppose I have some old corn lying in my crib and I am watching the progress and development of the crop of corn in my State, is it of no value for me to know that in southwestern Iowa and in Nebraska there has been a great drought, and that therefore the corn, which looked well in July, was drooping and wilting in August or September, and probably that the corn crop was to be a failure in a portion of my State and in other surrounding States known as the corn belt?

I should welcome any man with open arms who had the facilities to give me the information, week by week at least, as respects the situation of the corn crop, so that I might know what my opportunities were in relation to that crop. That is what we ought to have in respect to the cotton crop. That is what all Senators want and what they now have as respects the cotton crop with greater particularity than with any other crop, as I have discovered since this debate on Saturday.

Mr. CULBERSON. May I ask the Senator a question?

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Texas?

Mr. ALLISON. I do.

Mr. CULBERSON. I should like to ask the Senator if his proposition is that the Department of Agriculture shall report monthly the condition of the crop of the United States, with a view of giving the people notice as to the probable yield each year or by months. Is that the proposition of the Senator?

Mr. ALLISON. That is what is being done now by the Agricultural Department in order that the public—not A, B, and C, but the public—shall have as accurate information as is attainable with respect to the growth, development, and progress of the cotton crop.

Mr. CULBERSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Texas?

Mr. ALLISON. Certainly.

Mr. CULBERSON. I call the attention of the Senator from Iowa to what I understand to be the facts about this matter during the last three or four months. The price of cotton continually declined for months preceding the month of November. It was due to the estimates of the yield of cotton throughout the world, and especially in the United States, made by other parties, and it was due in part, perhaps, to a failure to report accurately by the Agricultural Department, and during the month of November—I think it was November; I am sure it was during that month—the Department of Agriculture made an estimate of the yield of cotton in the United States, and it was to such effect that instantly the price of cotton went up $2 a bale, or about that.

I ask the Senator if that does not indicate a lack of proper information furnished the people by the Agricultural Department from week to week and from month to month up to that time? In other words, it would seem that the information up to that time was so inaccurate or imperfect that the estimates of the yield of cotton were such that they did not give the people a fair opportunity to judge properly as to what the yield would be, and consequently it furnished the speculators in cotton throughout the United States with an opportunity to reduce the price of cotton. In other words, does not this go to show the inaccuracy or insufficiency of the estimates furnished by the Agricultural Department up to that time?

Mr. ALLISON. It gives me pleasure to answer the question of the Senator from Texas. I have before me a report, known as the final report on the cotton crop of 1899–1900, issued on the 31st day of January, 1901, which, of course, was within a short time after the final crop had been gathered, and it was a short crop, I understand, in 1900. Now, I wish to read from this report in explanation of the criticism that the Senator from Texas has made.

During the first half of the year the New Orleans representative of a well-known European cotton firm was predicting one of the largest crops on record.

What was that for? Was that with a view to increasing the price of cotton?

Notwithstanding that, the Department's monthly reports indicated a production of only 9,000,000 to 9,500,000 bales. On September 10—

In one of these monthly bulletins—

the Department's report stated that the condition of the cotton crop on September 1 was the lowest, with one exception, in twenty-five years. Yet only two days later the firm in question issued a circular in which the statement was made that the conditions were favorable to as large a crop as that of the preceding year, which they estimated at 12,000,000 bales, actual growth.

On October 10 a further marked decline in condition was reported by the statistician of the Department, and the very same day, as if to break the force of such announcement, the New Orleans representative above referred to stated that the crop would be "at least 11,000,000 bales certain," and that such a prediction was his "minimum estimate."

On November 10 the statistician issued his first estimate in bales—

He was then getting these monthly reports from the ginneries, and from what had already been baled, and knowing the course of the picking of cotton and knowing how much had reached the ginneries and how much was still in the field, he was able to make

a reasonably accurate guess as to the total crop of the year 1900. I read:

On November 10 the Statistician issued his first estimate in bales, placing the crop at a "maximum of 9,500,000 bales."

"At a maximum of 9,500,000 bales."

On December 10 the Statistician reported—

That was the last estimate. That was after the ginning had all, or practically all, been done, because the ginning of cotton is all completed by the middle of December. After having received reports from these ginneries, on December 10——

Mr. McLAURIN of Mississippi. Will the Senator allow me to correct him?

Mr. ALLISON. Certainly.

Mr. McLAURIN of Mississippi. The cotton is not all ginned in many instances until way in March.

Mr. ALLISON. Of course I appreciate the value of the information of the Senator, because he knows better than I do. I understand it is not all ginned, but the great bulk of it is ginned, and what is not ginned is estimated, of course. But it is of sufficient accuracy to give the men who owned the cotton knowledge of what the crop was.

What good does it do a man who sells his cotton on the 1st day of February to know what the total product of the ginneries is on the 1st of March? It is of no value to him to await the 1st of March to know what the practical result of the crop is. A man would be unwise indeed, to say the least of it, who would delay giving a report of the cotton crop until he got reports from all the ginneries that no more cotton was to be put in the ginneries or ginned.

Mr. BERRY. Will the Senator yield to me to make a short statement?

Mr. ALLISON. Certainly.

Mr. BERRY. It is not a question, but a short statement.

Mr. ALLISON. That is all right.

Mr. BERRY. I understand the precise question before the Senate is the amendment offered by the Senator from South Carolina [Mr. TILLMAN] to the text of the bill. The amendment provides that the ginnery reports shall be made monthly, beginning with the 1st of October and ending with the 1st of March. Now, I think I agree with the Senator from Iowa in one thing, and that is that the House provision in this bill without amendment is worthless. It simply gives the amount of last year's cotton crop, which is not valuable, I concede. I agree to that. Therefore if that provision is to stand, I think the Senator from Iowa will probably agree that the amendment ought to be adopted.

Mr. ALLISON. Yes; but it ought to be modified if it is to be adopted.

Mr. BERRY. The only question before the Senate, as I conceive, is whether or not it is important, in addition to these very valuable reports that are furnished by the Secretary of Agriculture, that this new bureau, which is to be created and with respect to which I am informed there is some difficulty in finding sufficient business for it to do, shall undertake to furnish the service provided in this bill.

Mr. ALLISON. That is all.

Mr. BERRY. It is a provision which looks to getting the same information, it is true, that is furnished by the Secretary of Agriculture. Now, in estimating the cotton crop, if I am correctly informed, and Senators from the Southern States will know, you begin the 1st of September. The cotton year is from September to September. That is how they make the estimate as to the amount raised during the year. The important time when accurate information should be had, the important time when there should be reports that all the country knows are correct reports, is from September until the 1st of March, and it is more important in October, November, and December than at any other time.

The Senator from Iowa is absolutely correct when he says that it has been the habit and the practice of certain dealers in cotton in Europe and in New Orleans, and in many other points, to overestimate the supposed yield for that cotton year, to give it out certainly that there will be 11,000,000 or 12,000,000 bales, for the sole purpose of running down cotton to the lowest price possible in order that they may buy. There is no doubt about that. It has been done again and again.

The object which we from the South have is to offset that by getting accurate information which the people will believe and from sources that the people will believe are absolutely certain, so that they may not be led to sell their cotton by reason of overestimates made by dealers from time to time in order to reduce the price.

I have no criticism to offer upon the Agricultural Department. I think they have given the information as they have acquired it from time to time under the present Administration honestly. I think they have sought in every way to get accurate information; but, according to what the Senator from Iowa has just stated, while those reports were given out showing that the cotton crop for the year would not amount to more than 9,000,000 or 9,500,000 bales, these other parties issued estimates and said it would amount to eleven or twelve million bales, and thousands upon thousands of men sold their cotton at a reduced price because of the estimates made by the New Orleans speculators. There is no doubt about it.

Now, I desire to ask the Senator from Iowa a question. This new bureau, as I said, is not going to be overworked in the interval. If we had additional reports, from information taken by enumerators, beginning with the 1st of October, as to the number of bales ginned during the month of September, and so during October, November, and December, then you could compare those gin reports with the amount ginned in those localities and at those gins the preceding year, and you could tell, not with absolute certainty, but approximately, the amount of the cotton crop. Does not the Senator think that such reports, from information taken under the law, compelled to be accurate, sworn to, if necessary, by the parties that furnish it, would be of sufficient importance, as adding to and supplementing the report of the Secretary of Agriculture, to justify the small expense that the Senator from Wisconsin says this would entail?

Then if the gin reports correspond with the reports that are being made by the Secretary of Agriculture—the two departments being separate—I think it would tend to give great confidence throughout the entire country in the statements as to the probable amount of cotton produced during the year.

Mr. ALLISON. I agree, of course, with most of what the Senator from Arkansas has said; but what I am trying to show by this quotation is that the reports made by the Agricultural Department are accurate, and have been accurate, while interested parties issued statements in order to buy the cotton from the farmer or the local factor, if you please, at a reduced price, and to sell it at an increased price.

I appeal now to Senators from the cotton States whether I am correct or incorrect when I say that the great body of the cotton crop in each year has passed from the local factor and the producer into the hands of those men, small in number, who are seeking to buy the cotton for the New England and other mills in our own country and for the mills in other countries that buy more than half of it and which have their agents here.

It is stated here, in the beginning of this paragraph which I read, that this estimate was thrown out by a perfectly competent person, I have no doubt, and probably by a person having the confidence of local producers of cotton; and therefore, although the Agricultural Department put up a warning signal to every producer of cotton not to be misled, because there was a short crop and hence the price of cotton would inevitably rise, they listened probably to this local agent in New Orleans rather than to the Agricultural Department.

Mr. BERRY. Will the Senator from Iowa permit me? I agree with him entirely, but if we had this additional census report they would listen to the Secretary of Agriculture and a report of the Director of the Census rather than to the local man. That is the point I make.

Mr. ALLISON. That is probably true; but if we could have four or five additional statements from other departments it would with doubting Thomases still add to the verity of the report.

I wish to proceed, and I do not desire to occupy unnecessarily the time of the Senate.

On November 10——

Mr. QUARLES. From what document does the Senator read?

Mr. ALLISON. The Cotton Crop Report for 1899–1900, page 99.

On November 10 the Statistician issued his first estimate in bales, placing the crop at a "maximum of 9,500,000 bales."

Mr. CLAY. I desire to ask the Senator whether November 10 was not the first time when the Agricultural Department estimated in bales the amount of the crop?

Mr. ALLISON. It may not be mentioned elsewhere, but I desire to say to the Senator that the Department had obtained reports from the ginneries from the time they began operations, and therefore, although it may not be stated in the report before this one I have named, it was an element that entered into the monthly estimate of the Department of Agriculture.

Mr. CLAY. I think the Senator will find I am correct; that November 10 was the first time when the report was made giving number of bales.

Now, I do not want to be misunderstood. I believe that the Agricultural Department is properly conducted, and I have no complaint to make of it. It might have been inferred a while ago that I said the Department had made a mistake of a million and a half bales. I did not mean that. The Department has not made any such mistake. The firms referred to did make the mistakes. Whether they did it purposely or not I do not know.

Mr. ALLISON. I do not know.

Mr. CLAY. But they did make it, and cotton went down, and the estimate in bales from the Agricultural Department was not received in time to correct the mistake. The Agricultural Department has generally been found to be correct.

Mr. ALLISON. This is the first estimate in bales, I agree.

Mr. QUARLES. May I ask the distinguished Senator from Iowa a question?

Mr. ALLISON. Certainly.

Mr. QUARLES. What is the weight of a bale as the Agricultural Department reports it? I understand there are various bales and various weights, so that a report in bales does not indicate anything accurate. I do not know whether I am wrong about it.

Mr. ALLISON. The Senator from Wisconsin is probably right.

Mr. McLAURIN of Mississippi. Five hundred pounds is the Southern bale.

Mr. ALLISON. I ask the Senator from Mississippi to repeat his statement.

Mr. McLAURIN of Mississippi. Five hundred pounds is a bale of cotton.

Mr. QUARLES. I notice by the report of the census that the bales vary very considerably in weight. I simply wanted to call attention to that fact.

Mr. ALLISON. The bales do vary in weight; and it of course is not to be expected——

Mr. McLAURIN of Mississippi. There is a difference between the ordinary bale of cotton and the box bale. A box bale is the amount put in at the gin at the box, but when we speak of a bale of cotton we mean 500 pounds.

Mr. ALLISON. That is what is understood in a commercial *sense.*

Mr. McLAURIN of Mississippi. Yes, sir.

Mr. ALLISON. Therefore everyone knows that the estimate was based upon that. I have not the document here, but I know I have read that the bales vary in weight somewhat, and of course in estimating, as you would be obliged to estimate, you would estimate the average weight of the bales.

But what, I will ask Senators, is the object of this information? It is not to learn whether there are 500 pounds in one bale and 499 in another, but it is so to gather from every source possible information of what the cotton crop is to-day or this year as compared with the cotton crop of last year, and that, I agree, is the most valuable information, in an agricultural sense, because this crop is an agricultural crop, that can be given to the people, and not only to those who produce cotton, but to those who consume it or use it in the various forms in which it is used.

I wish to proceed. On November 10 the Agricultural Department, for the first time, made its estimate in bales. Prior to that time it made its estimates in percentages as compared with the former crop—that is to say, the former crop being 85 per cent, this year's compared with it is 81 per cent, we will say, showing whether the crop was running up or running down.

Mr. CULBERSON. That is exactly the point which I undertook a while ago to call to the attention of the Senator from Iowa. The information furnished by the Department of Agriculture up to November 10 was so indefinite that the price of cotton went down, and during the intervening months it was gathered and ginned and sold by the producers at the low prices. Then, on November 10, and thereafter, after a large part of the cotton crop had passed into the hands of speculators, came this general estimate in bales, and instantly the value of cotton went up $2 a bale or thereabouts. That is the point to which I intended to invite the attention of the Senator a while ago.

Mr. ALLISON. I will try, if Senators will permit me, to unfold that situation, and I will take this in the concrete as an illustration. On November 10 the Department estimated the maximum crop to be 9,500,000 bales. It did not take an algebraic formula to reduce that to what the crop was.

Now, four days after that estimate it was announced in New Orleans by this expert that he had not reduced his estimate below 11,000,000 bales.

Now we come to December 10, when most of the ginning reports were in. Then the Secretary of Agriculture, through his machinery, having in his hands an estimate of a great portion of the cotton already ginned, and comparing it with all the estimates he had made before and all the sources he had utilized before, estimated the cotton crop of that year at 8,900,000 bales. He did that as soon as he had within his possession the elements and all the elements that would enable him to make an accurate estimate.

And yet only two days later—

I am still reading—

And yet only two days later the firm in question stated that its New Orleans representative "makes no change in his figures" and "does not abandon his hopes of 11,000,000 bales."

From September to December the Secretary of Agriculture warned all the producers of cotton that there was a short crop of cotton during that year.

On January 17, 1900, when a point had been reached where estimates of anything like 11,000,000 bales would only have excited ridicule and the greater part of the crop had been sold—

I appeal to Senators from the cotton States whether or not the Secretary of Agriculture is right when he says that on January 17 of a given year the greater portion of the cotton crop is sold. I ask the Senator from Mississippi whether or not that is true, or at what time the greater portion of the cotton crop is sold and passes from the community where it was grown?

Mr. McLAURIN of Mississippi. The great portion of the cotton crop in our State is sold by the farmers who produce it by the 1st of December. There is a good deal of cotton, though, that is held until January, and a great deal there is not picked out until January and sometimes until February, especially in the river section of our State.

Mr. ALLISON. I have no doubt that is true, and it is only a verification of what I was stating and what appears everywhere.

Mr. McLAURIN of Mississippi. The farmers generally sell their cotton as fast as they can pick it out. They need the money. The trouble with us and the trouble with the farmer in our section of the country—in the cotton belt—is due to the reports made by the firm you speak of in New Orleans and such firms as that. They want to bear the market. They make a large estimate of the crop that is produced during the year. What we want is to get some official report, something definite, from a bureau such as this, having the time and having better opportunities under the law to furnish a definite estimate in the matter, and report from the 1st of September, when the crop is being marketed or commences to be marketed, and the cotton season begins. Then the farmer and the people who deal in cotton can know something of the probable yield of that year, and, knowing it, can have a better idea of the price of cotton and the price cotton will be, and the farmer will know whether to hold his cotton or to sell it.

Besides that, if he is compelled to sell, the market will be better if the purchaser knows that there is a small yield than if the purchaser supposes that there is a large yield. The purchasers are influenced by that a great deal in the price they give for cotton, as well as the seller in the price at which he sells his cotton.

Mr. ALLISON. I inquired of the Senator because I knew he is familiar with the market of cotton, as are other Senators who reside in the cotton region. What he wants and what other Senators want I also desire. But I am utterly failing in what I am trying to say if I do not convince all Senators that this work is being done, and accurately done, in the Agricultural Department.

I will omit some portion of this report and ask that the paragraph may be inserted entire in what I am saying.

The PRESIDENT pro tempore. Without objection, it will be so ordered.

Mr. ALLISON. I have read and shall read most of it. I only want to put it in connectedly.

The matter referred to is as follows:

During the first half of the year the New Orleans representative of a well-known European cotton firm was predicting one of the largest crops on record, notwithstanding that the Department's monthly reports indicated a production of only 9,000,000 to 9,500,000 bales. On September 10 the Department's report stated that the condition of the cotton crop on September 1 was the lowest, with one exception, in twenty-five years; yet only two days later the firm in question issued a circular in which the statement was made that the conditions were favorable to as large a crop as that of the preceding year, which they estimated at 12,000,000 bales actual growth. On October 10 a further marked decline in condition was reported by the statistician of the Department, and the very same day, as if to break the force of such announcement, the New Orleans representative above referred to stated that the crop would be "at least 11,000,000 bales certain" and that such a prediction was his "minimum estimate."

On November 10 the statistician issued his first estimate on bales, placing the crop at a "maximum of 9,500,000 bales." Four days later the European firm announced that its New Orleans representative had "not reduced his former minimum estimte of 11,000,000 by a single bale." On December 10 the statistician reported that the indications pointed to a crop not exceeding 8,900,000 bales; and yet only two days later the firm in question stated that its New Orleans representative "makes no change in his figures" and "does not abandon his hopes of 11,000,000 bales." On January 17, 1900, when a point had been reached where estimates of anything like 11,000,000 bales would only have excited ridicule and the greater part of the crop had been sold—even then this New Orleans representative contended that the "Interior holdings" were "immense," and his firm figured out a crop exceeding 10,000,000 bales. It is not too much to say that had the carefully collected information published by the Department during this period had the influence on prices that it should have had, the planter would have received from 2 to 3 cents per pound more than he actually received, the effect of the high private estimates above quoted, and especially of the presistency with which they were adhered to by their author, being to check any advance of prices in Liverpool, the market that has always regulated prices in this country.

Mr. ALLISON. The following appears in this paragraph of the report:

It is not too much to say that had the carefully collected information published by the Department during this period had the influence on prices that it should have had, the planter would have received from 2 to 3 cents per pound more than he actually received.

Mr. McLAURIN of Mississippi. If the Senator will allow me, that is just what we want to do. We want to get an estimate.

Mr. ALLISON. So I understand.

Mr. McLAURIN of Mississippi. And we want to get it as accurately as possible and as soon as possible, so that the people who produce the cotton will get the benefit of the increased market. Generally after the cotton gets out of the hands of those who produce it the price goes up, because it is found that then there is less cotton made than had been estimated, and probably

estimated by companies like the one in New Orleans to which the Senator referred.

Mr. ALLISON. That I understand, and that the Secretary of Agriculture understands. That is the reason why the Secretary takes the pains he does take to furnish accurate and complete information from every source as to the growth, production, area, and quantity of cotton produced from year to year. I repeat what is here stated, if the planter had taken the estimates and statements of the Department of Agriculture he—

would have received from 2 to 3 cents per pound more than he actually received, the effect of the high private estimates above quoted, and especially of the persistency with which they were adhered to by their author, being no check to any advance of prices in Liverpool, the market that has always regulated prices in this country.

The estimate was made for the people who bought cotton in European markets, and therefore they held back or at least helped to depress the price of cotton during those months.

Mr. McLAURIN of Mississippi. Will the Senator allow me?

Mr. ALLISON. Certainly.

Mr. McLAURIN of Mississippi. The planter could not be benefited by taking the estimate of the Agricultural Department. The price of cotton is fixed by the amount of the crop that is produced. When the planter goes to sell his cotton he is compelled to sell at the price it is then bringing. You have a company in New Orleans or a company anywhere else estimating largely for a crop with a view to bearing the market, and then you have the Agricultural Department. Those who sell and those who buy judge of the future price of cotton by the number of bales likely to be produced or that likely have been produced.

If they have two sources of information—one the Agricultural Department and the other the estimate made by certain companies—they must judge from those two; but if you have the Agricultural Department and then a report from the Census Office, under the authority of law requiring them to investigate this matter, the planter, who is the seller, and the purchaser will have a better opportunity to judge of the amount of the cotton that has been produced during the year and a better opportunity to judge whether cotton will go up in price or whether it will fall.

Mr. ALLISON. That is said much better than I could have said it, and it lies at the foundation of this proceeding. If the planter chooses to derive no value from the knowledge that we propose to impart to him, if he pays more regard to an expert in New Orleans or New York as to the estimate of the crop than to the official whose duty it is to make the estimate and return and who does it, as I have shown, in the utmost detail, from the planting of the seed until the crop is harvested and ginned, then of course we can be of no advantage to him.

But now I wish to answer the Senator from Texas [Mr. CULBERSON] a little further. He says that these reports are estimates and guesses. That may be true. Everything is an estimate in a degree, although it would seem that every pound of cotton which comes from a cotton gin, for it is all sound cotton, would be an accurate statement of the product, because no cotton can be thrown into market until it is ginned.

I find in this same report a statement of the cotton crop as derived from another source, which it is not proposed in this bill to invoke the Census Bureau for. This report shows the commercial crop. What is the commercial crop? It is the crop sold in the year 1900—that is, the crop of 1899 and 1900—and the crop was 9,142,838 bales. The estimate made in December by these statisticians, taken from the ginneries and all other sources combined, was 8,952,234 bales, or a difference in estimate in a crop of 10,000,000 bales of a little less than 100,000 bales. I submit to the Senator from Texas that that is about as accurate, it seems to me, as we can have it.

Mr. President, I wish to have it understood, in the first place, that whatever is required to be done here is already being carefully done in the Department of Agriculture by people who know about it as well as from the ginneries themselves, and whatever information may be gathered under this limited provision by the Director of the Census will be practically no guide to the farmer or producer of cotton until the bulk of the cotton crop has passed to New England or to the factories in the South or to Liverpool, because the only thing that is done here, even with the amendment of the Senator from South Carolina [Mr. TILLMAN] is to take the monthly product of the ginneries. That is of no value to the producer of cotton in and of itself. There must be in addition to it that intelligent following and gathering up of all the information that is obtainable which is now being done by the Secretary of Agriculture.

Mr. BERRY. Will the Senator from Iowa permit me right there one moment?

Mr. ALLISON. Certainly.

Mr. BERRY. I think the Senator is mistaken if he states that a report given out on the 1st day of October as to the number of bales ginned throughout the United States during the month of September would not be of very great value, because by comparing the amount ginned in 1902 in September with the amount ginned in 1901 in the same month a basis would be given for an estimate as to the probable outcome of the crop.

Mr. ALLISON. It would give a basis.

Mr. BERRY. It is in September, October, and November when the planter sells his cotton. If he, on the 1st of October, finds what was ginned in September and compares that with the year previous, could he not form an estimate of the probable crop of the coming year?

Mr. ALLISON. It would be but a very narrow and incomplete basis. That is the argument that I make.

Mr. BACON. Will the Senator permit me to ask him a question?

Mr. ALLISON. Certainly.

Mr. BACON. I wish to ask the Senator a question in all candor. Of course we understand that he looks to economy of expenditure in this matter.

Mr. ALLISON. That is all. I have no other motive.

Mr. BACON. I wish to ask the Senator whether in the presentation which he is making of this most remarkable, large, and extravagant expenditure he is influenced by a desire to save the small amount that will be required to take the statistics or by a desire to postpone the passage of the census bill to a remote time, when necessarily the number of those who may be included in the civil service will have been greatly reduced by that fact?

Mr. ALLISON. Mr. President, the latter part of the question propounded by the Senator from Georgia is unkind.

Mr. BACON. Well, Mr. President——

Mr. ALLISON. And it is untrue.

Mr. BACON. I hope the Senator will allow me to disclaim any purpose to do anything more than submit a matter of pleasantry.

Mr. ALLISON. That is not a matter of pleasantry, I will say to the Senator.

Mr. BACON. I certainly in my service in this Chamber have never given the Senator any reason to believe——

Mr. ALLISON. Certainly; not hitherto.

Mr. BACON. That I would give offense in any way.

Mr. ALLISON. The suggestion of the Senator that I am trying to prolong the debate and postpone the passage of this bill is also a gratuitous statement.

Mr. BACON. I have, I thought, disclaimed that it was anything more than a pleasantry.

Mr. ALLISON. Very well; I accept the disclaimer.

Mr. BACON. But the Senator insists on it.

Mr. ALLISON. I accept it, if it included that. I have occupied, perhaps, more time than I ought to have occupied, but I have thrown no impediment in the pathway of this bill. The Senator truthfully says that when I have made objections to the provision respecting cotton, I have made them practically for two reasons: First, that all the information sought is already provided for by law; and secondly, that I will be confronted, as I think other Senators may be confronted, with the idea, sooner or later, that we had better expand this Bureau to the taking of an estimate of the corn and wheat and other products of the farm and the factory annually.

Mr. GALLINGER. Do not leave out hay, which is very important.

Mr. ALLISON. And hay also. Hay is the most important crop of all.

Mr. President, I would not for a moment put in the pathway of this provision an impediment if I did not believe that the work is wisely and well done.

Now, as to the expense. If the Senator from Georgia will give me his attention I want to impart to him a little information on another branch. I understood him to say that he thought this work was being extravagantly done.

Mr. BACON. Oh, I beg the Senator's pardon.

Mr. ALLISON. You did not?

Mr. BACON. If the Senator will permit me, I was speaking of the proposed expenditure as one which will not be a very great extravagance.

Mr. ALLISON. No, it will not be; at least I hope not.

Now, the expenditure in obtaining this information in the Agricultural Department, not only as to the cotton crop, but all the crops of agriculture, amounts, in round numbers, to $150,000 per annum. The machinery, which I have described imperfectly, and which ramifies and permeates the entire cotton region, is one which has grown up practically out of the Weather Bureau. That Bureau has its trained observers and trained men at all the central stations I have named and the auxiliary and subsidiary stations running around through the region from which this information is gathered. This machinery for securing accurate local information lies directly in the Agricultural Department. Therefore I entered into a description of it for the purpose of showing, among other things, that the Department of Agriculture,

cotton being an agricultural product, is the natural and proper place for getting this information, and especially so when it has, without any additional, or material additional, expense, all the elements which it can utilize to aid in securing the information.

Now, unless the Census Bureau shall also ask that the Weather Bureau shall be transferred to it, it can never have the opportunities of providing information for the benefit of the farmers of the United States as the Agricultural Department has now. Therefore it is that I wished to vindicate, so far as I could, the Agricultural Department from the aspersion that it is not diligently and constantly doing the things which are now proposed to be done by the Census Bureau.

I will say to Senators that unless this inexpensive machinery, which is directly accurate and adequate, and which is in play every day of the year and every week of the year, furnishing this information is utilized, the expense of gathering this information will naturally be greatly increased.

If it is only the purpose of this bill (the Senator having charge of the bill will explain it), as now appears, to obtain the amount of cotton baled at the ginneries and to take the men who do the baling as the source of information (and I know of no better sources), it is an inexpensive affair. I can see no reason why a man who gins cotton should have a motive to say that he ginned 8 bales when be actually ginned 20, or that he should say he had actually ginned 20 bales when he had ginned only 8. The best sources of that class of information are the ginners of cotton, and I assume that they would uniformly make correct returns of the product of their ginneries.

If that be true and that be all that this proposes it is, as I said, an inexpensive affair, because all the Director of the Census has to do is to take his own showing of the number of ginneries in the United States in 1900 and their names and then take from them or add to them, as the Secretary of Agriculture has already done and has in his possession, the ginneries that are out of use and the new ginneries that have come in since the 1st day of June, 1900, when the census was taken. It will be easy enough for the Director of the Census to go to the Department of Agriculture and get the names of those ginneries and write to their owners or whoever carries them on to furnish to him at the end of each week, as I believe they do now to the Secretary of Agriculture, the amount of cotton ginned during that week, and when a month is reached multiply those weeks into months and find how much has been ginned during the month of September, for instance, and then publish a bulletin stating that fact. That bulletin, of course, would be brief. If he wants to go further and estimate from the amount of ginning done in that particular month the probable cotton crop, it will be a mere guess, unless he has also in his possession the information which now is being gathered by the Secretary of Agriculture and must be gathered by him.

When I first began to examine this matter and when I saw in this bill a provision which I have never seen in any other for a permanent bureau of the United States, a proposition whereby any number of special agents may be created, I got the idea (and if it was an erroneous one I am ready to be corrected) that it was the purpose to employ special agents to do this work. If that is done it will be at a very great expense.

I do not wish in anything I have said or that I may do to, for a moment, minimize the importance of absolutely accurate information from month to month as respects cotton, nor would I be willing to spare a large amount of money. I would think as insignificant any large amount of money which is ordinarily expended in these matters to furnish to the producers of cotton at the very earliest practicable moment accurate and full information in regard to the cotton crop of the year.

So when I am saying what I do say I am not doing it in hostility even to this bill. I am only doing it for the purpose of showing, as imperfectly as I have shown, the fact that in the Department of Agriculture we have the machinery, the methods, whereby this is done.

I want to say another thing. I am not doing this at the request of anybody, nor I am I doing it because the Secretary of Agriculture happens to be from my State. I believe in him thoroughly, and in his ability and industry and intelligence in the discharge of his public duties there. I mistake him if I can not also say that he is as much devoted to the cotton producers of the United States as he is to the corn producers, and that he is striving with all the instrumentalities in his power to give to all the farmers of the United States every opportunity and facility possible in his Department to have the information, which it is necessary and essential for them to have, if they are intelligently to carry on the business of producing cotton, or corn, or wheat.

Mr. BACON. Will the Senator permit me a moment?

Mr. ALLISON. Certainly.

Mr. BACON. The Senator says if this is important, he does not think any prospective expense too great to accomplish it.

Mr. ALLISON. Any necessary expense.

Mr. BACON. It is not to be presumed that it will be any greater than it is in the Agricultural Department.

The Senator is from a corn country, and I desire to ask him a question. He has stated an exceptional proposition. As I say, the Senator is himself from a corn country, and every Senator here representing the cotton-producing States thinks this information is important to the cotton producers. The Senator from Iowa, from a corn-producing State, does not think it important to the cotton producers, and therefore opposes it. Now, which is the more reasonable, that the opinion of the Senator from Iowa should be taken as to what is important to the producers of cotton, or the opinion of all the Senators, without exception, from every cotton State who think to the contrary?

Mr. ALLISON. Well, Mr. President, I am not in the position of the twelfth juryman; and I think the 11 jurors might be able to persuade the twelfth.

Mr. BACON. I hope they will.

Mr. ALLISON. I am not trying to delay this bill; I am not trying to impede its progress, and I have not done so. When the bill was under consideration on Saturday and the Senator from Wisconsin [Mr. QUARLES] asked unanimous consent that it might be considered to-day I did not object. I am certainly as much interested in this bill as are most of the Senators. I believe we ought to have a permanent census office. I am for it and expect to vote for this bill; but I trust it is not a subject-matter of proper criticism for me to express my views and to array, as best I can, imperfectly though it may be, the facts respecting this matter; and then if the 11 jurors are successful, I shall be as content as possible with the result.

I only want, so far as I am concerned, to show to the Senators who seem to have the idea, and who here and elsewhere have stated that there was no such information, that there is already absolutely accurate information furnished; and when I have done that I have discharged my duty.

I will say to the Senator from Wisconsin, after having said thus much on the subject, that I shall interpose no further impediment in the pathway of his bill; and I hope nobody has been disturbed because I have spoken a half hour or longer.

The PRESIDING OFFICER (Mr. NELSON in the chair). The question is on the amendment submitted by the Senator from South Carolina [Mr. TILLMAN].

Mr. ALLISON. I ask that the amendment may be stated.

The SECRETARY. On page 7, section 9, line 1, of the last print of the bill, after the word "ginneries," it is proposed to insert:

And bulletins giving the results of the same shall be issued monthly, beginning October 1 of each year and continued till March 1 following.

Mr. MONEY. Mr. President, I want to offer three little amendments to the amendment of the Senator from South Carolina [Mr. TILLMAN], and I send them to the Secretary's desk all in one copy.

The PRESIDING OFFICER. The Secretary will state the amendment of the Senator from Mississippi [Mr. MONEY] to the amendment of the Senator from South Carolina [Mr. TILLMAN].

The SECRETARY. It is proposed to amend the amendment of Mr. TILLMAN, so as to make it read as follows:

And bulletins giving the results of the same shall be issued weekly, beginning September 1 of each year and continued till February 1 following.

Mr. MONEY Mr. President, I offer these three little amendments to the amendment offered by the Senator from South Carolina because I think they will serve more effectively the interests of the farmers in the cotton belt.

In the State of Texas, which is now making about one-third of the cotton crop, or a little over, they begin picking cotton as early as the 1st of July. It very frequently happens that cotton picking begins the 1st of August in Mississippi and other States; and I think it necessary that these reports should begin in September instead of October. A great deal of the cotton is sold during that time.

I also think that these reports should terminate on the 1st of February, because by that time all the field cotton is out, or all that amounts to anything, and nothing that is picked after that time amounts to anything in quantity or quality.

I also desire that the reports shall be made weekly instead of monthly. There will be very little more cost added, because you have already got the whole machinery in operation; the same number of clerks will answer, and only a little more correspondence will be required. Weekly reports will make a very material difference in the sale of the product. Everybody who lives in the cotton country knows how anxiously the 10th of the month is looked for to get the reports from the Department of Agriculture. Those reports are telegraphed all over the country and the price responds to it, going either up or down, and whether in Liverpool or the smallest cotton-selling depot in the cotton States, the effect is felt just the same. The price goes down in Liverpool and here if the reports show a heavy crop, and it goes up if the reports

show a short crop. It is everything to the farmer that he should have prompt, accurate, and correct information.

It is unfortunate that it is the case that the buying public depend very largely upon men who are sent out by the great cotton firms in Savannah, New Orleans, Houston, New York, Liverpool, and other cities. These men travel over every section of the country. Besides that, they correspond with reliable people, as they consider them, everywhere. It is almost universally the case that these agents are bears. They are all the time predicting an immense crop. The authority read by the Senator from Iowa [Mr. ALLISON] himself admitted that he had overestimated the crop of two years ago about 2,000,000 bales. These predictions go on to the end of the crop year, until the crop has been harvested, and has really gone to market and nearly all of it has passed out of the hands of the farmer. Then comes the annual rise in the price of cotton, in which the farmer does not participate one single particle.

I agree with the Senator from Iowa in a great deal that he has said. The Secretary of Agriculture has done what he could do with the limited means at his disposal; but it sometimes happens, when a fund is placed at the disposal of the head of a department, which embraces a number of items, that one is neglected because of the superior demands made by another. Only the other day I heard that a certain fund, devoted to the collection of information regarding the life of plants and trees, had been in part diverted from its original design on account of its being required to inquire into the wheat weevil somewhere in the Northwest, and so it will continue.

The Secretary of Agriculture does not have, perhaps, as much money as he should have for effective working machinery; but I do not see how any harm can be done if we have a double lot of investigations going on. It is not going to cost a great deal to either department, and we will have the assurance of the corroboration of the reports made by the two departments. There need not be any conflict whatever. I know that in some Government work it will be like a repetition of labor, going over the same ground; but it is not in work of this sort, which is largely based upon estimates. The estimates are based upon immense correspondence and in some cases on personal supervision of the cotton district and its local market by people employed for that purpose. They are generally men of great ability, who receive high salaries, much higher than this Government will ever pay anybody for any such work; but nevertheless you will have men in this department quite capable of doing this work. If we should happen in both of these departments to have reports contemporaneously, we could make an average between the two estimates, and thereby would have a proper guard. We should not then be left to the estimates of one department only.

I conceive, therefore, that the amendment of the Senator from South Carolina has a proper place in this bill, but I think the amendment which I have proposed should be adopted. It is intended to afford protection to the cotton producer and to enable him to get the benefit of a rising market, or a falling market, so far as that is concerned. These reports should be issued weekly. That can be done just as well and almost as cheaply as the work is done now, and it should begin as early as September. I do not think there is any good reason for continuing the reports beyond the 1st of February.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Mississippi [Mr. MONEY] to the amendment of the Senator from South Carolina [Mr. TILLMAN].

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question now recurs upon the amendment of the Senator from South Carolina as amended.

The amendment as amended was agreed to.

Mr. ALLISON. I move to strike out that portion of the bill relating to the collection of cotton statistics by the Director of the Census.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In section 9, on page 6, line 23, after the word "section," it is proposed to strike out:

> And that the Director of the Census shall annually collect the statistics of the cotton production of the country as returned by the ginners; and bulletins giving the results of the same shall be issued weekly, beginning September 1 of each year and continued till February 1 following.

The PRESIDING OFFICER. The proposition is to strike out the words which have been read, which include the amendment which the Senate has just adopted.

Mr. ALLISON. I only wish to strike out the portion relating to cotton. I think the words "the Director of the Census" ought to remain in the bill. If those words are stricken out the bill may need other modifications.

Mr. BACON. The words are repeated.

Mr. ALLISON. Very well.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Iowa [Mr. ALLISON].

The amendment was rejected.

Mr. MCCOMAS. I want to call the attention of the Senator from Wisconsin in charge of the bill to a suggestion which I shall not urge as an amendment, but I want to bring it to his attention that it may be considered in conference.

The Constitution authorizes Congress to vest the appointment of inferior officers "in the President alone, in the courts of law, or in the heads of departments." The Supreme Court has decided in the Hartwell case that a permanent clerk is an inferior officer, and in the Germaine case that the Commissioner of Pensions and the heads of bureaus are not heads of departments within that clause of section 2 of Article II of the Constitution. These employees are sought, by the fifth section of this bill, to be put directly into appointive places as inferior officers, I apprehend, by the action of Congress itself. It is within the power of Congress, through the heads of departments and the Executive, to appoint these inferior officers so long as they are employed in the taking of the Twelfth Census. I am convinced that under that decision of the Supreme Court they are still employees and not inferior officers.

As a remedy I am not at all sure that it is an effective way to dispose of the apprehension that I suggest to the Senator from Wisconsin, but it seems to me that in section 5, page 4, line 8, after the word "thereunder," if the words were added "until after the taking of the Thirteenth Census," perhaps they might yet remain as employees and might not come within the prohibition, if they are inferior officers under that provision of the Constitution. I am not at all sure that that would work the whole of this problem which that section intends to perform, but it does seem to me that that amendment would at least put the matter into conference, so that the conferees might be able by some even more apt term to remove the objection, which I seriously apprehend will arise from an effort by a direct act of Congress to appoint inferior officers, which Congress can not do directly.

I make the suggestion that it may go into conference, but I shall not urge the amendment against the wishes of the chairman of the committee.

Mr. GALLINGER. On Saturday, at my instance, an amendment was adopted which will be found in section 5, page 4, lines 8, 9, 10, and 11. I desire to ask unanimous consent to change the last word in that amendment from "certification" to "employment."

The PRESIDENT pro tempore. The Senator from New Hampshire asks leave to change an amendment which was adopted at his suggestion on Saturday last.

Mr. GALLINGER. Simply as to one word.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. In section 5, on page 4, after the words "in the matter of," at the end of line 4, it is proposed to strike out the word "certification" and insert "employment;" so as to read:

> And persons who have served as soldiers in any war in which the United States may have been engaged, and the widows of soldiers, shall have preference in the matter of employment.

The amendment was agreed to.

The PRESIDENT pro tempore. If there are no further amendments as in Committee of the Whole, the bill will be reported to the Senate.

Mr. ALLISON. Before that is done, I want to offer an amendment, on page 6, section 9, line 23, after the word "that," to insert, "in addition to the statistics now provided for by law."

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. In section 9, on page 6, line 23, after the word "that," it is proposed to insert "in addition to the statistics now provided for by law;" so as to read:

> And that in addition to the statistics now provided for by law, the Director of the Census shall annually collect the statistics of the cotton production of the country as returned by the ginners, etc.

The amendment was agreed to.

Mr. ALLISON. I now desire to ask the Senator from Wisconsin a question, and then to suggest to him whether it is worth while to amend the provision to which I am about to refer. Section 12 of this bill provides specifically for the repeal of "the supplemental acts amendatory of the act of March 3, 1898, approved Feburary 1, 1900," etc., and then it adds:

> And all provisions of the act of March 3, 1899, inconsistent with this act are hereby repealed.

As I understand, the act of 1899 is intended to stand as the law, except where it is specifically modified by the provisions of this bill.

Mr. QUARLES. Certainly.

Mr. ALLISON. I see in the committee report that certain sections of the act of 1899 are repealed under the provisions of this bill, but the committee do not include the repeal of the seventh section of the law of 1899. The law of 1899 states that "the Twelfth Census shall be restricted to inquiries relating to population," etc. I shall not read the whole section.

Taking that section and one or two other provisions I have noticed, it would seem that this bill does not quite provide for what I think it was intended to provide, namely, the taking of the Thirteenth Census; that is to say, will not further legislation be necessary for the taking of the Thirteenth Census, and when the Twelfth Census shall have been completed will not the seventh section be inoperative? I have not examined the question with care, but it occurs to me that such may be the case.

Mr. QUARLES. Mr. President, the inquiry of the Senator from Iowa raises only an academic question, for the reason that, in my judgment, when we approach the next decennial period additional legislation will be required, and I have no doubt the whole subject will be gone over again in the light of the experience of the Bureau between this time and then. I have no doubt that that will be so. If there were time I could suggest the reasons which support this opinion, but I shall not do so at this late hour.

Mr. ALLISON. I have only called attention to it.

Mr. MALLORY. I desire to call the attention of the Senator from Wisconsin who has charge of the bill to the amendment which, after very considerable effort, was inserted in the fifth section on last Saturday, and ask the Senator if the amendment in the reprint of the bill, with which we have been furnished this morning, is correctly printed? Before the Senator answers I will call his attention to the amendment as it appears in the reprint of the bill which was placed on our desks to-day:

SEC. 5. That all employees of the Census Office at the date of the passage of this act, except unskilled laborers, holding positions which are classified in other departments of the Government shall be, and they are hereby, placed, etc.

Referring to the RECORD of Saturday, I find that the Senator from Maryland [Mr. MCCOMAS] offered an amendment, which, so far as I can discover in the RECORD, is the amendment which prevailed. At the bottom of page 1812 of the CONGRESSIONAL RECORD, containing the proceedings of Saturday, I find the following:

Mr. MCCOMAS. In section 5, line 13, page 3, I move to strike out the words "above the grade of skilled laborer" and insert the words "except unskilled laborers."

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Maryland.

The amendment was agreed to.

That appears to be the end of the proceeding. Now, in addition to that, by this amendment it appears that we also adopted the words "holding positions which are classified in other departments of the Government."

It strikes me, Mr. President, that there is an error here; and if there is, it ought to be corrected before we pass the bill.

Mr. QUARLES. I am thankful to the Senator from Florida for calling my attention to the matter. I had myself intended to call attention to that inaccuracy. It seems to be a mistake of the printer. The words which appear in the reprint of the bill "holding positions which are classified in other departments of the Government" are not properly and legitimately there.

Mr. MALLORY. And the amendment as it appears in the bill does not conform at all with the proceedings as indicated in the RECORD.

Mr. QUARLES. I move to strike out from the last print of the bill, in section 5, on page 4, line 2, after the words "unskilled laborers," the words "holding positions which are classified in other departments of the Government," in order to correct a mistake in the printing of the bill.

The PRESIDENT pro tempore. Is there objection to the amendment of the Senator from Wisconsin [Mr. QUARLES]? The Chair hears none, and the words are stricken out.

Mr. MCCOMAS. The Senator from Florida has corrected one error in the print of the bill, and I call the attention of the Senator from Wisconsin to section 4 of the reprint, and ask him whether that is accurate? I apprehend—but I am not sure that I am right—that the language of the amendment adopted was "that there shall be in the Census Office, to be appointed by the Director thereof, with the approval of the head of the department to which the said Bureau shall be attached."

I may be mistaken as to the proceedings, but that was my own apprehension of what the amendment was to be. I make the suggestion that it should read:

That there shall be in the Census Office, to be appointed by the Director thereof, with the approval of the head of the department to which the said bureau shall be attached, etc.

Mr. ALLISON. I suggest to the Senator from Maryland that the appointing power is now with the head of the department, with the approval of the Director of the Census.

Mr. MCCOMAS. With the approval of the head of the department. I am quite confident the words I have suggested will meet the difficulty, because in the Hartwell case it was stated that the appointment was made by the subtreasurer of the United States, with the approval of the Secretary of the Treasury, and that that was a sufficient compliance with the constitutional direction that the appointment should be made by the head of a department. I therefore beg to ask the Senator in charge of the bill to accept that amendment.

Mr. QUARLES. I will do so with great pleasure.

The PRESIDENT pro tempore. Will the Senator from Maryland state the amendment he desires to offer?

Mr. MCCOMAS. In the present print of the bill, in section 4, on page 2, line 21, after the words "by the," I move to insert "Director thereof, with the approval of the;" so as to read:

That there shall be in the Census Office, to be appointed by the Director thereof, with the approval of the head of the department to which the said Bureau shall be attached.

Mr. ALLISON. I suggest that the word "is" be used instead of the words "shall be."

Mr. MCCOMAS. Very well.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. As proposed to be amended, the first part of section 4 would read:

That there shall be in the Census Office, to be appointed by the Director thereof, with the approval of the head of the Department to which the said Bureau is attached, etc.

The PRESIDENT pro tempore. Is there objection to the correction? The Chair hears none, and the correction will be made.

Mr. MCCOMAS. On page 5, section 7, line 22, after the word "the"—I ask the Senator in charge of the bill to accept the amendment which has just been stated—after the word "the" to insert "Director of the Census, with the approval of;" so that it will read:

The Director of the Census, with the approval of the head of said department, may appoint special agents, etc.

Mr. QUARLES. I am very glad to accept the amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Maryland.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 3104) to grant the right of way through the Oklahoma Territory and Indian Territory to the Enid and Anadarko Railway Company, and for other purposes; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LACEY, Mr. SHELDEN, and Mr. STEPHENS of Texas managers at the conference on the part of the House.

The message also returned to the Senate, in compliance with its request, the following bills:

A bill (S. 3509) to transfer the county of Carroll from the northwestern division of the northern district of Georgia back to the northern district of Georgia of the United States district and circuit courts; and

A bill (S. 3654) to vest in the Spanish Treaty Claims Commission certain powers possessed by circuit and district courts of the United States.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

A bill (S. 73) to authorize the construction of a bridge across the Arkansas River near Fort Gibson, Ind. T.;

A bill (S. 88) for the relief of the parties for the property taken from them by military forces of the United States;

A bill (S. 650) granting to the White River Railway Company the right to construct, maintain, and operate a single-track railway across the lands of the United States in the south half of the southwest quarter of section 22, township 14 north, range 8 west of the fifth principal meridian, in the county of Independence, in the State of Arkansas, reserved for use in connection with the construction of Lock No. 3, Upper White River, Arkansas;

A bill (S. 651) extending the time within which the Mississippi River, Hamburg and Western Railway Company is authorized to construct a bridge across the Bayou Bartholomew, in Arkansas;

A bill (S. 910) to extend the time for the completion of a bridge across the Missouri River;

A bill (S. 1165) to authorize the construction of a bridge over the Missouri River at or near the city of St. Joseph, Mo.;

A bill (S. 1838) authorizing the Memphis, Helena and Louisiana Railway Company to construct and maintain a bridge across the Arkansas River, in the State of Arkansas;

A bill (S. 1839) authorizing the Memphis, Helena and Louisiana Railway Company to construct and maintain a bridge across the White River, in the State of Arkansas;

A bill (S. 1970) to provide an American register for the barkentine *Hawaii;* and

A bill (H. R. 4842) for the relief of the trustees of Carson and Newman College, at Jefferson City, Tenn.

NAVAL CONSTRUCTOR RICHMOND P. HOBSON.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and referred to the Committee on Naval Affairs, and ordered to be printed:

To the Senate and House of Representatives:

In June, 1900, Naval Constructor Richmond P. Hobson, then on duty at the naval station, Cavite, P. I., was found to be suffering from "compound hypermetropic astigmatism, retinal hyperæmia, and trachoma," and an operation was performed for the latter. On the 28th of June, 1900, he was admitted to the naval hospital, Yokohama, Japan, the hospital ticket stating: "Retinitis. There is good evidence it was in line of duty. While on duty at Hongkong, during the past year, he suffered from weakness of eyes, particularly after exposure to glare of sun, or while subject to the irregularities of light on board the ships under repairs." On September 7, 1900, he was discharged from the naval hospital at Yokohama and ordered to the United States, and was subsequently granted six months' leave of absence on account of continued "irritation of retinæ."

In January, 1902, Naval Constructor Hobson appeared before a retiring board, the medical members of which, after an examination of his case, made the following certificate:

"At present there is apparently only a slight retinal irritation, but by the exercise of reasonable care it should not give great trouble.

"An opthalmoscopic examination not made and deemed not essential.

"We believe, therefore, that Mr. Hobson is fit for active duty."

Upon this state of facts the retiring board decided "that Naval Constructor Richmond P. Hobson, United States Navy, is fit for active duty."

Without suggesting that any injustice has been done by this finding, and while in effect pronouncing it correct, Mr. Hobson states, in a letter addressed to the Secretary of the Navy, February 5, 1902, that "the duty required in the construction corps in connection with plans and blue prints, and in connection with inspection and supervision in the glare at shipyards and navy-yards, requires just the kind of use of the eyes that is painful and injurious and would tend to thwart their recovery;" that the condition of his eyes has improved since his return to the United States, while on special duty not in the usual line of work of the construction corps; but that "under these favorable conditions the irritation and sensitiveness continue and show that" he "should not undertake work that taxes the eyes in the future." He accordingly asks special legislation authorizing his retirement as for disabilities incurred in the line of duty. This request is approved by the chief constructor and by the Secretary of the Navy.

In consideration of the foregoing, but especially of the gallant service rendered by Mr. Hobson in the sinking of the Merrimac in the harbor of Santiago during the recent war with Spain, I recommend the enactment of a suitable measure for his relief.

THEODORE ROOSEVELT.

WHITE HOUSE, *February 17, 1902.*

Mr. GALLINGER. I ask unanimous consent, out of order, to introduce a bill for the retirement of Richmond P. Hobson.

Mr. COCKRELL. I ask that it be read.

The bill (S. 3983) authorizing the transfer to the retired list of the Navy of Naval Constructor Richmond P. Hobson, United States Navy, was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to transfer to the retired list of the Navy, as for disabilities incurred in the line of duty, Naval Constructor Richmond P. Hobson, United States Navy, at the rate of pay provided by section 1588 of the Revised Statutes in the case of officers retired on account of incapacity resulting from long and faithful service.

The PRESIDENT pro tempore. The bill will be referred to the Committee on Naval Affairs.

ENID AND ANADARKO RAILWAY COMPANY.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives, disagreeing to the amendments of the Senate to the bill (H. R. 3104) to grant the right of way through Oklahoma Territory and the Indian Territory to the Enid and Anadarko Railway Company, and for other purposes, and asking a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. COCKRELL. I do not see the chairman of the Committee on Indian Affairs present, and I move that the Senate insist upon its amendments and accede to the request for a conference.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. QUARLES, Mr. HARRIS, and Mr. RAWLINS were appointed.

CARROLL COUNTY, GA.

The PRESIDENT pro tempore laid before the Senate the bill (S. 3509) to transfer the county of Carroll from the northwestern division of the northern district of Georgia back to the northern district of Georgia of the United States district and circuit courts, returned by the House of Representatives in compliance with the request of the Senate.

Mr. CLAY. I move to reconsider the votes by which the bill was ordered to a third reading and passed.

The motion was agreed to.

Mr. CLAY. I move that the bill be indefinitely postponed.

The motion was agreed to.

SPANISH TREATY CLAIMS COMMISSION.

The PRESIDENT pro tempore. The Chair lays before the Senate the bill (S. 3654) to vest in the Spanish Treaty Claims Commission certain powers possessed by circuit and district courts of the United States. The bill was recalled from the House of Representatives on motion of the Senator from Illinois [Mr. CULLOM].

Mr. LODGE. I understand we have passed the House bill. I therefore move that the bill be indefinitely postponed.

Mr. CULLOM. The Senate amended the House bill, and as I have heard nothing from the House with respect to the bill as amended, I suggest that perhaps it would be well for the bill to lie on the table for a short while.

Mr. LODGE. Let it lie on the table then.

The PRESIDENT pro tempore. The bill will lie on the table.

CONSIDERATION OF UNOBJECTED BILLS ON THE CALENDAR.

Mr. LODGE. I ask unanimous consent that we may take up the Calendar and proceed with unobjected bills.

The PRESIDENT pro tempore. The Senator from Massachusetts asks unanimous consent that the Senate proceed to the consideration of unobjected cases on the Calendar. Is there objection? The Chair hears none. The first bill on the Calendar will be stated.

BILLS PASSED OVER.

The bill (S. 493) to amend an act entitled "An act to establish a code of laws for the District of Columbia" was announced as the first case in order on the Calendar.

Mr. LODGE and Mr. ALDRICH. Let the bill go over.

The bill (S. 451) to provide for acquiring the rights necessary for the construction of a canal connecting the waters of the Atlantic and Pacific oceans was announced as the next business in order on the Calendar.

Mr. LODGE. Let the bill go over.

The bill (S. 911) authorizing the Federal Railroad Company to construct a combined railroad, wagon, and foot-passenger bridge across the Missouri River at or near the village of Oacoma, Lyman County, S. Dak., was announced as the next business in order on the Calendar.

Mr. ALDRICH. The bill had better go over.

Mr. GAMBLE. I ask that the bill may go over without prejudice.

The bill (S. 1104) providing for the use by the United States of devices invented by its naval officers while engaged in its service and covered by letters patent was announced as the next business in order on the Calendar.

Mr. COCKRELL. Let the bill go over.

REVENUE-CUTTER SERVICE.

The bill (S. 1025) to promote the efficiency of the Revenue-Cutter Service was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with amendments.

The first amendment was in section 1, line 6, page 1, before the words "of engineers," to strike out "captain" and insert "captains."

Mr. GALLINGER. The amendment is incorrect. The word "captain," in line 5, should be "captains," and in line 6 it should remain "captain." It was a mistake in the print.

The PRESIDENT pro tempore. The amendment as proposed by the Senator from New Hampshire will be stated:

The SECRETARY. In line 5, section 1, page 1, it is proposed to strike out "captain" and insert "captains;" and in line 6 to allow the word "captain" to remain; so as to read:

That on and after the passage of this act the commissioned officers of the Revenue-Cutter Service shall be as follows: Captains, first lieutenants, second lieutenants, third lieutenants, captain of engineers, chief engineers, first assistant engineers, second assistant engineers, and constructor; and the captain of engineers, chief engineers, first assistant engineers, second assistant engineers shall have the rank of captain, first, second, and third lieutenants, respectively; and the constructor shall have the rank of first lieutenant.

The next amendment of the Committee on Commerce was, in section 2, page 2, line 1, after the word "follows," to strike out the word "captain" and insert "captains;" so as to read:

SEC. 2. That the said commissioned officers shall rank as follows: Captains with majors in the Army and lieutenant-commanders in the Navy; first lieutenants with captains in the Army and lieutenants in the Navy.

The amendment was agreed to.

The next amendment was, in section 5, page 4, line 1, after the word "be," to strike out "submitted" and insert "transmitted;" in line 2, after the word "and," to strike out "if he approve;" and in line 3, after the word "for," to insert "his approval or disapproval and;" so as to read:

The proceedings and decisions of the board shall be transmitted to the Secretary of the Treasury, and shall by him be laid before the President for his approval or disapproval and his orders in the case.

The amendment was agreed to.

The next amendment was, in section 6, page 4, line 7, after the word "of," to strike out "no vicious habits of his own, but is" and insert "an incident of service, or is;" and in line 9, after the word "disability," to insert "and not his own vicious habits;" so as to make the section read:

SEC. 6. That when a board finds that an officer is incapacitated for active service, and that his incapacity is the result of an incident of service, or is

due to the infirmities of age, or physical or mental disability, and not his own vicious habits, and such decision is approved by the President, he shall be retired from active service and placed upon a retired waiting-orders list. Officers thus retired may be assigned to such duties as they may be able to perform, in the discretion of the Secretary of the Treasury.

The amendment was agreed to.

The next amendment was in section 8, page 4, line 22, before the word "according," to strike out "in his place;" so as to read:

SEC. 8. That when any commissioned officer is retired from active service, the next officer in rank shall be promoted according to the established rules of the service, and the same rule of promotion shall be applied successively to the vacancies consequent upon such retirement.

The amendment was agreed to.

The next amendment was, in section 9, page 5, line 9, after the word "list," to insert "at the date of the passage of this act, or hereafter;" so as to make the section read:

SEC. 9. That all officers borne upon the retired or permanent waiting-orders list at the date of the passage of this act, or hereafter, shall receive 75 per cent of the duty pay, salary, and increase of the rank upon which they have been or may be retired.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDENT pro tempore. The junior Senator from Maine would like to have printed in the RECORD, in connection with the bill just passed, a statement by Admiral Melville, and also a statement of what the Revenue-Cutter Service has done in the last four years toward the preservation of life and property.

The papers referred to are as follows:

Admiral Melville's remarks before the House Committee on Interstate and Foreign Commerce, February 4, 1902, in favor of House bill No. ——.

The bill promoting the efficiency of the Revenue-Cutter Service is one that meets with my earnest approval. It is a measure that has been advocated for many years, and the more study that has been given to the matter the more meritorious does the purport of the bill appear. The measure is of import to the 215 officers who comprise the commissioned personnel of the Revenue-Cutter Service. It is of greater import, however, to the merchant marine of this country, for any law that will promote the efficiency of the Revenue-Cutter Service will be of great resulting advantage to the merchant shipping of the several ports.

Probably the greatest argument that can be advanced in support of the bill is to tell of the people and the influences that are in favor of enacting it into law. The successive Secretaries of the Treasury since 1872 have urged the Congress of the United States to afford relief to the officers of this organization. Presidents Arthur and McKinley have cordially indorsed the proposition to enact legislation that will substantially improve the condition of the officers. Both the crews and owners of the whaling fleet know of the work and perils of the Revenue-Cutter Service and urge favorable action. The National Association of Marine Engineers, in convention assembled, earnestly urged Congress to recognize the worth and work of the excellent Revenue-Marine Service. During the past twenty years various commercial and maritime organizations have petitioned the Congress to enact substantially the legislation that is asked for in this bill.

Although the Cutter Service is, under existing law, under the cognizance of the Treasury Department, yet it is, always has been, and must necessarily be a military maritime organization. The service by law is made to enforce every statute that pertains to the protection of the country.

It is strikingly significant that just as soon as war is declared the service is practically drafted into the Navy and incurs every danger and peril that the regular men-of-war are subjected to. Does it not seem paradoxical that the men and ships of this organization are presumed to be in condition to be drafted at immediate call to the work of war and yet be not disciplined enough to fulfill the duties of the Navy in time of peace? The ships that have been constructed during the past five years for this service will compare very favorably, in speed and armament, with the best of the Navy gunboats.

For over forty years I have seen the ships and known the men of the Revenue-Cutter Service. I have watched these vessels leave port upon the approach of a gale to patrol the coast in the hope of rendering assistance to any ships that might have been unfortunate enough to have been cast on the beach. I have seen these revenue ships in the Artic Ocean hanging close to the ice pack, so as to afford immediate relief in case any of the whalers should be nipped in the floe. It is because I have seen this heroic work done that I have carefully studied the work of the organization. For over fifteen years I have had personal conferences with the Superintendent and engineer-in-chief of the service, and I know of the efforts that have been made by these executive heads to only take into the commissioned personnel young men of character, professional efficiency, and high integrity.

As for the engineers of the organization, their professional training and education have been of such nature that in short time I would have no hesitation in intrusting to their charge the care and management of the machinery of our best war ships. I believe that the percentage of men and officers who meet violent deaths in line of duty is greater in the Revenue-Cutter Service than it is in the Navy. The officers and men of this service have made sled journeys of hundreds of miles over the roughest kind of country in their attempt to carry relief to the shipwrecked whalers.

Both officers and men are proud of their organization. The cleanliness of the ships and the general discipline maintained show that all hands are imbued with the best traditions and customs of efficient military service.

The work of the Revenue Marine is a more dangerous occupation than that of the Navy, because the duty of the first organization is to police the coast, while the Navy really polices the ocean. It is seldom that a ship is now lost at sea. It is cruising along the coast that is dangerous, and this is the special province of the Revenue Marine.

Every reason that can be given for the creation of a retired list for the Army and Navy is applicable to that of the Revenue-Cutter Service. There is not a day when every man in all three organizations is not subject to call for perilous duty. The personnel of all three bodies is subject to military as well as to civil trial for various offenses. In entering all three services the civil rights of the individual are abridged and military responsibilities assumed.

The pay received by the officers of the Revenue Marine is not at all commensurate with the service rendered. The uniform of these officers differs but little from that of officers of the Navy. As the work of the service is in tropical, as well as in arctic, waters, the officers are obliged to keep on hand clothing of all descriptions. Since the only allowance given the personnel of the organization is a "ration" amounting to about 30 cents a day, it is necessary for all the married officers to practically keep up their individual homes, as well as to contribute a share of the mess expenses on board ship.

I know of no stronger words that could be said in advocacy of the bill than the report submitted by Senator GALLINGER from the Committee on Commerce. This report shows the character and work of the Revenue-Cutter organization as gathered from official reports. One can not read of the military work done by the ships of the Cutter Service during the Spanish-American war without coming to the conclusion that except in name the organization is as much of a military body as either the Army or the Navy. The injustice which has been suffered by the Cutter Service is told in this report, and the fact that no minority report was submitted by any member of the Committee on Commerce conclusively shows that the bill is a meritorious one, and that there is need for the enactment of this legislation.

The officers of the Revenue-Cutter organization neither possess wealth nor political power. No social forces are arrayed in favor of this bill. The measure is presented on its merits, and it seems to me if ever there was a time when immediate relief should be granted by legislation this measure presents an opportunity for such action.

Exhibit of services performed by vessels of the Revenue-Cutter Service during the fiscal years 1898, 1899, 1900, and 1901, and cost of their maintenance.

Year.	Distance covered in nautical miles.	Lives actually saved.	Vessels boarded and papers examined.	Vessels seized and reported for violation of law.	Fines and penalties incurred for violation of law.
1898	280,110	222	23,172	548	$242,695
1899	239,061	31	18,039	142	28,970
1900	312,091	55	20,089	309	54,860
1901	297,810	178	22,563	178	29,285
Total	1,129,072	556	83,863	1,177	355,810

Year.	Vessels in distress assisted.	Value of vessels assisted and their cargoes.	Persons on board vessels assisted.	Persons in distress taken on board and cared for.	Amount of annual appropriation for maintenance of the service.
1898	92	$1,640,280	679	329	$1,100,000
1899	111	1,752,667	1,465	86	1,100,000
1900	77	4,923,095	3,520	201	1,100,000
1901	107	5,197,825	1,581	101	*1,200,000
Total	387	13,513,867	7,245	717	4,500,000

*$40,000 additional subsequently appropriated to cover a probable deficiency.

NOTE.—Exclusive of the cost of maintaining and the work performed by 12 vessels which were cooperating with the Navy in the war with Spain from March 24 to August 17, 1898, and 1 from April 2 to November 2, 1898.

Recapitulation for the four years.

Distance covered, in nautical miles	1,129,072
Lives saved (actually rescued) from drowning	556
Vessels boarded and papers examined	83,863
Vessels seized and reported for violation of law	1,177
Fines and penalties incurred by vessels reported	$355,810
Vessels in distress assisted	387
Value of vessels assisted and their cargoes	$13,513,867
Persons on board vessels assisted	7,245
Persons in distress taken on board and cared for	717
Cost of maintaining service	$4,540,000

BILLS PASSED OVER.

The bill (S. 1348) to provide for ocean-mail service between the United States and foreign ports, and the common defense; to promote commerce, and to encourage deep-sea fisheries was announced as the next business in order on the Calendar.

Mr. LODGE and Mr. ALDRICH. Let the bill go over.

The bill (S. 2479) to facilitate the procurement of statistics of trade between the United States and contiguous territory over which it exercises control was announced as the next business in order on the Calendar.

Mr. ALDRICH. Let the bill go over.

The bill (S. 640) to extend the provisions, limitations, and benefits of an act entitled "An act granting pensions to the survivors of the Indian wars of 1832 to 1842, inclusive, known as the Black Hawk war, Creek war, Cherokee disturbances, and the Seminole war," approved July 27, 1892, was announced as the next business in order on the Calendar.

Mr. LODGE. Let the bill go over.

The joint resolution (S. R. 42) providing for the introduction of testimony in behalf of the defendant in all preliminary hearings of a criminal nature was announced as the next business in order on the Calendar.

Mr. ALDRICH. Let the bill go over.

The PRESIDENT pro tempore. All these bills go over without prejudice, the Chair understands.

Mr. LODGE. Certainly.

HARVARD UNIVERSITY.

The bill (S. 1099) authorizing the Secretary of the Navy to return to Harvard University certain colors, silver cup, and Nordenfeldt gun was considered as in Committee of the Whole.

The bill had been reported from the Committee on Naval Affairs

with an amendment, in line 8, after the word "returned," to insert "in like order as when received;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Navy is hereby authorized to give to Harvard University the 6-pounder Nordenfeldt gun, the set of colors, including ensign, jack, and pennant, and the silver loving cup presented by Harvard graduates to the auxiliary cruiser *Harvard* at the opening of the war with Spain: *Provided, however*, That said gun shall be returned, in like order as when received, to the Government at any time when it may be required for use.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM H. CRAWFORD.

The bill (S. 1563) for the relief of William H. Crawford was considered as in Committee of the Whole.

The bill had been reported from the Committee on Naval Affairs with an amendment, to strike out all after the enacting clause and insert:

That the President be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, William H. Crawford, of Philadelphia, Pa., an assistant engineer, with rank of lieutenant, junior grade, on the retired list of the Navy, as for disabilities incurred in the line of duty, to take effect upon the date of appointment.

Mr. COCKRELL. I move to amend the amendment by inserting at the end the words "under this act."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RETIREMENT OF PETTY NAVAL OFFICERS AND ENLISTED MEN.

The bill (S. 65) providing for the retirement of petty officers and enlisted men of the Navy was considered as in Committee of the Whole.

It provides that in computing the necessary thirty years' time for the retirement of petty officers and enlisted men of the Navy all service in the Army, Navy, or Marine Corps shall be credited.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXTENSION OF NATIONAL-BANK CHARTERS.

The bill (S. 176) to provide for the extension of the charters of national banks was announced as the next business in order, and was read, as follows:

Be it enacted, etc., That the Comptroller of the Currency is hereby authorized, in the manner provided by, and under the conditions and limitations of, the act of July 12, 1882, to extend for a further period of twenty years the charter of any national banking association extended under said act which shall desire to continue its existence after the expiration of its charter.

Mr. COCKRELL. I simply wish to enter on record the fact that I shall vote "no" on the passage of the bill.

Mr. CULBERSON. I should like to have the bill read again.

Mr. ALDRICH. I appeal to the Senator from Texas to allow the bill to pass. It is a simple bill for the extension of the charters of existing national banks, a large number of which will expire in a very short time, within the next three or four months, and it is absolutely necessary that the bill should pass. It extends no new privileges and changes in no manner whatever the status of banks as they now exist. There is nothing whatever in it except to allow them to renew their charters for twenty years. I assume that there can be no objection on anybody's part to this simple extension.

Mr. CULBERSON. The Senator from Missouri [Mr. COCKRELL] has already entered his objection. A great many of us, particularly on this side of the Chamber, are opposed to the present system of national banks, especially that feature allowing them to issue money; and it seems to me that this measure is of such general consequence that it had better go over.

Mr. ALDRICH. The question as to what banking system should be adopted in the United States is undoubtedly very important, but I assume that neither the Senator from Texas nor the Senator from Missouri would desire to have those banks go out of existence by refusing to extend their charters. That would certainly bring about a condition of affairs in this country which I presume neither of those Senators would desire to establish. If there were any new questions involved in the bill or any new privileges extended, I should not make this appeal.

Mr. CULBERSON. I want the RECORD to show, so far as I am concerned at least, that I am opposed to the measure.

Mr. CULLOM. The RECORD will show that.

By unanimous consent, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RETURN OF BANK CHECKS, ETC.

The joint resolution (H. J. Res. 88) authorizing the Commissioner of Internal Revenue to return bank checks, drafts, certificates of deposit, and orders for the payment of money, having imprinted stamps thereon, to the owners thereof, and for other purposes, was considered as in Committee of the Whole.

Mr. COCKRELL. I should like to ask the Senator from Rhode Island if that covers all the checks which the Commissioner of Internal Revenue decided that he had not the right to return?

Mr. ALDRICH. Yes; that is just what occurred. They sent the checks here for redemption. There was no question about the desirability under the law of redemption, but there was no method under the law by which the checks themselves could be returned to the owners after the redemption had taken place. Therefore the Treasury Department is filled up with a great mass of checks.

Mr. COCKRELL. I know. They will just stamp these same checks and return them?

Mr. ALDRICH. They will cancel the stamps by some process. The Comptroller says it can be done without injury to the checks themselves. They will then return them to the owners. This is simply a provision for that purpose.

Mr. COCKRELL. That is what I supposed, but I wanted to know whether it would cover all the cases.

Mr. ALDRICH. It covers all the cases.

Mr. COCKRELL. There will be no other cases coming in?

Mr. ALDRICH. No.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

INTERNAL-REVENUE STAMPS.

The bill (H. R. 6570) to amend the act of May 12, 1900, authorizing the Commissioner of Internal Revenue to redeem or make allowance for internal-revenue stamps, was next in order on the Calendar.

Mr. ALDRICH. The Senator from Connecticut [Mr. PLATT] desires that the bill may go over, and therefore I make that request.

Mr. LODGE. Let it go over.

The PRESIDENT pro tempore. The bill will be passed over without prejudice.

HENRY BIEDERBICK AND OTHERS.

The bill (S. 2921) to place Henry Biederbick, Julius R. Frederick, Francis Long, and Maurice Connell on the retired list of enlisted men of the Army was considered as in Committee of the Whole. It authorizes the President to cause Henry Biederbick, Julius R. Frederick, Francis Long, and Maurice Connell, survivors of the Lady Franklin Bay expedition, to be enlisted as first-class sergeants of the Signal Corps of the Army and to place them on the retired list of the Army, with the pay and allowances of first-class sergeants of the Signal Corps who have been retired after continuous active service of fifteen years.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened, and (at 4 o'clock and 56 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, February 18, 1902, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 17, 1902.

RECEIVERS OF PUBLIC MONEYS.

Henry G. McCrossen, of Wisconsin, to be receiver of public moneys at Wausau, Wis., his term having expired. (Reappointment.)

George A. Smith, of Utah, to be receiver of public moneys at Salt Lake City, Utah, his term having expired. (Reappointment.)

C. Frost Liggett, of Colorado, to be receiver of public moneys at Lamar, Colo., his term having expired. (Reappointment.)

SURVEYOR-GENERAL.

Alpheus P. Hanson, of Wyoming, to be surveyor-general of Wyoming, his term having expired. (Reappointment.)

PROMOTIONS IN THE NAVY.

Lieut. Commander Henry McCrea, to be a commander in the Navy, from the 9th day of February, 1902, vice Commander William Swift, promoted.

Mr. Walter E. Griffin, a citizen of Michigan, to be an assistant

surgeon in the Navy, with the rank of lieutenant (junior grade), to fill a vacancy existing in that grade.

PROMOTION IN THE ARMY.

Cavalry Arm.

First Lieut. Le Roy Eltinge, Sixth Cavalry, to be captain, February 6, 1902, vice Batson, Fifteenth Cavalry, retired from active service.

APPOINTMENTS AS MEDICAL OFFICERS OF VOLUNTEERS.

James E. Mead, of Michigan, contract surgeon, United States Army, to be assistant surgeon, United States Volunteers, with the rank of captain, February 10, 1902, vice Slayter, resigned.

Herbert M. McConathy, of Kentucky, contract surgeon, United States Army, to be assistant surgeon, United States Volunteers, with the rank of captain, February 12, 1902, vice Griffith, appointed surgeon.

APPOINTMENTS IN THE ARMY.

ARTILLERY CORPS.

Joseph E. Myers, at large, to be second lieutenant, February 4, 1902.

INFANTRY ARM.

Edwin P. Thompson, at large, to be second lieutenant, February 8, 1902.

James W. Everington, of Minnesota, to be second lieutenant, February 2, 1901.

Andrew J. Lindsay, of Missouri, to be second lieutenant, February 2, 1901.

Walter C. Short, of Illinois, to be second lieutenant, February 2, 1901.

Sergt. Sam P. Herren, Company H, Eighteenth Infantry, United States Army, to be second lieutenant, February 2, 1901, to fill an original vacancy.

Corpl. Otho E. Michaelis, Company H, Ninth Infantry, United States Army, to be second lieutenant, February 2, 1901, to fill an original vacancy.

TO BE FIRST LIEUTENANTS.

Artillery Corps.

Clarence G. Bunker, of Minnesota, late captain, Thirteenth Minnesota Volunteers, September 23, 1901, to fill an original vacancy.

Hiram E. Mitchell, at large, late captain and assistant quartermaster, United States Volunteers, September 23, 1901, to fill an original vacancy.

Leonard T. Waldron, of New York, late first lieutenant, Twenty-eighth Infantry, United States Volunteers, September 23, 1901, to fill an original vacancy.

Philip Yost, of Ohio, late first lieutenant, Forty-seventh Infantry, United States Volunteers, September 23, 1901, to fill an original vacancy.

TO BE SECOND LIEUTENANTS.

Cavalry Arm.

Edgar N. Coffey, of Mississippi, late first lieutenant, Thirty-third Infantry, United States Volunteers, February 2, 1901, to fill an original vacancy.

Raymond S. Enslow, of Kansas, late first lieutenant, Eleventh Cavalry, United States Volunteers, February 2, 1901, to fill an original vacancy.

Artillery Corps.

Le Roy C. Bunker, of California, late private, Company L, First California Volunteers, May 8, 1901, to fill an original vacancy.

John B. W. Corey, of Minnesota, late sergeant, Company B, Thirteenth Minnesota Volunteers, May 8, 1901, to fill an original vacancy.

William E. De Sombre, of Wisconsin, late corporal, Company E, Second Wisconsin Volunteers, July 1, 1901, to fill an original vacancy.

Ralph E. Herring, of Minnesota, late private, Company A, Thirteenth Minnesota Volunteers, July 1, 1901, to fill on original vacancy.

John Philbrick, of New Hampshire, late private, Company C, Twenty-sixth Infantry, United States Volunteers, July 1, 1901, to fill an original vacancy.

Rex Van Den Corput, of Georgia, late captain, Third United States Volunteer Infantry, August 22, 1901, to fill an original vacancy.

Laurin L. Lawson, at large, late first lieutenant, Thirty-ninth Infantry, United States Volunteers, August 22, 1901, to fill an original vacancy.

Infantry Arm.

Louis B. Chandler, at large, late second lieutenant, Forty-third Infantry, United States Volunteers, February 2, 1901, to fill an original vacancy.

Martin Novak, at large, late second lieutenant, Forty-second Infantry, United States Volunteers, February 2, 1901, to fill an original vacancy.

Sydney Smith, of Louisiana, late first lieutenant, Second United States Volunteer Infantry, February 2, 1901, to fill an original vacancy.

John W. Ward, of Arkansas, late first lieutenant, Thirty-third Infantry, United States Volunteers, February 2, 1901, to fill an original vacancy.

PROMOTIONS IN THE ARMY.

INFANTRY ARM.

First Lieut. William D. Conrad, Twenty-third Infantry, to be captain, November 7, 1901, vice Anderson, Ninth Infantry, deceased.

First Lieut. Paul Giddings, Third Infantry, to be captain, November 8, 1901, vice Torrey, Seventh Infantry, promoted.

First Lieut. Edward S. Walton, Eighteenth Infantry, to be captain, November 11, 1901, vice Jackson, Seventh Infantry, promoted.

First Lieut. Alfred T. Smith, Twelfth Infantry, to be captain, December 17, 1901, vice Wittenmyer, Fifteenth Infantry, detailed as paymaster.

First. Lieut. Bert H. Merchant, Eighth Infantry, to be captain, December 17, 1901, vice Dove, Twelfth Infantry, retired from active service.

First Lieut. Fred L. Munson, Ninth Infantry, to be captain, January 2, 1902, vice Hartshorne, Seventh Infantry, killed in action.

First Lieut. Thomas M. Anderson, jr., Thirteenth Infantry, to be captain, January 11, 1902, vice Batchelor, Twenty-fourth Infantry, retired from active service.

First Lieut. John E. Hunt, Twenty-fifth Infantry, to be captain, January 14, 1902, vice Gurovits, Eleventh Infantry, deceased.

First Lieut. Charles D. Roberts, Seventeenth Infantry, to be captain, January 31, 1902, vice Frederick, Seventh Infantry, promoted.

POSTMASTERS.

J. N. Newkirk, to be postmaster at San Diego, in the county of San Diego and State of California, in place of Moses A. Luce. Incumbent's commission expired February 11, 1902.

W. E. Cooper, to be postmaster at Las Animas, in the county of Bent and State of Colorado, in place of Francis M. Tague. Incumbent's commission expired January 10, 1902.

B. A. Lifsey, to be postmaster at Barnesville, in the county of Pike and State of Georgia, in place of Joshua G. Harris. Incumbent's commission expired January 31, 1902.

James A. Cummins, to be postmaster at Aledo, in the county of Mercer and State of Illinois, in place of James A. Cummins. Incumbent's commission expires February 23, 1902.

Frank Yeager, to be postmaster at Lanark, in the county of Carroll and State of Illinois, in place of Frank Yeager. Incumbent's commission expired February 11, 1902.

Sherman F. Myers, to be postmaster at Anita, in the county of Cass and State of Iowa, in place of Sherman F. Myers. Incumbent's commission expired January 10, 1902.

Henry L. Chesley, to be postmaster at Sutherland, in the county of O'Brien and State of Iowa, in place of Henry L. Chesley. Incumbent's commission expired May 12, 1901.

Clarence Mathews, to be postmaster at Maysville, in the county of Mason and State of Kentucky, in place of Clarence Mathews. Incumbent's commission expired February 16, 1902.

Samuel T. Moore, to be postmaster at Princeton, in the county of Caldwell and State of Kentucky, in place of Samuel T. Moore. Incumbent's commission expired February 16, 1902.

Jacob B. Coffman, to be postmaster at Russellville, in the county of Logan and State of Kentucky, in place of Jacob B. Coffman. Incumbent's commission expires February 25, 1902.

Woodbury Marson, to be postmaster at Booth Bay Harbor, in the county of Lincoln and State of Maine, in place of Woodbury Marson. Incumbent's commission expired May 12, 1901.

Edwin D. Goodell, to be postmaster at Brookfield, in the county of Worcester and State of Massachusetts, in place of Edwin D. Goodell. Incumbent's commission expired January 19, 1902.

Joseph C. Bartlett, to be postmaster at Lake City, in the county of Wabasha and State of Minnesota, in place of Joseph C. Bartlett. Incumbent's commission expired January 10, 1902.

James H. Roberts, to be postmaster at Binghamton, in the county of Broome and State of New York, in place of James H. Roberts. Incumbent's commission expires February 23, 1902.

Edwin B. Hard, to be postmaster at Cobleskill, in the county of Schoharie and State of New York, in place of Edwin B. Hard. Incumbent's commission expires February 25, 1902.

William A. Boyd, to be postmaster at Mamaroneck, in the county of Westchester and State of New York, in place of William A. Boyd. Incumbent's commission expired February 4, 1902.

Frank W. James, to be postmaster at Naples, in the county of Ontario and State of New York, in place of Frank W. James. Incumbent's commission expires February 22, 1902.

Prine Riggs, to be postmaster at Sodus, in the county of Wayne and State of New York, in place of Prine Riggs. Incumbent's commission expired January 10, 1902.

Henry B. Rollinson, to be postmaster at Rahway, in the county of Union and State of New Jersey, in place of Henry B. Rollinson. Incumbent's commission expires February 18, 1902.

Alfred R. Messler, to be postmaster at Upper Montclair, in the county of Essex and State of New Jersey, in place of Alfred R. Messler. Incumbent's commission expires February 18, 1902.

James R. Carley, to be postmaster at Hillsboro, in the county of Traill and State of North Dakota, in place of Ole Howard. Incumbent's commission expired January 10, 1902.

Ernest A. Hempstead, to be postmaster at Meadville, in the county of Crawford and State of Pennsylvania, in place of Ernest A. Hempstead. Incumbent's commission expired May 12, 1901.

Solomon S. Ketcham, to be postmaster at Overbrook, in the county of Montgomery and State of Pennsylvania, in place of Solomon S. Ketcham. Incumbent's commission expired January 31, 1902.

Frank J. Cory, to be postmaster at Watertown, in the county of Codington and State of South Dakota, in place of Frank J. Cory. Incumbent's commission expired February 8, 1902.

William L. Trent, to be postmaster at Knoxville, in the county of Knox and State of Tennessee, in place of William L. Trent. Incumbent's commission expires February 23, 1902.

John C. Williams, to be postmaster at South Milwaukee, in the county of Milwaukee and State of Wisconsin, in place of John C. Williams. Incumbent's commission expired February 15, 1902.

John A. Gilbreath, to be postmaster at Appleton City, in the county of St. Clair and State of Missouri, in place of Columbia Drew, removed.

Job Thompson, to be postmaster at Townsend, in the county of Broadwater and State of Montana. Office became Presidential January 1, 1902.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 17, 1902.

APPOINTMENTS IN THE ARMY.

TO BE FIRST LIEUTENANTS.

Artillery Corps.

Richard K. Cravens, of the Indian Territory, late first lieutenant, Fortieth Infantry, United States Volunteers, September 23, 1901.

Harry J. Watson, of Pennsylvania, late captain, Tenth Pennsylvania Volunteers, September 23, 1901.

TO BE SECOND LIEUTENANTS.

Cavalry Arm.

Thomas P. Bernard, of the District of Columbia, late sergeant, Company B, Forty-seventh Infantry, United States Volunteers, February 2, 1901.

Thomas A. Rothwell, of New York, late hospital steward Twenty-second New York Volunteers, February 2, 1901.

Artillery Corps.

Charles J. Ferris, of the District of Columbia, late corporal, Company G, Thirty-first Infantry, United States Volunteers, August 22, 1901.

Guilford S. Garber, of Indiana, late first lieutenant, Thirtieth Infantry, United States Volunteers, August 22, 1901.

Charles G. Mortimer, of the District of Columbia, late quartermaster-sergeant, First District of Columbia Volunteers, August 22, 1901.

Charles E. Wheatley, of Vermont, February 1, 1902.

Brainard Taylor, of Massachusetts, late private, Company A, Sixth Massachusetts Volunteers, August 22, 1901.

James B. Taylor, of Pennsylvania, late sergeant, Company H, Forty-second Infantry, United States Volunteers, August 22, 1901.

Infantry Arm.

Robert L. Meador, of Georgia, late sergeant, Company A, Third Georgia Volunteers, February 2, 1901.

Charles M. Blackford, of Virginia, February 2, 1901.

Fay W. Brabson, of Tennessee, February 2, 1901.

Leighton Powell, of Illinois, February 2, 1901.

TO BE ASSISTANT SURGEON.

Edward A. Romig, of Michigan, late surgeon Fortieth Infantry, United States Volunteers, to be assistant surgeon, United States Volunteers, with the rank of captain, February 5, 1902.

POSTMASTERS.

Andrew W. Wills, to be postmaster at Nashville, in the county of Davidson and State of Tennessee.

John W. Stuart, to be postmaster at State College, in the county of Center and State of Pennsylvania.

Daniel S. Knox, to be postmaster at Tionesta, in the county of Forest and State of Pennsylvania.

George W. Best, to be postmaster at East Brady, in the county of Clarion and State of Pennsylvania.

REMOVAL OF INJUNCTION OF SECRECY.

The injunction of secrecy was removed from the following treaty and convention February 17, 1902:

A treaty between the United States and Denmark providing for the cession to the United States of St. Thomas, St. John, and St. Croix islands, in the West Indies.

A supplementary convention between the United States and Great Britain, extending for a period of twelve months from July 28, 1901, the time within which British colonies or foreign possessions may give their adhesion to the convention for the tenure and disposition of real and personal property, signed at Washington on March 2, 1899.

HOUSE OF REPRESENTATIVES.

MONDAY, *February 17, 1902.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of Friday's proceedings was read and approved.

RECALL OF A BILL.

Mr. JENKINS. I ask unanimous consent for the present consideration of the resolution which I send to the desk.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the President be requested to return to the House of Representatives the bill (H. R. 5814) to provide for the execution in the Philippine Islands and in Porto Rico of deeds for land situate in the District of Columbia.

Mr. RICHARDSON of Tennessee. My attention was momentarily diverted, and I did not catch the purport of this resolution.

Mr. JENKINS. It provides for recalling a bill from the President.

Mr. RICHARDSON of Tennessee. What is the trouble?

Mr. JENKINS. The Attorney-General telegraphed to Manila on Saturday, and upon learning the condition of the law there with reference to the appointment of notaries it was deemed advisable to have this bill recalled. The ten days will expire to-morrow.

Mr. RICHARDSON of Tennessee. I have no objection.

The SPEAKER. The question is on the agreeing to the resolution.

The resolution was agreed to.

REPRINT OF A BILL.

Mr. PAYNE. Mr. Speaker, I ask unanimous consent for a reprint of House bill 10530, being the bill to repeal war-revenue taxation. I am informed that the print is entirely exhausted.

The SPEAKER. Is there objection to the request of the gentleman from New York? The Chair hears none; and the order for the reprint will be made.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. EDDY, for thirty days, on account of important business.

To Mr. MCCLEARY, for one day, on account of sickness.

To Mr. SHEPPARD, for ten days, on account of sickness.

WAR-REVENUE TAXATION.

Mr. DALZELL. Mr. Speaker, I submit the following privileged report from the Committee on Rules.

The SPEAKER. The gentleman from Pennsylvania makes a privileged report. The Clerk will read the same.

The Clerk read as follows:

The Committee on Rules, to whom was referred House resolution No. 135, have had the same under consideration and report the following in lieu thereof:

"*Resolved*, That immediately on the adoption of this rule, and immediately after the reading of the Journal on each day thereafter until the bill hereinafter mentioned shall have been disposed of, the House shall resolve itself into Committee of the Whole on the state of the Union for consideration of the bill (H. R. 10530) to repeal war-revenue taxation, and for other purposes; that on February 18, at 4 o'clock p. m., general debate shall be closed in Committee of the Whole, when the committee shall rise and report the bill with such amendments as have been recommended by the Committee on Ways and Means; and immediately the House shall vote without debate or intervening motions on the several amendments reported from the Committee of the Whole on the engrossment and third reading, and (if the bill shall have passed to be engrossed and read a third time) on the final passage. General leave to print is granted for ten days from February 18 on the bill H. R. 10530."

Mr. DALZELL. Mr. Speaker, the effect of this resolution, if it shall pass, will be to bring before the House for consideration

the bill (H. R. 10530), which repeals all of the war-revenue taxation. The rule provides for the discussion of that measure until 4 o'clock to-morrow afternoon. It excludes all amendments, except those that have been recommended by the Committee on Ways and Means, and these are merely formal.

This measure is the redemption of a pledge made by the Republican majority at the time that the war-revenue measure was passed. It was then said that when the necessity that called for the passage of that act ceased to exist the taxes would be repealed. In pursuance of that pledge, in the last Congress a portion of those taxes were repealed, and now, in entire fulfillment of the pledge, all the war taxes are to be repealed.

It is a measure about which I take it there is a unanimity of opinion in this House, and there is therefore little necessity for any protracted debate. It is a simple repeal measure, and therefore it has been thought wise that it should be submitted to the House in the shape in which it comes from the committee, and so that its success may not be hazarded by any extraneous matter. I now yield to the gentleman from Tennessee.

Mr. RICHARDSON of Tennessee. How much time? I promised to yield to the gentleman from Alabama [Mr. UNDERWOOD] fifteen minutes. Give our side thirty minutes.

Mr. DALZELL. Thirty minutes, if that is agreeable to the gentleman. I reserve the balance of my time.

The SPEAKER. The gentleman from Pennsylvania [Mr. DALZELL] reserves the balance of his time. The gentleman from Tennessee [Mr. RICHARDSON] is recognized for thirty minutes.

Mr. RICHARDSON of Tennessee. The gentleman from Alabama [Mr. UNDERWOOD], my colleague on the committee, desires fifteen minutes, half the time, and I yield to him.

Mr. UNDERWOOD. Mr. Speaker, the resolution of the Rules Committee is objectionable to many of us on this side of the House, not because it brings a bill for the reduction of taxation before the House, but because it prevents the individual members of the House from exercising their own judgment and the wishes of their constituency as to how the present excessive taxes shall be reduced. It is true that at the time of the adoption of what is known as the war-revenue bill, the Congress and the members of Congress pledged the country that when the expenditures of the war were over we would repeal these taxes. I believed more than a year ago that the time had arrived when it was no longer necessary to keep on the statute books the bill known as the war-revenue bill or to collect from the people the hundred million dollars raised under its provisions and so voted; but because we are collecting very much larger revenues than are necessary for the current expenditures, it does not mean that it is necessary for us to reduce those revenues along a straight line, on one particular bill; if it is advantageous to the country, make the reduction in some other way.

There are some of these war-revenue taxes that reach citizens and classes of property that are not taxed by the Federal Government in any other way. The inheritance tax is levied on a class of wealth, a class of property, and a class of citizens that do not otherwise pay their fair share of the burdens of the Government. Under this rule we are required to vote for a repeal of all the provisions of the war-revenue bill, if we propose to repeal any, and as we can not afford to continue to pile up in the Treasury a hundred millions of surplus revenue, taking it from the natural channels of trade and endangering the prosperity of the country—if this rule is adopted, we are compelled to vote for the bill as a whole rather than get no relief at all. That is my objection to this ironclad rule. I believe the country is now facing a situation where Congress should act wisely and discreetly in reducing the revenues of the country, but I believe that there are some taxes in the war-revenue bill that should remain as they are, that there are other taxes levied under the Dingley tariff act that should be reduced and the revenues cut down thereby.

Now, I know, and I agree with the gentlemen on that side of the House, that were we to engage to-day in a general revision of all the tariff laws of the United States it might have a very disastrous effect on the country, irrespective of whether the legislation proposed was good or bad, because when you enter upon a general tariff-revision bill, whether it is on the part of the Republican party or on the part of the Democratic party, when you announce to the country that you are going to change the tariff regulations and the tariff taxes on the business interests of the country the announcement of such a policy affects the business of every man who is engaged in importation or in manufacturing. He does not know what will be the result of the legislation until Congress has acted. Necessarily he draws himself into his shell in a business way and stops all business until the law has been passed. This has always been the case.

When the Democratic party undertook the enactment of what has been known as the Wilson bill, the business interests of the country stood still until that law was put on the statute books. When Mr. McKinley was elected President of the United States, and the announcement was given out to the country that we would have an entire revision of the tariff laws of the United States, the manufacturing and business interests of the country were stagnated for the time being, and the business of the country did not go on and prosper until that legislation had been enacted.

So that I say, that as far as I am concerned, if I had the opportunity to amend this bill as I saw fit, although I believe entirely in a reduction of the tariff duties in the United States, I would not think it advisable and at this time and in this way to take up a general revision of the tariff laws. I think it should be done gradually; I think the time has come in this country when the tariff duties are so related to the business interests and prosperity of the United States that Congress should look at it from a business standpoint, and make such changes as the country desires, in a way that will not stagnate or jeopardize the present trade relations of the country.

Now, I know that for many years, or in recent years, I might say, my party has not been in favor of reciprocity. There was good reason for their taking that position. I myself am not in favor of a reciprocity treaty made by the President of the United States and submitted to the Senate of the United States for its revision. The people of the United States pay their taxes into the Federal Treasury in proportion to the number of people or the wealth of the country. They are not represented in the Senate of the United States in that way. In this House we have a representation based on population, and in that way, based on wealth, business enterprise, and tax-paying capacity of the country. In the Senate representation is based on States. There are 16 States in the Union having 32 Senators in the United States Senate, composed of only 90 Senators, and having only 27 Representatives in the popular branch of Congress out of a total representation at this time in the House of Representatives of 357.

In other words, these 16 States have, under the census of 1900, a population of 5,565,367, as against a total population of 74,565,906 in the 45 States in the Union, and represented in Congress they represent only about 7½ per cent of the people of the United States and not quite 8 per cent of the membership of the House of Representatives, but more than one-third of the United States Senate. Under the Constitution of the United States it requires a two-thirds vote to ratify a treaty; in other words, 60 Senators must vote for the treaty in a full Senate to secure its ratification; therefore it rests in the power of 31 Senators to defeat any treaty or dictate on what terms they will agree to ratify it. When you give the Senate the power to make commercial treaties affecting the tariff schedules, they have the power to regulate taxation, and we find ourselves in the anomalous position where it is possible for 7 per cent of our population to dictate terms for the other 93 per cent, not only as to taxation, but as to our commercial prosperity and development.

Therefore, as to this great public question, if we leave it to the President to make reciprocity treaties with foreign nations and submit them for the ratification of the Senate, one vote over one-third of the United States Senate can dictate to the balance of the country what the tariff laws shall be made and what our trade relations shall be. The gentlemen representing these small States are very able men. They have many times demonstrated that. But the far Western States are not in touch with the South or the East in business or their manufacturing interests; and I believe it would be unwise to leave such arrangement to the Senate of the United States. On the other hand, the condition of trade in Europe is such to-day that we can not deal with it as our fathers have dealt with it in the past.

There was a time when the Democratic party was in favor of absolute free trade, reaching out for the markets of the world, and there was no check to their entering the markets of the world except that they must make the best goods at the lowest price. To-day the countries of Europe where our best market for export trade is found are working on an entirely different business basis. Every nation on the Continent of Europe is reaching out for foreign trade, and they are attempting to get that trade by making reciprocal trade contracts with other nations. The nations of the world to-day stand in the same attitude of two business men in a trade. If anyone desires to make a trade with you, there must be something in the trade that you think will be of benefit to you before you will make the trade with him. It is a purely business proposition of reciprocity in the trade contracts.

Now, I say the time has come in the history of this country when Congress intends to modify or change tariff rates or reduce the tariff duties, as I believe we ought to do; that we ought to make the changes desired so as to receive for our people all the benefits that can accrue to us from the proposed concessions; this is what our competitors in Europe are doing, and unless we meet them in their practical methods to secure trade and commerce the people we represent will be the sufferers. And I do not see but one way in which that can be done. As I stated in the beginning, I am opposed to this being done by what is known as a reciprocity

treaty, negotiated by the President and confirmed by the Senate, because, outside of all constitutional questions involved in the matter, I do not believe that the Senate of the United States as constituted fairly represents the business interests of this country. Therefore, if I had an opportunity to amend this bill and opportunity to offer an amendment, which this rule will cut out, I would offer a proposition such as I send to the desk and ask to have read in my time.

The Clerk read as follows:

That for the purpose of readjusting the present duties on importations into the United States, so as to raise sufficient revenues to support the Government economically administered, and at the same time to encourage the export trade of this country, the President of the United States is authorized and empowered to negotiate trade contracts with foreign nations wherein mutual concessions are made, looking to the expansion of our foreign trade: *Provided, however*, That said trade contracts, before becoming operative shall be submitted to the Congress of the United States, for ratification, amendment, or rejection.

Mr. UNDERWOOD. There may be some members of the Democratic party who believe that Congress in adjusting the tariff duties should look solely to the question of revenue, but in my opinion, in the necessary readjustment of the present tariff laws of this country, it is our duty to take advantage of existing conditions wherever we can for the benefit of our home people. We have on the statute books to-day the highest ad valorem protective tariff that the country has ever known, the average rate of duties running between 49 and 50 per cent ad valorem on the value of the goods imported.

The tariff rates collected under the existing law in many instances are no longer necessary for the protection of the home manufacturer, but most of them would produce a greater revenue if the tariff rates were lowered. The question, then, for the Democrats and the Republicans alike, irrespective of the theories advanced by either as to the proper mode of arranging tariff taxation, is how can these duties be best reduced so as to work the greatest benefit to the people of the United States. Some may say, on the Democratic side, that we should reduce them irrespective of the benefits received from such reduction by the people, merely looking to placing the tariff rates on a revenue basis. This might be maintained as sound Democratic doctrine were there no laws on the books, no changes to be made; but I maintain that there is nothing un-Democratic in our securing all the benefits that we can for our people through a reduction of the present existing tax rates.

There is sound Democratic authority for this position. When Mr. Jefferson was the Secretary of State in President Washington's Cabinet, Congress asked his advice as to the best means for promoting commerce of the United States with foreign countries. In his report Mr. Jefferson said:

As to commerce, two methods occur—first, by the friendly arrangements with the several nations with whom these restrictions exist, or, second, by the separate act of our own legislative for countervailing their efforts. There can be no doubt but that of these two, friendly arrangements is the most eligible.

He also said:

Some nations not yet ripe for free commerce in all its extent might still be willing to modify its restrictions and regulations for us in proportion to the advantages which an intercourse with us might offer. Particularly, they may concur with us in reciprocating the duties to be levied on each side, or in compensating any excess of duty by equivalent advantages of another nature.

There may be Republicans in this House who are unwilling to tear down the "Chinese wall of protection" that the Dingley bill has built about the commerce of the country, but I call their attention to the prophetic and fateful words uttered by President McKinley in his address at Buffalo a few hours before he was stricken down by an assassin. He said:

The period of exclusiveness is past. The expansion of our trade and commerce is the pressing problem. Commercial wars are unprofitable. A policy of good will and friendly trade relations will prevent reprisals. Reciprocity treaties are in harmony with the spirit of the times; measures of retaliation are not.

These words express the true sentiment of the business interests of the country. The people of the United States realize that, were it not for the foreign trade that takes our surplus agricultural products, prices would become demoralized and farming become unprofitable.

For many years after the civil war, when the great West was developing and thousands of immigrants coming into this country and building new homes, our manufacturing interests found a ready market for all their products at home. It was neither wise nor profitable to ship their goods abroad, but in the intervening thirty years our manufacturing interests have outgrown the home market. There are no new markets developing at home. Unless we can find markets beyond the seas in which to dispose of our surplus products, idle factories, mills, and foundries will be the result. It is true that we yet consume in this country the greater proportion of our agricultural products and find a home market for the greater proportion of our manufactured goods, but it must be borne in mind that the price is largely fixed by the surplus products. If a cotton crop is 10 per cent in excess of the normal demand, the price of cotton falls far below 10 per cent of the normal price. On the other hand, if the cotton crop is 10 per cent less than the normal crop, the price advances far in excess of the usual price.

The same is true of all other products of the soil and of the output of our manufacturing establishments. With a ready demand in foreign countries for our surplus products, prices will be maintained and prosperity will be found at home. With no markets for our surplus products abroad, falling prices must necessarily result and stagnation in business follow with the distress at home. A few illustrations of what we can accomplish in foreign markets by entering into trade contracts with foreign nations may not be out of place. In the first place, the world's imports for 1900 were, approximately, $10,398,189,000. Of this amount this country only supplied $1,468,373,470, or barely 14 per cent. More than two-thirds of this small share of the world's commerce was made up by our exports of food stuffs, so that we secured less than 5 per cent of the world's trade in manufactured goods.

In 1897 the importations into France amounted to $117,000,000. Of this amount $34,000,000 is credited to Great Britain, $31,000,000 to Germany, and our share amounted to only $4,000,000. Why does this condition exist? Neither Germany nor Great Britain can raise food products as cheaply as they can be raised in America. We are shipping from this country into both England and Germany pig iron, steel rails, engines, iron pipes, and a vast number of other products of our manufactures that are absolutely excluded from the French markets, because the Republic of France is levying a discriminating duty against us. To illustrate, steel rails manufactured in this country are required to pay a discriminating duty of $11.50 more than steel rails manufactured in either Germany or Great Britain; pig iron manufactured in this country is required to pay a like discriminating duty of $1.60 per ton, and so on through the entire iron and steel schedule and on many other articles.

The reason for this discrimination against our country is that we are levying an average ad valorem duty on French importations into this country of 49 per cent, and the Government of France is retaliating against us for excessive tariff rates, with the result that a vast market for the sale of our wheat, corn, pork, and cotton, and the products of our factories, foundries, and mills is practically closed to us.

In 1893 we had a reciprocal trade agreement with the Kingdom of Spain for the islands of Cuba and Porto Rico. Our total exports to Cuba for that year amounted to $24,157,698. This arrangement was annulled in 1894, and by 1896 our export trade to Cuba had fallen off to $7,530,880.

We have demonstrated that by fair concessions there is a splendid market for our surplus products in Cuba if we will but give them a chance to trade, but the present position taken by this Government with Cuba, so far as its trade is concerned, is more despotic than that ever exercised by the Kings of Spain. We have destroyed their trade with other nations, and on account of our high protective tariff absolutely refused to allow them to trade with us. We announced to the world that we proposed to assume the guardianship of Cuba from philanthropic motives, and yet in the face of the world we are proceeding to strangle the child of our adoption to death, and not only to the hurt of the child, but to our own injury as well.

On account of our high discriminating duties against German products, the Empire of Germany has declared a commercial war against us, not only against our manufactured products, but against our agricultural exports as well. They have very recently increased their tariff rates per 100 kilos ($220\frac{46}{100}$ pounds) on wheat from 83 cents to $1.55; on rye, from 83 cents to $1.43; on barley, from 48 cents to 95 cents; on oats, from 86 cents to $1.48; on flour, from $1.74 to $3.20; on corn, from 38 cents to 95 cents; on hogs, from $1.19 to $2.38; on meats, from $4.04 to $8.33.

This is an example of what the American farmer is receiving in exchange for his present folly in maintaining an unjust and unnecessary tariff discrimination. But Germany has also made a like discrimination against our manufactures. She has raised the rate on bicycles from $5.75 to $35.70; on shoes, from $11.90 to $20.23; on tools, from $1.90 to $4.76; on lumber, from 19 cents to 30 cents, and so on through almost all the entire schedule. Some time ago our country became involved in a controversy with Russia over the importation into this country of a small amount of sugar. Under the Dingley law it was discriminated against with what result? We practically excluded the importation into this country of $250,000 worth of Russian sugar. Russia has excluded the importation into that country in retaliation of $6,000,000 worth of American machinery. She has advanced her tariff rates on almost all manufactures. But a few illustrations will serve to illustrate the result. On boilers, tanks, and other articles of sheet iron and steel, from $1.078 to $1.708; on cast iron, water, or sewer pipes, from $1.078 to $1.707; on all iron and steel used in buildings for furniture, from $1.694 to $4.017, etc.

A writer in a recent magazine article says:

Russia, on a small scale, by her prompt acceptance of Mr. Gage's challenge, has thrown a useful light on the precariousness of being an enormous seller and a small buyer. In German hands the lesson could and as it seems will be brought home yet more unmistakably, for Germany's exports to the United States are worth only about half as much as American exports to Germany—$97,374,700 to $184,048,094. Germans believe and, as the new provisional tariff bill shows, are ready to act on their belief that America has better reasons to keep on good commercial terms with them than they with America, and they are therefore using their advantage to force Congress to choose between an equitable reciprocity treaty and the loss or partial loss of the German trade.

The commercial relations among the leading nations of the world has rapidly been approaching the relations that exist among individuals in trade and commerce. Business men do not make the same price to all customers in all places and at all times. A customer who buys in large quantities usually receives a better price than one whose trade is small or uncertain. A purchaser who pays cash or has good credit receives advantages that are not given to one who has not.

In adjusting our foreign trade relations with other countries we can not take advantage of the ordinary business methods that would be exercised by two individuals if we continue to have the uniform tariff rates against different countries irrespective of the benefits we may receive from them.

In my judgment, wise diplomacy and wise legislation for the benefit of our people would be to give those foreign nations advantage of tariff reductions that would return like advantages to us, and not to give them to those nations that can not or will not aid us in return. What I have thus said is not out of harmony with the doctrines that the Democratic party has always maintained. We must raise a revenue by levying tariff duties, and in raising it there is nothing inappropriate or indefensible in making it act most severely against those who discriminate against us and work most advantageous to those nations that maintain friendly trade relations with us.

The present commercial treaties existing between the United States and foreign nations generally expire about 1902 and 1903. I believe under these circumstances it would be wise at this time to place the power in the President's hands to protect our foreign commerce by making trade contracts with other nations. I believe that the only way that this can be properly done is by enacting a law such as I desire to offer as an amendment to this bill. I see no reason or excuse why the members of this House should refuse at this time to allow such a proposition to be voted upon, and if they do so by adopting the rule that will prevent all amendments to the pending bill, they will maintain the present Chinese wall of tariff exclusion to the serious injury of our export trade, and in the end will bring disaster to our business interests and distress to the constituencies they represent. [Loud applause.]

Mr. RICHARDSON of Tennessee. I yield to the gentleman from Texas for five minutes.

Mr. BALL of Texas. Mr. Speaker, the effect of this drastic rule if adopted will be not only to cut off all amendments to this bill, but to prevent even a motion to recommit with instructions in order that the will of this House may be ascertained. This is but another step in the parliamentary evolution which has effaced individualism in this House and enthroned with autocratic power a few men who dominate not only the legislation which is passed, but that which is suppressed. It is but another step in the backward path which has caused the popular branch of the National Legislature to abdicate its functions as a deliberative body. It is but another step in seeking yet a lower depth in public opinion, if it is possible to find a depth which the House of Representatives has not already reached.

It is but another step in bringing us into contempt with the body at the other end of the Capitol, which has no respect for the membership of this House as a whole, not individually, because in patriotism, legislative ability, and fidelity to duty we are the equal of the members there, but disdain for a legislative body whose individual members are without power to obtain recognition except by the grace of one man and without the power to offer an amendment to pending legislation except by the grace of three men.

Now, Mr. Speaker, if this rule is adopted, $75,000,000 of taxes will be removed at one swoop. Nobody believes that the Senate of the United States is going to permit this to become a law without proper consideration. Everybody who is informed knows that the reason why this rule has been adopted is to gag two Republican members of the Ways and Means Committee, to gag a number of Republicans on that side of the Chamber and all of the Democratic members of this House. Everyone who is informed knows that the object of this rule is to prevent the hand of taxation from being laid upon the sugar trust, the steel trust, and other bloated corporations.

The action of Mr. Reed in counting a quorum was to dispatch public business. The object of this rule is to prevent a fair and proper consideration by the House of Representatives of pending legislation. I see by the papers that the coterie of distinguished gentlemen who dominate this House have persuaded the President of the United States that the "iron hand" is necessary in order to prevent wholesale tariff revision. But, Mr. Speaker, this rule is not intended for that purpose. It is intended to prevent what every member of this House knows, viz, if we are allowed to offer the amendments offered by the gentleman from Wisconsin [Mr. BABCOCK] in the Ways and Means Committee it is beyond the power of any three men to prevent their passage in this House. If this rule should pass, as I anticipate it will, if you succeed in wiping off all the war taxes and in preventing the adoption of amendments—the gentleman from New York [Mr. PAYNE] may laugh, but the gentleman knows I am speaking the truth—it will be because you dare not permit this House to vote on proper amendments.

The Republican party is driven to desperate straits when it dare not trust the members of that party to express their will. Allow the amendments presented by the gentleman from Wisconsin [Mr. BABCOCK] to be presented here and you know they will pass the House and be sustained in the Senate. As you refuse to allow any amendments by the proposed rule, we will appeal to the House to vote down the rule. If the House fails us, we will appeal to the Senate to give this great measure proper consideration. If the Senate fails us, we will appeal to the country to defeat a party so tyrannical and hurl from power in this House the few men who now absolutely dominate its deliberations and prevent a fair expression of its legislative will. [Applause on the Democratic side.]

Mr. RICHARDSON of Tennessee. I now yield three minutes to the gentleman from Virginia [Mr. HAY].

Mr. DALZELL. If the gentleman from Tennessee will pardon me, I would like at this point to yield three minutes to the gentleman from Wisconsin [Mr. BABCOCK].

Mr. RICHARDSON of Tennessee. Very well.

Mr. DALZELL. Then, Mr. Speaker, I yield three minutes to the gentleman from Wisconsin [Mr. BABCOCK].

Mr. BABCOCK. Mr. Speaker, I want to say in reference to the rule that is presented here this morning that I shall not offer any opposition to it. I believe there are other matters that should have been considered at this time, and especially those relating to the maintenance of tariff duties on sugar and the reduction of duties on iron and steel. But after consultation with the members who were in sympathy with me on this proposition I find the sentiment is that nothing should be done that would in any way hazard the passage of the war-revenue repeal bill; that they believe it to be their duty to their constituents to vote for this repeal and not jeopardize its passage by presenting other legislation in the shape of amendments; and further, that Congress is under moral obligation to pass this bill at the earliest date possible and relieve the country from this burdensome tax. For these reasons, Mr. Speaker, I shall vote for the rule; but I wish to say at this time that I shall take the first opportunity that presents itself after the passage of this bill to press for consideration House bill 9056, amending the iron and steel schedule.

Mr. THAYER. Mr. Speaker——

The SPEAKER. The gentleman from Tennessee and the gentleman from Pennsylvania control the time.

Mr. THAYER. I wish to ask the gentleman from Wisconsin a question.

The SPEAKER. The gentleman from Wisconsin has taken his seat.

Mr. RICHARDSON of Tennessee. I now yield three minutes to the gentleman from Virginia [Mr. HAY].

Mr. HAY. Mr. Speaker, the adoption of this rule means the humiliation of every member on this floor. Under its provisions are to be considered great measures which affect the business interests of the entire country, and under it no amendments can be offered; not even a motion to recommit can be entertained. Such a display of political cowardice has never before been witnessed in this country. [Applause on the Democratic side.] Will the majority of the members on this floor sustain the action of the Committee on Rules, or will they repudiate a proposition which degrades the popular branch of this Government? Everybody knows that when this bill goes to the Senate it will be amended, it will be discussed, it will be debated for days, if not for weeks.

By this rule we take away from this House its rightful functions and its constitutional power. Will the direct representatives of the people abdicate their rights? Are we to give color and emphasis to the opinion of the country that the House of Representatives is a machine to register the decrees of arbitrary power? When every other country in the world is giving more power to its representatives, this Republic, the mother of popular governments, is relegating every question of importance to the upper branch of the legislature. We are bound and gagged and forced into accepting the action of a bare majority of one of a committee upon a question of vital import to this country.

We are told that we are to have general debate. "General

debate" when the result is predetermined! Why talk of debate, when debate is vain and useless?

Every man on this floor who respects the dignity of this House, who respects his constituents, who has any self-respect, who is an advocate of freedom of speech and liberty of action, will vote against this rule, which degrades this House and takes from it those rights which the people have conferred upon it and which they expect it to maintain and to exercise. [Loud applause on the Democratic side.]

Mr. RICHARDSON of Tennessee. Mr. Speaker, about one-half of the fifteen minutes assigned to me has now been occupied. I ask that the gentleman from Pennsylvania [Mr. DALZELL] now occupy a portion of his time. We have only about seven minutes left.

Mr. DALZELL. I yield five minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Speaker, I recollect well when the legislation was enacted which the House of Representatives will, I trust, so far as it can, in the next two days repeal. War had been declared with Spain. It was necessary to have additional revenues collected from the people. The Republican party, then in power as now in this House, under the leadership of the late distinguished Representative from Maine, Mr. Dingley, passed the law which we now propose to repeal, with certain statements and pledges. One was that it was apparent that the enactment was necessary, and the other, in which we all on the Republican side participated by vote, and many by voice, was that when the war closed and these revenues were no longer necessary the Republican party, if in power, would see to it that they were repealed.

I recollect quite well the debates that occurred. On the other side of the House there were various propositions. The most statesmanlike of all was that we should pay the expenses of that war by coining all the silver bullion in the Treasury, etc. When the vote came, in the face of denunciations on the other side of the House that we were enacting that legislation with a high hand and that the House was lowering its dignity, the Republican party passed a bill and, with a few honorable exceptions, the gentlemen on the other side of the Chamber voted "no."

Now, those revenues are no longer necessary; and a party or administration that collects from its citizens more than enough to carry on the Government is derelict, and if they should continue to do so they ought to and would lose power.

Again, unnecessary revenues in the Treasury and coming into the Treasury are but a prize, which, I started to say, adventurers, but perhaps that is too strong a term, all over the country organize themselves to get out from the Treasury as industriously as the busy bees organize themselves to get the sweets in the pursuit of their legitimate calling. What do we hear from the other side? "Arbitrary use of power!" It is for the majority to declare by voice and vote whether this rule shall be adopted and whether these revenues shall be reduced. If the rule is adopted and the revenues are reduced, it will be because of Republican votes and because of Republican policy. [Applause on the Republican side.]

Some gentlemen complain because we do not revise the tariff. No revenue measure that was ever made is perfect or can be. All legislation is the result of compromise. If any one intelligent man had supreme power and would take the time, I think he could amend any revenue legislation that has ever been enacted, and within the lines of justice and wisdom. But this is a representative Government, in which we all figure and all the people are heard. The matter now in front of us is to repeal this revenue bill, as we propose to do.

The SPEAKER. The gentleman's time has expired.

Mr. CANNON. One minute more, if you please.

Mr. DALZELL. I yield to the gentleman another minute.

Mr. CANNON. I was glad to hear the eminent gentleman from Alabama [Mr. UNDERWOOD] state that he did not believe an attempted revision of the tariff schedule to be wise at this time. I am of that opinion, first, because the country is not demanding it, and, second, our industries, the farm and the factory everywhere, are in a better condition than they ever were before in the history of our country or in the tide of time in any country. I am not here to answer to the demands of the enemy to begin to revise these tariff schedules, because the moment that you do our constituents and theirs alike will throw up their hands and say, "We will wait," and production and consumption would halt or crawl. No wise policy asks it.

But even if it were necessary, it should not stand in the way of this war-revenue reduction bill, because the war revenues have now become useless money, I say again, gathered from the people, a prize placed in the Treasury for improper exploitation. I trust we will take the responsibility of passing the rule, and then take the responsibility of repealing the law, as we took the responsibility of its enactment when it was necessary. [Applause on the Republican side.]

Mr. RICHARDSON of Tennessee. I wish to make a parliamentary inquiry. How much time is left on the other side?

The SPEAKER. There is seven minutes remaining on the gentleman's side.

Mr. RICHARDSON of Tennessee. How much time on the other side?

The SPEAKER. The gentleman from Pennsylvania [Mr. DALZELL] has twenty minutes remaining.

Mr. RICHARDSON of Tennessee. I wish that the gentleman would use part of it.

Mr. DALZELL. I will say to the gentleman from Tennessee [Mr. RICHARDSON], there is nobody over here that I know of who wants to speak, and I shall close in probably less time than I have remaining.

Mr. RICHARDSON of Tennessee. With only one speech, then?

Mr. DALZELL. Yes.

Mr. RICHARDSON of Tennessee. Now, Mr. Speaker, the brief time that I have I will divide with any gentleman on the Republican side of the House, if there be one, who is opposed to this rule. I wait for a reply.

Mr. TAWNEY. You will have a good time waiting.

Mr. RICHARDSON of Tennessee. I take it, then, that no gentleman on that side intends to vote against this rule. Of course, if that is true, with your majority of 40 you can pass the rule; but, Mr. Speaker, with a majority of 40 is it not exceedingly strange that that side of the House will not permit a great tariff bill such as this to be considered in Committee of the Whole, where it can be amended, under the five-minute rule? I venture to say it is unusual to take the action contemplated. This is a great tariff bill, and at the beginning of the session. This is a tax bill, or a tariff bill, and because it is a tariff bill, any amendment to the tariff schedules would be in order under the five-minute debate in Committee of the Whole, with this bill pending.

Now, with 40 majority the gentlemen on that side dare not consent to go into the Committee of the Whole and have this bill properly discussed and the opportunity given to amend it. They give us two days, they say, for "general debate," but not one solitary moment to offer an amendment to the bill. Gentlemen on that side of the House have been restless; some on that side of the House under the pressure of their constituents at home, because of the onerous burden resting upon the people and restraining trade, have presented petitions and have presented measures to this House asking that Congress relieve them from some of the burdens of taxation. The gentleman from Wisconsin [Mr. BABCOCK] presented a bill to take some of the tariff off the iron and steel schedule.

Other gentlemen have presented measures of relief; but now, when the only opportunity comes that is to be presented during this session, they dare not vote for the very proposition which will enable them to present their bills to this House and have them voted on. [Applause on the Democratic side.] Mr. Speaker, the gentleman from Wisconsin [Mr. BABCOCK], in order to go back to his people with some kind of an excuse, gets up here and says that he will not oppose this rule, but that he will do something else later; that he wants early action, etc.

Mr. WM. ALDEN SMITH rose.

The SPEAKER. Does the gentleman from Tennessee [Mr. RICHARDSON] yield to the gentleman from Michigan?

Mr. RICHARDSON of Tennessee. No; my time is too short.

The SPEAKER. The gentleman from Tennessee declines to yield to the gentleman from Michigan.

Mr. RICHARDSON of Tennessee. Let me say to the gentleman from Wisconsin [Mr. BABCOCK] this is the last opportunity, and he knows it. He knows there will be no other opportunity given during this Congress to get a vote upon his proposition to give the people of Wisconsin, and of the great Northwest and other sections, some relief from the onerous burdens they bear. He can not go home and fool them, and tell them that under the rules he could not offer his relief measure to the House of Representatives. If he seeks to do it, let some intelligent constituent say: "Why did you vote for that rule in the House of Representatives?"

Now, if you want to afford your constituents some relief, if you want an opportunity to give your people a chance to have relief from high taxation on any one of the 4,000 articles now upon the tariff schedules, many of which are paying a tax of from 50 to 100 and even 150 per cent, this is the opportunity. [Applause.] You gentlemen will go back to your people and some of you will tell them that under the rule you could not offer a relief measure. I wish to tell them you could have done so by voting down this rule. You are willing to vote to take all the tax off of inheritances under this bill. You are willing to take all of the tax off of "bucket-shops." You are willing to take the tax off of corporations which are now taxed, which you do in this bill, and all the other war taxes, including tax on beer, tea, tobacco, etc., but you leave the tariff, averaging more than 50 per cent, on over 4,000 articles, many of them of prime necessity to the people of this country. You have an opportunity now to give them some relief; but instead of voting against the rule, instead of speaking against the rule, which

you refuse to do, you come up voluntarily and vote for it, and so tie your hands that you can not offer amendments reducing taxes, etc., and have them considered. Then you purpose to go home to your people, who are crying for relief, with the statement that "the House of Representatives tied our hands and would not permit us to offer an amendment." [Applause on the Democratic side.]

Now, gentlemen on the other side, there is no escape from the result of your vote here. If you desire to offer any amendments to any one of the tariff schedules, reducing taxes on any one of the 4,000 articles now taxed, you have the opportunity by voting down this rule. You bring 21 of your 200 members on that side of the House against this rule, and we will vote it down. We will give you 150 or 160 votes from this side of the House. We will vote down the rule; and then what would be the situation? We would go into the Committee of the Whole under the five-minute rule, and you, my friend from Wisconsin [Mr. BABCOCK], could tender your relief measure.

Other gentlemen, on both sides of the House, who have relief measures in which their people are vitally concerned, could tender them, and after reasonable debate we would have a vote upon them. But, instead of that, you come up voluntarily and surrender your prerogatives to represent the 180,000 or 200,000 free people whom you each represent, and tie your own hands so that you can offer no measure of relief and no amendment of any kind.

I know gentlemen on the other side will come forward and say this thing has been done heretofore. I remember very well, in the Fifty-third Congress, when something like this rule was reported, but the conditions were widely different. The vote was taken upon a motion to concur in the Senate amendments to the Wilson tariff bill. I am sure gentlemen on the other side will quote that precedent. But, Mr. Speaker, that bill had been before the country, and had been discussed in the House and the Senate for seven long months. That rule to concur was reported on the 13th day of August, 1894, at the close of a long session of Congress.

The bill had been before this body and had been debated and amended in Committee of the Whole for six or seven weeks. But here, at the beginning of a session, with nothing to engage our attention, you come in and ask us to vote to repeal this bill without an opportunity to offer a solitary amendment; and this, too, upon a bill which has not been debated and to which no amendments are allowed to be offered.

Mr. Speaker, we on this side of the House intend to vote for this bill and for the repeal of the war taxes. We only regret that we did not have that opportunity two years ago, before $500,000,000 were taken from the people by the temporary war measure. [Applause on the Democratic side.]

Mr. DALZELL. Mr. Speaker, in view of the solicitude expressed by the gentleman from Texas and the gentleman from Virginia as to the prerogatives of this House, I would like to recur to some history—some of it recent, some of it not quite so recent.

It was only a few days ago that the Committee on Ways and Means reported to this House a tariff bill, a bill dealing with the Philippine tariff question. The chairman of that committee rose and asked unanimous consent that debate on the bill should close within a certain time and that the bill should be discussed in such a way as not to permit of an amendment, and every man on that side of the Chamber sat dumb in his chair. That was as drastic a rule as this, assented to, unanimously assented to, by the Democratic party at that time.

But I recall another occasion. I want to tell a little historical story that I have told several times before in this House. The time was August, 1894. The Democratic party were in control in this House. A Democratic Speaker sat in that chair, and the majority of the Committee on Rules were Democrats. The Committee on Ways and Means, under the leadership of that distinguished West Virginian, Mr. Wilson, had reported a tariff bill. It had passed the House. It had gone to the Senate. The Senate had mutilated it so that its mother would not have known it if she had met it in the road. Six hundred and forty-nine amendments were put on that bill. Day after day indignant Democrats arose in this House and insisted that they would never agree to any such propositions as the Senate's.

A committee of conference was appointed. The conferees met. The Senate insisted, the House insisted, and finally it became apparent that the Senate was about to prevail; and then what was done? Let me read you. The leading member of the Committee on Rules came into this House with this resolution. Recollect, now, that this committee of conference was in session; recollect that the papers, the bill with the amendments, was in the custody, not of this House, but in the custody of the Senate. Mr. Catchings reported this resolution:

Resolved, That after the adoption of this resolution it shall be in order in the House to move that the order heretofore made requesting a conference with the Senate on the disagreeing votes of the two Houses on H. R. 4864 be rescinded; that the conferees heretofore appointed on the part of the House be discharged from further duty in that behalf, and that the House recede from its disagreement to the Senate amendments to said bill in gross, and agree to the same. That after two hours' debate on said motion (which shall be indivisible) the vote shall be taken without delay or other motion; general leave to print is hereby granted for ten days.

Six hundred and forty-nine amendments, no one of which was ever read in this House; no one of which was acceptable to the members on that side of the Chamber. Six hundred and forty-nine amendments adopted in gross by a gag law by the gentlemen who are here to-day vindicating the dignity of the members of this House! [Applause on the Republican side.]

Mr. McRAE. Mr. Speaker——

The SPEAKER. Does the gentleman yield to the gentleman from Arkansas?

Mr. DALZELL. Yes.

Mr. McRAE. I want to inquire of the gentleman from Pennsylvania if he would give us an assurance that he will follow this bill, as that was followed, by bills proposing to put on the free list sugar, iron ore, coal, and wire?

Mr. DALZELL. I was just coming to that question now. In addition to this infernal outrage, an additional resolution was passed. The gentleman from Arkansas has anticipated me.

Resolved, second, That at any time after the adoption of this resolution it shall be in order to present for consideration, without reference to a committee, separate bills placing upon the free list sugar in all its forms, coal, iron ore, and barbed wire. Each of said bills when presented shall be considered in the House. Thirty minutes' debate shall be allowed on each bill, and at the end of such debate the previous question shall be considered as ordered thereon, and without delay or other motion the vote shall be taken.

The great sugar industry of this country, the great coal industry of this country, the great metal industry of this country were to be put upon the free list after fifteen minutes' debate on bills that had never seen a committee; and yet gentlemen are here in this House, with that record, vindicating the dignity of the House! Gentlemen of the minority, the dignity of the House is safe, as is legislation of the House, in the hands of the Republican party. [Loud applause on the Republican side.]

Mr. Speaker, I demand the previous question.

Mr. RICHARDSON of Tennessee. Mr. Speaker, pending that, I would like to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RICHARDSON of Tennessee. I desire to offer a motion to recommit this rule. I would like to inquire of the Chair if I can offer it before the previous question is ordered.

The SPEAKER. You can not. The gentleman from Pennsylvania has the floor, and the gentleman from Tennessee has not the floor to offer any motion.

The question was taken, and the previous question was ordered.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I desire to move to recommit the rule to the Committee on Rules.

Mr. DALZELL. I make a point of order against that motion.

Mr. RICHARDSON of Tennessee. I would like to have my motion to recommit read.

The SPEAKER. The Clerk will read the motion to recommit.

The Clerk read as follows:

Recommit rule to Committee on Rules with instructions to report an amendment to the pending resolution, providing that after H. R. 10590 has been debated in Committee of the Whole for four hours in general debate the general debate shall close, and that the bill shall then be read under the five-minute rule, and shall be open for debate and amendment under the latter rule until its reading shall have been completed, whereupon it will be reported, with amendments, to the House, etc.

Mr. DALZELL. Mr. Speaker, I make the point of order against that.

Mr. RICHARDSON of Tennessee. May I be heard upon the point of order, Mr. Speaker?

The SPEAKER. The Chair is prepared to rule, and, as the Chair has stated before, debate is not necessary where the Chair is ready to rule. All debate on a point of order is for the information of the Chair, and there is no necessity for it now, because the Chair has twice ruled upon the question.

Mr. RICHARDSON of Tennessee. I myself have never debated this proposition.

The SPEAKER. The matter was twice decided by the Chair in the last Congress and once decided by Speaker Crisp, with great emphasis, which ruling the present occupant of the chair has followed.

Mr. RICHARDSON of Tennessee. But Speaker Reed has twice since then overruled that decision.

The SPEAKER. What decision?

Mr. RICHARDSON of Tennessee. The decision of Speaker Crisp.

The SPEAKER. Speaker Reed has not ruled upon the question since the present occupant of the chair has ruled.

Mr. RICHARDSON of Tennessee. But Speaker Crisp——

The SPEAKER. The Chair does not desire to argue with any member on the floor, because it has already been decided three times.

Mr. RICHARDSON of Tennessee. If the Chair has seen the rulings by Speaker Reed——

The SPEAKER. The Chair has read every ruling on this question.

Mr. RICHARDSON of Tennessee. Does the Chair decline to be governed by the ruling of Speaker Reed?

The SPEAKER. The Chair has stated distinctly that he would not follow the ruling of Speaker Reed, but would follow the ruling of Speaker Crisp, and twice during the last Congress the Chair followed that ruling. The Chair sustains the point of order.

Mr. RICHARDSON of Tennessee. I respectfully appeal from the decision of the Chair, and would like to be heard on my appeal.

Mr. DALZELL. Mr. Speaker, I move to lay the appeal on the table.

Mr. RICHARDSON of Tennessee. I have the floor, Mr. Speaker.

The SPEAKER. The Chair calls the attention of the gentleman from Tennessee to the fact that the previous question has been ordered, and that no debate is permissible. The question is on laying the appeal on the table.

The question was taken; and on a division (demanded by Mr. RICHARDSON of Tennessee) there were—ayes 144, noes 120.

Mr. RICHARDSON of Tennessee. I ask for tellers, Mr. Speaker, the vote is so close.

Mr. DALZELL. I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. The question is on the motion of the gentleman from Pennsylvania that the appeal by the gentleman from Tennessee be laid on the table.

The question was taken; and there were—yeas 166, nays 123, answered "present" 13, not voting 54; as follows:

YEAS—166.

Adams,	Driscoll,	Knox,	Rumple,
Alexander,	Emerson,	Kyle,	Russell,
Allen, Me.	Esch,	Lacey,	Schirm,
Aplin,	Evans,	Landis,	Scott,
Babcock,	Fletcher,	Lawrence,	Shattuc,
Bartholdt,	Foerderer,	Lessler,	Shelden,
Bates,	Fordney,	Lewis, Pa.	Sherman,
Bishop,	Foss,	Littlefield,	Showalter,
Blackburn,	Foster, Vt.	Long,	Sibley,
Blakeney,	Fowler,	Loud,	Skiles,
Boutell,	Gaines, W. Va.	Lovering,	Smith, Ill.
Bowersock,	Gardner, Mich.	McCall,	Smith, Iowa
Bristow,	Gardner, N. J.	McLachlan,	Smith, H. C.
Bromwell,	Gibson,	Mahon,	Smith, S. W.
Brown,	Gill,	Mann,	Smith, Wm. Alden
Burk, Pa.	Gillet, N. Y.	Marshall,	Southard,
Burke, S. Dak.	Gillett, Mass.	Martin,	Southwick,
Burleigh,	Graff,	Mercer,	Sperry,
Butler, Pa.	Graham,	Metcalf,	Steele,
Calderhead,	Greene, Mass.	Miller,	Stewart, N. J.
Cannon,	Grosvenor,	Minor,	Stewart, N. Y.
Capron,	Grow,	Mondell,	Storm,
Cassel,	Hamilton,	Moody, Mass.	Sulloway,
Conner,	Hanbury,	Moody, Oreg.	Sutherland,
Coombs,	Haskins,	Morgan,	Tawney,
Cooper, Wis.	Haugen,	Morris,	Tayler, Ohio
Corliss,	Hedge,	Mudd,	Thomas, Iowa
Cousins,	Hemenway,	Needham,	Tirrell,
Crumpacker,	Henry, Conn.	Nevin,	Tompkins, N. Y.
Currier,	Hepburn,	Olmsted,	Tompkins, Ohio
Curtis,	Hildebrant,	Otjen,	Tongue,
Cushman,	Hill,	Overstreet,	Van Voorhis,
Dahle,	Hitt,	Palmer,	Vreeland,
Dalzell,	Howell,	Parker,	Wadsworth,
Darragh,	Hughes,	Patterson, Pa.	Wanger,
Davidson,	Irwin,	Payne,	Warnock,
Dayton,	Jack,	Pearre,	Watson,
Deemer,	Jenkins,	Perkins,	Weeks,
Dick,	Jones, Wash.	Prince,	Woods,
Douglas,	Kahn,	Reeder,	Young.
Dovener,	Ketcham,	Reeves,	
Draper,	Knapp,	Roberts,	

NAYS—123.

Adamson,	Davey, La.	Kitchin, Wm. W.	Padgett,
Ball, Tex.	Davis, Fla.	Kleberg,	Patterson, Tenn.
Bankhead,	De Armond,	Kluttz,	Pierce,
Bartlett,	Dougherty,	Lanham,	Polk,
Bellamy,	Elliott,	Lassiter,	Pou,
Belmont,	Feely,	Lester,	Pugsley,
Benton,	Finley,	Lever,	Reid,
Bowie,	Fitzgerald,	Lewis, Ga.	Rhea, Ky.
Brantley,	Fleming,	Lindsay,	Rhea, Va.
Breazeale,	Flood,	Little,	Richardson, Ala.
Broussard,	Fox,	Livingston,	Richardson, Tenn.
Brundidge,	Gaines, Tenn.	Lloyd,	Rixey,
Burgess,	Gilbert,	McAndrews,	Robb,
Burleson,	Goldfogle,	McClellan,	Robertson, La.
Burnett,	Gooch,	McCulloch,	Robinson, Ind.
Butler, Mo.	Gordon,	McLain,	Robinson, Nebr.
Candler,	Griggs,	Maddox,	Rucker,
Cassingham,	Hay,	Mahoney,	Ruppert,
Clark,	Henry, Miss.	Maynard,	Ryan,
Clayton,	Hooker,	Meyer, La.	Salmon,
Cochran,	Howard,	Mickey,	Scarborough,
Cooney,	Jackson, Kans.	Moon,	Selby,
Cooper, Tex.	Jett,	Naphen,	Shackleford,
Cowherd,	Johnson,	Newlands,	Shafroth,
Creamer,	Jones, Va.	Norton,	Sims,
Cummings,	Kern,	Otey,	Slayden,
Smith, Ky.	Sulzer,	Thomas, N. C.	White,
Snook,	Swanson,	Thompson,	Williams, Ill.
Spight,	Talbert,	Underwood,	Williams, Miss.
Stark,	Taylor, Ala.	Vandiver,	Wooten.
Stephens, Tex.	Thayer,	Wheeler,	

ANSWERED "PRESENT"—13.

Brownlow,	Griffith,	Morrell,	Zenor.
Bull,	Hall,	Randell, Tex.	
Conry,	McRae,	Shallenberger,	
De Graffenreid,	Miers, Ind.	Tate,	

NOT VOTING—54.

Atcheson,	Crowley,	Kehoe,	Ray, N. Y.
Allen, Ky.	Dinsmore,	Kitchin, Claude	Sheppard,
Ball, Del.	Eddy,	Lamb,	Small,
Barney,	Edwards,	Latimer,	Snodgrass,
Beidler,	Foster, Ill.	Littauer,	Sparkman,
Bell,	Glenn,	Loudenslager,	Stevens, Minn.
Bingham,	Green, Pa.	McCleary,	Trimble,
Boreing,	Heatwole,	McDermott,	Wachter,
Brick,	Henry, Tex.	Moody, N. C.	Warner,
Burkett,	Holliday,	Mutchler,	Wiley,
Burton,	Hopkins,	Neville,	Wilson,
Caldwell,	Hull,	Powers, Me.	Wright.
Connell,	Jackson, Md.	Powers, Mass.	
Cromer,	Joy,	Ransdell, La.	

So the motion to lay the appeal on the table was agreed to.

The following pairs were announced:

On this vote:

Mr. RAY of New York with Mr. MUTCHLER.

Mr. JOY with Mr. MCDERMOTT.

Mr. STEVENS of Minnesota with Mr. DINSMORE.

For this day:

Mr. MCCLEARY with Mr. GLENN.

Mr. HOLLIDAY with Mr. CALDWELL.

Mr. BALL of Delaware with Mr. CLAUDE KITCHIN.

Mr. WARNER with Mr. WILEY.

Mr. LITTAUER with Mr. LATIMER.

Mr. JACKSON of Maryland with Mr. EDWARDS.

Mr. CONNELL with Mr. BURGESS.

Mr. ACHESON with Mr. WILSON.

Mr. GRAFF with Mr. HENRY of Texas.

Mr. POWERS of Massachusetts with Mr. ALLEN of Kentucky.

Until February 20:

Mr. BROWNLOW with Mr. SNODGRASS.

Until February 21:

Mr. WACHTER with Mr. SMALL.

Until February 22:

Mr. MOODY of North Carolina with Mr. RANDELL of Texas.

Until further notice:

Mr. BINGHAM with Mr. NEVILLE.

Mr. BURTON with Mr. SPARKMAN.

Mr. BURKETT with Mr. SHALLENBERGER.

Mr. KYLE with Mr. LAMB.

Mr. BARNEY with Mr. MCRAE.

Mr. BEIDLER with Mr. FOSTER of Illinois.

Mr. HOPKINS with Mr. GRIFFITH.

Mr. HULL with Mr. KEHOE.

Mr. EDDY with Mr. SHEPPARD.

Mr. BRICK with Mr. ZENOR.

Mr. POWERS of Maine with Mr. CONRY.

Mr. CROMER with Mr. MIERS of Indiana.

For this session:

Mr. WRIGHT with Mr. HALL.

Mr. HEATWOLE with Mr. TATE.

Mr. BULL with Mr. CROWLEY.

Mr. LOUDENSLAGER with Mr. DE GRAFFENREID.

Mr. MORRELL with Mr. GREEN of Pennsylvania.

Mr. BOREING with Mr. TRIMBLE.

Mr. LANHAM. My colleague, Mr. SHEPPARD, is absent on account of serious personal illness; and my collegue, Mr. HENRY, is absent on account of sickness in his family. If these gentlemen were present, they would vote "no" on this question.

The SPEAKER. The last statement of the gentleman is not in order.

Mr. ZENOR. I voted "no;" but I discover that I am paired with my colleague, Mr. BRICK. I desire to withdraw my vote, and be recorded "present."

Mr. NORTON. I was paired with the gentleman from Wisconsin, Mr. JENKINS, but I understand he has returned to the House and voted. I therefore desire to change my vote from "present" to "no."

Mr. MORRELL. Mr. Speaker, I voted "aye," but, having been announced as paired with the gentleman from Pennsylvania [Mr. GREEN], I would like to withdraw my vote and be marked "present."

The result of the vote was announced as above stated.

The SPEAKER. The question is now on agreeing to the resolution?

The question having been put,

The SPEAKER. The ayes appear to have it.

Mr. RICHARDSON of Tennessee. I call for a division.

The House again divided; and there were—ayes 98.

Before the count of the negative vote,

Mr. DALZELL called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 158, nays 121, answering "present" 9, not voting 68; as follows:

YEAS—158.

Adams,	Draper,	Ketcham,	Prince,
Alexander,	Driscoll,	Knapp,	Reeder,
Allen, Me.	Emerson,	Knox,	Reeves,
Aplin,	Esch,	Kyle,	Roberts,
Babcock,	Evans,	Lacey,	Rumple,
Bartholdt,	Foerderer,	Landis,	Russell,
Bates,	Fordney,	Lawrence,	Schirm,
Bishop,	Foss,	Lessler,	Shattuc,
Blackburn,	Foster, Ill.	Lewis, Pa.	Shelden,
Boutell,	Fowler,	Littlefield,	Sherman,
Bowersock,	Gaines, W. Va.	Long,	Showalter,
Bristow,	Gardner, Mich.	Loud,	Skiles,
Bromwell,	Gardner, N. J.	Lovering,	Smith, Ill.
Brown,	Gibson,	McCall,	Smith, Iowa
Burk, Pa.	Gill,	McLachlan,	Smith, H. C.
Burke, S. Dak.	Gillet, N. Y.	Mahon,	Smith, S. W.
Burleigh,	Gillett, Mass.	Mann,	Southwick,
Butler, Pa.	Graff,	Marshall,	Steele,
Calderhead,	Graham,	Martin,	Stewart, N. J.
Cannon,	Greene, Mass.	Mercer,	Stewart, N. Y.
Capron,	Grosvenor,	Metcalf,	Storm,
Cassel,	Grow,	Miller,	Sulloway,
Conner,	Hamilton,	Minor,	Sutherland,
Coombs,	Hanbury,	Moody, Mass.	Tawney,
Cooper, Wis.	Haskins,	Moody, Oreg.	Tayler, Ohio
Corliss,	Haugen,	Morgan,	Thomas, Iowa
Cousins,	Hedge,	Morrell,	Tompkins, N. Y.
Crumpacker,	Hemenway,	Morris,	Tompkins, Ohio
Currier,	Henry, Conn.	Mudd,	Tongue,
Curtis,	Hepburn,	Needham,	Van Voorhis,
Cushman,	Hildebrant,	Nevin,	Vreeland.
Dahle,	Hill,	Olmsted,	Wadsworth,
Dalzell,	Hitt,	Otjen,	Wanger,
Darragh,	Howell,	Overstreet,	Warnock,
Davidson,	Hughes,	Palmer,	Watson,
Dayton,	Irwin,	Patterson, Pa.	Weeks,
Deemer,	Jack,	Payne,	Woods,
Dick,	Jackson, Md.	Pearre,	Young.
Douglas,	Jones, Wash.	Perkins,	
Dovener,	Kahn,	Powers, Mass.	

NAYS—121.

Adamson,	Feely,	Little,	Robinson, Ind.
Ball, Tex.	Finley,	Lloyd,	Robinson, Nebr.
Bankhead,	Fitzgerald,	McAndrews,	Rucker,
Bartlett,	Fleming,	McClellan,	Ruppert,
Bell,	Flood,	McCulloch,	Ryan,
Bellamy,	Fox,	McLain,	Scarborough,
Belmont,	Gaines, Tenn.	McRae,	Selby,
Benton,	Gilbert,	Maddox,	Shackleford,
Bowie,	Goldfogle,	Mahoney,	Sims,
Brantley,	Gooch,	Maynard,	Slayden,
Breazeale,	Gordon,	Meyer, La.	Smith, Ky.
Broussard,	Griggs,	Mickey,	Snook,
Brundidge,	Hay,	Moon,	Spight,
Burgess,	Henry, Miss.	Naphen,	Stark,
Burleson,	Hooker,	Newlands,	Stephens, Tex.
Candler,	Howard,	Norton,	Sulzer,
Cassingham,	Jackson, Kans.	Otey,	Swanson,
Clark,	Jett,	Padgett,	Talbert,
Clayton,	Johnson,	Patterson, Tenn.	Taylor, Ala.
Cochran,	Jones, Va.	Pierce,	Thayer,
Cooney,	Kern,	Polk,	Thomas, N. C.
Cooper, Tex.	Kitchin, Wm. W.	Pou,	Thompson,
Cowherd,	Kleberg,	Ransdell, La.	Underwood,
Creamer,	Kluttz,	Reid,	Vandiver,
Cummings,	Lanham,	Rhea, Ky.	White,
Davey, La.	Lassiter,	Rhea, Va.	Williams, Ill.
Davis, Fla.	Latimer,	Richardson, Ala.	Williams, Miss.
De Armond,	Lester,	Richardson, Tenn.	Wooten.
Dinsmore,	Lever,	Rixey,	
Dougherty,	Lewis, Ga.	Robb,	
Elliott,	Lindsay,	Robertson, La.	

ANSWERED "PRESENT"—9.

Boreing,	Hall,	Randell, Tex.	Tate,
Brownlow,	Miers, Ind.	Shallenberger,	Zenor.
De Graffenreid,			

NOT VOTING—68.

Acheson,	Crowley,	Lamb,	Sheppard,
Allen, Ky.	Eddy,	Littauer,	Sibley,
Ball, Del.	Edwards,	Livingston,	Small,
Barney,	Fletcher,	Loudenslager,	Smith, Wm. Alden
Beidler,	Foster, Vt.	McCleary,	Snodgrass,
Bingham,	Glenn,	McDermott,	Southard,
Blakeney,	Green, Pa.	Mondell,	Sparkman,
Brick,	Griffith,	Moody, N. C.	Sperry,
Bull,	Heatwole,	Mutchler,	Stevens, Minn.
Burkett,	Henry, Tex.	Neville,	Tirrell,
Burnett,	Holliday,	Parker,	Trimble,
Burton,	Hopkins,	Powers, Me.	Wachter,
Butler, Mo.	Hull,	Pugsley,	Warner,
Caldwell,	Jenkins,	Ray, N. Y.	Wheeler,
Connell,	Joy,	Salmon,	Wiley,
Conry,	Kehoe,	Scott,	Wilson,
Cromer,	Kitchin, Claude,	Shafroth,	Wright.

So the resolution was adopted.

The Clerk announced the following pairs.

On this vote:

Mr. PARKER with Mr. SALMON.

Mr. WM. ALDEN SMITH with Mr. LIVINGSTON.

Mr. DE GRAFFENREID. Mr. Speaker, I voted "no." I desire to change my vote and to be recorded as present. I am paired.

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called Mr. DE GRAFFENREID, and he voted "present."

The result of the vote was announced as above recorded.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I rise to make a request for unanimous consent. In view of the fact that we are not permitted to amend the pending bill, and in view of the fact that two days' debate is absolutely fruitless under this rule, I ask unanimous consent that the bill be put upon its passage now.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that the bill be put upon its passage.

Mr. RICHARDSON of Tennessee. We are all for it.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will read the bill.

The Clerk read the bill (H. R. 10530) to repeal war-revenue taxation, and for other purposes, as follows:

Be it enacted, etc., That section 1 of the act entitled "An act to provide ways and means to meet war expenditures, and for other purposes," approved June 13, 1898, as amended by the act of March 2, 1901, entitled "An act to amend an act entitled 'An act to provide ways and means to meet war expenditures, and for other purposes,' approved June 13, 1898, and to reduce taxation thereunder," be, and is hereby, further amended so as to read as follows:

"SECTION 1. That there shall be paid on all beer, lager beer, ale, porter, and other similar fermented liquor, brewed or manufactured and sold, or stored in warehouse, or removed for consumption or sale, within the United States, by whatever name such liquors may be called, in lieu of the tax of $1.60 now imposed thereon, a tax of $1 for every barrel containing not more than 31 gallons; and at a like rate for any other quantity or for any fractional part of a barrel: *Provided*, That in lieu of or in addition to the present requirements of law in that respect all stamps used for denoting the tax upon fermented liquors or other taxes may, in the discretion of the Commissioner of Internal Revenue, be canceled by perforations to be made in such manner and form as the Commissioner may, by regulations, prescribe."

SEC. 2. That section 2 of said act of June 13, 1898, and all amendments thereof, are hereby repealed.

SEC. 3. That section 3 of said act and amendments thereof be amended to read as follows:

"SEC. 3. That upon tobacco and snuff manufactured and sold, or removed for consumption or use, there shall be levied and collected, in lieu of the tax now imposed by law of 12 cents per pound, the following taxes:

"On snuff, manufactured of tobacco or any substitute for tobacco, ground, dry, damp, pickled, scented, or otherwise, of all descriptions, when prepared for use, a tax of 6 cents per pound. And snuff-flour, when sold, or removed for use or consumption, shall be taxed as snuff, and shall be put up in packages and stamped in the same manner as snuff.

"On all chewing and smoking tobacco, fine cut, cavendish, plug, or twist, cut or granulated, of every description; on tobacco twisted by hand or reduced into a condition to be consumed, or in any manner other than the ordinary mode of drying and curing, prepared for sale or consumption, even if prepared without the use of any machine or instrument, and without being pressed or sweetened; and on all fine-cut shorts and refuse scraps, clippings, cuttings, and sweepings of tobacco, a tax of 6 cents per pound.

"That the internal-revenue tax on cigars or cigarettes weighing more than 3 pounds per 1,000 shall be $3 per 1,000; and the tax on cigars weighing not more than 3 pounds per 1,000 shall be 18 cents per pound, and on cigarettes weighing not more than 3 pounds per 1,000 and of a wholesale value or price of not more than $2 per 1,000 shall be 18 cents per pound; and the tax on cigarettes weighing not more than 3 pounds per 1,000 and of a wholesale value or price of more than $2 per 1,000 shall be 36 cents per pound; and all such cigars and cigarettes weighing not more than 3 pounds per 1,000 shall, for purposes of taxation, be held and considered as weighing 3 pounds.

"That in addition to the packages of smoking tobacco now authorized by law there shall be packages of 1½ ounces, 2 ounces, 2½ ounces, 3 ounces, 3½ ounces, and 4 ounces; and there may be a package containing 1 ounce of smoking tobacco. *And provided further*, That on all original and unbroken factory packages of smoking and manufactured tobacco and snuff held by manufacturers or dealers at the time such reduction of tax shall go into effect, upon which the tax has been paid, there shall be allowed a drawback or rebate of the full amount of such reduction of tax, but the same shall not apply in any case where the claim has not been presented within sixty days following the date of the reduction; and no claim shall be allowed or drawback paid for a less amount than $10. It shall be the duty of the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, to adopt such rules and regulations and to prescribe and furnish such blanks and forms as may be necessary to carry this section into effect.

"And the Commissioner of Internal Revenue is authorized to employ 10 agents, to be known and designated as internal-revenue agents, in addition to the number now authorized in section 3152 of the Revised Statutes as amended, and the existing provisions of law in all other respects shall apply to the duties, compensation, and expenses of such agents."

SEC. 4. That section 4 of the act of June 13, 1898, is hereby repealed.

SEC. 5. That section 5 of the act of June 13, 1898, be amended to read as follows:

"SEC. 5. That until appropriate stamps are prepared and furnished, the stamps heretofore used to denote the payment of the internal-revenue tax on fermented liquors, tobacco, and snuff may be stamped or imprinted with a suitable device to denote the new rate of tax, and shall be affixed to all packages containing such articles on which the tax imposed by this act is paid. And any person having possession of unaffixed stamps heretofore issued for the payment of the tax upon fermented liquors, tobacco, and snuff shall present the same to the collector of the district, who shall receive them at the price paid for such stamps by the purchasers and issue in lieu thereof new or imprinted stamps at the rate provided by this act."

SEC. 6. That sections 6, 12, 18, 20, 21, 22, 23, 24, 25, Schedule A, Schedule B, sections 27, 28, and 29 of the act of June 13, 1898, and all amendments of said sections and schedules be, and the same are hereby, repealed.

SEC. 7. That section 30 of said act of June 13, 1898, and amendments thereof, be amended to read as follows:

"SEC. 30. That the tax or duty imposed by section 29 of the act of June 13, 1898, above referred to, shall be due and payable in one year after the death of the testator and shall be a lien and charge upon the property of every person who may die before this act shall take effect for twenty years or until the

same shall within that period be fully paid to and discharged by the United States; and every executor, administrator, or trustee having in charge or trust any legacy or distributive share, as aforesaid, shall give notice thereof in writing to the collector or deputy collector of the district where the deceased grantor or bargainer last resided within thirty days after he shall have taken charge of such trust, and every executor, administrator, or trustee, before payment and distribution to the legatees, or any parties entitled to beneficial interest therein, shall pay to the collector or deputy collector of the district of which the deceased person was a resident, or in which the property was located in case of nonresidents, the amount of the duty or tax assessed upon such legacy or distributive share, and shall also make and render to the said collector or deputy collector a schedule, list, or statement, in duplicate, of the amount of such legacy or distributive share, together with the amount of duty which has accrued, or shall accrue thereon, verified by his oath or affirmation, to be administered and certified thereon by some magistrate or officer having lawful power to administer such oaths, in such form and manner as may be prescribed by the Commissioner of Internal Revenue, which schedule, list, or statement shall contain the names of each and every person entitled to any beneficial interest therein, together with the clear value of such interest, the duplicate of which schedule, list, or statement shall be by him immediately delivered, and the tax thereon paid to such collector; and upon such payment and delivery of such schedule, list, or statement said collector or deputy collector shall grant to such person paying such duty or tax a receipt or receipts for the same in duplicate, which shall be prepared as hereinafter provided. Such receipt or receipts, duly signed and delivered by such collector or deputy collector, shall be sufficient evidence to entitle such executor, administrator, or trustee to be credited and allowed such payment by every tribunal which, by the laws of any State or Territory, is, or may be, empowered to decide upon and settle the accounts of executors and administrators. And in case such executor, administrator, or trustee shall refuse or neglect to pay the aforesaid duty or tax to the collector or deputy collector, as aforesaid, within the time hereinbefore provided, or shall neglect or refuse to deliver to said collector or deputy collector the duplicate of the schedule, list, or statement of such legacies, property, or personal estate, under oath, as aforesaid, or shall neglect or refuse to deliver the schedule, list, or statement of such legacies, property, or personal estate, under oath, as aforesaid, or shall deliver to said collector or deputy collector a false schedule or statement of such legacies, property, or personal estate, or give the names or relationship of the persons entitled to beneficial interests therein untruly, or shall not truly and correctly set forth and state therein the clear value of such beneficial interest, or where no administration upon such property or personal estate shall have been granted or allowed under existing laws, the collector or deputy collector shall make out such lists and valuation as in other cases of neglect or refusal, and shall assess the duty thereon; and the collector shall commence appropriate proceedings before any court of the United States, in the name of the United States, against such person or persons as may have the actual or constructive custody or possession of such property or personal estate, or any part thereof, and shall subject such property or personal estate, or any portion of the same, to be sold upon the judgment or decree of such court, and from the proceeds of such sale the amount of such tax or duty, together with all costs and expenses of every description to be allowed by such court, shall be first paid, and the balance, if any, deposited according to the order of such court, to be paid under its direction to such person or persons as shall establish title to the same. The deed or deeds, or any proper conveyance of such property or personal estate, or any portion thereof, so sold under such judgment or decree, executed by the officer lawfully charged with carrying the same into effect, shall vest in the purchaser thereof all the title of the delinquent to the property or personal estate sold under and by virtue of such judgment or decree, and shall release every other portion of such property or personal estate from the lien or charge thereon created by this act. And every person or persons who shall have in his possession, charge, or custody any record, file, or paper containing, or supposed to contain, any information concerning such property or personal estate, as aforesaid, passing from any person who may die, as aforesaid, shall exhibit the same at the request of the collector or deputy collector of the district, and to any law officer of the United States in the performance of his duty under this act, his deputy or agent, who may desire to examine the same. And if any such person, having in his possession, charge, or custody any such records, files, or papers, shall refuse or neglect to exhibit the same on request, as aforesaid, he shall forfeit and pay the sum of $500: *Provided*, That in all legal controversies where such deed or title shall be the subject of judicial investigation the recital in such deed shall be prima facie evidence of its truth, and that the requirements of the law had been complied with by the officers of the Government: *And provided further*, That in case of willful neglect, refusal, or false statement by such executor, administrator, or trustee, as aforesaid, he shall be liable to a penalty of not exceeding $1,000, to be recovered with costs of suit. Any tax paid under the provisions of sections 29 and 30 shall be deducted from the particular legacy or distributive share on account of which the same is charged."

The following amendments, recommended by the committee, were read:

Page 3, line 21, strike out the word "not."
Page 6, line 7, after "die," insert "before this act shall take effect."
Page 6, line 7, strike out "as aforesaid."
Page 6, line 25, strike out "or shall accrue thereon."
Page 10, after line 9, insert a new section, as follows:
"SEC. 8. That section 35 of said act of June 13, 1898, and the amendments thereof, be amended so as to read as follows:
"'SEC. 35. That for the purposes of this act, the words "mixed flour" shall be taken and construed to mean the food product resulting from the grinding or mixing together of wheat, or wheat flour, as the principal constituent in quantity, with any other grain, or the product of any other grain, or other material, except such material, and not the product of any grain, as is commonly used for baking purposes: *Provided*, That when the product resulting from the grinding or mixing together of wheat or wheat flour with any other grain, or the product of any other grain, of which wheat or wheat flour is not the principal constituent as specified in the foregoing definition, is intended for sale, or is sold, or offered for sale as wheat flour, such product shall be held to be mixed flour within the meaning of this act.'"
Page 10, line 10, strike out "8" and insert "9."
Page 10, line 13, strike out "9" and insert "10."

The SPEAKER. Without objection, these amendments will be submitted to the House in gross.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time.

The SPEAKER. The question now is on the passage of the bill.

Mr. PAYNE. Mr. Speaker, I ask for the yeas and nays on the passage.

The yeas and nays were ordered.

The question was taken; and there were—yeas 288, nays 0, answered "present" 1, not voting 67; as follows:

YEAS—288.

Adams,	Driscoll,	Latimer,	Robb,
Adamson,	Elliott,	Lawrence,	Roberts,
Alexander,	Emerson,	Lessler,	Robertson, La.
Allen, Me.	Esch,	Lester,	Robinson, Ind.
Aplin,	Evans,	Lever,	Robinson, Nebr.
Babcock,	Feely,	Lewis, Ga.	Rucker,
Ball, Tex.	Finley,	Lewis, Pa.	Rumple,
Bankhead,	Fitzgerald,	Lindsay,	Ruppert,
Bartlett,	Fleming,	Little,	Russell,
Bates,	Fletcher,	Littlefield,	Ryan,
Bell,	Flood,	Lloyd,	Scarborough,
Bellamy,	Foerderer,	Long,	Schirm,
Belmont,	Fordney,	Loud,	Scott,
Benton,	Foss,	Lovering,	Selby,
Bishop,	Foster, Vt.	McAndrews,	Shackleford,
Blackburn,	Fowler,	McCall,	Shafroth,
Blakeney,	Fox,	McClellan,	Shallenberger,
Boutell,	Gaines, Tenn.	McCulloch,	Shattuc,
Bowersock,	Gaines, W. Va.	McLachlan,	Shelden,
Bowie,	Gardner, Mich.	McLain,	Sherman,
Brantley,	Gardner, N. J.	McRae,	Showalter,
Breazeale,	Gibson,	Maddox,	Sibley,
Bristow,	Gilbert,	Mahon,	Sims,
Bromwell,	Gill,	Mahoney,	Skiles,
Broussard,	Gillet, N. Y.	Mann,	Slayden,
Brown,	Gillett, Mass.	Marshall,	Smith, Ill.
Brundidge,	Goldfogle,	Martin,	Smith, Iowa
Burgess,	Gooch,	Maynard,	Smith, Ky.
Burk, Pa.	Gordon,	Mercer,	Smith, H. C.
Burke, S. Dak.	Graff,	Metcalf,	Smith, S. W.
Burleigh,	Graham,	Meyer, La.	Smith, Wm. Alden
Burleson,	Greene, Mass.	Mickey,	Snook,
Burnett,	Griffith,	Miers, Ind.	Southard,
Butler, Mo.	Griggs,	Miller,	Southwick,
Butler, Pa.	Grosvenor,	Minor,	Sperry,
Calderhead,	Grow,	Moody, Mass.	Spight,
Candler,	Hall,	Moody, Oreg.	Stark,
Cannon,	Hamilton,	Moon,	Stephens, Tex.
Capron,	Hanbury,	Morgan,	Stevens, Minn.
Cassel,	Haskins,	Morrell,	Stewart, N. J.
Cassingham,	Haugen,	Morris,	Stewart, N. Y.
Clark,	Hay,	Mudd,	Storm,
Clayton,	Hedge,	Needham,	Sulloway,
Cochran,	Hemenway,	Nevin,	Sulzer,
Conner,	Henry, Conn.	Newlands,	Sutherland,
Coombs,	Henry, Miss.	Norton,	Swanson,
Cooper, Tex.	Hildebrant,	Olmsted,	Tate,
Cooper, Wis.	Hitt,	Otey,	Tawney,
Corliss,	Hooker,	Otjen,	Tayler, Ohio
Cousins,	Howard,	Overstreet,	Taylor, Ala.
Cowherd,	Howell,	Padgett,	Thomas, Iowa
Creamer,	Irwin,	Palmer,	Thomas, N. C.
Crumpacker,	Jack,	Patterson, Pa.	Thompson,
Cummings,	Jackson, Kans.	Patterson, Tenn.	Tirrell,
Currier,	Jenkins,	Payne,	Tompkins, N. Y.
Curtis,	Jett,	Pearre,	Tompkins, Ohio
Cushman,	Johnson,	Perkins,	Underwood,
Dahle,	Jones, Va.	Pierce,	Vandiver,
Dalzell,	Jones, Wash.	Polk,	Van Voorhis,
Darragh,	Joy,	Pou,	Vreeland,
Davey, La.	Kahn,	Prince,	Wadsworth,
Davidson,	Kern,	Pugsley,	Wanger,
Davis, Fla.	Ketcham,	Randell, Tex.	Warnock,
Dayton,	Kitchin, Wm. W.	Ransdell, La.	Watson,
De Armond,	Kleberg,	Reeder,	Weeks,
De Graffenreid,	Kluttz,	Reeves,	White,
Deemer,	Knapp,	Reid,	Williams, Ill.
Dick,	Knox,	Rhea, Ky.	Williams, Miss.
Dougherty,	Kyle,	Rhea, Va.	Woods,
Douglas,	Lacey,	Richardson, Ala.	Wooten,
Dovener,	Landis,	Richardson, Tenn.	Young,
Draper,	Lanham,	Rixey,	Zenor.

ANSWERED "PRESENT"—1.

Boreing.

NOT VOTING—67.

Acheson,	Crowley,	Kitchin, Claude	Salmon,
Allen, Ky.	Dinsmore,	Lamb,	Sheppard,
Ball, Del.	Eddy,	Lassiter,	Small,
Barney,	Edwards,	Littauer,	Snodgrass,
Bartholdt,	Foster, Ill.	Livingston,	Sparkman,
Beidler,	Glenn,	Loudenslager,	Steele,
Bingham,	Green, Pa.	McCleary,	Talbert,
Brick,	Heatwole,	McDermott,	Thayer,
Brownlow,	Henry, Tex.	Mondell,	Tongue,
Bull,	Hepburn,	Moody, N. C.	Trimble,
Burkett,	Hill,	Mutchler,	Wachter,
Burton,	Holliday,	Naphen,	Warner,
Caldwell,	Hopkins,	Neville,	Wheeler,
Connell,	Hughes,	Parker,	Wiley,
Conry,	Hull,	Powers, Me.	Wilson,
Cooney,	Jackson, Md.	Powers, Mass.	Wright.
Cromer,	Kehoe,	Ray, N. Y.	

So the bill was passed.

Mr. TATE. Mr. Speaker, I am paired with the gentleman from Minnesota, Mr. HEATWOLE. If present, he would vote for this bill; and therefore I have voted "aye."

Mr. RANDELL of Texas. Mr. Speaker, I am paired with the gentleman from North Carolina, Mr. MOODY. I understand, however, from good authority that he is in favor of this bill, and I have felt justified in voting "aye."

Mr. DE GRAFFENREID. Mr. Speaker, I am reliably informed that the gentleman from New Jersey, Mr. LOUDENSLAGER, with whom I am paired, would have voted "aye" if present; and I voted "aye" on that information.

The result of the vote was then announced as above recorded.

On motion of Mr. PAYNE, a motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 2947. An act granting an increase of pension to Elizabeth A. Shaw;

S. 577. An act granting an increase of pension to Joseph W. Burch;

S. 3522. An act to increase the pension of certain Mexican war pensioners to $12 per month;

S. 3388. An act granting an increase of pension to John L. Peterson;

S. 1942. An act granting an increase of pension to Kate H. Clements;

S. 3553. An act granting an increase of pension to Mary A. Van Wormer;

S. 2508. An act granting an increase of pension to Pauline Lowe Murphy;

S. 450. An act for the erection of a public building at Selma, Ala.;

S. 3204. An act granting an increase of pension to Mary T. Bruce;

S. 1800. An act granting an increase of pension to Jennie C. Ruckle;

S. 721. An act granting an increase of pension to Lavalette D. Dickey;

S. 469. An act granting an increase of pension to Hiram H. Kingsbury;

S. 3064. An act granting an increase of pension to Emma Sophia Harper Cilley;

S. 3424. An act granting an increase of Pension to Minnie E. King;

S. 2100. An act granting an increase of pension to John McGrath;

S. 3393. An act granting a pension to William P. Arble;

S. 3482. An act granting an increase of pension to Ida C. Emery;

S. 2643. An act granting an increase of pension to Peter C. Cleek;

S. 2815. An act granting an increase of pension to William S. Derby;

S. 2422. An act granting an increase of pension to John W. Burnham;

S. 1933. An act granting a pension to Ella Bailey;

S. 2398. An act granting an increase of pension to George W. Myers;

S. 8. An act granting a pension to Mrs. George Leonard Andrews;

S. 1748. An act granting an increase of pension to Williamanna E. Lynde;

S. 3036. An act granting an increase of pension to Jason L. Leighton;

S. 1041. An act granting a pension to Abbie M. Packard;

S. 2867. An act granting an increase of pension to John A. Hazelton;

S. 1135. An act granting an increase of pension to Thomas J. Stowers;

S. 2930. An act granting an increase of pension to Franklin B. Delaney;

S. 2013. An act granting an increase of pension to Sidney Leland;

S. 3559. An act granting an increase of pension to George E. Houghton;

S. 2923. An act granting an increase of pension to Elizabeth Floyd Sicard;

S. 3284. An act granting a pension to Gilbert P. Howe;

S. 2767. An act granting an increase of pension to Albert D. Scovell;

S. 2049. An act granting an increase of pension to Franklin Taylor;

S. 2394. An act granting an increase of pension to Sybil F. Hall;

S. 3269. An act granting an increase of pension to Jane E. Tompkins;

S. 3328. An act granting an increase of pension to Heber C. Griffin;

S. 1967. An act granting an increase of pension to Andrew J. Freeman;

S. 3054. An act granting an increase of pension to Alice De K. Shattuck;

S. 3322. An act granting an increase of pension to Joseph M. Clough;

S. 3329. An act granting an increase of pension to Annie McElheney;

S. 3257. An act granting an increase of pension to Elizabeth K. Prescott;

S. 3258. An act granting a pension to Simon Partridge;

S. 3072. An act granting a pension to Oliver Gisborne;

S. 1641. An act granting an increase of pension to Frank J. Clark;

S. 3097. An act granting an increase of pension to Joseph A. Nunez;

S. 2929. An act granting an increase of pension to Jacob Barton;

S. 3213. An act granting a pension to Anna J. Thomas;

S. 2802. An act granting a pension to Martha R. Osbourn;

S. 623. An act granting a pension to Annie E. Taggart;

S. 502. An act granting a pension to Alexander Beachboard;

S. 1139. An act granting a pension to Abby Clark McNett;

S. 1331. An act granting a pension to Ann Eliza Trout;

S. 1626. An act granting an increase of pension to Michael Samelsberger;

S. 508. An act granting an increase of pension to Adelaide Worth Bagley;

S. 3157. An act granting an increase of pension to Rhody Ann Bradshaw;

S. 462. An act granting an increase of pension to Sallie Demonbrun;

S. 2531. An act granting an increase of pension to William H. H. Scott;

S. 1467. An act granting an increase of pension to Cynthia A. McKenny;

S. 713. An act granting a pension to Frances E. Stebbins;

S. 3026. An act granting an increase of pension to Marie U. Nordstrom;

S. 1289. An act granting an increase of pension to Julius W. Clark;

S. 2732. An act granting an increase of pension to Marie J. Smyth;

S. 2692. An act granting an increase of pension to Lucy W. Smith;

S. 3403. An act granting an increase of pension to George M. Emery;

S. 3320. An act granting an increase of pension to Warren B. Nudd;

S. 1453. An act authorizing the appointment and retirement of William B. Franklin with the rank of colonel, United States Army;

S. 2877. An act to remove the charge of desertion standing against the record of Thomas Blackburn;

S. 1256. An act to remove the charge of desertion from the military record of Stephen A. Toops;

S. 636. An act to remove the charge of desertion against David A. Lane;

S. 690. An act to correct the military record of Talton T. Davis;

S. 1681. An act granting an increase of pension to Maria Louisa Michie; and

S. 2867. An act granting an increase of pension to John A. Hazelton.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 5860. An act granting an increase of pension to Edward B. Scott;

H. R. 2321. An act granting an increase of pension to Joseph R. Martin;

H. R. 5259. An act granting an increase of pension to Gustav Schwartz;

H. R. 3240. An act granting an increase of pension to Joseph Church;

H. R. 2429. An act granting an increase of pension to John C. Morrison;

H. R. 5147. An act granting an increase of pension to Theodore Lane;

H. R. 2617. An act granting an increase of pension to John Rapple;

H. R. 3024. An act granting an increase of pension to Thomas V. Stran;

H. R. 5162. An act granting an increase of pension to Andrew H. Gifford;

H. R. 1374. An act granting an increase of pension to James Willard;

H. R. 6720. An act granting an increase of pension to George Patterson;

H. R. 2628. An act granting an increase of pension to Andrew Mulholland;

H. R. 2265. An act granting an increase of pension to Martin V. Hathaway;

H. R. 1728. An act granting an increase of pension to George W. Thompson;

H. R. 2412. An act granting a pension to Helen L. Pepper;
H. R. 4268. An act granting an increase of pension to James D. Woodward;
H. R. 2607. An act granting an increase of pension to Uriah S. Karmany;
H. R. 286. An act granting an increase of pension to Lawrentus Lane;
H. R. 5753. An act granting an increase of pension to Emil Frank;
H. R. 3511. An act granting an increase of pension to Mary C. Newcomb;
H. R. 4037. An act granting a pension to Julia Maher;
H. R. 2455. An act granting an increase of pension to George W. McClure;
H. R. 1285. An act granting an increase of pension to Cyrus Odell;
H. R. 2193. An act granting an increase of pension to David A. Ireland;
H. R. 3413. An act granting an increase of pension to Jedediah S. Vallet;
H. R. 4208. An act granting an increase of pension to Susan M. Pardee;
H. R. 287. An act granting an increase of pension to Leighton J. Folsom;
H. R. 1017. An act granting an increase of pension to Mary Tripp;
H. R. 3230. An act granting a pension to Catherine Pflueger;
H. R. 2528. An act granting a pension to Helen M. Evans;
H. R. 6459. An act granting an increase of pension to Mary F. Hooper;
H. R. 7408. An act granting an increase of pension to Levi Cross;
H. R. 5149. An act granting an increase of pension to Charles E. Bachelder;
H. R. 6684. An act granting an increase of pension to Marshal Bachelder;
H. R. 3184. An act granting an increase of pension to David Petee;
H. R. 2502. An act granting an increase of pension to Ambrose Burton;
H. R. 5002. An act granting an increase of pension to Thomas H. McConnaughey;
H. R. 4182. An act granting an increase of pension to David Cupps;
H. R. 815. An act granting an increase of pension to Henry S. Comer;
H. R. 2484. An act granting an increase of pension to Jeremiah Evans;
H. R. 2416. An act granting an increase of pension to John B. Wilcox;
H. R. 3300. An act granting an increase of pension to George B. Boyd;
H. R. 6465. An act granting an increase of pension to Samuel Briscoe;
H. R. 5108. An act granting an increase of pension to Elisha B. Taylor, alias Elisha T. Bisbee;
H. R. 2983. An act to amend an act entitled "An act granting an increase of pension to Francis M. Thompson," approved March 3, 1901;
H. R. 5169. An act granting an increase of pension to Hiram S. Kingsley;
H. R. 6926. An act granting a pension to Mabel H. Lazear;
H. R. 9312. An act granting an increase of pension to Kate Virginia Dewey Cushing; and
H. R. 10780. An act to transfer the county of Carroll from the northwestern division of the northern district of Georgia to the northern district of Georgia of the United States district and circuit courts, and for other purposes.

The message also announced that the Senate had passed with amendments bills of the following titles; in which the concurrence of the House of Representatives was requested:

H. R. 1200. An act granting an increase of pension to Oliver P. Goodwin;
H. R. 7343. An act granting an increase of pension to Martha V. Keenan;
H. R. 1324. An act granting an increase of pension to Charles N. Lee;
H. R. 8652. An act granting an increase of pension to Virginia Terrill;
H. R. 6453. An act granting an increase of pension to Ida R. Siegfried;
H. R. 2620. An act granting a pension to Jennie A. McKinley;
H. R. 1484. An act granting an increase of pension to Robert M. Scott;
H. R. 3229. An act granting a pension to Katherine R. A. Ogden; and
H. R. 3104. An act to grant the right of way through the Oklahoma Territory and the Indian Territory to the Enid and Anadarko Railway Company, and for other purposes.

The message also announced that the Senate had passed with amendments the bill (H. R. 8586) amending the act of March 2, 1901, entitled "An act to carry into effect the stipulations of article 7 of the treaty between the United States and Spain, concluded on the 10th day of December, 1898," asked a conference with the House of Representatives on the bill and amendments, and had appointed Mr. CULLOM, Mr. LODGE, and Mr. MORGAN as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment the following resolution:

House concurrent resolution 31.

Resolved by the House of Representatives (the Senate concurring), That the President be requested to return to the House of Representatives the bill (H. R. 5814) to provide for the execution in the Philippine Islands and in Porto Rico of deeds for land situate in the District of Columbia.

The message also announced that the Senate had passed the following resolutions:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of the Hon. MARRIOTT BROSIUS, late a Representative from the State of Pennsylvania.

Resolved, That the business of the Senate be now suspended in order that fitting tribute may be paid to his private and public virtues.

Resolved, That as a further mark of respect the Senate at the conclusion of these ceremonies do adjourn.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

Also:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 3654) to vest in the Spanish Treaty Claims Commission certain powers possessed by circuit and district courts of the United States.

Also:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 8509) to transfer the county of Carroll from the northwestern division of the northern district of Georgia of the United States district and circuit courts.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 24.

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound in cloth the usual number of volume 19, of the report of the Industrial Commission, being the final report of said Commission for the use of Congress.

Senate concurrent resolution 19.

Resolved by the Senate (the House of Representatives concurring), That there be printed the number of copies hereinafter stated of the following monographs prepared by the Bureau of Statistics of the Treasury Department: Commercial China in 1900, 10,000 copies; Commercial Japan in 1900, 10,000 copies; Commercial Australia in 1900, 10,000 copies; Commercial Africa in 1900, 10,000 copies; Commerce of South America, Central America, Mexico, and West Indies, 10,000 copies; The Russian Empire and the Trans-Siberian Railway, 10,000 copies; Colonial Administration, 1800 to 1900, 20,000 copies; Great Canals of the World in 1900, 20,000 copies; Submarine and Land Telegraphs of the World, 10,000 copies; Maximum and Minimum and Conventional Tariffs, 1900, 10,000 copies; National Debts of the World, 1800 to 1900, 10,000 copies; Sugar Production of World, 1850 to 1900, 10,000 copies; Territorial Expansion of the United States, 1783 to 1900, 10,000 copies; Porto Rico, Hawaii, Philippine Islands, Guam, Samoan Islands, and Cuba, 20,000 copies; Progress of the United States in its Material Industries, 1800 to 1900, 20,000 copies; Banks of the United States, 1789 to 1900, 10,000 copies; Shipping Industry of the United States, 1769 to 1900, 10,000 copies; Reciprocity Treaties of the United States, 1850 to 1900, 20,000 copies; Movement of Prices in the United States, 1840 to 1899, 10,000 copies; Grain Trade of the United States, 10,000 copies; Provision Trade of the United States, 10,000 copies; Cotton Trade of the United States, 10,000 copies; Coal Trade of the United States, 10,000 copies; Iron and Steel Trade of the United States, 10,000 copies; Lumber Trade of the United States, 10,000 copies; Exports of Domestic Manufactures, 20,000 copies; Internal Commerce of the United States, 1900, 10,000 copies. One-fourth of the number designated in each case to be for the use of the Senate, one-half for the use of the House of Representatives, and one-fourth for the Bureau of Statistics of the Treasury Department. Said reprints to be separately bound in paper, and, wherever practicable, printed from plates in possession of the Public Printer.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 88) for the relief of parties for property taken from them by military forces of the United States.

SENATE RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, the following resolutions were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

Senate concurrent resolution 19:

Resolved by the Senate (the House of Representatives concurring), That there be printed the number of copies hereinafter stated of the following monographs prepared by the Bureau of Statistics of the Treasury Department: Commercial China in 1900, 10,000 copies; Commercial Japan in 1900, 10,000 copies; Commercial Australia in 1900, 10,000 copies; Commercial Africa in 1900, 10,000 copies; Commerce of South America, Central America, Mexico, and West Indies, 10,000 copies; The Russian Empire and the Trans-Siberian Railway, 10,000 copies; Colonial Administration, 1800 to 1900, 20,000 copies; Great Canals of the World in 1900, 20,000 copies; Submarine and Land Telegraphs of the World, 10,000 copies; Maximum and Minimum and Conventional Tariffs, 1900, 10,000 copies; National Debts of the World, 1800 to 1900, 10,000 copies; Sugar Production of the World, 1850 to 1900, 10,000 copies; Territorial Expansion of the United States, 1783 to 1900, 20,000 copies; Porto Rico, Hawaii, Philippine Islands, Guam, Samoan Islands, and Cuba, 20,000 copies; Progress of the United

States in its Material Industries, 1800 to 1900, 20,000 copies; Banks of the United States, 1789 to 1900, 10,000 copies; Shipping Industry of the United States, 1769 to 1900, 10,000 copies; Reciprocity Treaties of the United States, 1850 to 1900, 20,000 copies; Movement of Prices in the United States, 1840 to 1899, 10,000 copies; Grain Trade of the United States, 10,000 copies; Provision Trade of the United States, 10,000 copies; Cotton Trade of the United States, 10,000 copies; Coal Trade of the United States, 10,000 copies; Iron and Steel Trade of the United States, 10,000 copies; Lumber Trade of the United States, 10,000 copies; Exports of Domestic Manufactures, 20,000 copies; Internal Commerce of the United States, 1900, 10,000 copies. One-fourth of the number designated in each case to be for the use of the Senate, one-half for the use of the House of Representatives, and one-fourth for the Bureau of Statistics of the Treasury Department. Said reprints to be separately bound in paper, and, wherever practicable, printed from plates in possession of the Public Printer—

to the Committee on Printing.

Senate concurrent resolution 24:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound in cloth the usual number of volume 19 of the report of the Industrial Commission, being the final report of said Commission, for the use of Congress—

to the Committee on Printing.

CLEARING THE POTOMAC RIVER OF ICE.

Mr. MOODY of Massachusetts. Mr. Speaker, by direction of the subcommittee of the Committee on Appropriations, I ask unanimous consent for the present consideration of the bill which I have sent to the Clerk's desk.

The bill was read, as follows:

A bill (H. R. 11470) making an appropriation for clearing the Potomac River of ice.

Be it enacted, etc., That to enable the Commissioners of the District of Columbia to meet expenses that may be necessary for the purpose of clearing the Potomac River of ice, within the District of Columbia, there is hereby appropriated, payable from any money in the Treasury not otherwise appropriated, and from the revenues of the District of Columbia, in equal parts, and to be immediately available, the sum of $5,000.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

Mr. MOODY of Massachusetts. Mr. Speaker, just a word in explanation. In the year 1881 a part of the Potomac River, by reason of accumulation of ice in the river, caused very serious damage to property in the lower parts of the city. The flood came about by damming the river by an accumulation of ice at the junction of the Eastern Branch and the Potomac. The conditions at present threaten a repetition of that disaster, and therefore immediate action is required. There is no money available under any existing appropriation law for this purpose; and this appropriation has been made in 1893, 1895, and 1897. The subject has been brought to the attention of the subcommittees on the District appropriation bill, and the gentleman from Missouri [Mr. BENTON], the gentleman from Tennessee [Mr. PIERCE], with myself, heard representatives of the Commissioners, and agree that this bill should pass.

I think there is no occasion for any further debate upon it, and I ask for a vote.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. MOODY of Massachusetts, a motion to reconsider the vote by which the bill was passed was laid on the table.

ENID AND ANADARKO RAILROAD COMPANY.

The SPEAKER pro tempore laid before the House the bil (H. R. 3104) to grant a right of way through Oklahoma Territory and the Indian Territory to the Enid and Anadarko Railroad Company, and for other purposes, with Senate amendment. The Clerk proceeded to read the Senate amendment.

Mr. CURTIS. Mr. Speaker, I ask unanimous consent to dispense with the reading of the amendment, and move to nonconcur and ask for a conference.

The SPEAKER pro tempore. The gentleman from Kansas asks unanimous cousent to dispense with the reading of the Senate amendment. Is there objection. [After a pause.] The Chair hears none. The gentleman from Kansas moves to nonconcur in the Senate amendment, and to ask the Senate for a conference.

The question was taken, and the motion was agreed to.

The SPEAKER pro tempore. The Chair appoints the following conferees: Mr. LACEY, Mr. SHELDEN, and Mr. STEPHENS of Texas.

RETURN OF BILLS TO THE SENATE.

The SPEAKER pro tempore laid before the House the following resolutions of the Senate; which were severally read, considered, and agreed to:

IN THE SENATE OF THE UNITED STATES, *February 14, 1902.*

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 3654) to vest in the Spanish Treaty Claims Commission certain powers possessed by circuit and district courts of the United States.

IN THE SENATE OF THE UNITED STATES, *February 15, 1902.*

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 3509) to transfer the county of Carroll from the northwestern division of the northern district of Georgia back to the northern district of Georgia of the United States district and circuit courts.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted, as follows:

To Mr. PATTERSON of Pennsylvania, until Monday, on account of important business.

To Mr. SALMON, for one week, on account of important business.

To Mr. CALDWELL, for to-day, on account of sickness.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title; when the Speaker signed the same:

H. R. 4842. An act for the relief of the trustees of Carson and Newman College, at Jefferson City, Tenn.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 650. An act granting to the White River Railway Company the right to construct, maintain, and operate a single-track railway across the lands of the United States in the south half of the southwest quarter of section 22, township 14 north, range 8 west of the fifth principal meridian, in the county of Independence, in the State of Arkansas, reserved for use in connection with the construction of Lock Numbered Three, Upper White River, Arkansas;

S. 1838. An act authorizing the Memphis, Helena and Louisiana Railway Company to construct and maintain a bridge across the Arkansas River, in the State of Arkansas;

S. 1839. An act authorizing the Memphis, Helena and Louisiana Railway Company to construct and maintain a bridge across the White River in the State of Arkansas;

S. 1970. An act to provide an American register for the barkentine *Hawaii;*

S. 88. An act for the relief of parties for property taken from them by the military forces of the United States;

S. 651. An act extending the time within which the Mississippi River, Hamburg and Western Railway Company is authorized to construct a bridge across the Bayou Bartholomew in Arkansas;

S. 910. An act to extend the time for the completion of a bridge across the Missouri River;

S. 1165. An act to authorize the construction of a bridge over the Missouri River at or near the city of St. Joseph, Miss.; and

S. 73. An act to authorize the construction of a bridge across the Arkansas River near Fort Gibson, Ind. T.

WAR-REVENUE REPEAL BILL.

Mr. PAYNE. Mr. Speaker, this morning the House made an order to reprint the war-revenue repeal bill. Of course it is hardly necessary now to have it reprinted, and I ask that that order be annulled.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent to annul the order for the reprint of the war-revenue repeal bill. Is there objection? [After a pause.] The Chair hears none. It was so ordered.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 2 o'clock and 50 minutes) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Interior, transmitting a copy of a communication from the governor of Hawaii relating to the apportionment of members of the legislature—to the Committee on Territories, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Smithsonian Institution submitting an estimate of increased appropriation for international exchanges—to the Committee on Appropriations, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the brig *Louisa*, Benjamin Wheeler, master, against the United States—to the Committee on Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Commissioners of the District of Columbia submitting an estimate of appropriations for public schools and the Washington Asylum—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for the purchase of a target range at Des Moines, Iowa—to the Committee on Appropriations, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the brig *Patty*, Josiah Hempstead, master, against the United States—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the brig *Mercury*, George Lee, master, against the United States—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of fact in the case of Jesse Keys against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for a military post at Skagway, Alaska—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for road to Fort Mott, N. J.—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting a reply to the inquiry of the House in relation to the issuing to or withholding rations from Indians—to the Committee on Indian Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. JENKINS, from the Committee on the District of Columbia, to which was referred House bills 9863 and 11002, reported in lieu thereof a bill (H. R. 11400) to amend an act entitled "An act in relation to taxes and tax sales in the District of Columbia," approved February 28, 1898, accompanied by a report (No. 551); which said bill and report were referred to the House Calendar.

Mr. CORLISS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 1964) to provide for a light-house keeper's dwelling, Ecorse range light station, Detroit River, in the State of Michigan, reported the same without amendment, accompanied by a report (No. 552); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HAUGEN, from the Committee on Agriculture, to which was referred the bill of the House (H. R. 10999) to provide rules and regulations governing the importation of trees, plants, shrubs, vines, grafts, cuttings, and buds, commonly known as nursery stock, and fruits into the United States, and rules and regulations for the inspection of trees, plants, shrubs, vines, grafts, cuttings, and buds, commonly known as nursery stock, grown within the United States, which become subjects of interstate commerce or exportation, reported the same without amendment, accompanied by a report (No. 557); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. OTEY, from the Committee on Claims, to which was referred the bill of the House (H. R. 989) to authorize the Light-House Board to pay to Chamblin, Delaney & Scott the sum of $2,125, reported the same with amendments, accompanied by a report (No. 553); which said bill and report were referred to the Private Calendar.

Mr. GOLDFOGLE, from the Committee on Claims, to which was referred the bill of the House (H. R. 10279) to pay the claim of Stephen B. Halsey, reported the same without amendment, accompanied by a report (No. 554); which said bill and report were referred to the Private Calendar.

Mr. SCHIRM, from the Committee on Claims, to which was referred the bill of the House (H. R. 5124) for the relief of the owners of the British ship *Foscolia* and cargo, reported the same without amendment, accompanied by a report (No. 555); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 691) granting a pension to Jerome M. White, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. JENKINS, from the Committee on the District of Columbia: A bill (H. R. 11400) to amend an act entitled "An act in relation to taxes and tax sales in the District of Columbia," approved February 28, 1898—to the House Calendar.

By Mr. HENRY C. SMITH: A bill (H. R. 11401) to amend an act entitled "An act to provide revenue for the Government and to encourage the industries of the United States," approved July 24, 1897—to the Committee on Ways and Means.

By Mr. BABCOCK: A bill (H. R. 11402) to amend section 7 of "An act to establish a code of law for the District of Columbia," approved March 3, 1901—to the Committee on the District of Columbia.

Also, a bill (H. R. 11403) to amend section 172 of "An act to establish a code of law for the District of Columbia," approved March 3, 1901—to the Committee on the District of Columbia.

By Mr. BLACKBURN (by request): A bill (H. R. 11404) to provide pensions for freedmen, and so forth—to the Committee on Pensions.

By Mr. FLYNN: A bill (H. R. 11405) to amend section 2 of an act entitled "An act concerning the practice in Territorial courts and appeals therefrom," approved April 7, 1874—to the Committee on the Judiciary.

By Mr. HEDGE: A bill (H. R. 11406) granting an appropriation for the enlargement of the public building at Burlington, Iowa—to the Committee on Public Buildings and Grounds.

By Mr. COOPER of Texas: A bill (H. R. 11407) to repeal section 3480 of the Revised Statutes of the United States—to the Committee on Claims.

By Mr. BLAKENEY: A bill (H. R. 11408) to prevent the filling of street cars beyond their seating capacity within the District of Columbia—to the Committee on the District of Columbia.

By Mr. LESTER: A bill (H. R. 11409) to authorize the construction of a traffic bridge across the Savannah River from the mainland within the corporate limits of the city of Savannah to Hutchinsons Island, in the county of Chatham, State of Georgia—to the Committee on Interstate and Foreign Commerce.

By Mr. NAPHEN: A bill (H. R. 11410) for the improvement of Weymouth (Fore) River in Quincy, Mass.—to the Committee on Rivers and Harbors.

Also, a bill (H. R. 11411) for the improvement of Neponset River at Neponset, Mass.—to the Committee on Rivers and Harbors.

By Mr. RAY of New York: A bill (H. R. 11412) for the suppression of train robberies in the Territories of the United States and other places, and for other purposes—to the Committee on the Judiciary.

By Mr. JENKINS: A bill (R. R. 11413) for the purchase of land in Fort Reno subdivision northwest as a site for a colored school building—to the Committee on Appropriations.

By Mr. CREAMER: A joint resolution (H. J. Res. 152) proposing an amendment to the Constitution relating to the veto power of the President—to the Committee on the Judiciary.

By Mr. HOOKER: Memorial memorializing the Representatives and Senators of Mississippi in Congress to prepare and urge the passage of a bill refunding to the cotton-growing States the cotton tax collected from said States immediately after the war—to the Committee on War Claims.

Also, a concurrent resolution memorializing the Representatives and Senators of Mississippi in Congress to prepare and urge the passage of a bill refunding to the cotton-growing States the cotton tax collected from said States immediately after the war—to the Committee on War Claims.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BLAKENEY: A bill (H. R. 11414) for the relief of the heirs and legal representatives of William G. Burke, deceased—to the Committee on War Claims.

By Mr. BROWNLOW: A bill (H. R. 11415) granting a pension to M. J. Burton, widow of Thomas Burton—to the Committee on Pensions.

By Mr. BULL: A bill (H. R. 11416) granting an increase of pension to Esther Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11417) granting an increase of pension to Julia Anglada—to the Committee on Invalid Pensions.

By Mr. BURK of Pennsylvania: A bill (H. R. 11418) granting an increase of pension to Hannah T. Knowles—to the Committee on Pensions.

By Mr. CASSINGHAM: A bill (H. R. 11419) to correct the

military record of Andrew J. Dingman—to the Committee on Military Affairs.

By Mr. COONEY: A bill (H. R. 11420) to pay the claim of Edward Hurley for paving Second street in front of the United States post-office building in the city of Sedalia, Mo.—to the Committee on Claims.

By Mr. CORLISS: A bill (H. R. 11421) granting an increase of pension to Alfred Rauland—to the Committee on Invalid Pensions.

By Mr. COWHERD: A bill (H. R. 11422) for the relief of P. J. Kennedy—to the Committee on Claims.

Also, a bill (H. R. 11423) granting a pension to Richard H. Askew—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11424) granting a pension to Mrs. Elizabeth Christmas—to the Committee on Pensions.

By Mr. FLOOD: A bill (H. R. 11425) to aid and encourage military training and instruction by donation of public lands—to the Committee on the Public Lands.

By Mr. GRIFFITH: A bill (H. R. 11426) to correct the military record of Alonzo Carter—to the Committee on Military Affairs.

By Mr. HENDERSON: A bill (H. R. 11427) granting an increase of pension to Charles P. Tripp—to the Committee on Invalid Pensions.

By Mr. IRWIN: A bill (H. R. 11428) granting an increase of pension to Plummer Lewis—to the Committee on Pensions.

Also, a bill (H. R. 11429) granting an increase of pension to Jennie T. Cardwell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11430) to correct the military record of George Johnson—to the Committee on Military Affairs.

By Mr. JONES of Washington: A bill (H. R. 11431) for the relief of S. C. Henton—to the Committee on Claims.

By Mr. KERN: A bill (H. R. 11432) for the relief of Adam Eigner—to the Committee on Military Affairs.

By Mr. KNAPP: A bill (H. R. 11433) to pay Orville J. Jennings, of Fulton, N. Y., for work done under contract of March 25, 1889—to the Committee on Claims.

By Mr. KYLE: A bill (H. R. 11434) to remove the charge of desertion from the military record of Joseph B. Colbert—to the Committee on Military Affairs.

Also, a bill (H. R. 11435) to remove the charge of desertion from the military record of Andrew Campbell—to the Committee on Military Affairs.

By Mr. LACEY: A bill (H. R. 11436) granting an increase of of pension to James H. McKnight—to the Committee on Invalid Pensions.

By Mr. LITTAUER: A bill (H. R. 11437) granting a pension to Mrs. Maria Olmsted Eldred—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11438) to correct the military record of Seneca S. Van Ness—to the Committee on Military Affairs.

By Mr. LONG: A bill (H. R. 11439) for the relief of Martin Hoover—to the Committee on Military Affairs.

Also, a bill (H. R. 11440) granting an increase of pension to Samuel F. Leard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11441) granting a pension to Elizabeth Wiatt—to the Committee on Pensions.

Also, a bill (H. R. 11442) granting a pension to Ephraim L. Powers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11443) granting a pension to James L. Dyer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11444) granting an increase of pension to Andrew J. Freeman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11445) granting an increase of pension to James Gray—to the Committee on Invalid Pensions.

By Mr. MOODY of Massachusetts: A bill (H. R. 11446) to remove the charge of desertion standing against the name of Augustus Caldwell—to the Committee on Military Affairs.

Also, a bill (H. R. 11447) granting a pension to Emela H. Parker—to the Committee on Invalid Pensions.

By Mr. MOON: A bill (H. R. 11448) for the relief of Nancy Edwards, widow of John B. Edwards—to the Committee on War Claims.

Also, a bill (H. R. 11449) granting an increase of pension to Otto Haltnorth—to the Committee on Pensions.

By Mr. MORRELL: A bill (H. R. 11450) to correct military record of Bryan Healey—to the Committee on Military Affairs.

By Mr. NAPHEN: A bill (H. R. 11451) to correct the military record of Herman Wenige—to the Committee on Military Affairs.

By Mr. PADGETT: A bill (H. R. 11452) for the relief of the estate of D. S. Phelan—to the Committee on Claims.

By Mr. PATTERSON of Pennsylvania: A bill (H. R. 11453) granting a pension to Catharine Freeman—to the Committee on Invalid Pensions.

By Mr. PRINCE: A bill (H. R. 11454) granting an increase of pension to George P. Conyers—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Alabama: A bill (H. R. 11455) for the relief of Benjamin S. Harper—to the Committee on the Public Lands.

By Mr. RODEY: A bill (H. R. 11456) for the relief of James P. Chase—to the Committee on the Public Lands.

By Mr. SCHIRM: A bill (H. R. 11457) providing for the reinstatement in and retirement from the Navy of Frank A. R. George—to the Committee on Naval Affairs.

Also, a bill (H. R. 11458) granting an increase of pension to William H. Ash—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11459) to remove the charge of desertion from the military record of Gustavus L. Ford—to the Committee on Military Affairs.

By Mr. SMITH of Kentucky (by request): A bill (H. R. 11460) granting a pension to William T. Gorr—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 11461) granting an increase of pension to John R. Moulton—to the Committee on Invalid Pensions.

By Mr. TRIMBLE: A bill (H. R. 11462) granting a pension to William G. Mandeville—to the Committee on Pensions.

Also, a bill (H. R. 11463) authorizing and directing the repayment to George W. Jordon, of Skinnersburg, Scott County, Ky., the sum of $1,000 that he paid to avoid the draft in 1864—to the Committee on Claims.

By Mr. YOUNG: A bill (H. R. 11464) granting a pension to Marion L. Wilson—to the Committee on Pensions.

Also, a bill (H. R. 11465) to remove the charge of desertion from George W. Smith—to the Committee on Military Affairs.

Also, a bill (H. R. 11466) granting a discharge to John B. Rhine—to the Committee on Military Affairs.

By Mr. ZENOR: A bill (H. R. 11467) granting a pension to Susan Sutcliff—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11468) granting a pension to Thomas Howard—to the Committee on Invalid Pensions.

By Mr. McCALL: A bill (H. R. 11469) granting an increase of pension to Mary A. Craigue—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Resolution of the Grocers and Importers' Exchange of Philadelphia, Pa., urging the creation of a department of commerce and industries—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Grocers and Importers' Exchange of Philadelphia, Pa., urging reciprocal relations with Cuba—to the Committee on Ways and Means.

By Mr. ALEXANDER: Resolutions of Liberty Lodge, No. 2, and Trunk and Bag Workers' Union No. 4, of Buffalo, N. Y., and National Building Trades Council of America, concerning the Chinese-exclusion act—to the Committee on Foreign Affairs.

Also, resolutions of National Building Trades Council of America, in relation to the arid-land measure—to the Committee on Irrigation of Arid Lands.

By Mr. BARTLETT: Resolutions of the mayor and council of the city of Macon, Ga., asking for the erection of a new public building in that city—to the Committee on Public Buildings and Grounds.

By Mr. BELL: Resolutions of Typographical Union No. 82, of Colorado Springs, Colo., and E. M. Stanton Post, No. 37, of Salida, Colo., Grand Army of the Republic, Department of Colorado, favoring the construction of war ships at the navy-yards—to the Committee on Naval Affairs.

Also, petition of the Board of Trade of Durango, Colo., favoring rights of way over public lands and Indian allotments—to the Committee on Indian Affairs.

By Mr. BOWERSOCK: Resolutions adopted by the New York Retail Grocers' Union, protesting against the repeal of the duty on tea—to the Committee on Ways and Means.

Also, resolution of the National Trades Council of America, favoring irrigation by the General Government—to the Committee on Irrigation of Arid Lands.

Also, resolutions of the National Trades Council of America, favoring restriction of Chinese immigration—to the Committee on Foreign Affairs.

Also, resolution of Tobacco Workers' National Union of Detroit, Mich., favoring the construction of war vessels in the Government navy-yards—to the Committee on Naval Affairs.

By Mr. BROWN: Resolution of Lake Seamen's Union of Milwaukee, Wis., favoring an educational test in the restriction of immigration—to the Committee on Immigration and Naturalization.

Also, resolution of Wisconsin National Guard, urging the passage of House bill 9972, to increase the efficiency of the militia—to the Committee on Militia.

Also, resolution of Lake Seamen's Union of Milwaukee, in opposition to the passage of House bill 9685—to the Committee on the Merchant Marine and Fisheries.

Also, resolutions of the Wisconsin Experiment Association and Wisconsin State Horticultural Society, in support of House bill 8735, favoring the sale of public lands for the maintenance of agricultural and mechanical colleges—to the Committee on Mines and Mining.

Also, resolution of the Lake Seamen's Union, against Chinese labor—to the Committee on Foreign Affairs.

Also, resolution of the Lake Seamen's Union, in opposition to House bill 7189, changing the name of the United States Marine Hospital Service—to the Committee on Interstate and Foreign Commerce.

By Mr. BULL: Resolution of Rhode Island Chapter, American Institute of Architects, urging the continuation of the office of Architect of the Capitol—to the Committee on Appropriations.

Also, resolutions of Steam Fitters' Union No. 31, Coopers' Union No. 51, of Providence, R. I.; Carpenters and Joiners' Union No. 194, of Newport, R. I., and Cigar Makers' Union No. 94, of Pawtucket, R. I., favoring the reenactment of the Chinese-exclusion act—to the Committee on Foreign Affairs.

Also, resolution of Providence, R. I., Branch Seamen's Union, relative to seamen's clause in proposed bill for exclusion of Chinese laborers—to the Committee on Foreign Affairs.

Also, resolution of the Board of Trade of Providence, R. I., urging reciprocal relations with Cuba—to the Committee on Ways and Means.

Also, resolution of Steam Fitters' Union No. 31, of Providence, R. I., and petition of Farragut Post, No. 4, Grand Army of the Republic, Vallejo, Cal., favoring the construction of war vessels in Government navy-yards—to the Committee on Naval Affairs.

By Mr. BURK of Pennsylvania: Petition of the Central Tea Growers and Traders' Association of Japan, for repeal of the duty on tea—to the Committee on Ways and Means.

Also, resolutions of the New York Retail Grocers' Union, against the repeal of the duty on tea—to the Committee on Ways and Means.

Also, resolutions of the National Building Trades Council of America, favoring an appropriation for irrigating purposes—to the Committee on Irrigation of Arid Lands.

Also, resolutions of the New Orleans Progressive Union, protesting against reduction in sugar tariff—to the Committee on Ways and Means.

Also, petition of the Grocers and Importers' Exchange of Philadelphia, favoring a reciprocity treaty with Cuba—to the Committee on Ways and Means.

Also, resolution of the National Building Trades Councils of America, favoring the reenactment of a Chinese-exclusion law—to the Committee on Foreign Affairs.

Also, resolutions of the Grocers and Importers' Exchange of Philadelphia, favoring the establishment of a department of commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. CALDERHEAD: Resolutions of the United Retail Grocers' Association of Brooklyn, and New York Retail Grocers' Union, of New York City, in relation to the duty on tea—to the Committee on Ways and Means.

Also, resolutions of the Commercial Club of Topeka, Kans., condemning the proposed Bowersock land-grazing bill—to the Committee on the Public Lands.

Also, resolution of National Building Trades Council of America, favoring the passage of the Chinese-exclusion law—to the Committee on Foreign Affairs.

Also, resolution of National Building Trades Council of America, in relation to the arid-land measure—to the Committee on Irrigation of Arid Lands.

By Mr. CAPRON: Resolution of Rhode Island Chapter, American Institute of Architects, against change of title of Architect of the Capitol—to the Committee on Appropriations.

Also, resolutions of the Board of Trade of Providence, R. I., urging reciprocal relations with Cuba—to the Committee on Ways and Means.

Also, resolution of Farragut Post, No. 4, Grand Army of the Republic, of Vallejo, Cal., urging that the navy-yards be utilized for the construction of war vessels—to the Committee on Naval Affairs.

Also, resolutions of Cigar Makers' Union No. 94, of Pawtucket, R. I., and Coopers' Union No. 51, of Providence, R. I., advocating the reenactment of the Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. CASSEL: Resolution of Cigar Makers' Union No. 257, of Lancaster, Pa., praying for the further restriction of immigration—to the Committee on Immigration and Naturalization.

Also, resolution of General Welsh Post, No. 118, of Columbia, Pa., concerning the construction of Government vessels in navy-yards—to the Committee on Naval Affairs.

By Mr. CASSINGHAM: Petition of Rev. L. S. Boyce and 105 other citizens of Licking County, Ohio, for an amendment to the National Constitution defining legal marriage to be monogamic—to the Committee on the Judiciary.

Also, resolution of Milk Drivers' Union No. 320, of Newark, Ohio, for the exclusion of Asiatics from the United States—to the Committee on the Judiciary.

Also, paper to accompany House bill 2242, for the relief of Isaac Dewitt—to the Committee on Claims.

Also, papers to accompany House bill 4551, for the relief of Mrs. Ellen Allen—to the Committee on Invalid Pensions.

By Mr. COONEY: Statement to accompany House bill 11420, relating to the claim of Edward Hurley—to the Committee on Claims.

By Mr. COOPER of Wisconsin: Resolution of Metal Polishers and Brass Workers' Union No. 89, of Racine, Wis., American Federation of Labor, relative to the construction of vessels in Government navy-yards—to the Committee on Naval Affairs.

Also, resolution of the National Building Trades Council of America, in relation to the reclamation and irrigation of arid lands—to the Committee on Irrigation of Arid Lands.

Also, resolution of National Building Trades Council of America, favoring the continuation of the exclusion law against Chinese laborers—to the Committee on Foreign Affairs.

By Mr. COWHERD: Petition of P. J. Kennedy in behalf of his claim for rebate of taxes paid on tobacco and cigars—to the Committee on Claims.

Also, papers in support of House bill 11423, granting an increase of pension to Richard H. Askew—to the Committee on Invalid Pensions.

By Mr. CURRIER: Petitions of the Women's Christian Temperance Unions of Dover, Lakeport, Portsmouth, Derry, Nashua, and Gonic, and of John B. Pike and others and Solon A. Peck and others, of Lebanon, all of New Hampshire, favoring the adoption of an antipolygamy amendment to the Constitution—to the Committee on the Judiciary.

Also, resolutions adopted by the Oliver W. Lull Post, Grand Army of the Republic, of New Hampshire, favoring the construction of naval vessels at the Government navy-yards—to the Committee on Naval Affairs.

By Mr. DAHLE: Resolution of the Wisconsin Experimental Association, Madison, Wis., and the Wisconsin State Horticultural Society, favoring a bill for the establishment and maintenance of schools of mines and mining—to the Committee on Mines and Mining.

Also, resolution of Christian Endeavor Society of Moriah, Wis., against the repeal of the anticanteen law—to the Committee on Military Affairs.

Also, resolutions of Cigar Makers' Union No. 182, of Madison, Wis., concerning the Chinese-exclusion act—to the Committee on Foreign Affairs.

Also, resolution of Wisconsin National Guard, Madison, Wis., urging the passage of House bill No. 9972, increasing the efficiency of the militia—to the Committee on Militia.

By Mr. DRAPER: Resolution of the New York Retail Grocers' Union, against the repeal of the duty on teas—to the Committee on Ways and Means.

By Mr. ESCH: Resolution of the La Crosse (Wis.) Board of Trade in opposition to the Morris bill, and favoring a national park at the headwaters of the Mississippi River—to the Committee on the Public Lands.

Also, resolution of the Oklahoma City Commercial Club, in favor of single statehood for Oklahoma and Indian Territories—to the Committee on the Territories.

Also, resolutions of the New York Retail Grocers' Union, in relation to the removal of the duty on teas—to the Committee on Ways and Means.

Also, resolution of the Wisconsin National Guard, favoring House bill 9972, increasing the efficiency of the militia—to the Committee on Militia.

Also, resolutions of Wisconsin Agricultural Experimental Association and Wisconsin State Horticultural Society, in support of House bill 8735, favoring the sale of public lands for the maintenance of agricultural and mechanical colleges—to the Committee on Mines and Mining.

By Mr. FITZGERALD: Memorial of the Merchants' Association of New York, for reciprocal trade relations with Cuba—to the Committee on Ways and Means.

Also, resolutions of United Garment Makers of America, Local Union No. 5, of Brooklyn, urging legislation to exclude the Chinese from this country—to the Committee on Foreign Affairs.

Also, resolutions of National Building Trades Council of America, favoring the irrigation of the arid lands of the United States—to the Committee on Irrigation of Arid Lands.

By Mr. GRAHAM: Resolutions of Typographical Union No. 7,

Pittsburg, Pa., and National Building Trades Council of America, favoring the reenactment of the Chinese-exclusion law—to the Committee on Foreign Affairs.

Also, resolution of Gen. Thomas A. Rowley Post, No. 495, Grand Army of the Republic, of Natrona, Pa., favoring construction of war vessels in United States navy-yards—to the Committee on Naval Affairs.

Also, resolution of the National Building Trades Council, for national irrigation of arid lands—to the Committee on Irrigation of Arid Lands.

Also, petition of Jefferson Memorial Association, of Charlottesville, Va., for a memorial of Thomas Jefferson by the construction of Memorial avenue near Charlottesville, Va.—to the Committee on the Library.

Also, petition of Mrs. M. K. Salsbury and others, of Allegheny County, Pa., for legislation to punish polygamy—to the Committee on Foreign Affairs.

By Mr. HAMILTON: Resolutions of Cigar Makers' Union No. 457, of Benton Harbor, Mich., and United Garment Workers' No. 5, of Brooklyn, N. Y., in favor of the exclusion of Chinese laborers—to the Committee on Foreign Affairs.

Also, resolution of Memphis Cotton Exchange, Memphis, Tenn., favoring improvement of rivers and harbors—to the Committee on Rivers and Harbors.

By Mr. HANBURY: Petition of United Garment Workers Union No. 5 of Brooklyn, N. Y., for the enactment of the Chinese-exclusion law—to the Committee on Foreign Affairs.

Also, papers to accompany House bill 8022 granting a pension to Prudentia L. D. Nugent—to the Committee on Invalid Pensions.

Also, petition of J. C. Kerr and others, of the Fifth Congressional district of New York, for an amendment to the National Constitution defining legal marriage to be monogamic—to the Committee on the Judiciary.

Also, papers to accompany House bill 8642 for the relief of Steward J. Donnelly—to the Committee on Military Affairs.

By Mr. HASKINS: Petition of Jarvis Post, No. 43, Grand Army of the Republic, Department of Vermont, for investigation of the administration of the Bureau of Pensions—to the Committee on Rules.

Also, petition of Jarvis Post, No. 43, of Springfield, Vt., favoring the construction of war ships at the navy-yards—to the Committee on Naval Affairs.

By Mr. HILDEBRANT: Petition of the Wilmington Yearly Meeting of Friends, and Wilmington (Ohio) Woman's Christian Temperance Union of Hardens Creek, favoring the exclusion of intoxicants from all countries inhabited chiefly by native races—to the Committee on Alcoholic Liquor Traffic.

By Mr. JACKSON of Kansas: Resolution of Western Retail Implement and Vehicle Dealers' Association, held in Kansas City, Mo., against House bill 6578, known as the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, resolution of the Topeka (Kans.) Commercial Club, condemning the proposed Bowersock land-grazing bill—to the Committee on the Public Lands.

Also, petition of the Federal Labor Union of Independence, Kans., for the reenactment of the Chinese-exclusion law—to the Committee on Foreign Affairs.

By Mr. KAHN: Resolutions of the Pile Drivers and Bridge Builders' Union No. 9078, of National Union of United Brewery Workmen of the United States, Local Union No. 7 of the San Francisco Labor Council, and of Local Union No. 104, Amalgamated Steel Metal Workers' International Association, of San Francisco, Cal., favoring the exclusion of Chinese—to the Committee on Foreign Affairs.

By Mr. KETCHAM: Petition of the Allied Metal Mechanics' Union No. 106, of Poughkeepsie, N. Y., for the reenactment of the Chinese-exclusion law—to the Committee on Foreign Affairs.

By Mr. W. W. KITCHIN: Petition of J. Bryan Grimes and other State officers of North Carolina, urging a reduction of the taxes on the various forms of tobacco and tobacco dealers—to the Committee on Ways and Means.

By Mr. LACEY: Resolutions of National Building Trades Council of St. Louis, Mo., favoring irrigation of arid lands—to the Committee on Irrigation of Arid Lands.

Also, resolutions of Grand Army of the Republic post at Wellman, Iowa, favoring the building of war vessels in the navy-yards—to the Committee on Naval Affairs.

Also, petition of citizens of Blakesburg, Iowa, favoring the election of United States Senators by direct vote of the people—to the Committee on Election of President, Vice-President, and Representatives in Congress.

Also, resolutions of the National Building Trades Council of St. Louis, Mo., and of Local Union No. 114, of Ottumwa, Iowa, favoring the exclusion of the Chinese—to the Committee on Foreign Affairs.

By Mr. LINDSAY: Resolutions of Brotherhood of Railroad Trainmen (New York State legislative board), favoring bill to limit the power of Federal courts in granting injunctions in trades disputes—to the Committee on the Judiciary.

By Mr. LITTAUER: Papers to accompany House bill 11437, granting a pension to Maria Olmsted Eldred—to the Committee on Invalid Pensions.

By Mr. LONG: Petition of Harper Post, No. 251; McGovney Post, No. 356; Eldred Post, No. 174, Grand Army of the Republic, Department of Kansas, for investigation of the administration of the Bureau of Pensions—to the Committee on Rules.

Also, resolution of the Western Retail Implement and Vehicle Dealers' Association, against House bill 6578, known as the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of Plasterers' Union No. 199, Cigar Makers' Union No. 286, of Wichita, Kans., and Kansas State Society of Labor and Industry, favoring the continuation of the exclusion law against Chinese laborers—to the Committee on Foreign Affairs.

Also, resolutions of the Commercial Club of Topeka, Kans., condemning the proposed Bowersock land-grazing bill—to the Committee on the Public Lands.

Also, resolution of the Chamber of Commerce of Topeka, Kans., asking that the interstate-commerce law be strengthened—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of Post No. 384, Eggleson Post, No. 244, and General George Crook Post, No. 337, Grand Army of the Republic, Department of Kansas, for the building of war vessels in United States navy-yards—to the Committee on Naval Affairs.

Also, papers to accompany House bill 8040, for the relief of Edward L. Hall—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 10440, for the relief of William C. Read—to the Committee on Pensions.

Also, papers to accompany House bill 7824, for the relief of Levi M. Hall—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 1071, for the relief of Adam Kelman—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 1062, for the relief of Dr. E. P. Stearns—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 6088, for the relief of Levi Fellers—to the Committee on War Claims.

By Mr. MARTIN: Resolutions of Farragut Post, No. 52, of Spearfish, S. Dak., and Strickland Post, No. 127, of Hot Springs, S. Dak., concerning the construction of Government vessels in navy-yards—to the Committee on Naval Affairs.

Also, resolution of the National Building Trades Council for national irrigation of arid lands—to the Committee on Irrigation of Arid Lands.

By Mr. MOODY of Massachusetts: Resolutions of the Board of Trade of Lynn, Mass., urging the appointment of a commission to study and report upon the industrial and commercial conditions in China—to the Committee on ———.

Also, resolution of the Massachusetts College of Pharmacy, favoring House bill 7189 and Senate bill 2162, relating to the United States Marine-Hospital Service—to the Committee on the Merchant Marine and Fisheries.

Also, resolution of Carpenters' District Council, of Boston, Mass., favoring the repeal of the desert-land act and in support of an appropriation for irrigation surveys—to the Committee on the Public Lands.

Also, resolutions of Bay State Lodge, Brotherhood of Railroad Trainmen, favoring the anti-injunction bill (S. 1118)—to the Committee on the Judiciary.

By Mr. MOON: Resolution of Iron Molders' Union No. 53, of Chattanooga, Tenn., favoring restriction of undesirable immigration—to the Committee on Immigration and Naturalization.

Also, petition of Nancy Edwards, of the State of Tennessee, for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. MORRELL: Petition of Farragut Post, No. 4, Grand Army of the Republic, of California, in regard to employees in navy-yards—to the Committee on Naval Affairs.

Also, petition of Citizens' Republican Club of Philadelphia, urging the passage of bills abolishing "Jim Crow" cars—to the Committee on the Judiciary.

Also, petition of National Building Trades Council of America, concerning the Chinese-exclusion act—to the Committee on Foreign Affairs.

Also, petition of New York Retail Grocers' Union, protesting against the removal of the duty on teas—to the Committee on Ways and Means.

Also, petition of Grocers and Importers' Exchange of Philadelphia, favoring the creation of a department of commerce—to the Committee on Interstate and Foreign Commerce.

Also, petition of Grocers and Importers' Exchange of Philadelphia, for the establishment of reciprocal relations with Cuba—to the Committee on Ways and Means.

By Mr. NAPHEN: Petition of Paul Revere Post, No. 88, Grand

Army of the Republic, of Quincy, Mass., urging that the navy-yards be utilized for the construction of war vessels—to the Committee on Naval Affairs.

Also, petition of National Tea Duty Repeal Association, in relation to the removal of the duty on teas—to the Committee on Ways and Means.

Also, resolution of the National Building Trades Council of America, favoring the national irrigation of arid lands, etc.—to the Committee on Irrigation of Arid Lands.

Also, resolution of Horse Nail Makers' Union No. 6313, Boston, Mass., in favor of the construction of war vessels in Government navy-yards—to the Committee on Naval Affairs.

Also, petition of Massachusetts College of Pharmacy, regarding House bill 7189 and Senate bill 2162, relating to the United States Marine-Hospital Service—to the Committee on the Merchant Marine and Fisheries.

Also, resolution of the National Building Trades Council of America and Carpenters' District Council of Boston, Mass., in favor of the reenactment of the Chinese-exclusion act—to the Committee on Foreign Affairs.

Also, resolution of Bay State Lodge No. 88, Brotherhood of Railroad Trainmen, in support of Senate bill 1118, limiting the meaning of the word "conspiracy," etc.—to the Committee on the Judiciary.

By Mr. OTJEN: Resolution of Lake Seamen's Union, of Milwaukee, Wis., favoring an educational test in the restriction of immigration—to the Committee on Immigration and Naturalization.

Also, resolution of Lake Seamen's Union, of Milwaukee, Wis., favoring extension of the Chinese-exclusion act—to the Committee on Foreign Affairs.

Also, resolution of Lake Seamen's Union, of Milwaukee, Wis., against the passage of House bill 7189—to the Committee on Interstate and Foreign Commerce.

Also, resolution of Lake Seamen's Union, of Milwaukee, Wis., against the passage of House bill 9685—to the Committee on the Merchant Marine and Fisheries.

By Mr. PADGETT: Petition of D. C. Phelan in relation to a claim for services—to the Committee on Claims.

By Mr. PERKINS: Petition of Bavarian Society, of Rochester, N. Y., in relation to the Boer war—to the Committee on Foreign Affairs.

By Mr. RICHARDSON of Alabama: Papers to accompany House bill 11455 for the relief of Benj. S. Harper—to the Committee on the Public Lands.

By Mr. ROBINSON of Indiana: Petition of Robert S. Smith, of Peru, Ind., in favor of the higher education of the blind—to the Committee on Education.

By Mr. RYAN: Resolutions of Carpenters and Joiners' Union No. 9, and of Marine Corps Association No. 54, of Buffalo, N. Y., favoring reenactment of Chinese-exclusion law—to the Committee on Foreign Affairs.

Also, resolutions of New York Retail Grocers' Union against repeal of duty on tea—to the Committee on Ways and Means.

By Mr. SHALLENBERGER: Petition of M. J. Munday and 3 other citizens of Edison, Nebr., and J. A. Dunham and 30 other merchants of Beaver City, Nebr., against House bill 6578, known as the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. SELBY: Resolution of National Building Trades Council, favoring the reenactment of the Chinese-exclusion act—to the Committee on Immigration and Naturalization.

Also, resolution of Cigar Makers' Union of Jacksonville, Ill., for an educational test in the restriction of immigration—to the Committee on Immigration and Naturalization.

Also, resolution of the National Building Trades Council, in relation to the sale of public lands and the irrigation of arid lands—to the Committee on Arid Lands.

By Mr. SIBLEY: Petitions of Lehr Fenders and Shove Boys' Union No. 7583, of Kane, Pa., and Union No. 54, Oil and Gas Well Workers, of Gifford, Pa., urging the passage of the Chinese-exclusion act—to the Committee on Foreign Affairs.

Also, petition of Lehr Fenders and Shove Boys' Union No. 7583, of Kane, Pa., favoring the construction of Government vessels in navy-yards—to the Committee on Naval Affairs.

By Mr. SMITH of Kentucky: Petition of citizens of Bullitt County, Ky., asking that a pension be granted William T. Garr—to the Committee on Invalid Pensions.

By Mr. SPERRY: Resolutions of Brewers' Union No. 126, Carpenters' Union No. 260, of Waterbury, Conn., and Iron Molders' Union No. 71, of Ansonia, Derby, and Shelton, Conn., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, resolutions of Brewers' Union No. 126, of Waterbury, Conn., favoring the building of war ships in the navy-yards—to the Committee on Naval Affairs.

Also, resolution of citizens of New Haven, Conn., relative to the collection of statistics of marriage and divorce—to the Committee on the Judiciary.

By Mr. STARK: Petition of city and county directors of the city of York and York County, Nebr., to accompany House bill No. 3081, being a bill for the erection of a public building in the city of York, Nebr.—to the Committee on Public Buildings and Grounds.

Also, protests of Miller & Ro e and 27 other citizens of Fairmont, Nebr., and T. F. Scott & Son and 12 others, of Swanton, Nebr., against House bill 6578, known as the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, resolution of Farnsworth Post, No. 73, Ulysses, Nebr., and Stanton Post, No. 20, of Rising City, Nebr., Grand Army of the Republic, favoring the building of vessels in the United States navy-yards—to the Committee on Naval Affairs.

By Mr. SULLOWAY: Petitions of the Woman's Christian Temperance Unions of Dover, Greenville, Lakeport, Portsmouth, Gonic, Derry, and Somersworth, N. H., praying for the enactment of a law against polygamy—to the Committee on the Judiciary.

By Mr. SULZER: Resolution of the National Building Trades Council of America, in favor of the reenactment of the Chinese-exclusion act—to the Committee on Foreign Affairs.

Also, resolution of the National Building Trades Council of America, favoring the national irrigation of arid lands, etc.—to the Committee on Irrigation of Arid Lands.

Also, protest of the New York Retail Grocers' Union, against the repeal of the duty on tea—to the Committee on Ways and Means.

Also, petition of Farragut Post, No. 4, of Vallejo, Cal.. for the employment of veterans of the war in the navy-yards—to the Committee on Naval Affairs.

By Mr. WANGER: Petition of Marion Circle, No. 16, Brotherhood of the Union, of Quakertown, Pa., in favor of the purchase of Valley Forge Encampment Grounds as a national park—to the Committee on Military Affairs.

By Mr. WOODS: Resolution of the San Francisco Chamber of Commerce and the board of directors of the San Francisco Merchants' Exchange and National Building Trades Council of America, favoring the passage of the Chinese-exclusion law—to the Committee on Foreign Affairs.

Also, resolution of National Building Trades Council of America, favoring Government reclamation of arid lands—to the Committee on Irrigation of Arid Lands.

SENATE.

TUESDAY, *February 18, 1902.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved. It is approved.

SIGNING OF LETTERS PATENT.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting a draft of a proposed bill to amend section 4883 of the Revised Statutes relating to the signing of letters patent for inventions; which, with the accompanying paper, was referred to the Committee on Patents, and ordered to be printed.

RICHARD P. BLACKISTONE.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings filed by the court in the cause of Richard P. Blackistone *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 10530) to repeal the war-revenue taxation, and for other purposes; and

A bill (H. R. 11470) making an appropriation for clearing the Potomac River of ice.

The message also announced that the House had passed a concurrent resolution requesting the President to return to the House of Representatives the bill (H. R. 5814) to provide for the execution in the Philippine Islands and in Porto Rico of deeds for land situate in the District of Columbia; in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

Mr. SCOTT presented a petition of sundry citizens of Lewisburg, W. Va., praying for the passage of the so-called Grout bill,

to regulate the manufacture and sale of oleomargarine; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of Painters and Decorators' Local Union No. 43, American Federation of Labor, of Wheeling, W. Va., praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which was referred to the Committee on Naval Affairs.

Mr. GALLINGER presented a petition of comrades of Grant Post, No. 91, Grand Army of the Republic, Department of New Hampshire, of Glen, N. H., praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which was referred to the Committee on Naval Affairs.

He also presented petitions of the Woman's Christian Temperance Unions of Sanbornville, Northwood, Tilton, Water Village, Manchester, and Nottingham, all in the State of New Hampshire, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

Mr. FAIRBANKS presented a petition of the Lawrenceburg Roller Mills Company, of Lawrenceburg, Ind., praying for the adoption of an amendment to the so-called Harter Act relating to bills of lading; which was referred to the Committee on Commerce.

He also presented petitions of Camden Post No. 485, of Camden; of George W. Lennard Post, No. 148, of New Castle; of Willis Hubbard Post, No. 574, of Cataract; of U. S. Grant Post, No. 72, of Washington, all of the Department of Indiana, Grand Army of the Republic, and of Typographical Union No. 97, American Federation of Labor, of Peru, in the State of Indiana, praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which were referred to the Committee on Naval Affairs.

He also presented petitions of Stony Point Grange, No. 1733, Patrons of Husbandry, of Stony Point; of Lyman B. Voyles, of Crandall, and of the Union County Farmers' Institute, of Liberty, all in the State of Indiana, praying for the passage of the so-called Grout bill to regulate the manufacture and sale of oleomargarine; which was referred to the Committee on Agriculture and Forestry.

He also presented petitions of the Central Labor Union, American Federation of Labor, of Elkhart; of Local Union No. 23, American Flint Glass Workers, of Muncie, and of Cigar Makers' Local Union No. 379, of Rochester, all in the State of Indiana, praying for the reenactment of the Chinese-exclusion law; which were referred to the Committee on Immigration.

He also presented a petition of the Board of Trade, of Indianapolis, Ind., praying for the construction by the Government of a cable connecting the Hawaiian and Philippine islands; which was referred to the Committee on Naval Affairs.

Mr. GAMBLE presented a petition of the National Building Trades Council of America, praying for the enactment of legislation providing for the construction of storage reservoirs and for the irrigation of the arid lands; which was referred to the Committee on Irrigation and Reclamation of Arid Lands.

He also presented a petition of the Jobbers and Manufacturers' Association of Sioux Falls, S. Dak., praying for the passage of the so-called Grout bill to regulate the manufacture and sale of oleomargarine; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Synod of the Presbyterian Church of South Dakota, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented a petition of Silas A. Strickland Post, No. 127. Grand Army of the Republic, Department of South Dakota, of Hot Springs, S. Dak., praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which was referred to the Committee on Naval Affairs.

Mr. KEAN presented a memorial of Local Grange No. 8, Patrons of Husbandry, of Moorestown, N. J., remonstrating against the irrigation of the arid lands at public expense; which was referred to the Committee on Irrigation and Reclamation of Arid Lands.

He also presented a petition of Federal Labor Union, No. 7211, American Federation of Labor, of Dover, N. J., praying for the repeal of the so-called desert-land act, for an appropriation for the construction of irrigating reservoirs, and remonstrating against granting State control to Government lands; which was referred to the Committee on Public Lands.

He also presented a petition of Local Branch No. 14, Glass Bottle Blowers' Association, of Woodbury, N. J., praying for the reenactment of the Chinese-exclusion law; which was referred to the Committee on Immigration.

He also presented a petition of Independent Council, No. 131, Daughters of Liberty, of New Gretna, N. J., and a petition of Englewood Council, No. 7, Daughters of Liberty, of Englewood, N. J., praying for the reenactment of the Chinese-exclusion law, for the restriction of immigration, and to suppress anarchy; which were referred to the Committee on Immigration.

Mr. DRYDEN presented a petition of Winona Council, No. 149, Junior Order of United American Mechanics, of Chews Landing, N. J., praying for the enactment of legislation to suppress anarchy; which was referred to the Committee on the Judiciary.

He also presented a petition of the Presbytery of New Brunswick and of the congregations of the Presbyterian churches of Trenton, all in the State of New Jersey, praying for a continuance of the present anticanteen law; which was referred to the Committee on Military Affairs.

He also presented petitions of Glass Bottle Blowers' Union No. 7, of Millville; of Iron Molders' Union No. 267, of Trenton; of Glass Bottle Blowers' Local Union No. 8, of Bridgeton; of Glass Bottle Blowers' Local Union No. 14, of Woodbury, and of United Garment Workers' Local Union No. 91, of Morris, all of the American Federation of Labor, in the State of New Jersey, praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which were referred to the Committee on Naval Affairs.

He also presented petitions of Washington Camp, No. 7, Patriotic Order Sons of America, of Trenton; of Olympia Council, No. 269, Junior Order United American Mechanics, of Berlin; of Wire Weavers' Protective Association of Belleville; of Clothing Cutters' Local Union No. 28, of Newark; of Local Council No. 132, Junior Order of United American Mechanics, of Hohndel; of the board of chosen freeholders of Jersey City; of Local Council No. 61, Daughters of Liberty, of Newark; of Local Council No. 78, Daughters of Liberty, of Jamesburg; of Chain Makers' Local Union of Trenton; of Cigar Makers' Local Union No. 138, of Newark, and of Cigar Makers' Local Union No. 230, of Millville, all in the State of New Jersey, praying for the reenactment of the Chinese-exclusion law; which were referred to the Committee on Immigration.

He also presented petitions of sundry citizens of Princeton, Boonton, Flemington, Camden, Woodstown, Palmyra, Haddonfield, Merchantville, Collingswood, Westfield, Ridgewood, Hopewell, and East Orange, all in the State of New Jersey, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

Mr. COCKRELL presented a petition of sundry citizens of Miami, Mo., praying for the enactment of legislation providing for the election of United States Senators by a direct vote of the people; which was referred to the Committee on Privileges and Elections.

He also presented a petition of sundry implement, vehicle, and hardware dealers of Kansas, Missouri, Colorado, and of Oklahoma and the Indian Territories, praying for the ratification of the French reciprocity treaty now pending before the Senate; which was referred to the Committee on Foreign Relations.

He also presented a memorial of the Western Retail Implement and Vehicle Dealers' Association, of Kansas City, Mo., remonstrating against the passage of the so-called parcels post bill; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Andy Smith Post, No. 243, Department of Missouri, Grand Army of the Republic, of Willow Springs, Mo., praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which was referred to the Committee on Naval Affairs.

Mr. BEVERIDGE presented a petition of the Commercial Club, of Muncie, Ind., praying for the establishment of reciprocal trade relations with Cuba; which was referred to the Committee on Relations with Cuba.

He also presented petitions of Friendship Lodge, No. 70, American Federation of Labor, of Fort Wayne; of Iron Molders' Local Union No. 357, of Montpelier; of Journeymen Horseshoers' Local Union No. 81, of Fort Wayne, and of Hackelman Post, No. 64, Grand Army of the Republic, Department of Indiana, of Brookville, all in the State of Indiana, praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which were referred to the Committee on Naval Affairs.

He also presented petitions of Cigar Makers' Local Union No. 300, of Michigan City; of American Glass Workers' Local Union No. 6, of Marion; of Cigar Makers' Local Union No. 221, of South Bend; of Glass Bottle Blowers' Local Union No. 61, of Gas City; of Boiler Makers' Local Union of Fort Wayne, and of American Flint Glass Workers' Union No. 45, of Marion, all in the State of Indiana, praying for the reenactment of the Chinese-exclusion law; which were referred to the Committee on Immigration.

He also presented a petition of Indianapolis Division No. 11, Brotherhood of Locomotive Engineers, of Indianapolis, Ind.,

praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases; which was ordered to lie on the table.

He also presented a petition of Local Union No. 652, United Brotherhood of Carpenters and Joiners, of Elwood, Ind., praying for the repeal of the so-called desert-land act, for the commutation of the homestead act, and that an appropriation of $250,000 be made for irrigation surveys, etc.; which was referred to the Committee on Public Lands.

He also presented petitions of General Steele Post, No. 7, of Rockville; of U. S. Grant Post, No. 72, of Washington, and of Basil B. Decker Post, No. 334, of French Lick, all of the Grand Army of the Republic, Department of Indiana, in the State of Indiana, praying that preference be given to veterans in the employment of mechanics and laborers in the navy-yards of the country; which were referred to the Committee on Naval Affairs.

Mr. SPOONER presented a memorial of Lake Seamen's Union, International Seamen's Union, of Milwaukee, Wis., remonstrating against the adoption of an amendment to House bill 9685, relating to desertions by American seamen; which was referred to the Committee on Commerce.

He also presented a memorial of the Lake Seamen's Union, International Seamen's Union, of Milwaukee, Wis., remonstrating against the enactment of legislation to change the name of the United States Marine-Hospital Service to that of the United States Health Service; which was referred to the Committee on Commerce.

He also presented a petition of the State horticultural society of Wisconsin, praying for the enactment of legislation granting the proceeds of the sales of public lands to the endowment of agricultural and mechanical colleges; which was referred to the Committee on Public Lands.

He also presented a petition of 16 Christian Endeavor societies of Moriah and Columbus, in the State of Wisconsin, praying for the continuance of the present anti-canteen law, and for the enactment of a similar law to apply to the Soldiers' Homes of the country; which was referred to the Committee on Military Affairs.

He also presented petitions of Cigar Makers' Local Union No. 182, American Federation of Labor, of Madison; of George D. Eggleston Post, No. 133, of Appleton; of J. B. Reynolds Post, No. 205, of Chilton; of G. W. Bell Post, No. 53, of Wonewec; of G. H. Irwin Post, No. 25, of Lodi; of A. Lincoln Post, No. 3, of Darien, and of Will Hickok Post, No. 134, of Bloomington, all of the Department of Wisconsin, Grand Army of the Republic, in the State of Wisconsin, praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which were referred to the Committee on Naval Affairs.

He also presented petitions of Lake Seamen's Union, International Seamen's Union, of Milwaukee; of Marine Cooks' Association No. 52, of Milwaukee; of Cigar Makers' Local Union No. 182, of Madison; of the Boot and Shoe Workers' Local Union No. 170, of Milwaukee; of Wood Workers' Local Union No. 53, of Sheboygan, and of Cigar Makers' Local Union No. 212, of West Superior, all of the American Federation of Labor, in the State of Wisconsin, praying for the reenactment of the Chinese exclusion law; which were referred to the Committee on Immigration.

Mr. HANSBROUGH presented a petition of James B. McPherson Post, No. 2, Grand Army of the Republic, Department of North Dakota, of Bismarck, N. Dak., and a petition of Winfield Scott Post, No. 4, Grand Army of the Republic, of Steele, N. Dak., praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which were referred to the Committee on Naval Affairs.

Mr. PATTERSON. I present a concurrent resolution of the legislature of Colorado, in favor of the establishment of a governmental department of mines and mining. I ask that the concurrent resolution be printed in the RECORD, and referred to the Committee on Mines and Mining.

There being no objection, the concurrent resolution was referred to the Committee on Mines and Mining, and ordered to be printed in the RECORD, as follows:

House concurrent resolution No. 7.

[By Mr. Montgomery, of Teller.]

Whereas the session of the Trans-Mississippi Commercial Congress held in Cripple Creek, Colo., in 1901, unanimously adopted a resolution declaring in favor of a governmental department of mines, with a secretary in charge thereof, who shall be a member of the Cabinet; and

Whereas each of the Senators and Representatives in Congress from the State of Colorado are in favor of such department; and

Whereas bills have been introduced in Congress for the purpose of creating such department; and

Whereas the State of Colorado has as much, if not greater, interest in the promotion of the mining industry than any other State: Therefore,

Resolved, That this house (the senate concurring therein) commend the action of our Senators and Representatives in supporting such measure, and respectfully urge them to use all honorable means to procure the enactment of a law providing for such department, and elevating the great mineral industry from the subordinate place in which it has so long been kept to the commanding position to which it is entitled.

Resolved, That an authenticated copy of these resolutions, when passed, be forwarded by the governor of the State to each of our Senators and Representatives.

B. F. MONTGOMERY,
Speaker of the House.
DAVID C. COATES,
President of the Senate.

Approved this 14th day of February, A. D. 1902, at 9.45 o'clock a. m.

JAMES B. OSMAN,
Governor of the State.
W. H. KELLEY,
Secretary of the Senate.
WILLIAM J. HAMILTON,
Clerk of the House.

Mr. PATTERSON presented a petition of the State Board of Horticulture of Colorado, praying for the enactment of legislation providing for the protection of useful birds of our country; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of Local Miners' Union No. 32, Western Federation of Miners, of Victor, Colo., and a petition of Cigar Makers' Local Union No. 49, of Denver, Colo., praying for the reenactment of the Chinese-exclusion law; which were referred to the Committee on Immigration.

Mr. FRYE presented a petition of Colonel L. H. Kendall Command, No. 106, Spanish War Veterans, of Biddeford, Me., praying Congress to recognize the services of Clara A. Barton; which was referred to the Committee on Military Affairs.

ARMY POST EXCHANGE.

Mr. GALLINGER. I present a brief paper on the social features of the post exchange, together with copies of the British army regulations. I move that the paper be printed as a document.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. SCOTT, from the Committee on Pensions, to whom was referred the bill (S. 3585) granting an increase of pension to Mary Wolcott Kilburn, reported it with an amendment, and submitted a report thereon.

He also, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 76) to provide for a public building at New Orleans, La., reported it with an amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 4115) granting an increase of pension to William Eugas, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3320) granting an increase of pension to Adelaide G. Hatch, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3743) granting an increase of pension to Frances Gurley Elderkin, reported it with amendments, and submitted a report thereon.

Mr. McCUMBER, from the Committee on Pensions, to whom was referred the bill (S. 1264) granting an increase of pension to Torgus Haraldson, reported it with an amendment, and submitted a report thereon.

Mr. PATTERSON, from the Committee on Pensions, to whom was referred the bill (S. 3021) granting a pension to India Stewart, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 2327) granting an increase of pension to William Hoag; and

A bill (S. 2938) granting an increase of pension to Margaret Dunn.

FREDERICK E. ROGERS.

Mr. GALLINGER. I move that the bill (S. 3704) granting an increase of pension to Frederick E. Rogers be taken from the Calendar and recommitted to the Committee on Pensions.

The motion was agreed to.

OMNIBUS CLAIMS BILL.

Mr. WARREN. I am directed by the Committee on Claims to report back with sundry amendments the bill (H. R. 8587) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act, and I submit a report thereon.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

Mr. WARREN. Mr. President, the bill just sent to the desk is the omnibus claims bill, so called. It will soon be printed and laid on the desks of Senators with the report thereon. I wish to

give notice that I shall move to take it up immediately on the completion of the unfinished business, or at such time before that as there may seem to be any lull or gap in the consideration of the unfinished business.

The bill provides for some 400 claims bills, representing about 600 claimants. The Senate Committee on Claims has stricken out of the House bill a few items and offers a number of additional claims in its amendment. The intent of the committee is to present to the Senate a bill every item of which is of recognized merit, so that the only reasonable criticism will be that it does not contain all of the meritorious bills or claims before the Congress.

It is therefore believed that it will only take long enough to read the bill to obtain its passage in the Senate.

The bill is made up of unquestionably good Court of Claims findings under Bowman and Tucker acts, French spoliation findings, Selfridge board, etc., findings, and a considerable number of miscellaneous claims which have heretofore passed either the Senate or the House, or both.

I ask that an order may be made to print 500 extra copies of the bill and the report.

The PRESIDENT pro tempore. The Senator from Wyoming asks unanimous consent that there be 500 additional copies of the bill and report printed. Is there objection? The Chair hears none, and it is so ordered.

TRANSFER OF LIBRARY OF STATE REPORTS, ETC.

Mr. HANSBROUGH. On behalf of the Committee on the Library I report back favorably, without amendment, the joint resolution (H. J. Res. 131) authorizing the transfer to the Library of Congress of the library of State reports, etc., and I ask for its present consideration.

The joint resolution was read, as follows:

Resolved by the Senate, etc., That all volumes and pamphlets published by the several States and Territories and collected by the Industrial Commission, also official minutes of the Commission and files of correspondence, are hereby directed to be turned over by the Industrial Commission to the Librarian of Congress, subject to the further orders of Congress.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

INTEROCEANIC CANAL.

Mr. MITCHELL. I am directed by the Committee on Interoceanic Canals to ask to have printed as appendixes to the report of the Isthmian Canal Commission certain papers, being historical notes relative to the Universal Interoceanic Canal Company, 1880–1894, prior to the organization of the new company, and the reports, surveys, contracts, and treaties made in connection with this canal. They are set out fully in the paper I hold in my hand, and I ask that they be printed.

The PRESIDENT pro tempore. Has the Senator any idea of what the cost of the printing will be?

Mr. MITCHELL. I have not the slightest idea, but the papers are contained in the report.

The PRESIDENT pro tempore. The Chair was not aware of that. The Senator from Oregon asks unanimous consent for the printing of the papers which he has presented to the Senate. Is there objection? The Chair hears none, and that order is made.

BILLS INTRODUCED.

Mr. KEARNS introduced a bill (S. 3984) granting land for a miners' home; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. DILLINGHAM introduced a bill (S. 3985) for the relief of Joel L. Griffin; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. BARD introduced a bill (S. 3986) for the relief of the American Surety Company of New York; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. FAIRBANKS introduced a bill (S. 3987) granting a pension to Alma Dubois; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3988) to correct the military record of John M. Congdon; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BERRY introduced a bill (S. 3989) to establish a fish-cultural station at or near the town of Mammoth Spring, in the State of Arkansas; which was read twice by its title, and referred to the Committee on Fisheries.

Mr. GAMBLE introduced a bill (S. 3990) authorizing the use, under the direction of the Secretary of the Interior, of certain moneys in the Treasury to the credit of the Sioux Indians of the Crow Creek Reservation in South Dakota, under the act of March 2, 1895, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. DIETRICH introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3991) granting a pension to Waity West (with accompanying papers); and

A bill (S. 3992) granting an increase of pension to David M. McKnight (with accompanying papers).

Mr. DIETRICH introduced a bill (S. 3993) granting an increase of pension to Granville R. Turner; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. BEVERIDGE introduced a bill (S. 3994) for the relief of William Taylor; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3995) granting a pension to Susan E. Clark (with accompanying papers);

A bill (S. 3996) granting an increase of pension to Serena J. Washburn (with an accompanying paper);

A bill (S. 3997) granting an increase of pension to Otis A. Barlow (with accompanying papers);

A bill (S. 3998) granting an increase of pension to Emma L. Kimble (with an accompanying paper); and

A bill (S. 3999) granting an increase of pension to Emma S. Hanna (with an accompanying paper).

Mr. BEVERIDGE introduced a bill (S. 4000) to remove the charge of desertion from the military record of Jacob L. Stough; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. DEBOE (by request) introduced a bill (S. 4001) authorizing and directing the purchase of Gen. S. W. Price's life-size portrait of Gen. George H. Thomas, deceased; which was read twice by its title, and referred to the Committee on the Library.

He also introduced a bill (S. 4002) for the relief of Joseph Wilson, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. CLAY introduced a bill (S. 4003) to authorize the construction of a traffic bridge across the Savannah River from the mainland within the corporate limits of the city of Savannah to Hutchinsons Island, in the county of Chatham, State of Georgia; which was read twice by its title, and referred to the Committee on Commerce.

Mr. SPOONER introduced a bill (S. 4004) granting an increase of pension to Thomas L. Nelson; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. PLATT of New York introduced a bill (S. 4005) for the relief of the Brooklyn Ferry Company, of New York; which was read twice by its title, and referred to the Committee on Claims.

Mr. LODGE introduced a bill (S. 4006) for the relief of certain claimants under the Geneva award; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. PATTERSON introduced a bill (S. 4007) granting an increase of pension to William H. Fletcher; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 4008) granting a pension to Thomas Perkins; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 4009) granting an increase of pension to Ernest Pitschner; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. HEITFELD introduced a bill (S. 4010) for the relief of the legal representatives of Gilman Sawtelle; which was read twice by its title, and referred to the Committee on Claims.

Mr. MALLORY introduced a bill (S. 4011) for the relief of the legal representatives of Joseph Sierra, deceased; which was read twice by its title, and referred to the Committee on Claims.

AMENDMENT TO APPROPRIATION BILL.

Mr. GAMBLE submitted an amendment proposing to appropriate $60,000 for improving the Missouri River at Yankton, S. Dak., intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

HARBOR IMPROVEMENT ON COAST OF WASHINGTON.

Mr. TURNER submitted the following concurrent resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause an examination to be made of the coast of Washington in the vicinity of the mouth of the Hoh River, with a view to the establishment of a harbor, and to submit an estimate therefor.

HOUSE BILL REFERRED.

The bill (H. R. 10530) to repeal war-revenue taxation, and for other purposes, was read twice by its title, and referred to the Committee on Finance.

REMOVAL OF ICE FROM THE POTOMAC RIVER.

The bill (H. R. 11470) making an appropriation for clearing the Potomac River of ice was read twice by its title.

Mr. GALLINGER. Mr. President, this is an emergency bill. If it should be referred to the Committee on the District of Columbia, it would be reported back favorably, as all such bills are. So I ask unanimous consent that it be considered now without reference to the committee.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to appropriate $5,000 to enable the Commissioners of the District of Columbia to meet expenses that may be necessary for the purpose of clearing the Potomac River of ice within the District of Columbia, payable from any money in the Treasury not otherwise appropriated and from the revenues of the District of Columbia in equal parts, and to be immediately available.

Mr. BURROWS. I should like to inquire of the Senator whether or not, if this bill is referred to the committee, it can not be so amended as to provide for clearing the ice from the streets and sidewalks of the city, which we travel more than we do the river at this time of the year.

Mr. GALLINGER. Mr. President, I think that the object the Senator has in view is a very good one, and I trust he will introduce a bill for that purpose. This bill is to prevent a threatened inundation of a portion of the city, which has occurred several times in the past, because of the obstruction of the stream by the accumulated ice. It simply intends to accomplish one good result, and the Senator from Michigan certainly will have my hearty concurrence if he moves in the other direction. I hope the bill will pass without amendment.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXECUTION OF LEGAL INSTRUMENTS IN THE PHILIPPINES, ETC.

The PRESIDENT pro tempore laid before the Senate a concurrent resolution of the House of Representatives; which was read, considered by unanimous consent, and agreed to, as follows:

Resolved by the House of Representatives (the Senate concurring), That the President be requested to return to the House of Representatives the bill (H. R. 5814) to provide for the execution in the Philippine Islands and in Porto Rico of deeds for land situate in the District of Columbia.

PHILIPPINE TARIFF BILL.

Mr. LODGE. I move to take up House bill 5833.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 5833) temporarily to provide revenue for the Philippine Islands, and for other purposes.

Mr. WELLINGTON. Mr. President, I gave notice on Thursday that at the close of the routine business this morning I would address the Senate on the pending bill.

Mr. LODGE. Will the Senator from Maryland permit me?

Mr. WELLINGTON. I yield to the Senator.

Mr. LODGE. I should like to ask the Senators on the other side, and especially the Senator from Utah [Mr. RAWLINS], who has charge of the bill of the minority, if it would not be possible, as was suggested on Thursday, when the pending bill was laid aside, for us to make some agreement as to the time for taking a vote? I should be glad to make any reasonable agreement that would meet the views of the Senator from Utah and the Senator from Missouri [Mr. COCKRELL], who have had this matter under consideration.

Mr. RAWLINS. Mr. President, the minority, I think, have no disposition to delay the voting on this measure. I should like to ask the Senator from Massachusetts, however, whether the debate is closed upon his side of the question?

Mr. LODGE. I have received no notice of any speeches on this side except, as I mentioned the other day, the Senator from Wisconsin [Mr. SPOONER] told me he might desire to make a speech before the vote is taken on the bill, but he left it uncertain. The Senator from Nevada [Mr. STEWART] said he would like to speak for ten minutes. Those are the notices I have had of speeches on this side, and I think I can say that no one on this side would be desirous of detaining the Senate by postponing the vote.

Mr. RAWLINS. I will make this suggestion: There may be additional speeches upon the other side and there may be also additional speeches upon this side. In view of the situation which may develop as the discussion proceeds, I suggest that we fix next Monday.

Mr. LODGE. Next Monday?

Mr. RAWLINS. Next Monday at, say, 4 o'clock, and that the last day, after the routine morning business, be devoted to fifteen-minute speeches.

Mr. BACON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Georgia?

Mr. RAWLINS. I yield to the Senator.

Mr. BACON. I have no disposition to defer the time of voting, but I wish to make one suggestion.

I understand from what the Senator from Massachusetts has said, and also from what I have heard personally from the Senator from Wisconsin [Mr. SPOONER], that he and perhaps some others on the other side will desire to be heard. I think it might be well to hear the speeches of those Senators before a time is fixed.

But if that suggestion is not carried out, I would suggest Wednesday in place of Monday, for this reason: I understand from the Senator from Wisconsin that it is possible he will not be ready to speak before Thursday. He will doubtless occupy all of the part of that day which will be devoted to speaking, and possibly there will be some interruptions that may run it over into the next day. Senators well recognize the fact that unforeseen influences sometimes contribute to that result.

Mr. SPOONER entered the Chamber.

Mr. BACON. As I was saying, the Senator will recognize that sometimes, without anticipating that such will be the case, it does eventuate in that way. I am sure the Senator recalls the fact that once before, when he spoke on this same subject, he himself stated that certain influences caused him to run over into the third day, not occupying, however, all the time. The Senator became a little unwell, I recollect.

Mr. SPOONER. I was constantly interrupted and my speech was prolonged.

Mr. BACON. Of course we can not anticipate to what extent that will be the case. So the point I was coming to was that if the Senator from Wisconsin does not speak until Thursday and probably does not finish until Friday, there may not be a full opportunity of reply on the other side by Monday, and therefore——

Mr. LODGE. I do hope the Senator from Georgia will not prevent some agreement.

Mr. BACON. I am not preventing it.

Mr. LODGE. I am anxious to make some agreement. I am willing to make it as liberal as possible. I am perfectly certain the Senator from Wisconsin does not wish to delay a vote on the bill.

Mr. BACON. I had not finished what I had to say, and I think the Senator misrepresents me unintentionally in making that point.

Mr. LODGE. I only meant to appeal to the Senator to allow the agreement to be made as the Senator from Utah had proposed it, that is all.

Mr. BACON. The Senator appeals that I should agree to some day, and I had previously suggested Wednesday. I did not indicate that I was unwilling to have a day fixed.

Mr. LODGE. Oh, I beg the Senator's pardon. I did not understand that he proposed that we should put it off until Wednesday. What date is Wednesday?

The PRESIDENT pro tempore. The 26th.

Mr. LODGE. It is the 26th. Of course I should not allow any personal matter of my own to interfere with agreeing to a day, but it is impossible for me to be here on the 25th or the 26th. The 27th is the day set for delivering the eulogy in the House. The Senator from Utah suggested the 24th. It seemed to me that the 24th, in the afternoon, would be a fair date and it would be agreeable to all on our side. But I do not want to allow the fact that I am obliged to be away to stand in the way of an agreement.

Mr. SPOONER. Mr. President, I am utterly unwilling to have the vote on the bill postponed for an hour on my account. Perhaps the Senators on the other side would be willing that there should be an earlier day for a vote than Monday. I intend to submit some observations to the Senate on this subject, but I can do it just as well after the vote on the bill as before.

Mr. DUBOIS. Mr. President, I think the minority are ready to vote at any time. What we want to find out is whether the gentlemen on the other side of the Chamber desire to discuss the bill further. If they do, it is quite likely that we will join in the debate. But as I understand it—I think we are in perfect agreement—the minority of the committee are ready to vote at any time.

Mr. LODGE. I am perfectly ready to vote when the Senator from Maryland [Mr. WELLINGTON], who has the floor, concludes, without any further speeches, and I am sure Senators on this side will be glad to vote at that time, as far as that is concerned.

Mr. DUBOIS. I beg pardon; I did not hear the Senator.

Mr. LODGE. I say, as far as that is concerned, we can have a vote when the Senator from Maryland, who has the floor, has concluded. I am sure the Senators on this side will forego speeches if they can have a vote.

Mr. ALDRICH. That seems to be the unanimous opinion of both sides of the Chamber. I can not see any better way out of the difficulty than that.

Mr. DUBOIS. There does not seem to be any difficulty on this side. We have completed our argument, if you have done so.

Mr. LODGE. Very well; then I ask unanimous consent that the vote be taken at 4 o'clock this afternoon on the bill and all amendments pending.

Mr. ALDRICH. At half past 3.

Mr. LODGE. At half past 3, the Senator from Rhode Island suggests.

Mr. MALLORY. I should like to make an inquiry of the Senator. There are some amendments pending, and there is one that I have offered.

Mr. DUBOIS. Then I suggest to the Senator——

The PRESIDENT pro tempore. The Senator from Florida has the floor.

Mr. MALLORY. There is one amendment which I have offered, and I should like to have a few minutes at least to explain the purpose of it.

Mr. LODGE. I do not know how long the Senator from Maryland is going to occupy. Perhaps——

Mr. WELLINGTON. I shall not take, I think, with my speech over two hours; possibly not so long a time.

Mr. DUBOIS. Will the Senator from Massachusetts pardon me? We all seem to be agreed, and willing to vote, and we will accept the proposition of the Senator from Utah to fix Monday as the time.

Mr. LODGE. On Monday at 4 o'clock; and on each day it is understood I am to call the bill up immediately after the routine morning business, and on Monday speeches are to be limited to fifteen minutes.

Mr. DUBOIS. Yes.

Mr. RAWLINS. And let the recognition be alternative.

Mr. LODGE. Certainly; the time to be divided equally between the two sides of the Chamber.

Mr. MALLORY. I desire to make some remarks on the amendment I have offered. To-morrow will suit me well enough. I do not care to impose upon the patience of the Senate to-day. The Senator from Maryland is, I understand, going to address the Senate to-day. I shall not occupy, I think, more than fifteen or twenty minutes, and with the understanding that I shall have an opportunity to-morrow to submit views on my amendment, I will consent to the agreement. Otherwise I will not.

Mr. FORAKER. Mr. President, I was absent from the Chamber unavoidably when the Senator made his request for a unanimous agreement. I presume it is the usual one. I wish only to make an inquiry as to the vote. It is that the vote shall be taken at 4 o'clock on Monday upon all amendments——

Mr. LODGE. Upon all amendments.

Mr. FORAKER. That may be up to that time offered?

Mr. LODGE. All amendments pending or which may be offered.

Mr. FORAKER. Up to that time?

Mr. LODGE. It is the usual request.

Mr. FORAKER. I wish to offer an amendment, and I shall want to make some remarks upon it prior to that time, if there is time for it, but I do not want any delay on that account.

Mr. BACON. Do I understand the Senator from Massachusetts that no amendment can be offered after 4 o'clock? Is that the agreement?

Mr. LODGE. All amendments that may be now pending, that are to be offered, or are offered at the time.

Mr. BACON. Up to the time of voting?

Mr. LODGE. Certainly.

Mr. CARMACK. It does not cut off amendments?

Mr. LODGE. Not at all.

The PRESIDENT pro tempore. Now, will the Senator from Massachusetts restate his request?

Mr. LODGE. I ask unanimous consent that the vote on this bill may be taken on Monday next at 4 o'clock, it being understood that the bill is to be called up on each legislative day immediately after the routine morning business, and that on Monday the speeches shall be limited to fifteen minutes, the time to be divided equally between the two sides.

Mr. RAWLINS. No Senator to speak more than once.

Mr. TELLER. I understand the Senator means that we shall commence voting at 4 o'clock, not that we shall vote on the bill, but vote on the amendments.

Mr. LODGE. Certainly; we are to begin voting at 4 o'clock.

Mr. BATE. I have just come into the Hall. I wish to say that I have no desire to stop this agreement, but it seems to me that if we would vote on Tuesday instead of Monday it would be better. I hope it can be so arranged. I do not want to delay the vote in any way myself.

Mr. LODGE. I stated before that it would be impossible for me to be in the Senate on Tuesday, and the Senator from Utah and the Senator from Idaho were kind enough to agree to Monday afternoon at 4 o'clock. I do not wish to allow my personal convenience to interfere, and of course I should not, but I think the general wishes of the Senate are met by the proposition I have made.

The PRESIDENT pro tempore. The Senator from Massachusetts asks unanimous consent that this bill (it being understood that it is to be taken up after the routine morning business of each day) shall be voted on, together with all pending amendments and all amendments then proposed, on Monday, the voting to commence at 4 o'clock, and that for the last day, Monday, the debate shall be limited to fifteen minutes to each Senator, the time to be equally divided between the two sides. Is there objection to the request?

Mr. CARMACK. I just wish to ask a question. That secures a separate vote on all amendments, does it not?

Mr. LODGE. Absolutely.

Mr. TELLER. Made and to be made?

Mr. LODGE. Made and to be made.

The PRESIDENT pro tempore. The Chair so understands—made and to be made.

Mr. BURROWS. It prevents all debate after the hour of 4 o'clock, either on the bill or any amendment?

The PRESIDENT pro tempore. It is so understood.

Mr. BATE. Do I understand that we are to commence voting at 4 o'clock on amendments?

The PRESIDENT pro tempore. To commence at 4 o'clock voting on all amendments, and after, of course, the amendments are disposed of, to vote on the bill.

Mr. BATE. We do not vote on the bill, then, at 4 o'clock?

The PRESIDENT pro tempore. We do not vote on the bill until the amendments are disposed of. Is there objection? The Chair hears none, and it is so ordered.

Mr. WELLINGTON. Mr. President, I enter upon this debate with extreme reluctance and deep regret. As the debate has progressed I have changed my original resolution not to say anything upon the pending measure. I feel that I owe it to myself that I should state the reasons, as briefly as I may, of my disagreement with the party of which I have been a member upon the subject-matter which is handled in the bill.

I have been a Republican all my life, and I grew up in a section where the atmosphere was not congenial to that party. I have given the best years of my life to the service of that party, and I believe I can say to-day, without extreme self-laudation, that I have rendered the State from which I come and the party of which I have been a member some service in the past.

Sir, I was a Republican because I believed that that party stood for the largest measure of liberty and for the elevation of men. I was and am a Republican because I believed in the great American doctrine of protection as it was contended for by Henry Clay and transferred to and inherited by the Republican party. I believed that in the warp and woof of this doctrine was bound up the prosperity, the advancement, and the progress of my country. I believed in a sound system of money, and I believed, and now believe, in the gold standard of value.

All these reasons contributed to make me a Republican, and I have marched in the ranks of that party ever since my early youth. But, sir, I do not look to a party as a fetich before which I must bow and humbly respect every command that it issues, even if it be against my own firmly founded opinion, against my deep conviction, and against the conscience which I have.

Up to the Spanish war the principles which I have stated were the foundation stones of the Republican party. But there came new events, and with those new events there came new burdens. When I found that the Republican party was about to take up a policy of what I undertake to say is imperialism, I then determined that I could not follow it so far, and that I would support the candidate and the party that stood against that doctrine.

The Spanish war was the beginning of this difference. The Spanish war was the beginning of a new policy in this country. I was opposed to that war. Upon the day on which the declaration was passed in the Senate I stood alone upon the Republican side and declared that I was opposed to the war, not for the reason that I was antagonistic to Cuban independence, but for the reason that I believed Cuban independence could be brought about without a war and by diplomatic negotiation.

I do not believe there is a Senator on this floor who will contend that any country in this era of Christianity, advanced as it is, should go into any war if the purposes for which it is contending can be obtained by peaceful measures and by diplomatic negotiation. I felt then that the Cuban people, who were struggling for liberty, could obtain that liberty by the good word of the American people. I remember very well that every diplomatic request which was made by our Government of the Spanish court concerning the war and insurrection in Cuba were met and we were satisfied. Our great contention was that the methods adopted by Weyler in his attempt to subdue the revolution or the rebellion were wrong; that they were opposed to the methods of Christian warfare, and that we could not longer stand by and see them carried on at our own door.

Sir, it was for this reason that the agitation for war began. But after the unfortunate incident of the *Maine* there came, as

it appeared, the war spirit upon the American people. They no longer desired negotiations. They no longer were intent to bring about a peaceful solution. They demanded war upon Spain, and war came.

I, as I have said, opposed that war, because in my own mind I was convinced that without the firing of a gun, without the sacrifice of a single life, without the expenditure of a single dollar, Cuba could and would be to-day free of Spanish mastership. Spain had agreed that concentration should cease. Spain had removed Weyler. Spain had done everything in her power under the humane administration of Blanco to undo the wrongs which she had inflicted. Still we were not satisfied, and as the days went along we said Cuba "must have entire freedom; she must have self-government;" and it was upon that proposition that the American people went to war with Spain.

I believed then, and I believe now, that without that war Cuba would to-day have a larger measure of freedom than she is enjoying. The war is over. The troops of Spain have been withdrawn. Spanish sovereignty has ceased; but Cuba is not free. Cuba has obtained a change of masters and nothing more. Our military government still exists there, and though the solemn promise of the Senate of the United States at least was registered upon that day that Cuba should have self-government and freedom, we have unto this day not allowed her to have it.

What has been the excuse? Sir, that she was not well qualified to have self-government; that we must teach her the lesson of governing herself. We have attempted that, and with what success?

I remember upon one occasion in the Senate Chamber when the junior Senator from Indiana [Mr. BEVERIDGE], the first to rise in the Republican party and advocate the programme of imperialism, rose here and said that the mission of America in the second century of her existence as a nation was not the advancement and progress that she had had in the first, but that she must go out to the islands of the sea and to the other nations of the world and carry to them American ideas and American government and administration; and it seemed to me upon that occasion, as he drew the picture of the ideal American statesman, he turned his face to the west and looked upon the State of Indiana as though he would find him there. He drew a noble picture of an ideal American, incorruptible, well equipped for government, who would go out to the islands of the sea and there impart American government. But what was the result of that attempt? Indiana did furnish a gentleman who went to Cuba to teach the Cuban people how to conduct postal affairs, and, lo and behold, in the first year of his administration he taught them how one man could embezzle a half million dollars of the postal revenues of that country.

Mr. President, as a part and parcel of this policy, the Committee on the Philippines, through its chairman, has presented an amended House bill to the Senate, the title of which is to temporarily provide revenue for the Philippine Islands. It is a part and parcel of that self-same policy, and for that reason I can not give it my support.

I will vote against the bill, not upon the ground that its schedules are not justly formed, not upon the ground that there are inequalities in the taxation, not upon the ground that here and there there may be some mistake in the bill, or that it has not been carefully considered by the committee, but I oppose it upon the broad ground set forth in the dissenting opinion of the minority that there is no right here, and there should be no right here, to enact any such legislation.

Now, sir, why is it necessary, in the opinion of the majority, to enact this legislation? The report upon the bill shows why they esteem that it is necessary.

> This bill is designed to raise revenue for the government and benefit of the Philippine Archipelago. It is intended to restore the status which existed prior to the late decision of the Supreme Court in the case of "the diamond rings," rendered on the 2d day of December. Prior to that decision the Government had been collecting duties on goods coming into the United States from the Philippine Archipelago at the same rates as those provided in our tariff laws for like articles imported from "foreign countries." *The court holds that the Philippine Archipelago is not a foreign country, and therefore the general tariff law does not apply. This bill extends the rate now existing upon imports from foreign countries to articles brought in from the Philippine Islands.*

The contention is made that the decision of the Supreme Court made it necessary to do this. Why? Because the Supreme Court decided that the Philippine Islands were not foreign territory. I am not convinced that the Supreme Court has decided anything, because in reading that opinion it seems to me that it would do credit to an aggregation of Jack Bunsbys, who always gave "an opinion as was an opinion"—an opinion which might mean anything or nothing at all.

It is not well, I believe, to criticise the Supreme Court, but I do say that in this decision there is no claim laid down of any doctrine, except they seem to agree that the Philippine Islands are not foreign country. If they are not foreign territory, what are they? I contend that under the laws of nations as we understand them; according to the Golden Rule laid down by the great Master; according to the Declaration of Independence, upon which this nation was founded; according to the Constitution, and according to the history of this country in the first century of its existence under a constitutional government there is no right in the Congress of the United States to pass any bill of this nature.

Sir, I will read the views of the minority in their report upon the Philippine tariff bill, and I desire to say that I agree with the contention therein made. Their report reads:

> The Constitution provides that "all duties, imposts, and excises shall be uniform throughout the United States;" and the Supreme Court, in a learned opinion delivered by Chief Justice Marshall, decided that the term "United States," as used in this connection, was intended to embrace the whole "American empire, composed of States and Territories." To the uttermost limits of the territorial empire of the United States, to whatever place, however distant, its sovereignty may go, this constitutional rule of uniformity in the levy of duties, imposts, and excises extends. The opinion of Chief Justice Marshall above referred to, as it was the natural construction of the language, so it was a just interpretation of the spirit of the Constitution. The men who framed our system of government were impelled not alone by a desire to secure the blessings of liberty for themselves and their children. They evolved our Constitution out of a broad and generous conception of rights common to all mankind. They had themselves passed through a bitter experience as colonial dependencies, and they knew what it was to be the victims of arbitrary power at the hands of a master beyond the sea. It is inconceivable that they ever intended that the Government they established should wield a like arbitrary power over the lives and fortunes of a subject people.

I believe it to be the duty of the American people to avoid such legislation, and when the question is asked what must we do instead, I take up the substitute of the minority and read briefly its simple language in the first section:

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That subject to the provisions hereinafter set forth, the United States of America hereby relinquish all claim of sovereignty over and title to the archipelago known as the Philippine Islands.

Deception is a great fault, but the worst form of deception is to deceive ourselves. An individual or a nation that enters upon such a career will find that difficulties and troubles will multiply. The Scottish poet well said:

> Oh, what a tangled web we weave
> When first we practice to deceive.

This nation of ours has been deceiving itself since the beginning of the Spanish war.

What was the object of that war? It was to make Cuba free; it was that there should pass away from our Western Continent the colonial power of Spain, and the infamous war which she was waging against her people who were then insurgents upon the islands. I again declare that, in my opinion, that war could well have been avoided; and I see now that the declaration I made upon that day is most true. I then said that the Spanish war would bring upon us a very Pandora's box of dangers, of evils, and of difficulties.

What is the Cuban situation to-day? As I said, Cuba is not free; it has not been free; and the question is, When will the party in power grant freedom, as it was promised by the solemn resolution of the Senate? When in the future is this day that the Cubans fought so long and looked forward to so hopefully to come? Has there not been always opposed in the way of Cuban independence everything that could be?

Why is not Cuba free to-day according to our promise? I will tell you why. For one thing, it had been determined by the aggregations of capital, by the amalgamation of those great monopolistic corporations who desire great franchises in Cuba, that Cuba must first be robbed of those franchises under a military government, and that they should be extended for a century beyond the time of her freedom. Sir, if you remember, that would have perhaps occurred had it not been for the manly courage of the Senator from Ohio [Mr. FORAKER], who upon that occasion rose above party, rose to the heights of statesmanship, and said, though the commissioners may agree to it, the Senate of the United States will not agree to the robbery of Cuba under military rule for a hundred years in the future.

But when it was found that this could not obtain, from that very moment there was a change in policy; there was a change in conditions; and to-day Cuba is as far removed from self-government, a government of her own choosing, as she was two years ago.

But the greatest trouble which arose out of the declaration of war with Spain was not as to Cuba, which was the original bone of contention; it was in the Orient that our greatest problem developed. Let loose the dogs of war and you know not where they will first attack or where their chase will end. We declared war against Spain upon the proposition that Cuba should be free, and yet the first blow was struck, not at our own door, but away beyond the seas, in the Orient. By the power in him vested as Commander in Chief of the armies and navies of the United States, the President of the United States sent the order to Captain Dewey, commanding our fleet in Eastern waters, that he

should gather his forces, proceed to Manila, and there attack the Spanish power.

He determined that he would attack Spain through her colonies. That was right perhaps; that was, according to the idea of war, the thing that should have been done. But let us look for a moment how unexpectedly all this occurred and what unexpected results followed. Captain Dewey, with a celerity and dispatch unequaled in naval history, gathered that fleet together, provided himself with pilotage and such information as was necessary, went to the harbor of Manila, found the Spanish fleet, attacked it, and in a battle which is a marvel in history, without appreciable loss, destroyed the whole navy of Spain in the Orient. From that moment Spain's power in the East was over. He had stricken down Spanish power in the harbor of Manila, but he had no troops; he had no soldiers to advance upon that city and demand its capitulation.

What happened then, and what happened previous to that battle? When war had been declared through the agents of the American Government, through Captain Dewey, and through our consuls in the East, the expatriated people of Luzon and all of the various other Philippine Islands who had engaged previously in revolution were called upon to return to their native land to again stir up what would now be called sedition, to again place themselves at the head of the army and help the Americans subdue the Spanish power in the Philippine Islands. Was not that true? Can any Senator or any man who defends the Administration say that it was not true? We asked those people to come, and when they came they came upon our ships, came with our money, came invested with arms and munitions of war, and organized an army. They were our allies. There is no way that you can make them otherwise, unless you deceive yourselves and endeavor to deceive others. Aguinaldo returned. Aguinaldo, under the patronage of the commander of the American fleet and under the patronage of our civil officers, then began the organization of a new army.

It was contended but the other day that the Filipinos were not fighting for independence, that they were fighting for reform in the government. That was true of the revolution which preceded our appearance upon the scene, but it was not true of the revolution that was begun at the instance of the American people. Revolutions do not always begin as they end. Did the American Revolution begin upon the proposition of an entire severance from Great Britain? No; a thousand times no. Humble petitions for reform were even sent after the Continental Congress had assembled and an alliance of the colonies had been made, to King George, which were not granted; but as time marched along the Continental Congress marched with it. One event came and passed after another until after a while petitions for reform ceased and there came instead the immortal Declaration that we were free and independent States.

Such was the progress of the revolution in this country and such was the progress of the revolution in the Philippine Islands. They began first to contend for reform; they began to contend that the friars should be stripped of their power, and that men should have more safeguards in their liberties; but when they came the second time to gather an army under Aguinaldo's chieftainship, there was quite a different declaration.

It is not my purpose now to go into details and give the proclamations which were issued at that time, because they have already been placed in the RECORD by the Senator from Washington [Mr. TURNER], by the Senator from Mississippi [Mr. MONEY], and by the Senator from Colorado [Mr. TELLER]; but I will say that from the beginning to the end, when Aguinaldo gathered his army it was for the purpose of conquering the territory they occupied from the Kingdom of Spain, and by one military operation after another they did conquer that territory from Spain from water to water in the island of Luzon, until they came to the cordon of 8 miles outside of the city of Manila.

Our allies, the Filipinos, under the command of Aguinaldo and his lieutenants, did that; but when the American army appeared upon the scene, when the surrender of Manila was to be made, what was our duty then? Should we not have marched together, Filipino and American, both having contributed to the success of the cause, and have had the city of Manila surrender to both armies together? There is the first step that our nation took which put the Filipino upon the footing of distrusting us and put into his heart the anger which has since shown itself. We should have stood as allies then, and the city of Manila should have been surrendered to both armies, but it was not. The Spaniard did not desire to surrender to his former subject; he preferred to surrender to the American army. Then there was a movement beyond the walls of Manila and the two armies came together, the American army and the army of the Filipinos.

Mr. President, it is not my intention to discuss at this moment who fired the first shot. I do not know; I can not tell, and I doubt whether anybody can tell. I know this, however, that history has proven that you can not bring two allied armies together, even when they are upon a friendly footing—one here and another there, confronting each other—without great danger that at some time the prejudice of nationality or the passion of war will break out in some marauding party. I say I do not care who fired the first shot. It was not done by any responsible party, in my judgment, whether it was fired by the American troops or by the Filipinos; but the result that followed was most unfortunate.

These men were our allies. Even if the shot came from the Filipino camp—and I do not believe it did—after those men had been driven back to their barracks there should have been a consultation between the generals of the two armies; there should at least have been given to our allies the time and the opportunity to disprove any intention of attacking us. Was that done? No. The moment that shot was fired firing began all along the line, and has continued ever since. The declaration of the American general was that firing had begun and the war must continue to the bitter end. What did that "bitter end" mean? Why, sir, it meant that the American general, either by himself or backed by his Government, intended to see that this war should continue until the Filipino was either ready for abject submission or had been exterminated.

The war began. Sir, after Manila had fallen it was then that we began the war in Cuba. Our military forces had been landed, but the engagements in which they had taken part were not of such a character as to add great laurels to the American Army. It was not until the naval part arrived; it was not until the fleet, which was ostensibly commanded by Captain Sampson, but which was led in the great victory of Santiago by the Maryland hero, Admiral Schley [manifestations of applause in the galleries]—this was the engagement, Mr. President, that brought about a change in Cuban affairs, and from that moment the end was won. Admiral Schley commanded the vessels in that engagement; Admiral Schley gave the orders, and he stood in the midst of that battle and won it as no battle had ever been won before. But, sir, the Administration has even been unjust to him, as it has been to the Cuban and to the Filipino. He has not received that due meed of praise and credit that belongs to him; but he has been assaulted upon every side, and attempts have even been made to besmirch his character for courage and loyalty.

But when this battle had been fought, when Cervera had surrendered, then, sir, came the armistice. After that Spain sued for peace, and we sent our commissioners to Paris to bring about peace. The treaty there negotiated was to end the war. It was made by our commissioners, I doubt not with great circumspection and with every sentiment of loyalty to their country; but, sir, when it came to the Senate of the United States for ratification there was great doubt as to whether it would be ratified; and why? Because at that time the policy of robbing a weaker people of their liberty had not been fully formulated; it had not gone out that such was the purpose; and there was in this Senate a decided feeling that the treaty of Paris should be amended; and why? Because in it there began to appear the difficulties and the evils that had been prophesied of this war. We had gone out into the Orient; we had placed our troops upon the Philippine Islands; and, according to the stipulations of this treaty, we were to pay Spain $20,000,000 for what we called the sovereignty of those islands.

What did we pay that $20,000,000 for? As I understand it, not for the land of the Filipinos or their persons or their liberty, but for governmental property and the Crown lands that were in the Philippine Islands under Spanish dominion. But, notwithstanding that, so far as I was personaally concerned, I felt an opposition to the ratification of that treaty, and I determined that I would cast my vote against it. You remember every vote was needed. It was then that a consultation took place with the President of the United States, and I laid down to him my opinion upon this subject and the only conditions upon which I would vote for the ratification of that treaty. Now, what were those opinions? They were, first, that there should be no permanent occupation of the Philippine Islands, either as a dependency or a colony, or by an incorporation as a Territory or a State; and I remember very well, when in that hour I discussed the whole situation, I was determined that, so far as I was concerned, I would vote for no treaty that would bring into the United States of America—incorporate into it—10,000,000 Filipinos, who from the moment they were thus incorporated would have all the rights of trade and of manufacture and of labor enjoyed by citizens of all of our Territories and all of our States.

But, further, I saw that if this treaty were thus adopted and we incorporated the islands, we would not only have to give these trade privileges to the Filipino, but by stipulation of the treaty for ten years we must admit to Manila—and how easy from thence to the United States—all of the Spanish ships and products and manufactures that they should see fit to send there.

For these reasons I did not desire incorporation. Then I said: "I do not believe that it lies within our power as a Government, I do not believe that it is agreeable to the principles upon which

this Government is founded, that we can take the Philippine Islands and control them by force of arms against the will of their people as a dependency." The President of the United States then replied to each and every one of these propositions that it was not his intention, so far as his Administration was concerned, to permanently occupy the Philippine Islands either in one way or in the other. Upon that assurance I voted for the treaty.

Was that promise kept? Was the policy as outlined before I voted for the treaty carried out after the treaty had been ratified? Why, sir, look around about you, and there need be no answer to the question. There was an entire deviation from that policy. A new policy was enacted. It has been one of no especial account, but one of drifting, drifting, ever drifting day after day in the same direction.

Porto Rico was ceded to us under the treaty of Paris. I saw no great objection to receiving Porto Rico into the United States as a Territory if her people were agreed, if her people consented, and they did consent. There was not in all the island of Porto Rico a single citizen who objected to American rule. But I did believe when we accepted Porto Rico that the moment Congressional action went out to her she was under the American flag and under the American Constitution, for, to my mind, it is indeed a peculiar transaction if the Congress of the United States can legislate for any people without the Constitution. What power gave birth to Congress? The Constitution. By what power does it make laws? By the power of the Constitution. The Congress of the United States can do nothing outside of the Constitution.

I believed then that there should be no tariff bill for Porto Rico, that she was in the Union and had the same right to the Dingley tariff act as had Arizona or New York, and, whatever the Supreme Court may have decided, I notice that the Administration was very hasty in its action and did that which we contended over a year ago should have been done—established free trade—and to-day Porto Rico is practically a Territory of the United States, and it is the only way that you can hold it.

But let us return to the Philippines. The war had begun. We had been notified by those eminent Americans who had negotiated the treaty of Paris that any revolution or opposition that might arise in the Philippine Islands against American authority could be put down by five regiments of American troops in six weeks.

You began your war. You prosecuted one campaign, and at the end of it you were not 15 miles beyond the city of Manila. You prosecuted another campaign, and at the end of it you had not done much more, saving and alone that you had allowed a military officer to make an agreement or a treaty, if you please, with the Sultan of Sulu or Jolo, take whichever pronunciation you wish. When our Army came to this sultanate, this magnificent and delectable land which lies at the very outposts of the Philippine Archipelago, what did we do? What did we do when we came to these savages? Did we say to them "It must be submission unconditional or extirpation of your race?" We allowed the general commanding there to make an agreement or a treaty, after we had purchased, as you contend, the sovereignty of the Philippine Islands, to pay this sultan $6,000 for the sovereignty—$6,000 which we took good care to pay not in money of the gold standard, but in Mexican silver dollars. And then we took him into our service, paying him month by month a salary, and we took with him the slavery that exists upon the island, the polygamy that is practiced upon those islands, and we put our flag above to protect them from the world.

I for one do not agree to the proposition that whenever the American flag is raised, it must stay there. If the American flag waves over one slave or waves over one family where polygamy is practiced, I say, take down the flag and free the man and extirpate the polygamy. And yet, we are responsible for that condition.

You talk of the American flag. I love the flag, and I love my country as much as any other American who dwells within the confines of our country. Sir, I can not forget the words of the great American poet describing the birth of the American flag. What does he say?

> When Freedom from her mountain height
> Unfurled her standard to the air,
> She tore the azure robe of night,
> And set the stars of glory there.
> She mingled with its gorgeous dyes
> The milky baldric of the skies,
> And striped its pure celestial white,
> With streakings of the morning light.
> Then, from his mansion in the sun,
> She called her eagle bearer down,
> And gave into his mighty hand
> The symbol of her chosen land.

Aye, when the American flag was born, it was to wave over the chosen land of liberty, and it did so wave for a century and a quarter of years. From the dark days of the Revolution, when Washington was at Valley Forge, surrounded by his ragged Continentals, which had melted away to 600, up to the midday of that glory at Yorktown, when he received the sword of captive Lord Cornwallis, it floated above us as our emblem. In the war of 1812 it was carried by the volunteers upon land and upon sea. When Mexico was invaded it waved from the towers of Chapultepec; but it was not there by conquest, although we had worsted Mexico. We went there for one purpose only, to give permanency to freedom and independence and self-government in Texas, and while the flag waved in the City of Mexico, it was only as a military occupation, and then we withdrew it.

Then came the great civil war. One part of our country carried it; the other opposed it. We were then in a crisis such as comes to all nations. We had to demonstrate to the world whether we had in us that strength of backbone to stand up as a nation, and we did demonstrate it, and the North and the South were reunited and under one flag. At the beginning of the Spanish war we rested in peace, 75,000,000 Americans having one country, one God, and one aspiration.

The Senator from Connecticut [Mr. PLATT] spoke of the flag and spoke of the magnificent service it was rendering. It has, indeed, performed wonders. It has, within the century and a quarter since the Declaration of Independence, transformed thirteen sparsely settled colonies into five and forty great republics, and has bound them together for what was esteemed one purpose—that of maintaining liberty among ourselves and sending it out to all the weaker people of the earth. That, to my mind, was the mission of the American people.

But, sir, there was a reversal of this policy when we were victorious in the Cuban war and our friends from across the ocean whispered, "You are becoming a world power." Vainglorious of our victories, determined upon further expansion, we forgot the underlying principle upon which we are founded and neglected all the history of our past.

You remember the attempt to tax Porto Rico. It was the same as the attempt to tax the Philippines now. Why should you not tax the Philippines? You remember, as I do, the origin of the American Revolution. What was at the bottom of that struggle? What was the first idea upon which the Americans stood fast? It was this, that there should be no taxation without representation.

The learned Senators who have spoken upon this question have read and inserted in the RECORD extracts from many speeches by eminent Englishmen during the period of the Revolution expressing this idea, standing upon this doctrine. William Pitt has been heard. Remarks of Wilkes, almost a Radical, have been inserted into the RECORD. Edmund Burke, the great Irish orator, has also borne his testimony, but among them all there is nothing, to my mind, so direct, nothing so strong, nothing so incontrovertible as a portion of the speech made by Lord Chief Justice Camden upon the occasion of the repeal of the stamp act. Let me read it to you, Mr. President. This is a part of the speech of Lord Chief Justice Camden, of England, in the English Parliament:

> My position is this—I repeat it; I will maintain to my last hour—taxation and representation are inseparable. This position is founded on the laws of nature. It is more, it is itself an eternal law of nature; for whatever is a man's own is absolutely his own. No man hath a right to take it from him without his consent, either expressed by himself or representative. Whoever attempts to do it, attempts an injury; whoever does it, commits a robbery; he throws down and destroys the distinction between liberty and slavery.

This is from the speech of Lord Chief Justice Camden, who stood up in the British Parliament and there announced a doctrine which you must not forget to-day. You have no right to tax anybody without consent or without representation. And you have further no right to establish one rate of taxation for one part of the land of the United States and another for a more fortunate part. For these reasons I oppose this bill.

Now, sir, we have pursued the Philippine situation to the end of the second campaign, when we had sent over 100,000 troops and had been two years engaged in a work which we had been told would take six weeks for five regiments of American soldiers. At the end of those two years you had not succeeded, and then what took place? By a stratagem, in my opinion unworthy of the American Army, but be that as it will, by secret information given as to the whereabouts of Aguinaldo, the chieftain of the insurrection, the American Army surrounded and took him captive; and under duress they had him issue a proclamation, calling upon his fellow-countrymen, upon those who had engaged with him in the insurrection, to abandon their cause and lay down their arms.

Sir, if in the American Revolution Providence had not interfered; if there had not been a capture of the dispatches which the traitor Benedict Arnold sent to the British spy, Major Andre; if American soldiers had not seized that correspondence, you might have seen, and I believe you would have seen, the capture of the whole Army on the Hudson, with its general, George Washington. Would that have ended the Revolution? No. The Revolution would have gone on, as did the Philippine revolution after the capture of Aguinaldo and after the issuance of his pronunciamento.

Then, after Aguinaldo had been captured, what further in the way of military operations? Then came the attempts to disarm, and that was proper under the laws of war; but the method of disarmament is one that will stand as a lasting shame to the American Government and its Army. It might have done for Spain in the sixteenth century under the tortures of the Inquisition to force from an unwilling subject information by what is called the "water cure." When an American army, the army of a free people, believing in self-government and liberty the world over, resorts to such a practice as that, then I say it is time to call a halt, pull down the flag, and make retreat. You may say it is not true. I did not believe it until it was admitted by Governor Taft himself and came from a thousand sources of acknowledged good information.

But what more? Not satisfied with this, by the very irony of fate, to-day the American nation finds itself, perhaps at the ending of a war, perpetrating the same outrages for which it began a war against Spain. Who has authorized camps of concentration in the Philippine Islands? Is it not a subject of inquiry, when the American nation stood horror stricken at Weyler's camps of concentration, which brought famine, disaster, ruin, death to hundreds of thousands of Cubans? How in the name of God did we ever come to seize upon that policy ourselves?

It has been contended that in the American camps of concentration there is not the amount of starvation and disease that we found in Cuba. Aye, not to-day perhaps, or next month, but if you continue this policy, if you continue this method of conquest, it will arise in the Philippines, and you will stand convicted of as great a crime as the man whom you dubbed Butcher Weyler.

But, sir; this was not enough. A Commission which has no right to exist, except by appointment of the President of the United States as Commander in Chief of its Army and Navy—I repeat it, outside of that power it has no right to exist—has taken upon itself to make laws for the islands, and in these laws we find the articles against treason, misprision of treason, and sedition. And, sir, to my wonder and astonishment, in the Senate of the United States there have been men who have risen to apologize for, and aye, even to defend those laws. How do they do this? They do it in this manner: They say that in Connecticut there is a severe law against treason, and that the Senator from that State is willing to defend that law; and then they say there is a strong law in Tennessee; and then they turn to the laws of my own State, Maryland, and say there is a strong law there against treason. Aye, there is, and do you know the reason why?

Do you remember the great civil war, when in the North there was one opinion and in the South another; when the one stood for strong Federal Government and the other for the sovereignty of the States? Sir, these two great divisions of opinion met and clashed upon that narrow strip of border land called Maryland. We were divided there. It was indeed friend parting from friend. It was indeed brother standing against brother and father against son, and, sir, there was great danger that that State would be lost to the Union, for I believe that the preponderance of sympathy was with the Southern Confederacy. But by the exertions of President Lincoln, by the exertions of Thomas Hollyday Hicks, the Union war governor of Maryland, that State remained in the Union.

But, sir, its sons were divided. Regiment after regiment marched under the Confederate flag. Regiment after regiment stood loyal and true to the flag. We were on the border. We were in the midst of the struggle. Throughout the whole four years of the civil war the banks of the Potomac were either occupied by a great Confederate army or by some guerrilla chieftain who stood in their stead. Invasion swept over us again and again, and the young men who had left the State very frequently were drawn to their homes to see their families, their fathers and mothers, brothers, sisters, and sweethearts, and more or less every man who came within the lines took with him some information to the Confederate army. It was then that these drastic laws were enacted, but, to the honor of our State be it said, I do not believe that at any time there was a prosecution under those laws. But, after all, what of these laws? They were Maryland laws. They were made by the lawmaking power of Maryland. The legislature of the State enacted them, and beyond and above all before there could be a conviction under the statute the man must be tried by a jury of his peers.

But, sir, in all those drastic laws there is nothing to approach the laws which we without authority are by this Commission making in the Philippine Islands for the purpose of suppressing the rebellion, as we call it. I tell you, my friends, it is most difficult to say whether it is a rebellion or a revolution, for remember, a revolution becomes a rebellion if the people engaging in it are beaten and a rebellion becomes a revolution if they are victorious.

Sir, in all the Maryland law, in all the laws of all the States of the Union, and in the statutes of the United States themselves, there are no such enactments as we have here by this Commission against these people over whom we have, according to the principles of our Government, no authority whatever. Sections 9 and 10 have been read to the Senate. The Senate and the people know and understand them. There is no special use to read them again, and yet, perhaps, it would be well. The American Senate and the American people can not too often hear of the outrages which are being committed in their name and under their supposed sanction in the far-off islands of the sea.

You remember when the other day in this Chamber the senior Senator from Massachusetts [Mr. HOAR] announced that under the laws against sedition as made by the Philippine Commission no man was safe from imprisonment if he attempted to express any political opinion whatever; and, sir, those laws are plain upon that subject. But it appears that those laws are made for only one part of the inhabitants of the Philippine Islands. They are not made to apply to those who favor our Government. And why? The discussion upon the ninth and tenth sections, which had been defended by the Senator from Connecticut [Mr. PLATT], were not well over when there was presented from the President's desk a petition of the Federal party of the Philippine Islands.

The Federal party is composed first of three Filipino commissioners upon the Commission that makes these laws. Then they have gathered around them many other persons of influence. Why? Because there is a semigovernmental countenance to this party by reason of the fact that three Filipinos in the employ of the American Government are its leaders.

Now, what does the Federal Party of the Philippine Islands promise? What does it petition for? What does it ask from Congress? Let me read you what it says of the conditions in the Philippine Islands:

> To make of the Philippines a colony of the United States or to grant independence to the Philippines would be to hand the islands over to disorder and to anarchy, to destruction and to chaos.

Now, mark you, that is the starting point. Now, what further?

> In effect the colonial system involves the principles of difference of citizenship, inequality of rights, and other consequent abuses and injustices, of all of which we Filipinos were surfeited under the Spanish Government, and for this reason we reject everything which tends toward a colony.
>
> Philippine independence, with or without a protectorate, means the holding of power by all the terrible elements of the sects which predominate, and would predominate still for some years, until the anger of Filipinos toward Filipinos shall have been completely calmed, education become more general, and the fanaticism we have inherited from Spain exiled.

Now comes their proposition as to what they would have.

> Federation of annexation would settle all these difficulties by concentrating the interest of the Filipino people upon education and labor—the most efficient means for bringing about a prompt uplifting.

Now, sir, this Federal party, having the impress of governmental consent, has brought to its standard many Filipinos upon the promise that you would give them that for which they petition. They say you must not make them a colony. You are making them a colony by this bill. They say you must not give them entire independence. I do not agree with them upon this proposition, but hear what they say. They say that if either of these two things is done there will be anarchy and destruction of government and property and people. Can the situation in the Philippines be so extremely roseate in its hues if because this is not done there will be such an uprising as is feared by them?

But, further, they do say what in their judgment will bring peace, prosperity, progress, advancement, and love of the American Government, and what is that? Why, sir, they demand that you give them a local State government, that you let them build up their own government, free and independent, as one of our States, sovereign in itself, and then under the protection of the American flag let them become a State in this Union. That is what has been promised by this party under color of consent by our Government itself. But, sir, is the majority party, is the Administration, willing to concede to the Filipinos this sort of a government? They dare not avow it. They can not do so. There would be an uprising against them from every end of this country.

Sir, the people are demanding a more drastic Chinese-exclusion act. You have a drastic law now upon your books. It was made in contravention of a treaty, and yet it stands there, and before it expires there comes up the voice of our people saying, "Make this law still more drastic." Why? To prevent the tide of Chinese immigration that is coming into the great Western States and the East. Is not that true?

But, not satisfied with that, every Congress has before it bills which would make it the harder for any European, no matter of what nationality, to come into the American land. He must be removed from pauperism. He must have money in his pocket. He must be able to procure for himself a living. He must be able to read and write and have all the various other requisites.

Sir, the German, the Frenchman, the Scot, the Irishman, the Spaniard, the Hungarian, the Swede, the Italian, and all the other nationalities each and all come under this ban, and why? Because, in addition to the tariff laws of the United States, Ameri-

can labor demands that its elevated station be protected by these laws, that there shall be no contract labor, no pauper labor, no incursions of the mighty hordes of the East. Why, then, will you at one fell stroke, by the incorporation of the Philippine Islands into the United States, bring in 10,000,000 Filipinos, some of them educated, some of them practical workmen, but others below the lowest grade of labor that has ever been found in the United States? Yet, sir, you would bring them in if you agree to the proposition made by this Federal party. I, for one, oppose it. I am in opposition to taking these islands by force and holding them against their own consent, because it is against the spirit of our institutions and our laws; and I oppose taking them as a Territory or a State because I am not willing that we should take ten million of what would be to us undesirable population.

I have nothing to say against the civilized Filipino. He, in his own way, in his own country, is working out as he deems best the problems which we have worked out for ourselves. But he is an Oriental. He lives in an oriental country, and he is different from us in physical, mental, moral, and religious conditions. He is not such a citizen as we should acquire. What, then, should we do? Sir, let me draw you two pictures and see if you recognize them and can tell me which demands most the admiration of the world. When the adventurous spirits of Spain, Portugal, Genoa, England, and France started out upon the search for the Eldorado and for the passage to the Indies, Columbus found our land. They found not what they sought, but the hardy band found the land, and the land that they found is ours.

After a century of adventure and attempts at settlement it was found that the great English nation had succeeded in making itself master of that portion of the North American Continent known as the United States of America. It was peopled principally by English people, and the Germans, Dutch, French, Spaniards, and Swedes that had been incorporated with them soon learned the English language and the English spirit. They grew apace and there came a time when England attempted to tax them, as I have shown to-day, unjustly. Then these men rose up in their might and declared that there could be no government unless it was founded upon the consent of the governed; that there could be no taxation unless there was representation or consent: that they were free and independent States.

After that came the great Revolutionary war. It was contended here the other day by the senior Senator from Massachusetts [Mr. HOAR] that the war was closed and that England agreed to our freedom and independence because of the efforts of New England men upon the high seas. I do not believe that that hasty exclamation by the Senator can be verified in history. I believe it took much more. I know that they contributed much. You must remember that the population of New England was upon the seacoast and naturally it drifted to the sea. But there was one other thing to be considered—that the inhabitant of New England, no matter what cause he may be engaged in, whether it be the highest cause of patriotism, whether it be for freedom and the establishment of government, still has with him the one overpowering idea that he must add to his own financial good.

Sir, by going to sea and arming privateers great prizes fell into their hands, but the militia men who fought upon American soil had nothing but the promised pay of the Continental Congress, which at the end of the Revolution amounted to 1 cent on the dollar. Not that alone, not the great spirit that had inspired the Declaration, and that was willing to give life, fortune, and honor for the preservation of that principle, not all the troops that engaged in the struggle under the American flag, not all the navy commanded by Paul Jones and his compeers—not all that accomplished American independence. There was something in addition to it that achieved it.

When the American colonies entered upon the Revolution, England was at war with other countries. She was at war with France, and the French King was the first to accord recognition to the American colonies. He said, "I will strike England through her colonies." He sent men and ships and money. Sir, Yorktown would have been impossible, Washington would never have conquered there, but that by his side stood Rochambeau with the French army and upon the waters was De Grasse with the navy of France. All these facts worked together. The American and French were allies in that struggle.

What came of it? At the end of the Revolution we had freedom, but the American nation lay powerless; she was ready either for anarchy or monarchy. Any enterprising spirit could have seized upon it, and it was the greatest achievement of Washington to refuse the crown which had been offered him and prevent a kingdom or an empire in this country.

But there was another influence that was not as noble as Washington, and that was the French King, the master of our allies. What of him? Do you not know that Talleyrand, the minister, told him: "You are not bound to give independence to the American colonies; you have struck England by striking through them; you should, as the fruits of victory, appropriate the British colonies to yourself and hold them for France." To the glory of the Bourbon King be it said he refused and said the Americans had fought nobly and courageously for their liberty and independence and that, so far as he was concerned, he would lay nothing in their way.

That is the first picture. But, sir, a little over a century and ten years later this very same young nation, as it was then weak but rising up like a young giant, having grown strong, believing itself a world power, when by the fortune of war it had gone to the East and into the Philippine Islands, when it had called upon the people of the Philippines to become its allies in fighting Spain, when that war was over and Spain had departed and the Filipino stood there, the ally of the American, and demanded independence, what was our answer? Sir, to the shame of the Republic be it spoken, an American Administration, at the beginning of the twentieth century, had less appreciation of liberty, had less of true liberty in its composition than had the Bourbon King of France in the latter years of the eighteenth century. It is a humiliating spectacle to a liberty-loving people.

After the adoption of the Paris treaty there was no well-defined policy of government by the American Administration. We have been drifting day by day, letting to-day take care of itself and looking not on the morrow. The Senator having this bill in charge in his opening statement gives a true picture of the whole situation. He said in his opening statement when he presented this bill:

> There seems to me but one fair and intelligent way of dealing with the islands, and that is to deal with them as they are now; to deal with all questions as they arise. When they are ready to take the government of the islands into their own hands, we shall know it, and we can then turn the islands over to them. But let us keep clear of vague words and still vaguer promises. Let us do all that we can to advance the prosperity of the Filipinos—to educate them, to improve them, and to uplift them; but do not let us make promises to them about a future as to which neither we nor they can tell.
>
> Let us deal with the questions of the day as they arise, one after another.

That is a repetition of what he had said. He wished to emphasize it.

> Then, indeed, it will be difficult enough, trying to the utmost the best statesmanship and the most honest purposes that this country can produce. But do not let us enter upon a plan of offering to them fine words and loose language and specious promises, which deceive them and deceive us and deceive the whole world; which may be what we mean or may not be what we mean; which convey no assurance to anyone as to what the future will really bring.

Then he goes on to say:

> I believe this bill to be a wise and sensible method of dealing with the existing question. If the next six months shall produce to us a wiser and better, I shall be happy to join in it.

But does he not know and understand when once the Congress of the United States goes out under the power of the Constitution and taxes the people, you can not retreat unless you undo the whole of the miserable business? Be right at the start if you can, and if you are wrong reverse as soon as you find it and try to get back on the right road.

> But whatever we do, whether we give them free trade, as the minority propose, or a tariff such as we propose, let us give it to them without a promise; let us do what we have to do as we stand, and not attempt to put mortgages upon an unknown future.

He says make no legislative promises. Have we indeed sunk so low that we can not keep any legislative promise? If we have, indeed the ebb is low, and morals have come to a pretty pass nationally.

Sir, two years ago I defined my attitude on this question when I introduced a joint resolution into the Senate outlining the plan word for word and in the spirit of a conversation I had had with the President of the United States. That joint resolution read as follows:

> A joint resolution declaring the purpose of the Government of the United States with reference to the Philippine Islands.
>
> *Resolved, etc.* First. That the Government of the United States does not consider the payment of the $20,000,000 to the Government of the Kingdom of Spain, stipulated by the treaty of Paris and made in accordance with the same, as a purchase either of lands, persons, or privileges of the inhabitants of the Philippine Islands, but that such payment was made with the friendly purpose of abrogating any claim of sovereignty that was then lodged in the Spanish Government, and to prevent the intervention of other foreign powers in Philippine affairs.

These were the two great purposes that I had in mind when I voted for the treaty:

> Second. That it is not the purpose of the Government or the people of the United States to deprive the people of the Philippine Islands of their right of self-government, and the war now being waged is not for conquest or for the permanent possession of the islands, but for the establishment of law and order, and shall cease when the Filipinos now under arms make overtures for peace, upon the condition that after the establishment of law and order the people of the islands, or such islands as may desire, shall have the privilege, under the protection of the United States, of establishing a republic in which the principle of "a government of the people, by the people, and for the people" shall be absolutely preserved.

Sir, if that joint resolution had been adopted two years ago there would have been Philippine submission. There would have been the establishment of a Philippine government. To-day the Filipinos would be enjoying local self-government; they would

be flying their own flag; they would have their own constitution; they would be friendly with the United States, and they would look to us as the fathers of the liberty that had come to them.

But instead of that the joint resolution was ignored. It was buried in the archives of the committee into whose charge it was put, and it was never heard of afterwards. There was no declaration of purpose. You could not get a declaration of purpose from anyone representing the Administration, but every action of the Administration, every action of its agents and the Army, tended in the direction of the direct opposite to what was conveyed by this joint resolution.

We would have saved 10,000 American lives. We would have saved at least $400,000,000, because, according to the statements in the documents from the various departments having the expenditures of our Army and Navy in charge in the Philippines, we find that according to their own figures over $350,000,000 had been expended by the middle of the last year. We would have saved over $400,000,000, and we would be in a better position in the Philippine Islands than we are to-day.

Sir, it was alleged that we must hold the Philippines on account of the trade that might come from them; that we must hold them because Germany or Great Britain or some other power would come and take them if we left them to themselves. Did Germany endeavor to do anything of that kind? Did England endeavor to do it? No; they have a different policy. They say: "Let America expend her money; let America deviate from her principles; let her sacrifice American lives for imagined trade, if she will, we will have nothing to do with the war; but, in the meanwhile, while the war is going on, we will take the trade," as they have done.

In $53.000,000 of trade, America last year had but $4,000,000, and, as was said by the Senator from Colorado [Mr. TELLER], one-half of that was in questionable products. England does not need the Philippines under her protection or under her colonization to have the majority of trade with them, nor does Germany. Germany's trade is over four times as large with the Philippines as is ours. She has never attempted to seize a foot of the Philippines, and never will.

But, more than that, there was still another proposition. We had the suggestion that we should hold the Philippine Islands as an open door to China; that great possibilities of trade are there; that we have the home market and are acquiring the markets of Europe, and we must also go to the Orient for the increase of trade, and the Philippine Islands offered to us in themselves and as a gateway to the East magnificent possibilities.

Sir, even if there were commercial advantages to be obtained by seizing and forcibly holding these islands, I for one would be against it. I do not believe any commercial advantage will justify the American people in taking one tittle or iota from the liberty or the freedom of the feeblest people that may inhabit the smallest island of the sea.

But, sir, is there an advantage? There will be in China a great struggle for supremacy. Already the Muscovite and Britain are arming for the fray. Already every effort of diplomacy is being exerted to hold for one or the other powers the advantage of trade and the occupation of territory. And latter days have brought to us the news of an agreement and a compact between Great Britain and Japan, as against the interests of Russia in Manchuria, and I understand an effort is being made to have our Government join with Britain in this agreement.

Sir, the voice of Washington, as he was about departing from the active duties of government, gave a warning, and he expressed in the most solemn way that we should avoid European and foreign entanglements. Listen to a part of Washington's Farewell Address:

> Against the insidious wiles of foreign influence (I conjure you to believe me, fellow-citizens) the jealousy of a free people ought to be constantly awake, since history and experience prove that foreign influence is one of the most baneful foes of republican government. But that jealousy, to be useful, must be impartial, else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike for another cause those whom they actuate to see danger on one side and serve to veil and even second the arts of influence on the other. Real patriots, who may resist the intrigues of the favorite, are liable to become suspected and odious, while its tools and dupes usurp the applause and confidence of the people to surrender their interests.

Such was the voice of Washington as he retired from active life, and I think that the history of this country for the century that has gone and made itself a part of the annals of peoples has demonstrated that he was wise indeed in making this observation. He tells us to resist foreign influence; to be neither too partial nor too jealous; and that if we stay upon this golden way we will be successful. Unfortunately we have not altogether taken his advice.

We have already been too much influenced by British diplomacy and the artful wiles of the English ruling classes. Let us hesitate in going further into the entanglements of the East; let us abstain from becoming a party to the great contest of robbery which is about to take place.

Sir, one of the principal material benefits that can come to us by the evacuation of the Philippine Islands by our forces is that we shall then escape the possibility of becoming involved in this most dangerous and corrupt quarrel. Let the robber nations of Europe fight among themselves, and like the cats of Kilkenny, eat one another up, if they will.

I do not believe we are called upon to array ourselves upon either side. We owe Britain no friendship more than we do Russia. We can not prefer France to Germany or Italy to Spain. Let us avoid these, and instead use the power, physically and mentally, that the growing generation has for the development of our own great internal resources, and while the battle for supremacy goes on among them we may rest in peace, raise bountiful harvests, manufacture, produce, and legitimately sell to all the nations of the world without opposing any.

Sir, I have not spoken for the Filipinos, but for my own country. I have more interest in the American than I have in the Filipino. My first consideration is to save the American name and fame from being bespattered by the blood of men who die for the sake of the country and to achieve the high measure of liberty which we ourselves enjoy.

We have already lost our right to raise our voice against oppression, against iniquitous war. While there seems to be preparations for war, the world is at peace, save two nations—our own and Great Britain.

You know of the war Great Britain is waging, and, sir, had our own skirts been clean, had our hands been guiltless of Filipino blood, there would have been now, as there has been in the past, sympathy for the noblest nation that has ever fought for freedom. Sir, when we were not a world power, we sympathized with the South American dependencies of Spain, as, when one after the other, they broke the bonds and attempted statehood.

Their government may seem to be a failure, having one revolution after another, but after all, they have achieved liberty and improved their conditions, and have a government they themselves choose. The noblest speeches ever delivered by Henry Clay were for South American independence and when he expressed sympathy with Greece. The splendid effort of Webster which obtained sympathetic expression for the struggling patriots of Hungary, was not excelled by any speech he ever made in the Senate Chamber, even his speeches upon the constitutional questions brought here by the resolution of Hayne of South Carolina.

Sumner's great speech was that in which he pictured the peaceful influence of the American spirit of universal liberty and general peace. But, sir, who can rise to-day and express sympathy with the Boers, fighting for life and liberty, in their own home, in the state of their own creation, bought by their blood and money. Why dare we not do so? Sir, we know full well that in the moment of our expression of sympathy Great Britain could hurl back at us the taunt that we too are engaged in the selfsame war and for the selfsame purpose.

"Base and ignoble is the war no poet sings." Have you heard of an Englishman who has dared prostitute immortal verse in praise of Britain's effort in South Africa? Even the poet laureate himself dares not trust to the fervor of poetic genius to praise British arms, which seek to subdue a liberty-loving and courageous people; but, sir, there have been Britons who, in the divine fervor aroused within them by admiration of the Boer struggle, have broken forth in song. There is no American I know of who, during the war in the Philippines, has dared to raise his voice in praise of that flag and that Army which in the past has been the emblem and the strength of liberty.

Why should we hold the Filipinos longer? It has been asserted that we could educate them, that we could Christianize them. You seem to forget that the Filipino who is not a savage has been Christianized. His faith is the original faith of the Christian Church—that of the Church of Rome. I do not believe in its doctrines; I am the farthest removed from them; but it is that faith which he believes in and that faith which he will stand by, and you can not Christianize him to the contrary.

You wish to educate the Filipino. He has better sources of education than some of the Americans. Do you know that the University of Manila was founded before you had any institution of learning in this country? It was founded in 1619, and its learning is as great as that of any university in Europe or in this country; and you would educate the Filipinos!

The Senator from Connecticut [Mr. PLATT] spoke with great unction the other day of private soldiers of the United States Army who had become pedagogues in the Philippine Islands and who had taught the children there. It was a good thing to do, doubtless, but there are other agencies to teach the children of the Filipino, and the Connecticut soldier belongs to America. Let him come home; let him go to Connecticut, and let him teach there or engage in some other occupation that will assist in the development of our own natural resources.

It is asserted that the Filipinos do not desire independence, and

we have had brought here reports of governors of sundry provinces to give proof of the feeling that the Filipino has seen the error of his ways; that he loves the American Government and desires to become embodied with it. We have all that before us. But, sir, may not those governors be mistaken? You remember in the American Revolution the loyalist governor of South Carolina said vauntingly: "There is not a single arm raised in resistance toward the royal government."

Oh, yes, probably he spoke truly; but it was not six months after that when Marion had gathered his men, when Washington and Sumpter and Moultrie had gathered their bands, and when they marched upon the foe who thought that they had departed, and the British general who six months previously had said that the revolution in South Carolina was over was a prisoner in the hands of bands of these brave South Carolinians. So it was in every State of the Union. At times our soldiers were beaten down; at times they retired to their homes; and you know that Washington in the winter he spent at Valley Forge had not 600 men in the whole Revolutionary army, but when the time for fighting came they were there. So it will be with the Filipinos, unless I am mistaken in them.

But, sir, there is another argument that is used to hold the Filipinos. What is that? It is said "we must teach them government, and when we have given them lesson after lesson we will give them so much of liberty and so much of self-government as we think they are fit to enjoy."

Mr. President, I desire to read upon this subject the opinion of the greatest American who has ever lived. It was said the other day to Senators sitting upon the other side of the Chamber that they had no right to quote Abraham Lincoln now, when they refused to give him honor in the time when he dwelt in this land. You can not say that of me. I have been a Republican ever since I can remember; I have knelt at the shrine of the memory of Abraham Lincoln; I have given him hero worship; and to-day I believe no more in his words than I did a quarter of a century ago, when I first took upon myself the duties of American citizenship.

Abraham Lincoln, to my mind, was the greatest American who has lived. He was the product of the common, plain people of this country, but he ascended to the chief place in the nation. He was greater than a man of ability, he was greater than a man of genius. I believe that Abraham Lincoln was commissioned and inspired by God to do the work which he accomplished. What does Abraham Lincoln say concerning this plea? In the place, he says:

> No nation can long live and enjoy liberty that it is engaged in robbing a weaker people of.

He says further:

> Those arguments that are made that the inferior race are to be treated with as much allowance as they are capable of enjoying; that as much is to be done for them as their condition will allow; what are these arguments? They are the arguments that kings have made for enslaving the people in all ages of the world. You will note that all the arguments of kingcraft were always of this class. They always bestrode the necks of the people, not that they wanted to do it, but because the people were better off for being ridden. * * * Turn it every way you will, whether it comes from the mouth of a king as an excuse for enslaving the people of his country, or from the mouth of one race as a reason for enslaving the men of another race, it is all the same old serpent.—Lincoln's Complete Works, Vol. I, page 259.

So spoke Abraham Lincoln.

It is often said, "You object to the policy that has been pursued, but you can not suggest any other policy to take its place. We are in the Philippines; how can we in honor escape from there?" I defined and outlined in the resolution I offered two years ago my ideas upon this subject, and I wish to say further that I would to-day follow the programme announced in that resolution offered by me; I would have the American Government declare an armistice; I would have a cessation of hostilities; I would have a proclamation of amnesty; I would have a call for a national convention of the Filipino leaders and give them an opportunity to establish a confederation of the islands, to adopt a constitution and organize a government, giving them our protection so long as it is needed and then withdraw the American troops; let the Filipino, according to the dictates of his conscience, according to the aspiration of his mind and soul, according to the conditions which environ him, work out his salvation in a government he wants to establish and for which he will be responsible. I would have the wrong we have done cease now and not continue. I believe that it would be successful. We need no longer urge that there is danger of intervention.

Mr. President, I have already spoken longer than I intended to upon this subject. I leave it reluctantly as I entered upon it. I believe that we stand at the parting of the ways. I believe that this Congress, the Senate and the House of Representatives, must lay down some principle upon which it will work. We can not drift forever and go into dangerous seas we know not of. We must do something to outline what we intend to do. If it has been determined that the principle of the past is to be ostracized, driven out, and forgotten, then do it in a manly way, make a declaration of it, and tell the Filipino that you have conquered his country and intend to hold him as a subject and a slave.

But, sir, I hope that our people will listen to the words of warning that have been uttered. I do not believe that they have yet decided this question. I believe in appealing to them once more, and I will stand by the side of that party that declares, as has been the policy of the country, that there can be no government anywhere under the American idea except by the consent of the governed, and that the Filipinos are entitled to their own government by their own people.

A British pessimist has asked the question, "Is life worth living?" I answer, yes, if it be lived in a republic where liberty is safeguarded by law. This we have here. Will you deny it to the Filipino? I hope and pray not. My appeal has been not for the Filipino, but for the honor of the American people. [Applause in the galleries.]

Mr. STEWART. Mr. President, I do not wish to occupy time to the exclusion of others, but I would like at this time or at some other to make a few suggestions with regard to the Philippine question. I am induced to make these suggestions at this time on account of the perusal of what purports to be a statement made by Governor Taft before the Philippine Committee on yesterday. I think the suggestions made by him are so eminently wise and appropriate that they deserve especial consideration. He is reported to have recommended the following:

> First. A qualified suffrage for the Filipinos, with a gradual growth in popular government, which should be enlarged through education in the English language and in American institutions.
>
> Second. Institute within a reasonably short time a local legislature to consist of two bodies, one to be chosen by vote and the other to be appointive.
>
> Third. Permit the islands to send two or three representatives to Washington.

Our situation with regard to the Philippines is not new or anomalous. It is entirely similar to our situation with regard to all other territory heretofore acquired. No territory has been acquired that was not already inhabited. No territory has been acquired with the consent of its inhabitants. The Louisiana purchase involved a hundred years of war, which is not yet entirely ended. If our institutions are to grow and expand, we must gather into the great Republic other peoples who will not come by their own consent, for they know nothing of our institutions and are hostile to foreign rule.

That is the case with all countries where we have gone or where civilization has gone; that has been the case since the first landing in this country, and it always will be. We have been opposed from time to time by violent speeches and harangues about liberty—wild, extravagant, and unreasonable. They are no more so than they have always been. The speech of the Senator from Maryland [Mr. WELLINGTON] is the mere reecho of the diatribes of the discontented with expansion and progress since the foundation of our Government. The intimation that we intend to enslave people, that we intend to institute a colonial system of despotism, is out of place; it is untrue. Nothing of the kind is intended.

I am glad that Governor Taft comprehended the situation. In order that these people may become attached to our institutions, in order that they may enjoy liberty regulated by law, they must learn to exercise the functions of government. They must have a sort of kindergarten government in the beginning, as all our Territories have had. I remember visiting the legislature of New Mexico some forty-five years ago, when the people were beginning to exercise the functions of self-government. Their opportunities had been more limited than the Filipinos have enjoyed; they had very little education; they had no knowledge of our institutions, but they were allowed to legislate; they were allowed to learn to make laws.

I again visited the legislature of New Mexico after a period of forty years and found the native Mexicans discussing important problems of finance, commerce, and constitutional law as intelligently and as forcibly as you hear in any legislature of native-born Americans. They had learned by experience the principles of our institutions.

I would allow the Filipinos to send delegates here as soon as possible, that they may come in contact with us and understand our institutions, and I would also have a legislature there under a Territorial form of government.

Our Territorial form of government as established is amply sufficient for any condition of affairs. It retains in the General Government sufficient control. It gives to the Territories such a degree of liberty as they can enjoy and such a part in the exercise of the functions of government as they are capable of performing. Territorial governments have been the schools wherein new peoples have learned the principles of our institutions. The people in all the territory acquired from Mexico are now educated, so that they can come here without regard to whether they were Mexicans originally or whether they were Americans originally. The benign process of allowing them to participate in government has

been the means by which we have extended to them freedom and independence.

Is there any doubt that the people of the Philippines after a few years of practice in making laws will understand our system of government and will love the freedom of our flag? There are no more loyal citizens than the inhabitants of New Mexico and California, who came under the jurisdiction of the United States by conquest and by purchase. They were made so by the glorious privilege of participating with us in making and enforcing laws.

It is impossible for the people of the Philippines to establish a free government. They have never tasted the sweets of liberty; they have never enjoyed the blessings of freedom regulated by law. Anarchy and despotism are the only examples they have ever had of governmental authority? How can they establish a stable government?

But the report of the minority proposes to hold the islands until the people thereof establish a stable government which can protect life, liberty, and property, and carry out our treaty obligations with Spain. With no conception of such a government, is it reasonable to suppose that the people of the Philippines could accomplish the requirements of the minority of the committee in a thousand years? The proposition of the minority means holding the Philippines indefinitely. The promise of independence when they have established a stable government which will protect life and property and preserve inviolate the obligations of our treaty with Spain is no promise at all. They can never establish a stable government until they learn from us what free government limited by law means. When they have learned that, they will have learned to love the flag which is the only emblem of freedom and equality before the law which the world has ever known.

The proposition of the report of the minority means holding the islands perpetually. Proclaiming to these people that we will hold them until they have established a government which will protect life, liberty, and property means we will never let them go. Such a promise is a deception and a fraud.

We must consider the situation as it exists, and no picture of fancied conditions should have place in our deliberations. What has been done? The United States by conquest and by purchase has acquired the Philippines and has acquired with them the obligation to maintain law and order, to protect life and property of the subjects of Spain who may be there and of the citizens of all other countries.

The United States has spent hundreds of millions of dollars and sacrificed thousands of lives in the performance of the obligations of the treaty of Paris. The honor of the nation is involved. The obligations the United States has assumed can not be discharged by offering independence to the Filipinos under impossible conditions—conditions with which they can not comply.

It is a mockery to tell the Filipinos that when they have organized and established a government capable of protecting life and property and discharging all the obligations we assumed to Spain in the Paris treaty they shall have their independence, when they have no conception of such a government or of such obligations and no ability to perform the conditions in hundreds of years.

We might as well offer them an empire in the moon if they would occupy the same in a reasonable time.

We have no right to deceive the Filipinos, but it is our duty to do by them as we have done by all other people who have been brought within the jurisdiction of the United States. Let them know once for all that the United States never has and never will surrender territory once acquired, and that this Government never has and never will hold any people as a conquered province by despotic power, but will extend to all the privileges of the free institutions which we enjoy. Ignorance and barbarism, anarchy and despotism melt away and disappear under the benign influence of our Territorial form of government, under which the people learn to make and enforce laws for the government of themselves. Compare the freedom enjoyed by the Mexicans in Arizona and New Mexico with the imperial despotism of Egypt and India and learn that American sovereignty does not mean colonial dependence, but freedom and independence.

I have lived in Territories many, many years. I know that the people are as free there as here. Look at Utah. Do you remember the conditions there? We passed laws to regulate the elections, to disfranchise those who were still in polygamy. We appointed election officers from abroad. We regulated the whole matter. You can, under a Territorial form of government, do anything of that kind which may be necessary. Finally Utah reorganized. She abandoned the objectionable institution, and she is to-day one of the best States in the Union, with as good a population as you can find anywhere.

Was that done through despotism? No. It was done by recognizing the principles of the Constitution. It was done by giving the people all the freedom they could enjoy. It was done by that kindergarten system of Territorial form of government by which they learned the machinery, and they come forward here, the peers of any of us in the Senate or in the House.

Look at New Mexico. Forty years ago nobody would have thought of making a State of New Mexico. Go there now and you find her people the peers of any State almost—coming right up to it.

When I first went to California it was under military rule, but the people were allowed to elect their alcaldes and went on participating in government until the old Californians, the Mexicans there, became as loyal Americans as any we had. The most difficult problem we have had is with the Indians. But we have gone on the best we could to civilize them. We did not ask their consent. If the Filipinos have the education that is claimed for them, and I believe they have a large educated class there, they will soon see the advantages of our institutions. Let them participate as they may. Follow the advice of Governor Taft, and I will say all honor to a man who can in these uncertain times blaze out the path that will lead to peace and prosperity.

No man can judge of the value of the Philippine Islands. They have been styled, and I am told very properly, the gems of the Orient. They are in the gateway of all the commerce of Europe that goes to the Orient. They are rich in production. They are as healthful as any tropical climate. The inhabitants are vigorous and strong. The production of the islands is immense. They will give us commerce all over the world. We are not involving the country in any entanglements with other nations. On the contrary, we will have an outpost in the East which will give us the commerce of the Pacific which this great country demands and must have.

San Francisco has largely increased in population in the last three years. California is especially prosperous, and all the Pacific coast is inspired with new hope in consequence of the trade with the Orient, occasioned by the acquisition of the Sandwich Islands and the Philippines. The whole country is inspired and its business revived by the expansion of its trade and commerce. The American people believe in growth and progress, and the man who sets himself up against expansion will be overwhelmed.

I tell my Democratic friends, do not take an untenable issue if you want success. Devote your attention to the best mode of extending to the Philippines the blessings of our institutions. Let them participate as soon as possible. Criticise if you will any defects in the system that we are adopting. Follow the road blazed by Jefferson, Jackson, Monroe, and all these great leaders of your party who have added empires and empires to this Republic. Do not attempt to take the other side. It means destruction to the party that takes it.

The Democratic party ought not to be destroyed by this as the old Federal party was by its opposition to the Jeffersonian purchase, and as the Whig party was by its opposition to the purchase of California and Texas. We have need for an opposition party. The country ought not to have only one party. But I warn you if you fight the retention of these great acquisitions that have come as the result of the shedding of the common blood of all classes, the American people will repudiate you.

I say to my Republican friends, do not think of colonies. Do not be jealous of the people of our new acquisitions. Do not be afraid of what may happen in the future. Do not fear that the islands will become States. They can not become States until the Congress of the United States shall decide that they are fit to become States. If you fear statehood in the islands, remember that Congress alone can make States. No States will be made by this Congress. If the people of any of our new acquisitions become capable of statehood, there will be a Congress to decide as to their qualifications. If you can not trust the Congresses of the future to decide such a question, you have little faith in the permanency of our institutions.

What reason have we to suppose that Congress fifty years from now will not be as wise and patriotic as the Congress now in session? New Mexico and Arizona have been in the primary school of Territorial government for half a century with profit to themselves and no detriment to the people of the United States. Who can say that the same preparatory Territorial form of government which has secured freedom and independence to New Mexico and Arizona and added 32 new States to the original 13 may not operate beneficially in our new acquisitions?

Our duty to the Filipinos is plain. We must commence without delay and extend to them the right to vote, to legislate, and to send delegates to Congress under such restrictions and limitations as may be necessary to protect life and property and secure freedom to all. Let them participate in legislation. If their laws do not suit us, they need not go into effect, Congress having perfect control. Let them be educated in free institutions.

The talk about the right of self-government is idle when applied to a people who do not understand the first principle of liberty regulated by law. The knowledge of self-government is of slow growth. It is Anglo-Saxon in origin. The parliamentary struggles in England were the primary school in which our race first

learned the rights of man. The struggles of the colonies against oppression was another step in the education of our people. Administration of our Government under the Constitution has made freedom regulated by law our political religion. The Government of the United States is the greatest success achieved by man. The Republic has not been and will not be injured by receiving within the jurisdiction of the United States new countries and new peoples to be educated in the principles of free institutions. The people of the United States have received no detriment from the citizens of Spain and Mexico who have been brought without their will under the jurisdiction of the Republic and educated until they are in the full enjoyment of the blessings of free institutions.

The Philippines are rich. Their trade advantages are invaluable. The fortunes of war have brought us into possession of the keys to oriental trade. These islands not only make the American people the greatest commercial nation of the world, but furnish the means of encouraging by our example the millions of the Orient to strive for a higher civilization. We are but following in the steps of our ancestors in the acquisition of territory.

The old Territorial system is ample for all. We can spread that over any country. It can not hurt us, and it will give the people in the country over which it is spread the opportunity to learn the principles of free government. And whatever may be done, however much fault-finding there may be, the interest in those islands will increase every day. American citizens will go there and build up industries; trade will be predicated upon their acquisition; commerce will be promoted, and it will be harder and harder to tear down the fabric of industry and commerce which we are building up in these islands.

The commerce of the world, the aspirations of the American people, the desire of all patriots to extend our institutions, forbid the base surrender of those islands, acquired, as they have been, by the blood and treasure of the American people. Where the flag of my country is placed by honorable war or by purchase it will be defended by the American people; and he who thinks it will be otherwise will be sorely disappointed. I can point you to many instances of men, prominent and of the brightest intellects in our land, who set their faces against progress, against the acquisition of territory, and who went down to their graves in sorrow.

Now, I appeal to my friends on the other side—because I regard them all as my friends—do not undertake an impossibility. Criticise the opposition where criticism is available. Criticise the management. Criticise the laws, and by criticism we will get better men and better laws. I think it needs some criticism. It may be some people are afraid that the islands will become States. I do not think we have done quite right by Porto Rico. I think Porto Rico ought to have delegates here. But I do not ask everything to be done in a day. I know it is coming to that. I was delighted to learn that Governor Taft was realizing the real situation, and that his sentiments were in accordance with the teachings of a hundred years of free government, extended under our territorial system; otherwise I should not have made this talk.

I commend him as an advanced leader in the line of an established policy. Our territorial policy is broad enough. Nothing can be done under it to injure the United States. No representation can be had here to affect our legislation. The delegates who come here have no vote, but they have the opportunity of learning how we vote and how a free country is governed. The result of that carried home will soon enable them to establish similar institutions. When they see the blessings of liberty they will aspire to liberty and independence.

What is independence to them now? The right to be shot down; the right of a usurper; the right of a despot, to govern and to enslave. Is that right worth anything to them? Turn them over to independence, and you turn them over to war, and the great masses of people there must suffer the direst oppression and robbery. Turn them over to independence, and you turn them over to despotism and cruelty. You break the pledge we made with Spain to establish law and order and to secure property.

You dare not turn them over to anarchy, and independence for them is nothing else. But free government under our Territorial system means everything that an American holds dear. We will give them free government. We will go on in the way that the United States has been going on in this matter for a hundred years. We will not turn back. Those who turn back will lose their way. They will be overwhelmed. We will have them here with their Delegates. We will have local legislatures there. We will have in a few years a sentiment of love and respect for the institutions of America that could be inspired in no other way.

I repudiate what is known as the colonial system, where the people have no part in the government. I repudiate despotism. I repudiate governing a people without allowing them to participate in that government. Our system of government means that all the people shall participate. They will participate. If they ever become sufficiently advanced to send their Senators here—and I hope they may—that will be for some future Congress to decide.

I can trust future Congresses. Our boasted institutions do not amount to much if future Congresses can not be trusted, because we will be here but a very short time. We can trust them, and they will bless us as we bless the fathers of the Republic who carried the flag from the Missouri River to the Pacific, who acquired that vast country, who made this a great Republic, against the protests of many prominent men. We bless them and their names, and now we are to have a centennial in St. Louis to glorify the acquisition and government of that country. The same will be true fifty years from now in regard to the Philippines. There will be a celebration of that acquisition, which is the key to the commerce of the great Pacific. Those who participate in the acquisition of the Philippines will receive the blessings of posterity. Those who oppose it and hang behind will be in the same position that all other laggards have been since the foundation of this Government.

I am for retaining the Philippines. I am for retaining every foot of territory we have. I am not in favor of the extreme taxation in this bill. I believe the Senator from Ohio has an amendment to reduce the amount. I shall vote for that, and I hope it will be reduced. In fact, I would not object to free trade with the Philippines. I would not object to anything that would add to their prosperity. At all events, I believe in taking as advanced ground as possible in reducing the tariff and in doing everything we can to encourage their prosperity. They are not fools; they will know when they are prosperous and how they are benefited; they will understand it, and be grateful.

I remember the Mexican population in New Mexico, a population that hated the American flag worse than the Filipinos do. They were as sullen and revengeful as possible. Now they are patriotic. They now celebrate the Fourth of July as devotedly as the Sons of the American Revolution. Liberty and participation in free government transform the savage into a patriot. They transform him from an anarchist into a good citizen. They make all people love the country which bestows upon them such blessings.

The United States will redeem the Philippines, and in redeeming them will add vastly to the power, the growth, and prosperity of the whole country.

Mr. PERKINS. I desire to offer an amendment to the pending bill, which I ask may be read, printed, and lie on the table.

The amendment was read, and ordered to lie on the table and be printed, as follows:

Provided further, That on and after the 1st day of January, 1904, the coasting trade between the Philippine Archipelago and the United States shall be regulated, except as provided by treaty, in accordance with the provisions of law applicable to such trade between any two great coasting districts of the United States.

CONSIDERATION OF UNOBJECTED CASES ON THE CALENDAR.

Mr. LODGE. I do not know whether there is any other Senator who desires to continue this afternoon on the Philippine bill. If there is not, I ask unanimous consent that the Senate proceed to the consideration of unobjected cases on the Calendar.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Massachusetts? The Chair hears none, and it is so ordered.

Mr. GAMBLE. I ask unanimous consent for the present consideration of a bill to provide for a public building at Deadwood, S. Dak.

Mr. LODGE. I will yield to the request of the Senator from South Dakota, but after that I shall ask for the regular order.

PUBLIC BUILDING AT DEADWOOD, S. DAK.

Mr. GAMBLE. I ask unanimous consent for the immediate consideration of the bill (S. 592) to provide for the purchase of a site and the erection of a public building thereon at Deadwood, in the State of South Dakota.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to acquire a site and cause to be erected thereon a suitable building for the use of the United States Government offices in Deadwood, S. Dak., the cost of the site and building not to exceed $200,000, which sum is hereby appropriated for that purpose.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LEGATION BUILDING AT TOKYO, JAPAN.

The PRESIDENT pro tempore. On the last day that the Calendar was under consideration, Order of Business 287, Senate bill 2311 was reached. The other bills before that order were objected to and went over without prejudice. Is there any objection to the Secretary commencing now at Order of Business 287?

Mr. LODGE. That course will be best.

The PRESIDENT pro tempore. If any Senator desires to take one of the other bills it can be done; otherwise the Secretary will commence with Order of Business 287.

The bill (S. 2311) making appropriation for the improvement of the legation building owned by the United States at Tokyo, Japan, was read; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to appropriate $5.700 for the purpose of providing a new system of heating for the legation building of the United States at Tokyo, Japan, and for a fireproof vault for the preservation of the records and archives of the legation, and for other needed improvements of the legation premises.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DECORATIONS TENDERED BY FRENCH REPUBLIC.

The bill (S. 3357) to authorize Lieut. Commander Asher C. Baker, United States Navy; Frank W. Clarke, curator, United States National Museum, and Henry E. Alvord, William A. Taylor, H. W. Wiley, M. A. Carleton, and John I. Schulte, of the Department of Agriculture, to accept decorations tendered to them, respectively, by the Government of the French Republic was announced as next in order on the Calendar; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MITCHELL. Mr. President, where did we commence today on the Calendar?

The PRESIDENT pro tempore. At Order of Business 287.

Mr. MITCHELL. Why did we commence there? Why not commence at the beginning?

The PRESIDENT pro tempore. The other cases were objected to. Unanimous consent was given to commence at Order of Business 287 with the understanding that if any Senator desired an order of business prior to that number to be taken up it should be done.

Mr. MITCHELL. All right.

AGREEMENT WITH LOWER BRULÉ BAND OF SIOUX INDIANS.

The bill (S. 2513) to ratify an agreement with the Lower Brulé band of the Sioux tribe of Indians in South Dakota, and making appropriation to carry the same into effect was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

AMERICAN REGISTER FOR BARGE ADMIRAL TROMP.

The bill (S. 2705) to provide an American register for the barge *Admiral Tromp* was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

INDIAN LIQUOR TRAFFIC IN MINNESOTA.

The bill (S. 2736) to provide for the service of warrants issued by the United States commissioners in the district of Minnesota, and for the summary disposition by such commissioners of certain cases connected with Indian liquor traffic, was considered as in Committee of the Whole.

Mr. CULLOM. This seems to be a pretty long bill and it is somewhat complicated, apparently. It applies, I believe, simply to Minnesota. I should like to have the bill explained, if the Senator from Minnesota [Mr. CLAPP], who reported it, will be kind enough to give an explanation of the measure.

Mr. CLAPP. The bill is framed to meet two difficulties up there. The necessity for appointing court commissioners to take homestead entries requires that a great many should be appointed who have no capacity for trying cases.

Judge Lochren, the United States district judge of that district, who has all these Indian offenses before him, drew this bill himself, and it was upon his suggestion that it was introduced. It is to avoid the necessity of always taking a case to the nearest commissioner. The old internal-revenue law, adopted more for the border States, perhaps, requires that the offender shall be taken to the nearest commissioner. Up there it is desirable sometimes to take the offender to some other commissioner, and that is one phase of this bill.

Another phase of the bill is to cure this evil: Often men who are charged with selling liquor to Indians are taken to Fergus Falls or to Duluth, a distance of 100, or 150, or 200 miles. They are kept there at a great expense. Witnesses are taken from the Indian reservations to those cities; and while the law of the United States prohibits the sale of liquor to Indians, every time there are cases of this kind the witnesses present the spectacle of intoxication in the cities where they are taken as witnesses.

It was Judge Lochren's idea, and I can not help but think it a good one, that where the offender was willing to plead guilty the expense of the prosecution, the delay, and the spectacle of Indians drunk in the towns where the courts are held could all be avoided by accepting the plea of guilty.

It is a matter that was before the Committee on Indian Affairs. There was no objection in the committee to it, and I certainly hope the Senate will allow the bill to pass. It is purely a local measure. It applies only to Minnesota, and it has the sanction of Judge Lochren, who has had a great deal of experience in these matters, especially in that section.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time.

LIMITATION OF "CONSPIRACY."

The bill (S. 1118) to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases was announced as next in order on the Calendar.

Mr. PLATT of Connecticut. Let the bill go over; it can not be considered now.

The PRESIDENT pro tempore. It will go over without prejudice?

Mr. PLATT of Connecticut. Yes.

The PRESIDENT pro tempore. The bill goes over without prejudice.

MARY E. PARKER.

The bill (S. 1153) for the relief of Mary E. Parker was announced as next in order.

The PRESIDENT pro tempore. The bill was reported adversely.

Mr. PLATT of Connecticut. Let it be indefinitely postponed.

The PRESIDENT pro tempore. The Senator from Arkansas [Mr. JONES] asked that it might be placed on the Calendar.

Mr. PLATT of Connecticut. All right.

Mr. ALLISON. Let it remain on the Calendar then.

The PRESIDENT pro tempore. The bill will remain on the Calendar if there be no objection.

CONVENTION OF PROTESTANT EPISCOPAL CHURCH.

The bill (S. 1845) to amend section 2 of an act entitled "An act to incorporate the Convention of the Protestant Episcopal Church of the Diocese of Washington" was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PENSIONS TO SURVIVORS OF INDIAN WARS.

Mr. MITCHELL. A few days since, when Senate bill 640 was reached on the Calendar, the Senator from Rhode Island [Mr. ALDRICH] objected to its consideration and desired to look into it. I have his consent now to withdraw his objection, and I ask the Senate to proceed to the consideration of the bill.

The PRESIDENT pro tempore. The bill will be read.

Mr. MITCHELL. The bill has been read heretofore.

Mr. PLATT of Connecticut. What is the bill.

The SECRETARY. A bill (S. 640) to extend the provisions, limitations, and benefits of an act entitled "An act granting pensions to the survivors of the Indian wars of 1832 to 1842, inclusive, known as the Black Hawk war, Creek war, Cherokee disturbances, and the Seminole war," approved July 27, 1892.

Mr. KEAN. I think that is the bill to which the Senator from Rhode Island [Mr. ALDRICH] objected the other day.

The PRESIDENT pro tempore. The Senator from Oregon has just informed the Senate that the Senator from Rhode Island has withdrawn his objection.

Mr. MITCHELL. I communicated a few moments ago with the Senator from Rhode Island, who is at the Arlington Hotel, and he has authorized me to state to the Senate that he withdraws his objection, although he said he is personally opposed to the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to the consideration of the bill.

The bill was reported from the Committee on Pensions with amendments, on page 2, line 4, after the word "days," to insert "or more and were honorably discharged under the United States military, State, Territorial, or provisional authorities;" in line 10, after the word "Indian," to strike out "disturbance" and insert "disturbances," and, on page 3, line 4, after the word "service," to insert:

And provided further, That all contracts heretofore made between the beneficiaries under this act and pension attorneys and claim agents are hereby declared null and void.

So as to make the bill read:

Be it enacted, etc., That the provisions, limitations, and benefits of the act entitled "An act granting pensions to survivors of the Indian wars of 1832 to 1842, inclusive, known as the Black Hawk war, Creek war, Cherokee disturbances, and the Seminole war," approved July 27, 1892, be, and the same are hereby, extended, from the date of the passage of this act, to the surviving officers and enlisted men, including marines, militia, and volunteers of the military and naval service of the United States who served for thirty days or more and were honorably discharged under the United States military,

State, Territorial, and provisional authorities in the Florida and Georgia Seminole Indian war of 1817 and 1818; the Fevre Indian war of Illinois of 1827; the Sac and Fox Indian war of 1831; the Sabine Indian disturbances of 1836 and 1837; the Cayuse Indian war of 1847 and 1848, on the Pacific coast; the Florida wars with the Seminole Indians, from 1842 to 1858, inclusive; the Texas and New Mexico Indian war of 1849 to 1856; the California Indian disturbances of 1851 and 1852; the Utah Indian disturbances of 1850 to 1853, inclusive, and the Oregon and Washington Territory Indian wars from 1851 to 1856, inclusive; and also to include the surviving widows of such officers and enlisted men: *Provided*, That such widows have not remarried: *And provided further*, That where there is no record of enlistment or muster into service in any of the wars mentioned in this act the record of pay by the United States shall be accepted as full and satisfactory proof of such enlistment and service: *And provided further*, That all contracts heretofore made between the beneficiaries under this act and pension attorneys and claim agents are hereby declared null and void.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

TESTIMONY IN CRIMINAL PRELIMINARY HEARINGS.

Mr. PETTUS. I desire to call the attention of the Presiding Officer to Order of Business 265, being Senate joint resolution 42, which has been passed over in some way while I was not in the Chamber.

The PRESIDENT pro tempore. If there be no objection, the Chair will lay the joint resolution before the Senate.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. R. 42) providing for the introduction of testimony in behalf of the defendant in all preliminary hearings of a criminal nature, which had been reported from the Committee on the Judiciary with an amendment, to strike out all after the enacting clause and insert:

That any defendant who shall be brought or summoned to appear before any court or tribunal of the United States, or any Territory thereof, or of the District of Columbia, on any criminal charge shall have the right to be heard and to testify in his own behalf and to call witnesses upon the question whether he shall be held for further proceedings.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

FORT PHIL KEARNY MONUMENT.

The bill (S. 305) providing for a monument to mark the site of the Fort Phil Kearny massacre was considered as in Committee of the Whole. It directs the Secretary of War to mark the site of the Fort Phil Kearny massacre, that occurred on the 21st of December, 1866, by erecting a monument of rough masonry and an historical tablet; but that the site of the proposed monument, of not less than one-fourth of an acre in area, situated upon the most sightly portion of Massacre Hill, shall be donated to the United States; and appropriates, for the purpose of carrying this act into effect, $500, to be expended under direction of the Secretary of War.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ADDITIONAL CIRCUIT JUDGE IN SECOND CIRCUIT.

Mr. PLATT of New York. I ask unanimous consent for consideration at this time of the bill (S. 1178) providing for an additional judge in the second judicial district.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SOUTHERN APPALACHIAN MOUNTAIN RESERVE.

The bill (S. 492) for the purchase of a national forest reserve in the Southern Appalachian Mountains was announced as next in order.

Mr. CLAY. I expect that bill had better go over until the Senator from North Carolina [Mr. PRITCHARD], who reported it, comes in.

Mr. LODGE. Let it go over, retaining its place.

The PRESIDENT pro tempore. The bill will be passed over, retaining its place on the Calendar.

MILLE LAC CHIPPEWA INDIANS IN MINNESOTA.

The bill (S. 590) for the relief of the Mille Lac Chippewa Indians in the State of Minnesota was announced as next in order.

Mr. NELSON. The Senator from Connecticut [Mr. PLATT] desires that that bill shall go over for the present.

Mr. PLATT of Connecticut. A bill on this subject was reported last year, but I have not seen this bill, and I merely ask that it go over until the next time we go to the Calendar.

The PRESIDENT pro tempore. The bill will be passed over without prejudice.

REIMBURSEMENT OF THE STATE OF WYOMING.

The bill (S. 308) to reimburse the State of Wyoming for money expended by the Territory of Wyoming in protecting and preserving the Yellowstone National Park during the years 1884, 1885, and 1886 was announced as next in order.

Mr. LODGE. Let that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

ALBERT C. BROWN.

The bill (S. 1920) for the relief of Albert C. Brown was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to Capt. Albert C. Brown, master of the schooner *Alexandra*, $1,000 in full compensation for fitting out his vessel and rescuing and transporting from the southwest end of the island of Kadiak, Alaska, to Wood Island, Alaska, the crew of the American schooner *C. G. White*, which was wrecked on Kadiak Island April 13, 1895.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BRITISH SHIP FOSCOLIA.

The bill (S. 173) for the relief of the owners of the British ship *Foscolia* and cargo was considered as in Committee of the Whole. It proposes that the claim of the owners of the British steamship *Foscolia*, sunk by collision with the U. S. S. *Columbia* on the evening on May 28, 1898, near Fire Island light-ship, for and on account of the loss of the vessel and cargo, may be submitted to the United States district court for the southern district of New York, under and in compliance with the rules of the court sitting as a court of admiralty; and the court shall have jurisdiction to hear and determine and to render judgment thereupon; but the investigation of the claim shall be made upon the following basis: First, the said court shall find the facts attending the loss of the said steamship *Foscolia* and her cargo; and, second, if it shall appear that the responsibility therefor rests with the U. S. S. *Columbia*, the court shall then ascertain and determine the amounts which should be paid to the owners, respectively, of the *Foscolia* and her cargo, in order to reimburse them for the losses so sustained, and shall render a decree accordingly; and the amounts of the losses sustained by the master, officers, and crew of the *Foscolia* may be included in such decree.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CLAIMS OF CITIZENS OF NEVADA.

The bill (S. 165) to reimburse certain persons who expended moneys and furnished services and supplies in repelling invasions and suppressing Indian hostilities within the Territorial limits of the present State of Nevada was considered as in Committee of the Whole.

Mr. CULBERSON. I desire to ask the Senator from Nevada what is the aggregate amount carried by that bill?

Mr. STEWART. I have not figured it up, but it is not a large amount.

In 1860 there was an Indian war in Nevada, when the first volunteers went out, and some 60 or 70 of our men were called on. They were shut in by a storm in the mountain. Captain Stewart, with a company of the Regular Army, and Jack Hayes, with volunteers, got over there. It was impossible to bring any supplies over the mountains, and the people there furnished supplies to the Army. Under the rules which have been adopted where a volunteer force cooperates with a regular force the supplies are paid for. These supplies were taken. The claims have been investigated very particularly. The State authorized a board of examiners to examine all of these claims. They were some time in completing the examination, and when some of the claims were sent here a bill had passed as to others. They were all, including these, agreed to in the last omnibus claims bill which was passed, but the clerk in enrolling the bill took the first list which had been sent and left out those which are provided for in this bill. The bill has passed the Senate four or five times. There is no dispute about the supplies having been furnished or as to the justice of the claim. There has been no controversy about it.

Mr. CULBERSON. Is the Senator able to state about how much of an appropriation the bill carries?

Mr. STEWART. I have not footed it up, but it is about $25,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ROBERT D. M'AFEE AND JOHN CHIATOVICH.

The bill (S. 169) for the relief of Robert D. McAfee and John Chiatovich was considered as in Committee of the Whole. It proposes to release and discharge Robert D. McAfee and John Chiatovich from all obligation to the United States on account of the official bond executed by them on the 14th of February, 1890, as sureties for the late Elias B. Zabriskie, as melter and refiner of the United States mint at Carson City, Nev.

Mr. PETTUS. I should be obliged to the Senator from Nevada if he would explain the reason why these sureties ought to be relieved.

Mr. STEWART. I can do it in a moment. Zabriskie was a reputable citizen who was appointed melter and refiner of the United States mint at Carson City, Nev. His accounts were accepted, everything accounted for, and he was discharged from all liability. About ten days afterwards he died. About six months subsequent to that it was discovered that his assistant had been a defaulter, running back even to the time that Zabriskie was in office. The assistant was convicted and sent to the penitentiary. One of the sureties on the bond is insolvent, and the other is practically so. They are both really practically insolvent. One of them has some property, but it is very heavily mortgaged, and it will be impossible for the Government to obtain anything. Besides, the matter had run six months before there was an examination by the Government. There was no suspicion cast upon the character of Zabriskie, and there is no suspicion now that he was responsible for the defalcation. It was therefore thought by the committee to be a case where relief should be afforded. I think it is a very strong case, if we are to give relief in cases of this kind, and we do relieve many.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 8586) amending the act of March 2, 1901, entitled "An act to carry into effect the stipulations of article 7 of the treaty between the United States and Spain concluded on the 10th day of December, 1898," agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RAY, Mr. JENKINS, and Mr. LANHAM managers at the conference on the part of the House.

The message also announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 1200) granting an increase of pension to Oliver P. Goodwin;

A bill (H. R. 1324) granting an increase of pension to Charles N. Lee;

A bill (H. R. 1484) granting an increase of pension to Robert M. Scott;

A bill (H. R. 2620) granting a pension to Jennie A. McKinley;

A bill (H. R. 3229) granting a pension to Katherine R. A. Ogden;

A bill (H. R. 3266) granting an increase of pension to James Smith;

A bill (H. R. 6453) granting an increase of pension to Ida R. Siegfried;

A bill (H. R. 7343) granting an increase of pension to Martha V. Keenan; and

A bill (H. R. 8652) granting an increase of pension to Virginia Terrill.

EXECUTIVE SESSION.

Mr. ALLISON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened, and (at 4 o'clock and 5 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, February 19, 1902, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 18, 1902.

THIRD SECRETARY OF EMBASSY.

George Barclay Rives, of New Jersey, to be third secretary of the embassy of the United States at Berlin, to take effect March 13, 1902, vice Samuel Morrill, resigned.

COLLECTOR OF CUSTOMS.

Thomas V. McAllister, of Mississippi, to be collector of customs for the district of Vicksburg, in the State of Mississippi, to succeed Joseph H. Short, whose term of office will expire by limitation February 25, 1902.

REGISTER OF LAND OFFICE.

Frank D. Hobbs, of Utah, to be register of the land office at Salt Lake City, Utah, to take effect April 21, 1902, at expiration of his present term. (Reappointment.)

UNITED STATES DISTRICT JUDGE.

James P. Platt, of Connecticut, to be United States district judge for the district of Connecticut, vice William K. Townsend, promoted to be circuit judge for the second judicial circuit.

APPOINTMENTS IN THE ARMY.

To be brigadier-general.

Col. Francis L. Guenther, Artillery Corps, February 13, 1902, vice Merriam, retired from active service.

Artillery Corps.

James M. Fulton, at large, to be second lieutenant, January 24, 1902.

NOTE.—Mr. Fulton was nominated to the Senate February 3, 1902, for appointment as second lieutenant in the Infantry Arm, with rank from February 2, 1901, and was confirmed February 7, 1902.

This message is submitted for the purpose of renominating Mr. Fulton for appointment in the Artillery Corps, with rank from January 24, 1902.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 18, 1902.

POSTMASTERS.

William L. Trent, to be postmaster at Knoxville, in the county of Knox and State of Tennessee.

Charles S. French, to be postmaster at Lake Geneva, in the county of Walworth and State of Wisconsin.

Jorgen C. Jacobson, to be postmaster at Elroy, in the county of Juneau and State of Wisconsin.

James F. Wray, to be postmaster at Reidsville, in the county of Rockingham and State of North Carolina.

John W. C. Long, to be postmaster at Statesville, in the county of Iredell and State of North Carolina.

Edwin L. Ware, to be postmaster at Kings Mountain, in the county of Cleveland and State of North Carolina.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February 18, 1902.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

Mr. HITT, chairman of the Committee on Foreign Affairs, reported the bill (H. R. 11471) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1903; which was ordered printed, and referred to the Committee of the Whole House on the state of the Union.

Mr. RICHARDSON of Tennessee reserved all points of order on the bill.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

Sundry messages, in writing, from the President of the United States were communicated to the House of Representatives by Mr. PRUDEN, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills of the following titles:

On January 31, 1902:

H. R. 9342. An act to amend the code of law for the District of Columbia, approved March 3, 1901; and

H. R. 10368. An act to provide for the removal of snow and ice from cross walks and gutters in the city of Washington, D. C.

On February 4, 1902:

H. R. 8759. An act to require cases of typhoid fever occurring in the District of Columbia to be reported to the health department of said District.

On February 7, 1902:

H. R. 3008. An act to authorize the city of Duluth, Minn., to construct and maintain, or cause to be constructed and maintained, a car transfer over the Duluth Canal, and for that purpose to occupy certain lands of the United States.

On February 14, 1902:

H. R. 8761. An act to declare the international railway bridge over the St. Lawrence River, near Hogansburg, N. Y., a lawful structure;

H. R. 4988. An act for the relief of Mary E. McDonald;

H. R. 4372. An act to regulate the collection of taxes in the District of Columbia; and

H. R. 9315. An act making appropriation to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1902, and for prior years, and for other purposes.

On February 15, 1902:

H. R. 10076. An act to receive arrearages of taxes due the District of Columbia to July 1, 1900, at 6 per cent per annum, in lieu of penalties and costs.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 2947. An act granting an increase of pension to Elizabeth A. Shaw—to the Committee on Invalid Pensions.

S. 577. An act granting an increase of pension to Joseph W. Burch—to the Committee on Invalid Pensions.

S. 3522. An act to increase the pension of certain Mexican war pensioners to $12 per month—to the Committee on Pensions.

S. 3388. An act granting an increase of pension to John L. Peterson—to the Committee on Invalid Pensions.

S. 1942. An act granting an increase of pension to Kate H. Clements—to the Committee on Pensions.

S. 3553. An act granting an increase of pension to Mary A. Van Wormer—to the Committee on Pensions.

S. 2508. An act granting an increase of pension to Pauline Lowe Murphy—to the Committee on Pensions.

S. 450. An act for the erection of a public building at Selma, Ala.—to the Committee on Public Buildings and Grounds.

S. 3204. An act granting an increase of pension to Mary T. Bruce—to the Committee on Pensions.

S. 1800. An act granting an increase of pension to Jennie C. Ruckle—to the Committee on Invalid Pensions.

S. 721. An act granting an increase of pension to Lavalette D. Dickey—to the Committee on Invalid Pensions.

S. 3064. An act granting an increase of pension to Emma Sophia Harper Cilley—to the Committee on Pensions.

S. 3424. An act granting an increase of pension to Minnie E. King—to the Committee on Pensions.

S. 2100. An act granting an increase of pension to John McGrath—to the Committee on Pensions.

S. 3393. An act granting a pension to William P. Arble—to the Committee on Pensions.

S. 3482. An act granting an increase of pension to Ida C. Emery—to the Committee on Invalid Pensions.

S. 2643. An act granting an increase of pension to Peter C. Cleek—to the Committee on Invalid Pensions.

S. 2815. An act granting an increase of pension to William S. Derby—to the Committee on Invalid Pensions.

S. 2422. An act granting an increase of pension to John W. Burnham—to the Committee on Invalid Pensions.

S. 1933. An act granting a pension to Ella Bailey—to the Committee on Invalid Pensions.

S. 2398. An act granting an increase of pension to George W. Myers—to the Committee on Invalid Pensions.

S. 8. An act granting a pension to Mrs. George Leonard Andrews—to the Committee on Invalid Pensions.

S. 3036. An act granting an increase of pension to Jason L. Leighton—to the Committee on Invalid Pensions.

S. 1041. An act granting a pension to Abbie M. Packard—to the Committee on Invalid Pensions.

S. 2867. An act granting an increase of pension to John A. Hazelton—to the Committee on Invalid Pensions.

S. 1135. An act granting an increase of pension to Thomas J. Stowers—to the Committee on Invalid Pensions.

S. 2930. An act granting an increase of pension to Franklin B. Delaney—to the Committee on Invalid Pensions.

S. 2013. An act granting an increase of pension to Sidney Leland—to the Committee on Invalid Pensions.

S. 3559. An act granting an increase of pension to George E. Houghton—to the Committee on Invalid Pensions.

S. 2923. An act granting an increase of pension to Elizabeth Floyd Sicard—to the Committee on Invalid Pensions.

S. 3284. An act granting a pension to Gilbert P. Howe—to the Committee on Invalid Pensions.

S. 2767. An act granting an increase of pension to Albert D. Scovell—to the Committee on Invalid Pensions.

S. 2049. An act granting an increase of pension to Franklin Taylor—to the Committee on Invalid Pensions.

S. 2394. An act granting an increase of pension to Sybil F. Hall—to the Committee on Invalid Pensions.

S. 3269. An act granting an increase of pension to Jane E. Tompkins—to the Committee on Invalid Pensions.

S. 3328. An act granting an increase of pension to Heber C. Griffin—to the Committee on Invalid Pensions.

S. 1967. An act granting an increase of pension to Andrew J. Freeman—to the Committee on Invalid Pensions.

S. 3054. An act granting an increase of pension to Alice De K. Shattuck—to the Committee on Invalid Pensions.

S. 3322. An act granting an increase of pension to Joseph M. Clough—to the Committee on Invalid Pensions.

S. 3329. An act granting an increase of pension to Annie McElheney—to the Committee on Invalid Pensions.

S. 3257. An act granting an increase of pension to Elizabeth K. Prescott—to the Committee on Invalid Pensions.

S. 3258. An act granting a pension to Simon Partridge—to the Committee on Pensions.

S. 3072. An act granting a pension to Oliver Gisborne—to the Committee on Pensions.

S. 1641. An act granting an increase of pension to Frank J. Clark—to the Committee on Invalid Pensions.

S. 3097. An act granting an increase of pension to Joseph A. Nunez—to the Committee on Invalid Pensions.

S. 2929. An act granting an increase of pension to Jacob Barton—to the Committee on Invalid Pensions.

S. 3213. An act granting a pension to Anna J. Thomas—to the Committee on Invalid Pensions.

S. 2802. An act granting a pension to Martha R. Osbourn—to the Committee on Invalid Pensions.

S. 628. An act granting a pension to Annie E. Taggart—to the Committee on Invalid Pensions.

S. 502. An act granting a pension to Alexander Beachboard—to the Committee on Invalid Pensions.

S. 1139. An act granting a pension to Abby Clark McNett—to the Committee on Invalid Pensions.

S. 1331. An act granting a pension to Ann Eliza Trout—to the Committee on Invalid Pensions.

S. 1626. An act granting an increase of pension to Michael Samelsberger—to the Committee on Invalid Pensions.

S. 508. An act granting an increase of pension to Adelaide Worth Bagley—to the Committee on Pensions.

S. 3157. An act granting an increase of pension to Rhody Ann Bradshaw—to the Committee on Pensions.

S. 462. An act granting an increase of pension to Sallie Demonbrun—to the Committee on Invalid Pensions.

S. 2531. An act granting an increase of pension to William H. H. Scott—to the Committee on Invalid Pensions.

S. 1467. An act granting an increase of pension to Cynthia A. McKenny—to the Committee on Invalid Pensions.

S. 713. An act granting a pension to Frances E. Stebbins—to the Committee on Invalid Pensions.

S. 3026. An act granting an increase of pension to Marie U. Nordstrom—to the Committee on Invalid Pensions.

S. 1289. An act granting an increase of pension to Julius W. Clark—to the Committee on Invalid Pensions.

S. 2732. An act granting an increase of pension to Marie J. Smyth—to the Committee on Invalid Pensions.

S. 2692. An act granting an increase of pension to Lucy W. Smith—to the Committee on Pensions.

S. 3403. An act granting an increase of pension to George M. Emery—to the Committee on Invalid Pensions.

S. 3820. An act granting an increase of pension to Warren B. Nudd—to the Committee on Invalid Pensions.

S. 1453. An act authorizing the appointment and retirement of William B. Franklin with the rank of colonel, United States Army—to the Committee on Military Affairs.

S. 2877. An act to remove the charge of desertion standing against the record of Thomas Blackburn—to the Committee on Military Affairs.

S. 1256. An act to remove charge of desertion from the military record of Stephen A. Toops—to the Committee on Military Affairs.

S. 636. An act to remove the charge of desertion against David A. Lane—to the Committee on Military Affairs.

S. 690. An act to correct the military record of Talton T. Davis—to the Committee on Military Affairs.

S. 1681. An act granting an increase of pension to Maria Louisa Michie—to the Committee on Invalid Pensions.

S. 469. An act granting an increase of pension to Hiram H. Kingsbury—to the Committee on Invalid Pensions.

S. 1748. An act granting an increase of pension to Williamanna E. Lynde—to the Committee on Invalid Pensions.

CHARLES N. LEE.

The SPEAKER laid before the House the bill (H. R. 1324) granting an increase of pension to Charles N. Lee, with a Senate amendment.

The Senate amendment was read.

Mr. SULLOWAY. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

TREATY OF THE UNITED STATES WITH SPAIN.

The SPEAKER laid before the House the bill (H. R. 8586) amending the act of March 2, 1901, entitled "An act to carry into effect the stipulations of Article VII of the treaty between the United States and Spain, concluded on the 10th day of December, 1898," with Senate amendments.

The Senate amendments were being read by the Clerk, when

Mr. JENKINS. Mr. Speaker, I move that the further reading of the amendments be dispensed with and that the House disagree to the Senate amendments and agree to the conference asked for by the Senate.

The motion was agreed to.

The SPEAKER appointed as conferees on the part of the House Mr. RAY of New York, Mr. JENKINS, and Mr. LANHAM.

OLIVER P. GOODWIN.

The SPEAKER laid before the House the bill (H. R. 1200) granting an increase of pension to Oliver P. Goodwin, with Senate amendments.

The Senate amendments were read.

Mr. LOUDENSLAGER. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

JAMES SMITH.

The SPEAKER also laid before the House the bill (H. R. 3266) granting an increase of pension to James Smith, with Senate amendments.

The Senate amendments were read.

Mr. LOUDENSLAGER. Mr. Speaker, I move that the House agree to the Senate amendments.

The motion was agreed to.

JENNIE A. M'KINLEY.

The SPEAKER also laid before the House the bill (H. R. 2620) granting a pension to Jennie A. McKinley, with Senate amendments.

The Senate amendments were read.

Mr. LOUDENSLAGER. Mr. Speaker, I move that the House agree to the Senate amendments.

The motion was agreed to.

ROBERT M. SCOTT.

The SPEAKER also laid before the House the bill (H. R. 1484) granting an increase of pension to Robert M. Scott, with a Senate amendment.

The Senate amendment was read.

Mr. LOUDENSLAGER. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

CATHERINE R. A. OGDEN.

The SPEAKER also laid before the House the bill (H. R. 3229) granting an increase of pension to Catherine R. A. Ogden, with Senate amendments; which were read.

Mr. LOUDENSLAGER. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

IDA R. SIEGFRIED.

The SPEAKER also laid before the House the bill (H. R. 6453) granting an increase of pension to Ida R. Siegfried, with a Senate amendment; which was read.

Mr. LOUDENSLAGER. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

VIRGINIA TERRILL.

The SPEAKER also laid before the House the bill (H. R. 8652) granting an increase of pension to Virginia Terrill, with a Senate amendment; which was read.

Mr. LOUDENSLAGER. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

MARTHA V. KEENAN.

The SPEAKER also laid before the House the bill (H. R. 7343) granting an increase of pension to Martha V. Keenan, with Senate amendments; which were read.

Mr. LOUDENSLAGER. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

INDIAN APPROPRIATION BILL.

Mr. SHERMAN. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the bill (H. R. 11353) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1903, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. MONDELL in the chair, and proceeded to the consideration of the bill.

Mr. SHERMAN. Mr. Chairman, I would like to ask my colleague on the committee, the gentleman from Arkansas [Mr. LITTLE], what his desire is in reference to general debate, so that we may, if possible, agree upon some fixed time for closing such debate.

Mr. LITTLE. Mr. Chairman, I have a number of requests from gentlemen who desire to indulge in general debate—in some cases germane to the bill, and in others, of course, not. I suggest that we have two days of general debate.

Mr. SHERMAN. The gentleman thinks we could not get along with less time than that?

Mr. LITTLE. I hardly think so.

Mr. SHERMAN. Then I ask unanimous consent that to-day and to-morrow be devoted to general debate on this bill, and that immediately after the reading of the Journal on Thursday next this bill be taken up for consideration by sections under the five-minute rule.

Mr. LITTLE. That is entirely satisfactory.

The CHAIRMAN. Unanimous consent is asked that to-day and to-morrow be given to general debate on the pending bill, and that immediately after the reading of the Journal on next Thursday the bill be taken up for consideration under the five-minute rule. Is there objection? The Chair hears none.

Mr. SHERMAN. I understand that many gentlemen on both sides of the House desire to speak in the course of the general debate on subjects that do not relate to the Indian bill. As the few remarks that I desire to make will be confined to that subject exclusively, I do not care to make them now. I prefer to make them when the bill is about to be considered. I therefore desire now to reserve my time, to be used later.

Mr. Chairman, I do not know that I included in my request—if I did not, I will make the request now—that the time for general debate be controlled on the other side by the gentleman from Arkansas [Mr. LITTLE] and on this side by myself.

The CHAIRMAN. If there be no objection, it will be so ordered. The Chair hears no objection.

Mr. SHERMAN. Does the gentleman from Arkansas desire to occupy some time now? I understood that he did.

Mr. LITTLE. Yes, sir.

Mr. SHERMAN. Then he can take the floor at once.

The CHAIRMAN. Does the gentleman from New York [Mr. SHERMAN] desire to dispense with the reading of the bill at this time?

Mr. SHERMAN. I do. I ask unanimous consent to dispense with the second reading of the bill.

The CHAIRMAN. Is there objection to the request of the gentleman from New York? The Chair hears none.

Mr. LITTLE. I now yield thirty minutes to the gentleman from Texas, Mr. BURLESON.

Mr. BURLESON. Mr. Chairman and gentlemen of the committee, the remarks I propose to submit on this bill are not exactly germane, but, incidentally, I may attempt to toy with the scalp lock of the opposition party with a tomahawk in real aboriginal style.

I regret exceedingly that the amendments offered by the gentleman from Wisconsin [Mr. BABCOCK] failed of a sufficient vote in the Ways and Means Committee to tack them on to the bill that passed yesterday. Not that they would have stood any chance of being enacted into law, because if those amendments had been tacked on to that bill we would have had an entirely different rule brought before this body and submitted to it for consideration; but I was anxious to have them ingrafted upon that bill in order to accentuate the position or attitude of the Republican party toward what are commonly called trusts.

And in this connection, and on this subject of the relation of trusts to the dominant party, I desire to submit a few observations.

Mr. Chairman, this is a most wonderful country of ours, and startling changes are constantly taking place, and I now direct your attention to a recent one which was quickly but none the less completely and radically wrought. It is well known to all that after the election in 1900 the trusts and illegal combinations of aggregated capital quietly settled themselves down to what was accepted by them as a guaranty of four years more of uninterrupted loot and pillage of the people. Judging by the past, they had a perfect right to expect this. This condition obtained until some time in the late summer or early fall of 1901. And candor compels me to say that in the meantime the trusts were not being disappointed in their expectations, for they were being given practically unbridled license to do as they would.

About this time a strenuous man, for reasons satisfactory to himself, proceeded to Minneapolis, in the State of Minnesota, and there delivered himself of a speech. In the course of this speech he used these significant words, speaking of trusts. I read:

> We shall find it necessary in the future to shackle cunning as in the past we have shackled force. * * * The vast individual and corporate fortunes, the vast combinations of capital which have marked the development of our industrial system, create new conditions and necessitate a change from the old attitude of state and nation toward property.

This was pointed language, spoken in an emphatic way. Did it alarm or startle the trusts? Oh, no. The strenuous one was only the occupant of an obscure office and was in no position to menace their interests or even temporarily interrupt their acts of spoliation practiced under laws enacted to favor them by the dominant political party which they had so often favored.

Mr. HAMILTON. I would like to ask the gentleman whether he knows of any trust organized under any Federal law?

Mr. BURLESON. If the gentleman is not aware of the existence of trusts in this country at this time——

Mr. HAMILTON. I did not question that.

Mr. BURLESON. I have no hope of being able to enlighten him, and abandon him as a hopeless task.

Mr. HAMILTON. I did not ask the gentleman that question. I asked him to answer me whether he knew of any trust organized under any Federal law?

Mr. BURLESON. I know of laws that the dominant party could enact to throttle great monopolies and trusts, if they had the will and desire to do it.

Mr. HAMILTON. Do you know of any trusts organized under any Federal law?

Mr. BURLESON. I will open a kindergarten for the instruction of the gentleman, if it becomes necessary; but I decline to be interrupted in this way and at this time.

Mr. HAMILTON. Open the kindergarten now.

Mr. BURLESON. I do not wish to be interrupted now. The gentleman knows I have only a limited time.

Mr. HAMILTON. Do you know of any trust organized under any Federal law?

Mr. BURLESON. I should be glad to enlighten the gentleman from Michigan and also the gentleman from Minnesota upon this question, but I do not want to do it in the limited time which I have to discuss this.

Mr. BLACKBURN. Take a day.

Mr. HAMILTON. Name just one trust organized under a Federal law—mention one.

Mr. BURLESON. Well, if the gentleman is so densely ignorant of the conditions in this country that he does not know of the existence of trusts, I have no hope of enlightening him.

Mr. HAMILTON. Is the gentleman sufficiently well informed to inform me?

Mr. BURLESON. I decline to be further interrupted.

The CHAIRMAN. The gentleman from Texas declines to yield.

Mr. HAMILTON. I want to know the name of a single trust organized under any Federal law.

Mr. BURLESON. I have declined to be interrupted by the gentleman.

Mr. WILLIAMS of Mississippi. There are a dozen trusts organized under the tariff law that could not exist without it.

Mr. BURLESON. I can suggest to the gentleman laws that would remedy these evils.

Mr. HAMILTON. What laws?

Mr. BURLESON. A revision of the tariff, for one, along lines suggested by a member of your own party, Mr. BABCOCK, of Wisconsin.

But to resume, Mr. Chairman, the leaders of this political party knew the power and influence of trusts, the trusts knew they knew it, and feared not. But this emphatic and apparently honest statement made by the strenuous one fastened the attention of the country at large, and especially the victims of trust manipulations, and in their sore distress they cried out, "Oh, if the strenuous one could only be given an opportunity!" With his great ability, his keen insight into actual conditions, with his honest desire to correct these admitted evils, with the apparent courage to utilize his ability for the accomplishment of his desire, the very thought of it brought cheer to the honest farmers of this country, the one class who never ask special favors at the hands of their Government, but who are at present being victimized by the trusts to the extent of being compelled to pay from 40 to 300 per cent more for their agricultural implements than the same articles, manufactured by the same concerns, can be bought for in the foreign territory adjoining us on the north or southwest. [Applause on the Democratic side.]

The suggestion that this cunning could be shackled was a solace and comfort to the mercantile classes throughout the Middle West and Southwest, who were struggling under the exactions of a powerful and voracious railroad combine. The great mass of wage-earners who by reason of trust exactions are groaning under the burden of paying considerably more than double the price for their food supplies than they were paying three years ago heard the voice of the "strenuous one" and believed that they were permitted a gleam of hope that an era might dawn which could bring them relief. Ah, if the "strenuous one" could only be given an opportunity!

The ways of Providence are inscrutable, for, lo, through the happening of a deplorable tragedy at Buffalo, N. Y., on September 6-14 the opportunity unexpectedly came. For a time all our people were overwhelmed with sorrow, but from amidst the pall of grief which enshrouded our country at least one ray of light was to be seen. In the limitless quantities of bitter there was to be found a little sweet. The opportunity to shackle trusts had come.

The "strenuous one" will now proceed to place the gyves upon cunning, as in the past shackles had been placed on force. Of course, as a means for carrying into effect this laudable purpose, he will utilize the services of the Department of Justice to strike down these giant monopolies and trusts which have been for so long preying on a helpless people. Of course he will first carefully overlook the entire field and select an able lawyer for Attorney-General of the United States; a lawyer whose training has been such that he will be in thorough sympathy with this praiseworthy design. This great lawyer shall be his strong right arm—the honest blacksmith, as it were—to fashion the shackles and gyves that the "strenuous one" had determined to place on cunning trust barons and shrewd monopolists, who through their greed and avarice were distressing the people.

Who is to be selected to fill this important post? Great caution must be exercised. No mistake must be made. There was some delay. The strenuous one, anxious to select the right man, concluded, maybe (out of an abundance of caution), to take counsel of his party leaders. It is true, just at this time he was surrounded by many newly acquired friends, and, it may be, he sought advice of his national chairman, or, perchance, the easy boss of New York was consulted. Whether so or not, we will never know, but when he acted all America was disappointed to learn that he had decided to retain a corporation lawyer, a trust attorney, to play the rôle of brawny blacksmith to weld the shackles for cunning trust magnates he had so long and so faithfully served. In effect, the wolf had been selected to care for and protect the sheep. [Applause on the Democratic side.]

Time rolls on, and before Congress had convened some of the most colossal aggregations of capital are effected. Trusts now invaded many industrial lines. Finally, a railroad combination is attempted so palpably monopolistic in character that a Republican governor of one of the sovereign States of the Northwest felt that protest must be made; that some action must be taken in the interest of the people. It was not surprising that the brawny blacksmith remained inactive, but, strange as it may seem, for some reason—which is plain to me—the strenuous one had also become quiescent.

Some thought that he had discovered that existing laws did not furnish adequate authority to adjust the shackles he had so bravely and honestly spoken of using. Some thought he waited to communicate with Congress in the method prescribed by our organic law and tell us what he had ascertained and ask for additional authority; some thought other reasons existed in explanation of his conduct, but no one dreamed of the change which had been actually wrought.

Finally the day comes. Congress is in session. The strenuous one sends in his message. Now we are to know why he has been so pitifully quiescent. And lo! when the tale has been told we find that the strenuous one, who was to shackle the cunning trusts, when the opportunity came to carry into effect the declarations so courageously made, had been unable to discover any monopolists or trust barons, but only could see "captains of industry." Permit me to read from this message, in order that I may do him no injustice.

Speaking of trusts, he says:

> The creation of these corporate fortunes has not been due to the tariff nor to any other governmental action, but to natural causes in the business world, operating in other countries as they operate in our own.
>
> The process has aroused much antagonism, a great part of which is wholly without warrant. It is not true that as the rich have grown richer the poor have grown poorer. On the contrary, never before has the average man, the wage worker, the farmer, the small trader, been so well off as in this country and at the present time. There have been abuses connected with the accumulation of wealth, yet it remains true that a fortune accumulated in legitimate business can be accumulated by the person specially benefited only on condition of conferring immense incidental benefits upon others. Successful enterprise, of the type which benefits all mankind, can only exist if the conditions are such as to offer great prizes as the rewards of success.
>
> The captains of industry who have driven the railway systems across this continent, who have built up our commerce, who have developed our manufactures, have, on the whole, done great good to our people. Without them the material development of which we are so justly proud could never have taken place. Moreover, we should recognize the immense importance to this material development of leaving as unhampered as is compatible with the public good the strong and forceful men upon whom the success of business operations inevitably rests.

How very tame and, if I wanted to indulge in strong language, I might say cringing as compared with the aggressive and courageous declarations made at Minneapolis only three short months before. I will read again his declaration at Minneapolis in order that you may appreciate the striking contrast:

> We shall find it necessary in the future to shackle cunning as in the past we shackled force. * * * The vast individual and corporate fortunes, the vast combinations of capital which have marked the development of our industrial system create new conditions and necessitate a change from the old attitude of State and nation toward property.

But this was not enough, for by way of making known his complete surrender, or rather, to be charitable, I will say by way of evidencing an abandonment of all hostility on his part toward trusts he has recently named the son of "the captain" of the "captains of industry" to speak the humiliation of republican America at

the coronation of an Emperor and King whose government is now endeavoring to destroy every vestige of republicanism on the dark continent. But, gentlemen, as I have said before, the strenuous one is not blamable. He is environed by a political organization which is owned, body and soul, by the trusts. Nothing else could be expected. And why do I say this?

We all know that a child if taken when it is an infant can be taught that even a green snake is the source of all power, and the child can be made to believe that it actually controls its destiny, and I do not care afterwards how much you may educate that child it can never shake off entirely the effect of its early teachings and environments. It will always feel a superstitious dread of the green snake.

The trouble in this case is the strenuous one is a Republican, he is environed by the Republican party, which is directed and controlled by trusts. This party has looked to trusts and monopolies so long for support and asssistance, turning its back upon the people, that now notwithstanding the strenuous one honestly desired "to shackle cunning," when the opportunity came these old influences were immediately thrown around him and he found himself overcome. He now knows the power of trusts; he now knows their influence; he has been taught it by those who surround him. He is a Republican; his environments control him. He still worships the green snake. As I have said, I have no harsh words for him, only pity, because of the resultant consequences of his most deplorable surroundings. As far as trusts are concerned, henceforth he is blind, he can not see; he is deaf, he can not hear.

Gentlemen of the dominant party, permit me to say to you that you are intoxicated with your present power: you have become recklessly indifferent to the wishes of the people. Listen to what I say. The people are at last awakening to true conditions. You have reached the point where you are anxious to trim, to evade, to dodge, and the people know it. During this Congress there will be no revision of the tariff, there will be no interference with the continued reign of the trusts. The trusts have so willed it. Now, mark the prophecy: These issues will bring about your undoing. Already a storm is gathering in the West. The gentleman from Wisconsin [Mr. BABCOCK], who has been on the watch-tower for the Republican party for eight years, as chairman of the Republican Congressional Committee, has sounded a note of warning, which has been echoed in effect by the present governors of Iowa and Minnesota, both Republicans, but it will avail naught. You are joined to your idols; you are true Republicans; you know the power of trusts; they know your venality. This tells the whole story. [Loud applause on the Democratic side.]

Mr. HILL. Mr. Chairman, if any excuse whatever was necessary to bring before this House a discussion of the financial bill, I think that it would be found in the last message which William McKinley sent to Congress. I will read from it:

> It will be the duty, as I am sure it will be the disposition of the Congress, to provide whatever future legislation is needed to insure parity under all conditions between our two forms of metallic money, silver and gold.

That was the last utterance William McKinley ever made to the Congress or the American people on the money question. I propose, in view of that message, to take up now for consideration and explanation, as well as I may, House bill 7645, to maintain the legal-tender silver dollar at parity with gold and to increase the subsidiary coinage, which stands No. 1 on the Union Calendar.

In June, 1878, prior to resumption of specie payments, this country had 900,000 legal tender silver dollars and $71,700,000 of subsidiary coin.

The ratio between gold and silver was then 17.94 to 1, and our stock of gold was $213,199,977.

On November 1, 1893, the purchase clause of the Sherman Act was repealed amid gloom, disaster, and panic, brought on by a well-grounded fear of silver redemption of coin obligations. Our legal-tender silver had then increased to $392,695,785. Our subsidiary coin to $76,960,353 in amount, but fallen off in per capita from $1.36 to 98 cents.

Our stock of gold at the end of the fiscal year was $597,697,685, and the ratio between gold and silver was then 26.49 to 1.

From that day to this we have steadily and persistently continued to coin more dollars which the people do not want and will not circulate, and with the exception of twenty millions refused to coin subsidiary, which the people do want and will keep in circulation.

On January 1, 1902, the legal-tender silver dollars amounted to $532,955,428, and subsidiary coin to $91,975,381. The ratio between gold and silver this year has been about 35 to 1. Fortunate indeed is it that our stock of gold has risen to $1,176,172,153, and saved us from the otherwise inevitable results of our own mistakes.

The present bill proposes to frankly recognize the errors of the past, to stop now in the path we have been pursuing, and which our own judgment and the experience of every gold-standard nation in the world tell us is the wrong one, and manfully taking up the burden which we have put upon ourselves, retrace our steps to the sure and firm ground of financial safety and national honor.

It proposes to do this first by stopping now, and I trust forever, the compulsory coinage of full legal-tender silver dollars.

That any person could object to the exchangeability of silver and gold because of some fancied danger, and at the same time insist upon the continued coinage of the dollar, is to me most amazing. I congratulate our friends in the minority that after a six years' struggle with a simple problem in economics they have now abandoned their old theory that legal-tender silver could be maintained under free and unlimited coinage at a parity with gold, and in their report on page 3 have announced that such dollars "never can go to a discount so long as they are limited in number." What limit? By whom made? With what relation to the whole volume of currency? If they will struggle on for six years more they will get down to the elementary truth that the only way by which any forms of money can be maintained at parity is by redemption or exchangeability at the will of the holder.

The fact that we were forced to the gold redemption of greenbacks, notwithstanding that they had been limited for years to an amount far below that of the silver dollars, should give the advocates of this fallacy food for thought.

I presume the advance already made, however, accounts for the fact that no objection is urged in the minority report to this provision of the bill.

In his recent report the Director of the Mint says:

> No good reason appears why the coinage of dollar pieces should not altogether cease and the entire stock of bullion be used for subsidiary coin.

This opinion is fortified by the remarkable fact that the United States is the only gold-standard independent nation in the world to-day that continues to coin a legal-tender silver dollar or silver piece of similar size and value.

There are many things in which this nation leads the world, but to be champion of an economic heresy is a distinction of which we have little reason to be proud.

Referring to the table in the majority report, showing the monetary systems and approximate stocks of money in the principal countries of the world, it will be seen that Great Britain, Austria, Japan, Russia, Norway, Sweden, Spain, Switzerland, Servia, Roumania, Portugal, Finland, Egypt, Denmark, Cuba, the South African Republic, Cape Colony, Canada, and Australia have now not a single dollar of legal-tender silver in circulation, and Germany is recoining hers into subsidiary coin as rapidly as possible, and under the law passed last year will have it all so changed within ten years.

Under these circumstances is it not at least worth while for the United States to stop and think?

The second proposition of the bill is that the bullion remaining in the Treasury shall be minted into subsidiary coin. Either this must be done or new bullion must be purchased, for the demand for that form of money is imperative and must be met.

The situation is plainly shown in a letter recently written by Hon. George E. Roberts, Director of the Mint. He says:

> The facts of the situation, briefly stated, are that prior to the passage of the act of March 14, 1900, the total stock of subsidiary coin in the country was limited to $80,000,000, and by that act the limit was raised to $100,000,000. The demand for subsidiary coin during the past two years has been very heavy, and the total stock in the country is now nearly $92,000,000, almost all of which is outside the Treasury in active circulation.
>
> It seems quite probable that unless this Congress takes some action to again raise the limit, the entire amount authorized will be absorbed before another Congress can act, and the Treasury will be unable to meet the legitimate wants of trade. It is therefore of urgent importance that some measure be passed by the Fifty-seventh Congress, and, if practicable, during the present session, to relieve the situation. It scarcely need be said that nothing can be more annoying or embarrassing in business circles than to be unable to make change.
>
> There is no gainsaying or arguing against the demand for subsidiary coin. The business men call for it because they want it, and when they call for it are exceedingly annoyed if unable to obtain it. No reason exists why their needs should not be completely supplied, and it is unwise and inconsiderate to neglect the situation and not allow the Treasury to provide for their constantly growing requirements.

The Secretary of the Treasury in his report has referred to the situation, and made the definite recommendation that the limit of the stock be raised from one hundred to one hundred and twenty million, and I know, from personal conference with him, that he has no objection to the limits being entirely removed and thinks that would be the preferable policy.

The objection to limiting the stock of subsidiary coin to $120,000,000 is that it will surely be necessary within three or four years to take further action. It is only two years since the limit was raised from eighty to one hundred million and no good reason exists why the supply of so important a tool of trade shall be strictly limited. If when legislation is asked on short notice it should for any reason be obstructed or delayed, serious embarrassment might result. There is no way in which the discretion vested in the Secretary of the Treasury can be exercised to the

detriment of the public, and it would appear from every consideration better to provide for a series of years.

I can add nothing to this statement as to the necessity for some action. The only question is, What action? And my reply, and I think that of every man who gives the subject any consideration, is, Give the people all they want as long as it will remain in circulation. How much that will be can be best determined by comparisons with other nations.

In 1878 we had $1.36 per capita, and on January 1, 1901, we had only $1.12.

On January 1, 1901, Great Britain had in circulation $2.82; Austria Hungary, $1.57; Germany, $2.26, and under a law passed last year is now recoining her legal-tender silver up to an aggregate of $3.50 per capita, the balance of the legal tender having been sold as bullion; France, $1.54; Switzerland, $3.24; Denmark, $2.46; Sweden, $1.34; Japan, only 70 cents, but she, like Germany, on adopting the gold standard, called in all of the old legal-tender yen, sold 41,000,000 yen as bullion, and is recoining into subsidiary 27,500,000 yen as rapidly as possible, and Norway, $1.14.

It was the opinion of Horace White, of New York, expressed to the Coinage Committee, that the United States could float more subsidiary coin than Germany. My question was—

Germany will have about $3.50 per capita when their legal-tender silver is changed to subsidiary coin. Do you think it will be safe for us to figure on the same amount ultimately?
Answer. I think we can calculate on a larger percentage.
Question. Say $4?
Answer. Yes; I should think so.
Question. That would be $300,000,000 of subsidiary coin?
Answer. Yes.

But as a perfectly safe proposition let us take the average of all these countries, except Japan, and this would give $2.20 per capita, and this on the basis of our population January 1, 1902, would make $172,561,400 which this country would float, if our legislation would permit it to do so, with greatly increased satisfaction to the people and with corresponding relief to the Treasury.

It was the opinion of the Assistant Treasurer, C. N. Jordan, given to me a few days ago, that with the retirement of the one-dollar bills at least 60 per cent of the $70,000,000 now outstanding would be replaced by subsidiary coin. We have now of subsidiary $91,975,381. We have of bullion $40,283,086 worth, which would make of subsidiary coin $61,546,100, or a total when coined of $153,521,481, or nineteen millions less than the average of the other nations would call for; but as it would take at least five years to coin the bullion and as with the present growth of the country we should then have a population of 85,000,000, the per capita of subsidiary would be but $1.80, or very much below the average of the nations named.

In a word, we must have more subsidiary coin. To get it, we must either buy bullion or use what we have. The bill repeals the compulsory provisions of the war-revenue act and gives the Secretary of the Treasury power to use his discretion with reference to this matter, and further provides that when the stock of bullion is exhausted, if public necessity demands more, he shall recoin silver dollars into subsidiary coin to meet that demand. I regret that this latter contingency is so remote, for every dollar so recoined will give us a profit of 7 per cent at the same time that it lessens the danger to which we are exposed from the enormous volume of legal-tender silver dollars.

Precisely this is what other nations are doing, Japan and Germany selling part and recoining the balance, and the Latin Union, by the convention of 1898, entering upon the recoinage process to the extent of the following amounts:

	Francs.
France	130,000,000
Belgium	6,000,000
Italy	30,000,000
Switzerland	3,000,000

Holland has upon her statute books a law permitting the treasury to melt into bars and sell the coins minted prior to 1873, the declared purpose being to enable the Government to maintain the relative value of gold and silver in case of necessity.

I do not believe that this is necessary in our case, nor do I believe that the people of the United States would consent to the loss which would accrue, which, figuring only the difference between the nominal and actual value of the stock on hand on January 1, 1902, would be $285,664,110.

By the increase of our population, in less than a hundred years every dollar of it can be converted into limited tender, and meanwhile if the greenbacks are retired and proper precautions are used it can be safely carried.

I look forward to the time when the money of the United States, like that of our commercial rivals, Great Britain and Germany, and our future agricultural rival, Russia, will be gold as the legal tender, silver as the subsidiary coin, and bank notes and checks and drafts as the instruments of trade. Then deficits may come and surpluses may go, but the money of the people will be unchanged and unchangeable, and "maintenance of parity," "16 to 1," and the "Government in the banking business" will be traditions only.

When that time comes the world will be at our feet, for in every other element of superiority we have the advantage now.

So far as the quantity of legal-tender money is concerned no anxiety need be felt.

The increase in the world's stock of gold for the past ten years is but prophetic of its universal use as the world's medium of exchange in the years to come, for in the marts of commerce, as in the factory, the best tool is the cheapest and always will be chosen where choice is possible. The increase in our stock of gold for the past decade has been as follows:

January 1—	
1893	$597,697,685
1894	627,293,201
1895	636,229,825
1896	599,597,964
1897	696,270,542
1898	925,100,000
1899	945,800,000
1900	1,020,200,000
1901	1,110,800,000
1902	1,176,172,153

With such a stock of gold as this, why talk of an insufficient supply of legal tender, when the fact is that hardly 10 per cent of either gold or silver is in actual use, but only their paper representatives which possess no such quality, and one of the principal uses for the legal-tender paper which we do have is to draw from the Treasury nonlegal-tender bars of gold for international trade?

To all of the propositions thus far advanced I assume that the minority give their full assent, for in their dissenting views not one word is found concerning any of them, and if the proverb that "silence gives consent" was ever true, it must be in this case.

Assuming then, first, that the maximum limit of legal-tender silver has been fixed, and, second, that an automatic process has been provided by which the volume can be reduced and ultimately changed into a safe, desirable, and needed form of currency, the second clause of the bill looks squarely to its maintenance meanwhile, under all conditions, at parity with the standard of 25.8 grains of gold, by exchangeability therefor, at the will of the holder.

This is based on the plain proposition that a Government ought not to issue a single dollar which the citizen can be forced to accept, unless it will itself accept it in return in exchange for the dollar which it has itself prescribed as the standard.

Let us first see what the relation of the silver dollar is to our currency system now. Under section 3529, Revised Statutes, pennies and nickels are made exchangeable, each for the other, and both redeemable in lawful money in sums of $20 or more. By the law of June 22, 1874, silver coins, in excess of $100 in amount, shall be exchanged for gold coin at the mints and the New York assay office. By the law of June 9, 1879, the Treasurer and assistant treasurer are required to exchange subsidiary coin in sums of $20 and multiples thereof for lawful money, or to exchange lawful money for subsidiary coin on demand of the holder.

By the act of August 7, 1882, the Treasury is directed to transport free of charge silver coins on request and on deposit of like amount of coin or currency in the Treasury.

By the act of May 26, 1882, gold bars are exchangeable for gold coin.

By the act of March 14, 1900, United States notes and Treasury notes are redeemable in gold.

Under section 3700, Revised Statutes, the Secretary of the Treasury can buy coin (gold or silver) at such rates and upon such terms as he may deem most advantageous to the public interest and pay in exchange therefor any bonds or notes of the United States authorized by law

Of course gold and silver certificates are exchangeable for the respective metals.

So that pennies, nickles, subsidiary, paper, and even gold coin all have a redeemer, except the silver dollar; but this half and half of value and promise must stand alone, trusting in God and the Republican party, to maintain itself at parity with other legal-tender money. And yet we call this a gold-standard nation.

I do not think that there is a man on either side of this House who believed, after the campaign of 1896, that the overwhelming victory then secured for sound money was to end with a declaration only for the gold standard, and with it the permanent retention in our monetary system of 346,000,000 demand notes and 573,000,000 silver dollars, and yet, while the position of the greenback has been strengthened and that of the silver weakened by the act of March 14, 1900, both still remain a menace and a hindrance to a real currency reform.

The proposition now before the House is not a new one. On the 12th of January, 1897, a convention assembled in Indianapolis, and 26 States were represented. Its one purpose was a reform in

the currency. A commission was appointed to prepare a measure for presentation to Congress. It consisted of George F. Edmunds, of Vermont; Charles S. Fairchild, of New York; C. Stuart Patterson, of Pennsylvania; John W. Fries, of North Carolina; Thomas G. Bush, of Alabama; George E. Leighton, of Missouri; Stuyvesant Fish, of New York; William B. Dean, of Minnesota; Robert S. Taylor, of Indiana; J. Laurence Laughlin, of Illinois; Louis A. Garnett, of California. The entire year was spent in patient investigation.

Thousands of circular letters were sent out with a series of inquiries on every branch of the subject, and numerous meetings were held for consultation, and on January 3, 1898, their conclusions were given to the public, and at once a bill embodying them was introduced in Congress by Hon. JESSE OVERSTREET.

It provided for an unqualified adoption of the gold standard and for its maintenance, that no more silver dollars should be coined, the exchangeability of the silver dollar for gold, the retirement of the greenbacks, and for the sale of the bullion in the Treasury. Leslie M. Shaw, of Iowa, was president, and Henry C. Payne, of Milwaukee, a member of the executive committee of the convention which approved this report.

The bill failed to become a law, but these provisions received the approval of the majority of the Republican members of the Banking and Currency Committee, and in the second session of the Fifty-fifth Congress were embodied in another bill, except that the bullion was to be made into subsidiary coin instead of being sold.

This bill went to the Committee on Coinage, Weights, and Measures, and by the solid Republican membership was passed and put upon the Calendar of the House.

There it died a natural death, but prior to the adjournment of the Fifty-fifth Congress a Republican caucus of the House appointed a special committee to prepare a bill to be submitted to the Fifty-sixth Congress. That committee consisted of Hon. DAVID B. HENDERSON, Hon. SERENO E. PAYNE, Hon. JOHN DALZELL, Hon. JESSE OVERSTREET, Hon. W. S. Kerr, Hon. J. W. BABCOCK, Hon. PAGE MORRIS, Hon. W. C. LOVERING, Hon. E. F. LOUD, Hon. CHARLES CURTIS, Hon. R. B. Hawley. After two weeks' deliberation, they made a unanimous report to the caucus of the Fifty-sixth Congress, setting forth "that they did not seek to arrange a complete scheme of finance, but confined their recommendations to those subjects of most pressing demand, as evidenced by pledges of the Republican party," and expressed their "opinion that the most urgent subject was the question of a monetary standard and provision for its maintenance."

Among these provisions were the establishment of the gold reserve against the United States notes, fixing it at 25 per cent of the notes and 5 per cent of the silver dollars outstanding, which would make a total now of $122,855,884; authorized the exchangeability of the silver dollar for gold, and indeed all forms of money; removed the limit for subsidiary coin, and allowed the use of the Treasury bullion for such coinage.

That bill, with those provisions in it, received the vote of every Republican member of the House and of many Democrats besides. It went to the Senate, and came back here with a modified gold-standard declaration at the beginning, and at the end a statement that—

> The provisions of this act are not intended to preclude the accomplishment of international bimetallism whenever conditions shall make it expedient and practicable to secure the same by concurrent action of the leading commercial nations of the world and at a ratio which shall insure permanence of relative value between gold and silver.

And this statement was literally true, for into the very heart of the bill had been driven the continued and expedited coinage of the Treasury bullion. The authority to increase the subsidiary coin had been limited to $20,000,000, and even the discretionary power given to the Treasury to maintain the parity of the silver dollar by exchanging it for gold was stricken out, and such powers as were given by that act were limited to greenback redemption only, so that the silver dollar stands absolutely alone and unsupported to-day, and the Secretary of the Treasury, though directed to maintain the parity of all forms of money, has no lawful power given him to do it. The only way by which anyone has even claimed that parity could legally be maintained is by use of the redeemed greenback, under the term "for any lawful purpose" (and by section 3700, Revised Statutes, the exchange of greenbacks for silver would be lawful); but the trouble is that the language of the same section explicitly provides that—

> whenever and as often as any of said notes shall be redeemed from said fund it shall be the duty of the Secretary of the Treasury to use said notes so redeemed to restore and maintain such reserve fund in the manner following, to wit:
>
> First, by exchanging the notes so redeemed for any gold coin in the general fund of the Treasury; second, by accepting deposits of gold coin at the Treasury or at any subtreasury in exchange for the United States notes so redeemed; third, by procuring gold coin by the use of said notes, in accordance with the provisions of section 3700 of the Revised Statutes of the United States. If the Secretary of the Treasury is unable to restore and maintain the gold coin in the reserve fund by the foregoing methods, and the amount of such gold coin and bullion in said fund shall at any time fall below $100,000,000, then it shall be his duty to restore the same to the maximum sum of $150,000,000, and for the debt thus incurred to issue and sell—

bonds, etc., so that demands upon the reserve amounting to fifty millions more than the gold and notes in the current funds of the Treasury would render even this course impossible until a bond issue had been forced.

Furthermore, when this point is reached the Treasury has only come by an indirect and circuitous route to the result of restoring parity, when the direct and easy method of exchangeability would have prevented a panic in the beginning.

But it is said that this bill is more stringent in its provisions than the caucus measure which the House passed. Let us compare the two.

This bill directs the Secretary to maintain at all times the silver dollar at parity with gold by exchangeability of these two only at the Treasury (that means in Washington), and, in his discretion, the greenback reserve fund and all provisions of law for maintaining it are made available.

The language of the caucus bill was:

> The Secretary of the Treasury is authorized and required to use said reserve fund in maintaining at all times the parity and equal value of every dollar issued or coined by the Government, and if at any time the Secretary of the Treasury deems it necessary in order to maintain parity and equal value of all the money of the United States he may, at his discretion, exchange gold coin for any other money issued or coined by the United States.

The present bill covers legal-tender coin only, the caucus bill covered nonlegal-tender paper and even subsidiary coin. Both required the maintenance of parity. One authorized the method and provided a reserve, the other directs the thing itself, a reserve being now in existence larger by $28,000,000 than was then proposed. No better argument can be presented for the proposed plan than the language of the caucus report where they say:

> If such an emergency shall arise, it is best that the duty of the Government shall be clear. This will not increase the responsibility beyond the burden which now rests upon the Government. It will discharge the duty directly which is now met indirectly. Indeed, it is confidently believed that less embarrassment will follow the direct method. The demand for such exchange will be reduced in proportion as the certainty of the exchange is made manifest.

To all of which I say "Amen."

The bill as amended came back to the House, and became the law of March 14, 1900. Since that this proposition has received the unanimous Republican vote of the Committee on Coinage, Weights, and Measures in both the Fifty-sixth and Fifty-seventh Congresses, and a bill introduced by Hon. JESSE OVERSTREET, covering exchangeability of the silver dollar at the demand of the holder, received the Republican vote of the Banking and Currency Committee of the Fifty-sixth Congress and has again been introduced in the Fifty-seventh Congress, so that the principles involved in this bill have a very respectable indorsement.

It is needless to discuss now the reasons why the bill which passed the House in the Fifty-sixth Congress did not become a law. The act of March 14, 1900, while falling far short of what had been expected after the campaign of education in 1896, was still a distinct step forward, and, with an explicit declaration for the single gold standard written in the statutes, gave promise of better things. The only question is, Shall those things which are absolutely necessary to its maintenance be done now, or will Congress wait till another sore experience like 1893 compels such action? For the dangerous features of our system which existed then are still present, and, aside from the power to issue certificates of indebtedness to provide for deficiencies of revenue and the increase of gold, the Government machinery for meeting those dangers is less efficient than before.

You who think the endless chain is stopped examine your morning statements of Treasury operations and you will find that from resumption in 1879 to March 14, 1900, the average annual redemption of greenbacks was $23,759,409, and since that time in this floodtide of wonderful prosperity, with over three hundred millions of the gold in the Treasury owned by private parties through certificates, the greenback redemptions in gold have averaged $29,924,952 per year, so that instead of stopping or even clogging the endless chain it has only been made to work more smoothly. There is no room in a gold-standard system for fiat money. It must either be paid and canceled or the responsibility of its current redemption squarely assumed by the issuing power. You say it is dangerous to assume the redemption of the silver dollars. I concede it, but it is still more dangerous not to, for the danger exists all the time, and it is far safer to prepare for it in times of prosperity than to have it find us unprepared and helpless when adversity comes, as come it surely will.

The fiat in the silver dollar and the fiat in the paper dollar must both be treated alike. To say that "it will compel a large increase of the gold reserve" is to admit that the danger exists and that we are unprepared for it. To argue that "it will create a new endless chain" ignores the fact that the silver dollar is receivable for customs duties, and that paying silver into one door

of the Treasury has a worse effect upon the gold reserve than drawing gold out from another by greenback redemption. To claim that "the Government has the power to call an absolute halt to a raid upon its gold reserve by impounding the greenbacks and Treasury notes," as the minority do claim, simply shows that they have not read the law, for it explicitly states that only fifty millions can be so held and then the mill begins to grind again. To assert that "it will facilitate the exportation of gold" sets aside the simplest law of trade, that gold exports are governed by rates of exchange and interest charges, over neither of which the Government has any control, and that international balances must in the end be paid.

According to Gresham's law, cheap money will expel good from circulation, and for that reason the money of the wage-earner should be just as good as that which pays the foreign creditor. The minority claim that "it will cause the retirement of the silver dollars." If it would do this, more than half of our troubles would be gone, but I confess I utterly fail to see how exchangeability can have any effect upon quantity; but if by any legerdemain this result was achieved, it would only bring us to the goal which 19 other gold-standard nations of the world have reached after long struggles and severe losses with full legal-tender silver.

The final argument against exchangeability is that it is unnecessary, for "parity will be maintained by use." My reply is that the use of any legal-tender fiat money can only be compelled in the settlement of existing debts, and each new contract must be made with confidence in its ultimate redemption. That confidence once shaken, where possibility of choice exists, as it does here, it surely will be exercised, and that means ultimate disparity.

Limitation of quantity does not affect the quality of money. A counterfeit dollar is no better or no worse because there may be few or many of them. Let me cite an illustration of the difference between parity by use and parity by redemption. India was a silver-standard country. By the act of June 26, 1893, the mints of India were closed to the free coinage of silver and the volume practically limited now to $469,700,000, or a per capita of $1.58 against our $8.51. According to the law of limitation and use, the value should have remained unchanged, but instead of that great fluctuations occurred, "until the act 22 of 1899 passed by the governor-general in council gave legislative effect to the decision of the government to change the standard of the Indian monetary system from silver to gold." Now, as will be seen by the Mint report for 1901, page 382——

Mr. SHAFROTH. Will the gentleman allow me a question?

Mr. HILL. Yes; if I have the time.

Mr. SHAFROTH. Is the policy for which the gentleman contends required by law? Does not the Government retain the option of paying either gold or silver as it chooses?

Mr. HILL. Let us see about that. I say it does not make any difference whether the Government retains the power or not. It is doing this thing now and has done it ever since the gold standard was adopted.

Mr. SHAFROTH. Your bill requires the Government, does it not, to pay gold for silver?

Mr. HILL. Suppose that silver should go to a discount, would not the Government, if it had the power, be compelled to redeem it? It could not refrain from exercising this power. I say that the difference between the word "authorized" and the word "directed" does not make one particle of difference in the practical operation of this bill; and I am perfectly ready at any time when the bill comes up for consideration to accept an amendment changing the word "directed" into "authorized," feeling and knowing that it would make no practical difference in the operation of the bill.

"The Government for the present undertakes to receive from the public gold in exchange for rupees and rupees in exchange for gold at the rate of 15 rupees to the sovereign." Does anyone doubt that parity will continue with exchangeability and disappear at once when exchangeability stops? A year ago I cited the case of Porto Rico. Let me again call your attention to it. Up to 1895 they were using the Mexican dollar. For five years they had tried to maintain its nominal value by forbidding its importation and keeping it in use. But limitation and use alike were of no avail, and it went steadily down to 59 cents, and the necessaries of life went up in price proportionately.

The Porto Rican government then concluded that they would have a currency of their own, which would not be affected by the value of silver in the outside world, but which, exactly adjusted to the needs of trade among their own people, would thus maintain its parity by use. So they gathered in the Mexican dollars at 95 cents each and coined from these the Porto Rican peso or dollar, with less silver in it, and issued them at a dollar apiece in lieu of the Mexicans, which had all been withdrawn. It was a full legal tender, redeemable in nothing, exchangeable for nothing, exactly adjusted to the wants of the trade, for when the island would absorb no more the undistributed balance was sent back to Spain, and free coinage was not permitted, and so every element which could enter into the problem of maintenance of parity by use existed in a marked degree.

There was one thing, however, which they did not do. They did not build a fence around the island and stop the import and export of commodities, and everything which went out or came in just as truly marked the value of the money there as if it had been gold, for the commercial world was doing business with gold as the measure of values. Instead of equaling a dollar in gold in purchasing power among their own people, it started off in 1896 at 64½ cents, fell in 1897 to 59 cents, and when the American occupation came in 1898 went to 42 cents, its bullion value, and in just three years the curtain was rung down on the farce of maintenance of parity by use.

I honestly believe that but for the confidence of the American people that the Government will stand squarely behind the silver dollar and ultimately accept it in exchange for gold it would go to a discount now, as the greenback did before resumption, although the quantity was limited and no legal-tender silver dollars were in existence. I want that confidence made supreme by writing the promise in the statutes, for when once there no party will dare to disobey it.

Let me cite a few proofs that the American people also want it. Says Arthur Hadley, president of Yale University:

The bill in general seems to be a good one, and you are at liberty to quote me as having said so.

A. M. Day, professor in the school of political science in Columbia University:

I sincerely hope that the bill may become a law at once. It seems to me to embody both the least and the most that can now safely be done to secure the safety of our monetary system.

The thirty-first annual meeting of the National Board of Trade, at its session in this city a year ago, after a full discussion and conference with the Secretary of the Treasury and President by a distinguished committee, reported specifically by name and number in favor of the adoption by Congress of this identical bill. At their session again this year the board passed a resolution—

That we recommend that Congress enact such legislation as may be necessary to put this country on a permanent gold basis.

And supplemented this action by declaring for every provision embodied in this bill.

The Finance Committee of the New York Chamber of Commerce said:

We believe that the sooner any and all defects in the legislation of the previous session relating to the maintenance of the gold standard are removed the better it will be for the country at large and for business in general; and we also feel that action in this direction should be taken now at the present session of Congress, rather than be delayed and acted upon at the next session of Congress, when another election is approaching. The marvelous development of the mercantile interests of this country now in progress demands, in our judgment, the serious attention of Congress, in order that the groundwork may be laid and the superstructure begun of a broad and comprehensive working system, which will be adequate to the needs of the coming generations. And the first thing to be done, it seems to us, is to fix beyond all cavil and question the gold basis upon which this fabric of credit and finance shall rest.

The Philadelphia Inquirer says:

Mr. Hill has reported a bill that makes the gold standard absolute in this country, in practice as well as in theory. It ought to pass speedily.

The New York Times says:

The passage of the bill will finally settle the silver question and establish the gold standard on a perfectly sound and steady basis. It will at the same time make provision for the sorely felt and constantly increasing need of small change.

Of it the New Haven Register said last winter:

It is not possible for the party in power to withhold its prompt approval without opening itself to the just charge of a betrayal of sacred trust. In 1896 it made the enactment of a gold-standard law the leading issue of the campaign. It won its election upon that issue with the aid of thousands of men who are members of a different household of political faith. For four years it neglected its pledge, and last year it was again returned to power upon the money issue. Mr. Hill should exhaust his opportunities to drive the bill through in time for the Senate to concur before the death of Congress. It is everlastingly right and just.

The Hartford Post says:

President McKinley and Secretary Gage both recommend that the defect in the law should be remedied at the earliest opportunity. The necessity for doing so is obvious. Mr. HILL's bill covers the ground. It should be passed without unnecessary delay and without amendment.

Worcester Spy says:

Congress should complete the work it has begun.

Memphis Scimitar:

The last remaining danger of a cheap-money Administration degrading the currency would be done away with.

New York Evening Post says:

The measure will require no more gold reserve than we have now, but rather less, since its passage will quiet all lingering suspicions that the Government itself makes a difference between gold dollars and silver ones.

Bradstreet's, New York City, says:

Some such measure would seem to be desirable to remove the uncertainty which still lingers in the public mind in spite of the passage of the law of March 14, 1900.

The Buffalo Commercial, referring to the Overstreet and Hill bills, says:

If either becomes a law there will be no further menace to the gold standard in times of panic or financial distress.

Philadelphia Record says:

This, then, would complete the legislation in regard to the monetary standard.

Baltimore American says:

There being no reason, then, in the American's philosophy for maintaining a flirtation with the white metal when the country is firmly wedded to the yellow, Congress should put an end to the matter by passing the bill.

Pittsburg Times says:

With silver exchangeable for gold, there will be no further doubt of the stable basis of the coinage of the United States, and the fears that were excited by the Bryan campaign will arise no more to plague the nation.

Pittsburg Dispatch says:

The adoption of this measure should suffice to put an end to the mischievous agitation of the currency question as a political issue. In two national elections the people have declared most emphatically for the existing sound monetary system. There can be no doubt either of their understanding of the subject or of their determination upon it.

Cleveland Leader says:

The country simply can not afford to run the risks involved in the postponement of such action by Congress as would make it possible to disturb the existing standard of values by the manipulation of the great stock of silver now on hand.

The Omaha Bee said, referring to the last Congress:

There is no good reason why legislation to fortify the gold-standard act should not be enacted by the present Congress. It is approved by the financial and business interests, and there is nothing to be gained by leaving it to the next Congress. Delay is needless and might prove dangerous.

And the San Francisco Call, speaking of the movement of gold after this legislation passes, says:

It will continue to flow hitherward from all the world, making us a great reservoir of the world's capital, and, therefore, the world's creditor.

Mr. Chairman, this is the consummation which I seek.

In October, 1901, 93 per cent of all the customs duties in New York City were paid in gold certificates. In June, 1894, 84 per cent were paid in silver certificates, the Treasury came within twenty-four hours of compulsory silver redemption, the country was stripped of the change money needed for paying wages and small transactions, and the Treasury was helpless.

It was a concrete illustration of the Golden Rule translated from the domain of ethics to the practical experience of every-day life, "Whatsoever ye would that men should do to you, do ye even so to them."

The people of this country will have precisely the degree of confidence in our money which the Government has, and if the Treasury refuses to exchange gold for silver, the people will do likewise when the pinch comes and their individual interest prompts them to such a course.

Past experience is not only a warning to the foolish man, but should be a guide to the wise one.

I am not willing to see this nation idly rest in the dreamer's paradise of "letting well enough alone."

China has done that for three thousand years, and has been slowly dying all the time. "Letting well enough alone" never won a victory or blazed the way of progress, and it never will. Thus far in its history the Republican party has been the party of achievement, not of obstruction or stagnation. It looks to the future with joy and hope, rather than to the past with a smirking smile of self-content. So long as there are things to be done which make for righteousness; so long as misery, suffering, and want exist—until the law is all fulfilled and the millennial dawn shall come—there will be no place or time when the nation or the individual can "let well enough alone."

Our motto should be, "Forward," while the laggards and those who are "weary in well-doing" fall to the rear as the procession marches on.

The commercial conquest of the world awaits this nation, when it is impregnable at home, in its industrial and financial systems, for when this is secured it can have no rival elsewhere. [Loud applause.]

Mr. LITTLE. I now yield twenty minutes to the gentleman from Colorado [Mr. SHAFROTH].

[Mr. SHAFROTH addressed the committee. See Appendix.]

Mr. GILLETT of Massachusetts. Mr. Chairman, the other day, when the gentleman from Kentucky [Mr. WHEELER] made his attack upon the Administration, I tried to get the floor, as did several other gentlemen, but the gentleman from New Hampshire, who had charge of the legislation then under consideration, very naturally and very properly objected to it, saying that if he once let us in all the day would be consumed.

It seemed to me that the gentleman from Kentucky, while his speech was most injudicious, was very judicious and shrewd in his selection of a time to make it, for he chose a day when he knew no one could answer him except by unanimous consent, which was pretty certain not to be freely granted. Consequently he was fairly safe from response. I appreciate that the matter is stale now, and is petty. It needs no refutation, because the very intemperance of his remarks carried with them their own condemnation.

But, inasmuch as the gentleman based his indictment of the Administration on the fact that it was making a departure from Democratic simplicity, that they were tending toward aristocracy and worship of titles, that theory is so contradicted by facts that I wish to give another historical incident illustrating the gentleman's mistakes and showing that we are moderating the Democratic fondness for royalty instead of exaggerating it. I do not mean to intimate that I think that the action of our Administration needs any Democratic precedent. It is sound enough to stand on its own merits. I remember that a great lawyer—I think it was Erskine—was once arguing a case and the court asked him if he had any precedent for his opinion. He said: "I have not examined the cases, your honor. I will if you wish; but I should be sorry to deprive your honor of the distinction of being the first to establish so just and wise a precedent." I think that applies in the present case.

I think the conduct of our Administration is only courteous, hospitable, and sensible, and, without any precedent, will receive the approbation of the American people regardless of party. But, inasmuch as there has been an attempt to make party capital of it, let me give you a Democratic precedent. The reception of the Prince of Wales by President Buchanan was so thoroughly aired the other other day by the gentleman from Ohio that it certainly demolished part of the gentleman's argument. The other action which he complained of as unprecedented and wrong was that a member of the President's family was going abroad to take a glimpse of a foreign court.

Now, I do not think that is a very proper subject of discussion here. I will do the gentleman from Kentucky the justice to say that he had the grace to admit that he did not like to bring it forward, and he touched upon it as delicately as possible, if he was to allude to it at all. I confess it seems to me preposterous to to argue it. If a young lady can not accept the invitation of friends to go and see a great public ceremonial in another country which, however empty and dull it may seem to the gentleman from Kentucky, yet, with its pomp and picturesqueness, would naturally be attractive to the curiosity and ardor of youth, if she could not do that without criticism on this floor, then what I supposed was the dominant principle of American society, the inherent and inalienable right of the American girl to do exactly what she pleases, is seriously endangered. [Laughter.]

To a venerable and serious-minded statesman entirely engrossed in his solemn studies, thin-blooded, aged, and blasé, such pomp and ceremony may appear useless mummeries. But the gentleman must not forget that there is another point of view, less wise, perhaps, but perfectly harmless, and that 99 per cent of the girls of America would be glad to see such a ceremony and would disown anyone of their class who did not seize the opportunity. Then, of course, it follows that 99 per cent of the young men would indorse and approve that opinion, and would consider that nobody could criticise it except some cold and petrified fossil. I do not believe the gentleman from Kentucky belongs in that class at all [laughter], but I fear he will subject himself to the danger of being put there.

Now, it seems to me that prudence would have suggested to the gentleman, before charging this Administration with wandering from Democratic simplicity, to have looked at the facts of history. The truth is that all our Presidents, no matter what their politics have been, under the sobering influence of responsibility have always borne themselves toward foreign nations with dignity. They have never allowed the spirit of demagogy to overcome the courtesy and amenity which marks the gentleman. In good Democratic times, however, there was not always the simplicity the gentleman imagines, and I wish to cite an instance that occurred many years ago under the Presidency of James Madison. You look back to him very properly with admiration and pride, and claim him as a Democratic President; and Dolly Madison is one of the favorite characters of our history.

Dolly Madison had a son, and when some embassy went abroad, I think at the time of the treaty of peace in 1815, this son went with the embassy. I am not sure whether he had a salary, but it would have been natural and democratic if he did. Some years afterwards Henry Clay, who was one of the ambassadors, met this son in the streets of Washington, when his fortunes had very much fallen off from the position he once occupied as the President's son, and Mr. Clay said to him: "Do you remember the day when we went to a court ball, and you, as the son of the President, were admitted into the innermost court circles and allowed to dance with the princesses, while we, being only ambassadors, were kept on the outside and could only look at you from a distance?"

That shows the conduct of the son of good old James Madison. Does the gentleman think that is good evidence of democratic simplicity?

Mr. FLEMING. Will the gentleman allow me a question?

Mr. GILLETT of Massachusetts. Certainly.

Mr. FLEMING. Does the gentleman mean to say that this was President James Madison's son?

Mr. GILLETT of Massachusetts. No; he was the son of the President's wife by a previous marriage, but he was accepted abroad as the President's son; and this son of a Democratic President was dancing with princesses while Henry Clay and Albert Gallatin and John Quincy Adams had to stand in the background and look on. There is democratic simplicity! I do not think we shall follow that Democratic precedent.

If James Madison had asked that his son be accorded this rank of royalty, I think he would have been properly subject to criticism. But I do not believe that Clay and Adams and Gallatin, as they looked on, felt resentment or anything more than a good-natured amusement that the son of our President was treated with such distinction, and I do not believe that in that day there was any member of Congress so lacking in the sense of the ridiculous or delicacy or propriety as to get up and criticise the Administration of James Madison because of this escapade of his young son; and I do not believe any Democrat or Republican except the gentleman from Kentucky ever has or ever will criticise any other President if he allows some young member of his family to take a look at a foreign court.

I know that the Democratic party is sadly and distressfully groping for new issues, but I do not believe such an issue as that ever occurred to the imagination of more than one gentleman.

Mr. FLEMING. Does the gentleman seriously assert or assume the position that Democrats on this side of the House, as a body or as a party, indorse such a position as that of the gentleman from Kentucky?

Mr. GILLETT of Massachusetts. I do not know. I will ask the gentleman what his opinion is.

Mr. FLEMING. I am not authorized to speak for anybody but myself, but I will say that I do not indorse that gentleman's position, and from conversations I have had with other members on this floor, I think I am entitled to say that the Democratic Representatives here do not indorse the position of the gentleman from Kentucky as a whole; they may indorse a part of it, but not all of it.

Mr. GILLETT of Massachusetts. I am very glad to hear the gentleman's statement that he does not indorse all that was said by the gentleman from Kentucky. It corresponds with my opinion of the gentleman from Georgia. I have only spoken of the remarks of the gentleman from Kentucky as a Democratic speech—an attack upon the Republican Administration; and the parts of that speech which I particularly reprobate were greeted with applause on the Democratic side. But if the Democratic party is trying to make an issue upon that question, I think it is the most preposterous and ridiculous attempt since the great bedchamber plot, when the administration of Sir Robert Peel abandoned power because they could not have the appointment of the ladies of the Queen's bedchamber. [Laughter.]

Now, there is another phase of the gentleman's speech that, while I am on the floor, I would like to say a word about. To my mind it is most unfortunate that a member of Congress should use such language, should allude to a Secretary of State as a man who was a "pitiable flunky and ought to be booted out of his office;" or should ridicule the German nation and claim that he did not care for their good will.

Whatever else our Secretary of State may be—however the gentleman may disapprove of his policy, which, in my opinion, has been eminently wise and farsighted and successful—nobody can deny that he has won a distinguished place in literature, and that in the many offices which he has filled he has always borne himself as a courteous, dignified, exemplary gentleman. And that such language should be used about him here makes me almost regret that the rules of parliamentary law are such that a point of order could not be made against the words.

I think it unfortunate that in this world while ability is necessary to achieve any good results, harmful results can easily be, and perhaps oftenest are achieved, by the very lack of ability. It is always easy to achieve notoriety, simply by intemperate and extreme remarks; and the more unjustifiable and disgraceful they are, the more notoriety they bring. When such language is used in regard to a foreign nation, it is especially unfortunate, because the people of that nation when they read such remarks about themselves, as they certainly will, know nothing of the man who delivers them; they know nothing of the weight to which his words are entitled; they simply know that he is an official member of the House of Representatives; and it reflects upon all members of this House when a member says something which can alienate and provoke friendly nations.

I do not at all agree with the gentleman that it is of no value to us what the German people think of us. I think it is of vast value to us. It is of value for trade; it is of value for peace; it is of value for that self-respect which makes every man wish the good opinion of his fellow-men. In a measure the rules of conduct among gentlemen apply to the intercourse of nations. Private life would be intolerable if each of us brutally proclaimed each ground for criticism of his neighbor's conduct.

I venture to say that if the friends of the gentleman from Kentucky should say plainly to him just what they thought of him all the time, their friendship would be very much strained [laughter on the Republican side], for I have no doubt that he, like all the rest of us, has foibles which it would not be pleasant to have constantly proclaimed. And, as in the ordinary intercourse of gentlemen, we repress our opinions and try to be courteous and friendly, so, I think, in the intercourse of nations we ought to follow the same rule.

Mr. ROBINSON of Indiana. Mr. Chairman, the gentleman from Massachusetts will not be so unfair, I hope, as to charge the Democratic party with being responsible for the utterances of the gentleman from Kentucky.

Mr. GILLETT of Massachusetts. Well, these repeated disavowals are very agreeable to me, Mr. Chairman.

Mr. ROBINSON of Indiana. The gentleman should himself avow whether that is his purpose or intention—to charge the great Democratic party of the country, whose precedents he has cited, in line with the action of the whole country, as I understand it to be, to do honors to the prince—whether he charged to the Democratic party responsibility for the utterances or the sentiments of the gentleman from Kentucky.

Mr. GILLETT of Massachusetts. I have made no charge, Mr. Chairman. I am simply answering some remarks which were made on the other side. How much those remarks were sympathized with and enjoyed and are now indorsed by the gentlemen on that side I do not know. I think if they do not indorse them it would be well that somebody should take the pains to say so. [Applause on the Republican side.]

Mr. THAYER. Mr. Chairman, I should like to make a suggestion, if the gentleman will give way for a moment.

Mr. GILLETT of Massachusetts. Oh, certainly.

Mr. THAYER. I think the gentleman from Massachusetts, being upon the side of this House where everyone dances when anyone pipes, is living under the delusion that the men upon this side of the House are in the same category themselves. The gentleman from Kentucky [Mr. WHEELER] spoke for himself, and, in my opinion, spoke for the very minor part of those upon this side of the House, especially in the latter portion of his speech, and it is unfair and unjust to taunt the Democracy of this nation as being in sympathy with the sentiments that the gentleman from Kentucky expressed the other day.

Mr. GILLETT of Massachusetts. Well, one gentleman after another is obviously seeing which side it is better to stand on.

Mr. TALBERT. Will the gentleman allow me for one moment?

Mr. GILLETT of Massachusetts. I will allow a question. You can make a speech afterwards.

Mr. TALBERT. I just want to say while gentlemen on this side are disclaiming any responsibility for what the gentleman from Kentucky said, I want to say that I want to take my part of the responsibility for what he said, and I indorse every word he said and I am sorry he did not go further. [Laughter on the Republican side.] And I believe the Democratic party is more to blame for its cowardice than anything else. Let the party say what it thinks and stand by it and not be such mortal cowards. [Laughter on the Republican side.]

Mr. GILLETT of Massachusetts. I commend those remarks to my colleague from Massachusetts [Mr. THAYER].

Mr. ROBINSON of Indiana. Does the gentleman notice that the applause is on the Republican side and not on the Democratic side?

Mr. TALBERT. They applaud what they believe to be right. I believe the sentiments of Mr. WHEELER to be on the right line. I believe they are democratic, and hence I indorse them.

Mr. GILLETT of Massachusetts. Now, Mr. Chairman, on the question of the influence of words spoken here, I happened last night to read this sentence from a distinguished scholar and publicist, Charles Francis Adams, which I should like to read here:

> It is useless to say that as between nations irresponsible utterance through the press and from the platform are not entitled to consideration and should not be recalled. They none the less are a fact and they are not forgotten. On the contrary they rankle.

I think the members of this House ought to remember that fact and ought to endeavor not to use words which will rankle. There is too much tendency, not perhaps so marked in this House as "elsewhere," to cator to public sentiment at home quite regardless of the effect abroad. The good will of every nation in this world is useful to us. We have an illustration of the value of

good will in the case of Russia to-day. Russia, because of events which happened more than a generation ago, although she differs from this country more than any other nation. although she represents the extreme of despotism just as we represent the extreme of republicanism, Russia to-day has the warm good will of this country, and that good will I think she would find, if occasion came, was a valuable asset. The good will of every country is an asset of every other country, and it is very unwise in us to go out of our way to alienate and destroy it.

Of course, when the relations of other nations come before us for discussion, then we must fairly and openly debate them, but to bring up such a question when there is no occasion for it and to fling a taunt in the face of a foreign nation is to my mind most unkind and unwise.

The gentleman from Kentucky said that the reception of Prince Henry by the President would be a departure toward aristocracy. I agree with what the gentleman said in his disclaimer of love for titles and aristocracy. I entirely and heartily sympathize with him in that. I think the great mass of our people agree with him, and certainly no one more than our President.

The American principle is that worth makes the man, and not birth or royal favor. To my mind there are just two classes of people here who worship birth and title. The great majority say merit is what should be rewarded and what we should respect. But there are two classes which still look to birth and ancestry. One class is the self-styled aristocratic circle in our great cities, who have shown a strong tendency to pay huge prices for empty titles even when they had to be taken with the incumbrance of a useless and disreputable husband. The other class exists almost exclusively in the part of the country dominated hopelessly by the Democratic party, where they consider that no culture, no refinement, or ability, or noble service can atone for a taint of color in the blood.

These are the two classes in this country which recognize birth and not merit. I was glad to see that the gentleman from Kentucky bravely took himself out of the latter class. But aside from these two classes this whole country, as a rule, does not like title, does not care for birth, but honors plain, honest merit. But we can not shut our eyes to the sentiment of other countries.

In Germany they do not agree with us. They prefer an Emperor to a President. They prefer to allow their ruler to come down by descent rather than by choice. They recognize as a distinguished citizen the brother of the Emperor, not simply because he is an admiral, but because he belongs to the reigning house; and when he comes here representing, as we know he does, that feeling in Germany, no matter how little we may consider his title of nobility, we must recognize how Germany looks on him, and in welcoming him we welcome him not simply as a prince, but because Germany recognizes him as one of her great and distinguished men. We want to be a hospitable and generous people, and I am glad that the prince is coming here as the representative of Germany.

Within a few years there has been a little strain in our relations, and I look upon the coming here of the Emperor's brother as a sort of tender of good will, a wiping out of past differences, and I think it would be churlish and inhospitable if we did not give him a hearty and warm welcome.

Now, as to the other embassy, which we are sending over to England, I have much sympathy with the gentleman's feeling that it is a useless show. I do not think it is very democratic or republican, and I do not think that under ordinary circumstances we should send such an embassy. It seems to me, however, it is always a matter of question how much we shall conform to European usages, and that just now it is exceedingly timely and wise to send these two embassies to Spain and to England.

When this matter was considered by President McKinley we had just ended the war with Spain. They were about to crown their young King. Other nations of the world were sending their embassies to carry their congratulations to him. Would it not have seemed rather spiteful, rancorous, and churlish if we had not done the same? If, when nations of Europe were by special embassies expressing their congratulations, should this great, rich country, in order to save a few dollars, refuse to send one?

I think we ought to show our good will toward Spain by doing what the other great nations do. And my zeal is not diminished because a Democrat was selected as ambassador. It was an admirable selection. And if we send one to Spain we can not refuse to send one to England. The exception would be too pointed. As a question of economy, it seems to me when we are spending toward $200,000,000 a year in maintaining the Army and the Navy to insure ourselves against the hostile feeling of other nations, it surely is not very extravagant to spend a few thousand dollars to express to them our good will, to conform with the customs of other great nations and cultivate their friendship by participating in ceremonies which they prize highly. [Loud applause on the Republican side.]

Mr. WHEELER. Mr. Chairman, in what I said the other day I did not pretend to speak as a leader of the Democratic party. I could never for a moment hope to have placed myself in such a position without first having the approval of the gentleman from Georgia and the gentleman from Indiana. I simply voiced my own sentiments and what I believed to be the sentiments of quite a number of the people of the United States. My judgment then has since been fortified by innumerable letters, many from the gentleman's [Mr. GILLETT of Massachusetts] own State, commending in unstinted terms every word I uttered.

Far be it from me, Mr. Chairman, to ever declare, as the gentleman has seen proper to do, that the amenities either of life or of politics require that a citizen shall resort either to deception or untruth to make himself agreeable even to his colleagues, his neighbors, or to other nations. I prefer the truth, however unpalatable it may be, in all our transactions.

I can not refrain, Mr. Chairman, under the patience of the House, from alluding briefly to the colloquy between the gentleman from Massachusetts and the gentleman from Ohio and myself relative to the reception given by President Buchanan to the Prince of Wales. I find upon investigation that the gentleman from Massachusetts and the gentleman from Ohio are about as far from the real record as the average Republican is when you pin him down to the facts.

President Buchanan never received the Prince of Wales in his official capacity, but he received him as one gentleman should another, and paid the expenses out of his own pocket, like one gentleman should always do when he asks another to be his guest.

Now, what is the record on the subject?

In October, 1860, the Prince of Wales, with a number of friends, visited Washington and were guests at the Executive Mansion. The entertainment of the Prince and his suite at the White House entailed a great deal of expense, extra servants and other things. Congress was never asked to pay any part of it. The British party was taken to Mount Vernon on a revenue cutter, accompanied by President Buchanan, Miss Lane, and nearly all of the diplomatic corps, and the leading Army, naval, and civil-service officers. President Buchanan escorted his guests to Washington's tomb, and the great-grandson of George III planted a tree near the grave of the arch-rebel against that monarch's rule.

That Democratic President seized the first opportunity to make profert of the democratic spirit that burned in his breast, and carried this monarchical representative to the tomb of the arch rebel, George Washington, and had him plant a tree there. Not only that, but a member of his Cabinet invited this gentleman to go on a yachting party on a revenue cutter, and President Buchanan refused to allow the Government to pay for the trip, and paid for it out of his own revenue.

I never contended, nor will any fair-minded man place such a construction on any remarks made by me, that a distinguished gentleman coming from any country in the world and touching our shores should not be extended every courtesy. What I protest against is the spirit of truculency, the spirit of sycophancy, that is characteristic not only of this Administration but the preceding one, and especially of the State Department in its conduct of our foreign affairs. My passing reference to the coming visit of the German Prince was simply brought into my speech to accentuate the dangerous tendency of the present Administration and the Republican party toward what I believe to be un-American methods.

But, Mr. Chairman, the best test of the judgment of the American people is in their own expressions. Whatever my colleagues here may think, whatever my colleagues on that side of the Chamber may believe, when we carry all public questions to their last equation, they must be submitted to the intelligent arbitrament of the rank and file of the American people.

Now, this is only two days' mail that I hold in my hand [here Mr. WHEELER held up a large number of letters]. Nine-tenths of them are from Republican States, and a great number of them from men who call themselves lifelong Republicans. They are from the States of New York, Pennsylvania, Illinois, Michigan, Massachusetts, Connecticut, and if I had the time (for the edification of a few of my New England friends) I would like to read some of these letters, which declare in unstinted terms that all the patriotism now to be found in the Republic is in the South and West. [Derisive cries and laughter on the Republican side.] It is only the foolish man, joined to his idols, who becomes so blind that he can never see his own shortcomings. The derisive laughter on the other side of the Chamber shows conclusively that those gentlemen have wandered so far away from true American principles that when they are reminded of the fault they absolutely deride one who seeks to call them back to the patriotic spirit of our forefathers.

I do not wish to be discourteous; I do not wish to be understood as desiring the American people to occupy a position of ignorance or one unbecoming a high-minded body of citizens. But before the American people, I unhesitatingly declare that I have not one word to retract of the utterances delivered by me on Friday in this Chamber; and I repeat that I seriously, earnestly, candidly

believe that we are drifting toward a spirit hostile to the true interests of the Republic, and that unless we look backward and return to those things and that belief practiced by our forefathers, it bodes no good to the Republic.

I do not believe that in order to occupy a dignified and a great position before the nations of the world we must sacrifice our own institutions or our own conceptions of government; and what boots it to us what other nations think of us if we must have their good will at the expense of our own institutions? It is not against the entertainment of any foreigner per se that I protest; it is against the official reception given to him because of the accident of his birth. I am a son of a foreigner who left a European country to escape the oppression of a monarchy, and it is born and bred in me to love a republic. And I am not afraid to say that I love the institutions of my country, even though I lose the regard of men who do not share my feelings. [Applause.]

I have been taunted, Mr. Chairman, through the medium of the press, with the charge that I am an ignorant agriculturist. I wear that contemptuous epithet as a decoration of honor. Thank God I am a farmer's son, and I wish every man who undertakes to speak for the American people first drank his inspiration from the healthy life of the country. I am not ashamed of that, nor am I ashamed of being the son of a foreigner. But I am ashamed of the men who seek to apologize for the sycophancy and the truculency and the disgraceful bootlicking that characterize the official class in the Republic to-day.

I will read, Mr. Chairman, a few telegrams and letters received by me. For obvious reasons I will not publicly state the names of the gentlemen who sign these documents. I have not the right to do so; but if any member in this House desires to read them, I will cheerfully show them to him.

Mr. BOREING. Will my colleague allow an interruption?

Mr. WHEELER. Yes, sir.

Mr. BOREING. The gentleman refers to a considerable volume of correspondence that he has received. I would like to ask him how many of those letters and telegrams are from the State of Kentucky.

Mr. WHEELER. Not exceeding ten or fifteen.

Mr. BOREING. And they are not from Republicans, are they?

Mr. WHEELER. I do not recall that I have received a single letter or telegram from a Republican in Kentucky. [Derisive laughter on the Republican side.]

Mr. BOREING. May I ask the gentleman how many of them are from his own district?

Mr. WHEELER. Not a single one.

Mr. BOREING. I did not believe the gentleman had indorsement down there.

Mr. WHEELER. That may be. There has not been time yet for any communication from my district to reach me by mail. I will say that eight-tenths of these letters and telegrams are from Northern States. Here is one from Rochester, N. Y. The name of the signer indicates very clearly that he is a German. He says:

Most manly, typical American speech made in Congress this session. The State Department is a hotbed of un-American intrigue and English flunkyism. Ought to be smoked out before disgust becomes dangerous.

[Laughter.]

This is signed "A Life-Long Republican." How does that strike the gentleman? Here is a cablegram from London, which I received this morning:

True Americans everywhere entertain your sentiments.

He is a "life-long Republican," he says.

A MEMBER. Where is that from?

Mr. WHEELER. That is from London.

I suppose he is one of the gentlemen who is going over there to see the coronation.

Now, Mr. Chairman, here is a letter from the city of Philadelphia, signed by half a dozen gentlemen, who say they represent a million and a half of capital. You can inquire as to their standing and their position, both financially and socially.

Mr. FORDNEY. They have gone into a trust. [Applause and laughter on the Republican side.]

Mr. WHEELER. No; they have not yet gone into a trust. That would be according to your code, but they have not formed one yet. [Applause and laughter on the Democratic side.] The letter reads as follows:

PHILADELPHIA, *February 14, 1902.*

We, the undersigned, business men and citizens, after reading your true, brave words, "Hay should go and retire and Pauncefote should take the first ship home," agree with you heartily and admire you for your good, brave words. Hay should go with Pauncefote, as he is only the slave of English aristocracy.

That is signed by a lot of gentlemen in the city of Philadelphia.

Mr. FORDNEY. I suppose they are lifelong Republicans? [Laughter.]

Mr WHEELER. I don't suppose there is anyone else there.

Here is a letter from a lawyer in Toledo, Ohio. He seems to be a member of a very good firm—I do not know who he is—and he writes as follows:

TOLEDO, OHIO, *February 15, 1902.*

I do not know your first name, your creed, nor your "previous condition of servitude," but I do know that it is a mighty refreshing thing in these degenerate days to hear something from an American point of view, and from the bottom of my heart I congratulate you. I have a firm conviction that your constituents and the American public will esteem you for it. It has become fashionable to say that men of my blood are prejudiced against kingcraft, because of the old-time grudge against government in England. I notice, however, that the Irish in this country (and they have come here largely in forty or fifty years) have caught up pretty fairly the spirit of our institutions. For myself, I was born under the shadow of Bunker Hill. My own prejudices extend to royalty (?) of all bloods, and I pray for the preservation of the simplicity of our fathers. It is meet that that simplicity should find eloquent expression from the South.

I can not, of course, go on and read all of these letters, or any portion of them. Here is one from Cleveland, and also from many other points, commenting on my speech:

CLEVELAND, OHIO, *February 15, 1902.*

Nothing has pleased me more this winter of the proceedings which have taken place in and about Congress than your speech yesterday before the House of Representatives. It seemed to be the enthronement of reason and of our time-honored principles. All Democratic hearts will throb in unison with your patriotic, whole-souled democratic sentiments. If it did no good in Congress, it will nevertheless again foster, kindle, and inflame our old and time-honored desire of isolation and cherished immunity from foreign embroglios and plutocratic machinations. I guess now our anglomaniacs will be good for a while. Give it to them once again if you get the opportunity. All my friends are highly pleased.

MARION, S. C., *February 17, 1902.*

I do not know you personally, but I tip my hat to anyone with such backbone and sound mind. Your able speech in the House of Representatives in regard to "a little Dutchman" ought to be read by every honest son of toil, and your State and district are certainly honored by having you as their Representative. We of the South stand off in admiration and say, "Lay on, Macduff, and damned be he who first cries, 'Hold, enough!'" Give it to them, and a few more such shots will make them abhor the idea of ever seeing a prince, king, or other crowned head. I have no ax to grind in writing you, but do it because I admire your stand.

ROCHESTER, N. Y., *February 14, 1902.*

The most manly, typical American speech made in Congress this session. The State Department is the hotbed of un-Americanism, intrigue, and English flunkyism, and ought to be smoked out before disgust becomes dangerous.

CHICAGO, ILL., *February 15, 1902.*

Thank God for your American speech. We join true Democrats in indorsing its sentiments.

NEW YORK, *February 16, 1902.*

As an American citizen I want to thank you, compliment you, and to congratulate you upon your speech in the House on Friday, February 14. The flunky Administration at present in power at Washington is a disgrace to the American people, and it appears to me from what I read of your speech that you appreciated that fact as well as anyone, and that you have the ability as well as the courage to voice your sentiments in regard to it—sentiments that I really believe are shared by a majority of the American people in spite of their seeming lethargy in the face of such a miserable state of affairs. Again I thank you.

WASHINGTON, D. C., *February 15, 1902.*

Permit me to express my approval of the general substance of your recent speech in the House of Representatives respecting our official departure from the national dignity of our Democratic character. I had the pleasure of reading only such portions as appeared in this morning's local papers. I did not see the RECORD. While my appreciation and approval may be of little concern to you, still, as an American citizen, born and reared in the State of Michigan, and in political relations a Republican, I am your constituent in the broader sense, and also as true an American as you, and you will not be unmindful of the good will of a citizen of any State. Party or State lines have but little significance to me in international matters or relations. In fact, respecting national partisan politics, etc., I am not such a bigoted partisan as to observe neither good nor bad propositions in either party.

The commercial and intellectual development of our country and the world must also deplore our attitude toward social and economic propositions. Only this, we, as a nation, can not afford to be sycophantic nor transpose individual liberties into corporate, municipal, or State control. The largest share possible of the liberty of the individual should be retained—avoid even bureaucracy and paternalism. We surely have nothing to gain by a flunky recognition of forms of foreign governments whose every pretense the divine rights of kings is slavery and subjugation. We can treat them as will be advisable and manifest our respect for our own institutions. I thank you for calling the country's attention to the real superiority of a republic.

GRAND VIEW, MO., *February 15, 1902.*

I want to commend you on your speech, made in the House February 14, denouncing European flunkyism. In politics we differ, but on flunkyism we are a unit. Let the good work go on.

BALTIMORE, MD., *February 15, 1902.*

You are a brave, fearless, honest American, and I regret the fact that I am not a resident of your State and a voter in your district. If we had such Democrats in Maryland like you the dirty imperial Republican party would never win.

ATLANTIC CITY, N. J., *February 15, 1902.*

Please accept the very cordial appreciation of one citizen for your powerful and much-needed speech in the House yesterday. While I may not agree with you in every detail of your address, it was eminently needed, and even the possible excess of statement was good. I sincerely hope you will return the charge, and keep it up until you make an impression on the people. I do not speak as a partisan, being an independent in politics.

BELLEFONTAINE, OHIO, *February 15, 1902.*

By your noble speech yesterday you have raised yourself in the estimation of the people more than you know. We should not be mindful of a king or his coronation, and I believe your constituents will uphold you.

ST. LOUIS, MO., *February 15, 1902.*

Allow me to congratulate you on your speech regarding the "little Dutchman taking charge of a little ship." It is the first real true American sentiment that has been uttered in Congress for a long time. As you know, I do not belong to your party, but I admire the truth and bravery wherever found. Follow up your attack on the flunkies. You made them wince. Your speech has been the "talk of the town," and it is almost universally approved. I send you a clipping of the St. Louis Chronicle of the 14th instant, which shows you that the people of this country feel outraged about this prince business. We are going to have three meetings this week to protest against this prince.

ATHENIA, N. J., *February 15, 1902.*

I wish to thank you as a true American for the Americanism expressed in your speech as reported in the New York Times.

BROCKTON, MASS., *February 15, 1902.*

Please excuse the liberty I take, but after reading your speech of the 15th instant, in the House of Representatives, I could not help writing you to let you know how thoroughly I appreciate your words.

NEWVILLE, PA., *February 15, 1902.*

Thank God we have still a man in Congress who has nerve enough to tell the truth. My wish is to live in your district so as to support you when you are a candidate for office. The country has need of many more men like you. This is written by a one-armed Union soldier.

NORFOLK, VA., *February 15, 1902.*

Your expression in Congress yesterday touching upon the official reception of Prince Henry and other foreign questions will, without doubt, meet with the approval of all right-thinking American citizens, and they compose the tremendous majority of the people regardless of party. I am for one delighted with the stand you took yesterday. It was well and nobly done. You have my cheers and well-wishes for your grand speech.

ROCKFORD, ILL., *February 15, 1902.*

You had the courage yesterday, in your splendid philippic, to say exactly what the vast majority of citizens of genuine American fiber, those who have been named "the common people," really think of prevalent toadyism in the Administration; what they think, but can not so well express as you have done.

GRAND RAPIDS, MICH., *February 14, 1902.*

I read an extract of your remarks in regard to sending a delegation to the crowning of King Edward. I am pleased that there are some true Americans still in Washington. If we do not turn face about, we are on the road of losing a republican form of government, how much many may say it is really a scare.

ROSEVILLE, OHIO, *February 15, 1902.*

Under separate cover I am this day sending you marked copy of my paper about the "Little Dutchman" to manifest my entire approval of your speech in the House. It is refreshing, indeed, to note that the fires of Democracy still burn in some Democratic papers and some Democratic breasts. I further note the unkind manner in which certain so-called Democratic papers, such as the Cincinnati Enquirer, for instance, handled the matter in behalf of our bewhiskered friend, Mr. GROSVENOR, "the very biggest flunky in all flunkydom." Pour it into them. You can not make it too warm for them. The people are ready for that question.

KANSAS CITY, MO., *February 14, 1902.*

I wish to express my admiration for your recent speech in the House against royal flunkyism. I am glad to know that at least one man in that body is a true American.

NEW HAVEN, CONN., *February 14, 1902.*

What you said in the House to-day, as reported in the papers, with reference to England's attitude in 1898, and with reference to Sir John Hay, United States Secretary of State, delights many people in this city, and gives further evidence of the truth that for real, true, genuine American sentiment one must look in these days to the South or to the West. However, for the good words well and timely spoken, God bless you; and may the spirit of Washington, of Jackson, and of Jefferson inspire you with sentiments dear to all true Americans, the utterance of which makes us proud of the speaker and gives us hope for the future.

ST. PAUL, MINN., *February 15, 1902.*

Please permit me to thank you for your very timely strictures upon the un-American conduct of those at present in power in our Government. That the abject adoration of royalty and titles is confined almost entirely to the people living near the Atlantic seaboard is one of the causes of congratulation for those whose homes are in the thoroughly American part of our country, and who are not of the hyphenated Americans. Our ancestors came here to escape the evils of caste and class; yet these degenerate sons of grand men are endeavoring to ingratiate themselves with the useless figureheads of effete monarchies. It is good to know that there are yet some who are able to speak, and who are willing to endure the odium of unpopularity for the sake of warning the American people again "against the insidious wiles of foreign influence," and to urge that the "jealousy of a free people ought to be constantly awake, since history and experience prove that foreign influence is one of the most baneful foes of republican government." I hope that your frankness will not militate against you in the future. I thank you for my share in what you have said.

KALAMAZOO, MICH., *February 15, 1902.*

As an American citizen, and one whose ancestry fought to get rid of the British yoke and establish a country with a government of the people, by the people, and for the people, and who in the war of 1812 again went to the front to protect from the same invading foe what they had so dearly bought through the Revolutionary war from Bunker Hill to Valley Forge and Yorktown, and again succeeded in driving the noble-blooded oppressors from our land, I wish to congratulate you on your remarks in the House of Representatives yesterday, when you raised your voice against the toadyism and flunkyism that seems to be taking possession of some of the people's servants at Washington, from the occupant of the White House down. Rotten, degenerate royalty! What have we, as an American people, to do with it, whether it be England, Germany, or any other of the so-called princely powers?

It is a shame that the President, even though he is there by accident and through the assassin's bullet, should so far forget his duty to the American people as to take such notice of the coronation of an English king as to debauch the American sentiment and principles by sending a member of his family to be tutored in the ways of rotten royalty, and spend the people's money to entertain another accident of birth, the brother of another degenerate so-called emperor. It is enough to make the true American bow his head in shame and hide from the public gaze. We are drifting rapidly toward centralization of power, brought about by this spirit of flunkyism and toadyism that means ruin to our free system of government, and it is high time the alarm was sounded and the bells of liberty want to be kept ringing and the notes of warning sounding until the people wake up to the situation and place none but true Americans on guard, from the highest to the lowest place of public trust in the land. I congratulate you, and I hope you will not be frightened off by public or private taunts. I hope you will keep up the good fight. The Americans are waking up and listening, and will move in these matters as soon as they are aroused. I beg pardon for so long a letter, but the subject is a grave and great one.

CINCINNATI, OHIO, *February 15, 1902.*

Allow me to thank you for your speech in the House yesterday against European flunkyism. I am a Republican, but I indorse all you and Mr. TILLMAN and Mr. HOAR, in the Senate, have said. I have lately been in New York, Washington, Pittsburg, and through Ohio, and everywhere the common-sense people are disgusted with the attempts of the American Government to initiate monarchy. Go on, give it to 'em; the reaction will be expressed at the polls.

ST. LOUIS, *February 16, 1902.*

I crave your pardon for the liberty of addressing you, which I do for the purpose of offering my thanks for your opposition to our Government's proposed act of flunkyism in connection with the coming visit of a German prince, which seems to me to be a distinct affront to every German citizen of this country who has felt impelled by the militarism and cruel tyranny of a Government of which this prince is an important and cruel part to leave his German home, and likewise it seemed to me to be a distinct affront to every citizen of this Republic who has not become wholly drunk with the spirit of militarism and imperialism, and consequent aristocracy, now sought to be made so much a part of our governmental régime.

CHESTER, PA., *February 15, 1902.*

I read with much satisfaction your speech of yesterday, and hasten to say that you are doing your country a great service. You no doubt were actuated from honest motives, but I desire to say that your course is applauded by a vast majority of our people, and gives me so much pleasure that I can not but send you these lines. We congratulate you, sir, to stand in the midst of such "flunkies" and courageously denounce the conduct of Hay, Pauncefote, etc. A company of us here to-day gave three cheers for you, and not all Democrats, either. The writer was raised a Republican, but am convinced that Bryan's teachings and your sentiments must be held up.

EL RENO, OKLA., *February 15, 1902.*

Will you kindly mail to my address above a copy of the RECORD containing your time-worthy assault, last Friday, on European flunkyism? It meets the approval of the people of the Southwest, and you have won the esteem of all true Americans for the vigor of the assault. With the hope that other Democrats may follow in the same line, I am, etc.

WARE, MASS., *February 17, 1902.*

Accept my hearty indorsement of the sentiments expressed in your recent speech in the House against flunkyism. I am in perfect accord with you against such rot. An old veteran of the rebellion wishes me to also extend you his approval.

DAYTON, OHIO, *February 15, 1902.*

Permit me to congratulate you on the remarks you made in the House of Representatives on the tendency of "snobbery." I read the report of your speech in the public press with much satisfaction and gratification, and believe that you struck a responsive chord in the hearts of thousands of your countrymen. Kissing kings' hands at coronations of the crown and paying homage to royalty at public expense is not American, and I am glad you publicly said so.

PROVIDENCE, R. I., *February 16, 1902.*

I am no politician, diplomat, or statesman, but plead guilty to possessing Republican proclivities; have never been a candidate for any public elective position, although a citizen and voter in this, my native State, for more than thirty years. Nevertheless, permit me simply, sincerely, and hastily to thank you for your manly courage in publicly expressing the sentiments accredited to you in the herewith inclosed newspaper clipping. Assuming that you may have had, or will have, the entire speech printed later, I beg that you may favor me with a copy of the same that I may read the full text of your remarks. I indulge the pleasing and, I trust, not delusive, hope that there are a large majority of both political parties in the States that hold the same views as yourself upon this subject.

DETROIT, MICH., *February 16, 1902.*

I thank you for your able denouncement of our American toadies and imperialists. I do not think it will lose one Democratic German vote. Possibly German imperialists, like our Yankees of the same stripe, may think it will. No lover of free institutions here or abroad will take offense at what you say; on the contrary, they will applaud you.

MUSKEGON, MICH., *February 15, 1902.*

I have just concluded a careful reading of your speech reflecting on the present attitude of our present Administration and the State Department, which is endeavoring to fashion the near future of everything official in America, and I can not refrain from giving some slight expression of my gratitude over the undeniable fact that there is still one American in a position that enables him to voice a sentiment deep-seated in the hearts of the common

people of this country to some purpose. Nothing has transpired to enhance my comfort during the past year as your speech has. My only excuse for thus trespassing upon your valuable time is an uncontrollable enthusiasm for any man who at this time undertakes to preserve all that is distinctively American and the loyal old-fashioned sentiment seemingly fast departing.

CINCINNATI, OHIO, *February 15, 1902.*

I wish that I were present and could be able to grasp your hand to congratulate you on your able and manly speech before the House. I was a soldier during the late unpleasantness, and I respect the memory of such men as Washington, Lincoln, Jefferson, and Jackson. Gold bless you! Continue on this same basis, and you will have the support of all true Americans.

NEW HAVEN, CONN., *February 15, 1902.*

For the true patriotic stand and the words you spoke in Congress yesterday, when you pointed out the duty of this country's administration, who are all gone Anglophobia, I desire to thank you. My friends here are many who join with me in sending you our heartfelt thanks for your noble American sentiments.

BLOOMINGTON, ILL., *February 15, 1902.*

God bless you for your speech yesterday against the universal toasting of Prince Henry and England. The United States was never in trouble that all Europe did not have to be watched like a hawk; we never had a real friend among them. Four other Republicans and myself were discussing your speech, and they were unanimous that you were right, and they all join me in sending you a right hearty "thank you."

TOWANDA, PA., *February 15, 1902.*

I thank you most sincerely for the remarks you made in Congress yesterday. I should like to know the man personally who dared to speak as an American should. You voiced what should be the sentiment of the whole people of our country. Again I thank you. Should you be interested to know by whom you are addressed, I would suggest that you inquire of Hon. J. C. SIBLEY. He knows me better than the other Congressmen from this State.

JOPLIN, MO., *February 15, 1902.*

I have just read your speech of yesterday, and I want to thank you for being the only member of Congress that has had the courage to hit Secretary Hay square between the eyes. The potent influence of that man over the McKinley Administration has been to me a bewildering puzzle—inexplicable. That a person of his vanity and ostentation should become saturated with the delirium of social exaltation accorded titled royalties during long assignment to the court of St. James can be understood, but that he should exploit it from his official position as he has and "hold his job" is a marvel. How long would he have lasted under Jackson or Lincoln? Active participation in newspaper work for twenty-five years leaves me with a keen interest in politics. The imperialistic tendency developed in the last three years is to me appalling. This impels me to express my gratitude to you for your broadside at Hay, the truckling to royalty, and the most unnatural and disgraceful attitude of the present Administration toward the South African Republic.

SHERWOOD, OHIO, *February 15, 1902.*

The country applauds the genuine American ring in your recent speech in the House against the flunkyism of the Republicans in catering to the royal snobs across the sea. What we need is more speeches on that line, and I am surprised that this foolishness has been allowed to go on so long without rebuke.

BOSTON, MASS., *February 15, 1902.*

I read with much pleasure your speech delivered before Congress on the 14th instant concerning the reception of Prince Henry, the coronation, etc. As the Boston papers contained only a few extracts, and as I would very much like to read the speech in full, will you kindly send me a copy of the CONGRESSIONAL RECORD containing it?

CHICAGO, ILL., *February 15, 1902.*

As a lifelong Republican I wish to congratulate you on having the nerve to show to the people of this United States how we are drifting. Toadyism is an Eastern sentiment, not a Western. Any traveling man knows you have got to get west of Buffalo to get into the United States. I read in this morning's Tribune how much the Democrats will lose by your speech from the German vote. As I know an American German, they came to this country to get rid of what this country is drifting into, and as a mass will uphold you in your sentiments. Many true Republicans are tired of this Government toadyism to foreign nations. It is not American, and our children should not be brought up to believe a monarchy is more to be desired than a republic. I thank you for your speech; it can do no harm; it must do good.

Mr. SHATTUC. May I ask the gentleman a question?

Mr. WHEELER. No, sir; I do not care to be interrupted.

A MEMBER. I would like to see the names that are signed to all these things.

Mr. WHEELER. You can see the names; I will show you every one.

Mr. SHATTUC. I would like to ask the gentleman a question. Have you got one yet from Edward Atkinson? [Applause and laughter upon the Republican side.]

Mr. WHEELER. No, sir; not yet. And yet, Mr. Chairman, when those men who laughed so derisively upon the other side of the House are dead and gone to that oblivion to which they are so rapidly drifting, Edward Atkinson will be known to posterity and every true American, and will be honored and respected by them. [Applause on the Democratic side.]

The CHAIRMAN. The gentleman's time has expired.

Mr. WHEELER. I ask for a few minutes more.

Mr. GILLETT of Massachusetts. I ask unanimous consent that the gentleman be allowed to continue.

Mr. WHEELER. I desire just a few minutes more.

Mr. SHERMAN. The time is under the control of the other side.

Mr. LITTLE. I yield the gentleman five minutes more.

Mr. WHEELER. Here is another one from Hadensville, Mass.

Mr. GILLETT of Massachusetts. I think that is from the district of the gentleman on the other side [Mr. THAYER].

Mr. THAYER. It is not. There is no such place in my district. [Laughter and applause.] There is no such place on the map.

Mr. SHACKLEFORD. I rise to a point of order, that the gentlemen on the other side are trying to take the five minutes' time away from the gentleman.

Mr. WHEELER. No; I am perfectly well satisfied. This letter is not from the district of either of the gentlemen from Massachusetts who have spoken, Mr. Speaker, and I am satisfied the House will be persuaded it is not when they have heard it read. I have simply read these letters to show that this sentiment is confined to no particular part of the country, and that you gentlemen who drink inspiration around the hotel corridors of Washington and from a few newspapers do not represent the real American sentiment.

Now, I understand that there are certain gentlemen on that side of the Chamber who desire to circulate the speech made by me on last Friday in their districts, and I desire to make a proposition to them. If there is any gentleman on that side of the Chamber who thinks he can make capital out of the speech delivered by me, I here and now pledge myself to send a copy of it, accompanied by a copy of the speech of the gentleman from Ohio [Mr. GROSVENOR], to every Democrat and every Republican in his district, if he will furnish me their names, and I will do it at my own expense.

Mr. SHATTUC. May I ask you a question?

Mr. WHEELER. Not till I get through. Not only that; when the gentleman's campaign begins, if there be one who believes he can make capital out of it, if he will have the manhood and the bravery to take the end of it taken by the gentleman from Massachusetts [Mr. GILLETT] and the gentleman from Ohio [Mr. GROSVENOR], will notify me when his campaign begins I will meet him on every hustings in the district and pledge myself to repeat my speech made on the floor of this House from every stump, and I now challenge him for a division of time.

Mr. SHATTUC. May I ask a question now?

Mr. WHEELER. Yes.

Mr. SHATTUC. Do not you think it is possible that the reason your people have not communicated with you about this speech before is that they are still debating the question of keeping "Uncle Tom's Cabin" out of Kentucky?

Mr. WHEELER. I think it is very likely, and I think they will send it over to the district of the gentleman from Ohio, who seems to have a fondness for that sort of thing, if my information is correct.

Now, Mr. Chairman, in conclusion I desire to say that I have thrashed over this straw; I have said all I wanted to say. I have no apology to make. I am brave enough and true enough to stand by my words whether I believe them to be discreet or not, and I sincerely affirm that I believe every word uttered by me was justified. I do not think any disrespect can be tortured out of what I said about this man coming to our country. None was intended by me. What I intended to do was to emphasize the fact that a man can not be born great, and that he is entitled to no recognition because of the fact that he happens to be somebody else's brother.

Mr. KLUTTZ. I should like to ask the gentleman if he meant any disrespect to the great German people?

Mr. WHEELER. Of course I meant no disrespect to the German people. There are millions of liberty-loving Germans who fled from the tyranny and oppression of the Emperor of Germany and came to the United States to find a home in a free country. They are a brave, patriotic people, and I would not insult them, and everybody knows that. [Applause on the Democratic side.]

Mr. KLUTTZ. That is what I wanted to give the gentleman an opportunity to say; that is all.

Mr. WHEELER. Mr. Chairman, it is only the diseased mind of partisan bigotry and spite that could so torture the remarks I made; and if my Republican friends think they can get any capital out of that they are welcome to it. I stand by what I said, and I do not think there is an intelligent German-American citizen to-day that will not echo the sentiments I have voiced. [Applause on the Democratic side.]

Mr. SHERMAN. Mr. Chairman, I yield five minutes to the gentleman from Kentucky.

Mr. LITTLE. I had agreed to recognize a friend on this side of the House to consume half an hour.

Mr. SHERMAN. The gentleman from Kentucky desires to follow his colleague.

Mr. LITTLE. Very well.

Mr. BOREING. Mr. Chairman, I was not present in the House

at the time my colleague [Mr. WHEELER] made the speech referred to in the discussion to-day. I have not read the speech, but if the newspaper reports of that speech are correct, the Democratic party having disavowed responsibility for it, on the part of the people of Kentucky I want to disavow for the State of Kentucky. I am glad to hear my colleague here personally assume the sole responsibility for his speech, for in so far as it reflects upon the Administration or upon our distinguished Secretary of State I am quite sure it will not be indorsed by the people of Kentucky, neither the Republicans nor the Democrats.

I do not believe my colleague in his speech reflected the sentiment of 5 per cent of his constituency at home. I am glad to hear him state that the letters and telegrams that he has received have not come from the people of Kentucky. He said it is too far away from his district to hear from them yet. Yes; he is too far away to make a speech like that to this House. [Laughter and applause on the Republican side.] He is like that prodigal son that went into a far country. A Representative can go a long way from his district sometimes in opinion and sentiment, and geographically not be very far off either.

Now, so far as the reflection upon the Germans is concerned, I am glad to hear him disavow any intention to reflect upon them, because a large per cent of the citizenship of Kentucky are Germans. They are in general an intelligent, honorable, and upright class of people everywhere. They are industrious and hard-working people, who attend strictly to their own business affairs. I desire to disavow any indorsement of any of those statements so far as the Eleventh district is concerned and so far as the citizens of Kentucky generally are concerned. Personally I entertain a high regard for my colleague, but I think our people will regard it as unfortunate that any representative of the State should stand upon the floor of this House and insult the intelligence of the country in any such manner. [Loud applause on the Republican side.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. PAYNE having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, one of its clerks, announced that the Senate had passed the following resolution; in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 25.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause an examination to be made of the coast of Washington in the vicinity of the mouth of the Hoh River, with a view to the establishment of a harbor, and to submit an estimate therefor.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 176. An act to provide for the extension of the charters of national banks;

S. 1025. An act to promote the efficiency of the Revenue-Cutter Service;

S. 65. An act providing for the retirement of petty officers and enlisted men of the Navy;

S. 1099. An act authorizing the Secretary of the Navy to return to Harvard University certain colors, silver cup, and Nordenfeldt gun;

S. 1563. An act for the relief of William H. Crawford; and

S. 2921. An act to place Henry Biederbick, Julius R. Frederick, Francis Long, and Maurice Connell on the retired list of enlisted men of the Army.

The message also announced that the Senate had passed without amendment joint resolutions of the following titles:

H. J. Res. 88. Joint resolution authorizing the Commissioner of Internal Revenue to return bank checks, drafts, certificates of deposit, and orders for the payment of money, having imprinted stamps thereon, to the owners thereof, and for other purposes; and

H. J. Res. 131. Joint resolution authorizing the transfer to the Library of Congress of the Library of State reports, etc.

The message also announced that the Senate had insisted upon its amendment to the bill (H. R. 3104) to grant the right of way through the Oklahoma Territory and the Indian Territory to the Enid and Anadarko Railway Company, and for other purposes, disagreed to by the House of Representatives; had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. QUARLES, Mr. HARRIS, and Mr. RAWLINS as the conferees on the part of the Senate.

INDIAN APPROPRIATION BILL.

The committee resumed its session.

Mr. LITTLE. I yield fifteen minutes to my colleague from Arkansas [Mr. REID].

Mr. REID. Mr. Chairman, in accordance with the custom practiced by the members of this House, I shall not confine myself to the pending bill, but shall take advantage of the time allotted to me to discuss for a few moments the policy recently inaugurated by this Government toward the people of the Philippine Islands. It would of course be presumptious in me to assume that I could add anything particularly new or original to the volumes of argument that from time to time for the last two years have been made upon this subject upon the floor of this House and in the Senate Chamber; but as time progresses and the situation becomes more fully developed the truth or falsity of those arguments becomes manifest, and it becomes more apparent that in the course we have adopted we are departing from American spirit and endangering American interest. In this, sir, I find some excuse for trespassing for a time upon the patience of this committee.

Mr. Chairman, we are paying a colossal price for something over in the Philippine Islands. We must be fighting for something of incalculable worth. Judging from the stupendous price in money and blood we are paying, nothing short of the very existence of our nation and the safety of our own liberties can be at stake upon the issue. What do we expect to get out of it? Are we on the defensive or aggressive? If we are on the defensive, why are we attacked by so relentless a foe, and what is it we have that he seeks to take from us? What have we done that he should punish us? If we are on the aggressive, what is it he has got that we would take from him? What great indignity has he offered us? What vital injury have we suffered at his hands that millions must be appropriated from the revenues of State from year to year to carry on the struggle, and hundreds of thousands of the young manhood of the country must be called into service to pour out their blood in this interminable conflict? These questions can not be answered with such indefinite responses as we hear when we are told that we are "upholding the honor of the flag," or that we are fighting to become a "world power."

The time is coming, sir, when the American people are not going to be content with high-sounding metaphor and sentimental phrase in answer to these vital questions. When the tocsin of war was first sounded and it was heralded over the length and breadth of the land that an issue had been drawn between the armies of this country and an alien race in a foreign land, the American people, true to their natural impulses, never stopped to parley or to reason. Shoulder to shoulder they stood by the Administration and for the honor of the American soldier, who has never yet been conquered by a foe. But the conflict of the hour has lengthened into the duration of years. The insurrection that at first could not be dignified by the name of war has begun to cost us hundreds of millions a year, and the best blood of our armies. The hostile outbreak of an insignificant faction, that we were promised should be suppressed in ninety days, is now admitted to have settled down to a system of warfare that requires the presence of 30,000 men, scattered over 500 stations in the islands.

It was said that the leader of the "rebellion," as it was termed, by some means had caught the spirit of liberty in his savage heart and was furnishing inspiration to the others, and that when his capture was effected resistance to American arms would collapse in the twinkling of an eye. But notwithstanding that we are told he experienced at once a sudden change of heart, and issued a proclamation urging the cessation of hostilities, and inviting his countrymen to find peace under the "glorious banner of the United States," there is as little hope of peace to-day as there was many months ago when his capture was effected. There have been enlisted in the service in the Philippine Islands scarcely less than 125,000 men. More than 1,000 have been killed or died from injuries received in battle. Nearly 3,000 have died from diseases of various kinds. About 4,000 have been discharged for disabilities. Not less than 500 have become insane, and the Surgeon-General startles us with the intelligence that homesickness was one of the principal causes.

The cost of the war can not be accurately stated in dollars and cents. Government officers dare not hazard an estimate upon it. Before the war our Army cost us about $30,000,000 a year. During the three years we have occupied the Philippines it has cost us over $536,000,000, and the Secretary of War's estimate for the year ending June 30, 1902, asks for over $140,000,000 more, and his estimate ending for the fiscal year 1903 calls for $158,403,000 more. This is the price, sir, we are paying for the luxury of establishing our authority over the Philippine Islands. What can we hope to accomplish by it? Control the trade of the Philippines? It has been more than once demonstrated upon the floor of this House that we will not get back what we have already spent for generations in the centuries yet to come; that the cost of governing those distant islands, and keeping them in subjugation to American authority, will always exceed by millions the revenues derived from their trade. An examination into the experience of other nations will show conclusively that spheres of influence and colonial possessions are in no wise essential to the upbuilding of

trade and the expansion of commerce. It was stated a few days ago upon the floor of the Senate that an army of 30,000 men kept for twelve months in the Philippine Islands would consume the profit of our trade with them for one hundred and fifty years.

Sir, we have utterly no use for colonies. A modern writer on colonial history has shown that more wars have been waged in controversy over colonies and possessions foreign to the parent state than over all other causes combined. He writes: "Hostilities once commenced will spread. A contest thus commenced often serves as an excuse for an attack on a parent state. A colony is, as some have very truly said, a tinder box, which only requires a stray spark to ignite the conflagration of war. The inhabitants of the mother country must, therefore, always be ready at command to render services in behalf of her wards, or, as frequently happens, to protect their own land against the foreign aggressor to whom some territorial dispute offers the desired pretext." I repeat, sir, we have no use for colonial possessions. Other nations, huddled upon the narrow islands of the sea, may, in the very necessity of the case, be driven to seek broader lands into which to shake from their overcrowded shores a discontented and complaining population. But, sir, this nation, with an expanse of territory embracing millions of square miles upon which the human foot has scarcely trod, teeming with resources that can not be developed in a score of generations, can find no just excuse for such a course.

No careful student of the political history of the country can deny that our Government is being launched upon a course and committed in a large measure to a policy that was never dreamed of by those who drafted the Constitution and the Declaration of Independence. But we are told that we have outgrown them; that our nation has become too great and too powerful to be hedged about and embarrassed by such narrow restrictions. The great documents that were adopted by the people of this country with shouts of glad acclaim and to the peals of liberty's bell scarce more than a hundred years ago, hailed as enduring and eternal, are now, even in this short span of our country's history, said to have served their purpose, and must give way to new and changing conditions. The simple but sublime old truths, so proudly proclaimed by the fathers of this country but a short time ago, and which no man dares to deny, and to which all political parties pointed as the basic principles of their creeds and the all-sufficient fountain of their faith, are now subjected to the closest scrutiny and harshest criticism, and he who can find an exception or evade express provisions by ingenious and tortured construction is proclaimed a great statesman and the man of the hour.

The Declaration announced as the first self-evident truth that all men were created equal. Can anyone truthfully deny that we are dealing with millions of men to-day, not as equals, but as subjects? That to secure the inalienable rights of life, liberty, and happiness governments were instituted among men, deriving their just powers from the consent of the governed. Can any man deny that we are governing 10,000,000 people without deriving from their consent the just power to do so? Commissions for their government are created by legislation in this Hall. Are they represented here? "A right inestimable to them and formidable to tyrants only." Are we not "creating a multitude of new offices and sending thither a swarm of officers to harass the people and eat out their substance?" All of these things and many more have been urged upon the floor of this House and in public discussion, but it has all fallen upon ears "deaf to the voice of justice."

Mr. Chairman, it does seem that if we can not learn from the plain history and hallowed traditions of our own country that we ought at least to hesitate when the universal verdict of all history is against us. There is not a nation, from the most ancient to modern times, that has ever reaped any lasting benefit to itself or conferred any true blessing upon any other by the arbitrary exercise over it, against its consent, of the powers of government. A nation may subject another, and by the appropriation of its resources and a great display of its military strength be called a world's power and flourish for a season; but, sir, the very principle and spirit that elevates her to that "bad eminence" becomes at last a source of all her troubles and the ultimate cause of her own disintegration and decay. Gentlemen are anxious for our nation to become what they are pleased to call a world's power.

And let me ask, what is meant by this high-sounding phrase? What is a world power among nations? If it is meant that we should assume the dictatorship of the world; that we should marshal great armies and majestic fleets, and send them on missions of conquest to foreign zones; if it is meant that we should levy tribute upon the weak in order to fill the coffers of the strong, that we must tax the humble to the extent of endurance, in order to maintain the great in the height of affluence; if it is meant that farmer, mechanic, and tradesman must be burdened in order to build up and maintain a horde of govenors and proconsuls, and commissioners; if it is meant that we must monopolize the commerce of the world at the point of the sword and the mouth of the cannon; that we must "bestride this narrow world like a Colossus while petty nations peep about beneath our huge legs to find themselves dishonorable graves," then, sir, I raise my provincial voice against my country's ever becoming such a world power as that.

But if it is meant that we should lead the van of civilization in the industrial arts and sciences; that by the energy and enterprise of American merchant and manufacturer our products shall find a market in every zone; if it is meant that our Government is secure from internal strife and commotion, because resting upon the foundation of contented homes of 80,000,000 people; if it is meant that we have builded here a republic in which equality before the law is the first principle; that we must set the example and lead the way into that perfect system of self-government wherein all the nations of earth may follow, and, ridding themselves of kingcraft and tyranny, enter into the blessings of a true republic, then I call the battle on and God speed the day.

I do not conceive that a nation's greatness consists in the strength of her standing armies and in the great fleets she sends to the seas, in the millions hoarded in her treasury vaults, and in great officials, surrounded by pomp and pageantry, sent to foreign shores to hold the reins and guide the destinies of inferior people. I am among those who still believe that our forefathers, who had lately suffered the evils of intolerable government, had the true idea of national greatness. True then, truer now. They regarded that nation greatest that guaranteed the greatest measure of individual liberty consistent with the good of the state. They believed in preserving the equality of the citizen, and boasted that every man was a sovereign. They believed that the security of the state rested in the happiness and contentment that broke in sunshine about the home of the citizen. That a people who loved their country and shared equally in the burdens and blessings of state could be relied upon in an hour of national peril to rally to her defense and destroy her foes. They had read the history of the nations, and they believed that standing armies were a menace to the liberties of a republic.

These simple principles were the foundations upon which the Republic was builded, and when they were made good by the war of independence they shook every throne on earth. They aroused a revolution in France, and they made a Republic of Brazil. Never in the history of the world did a nation spring with such sudden grandeur from lowliness to might, from weakness unto strength. In less than a century this lusty young Republic marched, the peer of any, among the galaxy of nations; and whenever and wherever the hour of her trial came she measured up to the fullest standard of national greatness. And, sir, to those who can find no measure of a nation's greatness but the rule of barter and trade, although the spirit of commercial greed had not overshadowed every other branch of honest industry and claimed for itself the first favors of government, as it seems to have done in those days, it did sustain a healthy relation to the general development of the country, and the product of American industry and American genius and skill were fast finding their way into every port of trade and mart of commerce on earth.

And let me say here that a nation's permanent commercial success is due to the industry and genius of her people and the resources wrapped in her soil more than in all protective statutes that can be enacted and armies and navies that can be mustered. It is a law of nature against which artificial conditions can not prevail. It is just as certain, sir, that in due season and without protective tariffs and subsidies for ships, and navies and armies, and "spheres of influence," this nation, backed by the enterprise and spirit of her people and the fields and forests and mines that rest on her bosom, should gain the commercial supremacy of this world as it is that the earth should bud and blossom and bear fruit in the warmth of the summer's sun. I have confidence in the American. I believe that he is the greatest and grandest among the tribes of men. He needs nor asks no unfair advantage in the battle of life. He wants no vassal nations to plunder. Guard his individual rights, preserve inviolate the Constitution of his country, stand by the creed of his fathers and he will lead the van of civilization and sway the scepter of commercial supremacy.

A few years ago, when the Democratic party began to cry out against the imperialistic tendencies so suddenly developed in the administration of this Government's affairs, the idea was laughed to scorn or met with indignant denial. And gentlemen are unwilling to admit that they have veered the course of this Government to an alarming extent in the direction of imperialism. But on all sides the advocates of the policy are beginning to defend their position by arguments in substance to the effect that the rugged constitutional structure of a republic is behind the times and must be remodeled to come up to the demands of the hour. It is vaguely hinted that the common people are not

capable of self-government after all. Magazines and periodicals are filled with articles describing the beauties of foreign possessions—the wonderful accomplishments of empires in colonizing the world and reaping rich harvests from the government of inferior people. Large appropriations of the people's money are asked for the subjugation of distant races and to send representatives of the American people to make obeisance at the crowning of kings. Things are advocated and done to-day that ten years ago would have meant the destruction of any political party that stood for them, and now he who lifts his voice against them is charged with lack of patriotism and proper conception of the dignity and greatness of his country. It is but a verification of the truth that—

> Vice is a monster of so frightful mien,
> As to be hated needs but to be seen;
> Yet seen too oft, familiar with her face,
> We first endure, then pity, then embrace.

Mr. Chairman, of all men I despise the demagogue most. I believe that our country more than once has been led wrong by want of courage upon the part of those whom the people trusted and looked to lead them right. I do not believe in the abuse of the rich to inflame the poor, or in decrying the great to court the applause of the low. But it has come to the point that no man can lift his voice against the high-handed policy recently inaugurated without being exposed to the charge of being a demagogue. I do not believe in a niggardly administration of the affairs of my country. I believe in maintaining the highest dignity among nations. But I do not forget that ours is a peculiar province. We entered the arena of nations not for conquest and plunder, but to make good the equality of all before the law and to see that a representative government does not perish from the earth.

But gentlemen say there is no cause for alarm. Sir, I do not contend that national destruction is an immediate and impending calamity. I know the exhaustless resources of this great country. I know that the people are long suffering and slow to provoke to wrath. Most of them who have the necessities and a few of the comforts of life rely upon the patriotism and wisdom of their rulers, and give little heed to the drift of public affairs. It may take years, perhaps a generation, for the present course of events to culminate in revolution, but "after us the deluge."

To him who has read history the signs are unmistakable. There are certain well-defined principles from which the course of a nation may be determined with as much certainty as the mariner can determine the course of his bark by the observation of the stars. The mathematician, given the variations of certain lines, can tell with exactness the point of intersection. So the statesman, if the outcome of present policies does not belie the unbroken record of the past, can see with clearness that the "meteor of conquest has already allured us too far."

Show me a nation in which the people forget the lessons of their ancestors and squander the heritage so dearly bought and so proudly possessed by them; show me a nation in which the military spirit predominates and overshadows the majesty of civil institutions, a nation in which gigantic combinations of wealth boldly demand and receive special privileges at the hands of the state, a nation that withholds her sympathy from those struggling to maintain a republic and prides herself upon following in the wake and practicing the methods of empires and kingdoms, a nation that hearkens not to the rights and liberties of others—and I will show you a nation in which the liberties of her own people are inclining to their fall. When it was said that standing armies were a menace to the liberties of a republic a truth was uttered based upon the universal verdict of history. There is something in the clarion voice of war that warps the soul of man. Tales of conquest and glory beyond the seas fall upon the human ears like the song of a siren.

The human heart leaps to the wild music and hoarse cadence of battle. The noble, the brave, and the true flock to the red throne of war. Young manhood rushes from field and forge to march to the stirring strains of fife and drum. It is sweet and glorious to die for one's country; and be it said to the eternal honor and glory of American arms that from the general in command to the humblest soldier in the ranks none have ever paused to question or parley. With them it was not a question of right or wrong. It was "the duty of a soldier to answer and to die." My voice and vote shall never be withheld when it is needed to support or maintain them while they fight the battle of my country; but, sir, that voice and that vote shall never be lent to the cause of those who, under the guise of making provisions for the comfort and maintenance of the Army, are compelling those brave soldiers to cross the seas, thousands of miles from their homes, and wage a cruel war against a defenseless people in the interest of a cold and selfish commercialism and commit my country to a policy that has disgraced the annals of a hundred nations before her.

When I reflect, sir, upon the untold millions that are being poured out in this unhallowed and purposeless strife, and think what magnificent things might be accomplished by the proper expenditures of the same means at home, I am profoundly astonished that any should insist upon it. The arid lands of the West could be redeemed, the canal could be dug, rivers and harbors could be opened, public buildings erected, and thousands now idle and helpless could be given profitable employment, and this all without any question of national honor or the sacrifice of a single life. I think, sir, of what could be done in my own country, with her vast primeval forests, her broad, deep rivers, and her fields of snow-white cotton, her beds of coal and mineral, her fertile valleys and towering mountains. With these rivers open to navigation and these resources brought in touch with some of the millions going to maintain the mercenary strife, a throne of commercial empire would spring up on the banks of the Mississippi and the Arkansas that would bring beneath its peaceful sway more weal and wealth than can be gathered from the sunburnt Orient in a thousand years. And better, sir, it would bring a community of interest and a better understanding between North and South and East and West. The dark shadows of sectionalism would fade away in the bright light of peace and prosperity.

Unjust aspersion and cruel criticism would give way to genuine assistance and kindly sympathy. Embarrassing and vexatious questions, which have harassed and annoyed this nation for half a century, would find their happy solution in the common interest of all. Let us give up this wild dream of conquest; let these people who have been under the hard hand of the oppressor for over three hundred years feel for once the thrill of freedom in their hearts; let them catch the vision of their own flag floating to the breeze. They welcomed the coming of our ships to their shores as the dawning of national independence. Shall we make it an eternal night of warfare and bondage? Let us do what we could have done the first day we went into their harbor—plant the standard of this Republic upon some vantage ground from which we can control our share of the vast commerce of which we hear so much, and let us also be the guardians of the liberties we have conferred upon these people, and by the gentle arts of peace and contact with civilization lead them into a higher order of life and national independence. Let Cuba and Porto Rico join the sisterhood of States at the earliest moment consistent with the wishes of their people and the interest of good government, and we shall have practiced in spirit what we preach in letter and kept, to our honor, the hallowed faith of our fathers. [Loud applause.]

Mr. SHERMAN. I yield thirty minutes to the gentleman from Utah [Mr. SUTHERLAND].

Mr. SUTHERLAND. Mr. Chairman, I do not desire to take advantage of the latitude allowed in this general debate to discuss questions which are entirely foreign to the bill under consideration, but I desire to make some observations upon a subject which is intimately connected with the matter which we are presumed to be considering. The President in his recent message makes use of this language:

> In my judgment the time has arrived when we should definitely make up our minds to recognize the Indian as an individual and not as a member of a tribe. The general allotment act is a mighty pulverizing engine to break up the tribal mass. It acts directly upon the family and the individual. Under its provisions some 60,000 Indians have already become citizens of the United States. We should now break up the tribal funds, doing for them what allotment does for the tribal lands—that is, they should be divided into individual holdings. There will be a transition period, during which the funds will in many cases have to be held in trust. This is the case also with the lands. A stop should be put upon the indiscriminate permission to Indians to lease their allotments. The effort should be steadily to make the Indian work like any other man on his own ground.

Further along he says:

> The ration system, which is merely the corral and the reservation system, is highly detrimental to the Indians. It promotes beggary, perpetuates pauperism, and stifles industry. It is an effectual barrier to progress. It must continue to a greater or less degree as long as tribes are herded on reservations and have everything in common. The Indian should be treated as an individual—like the white man.

If the Indian is to be recognized as an individual, and not as a member of a tribe, then the time has come when we must enter upon the work of breaking up the great Indian reservations, so that they may be settled by the home seekers of this country and the Indians be compelled to take allotments of land in severalty. There is nothing, in my judgment, which fosters and tends to perpetuate the tribal relations so much as the holding of these vast, unbroken areas of the public domain by these Indians in their tribal capacity.

But under the leasing system, which was inaugurated by the act of Congress of March 28, 1891, and as that act has been interpreted and stretched and construed by the Indian Department, the Indians have been so worked upon by their own cupidity and by the efforts of individuals who have procured or who are seeking to procure leases of Indian lands that it has become almost impossible to obtain their consent to the further opening of the reservations.

The Indian policy of this Government is one which has changed

from time to time. It has been a matter of evolution. We began by treating the Indians substantially as belonging to a sovereign body with whom we treated. That was the idea of William Penn when he treated with the Indians, and was the principle upon which the colonies proceeded and the principle upon which the Government of the United States proceeded until 1871.

In 1871, however, Congress repealed the treaty-making system, and at that time declared that no more treaties should be made with the Indians. Since that time we have been making agreements with them, and to-day, instead of treating with the Indians as belonging to sovereign nations, we deal with them as wards of the Government. Now, the question is whether or not we can consistently and legally open these reservations to settlement without procuring the consent of the Indians thereto.

Before I discuss that, however, I want to speak a moment or two with reference to the leasing question and its effect upon the Indians in the way of retarding efforts to procure their consent to the opening of their reservations. Gentlemen will know that in 1891 we passed an act which provides for the allotment of lands to the Indians in severalty. That act contains a proviso to the effect that when Indians are in the occupancy of lands which they have "bought and paid for" these lands may be leased by consent of the council representing the Indians, and under such regulations as the Secretary of the Interior may prescribe.

It seems to me that that act was originally a very plain one and that there could be no doubt as to exactly what was intended by Congress. Let me refer briefly to what led to the passage of it.

As early as 1884 or 1885 there was considerable agitation in this country upon the question of the leasing of Indian lands to the cattlemen by the Cherokees and the Creeks and other Indians inhabiting the Indian Territory.

Many of these Indians held their lands by patent, in fee simple, and they thought that it was not right that their lands should be tied up and they receive no benefit from them in the way of revenue. So that the chiefs and headmen, speaking for the Indians, undertook to lease them. The matter was called to the attention of the Government, and the question was referred to the then Attorney-General of the United States, Mr. Garland, who rendered an opinion that under the sweeping provisions of section 2116, Revised Statutes of the United States, those leases were absolutely void, wholly irrespective of the question of title.

But the Indians continued to lease their lands, and finally, in 1890, the situation became acute, and the President of the United States, Mr. Harrison, was appealed to. He submitted the same question to the Attorney-General, Mr. Miller, who came to the same conclusion that his predecessor had arrived at, namely, that the leases were absolutely void.

President Harrison then issued a proclamation declaring the leases void, and ordered the cattlemen to remove their cattle from the lands within sixty days, or at any rate on or prior to the 1st day of October succeeding, in 1890. At that time there was pending in Congress this bill providing for the allotment of lands to the Indians in severalty.

The original provision of the bill was that "Indian lands" that were not intended for individual allotment might be leased. The bill in that form passed the Senate; it came to the House, and it passed the House in that form. Some amendments were made, and the matter was sent to a conference committee of the House and Senate, and when the bill came from conference it contained the proviso that I have called attention to, striking out the language that "Indian lands" might be leased, and containing the provision that only such lands as had been "bought and paid for" by the Indians should be leased.

Now, the Indian Department has construed that language so that it substantially applies to every Indian reservation. They say these reservations have been created by carving out of the large body of Indian lands the small bodies which have been erected into reservations, and the Indians have given up the larger body of land for the smaller bodies of land, and have thereby acquired a superior right which, within the meaning of the act, has been "bought and paid for."

Nearly all the Indian reservations have been thus created. Originally the Indians are found maintaining a roving occupancy of vast tracts of land. A treaty is made with them by which they cede to the Government whatever rights they have or claim to have in these lands, reserving from the cession smaller tracts for their future use and occupation, in language more or less comprehensive, and these tracts thereupon become the so-called Indian reservations. Now, it is perfectly clear that no additional title is conferred upon the Indians by these reservations. The effect plainly is simply to exclude the lands so reserved from the effect of the cession and to reserve them for another purpose, leaving the title as it stood before the cession. Such is the clear meaning of the word "reserved" itself, and such is the view of the courts that have passed upon the question, as I shall show in a moment.

That legislative grants are construed most strongly against the grantee is a rule well settled by the authorities, and that this rule applies to reservations claimed under Indian treaties is equally well settled. The Interior Department, with an apparent striving after an extension of its own power and jurisdiction, has ignored this plain rule, and instead of giving these treaties the restricted interpretation demanded by an adherence to this fundamental rule has given them an extended construction wholly unwarranted by any principle of law.

Now, it seems to me that when we come to consider this rule and the history that I have briefly referred to which led to the passage of the act, we must come to the conclusion that the Indian Department is mistaken in its construction of the law. The language is "land which has been bought and paid for."

The expression appears to have been deliberately and carefully chosen. It is not "lands bought by the Indians" or "lands paid for by the Indians" or even lands "owned by the Indians," which might have been interpreted to include the Indian title by occupancy, but it is "lands bought and paid for." It clearly implies a transaction by which there has been an actual sale by one, an actual purchase by another, and anactual payment by the latter.

Congress, it seems to me, undoubtedly had in mind that class of lands such as were in the Indian Territory, and perhaps elsewhere, that by a bargain and sale transaction, with the Government upon one side and the Indians upon the other, had actually been sold to the Indians and for which the Indians had paid. There were quantities of land to which they held title by actual payment of money. This is the case in many instances with reference to Indians in the Indian Territory.

Congress evidently considered that as to such lands, not merely reserved, but actually paid for and held by fee-simple title, it was unjust that the Indians should not be authorized to deal with them in such a way as to make them financially beneficial. But a general leasing system of all Indian lands—including mineral lands of unknown richness—bringing with it the scandals, the Congressional investigations, the opportunities for jobs and imposition upon the Indians by unscrupulous speculators and adventurers which would go with it, was never dreamed of. If it had been, the provision in question would not have received a vote in either House.

The effect of this interpretation by the Indian Office has been to make the Indian a landed proprietor. He is getting a revenue from these reservations, which were never intended to come within the operation of the law, with no effort upon his own part. He is worked upon by the individuals procuring the leases from the Indians in such a way that he now refuses to give his consent to open the reservations.

The question is whether or not the Indian is to be left in his tribal relations forever, or whether we shall adopt some other means of opening the reservations. I have introduced in the House at this session a bill which provides for the opening of the Uintah Reservation in Utah, and I take that as an example of many other reservations.

That bill, in substance, provides that the Secretary of the Interior, within six months after its passage, shall cause each of the Indians residing on the reservation to make a selection of 160 acres of land if he is the head of a family and 80 acres if he is not, which shall thereupon be allotted to him and thereafter held by him in severalty, and that following that the remainder of the reservation lands shall be thrown open to settlement under the homestead law, except that the land shall be paid for at the rate of $1.25 an acre and the funds realized from the sale of these lands, together with the funds realized from the sale of mineral lands, shall be turned into the Treasury of the United States and draw interest at the rate of 4 per cent, and the interest and principal of the fund shall be invested under the direction of the Secretary of the Interior for the benefit of these Indians.

There is no provision for obtaining the consent of the Indians.

Now, it seems clear that some such method as that must be devised in order that the recommendations of the President in his message, to which I have called attention, may be carried out. It seems to me that ample justification might be found for adopting that method in the idea that I first adverted to, that we had come to look upon the Indian as the ward of the Government.

We may deal with his lands and his possessions and dispose of them precisely, it seems to me, as a court of equity may deal with and dispose of the lands of an infant or an incompetent person, being careful of course at all times that no injustice be done to the Indian. In a bill such as I have introduced, following a policy of that kind, no injustice would be done to these Indians, and unless some method of that kind be adopted this reservation must remain forever, or at least for many, many years, entirely closed to settlement by the whites.

The courts of the United States have repeatedly held that the

mere fact of the carving out from the body of the public lands of an Indian reservation, calling it such, providing that it shall be occupied as a permanent home by the Indians, does not in any manner change the title. The Indians have their right of occupancy, but nothing more. I want to call attention to one or two cases which hold this doctrine. I will refer first to the case of Godfrey *v.* Beardsley (2 McLean, 412). In that case it was decided that—

An Indian treaty which cedes lands within certain boundaries, reserving certain parts, does in no respect change as to such parts the original right; but that if a treaty declares there shall be granted certain tracts designated, to certain persons, and in the same article these are referred to as grants, they are held to operate as such.

And the court makes use of this language:

The Indian right is that of occupancy, and until this right shall be extinguished by purchase no possession adverse to it can be taken. It is admitted that the mere reservation of the Indian right to a certain part of the described boundaries leaves the right reserved, as it stood before the cession.

Again, in the case of Goodfellow *v.* Muckey (1 McCreary, 238), the circuit court of the United States came to the same conclusion. In the course of the opinion upon that subject, it is said:

As a rule legislative grants must be interpreted, if practicable, so as to effect the intention of the grantor, but if the words are ambiguous the true rule is to construe them most strongly against the grantee. (Riee *v.* Railroad Company, 1 Black., 363.) All grants of this description are strictly construed against the grantee. Nothing passes but what is conveyed in clear and explicit language. (Railroad Company *v.* Litchfield, 23 How., 66.) This rule of construction may very properly be applied to grants and reservations claimed under Indian treaties.

It has been the policy of the Government in treating with Indian tribes to reserve from the public domain tracts of land for the use and occupation of the Indian tribes and to limit them to such reservations. The right of the Indians to have and occupy these lands for themselves and their families has been granted in language more or less comprehensive, but always evincing the purpose on the part of the General Government to limit the Indian title to the use and occupation of the land.

In some instances their lands have been patented to them in fee simple so long as they should exist as a nation and remain on the land. Such were the provisions of the treaties with the Senecas and Shawnees made in 1861 (7 U. S. Stats., 349, 352). In most treaties the words "set apart and reserved" are used in appropriating portions of the public lands as a home for the Indian tribes. In a treaty with the Menomonies, of Wisconsin, in 1871 (7 U. S. Stats., 342), the following language is used:

"The following-described tract of land, at present owned and occupied by the Menomonie Indians, shall be set apart and designated for their future homes."

The Supreme Court in that case held that the Indian title was in no manner changed by that very broad language. In the case of Wheeler *v.* Meshinggomesia (30 Indiana, 402), a treaty had been entered into with the Indians, the second article of which provided:

From the cession aforesaid the Miami tribe reserve for the band of Matosinia the following tract of land, etc.

It was claimed upon the trial that the effect of this was to vest the fee in the band of Indians mentioned. But the court said:

This position can not be maintained. The ultimate title was in the United States, with the right of occupancy in the Miama tribe of Indians. By the treaty of 1838 the Indian tribes ceded to the United States their right in certain territory named, but from this cession there was reserved by the tribe, for the band of Matosinia, the land in question. Now, the land thus reserved stood precisely as it did before the cession so far as the ultimate title was concerned. It was left subject to a future cession to the United States.

So that the point I make is that in no manner has the title to these various Indian reservations been changed. The lands upon the Indian reservations are legally as much under the control of the United States Government and as much at the disposal of the United States Government as they were before the reservations themselves were created.

Of course, questions may arise as to whether or not it is just to the Indians themselves to undertake to break up their reservations and sell them, but that is entirely aside from the legal question that is involved. If we deal with the Indians justly, if we sell their lands at a fair price, such as is provided in this bill—$1.25 an acre—and allot them lands on the reservation, so that they may have their farms and grazing lands, and cover the funds arising from the sale of lands into the United States Treasury, and give them the full benefit of that investment, it seems to me no complaint can be made on the part of the Indians themselves.

Now, there are certain reservations to which the United States has a broader title than the ones I have just been discussing, and within that class of reservations is included the reservation that is in question in the bill that I have adverted to, the Uintah Reservation, situated in the State of Utah. Prior to the Mexican cession that was Mexican territory. The Mexican Government recognized no title whatever in the Indians, except those Indians who were gather together in pueblos, who had actually settled on definite tracts of land. The Mexican Government recognized no title whatever in the wandering tribes of Indians, the so-called "blanket" Indians, who roamed to and fro in this vast territory.

Now, the rule is well settled that where one country acquires territory from another, either by conquest or by purchase, it takes exactly the title which the latter country has. So that when the United States acquired this Mexican territory by the treaty of Guadalupe-Hidalgo, they acquired exactly the title which Mexico had, and the Government of Mexico recognized no title in the Indians, and the Indians had no title to the lands.

It is true the Government has at various times made treaties with these former subjects of Mexico, but it has not been done in recognition of any title. It has been done by way of obtaining peace. It has been done to avoid disastrous conflicts, because the United States considered that it was very much easier to make a treaty with the Indians than it was to fight them.

Those treaties were made at a time when the Indians in that section of the country were numerically strong and the whites were not; and, as I say, the Government simply considered that it was less expensive and infinitely better for the people of the United States that they should treat with the Indians for their fancied right to the lands than that they should go to war with them.

But time and time again in that section of the country the United States has disposed of the lands over which the Indians theretofore roamed, and to which they had as much claim as they have to these reservations, without consulting the Indians at all. That was the case with reference to the public domain in the State of Utah prior to the creation of this Uintah Reservation. A number of the Indians had settled in four different so-called reservations—one called the Corn Creek Reservation, another the San-pete Reservation. another the Deep Creek Reservation, and a fourth the Spanish Fork Reservation.

Now, by the act of May 5, 1864, by which the Uinta Reservation is created, it is provided that those reservations shall be appraised and sold to the highest bidder, and the consent of the Indians is not asked or obtained. Later, along in 1878, that provision of the law of 1865 is repealed, and the reservations are restored to the public domain, to be disposed of under the direction of the Secretary of the Interior, as other public lands; and in that way the Government has disposed of these reservations.

It has disposed of the other public lands in the State of Utah, and I doubt not in other surrounding States, which were formerly a part of the Mexican territory, so that the Congress in dealing with these lands has recognized repeatedly that the Indians have no claim to them, such as was recognized to exist in the Indians settled in the Eastern States and in the Mississippi Valley.

In the case of the Uinta Reservation there is not even a treaty stipulation which creates the reservation. I am aware of the fact that the Indian Department and the supreme court of my own State have intimated that, in their opinions, this reservation was created in pursuance of the treaty made with the Utah Indians in 1849; but a moment's investigation will disclose the fallacy of that position. This treaty will be found in 9 Statutes United States, page 985. It is strictly a peace treaty. It provides for the surrender by the Indians of stolen property, the restoration of captives, and that their territorial—not reservation—boundaries shall be designated, and that when adjusted the Indians promise to confine themselves to such limits.

The Utahs consisted of numerous bands, having separate tribal organizations, under separate chiefs. They did not constitute a nation. They roamed, as the treaty indicates, over large tracts of country, having no fixed abiding places. This treaty was not made with all the Utah Indians, but with three isolated bands in New Mexico called the Mohuaches, Capotes, and Nomenuches. Not one of the tribes of Utes in Utah participated in the treaty. They knew nothing of it whatever, and the treaty has no more connection with the Uintah Reservation than the treaties made by William Penn. It has been time and again declared by the Commissioner of Indian Affairs and the Indian agents, in their correspondence prior to 1891, that no treaty existed with the Ute Indians of Utah, and such is the fact.

The Uinta Reservation was created by an Executive order of October 3, 1861, and by act of Congress approved May 5, 1864. This act provides that the Superintendent of Indian Affairs shall collect as many of the Indians of the Territory of Utah as he may find practicable in the Uinta Valley, which is set apart for their permanent occupation. It is not limited to the Utah Indians, which is of itself sufficient to show that it was not created in pursuance of any treaty stipulation with the Utahs, but all Indians were to be sent there—Navaho, Shoshone, Utahs, or others who were in Utah at that time. No title is conferred, no lands are described, no Indians or Indian tribes are named.

It is difficult to understand how anyone can be found who will seriously assert that an additional title has been created where there is no grant or language implying one, no lands described, and no grantee.

This reservation is subject to the absolute power of Congress. We may dispose of it as we have already disposed of other lands occupied by the Indians in Utah, with or without their consent, as we please. This bill goes beyond exact justice. It gives the Indians every dollar which may be realized from a sale of the

lands. In the interest of the development of the Indians themselves, it should be enacted into law.

Now, Mr. Chairman, it seems to me that the Indian tribal system, fostered and perpetuated by the Indian reservation system, is contrary to the genius of our civilization, which is builded upon the idea of individual action and responsibility. A thousand Indians upon the Uintah reservation, controlling over 2,000,000 acres of land, stand in the way of homes and farms for 50,000 citizens of the Republic.

These Indians contribute no revenue to the Government which feeds and clothes and schools them. They pay no taxes to the State which protects them. The ordinary citizen toils every day in order that he may eat every day. These luxurious wards of ours "toil not, neither do they spin;" but they are the steadiest boarders that we have. In a nation of workers the reservation Indian is an aristocrat. He is the landed proprietor of a princely domain which he has perpetually dedicated to the solitude of the wilderness.

In my judgment, it is time we inaugurated a new policy. Open the reservations. In doing so, deal justly with the Indians—generously, if you please—but open the reservations to settlement, in order that labor may take the place of idleness, that civilization may replace barbarianism, that the hunting ground may give way to the farm, and that the desert silence may be broken by the voice of industry. [Applause].

Mr. LITTLE. I yield fifteen minutes to the gentleman from Tennessee [Mr. PADGETT].

Mr. PADGETT. Mr. Chairman, there are no two questions of more vital importance to the people in their individual capacities and the body politic than the questions of taxation and commerce. The question of taxation has always been and ever will be one of deep and abiding interest to the masses of the people, for it is one that comes in close and immediate contact with them in their daily avocations. It is a question that rightfully should arouse and maintain among the people a deep solicitude, for its rightful exercise is and should be promotive of their welfare, and its perversion is easily accomplished and is fraught with much evil. Of like importance is the question of commerce, for it involves the rights of trade and traffic and the opportunities of the people to secure a livelihood and the gaining of wealth.

There are two theories or underlying principles of taxation. One theory, and the one which the Democratic party teaches and advocates, is that the power of taxation—the power which the Government possesses to take and appropriate the private property of the individual citizen—can be rightfully and properly exercised only for the purpose of raising public revenues adequate and sufficient in the exercise of legitimate Government duties and functions to meet the expenses of the Government honestly and economically administered, and when revenues sufficient for these purposes have been secured, the power of the Government to take and appropriate the private property of the individual citizen ceases and determines.

The Democratic party proclaims that the taxing power of the Government is limited to the necessities of the Government and that the exercise of the taxing power for any other or different purpose is a perversion of the power of taxation and, to the extent of such wrongful exercise, is an oppression of the people. The Democratic party is now and ever has been jealous in behalf of the masses of the individual citizenship of the country to restrict and limit the exercise of this power within its rightful and legitimate scope; has ever battled and still battles against every theory and exercise of the taxing power which seeks to use this strong arm of the Government for ends or purposes other or different than Government ends and purposes.

The other theory or underlying principle of taxation, and the one which the Republican party teaches and practices, is essentially different and distinct in its scope, intent, and purpose from the one taught by the Democracy. Judged by its declarations and by its legislation, the Republican party controverts the principle and theory of taxation as taught by the Democracy and boldly asserts that the taxing power of the Government is not limited to the necessities of a Government honestly and economically administered, but boldly asserts that the Government has the right and authority to exercise the taxing power—that is, to take and appropriate the private property of the individual citizen—for purposes other and different from raising public revenue. It proclaims that, independent of the question of public revenues, and without reference to the question of the necessities of the Government for revenue, the taxing power can and should be rightfully exercised for the purpose of promoting the private business affairs of individuals, or certain classes of individuals, whose business, in the exercise of its discretion, it wishes to foster, upbuild, and protect.

This is an issue between the two great political parties, and in its correct analysis it comes to the proposition as to whether legislation, and especially taxation, shall be exercised only for consideration of the masses, or whether the Government shall constitute itself an agency or engine to care for, protect, foster, and upbuild the private business of particular classes. Upon this issue the Democracy is proud of its position and confidently appeals to the ultimate judgment of the American people. It realizes that temporarily the power and influence of protected capital, combining in a common purpose to pervert the taxing power and secure Government aid, may obscure the judgment and thwart the real purposes of the people, but time, experience, and observation will expose and lay bare the insincerity, the perversion, and the wrongs of such legislation, and the people, realizing their situation, will rise in their might and power to make manifest their belief in the truth, the righteousness, and the justice of the legislation and political theories which have for their aims and purposes the welfare and prosperity of the masses of the people.

The Democracy believes that the legitimate purpose of government is to maintain order and administer public affairs so as to afford to all of its citizens untrammeled and unhampered opportunities in the race of life for wealth and happiness. And it spurns with indignation that political dogma which teaches that the Government has the right and authority to levy tribute upon the labor, the toil, and the production of the masses of the people and appropriate it by legislation to increase the wealth and strengthen the position and power of any particular class or classes of its citizenship.

It believes and teaches that the individual citizen is the unit in society, and that the Government, preserving order and maintaining organized society, should leave to every citizen the full measure of opportunity which his intellect, ingenuity, and skill may secure for him in the honest pursuit of wealth; and that the Government exceeds its authority and perverts the functions of government when, by the exercise of legislation, it requires one citizen to pay tribute, either of his labor or his earnings, to increase the private wealth of some other citizen. And I reaffirm that upon this issue the ultimate judgment of the American people, based upon its intelligence and conscience, will approve the Democratic doctrine.

It is our opinion that the legislation of the Republican party for the past forty years, in the exercise of the taxing power of the Government, has been subversive of every one of these fundamental principles of justice and individual right. The taxing power of the Government has, by legislation, been so manipulated and constructed that the masses of the American people have been required to pay tribute to the classes, and the production of the country has been tolled, like the miller tolls the turn of his customer, and this toll has been turned into the coffers of these classes whom the Republican party has seen fit, for political purposes, to make the favored objects of its munificent bounty. As illustrations and proof of this contention, may I cite the many colossal fortunes of amazing and incomprehensible magnitude which have been accumulated in this country within the last forty years.

I realize and fully appreciate that this is a new country of magnificent domain, of rich mines, fertile fields, and verdant forests, and that the opportunities for the accumulation and upbuilding of private fortunes is exceptional. But these conditions are not a sufficient answer or explanation of the thousands of fortunes amounting to twenty-five, fifty, seventy-five, one hundred, and in some cases as much as two hundred millions of dollars. Does any man with capacity to reason and with a sober judgment to weigh and consider believe that these great fortunes separately and collectively represent and are the results and the accumulation of honest toil and legitimate industry? I will not stop to make the effort to give some comprehension of the magnitude of a million dollars.

I believe that I will be safe in saying that to the minds of all it simply means a great sum, which we can not adequately comprehend or measure in our minds; much less can we form any intelligent or adequate conception or comprehension of the real magnitude when we speak in figures of $50,000,000 and $100,000,000. When I assert that these colossal fortunes are not the result of honest toil or legitimate industry, I do not mean to state, nor would I be understood as meaning, that necessarily the owners of these fortunes have personally been guilty of dishonest methods or practices or have resorted to personal acts of wrongdoing. But I do mean to say that the conditions and circumstances which made possible the accumulation of such fortunes within such few years have not been rightful or legitimate conditions, and that these fortunes do not represent the accumulation of legitimate labor and personal industry, but they are the results of the perversions of legislation, whereby under Republican administration the taxing power of the Government has been so manipulated and exercised in such a way as to require contributions—exorbitant contributions—from the labor, toil, and production of the masses of the people, and through these channels of legislation have been emptied into the private treasuries of these specially

benefited or protected individuals and classes of Republican legislation.

There is no other sufficient or adequate explanation of these conditions, and they stand out boldly as object lessons of the practical workings and of the perversion of the taxing power of the Government under Republican administration. This explanation and solution of this state of affairs is not only the sole, sufficient, adequate, and satisfactory one, but it does not in any way disparage the individual intelligence, industry, and worth of the American citizen or discredit the matchless resources and opportunities for wealth of our magnificent country. Giving due consideration to the resources of our country and the energy, industry, and intelligence of our citizenship, our minds can not rest easily upon the conviction that fortunes of $25,000,000, $50,000,000 $100,000,000, and $200,000,000, represent the results of honest toil and legitimate industry, and are not the results of perverted legislation.

The Democratic party to-day is and always has been the true friend, admirer, and advocate of toil, intelligence, and industry; and for the accumulations of these manly virtues it cherishes a profound respect and friendship, and lends encouragement to every proper effort for their support, maintenance, and upbuilding. At the same time it protests, and will continue to protest, against all legislation which has for its purpose or its logical results the creation of conditions whereby the masses of the people are required to contribute of their labor and production to maintain and enrich particular classes and build up these unnatural and unhealthy aggregations of capital.

The Democratic party realizes that wealth in its last analysis is *labor*, and that the dollar of to-day represents and stands for the labor of yesterday, and wholly fails to see any distinction or essential difference in the exercise of a governmental power which can take from the citizen his dollar, which represents his labor of yesterday, and contribute it to upbuild the fortune of his neighbor and the exercise of a power of the Government, by compulsion, to require a citizen without reward to labor in the workshop of his neighbor.

We are aware that there has been a measure of success and accumulation on the part of the great mass of the people, but we assert with full confidence that the authoritative statistics will sustain the assertion that the measure of success of the masses of the people in the accumulation of wealth has been wholly inadequate and greatly less proportionate to the accumulation of the classes, and that the masses of the people have prospered, not by reason of the legislation which they have enjoyed, but in spite of it. Possessed of an intelligence, industry, and energy far above the average, living in a country comparatively new, with fertile fields, rich mines, virgin forests, the masses of the people, by their incessant toil and continued labor, have produced a mass of wealth of which the masses have enjoyed an inadequate proportion, and of which the classes, by means of Republican legislation, have received an unmerited share.

But these favorable conditions can not continue indefinitely in behalf of the masses of the people. Increase of population and exhaustion of natural resources and productiveness will increase and intensify competition and reduce profits and render success and accumulation more difficult. And the burdens of the legislation of which I complain will become more perceptible and bear more harshly upon the masses of the people, and will widen the chasm—that chasm which is, from a social and political standpoint, awful and fearful to contemplate—between wealth and poverty, and gradually eliminate the great middle class of society, which has ever been the stay and support of the social system. This condition will breed dissatisfaction and discontent with existing institutions and will not be promotive of patriotic impulses.

Let us make a brief retrospect of the history of tariff legislation and see if the criticisms which I have offered are not justified and well founded. In the first tariff law enacted by Congress, in 1790, the duties averaged about 8½ per cent ad valorem. Up to about the year 1812 the average rates on both free and dutiable goods were less than 20 per cent.

Gradual advances were made in the rate of duty until 1830, when the general average was about 45 per cent ad valorem. Then the rate began gradually to decrease, until in the year 1861 the general average was about 14 per cent ad valorem on free and dutiable goods.

The condition of the country following the war of 1812, and especially from a commercial standpoint, superinduced by the action of Great Britain, the industries of the country, especially the manufacturing industries, were in a depleted and dependent condition, and the argument was made, and with some show of force and reason, that the Government should remedy these conditions and help the struggling industries in their infancy. This was then a new and undeveloped country; there was but little wealth or money in the country; the manufacturing industries were in their infancy, without capital, without money, and without any source of supply.

Under these conditions and for the purposes suggested by them the doctrine of a tariff with incidental protection was inaugurated; but to-day, at a distance of eighty-five years from that period, with a strong and powerful nation of 75,000,000 of people, with our country developed, our manufactures no longer struggling infants, but powerful giants, with every branch of industry and manufactures become skilled and experienced, no longer paupers financially, but strong and powerful, with a collective capital amounting in the aggregate to many billions of dollars, and with a money circulation in the United States, February 1, 1902, of $2,544,446,893, we find a very different condition prevailing; and yet with these changed and favorable conditions we find a tariff tax of 50 per cent ad valorem upon dutiable goods, on a general average, but when specially examined and applied to individual articles we find many of the rates much higher.

No longer is the appeal made for protection to struggling industries in their infancy and poverty. No longer is the plea made that the Government should place its arm of support under these weak institutions and enable them to stand. These pleas have long since been discarded, and these favorites come forth and boast of their power and their strength and their magnitude. They assert not only their power and magnitude here at home, but point to their great achievements of sales in foreign lands, and by reason and virtue of their strength and power demand this Government protection, this bonus, not as a source of support, but as an element of profit. And we find the Republican party, true to its instincts and purposes of class legislation and its alliances with the rich and powerful organizations of the country, yielding to them their demands and contributing to the increase of their profits an ad valorem rate of 50 per cent on dutiable goods.

The Democratic party asserts that this is not only wrong in principle, but if there ever was a time and condition of affairs in this country which warranted such legislation, that time has passed and those conditions no longer exist, and there is to-day no necessity for the further continuance of legislation which is an oppressive burden upon the masses of the American people and a menace and a threatening danger to American commerce.

We confidently assert that there is no necessity for the further continuance of this exorbitant tariff tax, and for the proof of the correctness of this assertion we point to the $433,851,756 worth of manufactured articles exported from the United States in the year 1900. We assert that this export trade was profitable or it would not have been undertaken, and we call attention to the fact that these exports not only yielded profit to the American manufacturer, after paying cost of transportation and additional handling, but were sold in foreign countries, in the open markets of the world, entirely separate from any good influence of our tariff legislation, and in competition with the pauper labor of Europe, Asia, and Africa, that bugbear which the Republican party so much delights to hold up to frighten and intimidate the American people, and especially the American laboring man, into a support of its policy and legislation which yields tribute money to these rich and powerful classes.

Mr. Chairman, I submit to the candid and unprejudiced judgment of this House and of the country the statement that if this export business was profitable and desirable—and both of these propositions are universally admitted to be true—why is it not profitable for these manufacturers to sell their products to the American people at the same price at which they sell them to the foreigner? This proposition I respectfully invite some advocate of the opposition to answer candidly. Again, selling to the American people at the same price as to the foreigner, is not the profit greater by the amount of saving of freight and additional cost of handling?

But let us turn this proposition around, and look at it from the other side, and by so doing we will make more odious and more vicious that system of legislation which sanctions and tolerates such taxation.

It is well known that the price at which American manufactures are sold abroad is only 60 to 70 per cent of the price at which the same products are sold by the same concerns to the American people. If there be profit in the sale to the foreigner, does not the transaction dealing with the American people pass out of the domain of percentage of profit into the domain of common robbery? What reason, excuse, or justification can longer be offered for the continuance of a system of legislation which works such results upon the American people? The Democracy asserts that such a system of legislation is neither just, right, nor patriotic. It proclaims that the American people are worthy of better consideration and fairer treatment at the hands of the lawmakers, and we believe that the American citizenship will awake to a full realization of the iniquity of such legislation and will sweep it from the statute books and the public policy of the Government.

Forbearance with such conditions and such legislation has

ceased to be a virtue, and virtue will be a dignified but unmistakable disapproval by the American people of a further continuance of such conditions. But this is not yet a full view of the situation. This Republican legislation has not only become no longer revenue legislation, no longer is it legitimate and proper legislation for the protection of American industries, but it has become an actual prohibition and hindrance of national and international commerce.

Around this country it has erected a mighty wall, prohibiting the legitimate commerce of the nation. It forbids the foreigner in a large measure to bring his wares and merchandise to our shores and trade and traffic with our people. For the purposes of such trade privileges he must pay such enormous and onerous duties that he finds in other lands more profitable trade. The result is that the American people are, so to speak, hemmed in, denied all choice of trade, and forced to buy of the American manufacturer at 100 cents the goods and wares which he sells to the foreigner at 60 and 70 cents. Is that patriotism? And more than this, by so doing you drove away from the American market a customer for the corn and wheat and products of field and farm of the American citizen.

Mr. Chairman, there is still another phase of this question to which I desire to invite the serious consideration of this House. That is our commercial position, from a political standpoint, relating to the world's commerce. Under the tariff policy of the Republican party—a narrow, selfish, and restrictive policy, which has had no eye of consideration for the trade and traffic of foreign nations—we find ourselves confronted with serious trade conditions. Has there been no serious suggestion? Is there no valuable lesson to be learned, and from which to derive profit, from the threatening attitude and menacing declarations of other nations regarding the narrowness and injustice of Republican national commercial policy?

What do these conditions mean? Do they mean that we can continue this policy without penalty? Do they mean that we can continue to cherish the hope of selling our products to other nations and forbidding to them a fair and reasonable opportunity to traffic with our people? Does it mean that we can continue to live and move and have our commercial being within a narrow, restricted, and selfish policy and expect the other nations of the world to extend to us a wholesome, generous welcome to their markets? It seems to me unnecessary to make answer to these questions. Their very mention suggests answers of disapproval for such policies, and demands a change of conditions.

I fully realize, Mr. Chairman, that the leaders upon the majority side of this House who control its legislation and dictate and shape the policy of Republican legislation, like Ephraim are joined to their idols, and have declared that no change should be made by this Congress in the tariff policies and legislation. Pride of opinion and elation over past successes may obscure their judgment and fortify them in their determination, but the enlightened judgment and quickened conscience of the American people will not much longer tolerate these iniquities. I am aware that this legislation of the Republican party has given a stimulus, a powerful stimulus, to the development of American manufactures.

I believe I would be justified in saying it had yielded an unnatural stimulus, and, encouraged by the fictitious profits consequent upon such legislation, an enormous amount of capital has been invested in these enterprises, and the result is that we have an immense production of manufactured products demanding exportation and sale in other countries. We even witness the condition here at home that these enterprises, springing up everywhere, with immense capital, struggling in competition with each other for self-preservation, must combine into great consolidated or trust organizations in order to continue their existence, or else, profiting by the suggestion arising from the Republican policy of shutting out competition, organize themselves into trusts for the purpose of throttling and destroying competition. Take which ever horn of the dilemma you will, there is no relief or consolation to the American consumer.

Many of the wiser and more farseeing of the Republican leaders have realized the situation to which we are brought, especially in relation to our international commerce, and they realize the direful results commercially which forebode the continuance of this policy and are trying to extricate their party and the country from the consequences thereof. Pride of opinion for their party policy and an unwillingness to acknowledge the correctness and the wisdom of the Democratic policy, when viewed from a broad and wise international statesmanship and point of view, are trying to extricate themselves from the dilemma by resorting to what they are pleased to term "reciprocity."

Reciprocity is a Democratic principle and policy. It is the underlying principle of Democratic doctrine of fair, reasonable, and just legislation, patriotic in its purpose but international in its scope, which affords reasonable opportunities for all the world to trade with us and in return to give us the right and privilege to trade with them. The Republican party are seeking to extricate themselves by appropriating Democratic doctrine and brand it with a new name. Reciprocity is a good thing as far as it goes. If good to have with one nation, why not with two? And if desirable to have congenial trade relations with two nations, why is it not desirable to have congenial trade relations with all the world? This is the Democratic doctrine and policy.

The adoption of reciprocity arrangements will to some extent relieve the congested commercial situation, the extent of the relief being measured by the extent of the reciprocal arrangements effected. It would be wiser and we think a better solution to so revise the tariff legislation as to eliminate the unjust and oppressive features of the existing tariff system; but as there is a fixed purpose on the part of the Republican leaders to refuse such relief, it will be well through the medium of reciprocity negotiations, authorized and adopted by the Congress, to incorporate into our tariff system and legislation as large a measure of Democratic doctrine and theory as possible.

In discussing this question it is well to bear in mind the following propositions, which I believe are clearly evident and will not be seriously controverted:

First. The Government necessities no longer require the continuance of these high and excessive tariff rates for revenue purposes. The Treasury of the Government is overflowing with money. The recent statement issued from the Treasury Department shows about $550,000,000 in gold in the Treasury, and the last report of the honorable Secretary of the Treasury shows an excess of revenue over disbursements of about $100,000,000 a year, notwithstanding the enormous expenditures and extravagances of the Administration in carrying on the war against the Filipinos and maintaining a costly and unnecessary civil establishment of officeholders in the Philippine Islands and in the home Government. Notwithstanding these enormous expenditures and extravagances, the question which presents itself and is demanding urgent consideration is how to reduce the revenue.

Second. It is evident to every unprejudiced mind that it is no longer necessary to continue this excessive tariff taxation for the purpose of protecting and maintaining against foreign competition. Whenever it is admitted that American industries can carry their products across the seas and sell them in foreign lands in successful competition with the home product, manufactured by the so-called pauper labor of such foreign countries, the admission goes with it that the American industries can sell their products profitably to the American people at the same price and that an artificial stimulus and support are no longer needed for their maintenance.

As before stated, the amount of manufactured products sold abroad in the year 1900 was more than $433,850,000. The statisticians and writers upon commercial geography place the ratio of domestic and foreign commerce which goes into utilization or consumption at a proportion of from 12 to 1 to as high as 20 to 1. The best authorities and the consensus of opinion place the ratio at about 15 to 1, but for the purposes of this illustration let us adopt the low basis of 10 to 1, and upon this basis the amount of manufactured products consumed by the American people in the year 1900 would be of the enormous value of $4,338,500,000.

It is further apparent that these are very conservative figures when we remember that the census of 1900 places the value of manufactured products in the United States in the year 1900 at more than $13,000,000,000, excluding from said estimate the production of all establishments with a yearly output of less than $500. Assuming that the price at which the goods are sold to the American people is only 30 cents in the dollar more than the foreign price, it will be seen that more than $1,300,000,000 per annum, by this system of legislation, over and above legitimate profits is legislated from the masses of the people, and especially the laboring classes, into the coffers of these protected classes. Is it any wonder that under such legislation and such manipulation of the taxing power we have seen the number of millionaires increase by the thousand, and the magnitude of their estates multiply by the hundred?

Third. It is manifest and universally admitted that we need and must have the markets of the world in which to sell our surplus products if we are to avoid a commercial crisis and disaster. Can such markets be secured so long as the Republican tariff policy and legislation continues? Does any reasonable man believe it? What mean the mutterings and the threats of commercial combinations and antagonisms and retaliatory legislation we hear coming from Germany and Russia and the other powers of Europe? Are these things meaningless? Is there no significance to them? Nay, verily, we believe it is the part of wisdom that the Congress of the United States should place its commerce upon the foundation of broad, humane, statesmanlike international foundations.

I stated before that some of the wiser and more farseeing of the Republican leaders had realized the straits and rocks into

which the further continuance of the Republican policy would lead the commerce and business interests of this country. I call your attention to the following declaration of the late President McKinley, taken from his fourth annual message, 1900:

The policy of reciprocity so manifestly rests upon the principles of international equity, and has been so repeatedly approved by the people of the United States, that there ought to be no hesitation in either branch of the Congress in giving to it full effect.

Again I call your attention to his language and warning, taken from his Buffalo speech in 1901:

The period of exclusiveness is past. The expansion of our trade and commerce is the pressing problem. Commercial wars are unprofitable. A policy of good will and friendly trade relations will prevent reprisals. Reciprocity treaties are in harmony with the spirit of the times; measures of retaliation are not.

I invite your attention to the language and wisdom of President Roosevelt, taken from his Minneapolis address:

Through treaty or by direct legislation it may, at least in certain cases, become advantageous to supplement our present policy by a system of reciprocal benefit and obligation. We must remember, in dealing with other nations, that benefits must be given when benefits are sought.

Again I invite your attention to the recommendations of President Arthur in his annual message, 1884:

A series of reciprocal treaties with the countries of America which shall foster between us and them an unhampered movement of trade. The conditions of these treaties should be the free admission of such merchandise as this country does not produce, in return for the admission free, or under a favored scheme of duties, of our own products. * * *

It is by no means desirable, however, that the policy under discussion should be applied to these countries alone. The healthful enlargement of our trade with Europe, Asia, and Africa should be sought by reducing tariff burdens on such of their wares as neither we nor the other American states are *fitted to produce*, thus enabling ourselves to obtain in return a better market for our supplies of food, of raw material, and of the manufactures in which we excel.

It seems to me that many of the embarrassing elements in the great national conflict between protection and free trade may thus be turned to good account; that the revenue may be reduced so as no longer to overtax the people; that protective duties may be retained without becoming burdensome; that our shipping interests may be judiciously encouraged, * * * and above all such a unity of interests established among the States of the American system as will be of great and ever-increasing advantage to them all.

The broad principle of reciprocity, which has come under discussion in recent years, in which we make concessions in tariff duties on goods imported from another country in return for like concessions on the part of the other party to the treaty, was first enunciated by Thomas Jefferson. In 1791, while Mr. Jefferson was Secretary of State in Washington's Cabinet, the Congress, by a resolution, asked his advice as to means for promoting the commerce of the United States with other countries. In his report Mr. Jefferson said:

As to commerce, two methods occur: First, by friendly arrangements with the several nations with whom these restrictions exist; or, second, by the separate act of our own legislature for countervailing their efforts. There can be no doubt but that, of these two, friendly arrangement is the most eligible.

* * * * * * *

Some nations, not yet ripe for free commerce in all its extent, might still be willing to modify its restrictions and regulations for us in proportion to the advantages which an intercourse with us might offer. Particularly they may concur with us in reciprocating the duties to be levied on each side, or in compensating any excess of duty by equivalent advantages of another nature.

Having shown that the doctrine of reciprocity is a Democratic doctrine and rests and is grounded upon the great underlying Democratic principles and theories of legislation, and that it has received the approval of Republican leaders, I wish to invite your attention to the consideration of the proposition that whenever and wherever these principles have been practiced, and our commerce has rested upon wise legislation, granting fair and just tariff rates, that the trade and commerce of the United States has greatly increased in volume and value. There existed with Cuba a reciprocity treaty from 1891 to 1894. I invite your attention to the following statistics:

Reciprocity with Cuba, 1891-1894.

Year.	Total exports to Cuba of domestic use.	Wheat flour.		Corn.	
		Barrels.	Value.	Bushels.	Value.
1891	$12,224,888	114,447	$591,886	367,324	$220,187
1892	17,953,570	386,175	1,826,348	627,177	369,131
1893	24,157,698	616,406	2,821,557	1,041,474	582,050
1894	20,125,321	662,248	2,473,805	1,136,657	571,326
1895	12,807,661	379,856	1,301,079	392,204	216,602
1896	7,530,880	176,724	647,057	199,193	93,201

Year.	Beef products.	Bacon.	Hams.	Salt pork.	Lard.	Potatoes.
1891	$11,760	$351,955	$234,458	$33,315	$2,079,534	$168,354
1892	71,939	453,624	529,328	43,911	2,974,545	228,079
1893	89,460	556,747	761,082	59,276	4,023,917	554,153
1894	75,529	532,035	668,959	52,333	3,625,545	496,875
1895	43,069	390,454	420,215	32,586	2,209,067	274,853
1896	52,982	386,475	348,065	10,286	1,551,185	217,315

I further invite attention to the following table of statistics of the exports from the United States to Cuba of manufactured products during the treaty period:

Exports from United States to Cuba.

	1891.	1892.	1893.	1894.	1895.
Agricultural implements	$55,618	$84,442	$130,341	$118,354	$38,461
Breadstuffs	1,004,535	2,436,850	3,588,837	3,203,885	1,673,655
Carriages and vehicles	166,890	270,276	316,045	261,175	147,740
Cotton	101,800	114,112	148,178	120,183	67,441
Fibers	279,190	235,660	76,478	66,321	30,495
Iron and steel (bars, rods, sheets, plates, wire, and casting)	260,490	257,280	809,807	835,300	256,197
Builders' hardware	174,620	294,490	395,964	246,142	160,623
Machinery, printing presses, locomotive and stationary engines, sewing machines, boilers, and not otherwise specified	1,915,906	3,023,181	3,776,527	2,319,324	1,666,832
Nails and spikes	40,070	48,716	127,582	129,370	40,830
Tools	107,291	130,393	243,544	192,578	97,369
All other manufactured iron and steel	573,851	600,203	1,255,139	885,151	455,169
Leather, raw and manufactured	172,813	277,386	181,476	144,467	99,618
Provisions, canned meats, smoked meats, butter, cheese, and lard	2,787,337	4,203,955	5,700,195	5,134,560	3,240,255
Lumber	740,467	932,496	1,299,271	1,097,381	509,307
Furniture, wooden ware, etc	329,783	446,507	445,462	390,791	206,934
Total	8,710,661	13,355,947	18,494,846	15,144,982	8,690,926

A reciprocity treaty was negotiated with Hawaii in 1876, and continued in force until 1898. I submit some statistics, beginning with the year 1874 and ending with 1900, which show that during this treaty period when our high tariff rates were removed our exports to the island increased nearly tenfold:

Results of Hawaiian treaty.

Fiscal year.	Imports into United States from Hawaiian Islands.	Exports from United States to Hawaiian Islands.
1874	$1,016,952	$614,628
1875	1,373,681	662,164
1876	1,227,191	779,257
1877	2,550,335	1,272,949
1878	2,678,830	1,736,099
1879	3,257,938	2,374,918
1880	4,606,444	2,086,170
1885	8,857,497	2,787,922
1890	12,313,908	4,711,417
1895	7,888,961	3,723,057
1896	11,757,704	3,985,707
1897	13,687,799	4,690,075
1898	17,187,380	5,907,155
1899	17,831,463	9,305,470
1900	20,707,903	13,509,148

There also existed treaties with Brazil and Germany during these same years.

The trade with Brazil during these years also shows a substantial increase, being:

	Barrels.		Barrels.
1891	722,367	1893	837,639
1892	918,447	1894	920,869

While our shipments to Germany show a still larger percentage of increase, being:

	Barrels.		Barrels.
1891	8,864	1893	209,719
1892	54,277	1894	286,229

Mr. Chairman, I wish to call attention to the fact, and to emphasize it, that while there has been an increase in the volume of our export trade, such increase has been made up largely of manufactured products, and there has been but very little increase in the volume and value of the agricultural products of the country since 1881. Fifty-eight per cent of the increase of our export trade was composed of manufactured products, while the increase in the exports of leading agricultural products from 1881 to 1900 was less than 6 per cent. I submit for consideration the following table of statistics for the years 1881, 1891, and 1900 of some of the leading agricultural products:

Articles.	1881.	1891.	1900.
Sheep	$762,932	$261,109	$733,477
Hogs	572,138	1,146,630	394,813
Cattle	14,304,103	30,445,249	30,635,153
Bacon and hams	61,161,205	45,650,674	59,362,282
Dairy products	22,775,742	9,863,780	9,226,520
Breadstuffs	270,532,519	128,121,656	232,744,078

Mr. Chairman, let us make a brief review of the commerce of the world and compare the commerce of the United States with the commerce of the other leading nations of the world in the great markets of other nations.

The exports of manufactured goods from Great Britain to France in 1897 were $43,000,000; exports of manufactured goods from Germany to France in 1897 were $31,000,000; exports from the United States of manufactured goods to France in 1897 were $4,000,000.

I submit a comparative statement of statistics furnished me by the Bureau of Statistics of the Treasury Department of the commerce of the world and the share of the United States therein:

TREASURY DEPARTMENT, BUREAU OF STATISTICS,
Washington, February 6, 1902.

The imports into the various grand divisions, and share supplied by the United States, was as follows:

Country.	Total imports.	Amount from United States.	Per cent from United States.
Asia	$725,083,093	$53,291,278	7.35
Oceania	398,078,981	38,957,177	9.79
Africa	197,226,959	13,879,153	7.04
Europe	8,005,200,513	1,346,790,901	16.82
North America	377,733,117	199,331,780	52.77
South America	359,679,426	39,208,741	10.90
Total	10,063,002,089	1,691,459,033	16.81

O. P. AUSTIN, *Chief of Bureau.*

Imports into the United Kingdom.

From United States	$675,417,939
From Germany	151,745,583
From France	260,935,189
From other countries	1,457,446,570
Total	2,545,545,281

United States equals 26.2 per cent.

Imports into the United States.

From United Kingdom	$143,388,501
From Germany	100,445,902
From France	75,458,739
From other countries	503,879,023
Total	823,172,165

Imports into Germany.

From United Kingdom	$171,167,000
From United States	238,858,000
From France	72,011,000
From other countries	890,180,000
Total	1,372,216,000

United States equals 17.4 per cent.

Imports into France.

From United Kingdom	$130,319,000
From United States	98,339,000
From Germany	82,407,000
From other countries	595,611,000
Total	906,676,000

United States equals 10.8 per cent.

Exports of domestic merchandise to China, Hongkong, Straits Settlements, British India, Japan, and Australasia.

From United Kingdom	$417,988,553
From United States	74,094,131
From Germany	57,355,000
From France	11,666,000
Total	561,053,684

United States equals 13.2 per cent.

Mr. Chairman, we often allow the magnitude and extent of our country and our large population to give us erroneous and misleading ideas of the foreign commerce of the United States. We have become so accustomed to speak flatteringly of ourselves as the greatest of commercial nations that we fail properly to compare our foreign commerce with that of other nations. I submit for consideration some estimates based on a per capita comparison, and on such a basis it will be seen that the United States stood No. 10 in the list of nations.

Foreign commerce per capita based on statistics of 1898-99.

Netherlands	$258.18
Switzerland	117.55
Belgium	100.07
Great Britain	98.78
Denmark	92.17
Canada	60.76
Sweden and Norway	43.57
France	43.21
Germany	42.02
United States	27.65
Austria-Hungary	20.15
Roumania	19.48
Spain	19.04

These figures forcibly impress upon us the serious fact that our foreign commerce is much below what it should be, and that by establishing wise, fair, and just trade relations with the other nations of the world there are splendid commercial opportunities for the United States—large fields of trade and commerce barely touched by the American trader.

I refer to the foregoing statistics and quotations not for the purpose of expressing approval of the Republican idea and practice of reciprocity as exemplified under Republican administration, but to illustrate and emphasize two important truths:

First. That under the operation of lower tariff rates our foreign commerce rapidly grows and expands and a profitable market is secured for the surplus of American products.

Second. That the present high tariff rates are unnecessary and are so recognized by these eminent Republicans.

The logical result is an approval of the Democratic doctrine of taxation when viewed from an international commercial standpoint and having in view the permanent commercial policy of this Government. I might cite other statistics with other countries, but deem it unnecessary. The fact is demonstrated and the truth of the statement is made manifest, that under existing conditions the high-tariff duties of Republican legislation are hindering and crippling and in the future will demoralize the foreign commerce of the United States; and it further demonstrates that the avenue of escape from such embarrassing conditions is to remove the excessive and burdensome and unnecessary taxes now being levied and collected by the Republican party under existing tariff legislation.

Cuba is asking for an opportunity to trade with us. She desires to sell to us her sugar and tobacco and buy from us our breadstuffs and manufactured products. She asks for fair and reasonable trade rates and that the prohibitive tariff duties may be partially removed.

The inhabitants of our new colonies in the far-away Philippine Islands ask for similar rights and privileges. Against their petitions these protected and duty-fattened home concerns rise in wrath and indignation; the hue and cry goes forth in a demand for a claim for protection to American enterprises and institutions of manufacture. What a spectacle! What a confession! The great United States, with its magnificent domains, its splendid civilization, its established industries, its fabulous wealth and aggregated capital, frightened at the very prospect of competition with poor little downtrodden Cuba, and staggering at the thought of competition with the poor Filipinos, whom it is so popular to describe as half civilized and wholly incapable of self-government. When will the protected industries of the United States pass from a state of infancy and reliance upon Government bounty and step upon the plane of independent manhood, ready to do battle, unsupported by Government aid, in the great commercial conflicts with the mighty powers of the earth?

I spurn the suggestion and I despise the plea, as beneath the spirit of American manhood and the spirit of American enterprise, which would forever keep our industries in swaddling clothes and supported by unjust contributions, levied by unhallowed legislation upon the toil and production of the American people. [Loud applause.]

Mr. LITTLE. I now yield to the gentleman from North Carolina [Mr. POU].

Mr. POU. Mr. Chairman, the time allotted for the discussion of measures in this House is so exceedingly short that I count it a matter for congratulation that I have been able to secure a few moments during which to discuss a proposition which I believe to be of great importance to the American people.

The plan of the majority on this floor is rather peculiar. Important measures are allowed but a few hours of discussion. Unimportant measures are given ample time. This is certainly an evidence of great boldness upon the part of the majority. The more unimportant a measure is, my observation has been, the more time there is allowed for its discussion. But measures affecting the property or happiness of millions of people are rushed through with unseemly haste, and a minute or two is exceedingly precious.

Now, another evidence of the boldness of the majority was the rule which their committee brought in on yesterday not permitting any amendments to the bill which was then under discussion. If there had been any opportunity for amendment, humbly, as a new member, I should have been glad to submit this for their consideration:

Whenever any article manufactured in the United States is sold at a lower price abroad than in the United States the President, having ascertained such to be the case, is authorized and empowered to suspend the collection of the duty on similar articles imported into this country from abroad for such length of time as the President may deem expedient.

Mr. Chairman, the Republicans tell us that they have a bold party and that they dare do anything. They were not bold enough, however, to permit an amendment of this kind. They were not bold enough to give gentlemen an opportunity to vote upon an amendment of this sort. Yet it is stated in the public prints, and I have never seen it denied, that the great trusts of

this country, the great industrial combinations, are selling their products cheaper abroad than they are to the people of the United States.

For instance, they are selling farm implements, grain drills, harrows, and things of that kind cheaper to the people of South America than they are to our own people here in the United States. They are selling petroleum outfits cheaper to the people at Baku, on the shores of the Caspian Sea, than they are to the people of Beaumont, in the State of Texas. They are treating us worse than they treat foreigners.

More than that, Mr. Chairman, they are treating us worse than foreigners treat us. It seems to me that no gentleman can stand on this floor, in the light of this condition of affairs, and deny that proposition. I desire to emphasize, Mr. Chairman, that these great industrial combinations, fostered, protected, and built up by the Republican party, are treating us not only worse than they treat foreigners, but they are treating us worse than foreigners treat us. All that we ask is that we be put upon an equality with heathens and aliens. [Applause on the Democratic side.]

Now, for the edification of our Republican friends, I should like to read from a declaration of their convention. You would never hear anything about this, Mr. Chairman, if some gentleman did not read it; but I find in the Republican platform of the year 1900 these words:

We recognize the necessity and propriety of honest cooperation of capital to meet new business conditions, and especially to extend our rapidly increasing trade—

Sounds like you might trust that, does it not?—

but we condemn all conspiracies and combinations intended to restrict business, to create monopolies, to limit production, or to control prices.

Nobody, Mr. Chairman, would ever have known this last was in the Republican platform, except by referring to the original document. [Applause on the Democratic side.]

Now, this amendment, which I should like to see tested, it seems to me is above criticism, even from a Republican standpoint. Of course, as a good Democrat, I say it does not go far enough. It puts in the hands of your President the power to suspend the duty upon articles which come in competition with articles of American manufacture sold cheaper abroad than they are at home.

These monopolies have become so absolute and so tryannical that they fix their price according to competition. Where the competition is small the price is high, and where the competition is great the price is lower. Our people at home are absolutely at their mercy. The law of supply and demand is abolished, and in order to aid these combinations to oppress the people more effectively the Republican party has surrounded this country with a tariff wall which shuts off competition from every other part of the universe.

There is nothing complex about the proposition to put these articles on the free list. It does not require the President to determine whether any particular corporation is a trust or not. It does not require him to ascertain whether two or more persons have conspired together to regulate prices. There is no difficulty about it. There is no legal obstacle in the way. There need be no fear of any shifting decision of one majority by the highest court in the land.

The proposition would apply to the individual as well as the corporation. It is simply the suspension of duty on every article which comes in competition with articles sold by American manufacturers cheaper abroad than at home. The President could easily determine this. You say you do not fear him. He is a protectionist; he is a bold man; he is a warrior; he leads a strenuous life. You need not fear to put yourself in his hands. You say, and I say, we believe he is honest.

Now, if these things be true, let us offer an amendment of this kind to some bill, and let us give to Theodore Roosevelt, Republican, soldier, warrior, the absolute power to suspend the duty on all articles which are sold cheaper abroad than they are at home. You condemned all conspiracies to restrict business or create monopolies in the platform of your party. We are ready to help you carry out your platform pledges. If you do not do this, then all we ask of you is that in the year 1904 you have the courage to nominate for President of the United States Theodore Roosevelt, upon a platform which honestly declares the true principles of your party.

Yes, in some respects your President is bold. He is bold enough to allow the Stars and Stripes to continue to float over polygamy and human slavery. During the civil war the great Lincoln issued his proclamation giving freedom to every slave in the United States. Now, you say your President did not enter into a contract with any one of the native rulers of the Philippine Islands whereby we are bound to protect slavery over there.

You can not deny that human beings are held in bondage by other human beings in one of the islands at least. Why has not your President the courage of great Mr. Lincoln? Why does not he issue his proclamation and declare free every slave in the islands? You say the war is ended. Gentlemen on this floor who have recently visited this extraconstitutional territory of ours tell us they have seen and talked with slaves. Your President is czar of the islands. Let him issue his edict and remove this stain before history shall indelibly record it.

But, Mr. Chairman, we have been told that our party is dead; that the Democratic party is dead. We heard something of that kind of talk in 1872. Then they said that the Democratic party was dead. In 1876 they found out differently. They got the Presidency in 1876 in a way they have never been proud of. There is an odor about that affair which lingers to this day.

In 1880 they said that the Democratic party was dead. In 1884 they found that it was still alive. In 1888 they said the Democratic party was dead. In 1892 they found out the old party was still alive. Mr. Chairman, they say now that the old Democratic party is dead, but in 1904 they will again find out that the old party is still alive, thank God! [Loud applause on the Democratic side.]

Our Republic can boast of the greatest trusts on earth. It is too bad we must be constantly punished by them. You said if the Government would protect these great corporations so that they could become rich it would enable them to sell their goods cheaper and enable them to pay more for the labor necessary in the manufacture of their goods. My observation has been, Mr. Chairman, that these huge combinations of capital get just as much as they can for their goods and get their labor just as cheap as they can.

This is human nature, anyway. Men do not pay wages according to their ability to pay. Most men get all they can in this world. The laboring man is not fooled by this argument any longer. He knows that he must look out for himself, and he is wise when he does it. The trusts have outgrown our country. They tell us they want the world for their market. If so, it is only fair that they should have the world to compete with.

These things can not endure always. Unless the conscience of the Republic has become paralyzed, there must be, there will be, a change. We have the right on our side, and in the end the right will win. It is not right to shoot down men who are entitled to freedom just as much as we are. It is not right to allow laws to endure which permit individuals and corporations to charge us more for their products than they do foreigners. If anything in the world is wrong, these things are wrong. If there is ever a change, it must be, it will be, wrought by the Democratic party.

It may be of interest to you Republicans to know that in the year 1904 you will be confronted by a united Democratic party, and nobody knows better than you what that means. [Applause on the Democratic side.] Hoist your banner. If the truth shall be written upon it, your motto should be this: "Slavery or death to the Filipinos; protection for the trusts at home." Upon ours shall be: "Freedom for the Filipino; equal and exact justice to all men; equal opportunity to every citizen, State, and section;" and upon this issue, Mr. Chairman, with confidence we shall appeal to the sense of right of the American people. [Loud applause on the Democratic side.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. GROSVENOR having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

H. R. 11470. An act making an appropriation for clearing the Potomac River of ice.

The message also announced that the Senate had passed with amendments the bill (H. R. 10308) to provide for a permanent Census Office; in which the concurrence of the House of Representatives was requested.

INDIAN APPROPRIATION BILL.

The committee resumed its session.

Mr. LITTLE. I yield to the gentleman from Indiana [Mr. ROBINSON].

Mr. ROBINSON of Indiana. Mr. Chairman, I agree with the gentleman from Tennessee [Mr. PADGETT] that upon the shoulders of labor rests the burden of taxation.

Labor is likewise burdened by trust exactions imposed by the combinations mentioned by the gentleman from North Carolina [Mr. POU].

These trusts and monopolies have flooded the field of industries in the last few years. Why do you not consult the interest of labor when you mold the policies of government? So far from consulting it, you would impose taxes on labor that you may further oppress it, under the plea of "trade expansion," by bringing into competition with it the lowest-paid labor in the world.

Our present colonial policy, which so vitally and adversely affects labor, received its full measure of encouragement by a taxation of the masses to augment the surplus in the Treasury.

The toilers who bear the taxation are made to feel the heavy

hand not only in taxation, but in appropriations, to bring within our domain and hold Asiatic and tropical peoples who will dispute with them in all the walks and avenues of labor.

From earliest time there has been a conflict for supremacy between those of the race well favored with world's goods and those who struggled for subsistence. At first this conflict was waged by force of arms. Brute force and violence held full sway. The weak succumbed to the strong and became their serfs and slaves. Later in the progress of the world governments were established to equalize conditions, to guarantee rights, and to redress wrongs.

The struggles between the contending forces have gone on through governmental institutions, and in this country to-day the only real power of government that needs to be controlled by any interest to dominate all the others is taxation. It involves the raising and equipping of armies, the creation of navies; it involves expansion; it involves everything in government, for appropriations, which are the life of administration, must be preceded by taxation.

Taxation can create or destroy. In government it has done both. If taxes were so adjusted as to charge by tolls and tributes those special interests clamoring for colonies and expansion and exclusively receiving the benefits of it, in short, if the people were, by a system of taxation, relieved from this burden and it was placed on commercialdom, where it belongs, this policy would cease and we would be spared the evils that follow in its train.

The power of taxation has been used to foster "infant industries" and is still used to "protect" them after they have reached full manhood. Everything in government that is known is made or unmade through the great power of taxation.

The producers of wealth—the laboring men—pay the greater part of the tributes levied by the Government in the form of taxes.

But what recognition is accorded to them in legislation? The Government in late years, under the policy adopted by the Administration, has come to tax the people each year on an average $10 a head for the support of National Government. This amount falls heavily on the laboring man and his family, when to it must be added the State, county, and municipal taxes necessary to support local administration.

A large share of the national taxes is expended for the luxury of a colonial policy that tends to bring closer to us and into our dominion an Asiatic cheap and competing labor which lowers the level of our labor and makes it less able to bear its burden of tax. The annexation of every new island opens a flood gate to cheap labor. It will be a menace so long as boats ply between the ports. You can not keep it out when the bars are once laid down unless you can eradicate the cupidity of man.

It will be useless to try when you are adding more coasts to watch, more territory to patrol. With the ingenuity and cunning of man, and the sordidness of the navigation corporations, it will be physically impossible to keep cheap labor away, not to mention the impolicy and destructive consequences of attempting to prevent free migration from one part of our country to another. Where will the line be drawn? How long will a people under our flag be bound down by restrictions on their travels? Will they not ever be in revolt, or be abject slaves to the unjust system of American colonial rule?

California and the Pacific coast States that have been afflicted as with a plague by the incoming of Asiatics seek by act of Congress to keep out the Chinese inhabitants of Hawaii. This is manifestly in the interest of labor, but can it be lawfully done?

The Japanese and Filipinos are as great a menace to labor as the Chinese. Many of the former as artisans are along the streets of the populous cities, many are working as domestics, and many are on the farms and in the gardens of California and the Western States, and many more are scattered over the face of this broad country disputing with their low grade of living and low wages that labor which has heretofore been performed by Americans.

But it seems we must deal gently with the Japanese because they aided us in the trouble in China; because, forsooth, she is ready to aid in the division and exploitation of China.

So far from showing the proper interest in labor, you make not the least efforts to keep out the Japanese, a more dangerous menace to American labor than the Chinese. You exclude the latter, why not the Japanese? You have the power. The Japanese treaty of 1894 gives you expressly the power. I read on page 353 of the Compilation of Treaties, in force, of 1899, article 2, paragraph 3:

It is, however, understood that the stipulations contained in this and the preceding article do not in any way affect the laws, ordinances, and regulations with regard to trade, the immigration of laborers, police, and public security which are in force or which may hereafter be enacted in either of the two countries.

Sir, the reason for the retention of the Philippines is for the exploitation of China. This policy is urged on and encouraged not by the patriots, not by the men who labor and pay our taxes, but by those who want to profit at the expense of weaker people. What is our attitude in China? It can all be gathered in brief from pages 43 to 45 of President Roosevelt's message.

The President says:

Owing to the rapid growth of our power and our interests on the Pacific, whatever happens in China must be of the keenest national concern to us. The general terms of the settlement of the questions growing out of the anti-foreign uprisings in China of 1900, having been formulated in a joint note addressed to China by the representatives of the injured powers in December last, were promptly accepted by the Chinese Government. After protracted conferences the plenipotentiaries of the several powers were able to sign a final protocol with the Chinese plenipotentiaries on the 7th of last September, setting forth the measures taken by China in compliance with the demands of the joint note, and expressing their satisfaction therewith.

"Promptly accepted" are proper terms of designation of the action of China, which seeks to rule 400,000,000 people with an inert soldiery.

Why should not China "promptly accept" what all the powers of Europe and what the United States, all with trained soldiers on her territory, demanded of her?

What further does the President say:

Provisions have been made for insuring the future safety of the foreign representatives in Peking by setting aside for their exclusive use a quarter of the city which the powers can make defensible and in which they can, if necessary, maintain permanent military guards; by dismantling the military works between the capital and the sea, and by allowing the temporary maintenance of foreign military posts along this line. An edict has been issued by the Emperor of China prohibiting for two years the importation of arms and ammunition into China.

Here is a surrender of sovereignty by a weaker country to the superior force of the joint powers. Here is the first step in the dismemberment of China by the other countries of the world. We join in the erection of military forts and establishments in a foreign country.

Under the provisions of the joint note of December, 1900, China has agreed to revise the treaties of commerce and navigation and to take such other steps for the purpose of facilitating foreign trade as the foreign powers may decide to be needed.

Here it is shown that China yields to the other countries, "the powers," the right and authority to dictate and decide what is needed in the revision of China's treaties of commerce and navigation, and is to take such other steps "for the facilitation of foreign trade" as the foreign powers may decide to be needed.

This is an abdication of power of government by China forced by "the powers."

Again this surrender of power is shown:

The Chinese Government has agreed to participate financially in the work of bettering the water approaches to Shanghai and to Tientsin, the centers of foreign trade in central and northern China, and an international conservancy board, in which the Chinese Government is largely represented, has been provided for the improvement of the Shanghai River and the control of its navigation.

Then follows a statement which shows how far the United States and Europe has encroached on China. It shows a monopolizing of a material part of the taxing power of government by the United States and "the powers." It reads:

In the same line of commercial advantages a revision of the present tariff on imports has been assented to for the purpose of substituting specific for ad valorem duties, and an expert has been sent abroad on the part of the United States to assist in this work. A list of articles to remain free of duty, including flour, cereals, and rice, gold and silver coin and bullion, has also been agreed upon in the settlement.

Thus we control the tariff laws of China. Is this proper? Is it wise for our country to enter into the affairs of another country? Would our country submit to any such rule, such exactions by other countries?

We lay a tariff tax on wheat and flour and rice in our Dingley bill, but in the tariff bill that we joined "the powers" in forcing on China we put them on the free list.

A singular and portentous anomaly. Republicans standing for protection in America and for free trade in China. In tariffs they stand for one thing in the United States, another thing for Cuba; for one thing at one time in Porto Rico, and for another at another time, and for still another policy in China, and for a mixed policy in the Philippines.

To this incongruity does the avidity for power and thirst for dominion lead us.

Surely in polity and in domestic rule each nation is the equal of any other.

Surely no rule of this Government can be found to justify us in levying a tribute on, or assuming a governmental function in, or exacting a right to pass a revenue law for China.

Continuing the President, as if in palliation of our conduct, says:

During these troubles our Government has unswervingly advocated moderation, and has materially aided in bringing about an adjustment which tends to enhance the welfare of China.

On page 45 of his message the President says:

Leaving no effort untried to work out the great policy of full and fair intercourse between China and the nations on a footing of equal rights and advantages to all. We advocate the "open door" with all that it implies; not merely the procurement of enlarged commercial opportunities on the coasts, but access to the interior by the waterways with which China has been so extraordinarily favored. Only by bringing the people of China into

peaceful and friendly community of trade with all the peoples of the earth can the work now auspiciously begun be carried to fruition. In the attainment of this purpose we necessarily claim parity of treatment, under the conventions, throughout the Empire for our trade and our citizens with those of all other powers.

What has the Philippine "open door" done for us in the Philippines? It has given us a war that has cost hundreds of millions of treasure and thousands of lives, and in return for this, according to the last annual report of the Secretary of War, on pages 76 and 77, we get in trade (let me read): "Out of a total in one year of $53,000,000 of imports and exports the United States got the paltry amount of $5,000,000, both amounts in round numbers." Ten per cent of profit in this trade would represent $500,000 as the recompense to the traders for the expenditures of war by the nation. Does it pay? Let us be honest with ourselves. Let us be fair to the people. Does it pay?

This is a new system of international comity—this nation to rule another for her benefit. This sounds again like "manifest destiny," but used in a different sense than that in which the President used it once in his work on Thomas H. Benton, of Missouri. In that work he styled those who favored aggression on weaker peoples as men of "easy international morality."

The President shows, in his message, our purposes and intentions to share in the arbitrary rule of China, and mellows this harsh and unwarranted treatment by the assertions that it is our right and for her good.

Thus we face the great and momentous problem, whether this nation should assume the dangers and evils and entanglements that will ensue from the dismemberment of China, to which this policy of the party in power unerringly and inevitably leads.

The President likewise shows that the "open door," which is England's colonial policy, will prevail in China under the rule of the powers, and we are thus committed irretrievably to the "open door" so long as we retain a foothold in the Philippines.

How fortunate it would have been had this nation been checked in its policy of imperialism by a lack of revenues that furnished the means for these new and dangerous enterprises. How much would we have saved in blood and treasure and in national honor.

Occasionally some one with a sinister design concealed rises up and says, "give us expansion with the golden rule." These principles do not go together. No such incongruous thoughts can inspire one prompted by true Americanism. The golden rule is too sweet, too harmonious, too Christian, to enter into a problem that involves the shedding of human blood.

Why invoke "manifest destiny" and the "golden rule" to justify oppression, bloodshed, and warfare? He that does this clothes in the livery of the best masters to serve the devil in. If appeals to religion can be made, if the "golden rule" and "manifest destiny" can cover the crime of imperialism, how much, I wonder, will these great cardinals be appealed to in years to come to cover up national sins?

It is claimed that we annexed the Hawaiian Islands by reason of their strategic value as a key to the Pacific and to prevent the *peaceful* invasion of them by the Japanese. It is asserted that Porto Rico came to us as a fruit of war, and that she is also of value as a key, as a strategic point in the Atlantic. Of these two keys one was admitted under the Constitution, the other outside its pale.

We hold a suzerainty in form over Cuba, because it is alleged she is near our shores, and the Monroe doctrine is again invoked.

The same class of statesmen would have us purchase the Danish West Indies from the King of Denmark, not for a strategic point, for we have already Porto Rico, but in furtherance of and maintenance of the Monroe doctrine. They appeal to the Monroe doctrine to justify colonial rule in the West, but abandon it in their attitude in the Far East. Why appeal to the Monroe doctrine to justify the holding of islands in the West and refute and repudiate it by holding islands in the East?

Those in whose interest this policy is urged, without compunction, if indeed the word conscience can be found in the lexicon of commercialdom, with a versatility and elasticity they claim that manifest destiny guided us to the Philippines. If manifest destiny and not the commercial interests guided us to the Philippine Islands, what power is it that urges on to the rule of China? Was there ever an instance where the exercise of a power was more exacting and autocratic than that in which we joined the powers in the rule over China? Can we dissociate this exercise of sovereignty from the abject submission of China and the absolute rule of the powers? The United States, in conjunction with the other countries of Europe, becomes a tyrant for the rule of a weaker country.

Why this departure? Why should this country enter into the politics of Asia? Thus are islands annexed, entangling alliances assumed, and the insidious wiles of foreign influences courted against our traditions and against our most familiar notions of American prudence and policy, because the commercial powers of this country, which already fully control the legitimate markets of the world, desire the Government to use its power and its money to open up new and untried and un-American fields for exploitation.

The American laboring man, who has the power to control his country's policy, can not see in this new-fledged system any guaranty for his interests or his future safety and protection. You have bound the Philippines down with chains. You have oppressed Porto Rico. You have joined the powers in the control of China. You have curbed the freedom of Cuba, and, after tying her hand and foot, you are getting ready to still extend your character as men of "easy international morality" by stifling your consciences against her appeals for humanity. You have raped her industries, and if you refuse her full reciprocity you lay her helplessly at your feet.

Hawaii so far has escaped. She was annexed in 1898, when we were imbued with the spirit of true Americanism. The Hawaiian Islands were admitted to full fellowship under the Constitution and the flag.

In passing the organic law for their government we ruthlessly and rightly tore down the slave flag that covered the serfdom there before, and snatched from the driver's hand the lash that beat the backs of men and women who labored under contract. I voted against the admission of Hawaii, believing that American labor would suffer by its inclusion.

To those who favor island annexation the unwelcome truth has been unfolded by our experiences in Hawaii. The census of 1900 shows that of the total population of 154,000 in an area one-fifth the extent of Indiana, 25,767 are Chinese as against 17,002 in 1890, and 61,111 Japanese in 1900 as against 12,360 in 1890.

The census shows a population of native and mixed Hawaiian blood of 37,918.

This is the heterogeneous admixture of the un-American races that were afflicted upon the laboring men of this country by the resolution of the gentleman from Nevada [Mr. NEWLANDS], and as he has recently introduced a resolution for the annexation of Cuba I hope that in the interest of American labor he will see the evil consequences to our workingmen and forbear bringing islands into our dominion. Let us aid Cuba to help herself. With this our mission is ended. Can our laboring men compete with the Chinese and the Japanese of Hawaii or with the native Hawaiians?

This is full American territory. They must be admitted with full privilege with the mainland or the Constitution be endangered by attempts to keep them out. Such is colonial rule in its protection to labor, and thus must you abandon the interest of the toilers or give but a limited constitutional guaranty and protection to the inhabitants of Hawaii.

There is no reason for duplicity or deception, for uncertainty or vagueness. Our Government is strong in military prowess. It should be just and merciful and magnanimous. It must deal fairly with the soldiers and their families, who are tortured and distressed in body and in mind by deadly war and pestilential disease. Our Government must be fair to them or retribution will come.

The President and his advisers know full well the meaning of language, and they can say that it is the purpose to give the Philippines their independence, as we did to Cuba, and at that instant the war in the Philippines will be ended.

The President has not said so. His advisers have not said so, and the war goes on. All civilized nations know the consequences of war. Americans know them full well. Our duty lies along the pathway blazed out by the Declaration of Independence, the Constitution, our traditions, and humanity.

The Bacon resolution, introduced in the Senate before the direful consequences in the Philippines had befallen us, would have spared and rescued us from its misfortunes.

It reads like this:

Resolved further, That the United States hereby disclaim any disposition or intention to exercise permanent sovereignty, jurisdiction, or control over said islands, and assert their determination, when a stable and independent government shall have been erected therein, entitled in the judgment of the Government of the United States to recognition as such, to transfer to said government, upon terms which shall be reasonable and just, all rights secured under the cession by Spain, and to thereupon leave the government and control of the islands to their people.

This resolution was opposed by the body of Republican Senators and was supported by the Democrats. The vote resulted in a tie and was decided in the negative by the deciding vote of the Republican Vice-President. It may have been thought at that time that there would be no serious insurrection, no serious rebellion, no strenuous war for human liberty, and no great drain in money. All these matters have been made clear to us now, to our misfortune.

Our duty is made plain to us in the language of the Democratic platform, which but voices true Americanism. It says: "We favor an immediate declaration of the nation's purpose to give to the Filipinos, first, a stable form of government; second, independence, and, third, protection from outside interference, such as

has been given for nearly a century to the Republics of Central and South America."

There is not a Filipino of the millions on the islands, from the most cultured to the slave-owning, polygamous inhabitants of the Sulus, who cares for us or for our institutions, except as their attachment is held by the mighty arbitrament of the sword or by the more mild and seductive influences of money, filched by taxation from the islanders to hoist into office mercenary Filipinos, whose attachment to our Government is measured by the tenure of their offices and the amount of the perquisites they afford.

Every Filipino who has a sense of patriotism as it is understood by Americans is to us an enemy, a traitor, or a spy. This is shown by the testimony of our officers, military and civil. Our warfare shows it, and it is disclosed in the history of the islands.

Filipinos may be in the service of the United States, they may pretend to be our friends, but they will wait forever to strike the invader; and when the opportunity comes and the blow is struck, it will show us the folly of lulling ourselves into a security while treachery was so plainly written in their dissembled conduct.

From all the reports that come to us it does not take much penetration to see through the slight veneer that covers the real character.

If this position is not correct, then no one heretofore has correctly written the history of these islands and the 8,000,000 people. If this position is not sound, then no one heretofore has understood human nature the world over.

The spirit of rebellion, as we call it, the spirit of patriotism, as they call it, is on the islands to stay, and the only question that concerns our people is whether we should be taxed to hire soldiers, to buy war ships and war supplies to suppress it. All told, colonial rule costs us annually over a hundred million. It can not be eradicated entirely. It will smolder on in embers, while Wheaton's 50,000 soldiers patrol the coasts and are quartered among them. Under daring chiefs and leaders they will rise from year to year in insurrection and rebellion. Sickness and death stalks in the wake of our army there, and plague and pestilential disease overtakes them.

To carry on this colonial Philippine policy we are taxed, not only for war, but we are taxed in the lives and limbs and health of our soldiers, taxed in tears and anguish of mothers and sisters, whose sons and brothers have been sent to those far-away islands on a dreadful mission. To mitigate in some measure the horrors of that climate it is recommended that the soldiers be relieved in a year or two of service.

The necessity for this regulation shows the danger in the climate. But who can tell how many will fall in that time victims to it by diseases peculiar to the climate? Surely more than in battle. How many will be wrecked for lives, and how liberal will the Government be to them in pensions? Let these considerations enter into the questions of taxation.

The managers of the Republican party were wont to tell us on this floor for several years that it was but a shadow of an insurrection in the Philippines; that our prophecies that it would be long, stubborn, and dangerous were ridiculous, and that the facts upon which this judgment was based existed nowhere but in the mind of some weak or designing and unpatriotic person. But the spark that kindled the flame grew to be a dreadful conflagration that takes more than one-half our Army to smother. They can only allay it. They can not conquer it altogether. How different the conditions here and there.

Seventy-five million people here and an Army less than one-half of the whole; an insurrectionary and dissatisfied people there numbering 8,000,000, and more than one-half of our Army needed to coerce and suppress them. And such a method of warfare! A system that punishes the promulgation of the Declaration of Independence and Constitution of the United States! These considerations are not sentimental. They are real; they are substantial.

If sentimentality were to be appealed to, we could cite that the war in Cuba was waged in the cause of liberty and humanity. Now we offer them a sort of liberty, a diluted liberty, diluted by the Platt amendment.

But we give them a form of liberty, and when they set up a stable form of government it will be easy enough for the Cubans, under the sentiment that prevails in America, if I mistake not, to shake off any hold that this country may claim to have or any restraints it may have imposed, which were notoriously secured under duress from the people of Cuba.

Why not give the same guaranties to the Philippines? There is a similarity between the case of Cuba and the Philippines, if not in its good and humanitarian purposes and objects, at least in its harsh misfortunes, the result of war.

Weyler's order to the Cuban reconcentrados meant torture, death, and starvation.

Our generals in the Philippines are giving out the same reconcentrado order, in efforts to suppress the insurrection.

England finds the same effective means in her war against the Boers who fight for the South African Republic.

England against the Boers follows the example of Spain in Cuba; and has it come to this, Mr. Chairman, that we must follow the example of both to suppress the Filipinos?

To-day little Boer boys, snatched from their homes in the absence of their parents and imprisoned, now are crying for their fathers and their mothers; and little Boer girls, in reconcentrado camps, to-day are crying, bitterly crying, for their mothers and their fathers. Must we follow their example? They were kidnapped, many of them, and carried from their homes, and are now held in prison in the name of human warfare. They are kept from care and protection of parent. This is warfare as England understands it, as Spain understood it, and it is the system that is being adopted in the Philippines by our officers.

Can such acts be brutalities only when practiced by Spain and England?

Our history is moving in cycles. Our soldiers who went to Cuba in that war for liberty and humanity found reconcentrado camps with untold sufferings under the Spanish. Our soldiers now, who go to the Philippines, find the same camps of suffering and distress under American officers.

The laboring man is taxed to support a system of colonial rule that strikes at his vital interest.

Let him beware. When he understands the situation, he will rebel against it. If he fails to heed the admonition enforced by a departure from more than a hundred years of constitutional government for his protection, if he fails to do his duty, for he still has the sovereign power, and a horde of Asiatics and kindred peoples are brought in closer relations with us, then not only will labor suffer in his day, but the cloud will hang over his children in the coming generation. [Applause on the Democratic side.]

Mr. SHERMAN. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the House having resumed its session, Mr. MONDELL reported that the Committee of the Whole House on the state of the Union having had under consideration the Indian appropriation bill, had come to no resolution thereon.

LEAVE TO PRINT.

Mr. SHERMAN. I ask unanimous consent that all gentlemen who have spoken on the Indian appropriation bill, or who shall speak on it during the general debate, may have leave to extend their remarks in the RECORD.

There being no objection, leave was granted accordingly.

INTERNATIONAL RECOGNITION OF BOILER-INSPECTION CERTIFICATES.

Mr. GROSVENOR. Mr. Speaker, I hold in my hand the bill (H. R. 7936) to amend section 4400 of the Revised Statutes of the United States, and the bill (H. R. 7951) to amend section 4400 of the Revised Statutes of the United States, relating to a reciprocal recognition of boiler-inspection certificates between the several maritime nations having marine-inspection laws. I ask that the Committee on the Merchant Marine and Fisheries may be discharged from the further consideration of these two bills and that they may lie on the table. I make this request because a corresponding bill—Senate bill 546—has already been passed by the House.

The SPEAKER. Without objection, House bills 7936 and 7951 will be laid on the table.

There was no objection.

EXECUTION OF DEEDS IN THE PHILIPPINE ISLANDS, ETC.

The SPEAKER laid before the House the following message of the President of the United States; which was read, referred to the Committee on the District of Columbia, and ordered to be printed:

To the House of Representatives:

In compliance with a resolution of the House of Representatives of the 17th instant (the Senate concurring), I return House bill No. 5814, entitled "An act to provide for the execution in the Philippine Islands and in Porto Rico of deeds of lands situate in the District of Columbia or the Territories of the United States."

THEODORE ROOSEVELT.

WHITE HOUSE, *February 18, 1902.*

RETIREMENT OF NAVAL CONSTRUCTOR RICHMOND P. HOBSON.

The SPEAKER also laid before the House the following message of the President of the United States; which was read, referred to the Committee on Naval Affairs, and ordered to be printed:

To the Senate and House of Representatives:

In June, 1900, Naval Constructor Richmond P. Hobson, then on duty at the naval station, Cavite, P. I., was found to be suffering from "compound hypermetropic astigmatism, retinal hyperæmia, and trachoma," and an operation was performed for the latter. On the 28th of June, 1900, he was admitted to the naval hospital, Yokohama, Japan, the hospital ticket stating: "Retinitis. There is good evidence it was in line of duty. While on duty at Hongkong during the past year he suffered from weakness of eyes, particularly after exposure to glare of sun or while subject to the irregularities of

light on board the ships under repairs." On September 7, 1900, he was discharged from the naval hospital at Yokohama and ordered to the United States, and was subsequently granted six months' leave of absence on account of continued "irritation of retinæ."

In January, 1902, Naval Constructor Hobson appeared before a retiring board, the medical members of which, after an examination of his case, made the following certificate:

"At present there is apparently only a slight retinal irritation, but by the exercise of reasonable care it should not give great trouble.

"An opthalmoscopic examination not made and deemed not essential.

"We believe, therefore, that Mr. Hobson is fit for active duty."

Upon this state of facts the retiring board decided "that Naval Constructor Richmond P. Hobson, United States Navy, is fit for active duty."

Without suggesting that any injustice has been done by this finding, and while in effect pronouncing it correct, Mr. Hobson states, in a letter addressed to the Secretary of the Navy, February 5, 1902, that "the duty required in the Construction Corps, in connection with plans and blue prints, and in connection with inspection and supervision in the glare at shipyards and navy-yards, requires just the kind of use of the eyes that is painful and injurious and would tend to thwart their recovery;" that the condition of his eyes has improved since his return to the United States, while on special duty not in the usual line of work of the Construction Corps, but that "under these favorable conditions the irritation and sensitiveness continue and show that" he "should not undertake work that taxes the eyes * * * in the future." He accordingly asks special legislation authorizing his retirement as for disabilities incurred in the line of duty. This request is approved by the Chief Constructor and by the Secretary of the Navy.

In consideration of the foregoing, but especially of the gallant service rendered by Mr. Hobson in the sinking of the *Merrimac* in the harbor of Santiago during the recent war with Spain, I recommend the enactment of a suitable measure for his relief.

THEODORE ROOSEVELT.

WHITE HOUSE, *February 17, 1903.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby, authorized to transfer to the retired list of the Navy, as for disabilities incurred in the line of duty, Naval Constructor Richmond P. Hobson, United States Navy, at the rate of pay provided by section 1588 of the Revised Statutes in the case of officers retired on account of incapacity resulting from long and faithful service.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same.

H. R. 4208. An act granting an increase of pension to Susan M. Pardee;

H. R. 2321. An act granting an increase of pension to Joseph R. Martin;

H. R. 2607. An act granting an increase of pension to Uriah S. Karmany;

H. R. 5147. An act granting an increase of pension to Theodore Lane;

H. R. 2502. An act granting an increase of pension to Ambrose Burton;

H. R. 2528. An act granting a pension to Helen M. Evans;

H. R. 5169. An act granting an increase of pension to Hiram S. Kingsley;

H. R. 6926. An act granting a pension to Mabel H. Lazear;

H. R. 1285. An act granting an increase of pension to Cyrus Odell;

H. R. 6465. An act granting an increase of pension to Samuel Briscoe;

H. R. 5149. An act granting an increase of pension to Charles E. Bachelder;

H. R. 815. An act granting an increase of pension to Henry S. Comer;

H. R. 5002. An act granting an increase of pension to Thomas H. McConnaughey;

H. R. 2983. An act to amend an act entitled "An act granting an increase of pension to Francis M. Thompson," approved March 3, 1901;

H. R. 3230. An act granting a pension to Catherine Pflueger;

H. R. 6720. An act granting an increase of pension to George Patterson;

H. R. 2265. An act granting an increase of pension to Martin V. Hathaway;

H. R. 1374. An act granting an increase of pension to James Willard;

H. R. 5860. An act granting an increase of pension to Edward B. Scott;

H. R. 3511. An act granting an increase of pension to Mary C. Newcomb;

H. R. 2416. An act granting an increase of pension to John B. Wilcox;

H. R. 7408. An act granting an increase of pension to Levi Cross;

H. R. 2193. An act granting an increase of pension to David A. Ireland;

H. R. 1017. An act granting a pension to Mary Tripp;

H. R. 6459. An act granting an increase of pension to Mary F. Hooper;

H. R. 9312. An act granting an increase of pension to Kate Virginia Dewey Cushing;

H. R. 2455. An act granting an increase of pension to George W. McClure;

H. R. 3413. An act granting an increase of pension to Jedediah S. Vallet;

H. R. 5108. An act granting an increase of pension to Elisha B. Taylor, alias Elisha T. Bisbee;

H. R. 3184. An act granting an increase of pension to David Petee;

H. R. 3300. An act granting an increase of pension to George B. Boyd;

H. R. 2484. An act granting an increase of pension to Jeremiah Evans;

H. R. 287. An act granting an increase of pension to Leighton J. Folsom;

H. R. 4037. An act granting a pension to Julia Maher;

H. R. 3024. An act granting an increase of pension to Thomas V. Stran;

H. R. 5259. An act granting an increase of pension to Gustav Schwartz;

H. R. 2628. An act granting an increase of pension to Andrew Mulholland;

H. R. 286. An act granting an increase of pension to Lawrentus Lane;

H. R. 2412. An act granting a pension to Helen L. Pepper;

H. R. 2429. An act granting an increase of pension to John C. Morrison;

H. R. 3240. An act granting an increase of pension to Joseph Church;

H. R. 5162. An act granting an increase of pension to Andrew H. Gifford;

H. R. 6684. An act granting an increase of pension to Marshall Bachelder;

H. R. 4182. An act granting an increase of pension to David Cupps;

H. R. 4268. An act granting an increase of pension to James D. Woodward;

H. R. 5753. An act granting an increase of pension to Emil Frank;

H. R. 1728. An act granting an increase of pension to George W. Thompson;

H. R. 2617. An act granting an increase of pension to John Rapple; and

H. R. 10780. An act to transfer the county of Carroll from the northwestern division of the northern district of Georgia back to the northern district of Georgia of the United States district and circuit courts, and for other purposes.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 1267. An act granting an increase of pension to Susan F. Connit;

S. 2128. An act granting a pension to Jane Taylor;

S. 2161. An act granting an increase of pension to A. Custis Steever Carpenter;

S. 1337. An act granting an increase of pension to Mary R. Miller;

S. 1329. An act granting an increase of pension to George W. Black;

S. 1465. An act granting an increase of pension to George Fowler;

S. 1610. An act granting an increase of pension to Napoleon B. Perkins;

S. 1622. An act granting a pension to Theophilus Goodwin;

S. 890. An act granting an increase of pension to Catharine Moore;

S. 891. An act granting a pension to Lucinda W. Cavender;

S. 920. An act granting an increase of pension to Francis M. Reilly;

S. 919. An act granting an increase of pension to Daniel C. Knowels;

S. 1094. An act granting an increase of pension to Henry Gifford Dunbar;

S. 1143. An act granting an increase of pension to Charles L. Sweat;

S. 1148. An act granting an increase of pension to Dennis Hannifin;

S. 1167. An act granting an increase of pension to John Ferguson;

S. 887. An act granting an increase of pension to Sarah McCord;

S. 888. An act granting an increase of pension to Mary Taylor;

S. 889. An act granting an increase of pension to Charles F. Burger;

S. 692. An act granting an increase of pension to Daniel T. Rose;

S. 526. An act granting an increase of pension to John McGrath;

S. 568. An act granting an increase of pension to Henry Fisher;

S. 232. An act granting a pension to Mary E. W. Morgan;

S. 199. An act granting an increase of pension to Nathaniel Eaton;
S. 197. An act granting an increase of pension to John Chandler;
S. 200. An act granting an increase of pension to Eunice P. Detweiler;
S. 193. An act granting a pension to Richard H. Musgrove;
S. 1783. An act granting an increase of pension to Henry B. Schroeder;
S. 194. An act granting a pension to Joseph W. Mulford;
S. 1805. An act granting a pension to Laura B. Wear;
S. 1977. An act granting an increase of pension to Harrison T. De Long;
S. 1020. An act for the relief of John Emerson;
S. 2107. An act granting a pension to Matilda Armstrong;
S. 2334. An act granting an increase of pension to Oscar Reed;
S. 2359. An act granting an increase of pension to Samuel Hymer;
S. 2389. An act granting a pension to John E. Farrell;
S. 2390. An act granting a pension to Nellie M. Emery;
S. 2485. An act granting an increase of pension to Tempy French;
S. 2484. An act granting an increase of pension to Loren S. Richardson;
S. 2392. An act granting an increase of pension to Elmer L. Stevens;
S. 1621. An act granting an increase of pension to David Pollock;
S. 2010. An act granting an increase of pension to Marcia M. Merritt; and
S. 2131. An act granting a pension to Carolina N. Allen.

SENATE BILLS AND RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate bills and resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 65. An act providing for the retirement of petty officers and enlisted men of the Navy—to the Committee on Naval Affairs.

S. 1099. An act authorizing the Secretary of the Navy to return to Harvard University certain colors, silver cup, and Nordenfeldt gun—to the Committee on Naval Affairs.

S. 1563. An act for the relief of William H. Crawford—to the Committee on Naval Affairs.

S. 2921. An act to place Henry Biederbick, Julius R. Frederick, Francis Long, and Maurice Connell on the retired list of enlisted men of the Army—to the Committee on Military Affairs.

S. 1025. An act to promote the efficiency of the Revenue-Cutter Service—to the Committee on Interstate and Foreign Commerce.

S. 176. An act to provide for the extension of the charters of national banks—to the Committee on Banking and Currency.

Senate concurrent resolution 25—

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause an examination to be made of the coast of Washington, in the vicinity of the mouth of the Hoh River, with a view to the establishment of a harbor, and to submit an estimate therefor.—

to the Committee on Rivers and Harbors.

LEAVE OF ABSENCE.

Mr. MCCLEARY, by unanimous consent, obtained leave of absence for one week, on account of sickness.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave for withdrawal of papers was granted in the following cases, no adverse report having been made:

To Mr. TAYLOR of Alabama, papers in the case of James W. Carmody (Fifty-sixth Congress).

To Mr. OVERSTREET, papers in the case of Samuel B. Alexander (Fifty-fourth Congress).

LEAVE TO PRINT.

Mr. SHERMAN. I ask unanimous consent that the gentleman from Michigan [Mr. SAMUEL W. SMITH] may have permission to print remarks in the RECORD on the Indian appropriation bill. I was unable to give him time.

There was no objection, and leave was accordingly granted.

PERMANENT CENSUS OFFICE.

The SPEAKER laid before the House, with amendments of the Senate, the bill (H. R. 10308) to provide for a permanent Census Office.

Mr. RUSSELL. I ask unanimous consent that the House disagree to the several amendments of the Senate and request a conference.

There being no objection, it was ordered accordingly; and the Speaker announced as conferees on the part of the House Mr. HOPKINS, Mr. RUSSELL, and Mr. GRIFFITH.

And then, on motion of Mr. PAYNE (at 5 o'clock and 7 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred, as follows:

A letter from the Secretary of the Interior, transmitting a draft of a bill relative to the signing of letters patent for inventions—to the Committee on Patents, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. HITT, from the Committee on Foreign Affairs, to which was referred the bill of the House (H. R. 11471) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1903, reported the same, accompanied by a report (No. 558; which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ADAMS, from the Committee on Foreign Affairs, to which was referred the bill of the House (H. R. 8129) to amend sections 4076 and 4078 and 4075 of the Revised Statutes, reported the same with amendments, accompanied by a report (No. 559); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. STORM, from the Committee on Claims, to which was referred the bill of the House (H. R. 6703) for the relief of George A. Rogers, reported the same without amendment, accompanied by a report (No. 560); which said bill and report were referred to the Private Calendar.

Mr. CAPRON, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 336) to grant an honorable discharge from the military service to Charles H. Hawley, reported the same without amendment, accompanied by a report (No. 561); which said bill and report were referred to the Private Calendar.

Mr. PARKER, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 608) for the relief of George K. Bowen, reported the same without amendment, accompanied by a report (No. 565); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 3762) for the relief of Emanuel Klauser, reported the same with amendment, accompanied by a report (No. 566); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 24) for the relief of James W. Howell, reported the same with amendment, accompanied by a report (No. 567); which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk and laid on the table, as follows:

Mr. SLAYDEN, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 32) to correct the military record of Albert S. Austin, reported the same adversely, accompanied by a report (No. 562); which said bill and report were laid on the table.

He also, from the same committee, to which was referred the bill of the Senate (S. 619) to authorize the President to revoke the order dismissing William T. Godwin, late first lieutenant, Tenth Infantry, United States Army, and to place him on the retired list, reported the same adversely, accompanied by a report (No. 563); which said bill and report were laid on the table.

Mr. PARKER, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 139) for the relief of Edward Byrne, reported the same adversely, accompanied by a report (No. 565); which said bill and report were laid on the table.

CHANGES OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were referred as follows:

A bill (H. R. 7509) granting an increase of pension to Annie M.

Walker—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 11199) granting a pension to Lewis Walton—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 11464) granting a pension to Marion L. Wilson—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. HITT, from the Committee on Foreign Affairs: A bill (H. R. 11471) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1893—to the Union Calendar.

By Mr. CONRY: A bill (H. R. 11472) to establish light-houses at the mouth of Boston Harbor to mark the entrance to the new Broad Sound Channel—to the Committee on Interstate and Foreign Commerce.

By Mr. BROWN: A bill (H. R. 11473) to authorize the Secretary of the Interior to fulfill certain treaty stipulations with the Chippewa Indians of Lake Superior and the Mississippi, and making appropriation for the same—to the Committee on Indian Affairs.

By Mr. JENKINS: A bill (H. R. 11474) for the acknowledgment of deeds and other instruments in the Philippine Islands and Porto Rico affecting land situate in the District of Columbia or any Territory of the United States—to the Committee on the District of Columbia.

By Mr. IRWIN: A bill (H. R. 11475) for the purchase of the portrait of Gen. George H. Thomas—to the Committee on the Library.

By Mr. SPARKMAN: A bill (H. R. 11476) authorizing, empowering, and directing the Commissioner of Fish and Fisheries to establish in the State of Florida, on the Gulf of Mexico, a station for the investigation of problems connected with the marine-fishery interests of the region—to the Committee on the Merchant Marine and Fisheries.

By Mr. SAMUEL W. SMITH: A bill (H. R. 11477) for improving Fort street between Twelfth and Fourteenth streets northeast, and for other purposes—to the Committee on the District of Columbia.

By Mr. RICHARDSON of Tennessee: A bill (H. R. 11478) to provide for refunding internal-revenue taxes paid upon legacies and bequests for uses of a religious, literary, charitable, or educational character, or for the encouragement of art, under the war-revenue act of 1898—to the Committee on Ways and Means.

By Mr. WILCOX (by request): A bill (H. R. 11479) to apportion the term of office of seven senators elected at the first general election of the Territory of Hawaii—to the Committee on the Territories.

By Mr. TONGUE (by request): A bill (H. R. 11480) appropriating the receipts from the sale and disposal of public lands in certain States and Territories to ascertain the extent to which said lands may be reclaimed, and to authorize the taxation of public lands under certain conditions—to the Committee on Irrigation of Arid Lands.

By Mr. CURRIER: A bill (H. R. 11481) to authorize the purchase of certain pictures of Arctic expeditions, by Mr. Albert Operti—to the Committee on the Library.

By Mr. LACEY: A bill (H. R. 11535) for the protection of game in the district of Alaska, and for other purposes—to the Committee on the Territories.

Also, a bill (H. R. 11536) to transfer certain forest reserves to the control of the Department of Agriculture, to authorize game and fish protection in forest reserves, and for other purposes—to the Committee on the Public Lands.

By Mr. NORTON: A bill (H. R. 11537) to reimburse detailed or assigned officers—to the Committee on War Claims.

By Mr. BELL: Joint resolution of Colorado legislature, favoring a department of mining—to the Committee on Mines and Mining.

By Mr. WILLIAMS of Mississippi: Memorial memorializing the Representatives and Senators of Mississipp iin Congress to prepare and urge the passage of a bill refunding to the cotton-growing States the cotton tax collected from said States immediately after the war—to the Committee on War Claims.

By Mr. RYAN: Memorial memorializing the Representatives and Senators of Mississippi in Congress to prepare and urge the passage of a bill refunding to the cotton-growing States the cotton tax collected from said States immediately after the war—to the Committee on War Claims.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BELL: A bill (H. R. 11482) for the relief of O. E. Noland, of Mancos, Colo.—to the Committee on Claims.

By Mr. BLAKENEY: A bill (H. R. 11483) granting an increase of pension to William D. Kimble—to the Committee on Invalid Pensions.

By Mr. BROWNLOW: A bill (H. R. 11484) for the relief of Edwin S. Harris—to the Committee on Claims.

By Mr. COWHERD (by request): A bill (H. R. 11485) granting a pension to Julia McCarthy—to the Committee on Invalid Pensions.

By Mr. DOUGHERTY: A bill (H. R. 11486) to correct the military record of Aaron Norris—to the Committee on Military Affairs.

Also, a bill (H. R. 11487) granting a pension to James F. Montgomery—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11488) granting an increase of pension to John J. Hunter—to the Committee on Invalid Pensions.

By Mr. EMERSON: A bill (H. R. 11489) granting an increase of pension to William D. West—to the Committee on Invalid Pensions.

By Mr. FORDNEY: A bill (H. R. 11490) granting an increase of pension to Elizabeth Parrish—to the Committee on Invalid Pensions.

By Mr. FOWLER: A bill (H. R. 11491) granting an increase of pension to Israel D. Lum—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11492) granting an increase of pension to John J. Willis—to the Committee on Pensions.

By Mr. GORDON: A bill (H. R. 11493) granting a pension to Mary A. Lipps—to the Committee on Invalid Pensions.

By Mr. HANBURY: A bill (H. R. 11494) granting a pension to Henrietta A. Buell—to the Committee on Invalid Pensions.

By Mr. HAUGEN: A bill (H. R. 11495) granting an increase of pension to Mary A. Bailey—to the Committee on Pensions.

By Mr. HEMENWAY: A bill (H. R. 11496) granting a pension to Henry S. Foster—to the Committee on Invalid Pensions.

By Mr. HOWARD: A bill (H. R. 11497) for the relief of Martha Strickland, widow of William Strickland—to the Committee on Military Affairs.

By Mr. IRWIN: A bill (H. R. 11498) granting an increase of pension to Candace Browder—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11499) granting an increase of pension to Silvia Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11500) for the relief of Schuyler B. Mayhall—to the Committee on Military Affairs.

Also, a bill (H. R. 11501) for the relief of John Hedrick—to the Committee on Pensions.

Also, a bill (H. R. 11502) for the relief of Mary D. Griffiths—to the Committee on Pensions.

By Mr. KEHOE: A bill (H. R. 11503) granting an increase of pension to Israel T. Osborn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11504) for the relief of James H. Reeder—to the Committee on War Claims.

By Mr. MERCER: A bill (H. R. 11505) granting a pension to David Dunkle—to the Committee on Invalid Pensions.

By Mr. MIERS of Indiana: A bill (H. R. 11506) granting a pension to Samuel Stetzer—to the Committee on Invalid Pensions.

By Mr. NAPHEN: A bill (H. R. 11507) for the relief of the heirs of Valentine Kirchner—to the Committee on Claims.

By Mr. NORTON: A bill (H. R. 11508) granting an increase of pension to Joseph A. Van Pelt—to the Committee on Invalid Pensions.

By Mr. ROBB: A bill (H. R. 11509) granting an increase of pension to Henry J. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11510) to remove the charge of desertion from the military record of James Coad—to the Committee on Military Affairs.

Also, a bill (H. R. 11511) for the relief of George Kinnard—to the Committee on War Claims.

By Mr. SELBY: A bill (H. R. 11512) granting an increase of pension to J. H. Daniels—to the Committee on Invalid Pensions.

By Mr. SHAFROTH: A bill (H. R. 11513) granting a pension to Oscar O. Vaughan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11514) granting an increase of pension to Charles Ambrook—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11515) for the relief of Samuel Gates—to the Committee on Military Affairs.

By Mr. SHALLENBERGER: A bill (H. R. 11516) granting an honorable discharge to William J. Coady—to the Committee on Military Affairs.

By Mr. SMITH of Iowa: A bill (H. R. 11517) for the relief of John Lammert—to the Committee on Military Affairs.

Also, a bill (H. R. 11518) granting an increase of pension to Craig Mardis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11519) granting an increase of pension to Henry Russell—to the Committee on Invalid Pensions.

By Mr. STEWART of New York: A bill (H. R. 11520) granting an increase of pension to Carrie Conant, widow of Capt. Charles H. Conant—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11521) to correct the military record of Wesley Mickel—to the Committee on Military Affairs.

Also, a bill (H. R. 11522) for the relief of Eliza Ellen Ehle—to the Committee on Claims.

By Mr. TATE (by request): A bill (H. R. 11523) for the relief of the First Georgia State Troops—to the Committee on Military Affairs.

Also (by request), a bill (H. R. 11524) for the relief of Samuel Howard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11525) for the relief of William Pastell—to the Committee on Military Affairs.

Also, a bill (H. R. 11526) to correct the military record of Capt. Thomas E. Holland's company of Georgia Mounted Volunteers—to the Committee on Military Affairs.

By Mr. TOMPKINS of Ohio: A bill (H. R. 11527) to correct military record of Charles H. Jessup—to the Committee on Military Affairs.

By Mr. WHEELER: A bill (H. R. 11528) for the relief of Vina Furguson—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 11529) for the relief of the heirs of R. H. Montgomery, of Holmes County, Miss.—to the Committee on War Claims.

By Mr. BALL of Delaware: A bill (H. R. 11530) granting an increase of pension to William J. Williams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11531) to correct the military record of William J. McNatt—to the Committee on Military Affairs.

Also, a bill (H. R. 11532) to remove the charge of desertion from the military service of John Gilsenen—to the Committee on Military Affairs.

By Mr. BROUSSARD: A bill (H. R. 11533) for the relief of Remy Bagary, of Iberia Parish, La.—to the Committee on War Claims.

By Mr. PERKINS: A bill (H. R. 11534) for the relief of Hugh McGuckin—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petitions of E. C. Little Post, No. 54; Sam Rice Post, No. 6, Department of Iowa; William McKee Post, No. 110; Blythedale Post, No. 551; Marion Post, No. 119; Andy Martin Post, No. 259, Department of Missouri; E. C. D. West Post, No. 168; James A. Garfield Post, No. 46, Department of Maine; G. W. Larrimore Post, No. 445; Joseph Cross Post, No. 691; T. J. Stanley Post, No. 295, Department of Ohio; Lincoln Post, Charlestown, N. H.; Live Eagle Post, Fullerton, Nebr.; L. S. Payne Post, North Tonawanda, N. Y.; J. W. Thornburg Post, Odon, Ind.; Eli Berlin Post, East Hickory, Pa.; A. H. Dutton Post, Wallingford, Conn.; Caldwell Post, Lake City, Mich.; John A. Logan Post, Ashaway, R. I., Grand Army of the Republic, for investigation of the administration of the Bureau of Pensions—to the Committee on Rules.

By Mr. ACHESON: Petition of Ripper Lodge, No. 263, of Washington, Pa., favoring the building of vessels in the United States navy-yards—to the Committee on Naval Affairs.

Also, resolution of Ripper Lodge, of Washington, Pa., for exclusion of Chinese—to the Committee on Foreign Affairs.

Also, petition of the First Reformed Presbyterian Church of Beaver Falls, Pa., in opposition to the reenactment of Chinese-exclusion law—to the Committee on Foreign Affairs.

By Mr. ADAMSON: Petition of Garment Makers' Union No. 63, of Columbus, Ga., in favor of the reenactment of Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. ALEXANDER: Resolution of Tile Layers' Union No. 5, and Marine Engineers' Beneficial Association No. 1, Buffalo, N. Y., in favor of laws restricting immigration—to the Committee on Immigration and Naturalization.

By Mr. BABCOCK: Resolution of Will Hickok Post, No. 134, Grand Army of the Republic, Bloomington, Wis., favoring the construction of Government vessels in navy-yards—to the Committee on Naval Affairs.

By Mr. BARTHOLDT: Resolutions of Broom Makers' Union No. 45, and Badge and Lodge Paraphernalia Makers' Union No. 9136, Iron Molders' Union No. 7413, National Building Trades Council, and Carpenters and Joiners' Union No. 51, of St. Louis, Mo., favoring the reenactment of the Chinese-exclusion act—to the Committee on Foreign Affairs.

Also, resolution of the National Trades Council of America, favoring irrigation by the General Government—to the Committee on Irrigation of Arid Lands.

Also, resolution of citizens of St. Louis, Mo., regarding House bill 7189 and Senate bill 2162, relating to the United States Marine-Hospital Service—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of Beer Drivers and Stablemen's Union No. 43, of St. Louis, Mo., concerning the relief of reconcentrados in South Africa—to the Committee on Foreign Affairs.

Also, petition of Musicians' Mutual Benefit Association of St. Louis, Mo., urging that the navy-yards be utilized for the construction of war vessels—to the Committee on Naval Affairs.

Also, petition of citizens of St. Louis, Mo., in favor of a Federal election law—to the Committee on Election of President, Vice-President, and Representatives in Congress.

By Mr. BOUTELL: Petition of A. C. Miller and others, of Chicago, Ill., in relation to the report of the Department of Labor, under an act of March 3, 1887—to the Committee on Labor.

By Mr. BOWERSOCK: Resolution of Western Retail Implement and Vehicle Dealers' Association, held in Kansas City, Mo., against House bill 6578, known as the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, resolution of George H. Thomas Post, No. 18, of Ottawa, Kans., favoring the construction of Government vessels in navy-yards—to the Committee on Naval Affairs.

Also, resolutions of Coopers' Union No. 18, of Kansas City, Kans., concerning the Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. BROWNLOW: Petition of the heir of Jacob Shelton, deceased, late of Tennessee, for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. BRUNDIDGE: Petition of James H. Merritt, of Dewitt, Ark., praying reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. BURKE of South Dakota: Resolution of the Typographical Union No. 218, of Sioux Falls, S. Dak., favoring the Chinese-exclusion act and the restriction of immigration—to the Committee on Foreign Affairs.

Also, resolution of Silas A. Strickland Post, No. 127, of Hot Springs, S. Dak., favoring the construction of war ships at the navy-yards—to the Committee on Naval Affairs.

By Mr. BURLESON: Resolution of Trades Council of Austin, Tex., favoring the Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. CORLISS: Resolution of Tobacco Workers' Union of Detroit, Mich., favoring the construction of war vessels in Government navy-yards—to the Committee on Naval Affairs.

By Mr. COWHERD: Papers to accompany House bill 11424, granting a pension to Mrs. A. Crismas, wife of Hiram Dickinson—to the Committee on Pensions.

By Mr. CUSHMAN: Petition of the Alaska Chamber of Commerce, of Juneau, Alaska, relative to desired legislation for the district of Alaska—to the Committee on the Territories.

By Mr. EMERSON: Resolutions of Cigar Makers' Union No. 279, of Plattsburg, N. Y., in favor of the reenactment of Chinese-exclusion act—to the Committee on Foreign Affairs.

Also, papers in support of House bill 3516, granting an increase of pension to O. F. Cheney—to the Committee on Invalid Pensions.

Also, paper to accompany House bill 4799, granting a pension to Mrs. S. A. Fay—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 7238 for the relief of William Brown—to the Committee on Military Affairs.

Also, papers to accompany House bill 11489, granting an increase of pension to William D. West—to the Committee on Invalid Pensions.

By Mr. ESCH: Resolution of the Lake Seamen's Union, against Chinese labor—to the Committee on Foreign Affairs.

Also, resolution of the Lake Seamen's Union, in opposition to House bill 7189, changing the name of the United States Marine-Hospital Service—to the Committee on Interstate and Foreign Commerce.

By Mr. FITZGERALD: Petition of Central Tea Growers and Traders' Association, of Japan, for the repeal of the tax on tea—to the Committee on Ways and Means.

Also, petition of New York Retail Grocers' Union, protesting against the removal of the duty on teas—to the Committee on Ways and Means.

Also, resolution of the Oklahoma City Commercial Club, urging the admission of Oklahoma and Indian Territory as a single State of the Union—to the Committee on the Territories.

By Mr. FOERDERER: Resolution of National Building Trades

Council, favoring the reenactment of the Chinese-exclusion act—to the Committee on Immigration and Naturalization.

Also, resolution of the National Building Trades Council, in relation to the sale of public lands and the irrigation of arid lands—to the Committee on Irrigation of Arid Lands.

Also, resolutions of the United Retail Grocers' Association of Brooklyn, and New York Retail Grocers' Union, of New York City, in relation to the duty on tea—to the Committee on Ways and Means.

Also, resolution of the executive board of the American Lace Curtain Operatives' Union of Philadelphia, Pa., favoring the exclusion of Chinese—to the Committee on Foreign Affairs.

Also, resolutions of the Grocers and Importers' Exchange of Philadelphia, urging the creation of a department of commerce and industries—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Grocers and Importers' Exchange of Philadelphia, favoring Cuban reciprocity—to the Committee on Ways and Means.

By Mr. FOSS: Resolutions of the National Tea Duty Repeal Association, in relation to the duty on teas—to the Committee on Ways and Means.

Also, petition of officers of societies, protesting against the enactment of any law to exclude honest, able-bodied foreigners from immigrating to this country—to the Committee on Immigration and Naturalization.

By Mr. FOWLER: Petition of the Presbytery of New Brunswick, N. J., against the repeal of the anticanteen law—to the Committee on Military Affairs.

Also, petition of Chicago and Northwestern Railway Telegraphers, Division No. 76, and Cigar Makers' Union No. 427, of Rahway, N. J., for the restriction of illiterate immigrants—to the Committee on Immigration and Naturalization.

Also, petition of Board of Chosen Freeholders of Hudson County, N. J., concerning the Chinese-exclusion act—to the Committee on Foreign Affairs.

Also, resolutions of Typographical Union No. 23, of Rahway, N. J., and American Wire Weavers' Protective Association, of Belleville, N. J., favoring the construction of war ships at the navy-yards—to the Committee on Naval Affairs.

By Mr. GAINES of Tennessee: Petition of Rock City Division, No. 135, Order of Railway Conductors, Nashville, Tenn., praying for the further restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. GILLET of New York: Petition of Gregory Post, No. 649, Grand Army of the Republic, Department of New York, for investigation of the administration of the Bureau of Pensions—to the Committee on Rules.

By Mr. GRAHAM: Petition of the United Presbyterian Church of Sewickley, Pa., in opposition to the exclusion of Chinese—to the Committee on Foreign Affairs.

Also, resolution of Merchants' Association of New York, in favor of the establishment of reciprocal relations with Cuba—to the Committee on Ways and Means.

Also, resolution of the Oklahoma City Commercial Club, Territory of Oklahoma, in favor of single statehood for Oklahoma and Indian Territories—to the Committee on the Territories.

Also, petition of S. Saito, for the repeal of the duty on tea—to the Committee on Ways and Means.

By Mr. GREENE of Massachusetts: Resolution of National Building Trades Council, Worcester, Mass., and Boot and Shoe Workers' Union No. 238, of New Bedford, Mass., in favor of the reenactment of Chinese-exclusion act—to the Committee on Foreign Affairs.

Also, resolutions of the National Building Trades Council, held at Worcester, Mass., in relation to the leasing of public lands, irrigation, and homesteads—to the Committee on the Public Lands.

Also, resolution of the National Association of Machinists, Boston, Mass., favoring the construction of war ships at the navy-yards—to the Committee on Naval Affairs.

By Mr. GRIFFITH: Resolution of Indianapolis Division, No. 11, Brotherhood of Locomotive Engineers, of Indianapolis, Ind., in support of Senate bill 1118, limiting the meaning of the word "conspiracy," etc.—to the Committee on the Judiciary.

By Mr. HAUGEN: Resolution of Hughes Post, No. 168, Grand Army of the Republic, Decorah, Iowa, for the construction of war vessels in Government navy-yards—to the Committee on Naval Affairs.

Also, resolution of Brotherhood of Locomotive Engineers, Division No. 117, of Mason City, Iowa, favoring restriction of undesirable immigration—to the Committee on Immigration and Naturalization.

By Mr. HAY: Petition of George W. Bromley, of Frederick County, Va., for reference of war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of the heir of John B. Almond, deceased, of Page County, Va., for reference of war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of Branon Thatcher, of Frederick County, Va., for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. HEMENWAY. Resolution of Post No. 139, Grand Army of the Republic, of Fulsomville, Ind., favoring the construction of war vessels in Government navy-yards—to the Committee on Naval Affairs.

Also, resolution of the Tinners' Union No. 96, of Evansville, Ind., concerning the reenactment of the Chinese-exclusion act—to the Committee on Foreign Affairs.

Also, resolution of Iron Molders' Union No. 51, of Evansville, Ind., for an educational test in the restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. HENRY of Connecticut: Resolution of Carpenters' Union No. 757, of South Manchester, Conn., American Federation of Labor, concerning the construction of Government vessels in navy-yards—to the Committee on Naval Affairs.

Also, resolution of Unity Lodge, No. 436, of New Britain, Conn., favoring the passage of the Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. HILL: Resolutions of Cigar Makers' Unions Nos. 139, of Long Hill, Conn., and 130, of Danbury, Conn., favoring the continuation of the exclusion law against Chinese laborers—to the Committee on Foreign Affairs.

Also, resolutions of Carpenters' Unions Nos. 216, of Torrington, and 115, of Bridgeport; Typographical Union No. 143 and Iron Molders' Union No. 110, of Danbury; Sheet Metal Workers' Lodge No. 127, of South Norwalk, Conn., for restriction of immigration, etc.—to the Committee on Immigration and Naturalization.

By Mr. HOWELL: Petition of Cigar Makers' Union No. 146, of New Brunswick, N. J., for the restriction of illiterate immigrants—to the Committee on Immigration and Naturalization.

Also, resolutions of Hiawatha Council, Junior Order United American Mechanics, of East Millstone, N. J., relating to the suppression of anarchy—to the Committee on the Judiciary.

Also, petition of Cigar Makers' Union No. 146, of New Brunswick, N. J., favoring the reenactmeut of the Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. JACKSON of Kansas: Resolution of Union No. 157, of Pittsburg, Kans., for the reenactment of the Chinese-exclusion law—to the Committee on Foreign Affairs.

By Mr. LITTAUER: Papers to accompany House bill correcting the military record of Seneca S. Van Ness—to the Committee on Military Affairs.

By Mr. LITTLE: Petition of J. M. Cooper, heir at law of Marie Cooper, deceased, late of Saline County, Ark., for reference of war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of Susan Allen, heir at law of Isaac T. Epler, deceased, late of Sebastian County, Ark., for reference of war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of John B. Clark, heir at law of Asa Clark, deceased, late of Fort Smith, Ark., for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. LITTLEFIELD: Petition of Lewiston (Me.) post-office clerks, urging the passage of House bill 5286, for the reclassification of salaries—to the Committee on the Post-Office and Post-Roads.

Also, resolution of Union No. 273, of Rockland, Me., for the reenactment of the Chinese exclusion law—to the Committee on Foreign Affairs.

By Mr. LOUDENSLAGER: Resolution of Glass Bottle Blowers' Association, of Woodbury, N. J., and American Flint Glass Workers' Union of Millville, N. J., favoring the enactment of a law excluding the Chinese without limitation from this country—to the Committee on Foreign Affairs.

By Mr. MAHONEY: Petitions of H. C. Valentine and numerous other citizens of Chicago, Ill., and of the Fifth Congressional district of Illinois, in behalf of such intervention on the part of the United States for the cessation of hostilities in the Transvaal as may reestablish peace upon honorable terms—to the Committee on Foreign Affairs.

By Mr. McCULLOCH: Petition of Mary Johnson, of Cross County, Ark., for reference of war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of C. G. Dorris, heir at law of Othello E. Dorris, deceased, late of St. Francis County, Ark., praying reference of war claim to Court of Claims—to the Committee on War Claims.

Also, petition of W. R. Hicks, heir at law of J. C. Hill, deceased, late of St. Francis County, Ark., praying reference of war claim to Court of Claims—to the Committee on War Claims.

By Mr. McANDREWS: Sundry petitions of citizens of the

Fourth Congressional district of Illinois, in behalf of such intervention on the part of the United States for the cessation of hostilities in the Transvaal as may reestablish peace upon honorable terms—to the Committee on Foreign Affairs.

Also, petition of Journeymen Plasterers of Chicago, Ill., favoring restriction of undesirable immigration—to the Committee on Immigration and Naturalization.

Also, petition of the West Side Woman's Christian Temperance Union, of Chicago, Ill., and the Metropolitan Church of Christ, of Chicago, for the abolition of the saloon in the island possessions of the United States—to the Committee on Alcoholic Liquor Traffic.

By Mr. McRAE: Petition of John Q. Taylor, of Arkansas, praying reference of war claim to Court of Claims—to the Committee on War Claims.

Also, petition of W. P. Barton, heir at law of J. W. Barton, deceased, of Clark County, Ark., praying reference of war claim to Court of Claims—to the Committee on War Claims.

By Mr. MERCER: Resolution of Sedgwick Post, No. 1, Grand Army of the Republic, Omaha, Nebr., favoring the construction of war vessels in Government navy-yards—to the Committee on Naval Affairs.

Also, resolutions of Sheep Butchers' Union, Beef Butchers' Union, and Stationery Firemen, of South Omaha; Theatrical Stage Employees' Union of Omaha, Nebr., for the reenactment of the Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. MIERS of Indiana: Resolutions of Grand Army of the Republic post at Freedom, Ind., favoring the building of war vessels in the navy-yards—to the Committee on Naval Affairs.

By Mr. NORTON: Resolution of Jaqueth Post, No. 196, Grand Army of the Republic, Sycamore, Ohio, favoring the construction of war vessels in Government navy-yards—to the Committee on Naval Affairs.

Also, resolution of National Brotherhood of Operative Potters, Tiffin, Ohio, and Iron Molders' Union of Bucyrus, Ohio, favoring exclusion of the Chinese from the United States and our insular possessions—to the Committee on Foreign Affairs.

Also, resolution of Iron Molders' Union No. 352, Bucyrus, Ohio, favoring an educational test in the restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition in support of House bill 5192, granting an increase of pension to John English—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 7856, granting an increase of pension to Wilson H. Davis—to the Committee on Pensions.

Also, petition of Joseph A. Van Pelt, to accompany House bill 10963, granting him a pension—to the Committee on Invalid Pensions.

By Mr. PATTERSON of Pennsylvania: Petition of Retail Clerks' Union No. 469, Shenandoah, Pa., American Federation of Labor, favoring the construction of war ships at the navy-yards—to the Committee on Naval Affairs.

Also, resolution of United Brewery Workmen's Union, of Pottsville, Pa., for the reenactment of the Chinese-exclusion law—to the Committee on Foreign Affairs.

By Mr. PATTERSON of Tennessee: Resolution of Memphis Cotton Exchange, Memphis, Tenn., favoring improvement of rivers and harbors—to the Committee on Rivers and Harbors.

By Mr. ROBINSON of Indiana: Petition of B. J. Crosswait Post, No. 150, Grand Army of the Republic, Department of Indiana, for investigation of the administration of the Bureau of Pensions—to the Committee on Rules.

Also, resolution of Steam Engineers' Union No. 19, Fort Wayne, Ind., favoring the Chinese-exclusion act—to the Committee on Foreign Affairs.

Also, petition of James Butler, of Gage, Ind., for reciprocal trade relations with Cuba—to the Committee on Ways and Means.

By Mr. REID: Petition of Mrs. M. J. Spake, of Pulaski County, Ark., for reference of war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of Mrs. R. M. Scruggs, heir at law of Mary Lefevre, deceased, late of Pulaski County, Ark., for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. RICHARDSON of Alabama: Papers to accompany House bill 5609, for the relief of Sallie C. Smith—to the Committee on War Claims.

Also, papers in support of House bill 7844, providing for the erection of a public building in the city of Florence, Ala.—to the Committee on Public Buildings and Grounds.

By Mr. ROBB: Papers to accompany House bill for the relief of George Kinnard—to the Committee on War Claims.

Also, papers to accompany House bill 4128, granting a pension to Rhoda Burnham—to the Committee on Invalid Pensions.

By Mr. RUPPERT: Resolution of the Amalgamated Wood Workers' Union No. 92, of Clinton, Iowa, for the reenactment of the Chinese-exclusion law and favoring an educational test in the restriction of immigration—to the Committee on Foreign Affairs.

Also, resolutions of the New York Retail Grocers' Union, in relation to the removal of the duty on teas—to the Committee on Ways and Means.

By Mr. SCHIRM: Resolution of Amalgamated Woodworkers' Union No. 6, of Baltimore, Md., favoring the Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. SCOTT: Resolution of Western Retail Implement and Vehicle Dealers' Association, held in Kansas City, Mo., against House bill 6578, known as the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. SHALLENBERGER: Petition of Clearman & Hines and 6 other merchants of Heartwell, Nebr., against House bill 6578, known as the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. SHERMAN: Papers to accompany House bill 11337, for the relief of the legal representatives of James and Milton Caldwell—to the Committee on War Claims.

Also, resolution of Mailers' Union No. 19, of Utica, N. Y., in favor of the reenactment of Chinese-exclusion act—to the Committee on Foreign Affairs.

Also, resolution of Amalgamated Leather Workers' Union No. 10, of Littlefalls, N. Y., praying for the further restriction of immigration—to the Committee on Immigration and Naturalization.

Also, protest of the Quapaw tribe of Indians, of Indian Territory, against the annexation of Indian Territory—to the Committee on Indian Affairs.

By Mr. SNOOK: Resolution of Cigar Makers' Union No. 166, of Defiance, Ohio, praying for the further restriction of immigration—to the Committtee on Immigration and Naturalization.

Also, resolution of the National Building Trades Council of America, concerning the Chinese-exclusion act—to the Committee on Foreign Affairs.

Also, resolutions of National Building Trades Council of St. Louis, Mo., favoring irrigation of arid lands—to the Committee on Irrigation of Arid Lands.

Also, resolutions adopted by the Addison Clark Post, Grand Army of the Republic, of Ohio, favoring the construction of naval vessels at the Government navy-yards—to the Committee on Naval Affairs.

By Mr. SPERRY: Resolution of Excelsior Lodge, No. 259, of Derby, Conn., favoring the Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. STARK: Papers in support of House bill 10023, granting an increase of pension to William Mills, Beatrice, Nebr.—to the Committee on Invalid Pensions.

By Mr. STEWART of New York: Papers to accompany House bill No. 11521, relating to the correction of the military record of Wesley Mickel—to the Committee on Military Affairs.

By Mr. SULLOWAY: Petitions of the Woman's Christian Temperance Unions of Sanbornville, Manchester, Nottingham, Water Village, Tilton, and Northwood, all of New Hampshire, favoring the adoption of an antipolygamy amendment to the Constitution—to the Committee on the Judiciary.

By Mr. WOODS: Resolution of Stockton Federated Trades, for the reenactment of the Chinese-exclusion law—to the Committee on Foreign Affairs.

Also, resolution of the Chamber of Commerce of San Francisco, Cal., favoring a light and fog-signal station at Point Buchon, California, and also at a point on Karquines Strait, California—to the Committee on the Merchant Marine and Fisheries.

Also, resolution of the Chamber of Commerce of San Francisco, urging favorable consideration of the bill which provides for a reorganization of the consular service—to the Committee on Foreign Affairs.

By Mr. YOUNG: Petition of S. Saito, Washington, D. C., for the repeal of the duty on teas—to the Committee on Ways and Means.

Also, resolutions of New York Retail Grocers' Union, against repeal of duty on tea—to the Committee an Ways and Means.

Also, resolutions of the National Building Trades Council of St. Louis, Mo., and of Local Union No. 114, of Ottumwa, Iowa, favoring the exclusion of the Chinese—to the Committee on Foreign Affairs.

Also, resolutions of National Building Trades Council of America, favoring the irrigation of the arid lands of the United States—to the Committee on Irrigation of Arid Lands.

Also, petition of the Grocers and Importers' Exchange of Philadelphia, favoring a reciprocity treaty with Cuba—to the Committee on Ways and Means.

Also, resolutions of the Grocers and Importers' Exchange of Philadelphia, Pa., urging the creation of a department of commerce and industries—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of G. W. Childs Division 353, Brotherhood of Locomotive Engineers, Philadelphia, Pa., in favor of laws restricting immigration—to the Committee on Immigration and Naturalization.

Also, papers to accompany House bill for the removal of the charge of desertion from the military record of George W. Smith—to the Committee on Military Affairs.

SENATE.

WEDNESDAY, *February 19, 1902.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

PRINTING OF GEOLOGICAL SURVEY REPORTS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Director of the Geological Survey calling attention to the advisability of a change in existing law regarding the printing of his annual report, etc., which, with the accompanying papers, was referred to the Committee on the Geological Survey, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. KEAN presented the memorial of Mrs. Joel Borton, of New Jersey, remonstrating against the regulation and control of vice by the board of health of Manila; which was referred to the Committee on the Philippines.

He also presented a petition of Hiawatha Council, No. 110, Junior Order United American Mechanics, of East Millstone, N. J., praying for the enactment of legislation to suppress anarchy; which was ordered to lie on the table.

He also presented a petition of Cigar Makers' Local Union No. 427, American Federation of Labor, of Rahway, N. J., praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which was referred to the Committee on Naval Affairs.

He also presented petitions of Monitor Council, No. 83, of Hackettstown; of Speedwell Council, No. 227, of Morristown, Junior Order United American Mechanics, and of Federal Labor Union No. 7211, American Federation of Labor, of Dover, all in the State of New Jersey, praying for the reenactment of the Chinese-exclusion law; which were referred to the Committee on Immi gration.

Mr. FAIRBANKS presented a petition of the Quarterly Meeting of Friends, of Westfield, Ind., praying for the enactment of legislation to prohibit the sale of firearms and intoxicating liquors in the island possessions of the United States; which was ordered to lie on the table.

He also presented petitions of Division No. 11, Brotherhood of Locomotive Engineers, of Indianapolis, and of Division No. 221, Brotherhood of Locomotive Engineers, of Huntington, in the State of Indiana, praying for the passage of the so-called Hoar anti-injunction bill to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases; which were ordered to lie on the table.

He also presented the petition of Katherine H. Day and sundry other members of the Home Missionary Society of the Presbyterian Church, of Indianapolis, Ind., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented petitions of Steam Engineers' Local Union No. 19, of Fort Wayne; of Cigar Makers' Local Union No. 221, of South Bend; of Local Branch No. 61, Glass Bottle Blowers' Union, of Gas City, and of W. C. Beaty and sundry other citizens of Linton, all in the State of Indiana, praying for the reenactment of the Chinese-exclusion law; which were referred to the Committee on Immigration.

He also presented a petition of the Goshen Milling Company, of Goshen, Ind., praying for the adoption of certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

He also presented the petitions of Charley Thornton and sundry other citizens of Bristol; of Z. T. Strong and sundry other citizens of Muncie; of I. O. Grimes, of Martinsburg, and of L. D. Pierle, of Martinsburg, all in the State of Indiana, praying for the passage of the so-called Grout bill to regulate the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

He also presented petitions of Local Union No. 652, United Brotherhood of Carpenters and Joiners, of Elwood, and of the Trades and Labor Council of Fort Wayne, in the State of Indiana, praying for the repeal of the so-called desert-land law and also for the commutation clause of the homestead act; which were referred to the Committee on Public Lands.

He also presented petitions of Hackelman Post, No. 64, of Brookville; of Harrison Cathcart Post, No. 117, of Bristol, Department of Indiana, Grand Army of the Republic; of Elwood Typographical Union, No. 331, of Elwood; of Friendship Lodge, No. 70, of Fort Wayne, and of Journeymen Horseshoers' Local Union No. 81, of the American Federation of Labor, all in the State of Indiana, praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which were referred to the Committee on Naval Affairs.

Mr. MCMILLAN presented a petition of sundry business men of Detroit, Mich., praying for the establishment of reciprocal trade relations with the Dominion of Canada; which was referred to the Committee on Relations with Canada.

Mr. WETMORE presented a petition of Farragut Post, No. 8, Grand Army of the Republic, Department of Rhode Island, of Providence, R. I., praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which was referred to the Committee on Naval Affairs.

Mr. PERKINS presented petitions of United Metal Workers' Union No. 47, Granite Cutters' National Union, of Raymond; of the Federated Trades Union, American Federation of Labor, of Stockton; of the Marine Cooks and Stewards' Association of the Pacific Coast, of San Francisco, and of the Chamber of Commerce and Merchants' Exchange of San Francisco, all in the State of California, praying for the reenactment of the Chinese-exclusion law; which were referred to the Committee on Immigration.

He also presented a petition of the Chamber of Commerce of San Francisco, Cal., praying for the adoption of certain changes in the consular service; which was ordered to lie on the table.

He also presented a petition of the Chamber of Commerce and Merchants' Exchange of San Francisco, Cal., praying for the enactment of legislation granting unrestricted entrance into the United States to all members of the mercantile class of Chinese, such as salesmen, clerks, buyers, bookkeepers, accountants, managers, storekeepers, bankers, and cashiers; which was referred to the Committee on Immigration.

Mr. NELSON presented a petition of the Chamber of Commerce of St. Paul, Minn., praying that an appropriation be made for the construction of reservoirs in the arid regions of the country; which was referred to the Committee on Irrigation and Reclamation of Arid Lands.

Mr. HAWLEY presented a petition of sundry citizens of Watertown, Conn., praying that generous treatment be accorded the inhabitants of Cuba and the Philippines; which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Watertown, Conn., praying for the ratification of reciprocity treaties with foreign countries; which was referred to the Committee on Foreign Relations.

Mr. DIETRICH presented petitions of sundry citizens of Dorsey, Omaha, Blackbird, Meek, Knoxville, Bellevue, Fairburg, and of the Woman's Christian Temperance Union of Fairburg, all in the State of Nebraska, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented a petition of the Omaha Association of Credit Men, of Omaha, Nebr., praying for the adoption of certain amendments to the present bankruptcy law; which was referred to the Committee on the Judiciary.

He also presented a petition of Cigar Makers' Local Union No. 276, of Plattsmouth, Nebr., praying for the reenactment of the Chinese-exclusion law; which was referred to the Committee on Immigration.

He also presented petitions of Local Union No. 82, Brotherhood of Stationary Firemen, of Omaha; of Carpenters and Joiners' Local Union No. 427, of Omaha; of Local Union No. 180, International Association of Machinists, of North Platte; of Omaha Typographical Union, No. 190, of Omaha; of Carpenters and Joiners' Local Union No. 113, of Lincoln, and of Cigar Makers' Local Union No. 276, of Plattsmouth, all of the American Federation of Labor, in the State of Nebraska, praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which were referred to the Committee on Naval Affairs.

He also presented petitions of Buford Post, No. 23, of Central City; of Rising City Post, No. 20, of Rising City; of Local Post, No. 155, of Kenesaw; of Neligh Post, No. 68, of Neligh, and of Lyon Post, No. 11, of Grand Island, all of the Department of Nebraska, Grand Army of the Republic, in the State of Nebraska, praying that preference be given to veterans in the employment

of mechanics and laborers in the navy-yards of the country; which were referred to the Committee on Naval Affairs.

He also presented a memorial of the Chamber of Commerce of Sacramento, Cal., remonstrating against the admission of sugar and other products grown in Cuba free of duty into this country; which was referred to the Committee on Finance.

Mr. HANSBROUGH presented a petition of Company B, First Infantry, North Dakota National Guards, of Fargo, N. Dak., praying for the enactment of legislation to increase the efficiency of the militia, and for other purposes; which was referred to the Committee on Military Affairs.

Mr. MASON presented a memorial of sundry business men of New Athens, Ill., remonstrating against the passage of the so-called parcels-post bill; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry wholesale grocers and tea merchants of Chicago, Ill., praying for the repeal of the duty on tea; which was referred to the Committee on Finance.

He also presented a petition of the Illinois State Brewers' Association, praying for the repeal of the war tax on beer; which was referred to the Committee on Finance.

He also presented petitions of sundry citizens of Somonauk, Woodstock, Elida, Amboy, Rockford, Hebron, Poplargrove, Creston, Delavan, Mount Carroll, Compton, Plainfield, Freebury, Lockport, Gardenplain, Belvidere, Ivanhoe, Elgin, Hinsdale, and Chicago, all in the State of Illinois, praying for the passage of the so-called Grout bill to regulate the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of Iron Molders' Union No. 134, American Federation of Labor, of Kewanee, Ill., and a petition of Local Union No. 125, Brotherhood of Painters, Decorators, and Paper Hangers, of Litchfield, Ill., praying for the enactment of legislation providing for the enactment of an eight-hour law for all manufacturing and mercantile establishments in the United States; which were referred to the Committee on Education and Labor.

He also presented a memorial of the Ministerial Union of the Congregational Churches of Chicago, Ill., remonstrating against the reenactment of the Chinese-exclusion law; which was referred to the Committee on Immigration.

He also presented petitions of Pressmen's Local Union No. 68, of Peoria; of the United Glass Workers' Local Union No. 9441, of Streator; of Elgin Union, No. 128, of Elgin; of the Boiler Makers and Iron Shipbuilders' Local Union No. 227, of Chicago; of Cigar Makers' Local Union No. 294, of Sycamore; of Federal Labor Union No. 8374, of Decatur; of Federal Labor Union No. 7241, of Dundee; of the Illinois State Federation of Labor, of Kewanee; of Federal Labor Union No. 9020, of Beardstown; of the Post-Office Clerks' Union No. 8703, of Chicago, and of the Journeyman Barbers' Local Union No. 119, of Pontiac, all of the American Federation of Labor; of the Scandinavian Local Union No. 194, Brotherhood of Painters and Decorators, of Chicago, and of Local Union No. 781, United Mine Workers of America, of Decatur, all in the State of Illinois, and of the Building Trades Council, American Federation of Labor, of Minneapolis, Minn., praying for the reenactment of the Chinese-exclusion law; which were referred to the Committee on Immigration.

He also presented a petition of the Merchants' Association of New York, praying for the reorganization of the consular service; which was ordered to lie on the table.

Mr. MILLARD presented a petition of 36 citizens of Fairburg, Nebr., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented a petition of 54 post-office clerks of Omaha, Nebr., praying for the enactment of legislation providing for the classification of the salaries of clerks in first and second class post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of 102 business firms of Omaha, Nebr., praying for the adoption of certain amendments to the present bankruptcy law; which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens and business firms of Lincoln, O'Neill, York, Omaha, Riverton, Archer, Amelia, Osceola, Cavenna, Wahoo, Fremont, Havelock, Elwood, Emmet, Minden, Clarks, Ponca, Newport, Petersburg, Pawnee City, Gasper, Anita, Gibbon, Oakland, Palmer, Wilber, Savage, Schuyler, Neligh, and Kearney, all in the State of Nebraska, praying for the passage of the so-called Grout bill to regulate the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

He also presented petitions of Coopers' Local Union No. 10, American Federation of Labor, of South Omaha; of Dahlgren Post, No. 55, of Papillion; of Sedgwick Post, No. 1, of Kearney; of E. M. Stanton Post, No. 20, of Rising City, and of D. S. Crawford Post, No. 197, of Westpoint, all of the Department of Nebraska, Grand Army of the Republic, in the State of Nebraska, praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which were referred to the Committee on Naval Affairs.

Mr. GALLINGER presented a petition of sundry citizens of New Hampshire, praying for the passage of the so-called Grout bill to regulate the manufacture and sale of oleomargarine; which was referred to the Committee on Agriculture and Forestry.

He also presented petitions of the Woman's Christian Temperance Unions of Center Sandwich, Wolfeboro, and Wilton, all in the State of New Hampshire, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

Mr. CLARK of Montana presented a petition of Federal Labor Union No. 175, American Federation of Labor, of Kalispell, Mont., and a petition of Brewery Workers' Union No. 27, American Federation of Labor, of Kalispell, Mont., praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which were referred to the Committee on Naval Affairs.

Mr. BLACKBURN presented a petition of Grateful Lodge No. 494, Brotherhood of Railroad Trainmen, of Lexington, Ky., praying for the passage of the so-called Hoar antiinjunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases; which was ordered to lie on the table.

He also presented a petition of Tobacco Workers' International Union No. 68, American Federation of Labor, of Henderson, Ky., praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which was referred to the Committee on Naval Affairs.

Mr. MITCHELL presented a statement to accompany the bill (S. 1468) for the relief of Henry Bash and the bill (S. 1668) for the relief of Custis Parke Upshur; which was referred to the Committee on Claims.

He also presented the petition of Sarah Cleveland Nicklin, of Portland, Oreg., praying that she be granted a pension; which was referred to the Committee on Pensions.

He also presented the petition of Arthur I. Chapman, of Portland, Oreg., praying that he be granted a pension; which was referred to the Committee on Pensions.

He also presented memorials of sundry citizens of Vale, Ontario, Cord, Westfall, and Dell, all in the State of Oregon, remonstrating against the enactment of legislation looking to any change as to the public domain, either by lease or otherwise; which were referred to the Committee on Public Lands.

Mr. FORAKER presented a memorial of the Trades and Labor Council of Ironton, Ohio, remonstrating against the sentence imposed upon and subsequent imprisonment of Santiago Iglesias and other citizens of Porto Rico; which was referred to the Committee on Pacific Islands and Porto Rico.

Mr. FRYE presented a memorial of the National Live Stock Exchange, remonstrating against the passage of the so-called Grout bill to regulate the manufacture and sale of oleomargarine; which was referred to the Committee on Agriculture and Forestry.

THE NICARAGUA CANAL.

Mr. PLATT of New York. I move that an article on the Nicaragua Canal, contributed by the late Gen. Ulysses S. Grant to the North American Review, in relation to the Nicaragua Canal, be printed as a document and referred to the Committee on Interoceanic Canals.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. BURNHAM, from the Committee on Claims, to whom was referred the bill (S. 3546) for the relief of L. A. Noyes, reported it without amendment, and submitted a report thereon.

Mr. CULLOM, from the Committee on Foreign Relations, to whom the subject was referred, reported a bill (S. 4012) to authorize G. B. Brackett, Pomologist, Department of Agriculture, to accept a decoration tendered to him by the Government of the French Republic; which was read twice by its title.

He also, from the same committee, reported an amendment proposing to appropriate $750 for salary of consul at Riga, Russia, intended to be proposed to the diplomatic and consular appropriation bill, and moved that it be printed, and, with the accompanying paper, referred to the Committee on Appropriations; which was agreed to.

He also, from the same committee, to whom were referred the following bills, reported adversely thereon, and the bills were postponed indefinitely:

A bill (S. 2297) to authorize the issue of letters rogatory by the Spanish Treaty Claims Commission; and

A bill (S. 3285) defining the evidence to be received by the Spanish Treaty Claims Commission.

Mr. LODGE, from the Committee on Foreign Relations, to whom was referred the bill (S. 1618) to provide for the reorganization of the consular service of the United States, reported it with amendments, and submitted a report thereon.

BILLS AND JOINT RESOLUTION INTRODUCED.

Mr. COCKRELL introduced a bill (S. 4013) granting an increase of pension to Stephen M. Fitzwater; which was read twice by its title.

Mr. COCKRELL. To accompany the bill I present the application for increase of pension of Stephen M. Fitzwater, together with his military record and a report from the Pension Office and the affidavits of Dr. U. F. Kerr, G. H. Simmons, J. B. Melton, James D. Head, and H. H. Lee. I move that the bill and accompanying papers be referred to the Committee on Pensions.

The motion was agreed to.

Mr. COCKRELL introduced a bill (S. 4014) granting an increase of pension to John J. Roberts; which was read twice by its title.

Mr. COCKRELL. To accompany the bill I present the petition for increase of pension of John J. Roberts, together with the affidavits of Dr. Z. T. Martin, A. Helphenstine, and J. T. Quick and records from the War Department, Auditor's Office, and Pension Office. I move that the bill and accompanying papers be referred to the Committee on Pensions.

The motion was agreed to.

Mr. CULLOM introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4015) granting an increase of pension to Susan C. Gilbreath (with accompanying papers);

A bill (S. 4016) granting a pension to Mary Keys (with accompanying papers);

A bill (S. 4017) granting an increase of pension to William St. Martz; and

A bill (S. 4018) granting a pension to Calvin S. James (with accompanying papers).

Mr. CULLOM introduced a bill (S. 4019) authorizing the Secretary of War to issue an honorable discharge to Asa Collins; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. WETMORE introduced a bill (S. 4020) for the relief of the heirs and legal representatives of those who were killed by the explosion of the gun-cotton factory at the United States torpedo station at Newport, R. I.; which was read twice by its title, and referred to the Committee on Claims.

Mr. HAWLEY introduced a bill (S. 4021) granting a pension to Sarah Frances Taft; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DRYDEN introduced a bill (S. 4022) granting an increase of pension to Annie E. Brown; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McMILLAN introduced a bill (S. 4023) granting an increase of pension to Alman J. Houston; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. DEPEW introduced a bill (S. 4024) for the relief of G. G. Martin; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. FAIRBANKS introduced a bill (S. 4025) granting a pension to Joseph B. Voris; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4026) to remove the charge of desertion from the record of F. W. Zickendrath; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. MASON introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4027) granting a pension to Sophia McClelland (with accompanying papers);

A bill (S. 4028) granting an increase of pension to Michael G. Kauffmann (with accompanying papers);

A bill (S. 4029) granting a pension to Mary J. Parker (with accompanying papers);

A bill (S. 4030) granting a pension to Charles F. Huston (with an accompanying paper);

A bill (S. 4031) granting an increase of pension to William E. Ward (with accompanying papers);

A bill (S. 4032) granting an increase of pension to Orrin L. Mann;

A bill (S. 4033) granting an increase of pension to William H. Wilson (with accompanying papers);

A bill (S. 4034) granting an increase of pension to Emma Ochs (with accompanying papers);

A bill (S. 4035) granting an increase of pension to Samuel J. Reed (with accompanying papers);

A bill (S. 4036) granting a pension to Napoleon B. Greathouse (with accompanying papers); and

A bill (S. 4037) granting an increase of pension to James McTwiggan (with accompanying papers).

Mr. MASON introduced a bill (S. 4038) to provide for the education of the blind, and so forth; which was read twice by its title, and referred to the Committee on Education and Labor.

He also introduced a bill (S. 4039) granting an honorable discharge to Nelson J. Blatherwick; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 4040) for the relief of Benton L. Phillips; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

He also introduced a bill (S. 4041) for the relief of F. J. Bissell; which was read twice by its title, and referred to the Committee on Claims.

Mr. MILLARD introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4042) granting an increase of pension to William H. Norton (with accompanying papers); and

A bill (S. 4043) granting an increase of pension to Catharine A. Carroll (with accompanying papers).

Mr. KITTREDGE introduced a bill (S. 4044) for the relief of J. G. Vincent; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. PETTUS introduced a bill (S. 4045) for the relief of George F. Ormsby; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 4046) for the relief of Samuel F. Ryan; which was read twice by its title, and referred to the Committee on Claims.

Mr. CARMACK introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 4047) for the relief of the estate of Phoebe Cummings, deceased (with accompanying papers);

A bill (S. 4048) for the relief of the estate of Edwin Grant (with an accompanying paper);

A bill (S. 4049) for the relief of the estate of B. H. Caldwell (with an accompanying paper);

A bill (S. 4050) for the relief of the estate of F. T. McLaurine (with an accompanying paper);

A bill (S. 4051) for the relief of the estate of Andrew Scott (with an accompanying paper);

A bill (S. 4052) for the relief of the estate of Jonathan Mills (with an accompanying paper);

A bill (S. 4053) for the relief of the estate of Lemuel Long (with an accompanying paper);

A bill (S. 4054) for the relief of E. C. Overton (with an accompanying paper); and

A bill (S. 4055) for the relief of James Crews.

Mr. DOLLIVER introduced a bill (S. 4056) granting an increase of pension to Minerva Melton; which was read twice by its title, and, with the accompanying papers, was referred to the Committee on Pensions.

Mr. BLACKBURN introduced a bill (S. 4057) granting an increase of pension to Frank M. Schell; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4058) for the relief of Sarah K. T. Baker; which was read twice by its title, and referred to the Committee on Claims.

Mr. PETTUS introduced a bill (S. 4059) for the relief of George B. Caldwell as administrator of Hamlin Caldwell, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. CLAY introduced a bill (S. 4060) for the relief of the estate of Leander C. McLelland, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. FORAKER introduced a bill (S. 4061) granting a pension to Lina V. Dietz; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. NELSON (by request) introduced a joint resolution (S. R. 60) giving the thanks of Congress to Capt. Charles A. De Arnaud, on the staff of General Frémont, Missouri Volunteers, for very important and meritorious services rendered to the country in 1861; which was read twice by its title, and referred to the Committee on Military Affairs.

AMENDMENTS TO BILLS.

Mr. LODGE submitted an amendment intended to be proposed by him to the bill (H. R. 8587) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the

provisions of the act approved March 3, 1883, and commonly known as the Bowman Act; which was referred to the Committee on Claims, and ordered to be printed.

Mr. MONEY submitted an amendment intended to be proposed by him to the bill (H. R. 8587) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act; which was referred to the Committee on Claims, and ordered to be printed.

Mr. FORAKER submitted an amendment providing for an increase in the salary of the consul at Mannheim, Germany, intended to be proposed by him to the diplomatic and consular appropriation bill; which was referred to the Committee on Foreign Relations, and ordered to be printed.

He also submitted an amendment providing for an increase in the allowance for clerk hire at the consulate at Edinburgh, Scotland, intended to be proposed by him to the diplomatic and consular appropriation bill; which was referred to the Committee on Foreign Relations, and ordered to be printed.

He also submitted an amendment providing for an increase in the salary of the consul at Turin, Italy, intended to be proposed by him to the diplomatic and consular appropriation bill; which was referred to the Committee on Foreign Relations, and ordered to be printed.

He also submitted an amendment providing for a change of the consulate at Rosario, Argentine, from class 6 to class 4, intended to be proposed by him to the diplomatic and consular appropriation bill; which was referred to the Committee on Foreign Relations, and ordered to be printed.

He also submitted an amendment providing for an increase in the salary of the consul at Cologne, Germany, intended to be proposed by him to the diplomatic and consular appropriation bill; which was referred to the Committee on Foreign Relations, and ordered to be printed.

INDEX OF PUBLIC DOCUMENTS.

Mr. CULLOM submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed the number of copies hereafter stated of Tables of an Annotated Index to the Congressional Series of United States Public Documents, prepared under the supervision of the Superintendent of Documents, 5,000 copies, 1,000 copies for the use of the Senate, 3,000 for the House of Representatives, and 1,000 for the Superintendent of Documents.

APPORTIONMENT OF DEPARTMENTAL EMPLOYEES.

Mr. TILLMAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Civil Service Commission is hereby directed to transmit to the Senate a full and accurate statement showing the apportionment among the several departments of the Government of persons now in the classified service from the several States and Territories and the District of Columbia, and giving the percentages of the same as provided in section 2 of an act entitled "An act to regulate and improve the civil service of the United States," approved January 16, 1883.

REPORT OF INDUSTRIAL COMMISSION.

Mr. BARD submitted the following resolution; which, with the accompanying paper, was referred to the Committee on Printing:

Resolved, That 5,000 copies of the report of the Industrial Commission on irrigation, which is incorporated in the final report of the Industrial Commission, Volume XIX, pages 1071 to 1084, inclusive, be printed, and that 2,500 copies thereof be printed and bound in paper covers for the use of the Geological Survey.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. MCKENNEY, its enrolling clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 10308) to provide for a permanent Census Office, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HOPKINS, Mr. RUSSELL, and Mr. GRIFFITH managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

A bill (S. 193) granting a pension to Richard W. Musgrove;

A bill (S. 194) granting a pension to Joseph W. Mulford;

A bill (S. 197) granting an increase of pension to John Chandler;

A bill (S. 199) granting an increase of pension to Nathaniel Eaton;

A bill (S. 200) granting an increase of pension to Eunice P. Detweiler;

A bill (S. 232) granting a pension to Mary E. W. Morgan;

A bill (S. 526) granting an increase of pension to John McGrath;

A bill (S. 568) granting an increase of pension to Henry Fisher;

A bill (S. 692) granting an increase of pension to Daniel T. Rose;

A bill (S. 887) granting an increase of pension to Sarah McCord;

A bill (S. 888) granting an increase of pension to Mary Taylor;

A bill (S. 889) granting an increase of pension to Charles F. Burger;

A bill (S. 890) granting an increase of pension to Catharine Moore;

A bill (S. 891) granting a pension to Lucinda W. Cavender;

A bill (S. 919) granting an increase of pension to Daniel C. Knowels;

A bill (S. 920) granting an increase of pension to Francis M. Reilly;

A bill (S. 1020) for the relief of John Emerson;

A bill (S. 1094) granting an increase of pension to Henry Gifford Dunbar;

A bill (S. 1143) granting an increase of pension to Charles L. Sweatt;

A bill (S. 1148) granting an increase of pension to Dennis Hannifin;

A bill (S. 1167) granting an increase of pension to John Ferguson;

A bill (S. 1267) granting an increase of pension to Susan F. Connit;

A bill (S. 1329) granting an increase of pension to George W. Black;

A bill (S. 1337) granting an increase of pension to Mary R. Miller;

A bill (S. 1465) granting an increase of pension to George Fowler;

A bill (S. 1610) granting an increase of pension to Napoleon B. Perkins;

A bill (S. 1621) granting an increase of pension to David Pollock;

A bill (S. 1622) granting a pension to Theophilus Goodwin;

A bill (S. 1783) granting an increase of pension to Henry B. Schraeder;

A bill (S. 1805) granting a pension to Laura B. Wear;

A bill (S. 1977) granting an increase of pension to Harrison T. De Long;

A bill (S. 2010) granting an increase of pension to Marcia M. Merritt;

A bill (S. 2107) granting a pension to Matilda Armstrong;

A bill (S. 2128) granting a pension to Jane Taylor;

A bill (S. 2131) granting a pension to Carolina N. Allen;

A bill (S. 2161) granting an increase of pension to A. Custis Stever Carpenter;

A bill (S. 2334) granting an increase of pension to Oscar Reed;

A bill (S. 2359) granting an increase of pension to Samuel Hymer;

A bill (S. 2389) granting a pension to John E. Farrell;

A bill (S. 2390) granting a pension to Nellie M. Emery;

A bill (S. 2392) granting an increase of pension to Elmer L. Stevens;

A bill (S. 2484) granting an increase of pension to Loren S. Richardson;

A bill (S. 2485) granting an increase of pension to Tempy French;

A bill (H. R. 286) granting an increase of pension to Lawrentus Lane;

A bill (H. R. 287) granting an increase of pension to Leighton J. Folsom;

A bill (H. R. 815) granting an increase of pension to Henry S. Comer;

A bill (H. R. 1017) granting a pension to Mary Tripp;

A bill (H. R. 1285) granting an increase of pension to Cyrus Odell;

A bill (H. R. 1374) granting an increase of pension to James Willard;

A bill (H. R. 1728) granting an increase of pension to George W. Thompson;

A bill (H. R. 2193) granting an increase of pension to David A. Ireland;

A bill (H. R. 2265) granting an increase of pension to Martin V. Hathaway;

A bill (H. R. 2321) granting an increase of pension to Joseph R. Martin;

A bill (H. R. 2412) granting a pension to Helen L. Pepper;

A bill (H. R. 2416) granting an increase of pension to John B. Wilcox;

A bill (H. R. 2429) granting an increase of pension to John C. Morrison;

A bill (H. R. 2455) granting an increase of pension to George W. McClure;

A bill (H. R. 2484) granting an increase of pension to Jeremiah Evans;

A bill (H. R. 2502) granting an increase of pension to Ambrose Burton;

A bill (H. R. 2528) granting a pension to Helen M. Evans;

A bill (H. R. 2607) granting an increase of pension to Uriah S. Karmany;
A bill (H. R. 2617) granting an increase of pension to John Rapple;
A bill (H. R. 2628) granting an increase of pension to Andrew Mulholland;
A bill (H. R. 2983) to amend an act entitled "An act granting an increase of pension to Francis M. Thompson," approved March 3, 1901;
A bill (H. R. 3024) granting an increase of pension to Thomas V. Stran;
A bill (H. R. 3184) granting an increase of pension to David Petee;
A bill (H. R. 3230) granting a pension to Catherine Pflueger;
A bill (H. R. 3240) granting an increase of pension to Joseph Church;
A bill (H. R. 3300) granting an increase of pension to George B. Boyd;
A bill (H. R. 3413) granting an increase of pension to Jedediah S. Vallet;
A bill (H. R. 3511) granting an increase of pension to Mary C. Newcomb;
A bill (H. R. 4037) granting a pension to Julia Maher;
A bill (H. R. 4182) granting an increase of pension to David Cupps;
A bill (H. R. 4208) granting an increase of pension to Susan M. Pardee;
A bill (H. R. 4268) granting an increase of pension to James D. Woodward;
A bill (H. R. 5002) granting an increase of pension to Thomas M. McConnaughey;
A bill (H. R. 5108) granting an increase of pension to Elisha B. Taylor, alias Elisha T. Bisbee;
A bill (H. R. 5147) granting an increase of pension to Theodore Lane;
A bill (H. R. 5149) granting an increase of pension to Charles E. Bachelder;
A bill (H. R. 5162) granting an increase of pension to Andrew H. Gifford;
A bill (H. R. 5169) granting an increase of pension to Hiram S. Kingsley;
A bill (H. R. 5259) granting an increase of pension to Gustav Schwartz;
A bill (H. R. 5753) granting an increase of pension to Emil Frank;
A bill (H. R. 5860) granting an increase of pension to Edward B. Scott;
A bill (H. R. 6459) granting an increase of pension to Mary F. Hooper;
A bill (H. R. 6465) granting an increase of pension to Samuel Briscoe;
A bill (H. R. 6684) granting an increase of pension to Marshall Bachelder;
A bill (H. R. 6720) granting an increase of pension to George Patterson;
A bill (H. R. 6926) granting a pension to Mabel H. Lazear;
A bill (H. R. 7408) granting an increase of pension to Levi Cross;
A bill (H. R. 9312) granting an increase of pension to Kate Virginia Dewey Cushing; and
A bill (H. R. 10789) to transfer the county of Carroll from the northwestern division of the northern district of Georgia of the United States district and circuit courts, and for other purposes.

ENID AND ANADARKO RAILWAY COMPANY.

Mr. RAWLINS submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 3104) to grant the right of way through the Oklahoma Territory and the Indian Territory to the Enid and Anadarko Railway Company having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House agree to the Senate amendment, with the following amendments: In line 15, page 20, strike out the word "said" and insert "any;" in line 19, page 21, after the word "Territory," insert "and Oklahoma Territory;" on page 22 add the following to section 23:

"*And provided further*, That the provisions of this act shall apply also to the Osage Reservation and other Indian reservations and allotted Indian lands in the Territory of Oklahoma, and all judicial proceedings herein authorized may be commenced and prosecuted in the courts of said Oklahoma Territory, which may now or hereafter exercise jurisdiction within said reservations or allotted lands."

J. V. QUARLES,
W. A. HARRIS,
J. L. RAWLINS,
Managers on the part of the Senate.
JOHN F. LACEY,
C. D. SHELDEN,
JOHN H. STEPHENS,
Managers on the part of the House.

The report was agreed to.

PERMANENT CENSUS OFFICE.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 10308) to provide for a permanent Census Office, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. QUARLES. I move that the Senate insist upon its amendments and accede to the request of the House for a conference.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate, and Mr. QUARLES, Mr. MCCOMAS, and Mr. TALIAFERRO were appointed.

MARTHA R. OSBOURN.

Mr. GALLINGER. I desire to enter a motion to reconsider the vote by which the Senate passed the bill (S. 2802) granting a pension to Martha R. Osbourn. I move that the House be requested to return the bill to the Senate.

The motion was agreed to.

AFFAIRS IN THE PHILIPPINES.

Mr. LODGE. I addressed a letter to the Secretary of War last week for my own information, asking him if he could give me any information in regard to the charges of cruelty and oppression exercised by our soldiers or by our civilians in the Philippines, of which there have been many charges in the press and some allusions to them in debate. He replied to me this morning, sending a bundle of papers containing a large amount of information on those points. I ask that the Secretary's letter of transmittal, together with the papers, may be printed as a Senate document.

The PRESIDENT pro tempore. The Senator from Massachusetts asks that the papers received from the Secretary of War, together with the letter of the Secretary of War, be printed as a document. Is there objection? The Chair hears none, and it is so ordered.

PHILIPPINE TARIFF BILL.

The PRESIDENT pro tempore. The morning business is closed, and the Chair lays before the Senate the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 5833) temporarily to provide revenue for the Philippine Islands, and for other purposes.

The PRESIDENT pro tempore. The question before the Senate is on the amendment offered by the junior Senator from Colorado [Mr. PATTERSON].

Mr. BURROWS. Mr. President, the debate upon this measure has taken a very wide range, not broader, however, than the importance of the question would justify. It is quite probable that the American Congress will never be confronted with a proposition more important than that involved in this whole Philippine controversy.

I shall not attempt to go over the entire subject, but confine myself to the consideration of the Philippine question proper, and the measure before the Senate—how it happens that we are in the Philippines and why we should remain there.

Whatever differences of opinion may have heretofore existed (and that there have been such differences no one can deny) touching the wisdom, in the beginning, of acquiring the Philippine Archipelago, a revival of that controversy at this time can not possibly aid us in the remotest degree in solving the important question in hand.

We are dealing with conditions as we find them to-day and not with the theories of the past. "It is a condition," as an eminent gentleman once said, "that confronts us and not a theory." Wisely or unwisely, and as one of the results growing out of the war with Spain, we took the sovereignty of the Philippine Archipelago voluntarily, freely, and hold it to-day by a title deed that can not be challenged or impeached in any court in Christendom. In taking upon ourselves the sovereignty of those islands we became responsible for their government not only to the inhabitants of the islands, but to the nations of the whole world.

The pending bill is only a measure of government prescribing the mode of raising revenue in sufficient amount, it is believed, to meet the needs of governmental administration. The bill of the committee, as it came from the House of Representatives and as reported from the Committee on the Philippines to the Senate, provides, in the first place, that the tariff act passed by what is known as the Taft Commission shall remain in full force and effect, continuing in operation a measure designed to raise revenue for the support of the government in those islands.

On an examination of the measure proposed as a substitute by the minority it will be found that we happily do not differ upon that question except in this respect: We propose to continue in force that provision of the Taft Commission for raising revenue, while the minority propose to continue in force not only that

measure, but every other legislative act passed by the Taft Commission, including the statute in relation to treason. I will read that provision of the substitute of the minority:

That until the people of the islands shall establish a government, as hereinbefore provided, all laws, rules, and regulations now in force for the government of the islands and the raising of revenue therefor shall be in force, except as the same may be in conflict with this act.

There is no controversy, therefore, between the two sides as to the necessity of raising revenue for the government of the islands. Whatever may be our stay in the islands, whether temporary or protracted, we are agreed that the act passed for raising revenue by the Taft Commission shall continue in force as a necessary means of providing revenue for carrying on the government in those islands.

Turning to the report of the minority of the committee on their substitute we find this statement:

Our opposition is not based on any mere question of revenue or any theory concerning the form and principles of taxation.

Confirming the harmony of views upon this point.

But while thus acquiescing in the necessity for the enactment of the main provisions of the bill, as long as the present policy of the Government toward the Philippines is continued and maintained, yet the minority, in broader provision, proposed to terminate that policy, outlining a plan which, in their judgment, should be promptly declared and executed. In other words, they present the whole question of the future government of those islands, quite foreign, possibly, to the measure before the Senate, but quite proper, nevertheless, in view of the importance of the subject.

The minority propose:

First, "that the United States shall continue to occupy and govern said archipelago," forgetting, for the time being, that this is to be done "without the consent of the governed," until we have "established a stable government."

We are to remain in the islands "until sufficient guarantees have been obtained for the performance of our treaty obligations with Spain." What those guaranties shall be is not disclosed.

That we are to remain there until sufficient guaranties have been obtained "for the safety of those inhabitants who have adhered to the United States;" and

We are to govern "without their consent" until we have secured sufficient guaranties "for the maintenance and protection of all rights which have accrued under the authority of the United States."

When that consummation is to be attained nobody on earth can possibly predict.

Secondly, "that as soon as these results have been accomplished it is declared to be the purpose of the United States, which the President is directed to carry into effect, to withdraw from said islands and leave the government, control, and sovereignty thereof to the inhabitants of the same, retaining only such military, naval, and coaling stations as may be designated by the Government of the United States."

The next stipulation is the provision which I have already read.

Fourthly, the United States "hereby relinquish all claim of sovereignty over and title to the archipelago known as the Philippine Islands;" and

Finally, "that from and after the passage of this act said archipelago shall be foreign territory."

This substitute, while thus clearly outlining the general policy of the opposition, which, in their judgment, ought to be adopted in the management of the islands, has also served as the basis of attack upon the whole course of the Government in its conduct of affairs in the Philippine Islands, the object of which, or at least the effect of which, is to produce, if possible, in the public mind such a spirit of discontent and hostility as to make the further prosecution of the contest exceedingly unpopular if not impossible. That the course of the Government in the Philippines has been reprehensible from the beginning and deserving only of public condemnation—a reproach to the Army, a disgrace to the nation, and a shame to our civilization. What justification can be found for this wholesale denunciation?

I propose very briefly, therefore, to follow the various steps which brought us to the Philippines and the reasons why we are remaining there.

Let us, then, for a moment see what our course has been in the Philippines from the moment Dewey's guns awoke the echoes of Manila Bay until this hour, and what there is in the record of our operations in those islands to justify the assaults so unsparingly made. Let us inquire how we happen to be in the Philippines, what right we have to remain, and what is to be our future policy.

The war with Spain was a response to the popular demand in this country, and no people were more clamorous and eager for a declaration of war than our friends of the opposition. My recollection is that the Senate sustained the declaration by its unanimous voice, and in the House by a vote of 311 to 6. So the die was cast, and on the 21st day of April, 1898, war against the Kingdom of Spain was proclaimed. This declaration meant, of course, a conflict with that Kingdom on land and sea, and one of the first objects to be attained in its successful prosecution was the destruction of the Spanish fleet, which, wherever it might be, was sure, if not destroyed, to be an aggressive and dangerous power in menacing our commerce and our extensive, and in some instances our defenseless, coast. To guard against and avert this danger the following order was sent to Admiral Dewey, April 24, 1898, three days after the declaration of war:

WASHINGTON, *April 24, 1898.*

DEWEY, *Hongkong:*

War has been commenced between the United States and Spain. Proceed at once to the Philippine Islands. Commence operations at once, particularly against the Spanish fleet. You must capture vessels or destroy. Use utmost endeavors.

LONG.

Is that action subject to criticism? Will anyone presume to criticise that order? Indeed, the President of the United States would have been severely condemned if it had not been issued.

Immediately upon receipt of information that the Spanish fleet in Manila Bay had been destroyed, the President telegraphed the commander of the fleet to be informed what land forces would be needed to prosecute the advantage already gained to a successful conclusion, and was informed that while the city of Manila might be taken by bombardment, yet the city and adjacent country could not be held without the assistance of an adequate land force.

Thereupon the President ordered General Merritt to proceed at once with an army of 15,000 men to cooperate with Admiral Dewey in his operations against Manila. With this reenforcement, and on the 13th day of August, 1898, the surrender of Manila was demanded, and, under the joint assault of the Navy and Army, Manila, the capital of the Philippines, with its Spanish garrison, surrendered to the American forces. Will anyone presume to criticise that? Thus we secured a foothold in the Philippines, every step toward which was taken in an orderly and legitimate way, in the prosecution of what was regarded the world over as a just and humane war.

The purpose of the United States in taking possession of the islands is so clearly set forth in the instructions of President McKinley to the commander of the expedition that I beg to insert it in the RECORD as a part of the history leading up to the occupation of the archipelago, calling attention in passing only to a few passages therein:

WAR DEPARTMENT, *Washington, May 26, 1898.*

Maj. Gen. WESLEY MERRITT, U. S. A.,
Commanding Army of Occupation to the Philippines,
Washington, D. C.

GENERAL: The following instructions of the President are communicated to you for your information and guidance:

EXECUTIVE MANSION, *Washington, May 19, 1898.*

The SECRETARY OF WAR.

SIR: The destruction of the Spanish fleet at Manila, followed by the taking of the naval station at Cavite, the paroling of the garrisons, and the acquisition of the control of the bay, have rendered it necessary, in the further prosecution of the measures adopted by this Government for the purpose of bringing about an honorable and durable peace with Spain, to send an army of occupation to the Philippines for the twofold purpose of completing the reduction of the Spanish power in that quarter and of giving order and security to the islands while in the possession of the United States. For the command of this expedition I have designated Maj. Gen. Wesley Merritt; and it now becomes my duty to give instructions as to the manner in which the movement shall be conducted.

The first effect of the military occupation of the enemy's territory is the severance of the former political relations of the inhabitants and the establishment of a new political power. Under this changed condition of things the inhabitants, so long as they perform their duties, are entitled to security in their persons and property, and in all their private rights and relations. It is my desire that the people of the Philippines should be acquainted with the purpose of the United States to discharge to the fullest extent its obligations in this regard. It will therefore be the duty of the commander of the expedition, immediately upon his arrival in the islands, to publish a proclamation declaring that we come not to make war upon the people of the Philippines nor upon any party or faction among them, but to protect them in their homes, in their employments, and in their personal and religious rights. All persons who, either by active aid or by honest submission, cooperate with the United States in its efforts to give effect to this beneficent purpose, will receive the reward of its support and protection. Our occupation should be as free from severity as possible.

Though the powers of the military occupant are absolute and supreme, and immediately operate upon the political condition of the inhabitants, the municipal laws of the conquered territory, such as affect private rights of person and property and provide for the punishment of crime, are considered as continuing in force, so far as they are compatible with the new order of things, until they are suspended or superseded by the occupying belligerent; and in practice they are not usually abrogated, but are allowed to remain in force and to be administered by the ordinary tribunals, substantially as they were before the occupation.

This enlightened practice is, so far as possible, to be adhered to on the present occasion. The judges and the other officials connected with the administration of justice may, if they accept the authority of the United States, continue to administer the ordinary law of the land, as between man and man, under the supervision of the American commander in chief. The native constabulary will, so far as may be practicable, be preserved. The freedom of the people to pursue their accustomed occupations will be abridged only when it may be necessary to do so.

While the rule of conduct of the American commander in chief will be

such as has just been defined, it will be his duty to adopt measures of a different kind if, unfortunately, the course of the people should render such measures indispensable to the maintenance of law and order. He will then possess the power to replace or expel the native officials in part or altogether, to substitute new courts of his own constitution for those that now exist, or to create such new or supplementary tribunals as may be necessary. In the exercise of these high powers the commander must be guided by his judgment and his experience and a high sense of justice.

One of the most important and most practical problems with which the commander of the expedition will have to deal is that of the treatment of property and the collection and administration of the revenues. It is conceded that all public funds and securities belonging to the government of the country in its own right, and all arms and supplies and other movable property of such government, may be seized by the military occupant and converted to the use of this Government. The real property of the state he may hold and administer, at the same time enjoying the revenues thereof, but he is not to destroy it, save in the case of military necessity.

All public means of transportation, such as telegraph lines, cables, railways, and boats belonging to the State may be appropriated to his use; but, unless in case of military necessity, they are not to be destroyed. All churches and buildings devoted to religious worship and to the arts and sciences, all schoolhouses, are, so far as possible, to be protected, and all destruction or intentional defacement of such places, of historical monuments or archives or of works of science or art, is prohibited, save when required by urgent military necessity.

Private property, whether belonging to individuals or corporations, is to be respected, and can be confiscated only as hereafter indicated. Means of transportation, such as telegraph lines and cables, railways, and boats may, although they belong to private individuals or corporations, be seized by the military occupant, but, unless destroyed under military necessity, are not to be retained.

While it is held to be the right of a conqueror to levy contributions upon the enemy in their seaports, towns, or provinces which may be in his military possession by conquest, and to apply the proceeds to defray the expenses of the war, this right is to be exercised within such limitations that it may not savor of confiscation. As the result of military occupation the taxes and duties payable by the inhabitants to the former government become payable to the military occupant, unless he sees fit to substitute for them other rates or modes of contribution to the expenses of the government. The moneys so collected are to be used for the purpose of paying the expenses of government under the military occupation, such as the salaries of the judges and the police, and for the payment of the expenses of the army.

Private property taken for the use of the army is to be paid for, when possible, in cash, at a fair valuation, and when payment in cash is not possible receipts are to be given.

In order that there may be no conflict of authority between the Army and the Navy in the administration of affairs in the Philippines, you are instructed to confer with the Secretary of the Navy, so far as necessary, for the purpose of devising measures to secure the harmonious action of these two branches of the public service.

I will give instructions to the Secretary of the Treasury to make a report to me upon the subject of the revenues of the Philippines, with a view to the formulation of such revenue measures as may seem expedient. All ports and places in the Philippines which may be in the actual possession of our land and naval forces will be opened, while our military occupation may continue, to the commerce of all neutral nations, as well as our own, in articles not contraband of war, and upon payment of the prescribed rates of duty which may be in force at the time of the importation.

WILLIAM McKINLEY.

Very respectfully,

R. A. ALGER,
Secretary of War.

In conformity with that declaration and in obedience to it the commander of the army of occupation issued, on August 14, the following proclamation to the people of the Philippines:

HEADQUARTERS DEPARTMENT OF THE PACIFIC,
August 14, 1898.

To the People of the Philippines:

I. War has existed between the United States and Spain since April 21 of this year. Since that date you have witnessed the destruction, by an American fleet, of the Spanish naval power in these islands, the fall of the principal city, Manila, and its defenses, and the surrender of the Spanish army of occupation to the forces of the United States.

II. The commander of the United States forces now in possession has instructions from his Government to assure the people that he has not come to wage war upon them, nor upon any part or faction among them, but to protect them in their homes, in their employments, and in their personal and religious rights. All persons who, by active aid or honest submission, cooperate with the United States in its efforts to give effect to this beneficent purpose will receive the reward of its support and protection.

III. The government established among you by the United States is a government of military occupation; and for the present it is ordered that the municipal laws, such as affect private rights of persons and property, regulate local institutions, and provide for the punishment of crime, shall be considered as continuing in force, so far as compatible with the purposes of military government, and that they be administered through the ordinary tribunals substantially as before occupation, but by officials appointed by the government of occupation.

IV. A provost-marshal-general will be appointed for the city of Manila and its outlying districts. This territory will be divided into subdistricts and there will be assigned to each a deputy provost-marshal.

The duties of the provost-marshal-general and his deputies will be set forth in detail in future orders. In a general way they are charged with the duty of making arrests of military as well as civil offenders, sending such of the former class as are triable by courts-martial to their proper commands with statements of their offenses and names of witnesses and detaining in custody all other offenders for trial by military commission, provost courts, or native criminal courts, in accordance with law and the instructions hereafter to be issued.

V. The port of Manila and all other ports and places in the Philippines which may be in the actual possession of our land and naval forces will be open while our military occupation may continue to the commerce of all neutral nations, as well as our own, in articles not contraband of war, and upon payment of the prescribed rates of duty which may be in force at the time of the importation.

VI. All churches and places devoted to religious worship and to the arts and sciences, all educational institutions, libraries, scientific collections, museums, are, so far as possible, to be protected; and all destruction or intentional defacement of such places or property, of historical monuments, archives, or works of science and art is prohibited, save when required by urgent military necessity. Severe punishment will be meted out for all violations of this regulation.

(The custodian of all property of the character mentioned in this section will make prompt returns thereof to these headquarters, stating character and location and embodying such recommendations as they may think proper for the full protection of the properties under their care and custody, that proper orders may issue enjoining the cooperation of both military and civil authorities in securing such protection.)

VII. The commanding general, in announcing the establishment of military government and in entering upon his duty as military governor, in pursuance of his appointment as such by the Government of the United States, desires to assure the people that so long as they preserve the peace and perform their duties toward the representatives of the United States they will not be disturbed in their persons and property, except in so far as may be found necessary for the good of the service of the United States and the benefit of the people of the Philippines.

WESLEY MERRITT,
Major-General, U. S. Army, Commanding.

Is there anything censurable in that proclamation? We were at war with Spain, but the army of occupation was enjoined to protect the interests and the property of the people of Manila and the territory under its control. Soon after that, and on the 12th day of August, 1898, fortunately a protocol was signed, an agreement for peace between Spain and the United States—to the material part of which I desire to invoke special attention. It was stipulated in that protocol—

That the United States will occupy and hold the city, bay, and harbor of Manila pending the conclusion of a treaty of peace which shall determine the control, disposition, and government of the Philippines.

This was a most solemn national agreement, to the fulfillment of which we as a nation were obligated by every consideration of public honor and duty, at whatever sacrifice of blood or treasure. The protocol having been adopted by the Spanish Senate and signed by the Queen September 10, 1898, President McKinley immediately thereafter proclaimed an armistice, and the war with Spain was at an end.

On December 10, 1898, the final treaty of peace between the United States and Spain was signed, by the terms of which it was stipulated that—

Spain cedes to the United States the archipelago known as the Philippine Islands, and the United States shall pay to Spain the sum of $20,000,000.

Thus we legitimately acquired the sovereignty of the Philippine Islands, which we have continued to hold from that time until the present hour.

The treaty of peace having been signed, on the 21st day of December, 1898, President McKinley took occasion to acquaint the inhabitants of the Philippine Islands of the new relations existing between them and the United States and the policy of the Administration proposed to be adopted in relation to their government. That declaration is so broad, comprehensive, and complete, so statesmanlike and patriotic, that I will insert it in the RECORD in full, although it is a document with which we are all familiar.

Mr. COCKRELL. Will the Senator please give the date of that?

Mr. BURROWS. December 21, 1898.

EXECUTIVE MANSION,
Washington, December 21, 1898.

The SECRETARY OF WAR.

SIR: The destruction of the Spanish boats in the harbor of Manila by the United States naval squadron commanded by Rear-Admiral Dewey, followed by the reduction of the city and the surrender of the Spanish forces, practically effected the conquest of the Philippine Islands and the suspension of Spanish sovereignty therein.

With the signature of the treaty of peace between the United States and Spain by their respective plenipotentiaries at Paris on the 10th instant, and as the result of the victories of American arms, the future control, disposition, and government of the Philippine Islands are ceded to the United States. In fulfillment of the rights of sovereignty thus acquired and the responsible obligations of government thus assumed the actual occupation and administration of the entire group of the Philippine Islands become immediately necessary, and the military government heretofore maintained by the United States in the city, harbor, and bay of Manila is to be extended with all possible dispatch to the whole of the ceded territory.

In performing this duty the military commander of the United States is enjoined to make known to the inhabitants of the Philippine Islands that in succeeding to the sovereignty of Spain, in severing the former political relations of the inhabitants, and in establishing a new political power the authority of the United States is to be exerted for the sovereignty of the persons and property of the people of the islands and for the confirmation of all their private rights and relations.

It will be the duty of the commander of the forces of occupation to announce and proclaim in the most public manner that we come, not as invaders or conquerors, but as friends, to protect the natives in their homes, in their employments, and in their personal and religious rights. All persons who either by active aid or by honest submission cooperate with the Government of the United States to give effect to these benefits and purposes will receive the reward of its support and protection. All others will be brought within the lawful rule we have assumed with firmness, if need be, but without severity, so far as may be possible.

Within the absolute domain of military authority, which necessarily is and must remain supreme in the ceded territory until the legislation of the United States shall otherwise provide, the municipal laws of the territory in respect to private rights and property and the repression of crime are to be considered as continuing in force and to be administered by the ordinary tribunals, so far as possible.

The operations of civil and municipal government are to be performed by such officers as may accept the supremacy of the United States by taking the oath of allegiance or by officers chosen, so far as may be practicable, from the inhabitants of the islands.

While the control of all the public property and the revenues of the state passes with the cession, and while the use and management of all public means of transportation are necessarily reserved to the authority of the United States, private property, whether belonging to individuals or corporations, is to be respected, except for cause fully established.

The taxes and duties heretofore payable by the inhabitants of the late government become payable to the authorities of the United States, unless it be seen fit to substitute for them other reasonable rates or modes of contribution to the expenses of government, whether general or local. If private property be taken for military use, it shall be paid for, when possible, in cash at a fair valuation, and when payment in cash is not practicable, receipts are to be given.

All ports and places in the Philippine Islands in the actual possession of the land and naval forces of the United States will be opened to the commerce of friendly nations. All goods and wares not prohibited for military reasons by due announcement of the military authority will be admitted upon payment of such duties and other charges as shall be in force at the time of their importation.

Finally, it should be the earnest and paramount aim of the military administration to win the confidence, respect, and affection of the inhabitants of the Philippines by assuring to them in every possible way that full measure of individual rights and liberty which is the heritage of free people, and by proving to them that the mission of the United States is one of benevolent assimilation, substituting the mild sway of justice and right for arbitrary rule.

In the fulfillment of this high mission, supporting the temperate administration of affairs for the greatest good of the governed, there must be sedulously maintained the strong arm of authority to repress disturbances and to overcome all obstacles to the bestowal of the blessings of good and stable government upon the people of the Philippine Islands under the flag of the United States.

WILLIAM McKINLEY.

Mr. TILLMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Michigan yield to the Senator from South Carolina?

Mr. BURROWS. Certainly.

Mr. TILLMAN. Does the Senator contend that the President had any authority to issue that order?

Mr. BURROWS. I have no doubt of it.

Mr. TILLMAN. The treaty had not been ratified, and therefore it had no legal status, and so I do not see where the legal authority to act in a way that might have produced war contrary to the terms of the truce with Spain comes in.

Mr. BURROWS. The President of the United States, as it will be observed from this communication, said that the signatures to the treaty of peace between the United States and Spain had already been attached.

Mr. TILLMAN. But, Mr. President——

Mr. BURROWS. While the treaty had not been ratified, yet the President, in his anxiety to deal with those people in the most generous manner, issued a proclamation through the commander of the forces in Manila directing the manner in which affairs in those islands were to be conducted.

Mr. TILLMAN. In other words, if the Filipinos were to submit unconditionally and without any guarantees as to what their future status would be, he would—the words "civil rights" being sedulously withheld or not contained in anything there, but merely their religious rights and rights of property and person—in other words, their political status being absolutely ignored and they being treated as subjects with no future promise, did you expect that those 9,000,000 people, who had gone to war with Spain for their own liberties, would submit to that kind of an order without any fighting?

Mr. BURROWS. Oh, Mr. President, my friend is opening up a very broad question.

Mr. TILLMAN. That is the whole question.

Mr. BURROWS. The President of the United States issued this proclamation to the people of the Philippines, disclosing to them the purpose of occupation of the islands.

Mr. TILLMAN. Which was "benevolent assimilation."

Mr. BURROWS. Very well.

Mr. TILLMAN. If the Senator will explain what "benevolent assimilation" is, we will all know what the meaning of the President was.

Mr. BURROWS. Mr. President, I will proceed.

In obedience to this declaration——

Mr. CULBERSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Michigan yield to the Senator from Texas?

Mr. BURROWS. Certainly.

Mr. CULBERSON. The Senator from Michigan has spoken very highly of the proclamation of the President, which he has just read, on the ground of generosity. I desire to remind him, so that we may have his observations upon that point, that that proclamation was considered so extreme by General Otis that he suppressed a portion of it in the proclamation which he subsequently issued.

Mr. BURROWS. Subsequently, and in obedience to the declaration in the message of the President, General Otis, in conformity to the President's direction, issued the following proclamation to the people of the Philippines:

PROCLAMATION.

OFFICE OF THE MILITARY GOVERNOR
OF THE PHILIPPINE ISLANDS,
Manila, P. I., January 4, 1899.

To the People of the Philippine Islands:

Instructions of His Excellency the President of the United States relative to the administration of affairs in the Philippine Islands have been transmitted to me by direction of the honorable the Secretary of War, under date of December 28, 1898. They direct me to publish and proclaim, in the most public manner, to the inhabitants of these islands that in the war against Spain the United States forces came here to destroy the power of that nation and to give the blessings of peace and individual freedom to the Philippine people; that we are here as friends of the Filipinos, to protect them in their homes, their employments, their individual and religious liberty, and that all persons who, either by active aid or honest endeavor, cooperate with the Government of the United States to give effect to these beneficent purposes, will receive the reward of its support and protection.

The President of the United States has assumed that the municipal laws of the country in respect to private rights and property and the repression of crime are to be considered as continuing in force in so far as they be applicable to a free people, and should be administered by the ordinary tribunals of justice, presided over by representatives of the people and those in thorough sympathy with them in their desires for good government; that the functions and duties connected with civil and municipal administration are to be performed by such officers as wish to accept the assistance of the United States, chosen in so far as it may be practicable from the inhabitants of the islands; that while the management of public property and revenues and the use of all public means of transportation are to be conducted under the military authorities until such authorities can be replaced by civil administration, all private property, whether of individuals or corporations, must be respected and protected.

If private property be taken for military uses it shall be paid for at a fair valuation in cash, if possible, and when payment in cash is not practicable at the time, receipts therefor will be given, to be taken up and liquidated as soon as cash becomes available. The ports of the Philippine Islands shall be open to the commerce of all foreign nations, and goods and merchandise not prohibited for military reasons by the military authorities shall be admitted upon payment of such duties and charges as shall be in force at the time of importation.

The President concludes his instructions in the following language:

"Finally, it should be the earnest and paramount aim of the Administration to win the confidence, respect, and affection of the inhabitants of the Philippines by insuring to them, in every possible way, the full measure of individual rights and liberty which is the heritage of a free people, and by proving to them that the mission of the United States is one of beneficent assimilation, which will substitute the mild sway of justice and right for arbitrary rule. In the fulfillment of this high mission, while upholding the temporary administration of affairs for the greatest good of the governed, there will be sedulously maintained the strong arm of authority to repress disturbance, and to overcome all obstacles to the bestowal of the blessings of good and stable government upon the people of the Philippine Islands."

From the tenor and substance of the above instructions of the President, I am fully of the opinion that it is the intention of the United States Government, while directing affairs generally, to appoint the representative men now forming the controlling element of the Filipinos to civil positions of trust and responsibility, and it will be my aim to appoint thereto such Filipinos as may be acceptable to the supreme authorities at Washington.

It is also my belief that it is the intention of the United States Government to draw from the Filipino people so much of the military force of the islands as is possible and consistent with a free and well-constituted government of the country, and it is my desire to inaugurate a policy of that character. I am also convinced that it is the intention of the United States Government to seek the establishment of a most liberal government for the islands, in which the people themselves shall have as full representation as the maintenance of law and order will permit, and which shall be susceptible of development, on lines of increased representation and the bestowal of increased powers, into a government as free and independent as is enjoyed by the most favored provinces of the world.

It will be my constant endeavor to cooperate with the Filipino people, seeking the good of the country, and I invite their full confidence and aid.

E. S. OTIS,
Major-General, U. S. V., Military Governor.

Subsequent events have shown beyond all controversy that that policy has been faithfully carried out.

This declaration of the President and of the commander in the field are sufficient to disclose the spirit and purpose of the United States in its dealings with the people of the Philippines. But the United States in upholding its sovereignty and in enforcing law and order and protecting the lives and property of the inhabitants of the archipelago has not prosecuted this purpose solely through the harsh instrumentality of war, but have repeatedly and persistently employed every possible method at their command to consummate the pacification of the islands and the betterment of the people under American rule without resort to arms.

To this end, as early as January, 1899, before the treaty of peace had been ratified or proclaimed, President McKinley appointed a commission known as the Schurman Commission, composed of those distinguished gentlemen, Jacob G. Schurman, Rear-Admiral Dewey, General Otis, Charles Denby, and Dean C. Worcester, to whom the President gave the following instructions, which so fully set forth the purpose of the President and the object of the Commission that I will ask to have it inserted as part of my remarks.

The PRESIDENT pro tempore. It will be inserted in the RECORD, in the absence of objection.

Mr. BACON. Will the Senator permit me to ask a question?

Mr. BURROWS. Certainly.

Mr. BACON. I do so with great reluctance; but I did not understand the Senator to reply to the inquiry first made by the Senator from South Carolina [Mr. TILLMAN]. Does the Senator, as a lawyer, recognize the rights of the President of the United States—not that particular President, but any President of the United States—when a treaty has been negotiated and signed by the President on the one side and a foreign power on the other, but before there has been a ratification by the Senate, does the Senator, as a lawyer, recognize that there is any power in the Executive to issue a proclamation to the people affected by that treaty assuming the right of sovereignty over them before the ratification of the treaty by the Senate? That is the question I should like to have the Senator answer.

Mr. BURROWS. I do not care to enter into a discussion of that question, for my purpose, as I said in the beginning, was to point out the various steps taken by which we reached the Philippines and what we have done since occupying them, and to stop and discuss these other questions would divert me entirely from the purpose I have in view.

That the President had the right to issue such a proclamation I have no doubt. It was issued to the people of the Philippines, and it was to serve as a guide for the operations of the army under the commander having its movements in charge.

The directions and instructions to the Commission were as follows:

EXECUTIVE MANSION,
Washington, January 20, 1899.

THE SECRETARY OF STATE:

My communication to the Secretary of War, dated December 21, 1898, declares the necessity of extending the actual occupation and administration of the city, harbor, and bay of Manila to the whole of the territory which by the treaty of Paris, signed on December 10, 1898, passed from the sovereignty of Spain to the sovereignty of the United States, and the consequent establishment of military government throughout the entire group of the Philippine Islands. While the treaty has not yet been ratified, it is believed that it will be by the time of the arrival at Manila of the commissioners named below. In order to facilitate the most humane, pacific, and effective extension of authority throughout these islands, and to secure, with the least possible delay, the benefits of a wise and generous protection of life and property to the inhabitants, I have named Jacob G. Schurman, Rear-Admiral George Dewey, Maj. Gen. Elwell S. Otis, Charles Denby, and Dean C. Worcester to constitute a commission to aid in the accomplishment of these results.

In the performance of this duty, the commissioners are enjoined to meet at the earliest possible day in the city of Manila and to announce, by a public proclamation, their presence and the mission intrusted to them, carefully setting forth that, while the military government already proclaimed is to be maintained and continued so long as necessity may require, efforts will be made to alleviate the burden of taxation, to establish industrial and commercial prosperity, and to provide for the safety of persons and property by such means as may be found conducive to these ends.

The commissioners will endeavor, without interference with the military authorities of the United States now in control of the Philippines, to ascertain what amelioration in the condition of the inhabitants and what improvements in public order may be practicable, and for this purpose they will study attentively the existing social and political state of the various populations, particularly as regards the forms of local government, the administration of justice, the collection of customs and other taxes, the means of transportation, and the need of public improvements. They will report through the Department of State, according to the forms customary or hereafter prescribed for transmitting and preserving such communications, the results of their observations and reflections, and will recommend such executive action as may from time to time seem to them wise and useful.

The commissioners are hereby authorized to confer authoritatively with any persons resident in the islands from whom they may believe themselves able to derive information or suggestions valuable for the purposes of their commission, or whom they may choose to employ as agents, as may be necessary for this purpose.

The temporary government of the islands is intrusted to the military authorities, as already provided for by my instructions to the Secretary of War of December 21, 1898, and will continue until Congress shall determine otherwise. The Commission may render valuable services by examining with special care the legislative needs of the various groups of inhabitants, and by reporting, with recommendations, the measures which should be instituted for the maintenance of order, peace, and public welfare, either as temporary steps to be taken immediately for the perfection of present administration or as suggestions for future legislation.

In so far as immediate personal changes in the civil administration may seem to be advisable, the commissioners are empowered to recommend suitable persons for appointment to these offices from among the inhabitants of the islands who have previously acknowledged their allegiance to this Government.

It is my desire that in all their relations with the inhabitants of the islands the commissioners exercise due respect for all the ideals, customs, and institutions of the tribes which compose the population, emphasizing upon all occasions the just and beneficent intentions of the Government of the United States. It is also my wish and expectation that the commissioners may be received in a manner due to the honored and authorized representatives of the American Republic, duly commissioned on account of their knowledge, skill, and integrity, as bearers of the good will, the protection, and the richest blessings of a liberating rather than a conquering nation.

WILLIAM McKINLEY.

In obedience to these instructions the Commission proceeded to Manila, the last member arriving on the 2d of April, 1899. Two days later, in obedience to the orders of the President, they issued the following proclamation to the Philippine people:

To the People of the Philippine Islands:

The treaty of peace between the United States and Spain, ratified several weeks ago by the former, having on March 20 been ratified by the latter, the cession to the United States, as stipulated by the treaty, of the sovereignty which Spain possessed and exercised over the Philippine Islands has now, in accordance with the laws of nations, received a complete and indefeasible consummation.

In order that the high responsibilities and obligations with which the United States has thus become definitely charged may be fulfilled in a way calculated to promote the best interests of the inhabitants of the Philippine Islands, His Excellency the President of the United States has appointed the undersigned a civil commission on Philippine affairs, clothing them with all the powers necessary for the exercise of that office.

The Commission desire to assure the people of the Philippine Islands of the cordial good will and fraternal feeling which is entertained for them by His Excellency the President of the United States and by the American people. The aim and object of the American Government, apart from the fulfillment of the solemn obligations it has assumed toward the family of nations by the acceptance of sovereignty over the Philippine Islands, is the well being, the prosperity, and the happiness of the Philippine people and their elevation and advancement to a position among the most civilized peoples of the world.

Mr. TILLMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Michigan yield to the Senator from South Carolina?

Mr. BURROWS. Certainly.

Mr. TILLMAN. Is there a word there about liberty and civil rights?

Mr. BURROWS. I can not inform the Senator now, but I will proceed to read to the Senator, and he can then discover for himself whether there is or not.

Mr. TILLMAN. Another question. Was not the war of subjugation then in full swing? Had not the attack of the Philippine army, which occurred on Saturday before the treaty was ratified here on Monday, produced a condition of war which was——

Mr. BURROWS. Mr. President, evidently the Senator does not understand what I am doing.

Mr. TILLMAN. Oh, the Senator is reading from the proclamation of the first Philippine Commission.

Mr. BURROWS. I am presenting the various steps leading up to the occupation of the islands and the action of this Government after such occupation.

Mr. TILLMAN. But will the Senator——

Mr. BURROWS. The Senator asked me whether the word "liberty" occurs——

The PRESIDENT pro tempore. Does the Senator from Michigan decline to yield to the Senator from South Carolina?

Mr. BURROWS. I must decline to yield.

Mr. TILLMAN. Of course if the Senator wishes to make a one-sided statement I can not object.

Mr. BURROWS. I have no such purpose, but evidently the questions of the Senator are intended rather to lead me away from what I am discussing than to enlighten the subject.

I will continue the quotation:

His Excellency the President of the United States believes that this felicity and perfection of the Philippine people is to be brought about by the assurance of peace and order; by the guaranty of civil and religious liberty.

I hope the Senator from South Carolina did not lose that statement. I will repeat it, because I believe the Senator's attention was diverted.

His Excellency the President of the United States believes that this felicity and perfection of the Philippine people is to be brought about by the assurance of peace and order; by the guaranty of civil and religious liberty; by the establishment of justice; by the cultivation of letters, science, and the liberal and practical arts; by the enlargement of intercourse with foreign nations; by the expansion of industrial pursuits, trade, and commerce; by the multiplication and improvement of the means of internal communication; by the development, with the aid of modern mechanical inventions, of the great natural resources of the archipelago; and, in a word, by the uninterrupted devotion of the people to the pursuit of those useful objects and the realization of those noble ideals which constitute the higher civilization of mankind.

Unfortunately, the pure aims and purposes of the American Government and people have been misinterpreted to some of the inhabitants of certain of the islands. As a consequence, the friendly American forces have, without provocation or cause, been openly attacked.

And why these hostilities? What do the best Filipinos desire? Can it be more than the United States is ready to give? They are patriots and want liberty, it is said. The Commission emphatically asserts that the United States is not only willing, but anxious, to establish in the Philippine Islands an enlightened system of government, under which the Philippine people may enjoy the largest measure of home rule and the amplest liberty consonant with the supreme ends of government and compatible with those obligations which the United States has assumed toward the civilized nations of the world.

The United States striving earnestly for the welfare and advancement of the inhabitants of the Philippine Islands, there can be no real conflict between American sovereignty and the rights and liberties of the Philippine people. For, just as the United States stands ready to furnish armies, navies, and all the infinite resources of a great and powerful nation to maintain and support its rightful supremacy over the Philippine Islands, so it is even more solicitous to spread peace and happiness among the Philippine people; to guarantee them a rightful freedom; to protect them in their just privileges and immunities; to accustom them to free self-government in an ever-increasing measure, and to encourage them in those democratic aspirations, sentiments, and ideals which are the promise and potency of a fruitful national development.

It is the expectation of the Commission to visit the Philippine peoples in their respective provinces, both for the purpose of cultivating a more intimate mutual acquaintance and also with a view to ascertaining from enlightened native opinion what form or forms of government seem best adapted to the Philippine peoples, most apt to conduce to their highest welfare, and most conformable to their customs, traditions, sentiments, and cherished ideals. Both in the establishment and maintenance of government in the Philippine Islands it will be the policy of the United States to consult the views and wishes, and to secure the advice, cooperation, and aid of the Philippine people themselves.

In the meantime the attention of the Philippine people is invited to certain regulative principles by which the United States will be guided in its relations with them. The following are deemed of cardinal importance:

"1. The supremacy of the United States must and will be enforced throughout every part of the archipelago, and those who resist it can accomplish no end other than their own ruin.

"2. The most ample liberty of self-government will be granted to the Philippine people which is reconcilable with the maintenance of a wise, just, stable, effective, and economical administration of public affairs, and compatible with the sovereign and international rights and obligations of the United States.

"3. The civil rights of the Philippine people will be guaranteed and protected to the fullest extent; religious freedom assured, and all persons shall have an equal standing before the law.

"4. Honor, justice, and friendship forbid the use of the Philippine people or islands as an object or means of exploitation. The purpose of the American Government is the welfare and advancement of the Philippine people.

"5. There shall be guaranteed to the Philippine people and honest an effective civil service, in which, to the fullest extent practicable, natives shall be employed.

"6. The collection and application of taxes and revenues will be put upon a sound, honest, and economical basis. Public funds, raised justly and collected honestly, will be applied only in defraying the regular and proper

expenses incurred by and for the establishment and maintenance of the Philippine government, and for such general improvements as public interests may demand. Local funds, collected for local purposes, shall not be diverted to other ends. With such a prudent and honest fiscal administration, it is believed that the needs of the government will in a short time become compatible with a considerable reduction in taxation.

"7. A pure, speedy, and effective administration of justice will be established, whereby the evils of delay, corruption, and exploitation will be effectually eradicated.

"8. The construction of roads, railroads, and other means of communication and transportation, as well as other public works of manifest advantage to the Philippine people, will be promoted.

"9. Domestic and foreign trade and commerce, agriculture, and other industrial pursuits, and the general development of the country in the interest of its inhabitants will be constant objects of solicitude and fostering care.

"10. Effective provision will be made for the establishment of elementary schools in which the children of the people shall be educated. Appropriate facilities will also be provided for higher education.

"11. Reforms in all departments of the government, in all branches of the public service, and in all corporations closely touching the common life of the people must be undertaken without delay and effected, conformably to right and justice, in a way that will satisfy the well-founded demands and the highest sentiments and aspirations of the Philippine people."

Such is the spirit in which the United States comes to the people of the Philippine Islands. His Excellency the President, has instructed the Commission to make it publicly known. And in obeying this behest the Commission desire to join with his Excellency the President, in expressing their own good will toward the Philippine people, and to extend to their leading and representative men a cordial invitation to meet them for personal acquaintance and for the exchange of views and opinions.

MANILA, *April, 4, 1899.*

JACOB GOULD SCHURMAN,
President of Commission.
GEORGE DEWEY,
Admiral U. S. N.
ELWELL S. OTIS,
Major-General U. S. Volunteers.
CHARLES DENBY,
DEAN C. WORCESTER.

JOHN R. MACARTHUR,
Secretary of Commission.

Mr. TILLMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Michigan yield to the Senator from South Carolina?

Mr. BURROWS. I prefer to proceed without interruption now.

The PRESIDENT pro tempore. The Senator from Michigan declines to yield.

Mr. BURROWS. The results of the labors of this Commission were embodied in four large volumes containing a mass of information exceedingly valuable and throwing a flood of light upon the conditions in the archipelago. While I have no time to quote at length from the findings of the Commission, I may be permitted to read a few extracts. The Commission in making their report, among other things, say, at page 81, speaking of the abuses under the old régime:

If these abuses are remedied, if a capable and honest government is instituted, if the Filipinos are permitted to the full extent of their ability to participate in it, if all unnecessary offices are abolished, if church is separated from state, if the public revenues are used solely to defray the legitimate expenses of the government and the cost of duly authorized public works and improvements, including the beginnings of a system of elementary schools—if, in a word, government is administered in the Philippines in the spirit in which it is administered in the United States, the people of that archipelago will, as already a few of them foresee, enjoy more benefits than they dreamed of when they took up arms against the corrupt and oppressive domination of Spain.

* * * * * * *

The Filipinos and independence.—While the peoples of the Philippine Islands ardently desire a full measure of rights and liberties, they do not, in the opinion of the Commission, generally desire independence. Hundreds of witnesses testified on this subject to the Commission and its individual members; and, though they represented all possible varieties of opinion—many of them being in sympathy with the insurgents—they were uniform in their testimony that, in view of the ignorance and political inexperience of the masses of the people, the multiplicity of languages, the divergencies of culture and mode of life, and the obstacles to intercommunication, an independent sovereign Philippine state was at the present time neither possible nor desirable, even if its poverty and internal weakness and lack of coherence would not invite and the dissatisfaction of aliens entail the intervention of foreign powers, with the inevitable result of the division of the archipelago among them and the disappearance forever of the dream and hope of a united and self-governing Philippine commonwealth. The Philippine Islands, even the most patriotic declare, can not at the present time stand alone. They need the tutelage and protection of the United States.

I also desire to read another extract from page 121 of the report. It is the conclusions of the Commission in relation to government:

SOME CONCLUSIONS CONCERNING GOVERNMENT.

In connection with the subject of government the Commission has reached the following conclusions:

1. The United States can not withdraw from the Philippines. We are there and duty binds us to remain. There is no escape from our responsibility to the Filipinos and to mankind for the government of the archipelago and the amelioration of the condition of its inhabitants.

2. The Filipinos are wholly unprepared for independence, and if independence were given to them they could not maintain it.

3. As to Aguinaldo's claim that he was promised independence or that an alliance was made with him, Admiral Dewey makes the following communication to the Commission:

"The statement of Emilio Aguinaldo, under date of September 23, published in the Springfield Republican, so far as it relates to reported conversations with me, or actions of mine, is a tissue of falsehoods. I never, directly or indirectly, promised the Filipinos independence. I never received Aguinaldo with military honors, or recognized or saluted the so-called Filipino flag. I never considered him as an ally, although I did make use of him and the natives to assist me in my operations against the Spaniards."

4. There being no Philippine nation, but only a collection of different peoples, there is no general public opinion in the archipelago; but the men of property and education, who alone interest themselves in public affairs, in general recognize as indispensable American authority, guidance, and protection.

5. Congress should, at the earliest practicable time, provide for the Philippines the form of government herein recommended or another equally liberal and beneficent.

6. Pending any action on the part of Congress, the Commission recommends that the President put in operation this scheme of civil government in such parts of the archipelago as are at peace.

7. So far as the finances of the Philippines permit, public education should be promptly established, and when established made free to all.

8. The greatest care should be taken in the selection of officials for administration. They should be men of the highest character and fitness, and partisan politics should be entirely separated from the government of the Philippines.

I will read another quotation. Speaking of the past history of the people the Commission say:

This is all the training in self-government which the inhabitants of the Philippine Islands have enjoyed. Their lack of education and political experience, combined with their racial and linguistic diversities, disqualify them, in spite of their mental gifts and domestic virtues, to undertake the task of governing the archipelago at the present time. The most that can be expected of them is to cooperate with the Americans in the administration of general affairs, from Manila as a center, and to undertake, subject to American control or guidance (as may be found necessary), the administration of provincial and municipal affairs.

Fortunately, there are educated Filipinos, though they do not constitute a large proportion of the entire population, and their support and services will be of incalculable value in inaugurating and maintaining the new government. As education advances and experience ripens, the natives may be intrusted with a larger and more independent share of government—self-government, as the American ideal, being constantly kept in view as the goal. In this way American sovereignty over the archipelago will prove a great political boon to the people.

Should our power by any fatality be withdrawn, the Commission believe that the government of the Philippines would speedily lapse into anarchy, which would excuse, if it did not necessitate, the intervention of other powers and the eventual division of the islands among them. Only through American occupation, therefore, is the idea of a free, self-governing, and united Philippine commonwealth at all conceivable. And the indispensable need from the Filipino point of view of maintaining American sovereignty over the archipelago is recognized by all intelligent Filipinos and even by those insurgents who desire an American protectorate.

The latter, it is true, would take the revenues and leave us the responsibilities. Nevertheless, they recognize the indubitable fact that the Filipinos can not stand alone. Thus the welfare of the Filipinos coincides with the dictates of national honor in forbidding our abandonment of the archipelago. We can not from any point of view escape the responsibilities of government which our sovereignty entails; and the Commission is strongly persuaded that the performance of our national duty will prove the greatest blessing to the peoples of the Philippine Islands.

OUR SOLDIERS AND SAILORS IN THE WAR.

The Commission is not willing to close this statement without paying just tribute to our sailors and soldiers. The presence of Admiral Dewey as a member of this body makes it unfitting to dwell on his personal achievements, but he joins with us in eulogy of his comrades. We were fortunate in witnessing some of the many brave deeds of our soldiers. All that skill, courage, and patient endurance can do has been done in the Philippines.

We are aware that there are those who have seen fit to accuse our troops of desecrating churches, murdering prisoners, and committing unmentionable crimes. To those who derive satisfaction from seizing on isolated occurrences—regrettable, indeed, but incident to every war—and making them the basis of sweeping accusations this Commission has nothing to say. Still less do we feel called upon to answer idle tales without foundation in fact. But for the satisfaction of those who have found it difficult to understand why the transporting of American citizens across the Pacific Ocean should change their nature, we are glad to express the belief that a war was never more humanely conducted.

* * * * * * *

Our control means to the inhabitants of the Philippines internal peace and order, a guaranty against foreign aggression and against the dismemberment of their country, commercial and industrial prosperity, and as large a share in the affairs of government as they shall prove fit to take.

This Commission made its final report January 31, 1900, and by its searching investigation, extensive research, exhaustive analysis, and wise recommendations paved the way for the appointment of another commission, clothed with enlarged powers, to aid in the work of pacification and peace. On the 16th of March, 1900, President McKinley appointed another commission, headed by Judge Taft, of Ohio, an eminent jurist, which commission is now engaged in the prosecution of its work in conformity with the instructions imposed by President McKinley.

I will also ask to insert in the RECORD the instructions to the Commission.

The PRESIDENT pro tempore. No objection being made, they will be inserted.

The instructions are as follows:

EXECUTIVE MANSION, *April 7, 1900.*

SIR: In the message transmitted to the Congress on the 5th of December, 1899, I said, speaking of the Philippine Islands: "As long as the insurrection continues the military arm must necessarily be supreme. But there is no reason why steps should not be taken from time to time to inaugurate governments essentially popular in their form as fast as territory is held and controlled by our troops. To this end I am considering the advisability of the return of the Commission, or such of the members thereof as can be secured, to aid the existing authorities and facilitate this work throughout the islands."

To give effect to the intention thus expressed, I have appointed Hon. William H. Taft, of Ohio; Prof. Dean C. Worcester, of Michigan; Hon. Luke E. Wright, of Tennessee; Hon. Henry C. Ide, of Vermont, and Prof. Bernard Moses, of California, commissioners to the Philippine Islands, to continue and perfect the work of organizing and establishing civil government already commenced by the military authorities, subject in all respects to any laws which Congress may hereafter enact.

The commissioners named will meet and act as a board, and the Hon. William H. Taft is designated as president of the board. It is probable that the transfer of authority from military commanders to civil officers will be gradual and will occupy a considerable period. Its successful accomplishment and the maintenance of peace and order in the meantime will require the most perfect cooperation between the civil and military authorities in the islands, and both should be directed during the transition period by the same executive department. The Commission will therefore report to the Secretary of War, and all their actions will be subject to your approval and control.

You will instruct the Commission to proceed to the city of Manila, where they will make their principal office, and to communicate with the military governor of the Philippine Islands, whom you will at the same time direct to render to them every assistance within his power in the performance of their duties. Without hampering them by too specific instructions, they should in general be enjoined, after making themselves familiar with the conditions and needs of the country, to devote their attention in the first instance to the establishment of municipal governments in which the natives of the islands, both in the cities and in the rural communities, shall be afforded the opportunity to manage their own local affairs to the fullest extent of which they are capable, and subject to the least degree of supervision and control which a careful study of their capacities and observation of the workings of native control show to be consistent with the maintenance of law, order, and loyalty.

The next subject in order of importance should be the organization of government in the larger administrative divisions, corresponding to counties, departments, or provinces, in which the common interests of many or several municipalities falling within the same tribal lines, or the same natural geographical limits, may best be subserved by a common administration. Whenever the Commission is of the opinion that the condition of affairs in the islands is such that the central administration may safely be transferred from military to civil control, they will report that conclusion to you, with their recommendations as to the form of central government to be established for the purpose of taking over the control.

Beginning with the 1st day of September, 1900, the authority to exercise, subject to my approval, through the Secretary of War, that part of the power of government in the Philippine Islands which is of a legislative nature is to be transferred from the military governor of the islands to this Commission, to be thereafter exercised by them in the place and stead of the military governor, under such rules and regulations as you shall prescribe, until the establishment of the civil central government for the islands contemplated in the last foregoing paragraph, or until Congress shall otherwise provide.

Exercise of this legislative authority will include the making of rules and orders, having the effect of law, for the raising of revenue by taxes, customs duties, and imposts; the appropriation and expenditure of public funds of the islands; the establishment of an educational system throughout the islands; the establishment of a system to secure an efficient civil service; the organization and establishment of courts; the organization and establishment of municipal and departmental governments, and all other matters of a civil nature for which the military governor is now competent to provide by rules or orders of a legislative character.

The Commission will also have power, during the same period, to appoint to office such officers, under the judicial, educational, and civil-service systems, and in the municipal and departmental governments as shall be provided for. Until the complete transfer of control the military governor will remain the chief executive head of the government of the islands, and will exercise the executive authority now possessed by him and not herein expressly assigned to the Commission, subject, however, to the rules and orders enacted by the Commission in the exercise of the legislative powers conferred upon them. In the meantime the municipal and departmental governments will continue to report to the military governor, and be subject to his administrative supervision and control, under your direction, but that supervision and control will be confined within the narrowest limits consistent with the requirement that the powers of government in the municipalities and departments shall be honestly and effectively exercised and that law and order and individual freedom shall be maintained.

All legislative rules and orders, establishments of government, and appointments to office by the Commission will take effect immediately, or at such times as they shall designate, subject to your approval and action upon the coming in of the Commission's reports, which are to be made from time to time as their action is taken. Wherever civil governments are constituted under the direction of the Commission, such military posts, garrisons, and forces will be continued for the suppression of insurrection and brigandage and the maintenance of law and order as the military commander shall deem requisite, and the military forces shall be at all times subject under his orders to the call of the civil authorities for the maintenance of law and order and the enforcement of their authority.

In the establishment of municipal governments the Commission will take as the basis of their work the governments established by the military governor under his order of August 8, 1899, and under the report of the board constituted by the military governor by his order of January 29, 1900, to formulate and report a plan of municipal government, of which his honor Cayetano Arellano, president of the audiencia, was chairman, and they will give to the conclusions of that board the weight and consideration which the high character and distinguished abilities of its members justify.

In the constitution of department or provincial governments they will give especial attention to the existing government of the island of Negros, constituted with the approval of the people of that island, under the order of the military governor of July 22, 1899, and after verifying, so far as may be practicable, the reports of the successful working of that government, they will be guided by the experience thus acquired, so far as it may be applicable to the conditions existing in other portions of the Philippines. They will avail themselves to the fullest degree practicable of the conclusions reached by the previous commission to the Philippines.

In the distribution of powers among the governments organized by the Commission, the presumption is always to be in favor of the smaller subdivision, so that all the powers which can properly be exercised by the municipal government shall be vested in that government, and all the powers of a more general character which can be exercised by the departmental government shall be vested in that government, and so that in the governmental system which is the result of the process the central government of the islands, following the example of the distribution of the powers between the States and the National Government of the United States, shall have no direct administration except of matters of purely general concern, and shall have only such supervision and control over local governments as may be necessary to secure and enforce faithful and efficient administration by local officers.

The many different degrees of civilization and varieties of custom and capacity among the people of the different islands preclude very definite instruction as to the part which the people shall take in the selection of their own officers, but these general rules are to be observed: That in all cases the municipal officers who administer the local affairs of the people are to be selected by the people, and that wherever officers of more extended jurisdiction are to be selected in any way natives of the islands are to be preferred, and if they can be found competent and willing to perform the duties they are to receive the offices in preference to any others.

It will be necessary to fill some offices for the present with Americans, which, after a time, may well be filled by natives of the islands. As soon as practicable a system for ascertaining the merit and fitness of candidates for civil offices should be put in force. An indispensable qualification for all offices and positions of trust and authority in the islands must be absolute and unconditional loyalty to the United States, and absolute and unhampered authority and power to remove and punish any officer deviating from that standard must at all times be retained in the hands of the central authority of the islands.

In all the forms of government and administrative provisions which they are authorized to prescribe the Commission should bear in mind that the government which they are establishing is designed not for our satisfaction or for the expression of our theoretical views, but for the happiness, peace, and prosperity of the people of the Philippine Islands, and the measures adopted should be made to conform to their customs, their habits, and even their prejudices to the fullest extent consistent with the accomplishment of the indispensable requisites of just and effective government.

At the same time the Commission should bear in mind and the people of the islands should be made plainly to understand that there are certain great principles of government which have been made the basis of our governmental system which we deem essential to the rule of law and the maintenance of individual freedom, and of which they have, unfortunately, been denied the experience possessed by us; that there are also certain practical rules of government which we have found to be essential to the preservation of these great principles of liberty and law, and that these principles and these rules of government must be established and maintained in their islands for the sake of their liberty and happiness, however much they may conflict with the customs or laws of procedure with which they are familiar.

It is evident that the most enlightened thought of the Philippine Islands fully appreciates the importance of these principles and rules, and they will inevitably within a short time command universal assent. Upon every division and branch of the government of the Philippines, therefore, must be imposed these inviolable rules:

That no person shall be deprived of life, liberty, or property without due process of law; that private property shall not be taken for public use without just compensation; that in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense; that excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted; that no person shall be put twice in jeopardy for the same offense or be compelled in any criminal case to be a witness against himself; that the right to be secure against unreasonable searches and seizures shall not be violated; that neither slavery nor involuntary servitude shall exist except as a punishment for crime; that no bill of attainder or ex post facto law shall be passed; that no law shall be passed abridging the freedom of speech or of the press or of the rights of the people to peaceably assemble and petition the government for a redress of grievances; that no law shall be made respecting an establishment of religion or prohibiting the free exercise thereof, and that the free exercise and enjoyment of religious profession and worship without discrimination or preference shall forever be allowed.

It will be the duty of the Commission to make a thorough investigation into the titles of the large tracts of lands held or claimed by individuals or by religious orders; into the justice of the claims and complaints made against such landholders by the people of the island, or any part of the people, and to seek by wise and peaceable measures a just settlement of the controversies and redress of the wrongs which have caused strife and bloodshed in the past. In the performance of this duty the Commission is enjoined to see that no injustice is done; to have regard for substantial right and equity, disregarding technicalities so far as substantial right permits, and to observe the following rules:

That the provision of the treaty of Paris pledging the United States to the protection of all rights of property in the islands, and as well the principle of our own Government which prohibits the taking of private property without due process of law, shall not be violated; that the welfare of the people of the islands, which should be a paramount consideration, shall be attained consistently with this rule of property right; that if it becomes necessary for the public interest of the people of the island to dispose of claims to property which the Commission finds to be not lawfully acquired and held, disposition shall be made thereof by due legal procedure, in which there shall be full opportunity for fair and impartial hearing and judgment; that if the same public interests require the extinguishment of property rights lawfully acquired and held, due compensation shall be made out of the public treasury therefor; that no form of religion and no minister of religion shall be forced upon any community or upon any citizen of the island; that, upon the other hand, no minister of religion shall be interfered with or molested in following his calling, and that the separation between state and church shall be real, entire, and absolute.

It will be the duty of the Commission to promote and extend and, as they find occasion, to improve the system of education already inaugurated by the military authorities. In doing this they should regard as of first importance the extension of a system of primary education which shall be free to all, and which shall tend to fit the people for the duties of citizenship and for the ordinary avocations of a civilized community.

This instruction should be given, in the first instance, in every part of the islands in the language of the people. In view of the great number of languages spoken by the different tribes, it is especially important to the prosperity of the islands that a common medium of communication may be established, and it is obviously desirable that this medium should be the English language. Especial attention should be at once given to affording full opportunity to all the people of the islands to acquire the use of the English language.

It may well be that the main changes which should be made in the system of taxation and in the body of the laws under which the people are governed, except such changes as have already been made by the military government, should be relegated to the civil government which is to be established under the auspices of the Commission. It will, however, be the duty of the Commission to inquire diligently as to whether there are any further changes which ought not to be delayed, and, if so, they are authorized to make such changes, subject to your approval.

In doing so they are to bear in mind that taxes which tend to penalize or repress industry and enterprise are to be avoided; that provisions for taxation should be simple, so that they may be understood by the people; that they should affect the fewest practicable subjects of taxation which will serve for the general distribution of the burden. The main body of the laws which regulate the rights and obligations of the people should be maintained with as little interference as possible. Changes made should be mainly in procedure and in the criminal laws to secure speedy and impartial trials, and at the same time effective administration and respect for individual rights.

In dealing with the uncivilized tribes of the island the Commission should adopt the same course followed by Congress in permitting the tribes of our

North American Indians to maintain their tribal organization and government, and under which many of those tribes are now living in peace and contentment, surrounded by a civilization to which they are unable or unwilling to conform. Such tribal governments should, however, be subjected to wise and firm regulation; and, without undue or petty interference, constant and active effort should be exercised to prevent barbarous practices and introduce civilized customs.

Upon all officers and employees of the United States, both civil and military, should be impressed a sense of the duty to observe not merely the material but the personal and social rights of the people of the islands, and to treat them with the same courtesy and respect for their personal dignity which the people of the United States are accustomed to require from each other.

The articles of capitulation of the city of Manila on the 13th of August, 1898, concluded with these words:

"This city, its inhabitants, its churches and religious worship, its educational establishments, and its private property of all descriptions are placed under the special safeguard of the faith and honor of the American Army."

I believe that this pledge has been faithfully kept. As high and sacred an obligation rests upon the Government of the United States to give protection for property and life, civil and religious freedom, and wise, firm, and unselfish guidance in the paths of peace and prosperity to all the people of the Philippine Islands. I charge this Commission to labor for the full performance of this obligation, which concerns the honor and conscience of their country, in the firm hope that through their labors all the inhabitants of the Philippine Islands may come to look back with gratitude to the day when God gave victory to American arms at Manila and set their land under the sovereignty and protection of the people of the United States.

WILLIAM McKINLEY.

The SECRETARY OF WAR,
Washington, D. C.

Mr. BURROWS. The labors of this Commission have not yet been concluded, but they have progressed far enough, however, to justify the wisdom of its creation and far enough to already bear rich fruitage and give assurance of an abundant harvest in the not distant future.

With these two instrumentalities, the Army and Navy on the one hand and the Civil Commissions on the other, both intent on the accomplishment of a common purpose, the work of pacification in the islands is progressing with marvelous rapidity. Indeed, when we consider that these islands are 7,000 miles distant from our shores, inhabited by alien races aggregating from eight to ten million people in all stages of civilization, from the cannibal to the educated Filipino, speaking divers and unknown tongues, it is a matter of profound astonishment that so much has been accomplished in the direction of establishing peaceful and orderly government.

In a little over three years of American sovereignty and control an insurgent army has been utterly broken up and destroyed, leaving nothing but guerrilla bands infesting remote portions of the country. Whatever pretense of rival government may have existed has been dissolved, and many of the insurgent leaders in military and civil life have taken the oath of allegiance to the United States and are now among its most loyal and ardent supporters.

Let me place the names of some of them on record, and let us see if the operations of the United States Government in the Philippines has not tended to pacification and already secured the cooperation of many of the leading spirits of the islands. Here are a few of the men once prominent in Philippine affairs now as prominent in the administration of public affairs in the islands under the guidance and sovereignty of the United States:

C. S. Arellano, chief justice of the supreme court, was secretary of state in the first cabinet of the revolutionary government.

Florentino Torres, associate justice, was chairman of a board to confer with another presided over by General Hughes before the outbreak of hostilities between Americans and Filipinos.

Victorino Mapa, associate justice, was counselor of the revolutionary government in the island of Panay.

Trinidad H. Pardo de Tavera, commissioner, was assistant secretary of state in the first cabinet of the revolutionary government at Malolos and member of its congress.

Benito Legarda, commissioner, was assistant secretary of the treasury of the same government and vice-president of its congress.

Jose Luzuriaga, commissioner, was president of the revolutionary congress of the island of Negros.

Felipe Buencamino, member of the civil-service board, was counselor of Aguinaldo in Cavite, member of the congress of Malolos, and secretary of Fomento in Malolos and secretary of state in San Isidro de Nueva Ecija.

Felix M. Roxas, judge, was member of the Filipino junta in Paris.

Ignacio Villamor, judge, was member of the Malolos congress.

Gregorio Araneta, solicitor-general, was secretary of justice and member of Malolos congress.

Jose Serapio, governor of Bulacan, was colonel in the revolutionary army.

Martin Delgado, governor of Iloilo, was commanding general of the revolutionary forces in the island of Panay.

Ambrosio Flores, governor of Rizal, was general of the revolutionary army, member of the revolutionary congress, and assistant secretary of war.

Mariano Trias, governor of Cavite, was commanding general of the revolutionary forces of southern Luzon, secretary of the treasury, and secretary of war.

Gracio Gonzaga, governor of Cagayan, was member of the revolutionary congress and secretary of the interior.

Arsenio Cruz Herrera, president of the municipal board of Manila, was member of Malolos congress and assistant secretary of the interior.

Jose Alejandrino, city engineer in Manila, was general of the revolutionary army.

Modesto Reyes, city attorney of Manila, was member of the Filipino junta in Madrid.

Daniel Tirona, provincial secretary of Cavite, was Aguinaldo's first secretary of war and commanding general of the revolutionary forces in the province of Cagayan.

Mariano Cunanan, provincial secretary of Pampanga, was major in the revolutionary army.

Mariano Crisostomo, fiscal of Bulacan; Jose M. Lerma, provincial secretary of Bataan; Sofio Alandy, fiscal of Tayabas, were all congressmen at Malolos.

This list of the most prominent men in the archipalego, once identified with the insurgents in civil and military operation, but now openly and loyally supporting the United States in its efforts to establish peace and orderly government in the islands, is convincing and gratifying proof of the dominant sentiment of the intelligent and controlling element in the islands.

But there are other and even more convincing indications of the final pacification of the inhabitants of these islands. The American army, which, but a short time ago, I think in January, 1901, aggregated 69,420, now numbers 33,522, and when orders already issued have been carried out the force will be reduced to 26,234. Since December 1, 1901, there has been a reduction in the number of stations of ninety-five.

But this is not all. Hostility has been so far allayed in the archipelago that already civil government has been inaugurated in 34 provinces out of a possible 54, and I see by the press that in another province civil government has been inaugurated. Through the instrumentality of these governments peace and order have been established. I will ask to have inserted in the RECORD a list of the provinces in which civil government has been established, containing not only the names of the provinces, but the area of each and the number of inhabitants.

The PRESIDENT pro tempore. Without objection, it will be inserted in the RECORD.

Provinces in the Philippines in which civil government has been instituted.

[The provinces not specially noted have been pacified and civil government is maintained in peace.]

LUZON—UNDER CIVIL ADMINISTRATION.

Provinces and important dependencies.	Area (approximate).	Number of dependent islands.	Population (approximate).
	Sq. miles.		
Abra	1,964		57,285
Bontoc.			228,139
Albay	1,711	21	
Catanduanes.			
Ambos Camarines	3,161	83	194,022
Bataan	436	1	50,761
Batangas[a]			
Benguet	990		15,175
Bulacan	841		239,221
Cagayan	5,291	46	96,367
Babuyanes.			
Batanes.			
Cavite	610	7	134,569
Ilocos Norte	1,265	4	163,349
Ilocos Sur	491	2	215,792
Isabela	5,396	2	48,302
Manila	20		[a]250,000
Corregidor	4	5	420
Marinduque	681	13	48,000
Nueva Ecija	3,840		156,610
Pampanga	2,209		223,922
Pangasinan	1,316		302,178
Rizal	1,048	3	246,940
Sorsogon	675	16	98,650
Tarlac	1,295		89,339
Tayabas[b]			
Union	867		110,184
Zambales	2,210	76	87,295
Total	39,081	302	3,429,460

MINDANAO—UNDER CIVIL ADMINISTRATION.

	Sq. miles.		
Misamis[b]	5,879	5	126,942
Surigao	13,201	83	85,125
Total	19,080	88	212,067

[a] Not pacified. [b] Partially pacified.

Provinces in the Philippines in which civil government has been instituted—Continued.

VISAYAS—UNDER CIVIL ADMINISTRATION.

Provinces and important dependencies.	Area (approximate).	Number of dependent islands.	Population (approximate).
	Sq. miles.		
Cebu	1,782	29	518,032
Masbate:			
Burias	268	12	1,703
Masbate	1,315	46	23,069
Ticao	149	8	----------
Negros, occidental	3,112	14	231,512
Negros, oriental	1,742	3	140,498
Panay:			
Antique	1,340	6	115,434
Capiz	1,661	30	224,000
Iloilo	2,102	80	462,444
Romblon	515	32	55,339
Leyte	4,214	40	270,491
Total	19,814	359	2,302,522

Mr. BURROWS. Civil governments have been organized and established in more than 800 towns; a judicial system has been inaugurated in the islands, with a supreme court and inferior courts, presided over by native and American judges, through which rights are maintained and wrongs redressed; a new code of practice or civil procedure has been adopted, abolishing the complicated and technical methods under Spanish rule, which made the administration of justice a mockery and farce; prison doors have been unlocked and the victim of Spanish cruelty set free; a constabulary has been organized, composed largely of natives, which is a most effective instrumentality in ridding the provinces of ladronism, supplemented by an organization of native police in the several towns, which is becoming not only the conservator of peace but the protector of the people, thus permitting the withdrawal of the army and its relief from mere police duty. Land taxes have been imposed and collected for local purposes only, and all other internal-revenue taxes are applied to the locality where collected; have established a tariff system far more just and equitable than the former Spanish exactions, relieving the necessities of life of the heretofore heavy exactions; have collected sufficient customs dues to meet all the expenses of the central government and devote $3,000,000 to the improvement of Manila Harbor and $1,000,000 to the building of highways; have made provision for the maintenance of the common-school system, and 835 American teachers in 445 towns are not only giving primary instruction to the children but normal instruction in English to more than 3,000 native teachers. Agricultural, manual training, and night schools have been founded, presenting an ever-increasing demand for American teachers. Several executive departments have been organized, a telegraph service has been established, reaching the capitals of every organized province, and the Filipinos are being rapidly educated to man this service; highways are being constructed and repaired in each province under the direction of competent supervisors; a health bureau established and legislation enacted looking to the promotion of the sanitary condition of the people and the conservation of the public health; a million dollars has been set aside to establish and maintain interisland communication between the central government and the outlying provinces, to the promotion of intercourse and trade; light-houses illuminate the extensive coasts, warning and guiding the mariner in his perilous voyage.

The city of Manila, the emporium of the archipelago, under the protection of a police force more than half native, presents an object lesson of American government and control which augurs well for the future of the city and the peace, happiness, and prosperity of its people.

Speaking of the constabulary force established in the islands, I hold in my hand the last report, bearing date December 15, 1901, of Captain Allen, from which I beg leave to quote a few passages. It is a report made showing the conditions of the constabulary in the islands and the advancement of the cause of peace and order under American rule.

I submit a few extracts only:

> Ending November 30, up to which time the statistics set forth in this report are for the most part included, the constabulary may be said to be 4 months old. The first appointments were made in the early part of August, and the recruiting had scarcely begun before the latter part of the same month. In organizing this force it was necessary to start at the very bottom, as there was absolutely nothing of the kind in existence.
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> The archipelago is divided into three districts, the first of which embraces that portion of the archipelago north of Manila; the second, that portion of Luzon south of Manila, together with the islands not belonging to the Visayan group; the third, the Visayas, Mindanao, and Jolo.
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> We are now able to hold the following provinces without troops: Abra, Bontoc, Union, Lepanto, Benguet, Nueva Viscaya, and Bataan, likewise Principe and Infanta whenever it may be required. Within three months from this date it is believed that troops may be concentrated in a single garrison in at least eight provinces and that there will be others that can be held by the constabulary without troops.
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> The necessity of maintaining at least one large garrison in many of the provinces may always exist, but it is my candid opinion that within one year from this date 15,000 American soldiers, with the native contingent of troops and the constabulary, will suffice to garrison the Philippine Archipelago. I make this statement after due consideration of the conditions existing here, and with fairly good knowledge of the character of the inhabitants of these islands.
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> The general condition of the islands as regards pacification has never been so favorable as now, when the crumbling from the top is duly manifest.
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> From reports received from various parts of the islands there can be no question but that the better class of people are extremely tired of the struggle and ardently desire peace. The recently enacted sedition law has had a potent value in bringing evil doers to a realization of their allegiance to law and order. It demonstrates to these people the forcefulness of civil government, enables the constabulary to reap the rewards of its labors, and gives to the insular judiciary ample opportunity to prove the great importance of its work in this period of reconstruction.
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> As our knowledge of the Filipinos and the islands is daily increasing, the danger of future uprisings and disorders is daily diminishing.
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> As a proof of the improvement in the general situation the following is submitted:
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> On July 1, 1901, the Army was holding in the island of Luzon 420 posts with 36,274 troops; December 1, 1901, there were 293 posts held by 25,808 troops, a diminution of 30 per cent in posts and 29 per cent in troops in a period of five months. In the entire archipelago there were 491 posts and 49,937 troops on July 1, 1901, and 372 posts with 37,340 troops December 15 of the same year. Excepting in Batangas, Laguna, and Samar, the number of military stations is being continually diminished. For example, orders have just been issued abolishing seven military posts in the province of Leyte.
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> It is perhaps premature to speak of an organization so far-reaching in its operations after an existence of only four months, but it is believed that the experimental stage is passed, and that the constabulary may be duly reckoned upon as a potent factor in the maintenance of order in the Philippines.

Such, in dim outline, are some of the results of American domination in the Philippines which would seem to justify the legislation proposed in this bill and the continued exercise of American sovereignty over a people so rapidly advancing in the scale of civilization and orderly government.

But we are asked, What of the future? I do not know. No man living knows. As McKinley well said, "We are treading in an unexplored field which will test our wisdom and statesmanship." There was never a truer declaration. It is an unexplored field, fraught with perils perchance, but surely with tremendous responsibilities. Human wisdom and foresight can not penetrate the future.

I only know for the present that to abandon these islands now and turn them over to warring factions within and assaults of designing enemies from without, to desert a people dependent upon us to be led in the paths of peace, order, and stable government, would be the master crime of the centuries. If the inquiry is made, What is to be the policy of the future? I would answer in the language of the Taft Commission, approved by the Secretary of War. It is a policy I believe in and most fully indorse. The Taft Commission in its last report says:

> It is perhaps right that we should express our views as to the wisest course for Congress to take at the coming session. We think that if Congress were to give the present government the benefit of Congressional authority to continue under the limitations which it now has by virtue of the President's instructions until January, 1904, this would probably give time enough to form a complete government as a going concern, and at the end of that time provisions might well be made for a change in the form of the government, so that it should consist of a civil governor, of a legislative council, and of a popular assembly chosen by a limited electorate.
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> We respectfully urge that Congress be requested to confirm the legislation of the Commission already enacted and vest by Congressional act in the civil governor and Commission and their successors by appointment of the President the powers and authority heretofore exercised by them under the instructions of the President and subsequent modifications thereof, with the limitations therein contained, and that provision be made in such legislation for the popular assembly already described, to begin its life January, 1904.
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> We further recommend that by the act establishing the government above recommended provision be made for the selection, after January, 1904, by a joint vote of the popular assembly and the executive council of two delegates to represent the interests of these islands and the Filipino people before Congress and the Executive at Washington. Their expenses and salaries should be paid from the insular treasury. This is something which the Filipino people have very much at heart. We believe that such representation would be useful both to these islands and to the United States.

That policy as outlined receives my unqualified approval, and it will be a most happy termination of a conflict for the establishment of peace, order, and justice, if in 1904, or as soon as conditions will justify it, the Filipino people can have the suggestions of the Commission carried out and crystallized into law. The sooner it can be safely consummated the better for the inhabitants of the islands and the better for the United States.

This I believe to be the true policy—home rule under American sovereignty—which, it is hoped, in the years to come, and at no very distant day, will result in the establishment of a just and stable government in the Philippines and the uplift of 10,000,000 people to a higher civilization and a better destiny.

Mr. MALLORY. Mr. President, I have proposed an amendment to section 3 of the bill "temporarily to provide revenue for

the Philippine Islands, and for other purposes," now pending. In doing so I am actuated solely by a purpose to endeavor to improve the measure, so as to make it conform as much as possible to certain of our navigation laws that have existed in this country for many years. How far a legislator is justified in attempting to improve legislation which in his judgment is unsound in principle and unwise in policy I shall not now undertake to determine, but it will suffice to say for present purposes that I am utterly and wholly opposed to the principle underlying this measure and to the policy which it undertakes to set in operation.

The amendment which I have proposed relates solely to that portion of the bill which proposes to deal with the subject of the navigation laws affecting the Philippine Islands, and while it does not to any very great extent change the phraseology of that section, it does propose to change its features very materially. In order that there may be a correct understanding of the purport of the amendment, I will trespass upon the time of the Senate to read it. It proposes to strike out the third section as it now reads, and that in lieu thereof the following be inserted:

SEC. 3. That until July 1, 1903, the same tonnage taxes shall be levied, collected, and paid upon all foreign vessels coming into the United States from the Philippine Archipelago, and in addition to any tonnage dues or taxes now imposed by the government of the Philippine Islands upon all foreign vessels (except vessels of Spain, owned by Spanish subjects) engaged in traffic between the ports of the Philippine Archipelago, which are required by law to be levied and collected and paid upon vessels coming into the United States from foreign countries: *Provided, however*, That until July 1, 1903, the provisions of law restricting to vessels of the United States the transportation of passengers and merchandise directly or indirectly from one port of the United States to another port of the United States shall not be applicable to foreign vessels engaging in trade between the Philippine Archipelago and the United States, or between ports in the Philippine Archipelago; and thereafter such provisions shall not apply to vessels of Spain owned by Spanish subjects entering the ports of the Philippine Islands until the expiration of the ten years mentioned in Article IV of the Treaty of Paris of December 10, 1898: *And provided further*, That the Philippine Commission shall be authorized and empowered to issue licenses to vessels or other craft now engaged in lighterage or other exclusively harbor business, but after the passage of this act such licenses, except as herein provided, shall be issued only to vessels or other craft built in the Philippine Islands or in the United States and owned by citizens of the United States or by inhabitants of the Philippine Islands.

And it shall be the duty of the Secretary of the Treasury, as soon after the approval of this act as practicable, to make and promulgate such rules and regulations as may be necessary for the nationalization of all vessels built in the United States or in the Philippine Islands and owned at the date of the approval of this act and thereafter by inhabitants of said islands not subjects or citizens of any foreign nation; and no inhabitant of said Philippine Islands, not the subject or citizen of any foreign nation, possessed of other qualifications required by existing law to act as an officer of a merchant vessel of the United States, shall be disqualified as an officer of any vessel nationalized in accordance with the provisions of this act by reason of his not being a citizen of the United States.

In addition to these provisions it has occurred to me that it is proper to add a further extension of our navigation laws in the terms which I shall read, and which I shall ask that I be permitted to make a part of the amendment that I have proposed. I will read it as I have written it, as an addition to the amendment:

The coasting trade between the Philippine Islands and the United States shall be regulated in accordance with the provisions of law applicable to such trade between any two great coasting districts of the United States, and the coasting trade between the islands of the Philippine Archipelago and between said islands and the other insular possessions of the United States in the Pacific Ocean shall be regulated in accordance with the provisions of law applicable to such trade within one great coasting district of the United States.

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator propose that as a modification of his amendment?

Mr. MALLORY. I wish to ask permission to add this clause to the printed amendment.

The PRESIDING OFFICER. The amendment will be so modified. Does the Senator desire to have the amendment reprinted?

Mr. MALLORY. Yes, sir; with the addition that I have just read.

The PRESIDING OFFICER. Without objection, it will be so ordered.

Mr. MALLORY. This amendment and these changes which I have proposed are to a certain extent technical, and are probably not intelligible to most of the members of this body, unless they take the trouble to compare carefully our navigation laws with the proposition contained in the third section of the pending bill; and I shall endeavor briefly to point out the differences which I propose to incorporate in the bill.

The bill as it now is provides that on and after the passage of this act the same tonnage dues, etc., shall be imposed, putting no limitation whatever upon the traffic between the Philippine Islands and the United States by foreign vessels. It provides that foreign vessels shall be permitted to engage in the commerce between the Philippine Islands and the United States until hereafter some legislation shall be enacted by Congress.

That, Mr. President, is in derogation of a principle which we have adhered to since the beginning of the Republic—of denying the right to engage in our domestic commerce to foreign-built or foreign-owned ships.

That this is domestic commerce of the United States can not, I think, in view of a decision of our Supreme Court rendered about a year ago, be disputed. In the case, known as Huus *v.* New York and Porto Rico Steamship Company, the question was whether the steamship *Ponce*, which was a vessel enrolled in the United States merchant service and engaged in commerce between Porto Rico and the port of New York, was in fact engaged in the coasting trade of the United States. The point, of course, is familiar to all lawyers who have read that decision. It was one of what were known as the insular decisions, and is the last in the little pamphlet containing a compendium of those decisions. The Supreme Court, in taking up this question, said:

Under the commercial and navigation laws of the United States merchant vessels are divisible into two classes: First, vessels registered pursuant to Revised Statutes, section 4131. These must be wholly owned, commanded, and officered by citizens of the United States, and are alone entitled to engage in foreign trade; and, second, vessels enrolled and licensed for the coasting trade or fisheries. (Rev. Stat., sec. 4311.) These may not engage in foreign trade under penalty of forfeiture. (Sec. 4337.) This class of vessels is also engaged in navigation upon the Great Lakes and the interior waters of the country—in other words, they are engaged in domestic instead of foreign trade.

The court evidently, as I think will appear from the reading of other portions of this decision, considers domestic trade and the coastwise trade as identical, the terms being significant of the same thing in both instances:

The words "coasting trade," as distinguishing this class of vessels, seem to have been selected because at that time all the domestic commerce of the country was either interior commerce, or coastwise, between ports upon the Atlantic or Pacific coasts, or upon islands so near thereto, and belonging to the several States, as properly to constitute a part of the coast. Strictly speaking Porto Rico is not such an island, as it is not only situated some hundreds of miles from the nearest port on the Atlantic coast, but had never belonged to the United States, or any of the States composing the Union. At the same time trade with that island is properly a part of the domestic trade of the country since the treaty of annexation, and is so recognized by the Porto Rican or Foraker Act.

The court has laid down there beyond any question that trade between Porto Rico and the United States is a part of the coasting trade of the United States, and by parity of reasoning (and I can not see how there can be any question about the similarity of the two cases) trade between the Philippine Archipelago and the United States must also be coastwise trade of the United States.

Our statutes do not recognize any other than the two distinct divisions of maritime or water-borne commerce than the foreign and the coastwise trade, and these two distinctions have been observed very carefully from the very earliest part of the century.

Therefore, Mr. President, the proposition to admit foreign ships to engage in our coastwise trade indefinitely is such an innovation upon the principle on which our navigation laws are based that I do not think we ought lightly to indorse such a change; and by my first amendment, instead of using the language that on and after the passage of this act foreign ships shall be permitted to engage in our coastwise commerce, I fix a date. I am not particular as to the date, but in my amendment I have named the 1st day of July, 1903, as the time when this extraordinary privilege shall cease.

The idea, as I understand it, which has led to this innovation is that we have no vessels under American documents on the Pacific coast, or not enough to engage properly in this commerce, and that the commerce between the Philippine Archipelago and the Pacific ports will languish unless we permit foreign-owned and foreign-officered vessels to engage in that commerce.

In answer to that we might say that it would be more appropriate and better, perhaps, to allow American citizens to purchase and own and officer foreign-built ships to engage in that trade in this particular emergency rather than to open the door and permit foreign-built and foreign-owned vessels to engage in it, and thus overthrow a rule which we have adhered to very strenuously for so many years.

But, Mr. President, I do not undertake to make any such proposition, because, while I would prefer it to admitting foreign-built ships into our domestic commerce under any circumstances, I do not think that it would prevail in this body, and I really wish to accomplish something by the amendment.

Therefore I have thought it proper to fix the time at which this permit shall expire, namely, July 1, 1903, which will enable our shipowners on the Pacific coast and elsewhere to supply themselves with a sufficient number of ocean-going vessels to engage in the Philippine trade.

We have to-day before the Senate a bill which proposes to give a bounty to American shipowners for the business of running their own ships, a bill which has been pressed here very strenuously in years gone by, and which will probably prevail at this session of Congress, paying our own owners of foreign ocean-going craft and of domestic craft also for running their own vessels. We propose taxing the citizens engaged in other pursuits in the United States for the purpose of building up this business of ocean traffic, and the argument is that it is for the public welfare, and that we have a perfect right to do so.

In the same breath, while we are doing that, and while our old, well-tried laws are keeping out from our coastwise commerce all

foreign-built ships and all foreign-owned ships, we turn in this particular instance and invite the entire world to come into the commerce between the Philippine Islands and the United States and compete with our vessels. It strikes me, Mr. President, that that is bad policy if not unsound principle.

The second change which I propose to incorporate in this amendment relates to an exclusion of the Spanish vessels engaged in the Philippine trade or engaged in the trade between the Philippine ports from the effects of the provisions of this act. The treaty of Paris, of December 10, 1898, provides in its fourth article:

That the United States will, for the term of ten years from the date of the exchange of the ratification of the present treaty, admit Spanish ships and merchandise to the ports of the Philippine Islands on the same terms as ships and merchandise of the United States.

I construe that to mean all the ports of the Philippine Islands, without reference to the ports from which the Spanish vessels come, and I think that the committee which has reported this bill so construes that article of the treaty; that is, that even in the trade between the Philippine Islands themselves vessels owned by Spanish subjects and carrying the Spanish flag will be entitled to enjoy all the privileges that vessels of the United States enjoy up to a period of ten years from the ratification of that treaty.

There is, however, in the third section no provision made for that condition. That section simply declares that—

The provisions of law restricting to vessels of the United States the transportation of passengers and merchandise directly or indirectly from one port of the United States to another port of the United States shall not be applicable to foreign vessels engaging in trade between the Philippine Archipelago and the United States or between ports in the Philippine Archipelago.

There is no provision in it at all to exempt Spanish vessels, which under our treaty shall enjoy all the rights that American vessels enjoy in that trade from the effects of the provision.

The third point on which I offer an amendment to this third section is with regard to a matter which I do not think has been considered by the other body of Congress or by the committee which has had this bill under charge. It is a fact which I gather from the report in the year 1900 of the Philippine Commission—that there were engaged in 1891 in the interisland commerce of the Philippine Archipelago some 7,000 registered craft of all kinds, and it is reported that in 1895 the number had increased to 11,000; quite a large commerce. That is commerce between the islands constituting the Philippine Archipelago, ranging practically a thousand miles in distance from north to south.

Mr. PERKINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from California?

Mr. MALLORY. Certainly.

Mr. PERKINS. If the Senator from Florida will permit me, I will call his attention to the report of the Commissioner of Navigation, at page 444, wherein he shows from the reports of the War Department that on July 10, 1899, there were 2,340 vessels registered, with a tonnage of 102,581 tons, which were engaged in the same traffic to which the Senator from Florida now refers—that is, in the interisland commerce, between the islands and China and Japan. That was in 1899, and I am informed by credible nautical men who have been in the islands that it is 50 per cent more at this time than it was in 1899.

Mr. MALLORY. I am much obliged to the Senator from California for the information. Of course the prevalence of war in the Philippine Islands did much to decrease that kind of commerce, and I suppose that probably from 1897 to this year the number of vessels engaged in that interisland commerce has been less than it was anterior to the outbreak of hostilities between the Filipinos and the Spaniards.

But it is a very considerable commerce, and if we are to accept the decision of the Supreme Court in the Huus case, to which I have adverted, as law, I can see no escape from the conclusion that this commerce is also coastwise commerce of the United States. If the commerce between the Philippine Islands themselves and the United States is coastwise commerce, and so the Supreme Court has held, then the commerce between the Philippine Islands themselves, a part of the United States, is necessarily coastwise commerce.

I can not see how there can possibly be any other designation given to it, because there is no authority under law, except in Congress, to change our navigation laws, to change the laws which affect the coasts of our Territory, whether it is Territory that falls within the uniformity clause of section 8 of Article I of the Constitution or not.

Yet, Mr. President, it is a fact that the Philippine Commission, under the absolute and unqualified power which was conferred upon it by Congress last year, through the interposition of the President, vesting in the President all civil, military, and judicial power in these islands, has gone to work and established a system of registry, if I am not misinformed or if I do not misinterpret the language of the report.

It has established rules and regulations for the navigation and management of those vessels; it has established rules and regulations governing the masters and mates and some individuals known as patrons, whatever they may be, all of which is, in my judgment, in conflict with the acts of Congress upon that subject. It is clearly so, because they differ in many respects from the acts of Congress. As a specimen I will read one provision of one of these laws relating to that subject enacted by the Philippine Commission. It is entitled "An act providing for the examination and licensing of applicants for the positions of masters, mates, and patrons of sea-going vessels." It will be found on page 120 of the Public Laws and Resolutions passed by the United States Philippine Commission, which we all have on our desks, and which was published in 1901.

It provides that a board, consisting "of the captain of the port of Manila, the superintendent of the nautical school, and two masters of merchant vessels, to be appointed by the captain of the port," shall constitute the board of examiners, who shall examine applicants for permission to act as masters, mates, and patrons of vessels engaged in commerce in the Philippine Islands. As a specimen of the regulations established for that board, I will read what the applicant for license as a patron has to do:

Every applicant for license as patron shall not be less than 23 years of age. He shall be examined on the following subjects: Reading and writing; management of sails and rigging of coasting and pilot boats; manner of loading, according to cargo; manner of careening a boat so as to rid it of water, as well as manner of stranding same; knowledge of the coasts where he is to navigate, their shoals, banks, and reefs; of ocean currents and tides; of prevailing winds; which winds to sail with and which to sail away from; how to square the compass, to take bearings by the lead, and other practical methods for determining the nearness of the coast and what course to be taken; methods of entering and leaving the ports of the provinces; precautions to be taken in time of storms at sea, as well as in port; method of repairing damage sustained by vessels; familiarity with all existing coast light-houses on their routes; knowledge of all maritime laws relating to the sanitation and police regulations of ports; of his knowledge of regulations governing the use of lights and signals for the prevention of collisions, and, in short, of all subjects that may have a bearing on his calling.

Mr. FORAKER. Will the Senator kindly give me the volume from which he makes his citation? I have not the volume before me to which I can turn.

Mr. MALLORY. It is page 121 of Public Laws and Resolutions passed by the United States Philippine Commission, Division of Insular Affairs, War Department, printed at the Government Printing Office in 1901.

These are the subjects which are submitted to the applicant for the position of patron, whatever that is. There is no definition in the act, or anywhere else that I can find in the acts of the Philippine Commission, as to what the duties of a patron are, but from the immensity of the field which this examination is intended to cover, I should imagine that he was at least a man who would be qualified to command a small fleet, much less a small boat. Then there is provision for the license of a master:

Every applicant for license as master must produce satisfactory evidence that he has served as certified first mate for at least three years in a seagoing sailing vessel or at least five years in a seagoing steamer, and must not be less than 23 years of age. The holders of licenses as master or mate under the laws of the United States shall be eligible to appointment to like positions under this act. The examination of every applicant shall be in writing, and shall include a thorough examination as to his knowledge of seamanship and navigation in its various branches, his capacity and skill in lading and unlading cargo, in handling and storing freight under all conditions, and his knowledge generally of the duties of the position which he seeks. To obtain a license every applicant shall be required to show a proficiency in the subjects upon which he is examined and shall answer correctly at least 75 per cent of the questions propounded to him on such examination.

And further on, in section 3 of the same act, it is provided:

SEC. 3. Every applicant for license as master, mate, or patron shall be a citizen of the United States or of the Philippine Islands, notwithstanding any provision in existing Spanish laws to the contrary: *Provided, however*, That every citizen or subject of any other country who is now acting as master, mate, or patron of any vessel flying the American flag may, if otherwise qualified as herein prescribed, continue to act as such for the period of two years. But he shall be required to secure a license and be subject to all the other requirements and provisions of this act as are other persons in like situations.

There is so much in this act that is suggestive of thought that one might be justified in consuming a great deal of time in criticising the aspect which the Philippine situation presents to us from this point of view, but I do not propose to consume any more time than I think is absolutely necessary to make clear the object and purpose of the amendment which I have had the honor to offer; but I can not forbear noting the expression which I have just read:

Provided, however, That every citizen or subject of any other country who is now acting as master, mate, or patron of any vessel flying the American flag—

How can any man be the master of a vessel flying the American flag and at the same time be a citizen or subject of a foreign country? Our laws are imperative on that subject. The laws under which every vessel of the United States is entitled to carry the flag prohibit any man who is not a citizen of the United States from commanding such vessel, and yet we have the fact disclosed by this act that such provision is made temporarily, not by Congress, but in violation of the act of Congress, by eight gentlemen

sitting in Manila, who set aside an act of Congress and allow a vessel to be mastered by a man who is not a citizen of the United States, permitting her to fly the American flag.

Mr. PERKINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Florida yield to the Senator from California?

Mr. MALLORY. I do.

Mr. PERKINS. I do not wish to interrupt my friend from Florida, except to correct him in one respect. If he will look at the Executive order issued by President McKinley regarding the regulations of vessels in the Philippine Islands, he will see that it reads as follows:

EXECUTIVE MANSION, *Washington, D. C., July 3, 1899.*

1. Officers of the customs in the Philippine Islands may issue a certificate of protection entitling the vessel to which it is issued to the protection and flag of the United States on the high seas and in all ports if the vessel is owned by—

(*a*) A citizen of the United States residing in the Philippine Islands.

(*b*) A native inhabitant of the Philippine Islands upon taking the oath of allegiance to the United States.

(*c*) A resident of the Philippine Islands before April 11, 1899, hitherto a subject of Spain, upon abjuring his allegiance to the Crown of Spain and taking the oath of allegiance to the United States.

2. The master and the watch officers of a vessel to which a certificate of protection is issued shall be citizens of the United States, or shall take the oath of allegiance to the United States, provided that the general commanding the forces of the United States in the Philippine Islands may, in his discretion, in special cases waive this requirement in whole or in part.

3. Such certificate of protection shall entitle the vessel to the same privileges and subject it to the same disabilities as are prescribed in Article XX of the Consular Regulations of 1896 for American or foreign built vessels transferred abroad to citizens of the United States.

4. The form and manner of the issue of certificates of protection provided for in this order shall be prescribed by the Secretary of War.

WILLIAM McKINLEY.

This order is similar, I think, to the protection which is given, as my friend knows, under the general law to vessels that have been purchased in foreign countries.

Mr. MALLORY. I deny that any Executive order of the President of the United States or of anybody else can repeal an act of Congress, and that is what this amounts to, that a man who is not a citizen of the United States shall command a vessel of the United States and that that vessel shall be permitted to carry the emblem of the sovereignty of the United States. No Executive order that I have ever heard of can reach to that extent, unless Congress makes up its mind to entirely abdicate its functions in matters of that character.

I do not care to enter into this discussion, because it is an old subject which has been discussed in the past; but I deny that Congress has power to vest in the President the naming of a commission to exercise the functions which these gentleman have unquestionably been exercising there. The fact that here are vessels sailing in defiance of the acts of Congress and in defiance of the laws of the United States governing our coastwise commerce, which thus are enabled, under the decree of this Philippine Commission, to set at their mastheads the flag of the United States, is, I think, Mr. President, as good an illustration as we could have of the correctness of the contention of those of us who a year ago argued that vesting in the President the power that was given him by an amendment in the last hours of Congress on the Army appropriation bill—absolute military, civil, and judicial control of the Philippine Islands—was a delegation of legislative power that was without any authority under the Constitution, and certainly was in inexcusable derogation of the authority of Congress. Here we have an act of Congress prescribing who shall be masters of American vessels, and there, on the other hand, is a body of eight gentlemen, seated in Manila, who say that these men who have not the qualifications prescribed by the act of Congress may act as masters of so-called United States vessels and may hoist our flag at the masthead of those vessels.

But I do not care to be diverted into that argument, except simply to note the fact that at the base and foundation of all these anomalies that are constantly cropping out and being called to our attention, arising out of the peculiar situation of the Philippine Islands, is the fact that Congress has abdicated its trust and has vested in or delegated to some one else the duty of performing the functions which were imposed upon it by the Constitution.

Mr. President, I think all that can be corrected if the latter part of the amendment which I propose here, so far as this particular point is concerned, is adopted. This amendment provides:

And it shall be the duty of the Secretary of the Treasury—

Instead of the Commissioner of Navigation. The law regarding Porto Rico puts this duty on the Commissioner of Navigation. I thought it better to put it in the hands of a Cabinet officer himself, but in other respects it is similar to the Porto Rican law—

And it shall be the duty of the Secretary of the Treasury, as soon after the approval of this act as practicable, to make and promulgate such rules and regulations as may be necessary for the nationalization of all vessels built in the United States or in the Philippine Islands—

That word "nationalization" is a somewhat vague word, but it was used in the Porto Rican act and was also used in the act providing for the navigation of vessels coasting along the Alaskan coast a good many years ago, and has undergone the scrutiny of the Supreme Court—

and owned at the date of the approval of this act and thereafter by inhabitants of said islands not subjects or citizens of any foreign nation; and no inhabitant of said Philippine Islands, not the subject or citizen of any foreign nation, possessed of other qualifications required by existing law to act as an officer of a merchant vessel of the United States, shall be disqualified as an officer of any vessel nationalized in accordance with the provisions of this act by reason of his not being a citizen of the United States.

Let us, Mr. President, stop this anomaly. By the enactment of this amendment we will get rid of it. Congress will authorize it, and not the Philippine Commission in defiance of an act of Congress. It is but right and proper that the people living in the Philippine Islands, who are not citizens of the United States, but nevertheless are under the sovereignty of and owe allegiance to the United States, should enjoy the privilege of owning and commanding vessels engaged in that interisland commerce.

I do not attach the slightest importance to this edict of the Philippine Commission if its correctness or its legality is ever questioned in any court of competent jurisdiction. Therefore, let us put this thing on a proper basis and enable those unfortunate people to at least take part in the commerce of their own islands, as we have permitted foreign nations to enter in there and take part in that commerce.

In addition to that, Mr. President, I have thought proper to add the language which I read some time ago, and to ask that it might be incorporated as a part of this amendment, which I will read again for the benefit of those Senators who were not present when I read it before:

The coasting trade between the Philippine Islands and the United States shall be regulated in accordance with the provisions of law applicable to such trade between any two great coasting districts of the United States, and the coasting trade between the islands of the Philippine Archipelago and between said islands and the other insular possessions of the United States in the Pacific Ocean shall be regulated in accordance with the provisions of law applicable to such trade within one great coasting district of the United States.

I claim if this amendment be adopted we would at least get rid of one or two reasons for very grave objection to that third section. We are disposed, I believe, on all sides to treat the people of the Philippine Islands with all the kindness and tenderness that the circumstances and conditions will permit. We propose to impose a very heavy tariff upon their importations from this country and on their exportations to this country.

That, Mr. President, is hardly in harmony with our professions of good will and desire to better their condition, but if we can open, under an act of Congress, under the authority of the Government of the United States, not under the authority of a commission in the Philippine Islands, a new field of endeavor for them, and place them in a position where there can be no question but what they will have the right to enjoy it without let or hindrance, it seems to me, Mr. President, that it is excellent policy to do so.

I have no object in the world in offering this amendment other than what I stated in the outset was my purpose—to endeavor, at least, to secure an amendment that will make a bill that is unsound in principle and unwise in policy somewhat better than it is in its present form.

Mr. TILLMAN. Mr. President, when the distinguished Senator from Michigan [Mr. BURROWS] addressed the Senate this morning, he made a statement of facts, or supposed facts, that I sought to correct in some respects, but he saw fit to peremptorily deny me the opportunity. I desire now, in order that it may go into the RECORD along with his speech, to present some quotations from official documents. The first is the treaty of cession by France to the United States of the territory of Louisiana. I wish the Secretary to read article 3 of that treaty.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

ART. III. The inhabitants of the ceded territory shall be incorporated in the Union of the United States, and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States; and in the meantime they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess.

Mr. TILLMAN. The cession of the Philippines which the Senator, I believe, quoted, is specifically different from this cession by France; and I wish to draw attention to the contrast between the condition of the very small number of people, thirty or forty thousand, who were in Louisiana at that time, not counting the Indians, and the 9,000,000 people—subjects that we bought from Spain—and to show the falsity of the contention of our friends on the other side that the Democracy has always stood for expansion, and that, therefore, the subjugation of the Philippine Islands is but a continuation of the time-honored principles and doctrines and policy of the Democratic party.

I also called attention to the fact that the President had issued a proclamation in December before the treaty was ratified, thereby exceeding his power and authority, and I desire to have read the statute of October 31, 1803, which authorized President Jefferson to take possession of Louisiana.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby, authorized to take possession of and occupy the territory ceded by France to the United States by the treaty concluded at Paris, on the 30th day of April last, between the two nations; and that he may for that purpose, and in order to maintain in the said territories the authority of the United States, employ any part of the Army and Navy of the United States, and of the force authorized by an act passed the 3d day of March last, entitled "An act directing a detachment from the militia of the United States, and for erecting certain arsenals," which he may deem necessary, and so much of the sum appropriated by the said act as may be necessary is hereby appropriated for the purpose of carrying this act into effect, to be applied under the direction of the President of the United States.

SEC. 2. *And be it further enacted*, That until the expiration of the present session of Congress, unless provision for the temporary government of the said Territories be sooner made by Congress, all the military, civil, and judicial powers exercised by the officers of the existing government of the same shall be vested in such person and persons and shall be exercised in such manner as the President of the United States shall direct for maintaining and protecting the inhabitants of Louisiana in the free enjoyment of their liberty, property, and religion.

Mr. TILLMAN. Mr. President, we have there an act of Congress passed in pursuance of the treaty with France, carrying into effect the taking possession of the territory which we had bought. The difference between that and the existing condition in the Philippines is all I desire to call attention to at this time.

Our army was in Manila before the time the treaty with Spain was ratified, having been there from August, 1898, until February following. The reason there was no war at that time between the United States and Spain was because of a truce declared after the battle of Santiago. The Filipinos had in the meantime organized a government, had captured or driven from the islands every Spanish soldier, and had, according to the report of our naval officers who traveled all through Luzon, established peace and order. They had acted as our allies in besieging Manila, and the President in issuing his proclamation after the treaty was signed and before it was ratified simply served notice on those people that the purpose of this Government was one of "benevolent assimilation." What that means I do not know. I know what has happened since. We have shot down and harassed the Filipinos, burned and destroyed the property of those people, and the infamies that have been perpetrated in this war of subjugation should cause the blush of shame to mantle the cheek of every liberty-loving American.

Having pointed out that Louisiana was taken possession of in pursuance of an act of Congress after the ratification of the treaty and, therefore, a legal consummation of the purchase, in which the President was authorized to do those things specified in the act just read, I will next have the Secretary read the message of President Jefferson, transmitting to Congress information of what he had done, after which I want the Secretary to read the proclamation issued by the governor appointed to execute the orders of the President. Then I want the governor's address to the citizens of Louisiana in taking possession of that territory read, in order that the people of the United States may see for themselves the difference between the cession or purchase of Louisiana, Democratic expansion, and the present war of subjugation in the Philippines.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

JANUARY 16, 1804.

To the Senate and House of Representatives of the United States:

In execution of the act of the present session of Congress for taking possession of Louisiana, as ceded to us by France, and for the temporary government thereof, Governor Claiborne, of the Mississippi Territory, and General Wilkinson were appointed commissioners to receive possession. They proceeded, with such regular troops as had been assembled at Fort Adams from the nearest posts, and with some militia of the Mississippi Territory, to New Orleans. To be prepared for anything unexpected which might arise out of the transaction, a respectable body of militia was ordered to be in readiness in the States of Ohio, Kentucky, and Tennessee, and a part of those of Tennessee was moved on to the Natchez.

No occasion, however, arose for their services. Our commissioners, on their arrival at New Orleans, found the province already delivered by the commissaries of Spain to that of France, who delivered it over to them on the 20th day of December, as appears by their declaratory act accompanying this. Governor Claiborne, being duly invested with the powers heretofore exercised by the governor and intendant of Louisiana, assumed the government on the same day and, for the maintenance of law and order, immediately issued the proclamation and address now communicated.

On this important acquisition, so favorable to the immediate interests of our Western citizens, so auspicious to the peace and security of the nation in general, which adds to our country territories so extensive and fertile, and to our citizens new brethren to partake of the blessings of freedom and self-government, I offer to Congress and our country my sincere congratulations.

TH: JEFFERSON.

PROCLAMATION.

By his Excellency William C. C. Claiborne, governor of the Mississippi Territory, exercising the powers of governor-general and intendant of the province of Louisiana.

Whereas by stipulation between the Governments of France and Spain the latter ceded to the former the colony and province of Louisiana, with the same extent which it had at the date of the above-mentioned treaty in the hands of Spain, and that it had when France possessed it, and such as it ought to be after the treaties subsequently entered into between Spain and other States; and whereas the Government of France has ceded the same to the United States by a treaty duly ratified and bearing date the 30th of April, in the present year, and the possession of said colony and province is now in the United States, according to the tenor of the last-mentioned treaty; and whereas the Congress of the United States, on the 31st day of October, in the present year, did enact that until the expiration of the session of Congress then sitting (unless provisions for the temporary government of the said territories be sooner made by Congress), all the military, civil, and judicial powers exercised by the then existing government of the same, shall be vested in such person or persons, and shall be exercised in such manner as the President of the United States shall direct for the maintaining and protecting the inhabitants of Louisiana in the free enjoyment of their liberty, property, and religion; and the President of the United States has by his commission, bearing date the same 31st day of October, invested me with all the powers, and charged me with the several duties heretofore held and exercised by the governor-general and intendant of the province.

Mr. TILLMAN. Before the Secretary proceeds further I will comment right here upon the contrast in conditions. Governor Claiborne went to Louisiana, as is stated there, in accordance with the appointment of the President, in obedience to an act of Congress, and in the notice to the country of his coming and why he came, he proclaimed that he intended to recognize existing laws and those enforcing them, and that that was his mission. The difference between that and the benevolent assimilation which was offered the Filipinos two months before they were even annexed lawfully, is worthy of the attention of the country.

The Secretary read as follows:

I have, therefore, thought fit to issue this my proclamation, making known the premises and to declare that the government heretofore exercised over the said province of Louisiana, as well under the authority of Spain as of the French Republic, has ceased, and that of the United States of America is established over the same; that the inhabitants thereof will be incorporated in the Union of the United States and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States; that in the meantime they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess; that all laws and municipal regulations which were in existence at the cessation of the late Government remain in full force, and all civil officers charged with their execution, except those whose powers have been especially vested in me and except also such officers as have been intrusted with the collection of the revenue, are continued in their functions during the pleasure of the governor for the time being or until provision shall otherwise be made.

And I hereby exhort and enjoin all the inhabitants and other persons within said province to be faithful and true in their allegiance to the United States, and obedient to the laws and authorities of the same, under full assurance that their just rights will be under the guardianship of the United States and will be maintained from all force or violence from without or within.

In testimony whereof I have hereunto set my hand. Given at the city of New Orleans the 20th day of December, 1803, and of the Independence of the United States of America the 28th.

WM. C. C. CLAIBORNE.

The governor's address to the citizens of Louisiana.

NEW ORLEANS, *September 20, 1803.*

FELLOW-CITIZENS OF LOUISIANA: On the great and interesting event now finally consummated—an event so advantageous to yourselves and so glorious to united America—I can not forbear offering you my warmest congratulations. The wise policy of the consul of France has, by the cession of Louisiana to the United States, secured to you a connection beyond the reach of change and to your posterity the sure inheritance of freedom. The American people receive you as brothers, and will hasten to extend to you a participation in those inestimable rights which have formed the basis of their own unexampled prosperity. Under the auspices of the American Government you may confidently rely upon the security of your liberty, your property, and the religion of your choice. You may with equal certainty rest assured that your commerce will be promoted and your agriculture cherished; in a word, that your true interests will be among the primary objects of our National Legislature.

In return for these benefits the United States will be amply remunerated if your growing attachment to the Constitution of our country and your veneration for the principles on which it is founded be duly proportioned to the blessings which they will confer. Among your first duties, therefore, you should cultivate with assiduity among yourselves the advancement of political information; you should guide the rising generation in the paths of republican economy and virtue; you should encourage literature, for without the advantages of education your descendants will be unable to appreciate the intrinsic worth of the Government transmitted to them.

As for myself, fellow-citizens, accept a sincere assurance that, during my continuance in the situation in which the President of the United States has been pleased to place me, every exertion will be made on my part to foster your internal happiness and forward your general welfare; for it is only by such means that I can secure to myself the approbation of those great and just men who preside in the councils of our nation.

WILLIAM C. C. CLAIBORNE.

Mr. TELLER. Mr. President, I suggest the lack of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allison,	Burrows,	Cullom,	Elkins,
Bacon,	Burton,	Depew,	Fairbanks,
Bard,	Clapp,	Dietrich,	Foraker,
Bate,	Clay,	Dillingham,	Foster, Wash.
Berry,	Cockrell,	Dolliver,	Frye,
Burnham,	Culberson,	Dryden,	Gallinger,

Gamble,	Lodge,	Mitchell,	Quarles,
Gibson,	McCumber,	Money,	Rawlins,
Hansbrough,	McEnery,	Patterson,	Scott,
Hawley,	McLaurin, S. C.	Perkins,	Stewart,
Jones, Nev.	McMillan,	Platt, Conn.	Teller,
Kean,	Mallory,	Platt, N. Y.	Vest,
Kearns,	Martin,	Pritchard,	Warren,
Kittredge,	Millard,	Proctor,	Wetmore.

Mr. MONEY. My colleague [Mr. MCLAURIN of Mississippi] is necessarily absent on account of the illness of a member of his family.

The PRESIDENT pro tempore. Fifty-six Senators have responded to the roll call. There is a quorum present.

Mr. TILLMAN. Mr. President, in further pursuance of the study of ancient history, which I was getting in shape to go to the country along with the sweet, simple tale which we had from the Senator from Michigan [Mr. BURROWS] this morning, I will not ask to have read, but I will ask to have inserted in the RECORD the act of March 26, 1804, United States Statutes at Large, volume 2, "An act erecting Louisiana into two Territories, and providing for the temporary government thereof."

The PRESIDENT pro tempore. The Chair hears no objection to the request of the Senator from South Carolina.

The act referred to is as follows:

CHAP. XXXVIII.—An act erecting Louisiana into two Territories, and providing for the temporary government thereof.

Be it enacted, etc., That all that portion of country ceded by France to the United States, under the name of Louisiana, which lies south of the Mississippi Territory, and of an east and west line to commence on the Mississippi River, at the thirty-third degree of north latitude, and to extend west to the western boundary of the said cession, shall constitute a Territory of the United States, under the name of the Territory of Orleans; the government whereof shall be organized and administered as follows:

SEC. 2. The executive power shall be vested in a governor, who shall reside in the said Territory, and hold his office during the term of three years, unless sooner removed by the President of the United States. He shall be commander in chief of the militia of said Territory; shall have power to grant pardons for offenses against the said Territory, and reprieves for those against the United States, until the decision of the President of the United States thereon shall be made known; and to appoint and commission all officers civil and of the militia, whose appointments are not herein otherwise provided for, and which shall be established by law. He shall take care that the laws be faithfully executed.

SEC. 3. A secretary of the Territory shall also be appointed, who shall hold his office during the term of four years, unless sooner removed by the President of the United States, whose duty it shall be, under the direction of the governor, to record and preserve all the papers and proceedings of the executive, and all the acts of the governor and legislative council, and transmit authentic copies of the proceedings of the governor in his executive department, every six months, to the President of the United States. In case of the vacancy of the office of governor, the government of the said Territory shall devolve on the secretary.

SEC. 4. The legislative powers shall be vested in the governor, and in the 13 of the most fit and discreet persons of the Territory, to be called the legislative council, who shall be appointed annually by the President of the United States from among those holding real estate therein, and who shall thave resided one year at least in the said Territory, and hold no office of profi under the Territory or the United States. The governor, by and with advice and consent of the said legislative council, or of a majority of them, shall have power to alter, modify, or repeal the laws which may be in force at the commencement of this act. Their legislative powers shall also extend to all the rightful subjects of legislation; but no law shall be valid which is inconsistent with the Constitution and laws of the United States, or which shall lay any person under restraint, burthen, or disability, on account of his religious opinions, professions, or worship; in all which he shall be free to maintain his own, and not burthened for those of another.

The governor shall publish throughout the said Territory all the laws which shall be made, and shall from time to time report the same to the President of the United States, to be laid before Congress; which, if disapproved of by Congress, shall thenceforth be of no force. The governor or legislative council shall have no power over the primary disposal of the soil, nor to tax the lands of the United States, nor to interfere with the claims to land within the said Territory. The governor shall convene and prorogue the legislative council whenever he may deem it expedient. It shall be his duty to obtain all the information in his power in relation to the customs, habits, and dispositions of the inhabitants of the said Territory, and communicate the same from time to time to the President of the United States.

SEC. 5. The judicial power shall be vested in a superior court, and in such inferior courts, and justices of the peace, as the legislature of the Territory may from time to time establish. The judges of the superior court and the justices of the peace shall hold their offices for the term of four years. The superior court shall consist of three judges, any one of whom shall constitute a court; they shall have jurisdiction in all criminal cases, and exclusive jurisdiction in all those which are capital; and original and appellate jurisdiction in all civil cases of the value of $100.

Its sessions shall commence on the first Monday of every month, and continue till all the business depending before them shall be disposed of. They shall appoint their own clerk. In all criminal prosecutions which are capital, the trial shall be by a jury of twelve good and lawful men of the vicinage; and in all cases criminal and civil in the superior court, the trial shall be by a jury, if either of the parties require it. The inhabitants of the said Territory shall be entitled to the benefits of the writ of habeas corpus; they shall be bailable, unless for capital offenses where the proof shal lbe evident, or the presumption great; and no cruel and unusual punishments shall be inflicted.

SEC. 6. The governor, secretary, judges, district attorney, marshal, and all general officers of the militia, shall be appointed by the President of the United States, in the recess of the Senate; but shall be nominated at their next meeting for their advice and consent. The governor, secretary, judges, members of the legislative council, justices of the peace, and all other officers, civil and of the militia, before they enter upon the duties of their respective offices, shall take an oath or affirmation to support the Constitution of the United States, and for the faithful discharge of the duties of their office; the governor, before the President of the United States, or before a judge of the Supreme or district court of the United States, or before such other person as the President of the United States shall authorize to administer the same; the secretary, judges, and members of the legislative council, before the governor; and all other officers before such persons as the governor shall direct.

The governor shall receive an annual salary of $5,000; the secretary of $2,000; and the judges of $2,000 each; to be paid quarter yearly out of the revenues of impost and tonnage accruing within the said Territory. The members of the legislative council shall receive $4 each per day during their attendance in council.

SEC. 7. *And be it further enacted*, That the following acts, that is to say:

An act for the punishment of certain crimes against the United States.

An act, in addition to an act, for the punishment of certain crimes against the United States.

An act to prevent citizens of the United States from privateering against nations in amity with, or against citizens of, the United States.

An act for the punishment of certain crimes therein specified.

An act respecting fugitives from justice, and persons escaping from service of their masters.

An act to prohibit the carrying on the slave trade from the United States to any foreign place or country.

An act to prevent the importation of certain persons into certain States where, by the laws thereof, their admission is prohibited.

An act to establish the post-office of the United States.

An act further to alter and establish certain post-roads, and for the more secure carriage of the mail of the United States.

An act for the more general promulgation of the laws of the United States.

An act, in addition to an act intituled "An act for the more general promulgation of the laws of the United States."

An act to promote the progress of useful arts, and to repeal the act heretofore made for that purpose.

An act to extend the privilege of obtaining patents for useful discoveries and inventions to certain persons therein mentioned, and to enlarge and define the penalties for violating the rights of patentees.

An act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies, during the time therein mentioned.

An act, supplementary to an act intituled "An act for the encouragement of learning, by securing the copies of maps, charts, and books to the authors and proprietors of such copies during the time therein mentioned;" and extending the benefits thereof to the arts of designing, engraving, and etching historical and other prints.

An act providing for salvage in cases of recapture.

An act respecting alien enemies.

An act to prescribe the mode in which the public acts, records, and judicial proceedings in each State shall be authenticated, so as to take effect in every other State.

An act for establishing trading houses with the Indian tribes.

An act for continuing in force a law intituled "An act for establishing trading houses with the Indian tribes." And

An act making provision relative to rations for Indians, and to their visits to the seat of government, shall extend to, and have full force and effect in the above-mentioned Territories.

SEC. 8. There shall be established in said Territory a district court, to consist of one judge, who shall reside therein, and be called the district judge, and who shall hold, in the city of Orleans, four sessions annually; the first to commence on the third Monday in October next, and the three other sessions, progressively, on the third Monday of every third calendar month thereafter. He shall, in all things, have and exercise the same jurisdiction and powers which are by law given to or may be exercised by the judge of Kentucky district; and shall be allowed an annual compensation of $2,000, to be paid quarter yearly out of the revenues of impost and tonnage accruing within the said Territory. He shall appoint a clerk for said district, who shall reside, and keep the records of the court, in the city of Orleans, and shall receive for the services performed by him the same fees to which the clerk of Kentucky district is entitled for similar services.

There shall be appointed in the said district a person learned in the law, to act as attorney for the United States, who shall, in addition to his stated fees, be paid $600 annually as a full compensation for all extra services. There shall also be appointed a marshal for the said district, who shall perform the same duties, be subject to the same regulations and penalties, and be entitled to the same fees to which marshals in other districts are entitled for similar services, and shall moreover be paid $200 annually as a compensation for all extra services.

SEC. 9. All free male white persons who are housekeepers, and who shall have resided one year at least in the said Territory, shall be qualified to serve as grand or petit jurors in the courts of the said Territory; and they shall, until the legislature thereof shall otherwise direct, be selected in such manner as the judges of the said courts, respectively, shall prescribe, so as to be most conducive to an impartial trial and to be least burthensome to the inhabitants of the said Territory.

SEC. 10. It shall not be lawful for any person or persons to import or bring into the said Territory, from any port or place without the limits of the United States, or cause or procure to be so imported or brought, or knowingly to aid or assist in so importing or bringing, any slave or slaves. And every person so offending, and being thereof convicted before any court within said Territory having competent jurisdiction, shall forfeit and pay for each and every slave so imported or brought the sum of $300; one moiety for the use of the United States, and the other moiety for the use of the person or persons who shall sue for the same; and every slave so imported or brought shall thereupon become entitled to and receive his or her freedom.

It shall not be lawful for any person or persons to import or bring into the said Territory, from any port or place within the limits of the United States, or to cause or procure to be so imported or brought, or knowingly to aid or assist in so importing or bringing, any slave or slaves which shall have been imported since the 1st day of May, 1798, into any port or place within the limits of the United States, or which may hereafter be so imported from any port or place without the limits of the United States; and every person so offending, and being thereof convicted before any court within said Territory having competent jurisdiction, shall forfeit and pay for each and every slave so imported or brought, the sum of $300, one moiety for the use of the United States, and the other moiety for the use of the person or persons who shall sue for the same; and no slave or slaves shall directly or indirectly be introduced into said Territory, except by a citizen of the United States removing into said Territory for actual settlement, and being at the time of such removal bona fide owner of such slave or slaves; and every slave imported or brought into the said Territory contrary to the provisions of this act shall thereupon be entitled to and receive his or her freedom.

SEC. 11. The laws in force in the said Territory at the commencement of this act, and not inconsistent with the provisions thereof, shall continue in force until altered, modified, or repealed by the legislature.

SEC. 12. The residue of the province of Louisiana, ceded to the United States, shall be called the district of Louisiana, the government whereof shall be organized and administered as follows:

The executive power now vested in the governor of the Indiana Territory shall extend to and be exercised in the said district of Louisiana. The governor and judges of the Indiana Territory shall have power to establish, in the said district of Louisiana, inferior courts, and prescribe their jurisdiction

and duties, and to make all laws which they may deem conducive to the good government of the inhabitants thereof: *Provided, however*, That no law shall be valid which is inconsistent with the Constitution and laws of the United States, or which shall lay any person under restraint or disability on account of his religious opinions, profession, or worship; in all of which he shall be free to maintain his own, and not burthened for those of another; *And provided also*, That in all criminal prosecutions the trial shall be by a jury of 12 good and lawful men of the vicinage, and in all civil cases of the value of $100 the trial shall be by jury if either of the parties require it.

The judges of the Indiana Territory, or any two of them, shall hold annually two courts within the said district, at such place as will be most convenient to the inhabitants thereof in general, shall possess the same jurisdiction they now possess in the Indiana Territory, and shall continue in session until all the business depending before them shall be disposed of. It shall be the duty of the Secretary of the Indiana Territory to record and preserve all the papers and proceedings of the governor of an executive nature relative to the district of Louisiana, and transmit authentic copies thereof every six months to the President of the United States. The governor shall publish throughout the said district all the laws which may be made as aforesaid, and shall from time to time report the same to the President of the United States, to be laid before Congress, which, if disapproved of by Congress, shall thenceforth cease and be of no effect.

The said district of Louisiana shall be divided into districts by the governor, under the direction of the President, as the convenience of the settlements shall require, subject to such alterations hereafter as experience may prove more convenient. The inhabitants of each district, between the ages of 18 and 45, shall be formed into a militia, with proper officers, according to their numbers, to be appointed by the governor, except the commanding officer, who shall be appointed by the President, and who, whether a captain, a major, or a colonel, shall be the commanding officer of the district, and as such shall, under the governor, have command of the regular officers and troops in his district, as well as of the militia, for which he shall have a brevet commission, giving him such command, and the pay and emoluments of an officer of the same grade in the Regular Army; he shall be specially charged with the employment of the military and militia of his district, in cases of sudden invasion or insurrection, and until the orders of the governor can be received, and at all times with the duty of ordering a military patrol, aided by militia if necessary, to arrest unauthorized settlers in any part of his district, and to commit such offenders to jail to be dealt with according to law.

SEC. 13. The laws in force in the said district of Louisiana at the commencement of this act, and not inconsistent with any of the provisions thereof, shall continue in force until altered, modified, or repealed by the governor and judges of the Indiana Territory, as aforesaid.

SEC. 14. *And be it further enacted*, That all grants for lands within the territories ceded by the French Republic to the United States by the treaty of the 30th of April, in the year 1803, the title whereof was, at the date of the treaty of St. Ildefonso, in the Crown, Government or nation of Spain, and every act and proceeding subsequent thereto, of whatsoever nature, toward the obtaining any grant, title, or claim to such lands, and under whatsoever authority transacted, or pretended, be, and the same are hereby declared to be, and to have been from the beginning, null, void, and of no effect in law or equity.

Provided, nevertheless, That anything in this section contained shall not be construed to make null and void any bona fide grant, made agreeably to the laws, usages, and customs of the Spanish Government, to an actual settler on the lands so granted for himself and for his wife and family; or to make null and void any bona fide act or proceeding done by an actual settler agreeably to the laws, usages, and customs of the Spanish Government to obtain a grant for lands actually settled on by the person or persons claiming title thereto, if such settlement in either case was actually made prior to the 20th day of December, 1803: *And provided further*, That such grant shall not secure to the grantee or his assigns more than 1 mile square of land, together with such other and further quantity as heretofore hath been allowed for the wife and family of such actual settler agreeably to the laws, usages, and customs of the Spanish Government.

And that if any citizen of the United States, or other person, shall make a settlement on any lands belonging to the United States, within the limits of Louisiana, or shall survey, or attempt to survey, such lands, or to designate boundaries by marking trees, or otherwise, such offender shall, on conviction thereof in any court of record of the United States or the Territories of the United States, forfeit a sum not exceeding $1,000 and suffer imprisonment not exceeding twelve months; and it shall, moreover, be lawful for the President of the United States to employ such military force as he may judge necessary to remove from lands belonging to the United States any such citizen or other person who shall attempt a settlement thereon.

SEC. 15. The President of the United States is hereby authorized to stipulate with any Indian tribes owning lands on the east side of the Mississippi, and residing thereon, for an exchange of lands, the property of the United States, on the west side of the Mississippi, in case the said tribes shall remove and settle thereon; but in such stipulation the said tribes shall acknowledge themselves to be under the protection of the United States, and shall agree that they will not hold any treaty with any foreign power, individual state, or with the individuals of any state or power; and that they will not sell or dispose of the said lands, or any part thereof, to any sovereign power except the United States, nor to the subjects or citizens of any other sovereign power, nor to the citizens of the United States.

And in order to maintain peace and tranquillity with the Indian tribes who reside within the limits of Louisiana, as ceded by France to the United States, the act of Congress passed on the 30th day of March, 1802, intituled "An act to regulate trade and intercourse with the Indian tribes and to preserve peace on the frontiers," is hereby extended to the Territories erected and established by this act; and the sum of $15,000 of any money in the Treasury not otherwise appropriated by law is hereby appropriated to enable the President of the United States to effect the object expressed in this section.

SEC. 16. The act passed on the 31st day of October, 1803, intituled "An act to enable the President of the United States to take possession of the territories ceded by France to the United States by the treaty concluded at Paris on the 30th day of April last, and for the temporary government thereof," shall continue in force until the 1st day of October next, anything therein to the contrary notwithstanding; on which said 1st day of October this act shall commence, and have full force, and shall continue in force for and during the term of one year, and the end of the next session of Congress which may happen thereafter.

Approved, March 26, 1804.

Mr. TILLMAN. I will just comment, as I go on, by pointing out the fact that the act of Congress which authorized the President to take possession and govern was passed in October, 1803. A period of less than six months had elapsed between the occupation and creation of the Territorial government. Congress immediately proceeded to give those people Territorial government and to erect the Territory of Orleans and the Territory of Louisiana, specifying the kind of government they were to have.

Contrast the two, and what becomes of the attempt which has been made and repeated time and again and again ad nauseam, to hold up the Louisiana cession as an excuse or example for our present war of subjugation and the holding of the Filipino people indefinitely as subjects, to erect a tariff wall between two sections of the country, one occupied by these subjects and the other by we citizens, and all of the infamies of which we on this side complain, which complaints are pooh-poohed and pushed aside as mere lip service or attempts to deceive the people. The facts speak for themselves.

It is known of all men that the Filipinos had gone to war with Spain for their independence, or at least in resistance to its tyranny, before we went to war with Spain about Cuba. It is known of all men that Aguinaldo was sent for and brought to Manila in a vessel of war of the United States, and armed or assisted to get arms by Dewey. It is known of all men that with that encouragement and assistance on our part, and with practical acknowledgment of him and his people as allies against Spain, he had, as I said a while ago, conquered the archipelago and established a government.

If the President of the United States had waited till the treaty was completed, had become a law; if we had quieted Spain's title, so as to shut the mouths of any European nation and to give ourselves an excuse not to subjugate these people, but had recognized their efforts to free themselves from an unbearable tyranny; if we had let the government then in force continue and treated these people as Jefferson and Congress treated the Louisianians of 1803, as brethren, welcomed as fellow-citizens, to be congratulated upon joining their fortunes with those of the great Republic, would we now have had this miserable, this horrible story of wrong and war and bloodshed in the Philippines? Nobody believes it.

We now come to the act of benevolent assimilation; and about the best definition I ever heard of it was the lion and the lamb who laid down together, and when they got up the lamb was inside. That appears to be the condition of the Filipino people, colored though they be, who are being shot to death in the name of liberty, against whom we are discriminating in every possible way and treating them as chattels. We will not declare any purpose toward them other than that of selfishness.

The Senator a moment ago said something in regard to our schools over there, and that we must not abandon our schools. Consider for a moment, if you please, this spectacular abomination, the grand-stand play to the maudlin sentimentalists, of collecting last summer six or eight hundred or a thousand of the best teachers, or at least as good teachers as could be got together in the United States, selected by college faculties and superintendents of education and other instrumentalities, which were certain to give us men and women of high character and attainments; and a shipload of them started across the ocean with the beating of tomtoms and a parade of headlines in our papers about civilization, and all that sort of thing being carried to our—I do not know what to call them; our subjects, I suppose.

And then I want to ask any man in this Chamber or in any locality in the United States to take this question home to his heart; to go into New England, for instance, in a township where the taxes are levied for every purpose of local government, where nothing is levied by the State, except enough to carry on the State government; where the school taxes are fixed by the local conditions and the wishes of the inhabitants of the locality. Let those school taxes be collected, not by the people of the locality, but by five men sent there from somewhere else, to legislate not only for New England, but for New York, for the difference between the population is not so great. The millions thus collected—eleven millions, I think, is the report of the Taft Commission—are to be spent and have been spent under 292 acts. Of what? Congress? Oh, no. Acts of the Taft Commission. And how do those acts run?

By the authority of the President of the United States, be it enacted by the United States Philippine Commission, and so on.

One million dollars I notice was appropriated by one act to make roads.

For purpose of comparison and to show the cloven hoof of tyrannical and irresponsible power—imperialism, in a word—I give here the enacting clause of the laws of the German and Austrian Empires. Mark the contrast, all ye who still talk of freedom and liberty as the purpose we have in view, and express content with the methods we are pursuing. One man is given as the source of authority on the Philippines.

GERMANY.

Wir Wilhelm, von Gottes gnaden Deutscher Kaiser, Koenig von Preussen, etc., verordnen im Namen des Reichs, nach erfolgter Zustimmung des Bundesraths, was folgt.	We William, by the grace of God Emperor of Germany, King of Prussia, etc., order in the name of the Empire, with full agreement of the Bundesrath, what follows.

AUSTRIA.

Mit Zustimmung der beiden Häuser des Reichsrathes finde Ich anzuordnen wie folgt.	With agreement of both houses of the Reichstag I find it to direct as follows.
FRANZ JOSEF.	(Signed at end) FRANZ JOSEPH.

But to get back to my schools. Suppose the taxes thus collected in a New England community, or any American community, or any liberty-loving community under the sun—collected at the point of the bayonet, mind you—are to be spent, as these are, to educate the children of Filipinos, and lo and behold, when the Filipino child, who knows nothing about English, goes into the schoolroom furnished him by his benevolent assimilators, he knows nothing about the tongue of the teacher. How are they to understand each other? He or she speaks only English.

Take the matter home to your bosoms and your souls, if you have any left, and consider for a moment what you would think about such benevolent assimilation or such travesty upon liberty and decency and justice. Yet that is the system which the self-complacent Senator from Michigan declares meets his full approval, and judging by the votes of his State I presume it meets the full approval of the majority of the citizens of Michigan. God have mercy on their pusillanimous souls! English-speaking teachers, who know no Spanish, to teach Filipino children, who know nothing but their native tongue, and the Filipinos to pay the taxes, amounting to a million and a half dollars, for that one shipload of teachers who have gone over there to spread the blessings of liberty and civilization and religion.

I did not get up to make a speech. If the Senator from Michigan had allowed me to put these historical documents in along with his Taft Commission proclamation, his Presidential definition of liberty, and all that kind of thing, I should not have said a word. But I do not wish that record to go out to the country with his special pleading and with his one-sided statement of pretenses and purposes and of so-called facts uncontradicted. I apologize to the Senate for having intruded on it this long to revamp some more ancient history connected with the glorious pages of our early Republic, when its people loved liberty and had not learned to cant and whine and play the hypocrite.

Mr. MONEY. Mr. President, the other day the distinguished and able Senator from Oregon [Mr. MITCHELL] made an elaborate exposition of his views upon the question of holding the Philippines. I was unable to hear him in full because of the visit of a number of distinguished Mississippians here, to whom I had to devote myself a good deal, and when I came in to hear the last part of the Senator's remarks I caught only a few of them, because I was unable to hear him, to my regret and my misfortune.

This morning I had brought to my attention, however, the RECORD, which I do not read. There are some parts of the remarks made by the distinguished Senator from Oregon to which I desire to call attention, and I desire now to make a brief reply to him. It is not what he said concerning me, which was very kindly said. He said that I had said that there were many things that I would omit and many I would insert in the minority report, but that I did not state what they were. I had attempted to state, in response to an inquiry from the senior Senator from Maine, what my views were individually, without any responsibility to anybody or speaking for anybody, but in my own behalf, simply what I thought about it.

But I find here some remarks that the Senator from Oregon made in criticism of the very able speech delivered by the Senator from Washington [Mr. TURNER], and I will read that part to which I expect to allude briefly. I only intend to speak on this single point, because the Senator has made it the focal point, and the whole thing hangs by this, according to his own phraseology. The Senator said:

But I deny the claim of the distinguished Senator—

Referring to the Senator from Washington [Mr. TURNER]—

But I deny the claim of the distinguished Senator as to the assumed fact. I deny that the Filipinos had, prior to the fall of Manila, ever succeeded to their independence. The indestructible facts of history will not sustain the assumption of the Senator. I deny that they had ever at any time prior to the fall of Manila established an independent government. When did Spain recognize their independence? When did any other power on earth recognize their release from Spanish sovereignty? When did either Spain or any other of the great powers ever concede that they had achieved their independence or established an independent government? The utter fallacy of the whole argument of the distinguished Senator abides in his assumption of an alleged fact which never had any existence.

This is the clearly discernible vice, this is the deadly "fly in the ointment," which utterly destroys the very plausible argument of the distinguished Senator. Any claim, therefore, that there is any defect in our title to the Philippine Archipelago, based on the strange suggestions of our Democratic friends and so strenuously insisted upon by the distinguished Senator from Washington in his recent speech, that at the time of the Paris treaty the Filipinos were in possession of those islands and had conquered Spain and secured their independence and established an independent government of their own, is wholly barren of support.

As a matter of fact, those people, so far from having achieved independence and established an independent government of their own, had not been even urging a war for independence. They were professedly contending with Spain for other and wholly different purposes than that of independence.

Then he goes on to state that—

Their independence had never been recognized by Spain, the United States, or any other sovereign power of the world, and by the universally accepted rule of international law until this is done the territory remained under the sovereignty of Spain and the people were subjects of Spain.

Now, I wish to call attention to this fact. It is not the de jure but the de facto government that has always been recognized. The United States Government has particularly supported that theory. In all its relations with the new sovereignties of the world, it has been prompt to accede their sovereignty or their independence, as it is called, and to recognize belligerency, because the United States themselves owe their origin to the throes of a revolution. When the Senator says that we had not recognized the independence of the Filipinos, nor had any other sovereignty recognized them and, therefore, that all our assumptions falls to the ground, he is very much mistaken, in my humble judgment.

For two years we were a de facto government. For two years we had a Continental Congress. For two years we marshaled our squadrons in the field, and for two years we maintained ourselves against the power of Great Britain. Yet in that two years there was no recognition, and we ourselves said in the Declaration of Independence two years after the conflict had begun, or rather we said up to that time, and we said in that paper that we were the most loyal subjects of Great Britain; that we were not fighting for independence, as the Senator says the Filipinos were not fighting for independence. He says they were fighting for certain reforms. We were fighting for certain reforms. They were fighting for the expulsion of the friars and a good many other amendments of their government, and we were fighting for one thing, for representation to accompany taxation. It is true literally, as the Declaration of Independence cites, that we were spurned from the foot of the throne in preferring our petitions to the Crown, and we were assuming and declaring in every one of those petitions that we were the most humble and devoted and loyal subjects of George the Third. Now, that was the case. There is the historical parallel here.

Then I want to say to the Senator also that in anything that I have said, or as I believe that was said by the Senator from Washington [Mr. TURNER] and by others who have spoken on this side, there is no intention to challenge the right of the United States as against the world, according to international law. That is an assumption of fact by the Senator from Oregon which is not shown. There was no other party that had a claim except Spain. How could any other party come in but Spain?

Mr. MITCHELL. May I ask the Senator from Mississippi a question?

Mr. MONEY. Certainly.

Mr. MITCHELL. When does the Senator from Mississippi say that the sovereignty passed from Spain to some government there?

Mr. MONEY. My answer to that will be included in the remarks I was about to make.

Now, Mr. President, there is no contest here with any other power about our right. If we go before an arbitration contesting the right of Germany, France, or any other government, the arbitrator would simply say that according to international law the United States has the title. But in this Senate, when we are considering among ourselves what our country ought to do for its own sake, as well as in justice to aliens, we are not considering international law, nor whether any power on earth has recognized the independence of the Filipinos, but we are considering the high law of morality and justice and liberty.

We, as a nation, devoting ourselves to liberty, have stood as a brilliant example to every struggling people on top of the earth for national independence. We are not to consider whether international law would give us a title to the Philippines as against any other power, but whether we are to adopt or not a certain policy, whether we are to adopt or not certain principles, which go against every profession of liberty we have ever made, either in this Congress or elsewhere. That is the question, and not the other. So we are to consider, then, the question of our right to the Philippines not upon a question of international law, not upon a question of recognition of independence.

Now, it might be very well said that we did have to be there recognized, if we chose to have a responsible government. We had there a government which was proclaimed first as the dictatorship. That was before the protocol was signed some months. Then we had, after three days of that, the provisional republic. That provisional republic had its provisional president. It had its congress by election, and the statistics show that that congress was fully capable of performing all the duties that devolve upon the congress of any people in the world, as far as written instruments can go, and I say that the state papers of Aguinaldo, the

provisional president of the republic, are equal in dignity and force and clearness, and in truth and in majesty and the assertion of the principles of national independence, to any that were ever framed, here or elsewhere.

The fact is that they had a government de facto, the very kind of a government that this country has been the first always to recognize, and was so anxious, indeed, to recognize them that we sent ministers through the South American continent hunting up the peripatetic homes of revolutionary governments to give them some sort of recognition by accrediting a minister to them. In every instance we have been the foremost, even sending a gentleman of the highest distinction to Hungary in its revolt against the Austrian Government to ascertain the extent of the revolt and whether it was of sufficient importance to justify our recognition of belligerency.

We have been foremost in every instance. In the Old World it has been different, where families were supposed to rule by divine right. Then the de jure government was recognized long after its efficiency had departed, until nations were compelled by the necessity of commerce alone, if by nothing else, leaving aside any question of diplomacy, to recognize the de facto government.

So the Filipinos had a government that was capable of recognition, and that is the only point that we are to consider—whether they had a government that was performing its obligations to its citizens and capable of performing them to the whole family of nations into which it was about to enter.

Now, the testimony that we have from our own officials upon the islands is that Aguinaldo had established his provisional government; that they had a tentative constitution and a series of laws, and also that they had established courts throughout the whole islands; that affairs were being administered without objection by the inhabitants, and nobody else was concerned. We hear of no single instance of revolt nor of dissent against that government among the people. The processes of the courts ran throughout the whole islands. Schools were established. The taxes were regularly collected, without, as far as we are informed, any dissent. They were performing all the functions of government in all the various forms of the executive without any sort of dissent from anybody that we know of. And that was before we had signed the protocol with Spain.

So the Senate, I think, will see that the controversy had not turned upon the point which is assumed to be the vital one, but totally disregarded it. It does not come into the controversy at all. There is no other party extraneous to ourselves and the Filipinos to make any claim there whatever. It is only a question that we are to determine here for ourselves what is just and honorable in a great liberty-loving nation to do with a late ally and a people struggling for national independence. In my opinion they are just as much entitled to it as any other people who ever struggled for independence.

How long did we wait after seven years of struggle before we received recognition? How long did the Constitution of the United States remain before it was ratified by the States of Rhode Island and North Carolina? About two or three years. This Government was a government de facto when it could put armies in the field and maintain them, when it could perform the functions of civil government through the courts and through the disbursement and the collection of taxes. It became then a government de facto.

As I said, we have universally been the first to recognize the de facto government everywhere, insisting upon what is now a common rule of international law, but which formerly was not.

So it devolves upon us to consider what is right in the case, not what title we might acquire, however surreptitious, however bad in morals or in principle, but what have we got and what relation ought we in good conscience and in good faith and in honesty to sustain to those people who so lately had assisted us in their feats of arms.

The Senator says there has been no struggle there for independence. I will cite him to our own case, where for two years we were an humble suppliant at the foot of the Throne, signing ourselves the most loyal and obedient subjects of King George.

But, Mr. President, the facts remain that all through the months of February and March and in April, after Admiral Dewey sailed for the Bay of Manila, the contest was going on and was a struggle for independence. It was so declared when Aguinaldo was brought from Singapore to Hongkong and put in the care of Consul Wildman and then brought out to Manila. He came there to congregate in one the different insurrectionary bands who were besieging the Spaniards in every garrison in the islands. He began then a movement for independence. Whatever the war had been waged for, it was no longer in doubt what they were contending for. That was before we had any claim to the islands whatever, by treaty or by conquest or otherwise.

As a matter of purely historical fact we all know that the Filipinos had driven the Spaniards from every single garrison except that of Manila. We all know that when the first troops landed under General Anderson, when the fleet of Montijo was sunk in the harbor of Cavite, the city was beleaguered, and the first American troops were landed, and the Filipinos were moved farther from the interior that they might be nearer our ships. That was done, and they stood shoulder to shoulder in the same trenches, and the city of Manila was held by the united forces of the Filipinos and the Americans. We all know that a joint expedition sailed to Subig Bay; that the squadron of the Filipinos floated their flag; that the squadron of the Americans floated their flag; that the fort was soon reduced; that the only terms the Spanish commander made was that he should not be turned over to the Filipinos; that he was promptly turned over to the Filipinos, notwithstanding that engagement, with 14,000 other prisoners, and they were held by the Filipinos.

Now, the Senator says that they made war upon our troops by firing upon some of our soldiers. That was very opportunely two or three days before the treaty was to be voted on here, so opportunely that it changed exactly enough votes to carry through the Spanish treaty.

I had read in the Senate a letter from a young gentleman in the ranks who had joined one of the regular regiments going through San Francisco, a young gentleman of intellect and education. Writing on the 24th day of December, he said that a single shot would bring on a general engagement, and that it was hourly looked for. But it is singular that an engagement should be brought on by those people firing upon our flag when nearly every single general in the Philippine army was inside of our lines at a ball.

You have got to take these historical facts and put them together before you can assign a motive, for the motive is the whole thing. You must consider with what assiduity Aguinaldo addressed himself to the task of piecing up the breach that had occurred; how he proposed to make a neutral zone and withdraw his troops to any extent that the American commander might design; and preceding that we had the spectacle of these two armies lying side by side, and Aguinaldo furnishing, upon repeated requisition from our forces, bullocks, carts, horses, fuel, forage, and everything else. "My dear General Aguinaldo" was furnishing all these things to us and fighting side by side when the time came—the day after the protocol was signed—on the 12th of August, the city, after a sham fight, surrendered upon the understanding that the Filipinos were not to enter. Why? The Spanish said they would plunder and loot the city. In other words, the Filipinos were to loot their own city and the Americans—the strangers—were to be intrusted with it. That was all there was of that.

The excuse was so paltry and so pitiful that I think every American ought to blush for it. Her people could not be trusted at their own capital city, where they themselves resided with their families and their friends, and strangers to them were permitted to take occupation, for fear there would be some looting going on.

We did not see anything of that sort in China. There the Japs, who broke the wall first in the only two attacks upon fortified cities, distinguished themselves by their valor, and lost more men in killed and wounded than the whole white contingent put together, were the only people who preserved discipline and refrained from looting and from pillaging. So I think in this case the brown race could have been intrusted with their own city, their own household, as well as could the foreigners, who afterwards abused the liberty which their friendship had admitted them to.

So it will be seen, Mr. President, that this side of the House has not proceeded upon a false assumption of alleged fact, to use the language of the distinguished Senator from Oregon [Mr. MITCHELL], but it has proceeded upon the true conception of what the duty of this country ought to be in the premises, whether we ourselves can afford to deal faithlessly with those people, not regarding their future, but our own.

Now, the Senator says that we can not abandon this condition of things in competition with the other powers of the world in civilization. For heaven's sake, what have we to abandon that we are in competition with? Are we in competition with the balance of the world in subduing distant peoples to make them subjects? Is that the great competition? Ought we to strip for such a race as that? Ought we to strip ourselves of every principle that has adorned the American history heretofore? We are to pull off our sandals and gird up our garments to run the race with the robber nations of Europe in seeing who can go farthest in the conquest and subjugation of people 9,000 miles away, with whom we are not in the least bit concerned. No man has ever shown where the prize is. What is the compensation for all this?

If we take the Senator from Oregon, who is a very distinguished man, upon his ground, we will agree with him that there can not be any controversy before an arbitration of any foreign governments as to our international-law right to the Philippines. But that is not the question we have undertaken to discuss at all. The question what we are to do with these things is to be argued out

here among ourselves, with no third party to the transaction at all. The question is whether the American Senate and the House of Representatives and the Executive, including the coordinate branches of the whole Government, will continue to do a thing which has shown itself so unprofitable; whether, in other words, we are doing right now or ever have been doing right.

It is useless for people to say that nations have no morals. It is useless to say that any nation can commit a wrong without its feeling at some time the full effect of it. It can no more do it than a man can. Every man who commits a wrong against another and every nation which commits a wrong against another wrongs itself more than the other. It will feel some time or other the effect of it, for the trangression of the law is followed always by the penalties of the law.

Now, we have undertaken to find out here, if we can, what is the best thing we can do for ourselves, not for the Filipinos. As I stated here the other day in a speech I did not expect to make, there is nobody here who cares anything about them—not a solitary thing. The question is, what are we going to do for ourselves? We have expended some $250,000,000—$350,000,000, as is suggested to me by my friend from Georgia [Mr. BACON]—and we are expending, I understand, at the rate of a million and a half a week. We have put ourselves in an attitude that our present strength, military and naval, must go to that weak point in case of war with any other country, and we do not know when that will occur. However fair the horizon now, the cloud, like a man's hand, may rise at any moment. What was more unexpected than the Spanish war six months before?

That reminds me that it has been stated here to-day that this side of the House was very precipitant to go into that Spanish war, but very reluctant to enter into the other. It is the very highest compliment that that distinguished Senator can pay the Democratic party on this side of the House, because we went into the war to rescue a people from starvation and from tyranny, and you have entered into a war that has no such purpose nor any akin to it, only for self-aggrandizement. This pretense of securing a better government than they have is simply preposterous. It does not rise to the dignity of a second-class article of nonsense. However we may think of those people, and I myself do not believe they have the capacity to share with us in the civic burdens that our citizenship imposes, yet they are sufficient unto themselves.

They can govern themselves in some manner. They can govern themselves as well as the protectorates in the Malacca Straits Settlements and different English protectorates all over the globe, and also a great many other independent nations of the globe. We are accustomed to pronunciamentos and revolutions everywhere. They are matters of daily account. We ought not to continue in the course that we find detrimental to ourselves simply because of an assumed responsibility toward another people, and we are so tender and conscious of that responsibility to those people that we inflict upon them governments which they would never choose of their own choice. I wish to-day there might be a ballot taken on the island of Luzon to see whether those people would prefer to return to Spain or stay with the United States. I should like to get from some authority there that could be respected something of the opinions and real feeling of the people who inhabit the Philippine Archipelago, especially the Christians, the Visayans, and Tagalogs, as to what they thought of this attempt to give them a better government.

Why, Mr. President, our war there is simply like putting out a fire in one place and having it break forth in another. This war will not be ended in our day. I stated in a speech I made upon the Spanish treaty, when we were calling home the volunteers from a few months' war, that we should have to enlist a larger number of volunteers in a war that would last indefinitely. Not one of you would have any respect for a man living in the Philippines who did not resist with all his might the attempt to place him against his will under another government. Who is willing to say that, if he were a Filipino, he would not do his very best for Filipino independence?

I know how we regarded the Tories of the Revolution, and yet the Tories of the Revolution comprised one-third of the population of the united provinces. They not only comprised one-third of the number, but they comprised very largely the greater share of the wealth of the country. They were the older people, who were supposed to be the best informed; they were the commercial people, and many of them had such a profound distrust of their fellow-countrymen that they speedily left the provinces when the war had concluded.

There may be some commercial people also among the Filipinos. There never yet has been a country that did not have its traitors, and we do not know how far commercial interests will control people and how far they will lead people who are for conquest and dominion. If we could strip ourselves of all ideas of commerce and resolve this question down to one of fact, of morality, and of justice, I think this Chamber would speedily change its conclusions on this subject. We can not, however, it seems, rid ourselves of all the burden of a certain public opinion of a certain class of people, but we can continually make protests against an obvious wrong, and we can continually appeal from the votes here to the awakening conscience of a great people.

They may be, in the delirium of military success, capable of doing things they would not do in a more sober moment. To that sober people this side is entitled to have always the privilege of appealing. We make no war on the Government; there is nothing here that can be construed into anything of that sort; but certainly we can here, upon the question of policy that so deeply and vitally affects the American people themselves, discuss dispassionately a question that goes to the very roots of free institutions and of government and liquefies the solid pillars which support the popular institutions of this country.

We have had scenes in this Chamber which were not characterized as traitorous when leading Senators from the North stated that the war with Mexico justified secession. We have had Senators and Representatives from that section of the country say that the war of 1812, the second war for independence, justified secession. We have heard it said from the pulpit in that section that if it were left to the voters, 99 out of every 100 respectable men would rather go to Great Britain than enter into the abysses of war with the English people; and there was a Northern governor who made proclamation that his Commonwealth would not concede the right to the President to order out the troops as the quota of Massachusetts against the country from which we are descended and whose religion we have. Nobody talked about traitors then.

Men must express their views here fairly, or there will never be any righteous or any wise conclusion. Let us forget that there is such a thing as Executive patronage, and we shall have gone halfway toward a settlement of every one of these troubles. Then let us remember—having forgotten that much—that there is something due to conscience, something due to morality, and we shall accomplish the balance of it. There is no difficulty except that which we make ourselves.

It is said that it is impossible for us to cut loose from the Philippines, or to retreat, or to scuttle, to use these phrases. I recollect in one of Scott's novels his heroine, Di Vernon, said to her halting cousin, "There is no such word as 'impossible.'" Things only are impossible because they seem to be so. There is no difficulty when we honestly try. We are not ruled by justice here to-day, but we are here to make difficulties; we are here to put obstructions in the plain, straight road of duty; we are here to dig ditches across the highway that will lead us to a safe harbor; we are here to place obstacles when we ought to remove them; and I feel sure this Senate is not going to do anything else but to continue this policy just as it has been marked out—a policy that has not been justified by a single day in the history of this country, a policy that has been denounced by every important instrument, by the Constitution, by the Declaration of Independence, by every oration delivered on the hustings, in the forum, in the Senate, and everywhere else, in favor of liberty when any other oppressed people of the world were struggling for the same blessings which we enjoy.

We are going right on. There has been a tremendous change of front in these United States. That is all there is about it. We are marching forward, extending foreign trade, and forgetting the claims of people struggling for national independence. We have heretofore been hunting for excuses to acknowledge belligerency and to justify military intervention, but now we turn our backs on everything we have ever said or anything we have ever done. Is there any reason why we should do it? Will somebody tell me where our compensation is to come in?

The other day there was a convention between Japan and Great Britain as to the preservation of the Chinese Empire against certain European nations that are said to have designs upon it, and the newspapers said that the American Executive looked favorably upon that convention. I hope he does; and yet we have had the argument here as one of the main reasons for taking possession of the Philippines against any moral right, as I say, that they will afford us a base of operations when the dismemberment of the Chinese Empire shall take place, so that we may claim our share. It is all greed, it is all lust of conquest. Morality has been relegated to the limbo of old curiosity; justice is no longer spoken of—

> O judgment! thou art fled to brutish beasts,
> And men have lost their reason.

The whirlwind of military excitement, the sudden fanning of the flame of military ardor of a great people like this has made a vortex that envelops us. The result is that we have not yet emancipated ourselves from the glamour of military successes in the East and in the West. We have been incapable of fair judgment. Philip has not yet become sober; but the appeal will

continue to be made to him until he is sober; and when that time comes I have yet enough faith in the liberty-loving character of the American people, in their sense of justice, in their conscience, and in their morality to believe that they will undo what we have been doing.

Mr. MITCHELL. Mr. President, just a word or two in reply to the remarks of my friend, the distinguished Senator from Mississippi [Mr. MONEY]. He undertook to defend the position taken and argument made a few days since by the Senator from Washington [Mr. TURNER], and also to demolish what little I said in reply to that argument. But the Senator from Mississippi, after announcing his position and what he was about to do, very rapidly gets away from the main point at issue, and submits an argument upon an entirely different subject, insisting that international law has nothing whatever to do with the question under consideration.

Mr. President, there was but one point in the argument of the Senator from Washington to which I alluded or which I undertook to answer, and that was the position taken by the Senator from Washington to the effect that at the date of the fall of Manila, and consequently, of course, at the date of the Paris treaty, sovereignty had passed from Spain to the Filipinos; and that, therefore, we had no title to the Philippine Archipelago at the date of the fall of Manila, either by virtue of our victory over Spain or yet by virtue of our treaty with Spain afterwards consummated.

That was the argument of the Senator from Washington, who stated in substance and effect, if not in so many words, that we had no title to any part of the Philippine Archipelago for the simple and sole reason, as alleged by him, that the Filipinos had achieved their independence prior to our victory over Spain, and that, therefore, nothing passed to us by virture of that victory nor yet by virtue of the treaty of peace.

That is the position, and the only position and argument, of the Senator from Washington that I alluded to or undertook to answer. My reply was in effect, first, a denial thereof, and, in the second place, as the reason for that denial, that they never had achieved their independence, that they never had been recognized as an independent government, either de jure or de facto, either by Spain or by any other power in the world. Consequently, the argument of the distinguished Senator from Mississippi, based upon the proposition stated by him, that international law has nothing whatever to do with the question now before the Senate, can not stand.

It has very much to do with it, when we consider the argument of the Senator from Washington; it has all to do with it when we consider the position taken and the argument made by the distinguished Senator from Washington; because, if his position is true, if his argument is correct, then—as I stated before—we took nothing by virtue of our victory over Spain; we took nothing by virtue of our treaty of peace, because our victory, in the first place, was not a victory over the Filipinos.

We were not at war with them. Our war was with Spain. Our victory was over Spain and not over the Philippines. Our treaty was with Spain and not with the Filipinos. Consequently, if Spain did not own the archipelago, as contended by the distinguished Senator from Washington, at the date of that victory, and at the date of that treaty of peace, of course we took nothing by virtue of either under the principles of international law and of common sense as well, because all will concede that no government can cede away that which does not belong to it.

Now, the distinguished Senator from Mississippi puts in a claim to the effect that it was not necessary that there should be any recognition by any power. I do not and did not claim that necessarily there should have been a recognition by Spain. I simply stated that there had been no recognition by Spain. I do not think that would have been necessary, but there must have been an established government and a recognition of that government at least by the universal acquiescence and acknowledgment of the great masses of the people themselves; and, if I read history aright, there was no such recognition by the Filipinos themselves of any government, either de jure or de facto, prior to the fall of Manila. In order to operate, to transfer sovereignty and with it all property included in such sovereignty, a people engaged in rebellion must show they have conquered the government against which they have rebelled and established a government of their own and have the ability to maintain it.

But, aside from that, what does the argument of the distinguished Senator from Washington and the distinguished Senator from Mississippi, who has just taken his seat, mean? If you are right, if your position is correct and your argument good, then we have no business to have any dealings with the Filipinos or the Philippine Archipelago at all. We never owned them—I mean the islands; that is your argument—they never came to us, and they are not ours, according to the position you assume. Consequently, we have nothing to do with them if your argument is sound.

Was that argument ever made when the treaty of peace was under consideration in this body? I was not then here, but even if I had been I do not suppose I could state, for I assume it was done in executive session; but I take it that no such argument was ever made here at that time. Of course, I do not know personally, as I say. On the contrary, some of our Democratic friends—not all—voted for the treaty of peace. Why? Would they ever have voted for the treaty of peace if they believed that Spain had nothing in the archipelago to sell at the time we made that treaty?

Mr. RAWLINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Oregon yield to the Senator from Utah?

Mr. MITCHELL. Yes.

Mr. RAWLINS. I rise simply for the purpose of correcting a statement the Senator has made, that no one on this side took the position that we had no moral right to assert sovereignty over the people of the Philippine Islands.

Mr. TELLER. And on the other side, too.

Mr. RAWLINS. But the position was taken by many Senators in speeches both on this side and the other side; and quite a number, I think, on both sides of the Chamber took the position that the ratification of the treaty itself, under which Spain purported to convey her rights to the Philippine Islands, did not bind us to any course of action, and that it would be our duty, as it would be to our interest, to see to it that the Filipinos secured their independence upon the ratification of the treaty.

Mr. MITCHELL. That is an entirely different proposition, Mr. President, and it is an open question yet, I take it, as to what we shall ultimately do with the Filipinos and the Philippine Archipelago.

Mr. TELLER. Will the Senator allow me to say a word?

Mr. MITCHELL. Certainly.

Mr. TELLER. It was challenged upon the other side of the Chamber repeatedly that we could not buy sovereignty under any circumstances whatever, and the answer to that was from the other side of the Chamber and from this that so far as those of us were concerned who supported the treaty—and I was one originally—this was a matter to be disposed of after the war had ceased to exist between us and Spain. Our anxiety was to close the war, which would technically exist until we ratified the treaty.

Mr. MITCHELL. Of course we could not buy sovereignty as something separate and alone. Sovereignty is not a thing to be bought or sold, except as it passes with and attaches to property—an island or a continent—which is the subject of sale, and nobody contends otherwise. When, however, we deal with a nation in reference to certain property supposed to be owned by that nation, then, for the purpose of determining the question of title, we must consider the question of sovereignty. The question is, Who owned the archipelago at the date of our victory over Spain and at the date of our treaty? The Senator from Washington and the Senator from Mississippi contend Spain did not, but some government in the archipelago did. This I deny.

If the Filipinos had achieved their independence prior to the close of the Spanish war, as contended for by the Senator from Washington [Mr. TURNER] the other day, and by the Senator from Mississippi [Mr. MONEY], who has just taken his seat, then I concede that archipelago did not belong to Spain at the time we achieved our victory and at the time we made our treaty of peace, and consequently we took nothing.

So, after all, Mr. President, the position assumed by the two Senators, to whom I have referred, simply amounts to this: That we did not have at the time of our victory and at the time of our treaty, and consequently do not have now, any title to the Philippine Archipelago or any part of it. This is the legitimate conclusion to which the arguments of the distinguished Senators lead.

Mr. MONEY. Mr. President, the speeches made upon the Spanish treaty set forth very fully the views of this side of the House. It is true that some Senators on this side voted with the majority on this subject, that the treaty should be ratified in the very language in which it was referred to us. The only contention on this side was that the language in article 3 should be in the same phraseology as that used in article 1, applying to Cuba, being a temporary possession for the purpose of passing over the rights of sovereignty to a government already organized. That was decided against this side by a majority, I believe, of two votes.

I alluded on a former occasion to the manner in which those two votes were procured. I do not think there was a man in favor of the treaty who believed that morning that the treaty would pass. Notwithstanding, we treated it as a question of morals, and not, as I said a while ago, as a question as to the good of the Filipinos, for we were more concerned about the rights of the people at home than we were about the rights of people abroad.

At the same time we could not help feeling a generous sympathy, if I may so call it, for any considerable number of people

struggling for independence; and as we had participated with them jointly as allies or confederates, or whatever you may term them, in the endeavor to shake off the yoke of their oppressor, which they had substantially accomplished without our assistance, except so far as the battle of Manila Bay was concerned, then the question addressed itself, at least to some of us, as to whether we had the right in morals to assume sovereignty where we had none; whether in fact this Government could afford to hold any people subject to its will and against theirs; whether it was true, as pronounced in the Declaration of Independence, that all governments are founded upon the consent of the governed; whether we had been justified during our one hundred and twenty-five years of glorious history in giving our sympathy and moral support to every people who had struggled for liberty anywhere.

These questions come up, and with them the cognate question of what was to be done with those people, the difficulties that would be encountered in ruling them, and the objections to their admission to citizenship on account of the peculiar construction of the oriental mind. I said even then that I believed them incapable of our kind of government, but I have never said, and I do not believe, that they are incapable of self-government, that is, a government according to their ideas of government, that will work out according to their mental, moral, and spiritual wants through generation after generation of their forefathers.

I believe now that, whether the government which would subsist there if we should withdraw our troops could be characterized, in the language of the President, as murderous anarchy or as a free republic, it devolves upon us simply to absolve ourselves from an onerous duty that does not belong to us by Providence, by destiny, or by any power except our own will; to rid our people of enormous taxation and from the still greater danger of the threatened peril of introducing here into this free Republic the idea that imperial or autocratic power can be conferred by the Congress of the United States upon the Executive; and it is a question whether we are to survive the experiment that is being made with them when we have not yet shown ourselves entirely capable of settling all the problems which have risen within our borders.

These are the questions that address themselves to our minds, not, as I said, because we love the Filipinos less, but the Americans more; not that we are not concerned in companies organized to exploit the woods and the commerce and the mines of the Philippines, but because we are concerned in the perpetuity of free institutions in America. It was the question whether we were to transmit to our posterity, untarnished and effective, the institutions we received from our sires. These were the vital questions which addressed themselves to us, and to them we solemnly addressed ourselves.

This quibbling about title was not the thing. The debate was not upon any such point as that, and it has not been yet. It is a mistake to suppose that any debate upon technicalities here can hide the true character of the debate carried on in this Chamber. At last the reason and the conscience of the people must see that there were great questions at stake that will involve the character of this Government at home. The rot at the circumference will after a while surely reach the center. You can not safely invest anybody, not even St. Paul himself, fresh from the sermon on Mars Hill, with immense authority and no responsibility; and that is exactly what we have done.

There is throughout this whole business a steady accretion of executive power and a steady delegation of power by Congress to the Executive. We foresaw the consequences three years ago, prior to the ratification of the treaty. They were pointed out as clearly as the noonday sun. It was stated as precisely and as accurately then as it has been shown to-day what the consequences would be. We have persisted, however, because some people said we could not retreat. They might just as well have said that we could not drop a red-hot bar of iron which we had accidentally picked up. We can do what we please, and if it is so that we can not do what is right, then the beginning of the end has come.

Rome was never greater nor grander than on the brink of her fall. It was then that the Roman senate had lost its authority, had lost its independence, and met regularly in the curule chair, with the scepter, to respond to the rescript of the Emperor and not to speak the wish of the people of Rome; and this Senate, I am sorry to say, and I hope I am not violating parliamentary law when I say it, is fast assuming that attitude toward the Executive.

We are the guardians of popular liberty as much as is the House. In all of the great questions that involve the constitutional liberties of this people, in all that involves the natural and inherent and inalienable authority and powers and liberties of this people we are the constitutional guardians. We are here to see that the three coordinate branches of government are confined strictly within their limits, and yet we have the spectacle of the Senate and the House giving away the authority of the representatives of the citizens of the sovereign States of this Union to the Executive, and the Executive calling for more, like the horse-leech's daughter.

Not satisfied with the autocratic power already given him, another bill is to be soon introduced, I am told, by the same gentleman, to give him the right to say which of two canals he will take, involving in it the right to tax a hundred or two hundred million dollars, more or less, as he may choose in his judgment. Everything is slipping away. That "eternal vigilance is the price of liberty" is one of the maxims of the ancients, and that was the crystallized expression of their experience. The failure of every republic that ever existed—and the shores of time are strewn with their wrecks—has been due to the failure of men to govern themselves, by the fact that the authority slipped from the hands of the many into the hands of the few and ultimately into one.

I know there is no bugle blast long enough to bring you back to the constitutional duty imposed upon you. I know very well that what the President wants he will get. I do not reflect upon that distinguished official. It is the tendency of the time. It is the effect of that of which Sam Adams wrote to Richard Henry Lee after the adoption of the Constitution, when he declared, "Our people are now simple and virtuous and love liberty, but I fear the time will come when they will get rich and love their riches more than their liberty." It has been the fear which has haunted the mind of every patriot since this organization was made. It is justifying what Alexander Hamilton said, that the people were incapable of self-government; what Mr. Sedgwick, of Massachusetts, said in the Senate Chamber; what Robert Sherman, of Connecticut, said. It is a prediction that has been made from the beginning, and we, unhappily, when these times are out of sorts, are called upon in our conduct to verify that prediction.

This side of the House, I believe, has labored earnestly for the benefit of American institutions, of American liberty, of the principles of justice and morality; and without these no country on earth can long maintain itself as a republic. What other people have done concerns us only in the example which it affords us. What empires may do, what autocracies may do, what aristocracies or paternal governments may do is one thing. They may do things and prosper, but what a republic may do, based upon the will and capacity of every man to govern himself and help to govern others, is a totally different question. They can not follow with impunity the course of other nations. They must each one trust to themselves; and we will find before we terminate this experiment that the saddest day of American history was when the Spanish treaty was signed. We will then recollect that—

> Of all sad words of tongue or pen,
> The saddest are these: "It might have been!"

And yet we will endeavor to divest ourselves here individually of responsibility by saying that we are standing with our party; that we are obliging somebody; that we have not studied the question; that we are ashamed to go back when we find we are wrong; that we can not withdraw the flag; that no one should pull it down where it has once been put up, although that has been done over and over again and always will be. It is not dishonor to the flag. The highest honor I can pay the flag of my country is to pull it down when it is in the wrong place.

The greatest duty we owe to ourselves is to consider what the American people are to suffer or enjoy by this forced relation with a people 9,000 miles away, absolutely discordant with us in all their ideas, incapable, as you have declared in a resolution which you passed simultaneously with the treaty, of becoming citizens of this country.

Then what are they? Some one said here the other day, although I have forgotten who it was, that a citizen and a subject were the same thing. A subject can be a citizen, but also a man can be a subject and not a citizen. A man can be the subject of a country and enjoy none of the privileges of citizenship. The Roman power covered the world, from burning sands to frozen snows, and the Roman eagle flew as the emblem of the authority of that gigantic power. Were they citizens? It was the crowning honor to a distinguished subject of Rome to be made a Roman citizen, and to be a Roman citizen was more than to be a King. The two words are entirely different. They have not the same meaning, and if the Filipinos are never to be citizens, then what can they be but subjects? You have differentiated the two terms. You must stand to your own definition one way or the other.

Then, in the name of common sense, of common patriotism, of common honesty, of the commonest sort of statesmanship, what do you want with these people way off there? What is the compensation? Where is the return on the investment? It is true a few distinguished gentlemen seem to have been able somehow to organize and exploit companies in the islands to some extent, but what is the object of the expense of maintaining an armament in that ocean and an army of 70,000 men? Can we find no

better use for our people, converted from citizens into soldiers, than in suppressing a people struggling for liberty? What is the reflex action of this thing? Will it not reach us after a while?

Now, the American people are in danger of becoming familiar with and then embracing the proposition of governing without the consent of the governed, and when that is well accepted by the American people they will have very little concern about their own liberties, except as a matter of convenience. Senators, it seems to me that this proposition, or anything akin to it, concerning the relation of this country to the Filipinos, should be most solemnly and prayerfully considered, and that no desire for party advantage, no desire for personal political advantage anywhere should deter any Senator from giving his conscience and his intellect to the solution of this question. We are invested with a mighty responsibility as well as ability to determine this question. We are to respond to the demand made upon us by the generations that will come after us, who will say, "Why have you done this thing; why have you set in motion the machinery in the distant islands of the ocean that after a while has reached our own country and subverted the fundamental principles of liberty here at home?"

What is the rationale of all this movement? Who four years ago would have dreamed it to be possible that any such action would be had as has been had by this Congress and this little government in petto that we have set up in the Philippines, assuming, as was so well and clearly shown by the distinguished Senator from Florida [Mr. MALLORY], to annul laws passed by Congress, setting up penal statutes applicable at least to subjects of the United States, undertaking to make offices of all sorts, all in accord with resolutions passed by this body, all in accord with resolutions that have made them and their master, who appointed them, absolutely irresponsible to any tribunal on earth? There is not a court open before which you can impeach the President or any one of his appointees for malfeasance in office.

When Verres plundered Sicily the Roman Senate condemned him; when Crassus plundered Asia Minor he, too, had his accusers; but we sit in this Senate as dumb as oysters at every single encroachment on the liberties of human beings who inhabit the Philippine Islands, as much entitled to them as any others on the face of the globe. Crassus was killed by having molten gold poured down his throat—that was the vengeance which the Almighty Providence had given him for his greed; and Verres was forever a disgraced man in Rome.

We can profit by their example and by their loss. We can not continue a career of this sort without detriment to ourselves; and whoever does a wrong afflicts not so much the man he has wronged as he does himself. We are moral agents, and we must consider the moral side of this question, and we must not cease to do that and we must not consider only technicalities and the bare framework of assumed cases as a shelter for acts of injustice, for acts of oppression. And when I use those words I do not intend in *any sense* to reflect upon the gallant soldiers who are risking their lives in that hostile climate and who are simply doing their duty as they are commanded and, like the sword, are the mere instrument of the work.

Nor do I condemn even the Taft Commission, which is the most useless and pernicious thing I know of to-day. I read in the paper this morning that the distinguished head of the Commission had said as to Aguinaldo, whom he had never met, that he had come to the conclusion that there was nothing in Aguinaldo which gave him (Judge Taft) the impression that Aguinaldo had any idea of civil liberty; and yet I challenge comparison of the form of government provided by Aguinaldo in his provisional republic with any instrument that ever laid the foundation of any free State on earth.

His struggles were sufficient; his sacrifices enough. He had the faculty in six days of binding every insurgent chief in the islands into one compact army; and yet this man, we are told by the head of the Commission, has not any idea of civil liberty; that he is poorly educated; and yet his profession was that of a school-teacher. A man who at 26 years of age could secure such a unanimous indorsement and the confidence of his people that he was put at their head in all the insurrectionary movements is a man who did not have any idea of civil liberty and was poorly educated! That is not the testimony of Admiral Dewey and other people. They said he was capable; that he was honest; that he was patriotic. I care nothing about that. It does not go to the point with me, except as one of the facts that are part of the history of all these transactions.

But what are we doing to ourselves? I hope Senators will not hold me too strictly for the "damnable iteration" of that word, as it may seem to them. What are we doing for ourselves? What injury are we inflicting? It is said that Mithridates accustomed himself to take every sort of poison so that none of them would hurt him. Are we beginning that experiment in order to be secure from poison?

But what a tremendous reversal of the history of this great people, who have been a world power since the flag first floated upon an independent republic of united and independent States, who have been a power that has had more influence upon this earth than any other power in the world, however great its armies or its navies, or however great its riches or its population.

It had the moral power and the moral force, more forceful than the power of a storm wave, resulting from knowledge that we were pursuing the path of righteousness and peace; that we were instructing mankind in liberty and in humanity; that we were giving a fair and safe haven here to the distressed and storm-beaten ship of every people on earth, and that we were affording them the principles of civil liberty and exemplifying them by our practice. That was the influence which made us the greatest nation on earth and the greatest world power that ever existed in the annals of mankind. Have we got that now? Has not that perished with the transactions of the last three years? Is there any struggling nation on earth that would to-day ask for the sympathy of the United States?

The Philippine Archipelago has been a tremendous extinguisher upon the esteem, the gratitude, the admiration, and the affection of all liberty-loving people in every quarter of the globe. I would not give the proud and inspired attitude of this great Republic before the war in the Philippines began, for any amount of successful competition with the advanced nations of civilization in their progress of usurpation and robbery. The multiplication of navies and armies will never restore to this nation the proud position it once occupied. You may after a while come to a lucid interval, as I have said, and undo what you have done. But, like the boy's faults which were illustrated by nails driven in the post, there will still be the scars when the nails are withdrawn. There will be the reproach which you can not wipe out. The shield bright from either side will have its stigma.

We here are deliberating about international laws, about which there is no question. We are deliberating here about commercial expediency, in which there is no profit. Only three years ago you heard it everywhere that trade followed the flag. That was so preposterous and silly that it was exposed over and over again here. Now, in the last three years, since the Philippine Islands have come under our flag, the trade of Great Britain, Germany, and France have increased in a larger and faster proportion than that of the United States. So you see that fallacy has been exposed and one sophism after another has come to naught, touched by the eternal spirit of truth as exemplified in the statistics and the history of the day.

I hope that such action will be taken as will not close forever the pathway to retreat from dishonor. I want at least the gates left open wide behind and no ships burned, so that a nation repenting of its assault upon the rights of another people, or I would rather put it in this way—a nation anxious about its own liberties—may return to original principles, as declared in the Declaration of Independence and in the Constitution of the United States.

Mr. FORAKER. Mr. President, I do not rise to make a speech. My purpose is simply to put into the RECORD, in answer to the documents presented by the Senator from South Carolina [Mr. TILLMAN] a few minutes ago, some other documents with respect to the Louisiana purchase and the institution of civil government there.

But before I do that I wish to say in a word, in answer to the Senator from Mississippi [Mr. MONEY], that I feel like congratulating ourselves and the country upon the fact that the despairing view he takes of the Philippines and our situation there is not very generally entertained. I think that view is limited to very few, both in Congress and out of Congress.

At another time, in connection with this debate, if I can get the floor, I shall undertake to show that in this matter the way to honor is not in retreat, but in going forward—in pursuing the policy upon which we have entered. It is enough to say now that there is not, so far as I know, except only in Democratic imagination, any unnecessary or improper deprivation of the liberty of anyone either in this country or in the Philippines. On the contrary, both here and there, as always since the institution of our Government, the spirit of liberty prevails, and government is in accordance with that spirit of liberty.

Who represents us in the Philippines, except only the Army, which the Senator from Mississippi has seen fit to eulogize properly and justly, and the Taft Commission, of which he has taken pains to say he has no words of criticism to offer, so far as they are concerned as men, or as representatives of our institutions and our people and our civilization? But if these have not been false to liberty, who has been? They have gone there, Mr. President, pursuant to instructions, according to which they are bound to apply in government the spirit of our institutions, not only generally, but specifically. Those instructions have been called to the attention of the Senate, and they have been placed in the RECORD,

and it has not yet been shown that the spirit of those instructions, or any specific detail of those instructions, has been violated by that Commission or by any other authority representing the United States in the Philippines.

That is all I want to say for the present in answer to the speech of the Senator from Mississippi, but before I put the documents in the RECORD I wish to come to an understanding with the Senator from Colorado [Mr. TELLER], who made a remark a while ago which I think I must have misunderstood. I understood the Senator from Colorado to say that sovereignty can not be purchased.

Mr. TELLER. I did not say anything of the kind. The Senator from Oregon [Mr. MITCHELL] said it could not. I said it had been asserted in this Chamber that sovereignty could not be purchased.

Mr. FORAKER. I never heard it so asserted. I thought it was asserted now by the Senator from Colorado.

Mr. TELLER. If the Senator had listened to the senior Senator from Massachusetts, not only during that debate but this, he might have heard the same statement made, that sovereignty could not be purchased.

Mr. FORAKER. I do not refer to it for the purpose of entering into any argument about it, but only to point to what I think is conclusive, so far as concerns the position of the American people at least, with respect to such a proposition, and that is that we acquired Louisiana by purchase, and other acquisitions of the United States have been acquired by purchase.

Mr. TELLER. A purchase of territory carries with it, of course, sovereignty, in my judgment. Now, whether we should exercise sovereignty in a way to disregard the rights of the people it seems to me is the only question which is left.

Mr. FORAKER. I am in entire accord with the Senator from Colorado with respect to that proposition.

Mr. MITCHELL. Will the Senator from Ohio yield to me?

Mr. FORAKER. Certainly.

Mr. MITCHELL. I would inquire of the Senator from Ohio if this is not the fact in regard to sovereignty. We deal with a nation, and we purchase property belonging to the nation, and then sovereignty follows.

Mr. FORAKER. Undoubtedly. I was called from the Chamber and did not hear all that occurred. I came in just as the matter was being passed from, and I discover now that I was under a misapprehension and a misunderstanding. I am glad I called attention to it so as to be corrected. Undoubtedly we have the right to acquire territory by purchase.

Mr. TELLER. Certainly.

Mr. FORAKER. And if we acquire territory, we have a right to govern it; and if we govern it, we, of course, exercise sovereignty.

Mr. MONEY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Mississippi?

Mr. FORAKER. Certainly.

Mr. MONEY. Mr. President, I did not speak at any time of any loss of liberty by the people of this country at this time. On the contrary, I explained very carefully that it would be the result of a familiarizing process, beginning 9,000 miles away, but that from the circumference the rot would reach the center.

Now, my friend from Ohio, if I can call him such, and I know I can, says he believes that I stand very much alone, both here and in the country, upon this subject. That may possibly be true, but the same Senator said the other day that after Thomas Corwin, of his own State, had resisted the Mexican war and pronounced his sympathy with the people there, it was the last of Thomas Corwin. But as a matter of history, after all that was done, he was twice elected to the House, elected to the Senate, and served in the Cabinet. Now, if I can meet as good a fate as that, I do not think I can grumble.

Mr. FORAKER. So far as Thomas Corwin is concerned, the Senator did not intend, of course, to misrepresent what I said about him.

Mr. MONEY. No; of course not.

Mr. FORAKER. He would not do that. What I said about Thomas Corwin was that after his attitude in regard to the Mexican war he was never again honored with an office by the people of Ohio.

Mr. MONEY. That seems to have been a mistake.

Mr. FORAKER. No; it is not a mistake. What I referred to, as I explained afterwards when my attention was called to it, was that the people of the State as a whole had never called upon him again to represent them as their Senator, but that he was selected, however, by his fellow-citizens in his Congressional district to represent them twice in Congress, and he was selected by Mr. Fillmore to be Secretary of the Treasury, and later he was appointed by Abraham Lincoln to be minister to Mexico.

Mr. MONEY. So it seems——

Mr. FORAKER. So he was not without honor. I did not pretend that he was.

Mr. MONEY. I am drawing a simile now. So it seems Mr. Corwin did not suffer so much in the esteem of his own people, and if I can suffer as little I shall be quite satisfied.

But it makes no difference to me, Mr. President, how many people sympathize with me in my utterances. Like Victor Hugo, I believe that God and one is a majority, and I shall always assert what I believe to be right, what I believe to be the true principle of conduct for this great Republic, as long as I enjoy the honor of a seat in this body, perfectly regardless of my political fortune.

Mr. FORAKER. Mr. President, nobody questions the sincerity of the Senator from Mississippi, and nobody thinks for one moment that the Senator from Mississippi would desist from advocating anything he might sincerely believe because of any effect it might have prejudicially upon him. We know how manly he is, how courageous he is, and how eloquent he is; and having convictions and having conscientious purposes, he is always ready to stand for that which he does believe and never fails to espouse his cause.

So far as Mr. Corwin is concerned, I do not wish to dwell upon that; but while it is true that he did afterwards have honors of the character mentioned imposed upon him, yet also it is true that Mr. Corwin—and nobody more than Mr. Corwin himself recognized it—was never after that utterance the same power politically or otherwise in his State or outside of it that he had been before. He was a lovable man, a man of great intellectual endowments, a man of beautiful character. To know him was to love him, and his neighbors took great pleasure in standing by him when his State had ceased any longer to honor him as he had been honored before.

But, Mr. President, that is foreign to what, as I announced a moment ago, I rose to do. The Senator from South Carolina a while ago took occasion, as he stated, to point out the difference between Democratic expansion and Republican expansion, and to do that he had placed in the RECORD an extract from the treaty with France by which we acquired the Louisiana purchase, according to which it was provided—I am not undertaking to quote literally—that the territory and the inhabitants should ultimately—"in due time," I believe, was the expression—be admitted into the Union of our States. Then he read the proclamation of Thomas Jefferson, the first great expansionist.

Mr. TILLMAN. The Senator will allow me to correct him. I had read Mr. Jefferson's message.

Mr. FORAKER. Well, Mr. Jefferson's message, was it? I thought it was his proclamation. I stand corrected. It was his message to Congress announcing his purchase, and announcing what had been provided with respect to the people and with respect to their government.

Then he read the proclamation, I believe, of Governor Claiborne, the first governor appointed by Thomas Jefferson to go down to Louisiana and take possession and institute civil government there; and he dwelt upon the fact that the President in his message and this governor in his proclamation blazoned it forth that those people in the Louisiana purchase were to be taken into the Union as brethren of the American people and were to be at once admitted to the enjoyment of all the privileges of our institutions.

Now, Mr. President, that was the talk. That is what Jefferson said and what Claiborne said; but what did they do, and what did the people say? I need not stand here to point out the character of government they instituted. By comparison the civil governments instituted in the Philippine Islands are far more liberal and generous than was the government instituted by Thomas Jefferson and that Democratic Congress which acted with him for the Louisiana purchase.

Every Senator here is familiar with the fact that they did not permit the people of the Louisiana purchase to elect the governor or to elect any other official. The President appointed the governor, and he did not consult anybody in the Louisiana purchase as to who should be that governor.

Mr. TILLMAN. Mr. President——

Mr. FORAKER. The people were not allowed to elect a judiciary or a legislature. They were appointed, and consisted of the governor and an executive council selected by Thomas Jefferson, not from among them, but sent down there from here, for the purpose of instituting government, and representing all the departments of government—the executive, the judicial, and the legislative alike.

Mr. TILLMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from South Carolina?

Mr. FORAKER. Yes, sir.

Mr. TILLMAN. If the Senator had been present when I first began the presentation of the documents, he would have found that I had the act establishing the Territory incorporated in the

RECORD, so that every one can see for himself just what its provisions are. He would have also learned that I had stated that instead of Mr. Jefferson taking any action before the ratification of the treaty, he did not move in the matter at all. Not only did he not move after the ratification, but he waited until Congress had authorized him to move, whereas in the Philippines our President began to move within three or four days after the treaty had been signed, before it was ratified, and before Congress moved one step or authorized him to move a step.

Mr. FORAKER. The situations were different. At another time I shall point out why the President of the United States was justified in moving, if I may use that expression, as President McKinley did move, when he issued his proclamation in December, 1898.

But for the moment let me deal with what was done in Louisiana, in order that I may answer the record that has been commented upon. It is true that the Senator put into the RECORD the statute that Congress enacted, but the Senator did not stop to comment on that. The Senator did not point out that that statute provided that the President of the United States, and not the people of Louisiana, should exercise all power in the selection of governmental agencies and officials.

Mr. TILLMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield?

Mr. FORAKER. Certainly.

Mr. TILLMAN. Does not the President appoint every governor of a Territory now, and has he not appointed the governor of every Territory ever created by law, and has he not appointed every judge?

Mr. FORAKER. Certainly; and he always has done so without criticism until he was authorized to appoint a governor for the Philippines.

Mr. TILLMAN. The trouble about it is that we have not appointed any governor for the Philippines.

Mr. FORAKER. The President has appointed a governor for the Philippines.

Mr. TILLMAN. Congress has not authorized it.

Mr. FORAKER. Well, Mr. President——

Mr. TILLMAN. Congress has given the Filipinos no semblance of a government.

Mr. FORAKER. That is a question of construction. The Congress has invested the President with power to exercise all civil and military power in the islands and to repose it in such persons as he may see fit to select and designate to exercise that power. Pursuant to that authority, given him by Congress, he has appointed a governor, and it is the first appointment of a governor for a territorial possession of the United States that has ever been criticised, so far as the act of power is concerned, since the Government began.

Mr. TILLMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from South Carolina?

Mr. FORAKER. Yes; but——

Mr. TILLMAN. If I recall the date, the Spooner amendment to the Army appropriation bill is less than a year old. All our dealings with the Filipinos have been those of a conquering power with the strong arm of the Army and of the Navy slaughtering and burning those people under the title which we acquired from Spain. We never as a Congress gave the President one scintilla of authority. He exercised everything he has ever done in that direction by reason of his being the Executive and taking it for granted that after we had purchased the archipelago, or after we had ratified the treaty of purchase, he had the right and was expected to put down insurrection.

Mr. FORAKER. By the treaty we acquired the title to the Philippine Islands. Congress adjourned after having ratified that treaty, and after we had taken possession and taken title without legislating. That left the President of the United States in charge of that territory, as he was in charge of every other territory belonging to the United States.

Mr. TILLMAN. As Commander in Chief of the Army?

Mr. FORAKER. The President is Commander in Chief of the Army and Navy, and as such it was his duty to suppress insurrection in the Philippines as it would have been his duty to suppress insurrection in Alaska, in Hawaii, in Porto Rico, or in any State or Territory of this Union. The President would have been derelict in the discharge of his duty if he had not employed the Army and Navy to suppress the insurrection that broke out in the Philippines after we took title and possession of those islands. It then became his duty to assert our authority and to uphold our authority and enforce our authority in the Philippine Archipelago, and in that behalf he discharged his duty.

Mr. TILLMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield?

Mr. FORAKER. In a moment. When later the Congress at another session passed the Spooner amendment authorizing the President, as was referred to a moment ago, to exercise civil and military authority there and appoint persons and give them power to exercise it, he then appointed a governor, and the governor on the 4th of July last was duly inaugurated. He is governor by appointment, just as Andrew Jackson's Governor Claiborne was governor by appointment, and as every other governor of a Territory has been governor by appointment and not by selection by the people.

Mr. MONEY. Will the Senator from Ohio allow me to interrupt him?

Mr. FORAKER. Certainly.

Mr. MONEY. The Senator says that the President appointed a governor just as Andrew Jackson appointed a governor in the case of Louisiana. Does the Senator mean to say that the governor's appointment was confirmed by the Senate, as was the case of Andrew Jackson's governor?

Mr. TILLMAN. Andrew Jackson, I understand, did not appoint anybody governor of Louisiana. It was Jefferson. The Senator from Ohio made an error, and the Senator from Mississippi simply repeats it.

Mr. MONEY. Excuse me; I meant to say Thomas Jefferson. I have an excruciating neuralgia now and am hardly responsible. I have been discussing this question and using the name of Thomas Jefferson all the time, and I let it slip here. Thomas Jefferson appointed a governor, and he was confirmed by the Senate, as were the other officers confirmed, which was not so in the Philippines. Not only that, but the President put down the insurrection by order—that is, he commanded the commanding general to put down insurrection with the army in the island of Luzon before the treaty was ever ratified that gave him any authority whatever. We were living in a state of profound peace——

Mr. FORAKER. Mr. President, I did not yield to the Senator from Mississippi to make another speech.

Mr. MONEY. Excuse me.

Mr. FORAKER. He had almost the entire afternoon and I——

Mr. MONEY. I beg pardon of the Senator.

Mr. FORAKER. I do not want to interrupt you, but simply to admonish you.

Mr. MONEY. I stand admonished.

Mr. FORAKER. Mr. President, of course there is a distinction such as the Senator points out, but that has no reference to the point I was making. The point I was making is that the people were not consulted in the one case any more than in the other, and it was not therefore an appointment without consent in the Philippine case any more than it was an appointment without the consent of the people of the Louisiana purchase in the other case.

Now, I want to point out how the people regarded it. The Senator from South Carolina [Mr. TILLMAN] told us with all the zeal and earnestness and eloquence for which he is so distinguished that there was a wide difference between that transaction and this in the regard that was shown to human liberty and individual rights; that they were welcomed as brethren; that we were glad to have them come in, and they were glad to come into this Union and become a part of the American people. Now, let me see how glad they were.

Mr. TILLMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from South Carolina?

Mr. FORAKER. I yield.

Mr. TILLMAN. The Senator puts some words in my mouth which I did not utter.

Mr. FORAKER. I was giving the effect of what the Senator said.

Mr. TILLMAN. I did not say they were glad about it, but I do say I believe if they had been bought like the Filipinos were, and that article third of the treaty had been left out guaranteeing them citizenship and the rights that other Americans have, we would have met more rifles down there than we have met in Manila.

Mr. FORAKER. Mr. President, it is easy for the Senator to say the Filipinos were bought, but the Filipinos were not bought in any other sense than we bought the people of Louisiana. We paid $15,000,000 for the 30,000 people of Louisiana, if you want to put it that way, just as much as we paid $20,000,000 for the 10,000,000 people in the Philippines. But, Mr. President, it is not right to put it in that way. The Senator does not wish to have anybody understand that he seriously means that we undertook to buy any people in the one case or in the other. We paid $20,000,000 on account of the Philippine transaction in a way the Senator is familiar with, and $15,000,000 on account of the other transaction. Neither payment had any reference to the individuals themselves as being purchased, or in the sense that a price was being put upon them of any kind whatsoever.

Mr. RAWLINS. Will the Senator from Ohio permit me?

Mr. FORAKER. Yes; I want to put this in the RECORD, though, pretty soon, and then I will be through.

Mr. RAWLINS. Then I will not interrupt the Senator.

Mr. FORAKER. Go ahead.

Mr. RAWLINS. I wish to ask the Senator if it is not true that in the case of the Louisiana Purchase the inhabitants were given the option of retaining their former allegiance or becoming citizens of the United States, and that no such option was given as to the native inhabitants of the Philippine Islands?

Mr. FORAKER. An option was given to the native inhabitants of the Philippine Islands to retain their allegiance to Spain if they wanted to do so.

Mr. RAWLINS. No; I think the Senator is mistaken about that.

Mr. FORAKER. That is my recollection of the treaty. But they were not given an option to become citizens of the United States. Instead of a provision of that kind it was provided, and wisely, I think, that the civil and political status of the inhabitants of the islands acquired should be determined by Congress.

Mr. RAWLINS. If the Senator will permit me, I think he will find, if he examines the Paris treaty, that as to the foreign inhabitants—the Spaniards and others—they were given an option to retain their former allegiance or to become citizens of the United States, but to the native inhabitants there was no option given.

Mr. FORAKER. Well, that may be.

Mr. RAWLINS. Their status was to be as defined by Congress. So we exacted, without their consent, allegiance of the native inhabitants, which we have never exacted of any other people.

Mr. FORAKER. Mr. President, I do not know that there is any difference between the two treaties in that respect; but if there should be it does not have anything to do with what I am addressing myself to. I am undertaking to show, in answer to the point made by the Senator from South Carolina [Mr. TILLMAN], that there is no more attempt here to govern without the consent of the inhabitants than there was in the case of the Louisiana purchase, which he held up as an example of Democratic expansion and Democratic institution of government over territory acquired.

Now, we have learned, if I may be allowed to proceed, from what the Senator has put into the RECORD and from what he has said about it, what President Jefferson's message was, and what Governor Claiborne's proclamation was; and we know from the act which he put in the RECORD, but did not stop to comment upon, what the character of legislation was, namely, that nobody in Louisiana was consulted as to who should be this, that, or the other official, but they were all selected and appointed by the President of the United States, and they went down and took their offices and proceeded to discharge the duties pertaining to those offices.

Then what did the people do for whom the Senator from South Carolina has so much concern? I hold in my hand a protest which the people of Louisiana proceeded almost immediately to address to the Congress of the United States. It is dated the 31st day of December, 1804. Before I read it I will call attention to the fact that there are two such protests, the first signed by representative citizens of Louisiana, who say, "We, the planters, merchants, and other inhabitants of Louisiana," and another, the second, signed by a number of officials who had been elected by the various districts of the Louisiana Territory to represent them in the government of those districts. Both of these memorials are protests against the tyrannous government that had been instituted by Mr. Jefferson and the Congress of the United States.

Let me read briefly, and then I shall ask, if the Senate will allow me, that both these memorials may be incorporated in the RECORD.

In the first the citizens, planters, merchants, and other inhabitants use this language:

> Disavowing any language but that of respectful remonstrance, disdaining any other but that which befits a manly assertion of our rights, we pray leave to examine the law for erecting Louisiana into two Territories and providing for the temporary government thereof, to compare its provisions with our rights, and its whole scope with the letter and spirit of the treaty which binds us to the United States.
>
> The first section erects the country south of the thirty-third degree into a Territory of the United States by the name of the Territory of Orleans.
>
> The second gives us a governor appointed for three years by the President of the United States.
>
> The fourth vests in him and in a council, also chosen by the President, all legislative power, subject to the revision of Congress, specially guarding against any interference with public property either by taxation or sale.
>
> And the fifth establishes a judiciary, to consist of a supreme court, having exclusive criminal and original jurisdiction without appeal for all causes above the value of $100, and such inferior courts as the legislature of the Territory may establish. The judges of the superior court are appointed by the President, to continue in office four years.
>
> This is the summary of our constitution; this is so far the accomplishment of a treaty engagement to "incorporate us into the Union, and admit us to all the rights, advantages, and immunities of American citizens." And this is the promise performed, which was made by our first magistrate in your name, "that you would receive us as brothers and hasten to extend to us a participation in those invaluable rights which had formed the basis of your unexampled prosperity."

They are alluding there that what Governor Claiborne said in the proclamation the Senator commented on as showing the spirit of Democracy.

> Ignorant as we have been represented of our natural rights, shall we be called on to show that this Government is inconsistent with every principle of civil liberty?
>
> Uninformed as we are supposed to be of our acquired rights, is it necessary for us to demonstrate that this act does not "incorporate us in the Union," that it vests us with none of the "rights," gives us no advantages, and deprives us of all the "immunities" of American citizens?
>
> If this should be required, we think neither task will be difficult.
>
> On the first point we need only appeal to your Declaration of Independence; to your Constitution; to your different State governments; to the writings of your Revolutionary patriots and statesmen; to your own professions and public acts; and finally, legislators, to your own hearts, on which the love of civil liberty and its principles are, we trust, too deeply engraved to be ever totally effaced.
>
> A governor is to be placed over us whom we have not chosen, whom we do not even know, who may be ignorant of our language, uninformed of our institutions, and who may have no connections with our country or interest in its welfare.

Then they go on in that same style, elaborating the same idea, that they are to be governed and taxed without representation and without consent, and without being given the privilege of participating in the selection of their officials, until they make a memorial that covers some 8 or 10 pages of this work that I have before me.

I ask that the memorial, and the one immediately following it, may be incorporated into the RECORD as a part of my remarks, without being read.

The PRESIDENT pro tempore. Is there objection? The Chair hears none.

The matter referred to is as follows:

[Extracts from American State Papers, vol. 1.]

No. 183. Remonstrance of the people of Louisiana against the political system adopted by Congress for them.

COMMUNICATED TO THE SENATE ON THE 31ST OF DECEMBER, 1804.

> We, the subscribers, planters, merchants, and other inhabitants of Louisiana, respectfully approach the Legislature of the United States with a memorial of our rights, a remonstrance against certain laws which contravene them, and a petition for that redress to which the laws of nature, sanctioned by positive stipulation, have entitled us.
>
> Without any agency in the events which have annexed our country to the United States we yet considered them as fortunate, and thought our liberties secured even before we knew the terms of the cession. Persuaded that a free people would acquire territory only to extend the blessings of freedom, that an enlightened nation would never destroy those principles on which its Government was founded, and that their Representatives would disdain to become the instruments of oppression, we calculated with certainty that their first act of sovereignty would be a communication of all the blessings they enjoyed, and were the less anxious to know on what particular terms we were received.
>
> It was early understood that we were to be American citizens; this satisfied our wishes; it implied everything we could desire, and filled us with that happiness which arises from the anticipated enjoyment of a right long withheld. We knew that it was impossible to be citizens of the United States without enjoying a personal freedom, protection for property, and, above all, the privileges of a free, representative Government, and did not, therefore, imagine that we could be deprived of these rights even if there should have existed no promise to impart them; yet it was with some satisfaction we found these objects secured to us by the stipulations of treaty and the faith of Congress pledged for their uninterrupted enjoyment. We expected them from your magnaminity, but were not displeased to see them guaranteed by solemn engagements.
>
> With a firm persuasion that these engagements would be soon fulfilled, we passed under your jurisdiction with a joy bordering on enthusiasm, submitted to the inconveniences of an intermediate dominion without a murmur, and saw the last tie that attached us to our mother country severed with less regret. Even the evils of a military and absolute authority were acquiesced in because it indicated an eagerness to complete the transfer, and place beyond the reach of accident the union we mutually desired. A single magistrate, vested with civil and military, with executive and judiciary powers, upon whose laws we had no check, over whose acts we had no control, and from whose decrees there is no appeal; the sudden suspension of all those forms to which we had been accustomed; the total want of any permanent system to replace them; the introduction of a new language into the administration of justice; the perplexing necessity of using an interpeter for every communication with the officers placed over us; the involuntary errors of necessity committed by judges uncertain by what code they are to decide, wavering between the civil and the common law, between the forms of the French, Spanish, and American jurisprudence, and with the best intentions unable to expound laws of which they are ignorant, or to acquire them in a language they do not understand, these were not slight inconveniences, nor was this state of things calculated to give favorable impressions or realize the hopes we entertained; but we submitted with resignation, because we thought it the effect of necessity; we submitted with patience, though its duration was longer than we had been taught to expect; we submitted even with cheerfulness, while we supposed your honorable body was employed in reducing this chaos to order, and calling a system of harmony from the depth of this confused, discordant mass.
>
> But we can not conceal, we ought not to dissemble, that the first project presented for the Government of this country tended to lessen the enthusiasm which, until that period, had been universal, and to fix our attention on present evils, while it rendered us less sanguine as to the future. Still, however, we wished to persuade ourselves that further inquiry would produce better information; that discussion would establish our rights and time destroy every prejudice that might oppose them. We could not bring ourselves to believe that we had so far mistaken the stipulations in our favor, or that Congress could so little regard us, and we waited the result with anxiety which distance only prevented our expressing before the passing of the bill. After a suspense which continued to the last moment of the session, after debates which only tended to show how little our true situation was known, after the rejection of every amendment declaratory of our rights, it at length

became a law, and, before this petition can be presented, will take effect in our country.

Disavowing any language but that of respectful remonstrance, disdaining any other but that which befits a manly assertion of our rights, we pray leave to examine the law for erecting Louisiana into two Territories and providing for the temporary government thereof, to compare its provisions with our rights, and its whole scope with the letter and spirit of the treaty which binds us to the United States.

The first section erects the country south of the thirty-third degree into a Territory of the United States by the name of the Territory of Orleans.

The second gives us a governor appointed for three years by the President of the United States.

The fourth vests in him and in a council, also chosen by the President, all legislative power, subject to the revision of Congress, specially guarding against any interference with public property either by taxation or sale.

And the fifth establishes a judiciary, to consist of a supreme court, having exclusive criminal and original jurisdiction without appeal for all causes above the value of $100, and such inferior courts as the legislature of the Territory may establish. The judges of the superior court are appointed by the President, to continue in office four years.

This is the summary of our constitution; this is so far the accomplishment of a treaty engagement to "incorporate us into the Union, and admit us to all the rights, advantages, and immunities of American citizens." And this is the promise performed, which was made by our first magistrate in your name, "that you would receive us as brothers, and hasten to extend to us a participation in those invaluable rights which had formed the basis of your unexampled prosperity."

Ignorant as we have been represented of our natural rights, shall we be called on to show that this Government is inconsistent with every principle of civil liberty?

Uninformed as we are supposed to be of our acquired rights, is it necessary for us to demonstrate that this act does not "incorporate us in the Union," that it vests us with none of the "rights," gives us no advantages, and deprives us of all the "immunities" of American citizens?

If this should be required, we think neither task will be difficult.

On the first point we need only appeal to your Declaration of Independence; to your Constitution; to your different State governments; to the writings of your Revolutionary patriots and statesmen; to your own professions and public acts, and finally, legislators, to your own hearts, on which the love of civil liberty and its principles are, we trust, too deeply engraved to be ever totally effaced.

A governor is to be placed over us whom we have not chosen, whom we do not even know, who may be ignorant of our language, uninformed of our institutions, and who may have no connections with our country or interest in its welfare.

This governor is vested with all executive, and almost unlimited legislative power; for the law declares that, "by and with the advice and consent of the legislative body, he may change, modify, and repeal the laws," etc. But this advice and consent will no doubt in all cases be easily procured from the majority of a council selected by the President or governor and dependent on him for their appointment and continuance in office; or, if they should prove refractory, the power of prorogation frees him from any troublesome interference until a more prudent selection at the end of the year shall give him a council better suited to his views. The true legislative power, then, is vested in the governor alone; the council operates as a cloak to conceal the extent of his authority, to screen him from the odium of all unpopular acts, to avoid all responsibility, and give us the faint semblance of a representative assembly with so few of its distinguishing features that unless the name were inscribed on the picture it would be difficult to discover the object for which it was intended.

Taxation without representation, an obligation to obey laws without any voice in their formation, the undue influence of the executive upon legislative proceedings, and a dependent judiciary, formed, we believe, very prominent articles in the list of grievances complained of by the United States at the commencement of their glorious contest for freedom. The opposition to them, even by force, was deemed meritorious and patriotic, and the rights on which that opposition was founded were termed fundamental, indefeasible, self-evident, and eternal; they formed, as your country then unanimously asserted, the only rational basis on which government could rest. They were so plain, it was added, as to be understood by the weakest understanding; not capable of alienation, they might always be reclaimed; unsusceptible of change, they were the same at all times, in all climates, and under all circumstances; and the fairest inheritance for our posterity, they should never, it was firmly asserted, they should never be abandoned but with life.

These were the sentiments of your predecessors. Were they wrong? Were the patriots who composed your councils mistaken in their political principles? Did the heroes who died in their defense seal a false creed with their blood? No, they were not wrong. The admiration of the world, the respect still paid to the living, the veneration accorded to the memory of the dead, attest the purity of their principles and prove the truth of those maxims, which rendered their lives a blessing to their country and their deaths glorious in its defense.

Are truths, then, so well founded, so universally acknowledged, inapplicable only to us? Do political axioms on the Atlantic become problems when transferred to the shores of the Mississippi? or are the unfortunate inhabitants of these regions the only people who are excluded from those equal rights acknowleged in your Declaration of Independence, repeated in the different State constitutions, and ratified by that of which we claim to be a member? Where, we ask respectfully, where is the circumstance that is to exclude us from a participation in these rights? Is it because we have not heretofore enjoyed them?

This, on the contrary, would seem a reason to hasten the communication, to indemnify us by a futurity of freedom for the years we have been deprived of it, and enable us, experimentally, to compare the blessings of a free government with the evils of another kind of dominion. But the present situation of affairs forms no pleasing contrast with that which is past; and if we did not count with confidence on a change in the system you have adopted the prospect before us would not afford matter for consolatory anticipation; for though a period is fixed for the absolute government placed over us, though a year may terminate the equally objectionable system which succeeds it, yet what is to follow? Liberty? Self-government? Independence and a participation in the advantages of the Union? If these were offered to us as the reward of a certain term of patience and submission, though we could not acquiesce in the justice of the procedure, we should have some consolation in our misfortunes; but no manifestation of what awaits us at the expiration of the law is yet made.

We may then again become the victims of false information, of hasty remark, or prejudiced opinion; we may then again be told that we are incapable of managing our own concerns, that the period of emancipation is not yet arrived, and that when, in the school of slavery, we have learned how to be free, our rights shall be restored. Upon the topic to which this leads we are reluctant to speak; but misrepresented and insulted, it can not be deemed improper to show how groundless are the calumnies which represent us as in a state of degradation, unfit to receive the boon of freedom. How far any supposed incapacity to direct the affairs of our own country would release the United States from their obligation to confer upon us the rights of citizenship, or upon what principle they are to become the judges of that capacity, might, we believe, fairly be questioned; for we have surely not become less fit for the task since the signature of the treaty than we were before that period; and that no such incapacity was then supposed to exist is evident from the terms of that instrument, which declares that we are to be admitted as soon as possible, according to the principles of the Constitution. If the United States, then, may postpone the performance of this engagement until, in their opinion, it may be proper to perform it, of what validity is the compact, or can that be called one of which the performance depends only on the will of the contracting party?

But if capacity is to be the criterion, and information the preliminary requisite of our admission, let us respectfully inquire what is the nature of this capacity and information, and where it will most probably be found? By the distribution of powers between the General and State Governments the former have the exclusive superintendence of all external relations, and of those internal arrangements which regard the several States in their national capacity; the residuary powers retained by the States are more limited in their operations, and require in their exercise a species of information to be derived only from local sources. The purest principles will be misapplied, the best intentions will be ill directed, the most splendid efforts of genius will prove ineffectual, without an intimate knowledge of the manners, customs, pursuits, and interests of the people to whom they are applied or in whose favor they are exerted.

Should this reasoning be just, it would appear to follow that local information should be preferred in a State legislator to splendid acquirement, when they can not be united; and although we give the representatives of the United States all the superiority they claim and justly merit, yet we can not be accused of presumption in supposing that we know somewhat more of our own country and its local interests than men who are acquainted with it only from report. It will not, we trust, be answered that the members of the council must be selected from the inhabitants; we have already shown what share this council will probably have in legislation, and the residence of one year is certainly too short to attain information or secure anything like a permanence of attachment.

If this local knowledge is necessary to legislate wisely, how much more so is it in order to select discreetly those on whom this task must devolve. The President must necessarily depend on the information of his agents here, without any personal knowledge of the men he must choose. How can he detect imposition or counteract prejudice? How defeat intrigue or secure himself from the reproach of having confided our interests to men in whom we have no confidence? We might contrast these inconveniences with the evident advantages of a choice made by the people themselves, and the conviction would be irresistible that the latter possess exclusively that species of information, with respect to character, conduct, circumstances, and abilities, which is necessary to a prudent choice of their representatives; but we presume enough has been said to show that among a people not absolutely sunk in ignorance the kind of knowledge indispensable to good government or a selection of rulers can only be found at home; that the best abilities and the purest intentions will not replace it abroad, and that without it all legislation is tyrannical and oppressive. Convinced of this truth, we find the advocates for our subjection driven to an argument at which we have before hinted.

To deprive us of our right of election, we have been represented as too ignorant to exercise it with wisdom and too turbulent to enjoy it with safety. Sunk in ignorance, effeminated by luxury, debased by oppression, we were, it was said, incapable of appreciating a free constitution, if it were given, or feeling the deprivation, if it were denied.

The sentiments which were excited by this humiliating picture may be imagined but can not be expressed consistent with the respect we owe to your honorable body. We were willing, however, to ascribe it to the want of correct information, but we could not avoid wondering that it should be so very defective as to have drawn from the names of some districts in our country an argument as to the language spoken in them, which proved fatal to an important amendment to the bill. We could not imagine what had excited the idea of our effeminacy and profusion; and the laborious planter, at his frugal meal, heard with a smile of bitterness and contempt the descriptions published at Washington of his opulence and luxury.

As to the degree of information diffused through the country, we humbly request that some more correct evidence may be produced than the superficial remarks that have been made by travelers or residents, who neither associate with us nor speak our language. Many of us are native citizens of the United States, who have participated in that kind of knowledge which is there spread among the people. The others generally are men who will not suffer by a comparison with the population of any other colony. Some disadvantages as to education in the higher branches of literature have lately attended us, owing to the difficulty of procuring it, but the original settlement of the province was marked by circumstances peculiarly favorable in this respect. It was made at no distant date, at a period when science had attained a great degree of perfection, and from a country in which it flourished. Many individuals possessing property and rank which suppose a liberal education were among the first settlers; and perhaps there would be no vanity in asserting that the first establishment of Louisiana might vie with that of any other in America for the respectability and information of those who compose it. Their descendants now respectfully call for the evidence which proves that they have so far degenerated as to become totally incompetent to the task of legislation.

For our love of order and submission to the laws we can confidently appeal to the whole history of our settlement, and particularly to what has lately passed in those dangerous moments when it was uncertain at what point our political vibrations would stop; when national prejudice, personal interest, factious views, and ambitious designs might be supposed to combine for the interruption of our repose; when in the frequent changes to which we have been subject the authority of one nation was weakened before the other had established its power. In those moments of crisis and danger no insurrection disturbed, no riot disgraced us; the voice of sedition was silent; and before a magistrate was appointed good morals served instead of laws, and a love of order instead of civil power. It is, then, as unjust to tax us with turbulence as it is degrading to reproach us with ignorance and vice. But let us admit that by some train of reasoning to which we are strangers, by some incomprehensible fatality, we are cut off from our national rights and form an unfortunate exception to those general principles on which your revolution and Government are founded; that there is no clause for us in the great charter of nature, and that we must look for our freedom to another source, yet we are not without a claim, one arising from solemn stipulation, and, according to our ideas, full, obligatory, and unequivocal.

The third article of the treaty lately concluded at Paris, declares that "the inhabitants of the ceded territory shall be incorporated into the Union of the United States, and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States, and in the meantime they shall be protected in the enjoyment of their liberty, property, and the exercise of the religion they profess."

Your honorable body seems to have adopted a construction of this article,

which would suspend its performance until some period fixed by the principles of the Constitution, and to have read the article thus: "The inhabitants shall be incorporated into the Union, and admitted to the enjoyment of all the rights, etc., as soon as the principles of the Federal Constitution will permit." We, on the contrary, contend that the words "according to the principles of the Federal Constitution," as they are placed in the sentence, form no limitation, that they were intended as a description of the kind of rights we were to enjoy, or at most relate to the mode in which they were to be conferred, and that the article contemplates no other delay to our reception than will be required to pass the necessary laws and ascertain the representation to which we are entitled.

The inhabitants of the ceded territory are to be "incorporated into the Union of the United States." These words can in no sense be satisfied by the act in question. A Territory governed in the manner it directs may be a province of the United States, but can by no construction be said to be incorporated into the Union. To be incorporated into the Union must mean to form a part of it; but to every component part of the United States the Constitution has guaranteed a republican form of Government, and this, as we have already shown, has no one principle of republicanism in its composition. It is therefore not a compliance with the letter of the treaty, and is totally inconsistent with its spirit, which certainly intends some stipulations in our favor.

For if Congress may govern us as they please, what necessity was there for this clause, or how are we benefited by its introduction? If any doubt, however, could possibly arise on the first member of the sentence, it must vanish by a consideration of the second, which provides for their admission to the rights, privileges, and immunities of citizens of the United States. But this Government, as we have shown, is totally incompatible with those rights. Without any vote in the election of our legislature, without any check upon our executive, without any one incident of self-government, what valuable "privilege" of citizenship is allowed us, what "right" do we enjoy, of what "immunity" can we boast, except, indeed, the degrading exemption from the cares of legislation and the burden of public affairs?

Will it be said that though our right be admitted, yet Congress are to determine the period when it shall be conferred? This, we apprehend, would not only be contrary to the words of the treaty, but would be a solecism in itself. The words "according to the principles of the Federal Constitution, to the enjoyment of the rights," etc., certainly mean to such rights as are secured by the principles of the Constitution, or that we are to be admitted to their enjoyment in such manner as the same principles direct; and at any rate, the words "as soon as possible," can never be construed so as to give a right of deferring it indefinitely. If it may be procrastinated for two years, we see no reason why it may not be deferred for twenty, or a hundred, or totally omitted. That our verbal construction is the true one will be evident from pursuing the other exposition to its consequences. If the treaty means to say that we shall be admitted as soon as the principles of the Constitution will permit, we must look into that instrument to discover what restrictions oppose its immediate performance.

We should naturally expect, if this reasoning be true, to find some period limited before which we could not become members of the Union, some requisites of population or other circumstance to be previously attained or performed; but, on the contrary, the power of admitting new States is vested in Congress, without any restriction whatever that can be applicable to the present case. There is, therefore, nothing that can satisfy these words, if they are construed as a limitation; nothing but the will of Congress is referred to in the Constitution. This construction, then, would prove that the United States had stipulated to admit us into the Union as soon as they should think proper. But a treaty implies a compact, and what compact can arise from a stipulation to perform or not perform, as the party shall deem expedient? This would be such a solecism in argument, such a confusion of terms as must make us doubt the propriety of any construction that leads to them, and we feel ourselves justified in a persuasion that the treaty intended to incorporate us into the Union as soon as the laws necessary for that purpose could be passed.

We know not with what view the territory north of the thirty-third degree has been severed from us and carried with it the distinguishing name which belonged to us and to which we are attached. The convenience of the inhabitants we humbly apprehend would have been better consulted by preserving the connection of the whole province until a greater degree of population made a division necessary. If this division should operate so as to prolong our state of political tutelage, on account of any supposed deficiency of numbers, we can not but consider it as injurious to our rights, and therefore enumerate it among those points of which we have reason to complain.

If there is force in our reclamations on the great question of fundamental rights, if we are entitled to legislate for ourselves as a member of the Union and to establish the forms on which that legislation shall be conducted by framing a constitution suited to our own exigencies, then no further observations need be made on other parts of the law, for the right of local legislation implies that of making the alterations we might deem expedient; then our judiciary would become independent, the executive power would be properly circumscribed, and the legislative guarded against encroachment.

There is one subject, however, extremely interesting to us, in which great care has been taken to prevent any interference even by the governor and council selected by the President himself. The African trade is absolutely prohibited, and severe penalties imposed on a traffic free to all the Atlantic States who choose to engage in it, and as far as relates to procuring the subjects of it from other States, permitted even in the territory of the Mississippi.

It is not our intention to enter into arguments that have become familiar to every reasoner on this question. We only ask the right of deciding it for ourselves, and of being placed in this respect on an equal footing with other States. To the necessity of employing African laborers, which arises from climate and the species of cultivation pursued in warm latitudes, is added a reason in this country peculiar to itself. The banks raised to restrain the waters of the Mississippi can only be kept in repair by those whose natural constitution and habits of labor enable them to resist the combined effects of a deleterious moisture and a degree of heat intolerable to whites. This labor is great, it requires many hands, and it is all-important to the very existence of our country.

If, therefore, this traffic is justifiable anywhere, it is surely in this province, where, unless it is permitted, cultivation must cease, the improvements of a century be destroyed, and the great river resume its empire over our ruined fields and demolished habitations.

Another subject, not indeed growing out of thislaw, but of great moment to us, is the sudden change of language in all the public offices and administration of justice. The great mass of the inhabitants speak nothing but the French; the late Government was always careful, in their selection of officers, to find men who possessed our language, and with whom we could personally communicate; their correspondence with the interior parts of the province was also carried on chiefly in our own language; their judicial proceedings were indeed in Spanish, but being carried on altogether by writing, translations were easily made; at present, for the slightest communication, an interpreter must be procured; in more important concerns our interest suffers from not being fully explained; a phrase, a circumstance seemingly of little moment, and which a person uninterested in the affair will not take the trouble to translate, is frequently decisive and produces the most important effects. That free communication so necessary to give the magistrate a knowledge of the people and to inspire them with confidence in his administration is by this means totally cut off, and the introduction of viva voce pleadings into the courts of justice subjects the party who can neither understand his counsel, his judge, nor the advocate of his opponent to embarrassments the most perplexing and often to injuries the most serious.

We have thus stated the great sources of discontent which have arisen from the measures your honorable body has been pleased to pursue. Did we suppose them the effect of a settled design to oppress, of a determination to disregard our natural and stipulated rights, we are persuaded we should do as much injustice to your views as the strongest expressions would do to our feelings of indignation and grief; but we will not insult you by a suspicion so injurious to your motives; the want of true information with respect to us, opinions founded on a superficial acquaintance with our country, and prejudiced relations with our habits and manners, on reports the most unfounded, even as to our language, these alone have given rise to the measures of which we complain, and when these impressions shall have been effaced we have the fullest confidence that their effects will cease and the language of remonstrance will be changed to that of congratulation and thanks.

Deeply impressed, therefore, with a persuasion that our rights need only be stated to be recognized and allowed, that the highest glory of a free nation is a communication of the blessings of freedom, and that its best reputation is derived from a sacred regard to treaties, we pray you, Representatives of the people, to consult your own fame and our happiness by a prompt attention to our prayer; we invoke the principles of your revolution, the sacred, self-evident, and eternal truths on which your governments are founded; we invoke the solemn stipulations of treaty; we invoke our own professions and the glorious example of your fathers, and we adjure you to listen to the one and to follow the other by abandoning a plan so contradictory to everything you have said and they have taught, so fatal to our happiness and the reputation of your country.

To a generous and free people we ought not to urge any motive of interest, when those of honor and duty are so apparent; but be assured that it is the interest of the United States to cultivate a spirit of conciliation with the inhabitants of the territory they have acquired. Annexed to your country by the course of political events, it depends upon you to determine whether we shall pay the cold homage of reluctant subjects, or render the free allegiance of citizens, attached to your fortunes by choice, bound to you by gratitude for the best of blessings, contributing cheerfully to your advancement, to those high destinies to which honor, liberty, and justice will conduct you, and defending, as we solemnly pledge ourselves to do at the risk of fortune and life, our common Constitution, country, and laws.

We therefore respectfully pray that so much of the law above mentioned as provides for the temporary government of this country, as divides it into two Territories, and prohibits the importation of slaves be repealed.

And that prompt and efficacious measures may be taken to incorporate the inhabitants of Louisiana into the Union of the United States and admit them to all the rights, privileges, and immunities of the citizens thereof.

And your petitioners, as in duty bound, will ever pray for the happiness and prosperity of the United States.

Conformable to the original deposited in the House of Representatives.

P. SAUVE.
L. DERBIGNY.
DESTREHAN.

[NOTE.—See report on this memorial, No. 187.]

The following remonstrance was communicated to the House of Representatives January 4, 1805:

To the honorable the Senate and the honorable the House of Representatives of the United States in Congress assembled: The remonstrance and petition of the representatives, elected by the freemen of their respective districts in the District of Louisiana, humbly show:

That your petitioners, as well as those whom they represent, were filled with the most lively pleasure at the first rumor of the cession of Louisiana to the United States. When it no longer became us to doubt of the event, and when we were informed that Congress were making laws to organize the newly-acquired territory, we experienced emotions of gratitude, and anticipated for ourselves and our posterity all the blessings which result to the people of the United States from the wisdom and magnanimity of an enlightened and free government.

While we were indulging in these fond expectations, unmixed with distrust or fear, the act of the last session of your honorable Houses, entitled "An act erecting Louisiana into two Territories, and providing for the temporary government thereof," came to our knowledge, and snatched from our eager grasp the anticipated good. The dictates of a foreign government, an incalculable accession of savage hordes to be vomited on our borders, an entire privation of some of the dearest rights enjoyed by freemen! These are the leading features of that political system which you have devised for us; for those very men whom in a solemn treaty you had stipulated to call and treat as fellow-citizens; yet the American colors are hoisted in our garrisons, this far-famed signal of liberty to all, to us alone exhibits a gloomy appearance, and makes us more sensible of the immeasurable interval between us and political happiness. May we not be long doomed, like the prisoners of Venice, to read the word liberty on the walls of prisons. We trust to your wisdom and goodness; you are the guardians of our constitutional rights, and we repose our hopes in you as in the sanctuary of honor.

The right of the people peaceably to assemble and petition the Government for a redress of grievances is declared and warranted by the first amendment to the Constitution. To this Constitution we appeal. We learned from you to resist by lawful means every attempt to encroach on our rights and liberties; the day we became Americans we were told that we were associated to a free people. We can not suppose that the language of men jealous of their freedom can possibly be unwelcome to your ears.

By the third article of the treaty between the United States and the French Republic it is agreed "that the inhabitants of the ceded territory shall be incorporated in the Union of the United States and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States, and in the meantime they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion they profess."

Your petitioners beg leave to represent to your honorable Houses that according to the principles contained in the third article of the treaty above quoted they conceive that had not Congress thought proper to divide Louisiana into two Territories they should now be entitled by their population to be incorporated in the Union as an independent State.

In the ordinance for the government of the territory of the United States northwest of the river Ohio, article the fifth, it is ordained "that whenever any of the States to be formed out of the Northwestern Territory shall have 60,000 free inhabitants therein such State shall be admitted by its delegates into the Congress of the United States on an equal footing with the original

States in all respects whatsoever, and shall be at liberty to form a permanent constitution and State government: *Provided*, The constitution and government so to be formed shall be republican, and in conformity with the principles contained in these articles; and so far as it can be considered consistent with the general interest of the confederacy such admission shall be allowed at an earlier period, and when there may be a less number of free inhabitants in the State than 60,000."

Your petitioners are informed, moreover, that at the time of the admission of the State of Ohio in the Union, said State, conformable to the last clause of the fifth article of the ordinance above quoted, did not contain more than from thirty-three to forty thousand free inhabitants; which proportion, if adhered to in our case, as it seems to us it should have been, the United States having bound themselves by the third article of the treaty above quoted to admit us as soon as possible into the Union, would have given us a right to be immediately incorporated in the Union of the United States.

We find neither in the Constitution of the United States, nor in the treaty with the French Republic, any provisions by which Congress may have been authorized to make such division.

We find in the treaty nothing but the plain and unequivocal obligation in Congress to incorporate the ceded territory into the Union of the United States, and admit it as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States; but if Congress had a right to divide Louisiana into two Territories last year, they may claim next year the right to divide it into four, into eight Territories. Whenever the population of one of those Territories shall amount to very near the population required by the Constitution of the United States to entitle that Territory to be admitted in the Union as an independent State, Congress may again claim the right to subdivide said Territory. Your petitioners, if the principle should be granted, see no end to the oppression likely to result from such a precedent; and ill-fated Louisiana is condemned to drag along for ages the fetters of an endless Territorial infancy, never (to use the expression of one of the most strenuous advocates of American independence) to be hardened into the bone of manhood.

Under ordinary circumstances your petitioners would have been disposed to sacrifice some of those rights secured to them by a solemn treaty to the convenience of the United States, but the provisory laws enacted by Congress for the district of Louisiana seem to us to be characterized by such an unusual spirit of severity as to oblige your petitioners (if those laws should be enforced) to pray for the unconditional fulfillment of those express engagements contained in the treaty of cession and for those other benefits to which they are entitled as freemen of the United States.

But had not your petitioners the unconditional provisions of a treaty to rest their rights upon, still they might have expected a government founded on more liberal principles from the representatives of a free people, who, on a great occasion, had previously declared to the world these truths to be self-evident: "That all men are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness. That to secure these rights governments are instituted among men, deriving their just powers from the consent of the governed. That whenever any form of government becomes destructive of these ends it is the right of the people to alter or abolish it and to institute a new government, laying its foundations on such principles and organizing its powers in such form as to them shall seem most likely to effect their safety and happiness."

Little as we are acquainted with the United States, we know by heart your Declaration of Independence; we recollect the noble deeds of the heroes who bled in your glorious Revolution; we are no strangers to the Constitution of the United States, and the bills of rights, and constitutions of the several States in the Union; and it was upon those highly respectable and absolutely binding authorities that we had anticipated the blessings of freedom.

In order to enforce their pretensions, your petitioners are sensible that it becomes incumbent on them to submit to your honorable Houses a comparative view of the constitutions enacted by Congress at different times for the different Territories which were erected previously to the erection of the district of Louisiana. From that statement, extracted from your own records, your honorable Houses can not help being convinced that the act respecting the district of Louisiana alone, instead of the open, disinterested countenance of a fond, adoptive mother exhibited to our sister Territories, bears the stern, distrustful look of a severe, imperious master; and if your honorable Houses will be so good as to follow your petitioners through this interesting review you will be fully satisfied that the humble remonstrances of your petitioners rest on the rock of American liberty and independence.

Although your petitioners lament that the principle should now appear consecrated by practice, that governors and judges should, contrary to every principle of liberty and to the principles of the Constitution of the United States, which took care to separate them, unite in their hands the three powers, legislative, executive, and judicial, yet your petitioners would have submitted in silence to whatever had been adopted by Congress and submitted to by the people. But arbitrary measures without a precedent call loudly for the most energetic remonstrances to your honorable Houses.

By the twelfth section of the act erecting Louisiana into two Territories, and providing for the temporary government thereof, "the executive power, now vested in the governor of the Indiana Territory, is to extend to and be exercised in Louisiana." Your petitioners beg leave to state that they have read, with the utmost attention, the laws enacted at different times for the provisory government of the several Territories of the Union; and that, far from observing in those laws anything like trusting the governor of a neighboring State or Territory with the government of a newly erected Territory, they find, on the contrary, that Congress paid the most scrupulous respect to the interest and feelings of the inhabitants by the wisest precautions, in not only obliging the governor to reside in the Territory which he governs, but also in obliging him to hold a freehold estate in the same Territory. In the ordinance for the government of the Territory of the United States northwest of the River Ohio, we find this provision: "Be it ordained by the authority aforesaid, that there shall be appointed from time to time by Congress a governor whose commission shall continue in force for the term of three years, unless sooner revoked by Congress; he shall reside in the district, and have a freehold estate therein in 1,000 acres of land, while in the exercise of his office."

In the act authorizing the establishment of a government in the Mississippi Territory we find, "and the President of the United States is hereby authorized to establish therein a government in all respects similar to that now exercised in the Territory northwest of the river Ohio." And in the act to divide the Territory of the United States northwest of the river Ohio, we find: "SEC. 2. *And be it further enacted*, That there shall be established within the said Territory a government in all respects similar to that provided by the ordinance of Congress, passed on the 13th day of July, 1787, for the government of the Territory of the United States northwest of the river Ohio."

In the act erecting Louisiana into two Territories, the executive power in the district of Orleans is vested in a governor, who shall reside in the Territory, etc.

Here, then, are the laws of the three Territories erected previously to the erection of the district of Louisiana, and the laws of the district of Orleans erected by the very same act. Those laws make it necessary for the governor, who is liable to be called upon for the discharge of his official duties by every citizen of the Territory, to reside in said Territory. The law with respect to three of those Territories does not stop there. Congress were fully sensible that the inhabitants of those Territories would place more confidence in men who, like the inhabitants themselves, should have a direct interest in the welfare of the country by their own possessions in it; and to the indispensable condition of residence in the Territory they made it necessary for the governor, while in the exercise of his office, to have a freehold estate therein in 1,000 acres of land.

The extension of the executive power given to the governor of the Mississippi Territory over the district of Orleans can hardly be adduced as a precedent; for ever since the extension of his jurisdiction the governor of the Mississippi Territory has habitually resided in the district of Orleans, of which he was governor in fact, while the administration of the government of the Mississippi Territory was left in the hands of a secretary. But admitting, for argument's sake, that it might be construed into a precedent, your petitioners beg leave to observe to your honorable Houses that the circumstances of the two Territories can not be compared. There are hardly 240 miles from Natchez to Orleans. An easy and speedy communication can be had at all times between the two places, both by land and by water.

The laws of both Territories may be very similar in many important respects, by which the property of the inhabitants may be affected. Slavery prevails in both Territories. On the contrary, the point of Louisiana nearest to the place where the governor of the Indiana Territory makes his habitual residence is not less than 165 miles distant, and there is not a house to be met with on the road. Impassable at many seasons of the year, owing to the number of creeks and rivers which sometimes overflow their banks, sometimes are entirely covered with ice, so that we may conclude that, did not justice and sound policy prohibit the alliance in contemplation, nature itself loudly proclaims its impracticability. Your honorable Houses may judge at what an immense distance some parts of Louisiana must be from the governor, to whom an appeal lies in many cases affecting the property and even the life of individuals.

What would it be if, arriving at Vincennes in those circumstances, an inhabitant of Louisiana was told of his excellency's being at Detroit, 600 miles farther? Besides, the laws of both Territories must be very dissimilar in a number of respects. Slavery can not exist in the Indiana Territory, and slavery prevails in Louisiana; and here your petitioners must beg leave to observe to your honorable Houses that they conceive their property of every description has been warranted to them by the treaty between the United States and the French Republic. Your petitioners are informed that a law respecting slavery has been passed by Congress for the district of Orleans, similar in many respects to the one formerly made for the Mississippi Territory. Is not the silence of Congress with respect to slavery in this district of Louisiana, and the placing of this district under the governor of a Territory where slavery is proscribed, calculated to alarm the people with respect to that kind of property, and to create the presumption of a disposition in Congress to abolish at a future day slavery altogether in the district of Louisiana?

The same wise precaution which induced Congress to make the residence of the governor and the holding of property in the Territory where he exercises his office necessary extends likewise, in the three Territories erected previously to the erection of the district of Louisiana, to the secretary and judges of the said Territories. In the same third section of the ordinance for the government of the territory of the United States northwest of the river Ohio we find "there shall be appointed, from time to time, by Congress, a secretary, whose commission shall continue in force for four years, unless sooner revoked; he shall reside in the district, and have a freehold estate therein in 500 acres of land, while in the exercise of his office," etc.

And again, in the same third section, "there shall also be appointed a court, to consist of three judges, any two of whom to form a court, who shall have a common-law jurisdiction, and reside in the district, and have each therein a freehold estate in 500 acres of land, while in the exercise of their office."

These provisions extend likewise to the Mississippi Territory, as may be seen by a reference to an act authorizing the establishment of a government in the Mississippi Territory; and to the Indiana Territory, as may be seen by a reference to an act of Congress to divide the territory of the United States northwest of the Ohio into two separate governments.

Your petitioners can not consider it as necessary to add any other reasons to those given already, and which appear to them grounded upon justice, in order to determine your honorable Houses immediately to repeal that part of the act providing for the government of the district of Louisiana which places this district under the administration of the governor, secretary, and judges of the Indiana Territory. To say more on the subject might appear to doubt your disposition to do justice to the request of your petitioners, and to your justice alone they are determined to appeal.

How far the extraordinary measures, contemplated by the fourteenth section of the bill erecting Louisiana into two Territories, may, in the opinion of Congress, have been rendered necessary by circumstances, it does not belong to your petitioners to determine. Were those measures only severe, we should oppose to them only the articles of compact between the original States and the people of the Northwestern Territory. Article 2 of said compact expressly declares: "That in the just preservation of rights and property, it is understood and declared, that no law ought ever to be made, or have force in the said Territory, that shall, in any manner whatever, interfere with or affect private contracts or engagements, bona fide and without fraud, previously formed."

In the fourth article of the same compact it is provided "That nonresident proprietors shall in no case be taxed higher than residents."

Here Congress not only acknowledge that they have no right to make a law interfering with or affecting private contracts or engagements, bona fide and without fraud, previously formed, but so tender are they of the right of property that they even go so far as to provide that nonresident proprietors shall in no case be taxed higher than residents.

How different is the condition of the Louisianians. Congress, in the fourteenth section of the act erecting Louisiana into two Territories, seems to acknowledge the validity of some incipient titles to land, for what else can mean these words? "Or to make null and void any bona fide act or proceedings to obtain a grant for lands done by an actual settler, agreeably to the laws, usages, and customs of the Spanish Government." Act or proceedings can not certainly mean anything else than the incipient titles of which we are speaking.

Now, suppose such act or proceeding, agreeably to the laws, usages, and customs of Spain, to have actually taken place, three years were granted by the Spanish Government after having obtained a full or incipient grant for making a settlement thereon. There may be and there are American emigrants who some time previously to the 20th day of December, 1803, may have bought from the original proprietor or rather holder of that incipient title his right to said lands. There may be and there are some who have obtained those incipient titles in their own name and who, ignorant as they must have been of a law not enacted at the time and taking it for granted that Congress would allow the same space of time which was allowed by the Spanish Government for making a settlement upon lands obtained from the

Spanish Government, may have returned to the eastern part of the United States in order to prepare everything necessary for their removal and with an intention of coming back to Louisiana in the following spring to settle upon those lands which they had bought bona fide and without fraud.

But perhaps Congress—who in the beginning of the fourteenth section had declared null and void every act and proceeding subsequent to the treaty of St. Ildefonso, made the 1st day of October, 1800, of whatsoever nature toward the obtaining any grant, title, or claim to such lands and under whatever authority transacted or pretended, be and have been from the beginning null, void, and of no effect in law or equity—may insist that since the sovereignty of the lands in Louisiana was vested in the United States the 1st day of October, 1800, and since more than three years elapsed from the 1st day of October, 1800, to the 20th day of December, 1803, they have unquestionably a right to expel from the lands they claim any man who, according to the conditions of the Spanish Government, has made no improvement on the lands he might have obtained on the 20th day of December, 1803; and as to Congress being pleased to confirm such in itself an insufficient title to any actual settler, it is a favor which they may or may not grant without binding themselves to extend it to the representative of the original holder, unless the express condition of an improvement has been fulfilled; but if your honorable Houses give leave to your petitioners to remind you that by the first article of the treaty of St. Ildefonso "His Catholic Majesty promises and engages on his part to cede to the French Republic six months after the full and entire execution of the conditions and stipulations herein relative to His Royal Highness the Duke of Parma the colony or province of Louisiana with the same extent that it has now in the hands of Spain and that it had when France possessed it," it will be manifest to your honorable Houses that the King of Spain did not renounce his sovereignty over Louisiana on the 1st day of October, 1800.

At what period of time an absolute renunciation of Louisiana was made by the King of Spain your petitioners can not ascertain; but they humbly conceive that the sovereignty of the United States in Louisiana did not begin previously to that absolute and unconditional renunciation on the part of the King of Spain.

And if your honorable Houses consider, moreover, that time sufficient must be allowed for the Spanish Government to make known its final treaty with the French Republic to its agents in Louisiana (authorized, your petitioners humbly conceive, to grant lands in its name until they received official notice of the treaty which ceded Louisiana to France), and that it is not probable that a government at a considerable distance can be in a greater hurry to take steps by which it divests itself of the sovereignty of a country than the government which has just acquired that country and which is on the spot has taken to have its sovereignty acknowledged there, and that ten months and ten days elapsed after the treaty between the United States and the French Republic before the United States took possession of Louisiana, your honorable Houses must conclude that there may have been grants for lands obtained from the Spanish Government as to which those who have obtained them may have yet more than one year to comply with the laws, usages, and customs of the Spanish Government.

But your petitioners (we mean the few who have any knowledge at all of the law respecting Louisiana enacted during the last session of your honorable Houses) find themselves placed between the necessity either of not complying with the conditions on which they received lands from the Spanish Government or of acting in direct contradiction to a law enacted by your honorable Houses; and yet what do those grants amount to which were given since the 1st day of October, 1800?

If your honorable Houses will be pleased to call upon your officers in Louisiana for a correct statement of the quantity of land given since that epoch by the officers of the Spanish Government, your honorable Houses will be satisfied that there has been but a very inconsiderable quantity of land thus disposed of, and disposed of chiefly in favor of hard-laboring men, who, owing to the various rumors which ran all over the country ever since the cession of France was spoken of, the country belonging sometimes to Spain, sometimes to France, sometimes to the United States, sometimes to Spain again; at an immense distance from every source of information, very often not understanding the language of their neighbors; discouraged at first from exhausting their whole in making improvements on lands to which they had obtained an incipient title, from what they conceived the precariousness of those titles, likely to result from the interference of such, or such a power to which they were told Louisiana belonged; prevented by your law from complying with the conditions of Spain, when they had not it any longer in their power to doubt that the country was ultimately to remain to the United States, and who, at the very moment their confidence had begun to revive, find themselves, whatever they may do, liable to be punished by a free and enlightened nation for having listened to the dictates of prudence and placed confidence in the United States.

Your petitioners beg leave to observe further that it was only on the 10th day of March, 1804, that the United States took possession of the district of Louisiana; it should seem, of course, that the inhabitants of Louisiana could not be bound by any law of the United States previously, at least, to that epoch: yet your honorable Houses, by a law approved by the President on the 26th day of March, 1804, deprive of his property, and if he does persist in his claim after the 1st day of October next, condemn to a fine not exceeding $1,000 and to suffer an imprisonment not exceeding one year, any man who shall have attempted a settlement on lands to which he may not have obtained, as yet, a complete title, if he has made or attempted a settlement any time posterior to the 20th day of December, 1803; that is, more than three months before the law which condemns him was enacted; and if your honorable Houses reflect that the act erecting Louisiana into two Territories is only to take place on the 1st day of October, 1804, it will result that a man may be guilty by doing an act indifferent in itself, in virtue of a law which is to take place more than nine months subsequently according to the law itself, before the provision of that law can be enforced, and that, too, in the very face of the third article of the ninth section of the Constitution of the United States, which declares "that no bill of attainder or ex post facto law shall be passed."

The fifteenth section of the law erecting Louisiana into two Territories authorizes the President of the United States "to stipulate with any Indian tribes owning lands on the east side of the Mississippi and residing thereon for an exchange of lands, the property of the United States, on the west side of the Mississippi, in case the said tribes shall remove and settle thereon."

Had the United States bound themselves to exterminate from the face of the earth every inhabitant of Louisiana, your petitioners do not conceive that they could have taken a more effectual step toward the fulfillment of the engagement than the measures contemplated by the fifteenth section of the law respecting the district of Louisiana; but by the treaty with the French Republic the United States have engaged to maintain and protect us in the free enjoyment of our liberty and property.

Great God! a colony of Indians to maintain and protect us in our liberties and properties! And we hear, at the same time, that troops have been ordered from some parts of this district of Louisiana; and at this moment the garrison of New Madrid is reduced (not from death or sickness, from which they have kept entirely free, but in virtue of orders received from the commanding officer at Fort Massac) to 15 men. In the meantime depredations and assassinations by the Indians have already begun. It is not a week since your petitioners received the news that within 40 miles of this place the Indians had wantonly assassinated three men.

A week before we heard of another set, on the river St. Francis, who committed against one of our scattered settlers every sort of depredation; killing his cattle of every description, destroying all his property of every kind, stripping him and all his family entirely naked, and after glutting themselves with what provisions they found in the house throwing all the rest into the fire. What a time have your honorable Houses chosen for the exchange in contemplation! A plan wearing the most threatening aspect to our lives and properties; a plan not only alarming in its immediate effects, but pregnant with evils of a most dangerous nature in its remote consequences.

Your petitioners humbly conceive that the tribes of Indians living in your populous States can not possibly prove at any time dangerous to their white inhabitants, principally dispersed and scattered as they are upon an immense and in many parts very thickly inhabited territory. But your honorable Houses must be sensible that it would be far otherwise with respect to any habitual residence those now scattered Indians could make on the west side of the Mississippi. The Indians will be by the measure contemplated connected together, and our white settlers must for a very considerable time to come remain dispersed at an immense distance from each other, an easy and defenseless prey to the bloody rage of the merciless tomahawk.

Is this protection? Is this justice? Is this equity? Would your honorable Houses acknowledge in all the powers of Europe the right to collect in one body all their convicts, amounting in number (if such a number could be found) to twice or perhaps three times your own population, and to vomit them on your shores? The narrow and limited view of your petitioners does not allow them to see any the least difference between the conduct of the powers of Europe in that case and your conduct with respect to us; except that in one case the powers of Europe are not bound by any treaty to protect you, and the Government of the United States is bound to protect us. Your petitioners might add that convicts might possibly be reclaimed, but experience teaches us that the Indians, when conscious of their strength, the nearer they approach to civilization the more inclined they feel to resume at the first opportunity their naturally cruel and savage disposition.

Your petitioners do not doubt but that some grand political ends were expected, to be answered by the provision in the fifteenth section of the bill, erecting Louisiana into two Territories, but were those ends as advantageous as in the humble opinion of your petitioners they are disastrous—"Nothing," said Aristides to the Athenians, "could be more advantageous than the proposition of Themistocles, but nothing could be more unjust." Your honorable Houses are well acquainted with the determination of the Athenian people.

Your petitioners have gone through the painful, yet they conceive indispensable, task of remonstrating against grievances, in compliance with the duty they owed to their country, to themselves, and to posterity. Your petitioners are sensible that in the discussion of interests of such magnitude, involving their dearest rights, they may perhaps appear to have deviated a little, either in some of their conclusions or expressions, from the respect they never intended to refuse to the highest authority of their country; but let your honorable Houses remember that your petitioners feel themselves injured, deeply injured. Could they tamely submit, could they even represent with more moderation in such a case, you yourselves would not consider them worthy to be admitted into a portion of the inheritance of the heroes who fought and bled for the independence of America.

Your petitioners ask, first, for the repeal of the act erecting Louisiana into two Territories, and providing for the temporary government thereof.

Second. That legal steps should be immediately taken for the permanent division of Louisiana.

Third. That a governor, secretary, and judges should be appointed by the President, who shall reside in the district of Louisiana and hold property therein to the same amount as is prescribed by the ordinance respecting the territory northwest of the river Ohio.

Fourth. That the governor, secretary, and judges to be thus appointed for the district of Louisiana should in preference be chosen from among those who speak both the English and the French languages.

Fifth. That the records of each county and the proceedings of the courts of justice in the district of Louisiana should be kept and had in both the English and French languages as it is the case in a neighboring country under a monarchical government and acquired by conquest.

Sixth. That supposing the district of Louisiana to be divided into 5 counties, 10 members, 2 from each county, shall be elected by the people having a right to vote in each county according to the rules prescribed by the ordinance respecting the Northwestern Territory every two years, or such another number as Congress may appoint, which said members shall, jointly with the governor, form the legislative council of said district of Louisiana.

Seventh. That Congress would acknowledge the principle of our being entitled, in virtue of the treaty, to the free possession of our slaves, and to the right of importing slaves into the district of Louisiana, under such restrictions as to Congress in their wisdom will appear necessary.

Eighth. That Congress, taking into consideration the distance at which we live from the seat of the General Government, which does not allow the General Government to be informed with respect to the true interest of this country but through the agents of that same Government, Congress should enact a law authorizing this district of Louisiana to send an agent or delegate to Congress, whose powers as to speaking and voting in the House Congress may circumscribe as to them may seem proper.

Ninth. That funds should be appropriated for the support, and lands set apart or bought for the building and maintaining of a French and English school in each county and for the building of a seminary of learning where not only the French and English languages, but likewise the dead languages, mathematics, mechanics, natural and moral philosophy, and the principles of the Constitution of the United States should be taught. Independent of the obligation of spreading knowledge, upon which alone a free government can stand in a country till now unacquainted with your laws and language, a powerful additional interest will result, in the opinion of Congress, from the teaching principally of mathematics and natural philosophy when your honorable Houses reflect that Louisiana abounds with mines of every description which can never be worked to any advantage without the powerful engines supplied by these two sciences.

Tenth. That every private engagement conformable to the laws of Spain, entered into during the time Louisiana was ruled by the laws of Spain, shall be maintained.

Eleventh. That any judgment which was considered as final, according to the Spanish law, shall not be revised by any of the tribunals to be established in Louisiana by the United States.

Twelfth. That any judgment from which an appeal might be had, according to the Spanish law, to any superior tribunal may be appealed from to a tribunal of equal dignity within this Territory or the United States and that a final judgment be had, conformably to the laws of Louisiana at the time the suits were first brought into court.

And now your petitioners trust their remonstrances and petition to the justice of your honorable Houses, and they do not entertain the least doubt but that a nation who in their Declaration of Independence has proclaimed that the governors were intended for the governed, and not the governed for

the governors; a nation who complained so loudly of their right of representation, a right inestimable to them and formidable to tyrants only, being violated; a nation who presented it to the world as one of their reasons of separation from England that the King of England had endeavored to prevent the population of their States; a nation who waged war against her mother country for imposing taxes on them without their consent; a nation who styles the Indians "the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes, and conditions," will not be deaf to their just complaints, and by redressing their grievances will deserve forever the most unbounded affection of the inhabitants of this district of Louisiana.

Elated with these hopes, your petitioners conceive that they can not end their present remonstrance and petition in a more suitable manner than by renewing to you the oath they had administered to them on the first day of their meeting together in general assembly, by the first civil commandant of this district of Louisiana.

And we all swear "to be faithful to the United States, to maintain with all our power the Constitution of the United States, and to obey the laws made and to be made by Congress for the district of Louisiana."

Signed at St. Louis the 29th day of September, A. D. 1804, and of the American independence the twenty-ninth.

Richard Jones Waters, Eligius Fromentin, Deputies of New Madrid; Christopher Hays, Andrew Ramsey, Deputies of Cape Girardeau; J. S. J. Beauvais, P. D. Etchemendy, Deputies of Ste. Genevieve; Charles Gratiot, P. Provenchere, Augustus Chouteau, Richard Caulk, David Musick, Francis Cottard, Deputies of St. Louis and its dependencies; Warren Cottle, A. Reynal, F. Saucier, Timothy Kibby, Deputies of St. Charles and its dependencies.

Mr. TILLMAN. Will the Senator from Ohio allow me a moment?

Mr. FORAKER. Certainly.

Mr. TILLMAN. I would direct the Senator's attention to the fact that that is a protest against Territorial government rather than anything else, and that those people, although there were only 30,000 or 40,000 of them, occupying a very limited area at the mouth of the Mississippi, were then clamoring for admission to the Union upon terms of equality with other citizens, and objecting to carpet-bag government.

Mr. FORAKER. Well, Mr. President, did they or not have cause to object; and if so, who offered them a cause but Thomas Jefferson and the Democratic Congress?

Mr. TILLMAN. The principle involved in governing people by outsiders was the cause, the love inherent in every human soul.

Mr. FORAKER. Who applied the principle——

Mr. TILLMAN. The Government was the cause.

Mr. FORAKER. Who applied the principle in this case but Thomas Jefferson?

Mr. TILLMAN. But he only applied it until the State could be brought in seven years later. You do not give these Filipinos anything. You do not propose to announce your purpose. You say they have no rights you are bound to respect. You have set up a carpetbag government over them. You are levying taxation and spending it by your carpetbag governor, and I do not blame the Filipinos for fighting.

Mr. FORAKER. No promise was given to the people of Louisiana in connection with this legislation that at the end of seven years a different condition would be established for them. They were not told when this governor was sent down to put this statute into operation that if they lived under him possibly for seven years they would then be incorporated into the Union as a State.

Thomas Jefferson and that Democratic Congress did not proceed in such a way, Mr. President. They acquired this territory; they recognized that the people inhabiting it, although an intelligent and capable people, capable of self-government according to their own views of self-government, were yet a people who were not acquainted with our institutions, and that for the time being the 30,000 or 40,000 people should be put under such a character of government as this statute has defined. The point I make in this——

Mr. TILLMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from South Carolina?

Mr. FORAKER. In a minute I will yield.

The point I make is that they did not stop to consult them; but this Government, which was responsible for the government there, responsible for the protection of life, for the protection of property, for law and order, said we here would judge what kind of institutions they should have to start with; and we gave them these institutions. They raised a protest against it. They said it was tyranny; but Jefferson persisted in his way.

What I point out to the Senator from South Carolina is, that that was precisely the same principle as that which is being applied to the Philippines. We are responsible for government there; we are responsible for law and order there; we are responsible for life and for the protection of property there; and we, being so responsible, are undertaking to restore law and order, to establish a government that will answer the purposes that are to be subserved. Those purposes are the protection of life and property, the promotion of liberty, civilization, education, and everything else that will ennoble that people.

Mr. CARMACK. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Tennessee?

Mr. FORAKER. Yes.

Mr. CARMACK. I want to suggest to the Senator from Ohio that at some very early time—I have forgotten the exact year—I think an act was passed providing that when it should have arrived at a certain population it should be admitted to statehood in the Union.

Mr. MONEY. That was in March, 1804.

Mr. FORAKER. That was true as to Louisiana.

Mr. CARMACK. One suggestion that I want to make to the Senator from Ohio is that those people were not objecting to annexation to the United States, but they were objecting to the particular form of law and the particular form of government, and they were appehensive, because of its acts, that they would not secure the rights which had been guaranteed to them in the treaty. I do not know how many of the people were engaged in that protest, but the protest was very early answered, and they were satisfied that the United States Government intended to give them all the rights that were guaranteed.

If the Senator will allow me just one moment further, I will suggest to him that there is a very great difference in the two cases. In the case of the people in the Louisiana Territory, they had the guaranteed right of statehood, of citizenship, and of full constitutional protection. For the people in the Philippine Islands there is no guaranty whatever, and no indication of anything, except that they are to remain permanently as a colony and to be governed as subjects, without any constitutional rights whatever. So I do not see that the two cases are exactly the same.

Mr. FORAKER. Well, Mr. President, there are some differences, of course, but all the differences there are were in favor at the time of giving that people representation in the government and participation in the selection of their officials; and yet, notwithstanding they were an intelligent people, notwithstanding they were practically a part of our own people, although they had lived under the civil law and under other institutions, and were not familiar with ours, and although they were all that would seem to commend them as fit and as worthy to be allowed to govern themselves, yet Thomas Jefferson and the Democratic party of that day did not see fit to give them that privilege, but withheld it from them. It does not make any difference, Mr. President, that subsequently they were incorporated into the Union. We are talking about how they commenced, and how they were dealt with at the beginning. We are only now beginning in the Philippines, and are so far but following precedent.

Mr. CARMACK. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield?

Mr. FORAKER. Yes.

Mr. CARMACK. I will say that they commenced by guaranteeing to those people full rights of American citizenship and incorporation into this Union. That is the way they began, and we have not begun in any such way in the Philippine Islands.

Mr. FORAKER. It is true that they were annexed with the guaranty that ultimately they would be admitted into the Union and guaranteed all the privileges that belonged to American citizens, yet they entered a solemn protest against being governed, even for the time being, in that sort of way. It is not necessary to debate about that.

Mr. TILLMAN. Mr. President——

Mr. FORAKER. I hope the Senator will not detain me longer. I mention this simply to show that to establish a government in territory acquired in the way in which the Philippine territory has been acquired, without stopping to hold an election, without stopping to consult the inhabitants there as to who shall be their governor or what shall be their form of government, is not an unheard-of thing in the history of this Government; that it is but following the precedent which the Senator from South Carolina himself cited as a fit and worthy precedent to be followed. We are not denying anybody any liberty. We are but following in that regard in Democratic footsteps—not modern Democratic footsteps, but old Democratic footsteps. There is a great deal of difference between them.

Mr. MONEY. I should like to ask the Senator before he takes his seat what was the date of that protest?

Mr. FORAKER. It is dated December 31, 1804.

Mr. TILLMAN. In what document is it found?

Mr. FORAKER. I read from Senate Document No. 147, Fifty-sixth Congress, first session, which is a compilation of various Territorial organic laws. The particular document to which I first called attention is entitled: "Appendix. Extracts from American State papers, volume 1. No. 183. Remonstrance of the people of Louisiana against the political system adopted by Congress for them."

The other immediately follows it in this work, and it is found at page 242, under the following heading:

[NOTE.—See report on this memorial, No. 187.]

[The following remonstrance was communicated to the House of Representatives, January 4, 1805.]

To the honorable the Senate and the honorable the House of Representatives of the United States in Congress assembled: The remonstrance and petition of the representatives elected by the freemen of their respective districts in the District of Louisiana humbly show.

Mr. MONEY. Mr. President, it is quite late, and I am not disposed to take any more time of the Senate, particularly as my friend from Ohio has admonished me that I have already spoken too much.

Mr. FORAKER. I beg the Senator's pardon. I did not admonish the Senator, if he will allow me to correct him, that he had spoken too much. What I said was that I wanted to admonish him not to take too much of my time.

Mr. MONEY. Ah!

Mr. FORAKER. And I appealed to him not to do so, in view of the fact that he had himself a pretty liberal chance at the floor this afternoon.

Mr. MONEY. I do not think I have spoken an hour altogether; but it does not make any difference.

Mr. TELLER. Mr. President, we do not know what is going on here. We can not hear anything in this part of the Chamber that is being said.

Mr. MONEY. I only want to say a few words about the history of the early possession and occupancy of the Louisiana territory by the United States.

After the purchase you will recollect that as to the territory which had been sold or had passed by treaty from Spain to Louisiana, Spain having occupied all that territory and, having been its sovereign for sixty-five years, there had been no formal surrender of the territory of Louisiana to the French. Then, on October 31, the Spanish superintendent delivered over to the French superintendent the government of the territory, and the French superintendent then transferred it to the American superintendent. In the meanwhile a promise had been made to those people, which had been provided for in the treaty, that they should come into the Union with all the rights that pertained to citizenship of the United States in any of the States. Mr. Jefferson in his message particularly congratulated the people of the United States that so many people should be admitted to the blessings of liberty, to use his expressive phrase.

The ceded territory was divided into two Territories, as has been recited by the Senator from Ohio [Mr. FORAKER]; Territorial governments were established until Louisiana came into the Union as a State in 1810 or 1811, if I am not mistaken, and the Territories had their officers appointed subsequently, as I said. It could not be very well expected that an American could understand the French language—we are in the habit of speaking only our own tongue, and we do not speak that very well generally—but the governor of the Territory of Mississippi, nearest to Louisiana and more acquainted with it than any other, was appointed to that office, and the officers appointed were such as were conducive to good order, and good order was maintained there; the rights of the people were respected; and this protest which has been put on file here was the expression of the discontent of only a few people.

I have very clearly in my mind, although I can not recall the date, that a subsequent enactment by Congress met the approval of the people of Louisiana, and made them satisfied with the Territorial government which had existed for such a very short time. It was stated in every single enactment, in every proclamation, and in every message of the President that their rights would be respected just the same as those of citizens of the United States in any State. They had that assurance all the time.

The objection made to the governor that he did not understand their language was perhaps well placed; but it was a new thing to us to have Territories at all and to appoint governors. There had been none before that time, except perhaps in the Northwestern Territory, as it was called, but since that time the same thing has been done in this Administration. We have had a man appointed governor of a Territory who, I am informed, does not understand the language, although he is a native himself. I mean the governor of New Mexico. I understand he does not speak the Spanish language, and yet that is the language of the courts of that Territory, and no lawyer can make a speech there in English, except with an interpreter back of him to interpret the speech, so the jury may understand it. But that was not any bar to the appointment or confirmation of that distinguished gentleman, for I believe he was confirmed by the Senate.

Mr. President, the difference is so great between these cases that there is no parallel. The lines do not run together at all, but diverge and run from each other as fast as they can.

The citizens of Louisiana for a time were exceedingly dissatisfied with the assurances which had been made and treated them with profound contempt and disbelief. You will all recollect, for you have no doubt read it, that charming novel of Cable's called The Grandissimes, in which the little Louisiana Creole was continually referring to his picture, which he called the picture of Louisiana refusing to enter the Union. Cable was characterizing a certain class of people at that time in giving the story of those old Creole days.

Mr. MASON. I ask the indulgence of the Senate for just one moment for the consideration of the bill (S. 3518) granting a pension to Nodine A. Turchin, which is an emergency case. I ask unanimous consent that it be taken up and passed at this time. It has been favorably reported by the Committee on Pensions.

Mr. PATTERSON. Will the Senator from Illinois permit me a moment?

The PRESIDENT pro tempore. Does the Senator from Illinois yield to the Senator from Colorado?

Mr. MASON. Yes, sir.

Mr. PATTERSON. Mr. President, I desire to discuss somewhat the treason and sedition laws which have been referred to during the progress of this discussion, and incidentally therewith some of the testimony that up to this time has been adduced before the Committee on the Philippines. It is too late now to enter upon that discussion.

Mr. TELLER. I ask that my colleague [Mr. PATTERSON] may have the floor for to-morrow morning, and that the Senator from Illinois [Mr. MASON] may now be permitted to go on with his bill.

Mr. BATE. I have already bespoken the floor for to-morrow. I have given notice to that effect.

Mr. PATTERSON. If that be the understanding, let the Senator from Tennessee speak first.

Mr. BATE. I do not want to speak long.

Mr. PATTERSON. The Senator from Tennessee may speak first, and I be recognized afterwards.

The PRESIDENT pro tempore. Two Senators have given the Chair notice—not the Senate—that they desire to speak for some twenty or twenty-five minutes each the first thing in the morning.

Mr. TELLER. I want to say that that is not giving notice to the Senate.

The PRESIDENT pro tempore. The Chair so understands it.

Mr. BATE. I ask permission now that I may be permitted to go on to-morrow morning.

The PRESIDENT pro tempore. The Chair has no power whatever in the premises. The Senator simply gives notice. The Chair will, under the rule, recognize whoever is first on the floor.

Mr. PATTERSON. I shall be very glad, indeed, to yield to the Senator from Tennessee [Mr. BATE] in the morning if the Chair will recognize me, and ask that I be permitted to follow the Senator from Tennessee.

Mr. BATE. Very well; that is very agreeable to me.

The PRESIDENT pro tempore. The Chair, under the rule, will be obliged to recognize whatever Senator first addresses the Chair. Ordinarily in the Senate a Senator gives notice; the courtesy of the Senate recognizes that he has given notice, and the Chair recognizes him; but the Chair has no power in the premises.

Mr. COCKRELL. If this were unfinished business, Mr. President, and did not come up until a certain hour, the Senator who holds the floor now would hold it then, as I understand it, under the practice of the Senate; but this bill will come up in the morning hour, and the presiding officer can not bind himself to recognize anyone at that time.

The PRESIDENT pro tempore. He can not.

Mr. TELLER. I do not suppose that either of the Senators expects the Chair to agree to recognize him, but there has always been a courtesy in the Senate that when a Senator gives notice that he wants to speak that notice will be respected. He gives notice not to the Chair, but to the Senate. Now, the Senator from Tennessee [Mr. BATE] gives notice that he wants to speak in the morning.

Mr. BATE. I have already done so.

Mr. TELLER. The Senator has already done so.

Mr. BATE. But I withdraw the notice, sir.

Mr. TELLER. My colleague [Mr. PATTERSON] is a member of the Committee on the Philippines and is very desirous to speak. I do not see any reason why both Senators may not give the notice now, the Senator from Tennessee that he will speak at the first opportunity to-morrow, and my colleague that he will follow the Senator from Tennessee. That is the usual custom. I have no doubt that every Senator will respect that notice.

Mr. PATTERSON. Let me make a very short statement. I would not ask to speak at all upon this question were it not for the fact that my colleague and some members of the minority of the

Committee on the Philippines have particularly requested that I should address myself to that feature of the discussion which has been progressing. I have given some particular attention to the laws to which I have referred and concerning which I have offered an amendment which is pending.

I have also given some considerable attention to the testimony which has, up to this time, been given before the Committee on the Philippines. Had not the minority members of the committee requested that I should discuss those features of the controversy I should not have sought the attention of the Senate at all.

Mr. BATE. I think it proper that the Senator from Colorado, as a member of the Committee on the Philippines, should address the Senate upon this question. I ask to be recognized, and then I shall be ready to yield to the Senator.

Mr. COCKRELL. The Senator from Illinois [Mr. MASON] made a request.

NADINE A. TURCHIN.

Mr. MASON. I ask unanimous consent for the present consideration of the bill to which I referred a few moments ago, being the bill (S. 3518) granting a pension to Nodine A. Turchin.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Illinois?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nadine A. Turchin, widow of John B. Turchin, late colonel Nineteenth Regiment Illinois Volunteer Infantry, and brigadier-general, United States Volunteers, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Nadine A. Turchin."

Mr. ALLISON. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Thursday, February 20, 1902, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February 19, 1902.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

PRINTING AND BINDING FOR A COMMITTEE.

Mr. TAWNEY. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I ask the Clerk to read.

The Clerk read as follows:

Resolved, That the Committee on Industrial Arts and Expositions be authorized to have such printing and binding done as may be required in the transaction of its business.

The SPEAKER. The gentleman from Minnesota asks unanimous consent for the present consideration of the resolution just read. Is there objection?

Mr. RICHARDSON of Tennessee. I do not like to object to this, but I can not see what use on earth that committee has for what is asked in the resolution.

Mr. TAWNEY. I will state that the committee have had a hearing on the question of the amount necessary to be appropriated to make a Government exhibit at the Louisiana Purchase Exposition. We have heard the members of the government board only. That testimony was desired for the benefit of the Committee on Appropriations, and also for the benefit of the Committee on Industrial Arts and Expositions. That testimony has been taken, and it is simply for the purpose of publishing that testimony for the use of both the Committee on Appropriations and the Committee on Industrial Arts and Expositions that I make this request.

The SPEAKER. Is there objection?

Mr. RICHARDSON of Tennessee. I was going to say, further, that I am quite sure a general right to print would not be abused while the present efficient chairman has that office, but we do not know how soon some other gentleman might be chairman of that committee in some other Congress, and it might then be abused, it seems to me.

Mr. TAWNEY. This applies only to the present Congress.

Mr. RICHARDSON of Tennessee. I know, but it is such a precedent as might be followed in the next. I was going to say that the gentleman might be content with leave to print this hearing.

Mr. TAWNEY. That is practically all that is desired.

The SPEAKER. Is there objection?

Mr. RICHARDSON of Tennessee. I will not make any objection myself.

There was no objection.

The resolution was agreed to.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows;

To Mr. TOMPKINS of New York, for ten days, on account of sickness.

To Mr. HEDGE, for one week, on account of important business.

INDIAN APPROPRIATION BILL.

Mr. SHERMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole on the state of the Union for the further consideration of House bill 11353, the Indian appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole on the state of the Union for the further consideration or the Indian appropriation bill, with Mr. MONDELL in the chair.

Mr. SHERMAN. Mr. Chairman, I should like to know how much time has been consumed by the two sides.

The CHAIRMAN. The gentleman from New York has consumed one hundred and thirteen minutes, and the gentleman from Arkansas [Mr. LITTLE] one hundred and sixty-two minutes.

Mr. SHERMAN. That leaves nearly three hours, I suppose, that I would be entitled to, and the gentleman on the other side two hours; that would come somewhere near balancing it. I understand that the gentleman from Arkansas would like to occupy some time now himself. Am I correct?

Mr. LITTLE. Yes; I would like to proceed at this time.

Mr. SMITH of Arizona. Before the gentleman proceeds, I ask unanimous consent of the committee that when they reach the point on this bill, under the five-minute rule, which provides for certain Indians on the Gila River, in Arizona, that instead of taking any time in general debate as a member of the committee, I may have, if necessary at that time, upon that part of the bill, thirty minutes for debate on that matter alone. I prefer it then because it will be the matter directly before the committee for action—a very important measure, as I deem it—and I would like the unanimous consent of the committee that such order be made.

The CHAIRMAN. Is there objection?

Mr. SHERMAN. I do not object. I am entirely willing the gentleman should have his thirty minutes when we get to that portion of the bill to-morrow, under the five-minute rule.

Mr. SMITH of Arizona. That is the time when I want it.

Mr. SHERMAN. I have no objection. I just wanted to understand what the gentleman wishes.

The CHAIRMAN. The Chair hears no objection.

Mr. LITTLE. Mr. Chairman, I desire at this time to use a few minutes in the discussion of a question more or less germane to the bill; at least, germane to the general Indian problem. I shall, on this occasion, address myself exclusively to the conditions in the Indian Territory, known as the Territory of the Five Civilized Tribes.

We have in that country a condition unparalleled, I think, in the entire history of this Republic. We have a condition there that cries aloud to this Congress for some affirmative and aggressive remedial action. As is known by most of the members of this House, there are five tribes of Indians in this Territory, amounting to about 80,000 people. There is also in this country a population, shown by the last census, of 391,960 American citizens, who have no part in the tribal affairs of the government of the Territory and are without government.

The following are the official figures:

POPULATION OF THE TERRITORY.

During the year the Twelfth United States Census was completed, and the information procured from the official results of such census shows the following concerning the Territory, including whites, Indians, and negroes:

Seminole Nation	3,786
Creek Nation	40,674
Cherokee Nation	101,754
Choctaw Nation	99,681
Chickasaw Nation	139,260
Total, Five Civilized Tribes	385,155
Quapaws, Senecas, etc	6,805
Total for the Territory	391,960

Of the above about 84,000 are considered members of the Five Civilized Tribes, and the following is the approximate number belonging to each

tribe from information obtained from the Commission to the Five Civilized Tribes:

Tribe.	Population.	Total.
Choctaw	16,000	
Choctaw Freedmen	4,250	
		20,250
Chickasaw	6,000	
Chickasaw Freedmen	5,500	
		11,500
Creek	10,000	
Creek Freedmen	5,000	
		15,000
Cherokee	31,000	
Cherokee Freedmen	4,000	
		35,000
Seminole		2,757
Total		84,507

This Territory comprises 31,400 square miles. It is not, as is understood by a great many, a country similar to that of the various other Indian reservations throughout the United States, but it is a country peculiar to itself. It is not only an Indian country, but it is a great country where the development is not only phenominal but astounding.

With a population now of some 400,000 people there we find not a solitary emblem of government, except the limited tribal governments of the Indians, the municipal government in the cities and towns, and the government represented by the Federal courts. I believe that the time has come in the history of that region when its citizenship, its intelligence, its progress, and its property interests demand at the hands of Congress that it be given at least a liberal form of Territorial government.

In the year 1901 they produced in that country 250,000 bales of cotton, with corn, oats, and other cereals in like proportion. This country is great not only in its agricultural interests, developed largely by American citizens, but great in its mineral resources. In the year 1901 it produced 2,391,688 tons of merchantable coal and 33,900 tons of merchantable coke. It has in operation to-day 280 first-class coke ovens in the midst of the numerous and great coal-mining interests of that country.

Not only this, but there are more than 1,000 miles of railroad in active operation and more than 2,000 miles of telephone and telegraph lines. There are in this country 90 incorporated cities and towns having a population of from two to five thousand inhabitants each, by the census of 1900, and many of the smaller towns have doubled their population since that time. The fact is, the growth of population in this country can scarcely be measured by any normal rule. I insert a list of the incorporated cities and towns, giving their population.

Population of the incorporated towns of Indian Territory, 1900.

Towns.	Population.	Towns.	Population.
Adair	268	Leon	221
Afton	606	Lonegrove	215
Ardmore	5,681	McAlester	646
Bartlesville	698	McGee	209
Berwyn	276	Mannsville	198
Bluejacket	308	Marietta	842
Bokoshe	153	Marlow	1,016
Bristow	626	Miami	1,527
Caddo	930	Muldrow	465
Cameron	316	Muskogee	4,254
Canadian	522	Nowata	498
Catoosa	241	Oakland	701
Checotah	805	Oologah	308
Chelsea	566	Orr	222
Chickasha	3,209	Paoli	234
Claremore	855	Pauls Valley	1,467
Coalgate	2,614	Peoria	144
Collinsville	376	Pontotoc	366
Comanche	547	Poteau	1,182
Connerville	189	Pryorcreek	495
Cornish	307	Purcell	2,277
Cowlington	272	Purdy	200
Cumberland	343	Ravia	128
Davis	1,346	Rush Springs	518
Dougherty	437	Salisaw	965
Duncan	1,164	Sapulpa	891
Durant	2,989	Silo	246
Earl	225	South McAlester	3,479
Elmore	192	Spiro	543
Emet	342	Sterrett	575
Eufaula	757	Stilwell	779
Fairland	499	Sulphur Springs	1,198
Fort Gibson	617	Tahlequah	1,482
Gans	136	Tamaha	237
Grove	314	Thackerville	154
Hanson	182	Tulsa	1,390
Hartshorne	2,352	Vian	296
Heavener	234	Vinita	2,339
Hickory	282	Wagoner	2,372
Holdenville	749	Webbers Falls	211
Howe	626	Welch	334
Johnson	204	Westville	296
Kemp	221	Wister	313
Lehigh	1,500	Wyandotte	224
Lenapah	154	Wynnewood	1,907

All told, they have in this country more than 150 cities and towns, the number beyond 90 being the smaller ones. In those cities and towns they have over 40 banks in actual operation, with a capital of more than $3,000,000, with deposits of over $7,000,000. When you come to estimate the taxable property of that country there can be no intelligent estimate made that will reach a sum less than $50,000,000.

Between the school ages of 5 and 20 there is a population of 156,416. I insert a detailed statement from the census showing the population of school ages and its character.

Scholastic population between ages of 5 and 20 years, inclusive, in Indian Territory.

Nations.	Whites.		Indians.		Negroes.		Total.	
	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.
Cherokee	13,422	12,606	5,556	5,663	1,809	1,994	20,787	20,263
Chickasaw	26,836	24,651	1,299	1,330	1,930	1,872	30,065	27,853
Choctaw	16,161	15,597	2,237	2,308	1,996	1,936	20,394	19,841
Creek	4,812	4,621	1,616	1,684	1,449	1,473	7,877	7,778
Seminole	243	195	341	356	208	215	792	766
Total	71,474	57,670	11,049	11,341	7,392	7,490	79,915	76,501

For this school population, outside of the Indian population, there are no school opportunities except the limited opportunities that have been temporarily provided by the noncitizens in the towns and cities. There are in that country more than 80,000 children of the same bone and blood as ourselves, who are without any school privileges at all, and it has been and is a crying shame, in my judgment, that some measure of relief has not been afforded.

I believe that with a Territorial government the taxable wealth of that country, excluding the nontaxable property belonging to the Indians, is ample and abundant, with such personal and privilege taxes as may be legitimately and justly imposed, to furnish at least moderate means of common-school education to the thousands of children that are growing up without any of these benefits.

I believe the agitation for a State government for the Indian Territory will only have a tendency to delay any relief. Too many believe that conditions are not ready for the formation of the Indian Territory into a State. I wish to God they were believed to be so. I believe that not only the Indian Territory, but Oklahoma, New Mexico, and Arizona should be admitted into statehood. [Applause.]

I believe it but fair to the citizens of that country, but fair to that section of the country. I believe the Indian Territory ought to be put on the road that will lead to ultimate independent statehood. I believe that Oklahoma is now ready for statehood, both in wealth and population. [Loud applause.] The Indian Territory is ready, so far as population and wealth are concerned, but the conditions there, in my judgment, will not justify it, or at least make it beyond the hope of man that it should be accomplished at this time.

But I believe that this Congress should give to the people of the Indian Territory a liberal form of government, such as their conditions demand and justify. I believe the crying need is not only that, but that great wealth and population stands to-day without a mouthpiece on the floor of this House. For six years I have had pending before Congress a bill to simply give them a representative upon the floors of Congress. Give them a mouth, so that they may speak; give them a tongue, in which their wants and their rights may be made known upon the floor of this House.

I do not believe that there is a man in this Congress, if he understood the circumstances of this country and the immediate conditions, but would grant them representation and self-government. But when men think of the Indian Territory, as they do of the ordinary Indian reservation of the West, the analogy is no more apt than in comparing the ordinary reservation and its population with that of any of the Western States.

You may travel to-day through the great State of Kansas and through the great State which I have the honor in part to represent, or through the State of Missouri and through the Indian Territory to the empire State of Texas, and unless you know or have some one to tell you, from the improvements in the cities and towns and the electric lights that you see as you pass through the cities and towns you will not know when you pass beyond the bounds of a State.

I believe that these conditions ought to be met justly, ought to be met fairly, and ought to be met promptly. It is not necessary to deprive the tribal Indian of any right that he now enjoys; but he himself has no representative, strange to say, though a citizen of the United States, declared so by act of Congress, to have all the rights and privileges of an American citizen. It is not necessary to abolish the present limited tribal forms of government;

they may exist as they exist now in some of the Territories and States.

There will be and must be some protection for the great number of people, for the great amount of property, permanently located in that country under the authority of Congress. With cities of from 6,000 down to towns of 150 inhabitants, ranging in number something over 150 of these towns, with nothing but a simple, meager municipality, many of them without that, they have been authorized and have purchased, many of them, their lots as fast as they can be put on the market, the ground upon which they live.

The towns have been segregated; the property has been put on the market, and this vast number of people in that country are without any representative here, without any government save such as we give them through four different district courts and the court officers. These courts need not be disturbed by the Territorial government. The form and the conditions there can easily be met, and will not be a burden either to the courts or the people there, and it will afford some opportunities in the cities and in the country for the establishment of schools that will give the children an opportunity to become intelligent citizens of our common country.

I only want to submit these few remarks in the hope that the condition of that country might attract the intelligent attention of members of Congress, to lead them to investigate those conditions. If you do, I have but little hesitancy in saying that I believe any disinterested man will concur in my views. I have no personal interest in that country, but they have no representative here. Those of us who are more familiar with the conditions, whose districts border upon this great country, are continually impressed with the conditions there, and it becomes in a measure our duty to speak.

I hope Congress may at this term give unto the Indian Territory a liberal form of Territorial government that will meet the conditions there, and if statehood can not be acquired in any other way, although reluctantly, voicing, as we know, the sentiments of the people, while they do not want single statehood, they would accept anything as an escape from the conditions which exist there to-day. [Loud applause.]

Mr. SHERMAN. I yield fifteen minutes to the gentleman from Ohio.

Mr. BROMWELL. Mr. Chairman, there is an old story told of the Irishman who was arrested for assaulting a Jew. The excuse he made was that the Jews killed Christ, and upon being informed that that took place nineteen hundred years ago his further excuse was that he had just heard of it. [Laughter.] I can hardly make a similar excuse, Mr. Chairman, for not referring before this to the remarks of the gentleman from Kentucky [Mr. WHEELER], as I had heard of them shortly after they were made, but business before other committees has so completely taken my time since then that it was impossible for me to make the few comments which I now desire to make upon portions of that gentleman's speech.

I was reminded particularly of the gentleman from Kentucky by a little poem which is said to have been delivered in his State, in the city of Lexington, by Colonel Mulligan. I have two or three verses which I have copied and desire to read, and then to add a couple of verses later, which were not in the original poem, but were prepared by an unknown poet. Those for which Colonel Mulligan is responsible read as follows:

Orators are the grandest
In Kentucky;
Officials are the blandest
In Kentucky;
Boys are all the fliest,
Danger ever nighest,
Taxes are the highest,
In Kentucky.

The dove's notes are the saddest
In Kentucky;
The streams dance on, the gladdest,
In Kentucky.
Hip pockets are the thickest,
Pistol hands the slickest,
Cylinders turn quickest,
In Kentucky.

Song birds are the sweetest
In Kentucky;
Thoroughbreds the fleetest
In Kentucky;
The mountains tower proudest,
Thunder peals the loudest,
The landscape is the grandest,
And politics the darnedest,
In Kentucky.

[Laughter.]

So much for Colonel Mulligan, and it is particularly the last line of this poem which reminded me that the gentleman from Kentucky had made a speech which illustrated it most fully, that "politics are the darnedest in Kentucky." [Laughter.]

Mr. WHEELER. Will the gentleman allow me an interruption?

Mr. BROMWELL. Yes.

Mr. WHEELER. I desire to say that the author of that poem telegraphed me his congratulations and indorsement of my remarks on this floor. [Laughter and applause.]

Mr. BROMWELL. I am glad the gentleman who wrote the poem fathers the sentiments of the gentleman from Kentucky [Mr. WHEELER]. Possibly he will not indorse the sentiments of the two verses I will hereafter read, which Colonel Mulligan is not the author of.

Mr. Chairman, we have no Indians nor savages in Ohio. The general impression is that while there may not be many Indians in Kentucky, there are still some specimens of savages there. There are neither Indians nor savages in my district, but we do have some of the class referred to by the gentleman from Kentucky as "little Dutchmen," and I want to say, Mr. Chairman, that it is hardly necessary for me on the floor of this House to say that the "Dutchmen," as the gentleman calls them, or Germans as we know them, in Cincinnati form an element of our population which has contributed more to the prosperity, the growth, the reputation, and the honor of the city of Cincinnati than any other class of our citizens.

In the days of the civil war they sent forth their thousands to battle for the flag. In the days of peace they have built up the establishments and industries of our city, and have added to the reputation and wealth of the country. The old Ninth Ohio, made up almost entirely of Germans, under Fighting Bob McCook, and Hecker's brigade of German regiments made records at Perryville, Chickamauga, and on other battlefields of this country that no native-born regiments can excel. Now, Mr. Chairman, I know the gentleman from Kentucky claims that he has had the indorsement of Germans as to his remarks. I know I express the sentiments of the Germans in Cincinnati when I say that although they left Europe to get away from a system which was not agreeable to them, they still carry in their hearts a memory and love for the old fatherland; they still honor the music of Germany and the poetry of Germany, and still take pride in her great achievements. They have become American citizens; but no less they look back to that land across the sea, where their fathers and mothers and ancestors came from, and feel a pride for Germany.

Mr. Chairman, I do not intend to make a long speech upon this subject. It is not necessary for me to defend the Germans in Cincinnati or the Germans in this country against the language used by the gentleman from Kentucky. But I do desire to add now the other two verses, which seem to be entirely apropos, and which, as I say, were not written by Colonel Mulligan, but by some unknown poet, still unheard of in the halls of fame.

Mr. WHEELER. Will the gentleman read to the House a letter which I hold in my hand, just received, from a gentleman born in Germany, but now a citizen of Indiana?

Mr. BROMWELL. I have no objection to the gentleman's reading anything in his own time.

Mr. WHEELER. No; I do not care to occupy the time just now. This is a letter which comes to me in my mail from a gentleman born in Germany, but now a citizen of the State of Indiana, commenting upon the utterances of myself on this floor.

Mr. BROMWELL. The gentleman knows well enough how to get the floor in his own time to introduce telegrams or letters of congratulation, if he has them, from anybody on earth.

Mr. WHEELER. I do not desire to do that; I simply want the gentleman to state the facts of the case.

Mr. BROMWELL. I do not pretend to know all the facts in regard to your telegrams or your letters. But I have two verses here of this poem which I wish to finish reading, and then I will take no further time of the House. These two verses, as I have said, are from an unknown poet:

'Tis no doubt an honor to be born
In Kentucky;
And 'tis sweet to drink her corn
In Kentucky;
But her public men get frisky
When they think upon her whisky
And do things that are risky
In Kentucky.
Some of her sons are peaches,
In Kentucky;
But they do make foolish speeches
In *Washington*.
They will wish they hadn't said them,
And the papers hadn't spread them,
And the Germans hadn't read them
In Kentucky.

[Laughter and applause.]

Mr. SHERMAN. I now yield twenty minutes to the gentleman from Michigan [Mr. CORLISS].

Mr. CORLISS. Mr. Chnirman, last week I presented the legal status of this subject, covering the enactments of Congress and

the conditions imposed by the President and ratified by Congress, under which all cable lines have heretofore been permitted to land upon our shores. I also presented the ingenious modifications and illustrated the effect of the combination of the Eastern Extension Cable Company with its American ally.

To-day I propose to discuss the cable monopoly of the East, the effect of the exclusive rights held by this monopoly, as well as the effect upon the "open door" in China.

CABLE MONOPOLY OF THE EAST.

The Eastern and Eastern Extension Cable companies, with their allied lines, embrace a system which aggregates nearly 70,000 nautical miles of cable, covering the most extensive and powerful cable and telegraph monopoly in the world. Their lines reach every continent except North America, and the purpose of the union with its American ally, the Commercial Pacific Cable Company, is to encircle the globe and extend the influence and advantage of its present monopoly in the Pacific Ocean and the Far East.

Mr. HENRY C. SMITH. Will my colleague state whether the bill he is now advocating is in the interest of the Western Union Telegraph Company?

Mr. CORLISS. I am very glad to have that question asked at this time. In the Fifty-fifth Congress there were pending two measures, one in behalf of what was known as the Pacific Cable Company, controlled by Mr. Scrymser, who sought to obtain the right to lay this cable with a subsidy; and another company, in whose interest the Commercial Company seemed to be associated, sought also the privilege with a subsidy. One of those bills was reported to the House carrying a subsidy of, I think, $400,000 per annum. It was in behalf of the Pacific Cable Company, associated with which is supposed to be the Western Union interest in the cable across the Atlantic. They were undoubtedly interested in that bill, as the Commercial Cable Company, now seeking to usurp the right, was anxious to defeat that bill or pass one for its own use.

I had the pleasure, with one other gentleman upon the committee, the gentleman from Minnesota [Mr. FLETCHER], to file a minority report, we contending that if there were two great institutions in this country desiring to obtain this privilege it should be offered to the public; that the lowest bidder or the bidder who would furnish tolls at the lowest possible rate should have the privilege of laying this cable.

I could find only one member of the committee willing to join with me in that minority report. Later on the Spanish war had occurred. We had acquired the possessions in the Pacific, and when the measure was brought before this House, on the 18th of January, 1899, a great transformation had taken place in the history of our country. Instead of offering as a substitute the bill I had incorporated into the minority report, I surprised those gentlemen interested in obtaining this privilege with a subsidy by the proposition that the cable should be laid by the Government of the United States.

The consideration of that bill was defeated by the proposition then made. At that time the interests of the Western Union were hostile to my position and the Commercial Pacific Cable Company were with me, writing letters encouraging me in my efforts to secure a Government cable. A change has come about, and now we find the Commercial Cable Company, after they have united and made a contract with the Eastern Extension Cable Company, that owns the monopoly of the cable interests in the East, seeking to unlawfully lay a cable, while in the Fifty-fifth and Fifty-sixth Congresses they urged the Government to build the cable in order that their rival might not have the privilege.

Mr. Chairman, that statement will cover this little history and illustrate the interest of the telegraph and cable interests in this matter.

EXCLUSIVE RIGHTS HELD BY THIS MONOPOLY.

In March, 1898, the Eastern Extension Company obtained from the Government of Spain a prolongation of its monopoly for twenty years, ending in May, 1940. It will be interesting to examine two paragraphs of this contract.

Article 3: The laying of the cable, the landing at Manila, and the working of the same, will be undertaken by the company at its own risk in return for the following privileges:

First. The granting of a prolongation of twenty years of the monopoly by the said company of the cable between Hongkong and Manila, so that no other telegraphic communication can be established between the two places.

Second. Extension of the landing right during the period of twenty years of the cables which may be established to connect all the Spanish possessions in the Pacific Ocean, or to connect them with any other country, the period to start from the date in which the new cable is opened.

This concession covers not only the Philippine Islands, but Guam and other Spanish islands in the Pacific Ocean.

When we ratified the treaty of peace it was expressly provided therein that all contracts then existing, lawfully issued by Spain, should be recognized by our country. The Eastern Extension Company claim the exclusive right to lay, land, and operate cables with Guam and the Philippine Islands under this contract. Whether such exclusive privileges are legally binding upon our country will in due time be determined by a proper tribunal. It is sufficient for us to know in the consideration of the construction of a Pacific cable that this great corporation assumes to hold these exclusive rights, and has made a contract with an American ally for the express purpose of extending her grasp of the cable business into the very center of civilization, and with the hope of monopolizing the growing commercial interests of our people in the Pacific Ocean.

The audacity of this octopus and the villainous ingenuity with which it seeks to evade the conditions imposed upon other cable companies, and extend its tentacles over our islands in the Pacific, and fasten its grasping clutch upon the wheels of progress so rapidly moving from our country towards the Pacific Ocean is marvelously ingenious and the most audacious usurper of public rights of the present age. How any one, representing the interests of the people, can sanction such a scheme by their silence and countenance the compact between these companies is beyond my comprehension.

But this is not the most dangerous menace to the future welfare of our people and the expansion of our trade and commerce in the Pacific Ocean.

On various occasions, from 1883 down to the present time, China has granted to these cable monopolists the exclusive right to establish cable communication with China. The last of these concessions was in 1900, extending its monopoly for thirty years. This contract received the official approval of the British Government by a contract made by a representative of His Majesty's Government and the Eastern Extension Company. In this agreement Great Britain volunteered to use its best endeavors to secure from the administration of Great Britain recognition of these exclusive privileges. The contract was submitted to the British Parliament for its approval by Mr. Chamberlain, who stated that the Chinese administration had already pledged itself to give no landing rights to any company except The Great Northern and the Eastern Extension companies; these two companies are working under a joint-purse agreement.

But even in the British Parliament there were found men who deemed this step hostile to the best interests of Great Britain, and especially the United States. On this occasion Sir Charles Dilke said "the effect of the agreement would be that the Governments were binding themselves to maintain for the two companies concernd—the Eastern Extension and the Great Northern Telegraph companies—a monopoly in the working of all Chinese submarine lines. It was the declared policy of the United States Government to establish direct communication with China, and the agreement would bind the British Government to resist that. He contended that the more competing telegraph lines there were, the greater the advantage to this country, especially in war times."

The foregoing demonstrates the necessity of immediate action if we are to preserve the "open door" in China.

If the Commercial Pacific Cable Company is permitted, by the inaction of Congress, to lay its cable across the Pacific Ocean, this gigantic cable monopoly will have the future trade and commerce of our country within its grasp; our naval station at Guam will be left without cable communication, as it is well known that the intention of this company is to extend its cable to the Marshall Islands, controlled by Germany, and obtain a subsidy she offers therefor.

Of what use will the American naval station be to the American Navy at the island of Guam with a cable held and controlled by a foreign cable company? I charge that the Commercial Company is in fact the Eastern Extension monopoly. This is shown by the fact that Mackay made his contract with them in August last before he applied for the privilege of extending the cable.

Let us read the testimony of Mr. Ward, vice-president of this company, a British subject, and we can better understand the purpose of this nefarious scheme:

Mr. CORLISS. Is it not true that the application which was made last August from London was the result of an understanding with the Eastern Cable Company?

Mr. WARD. That was the result of negotiations to see whether we could make satisfactory arrangements with them to give the people of the United States a lower rate to the Far East.

Mr. CORLISS. And in consequence of your communications you made this application to secure a connecting link with the United States?

Mr. WARD. Certainly, because it would be useless to lay a cable to Manila unless we could get traffic beyond. The Manila traffic to-day is perhaps only 80,000 words a year.

Mr. CORLISS. So that you made certain of your connection beyond Manila before proceeding to get permission or to making a contract to lay the present cable?

Mr. WARD. Yes, sir.

* * * * * * * *

Mr. CORLISS. Your proposition is to charge the Government of the United States and the people of the United States who desire to communicate with Manila just as much per word as you would charge for the same message through to China or Japan?

Mr. WARD. We have made arrangements for a through rate to China of a dollar a word simply for the benefit of the American public. If anybody else lays a cable, they will probably find they will have to pay more than a dollar a word to China.

* * * * * * *

Mr. CORLISS. You stated yesterday, if I understood you correctly, you had an arrangement made with the existing cable lines from Manila to the East, and these arrangements enabled you to give a toll of $1 a word to China and Japan?

Mr. WARD. Practically we have come to that understanding.

Mr. CORLISS. Do you want us to understand that, because of your understanding, then, no other company or the Government of the United States can secure such relations with those people?

Mr. WARD. That is my opinion.

Mr. CORLISS. So that you desire the committee to understand that you, because of your relations with them, hold a monopoly of communication beyond Manila?

Mr. WARD. Oh, I do not look upon it as a monopoly at all.

Mr. CORLISS. You claim nobody else can make an arrangement?

Mr. WARD. It is possible, if you lay a Government cable, you can send business from there to China.

Mr. ADAMSON. But you think they would not be as susceptible to the wooing of other suitors?

Mr. WARD. No, sir.

These admissions prove conclusively the unholy alliance that has been made between the Commercial and the Eastern Extension Cable monopolists.

My attention has recently been called to the semiannual statement of the Eastern Cable Company, ending September 30 last. Its revenues, as shown thereby, amounted to £603,640, or $3,018,200, equivalent to an annual revenue of over $6,000,000. The expenses were as marvelously insignificant as its gross receipts seem fabulous.

Ordinary expenses	£142,638 or	$713,190
Expenses, repairs, and renewals	49,314 or	246,570
Spare cable	6,647 or	33,335
Income tax	10,078 or	50,390
Leaving a net income of	397,924 or	1,989,620

The statement shows, after the payment of interest on mortgage debentures, a 5 per cent dividend for six months on ordinary stock and $50,000 reserve for maintenance of ship; $1,120,000 net profit, equivalent to an annual profit of $2,240,000 after the payment of all fixed charges, 10 per cent on its common stock, and a large amount set aside for reserve.

Talk about the trusts in the United States! They are pygmies compared with this octopus.

How can we permit the construction of the cable across the Pacific by the Commercial Company when in view of the action of our Government with reference to cables laid in the Atlantic, in which express provision is made that such cable company, "nor any cable with which it connects, shall receive from any foreign government exclusive privileges," and that such company "shall not combine with any other line for the purpose of regulating rates." In flagrant violation of these conditions, this American ally has established relations with the Eastern Company and boldly defies the rights of our Government.

While Great Britain was willing to recognize this cable monopoly and its exclusive cable rights in China, through which it hoped to close the "open door" in the Far East to our trade and commerce, she refuses to allow her naval power to be under the control of this, an English corporation, or to burden the English manufacturer and tradesman with the excessive cable tolls charged by this company; but recognizing the importance of Government ownership and control, she has contracted for the construction of a cable over 7,000 miles in length, extending from Vancouver, in the British possessions, down through the Pacific, connecting all of her islands, including Australia and New Zealand. This enterprise will cost her about $9,000,000, and the annual expense for maintenance and repairs is estimated at about $400,000 per annum.

Two important facts should be remembered: First, that Great Britain provided in her contract with the Eastern Extension Company that the employees in her cable offices in China shall be British subjects; secondly, that for the protection of her military power and the expansion of her trade and commerce she builds and proposes to own and control a government cable through the Pacific Ocean, and has established a rate of only 50 cents per word for the benefit of her people.

How can we maintain peace in the Pacific and properly direct our Army and Navy through a foreign cable company officered and manned with British subjects? How can our tradesmen compete with a cable rate twice the amount charged by the English Government cable?

Mr. SHERMAN. Does the gentleman from Michigan [Mr. HAMILTON] wish an entire hour of my time?

Mr. HAMILTON. I will endeavor to finish before that time.

Mr. SHERMAN. Mr. Chairman, how much time have I occupied to-day?

The CHAIRMAN. The gentleman from New York has two hours and sixteen minutes remaining.

Mr. SHERMAN. I yield the gentleman from Michigan [Mr. HAMILTON] an hour.

Mr. HAMILTON. Mr. Chairman, the Democratic national platform of 1900 proposes that—

Tariff laws should be amended by putting the products of trusts upon the free list to prevent monopoly under the plea of protection.

In view of this proposition and of the remarks of the gentleman from Texas [Mr. BURLESON] and of the remarks of the gentleman from North Carolina [Mr. POU], I desire to investigate the subject of trusts in their relation to the tariff.

When a corporation becomes a monopoly strong enough to dictate terms to 76,000,000 people, at first glance it would seem to be strong enough to get along without protection.

Let us not, however, permit our prejudice against things that care nothing for ourselves to bias our judgment. "Nothing could be so hurtful to the sight as sore eyes."

The politician who aspires to be called a statesman, and after he is dead to sit in bronze while the procession goes by, ought to have regard for his government as a whole and to set down naught in malice against any constituent element thereof.

A lawmaker for all the people ought to go to his objective point without zigzagging here and there to punish or reward.

It is true, the meek do not seem to be inheriting the earth to any considerable extent nowadays.

The earth seems to be made for Dombey & Son to trade in and the sun and the moon and the stars to give them light, with electricity thrown in, and Dombey & Son seem to be trading mostly in hides, not hearts.

Industry is represented by shares of stock nowadays, and there are gentlemen so eminent on the stock exchange that stocks go up and down in sympathy with their health, and when they die stocks fall a little for a few days.

There are also gentlemen whose world is mainly a political world, divided among Republicans, Democrats, and Populists, its rewards the incorporeal hereditaments of political jobs and its punishments being out of political office.

The best interests of our Government can probably be conserved without undue reference to any of these.

PROTECTION.

The catgut of many a political guitar has been fretted under the tariff window.

Diligence in tariff schedules has not infrequently in our history given men a reputation for statesmanship and clothed them with the emoluments of political office. [Laughter and applause.]

For many years the policy of protection has needed no stronger argument than the labor argument.

It has proceeded upon the theory that on the whole about 80 per cent of the cost value of finished products represents labor.

If a thing is made at home, home labor is employed; if abroad, foreign labor is employed. Wages are lower abroad than at home. If a thing can be made cheaper because labor is cheaper, then it can be sold cheaper.

If foreign products can undersell our home products on our own soil, then our home factories must go out of business and our laboring men must go out of employment.

This argument applies with certain modifications to corporations as at present organized into combinations.

A duty, therefore, high enough to equalize the difference between foreign and domestic labor has heretofore created, fostered, and developed home industries, and by virtue of domestic competition prices have been reduced in many cases below the duty levied, while the wages of American labor have been sustained.

But it is said that home industries so created, fostered, and developed have not only ceased to compete among themselves, but have combined; that corporations with equipments which exhaust the resources of mechanical science, whose price lists none dispute, hold the field alone, except where some smaller industry is permitted to exist from motives of trade policy; that they not only hold the field at home, but have crossed the sea, invaded European markets, and are disputing sales at the very doors of competing foreign factories, at prices in some instances lower than at home.

Therefore it is said the duty should be removed from articles so triumphantly bearing American labels over seas and the tide of pauper products should be let in to see if, perchance, it can not sap the foundations of our growing commerce and humble the power of our enterprises.

MORE MARKETS.

Here between the Atlantic and Pacific we have a population of about 76,000,000, every man, woman, and child of whom is a storage battery of condensed energy, with the exception of a certain inevitable percentage of loafers, paupers, criminals, and others who get rotten before they get ripe [laughter], and what we want is more markets.

Like the shadow on the dial, we have moved steadily forward while the sun of Republican prosperity was shining. Of course, there have been nights and days of gloom and periods of eclipse,

like that from 1893 to 1897, when our progress was not distinctly visible [applause on the Republican side], but at last it has dawned upon the minds of men everywhere that we are a great and growing nation with a human, Christian mission to perform on earth.

The question of trade and territorial expansion has direct relation to our whole population.

The human brain is like a garden. If it is not growing something useful it grows weeds. So long as hope sings in the heart above the task of the hands, so long as men have something to do at something a day for doing it, it means home and contentment. When there is idleness, want, rust, and stagnation, it means trouble and degeneration.

We are constantly making, growing, and producing something. Our home markets can no longer absorb the increasing output of our increasing population, aided by improved machinery.

Industrial bookkeeping has no regard for home-keeping theorists. Foreign markets are more and more essential to our continued growth and prosperity. Without them overproduction is inevitable.

With the tremendous and tireless energy of an increasing population, with thousands of business men seeking business, with millions of laboring men demanding occupation, with millions of capital seeking investment, what we want is more markets.

When a universal holiday can be decreed, when an international equilibrium can be reached, when the millenium dawns, cool, golden, and calm, and the voice of the demagogue is no longer heard in the land, and every man loves his neighbor as himself and will not try to beat him any more in a horse trade, then, perhaps, we need trouble ourselves no longer about markets. [Applause on the Republican side.]

At present, however, other nations think more of themselves than they do of us.

At present we think more of ourselves than we do of other nations—that is, when the Republican party is in power.

At present, instead of giving away our markets, what we want is more markets.

RECIPROCITY.

Whenever we open our markets to other nations under the policy of reciprocity, it seems to me it ought to be under the policy of light and breadth and glory promulgated by James G. Blaine, and on the plan defined in the Republican national platform of 1900, "in articles which we do not ourselves produce," unless there be exceptional conditions where mutual concessions may redound to our benefit.

Our friends on the other side profess at times their inability to distinguish between reciprocity and free trade in homeopathic doses, but, as a matter of fact, the distinction is clear.

You can not swap jackknives unless you are the owner of a jackknife.

By the policy of free trade you give away your jackknife in advance and have nothing left to exchange.

By the policy of reciprocity we say to other nations which grow and produce things which we can not grow and produce: "We need your products and you need ours. We will let your products in free if you will let ours in free." This is the logic of protection, the logic of reciprocity, and the logic of prosperity. [Applause on the Republican side.]

PROSPERITY.

This also is called by some people commercial greed. But while our friends on the other side are exercising themselves "with vain jangling" about imperialism and commercial greed, and the Sultan of Sulu and other infidels in remote parts, let them not forget the language of the Scriptures, wherein it is written:

If any provide not for his own, and especially for those of his own house, he hath denied the faith and is worse than an infidel.

[Laughter and applause on the Republican side.]

We have blazed the way for business enterprise by the restoration of business confidence.

Instead of an overdraft in our Treasury fed by selling bonds and drained by an endless chain, we have set up a stable standard of commercial value around which the infinite transactions of a business day are carried on, not only here, but in the islands of the sea, and by which they are measured.

Our financial standard is as unequivocal as our flag, and both command respect at home and abroad.

In 1898 we added to our interest-bearing debt of $847,364,950 a further debt of $198,792,660 for expenses of our war with Spain.

But from March 1, 1897, to September 1, 1901, we paid off $63,517,520 of our public debt and cut down our annual interest charge by nearly eleven million dollars.

From September 1, 1901, to February 1, 1902, we still further reduced our public debt by $43,545,760, and still further reduced our annual interest charge by $1,744,064.

In all, within the last five years we have paid $107,063,280 of our interest-bearing public debt, and reduced our annual interest charge by $12,485,201.50.

The sum of our trade balances in the last three years, it is said, equals the sum of all the gold in all the banks and treasuries of Europe.

The rich are growing richer and the poor are better off.

Instead of our Government making depreciated money at our mints our whole population have been making money of full-face value in all our industries.

When times are good they are good for everybody, and when they are good for individuals they are good for combinations of individuals. You can not draw the line in favor of some and against some.

We are buying less and selling more abroad than ever before.

We are buying more and selling more at home than ever before, because people have got something to sell and something to buy with.

We have more money in use and circulation than ever before; more money per capita than ever before; more money in savings banks than ever before; the dollar has larger purchasing power than ever before, and the laboring man lives better than ever before.

The ships of every business venture have come to port laden with better returns than ever before. [Applause on the Republican side.]

But prosperity is not eternal, and it is possible to go backward. We were not invading foreign markets to any extent from 1893 to 1897. We were too hungry to go far from home. Some of our population were confined to a soup diet. Then vacancy, bankruptcy, and dull despair looked out of broken factory windows at men out of work and women in want, and the whole nation, yellow eyed, jaundiced, and stagnant, stumbled on, a prey to political quacks and soothsayers, until a voice from a vine-clad porch in Canton, Ohio—the voice of William McKinley, now forever silent—began to proclaim the doctrine of commercial salvation, and men forgot their dream of wealth without work, of transforming 40 cents' worth of silver into a dollar by the touch of the Government stamp, and wheels began to turn again, and money began to flow back again into the withered arteries of trade. [Applause on the Republican side.] It is possible to go backward.

REVISION.

Sometimes the time of greatest prosperity is the time of greatest danger.

It is then that those who entertain the concealed idea that there ought to be a dividend on party service proceed to realize on their political affiliations.

A great change is working in our national and international life. We are doing a phenomenal export business.

Constantly increasing exports and constantly decreasing imports will doubtless require tariff adjustment. Nothing stands still.

Economic changes doubtless require tariff changes, but the tariff which has relation to national and international business ought to be adjusted on business principles having relation to all interests involved.

The commerce of a country becomes geared and adjusted to a tariff law. It can not be revised at any time without affecting not only the fabric of the law, but all industries surrounding it. It can not be revised so as to protect small industries without protecting larger industries, and it can not be revised now without disturbing a condition of phenomenal prosperity in which labor and capital are participating.

Labor is steadily employed at good wages and is not asking for a change.

Capital is profitably employed and is not asking for a change.

Doubtless there are defects in the present tariff law. Nothing is perfect.

No sooner does a tariff bill become a law than it begins to develop inequalities. In its very formation it is a compromise among conflicting interests.

Doubtless there are industries that need less or no protection. It may be that prices are charged to pay dividends on stock issued on overvalued assets of protected industries.

There is a general impression that the duties in certain iron and steel schedules, that duties on glass and knit goods and in some other industries ought to be reduced. But in the choice of evils between too much tariff tinkering and the continuance for a time of duty in some schedules where less or none is needed, the danger of transforming phenomenal prosperity, in which both labor and capital are participating, into a condition of halting doubt and distrust may well give us pause for careful consideration.

Mr. THAYER. Will the gentleman allow me to ask him a question?

Mr. HAMILTON. Certainly.

Mr. THAYER. When will the time come that we can have a change in the tariff schedules?

Mr. WM. ALDEN SMITH. Never, if you wait for your party. [Laughter on the Republican side.]

Mr. THAYER. We won't have to wait as long as you think.

Mr. WM. ALDEN SMITH. I think we will.

Mr. HAMILTON. I want to answer the gentleman from Massachusetts fairly. I think that the tariff law ought to have some stability about it. Don't you?

Mr. THAYER. I do.

Mr. HAMILTON. Business gets adjusted to it; and where a threat is made, where a suggestion is made, that the tariff is to be encroached upon here and there, it arouses the desire of gentlemen everywhere to have industries in which they are interested taken into consideration, and you inevitably, introduce an element of doubt and distrust into the business situation. To-day my friend will admit, I know, that we are in the midst of a condition of phenomenal prosperity. It is doubtful if we want to start down the toboggan slide at this time—very doubtful, I think. I can not say but that there are some industries where the tariff might be revised, but I think we ought to be very careful about proceeding to revise the tariff. Now I want to go on with the main argument which I set out to make.

Mr. THAYER. The gentleman has not answered my question as to the time.

Mr. HAMILTON. I think we ought to wait at least four years.

Mr. THAYER. I think we will give you about two years.

Mr. HAMILTON. I mean from the time of the passage of the act; and I think, too, that it ought to be revised by the Republican party. I will also say to my friend from Massachusetts that I hardly believe that it will be revised by the Democratic party. I do not want to say anything unkind to you or of your party; but your party did not have any very good success in revising the tariff the last time they tried it. The people do not have a great deal of confidence in your party in the matter of the revision of the tariff.

Mr. VANDIVER. Will the gentleman allow me to interrupt him?

Mr. HAMILTON. I will yield to the gentleman, although I wanted to proceed with my argument.

Mr. VANDIVER. In view of the gentleman's statement a moment ago on the matter of exports, whether they had increased or our imports had decreased, I wish to read——

Mr. HAMILTON. I beg the gentleman's pardon. I have not time to yield to that.

Mr. BURLESON. Will the gentleman permit me just a question?

Mr. HAMILTON. Certainly, although the gentleman did not permit me a question yesterday.

Mr. BURLESON. Is the gentleman in favor of removing the tariff upon articles which are sold in Mexico and Canada cheaper than they are in the United States? That can be answered yes or no.

Mr. HAMILTON. The gentleman from Texas submits his question very much like a lawyer in justice court in examining a witness.

Mr. BURLESON. But the gentleman does not answer like a witness. [Laughter.]

Mr. HAMILTON. I will answer the gentleman. In the first place, I do not know that there are any articles sold in Canada or Mexico at a less price than are articles sold at home. But I submit this—and it is a matter that every man who has knowledge of commerce, and I was about to proceed to discuss that very thing because I propose to make a fair argument here and address my argument to the intelligence of the gentleman from Texas, and I am anxious to get along with it—we all know that in industries great and small there are times when stock is carried over——

Mr. BURLESON. If the gentleman from Michigan——

Mr. HAMILTON. No; you will have to hear me out. I am answering your question. When stock is carried over and the local market has been supplied, it is unloaded sometimes outside at prices less than the stock has brought locally.

Mr. VANDIVER. Will the gentleman allow me to quote the official report on that very subject?

Mr. HAMILTON. No; I am not going to listen to any more reports. I am going to make a report myself. [Laughter.]

Mr. VANDIVER. That is a much easier job.

Mr. HAMILTON. I ask you gentlemen to give me an opportunity to go ahead. I want to be perfectly courteous. I will get to the thing that is troubling my friend from Texas. I have given this a good deal of thought. I differ with him, but I believe I fairly differ with him. I am no more in favor of trusts than he is.

I recognize that there is an industrial situation confronting us, and we can not meet it in a demagogic way, but we must fairly reason it out to a conclusion.

Mr. BURLESON. Will the gentleman allow me?

Mr. HAMILTON. I can not yield further.

COMBINATIONS IN FOREIGN COUNTRIES.

The commercial world at present is a world of commercial combinations. The further advanced a nation is commercially the more its industries seem to have combined. Trade combinations prevail in all civilized countries.

They are the logical result of commercial conditions without reference to politics.

"They flourish alike under free trade or protective policies, or under monarchical or republican institutions."

AUSTRIA "is the birthplace of trusts of central Europe."

"In the last three years the syndicates have increased in number to such an extent that there does not appear to be at present any really important industry in the country which has not resorted to combination."

In ITALY nearly all the important iron foundries are combined. There is a union of chemical fertilizers, and in Florence there are many cooperative organizations which, however, have not been successful.

In GREECE the Government controls the sale of salt, petroleum, and tobacco.

In FRANCE, notwithstanding the fact that there is a law there against coalitions to raise and lower prices, which operates to some extent as a deterrent force, syndicates are in more or less undisturbed control of borax, candles, coal, furniture, groceries, matches, petroleum, pig iron, rice, Roquefort cheese, silk spinning, sugar refining, sulphur, tiles, tobacco, transportation by land, and transportation of emigrants.

In SPAIN tobacco, matches, and powder are controlled by a monopoly.

HOLLAND is politically decentralized. Each province and city is to a great extent self-centered. The world-wide trade that flows through Amsterdam and Rotterdam is in the hands of many people. As a small state, with great ports and many neighbors, Holland is not a separate economic entity, but part of "an industrial and commercial web that covers Europe and, more remotely, the entire world."

The Standard Oil Company, as the American Petroleum Company, running its steamers under the Dutch flag, controls the oil trade there. Coal is subject to a monopoly, and peat moss is a natural monopoly in the hands of a few.

In Amsterdam all public utilities, except electric lights, are controlled by the city.

In BELGIUM coal, coke, glass, stone, mirrors, and sugar refining are under syndicate control.

In NORWAY wood pulp, lumber, paper, and condensed milk are controlled by combinations.

American petroleum has some competition with Russian oil.

In SWEDEN the manufacturers of iron, steel, wood pulp, sugar, anchovies, coal and cigar dealers, and retail grocers make yearly agreements as to prices in their respective lines.

In GERMANY syndicates have steadily increased since the Franco-Prussian war in 1870, until they cover practically the entire field of industrial activity.

In 1879 Germany adopted a protective policy protecting manufactured products and letting most raw materials in free.

Liefmann, in his treatise published in 1897 says:

> Had Germany not adopted a protective policy there would now be in existence a greater number of powerful international trusts, and it is very questionable whether consumers would be better off than they are to-day.

As it is, there are combinations governing transportation between and international trade with England, France, Belgium, Switzerland, and Austria.

Professor Von Holle says:

> I do not hesitate to say that, according to my opinion, Germany would be already in the midst of a dangerous industrial crisis but for the modifying and regulating influence of our cartels in most branches of production and distribution.
>
> The country, with its dense population and increasing capital that seeks employment, could not stand the reckless speculation that would develop from unrestricted competition. Modern production by means of steam-driven machinery can not stand unlimited competition, which too often leads to the destruction of the value of large capitals. Machine production requires close, technical regulation and does not admit of economic anarchy.

Combinations in Germany are sanctioned by the Government and upheld by the courts.

In ENGLAND, within the last four years, there has been a strong movement toward the combination of industries into large corporations.

From 1887 to 1896, inclusive:

Seven firms were consolidated under the name of the Bath Stone Firms, capital, $1,642,680; the Salt Union, capital, $20,412,000.

Forty-eight firms and companies were consolidated under the name of the United Alkali Company, Limited, capital, $41,310,000.

Six firms under the name of Liverpool Warehousing Company, capital, $5,103,000.

Three important competing companies were acquired by J. & P. Coates, Limited, capital, $26,765,750.

From 1897 to 1900, inclusive, 15 companies were consolidated

under the name of the English Sewing Cotton Company, Limited, capital, $13,382,875.

Ten firms as the Yorkshire Dyeware and Chemical Company, capital, $1,749,600.

Three firms as the United Turkey Red Company, capital, $5,832,000.

Thirty-one firms and companies as the Fine Cotton Spinners and Doublers, Limited, capital, $29,199,000.

Nine firms as the Linen Thread Company, capital, $9,720,000.

Four firms as British Dyewood and Chemical Company, capital, $2,799,360.

Thirteen firms as the American Thread Company, capital, $18,103,380.

Twenty-two firms and companies as the Bradford Dyers' Association, Limited, capital, $21,899,250.

Eleven firms and companies as the Yorkshire Indigo, Scarlet, and Color Dyers, Limited, capital, $2,919,000.

Eight firms and companies as the Bradford Coal Merchants and Consumers, Limited, capital, $1,216,625.

Thirty-eight firms and companies as the Yorkshire Woolcombers' Association, Limited, capital, $12,166,250.

Seven firms as the Borax Consolidated, capital, $15,452,000.

Seven companies as the Woolen and Worsted Machinery Manufacturers, capital, $1,409,400.

Seventeen firms and companies as the British Oil and Coke Mills, capital, $7,299,750.

Five companies as Barry, Ostlere & Shepherd, Limited (floor cloth and linoleum), capital, $19,466,000.

Eight companies as the United Indigo and Chemical Company, Limited, capital, $1,216,625.

Sixty firms and companies as The Calico Printers' Association, Limited, capital, $44,771,800.

Twenty-two firms as the English Velvet and Cord Dyers' Association, capital, $4,860,000.

Thirty-one firms and companies as the Wall Paper Manufacturers, capital, $20,439,300.

Four firms and companies as the United Velvet Cutters' Association, Limited, capital, $1,459,950.

Forty-six firms and companies as the British Cotton and Wool Dyers' Association, Limited, capital, $13,382,875.

Bedford Lime, Cement and Brick, capital, $1,944,000.

Four firms as the British United Shoe Machinery Company, capital, $1,458,000.

Flax, Hemp and Jute Machinery Manufacturers, capital, $5,832,000.

Six firms as G. & J. Baldwin (fingering and knitting wools and hosiery yarn), capital, $4,131,000.

Ten firms as Leeds and District Worsted Dyers and Finishers' Association, capital, $874,800.

Twelve firms and companies as the Yorkshire Soap Makers' Association, Limited, capital, $1,946,600.

Fifty-three firms as the Bleachers' Association, capital, $40,095,000.

Thirty-four firms as the Associated Portland Cement Manufacturers, capital, $38,880,000.

Fifteen firms as the Rivet, Bolt, and Nut Company, capital, $2,673,000.

Thirty-two firms as the Wholesale News Agent Association, capital, $972,000.

Seven firms as the Extract Wool and Merino Company, capital, $1,652,000.

Mr. COCHRAN. Will the gentleman allow me a question?

Mr. HAMILTON. I must go ahead, but I will yield for one question.

Mr. COCHRAN. If, as the gentleman states, it is the fact that everywhere combinations are being formed to increase the cost of living, is that an argument in favor of tolerating such things in the United States?

Mr. HAMILTON. No; not at all.

Mr. COCHRAN. Then why does the gentleman use that as an argument?

Mr. HAMILTON. I am going to show my friend just what the difficulty is. I am coming to it now. The gentleman from Missouri [Mr. COCHRAN] is an intelligent gentleman, and I propose to address my argument to him as such, without any demagoguism. I propose to make here, if I may, a clean argument on this proposition. I am coming right to the gentleman's proposition, I think; and if I do not, I will give him an opportunity later.

Mr. BURLESON. Will the gentleman yield a moment?

Mr. HAMILTON. No, sir; let me answer this question. An interruption will disturb me now.

Mr. BURLESON. I do not wish to disturb the gentleman, but I would like——

Mr. HAMILTON. No, I must not be diverted at this time.

HOW EUROPE REGARDS OUR EXPANDING TRADE.

This is the condition in Europe, but this is not all. Not only is the commerce of Europe organizing itself into combinations, but combinations are seeking continental and international combinations among themselves.

Our exports have reached the point where they have aroused solicitude here as to whether foreign nations can continue to purchase and pay for them and have aroused fear abroad of American commercial subjugation.

It is proposed to oppose a Pan-Europe against a Pan-America.

French statesmen say American financiers contemplate nothing less than the economic conquest of Europe and advise combined resistance.

Germany has recently revised its tariff so as to discriminate against American grain, meat, shoes, and bicycles.

English newspapers have become sarcastic, and are suggesting that at the next examination of students for admission to Scotch universities aided by Mr. Carnegie they shall be required to give an account of the successive invasions of England, including those of Yerkes, Sloan, and Morgan, draw a map of the United States, marking London, Glasgow, and Birmingham, and explain why American millionaires visiting England always feel as if they were in their own country.

European fear of American trade encroachment is well founded. So long as the United States confined its exports to agricultural and raw products European statesmen made no objection. They were willing that this country should be the granary of the world and furnish cheap food and raw material while European countries did the manufacturing for the world.

But they have been studying American trade statistics of late, and have discovered that while in 1890 only 17 per cent of our total exports were manufactured products, in 1895 they rose to 23.14 per cent, in 1899 to 28.02 per cent, in 1900 to 31.65 per cent, and in 1901 to 38.22 per cent.

Under the McKinley tariff in the fiscal year 1892 our exports were $1,030,278,148; under the Wilson tariff in 1895 they fell to $807,538,165, while in 1901, under the Dingley law, they rose to $1,487,764,991.

Our imports for 1901 are valued at $873,190,480, leaving a balance in our favor of $614,574,511.

Every commodity exported means employment to American labor and American capital, and it means increased prosperity and increased purchasing power to American citizens.

The more there is sold at home and abroad, the more labor employed at home. The more labor employed at home, the more wages paid at home and the more wages paid at home the more wages spent at home.

The national wealth of America is enormous and steadily growing. It is made up of the aggregate wealth of its citizens, and they have not made it by opening our ports to foreign individuals or combinations.

We have gathered our national wealth from the legitimate spoils of trade, in which both capital and labor have participated. Our unlimited natural resources are being worked with unlimited energy. The Patent Office is the register of our ingenuity. We have surrounded industry with the aureoles of genius and of art.

GIANTS.

Meanwhile infant industries have grown gigantic, kicked out the end of their cradle, taken their place at the head of the commercial table, and are reaching for everything in sight.

Commerce has centralized itself into a race of giants here and abroad.

Like Pantagruel in Rabelais, they carry ships at their belt and contain whole cities in their capacious maw.

Like Loupgarou, they are armed with steel and harnessed with anvils; and like Loupgarou and his company of giants, the industries of Europe are banding to resist invasion.

For any single industry of the old style, seated in parochial content on the bank of some stream with its village surroundings keeping time "to the click of the mill," to attempt to compete with the combinations of Europe would be like the crossbowmen of the Middle Ages contending against smokeless powder and steel-tipped bullets of to-day.

ORGANIZATION AND REGULATION OF COMBINES.

Let us examine this power among us, evolved out of unlimited resources and the most vigorous commercial enterprise and inventive genius the world has ever known.

Some regard the trust combine as the modern Atlas that upholds the commercial world. Others would pull it down and stone it with the ruins of its own enterprise.

Assuming that legislators and officeholders, clothed with a little brief authority by both labor and capital, are not the only important elements in the community;

Assuming that the rich and the poor, the corporation and the

individual have some rights which their temporary representatives under a democratic form of government are bound to respect;

Assuming, in short, that this Government belongs to all of us, not to some of us, questions like this ought not be juggled with for political purposes, but ought to be reasoned out honestly, straight from premise to conclusion.

This is not likely to happen, however. The people of the United States had an illustration of partisan reasoning on the trust question in the last national campaign, when a candidate for the presidency of all the people went about among them on a special car and illuminated the trust question after this manner:

If a Republican tells you that the trust is a good thing, ask him why he denounces it in his platform; if he tells you it is a bad thing, ask him why more trusts were organized under this Administration than ever before in our history.

And then the train moved on, carrying with it this "fountain and abyss of the encyclopedia of learning," and the assembled crowd at the station, not being a great constitutional lawyer, wondered that the trust question could be made so plain. [Laughter on the Republican side.]

As a matter of fact no trusts had been organized under that Administration, and the gentleman knew it;

No trusts had been organized under any Federal Administration, and the gentleman knew it.

There is no Federal law under which any trust could be organized, and the gentleman knew it; and there never has been any Federal law under which a trust could be organized.

The modern trust is not a trust at all, but is a corporation, organized under the laws of New Jersey, Delaware, or West Virginia, and the gentleman knew it. It does not owe its origin to the Federal Government at all but to certain sovereign States which pass laws to facilitate its formation.

It is composed generally of several merged industries, the merger being effected by the organization of a corporation, usually under the laws of New Jersey, and the conveyance to the corporation so organized of the real and personal property of the merged industries and the issuing of stock based on a capitalization of the industries so merged frequently in excess of their real value.

The corporation so organized may be organized under the laws of New Jersey, have its office on Broadway, New York; its factories where it pleases, and by virtue of State comity may trade all over the Union.

Some States have been making money out of the business of making corporations. The newspapers report that last year New Jersey received $687,000 in fees on account of incorporation papers of companies, which had a total capitalization of $4,773,790,000. The presumption is that New Jersey looks upon the trust combine as a good thing.

Some States have laws severely restrictive of corporations; others have laws inviting their formation.

Under the Constitution, Congress has power to regulate commerce among the several States, not in the several States.

Under the Constitution and the decisions of the Supreme Court, Congress must stop short at State boundaries and can not reach over and interfere with the so-called reserved rights of States.

So long as the States can not agree among themselves, so long as State legislatures continue to grind out conflicting laws without cooperative effort at uniformity, the several States, of course, can not regulate and control corporations among themselves.

It is proposed to remove the tariff from commodities produced by corporations which have become monopolies at home and are invading foreign markets, and thereby to discipline them.

No doubt they need disciplining, but it ought seriously to be considered whether the proposed policy might not result rather in strengthening the strong corporations and driving the weaker to the wall, thereby defeating its own purpose.

Apparently the tariff has nothing to do with corporate combinations. They operate as well in free-trade England as in protected Germany.

The Standard Oil Company, the type and forerunner of all trusts in this country, is doing business in a totally unprotected commodity and shipping its products everywhere abroad.

MONOPOLY.

These and hundreds of other corporations are monopolies, not within the dictionary definition of a monopoly as the sole possessor of a market, but in the commercial acceptation of the term.

What is a monopoly?

There have been monopolies ever since Pharoah ran a corner in corn down in Egypt, based on Joseph's interpretation of his dream. [Laughter.]

If the grocer in your town, by reason of the quality and cheapness of his goods, commands a certain trade, he has a capitalistic monopoly.

If he buys the grocer out across the way and gets and holds his trade, he extends his monopoly.

If a man has a patent, he has a legal monopoly of the thing patented during the life of the patent.

If he has all the coal and iron in the country, all the peat moss in the Netherlands, all the caves in France where Roquefort cheese is made, he has a natural monopoly.

If he has a public franchise to run a railroad or a street-car line, he has another kind of a monopoly, known as quasi public.

One way to get other people's money is to have something to sell that they must buy or want to buy, and the more people you can get to buy what you have to sell the more of a monopoly you have.

LABOR AND MACHINERY.

Against us the foreign combination has the advantage of cheaper labor.

As compared with the foreign workman, the American workman works less time and earns more money both for himself and his employer. In many instances he has invented some tool or machine for the use of which his employer pays him.

In many instances he and his employer are partners in the working of some invention of his own.

In all cases under the American piecework system he forces his own powers of production, and necessarily those of his employer, to the utmost, so as to earn the largest possible wages.

Therefore the better the workman the better the pay, whereas under the English trades-union system the pay is the same without regard to the differing energy of employees. Hence there is no incentive to strenuous effort. This results, too, in a limitation of the production of the English workingman.

As bearing upon English labor union methods, in an editorial of December 16, 1901, the New York Journal of Commerce says:

Thirty years ago bricklayers working on a railway tunnel in London laid 1,200 bricks a day. Twenty years ago a bricklayer would lay 1,000 bricks a day on ordinary work. At the present time, in London, a maximum of 400 bricks a day is the recognized limit for dwelling houses, shops, and business premises built by a private contractor. In the case of public buildings erected for the London county council and the London school board the limit is 330 bricks, or a good deal less. The bricklayers have refused to do more on work for the county council, and on jobs for the school board the men laid only 200 bricks a day in one case, and in another they got their work down to 70 bricks.

Inasmuch as the American operative is frequently of recent foreign extraction, this English trades-union system explains to some extent his increased energy on American soil. His increased energy may be further explained by the fact that he falls in here with a swifter moving system, and must keep pace or fall out.

The American workman is not an expert in making a complete thing, as a rule, but he is an expert in making some component part thereof, and supplements the steady speed and untiring accuracy of the machine he operates with his own steady speed and untiring accuracy.

The machine he operates has increased American manufacturing capacity some thirty, some sixty, and some an hundred fold.

For illustration, Carroll D. Wright finds that it used to take six and one-half hours to make 1,000 paper bags by hand. Now they can be made by machinery in forty minutes.

It formerly took two hundred days of twenty-four hours each to rule 100 reams of paper on both sides by hand. Now one man with a machine can do the same work in two and one-half hours.

In making axle yokes a steam automatic clip enables one man to do the work of 192 blacksmiths.

With a pair of steam shears one man can do the work of 37.

One horsepower equals the power of 6 men. In 1890 the total horsepower of the United States was estimated by Colonel Wright to be 6,000,000, equivalent to the work of 36,000,000 men, representing a population of 180,000,000, so that if the products of all the manufacturing establishments of the United States were made by hand it would require a population of 180,000,000, with none left for other occupations.

The horsepower of factories by the Census of 1900 is 11,000,000, equal to the work of 66,000,000 men representing a population of 330,000,000.

EFFECT OF TARIFF REMOVAL.

Assuming mechanical facilities here and abroad to be equal, which they are not, and assuming the American workman to be the better man, which he is under our system, still the effect of tariff removal would be to level down instead of up, and after every other reduction had been made down to the margin of a living profit labor would probably suffer some reduction in competition with foreign cheap labor.

Probably many American manufacturers would continue to do business. The weaker would die first, of course.

Probably combinations would continue to combine. Certainly international combinations would be easier.

In the last analysis the question of tariff removal resolves itself into a choice between foreign and domestic corporations, or, if it

does not do that, it resolves itself into a question of reduced American wages.

If individual manufacturers have not been able to compete successfully unprotected against cheap foreign labor in the past without reduction of wages, it raises the presumption at least that American corporate combinations would encounter the same difficulty.

Men would probably continue to go on strikes, but they would strike in vain against an inexorable industrial system that would compel our better-paid labor to compete with the cheaper labor of Europe.

If foreign combinations should get possession of our markets, what assurance have we that they would not raise prices, and if they should raise prices what redress have we?

The domestic corporation is a combination of American capital and American labor receiving and disposing of its wealth on American soil, which we may now regulate to some extent, and which we hope to regulate more, while the foreign combination would enrich itself at our expense, would carry its wealth beyond seas, and would be beyond our control.

TIN.

By reason of our tariff many industries have been bodily transplanted to America and set up beside some field of raw material here. Other industries, notably that of tin, have been created here by a protective tariff.

In 1880 we were paying foreigners $8 for boxes of 108 pounds, while the foreign price was $4.86.

We adopted a protective tariff on tin in 1890. By that tariff we created a tin industry here. In 1890 we were paying $5.60, while the foreign price was $3.

In April, 1901, we were paying our home manufacturers, employing American capital and American labor, $4.20 per box of 100 pounds, while the foreign price was $3.90, and had established here a new industry.

In 1889 we imported over $21,000,000 worth of tin plate.

In 1899 we imported $2,000,000 worth.

It is said that the tin combine has advanced prices arbitrarily, at times close to the importing point. This sort of thing angers every man who likes to see fair play, and yet a legislator ought to hesitate a long time before voting to close our American tin-plate factories, thereby throwing our labor out of employment, and turning the business over to foreign manufacturers again to raise prices on us as they see fit.

SUGGESTED REMEDIES.

Possibly prices may have been somewhat higher and steadier at the outset in some industries under protection than they would be without it if the industry survived without protection, but they are never as high as the disinterested foreigner and his coadjutors here would have them if they had their way.

It seems scarcely a remedy to close all mills owned by corporations by legislation and drive their operatives into the street, as was proposed in the case of the Nebraska starch factories.

Neither does the sweeping proposition embodied in the Kansas City appendix to the Chicago platform to put upon the free list the products of all corporations, commonly called trusts, seem to be good statesmanship.

They would probably have come no nearer executing this plank than they did their promises preceding the Wilson bill. Legislation never ought to be vindictive.

It is doubtful if the American people on the whole want to go into the business of attempting to punish men for diligence in business or keeping pace with their commercial environment.

I doubt if a national policy ought to be obliterated because there are abuses here and there.

It is hardly rational to burn down the barn to get rid of the fleas.

RIGHTS OF PERSONS.

It is proposed to put the products of trusts on the free list, and, since trusts and corporations are interchangeable terms, this amounts to a proposition to put the products of corporations on the free list.

To be logical, why not put the products of individuals and partnerships on the free list, and, if you propose to do this, at what point of capitalistic development will you say that the product of this or that individual, partnership, or corporation ought to go on the free list.

How much wealth will you permit an individual, a partnership, or a corporation to have before you will put his or its product upon the free list?

As the law stands, if it is lawful for A to make shoes, it is lawful for A and B to form a copartnership to make shoes, and it is lawful for A and B and others to organize themselves into a corporation to make shoes.

As the law stands, it is lawful for men to buy and to sell.

If it is lawful for a farmer to sell a load of wheat at the mill, it is lawful for the miller to sell his mill to a corporation of millers.

As the law stands, it is lawful for a milkman to get all the customers he can along his milk route. It is lawful for him to extend his route, and if it is lawful for him to do this, it is lawful for any other business man or combination of business men to get all the business they can and to extend their business.

As the law stands, if it is lawful for A to acquire wealth and use it in trade, it is lawful for A and B and others to put their wealth together and use it in trade.

As the law stands, it is lawful for men to do all these things.

But no man has a right to do as he pleases in his public relations, at least unless he pleases to do right.

We may not say to a corporation or an individual, "You may gain so much wealth and no more," but we may say to the corporation which owes its corporate existence and the manner of its existence to the people who make the law, "You shall conduct yourself with equity and good conscience toward the people by whose permission you exist." To this end publicity is important. Whenever, as in the case of the first attempted international copper trust, it is attempted to disregard natural law; wherever it is attempted to artificially put up prices, whenever it is apparent that profits are large there is always capital, and plenty of it, waiting and ready to invest in opposition.

There never was a combination of men so strong but that some stronger force was lying in wait for them.

The only panoply which can assure success in the long run is justice and fair dealing.

LARGE INVESTMENTS.

The advantage of large investments in trade can not be overlooked, and men can not be prevented from availing themselves of it.

Besides, if you should attempt to say, by legislation, how much or how little a corporation or an individual should acquire, where would you draw the line?

Burke long ago called attention to the difference between large and small investments in these words:

A tradesman who has but £100 capital, which he can turn but once a year, can not live upon a profit of 10 per cent, because he can not live upon £10 a year. But a man of £10,000 capital can live and thrive on 5 per cent profit in the year, because he has £500 a year. The same proposition holds in turning it twice or thrice.

People are not consistent in their relation to large investments. They buy where they can buy cheapest, whether the thing bought is the product of centralization or otherwise—whether it be corporation made, combination made, or even if it be sweat-shop made.

They object to department stores, but send or go to the department store for what they want instead of patronizing their own local stores.

ORIGIN AND CONTROL OF CORPORATIONS.

The State organizes the corporation, "the state in State." It gives it life and directs the purpose and method of its life. There are abuses, of course. For illustration, there is too much water in stock.

Doubtless if the light of publicity were thrown upon all combines some would have to go out of business.

But if a corporation has too much water in its stock and there is not enough publicity as to its methods, whose fault is it?

If a corporation, organized under the laws of a sovereign State and operating under those laws, is not conducting itself properly, whose fault is it?

Obviously it is the fault of the sovereign State which makes the law which makes the corporation.

The corporation is not a sentient being. It did not make itself. It has no soul. It exists alone by virtue of the law creating it. It is frequently a device whereby personal responsibility is shifted.

Its power can be lopped away or increased or its life can be extinguished.

I entertain the view that the Federal Government ought to have an amendment to its Constitution to enable it more completely to follow, regulate, and control commercial corporations.

Commerce constantly runs beyond State boundaries. Freight trains pay no attention to State lines. We are more and more a centralized nation.

Articles of association put in motion a corporate power which is more than Federal in its scope, but which the Federal Government has not at present sufficient power to deal with.

At present the formation, regulation, and control of corporations doing business all over the country is miscellaneous, depending upon the temper of legislatures elected on various party tickets, calling themselves the vox populi—the vox populi, of course, differing in different States.

In this view of the case the President's recommendation as to publicity must be taken as advisory to the States, which may or may not regard it, unless there can be a law whereby corporations organized under the laws of various States may be required

to make representations to the Federal Government on which the Federal Government may act. Certainly publicity would give people an opportunity to act with their eyes open.

Things placed in show windows generally look their best.

As was ably said in a recent editorial in the Washington Post, commenting on the transition from sickle to harvester, from flail to thrashing machine, from spinning by hand to power loom, from stage lines to railroads:

The principles of law have heretofore proved an ample resource to control the power of all combinations affecting the interests of man. The fountain of these principles is still affluent. For every wrong a remedy flows from that fountain. The pessimist and the demagogue own no charm that will conjure the rescuing statute. But legal philosophy, constructive and not destructive, bears the rod which will smite the rock and bring the healing waters forth in increasing volume to meet the larger need.

CENTRALIZATION.

If the nation is going out on the scythe-chariot plan of taking everything in sight, there are many abuses ripe for the harvest.

The world at present is a world of centralization. If the wealth of the world were divided to-night, the per capita share would be small. It would immediately begin to centralize again, and some people would gamble theirs away before morning. [Laughter and applause.]

It is also a world of corporations and combinations. A few hundred years ago it was a world of voyages and discovery. What it will be a few thousand years from now we can not conjecture.

Possibly it may resolve itself back into the Old Testament pastoral plan, when somebody lived an hundred years and begat somebody. [Laughter.]

This is an age of wheels and shafts and bands, of steam and electricity, and condensed air and hot air, and so much light that the eye of man hath not where to rest itself.

Competition has begotten combination, and combination has resulted in the survival of the strongest. The weak go to the wall, are starved out or bought out.

Like atoms, industries are constantly taking new shapes and combinations, which tend constantly to disintegration and re-formation.

Corporations have their appointed place in human evolution.

One man can not build the pyramids, lay transcontinental railroads, tunnel mountains, or harness Niagara Falls, but combinations of men, corporations of men, can do all these things.

PARASITISM.

We may not like their methods of doing business. We may not like to have them usurp the functions of the market.

We may not like to have them hold dominion over what we shall eat and what we shall wear, and scientifically levy tribute on our every necessity and luxury.

We may not like their very charities or their patronage.

We may not like the parasitism that swarms about their footsteps.

We may not like some products of congenital wealth who bow down before family names and refuse to have a disease unless it be an hereditary disease.

We may not admire the squaw men and carpet knights and certain types of the heirs and diluted descendants of money-getting ancestors who caper to the lascivious pleasings of the lute in various places; who act as ringmasters for the society circus and the delectation of the ladies, who also go about diligently doing nothing, except occasionally to violently visit the unoffending poor.

All these do nothing for the body politic except to consume, which, of course, is no inconsiderable service.

However, let us not introduce the element of a personal bias into an equation calling for unprejudiced accuracy.

It always seems easier to begin reforms on some one else.

WEALTH.

There is really nothing to be gained by denouncing wealth. Wealth is very likely to consider denunciation as the tribute which envy compels.

Then, too, those who denounce wealth are very likely to be suspected of hypocrisy. It is generally known that most people would like to try the experiment of wealth. When a farmer gets 40 acres of land he generally wants 80, and when he gets 80 he wants 160, and when he gets 160 he wants more.

It is currently reported that a legislator who used to denounce stocks and bonds with great force and violence went up to New York at the close of the last Congress and cashed in a tip at something like $250,000.

It is hard to please people, anyhow. If a man is economical, you call him parsimonious; if he is a spendthrift, you call him a fool; if he is rich, you call him a plutocrat. [Laughter.]

Besides, wealth is the victim of its own environment. When you see one of those figures in a grocery window grinding coffee, the figure seems to be running the machine; but in reality the machine is running the figure, and the figure can not very well escape the tyranny of its own surroundings.

To the man of moderate means unlimited wealth seems a good deal like the prospect of unlimited jam to the small boy, but he can hold only about so much anyhow.

Generally speaking, it means rather a dreary round, certainly not more interesting than the keen ambition of the man seeking to get there.

"The wheel of life turns high, turns low," but there is no point where the average man, rich or poor, is willing to stop.

Above a certain moderate sum wealth becomes a financial expression, a column of figures.

The capitalist plays for thousands as the schoolboy plays for marbles, and is not so much interested in the money as in the game.

After all, enjoyment is not so much in the thing tasted as in the palate of the taster.

The millionaire maintains a palace and finds his comfort in one room; keeps many servants to wait on each other; keeps a carriage and walks for exercise; has plenty to eat and diets for his health; has unlimited means for diversion and seldom has time for diversion; gets tired of watching the boundaries of his own possessions, but has to remain on guard.

Every once in a while, after he has drained all there is in it, he turns state's evidence against the world, the flesh, and the devil, good form, charitable brokerage, and the well-dressed treadmill generally, and tells us there is nothing in it; but we keep right on after it. [Laughter.]

Capital is only labor grown prosperous, and when it becomes prosperous it acts just as prosperity always acts, and gets envied in turn just as prosperity is always envied.

WEALTH AND POVERTY NOT DIVIDED ALONG POLITICAL LINES.

Neither is anything to be gained by claiming that plutocracy is Republican or Democratic.

It seems to be both, and it seems also to be monarchical.

Mr. Havemeyer, himself a Democrat, declares that his sugar trust contributes both ways, and when the Wilson bill was framed our Democratic brethren protected sugar and the sugar trust. This is the testimony of the statute book.

As a matter of fact, the only Federal law ever passed for the regulation of trusts was passed by a Republican Congress.

This also is the testimony of the statute book.

Whenever two or more factories have gotten together to take unfair advantage of the people, as in the case of the Addystone Pipe Line Company, the Sherman antitrust law has proved effective.

At the first session of the Fifty-sixth Congress the gentlemen on the other side were given an opportunity to vote for a joint resolution for the submission of an amendment to the Constitution whereby the Federal Government would have been given power to control trusts.

It required two-thirds of Congress to carry this resolution into effect.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. HENRY C. SMITH. Mr. Chairman, I yield fifteen minutes of the time assigned to me to the gentleman, as he can use it to much better advantage than I can.

Mr. VANDIVER. Now, will the gentleman yield to me for a question?

Mr. HAMILTON. No; I can not yield further.

Mr. HENRY C. SMITH. I yielded my time to the gentleman from Michigan, and not to you. [Laughter.]

Mr. HAMILTON. The Republican party had a majority of only about fifteen in the last Congress. The gentlemen on the other side refused to vote for this resolution, and it failed to pass. This is the testimony of the CONGRESSIONAL RECORD.

Our friends on the other side always express a vociferous and voracious appetite for octopi, but generally limit their efforts to platform preambles and resolutions never executed.

So far as I have been able to observe, human nature is about the same in its fundamental outlines in the Democratic and Populist parties as it is in the Republican party, only a little more so.

In these days, as in the days when we told them on our buttons, the world is divided among rich men, poor men, beggar men and thieves, and no party has a monopoly of any of them.

So far as I have been able to observe there are no political prenatal influences that determine a man's money-getting instinct, and the poverty and the wealth of the world are not divided along political lines.

Now, you gentlemen who look conscious whenever it is suggested that the country is in need of a great leader, did you ever hear of a Democrat or a Populist running his business any differently than a Republican?

Do you run your factories any differently than Republicans?

Don't you have shafts, and bands, and wheels in your factories just like Republicans?

You don't farm any differently than Republicans, do you?
You don't pay any more wages than Republicans, do you?
You don't think you are any better than we are, do you?
You don't think you are any more pious than we are, do you?
You don't go to church any oftener than we do, do you?

There is, it is true, a certain class who want to level down and start over again about every thirty days; whose dream of Utopia is to pull down and destroy other people's prosperity and sit around among the ruins.

There are also those whose inventive faculties run to safe cracking; whose ideas of the currency run to counterfeiting and to forgery; who never study prison reforms, though having excellent opportunities, and never study drainage, though living close to the gutter.

Naturally these kinds of people are attracted to those who denounce their natural prey.

JOINT AND SEVERAL INTERESTS.

Neither is anything to be gained by looking into the future and shivering for political effect after the fashion of the amateur prophets on the other side.

Of course you can never please a pessimist by proving to him that things are right and he is wrong.

A genuine pessimist is never so happy as when standing on the brink of the abyss and holding out to a horrified audience the awful alternative of voting the Populist ticket or going to destruction. These gentlemen mistake their prejudices for their principles. [Applause.]

Prices may be high, but they would be higher if we could call half a dollar a dollar and they would be lower if they were not so high.

Crops may be large, but they would be larger if we could call a half bushel a bushel.

We are conquering, winning, and annexing the markets of the world. Therefore we are guilty of commercial greed.

We have freed 10,000,000 people from the yoke of imperialism. Therefore we are imperialists.

And so the splendor of our advancing commercial power "is sicklied o'er" with the yellow cast of pessimism and enterprises of great pith and moment are slandered and misnamed for political purposes.

Although the devil and the octopus may not yet have been tied up for a thousand years, this Republic is still in the forenoon of its best days.

Here in America men are honest and women are virtuous. There is no trait more common than bravery; no trait more prevalent than patriotism. [Applause.]

On land and on sea the ancient qualities that made our people great have shone again with all their old-time luster.

"America is working out on the largest scale the most remarkable experiment in government the world has ever witnessed."

Here the average citizen constantly realizes that he is part of the nation and feels a certain personal pride and responsibility for its standing among the nations.

At the same time every man is one of a population so vast that it rules like the forces of nature.

In the long run the great mass of our people come to conclusions as to what they want and what they do not want.

What they want goes on; what they do not want withers in the breath of an adverse public opinion.

Nothing is permanent. The corporate combine is a phase of centralization, which is itself a phase of evolution.

The more men become civilized and the more civilized men become the wider the field of exchange of thought and commodities, therefore the greater the tendency to centralization.

No man liveth unto himself. No nation liveth unto itself, and the action of America must have relation to the world at large.

We have reached that stage of commercial altruism where we are gravely considering not only our own interests but the interests of other nations in their relation to our interests; not unselfishly, it is true, but with a view to so conserve their interests that their interests may be made tributary to our own interests.

"Only a broad and enlightened policy will keep what we have. No other policy will get more." [Loud and long-continued applause.]

Mr. STEPHENS of Texas. I yield ten minutes to the gentleman from Missouri [Mr. VANDIVER].

Mr. VANDIVER. Mr. Chairman, replying to the gentleman from Michigan [Mr. HAMILTON] who has just taken his seat, if I could have his ear for a moment or two, I should like to direct his attention to one or two of his mistakes. I am sorry that he was unwilling during the course of his remarks to allow a question or to answer an inquiry that he could have answered with the word "yes" or "no." I am sorry that the gentleman seems to be still unwilling to hear the question and retires from the scene. It seems to me rather significant that the first speech delivered on this floor in championship of the trusts, the millionaire magnates, and the great corporations is received so heartily by the Republican members of the House. In fact, they seem to jubilate over it.

I concede that the gentleman from Michigan made an excellent speech in behalf of the trusts and the plutocrats. I concede that his poetic fancy ranges high—that his imagination takes a lofty flight. If, in fact, he had been willing to come down to the surface of the earth and discuss the plain facts of business with the men of this House he might, perhaps, have been as instructive as he was entertaining. But, preferring the atmosphere of the clouds—the beauties of poetry and eloquence to the plain truths of business—he seems to have eschewed the facts and figures of the official reports to which I called his attention; and when I asked him if he would allow me in his time to read one single sentence from an official report bearing on the subject of trusts, which he was discussing, he declined to listen to it.

His defense of the trusts was eloquent. His speech was entertaining, and what he said about the progress of our manufactures and about the increase of our exports had some semblance of truth. But when I called his attention to the fact that instead of our imports decreasing, as he said they were, they have actually increased, he declined even to allow me to read the figures from the official report, and when I called his attention to the fact that the president of the Industrial Commission, Hon. Thomas W. Phillips, once a Republican member of this House, having sat for four years on the Republican side——

Mr. OTJEN. The gentleman will allow me to say that Mr. Phillips was never the president of that Commission.

Mr. VANDIVER. He was a member of the Commission, and at the time he made this report was, as I am informed, the acting chairman.

But when I called the attention of the gentleman from Michigan to the fact that Mr. Phillips, a prominent Republican, an expert on this subject, has just recommended in his official report that those articles manufactured and controlled by the trusts should be put on the free list or the tariff upon them reduced, the gentleman pleaded ignorance and said that he did not know that those articles were being sold in foreign countries cheaper than at home; and when I asked if he would allow me to read one statement of the report of Mr. Phillips in proof of what I had said, he declined to yield. In fact, he refused to answer a single question put to him by members on this side, because he found them very embarrassing, and he did not want them to appear in the printed report of his speech.

Now, I submit here is what Mr. Phillips actually said on the subject. I read from volume 19 of the final report of the Industrial Commission, at page 663:

TARIFFS IN THEIR RELATION TO TRUSTS.

In certain cases it is claimed very strongly that trusts have been fostered by an abnormally high protective tariff. There seems to be a great change in public sentiment upon this question within the last few years. Witnesses before the Commission have insisted upon a reduction of the tariff wherever the duties seem to have become unnecessary or too high, and particularly where they tend to foster monopoly. One witness, Mr. Havemeyer, asserts broadly (Vol. I, p. 101) that the tariff is the mother of trusts and that his own, the sugar trust, in particular, is the result of the tariff. The revival of interest in this subject during the last two years has been due to the fact that people now realize the effect of the tariff in strengthening the trusts.

That there is much force in this general feeling can hardly be denied. There are a large number of industries in which it is in evidence that the domestic price is much higher than the export price. I do not agree that the answers to inquiries addressed by the Commission to exporters indicate that the trusts are not chargeable with this practice to any serious extent. Out of 2,000 schedules of inquiry sent out, there were received only 416 replies, and only a very few of these replies came from corporations known popularly as trusts. (Vol. XIII, p. 726.) The fact that about 75 answers indicated lower prices abroad than at home is significant, when it is noted that more than four-fifths of those addressed failed to answer and that naturally those who are chargeable with such discriminations would be the ones who would decline to reply.

In other words, there are 75 corporations in this country that have admitted that they are selling their manufactured products cheaper to foreigners than they sell them to Americans.

Mr. THOMAS. Well, what of it?

Mr. VANDIVER. What of it? It is robbery under false pretense of protection. But I will continue with what Mr. Phillips says:

Several witnesses before the Commission on behalf of the trusts admitted that their export prices were lower than their domestic prices, but they contended that this was necessary in order to work off their surplus and to keep their establishments running full time, and that all manufacturers in all countries do the same. This argument overlooks the fact that their surplus products could also be worked off by lower prices at home, and that it is the tariff which encourages them to cause a domestic surplus by restricting domestic consumption through high prices.

When, as is shown in the testimony regarding several trusts which produce crude products, the industry has reached the point where the labor cost is relatively small, notwithstanding high wages, the tariff becomes not a means of maintaining wages, but a means of excessive charges to the consumer and to other American manufacturers who depend upon them for their material. But, on the other hand, where the tariff is necessary to maintain the American rate of wages as against the rates in foreign countries, there is no objection.

I do not agree with the statement in the review of the Commission nor with the statements of trust witnesses that the tariff should be retained in order

to protect the small domestic competitors of the trusts. I hold that, apart from freight discriminations, destructive competition, and monopoly of raw material, the competitors of the trusts are able to manufacture and sell their goods profitably at prices as low as those made by the trusts, and that if they are not so able they should not be protected.

Here, Mr. Chairman, is high Republican authority on the rapacity of the trusts, and I will quote a little more of it.

Now, when the gentleman on the other side charged the Democratic members of this House with hypocrisy in proposing to deal with these trusts he made another statement which he would not allow to be corrected, and that was that in the Fifty-sixth Congress this House passed a law for the regulation of trusts. I called his attention to the fact that they did not pass any such law, but he would not allow the correction to be made. The Republican members of this House proposed only an amendment to the Constitution, which they knew would never pass, but would delay matters till after the election, and when the gentleman says that we were hypocritical in our opposition to the trusts I denounce his statement as a false imputation.

Mr. GAINES of Tennessee. May I interrupt the gentleman a moment?

Mr. VANDIVER. Certainly, I yield to my friend.

Mr. GAINES of Tennessee. I wish to state to the gentleman from Missouri [Mr. VANDIVER] that it is a fact that Attorney-General Griggs gave me an official letter a year ago in April, in which he showed that only three suits had been tried during the McKinley Administration to enforce the law against trusts.

Mr. VANDIVER. Yes, sir; that is a fact, and when I asked the gentleman from Michigan why the Republican Administration had refused to enforce the law which they claim credit for enacting he declined again to answer. Now, Mr. Chairman, once more, when the gentleman talks about cowardly pretenses and hypocrisy, I want to call attention to the fact that only three days ago we passed a bill through this House which was subject to amendment under the rules, and yet they refused to allow us to offer an amendment which would strike down the trusts. And why? It was because they were unwilling to strike the trusts and they were afraid to vote against our amendment. And so they would not allow any vote to be taken. Talk about hypocrisy! This was cowardice and hypocrisy combined.

Now, Mr. Chairman, when your party lash whipped the gentleman from Wisconsin [Mr. BABCOCK] into line, and his associates, who professed to want to curb the trusts, you knew you were strangling the last effort of your party to restrain these leeches from sucking the blood of the people. Why were you not willing to vote and go on record? Because you were afraid the wrath of the people would fall upon you, because you protect the vampire which soothes them to slumber and then steals their breath while they sleep. Aye, sir, the refusal of your party to allow a vote to be taken on this question was the most cowardly performance I have witnessed since I have been a member of this body.

Now, Mr. Chairman, as this question of trusts affects every farmer in the land, I am determined that his interest shall be represented here and to see that he is not without a friend on this floor. I never had any occupation but that of farmer and school-teacher, and I know what it is to have to dig a living out of the ground, and sometimes hard and stony ground at that. Some of you were farmers in your youth, but you have become great lawyers and bankers, and your fondness for the farmer only shows itself for a short time before the elections every two years. I have never accumulated enough to get far away from the farm and never expect to have more than enough to pay for the farm on which I shall spend my closing days. Hence, it may be a duty, as it is my heart's best impulse, that leads me to sympathize with the man who toils from morn till night in the field or the workshop, actually adding to the world's stock of material goods, while the products of his toil are often reaped and enjoyed by the speculator or the capitalist, who by nature and the laws of God is entitled to nothing, but by Republican legislation is given the largest share, if not the whole, of the "unearned increment."

Briefly and pointedly I want to show you two particular acts of injustice to the farmer.

Before this high tax was put on sugar the farmer could go to town and buy a hundred pounds of sugar for $4.12, or buying it at retail he could get the best granulated sugar for 5 cents a pound or 20 pounds for a dollar. You raised the tax by the Dingley bill, and now he walks into the store, lays down his dollar, his gold-standard dollar, which you tell us is the best dollar in the world, and he gets only 15 pounds of sugar. What has become of the other 5 pounds? Is it kept by the sugar planters, the farmers in Cuba and Porto Rico? No; it is cheaper there than ever. They only get 2 cents a pound for it at the mill. Where are the 5 pounds? Does the retail merchant get it? No; the competition there is sharp and profits exceedingly small. No, gentlemen, the trust has absorbed it. The very day the bill passed this House certificates of stock in the sugar trust were sold on the market in New York at a premium of 43 per cent, and inside of thirty days the trust magnates reaped a harvest of $12,000,000, most of it in one day—the day the bill passed—and from $1,000,000 to $2,000,000 a month ever since.

Now, on page 351 of the Statistical Abstract which I hold in my hand I find that the average consumption of sugar by our people last year was nearly 68¼ pounds per capita. Nearly 60 per cent of our population is engaged in agriculture, or about 42,000,000 of our people are farmers, and they consumed last year, in round numbers, two and three-quarter billion pounds of sugar, and the increase of nearly 2 cents a pound forced them to pay out $56,000,000 increase of taxes, most of it, or at least half of it, going into the pockets of the sugar trust. In other words, sir, your unjust system of legislation has forced the farmers of this country to contribute from $25,000,000 to $30,000,000 a year to building up the fortunes of the great millionaires who own the stock of the sugar trust.

By your system of trust protection you have forced the farmers also to pay more than a hundred million dollars a year to the Standard Oil trust and its associates in the oil business, and its enormous profits, aggregating millions a month, are drained mostly from the farmers.

Besides this, the iron and steel trust has come into the field to control the entire supply of farm implements and machinery, so that the farmer can not buy a shovel or a hoe, a plow nor a harrow without paying tribute to the trust.

The United States Steel Corporation is really the largest industrial trust in the country, as it is a combination of all the trusts controlling the iron and steel industry of the United States, capitalized at $524,000,000. While it is protected by a 30 per cent tariff, it boasts of capturing the foreign market by underselling the foreigners in their countries, and charges the farmers of our own land from 30 to 35 per cent more for plows and other iron implements than the same articles are sold for abroad. In fact, it is reported that a plow which costs the American farmer $15 is sold in Buenos Ayres for $8. They make the farmer pay the freight both ways. They catch him "a comin' an' a gwine," and still cry for protection from foreign competition in the interest of American labor. I am in favor of protecting American labor by excluding the pauper labor of China and Italy and by forcing the protected intersts to divide their immense profits with the men who really create their wealth. But a 5 per cent advance in wages is not in proportion to a 30 per cent protection.

Once more, Mr. Chairman, I wish to quote from Mr. Phillips's report as a member of the Industrial Commission, because he is high Republican authority and has studied the subject for the last three years as an expert since his appointment by Mr. McKinley, and because Mr. McKinley himself, in the last speech he ever delivered, uttered very much the same kind of sentiments.

Mr. Phillips, in the 19th volume of this very bulky and exhaustive report, further says, referring to that immense aggregation of capital known as the United States Steel Corporation:

> The evidence shows it is not safe to trust private combinations with the public weal. It may reasonably be apprehended that the more recent combinations will follow the practices of the older trusts. The United States Steel Corporation exceeds all these, in that it is a combination of combinations. The stocks of the original corporations were watered when they were organized, and again watered when they entered the giant combination. It is estimated by practical men that the actual investment in its plants and transportation equipment does not exceed one-third of its actual capitalization of $1,400,000,000, upon which its profits in the first nine month of its existence were $84,779,298.

Again, Mr. Chairman, referring to the great railroad corporations which combine to keep up freight rates and use rebates to assist their favorite shippers and to break down others, Mr. Phillips says that the railroads keep no books on the subject of rebates, because the books would furnish proof of their violation of the law, and very pertinently adds:

> In the face of testimony like the foregoing, it is not surprising that the people are widely demanding remedial legislation on this subject. Railroad corporations have received from the public hundreds of millions of dollars for which they have given little consideration. The Government, in order to develop the country, gave to the railroads enormous tracts of lands, which in time became very valuable. They aggregated, according to the Government Land Grant Office at Washington, about 197,000,000 acres—more than the entire area of New England, New York, Pennsylvania, Ohio, Indiana, and Illinois. In addition, the National Government gave vast subsidies in money or bonds.

Now think of it, if you can, the steel trust making $84,000,000 in nine months and taxing the farmers of Missouri for barbed wire 100 per cent more than they paid before the trust was organized, and the land-grant railroads receiving from the Government as a donation a domain greater than five great States like Missouri and yet combining to keep the farmers' freight rates up to the point which allows him no profit on his products.

In conclusion, Mr. Chairman, let me say that but for the farmers' patient industry that vast volume of exports that we hear so much about would diminish to an insignificant sum.

By your unfair treatment the agricultural exports from our farms to foreign markets have fallen in the last forty years from 81 per cent of the total exports of the country, in 1860, to 65

per cent last year, and yet in spite of that the farmers last year sent $943,811,020 worth of their products abroad, and the total of all other exports was only $412,155,066; and our total imports were $823,172,165. In short, sir, the farmer turned the balance of trade in our direction, and, but for him, instead of having a balance of $664,592,826 in our favor, we should have had $411,077,099 against us.

Now, sir, is it fair that, while the farmer carries the burden of the Government and saves us as a nation from financial embarrassment and ruin, we should allcw these gigantic combinations of capital to rob him of the just returns for his toil?

You are allowing the sugar trust to rob him of $30,000,000 a year.

You help the steel barons to rob him of more than sixty millions a year, while the oil trust takes another sixty millions, and the railroads take all that is left.

How much longer can he bear it? It is true he is living, but for the most part living by very hard work on short rations, while your favorite trust magnates are eating up his substance while he sleeps and their millions are multiplying. Furthermore, it is not only the farmer that suffers, it is the laborer, the small merchant, the mechanic, and the merchant.

The trust is gnawing at the vitals of society. If I had the time I would like to show how the laborer suffers and is becoming a slave to these great corporations. I fear he will never get his share of the products of his toil until some form of commercial cooperation is brought about by which he can have the right to a share of the profits of the business, and I shall favor such a proposition whenever and wherever it is presented. But in the meantime let us at least see that those who receive government protection in the name of American labor shall share that protection with the American laborer. Now, sir, I am through. [Applause on the Democratic side.]

The CHAIRMAN. The gentleman's time has expired.

Mr. STEPHENS of Texas. Mr. Chairman, the bill under consideration carries an appropriation of $8,441,505.69. This amount is necessary, if we carry out the plans of the Interior Department relative to Indian affairs. But, Mr. Chairman, I desire to enter my protest against the Indian policy pursued by our Government. It is not best for the civilization and welfare of the Indians, and is a heavy burden on the taxpayers.

We should, in my judgment, apply the old-time Democratic doctrine of home rule and local self-government to our Indian wards. This Congress should pass a law transferring the Indians and all their property to the States in which their reservations are situated. We should dissolve the tribal relations of the Indians, repeal all Indian laws, and allot all the Indian lands among the members of the tribes. We should give the courts and legislatures of the States where the Indians live full and complete jurisdiction over their persons and estates. The Indian Territory should be added to Oklahoma, and Oklahoma, New Mexico, and Arizona should each be made States. But the enabling acts making them States should extend the right of suffrage in the new States only to male citizens over 21 years of age who can speak, read, and write the English language.

The laws recently adopted by Congress restricting the rights of suffrage in our newly acquired Spanish territory should apply to the Mexicans and Indians in our home Territories who can not speak or read and write the English language. The Indians must be civilized by coming into contact with the white man and by being treated like the white man by our Government. Why should Congress tax the people of this country the amount named in this bill, or any other amount, for the purpose of maintaining in idleness 180,000 Indians? A red man should be required to work and support himself, just as the white man or the black man is required to do. What patent of nobility does the red man possess that would make the white man a hewer of wood and a drawer of water for him? We have spent in the last thirty-three years more than $240,000,000 on our Indian wards. This amounts to $860 per capita to each Indian.

We have spent $45,000,000 on the education of 20,000 of their children in the last twenty years. It has cost us $2,250 to educate and support each Indian child. It will cost us $70,000,000 to educate them the next twenty years. I glean these figures from the last Government reports. We now have on our hands 10,000,000 yellow men in the Philippines. Our Republican friends tell us that God gave them into our hands, and that they, too, are our wards, and that we must assume the white man's burden in the Orient and educate them and maintain them until we make good American citizens out of them, thus adopting the same policy that we are pursuing with the Indians. Already we are sending shiploads of school-teachers over to the Philippines, and we are making the same expensive mistake that we have made with the Indians. There are at least 2,000,000 school children in the Philippine Islands, and if we spend as much money on their support and education per capita as we have on the Indians, we will have spent on them four and one-quarter billions of dollars in the next twenty years.

There is but one solution of these vexed questions: That is to permit these Spanish-American islands to govern themselves in their own way, and also to educate themselves at their own expense. We should, as I before remarked, withdraw all support from the Indians now residing in States and allot all their lands among them, and pay all the money due them by former treaties to the States in which they live and let them become the wards of their own State, leaving the legislatures of the States to legislate and care for the Indians in their borders, and as fast as the new States are created the Indians would become a part of their commonwealth. We have a precedent for this mode of solving the Indian question. At the close of the civil war the Southern States were forced to take control of and educate 4,000,000 of negroes, and by changing the Constitution the negroes were made citizens and voters without the consent, and indeed over the protest, of the people of the Southern States. Congress should not make the Indians voters in the States, but each State should settle that question in their own way. I do not believe that the people of the Western States would object to this manner of settling the Indian question.

There are but 180,000 Indians for all the Western States to absorb and care for; and their problem would be far less difficult and burdensome than the negro problem has been and now is to the Southern States. The Indians all have lands of their own, and many of them own personal property, but the negroes had nothing when the South was forced to take charge of them.

There is a race prejudice against the black man that does not exist against the red man. The only argument against turning the Indians and their lands and also the public domain over to the States is that the State legislatures will not treat the Indians fairly, but will cheat them out of their lands.

I do not subscribe to this "holier than thou" hypocritical doctrine. Were I an Indian, I had rather trust and be controlled by the free and generous men of the West than by the commercial and purse-proud East. I had rather trust the legislators in the States where the Indians live to do justice to their Indian wards (because they know and understand their character, habits, and environments) than Congress, but few of whose members have any personal knowledge of the Indians or their wants or capabilities. The old Democratic doctrine of home rule and local self-government is as dear to the heart of the red man as it is to the white man. Therefore they should be controlled by the States where they live and by the men among whom they live, for they must be finally civilized by coming into contact with the white man politically, and learn to compete with him in all of the industrial pursuits of life.

At the close of the civil war the negroes were as poor and ignorant as the Indians are to-day, and the black man has the same constitutional dread of work that his red brother, the Indian, possesses. The negro in his aboriginal state in Africa was by far a more degraded human being than his red brother in America. The negro at the close of the civil war had to go to work or starve. He preferred to work. So will the Indian when this alternative is presented to him.

Congress never appropriated any money whatever to educate and support its black wards, but simply turned them loose in the Southern States for the Southern people to educate and care for. The South has wrestled with the negro problem ever since, and these States have spent hundreds of millions of dollars in educating the negroes, giving them the same amount per capita as their own children receive, though the white race pays more than 95 per cent of the school taxes.

The South thirty-seven years ago was impoverished by the desolation of war and compelled to educate and care for 4,000,000 free negroes—compelled to help pay her share of Federal pensions, which have, since the civil war, amounted to more than $2,500,000,000. These States have also at the same time cared for the disabled and indigent Confederate soldiers; yet she has triumphantly overcome all these obstacles, and some of these States are to-day among the most prosperous States in the Union. If the South has been able, under all these adverse circumstances, to educate and care for the negroes without any Government aid, would it be any more unjust to turn the red man—the Indians—over to the States where they are living and let these States assume the white man's burden of educating and caring for the red man?

We should also convey with the Indians the public lands belonging to the United States to the States in which these lands are situated. We would thus at once and forever settle, as far as Congress is concerned, the Indian problem and the problem of reclaiming the public lands by irrigation. If we keep these lands, we must enter into an irrigation system for the purpose of reclaiming them, which will cost the Government an immense amount of money and involve us in a species of paternalistic legislation dangerous to our Republican institutions. If we keep our

public lands, we should lease the arid grazing lands for grazing purposes. I have introduced a bill for this purpose.

The State of Texas has been leasing her public lands for several years and deriving therefrom more than a half million of dollars per annum in cash, which money goes to swell her available school fund. The only argument against transferring the Indians and the public lands to the States where they are situated is the fear that the State legislatures will steal the lands and corrupt the Indians. The State of Texas kept her public lands, and we are managing them to the satisfaction of all her citizens. We have utilized our public lands in such a way that we have the best public-school system in the United States. There is no State in this Union that is more prosperous than Texas. What she has done with her public lands the other Western States will do if given an opportunity. Why should the legislatures of these States squander their own public lands and corrupt the Indians living among them?

The records will show that the school and public lands of Texas have been leased, and thus used to a much better advantage than are the public lands of the United States, and our Alabama tribe of Indians are and have been as well if not better treated than any similar tribe of Indians in the United States. We should reverse our Indian policy; cease making these great annual appropriations; break up their tribal relations; allot their lands among them, and open up the surplus lands on their reservations for settlement, and if they contain valuable minerals the miners should have the right to acquire them under the mining laws of the United States. I have introduced several bills along these lines that should become laws. In the Fifty-sixth Congress I secured the passage of a bill to open up the Kiowa, Comanche, and Apache Reservation in Oklahoma, and succeeded in doing so over the opposition and protests of the Secretary of the Interior and the Indian department.

The Senate conferees put on an amendment to this bill, setting apart 480,000 acres of pasture lands for the purpose of permitting these Indians to graze their stock thereon. It was the intention of Congress that this pasture reserve should not be farming lands; but the Secretary, over the written protest of every member of Congress from Texas, located 400,000 acres of this pasture so as to include good farming lands fronting on Red River for 30 miles, and just opposite the Texas ranches of two millionaire cattlemen (Waggoner and Burnett, by name), and at the exact place where these cattlemen wanted their pastures located. He has leased these lands to these two men, who now have them fenced and in their possession, and he now proposes to re-lease them for three years, notwithstanding.

I have a bill pending to open them up for settlement, and a resolution also pending before the Indian Affairs Committee to prevent the leasing of the lands for a longer period than one year. The Secretary seems to think that if he succeeds in making this long-term lease that the land can not be opened up for settlement until the lease expires. Were the Secretary of the Interior the paid attorney of these rich cattlemen he could not serve them more faithfully. His every act proves this to be true. He violated the law when he set apart farming lands instead of grazing lands, and he violated the law when he leased these lands to these cattlemen instead of letting the Indians use them, as Congress intended.

He violated the law and committed a great wrong against thousands of home seekers in that country by compelling them to settle on the grazing lands, composed of rough, stony, broken lands, unfit for cultivation and homestead purposes. On the other hand, he reserved for these two rich cattlemen 400,000 acres of rich agricultural lands on the valley of Red River. Each of these cattle barons have enough land inclosed in their pastures to make homes for 1,250 families. This high Government official evidently believes in making the rich richer and the poor poorer. If not, why did he give these two rich men fine agricultural lands on Red River and leave the rough, stony grazing lands in the Wichita Mountains for the poor homesteaders to settle upon?

It is one of the beauties of our republican institutions that no man is above criticism, and this high autocratic official, who scarcely deigns to consent to an audience with a representative of the common people of this country, can be called to the bar of public opinion and unmasked on this floor, and if the President permits him to remain in his Cabinet his Administration will greatly suffer thereby. This autocratic Secretary of the Interior has arrested without trial or warrant many white American citizens in the Indian Territory and deported them from its borders, thus plainly violating the Constitution of the United States. To prevent these high-handed outrages and to protect the citizens of this Government from the tyranny of this modern Nero, it was found necessary by the committee to insert in this bill a provision to the effect "that it shall be unlawful for the police of the Indian Territory to deport any person from the Territory who is in the lawful possession of any lands or parcel of land of any town or city in that Territory that has been designated as a town site." On what meat hath this our modern Cæsar fed that he has become so great?

Is it because he has command of a police force in the unfortunate Indian Territory and desires to show his brief power that he causes free American citizens to be arrested and deported? I think not; but in my judgment these arrests are made to extort unjust tax money from white noncitizens who live in that country. These outrages only exemplify the dangerous tendency of imperialism. If this Secretary will at our doors thus trample our Constitution and laws under his feet, what must be the fate of the poor Filipinos, thousands of miles removed from our shores, where there are no newspapers to expose the tyrannical actions of our Government officials?

But, returning to the Secretary of the Interior and his actions, I will read one of his orders for the removal of a citizen from his home, and all papers in the case will be printed as part of my remarks:

In the United States court for the southern district of the Indian Territory, at Pauls Valley. In re Dorset Carter.

Comes now Jack Ellis, by the United States attorney, William B. Johnson, and, answering the writ heretofore granted against him to show cause why he is restraining one Dorset Carter of his liberty within said district, respectfully shows to the court:

That at the dates alleged in the application for the writ the said Jack Ellis was, and is now, the duly authorized captain of the Indian police in the Indian Territory.

That by virtue of an order issued on October 11, 1901, by W. A. Jones, Commissioner of Indian Affairs, by and with the approval of the Hon. E. A. Hitchcock, Secretary of the Interior, it was directed that the United States Indian agent, Hon. J. Blair Shoenfelt, of the Union Agency at Muskogee, Ind. T., cause the removal from said Territory and the Chickasaw Nation of the said Dorset Carter, together with his personal effects, and any and all cattle owned, kept, or controlled by him, within the limits of said nation, under and in accordance with the provisions of section 2149 of the Revised Statutes of the United States. A copy of said order is hereto attached, marked Exhibit "A."

That on, to wit, October 25, 1901, the said Ellis, as captain of the Indian police aforesaid, received an order from the said Indian agent, directing him to remove said Carter and his effects from the said Chickasaw Nation and the Indian Territory. A copy of said order is hereto attached, marked Exhibit "B."

That acting under said order as aforesaid the said Ellis directed the Indian police acting under him to seize the person of the said Carter and remove him from the limits of the said Chickasaw Nation and the Indian Territory; that he has now and has at all times had the custody of the said Carter by reason of the said order.

Wherefore he prays that the application for the writ of habeas corpus be denied and that he be permitted to execute the process now in his hands for the removal of said Carter from the Chickasaw Nation and the Indian Territory.

JACK ELLIS.

WASHINGTON, *October 11, 1901.*

J. BLAIR SHOENFELT, Esq.,
United States Indian Agent, Union Agency, Muscogee, Ind. T.

SIR: It being my judgment that the continued presence of Dorset Carter in the Indian Territory is detrimental to the peace and welfare of the Indians, I hereby direct, with the approval of the Secretary of the Interior, that you remove from the Chickasaw Nation and the Indian Territory said Dorset Carter, his personal effects, and any and all cattle owned, kept, or controlled by him within the limits of said nation, under and in accordance with the provisions of section 2149 of the Revised Statutes of the United States.

Very respectfully,

W. A. JONES, *Commissioner.*

Approved.

E. A. HITCHCOCK, *Secretary.*

UNION AGENCY, MUSCOGEE, *Ind. T., October 25, 1901.*

J. W. ELLIS,
Captain, United States Indian Police, South McAlester, Ind. T.

SIR: I am in receipt of a letter from the honorable Commissioner of Indian Affairs, as follows:

WASHINGTON, *October 11, 1901.*

J. BLAIR SHOENFELT, Esq.,
United States Indian Agent, Union Agency, Muscogee, Ind. T.

SIR: It being my judgment that the continued presence of Dorset Carter in the Indian Territory is detrimental to the peace and welfare of the Indians, I hereby direct, with the approval of the Secretary of the Interior, that you remove from the Chickasaw Nation and the Indian Territory said Dorset Carter, his personal effects, and any and all cattle owned, kept, or controlled by him within the limits of said nation, under and in accordance with the provisions of section 2149 of the Revised Statutes of the United States.

Very respectfully,

W. A. JONES, *Commissioner.*

Approved.

E. A. HITCHCOCK, *Secretary.*

Section 2149 of the Revised Statutes referred to in the above letter provides as follows:

"The Commissioner of Indian Affairs is authorized and required, with the approval of the Secretary of the Interior, to remove from any tribal reservation any person being therein without authority of law, or whose presence within the limits of the reservation may, in the judgment of the Commissioner, be detrimental to the peace and welfare of the Indians, and may employ for the purpose such force as may be necessary to enable the agent to effect the removal of such person."

In compliance therein, you are directed to remove the said Dorset Carter from the limits of the Chickasaw Nation and the Indian Territory, and in executing this order you are cautioned to do so with as little friction as possible, treating the said Dorset Carter with all humanity consistent with the due execution of this order.

When you have complied with the instructions and directions therein, you will make a full report thereon to this office.

Very respectfully,

J. BLAIR SHOENFELT,
U. S. Indian Agent for the Indians of the Union Agency, Ind. T.

PURCELL, IND. T., *November 20, 1901.*

Under instructions from Captain Ellis, I arrested the within-named Carter, and attempted to eject said Carter from the Indian Territory. Was compelled to release said Carter on account of a writ of habeas corpus from the Hon. Hosea Townsend's court for said Carter being served upon me for the release of said Carter. Said writ was this day forwarded by me to the attorneys for the Chickasaw Nation.

Respectfully,

Lieut. ALF McCAY,
United States Indian Police.

Ex parte Dorset Carter. Application for writ of habeas corpus before Hon. Hosea Townsend, judge of the United States court, Indian Territory.

Comes now the applicant, Dorset Carter, and excepts to the return of the respondent, because it appears therefrom that the pretended orders thereto attached are not due process of law, and in reply to said return the applicant, Dorset Carter, says that he is a citizen of the United States and a resident of the city of Purcell, in the Chickasaw Nation, and has been such resident for six or seven years. That he is a licensed and practicing attorney of this court, and is and has been one of the aldermen of the said city of Purcell, which is a duly incorporated city of the second class, is and has been such alderman for the last eight months, and in addition thereto this applicant is and has been an employee and local attorney for the Gulf, Colorado and Santa Fe Railway Company, whose employees, under its charter and the laws of the Congress of the United States, have a right to reside in said Indian Territory. And this applicant is also an employee of the Ozark and Cherokee Central Railway Company, a corporation whose employees in like manner under the laws of Congress have a right to reside in said Chickasaw Nation.

Your applicant further says that the pretended order was issued without any notice to him, and he had no knowledge thereof, or of an intention or purpose to apply, until long after the issuance of said order; and that your applicant has always conducted himself in an orderly, peaceable, and law-abiding manner; and as for tribal taxes, he has paid all that were ever demanded of him; and that your applicant is the owner of and the occupant of a residence in the said city of Purcell, of the value of $3,000, which is occupied by himself and wife, who does not seem to be embraced in said order.

Wherefore he prays that he be discharged with his costs.

DORSET CARTER.

INDIAN TERRITORY, *southern district:*

I, Dorset Carter, the applicant, on oath say that the allegations contained in the foregoing reply are true.

DORSET CARTER.

Subscribed and sworn to before me, the undersigned authority, this 27th day of November, A. D. 1901.

[SEAL.]

C. M. CAMPBELL,
Clerk United States Court, Indian Territory.
By G. G. GREEN, *Deputy.*

Ex parte Dorset Carter. Supplemental brief.

There is one view we neglected to present. Section 2149, enacted in 1858, attempts to confer upon the Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, the power to remove from a tribal reservation anyone whose presence within the limits of the reservation may, in the judgment of the Commissioner, be detrimental to the peace and welfare of the Indians.

Now, this is peculiar statute; it is not applicable, as all admit, to the present conditions, and its attempted enforcement in the Chickasaw Nation is a gross absurdity. We regret to say that it is being grossly prostituted for the purpose of extorting money.

When the Commissioner of Indian Affairs says that in his judgment the continued presence of a citizen in the Chickasaw nation is detrimental to the peace and welfare of the Indians, this should be his deliberate judgment based upon reasons calculated to bring conviction to a right minded and conscientious officer. When an order of expulsion is issued, accompanied by secret instructions that it is not to be executed provided the party pays a certain amount of money, the order is a fraud upon the law. The Commissioner does not act in good faith. He threatens for the purpose of extorting money. He turns his office into a collecting agency. He inaugurates a practice that will result in rottenness from top to bottom. There is no pretense that Mr. Carter is in the Chickasaw Nation in violation of law, but the order concedes that he is there lawfully, but claims that his presence is detrimental to the peace and welfare of the Indians, and must therefore leave.

Since the enactment of article 2149 Congress, in order to promote the peace and welfare of the Indians and others concerned, has established courts in the Indian Territory and caused judges, marshals, commissioners, district attorneys, notaries public, and various other officers to be appointed and clothed them with certain public duties. Now, should it be the judgment of the Commissioner that this is detrimental to the peace and welfare of the Indians, could he exclude all of these officers from the Indian Territory? When did he acquire the power to veto an act of Congress and nullify such legislation as Congress may see fit to put in force in the Indian Territory? Congress, exercising its own judgment with reference to what the peace and welfare of the Indians required, provided for the incorporation of towns in the Chickasaw Nation and the election of aldermen, marshals, and the maintenance of municipal government, clothing its various officers with certain powers and imposing upon them certain duties. Now, Mr. Jones may honestly believe that this is detrimental to the peace and welfare of the Indians, but Congress is superior to him, and Congress, and not Mr. Jones, is the judge.

Our friend Johnson, district attorney, admitted that he could not hold his office after the Commissioner should conclude that his presence in the Indian Territory is detrimental to the peace and welfare of the Indians, and that the district attorney could be lawfully kidnaped and banished. Mr. Johnson has been ordered around so much by the Commissioner that he has acquired the habit of implicit obedience, and is disposed to look upon the Commissioner as "the only bright tin can in the trash pile."

Other officers take a different view of the dignity and responsibilities of the position to which they have been appointed or elected, and justly believe that they have as much right to their offices as the Commissioner or Secretary have to theirs.

All of which is respectfully submitted.

DAVIS & GARNETT,
Attorneys for Carter.

Mr. Chairman, I desire to read in my time a letter from the lawyers of Muscogee. It is as follows:

MUSCOGEE, IND. T., *January 28, 1902.*

Hon. JOHN STEPHENS,
Member of Congress, Washington, D. C.

MY DEAR SIR: I desire, as a member of the bar of Muscogee, to express to you my sincere appreciation of your efforts in Congress to relieve us of the infamous tribal tax law of the Indian Territory. The sum of $25 annually is demanded of the lawyers of this Territory who reside in the Creek Nation. The Secretary of the Interior rules that it is for residing here that we are required to pay this tax, but the Creek law says it is for the privilege of practicing our profession. We were never allowed to practice in any but the United States courts. We were not represented in the Creek council which passed such a law, and are in no wise subject to Creek legislation.

We are all citizens of Muscogee; that is, the bar here, and own our lots and homes under a law of Congress. We are compelled to pay taxes for municipal purposes, and our town limits are no part of the lands of the Creek Nation, and never can be.

It is true that titles to all the town lots have not been perfected in the recognized owners and holders, but certainly the Creek Nation has no title at all. If those to whom the lots have been appraised do not pay for them, the law of Congress provides for a sale to some one else. We owe no allegiance to the Creek Nation, and it promises us no protection. We receive no return for the tax. This mythical Creek government has no right to prescribe conditions upon which we shall practice law in the Federal courts. The lands in the Creek Nation have been allotted to the Creeks outside of all of the organized towns. Then, certainly, we are not intruders upon the lands of the Creek Nation. The Creek Nation owns no lands, but they are owned, since allotment, by individuals.

To whom does this tax go? It goes to these Creek Indians for what? Nothing. There are 6,000 negroes and 10,000 Indian citizens in the Creek Nation. There are 16,000 homes in this nation, or rather allotments, and these allotments are not the property of the Creek Nation. And if they were the few white lawyers in these little towns could not intrude upon 16,000 allotments all at once.

The mode or process by which we are compelled to pay these unjust taxes is to declare that we are detrimental to the peace and welfare of the Creek Nation. There are 24,000 noncitizens in this nation, and if we were all taxed $25 each it would amount to $600,000 annually—quite a sum to have to give to these Indians. The Creeks draw interest on $2,000,000 from the United States. They all have a home, and yet the 24,000 homeless white people have to pay tribute to the Indian and get no return whatever.

There is but one Government here, and that is the Federal Government. There is no reason why a few lawyers of the noncitizen class should be singled out and made to pay, not to our Government, not to any government, but to 16,000 private individuals. The bar is a part of the judicial machinery, and no person can be tried unless he has the benefit of counsel, and they are more frequently appointed here than anywhere else to defend paupers, for which they get no pay, and yet we are required to pay a bonus to these people for the privilege of residing in our own homes.

We have issued $175,000 worth of bonds to build waterworks, etc., here. Our town taxes, already high, are going to be enormous.

The Secretary of the Interior threatens to put the lawyers not only out of the Creek Nation, but out of the Territory, unless they pay these taxes to the Creeks. We are to be put out of the country and taken from our homes and our business affairs as intruders upon Creek soil. If we were on the lands of any Creek Indian we could easily be ejected by the courts. We have the right (noncitizens do) to lease 120 acres from a Creek Indian, but still, under the arbitrary rule of the Secretary, we would be intruders unless we paid this tax.

If we pay $6.25 every three months, our characters are good for that length of time; but if we refuse to pay we are declared to be detrimental to the peace and welfare of the Creek tribe. No pay, no character, no peace. If 24,000 white people are to be robbed and oppressed in this way, there is little use of trying to encourage the Creeks in habits of industry, because if we have them to support it will not be necessary for them to work. It is only the lawyers that reside here that are required to pay this tax. Lawyers from all the States can come with impunity and practice law here without paying the tax, and they do come from all the surrounding States and Territories and practice and pay nothing. Also all lawyers connected in any way with railroads or corporations in actual operation or prospective are exempt from this tax.

Those who live here and assist by their might and money to build up the towns must contribute to the support of the Creeks or lose their character and be put out of the country, and when put out we would not be allowed the privilege of the nonresident lawyers, because if we return we would be arrested and fined $1,000 and costs. If the tax is just, and it is for the privilege of residing here, then, as all are equal before the law, all the 24,000 should pay the same amount for the same article received, and the Indian lawyers should pay also, for all Indians are citizens of the United States and are all likewise subject alike to the Federal Government.

We are not intruders. We are on our own soil, and had to pay twice for our lots—first, to individual Indians, and second, to the Creek Nation. Other officers—our oppressors—are, like all other officials, free from this unjust tax.

I hope and trust that you may be successful, for which you will receive the thanks of hundreds, yea thousands.

I am, very respectfully,

THOS. MARCUM.
ED. E. BROOD.
W. N. BROOD.

We, the undersigned, members of the Muscogee bar, fully concur in the above letter.

ROBT. TOOMER.	S. HEARD.
D. M. WISDOM.	JESSE HILL.
T. W. LEAHY.	S. M. RUTHERFORD.
N. B. MAXEY.	WM. N. CRAVENS.

Mr. Chairman, I have introduced into this Congress a bill providing for temporary allotment of lands in the Indian Territory, and it is embodied in this bill and should become a law, for the reason that rich Indians are now using nearly all these lands, as is shown by the letter that I now read you, as follows:

PURCELL, IND. T., *February 7, 1902.*

DEAR SIR: According to the Washington dispatches to the press, you have introduced a bill in the House providing for the immediate allotment of 160 acres of land to each Choctaw and Chickasaw Indian in the Indian Territory, and you are quoted as saying that many of these Indians are holding as much as 1,000 to 2,000 acres of land each, and that deserving members of these tribes are being prevented from participating in their share of the rentals and holdings.

All of which you will permit me to verify by citing the following-named members and their holdings, all of whom are personally well known to me, to wit:

Ed. B. Johnson, Norman, Okla., has wife and five or six children, and who is holding, at the very least estimate, 20,000 acres, and realizes annually in rents from $15,000 to $20,000.

S. L. Williams, Purcell, Ind. T., ten in the family, holding 15,000 acres, with about one-third in cultivation, worth $2 per acre per annum.

Ben. F. Freeney, Purcell, Ind. T., five in family, holding 5,000 acres.

J. Hazel, Purcell, Ind. T., seven in the family (my wife's father), is holding 10,200 acres, with about 2,000 acres in cultivation, in the Washita River bottom.

Mrs. R. J. Love, Purcell, Ind. T., nine in the family, holding 10,000 acres.

Mrs. A. Murray, Erin Springs, Ind. T., three in the family, holding 4,500 acres.

A. P. Jennings, Erin Springs, Ind. T., three in the family, holding 6,000 acres, with about 1,000 in cultivation.

S. J. Garvin, Pauls Valley, Ind. T., four in the family, holding 5,000 acres.

All of these parties are holding the best lands in the Chickasaw Nation. They are all old settlers here and have had the use and benefit of these lands for many years, and yet when the poorer class of Indians offer to purchase their improvements and their possessory right to their surplus lands they will ask two prices for the same, placing their figures so high that the average Indian can not afford to buy.

We have tried to buy these lands and can not do it, and therefore we have asserted our rights under the "Curtis law," by appealing to the courts in this country, but the courts here have invariably dismissed all actions on demurrer, and consequently we are left without any remedy in the premises, and owing to this fact many of the poorer class of Indians are eking out a miserable existence in the midst of plenty. They are denied the rights that are guaranteed to them under all the treaties and laws of the tribe and the Government of the United States. It is the strong oppressing the weak, and that, too, with the concurrence of the courts of the Territory.

The courts in this district have held that the provisions of the "Curtis Act" could not be enforced in this regard, for the reason that the tribal rolls were not complete, and no one knows what the pro rata share is now or will be when the rolls are completed, and therefore the richer class of Indians will be permitted to prostitute the poorer and weaker class till allotment is made.

This class of Indians, together with the Indian officials, are to-day opposing any legislation for the Indian Territory looking to settlement of the affairs in this Territory, while the poorer class are willing to take anything in preference to the stones they are receiving to-day.

I don't think the Indians will favor the clause in your bill providing for the sale of the lands over and above 160 acres to the head, but they would prefer that it be allotted to them without any restrictions thereon, except the 160 acres as a homestead, allowing them to sell the surplus at any time after allotment, at a fair consideration. I think, however, that they would readily accede to a proposition giving them 320 acres each and allow the Government to sell the remainder as provided in your bill; this would leave about 3,000,000 acres to be sold by the Government.

And, again, I understand that the supplemental treaty provides that we will be permitted to allot the coal and asphalt lands the same as other lands; the coal and asphalt lands were reserved from allotment under the provisions of the Atoka agreement. I am sure that this provision of the supplemental treaty will be satisfactory to all the Choctaws and Chickasaws. It should have been incorporated in the first treaty, for the reason that the coal lands of the Choctaw Nation will equalize the rich farming lands of the Chickasaw Nation.

If you think this letter will be of any service to you in presenting these matters to the Committee on Indian Affairs, you may use the same, and I will state that the matters set forth can be easily verified by other citizens in Purcell and vicinity.

I write you because you seem to be interested in Indian Territory affairs, and am sure you will appreciate any information you may obtain in these matters, and you will therefore pardon me for the presumption.

With assurances of regard, I am, very truly,

JOSEPH P. SMITH.

Hon. JOHN H. STEVENS,
Washington, D. C.

Mr. GAINES of Tennessee. Mr. Chairman, I have not the time, and if I had it I am not able to make a speech to-day.

I should be delighted to reply to the very interesting speech that has just been delivered by the gentleman from Michigan [Mr. HAMILTON], who has exploited the history, as he reads it, of the Republican party and trusts. The truth is very brief. The Republican party and the Democrats both, without a dissenting voice, voted for the present antitrust law, but the Republican party has never enforced it. It would seem useless, as long as the Republicans remain in power, to amend that law, although I favor its amendment, because the Republican party fails to enforce the present law, and will continue to do so, I take it, as long as this trust-loving party is in power.

Attorney-General Griggs stated to me officially, and I have his letter, dated about April 1, 1901, which says that during the entire McKinley Administration there had only been three suits filed against trusts. One had succeeded, one had failed, and the other was pending.

I rose, Mr. Chairman, simply to read some portions of an interview with Dr. J. Albert, taken stenographically in the Philippine Islands. I hold that interview in my hand. He is the president of the Federal party. That party wants the Philippines made into a State of the Union; it does not want to remain or be a colony. He says they want no "carpetbag" government, and that is what a colony means. I asked him where he got the word "carpetbag," and he stated that he got it in reading the history of the late civil war. This party prefers the independence of the islands rather than to remain colonies. They want all our rights, every one that we enjoy as citizens of the United States, and every protection which the American Constitution gives us. They want it, and expect it, and he says that his party and his people will be sorely disappointed if it is not given them. The interview is as follows:

Statement of Dr. J. Albert, president of Federal party, in the presence of his brother, interpreter, Mr. Gaines, M. C., of Tennessee, and Mr. L. E. Appleby, stenographer.

Q. How old are you?
A. I am 34 years old.
Q. Where did you graduate in medicine?
A. I graduated in Madrid, Spain.
Q. Where did you graduate in literature?
A. In Manila.
Q. Were you connected with the insurgent forces at any time in the Philippine Islands?
A. I was an insurgent from the beginning of the war.
Q. Down to what time?
A. I was caught in February, 1899, by the American forces.
Q. What office did you hold in the insurgent government?
A. I was congressman in the civil government which the Filipinos established.
Q. When did they establish that government?
A. This government was established, little by little, from Cavite to Malolos. It was first established on the 29th of September, 1898.
Q. What was that government called?
A. Republica de Filipinas. I want to state this, that no Filipino should be called an insurgent until after the conflict between the Americans and Filipinos began.
Q. Where did that conflict occur?
A. At San Juan del Monte, on the 4th of February, 1899.
Q. How far is San Juan del Monte from Manila?
A. About three miles.
Q. Did you allude to the conflict that occurred between the American and the Filipino soldier at San Juan bridge?
A. Yes.
Q. Where were you when the conflict began?
A. I was at Capalagnan, Apalit.
Q. What caused this difficulty at the bridge?
A. The first information I had upon the subject was when I read General Otis's report.
Q. How many members were there in the congress of which you were a member?
A. About ninety.
Q. What place were you elected from?
A. Some members were appointed by General Aguinaldo and others were elected. I was appointed.
Q. Where did you then live?
A. In Manila.
Q. Did you write up a constitution for your republic?
A. I took a part in writing one.
Q. Who wrote the most of it?
A. Mr. Felipe Calderon, a lawyer, and Dr. Joaquin Gonzales, a physician.
Q. Where is Mr. Calderon and Dr. Gonzales at the present time?
A. Mr. Calderon lives in Manila; Dr. Gonzales is dead.
Q. Is Mr. Calderon a Filipino, and was Dr. Gonzales a Filipino?
A. Yes.
Q. Were they both members of congress?
A. Yes; both were members of this congress.
Q. Where were you when the constitution was written?
A. I went up and down from here to that place, Malolos.
Q. Can you recite any part of it?
A. It started like the Constitution of the United States of America.
Q. Did you have a copy of the Constitution of the United States when you wrote yours?
A. Yes; we had the Constitution of the United States and many others, that of Spain of '69 and of other European countries. We liked the American Constitution best.
Q. Where did you first read or see the Constitution of the United States?
A. Before the Spanish-American war started.
Q. What were you doing with it at that time?
A. I bought a book containing the Constitution of the United States that was published before the war between Spain and the United States broke out, and I bought it to see what sort of people the American people were, and I then read and studied the Constitution, but not so profoundly as I study it now. I read it when I was a schoolboy, and, while I have forgotten a good deal of it, I still remember a good deal.
Q. What do you think of the American Constitution?
A. It is the best constitution.
Q. What do you think of the Declaration of Independence?
A. The Declaration of Independence is a son of the declaration of France that declared the rights of men.
Q. Is it a good instrument?
A. It is the eternal truth.
Q. What makes you think so?
A. It is the eternal truth [points toward the heavens] for all mankind, for all time, and for all generations.
Q. Do you read it often or study it?
A. I know parts of it by heart. One of its parts is "that all governments derive their just powers from the consent of the governed. All men are equal;" and it says further that when the government does wrong and oppresses the people and don't listen to the people the people have a right to take up arms, if necessary, and make a government to suit themselves. I read that when I was at school, and I remember it. The Filipinos can always repeat those principles and the declaration by heart. I made speeches, but I don't remember exactly what I said, when we were framing the constitution.
Q. Are the people in the Philippine Islands acquainted with the Constitution and the Declaration of Independence?
A. All the leaders know all about it, and all the people who are enlightened, that is, those who can read and write.
Q. What per cent of the people read and write?
A. I do not know what per cent of the Filipinos can read and write. We have no census, but I can assure you that there are more Filipinos who can do so than there are Spaniards. Padre Vigil, who was the Bishop of Oviedo, Spain, wrote a book on the Philippines, and he said that a greater per cent of the Filipinos could read and write than Spaniards.
Q. What particular part of the Declaration of Independence do you and your people know best?
A. "All men are equal."
Q. You know the Declaration, it seems, by heart?
A. I know the leading principles by heart.
Q. Can many of the Filipinos quote it like you do?
A. Yes; many of them. All the congressmen of Malolos knew it by heart. I speak, if you please, German, French, and Spanish. I understand Portuguese and Italian, and I also speak Tagalog. All Spaniards can understand Portuguese.
Q. What do you think of George Washington?
A. George Washington was the first man in America. About a year ago now there was an assembly in New York; I remember very well they voted that George Washington was the first man of the country and General Grant was the third; I don't remember who was voted the second. Lincoln was also one of your great men.
Q. How did you get that information?
A. I read the papers and journals from America; all of them almost, and I remember that the Atlanta Constitution is the best Democratic paper: the editor is named Howell.
Q. What do you think of Mr. Bryan?
A. He is a great, intelligent man, but unfortunate in not getting enough votes.
Q. What did you think of President McKinley?
A. He made good statements and was a good willing man and loved the Filipinos.

Q. Do you think that he loved the Filipinos any more than Mr. Bryan; if so, why?

A. Bryan had no chance to show that he loved the Filipinos like Mr. McKinley. Bryan had no chance to give any instructions to the Philippine Commission.

Q. If he had had the power to give instructions to the Commission, do you believe that they would have been unkind instructions or contrary to your liberty and happiness?

A. Never! Never! I consider Bryan a man of right and justice.

Q. Did you ever read the platform that Bryan run on last year for President?

A. Yes; I have read it, and I read another article of his, translated, in the North American Review. I think that was the journal.

Q. Where did you get the Democratic platform?

A. In the San Francisco Chronicle.

Q. Have you a copy of it now?

A. I have now a big book containing all the platforms, and in that is the one he run on. [Here Mr. GAINES shows him the picture of Bryan and Stevenson.] That is the picture of Bryan and Stevenson that you have in your hand.

Q. When did you first read this platform?

A. In the last days of August, 1900.

Q. Did you read the Republican platform?

A. That is the picture of McKinley and Roosevelt that you have in your hand; I have read that, too. Bryan is 44 years old; Roosevelt is 46. [Here Dr. Albert took from Mr. GAINES the book containing the platforms of all the parties and read the first paragraph of the Democratic platform in English perfectly correctly.]

Q. What do you think of the platform which Bryan run on for President in 1900?

A. The two platforms do not differ very much; both of them agree to give on the first period autonomy to the Filipinos. The Republican does not say anything on the second period, but the Democratic is full and well defined.

Q. What does the Democratic platform say as to the second period?

A. Independence.

Q. What does it say as to the third period?

A. Protectorate. For protection in defense from other nations.

Q. When did you last read the Democratic platform?

A. Not since I read it in the San Francisco paper alluded to above.

Q. I here show you a copy of this platform, so you can see how correctly you have stated the three subjects you allude to in your answer, and ask you if you can read it aloud in English?

Here the Doctor read the paragraphs in the Democratic platform entitled the "Philippine question," and said "that the third period was the Monroe doctrine—that is, protection from outside interference, such as has been given for a century to the Central and South American governments."

Q. Now, is that what the Filipinos want—first, a stable form of government; second, independence; and third, protection?

A. What the Filipinos want now is for Congress to establish a stable form of government here in the Philippines; after that the opinions of the people will be divided.

Q. Divided how?

A. The Federal party will want to be made a State of the United States, like the other States of the Union. I am president of the party.

Q. Then you don't want an independent government of your own, run by yourselves, and make your own laws, but want to be admitted as a State in the Union?

A. We follow the traditions of America, "that the Constitution follows the flag," and if the Constitution follows the flag to this country it must be a State of the Union, and before the Philippines can be separated from the United States it must be by the consent of this people and the United States, otherwise a secession will begin, as happened in the South.

Q. Why do you not want independence, after we have given you a stable form of government and you become or are capable of self-government?

A. Because it would be better to be a State of the Union than to have independence.

Q. Suppose Congress does not allow the Philippines to become a State of the Union, then what will occur to your people? And we give you a stable form of government and you are capable of self-government, would you then want independence or not?

A. My opinion is that Congress will allow the Philippines to be made a State of the Union. The Declaration of Independence says that "all men are equal;" it is not possible to deny us.

Q. Had you rather have your independence when you are capable of self-government, and stable government is given you, than to be a colony owned by the United States?

A. It would be worse to be a colony than it would to have independence.

Q. You don't want to be a colony?

A. No Filipino wishes to be a colonist. We have had experience as colonists; it is carpetbag government.

Q. Where did you get that word "carpetbag?"

A. By reading. It was drawn from the history of the secession war in the United States.

Q. You people want to help make your own laws that govern you?

A. Yes; it is not possible otherwise. We want a house of representatives and a senate to make our laws, with a governor or president. For the first time, or the present, the governor should be an American.

Q. How soon will your people be capable, if they are not now, of self-government and of having a senate and house of representatives to make your own laws?

A. Now; at present we are capable, under the direction and control of the United States.

Q. What would you want the Americans to do?

A. We think for the present that the one branch should be elected by the people and that the other should be appointed by the President or governor. I can not say exactly how long it will be before we are capable to take charge of the whole thing. I can not tell exactly the number of years.

Q. If this had been promised to the Filipinos before the insurgents and Americans fell out, would it, or not, have prevented any war between the Philippine and the American Army?

A. Yes; from the very first the Americans—General Otis—did not give any definite programme: we did not know what the Americans would do; they made no promises. For this very reason I pray you to ask Congress to at once establish a stable form of government here under a law made by Congress itself, and I pray you that Governor Taft be allowed to execute the government, as he has the general sympathy of the Filipinos.

Q. What you want, then, is a stable government established here composed of two bodies, a senate and a house of representatives, under the direction of Governor Taft?

A. Yes; under the direction of some American.

Q. Did you ever see Admiral Dewey?

A. One time.

Q. Was he friendly or unfriendly toward the Filipinos?

A. He was friendly toward them, but not now.

Q. Was he acquainted with Aguinaldo?

A. Yes.

Q. How came them to meet?

A. Ordinarily Admiral Dewey sent his adjutant to Cavite to talk with Aguinaldo, and I only remember to have seen Aguinaldo go aboard the *Olympia* and talk with Admiral Dewey on one occasion.

Q. Did Admiral Dewey want to fight the Filipinos?

A. No.

Q. What makes you think so?

A. Because Admiral Dewey had great sympathy for the Filipinos in his communications with them, and the failure of the Americans to give a definite programme or plan for the Philippines is what caused the war between the Filipinos and Americans.

Q. What caused the Americans and Filipinos to fall out about this time?

A. For the same reasons as stated and because Congress did not take any action and give us a definite programme. It was all left to surmise on our part.

Q. If Congress had said that it would pass a law that would give to the Filipinos a stable government, local self-government, and their ultimate independence with the protection of the United States, would it have prevented any conflict between the insurgents and Americans at that time?

A. It would.

Q. Are you certain about this?

A. I followed the chances of war with the insurgents during four months, awaiting some action from Congress, and all the others followed those chances of war just for the same reasons that I did, certainly a majority. Bear in mind this, that I am a physician, supporting a large family in Manila by my profession; I am not rich; I went to the war, understanding that the war would be over in a short time, because the Congress will act or pass an act about the Philippines which will give us an autonomous government. I followed the chances of the war politically and not militarily.

Q. Was this congress of which you were a member aware of the failure of the authorities at Washington to do this, and was it discussed by you in congress?

A. At the beginning of May, in 1899, when the Filipino government was at Nueva San Isidro, Ecija, we read Schurman's proclamation promising to give us the fullest autonomous government. We met at San Isidro to advise Aguinaldo that he change his policy and his secretaries, and we succeeded. Mr. Buencamino and myself were the leaders of this policy, which consisted in entering into negotiations with General Otis; so we put Paterno in Mabini's place in the cabinet. Buencamino was secretary of foreign affairs; at the same time was appointed a committee of peace to come here to Manila to see General Otis. The president of this committee was Buencamino, and I, myself, was a member of same. While they were organizing, General Lawton's forces came to go north in the direction where we were, the Filipino government moved, and I remained at San Isidro and surrendered to General Lawton, for my daughter was sick. I could not go and did not go any further with the committee because of what I stated.

Afterwards General Luna was appointed with another committee to go to Manila and see the American authorities—not exactly a peace commission, but to see who had authority he had to guarantee that an autonomous government would be given to the Philippines, and if the Filipinos surrendered who would grant this autonomous government. The Luna committee came to Manila and saw General Otis. This committee was composed of Engracio Gonzaga Barretto, General Gregorio del Pilar, deceased, and Major Zialcita. This is what I was told by Aguinaldo about twelve days ago, "that that committee came here and spoke to Otis, and Otis could not say anything about the autonomous government until the Filipinos surrendered to the American Government unconditionally." I say all this to assure you that if Congress will pass a law that will give the Filipinos autonomous government here that all supreme peace will be in the islands. I am sure of it.

Q. Do you mean to say by this that the war has been kept up in the Philippines because Congress has not done this?

A. Yes. Because this little wrong in McKinley's policy, that nothing would be done until there was perfect peace in the islands, is what has kept up the war.

Q. Do you mean to say, then, that if Congress will do now what they failed to do at the first of the war, that peace will be supreme?

A. I have said four or five times, yes.

Q. What countries supply the imports of these islands?

A. England supplies the most of them.

Q. What chance would the United States have with Japan, China, and England to furnish what you want over here?

A. There are good opportunities for the importation of agricultural machinery and implements for the Americans.

Q. Can we run England, China, and Japan out of the Philippine Islands in trade, or will they still hold the trade?

A. The people here will buy from the cheapest country, of course.

Q. Will the fact that the United States is so much farther away from the Philippines than these other three countries I have mentioned cut any figure against the United Stases in selling her goods here?

A. England is about as far as the United States, and Japan and China only furnish rice and tea that is consumed in the islands.

Q. Are there any American members of the Federal party?

A. A few.

Q. Who are they?

A. Mr. Fisher, clerk of the supreme court, Dr. Bournes, superintendent of the Hull Lumber Company, and others.

Q. How many men who were in the insurgent army are members?

A. A great part of the Federal party have been in the insurgent army.

Q. How many leading men who were in the insurgent army are now employed in the civil government?

A. I can not remember, but there is a large number.

Q. Were they mostly leaders of the insurgent army?

A. Yes.

Q. Mention some of them.

A. Buencamino, now a member of the civil service board; General Alejandrino, assistant engineer of this city; General Geronimo, inspector in the Philippines constabulary; General Trias, governor of Cavite Province, and many others.

Q. Are there many clerks who were formerly insurgents?

A. Not many.

Q. Your brother (who is our interpreter, interpreted this interview) is an employee of the civil government, is he not?

A. He is a clerk in the civil service board.

Q. Have you anything else now that you wish to say?

A. Yes; we want a civil government here, made by Congress; we don't want two jurisdictions here, military and civil—you see now what is happening with the "Brooks case." We don't want any more shipments of soldiers out here; we have enough.

Q. Will it be necessary if Congress don't act?

A. No; no more are necessary.

Q. If Congress don't act, then will it be necessary?

A. No, it will not be necessary in either case; there are about 40,000 soldiers here now. The other things are very necessary. A general amnesty is necessary to give a pardon to all those who belong to the insurgents.

I certify that the foregoing is a correct transcription of my notes, as taken down in shorthand, at an interview between Mr. GAINES and Dr. J. Albert, at Manila, P. I., October 13, 1901.

L. E. APPLEBY, *Stenographer.*

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. LANDIS having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, one of its clerks, announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 592. An act to provide for the purchase of a site and the erection of a public building thereon at Deadwood, in the State of South Dakota;

S. 2311. An act making appropriation for the improvement of the legation building owned by the United States at Tokyo, Japan;

S. 3357. An act to authorize Lieut. Commander Asher C. Baker, United States Navy; Frank W. Clarke, curator, United States National Museum, and Henry E. Alvord, William A. Taylor, H. W. Wiley, M. A. Carleton, and John I. Schulte, of the Department of Agriculture, to accept decorations tendered to them, respectively, by the Government of the French Republic;

S. 1845. An act to amend section 2 of an act entitled "An act to incorporate the convention of the Protestant Episcopal Church of the diocese of Washington;"

S. 640. An act to extend the provisions, limitations, and benefits of an act entitled "An act granting pensions to the survivors of the Indian wars of 1832 to 1842, inclusive, known as the Black Hawk war, Creek war, Cherokee disturbances, and the Seminole war," approved July 27, 1892;

S. R. 42. Joint resolution providing for the introduction of testimony in behalf of the defendant in all preliminary hearings of a criminal nature;

S. 305. An act providing for a monument to mark the site of the Fort Phil Kearny massacre;

S. 1178. An act providing for an additional judge in the second judicial district;

S. 1920. An act for the relief of Albert C. Brown;

S. 173. An act for the relief of the owners of the British ship *Foscolia* and cargo;

S. 2705. An act to provide an American register for the barge *Admiral Tromp;*

S. 2736. An act to provide for the service of warrants issued by the United States commissioners in the district of Minnesota, and for the summary disposition by such commissioners of certain cases connected with Indian liquor traffic;

S. 2513. An act to ratify an agreement with the Lower Brule band of the Sioux tribe of Indians in South Dakota, and making appropriation to carry the same into effect;

S. 165. An act to reimburse certain persons who expended moneys and furnished services and supplies in repelling invasions and suppressing Indian hostilities within the territorial limits of the present State of Nevada; and

S. 169. An act for the relief of Robert D. McAfee and John Chiatovich.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 10308) to provide for a permanent Census Office, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. QUARLES, Mr. MCCOMAS, and Mr. TALIAFERRO as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 3104) to grant the right of way through the Oklahoma Territory and the Indian Territory to the Enid and Anadarko Railway Company, and for other purposes.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 2802) granting a pension to Martha R. Osbourn.

INDIAN APPROPRIATION BILL.

The committee resumed its session.

Mr. FITZGERALD of New York. I now yield ten minutes to my colleague from New York [Mr. SULZER].

Mr. SULZER. Mr. Chairman, for some time past there has been a great deal of talk by the Republicans in this House in favor of and in the defense of the trusts. To-day several Republicans have taken advantage of the pending measure before the House to make set speeches which seek to justify the position of the Republican party in favor of monopolies.

It is well known that every Democrat on this side of the House is opposed to trusts and monopolies, and if we Democrats had our way we would put all goods manufactured by a monopoly on the free list, especially where the reports and statistics and facts demonstrated that the monopoly was selling its manufactured goods cheaper in other countries than here. In such a case our people should not be taxed to support the monopoly. The protection of the protective tariff should be repealed. But we are in a hopeless minority. We can not initiate and pass bills to control trusts and to destroy monopolies. The people know the Republicans are responsible.

Mr. Chairman, I do not rise, however, for the purpose of discussing the trust question. I am now, always have been, and always will be opposed to monopolies, and to the criminal trusts. At this time I simply want to point out what is apparrent to all—that the Republicans are so busy in this Congress defending and justifying and helping the great trusts and monopolies of the country that they have not time to consider the crying wants of the people, the urgent demands of the rank and file, and the necessity of much important and meritorious legislation pending in the House and in its committees.

Now, sir; I want to state that in every Congress since I have been here a bill has been introduced in the interest of and for the benefit of the letter carriers. In three different Congresses—namely, the Fifty-fourth, the Fifty-fifth, and the Fifty-sixth—I had the honor of introducing such a bill myself, and I worked as hard as I could, before the committee, with members of the House—in season and out of season—continually to get a favorable report, but all in vain. I never could get the Republicans on the committee to report the bill and do justice to the deserving letter carriers of the country. Time and time again on the floor of this House have I and others pleaded for decent treatment and fair play for the letter carriers.

If there ever was a bill introduced in this House that ought to appeal to every member as a matter of right and justice, it is the letter carriers' bill. The bill was introduced in this Congress early in the session—to be accurate, on the 13th day of December, 1901—by the gentleman from Michigan. The Speaker referred it to the Committee on the Post-Office and Post-Roads.

It is there now. It is sleeping in that committee, and it will never wake up, never come out, if we do not demand and insist that the committee report it favorably. The bill is so short that I will ask the indulgence of the House while I read it. Besides, I want it to go in the RECORD as part of my remarks, so that all who are concerned in the matter can read it and judge of its merit. It is entitled "A bill to increase the pay of letter carriers," and reads as follows:

Be it enacted, etc., That after June 30, 1902, the pay of letter carriers in cities of more than 75,000 population for the first year of service shall be $600; for the second year of service shall be $800; for the third year of service shall be $1,000; for the fourth year of service and thereafter shall be $1,200. And after June 30, 1902, the pay of letter carriers in cities of a population of under 75,000 for the first year of service shall be $600; for the second year of service, $800; for the third year of service and thereafter, $1,000.

SEC. 2. That all acts or parts of acts inconsistent with this act are hereby repealed.

That is all there is to it—a most commendable bill. Why should it not be reported? Why should it be smothered in the committee? Why should it not be presented to the House and the members given an opportunity to vote for it or against it? We want a record on this bill. We want to fix responsibility. We want to find out who are the friends and who are the enemies of the letter carriers. I am a friend of the letter carriers. I am proud to say that. The Government in all its service has no more honest, no more tireless, no more faithful employees. Their claims are just and should be recognized.

These men are the most efficient, the hardest worked in all the country's service, and the poorest paid. The letter carriers of the land are compelled to toil day in and day out—in sunshine and in storm, in winter and in summer, in all kinds of weather—sometimes eighteen hours out of the twenty-four, and taking all other employees in the various departments of the Federal Government as a basis for comparison, it can not be denied that the letter carriers render the most and the hardest work for the smallest remuneration. Let us be just to these honest, hard-working, faithful men.

Now, sir, why is it when every Democrat, I believe, on this side of the House is anxious for a favorable report of this bill, is anxious to have it passed, is anxious to vote for it to make it a law, why is it, I ask, that the Republicans in this House smother the bill every session in the committee? Why is the Republican party against the letter-carriers' bill? Is it because a few Republican leaders of this House are opposed to giving the letter carriers decent wages? Or is it because the Republicans are so busy legislating for monopoly that they have no time to legislate for man? Let the Republican party answer, and let man answer the Republican party.

There is a great blizzard, or has been a great blizzard, in New York City. The first city in the land is locked in the embrace of

one of the worst storms for years. The streets are blocked with snow and ice. It is almost impossible for the ordinary pedestrian to get around, but the mail must be delivered, and the letter carriers are compelled to go through these streets—almost impassable—with pounds and pounds of mail matter on their backs. They have to go through streets now that horses can not get through, that vehicles can not go through, and are compelled to go through these streets four and five times a day and deliver the mail.

Rest for man, rest for beast, but no rest for the indefatigable letter carrier. He must go, he must do his work, deliver the mail on his route, no matter what the weather, no matter what the consequences to his health or his life. And yet, take them all in all, they are courteous, long suffering, uncomplaining, honest, assiduous, and industrious. How few of our citizens ever think of their trials, their wants, their health, and their little ones at home. Again and again I have watched them and sympathized with them—with their hopes and their sorrows.

To-day my heart goes out to them. I can not refrain from making this appeal in their behalf for simple justice. How I wish it were in my power to aid them, to pass and enact into law this bill they all want, they all pray for; this bill that is so fair and so just, that appeals to every right-thinking citizen in all the land, and that challenges adverse criticism. How much time and money we waste here for useless and worthless things! It is terrible when one soberly considers it all—and then, again, so much for the few, so little for the many. How easy for the monopolies and the powerful to pass a bill—a bad bill—and how difficult for the poor and the weak, the many, to pass a bill—a good bill. It is a just commentary. It should make us pause at times and think.

How poorly, how miserably the letter carriers are paid! Under the present law they do not, and can not, earn enough, no matter how long they have been in the service of the Government or how many hours a day they labor, to keep body and soul together. And what do they get? A mere pittance a month that is not enough to economically support one man. It is a disgrace, a crying shame. Many of these letter carriers have wives and children—little homes—and these wives and children in many cases are to-day in want.

The head of the household does not get paid enough by the Government to live half way decently. But it is not the Government's fault, it is the fault of the Republican leaders here in Congress. I want to appeal to the Republicans of this House, in the name of justice and fair play, in the name of decency, that when they are doing so much for organized capital, so much for criminal syndicates, so much for monopolies, for God's sake to do something for the poor letter carriers. [Applause.]

Let us be honest. Let us be just. Let us be true to the dictates of our nobler impulses, and if we are this bill—so honest and so just and so earnestly desired—will soon be reported, speedily passed, and a law on our statute books. Is there a man here opposed to it? If so, let him come out in the open and have the courage to get up and say so. I pause for an answer. No one opposed to it, and yet the bill lies in the committee, and it seems almost impossible to ever get it out. But something is going to happen. It will come out. It will be reported, never fear.

Sir, I speak plain. The case demands plain speaking. I serve notice now on the Republican leaders of this House that I shall make it my business to go deeper in this subject—to find out why this meritorious measure is delayed and the ends of justice to the letter carriers defeated. If no one else will do so, I will ascertain and lodge the responsibility where it belongs. Everyone here knows, if he knows anything, that this is a just and worthy bill and if it came before this House for a vote it would pass by an overwhelming majority.

Why should a few men on the Republican side have it in their power to deprive us all of an opportunity to vote for the bill? It is an outrage, but it is true, and knowing the facts as I do, I would despair of ever passing this bill, of ever getting it reported, if it were not for the fact that recently the New York Journal, that fearless foe of injustice and monopoly, that champion of the right and the plain people, that great American newspaper, has taken up the cause of the letter carriers and intends to see to it that they get fair play and equitable treatment.

The Journal is a mighty power for good. I believe the letter carriers will now win, because the Journal has never lost a battle when enlisted in a just cause, and the letter-carrier's cause is just. Then success to the New York Journal and speedy success to the letter-carrier's bill, and if its friends in this House will all stand together I feel confident, and I predict victory will ere long crown our efforts and the bill will soon become a law. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. FITZGERALD rose.

Mr. SHERMAN. Does the gentleman from New York [Mr. FITZGERALD] desire to occupy time now?

Mr. FITZGERALD. I was about to occupy the balance of my time.

The CHAIRMAN. The gentleman from New York is entitled to twenty-six minutes.

Mr. FITZGERALD. Mr. Chairman, there are still many unsolved Indian problems. Thoughtful men have carefully considered them during many long years. Differences as sharp to-day as in the beginning exist regarding their proper determination. The Indian and his troubles, however, are with us still, and the continued encroachment of the whites upon the areas reserved to the Indians serves to accentuate the difficulties.

If it could have been foreseen early in the history of this country that its people would overrun this continent in the marvelous manner in which they have, perhaps the reservation system would never have been adopted. Some other method of caring for the Indian and of bringing him to a realization of the blessings of our civilization might have been devised, and the troublesome question of disposing of tribal funds and of allotting lands might have been avoided. At the very outset measures might have been adopted to assimilate the Indian with the white population of the country and thus relieved the present generation and future ones of many vexatious problems.

A question of more pressing moment than any other that might be mentioned is that which affects the civilization of the Indian by education. Upon other occasions I have discussed changes then proposed in the Indian school system. Further observation and reflection have only strengthened the opinions I then had. I can not refrain from again expressing my conviction that a grave, and, considering present conditions, an irreparable error was committed in the discontinuing of the contract schools.

There are many, I know, who do not share my belief on this question. For their opinion and judgment upon matters affecting the Indian service in its multitudinous details I have the most profound respect; yet I can not help feeling that time and experience will surely and unquestionably demonstrate the unwisdom of the policy that eliminated the contract school from the educational system. Instead of being cast out, I believe the contract schools should have been encouraged and increased until the necessity for other schools had ceased. Had such a course been pursued, the country as well as the Indian would have been the gainer; his ultimate civilization would have been assured, and the solution of the Indian problem would have been reached.

Education has well been defined as the drawing out and the development of the mind and soul. They must be cultivated together. One should not be developed at the expense or to the neglect of the other. The moral and intellectual improvement of man should go hand in hand.

In the last annual report of the Commissioner of Indian Affairs the real object of Indian education, as understood by the officials in charge thereof, is pointed out with startling frankness.

The primary essential of Indian education—

The Commissioner says—

is to enlighten the soul. Under our system of government the latter is not the function of the State.

The Commissioner claims that when—

A white youth goes away to school or college, his moral character and habits are already formed and well defined. In his home, at his mother's knee, from his earliest moments he has imbibed those elements of civilization which, developing as he grows up, distinguish him from the savage. He goes to school, not to acquire a moral character, but to prepare himself for some business or profession by which he can make his way in after life.

Perhaps it is proper for me to say at this time that I have little sympathy for that system of education which purports to develop the intellect without the concurrent cultivation of the moral nature.

The prevailing common-school system of the States is founded upon the theory that the child receives all necessary moral and religious instruction in church and at home; in the school, intellectual training. But where is the Indian to receive his religious training, so essential to all true education, and, as the Commissioner says, "the primary essential of Indian education?"

The function of the State is not to enlighten the soul of the Indian, but, briefly stated, says the Commissioner, is "to see that the Indian has the opportunity for self-support and that he has the same protection of his person and property as is given to others. That being done, he should be thrown entirely upon his own resources, to become a useful member of the community in which he lives or not, according as he exerts himself or fails to make an effort."

An appalling picture is here presented to thoughtful men. The red man is a savage by nature. His barbarous instincts have been developed through unnumbered generations. Black with the ignorance and mysticisms of his progenitors, his mind has

never been brightened, even temporarily, by the ideals or influences of Christian civilization. There is no home with a Christian mother at whose knee the red man "from his earliest moments can imbibe those elements of civilization which, developing as he grows up, distinguish him from the savage." It can not be said of the Indian, if it can of the white youth, that, having his moral nature already developed and cultivated, "he goes to school, not to acquire a moral character, but to prepare himself for some business or profession by which he can make his way in after life."

If "the primary essential of Indian education is to enlighten the soul," and in this I fully agree with the Commissioner, then the entire prevailing system of Indian education is absurd, and must be unavailing to bring the Indian to an appreciation of Christian ideals.

No hope lies dormant in my heart, Mr. Chairman, that these words will effect any change in the present system. Few members of this House have either the time or the inclination to consider this question in even the most casual manner.

Mr. BOUTELL. Will the gentleman permit a question?

Mr. FITZGERALD. Yes.

Mr. BOUTELL. Right in that connection, as the gentleman is speaking of the education of the Indian, my attention was called some time ago to a matter which surprised me very much, and that was that through a departmental ruling which to me seems illogical and unjust the rations to which the Indian children were entitled under the law had been withheld from those who were in attendance upon the private or sectarian schools. Does the gentleman know whether that is true or not?

Mr. FITZGERALD. I believe there was some such construction of the law that prevented the distribution of rations to Indians in schools not controlled by the Government, but the committee unanimously inserted in this bill a provision which cures that abuse.

Mr. BOUTELL. I am very glad indeed that that provision is in this bill, and that it will be settled beyond any question that these rations should be distributed to those in the private schools as well as those outside of them.

Mr. FITZGERALD. Yet unless it speedily be given that grave consideration that it deserves, disaster will surely and swiftly follow in the pathway of those Indians whose minds have been cultivated while their moral nature has been neglected.

I have read the glowing reports made from the different agencies of the success of those Indian children who have returned from the nonreservation schools to their homes. These reports are too highly colored. No one familiar with the service places any reliance upon them. I venture to say that no university or college in the United States would go so far as to say that only "1 per cent (of their students) have not been, so far as their lives and actions are concerned, in any way benefited by the education which has been given them." The unfortunate wrecks that are passed in everyday life teach us differently. Ask any man of wide experience in the Indian service, and another story will be heard.

There has been no intention on my part to place the blame for what I consider the present deplorable condition of the Indian educational system upon the Commissioner or his subordinates. They are executing the laws as well as it is possible to do. The fault is in the system. It lacks the most essential of all civilizing influences. The fact can not be hidden that these schools will eventually prove more harmful than beneficial. The New York Herald of September 12, 1901, tells us that the fourth article of the anarchist programme is "unreligious schools." Such schools are fostered to-day in the Indian service.

I am aware that it is strenuously denied that these schools are not Christian schools. Major Pratt, the superintendent of the Carlisle school, in an address made at the nineteenth annual meeting of the Lake Mohonk Conference of the Friends of the Indian, held in October of last year, made the following statement:

> We are trying to bring these young people into our Christian civilization. The Commissioner (of Indian Affairs) says the Government is not to consider religious matters. I think it is. I believe that the Government school that is not a Christian school ought not to exist.

What is meant by a Christian school? If Major Pratt means that those in charge and the teaching staff are to be Christians, I answer, in the first place, that that does not constitute a Christian school, and, secondly, that there is no authority lodged in anyone in this Government to exclude, either from the control or from the teaching staff of the schools, either agnostics or infidels merely because they are such. If by a Christian school is meant one wherein are taught the doctrines of any Christian church or sect, I answer that that is in direct violation of the existing law.

The schools under the law must be irreligious schools. The contract schools were abolished because the pupils who were in attendance were instructed in the doctrines and tenets of the church which controlled the particular school. That was the offensive sectarianism about which there was so much complaint. If the Government is to consider religious matters as an essential of Indian education, as Major Pratt insists, it should do it in the only feasible way ever suggested—through the contract school.

The Commissioner of Indian Affairs struck the right note in his report:

> The primary essential of Indian education is to enlighten the soul. Under our system of government the latter is not the function of the State.

I am well aware, Mr. Chairman, how futile are my words on this subject. I have no exalted pride that this House will be swayed in this way to return to the contract-school system, although I believe that should be done. I will content myself with repeating the warning of the Protestant bishop of western Texas, who was quoted a short time since in the New York Sun as saying:

> The conditions around us are to lead in a few decades to a struggle the like of which has never been seen in this country, and it will be with a generation that will not believe in anything at all.

The Indian schools are adding daily to the numbers of those who "will not believe in anything at all," and, to our lasting discredit, have never been instructed or given an opportunity to learn so as to believe in anything.

There is another phase of the school question, Mr. Chairman, to which I wish to refer. The time has come, in my opinion, when steps should be taken for the abandonment of the nonreservation schools. I refer particularly to those which are located at great distances from the reservations. Twenty-five such schools, accommodating about 7,000 pupils, about 25 per cent of the Indian children under instruction, can not be abandoned in a day. Their continuance, however, is adding to the difficulties eventually to be overcome. The Secretary of the Interior, in his report, expresses the opinion:

> That nonreservation schools have fully served their purpose, and that further extension of these schools should not be permitted, but rather that increase in facilities for education of Indians should be sought in the district or common schools of the States and Territories adjacent to reservations, and in the establishment of more day and boarding schools upon the reservations.

A glance at the report of the Commissioner of Indian Affairs will convince anyone that there is no hope for relief in the common schools of the States. For the past eleven years the results have been unsatisfactory. Never have as many as 600 children been taken care of in this way, and since 1896, the high-water year, the number has steadily decreased.

The Commissioner pictures most graphically the condition of an Indian taken from his home on a reservation to a nonreservation school. His account will repay well the reading. Suffice it to say, Mr. Chairman, that the transferring of an Indian from the squalor of his home on the reservation to the luxuries of the school, his subsequent training under conditions as different as can be imagined from those that exist in the home to which he must look forward as his ultimate abiding place, the despondency that follows the change from the school back to the reservation, usually undoing in a moment what it has taken years to accomplish, can not be held up as a system productive of lasting benefit to the Indian.

In his "History of the Catholic Missions among the Indians of North America," John Gilmary Shea, the eminent historian, tells us that an Indian whom he heard successfully uphold a thesis in Latin at the Propaganda in Rome, he saw a few years later "riding half naked at the head of his tribe on the billowy plains of Nebraska." Within the past few years I met as fine a specimen of the red race as the West has produced. He had been a student at Carlisle, but unwilling to take the manual-training course provided there, had left and entered Notre Dame University to take the courses in literature. He was 19 years of age and quite well informed.

At the time I saw him he was at home on the reservation for vacation. After a conversation of some length with this young man I became convinced that he would eventually relapse into a semisavage state. Upon intimating my opinion to the agent, a many of many years' experience with the Indians, he said that from his knowledge of the boy he had no doubt that within six months from his return to the reservation he would be wearing the blanket.

I believe, Mr. Chairman, that the Indian should be placed in schools either upon or adjacent to the reservations. Whatever improvement in character, whatever knowledge would be acquired by him, would then be displayed before the old Indians in living examples, ever present, impressing the value of the white man's way; and instruction would more likely be given along lines of knowledge most useful upon particular reservations. The conditions under which the various tribes live are so diverse that it does not seem feasible to instruct them to advantage in homogeneous classes.

The tendency of the times, too, seems to be toward the breaking up of the reservations and the allotment of land to the individual. If these schools are added to without stint or limit the Representatives of the communities in which they are located eventually will be compelled to block, as far as will in their power lie, the solution of many problems of the service in order to protect and retain such schools long after their usefulness shall have ceased.

Before it is too late let a stop be put to the increase and enlargement of these schools. Develop rather the reservation schools. When they cease to be required for Indians exclusively they can be utilized for school purposes by the surrounding community. It is necessary to face resolutely the problems that press for solution to-day. It is often said that criticisms of the existing service are easily made, but remedies for the evils thereof are never proposed. I suggest a programme, Mr. Chairman, for Indian civilization which I believe would produce the results desired.

First. Make the Indians eat their bread in the sweat of their brow. Put them to work. Let them earn their living. End the life of idleness and vice which they pursue, and the first step for their reclamation will be taken.

Second. Have schools upon the reservations, or as close thereto as possible, so that the old Indians will have ever before them the improvement made in their children, and thus be impressed with the benefits that flow from proper training and education.

Third. Make their schools religious. Instill into their minds a belief and a knowledge of those things that make our boasted Christian civilization what it is. Give them an opportunity to learn and to believe. Cultivate their hearts as well as their minds, so that they may grow up and develop into decent, respectable, God fearing and abiding men and women, for their own happiness and contentment and prosperity and to the enduring glory and credit of our country. [Applause.]

Mr. SHERMAN. I wish to yield to the gentleman from Illinois [Mr. BOUTELL]. Does the gentleman desire to take the time now?

Mr. BOUTELL. I do not think it would be wise to do so just now.

Mr. SHERMAN. The gentleman does not care to have any time now?

Mr. BOUTELL. Not to-day; perhaps later on, if there is time, I might desire to use some time.

Mr. SHERMAN. Well, how much time might the gentleman, perhaps, want a little later on? I want to know, because I desire to let my colleague from Arkansas have as much time as possible.

Mr. BOUTELL. I had a few observations which I wished to submit while one gentleman on the other side was present. I see that he has gone, and I prefer not to address the committee in his absence. If he comes back later on in the afternoon I would like thirty minutes.

Mr. SHERMAN. I suggest to the gentleman from Arkansas that he might safely proceed for an hour if he desires to do so.

Mr. LITTLE. I yield five minutes to the gentleman from Kansas [Mr. JACKSON].

Mr. JACKSON of Kansas. Mr. Chairman, a few days ago this House, by unanimous vote, passed a bill providing for the election of United States Senators by direct vote of the people. In so doing the House obeyed the command, desire, and wish of the American people. This bill will now go to the Senate, and, if we are to judge the future by the past, we have reason to fear that it will meet with the same fate as like bills on former occasions. Notwithstanding the House has performed its duty full well, it occurs to me that each member should realize that his duties have not ceased and should not cease in behalf of this bill until it becomes a law; that it would be wise and proper to express upon this floor that the people whom he has the honor to represent are heartily in favor of such an amendment. For my part I entertain the homely, old-fashioned idea that we are here as servants of the people, and it is our duty to obey their desire and wish and to legislate for their welfare. If this conviction is true, and if this sentiment is entertained by the other branch of Congress, then there is no occasion or reason to fear the result on this bill. We should, as members, explain to the American people the present condition of the bill and urge upon them the necessity of requesting—yea, petitioning—their Senators to pass such a measure.

In days past much has been said and written with reference to an amendment of this nature and character. Arguments have been made on the stump, in the papers, and in this House in its favor. Sophistry has been its only open and avowed enemy. In my judgment, the time for any lengthy argumentative discussion in favor of this bill is past. Many years ago the people took up the question, and, after a full and thorough discussion, they rendered their verdict in its favor, and nothing remains for us but, as servants of the people, to obey their command and wish. This House having performed its duty, it now remains for the Senate to perform its duty. In my judgment, he who knowingly refuses to obey the desires and wishes of the people whom he has the honor to represent is, to say the least, unmindful of his sacred duty. It gives me pleasure to announce to this House, and thereby to the Senate and the country, that the people whom I have the honor to represent are heartily in favor of this amendment, and that their desire and wish meets with my unqualified approval.

Mr. Chairman, many beautiful things in days past have been said of and concerning the Constitution, its sacredness and the protection which it extends to the humblest citizen in our land. I yield to none in my devotion to that matchless written instrument, but, sir, I do not indulge in any maudlin or sentimental reverence. It was made by the people, and it was made for the people. The people gave it and the people can take it away. The change which is now sought to be made is, in my judgment, the highest possible compliment to the genius, forethought, patriotism, and statesmanship of the fathers. This change but accentuates the fact that this is a "government by the people, for the people, and of the people." It is a consoling thought that in this day of avarice and greed, in this age of a world power by force and arms, the plain people, of whom Lincoln loved so much to speak, are demanding that they shall have greater constitutional rights.

To my mind this serves notice on the world that, notwithstanding recent legislation, the American people will yet arise in their supreme manhood, honor, and ability and, with Old Glory flying to the breezes, declare that every male citizen who has reached majority and who stands under its folds shall have a voice in saying what laws shall be made for his government and control. To my mind it serves notice on the civilized world that we are still true and loyal to a republican form of government. It refutes the base and slanderous statement which has been made that the power to govern was not derived from the consent of the governed. The demand of the people that they shall have greater constitutional rights is the strongest indictment possible against a colonial policy. We may go on in our mad career of avarice and greed, but the day will come when we will be summoned before the American people to answer to the charge of the perversion of the Constitution, and I trust and hope that in that great hour I can truthfully answer, "Not guilty."

We mistake the feeling, sentiment, and conviction of the American people if we think they will tolerate any legerdemain with the Constitution. It is as sacred as their life and honor, because both were pledged for its preservation. A moment's reflection of the history of the Republic will convince the most skeptical that the people have never sought to impair any of the rights as expressed in the Declaration of Independence, but, upon the contrary, have sought the fulfillment of those rights. We know, as an historic fact, that after the Constitution was first framed, and after the wisest heads had assured the people that it was ample and sufficient to protect them in their inalienable rights, yet so jealous were they of the individual rights of the citizen that they demanded that ten amendments be adopted, and in the most nervous language possible, emphasizing the individual rights of the citizen, they declared for freedom of speech, freedom of press, and freedom of religion.

Then, Mr. Chairman, we had that cruel war, in which father was arrayed against son and brother against brother, a war in which on either side the noblest and best of American manhood surrendered their lives on the field of battle for that which they thought was right. As a result of that war we had other amendments, among which was the one obliterating the race line and giving to the colored man the same constitutional rights as to the white. And now, Mr. Chairman, we have this proposed amendment. It takes not one jot, one hairsbreadth, from the rights heretofore conferred, but enlarges the rights of the citizen and seeks the perfection of the principles of the Declaration of Independence. This should be sufficient to notify Congress that in its legislation the Constitution should be the map, the chart, and the compass.

England may crown her King in all pomp and splendor possible. Nations may, if they desire, send representatives to witness that which is to an American citizen a hollow mockery, but America—God bless her—by and through the potential power of a written Constitution, places a crown upon each and every one of her citizens which is more resplendent than any crown worn by any king of any nation and in any age. Inasmuch as it is conceded that this Government is to send representatives to witness the coronation of the King, I can not help but think that as they leave the shores of the Republic to tread the banks of monarchy we should at the same time send some message of love and hope to the little band of Spartans in South Africa who are fighting for liberty, freedom, and a republican form of government.

Mr. Chairman, for my part I entertain none of the fears which

I have heretofore heard expressed by those who are opposed to this amendment. They tell us that it is a dangerous thing to meddle with the Constitution, that it would have a tendency to disturb settled and well-established principles. For my part, I have no desire to disturb any principle which has for its object and purpose the welfare and happiness of the people. But, sir, when courts are, in this day, juggling with the Constitution, when one day it means one thing and another day it means another and a different thing, depending upon the mere whim of the court, then, for my part, but speaking only for myself, I would ten thousand times rather that the American people, in their sovereign capacity, should meddle with the Constitution than that a select few should usurp that prerogative.

As I have said, there is nothing in this proposed amendment which can in any way reflect upon the patriotism and statesmanship of the fathers. We should remember that the conditions which confront us to-day and the conditions which confronted them are radically different. We understand and know to-day that our Constitution is but the result of compromises. Hamilton, that great man, believed in independence, yet doubted the wisdom and capability of the American people for unqualified self-government. Jefferson—sacred be his name, and his memory will ever be held dear by those who love liberty and freedom—had implicit confidence in the people and believed that that was the best government which governed the least.

As a result of these contending ideas certain concessions were made, and among them was the provision for the election of United States Senators, which we now seek to change. We should also remember that our fathers were fresh from the field of battle, where they had waged seven years of unequal warfare for our inalienable rights. In that great hour, flushed as they were with victory purchased by the priceless blood of the patriots, they did not understand or know that it would be possible for a people to ever become forgetful of those blessings. They did not understand and know that capital, haughty, arrogant, and intolerant, would seek the political markets and purchase favors at the expense of the peace and happiness of the people.

But, Mr. Chairman, I do not place my reason for supporting this measure on any such pessimistic grounds. I put it upon a higher and a nobler plane. I maintain that the citizen should have the right, by and through the sanctity of the ballot, to say who shall make laws for his government and for his control. Yea, I go further and maintain that he who holds office, the duty of which may in any way affect the life, liberty, or the property of the citizens, should receive his authority direct from the ballot and be responsible to the people for his stewardship.

Mr. Chairman, I have read somewhere—I do not now remember whether it was given as a historic fact—that there was a king so jealous of his throne that ever so often he would require his subjects to renew the oath of allegiance. In view, sir, of what has transpired within the last few years; in view of the war waged first in the name of humanity and now for subjugation and oppression; in view of the fact that in one place our flag represents liberty and freedom, and that the people shall have a voice in saying who shall make laws for their government and control, and in another place it represents subjugation and oppression and a denial of the right of the people to have a voice in determining who shall make laws for them; in view of the fact that our governmental policy has been such that God-fearing, liberty-loving citizens have been called upon to express their fears that our present policy was leading from that of a republic to an empire—and I say this in sadness and sorrow; I say it as one who loves his country and is proud of her progress, growth, and improvement; I say it as one who trusts and hopes that we may become a world power, not by force and arms, but by and through love, charity, and by extending the benign blessings of liberty and freedom—in view of these things, this proposed amendment is indeed most propitious. It serves to remind us of that sacred instrument and that the source of all power is derived from the people. It causes us to renew our allegiance to a republican form of government and pays a just tribute to the hand that swung Liberty Bell when it pealed forth its gladsome tidings of liberty and freedom. [Applause.]

Mr. LITTLE. I now yield twenty minutes to the gentleman from Illinois.

Mr. KERN. Mr. Chairman, I am exceedingly grieved to observe that on every occasion when a member on this side of the House gives expression to his honest and sincere sentiments upon any vital question, he is promptly accused of being a demagogue by some member on the other side of the House. I desire to say that the honest convictions and the honest sentiments and the opinions of members on this side of the House are as dear and as sacred to them as are those of the gentlemen on the other side to themselves.

I stand here to protest against that sort of intolerance, that sort of bigotry, and that sort of discourtesy. When it comes to the question of demagogery, I have never in my life seen any set of gentlemen demagogue it worse than have the gentlemen on the other side of this House [laughter] when they commenced to indulge in this cheap political claptrap and in this cheap political twaddle which they have been indulging in on this so-called German question.

The other day the gentleman from Kentucky [Mr. WHEELER], inadvertently I know, did not properly qualify one of the sentences which he used in his remarks, and was in one instance unfortunate in the choice of a term he employed. He took occasion yesterday to stand up here like a man, and he did then properly qualify and properly define his meaning in most elegant language, and yet indulgence in this foolish claptrap has not reached the end. The attempt to make cheap political capital out of it has not ceased. I want to say to you that I speak here as the representative of what is perhaps the strongest German Congressional district in the entire United States.

In my district there live some 300,000 people, and the great majority of them are hard-working, frugal, and intelligent Germans. I myself have the distinguished and proud honor of being the son of a German father and of a German mother, both born across the sea, and I want to say to you that my mother, although she speaks the German language perfectly, is incapable of uttering one sentence in the English language, never having enjoyed the opportunity to learn the use of our own exceedingly beautiful and fascinating tongue.

I am here in the name of the German people, whom I have the proud honor of representing, to protest most vigorously against the Republican party trying to make political capital out of this trivial and insignificant incident. Their attempt to do so simply proves how void is the realm of Republican politics of real, just, and live principle. It shows, furthermore, that the Republicans in this House do not understand the German people, their make-up, their temper, and their character in the least if they imagine that they can influence them and swerve them from their firm political convictions by that sort of abominable rot. [Applause on the Democratic side.]

The German people are a people who study the issues of the day and who think independently for themselves, and instead of being influenced by some little remark that is made on this floor in a well-meant endeavor they are influenced by the great underlying principles; they are influenced by the fundamental maxims which form the basis of the political questions and the political agitations of their day and time.

It seems indeed that every time a prince or a king or a nobleman or any other kind of a royalist is mentioned and the system of government which he represents is criticised in this House, every time anything of that sort is done, rage and indignation makes itself manifest instantly on the Republican side, and a protest is raised against the temerity of him who sees fit to mention or find fault with these worthies on the same side.

Every time a king, a prince, or a noble is apologized for on that side of the House there is general rejoicing among the Republican members. But I have not yet in all the course of this debate heard one word of sympathy uttered on the Republican side of the House for the poor Boer women and children who are suffering and dying from starvation in the vile concentrado camps in South Africa [applause on the Democratic side], nor for the poor fellows, those brave, heroic men, giving up their lives in the last ditches fighting the same battles for the same principles of liberty which our Revolutionary forefathers fought. [Applause on the Democratic side.]

I have not heard one word that has been uttered in sympathy with and admiration for those people applauded on the Republican side. I want to say to you that the hearts of the German people in this country, instead of being with the monarchists and royalists in Germany or in any other country under the sun, are with those poor struggling, self-sacrificing, pious, and liberty-loving Boers in South Africa. [Applause.]

Talk to me about the German people here in America being in love with or having any sympathy for the royal and monarchical institutions—the princes, the dukes, the herzogs, and all that sort of timber in any country!

Permit me to ask you, Why are the German people who are in America among us to-day? Is it because the physical conditions in that country are not as desirable as they are in this country? Is it because the same glorious sun that shines in this land does not also shed its munificent rays there? Is it because the birds do not sing just as sweetly there as they do here? Is it because the clouds in the sky do not float just as softly there? Is it because the flowers are not as fragrant in that land or the foliage of the trees as magnificent? Is it because the land is not as fertile and does not produce rich fruit and grain to supply the wants of man there as it does here? Is it because of any of these things or for any of these reasons?

No, sir. These conditions are just as excellent in that fair land

as they are in this God-blessed country of ours. They are here to get away from monarchical institutions, many of them exiled because they loved liberty and were champions in the cause of liberty. They are here to flee from princes and from kings, and to escape involuntary military service in armies formed to defend their vain titles and to oppress and crush the people. They came in quest of freedom and the right to govern themselves, and they have no sympathy with the kings, with the princes, with the dukes, and with the herzogs of the country to which they bade a long and sad farewell.

They left that country to face unflinchingly the hardest life the brain of man can conceive. They came here leaving a thickly populated country, leaving the enjoyment of social life, leaving the neighbors and the friends and the relatives they esteemed and loved. People do not leave their homes and the loving surroundings of home life for light and trivial causes. And they came here not as adventurers, not in the spirit of gold seekers; they came as workers, to clear the little patches of timber and convert them into beautiful farms. They came to this country to brave all of the perils of the wilderness, willing to live lives of isolation, to face wild beasts of prey, to face bloodthirsty and treacherous savages, knowing at the same time that the savages who roamed through the American forests and lurked in the lonely bypaths would be kinder to them than the kings and the nobles who inhabited the palaces of their own native land.

They have played a wonderful part in the work of developing and building up this great country. They have been instrumental in planting culture here, in building schoolhouses and churches, in establishing libraries and newspapers and colleges and universities, and in doing everything else that it was possible for an enlightened people to do to rescue this continent from the clutches of a dark and hopeless barbarism.

And let me tell you that they are here now as a standing protest against kingcraft and against royalty, and against militarism in all Europe; and while they do not object to receiving their countryman, Prince Henry, kindly and with all of the courtesy that is due the distinguished brother of the Emperor, who, I understand, is a man of good character and high attainments, who, I understand, is a man of even democratic proclivities—so democratic that they sometimes become distasteful to his brother, the Emperor, so democratic that they sometimes even honor him by calling him a Democrat out there—yet at the same time, in spite of all those virtues, he is not an admiral in the German Navy for the same reason that Perry was, that Farragut was, that Porter was in the American Navy, or that Dewey and Sampson and Schley are in the American Navy. These men that I have just named were made admirals in the American Navy because they were brave and intrepid fighters. These men won their places by their deeds. Prince Henry became an admiral of the German Navy by accident of birth. [Applause.] Had he not been the son of an Emperor he might be serving as a plain sailor or an obscure private to-day. [Applause.]

It is not against him personally that we protest. It is not with his personality that we find fault. We find fault with the institutions, antagonistic to our own, a standing menace to our own, of which he is the typification and the acknowledged and titled representative. We have not any fault to find even with the German Emperor as a man. According to my best information and belief the Emperor of Germany is personally in every way an admirable character.

He has the quality of independence. He is a man of culture; he is a scholar; he is a man of toleration. He loves literature; he is a patron of art; he is an admirer of good music. He is even one of those rare men who has a touch of genius in his soul. We are opposed to the system of government which he stands for and we do not want our own Government tainted with the poison of it.

We want to preserve that in all of its simplicity and all of its purity and all of the democracy which the fathers infused into its life at its earliest inception. He stands for monarchy, and the entire royal family stands for monarchy, and I am here to emphasize the fact that all of this fuss which is being made about Prince Henry is simply in line with the flunkyism and the toadyism which is disgracing this capital to-day, and which we see so humiliatingly and disgustingly displayed in sending a job lot of special envoys over to England to watch the proceeding of placing a crown on the dishonored head of a discredited King. [Applause on the Democratic side.]

The anomalous part of the whole situation is this: We send a lot of flunkies over to England to attend the coronation of the King. We pay their expenses out of the Treasury of the United States. At the same time we receive Prince Henry as our guest and we pay his expenses, too. These expenses include special train hire, renting of a whole floor of a swell hotel, buying the finest champagnes and the finest cigars, not only for the Prince, but the crowd that toadies around him, and cordons of soldiers to accompany him on the strenuous flying trips through the great cities which have been included in the itinerary. So you see they catch us coming and they catch us going. [Laughter.]

If it is right for us to pay the expenses of those fellows who go over there to attend the coronation of the King, then it is right for Germany to pay the expenses of her representative now about to visit this country, or more proper still, for him to pay his own expenses. I, for one, do not believe that it is right for us to pay the expenses in either case. I do not believe that the people's money should be squandered or wasted in any such way. Leave the money in the pockets of the people, or expend it for the relief or the advancement of the people.

Now, suppose the labor organizations of England should call a great international convention of all of the labor organizations of the entire world—and the labor organizations of England are the only remaining remnants of England's departing glory. The labor organizations of England are organized for the same worthy purpose and for the same noble end that the labor unions in all other countries are banded together for—to protect laboring men against greedy combinations of wealth, to elevate laboring men in the standard of intelligence, and to raise the standard of life of laboring men and their families.

The labor organizations of England are strong, and they are generaled with exceptionally keen intelligence. Suppose, now, that special delegates from the labor organizations of this country were asked to attend that great convention, at which would be discussed all the great economic and social questions that confront the people of all countries for solution to-day. It has been urged on this floor that the coronation ceremonies of King Edward will be extremely interesting. So would that sort of a convention be interesting.

The world could certainly expect more lasting good to flow from its deliberations than from a ceremony at which nothing is done except the putting of a crown upon the head of a king. Do you suppose that under these circumstances this Congress would be as ready to jump in and make an appropriation to defray the expenses of these representatives of the laboring men as they are to defray the expenses of this crowd that goes over there in knee breeches to attend the coronation of a king? I dare say not. There would be certainly some debate allowed on the subject of appropriating the money, and it would not be sneaked into the bill under cover, as it was in this case.

It has been said, and if it has not been directly said it has been intimated again and again in the course of this two days' debate, that the Republican party is the conservator, the guardian angel, the special friend, of the German people in this country.

I challenge that assertion. During the great war of 1870—the Franco-Prussian war—what was the attitude of the Republican party to the German people then?

In violation of the neutrality laws a Republican Administration openly sympathized with the country that Germany was fighting, the same as it is now, in violation of the neutrality laws, sympathizing with the country which the Boers are fighting. Not only that, but in the State of Illinois, my own State, the Republican party tried, in opposition to all rules of decency and of justice, to close up the little German schools, where the Germans were teaching their children their own mother tongue, in addition to the national language of this country, and the expenses for running which the Germans ungrudgingly paid out of their own pockets. And for the time being the Republican party in that State was wiped from the earth for the foul and nefarious attempt.

In the State of Kansas, against the protests of all the Germans, the Republican party took their personal liberty away from the people; and wherever there has been Republican legislation it has been characterized by illiberality, fanaticism, and intolerance. The German people are a broad-minded people. They are liberal and they are tolerant in their views. They want the people, within lines of law, to enjoy liberty everywhere on earth. For that reason they know that the brave Boers are as maliciously right in their battle for liberty and justice as England is maliciously wrong. They want this country to extend its sympathy, if not its aid, to the Boers. They want the party in power in this country to stop the sending of the supplies of war from the United States to South Africa for the benefit of the English crushers of liberty, the English oppressors of men, the English slaughterers and murderers of free republics.

The German people in this country, believe me, my friends on the other side, are to-day not being influenced by the kind of claptrap that you are trying to ram down their throats. They are not so easily misled. They are not easily victimized. They are not easily hoodwinked. They will not betray their real, their staunch, and honest friends. These are at this time principally found in the Democratic ranks. They are among our very best Americans. They are students. They are studying the great political, economic, and social problems of the day; and let me further assure you that they are diligent students, intelligent, logical, and profound thinkers.

They are not only philosophers, but they are a proud people. They are a people to stand up for their rights under any and all circumstances and regardless of any consequences that may follow. They know what it has been to live under monarchical rule, under a system of compulsory military servitude, in a land where the freedom of speech and of the press is denied. They are thoroughly familiar with the oppressive and exploiting and intolerant methods of kings and nobles and nabobs, and they left their mother country to get away from them. [Applause on the Democratic side.]

Mr. BOUTELL. Mr. Chairman.

The CHAIRMAN. The gentleman from Illinois.

Mr. BOUTELL. I am very glad that my distinguished colleague from Illinois [Mr. KERN] has joined the ranks of the humorists. I have the honor to represent a district which is made up very largely of Germans and the descendants of Germans, and I really thought that I represented the district which had the largest number of German birth or descent, but I will not enter into any dispute with my colleague on that subject, and simply congratulate him on adding his name to the roll of the great American humorists.

During the past three days the gentleman from Kentucky [Mr. WHEELER] has achieved a reputation for humor distinct and national, and if it were not for the serious—not to put too fine a point on it—and earnest way in which his jocundity was displayed, he might even have acquired an international reputation. But over there across the water they take our language more seriously than we do here. Now, my acquaintance with the Germans here in this country leads me to the conclusion that they have "got on," as the boys say, to our American humor, and they quite appreciate the wondrous merry mood of the gentleman from Kentucky and of my colleague from Illinois.

The great trouble with the gentleman from Kentucky, however, is that he was not nearly as funny as he might have been, and if he had only given his humor a wider field to play upon, the results to this House might have been disastrous. I know of no reason why he held his humor so in check, except that given by our great American humorous poet, Oliver Wendell Holmes for restraining his humor. In his early days he wrote a poem called "The Height of the Ridiculous," and in these verses he showed the danger of being too funny:

THE HEIGHT OF THE RIDICULOUS.

I wrote some lines once on a time
In wondrous merry mood,
And thought, as usual, men would say
They were exceeding good.

They were so queer, so very queer,
I laughed as I should die;
Albeit, in a general way,
A sober man am I.

I called my servant, and he came;
How kind it was of him
To mind a slender man like me,
He of the mighty limb!

"These to the printer," I exclaimed,
And, in my humorous way,
I added (as a trifling jest),
"There'll be the devil to pay."

He took the paper, and I watched,
And saw him peep within;
At the first line he read, his face
Was all upon the grin.

He read the next; the grin grew broad,
And shot from ear to ear;
He read the third; a chuckling noise
I now began to hear.

The fourth, he broke into a roar;
The fifth, his waistband split;
The sixth, he burst five buttons off,
And tumbled in a fit.

Ten days and nights, with sleepless eye,
I watched that wretched man,
And since I never dare to write
As funny as I can.

[Laughter and applause.]

Now, I will endeavor to show that if the gentleman from Kentucky had been as funny as the circumstances surrounding the history of the Democratic party justified we should have all had the same experience that happened to Dr. Holmes's servant, we should simply have been overcome, and for at least ten sleepless nights the gentleman from Kentucky would have nad this House on his hands to take care of. [Laughter.] I regret very much that his address of yesterday has not yet appeared in print. I had a glance at the stenographer's notes, and I saw that after thinking over for several days his words of last Friday his chief indictment was that the Republican party under the present Administration was introducing "truculent sycophancy and flunkyism" into our international dealings and in our intercourse with the representatives of foreign powers. [Laughter.]

Now, of course, if this were true, it would be a very important question, and I think we ought really to take this matter up quietly this afternoon, when we have plenty of time, and discover, if we can, where "truculent sycophancy" began to worm its insiduous way into the administration of our national affairs. As I look back over the history of our country and study the lives of its distinguished statesmen I find that what appears to be "truculent sycophancy" in the mind of the gentleman from Kentucky was first seriously cultivated by the founder of the Democratic party. The gentleman from Kentucky criticises this Republican Administration because he says we are departing from democratic methods and are aping foreign manners and giving too much attention to foreign methods of entertaining representatives of other countries.

Now, I want to read a few words of Thomas Jefferson, the founder of the Democratic party, which are to be found in a letter from him to one Thomas Adams, on February 20, 1771, and I read from the Complete Writings of Jefferson, by Ford. It appears from this letter that Thomas Adams was just about to go as a business agent of Jefferson to London, and after giving him some several commissions he goes on:

One further favor and I am done; to search the herald office for the arms of my family. I have what I have been told were the family arms, but on what authority I know not. It is possible there may be none. If so, I would with your assistance become a purchaser, having Stearne's word for it that a coat of arms may be purchased as cheap as any other coat.

[Laughter.]

So here we have the founder of the Democratic party just dabbling, as it were, in sycophancy—not very truculent as yet. [Laughter.]

Mr. SULZER. What year was that in?

Mr. BOUTELL. Seventeen hundred and seventy-one.

Mr. SULZER. That is five years before the Revolution.

Mr. BOUTELL. That is five years before the Revolution.

Now, just a few months before the Revolution, on August 25, 1775, the great founder of the Democratic party, the introducer of truculent sycophancy into our national administration, wrote to John Randolph, from Monticello, urging a reconciliation with Great Britain, and in that letter he uses this expression:

I am sincerely one of those who would rather be in dependence on Great Britain, properly limited, than any other nation on earth, or than on no nation.

[Laughter.]

The gentleman from New York [Mr. SULZER] asked if the original letter, in which he authorized the purchase of a coat of arms, was before the Revolution. It was; but only a few months before the Declaration of Independence was signed, we find him saying that he would rather be dependent on Great Britain than on any other nation, or than on no nation. I have often wondered at the hidden meaning of that remark. It still puzzles me; but after looking the matter over carefully, it seems possible that, having purchased this coat of arms, he feared that on the Declaration of Independence and the establishment of a republican form of government it would not be an available asset, and so he hoped that the dependence would continue. [Laughter.]

Owing to the distinguished part which he took in bringing about our independence, and with my great admiration for Thomas Jefferson, I only hope sincerely that he was able to realize upon this asset and dispose of his second-hand coat of arms which he had to a good advantage. [Laughter.]

Here, now, we find the first germ of what the gentleman from Kentucky [Mr. WHEELER] calls this truculent sycophancy. It has a thoroughly Democratic origin. [Laughter.]

Let us come down a few years in the history of our country and of the Democratic party. The charge the gentleman makes is that the Republican party at this day is entering upon new and untrodden fields, and that the President of the United States should be gently disciplined for allowing a member of his family, in private capacity, to appear at the coronation of King Edward VII. He proceeds upon the theory, as I say, that this would be a new departure, that there has never been anything of this sort in the history of Democracy.

I wish to read a few of the opening sentences from a life of Martin Van Buren. This biography, by the way, is written by Edward M. Shepard. If I mistake not, he is good Democratic authority. I believe Mr. Shepard is the gentleman who led the serried phalanxes of Tammany to glorious defeat a few months ago in New York City. [Laughter.] The opening sentence of this book is as follows:

It sometimes happened during the anxious years when the terrors of civil war, though still smoldering, were nearly aflame, that on Wall street or Nassau street busy men of New York saw Martin Van Buren and his son walking arm in arm. "Prince John," tall, striking in appearance, his hair divided at the middle in a fashion then novel for Americans, was in the prime of life, resolute and aggressive in bearing.

And he is then described as the leader of the Democratic party in New York State, and his father is thus spoken of:

He was no longer, his friends strove to think, the schismatic candidate of 1848, but rather the ally and friend of Jackson, or, better still and farther away, the disciple of Jefferson.

For, more than any other American, Martin Van Buren had succeeded to the preaching of Jefferson's political doctrines and to his political power as well, that curious and potent mingling of philosophy, statesmanship, and electioneering.

Now, Mr. Chairman, where did the son of this distinguished Democrat get his title of "Prince John?" Where did he learn to part his hair in the middle?

Mr. SULZER. Did Prince John ever become baldheaded, like some members of this House, and have no hair to part?

Mr. BOUTELL. I do not know whether later in life he joined the ranks of those whose strength goes to brains instead of hair [laughter]; but at this time we have Mr. Shepard's authority that he had hair and that he parted it in the middle. The gentleman from New York will recollect the old consolation of the men with smooth domes:

If by thy hairs thy sins should numbered be,
Angels in heaven were not more pure than thee.

[Laughter.]

Now we are tracing the origin of truculent sycophancy, as understood and described by the distinguished gentleman from Kentucky [Mr. WHEELER]. We find that as late as 1860 Martin Van Buren, the friend, the disciple of Jefferson and Jackson, with his son, Prince John, was often seen about Wall street. What a strange place for two such distinguished Democrats! [Laughter.]

Why was the son called Prince John; and why, when he had any hirsute adornment, did he part it in the middle?

I read from a volume entitled, American Biography, by Hunt, on page 53, a paragraph which will give the explanation:

In May, 1838, Mr. John Van Buren visited England on professional business. The coronation of Queen Victoria in that year drew to London a great concourse of English people and foreigners of distinction and was the occasion of much festivity. As the son of the President of the United States he was invited very generally to the public and private parties, and the marked attention which he received from the nobility and from the Queen herself, the particulars of which may be found in the papers of the day, were of a most flattering character.

[Laughter.]

And so we see that "Prince John," son of the great Democratic President, acquired and held through life this distinguished title by attending in his private capacity the coronation of Queen Victoria. [Laughter.] And so to-day, after the lapse of some sixty-four years, when the gentleman from Kentucky is so distressed at the reports that the daughter of the President is to be present simply as a spectator at the coronation of Edward VII, we see how much funnier he could have been if he had only alluded to this direct precedent, that in 1838 the son of President Van Buren attended the coronation of Queen Victoria.

Mr. SULZER. Did he pay his own expenses?

Mr. BOUTELL. Undoubtedly he did; for was he not a prince—a Democratic prince?

Mr. SULZER. That is good.

Mr. BOUTELL (continuing). And he acquired the sobriquet of "Prince John" from his "truculent sycophancy" in attending the coronation of Queen Victoria, and it followed him to his tomb. [Laughter on the Republican side.]

Mr. SULZER. Will the gentleman pardon me?

Mr. BOUTELL. Surely.

Mr. SULZER. I believe you are right. He got that title because he danced with Queen Victoria, but I believe the Democrats of New York never elected him to any political office.

Mr. BOUTELL. The Democrats may never have elected him to any political office, but I will say to the gentleman from New York that Prince John Van Buren, like his great successor the English Prince Croker, elected more men in New York than any other man during his lifetime. [Laughter and applause on the Republican side.]

Mr. SULZER. That only goes to show that he was a good politician as well as a good dancer.

Mr. BOUTELL. That is what Mr. Shepard says. [Renewed laughter.] And all I have to say with reference to the remark of the gentleman from Kentucky, that we are departing from old moorings and established precedents and laying down entirely new Republican rules, we were simply following the example set by Martin Van Buren and his distinguished son. [Laughter and applause.]

I am sure that the gentleman from Kentucky will admit that if the President's daughter, as the invited guest of an American private citizen, witnesses the coronation of the English King, there will be no more gracious presence at the ceremony than the beautiful daughter of our American President [loud applause]; and when she comes back home she will not be "Princess Alice," but the same modest, unassuming daughter of the President, for, according to our Republican ideas,

Kind hearts are more than coronets,
And simple faith than Norman blood.

[Loud applause.]

Well, now, there is another indictment, and that is we are sending a special embassy to the coronation of Edward VII, and that it is something new, startling, Republican, and "truckling sycophancy." [Laughter.] Let us see what the Democratic party has done in this line. Oh, how funny the gentleman from Kentucky would have been if he had told us about what I am now going to describe!

I want to call attention to the coronation of a distinguished monarch that occurred on the 26th of May, 1896, during the second incumbency of the last Democratic President of this great Republic. On that day the Czar of all the Russias was crowned the head of a vast empire, and consecrated as head of the national church. The New York Herald of May 27, in the account given by its correspondent, contained this sentence in describing the ceremonies:

Mr. Clifton R. Breckinridge, the American minister, wore a full court suit.

[Laughter.]

Gen. A. C. McCook, the special representative of the American Government, and Admiral Selfridge wore full dress suits of their rank.

Now, Mr. Chairman, in the first place, who was Clifton R. Breckinridge? A native of Lexington, Ky. [Great laughter and applause on the Republican side.] A most distinguished Democrat. The financier who drew the financial part of the great Wilson bill as a Representative in this House from Arkansas.

Mr. FITZGERALD. Mr. Chairman, will the gentleman permit a question?

Mr. BOUTELL. I will.

Mr. FITZGERALD. Have you ever heard of Mr. Breckinridge politically since he did that?

Mr. BOUTELL. Well, I will state to my friend from New York that I am not really much of a friend of "truculent sycophancy," and I have no doubt its effects are disastrous, but I just wanted to trace its origin. [Laughter.] This is historical matter which my friend from Kentucky refrained from mentioning. It was quite too funny. [Laughter.]

I do not object to the opinions of my friend from Kentucky. I do not object to the opinions of my friends on the other side. I am glad to help on the international reputation for humor of my friend from Kentucky, but I want to get the facts right, and I want to show you how much more funny he might have been if he had only covered the whole ground. [Laughter.]

Mr. SCOTT. Right in line of the question of the gentleman from New York, may I ask the gentleman from Illinois if there are not a number of other Democrats that have not been heard of since 1896? [Laughter on the Republican side.]

Mr. BOUTELL. Quite right. Many have gone down since then. Now, I find in the public diplomatic correspondence sent from St. Petersburg in 1896 the following cablegram:

LEGATION OF THE UNITED STATES,
St. Petersburg, May 6, 1896.

OLNEY, *Washington:*

As to costumes, please instruct.

BRECKINRIDGE.

[Laughter on the Republican side.]

Truculent sycophancy a Republican invention, Mr. Chairman! "As to costumes, please instruct!" [Laughter.] Well, that was a cablegram. He was afraid that cablegram might get lost under the waves of the Atlantic, and so on the same date he sent a letter——

Mr. MERCER. May I ask the gentleman a question?

Mr. BOUTELL. Certainly.

Mr. MERCER. Did the Government pay for that cablegram?

Mr. BOUTELL. I presume it was charged up in the expenses of the legation. The letter is as follows:

LEGATION OF THE UNITED STATES,
St. Petersburg, May 6, 1896.

Hon. RICHARD OLNEY,
Secretary of State, Washington, D. C.

SIR: Upon the overleaf I have the honor to give a copy of my telegram to you of this date in regard to an unofficial costume which the Russian direction of ceremonies has prescribed for those attending the coronation functions who are not permitted to wear a military uniform or a costume indicative of official position.

In the same connection I inclose a translation of the circular giving this information.

This information has only been made known during the last three or four days. Since then I have taken steps to communicate it to Americans placed upon the list of distinguished visitors, and have acquired, in broken installments, the full meaning and desire of the Russian Government in the matter.

Without entering upon the well-worn subject of an official costume, I will simply say that I find, after several conferences with members of the direction of ceremonies, that the Government, desiring that all should show some distinctive mark of respect at what is to them both the coronation and consecration of their majesties, and having for the first time determined to admit to the functions persons not in official life, has prescribed this costume for such persons on these occasions, as well as for foreign officials who are not permitted to wear a costume denoting their position or rank, and that they greatly desire the members of this legation to conform to it. They make the point that this is only indicative of the occasion, and not of anyone's official position, as an evening suit is of most formal social gatherings, etc.

At the same time they are extremely polite and considerate about the matter, saying that while they must require this of our visitors, they will accept cheerfully the decision I may reach in regard to myself and the Secretary, but adding that they hope it will not be considered unreasonable or contrary to the law and custom of the United States.

It seemed to me that the case could not be stated within the possible limits of a cablegram, and that under all the circumstances I should invoke your decision before giving a final reply.

I have the honor to be, sir, your obedient servant,

CLIFTON R. BRECKINRIDGE.

Mr. SIMS. Will the gentleman from Illinois state from whence he got those papers, and whether they are authentic?

Mr. BOUTELL. From the public records, and for the accuracy of the papers I will refer the gentleman to the State Department.

Mr. SIMS. The gentleman got them from the State Department, I understand the gentleman to say?

Mr. BOUTELL. Surely, these are copies of the public records.

Mr. SIMS. Brought here on the floor of the House for this purpose?

Mr. BOUTELL. I am sorry the mention of these monuments of Democratic diplomacy distresses my friend. Now, in the annotations describing what the director of ceremonies required to be worn is the following:

Foreigners of distinction who have neither court nor military uniform are to wear full dress: Evening dress coat, metal buttons, white vest, knee breeches, and silk stockings.

[Laughter on the Republican side.]

Mr. LACEY. Does the gentleman mean to say that a Democrat appeared at that function in silk stockings?

Mr. BOUTELL. That is what the able correspondent of the New York Herald said, and I have endeavored to find ground for denying the report of such truculent sycophancy on the part of a distinguished Democrat. [Laughter.]

Mr. LACEY. It is beyond belief. [Laughter.]

Mr. BOUTELL. But he was a most distinguished gentleman and a man for whom we have great respect, and a Democrat. But where was the gentleman from Kentucky at that time? Shades of Fayette County, rise up and accuse him! [Laughter.]

Mr. RICHARDSON of Tennessee. Will the gentleman from Illinois allow me a question?

Mr. BOUTELL. Certainly.

Mr. RICHARDSON of Tennessee. Does not the gentleman think it would be more commendable if the State Department would be as diligent in helping the suffering Boers in South Africa as it is to get this kind of information? [Applause on the Democratic side and derisive cries on the Republican side.]

Mr. BOUTELL. The State Department is not getting this or any other kind of information for the gentleman from Illinois. The gentleman from Illinois is using public records to establish the reputation of the gentleman from Kentucky as a humorist.

Now, a few words more in reference to another matter—the entertaining of the representative of a foreign power, and this insistence by the gentleman from Kentucky that it is purely a Republican innovation. I want to read a few paragraphs from Hawaii's Story by Hawaii's Queen. On page 120, I read:

We arrived safely at Washington and found comfortable quarters at the Arlington Hotel. Our party consisted of the following individuals: Her Majesty Queen Kapiolani, wife of my brother, the reigning King; Lieut. Gen. J. O. Dominis, governor of the island of Oahu, and myself; Col. C. P. Iaukea, Col. J. H. Boyd, besides which each of us had our attendants, the Queen having four, and each of the others at least one attendant or valet.

A few days after our arrival the Queen signified her wish to call on the President; so we all attended Her Majesty to the White House. President Cleveland and his beautiful young bride most cordially received and hospitably entertained us, and a more recent experience of my own would prove that neither one of them has ever forgotten that their position required them to be really the first lady and the first gentleman of the land.

At 2 o'clock in the afternoon of the same day our call was returned by Mrs. Cleveland, accompanied by the ladies of the Cabinet. No person could have shown in her presence a fairer type of youth and loveliness than the wife of the President, and her manner was graceful and dignified in a rare degree for so young a lady. She impressed us with a conviction, since most abundantly justified, that she was well chosen for the duties and responsibilities of an exalted position. On the day following her call we were invited to dine at the Executive Mansion. The Queen occupied the seat of honor at the right of President Cleveland; the Secretary of State, Mr. Endicott, attended me to my seat on the President's left; the Hawaiian minister, Hon. H. A. P. Carter, was assigned to a seat on Mrs. Cleveland's right; while General Dominis, my husband, waited upon Mrs. Endicott, and was at Mrs. Cleveland's left. The remaining members of the Queen's party were disposed of in proper order, and the dinner passed off with cheerfulness and in due form. It was a grand affair and arranged with the best of taste.

[Laughter.]

Mr. VANDIVER. Allow me to ask the gentleman a question at this point. I would like to ask whether it turned out, immediately after the events which he has been reading, that the American people reelected President Cleveland to the White House. [Derisive cries on the Republican side.]

Mr. BOUTELL. No; but four years later you did.

Mr. VANDIVER. We afterwards repudiated him.

Mr. BOUTELL. Was it for that reason? He is the ablest leader you have had since Van Buren.

Thus we have in the purchasing of a spurious coat of arms by the first Democratic President of the United States and the entertainment of a real queen by the last Democratic President of the United States a sort of condensed history of truculent sycophancy. [Laughter.] It seems to be a thoroughly Democratic institution.

Mr. MAHON. I wish the gentleman would give the color of these distinguished people as he goes along.

Mr. BOUTELL. No color line seems to have been drawn. All potentates have been treated with equal distinction.

Now, we are about to extend some international courtesies and treat with genial hospitality, a gentleman who comes here from a country that has always been the unfailing and hereditary friend of the American people. The gentleman from Kentucky [Mr. WHEELER], going almost to the "height of the ridiculous," applied some epithet to him which I hope will be regarded as real genuine humor by the people of the German Empire. But when his attention was called to the entertainment of the Prince of Wales under somewhat similar circumstances by a Democratic President, he fell back upon the statement that the Prince of Wales was entertained simply in his private capacity.

But I now wish to refer to an account of the entertainment of a gentleman who came here, not at all in his private capacity, but in a very public and open capacity as the personal representative of the most absolute monarch that has ever ruled over any portion of this earth since the passing away of imperial Cæsars. I hold in my hand an elegant morocco-bound gilt-edged volume entitled "His Imperial Highness, the Grand Duke Alexis, in the United States of America, during the winter of 1871–72." The narrative was prepared from the newspapers of the day and from letters and other contemporary sources of information. The grand duke arrived not in a private steamer, but on one of the great war vessels of the Russian Empire. He was met at the mouth of New York Harbor by several of the American gunboats.

The account goes on to tell that the national salute of 21 guns was fired on each side, and then the procession moved on up the river. Then after the debarkation began the tour of the grand duke through the United States. We have here an account of his official call upon President Grant in Washington; his visit to New York, Boston, and the other great cities of the country; his tour of the Great Plains; his visit to Denver and Topeka and Jefferson City and St. Louis, and finally his imperial highness the Grand Duke Alexis, the official representative of the Czar of all the Russias, crossed the boundaries of the State of Kentucky. [Laughter and applause.] What happened then, Mr. Chairman? Did the people go out with bowie knives and shotguns to drive him from the confines of their Commonwealth? Quite the contrary. The people of Kentucky were true to their best traditions for generous hospitality. Let me read the account of what occurred in Louisville:

LOUISVILLE, KY., *January 31, 1872.*

At half past 2 o'clock yesterday afternoon 25 carriages left the Galt House for the Bridge station to meet the ducal train. At that hour there were more than a thousand people congregated in front of the stately building, and the crowd was momentarily increasing. The front of the house was decorated with the American and Russian flags, which swayed in the breeze in close proximity to each other, and the steps and rotunda were thronged with people. The gamins of the street had gathered in force, and their shrewd comments on the event of the day, so near its culmination, were the source of much amusement.

The train arrived at a quarter past 3 o'clock, and a portion of the committee entered the cars, with General Preston at the head. Introducing themselves and announcing the object of their presence, the Duke taking the arm of General Preston, they proceeded to the carriages and were soon on their way up Main street.

Think of it, my friends. Think of the deep and almost unspeakable pathos of that spectacle, this grand Kentucky gentleman taking the arm of a Duke, not a plain, simple Duke, but a Grand Duke! [Laughter.]

The street was thronged with spectators, and almost every window was filled, many with ladies, who waved their handkerchiefs at the cortege as it passed, and all the party, including the principal guest, acknowledged the salutes with polite bows. A number of flags were displayed at various points along the route, and here and there a cheer went up as the party swept by. The city was alive with excitement and interest.

Arrived at the Galt House, the ducal party and the committee alighted and proceeded to the parlor, where General Preston made the excuses of the committee, who retired, leaving the visitors to be conducted to their apartments in order to rest after their long ride by rail.

The rooms were most elegantly fitted up.

The house rapidly filled with visitors and people anxious to catch a glimpse of the guest, and as 9 o'clock approached the crowd exhibited considerable nervousness and impatience. The spacious parlors were well thronged, and the committees of citizens and of the legislature were present with their respective chairmen, and every preparation was made for the formal ceremony. At length, at about half past 9 o'clock, the doors of the crimson parlor were thrown open and the ducal party emerged from the music parlor, with the imperial visitor at their head. Halting in front of the committee, who were arranged in convenient positions, General Preston advanced and spoke as follows:

Now, I would like to call the attention of the gentlemen to the fact that the illustrious Russian was not traveling incognito. He was not addressed as Mr. Romanoff, but the committee, with General Preston at their head, advanced and said:

Your imperial highness—

[Prolonged laughter and applause.]

it affords me great pleasure, in behalf of the people of Louisville, to welcome you to the city and to the State. We, in common with our countrymen, appreciate the course of Russia to the United States, and the constant and unaltered friendship which has always existed between our Governments. The people remember the early assistance rendered by Russia when we first struggled to establish the freedom of commerce and equal maritime rights. By the powerful aid of the most extensive empire of the Old World those principles have now been finally and happily established.

A concord, based upon great ideas and generous purposes, leading to free commercial wealth and widened civilization, is in this age the surest augury for permanent amity, and we trust that this strong bond between our countries may never be severed. The hospitalities tendered to your highness to-day are the spontaneous offering of the people of this city in an unofficial way simply intended to testify to your highness the pleasure your visit has caused—

Oh, ye that have tears to shed for truculent sycophancy, prepare to shed them now—

but the legislature of the State and its authorities share this sentiment and have appointed a committee, now present, to extend official welcome.

[Prolonged 'aughter.]

The CHAIRMAN. The time of the gentleman has expired.

A MEMBER. Oh, let him have some more.

Mr. SHERMAN. How much time have I remaining?

Mr. SULZER. I ask unanimous consent that the gentleman be permitted to conclude his remarks. We are enjoying them as much as he is. [Laughter and applause.]

Mr. SHERMAN. I yield fifteen minutes more to the gentleman.

Mr. BOUTELL. That will be abundant time, I will say to the gentleman from New York, in which to complete the history of this interesting episode which the self-restraint of the gentleman from Kentucky prevented him from mentioning. [Laughter and applause.]

I trust, therefore, in conclusion, that your highness will permit me to introduce the speaker of the house of representatives, the Hon. Mr. McCreary.

Think of it! A free citizen of the State of Kentucky, an undaunted Democrat, standing up in such an august presence and using this language:

The Duke bowed assent, and Mr. McCreary then came forward and said: "Your Imperial Highness—

[Prolonged laughter.]

"We have been deputed by the house of representatives to extend to you and your suite a cordial invitation to visit the capital of this State. We trust that your highness will find it convenient to name a day when it will be agreeable to you to visit us, in order that the representatives of the people of this Commonwealth may have an opportunity of reciprocating that courtesy and hospitality which your imperial father so generously extended to two United States ministers, citizens of Kentucky, and which your people have uniformly shown to all American citizens."

And this, gentlemen, from the speaker of a Democratic house of representatives that had just elected another McCreary to the United States Senate. [Laughter.]

Where, oh, where were the great enemies of truculent sycophancy and flunkyism? Can it be possible that this Democratic legislature of the State of Kentucky had so degenerated at the time that truculent sycophancy was allowed to paralyze its members? [Laughter.]

The Grand Duke replied to both as follows:

"GENTLEMEN: I thank you heartily for the cordial welcome and generous reception which you have accorded me. I thank the people of Louisville for this display of their kind feeling and hospitality, and I thank the legislature and State authorities for the kind invitation they have extended. It is a source of deep and sincere pleasure to me to have been so warmly and hospitably received. I deeply regret that my time is so arranged that I am unable to visit the city of Frankfort or the city of Cincinnati. Permit me again to thank you for your kind and generous reception."

Then the narrative proceeds as follows:

The general then proceeded to introduce the members of the committees and afterwards the other persons present to his highness.

Some time was spent in these introductions, the members of the suite having also to receive the welcomes of the citizens, and a brief interval of informal conversation followed, when the ballroom was thrown open, the dance was announced, and in a few minutes the parlors were comparatively deserted. The duke led the grand quadrille with Mrs. Preston. The ball was the most brilliant that has ever taken place in this capital. It seemed as if all the beauty and fashion of the country had gathered there to honor the royal guest and to do justice to the reputation of the commonwealth.

It was an outpouring of Kentucky's fairest and brighest daughters and her bravest and most gallant and chivalrous sons. It was a right royal welcome, of which the city and the guests may alike be proud.

[Prolonged laughter and applause.]

Then the narrative goes on to describe the banquet and the following day's festivities and visits to the Kentucky Club and the evening at the opera house. Then it says:

They leave behind a most favorable impression of their own intrinsic worth and high character and a knowledge of their courteous manners and good sense which could only have been gained through the intercourse afforded by the visit now brought to a close. The good wishes of the people of Louisville follow them on their way southward.

And so, Mr. Chairman, when the representative of the German people comes to our shores and goes, as I trust he will, to the Commonwealth of Kentucky, noted for its chivalrous sons and its fair daughters, for its kindness and hospitality to strangers, I feel confident that he will receive from the good people of Louisville and of all Kentucky the same cordial, kind, and hospitable greeting which they gave to the Grand Duke Alexis. [Applause.] And I believe that if my genial and humorous friend from Kentucky [Mr. WHEELER] were also present, he would be one of the chivalrous sons who would show the height of his humor by joining in the festivities. [Laughter.]

Now just one further point in reference to the visit of the representative of the German people, and I am done.

It is interesting at this time to call attention to the firm, unbroken friendship that has been maintained between the German people and the people of the United States down to the present time. I would like to read just a few words from an editorial in a German paper—the Sonntagspost, of Chicago—of February 16, 1902, written, I should say, before the outburst of humor on the part of the gentleman from Kentucky had become known to the writer. It is entitled "The Historic Friendship," and is as follows:

"The Influence of the American Revolution upon German Literature" is the title of the terse, half-historical, half-literary essay, of which Prof. James Taft Hatfield, the head of the German department of the Northwestern University at Evanston, and Miss Elfriede Hochbaum, a former pupil of the professor, are the authors. The essay has recently appeared from the press of the Macmillan Company as a reprint from the excellent quarterly, Americana Germanica, which is devoted exclusively to the comparative study of the literary, linguistic, and cultural relations between Germany and America. The German press is giving the pamphlet appreciative notice. In a long discussion of it in the Berliner Tageblatt of January 18 we find the following:

"Just at this juncture it is especially interesting that reference to the old relations between Germany and the Union should be made from the American side. Among the fosterers of these relations we find the poets Lessing, Klopstock, Wieland, Herder, Schiller, Goethe, Seume, and Klinger. The romance of the life of the original Indians, the heroism of the fighters for independence, the tragedy of the slave period and the triumph of ideal of emancipation, all these things have inspired the German poets; all the longing and striving and hard-won victory is reechoed in German literature.

And the literature and history of that period clasped hands. With reference to the American war of independence, Frederick the Great wrote as early as the year 1775 to the Count of Maltzan, the Prussian ambassador at London: "The great question is ever, whether the colonies will not find means to separate themselves entirely from the mother country and found a free republic? This much is certain, almost all Europe takes the side of the colonies and defends their cause, while the cause of the court finds neither patrons nor defenders."

And two years later Wieland writes in the Teutscher Merkur: "Good characteristics circulate about over the world like everything else. At present we see them in the colonies of North America. It is a refreshing sight for the friend of mankind to behold a virtuous people. Hundreds of thousands animated by one all-pervading spirit, with lofty courage steadfastly and immovably upholding the inalienable rights of mankind; a nation every member of which is striving to sacrifice his private interest for the common weal; in which old and young, men and women, think and act like the noblest heroes and heroines in Plutarch."

Baron Steuben, an able man and a Prussian officer, went from words to deeds, and offered his services to Congress as a volunteer in a letter, in which he said:

And, Mr. Chairman and gentlemen, before reading this letter I want to say that in my mind it embodies as fine an expression of pure devotion to liberty as can be found in the literature of any age, and as long as a citizen of this Republic lives the name of Von Steuben must always be held in the highest honor, side by side with Lafayette. [Applause.] Here is the letter:

The sole reason which has brought me to this part of the world is the wish to serve a people that are fighting so noble a fight for their rights and their freedom. I ask neither money nor title. * * * If I possess any ability in the art of war, it will be more prized by me if I can make it of service to such a republic as I hope still to see the United States become. I would gladly buy with my blood the honor of some time having my name named among the defenders of your freedom.

Steuben has indeed bought this honor; he has perpetuated his name for all time in the history of the American struggle for independence.

It is indeed of interest at this time to look back upon the old relations between Germany and the United States. If this historic friendship is purged anew from the dross of misunderstanding and distrust, it will indeed be a blessing to both countries.

And as I draw near the close of my time I should like to recall one other historic incident not often alluded to; that when we were seeking the sinews of war to carry on the struggle to preserve this nation in 1861 and the following years, when we could find little or no market for our securities in London, owing to the position taken then by the English Government, and a still smaller market in Paris, it was in Frankfort and Berlin that we got our financial aid. [Applause.]

And so it seems to me, Mr. Chairman, that having traced the history of truculent sycophancy and flunkyism from Thomas Jefferson and Martin Van Buren down to the present time, the gentleman from Kentucky has earned his position as an international humorist. Now, had we not better accept the situation, so long as we can not expect that all countries will immediately adopt our form of government and fall into all our habits? And so long as we are brought into close international relations, let us recognize other forms of government and not fail in national hospitality in extending international courtesies.

Then the greeting which we give to the German prince who is coming here will not be given because he is the brother of an Emperor, not because he is an admiral; it will be given in the spirit of the American people shaking hands with the German people. [Applause.] It is Uncle Sam shaking hands across the sea with his old hereditary friend Unser Wilhelm. [Applause.] And so I trust that whatever has been said by the gentleman from Kentucky in his merry mood will be taken by our guest simply as an instance of the erratic form which American humor sometimes assumes, even in the National House of Representatives. [Prolonged applause.]

Mr. LITTLE. I yield to the gentleman from Nevada [Mr. NEWLANDS] the time remaining to this side for general debate.

Mr. NEWLANDS. I yield five minutes of my time to the gentleman from Georgia [Mr. FLEMING].

Mr. FLEMING. Mr. Chairman, I think the House is under obligations to the gentleman from Illinois [Mr. BOUTELL] for the very thorough and scholarly review he has made of the case he has been discussing. I have enjoyed his remarks. It is very hard to resist the logic of a hearty laugh; but the gentleman has turned entirely away, in his humorous treatment of the case, from one phase of it, to which I think a large number of the members on this side of the House object. This is the first instance, this is the precedent for the United States of America sending a special embassy, at the expense of the public Treasury, to the coronation of a king.

Mr. BOUTELL. Mr. Chairman, I thought I stated that in describing the ceremonies at Russia. What I intended to state was that a special embassy was sent by President Arthur to the coronation of this Czar's predecessor, and that at the time of the coronation, in 1896, General McCook and Admiral Selfridge were sent as special envoys to that country with greetings from the United States.

Mr. FLEMING. I am glad to be corrected, Mr. Chairman, in that particular. The gentleman will find, I am sure, on looking at the stenographic notes of his remarks, that he did not make that statement in the first instance, and I was not informed as to that fact of history.

Now, Mr. Chairman, I wish to say, speaking for myself, and not representing or pretending to represent anyone but myself, that I do not indorse the attitude taken in the speeches made by the gentleman from Kentucky upon this subject. I wish to say, however, to his credit that not since the opening day of this Congress has any man on the Democratic side or the Republican side made a speech which, as a speech, excelled in merit and power that made by the gentleman from Kentucky. I further compliment him on the coolness with which he behaved in subsequent controversies on the floor. I want to compliment him, too, on the courtesy that he showed to other members in replying to their taunting inquiries. But beyond that, I for one do not wish to go.

I shall not vote to create this special embassy nor for it to have any money out of the public Treasury to attend the coronation of the English King. We have a regularly accredited ambassador in England; let his presence suffice. But, Mr. Chairman, I will not condemn in the rough language of the gentleman from Kentucky the distinguished American who occupies the position of Secretary of State in our country. For one I express regret that he was not called earlier to that lofty position, for, unless I am misinformed, if he had occupied that station, our Administration would never have made the fearful blunder it did make in connection with our policy in the Philippines.

Again, Mr. Chairman, so far as the remarks of the gentleman from Kentucky went in making a contemptuous reference, if such it was, to the German Prince, who is to be our guest so soon, I certainly can not agree with him. This House had already passed a bill appropriating money for his entertainment, and when we did that it was equivalent to ratifying the invitation that had been extended by the President. He was then our invited guest, and it was too late for any man to properly open his mouth in condemnation of what had been done or in criticism of the gentleman who was to accept our hospitality.

There was one other point in the remarks of the gentleman from Kentucky to which I can not agree. He expresses disapprobation in strong terms of the President permitting a member of his family to attend, even in a private capacity, the coronation exercises of the King of England. There, again, I wish to dissent. I have read in the papers that the President's daughter had been beseeching him for his consent that she might enjoy this great pleasure and this high honor. The account I read of it said that the President was hesitating as to what his duty was in the premises.

I for one wish to say that I hope the President will give his consent and that his daughter will attend these exercises [applause on the Republican side], believing, as I do, that in all the noble qualities of womanhood, in mental accomplishments, and in graciousness of manner and charms of person she may stand in the presence of crowned heads and show to all the world that the daughter of a plain American citizen whom we have simply elevated to the Presidency is the equal of the daughters of the proudest monarchs on earth. [Loud applause on the Republican side.]

Furthermore, from a political standpoint, I wish to say I would have a contempt for any Republican who would turn Democrat for that reason. [Laughter.] We hope to put a Democrat in the White House at the next Presidential election [derisive laughter on the Republican side]; but I believe if we are to do so we must have better reasons than this—otherwise I would have to despair this far in advance of success in our efforts. [Applause.]

[Mr. NEWLANDS addressed the committee. See Appendix.]

Mr. SHERMAN. Mr. Chairman, I had intended to occupy ten or a dozen minutes in explaining briefly the Indian appropriation bill, but it might seem somewhat out of place to discuss that subject this afternoon. [Laughter.] I think I will content myself with the use of the five-minute rule to-morrow to say what I desire to say, perhaps not in connected form, but from time to time as certain provisions are reached, and I will move now that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. MONDELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 11353, the Indian appropriation bill, and had come to no resolution thereon.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 8652. An act granting an increase of pension to Virginia Terrill;

H. R. 3266. An act granting an increase of pension to James Smith;

H. R. 1484. An act granting an increase of pension to Robert M. Scott;

H. R. 1200. An act granting an increase of pension to Oliver P. Goodwin;

H. R. 6453. An act granting an increase of pension to Ida R. Siegfried;

H. R. 3229. An act granting a pension to Catherine R. A. Ogden;

H. R. 7343. An act granting an increase of pension to Martha V. Keenan:

H. R. 2620. An act granting a pension to Jennie A. McKinley;

H. R. 1324. An act granting an increase of pension to Charles N. Lee;

H. R. 11470. An act making an appropriation for clearing the Potomac River of ice;

H. J. Res. 88. Joint resolution authorizing the Commissioner of Internal Revenue to return bank checks, drafts, certificates of deposit, and orders for the payment of money having imprinted stamps thereon to the owners thereof, and for other purposes; and

H. J. Res. 131. Joint resolution authorizing the transfer to the Library of Congress of the Library of State Reports, etc.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 592. An act to provide for the purchase of a site and the erection of a public building thereon at Deadwood, in the State of South Dakota—to the Committee on Public Buildings and Grounds.

S. 2311. An act making appropriation for the improvement of the legation building owned by the United States at Tokyo, Japan—to the Committee on Foreign Affairs.

S. 3357. An act to authorize Lieut. Commander Asher C. Baker, United States Navy; Frank W. Clarke, curator, United States National Museum, and Henry E. Alvord, William A. Taylor, H. W. Wiley, M. A. Carleton, and John I. Schulte, of the Department of Agriculture, to accept decorations tendered to them, respectively, by the Government of the French Republic—to the Committee on Foreign Affairs.

S. 1845. An act to amend section 2 of an act entitled "An act to incorporate the convention of the Protestant Episcopal Church of the Diocese of Washington"—to the Committee on the District of Columbia.

S. 640. An act to extend the provisions, limitations, and benefits of an act entitled "An act granting pensions to the survivors of the Indian wars of 1832 to 1842, inclusive, known as the Black Hawk war, Creek war, Cherokee disturbances, and the Seminole war," approved July 27, 1892—to the Committee on Pensions.

S. Res. 42. Joint resolution providing for the introduction of testimony in behalf of the defendant in all preliminary hearings of a criminal nature—to the Committee on the Judiciary.

S. 305. An act providing for a monument to mark the site of the Fort Phil Kearny massacre—to the Committee on Military Affairs.

S. 1178. An act providing for an additional judge in the second judicial district—to the Committee on the Judiciary.

S. 1920. An act for the relief of Albert C. Brown—to the Committee on Claims.

S. 173. An act for the relief of the owners of the British ship *Foscolia* and cargo—to the Committee on Claims.

S. 165. An act to reimburse certain persons who expended moneys and furnished services and supplies in repelling invasions and suppressing Indian hostilities within the Territorial limits of the present State of Nevada—to the Committee on Claims.

S. 169. An act for the relief of Robert D. McAfee and John Chiatovich—to the Committee on Claims.

S. 2705. An act to provide an American register for the barge *Admiral Tromp*—to the Committee on the Merchant Marine and Fisheries.

S. 2736. An act to provide for the service of warrants issued by United States commissioners in the district of Minnesota, and for the summary disposition by such commissioners of certain cases connected with Indian liquor traffic—to the Committee on the Judiciary.

REPRINT OF A BILL.

Mr. SOUTHARD. Mr. Speaker, I ask unanimous consent for a reprint of House bill 123. I will say that the bill is still under consideration and the print of it is entirely exhausted.

The SPEAKER. The gentleman from Ohio [Mr. SOUTHARD], chairman of the Committee on Coinage, Weights, and Measures, asks unanimous consent for a reprint of House bill 123. Is there objection?

Mr. RICHARDSON of Tennessee. What is the title of the bill?

The SPEAKER. Will the gentleman report the title of the bill?

Mr. SOUTHARD. It is the bill (H. R. 123) to adopt the weights and measures of the metric system as the standard weights and measures of the United States.

The SPEAKER. Is there objection to the request?

There was no objection.

ENROLLED BILLS.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had presented to the President of the United States, for his approval, a bill of the following title:

H. R. 4842. An act for the relief of the trustees of Carson and Newman College, at Jefferson City, Tenn.

LUCY W. SMITH.

By unanimous consent, the Committee on Pensions was discharged from the further consideration of the bill (S. 2692) granting an increase of pension to Lucy W. Smith, and the same was referred to the Committee on Invalid Pensions.

ALEXANDER DAVIDSON.

By unanimous consent, on motion of Mr. POU, leave was granted to withdraw from the files of the House, without leaving copies, the papers in the case of the heirs of Alexander Davidson, Thirty-second Congress, no adverse report having been made thereon.

CHARLES SEELEY.

By unanimous consent, on motion of Mr. BINGHAM, leave was granted to withdraw from the files of the House, without leaving copies, the papers in the case of Charles Seeley, Forty-fifth Congress, no adverse report having been made thereon.

ENID AND ANADARKO RAILWAY COMPANY, OKLAHOMA TERRITORY.

Mr. LACEY. I desire to call up a conference report which is on the Speaker's table.

The SPEAKER. The gentleman from Iowa calls up a conference report, which will be read by the Clerk.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the resolution (H. R. 3104) to grant the right of way through the Oklahoma Territory and the Indian Territory to the Enid and Anadarko Railway Company, having met, after full and free conference, have agreed to recommend, and do recommend, to their respective Houses as follows:

That the House agree to the Senate amendment with the following amendments: In line 15, page 20, strike out the word "said" and insert "any."

In line 19, page 21, after the word "Territory" insert "and Oklahoma Territory."

On page 22, add the following to section 23:

"*And provided further*, That the provisions of this act shall apply also to the Osage Reservation and other Indian reservations and allotted Indian lands in the Territory of Oklahoma, and all judicial proceedings herein authorized may be commenced and prosecuted in the courts of said Oklahoma Territory, which may now or hereafter exercise jurisdiction within said reservations or allotted lands."

JOHN F. LACEY,
C. D. SHELDEN,
JNO. H. STEPHENS,
Managers on the part of the House.

J. V. QUARLES,
W. A. HARRIS,
J. L. RAWLINS,
Managers on the part of the Senate.

Mr. RICHARDSON of Tennessee. Mr. Speaker, is there no statement accompanying this report?

Mr. LACEY. There is a statement.

Mr. RICHARDSON of Tennessee. The statement, I think, is of more value than the report in giving the House an understanding of the matter.

The SPEAKER. The Clerk will report the statement.

The Clerk read as follows:

The effect of the amendment is to make the title of the act conform to the purposes of the bill as amended.

The original bill as it passed the House granted the right of way to a single railway company, but there was pending in the House of Representatives upon the House Calendar a general bill applicable to all railways in Indian reservations in the Indian Territory and Oklahoma, and the Senate has amended the bill by attaching substantially the same general bill as that pending in the House.

The amendment as it passed the Senate contained some clerical errors and failed to cover the reservation in Oklahoma. The amendments proposed in the conference report make the general features of the bill applicable to Indian lands also in Oklahoma.

JOHN F. LACEY,
C. D. SHELDEN,
JNO. H. STEPHENS,
Managers on the part of the House.

Mr. LACEY. Practically the only amendment is to include the Indian reservation in Oklahoma.

The conference report was agreed to.

And then, on motion of Mr. PAYNE (at 5 o'clock and 8 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting deficiency estimates for the Treasury Department—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting, with a draft of a joint resolution, a communication concerning publications of the Geological Survey—to the Committee on Printing, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. CORLISS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 5) to authorize the construction, operation, and maintenance of telegraphic cables between the United States of America and Hawaii, Guam, and Philippine Islands, and other countries, and to promote commerce, reported the same with amendments, accompanied by a report (No. 568); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MONDELL, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 7933) providing for the commutation for town-site purposes of homestead entries in certain portions of Oklahoma, reported the same without amendment, accompanied by a report (No. 569); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LACEY, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 8326) to set apart certain lands in the Territory of Arizona as a public park, to be known as the Petrified Forest National Park, reported the same with amendment, accompanied by a report (No. 570); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were referred as follows:

A bill (H. R. 4450) granting a pension to Thomas E. Clark—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 746) granting an increase of pension to Seth Weldy—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 8349) granting a pension to John Watts—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 11495) granting an increase of pension to Mary A. Bailey—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 11501) for the relief of John Hedrick—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 11502) for the relief of Mary D. Griffiths—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (S. 2692) granting an increase of pension to Lucy W. Smith—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. WOODS: A bill (H. R. 11538) providing the means for acquiring title to two groves of Sequoia gigantea in the State of California, with a view to making national parks thereof—to the Committee on the Public Lands.

By Mr. JONES of Washington: A bill (H. R. 11539) granting to the State of Washington 50,000 acres of land to aid in the continuation, enlargement, and maintenance of the Washington State Soldiers and Sailors' Home, at Orting, Wash.—to the Committee on the Public Lands.

By Mr. EDWARDS: A bill (H. R. 11540) to establish an additional land office at Twin Bridges, in the State of Montana—to the Committee on the Public Lands.

By Mr. DINSMORE: A bill (H. R. 11541) to establish a court of common pleas in the Indian Territory—to the Committee on the Judiciary.

By Mr. PUGSLEY: A bill (H. R. 11542) for the erection of a public building in the borough of the Bronx, New York City, N. Y.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 11543) for the improvement of the harbor at Tarrytown, N. Y.—to the Committee on Rivers and Harbors.

By Mr. MOODY of Oregon: A bill (H. R. 11572) for the relief of certain settlers upon Wisconsin Central Railroad and The Dalles military road land grants—to the Committee on the Public Lands.

Also, a bill (H. R. 11573) for the relief of settlers on lands granted in aid of the construction of wagon roads—to the Committee on the Public Lands.

By Mr. SOUTHARD: A bill (H. R. 11598) to establish a branch home for the wives, widows, and mothers of dependent and deceased soldiers, sailors, and marines—to the Committee on Military Affairs.

By Mr. RAY of New York: A bill (H. R. 11599) to redivide the district of Alaska into three recording and judicial divisions—to the Committee on the Judiciary.

By Mr. MANN: A joint resolution (H. J. Res. 153) to print 6,000 copies of various reports and documents relating to the construction of an isthmian canal—to the Committee on Printing.

By Mr. TOMPKINS of New York: A joint resolution (H. J. Res. 154) to appoint Robert S. Talbot a chief engineer on the retired list of the Navy—to the Committee on Naval Affairs.

By Mr. WARNER: A concurrent resolution (H. C. Res. 32) to print 5,000 copies of the Annotated Index to the Congressional Series of the United States Public Documents—to the Committee on Printing.

By Mr. CONRY: Memorial relative to an amendment of the Constitution of the United States enabling Congress to enact laws regulating hours of labor—to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. ADAMSON: A bill (H. R. 11544) to correct the military record of Thomas J. Morman—to the Committee on Military Affairs.

By Mr. BINGHAM: A bill (H. R. 11545) granting an increase of pension to Caroline R. Boyd—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11546) granting a pension to Edward Bryan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11547) granting an increase of pension to Thomas O. Stevenson—to the Committee on Invalid Pensions.

By Mr. CALDWELL: A bill (H. R. 11548) to remove charge of desertion from the record of John C. Berry—to the Committee on Military Affairs.

Also, a bill (H. R. 11549) for the relief of Oliver McGrue—to the Committee on Military Affairs.

By Mr. CANDLER: A bill (H. R. 11550) granting an increase of pension to William G. Gray, of Burnsville, Miss., a veteran of the Indian war—to the Committee on Pensions.

Also, a bill (H. R. 11551) for the relief of the Masonic lodge at Bexar, Ala.—to the Committee on War Claims.

By Mr. DARRAGH: A bill (H. R. 11552) granting a pension to Henry J. Baker—to the Committee on Invalid Pensions.

By Mr. DINSMORE: A bill (H. R. 11553) for the relief of the estate of Nathan P. English, deceased, late of the county of Washington, Ark.—to the Committee on War Claims.

Also (by request), a bill (H. R. 11554) to amend section 4716 of the Revised Statutes of the United States—to the Committee on Invalid Pensions.

By Mr. DOUGLAS: A bill (H. R. 11555) granting an increase of pension to Agnes Shearer—to the Committee on Invalid Pensions.

By Mr. GRIGGS: A bill (H. R. 11556) to reimburse W. J. Pool for money paid to the Government as postmaster at Dong, Ga.—to the Committee on Claims.

By Mr. HILDEBRANT: A bill (H. R. 11557) granting an increase of pension to Henry B. Teetor—to the Committee on Invalid Pensions.

By Mr. KEHOE: A bill (H. R. 11558) for the relief of James S. Frizzell—to the Committee on War Claims.

Also, a bill (H. R. 11559) for the relief of Thomas V. Stirman's estate—to the Committee on War Claims.

Also, a bill (H. R. 11560) for the relief of the administrator of the estate of Marcus L. Broadwell—to the Committee on War Claims.

Also, a bill (H. R. 11561) for the relief of Joseph B. McClintock—to the Committee on Claims.

Also, a bill (H. R. 11562) for the relief of Thomas C. Isgrigg—to the Committee on War Claims.

Also, a bill (H. R. 11563) for the relief of Ann Stewart, administratrix of William Stewart, deceased—to the Committee on War Claims.

By Mr. KNAPP: A bill (H. R. 11564) granting an increase of pension to Bridget Shaver—to the Committee on Invalid Pensions.

By Mr. KYLE: A bill (H. R. 11565) for the relief of George B. Caldwell, administrator of Hamlin Caldwell, deceased—to the Committee on War Claims.

By Mr. LITTAUER: A bill (H. R. 11566) granting an increase of pension to Bezeliel W. Burnham—to the Committee on Invalid Pensions.

By Mr. LOVERING: A bill (H. R. 11567) granting a pension to Lewis Goulding—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11568) granting an increase of pension to Bernard Glancy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11569) granting a pension to Isaac E. Shepardson—to the Committee on Invalid Pensions.

By Mr. MARTIN: A bill (H. R. 11570) granting a pension to John Doyle—to the Committee on Invalid Pensions.

By Mr. MEYER of Louisiana: A bill (H. R. 11571) for the relief of G. P. Work's heirs—to the Committee on Claims.

By Mr. PADGETT: A bill (H. R. 11574) for the relief of the trustees of the Methodist Church at Prospect, Giles County, Tenn.—to the Committee on War Claims.

By Mr. PERKINS: A bill (H. R. 11575) to remove the charge of desertion from the military record of Judson Knickerbocker—to the Committee on Military Affairs.

Also, a bill (H. R. 11576) granting permission to Capt. B. H. McCalla and others to accept presents and decorations tendered to them by the Emperor of Germany and others—to the Committee on Foreign Affairs.

By Mr. POWERS of Massachusetts: A bill (H. R. 11577) for the relief of Helen P. Spicer—to the Committee on Claims.

By Mr. RUCKER: A bill (H. R. 11578) granting an increase of pension to John Gaston—to the Committee on Pensions.

By Mr. RUMPLE: A bill (H. R. 11579) granting an increase of pension to John A. Wright—to the Committee on Invalid Pensions.

By Mr. SHATTUC: A bill (H. R. 11580) granting a pension to Elizabeth Springer—to the Committee on Invalid Pensions.

By Mr. SHOWALTER: A bill (H. R. 11581) granting an increase of pension to Brice S. Ramsey—to the Committee on Invalid Pensions.

By Mr. SMITH of Illinois: A bill (H. R. 11582) for the relief of Adam Miller—to the Committee on Naval Affairs.

By Mr. WM. ALDEN SMITH: A bill (H. R. 11583) for the relief of Mary J. Warner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11584) for the relief of Walter Culver—to the Committee on Military Affairs.

By Mr. SOUTHARD: A bill (H. R. 11585) granting an increase to pension to Ignatius Saunders—to the Committee on Invalid Pensions.

By Mr. TAWNEY: A bill (H. R. 11586) granting a pension to Edward A. Goodfellow—to the Committee on Invalid Pensions.

By Mr. THOMPSON: A bill (H. R. 11587) for the relief of Alexander M. Steed, of Clay County, Ala.—to the Committee on War Claims.

Also, a bill (H. R. 11588) for the relief of Fanny R. Bonner, of Clay County, Ala.—to the Committee on War Claims.

Also, a bill (H. R. 11589) for the relief of Thomas Bonner, jr., of Clay County, Ala.—to the Committee on War Claims.

By Mr. TIRRELL: A bill (H. R. 11590) granting a pension to Nancy E. Hardy—to the Committee on Pensions.

By Mr. TOMPKINS of New York: A bill (H. R. 11591) for the relief of Stanley & Patterson, and to authorize a pay director of the United States Navy to issue a duplicate check—to the Committee on Claims.

By Mr. VAN VOORHIS: A bill (H. R. 11592) for the relief of Cicero McCamick, alias William Rone—to the Committee on Military Affairs.

By Mr. YOUNG: A bill (H. R. 11593) for the relief of the heirs of Dr. Samuel E. Hall, deceased—to the Committee on War Claims.

By Mr. BABCOCK: A bill (H. R. 11594) granting an increase of pension to Sarah E. Morrow—to the Committee on Invalid Pensions.

By Mr. MOON: A bill (H. R. 11595) granting a pension to Peter Anderson, of Tracy City, Tenn.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11596) granting an increase of pension to Inez Clift—to the Committee on Invalid Pensions.

By Mr. MORGAN: A bill (H. R. 11597) granting a pension to Sarah E. Compton—to the Committee on Pensions.

By Mr. ACHESON: A bill (H. R. 11600) granting an increase of pension to Gibson Helms—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11601) granting an increase of pension to Jane Workman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11602) to correct the military record of William Murphy—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of Henry W. Cressey Post, No. 42, Tomah, Wis.; Joseph A. Mower Post, No. 10, Austin, Tex.; Tecumseh Post, No. 39, Tecumseh, Okla.; Barlow Post, No. 434, Barlow, Ohio; Wallace Post, No. 95, Flat Rock, Mich.; Lieutenant Kinkead Post, No. 293, Houtsdale, Pa.; H. S. Burnett Post, No. 278, West Bay City, Mich., and Monroe Post, No. 100, Casey, Ill., Grand Army of the Republic, for investigation of the administration of the Bureau of Pensions—to the Committee on Rules.

By Mr. ACHESON: Resolutions of Typographical Union No. 7, of Pittsburg, Pa., in favor of the exclusion of Chinese laborers—to the Committee on Foreign Affairs.

Also, resolutions of Carpenters and Joiners' Union No. 541, of Washington, Pa., and United Brewery Workmen No. 22, of Uniontown, Pa., favoring an educational test in the restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. ADAMS: Petition of Engineers' Club of Philadelphia, Pa., favoring a national park reservation in the Appalachian Mountains—to the Committee on the Public Lands.

By Mr. BINGHAM: Resolution of the board of supervisors of Mohave County, Ariz., urging Congress to fix an equitable tax valuation upon the property of the Santa Fe Pacific Railway Company's property in Arizona—to the Committee on Pacific Railroads.

By Mr. CANNON: Petition of S. C. Rutherford and others, asking that Mrs. Elenora Norton be pensioned as the dependent sister of Edward Troup, of Company A, Seventy-sixth Illinois Volunteer Infantry—to the Committee on Invalid Pensions.

Also, petition of Pallissard Post, No. 496, Grand Army of the Republic, Department of Illinois, for investigation of the administration of the Bureau of Pensions—to the Committee on Rules.

By Mr. BURGESS: Petition of citizens of Austin and Colorado counties, Tex., asking for the passage of a resolution of sympathy with the Boers—to the Committee on Foreign Affairs.

By Mr. CONRY: Resolution of Bricklayers and Masons' International Union of Boston, Mass., urging the employment of union men in the construction of the naval dry dock at New Orleans, La.—to the Committee on Naval Affairs.

By Mr. CORLISS: Petition of Stove Mounters' Union No. 1, of Detroit, Mich., praying for the further restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of National Building Trades Council of America, Photo-Engravers' Union No. 12, and Typographical Union No. 21, of Detroit, Mich., concerning the Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. DARRAGH: Papers to accompany House bill 6685, granting increase of pension to David Herren—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 6697, for the removal of the charge of desertion from the military record of Joseph B. Bailey—to the Committee on Military Affairs.

Also, papers in support of House bill 10545, granting an increase of pension to Samuel P. Brockway—to the Committee on Invalid Pensions.

By Mr. DOUGLAS: Resolutions of the Church Association for the Advancement of the Interests of Labor, of New York City, favoring the creation of a department of commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. DRAPER: Petition of Shirt Waist and Laundry Workers' Union No. 8, of Center Island, N. Y., favoring the Chinese-exclusion act—to the Committee on Foreign Affairs.

Also, petition of the board of supervisors of Mohave County, Ariz., protesting against any legislation exempting the Santa Fe Pacific Railway Company from taxation in Arizona Territory—to the Committee on Pacific Railroads.

By Mr. FOSS: Resolutions of the New York Board of Trade and Transportation, favoring the passage of a bill to provide for the enrollment of a United States Naval Reserve—to the Committee on Naval Affairs.

Also, resolution of Marine Cooks' Protective Association No. 143, Chicago, Ill., for exclusion of Chinese—to the Committee on Foreign Affairs.

Also, resolution of Union No. 416, of Chicago, Ill., H. B. Ware, secretary, for an educational test in the restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. GILLET of New York: Petition of Abram Allen Post, No. 194, Grand Army of the Republic, of Canisteo, N. Y., for investigation of the administration of the Bureau of Pensions—to the Committee on Rules.

By Mr. GRAHAM: Resolution of board of supervisors of Mohave County, Ariz., in opposition to the measure exempting the Santa Fe Pacific Railway Company from taxation in the Territory of Arizona—to the Committee on Pacific Railroads.

Also, resolutions of the Engineers' Club of Philadelphia, Pa., for scuring a national forest reserve in the Appalachian Mountains—to the Committee on the Public Lands.

By Mr. GREENE of Massachusetts: Resolution of R. A. Peirce Post, No. 190, Grand Army of the Republic, of New Bedford, Mass., favoring the construction of war vessels in the Government navy-yards—to the Committee on Naval Affairs.

Also, resolution of the general court of Massachusetts, relative to an amendment to the Constitution empowering Congress to regulate the hours of labor—to the Committee on the Judiciary.

By Mr. HEMENWAY: Petitions of Charles E. Sutton, Henry J. Harting, Frank Gerard, and other citizens, of Evansville, Ind., concerning second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, resolution of Grand Army of the Republic Post No. 262, of Newburg, Ind., favoring the building of vessels in the United States navy-yards—to the Committee on Naval Affairs.

By Mr. HENRY of Texas: Petition of members of the Texas Volunteer Guard and citizens of Waco, Tex., urging the passage of House bill 9972, increasing the efficiency of the militia—to the Committee on Militia.

By Mr. HITT: Petition of Division No. 76, Order of Railroad Telegraphers, Chicago and Northwestern Railroad, favoring an educational test in the restriction of immigration—to the Committee on Immigration and Naturalization.

Also, resolutions of Cigar Makers' Unions No. 455, of Marengo, Ill., and Sterling, Ill., in favor of the exclusion of Chinese laborers—to the Committee on Foreign Affairs.

By Mr. KNAPP: Papers to accompany House bill 11564, granting a pension to Bridget Shaner—to the Committee on Invalid Pensions.

By Mr. LACEY: Resolution of Coal Hoisters' Union No. 43, of Pekay, Iowa, favoring the construction of war vessels in Government navy-yards—to the Committee on Naval Affairs.

By Mr. LANDIS: Petition of Post No. 162, Grand Army of the Republic, Department of Indiana, for investigation of the administration of the Bureau of Pensions—to the Committee on Rules.

By Mr. LINDSAY: Petition of Boot and Shoe Workers' Union No. 160, of Brooklyn, N. Y., favoring the continuation of the exclusion law against Chinese laborers—to the Committee on Foreign Affairs.

Also, petition of G. K. Warren Post, No. 286, Grand Army of the Republic, of Brooklyn, N. Y., in regard to employees in navy-yards—to the Committee on Naval Affairs.

By Mr. LITTAUER: Papers to accompany House bill 11566, granting an increase of pension to Bezeliel W. Burnham—to the Committee on Invalid Pensions.

By Mr. LLOYD: Petition of Grand Army post at Macon, Mo., asking for the granting of a pension to Lewis Fishbaugh—to the Committee on Invalid Pensions.

Also, petition of citizens of Adair County, Mo., asking that a pension be granted to Sitha J. Sholley—to the Committee on Invalid Pensions.

By Mr. LOUD: Resolution of the San Francisco Chamber of Commerce, approving the reorganization of the consular service—to the Committee on Foreign Affairs.

Also, resolution of the San Francisco Chamber of Commerce, relative to the exclusion of Chinese—to the Committee on Foreign Affairs.

Also, resolution of the Chamber of Commerce of San Francisco, Cal., favoring a light and fog-signal station at Point Buchon, California, and also at a point on Karquines Strait, California—to the Committee on the Merchant Marine and Fisheries.

By Mr. MANN: Petition of the Chicago Ministerial Union of the Congregational Churches, in opposition to the reenactment of Chinese-exclusion law—to the Committee on Foreign Affairs.

Also, resolutions of Iron Molders' Unions Nos. 168 and 275, of Chicago, Ill., favoring restriction of undesirable immigration—to the Committee on Immigration and Naturalization.

By Mr. MARSHALL: Petition of James Andrews and citizens of Drayton, N. Dak., praying for the enactment of a law against polygamy—to the Committee on the Judiciary.

Also, resolutions of J. B. McPherson Post No. 2, of Bismarck; Typographical Union of Grand Forks, and Winfield Scott Council, No. 4, of Steele, N. Dak., favoring the building of war ships in the navy-yards—to the Committee on Naval Affairs.

By Mr. MARTIN: Petition of citizens of Butte County, S. Dak., in relation to the leasing of public lands and the homestead law—to the Committee on the Public Lands.

By Mr. McCLELLAN: Resolution of the New York Board of Trade and Transportation, in favor of the policy of commercial treaties—to the Committee on Ways and Means.

By Mr. McDERMOTT: Petition of Henry W. Moser and others, of the Ninth Congressional district of New Jersey, favoring the adoption of an antipolygamy amendment to the Constitution—to tho Committee on the Judiciary.

Also, petition of Boxmakers and Machine Workers' Union No. 87, of Jersey City, N. J., for restriction of immigration, etc.—to the Committee on Immigration and Naturalization.

Also, resolutions of National Building Trades Council and Cigar Makers' Union No. 8, of Hoboken, N. J., favoring the reenactment of the Chinese-exclusion act—to the Committee on Foreign Affairs.

Also, resolutions of National Building Trades Council of America, favoring the irrigation of the arid lands of the United States—to the Committee on Irrigation of Arid Lands.

By Mr. MINOR: Petition of Brotherhood of Locomotive Engineers of Green Bay, Wis., Division 297, for the restriction of illiterate immigrants—to the Committee on Immigration and Naturalization.

Also, resolution of Green Bay Division, 297, Locomotive Engineers, favoring the building of vessels in the United States navy-yards—to the Committee on Naval Affairs.

By Mr. MOON: Papers to accompany House bill 1595, granting a pension to Peter Anderson—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 1262, to muster in and muster out Milroy Home Guards—to the Committee on Military Affairs.

By Mr. MORGAN: Papers to accompany House bill 11597, for the relief of Sarah E. Compton—to the Committee on Invalid Pensions.

By Mr. OTEY: Petition of Thomas T. T. Tabb, trustee for his wife, Mary A. Tabb, of Goochland County, Va., praying reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. OTJEN: Resolution of Marine Cooks' Association No. 52, of Milwaukee, Wis., favoring the Chinese-exclusion act—to the Committee on Foreign Affairs.

Also, resolution of Division 66, Brotherhood of Locomotive Engineers, of Milwaukee, Wis., for the passage of laws which will prevent the immigration of persons who can not read—to the Committee on Immigration and Naturalization.

Also, petition of E. W. Clarke and other citizens of Milwaukee, Wis., in relation to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. PRINCE: Petition of M. P. Mass and 40 other citizens of Sterling, Ill., and vicinity, asking for legislation on House bills 178 and 179, for reduction of tax on whisky—to the Committee on Ways and Means.

By Mr. PUGSLEY: Papers giving the military record of Charles Sabin Taft, late acting assistant surgeon, United States Army, to accompany House bill 9948, granting a pension to Sarah Frances Taft, his widow—to the Committee on Pensions.

By Mr. RAY of New York: Petition of citizens of Binghamton, N. Y., favoring the present law relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, resolution of Empire Association of Car Workers, Norwich, N. Y., favoring exclusion of Chinese laborers—to the Committee on Foreign Affairs.

Also, resolutions of Cigar Makers' Union No. 265, of Haverly, N. Y., and Garment Workers' Union, Binghamton, N. Y., favoring a further restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. ROBINSON of Indiana: Petition of the Trades and Labor Council of Fort Wayne, Ind., asking for the repeal of the desert-land act and the commutation clause of the homestead act, etc.—to the Committee on the Public Lands.

Also, resolution of Indianapolis Division No. 11, Brotherhood of Locomotive Engineers, of Indianapolis, Ind., favoring bill to limit the power of Federal courts in granting injunctions in trade disputes—to the Committee on the Judiciary.

Also, petition of Willard Smith, of Fort Wayne, Ind., favoring the election of United States Senators by direct vote of the people—to the Committee on Election of President, Vice-President, and Representatives in Congress.

By Mr. RUMPLE: Resolution of the Amalgamated Wood Workers' Union No. 92, of Clinton, Iowa, for the reenactment of the Chinese-exclusion law and favoring an educational test in the restriction of immigration—to the Committee on Foreign Affairs.

By Mr. SELBY: Resolution of Cigar Makers' Union No. 114, of Jacksonville, Ill., in favor of the reenactment of the Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. SHATTUC: Petition of Retail Grocers' Association of Cincinnatti, Ohio, in support of Senate bill 2987 and House bill 9352, for the protection of the public against impure food—to the Committee on Agriculture.

Also, papers to accompany House bill 2644, granting a pension to William Bode—to the Committee on Invalid Pensions.

By Mr. WM. ALDEN SMITH: Resolutions of Trades and Labor Council, Wood Carvers' Association, and Coopers' Union No. 67, of Grand Rapids, Mich., in favor of the reenactment of the Chinese-exclusion act—to the Committee on Foreign Affairs.

Also, resolution of Coopers' Union of Grand Rapids, Mich., for an educational test in the restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. SPERRY: Resolution of Carpenters and Joiners' Union of Meriden, Conn., praying for the further restriction of immigration—to the Committee on Immigration and Naturalization.

Also, resolution of Cigar Makers' Union No. 39, of New Haven, Conn., favoring the passage of the Chinese-exclusion act—to the Committee on Foreign Affairs.

Also, resolutions of Carpenters and Joiners' Union No. 920, and Iron Molders' Union No. 74, of Meriden, Conn., favoring the construction of war vessels in Government navy-yards—to the Committee on Naval Affairs.

By Mr. SULZER: Petition of Lithographers' Protective and Beneficial Association, in opposition to House bill 5777, amending the copyright law—to the Committee on Patents.

Also, petition of the publisher of La Colonial, Habana, Cuba, relating to commercial reciprocity with Cuba—to the Committee on Ways and Means.

Also, petition of the board of supervisors of Mohave County, Ariz., in opposition to legislation exempting the Santa Fe Railway Company from taxation in Arizona Territory—to the Committee on Pacific Railroads.

By Mr. THAYER: Resolution of Brewery Workers' Union No. 136, of Worcester, Mass., praying for the further restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. UNDERWOOD: Petition of the estate of John De Armond, of Jefferson County, Ala., for reference of war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of the estate of L. J. Land, of Jefferson County, Ala., for reference of war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of the estate of William C. Eubank, of Jefferson County, Ala., for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. VAN VOORHIS: Petition of certain citizens of Muskingum County, Ohio, asking that the matter pertaining to the exclusion of Chinese be carefully considered before being enacted into a law—to the Committee on Foreign Affairs.

Also, resolutions of Plasterers' Union No. 85, of Cambridge, Ohio, for the further restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of officers of the Ohio National Guard, favoring House bill 9972, increasing the efficiency of the militia—to the Committee on Militia.

Also, papers to accompany House bill relating to the correction of the military record of Cicero McCammick, alias William Rone—to the Committee on Military Affairs.

By Mr. WANGER: Resolution of the Engineers' Club of Philadelphia, Pa., in favor of the Appalachian National Park Association—to the Committee on the Public Lands.

Also, resolution of Cigar Makers' Union No. 232, of Sellersville, Pa., for an educational test in the restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of H. O. Wilbur and 73 other citizens of Bryn Mawr, Pa., for an amendment to the National Constitution defining legal marriage to be monogamic—to the Committee on the Judiciary.

Also, petition of Cigar Makers' Union No. 232, of Sellersville, Pa., favoring the continuation of the exclusion law against Chinese laborers without limit of time—to the Committee on Foreign Affairs.

By Mr. WILSON: Petition of United Garment Workers' No. 5, of Brooklyn, N. Y., in favor of the Chinese-exclusion act—to the Committee on Foreign Affairs.

SENATE.

THURSDAY, *February 20, 1902.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CULLOM, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

RURAL FREE-DELIVERY DIVISION.

The PRESIDENT pro tempore laid before the Senate a communication from the Postmaster-General, transmitting, in response to a resolution of the 13th instant, the names of employees in the rural free-delivery service, with date of appointment, term of fervice, and State from whence appointed, etc.; which, on motion of Mr. GALLINGER, was, with the accompanying paper, ordered to lie on the table and be printed.

PRESERVATION OF THE BUFFALO.

The PRESIDENT pro tempore laid before the the Senate a communication from the Secretary of Agriculture, transmitting, in response to a resolution of the 30th ultimo, certain information with reference to the preservation of the buffalo or American bison in the United States and the Dominion of Canada; which was referred to the Committee on Forest Reservations and the Protection of Game, and ordered to be printed.

SHIP GLASGOW.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims, set out in the findings by the court relative to the vessel ship *Glasgow*, M. Alcorn, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. C. R. MCKENNEY, its enrolling clerk, announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the President pro tempore.

A bill (H. R. 1200) granting an increase of pension to Oliver P. Goodwin;

A bill (H. R. 1324) granting an increase of pension to Charles N. Lee;

A bill (H. R. 1484) granting an increase of pension to Robert M. Scott;

A bill (H. R. 2620) granting a pension to Jennie A. McKinley;

A bill (H. R. 3229) granting a pension to Catherine R. A. Ogden;

A bill (H. R. 3266) granting an increase of pension to James Smith;

A bill (H. R. 6453) granting an increase of pension to Ida R. Siegfried;

A bill (H. R. 7343) granting an increase of pension to Martha V. Keenan;

A bill (H. R. 8652) granting an increase of pension to Virginia Terrill;

A bill (H. R. 11470) making an appropriation for clearing the Potomac River of ice;

A joint resolution (H. J. Res. 88) authorizing the Commissioner of Internal Revenue to return bank checks, drafts, certificates of deposit, and orders for the payment of money having imprinted stamps thereon to the owners thereof, and for other purposes; and

A joint resolution (H. J. Res. 131) authorizing the transfer to the Library of Congress of the library of State reports, etc.

PETITIONS AND MEMORIALS.

Mr. HEITFELD presented a petition of G. A. Hobart Post, No. 27, Department of Idaho, Grand Army of the Republic, of Nampa, Idaho, praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which was referred to the Committee on Naval Affairs.

Mr. FOSTER of Washington presented petitions of Farragut Post, No. 15, Department of Washington, Grand Army of the Republic, of Port Townsend, and of Longshoremen's Local Union No. 240, American Federation of Labor, of Port Hadlock, all in the State of Washington, praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which were referred to the Committee on Naval Affairs.

He also presented a petition of Mount Tacoma Lodge, No. 192, Brotherhood of Locomotive Firemen, of Tacoma, Wash., praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning or the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases; which was ordered to lie on the table.

Mr. GALLINGER presented petitions of sundry citizens of Peterboro, and of the Woman's Christian Temperance Unions of Meredith, Epping, North Charlestown, Peterboro, Plymouth, and North Weare, all in the State of New Hampshire, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

Mr. HOAR presented petitions of comrades of R. A. Pierce Post, No. 190, of New Bedford; of Alfred C. Monroe Post, No. 212, of East Bridgewater; of Berkshire Post, No. 197, of Pittsfield, all of the Department of Massachusetts, Grand Army of the Republic; of Horse Shoers' Local Union No. 5, of Boston; of Musicians' Protective Local Union No. 138, of Brockton; of Printing Pressmen's Local Union No. 102, of Brockton; of Stationary Firemen's Local Union No. 85, of Fitchburg; of Local Union No. 224, International Association of Machinists, of Westfield; of Horse Nail Workers' Local Union No. 6313, of Boston; of International Engineers' Local Union No. 52, of Lynn; of Lawrence Typographical Union No. 51, of Lawrence, and of the Pattern Makers' Association of Boston, all of the American Federation of Labor, in the State of Massachusetts, praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which were referred to the Committee on Naval Affairs.

He also presented petitions of Boot and Shoe Workers' Local Union No. 238, of New Bedford; of Carpenters' District Union of Boston; of Cigar Makers' Local Union No. 206, of North Adams; of Edgemakers' Local Union No. 118, of Brockton; of Boot and Shoe Workers' Local Union No. 230, of Conway, and of Boot and Shoe Makers' Local Union No. 244, of Natick, all in the State of Massachusetts, praying for the reenactment of the Chinese-exclusion law; which were referred to the Committee on Immigration.

Mr. KEAN presented the memorial of Anna Rice Powell, of Plainfield, N. J., remonstrating against the regulation and control of vice by the board of health of Manila; which was referred to the Committee on the Philippines.

He also presented a petition of the Central Labor Union, American Federation of Labor, of Trenton, N. J., and a petition of the Essex Trades Council, of Newark, N. J., praying for the reenactment of the Chinese-exclusion law; which were referred to the Committee on Immigration.

Mr. WARREN presented a memorial of the National Live Stock Exchange, of Chicago, Ill., remonstrating against prohibitive taxation or restrictions against coloring butterine and depriving the laboring man of a cheap, nutritious, and wholesome article of food; which was referred to the Committee on Manufactures.

He also presented a petition of the Merchants' Exchange, of San Francisco, Cal., praying for unrestricted entrance into the United States of all merchants and members of the mercantile class of Chinese, but barring the class of coolie labor; which was referred to the Committee on Immigration.

Mr. WETMORE presented petitions of Cigar Makers' Local Union No. 96, of Pawtucket; of Journeymen Bakers' Local Union No. 361, of Pawtucket, and of Local Union No. 99, International Brotherhood of Electrical Workers, of Providence, all in the State of Rhode Island, praying for the reenactment of the Chinese-exclusion law; which were referred to the Committee on Immigration.

Mr. FRYE presented a petition of the Atlantic Coast Seaman's Union, of Portland, Me., praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which was referred to the Committee on Naval Affairs.

REPORTS OF COMMITTEES.

Mr. MCMILLAN, from the Committee on Commerce, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 3865) to establish light-houses at the mouth of Boston Harbor to mark the entrance to the new Broad Sound Channel; and

A bill (S. 3491) providing for a light and fog-signal station on or near Crisps Point, Lake Superior, Michigan.

Mr. McMILLAN, from the Committee on Commerce, to whom was referred the bill (S. 329) to amend section 10 of an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1900, and for other purposes," approved March 3, 1899, submitted an adverse report thereon; which was agreed to, and the bill was indefinitely postponed.

Mr. MALLORY, from the Committee on Commerce, to whom was referred the bill (S. 3312) for the establishment of a light-house at the mouth of Oyster Bayou, near the Louisiana coast, in the Gulf of Mexico, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 199) for the establishment of a light station on Bluff Shoal, Pamlico Sound, North Carolina, reported it with amendments, and submitted a report thereon.

Mr. PETTUS, from the Committee on Military Affairs, to whom was referred the bill (S. 3612) to remove the charge of desertion from the military record of Charles J. Clark, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3415) to correct the military record of Gideon Howell, alias Judson Howell, submitted an adverse report thereon; which was agreed to, and the bill was indefinitely postponed.

Mr. DEBOE, from the Committee on Pensions, to whom was referred the bill (S. 2082) granting an increase of pension to Louise Ward, reported it with amendments, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Commerce, to whom was referred the bill (S. 2878) to provide for the construction of a light-house and fog signal at the Pollock Rip Shoals, on the coast of Massachusetts, submitted an adverse report thereon; which was agreed to, and the bill was indefinitely postponed.

He also, from the Committee on Pensions, to whom was referred the bill (H. R. 5957) granting an increase of pension to Wright H. Auchmoody, reported it without amendment, and submitted a report thereon.

Mr. NELSON, from the Committee on Commerce, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 3746) to amend section 2593 of the Revised Statutes relating to ports of entry; and

A bill (S. 905) for the relief of Lindley C. Kent and Joseph Jenkins, as the sureties of Frank A. Webb.

Mr. KITTREDGE, from the Committee on Claims, to whom was referred the bill (H. R. 5106) for the relief of Rasmussen & Strehlow, reported it without amendment, and submitted a report thereon.

Mr. FORAKER, from the Committee on Military Affairs, to whom was referred the bill (S. 1881) to correct the military record of Peter Connell, reported it without amendment, and submitted a report thereon.

Mr. CLARK of Montana, from the Committee on Indian Affairs, to whom was referred the bill (S. 2979) to ratify an agreement with the Indians of the Crow Reservation in Montana, and making appropriations to carry the same into effect, reported it with amendments to the preamble, and submitted a report thereon.

Mr. CLAY, from the Committee on Commerce, to whom was referred the bill (H. R. 61) to authorize the establishment of a live-saving station at or near Bogue Inlet, North Carolina, reported it without amendment, and submitted a report thereon.

Mr. PERKINS, from the Committee on Commerce, to whom was referred the bill (S. 344) to amend the Revised Statutes of the United States relating to the carriage of refined petroleum, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. MASON, from the Committee on Commerce, to whom was referred the bill (H. R. 7675) to construct a light-house keeper's dwelling at Calumet Harbor, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3651) appropriating the sum of $3,000 a year for the support and maintenance of the permanent International Commission of the Congresses of Navigation, and for other purposes, reported it without amendment, and submitted a report thereon.

Mr. MARTIN, from the Committee on Commerce, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 1568) to restore Henry D. Hall to the Revenue-Cutter Service; and

A bill (S. 3361) providing for the removal of the port of entry in the Albemarle collection of customs district, North Carolina, from Edenton, N. C., to Elizabeth City, N. C.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the bill (S. 3129) for the authorization of the erection of buildings by the international committee of Young Men's Christian Associations on military reservations of the United States, reported it with an amendment, and submitted a report thereon.

Mr. CLAY, from the Committee on Commerce, to whom was referred the bill (S. 1545) to establish a marine hospital at Savannah, Ga., reported it with an amendment, and submitted a report thereon.

WEST FORK OF WHITE RIVER, INDIANA.

Mr. DEPEW, from the Committee on Commerce, to whom was referred the bill (S. 3118) to declare the west fork of White River above the south line of Marion County and to the source of said river, in the State of Indiana, to be not a navigable stream, reported it with an amendment, and submitted a report thereon.

Mr. FAIRBANKS subsequently said: I move to recommit to the Committee on Commerce the bill (S. 3118) to declare the west fork of White River above the south line of Marion County and to the source of said river, in the State of Indiana, to be not a navigable stream.

The motion was agreed to.

BILLS INTRODUCED.

Mr. MORGAN introduced a bill (S. 4062) for the relief of the estate of Alfred Hambrick, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. McLAURIN of Mississippi introduced a bill (S. 4063) to provide for the purchase of a site and the erection of a public building thereon at Greenville, county of Washington and State of Mississippi; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. CLAPP introduced a bill (S. 4064) granting a pension to Betsy Gumm; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GAMBLE introduced a bill (S. 4065) to remove the charge of desertion from Thomas Colahan; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BURTON introduced a bill (S. 4066) granting a pension to Florence E. Wilbur; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4067) granting an increase of pension to Julia L. Gordon; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HOAR introduced a bill (S. 4068) to redivide the district of Alaska into three recording and judicial divisions; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. TILLMAN introduced a bill (S. 4069) to establish a fish hatchery and fish station in the State of South Carolina; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Fisheries.

He also introduced a bill (S. 4070) to provide for refunding internal-revenue taxes paid upon legacies and bequests for uses of a religious, literary, charitable, or educational character, or for the encouragement of art, under the war-revenue act of 1898; which was read twice by its title, and referred to the Committee on Finance.

He also introduced a bill (S. 4071) granting an increase of pension to George C. Tillman; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MARTIN introduced a bill (S. 4072) granting an increase of pension to Samuel J. Lamden; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MASON (by request) introduced a bill (S. 4073) to establish an executive department of physical culture; which was read twice by its title, and referred to the Committee on Education and Labor.

He also introduced a bill (S. 4074) for the relief of Thierman & Frost; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

He also introduced a bill (S. 4075) granting a pension to Henry R. Gibbs; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4076) to provide for the construction of a sea wall and grand boulevard from the old Naval Observatory site around the Potomac Flats and across the Anacostia River, in the District of Columbia, without issuing interest-bearing bonds; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. MITCHELL introduced a bill (S. 4077) for the relief of Mrs. Libbie Arnold; which was read twice by its title, and referred to the Committee on Claims.

AMENDMENTS TO BILLS.

Mr. KEAN submitted an amendment, proposing to make the salary of the chief of the division of maps and charts, Library of

Congress, $3,000 per annum, intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. KITTREDGE submitted an amendment, proposing to appropriate $25,000 for support, maintenance, and incidental expenses of the asylum for insane Indians at Canton, S. Dak., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. McENERY submitted an amendment, intended to be proposed by him to the bill (H. R. 8587) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act of March 3, 1883, and commonly known as the Bowman Act; which was referred to the Committee on Claims, and ordered to be printed.

Mr. MASON submitted an amendment, proposing to make the salary of the chief of the division of public surveys, General Land Office, $2,500 per annum, intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

PORTRAITS OF SENATORS OF FIRST CONGRESS.

Mr. HOAR submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on the Library be directed to inquire and report to the Senate as to the expediency of providing a suitable place in the Senate wing of the Capitol for receiving the portraits of the Senators of the United States during the First Congress under the Administration of President Washington, provided the same shall be presented by the several States or by individuals.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 19th instant approved and signed the act (S. 1970) to provide an American register for the barkentine *Hawaii*.

PHILIPPINE TARIFF BILL.

The PRESIDENT pro tempore. The morning business is closed; and the Chair lays before the Senate the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 5833) temporarily to provide revenue for the Philippine Islands, and for other purposes.

Mr. PATTERSON. Mr. President, as I stated yesterday, were it not that my colleague [Mr. TELLER] and some of the minority members of the Committee on the Philippines were insistent that I should discuss the treason and sedition laws of the Philippine Islands and some of the testimony given to the committee by Governor Taft I would not occupy the floor to the exclusion of Senators of much longer service and much greater capability to deal with the question than myself.

But I feel that the treason and sedition laws of the Philippines, if they are an evidence of the character of legislation necessary to reduce the Philippine Islands to a state of peace and to retain peace in them, should be discussed and understood. They may be fairly regarded as a true criterion of the tyrannical character of laws that are necessary to accomplish the end in view.

I will first call the attention of the Senate to the attitude of the Supreme Court of the United States upon the power of Congress and Territorial governments, such as that in the Philippines, to deal with treason and sedition laws. Divergent as the views of the members of that court may be, I think I am justified in maintaining that so far as legislation that is prohibited by the Constitution is concerned—the prohibitions on Congress contained in the bill of rights—the protection to the people therein conferred, is as applicable to the Territories as to any one of the American States. I have in mind, of course, the so-called "insular cases," and particularly the latest utterances of the court in Downes *v.* Bidwell.

I would not claim so much, Mr. President, for the decisions of all the judges. We know what the views of four of them are by reading the opinion of Mr. Chief Justice Fuller, whose opinion is concurred in by the three other minority judges. We know that they hold that as soon as territory is acquired by the United States, whether by discovery and occupation, or by war, by treaty, or by purchase, the territory is incorporated into and becomes part of the United States, and every provision of the Constitution that can be applicable to such territory is immediately ex proprio vigore attached thereto; that thereupon the inhabitants of such territory become citizens of the United States, and once a citizen always a citizen, except as the allegiance may be voluntarily thrown off.

Turning to the opinion of Mr. Justice Brown, we discover that while he does not decide in terms that the bill of rights extends of its own force to territory acquired, whether it is territory incorporated into the United States by act of Congress or territory simply appurtenant to the United States, Congress not having legislated for it, he does clearly intimate in it that whenever the question is properly presented to the Supreme Court he will almost certainly hold with the four minority judges that the bill of rights does extend to territories, whatever their relation to the Union may be.

Very briefly, Mr. President, I quote from the opinion of Mr. Justice Brown:

> Thus, when the Constitution declares that "no bill of attainder or ex post facto law shall be passed," and that "no title of nobility shall be granted by the United States," it goes to the competency of Congress to pass a bill of that description. Perhaps the same remark may apply to the first amendment, that "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press, or the right of the people to peacefully assemble and to petition the Government for a redress of grievances."

Not content with that language, which to my mind shows the decided leaning of Mr. Justice Brown, he refers again to the subject, in his opinion, as follows:

> We suggest, without intending to decide, that there may be a distinction between certain natural rights, enforced in the Constitution by prohibitions against interference with them, and what may be termed artificial or remedial rights, which are peculiar to our own system of jurisprudence. Of the former class are the rights to one's own religious opinion and to a public expression of them, or, as sometimes said, to worship God according to the dictates of one's own conscience; the right to personal liberty and individual property; to freedom of speech and of the press; to free access to courts of justice, to due process of law, and to an equal protection of the laws; to immunities from unreasonable searches and seizures, as well as cruel and unusual punishments; and to such other immunities as are indispensable to a free government. Of the latter class are the rights to citizenship, to suffrage (Minor *v.* Happersett, 21 Wall., 162), and to the particular methods of procedure pointed out in the Constitution, which are peculiar to Anglo-Saxon jurisprudence, and some of which have already been held by the States to be unnecessary to the proper protection of individuals.

It seems to me, Mr. President, that when the opinion of Mr. Chief Justice Fuller is read, concurred in as it is by three of the associate justices, with this opinion by Mr. Justice Brown, there can be little doubt in the minds of intelligent persons that the Supreme Court will hold, whenever the question is properly presented to it, that at least all the personal provisions of the bill of rights are by the Constitution extended to the Territories of the Union, whether they are Territories incorporated into the Union or Territories simply appurtenant.

With so much upon that subject by way of introduction, Mr. President, I call attention to the laws that are the object of the amendment I introduced. It proposes to immediately repeal the treason and sedition laws enacted by the Taft Commission. I want to thank the able and courteous Senator from Ohio [Mr. FORAKER] for causing these laws to be printed and distributed upon the desks of the Senators. They are arranged in parallel columns with the laws of the United States and of States that are supposed to be somewhat cognate. Therefore if Senators have the pamphlet to which I refer—Senate Document No. 173 of the present Congress—there will be but little difficulty in following me.

The first section of the Philippine treason and sedition law is claimed to be identical in substance if not in languge with sections 5331 and 5332 of the United States Revised Statutes. I grant it, with this exception—that there is incorporated in the Philippine act a new and metaphysical sovereignty, a sovereignty new to the people of this country, one that erects itself into the equal of the United States, and undertakes to declare that where there is treason against the United States in the Philippines there also is treason against this new and strange sovereignty called the government of the Philippine Islands.

I challenge the right of the Philippine Commission to enact such a law. In my judgment it is clear, from the Constitution and the nature of the relation of the Territories of whatever character to the Government of the United States, that it is absolutely without the power of any Territory, incorporated or appurtenant, to enact a law declarative of the crime and providing for the punishment of treason.

Let me read the first section of the Philippine law:

> Every person resident in the Philippine Islands owing allegiance to the United States or the government of the Philippine Islands who levies war against them, or adheres to their enemies, giving them aid and comfort within the Philippine Islands or elsewhere, is guilty of treason, and, upon conviction, shall suffer death, or, at the discretion of the court, shall be imprisoned at hard labor for not less than five years and fined not less than $10,000.

It is not astonishing, when we view their other acts, that the members of the Philippine Commission seek to place themselves upon the same pedestal with the Government of the United States; but I assert again that the government of no Territory, whatever its relations to the General Government, has it in its power to create the crime of treason or to declare its punishment.

I do not fail to recognize that the judicial sections of the Constitution are not, as a rule, applicable to the Territories. By reason of the supposed fleeting character of Territorial governments, it would be impossible to appoint judges of Territories with a life tenure, because when the Territories become States the Territorial governments must fall and the terms of all officials theretofore appointed to conduct the affairs of such Territories must end.

By reason of this fact the courts at all times have held that the judicial clauses of the Constitution are not applicable to the Territories. But while this is true, other sections of the Constitution do, either directly or indirectly, control the powers of Territorial courts and Territorial legislative and executive officers.

Let us take the Philippine Islands by way of example. What is the Philippine Commission? It is the representative of the United States in those Islands, nothing more. It is a commission appointed by the President for the purpose of performing the duties in the islands that are incumbent upon Congress, namely, to make needful rules and regulations for their proper management. It is the Army of the United States that is in the islands. Those who wage war or enter into alliances with the enemies of the United States in the Philippine Islands wage war upon the United States, wage war upon the title of the United States to the Philippine Islands. They assail nothing else.

Under the Constitution the crime of treason is the creation of Congress, and the punishment of treason can only be inflicted in accordance with an act of Congress. I call the attention of the Senate to sections 2 and 3 of Article III of the Constitution.

SEC. 2. The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State—

And of course crimes committed in the Philippine Islands are not committed within any State—

but when not committed within any State the trial shall be at such place or places as the Congress may by law have directed.

Proceeding immediately to the third section we find these provisions:

Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

"The Congress shall have power to declare the punishment of treason." With all the industry displayed by the compiler of the pamphlet to which I have referred, there has been no law inserted from any Territory that declared the crime of treason or provided for its punishment.

Nor is there a law from any Territory that provides against the crime of counterfeiting the coins of the United States or of counterfeiting its paper money or of violating any of the provisions of the customs laws, for the reason that these are crimes and punishments that are peculiar only, and that may be taken cognizance of only by the Congress and courts of the United States. A Territory has no more power to provide a punishment for the crime of counterfeiting the money of the United States or for violating the customs laws of the United States than it has to create the crime of treason, even though it incorporates its own sovereignty into the law that defines treason.

Mr. President, if the Philippine Commission is simply the agent of the Government to make rules and regulations concerning the territory of the United States, then it follows that whatever its laws, they are the acts of the Congress of the United States in so far as they are allowed to stand or are approved by the Congress of the United States. When somebody rises against the army in a Territory it is rising against the United States. You can not imagine an effort to withdraw the Philippine Islands from the sovereignty of the United States by force without its being the levying of war upon the United States.

Starting with the fundamental proposition that the sovereignty of the United States over the Philippine Islands is fixed, that the Commission is there for the purpose of making rules and regulations for their government by authority of the President and the Congress of the United States, whenever any person shall levy war against that Commission, whatever its character, for the purpose of depriving that government of control and regulation over the territory, it is making war upon the United States, and upon the Army of the United States that is there to maintain the sovereignty of this Government over them.

I recall that many years ago a celebrated treason trial, that of Aaron Burr, took place. As I recall, it was charged that it was Burr's purpose to unite a portion of our Southwest Territory with territory belonging to other sovereignties and to erect the combined territory into an independent government. It was to be done, if necessary, by force. It was alleged that he had gathered munitions of war and, in conjunction with others, had arranged to enlist men. For what purpose? Not to take a State out of the Union, but to deprive the Union of a portion of its territory that it might be withdrawn by force from the sovereignty of the United States and erected into another sovereignty. If the charges had been established, Burr would have been guilty of treason, treason against the United States, treason under the definition of the Constitution and as punished under the acts of Congress. He was tried as provided by Congress. No one ever dreamed of trying him in a court down in the territory out of which the new sovereignty was to be created.

The fact that the Commission has united the government of the Philippine Islands with the Government of the United States to make treason cognizable within the islands, and in courts controlled by the Commission, changes neither the rule nor the principle.

The acts of Congress punishing treason are as applicable to the Philippine Islands as to the States. All that is needed to put the Congressional treason laws in operation in the Philippines is for Congress to establish a Federal court within them, or by law to confer jurisdiction upon the Commission's courts to try and determine offenses against the laws of the United States. When that shall be done, then treason as well as all other crimes defined by acts of Congress, except in cases of impeachment, that are committed within the islands can be lawfully tried and offenders punished. But that is what the Commission does not want. It does not want Filipinos who are charged with either treason or sedition tried in Federal courts or under Federal statutes.

For in all such cases they must be tried under the protecting ægis of the Constitution. There must be a common-law indictment, a common-law jury, and no conviction can follow except on the testimony of two witnesses to the same overt act or on confession in open court. In the Philippines there is neither grand nor petit jury, and the treason law the Commission has enacted permits any irresponsible or vicious person to make the charge, and the trial can be only before a single judge without a jury. The Philippine judges, as admitted by Governor Taft, are appointed, some native and some American, because they are in sympathy with the schemes of the administration in the islands. A pretty show the unfortunate Filipinos will have who are accused of treason. Tried before a Scroggs or a Jeffreys, without jury or constitutional safeguards! The hangman's noose will be in merry demand as soon as the dance of death commences.

When we study the second section of the Commission's act the schemes of the Commission are even more apparent. In that section the Commission has undertaken to define and provide for the punishment of misprision of treason. Let me read it:

Every person owing allegiance to the United States or the government of the Philippine Islands and having knowledge of any treason against them or either of them.

There it is, a distinct and plain proposition. If there is any person within the Philippine Islands owing allegiance either to the United States or to the government of the Philippine Islands who has knowledge of treason against either the United States or the Commission, he is guilty of misprision of treason and must be tried and punished by one of Taft's judges.

I will pass from the treason clauses to call attention to the sedition provisions of this most extraordinary law, and I undertake to show that, except in the first two sections, the Commission has outraged every act that it has attempted to follow. It has deliberately cut out from every law that it pretended to make the basis of this enactment every provision they contained upon which citizens could rely for protection against tyrannical and unconstitutional arrest, against prosecution for mere offenses of the mind, for mere offenses of the thought, as well as for those of a more tangible nature.

For instance, Mr. President, section 3 of the Philippine act is intended to be a transcript of section 5334 of the Revised Statutes. I call the Senate's attention to the peculiar and extraordinary change from the Federal section, and I ask Senators who shall defend these laws to account for the change, if they can, except as the result of a deliberate purpose to create offenses that the statute of the United States never created and that were not within the purview of the statutes which the Commission pretended to follow.

Section 5334 of the Revised Statutes reads:

SEC. 5334. Every person who incites, sets on foot, assists, or engages in any rebellion or insurrection against the authority of the United States, or the laws thereof, or gives aid or comfort thereto.

"Gives aid or comfort" to what? To the setting on foot or engaging "in any rebellion or insurrection against the authority of the United States." If he does that; if one gives aid and comfort to the inciting of rebellion or insurrection, then he is amenable to the punishment that is provided in that section.

Let me show the devilish malignity—and no milder term is, in my judgment, applicable to the mind that conceived the deed—that was displayed by the Commission when they undertook to copy this section of the Revised Statutes. The Commission's production is as follows:

SEC. 3. Every person who incites, sets on foot, assists, or engages in any rebellion or insurrection against the authority of the United States or of the government of the Philippine Islands, or the laws thereof, or who gives aid or comfort to anyone so engaging in such rebellion or insurrection—

The act of Congress declares against giving aid or comfort to rebellion or insurrection, but the act of the Philippine Commission denounces and provides for the punishment of giving aid or

comfort to anyone engaging in such rebellion or insurrection or in any attempt at rebellion or insurrection. Is there not a marked difference? This section provides for punishing anyone "who gives aid or comfort to anyone so engaging in such rebellion or insurrection." It is the difference between giving aid and comfort to the thing—the rebellion or insurrection—and giving aid and comfort to some individual engaged in rebellion or insurrection. I can well comprehend a Filipino giving aid to a wounded man; I can comprehend a perfectly loyal Filipino attending an insurrecto, as Philippine patriots are termed, in his sickness, assuaging his thirst, giving him remedies, or binding up his wounds. I maintain that under this section, changed by the Philippine Commission as I have shown, such a person, doing no more than I have suggested, is amenable to the punishment declared; which is "imprisoned for not more than ten years and be fined not more than $10,000."

Will some Senator defending these outrageous laws explain why the change was made? Was it by accident or by design? Was not it the deliberate purpose of the Commission to make everyone amenable to this extreme punishment for simply giving aid and comfort to those inciting insurrection or rebellion, whether the aid or comfort given had reference to the rebellion or not?

There is not much difference, Mr. President, between section 5336 of the Revised Statutes and section 4 of the act of the Philippine Commission, except that the new sovereignty of the Philippine Islands is injected into it, and conspiring against the authority of the United States in the Philippine Islands is declared to be a crime with punishment—that is, conspiring against the United States itself—and, as I have shown, only the Congress of the United States can enact a law of that character.

Mr. President, although there are 15 sections in this conspiracy act of the Philippine Commission, those that I have read are the only sections that bear any relation whatsoever to the United States Statutes.

We now come to sections 5, 6, and 7. It surpasses belief that Americans can tolerate them. They are sections of Spanish acts, taken bodily from the code of Spain for the Philippine Islands. They were enacted either by the Spanish Cortes or some other Spanish authority, for the purpose of terrorizing Filipinos and inflicting upon them the most grievous punishment for offenses that would be offenses in no other country under the sun.

Section 5 has five subdivisions, and it is well worthy of the most careful consideration of Senators. I read:

All persons who rise publicly and tumultuously in order to attain by force or outside of legal methods any of the following objects are guilty of sedition.

To "rise publicly and tumultuously" is fully done when one moves openly and noisily. Now let us see what some of the objects are one can not seek to attain by force or outside of legal methods if he moves to attain them openly and with noise. Mark you, it is not a conspiracy to do unlawful acts that is denounced, nor the doing of an act that is in itself an offense; but the moving or rising to do it, whether it is accomplished or not, or whether a single human being is injured or property in anywise imperiled.

All persons who rise publicly and tumultuously * * * to prevent the insular government, or any provincial or municipal government, or any public official from freely exercising its or his duties.

From "freely exercising its or his duties." It is not difficult to imagine the manner in which a provision of this kind can be extended to imprison some one guilty of no real offense. If the accused rise publicly and noisily to prevent some insular officer from performing some duty he is guilty although the official was never impeded in any way from performing the duty. One may be convicted who never by sign or gesture interfered with an official in any way. The offense consists not in the prevention of an official duty but in rising to prevent its being done. And whether one does rise with such a purpose may so often be determinable only by the thoughts in one's mind at the time that punishment by imprisonment for perfectly innocent thoughts and purposes is not only possible but is highly probable, especially when the courts in which such cases must be tried and the ends to be gained by convictions are considered.

The next clause is even worse.

All persons who rise publicly and tumultuously * * * to inflict any act of hate or revenge upon the person or property of any official or agent of the insular government or of a provincial or municipal government.

How many times have we in our experience known officials so conducting themselves both in public and private as to incite against them feelings of hate and a desire for revenge? If, under this law, an individual should entertain a feeling of hate against a public official and rise to inflict it, whether he succeeded or not, he is guilty of sedition. If the accused does the same thing against a private citizen it is not sedition, but if he attempts it against an official, although the attempt is not incited by official misconduct, or a desire to impede the performance of an official act, the accused is to be adjudged guilty of sedition.

Then, again, paragraph 4 of section 5—

All persons who rise publicly and tumultuously * * * to inflict, with a political or social object, any act of hate or revenge upon individuals or upon any class of individuals in the islands—

Whether they are in the governmental service or not. If a man rises to inflict any act of hate or revenge upon an individual with a "social object" in view, whether he inflicts injury or not, or whether the person the deed is aimed at is an official or not, the accused is guilty of sedition. Mark this: These are intended to be offenses against government and not against individuals as individuals. Nevertheless, private individuals may be risen against, and the offense in doing so is made sedition.

Then section 6 provides:

SEC. 6. Any person guilty of sedition as defined in section 5 hereof shall be punished by a fine of not exceeding $5,000 and by imprisonment not exceeding ten years, or both.

The section 5 referred to in this latter clause contains the paragraphs I have been reading. For these misnamed acts of sedition, acts which do not constitute a conspiracy nor which have resulted in an atom of injury to person or property, may cause the accused to be imprisoned for ten years and to be fined $5,000, or both.

I submit, Mr. President, that never were acts more tyrannical, more clearly unconstitutional, and more destructive of the liberty of the citizen than are those of the Commission to which I have called attention, and I submit that Congress should by a unanimous vote show its abhorrence of them.

The compiler of the pamphlet from which I read does not hesitate to declare that sections 5 and 6, which I have just read—

are reenactments, with modified penalties, of articles 236 and 237 of the reform penal code of Spain—

What must have been the penal code of Spain before it was reformed?—

in force in the Philippines at the time of the transfer of sovereignty.

The pamphlet then recites the articles of the Spanish code, to show, I suppose, how close a parallel there is between that and the Commission's new treason and sedition code.

But I can not dwell further on the details of this part of the act.

I now come to section 8, and I recall that the Senator from Ohio [Mr. FORAKER] suggested that the Commission had copied this section from the code of Tennessee; that it had probably been prepared by the Hon. Luke E. Wright, a member of the Philippine Commission, from that State. Well, I can imagine the Hon. Luke E. Wright sitting down with section 5555 of the code of Tennessee before him——

Mr. FORAKER. Mr. President, if the Senator will allow me to interrupt him, what I said was merely to call attention to the note of the compiler of the statutes on treason and sedition. The Senator will find, on page 14 of the work he has before him, immediately following section 8, the statement made by the compiler to the effect that—

This section was probably drafted by Hon. Luke E. Wright, acting governor of the Philippines, who formerly practiced law in Tennessee.

Mr. PATTERSON. As to the section I read—I may be mistaken—the reference to the Hon. Luke E. Wright was made before this pamphlet was compiled.

Mr. FORAKER. Oh, no.

Mr. PATTERSON. It is immaterial.

Mr. FORAKER. I merely called attention to that statement of the compiler.

Mr. PATTERSON. In any event, the compiler makes this note at the end of section 5555 of the code of Tennessee:

This section was probably drafted by Hon. Luke E. Wright, acting governor of the Philippines, who formerly practiced law in Tennessee. Being familiar with the statutes of that State, he naturally adopted the language employed by the Tennessee legislature in creating an enactment of similar character.

There is a great similarity. But again, Mr. President, you discover the care with which certain words have been eliminated or changed when the Tennessee section was transformed into one of the sections of the treason and sedition law of the Philippines. Section 5555 of the Tennessee code reads as follows:

Whoever shall be guilty of uttering seditious words or speeches—

Mark the next—

spreading abroad false news—

That is eliminated from the Philippine act.

But I will read the section entire without interruption:

SEC. 5555. Whoever shall be guilty of uttering seditious words or speeches, spreading abroad false news, writing or dispersing scurrilous libels against the State or General Government, disturbing or obstructing any lawful officer in executing his office, or of instigating others to cabal and meet together, to contrive, invent, suggest, or incite rebellious conspiracies, riots, or any manner of unlawful feud or differences, thereby to stir people up maliciously to contrive the ruin and destruction of the peace, safety, and order of the Government, or shall knowingly conceal such evil practices, shall be punished by fine and imprisonment.

In the Philippine act there is not only eliminated "spreading abroad false news," but it provides that—

Every person who shall utter seditious words or speeches, write, publish, or circulate scurrilous libels against the Government of the United States or the insular government of the Philippine Islands, or which tend to disturb or obstruct any lawful officer in executing his office, or which tend to instigate others to cabal or meet together for unlawful purposes, or which suggest or incite rebellious conspiracies or riots, or which tend to stir up the people against the lawful authorities, shall be guilty, etc.

There is a wide difference between the uttering of seditious words and speeches that disturb or obstruct the lawful authorities and the uttering of words or speeches that simply tend to do those things. There is a difference—marked, clear, and well-defined. Any number of people may be guilty under the law of the Philippines, but not a hair of their heads could be disturbed under section 5555 of the code of Tennessee, though they were to do identically the same things in the State of Tennessee.

We now come to the act relative to secret societies, and I say that there is no statute in the United States or elsewhere that I have ever seen that is at all parallel with this. The compiler of this pamphlet places section 9 in apposition with section 267 of the laws of Maryland, doubtless to create the impression that section 9 was but a copy of section 267 of the laws of Maryland. Let us see what the Maryland section is:

SEC. 267. If any person or persons within this State shall hold any secret club or association known by him or them to be intended to effect, promote, or encourage the separation or secession of this State from the Government or Union of the United States, etc.

Here the holding of a secret club or association must have for its object an effect upon the State, to withdraw the State of Maryland from the Union, and it is a law that very probably was within the purview of the State to enact. I want to suggest here that while the government of a Territory can not declare the crime of treason and provide for its punishment, such a disability does not apply to States, because a State is a separate and distinct sovereignty. The States, or the people of the States, by the Constitution granted some distinct powers to Congress and reserved all others to the States and to the people. Therefore, a State legislature may define treason against the State. If the treason so declared operates upon the State and affects the State, it is not akin to an act by a Territorial legislature defining and punishing treason against the Government of the United States. But I will read the law of Maryland again:

SEC. 267. If any person or persons within this State shall hold any secret club or association known by him or them to be intended to effect, promote, or encourage the separation or secession of this State from the Government or Union of the United States, every such person, upon conviction thereof, shall be sentenced to confinement in the penitentiary for a term not less than two nor more than six years.

Now, let me read the act of the Philippine Commission:

SEC. 9. All persons who shall meet together for the purpose of forming or who shall form any secret society or who shall after the passage of this act continue membership in a society—

Not a secret society, but in any society—

already formed, having for its object, in whole or in part, the promotion of treason, rebellion, or sedition, or the promulgation of any political opinion or policy, shall be punished by a fine not exceeding $1,000 or by imprisonment not exceeding one year, or both.

I have no more doubt than I have of my existence that this law was enacted to meet what is known as the Partido Conservador, the Conservative party of the Philippine Islands, a party which was admitted by Governor Taft to have for its platform, first, peace; the submission of the people of the Philippine Islands to the sovereignty of the United States; to admit that the Philippine Islands are territory of the United States; to use all of their efforts, physical and moral, to induce the Filipinos in insurrection to lay down their arms and recognize the right of government by the United states, and then to agitate peaceably for the independence of the Philippine Islands. That is the platform of the Conservative party. It was an association in existence when these treason and sedition laws were enacted last November. This section was clearly intended to cover that political association and to make those who continued membership in it guilty of sedition against the government of the Philippine Islands.

I say to Senators if such a law as this is to be maintained, it will be to the shame of the Government that gives it countenance. Has it come to this, that within territory owned and controlled by the Government of the United States a member of an association that has for its purpose the promulgation of political opinions or policies, however innocent or patriotic, shall be guilty of sedition? It is a declaration that men must not continue to think; it is an announcement that they must first learn the will of the Government, to find out what political policy or opinion it is willing for them to advocate, then to advocate that, and if they depart from it one hair's breadth to suffer the penalty of imprisonment and fine.

I am happy to say that there is no law in any other country, or in any State or Territory of which I have heard, that is a parallel to this in devilishness and atrocity.

Let us pass from section 9 to section 10, which declares that—

Until it has been officially proclaimed that a state of war or insurrection against the authority or sovereignty of the United States no longer exists in the Philippine Islands—

Now mark, this is the only section that fixes a limit for its operation. Every other section is without limit as to time; and, as Governor Taft stated when he was directly questioned upon the subject, all the other sections of the treason and sedition act will continue in force until they have been properly repealed.

But I must read section 10 in full:

Until it has been officially proclaimed that a state of war or insurrection against the authority or sovereignty of the United States no longer exists in the Philippine Islands, it shall be unlawful for any person—

To do what?—

to advocate, orally or by writing or printing or like methods, the independence of the Philippine Islands or their separation from the United States, whether by peaceable or forcible means, or to print, publish, or circulate any handbill, newspaper, or other publication advocating such independence or separation.

In a public meeting of the committee I asked Governor Taft if the wise, the humane, and patriotic speech of the senior Senator from Massachusetts [Mr. HOAR] should be distributed in the Philippine Islands whether he who engaged in its distribution would not be subject to prosecution and punishment under this section. Immediately protest was made against propounding such a question, and the question was never answered. But I submit to the members of this body that under this section if any person living in the Philippines should be found distributing a copy of the CONGRESSIONAL RECORD with the eloquent speeches of the Senator from Mississippi [Mr. MONEY] or the opening speech of the Senator from Utah] Mr. RAWLINS] or the speech of my colleague [Mr. TELLER] or the speech of the senior Senator from Massachusetts [Mr. HOAR] or any of the speeches that have been made in this body upholding the principles of free government, declaring that the principles of the Declaration of Independence were applicable to all the people as well as to the people of the colonies at the time the Declaration was published, he who distributed the RECORDS would be amenable, under this section, and could be arrested, fined, and imprisoned for giving them circulation. No man who understands the force and effect of the English language will or can take issue with that proposition.

Has it not indeed come to a desperate pass in the history of the United States when it is a crime within the jurisdiction of the United States to distribute the speeches that are made by honorable Senators and Representatives in the Congress of the United States or the speeches of other individuals who may agree with them in political views? And the Congress is asked to approve laws such as these. So far as I can, Mr. President, I utter my protest against them.

There are six other sections to this law, all equally detestable with those I have discussed. They are without precedents in the States or the United States. They are sui generis, devised to operate upon a helpless people who, 8,000 miles distant from constitutional relief, must be subjected to death, imprisonment, and fine ad libitum at the hands of some governmental satrap, grossly misnamed a judge, to "make them want peace and want it very badly."

Mr. President, we undertook in this country more than a century ago to enact laws of this character. I will read you the sedition law of 1798, and when the provisions of that law are compared with the laws of the Philippine Commission it will be seen that they are a beacon light of liberty as compared with the acts of the Commission. The sedition laws of 1798 consist of three sections, which I read from Foster on the Constitution:

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That if any persons shall unlawfully combine or conspire together with intent to oppose any measure or measures of the Government of the United States which are or shall be directed by proper authority, or to impede the operation of any law of the United States, or to intimidate or prevent any person holding a place or office in or under the Government of the United States from undertaking, performing, or executing his trust or duty; and if any person or persons, with intent as aforesaid, shall counsel, advise, or attempt to procure any insurrection, riot, unlawful assembly, or combination, whether such conspiracy, threatening, counsel, advice, or attempt shall have the proposed effect or not, he or they shall be deemed guilty of a high misdemeanor, and on conviction before any court of the United States having jurisdiction thereof shall be punished by a fine not exceeding $5,000 and by imprisonment during a term not less than six months nor exceeding five years; and further, at the discretion of the court, may be holden to find sureties for his good behavior in such sum and for such times as the said court may direct.

SEC. 2. *And be it further enacted*, That if any person shall write, print, utter, or publish, or shall cause or procure to be written, printed, uttered, or published, or shall knowingly and willingly assist or aid in writing, printing, uttering, or publishing any false, scandalous, and malicious writing or writings against the Government of the United States, or either House of the Congress of the United States, or the President of the United States, with intent to defame the said Government, or either House of the said Congress, or the said President, or to bring them, or either of them, into contempt or disrepute; or to excite against them, or either or any of them, the hatred of the good people of the United States, or to stir up sedition within the United States, or to excite any unlawful combinations therein, for opposing or resisting any law of the United States, or any act of the President of the United States, and

one in pursuance of any such law, or of the powers in him vested by the Constitution of the United States, or to resist, oppose, or defeat any such law or act, or to aid, encourage, or abet any hostile designs of any foreign nation against the United States, their people, or Government, then such person, being thereof convicted before any court of the United States having jurisdiction thereof, shall be punished by a fine not exceeding $2,000, and by imprisonment not exceeding two years.

Now, I call the Senator's attention to section 3. It contains a provision which is found in every State constitution almost without exception, and in every State statute in connection with the law of libel and slander:

SEC. 3. *And be it further enacted and declared*, That if any person shall be prosecuted under this act for the writing or publishing any libel aforesaid, it shall be lawful for the defendant, upon the trial of the cause, to give in evidence in his defense the truth of the matter contained in the publication charged as a libel. And the jury who shall try the cause shall have a right to determine the law and the fact under the direction of the court, as in other cases.

Under this law, however libelous were the spoken or written words against which the sedition law of 1798 was aimed, the defendant, when put upon trial, might give in evidence the truth of the libel, and the truth might prove a defense. But nothing of the kind is permitted under the acts of the Philippine Commission. Under them the greater the lie the greater the slander, the greater the offense. A libel is not necessarily untrue. One is guilty of libel at common law when he utters or publishes anything that is defamatory of another if it is spoken or printed maliciously. Under the Philippine statute, however truthful the charge made by an inhabitant of the islands may be, it is no defense nor is it in mitigation that it is true if the statement tends to incite or produce any of the things that are enacted against. Whether his words be true or false, the defendant is guilty of the crime and he must be punished.

We recollect the circumstances under which the sedition laws of 1798 were enacted. John Adams had been elected President. It was believed by the people of the United States, or of most of them, and George Washington concurred in the belief, that France was about to wage war against the United States. Washington wrote a letter in which he gave what he believed was the plan of invasion determined upon by the French directory. The French army was to land on the Southern coast, incite the slaves to rise, establish there the base of supplies, march to the North and wrest the States from the Government and annex them to France. There were in the United States at that time many sympathizers with the French Government. Mindful of the timely and necessary assistance that had been given by France to the efforts of the colonies for their independence, they thought it was the duty of the United States to actively sympathize with and aid France under the directory in its tremendous struggles against Great Britain. The sedition laws were enacted to suppress those sympathizers with France, and the writers of the history of those times point out that it was the sedition laws which caused the downfall of the Federal party. Van Holst was not an admirer of Jefferson. He was an admirer of Hamilton and his theory of government. Speaking of the sedition laws, which I have just read, in his Constitutional History of the United States, Van Holst says:

A small number of the Federalists were anxious for war, and the rest of them considered it at least as probable as the preservation of peace. Warlike preparations were therefore pushed forward with energy. But it was not considered sufficient to get ready to receive the foreign enemy; it was necessary to fetter the enemy at home. The angry aliens were to be gotten rid of while it was not yet too late, and the extreme anti-Federalists were to be deterred from throwing too great obstacles, at this serious time, in the way of the Administration. In the desire to effect both of these things, the so-called alien and sedition laws, which sealed the fate of the Federal party and gave rise to the doctrine of nullification, had their origin.

I may, in this connection, read a letter written by Alexander Hamilton, in which he deprecated and practically denounced the sedition laws. It is a short letter, one to Mr. Wolcott, dated June 29, 1798:

DEAR SIR: I have this moment seen a bill brought into the Senate, entitled "A bill to define more particularly the crime of treason," etc. There are provisions in this bill which, according to a cursory view, appear to me highly exceptionable, and such as, more than anything else, may endanger civil war. I have not time to point out my objections by this post, but I will do it to-morrow. I hope, sincerely, the thing may not be hurried through. Let us not, establish a tyranny. Energy is a very different thing from violence. If we make no false step, we shall be essentially united; but if we push things to an extreme, we shall then give to faction body and solidity.

This was the view of Alexander Hamilton more than a century ago of the sedition laws of that year, laws which, as I suggested, are beacon lights of liberty and independence as compared with the laws enacted by the Philippine Commission.

But, Mr. President, when we consider, in connection with the laws, the tribunals by which those laws are to be enforced, then, indeed, should we shudder at the possible consequences. By what courts are they to be enforced? As testified to by Governor-General Taft—because that is his title in the Philippines; they all denominate him "General"—there is a court of first instance established in each of the provinces to which, as he maintains, peace has been brought. The court of first instance is the nisi prius court, the court in which criminal offenses are tried and in which civil suits of a certain magnitude are originally brought. There is no jury of any kind or character in the Philippine Islands for criminal cases. For the trial of civil suits the judge has it in his power to call to his assistance two inhabitants of the islands, called assessors, that he may receive their advice and counsel. But this is in civil suits only.

Where a person is accused of crime, the penalty of which is death, imprisonment, or fine, he must be tried before a single judge. Governor Taft says that if the punishment of death is to be inflicted, then the record must be taken to the supreme court before the penalty is enforced. Where the punishment is simply imprisonment, however long, or fine, however great, the punishment goes into effect at once. The trial court is practically the court of last resort, for we know that the mass of the population in the Philippines is so poor that it would be utterly impossible for one out of ten thousand, who might be tried, to take an appeal and have his case reviewed by the supreme court of the islands.

Mr. CLAY. Will the Senator from Colorado give us, in the connection in which he is now speaking, an idea of the number of Americans and the number of Filipinos who are judges in the nisi prius courts, and also the number of judges on the supreme bench who are Americans and the number who are Filipinos?

Mr. PATTERSON. There are seven supreme court judges, three of whom, as I understand, are Filipinos and four Americans. About two-thirds of the judges of courts of first instance are Americans and one-third are Filipinos.

Now, consider the geography of the islands. I have never determined precisely, but looking at the map they must extend from north to south not less than 1,500 miles. Most of the different provinces are practically inaccessible from the capital of the islands, Manila. It requires a government vessel in the neighborhood of a month to visit the capitals of the provinces where they may be reached by water. Many of them are not accessible by water. The roads in many of the provinces are almost impassable. Just imagine one of these courts of first instance sitting in an inaccessible province, the judge of the court removed from all influences save the influence that secured his appointment. Fifty or a hundred poor and helpless inhabitants of the provinces are before him charged with the crime of treason and sedition.

However innocent the accused may be, the probabilities are that they will be convicted, conviction to be followed by certain and inexorable punishment. I do not believe you can conceive of a country having a system of laws such as this in which the inhabitants are so perfectly helpless as they are before those tribunals. Courts-martial would be heaven-ordained institutions in comparison with courts such as are provided in the Philippine Islands, under the conditions there existing. They are practically without supervision by a higher authority. Governor Taft admitted that the Commission appointed as judges only those who were in sympathy with its purposes. Its purposes are to force the islanders to a state of peace. Its courts will do their part of the forcing operation.

In these days of trouble and bitterness in the Philippine Islands, I submit that it would be far better for an accused person to be tried by court-martial. A court-martial must necessarily consist of more than one member, and these are bound by obligations of honor that none of them are willing to abandon. With a court-martial the chances of justice would be infinitely greater than under the civil courts of the islands.

When you take into consideration, Mr. President, the tribunals in which these laws are to be enforced, the legal system that prevails, the absence of everything in the form of a jury, the practical impossibility of review, the want of limitation upon the exercise of power by the judges presiding, then you must agree that justice has indeed fled or is likely to flee to "brutish beasts."

Mr. President, in this connection I may discuss the indictment of the people of the Philippines by Governor Taft. I said "indictment of the people." Never have a people been held up to baser scorn and contumely by one who is their ruler for the time being than have the people of the Philippines by the governor-general appointed by the President of the United States. I heard Senators talk about the extension of the franchise to the Philippine people; that we were giving them lessons in free government; taking them by the hand and leading them into the mysteries and benefits of the ballot box; and that within a generation or several generations, under the benign influence of the Taft Commission, they would be raised to the dignity of a higher manhood, and when that time came, when they had been thus qualified by our management, if they then wished to walk alone, in all human probability our Government would help them in the effort.

The franchise! Let me call the attention of the Senate to the franchise. That it is a marvel in its operation I think you will agree with me. How does it operate? I read from part first of

the report of the Philippine Commission for the period from December 1, 1900, to October 15, 1901. Those who are granted the franchise must speak, write, and read the Spanish or English language, must be the owner of property of the value of $250, American money, or pay a tax of at least $15. The Commission, writing upon that subject, says, quoting from page 32:

An attempt has been made to ascertain the proportion of qualified electors to inhabitants in the towns thus far organized. Difficulties of communication have rendered this effort only partially successful. Returns have been received from 390 municipalities, showing a total population of 2,695,801 and a total of 49,523 qualified electors, or 18.37 electors per 1,000 inhabitants.

In other words, the right to vote, so far as practical results are concerned, has been granted to something less than 2 per cent of the population—18.37 electors out of 1,000 inhabitants—and that result is declared by the Commission after a zealous attempt to ascertain the proportion of qualified electors to the inhabitants of towns thus far organized. Returns were received from 390 municipalities, showing the total of population 2,695,801, with a total of 49,523 qualified electors, or 18.37 electors for every 1,000 inhabitants; less than 2 per cent.

Governor Taft declared that there were no people in the islands fit for jury duty. He was asked why they did not go to the body of electors, since the body of electors comprised the intelligence of the Philippine Islands, for jurors; and he stated that that could not be done, because they were either corrupt or open to corruption. Those who can not vote, he reasoned, can not be selected for jury service. They also are corrupt and open to corruption. Governor Taft declares that men fitted for suffrage in the Philippine Islands, and to whom suffrage is granted, are not sufficiently honest to perform the duties of jurors.

Mr. President, I beg leave to differ with the honorable governor of the Philippine Islands. I am afraid he was not altogether frank with the committee in giving his reasons for depriving the Filipinos of the right of trial by jury. When these treason laws are read, when the character of the tribunals before which those accused must be tried is taken into consideration, I think it is reasonably clear that juries are denied in criminal cases because the Commission is afraid to trust Philippine juries with the enforcement of the laws extended over them. It wants the administration of justice kept in their own hands. The Commission is determined to say who shall go to prison and who shall pay a fine or who shall suffer death. They realize that the peace of which they speak is a false peace. They realize that the spark of liberty and a desire for independence have been enkindled in the bosom of the great body of the Filipino people, and although the Filipino people may profess a desire for peace now, they can not be trusted to enforce the tyrannical and the drastic laws that the Commission have set in operation against them.

Mr. President, I should like in this connection to call the attention of the Senate to the people of the Philippine Islands. They have been slandered, they have been defamed. They have been proclaimed a mass of besotted ignorants, cruel, treacherous, deceitful, idle, slothful, and corrupt human beings. Think of a human mass of this character, and that the United States have attempted to civilize and elevate it to a level upon which its members will intelligently and faithfully exercise self-government.

I take issue with the defamers of this people. I take issue with them, and I do not depart from governmental sources in sustaining my claims. I will confine myself to the records of the departments of the United States Government in showing that the Philippine people are what their friends believe them to be. I think it is well worth while to give the necessary time to comprehend the picture that the War Department has painted and then compare it with the picture painted by Governor Taft.

I read from a document styled "The People of the Philippines," Document No. 218 of the Fifty-sixth Congress, second session.

Only about a year ago, after we had been in possession of the Philippines for at least two years; after officers of the Army and Navy and private citizens had visited all parts of the Philippines; after American soldiers had been brought into contact with the Philippine people as prisoners of war; after there had been full opportunity to determine whether the Philippine people were treacherous or cruel, whether they were trustworthy and kind; after two years of this experience the War Department gives to the Congress of the United States the conclusion it reached as to the nature and character of the Filipinos. This is the letter of transmittal:

WAR DEPARTMENT, *Washington, February 15, 1901.*

SIR: I have the honor to transmit herewith an article on The People of the Philippines, compiled in the Division of Insular Affairs from standard works and the records of the Department, supplemented by the personal experience of returning officers.

This article, together with the data contained in the recent report of the Philippine Commission, would possibly supply the constantly growing demand for information on this subject, and may possess sufficient interest to warrant publication.

Very respectfully, ELIHU ROOT, *Secretary of War.*

It is directed to Hon. H. C. LODGE, chairman of the Committee on the Philippines, United States Senate.

Now, Mr. President, we have heard much of the ignorance of those people. This is what the War Department says, speaking of the Tagalogs, who comprise about 2,000,000 of the inhabitants:

Most of them, both men and women, can read and write.

The Visayans are nearly two millions more. They are closely akin and follow closely in the footsteps of the Tagalogs. Most of the Tagalogs at least can read and write.

Governor Taft says this is not true. After compiling from standard authors and authorities; after consulting all that was communicated to the Insular Division of the Department; after consulting with returning officers who had been through the islands, both as travelers and prisoners, the War Department communicates its information to Congress. I place the War Department against the statement of the governor of the Philippine Islands and will let the Senate of the United States judge between them.

Right here let me suggest that one of the most cruel things which this beneficent Government is engaged in doing is crushing out the language of the Philippines. Most of the Tagalos can read and write. So says the War Department. But from 5 to 7 per cent of them speak and write the Spanish language; but most of them do speak and write their own language—a language with a literature, a language in which a number of poems have been composed, in which works of fiction and philosophy have been written, a language which has a literature of substance and beauty. The United States is engaged in crushing out that language by every act that is available to it.

I know of nothing that will more surely breed discontent than efforts to crush out the language of a people. Austria is endeavoring to do it with Hungary, and we know the effort has led to riots in the legislature of that twin Empire. We know it has almost resulted in war between them. The Slavs will not submit to the crushing out of their language.

No man may vote in the Philippine Islands, whatever his intelligence, unless he reads and writes the Spanish language, the language of the tyrant conqueror of the islands. Those who write and read the English language may also vote. But Governor Taft says that the fraction of those who speak the English language in the islands is so small that it is not worth taking into consideration. Those who read and write only the language of the islands, though they may compose poems and write history in that language, are prohibited from the use of the ballot.

It is said we sent over 800 teachers. To do what? To teach them the English language. But we force the Filipinos to pay for their transportation and support without giving them a voice as to what or how they shall teach or in what language. We force them to pay all taxes necessary for the salaries of teachers and the support of the schools to root out their own language and supplant it with that of the new conqueror.

It seems to me, Mr. President, that it is not creditable. There is not much benevolent assimilation about that. It is simply the act of a conqueror, and a conqueror that is disposed to be tyrannical, who cares nothing for the sympathies and yearnings and prejudices and nature of the people over whom it has assumed the right to rule.

Now, let me read further:

Three centuries and over of Spanish subjugation have not been sufficient to materially change their racial characteristics.

Yet we are going to do it in a generation.

Wallace gives them place as the fourth great tribe of the Malay race. The Tagalog possesses—

Mark now—

The Tagalog possesses great self-respect, and in his behavior is quiet and decorous. He treats others with politeness and expects it for himself. Judging of industry as one must judge of it in the Tropics, he may be said to be reasonably industrious, and often works very hard, especially as a casco poleman against the swift current of the Pasig. The wife—

Even a woman there is upon a plane of equality with the man, giving evidence of at least a certain degree of civilization—

The wife exerts great influence in the family, especially in trading and in bargain making; indeed, she may often be called the real head of the house.

Now we come to their treatment of the children.

They treat their children with great forbearance, and manifest great desire to give them a good education. Parental authority continues during the entire life of the parent. Mr. Sawyer states that he has seen a man of 50 years come as respectfully as a child to kiss the hand of his aged parent at the sounding of the vesper bell. Children in return show great respect to both parents, coming to them morning and evening to kiss their hands.

Mr. MCCOMAS. May I interrupt the Senator from Colorado? A moment ago he spoke of the language of the people?

Mr. PATTERSON. Yes, sir.

Mr. MCCOMAS. What language, do I understand?

Mr. PATTERSON. The Tagalog.

Mr. MCCOMAS. The Senator will remember the statement of Governor Taft that——

Mr. PATTERSON. Oh, of course. Of course the governor

took issue on nearly every statement made by the War Department. As I said, it was the War Department with all its opportunities for knowledge, with a careful consideration and sifting of what it had learned and read, against the statements of Governor Taft.

Mr. McCOMAS. If the Senator will allow me, within 20 or 50 miles in various directions there would be ten or fifteen different dialects whereof one person could not understand any other. Is not that true?

Mr. PATTERSON. Oh, yes; he said many things; but, Mr. President, this is the testimony of those who have known the people of the Philippines much longer than Governor Taft, who did not have the same motives to misrepresent them.

Mr. FORAKER. Will the Senator allow me to interrupt him?

The PRESIDING OFFICER (Mr. BLACKBURN in the chair). Does the Senator from Colorado yield to the Senator from Ohio?

Mr. PATTERSON. Certainly.

Mr. FORAKER. I wish to know whether we are to understand the Senator has now stated that in his opinion Governor Taft did misrepresent in the testimony he has given?

Mr. PATTERSON. I have stated, Mr. President, that it is the War Department against Governor Taft. I have no personal knowledge.

Mr. FORAKER. Mr. President, there might very well be a conflict between something coming from the War Department and something said by Governor Taft. That of course is a fact that can be established or not according as the fact may be. But what the Senator has now said is that Governor Taft had motive and purpose for the misrepresentation, as I understood him.

Mr. PATTERSON. Yes, sir; that is my judgment.

Mr. FORAKER. That is all I wanted to know.

Mr. PATTERSON. Of course I am entitled to my opinion.

Mr. FORAKER. Of course the Senator is entitled to his judgment, and we are entitled to understand the Senator. We simply wanted to know whether the Senator is now deliberately stating in the Senate of the United States that in his opinion Governor Taft made misstatements purposely in the testimony which he has given.

Mr. PATTERSON. I did not say that. I said that Governor Taft has motives.

Mr. FORAKER. For misrepresentation?

Mr. PATTERSON. Yes, sir; for misrepresenting the people. Whether those motives operated upon him or not, or have operated upon him, I have not said. Governor Taft appeared before the committee as the advocate of the Administration in supporting, maintaining, defending, and justifying all that has been done in the Philippine Islands by the party and the Administration to which he owes his appointment.

Mr. FORAKER. I did not rise, the Senator will understand, to take any exception to anything he was saying; only to see that we correctly understood him. At another time, when we have opportunity to take the floor, there will be another view taken from that which the Senator has presented.

Mr. PATTERSON. Of course; there has been, right straight along.

Mr. McCOMAS. Will the Senator allow me?

Mr. PATTERSON. Certainly.

Mr. McCOMAS. I believe every word Governor Taft has said, but perhaps the Senator will also include Mr. Worcester, who spent years there, who says these same things, and even in a more extreme form. He says there are about 80 villages only 2 miles apart wherein people can not talk the language of their neighbors. Is that a like motive and not to be believed?

Mr. PATTERSON. That may be; but in England the dialects of a number of the different provinces are so widely different that it is next to impossible for the people of one province to understand the speech of the inhabitants of another. I understand such to be somewhat the case in Germany also.

I do not know anything about Mr. Worcester, however; I am reading from the official records of the War Department; the War Department against the defamers of the people of the Philippine Islands. Upon the one side stands the War Department, with its opportunity for information, with an avowed purpose in sending this contribution to Congress to give to the people of the United States the information which the people have been desiring, with apparently no motive to serve except to perform that important duty. I say, Mr. President, and repeat it, that this communication from the War Department brands as a slander most of what has been said—I particularize in no direction—when holding the Philippine people before the world as cruel, savage, idle, shiftless, and treacherous.

Now, I will proceed a little further. The War Department says:

Palgrave justly says of them—

Let us see what the Department quotes from Palgrave—

"Nowhere are family bonds closer drawn, family affection more enduring, than among the Malay races. His family is a pleasing sight, much subordination and little restraint, unison in gradation, liberty, not license, orderly children, respected parents, women subject but not suppressed, men ruling but not despotic, reverence with kindness, obedience in affection—these form a lovable picture, nor by any means a rare one in the villages of the eastern isles."

Then the War Department continues after the quotation:

It might be well to remark that this is an ideal picture and one only too rarely found among English-speaking people.

I will read further:

The children before attaining the age of puberty are not especially good looking, but are early trained in good manners. They greatly delight in bathing, the water usually averaging a temperature of 85° F. Both sexes and all ages mix indiscriminately in the bath, the adult decently clad, and all behaving themselves with decorum. Nearly every one learns to swim.

Then again:

Among the Tagals courtship is well drawn out.

It would not do to omit courtship.

The "catipado," or desiring-to-be bridegroom, is allowed to assist the girl of his choice in her allotted work, which is husking the rice for the use of the household. This is done in the cool of the day out of doors. A wooden mortar and long heavy pestle is used. It is a well-recognized opportunity for the lover to assist and entertain his sweetheart.

Evidently a quotation is what follows:

Very pretty do the village maidens look as, lightly clothed in almost diaphanous garments, they stand beside mortars plying the pestle, alternately rising on tiptoe, stretching the lithe figure to its full height and reach, then bending swiftly to give force to the blow. No attitude could display to more advantage the symmetry of form which is the Tagal maiden's heritage, and few sights are more pleasing than groups of these tawny maidens husking paddy midst chat and laughter, while a tropical moon pours its effulgence upon their glistening tresses and rounded arms.

I hope that when the Senator from Wisconsin [Mr. SPOONER] replies and closes the debate he will bear in mind this glowing picture and not strive to destroy it. But the War Department continues about the Tagalogs:

Hospitality is a leading characteristic of the Tagal, and any observing well-behaved traveler will testify to his kindness and liberality.

Now, then, as to their skill in mechanics:

They are apt as machinists—

Think of it—

They are apt as machinists, and a fair number of engine fitters, turners, smiths, and boiler makers can be found. Under Spanish administration all the engine drivers and firemen were Tagals. There can be found in and around Manila a large number of carpenters, quarrymen, stone masons, and some bricklayers. As early as the time of the landing of Legaspi he found both cannon and cannon foundries. They make their own fireworks and gunpowder. They excel as carriage makers and have many shops on the roads leading out of Manila toward Malabon. Two-wheeled vehicles, called quilez and carromatos, are manufactured in great quantities. They also show talent in sculpture and painting, also great proficiency in carving. They are skillful in hunting and fishing. They make quite good agriculturists, and prepare their rice paddies with great care, and when the time of planting comes the whole population, men, women, and children, turn out to plant the rice, stalk by stalk, in the soft mud. It is a most beautiful sight to look over the broad valleys in time of the rice harvest and see fields swarming with Tagals, all busy at work. The bright colors worn by the women look especially attractive.

Then the War Department speaks of their talent and their love for music:

A writer who knows whereof he speaks gives this testimony concerning the musical talent of the Tagal: "Perhaps the most remarkable talent possessed by the Tagal is his gift for instrumental music. Each parish—

And the number must be almost innumerable—

"Each parish has its brass band, supplied with European instruments, the musicians generally wearing a quasi military uniform. If the village is a rich one, there is usually a string band as well. They play excellently, as do the military bands. Each infantry battalion"—

That is the Filipino battalion—

"Each infantry battalion had its band, whilst that of the peninsular artillery, of 90 performers, under a bandmaster holding the rank of lieutenant, was one of the finest bands I have ever heard. There are few countries where more music could be had gratis than in the Philippines, and for private dances these bands could be hired for very moderate rates."

Then we come to their other acquisitions besides that of reading, which is an item of some importance:

They are by no means void of knowledge of natural history, such as enables them to understand the habits of game, to give names for animals and birds, insects, and reptiles, and to describe in detail their habits. As hunters they are good marksmen. If sent out with two cartridges—

Mark it—

If sent out with two cartridges, they usually come back with two deer or pigs, or a lengthy apology for wasting the cartridge and how it happened. They drive the deer in nets arranged in an acute angle, and then spear them, throwing their weapons with great accuracy. The Tagalogs, though not as industrious as the Ilocanos, yet are very faithful and efficient house servants, though not as good buyers and cooks as the Chinos. As clerks and draftsmen they are reasonably skillful. Usually they write a beautiful hand, and some of them can do splendid work in headings and ornamental title-pages.

Now, let us see something about their honesty. Frederic H. Sawyer, writing in a book entitled The Inhabitants of the Philippines, says upon that subject, and I yet quote from the War Department's letter:

When doing business with the Tagals, I found that the older men could be trusted. If I gave them credit, which was often the case, for one or two years, I could depend upon the money being paid when due, unless some calamity such as a flood or conflagration had rendered it impossible for them to find the cash. In such a case (which seldom happened) they would advise me beforehand, and perhaps bring a portion of the money, giving a pagaré—

That is, a promissory note—

bearing interest for the remainder, and never by any possibility denying the debt. I never made a bad debt amongst them, and gladly testify to their punctilious honesty. This idea of the sacredness of an obligation seems to prevail amongst many of the Malay races, even among the pagan savages, as I had occasion to observe when I visited the Tagbanuas in Palawan (Paragua). They certainly did not learn this from the Spaniards.

Then the Department tells how the Spaniards found it impossible to introduce the bull fight among them. Their nature rebelled against the atrocity of that so-called sport. In literature this is what the War Department says:

The Tagal race possesses but little literature in its dialect, since those who have made advancement along these lines have usually used the Spanish language. In the exhibition of the Philippines at Madrid, 1887, Barranter showed 20 volumes of grammars and vocabularies of the Philippine dialects and 31 volumes of popular native poetry, besides 2 volumes of native plays. We have examples of a high order of mentality among the Tagals when they have had the opportunity for training in the higher branches. The schools of primary instruction show that the children are both eager and apt to learn. The Tagal, doubtless, under American system of education will manifest great advance, but to increase his mentality without proper regard for a proportionate increase in that which pertains to higher standard of integrity and uprightness of character would make him a very undesirable citizen.

Of course the War Department could not end its description without saying something to support the Administration claim that the Filipinos are unfit for self-government.

Mr. President, if that were all it might be possible that the War Department is mistaken, but Prof. Ferdinand Blumentritt, who is given by the Encyclopedia Britannica as the first authority on the Philippines, describes the Christianized Filipinos, numbering more than 6,000,000, as follows:

The main features of Filipino character are quiet docility and ambition, which ranges, through different degrees, from vanity to proud striving after recognition of the Ego, and which is one of the most important physical factors in the Philippine question. This explains their proneness to revenge, which (long reined in and mastered) seeks satisfaction when opportunity offers. Another attribute of the Filipinos has shown itself for the first time in the rebellion against the Spaniards and in the war against the Americans—an attribute which there had been no previous opportunity to observe. This is a self-control which resembles that of northern peoples, and which manifests itself in this: That they restrained themselves, with few exceptions, from satisfying their ancient thirst for revenge on the unfortunates who fell into their hands because they were mindful of "their reputation in Europe."

In fact, the Philippine revolution has not been stained by such cruelties as have the revolutions of European nations. There is still another thing which casts a favorable light upon their national character, namely, the discipline maintained by the former army of rebellion, now the army of freedom, in the Philippine Republic. All who have read the history of the revolts of the Spanish colonies in America will surely remember that the rebels were always in discord, and that their generals betrayed, deserted, and, even in the very presence of the enemy, fought each other. Yet, with few exceptions, those generals belonged to the white race, the creole nobility. In the Philippine army, on the contrary, that was drawn together from so many provinces and whose generals were chiefly Malays, all ran smooth, and, if we except the single case of General Luna (which has not yet been cleared up), there ruled a spirit of subordination and discipline which the Filipinos could not have learned from their former Spanish masters. Germans who have lived both in Japan and the Philippines assert that the Filipino is the equal of the Japanese in many respects and far his superior in a sense of honesty and justice. The character of the Filipino as a host and friend is well known, and I have so often experienced this that I can not sufficiently praise it.

I might supplement this by the reports of Wilcox and Sargent, the one a paymaster in the Navy and the other a cadet. They made a tour of the Philippine Islands, starting while the American Army was occupying the trenches in which the Filipino troops had held the Spaniards—occupying the trenches which the valor and courage of the Filipino soldiers made so easy of conquest. While the forces of the two peoples were facing each other, Sargent and Wilcox, desiring to make a trip through the islands, applied for a permit to Aguinaldo.

It was requested also by General MacArthur and Admiral Dewey, but Aguinaldo declined to give a passport, saying, "You may go; you will be safe; you have nothing to fear." Sargent and Wilcox made a report of their several months' journeyings through eight or nine Filipino provinces. They traveled during the existence of the Filipino republic, with Aguinaldo as its provisional head. These officers made a report to the Navy Department of their observations during the journey. I will read but one sentence, which, it strikes me, is most significant:

The steamer *Saturnas*, which had left the harbor the day before our arrival, brought news from Hongkong papers that the Senators from the United States at the congress at Paris favored the independence of the islands with an American protectorate. Colonel Tirona considered the information of sufficient reliability to justify him in regarding the Philippine independence as assured and warfare in the island at an end.

In the morning Colonel Tirona resigned his command as one of the Filipino commanders. Let us see what he did:

For this reason he proceeded to relinquish military command he held over the provinces and to place this power in the hands of a civil officer elected by the people. This officer also made a speech, in which he thanked the disciplined military forces and their colonel for the services they had rendered the provinces, and assured them that the war they had begun would be perpetuated by the people of the provinces, where every man, woman, and child stood ready to take up arms to defend their newly won liberty and resist to the last drop of their blood the attempt of any nation whatever to bring them back to their former state of dependence. His speech was impassioned. He then placed his hand on an open Bible and took the oath of office.

This was the action of a Filipino military commander when the false news was brought that the Senators of the United States composing the Paris Peace Commission had arranged for the independence of the Philippine Islands with an American protectorate. He immediately laid down his commission and immediately took the oath of allegiance to what he supposed was the new republic. Doubtless he had in mind the exalted procedure of Washington when the war of the Revolution was brought to a close. This entire report of Sargent and Wilcox should be read. It fully corroborates the printed views of the War Department.

Mr. President, I will not dwell longer upon this feature of the controversy; but, as I have said before, it is well that the American people should have another picture of the Filipino than those painted by his enemies. They are a homogeneous people. They are bound together by racial ties, by religion, and by a fervent and almost universal desire for freedom and independence. Surely these constitute an unusually safe foundation upon which to build a free and independent state.

When the history of the eight months' existence of the Filipino republic is read and understood, there will be found a complete answer to every claim that has been made by the imperialists of to-day that the Filipino is not capable of giving to his own kind a safe, orderly, and law-abiding government. His government may not be a government such as ours, but it will be a government suited to his own convictions and conditions, a government based upon what he has learned since his attention has been turned to the teachings of the American Republic for more than a century.

Do you blame the Filipino because he struggles for that which you taught him to struggle for? Do you blame him because he believes in his heart of hearts that governments should derive their just powers from the consent of the governed? Do you believe him when, through the Federal party, he tells you that no form of colonial government will satisfy him, but that he wants, first, a Territorial government under the Constitution of the United States, and ultimately statehood? That is what is demanded by the intelligent Filipinos who are most friendly to American domination.

The great majority stand upon a higher plane; they know their own resources and possibilities; they have had experiences for a number of years, and we know they have demonstrated that they are self-contained, but they can not restrain the natural promptings of the human heart for liberty and independence. They held their Spanish oppressors as prisoners of war by the thousands and treated them with a humanity that commanded the commendation of the civilized world. These things the Filipinos have learned. They now comprehend their own possibilities in the channels of government, and do you think it possible to eradicate these convictions from their hearts and minds?

You propose to educate them. The more education you give them of the American kind, the more determined will be their stand for all that for which the American people stand. The more the Filipino reads political literature, such as the press of this country is continually publishing, the more restless he will become under the domination of a master—for the attitude of this Government to the Filipinos is that of a master. The attitude of the Administration, as I understand it, is that of the three members of the Supreme Court who concurred in the decision rendered by Mr. Justice White. No man can read that decision without concluding that they hold that Philippine territory is simply appurtenant and may be controlled by Congress to the same extent and in the same way that the Government controls its other property; as it manages its horses, its buildings, and munitions of war. The islands and their population are property within the control of Congress, and there is no limitation upon its power over them.

There is no suggestion in their opinion, as there is in the opinion of Mr. Justice Brown, that there are certain natural inherent rights which the Constitution guarantees the inhabitants, and which should and will be enjoyed by inhabitants of the islands. There is nothing of the kind in the opinion written by Mr. Justice White. It is after the plan of that opinion that the Administration is govering.

Governor Taft was asked whether he would favor a declaration by the American Congress that the Filipinos were entitled to and should have Territorial government as enjoyed by other Territories under the Constitution, and he said that he would not—not even a Territorial form of government, a government affording the people constitutional protection.

Mr. President, I will refer briefly to another topic justified by the statements of Governor Taft before the committee. It relates to the condition of the insurrection now in the Philippine Islands. He states that the insurrection is suppressed in all but three of the provinces. He states that there are little more than from two to three thousand Filipinos in insurrection. He states that he feels as safe in the pacified provinces as he would on the streets of Washington. If this be true, what justification is there for the odious and unconstitutional treason and

sedition laws, especially when by the terms of the act they are operative only in the alleged pacified provinces?

In that connection I would refer to the Federal party, and emphasize what I said upon a former occasion, that the Federal party is the right hand of the Philippine Commission in the Philippine Islands. This is what the Philippine Commission says, on the very first page of its report, about the Federal party:

An account of the feeling of the Filipino people, which made the Federal party possible, will be found in an appended report of Dr. Pardo de Tavera, some time its president, and Señores Benito Legarda and Jose Luzuriaga, members of the party, all of whom are now members of the Commission (Appendix A).

All members of the Commission of which Governor Taft is the head. Then the report proceeds:

It was organized to secure peace for this country under the sovereignty of the United States. The party spread like wildfire through the archipelago, and there are now few towns in any of the provinces which have not their Federal committees. Its members were most active and effective in inducing insurgent leaders to surrender.

It does not seem unreasonable to ask the Senate to lend ear to what this Federal party urges. The three leaders are members of the Philippine Commission. It was organized, if not by the procurement, at least with the approval of Governor Taft and the other members of the Commission. The Commission leaned upon it as a staff, and it supported them in their early efforts. It was this Federal party that, after armies had swept over the islands like besoms of destruction, induced the people to accept the Government of their oppressors, advocating peace in the islands, with recognition of the sovereignty of the United States. There are over 150,000 members of this party in the Philippines, most of the members the intelligent, Spanish-speaking, and Spanish-writing Filipinos, and the testimony of Governor Taft is that the Filipino looks with peculiar reverence upon the intelligent members of his race. These Federalists have done yeoman service toward stable peace in the conquered islands.

Therefore it seems to me that when they, in the most solemn way possible, tell you what they desire, what the Filipino people will endure, what they will not endure, tell you the inevitable result of one course of conduct and the result of another course of conduct in the islands, you should, above all others, listen to this party through its representatives.

Now, what do they say? I trust the Senate will bear with me while I read with some detail the statements of the communication to Congress, of which Governor Taft was the bearer, delivered to the War Department and communicated by the War Department to Congress. Governor Taft and the Commission give faith and credit to this party. They have practically said to the leaders of this party: "We are your friends. We stand for your promises. We will use our influence to secure all that you promised to the Filipino people to induce them to join with you in abandoning the struggle for independence and to submit to the sovereignty of the United States."

In their petition they say to Congress:

PETITION FOR ANNEXATION AND FORM OF GOVERNMENT.

The Federal party has made an exhaustive study of the sentiments of the Filipino people.

The Federal party has made an exhaustive study of the sentiments of the Filipino people. Which is entitled to the greatest credit? The statements of this Federal party, made through its recognized leaders, who are Filipinos of the Filipinos, and who know their people, their hopes, and their aspirations.

The Federal party has made an exhaustive study of the sentiments of the Filipino people, as well as those animating the American people, with respect to determining the future of these islands.

From the mass of data which the Federal party has had before it, and seriously and formally considered, it is clearly deduced that the intention of the Americans and Filipinos is to constitutionally—

That is, what they say is clearly deduced—

is to constitutionally join the Philippines to America in such a way that the former may never be separated from the latter nor the latter disunited from the former.

Then they insert this quotation from the Constitution of the United States, which in their own printed copy is in small caps, so as to emphasize it.

"In order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty" are the principles in which the policy which should be followed in the Philippines should be inspired without the loss of a moment.

Now, listen—

To make of the Philippines a colony of the United States or to grant independence to the Philippines—

Putting one upon an equality with the other—

To make of the Philippines a colony of the United States or to grant independence to the Philippines would be to hand the islands over to disorder and to anarchy, to destruction and to chaos.

This bill, which the majority will vote for, is based upon the theory that the Philippine Islands are as foreign territory; that the Constitution does not extend to them; that they are territory appurtenant and not territory that has become a part of the United States. It is founded upon the fact that the Philippines are but colonies of the United States, and their inhabitants subjects and not citizens.

It is because of this that Congress imposes a tariff upon goods imported into the islands from the United States and upon goods brought from the islands into the United States. This alone makes them a colony within the European standard of colonies, and Congress has assumed to govern them precisely as Great Britain governs its colonies or Germany or France theirs. Listen again to what the Federal party declares about the effect of governing the islands as a colony:

To make of the Philippines a colony of the United States or to grant independence to the Philippines would be to hand the islands over to disorder and to anarchy, to destruction and to chaos.

Are the Senators upon the other side willing in the face of this warning to assume the risk that the statement of the Federal party is untrue?

It may be that you have confidence that the Army, if the peaceful Filipinos again rise when they learn that you treat their appeal with contempt, will overcome them again. It may be that you can again raise the Philippine army to 70,000 and stamp out whatever opposition may arise out of your present course. You may be right, but either the consequences or the alternative should warn you to desist.

What perfidy is there not, Mr. President, in such a course? The Federal party gained its strength and influence through its representations to intelligent Filipinos that should they join the party and acknowledge the supremacy of the United States a Territorial government, guarded by the Constitution, and ultimately statehood, would be granted to them.

Statehood, when? In generations from now, or in the life of those who are making the sacrifices for statehood? A government under the Constitution for their children's grandchildren or for themselves within a reasonable limit of time, having in mind the ordinary length of human life? It was by these representations the Federal party was strengthened. It was by these representations that the peace you have in the islands now exists.

The petition further recites:

In behalf, then, of the Federal party, this convention has the honor to very respectfully present to the Congress the following petition, praying a declaration by the Congress of the United States to the effect that the Philippine Islands, as they are described in the treaty of Paris and subsequent conventions with Spain, are an integral part of the Republic of the United States of North America, the said Philippine Islands constituting a Territory with the rights and privileges which the Constitution of the United States grants to the other Territories, such as that of becoming eventually a State of the Union.

If the Senator from Nevada [Mr. STEWART] were here, I should remind him of the speech he made day before yesterday. He said: "Of course, we will give the Filipinos a Territorial form of government. Of course we will." But when I asked Governor Taft whether he would favor Congress making this declaration, even eliminating from it all reference to statehood, his answer was that he would not. The exact question propounded to Governor Taft was: "Now, eliminating from the proposition all question of statehood, would you favor a declaration by Congress that the said Philippine Islands should constitute a Territory of the United States, with the rights and privileges which the Constitution of the United States grants to the other Territories?" And his reply was that he would not.

For myself, Mr. President, I heartily support the minority bill offered as a substitute for that of the majority. It proposes, in short, to grant independence to the Philippines, this Government to retain control until their inhabitants form a stable government of their own. It insists that all in the islands shall be given like protection; that this country shall have such coaling stations and such other facilities as may be needed to advance our Western commerce. Pursuing this course, we will not be troubled with questions of statehood and constitutional Territorial government for the Philippines, nor by fears of uprising to throw off our colonial system. By such a course the Constitution will continue unimpaired and our country and its institutions will continue in the future as they have in the past to receive the blessings and prayers of the liberty loving in every land. I do not want the Philippines either as States or Territories, and still more do I deprecate their retention as colonies. The Filipinos have earned their independence. I believe they can form a stable republican government, not as perfect as ours, but perfect enough for themselves, for it will be after their kind and they will in the end perfect it so as to meet all the requirements of an Asiatic, liberty-loving people.

Mr. President, I have occupied more time, under the circumstances, than I should. I have not gone at all into events antedating the President's order directing the American Army to proceed to subjugate the Philippine Islands. I believe the United States should release that which was secured through perfidy and the strong arm of an invading army. It should release the 8,000,000 of people, 6,000,000 of whom are Christians. Christians.

Christian natives! Christians! The trouble may be that they are not Protestant Christians.

The suggestion may cause a smile, but I have it in my mind that if the 6,000,000 Christian Filipinos had learned their Christianity in the sanctuaries of the Methodist, Baptist, and Presbyterian churches, and if such Filipinos were as well founded in the cardinal virtues of Christianity as are the Filipinos to-day, there would be such an uprising by the Methodists, Presbyterians, and Baptists in the United States against the cruel, unconstitutional, and relentless policy of the Administration in dealing with their people that there would be but few members of Congress who would face the consequences.

But they are not Protestant Christians. Nevertheless, Mr. President, they are founded in the virtues of Christianity. They have acquired self-restraint, the domestic virtues, a fair degree of honesty. They love their neighbors as nearly as the average Christian loves his neighbors. They display a desire for freedom and independence that could only have been inspired in schools of the highest politics and have emanated from the teachings of such masters as Washington, Jefferson, and Madison, backed with the best thoughts and grandest impulses of all true lovers of liberty in the American Union.

I will not occupy more time. I have said more than I expected to say. If I have expressed my honest and my deepest convictions upon this most vital question as one of the representatives of my State upon the floor of the Senate, I have but done my duty.

Mr. NELSON obtained the floor.

Mr. LODGE. Will the Senator from Minnesota yield to me for a moment to make a motion?

Mr. NELSON. Certainly.

Mr. LODGE. I move that when the Senate adjourns to-day it be to meet at 11 o'clock to-morrow morning.

The motion was agreed to.

Mr. NELSON. Mr. President, it is my purpose, for a few moments, to discuss some of the constitutional questions involved in the proposed legislation. I find that much confusion exists as to to the constitutional powers of and the constitutional limitations imposed upon Congress in legislating for our territorial possessions.

But before I proceed with that discussion I can not help calling attention to one fact. We have had attacks made indirectly upon our soldiers in the Philippines; we have had attacks made upon our government in those islands; but it remained for the Senator from Colorado [Mr. PATTERSON] to characterize as an act of tyranny and despotism the fact that we have sent American teachers there to teach the Filipinos the English language, and tax them for that purpose.

A large number of our great Northwestern States have been settled by men and women speaking a foreign tongue. We have taxed them to teach them in American schools the English language, and not a single one of them within my knowledge has ever protested that it was an act of tyranny or despotism. And what we have done in the great Northwestern States to develop them—the States of Wisconsin, Iowa, Michigan, and Minnesota, in teaching our large foreign population the English language and taxing them for that purpose—we certainly have the right to do in the Philippine Islands, and it is no more despotism in one case than in the other.

I was not surprised, after the Senator from Colorado had advanced that idea, that he was the first Senator to inject the sectarian question into this discussion. One follows the other inevitably, and I was not at all surprised at it. It is not, as the Senator intimates, a Protestant scheme to give them the benefits of an English education. It is for the purpose of civilizing them and making good citizens, fit for free government. Attendance is not compulsory. The Filipinos are eager to learn English, and I would remind the Senator that they complain far more of the friars than the English schools.

No one can now be found to deny the Federal Government the power and right to acquire territory by conquest or treaty. And yet this power is nowhere in the Constitution given in express terms. It is one of the implied powers growing out of the power to make war and enter into treaties. It is one of the powers inherent in every organized and independent government, of which no government can afford to divest itself without crippling its capacity for self-preservation. Wars may come upon even the most peaceful nation, and war may lead to conquest, and such conquest can not oftentimes be relinquished without either suffering in compensation or in indemnity for future aggression or danger. (American Insurance Company *v.* Canter, I Peters, 540.)

The power of acquiring involves the power of holding, and from these twofold powers springs, as a necessary and inevitable consequence, the power of governing and of legislating for the territory acquired and held. This power of governing and legislating is not only derived from this source, but also rests upon and is derived from the express language of the Constitution:

> Congress shall have power * * * to make all needful rules and regulations respecting the territory * * * belonging to the United States. (Par. 2, sec. 3, art. 4; Sere *v.* Pitot, 6 Cranch, 337; Am. Ins. Co. *v.* Canter, I Peters, 540.)

This is the clear and emphatic language of the Constitution.

The people of the ceded territory, through the act of cession, sever their political connection, but do not thereby divest themselves of those rights and immunities given them by their local laws for the protection of their person and property. These laws remain in force until changed or abrogated by the nation to whom they are ceded. The people of such territory do not, though ceded to a self-governing nation, such as ours, thereby ipso facto become entitled to self-government, nor do they become vested with any political rights except such as may be conferred upon them by Congress. (Story Const., sec. 1324 and 1325.)

Until Congress intervenes by appropriate legislation the government of the acquired territory remains under the control of the President, as the head of the executive department and as Commander in Chief of the Army and Navy. Such a government—and I wish to call the attention of the Senator from Colorado to it—is a valid and constitutional government, resting upon the right of conquest and acquisition. It was so held in the case of California, which was taken possession of by our military authorities in 1846 and remained under the control of the President till it was admitted as a State in 1850 (Cross *v.* Harrison, 16 Howard, 164); and it was so held in the case of New Mexico (Leitensdorfer *v.* Webb, 20 Howard, 176).

California never had a Territorial government. It remained under the control of the War Department, the executive department of the Government, from the time we got it in 1846 until it became a State in 1850, and our Supreme Court held that that was a constitutional and valid government.

This implied power was expressly conferred upon the President by act of Congress in the case of Louisiana in 1803 and in the case of Florida in 1819. The amendment to the Army bill of the Senator of Wisconsin [Mr. SPOONER] is a counterpart of this act, and neither of them confer any other or greater power upon the President than he is vested with under the Constitution, independent of statute, as decided by our Supreme Court in Cross *v.* Harrison, 16 Howard, 164.

We are now about to legislate for the Philippine Islands—one of our recent territorial acquisitions—and the question before us is not, as some suppose, whether the Constitution, or any part of it, extends by its own force, independent of legislation, to the islands. That question properly occurs after cession and before legislation, and has been settled by our Supreme Court.

The Constitution gives Congress the power, within certain limits, to legislate for the United States and all their territorial possessions. Congress assumes the power to legislate for the Philippines because they are a part of the territory of the United States. And in thus assuming to legislate the question arises: What are the powers of Congress in the premises and what, if any, are the limitations upon such power? These limitations may come from two sources, the treaty of cession and the Constitution.

> This Constitution * * * and all treaties made or which shall be made under the authority of the United States shall be the supreme law of the land (par. 2, Art. VI)—

is the language of the Constitution. The power to legislate and govern comes from two sources, the treaty and the Constitution, with the Constitution paramount in case of conflict. Such being the case, the first question that arises is, What are the mandates and powers of the treaty? And, in considering this matter, it will instruct and throw some light on the subject to consider the several treaties of cession that our Government has entered into during the period of its existence.

By the treaty of April 30, 1803, with France, ceding Louisiana to the United States, it was provided by article 3 as follows:

> The inhabitants of the ceded territory shall be incorporated in the Union of the United States and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States; and in the meantime they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess.

By the treaty of February 22, 1819, with Spain, in article 6 it was provided as follows:

> The inhabitants of the territories which His Catholic Majesty cedes to the United States by this treaty shall be incorporated in the Union of the United States as soon as may be consistent with the principles of the Federal Constitution, and admitted to the enjoyment of all the privileges, rights, and immunities of the citizens of the United States.

By the treaty of February 22, 1848, with Mexico, it was provided by article 9 as follows:

> The Mexicans who, in the Territories aforesaid, shall not preserve the character of citizens of the Mexican Republic, conformably with what is stipulated in the preceding article, shall be incorporated into the Union of the United States, and be admitted at the proper time (to be judged of by the Congress of the United States) to the enjoyment of all the rights of citizens of the United States, according to the principles of the Constitution,

and in the meantime shall be maintained and protected in the free enjoyment of their liberty and property, and secured in the free exercise of their religion without restriction.

In each of these cases the inhabitants of the ceded territory were, by the terms of the treaty, vested with all the privileges, rights, and immunities of citizens of the United States. There was no exception as to any class of inhabitants, and yet our Government has, persistently and from the very outset, denied the rights, privileges, and immunities of citizenship to the various Indian tribes who occupied the ceded territory and who constituted, at the time of the cession, the greater number of the population in these possessions.

In the case of the Indians, the practice and rule which had been applied to them in the original thirteen colonies and the Northwest Territory—of denying them all rights of citizenship and treating them as an inferior class, to be specially governed and controlled distinct from the rest of our people—was applied to the Indians in these several territorial acquisitions. The Indians were not considered a part of the inhabitants provided for in the treaty. And this has been repeatedly held by our highest court as neither an invasion of the Constitution nor the treaties.

Even the fourteenth amendment has failed to ingraft the right of citizenship upon the Indian. (Elk *v.* Wilkins, 112 U. S., 94, and cases there cited.) In these cases there was no express limitation either by Constitution or treaties. The limitation engrafted was wholly a matter of implication and judicial construction.

In the case of the Alaska cession and the Hawaiian annexation there are exceptions and reservations as to rights of citizenship. In this respect, a marked departure from our former treaties:

By the treaty of March 30, 1867, with Russia, ceding Alaska, it was provided by article 3 as follows:

The inhabitants of the ceded territory, according to their choice, reserving their natural allegiance, may return to Russia within three years; but if they should prefer to remain in the ceded territory they, with the exception of uncivilized native tribes, shall be admitted to the enjoyment of all the rights, advantages, and immunities of citizens of the United States, and shall be maintained and protected in the free enjoyment of their liberty, property, and religion. The uncivilized tribes will be subject to such laws and regulations as the United States may from time to time adopt in regard to aboriginal tribes of that country.

By the joint resolution of July 7, 1898, annexing Hawaii, it was provided, among other things, as follows:

That said cession is accepted, ratified, and confirmed, and that the said Hawaiian Islands and their dependencies be, and they are hereby, annexed as a part of the territory of the United States and are subject to the sovereign dominion thereof, and that all and singular the property and rights hereinbefore mentioned are vested in the United States of America

The existing laws of the United States relative to public lands shall not apply to such lands in the Hawaiian Islands, but the Congress of the United States shall enact special laws for their management and disposition: *Provided*, That all revenue from or proceeds of the same, except as regards such part thereof as may be used or occupied for the civil, military, or naval purposes of the United States, or may be assigned for the use of the local government, shall be used solely for the benefit of the inhabitants of the Hawaiian Islands for educational and other public purposes. * * * The municipal legislation of the Hawaiian Islands, not enacted for the fulfillment of the treaties so extinguished, and not inconsistent with this joint resolution nor contrary to the Constitution of the United States, shall remain in force until the Congress of the United States shall otherwise determine.

Until legislation shall be enacted extending the United States customs laws and regulations to the Hawaiian Islands the existing customs relations of the Hawaiian Islands with the United States and other countries shall remain unchanged. * * *

There shall be no further immigration of Chinese into the Hawaiian Islands, except upon such conditions as are now or may hereafter be allowed by the laws of the United States; and no Chinese, by reason of anything herein contained, shall be allowed to enter the United States from the Hawaiian Islands.

In the case of Alaska it will be observed that the uncivilized native tribes are excepted from the "advantages and immunities of citizens," and that they "will be subject to such laws and regulations as the United States may from time to time adopt in regard to aboriginal tribes of that country."

In the case of Hawaii "the municipal legislation," limiting suffrage and citizenship as it does, "shall remain in force until the Congress of the United States shall otherwise determine."

It thus appears in the case of Alaska, under the terms of the treaty, the uncivilized native tribes, and in the case of the Louisiana, Florida, and Mexican cessions, by implication and judicial interpretation, the native Indian tribes, are held and deemed to be outside of the pale of American citizenship. In these cases the consent of the governed has never been invoked. And it is difficult to see, and there can be no sound reason given why there is any constitutional obligation to apply a different rule to the uncivilized tribes of the Philippine Islands, especially as the treaty of cession does not invoke a different rule, but leaves the whole matter with Congress.

The civil rights and political status of the native inhabitants of the territories hereby ceded to the United States shall be determined by the Congress—

is the language of the Spanish treaty of cession.

The very grounds and arguments that exist for excluding the Indians west of the Mississippi River from the pale of citizenship exist with equal force in case of the uncivilized tribes of the Philippine Islands. They are as savage, as ignorant, as brutal, and as little fitted for self-government as most of our Indian tribes, and it is no more unjust to deprive the former of citizenship than the latter.

There is no more ground for holding that the fourteenth amendment applies to the uncivilized tribes of the Philippine Islands than there is in holding that it applies to the uncivilized or partially civilized Indian tribes here in our home country. The Constitution no more breathes the life of citizenship into the uncivilized tribes in one case than in the other.

In all these cases of cession the consent of the people in the ceded territory was neither given nor asked; nor until in the case of the recent cession from Spain has the point been seriously made that the consent of the people of the ceded territory should be invoked. And yet the sovereignty of France over Louisiana, of Spain over Florida, and of Russia over Alaska was in neither case more pronounced nor more perfect than in the case of Spain over Porto Rico, and the Philippine Islands at the time Dewey entered Manila Bay. Russia had but a scant occupation in Alaska and France but a slight foothold in Louisiana.

But to recur to the main question: The treaty of Paris, as we have seen, gives Congress plenary power to fix the "civil rights and political status of the native inhabitants." There is no limitation to this jurisdiction and authority unless it is found in the Constitution. The pertinent question, then, is to ascertain what are the constitutional limitations upon the power of Congress, if any.

So far as the proposed legislation for the Philippines is concerned, the direct question of constitutional limitation may fairly be grouped under two heads—taxation and civil and political rights. What limitations are there, if any, upon the power of taxation in all its forms?

And what limitations are there, if any, on the right of fixing political and civil rights of the inhabitants?

First as to the question of taxation: To fully understand and comprehend the provisions of the Constitution relating to this subject, both in respect to direct and indirect taxes, let us first glance at the evils existing under the Articles of Confederation, which it was intended to cure. These articles laid down the following rules touching taxes, direct and indirect:

Article VIII contains the only rule as to direct taxes, which is as follows:

All charges of war, and all other expenses that shall be incurred for the common defense or general welfare, and allowed by the United States, in Congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several States, in proportion to the value of all land within each State, granted to or surveyed for any person, as such land and the buildings and improvements thereon shall be estimated, according to such mode as the United States, in Congress assembled, shall from time to time direct and appoint. The taxes for paying that proportion shall be laid and levied by the authority and direction of the legislatures of the several States, within the time agreed upon by the United States, in Congress assembled.

It will be perceived that the taxation provided for under this article was to be levied by the States, but was to be "in proportion to the value of all land within each State, granted to or surveyed for any person, as such land and the buildings and improvements thereon shall be estimated, according to such mode as the United States, in Congress assembled, shall from time to time direct and appoint." The following provisions contain the rule as to indirect taxes:

Article IV, section 1:

* * * And the people of each State shall have free ingress and regress to and from any other State, and shall enjoy therein all the privileges of trade and commerce, subject to the same duties, impositions, and restrictions as the inhabitants thereof, respectively: *Provided*, That such restrictions shall not extend so far as to prevent the removal of property imported into any State to any other State of which the owner is an inhabitant: *Provided, also*, That no imposition, duties, or restriction shall be laid by any State on the property of the United States, or either of them.

Article VI, section 3:

No State shall lay any imposts or duties which may interfere with any stipulations in treaties entered into by the United States in Congress assembled with any king, prince, or state, in pursuance of any treaties already proposed by Congress to the courts of France and Spain.

Article IX, section 1:

* * * No treaty of commerce shall be made whereby the legislative power of the respective States shall be restrained from imposing such imposts and duties on foreigners as their own people are subjected to, or from prohibiting the importation or exportation of any species of goods or commodities whatsoever; * * *.

These articles, which I have quoted—and they are all which bear on this question—show that each State, under the Articles of Confederation, had the right to levy such imposts and duties as it saw fit, subject to three restrictions:

(1) It could lay no greater duty, imposition, or restriction as against the inhabitants of other States than against its own;

(2) It could levy no duty or imposition on the property of the United States or of any State; and

(3) It could lay no impost or duty which would interfere with the stipulations of any treaty entered into by the United States.

But this last restriction was again modified and restricted by prohibiting the Federal Government from entering into any treaty curtailing the power of the State to levy "such imposts and duties on foreigners as their own people are subjected to." Subject to these restrictions and modifications, it is apparent that under the articles of confederation each State could have its own distinct system of duties and imposts. In other words, there could be, as there in fact was, as many different tariff rates as there were States.

It was this evil, then, that the Constitution attempted to remedy and cure. The great object to be attained was a uniformity of duties and imposts as between the States—one system of indirect taxes for all the States instead of thirteen separate and distinct systems. It was a question of adjusting and settling the differences between the States as to taxation. If this fact is kept in view, the provisions of the Constitution become free from doubt and are susceptible of the interpretation which I suggest.

The power to lay and collect taxes of all kinds is conferred upon Congress in the following provision of the Constitution:

The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States. (Par. 1, sec. 8, Art. I.)

Four classes of taxes are covered by this grant of power: "Duties," "imposts," "excises," and all other kinds of taxes. The first three embrace indirect taxes; the last embraces direct taxes and also all other taxes not included in the first three. These three seem to cover all forms of indirect taxation. So that it is not easy to see what else than direct taxes can be covered by the general term "taxes." If there are any other than direct taxes included under the term, the Constitution contains no direction as to how such taxes shall be levied. (Hylton *v.* United States, 3 Dalles, 171.)

The Constitution lays down the following rule as to direct taxes:

Representatives and direct taxes shall be apportioned among the several States, which may be included within this Union, according to their respective numbers * * *. (Par. 3, sec. 2, Art. I.)

This provision has been modified as to the apportionment of Representatives among the several States by the provisions of section 2, fourteenth amendment, but not as to taxes.

Paragraph 4, section 9, Article I, lays down this further rule as to direct taxation:

No capitation or other direct tax shall be laid unless in proportion to the census or enumeration hereinbefore directed to be taken.

It will be perceived, then, from an examination of these several provisions of the Constitution which I have just quoted, that the general power to lay and collect direct and indirect taxes is governed and restricted by two distinct rules, to wit:

(1) Direct taxes shall be apportioned among the several States according to their respective numbers—that is, according to population; and

(2) Indirect taxes must be uniform throughout the United States—that is, throughout the several States of the Union.

By paragraph 1, section 2, Article I, provision was made for "Representatives" in Congress from the several States, not from any Territories, and by paragraph 3 of the same section these "Representatives" and "direct taxes" were apportioned among the several States * * * within the Union according to population, and provision was made for ascertaining the population, in part by an artificial system of enumeration in which "three-fifths of all other persons," to wit, slaves, were to be counted.

Not only the express language but the peculiar system of enumeration, designed to adjust the political balance between the slave and the free States, made it evident that the rule as to direct taxes was a rule for the protection of the States as against each other—a rule of equality between the several States.

These provisions of the Constitution, relative to direct taxes, contain no rule or direction for laying a direct tax in the Territories. A direct tax, levied upon and apportioned among the several States, would be valid if the Territories were entirely omitted and paid no part of it.

The rule of equality between the States would not thereby be violated. The power to lay a direct tax in the Territories is embraced in the general power to lay and collect taxes, minus the rule of apportionment governing the States, and also in the general power given to Congress over the Territories of the United States, but the form in which this power is thus given shows that it is a discretionary and not a mandatory power. Congress can lay a direct tax in the Territories without imposing at the same time a similar tax on the States, and it can impose such a tax on the States without including the Territories.

The rule of uniformity, prescribed as to indirect taxes, was, if we keep in view the evils of the Articles of Confederation, evidently designed to prevent the people of one State from having a preference over the people of other States in respect to indirect taxes. It was not to protect the States against Territories, but to protect the States against each other, and to put them, as against each other, on a footing of equality. The rule of uniformity was invoked for the protection of the States against each other and as an antidote to the evils of the Confederation, and therefore it is evident that the rule was intended to be limited to the States.

This view becomes apparent if we consider the provision of paragraph 6, section 9, Article I, which is as follows:

No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another, nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another.

This paragraph contains no inhibition as to any Territorial ports, nor as to vessels bound to or from a Territorial port. Congress can give a preference to a Territorial port and can oblige vessels to enter, clear, or pay duty in such a port without violating the Constitution. And hence it follows that there were no constitutional inhibitions to the provision of article 7 of the Louisiana treaty, giving Spain and France special privileges for twelve years in the port of New Orleans and other ports of the ceded territory. This is the provision of the treaty on this point:

* * *; it has been agreed between the contracting parties that the French ships coming directly from France or any of her colonies, loaded only with the produce and manufactures of France or her said colonies, and the ships of Spain coming directly from Spain or any of her colonies, loaded only with the produce and manufactures of Spain or her colonies, shall be admitted during the space of twelve years in the port of New Orleans, and in all other legal ports of entry within the ceded territory, in the same manner as the ships of the United States coming directly from France or Spain, or any of their colonies, without being subject to any other or greater duty on merchandise or other or greater tonnage than that paid by the citizens of the United States. During the space of time above mentioned no other nation shall have a right to the same privileges in the ports of the ceded territory.

That the rule of uniformity was intended to be limited to the States is further apparent from what transpired in the constitutional convention in respect to paragraph 6, section 9, Article I, and paragraph 1, section 8, Article I. The latter paragraph was reported to the convention as clause 1, section 1, Article VII, in the following words:

The legislature shall have power to lay and collect taxes, duties, imports, and excises, to pay the debts and provide for the common defense and general welfare of the United States (Meigs, 132).

And as such it was referred to the committee on style, and the former paragraph was reported to be inserted after the fourth clause of Article VII in these words:

Nor shall any regulation of commerce or revenue give preference to the ports of one State over those of another, or oblige vessels bound to or from any State to enter, clear, or pay duties in another; and all tonnage, duties, imports, and excises laid by the legislature shall be uniform throughout the United States (Meigs, 174-175).

After striking out the word "tonnage" the paragraph was thus adopted. But afterwards, on the 14th of September, during the comparison by the convention of the report of the committee on style, the words—

and all duties, imposts, and excises laid by the legislature shall be uniform throughout the United States—

were dropped and the paragraph was finally adopted in the form in which it appears as paragraph 6, section 9, Article I; and the substance of the words thus dropped were added to said clause 1, section 1, Article VII, and the same was then put in the form in which it now appears as paragraph 1, section 8, Article I (Meigs, 133, 175).

This clause of uniformity, as it first appeared in the convention, was thus a part of that paragraph in the Constitution which, in express terms, aimed to protect the States against each other. With the thought of providing that—

No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall any vessel bound to or from one State be obliged to enter, clear, or pay duties in another—

came the thought that—

All duties, imposts, and excises shall be uniform throughout the United States.

Thus making it evident that the protection of the States as against each other was the object in view. As further evidence that the rule of uniformity was invoked for the protection of the States, I call your attention to the fact that the general power to lay and collect "duties," a term which covers impositions on both exports and imports, is limited by the following provision of the Constitution:

No tax or duty shall be laid on articles exported from any State. (Par. 5, sec. 9, Art. I.)

This contains no inhibition as to a duty on exports from a Territory. There is nothing here to prevent Congress laying a duty on exports from New Mexico, Alaska, or Porto Rico, or either of them. This destroys the rule of uniformity as to Territories.

To still further strengthen and fortify the rule of uniformity in its operation among the several States, we find paragraph 2, section 10, Article I, which is as follows:

No State shall without the consent of Congress lay any impost or duties upon imports or exports except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts laid by any State on imports or exports shall be for the use of the Treasury of the United States, and all such laws shall be subject to the revision and control of the Congress.

In this connection and as bearing on the question under discussion it is well to consider the provisions of paragraph 3, section 8, Article I, of the Constitution. By this paragraph the power is given Congress:

To regulate commerce (1) with foreign nations, (2) and among the several States, (3) and with Indian tribes.

It will be observed that nothing is said in this provision about regulating commerce between the several States and the Territories of the United States. Whatever power Congress may have in that respect must either come by implication from the provision I have quoted or else it must be found, which is more reasonable, under the general grant of power to make all needful rules and regulations touching the Territories of the United States.

On the whole, then, the conclusion seems justly warranted that the rule of uniformity prescribed for indirect taxes was a rule intended and designed for the protection of the several States as against each other and for the purpose of putting them on a footing of equality, and thus to remedy and cure the great evils that had existed under the peculiar provisions of the Articles of Confederation.

And from this it follows, as a necessary consequence, that Congress is not obliged to apply the rule of uniformity in laying and collecting duties, imposts, and excises in the Territorial possessions of the United States. That in respect to such possessions Congress is vested with a discretionary power, both as to rate of duty and regulation of commerce or revenue. I am strengthened and confirmed in the views I have expressed and in the conclusions to which I have come by the following pertinent and interesting words of Judge Story:

Having endeavored to point out the leading distinctions between direct and indirect taxes, and that duties, imposts, and excises, in the sense of the Constitution, belong to the latter class, the order of the subject would naturally lead us to the inquiry why direct taxes are required to be governed by the rule of apportionment, and why "duties, imposts, and excises" are required to be uniform throughout the United States. The answer to the former will be given when we come to the further examination of certain prohibitory and restrictive clauses of the Constitution on the subject of taxation. The answer to the latter may be given in a few words.

It was to cut off all undue preferences of one State over another in the regulation of subjects affecting their common interests. Unless duties, imposts, and excises were uniform the grossest and most oppressive inequalities, vitally affecting the pursuits and employments of the people of the different States, might exist. The agriculture, commerce, or manufactures of one State might be built up on the ruins of those of another, and a combination of a few States in Congress might secure a monopoly of certain branches of trade and business to themselves, to the injury, if not to the destruction, of their less favored neighbors.

The Constitution, throughout all its provisions, is an instrument of checks and restraints, as well as of powers. It does not rely on confidence in the General Government to preserve the interests of all the States. It is founded in a wholesome and strenuous jealousy, which, foreseeing the possibility of mischief, guards with solicitude against any exercise of power which may endanger the States, as far as it is practicable. If this provision as to uniformity of duties had been omitted, although the power might never have been abused to the injury of the feebler States of the Union (a presumption which history does not justify us in deeming quite safe or certain), yet it would of itself have been sufficient to demolish, in a practical sense, the value of most of the other restrictive clauses in the Constitution.

New York and Pennsylvania might, by an easy combination with the Southern States, have destroyed the whole navigation of New England. A combination of a different character between the New England and the Western States might have borne down the agriculture of the South, and a combination of a yet different character might have struck at the vital interests of manufacture. So that the general propriety of this clause is established by its intrinsic political wisdom, as well as by its tendency to quiet alarms and suppress discontents. (Story on Constitution, Ch. XIV, sec. 957, Vol. I.)

This is Story's Commentary on the Constitution, and it is evident from this language that he regarded the provision of uniformity inserted in the Constitution as designed for the protection of the States against each other and nothing more.

I am aware that there is an apparent conflict between these views and the opinion of the court in the case of Loughborough *v.* Blake (5 Wheaton, 317), but, if it be noted that this case involved simply the validity of a direct tax in the District of Columbia, it will readily be seen that the constitutional rule of uniformity as to indirect taxes had no relevancy and was not involved in the case.

The question at issue was whether Congress had a right to levy a direct tax in the District; not even the rate of the tax was in issue. The validity of the tax, especially where the rate was not involved, was properly sustained on two grounds:

1. On the general grant of power to lay and collect taxes; and
2. On the grant of exclusive legislative jurisdiction over the District of Columbia.

The tax was not a tax involving, in any sense, the rule of uniformity, and hence the expression of the court, as to the territorial extent to which the rule of uniformity applied, was outside of and foreign to the issues of the case.

I shall now pass on to consider the question of the limitations upon the power of Congress to legislate in respect to citizenship and civil and political rights. To arrive at a proper solution it is well, first, to consider the civil and political status of the inhabitants of the Philippine Islands, after cession and before Congressional legislation.

It is a principle of international law that mere annexation, in the absence of treaty provisions therefor, does not of itself necessarily imply a naturalization of the people of the Territory annexed, and does not confer upon them the full political rights of citizenship. (2 Wharton, sec. 187 and note; 1 Halleck, p. 433, sec. 31, chapter 12.)

The municipal laws of such territory relative to private rights, touching person and property, remain in force till abrogated or changed by the annexing nation. These laws the people of such territory carry with them (American Insurance Company *v.* Canter, 1 Peters, 542); but they bring with them no political rights and are possessed of none till expressly conferred upon them by their new superior. They owe allegiance to the new government and are entitled to its protection, but are not entitled to those rights of citizenship of a purely political character, such as that of suffrage or right to hold office or right of representation. These are general principles of international law, and there is nothing in conflict with them found in our Constitution. (2 Halleck, 480–481.)

Those fundamental rights of the Constitution relating to the protection of person and property, at home and abroad, those rights that are common to all citizens—men, women, and children alike—come to the people of the annexed territory by virtue of their new allegiance, to which it is a complement without any further affirmative legislation, for no legislation can deprive them of those rights.

The term "citizen," found in the Constitution and in the fourteenth amendment, is used in a general sense, implying a membership of the nation. Minors and women, as well as men, are citizens in this sense—are members and part and parcel of the political community. The term "citizen" is used in the same sense as the term "subject" in monarchical forms of government. Whoever owes allegiance to our Government is entitled under the Constitution to protection in such citizenship and the rights that appertain thereto.

There are many privileges and immunities that are common and pertain to all classes of citizens, but such a right as that of holding office or of suffrage is not one of these privileges and immunities, not even since the adoption of the fourteenth amendment. Neither at the time of the adoption of the Constitution nor at the time of the adoption of the fourteenth amendment was suffrage coextensive with citizenship. Neither the Constitution nor the fourteenth amendment made all citizens voters. (Minor *v.* Happersett, 21 Wall., 162; Elk *v.* Wilkins, 112 U. S., 94; U. S. *v.* Cruikshank, 92 U. S., 542.)

Prior to the adoption of the fourteenth amendment it was the doctrine that there was no such thing as a citizen of the United States independent of State citizenship; that only those persons were citizens of the United States who were citizens of a State; that if a person was not the citizen of a State he could not be a citizen of the United States, and hence, that a citizen of a Territory or of the District of Columbia was not a citizen of the United States.

One object of the fourteenth amendment was to establish the fact that a person could be a citizen of the United States without being a citizen of a particular State. But the chief purpose of the amendment was to make the negro a citizen, and thus place him within the pale of the protection of the Federal Government against hostile action on the part of the State. (Strauder *v.* West Virginia, 100 U. S., 303.) There is still a State citizenship and a Federal citizenship, with separate and distinct privileges and immunities as to each. The fourteenth amendment merely prohibits the States from abridging the privileges and immunities of Federal citizenship:

* * * No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws. (Sec. 1, Art. XIV.)

is the language of the amendment. This is an inhibition against denial of Federal "privileges and immunities," not State "privileges and immunities." And Federal "privileges and immunities" are those which are common to all citizens under the Constitution of the United States, without regard to age, sex, or condition.

As to the "privileges and immunities" of the States, the constitutional rule is that a State must accord the same privileges and immunities to the citizens of other States that it accords to its own. It need not accord such privileges and immunities, so far as they differ from Federal privileges and immunities, to the citizens of Territories. This is the constitutional provision:

The citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States. (Sec. 2, Art. IV. See Slaughterhouse cases, 16 Wall., 36.)

This provision does not include nor apply to the citizens of Territories. The "privileges and immunities" of the States are the

civil rights conferred upon and given to its citizens, and they do not depend for their existence upon the Constitution and laws of the United States.

The "privileges and immunities" of the United States are those fundamental civil rights relating to person and property designed for the protection of the Federal citizen under the allegiance due from him to the Federal Government and as a compensation therefor. We are citizens of and owe allegiance to both our State and Federal Government, and each confers upon us special privileges and immunities.

The inhibitions of the Constitution, to which I have thus briefly called your attention, are inhibitions upon the States, not inhibitions upon Congress or its power to legislate. They in no wise restrict the power of Congress to legislate with reference to the political rights of the people of acquired territory. Congress may confer or deny the right to hold office, the right to vote, and the right of legislative representation, and other rights of a political character, including the right of local self-government. But Congress is inhibited, under the Constitution, from passing laws hostile to or in abridgment of the following provisions of the Constitution:

Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press, or the right of the people peaceably to assemble and to petition the Government for the redress of grievances. (First amendment.)

The right of the people to keep and bear arms shall not be infringed. (Second amendment.)

No soldier shall in time of peace be quartered in any house without the consent of the owner, nor in time of war but in a manner to be prescribed by law. (Third amendment.)

The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated, and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized. (Fourth amendment.)

Nor shall any person be subject for the same offense to be twice put in jeopardy in life and limb, nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property without due process of law, nor shall private property be taken for public use without just compensation. (Fifth amendment.)

The privileges of the writ of habeas corpus shall not be suspended unless when in cases of rebellion or invasion the public safety may require it. No bill of attainder or ex post facto law shall be passed. (Sec. 9, Art. I.)

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted. (Eighth amendment.)

Neither slavery nor involuntary servitude, except as a punishment for crime whereof the parties shall have been duly convicted, shall exist within the United States or any place subject to their jurisdiction. (Thirteenth amendment.)

These provisions of the Constitution are fundamental—the very groundwork of free government and personal liberty, and the common property and heritage of all the people of our country. Congress can not abridge these rights and immunities anywhere. (Murphy *v.* Ramsay, 114 U. S., 44, 45.)

The right of trial by jury—and I say this in reply to the contention of the Senator from Colorado [Mr. PATTERSON] that we have no right to deprive the Filipinos of the benefit of jury trial—right of trial by jury is not, under all circumstances and conditions, an absolute constitutional privilege and immunity.

Our Supreme Court has held that neither under the seventh nor under the fourteenth amendment are the States restrained from denying jury trial in common-law actions in State courts, and that the provisions of the seventh amendment do not apply to State courts. (Walker *v.* Sauvinet, 92 U. S., 90; Missouri *v.* Lewis, 101 U. S., 22). In this last case—and I call the attention of the Senator from Colorado to this language—the Supreme Court, among other things, says:

There is nothing in the Constitution to prevent any State from adopting any system of laws or judicature it sees fit for all or any part of its territory. If the State of New York, for example, should see fit to adopt the civil law and its method of procedure for New York City and the surrounding counties, and the common law and its method of procedure for the rest of the State, there is nothing in the Constitution of the United States to prevent its doing so. * * * Each State prescribes its own modes of judicial proceeding.

If diversities of laws and judicial proceedings may exist in the several States without violating the equality clause in the fourteenth amendment, there is no solid reason why there may not be such diversities in different parts of the same State. * * * If a Mexican State should be acquired by treaty and added to an adjoining State or part of a State in the United States and the two should be erected into a new State, it can not be doubted that such new State might allow the Mexican laws and judicature to continue unchanged in the one portion and the common law and its corresponding judicature in the other portion. Such an arrangement would not be prohibited by any fair construction of the fourteenth amendment. Neither are the restrictions or inhibitions of the fifth and sixth amendments, relating to criminal prosecutions, any limitations upon the State governments and State courts. (Twitchell *v.* Commonwealth, 7 Wall., 321.)

There are several cases that hold that the right of trial by jury, in both civil and criminal cases, is given by the Constitution in our Territorial courts. But an examination of these cases, and the facts upon which they were based, will show that in all these cases the Constitution, the laws and jurisprudence of the United States—the common-law system—had been extended to the Territories. In the first case on this subject the court evidently based its decision on this ground. This is the language of the court on this point:

By the seventh article of the amendments of the Constitution it is declared, "In suits at common law, where the value in controversy shall exceed $20, the right of trial by jury shall be preserved." The organic law of the Territory of Iowa, by express provision and by reference, extended the laws of the United States, including the ordinance of 1787, over the Territory, so far as they are applicable. The act under which the above proceeding was had prohibited the trial by jury in matters of fact on which the suits were founded. In this respect the act was void. (2 Howard, p. 460; Webster *v.* Reid, 2 Howard, p. 437.)

In the following cases from Utah, to wit, Reynolds *v.* United States (98 U. S., 145), Springfield *v.* Thomas (166 U. S., 707), Thompson *v.* Utah (170 U. S., 343), it is to be noted as a controlling fact that by the organic act of the Territory the Constitution and laws of the United States were extended to the Territory in these express words:

SEC. 17. *And be it further enacted*, That the Constitution and laws of the United States are hereby extended over and declared to be in force in said Territory of Utah, so far as the same or any provision thereof may be applicable.

Manifestly this made the Constitution and laws of the United States controlling in the jurisprudence of Utah a part of its municipal law, and therefore the right of trial by jury could not be questioned or denied.

The case of Callan *v.* Wilson (127 U. S., 550) was a case involving the right of trial by jury in a criminal case in the District of Columbia. The District had been given a Territorial form of government in 1871. In section 33 of the act giving it such a form of government is this provision:

* * * And the Constitution and all the laws of the United States which are not locally inapplicable shall have the same force and effect within the said District of Columbia as elsewhere within the United States. (16 U. S. Stat., p. 426.)

This provision was not repealed by the act of 1874, changing the system of government, nor by the act of 1878, establishing the present system of government, and remained in force when this case was decided, and is still in force.

The constitution of Utah, after it became a State, provided for the trial of persons accused of crime upon information instead of indictment, and by a jury of 8 instead of 12, except in capital cases. The Supreme Court of the United States held that these provisions were not in conflict with any of the provisions of the Constitution of the United States, and particularly not in conflict with the fourteenth amendment, and that these provisions of the constitution of Utah were not an abridgement of the privileges and immunities of citizens of the United States. (Maxwell *v.* Dow, 176 U. S., 581.)

It appears, then, that in all cases passed upon by the Supreme Court involving the right of trial by jury in the Territories and the District of Columbia the Constitution and laws of the United States had been duly extended thereto by act of Congress and were a part of the local jurisprudence, and under these circumstances there was ample ground for maintaining the right of trial by jury.

But these cases, in view of these facts, can not be said to furnish the rule or lay down the law for the Philippine Islands or cases of that kind. These islands, when they were annexed, had a system of municipal laws based upon the civil law and the laws of Spain, which they brought with them and which remain in force till changed or abrogated by Congress. Congress can permit them to retain and remain under this system of local municipal law.

If under this system trial by jury is not in vogue, as under the common law, the citizens of the Philippine Islands can not claim that the lack of jury trial is depriving them of due process of law, for they retain the same procedure to which they are accustomed and which they have always had. If a State can, without violence to the Constitution, deprive its citizens of the right of trial by jury, as the Supreme Court, in Missouri *v.* Lewis and Maxwell *v.* The Warden, says it can, it is difficult to see why Congress can not give the people of the Philippines the same privilege, and permit them to retain the form of procedure in vogue under the civil law.

In concluding this discussion, I may be permitted to quote the following comprehensive and instructive words of our Supreme Court in the case of Murphy *v.* Ramsey, 114 U. S., 44-45:

The people of the United States, as sovereign owners of the national Territories, have supreme power over them and their inhabitants. In the exercise of this sovereign dominion they are represented by the Government of the United States, to whom all the powers of government over that subject have been delegated, subject only to such restrictions as are expressed in the Constitution, or are necessarily implied in its terms, or in the purposes and objects of the power itself; for it may well be admitted in respect to this, as to every power of society over its members, that it is not absolute and unlimited.

But in ordaining government for the Territories and the people who inhabit them all the discretion which belongs to legislative power is vested in Congress, and that extends, beyond all controversy, to determining by law, from time to time, the form of the local government in a particular Territory and the qualification of those who shall administer it. It rests with Congress to say whether, in a given case, any of the people resident in the Territory

shall participate in the election of its officers or the making of its laws, and it may, therefore, take from them any right of suffrage it may previously have conferred, or at any time modify or abridge it, as it may deem expedient.

The right of local self-government, as known to our system as a constitutional franchise, belongs, under the Constitution, to the States and to the people thereof, by whom that Constitution was ordained, and to whom by its terms all power not conferred by it upon the Government of the United States was expressly reserved. The personal and civil rights of the inhabitants of the Territories are secured to them, as to other citizens, by the principles of constitutional liberty which restrain all the agencies of government, State and national; their political rights are franchises which they hold as privileges in the legislative discretion of the Congress of the United States.

Mr. President, I can not help, in view of the remarks which I listened to this morning on the part of the Senator from Colorado, calling attention to the fact that all his discussion and all his argument was based on an utter misapprehension of the case. Congress has not yet established a territorial or any other kind of government in the Philippine Islands. That government is to-day exactly as the government of California was from 1846 to 1850. It is a government under the control of the executive department of the Government—under the War Department. We acquired those islands through war, by conquest, by cession, and by treaty, and we are holding those islands to-day, not through any governmental establishment created by Congress, but they are held and governed by the executive department of this Government.

The President himself, without the intervention of any commission, without even the intervention of the Secretary of War—the President himself, as the head of the executive department and the Commander in Chief of the Army and Navy, has the right to govern and control those islands until Congress establishes a government there. The case is in principle exactly analogous to the case of New Mexico and the case of California. The Senator from Colorado might as well contend that the government in California which existed prior to 1850 was a usurpation and an unconstitutional government.

The Philippine Commission is simply an adjunct. It is simply an aid to the President of the United States, and whatever acts they perform and whatever acts the Secretary of War performs are acts of the executive department of this Government. They are simply a part and parcel of the executive governmental machinery.

Now, while these islands are in that condition and before Congress has legislated in the premises, it is idle for the Senator to discuss the principles of a Territorial government such as we have in some of our organized Territories. We have a right to establish a Territorial government in the Philippine Islands if we see fit to do so, and we have a right not to establish a Territorial government. We have the right to hold those islands under the Constitution as we hold them to-day. The only limitations upon the power of the executive department are the limitations contained in the constitutional inhibitions to which I referred in my remarks a few moments ago—the bill of rights, as it is sometimes called.

But, Mr. President, there is another question connected with this subject. The whole argument on the other side in regard to the Philippine Islands is based upon the assumption that we are to judge matters over there by the conditions which prevail in a state of peace. Insurrection has prevailed in that country, and is prevailing there now in a small degree. While those islands are in a state of insurrection, while we have an army there and have to resort to military power for their government, it is futile and idle for Senators to assume, to hold up the standard which regulates and controls a government where there is no war, and where civil government has been established as in our organized Territories here at home.

I have heard a good deal in the way of attack this morning upon the American school system, and our poor soldiers in the Philippines have been attacked and accused of brutality. The Senators in this Chamber who see fit, by innuendo, directly or indirectly to slander the American soldiers know little what they do. There is no more patriotic, no more law-abiding citizen in this country than the American soldier. This country has never been in danger of losing its liberties through its Army.

At the close of the civil war, Mr. President, there were a million men, trained veterans, who came back to the walks of civil life trained in all the hardships of actual warfare. Some of them marched proudly down yonder avenue. They all came back into civil life. Did they come there threatening the liberties of the American people? Did they come there jeopardizing the Constitution of the United States? Did they come there bringing contention and destruction in the body politic? Why, Mr. President, the great historian, Macaulay, tells us about the old soldiers of Oliver Cromwell, when the Stuarts came back into power in England and the old Puritan army was disbanded.

The Stuarts and the cavaliers had great fears that those old veterans would become a disturbing element in the body politic in the various communities of England, and Macaulay says that their fears proved utterly groundless—that if you traveled through England in those days and came to one of those little rural villages and found an industrious carpenter, a thrifty blacksmith, or a prosperous bricklayer anywhere you would find that he was one of Oliver Cromwell's old soldiers. And, Mr. President, when these old veterans of ours came back to the walks of civil life they came as good citizens, as untarnished and as pure and as loyal to the flag as when they went forth to do battle for their country, and such has been their record since the great war.

Talk about militarism! Senators do not know how our poor soldiers feel when they are away, fighting the battles of the country. As they sit around their camp fires and bivouacs after a long march or a fierce struggle, they think and talk of the loved ones at home and hope to soon meet them again; they pull from their pockets letters which they have received from their loved ones at home and have carried in their pockets for many a day, and they read them over again to themselves and to one another. Then they join in singing those good old songs, "Do they miss me at home?" and "The girl I left behind me." Senators, there was another song we sometimes sang in those days around our camp fires. It was this song of the great war:

Just before the battle, mother,
I am thinking most of you.
* * * *
Tell the traitors all around you
That their cruel words we know
In every battle kill our soldiers
By the help they give the foe.

What we sang in those sad and stormy days I have no doubt our soldiers in the Philippine Islands have sung on the tented field and in the bivouac many a time.

My friends, you can repress a general from expressing his opinion about this question, but our brave soldier boys around their camp fires in the Philippine Islands will criticise you, and pass judgment on you fearlessly, impartially, and without mercy and you can not repress them. The American soldier has a mind of his own and is always an American citizen.

Senators talk about our possessions in the Orient as if they were of no consequence. Why, there are the Philippine Islands, with Manila, a city of 300,000 inhabitants, our possession, right in the center of a great beehive of humanity. To the northeast is Japan, with 40,000,000 or 50,000,000 inhabitants; to the north is China, with 300,000,000 or 400,000,000; to the northwest is British India, with Siam and Cambodia, and to the south and southeast are the Dutch East Indies, the islands of Borneo, Sumatra, and Java.

Right in the center of that great beehive of humanity are our possessions and our flag. They are of immense value to us commercially. Not only so—though that is of great importance to us—but the recent outbreak in China, the Boxer rebellion, shows the great advantage the possession of the Philippines gave us in protecting our people and our interests in the Orient. Because of our possessions in the Philippine Islands, when that outbreak occurred we were the first, or among the first, who were able to send troops and ships there to protect our missionaries and our representatives.

The first soldiers in that expedition were ours; and the soldier who first planted a flag on the walls of Pekin was an American soldier carrying the Stars and Stripes. He planted our banner on the ramparts of those walls. Had we not been in the Philippines it would have taken us six months or more to have got our army to China.

We are in the Philippines, Mr. President, and I want to tell Senators on the other side that the people of this country, whatever else they may do, will never consent to pull down the American flag in those islands; they will never consent to abandon those islands.

As to the talk which we hear about tyrants and tyrannizing, when did it come to pass that the American people came to be a set of tyrants? When did it come to pass that our soldiers became brutes in the Philippine Islands? Such charges are slanders upon the American nation. We are a nation possessed of the highest degree of liberty, of education, and intelligence, and it is a slander upon us to say that we are not as competent as any nation on the face of the earth to give the Filipino people the blessings of liberty, of free and good government.

What would have taken place in case we had abandoned Manila? The German fleet was there, and within sixty hours after we left that country would have been seized by Germany or some other European power. I take it there is no man in this Chamber who would be willing to admit that the American people can not do more and are not competent to do more for the people of the Philippine Islands than any nation of the Old World in securing them the blessings of a good government.

Look at the colonial governments, with the exception of those of England; look at their forms of government. None of the

European governments has treated its colonies as the American people are treating the Philippines, or as England has treated her colonies.

What is the position of Senators on the other side? That we must first establish a stable government there, and then what? Then give them their independence. Then what? Then protect them—exercise a guardianship over them. Now, Senators, if the Philippine Islands are entitled to absolute independence, what business is it of ours to establish a stable government? If they are entitled to and are competent to govern themselves, we have nothing to do with their kind of government, whether it be a stable or an unstable government, and we certainly have no business to exercise a protectorate over them.

If we are to exercise a protectorate over that country—that is, protect them against the attacks and inroads of foreign nations—it will be our duty to establish and maintain a stable government that will protect life, liberty, and property in that country. No one will assert for a moment that we can exercise protection over a nation or a race who fail to give due protection to life and property of other nations. The very idea of a protectorate implies that there must be a proper and lawful government there. Something besides chaos and disorder.

Mr. President, what is a protectorate? We can not protect the Filipinos by moral suasion. I never knew of a protectorate 7,000 or 8,000 miles away that was managed by a moral suasion. If we are to have a protectorate there, Mr. President, we shall need fortifications there; we shall need a naval station; we shall be required to have a part of our Navy there and to maintain an army there. Is that constitutional?

I want these gentlemen who are so careful about violating the Constitution to answer me and tell me under what provisions of the Constitution we are to exercise a naked protectorate in the Philippine Islands after we have given them up and have abandoned them. Talk about militarism! Can you conceive of a purer state of militarism than a militarism which consists in simply standing as a guard, with a musket and a loaded cannon, to protect these people? And yet that is the whole programme here.

"This bill of taxation is unconstitutional." "You must tell the Filipinos that they can stand alone." "Give them their independence; but after you do it you must continue to protect them;" that is, continue to prevent other nations from touching them. What a hard task it will be! We have enough tasks in exercising a protectorate under the Monroe doctrine on the Western Hemisphere.

I do not think we want to assume a guardianship as protectors in the distant Orient, 8,000 miles from our shores, in the midst of the densest beehive of humanity on the face of the habitable globe. But if we are to keep an army and navy there, if we are to have fortifications there. if we are to maintain a naval station there, if we are to protect anybody in that country, let it be under our flag, under our dominion, where we can exercise, not the care of a policeman, but the care of a good father.

Mr. McCUMBER obtained the floor.

Mr. BACON. Will the Senator from North Dakota pardon me for a moment? I wish to offer an amendment.

Mr. McCUMBER. Certainly, with pleasure.

Mf. BACON. I present an amendment, giving notice that I will offer it at the proper time. I ask that it may be now read and ordered to be printed.

The PRESIDENT pro tempore. Without objection, the amendment will be read.

The Secretary read as follows:

An amendment intended to be proposed by Mr. BACON to the bill (H. R. 5833) temporarily to provide revenue for the Philippine Islands, and for other purposes.

Amend by inserting the following sections at the end of section 7:

SEC. —. That when armed resistance to the authority of the United States shall have ceased within said islands and peace and order shall have been restored therein it is the purpose and intention of the United States, so soon thereafter as the same can be practically and safely accomplished, to provide the opportunity and prescribe the method for the formation of a government by and of the people of the Philippine Islands, to be thereafter independently exercised and controlled by themselves, it being the design of the United States to accord to the people of said islands the same measure of liberty and independence which have been pledged by the Congress of the United States to the people of Cuba.

SEC. —. That when a stable government shall, by the method aforesaid, have been duly formed and erected in said islands, competent and worthy, in the judgment of the United States, to exercise the powers of an independent government and to preserve peace and maintain order within its jurisdiction, it is the purpose and intention of the United States, reserving to themselves only such harbors and tracts of land as may be needed for coaling stations or other Governmental purposes, to transfer to said government, upon terms which shall be reasonable and just, all rights and territory secured in said islands under the treaty with Spain, and to thereupon leave the dominion and control of the islands to their people.

SEC. —. That when said government has been thus formed and set up in the Philippine Islands and approved by the United States, it is the design and intention of the United States, through such means and measures as may be deemed most efficient and appropriate, to secure the guaranty of the continued independence of the same.

The PRESIDENT pro tempore. The amendment will be printed and lie on the table.

Mr. McCUMBER. Mr. President, under the present arrangement but to-morrow and the next day can be devoted to any addresses which will last for a period longer than fifteen minutes. It is because of that fact that I excuse myself for addressing the Senate on this subject so late in the afternoon.

The final decision of the Supreme Court of the United States in the insular cases has put to rest all manner of quibbling as to what the status of the Philippine Archipelago is at the present time. We need not agree with the reasoning by which this court arrives at its conclusions. We may not even be able to see any great consistency in the several opinions of the members of that court, nor agree fully with the process by which seeming divergent theories could arrive at a common conclusion.

Our national structure rests upon absolute obedience to the will of the majority in judicial as well as in political matters. We are treating now, not with theories, but with conditions—conditions that confront us now, and not theories which might not have been fully considered or digested two or three or four years ago. I will not go into those matters which occupied the attention of the Fifty-sixth Congress. The bill before us is a bill to obtain revenue to carry on the government in the Philippine Islands. The provisions of that bill have been so ably defended, and their necessity so clearly demonstrated by the report of the committee, that comparatively no argument has been urged against them, except as they incidentally touch upon the greater question of our present or future attitude toward the people of the archipelago. I am therefore disposed to deal with but one single proposition which comes from the other side of the Chamber—the proposition that we shall at this time determine what shall be our future policy in the Philippine Islands.

Straight and square have the opposite side of the Chamber presented the question and demanded an answer: Why do you not now determine upon an absolute policy with reference to the islands and the people therein, and declare to those people what your policy shall be? Why do you not promise them that at a specified future time you will grant them absolute independence, or inform them that you will hold them as a colonial possession; or, if you do not hold them as a colonial possession, that you will organize them into a territory which shall ultimately be taken into the sisterhood of States? The question, I admit, is clear cut and definite. I venture to say, however, that there has not been a single good reason proposed by those who ask this question why it should be answered to-day. There has been no good reason given why this Government should, in the experimental stage of its labors for the advancement of these people, for their education and development, the result of which endeavor is as yet wholly unknown, make a specific declaration of just what it will do in the future with reference to them.

Why should this Government now promise to create a new State and make of an oriental people, differing from us in every trait of character, in education, in environment, in history, in institutions, an integral part of the United States? Who to-day would dare to say "yes" to that proposition? On the other hand, what man is so filled with prophetic wisdom as to say: No; it shall not be done in seventy-five or one hundred years from to-day. To-day we are solving that very question, and when we have arrived at the solution we shall answer. To-day we are experimenting with these people in first giving them limited self-government. To-day we are sowing the seeds of the principle of self-government. To-day we are sowing the seeds of public education in the 800 educators we are planting in those islands. To-day we are leveneing the whole archipelago with the principles of self-sustaining American character, upon which alone self-government must ever rest.

What the result may be no man on earth can with certainty declare, and until he can so declare it would be worse than folly to say what our future action or decision should be. It would be a double folly, because it would not only commit us to a course which might be a curse rather than a blessing to either people, but might also force upon us the alternative of either doing this or sacrificing our national honor in breaking our national compact. For my own part, I can answer that, if the people of those islands shall become fitted for American citizenship, if, in the great future, they will have reached that height in mental and moral character so that their admission to our statehood would not deteriorate from the high character of our people as a whole, then I certainly would admit them, but until they have reached that standard then I would say "No." I have some doubts whether the race of people now inhabiting the Philippine Islands can ever be raised to the standard which would justify their admission as a State to this Government. I do not believe it will ever be advisable to add to our State citizenship any oriental people who can not assimilate with our Caucasian race. But I do

not know this; I may be in error, and if I am I certainly would not wish to bind the future by a present declaration that they should never be admitted.

But when the time of final decision arrives, when we have all the necessary information and proper wisdom to act on the matter, when all these forces for the enlightenment and uplifting of these people have had time to operate upon their character and quality, then let the American people of that time answer the question. What right have we in this experimental stage of their development to bind the hands of the future American people, who, in all probability, will be better equipped with facts and conditions to answer that question? What right have we to usurp their function by prematurely pledging for them and imposing upon them any particular course?

What right have we to answer that the American people in the future will be less enlightened or less humane or less just and honest than we are to-day. We are constantly being threatened by the "wrath to come" of the American people for the injustice that we are charged with committing, and yet the very persons who make these threats admit that, if we do not bind these same people, who are to execute the punishment of their dire disfavor, they themselves will carry on the atrocities which we are accused of propagating in the islands. My whole answer to them is: Stop these inconsistent and pessimistic arguments and put your faith in the honor and integrity of the American people of the future. They have never betrayed that trust in the past, and you have no right to assume that they will do so in the future. The same blood that courses in our veins to-day will flow in theirs fifty years from to-day. The same characteristics which we have inherited from our ancestors, their ideas of justice, of law, of order, and of humanity will be inherited by those people who are to follow us.

Shall we give them absolute independence now? Such a proposition no intelligent man dare for a moment advocate. We are bound not alone by the solemn obligation of a treaty to hold at least a quasi sovereignty over them for a definite number of years, but by the greater obligation of our solemn honor to perform every act in our power to uplift and civilize and bring the blessings of peace, commerce, education, and political and religious liberty to them, and to hold and govern them, whether they consent or not, until they have had a full knowledge of our own country, a full knowledge of our form of government, backed by a power to make it strong and absolute, and a full knowledge of the blessings that follow law and order. And if we desist in our efforts before we have done this, we are recreant to our most sacred duty. As I have said before, I know of no influence more potent for good, for civilization, for developing character with a sense of right and justice, than a practical administration by this great country—this exponent of individual rights—of its equal laws, conceived in equity and enforced with rigid justice and equality in all the commercial and business relations in those islands. Fifty years of such influence will produce more advancement and greater civilization than could be evolved by them in a thousand years if left to themselves.

Had we given effective consideration to this well-established principle of trade and business influence in our early legislation for the government and control of our Indian tribes, failure and pauperism would not have been written on every page of our Indian history. Had we forced into the very midst of every tribe free and untrammeled trade opportunities, with the fair results of honest labor kept constantly before their eyes, the comforts and luxuries which invariably follow the wake of persistent effort, I believe the lazy, loafing aboriginal, gorging himself on each ration day and starving until the next, would be unknown. Wherever we have tested this policy we have found it working like magic.

Labor is a civilizer. The development of these islands, the establishment of industries there giving opportunity for labor and demanding it, will of itself generate a demand for better food and more clothing. A higher civilization requires a higher and more extravagant mode of living, and it will make that which to-day is barely useful an absolute necessity to-morrow.

But they tell us that this commercial greed is destroying our every sense of honor and duty. On the contrary, it is well known that commerce and commercial relations are the most potent factors in the world to develop integrity, to create and establish a high sense of social duty. Commercial dishonesty was never known to succeed. The very highest degree of integrity is essential to success in internal or international trade. I might ask these pessimistic prophets of American degeneration whether or not we have dealt justly with Porto Rico. Have we dealt inhumanly with Cuba? Have we devastated Hawaii? Will not the same people whose Congress, with scarce a dissenting voice, voted $2,000,000 of assistance in the island of Porto Rico, presented her with all custom duties on both imports and exports until such time as she might be able to form a proper government, with power to levy and collect a revenue for local government, be trusted in dealing with these islands in the future? In this has our people exemplified a character for oppression and greed toward our new possessions justifying this charge against our integrity, or casting a cloud upon the justice of our future intentions? Exactly what policy the future shall demonstrate to be proper, no man can with absolute certainty affirm. What we can affirm with certainty in the future is this: Whatever is honorable and just; whatever is for the highest welfare of these people in the years to come, be it near or far, our children, the American people, preserving the grand traditions of their fathers, can be trusted to faithfully fulfill.

And when all this has been accomplished, when all the forces we have put in motion there for the benefit of these people have had time to operate upon them, then let the Filipino people come to us and say: Your government has been a failure. And then, and not until then, will it be time for us to answer. It may be that, when we reach that time, the question will have solved itself. It may be that the question will not then be asked. I believe myself that it will not, but no political party can, without gross assumption, answer it to-day.

I have listened with interest to the reports of the governors of the provinces in which civil government has been established.

I may agree with much that has been said on the other side as to the amount of credence to be given to these reports. I have learned that it is the rule rather than the exception to exaggerate matters, and I take these reports with some due and proper allowance. Their views are certainly extremely roseate, and I am free to say that I think they may be taken with proper allowance. I believe their enthusiasm has led them into an overestimate of the patriotic feelings and inclinations of the Filipino people toward the United States.

War, as such, is over in the Philippine Islands. The volcano no longer emits flame from its crater, but that the fire is dead or the ashes cold not even the most optimistic reasoning, based upon the facts, can fully sustain. Though practically over, it is certainly too recent to be so soon forgotten by the combatants. It was waged on the part of the insurgents with as much desperation as their strength could maintain. Blood has flowed freely from Filipino veins. Their losses will probably never be known.

In the early part of the war, while opposing our advance in nearly solid phalanx against our modern and perfect implements of war, their slaughter must necessarily have been great, and the animosities of the survivors, living yet upon the memories of these battles and the sorrows for the dead, can not be extinct. We have no right to expect it. It would be contrary to all human impulses and emotions to be so. No matter how kind, how generous, how noble, or how sympathetic our conduct toward these people may be, their wounds can not be healed in one year or two years. Our knowledge of human nature, of human animosities and hatreds, is an insurmountable barrier against such a conclusion. The smart of defeat can not be smothered in a day by any act of ours.

Because there is still insurrection in the islands our friends on the other side of the Chamber claim that our course there has been a failure. That we have done so well, that we have established order so thoroughly in those islands, seems to me one of the grandest achievements I have ever read of in history.

In all but fourteen of these provinces, as I remember, civil local governments have been established, and the governors report a very strong desire on the part of the Filipino people for American sovereignty. Such assumed love and devotion to our institutions by a people still bleeding from the wounds of a lost battle must not be taken too seriously. I can not but believe that it is more lip service than heart devotion. The necessity of an army there of some 40,000 or even 30,000 soldiers to-day rather negatives the assumption.

If these governors' reports are entitled to absolute verity as to the patriotic condition of the people of their provinces, their absolute and sympathetic accord and harmony with our sovereignty, then there could be no necessity for an army in the provinces in which civil governments have been established. Does any person on either side of the Chamber feel that it would be safe to rely upon these reports and withdraw our armies from these sections? If we could build an insurmountable wall around the still hostile provinces, so that their rebellious influences could not be exercised in those provinces in which civil governments have been established, and then withdraw our armies wholly from the latter, how long would those civil governments sustain themselves without the strong arm of the military power? How long before anarchy would prevail? On the other hand, who is there so audacious as to declare that these reports are wholly without any foundation; that they are chimerical, and fanciful only?

You must admit that for the most part or the greater part, at

least, they are correct and as intelligent men see the facts before you. Some credence must be given to them, and if they are but half true a most wonderful success has been achieved. If they are but half correct, a progress far beyond our hopes has been attained in securing law and order and good will, and more has been accomplished by us than history has ever recorded before under like conditions. Our position in the Philippine Islands is an uncommon one.

Blood has flowed before our guns, but behind we have left the flowers of peace and prosperity and good order. We have done what no other nation on earth has ever done before. We have protected those people as no people have ever been protected before. We have given evidences of our good will and generous conduct to them as have never before been given to a vanquished army.

We have shown our good will; we have shown that our intentions are for the uplifting and for the development, moral and material, of these people. The establishment of 800 schools in those islands are monuments to the fidelity of our purpose, which can not be gainsaid and must be felt even in the islands by every inhabitant thereof. They are living principles of good will and national friendship.

The Filipino people can not but understand and comprehend that no people educates or desires to educate another people whom they purpose to rob and enslave or wrong in any manner. You talk about granting them absolute independence; about withdrawing our armies. You say we have no right there, and hence our only honorable course would be to withdraw. If you would do that, then you would break the solemn obligation entered into between this country and Spain within four years from its enactment. By your very votes—and I refer to our Democratic members more particularly in this—you imposed a condition upon us which guaranteed certain privileges and obligated us to do that which you would now deprive us of the power to carry out.

By Article IV of the treaty you provided:

> The United States will, for the term of ten years from the date of the exchange of the ratifications of the present treaty, admit Spanish ships and merchandise to the ports of the Philippine Islands on the same terms as ships and merchandise of the United States.

Can you now by your act dishonor that obligation by any agreement with the Filipino people, whereby you surrender the power of enforcement, and if you retain the power of interference to uphold that article of the treaty, then your grant of independence is a farce. Absolute independence is wholly at variance with the right to coerce for any purpose whatever. You can not in one breath declare to them that they are an absolute independent people, with power to conduct without interference their internal government and external relations, and in the next breath command them to insure your decree in their internal affairs, and to carry out your compact with another country to which they were not a party. By your own argument you not only destroy your conclusion, but divulge the inconsistency of your vote on the treaty, which your proposed action would now destroy.

By Article III of the treaty you provide:

> Spain cedes to the United States the archipelago known as the Philippine Islands.

When you voted for that article in the treaty you voted for American sovereignty over these islands.

By Article IX you guaranteed that Spanish subjects might remain in the territory or remove therefrom, retaining in either event all their rights of property and the right to carry on their industry, commerce, or professions, being subject in respect thereof to such laws as are applicable to other foreigners. When you voted for that you voted for American supervision for not a definite time, but for an indefinite period.

By Article X you agreed that—

> The inhabitants of the territories over which Spain relinquishes or cedes her sovereignty shall be secured in the free exercise of their religion.

Mr. President, can this be fulfilled by an edict? Can we carry that into effect and guard it by a simple declaration? Can we control it without an interference which is out of harmony with the absolute independence of the Philippine Archipelago?

By Article XI you granted them certain rights in respect to the civil and criminal jurisdiction of courts and their right to appear before such courts.

When you voted for that article, you voted for American supervision, that they might have their rights before any and all courts. Make them independent, and they may not wish any courts. Make them independent, and what power have you to decree that they shall organize courts for any purpose whatever?

By Article XIII you agreed to secure them for a period of ten years in their acquired patents.

By Article XIV you guarantee that Spain shall have the power to establish consular officers in the ports and places of the territory. Suppose that they refuse after they are independent? Suppose they say, "We are not bound by a treaty which you made with another country to which we were not subject at the time?" What power would we have of enforcing it after granting independence?

By Article XVI of that treaty it was declared that obligations assumed by the United States with respect to Cuba should be limited to the time of its occupancy thereof, thus inferentially agreeing that, with respect to the other territory ceded, including the Philippine Islands, it should not be limited to such occupancy. When you voted for all of these articles, you voted for interference, if necessary, to carry them into effect. When you voted for the articles pertaining to life and liberty and security of property, you voted for American supremacy for such future time as those rights might be absolutely secure, and until they have been secured and this country can say to an absolute certainty that they have been, you have no right to release your sovereignty or promise to release it.

I am surprised to hear Senators who voted for this treaty—a treaty which absolutely conveyed the sovereignty of the islands to the United States, and which bound us by every precept of national integrity to perform acts to enforce conditions and regulations which could be performed upon no other theory than that our sovereignty was complete, now assert that at the time we entered into that treaty these islands were an independent country. If they were an independent country at that time, then why did you vote for that treaty? If they were an independent nation, what right had you, by solemn obligation, to accept sovereignty over them? What greater right would you have to accept sovereignty over them than you would have to accept sovereignty over Canada in a compact made between this country and Spain? Your position that you could release them after a while is inconsistent with the very terms that that compact contained, which forbade your releasing them upon any terms until at least you were able to guarantee every condition that was contained in that treaty.

I can not understand how Senators can now take the position, "I voted for this treaty and yet at the same time I knew that I was taking a sovereignty over people against whom I had no right or authority to exercise that right of sovereignty." That is the position they are placed in in their argument upon this proposition.

It does not do to answer that we could accept a temporary sovereignty and then release them. If they were an independent people at that time, we had no more right to hold a sovereignty over them one second than we had to hold it for a thousand years. If you question the right to accept sovereignty over them, if you insist that they were an independent nation at that time, free from Spain, then certainly it seems to me that you were derelict in your honorable duty toward an independent country to have assumed authority over them.

I am not prepared to agree with the contention on this side of the Chamber the other day, if I understood the proposition, that the acknowledgment of any country is a necessary prerequisite to independence of another. I believe a nation, under the rule of international law, may be an independent people without their independence being acknowledged by any other country on the face of the earth. However, it is not their declaration of independence that makes them such, and this is doubly true when any province or State declares itself to be independent of another to which it held formerly allegiance.

The rule may not be different, but the presumption is different. When a nation has been independent of another and is thought to be subjected to it by conquest the presumption is always in favor of its independence until it has been actually subjugated. On the other hand, when a country is a part of another, the presumption is that it belongs to the mother country until it has absolutely expelled her power from its shores and from every portion of its territory.

The Declaration of Independence did not make us an independent people, nor did the acknowledgment of France operate as such. We were only independent when we had succeeded in dislodging the enemy from our territory. After the surrender at Yorktown, with or without admission of independence by other countries, no person could have justly questioned our absolute independence at that time. Prior to the battle of Manila it may be admitted that the greater portion of the Philippine Islands were in the control—semi or actual—of the insurgents; but their principal seaport, the principal city, was still held by the Spaniards. Spain was still enabled to cut off their relations with the balance of the world. With a Spanish fleet capable of surrounding her, with the principal seaport in the hands of the enemy, much stronger than herself, she could hardly claim that her temporary control of the greater portion of almost inaccessible provinces was equivalent to a final separation from the mother country, or equivalent to a defeat of Spain in the contest.

Mr. President, we have been accused time and again here of subjugating all of our better impulses, our ideas of honesty, our

sympathy, toward a foreign people to the one idea of trade relations. While I do not consider it pertinent to this question, it has been discussed so often that I wish to say only one word in reference to it before closing.

I can see no reason in the world why we may not, even while we are conducting a war in the Philippine Islands, keep our eyes constantly upon trade with foreign countries.

I was more than glad to see in the morning papers the note from our Secretary of our State which was sent to the Chinese and Russian Governments holding to the strict terms of the understanding lately entered into by the powers in China. When he did that he knew the condition of trade relations by which we are confronted, as it seems to me every American does.

It may be true that the enormous expenditures attendant upon a war in the Philippine Islands may be so great that many years of prosperous trading would be required in those islands and in the Orient to repay the sum expended. This war, however, is not a war for revenue. It is carried on to fulfill an obligation resting upon our people—an obligation which the treaty-making power of the United States forced upon the country. Commercial prosperity and advanced commercial relations will, however, follow our occupation of the Philippine Islands. Proximity to any country, as is well known, is an incentive to and stimulates trade with such country. It is most natural to trade with one's nearest neighbor, whose influence is ever present where the trade relations are favorable. It has been demonstrated time and again that even the establishment of banks by the citizens of any country in the Oriental regions has, by reason of that fact alone, stimulated trade with such country. One can not belittle the future Oriental trade. It may be that those people to-day can purchase relatively but little, and that they need but little; but they are being hemmed in, surrounded by the Christianizing influences of every enlightened country in Europe, and their demands are bound to grow in proportion to the advance of such influence.

To-day the great commercial powers of the world are bending every effort to inclose and hold for the respective commerce vast tracts of this great field of consumption. England holds and pours out her surplus upon India. Russia is crowding upon Manchuria and Persia. China and the Orient—no place on the face of the earth offers the possibilities for future trade as does this region.

Mr. President, we know to-day that we are becoming the greatest export nation upon the face of the earth. Our exports now are not only agricultural products, but they are manufactured products. The continued prosperity of our people demands a continued policy which shall open up new fields for new products. It is useless to say that these people buy but little. Where will our trade pay? To-day we can sell our agricultural products in great quantities to Great Britain, because she raises but little herself; but we can not sell to her our manufactured products and at the same time sustain our own country and keep up the high prices which are paid to labor here.

We can not trade agricultural goods with an agricultural country or manufactured goods with a manufacturing country. We must find territory which does not produce or produces but a limited amount of the goods we desire to export. We can not sell wheat to Egypt or Russia or the Argentine Republic. Great Britain to-day can not place any ban against our agricultural products, because she needs them and must have them, because they can not be raised there in sufficient quantities, but whenever we invade the markets of Germany or Great Britain or France with manufactured products they can, for self-protection, raise the wall of duties against us, so as to cut off our field there entirely. We can not sell manufactured fabrics to England or Germany. The world knows this law of trade and it knows the present trade conditions. The world is not one-hundredth part so large as it was a century ago, and the commercial eye of man scans its every foot.

Our Asiatic trade is in its infancy. It is destined—if the interest of the Government is properly directed toward it—to soon become a giant in its proportions. The business men of the country see this. President Hill, of the Great Northern, who has given a life study to the industrial conditions of the world, and whose great success as a business man and financier has shown him to be a thoroughly practical man, and never a mere theorist, is about to place upon the Pacific ships of the greatest carrying capacity ever built, purely for the oriental trade. The great question affecting America to-day is what to do with our surplus in agricultural and manufactured goods.

Unless the surplus can be forced into foreign markets it must disastrously affect the price here. It therefore follows that a newly discovered or created field of consumption, such as China or Japan, in which the demand for our surplus can be developed to an enormous extent must be wonderfully beneficial to the American people. Let Japan, the Philippines, and China, with its 400,000,000 people, take the wheat from the Pacific States alone, which need be shipped only across one ocean, and we have disposed of our surplus. Compared with rice, wheat is a far better article of food, and with freight rates that will enable us to compete with the rice market of China there is no reason in the world why the oriental people should not in the near future demand and consume every bushel of our grain above what is needed for home consumption.

Mr. President, I have a table here which I will ask also to be made a part of my remarks, showing the imports of the world into the Orient alone. I note by this table that the total amount of imports for one year, 1900, was $1,125,882,000. The United States exported into that country $60,500,519 of this trade, or only about 5.3 per cent of the whole.

Considering our importance both as an exporter of manufactured and agricultural products, considering the enormous trade that there was, of over a billion and a quarter in imports alone, in that country in 1900 (and it has been very much more in the last two years), is there not a field of itself worthy of the careful consideration of the American people?

ASIATIC IMPORTS.

[Figures taken from official reports of each country at latest date obtainable.]

Countries.	Year.	Total.	From United States.	United States' share.
				Per cent.
Aden	1900	$14,448,000	$851,753	5.8
China	1900	161,353,000	11,081,146	6.8
British East Indies:				
India	1900	377,950,000	7,508,120	1.9
Ceylon	1900	40,779,000	212,300	.5
Straits Settlements	1900	57,044,000	937,600	1.6
Dutch East Indies	1900	76,911,000	1,994,858	2.5
French East Indies	1900	37,170,000	118,102	.3
Hongkong	1900	[a]125,000,000	9,373,239	7.5
Japan	1900	143,630,000	26,492,235	18.4
Korea	1900	5,359,000	130,297	2.4
Russia (Asiatic)	1898	14,458,000	1,339,558	9.6
Siam	1900	12,644,000	164,311	1.2
Turkey (Asiatic)	1898	32,500,000	241,000	.7
Persia	1899	26,600,000		
Total for Asia		1,125,882,000	60,500,519	5.3
British Australasia [b]	1900	270,223,000	28,175,683	10.4

[a] Estimated. [b] Intercolonial trade omitted.

But, Mr. President, commercial aggrandizement is not the object, but a mere incident of our occupancy and sovereignty of these islands. As such incident it has its place and may, with entire propriety, be considered.

Far higher and overshadowing commercial considerations is our threefold duty—duty toward the people of the Philippine Islands, duty we owe to the world, and duty we owe to ourselves. When that duty has been wholly performed and we have done to the utmost all that effort and example can do for the betterment of these people, then will be the time for final decision as to our future relation.

But if the time comes when we can honorably say to these people, "Go," that time will be when we can also say, "Go in peace, with a steadfast faith and assurance in your ability to maintain a self-governing republic, which will be an honor to the name, a lesson to the world, and a pride to our own country, which established and guarded it in its infant weakness."

Mr. BATE obtained the floor.

Mr. TELLER. I do not suppose the Senate wants the Senator from Tennessee to go on at this late hour. I suggest that we either take an adjournment or go into executive session.

Mr. BATE. The Senator from Wisconsin [Mr. SPOONER] told me just now that he desires an executive session. I have no objection to going on now, if that is the wish of Senators.

Mr. LODGE. I do not want, of course, to press the Senator from Tennessee to speak this evening if he does not desire to do so, but we have only two days before the day which is to be devoted to fifteen-minute speeches, and the indications to me are that there are a number of Senators who desire to speak. I am anxious that——

Mr. BATE. I understand that the Senator from Massachusetts who has the bill in charge proposes that the Senate shall meet to-morrow at 11 o'clock.

Mr. TELLER. That has been already done.

Mr. BATE. I was not aware of it.

Mr. LODGE. That has been agreed to.

Mr. BATE. Very well.

Mr. TELLER. I think we ought to give the Senator from Tennessee an opportunity to go on to-morrow morning.

Mr. LODGE. Very well. I desire to consult the convenience of Senators. Unless there is some other Senator who would like to go on at this time I will move that the Senate proceed to the consideration of executive business.

Mr. BATE. I have the floor, I understand.

The PRESIDENT pro tempore. The Chair will recognize the Senator from Tennessee in the morning.

Mr. SPOONER. I wish to give notice that after the Senator from Tennessee [Mr. BATE] shall have concluded his remarks to-morrow I shall ask to be recognized.

MISSOURI RIVER BRIDGE AT KANSAS CITY, MO.

Mr. COCKRELL. I ask unanimous consent for the present consideration of the bill (S. 3107) to authorize the construction of a bridge over the Missouri River at or near the city of Kansas City, Mo. It is a very short bill, and will take but a very few moments. It has been favorably reported from the Committee on Commerce with amendments.

The PRESIDENT pro tempore. Does the Senator from Massachusetts withdraw his motion?

Mr. LODGE. I will withdraw it temporarily. I shall make no objection to the consideration of the Senator's bill, but I desire to say that I shall renew my motion for an executive session after that bill shall have been concluded.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3107) to authorize the construction of a bridge over the Missouri River at or near the city of Kansas City, Mo., which had been reported from the Committee on Commerce with amendments.

The first amendment was, in section 3, on page 2, line 19, before the word "feet," to strike out "fifty" and insert "fifty-two;" in the same line, after the word "above," to insert "the;" in the same line, after the word "high-water," to strike out "mark, as understood at the point of location, to the lowest member of the bridge superstructure, and shall have at least one channel span of not" and insert "grade line for bridges as established by the Missouri River Commission, nor shall any of its spans over the waterway be;" in line 24, after the word "feet," to insert "in the;" in the same line, after the word "clear," to stride out "channel way, all other spans over the waterway to have clear channel way of not less than 300 feet" and insert "between the piers or the piers and abutments;" in line 8, on page 3, after the words "spans of," to strike out "not less than 200 feet in length in the clear on each side of the central or pivot pier of the draw" and insert "such clear width of opening as the Secretary of War shall prescribe, and the next adjoining spans to the draw shall also be of such length as he shall prescribe;" so as to read:

That if said bridge shall be made with unbroken and continuous spans it shall not be of less elevation in any case than 52 feet above the high-water grade line for bridges as established by the Missouri River Commission, nor shall any of its spans over the waterway be less than 400 feet in the clear between the piers or the piers and abutments, and the piers of said bridge shall be parallel with the current of said river, and the bridge itself at right angles thereto as near as may be: *Provided*, That if said bridge be constructed as a drawbridge, it shall be constructed as a pivot drawbridge, with a draw over the main channel of the river at an accessible and the best navigable point, and with spans of such clear width of opening as the Secretary of War shall prescribe, and the next adjoining spans to the draw shall also be of such length as he shall prescribe; and said spans shall not be less than 10 feet above extreme high-water mark, measuring to the lowest member of the bridge superstructure, etc.

The amendment was agreed to.

The next amendment was, at the end of section 3, on page 3, line 23, to insert:

Provided further, That after the completion or during the construction of said bridge, if in the opinion of the Secretary of War it is necessary for the safety and convenience of navigation under said bridge to build accessory works, such as dikes, booms, or other structures, in order the more effectually to preserve the free navigation of the river, such structures as may receive the approval of the Secretary of War shall be built and maintained by the owners of said bridge.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. LODGE. I renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were reopened, and (at 5 o'clock and 22 minutes p. m.) the Senate adjourned until to-morrow, Friday, February 21, 1902, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate February 20, 1902.

BOARD OF VISITORS.

I nominate as members of the Board of Visitors to the United States Naval Observatory, Charles A. Young, a citizen of Princeton, N. J., for a term of three years; Ormond Stone, a citizen of Charlottesville, Va., for a term of three years, and Charles F. Chandler, a citizen of New York City, N. Y., for a term of two years.

PROMOTIONS IN THE NAVY.

Capt. Philip H. Cooper, to be a rear-admiral in the Navy, from the 9th day of February, 1902 (subject to the examinations required by law), vice Rear-Admiral William T. Sampson, retired.

Capt. George H. Wadleigh, to be a rear-admiral in the Navy, from the 9th day of February, 1902, vice Rear-Admiral Bartlett J. Cromwell, retired.

Lieut. Commander Charles W. Bartlett, to be a commander in the Navy, from the 9th day of October, 1901, vice Commander Uriel Sebree, promoted.

Lieut. (Junior Grade) Fritz L. Sandoz, to be a lieutenant in the Navy, from the 9th day of October, 1901, vice Lieut. Thomas W. Ryan, promoted.

Lieut. (Junior Grade) Frank Lyon, to be a lieutenant in the Navy, from the 17th day of December, 1901 (subject to the examinations required by law), vice Lieut. Walter J. Sears, promoted.

Lieut. (Junior Grade) John McC. Luby, to be a lieutenant in the Navy, from the 17th day of December, 1901, vice Lieut. Frank Lyon, an additional number in grade.

Lieut. (Junior Grade) Arthur G. Kavanagh, to be a lieutenant in the Navy, from the 27th day of December, 1901 (subject to the examinations required by law), vice Lieut. Edward H. Scribner, promoted.

Lieut. (Junior Grade) Carlton F. Snow, to be a lieutenant in the Navy, from the 28th day of December, 1901 (subject to the examinations required by law), vice Lieut. Frank M. Bennett, promoted.

Lieut. (Junior Grade) Henry T. Baker, to be a lieutenant in the Navy, from the 15th day of January, 1902, vice Lieut. John A. Bell, promoted.

Rev. Bower Reynolds Patrick, a citizen of Minnesota, to be a chaplain in the Navy, to fill a vacancy existing in that Corps.

POSTMASTERS.

Frank F. Crowe, to be postmaster at Montevallo, in the county of Shelby and State of Alabama. Office became Presidential January 1, 1902.

Laura G. Crable, to be postmaster at Tombstone, in the county of Cochise and Territory of Arizona. Office became Presidential January 1, 1902.

Eben B. Trask, to be postmaster at Plant City, in the county of Hillsboro and State of Florida. Office became Presidential January 1, 1902.

F. J. Allen, to be postmaster at East Point, in the county of Fulton and State of Georgia. Office became Presidential January 1, 1902.

Hans Keiser, to be postmaster at Elgin, in the county of Fayette and State of Iowa. Office became Presidential January 1, 1901.

Isaac Foster, to be postmaster at Gladwin, in the county of Gladwin and State of Michigan. Office became Presidential January 1, 1902.

Max V. Robinson, to be postmaster at Fairfax, in the county of Atchison and State of Missouri. Office became Presidential January 1, 1902.

George C. Reed, to be postmaster at Park Ridge, in the county of Bergen and State of New Jersey. Office became Presidential January 1, 1902.

Harry C. Butler, to be postmaster at Anson, in the county of Jones and State of Texas. Office became Presidential January 1, 1902.

Berry McGee, to be postmaster at Italy, in the county of Ellis and State of Texas. Office became Presidential January 1, 1902.

Andrew J. Prince, to be postmaster at Pratt City, in the county of Jefferson and State of Alabama, in place of Andrew J. Prince. Incumbent's commission expired February 16, 1902.

David L. Clinton, to be postmaster at Clintonville, in the county of New Haven and State of Connecticut, in place of David L. Clinton. Incumbent's commission expires February 25, 1902.

John W. Garwood, to be postmaster at Monticello, in the county of Jefferson and State of Florida, in place of John W. Garwood. Incumbent's commission expired January 21, 1902.

Mitchell G. Hall, to be postmaster at Cordele, in the county of Dooly and State of Georgia, in place of Mitchell G. Hall. Incumbent's commission expired January 14, 1902.

Thomas W. Price, to be postmaster at Astoria, in the county of Fulton and State of Illinois, in place of Thomas W. Price. Incumbent's commission expired January 14, 1902.

Lewis A. Castle, to be postmaster at Wyoming, in the county of Stark and State of Illinois, in place of Lewis A. Castle. Incumbent's commission expired February 18, 1902.

Clarkson D. Overman, to be postmaster at Fairmount, in the county of Grant and State of Indiana, in place of Clarkson D. Overman. Incumbent's commission expired January 10, 1902.

James A. Rose, to be postmaster at Chickasha, in the Chickasaw Nation, Indian Territory, in place of James H. Miller. Incumbent's commission expires February 25, 1902.

E. T. Roland, to be postmaster at Eldon, in the county of Wapello and State of Iowa, in place of William G. Crow. Incumbent's commission expired January 19, 1902.

L. E. Hulse, to be postmaster at Keota, in the county of Keokuk and State of Iowa, in place of Hanno P. Newton. Incumbent's commission expired January 10, 1902.

Milton A. McCord, to be postmaster at Newton, in the county of Jasper and State of Iowa, in place of Milton A. McCord. Incumbent's commission expired January 21, 1902.

Ludlow F. Petty, to be postmaster at Shelbyville, in the county of Shelby and State of Kentucky, in place of Ludlow F. Petty. Incumbent's commission expired February 16, 1902.

Arthur Bliss, to be postmaster at Andover, in the county of Essex and State of Massachusetts, in place of Arthur Bliss. Incumbent's commission expired January 10, 1902.

Joseph M. Hollywood, to be postmaster at Brockton, in the county of Plymouth and State of Massachusetts, in place of Joseph M. Hollywood. Incumbent's commission expired May 17, 1901.

Arthur P. Wright, to be postmaster at East Pepperell, in the county of Middlesex and State of Massachusetts, in place of Arthur P. Wright. Incumbent's commission expired January 10, 1902.

John F. Freese, to be postmaster at East Walpole, in the county of Norfolk and State of Massachusetts, in place of John F. Freese. Incumbent's commission expired January 10, 1902.

Dexter Grose, to be postmaster at North Abington, in the county of Plymouth and State of Massachusetts, in place of Dexter Grose. Incumbent's commission expired May 18, 1901.

Walter N. Beal, to be postmaster at Rockland, in the county of Plymouth and State of Massachusetts, in place of Walter N. Beal. Incumbent's commission expired January 10, 1902.

Serbertrum E. Bliss, to be postmaster at South Hadley Falls, in the county of Hampshire and State of Massachusetts, in place of Serbertrum E. Bliss. Incumbent's commission expired January 21, 1902.

Harry S. Tripp, to be postmaster at Spencer, in the county of Worcester and State of Massachusetts, in place of Harry S. Tripp. Incumbent's commission expired January 10, 1902.

William M. Beekman, to be postmaster at Charlotte, in the county of Eaton and State of Michigan, in place of William M. Beekman. Incumbent's commission expires February 25, 1902.

Stephen R. Allen, to be postmaster at Homer, in the county of Calhoun and State of Michigan, in place of Stephen R. Allen. Incumbent's commission expired February 18, 1902.

William G. Hudson, to be postmaster at Ludington, in the county of Mason and State of Michigan, in place of William G. Hudson. Incumbent's commission expired January 10, 1902.

Calvin A. Palmer, to be postmaster at Manistee, in the county of Manistee and State of Michigan, in place of Calvin A. Palmer. Incumbent's commission expired January 10, 1902.

Edwin S. Williams, to be postmaster at Niles, in the county of Berrien and State of Michigan, in place of Edwin S. Williams. Incumbent's commission expired February 18, 1902.

Hannibal A. Hopkins, to be postmaster at St. Clair, in the county of St. Clair and State of Michigan, in place of Hannibal A. Hopkins. Incumbent's commission expires February 25, 1902.

Frederick Kruger, to be postmaster at St. Ignace, in the county of Mackinac and State of Michigan, in place of Frederick Kruger. Incumbent's commission expired January 10, 1902.

Charles Brown, to be postmaster at Vicksburg, in the county of Kalamazoo and State of Michigan, in place of Charles Brown. Incumbent's commission expired January 10, 1902.

Henry Loss, to be postmaster at Wayne, in the county of Wayne and State of Michigan, in place of Henry Loss. Incumbent's commission expired January 10, 1902.

John J. Davis, to be postmaster at White Pigeon, in the county of St. Joseph and State of Michigan, in place of Fred C. Hotchin. Incumbent's commission expires February 25, 1902.

James Ruane, to be postmaster at Slayton, in the county of Murray and State of Minnesota, in place of James Ruane. Incumbent's commission expired January 10, 1902.

Annette Simpson, to be postmaster at Pass Christian, in the county of Harrison and State of Mississippi, in place of Annette Simpson. Incumbent's commission expired February 18, 1902.

Aaron M. Storer, to be postmaster at Kosciusko, in the county of Attala and State of Mississippi, in place of Aaron M. Storer. Incumbent's commission expired January 14, 1902.

Joseph H. Handel, to be postmaster at King City, in the county of Gentry and State of Missouri, in place of Joseph H. Handel. Incumbent's commission expired January 21, 1902.

William C. Gaston, to be postmaster at Keytesville, in the county of Chariton and State of Missouri, in place of William C. Gaston. Incumbent's commission expired February 16, 1902.

August Schneider, to be postmaster at Weston, in the county of Platte and State of Missouri, in place of August Schneider. Incumbent's commission expired January 31, 1902.

Maurice Deering, jr., to be postmaster at Marysville, in the county of Lewis and Clarke and State of Montana, in place of Maurice Deering, jr. Incumbent's commission expired January 10, 1902.

John Peters, to be postmaster at Albion, in the county of Boone and State of Nebraska, in place of John Peters. Incumbent's commission expired February 8, 1902.

Frank W. Wake, to be postmaster at Genoa, in the county of Nance and State of Nebraska, in place of Frank W. Wake. Incumbent's commission expired February 16, 1902.

F. W. Barnhart, to be postmaster at Hartington, in the county of Cedar and State of Nebraska, in place of Thomas B. A. Watson. Incumbent's commission expired February 11, 1902.

Walter H. Andrews, to be postmaster at Lexington, in the county of Dawson and State of Nebraska, in place of Walter H. Andrews. Incumbent's commission expires February 23, 1902.

Thomas F. Austin, to be postmaster at Millville, in the county of Cumberland and State of New Jersey, in place of Joseph D. Troth. Incumbent's commission expired January 12, 1902.

Frank Wanser, to be postmaster at Vineland, in the county of Cumberland and State of New Jersey, in place of James J. Hunt. Incumbent's commission expired February 18, 1902.

Henry H. Smith, to be postmaster at Worcester, in the county of Otsego and State of New York, in place of Henry H. Smith. Incumbent's commission expires February 22, 1902.

Anna Callahan, to be postmaster at Casselton, in the county of Cass and State of North Dakota, in place of John F. Callahan. Incumbent's commission expired January 10, 1902.

Thomas W. Millham, to be postmaster at Ellendale, in the county of Dickey and State of North Dakota, in place of Fred S. Goddard. Incumbent's commission expires February 25, 1902.

Charles S. Dunn, to be postmaster at Lockland, in the county of Hamilton and State of Ohio, in place of Charles S. Dunn. Incumbent's commission expired January 12, 1902.

S. E. Nimmons, to be postmaster at Plymouth, in the county of Richland and State of Ohio, in place of George W. Hofman. Incumbent's commission expired January 12, 1902.

James W. Bartlett, to be postmaster at Doylestown, in the county of Bucks and State of Pennsylvania, in place of James W. Bartlett. Incumbent's commission expires February 22, 1902.

C. A. Wishart, to be postmaster at Dunbar, in the county of Fayette and State of Pennsylvania, in place of George H. Swearingen. Incumbent's commission expired June 16, 1901.

Charles Seger, to be postmaster at Emporium, in the county of Cameron and State of Pennsylvania, in place of Charles Seger. Imcumbent's commission expired January 10, 1902.

Benjamin F. Davis, to be postmaster at Freeland, in the county of Luzerne and State of Pennsylvania, in place of Benjamin F. Davis. Incumbent's commission expired January 10, 1902.

Delazon P. Higgins, to be postmaster at Lewisburg, in the county of Union and State of Pennsylvania, in place of Delazon P. Higgins. Incumbent's commission expired July 8, 1901.

George W. Schoch, to be postmaster at Mifflinburg, in the county of Union and State of Pennsylvania, in place of George W. Schoch. Incumbent's commission expired January 31, 1902.

Joseph E. Euwer, to be postmaster at Natrona, in the county of Allegheny and State of Pennsylvania, in place of Joseph E. Euwer. Incumbent's commission expired January 10, 1902.

Frederick H. Bartleson, to be postmaster at Sharpsville, in the county of Mercer and State of Pennsylvania, in place of Frederick H. Bartleson. Incumbent's commission expires February 25, 1902.

John W. Cass, to be postmaster at Woonsocket, in the county of Providence and State of Rhode Island, in place of John W. Cass. Incumbent's commission expired January 10, 1902.

Samuel G. Dewell, to be postmaster at Pierre, in the county of Hughes and State of South Dakota, in place of Samuel G. Dewell. Incumbent's commission expired February 11, 1902.

A. M. Hughes, to be postmaster at Columbia, in the county of Maury and State of Tennessee, in place of Hugh F. Fariss. Incumbent's commission expired February 2, 1902.

Harry A. Griffin, to be postmaster at Galveston, in the county of Galveston and State of Texas, in place of Harry A. Griffin. Incumbent's commission expired February 19, 1902.

Dan Peaslee Webster, to be postmaster at Brattleboro, in the county of Windham and State of Vermont, in place of Dan Peaslee Webster. Incumbent's commission expires February 25, 1902.

N. Clifford Nichols, to be postmaster at Leesburg, in the county of Loudoun and State of Virginia, in place of N. Clifford Nichols. Incumbent's commission expired February 11, 1902.

Charles T. Holtzman, to be postmaster at Luray, in the county of Page and State of Virginia, in place of Charles T. Holtzman. Incumbent's commission expired February 16, 1902.

William L. Mustard, to be postmaster at Pocahontas, in the county of Tazewell and State of Virginia, in place of William L. Mustard. Incumbent's commission expired February 16, 1902.

George N. Lamphere, to be postmaster at Palouse, in the county of Whitman and State of Washington, in place of George N. Lamphere. Incumbent's commission expired January 22, 1902.

Albert S. Dickinson, to be postmaster at Waitsburg, in the county of Wallawalla and State of Washington, in place of Albert S. Dickinson. Incumbent's commission expired January 22, 1902.

Alonzo E. Linch, to be postmaster at Moundsville, in the county of Marshall and State of West Virginia, in place of Alonzo E. Linch. Incumbent's commission expired January 10, 1902.

Alexander Clohan, to be postmaster at Martinsburg, in the county of Berkeley and State of West Virginia, in place of Alexander Clohan. Incumbent's commission expires February 22, 1902.

Matthew J. Connors, to be postmaster at Hurley, in the county of Iron and State of Wisconsin, in place of Matthew J. Connors. Incumbent's commission expired January 12, 1902.

F. A. R. Van Meter, to be postmaster at New Richmond, in the county of St. Croix and State of Wisconsin, in place of Thomas Porter. Incumbent's commission expired January 12, 1902.

Lewis S. Fisher, to be postmaster at Sparta, in the county of Monroe and State of Wisconsin, in place of Lewis S. Fisher. Incumbent's commission expired January 12, 1902.

Fred C. Furth, to be postmaster at Pine Bluff, in the county of Jefferson and State of Arkansas, in place of Louis Altheimer, resigned.

D. W. Rathbun, to be postmaster at Marion, in the county of Linn and State of Iowa, in place of John S. Willard, removed.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 17, 1902.

POSTMASTERS.

Harry W. Rankin, to be postmaster at Hempstead, in the county of Waller and State of Texas.

Thomas L. Ball, to be postmaster at Decatur, in the county of Wise and State of Texas.

Henry A. Cady, to be postmaster at Ballinger, in the county of Runnels and State of Texas.

Joel D. Cranford, to be postmaster at Mineral Wells, in the county of Palo Pinto and State of Texas.

Theodore Ray, to be postmaster at Midland, in the county of Midland and State of Texas.

Joseph E. Roach, to be postmaster at Atlanta, in the county of Cass and State of Texas.

Robert C. May, to be postmaster at Leonard, in the county of Fannin and State of Texas.

Executive nominations confirmed by the Senate February 20, 1902.

APPOINTMENT IN THE ARMY—GENERAL OFFICER.

To be brigadier-general.

Col. Francis L. Guenther, Artillery Corps, February 13, 1902.

PROMOTION IN THE NAVY.

Lieut. Commander Henry McCrea, to be a commander in the Navy, from the 9th day of February, 1902.

APPOINTMENT IN THE NAVY.

Mr. Walter E. Griffin, a citizen of Michigan, to be an assistant surgeon in the Navy, with the rank of lieutenant (junior grade).

REGISTER OF THE LAND OFFICE.

Anton H. Classen, of Oklahoma Territory, at present receiver of public moneys at Oklahoma, Okla., to be register of the land office at said place.

RECEIVERS OF PUBLIC MONEYS.

C. Frost Liggett, of Colorado, to be receiver of public moneys at Lamar, Colo.

George A. Smith, of Utah, to be receiver of public moneys at Salt Lake City, Utah.

Henry G. McCrossen, of Wisconsin, to be receiver of public moneys at Wausau, Wis.

POSTMASTERS.

Henry B. Rollinson, to be postmaster at Rahway, in the county of Union and State of New Jersey.

Edwin D. Goodell, to be postmaster at Brookfield, in the county of Worcester and State of Massachusetts.

Woodbury Marson, to be postmaster at Booth Bay Harbor, in the county of Lincoln and State of Maine.

George L. Stoughton, to be postmaster at Westerville, in the county of Franklin and State of Ohio.

Harry B. Ward, to be postmaster at Duquoin, in the county of Perry and State of Illinois.

Frank J. Cory, to be postmaster at Watertown, in the county of Codington and State of South Dakota.

Alfred R. Messler, to be postmaster at Upper Mont Clair, in the county of Essex and State of New Jersey.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February 20, 1902.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

INDIAN APPROPRIATION BILL.

Mr. SHERMAN. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the Indian appropriation bill.

The SPEAKER. The gentleman from New York moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the Indian appropriation bill, being the bill H. R. 11353.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. MONDELL in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the Indian appropriation bill, under the five-minute rule.

Mr. SHERMAN. Mr. Chairman, I ask unanimous consent that I may proceed, not to exceed ten minutes, before we begin the reading.

The CHAIRMAN. The gentleman from New York asks unanimous consent that he may proceed ten minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. SHERMAN. I have no doubt, Mr. Chairman, that the committee and the House could derive some amusement and pleasure and possibly information by listening to the continuance of such speeches as we have heard in the House for the last two days; but I notice in the morning paper's report of last night's gathering of the representatives of an organization—than which there is none more honorable in this country—that the Chief Executive of this country, preaching what he practices, stated that it should be our desire to place even before glory "duty;" and so, Mr. Chairman, I think it is not inappropriate to turn aside from the consideration of princes, past and present, and of money questions, mostly of the past, and various other subjects, relating to the past, the present, and the future, and devote our attention for a few minutes to the dry details of an Indian appropriation bill.

The bill now presented, Mr. Chairman, carries appropriations aggregating $8,400,000, in round numbers, or one and three-quarters million dollars less than was appropriated in the last annual appropriation bill. These reductions are made mainly in the items for treaty stipulations, which this year carry one million two hundred thousand less than last year; for the support of the Dawes Commission and the continuance of its work, for which $210,000 less is appropriated this year; $100,000 less for the general school fund; and $100,000 less for the town-site work in the Indian Territory; $100,000 less for miscellaneous support, and $75,000 less for the current contingent expenses of the Department.

The increases are about $90,000 and are practically entirely within the heading of miscellaneous gratuities, and all of that increase is more than accounted for by the single item of $100,000 for the benefit of the Mission Indians in Southern California, which we deem to be necessary to transfer the Indians of that tribe from their present location at Warner's ranch, the highest court having decided that they have no title there, and providing some other reservation for them in the vicinity of the present ranch, where they would not be subject to climatic changes and would be surrounded by all the conditions that have surrounded them for generations.

While the Book of Estimates calls for appropriations of $1,000,000 less than is carried in this bill, there came to us as subsequent estimates from the Treasury Department and recommendations directly from the Secretary of the Interior covering substantially all that is included in this bill.

I think there are but one or two items in the bill that have not come to us through the regular channel of estimates from the Treasury Department or by the approval of the Secretary of the Interior.

There is included in the bill several legislative provisions. They are with one exception set out in the report which accompanies the bill, and that exception was an inadvertence. There are certain provisions in the bill which are susceptible to a point of order if any gentleman desires to make it. We have not attempted to conceal the existence of these items in the bill. There is no item in the bill, however, that the committee for whom I speak do not consider essential to the best interests of the Indians. I think, Mr. Chairman, that is all I care to say at the present moment. From time to time as the bill is read, if there is any

specific information that is desired by any member of the committee or of the House on any special item, I would be glad to give it.

Mr. SULZER. I would like to ask the gentleman a question. Is there anything in this bill that allows the Indians on the reservations in the State of New York to sell their lands?

Mr. SHERMAN. There is not.

Mr. SULZER. That is all I wanted to know.

Mr. SHERMAN. Mr. Chairman, I have prepared several tables showing the amounts of various appropriations for the past ten years under various heads other than treaties, which I will not take the time to read, but will print. I think they may be of use in considering needed appropriations in future years. I also desire to print an agreement made by the board of county commissioners of Jackson County, Kans., to keep in repair certain bridges, for the construction of which we appropriate in this bill.

Current and contingent expenses.

Year.	Number of agents.	Amount paid agents.	Amount paid interpreters.	Number of inspectors.	Amount paid inspectors.	Inspectors' traveling expenses.	For superintendent schools.	Superintendent schools, traveling expenses.	Buildings and repairs, agencies.	Contingencies of service.	Citizens' commission.
1892	58	$92,200	$25,000	5	$15,000	$8,000	$4,000	$2,000	$30,000	$45,000	$5,000
1893	57	86,600	20,000	5	15,000	8,000	3,500	2,000	20,000	40,000	5,000
1894-95	57	86,600	10,000	5	12,500	7,000	3,000	1,000	44,000	40,000	4,000
1896	57	86,500	10,000	5	12,500	7,000	3,000	1,000	25,000	40,000	4,000
1897	56	85,000	12,000	5	12,500	7,000	3,000	1,500	30,000	40,000	4,000
1898	56	86,500	12,000	5	12,500	7,000	3,000	1,500	30,000	40,000	4,000
1899	56	85,000	12,000	8	20,000	12,000	3,000	1,500	30,000	40,000	4,000
1900	56	85,600	10,000	8	20,000	12,800	3,000	1,500	35,000	40,000	4,000
1901	53	83,150	8,000	8	20,000	12,800	3,000	1,500	45,000	50,000	4,000
1902	49	67,600	7,000	8	25,000	12,800	3,000	1,500	35,000	40,000	4,000

Miscellaneous supports.

Tribe.	1892.	1893.	1894-95.	1896.	1897.	1898.	1899.	1900.	1901.	1902.
Apaches, Comanches, etc		$125,000	$110,000	$110,000	$100,000	$100,000	$100,000	$75,000	$50,000	$50,000
Arapahoes and Cheyennes	$240,000	65,000	90,000	90,000	90,000	90,000	90,000	100,000	80,000	70,000
Chippewas:										
Superior	6,000	6,000	7,125	7,125	7,125	7,125	7,125	7,125	7,000	7,000
Red Lake	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	----------	----------
White Earth	10,200	10,000	10,000	10,000	10,000	10,000	10,000	10,000	----------	----------
Turtle Mountain	13,000	13,000	13,000	18,000	13,000	13,000	13,000	13,000	13,000	13,000
Oregon	6,000	6,000	6,000	6,000	6,000	6,000	6,000	6,000	5,000	5,000
Dwamish	7,000	7,000	7,000	7,000	7,000	7,000	7,000	7,000	5,000	5,000
Flathead (Carlos band)	12,000	12,000	12,000	12,000	12,000	10,000	10,000	10,000	8,000	8,000
Do	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	8,000	8,000
Hualapais	7,500	7,500	7,500	7,500	7,500	7,500	7,500	7,500	5,000	5,000
Apaches (Arizona)	190,000	200,000	185,000	225,000	225,000	225,000	225,000	225,000	225,000	225,000
Shoshonis and Bannocks	13,000	13,000	10,000	10,000	13,000	13,000	30,000	30,000	35,000	25,000
Seminoles (Florida)	6,000	6,000	6,000	6,000	6,000	6,000	6,000	6,000	----------	----------
Shoshonis (Lemhi)	14,000	14,000	13,000	13,000	10,000	13,000	13,000	13,000	13,000	13,000
Klamaths	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000
Kansas	2,500	2,500	2,500	2,500	2,500	2,500	2,500	2,500	2,500	2,500
Kickapoos (Oklahoma)	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000
Makah	4,000	4,000	4,000	4,000	4,000	4,000	3,000	3,000	3,000	3,000
Nez Percé (Joseph's band)	12,000	12,000	10,000	10,000	7,500	7,500	7,500	7,500	4,000	4,000
Nez Percé (Indian Territory)	6,500	6,500	6,500	6,500	5,000	5,000	5,000	5,000	3,000	3,000
Ponca	18,000	18,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000
Quinaielt and Quileute	4,000	4,000	3,000	3,000	3,000	3,000	1,000	1,000	1,000	1,000
Shoshoni (Wyoming)	23,000	15,000	15,000	15,000	20,000	20,000	20,000	25,000	25,000	25,000
Shoshoni (Nevada)	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	12,000
Sioux Devils Lake	6,000	6,000	6,000	12,000	10,000	10,000	10,000	10,000	20,000	10,000
Sklallam	4,000	4,000	1,500	1,500	1,500	1,500	----------	----------	----------	----------
Tonkawa	5,000	5,000	4,000	4,000	4,000	4,000	2,000	2,000	1,000	1,000
Walla Walla, etc	6,500	6,500	6,500	6,500	5,000	5,000	5,000	5,000	5,000	5,000
Yakimas	10,000	10,000	10,000	10,000	8,000	8,000	8,000	8,000	5,000	8,000
Mission	----------	----------	10,000	10,000	10,000	10,000	3,000	3,000	1,500	3,000

General incidental expenses.

State.	1892.	1893.	1894-95.	1896.	1897.	1898.	1899.	1900.	1901.	1902.
Arizona	$20,000	$20,000	$18,000	$1,500	$1,500	$1,500	$1,500	$1,500	$1,500	$1,500
California	128,000	34,000	23,000	21,000	21,000	21,000	21,000	21,000	15,000	15,000
Colorado	1,500	1,500	1,500	1,250	1,500	1,500	1,500	1,500	1,000	1,000
Idaho	1,000	1,000	800	800	1,000	1,000	1,000	1,000	1,000	1,000
Montana	4,000	4,000	3,000	2,500	2,500	2,500	2,500	2,500	8,500	8,500
Nevada	22,500	22,500	19,000	16,000	16,000	16,000	16,000	16,900	14,900	12,900
North Dakota	1,500	1,500	1,500	1,500	1,500	1,500	1,500	1,500	1,500	1,500
New Mexico	5,000	5,000	4,700	1,000	1,500	1,500	1,500	1,500	1,500	1,500
Oregon	16,000	16,000	15,000	12,000	12,000	12,000	12,000	12,000	10,000	10,000
South Dakota	3,500	3,500	2,500	2,500	3,500	3,500	3,500	3,500	3,500	3,500
Utah	8,000	8,000	8,000	7,000	7,000	3,000	3,000	3,000	1,000	1,000
Washington	16,000	16,000	16,000	14,000	14,000	14,000	14,000	14,000	17,000	17,000
Wyoming	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,900	1,000	1,000

Indian schools, support.

Act.	Year.	Amount.
July 13, 1892	1893	$1,075,000
March 3, 1893	1894	1,075,000
August 15, 1894	1895	1,000,000
March 2, 1895	1896	1,164,350
June 10, 1896	1897	1,235,000
June 7, 1897	1898	1,200,000
July 1, 1898	1899	1,100,000
March 1, 1899	1900	1,100,000
May 31, 1900	1901	1,200,000
March 3, 1901	1902	1,220,000
Total		11,389,350

ALBUQUERQUE SCHOOL.

1893	$60,000.00
1894	50,550.00
1895	43,250.00
1896	53,100.00
1897	55,300.00
1898	55,300.00
1899	68,300.00
1900	53,800.00
1901	53,500.00
1902	58,100.00
Total	551,200.00

BANNING SCHOOL.

1893	$12,500.00
1894	12,500.00
1895	12,500.00
Total	37,500.00

BLACKFEET AGENCY SCHOOL.

1893	$12,500.00
1894	12,500.00
1895	12,500.00
Total	37,500.00

CARLISLE SCHOOL.

1893	$106,000.00
1894	106,000.00
1895	105,000.00
1896	102,000.00
1897	111,000.00
1898	111,600.00
1899	111,600.00
1900	150,000.00
1901	150,000.00
1902	150,000.00
Total	1,203,200.00

CARSON SCHOOL.

1893	$24,000.00
1894	22,500.00
1895	25,375.00
1896	23,175.00
1897	23,175.00
1898	29,350.00
1899	29,350.00
1900	41,550.00
1901	40,900.00
1902	53,200.00
Total	312,575.00

CHAMBERLAIN SCHOOL.

1897	$25,000.00
1898	29,900.00
1899	19,900.00
1900	18,900.00
1901	26,100.00
1902	41,300.00
Total	161,100.00

CHEROKEE SCHOOL.

1893	$18,560.00
1894	14,760.00
1895	17,560.00
1896	23,745.00
1897	29,350.00
1898	32,350.00
1899	28,350.00
1900	27,850.00
1901	27,850.00
1902	30,350.00
Total	250,725.00

CHILOCCO SCHOOL.

1893	$62,110.00
1894	44,750.00
1895	61,950.00
1896	61,450.00
1897	64,000.00
1898	65,250.00
1899	77,750.00
1900	66,750.00
1901	86,600.00
1902	81,600.00
Total	672,210.00

CLONTARF SCHOOL.

1893	$15,000.00
1894	15,000.00
1895	15,000.00
Total	45,000.00

FLANDREAU SCHOOL.

1893	$20,000.00
1894	22,000.00
1895	29,150.00
1896	29,550.00
1897	80,850.00
1898	44,900.00
1899	69,900.00
1900	47,850.00
1901	69,750.00
1902	78,250.00
Total	492,200.00

FORT MOJAVE SCHOOL.

1893	$32,500.00
1894	26,750.00
1895	28,050.00
1896	27,550.00
1897	29,550.00
1898	43,550.00
1899	31,550.00
1900	36,550.00
1901	32,050.00
1902	43,550.00
Total	331,650.00

FORT TOTTEN SCHOOL.

1893	$54,300.00
1894	41,880.00
1895	44,580.00
1896	42,580.00
1897	44,850.00
1898	48,350.00
1899	48,350.00
1900	55,150.00
1901	62,050.00
1902	48,350.00
Total	490,440.00

GENOA SCHOOL.

1893	$63,000.00
1894	57,775.00
1895	61,950.00
1896	52,600.00
1897	65,300.00
1898	62,800.00
1899	62,800.00
1900	59,300.00
1901	85,800.00
1902	52,800.00
Total	624,125.00

GRAND JUNCTION SCHOOL.

1893	$29,000.00
1894	25,675.00
1895	28,235.00
1896	29,050.00
1897	27,550.00
1898	34,250.00
1899	28,550.00
1900	36,550.00
1901	54,325.00
1902	39,725.00
Total	332,910.00

HAMPTON SCHOOL.

1893	$20,040.00
1894	20,040.00
1895	20,040.00
1896	20,040.00
1897	20,040.00
1898	20,040.00
1899	20,040.00
1900	20,040.00
1901	20,040.00
1902	20,040.00
Total	200,400.00

HAYWARD SCHOOL.

1900	$60,000.00
1901	38,675.00
1902	22,675.00
Total	121,350.00

KICKAPOO SCHOOL.

1899	$15,000.00
1900	12,190.00
1901	18,360.00
1902	14,495.00
Total	60,045.00

LAWRENCE SCHOOL.

1893	$90,000.00
1894	87,000.00
1895	87,000.00
1896	86,300.00
1897	90,500.00
1898	102,500.00
1899	94,000.00
1900	112,000.00
1901	122,200.00
1902	140,200.00
Total	1,011,700.00

LINCOLN INSTITUTE.

1893	$33,400.00
1894	33,400.00
1895	33,400.00
1896	33,400.00
1897	33,400.00
1898	33,400.00
1899	33,400.00
1900	33,400.00
Total	267,200.00

MANDAN SCHOOL.

1902	$50,000.00

MORRIS SCHOOL.

1900	$48,550.00
1901	34,450.00
1902	33,550.00
Total	116,550.00

MOUNT PLEASANT SCHOOL.

1893	$25,000.00
1894	27,375.00
1895	27,500.00
1896	29,050.00
1897	67,550.00
1898	35,400.00
1899	62,100.00

1900	$54,800.00
1901	73,300.00
1902	67,050.00
Total	469,125.00

PERRIS SCHOOL.

1893	$15,000.00
1894	22,200.00
1895	23,200.00
1896	22,900.00
1897	33,550.00
1898	27,081.35
1899	27,550.00
1900	27,550.00
1901	27,550.00
1902	27,050.00
Total	253,631.35

PHOENIX SCHOOL.

1893	$38,675.00
1894	36,550.00
1895	30,210.00
1896	44,750.00
1897	45,350.00
1898	104,600.00
1899	131,200.00
1900	112,200.00
1901	109,700.00
1902	118,000.00
Total	771,235.00

PIERRE SCHOOL.

1893	$33,200.00
1894	28,550.00
1895	27,550.00
1896	27,550.00
1897	28,550.00
1898	27,050.00
1899	28,550.00
1900	28,550.00
1901	28,550.00
1902	35,550.00
Total	293,650.00

PIPESTONE.

1893	$15,000.00
1894	15,020.00
1895	12,220.00
1896	14,225.00
1897	20,400.00
1898	30,400.00
1899	49,075.00
1900	32,550.00
1901	27,550.00
1902	38,550.00
Total	254,960.00

PUYALLUP SCHOOL.

1899	$20,000.00

RAPID CITY SCHOOL.

1897	$25,000.00
1898	31,400.00
1899	18,400.00
1900	22,400.00
1901	18,900.00
1902	42,700.00
Total	158,800.00

RIVERSIDE SCHOOL.

1901	$75,000.00
1902	135,400.00
Total	210,400.00

RENSSELAER SCHOOL.

1893	$8,330.00
1894	8,330.00
1895	8,330.00
Total	24,990.00

ST. IGNATIUS MISSION.

1893	$45,000.00
1894	45,000.00
1895	45,000.00
Total	135,000.00

SAC AND FOX, IOWA, SCHOOL.

1897	$35,000.00
1898	14,525.00
1899	15,525.00
1900	15,525.00
1901	13,925.00
1902	14,125.00
Total	106,625.00

SALEM SCHOOL.

1893	$53,750.00
1894	48,500.00
1895	45,250.00
1896	44,250.00
1897	46,850.00
1898	71,700.00
1899	74,700.00
1900	92,600.00
1901	$115,527.00
1902	106,300.00
Total	699,427.00

SANTA FE SCHOOL.

1893	$45,000.00
1894	34,550.00
1895	28,550.00
1896	29,750.00
1897	40,000.00
1898	62,850.00
1899	50,050.00
1900	57,800.00
1901	69,900.00
1902	67,300.00
Total	485,750.00

SHOSHONE RESERVATION SCHOOL.

1893	$20,500.00
1894	24,875.00
1895	22,875.00
1896	27,550.00
1897	30,450.00
1898	26,950.00
1899	39,125.00
1900	37,125.00
1901	35,725.00
1902	35,625.00
Total	300,800.00

SCHOOLS IN STATES.

1893	$75,000.00
1894	75,000.00
1895	9,246.57
Total	159,246.57

SOUTHERN UTE SCHOOL.

1900	$25,000.00
1901	9,690.00
1902	9,690.00
Total	44,380.00

TOMAH SCHOOL.

1893	$25,000.00
1894	21,770.00
1895	19,200.00
1896	18,900.00
1897	19,100.00
1898	35,275.00
1899	38,275.00
1900	46,550.00
1901	38,725.00
1902	42,175.00
Total	304,970.00

HACKBERRY TRUXTON CANYON SCHOOL.

1900	$60,000.00
1901	23,675.00
1902	39,550.00
Total	123,225.00

ONIEDA SCHOOL.

1898	$1,000.00

UMATILLA SCHOOL.

1894	$6,000.00
1895	6,000.00
Total	12,000.00

WABASH SCHOOL.

1893	$10,020.00
1894	10,020.00
1895	10,020.00
Total	30,060.00

INDIAN SCHOOL MANUFACTURES.

1901	$10,000.00
1902	10,000.00
Total	20,000.00

INDIAN SCHOOL STOCK CATTLE.

1893	$20,000.00
1894	25,000.00
1895	20,000.00
1896	20,000.00
1897	15,000.00
1898	15,000.00
1899	10,000.00
1900	10,000.00
Total	135,000.00

INDIAN SCHOOL TRANSPORTATION.

1893	$40,000.00
1894	40,000.00
1895	35,000.00
1896	30,000.00
1897	35,000.00
1898	35,000.00
1899	35,000.00
1900	35,000.00
1901	40,000.00
1902	40,000.00
Total	365,000.00

INDIAN SCHOOL BUILDINGS.

1893	$100,000.00
1894	40,000.00
1895	40,000.00
1896	
1897	140,000.00
1898	200,000.00
1899	200,000.00
1900	300,000.00
1901	240,000.00
1902	240,000.00
Total	1,500,000.00

The total annual appropriations for the support of Indian schools made by the Government since 1877, will be found on page 39 of the Commissioner's last annual report.

Referring to question 6.—The deficiency bills of each year contain small appropriations for schools which arise in the settlements of accounts, but these as a rule are trivial.

Number of employees at Indian agencies, 1900.

ARIZONA.

Colorado River	11
Fort Apache	18
Pima	13
San Carlos	35

CALIFORNIA.

Hoopa Valley	13
Mission Tule	5
Round Valley	3

COLORADO.

Southern Ute	10

IDAHO.

Fort Hall	17
Lemhi	11
Nez Perce	11

IOWA.

Sac and Fox	3

INDIAN TERRITORY.

Quapaw	8
Union	7

KANSAS.

Pottawatomie	7

MONTANA.

Blackfeet Agency	28
Crows	34
Flathead	16
Fort Belknap	24
Fort Peck	30
Tongue River	8

MINNESOTA.

Leech Lake	21
White Earth	16

NORTH DAKOTA.

Devil's Lake	22
Fort Berthold	37
Standing Rock	45

NEW MEXICO.

Mescalero	1
Navaho	18
Pueblo	8
Jicarilla	13

NEVADA.

Western Shoshone	10
Nevada Agency	6

NEW YORK.

New York Agency	2

NEBRASKA.

Omaha and Winnebago	17
Santee	18

OHIO.

Sac and Fox	7

OKLAHOMA.

Cheyenne and Arapaho	51
Kiowa	38
Osage	27
Ponca	16
Pawnee	12
Otoe	11
Oakland	1

OREGON.

Grand Ronde	5
Klamath	12
Siletz	6
Umatilla	9
Warm Springs	9

SOUTH DAKOTA.

Cheyenne River	34
Crow Creek	26
Lower Brulé	16
Pine Ridge	63
Rosebud	51
Sisseton	1
Yankton	28

WASHINGTON.

Colville	25
Neah Bay	10
Puyallup	6
Tulalip	18
Yakima	13

WISCONSIN.

Green Bay	33
La Pointe	11

WYOMING.

Shoshone	24

UTAH.

Uintah	16
Ouray	14

NOTE.—Above are the number of employees at each agency, with the exception of the Indians employed as police.

Be it known that Jackson County, State of Kansas, hereby promises, agrees, and pledges itself, by and through the undersigned, county commissioners of said county, to keep in repair at its own expense any and all bridges that may be constructed and erected by the General Government over the creeks and streams running through the Pottawatomie Indian Reservation located within said Jackson County, State of Kansas.

JOHN C. FRANZ, *Chairman.*
H. H. POSTON,
W. PARMENTER,
Board of County Commissioners of said Jackson County, State of Kansas.

Dated at Holton, Jackson County, State of Kansas, this 17th day of December, A. D. 1901.

Attest:
[SEAL.] J. W. ATWATER,
County Clerk.

The Clerk, proceeding with the reading of the bill, read as follows:

At the Pottawatomie and Great Nemaha Agency, Kans., $1,200.

Mr. CURTIS. Mr. Chairman, I offer the following amendment.

The Clerk read the amendment, as follows:

In line 12, page 4, strike out the word "two" and insert "five."

Mr. CURTIS. Mr. Chairman, the word "two" was inserted by mistake. This item was raised to $1,500 last year and should be for that amount in this bill.

The amendment was agreed to.

The Clerk read as follows:

At the Standing Rock Agency, N. Dak., $1,800.

Mr. SHERMAN. Mr. Chairman, I offer the following amendment:

On line 2, page 5, insert:
"Tongue River Agency, Mont., $1,500."

It was agreed upon by the committee, but by mistake it was not included in the bill.

The amendment was agreed to.

The Clerk read as follows:

At the White Earth Agency, Minn., $1,800.

Mr. JONES of Washington. Mr. Chairman, I move to amend, after the word "dollars," in line 10, page 5, by inserting the following:

At the Yakima Agency, Wash., $1,600.

Mr. Chairman, I was very much surprised to find that the bill omitted the amount for this agency. Of course I understand the rules relating to secrecy in the consideration of appropriation bills. I had received no intimation from the Commissioner of Indian Affairs that an agent was not needed at this point, and in conversation with some of the officials of the Indian Department some time ago that statement was made that the discontinuance of our agent was not thought of. Of course these officials did not speak with authority, but they did speak with knowledge of the conditions, and I never dreamed of such action.

It is fair to the House to say that when the bill was reported I consulted the Commissioner of Indian Affairs relating to the Yakima Agency, and he said he did not consider an agent necessary at this point. He stated that the special agent and inspectors of the Department had reported to him that it would be better to have a bonded superintendent of Indian schools in charge of this reservation. It is but fair also to say that he stated that it had been the experience of the Department that they got more satisfactory service from the bonded superintendents than through the Indian agents, and it was their policy to abolish the agents as fast as possible.

I desire to state that there are about 2,000 Indians at the Yakima Agency. There have been 2,700 allotments made to the Indians. In the reservation proper there are about a million acres of land. It was found that a mistake in the boundaries had been made, and upon investigation it was ascertained and determined by the Department that about 300,000 acres more of timber and grazing land should be included in the Yakima Reservation. The Government is endeavoring to make arrangements by which it shall secure title to the land and also to the unallotted lands of the reservation. It seems to me an agent could look after the interests of the Indians much better than a bonded superintendent. It is fair to say that the Commissioner of Indian Affairs says that the bonded superintendent can do and perform the duties of agent the same as the agent himself. There are other matters in connection with these Indians which seems to me make it certain that if any Indians in the country need an agent these Indians do.

I presume that about one-half of these Indians are what are commonly known as blanket Indians. In other words, they have not yet fully adopted the manners, customs, and habits of civilized people, nor of the white men surrounding them. They are within 4 miles of North Yakima. These Indians give the Government considerable trouble in connection with the sale of whisky and other intoxicating liquors. An agent could look after these matters better than a bonded superintendent. Furthermore, their land is arid land. Irrigation ditches have been constructed, and are being constructed, for the purpose of irrigating the Indian lands. Much of their lands are leased. Each man, woman, and child has 80 acres. The interests of the women and children must be looked after. Their lands must be leased and the rents collected. I believe that the interests of the Indians require an agent to look after the disposition, handling, and care of the lands, as well as the many other matters that come up in connection with them. These are the facts, conditions, and circumstances surrounding the Yakima Indian Agency. It seems to me they warrant, yes, demand the maintenance and existence of an agent there. I want to say frankly that all I desire is the good of the Indians. I do not profess to know as much about the difference between the requirements that necessitate an agent and those that necessitate only a bonded superintendent as the experts of the Department, nor as much as the Commissioner himself.

I do not know what the special requirements are at these different agencies, where an agent is maintained instead of a bonded superintendent. I do not know wherein they differ from our agency. I can not conceive of conditions, circumstances, or facts connected with the other Indian agencies that would make it more important or necessary to maintain an agent at those points than at the Yakima Agency. If this agency is abolished, I believe the Government will realize the injury done before the year is past. I hope the committee will not oppose this amendment, and I insist that the amendment should be adopted.

Mr. SHERMAN. Mr. Chairman, the committee gave considerable attention to the question of agencies, and after a full hearing by the subcommittee at the Indian Office and a consideration of all the facts presented by the Commissioner we found that it was possible to dispense with five agencies, of which this is one. There are in the neighborhood of 2,000 Indians at this agency and in the neighborhood of 200,000 acres of allotted land.

The Indians raise their own crops; they do more or less labor for others outside of the reservation. They are quite as capable, many of them, of taking care of themselves as any white people in this country. It is the opinion of the Department that the duties of the agency can be performed by a bonded superintendent, and that the interests of the service, instead of being injured, will be subserved by doing away with the agency at Yakima. I trust therefore the amendment will not prevail.

The question being taken on the amendment of Mr. JONES of Washington,

The CHAIRMAN. The ayes appear to have it.

Mr. SHERMAN. I call for a division.

The question being again taken, there were—ayes 8, noes 33.

So the amendment was rejected.

The Clerk read as follows:

For pay of 41 agents of Indian affairs at the following-named agencies, at the rates respectively indicated, namely:

Mr. SHERMAN. I ask unanimous consent to amend the paragraph just read by making "41," in line 2, page 2, read "42," and making the total in line 12, page 5, $67,300. This is made necessary by the amendment already adopted.

The CHAIRMAN. Without objection, the amendments proposed by the gentleman from New York will be agreed to.

There was no objection.

The Clerk read as follows:

For pay of eight Indian inspectors, one of whom shall be an engineer competent in the location, construction, and maintenance of irrigation works, at $2,500 per annum each, $20,000: *Provided*, That the Indian inspector located in the Indian Territory, under the provision of section 27 of the act of Congress approved June 28, 1898, while assigned to such duty, may be designated as commissioner for the Indian Territory, and shall be allowed for compensation $3,500 per annum, together with all traveling expenses and $8 per diem while on duty and under such assignment.

Mr. SHERMAN. I move to amend by striking out the proviso just read. It is an error that it was printed here. It was voted down in the committee.

Mr. LITTLE. That is right.

The motion of Mr. SHERMAN was agreed to.

The Clerk read as follows:

For contingencies of the Indian Service, including traveling and incidental expenses of Indian agents and of their offices, and of the Commissioner of Indian Affairs; also traveling and incidental expenses of 5 special agents, at $3 per day when actually employed on duty in the field, exclusive of transportation and sleeping-car fare, in lieu of all other expenses now authorized by law; and expenses of going to and going from the seat of government, and while remaining there under orders and direction of the Secretary of the Interior, for a period not to exceed twenty days; for pay of employees not otherwise provided for, and for pay of the 5 special agents, at $2,000 per annum each, $40,000.

Mr. LITTLE. I offer the amendment which I send to the desk.

The Clerk read as follows:

Add after the word "offices," in line 23, the following:

"And to enable said Commissioner to examine and report the feasibility and expediency of educating Indians in schools upon the reservations and in the communities where said Indians reside, and to submit the best plan, in his judgment, to accomplish this end to the next session of Congress."

Mr. SHERMAN. I desire to reserve a point of order on that amendment. I did not know that the gentleman intended to present it at this time.

Mr. LITTLE. I do not think it is subject to a point of order, but I have no objection to the gentleman's reserving the point. I would like to be heard for a moment.

Mr. Chairman, my purpose in this amendment is in a measure to carry out the wishes of the Commissioner of Indian Affairs. I do not mean that he has recommended this mode of proceeding; but anyone who will read the report of the Commissioner will see that he very earnestly advocates the education, as far as possible, of the Indians upon the reservations and in the communities in which they reside. In that expression of opinion I most heartily concur.

Now, the only effect this amendment can have is to furnish to Congress at its next session such information and such recommendations as the Commissioner of Indian Affairs may make. It does not bind Congress to any particular line of proceeding. It simply seeks information upon this subject. I believe that if we had more schools on the reservations—more day schools, more industrial schools—where the scholars would be brought into contact with the home Indians, this system would have a decided tendency to elevate the condition of the Indian tribes.

Mr. SHERMAN. Will the gentleman yield a moment?

Mr. LITTLE. Certainly.

Mr. SHERMAN. The amendment, as I understand, contemplates no additional expense?

Mr. LITTLE. None whatever.

Mr. SHERMAN. It appropriates no money?

Mr. LITTLE. None.

Mr. SHERMAN. Does the gentleman, after a careful reading of the last report of the Commissioner of Indian Affairs, where this entire school subject is discussed very fully, think that this amendment is really necessary?

Mr. LITTLE. I really do.

Mr. SHERMAN. Very well; then I will withdraw my point of order.

Mr. LITTLE. I feel sure that the adoption of the amendment can not work harm in any way. I believe it will give us information that we ought to have; and if there should be any change in our educational policy upon the reservations, this information will enable us to make that change intelligently.

Mr. CANNON. Let us hear the amendment read again.

The amendment was again read.

Mr. STEPHENS of Texas. I think this should be adopted without division.

Mr. CANNON. Why so?

Mr. STEPHENS of Texas. The Secretary of the Interior, in speaking of the report made by Mr. Jones, Commissioner of Indian Affairs, adopted the ideas of Mr. Jones that these Indians should be educated on the reservations, and not sent away to these contract schools. Now, if we are to put that into effect, I know of no better way to begin it than by requiring these men sent out by the Government to investigate Indian affairs to report to Congress the best means of accomplishing that end, if that is the end to be accomplished. It is the end to be desired, in my judgment, and is very desirable and necessary for the education of the Indian. If that is to be accomplished, we should make a beginning at some time, and it will not cost the Government one dollar more, and these Indian inspectors sent out to investigate Indian affairs will take up this subject in connection with other subjects, and report to Congress the best means of accomplishing that result.

Mr. CANNON. If the gentleman will permit me?

Mr. STEPHENS of Texas. Certainly.

Mr. CANNON. As I understand it, since 1896 we have not been doing anything else but supporting boarding and day schools on the reservations. As I understand the report of the Commissioner of Indian Affairs, there is now substantially on the various reservations industrial and day schools sufficient to accomodate the whole number of children of school age. Now, it has gone beyond the era of investigation. We have had investigation for eight or ten or twelve years past, as I understand it—nothing else but investigation—and that investigation has ripened into a policy, a policy which has covered the expenditure of money—millions of dollars—on school facilities sufficient for the purpose, run by the Government, to care for the children. Am I right about that?

Mr. SHERMAN. The gentleman in the main is correct, but the purpose of this amendment, as I understand it, is to draw a

distinction between the nonreservation and the reservation schools. There are gentlemen who contend that equally good results are not obtained in the nonreservation schools. I think the gentleman from Texas [Mr. STEPHENS] is in error in assuming that the report of the Commissioner maintains that efficient work is not obtained in the nonreservation schools. On the contrary, as I read his report, he expressly commends nonreservation schools, and says that the work they are doing is most beneficent and efficient work, describes what that education is, and tells why, in his judgment, that education produces results that can not be produced in a reservation school pure and simple. I think the gentleman is in error. I dislike to disagree with my friend from Arkansas [Mr. LITTLE], but, I think, in the last report of the Commissioner of Indian Affairs this entire subject is discussed as fully and all of the conditions are set forth as clearly as it would be possible to set them forth after another examination.

Mr. LITTLE. Mr. Chairman, if the gentleman will permit me, I do not want the purpose of the amendment that I offer misunderstood. We have the recommendation in a general way from the Commissioner of Indian Affairs. The principal object of this amendment is to give us more detailed information as to the condition of the reservation, with a view that we may take additional steps in education at and near their homes. Now, do not understand me to say that good results are not accomplished by nonreservation schools; but I think they have gone far enough, as you will find in the report of the Commissioner—I do not happen to have it before me—where he says things that rather concur with me, that these nonreservation schools, in a large measure, have not produced the results desired and hoped for, and he believes that it is wise to begin the more extensive education of these Indians upon their reservations, at their homes, and in that way you will build up the entire sentiment of the tribe.

You take a boy and girl from their homes and put them into nonreservation schools, and when they go back they are so far out of joint with their tribes that neither the child nor the parents are satisfied. I do not pretend to say that the purpose of this amendment will change the present purpose of Congress, but it is additional information we may get without any material additional expense under the appropriation asked here. It is information that I want us to get if we can do it, and it will be for Congress to say as to whether they want to increase the reservation school or not.

The gentleman from Illinois [Mr. CANNON] is correct that upon the reservations we have day schools and industrial schools, but no one can maintain that there are enough of those schools to accommodate the children on the reservations. There may be some reservations where it is wholly impracticable to do this. That is what I want to know, and if the Department needs money to build smaller schools similar to the smaller schools of the country, I would like to see that done. In fact, I do not see how that amendment can, in any view of this subject, do any harm; all it can do is to give us additional light on the subject, and for the Commissioner to make such recommendations in the line he expresses in his report, if he sees proper, that we may enlarge at least that branch of the education, whether we diminish from the nonreservation schools or not. I believe we ought to have this amendment, and I hope that the point of order will not be pressed.

The CHAIRMAN. The time for debate on this amendment is exhausted.

Mr. FITZGERALD. I move to strike out the last word. I hope there will be no objection to the amendment of the gentleman from Arkansas [Mr. LITTLE]. Mr. Chairman, yesterday I discussed under the general debate the necessity which I believe existed for commencing to prepare for the abandonment of nonreservation schools. I believe the amendment of the gentleman from Arkansas should be adopted. It merely directs the Commissioner to report as to the advisability of establishing additional schools upon the reservations. Nobody who has read the report of the Commissioner of Indian Affairs can fail to be impressed with his language upon this subject. After reviewing the conditions under which an Indian is transplanted from his home on the reservation to the nonreservation school, he uses this language:

> Here he remains until his education is finished, when he is returned to his home—which by contrast must seem squalid indeed—to the parents whom his education must make it difficult to honor, and left to make his way against the ignorance and bigotry of his tribe. Is it any wonder he fails? Is it surprising if he lapses into barbarism? Not having earned his education, it is not appreciated; having made no sacrifice to obtain it, it is not valued. It is looked upon as a right and not as a privilege. It is accepted as a favor to the Government and not to the recipient; and the almost inevitable tendency is to encourage dependence, foster pride, and create a spirit of arrogance and selfishness. The testimony on this point of those closely connected with the Indian employees of the service would, it is believed, be interesting.

With that language incorporated in the report of the Commissioner, I believe that every member of this House should be anxious to secure that information. It can do no harm, and it may be of great good and of much advantage, not merely to the members of the House, but to the members of the committee who are charged with the duties of framing legislation for the Indian school service. I hope the amendment will be adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arkansas [Mr. LITTLE].

The amendment was agreed to.

The Clerk read as follows:

> To enable the Secretary of the Interior to employ practical farmers and practical stockmen in addition to the agency farmers now employed, at wages not exceeding $75 each per month, to superintend and direct farming and stock raising among such Indians as are making effort for self-support, $75,000.

Mr. CANNON. Mr. Chairman, I want to reserve a point of order to ask a question.

I see here the item, wages of farmers, not exceeding $75. I believe heretofore the amount has been $65.

Mr. SHERMAN. Heretofore it has been that. I think I can explain that to the satisfaction of the gentleman. Heretofore the wage of these farmers has been $65, as the gentleman states. There are altogether about 100 of these farmers employed. It has been impossible for the Commissioner at all times to find farmers who would fill these positions in certain parts of the country at the maximum rate of $65. In other parts of the country he succeeded in procuring them at $25 a month. There was a time during the last fiscal year when there were 23 vacancies in this force by reason of the fact that the Secretary was unable to find efficient, practical, useful farmers to fill those positions who would take them and perform the service for $65 a month, and for that reason we have increased the maximum to $75 a month and increased the total of the appropriation accordingly.

Mr. CANNON. I do not desire to make the point of order, especially after the committee has made the investigation; but I believe, nevertheless, that neither for $65 nor $75 can you get a farmer who will earn his salt. I do not think you could for $175 a month. Still we have had the farmer through all the years, and we have him now. I would rather have a good farm hand who would do the work, because that is what it amounts to, and you could get a farm hand for $20.

Mr. SHERMAN. Mr. Chairman, I do not know as it is pertinent to this bill, but I do not like to allow so sweeping an indictment of the agriculturists of the country as my friend makes. I do not think he wishes to be understood as having it so broad as his language seems to imply.

The fact remains, Mr. Chairman, that in actual practice the Commissioner, with the funds on hand, has been unable to find competent men to fill these positions for the maximum salary he has been permitted to pay; and therefore it seemed to the committee that there could be no more conclusive argument that the increased salary was necessary. It has not been our experience around Washington, I think, that we could not find people to accept the positions, no matter what the salary was; but the Commissioner's experience in this line has been somewhat different.

Mr. CANNON. Perhaps I ought to have made myself better understood. I would not antagonize the conclusion of the Committee on Indian Affairs that the salaries ought to be increased from sixty-five to seventy-five dollars a month; but what I had in my mind to say, which I will now say, was that the whole system of furnishing farmers to instruct Indians in agriculture—Indians who will not work, to be instructed by a farmer who will not work—is worse than useless in its practical results.

The CHAIRMAN. Does the gentleman insist on his point of order?

Mr. CANNON. Oh, no; I do not feel at liberty to do that. I will not antagonize a committee that has a system and does not propose to abolish it.

The Clerk read as follows:

CHIPPEWAS OF MINNESOTA, REIMBURSABLE.

> Advance interest to the Chippewa Indians in Minnesota, as required by section 7 of "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January 14, 1889, to be expended under the direction of the Secretary of the Interior, in the manner required by said act (reimbursable), $90,000.

Mr. CANNON. Mr. Chairman, I move to strike out the last word, for the purpose of asking a question. What is this money to be reimbursed from, and how?

Mr. SHERMAN. It is to be reimbursed under the provisions of the act referred to therein, which is an act to confirm the Chippewa treaty, and the money arises from the sale of timber and timber lands. Up to the present time there has been received from this source about $1,400,000, and there has been disbursed about $2,800,000, which is about twice as much as received. The act confirming the treaty provides in section 7:

> That all money accruing from the disposal of said lands in conformity with the provisions of this act shall, after deducting all the expenses of making the census, of obtaining the cession and relinquishment, of making the removal and allotments, and of completing the surveys and appraisals in this act provided, be placed in the Treasury of the United States to the

credit of all the Chippewa Indians in the State of Minnesota as a permanent fund, which shall draw interest at the rate of 5 per cent per annum, payable annually for the period of fifty years, after the allotments provided for in this act have been made, and which interest and permanent fund shall be expended for the benefit of said Indians in manner following:

One-half of said interest shall, during the said period of fifty years, except in the cases hereinafter otherwise provided, be annually paid in cash in equal shares to the heads of families and guardians of orphan minors for their use; and one-fourth of said interest shall, during the same period and with the like exception, be annually paid in cash in equal shares per capita to all other classes of said Indians; and the remaining one-fourth of said interest shall, during the said period of fifty years, under the direction of the Secretary of the Interior, be devoted exclusively to the establishment and maintenance of a system of free schools among said Indians, in their midst and for their benefit; and at the expiration of the said fifty years the said permanent fund shall be divided and paid to all of said Chippewa Indians and their issue then living, in cash, in equal shares:

Provided, That Congress may, in its discretion, from time to time, during the said period of fifty years, appropriate, for the purpose of promoting civilization and self-support among the said Indians, a portion of said principal sum, not exceeding 5 per cent thereof. The United States shall, for the benefit of said Indians, advance to them as such interest as aforesaid the sum of $90,000 annually, counting from the time when the removal and allotments provided for in this act shall have been made, until such time as said permanent fund, exclusive of the deductions hereinbefore provided for, shall equal or exceed the sum of $3,000,000, less any actual interest that may in the meantime accrue from accumulations of said permanent fund; the payments of such interest to be made yearly in advance, and, in the discretion of the Secretary of the Interior, may, as to three-fourths thereof, during the first five years be expended in procuring live stock, teams, farming implements, and seed for such of the Indians to the extent of their shares as are fit and desire to engage in farming, but as to the rest, in cash; and whenever said permanent fund shall exceed the sum of $3,000,000 the United States shall be fully reimbursed out of such excess for all the advances of interest made as herein contemplated and other expenses hereunder.

So that it amounts to this: up to the present time they have been paid, as advances, about $3,000,000, which, if this timber and these lands are properly sold, will eventually all come into the Treasury. We have already paid something over $2,000,000 directly to the Indians or for their support. There is a considerable amount paid for the surveys and allotment and all that. So that of the $2,800,000 now paid, nearly $2,500,000, or the greater part of the amount paid under the act and treaty, will eventually be repaid to the Indians.

Mr. CANNON. Well, if I understand then, almost three millions that has been advanced from the United States Treasury, reimbursable from the sale of the timber.

Mr. SHERMAN. That is correct.

Mr. CANNON. And it has been reimbursed in part, and they are still in arrears over a million.

Mr. SHERMAN. That is correct.

Mr. CURTIS. I will state to the gentleman that it is estimated that the timber is worth from ten to fifteen millions of dollars.

Mr. CANNON. Now, I understand, further, that this $3,000,000 was expected to go into the Treasury and the Indians get the interest, but instead of that they have gotten almost the three millions. Now, does my friend think that the time will ever come when that will be reimbursed?

Mr. SHERMAN. Oh, yes. I do, because there seems to be no possible question but that these timber lands are worth vastly more than this sum. They have been estimated at something over $10,000,000; but all the sales have been tied up for a year or two pending an investigation of alleged frauds in reference to the sale of them, and pending the consideration of an amendment to the act under which they are sold. Therefore for about two years nothing has come into the Treasury from these sales. I have no doubt but that eventually all of this $3,000,000 will be repaid to the Treasury of the United States.

Mr. CANNON. I am very glad to hear the gentleman say so, because, first, I had an impression that they never would pay it; second, long before it could be untangled and the machinery could be put in motion with which it would be paid that the good people of the United States—I was going to say of Minnesota, but I will not, because Minnesota has no monopoly of good people—will have found with covetous eyes that the remainder of the timber up there ought to be used for commercial purposes, and that the timber would disappear under legislation or administration, more probably both, and that the United States would pocket the loss to the extent of the loss of the timber, and that finally, in the not far-distant future, it will be thrown open to free homes.

Mr. SHERMAN. I think I have stated to the gentleman on some former occasion when this same subject was up, when an Indian appropriation bill was under consideration, that I questioned whether enough would ever come from these sales to make the Government good; but I said that when there was what seemed to me a defective law, or rather a careless administration, to use a rather mild term; but the defects of administration seem to have been cured, and in my judgment the time is not far distant when the defects of the law will be cured.

The CHAIRMAN. Does the gentleman from Illinois withdraw his amendment?

Mr. CANNON. Yes.

The Clerk read as follows:

CREEKS.

That the Secretary of the Treasury is hereby authorized and directed to place upon the books of the Treasury to the credit of the Muscogee or Creek tribes the sum of $999,368, being in full for the permanent annuities guaranteed them by the treaties of August 7, 1790, June 16, 1802, June 24, 1826, August 7, 1856, and June 14, 1866, to be added to the Creek general fund already to the credit of said nation, and to draw interest at 5 per cent per annum until drawn out of the Treasury for the purpose named in the agreement with the Muscogee or Creek tribe of Indians ratified by act of March 1, 1901.

Mr. CANNON. Mr. Chairman, I will reserve a point of order on that paragraph for the purpose of asking a question.

Mr. SHERMAN. I think I can explain it before the question is asked, as I think I anticipate the question. Under the several treaties there are many items of payments that we must make to this tribe, and it has been thought wise, and recommended by the Department, that instead of appropriating year after year, as we have been doing, these funds, we should capitalize the fund upon the basis of 5 per cent, the amount of these several obligations amounting to not quite $50,000 a year, and put this money in the Treasury, pay them 5 per cent annually, and hereafter there will be no provision in the appropriation bill under the treaties for the Creeks.

It is simply a question whether we shall continue to pay item by item $50,000 each year, or capitalize it and put it into the Treasury now and have the interest paid out to them every year under the provision of the several treaties.

Mr. CANNON. Does the gentleman know the amount of the general fund?

Mr. SHERMAN. Already in the Treasury? Something over a million dollars.

Mr. CURTIS. I would like to read section 27 of the Creek agreement ratified by the act of March 1, 1901. It provides:

All treaty funds of the tribe shall hereafter be capitalized for the purpose of equalizing allotment, and for the other purposes provided in this agreement.

That is simply carrying out, in addition to what the chairman of the committee has said, the provision of the treaty.

Mr. CANNON. Why should it be capitalized at 5 per cent?

Mr. SHERMAN. If you capitalize it at 4 per cent per annum, it makes the principal sum so much more. It is as long as it is broad, whether you capitalize it at 5 per cent or 4 per cent; at 4 per cent it takes so much more money to pay the principal sum.

Mr. CANNON. The interest on this sum at 5 per cent equals the appropriation that is made to them under the treaty?

Mr. SHERMAN. Yes, and has been made for many years.

Mr. CANNON. It is to be made in perpetuity?

Mr. SHERMAN. Yes, or until such time as the United States may pay it out of the Treasury to them.

The Clerk, proceeding with the reading of the bill, read as follows:

For subsistence of the Sioux, and for purposes of their civilization, as per agreement ratified by act of Congress approved February 28, 1877, $850,000: *Provided*, That this sum shall include transportation of supplies from the termination of railroad or steamboat transportation; and in this service Indians shall be employed when practicable: *And provided further*, That the number of rations issued shall not exceed the number of Indians on each reservation, and any excess in the number of rations issued shall be disallowed in the settlement of the agent's account: *Provided further*, That the unexpended balance for the fiscal year 1902 is hereby appropriated and made available for 1903.

Mr. CANNON. Mr. Chairman, I would like to ask the gentleman in charge of the bill, if this is a reappropriation, if he knows about the amount reappropriated?

Mr. SHERMAN. My recollection is that it is between twenty and thirty thousand dollars. I thought I had the memorandum here, but I have not. It is not a large sum.

The Clerk read as follows:

WINNEBAGOES.

For interest on $804,909.17, at 5 per cent per annum, per fourth article of treaty of November 1, 1837, and joint resolution of July 17, 1862, $40,245.45; and the Secretary of the Interior is hereby directed to expend said interest for the support, education, and civilization of said Indians.

Mr. CANNON. Mr. Chairman, I reserve a point of order on lines 13, 14, and 15, after the word "cents," for the purpose of asking a question. What is the necessity for this legislation; how does it change the treaty, if at all? I apprehend, although I have not examined the treaty, that it is for subsistence, tools, etc. Now, if you divert it to subsistence, support, education, and civilization, and blow it in for that purpose, will you not have then, from the standpoint of humanity, to support the Indians?

Mr. SHERMAN. I have absolutely no memorandum about it and no recollection about it. I suppose it is the same language as that in the last bill.

Mr. CANNON. I think not. Suppose we let it pass until the end of the bill?

Mr. SHERMAN. Very well. I ask unanimous consent, Mr. Chairman, that we may pass over this item until we reach the end of the bill, and return to it.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the paragraph just read be passed until the end of the bill is reached, and then return to it. Is there objection?

There was no objection.

The Clerk read as follows:

For payment per capita, under the direction of the Secretary of the Interior, to certain Creek Indians, or their heirs, who removed themselves from east of the Mississippi River to the Creek Nation, in the Indian Territory, and subsisted themselves for one year, in accordance with the twelfth article of the treaty with the Creek Nation, proclaimed April 4, 1832, as exhibited in Senate Executive Document No. 198, Fiftieth Congress, first session, $12,220, to be immediately available.

Mr. CANNON. Mr. Chairman, I desire to make a point of order beginning at line 21 to the close of the paragraph. I think on examination——

Mr. CURTIS. I think, Mr. Chairman, the item is subject to a point of order, but as it was the last of the claims of that kind against the Government, and as we had entered into a treaty with the Indians looking to the settlement of the affairs of said tribe as soon as possible, the committee thought it best to put this item in the bill at this time. I desire to have read as a part of my remarks a letter from the chief of the tribe in regard to this item.

The Clerk read as follows:

WASHINGTON, D. C., *February 19, 1903.*

SIR: I notice an item in the pending Indian appropriation bill providing for the reimbursement of certain Creek Indians, as per treaty stipulations, for which, on behalf of said Indans, I beg to thank you and your honorable committee. That item is just, and I trust it may be permitted to remain in the bill. The Indians for whom this appropriation is intended removed themselves from east of the Mississippi and subsisted themselves for one year thereafter, and they are the last of all so removed who have not been reimbursed. All others have been paid according to treaty stipulations, and it is but common justice and fair dealing to treat these remaining few likewise.

Should the legality of justice of this item be called in question by members of the House, I trust you will refer them to the Creek treaty of 1832, and the reports of the honorable Secretary of the Interior and Commissioner of Indian Affairs, of date June 19 and 20, 1888, as printed in Senate Executive Document 198, first session Fiftieth Congress. These reports and the treaty show that the claim is just and ought to be paid. I hope, therefore, that Congress will make the appropriation, so as to enable us poor orphans to start even with our white brothers in the race of life.

Very respectfully,

P. PORTER,
Principal Chief Cherokee Nation.

Hon. JAMES S. SHERMAN,
Chairman Indian Committee, House of Representatives.

Mr. CANNON. I will say to my friend that I have examined the document referred to. If we have to give gifts, I think it is well to give them where needed, to the wards of the nation, as we do here in these miscellaneous items by wholesale. Taking into consideration the condition of the Creeks and the civilized tribes, they are very well off—much better off than the average white man is from a property standpoint—taking the average all over the United States.

After an examination of this document I have no hesitation in saying that the provision is subject to a point of order, and as this is a continuing appropriation, dating back to 1836, which was available up to 1882 under the treaty, in pursuance of which these amounts were paid, it seems to me that this legislation ought not to be had.

Mr. CURTIS. They have all been paid except this bunch of claimants. The provision is no doubt subject to a point of order. We provided in 1901 that this claim and other claims of this class of the Creek Indians should be referred to the Senate as referees; but, as I have remarked, we inserted this provision in this bill because it was represented to the committee that this was the last claim of this class.

Mr. CANNON. Well, upon this document, to which the gentleman refers, no Senate and no auditing officer, in my judgment, would ever pass a cent of these claims.

The CHAIRMAN. Does the gentleman from Illinois withdraw his point of order?

Mr. CANNON. No, sir.

Mr. CURTIS. The provision is undoubtedly subject to a point of order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

For the support and civilization of the Mission Indians in California, $100,000, to be immediately available: *Provided*, That out of said sum the Secretary of the Interior be, and he is hereby, authorized to purchase a suitable tract of land in southern California and to locate thereon such Mission Indians heretofore residing or belonging on the Rancho San Jose del Valle, or Warners Ranch, in San Diego County, Cal., and such other Mission Indians as may not be provided with lands elsewhere, as the Secretary of the Interior may see fit to locate thereon. And the Secretary of the Interior may at any time, in his discretion, cause the land so purchased to be allotted in severalty to the Indians located thereon, under the provisions of the act of Congress entitled "An act to provide for the allotment of land in severalty to Indians on the various reservations and to extend the protection of the laws of the United States and Territories over the Indians, and for other purposes," approved February 8, 1887, in such quantities and to such classes as he may deem expedient: *Provided further*, That of said amount a sum not exceeding $30,000 may be expended, under the direction of the Secretary of the Interior, in the removal of said Indians to the said tract, and in the purchase of such building materials, agricultural implements, harness, subsistence supplies, and other necessaries as may be required to properly establish the Indians at their new location.

Mr. CANNON. Mr. Chairman, I desire to reserve a point of order on this paragraph. In the first place, let me ask how many of these Indians are there?

Mr. SHERMAN. Between two and three hundred.

Mr. CANNON. What is the necessity for purchasing land for them?

Mr. SHERMAN. I explained that matter briefly in a few remarks I made before this bill was taken up. I believe the gentleman was not in the House at the time.

Mr. CANNON. I was not.

Mr. SHERMAN. These Indians have lived for many generations upon property which is known as Warners Ranch, in southern California. Litigation which has covered a period of some years has been finally determined in the appellate court adversely to the Indians, in favor of a man whose name I do not recall, who, as the decision held, owns the fee to the ranch. This decision was made some months ago, and the owner of the land was about to eject the Indians; but he was prevailed upon to permit them to stay there by sufferance until Congress took some action.

The Indian Commissioner in his report, on page 114 and subsequent pages, goes quite fully into a discussion of this matter. An inspector who has been detailed to investigate has made a special report, which is embraced in House Document 119 of the present session of Congress. In that document the inspector reports that there is no available public land in southern California where these Indians could be located. Whatever public land remains in that part of the country is barren, rugged, unproductive. The Indians could not subsist upon it.

The inspector further reports that it would be very expensive to move these Indians from California to some other part of the United States where we have land. Besides, they have lived for generations in that climate and in those environments, and it would he a very great damage to them to attempt to remove them. He reports upon several proposed new locations for the Indians. His report covers offers from eight or ten owners of land at various prices; and this unquestionably is the most advantageous offer that the Government has received. There is no question that this is purely and simply a gratuity, but these Indians must receive help from the Government or they will absolutely starve to death. It has seemed to us that this is the most feasible and economical way in which to dispose of the matter.

Mr. CANNON. The litigation is now ended?

Mr. SHERMAN. Yes.

Mr. CANNON. The question has gone to the court of last resort?

Mr. SHERMAN. Yes.

Mr. CANNON. And the Indians are to be ejected?

Mr. SHERMAN. They are to be ejected.

Mr. CANNON. Are they to be removed down onto arid lands?

Mr. SHERMAN. Oh, no. The report sets out how much of the land is timber land, how much has water on it, and how much has been cultivated. It would appear from the report that these 2,500 acres are reasonably worth all that is asked for them—$70,000. Thirty thousand dollars is to defray the expenses of moving them and for temporary subsistence.

Mr. CANNON. Then the gentleman is of opinion that this gratuity will end the matter. In other words, that we are not to enter upon irrigation and all that sort of thing.

Mr. SHERMAN. Oh, no; these Indians have been self-supporting. We have never given them anything. They have supported themselves for generations, and it may be that for one more year we might be asked to appropriate a very small sum to help them out, but even that I question. I am perfectly clear in my own mind that after twelve or twenty-four months they will be self-sustaining, the same as they have been heretofore.

The Clerk read, as follows:

For the purpose of removing intruders and placing allottees in unrestricted possession of their allotments, to be expended under the direction of the Secretary of the Interior and to be immediately available, $15,000; in all, $110,000: *Provided, however*, That it shall hereafter be unlawful to remove or deport any person from the Indian Territory who is in lawful possession of any lots or parcels of land in any town or city in the Indian Territory which has been designated as a town site under existing laws and treaties, and no part of this appropriation shall be used for the deportation or removal of any person from Indian Territory: *Provided*, That the just and reasonable share of each member of the Chickasaw, Choctaw, Creek, and Cherokee nations of Indians, in the lands belonging to the said tribes, which each member is entitled to hold in his possession until allotments are made, as provided in the act entitled "An act for the protection of the people of the Indian Territory, and for other purposes," approved June 28, 1898, be, and the same is hereby, declared to be 320 acres for each member of the Chickasaw Nation, 320 acres for each member of the Choctaw Nation, 100 acres for each member of the Creek Nation, and 120 acres for each member of the Cherokee Nation.

Mr. CURTIS. Mr. Chairman.

The CHAIRMAN. The gentleman from Kansas.

Mr. CURTIS. I offer the following amendment: In line 16, after the words "one hundred," add the word "sixty," making it read "160 acres."

Mr. LITTLE. I would suggest that was the agreement of the committee. It is a misprint in the bill.

Mr. CURTIS. Yes; it was left out by mistake.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 16, on page 37, after the words "one hundred" insert the word "sixty;" so as to read "160 acres."

Mr. CURTIS. Also the following amendment: In line 17, after the words "one hundred," I move to strike out the word "twenty," making it read "100 acres." That was the agreement of the committee.

The CHAIRMAN. The question is on agreeing to the amendments offered by the gentleman from Kansas.

The amendments were agreed to.

Mr. SHERMAN. I offer the following amendment, to correct a typographical error.

The Clerk read as follows:

On page 36, in line 23, strike out "ten" and insert in lieu thereof "sixty;" so as to read "$160,000.

Mr. SHERMAN. It simply corrects the total.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

The amendment was agreed to.

The Clerk read as follows:

That the Secretary of the Interior be, and he is hereby, authorized to cause to be assembled at the city of St. Louis, in the State of Missouri, at such time and for such period as he may designate, and as a part of the Louisiana Purchase Exposition, to be held at the city of St. Louis, in the State of Missouri, pursuant of an act of Congress entitled "An act to provide for celebrating the one hundredth anniversary of the purchase of the Louisiana territory by the United States by holding an international exhibit of arts, manufactures, and the products of the soil, mine, forest, and sea in the city of St. Louis, in the State of Missouri," approved March 3, 1901, such representatives of the different Indian tribes and such exhibits from Indian agencies, schools, and archives as he may deem advisable or necessary to illustrate the past and present conditions of the Indians and the Indian tribes of the United States and progress made by such in education, art, and industry, and the methods of education and government, and such other matters and things as will fully illustrate Indian advancement in civilization, the details of which shall be in the discretion of the Secretary of the Interior. And for the purposes of carrying into effect this provision, the sum of $40,000, or so much thereof as may be necessary, is hereby appropriated out of money in the Treasury not otherwise appropriated; but the Secretary of the Interior is hereby prohibited from making, or causing to be made, any expenditure or creating any liability on behalf of the United States in excess of the sum hereby appropriated.

Mr. CANNON. I make a point of order on that paragraph. It covers new legislation, and is therefore not in order on the bill; second, if it were in order, it does not belong to this bill.

The CHAIRMAN. Does the gentleman from New York care to discuss the point of order?

Mr. SHERMAN. I do not care to discuss the point of order. Of course what is proposed is antagonistic to the rule; there is no question about that; but the appropriation is the same as made for other expositions. It is appropriated on the same bill as was the money for the exposition at Omaha, for the exposition at Chicago, and, if my memory is correct, also at Nashville. Of course I concede that the point of order is well taken if the gentleman insists upon it.

Mr. CANNON. It seems to me that we better keep the expositions free of this and under one set of appropriations, in one bill, so that we may know where we are at.

Mr. SHERMAN. If the gentleman will permit me to ask this question: The purpose of his point of order, then, is to strike the provision from this bill? It does not indicate that the gentleman is opposed to the general proposition of appropriating for this purpose at the St. Louis Exposition, or does the gentleman prefer not to answer that question?

Mr. CANNON. I have no objection to answering it. I am perfectly willing, on full consideration, taking into view the legislation that has been had and the necessities of the exposition, and seeing how much it is going to cost in addition to what we are already committed to, I am perfectly willing, with other members of the House, to consider it. Just how much sense there is in exhibiting the progress in civilization of the Indian I do not know. How far it might be a drawing card to help the gate receipts would be another question.

Mr. SHERMAN. It would draw all right.

Mr. CANNON. I really have no antagonism to this provision, but I think that all the expeditures ought to be considered together as a whole; that is all.

Mr. SHERMAN. I am glad to know that is the position of the gentleman.

The CHAIRMAN. Does the Chair understand that the gentleman insists on the point of order?

Mr. CANNON. Yes.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

For pay of physician, New York agency, $600.

Mr. JONES of Washington. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Amend by adding after line 7, on page 39, the following:

"To enable the Secretary of the Interior to remove certain Indians now residing in the vicinity of Missouri and Wenatchee, in the State of Washington, known as Wenatchi, to the Colville Indian Reservation, and to properly establish and temporarily maintain them, the sum of $12,000, or so much thereof as may be necessary, to be immediately available."

Mr. SHERMAN. Mr. Chairman, I desire to reserve a point of order, but will not absolutely make it until the gentleman has an opportunity to make an explanation of his amendment.

Mr. JONES of Washington. Mr. Chairman, there are 82 families of these Indians, consisting of 166 persons, according to the report of the special agent who has investigated their condition. They are located on the Wenache and Columbia rivers, in the north central part of the State of Washington, in a dry, arid region. Quite a number of these Indians have settled upon Government lands and some of them have proven up. Others have not. The lands upon which they have settled, however, are of very little value without irrigation, and a great many of them are incapable of being irrigated; so that these Indians are upon lands that are almost wholly unproductive.

I have here the letter of the Commissioner of Indian Affairs to the Secretary of the Interior, which was transmitted to Congress about the 20th of January, in which he sets out the condition of these Indians and very urgently recommends this appropriation. In fact, he was so urgent in the matter that he recommended that it be submitted by a separate bill, in the hope that it would be gotten through before it could be made available in the Indian appropriation bill. I think, however, if we can get it on this bill, we will probably have the money available more quickly than by a separate bill.

The statement of the Commissioner is that the condition of these Indians at the present time is deplorable. They are poor, unclothed, and, as I said, can make nothing off of their farms, and it is a matter of absolute necessity to make some provision for their future sustenance.

Now, the object is to transfer these Indians from where they now are onto the Colville Indian Reservation. The securing of the lands for the Indians will not cost the Government a cent. The lands of this reservation were set aside by Executive order in 1872 for the benefit of the Colville Indians and "such other Indians as the Government might see fit to place there." According to the report of the special agent, these Indians are willing to remove to the Colville Indian Reservation. They can get good lands there that they can farm, and in that way sustain themselves.

I agree with the statement of the Commissioner in his letter, that it is the policy of the Department to make the Indians support themselves as much as possible; that it is the policy of the Department not to render assistance to Indians except where it is absolutely necessary. In this case it seems that it is absolutely necessary that the Government should render some assistance to these Indians by transferring them from the lands they now occupy to lands upon the Colville Indian Reservation. It is necessary, of course, that some amount should be provided for the purchasing of tools and implements to be used upon the farms, and a small amount, as the Commissioner says here, for their sustenance for about six months.

In addition to the report of the special agent, the Department ordered the Indian agent of the Colville Indian Reservation to go down and look into the condition of these Indians. He did that, and reported their condition, as the Commissioner says, to be deplorable; that they are poor, that they need some assistance, and he also made careful detailed estimates as to what would be absolutely necessary for the care, encouragement, and aid of these Indians for the first six months. That estimate was a little over $15,000. The Commissioner has gone over it carefully, and has cut out such items as he thought could be dispensed with, and he says he believes if they are removed from where they are to the Colville Indian Reservation and sustained for six months, they can then care for themselves, and he urges that this be done. He believes that $12,000 is sufficient for this purpose.

It seems to me that this provision ought to be placed in this bill here. It does not require any expenditure upon the part of the Government for the purchase of land upon which to locate these Indians, but it simply provides for the removal of the Indians and for their sustenance for about six months. From what I know of the country there I am satisfied that the Commissioner is right. The Government will be put to no further expense for these Indians. They will care for and maintain themselves. The Commissioner says this money ought to be made available at once, so as to be used before the crop season opens up this year. This should be done. They should be placed on this reservation in time to erect their houses and plant their crops for that year. I trust the point of order will not be insisted upon, and hope this amendment will be adopted.

Mr. SHERMAN. I desire to ask the gentleman about two questions. I understand from your remarks that it is not necessary for us to purchase any land. That this is purely an Executive order reservation to which the Indians are to be removed, and that they have the right to put them there.

Mr. JONES of Washington, That is correct.

Mr. SHERMAN. And, further, that after they are there and have a little bit of a start it will not thereafter be necessary for us to appropriate anything for their assistance.

Mr. JONES of Washington. That is my judgment, and that is the judgment of the Department.

Mr. SHERMAN. I withdraw the point of order, Mr. Chairman.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and the amendment was agreed to.

Mr. JONES of Washington. Mr. Chairman, I ask unanimous consent to have printed with my remarks a letter from the Commissioner relating to this matter.

There was no objection.

The letter is as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, January 11, 1902.

THE SECRETARY OF THE INTERIOR.

SIR: The office has the honor to invite your attention to the matter of securing an appropriation from Congress for the purpose of defraying the expenses of removing the Wenatchi Indians from their present location on the public domain in the vicinity of Mission and Wenatchee, Wash., to the Colville Reservation in said State, and for the purpose of establishing them thereon and subsisting them for a short period.

The deplorable condition of this band of Indians has been frequently brought to the attention of this office during recent years, and in January, 1900, Special Allotting Agent W. E. Casson was sent among them for the purpose of assisting them in their land matters and to make additional allotments to them on the public domain under the fourth section of the general allotment act approved February 8, 1887.

During the summer of that year Mr. Casson submitted several full and detailed reports respecting these Indians, in which he made it clear that it was impossible to provide any considerable number of these Indians with lands suitable for homes in that locality. He suggested as the only solution of the land problem of said Indians their removal to the Colville Indian Reservation. He stated that the Indians themselves had expressed a desire to remove to that reserve. Subsequently the matter was taken up by this office and correspondence had with Agent Anderson, of the Colville Agency, respecting the matter of such removal. The office became fully convinced that at least a portion of the Wenatchi Indians should be allowed to go to the Colville Reservation, where an abundance of suitable land could be found for them upon which they could establish homes and become independent and self-supporting. The fact that they would then be under the protecting care of an Indian agent who could give them counsel and advice in the conduct of their affairs was an additional reason for favoring such removal.

With a report dated June 23, 1900, Mr. Casson submitted a list containing the names of the Wenatchi Indians, 166 in all. From this list it appeared that fully one-half held lands. A considerable number of the heads of families had a number of years previously entered lands under the homestead laws, although in but few cases had the Indians made their final proofs. Mr. Casson assisted them in perfecting their entries so far as practicable. He made but eighteen allotments under the fourth section.

In considering the question of removing these people to the Colville Reservation, the office at first contemplated the removal only of those who had no lands where they are now located. After full consideration and considerable correspondence it became apparent that the undertaking had developed into a much larger and more extensive one than had been anticipated. With an inconsiderable number of exceptions, the lands now held by the Wenatchi are of little value and unsuitable as homes, and both Agent Anderson and Mr. Casson express the opinion that it would be better to permit practically the entire band to surrender the lands now held by them and remove to the reservation.

There were not sufficient funds at the disposal of the office to defray the expense of removal and of subsisting and giving the Indians a proper start on the reservation if a majority of the band were to be removed, and the matter of effecting the removal last year was therefore abandoned. Under date of June 7, 1901, however, Agent Anderson was informed that it was the purpose of the office to ask Congress for a small appropriation to defray the expenses incident to the removal, and in order that the Department might have definite information he was instructed to visit the Indians and ascertain their actual needs, find out what ones would probably require assistance, and what things they would require in the way of implements and utensils and provisions. He was told that assistance should be limited so far as it possibly could be, but that it was recognized if these Indians were removed that it would be necessary to subsist them at least during a portion of the first year, and also to provide them with houses, some fences, and farming implements, etc. The office indicated, however, that he should impress upon the Indians the fact that they would be expected to depend upon their own resources so far as possible, and that it was not the purpose of the Department to aid them further than was absolutely necessary to give them a start in their new homes.

The office is now in receipt of a report from Agent Anderson, dated December 30, 1901, transmitting a detailed estimate of the things needed by these people in order to properly establish them in their new homes and give them an opportunity to prepare themselves for future self-support. The agent's estimate is based on the assumption that all of these Indians will remove, there being 82 families, comprising 162 persons.

His total estimate amounts to $15,636.25, of which amount $1,475 is for subsistence supplies for a period of six months. The largest single items in the estimate are those for wagons, harness, and farming machinery.

In submitting this estimate, Agent Anderson states that these Indians are all very poor—in fact, poorer than any band of Indians connected with the Colville Agency—and that if they are removed it will be necessary to subsist them during at least a portion of the first year. He states that he is unalterably opposed to the issue of rations excepting to Indians who, by reason of age or other good cause, are unable to provide for themselves.

He adds that inasmuch as the facts relating to the unfortunate condition and situation of the Wenatchi Indians are so well known to the office it will be unnecessary for him to enter into details in that connection. He says their condition is indeed unfortunate and deplorable, and he earnestly urges the necessity of removing them from their present location at the earliest practicable date, and expresses the hope that Congress, through the efforts of this Department, may be induced to make a sufficient appropriation to accomplish that end.

The list of articles needed in the event of removal, submitted by Agent Anderson, has been carefully examined, and it is deemed proper to state that the estimate for subsistence supplies is very conservative. Some of the other articles named, however, it is believed the Indians could get along without, while as to others it is thought they can be purchased at a smaller cost than indicated in the agent's estimate. Again, the agent assumes that all of the Indians will remove, and his estimates are on the basis of 82 families. The latter number is considered to be rather large, and it is also doubtful whether all the Wenatchi will remove. If they do, the office feels that some of them who hold lands at present of considerable value where they are should be required to dispose of the same and use the proceeds in establishing themselves on the Colville Reservation. The office is opposed to helping Indians where they can help themselves.

As a general proposition this office has for a number of years been opposed to the further colonization of Indians upon reservations, believing that they will more successfully and satisfactorily work out the problem of their civilization intermingled with the whites on the public domain. It is felt, however, that the case of the Wenatchi is an exceptional one, and that their future welfare depends upon their being located somewhere upon lands where they can make homes for themselves and procure the means of livelihood. This, apparently, they will never be able to do where they now reside.

Another feature of their case is the fact that the local authorities in the vicinity of Wenatchi and Mission are unable or disinclined to prohibit the sale of intoxicating drinks to these Indians, and their condition in this particular is becoming daily more deplorable. On the Colville Reservation it would be difficult to procure liquor, and, besides, they would be under the care of the Indian agent, whose duty it would be to prevent the sale of liquor to them.

The Colville Reservation was set aside by Executive order dated April 9, 1872, for the use of certain tribes of Indians therein named and "such other Indians as the Department of the Interior may see fit to locate thereon." Should the proposed appropriation be made the Department could therefore authorize the removal of these Indians to that reservation.

While it is believed that the estimate of Agent Anderson is not excessive, and that all of the money could be used to good advantage in establishing the Wenatchi on the Colville Reserve, it is thought that by the exercise of reasonable economy $12,000 will be sufficient to accomplish the purpose. The office has therefore prepared a draft of a bill, in duplicate, providing for the appropriation of said amount. In this connection the office desires to urge the importance of securing this appropriation in ample time to effect the removal during the coming spring. The appropriation should therefore be available not later than the 1st of April next. If, however, the appropriation should be carried as an item in the Indian appropriation bill, it is feared it would be too late to effect the removal this year.

It is therefore recommended that Congress be urged to pass the proposed bill as an independent measure at an early day in order that this matter may be taken up by this office and the removal accomplished in good season during the coming spring so that the Indians may be enabled to raise at least some of the necessaries of life the present year in their new homes.

This subject was discussed by the office in its annual report for 1900, page 174, and again in the annual report for 1901, page 166, to which attention is respectfully invited.

Two copies of this report are herewith inclosed.

Very respectfully, your obedient servant,

W. A. JONES, *Commissioner.*

Mr. SHERMAN. Mr. Chairman, I suggest that we go back to page 25, on which lines 13, 14, and 15 were temporarily passed over. I find on examination, that these lines are similar to the language contained in previous appropriation bills, and the provision is under the treaty.

The CHAIRMAN. Does the gentleman from Illinois insist on the point of order?

Mr. CANNON. No; the gentleman has explained that it is not new legislation. I had marked it, and marked it in error.

The CHAIRMAN. The point of order is withdrawn.

The Clerk read as follows:

For construction of ditches and reservoirs, purchase and use of irrigating tools and appliances, and purchase of water rights on Indian reservations, in the discretion of the Secretary of the Interior and subject to his control, $150,000: *Provided*, That the Secretary of the Interior may employ such number of superintendents of irrigation, who shall be skilled irrigation engineers, not to exceed two, as in his judgment may be necessary to secure the construction of ditches and other irrigation works in a substantial and workmanlike manner.

Mr. CANNON. I move to strike out the last word, for the purpose of asking the gentleman what necessity there is for the increase for $50,000 which is provided for here.

Mr. SHERMAN. The necessity for it is, the work which has heretofore been done has been very valuable, and the bureau believed that an additional sum could be expended to the advantage of the Government and the Indians. The Commissioner appeared personally before the sub and full committee, and explained in detail what work they had done and what they had in contemplation. The Commissioner's last annual report is quite full on this subject.

Mr. CANNON. Then, this is in continuation of a public work in progress?

Mr. SHERMAN. Oh, yes, indeed.

Mr. CANNON. And is purely from a charitable standpoint for the irrigation of lands upon which are wards of the nation?

Mr. SHERMAN. It is a little more than purely charitable, from a practical and business standpoint, because it eventually makes self-sustaining Indians for whom we are obliged now to make appropriation—obliged as we are obliged to make any gratuitous appropriation.

The Clerk read as follows:

To enable the Secretary of the Interior to begin the preliminary work in the construction of a reservoir on the Gila River, in the Territory of Arizona, at a favorable point near the San Carlos Indian Agency, for storing the flood waters of said river, said water to be used for the benefit of the Indians on the Gila River and such others as may be allotted land there, the excess of waters to be used for reclaiming vacant public lands and supplying present appropriated water rights. The Secretary of the Interior is also authorized to acquire and prepare the dam site, and do such detailed work as may be necessary for preparing specification for advertising for bids for the various classes of work connected with the construction of the dam and its appurtenances, and to prepare plans and estimates of cost of construction (with Indian labor, so far as the same can be profitably used), and designate the vacant public lands which can be irrigated from the stored water of said reservoir; the sum of $50,000 is hereby appropriated, or so much thereof as may be necessary. The Secretary shall report fully at the next session of Congress as to the details herein enumerated as to the cost and benefits of said works and of bids received for the construction and completion of said reservoir.

Mr. CANNON. Mr. Chairman, on that paragraph I desire to make the point of order. It is not work authorized by existing law.

Mr. SMITH of Arizona. The gentleman, I trust, will reserve the point of order.

Mr. CANNON. Yes; I will reserve the point of order.

Mr. SHERMAN. Mr. Chairman, the day before yesterday the gentleman from Arizona by unanimous consent was given thirty minutes to discuss this provision.

The CHAIRMAN. Does the gentleman from Illinois wish to discuss the point of order?

Mr. SMITH of Arizona. He reserves the point of order, and I have thirty minutes.

The CHAIRMAN. The gentleman from Illinois reserves the point of order?

Mr. CANNON. Yes.

The CHAIRMAN. According to previous arrangement the gentleman from Arizona is recognized for thirty minutes.

Mr. SMITH of Arizona. Mr. Chairman, I see the gentleman who has reserved the point of order is retiring.

Mr. CANNON. I will return in a moment, I will say to my friend.

Mr. SMITH of Arizona. This is an appropriation for the purpose of providing a large number of peaceful Indians on the Gila River, in Arizona, with the means of making a living. There are some six or eight thousand such Indians in Arizona who have for ages made their living by means of artificial application of water to the soil. They have been peaceful Indians. Being such, they have received less recognition at the hands of the Government than have those whose lives have been spent in lawless and bloody pursuits.

Their condition excites our sympathy and demands our aid. Their ancestors cultivated the fields, over which they now roam penniless and helpless, yet willing to provide for themselves the necessaries of life if only given the chance. They can not live without water. Their former supply has been cut off, and the law protects the appropriators. This condition confronts us: Several thousand Indians without means of support, every one of whom will become a charge on the Government, can be made self-supporting at no cost to the Government. What course is dictated by common business sense, by statesmanship, by humanity?

The fear that some white men may be benefited must not blind our Indian devotees to the real advantages which the Indian will secure under this appropriation.

I am convinced that my friend from Illinois has raised the point of order on this item in the bill through fear that Congress may by favorable action on it commit, in a way, the country to the general project of irrigating the arid lands of the Western States and Territories. I here disclaim any such purpose in this item of this bill. It was put on the bill in committee on my motion, but I never imagined that it could be construed as a precedent for general irrigation of the arid region. Nor can it be reasonably so construed by any man.

It is true that if this appropriation is allowed and the dam finally built it will not only supply these 6,000 or 8,000 Indians with ample water for every want, with no expense to the Government, but will in addition reclaim sufficient land to pay every dollar the Government advances in this humane and urgent cause. I do not deny that the white man will be benefited ultimately by this work. On the contrary, many will be benefited, but at their own cost, and I am glad to know that they will.

The white man must pay for what he gets, and under this measure will also pay for what the Indian gets, and still your opposition is so determined that you attempt to strike the measure down by a "point of order" instead of taking the sense of the House by a motion to strike out the clause. I am willing to submit this question to a vote of the House. You are not. You have, or think you have, the parliamentary advantage of me. If the gentleman will withdraw his point of order and move to strike out the appropriation, I shall be content with whatever result the vote on that motion discloses.

Mr. Chairman, these Indians to be benefited by this item are not savages in the sense that the Apache is a savage. They have climbed a rung or two upward and their further elevation is not hopeless. Something can be made of them by giving them a chance to work. Withholding this chance they must starve or steal. It is with you. The small advance they have made you are not only stopping, but are in cold blood relegating them to a condition of enforced savagery and necessary lawlessness. They have lived on these lands for several hundred years.

There is no place to send them. They can not support themselves on this land, and there remains no better land to give them. What are they to do, and what are you doing? Not being able to move them, and they being unable to move themselves; not willing to give them without cost all that is necessary for their support, and they unable of themselves otherwise to get it, the case becomes pathetic, and your action may furnish you what consolation it can. I have not been an Indian sentimentalist, but I am possessed of an ordinary share of human sympathy.

Mr. Chairman, I repeat we can without one cent of cost to the Government supply these Indians with water and prevent for all time any possible demand on the Treasury for their support. Not only this, we can gather similar tribes of peaceful and willing Indians there and supply them all from this great reservoir, and thus reduce your annual appropriations for the support of Arizona Indians, and after all this is done more than 100,000 acres of new land, at a cost of less than $10 an acre, can be reclaimed, and all the water rights under the Florence Canal maintained at necessary flow and the United States not lose a dollar, but, on the contrary, place in her Treasury an amount of cash exceeding her original outlay by several millions of dollars. What is the matter? Is it possible that a man can be found to oppose such a beneficence. Yet you throw away millions of dollars in this very bill to civilize and educate the Indian.

Mr. Chairman, in this measure I present the only practical way to educate or civilize the Indian. He must work to live. Give him the chance to work, and if he idles let him starve. Surround him with the daily evidence of civilization. Let these particular Indians see their white neighbors, with more burdens to bear, carving their way to better conditions. Let them see the white man's home, his comforts, his schools, his churches, his stores, shops, fields, and granaries, built and sustained in conditions similar to his, and if civilization is possible to him, he will thus, and thus only, obtain it. Measuring my words, I assert with emphasis that any dollar spent in the line of this appropriation is worth more to the cause of Indian education than any ten dollars named in this bill.

This is no scheme to irrigate the arid lands. Allay such fears. A bill for that purpose will be brought before this House and the Senate, and it has my warmest sympathy and will receive my ardent support. This is simply now and here a question of humanity, of justice, of right, and of expediency as well. I wish to appeal to the gentleman from Illinois [Mr. CANNON] not to press his point of order against this provision. If he could only see this as I see it, I know that his heart, so full of the best impulses of our nature, would relent at beholding the misery and wretchedness which his act is sure to perpetuate. I know if he could see as I see the happy costless homes this measure will build for the homeless in his district as well as mine his great affection for our race would overcome his sense of duty and let this measure "have its perfect work."

Let me commend to my friend facts and considerations which he will find hard to resist. They are strongly recommended to our favorable consideration.

Mr. BELL. Who recommended it?

Mr. SMITH of Arizona. It is contained in a publication of the Department of the Interior entitled "Water-Supply," Irrigation Papers, United States Geological Survey, No. 33, and deals with the storage of water on Gila River, Arizona. On page 92 of the report, where a summary of the whole report is found, the following language is used in speaking of the San Carlos Reservoir:

The greatest economy to the Government, whether the relief of the Indian alone is considered or the general development of the arid lands in the neighborhood of the reservation is taken as a basis, lies in the construction of a large reservoir. It is shown that the Government can build such a large reservoir, give water to the Indians without charging them for it, and sell the remainder of the water impounded at such figure as would rapidly return all the original investment made by the Federal authorities.

5. In the event of the construction of a large dam there will be built up in the valley of the Gila River, where a desert now exists, a community of fully 40,000 souls, and the creation of many million dollars of taxable wealth without permanent outlay on the part of the Government.

6. The cost per acre-foot of storage capacity of the dams as planned in this report at the three principal reservoir sites upon which estimates have been made is as follows:

Cost per acre-foot of water stored.

Location.	Amount.	Cost per acre-foot.
	Acre-feet.	
The Buttes	174,040	$15.19
Riverside	221,138	9.01
San Carlos	241,396	4.30

From this it will be seen that the cost of storing water at The Buttes per acre-foot is 3.5 times the cost at San Carlos, and that the cost at Riverside is 2.1 times the cost at San Carlos.

And speaking further on this question the report, on page 93, says:

The argument in favor of the construction of a reservoir for the storage of the waters of the Gila River by the United States Government is stronger, perhaps, than for any other project in the country.

1. The Government has expended large sums of money for the introduction of irrigation on the Indian reservations where it is desired to educate the Indian into agricultural habits as a means of his civilization.

This is a well-established and wise public policy, and has already been productive of much good, but is always in the nature of an experiment, and more or less difficulty and uncertainty is attendant upon the attempt to induce the Indians to accept this mode of livelihood. In the present case we have a tribe of Indians who have for centuries been engaged in agriculture by irrigation, and who were, until recently, the only successful irrigators in Arizona. These Indians have been deprived of their water supply through the agency of the white man, directly encouraged by the United States Government. It is an imperative obligation of honor that their supply should be restored to them, and the only practical means of this restoration is by storage on the Gila River.

If the humanities are unavailingly appealed to, let us look at the problem from the modern, heartless, commercial standpoint and we will find cogent reasons for action, and I therefore submit from the same report a

Financial summary of results.

Total water supply to be delivered to the point of diversion from San Carlos reservoir for irrigation each year	acre-feet	241,396
Ultimate requirement for Indians	do	40,000
Remainder available for irrigation of public domain or private lands	acre-feet	201,396
Assume a duty of water of 2 acre-feet or 24 inches in depth used each year on each irrigated acre; this would permit the irrigation of lands outside the reservation to the extent of	acres	100,698
There are 389,211 acres of arid public land in the district to be supplied from this system. Assume that the water is given to the Indians without cost to the Government and that these 100,698 acres must pay the total cost of the works, then the necessary charge per acre for the remaining water rights to be sold would be		$10.24
It is believed that the public lands with this water right could, at this rate, be sold within a year.		
If 3,000 Indians have to be fed by the Government at a cost per ration per day of 10 cents, the annual expenses would be		$109,500
The capitalization of $109,500 at 4 per cent would represent the practical permanent expense of feeding these tribes. This is equivalent to a permanent Government debt, which would be liquidated by this construction, of		$2,737,500
The value of the 100,698 acres of irrigated public lands that would be taxable would be $50 per acre, or a total of		5,034,900
The saving, without expense to the Government, by irrigation of 20,000 acres of lands belonging to the Indians has been shown to be		2,737,500
Total increase in value, without public expense		7,772,400

There will also be a large increase in value of taxable town property, not estimated upon.

Observing what has been said, we are ready for the recommendations contained in the last of the report, which is using its very language, "Construct the San Carlos dam."

Mr. Chairman, it is proven to a demonstration that this work can be accomplished without expense to the Government and in doing it give the Indians free water for all time.

Mr. PALMER. Will their other land be sold?

Mr. SMITH of Arizona. It may be and it may well be, the proceeds being applied to the payment of expenses incurred by the Government in building the dam.

What more can I say, with the point of order still being pressed by the gentleman from Illinois. Is it possible that he can do any act which will condemn six or eight thousand Indians to possible starvation, retard the development of our common country, lock the desert against home invasion, when by a word he can change the picture to homes of plenty for those now hungry, schools for children now ignorant, and open up the waste places to man's happy habitation without one dollar of expense to our Government? I am sure that he feels that this is only an entering wedge to the great problem of national irrigation. I know he is impelled by a high sense of duty in his objection to that great enterprise and to everything advancing the possibilities of its success at this time.

If this were a scheme or a bill or a measure looking to the irrigation of the arid lands, I would agree with my friend that it should come from the committee as an independent bill and be considered by the House in the regular way. But this is not such. It is sui generis, unlike any other case in the United States. This work will be done one of these days. Why not do it now? If private capital shall finally do it, which is hardly possible, what will become of these wards of the Government which you profess to care for in this bill? They will cost more, yea, a thousand times more, than this dam can ever cost. This is an urgent necessity. It should not be permitted to pass another day without favorable action. I sincerely hope the gentleman from Illinois will withdraw his point of order, though I do not concede that the point is good.

Mr. CANNON. I would be glad to have unanimous consent for a very few minutes to reply to the gentleman, reserving my point of order.

The CHAIRMAN. How much time does the gentleman require?

Mr. CANNON. Not over ten minutes, and I do not think that I will take so much as that.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that he may be allowed ten minutes' time in which to speak on a point of order. Is there objection? [After a pause.] The Chair hears none.

Mr. CANNON. Mr. Chairman, an appeal, made, I have no doubt, in good faith, of the kind that the gentleman from Arizona [Mr. SMITH] has made, is always effective, and sometimes runs away with the judgment by exciting the sympathies. That there are Indians in Arizona there is no doubt; that they are as well off there as the average in other Territories, substantially, there is no doubt; better off in many respects than the Indians way up toward the northern boundary, the forty-ninth parallel, and not perhaps as well off as the Indians are in New York, where for many generations they have lived with the humane white farmer all about them; but I never have understood that even with all that good chance and good provision for them that they are entirely self-supporting or entirely the equal of the white farmer around them.

Now, I want the attention of the committee just for a moment to see what this proposition is. I hold in my hand Water Supply and Irrigation Papers, issued by the United States Geological Survey, No. 33. I have not been able to read it very closely, and yet I have dogeared it. I have done for this investigation what we are all compelled to do, with so many things to do; taken a hop, skip, and jump through it, and I find substantially the following facts to be true: This is to construct, I believe, if it should go on, a reservoir at a favorable point near the San Carlos Indian Agency for storing the flood waters of the river, and so on, and so on. Now I believe if this appropriation is made it is first proposed in the beginning to constuct what is called the San Carlos dam. The San Carlos dam, according to the estimate here, would cost $1,038,000 in round numbers. That is for the mere dam, without anything else now for irrigation. I read on a little further in this report and I find that this reservoir will last, when the dam is constructed, twenty-nine years in round numbers. That is to say, that the silt from the river will fill it up in twenty-nine years.

Mr. SMITH of Arizona. At what height of dam is that?

Mr. CANNON. Well, I think 150 feet. I am not sure as to that, but as it is proposed to make it.

Mr. SMITH of Arizona. I read sixty-three years in the report.

Mr. CANNON. Look at page 77.

Mr. CURTIS. It is on page 40.

Mr. SMITH of Arizona. All right; go ahead. I did not want to interrupt further than to find the data.

Mr. CANNON. Twenty-nine years. Well, now, the man who makes this report says:

Oh, yes, we ought to look out now, and if we start this irrigation work it would be the height of cruelty not to continue it later on, because it would just go out—snuff out like a candle.

And so he turns round and says:

When that is gone we can build a dam at Riverside that will cost $1,992,000, that the cost per acre-foot there will be $9.01, that the cost per acre-foot to irrigate the first would be $8.60, and when that fills up, still we can build a dam at the Buttes to cost $2,643,000.

Now, irrigated from the above reservoir would be 87,000 acres; needed for the Indians, 20,000 acres. Now, there is a good deal of sympathy for Lo, the poor Indian, but there is a good deal more for committing the Government there to the irrigation for the white man.

Mr. SMITH of Arizona. I would suggest to the gentleman if you will take every figure you have named right now and support these Indians without it, going to the expense that your ingenuity has driven you, that you will find for the keeping of these Indians the investment necessary to build every one of them would be a very light cost, take it even then.

Mr. CANNON. I will take it for the support of the Pima Indians, and those are the Indians, I take it.

Mr. SMITH of Arizona. They are the Pimas and Maricopas and two or three peaceful tribes.

Mr. CANNON. Was it $10,000?

Mr. CURTIS. Ten thousand dollars we appropriated for them a few years ago.

Mr. CANNON. And I believe that has not all been expended.

Mr. CURTIS. No, sir.

Mr. SMITH of Arizona. You are talking about a different reservation. Let us not get off into something that we do not understand. Will my friend from Kansas [Mr. CURTIS], in saying $10,000 for the Pimas, please tell me on what reservation?

Mr. CURTIS. On the Pima Reservation.

Mr. SMITH of Arizona. Where is the Pima Reservation?

Mr. CURTIS. There are 7,500 of those Indians, and they are the Indians referred to in the report. The reservation is about 37 miles below the San Carlos dam site.

Mr. SMITH of Arizona. Where is the Pima Reservation?

Mr. CURTIS. I say 37 miles below San Carlos.

Mr. SMITH of Arizona. I say the Pima Reservation is not within 120 miles of San Carlos, and is not on the Gila River at all.

Mr. CURTIS. That is so much worse for your proposition. Then you would have to carry the water 120 miles; but if you will read page 18 of the report on your desk you will find the Pima Indians are located on Gila River.

Mr. SMITH of Arizona. It has never been proposed to do that. They are on another river, and you would have to cross three mountain ranges to get there.

Mr. CURTIS. Then you are referring to another band of Indians.

Mr. SMITH of Arizona. I am referring to the same Pimas that are mentioned in the appropriation bill as the Pima Reservation.

Mr. CANNON. After all said and done, with the mildness of the climate, I believe the Indians now in Arizona, so far as comfort is concerned, are better off than the average Indians are in the United States. Now, I want to say another thing, that with white people helping them by grants from the Treasury of the United States has a tendency to pauperize them.

Mr. SMITH of Arizona. Yes; it does, and that is what I am opposed to.

Mr. CANNON. I am speaking of white people. How in the name of all that is good, following the policy that we have, do you expect the Indian will rise superior to the white man, and that he will be civilized, when under similar conditions the white man will be pauperized?

Mr. SMITH of Arizona. That principle would strike out every appropriation in this bill, I submit.

Mr. CANNON. I understand that, and I understand what the sentiment is that is touched so artfully by the humanitarians throughout the country who do not understand much about the subject. You can not strike it out, and therefore we will go on pauperizing the Indian.

Well, now, as we pauperize the Indian, I would sooner pauperize him by the appropriation of $10,000 every year, or $10,000 every two years, than to enter upon this scheme of irrigation that inside of sixty years will involve the building of three dams, one at a cost of over a million dollars, another at a cost of $2,000,000, and another at a cost of nearly $3,000,000, besides the employees, besides the maintenance, and besides other things that are a great deal more for the benefit of the white man than of the Indian.

Now to my point of order. This work is not authorized by existing law. It is authorized by this legislation. Not only for the Indians, but the excess of water is to be used for reclaiming vacant public lands and supplying present appropriated water rights. We are going to condemn present appropriated water rights, or buy them, and so on, and so on. It is legislation from beginning to end, coupled with appropriation, and therefore is amenable to the rule.

Mr. SMITH of Arizona. Mr. Chairman, on that question I wish to say that it is not new legislation except at the point indicated, and I will move to amend by striking out the particular words the gentleman has named. It can not be otherwise subject to the point of order, because every single line in this provision is in it by virtue of or in continuance of appropriations heretofore made. The money has been appropriated three separate years for the investigation of this question of the supply of water to these Indians.

This has continued from year to year. It has been again incorporated in the bill just as a hundred other items have been placed in it, and if this provision is subject to a point of order every page has provisions likewise subject to the very same point. I claim that, appropriations having heretofore been made for this identical purpose, an appropriation in continuance of that purpose is within the rule and the point of order can not be maintained. It is not new legislation, for other appropriation bills carried money for the same purpose—the same work, the same scheme, the same thing.

The CHAIRMAN. Does the gentleman desire to be heard further on the point of order?

Mr. SMITH of Arizona. Except what I have stated, it has been carried in the appropriation bill from year to year, certainly for two Congresses, and has just the same claim to remain in the bill as any one of the preceding dozen items or dozen pages.

The CHAIRMAN. Does the gentleman from New York [Mr. SHERMAN], chairman of the Committee on Indian Affairs, desire to be heard on the point of order?

Mr. SHERMAN. Why, Mr. Chairman, I simply offer a single suggestion. At least twice before there have been appropriations for surveying the Gila River. The surveys have been made. Reports are now before Congress for its action. This section of the bill proposes, in pursuance of those surveys, of that investigation, and of those reports, to make contracts for the work covered by those surveys and those reports. It also, of course, provides for further investigations of the same subject.

It seems to me, Mr. Chairman, that the appropriations heretofore made have already inaugurated a public work, and that the appropriation here contemplated is a continuation of that public work.

The CHAIRMAN. This paragraph proposes the beginning of preliminary work for the construction of a reservoir on the Gila River in Arizona. It also authorizes the Secretary of the Interior—

To acquire and prepare the dam site, and do such detailed work as may be necessary for preparing specification for advertising for bids for the various classes of work connected with the construction of the dam and its appurtenances, and to prepare plans and estimates of cost of construction (with Indian labor, so far as the same can be profitably used), and designate the vacant public lands which can be irrigated from the stored water of said reservoir.

It also provides that this shall be done for the storing of the flood waters of the Gila River for the benefit of the Indians. And further, "the excess waters to be used for reclaiming vacant public lands and supplying present appropriated water rights." The Chair knows of no existing law which authorizes an appropriation for the purpose of reclaiming public lands or for the purpose of furnishing waters for the irrigation of lands in private ownership, as is undoubtedly contemplated by the provision. The chairman of the committee and the gentleman from Arizona have stated that this provision is, in their opinion, simply a continuation of a work heretofore authorized, an appropriation having heretofore been made for a survey of and report upon a dam at the point contemplated in this provision. It was held in a very notable case that the making of a survey to ascertain the feasibility of proposed public works was not such a beginning of work as would authorize an appropriation in an appropriation bill. That ruling was made February 14, 1899, and the Chair will ask the Clerk to read it.

The Clerk read as follows:

On February 14, 1899, the sundry civil appropriation bill was under consideration in Committee of the Whole House on the state of the Union, when Mr. WILLIAM P. HEPBURN, of Iowa, offered an amendment authorizing the President to purchase land necessary to construct the Nicaragua Canal; authorizing the President to direct the Secretary of War to construct the canal of a certain specified capacity; appropriating $115,000,000 for the work, and specifying various details relating to the administration of the work.

Mr. JOSEPH G. CANNON made a point of order against this amendment, as follows:

First, the amendment is not germane; second, the amendment is obnoxious to Rule XXI, in this, that it proposes legislation; third, that it appropriates money not authorized by existing law; fourth, it appropriates money not in pursuance of a public work or object in progress.

Mr. HEPBURN thereupon cited the act of March 2, 1895, whereby Congress had appropriated for a board of engineer officers to inspect and report on the feasibility, permanence, and cost of construction and completion of the canal; and the act of 1898, whereby provision was made for continuing the surveys and examinations—

After debate, and on February 15, 1899, the Chairman ruled:

The committee will observe that the point raised by the gentleman in charge of the bill does not affect the merits of the bill relating to the construction of the Nicaragua Canal. The point raised is one purely of a parliamentary character, and simply relates to the construction of the rule that was invoked by the gentleman who has the appropriation bill in charge. The bill, as the committee will remember, is a general appropriation bill, and when we reached the point on page 74 indicated by the Clerk the gentleman from Iowa [Mr. HEPBURN] arose and presented an amendment, which has been read from the Clerk's desk, and the gentleman from Illinois [Mr. CANNON] raised the following points against it. He said:

"Mr. Chairman, I desire to make the point of order against this amendment. First, the amendment is not germane; second, the amendment is obnoxious to Rule XXI in this, that it proposes legislation; third, that it appropriates money not authorized by existing law; fourth, it appropriates money not in pursuance of a public work or object in progress."

The rule referred to by the gentleman reads as follows:

"2. No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress; nor shall any provision changing existing law be in order in any general appropriation bill or in any amendment thereto."

The gentleman from Iowa who offered the amendment, in answer, insisted that the amendment is permissible because it is in continuation of public works already in progress; and in support of that he cited to the Chair a law that was adopted by Congress in 1895 providing for surveys and a supplementary law of 1898 making additional appropriation. In regard to determining whether this law can be construed as having established the public works, namely, the construction of this canal, it is important to examine the language itself. The committee will note that it says "for the purpose

of ascertaining the feasibility and cost of the construction and completion of the Nicaraguan Canal, etc., $20,000 dollars are appropriated." The language clearly indicates that it is for the purpose of ascertaining facts that will guide the action of Congress in the future, without committing it to any policy whatever.

Now, the amendment of 1898 does not enlarge the scope or purpose for which the original appropriation was made. It simply increases the amount, but limits it to these purposes, namely, to ascertaining a state of facts that can be used for the public hereafter. The wisdom of that will be noted on reflection, because of the wide divergence of opinion as to the manner in which this Nicaragua Canal should be constructed, whether by private enterprise or by the Government guaranteeing the bonds that should be issued, or whether the Government should take a copartnership with private individuals; or, as proposed by the gentleman from Iowa, take the construction upon itself and obtain the control and sovereignty over the territory through which the canal is to be constructed.

So that to the Chair it is entirely clear that the law cited by the gentleman from Iowa is not susceptible of the construction suggested by him, but is to ascertain the facts, leaving the Government of the United States entirely clear hereafter to determine whether it will embark in such an enterprise or not. Indeed, the Chair is fortified in this by the amendment sent to the Clerk's desk by the gentleman from Iowa [Mr. HEPBURN], which provides that the President shall be authorized in the first instance to purchase territory, and, in the second, to direct his Secretary of War to go on and take all the preliminary steps necessary for the construction of the canal itself. So that, as the Chair construes it, the very amendment offered by the gentleman is a refutation of the statement that the preliminary legislation appropriating in 1895 $20,000, and in 1898 $150,000, commits the Government to the construction of this canal.

Now, on this part of the rule the Chair is fortified by previous decisions on other questions. As has been stated by several gentlemen, this rule, invoked by the gentleman from Illinois, has been the rule in this House for more than a generation, and there have been repeated rulings on the identical point raised that the Chair is now considering. As late as the Forty-fifth Congress, Mr. Carlisle, of Kentucky, one of the ablest parliamentarians who has ever presided over this body, was called upon to pass upon this question. While the committee were considering an appropriation bill, Mr. Ryan, of Kansas, offered the following amendment, to be incorporated into the bill:

"Fifty thousand dollars for a building at Topeka, Kans., of the kind and for the uses provided in the act of Congress entitled 'An act to authorize the purchase of a site for a public building at Topeka, Kans.,' approved March 3, 1875, and such building shall not exceed in cost the sum of $200,000."

Mr. Atkins, of Tennessee, raised the point of order that under this rule, invoked by the gentleman from Illinois, it was not a proper amendment, and Mr. Carlisle, after discussion, ruled that it was not. Mr. Ryan in his argument showed that Congress had already authorized the purchase of a site, and that $10,000 had been appropriated for that purpose, and that the jurisdiction of the site had been given by the State of Kansas to the United States Government.

But Mr. Carlisle held that the purchase of a site did not authorize the construction of a building upon it, although the purpose for which the site was bought was the construction of a public building; and he held that the amendment was not in order. There was no appeal from that decision.

The CHAIRMAN. The Clerk has read enough of the decision to indicate on what grounds the decision was rendered, and as bearing directly on this point calls the attention of the committee to the legislation which provided for the survey on the Gila River in Arizona. The Chair will have read the former legislation.

The Clerk read as follows:

For ascertaining the depth of the bed rock at a place on the Gila River, in Gila County, Ariz., known as The Buttes, and particularly described in Senate Document No. 27, Fifty-fourth Congress, second session, and for ascertaining the feasibility and estimating in detail the cost of the construction of a dam across the river at that point for purpose of irrigating the Sacaton Reservation, and for ascertaining the average daily flow of water in the river at that point, $20,000, or so much thereof as may be necessary, the same to be expended by the Director of the United States Geological Survey under the direction of the Secretary of the Interior: *Provided*, That nothing herein shall be construed as in any way committing the United States to the construction of said dam.

The CHAIRMAN. The committee will note that the proviso in this legislation is very similar to the proviso contained in the legislation on which the former ruling was made—that nothing therein contained should pledge the United States to the construction of a dam at that point.

Mr. SMITH of Arizona. I would suggest to the Chair just at that point that that was a proviso put in as an amendment by the Senate, after it passed the House entirely, and consequently the rule here would not apply to that part of it.

The CHAIRMAN. With regard to that, the Chair would say it is immaterial at what point in the history of that legislation the amendment was adopted. It is the law. It voiced the will of Congress. So that the question as to whether or not a former survey pledged the Government to a continuation of the work, it seems to the Chair, is clearly settled by the language of the legislation itself as well as by the decision already quoted.

Now, even though there were legislation providing for the reclamation of public lands, which there is not, even though there were legislation providing for expenditures for the purpose of providing waters for the irrigation of private land, it would be a grave question whether an appropriation for those purposes would be germane to an Indian appropriation bill. In view of all these facts the Chair believes that the provision is very clearly subject to a point of order, and the point of order is therefore sustained.

Mr. SMITH of Arizona. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. SMITH of Arizona. If an amendment were offered by me, putting in this paragraph, with the exception of the words "and such others as may be allotted land there, the excess of waters to be used for reclaiming vacant public lands and supplying present appropriated water rights," leaving out that part of the paragraph that was referred to by the gentleman from Illinois, as I understand the Chair's ruling, that would not change it?

The CHAIRMAN. The Chair does not care to decide in advance upon any amendment that may be offered.

Mr. SMITH of Arizona. Then, Mr. Chairman, I move to amend the bill by inserting all of that paragraph which has just been read, from line 4 to the end of the page, excluding therefrom the words "and such others as may be allotted land there, the excess of waters to be used for reclaiming vacant public lands and supplying present appropriated water rights," so it will be the same as the original bill with those words excluded from it.

The CHAIRMAN. The gentleman from Arizona offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend by inserting on page 40, after the word "manner," in line 3, the following:

"To enable the Secretary of the Interior to begin the preliminary work in the construction of a reservoir on the Gila River in the Territory of Arizona, at a favorable point near the San Carlos Indian Agency, for storing the flood waters of said river, said water to be used for the benefit of the Indians on the Gila River; the Secretary of the Interior is also authorized to acquire and prepare the dam site, and do such detailed work as may be necessary for preparing specification for advertising for bids for the various classes of work connected with the construction of the dam and its appurtenances, and to prepare plans and estimates of cost of construction (with Indian labor, so far as the same can be profitably used), and designate the vacant public lands which can be irrigated from the stored water of said reservoir; the sum of $50,000 is hereby appropriated, or so much thereof as may be necessary. The Secretary shall report fully at the next session of Congress as to the details herein enumerated as to the cost and benefits of said works and of bids received for the construction and completion of said reservoir."

Mr. CANNON. Mr. Chairman, I make the same point of order to this amendment that I made to the original paragraph, for the same reasons, and the additional reason that it is not germane and not authorized by law.

The CHAIRMAN. Does the gentleman from Arizona wish to be heard further on the point of order?

Mr. SMITH of Arizona. I want to say one word, Mr. Chairman. I could not hear very well the canal decision which was read by the Clerk. This is in the nature of a continuing work, and differs from the canal bill. The only purpose from the start, evidently, in that measure and in the subsequent one, as I understand it, at the last session of Congress, was an effort to ascertain data, and the work was done for the purpose of ascertaining data looking to the construction of a dam across the Gila River and to supply water to the Indians. Now, for three or four years this work of investigation has gone on for no purpose other, and the intent of Congress being nothing else, except the ultimate construction of the dam, and this is going no further than to say what the dam will cost. It is only continuing this work on the same river and for identically the same purpose.

The CHAIRMAN. The Chair endeavored to be as clear and explicit as possible on the point as to whether or not the former survey pledged the Government to a continuation of work at that point and, following former rulings and the plain provisions of the statute, held that it did not so pledge the Government. The language of the legislation itself clearly indicates that it was not intended that that legislation should pledge the Government to a continuation of the work. It says that "nothing herein shall be construed to in any way commit the United States to the construction of said dam."

So that it seems to the Chair that there can be no controversy on that point. Now, the question is as to whether the elimination of the words in the former paragraph, omitted in the gentleman's amendment, so changes the character of the proposed legislation as to bring it within the rule.

While legislation providing for general irrigation on Indian reservations, to be expended at the discretion of the Commissioner or the Secretary, might be held to be germane, it is very questionable whether a provision for a specific irrigation work is not subject to a point of order. In a ruling made a few days ago on the urgent deficiency bill it was held that a paragraph providing for the establishment of an Army post was subject to a point of order, but that an amendment providing in general for the shelter of troops was not. The Chair calls the gentleman's attention to the fact that there is in his amendment a provision authorizing and instructing the Secretary to "designate the vacant public lands which can be irrigated from the stored water of said reservoir," clearly indicating the purpose of the amendment to provide water for lands other than lands of the Indians; and as there is no law authorizing this class of expenditures, the Chair holds that the point of order is well taken, and the point of order is therefore sustained.

Mr. BURKE of South Dakota. I offer the amendment which I send to the desk.

The Clerk read as follows:

On page 41, after the word "dollars," line 5, insert:

"For survey of lands in the Pine Ridge and Standing Rock Indian reservations in South Dakota, and for examination in the field of surveys, the sum of $22,000 to be immediately available, and for clerical work and stationery in the office of the Surveyor-General, required on surveys within the Pine Ridge and Standing Rock Indian reservations in South Dakota, the sum of $3,200; in all, $25,200."

The CHAIRMAN. Does the gentleman from South Dakota wish to be heard on the amendment?

Mr. BURKE of South Dakota. I do not, unless some question is raised in regard to it.

The amendment was agreed to.

The Clerk read as follows:

That the Secretary of the Interior be, and he is hereby, authorized and directed to pay, per capita, to the members of the Eastern Shawnee and Seneca tribes of Indians, in the Indian Territory, all moneys placed to the credit of said tribes upon the books of the Treasury, and all trust funds held for said tribes by the Government in lieu of investments.

Mr. BENTON. I offer the amendment which I send to the desk.

The Clerk read as follows:

Strike out all after "that," in line 20, page 41, ending with the word "investment," in line 1, page 42, and insert in lieu thereof the following:

"That the following sums placed upon the books of the Treasury by the Indian appropriation act of March 3, 1901 (31 Stat., 1062, 1068), to the credit of the tribes named, being in full for permanent annuities guaranteed by treaties to said tribes, shall draw interest at the rate of 5 per cent per annum from July 1, 1902, namely: Seneca fund, $73,800; Eastern Shawnee fund, $20,600; and a sum sufficient to pay the interest on the same for the fiscal year 1903 is hereby appropriated. And the Secretary of the Interior is hereby authorized in his discretion to pay per capita to the managers of the Eastern Shawnee and Seneca tribes of Indians in the Indian Territory the principal of these sums placed to the credit of said tribes on the books of the Treasury."

Mr. SHERMAN. If I understand the amendment correctly, it is simply a change of phraseology?

Mr. BENTON. The object of the amendment is this: The Secretary of the Interior tells us that the amount of money named in this amendment to the bill will not draw interest after the 1st of July. By this amendment I propose that after the 1st of July the Secretary of the Interior be authorized to pay 5 per cent interest on the full sums to the Indians in lieu of what has been provided for in the act, also to authorize the Secretary to pay, in his discretion, the whole sum to these Indians in cash.

Mr. SHERMAN. Then you propose to put this money into the Treasury, as other Indian funds are placed there, except that you leave it to the discretion of the Secretary of the Interior to pay out the principal?

Mr. BENTON. Yes, sir.

Mr. SHERMAN. Can the gentleman tell me if there is any other Indian funds, the principal of which is left to be paid out solely in the discretion of the Secretary of Interior?

Mr. BENTON. No, sir.

Mr. SHERMAN. I think we ought not to single out this fund and leave its payment solely in the discretion of the Secretary. Let Congress say when the principal shall be paid.

Mr. BENTON. That is exactly what I wanted; but I had to make my peace in another quarter. [Laughter.]

Mr. SHERMAN. Well, the gentleman is "up against" making peace in this quarter. [Laughter.]

Mr. BENTON. So far as I am concerned, I would rather that the provision should be adopted as it is in the bill, namely, that—

the Secretary of the Interior be, and he is hereby, authorized and directed to pay per capita to the members of the Eastern Shawnee and Seneca tribes of Indians in the Indian Territory all moneys placed to the credit of said tribes upon the books of the Treasury.

Mr. FITZGERALD. It would appear that we shall oblige the gentlemen from Missouri [Mr. BENTON] by voting down his amendment. [Laughter.] He will then get what he wants.

Mr. SHERMAN. I do not care particularly about the matter.

The question being taken on the amendment of Mr. BENTON, it was adopted, there being ayes 15, noes 1.

Mr. BENTON. I desire to call the attention of the chairman of the committee to another amendment which I think it proper should be inserted at this point. I ask the Clerk to read it.

The Clerk read as follows:

After the word "investments," in line 1, page 42, insert the following:

"And the act of the councils of the Eastern Shawnee and of the Seneca nations or tribes of the Indian Territory, providing for the allotment of lands to certain minor children, and for other purposes, passed, respectively, on the 2d day of December, 1901, and the 8th day of January, 1902, are hereby ratified and approved."

Mr. SHERMAN. I desire to reserve a point of order on this amendment. I would like to ask the gentleman from Missouri whether he did not offer this identical amendment in committee, and was it not voted down?

Mr. BENTON. No sir. The committee had not the necessary information on the subject, and I declined to press the amendment.

Mr. SHERMAN. Oh, yes; I remember now.

Mr. BENTON. I do not want to press this amendment until the gentleman from New York [Mr. SHERMAN] and the committee generally understand why it is presented.

In 1887 the Government allotted lands to these Indians in severalty. After each one had received his allotment of 160 acres there was left to the Eastern Shawnees about 2,000 acres, and to the Senecas about 14,000 acres. Since that time children have been born to these Indians.

The Government is now paying for a clerk, $1,000; for an industrial farmer, $500; for a patrolman or policeman, $600, besides his rations and clothing; for a hostler, $360, making a total of $2,560. All the money that these people of both tribes get is $4,720, being the interest on the money covered by the provision we have just voted upon. The $2,560 expended for the care of these lands by the employment of a clerk, a patrolman, a hostler, and an industrial farmer comes out of the Government. The parents of the Indians that have been born since 1886 desire that allotments shall now be made to their children. To this end——

Mr. CURTIS. May I ask the gentleman a question?

Mr. BENTON. Yes.

Mr. CURTIS. How much surplus land is there on the reservation?

Mr. BENTON. Fourteen thousand acres in the Seneca Reservation and 2,000 acres in the Shawnee.

Mr. CURTIS. Will there be any left after the allotments?

Mr. BENTON. There will be about 2,200 acres of land left in the Seneca Reservation and a few acres in the Shawnee Reservation. That is not land, however; it is rocks on the bluff over the Grand River.

Mr. CURTIS. What does the act of the council provide shall be done with that land?

Mr. BENTON. It provides that it shall be sold for the benefit of the tribe. I will ask, Mr. Chairman, that I may be permitted to insert the acts of these two councils in the RECORD, and for the information of the gentlemen I will read.

Mr. CURTIS. If the gentleman reads the act it will answer my question, but what I would like to know is whether the act provides for anything else——

Mr. BENTON. The act provides that the land shall be divided up, giving each Seneca Indian born since 1887, 120 acres of land, and to each Shawnee Indian minor 60 acres. I will insert these two acts. During the last three months the council of the Senecas and the council of the Eastern Shawnees—and I have the two acts here signed by the chiefs and secretaries—have passed such acts, and this amendment which I offer to the bill at this time is for the purpose of indorsing the acts of the councils, which will save the Government about $6,000 or $7,000 in sending surveyors and other officers down there to allot this land. That is all it does. It simply saves the Government that much money by adopting in this bill the act of the two councils, and allots their surplus lands.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri.

The amendment was agreed to.

Mr. BENTON. I desire, in connection with my remarks, to insert in the RECORD the two acts of these two councils.

The CHAIRMAN. The gentleman asks unanimous consent to insert certain papers in the RECORD. If there is no objection, it will be so ordered.

The papers are as follows:

An act providing for the allotment of lands to certain minor children, and for other purposes.

Be it enacted by the council of the Eastern Shawnees of the Indian Territory:

SECTION 1. That allotments of not less than 60 acres from the surplus or unallotted lands of the tribe be given to each minor child who has received no allotment of land and who shall be upon the roll of the tribe at the time of said new allotment of land, the remainder of the surplus land, if any, to be sold by deed signed by the chief and witnessed by the secretary, and the proceeds used in the liquidation of tribal indebtedness and in paying the expenses of the new allotment.

SEC. 2. The allotment so made shall be subject to all of the restrictions imposed by an act of Congress approved February 8, 1887, entitled "An act to provide for the allotment of lands in severalty to Indians on the various reservations and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes."

SEC. 3. This act to take effect and be in force from and after its ratification by the Congress of the United States.

Passed the council December 2, 1901.

ANDREW DUSHANE, *Chief.*
JOHN L. PROPHET, *Secretary.*

An act providing for the allotment of lands to certain minor Senecas, and for other purposes.

Whereas the Seneca Nation of the Indian Territory is possessed of sufficient surplus land to provide allotments to all of their children who have not heretofore received allotments therefrom:

Be it enacted by the council of the Seneca Nation of the Indian Territory, That allotment of not more than 120 acres of land from the surplus or unallotted lands of the tribe be made to each minor child who may be upon the rolls of the tribe at the time of such allotment and to whom no allotment of lands has heretofore been made; said allotments shall be as nearly equal in value as the same can be made, and shall be made from the best agricultural lands obtainable along the valley of the Elk River and in such other places as shall not impair the value of the remaining surplus land; the same shall be made under the direction of the acting United States Indian agent for the

Quapaw Agency; and the lands so allotted shall be conveyed by deed signed and acknowledged by the principal chief, and shall be subject to all the restrictions provided in an act of Congress entitled "An act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes," approved February 8, 1887.

SEC. 2. After making of said allotments the remaining surplus lands may be leased or sold by the chief, with the approval of the council, on the best possible terms, the proceeds to be used in defraying the expenses incident to allotment and in the liquidation of indebtedness of the tribe which they are legally or in honor bound to pay; the surplus, if any, to be deposited with the acting United States Indian agent for the Quapaw Agency, to be by him paid per capita to all persons upon the roll of the tribe.

SEC. 3. That this act shall take effect and be in force from and after its approval by the Congress of the United States.

Passed the council January 8, 1902.

MITCHELL SPICER,
Principal Chief.
EDWD. MINGO,
Second Chief and Secretary.

The Clerk read as follows:

That the surplus or unallotted lands of the Confederated Wea, Peoria, Kaskaskia, and Piankeshaw tribe of Indians, and of the Western Miami tribe of Indians, in the northeastern part of the Indian Territory, may be sold on such terms and conditions as the President and the adult members of said tribe may mutually agree upon, the proceeds thereof to be divided according to ownership, as set forth in the act approved March 2, 1889, entitled "An act to provide for allotment of land in severalty to United Peorias and Miamies in Indian Territory, and for other purposes."

Mr. MILLER. I offer the following amendment, which I ask the Clerk to read.

The Clerk read as follows:

On line 15, page 42, strike out the word "divided" and insert in lieu thereof the words "paid per capita;" so that it will read, "The proceeds thereof to be paid per capita according to ownership.

Mr. SHERMAN. If the gentleman will yield, I would like to ask a question.

Mr. MILLER. Yes.

Mr. SHERMAN. These Indians are self-supporting?

Mr. MILLER. Yes.

Mr. SHERMAN. They receive no gratuity from the Government?

Mr. MILLER. No.

Mr. SHERMAN. They have their allotments?

Mr. MILLER. Yes.

Mr. SHERMAN. And this is simply to permit them to sell land they do not require for their allotments, and that the money be paid to them?

Mr. MILLER. Yes.

Mr. SHERMAN. Very well; I have no objection.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Kansas.

The amendment was agreed to.

The Clerk read as follows:

To maintain at the city of Omaha, Nebr., in the discretion of the Secretary of the Interior, a warehouse for the receipt, storage, and shipping of goods for the Indian Service, $10,000: *Provided*, That so much of the act of June 7, 1897, entitled "An act making appropriations for the current and contingent expenses and fulfilling treaty stipulations with the Indian tribes for the fiscal year ending June 30, 1898," as provides that the city of Omaha shall provide, equip, and furnish a building suitable for this purpose free of cost to the United States is hereby repealed.

Mr. SHERMAN. Mr. Chairman, the quotation in line 4 of page 43 should be after the word "United States" in line 6. That is a mistake of the printer, and I ask unanimous consent that the Clerk make the correction.

The CHAIRMAN. Without objection it will be so ordered.

There was no objection.

Mr. SHERMAN. Also, in line 10, on page 42, the fifth word should be "unallotted." It is "unlotted." I ask that this correction be made by the Clerk.

The CHAIRMAN. If there is no objection, the order will be so made.

There was no objection.

The Clerk read as follows:

That the $10,000, or so much thereof as may be available, reserved by act of March 3, 1901, out of the amount appropriated for payment of the judgment in favor of the New York Indians, to pay expenses necessary to ascertain the beneficiaries of said judgment, may be used for the employment of the clerical force necessary therefor in the Office of Indian Affairs.

For the resurvey and marking of the southern and western boundaries of the Uintah Indian Reservation from the initial point on Green River to the intersection of said boundary line with the range line between ranges 6 and 7 east of Sac and Lake meridian, Utah, an estimated distance of 135 miles, at $40 per mile, and for the field examination of said resurvey, $6,000.

Mr. MARSHALL. I offer the following amendment, and ask the Clerk to read it.

The Clerk read as follows:

After the word "dollars," in line 22, page 43, add as follows:

For the resurvey of the outboundaries of the Devils Lake Indian Reservation and the resurvey of the interior, standard, meander, and section lines (including the survey and subdivision of the old Fort Totten Military Reservation) and for the office work and field examination of said surveys and resurveys, $12,000.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from North Dakota [Mr. MARSHALL].

The amendment was agreed to.

The Clerk read as follows:

For pay of one special attorney for the Pueblo Indians of New Mexico, $1,500, and for necessary traveling and incidental expenses of one special attorney for the Pueblo Indians of New Mexico, $500: *Provided*, That of said amount the sum of $200, or so much thereof as may be necessary, shall be available for expenses incurred by said attorney during the fiscal year ending June 30, 1903; in all, $2,000.

Mr. RODEY. Mr. Chairman, I should like to ask the chairman of the committee why the salary of the Pueblo Indian agent for New Mexico is not provided for in the appropriation?

Mr. SHERMAN. I did not catch the question of the gentleman.

Mr. RODEY. Why is the pay for the Pueblo Indian agent for New Mexico left out?

Mr. SHERMAN. It was not estimated for. The Department saw no necessity for an agent. Whatever the duties are there, they are discharged by the superintendent of schools. The salary of the agent was not estimated for and not asked for by the Department.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

The Secretary of the Interior is hereby authorized to pay to the Otoe and Missouria tribe of Indians of Oklahoma, immediately upon the passage of this act, the sum of $50,000, or so much thereof as may be necessary, out of any money to their credit in the Treasury of the United States, under such regulations as he may prescribe, in the settlement of their claim for lands sold for them in the State of Nebraska.

Mr. LACEY. I move to strike out the last word, for the purpose of asking the gentleman from Kansas if he knows the full amount realized out of the compromise, and whether it has been paid?

Mr. CURTIS. We are informed by the Commissioner that about $111,000 has been derived from the compromise, and I understood that it had been paid, but I have not the information direct.

Mr. LACEY. Why, then, do you provide only for the payment of $50,000?

Mr. CURTIS. Under the agreement about $54,000 was to be paid—that is, the amount of accumulated interest, which was $54,000, but the tribe will be satisfied with $50,000. They want the remainder of the money to stay in the Treasury and draw interest, as their other funds do.

Mr. LACEY. At what rate of interest?

Mr. CURTIS. I think 5 per cent.

Mr. LACEY. I withdraw the pro forma amendment.

The Clerk read as follows:

That the Secretary of the Interior is hereby authorized, with the consent of the tribe, to distribute the cattle belonging to the Crow tribe, known as the "common herd" and held as such under the ninth article of the agreement with said tribe of December 8, 1890, ratified by the act of March 3, 1891 (26 Stat., 1041), among the members of said tribe, to be held by them as individuals in the same manner as their other individual stock is held, after which the common herd shall cease to exist. The Secretary of the Interior is also authorized to distribute among the tribe per capita all of the money due or to become due said Indians from sales from the common herd, known as the "Crow herd fund:" *Provided*, That the distribution of the cattle and payment of the money shall be made at such time and under such regulations as the Secretary of the Interior in his discretion may prescribe. That the funds now in the Treasury of the United States to the credit of the Crow Indians in Montana, or any portion of it, may, with the consent of the tribe, be used by the Secretary of the Interior, in his discretion, in the purchase of stock cattle to be distributed among the members of the tribe under such regulations as he may prescribe.

Mr. BURKE of South Dakota. I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

On page 47, after the word "prescribed," in line 6, insert "to enable the Secretary of the Treasury to pay the claim of Josef Stainer for labor and material used in making repairs to school buildings Nos. 1, 2, and 3, at Cheyenne River Indian Agency, S. Dak., damaged by wind storm and cyclone on the night of July 19, 1892, approved by the Secretary of the Interior, $278.37, to be paid from unexpended balance of appropriation 'Education Sioux Nation.'"

Mr. SHERMAN. I reserve the point of order upon that amendment. I should like to hear what the gentleman has to say.

Mr. BURKE of South Dakota. I hope the gentleman will not insist on his point of order upon this amendment. It simply provides an appropriation to enable the Secretary of the Treasury to pay a bill that has been allowed by the Interior Department, but owing to a technicality the Treasury Department think they have no authority to pay it. I would like to have read two communications bearing upon the subject, which explain very fully the nature of the claim.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR,
Washington, January 29, 1902.

THE COMMISSIONER OF INDIAN AFFAIRS.

SIR: I am in receipt of your report of the 15th instant, on the application of Hon. CHARLES H. BURKE, of the 16th ultimo, for review of the Department's action of May 13, 1901, on the claim of Josef Stainer for material and labor furnished in the repair of certain school buildings at the Cheyenne River Agency, S. Dak., in July and August, 1892.

The facts and a full statement of the case were set out in your letter of May 9, 1901, but the same were not deemed sufficient to justify an allowance of the claim by the Department, notwithstanding your favorable recommendation for its payment, and the same was returned to your office without approval.

On a review of the facts then submitted and further examination of the case, and of the statement of Mr. BURKE, from all of which it appears that the Government received full value of the claim, and that the same was not at the time allowed on the technicality that the buildings were damaged by a cyclone "during the erection of the buildings and before their completion and receipt by the Government;" and that the claim was not a proper one for the consideration of your office, but was a matter for Congressional action.

The facts are that the buildings were originally erected by Mr. Stainer under a contract with your office, and were completed and ready for delivery to the Government within the period specified in the contract, and notice thereon given to the Indian agent in charge, the keys being turned over to him on the date of completion; but that owing to some delay in the appointment of an inspector to examine the buildings preparatory to their transfer to the Government the same were not formally turned over.

During this period of delay the buildings were damaged by a cyclone, and Mr. Stainer was called upon to repair the damage, which he did at an expense of $278.37, for which he now asks reimbursement.

It appears that the buildings were constructed and completed and ready for delivery, in accordance with the terms of the contract, eight days before the cyclone by which they sustained the damage referred to. I am, therefore, of the opinion that Mr. Stainer is entitled to compensation for the repairs thus required of and made by him, and authority is granted for the settlement of his claim, payable from the appropriation "Education, Sioux Nation."

The papers submitted are returned herewith.

Very respectfully,

THOS. RYAN, *Acting Secretary.*

Mr. BURKE of South Dakota. The letter just read very fully sets forth the facts in the case. I ask that the other letter may be printed in the RECORD. I ask unanimous consent that that may be done.

The CHAIRMAN. Without objection, the paper presented by the gentleman from South Dakota will be printed in the RECORD, as desired.

There was no objection.

The letter is as follows:

TREASURY DEPARTMENT,
OFFICE OF AUDITOR FOR THE INTERIOR DEPARTMENT,
Washington, D. C., February 15, 1902.

SIR: Replying to your oral request for information concerning a claim of Josef Stainer, I have the honor to advise you that there is now pending in this office for examination and settlement a claim of said Josef Stainer for labor and material used for making repairs to school buildings Nos. 1, 2, and 3, at Cheyenne River Agency, S. Dak., damaged by windstorm and cyclone on the night of July 19, 1892. This work was done by Mr. Stainer from July 25 to August 12, 1892. The claim has been approved by the Secretary of the Interior in the sum of $278.37, as will appear from letter of the Secretary of the Interior addressed to the Commissioner of Indian Affairs, dated January 29, 1902, copy of which is inclosed herewith.

If this claim is examined and settled in this office at the present time, and it is found that it can be allowed, it will have to be reported to Congress under section 2 of the deficiency appropriation act of July 7, 1884 (23 Stat., 254), and can then be paid only after an appropriation shall have been made therefor.

Respectfully,

R. S. PERSON, *Auditor.*

Hon. CHARLES H. BURKE,
House of Representatives.

Mr. SHERMAN. Mr. Chairman, I believe that ought to have gone, as a separate bill, to the Committee on Claims. It seems to me it is a claim pure and simple; but the justice of it is so apparent that I shall not insist on the point of order, and I withdraw it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Dakota.

The amendment was agreed to.

The Clerk read as follows:

For support of 150 pupils at the training school at Cherokee, N. C., $25,050; for pay of superintendent of said school, $1,500; for general repairs and improvements, $2,000; for heating plant, $2,500; for erection of girls' dormitory, $10,000, to be immediately available; in all, $40,350.

Mr. SHERMAN. I desire to offer an amendment to correct a mistake in the computation.

The Clerk read as follows:

On page 48, in line 14, strike out "forty thousand three hundred" and insert "forty-one thousand."

The amendment was agreed to.

The Clerk read as follows:

For support of Indian industrial school at Carlisle, Pa., for transportation of pupils to and from said school, and for general repairs and improvements, $149,000; for additional salary of any military officer of Carlisle Indian School while acting as superintendent of said school, $1,000; in all, $150,000.

The CHAIRMAN. Debate on this amendment is exhausted.

Mr. SMITH of Arizona. Mr. Chairman, I have been so opposed to the education of Indians under this provision that I would like to move to strike out the paragraph.

I do not want to detain the committee, but it is a motion which I have made ever since I have been here, particularly as to the Carlisle and the Hampton schools. I would like to raise the point of order against the "transportation of pupils to and from said school" and for "additional salary of any military officer of Carlisle Indian School." Is not that new legislation? It is certainly as new as the legislation touching the Gila River dam.

Mr. SHERMAN. Well, it is the same as for several years.

Mr. SMITH of Arizona. There is no law for it.

Mr. SHERMAN. There is no change in any particular from the law of last year, neither in phraseology nor amount.

Mr. SMITH of Arizona. Just a word, and I will not detain the committee. I move to strike out the section. I have always been opposed to this policy of educating an Indian at a distance from his native place, removing him from his regular environment, and bringing him up within an atmosphere that can never possibly aid him in his future struggle for bread.

I think the experience of all men with the actual Indian returned to his former surroundings will bear me out in the assertion that this foreign education has done the Indian boy or girl no earthly good, nor has their return aided or honored their tribe or benefited the community.

Isolate them in their youth, educate and clothe them, return them to the reservation, and their subsequent history is known to all men who know poor human nature, whether they ever saw an Indian in their life or not. What is the result? He learns cleanliness and returns to his Indian home with its dirt, its squalor, and its vermin. What is left to him or her? The suggestion is enough. The boy has learned to read and write, to cipher, and sing a song and smoke cigarettes, as suggested to me by my friend here; and we are spending these hundreds and thousands of dollars, and I hear no protest from my friend from Illinois.

Mr. CANNON. Will my friend allow me to interrupt him?

Mr. SMITH of Arizona. Certainly.

Mr. CANNON. Commencing in 1886, by a report I made, in connection with other members of a special committee, after full examination, no Congress has passed—and I have been in from that time to this—but what I have protested, and I now protest, that I think it is the highest character of cruelty to take people——

Mr. SMITH of Arizona. I am glad to hear the gentleman say so.

Mr. CANNON (continuing). And give them a finished education that do not know how to work, and send them back to the tribes, where it is a matter of pride that the young men there put on the blanket, and in many instances the young woman shall be prostituted.

Mr. SMITH of Arizona. I am glad to see that the gentleman feels in this exactly as I do. I wish in all that time, with his great, and justly great, influence in this House, he had long ago persuaded it to quit this sort of business.

Now, gentlemen, this sort of education does no earthly good. These children are taken away from their native place, without consent of their friends, and against the natural and often expressed opposition of the parents. They may obtain some sort of consent, but never the free, voluntary will of any one of them. They are brought here by force; they are educated by force; they are made a show of by force, and humane and misguided people take great delight in showing him with his cut-off hair and new clothes as evidence conclusive of his ultimate betterment in life.

Look at them, Mr. Chairman, when they go back from these schools. The gentleman from Illinois [Mr. CANNON] has stated with great power and force what their condition is sure to be. I protest here in the name of the Indian himself, in the name of the boy and the girl, for the Lord's sake and humanity's sake educate them in the environment where they have to live; quit this business of taking them off to the East and teaching them songs and the multiplication table and algebra, and even higher education.

What good does such education do them either East or West? They can do the East no good by it. They can do no good in the East with it. It destroys their ability to live in happiness or peace among their own. What good does it do his tribe? But where you have a school, where he can see it close to the white man's home, where he sees the work going on, where there is the church, the plow, the anvil, and the schoolhouse, it does him good or may do him good.

Let him see how education is obtained, let him see every day what civilization means, and then he himself will in time probably want to learn to read. I would not give one good working Indian for the sweetest songster among them all. He will do more to elevate his tribe than all the philosophy, all the mathematics and geometry you may teach him in a thousand years. The best Indian that I ever saw on the San Carlos Reservation—and he had the best schooling for what lay before him in life, and that was four years in the penitentiary [laughter], where he learned discipline—learned to work and obtained something to live upon.

This school at Carlisle and every one like it is the outgrowth of sentimentalism. The motives and principles actuating these people are of the very highest, but their knowledge of the question is of the very narrowest. Now, Mr. Chairman, this appropriation ought to be stricken from the bill. The Government ought not to pay one cent for this Carlisle school. The children ought to be kept and educated near the reservation.

Mr. LACEY. Will the gentleman allow me a question?

Mr. SMITH of Arizona. Certainly.

Mr. LACEY. Did the gentleman ever visit the Carlisle school?

Mr. SMITH of Arizona. I never have.

Mr. LACEY. I advise the gentleman to go there.

Mr. SMITH of Arizona. Did the gentleman from Iowa ever visit the San Carlos Reservation?

Mr. LACEY. I never have.

Mr. SMITH of Arizona. Then I advise the gentleman to go there [laughter] and learn something about an Indian.

Mr. LACEY. I made the suggestion to the gentleman in good faith, for I have heard him make this same speech, or one like it, a number of times.

Mr. SHERMAN. Mr. Chairman, I rise to oppose the amendment offered by the gentleman from Arizona. The report of the Commissioner of Indian Affairs for this year is the strongest argument in favor of the continuance of the present Indian-school policy. The Commissioner, in his report, says the object of education is civilization, the object of civilization is to make the Indian self-reliant, self-supporting, and independent of further bounty on the part of the General Government. The present system of industrial schools is for this purpose, and the result seems to indicate that it is successful.

In reference particularly to nonreservation schools he says:

The class of largest Government Indian schools is located off the reservations and usually near large cities and centers of wealth and culture. These schools are supported by transfers from the reservation day and boarding schools, although many children are taken directly from the camps. They correspond more nearly with the great industrial and reform schools of the States. Military discipline is maintained and thorough obedience to civil authorities inculcated. Literary training is subordinated to that for the industries. The majority is equipped with shops for shoe and harness making, carpentry, blacksmithing, wagon making, and the teaching of other useful trades. Several have large domestic buildings adapted for the teaching of elementary and scientific cooking to the girls. These establishments are modeled after the most approved method.

Connected with the largest of these institutions is the "outing system" of placing boys and girls for stated periods with families throughout the surrounding country. Here they are taught the duties of farm hands and domestics. In these good homes they are in constant touch with the highest type of the American farmer. The sturdy integrity of this class is impressed by every-day example. They receive a certain compensation for their work, which is deposited to their credit with the school, and the value of labor and money is taught them. Many, at the same time, attend the white public schools. When the "outing system" can be adopted, through the cooperation of the white people, it forms a happy medium of imparting the lesson of Americanism.

Mr. Chairman, the Commissioner argues that the environment of the reservation is not productive of the advancement of the Indian, but the reverse. He says:

The industrial feature of Indian schools does not appeal to him, as the savage rarely earns his living by the sweat of his brow. The women of the tribe are generally the breadwinners when manual labor is required.

Now, Mr. Chairman, during the last year, less than twelve months ago, the various superintendents of schools have been called upon to make investigation and report the result of a school system, both as to reservation and nonreservation, day and boarding school. They were asked to classify the students under three heads, "Excellent," "Fair," and "Poor;" and here is the result:

On April 15, 1901, a circular was addressed to all "Indian agents and bonded superintendents of reservations," stating:

"In order that this office may form a just estimate of the relative merits of the different methods of educating Indian children and the value of those methods in their relation to after effects upon the character and life of those who have attended the reservation and nonreservation schools, you are directed, immediately upon receipt of this circular, to make a careful canvass of all returned pupils from nonreservation schools now living upon the reservations under your charge, and upon the within blank give their names and the information as indicated on same.

"You will be careful to give briefly your estimate of their character and conduct with reference to the results of their educational course at the school attended, using the following terms in their arbitrary sense, as follows: 'Poor,' that the returned pupil has not been, so far as his life and actions are concerned, in any manner benefited by the education which the Government has given him; 'fair,' that while the results of his education have not been good, they have yet raised him somewhat above the level of Indians in the same environment; 'good,' that the returned student has made such average use of the advantages and facilities given him at the schools attended that he may be said to compare favorably with white boys and girls under similar circumstances; that his course of life and actions since his return to the reservation indicate that his career is that of the average white man; 'excellent,' that the results of the educational methods in his particular case have demonstrated that he has taken full advantage of them and he stands out above the average of returned students, and would be classed, if in a white neighborhood, as a man elevated somewhat above those with whom he is brought in contact."

From the data thus obtained statistics relating to returned Indian pupils were collated, from which it appears that the Government officials, who are thrown in immediate contact with this class of Indians, rate 10 per cent as "excellent," the results of the educational methods demonstrating that they have taken full advantage of them, standing out above the average returned pupils, and would be classed, if in a white neighborhood, as men and women elevated somewhat above those with whom they are brought in contact; 76 per cent compare favorably with white boys and girls under similar circumstances, and indicate by their actions, since their return to the reservations, a career similar to that of the average white man; 13 per cent have raised themselves somewhat above the level of the Indians in the same environment, but the results of whose education can not be said to be good; 1 per cent have not been, so far as their lives and actions are concerned, in any way benefited by the education which has been given them.

The plan of the Indian Department relative to the civilization of these people is predicated upon the theory outlined. This plan was practically begun about twenty-one years ago, when there were not 5,000 children in all the Indian schools. Taking this into consideration, the results of one generation are conclusive that the time is not far distant when the Indian will have so advanced that his education may safely be turned over to the States, with whose population the adults will be rapidly assimilating.

Now, Mr. Chairman, the gentleman from Arizona inveighs against theory and sentimentalism. Mr. Chairman, the statistics taken from the returns of the superintendents of every grade of school in this country bear out the assertion that the education so far provided for the Indian is far above their expectations, and if continued will bring about the result most desired, the ultimate welfare of the Indians themselves. I trust the amendment of the gentleman from Arizona will be voted down.

Mr. LACEY. Mr. Chairman, I believe debate on the amendment is exhausted. I therefore move to strike out the last word.

My friend from Arizona [Mr. SMITH] has been side by side with the Indian problem in its worst form—the Apache form. He has seen the Indian in his worst capacity, in his most cruel and wicked state. He measures the entire Indian race by the lowest of all standards. And yet the very Apache himself, when "caught young" and taken to Carlisle, has shown a development that is remarkable.

Mr. SMITH of Arizona. What does he show after he gets back?

Mr. LACEY. I first went to Carlisle with some prejudice—a prejudice generated by the gentleman from Arizona—for I knew his usual fairness, and I had heard him describe these Indians in his graphic way. Therefore the first persons I saw at Carlisle were the Apaches. I asked Captain Pratt to show me one of the "Gila monsters" from Arizona—the Apaches. He took me round and introduced me to an Apache boy, and then to some others of the same tribe, and after that to some Apache girls. And I was astonished, Mr. Chairman, to find that the kindest, the best, the most agreeable faces I saw in that school were upon Apache shoulders. This was an entire surprise to me.

Since then I have visited that school repeatedly; and to say to me or to you, Mr. Chairman, or to the American people generally, that to withdraw a savage from his unwholesome environment and place him for four years in such surroundings as those at Carlisle—to give the girls summer outings among the Quaker families of that country—is injurious to them, is to fly in the very face of our civilization. Those girls are sent out in the summer. They go into Quaker families; that is, they generally prefer the Quaker families. They learn to churn; they learn to sew; they learn to knit; they learn to keep house. When the fall comes they go back to school. They are thus thrown into surroundings that they have never seen before.

It is true that the attempt is perhaps made to elevate them too fast. Therefore my friend says that the best school for the Indian is four years in the penitentiary.

Mr. SMITH of Arizona. I beg the gentleman's pardon. I never made such a statement.

Mr. LACEY. Did not the gentleman say that the best education for the Indian was the education in the penitentiary?

Mr. SMITH of Arizona. I said that the best Apache I ever saw—the best natured and the best educated—was one who had spent four years in the penitentiary.

Mr. LACEY. And does not the gentleman hold that there is a still better than the educated Apache—the dead Apache?

Mr. SMITH of Arizona. I will not dispute the gentleman's word on that point.

Mr. LACEY. My friend's solution of the Indian problem is the penitentiary on the one hand, or the grave on the other.

Mr. SMITH of Arizona. Or raising them in a hothouse.

Mr. LACEY. That is the very cheerful view that the gentleman takes of the situation. We owe an obligation to this race. We are occupying soil that belonged to them. We have treated with them; we have endeavored to elevate them in times past. The blood of some of the best men who ever sat in the House of Representatives has been mingled with the blood of the Indian. A gentleman from Virginia, a leader on one side of this House, not very long ago traced his ancestry to Pocahontas, and he did it proudly.

I say, then, that there is no natural hostility to the Indian tribes among the white people except that which is generated by being brought side by side with them in their savage state. Does it follow, because of the characteristics that the Indian exhibits in the savage condition, that an Indian who has spent four years in the penitentiary is better educated than one trained at such a school as Carlisle?

I have advised the gentleman from Arizona to visit Carlisle. I would be glad to have him go there, because he is a gentleman of ability and culture; and I believe that the cloud of prejudice which has obscured his vision in the past would fade away if he should spend a few days in the wholesome surroundings of that splendid school, which is a credit to the people of the nation.

Mr. SMITH of Arizona. But what becomes of those children after they leave the school?

Mr. LACEY. When the Apache children go back to Arizona of course they encounter difficulties; and some other people encounter difficulties when they go to Arizona and other parts of the Far West.

Mr. SMITH of Arizona. What becomes of these children, now that they are educated at Carlisle? That, I grant, is all right if it helps them. But what becomes of those that are educated and are done with the school?

Mr. LACEY. The gentleman says if you take them back to Arizona——

Mr. SMITH of Arizona. I am not talking about Arizona; I am talking about these children.

Mr. LACEY. Well, then, North Dakota or any other country. When you take them back, he says, they descend once more to their old level, or even worse, and therefore what is his remedy? His remedy is to educate them in the very environments which drag them down after they come back from Carlisle. He proposes that they shall never rise lest they may fall.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. Mr. Chairman, while I have advocated the abandonment of these nonreservation schools, I do not believe that we should refuse to appropriate for those that exist, unless some provision is made for the Indians being educated at them. Anybody who reads the report of the Commissioner of Indian Affairs for the present year will find himself in a state of considerable confusion.

Those parts which have been quoted by my colleague from New York [Mr. SHERMAN] are undoubtedly there; but, Mr. Chairman, the opening part of that report is directly contradictory to the portions my colleague has read. Nobody believes that the Commissioner of Indian Affairs ever prepared that entire report himself. It would be impossible for the head of any great bureau of the Government to do that, so the only method of finding out what the Commissioner himself believes is to determine what portion of the report he wrote. I hold in my hand the proceedings of the nineteenth annual meeting of the Lake Mohonk Conference of Friends of the Indians, held in October, 1901.

The Commissioner of Indian Affairs made an address at that meeting. So did the chairman of the Committee on Indian Affairs, and as the result of a taunt made by the chairman at that meeting the Commissioner has put verbatim into his report the speech which he made on that occasion. I assume that the Commissioner wrote that speech, anyway, although he did not write all the rest of his recommendations in his report. Let us look at what he says, and anybody who has the report of the Commissioner for this year before him can follow, and he will find out that I am reading exactly from the Commissioner's report, although I do not hold it in my hand:

Further observation and reflection leads to the unwelcome conviction that another obstacle may be added to those already named, and that is education. It is to be distinctly understood that it is not meant by this to condemn education in the abstract—far from it; its advantages are too many and too apparent to need any demonstration here. Neither is it meant as a criticism upon the conduct or management of any particular school or schools now in operation. What is meant is that the present Indian educational system, taken as a whole, is not calculated to produce the results so earnestly claimed for it and so hopefully anticipated when it was begun.

No doubt this idea will be received with some surprise, and expressions of dissent will doubtless spring at once to the lips of many of those engaged or interested in Indian work. Nevertheless, a brief view of the plan in vogue will, it is believed, convince the most skeptical that the idea is correct.

There are in operation at the present time 113 boarding schools, with an average attendance of something over 16,000 pupils, ranging from 5 to 21 years old. These pupils are gathered from the cabin, the wickiup, and the tepee.

Partly by cajolery and partly by threats; partly by bribery and partly by fraud; partly by persuasion and partly by force, they are induced to leave their homes and their kindred to enter these schools and take upon themselves the outward semblance of civilized life. They are chosen not on account of any particular merit of their own, not by reason of mental fitness, but solely because they have Indian blood in their veins. Without regard to their worldly condition; without any previous training; without any preparation whatever, they are transported to the schools—sometimes thousands of miles away—without the slightest expense or trouble to themselves or their people.

The Indian youth finds himself at once, as if by magic, translated from a state of poverty to one of affluence. He is well fed and clothed and lodged. Books and all the accessories of learning are given him and teachers provided to instruct him. He is educated in the industrial arts on the one hand, and not only in the rudiments but in the liberal arts on the other. Beyond "the three r's" he is instructed in geography, grammar, and history; he is taught drawing, algebra and geometry, music, and astronomy, and receives lessons in physiology, botany, and entomology.

Mr. SMITH of Arizona. No wonder they look so pretty to my friend Mr. LACEY.

Mr. FITZGERALD. What a picture of the noble red man!

Matrons wait on him while he is well and physicians and nurses attend him when he is sick. A steam laundry does his washing and the latest modern appliances do his cooking. A library affords him relaxation for his leisure hours, athletic sports and the gymnasium furnish him exercise and recreation, while music entertains him in the evening.

He has hot and cold baths, and steam heat and electric light, and all the modern conveniences. All of the necessities of life are given him and many of the luxuries. All of this without money and without price, or the contribution of a single effort of his own or of his people. His wants are all supplied almost for the wish. The child of the wigwam becomes a modern Aladdin who has only to rub the Government lamp to gratify his desires.

Early in the day I read the following portion from the Commissioner's report, but I think it fits in here very nicely.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. I ask unanimous consent that my time be extended. I think this contribution should come in at this time.

The CHAIRMAN. How much time does the gentleman desire?

Mr. FITZGERALD. I will be content with five minutes.

The CHAIRMAN. The gentleman asks unanimous consent that his time be extended for five minutes. [After a pause.] There being no objection, the gentleman may proceed.

Mr. FITZGERALD—

Here he remains until his education is finished, when he is returned to his home—which by contrast must seem squalid indeed—to the parents whom his education must make it difficult to honor, and left to make his way against the ignorance and bigotry of his tribe. Is it any wonder he fails? Is it surprising if he lapses into barbarism?

Not having earned his education, it is not appreciated; having made no sacrifice to obtain it, it is not valued. It is looked upon as a right and not as a privilege; it is accepted as a favor to the Government and not to the recipient, and the almost inevitable tendency is to encourage dependence, foster pride, and create a spirit of arrogance and selfishness. The testimony on this point of those closely connected with the Indian employees of the service would, it is believed, be interesting.

It is not denied that some good flows from this system. It would be singular if there did not after all the effort that has been made and the money that has been lavished. In the last twenty years fully $45,000,000 have been spent by the Government alone for the education of Indian pupils, and it is a liberal estimate to put the number of those so educated at not over 20,000.

Mr. SHERMAN. Will the gentleman yield there for a question?

Mr. FITZGERALD. Yes.

Mr. SHERMAN. Does he not know that the Commissioner's report which he has before him places the number of pupils in the schools last year alone at 27,500.

Mr. FITZGERALD. I suppose this means those who have completed education in these nonreservation schools—so-called returned pupils.

If the present rate is continued for another twenty years, it will take over $70,000,000 more.

I commend that to the chairman of the Committee on Appropriations, although neither of us may be here at the end of that time.

But while it is not denied that the system has produced some good results, it is seriously questioned whether it is calculated to accomplish the great end in view, which is not so much the education of the individual as the lifting up of the race.

It is contended, and with some reason, that with the same effort and much less expenditure applied locally or to the family circle far greater and much more beneficent results could have been obtained, and the tribes would have been in a much more advanced stage of civilization than at present.

On the other hand, it is said that the stream of returning pupils carries with it the refining influence of the schools and operates to elevate the people. Doubtless this is true of individual cases, and it may have some faint influence on the tribes, but will it ever sufficiently leaven the entire mass? It is doubtful. It may be possible in time to purify a fountain by cleansing its turbid waters as they pour forth and then returning them to their original source, but experience is against it. For centuries pure fresh-water streams have poured their floods into the great Salt Lake, and its waters are still salt.

Now, Mr. Chairman, this is the part of the report of the Commissioner, which is of his own creation. These are his opinions, not the opinions of a lot of subordinates who have made a fad of Indian education, and think they know more about it than all the men who ever lived, and all the men who ever will live.

Mr. SMITH of Arizona. And who all of them make their living out of it.

Mr. FITZGERALD. I have stated earlier to-day, and I stated yesterday, that in my opinion the time has come to stop—to begin to prepare to abolish these schools. This school, unfortunately in my opinion, has a capacity for some 1,700 pupils, including those placed under the outing system. Those pupils must be provided for. They should not be left unprovided for; but I should be glad to vote now to spend money to erect schools on the reservations or adjacent to the reservations, schools that would take care of the pupils in this and every other nonreservation school at a distance, and to give that and all similar schools away. I believe if that were done the Indian would be benefited more than we can at all estimate. [Applause.]

Mr. MORRELL. Mr. Chairman, in support of what has just been said by the gentleman from Arizona, I should like to say that practically the same conditions exist, and the result has been the same, in the Standing Rock Reservation, in North Dakota, in regard to pupils returned from the Eastern schools. I have visited different reservations at various times, and at the last visit that I paid to the Standing Rock Reservation an Indian dance took place. These dances are only allowed on particular occasions, when the agent gives special permission. At these dances the Indians wear their tribal costumes, and at this particular dance at which I was present the Indian who went to the greatest extreme in the dance, who wore the least clothing, and who was to all intents and purposes the most ferocious of any of those engaging in the dance, was a high-honor man from one of the Eastern universities. That is just an example.

In conversation with the Indian agent and in conversation with the military authorities, it was their universal opinion that the

Indians who returned from the Eastern schools relapsed in a very short time, after they had become disgusted with their coming back to their home surroundings, into a worse state of barbarism than those who were living on the reservation. At this particular reservation, at Standing Rock, there were 253 self-supporting Indians—Indians who did not cost the Government one cent for their support. As far as I could learn, there were none of those who had returned from Eastern schools. They were all those who had been brought up in the schools on the reservations.

Now, I understand it is the policy of the Government, as soon as possible, to divide these lands in severalty. If they are divided in severalty, that means that the Indian will have to engage in farming or stock raising. To what extent does the education that these Indians receive at the Eastern universities fit them for taking up this farm life? Very little. The education that they get in these universities gives them the skill to operate intricate machinery and possess a knowledge of the different sciences, and, as has just been explained by the gentleman from New York [Mr. FITZGERALD], they are made so dependent upon the luxuries of the twentieth century that they are practically unfitted to go back and engage in farming. Therefore I should like to say that, from my own personal observation and from what I have learned from questioning those who have had great experience in these matters, I am heartily in accord with the gentleman from Arizona [Mr. SMITH].

Mr. LITTLE. I move to strike out the last word.

Mr. Chairman, I feel that I ought at this time to say something, not so much in justification of this bill, but to indorse the purpose as announced by a number of gentlemen on this floor, to inaugurate a policy, in so far as it can be done practically, to force the education of the Indians upon the reservations, or, if upon alloted lands, then in the communities in which they live.

I realize, evidently as the House realizes, that we can not at this time with one blow strike down these schools mentioned in the bill. I had the honor, and was pleased that it was adopted, to offer an amendment to this bill directing the Commissioner of Indian Affairs to give to Congress a detailed report at its next session of the conditions upon the various reservations in the country where it is feasible and practical to carry out a system of schools upon the reservations. There are two extremes, both of which are wrong in this discussion. The schools we have are doing much good. Conditions are different in nearly every reservation. Conditions that suit one do not meet the necessities of the other.

But I believe it to be the true policy, as indicated by the Commissioner of Indian Affairs, that where it can be done the school ought to be carried to the Indian rather than the Indian to the school. The common schools throughout the country seem to meet the demands of the great population of our white people, and where it can be done, why not inaugurate a system of day schools, or industrial schools, on the reservations, in the midst of the Indian settlements, where the contrast will not be so great between the child, as now when he returns from school, and the parent, and enable the one who is being educated to uplift the entire tribe? I think that to be the best policy, and I think it can be done and produce much greater and more desirable results with half the expenditure that we are now making under the present system.

I have no hesitancy in saying that when I feel I have sufficient information that we can go along fairly and justly and properly in this direction with the Indians, so far as what little effort I can make to put it in that direction, I will use it to force the local education of the Indians. When we do that we will begin putting around them the environments of citizens in the midst of the tribe, where the parent is not embittered by taking the children away from them for years, so that they may not be seen by them, and where they can themselves visit the little schoolhouse, see the advancement of their children, where they can go to and fro if necessary, and if necessary have compulsory attendance in certain instances. If we do that, we will begin to build up a spirit of advancement in the tribe that will after a few years control.

I indorse most heartily the sentiment that is expressed about the boy on the return to his tribe—he can bring the tribe up to his standard, and not go to theirs. But a system can be inaugurated in connection with these schools to have industrial or day schools, and when a boy exhibits special or requisite qualities he could be educated in some advanced school, and return to his reservation as a teacher and uplifter of his people. That is done under the present system in many instances, and I believe if we could break down the environment that stands behind these big schools and adopt a practical, earnest policy it would elevate the entire tribes of Indians.

I believe when that can be done it will result, in a few years, in very great good to the Indians and a great reduction in expenses. When we have full details and we can have full knowledge of conditions in the various tribes we can proceed with safety. That is the view of the Commissioner, and I believe it is the sentiment of the House, and when we can get a recommendation we ought, rather than pull down, to add to the reservation schools, both industrial and day schools, and I believe that when we have done that we will save the country half the expense carried in this bill and do double the amount of good that we do under the present system. [Loud applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

For support of 600 Indian pupils at the Indian school at Chilocco, Okla., $100,200; for pay of superintendent at said school, $2,200; for general repairs and improvements, $3,000; for addition to boys' dormitory, $4,500; for additional building, $40,000; improving steam plant, $7,500; machine shop, $2,000; in all, $140,400.

Mr. SHERMAN. I offer an amendment simply to correct the computation.

The Clerk read as follows:

On page 49, line 12, strike out "one hundred and forty" and insert in lieu thereof "one hundred and fifty-nine."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For support and education of 300 Indian pupils at the Indian school, Genoa, Nebr., $50,100; for general repairs and improvements, $5,000; for pay of superintendent of said school, $1,700; for boiler house and boilers, $10,000; in all, $66,800.

Mr. BELL. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Add as a separate paragraph, between lines 21 and 22, on page 50, the following:

"For support and education of 175 Indian pupils at the Indian school at Grand Junction, Colo., $29,225; for pay of superintendent at said school, $1,500; for general repairs and improvements, $3,500; for laundry, $2,500; for improvement of water system, $8,000; for improving the sewerage system, including purchase of land, or rights of way, if necessary, $10,000, or so much thereof as may be required: *Provided*, The Secretary of the Interior shall thoroughly investigate sewer conditions at this school, and if deemed advisable maintain the present arrangements, with such improvements as may be deemed essential; in all, $54,725."

Mr. BELL. Mr. Chairman, this provision belonged in the bill originally, but because of some dispute about the conditions of the sewer system it was left out of the bill until information could be obtained. Since the bill was formulated the necessary information has been gotten, and this amendment has been drawn and is recommended by the Commissioner of Indian Affairs with the approval of the Committee on Indian Affairs, as I understand it.

Mr. SHERMAN. That is correct.

Mr. BELL. There is no objection to it from the Committee on Indian Affairs, and it is the wish of the Indian Department that it be passed in this way. It is one of the standard schools, with 175 pupils, well equipped, and it was simply left out, as I say, awaiting information which the committee wanted.

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

For the support and education of 120 Indian pupils at the school at Hampton, Va., $20,040.

Mr. LITTLE. Mr. Chairman, I move to strike out this provision. This is a motion that I have had the honor to make for about three years. It is not a Government school and not under the supervision of the Government, but is a contract school, and, in my opinion, in opposition to the existing law, and ought to be stricken out.

Mr. SHERMAN. Mr. Chairman, I differ in the conclusion of the gentleman from Arkansas, although not in his statement of facts. It is a contract school; it is a school in which are educated four times as many colored boys and girls as there are Indians; but, Mr. Chairman, it is one of the best manual training schools in this country. Many members of the committee have been there on more than one occasion.

I have been there two or three times myself, and the conclusion I reached after being there, Mr. Chairman, was that the education of Indians there in connection with the colored children was to the advantage of the Indians, and, as a matter of fact, we appropriate much less for the support of the same number of Indians than we appropriate in any other Government school. It costs us less to educate the Indians at Hampton than in any of our own schools, for the reason that the school is largely supported by charity and that charity is extended frequently to a large extent by reason of the fact that there are Indians there as well as colored children.

I think the school is doing a splendid work, and many of the pupils are from the Southern States, where the climate differs from that where most of the other schools are situated; and it is better for the health of the pupils that they should be located there than to be sent to the Carlisle school or any other school north of Mason and Dixon's line.

Mr. LITTLE. May I interrupt the gentleman?

Mr. SHERMAN. Certainly.

Mr. LITTLE. I would like to ask if this provision is not in direct contradiction to the announced policy of Congress against contract schools?

Mr. SHERMAN. No; the Government has never made any declaration against contract schools. It has made a declaration against sectarian schools.

Mr. LITTLE. That is the same thing by a different name.

Mr. SHERMAN. I think this is in no sense a sectarian school.

Mr. LITTLE. The purpose of the Government by that declaration was simply to put the school in the hands of the Government officers who would handle and dispose of the money appropriated for the school.

Mr. SHERMAN. The distinct declaration was that the Government should not hereafter appropriate for sectarian schools.

Mr. LITTLE. That is true.

Mr. SHERMAN. I hope the amendment will not prevail.

Mr. LITTLE. I think this comes very near, if not quite, being a sectarian school.

The CHAIRMAN. Does the gentleman from Arkansas withdraw his amendment?

Mr. LITTLE. Oh, no.

The CHAIRMAN. What is the gentleman's amendment?

Mr. LITTLE. To strike out lines 22, 23, and 24 on page 50 of the bill.

The CHAIRMAN. The Clerk will read the amendment.

The Clerk read as follows:

On page 50 strike out the last three lines.

The question was taken, and the amendment was not agreed to.

The Clerk read as follows:

For support and education of 750 Indian pupils at the Indian school, Haskell Institute, Lawrence, Kans., for transportation of pupils to and from said school, $130,250; for pay of superintendent at said school, $2,000; for tile draining farm, $5,000; for construction of cisterns, $3,000; for boring deep wells, $3,000; for general repairs and improvements, $10,000; in all, $153,250.

Mr. BOWERSOCK. Mr. Chairman, I offer the following amendment:

In line 22, after the words "ten thousand dollars," insert "for the purchase of 328 acres of improved land, more or less, adjoining land now belonging to the United States, $30,000, to be immediately available."

And change total to read "in all, $183,250."

Mr. FITZGERALD. Mr. Chairman, I make the point of order on that——

Mr. CURTIS. This is not subject to a point of order, Mr. Chairman; this is the same amendment that was agreed to in the committee, but the item was not inserted in the bill because we wanted to get an option on the land.

Mr. FITZGERALD. I withdraw the point of order.

The question was taken, and the amendment was agreed to.

Mr. SMITH of Arizona. Mr. Chairman, I move to strike out the last word. The speech of my friend from Iowa [Mr. LACEY] has probably impressed on the mind of the House a false idea of my attitude in regard to the question of Indian education. I shall not detain this committee long with an explanation. I have always been a very ardent advocate for what I considered the sensible education of the Indian.

I have been a determined enemy of what I call his sentimental and foolish education. I have not lived only among the Apache Indians or in their neighborhood, for around me everywhere are Indians whose just boast is that they have never seen the color of a white man's blood. They represent the pastoral, peaceful, kindly, humane Indian. That is the one I was speaking for this morning. It is the one for whose sensible education I was trying to provide; but I found the rule of this House prevailed against me. It has not been invoked, however, in opposition to this beautiful warm-bath education, this hothouse education, of which my friend from Iowa is so ardent an advocate.

My idea has always been and is now to educate the Indian at home, to educate him in the environment in which he is to make his living; to raise the tribe in this way at once, if we can ever raise it; to keep the Indian associated with those who have done something toward his education, and not let him drift back to mendicancy and dirt and filth and beggarly degradation.

I have pressed the question on my friend from Iowa, What becomes of the young Indian educated according to his system? He has never answered that question. The answer which the chairman of the committee has undertaken to give comes altogether from men and women who are making their living out of this system of education. I have sought to bring out the results of the education gentlemen talk about, after these Indian youths have left school.

That is the system which I inveigh against. Indian youths so educated can do no good in white communities; they can do no good at home. By such education you make of Indians unhappy men and women Indians. You place them in a position where they can not make their living. You condemn them to everlasting degradation when they get back among their people at home. I am as much a friend of Indian education as my friend from Iowa is. We proceed on very different lines.

Mr. LACEY. In reply to my friend from Arizona [Mr. SMITH] I wish to say we do not proceed on entirely different lines. I am as heartily in favor of the local education of the Indian as he is. I believe it is essential that we should bring education to the home of the Indian. But because we want to continue to educate the Indians at home, on the reservations, it does not follow that the plan of selecting young Indians and giving them the opportunities they have had at our general training schools should be abandoned. If the Indian boy or the Indian girl attend school near their homes, then, at night or on Sundays, they are back with their families, so that indirectly the entire family shares the benefit of the education that the children are receiving.

I do not wish this committee to understand for one moment, as my friend assumes, that those who are in favor of the Carlisle school are opposed to the local education of the Indian. Not at all. Such schools as that at Carlisle are really an adjunct to the local education of the Indian. The local education is the important thing after all. You must bring to the Indian children in their home communities the opportunity for education if you would elevate the entire race.

The boys who are educated in the home school have, during the evenings or on holidays, the opportunity to do something else than study their books. They have the opportunity to continue that family relation which will be elevated and benefited by the education that the Indian boy or the Indian girl receives in the local school. So that it does not at all follow that if you are in favor of the local schools you should desire to break down these central schools; nor does it follow that because you are in favor of the central schools the local schools should be abandoned. These two classes of schools should move hand in hand.

Mr. MAHON. Mr. Chairman, I do not know anything about the Indians on the reservations. I live within a few miles of a school in which there are 1,100 Indian youth—the Carlisle School; and I think if the gentleman from Arizona would visit that school several times he would change his opinion. The young Indians are brought there with the blankets on them. Some of such youths graduated last year in the senior class of Dickinson College. They go away from that institution well educated. While there they come into contact with our civilization. They get an education outside of that which they would get on the reservations—education by observation. During the summer months—the vacation months—the demand from the farmers and business men of that vicinity for these Indian boys and girls is so great that Colonel Pratt can not supply it. They are taken out of the institution and placed in the homes of the white people of the neighborhood.

Thus they go into the homes of the farmers—some of the best in the Cumberland Valley. They go into our banks, our mercantile houses. They see how the white people live. At the end of four years these Indian boys and girls have been thoroughly educated, not only in book knowledge, but in the industrial arts. They become fine mechanics, wagon makers, harness makers; they become adepts in all the trades that are carried on in that great institution. Colonel Pratt, an officer of the Regular Army, who is in charge of the institution, says in his report that 92 per cent of all the boys and girls educated there become useful citizens. Not many of them (there may be a few) go back and take up the tribal relation.

Now, Mr. Chairman, after that careful education, after they have lived like our people, educated by observation and by teachers in that school, if that will not civilize and make citizens out of these Indians, what in the name of God will do it? The gentleman has tried the schools in the reservations of the tribes. I make no opposition to them, but just so long as these people are kept in these schools on the reservation they will hold fast to their tribal traditions. Take 1,000 white boys and girls from the civilized part of the country and put them on a reservation of 100,000 acres and fence them in, and by the time they reach the age of 20 or 25 they will have lost all the good they would have received if they had been raised and educated at the home they came from.

Now, with the gentleman from Iowa [Mr. LACEY], I have always voted and will vote to support these schools on the reservations. They can go so far, but no further; but do not take away these higher schools, which means an education for the Indians which you can never give them in the schools on the reservations. Does he tell me that the schools on the reservations could educate the Indian boy so that he could pass through the Dickinson College at Carlisle and graduate with high honors? That is not an uncommon thing for him to do to-day, and if I had time to furnish statistics, I could show you that the Indian boys all through our country and in other parts of this country are in banking institutions, they are carrying on trades, and I am one of the men who believe, and always have, if you are going to break up these tribal relations and lift these Indians out of the place they have

been in for a hundred years, that the way to do it is to take their children who want to go and educate them to a higher life and higher civilization.

I would refer the gentleman to the report of Colonel Pratt on the Indian schools. If the gentleman will read that, he will find that a tab is kept on every boy and girl in that school, and if you will refer to Colonel Pratt, he will tell you where they are and what they are doing. Now, I visit that school frequently. I have seen Indian boys come in there right from the Pawnee Indians, without any knowledge hardly of the life that we lead, and I say that when they retire from there in four or five years they are citizens fully equipped for the battle of life. I hope the gentleman will not try to break up these schools. This school that I refer to is not in my district, but it is right next to me and I have seen enough of it from observation of what is done there and by visits paid to the school, to know that the work they are doing there can not be done for the Indians in the schools on the reservations.

The CHAIRMAN. The time of the gentleman has expired.

The Clerk read as follows:

For support and education of 300 Indian pupils at the Indian school, Mount Pleasant, Mich., $50,100; for pay of superintendent of said school, $1,700; for general repairs and improvements, $2,000; for enlarging school buildings, $8,000; in all, $61,800.

Mr. FITZGERALD. I offer the following amendment, which I will ask the Clerk to read:

The Clerk read as follows:

In line 23, page 52, after the word "dollars," add:

"*Provided*, That no part of the sum herewith appropriated for pay of superintendents shall be paid to the present occupant of that office."

Mr. SHERMAN. I raise a point of order against that provision.

The CHAIRMAN. Does the gentleman wish to discuss the point of order?

Mr. FITZGERALD. I ask the gentleman to reserve his point.

Mr. SHERMAN. Very well; I will reserve my point of order.

The CHAIRMAN. Does the gentleman wish to discuss the point of order?

Mr. FITZGERALD. I will first discuss the fact, and then if anyone insists on the point of order, I will do so at that time. I think that the facts when disclosed will convince the gentleman that he should not insist upon his point of order.

The CHAIRMAN. Does the gentleman insist upon his point of order?

Mr. SHERMAN. I reserve my point of order and make no objection to the gentleman speaking.

The CHAIRMAN. The gentleman may proceed.

Mr. FITZGERALD. Mr. Chairman, this is an unusual amendment, but it is really justified by extraordinary circumstances. It would not have been offered by me if I knew of any other way in which the superintendent of this school could be deprived of his office. He is the man who, according to the official reports on file in the Indian Office, is unfit for any position in the service. He is a man who, while the superintendent of an Indian school, has been responsible for and has permitted, through incompetency and neglect, the debauchery of the pupils under his control.

In the face of an official report sent to the Indian Bureau by one of its inspectors, showing without question this man's responsibility, he was not only not removed from the service, but he was transferred to this, a better, school and his salary raised. Had I known these facts in time, I would have gone to the Commissioner of Indian Affairs and insisted upon this man's immediate dismissal. I doubt if it would have done any good, since these facts have been in his possession since June, 1900. And I will say now, Mr. Chairman, that I have only become acquainted with these facts since the session began to-day.

In 1899 the present superintendent of the Mount Pleasant Indian school, located at Mount Pleasant, Mich., was the superintendent of the Shoshone Indian boarding school. He received a salary of $1,400 a year. An indian inspector visited that reservation and reported upon certain abuses existing in that school. He made another visit, some time in May or June, 1900. He found at that time that this superintendent had been transferred from the Shoshone school to the Mount Pleasant Indian school.

In a report which he made to the Department, dated June 4, 1900, contained in Senate Document 201, entitled "Reports and sundry letters and statements of physicians and Indian inspectors relative to the conduct and management of Indian schools, the prevention of tuberculosis and other contagious diseases therein, lack of segregation of healthy children, and the appalling mortality from such and other causes, to accompany Senate resolution No. 125," of the first session of the Fifty-seventh Congress, printed on the 17th of the present month, he calls the attention of the Commissioner of Indian Affairs to the condition that existed at the Shoshone school under this man, in order that he might not be in the dark as to his character and ability. He also refers to one C. W. Snyder, an industrial teacher at the Shoshone school.

In the volume of the annual reports of the Department of the Interior for 1900, including the report of the Commissioner of Indian Affairs, with the indices, it appears that this Snyder was upon the rolls as an employee of the Department on the 30th day of June, 1900, some twenty-six days after this report was made. To-day I telephoned to the Indian Office to ascertain whether this man E. C. Nardin was at present in charge of the Mount Pleasant Training School, and from the office I received the information that he was.

It is with a good deal of delicacy that I approach this subject. There are matters contained in this report that are not only not fit to be mentioned in this House, but are not fit to be printed in any report save under exceptional circumstances.

Mr. SHERMAN. Mr. Chairman, if the report of that agent has any reasonable proof at all to depend upon I agree with the gentleman that the person not only ought not to be superintendent of a school, but he ought not to be in the Indian service or in the Government service; and if there is no other way to get rid of him than the one you propose I am for that plan, and I withdraw my point of order. [Applause.]

Mr. FITZGERALD. I just wish to say that although the Commissioner of Indian Affairs said, in his report in 1899, that none but strong Christian characters were placed in charge of the children in these schools, he has known of these infamous practices for almost two years, and the reward for this man's action has been his advancement and increase of salary. It is a disgrace not only to this Government but to civilization, and I hope to God such men will soon be turned out of office.

Mr. GROSVENOR. I should like to ask the gentleman a question. I have not followed his statement exactly, but is that department of the Government under the civil-service law? [Laughter.]

Mr. FITZGERALD. Mr. Chairman, I know of no law, civil service or other, that will justify the retention in office of a man responsible for this.

Mr. GROSVENOR. I wanted to know how he got there, and how he got promoted; that is all.

Mr. FITZGERALD. My impression is that he is not under the civil-service law.

Mr. GROSVENOR. How did he get out from under it?

Mr. FITZGERALD. He is probably protected either by the Commissioner or by some one whose influence with the Commissioner is so great that he dare not remove him, and the only way to get rid of him is by giving publicity to the facts.

Mr. GROSVENOR. I quite agree with the gentleman, but you will find out that this individual is carefully covered by the civil-service law.

Mr. FITZGERALD. Let me call your attention to the fact that the President of the United States removed a so-called historian from the naval service because he had cast some reflections upon a naval officer. I refer to Maclay.

Mr. GROSVENOR. Yes.

Mr. FITZGERALD. A report on file in the Indian Office for almost two years says:

The Indian police were sent out on this reservation and parents compelled to deliver up their daughters to the guardianship of Superintendent Nardin, who, through incompetency and neglect, permitted them to be debauched.

Mr. GROSVENOR. That is all right. I quite agree with the gentleman, and he need not argue with me about that. What I want is to get the history of this gentleman, where he came from, what he gets, and how he came to be promoted.

Mr. FITZGERALD. I have no way of finding out how he came to be promoted, but if this limitation is put upon this appropriation he will have to get out.

Mr. GROSVENOR. I think you will find you will have to take him out from under the civil service then.

Mr. FITZGERALD. I say this: In my opinion no member of the Indian Affairs Committee is responsible for this. It is information which is embalmed deep in the records of the Department. The Commissioner had this knowledge. The report was made in June, 1900. If the President could remove a laborer, a so-called historian, for an alleged reflection on some naval officer, why not, in the name of God, put out such an official as this?

Mr. GROSVENOR. It could only be done by a repeal of the civil service.

Mr. FITZGERALD. Then it ought to be repealed, if it is necessary, to stop a thing of this kind.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LACEY. I ask that the gentleman's time be extended.

The CHAIRMAN. For how long does the gentleman ask that the time of the gentleman from New York be extended?

Mr. LACEY. For ten minutes.

Mr. LITTLE. Until he concludes his remarks.

The CHAIRMAN. Unanimous consent is asked that the time of the gentleman may be continued until he concludes his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. FITZGERALD. Mr. Chairman, I have ascertained further that this man Snyder is evidently still in the Government employ. He was the industrial teacher at the Shoshone Indian school. The report of the Commissioner itself shows that twenty days after this report was made he was still in the service. This report says that after seducing an Indian girl he married her, and was then in the service.

This man Nardin, too, is now in office. When the first report was made to the Commissioner he was removed from the school. He was receiving there a salary of $1,400. He was transferred to the Mount Pleasant school, where he receives a salary of $1,700. Evidently a price was put upon him for permitting, through incompetency and neglect, the debauching these girls.

Mr. BURKE of South Dakota. Will the gentleman state the name of the inspector who made that report?

Mr. FITZGERALD. I do not know.

Mr. BURKE of South Dakota. I would also like to know if a subsequent report was not made by another inspector of this man's character and standing?

Mr. FITZGERALD. I do not know.

Mr. LACEY. This paper is not signed by anybody.

Mr. FITZGERALD. If the man had signed that report he might be involved in a number of libel suits.

Mr. LACEY. Does he not wind up with the statement that this gentleman is a high-toned Christian gentleman?

Mr. FITZGERALD. That was just what I wanted. Now I will read from this report. It is headed "United States Indian Service, Shoshone Agency, Wyo., June 4, 1900:"

I think the Commissioner is to be congratulated for the fortunate changes he has made in the school employees. Everything about the place has taken on a new appearance. Life and vigor have been injected into each department.

The new superintendent seems to be a man of energy and tact, and his management up to present writing promises success.

There is another change, however, which I think should be made.

C. W. Snyder, industrial teacher, should be deposed.

He was there twenty days after this report was made.

He married Viola Hereford, an Indian employee, last October, after seducing her, and they now have a promising child nearly or quite 4 months old.

As will no doubt be remembered, while I was here last October I reported that this school was badly managed; that boys were in the habit of visiting the girls' dormitories during the night, and that the then superintendent and his wife, who was the matron, did not seem to have control of the situation.

I did not enter into details, wishing to avoid as much as possible a scandal on the school; but since coming here this time I learn that the then superintendent, Mr. Nardin, has been promoted and placed in charge of Mount Pleasant Industrial School, Michigan. Thinking that you should know the condition which existed here under Mr. Nardin, I transmit herewith the statements taken at an investigation recently made at the school by United States Indian Agent Nickerson, together with the affidavits of the employees who assisted him.

These findings corroborate my report made last October, and show that this school has educated more girls to harlotry than any similar school in the service.

The Indian police were sent out on this reservation and parents compelled to deliver up their daughters to the guardianship of Superintendent Nardin, who, through incompetency and neglect, permitted them to be debauched. This is plain language, but duty compels me to make it so.

I have no personal enmity against Mr. Nardin; we both came from the same State. He is a scholar, and, I believe, a Christian gentleman—

[Laughter]—

but in the economy of Providence he was not designed to be superintendent of this or any other Indian school.

Now I yield to the gentleman.

Mr. LACEY. Read the balance of it to show that it is purely and absolutely a blank charge that is here.

Mr. FITZGERALD. It is in Senate Document 201.

Mr. LACEY—

Respectfully submitted.

——— ———,

United States Indian Inspector.

Mr. FITZGERALD. Oh, well, if the gentleman will go to the Indian Office he will get the name of the inspector.

Mr. LACEY. But we want to get the name from the gentleman on the floor.

Mr. FITZGERALD. I have not got it. This is contained in an official document of the Senate, and if that man had signed that himself he would——

Mr. SHERMAN. If the gentleman from New York will permit me, I will state that I have just telephoned to the Indian Commissioner, and he has never heard of this transaction; there has been no such report made to him, and these facts have been developed before the Senate committee. The inspector is not now in the service.

Mr. FITZGERALD. Oh——

Mr. SHERMAN. He was not in the service when he made such report to the Commissioner of Indian Affairs, and the Commissioner further tells me that there is not one line in his office charging immorality upon this superintendent or reflecting upon his character in any way.

Mr. FITZGERALD. This report is addressed, I should have said, in justice to the Commissioner of Indian Affairs, to his superior, the Secretary of the Interior.

Mr. LACEY. It is not signed. It is a blank charge, signed by no one.

Mr. FITZGERALD. I will say to the gentleman from Iowa that if this were in an anonymous report it would justify an investigation. Read the sworn statements of the Indian girls in there, that I would not dare to put in the RECORD.

Mr. LACEY. Sworn before whom? This blank inspector?

Mr. FITZGERALD. No, sir; taken before Indian Agent Nickerson. It refers to this matter in terms. If it is withheld by the Secretary of the Interior, it must be because of his consideration. Here in this same document is proof of another case much worse than this; but the man personally guilty was not prosecuted because he resigned under pressure. It was at the Indian school of the Hualapai Reservation in Arizona.

Mr. HENRY C. SMITH. When?

Mr. FITZGERALD. September 27, 1900, the affidavit is dated.

Mr. MAHON. Mr. Chairman, the gentleman has referred to the removal of a man by the name of Maclay, which everybody justifies the President in doing. I sympathize with the gentleman, and if he will prefer charges against this man the President will remove him. That is the way to get him out of the civil service.

Mr. LACEY. Mr. Chairman, this is a very important matter. No one wants to defend any such transaction as is charged here against Mr. Narvin.

Mr. FITZGERALD. I do not charge anybody.

Mr. LACEY. My friend is mistaken when he says that this document shows that this evidence was taken before the Indian agent. It is a blank charge, and the affidavits are not sworn to. He ought to be able, in making a charge of this kind against Superintendent Narvin, of whom I never heard—but he ought to be able to name the party from whom he gets the information. I suggest that by unanimous consent this paragraph be passed over until we dispose of the rest of the bill. We do not want to do any injustice to Superintendent Narvin or anybody else. The gentleman from New York says he never heard of this document until he found it on his desk.

Mr. FITZGERALD. No; I found the document on my desk with a memorandum on it.

Mr. LACEY. Who made the memorandum?

Mr. FITZGERALD. I do not know.

Mr. LACEY. The gentleman doesn't know who fired the document onto his desk?

Mr. FITZGERALD. I have no objection to the suggestion of the gentleman from Iowa that the amendment be passed over for the present.

The CHAIRMAN. Unanimous consent is asked that this paragraph be passed over until the bill is completed. Is there objection? [After a pause.] The Chair hears none.

Mr. FITZGERALD. I wish to state that what I have read is from a Senate document printed at this session of Congress, and this was referred to the Indian Committee of the Senate on the 17th of the present month. I think that when information of that character is contained in such a document it is justification enough for anybody on the floor of this House to bring it to the attention of the House.

Mr. SHERMAN. Mr. Chairman, I simply want to say two or three words. In my judgment, there is nothing in the civil-service law or in any other statute of this country that will protect any man in any public place under the Government in doing the acts that the gentleman from New York, my colleague, charges were done in this case. I do not believe that a man can be protected under the civil-service law for the fraction of a second, nor do I believe that any man anywhere in the Indian Service could stay in that service for one single day, under any reasonable evidence before the Commissioner of Indian Affairs that he had conducted himself in the manner my colleague indicates this superintendent has.

Mr. Chairman, in my judgment the present Commissioner of Indian Affairs is a clean, capable, upright, careful, painstaking, Christian gentleman. [Applause.] A man than whom no other has ever discharged the duties of that place better; a man who in private and public life is clean, whose record courts scrutiny beneath the rays of the midday sun. [Applause.]

Mr. Chairman, I believe that any person who will present to him a single particle of undisputed evidence or well-sustained evidence that any man under him has conducted himself, either in reference to morality or in reference to finance or in reference to personal deportment, in a manner to bring discredit on the service of the Government, would be instantly discharged.

Now, Mr. Chairman, I think the proper way to dispose of this matter is for the gentleman from New York to withdraw his amendment. I will go with him in the morning to the Indian Office, and I will do anything in my power to see that all these charges are probed to the bottom at the earliest possible moment. If there is anybody in the Indian service who winks at such

conduct, I guarantee that he will leave the service before to-morrow night. [Applause.]

Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MONDELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 11353, the Indian appropriation bill, and had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bill of the following title; in which the concurrence of the House of Representatives was requested:

S. 3518. An act granting a pension to Nadine A. Turchin.

ENROLLED BILLS PRESENTED TO THE PRESIDENT OF THE UNITED STATES.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had presented this day to the President of the United States for his approval bills of the following titles:

H. R. 9312. An act granting an increase of pension to Kate Virginia Dewey Cushing;

H. R. 6459. An act granting an increase of pension to Mary F. Hooper;

H. R. 5002. An act granting an increase of pension to Thomas H. McConnaughey;

H. R. 815. An act granting an increase of pension to Henry S. Comer;

H. R. 5259. An act granting an increase of pension to Gustav Schwartz;

H. R. 2628. An act granting an increase of pension to Andrew Mulholland;

H. R. 286. An act granting an increase of pension to Lawrentus Lane;

H. R. 6684. An act granting an increase of pension to Marshall Bachelder;

H. R. 5162. An act granting an increase of pension to Andrew H. Gifford;

H. R. 2240. An act granting an increase of pension to Joseph Church;

H. R. 2429. An act granting an increase of pension to John C. Morrison;

H. R. 2617. An act granting an increase of pension to John Rapple;

H. R. 1728. An act granting an increase of pension to George W. Thompson;

H. R. 5753. An act granting an increase of pension to Emil Frank;

H. R. 4268. An act granting an increase of pension to James D. Woodward;

H. R. 4128. An act granting an increase of pension to David Cupps;

H. R. 2455. An act granting an increase of pension to George W. McClure;

H. R. 3184. An act granting an increase of pension to David Petee;

H. R. 5149. An act granting an increase of pension to Charles E. Bachelder;

H. R. 3413. An act granting an increase of pension to Jedediah S. Vallet;

H. R. 5108. An act granting an increase of pension to Elisha B. Taylor, alias Elisha F. Bisbee;

H. R. 287. An act granting an increase of pension to Leighton J. Folsom;

H. R. 2484. An act granting an increase of pension to Jeremiah Evans;

H. R. 3300. An act granting an increase of pension to George B. Boyd;

H. R. 1374. An act granting an increase of pension to James Willard;

H. R. 2265. An act granting an increase of pension to Martin V. Hathaway;

H. R. 6720. An act granting an increase of pension to George Patterson;

H. R. 3024. An act granting an increase of pension to Thomas V. Straw;

H. R. 3511. An act granting an increase of pension to Mary C. Newcomb;

H. R. 5860. An act granting an increase of pension to Edward B. Scott;

H. R. 5147. An act granting an increase of pension to Theodore Lane;

H. R. 2416. An act granting an increase of pension to John B. Wilcox;

H. R. 1285. An act granting an increase of pension to Cyrus Odell;

H. R. 6465. An act granting an increase of pension to Samuel Briscoe;

H. R. 6926. An act granting a pension to Mabel H. Lazear;

H. R. 2983. An act to amend an act entitled "An act granting an increase of pension to Frances M. Thompson, approved March 3, 1901;

H. R. 10780. An act to transfer the county of Carroll from the northwestern division of the northern district of Georgia to the northern district of Georgia of the United States district and circuit courts, and for other purposes;

H. R. 2528. An act granting a pension to Helen M. Evans;

H. R. 1017. An act granting a pension to Mary Tripp;

H. R. 4037. An act granting a pension to Julia Maher;

H. R. 3230. An act granting a pension to Catherine Pflueger;

H. R. 2412. An act granting a pension to Helen L. Pepper;

H. R. 2321. An act granting an increase of pension to Joseph R. Martin;

H. R. 2607. An act granting an increase of pension to Uriah S. Karmany;

H. R. 7408. An act granting an increase of pension to Levi Cross;

H. R. 2193. An act granting an increase of pension to David A. Ireland;

H. R. 2502. An act granting an increase of pension to Ambrose Burton;

H. R. 4208. An act granting an increase of pension to Susan M. Pardee; and

H. R. 5169. An act granting an increase of pension to Hiram S. Kingsley.

IMPROVING FORT STREET, DISTRICT OF COLUMBIA.

The SPEAKER laid before the House the following change of reference, which was made without objection:

The bill (H. R. 11477) for improving Fort street between Twelfth and Fourteenth streets northeast, and for other purposes, from the Committee on the District of Columbia to the Committee on Appropriations.

LEAVE OF ABSENCE.

By unanimous consent, Mr. LESTER obtained leave of absence for three days, on account of important business.

And then, on motion of Mr. PAYNE (at 4 o'clock and 43 minutes p. m.), the House adjourned until to-morrow at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the ship *Glascow*, M. Alcorn, master, against the United States—to the Committee on Claims, and ordered to be printed.

A letter from the Secretary of War, transmitting a letter from the Chief of Engineers submitting a draft of proposed legislation relating to bridges over the Illinois and Mississippi Canal—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting documents relating to the claim of William S. Beauchamp—to the Committee on Appropriations, and ordered to be printed.

ADVERSE REPORTS.

Under clause 2, Rule XIII, adverse reports were delivered to the Clerk, and laid on the table, as follows:

Mr. PARKER, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 1073) granting an honorable discharge to St. J. Gardner, and correcting the date of his muster out from the service, reported the same adversely, accompanied by a report (No. 571); which said bill and report were laid on the table.

Mr. SULZER (by request), from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 139) an act for the relief of Edward Byrne, reported February 18, 1902, adversely, accompanied by a report (No. 564); said bill and report were referred to the Private Calendar, pursuant to clause 2 of Rule XIII.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. CALDWELL, from the Committee on War Claims, to

which was referred the bill of the House (H. R. 10763) for the relief of R. T. Priddy, executor of John D. Priddy, deceased, reported the same without amendment, accompanied by a report (No. 572); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on War Claims, to which was referred the bill of the Senate (S. 18) for the relief of the legal representatives of Napoleon B. Giddings, reported the same without amendment, accompanied by a report (No. 573); which said bill and report were referred to the Private Calendar.

Mr. CALDWELL, from the Committee on War Claims, to which was referred the bill of the House (H. R. 5720), reported in lieu thereof a resolution (H. Res. 138) referring to the Court of Claims the papers in the case of Fannie Pemberton, accompanied by a report (No. 574); which said resolution and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 9948) granting a pension to Sarah Francis Taft, widow of Charles Sabin Taft—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 11590) granting a pension to Nancy E. Hardy—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. RODEY: A bill (H. R. 11603) for the erection of a public building at Albuquerque, N. Mex.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 11604) to validate certain bonds of the Territory of New Mexico—to the Committee on the Territories.

Also, a bill (H. R. 11605) to validate certain bonds of the Territory of New Mexico—to the Committee on the Territories.

Also, a bill (H. R. 11606) to validate certain bonds of the Territory of New Mexico—to the Committee on the Territories.

By Mr. BLACKBURN: A bill (H. R. 11607) making an appropriation for a public building at Wilkesboro, N. C., and for other purposes—to the Committee on Public Buildings and Grounds.

By Mr. PEARRE: A bill (H. R. 11608) authorizing the extension of Kalorama avenue—to the Committee on the District of Columbia.

By Mr. RICHARDSON of Alabama: A bill (H. R. 11609) for the construction of a waterway and barge canal connecting the waters of the Mississippi River with those of the St. Marys River, in the State of Georgia, along the landlocked waters of the coast of Louisiana, Mississippi, Alabama, and Florida, and a canal from St. Georges Sound, in Florida, to the St. Marys River, in Georgia—to the Committee on Rivers and Harbors.

By Mr. SOUTHWICK: A bill (H. R. 11610) to prevent the brewing of impure beer—to the Committee on Interstate and Foreign Commerce.

By Mr. BALL of Texas: A bill (H. R. 11611) to divide the State of Texas into four judicial districts—to the Committee on the Judiciary.

By Mr. SCOTT: A bill (H. R. 11612) amending section 4708 of the Revised Statutes of the United States in relation to pensions to remarried widows as amended by an act approved March 3, 1901—to the Committee on Invalid Pensions.

By Mr. JONES of Washington: A bill (H. R. 11613) to establish a fish-hatching and fish station in Yakima County, in the State of Washington—to the Committee on the Merchant Marine and Fisheries.

By Mr. BABCOCK: A bill (H. R. 11614) to prevent vicious and evilly disposed persons from resorting to the District of Columbia for the purpose of committing crime—to the Committee on the District of Columbia.

By Mr. MOODY of Massachusetts: Memorial relative to an amendment of the Constitution of the United States enabling Congress to enact laws regulating hours of labor—to the Committee on the Judiciary.

By Mr. BELLAMY: A joint resolution (H. J. Res. 155) granting permission for the erection of a monument in Charlotte, N. C., for the ornamentation of the public grounds in that city—to the Committee on the Library.

By Mr. HOWARD: A concurrent resolution (H. C. Res. 33) that the Secretary of War be directed to cause an examination and survey of Oconee River, in Georgia—to the Committee on Rivers and Harbors.

By Mr. BARTLETT: A concurrent resolution (H. C. Res. 34) for a survey of the Oconee River—to the Committee on Rivers and Harbors.

By Mr. NAPHEN: Memorial relating to an amendment of the Constitution of the United States enabling Congress to enact laws regulating hours of labor—to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BINGHAM: A bill (H. R. 11615) to remove the charge of desertion from the military record of Wesley Stilwell—to the Committee on Military Affairs.

Also, a bill (H. R. 11616) granting an increase of pension to Isaac Harris—to the Committee on Pensions.

Also, a bill (H. R. 11617) for the relief of Nathan Van Beil, of Philadelphia, and others—to the Committee on Claims.

By Mr. BULL (by request): A bill (H. R. 11618) for the relief of Oliva J. Baker, widow of Julian G. Baker, deceased, late an employee in the navy-yard factory, Washington, D. C.—to the Committee on Claims.

By Mr. DAVIS of Florida: A bill (H. R. 11619) granting an increase of pension to David A. Frier—to the Committee on Pensions.

By Mr. DAYTON: A bill (H. R. 11620) for the relief of William J. Knott, executor of estate of Samuel Knott, deceased—to the Committee on War Claims.

By Mr. EMERSON: A bill (H. R. 11621) to correct the military record of H. J. Rowell—to the Committee on Military Affairs.

By Mr. FINLEY: A bill (H. R. 11622) to remove the charge of desertion against Frederick Schulte, or Schuldt—to the Committee on Naval Affairs.

By Mr. FOSS: A bill (H. R. 11623) granting an increase of pension to John Blackler—to the Committee on Invalid Pensions.

By Mr. GRIFFITH: A bill (H. R. 11624) granting an increase of pension to George M. Palmer—to the Committee on Invalid Pensions.

By Mr. HILL: A bill (H. R. 11625) granting an increase of pension to Alexander H. Taylor, late of Company E, of the Twelfth Connecticut Volunteer Infantry, now a resident of Norwalk, Conn.—to the Committee on Invalid Pensions.

By Mr. KETCHAM: A bill (H. R. 11626) to authorize the Secretary of War to acquire, by purchase or condemnation, Constitution Island, in the State of New York—to the Committee on Military Affairs.

By Mr. McANDREWS: A bill (H. R. 11627) granting a pension to L. M. Ferrier—to the Committee on Invalid Pensions.

By Mr. NAPHEN: A bill (H. R. 11628) to remove the charge of desertion standing against the military record of Michael Clifford, alias Michael Kelleher—to the Committee on Military Affairs.

By Mr. POWERS of Maine: A bill (H. R. 11629) granting an increase of pension to Sophronia Q. Head—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11630) to remove the charge of desertion from the military record of David Hulbert—to the Committee on Military Affairs.

By Mr. RICHARDSON of Alabama: A bill (H. R. 11631) for the relief of the heirs of Robert Bynum—to the Committee on War Claims.

Also, a bill (H. R. 11632) for the relief of the heirs of John Smith, deceased—to the Committee on War Claims.

Also, a bill (H. R. 11633) for the relief of the heirs of Horatio Anderson—to the Committee on War Claims.

Also, a bill (H. R. 11634) for the relief of James R. Nance, of Newmarket, Ala.—to the Committee on War Claims.

Also, a bill (H. R. 11635) for the relief of the heirs of John Meals, deceased—to the Committee on War Claims.

By Mr. ROBERTSON of Louisiana: A bill (H. R. 11636) providing for the transfer of the title of the military reservation of Baton Rouge, La., to the Louisiana State University and Agricultural College—to the Committee on Military Affairs.

By Mr. RODEY: A bill (H. R. 11637) for the relief of Anastocio de Baca, administrator of Francisco de Baca, deceased—to the Committee on War Claims.

By Mr. SCHIRM: A bill (H. R. 11638) granting an increase of pension to Samuel Hyman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11639) to remove the charge of desertion from the military record of Thomas Hewing—to the Committee on Military Affairs.

Also, a bill (H. R. 11640) granting a pension to John Tufts—to the Committee on Invalid Pensions.

By Mr. SHATTUC: A bill (H. R. 11641) granting an increase of pension to Samuel B. Loewenstine, late first lieutenant Company

K, First Kentucky Volunteer Infantry—to the Committee on Invalid Pensions.

By Mr. HENRY C. SMITH: A bill (H. R. 11642) granting an increase of pension to Margaret Fitzpatrick, Hudson, Mich.—to the Committee on Invalid Pensions.

By Mr. SPIGHT: A bill (H. R. 11643) for the relief of heirs of Mrs. Susan L. Bailey, deceased, of Marshall County, Miss.—to the Committee on War Claims.

By Mr. STEWART of New Jersey: A bill (H. R. 11644) granting a pension to Edgar A. Hamilton—to the Committee on Invalid Pensions.

By Mr. TOMPKINS of Ohio: A bill (H. R. 11645) granting an increase of pension to Joseph Wilson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11646) granting a pension to James H. Dickson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11647) to remove charge of "absent without leave" against military record of James W. Byrd and grant him an honorable discharge—to the Committee on Military Affairs.

Also, a bill (H. R. 11648) for the relief of Robert W. Caldwell—to the Committee on Military Affairs.

By Mr. WHEELER: A bill (H. R. 11649) for the relief of R. H. Starks—to the Committee on Claims.

By Mr. SMITH of Illinois: A bill (H. R. 11650) to restore and retire, as a captain of cavalry, Thomas J. Spencer, late a captain, Tenth United States Cavalry—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Resolution of Major Gaston Post, No. 544, Grand Army of the Republic, of Gastonville, Pa., and Tube Workers' Union No. 8077, Washington, Pa., favoring the construction of war vessels in the Government navy-yards—to the Committee on Naval Affairs.

Also, petition of Coopers' International Union No. 102, Brownsville, Pa.; Tube Workers' Union No. 8077, Washington, Pa.; Mine Workers' Union No. 1315, of Roscoe, Pa., and Tin-Plate Workers' Union No, 30, of Washington, Pa., concerning the Chinese-exclusion act—to the Committee on Foreign Affairs.

Also, resolutions of the Engineers' Club of Philadelphia, Pa., for securing a national forest reserve in the Appalachian Mountains—to the Committee on the Public Lands.

By Mr. BARTLETT: Resolutions of Simpson Division, No. 210, Brotherhood of Locomotive Engineers, Macon, Ga., in favor of laws restricting immigration—to the Committee on Immigration and Naturalization.

Also, resolution of the council of the city of Savannah, Ga., for the establishment of a subtreasury of the United States at Savannah, Ga.—to the Committee on Ways and Means.

By Mr. BULL: Resolution of Journeymen Barbers' Union No. 361, Pawtucket, R. I., favoring the Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. BURLEIGH: Petition of Colonel L. H. Kendall Command, No. 106, Spanish War Veterans, Biddeford, Me., for recognition by Congress of the services of Clara Barton in the late war—to the Committee on Military Affairs.

Also, resolutions of Nathan F. Blunt Post, No. 109, of Bingham, Me., and Bath Union, No. 466, of Bath, Me., favoring the building of war ships in the navy-yards—to the Committee on Naval Affairs.

By Mr. BURK of Pennsylvania: Resolutions of the Merchants' Exchange of San Francisco, Cal., favoring the enacting of a law permitting the mercantile classes of China to enter the United States—to the Committee on Foreign Affairs.

Also, petition of the board of supervisors of Mohave County, Ariz., protesting against any legislation exempting the Santa Fe Pacific Railway Company from taxation in Arizona Territory—to the Committee on Pacific Railroads.

Also, resolution of the Engineers' Club, of Philadelphia, for a national forest reserve—to the Committee on the Public Lands.

By Mr. BURKETT: Paper to accompany House bill for the relief of William H. Spradling—to the Committee on Military Affairs.

By Mr. CANDLER: Papers to accompany House bill No. 11551—to the Committee on War Claims.

By Mr. CASSEL: Resolution of Central Labor Union of Lancaster, Pa., in favor of the Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. CASSINGHAM: Resolution of Central Trades and Labor Council of Coshocton, Ohio, praying for the further restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. CURRIER: Petitions of the Woman's Christian Temperance Union of Water Village, Nottingham, Tilton, Sanbornville, Wilton, Meredith, Center Sandwich, Plymouth, Wolfboro, Northwood, and Manchester, N. H., for an amendment to the National Constitution defining legal marriage to be monogamic—to the Committee on the Judiciary.

By Mr. DEEMER: Resolutions of Post 66, of Muncy, Pa., Post 258, of Westfield, Pa., and Post 476, of Millerton, Pa., Grand Army of the Republic, favoring the construction of war vessels in Government navy-yards—to the Committee on Naval Affairs.

By Mr. EDWARDS: Resolution of Federal Labor Union No. 175, of Kalispell, Mont., favoring the construction of war vessels in Government navy-yards—to the Committee on Naval Affairs.

Also, petition of Federal Labor Union No. 175, of Kalispell, Mont., favoring the passage of the Chinese-exclusion law—to the Committee on Foreign Affairs.

By Mr. EMERSON: Protest of Boston (Mass.) Belting Company, against the enactment into law of House bill 3076—to the Committee on Labor.

By Mr. ESCH: Resolution of Machinists' Union No. 173, Eau Clair, Wis, favoring the reenactment of the Chinese-exclusion act—to the Committee on Foreign Affairs.

Also, resolution of the Merchants' Exchange of San Francisco, Cal., for the admission of the mercantile class of Chinese—to the Committee on Foreign Affairs.

By Mr. FITZGERALD: Resolution of the board of supervisors of Mohave County, Ariz., urging Congress to fix an equitable tax valuation upon the property of the Santa Fe Pacific Railway Company's property in Arizona—to the Committee on Pacific Railroads.

Also, resolution of Merchants' Exchange of San Francisco, Cal., urging Congress to permit the unrestricted immigration of all Chinese merchants and barring every class of coolie labor—to the Committee on Foreign Affairs.

By Mr. FOSS: Resolution of Carpenters and Joiners' Union No. 448, of Waukegan, Ill., praying for the further restriction of immigration—to the Committee on Immigration and Naturalization.

Also, papers to accompany bill 11623 for the relief of John Blackler—to the Committee on Invalid Pensions.

By Mr. GIBSON: Petition of Holston Division 239, Brotherhood of Locomotive Engineers, Knoxville, Tenn., praying for the further restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. GILL: Petitions of United Mine Workers of Yorkville, citizens of Jefferson County, Ohio Valley Lodge, No. 12, Martins Ferry Branch, No. 73, Bellaire Mine Workers, No. 652, of Klee, Belmont Central Trades and Labor Union, of Bellaire, all in the State of Ohio, favoring the reenactment of the Chinese-exclusion law—to the Committee on Foreign Affairs.

By Mr. GRAHAM: Petition of Keystone Division, No. 293, Brotherhood of Locomotive Engineers, of Allegheny, Pa., for the restriction of illiterate immigrants—to the Committee on Immigration and Naturalization.

Also, resolution of the Merchants' Exchange of San Francisco, Cal., favoring the admission of the mercantile class of Chinese in the United States—to the Committee on Foreign Affairs.

Also, petition of Mrs. James A. Wilson and others of Allegheny, Pa., for an amendment to the National Constitution defining legal marriage to be monogamic—to the Committee on the Judiciary.

By Mr. GRIFFITH: Petition of Hiram Williamson Post, No. 465, Grand Army of the Republic, Department of Indiana, for investigation of the administration of the Bureau of Pensions—to the Committee on Rules.

Also, resolution of Carriage and Wagon Makers' Union No. 71, of Lawrenceburg, Ind., urging legislation to exclude the Chinese from this country—to the Committee on Foreign Affairs.

Also, resolution of Carriage and Wagon Makers' Union No. 71, of Lawrenceburg, Ind., praying for the further restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. HEMENWAY: Resolution of Potters' Union No. 5, Evansville, Ind., and Post No. 520, Grand Army of the Republic, of Oakland City, Ind., favoring the building of vessels in the United States navy-yards—to the Committee on Naval Affairs.

Also, resolutions of Leather Workers' Union No. 59 and Leather Workers of Horse Goods, of Evansville, Ind., for the further restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. HENRY of Connecticut: Petition of Samuel Brown Post, No. 56, Grand Army of the Republic, Department of Connecticut, for investigation of the administration of the Bureau of Pensions—to the Committee on Rules.

Also, petition of citizens of Hartford, Conn., in behalf of statistical information relative to marriage and divorce—to the Committee on the Judiciary.

By Mr. HILL: Papers to accompany House bill 11625, for the relief of Alexander H. Taylor—to the Committee on Invalid Pensions.

By Mr. JACKSON of Kansas: Resolution of the Industrial Council of Pittsburg, Kans., favoring the exclusion of Chinese—to the Committee on Foreign Affairs.

By Mr. KAHN: Resolution of Coal Yard Teamsters' Union No. 285, of San Francisco, Cal., for an educational test in the restriction of immigration—to the Committee on Immigration and Naturalization.

Also, resolutions of Marine Cooks and Stewards' Association of the Pacific Coast, and Sailors' Union of the Pacific; Metal Workers' Union No. 27; Coal Yard Teamsters' Union No. 285; Butcher Workman's Protective Union No. 115; Cigar Makers' Union 469; Leather Workers' Union No. 9; San Francisco Lodge, No. 68, Association of Machinists, urging the passage of House bill No. 9330, favoring the continuation of the exclusion law against Chinese laborers—to the Committee on Foreign Affairs.

Also, resolution of the Sailors' Union of the Pacific, protesting against the passage of House bill No. 9685—to the Committee on the Merchant Marine and Fisheries.

By Mr. KETCHAM: Petition of the United Garment Workers of America No. 84, of Wappingers Falls, N. Y., favoring an educational test in the restriction of immigration—to the Committee on Immigration and Naturalization.

Also, resolutions of Cigar Makers' Union No. 84, of Saugerties, N. Y., and Queen City Lodge, No. 2, Amalgamated Iron, Steel, and Tin Workers, Poughkeepsie, N. Y., in favor of the exclusion of Chinese laborers—to the Committee on Foreign Affairs.

By Mr. LACEY: Petition of John Gilman, of Oskaloosa, Iowa, praying for the enactment of a law against polygamy—to the Committee on the Judiciary.

Also, resolutions of the Merchants' Exchange of San Francisco, Cal., favoring the admission of certain classes of Chinese—to the Committee on Foreign Affairs.

By Mr. LINDSAY: Resolutions of the New York division of the American Wire Weavers' Protective Association, for an educational test in the restriction of immigration—to the Committee on Immigration and Naturalization.

Also, resolution of the American Wire Weavers' Protective Association of New York, in favor of the exclusion of Chinese laborers—to the Committee on Foreign Affairs.

By Mr. LONG: Papers to accompany House bill 6105, for the relief of E. J. Essex—to the Committee on Invalid Pensions.

Also, resolutions of Thomas W. Sweeney Post, No. 361, Grand Army of the Republic, Department of Kansas, for the building of war vessels in the United States navy-yards—to the Committee on Naval Affairs.

By Mr. MANN: Resolutions of Cigar Makers' Union No. 247, Blue Island; Carpenters and Joiners' Union 199, South Chicago; Glass Workers' Union No. 4, Chicago Heights, Ill., in favor of the reenactment of the Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. MAYNARD: Petitions of Typographical Union No. 353 and Cigar Makers' Union No. 412, of Newport News; Machinists' Union No. 441, of Portsmouth; Seamen's Union of Norfolk; Shipbuilders' Union of Portsmouth, State of Virginia, and report of the Chamber of Commerce of New York, relating to Chinese exclusion—to the Committee on Foreign Affairs.

Also, resolutions of Bricklayers and Masons' International Unions of Newport News and Norfolk, Va., urging the employment of union men in the construction of the naval dry dock at New Orleans, La.—to the Committee on Naval Affairs.

Also, resolutions of Cigar Makers' Unions of Norfolk and Newport News, Va., favoring a further restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of General W. T. Sherman Post, No. 44, Grand Army of the Republic, Department of Virginia, for investigation of the administration of the Bureau of Pensions—to the Committee on Rules.

Also, resolutions of Cigar Makers' Union and Cailloux Post, No. 2, Grand Army of the Republic, of Norfolk, Va., relative to the construction of vessels in Government navy-yards—to the Committee on Naval Affairs.

By Mr. McDERMOTT: Petition of Twelfth Ward Democratic Club of Jersey City, N. J., asking mediation by the United States in favor of the patriots of the South African republics—to the Committee on Foreign Affairs.

By Mr. McRAE: Resolution of Division 182, Brotherhood of Locomotive Engineers, of Little Rock, Ark., for the passage of laws which will prevent the immigration of persons who can not read—to the Committee on Immigration and Naturalization.

By Mr. MOODY of Massachusetts: Resolution of Cigar Makers' Union No. 324, of Gloucester, Mass., advocating the construction of war vessels in United States navy-yards—to the Committee on Naval Affairs.

Also, resolution of the Cigar Makers' Union No. 324, of Gloucester, Mass., favoring Chinese exclusion—to the Committee on Foreign Affairs.

Also, resolutions of the New England Shoe and Leather Association, favoring amendments to the interstate-commerce laws—to the Committee on Interstate and Foreign Commerce.

By Mr. MORRELL: Resolution of the Engineers' Club of Philadelphia, Pa., in favor of the Appalachian National Park Association—to the Committee on the Public Lands.

Also, petition of Merchants' Exchange of California, relating to the Chinese-exclusion law—to the Committee on Foreign Affairs.

By Mr. PALMER: Petition of the Medical Society of Luzerne County, Pa., favoring the passage of House bill 7189, to increase the efficiency of the Marine-Hospital Service—to the Committee on Interstate and Foreign Commerce.

Also, petition of Cigar Makers' Union 459 and Central Labor Union of Hazleton; Carpenters' and Joiners' Union No. 102, of Wilkesbarre, Pa.; Powder Workers' Union No. 8974, of Wapwallopen, Pa., favoring the passage of the Chinese-exclusion act—to the Committee on Foreign Affairs.

Also, resolution of Cigar Makers' Union No. 459, of Hazleton, Pa., for an educational test in the restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. PARKER: Resolution of Essex Trades Council, of Newark, N. J., for exclusion of Chinese—to the Committee on Foreign Affairs.

By Mr. PEARRE: Petition of Adam Ault, of Washington County, Md., praying reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. POWERS of Maine: Papers to accompany House bill to remove the charge of desertion against the record of David Hurlbut—to the Committee on Military Affairs.

Also, papers to accompany House bill 11629, for the relief of Sophronia Q. Head—to the Committee on Invalid Pensions.

By Mr. PUGSLEY: Petition of citizens of Peekskill, N. Y., for an amendment to the National Constitution defining legal marriage to be monogamic—to the Committee on the Judiciary.

Also, resolutions of the Trades and Labor Council of Peekskill and Union No. 111, of Tarrytown, N. Y., Allied Metal Mechanics, concerning the reenactment of the Chinese-exclusion act—to the Committee on Foreign Affairs.

Also, resolutions of Taxpayers' Alliance, borough of Bronx, urging appropriation for the continuance of the improvement to the Harlem River and ship canal—to the Committee on Rivers and Harbors.

By Mr. RICHARDSON of Alabama: Pamphlet to accompany House bill 11609, for the construction of a waterway connecting the Mississippi River by land-locked navigation with the land-locked channels of the Atlantic coast—to the Committee on Rivers and Harbors.

Also, papers in support of House bill 9844, providing for the erection of a public building in the city of Florence, Ala.—to the Committee on Public Buildings and Grounds.

Also, petition of John Pettipoole, of Lauderdale County, Ala., for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. RIXEY: Petition of citizens of Manassas, Va., for the further restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. RODEY: Resolution of Cigar Makers' Union No. 443, of Albuquerque, N. Mex., in favor of the reenactment of the Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. RUSSELL: Resolution of Horseshoers' Union No. 88, of Norwich, Conn., and Post 68, Grand Army of the Republic, of Tomaston, Conn., favoring the construction of war vessels in Government navy-yards—to the Committee on Naval Affairs.

Also, resolution of Central Labor Union of Norwich, Conn., favoring the passage of the Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. RYAN: Resolution of board of supervisors of Mohave County, Ariz., in opposition to the measure exempting the Santa Fe Pacific Railway Company from taxation in the Territory of Arizona—to the Committee on Pacific Railroads.

Also, petition of Buffalo Switchmen's Union, No. 4, Buffalo, N. Y., for the reclassification of post-office clerks—to the Committee on the Post-Office and Post-Roads.

Also, resolution of Merchants' Association of New York, favoring commercial reciprocity with Cuba—to the Committee on Ways and Means.

Also, resolution of N. C. Newerf, of Buffalo, N. Y., for the Government to build, own, and maintain a passenger and merchant marine, and to build 1,000 vessels—to the Committee on Merchant Marine and Fisheries.

By Mr. SCOTT: Resolution of the Topeka (Kans.) Commercial Club, condemning the proposed Bowersock land-grazing bill—to the Committee on the Public Lands.

By Mr. SELBY: Petition of Retall Merchants' Association of Jacksonville, Ill., in support of Senate bill 2987 and House bill 9352, for the protection of the public against impure food—to the Committee on Agriculture.

By Mr. SHAFROTH: Resolution of the State board of horticulture of the State of Colorado, against the destruction of useful birds—to the Committee on Agriculture.

Also, petition of W. W. Hocking and other citizens of Boulder, Colo., for an amendment to the national Constitution defining legal marriage to be monogamic—to the Committee on the Judiciary.

Also, resolutions of Colorado State Grange, Patrons of Husbandry, favoring the irrigation of the arid lands of the United States—to the Committee on Irrigation of Arid Lands.

By Mr. SHATTUC: Petition of Sign Writers' Union No. 224, Cincinnati, Ohio, favoring the building of vessels in the United States navy-yards—to the Committee on Naval Affairs.

By Mr. SHALLENBERGER: Petition of Beckmark & Norlin and 37 other merchants of Axtell, Nebr., and Charles Perry & Co. and 33 other merchants of Harvard, Nebr., against House bill 6578, known as the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, papers to accompany House bill 11218, granting an increase of pension to Reuben W. Bartram—to the Committee on Invalid Pensions.

Also, petition of Post No. 155, of Kenesaw, Nebr., Grand Army of the Republic, favoring the building of vessels in the United States navy-yards—to the Committee on Naval Affairs.

By Mr. HENRY C. SMITH: Petition of Woodbury Post, No. 45, Grand Army of the Republic, Department of Michigan, for investigation of the administration of the Bureau of Pensions—to the Committee on Rules.

By Mr. SNOOK: Petition of L. S. Holmes Post, No, 87, Grand Army of the Republic, Department of Ohio, for investigation of the administration of the Bureau of Pensions—to the Committee on Rules.

Also, papers to accompany House bill 4217, for the removal of the charge of desertion from the military record of David F. Fortney—to the Committee on Military Affairs.

By Mr. SOUTHARD: Resolution of oil and gas-well workers, of Hammansburg and North Baltimore, Ohio, in favor of the reenactment of the Chinese-exclusion act—to the Committee on Foreign Affairs.

Also, resolutions of Cigar Makers' Union No. 48; Locomotive Firemen's Union No. 2; Photo Engravers' Union No. 15; Coopers' Union No. 6, Iron Molders' Union No. 172, and Laundry Workers' Union No. 1, all of Toledo, Ohio, in favor of the reenactment of Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. SPERRY: Resolution of Union No. 612, of Waterbury, Conn., Amalgamated Society of Engineers, favoring the Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. SPIGHT: Papers to accompany House bill 11643, for the relief of the heirs of Mrs. Susan L. Bailey—to the Committee on War Claims.

By Mr. STEELE: Resolution of Iron Molders' Union No. 357, of Montpelier, Ind., favoring the construction of naval vessels at Government navy-yards—to the Committee on Naval Affairs.

Also, resolution of Glass Bottle Blowers' Association No. 61, of Gas City, Ind., favoring the enactment of a law excluding the Chinese without limitation from this country—to the Committee on Foreign Affairs.

By Mr. SULLOWAY: Petitions of Woman's Christian Temperance Union of Epping, North Charlestown, North Weare, Plymouth, Meredith, Wolfboro, Center Sandwich, Wilton, and Peterboro, N. H., in favor of an amendment to the Constitution against polygamy—to the Committee on the Judiciary.

Also, resolution of Manchester, N. H., Board of Trade, favoring the appointment of a commission to study and report upon the industrial conditions of China and the establishment of a permanent exposition of American products at Shanghai, China—to the Committee on Immigration and Naturalization.

By Mr. SULZER: Petition of International Brotherhood of Electrical Workers No. 3, urging the defeat of Senate bills 2054 and 1466, to regulate wiring in the District of Columbia—to the Committee on the District of Columbia.

By Mr. THAYER: Resolution of Brewery Workers' Union No. 135, Worcester, Mass., favoring the construction of war vessels in Government navy-yards—to the Committee on Naval Affairs.

Also, resolutions of Carpenters and Joiners' Union No. 877, of Pennsylvania, favoring an educational test in the restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. VREELAND: Petition of citizens of Jamestown, N. Y., favoring the election of United States Senators by direct vote of the people—to the Committee on Election of President, Vice-President, and Representatives in Congress.

Also, resolution of Hardwood Finishers' Union No. 94, of Jamestown, N. Y., in favor of the Chinese-exclusion act—to the Committee on Foreign Affairs.

Also, resolution of Hardwood Finishers' Union No. 94, for an amendment to the immigration laws—to the Committee on Immigration and Naturalization.

Also, resolution of Post No. 502, of Angelica, N. Y., Grand Army of the Republic, favoring the construction of naval vessels at Government navy-yards—to the Committee on Naval Affairs.

By Mr. WADSWORTH: Resolutions of Coopers' Union No. 48, Niagara Falls, N. Y.; Iron Molders' Union No. 238, Lockport, N. Y., and George Pierce Post, No. 448, of Castile, N. Y., Grand Army of the Republic, favoring the construction of naval vessels at the Government navy-yards—to the Committee on Naval Affairs.

Also, resolutions of Coopers' Union No. 48, of Niagara Falls, N. Y., and Carpenters' Union No. 289, of Lockport, N. Y., for an educational test in the restriction of immigration—to the Committee on Immigration and Naturalization.

Also, resolutions of Lock City Central Labor Union, Industrial Fiber Workers' Union of Lockport, N. Y., and Coopers' Union No. 48, of Niagara Falls, N. Y., in favor of the reenactment of the Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. WANGER: Petition of Dr. Louis Jean, M. Lusson, and other citizens of Ardmore, Pa., for the creation of game preserves in Alaska—to the Committee on the Public Lands.

Also, resolutions of George Post Post, No. 79, of Conshohocken, Pa., concerning the construction of Government vessels in navy-yards—to the Committee on Naval Affairs.

By Mr. WEEKS: Petition of W. A. Dudley and other citizens of Armada, Mich., favoring the election of United States Senators by direct vote of the people—to the Committee on Election of President, Vice-President, and Representatives in Congress.

By Mr. WILSON: Petition of G. K. Warren Post, No. 286, Grand Army of the Republic, of Brooklyn, N. Y., in regard to employees in navy-yards—to the Committee on Naval Affairs.

By Mr. WOODS: Petition of the Chamber of Commerce of San Francisco, Cal., urging the adoption of the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

By Mr. WRIGHT: Resolution of Mallory Post, No. 285, Grand Army of the Republic, of Sayre, Pa., urging that the navy-yards be utilized for the construction of war vessels—to the Committee on Naval Affairs.

By Mr. ZENOR: Petition of William Johnson Post, No. 430, Grand Army of the Republic, Department of Indiana, for investigation of the administration of the Bureau of Pensions—to the Committee on Rules.

Also, resolution of Coopers' International Union, of Jeffersonville, Ind., for the enforcement of the postal laws relating to second-class mail matter, and that no repeal or modification of such laws be made—to the Committee on the Post-Office and Post-Roads.

SENATE.

FRIDAY, *February 21, 1902.*

The Senate met at 11 o'clock a. m.

Prayer by Rev. HENRY N. COUDEN, D. D., Chaplain of the House of Representatives.

The Journal of yesterday's proceedings was read and approved.

CATALOGUE OF ZONE OF STARS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Navy, submitting an estimate of appropriation for the preparation of the Astronomische Gesellschaft Catalogue of the Zone of Stars observed at the Naval Observatory principally in 1894 and 1895, $4,000; which, with the accompanying papers, was referred to the Committee on Naval Affairs, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3104) to grant the right of way through the Oklahoma Territory and the Indian Territory to the Enid and Anadarko Railway Company, and for other purposes.

The message also returned to the Senate, in compliance with its request, the bill (S. 2802) granting a pension to Martha R. Osbourn.

PETITIONS AND MEMORIALS.

Mr. FOSTER of Washington (for Mr. KITTREDGE) presented a memorial of the Retail Merchants' Association, of Sioux Falls, S. Dak., remonstrating against the passage of the so-called parcels-post bill; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BERRY presented the petition of John P. Goshen, of Bald Knob, Ark., praying that he be granted a pension; which was referred to the Committee on Pensions.

Mr. TELLER. I present a concurrent resolution of the legislature of Colorado, favoring the establishment of a department of mines. I ask that it be printed in the RECORD, and referred to the Committee on Mines and Mining.

There being no objection, the concurrent resolution was referred to the Committee on Mines and Mining, and ordered to be printed in the RECORD, as follows:

House concurrent resolution No. 7.

[By Mr. Montgomery, of Teller.]

Whereas the session of the Trans-Mississippi Commercial Congress held in Cripple Creek, Colo., in 1901, unanimously adopted a resolution declaring in favor of a governmental department of mines, with a secretary in charge thereof, who shall be a member of the Cabinet; and

Whereas each of the Senators and Representatives in Congress from the State of Colorado are in favor of such department; and

Whereas bills have been introduced in Congress for the purpose of creating such department; and

Whereas the State of Colorado has as much, if not greater, interest in the promotion of the mining industry than any other State: Therefore,

Resolved, That this house (the senate concurring therein) commend the action of our Senators and Representatives in supporting such measure, and respectfully urge them to use all honorable means to procure the enactment of a law providing for such department, and elevating the great mineral industry from the subordinate place in which it has so long been kept to the commanding position to which it is entitled.

Resolved, That an authenticated copy of these resolutions, when passed, be forwarded by the governor of the State to each of our Senators and Representatives.

B. F. MONTGOMERY,
Speaker of the House.
DAVID C. COATES,
President of the Senate.

Approved this 14th day of February, A. D. 1902, at 9.45 o'clock a. m.

JAMES B. OSMAN,
Governor of the State.
W. H. KELLEY,
Secretary of the Senate.
WILLIAM J. HAMILTON,
Clerk of the House.

Mr. TELLER presented a memorial of sundry citizens of Sugar City, Colo., remonstrating against any reduction being made in the duty on sugar imported from Cuba; which was referred to the Committee on Finance.

Mr. FRYE presented the petition of Dr. Antonio Josie Amadeo, of Porto Rico, praying for the payment of fees for autopsies performed for the government of Porto Rico prior to July 30, 1898; which was referred to the Committee on Pacific Islands and Porto Rico.

He also presented a petition of Local Lodge No. 65, Brotherhood of Railroad Trainmen, of Osawatomie, Kans., praying for the reenactment of the Chinese-exclusion law; which was referred to the Committee on Immigration.

He also presented a petition of the Grand Lodge, Brotherhood of Railroad Trainmen, of Cleveland, Ohio, praying for the reenactment of the Chinese-exclusion law, for stricter immigration laws, and for the enactment of legislation providing for the election of United States Senators by a direct vote of the people; which was referred to the Committee on Privileges and Elections.

REPORT OF A COMMITTEE.

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (S. 2972) to provide for the building of a water dock at the channel at Ship Island, Mississippi, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

BILLS INTRODUCED.

Mr. WELLINGTON introduced a bill (S. 4078) for the relief of Mrs. Celia Ford; which was read twice by its title, and referred to the Committee on Claims.

Mr. BLACKBURN introduced a bill (S. 4079) for the relief of Bartholomew Diggins; which was read twice by its title, and referred to the Committee on Naval Affairs.

AMENDMENT TO OMNIBUS CLAIMS BILL.

Mr. WELLINGTON submitted an amendment intended to be proposed by him to the bill (H. R. 8587) for the allowance of certain claims for stores and supples, reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act; which was referred to the Committee on Claims, and ordered to be printed.

TRUSTS AND COMBINATIONS.

On motion of Mr. KEAN, it was

Ordered, That public act 190, entitled "An act to protect trade and commerce against unlawful restraints and monopolies," be reprinted.

PHILIPPINE TARIFF BILL.

The PRESIDENT pro tempore. The morning business is closed; and the Chair lays before the Senate the regular order.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 5833) temporarily to provide revenue for the Philippine Islands, and for other purposes.

Mr. BATE. Mr. President, but few incidents, if any, since the days of reconstruction have transpired in this Chamber more fateful and involving more delicate issues and greater results than the ratification of what is known as the "Treaty of Paris." It was in the executive session on the evening of the 6th of February, 1899, that Senators were gathered in groups in this Chamber behind closed doors, sometimes in excited and vigorous discussion and then again consulting in half whispers or being in a dead silence, indicating that something more than ordinary was about to transpire. As I have said, it was a secret executive session. The secrecy, however, has long since been removed, allowing free and open discussion of all that then and there occurred.

There was on this occasion the deepest solicitude shown by the adherents as well as by those who opposed the treaty. While "party" figured considerably in the proposition, it was not governed wholly by it. In the main, Republicans favored and Democrats, with a few exceptions, opposed its ratification—all, however, were desirous of doing that which they believed would be the best for the country. The situation was peculiar and result doubtful. The protocol between Spain and the United States had been agreed upon and signed some time previously and the Commission appointed to settle the terms had made their recommendation and sent to the Senate the treaty for ratification, the President recommending it.

That immediate time, so to speak, was an interregnum of war. The sword had been practically put back in its scabbard, hostile guns had been muzzled, and the bugle sang truce. Troops were called home and companies and regiments mustered out. Soldiers had turned their faces homeward, away from the sound of stirring reveille and soothing tattoo, returning to the quietude of home amid the charms of its sweet domesticities. Recruiting had ceased and whole commands were being mustered out. The war with Spain, forcing her to relax her cruel grip upon Cuba as she struggled to be free, was practically at an end. War, however, was subsequently and unfortunately revived.

About this time some political genius, alike fertile in resources for party policy and commercial advantage, conceived the idea that it would greatly strengthen the party in power to retain possession of the Philippines, as it would furnish a reason for raising more troops and keeping up a large Army, with its immense patronage. It inspired the idea of giving $20,000,000 to Spain for the Philippines, a country and people which she did not own, and from whose curtilage she had been driven by force of arms. This aftermath of $20,000,000 came as a bird of evil omen, of weird form and pestilential breath. Peace for the time held sway and her ministrations were seen and felt by a grateful people. Yet there were mutterings to be heard because of an apparent change in the programme of the Peace Commissioners.

As the public understood it, $20,000,000 were to go to Spain, and the Philippines were to come into our possession. This, then, after all, seemed a purchase, not a conquest. At that time there was not an armed Spanish soldier asserting Spain's authority on those islands. Even Manila, the last stronghold of the enfeebled and decaying Dons, had vanished like a shadow from the grasp of Spain. Armed Spaniards only held Manila while the guns of the fort and the ships gave protection. The dash of Dewey, with his American ships and American guns, had destroyed the Spanish fleet and silenced the batteries of the grim old fort that had, like a sentinel, stood for a century and darkened with its shadow the waters of that oriental bay.

Even the Spanish troops, which had been driven by Aguinaldo into the lines of defense at Manila as their last place of refuge, had been captured by the combined efforts in joint movement of Dewey and Aguinaldo—Americanos and Philippinos—and they were in that movement on Manila as much a unit as were the Greeks when their phalanx had locked shields where the "mountains look on Marathon and Marathon looks on the sea," and in so doing became our allies against the common enemy.

Thus this twenty-million "dicker" had upset the original expectation and changed the current of events and was pregnant with results. For without it the Philippines would have been left to itself. It was the initial to a new departure; this $20,000,000 job was commercial not sentimental, and it was the first step toward a colonial policy, a policy antagonistic to our form of government. It was a strike even at our *theory* of government. Not only so, but for the time being—for no one believed then it was intended to be a permanent holding—it put us in a hazardous position, because it made us necessarily not only then, but in the future, a participant in that oriental imbroglio known as the

"Eastern question," in which all Europe is interested, and liable to be plunged into war at any day, and for that, if nothing else, Americans should have kept out, by obeying the injunction of Washington in his farewell address, and Thomas Jefferson in his inaugural address—"Beware of entangling alliances."

This was the situation as to our relations with the Philippines and Spain when Senators sat in secret legislative conclave in this Chamber on the evening of the 6th of February, 1899, to consider and ratify or defeat the "Treaty of Paris."

At this juncture some incidents in and around Manila occurred, but not of a serious character, although efforts were made by some partisans to magnify the situation and take advantage of it so as to have a bearing in favor of the ratification of the treaty. Under these influences the struggle came on, and after vigorous discussion the treaty was ratified, but by only 2 votes.

The change of one single vote would have brought a tie vote, and under parliamentary usage, a quorum being present, the affirmative proposition on a tie vote loses. So the change of a single vote would have defeated the treaty and left negotiations open to future developments, in which could have been brought about and, no doubt, would have been done, a clear understanding between the two most interested parties—for Spain was out of it—and established relations between the United States and the Philippines, thus preventing hostilities and the long train of unhappy events which for the last three years have marked the course and marred the harmony in this country as well as in the Philippines.

After skirmishing in front before we reached the regular line of battle, in which party lines in the main were observed, we reached the vote on the affirmative proposition to ratify the treaty, it requiring two-thirds of all Senators present, there being a quorum, to ratify the treaty. On the main question there were 57 affirmative votes and on the negative 27, as follows:

On the question, Will the Senate advise and consent to the ratification of the treaty of peace between the United States and Spain, signed at the city of Paris on December 10, 1898?

It was determined in the affirmative, { Yeas ..... 57 / Nays 27

Two-thirds of the Senators present concurring therein.

Those who voted in the affirmative are Messrs.—

Aldrich.	Faulkner,	McBride,	Ross,
Allen,	Foraker,	McEnery,	Sewell,
Allison,	Frye,	McLaurin,	Shoup,
Baker,	Gallinger,	McMillan,	Simon,
Burrows,	Gear,	Mantle,	Spooner,
Butler,	Gray,	Mason,	Stewart,
Carter,	Hanna,	Morgan,	Sullivan,
Chandler,	Hansbrough,	Nelson,	Teller,
Clark,	Harris,	Penrose,	Thurston,
Clay,	Hawley,	Perkins,	Warren,
Cullom,	Jones, Nev.	Pettus,	Wellington,
Davis,	Kenney,	Platt, Conn.	Wolcott.
Deboe,	Kyle,	Platt, N. Y.	
Elkins,	Lindsay,	Pritchard,	
Fairbanks,	Lodge,	Quay,	

Those who voted in the negative are Messrs.—

Bacon,	Gorman,	Mills,	Roach,
Bate,	Hale,	Mitchell,	Smith,
Berry,	Heitfeld,	Money,	Tillman,
Caffery,	Hoar,	Murphy,	Turley,
Chilton,	Jones, Ark	Pasco,	Turner,
Cockrell,	Mallory,	Pettigrew,	Vest.
Daniel,	Martin,	Rawlins,	

The pairs were as follows:

Mr. Cannon and Mr. PROCTOR with Mr. White.

Mr. WETMORE and Mr. Wilson with Mr. Turpie.

As to this one fatal vote I beg to say: As is seen, it required two-thirds to ratify, and that there were 57 affirmative votes given for and 27 against ratification. Now, take 1 from 57 and it leaves 56; add that 1 to the 27 against it and it would have made 28 votes against the treaty. Twice 28 makes even 56. On the two-thirds requirement this would have left a tie, and the affirmative proposition would have lost because of the tie. So it is seen that one single vote more against this "Treaty of Paris," so fraught with weighty results, could have been changed by a single vote. I know of no vote in my senatorial life, of which I have a right to feel more justly proud than the one I gave against the ratification of this treaty.

Embarrassment followed, and growing out of the changed situation, brought on from the "relics" of the war with Spain and the $20,000,000 "dicker," another war of larger dimensions, of greater cost and greater calamity, and involving great and far-reaching questions. A war as distinct from the one just concluded with Spain for the rescue of Cuba as was one punic war of Carthage different from another, although fought by the same parties. Not only so, but it illustrates to a remarkable degree the selfishness and bad faith of a nation when opportunity offers for the stronger to oppress and destroy the weaker.

At whose instance hostilities commenced, or why commenced, or what untoward incident, if any, precipitated it, I do not care to stop now to inquire; suffice it, there is no act of Congress on the statute books directing or especially declaratory of the when and why of its commencement. The Americans and Filipinos erstwhile were friends, were *allies* against a common enemy, which had been either captured, as those who were prisoners at Manila, or had been driven from the islands. The influence of the Administration, its machinery and power, in all its active force, stood by the side of those who advocated the ratification of the treaty—else it would have been overwhelmingly defeated.

It was preeminently an Administration measure—a Republican measure. The President appointed the Commission, and he appointed four out of the five, Republicans—leading Republicans—and but one Democrat and he not in accord with his party on the currency question. It was not a party war and should not have been made up as it was—almost exclusively of men of one party. This treaty has been, and is, such a factor in the make-up of our current history and bids fair to enter so essentially in our future life that it is to be regretted that every amendment offered, every motion and word then uttered on that fateful evening, were not taken down and preserved in the CONGRESSIONAL RECORD as is done in open session. This treaty has become a pivotal point in our history. It invites a new system, and in doing so strikes at the theory of our Government. It opens the door, and does it rudely, to the temple of our liberty—aye, to the very sanctuary of our altars.

It is a departure from the old landmarks of the fathers—landmarks made sacred by the blood of our Revolutionary ancestry. It is the initial of a new political dogma, inconsistent with our theory of government. It opens up and enters upon a colonial system of government, a system totally inconsistent with our republican form, and stands as a finger board along the great national highway pointing to imperialism.

May I not pertinently ask why did the Administration change its policy soon after this, in calling for the large army to go to the Philippine Islands, from volunteers to regulars, and that, too, just at the time when we wanted them to go to the Philippine Islands? This was another step toward centralization. It took from the governors of States the power to appoint the officers of regiments, and the privates to elect the commanding officers, and gave to the President the right to appoint them.

Ours is a representative government, and those representatives chosen by the people. Such could not be carried out in the Philippines, were it a part of us. Our Declaration of Independence says, "Governments derive their just powers from the consent of the governed." Now, the difference that exists between the two peoples, the Anglo-Saxon the one, and the other a mongrel breed in which the Malay is predominant—the white race and yellow race, speaking tongues not only different from ours, but as confused among themselves as those at the tower of Babel, and accustomed to a totally different form of government, with different habits of life, and living 9,000 miles away from us—these facts forbid the idea of their becoming a part of us, or being united with us in a common political destiny.

If a part of the Government, they should help to support it, and under the Constitution taxation must be equal; and we recognize in our form of government that there can be no taxation without representation, and the most advanced imperialist does not wish to see the farce of elections practiced in these islands for representatives in our Congress, and for us to have Filipinos in our Senate and House of Representatives holding a balance of power on important questions governing the policy of our people.

If we take them as a part of us this must follow, or we must change our *form* as well as *theory* of government.

This is no fancy sketch, no hobbyhorse with which to frighten children. It is a live, practical, burning question that we, as American citizens, have to face sooner or later, if the present Republican programme is carried out.

Mr. President, it is not incumbent on the opponents of the bill for raising revenues for the Philippine Islands, when insisting upon a strict adherence to the principles of taxation as embodied in the Federal Constitution, to discuss the right of the United States to acquire territory by conquest as the result of war or by treaty at the end of diplomacy. In the case of the Philippines that matter has been settled, at least for the present. But, however much I may regard the acquisition as hurtful to our system of government and destitute of benefit to our people and wrongful to the Philippines, the present is not the time to fully open that discussion nor to propose a remedy for the evils which have sprung from the "treaty of Paris."

I believe, Mr. President, in common with many millions of our fellow-citizens, that the right to constitutional taxation is inherent on all of the people of the United States over whom the American flag floats, and that Congress has no right to deprive any portion of the people whom the flag of our country protects from aggression, of their inalienable right to constitutional taxation; that having, by force of arms, made the Philippine people a part of our fellow-people, Congress has no constitutional power to deny them *fellow-citizenship;* that *fellow-citizenship* arises not from

treaties, but from our Constitution and laws made in pursuance thereof, and once acquired can not be alienated by the people nor divested by Congress.

From these principles I believe it to be a violation of our theory of Government, as well as the spirit of American institutions, to draw a line of demarcation upon one side of which we recognize the Constitution, with all its privileges in full force and effect, but on the other side we deny its application and withhold all its rights and privileges.

Every citizen readily submits his judgment to the decree of the Supreme Court on controversies between man and man. All recognize that there must be a finality to contentions as to property and the right to property, and that there must be a tribunal which shall decide finally between contestants to cases in that court of final resort.

But in view of the oath which a Senator takes to support the Constitution, I know of no system of ethics or morals which binds a Senator to accept as final and conclusive, reasons and arguments so conflicting and contradictory that the court itself can not reconcile them, and arrives at its conclusions by a bare majority of one, and that one shifts position and runs about among the cases so that neither the people nor the profession of law can be certain of anything except that one man must pay duty on importations and another must not.

Upon that narrow margin of one vote the line between what is constitutional and what is unconstitutional has been drawn, and all the vast rights of personal liberty and territorial government for 10,000,000 of people are to be determined by the opinions and reasoning of a single justice. Upon that narrow brink this bill is rested and the validity of the collection of the millions of dollars which will follow its enactment have the sanction of five against four, and that is a decision by one justice.

The accident of death, followed by the appointment of another justice, may in cases arising in the not distant future upset the foundation of all this legislation and reverse all upon which the majority in this Congress are now rejoicing. That margin is too narrow for the determination of political questions involving the construction of the Constitution by the officers of coequal departments of the Government, charged by the solemnity of their oaths to support the Constitution, and not the reasons; not to be bound by the reasoning and arguments in the opinions of justices by which they reach their conclusions in cases involving property and the right to property.

I can not subscribe to the doctrine of "appurtenant territory" and of millions of people acquired by conquest from the nation over which the Constitution does not extend *ex proprio vigore*, and that the supreme laws of the land must halt at the confines of appurtenant territory and reaches not a people acquired by conquest, but that all the rights which the Declaration of Independence asserts, and which the Constitution protects and the Union of States defends, are limited to the people of the States and can be enjoyed by the conquered people only at the discretion of Congress.

That numerous and important class of the people who, in the vernacular of politics, are designated as the "plain people" and sometimes as the "common people," as well as some of us who represent them in the Congress, can not follow the metaphysical reasoning which writes 'appurtenant" before territories in the Constitution. They can not understand why the Pacific Ocean can be bridged for the revenue clause to the Hawaiian Islands, but that the revenue laws can not cross the other half of that ocean and bring the Philippines within that equality and conformity of taxation which the framers of the Constitution intended for all parts of America and for all classes of Americans, whether they resided on the continent or on the islands of the oceans over which our flag floated as the emblem of our possession and as warning to all the nations of the earth.

Every citizen understands the necessity for an enabling act by Congress to authorize the change from Territorial to Statal condition, but the authority of the President to establish a government other than military during flagrant war, however deduced by refined reasoning, is incomprehensible by the people who have been taught by their fathers and forefathers that all governments derive their just powers from the consent of the governed. A people so instructed and conscientiously believing will always hold a government constructed without representation and suffrage as a practical denial of the great American axioms of government.

The people are too wise to believe in the submission to overwhelming power or consent; but even submission has not been made by the Filipinos, but resistance still files its protest against ownership, whether by conquest or purchase.

The right of the United States to maintain supremacy where its flag floats can not be denied, in view of the bloody precedents which stain so many of the pages of our history. But in every precedent heretofore made our Government has soon returned to American principles by reasserting the right of self-government, with the right of representation in taxation, and that of participation in the framing of legislation.

But those great fundamental principles in American Government, recognized in the eighteenth and enforced in the nineteenth, have been abandoned and discarded in the twentieth century, because the Republican principle of protection to the manufacturers at the expense of consumers would be compromised by the free admission of American products from the Philippines. The principle of reciprocity, so anxiously urged by the late Republican President in his last speech, and opposed by one section of the Republican party to all or any foreign nation which will accept its free-trade provisions, has not been tendered to the American people in the Philippines, but in its stead the formal statements of Dingleyism has been shoved at them and are to be enforced by musket and rifle until they submit to American civilization by "strenuous means."

For the shadow of Spain's sovereignty over the rebellious subjects in the Philippines who had driven her power and her authority into the fortified city of Manila—that last ditch of the expiring monarchy; and for that shadow of right we paid the enormous sum of $20,000,000. That immense amount of money was paid for what Spain could no longer hold, and had no right to sell. Nevertheless, we bought and paid for the archipelago—lands, peoples, volcanoes, and insurgents—a bargain-counter trade on odds and ends which were of no particular good, but it was thought they might be "handy" in the Eastern question.

The new doctrine that there could be in our system two differing and conflicting conditions as to our taxation and trade was not thought of by the people before the conclusion of the treaty of Paris. Had it been suggested and so understood that treaty never would have been ratified. No man had advanced the idea that free trade between the territory to be acquired by that treaty and the United States was impossible, nor did any advocate of the annexation venture to assert that the tobacco and sugar of the archipelago should not compete in the markets of the United States with similar products of this country, or be paralyzed by monopolizing trusts, or that the cheap labor of the islands was to be forbidden to compete with the higher priced labor of the United States was never advanced until the treaty had been ratified.

It was to prevent the effect of the annexation upon the protective policy of the Republican party that the new doctrine was invented that the Constitution of the United States was not self-acting and self-asserting, but that its creature, Congress, must help this creator to go with the flag and cover with the aegis of its protection the new people and country. After the treaty was ratified came the apprehension that the Republican party had, to use a trite expression, "bit off more than it could chew," and then was blossomed out the brand-new construction that only Congress could send the Constitution beyond the States—and forthwith it was added that Congress would not send the Constitution to the people of the new acquisitions except with a string to it, which denied equality of administration, taxation, and citizenship.

The evil consequences of such a construction of the Constitution are not limited or restricted to the territory and people of the Philippines, but inaugurate the supremacy of Congress over the Constitution, and in that changes our theory of government; and that is done solely to guard the Republican policy of protection to manufacturers at the expense of consumers, to the interest of the classes rather than that of the masses.

Mr. President, government and legislation by *discretion*, whether of one or many men, is despotism. The Czar is not more a despot than a Congressional majority where no controlling influence marks the limits of its powers. It is the *limitations of power* which distinguishes constitutional from despotic government, and however mild and merciful the legislation may be, if it emanates from mere *discretion* of an individual or of a congress, it is despotic and utterly un-American.

To that conclusion the policy pursued by the Republican party toward the Philippines has been brought by its desperate effort to protect protection and at the same time exploit the labor and protection of 10,000,000 people in those islands in the interest of the protected classes in this country. So transparent is that motive that any voice raised in behalf of new American methods of government, or in protest against the wrong done to the people in the islands and in the States by this departure from long-cherished principles and precedents, is denounced as aid and comfort to the enemy.

Mr. President, if it be treason to stand firmly and persistently for American principles and precedents, at all times and in all places, let them make the most of it. The Democratic party stands now, as it has always stood, for every principle which animated the souls of the patriots of '76, and if the Filipinos have caught up the echo of those principles across the ocean, what American can deny their righteousness because they are invoked against a greater despotism than the devices of England exerted against

the patriots of America? The most partial analysis of the indictments by the colonies of the British administration in 1776 will make so plain the wrongs done to American principles that he who runs may read the strange and unnecessary departure that has been made by the Republican party from every count in the indictment of George III by our forefathers.

That this great archipelago, with all its millions of people, fell to the United States by the results of a war or by purchase does not alter the fact that since the acquisition we have continued to wage war upon them instead of exerting the peaceful methods of conciliation. Conquest, if by that we hold title, with all its cruel appliances, has filled the islands with a standing army, while the open avowal of the purpose to deny that people the same independence which our colonies wrested from England has kept alive the spirit of rebellion against subjugation. Would our ancestors have done less than the Filipinos have endeavored to do in their ardent desire for independence?

If our Revolution required seven years of warfare to gain liberty and independence, how many years will be necessary for the subjugation of 10,000,000 of people 10,000 miles away? And how many hundreds of millions of dollars will it require to pay for a conquest where financial value could be obtained in all its fullness for a quarter's interest on the public debt which is being created to stifle the same—yes, to stifle the same kind of aspirations which fired the hearts of American patriots in theR evolution? In asking for the Filipinos the same measure of rightful government for which our forefathers fought, the Democratic party does no violence to principle or precedent, to the honor or welfare of the American people.

We rather conserve the glorious examples of our forefathers in doing for others as they did for us, and in seeking to plant independence and nationality in the Pacific isles as our forefathers did on the American continent. To say that the Filipinos are not fit for independence is to beg the question and to assert as a fact that which had not been attempted by our Government nor permitted to the people of the Philippines. Government by commissions succeeded government by army, but not once has an effort been made to bring the governed to the realization that future independence and nationality would follow the successful experiment of self-government.

We have banished hope from the Philippine heart and left despair to work out its desperate endeavor.

And now comes the crowning act of wrong and injustice in the bill for raising revenue—to further emphasize the fact that the islands belong to the United States as property, and that the people are not of us as fellow citizens, but pariahs of one colony whose products and labor are taxed both as exports leaving the island and as imports entering the United States.

So far the results of the war with Spain have been wholly sentimental. We freed Cuba from the tyranny of Spain; we have given Porto Rico a Territorial start which may help her people in the future when their old Spaniardism has worn off and Americanism found growth. But the realization of that is in the future. We have carried war into the Philippines, but nothing else so far—the school-teaching is yet a future product. How many millions of dollars have been expended in this sentimental programme of exploitation is not known to the people. But the money value of this war for trade speculation has not put in its appearance so far.

There had been brought into the United States from the Philippines during 1901 products of the archipelago valued at $2,855,685 and the United States had shipped into the archipelago products valued at $2,572,021. During the same year England had landed in the islands products valued at $6,956,145 and received from the islands products valued at $10,704,941. Taking an account of all merchandise, it appears that the archipelago imported value amounting to $30,279,406 and exported values equal to about $23,214,948.

In every feature of these returns it must be noted that the people of the archipelago sell more than they buy; and that, without a protective tariff, their policy, whether it is accidental or not, is the same as that of the Republican party in the United States—of selling as much as is possible and buying as little as is possible—and which the late Republican President deprecated in his last speech as impossible of long duration. But the accuracy of those figures has been controverted, and the War Department has submitted to the Ways and Means Committee of the House of Representatives a letter showing what we get for our investment in the brawn, muscle, and sinews of the Filipinos.

The latest report on that investment is as follows:

WAR DEPARTMENT, *Washington, December 12, 1901.*

SIR: In addition to the memoranda and documents already furnished your committee relative to the present Philippine tariff and the customs revenues of the Philippine Islands, I have the honor to inclose herewith extract from the last report made to the Secretary of War by the Philippine Commission. This report covers the period from November 30, 1900, the date of the former report, to include October 15 of this year, and has been sent to the Public Printer for publication.

Your attention is specially invited to the statement of the Commission that under the rules and administration of the old tariff it was difficult to determine the country of origin of importations into the islands, and therefore that Hongkong, the free port, headed the list in 1898, 1899, and 1900, but mainly because of the fact that under the rules then existing a large quantity of merchandise from the United States, England, and the Chinese Empire, amounting to, probably, 70 per cent of the total imports, was credited to Hongkong, having been shipped to Philippine ports from and invoiced there.

The collector states that this merchandise should have been credited to other countries, approximately as follows:

	Per cent.
United States	25
England	25
Chinese Empire	20

The United States, therefore, should be accordingly credited with an approximate total of imports of merchandise during the fiscal year of $3,440,831, which, compared with the annual average under Spanish control, $130,662, shows a gratifying increase.

Very respectfully, ELIHU ROOT,
Secretary of War.

Hon. SERENO E. PAYNE,
Chairman Committee on Ways and Means,
United States House of Representatives.

From that report it appears that England, without a dollar of investment, reaps as much return as the United States with $20,000,000 in the capital stock of the investment, and China is doing almost as well without a penny in the investment.

Such is the official return of the first year of our "investment," as the acquisition of territory and people so termed in the technicality of that commercialism which now engrosses all thoughts and finds development in this bill for raising revenue for the islands, and at the same time securing a better return on the investment by the system of twofold taxation on the same product as an export from the islands and an import into the United States.

It will not be denied that since the United States has firmly fixed its grasp upon the islands its only duty is to do all that is possible for the betterment of the condition of the people, and that money is necessary to build roads, schoolhouses, improve harbors, clear up malarious districts, and make other improvements for the welfare of the people; and that the money necessary to these ends must come from taxation. But this bill shows our inaptitude for colonial government in that it appears American and not Philippines in taxation.

It carries American ideas, principles, and methods to a people who know nothing whatever of American conditions, and however natural it may be that so long as this country governs the island, it should govern on American principles, by American methods, it is not less an anomaly which applies to a people utterly ignorant of our history—those intricate workings of our Government which the enlightened nations of Europe understand most indifferently. On the other hand, neither the Congress of the United States nor the Philippine Commissioners understand the ideas and practices, the Spanish methods, and Philippine conditions which have controlled the thoughts and shaped the habits of that people during the centuries of Spanish dominion.

The Philippines can no more change the ideas and conditions which the centuries have hardened into habits than the Ethiopian his skin or the leopard his spots. The enlightened principles of colonial government seeks the least possible changes in the ways to which the native population has become accustomed, and in that most delicate of all governmental operation, the levying and collection of taxes and the administration of expenses among a strange people, the adaptation of their existing methods addresses itself to the conciliation of the people.

The hundred years during which the people of those islands suffered from Spanish methods of torture must have taught them the subjects and methods of raising money which would bear least upon their energies and their poverty. If that people had had a voice in the imposition of taxation, its hardships, if not avoided, would have been of their own creation and not of ours. As it is, the American Congress stands out in their sight as the source of another oppression by which their means are exploited, as their people have not been skilled by American armies. Our methods have never been with the gloved hand of peace, but always with the mailed hand of war. We have ever shown our purpose to conquer, but not once to conciliate them.

This bill, Mr. President, will become law and be put in force notwithstanding any objections that may be urged against it; but it will not bridge the chasm that separates a people struggling for independence and this Government under the Republican party, bent on conquest, exploitation, and commercialism. The conquest of the islands will be accomplished, but the time required for that end can not now be fixed. A handful of Seminoles in the swamps of Florida baffled the United States for a quarter of a century, and the bill of Florida for her expenses in that war has not yet been paid by the United States.

How long the guerrillas of the fastnesses of the Philippines can hold out no man can do more than conjecture. But long or short,

the game is not worth the price this country must pay for it in blood and treasure. Whatever commercial and trade advantages the islands may offer, these can be more easily and more righteously obtained by measures of peace than by the means of war.

It was in this spirit of peace and conciliation that an address was delivered in St. Louis by the Hon. John B. Henderson, an extract from which so well embodies my views that I shall insert it:

Imperialism reverses the entire theory of self-government. It discards the wisdom of our forefathers, repudiates, without charm, the Monroe doctrine, and joins hands with the execrated holy alliance. It rejects the civil quality of men and accepts without protest the oppression and despotism of the sixteenth century. This war on the Philippines brings us back into the shadow of the dark ages. It is a war for which no justification can be urged. As no reason could be assigned for its existence, Congress was ashamed to make up any record of its declaration. It has scarcely a better excuse than the wars of subjugation waged by imperial Rome, whose object was to plunder and enslave the weak, and whose result was, in the language of its own historian, to make a desert and call it peace.

The first fruits of that imperialism of which this colonial system is the forerunner will ripen in this bill, which fosters and protects the interests of the gigantic tobacco trust, which now holds the manufacture of tobacco in its grasp throughout this country and is reported to have lately secured the German Empire also for its preserve.

While one wing of the Republican party, under the chairman of the national committee, advocates the repeal of all duties upon importation which any trust manufactures, the other wing, under the leadership of the chairman of Ways and Means, doubles the duties on tobacco, of which one of the greatest trusts is the sole manufacturer.

It has been said that when two laborers run after one manufacturer the price of labor goes down, but when two manufacturers run after one laborer the price of labor goes up; so when the tobacco planters of these States knock at the door of one great trust they must accept the price which the trust thinks its profits will allow. The exclusion of the Manila tobacco does not help the planters so long as the trusts control the price of the crop. The export duty at Manila impoverishes the planters of the island, and the import duty of the United States does not benefit the planters in this country, for the trust controls the price.

Tobacco has lost its market except as the trust may determine. The same may be said of sugar, whose great trust has successfully defied the antitrust law of Congress. The fall in price of trust-manufactured goods in the last two years can not be accepted as a criterion for the future. An intense public sentiment, alarmed at the great aggregations of capital, demands of Congress legislation which shall control all trusts, and will not be pacified by a sop to Cerberus in a reduction of price, while the agitation by the people demands security against such combinations.

I have not examined the details of this bill, but have accepted the two articles which were used at the other end of this Capitol to taunt the Representatives of tobacco-growing States with the question whether they would be willing to put the tobacco of the Philippines on an exact equality in the markets of the United States with the production of the same article in the States. So long as the tobacco trust exists it matters little about the exact equality in the markets. The price is fixed by the trust, and whether the tobacco is grown by cheap or dear labor, the planters must accept what the trust allows. Hence, free trade with Manila would neither help nor hinder the American planter, bound as he is in the unconscionable grasp of the tobacco trust.

That grasp must be broken; the market must again be opened before either protection or free trade can help the planter. But the bill for the Philippines, with its double taxation on import and export, very clearly indicates that the wing of the Republican party which flaps under the direction of the chairman of the national committee will fall limp and useless and that trusts will continue to flourish so long as the Republican party is in power.

Mr. President, it is futile for the supporters of the existing policy toward the Philippines to attempt to smother American sympathy for the oppressed in any quarter of the globe. That sympathy is ingrained in the American character, and will find its impression alike for the Boers of South Africa as well as the Filipinos. It is by the suggestion of that sympathy that the Democratic party in this country advises the Filipinos to abandon their fruitless struggle with the power and resources of the United States, and to submit to the inevitable and end a guerrilla war which can have no other result than their conquest or their annihilation.

In prolonging the agony of a fruitless war, the Philippines deprive their real friends in this country of all power to consider a different policy from that which most exists. So long as war continues, every American, even while condemning the policy, feels that he must support and sustain the Army and Navy in all efforts to maintain the Government and its authority. It will be wisdom on the part of the Filipinos to lay down their arms, accept amnesty, and calmly await the coming reflection of the American people on the policy which will decide whether their future shall be that of independence with American protection, or nationality. However apparently positive may be the present purpose of this country to hold the islands, there is always working in the public mind that sober second thought which quickly responds to changing conditions.

The protective policy of the Republican party at present demands tariff restriction on Philippine products, but reciprocity is gradually undermining that restrictive policy and, in an indirect way, working toward a more liberal consideration of the interests of all the people. The late Republican President saw and voiced the handwriting on the wall—that this country can not always sell to foreigners and deny them the opportunity to sell to us. Whenever the liberal policy of a tariff for "revenue only" becomes again the fiscal policy of the United States, its reactionary influence will call up for consideration the future of the Philippine Islands. Peace, and immediate peace, is the best policy for the Filipinos, for in politics, as in other matters, he that can wait will win.

But, Mr. President, while I believe that peaceful measures will be the best policy, yet I see no immediate hope of it. The Philippine Islanders ceased their mode of warfare to adopt a guerrilla mode, to which their mountains and rivers and swamps are so well adapted, and can keep it going, as they have done against Spain, for years and years. We have already spent more than $350,000,000 in this ugly Philippine business, and lost, directly and indirectly, 10,000 lives of good and patriotic young men of our country, and the end is not in sight. How long shall we continue this expenditure of lives and money before we even offer to the Filipinos the olive branch of peace?

Mr. President, why can not this mighty Government, which has become the greatest of nations, without the colonial system, let the Filipino leaders be brought together on our motion, and under our auspices organize, and let us say to them, "Make your government to suit you; we will protect you from foreign interference, as we have Cuba, until you get on your feet, and then you must take care of yourselves?" I see no dishonor in our taking the initiative and bringing about the result. It can not be truthfully said that they are incapable of organizing a government, for the reason that the record shows that they had an organized government under Aguinaldo and fought Spain successfully under that government.

Mr. President, paradoxical as it may appear, it is nevertheless morally true that—

History, with all her volumes vast,

hath but one page, all over which is written in imperishable characters the warning words, "Be sure your sins will find you out." Retributive justice is among the eternal verities of the Supreme Governor of nations of the world, and from His fiat there is no escape for sinning man or sinning nation.

The ages that have passed enable us to read its illustrations on the pages of Roman history and find its finis on that "field of freedom, faction, fame, and blood." And yet Rome endowed her conquered people with the proud title, "Civis Romanus sum," which since Rome's day, even in the twentieth century, the Republican party denies to every Filipino the name of American. I should like to have some one here tell me, Mr. President, whether the Filipino is a citizen of the United States or of the Philippine Islands. He must be either one or the other. I have heard no man yet distinctly say that he was an American citizen and entitled to the rights of a citizen.

In later times, within the personal knowledge of all, has Germany made the conquered people of Schleswig-Holstein, Germans, and gave to those wrenched from France, in Alsace and Lorraine, the status of all other Germans. Such unifying methods of modern conquest rob defeat of half its mortification and tend toward that conciliation which eventually cements the victors and the vanquished. But at the treaty of Paris the Republican party, then, as now, in power, turned back the pages of history and found the example to follow in that partition of Poland by which an ancient people was wiped from the map of Europe. Following that precedent, the representatives of the United States expunged the Philippine people and left them neither Filipinos nor Americans.

"They are not fit for self-government" was the excuse of the despots of Europe for annihilating the Poles, and in the twentieth century hear the same excuse given for seizing the Philippine Islands and depriving their people of all that makes patriotism respectable. But that excuse was as potent before Dewey's guns opened the way to conquest as it was after Spain sold that to which she had no rightful title. Did the United States pay the $20,000,000 to perfect Spain's title in order that our Government might take by purchase that which had already been wrenched by the victorious Filipinos from Spain's enfeebled grasp?

When the late Emperor of Germany, William I, was crowned King of Prussia, he made the declaration that "Prussia is ready

everywhere to protect the right." But it soon became apparent that "the right" was only as he defined it—that is, the right of Prussia to seize the provinces of Denmark and of the German Empire to grab the provinces of France—the right which successful war asserts and maintains against the "consent of the governed."

Now, in contradiction of all the precedents and principles of our history, the United States is made to assert that same right announced by despotism, only our right rests on bargain and sale without the owner's consent, and not that which springs from the blood and iron of nervy soldiers. The splendid glamour of successful war may dignify conquest, but the double and triple negotiations of diplomacy deprive the catastrophe of all its glory, and the splendid record of Dewey at Manila and the glorious victory of Schley off the coast of Cuba are dimmed and impaired in the diplomatic trade at Paris.

The Government of the United States is in the category of holding, as an imperial master, the Filipinos under the muzzle of Gatling guns and demanding tribute or tax, and at the same time denying to them a voice in the Government that taxes them, thus openly and defiantly overriding one of the plainest rights guaranteed by the Constitution, when it says "There shall be no tax without representation." This is not only a palpable denial of constitutional rights, but is a change in the theory of our Government, for it is a popular government and based on the will of the people, expressed through those legal channels provided therefor. It is "a government of the people and for the people," and whenever their voice is throttled it ceases to be an exponent of popular government.

It has been said "the highest type of civilization the world has ever seen is American civilization," and I believe it. The Declaration of Independence is its corner stone and the Constitution is its protecting shield. This *civilization* was rocked in the cradle of *local self-government—States' rights*, if you please to so call it. When that local self-government is gone from our country, its epitaph will be written. Then let us, while we may, further strengthen its defenses. Let us build up and not tear down its walls of protection. Let us dig deep the trenches around it and place our sentinels on the ramparts.

But, Mr. President, the last pain growing out of this Philippine war is not yet felt; the last tear of sorrow has not yet fallen; the last agonizing groan has not yet been uttered. We look upon the picture in the Philippines as it now stands and we see instead of the vigorous, healthful, American soldier with full form and ruddy, cheerful face, the shrunken cheeks and shriveled limbs, with hospital near by, floating its yellow flag and visible in its baleful wards "palida mors."

Mr. President, did we not justly claim credit with the civilized world for going to the relief of Cuba when in her helplessness she cried out in agony against the domination and cruelty of Spain? And now, before the detonation of the guns that freed Cuba shall have died away, shall we play with the Philippines the part of Spain to Cuba—only excel her in cruelty and domination over a feeble race of people who have been for years and years striving to be free from the clutches of that same Spain? Both the Philippines and Cuba belonged to Spain and both have been struggling for years to free themselves from the Spanish yoke. Exactly the same principles were involved in each case—human liberty and national independence. Both of them, or a certain part of each, had become our allies and took part with us in the fight.

There was a large class of Cubans who opposed our interference, but we disregarded it and pushed to a successful conclusion and became a protectorate or temporary guardian for Cuba during a pupilage of three years, and then agreed to stand by her for the time being in her peril; and now we so far recognize her nationality as to propose to treat with her *reciprocally*, provided reciprocity can reciprocate as to certain articles of her produce.

Now, the Philippine Islands held at that time the same relations to Spain as Cuba did—both struggling for individual liberty and national life.

Yet, see the difference in our treatment. The one we have nurtured into national life, the other we have betrayed and deceived, and fain would destroy.

We gave the Philippines the smile of approbation and the hand of friendship, but, to our shame be it said, there was a dagger behind that smile and that hand of pretended friendship unsheathed that dagger and with its glittering steel pierced the poor Filipino's side as he struggled for liberty. He had just beaten the minions of old Spain, and, with our aid, had given the finishing touch to his aspirations by uniting in the capture of the last armed Spaniard on the soil of his hallowed islands.

From the time that Manila was captured by the Americans and Filipinos, in joint and supporting movements, we held possession of the archipelago. If conquest took the title from Spain, if she had any, it was joint title to the United States and the Filipinos. But it was not then desired by us. The country did not want it. It never dreamed of making a permanent lodgment in the Orient, save in a coaling station and a shipyard.

The very idea of so doing brought with it repulsion. But we believed, and had a right to believe, as this archipelago bore similar relations to Spain as did Cuba, that like treatment would follow; and as we had given assurance to the civilized world in the Teller resolution that the United States was not seeking to assert sovereignty, jurisdiction, or control over the island of Cuba, but to protect it, and that as soon as peace was restored Cuba should be free, so the civilized world had a right to expect similar treatment by the United States to the Philippine, as that given to Cuba, and only monarchies that believe in a colonial system rejoiced that we did not. With this annunciation as to Cuba it was of easy conclusion that the Filipinos would receive similar treatment.

Instead thereof, this Government assumed entire control of the islands, denying to them even a chance to establish a government of their own. Instead of holding out the olive branch, inviting peace and helping them to get on their feet, we presented the naked sword and the double-shotted Gatling gun, the Mauser and the Maxim, and have given them, with reconcentrado camps, the Spanish inquisition "water cure" and General Bell's celebrated order, almost a facsimile of those of the Duke of Alva, which marked an epoch of cruelty in history. In the name of Liberty are we doing all this? "O Liberty, how many crimes have been perpetrated in thy name!"

Lord God of hosts, be with us yet,
Lest we forget, lest we forget.

Mr. SPOONER. Mr. President, I have sincerely lamented this debate. The bill reported by the majority of the Committee on the Philippines is a bill entirely free from complication; it is simply a revenue bill; and whatever difficulties Senators who are lawyers and other lawyers may have in understanding or reconciling the *opinions* of the Supreme Justices of the United States in what are called the "Island cases," I take it it may be considered settled by the *decision* upon the tariff feature of what is known as the Foraker Act that this proposed tax bill is constitutional. I do not intend to spend any time in analyzing those opinions. The decisions are easily understood.

What is the distinction between territory *appurtenant* or *belonging to* the United States and territory *incorporated* into the United States, I do not intend on this occasion to discuss.

Every dollar of tax which is proposed to be collected under this bill is for the support of government in the Philippines, as every dollar of tax proposed by the Foraker act to be collected upon articles going from the United States into Porto Rico and coming from Porto Rico into the United States was for the support of the Porto Rican government.

I had hoped our friends in the minority here, because we are over there and we are attempting to establish a government there, which must be supported, would find it in harmony with their purposes to discuss this bill and record themselves against it, if they are opposed to it, and to allow us who have the responsibility of the present situation in the Philippine Islands, so far as legislation is concerned, to pass it promptly.

But, Mr. President, that was expecting too much, and upon this bill—but not germane to it at all—has gone on here for weeks a debate involving every phase of what may be called the Philippine question. It has been a debate full of vituperation and taunt, and sometimes, Mr. President, there has not been entirely absent insult. That its purpose was ulterior, and that its effect will be bad, I think no man can doubt.

I picked up this morning The Commoner—I can not now place my hands upon the copy of it which I want—in which the distinguished candidate of the Democratic party in the last campaign, and the preceding campaign, comments upon this debate, sets forth the substitute presented by the minority, and remarks that the Democracy in the Senate by this debate and by this substitute are rendering great service to the "*party*"—to the *party!*

We have upon our hands, Mr. President—and that distinguished gentleman helped efficiently to put it in our hands—a difficult problem. Never have we had one more difficult, and I think the people of the United States—I may be wrong about it—will in the exigency which confronts us demand of their public servants in the legislative halls and in the Executive chamber a solution of that problem and every phase of it, not with reference to the interest of party, but solely with reference to the interest of the country.

Senators on the other side have been pleased to charge the present situation in the Philippines to the greed and dishonor of Republican leadership. Ugly words have fallen from their lips to us across this Chamber because we chance upon this question to differ with them; and the ugliest, Mr. President, have fallen from the lips of those who but a little time ago were members of the Republican party. Do Senators think because we differ from them that we care less for liberty than they do? Do they

think because they do not agree with the policy of the Republican party that they have warrant for denouncing the members of that party and its leadership as being insensible to honor, indifferent to perfidy, controlled by unworthy motives? Do those Senators who a little time ago went out from the party think that all the patriotism, all the love of liberty, all reverence for the Declaration of Independence, all loyalty to the Constitution departed with them?

The Senator from Colorado [Mr. PATTERSON] entertained the Senate yesterday with a speech which, rhetorically, was to be admired. With a portion of his argument I do not disagree; but that Senator saw fit to make an attack upon Governor Taft, who has been testifying before the committee of which the Senator is a member, and to charge him with willful misrepresentation of facts before the committee and with slandering the Filipino people.

Mr. PATTERSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Colorado?

Mr. SPOONER. Certainly.

Mr. PATTERSON. I think that statement of the honorable Senator from Wisconsin is a little too broad. I did not charge him with the willful misrepresentation of facts. I did call attention, Mr. President, to statements of facts made by the War Department, and then to his own, and I did say that there was a clash between them, and that it was the War Department against Governor Taft, and that in his statements to the committee he had indicted the entire people of the Philippine Islands for everything that was ignominious and disgraceful.

Mr. SPOONER. Ah, Mr. President, the Senator has forgotten what he said. He said the statements in the document from the War Department conflicted with the statements of Governor Taft before the committee, and that Governor Taft had a motive for misrepresentation.

Mr. PATTERSON. I said there was a motive.

Mr. SPOONER. A motive for misrepresentation.

Mr. PATTERSON. Yes, sir.

Mr. SPOONER. Because he appeared as the advocate of the imperialistic policy of the Government.

Mr. PATTERSON. That is a correct statement of what I said.

Mr. SPOONER. Yes; to say that that did not charge Governor Taft with willfully misrepresenting the facts and slandering the Filipino people is evasive.

Governor Taft needs no defense from me. He misrepresented nothing. I have known him many years, Mr. President. I have the profoundest respect and admiration for him, for his great ability, for his patriotism, for his attractive personality. Governor Taft went to the Philippine Islands not because he wished to, not because he desired to rule a people. He went in a spirit of self-sacrifice. He resigned a position which was for life upon the Federal bench in the line of his profession, to which he is devoted. He went there at the request of President McKinley. He went there reluctantly, and only because it was represented to him that by going, by making the sacrifice—and it is in many respects a sacrifice to him—he could do good in this exigency. There is no man more entitled to confidence for ability, patriotism, integrity, and accuracy of statement than Governor Taft.

But what made me particularly deplore the Senator's utterance was not his imputation upon Governor Taft. That takes care of itself. It was the absolutely malign possibility which it contained of doing harm over yonder. Governor Taft is to return there. He is to resume his position as civil governor. He is to take up the work which he laid down when he left there. He is to meet again the Filipino people. He is to go forward in the attempt to win their confidence. Did the Senator realize that his utterance would tend to create a prejudice upon the part of the Filipino people against Governor Taft, to obstruct his efforts and the efforts of the Commission by sending back word to the Philippines that in a public place here he had traduced that people and vilified them?

Mr. PATTERSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Colorado?

Mr. SPOONER. Certainly.

Mr. PATTERSON. I hope the Senator does not claim because Governor Taft is to return to the Philippines, and because he holds the relations to the Philippine people which he does, that therefore criticisms of his statements and criticisms upon his attitude toward the Philippine people, as that attitude is made clear by his own statements and the reports of departments of this Government, should not be indulged in.

Mr. SPOONER. What a Senator will indulge in in this Chamber, Mr. President, is for him to decide. If he thinks it proper to deliver utterances here which elsewhere can not fail to be obstructive and harmful, it is for him to decide.

The Senator from Colorado went further and declared that there are 6,000,000 Christians in the Philippines. "Christians"—"Christians," he said, and that it was his opinion that if those 6,000,000 Christians were Baptists, Methodists, and Presbyterians, the people of the United States would have risen long ago in protest and suppression of the outrages and the cruelties which have been perpetrated upon those 6,000,000 Christians over there.

Mr. PATTERSON. Mr. President, that is not a correct statement.

Mr. SPOONER. I am willing to be corrected.

Mr. PATTERSON. I said the Baptists and the Methodists and the Presbyterians and other denominations, if the Filipinos were Christians who had been taught their Christianity in the sanctuaries of those churches, would have risen almost as one man and one woman to protest against the shooting down of members of their churches in order that they may be brought under subjugation to the people of this country. I did not say the people; I said the members.

Mr. SPOONER. Did the Senator mean to send word to the Filipinos—the 6,000,000 Christians—that the Christian people of the United States, not of their particular sect, cared nothing for outrage, oppression, cruelty, tyranny imposed in the Philippines upon Catholic Christians?

Mr. PATTERSON. That is not what I said.

Mr. SPOONER. Did the Senator mean to give to them over there that impression? If my voice could be heard there in answer to his observation, I should say to them, "That is a slander of the Protestant Christian people of the United States. Do not believe it." I would say to them, Mr. President——

Mr. PATTERSON. May I ask the Senator from Wisconsin a question?

Mr. SPOONER. Certainly.

Mr. PATTERSON. Is it your opinion that if the Filipinos were Methodist and Presbyterian and Baptist Christians the Methodists and Presbyterians and Baptists of the United States would permit, without protest, the subjugation of those people by fire and sword and cannon and all of the other cruelties that are connected with the war of subjugation?

Mr. SPOONER. If that were not my opinion, I would not have begun the utterance of the sentence which the Senator interrupted. The Senator dealt with the Christian sects of the United States. There is no religious division in our polity. In this country every man and woman is at liberty to worship God as he or she chooses. Church and state are separated, and in all this land there has not been found success to any body of our people who sought to create divisions among us along lines of religion. It has been attempted, but the public opinion of the United States would not permit it, and every effort in a little time has fallen under the ban of that public opinion. There has been not much of protest from the Methodists, the Episcopalians, the Presbyterians, or the Catholics of the United States against the policy pursued in the Philippines; and all I cared to note was this—and I did not for one moment think the Senator intended it—that it is very harmful, as I think it entirely unfounded, to send forth from this Chamber to the people of the Philippine Archipelago the suggestion that the Christian sects of the United States care less for their safety, care less for their liberty, care less for their rights because they are Catholics. There is no such prejudice.

Mr. PATTERSON. Just one word, lest there may be some misunderstanding. I am not myself a Catholic.

Mr. SPOONER. I do not care for that.

Mr. PATTERSON. I and mine, so far as they go back, have been members of an orthodox Protestant church.

Mr. SPOONER. I do not care for that.

The Senator from Maryland [Mr. WELLINGTON] said the other day, and that is true, that the Philippine problem is one of the fruits of the war with Spain. He said that the war with Spain was unnecessary; that we could have averted that war. I have no doubt he thinks so. I do not think so. I spend but a moment upon that topic. No man charged with public duty was ever in the world more reluctant to engage his country in a war than was President McKinley. He waited and waited and waited and waited, Mr. President, and negotiated, sometimes amid taunt and insult and charges impeaching his motives, to exhaust the resources of diplomacy in order to avert a war with Spain. I thought once that but for the destruction of the *Maine* it might have been averted. I do not now believe it. It came. That fact never can be recalled. It is useless to discuss it. It was carried forward, on land and sea, to successful issue, and out of it resulted the treaty of Paris.

Some Senators seem now to take a very different view of the treaty of Paris from that which operated upon them when it was pending in this Chamber. It was ratified, Mr. President. That can not be recalled. The Senator from Maryland voted to ratify it. That can not be recalled.

Mr. WELLINGTON. I agree with the Senator from Wisconsin, if he will permit me.

Mr. SPOONER. Certainly.

Mr. WELLINGTON. I rarely ever interrupt, and I do not like to interrupt him now. I agree with him that it can not be recalled. And I go further. I would give very much, I would to-day give ten years of my life to recall the vote that I gave upon the ratification of that treaty. I want to go further and say again, as I have said before, that the promises which were made to me upon that occasion were broken by the Administration, and if I could now recall my vote I would do so.

Mr. SPOONER. The Senator from Maryland was sent by his great Commonwealth to represent her in part in this Chamber. The function of a Senator in advising and consenting to the ratification of a treaty is independent, under the Constitution, of the Executive who negotiates it. Whether the Senator from Maryland may properly resort to conversations with one who no longer lives to give his version is for that Senator to decide.

Mr. WELLINGTON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Maryland?

Mr. SPOONER. Certainly.

Mr. WELLINGTON. I merely desire to state that I now say nothing of the late President of the United States that I did not say when he was living. I make no accusations against the dead that I would not make if he were living and in the Presidential office to-day.

Mr. SPOONER. Mr. President, the Senator from Maryland must have known that when territory is acquired by the United States, there is but one power under our Constitution which can define the public policy in regard to it, which can dispose of it either absolutely or qualifiedly, and that is the Congress of the United States.

Mr. WELLINGTON. Mr. President, once more. I shall not interrupt the Senator again. If he contends that that is the doctrine, that territory once acquired can not be given away or alienated by any other power than the Congress of the United States, how does it come that a part of our northern possessions, without any action of Congress, without any treaty, was alienated to England by the modus vivendi?

Mr. SPOONER. It was not. That is the way it comes.

Mr. WELLINGTON. It was not?

Mr. SPOONER. No; it was not.

Mr. WELLINGTON. Does not England hold it to-day?

Mr. SPOONER. That is a temporary arrangement—a *modus vivendi*.

Mr. WELLINGTON. Yes; but England holds it to-day.

Mr. SPOONER. But my proposition was this: That the Senator knew, or if he did not know he ought to have known, that the Congress alone is authorized to dispose of territory of the United States, or in an instance the President and the Senate, perhaps.

Mr. WELLINGTON. I knew, or thought I knew that, though the events which have transpired since then have changed my opinion. But the fact remains, nevertheless, that American territory has been alienated—that American citizens have been given up to the tender mercies of the British constabulary up in that part of territory which had never been claimed by England until it came into the possession of the United States of America.

Mr. SPOONER. The Senator knows that it has not been alienated; that it was absolutely impossible by any such method to alienate it; and he knows further that the President of the United States has no power to alienate territory of the United States, and that a promise that he would, or that he would control a policy as to the alienation of territory, would be usurpatory and the outgrowth of mere ignorance.

Mr. WELLINGTON. Will the Senator allow me? Unquestionably that is the law, but the events which have occurred since the beginning of the Spanish war have brought about an entire reversal of the policy which existed previous to that time, and the Executive to-day seems to rule not only the Executive Department, but whatever be the opinions of the House of Representatives, by some influence, when the time comes, they reverse themselves, and it has been done in the Senate also; so there remains nothing in the United States of America concerning any question of this kind, except the will of the Executive.

Mr. FAIRBANKS. Will the Senator from Wisconsin allow me for a moment?

Mr. SPOONER. Certainly.

Mr. FAIRBANKS. I wish to state that I am somewhat familiar with the subject to which the Senator from Maryland refers, and that the Senator from Wisconsin is absolutely correct in his statement. There was a zone of disputed territory in the district of Alaska, and in order to avoid conflict between American miners and British miners a temporary line between the two countries was agreed upon. It was but temporary. There was no suggestion or thought that it should be permanent.

Mr. WELLINGTON. Mr. President——

Mr. SPOONER. I hope the Senator from Maryland will allow me to proceed. That is a collateral matter anyway.

Mr. WELLINGTON. Mr. President——

The PRESIDENT pro tempore. The Senator from Wisconsin declines to yield.

Mr. WELLINGTON. Do I understand that the Senator from Wisconsin declines to yield?

Mr. SPOONER. If the Senator wishes——

Mr. WELLINGTON. I wish to ask the Senator from Indiana a question.

Mr. SPOONER. Very well.

The PRESIDENT pro tempore. The Senator from Wisconsin yields to the Senator from Maryland.

Mr. WELLINGTON. I do not wish to do anything that is discourteous——

Mr. SPOONER. I know that.

Mr. WELLINGTON. Especially not so far as concerns the Senator from Wisconsin. But I desire to ask the Senator from Indiana whether or not it is true that the boundary line in dispute came into dispute after the United States of America became possessed of Alaska by the purchase from Russia, and whether the stones marking the line had not been set there and been there for almost a century, and England had not made any claim of sovereignty whatever, but that by this modus vivendi, by this secret transaction, we, the American people, by our Administration, surrendered the right, gave up those lines of demarcation as they were set by the stones for a century, and surrendered our people to the British constabulary?

Mr. SPOONER. If this were a court, I should move to strike that out as being irrelevant.

Mr. WELLINGTON. I desire to say to the Senator from Wisconsin that he would have to move to strike out half of the proceedings of the Senate if the rule as to irrelevancy prevailed here.

Mr. FAIRBANKS. Just a word. The Senator from Maryland is utterly and absolutely mistaken as to the situation in Alaska. There never have been any stone monuments erected, recently or remotely. There has been a popular report to the effect that stone monuments have been erected, but the boundary line never has been surveyed and no monuments have ever been erected. If the Senator from Maryland is as much in error as to the Philippines as he is with respect to the condition in Alaska, he is far away from the truth.

Mr. SPOONER. I think he is.

Mr. WELLINGTON. Mr. President——

Mr. SPOONER. If the Senator will allow me to proceed, I want to get through——

Mr. WELLINGTON. I will allow the Senator to proceed in one moment.

The PRESIDENT pro tempore. The Senator from Wisconsin declines to yield.

Mr. WELLINGTON. I will have an opportunity at some time to vindicate my position.

Mr. SPOONER. Certainly. Now, Mr. President——

Mr. WELLINGTON. I can not be shut off in that way.

Mr. SPOONER. When this treaty was sent to the Senate the question was presented whether we would accept a cession of the Philippine Archipelago or reject it. It was entirely in the power of the United States Senate to do either the one or the other. And when we voted upon the treaty, let it be not forgotten, that our troops were involved in battle with the troops of Aguinaldo, and with the Senate put upon notice that war was involved possibly out of this transaction, the Senate voted upon the treaty. It was carried by a single vote; but, Mr. President, the truth of history is that it could not have been carried without Democratic votes, and that the distinguished leader of the Democracy of that day, if not of this, came here and labored with those of his faith to vote for the treaty, to vote to take that responsibility upon the country, and I believe it will be admitted that but for his interposition that treaty would not have been ratified in the form in which it was ratified.

Upon the consideration of that treaty every phase of this question which has since been mooted, except possibly one, was presented to the Senate and voted upon. There were Senators in this body who thought that we should amend the treaty so as to deal with the Philippines as under the treaty we were to deal with Cuba. The Senator from Missouri [Mr. VEST], a veteran in the public service, one of the most brilliant men I have ever known, offered an amendment to the treaty to strike out in the article ceding the Philippine Archipelago the words "cedes to the United States" and insert in lieu thereof "relinquishes all claim of sovereignty over and title to the Philippine Archipelago," and to amend further as follows:

Add at the end of Article III the following:

"The United States, desiring that the people of the archipelago shall be enabled to establish a form of free government suitable to their condition, and securing the rights of life, liberty, and property, and the preservation

of order and equal rights therein, assumes for the time being and to the end aforesaid the control of the archipelago so far as such control shall be needful for the purposes above stated, and will provide that the privileges accorded to Spain by Article IV and V of this treaty shall be enjoyed."

In line 2 of Article VIII, after the word "Cuba," insert the words "and in the Philippine Archipelago."

In line 3 of the same article, after the word "Indies," insert "and."

In lines 3 and 4 of the same article strike out the words "and in the Philippine Archipelago."

In Article IX strike out lines 171, 172, 173.

In line 2 of Article XIII, after the word "Cuba," insert the words "the Philippines."

In line 3 of the same article strike out the words "the Philippines."

How many times have we heard, Mr. President, from the Democratic rostrum since that day a demand that the Philippines should be treated as we agreed to treat Cuba? A vote was taken upon that precise question, upon the amendments offered by the Senator from Missouri—yeas 30, nays 53, as follows:

The proposed amendments were considered together; and

Those who voted in the affirmative are:

Messrs. Bacon, Bate, Berry, Caffrey, Chilton, Clay, Cockrell, Daniel, Gorman, Hale, Heitfeld, Hoar, Jones of Arkansas, Jones of Nevada, Kenney, McLaurin, Martin, Mills, Mitchell, Money, Murphy, Pasco, Pettigrew, Rawlins, Roach, Smith, Tillman, Turley, Turner, and Vest.

Those who voted in the negative are:

Messrs. Aldrich, Allen, Allison, Baker, Burrows, Butler, Carter, Chandler, Clark, Cullom, Davis, Deboe, Elkins, Fairbanks, Faulkner, Foraker, Frye, Gallinger, Gear, Gray, Hanna, Hansbrough, Harris, Hawley, Kyle, Lindsay, Lodge, McBride, McEnery, McMillan, Mantle, Mason, Morgan, Nelson, Penrose, Perkins, Pettus, Platt of Connecticut, Platt of New York, Pritchard, Quay, Ross, Sewell, Shoup, Simon, Spooner, Stewart, Sullivan, Teller, Thurston, Warren, Wellington, and Wolcott.

Mr. TELLER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Colorado?

Mr. SPOONER. Certainly.

Mr. TELLER. I did vote against it, Mr. President. I had stated at least twice in open Senate and repeatedly in executive session that I was for applying the same rule to the Philippine Islands that we were to apply to Cuba. I did not then think it was necessary to put any pledges in that treaty. I knew to do so would continue technically the state of war for several months, and I was assured by the Senator from Wisconsin and all of his associates that we would certainly do the just and righteous thing by those people when the treaty was ratified. I am waiting, Mr. President, to see them keep that pledge and make it good.

Mr. SPOONER. Did the Senator vote against the Vest amendment upon any promise of mine as to what the future policy of the Government would be in the Philippines?

Mr. TELLER. Oh, no, Mr. President; I voted against the Vest amendment on the ground that it was not good law, and I say now it was not good law.

Mr. SPOONER. I think I have heard the Senator say since that we ought to treat the Philippines as we treated Cuba.

Mr. TELLER. Mr. President, if the Senator will allow me——

Mr. SPOONER. Certainly.

Mr. TELLER. I still insist that both our interest and our duty require us to do that.

Mr. SPOONER. The Senator had views upon this question before the treaty was sent to the Senate. A gentleman has sent me a copy of a speech made by the Senator before the Silver Republican State convention at Colorado Springs September 8, 1898, in which he took occasion to deal with this subject. Whether it is accurate or not of course I do not know.

Mr. TELLER. The Senator can read it, and I can tell him.

Mr. SPOONER. Of course I do not undertake to say that it is accurate, but it was in harmony with the views which I understood the Senator to entertain when we voted upon the treaty. The Senator in that speech said:

The greater question is, What shall we do with the Asiatic Islands? We did not contemplate that when the war began. I have found that there had been a worse condition for two hundred years in the Philippine Islands than there had been in Cuba; that there had been the wickedest government that ever afflicted the human race.

Now, you can not return the islands to Spain. I said in the Senate that any party that proposed that would go out of power and remain out for a generation. It is too cowardly. It is too wicked. You can not do it.

Then, what are we going to do with them? Are we going to peddle them out? Are we going to say to the countries of the world: "We are incapable of maintaining colonies; we doubt our ability to maintain good government there. Will you take them and see what you can do with them?" Do you think we will ever say that? They are on our hands.

Mr. TELLER. Did the Senator say "peddle them out?"

Mr. SPOONER. "Peddle them out." It appears here as I read it.

Mr. TELLER. I have not any doubt but that it is accurate. It is practically what I said in the Senate. The Senator can find in my speeches in the Senate almost verbatim what I said there.

Mr. SPOONER. Yes.

There is an obligation upon us. That obligation is to see that those people have a good government, and if they are capable of participating in it to take them in and give them the rights that we enjoyed here when we were denied some of the rights of American citizenship. Make Territories out of them. We need not make States of them. If they should ever become affiliated with us and so assimilated with us that we can make States of them, we will make States of them.

You can depend upon the American people to do the right thing at the right time. You need not be afraid that we will take them in before they are ready or that we will keep them out after they are ready to come in.

I believe, myself, that we have reached the point in American history when the American Union is to take its place among the great nations of the world, and I do not believe that, as a nation, we can escape the responsibility that God puts upon us as a great nation any more than I can escape the responsibility that is put upon me as a man. We are to be as a great family of the nations of the world.

These islands are in the line of the great commerce of the world. They are worth millions to us.

I never thought of that. In dealing with the Philippine question I never thought of trade. I was surprised when I read this speech, remembering the speech which the Senator delivered here a few days ago, that the value of those islands to us in dollars had ever entered into his consideration, and that we could hold them without any disadvantage to us.

Mr. TELLER. I will just enter a denial of that. I did not say in my speech that that never had entered into my calculations.

Mr. SPOONER. No; I did not say that you did.

Mr. TELLER. You say that I said so there?

Mr. SPOONER. Oh, no. Do you say that this was not in your speech?

Mr. TELLER. No. Did you say that I said the other day in my speech the idea of the commercial value of the islands had never entered into my mind?

Mr. SPOONER. No; because you said they would never be of commercial value.

Mr. TELLER. I said under the conditions now existing, with their hostility, they never could be of any value.

Mr. SPOONER. Of course they could not be of any value if they are to always be in insurrection.

Mr. TELLER. When the Senator finishes the reading, I will tell him if there are any errors in there.

Mr. SPOONER. I would not do the Senator any injustice. This is in harmony with what I thought was the Senator's position at the time.

Mr. TELLER. Go on with the reading.

Mr. SPOONER (reading)—

and we can hold them without any disadvantage to us. We can hold them so they will be a glory to us and a glory to the people over whom we extend our flag and our republican institutions. I am one of those who believe that a republic is better than a monarchy. I believe the voice of 100,000,000 of men is better than the voice of one, and I have faith in the American people, in their intelligence, in their integrity, in their ability, and I am willing to trust these great problems to them—

The Senator has changed. He was willing then to trust these great problems to the American people. To-day he seems not to be—

and I say we shall make no mistake if we say to them, "We have put our flag here, we have buried our dead, and by the Eternal the flag shall stay while the Union lives."

That is all.

Mr. TELLER. Mr. President, if the Senator had taken the pains to read the speech that I made on the 20th day of December, 1898, he would have found that I repeated practically that in the Senate.

Now, the Senator says that I am not willing to trust the American people. I am willing to trust them. I am not willing to trust them as represented by the present organization of political parties. I have never changed my views on this question. I voted for the treaty. In executive session and in open session I declared that we could trust the American people to deal righteously with those people. They were then asking us to grant a protectorate over them.

I said, and I repeated it, and I am not afraid now to say it, there is no trouble, legally or otherwise, in my judgment, in the American people maintaining a colony. The question is, How shall you maintain it? What shall be the rights of the colonists? If you had given to them, as I said there, what they had given us—a Territorial government—and, Mr. President, if you had done that in 1898, we would not have had any war.

If the Senator desires to question my attitude now, he had better turn to the RECORD, and he had better turn to his own record when he encouraged us, who were told by his associates on the other side of the Chamber that you could trust the Republican party to do justice. We said you could. Mr. President, I thought you could. I believe eventually you will yet. I believe the American people will eventually see that justice is done to those people.

I do not say, Mr. President, that any injustice would have been done to them by maintaining our flag there if they wanted it there, which they did want and which they professed to want when I made those speeches, and which they would want now if we would give them such a government as we ought to give them.

Mr. SPOONER. It is a strange thing, but it is a fact almost universally true, that the moment a man leaves a political party with which he has long been associated he discovers that it is utterly bad.

Mr. CARMACK. After he discovers it is utterly bad, then he leaves it.

Mr. SPOONER. Well, if he remains in it until it is utterly bad he is as bad as it, and would not save himself by leaving it. I do not mean to apply this to the Senator from Colorado [Mr. TELLER].

Mr. TELLER. I ask the Senator to allow me to interrupt him long enough to say that I will not enter into any discussion of the propriety of my leaving the Republican party. I left it because I differed with its members on great economic questions. Up to that time I had no reason to suppose that upon great questions affecting the rights of mankind, and affecting the interests of all the American people and 10,000,000 of other people, I should be divergent from their views.

Mr. SPOONER. I understand that the Senator left the party because of his difference in regard to the money question, and I was very sorry to have him leave, for one, for I have always had great admiration for his ability and great friendship for him personally, as I always expect to have.

Mr. President, I have shown that there was a vote *in limine* in the Senate, participated in by my friend from Colorado, against amending this treaty so that the United States should sustain the same relation to the Philippines that we sustained by the treaty to Cuba. The vote to ratify the treaty without amendment was 57 to 27, as follows:

Those who voted in the affirmative are:
Messrs. Aldrich, Allen, Allison, Baker, Burrows, Butler, Carter, Chandler, Clark, Clay, Cullom, Davis, Deboe, Elkins, Fairbanks, Faulkner, Foraker, Frye, Gallinger, Gear, Gray, Hanna, Hansbrough, Harris, Hawley, Jones of Nevada, Kenney, Kyle, Lindsay, Lodge, McBride, McEnery, McLaurin, McMillan, Mantle, Mason, Morgan, Nelson, Penrose, Perkins, Pettus, Platt of Connecticut, Platt of New York, Pritchard, Quay, Ross, Sewell, Shoup, Simon, Spooner, Stewart, Sullivan, Teller, Thurston, Warren, Wellington, and Wolcott.

Those who voted in the negative are:
Messrs. Bacon, Bate, Berry, Caffery, Chilton, Cockrell, Daniel, Gorman, Hale, Heitfeld, Hoar, Jones of Arkansas, Mallory, Martin, Mills, Mitchell, Money, Murphy, Pasco, Pettigrew, Rawlins, Roach, Smith, Tillman, Turley, Turner, and Vest.

The pairs were as follows:
Mr. Cannon and Mr. Proctor with Mr. White.
Mr. Wetmore and Mr. Wilson with Mr. Turpie.

And at that time, Mr. President, those people, if they ever have been, were protesting, not orally simply, but with guns in their hands and by attack upon our troops against American sovereignty in those islands.

Mr. TELLER. Mr. President, may I interrupt the Senator again?

Mr. SPOONER. Certainly.

Mr. TELLER. It is true the telegraph had brought us a statement of some trouble. We did not know what that trouble was, and naturally, I think, it aroused the American spirit. I do not myself think that there was any inconsistency in a man who wanted to apply the principles which I had declared I wanted to apply to the Philippines in voting for the treaty. I wanted to take them away from Spain. I wanted them where the American nation could deal with them of right, which it could do; and I had every right to suppose, not only from the past history of this country, but from the pledges made here that there would be no trouble at all such as we have since found.

Mr. SPOONER. Mr. President, that is not all of the record. The Senator from Louisiana [Mr. MCENERY] introduced the following resolution:

That by the ratification of the treaty of peace with Spain it is not intended to incorporate the inhabitants of the Philippine Islands into citizenship of the United States, nor is it intended to permanently annex said islands as an integral part of the territory of the United States; but it is the intention of the United States to establish on said islands a government suitable to the wants and conditions of the inhabitants of said islands to prepare them for local self-government, and in due time to make such disposition of said islands as will best promote the interests of the citizens of the United States and the inhabitants of said islands.

To that the Senator from Massachusetts [Mr. HOAR], who has been consistent, offered this amendment:

On motion by Mr. HOAR to amend the resolution by inserting after the word "islands," where it appears the third time, the words "with the consent of the people thereof."

And that was voted upon; a proposition to declare then the policy of the United States, the treaty having been ratified, as to the future of the Philippine Archipelago.

Mr. ALDRICH moved to lay that amendment upon the table. This was the 6th of February. The votes in favor of laying it upon the table were 45; those against 34, as follows:

Those who voted in the affirmative are:
Messrs. Aldrich, Allison, Baker, Burrows, Carter, Chandler, Clark, Cullom, Davis, Deboe, Elkins, Fairbanks, Foraker, Frye, Gallinger, Gear, Gray, Hanna, Hansbrough, Hawley, Kenney, Lindsay, Lodge, McBride, McEnery, McMillan, Mantle, Morgan, Nelson, Penrose, Pettus, Platt of Connecticut, Platt of New York, Pritchard, Quay, Ross, Sewell, Shoup, Simon, Spooner, Stewart, Teller, Thurston, Warren, Wolcott.

Those who voted in the negative are:
Messrs. Allen, Bacon, Bate, Berry, Butler, Caffery, Chilton, Clay, Cockrell, Daniel, Gorman, Hale, Harris, Heitfeld, Hoar, Jones of Arkansas, Jones of Nevada, McLaurin, Martin, Mason, Mills, Mitchell, Money, Murphy, Perkins, Pettigrew, Rawlins, Roach, Smith, Tillman, Turley, Turner, Vest, Wellington.

So the amendment was laid on the table.

There was the precise proposition proposed by the Senator from Massachusetts, whether we should say by declaration, hostilities just having begun, that it was our purpose to establish in said islands, "*with the consent of the people thereof*," a government, and there is the vote. That amendment was laid on the table. That is not all, either.

The Senator from Massachusetts [Mr. HOAR] offered another amendment, which was to insert, after the words "United States" where they appear the second time, the words "or to force a government on them against their will." The country will see that all this was presented to the Senate in that hour, and here is the vote upon it. Although some of the Senators who voted upon it have changed, the record has not changed, nor can it change, and the responsibility for all that has occurred, Mr. President, as it will appear, is easily located, and out of that, I think, grows a duty.

Mr. ALDRICH moved to lay that amendment on the table, and it was laid on the table—yeas 46, nays 30. The vote was as follows:

Those who voted in the affirmative are:
Messrs. Aldrich, Allen, Allison, Baker, Burrows, Butler, Carter, Chandler, Clark, Cullom, Davis, Deboe, Elkins, Fairbanks, Foraker, Frye, Gallinger, Gear, Gray, Hanna, Hansbrough, Hawley, Kenney, Lindsay, Lodge, McBride, McEnery, McMillan, Mantle, Morgan, Nelson, Penrose, Pettus, Platt of Connecticut, Platt of New York, Pritchard, Quay, Ross, Sewell, Simon, Spooner, Stewart, Teller, Thurston, Warren, Wolcott.

Those who voted in the negative are:
Messrs. Bacon, Bate, Berry, Caffery, Clay, Cockrell, Gorman, Hale, Harris, Heitfeld, Hoar, Jones of Arkansas, Jones of Nevada, McLaurin, Martin, Mason, Mills, Mitchell, Money, Murphy, Perkins, Pettigrew, Rawlins, Roach, Smith, Tillman, Turley, Turner, Vest, Wellington.

So the amendment was laid on the table.

If there ever was a time, Mr. President, when that declaration would have brought peace and made peace in the Philippines, it was then, before even an exchange of ratifications. But it could not have done it, in my opinion.

That was not all, either. The Senator from Georgia [Mr. BACON], with whom as to this matter I do not entirely agree, but whose attitude from the beginning in this Chamber upon it has been different, in my judgment, from that of some members of his party, offered this amendment to the McEnery resolution:

Resolved further, That the United States hereby disclaim any disposition or intention to exercise permanent sovereignty, jurisdiction, or control over said islands, and assert their determination, when a stable and independent government shall have been erected therein entitled, in the judgment of the Government of the United States, to recognition as such, to transfer to said government, upon terms which shall be reasonable and just, all rights secured under the cession by Spain, and to thereupon leave the government and control of the islands to their people.

The Senate upon that was evenly divided.

Mr. BACON. What was the vote?

Mr. SPOONER. The vote was 29 to 29, as follows:

Those who voted in the affirmative are:
Messrs. Bacon, Bate, Berry, Caffery, Chilton, Clay, Cockrell, Faulkner, Gorman, Gray, Hale, Harris, Heitfeld, Hoar, Jones of Arkansas, Jones of Nevada, Lindsay, McLaurin, Martin, Money, Murphy, Perkins, Pettigrew, Pettus, Quay, Rawlins, Smith, Tillman, Turner.

Those who voted in the negative are:
Messrs. Allison, Burrows, Carter, Chandler, Deboe, Fairbanks, Frye, Gear, Hanna, Hawley, Kyle, Lodge, McBride, McEnery, McMillan, Mantle, Morgan, Nelson, Penrose, Platt of Connecticut, Platt of New York, Pritchard, Ross, Shoup, Simon, Stewart, Teller, Warren, Wolcott.

The Senate being evenly divided,
The Vice-President voted in the negative.
So the amendment was not agreed to.

Mr. LODGE. It was lost.

Mr. SPOONER. It was lost, I mean, by the casting vote of the Vice-President.

Mr. LODGE. It was lost any way.

Mr. SPOONER. Yes; it was lost.

Mr. HOAR. Will the Senator pardon me?

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Massachusetts?

Mr. SPOONER. Certainly.

Mr. HOAR. I do not want to interrupt the Senator on some mere trifle, but nothing is ever lost in the Senate by the casting vote of the Vice-President.

Mr. SPOONER. That is true.

Mr. HOAR. It was lost because it had not the majority.

Mr. SPOONER. It was lost without his vote, and a little more lost with it.

The resolution proposed by Mr. MCENERY then passed by a vote of 26 to 22, as follows:

Those who voted in the affirmative are,
Messrs. Allison, Burrows, Chandler, Deboe, Fairbanks, Faulkner, Frye, Gear, Gray, Hale, Hanna, Harris, Kyle, Lodge, McEnery, McLaurin, McMillan, Mantle, Mason, Nelson, Perkins, Pettus, Platt of New York, Quay, Sullivan, Teller.

Those who voted in the negative are,
Messrs. Bacon, Bate, Caffery, Carter, Clay, Cockrell, Hawley, Hoar, Lindsay, McBride, Martin, Money, Morgan, Murphy, Pettigrew, Platt of Connecticut, Rawlins, Ross, Simon, Smith, Stewart, Warren.

Mr. PATTERSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Colorado?

Mr. SPOONER. I will yield, but I hope the Senator will not interrupt me long, for I am anxious to get through.

Mr. PATTERSON. It is not with anything that I will say. While the Senator from Wisconsin is arraying records, I want to call his attention to a statement made by himself on the 2d day of February, 1899, about four days before the ratification of the treaty, if the Senator will permit me to call attention to it.

Mr. SPOONER. Certainly.

Mr. PATTERSON. The Senator from Wisconsin then said:

I am a commercial expansionist. I believe in building up the trade of the United States. I am in favor of an interoceanic canal, not only for the purposes of national defense, but for its benefit to the trade of the future. I am in favor of acquiring naval stations all over the world where the interests of this Government would be subserved thereby—resting places for our commerce. I am in favor of lines of cable connection in every conceivable direction where they would promote the interests of the United States.

* * * * * * *

But, Mr. President, I shrink from the notion that the interests of this country will be subserved by making permanently a part of our land territory thousands of miles away, inhabited by peoples alien to us, not of our blood, not of our way of thinking, foreign to all our associations, living in a tropical climate, where the white man can not work under labor conditions of necessity which we would not permit to exist in the United States.

Mr. SPOONER. Is the Senator going to read the whole speech?

Mr. PATTERSON. It will not do justice to the Senator unless I finish this important part of it.

The PRESIDING OFFICER. Does the Senator from Wisconsin decline to yield further?

Mr. SPOONER. Oh, no; I like that.

Mr. PATTERSON. The Senator from Wisconsin continued:

Every argument which has been made in support of this doctrine of territorial expansion—and by "territorial expansion" I mean permanent territorial expansion—seems to me to be superficial, some of them sentimental, and some of them fantastic.

The jingle of words which we read every day about "hauling down the flag" does not in the least either thrill me or impress me. Our flag has been hauled down before, Mr. President. It will be hauled down again. Where we raise it we will permit no other power on earth to haul it down, but with us it may be as honorable to haul it down as it was to raise it. It was hauled down in Mexico when hostilities ended there. If we had sent our fleet across the sea to the peninsula of Spain and captured Barcelona, raising our flag above it, it would not have been there to stay; we would have hauled it down. To-day it floats in Cuba; the Spanish flag has gone forever, but our flag is not there to stay. It floats there in sight of the poor, wrecked Maine at Habana, but there will come a day, Mr. President—and I hope it will not be long—when we will take down our flag, raised there in the cause of liberty, and leave behind it liberty and an independent government, won and established under its folds. I hope that, too, about the Philippines, and that is not at all inconsistent in my view with the ratification of the pending treaty.

It is insisted that we must have permanent territorial expansion in order to extend our trade. Mr. President, I do not think so. I have been strongly inclined to think that in the long run, with all the embarrassments and complications and dangers it will bring upon our people, it will retard rather than develop the foreign trade of the United States. We have been growing rapidly in our trade without territorial expansion. To acquire distant, nonassimilable peoples in order, through permanent dominion, to force our trade upon them seems to me to be the poorest imaginable national policy. How far will that be carried? We want the trade of the world.

Mr. SPOONER. I know the Senator likes that, and so do I.

Mr. PATTERSON. I will read further from the Senator's speech. He continued as follows:

And we intend to have our share of it. Are we, therefore, to obtain it by carrying this doctrine of expansion to the uttermost parts of the earth? If territorial expansion means national trade, if it be necessary to national trade, where are we to stop?

I think, Mr. President, the trade of the world will go where its interest leads it in the long run, and the best avant courier of civilization is a merchant ship, carrying the products of civilization and teaching the wants of civilization.

Permanent domain over the Philippines by the United States as a part of this country means to me an endless and vast burden upon the industries of our people.

Mr. SPOONER. The Senator from Colorado——

Mr. PATTERSON. I just thought this might go into the RECORD at this time.

Mr. SPOONER. Of course it will go into the RECORD. The Senator from Colorado has not been here long, but he has been here long enough to acquire the very worst habit we have here.

Mr. President, I uttered here what the Senator has read, and more in the same line, which the Senator has not read.

Mr. PATTERSON. That is true.

Mr. SPOONER. And I have never changed in any way my attitude upon that subject. I stated in that speech that I was reluctant to vote for the ratification of the treaty for the reasons read by the Senator from Colorado and for other reasons; that if the ratification of the treaty involved permanent dominion over the Philippines by the United States, I should vote against it; but I undertook to show—and it was in good faith, and I am of the same opinion now—looking at the various alternatives which presented themselves to the President, that, in honor and humanity, there was none other than to take the cession of the Philippine Archipelago. I attempted to controvert the proposition that we could sustain the same relations to the Philippines in which the treaty left us as to Cuba. I pointed out that the situation was so utterly different, that we were near to Cuba, that it was a small island, with only about a million and a half inhabitants, that when Spain left Cuba she *delivered to us the possession of Cuba;* but that the Philippine Islands were 7,000 miles away, that the possession of the Philippines by our troops was limited to Manila, and that we could not contract with Spain to occupy that territory without having the title and the sovereignty, a proposition which, in my judgment, no man can successfully challenge. From that day to this I have not changed.

I have united with Senators on the Democratic side here in meeting every duty as the hour made it clear. When Dewey called for troops to occupy the city of Manila, no voice in this Chamber was heard in protest against it, although every Senator here knew Dewey needed no troops to defend his ships; that he had Manila under his guns; but, Mr. President, they knew that he wanted soldiers to occupy Manila.

Mr. TELLER. May I make a suggestion to the Senator?

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Colorado?

Mr. SPOONER. Yes, sir.

Mr. TELLER. I wish to suggest to the Senator that we were at flagrant war with Spain when we voted those supplies.

Mr. SPOONER. That is true. I agree with the Senator from Washington [Mr. TURNER] that our occupation of Manila was in violation of the protocol, although the officers were not aware of its existence, and that in fact we held Manila in trust for Spain, to abide the result of negotiations and to protect life, liberty, and property in Manila; but, Mr. President——

Mr. TELLER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Colorado?

Mr. SPOONER. Yes, sir.

Mr. TELLER. I do not want to break into the thread of the Senator's argument.

Mr. SPOONER. I am breaking into it myself.

Mr. TELLER. The Senator from Wisconsin has read the votes here, particularly the votes against the amendment offered by the senior Senator from Massachusetts [Mr. HOAR] and the vote on the resolution in the form of an amendment offered by the Senator from Georgia [Mr. BACON]. That is done, Mr. President, to make it appear that we are inconsistent; that we did not believe in the principles of the BACON resolution.

Mr. SPOONER. Mr. President——

Mr. TELLER. If the Senator will allow me for but a moment longer; it is not of much consequence whether I have changed my views or not, but at that time I took the explicit pains to say that I was in favor of the principles of the resolution of the Senator from Georgia but was not willing to complicate things by putting it on the treaty. I think the Senator ought to allow me to make that statement at least. I can read it if there is any question regarding it. At the same time and on the same day I explicitly declared that under no conditions did I want to annex those people or have any permanent dominion over them; that I agreed with the Senator, that my judgment was the same as his, that the way to get control of the matter, so that we might do justice to ourselves and justice to the Philippine people, was to ratify that treaty. I could not see how we could deal with them unless we did ratify the treaty, and then, of course, the whole subject would have been under our command.

I wish merely to read a few words from what I then said. I shall read but a sentence. I had suggested that I should vote against some other amendments that might be proposed, which I understood were to be offered, but I was told that there were no amendments to be made except those pending.

I was about to state that I should probably vote against some amendments which might express my views very largely. What I rose to say is that I shall vote for the joint resolution. I do not mean by that to be committed absolutely to any policy if conditions, when we come to act on this question, as we must act in the course of a year or so, should be very different from what they are now or very different from what I hope they may be. I shall be governed, as I have a right to be, by the conditions and circumstances then presented. I shall regret very much if we can not carry out the principle of the joint resolution—

That is, the Cuban resolution—

And I declare for that, as I hope we may be able to do, and yet I shall not consider that I am inconsistent with that if conditions should require me to vote for a different plan of government or a different condition.

Mr. President, I spoke at some length on that occasion, but I have only read a few words of what I then said. I do not know but that it may be, and I suppose it is, a fair argument for the Senator to indulge in and charge us with inconsistency because we voted for the treaty which he voted for, and now, simply because we do not approve of the policy the Government has instituted since then, when it had no such policy at that time, and no man living had any reason to suppose that it would have.

Mr. SPOONER. Mr. President, what policy does the Senator refer to? What policy has been enforced except by the consent

of the Congress, and where has there been a party division in Congress? The President of the United States repeatedly notified Congress that, until Congress adopted some different policy as to the Philippines, he should consider it his sworn duty to employ the troops there to enforce the sovereignty and obedience to the authority of the United States, and to bring about peace.

Mr. President, twice we voted troops without party division. What for? To enable the President to send additional forces to the Philippines until, all in all, we had there at one time 71,000 men. What for? Did Congress act upon those bills in ignorance of the policy of the President as to the utilization of those troops? There was fighting in the Philippines; there was an inadequacy of the American military forces there, and the Congress of the United States—not upon a party division either—furnished the troops by one bill up to 100,000 men—65,000 regular troops and 35,000 volunteers—and they were furnished for use in the Philippines.

What did Senators who voted for the Army bill do it for? They knew the troops were to be sent to the Philippines. Did they suppose they were going upon a pleasure trip? Did they suppose they were going for a sea voyage? Did they suppose they were going simply to look over the beauty and the richness of the Philippines? Every man who voted to place those soldiers at the command of the President knew what they were for and knew they were to be sent to the Philippines to fight. To fight whom? The Spaniards? No. To fight the Filipinos; to fight the insurrectionists, and they were employed for that purpose. How can any man who voted to give the President troops to be used in the Philippines complain of their use in legitimate ways? If they have committed outrages; if they have sullied the flag; if they have been turned into a band of bashi bazouks, that is open to criticism; but no man who thus voted has a right to impeach the Republican party or to launch tirades upon the President for using troops in the Philippines and carrying on the war in the Philippines to the bitter end, not to subjugate an independent people but to enforce the sovereignty and authority of the United States in territory acquired by the United States by a treaty negotiated by the President and ratified by the Senate and completed by the payment of money—$20,000,000—voted by both Houses of Congress.

Mr. TELLER. Will the Senator permit me to say a word?

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Colorado?

Mr. SPOONER. Yes, sir.

Mr. TELLER. I voted for that appropriation and I am going to vote for the next appropriation, and I stated the other day why I should vote for it. The party that is intrusted by the American people with the administration of public affairs have asked that, and in such a case I bow to the will of the American people so far that I will vote for what the Administration asks.

Mr. SPOONER. Ah, Mr. President, I think when the Senator voted to send troops to the Philippines to protect an inadequate force there, and to enforce the sovereignty of the United States in the Philippines, he did "bow to the will of the American people;" but no Senator who votes to send troops there can with any great consistency denounce the Government for using them. The Senator from Massachusetts [Mr. HOAR], who was opposed to the treaty, who was opposed to this whole business, differing from us, as he had a right to do, when that Army bill was before the Senate stated briefly the reasons why he could not on his conscience support it; but I know if the Senator had voted to send troops there to maintain our sovereignty, to enforce our authority there, if the troops had been properly employed—and they were sent there to fight—he would not have criticised either the Republican party or the Administration for using them for that purpose.

Mr. TELLER. Mr. President, I should like to ask the Senator a question.

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Colorado?

Mr. SPOONER. Well, yes.

Mr. TELLER. Does the Senator think, entertaining the views that we do, that we ought to have voted against the appropriation of money?

Mr. SPOONER. I do not say that.

Mr. TELLER. Then why does the Senator bring the accusation against us?

Mr. SPOONER. I do not say that, but I do say this, that if I had voted as a matter of patriotism, or because I believed the people demanded it, to give troops to the President to be sent to fight in the Philippines I never would complain because they were sent there, and I would not charge upon an Administration or upon a party bloodthirstiness, cruelty, conquest, for doing with the troops I had voted to raise what I knew would be done.

Mr. TELLER. Mr. President, will the Senator allow me to make a suggestion?

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Colorado?

Mr. SPOONER. Certainly.

Mr. TELLER. We were in this condition: There was war; our troops were there; they went there rightfully; they went there when there was a state of war between the United States and Spain. The Administration asked us for an appropriation to maintain them. To have failed to have so voted—that is, if we had had the power to refuse the appropriation—the Army would have been left without food or supplies. I trust the Senator from Wisconsin can see the difference between failing to vote and simply reserving the right of criticism of the conduct of the Administration in a future time.

Mr. SPOONER. Oh, Mr. President, I admit the right of every man here, whether he voted for the troops or not, to criticise the conduct of the troops. All I say is this: I may be obtuse, but I can not see how a man who votes to send troops over there can complain because they fight after they reach there.

Mr. CARMACK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Tennessee?

Mr. SPOONER. I have been interrupted a great deal, but I do not want to deny the Senator.

Mr. CARMACK. I merely want to ask the Senator this question: If this country over his protest had entered into a war which he believed was an unjust and an unrighteous war, having entered into it, and the question came up of voting supplies for that war, would or would not the Senator vote to supply the troops who were in the field, although they were waging a war he believed to be an unjust and an unrighteous war?

Mr. SPOONER. I would say what I had to say when war was declared; but after the troops had taken the field, after a majority of the Congress, disagreeing with me, had voted for war, I would be for the war and for the Army to the end. I would not hover around the flank to carp and criticise and find fault and make false issues or aid in any way the men against whom the American soldiers were fighting.

Mr. CARMACK. Mr. President——

The PRESIDING OFFICER. The Senator from Wisconsin has the floor. Does he yield to the Senator from Tennessee?

Mr. SPOONER. I yield.

Mr. CARMACK. One of my questions was this: If the Senator believed and conceived such a condition existing, that the war was unjust and unrighteous, and that it was to the interest and to the honor of the United States that the war should be suspended, still, if the majority against him were for continuing the war, would he vote for supplies for that war so long as it continued, still reserving to himself the right to demand, to urge, and to insist that the United States ought to discontinue the war as soon as it could?

Mr. SPOONER. Are you urging that the war should stop now?

Mr. CARMACK. I am.

Mr. SPOONER. That is, if troops were in the field fighting our troops, that our troops should be withdrawn?

Mr. CARMACK. I think we should do the thing that would put an end to the war instantly. That is what I think; and we are criticising the Government because it does not do that thing.

Mr. SPOONER. Yes.

Mr. CARMACK. We do not ask that the troops be withdrawn.

Mr. SPOONER. Mr. President——

Mr. HOAR. Will the Senator allow me?

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Massachusetts?

Mr. SPOONER. I yield.

Mr. HOAR. As the Senator from Wisconsin has done me the honor to allude to me, I wish he would allow me to state my position, which he has undertaken to state. It will take only a minute or two.

Mr. SPOONER. Very well.

Mr. HOAR. Mr. President, I do not believe and never did believe there was a war in the Philippines. You can not have a war in this country that is not declared by an act of Congress. What is being done, and has been done, is the use of the troops of the United States by Executive authority to keep order in what is claimed to be a part of our lawful territory.

When long after this treaty was ratified and had gone into effect, this Army bill came up for consideration, and there was a proposition to give the President the power of making the Army flexible, between sixty-five or seventy-five thousand men and a hundred thousand, to increase it or diminish it at his pleasure; thereupon the Senator from Georgia [Mr. BACON], representing, I suppose, his party, in the hearing of a full Senate, without any dissent from any quarter on his side, notified the Senate that they would support any measure providing for troops for that emergency, however long it might last. He asked my colleague [Mr. LODGE], who had in charge—or, at any rate, who was one of the

leading advocates of the bill—whether he thought it would take one year, three years, or five years; and thereupon gave notice that they would accept his answer and would give the President troops for that length of time. The same question was put to the Senator from Ohio [Mr. FORAKER], I think, though I am not quite sure, or to some other Senator who had the floor on the Republican side, and to some Senator on the Appropriations Committee or the Military Committee. Three times that notice was given.

When we undertook to use the troops to suppress tumults in Louisiana and South Carolina, under the Chamberlain and Packard governments, the Democratic party refused to vote for the Army bill, and we did not have one, but at the next session——

Mr. TILLMAN. Mr. President——

Mr. HOAR. I am going to make this statement before I yield to anybody.

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from South Carolina?

Mr. HOAR. No; I am in the time of the Senator from Wisconsin, and I wish to complete this statement.

But when the next Congress came they put into the Army bill (and it was part of the condition) that the troops should not be used for what they regarded as an improper putting down of certain risings of those people. I do not say whether they were right or wrong.

They meant business then and they accomplished their business, and Packard and Chamberlain went out of power. I did not think they meant business when they said they would give troops to put down the resistance of the Philippine people under precisely similar circumstances. It was not war. It was putting down resistance, that is all, among a people subject, as they claim, to our sovereignty, and it was in regard to that that I did not mean to have my position misunderstood. I declared then, and I stand by that declaration now, that I would not vote for troops to put down the resistance of a people contending, and rightfully, for a republic they had established, though I was perfectly willing, as a peace measure, to give the President of the United States the power to make the Army flexible.

Mr. TILLMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from South Carolina?

Mr. TILLMAN. I do not want to disturb the Senator from Wisconsin, because I have sedulously avoided interrupting him to-day, and I expect to follow it. But I merely wish to correct the usually infallible Senator from Massachusetts. I mean infallible as far as his recollection of facts goes. The troops were used in South Carolina to uphold the Chamberlain government——

Mr. HOAR. That is what I say.

Mr. TILLMAN. There was a regiment of troops; but the Senator was in error in declaring that the Democrats in Congress prohibited that before they had been used. They were used there, and the use of troops at elections was such a crying evil that the Democratic majority, which came into the House with Mr. Hayes, put an amendment on the Army bill declaring that none of those troops should be used at elections.

Mr. HOAR. Yes; that they should not be used to sustain those governments.

Mr. TILLMAN. Those governments had tumbled to the ground and disappeared when that amendment was put on the Army bill.

Mr. HOAR. One point——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield the floor?

Mr. HOAR. I have but a sentence of four words. Before that amendment was put on the Army bill the Democratic party in the previous Congress, having the House, had refused to pass any Army bill at all. That is my point.

Mr. SPOONER. I have been almost from the beginning diverted from the line of argument which I intended to pursue, and I am anxious to be permitted to proceed with my speech, although I am ready to answer questions.

I intend to speak later and in a more appropriate place upon the responsibility of the minority for what has happened over there in relation to the Army. I have been drawn into inopportune comment upon that by interruptions. One thing is certain, if anything is certain, that we have a perfect title to the Philippine Archipelago. Spain ceded it to us, and, rightly or wrongly, we have reduced it to possession, so that we have the sovereignty and we have the title. There is, in my opinion, Mr. President, no taint of perfidy or invalidity in that title. I know Senators on the other side and, one or two perhaps upon this side, differ from me about that.

It has been said—and I will spend only a moment upon it—that Aguinaldo had prior to that treaty established an independent government over the Philippines. It has been said that we promised him, when he came to Manila to cooperate with Admiral Dewey, independence. The Senator from Washington [Mr. TURNER] claimed the former. The Senator from South Carolina [Mr. TILLMAN] and others claimed the latter. I do not intend to go into the evidence, but I do proclaim, without fear of successful contradiction, that there never were more baseless allegations.

It was charged that Consul Pratt promised him independence. Consul Pratt denied it in a cablegram to the Department. Afterwards it was published in Mr. Foreman's book that he had promised independence, and he filed a bill in the court at Hongkong or Singapore to restrain the publication of that book, swearing in his bill that it was false and a libel upon him as an official. The injunction was granted, and in every subsequent edition of the book the correction was made by a fly-leaf at the beginning of the book. It was charged that Wildman promised Aguinaldo independence. Wildman denied it. It was charged that Dewey promised Aguinaldo independence. Dewey denied it.

On a former occasion I put before the Senate a captured document showing the proceedings of the junta at Hongkong, signed by Aguinaldo and all of his compatriots—if they were such—which clearly established the fact not only that no such promise was made, but that he did not go to Manila with the understanding that he was to have, or any government he might form there, was to have independence. I will refer to the document for only a moment. They had a meeting to determine whether Aguinaldo should go. This was after he had seen the consul. He did not want to, and these were the proceedings, and it never ought to be forgotten by the American people.

Mr. TILLMAN. What is the date of it?

Mr. SPOONER. I can not give the date at this moment, but it was before he went to Manila.

Notwithstanding the previous remarks, the president (Aguinaldo) insists that he considers it dangerous for him to go to the Philippines without a previous written agreement with the Admiral, since it may happen that if he places himself at his orders he may make him sign or seal a document containing proposals highly prejudicial to the interests of the fatherland, from which may arise the following grave disadvantages:

First. * * *

Second. * * * These are the means, he thinks, which should be first employed to find *out certainly what are the intentions of the United States in regard to that country.* * * *

They were there talking among themselves. If he had received any promise of independence from Admiral Dewey or from officials of the United States, I think he would have stated it to his confreres on that occasion. After other speeches this was said by Sandico:

The authority to treat, which the president thinks of giving to the other chiefs, without reflecting at all upon their personal deserts, they do not believe can be as effective as his personal attention to the matter, to such serious affairs as those which are the subject of discussion. There will be no better occasion than the present for the expeditionary forces to land on those islands and to *arm themselves at the expense of the Americans* and assure the attainment of our legitimate aspirations *against those very people.*

The Filipino people, unprovided with arms, will be the victim of the demands and exactions of the United States, but provided with arms will be able to oppose themselves to them and struggle for their independence, in which consists the true happiness of the Philippines.

After referring to the "prestige which he (Aguinaldo) acquired in the *last* rebellion," it proceeds:

Once the president in the Philippines, with his prestige he will be able to arouse those masses *to combat the demands of the United States* if they colonize that country, and will drive them, the Filipinos, if circumstances render it necessary, to a Titanic struggle for their independence, even if later they should succumb to the weight of the yoke of a new oppressor.

The minutes of that meeting—and they were all printed long ago by the Senate—are signed by Aguinaldo and every one of the junta in Hongkong, including Sandico and others who accompanied Aguinaldo to Manila. It is perfectly apparent from this statement that he went there without any pledge, at least he communicated none to his associates, and that the scheme was to obtain arms from Admiral Dewey, and then to use those arms against the United States if occasion required it. Under date 4th January, 1899, Mabini, president of the cabinet and chief adviser of Aguinaldo, wrote:

The chief of the Philippine people *has not made* any agreement with the Government of the United States, but inspired by the same idea of destroying the sovereignty of Spain in these islands they have mutually assisted each other.

That is not all, Mr. President. He reached Manila on the 20th of May. I read in the Senate, at the time I made the speech from which I read, a cipher letter from Aguinaldo—at least I contended it was from Aguinaldo—which the Senator from Washington attempts to sneer out of the RECORD.

General Anderson has stated, and you will find it in the records, that in July, shortly after he reached there, he suspected Aguinaldo of being in treaty with the Spaniards in Manila. I read—and I stop to call attention to it only for the purpose of making a single comment—a letter dated October 25, found among the captured records; and there are a great many papers among the captured records which throw a strong light on this and other phases of the Philippine insurrection. It is addressed to General Rios, in which Aguinaldo, if he wrote this letter, refers to a letter he

had written a few days after he reached Manila to General Augustin, in command of Manila, making a proposition to him to surrender Manila to him. I have no doubt it is the same proposition that was made in this letter to General Rios, in command of Iloilo, in which he calls upon him to surrender his troops to Aguinaldo instead of to us, in order that *they might be combined to be used against the forces of the United States.* This letter was signed "1-1-9-6-1-M." It is marked "private;" headed "Revolutional government of the Filipines, office of the president." The army officers certify that it is written on the paper then in use in that office, and that "M" is the cipher for "Miong," which means Emilio.

The Senator from Washington discredits it. He asks why should he have written it in cipher? They greatly employ cipher. That is a characteristic of the Oriental. It is very patent among the papers which have been captured from them. Moreover, some one wrote it *from his office*, wrote it to an officer of the Spaniards, from whom he, Aguinaldo, above all other things just then, desired a surrender of Iloilo to him and not to us. The paper itself expresses the obvious desire of Aguinaldo. It is impossible to suppose that some clerk in the office wrote it. It is impossible to suppose that anyone other than Aguinaldo wrote it, and there is at the end of it this language, which strongly indicates that he wrote it; and all the army officers believe he wrote it:

This is all that I can say to you at present, and I hope that you will tell me that you agree with me, and then I shall be able to present this to *my government* and obtain from it an agreement to *what I have written as a private individual.*

This purports to have been written by a *public official* as an *unofficial act* to be followed, if agreed to, by official action.

Mr. President, it is perfectly evident that for a long time before the ratification of the treaty Aguinaldo contemplated an attack upon our Army. As far back as August 17, 1898, Mabini wrote a letter to Buencamino, in which, referring to us, he said:

The conflict is coming sooner or later and we will gain nothing by asking favors of them which in reality are our rights, but shall maintain them as long as we are able to, confiding in justice and Providence.

Moreover, I have among these papers a cablegram from London, from the head of the junta there, dated the 3d of February, in which he advises that probably the treaty will be ratified and suggests an attack upon the American troops "the moment the treaty is ratified." In addition to that, he suggests the purchase of some effective torpedoes, "which would serve to repeat in the Bay of Manila the scene in that of Habana, which would serve to give a fortunate termination to our struggle." Not only that, but I have here the order of Aguinaldo, signed on the 9th day of January, issued to the people of Manila *on the same day on which he was writing to General Otis, sending commissioners to treat for some arrangement to avert hostilities, expressing himself as deeming peace a necessity.* He wrote this order. I will not take the time to read it, because interruptions have caused me to consume already too much time, but it will be very interesting reading to the American people, and it shows beyond cavil that the hostilities which preceded immediately the ratification of the treaty were predetermined by Aguinaldo. For what purpose it is easy to imagine. But I can not go into all that. (See Appendix A.)

The Senator from Washington [Mr. TURNER] says that an insurrection was in progress when Aguinaldo left Hongkong. He had stated that he had surrendered all the rifles under the terms of the treaty of Biaknabato. He wrote to General Anderson that he came from Hongkong to *prevent his people from joining the Spaniards and attacking the Americans.* He was very depressed after he issued his proclamation declaring himself dictator, because so few of his people rallied around him. When they did in larger degree he moved along through the country taking Tagalog provinces. There is evidence, and abundance of it, that there was a strong sentiment in certain portions of the island against Aguinaldo's attempt to form a government and in favor of recognizing the sovereignty of the United States. A private letter from A. Sandico, found open in the papers of the insurgent government, says:

When the Americans came I was actuated by the love of the country to form clubs and committees *to combat the annexation sentiment in Manila.* At the given moment, moved by the desire of independence of the country, I do the same thing *to stem the current of desire for autonomy which comes from Manila.*

It is certain, that in a proclamation issued by Aguinaldo *August 6, 1898*, to foreign governments, he said:

The said revolution now rules in the provinces of Cavite, Batangas, Mindoro, Tayabas, Laguna, Morong, Bulacan, Bataan, Pampanga, Nueva Ecija, Tarlac, Pangasinan, Union, Infanta, Zambales, and it holds besieged the capital of Manila.

Professor Worcester says of this statement:

In other words, he claimed to control the *Tagalog* provinces, and practically nothing more.

The consolidated cash book of the insurgent government, showing the sums received as contributions of war and as war taxes from various districts and provinces for the period from May 31, 1898, to February 28, 1899, shows that his tax collections and contributions were limited to provinces containing about three million and a half people out of the eight or ten million who inhabit the archipelago. His government evidently did not maintain law and order even where he was in control. Moreover, it has a double aspect. The external aspect was one thing, the internal another. He made a particular effort from the beginning to prevent outrages upon foreigners, and to give the inference from that of a well-ordered domestic sway. Cooperating with him were certainly some very able and skillful men, both at home and abroad. Under date Paris, June 23, 1899, Agoncillo cabled to the Hongkong junta:

* * * Observe strictly international law as applying to public and to private rights, including its precepts covering persons and property of *neutral foreigners*, avoiding the slightest cause for complaint on their part, in order to avoid destroying the favorable aspect in which we are fortunately now regarded by them. I think it important that our government should *constantly* send to all our commanders circulars charging them to treat with respect the persons and property of foreigners (not Yankees), and ordering the most rigid observance of the laws of war, publishing such circulars in the vicinity and sending them to all the consuls in Manila, and to use for publication in the press everywhere.

And this admonition was literally and liberally obeyed.

I have among these papers a report to him from an Army officer as to three towns, in which he says "these towns must be reconquered. It can only be done by taking five lives in each town." That meant by assassinating five prominent men in each town.

Mr. HOAR. Will the Senator from Wisconsin pardon me?

Mr. SPOONER. Certainly.

Mr. HOAR. I hold in my hand General Anderson's statement on that precise subject, in which he says:

We held Manila and Cavite. The rest of the island was held not by the Spaniards, but by the Filipinos. On the other island the Spaniards were confined to two or three fortified towns.

That is General Anderson's statement, and he was the military commander of our troops.

Mr. SPOONER. That was General Anderson's opinion.

Mr. HOAR. He was commander in chief.

Mr. SPOONER. Most of the Spanish troops were then drawn into Manila.

Mr. HOAR. Yes.

Mr. SPOONER. And Aguinaldo, of course, with men who were armed, could take control of Luzon. But there never was a time, so far as I can ascertain, when the Ilocanos, some of the people in North Luzon, the Moros, the Igorrotes, and a large number of people of those islands, and part of the Visayans, ever acknowledged the jurisdiction of Aguinaldo.

Mr. HOAR. If the Senator was speaking about the distribution of power, I suppose when General Anderson says "held by the Filipinos" he means the inhabitants in general. He is not speaking of any particular authority. I should not have interrupted the Senator if I had understood that to be his meaning.

Mr. SPOONER. The truth is, and this paper shows it, that among the Ilocanos, in the north of Luzon, he collected $1.50 a head. He did it by force. He did it against their protest, as is evidenced by the fact that in Cavite Province, in those provinces of Luzon where his retainers gathered around him, he collected but 5 cents a head. He did not have a government which at any time could preserve law and order or which did.

But the treatment by Aguinaldo's government of the people over whom by force in large part he maintained sway was very different, as I will show in a few moments. To say that there was a government in fact, in the sense of law, established by Aguinaldo in the few months intervening between our capture of Manila and the ratification of this treaty is absurd, in my judgment.

Yet on the 12th of June, 1898, he proclaimed the independence of the *inhabitants of the Philippine Archipelago.* Aguinaldo ought to know better than anyone else the extent of his alleged control August 6, 1898. He never proclaimed the independence of Luzon, nor did he ever assume to establish the Republic of Luzon. He always embraced the full archipelago.

It has been said, and I want to refer to it for a moment, that we had no power to acquire that sovereignty which we have acquired, and which the Supreme Court, in the opinion of Chief Justice Fuller, said we have acquired. He says:

We must decline to assume that the Government wishes thus to disparage the title of the United States or to place itself in the position of waging a war of conquest.

That was in answer to the contention that the situation in the Philippines in its legal relation to us differed from that of Porto Rico. The court say, and five judges concur in this opinion:

The sovereignty of Spain over the Philippines and possession under claim of title had existed for a long series of years prior to the war with the United States. The fact that there were insurrections against her or that uncivilized tribes may have defied her will did not affect the validity of her title. She granted the islands to the United States, and the grantee, in accepting them, took nothing less than the whole grant.

If those in insurrection against Spain continued in insurrection against the United States the legal title and possession of the latter remained unaffected.

From the time the protocol was signed there was peace, or the suspension of hostilities, between us and the Government of Spain. We were in honor bound to employ no military force against the Spaniards or the subjects of Spain in the Philippines.

Aguinaldo was not our ally in the legal or moral sense of the word, because there was no Philippine political entity which could be an ally. He and his associates perhaps had been auxiliaries of ours. If he had been an ally of ours, he would have been bound by the protocol to abstain during that interregnum from operations against the Spanish Government.

After the treaty was entered into, the Spanish Government permitted the withdrawal of her troops from Iloilo, and Aguinaldo, with no one to oppose him, neither Spaniard nor American, for we were confined to Manila, sent armed men into the different provinces, took possession of the various towns, and attempted to bring them under his exactions. That that constituted the erection of an independent government which in law or in morals we ought to have recognized is as empty a contention as anything to which I have ever listened in my life.

Senators say that the Government of the United States, in accepting this sovereignty and this title, violated the Declaration of Independence. I deny it. To say that we could not take as indemnity at the end of war inhabited territory is to impeach the action of this Government hitherto when the Democratic party had control of it. We took California from Mexico. We did not consult the inhabitants. By purchase we took Louisiana. We did not consult the inhabitants. We took Hawaii. We did not consult the inhabitants. By a coup d'état a government had been formed there called a republic. It had adopted a constitution. That constitution prescribed the qualification and the oath. No native Hawaiian was permitted under that constitution to vote on its adoption unless he took the oath of allegiance to that Republic. That constitution contained a provision for ceding Hawaii to the United States. When the time came, a protest of native Hawaiians was filed here against that annexation, unless coupled with statehood.

When the resolution under which we annexed Hawaii was pending here, the Senator from Georgia [Mr. BACON], going behind the mere technical status and dealing with what he claimed to be the inalienable moral right, offered an amendment to provide a plebiscite which would give the natives there—the men who were born there, the people who loved that island, whose home it had been—a right to vote upon the question of annexation. That was voted down in the Senate and, without consultation with them, without any compliance with the condition which they sought to ingraft upon the proposition, they were annexed.

That is not all, Mr. President. I mentioned once before long ago in the Senate, in connection with this contention that we violated the Declaration of Independence, which we all love and venerate, that we by this same treaty took, without protest upon the part of anybody here, then or now, a million people who inhabit Porto Rico. We did not ask their consent. It is true they did not antagonize us with arms; but if there is anything at all in this doctrine it involves that they should not be taken without their consent being asked and obtained.

But, Mr. President, while it is true as an abstract proposition, true as a basis for revolution, that government derives its just powers from the consent of the governed, it has never been applied to the acquisition, so far as I remember, of inhabited territory at the end of a successful war. It has never found any place in the international law of the world, and the moment it does that moment (and for that reason it never has and never will, probably) the power of a government at the end of a successful war to demand and accept inhabited territory is gone. At the time the Declaration of Independence was adopted this was true, that never since the dawn of civilization had independent governments engaged in war consulted the people of the territory which they conquered or of territory which they demanded as indemnity for the expense of the war, any more than we did in the case of California. It is no answer to say that these populations were small. Fifty thousand people are entitled as much to protection in the enjoyment of rights conferred by the Almighty as 5,000,000.

Mr. President, it never was intended by the men who framed the Declaration of Independence that the Government of the United States should not possess all of the faculties which appertain to the independent governments of the earth. In their *Declaration* they said this:

We, therefore, the Representatives of the United States of America in general Congress assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the name and by authority of the good people of these colonies, solemnly publish and declare, that these united colonies are, and of right ought to be, free and independent States; that they are absolved from all allegiance to the British Crown, and that all political connection between them and the State of Great Britain is, and ought to be, totally dissolved; and *that as free and independent States they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent states may of right do.*

That is, may lawfully do. They intended to create a government the equal in governmental powers, not only at home, but in international relation, of any government that ever existed. It will be an unhappy day, I think, Mr. President, if this doctrine that a government at the end of a successful war can take no inhabited territory without the consent of the inhabitants shall be adopted.

One of the restraints which has operated upon governments against engaging in war was the fear of losing portions of their domain, and if it once be established in the world that no government can take territory as indemnity, if inhabited, unless the inhabitants consent to it, that moral restriction upon war will be eliminated.

I do not believe, Mr. President, that the people of the United States are willing to agree that this Government, when engaged in war, shall be less vigorous in power than the other governments of the earth. I have never feared war with Great Britain. It would be an unspeakable calamity for every reason. We want war with no country. We are wedded to the arts of peace and averse to war. But I have always thought, Mr. President, that a hostage for all the future for peace between us and Great Britain, whatever might come of disagreement, is the great domain over which Great Britain has sovereignty, extending from ocean to ocean. Do you think that the people of the United States would be willing to enter into an agreement that, if by any unhappy chance there should, some time in the distant future, come war between Great Britain and the United States, the end of that war would leave the British Possessions and Canada still the property of Great Britain? Is it to be supposed that the people of the United States would be willing to have it understood that in such an untoward event she would hold herself and her Government disabled by the Declaration of Independence to occupy and to keep the territory to the northward of us? I think not.

Now, Mr. President, Senators taunt us with the duration of hostilities in the Philippine Archipelago and infer from it that we can never bring pacification to those islands, and that the people there will never accept the sovereignty of the United States and enable us to establish a government there. The war, or I might better say, the hostilities, have lasted in the Philippines very much longer than any of us at the outset expected. All of us have regretted them. I never shall cease to regret that Aguinaldo did not heed the letter of General Otis, informing him that he had instructions not to attack his army, and appealing to him to wait until the treaty was ratified and until the Congress, which has the power under the Constitution, could define the policy which was to be pursued toward the Philippine Archipelago. But he would not wait, and the war—because it was war in the end, not in the technical sense—came upon us.

It does not lie, I think, in the mouths of Democratic Senators here to charge upon the Republican party responsibility for the duration of hostilities in the Philippines. I stand here to say, Mr. President—I say it regretfully, I say it with no spirit of unkindness in my heart—that in the main, in my judgment, the responsibility for the duration of this struggle in the Philippine Archipelago is upon the minority party in this country.

There never was, in my judgment, a wickeder thing than the prostitution of that situation to party purposes. Right or wrong, we had acquired the Philippine Archipelago. We had furnished an Army to the President. He had informed us that he would employ that Army to enforce the sovereignty of the United States and obedience to its authority in that archipelago. Then there was projected for party purposes a false and malign political issue in the United States, which did not fail and could not fail to prolong the insurrection at a great cost to the people of the United States not only in dollars, but in lives.

Had there been any proposition made in Congress which rendered it a necessity to make that issue? Had there been any proposition made in Congress leading to what was called imperialism? That matter had been held open, as it is open to-day. No action had been proposed which was to tie the hands of the American Congress and shackle the American people.

And yet Mr. Bryan, an extraordinarily brilliant man, of wonderful personal magnetism, the leader of his party, proceeded, with his associates, to make the political issue of "imperialism," assuming that the Republican party, its Administration, led by President McKinley, would, unless prevented by this issue, commit this Government to colonialism or imperialism.

I say it was a fictitious issue.

From that time out, Mr. President, we heard about the American Government buying people at so much a head; of purchasing mere sovereignty. The United States acquired by that treaty

73,000,000 acres of land in the Philippine Archipelago, 5,000,000 acres only in private ownership, 68,000,000 acres the title to which was in Spain, and passed to us by the cession.

We heard everywhere of our attempted enslavement of the Filipinos, of our violation of the Declaration of Independence, of our attempt to adopt the tyranny and oppression of monarchical governments of the Old World. The changes were rung upon it from one end of the country to the other, from the beginning to the end.

There could be but one effect of it. It was the same, I have always thought, as the effect of the opposition to President Lincoln in his effort to maintain the integrity of the Federal Union. It tended to raise false hopes in those who struggled against the Federal forces. It encouraged a prolongation of insurrection. It made them think that a prolongation of their struggle, followed by the election of Mr. Bryan, meant independence. I can not tell, no one can tell, how long ago but for that the Philippines might have been pacified. We can not know how many millions of dollars and how many lives this unfortunate attitude cost the country, but that it cost many millions and many lives is certainly true.

That was not only the natural effect, Mr. President; it was the actual effect, and there is abundant evidence of it. I have some captured documents from there.

Here is a letter, dated Paris, June 23, 1899, from Agoncillo, the Filipino who was at the Arlington Hotel in this city as the representative of Aguinaldo when hostilities broke out—that is, he was there the day before—but when we learned of the hostilities he had learned before they occurred and betaken himself to Canada. This gentleman says:

> Foment the actions of the Democratic party in the United States, which defends our independence. I am doing this in every way it seems fitting to me.

Here is the translation of a cablegram, sent in cipher, received from Paris on August 31, 1899. I read but a line of it:

> Triumph of Bryan for the Presidency is triumph of our cause.

Mr. ALLISON. Where was that sent?

Mr. SPOONER. That was sent out to the junta at Hongkong. I have here an extract from a letter of Aguinaldo, on the 2d of August, 1900, to Isidoro Torres, an insurgent general:

> Can you perchance tolerate the sale of our liberty and independence for thirty cheap pieces of silver, which is what is offered by the famous and deceitful amnesty of General MacArthur. [Note.—This undoubtedly relates to the money paid for arms, paid and turned over by the insurgents.] And do you know, perchance, what is the true motive of that publication, when it is nothing but the desire of McKinley's Government to stop this war until October next and to be able to show to the whole world, especially to the honorable people of the United States, that we are already pacified or subjugated, and thus to insure the reelection of President McKinley? Understand it well that the end of October is the time allowed the present government by those honorable people of North America to finish this war, and if it does not accomplish it the said Government or imperialistic party will be defeated and then will come the recognition of our independence.

Here is a copy of a letter or order from Aguinaldo to Lieutenant-Colonel Bubb, June 27, 1900:

> Filippine republic—Filipino army—General campaign—No. 202.
>
> As I have in previous letters directed that all commanders of guerrillas are free to attack any detachment or post of the enemy and continually molest the same, I reiterate the order the more strongly because its fulfillment just now is very necessary—

Just now—

> *for the advantage of the cause of independence of the Philippines in the approaching Presidential election in the United States of America, which takes place in the early part of the coming month of September of the present year, on account of which it is imperative that before that day comes—that is to say, during the months of June, July, and August—we give such hard knocks to the Americans that they will resound in our favor in all parts and set in motion the fall of the imperialist party, which is trying to enslave us.*

General Mascardo issued a proclamation to his comrades in arms and fellow-patriots, in which, after referring to the war in China, and to the refusal of Congress to appropriate money needed to continue the war in the Philippines, and of the people to give new volunteers, he said:

> McKinley falls by the wayside. The people abandon him and incline to the political party of Mr. Bryan, whose fundamental teachings is the recognition of our independence. In view of this critical situation of McKinley, he has sent here a Commission with the infamous purpose of deceiving us with false offerings, solely to get out of us the greatest possible advantages, as a trader does to obtain the greatest returns. If we accept these offerings and peace is declared in the archipelago, McKinley will triumph—will be reelected—and his reelection will be the hour of our undoing and terrible misfortune. If, then, we desire our independence, let us for a *little while longer put forth heroic deeds of arms*, etc.

They had been told from so many rostrums that we were trying to enslave them, to syndicate their islands, and to perpetrate every conceivable outrage upon them that they were ready perhaps to believe it. At any rate, they were led to believe that if they would only hold out until October Mr. Bryan could be elected and they would receive their independence—the strongest possible motive to induce them to continue. It is no wonder that Aguinaldo told his men to redouble their hostilities, to shoot down more American soldiers, to ambush more of our boys over there.

That was not intended, of course, and I have never charged that upon any of our friends here at home, although there were men here who sent letters over there encouraging the Filipinos and denouncing our attempt to bring about peace as piracy; but it was the blind greed for political power which made good men forget for the nonce the safety of the Army and the interest of the people; for, Mr. President, this thing is true: That when our soldiers are at the front facing a foe, no matter where or who, they are there not because they choose, but they are there under orders, and every patriotic impulse of good citizenship demands, I think that people and parties shall withhold a course of action which subjects them to added danger, and which brings distress to them in proportion as it gives encouragement to the enemy. This question of imperialism was not here then; it is not here now, and it is not to be here, Mr. President, I think.

It has been said by the Senator from Colorado that 95 per cent of the Filipinos are hostile to the United States.

Mr. TELLER. And I am afraid that is true.

Mr. SPOONER. I know the Senator was sincere in what he said, but I am not afraid it is true, I do not believe it is true. I know this to be a fact from the records which I have here: That in the beginning there was a large element among the Tagalos in favor of accepting the sovereignty of the United States, and the congress of the first government of Aguinaldo—such as it was, although they were appointed by him and not chosen by the people whom they claimed to represent—declared in favor of accepting the autonomy offered by the Schurman Commission. They were overruled by what was called the war party; but I find—and there is overwhelming evidence of it—that, as military operations proceeded there were in different parts of the islands strong declarations in favor of accepting American sovereignty. Aguinaldo, when the Taft Commission went there, sent by the President, felt obliged to issue an appeal urging the people of the archipelago not to accept the proffers of self-government made by the Taft Commission, and that alone was not adequate to hold his forces together. Other officials did the same. Why these appeals if there was no sentiment for peace and American sovereignty? *Appeals* were not sufficient, and then came *orders* of the harshest kind, involving deeds of cruelty and a system of terrorism.

Mr. CARMACK. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Tennessee?

Mr. SPOONER. Yes, sir.

Mr. CARMACK. I should like to ask the Senator from Wisconsin what he says to the statement of General MacArthur that the opposition of the people of the Philippine Islands to the United States was practically unanimous, and could not be accounted for on the ground of terrorism; and what does the Senator further say in reply to the statement of the three native members of the Philippine Commission, that the whole people were practically unanimous in their hostility to the American Government, and that they continued to be so after their armies were dispersed and when all hope of success in battle had been abandoned?

Mr. SPOONER. Well, Mr. President, I find among my papers a letter from Teodoro Sandico, saying that it was impossible for him to hold certain military organizations together and to prevent them from accepting the sovereignty of the United States. I have here some papers from which I will read this order, which was issued in September, 1900:

> [Center of central Luzon, general order of September, 1900.]
>
> In conformity with my general order of last July, in which all were declared to be *traitors* who should favor or accept positions from the pretended American civil government, and taking into account the fact that to be a voter or to be elected it is required that the oath of allegiance to the United States be taken, by doing which everyone makes himself an American subject de facto; and considering that the laws of war allow the confiscation of the property of traitors and that the precedent has been established by the army of occupation to confiscate for its own use the goods of some Filipino subjects, even though they may not have taken up arms against them,
>
> Using the powers conferred upon me, I order and command:
>
> First. Whosoever holding an official position or may have contributed materially to the establishment of the pretended American civil government in the territory of my command upon being caught shall be punished either by a fine of not less than $100 or by *death*, according to circumstances, after summary trial, such crime being the more aggravated when committed by the intelligent. * * *

Why was that order issued if there was not a sentiment there among the people in favor of accepting the sovereignty and the government proffered by the Taft Commission?

Mr. CARMACK. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Tennessee?

Mr. SPOONER. Yes.

Mr. CARMACK. General MacArthur in his report says that, to some extent, that sentiment might be accounted for by terrorism, but that it was perfectly evident—I give the substance of the

statement only—it was perfectly evident that the whole people, or a large majority of them, were in sympathy with the insurrection.

He said, furthermore, that in towns which were absolutely in possession of the American forces, absolutely controlled by the American troops, towns which had been under the control of the American authorities, the people continued to give aid to the insurrection just as much as they did in other towns that were not in possession of the American forces.

Mr. SPOONER. When was that statement made?

Mr. CARMACK. It was made in General MacArthur's report.

Mr. TILLMAN. On the 4th of July last.

Mr. SPOONER. General MacArthur made that statement, but that is not all the statement that General MacArthur made. There is part of General MacArthur's statement which indicates a different opinion. The Senator calls attention to what he quoted from the statement of the native commissioners. The Senator read this:

In view of the greatly disturbed condition of the country after the 4th day of February, 1899, it was not easy to foresee when a political party could be formed, and it appeared impossible to arrange a peace proposition which would induce the Filipinos to acknowledge American sovereignty. A policy of government based principally upon the most absurd intolerance which had obtained in the Philippines for more than three centuries, until the arrival of the Americans, has established in the minds of the Filipinos the deep-rooted conviction that an alien sovereignty could come with no other object in view than an iniquitous exploitation and that it could be maintained by no other means than a selfish and absorbing government founded upon civil intolerance, religious mediævalism, and inexorable military power—the triple alliance which the previous government relied on.

The successes of the Union Army in the war convinced the Filipinos that there was a superior force which would annihilate them; but these successes could not prevent the people—bleeding and without strength—from tenaciously continuing a suicidal struggle to escape the new slavery which they so greatly feared, even though it were at the cost of death.

That is what the Senator from Tennessee read from this Appendix A. That was a clear case, I think, with due deference to the Senator, of the suppressio veri. It is a fair illustration, if it goes out by itself, of the old adage that there is no falsehood so dangerous as a truth half told. Here is what they say:

It was necessary, in order to secure peace, to patiently and confidently await the time when facts would prove to the Filipinos the error of their judgment. The lesson taught by experience was long and, unfortunately, at the cost of the ruin of the country and the loss of a large number of human lives.

Certain abuses committed by men representing authority among the Filipinos and the unsettled conditions and injustice that prevailed in their territory showed the impossibility of the organization of an independent government. The triumph of the American arms made them realize that the accusation of cowardice brought against the Americans and generally disseminated throughout the country during Spanish rule was an absurd slander, and, finally, the conduct of the Americans after their victories showed them that their acts did not reveal cruel and wicked men, as had been affirmed by the Spanish military, civil, and ecclesiastical authorities in official documents.

Of the principal civil chieftains of the insurrection some voluntarily surrendered—

The Senator did not read that—

while others were captured by the forces of the Union. Some of the generals were already in Manila and had acknowledged the sovereignty of the United States. This circumstance favored the work done with the purpose of convincing the people that peace was an absolute necessity and that it would be the origin and beginning of a period of justice during which the cause of liberty would attain those rights which it would be impossible ever to acquire by the force of arms.

That is from the same document, but the Senator did not read that.

The people in arms received the advice which was sent them by their friends in the city with the most profound contempt, supposing it to have been dictated and inspired by fear, under the threats of the authorities. The civil and military commanders who surrendered or sought the protection of American sovereignty had, upon their arrival in Manila, an opportunity of communicating directly with the members of the Commission and of observing in person that the state of affairs was actually far different from what they had supposed when in the field. They themselves wrote to those who persisted in their hostile attitude, informing them of the true situation. Little by little they so convinced their friends and comrades that they, too, began to return to the towns, and there was spread throughout the country, if not an absolute confidence in, at least a more favorable idea of, the Americans and less mistrust of their policy.

* * * * * * *

The first demonstration of material importance made by the party was held when the Civil Commission made a trip through the provinces of Pampanga, Tarlac, and Pangasinan, where, due to the unity of purpose of the party, a large group of persons, representing the most distinguished elements of those provinces, for the first time made a public expression of their sympathy, confidence, and adherence to the sovereignty of the United States. Such demonstrations were of great value, for, besides revealing in the Philippines a new sentiment, they served to convince the rest of the Filipinos that it was already possible, without endangering life, to express allegiance to the new sovereignty. Terror had reigned in those very provinces until a short time prior hereto, because natives who had shown they were partisans of the Americans and who expressed their ideas in public were cruelly assassinated in their own homes or kidnapped with their families, to be sacrificed in a manner as cruel as it was barbarous.

Mr. CARMACK. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Tennessee?

Mr. SPOONER. For a moment only.

Mr. CARMACK. Well, Mr. President, if I can not have time enough to defend myself from the attack which the Senator has made, I prefer not to interrupt him at all.

Mr. SPOONER. If the Senator thinks that I made an attack, he can take the time.

Mr. CARMACK. Mr. President, the Senator charged that I made a very partial and incomplete statement, and coupled that with the assertion that no falsehood was so dangerous——

Mr. SPOONER. I did not impute falsehood to the Senator from Tennessee.

Mr. CARMACK. I do not understand what the Senator could have meant, unless he did mean that.

Mr. SPOONER. What I meant was that reading a part of a report and not the rest of it did not convey the truth to the people. I did not charge the Senator with falsehood, and could not do so.

Mr. CARMACK. Very well; I accept the Senator's disclaimer. But what I want to say is that in my remarks, in which I quoted that particular point, I was first answering the argument which had been made that we were not attempting from the beginning to force upon the people of the Philippine Islands a government without their consent; and I quoted that from the report of the Philippine Commission as showing, from their own evidence, that the whole people of the Philippine Islands were against the establishment of American rule at the time we began to force our Government upon them. I did not allude in my remarks to what the Senator has subsequently read, but I alluded to something which he did not read, and that was as to the manner and the method by which the people of the Philippine Islands, or a certain portion of them, had been induced to accept American rule; that was by holding out to them through the Federal party, organized by three members of the Philippine Commission, with the sanction and consent of the whole Commission, the hope of admission to statehood in the American Union.

Mr. SPOONER. Mr. President, I will comment on that in a few moments. I find before me the paper to which I referred a little while ago, tending to show that in 1900 there were towns there which Aguinaldo could not control. Here is that paper:

MY RESPECTED CHIEF AND DEAR BROTHER: I have received your respected order regarding the organization of the "comite"—

That means committee—

in the towns of Zaragosa, Aliaga, and Licab. From the movements and actions of these towns I don't believe it possible to organize immediately. Before we can *it will be necessary that four or five lives be taken in each town.* I believe that what ought to be done to those towns is to make a *new conquest* of them, especially the town of San Juan de Guimba. It is difficult there to set straight the Tagalos and Ilocanos of importance, as they are badly inclined and they care to do nothing but pervert our soldiers.

This is what I am able to inform you in fulfillment of the respected order of the chief.

God guard you many years.

San Cristobal, August 3, 1900.

C. GONZALES.

Oh, Mr. President, it is a long story. There is no question at all about the effect of the attitude of the Democracy in this country upon this subject in the past and now in obstructing the United States in the pacification of those islands and in bringing to that people the benefits and blessings which you and we most earnestly pray they shall be permitted to receive. I read here an extract, sir, a year ago, of a letter from General Lawton, which was challenged; the authenticity of it was denied. I had no power then to establish its authenticity, but I have the original letter now, Mr. President, in my hand. He sleeps over in Arlington. Dead, he yet speaks to us in a solemn way this day:

[Personal.]

HEADQUARTERS FIRST DIVISION, EIGHTH ARMY CORPS,
Manila, P. I., October 6, 1899.

Hon. JOHN BARRETT,
Ex-Minister to Siam, Review of Reviews, New York City.

MY DEAR SIR: Your letter, with proofs of your able article for the Review of Reviews, duly reached me. I thank you for them. I handed them to some of the officers to read, and they have not yet returned them, or I have mislaid them, so that I am not quite sure of your address. Think your letter was headed "The Waldorf," but will send this care of the Review of Reviews. As I may be leaving Manila any day and am very busy, will answer without further delay. I appreciate the importance of your suggestions and questions and regret I have not time to discuss them more fully.

This article is like your others—the best matter that is being published in America on the Philippines and Asia. Your errors were a few minor ones of dates, names, and places. Things were a little slow at first, but words were put into my mouth which I never said. I agree with you that mistakes have been made here—

That is undoubtedly true. That is incidental to all military operations on a large scale—

but I would to God that the whole truth of this whole Philippine situation could be known by everyone in America. I wish our people could know it as I know it and as you know it, for I regard you as the best informed and most impartial authority on all these Asiatic questions, and I think the President made a mistake in not naming you a member of the Philippine Commission.

I agree that if the real facts in connection with the history, inspiration, and conditions of this insurrection, and the hostile influences, local and external, such as the Catipunan and juntas, that now encourage the enemy, as well as the actual possibilities of these Philippine Islands and peoples and their relations to this great East—which you have set forth so ably—could be

understood at home in America, we would hear no more political talk of unjust "shooting of government" into the Filipinos or unwise threats of hauling down our flag in the Philippines.

You are right. Some of us have modified our views since we first came; and if these so-called antiimperialists of Boston would honestly ascertain the truth on the ground here and not in distant America, they, whom I dislike to believe to be other than honest men misinformed, would be convinced of the error of their exaggerated statements and conclusions and of the cruel and unfortunate effect of their publications here.

It is kind of you to caution me about exposure under fire, but if I am shot by a Filipino bullet it might as well come from one of my own men. These are strong words; and yet I say them because I know from my own observations, confirmed by stories of captured Filipino prisoners, that the continuance of fighting is chiefly due to reports that are sent out from America and circulated among these ignorant natives by the leaders, who know better.

This letter, which, of course, is strictly personal, does not answer all your questions, but it is a long one for me, as I want to encourage you in your labors to make the truth known. Hope I shall see you out here soon in some high civil position. We soldiers need practical men like you to help us. Thanking you again for your kind words in praise of my humble efforts, I am,

Yours, very truly, H. W. LAWTON.

The complimentary words to Mr. Barrett contained in this letter made him very reluctant to publish the whole letter, so he used the extract which contains the expression of General Lawton upon the particular subject at a New England banquet, but it has been challenged, and I want to set at rest the authenticity of this letter, and therefore I produce it.

Mr. TILLMAN. Is that the original?

Mr. SPOONER. Yes, sir. With it is this postscript:

P. S.—Will try to find and inclose copies of the orders and list you spoke of.
H. W. L.

Appended to it, Mr. President, is this indorsement:

LOUISVILLE, KY., *February 17, 1902.*

Having carefully read and examined the foregoing letter (comprising its three original typewritten pages), signed and addressed by my husband, Gen. H. W. Lawton, United States Army, at Manila, P. I., October 6, 1899, to Hon. John Barrett, New York City, I unhesitatingly pronounce the sentiments and signature thereof absolutely genuine and authentic in every respect.
MARY C. LAWTON.

Witness:
THEODORE Z. HARDEE.

It was acknowledged before a notary public.

General Lawton knew of what he wrote. He was at the front, as he was always at the front when duty called. There never was a finer leader of men than Henry W. Lawton.

I want it remembered that neither this bill, if passed, nor any bill that has been proposed hitherto by the majority, if passed, would tie the hands of the American people, morally or otherwise, at all as to the policy ultimately to be pursued, in accordance with their will, upon the subjects of the Philippines. In the years to come the path is open. No retreat has been cut off by legislation. None is proposed. And that intensified to my mind the cruelty that for political purposes, while the soldiers were fighting under the flag, under the orders of their officers, this issue, or alleged issue, should be made and debated for party purposes, as it was before the American people. Lawton knew whereof he spoke. I will show before I finish—and I ought to be through—that the proposition of the minority is a continuation, in practical effect, of the obstruction which has wrought so much harm and done absolutely no good hitherto.

I was speaking of the influences which have rendered it difficult for the Taft Commission and the army of occupation to bring about pacification and acceptance of American sovereignty, in addition to the prolongation of the insurrection, by attitudes to which I have referred. Here is an order issued by Tinio, March 26, 1900.

ORDERS FORBIDDING FILIPINOS TO SERVE UNDER UNITED STATES GOVERNMENT.

In accordance with the circular of the general commanding the center of Luzon, which was referred to me by the colonel in charge of the civil government of this province, I utterly prohibit any Filipinos from *receiving employment or filling any offices in the town governments for the Americans, because he who accepts such voluntarily recognizes the sovereignty of the enemy, since he who fills such offices will be used as an example and others will use him as an excuse for accepting them.*

I inform you of this so that you can communicate it to your subordinates, especially to your local presidents and principales (heads of barrios), for their information.

God keep you many years.

Headquarters of the Second Zone, *March 26, 1900.* The lieutenant-colonel.
CASIMIRO TINIO.

Here is a general order of the provisional government of the Philippines.

Mr. TILLMAN. What is the date?

Mr. SPOONER. It is without date.

GENERAL ORDER OF THE PROVISIONAL GOVERNMENT OF THE PHILIPPINES.

Order the municipal captains in every town to move out and capture the detachments of the enemy, each man as he thinks best.

Capture all the friars and Spaniards and their goods and property; see that they do not escape me. The Filipinos who take the side of the enemy and who do not aid us to defend the cause of the people, seize them and their goods.

* * * * * * *

They will preserve carefully, as agent, all orders and documents of the towns.

If there is a town which does not comply with these orders, the others which have complied with them must regard them as enemies, using all means to capture such enemies and hold them prisoners. Capture the municipal captain, and if he resists shoot him.

Whoever struggles and works for the independence of the country will be authorized to shoot whoever resists or refuses to recognize the holy cause or who favors the enemy.

If the enemy attack a town, all others must aid it without fear. If a town does not aid another attacked by the enemy, the chiefs of such town will be immediately deprived of their offices, and the laws of this government for such a case will be immediately applied to them.

* * * * * * *

Here is one of August 1, 1900:

[Translation from letter found when General Cailles's headquarters were destroyed by Colonel Cheatham, August 1, 1900.]

As soon as you receive this communication you will inform all people of your district that, by order of the commanding general of this province (General Cailles), there will be captured and shot those regular soldiers, policemen, and volunteers, *or other citizens* who present themselves to the Americans and who surrender their rifles for money.

All the military chiefs and presidentes locales will be held responsible if *anyone of their jurisdiction present themselves to the Americans*, and therefore it is ordered that if anyone has the intention of presenting himself to the Americans, *he will be captured immediately and sent to the headquarters* in accordance with the orders of our general.

Central camp, Lumban, July 15, 1900.

PEDRO CABALLES, *Major.*

I read from letter-sent book, secretary of war, No. 147, June 2, 1899, showing the fear of acceptance of full autonomy even:

Letter from office of the secretary of war to Arcadio Magsilong, military commander of Cebu, this date, directing him to oppose to his utmost the full autonomy offered by the Americans to that island, and in order to do so he must impose severe punishments upon such persons as proclaim the advantages offered by those people, and this without any consideration for the office occupied by such persons, civil or ecclesiastical, if they are of autonomist tendency, and if the president and his council incline toward the Americans, yielding to their desires, arrange at once and in proper fashion for hostilities to break out with the enemy, because we can not permit any flag except the Filipino one on that island.

Here is one dated March 4, 1899:

[Circular from Polo, March 4, 1899—9.31 a. m.]

Antonio Luna, general commanding military operations against Manila, to military chiefs, officials of the provinces and towns:

In order to prevent any act opposed to the military plans of these headquarters and consequently to the ideals of the Filipino Republic, I order and command (only one article): From this day any person or individual whatever who either *directly or indirectly refuses to give aid to these* headquarters in the prosecution of any military plan, or who in any manner whatever interferes with the execution of orders dictated for that purpose by the general in chief commanding operations upon Manila, *will be immediately shot without trial.* Communicate and *publish* this order.

Then they had over there the Katipunan. Here is their oath. There are two different oaths:

OATHS AND FORM OF INITIATION OF THE SOCIETY CALLED "KATIPUNAN" OR "K. K. K."

Who is this who has never been initiated who wants to take part in the works of the temple?

One who wants light and who wants to be a son of the people. Profane man, think well whether you are able to fulfill all of these obligations.

If at this very hour the society demands your life and your body, are you able to give them?

The sound of bells which you have just heard, what does it mean?

It means that you are quitting your former life as the man in the last agony is quitting his, and your anguish is the sign of your separation from your past life; at the same time it is the sign of your entrance into the society where you will see the true light.

Upon your entrance into this society it is necessary that a mark be placed upon your body to prove that you are a true brother; at the proper time you will be marked with red hot iron; can you stand it?

Consider well! Do you not wish to draw back?

Remember, my dear brother, that from this hour not you, but the society, is master of your body; it is the sole master of your life and powers.

Now that you have received all the signs of this society which is called "Katipunan" or complete union, you must place yourself upon your knees before the crucifix to swear to obey absolutely its commands, and to say nothing of them to anyone, neither to your mother, nor to your father, nor your friends, for if you do it will take vengeance upon you by your death *and that of your family.*

Do you know, my brother, what these arms mean? They are the arms with which the society will punish your brothers who become traitors and he who speaks of the secrets of the society.

Now receive our embrace as a mark of our eternal brotherhood.

OATH.

In the name of the one true God and on my honor I swear to be faithful to the society called Katipunan or Complete Union, to defend it to the last drop of my blood, to implicitly obey its orders, and to keep its secrets from any and all persons not members of the society. And if I fail in its orders to execute its justice may God punish my soul, and may my brothers trample upon my body. In testimony of which I sign with my own blood.

I certify that I believe this translation to be correct.
CAPTAIN, FOURTEENTH INFANTRY,
In Charge of Insurgent Records.

MANILA, P. I., *July 7, 1900.*

Here is another. An order was issued putting all Filipinos into the Katipunan and holding them bound by the oath and subject to the penalty.

[Translation of document captured by Lieut. J. R. Thomas, Seventeenth Infantry, near Pita de Infanta, Zambales Province, August, 1900. Forwarded through headquarters third district, department of Northern Luzon. Received October 24, 1900.]

INSTRUCTIONS.

First. From to-day you will be a brother of the Katipunan. You will understand your obligation to regard with esteem the true brother of the Katipunan, because we were born in one and the same country, of one and the same people, and descendants of one and the same blood and color—that is to say, sons of one common mother.

He who desires to become a brother will be asked the following questions:

First. Do you swear before our Lord Jesus that you will never do injury to the Filipinos?

Second. Do you swear before our Lord Jesus that you will help the Filipino people in their aspirations?

Third. Do you swear before our Lord Jesus that you will always esteem our brothers of the Katipunan?

Fourth. Do you swear before our Lord Jesus that you will be able to assassinate your parents, brothers, wife, sons, relatives, friends, fellow-townsmen, or Katipunan brothers should they forsake or betray our cause?

Fifth. Do you swear before our Lord Jesus that you will shed your last drop of blood in defense of our mother country?

Sixth. Do you swear before our Lord Jesus that you will sacrifice your life and goods when there is the slightest possibility of our brothers being in need of help?

For all of this that we, your brothers in the Katipunan, may have evidence of all you have sworn you will allow us to extract a drop of your blood with which to write your name, so that we, your brothers of the Katipunan, may know that you will never betray our cause.

This being done and the blood being drawn, his name will be written in his own blood, which although but a little drop, he will never, up to the last hour of his life, cease to remember to be upon his guard as a true brother, for it is blood drawn from his own body.

March 4, 1900.

MOISES ABUEG.

They attempted to bind men to this, enlarged and extended its scope by order, because it was apparent that the people had tired of being harried, tired of tyranny, tired of exactions, tired of assassination, bloodshed, and devastation, and welcomed peace and American sovereignty. It is an odd thing that the cabalistic symbol of this oath-bound association in the interests of human liberty is "K K K" (ku-klux-klan?). Which was the mother of the other I can not say, but their purposes for liberty are very much the same.

I hold in my hand a list, which I can not take the time to read, signed by American officers, in answer to an inquiry dated December 3, 1900, which shows 314 natives assassinated, 419 natives assaulted, 73 municipal officers assassinated, and 44 municipal officers assaulted, simply for sympathy with the Americans and an acceptance of local office under the Taft Commission. The findings of the military commissions show a vast number, many having been buried alive. It is perfectly apparent that extreme measures were resorted to, in a systematic way, to prevent the acceptance of American sovereignty. If there could be a stronger recognition of the desire for it among the people, and the fear of it by the Tagalog chieftains, I can not imagine what it would be.

The reports show that in order to terrorize the people—and I can not take the time to present them to the Senate—assassination was the order of the day; that men and children were stoned to death, and that every conceivable act of violence which could strike terror to the human heart was resorted to and systematically employed in order to prevent the acceptance of American sovereignty within those islands.

How could this have occurred if Senators are right in their assumption that all but 5 per cent of the people were heart and soul supporters of Philippine independence as administered by the Tagalogs and opposed to American sovereignty?

What has the army done over there? It has pacified those provinces. At this time all of the provinces are pacified, I think, and Governor Taft thinks and General MacArthur thinks, except three.

Mr. PLATT of Connecticut. The Federal party say two.

Mr. SPOONER. The Federal party say two. At one time there were 71,000 men there. In March, 1900, there were 293 stations of troops in the Philippine Islands, which was increased up to December 1, 1901, to 472. Since December 1, 1901, 134 stations have been abandoned and 39 established, making a decrease since December 1, 1901, of 95, leaving a total at this date of 377, and 200 of those are simply there for the purpose of affording shelter and covering for the troops, and if there were a fort with adequate barracks they would be withdrawn.

I have here a letter from Secretary Root, which I will put in the RECORD:

WAR DEPARTMENT,
Washington, February 13, 1902.

MY DEAR SENATOR: I inclose herewith a memorandum showing the number of United States troops in the Philippines and the progressive reduction of that force since the 1st of January, 1901.

Very truly, yours,

ELIHU ROOT.

Hon. JOHN C. SPOONER,
United States Senate.

WAR DEPARTMENT, *Washington*, ——— ——.

January 1, 1901, there were in the Philippines, according to the corrected field returns received by mail for December 31, 65,758 enlisted men and 2,662 officers, making an aggregate of 69,420 American troops. The reduction of the American force has proceeded continuously since that time.

The time required for communication between headquarters at Manila and the outlying posts in the distant islands, and between Manila and the War Department, is so great that only approximate figures can ever be given showing the present numbers of the organizations. The last full return, which reached the War Department on the 12th of February, 1902, was the return showing conditions on the 31st of August, 1901. There were then included in the organizations stationed in the island 1,469 officers and 45,715 enlisted men, making an aggregate of 47,184 (present and absent).

The last informal return by letter from headquarters at Manila, received at the War Department from the Philippines February 3, 1902, gives the numbers for November 30, 1901, as 1,417 officers and 44,432 enlisted men, making an aggregate of 45,849 (present and absent).

The present estimated strength of the organizations in the Philippines, based on telegraphic reports of the movements of troops, is 40,870.

When the movement of troops now under specific orders for stations in the United States has been accomplished, the numbers in the Philippines will be reduced to 1,360 officers and 33,522 enlisted men.

When the general directions already given for the return of troops whose stations in the United States have not yet been designated have been carried out, the number of troops in the Philippines will be reduced to 1,125 officers and 23,234 enlisted men.

None of the foregoing figures include Philippine scouts, who on the 1st of January, 1901, numbered between two and three thousand, and now number about 5,000.

That speaks a volume, and the other day General Chaffee cabled the War Department that he did not need a battalion of the Tenth Infantry which he had been advised had been ordered to report to him in the Philippine Archipelago. Is there no pacification in the opinion of the military officers in the Philippines? Have they accomplished nothing there by arms and with the aid of the Taft Commission, when they can reduce the army in spite of obstruction from 71,000 men to 26,000 men? The army has done a great work over there. It has not been waging a war of conquest; it has been obeying the orders of the Commander in Chief, to enforce the authority and sovereignty of the United States in the Philippine Archipelago. Of course there has been bloodshed; of course there has been cruelty. All war is cruel. It is savage. General Sherman defined it well when he remarked, "War is hell." But there never has been an army—and I think the records will show it—which has fought with greater bravery, which has endured hardships of a novel kind with greater patience, or which has treated an enemy with so much forbearance. Prisoners up to a comparatively short time ago were discharged.

Of course there have been cases of individual cruelty. Sometimes a soldier, walking along the pathway, has found lying dead, stabbed in the back, his bunk mate, horribly mutilated. More than once it happened. Knit together by those strong ties which bind men who face danger and endure hardships side by side, the next Filipino he met with a knife or a gun he killed. I am sorry, but that is the human nature of it, and in the last analysis it is the anger which comes from outraged love and comradeship.

Mr. President, even in this country of civilization, war was horrible. Who ever will forget the horrible memories of Libby prison, Andersonville, and Salisbury and Belle Isle? We never charged that on the Southern people. Those are incidents of war, and you will find them everywhere.

I have here charges that have been placed in the RECORD against our army in the Philippines by the Senator from Colorado [Mr. TELLER], who disclaimed a purpose to make an attack upon the army, but filled the RECORD with letters, some of them, as I remember, unsigned. I will not stop to read this letter, but I want to read a part of General Funston's letter, in which he replies to a charge incorporated in the RECORD by the Senator from Colorado.

Mr. TELLER. Will the Senator from Wisconsin allow me to correct him? I have seen General Funston's denial. What I read was an extract from a newspaper.

Mr. SPOONER. I know. I did not say the Senator from Colorado made the charge. On the other hand, the Senator did not understand me, but I did state that the Senator from Colorado at the time he inserted these letters in the RECORD disclaimed himself making any attack upon the Army.

Mr. TELLER. I did not insert anything that had not been in the public press.

Mr. SPOONER. I understand that. This is an answer to what was in the public press.

Mr. TELLER. I have read the answer and was very glad to see it.

Mr. SPOONER. This is an answer to what was in the public press and is now in the RECORD. I want the country to get it. Under date of February 2, 1902, General Funston says:

In this extract it is alleged that a soldier who claims to have been with me in the Philippines made the statement that he had helped to administer the "water cure" to 160 natives, all but 26 of whom died. This statement I wish to brand as an atrocious lie, without the slightest foundation in fact. During my service of three years in the Philippines I never had personal knowledge of the so-called "water cure" being administered to a native or any other form of torture being used to extract information from them.

Statements of this kind made by returned soldiers are simply braggadocio and a desire to attract attention to themselves. It is my belief that the "water cure" was very rarely, if ever, administered by American soldiers. It was a matter of common knowledge that occasionally the Macabebe Scouts, when not under the direct control of some officer, would resort to this means of obtaining information as to the whereabouts of concealed arms and ammunition.

Some soldiers have resorted to the "water cure," and some have been tried for it and convicted.

Mr. TELLER. May I say one word?

Mr. SPOONER. Certainly.

Mr. TELLER. At the time I presented these allegations I

stated that the people ought to know the charges and the Government ought to take steps to prove their untruth, if they were untrue. I was not aware that they had taken any steps, and this report has come in since.

Mr. SPOONER. Every charge, and the letter of the Secretary of War shows it, which has been made in the newspapers of outrages alleged to have been committed by our soldiers in the Philippines, or which has been brought to the attention of the Secretary of War by letter, has been promptly investigated or is in process of investigation.

Mr. TELLER. That was not known to the public, I think, when those allegations were presented.

Mr. SPOONER. That is true, so far as I know, but they were presented. They have gone to the country, and it is only fair that alongside in the RECORD should be put the statement of the Secretary of War. I did not believe these charges, because if true they would constitute a violation of the standing instructions adopted in 1861, now in force, to govern the conduct of soldiers and armies in the field; not only that, but a violation of general and special orders; and not only that, but are absolutely inconsistent with the nature of American soldiers, who are brave, but not cruel, and who are commanded by as gallant and chivalrous officers as ever wore a uniform. Here is a letter from Matthew A. Batson, who commands the Macabebe Scouts. I can not stop to read his letter, but in two sentences he says:

From time to time charges similar to that made by Mr. Kennan in the article referred to have been made against my scouts. These charges have invariably been thoroughly investigated, and have nearly always been found to be without foundation.

And so on; a statement which I think will satisfy Senators either that these charges have been investigated and exploded or are being investigated. I print the communication of the Secretary of War and the letters of General Funston and Captain Batson in the appendix.

Mr. TELLER. Will the Senator allow me to read a brief extract from the proceedings of the committee of which he is a member, and with which he is no doubt familiar?

Mr. SPOONER. What committee?

Mr. TELLER. The Committee on the Philippines.

Mr. SPOONER. I am not a member of the committee.

Mr. TELLER. I beg pardon; I thought the Senator was a member of it.

Senator PATTERSON. I do not think the charge of inflicting the water cure has been made against American soldiers as much as against the native troops who have been enlisted in the American Army, or as an appurtenance to the American Army. For instance, the Macabebes. Many letters have been published making statements of this kind—that Macabebes would be sent out for the purpose of securing the surrender of guns, and the persons would deny that they had any guns. Then the Macabebes would throw them upon the ground, one soldier on one hand and another on the other, secure their feet, pry open their mouths with a stick, and then pour buckets of water down their throats till they swelled up to an abnormal size, and then jump upon their stomachs. It has been stated that invariably under that treatment guns were produced where there were no guns before; this with the knowledge of American officers, the Army getting the advantage of it in securing arms from natives, which they were seeking, without any serious reproof.

This is what Governor Taft says——

Mr. SPOONER. Mr. President——

Mr. TELLER. I want to read the Governor's answer. I could not read one without the other, because otherwise the answer would not be intelligent. Governor Taft says:

I have no doubt there were such instances—of course a great many more than there ought to have been—but, if the Senator will excuse me, dependence upon private letters from private individuals as to what occurred is dependence on a very broken reed.

Then the governor goes on to say that he did not realize that himself until this investigation was made.

Mr. SPOONER. That does not conflict at all with General Funston's statement. He says there have been cases——

Mr. TELLER. That is what I understand.

Mr. SPOONER. And there undoubtedly would be. It would be impossible that the Army could go among that people——

Mr. TELLER. I stated a year ago, and I stated when I made my speech the other day, that that was undoubtedly the work mainly of the Macabebes.

Mr. SPOONER. Now, Mr. President, one thing can not fail to attract the notice of the public. We have done a great deal in the Philippines. The Army has done a great deal, not only in the way of putting forth successfully military power, but it has done a great deal in the way of amelioration. It did a great deal in the way of forming civil governments, which it is true did not prove to be successful because of the means employed by the insurrectionists to defeat them; but, after all, the Army did a great deal in the interest of education, in the interest of peace, and in the interest of promoting good feeling among that people toward us.

In the one hand they carried the musket and in the other the schoolbook. I do not know in all history a parallel, taken all in all, to the operations which have been conducted in the Philippines in this respect; and I believe it to be true that if we could all have been united, if we could all have moved forward to the accomplishment of the great purpose of pacification—not subjugation, but pacification and upbuilding—vastly greater results would have been obtained.

There was nothing of tyranny in our attitude; there was no purpose of cruelty except as war is cruel. There could be none in the heart, as there had been none in the life, of the Commander in Chief. There was not an order issued by him that did not breathe the spirit not only of civilization, but of kindliness and concern for that people which had been brought by the fortunes of war and the actions of all of us under the sovereignty and into the responsibility of this people.

If he failed to do anything, Mr. President, which a liberty-loving man should have done, I do not know what it was. He has been, not now but once, sneered at because he thought Providence had some agency in all that has happened to us and because he now and then used the word "destiny." I indulge in no casuistry. Every man will think for himself on these abstruse things. But believing that there is a God, omnipotent, just, generous, all-wise and all-seeing, one can hardly escape the belief that He has some superintending care over men and over nations.

The Senator from Colorado, in the speech which I read from this morning, recognized that. The man who has this belief in his heart, Mr. President, whether it be well founded or ill founded, can not be a tyrant. He will not run from any duty which arises from any environment and which a manly and generous man ought to discharge.

I remember in the early days how, more than once, touched by an unfair fling and taunt, calm and patient as he was, I have seen the pale face of President McKinley contract with pain. I remember in the debate on Cuba, when many cruel things were said, I had occasion to remark that he might take comfort to himself in the remembrance that the same things were uttered of Abraham Lincoln; that the day would come when the world would wonder and we would wonder how anyone ever could have thought, much less uttered, such imputations.

Behind this Army was President McKinley. A tenderer heart, Mr. President, never throbbed in a human breast—never; a kindlier or more considerate man, in my judgment, never lived; a man who had a stronger, nobler love of country and of the flag, not as an emblem of power alone or chiefly, but as an emblem of liberty and justice and civilization, we have not known.

When the time came for him to die—aye, Mr. President, when, as he stood in the presence of the people and shrank back with the first shock of that dreadful assault upon him—the first word, almost, that leaped to his lips was a considerate word for the nameless stranger who, without personal malice, had shot him down. And from that hour until the last, in the presence of all the world, he bore himself with an intrepidity of soul, a thoughtfulness of others, a steadfastness of faith in the God whom he loved and worshiped, a Christian resignation and patience which lifted him to the highest possible standard of human conduct. And at the last, when the world was fading away from him, when he was bidding farewell to her who had been the chief object of his love and tender care for all the years, he said, "It is God's way. His will be done."

HE WAS BEHIND THE ARMY.

Is it not almost impossible to believe that that man ever could have been referred to as "McKinley the First?" Can anybody believe that administration in the Philippines in his hands was intended for enslavement? No; he wanted to go forward, as it was his duty to do, with firmness but with kindness, and he did.

There is no State paper written in any time finer or loftier than the instructions which he issued to the Taft Commission when it went to the Philippines, to cooperate with the Army on the civil side in building up government and ameliorating the harshness of war. And what has been done? They have established civil government in all the provinces, I believe, except two.

Mr. PATTERSON. Fourteen.

Mr. SPOONER. Fourteen? I thought in all except two. I remember; the Senator is right.

Mr. LODGE. War exists in four.

Mr. SPOONER. War, or what is called war, exists in only four, but the Senator from Colorado is right.

Mr. PATTERSON. That is Governor Taft's statement.

Mr. SPOONER. They have established civil governments in all provinces in the archipelago except fourteen. Now, nobody with open mind could fail to be gratified by Governor Taft's testimony as to their progress among the people and through the islands, the manner in which they were met, met by the more intelligent as well as the less intelligent; and there the intelligent have a great influence, greater perhaps than generally, over those who are less intelligent. It produced day after day, without the aid of the army, surrenders. Over 28,000 arms have been surrendered;

the army of insurrection there has disappeared; and to-day, if Governor Taft is correct, and if his associates are correct, in those provinces there is not only pacification, but there is an improved feeling and a genuine feeling rapidly extending toward American sovereignty and civil government under our auspices.

It is a plant of slow growth, I grant you. It is a difficult and delicate problem. It can be worked out, Governor Taft says. The Malay he finds like other men; he appreciates kindness and is grateful for it.

There has been no real progress in the Philippines, Senators say! "We have the testimony of the military and you have the testimony of the civil officers." Which knows the better? The last report of General Chaffee closes with this remark: "Nevertheless they exhibit evident signs of educational possibilities and gradually an attainment to the higher plane of our civilization may be hoped for." There was under the guerrilla system a period of elaborate treachery. It was a method of warfare. The report of General MacArthur is even very much stronger than that of General Chaffee. But who naturally should know better? The soldier who goes with his musket in his hand, who shoots on sight, is not apt to see the best or the kindly characteristics of an enemy. He is distrusted; he is feared. But when civil officers go there, and go there without military escort, take their wives with them, mingle with the people, consult their prejudices, invite their advice, I submit that they are more likely to be received with sincerity and would have a better view of the heart than the military officers.

Nearly all the civil governors, as shown by the Senator from Connecticut [Mr. PLATT], make glowing reports of the condition of the provinces. We may be deceived about it. There may be, and probably is, more or less insincerity; but after all that, thus far they have done great things there. And who on the other side of the Chamber, except the Senator from Colorado [Mr. TELLER], in all this debate has uttered one word of commendation of the army or found one praiseworthy or beneficent act upon the part of the United States in the Philippines? Not one. We have organized courts there. We have changed the code of procedure. We have done away with the Spanish mañana, mañana, mañana (to-morrow, to-morrow, to-morrow). Nothing is said about that. We have established the habeas corpus—not a writ of favor, but a writ of right. It was done in the first instance by the order of President McKinley. Now it is a part of the law there. Not a word has been said in commendation of that, although Governor Taft testified that it was in constant operation, and that an old man came to him whose son or a relative had been confined for months, was it, or years——

Mr. LODGE. Six years.

Mr. SPOONER. For six years in a prison in Manila, without knowing for what, and asked him to discharge him. Governor Taft himself wrote the petition for the writ of habeas corpus, and he was discharged, and there followed by the same writs the discharge of a large number of men who had been held there under the Spanish régime. Senators have found no commendation for that. The American authority over there in those islands abolished the infamous Spanish *incommunicado*, which was so horrible in Cuba, which immured a man and shut him off from the world before even arraignment, away from counsel and friends and hope. It is gone, and gone forever. There is not a word of commendation for that.

We have abolished the ecclesiastical courts which had jurisdiction of every offense committed by a friar. He was tried by his own associates of the church, and out of it came appalling injustice. That has been abolished, and every man over there now, of every tribe, of every religion, has an equal position before the law. Senators have failed to commend that.

They passed many great civil acts, the central-government act, the provincial-government act, the municipal code (local self-government act), the educational act, the act creating courts of justice, a code of civil procedure, the constabulary act, a civil-service act, the board of health act.

Let me refer for a moment to what has been done in the matter of education. Senators find nothing in that to commend; nothing except to criticise: Total number of pupils enrolled in the public day schools, 177,325; average daily attendance, 108,000; enrollment in night schools, 20,000; a grand total of 197,000; grand total average attendance of 114,000. Total expenditures for 1901, $800,000. Pay roll for December, $100,000.

The insular government pays the salaries of the American teachers and officers and provides school supplies and books free for all pupils. Senators in the opposition find nothing worthy of commendation in that.

The municipalities provide school buildings and furniture and pay the native teachers. There are 825 American teachers distributed over the archipelago—men and women.

Cruelty, tyranny! The Senator from Colorado [Mr. PATTERSON] yesterday afternoon condemned that.

Mr. PATTERSON. No.

Mr. SPOONER. Qualifiedly, as an evidence of tyranny, which sent our teachers over there to destroy the Philippine language.

Mr. PATTERSON. Mr. President——

Mr. SPOONER. Am I wrong?

Mr. PATTERSON. Yes.

Mr. SPOONER. In what respect?

Mr. PATTERSON. What I did condemn was laying claim to great merit for establishing a common-school system which the Filipinos were forced to pay for by the taxes taken from them, and they were not even consulted as to what should be taught. They are not even permitted under this system to be taught their own language. Instead, they must be taught a language totally foreign to them.

Mr. SPOONER. Mr. President——

Mr. PATTERSON. They have a language with a literature——

Mr. SPOONER. I do not yield for an argument.

Mr. PATTERSON. And a language of 4,000,000 people.

Mr. SPOONER. I do not yield for an argument.

Mr. PATTERSON. Well, you asked me.

Mr. SPOONER. I want to be just to the Senator.

Mr. PATTERSON. Oh, no; I am not finding fault with the Senator.

Mr. SPOONER. Mr. President, they have no common language. There is no Filipino language. There are 8,000,000 or 10,000,000 people. The Commission think there are about 8,000,000. There are a great many different tribes and a great many different dialects. The language of the law is Spanish. Comparatively few speak Spanish. What is the number—6 per cent?

Mr. LODGE. Between 5 and 10.

Mr. SPOONER. Between 5 and 10 per cent speak Spanish. We go over there with our government. We go over there with no purpose on earth except to subserve the interests of that people and to build them up and confer blessings upon them. We have left the Spanish language, the language of the courts. That was a necessity. The Filipinos of the various tribes do not have to be taught their own language.

Mr. PATTERSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Colorado?

Mr. SPOONER. Yes.

Mr. PATTERSON. I want to ask the Senator what he thinks of either the wisdom or humanity of granting a suffrage——

Mr. SPOONER. I am not discussing that.

Mr. PATTERSON. One moment; of granting a suffrage only to those people who write the Spanish language, comprising in the neighborhood of 5 per cent, with a few additions, and excluding from the suffrage, however intelligent the natives may be, those who speak and write their own language, the language of the nation?

Mr. SPOONER. Mr. President, there is no language of the nation except the Spanish language. That is the law language. It is the language of the courts. We want a language of the people, a language of the nation. They never will be a nation until they have a common language in one way or another, in one degree or another. In Aguinaldo's first draft of a constitution, made by Mabini, they provided that English should be the legal language of the country, and in his last one they did not settle it, but left it for the law to prescribe. However, for years to come they knew it would have to be the Spanish language. Would we go there, Mr. President, and open schools with American school-teachers to teach the Tagalos language, to teach the language of the Ilocano, the Igorrote, and Pangasinan, and all that——

Mr. PATTERSON. Let me ask the Senator a question.

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Colorado?

Mr. SPOONER. I prefer not.

Mr. PATTERSON. Just for a question.

The PRESIDENT pro tempore. The Senator declines to yield.

Mr. PATTERSON. Just for a question?

The PRESIDENT pro tempore. The Senator declines to yield.

Mr. SPOONER. I yield for a question.

Mr. PATTERSON. The question is whether or not those who are compelled to pay for teachers should not be consulted as to what will be taught.

Mr. SPOONER. Mr. President, if the Filipino fathers and mothers like to send their children to an American school to be taught the English language, to be taught to read it and to write it and to spell it, the Senator from Colorado ought to be content. [Laughter.]

Mr. PATTERSON. If the people of the Philippines are content I am content, but the people of the Philippines are given no choice. It is simply crammed upon them and forced upon them. It is all that they have.

Mr. SPOONER. Now, we have government without 'consent

and education without consent. [Laughter.] What next? Mr. President, the people there or anywhere else know what they want, but evidently they do not know what the Senator from Colorado wants them to want. [Laughter.] They send their children to school and they do it with the utmost avidity. The schools are crowded with intelligent children, children eager to learn, and a friend of mine told me that he attended one of the schools and the aisles were filled with mature people, anxious to learn to read and to understand the English language. The Senator, without any complaint from them, of his own motion, proceeds to point out to them what they evidently have not learned, and will not until they read his speech—and I hope it will not get there [laughter]—that they are being outraged and tyrannized over by being taught the English language.

There are 3,300 Filipino public school teachers, the majority of whom receive one hour's English instruction daily. Have they complained to the Senator? There is no compulsory education over there. Those come who want to come, and if there is anything in liberty, the child who wants to go to school and learn English ought to have a chance.

There are 200 American soldiers detailed to teach in sections where the army is operating.

What tyranny!

Free public schools are established in every island of the archipelago.

During the Spanish régime there was one teacher for every 3,500 of the civilized population.

This year there is one teacher for every 1,551 of the civilized population.

The natives generally welcome—they may not hereafter, but they do now—welcome the teachers and seem anxious to learn English.

The Normal School was opened September 1, in Manila. It has an enrollment of 250.

The Nautical School was established in Manila August 7, 1900.

The constabulary force at present numbers about 2,500 men. All of the enlisted men are natives. Twenty-five per cent of the inspectors are natives. The records show only two desertions prior to December 24, 1901. The cost of one constable is $250 per year, as against $1,000 per year in the United States—the cost of an American soldier. The constabulary supplies to its force through its supply store the necessaries of life which can not be bought in the provinces. The estimated appropriation for maintaining for one year a constabulary force of 183 chief officers, 543 petty officers, and 4,480 privates is $1,250,000 as against $5,000,000, the cost of maintaining a military force of equal size in the United States.

During the four months since the organization of the constabulary its forces have taken part in 230 expeditions, killed 20 outlaws, wounded 20, and captured 374; captured 114 rifles, 17 shotguns, 44 revolvers, 79 bolos, and 1 cannon; recovered 125 carabaos and 13 ponies; received the surrender of 57 rifles, 5 revolvers, 1,052 rounds of rifle ammunition; executed 79 warrants, made 179 arrests (exclusive of outlaws), furnished descriptive lists of 4,500 agitators and turbulent characters.

The chief of constabulary, Maj. Henry T. Allen, estimates that in one year from January 1, 1902, 15,000 American soldiers, with the aid of native troops and constabulary, will suffice to garrison and maintain order in the Philippine Islands.

Yes, in spite of appeals and terrorism and obstructions, we have made great progress in the Philippines.

Now, what is proposed here, Mr. President? What is the substitute presented by the minority?

That, subject to the provisions hereinafter set forth, the United States of America hereby relinquish all claim of sovereignty over and title to the archipelago known as the Philippine Islands.

If this is passed, that is the end of it—no protectorate, no reserve power over foreign relations, no power reserved at all that would be in the slightest degree efficient.

That from and after the passage of this act said archipelago shall be foreign territory, and all goods entering the United States therefrom shall be subject to the same duties, customs, and imposts as are now, or may hereafter be, prescribed by law for goods entered from other foreign countries: *Provided*, That during the temporary occupation of said islands, as hereinafter provided, all trade between the same and the United States shall be free.

That the United States shall continue to occupy and govern said archipelago until the people thereof have established a stable government, and until sufficient guaranties have been obtained for the performance of our treaty obligations with Spain for the safety of those inhabitants who have adhered to the United States and for the maintenance and protection of all rights which have accrued under their authority.

Then we are to go away and "leave the government control and sovereignty thereof to the inhabitants of the same." I think that is the most mischievous project in the present situation that could be devised by the wit of man. It is the discredited issue of imperialism projected again.

What would be the effect of this substitute? What is the hypothesis, Senators, on which you propose to enact this proposition? Either one of two—either that the American people can not safely be trusted to settle this Philippine proposition in their own way and in their own good time, or that it is necessary to the pacification of those islands. Is either true? The Senator from Colorado, in the speech from which I read an extract a little while ago, announced—and I knew he had—implicit faith in the American people. By what warrant do you press legislation impeaching the integrity and the loyalty of the American people to American ideals?

The Senator from Tennessee seemed to think in his speech the other day that if we do not scuttle the ship, if we do not retreat at once, if we do not, like cowards, run from duty partially done the American people will become blind with the passion of greed, and that retreat will be cut off.

I estimate the American people in no such way. I have abiding faith, Mr. President, in their purposes, in their generosity, in their justice. The ideals of the American people have been made by them, they belong to them, they are dear to them, and they will preserve and maintain them.

When has the American people voted to shunt this sovereignty, this title, and this possession which they have acquired by treaty, ratified by appropriations, consummated by military force, and upon which they are now engaged in working out righteously and splendidly the great problem upon which they entered? Why now? Why just as the Taft Commission is winning the confidence of the people there, overcoming the prejudices which in so many ways, assiduously and by terrorism and otherwise, have been engendered against us? Why again project into this situation this doctrine of independence? What will be the result? You set the cabal at work; you inaugurate intrigue; you project into the future an issue of fact about which there must be and will be differences of opinion.

It has been proclaimed on this floor that long ago they had a republic devoted to liberty and fit for international recognition, protecting life, liberty, and property. Who is to say when a stable government has been formed over there—the Filipinos or we? They will say "We have it." We may be compelled to say "No; you have it not." Then comes the hot charge of bad faith; then our own witnesses cited to sustain the charge of perfidy and bad faith. We lose the vantage ground for doing good which the title gave us, as contradistinguished from the mere relinquishment of sovereignty.

That is not all. You would stop at once adherence to American authority and cooperation in American upbuilding. How? I spoke at one time with a gentleman who was vice-president in Aguinaldo's cabinet, and who is an able man. He told me that a large majority of the Filipinos desired to acquiesce in American sovereignty; that they believed we would do what was generous and right, but they were afraid. I said, "Why afraid?" He said, "Congress has not acted; the division in your country is such that we are afraid some day the American flag will be taken down in the Philippines, your troops will sail away, and then, if in the meantime we shall have manifested sympathy for the American Government and a willingness to acquiesce in it, we shall be confiscated, assassinated, and destroyed."

Now, Mr. President, instead of leaving that people to meet the advances of the Taft Commission, to cooperate with them in developing the industries and increasing the prosperity of the islands, in extending the system of free education, in eliminating, as we will, the title of the friars to lands there, what would these Senators do? They would pass a bill giving away the sovereignty, leaving us there as tenants at will or by sufferance. If this substitute were passed, not one man in the Philippine Archipelago would dare to give his adhesion to American sovereignty or evidence his sympathy with the work of this Government for their future betterment. They would remember the outlawries, the confiscations, and the terrorism of the recent past.

It is a bill to raise hell in the Philippine Archipelago. It is a bill that has no merit whatever in it. It is a proposition which we are not ready for and which the Filipinos are not ready for. It is an experiment that they dare not try. Our obligations over there have grown day by day. Every Filipino who has accepted office, every Filipino who has evidenced in the smallest degree sympathy for the United States or a willingness to acquiesce in American sovereignty, has taken a bond from us, if there is any honor in us, to stay there long enough to safeguard his life when a change does come.

You will go away when a stable government is formed, "exacting guaranties that those who have adhered to the United States shall be protected!" What guaranty? Who shall guarantee the guarantor? How long will it take to erect a stable government in the Philippine Islands? God only knows. You do not know. I do not know. Had we not better move along with the sovereignty and title, the strong, firm, safe foundation for upbuilding, and leave to the future the questions of the future?

Who asks for this surrender of sovereignty? The memorial of the Federal party, admittedly comprising about 150,000 of the

most intelligent and influential people of the islands, petitioning for ultimate statehood, adjure us against colonialism and independence. They say:

> To make of the Philippines a colony of the United States *or to grant independence to the Philippines* would be to hand the islands over to disorder and to anarchy, to destruction and to chaos.

Their argument against colonialism is largely based, naturally, on the abuses and injustices with which the "Philippines were surfeited under the Spanish Government." They add, as to independence:

> Philippine independence, with or without a protectorate, means the holding of power by all the terrible elements of the sect which predominate, and would predominate still for some years, until the anger of Filipinos toward Filipinos shall have been completely calmed, education become more general, and the fanaticism we have inherited from Spain exiled.

These men should know whether the people there are fit for independence, or can soon be fitted for independence, better than we can know it. Because we can not pledge to them what they wish—statehood—must we give them what they do not wish and say they can not sustain—independence?

I stand, Mr. President, where I have always stood from the first upon this subject. I dreaded the assumption of the burden. I did not believe, nor do I now, in permanent dominion of the United States in the Philippine Archipelago. At the same time, I never expect the flag of the United States to depart from that archipelago.

I feel a little differently as to the relation of the United States to the Philippine Archipelago from what I once did. I have less of fear and more of hope. I firmly believe, as we all fervently hope that if we move forward, solving as best we can the problems which appear from time to time, doing right, spreading education, promoting justice, ameliorating conditions in the Philippines, building roads, increasing facilities, bringing prosperity, quieting the titles of the native inhabitants to land which they and their ancestors have occupied, so that for the first time, standing in front of their houses, each could truthfully say, "This is my home; I own it"—never before could they say that—that it will inevitably attach that people to us and win their confidence. This would be a vain hope if the minority proposition here were adopted.

It is our duty to find fault only where fault can fairly be found. The problem is difficult and filled with complication. It requires patience, tact, and united effort.

This debate has been, after all, a high tribute to the work of the Commission. Senators have criticised the treason act, and I agree with the criticism in part. They have found fault with the sedition act. There is much, I think, to be said in favor of that act, its phraseology in one or two particulars being changed. They have criticised the franchise, but it must be remembered that it is but a beginning. Self-government is a faculty. It must be developed, and it can not be developed without use. We can not adopt there at once the standards which are dear to us here. We require the Commission to report to us every act in order that we may examine it, and if it does not meet our approval we may change it.

I wish we might all move along together. Let us encourage the Commission. Let us improve as rapidly as possible government over there, and enlarge the participation of the people in it, and when the day comes that that people can maintain an autonomous government let us give it to them. They might be able to do that, and doubtless will be able to do that, long before they could maintain independence, but, having the sovereignty, we could maintain a protectorate over them with safety, thus giving them opportunity in safety to work out with our aid their destiny. Leave there, and then what?

Mr. HOAR. May I ask my honorable friend a question?

Mr. SPOONER. Yes, sir.

Mr. HOAR. Is the Senator willing to put into a resolve of the Senate such a declaration of the purposes of the American people as he has just stated?

Mr. SPOONER. I am not willing to make any declaration in this situation. I am willing to trust the American people, Mr. President. Suppose you adopt this proposition, and suppose you come away from the Philippines, they having erected a stable government, in your opinion, and it turns out not to be a stable government?

Mr. HOAR. Mr. President, if I may interrupt the Senator again, this is a proposition of immense importance, to my humble apprehension. It is a proposition in which the very essence of civil liberty and righteousness is involved; and if I am indiscreet in interrupting the Senator in his eloquent remarks I beg his pardon. But I want to ask him, as he claims we are the trustee of 10,000,000 people, whether, when many persons in the Senate and out of it are declaring that we have the right to hold those people for our advantage and that the American flag shall never go down there under any circumstances or under any conditions—whether, when he declares what he himself thinks righteousness and justice demand, he refuses to let the American Senate, to let the trustee, tell those people that we have no purpose of turning them to our own gain?

I do not ask the Senator to determine any political policy in any sense by saying exactly what we are going to do, but I ask him now, does he refuse to tell that people that in the future we mean, if they are fit for it, to leave them to govern themselves in freedom and in independence, or does he mean that they shall be contented with the vague declarations of irresponsible individuals?

Mr. SPOONER. Mr. President, I mean just this: If I have not made the Senator from Massachusetts understand that I regard it as the height of unwisdom to project into the future any promises upon that subject, I have failed utterly in making myself understood.

Mr. HOAR. But the Senator——

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Massachusetts?

Mr. SPOONER. I yield.

Mr. HOAR. I ask the Senator when it is debated here in the Senate, and out of it, whether we are the rightful owners of that people for all time, he thinks it is projecting into the future a problem that is to be settled then to simply disclaim that intention?

Mr. SPOONER. I think we are the owner of the Philippine Archipelago——

Mr. HOAR. People and all?

Mr. SPOONER. People and all? I think if we own a country——

Mr. HOAR. You own the people.

Mr. SPOONER. I did not say that.

Mr. HOAR. I beg your pardon.

Mr. SPOONER. I did not say that.

Mr. HOAR. No; I understand you did not. I beg the Senator's pardon.

Mr. SPOONER. We bought the Territory of Louisiana, but we did not own the people. We bought the Territory of Alaska, but we did not own the people. But when we acquire territory which is inhabited we certainly have the sovereignty and right to govern it incidental to the ownership.

Mr. HOAR. But did we not assure Louisiana and Alaska both that we intended ultimately to admit them into the Union as equals?

Mr. GALLINGER. I think not as to Alaska.

Mr. SPOONER. Not Alaska.

Mr. HOAR. Mr. Sumner again and again in that great speech made that affirmation and disclaimed the notion of governing without the consent of the governed.

Mr. LODGE. It was never done by law or treaty.

Mr. SPOONER. It is not what Mr. Sumner declared, but what was in the treaty.

Mr. HOAR. I am speaking of what the great leader of the Senate then read and commending it to the imitation of the leader of the Senate now.

Mr. SPOONER. I was saying when interrupted, "leave there, and then what?" Leave your stable government to a people who never up to this time for an hour participated in government. What would follow? Civil war and anarchy, and the Philippine Archipelago would have passed beyond any relief from us. We should have relinquished our sovereignty by act, if this substitute were adopted, and abandoned it in fact. It is a dangerous experiment to try. Other nations would intervene, and seize and occupy. We could not complain, for we should have abandoned our sovereignty to a people which could not hold it.

Of course we can not penetrate the future.

When Congress adjourned not long ago none of us thought, except perhaps the Senator from Colorado, of any conflagration in China. To me it came like a clap of thunder from a cloudless sky. When our legations were attacked in China, and when the missionaries over there—men and women laboring in His service, self-sacrificing, devoted—were suddenly confronted with death and unspeakable outrage and implored our protection, it seemed rather "providential" that we were in the Philippines and able to send quickly two regiments of soldiers and a battery from the archipelago, only 600 miles away, to their relief. It had great moral effect. Other governments had to send troops from far away. They gave up their legations and their legationers as lost. President McKinley would not and did not.

And so in all the great strife for commerce in the Orient which is to come in the future, which will grow more and more intense, I think a foothold, naval and military, in that archipelago, not incompatible even with ultimate independence to the Philippine people, will be of infinite use to the people of the United States.

No, Mr. President, I am opposed, in this sensitive and difficult situation, to promises, indefinite as to time of redemption,

not now absolutely certain as to possibility of literal redemption. The true policy is to proceed with the work of pacification and construction, as President McKinley did, and as President Roosevelt announces his purpose to do. He is a man of high ideals. He is a lover of liberty. He dared more for liberty in the Spanish-American war than any of us. He offered his life and all that is dear to a man for the liberty of Cuba. The people trust him. We will obey their will if we stand by him and uphold him. We have traveled far and done good work since the outbreak of the Spanish-American war.

By our aid the republic of Cuba is soon to enter the family of nations, with a flag of her own. We have brought happiness and prosperity to Porto Rico, and we have well begun the great task which we assumed in the Pacific, to bring together the Philippine people into one people, and to educate them for self-government or independence, and to give it to them when the time comes. That is a result well worth working for and well worth waiting for. It can be wrought out by going forward, but not by a retreat, and I venture to prophesy that it will not be long before the Filipino people would look upon the departure of our flag from their midst, with its guaranty of protection, of liberty, of law, and of order, as an irreparable calamity.

APPENDIXES.

APPENDIX A.

AGUINALDO'S ORDER OF JANUARY 9, 1899.

MALOLOS, *January 9, 1899.*

INSTRUCTIONS TO THE BRAVE SOLDIERS OF SANDATAHAN OF MANILA.

ARTICLE 1. All Filipinos should observe our fellow-countrymen in order to see whether *they are American sympathizers.* They shall take care *to work* with them in order to inspire them *with confidence of the strength of the holy cause of their country.*

Whenever they are assured of the loyalty of the *convert* they shall instruct them to continue in the character of an American sympathizer, in order that they may receive good pay, but without prejudicing the cause of our country. In this way they can serve themselves and at the same time serve the public by communicating to the committee of chiefs and officials of our army whatever news of importance they may have.

ART. 2. All of the chiefs and Filipino brothers should be ready and courageous for the combat, and should take advantage of the opportunity to study well the situation of the American outposts and headquarters, observing especially secret places where they can approach and surprise the enemy.

ART. 3. The chief and those who go to attack the barracks should send in first four men with a good present for the American commander. Immediately after will follow four others, who will make a pretense of looking for the same officer for some reason, and a larger group shall be concealed in the corners of houses in order to aid the other groups at the first signal. This wherever it is possible at the moment of attack.

ART. 4. They should not, prior to the attack, look at the Americans in a threatening manner. *To the contrary, the attack on the barracks by the Sandatahan should be a complete surprise and with decision and courage. One should go alone in advance in order to kill the sentinel. In order to deceive the sentinel the one should dress as a woman and must take great care that the sentinel is not able to discharge his piece, thus calling the attention of those in the barracks. This will enable his companions who are approaching to assist in the general attack.*

ART. 5. At the moment of the attack the Sandatahan should not attempt to secure rifles from their dead enemies, but shall pursue, slashing right and left with bolos, until the Americans surrender, and after there remains no enemy who can injure them they may take the rifles in one hand and the ammunition in the other.

ART. 6. The officers shall take care that *on the top of the houses along the streets where the American forces shall pass there will be placed four to six men, who shall be prepared with stones, timbers, red-hot iron, heavy furniture, as well as boiling water, oil, and molasses, rags soaked in coal oil ready to be lighted and thrown down, and any other hard and heavy objects that they can throw on the passing American troops.* At the same time in the lower parts of the houses will be concealed the Sandatahan, who will attack immediately. Great care should be taken not to throw glass in the streets, as the greater part of our soldiers go barefooted. On these houses there will, if possible, be arranged, in addition to the objects to be thrown down, a number of the Sandatahan, in order to cover a retreat or to follow up a route of the enemy's column, so that we may be sure of the destruction of all the opposing forces.

ART. 7. All Filipinos, real defenders of their country, should live on the alert to assist simultaneously the inside attack at the very moment that they note the first movement in whatever barrio or suburb, *having assurance that all the troops that surround Manila will proceed without delay to force the enemy's line and unite themselves with their brothers in the city.* With such a general movement, so firm and decided against the Americans, the combat is sure to be a short one, and I charge and order that the persons and goods of all foreigners shall be respected and that the American prisoners shall be treated well.

ART. 8. All of our chiefs in the suburbs should prepare groups of the Sandatahan, who will attack with ferocity and decision the Americans within their lines, attempting to surround each group of Americans or to break through their lines. This must be done if the nature of the ground occupied by the Americans will permit and if the Sandatahan have the proper amount of courage and resolution, and the more courage and intelligence that they show in the moment of the attack the surer will be the result and the fewer will be their own losses.

ART. 9. In addition to the instructions given in paragraph 6, there shall be in the houses vessels filled with boiling water, tallow, molasses, and other liquids, which shall be thrown as bombs on the Americans who pass in front of their houses, or they can make use of syringes or tubes of bamboo. In these houses shall be the Sandatahan, who shall hurl the liquids that shall be passed to them by the women and children.

ART. 10. In place of bolos or daggers, if they do not possess the same, the Sandatahan can provide themselves with lances and arrows with long, sharp heads, and these should be shot with great force in order that they may penetrate well into the bodies of the enemy. *And these should be so made that in withdrawal from the body the head will remain in the flesh.*

ART. 11. It can be taken for granted that if the above instructions are observed the enemy will not be able to use their firearms because of the confusion in his ranks, as they would shoot one another. For this reason I have always thought the rifles useless in this kind of combat, for experience has taught me, my dear brothers, that when the Sandatahan make their attack with courage and decision, taking advantage of the confusion in the ranks of the enemy, the victory is sure, and in that case the triumph is ours.

ART. 12. At last, if, as I expect, the result shall favor us in the taking of Manila and the conquering of the enemy, the chiefs are charged with seeing that the officers and soldiers respect the consulates, the banks and commercial houses, and even the Spanish banks and commercial houses, taking that they be not seduced by the hope of plunder; as, if God sees this, He will reward us, and the foreign nations will note the order and justice of our conduct. I charge that in the moment of combat the officers, soldiers, and whatever patriots take part in the struggle will not forget our noble, sacred, and holy ideals, liberty and independence. Neither will you forget your sacred oath and immaculate banner; nor will you forget the promises made by me to the civilized nations, whom I have assured that we Filipinos are not savages, nor thieves, nor assassins, nor are we cruel, but on the contrary that we are men of culture and patriotism, honorable and very humane.

Above all I expect that you will respect the persons and goods of private persons of all nationalities, including the Chinese; that you will treat well the prisoners and grant life to those of the enemy who surrender. And that you be on the sharp lookout for those traitors and enemies who, by robbery, will seek to mar our victory.

EMILIO AGUINALDO.

APPENDIX B.

[Senate Document No. 205, part 1, Fifty-seventh Congress, first session.]

CHARGES OF CRUELTY, ETC., TO THE NATIVES OF THE PHILIPPINES.

Letter from the Secretary of War relative to the reports and charges in the public press of cruelty and oppression exercised by our soldiers toward natives of the Philippines. February 19, 1902.—Ordered to be printed as a document.

WAR DEPARTMENT, *Washington, February 17, 1902.*

DEAR SIR: In reply to your letter of Saturday, the 15th instant, received yesterday, asking information regarding the reports and charges in the public press of cruelty and oppression exercised by our soldiers toward natives of the Philippines, I send you a number of documents which I think will furnish the information you wish. Every report or charge of this description which has at any time been brought to the notice of the War Department has been made the subject of prompt investigation; and among the inclosed papers you will find the records of thirteen such inquiries in which the results have been reported. You will perceive that in substantially every case the report has proved to be either unfounded or grossly exaggerated. The particular report which was called to the attention of the Senate last week, viz, that the "water cure" is the favorite torture of the American, and especially of the Macabebe scouts, to force the natives to give information, and that a soldier who was with General Funston had stated that he had helped to administer the "water cure" to 160 natives, all but 26 of whom died, was already under investigation, which is still in progress.

I inclose a copy of a letter received from General Funston, dated February 2, 1902, in which he declares the statement to be an "atrocious lie without the slightest foundation in fact;" and a letter from Lieutenant Batson, the commander of the Macabebe Scouts, to the same effect.

As to orders governing our soldiers in the Philippines, I send you a copy of the instructions for the government of armies of the United States, promulgated under President Lincoln by General Orders, No. 100, of 1863. These rules have been republished from time to time in separate form and furnished to every commissioned officer of the Army, both Regulars and Volunteers, and are to-day, as they have been at all times since 1863, the practical and effective guide and rule of conduct to which every officer understands that he must conform. Among these rules you will find the following:

"RULE 16. Military necessity does not admit of cruelty—that is, the infliction of suffering for the sake of suffering or for revenge, nor of maiming or wounding except in fight, nor of torture to extort confessions. * * *

"RULE 44. All wanton violence committed against persons in the invaded country, all destruction of property not commanded by the authorized officer, all robery, all pillage or sacking, even after taking a place by main force; all rape, wounding, maiming, or killing of such inhabitants are prohibited under the penalty of death, or such other severe punishment as may seem adequate for the gravity of the offense. * * *

"RULE 56. A prisoner of war is subject to no punishment for being a public enemy, nor is any revenge wreaked upon him by the intentional infliction of any suffering or disgrace by cruel imprisonment, want of food, by mutilation, death, or any other barbarity.

"RULE 75. Prisoners of war are subject to confinement or imprisonment such as may be deemed necesssry on account of safety, but they are to be subjected to no other intentional suffering or indignity. * * *

"RULE 80. Honorable men, when captured, will abstain from giving to the enemy information concerning their own army, and the modern law of war permits no longer use of any violence against prisoners in order to extort the desired information or to punish them for having given false information."

I send you also copies of eighteen orders, issued at different times and under different commands in the Philippines, for the observance and enforcement of these humane rules, calling particular attention to the order of the Department of Southern Luzon, dated June 5, 1900; in the Department of the Visayas, dated June 26, 1900, and in the Department of Northern Luzon, dated July 14, 1900.

I send you a memorandum of 44 officers, soldiers, and camp followers who have been tried, and 39 of them convicted, for violation of such orders as are above described.

The war on the part of the Filipinos has been conducted with the barbarous cruelty common among uncivilized races, and with general disregard of the rules of civilized warfare. They deliberately adopted the policy of killing all natives, however peaceful, who were friendly to our Government, and in literally thousands of instances these poor creatures, dependent upon our soldiers for protection, have been assassinated.

The Filipino troops have frequently fired upon our men from under protection of flags of truce, tortured to death American prisoners who have fallen into their hands, buried alive both Americans and friendly natives, and horribly mutilated the bodies of the American dead. That the soldiers fighting against such an enemy, and with their own eyes witnessing such deeds, should occasionally be regardless of their orders and retaliate by unjustifiable severities is not incredible. Such things happen in every war, even between two civilized nations, and they always will happen while war lasts. That such occurrences have been sanctioned or permitted is not true. A constant and effective pressure of prohibition, precept, and discipline has been maintained against them. That there has been any such practice is not true. The cases have been few and far between, scattered infrequently over a great area of country along the course of three years of active conflict, through thousands of engagements, and among many thousands of troops.

That these occasional cases have characterized our Army or its conduct is not true, any more than the deeds of lawless violence which constantly occur in every large city characterize the people of the city. The war in the Philippines has been conducted by the American Army with scrupulous regard for

the rules of civilized warfare, with careful and genuine consideration for the prisoner and the noncombatant, with self-restraint, and with humanity never surpassed, if ever equaled, in any conflict, worthy only of praise, and reflecting credit upon the American people.

I send you a number of extracts from reports and court-martial proceedings, illustrating the character of insurrectionist warfare.

Very truly, yours,

ELIHU ROOT, *Secretary of War.*

Hon. HENRY CABOT LODGE,
Chairman Committee on the Philippines,
United States Senate.

EXHIBIT A.

KANSAS CITY, MO., *February 2, 1902.*

SIR: My attention having been called to an extract from an article published in the City and State, of Philadelphia, January 2, 1902, I wish to make the following comment:

In this extract it is alleged that a soldier who claims to have been with me in the Philippines made the statement that he had helped to administer the "water cure" to 160 natives, all but 26 of whom died. *This statement I wish to brand as an atrocious lie, without the slightest foundation in fact.* During my service of three years in the Philippines I never had personal knowledge of the so-called "water cure" being administered to a native, or any other form of torture being used to extract information from them.

Statements of this kind made by returned soldiers are simply braggadocio, and a desire to attract attention to themselves. It is my belief that the "water cure" was very rarely, if ever, administered by American soldiers. It was a matter of common knowledge that occasionally the Macabebe Scouts, when not under the direct control of some officer, would resort to this means of obtaining information as to the whereabouts of concealed arms and ammunition. They did this, however, on their own responsibility and without orders from their superiors. It was utterly impossible to prevent a few offenses of this kind by the Macabebes, as they were merely repaying the insurgents for worse treatment received by them in the past.

The so-called "water cure," as it has been described to me by Macabebe soldiers, was by no means so severe an ordeal as would be indicated in the extract mentioned. The method was merely to throw a native on his back, hold his nose with one hand, and pour water down his throat from a canteen or other vessel. It occasioned nothing more than a few moments of strangling, and never resulted fatally.

I never heard of its having been administered to a native by a white man.

Very respectfully,

FREDERICK FUNSTON,
Brigadier-General, United States Army.

The ADJUTANT-GENERAL,
Washington, D. C.

EXHIBIT B.

WASHINGTON, D. C., *January 29, 1902.*

SIR: Referring to an article published in the City and State, Philadelphia, January 2, 1902, alleging the use of the "water torture" as a means of extorting information from the natives in the Philippines by our troops, and especially Macabebe Scouts, I desire to make the following comments:

The first company of Macabebe Scouts was organized by me in September, 1899. This force was subsequently increased until I had under my command five companies, numbering 640 men. I was in command of these scouts until the latter part of November, 1899, being relieved on account of a wound received at Aringay. These men were in May, 1900, reorganized and officially designated Squadron Philippine Cavalry, though they were generally known as "Macabebe Scouts." Upon the reorganization I was again placed in command of them, and remained in command until these men were finally discharged from the service in July, 1901.

At this time there were other bodies of scouts known as Macabebe Scouts, about the discipline and conduct of which I know nothing, as I never came in contact with them.

During the time that I was in command of these native troops the practice of torturing natives to obtain information was neither sanctioned nor practiced. On the contrary, it was prohibited under pain of severe punishment. I not only did not "knowingly allow it," but from the time I organized the first company of natives until my command was discharged, in July, 1901, my officers and men were strictly prohibited from mistreating prisoners or "piasanos" in any way.

From time to time charges similar to that made by Mr. Kennan in the article referred to have been made against my scouts. These charges have invariably been thoroughly investigated, and have nearly always been found to be without foundation. As a rule, these charges have not been made to me as commanding officer of the scouts, but have been sent direct to the division commander, and in a great many cases special inspectors have been sent out to investigate. These inspectors have always been given every assistance by myself and officers to get at the truth, and the natives encouraged in every way to make known any cruelty practiced against them. It has generally been found that the natives have been scared into making these charges, first, by insurgent officials, who sought that method of arousing the natives by telling them of the barbarous treatment that they would have at the hands of the Macabebes, and, second, by American officers, who tried to intimidate the natives by threats of Macabebe vengeance.

I am glad to be able to say, however, that those charges have almost invariably gone before my command, and not followed it. In proof of this I would call attention to the petitions which have been in a number of cases—but notably at Abando and at Montalbon—submitted, in which the natives have appealed to the department commander not to remove my command from their towns, as we had always afforded them absolute protection against "ladronism" and outrages of all sorts, and that my men, as they expressed it, treated them like brothers. I request that the Adjutant-General also compare the records of courts-martial of men in my command with those of the Army in general, both in the United States and in the Philippines.

I have heard a great deal about the "water torture," or "water cure," as it is generally called, and I do not doubt that it has been applied in a few cases. Outrages will be committed in any army in the world. They have been committed against our own citizens in our own country by our own soldiers. But I know that such methods were not sanctioned, as alleged in the article referred to, by the military authorities in the Philippines, and that when proof could be obtained that such methods had been practiced the offenders were promptly brought to justice.

Indeed, after nearly three years' service in the Philippines, I can conscientiously say that I believe the treatment which the natives received at the hands of the military has been exceedingly humane and tolerant.

Very respectfully,

MATTHEW A. BATSON,
Captain, Fifteenth U. S. Cavalry.

The ADJUTANT-GENERAL U. S. ARMY,
Washington, D. C.

APPENDIX C.

INSTRUCTIONS OF THE PRESIDENT TO THE PHILIPPINE COMMISSION, APRIL 7, 1900.

WAR DEPARTMENT, *Washington, April 7, 1900.*

SIR: I transmit to you herewith the instructions of the President for the guidance of yourself and your associates as Commissioners to the Philippine Islands.

Very respectfully,

ELIHU ROOT,
Secretary of War.

Hon. WILLIAM H. TAFT,
President Board of Commissioners to the Philippine Islands.

EXECUTIVE MANSION, *April 7, 1900.*

The SECRETARY OF WAR,
Washington.

SIR: In the message transmitted to the Congress on the 5th of December, 1899, I said, speaking of the Philippine Islands: "As long as the insurrection continues the military arm must necessarily be supreme. But there is no reason why steps should not be taken from time to time to inaugurate governments essentially popular in their form as fast as territory is held and controlled by our troops. To this end I am considering the advisability of the return of the Commission, or such of the members thereof as can be secured, to aid the existing authorities and facilitate this work throughout the islands."

To give effect to the intention thus expressed I have appointed Hon. William H. Taft, of Ohio; Prof. Dean C. Worcester, of Michigan; Hon. Luke I. Wright, of Tennessee; Hon. Henry C. Ide, of Vermont, and Prof. Bernard Moses, of California, commissioners to the Philippine Islands to continue and perfect the work of organizing and establishing civil government already commenced by the military authorities, subject in all respects to any laws which Congress may hereafter enact.

The commissioners named will meet and act as a board, and the Hon. William H. Taft is designated as president of the board. It is probable that the transfer of authority from military commanders to civil officers will be gradual and will occupy a considerable period. Its successful accomplishment and the maintenance of peace and order in the meantime will require the most perfect cooperation between the civil and military authorities in the island, and both should be directed during the transition period by the same executive department. The Commission will therefore report to the Secretary of War, and all their action will be subject to your approval and control.

You will instruct the Commission to proceed to the city of Manila, where they will make their principal office, and to communicate with the military governor of the Philippine Islands, whom you will at the same time direct to render to them every assistance within his power in the performance of their duties. Without hampering them by too specific instructions, they should in general be enjoined, after making themselves familiar with the conditions and needs of the country, to devote their attention in the first instance to the establishment of municipal governments, in which the natives of the islands, both in the cities and in the rural communities, shall be afforded the opportunity to manage their own local affairs to the fullest extent of which they are capable, and subject to the least degree of supervision and control which a careful study of their capacities and observation of the workings of native control show to be consistent with the maintenance of law, order, and loyalty.

The next subject in order of importance should be the organization of government in the larger administrative divisions corresponding to counties, departments, or provinces, in which the common interests of many or several municipalities falling within the same tribal lines, or the same natural geographical limits, may best be subserved by a common administration. Whenever the Commission is of the opinion that the condition of affairs in the islands is such that the central administration may safely be transferred from military to civil control, they will report that conclusion to you, with their recommendations as to the form of central government to be established for the purpose of taking over the control.

Beginning with the 1st day of September, 1900, the authority to exercise, subject to my approval, through the Secretary of War, that part of the power of government in the Philippine Islands which is of a legislative nature is to be transferred from the military governor of the islands to this Commission, to be thereafter exercised by them in the place and stead of the military governor, under such rules and regulations as you shall prescribe, until the establishment of the civil central government for the islands contemplated in the last foregoing paragraph, or until Congress shall otherwise provide. Exercise of this legislative authority will include the making of rules and orders, having the effect of law, for the raising of revenue by taxes, customs, duties, and imposts; the appropriation and expenditure of public funds of the islands; the establishment of an educational system throughout the islands; the establishment of a system to secure an efficient civil service; the organization and establishment of courts; the organization and establishment of municipal and departmental governments, and all other matters of a civil nature for which the military governor is now competent to provide by rules or orders of a legislative character.

The Commission will also have power during the same period to appoint to office such officers under the judicial, educational, and civil-service systems and in the municipal and departmental governments as shall be provided for. Until the complete transfer of control the military governor will remain the chief executive head of the government of the islands, and will exercise the executive authority now possessed by him and not herein expressly assigned to the Commission, subject, however, to the rules and orders enacted by the Commission in the exercise of the legislative powers conferred upon them. In the meantime the municipal and departmental governments will continue to report to the military governor and be subject to his administrative supervision and control, under your direction, but that supervision and control will be confined within the narrowest limits consistent with the requirement that the powers of government in the municipalities and departments shall be honestly and effectively exercised and that law and order and individual freedom shall be maintained

All legislative rules and orders, establishments of government, and appointments to office by the Commission will take effect immediately, or at such times as they shall designate, subject to your approval and action upon the coming in of the Commission's reports, which are to be made from time to time as their action is taken. Wherever civil governments are constituted under the direction of the Commission, such military posts, garrisons, and forces will be continued for the suppression of insurrection and brigandage, and the maintenance of law and order, as the military commander shall deem requisite, and the military forces shall be at all times subject, under his orders, to the call of the civil authorities for the maintenance of law and order and the enforcement of their authority.

In the establishment of municipal governments the Commission will take as the basis of their work the governments established by the military governor under his order of August 8, 1899, and under the report of the board constituted by the military governor by his order of January 29, 1900, to formulate and report a plan of municipal government, of which his honor Cayetano Arellano, president of the audiencia, was chairman, and they will give to the conclusions of that board the weight and consideration which the high character and distinguished abilities of its members justify.

In the constitution of departmental or provincial governments they will give especial attention to the existing government of the island of Negros, constituted, with the approval of the people of that island, under the order of the military governor of July 22, 1899, and after verifying, so far as may be practicable, the reports of the successful working of that government, they will be guided by the experience thus acquired, so far as it may be applicable to the condition existing in other portions of the Philippines. They will avail themselves, to the fullest degree practicable, of the conclusions reached by the previous Commission to the Philippines.

In the distribution of powers among the governments organized by the Commission the presumption is always to be in favor of the smaller subdivision, so that all the powers which can properly be exercised by the municipal government shall be vested in that government, and all the powers of a more general character which can be exercised by the departmental government shall be vested in that government, and so that in the governmental system, which is the result of the process, the central government of the islands, following the example of the distribution of the powers between the States and the National Government of the United States, shall have no direct administration except of matters of purely general concern, and shall have only such supervision and control over local governments as may be necessary to secure and enforce faithful and efficient administration by local officers.

The many different degrees of civilization and varieties of custom and capacity among the people of the different islands preclude very definite instruction as to the part which the people shall take in the selection of their own officers; but these general rules are to be observed: That in all cases the municipal officers, who administer the local affairs of the people, are to be selected by the people, and that wherever officers of more extended jurisdiction are to be selected in any way, natives of the islands are to be preferred, and if they can be found competent and willing to perform the duties they are to receive the offices in preference to any others.

It will be necessary to fill some offices for the present with Americans which after a time may well be filled by natives of the islands. As soon as practicable a system for ascertaining the merit and fitness of candidates for civil office should be put in force. An indispensable qualification for all offices and positions of trust and authority in the islands must be absolute and unconditional loyalty to the United States, and absolute and unhampered authority and power to remove and punish any officer deviating from that standard must at all times be retained in the hands of the central authority of the islands.

In all the forms of government and administrative provisions which they are authorized to prescribe the Commission should bear in mind that the government which they are establishing is designed not for our satisfaction, or for the expression of our theoretical views, but for the happiness, peace, and prosperity of the people of the Philippine Islands, and the measures adopted should be made to conform to their customs, their habits, and even their prejudices, to the fullest extent consistent with the accomplishment of the indispensable requisites of just and effective government.

At the same time the Commission should bear in mind, and the people of the islands should be made plainly to understand, that there are certain great principles of government which have been made the basis of our governmental system which we deem essential to the rule of law and the maintenance of individual freedom, and of which they have, unfortunately, been denied the experience possessed by us; that there are also certain practical rules of government which we have found to be essential to the preservation of these great principles of liberty and law, and that these principles and these rules of government must be established and maintained in their islands for the sake of their liberty and happiness, however much they may conflict with the customs or laws of procedure with which they are familiar.

It is evident that the most enlightened thought of the Philippine Islands fully appreciates the importance of these principles and rules, and they will inevitably within a short time command universal assent. Upon every division and branch of the government of the Philippines, therefore, must be imposed these inviolable rules:

That no person shall be deprived of life, liberty, or property without due process of law; that private property shall not be taken for public use without just compensation; that in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense; that excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted; that no person shall be put twice in jeopardy for the same offense, or be compelled in any criminal case to be a witness against himself; that the right to be secure against unreasonable searches and seizures shall not be violated; that neither slavery nor involuntary servitude shall exist except as a punishment for crime; that no bill of attainder or ex post facto law shall be passed; that no law shall be passed abridging the freedom of speech or of the press, or the rights of the people to peaceably assemble and petition the Government for a redress of grievances; that no law shall be made respecting an establishment of religion or prohibiting the free exercise thereof, and that the free exercise and enjoyment of religious profession and worship without discrimination or preference shall forever be allowed.

It will be the duty of the Commission to make a thorough investigation into the titles to the large tracts of land held or claimed by individuals or by religious orders; into the justice of the claims and complaints made against such landholders by the people of the island or any part of the people, and to seek by wise and peaceable measures a just settlement of the controversies and redress of wrongs which have caused strife and bloodshed in the past. In the performance of this duty the Commission is enjoined to see that no injustice is done; to have regard for substantial rights and equity, disregarding technicalities so far as substantial right permits, and to observe the following rules:

That the provision of the treaty of Paris pledging the United States to the protection of all rights of property in the islands, and as well the principle of our own Government which prohibits the taking of private property without due process of law, shall not be violated; that the welfare of the people of the islands, which should be a paramount consideration, shall be attained consistently with this rule of property right; that if it becomes necessary for the public interest of the people of the islands to dispose of claims to property which the Commission finds to be not lawfully acquired and held, disposition shall be made thereof by due legal procedure, in which there shall be full opportunity for fair and impartial hearing and judgment; that if the same public interests require the extinguishment of property rights lawfully acquired and held, due compensation shall be made out of the public treasury therefor; that no form of religion and no minister of religion shall be forced upon any community or upon any citizen of the islands; that upon the other hand no minister of religion shall be interfered with or molested in following his calling, and that the separation between state and church shall be real, entire, and absolute.

It will be the duty of the Commission to promote and extend, and, as they find occasion, to improve, the system of education already inaugurated by the military authorities. In doing this they should regard as of first importance the extension of a system of primary education which shall be free to all, and which shall tend to fit the people for the duties of citizenship and for the ordinary avocations of a civilized community. This instruction should be given in the first instance in every part of the islands in the language of the people. In view of the great number of languages spoken by the different tribes, it is especially important to the prosperity of the islands that a common medium of communication may be established, and it is obviously desirable that this medium should be the English language. Especial attention should be at once given to affording full opportunity to all the people of the islands to acquire the use of the English language.

It may be well that the main changes which should be made in the system of taxation and in the body of laws under which the people are governed, except such changes as have already been made by the military government, should be relegated to the civil government which is to be established under the auspices of the Commission. It will, however, be the duty of the Commission to inquire diligently as to whether there are any further changes which ought not to be delayed; and, if so, they are authorized to make such changes, subject to your approval. In doing so they are to bear in mind that taxes which tend to penalize or repress industry and enterprise are to be avoided; that provisions for taxation should be simple, so that they may be understood by the people; that they should affect the fewest practicable subjects of taxation which will serve for the general distribution of the burden.

The main body of the laws which regulate the rights and obligations of the people should be maintained with as little interference as possible. Changes made should be mainly in procedure, and in the criminal laws to secure speedy and impartial trials, and at the same time effective administration and respect for individual rights.

In dealing with the uncivilized tribes of the islands the commission should adopt the same course followed by Congress in permitting the tribes of our North American Indians to maintain their tribal organization and government, and under which many of those tribes are now living in peace and contentment, surrounded by a civilization to which they are unable or unwilling to conform. Such tribal governments should, however, be subjected to wise and firm regulation; and, without undue or petty interference, constant and active effort should be exercised to prevent barbarous practices and introduce civilized customs.

Upon all officers and employees of the United States, both civil and military, should be impressed a sense of the duty to observe not merely the material but the personal and social rights of the people of the islands, and to treat them with the same courtesy and respect for their personal dignity which the people of the United States are accustomed to require from each other.

The articles of capitulation of the city of Manila on the 13th of August, 1898, concluded with these words:

"This city, its inhabitants, its churches and religious worship, its educational establishments, and its private property of all descriptions, are placed under the special safeguard of the faith and honor of the American Army."

I believe that this pledge has been faithfully kept. As high and sacred an obligation rests upon the Government of the United States to give protection for property and life, civil and religious freedom, and wise, firm, and unselfish guidance in the paths of peace and prosperity to all the people of the Philippine Islands. I charge this Commission to labor for the full performance of this obligation, which concerns the honor and conscience of their country, in the firm hope that through their labors all the inhabitants of the Philippine Islands may come to look back with gratitude to the day when God gave victory to American arms at Manila and set their land under the sovereignty and the protection of the people of the United States.

WILLIAM McKINLEY.

Mr. TILLMAN obtained the floor.

Mr. LODGE. Will the Senator from South Carolina allow me to make a motion about the hour of meeting?

Mr. TILLMAN. Certainly.

Mr. LODGE. I move that when the Senate adjourns to-night it adjourn to meet at 11 o'clock to-morrow morning.

The motion was agreed to.

Mr. TILLMAN. Mr. President, after four hours of speaking by one of the most eloquent and best equipped men in America, a man of profound learning, a lawyer without a superior, a special pleader without a peer, I feel that in attempting to follow him at this late hour I labor under such disadvantages that I can not hope to do more than to call attention to some of his sophistries.

Mr. PETTUS. I understand the Senator from South Carolina will have the floor on this question whenever it comes up again, and if so I wish to submit a motion.

Mr. TILLMAN. I am perfectly willing to yield, as I am quite unwell. We have had five hours, and that is about as long as we usually are willing to work at this kind of business. We are, of course, engaged on committees and in other ways, in correspondence and one thing or another, for ten or twelve hours a day, some of us fifteen.

Mr. FRYE. Mr. President——

The PRESIDING OFFICER (Mr. PRITCHARD in the chair). Does the Senator from South Carolina yield to the Senator from Maine?

Mr. TILLMAN. Certainly.

Mr. FRYE. Enough Senators have indicated to me a desire to speak to occupy all of the time if we stay here until 6 o'clock at night and meet here to-morrow at 11 o'clock, and I think it is more prudent decidedly to stay, because some will be disappointed if we do not.

Mr. TELLER. If the Senator from South Carolina does not feel like going on, I understand there are Senators here who will go on to-night, and if so, I think we ought to stay here and give these Senators an opportunity.

Mr. TILLMAN. If an arrangement of that kind is made, I do not want to surrender my right to a hearing in the morning. In other words, I am not willing to be cut off from saying something in reply to the speech of the Senator from Wisconsin.

Mr. TELLER. I suggest, then, that the Senator from South Carolina yield to some Senator, if nobody objects, and let him hold his place.

Mr. TILLMAN. Will the Chair recognize any such private arrangement? Has he the right to do it?

Mr. FRYE. I do not suppose in the United States Senate there is any such thing as retaining the floor or parceling out the time.

Mr. TELLER. I agree to that, but if the Senator from South Carolina should say that he would yield to a Senator for a certain time, and then would resume the floor, I suppose nobody would object to it.

Mr. FORAKER. If the Senator will allow me, I am one of those who have given notice that they desire to speak. I do not know whether or not I will get an opportunity, but I suppose my name is somewhere on the list of those who are noted for a desire to address the Senate on this subject. I do not know just where I come in, but if it will be any accommodation to the Senator from South Carolina I will exchange places with him if I may be allowed to do so.

Mr. TILLMAN. I shall be very glad to yield to the Senator from Ohio, provided I can be assured that he has a place in the picture. [Laughter.]

Mr. FORAKER. I made the suggestion because I understood the Senator to say that he is feeling somewhat indisposed.

Mr. TILLMAN. Mr. President, will you please look on the list there, if you have it, or will the President pro tempore, who is standing at the desk, and please notify us just where I am at in this business?

The PRESIDING OFFICER. The Chair informs the Senator from South Carolina that he has the floor.

Mr. TELLER. I am going to object to any list whatever. Senators must take their chances of getting the floor, according to the custom of the Senate for a hundred years. I object to a list. The Chair has no right to make a list. If a Senator wants to speak, he always has the opportunity of asking the Senate to let him speak.

Mr. FORAKER. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Ohio?

Mr. TILLMAN. I desire to find out what he wants.

Mr. FORAKER. I wish to say that I understood it was the Senator from South Carolina who wanted something, and I thought I might be in a position now to give him something that he wanted.

Mr. TILLMAN. And yet the Senator from Colorado, who has been so much longer in this body than both of us, who could double us in service if he had both of our terms, says he will not permit any private arrangement, and therefore you see our little agreement will be knocked into pie before we even form the coalition.

Mr. TELLER. I did not say that. I did not say that under the circumstances the Senator might not, if the Senate agreed to it, yield to the Senator from Ohio and then to the Senator from Mississippi. What I said I object to is to the Chair making a list and recognizing Senators according to that list. I am going to object to that.

Mr. FORAKER. I wish to say, in answer to the suggestion, that I fully agree with the Senator from Colorado about it; but nevertheless when we have a debate of this kind and as we near the end of it Senators who desire to speak somehow or other fall into an arrangement among themselves as to the order in which they will take the floor. That is all that has been done here. It has been done in a spirit of accommodation, as I understand.

Mr. TILLMAN. As I have been guilty of putting my name down on the list, I am going to stand by the gentleman who put it there.

Mr. FORAKER. In view of that, I withdraw the suggestion I made a moment ago, and will listen with pleasure to the Senator from South Carolina?

Mr. FRYE. In relation to the remark made by the Senator from Colorado, I will state that on Monday the time is to be equally divided between the two sides, fifteen minutes to each speaker. Now, it seems to me that it would be a great deal better if each side would make up a list for the Chair practically to be governed by under such circumstances. It is very embarrassing to the Presiding Officer, when two or three Senators rise to speak, to compel him to recognize one or the other. The rule, of course, I understand perfectly well.

Mr. TELLER. Under the rule the Senator who presides would recognize probably first one on the other side and then one on this side, and let us take our chances. That has been the custom always. I have never known a list to be made, except surreptitiously and without the consent of the Senate. I think the Senator from South Carolina will find no difficulty about it. We will agree on this side as to who is to speak, and Senators on the other side will agree as to their side who will take the floor. I do not object to that. What I object to is that Senators shall go to the Chair and put down their names, and then when a Senator rises and addresses the Chair, the Chair ignores him and looks at the list. That never has been the rule, and it never will be the rule in the Senate while I am here if I can prevent it.

Mr. HOAR. Will the Senator from South Carolina yield to me for a moment?

Mr. TILLMAN. With pleasure. I have been yielding to everybody. I am ready to yield the floor if I can get it to-morrow.

Mr. HOAR. I should like to state that my understanding of the practical rule of the Senate differs from that of the Senator from Colorado. I understand, of course, what is the parliamentary law both in this and the other House. It is that the Chair recognizes the gentleman who first rises. But in all parliamentary bodies, where more than one person wishes to speak, several are apt to rise at the same time; and it has been, ever since I have known this Capitol, now more than thirty years, the custom for the Chair to make up beforehand a list of those who apply to him, and then, when gentlemen rise at the same time, he recognizes them, dealing fairly with two sides of the question in the order in which they have previously applied to him.

I have a hundred times gone to the Chair, when some Senator made an address to which I wished to reply, or somebody in the other House did, and asked the Chair if he would recognize me when the speaker got through, and he has invariably done it, unless somebody else had applied first. That is certainly the only fair way to conduct our debates, and I can not see that that is any more a violation of the rule than it is for the two sides of the Chamber to agree in advance as to who shall speak, as the Senator from Colorado proposes.

I do not recognize the power of this side of the Chamber or of the other side of the Chamber to determine whether any particular Senator on it shall speak. Indeed, sometimes a person may not agree with his own side of the Chamber, and he would not get a chance to speak at all. I have no doubt the Chair, unless I am indiscreet, and he will correct me if I am wrong, has a list of names on the table before him now. I do not believe there has been a debate of this sort, where the time was limited, that the Chair has not had one before him, and somehow or other it always happens that the Senators are recognized in the order in which their names are borne on the list.

I think the Senator from South Carolina will be absolutely safe, if he lets the Senator from Ohio speak now, in relying upon being recognized if it happens, as the Senator from Ohio understands, that there is a list of names on the desk which bears the name of Senator FORAKER. If the Senator from Ohio is on the list I do not think the Senator from South Carolina need have the least apprehension.

Mr. TELLER. Will the Senator from South Carolina allow me for a moment?

Mr. TILLMAN. Certainly.

Mr. TELLER. I want to make a suggestion to the Senator from Massachusetts. I did not complain of what the Senator from Massachusetts says has been usual—for a Senator to go up to the Chair and say, "Recognize me if you can," and the Chair always looks his way; but if somebody gets up before, he recognizes him. I say it has not been the custom, though it sometimes has been done, to have a list; but as a rule we have not had a list. I do not object to what the Senator suggests. With a list, one side of this body might enter their names and the other side be entirely cut out. People advocating a single side of a case might take the whole time, although they might not be the first to address the Chair. I do not think there is any trouble about this.

Mr. COCKRELL. Not one particle of trouble. There never has been.

Mr. TELLER. If the Senator from South Carolina does not want to go ahead, it seems to me that some one might now proproceed, and the Senator, by universal consent, might be heard in the morning. We ought to give Senators a chance to speak to-night.

The PRESIDENT pro tempore. Several Senators are ready to go on to-night.

Mr. MONEY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from South Carolina yield to the Senator from Mississippi?

Mr. TILLMAN. Do I understand the Chair to mean by that that I can give the Senator from Mississippi an opportunity to make a set speech, and then resume the floor when he gets through? I do not yield the floor to any man, because I intend to speak on this subject——

Mr. COCKRELL. Then the Senator had better go ahead.

Mr. FORAKER. The Senator had better speak.

Mr. TILLMAN. Unless I can get assurances that I can have the floor in the morning. I have about three hours' talk in me from my present feelings.

The PRESIDENT pro tempore. The Chair recognizes the Senator from South Carolina.

Mr. TILLMAN. Mr. President, we are discussing or pretending to discuss the bill (H. R. 5833) temporarily to provide revenue for the Philippine Islands, and for other purposes. The Senator from Wisconsin [Mr. SPOONER] used as an argument in favor of the passage of this bill the necessity of raising funds with which to carry on the government in those islands. We had the fact brought out the other day, and nobody disputed it then and nobody dares to attempt to dispute it now, that the so-called Philippine government, the Taft Commission, which is the government and the whole of it, has a surplus of some four or five million dollars in the insular treasury. There is absolutely no immediate use or need for any new revenue or additional revenue.

This whole scheme involves a fundamental change of our national policy for a hundred and twenty-five years. It means a subversion and destruction of those principles which have been the guiding stars of the American people since we have had a Government. Therefore, any pretense that this bill or any bill of a similar import is necessary is a mere subterfuge and humbug, and every man here knows it.

We had a similar bill with regard to Porto Rico, and the purpose of it was to lay the foundation, to establish a precedent for this very piece of iniquity. If we had not had the Philippines on our hands at the time the Porto Rican tariff bill was introduced, no such bill would ever have come into Congress. The purpose was, as I said, to establish a precedent, and if the Supreme Court had not sustained that unhappy precedent, if our court of last resort had not declared that it is in the power of Congress to levy a tariff duty between two sections or two portions of our country if one is a Territory, all of this would have fallen to the ground, and the condition then confronting us of having to admit Philippine products and manufactures, if they should develop, and other articles into the American market upon the same terms that you admit goods from California or Arizona or New Mexico, would have caused us to get out of the Philippines upon any possible condition which would let us loose, or enable us to let them loose, and everybody here knows it. So I believe in clearing the atmosphere a little by stating my opinion—only my opinion, of course—as to the hypocrisy involved in this whole programme.

The Constitution, which is somewhat outworn and more or less obsolete, having become simply a time-honored document to which men appeal occasionally, but which they never observe when they have a majority, unless they want to—this Constitution of ours provides, in section 8 of article 1:

> The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts and excises, shall be uniform throughout the United States.

The question which I, as an American whose fathers in the Revolutionary struggle helped to found this Republic, want decided here—and it is the only question involved—is whether the Philippine Islands are in the United States or not. The Supreme Court says they are territory appurtenant to the United States. They have not been incorporated into the United States, so to speak, although we hold them by cession, and the Senator from Wisconsin and others claim that our title is as perfect as any title can possibly be.

But those islands occupy an anomalous position. They are in a condition in which the Army and the Navy and the Congress are taking possession and acting as though they were a part of this country; treating them absolutaly as a part of the United States; and then, on the other hand, we find this same Congress first authorizing the President to govern them absolutely, all power, legislative, executive, and judicial, being lodged in the President, and he, in his turn, lodging it in five commissioners. We find this Congress ratifying an act of the Taft Commission—the Philippine government, so called—which levies duties on imports from the United States into the Philippines; and the Congress, in addition, levies duties on imports out of the Philippines into the United States.

Now, why do we not levy a duty on imports between Arizona and Nevada? Arizona has three times as many people in it as Nevada.

Mr. STEWART. Oh, no.

Mr. TILLMAN. Well, twice as many. New Mexico certainly has more. The Indian Territory and Oklahoma together have 1,000,000 white people begging for admission into the Union as States. They are denied admission. They are refused the rights of citizens; and yet here we are discussing and here we are legislating about the rights and property and interests of these 9,000,000 wards of ours, or chattels, or whatever other thing they may be. I do not know what they are.

The only power vested in Congress to deal with Territories arises from the section of the Constitution which provides that "The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States."

Well, we bought those islands; so we say. We bought the title to the land, so these lawyers tell us; and we do not count the people on the land or their rights as in any wise affecting our action.

Then we stand before the world occupying the attitude of a country which had its origin in declaring that colonies governed from abroad arbitrarily is tyranny, and we have returned like a dog to its vomit to the policy of England which our fathers overthrew at Yorktown.

While King George, recognizing no rights in the American colonies of that day and time which he was bound to respect—through his Parliament, through orders of the ministry—levied a tax on tea and went forward to levy stamp duties, the men descended from those who resented that tax; the men here from Massachusetts, with one exception at this end of the Capitol and one or two at the other end, stand here clamoring and announcing their belief that we as a people have the right to do the very same thing that England did to Massachusetts in 1776.

Not only that, but we spit upon the organic law which our fathers framed, declaring that there should be uniformity in excise duties and in taxes, and we set up the damnable doctrine that we can not only hold those people without regard to their political, or civil, or other rights, but that we can govern them, not from within, but by sending a lot of appointees, men who go there to take possession of that country, backed by the Army, and to levy taxes by the millions and to spend those taxes under the enactment "Be it enacted by the Philippine Commission, by the authority of the President of the United States," that such and such taxes shall be levied, and such and such disposition shall be made of them. And we call ourselves liberty-loving Americans. We stand here and boast of our proud heritage, and of the great things we are doing for humanity and the world, and what we propose to do.

I have here some ancient history. I have been delving into history of late in regard to the Revolutionary war, and I brought out some facts in regard to the part my State took in that war. It is a good thing if we can go back to the origin of things, especially of our Government, and get some of the facts bearing upon the revolt of the colonies against England, and the procedure which was followed in that day and time in opposition to this new Republican doctrine that might makes right. Might, and might only, because we are a powerful nation, gives us the authority to buy those people from Spain, and claim that we have a title because we have the power to enforce that title; and having crushed out all organized opposition, standing confronted by only a few guerrillas here and there, we proclaim that we have pacified all of the provinces except fourteen, I believe it is.

Mr. LODGE. Will the Senator allow me?

The PRESIDING OFFICER (Mr. PRITCHARD in the chair). Does the Senator from South Carolina yield to the Senator from Massachusetts?

Mr. TILLMAN. With pleasure. I am allowing anyone to interrupt me who wants to interrupt me.

Mr. LODGE. The Senator, I know, does not mean to make a misstatement in regard to the provinces. There is insurrection in four—Batangas, Laguna, Tayabas, and Samar.

Mr. TILLMAN. Mr. President——

Mr. LODGE. If the Senator will excuse me a moment, the rest of the fourteen provinces are two Filipino provinces which are not in insurrection, but, being very remote and sparsely populated, they have not organized governments, and Moro provinces and wild tribes.

Mr. TILLMAN. What has been the course of this philanthropic and humanitarian and civilizing power over there with regard to the Moros? You have not dared go to them with any show of force. You have bootlicked around and even subsidized them by giving to those datos and to the Sultan of Sulu a salary from our Treasury to keep the peace and let us pretend to own them. You leave the Mohammedan fighters severely alone and seize upon the fair provinces of Luzon where there is an opening for your carpetbagger to get in his fine work. You provide the machinery, backed by the bayonet, by which these poor wretches (negroes, you call them) are to be placed where when you squeeze any money out of them you can arrange to distribute it according to your own sweet will. But it is not in your policy to invade the dominion of the Sultan of the Sulus, because you would be met in every bush by a man who would throw a bolo or a bullet into you, and therefore you leave that problem to settle itself hereafter.

You stick to the part of the archipelago which will afford means of robbery—an opportunity to steal. Having had a little experience in Cuba with your carpetbag vermin the country knows what to expect, and having had eight years' experience in South Carolina with carpetbag vermin, from 1868 to 1876, I know whereof I speak, and that is when political influence sends into any conquered country outsiders to govern it the first thing they do is to

stick their hands into the pockets of the prostrate people and steal all in sight.

Governor Taft himself admits that we are going to be confronted by the danger of having improper officers sent there. He realizes it already, and if he would be open and frank I expect he has already caught some of those scoundrels, but it would not be a good thing, you know, to ventilate it in the United States just now.

But let me get back to my point as to arbitrary government by outsiders. I hold here an old, time-honored book of 1775. It contains the following:

By the King: A proclamation for suppressing rebellion and sedition.
GEORGE REX.

Now listen. Here is one of your proclamations to Filipinos by our beneficent authority over there, or something in the same line. This is the process of "benevolent assimilation," except that George did not assimilate. We put some blue pellets into his soup that made the old creature sick.

Whereas many of our subjects in divers parts of our colonies and plantations in North America, misled by dangerous and ill-designing men, and forgetting the allegiance which they owe to the power that has protected and sustained them, after various disorderly acts committed in disturbance of the public peace, to the obstruction of lawful commerce, and to the oppression of our loyal subjects carrying on the same, have at length proceeded to an open and avowed rebellion by arraying themselves in hostile manner to withstand the execution of the law and traitorously preparing, ordering, and levying war against us; and

Whereas there is reason to apprehend that such rebellion hath been much promoted and encouraged by the traitorous correspondence, councils, and comfort of divers wicked and desperate persons within this realm:

To the end, therefore, that none of our subjects may neglect or violate their duty through ignorance thereof, or through any doubt of the protection which the law will afford to their loyalty and zeal, we have thought fit, by and with the advice of our privy council, to issue this our royal proclamation, hereby declaring that not only all our officers, civil and military, are obliged to exert their utmost endeavors to suppress such rebellion and to bring the traitors to justice, but that all our subjects of this realm and the dominions thereunto belonging are bound by law to be aiding and assisting in the suppression of such rebellion, and to disclose and make known all traitorous conspiracies and attempts against us, our crown and dignity; and we do accordingly strictly charge and command all our officers, as well civil as military, and all other our obedient and loyal subjects to use their utmost endeavors to withstand and suppress such rebellion and to disclose and make known all treasons and traitorous conspiracies which they shall know to be against us, our crown and dignity, and for that purpose that they transmit to one of our principal secretaries of state or other proper officer due and full information of all persons who shall be found carrying on correspondence with or in any manner or degree aiding or abetting the persons now in open arms and rebellion against our Government within any of our colonies and plantations in North America, in order to bring to condign punishment the authors, perpetrators, and abettors of such traitorous designs.

Given at our court at St. James's the 23d of August, 1775, in the fifteenth year of our reign.

God save the King!

Here we have the direct source or fountain from whence the sedition laws which we have had discussed were drawn. But listen again. Here is another interesting historical document:

By His Excellency the Hon. Thomas Gage, esq., governor and commander in chief in and over His Majesty's province of Massachusetts Bay and vice-admiral of the same.

Now, I know my distinguished friend, the senior Senator from Massachusetts [Mr. HOAR], knows this almost by heart, and I want him to listen to me very closely while I read the following paragraph from this time-honored document:

A PROCLAMATION.

Whereas the infatuated multitudes who have long suffered themselves to be conducted by certain well-known incendiaries and traitors in a fatal progression of crimes against the constitutional authority of the State have at length proceeded to avowed rebellion, and the good effects which were expected to arise from the patience and lenity of the King's Government have been often frustrated and are now rendered hopeless by the influence of the same evil councils, it only remains for those who are intrusted with supreme rule, as well for the punishment of the guilty as the protection of the well affected, to prove they do not bear the sword in vain.

I will skip and then jump to this place:

The authors of the present unnatural revolt, never daring to trust their cause or their actions to the judgment of an impartial public, or even to the dispassionate reflection of their followers, have uniformly placed their chief confidence in the suppression of truth, and while indefatigable and shameless pains have been taken to obstruct every appeal to the real interest of the people of America, the grossest forgeries, calumnies, and absurdities that ever insulted human understanding have been imposed upon their credulity.

Listen to this, now:

In this exigency of complicated calamities I avail myself of the last effort within the bounds of my duty to spare the effusion of blood, to offer, and I do hereby in His Majesty's name offer and promise, his most gracious pardon to all persons who shall forthwith lay down their arms and return to the duties of peaceable subjects—

And this—

excepting only from the benefit of such pardon Samuel Adams and John Hancock, whose offenses are of too flagitious a nature to admit of any other consideration than that of condign punishment.

I was called a "traitor" here the other day because I boldly avowed my sympathy with the Filipinos. The senior Senator from Massachusetts [Mr. HOAR] was not called a traitor, but the Senator from Ohio [Mr. FORAKER], not now in his seat, said that under the act of the Taft Commission if they had caught the Senator from Massachusetts in the Philippine Islands they would have hanged him long ago. So, I presume, if I may rise or claim to participate in this unpleasant eminence or infamy or treachery or treason, that soon we shall have some notice from somewhere that the senior Senator from Massachusetts and the senior Senator from South Carolina will be excepted from some proclamation of pardon for our treasonable acts and designs.

Mr. President, if I believed we had any title to the Philippines, I would be the last man to sympathize with people who are said to be in rebellion; but I no more believe that the Filipinos are in rebellion against the United States than that the Confederate soldiers were in rebellion. I believe those Confederate soldiers who marched to battle in support of their construction of the Constitution, and for four long years poured out their blood in torrents in testimony of that belief, proved by offering up their lives that they were honest and patriotic, and that the contention that they were rebels will fall to the ground in the pages of the impartial historian of the future, by reason of the fact that they simply went to war with their Northern brethren to settle a question of constitutional construction.

The Filipinos, while they may be subjugated off of the face of the earth, as they are being done to-day, or pacified off the face of the earth, if you choose, in the eye of an honest historian who may write down the facts as they exist both in the official documents which have been sent to the Senate and in reports of our officers, of our generals, in spite of what the Senator from Wisconsin [Mr. SPOONER] said to-day, will be able to make a case in history which will lead any impartial and honest man who will write it to declare that the Filipinos, having gone into insurrection against Spain before we went to war for Cuba, having, after the battle of Manila, been furnished arms by Dewey and treated as allies, having participated in the siege of Manila alongside of the men of the American Army when the city was surrendered, in August, and from then until the following February having stood there with arms in their hands, after having organized a government and having had peace and order restored throughout the archipelago—those Filipinos can make a case which in the eyes of an impartial historian will entitle them to be considered as struggling patriots, instead of rebels fighting against authorized and lawful authority.

It is no use, by simply asserting or reiterating disproven facts, to undertake to show that those people were not fighting before we went there, and afterwards fought with our help until they had captured every Spanish soldier outside of Manila and Iloilo, at the time we pretended to buy them from Spain. We had full and fair notice from Aguinaldo and others that if we undertook to buy the sovereignty of those islands and give the Filipinos no guaranty as to what should be their political status—in other words, give them nothing in the shape of promises as to liberty—they would fight us; and it is on record from our own officers, writing to the War Department, and showing that the Government here and that this Senate, before it ratified the treaty, had absolute proof that those people regarded us as allies, that they had been promised liberty, and had been assisted to win it, and that they did not recognize our right to buy them from Spain, and would not submit to such a purchase without fighting.

Those facts being indisputable, it can not be maintained honestly or fairly or legally that our title is clean. We may make our title good by force; we may lie those people out of all semblance of claim; we may publish from the War Department documents here, captured orders showing conspiracies and every other kind of thing, such as have been read here to-day, and undertake to blacken their record, to sneer them out of court; but the fact remains that they were fighting for liberty when we went there, that we helped them to expel the Spainards, and then we turned around and have fought them, and for three long, dismal years we have been engaged in a war of subjugation, pure and simple, and nothing but subjugation.

The pacification of which we hear is the kind of pacification that obtained in Poland; the pacification that obtains in Armenia; the pacification that obtains on our Western plains, where we have exterminated the Indians who originally owned the land.

Mr. TELLER. Does the Senator desire to conclude his remarks this evening?

Mr. TILLMAN. No; I can not get through to-night. That is sure.

Mr. TELLER. Will the Senator yield to me for a motion?

The PRESIDING OFFICER (Mr. PRITCHARD in the chair). Does the Senator from South Carolina yield to the Senator from Colorado?

Mr. TILLMAN. I do.

Mr. TELLER. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 24 minutes p. m.) the Senate adjourned until to-morrow, Saturday, February 22, 1902, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

FRIDAY, *February 21, 1902.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

ADJOURNMENT UNTIL MONDAY.

Mr. PAYNE. I move that when the House adjourn to-day it adjourn to meet on Monday next.

The motion was agreed to.

MARTHA R. OSBORN.

The SPEAKER laid before the House the following resolution from the Senate; which was read:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 282) granting a pension to Martha R. Osborn.

The SPEAKER. Without objection, this request will be complied with. The Chair hears none; and it is ordered accordingly.

LEAVE OF ABSENCE.

Mr. CUSHMAN, by unanimous consent, obtained leave of absence till next Tuesday, on account of important business.

CUBAN REAL ESTATE PURCHASES BY NONRESIDENTS.

Mr. TAWNEY. I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the Secretary of War be, and he is hereby, requested to furnish the House of Representatives such information concerning the number of acres of land in Cuba purchased by nonresidents of the island since the date of American occupation as is shown by the reports to and the records of his Department and by the records of the military government of the island of Cuba, giving the consideration, the names and places of residence of purchasers, as shown by the recorded instruments of conveyance, and also the number of acres contained in each tract so conveyed; also the total acreage of cultivated sugar land in the island of Cuba now owned by citizens of the United States and by citizens of other countries foreign to Cuba.

The SPEAKER. Is there objection to the present consideration of this resolution?

Mr. RICHARDSON of Tennessee. I wish to ask whether the resolution has been considered by any committee?

Mr. TAWNEY. It has not. It is simply a resolution of inquiry.

Mr. RICHARDSON of Tennessee. This is a question which, it seems to me, the Ways and Means Committee ought to consider.

Mr. TAWNEY. It is simply a resolution of inquiry for the purpose of aiding the committee in the consideration of a subject now under examination by the committee.

Mr. RICHARDSON of Tennessee. I do not see the chairman of the committee in his seat at this moment. I will ask whether the resolution does not recite on its face that the facts inquired about are already contained in the report of the Secretary of War?

Mr. TAWNEY. Not necessarily so.

Mr. RICHARDSON of Tennessee. I so understood from the reading of the resolution.

Mr. TAWNEY. I understand that the information is in his possession.

Mr. RICHARDSON of Tennessee. I understood the resolution to recite that the facts inquired about are already included in the report of the Secretary of War.

Mr. TAWNEY. Of course the information would be contained in the records of the War Department; but we have not access to those records—not to all of them. I understand the information can be readily obtained.

Mr. RICHARDSON of Tennessee. Then this proposes to obtain simply a collation of facts shown by the records of the Department?

Mr. TAWNEY. That is the purpose.

Mr. RICHARDSON of Tennessee. I have not seen the resolution before, but I think matters of this kind should receive some kind of consideration before their adoption.

Mr. PAYNE. I do not like to see adopted here the precedent of a resolution of inquiry coming in here and being adopted by the House without any consideration by a committee. I shall have to object. Let the resolution go to a committee.

Mr. TAWNEY. I submit to the gentleman from New York [Mr. PAYNE] that this request is not unprecedented. It is a very common or ordinary thing to have resolutions of inquiry addressed to a department offered in this way and to ask for their adoption by unanimous consent.

Mr. RICHARDSON of Tennessee. It is not my understanding that we have been in the habit of adopting resolutions of this kind without a reference.

Mr. TAWNEY. Such resolutions have frequently been adopted in this way since I have been a member of the House. I did not suppose there would be any objection to our obtaining information so material to the inquiry as to who would enjoy any benefit resulting from any concession we might make to sugar coming from Cuba.

The SPEAKER. Is there objection to the consideration of this resolution?

Mr. PAYNE. Yes, sir; I object. I desire that the resolution shall go to a committee.

The SPEAKER. Objection being made to the immediate consideration of the resolution, it will be referred to the Committee on Insular Affairs.

INDIAN APPROPRIATION BILL.

Mr. SHERMAN. I move that the House resolve itself into Committee of the Whole on the state of the Union to resume the consideration of the Indian appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. MONDELL in the chair), and resumed the consideration of House bill 11353, the Indian appropriation bill.

The CHAIRMAN. The amendment offered yesterday by the gentleman from New York [Mr. FITZGERALD] is pending.

Mr. SHERMAN. Mr. Chairman, when the Committee of the Whole rose last night we were discussing the question of immorality alleged to have existed at the Shoshone school in 1900. After the gentleman from New York had spoken for a moment or two—simply long enough for me to catch the trend of his remarks—I went to the telephone, called up the Commissioner of Indian Affairs, and asked him what this matter was. I understood him to say over the phone that there was nothing in it; that he did not know anything about the document from which the gentleman from New York was reading—that he had never seen it.

I supposed that the document from which he was reading was a report from the Department, and stated that the Commissioner had never had such report. Investigation this morning discloses the fact that in that statement I was in error to this extent: The report was made to the Department in 1900, containing these allegations that are repeated in the Senate document from which the gentleman from New York [Mr. FITZGERALD] read; that after the reception of that report by the Secretary of the Interior it was referred to the Indian Bureau, and that Bureau sent another inspector or called upon the agent to examine into the subject and make a report thereon, and that examination was made and report made, after the examination, to the Department.

It was stated that they could find that report and send it to me before the House met at 12 o'clock, but I have not yet received it, from which I conclude it has not been found. The report exonerated from blame Mr. Nardin, the then superintendent of that school. It is proper to state in this connection that the inspector who made the first report has since been—I was going to say, dismissed from the service, but that is not so; he has been separated from the service. I do not care to discredit that inspector, because I do not now, from the information before me, challenge the fact that immorality existed at this school at the time; and I do that purely upon hearsay now, because I have not yet received the report to which I refer.

The then superintendent, who is now the superintendent at the Michigan school, Mount Pleasant, it is claimed was in no wise blamable for the condition that then existed; that as soon as he was aware of the condition he corrected it. Now, Mr. Chairman, inasmuch as we have not this subsequent report, and that this is a matter, it seems to me, of the most serious consequence, and inasmuch as the amendment offered by the gentleman from New York would not dismiss from the service this superintendent, even should he be censurable for his conduct——

Mr. FITZGERALD. Will the gentleman permit an inquiry at this point?

Mr. SHERMAN. Yes.

Mr. FITZGERALD. Do you believe that if this amendment were adopted that the Department would dare to transfer this superintendent to some other school?

Mr. SHERMAN. I prefer not to answer that question directly. It is not a question of dare. I think it is not the desire of the head of the Interior Department or any other department to do any act which he believes or knows to be antagonistic to the wish of the legislative branch of the Government. I was about to suggest, if the gentleman would withdraw his amendment, that later, at the proper place in the bill, I would offer an amendment to cover the subject. I do not offer it now, because it would not be germane at this point in the bill. The amendment I would offer is as follows:

That the Indian Committee of the House, through a subcommittee thereof, investigate the entire subject of the conduct of Superintendent Nardin while in charge of the Shoshone school, and any of his subordinates; the conditions then and now existing

at said school, and the conduct of students then and now there; and for that purpose they are authorized to send for persons, papers, etc., the expenses thereof to be paid out of the contingent fund of the House.

If the gentleman from New York is satisfied with that and will withdraw his amendment, I will offer that later on in the bill, and I think in that way we can, in the near future, probe this matter to the bottom; and if, in the opinion of the subcommittee, this superintendent is censurable, there is no shadow of doubt in my mind that he will be promptly dismissed from the service. I would like to know if that suggestion meets the approval of my colleague from New York?

Mr. FITZGERALD. Before answering the gentleman's question I would like to make a statement in connection with the pending amendment and with what happened yesterday.

The CHAIRMAN. The time of debate is exhausted.

Mr. FITZGERALD. I ask unanimous consent to be permitted to make a statement in connection with the statement of my colleague in this matter.

The CHAIRMAN. The gentleman from New York asks unanimous consent to make a statement. Is there objection?

Mr. SHERMAN. How much time does the gentleman from New York wish, more than five minutes?

Mr. FITZGERALD I do not know. I do not want to abuse the patience of the committee.

Mr. SHERMAN. Will ten minutes do?

Mr. FITZGERALD. Ten or fifteen minutes.

Mr. SHERMAN. Then I ask, Mr. Chairman, unanimous consent that the gentleman be allowed to proceed for fifteen minutes.

There was no objection.

Mr. FITZGERALD. Now, Mr. Chairman, I trust that I may be permitted to discuss this matter without interruption. When I read from Senate Document No. 201 yesterday, the gentleman from Iowa [Mr. LACEY] said this. I read from the RECORD of yesterday:

Read the balance of it, to show that it is purely and absolutely a blank charge that is here.

No name appeared in the document which I had then in my hand. Further on in the debate he stated:

It is a blank charge, and the affidavits are not sworn to. He ought to be able, in making a charge of this kind against Superintendent Nardin, of whom I never heard—but he ought to be able to name the party from whom he gets the information.

I now submit official reports from the Department of the Interior which substantiate what I said yesterday.

Mr. Chairman, I have in my hands the official report of W. J. McConnell, then an inspector in the Indian service. It is dated June 4, 1900. It is addressed to the Secretary of the Interior, and a copy of it is in Senate Document 201, from which I read yesterday. It has indorsed upon it:

JUNE 21, 1900.

Respectfully referred to the Commissioner of Indian Affairs for consideration of the recommendation of the inspector and prompt report of action taken thereon.

THOS. RYAN, *First Assistant Secretary.*

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
October 4, 1900.

Respectfully returned to the Department, with the statement that the contents of the within report have been carefully noted.

W. A. JONES, *Commissioner.*

That, Mr. Chairman, is sufficient justification that this was not an idle report nor an idle charge. That report appears in to-day's RECORD. In that report Mr. McConnell said:

Thinking that you should know the condition which existed here under Mr. Nardin, I transmit herewith the statements taken at an investigation recently made at the school by United States Indian Agent Nickerson, together with the affidavits of the employees who assisted him.

I have here a letter dated Shoshone Agency, June 4, 1900, to Hon. W. J. McConnell, United States Indian inspector, Shoshone Agency. It is as follows:

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Shoshone Agency, Wyo., June 4, 1900.

Hon. W. J. MCCONNELL,
United States Indian Inspector, Shoshone Agency, Wyo.

SIR: In handing you the statements hereunto attached, taken at the Wind River boarding school, on April 28, 1900, by Mr. Duclos and Mr. Cochrane, school employees, in my presence, and by them reduced to writing, I desire to state that having cause to suspect that the boys and girls at this school were having improper relations, I gave instructions to the school employees soon after Mr. Nardin, the late superintendent, left, to keep close watch on the boys and girls, and assisted in the watch myself. It took but a few days to trap them. They were questioned separately, and corroborated each other's statements in regard to their more recent escapades; also stated that they had been getting together frequently during the year last past. As soon as their manner of getting together was discovered, I took immediate steps to prevent its repetition.

The statement of the girls, together with the certificate of Mr. Duclos and Mr. Cochrane, is herewith submitted.

Very respectfully,

H. G. NICKERSON,
United States Indian Agent.

The Commissioner of Indian Affairs informs me this morning that Indian Agent Nickerson is still in the Indian Service. His report, at least, must have been accepted as reliable.

I hold in my hand the affidavits of the two employees of the schools who were present when this investigation was made. Both of them are still in the service; and I have also the statements that were taken at the time from different girls in this examination:

WIND RIVER BOARDING SCHOOL,
Shoshone Agency, Wyo., April 28, 1900.

I hereby certify that I am employed as manual-training teacher at the Wind River Boarding School, and that on April 27 my attention and that of other employees was called to the fact that boys and girls were talking by signs through dormitory windows, evidently planning to get out of their dormitories that night.

They were watched, with the result that three boys were caught out of their dormitory at 11 o'clo ‹ that night. The boys are locked in their dormitories during the night, and these three boys got out by tying sheets together and sliding down to the ground through a window.

The boys confessed that their object in climbing out was to get with the girls, and gave the names of the parties implicated, together with times and places where they had heretofore met.

The agent ordered an investigation, at which he was present. The statements of several girls were taken, all of which corroborated what had been told by the boys whom we had captured. At this investigation I proposed the questions and Mr. Cochran, carpenter, reduced the same with the answers to writing, all of which is hereto attached. I have frequently called the attention of Superintendent Nardin to the boys leaving their dormitories at night and being so sleepy that they could not work next day. This matter of boys getting out was frequently discussed at the mess tables in the presence of Superintendent Nardin. The assistant matron, Miss Clare Jessup, at several times in his presence stated that the boys built a fire in the basement during the night and nearly smoked her out of her room above. Superintendent Nardin invariably claimed that she must be mistaken.

The investigation held to-day revealed that they had been out with the girls.

A. F. DUCLOS.

Subscribed and sworn to before me this 4th day of June, 1900, at Shoshone Agency, Wyo.

W. J. MCCONNELL,
United States Indian Inspector.

Mr. Duclos is in the service to-day. Another affidavit says:

WIND RIVER BOARDING SCHOOL,
Shoshone Agency, Wyo., April 28, 1900.

I hereby certify that I am employed at the Wind River Boarding School as carpenter and acting engineer and assisted other employees in capturing these boys on the night of the 27th, who tied sheets together and slid from a second-story window; through them others were found to be implicated in outbreaks of long standing, and admitted their relations with the girls, whose testimony we append. The witnesses were examined singly and not allowed to confer with anyone during the investigation.

Supt. E. C. Nardin has been repeatedly informed by the assistant matron, in the presence of the employees in the mess dining room, of nightly outbreaks and great disturbance, breaking in doors and windows to get access to the basement during the night. Having the repair work to do, I repeatedly called the attention of the superintendent to the damages done, and in one case, where a window sash and four window lights had been broken, I took the trouble to find the culprit, but no action was taken and the abuse went on. I found it necessary in one week to repair thirteen lights which had been broken out and replace the panels of one door.

WESTON W. COCKRANE.

Subscribed and sworn to before me at Shoshone Agency, Wyo., this 4th day of June, 1900.

W. J. MCCONNELL,
United States Indian Inspector.

These reports, Mr. Chairman, were filed in the Indian Office. I got them there this morning. I was informed by the Commissioner that this Indian inspector is no longer connected with the Indian service. I do not know that I am free to state why, but the Commissioner claims, practically, that he was an unfit man for the service. He stated that further investigations in this matter were made; that he thought reports were in his office, and that he would try and find them, but they have not been yet produced. The reports I have here were easily found. The reports exonerating Nardin and condemning O'Connell have not been produced. I doubt if they exist. Nickerson, Duclose, and Cochrane are still in the service. McConnell, who had the courage to make these reports, is not.

McConnell, in his report, stated in effect that Superintendent Nardin and his wife, who at this time was the assistant matron, were incompetent for their places. Superintendent Nardin's wife is not now connected with the service. Superintendent Nardin, charged with the responsibility for these acts, is not only now in the service, but he has been promoted to a place in a school of a higher degree and receives a higher salary.

Let me read from an earlier report made from Inspector McConnell about Superintendent Nardin. It was made in October, 1899. It is quite lengthy, and I do not wish to encumber the RECORD with it. Any gentleman who wishes to see it can do so, and if he thinks he is justified he can place it in the RECORD.

First, as to who Nickerson is; this is from the report made to the Indian Bureau October 1, 1899, from Idaho.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent that I may continue for five minutes longer.

The CHAIRMAN. The gentleman from New York asks unanimous consent that he may continue for five minutes. Is there objection?

There was no objection.

Mr. FITZGERALD (reading):

Nickerson was appointed and took his position April 1, 1898, at a salary of $1,500. He is an old Grand Army man of unblemished character, but whether he possesses the ability to control the Indians on his reservation is a very doubtful proposition. In fact, I fear he does not.

From the same report:

This division is headed Wind River School. E. C. Nardin is superintendent of this school. He is 45 years old, and receives a salary of $1,400 per annum. He entered the service March, 1894. Mr. Nardin is a former student of the Ypsilanti Normal School, in Michigan. He may be a good teacher, but he is totally unfit for the position of superintendent of any Indian school. The place has the appearance of decay. Its fences are down and everything seems to be going to wreck.

Mr. Nardin does not have the ability to secure the attendance of pupils, and after they are placed in the school by the agent and the police, he does not seem to be able to hold them there, many escapes being made by pupils while I was there; I think in all 40 girls and boys ran away. It does not seem as though it should be necessary for a representative of the Department to be obliged to go there and tell him that the children are not properly clothed. In a communication I sent you a few days ago, inclosing a copy of an order to the agent to transfer the matron, I explained to you the way they were clothed. Lengthy comments are not necessary. If this school is to be brought to any reasonable degree of success the management must be changed. I think likely Nardin could successfully fill a position of principal teacher, but he has not the executive and business ability to fill the office of superintendent.

Mr. Chairman, in the face of a report of that character this man was advanced in the service. If there are on file in the Indian Office any reports which exonerate this superintendent they certainly could have been found as readily as these reports. I would like to adopt the suggestion of my colleague, but I believe that, in the face of these reports, this House should take the responsibility now of saying whether this man shall remain in the service or whether he shall not. If there is any official document to exonerate him from responsibility for the acts charged here it should be produced here, and in the absence of it we are justified in assuming that it does not exist. While I regret that I can not adopt the suggestion of my colleague at this time, because such an investigation could not be had until this bill would be enacted into law, I propose to ask this House to vote upon the amendment and to assume the responsibility for this man remaining in the service.

Mr. LACEY. Mr. Chairman, I confess to considerable surprise at the last statement of my colleague on the committee [Mr. FITZGERALD], who has just taken his seat, insisting, in the face of the proposition made by the chairman of the Committee on Indian Affairs for a fair investigation of this matter, that this Committee of the Whole, in the hubbub of this debate—not one in a dozen members having listened to the gentleman; not one in a dozen having heard a word of what he said; not one in a dozen having the remotest idea of what he was talking about—should pass a proposition blackening the character of Mr. Narden, condemning him in the name of the American Congress. I say it does not comport with the usual fairness and candor and generosity of the gentleman.

Mr. Chairman, I am not here to defend Mr. Narden. I know nothing about the truth of any of these charges; but I know as much about the matter as the gentleman who has just taken his seat. We know that W. J. McConnell, who was an Indian inspector, has made these charges against this particular school superintendent. It further appears from the statement of the gentleman that Mr. McConnell is no longer in the Indian Service and that Mr. Narden still remains there. Now, with these two facts——

Mr. FITZGERALD. Will the gentleman permit a question?

Mr. LACEY. Certainly, any question.

Mr. FITZGERALD. Allow me to say it also appears from the statement of the Commissioner that three other employees whose affidavits and statements I read are still in the service.

Mr. LACEY. No doubt.

Mr. FITZGERALD. Does not the gentleman think that if there were reports exonerating this superintendent they could have been found by this time in the Department?

Mr. LACEY. Could have been found! The gentleman sprung upon the House yesterday an anonymous document—a document that was——

Mr. FITZGERALD. An official document.

Mr. LACEY. A document that was laid upon his desk by some unknown person; and he permitted himself to be used as the mouthpiece to discharge in this House this anonymous accusation against a public officer.

Mr. GREEN of Pennsylvania. Will the gentleman allow me a moment?

Mr. LACEY. I can not yield now. I am answering the gentleman from New York.

The gentleman having made that charge, and his attention having been called to the fact that it was an unsigned document, the matter was laid over by unanimous consent until this morning. The Indian Commissioner was called upon. He promised to send the papers here at quarter before 12 o'clock to-day. He did so. At twenty minutes before 1 o'clock the gentleman from New York, without any examination, without awaiting the examination proposed by the chairman of the Committee on Indian Affairs, asks this House ex parte, without a hearing, and when the House is in Committee of the Whole—in a capacity utterly unfitted for judicial consideration of anything—that it should pass upon and blacken the character of a man whom he does not know, of whom he never heard until yesterday, when this document was laid upon his desk.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LACEY. I ask unanimous consent to occupy five minutes longer.

The CHAIRMAN. Is there objection? The Chair hears none.

Mr. LACEY. Now, Mr. Chairman, the proposition made by the chairman of the committee [Mr. SHERMAN] is a just one. Here are grave charges. They are charges which can not be lightly thrown aside. They are charges that this House is in no condition in this hurried way to act upon. Let this matter go to the committee for an investigation. In that way both sides can be heard. In that way we can learn why it is that McConnell went out of the service and Narden stayed in. We may find that these charges are fictitious, that they are false, that they are unfounded. I do not say that they are. But the fact that the Department dropped from the service the man who made them and retained in the service the man against whom the charges are made is at least worthy of consideration until we have had full information.

Mr. RICHARDSON of Tennessee. Will the gentleman allow me a moment?

Mr. LACEY. Certainly.

Mr. RICHARDSON of Tennessee. I have taken no part in this debate. I have had nothing to do with this matter. I have not investigated it. But in view of the charges made here yesterday afternoon, all of which have been printed in the RECORD this morning, could not the Commissioner of Indian Affairs have told us what the real facts are and why these men are in the service? Why do we need an investigating committee to find out those facts?

Mr. LACEY. I will explain to the gentleman. Inspectors are not agents of the Indian Commissioner; they do not report to him; they are the right-hand men of the Secretary of the Interior.

Mr. RICHARDSON of Tennessee. Why has he not been heard from?

Mr. LACEY. He has not been called upon; he has made no report. The Commissioner of Indian Affairs has been called upon.

Now, I am quite sure my friend from Tennessee is too just a man to want to vote upon a proposition of this kind in this hurried way. Would the gentleman, in the face of this slight testimony which has been furnished on one side only—strong, perhaps, as a statement on one side, but which has evidently been explained upon the other to the satisfaction of the Interior Department—be willing to have this House act in this way upon it?

Mr. RICHARDSON of Tennessee. The point I was making was that if the Secretary of the Interior was familiar with the facts he has had twelve, fifteen, twenty hours now to have given us those facts.

Mr. LACEY. The Secretary of the Interior had no notice of this matter. His attention was called to it this forenoon.

Mr. RICHARDSON of Tennessee. Why is it that he did not pay attention to the debate in this House yesterday?

Mr. LACEY. There are many things in the debates of this House that the great American people never hear of.

Mr. RICHARDSON of Tennessee. Did the gentleman from New York [Mr. SHERMAN] not state that he had been telephoning to the Commissioner of Indian Affairs, an officer of this Interior Department? He certainly had knowledge of what was going on.

Mr. FITZGERALD. Will the gentleman from Iowa [Mr. LACEY] permit a question?

Mr. LACEY. Yes.

Mr. FITZGERALD. The gentleman called at the Interior Department this morning, did he not?

Mr. LACEY. I did.

Mr. FITZGERALD. You were shown these reports which I have?

Mr. LACEY. I was.

Mr. FITZGERALD, They were produced?

Mr. LACEY. They were.

Mr. FITZGERALD. They were not able to produce any other reports?

Mr. LACEY. I did not ask for any. The Secretary informed me that the matter had been investigated and that Mr. McConnell had not been reappointed. I was on my way to a committee meeting, and I only stopped for a moment.

Mr. GREEN of Pennsylvania. Will the gentleman permit a question?

Mr. LACEY. I am not ready to convict a man on five minutes'

notice. I am more charitable than my friend from New York [Mr. FITZGERALD]. I do not want to blacken the character of any man on the floor of this House without a hearing. I am not here to defend him, but I say that he is entitled to a fair hearing, and that it is an outrage on decency and justice for anyone on the floor of this House to read, in the nature of an indictment, an unsigned document containing a charge made by a discharged official, and then ask this House upon that, without a hearing, during the discussion of this appropriation bill, to withdraw the appropriation for a great Indian school because this man has not been discharged.

Mr. SHACKLEFORD. I would ask the gentleman how this matter can be examined?

Mr. LACEY. By the Committee on Indian Affairs.

Mr. SHACKLEFORD. What assurance have we that that will ever be done?

Mr. LACEY. What assurance do we need any further than that Congress directs it to be done?

Mr. SHACKLEFORD. How can we get Congress to do that?

Mr. LACEY. The gentleman offers a proposition appointing a committee to do it.

Mr. SHACKLEFORD. Might not that go into a pigeonhole, like other things brought up in the House?

Mr. LACEY. I take that inquiry of the gentleman for what it is worth.

Mr. SHACKLEFORD. The gentleman knows that that is what has been done with all of the requests for investigation that have been introduced into this House in this Congress; they are in a pigeonhole to-day.

Mr. LACEY. The gentleman's remedy, then, is, if anyone is charged with a crime for the House of Representatives to convict him without a hearing.

Mr. SHACKLEFORD. What is your suggestion for a remedy?

Mr. LACEY. My suggestion is to have this investigated, to have the records on both sides investigated.

Mr. SHACKLEFORD. But it will not be done.

Mr. LACEY. When the gentleman says that, he simply does not do himself or his colleagues on the floor of the House sufficient credit.

Mr. SHACKLEFORD. I happen to know of others asking for investigation in the various things that occur in this Government, and they are simply thrust into the pigeonholes of the desk in some committee, and the gentleman from Iowa knows it.

Mr. LACEY. I know nothing of the sort.

Mr. GREEN of Pennsylvania. The gentleman expressed great surprise that there was only one of these pamphlets, while orders were given to the document room to suppress that document.

Mr. LACEY. The document ought never to have been published in that form. No unsigned document attacking the character of an individual ought to disgrace the records of the Congress of the United States.

Mr. GREEN of Pennsylvania. I would like to ask who has the right in this House to suppress documents?

Mr. LACEY. It was an outrage to print that document without the signature of Mr. McConnell, and to lay it upon the desk of a member of this House.

Mr. GREEN of Pennsylvania. I think that has been going on before.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHERMAN. The charges here presented and about which we have been talking for an hour or two are most serious. Nobody who is fair-minded, it seems to me, can deny that fact. Upon their face they reflect upon the Indian Service. There is no denying that fact, but from everything that we have before us now it is ex parte. There are few questions that have ever come under my observation that have not two sides.

I do not know what the other side of this question is, and I want to know it. The amendment offered by my colleague from New York will cure no defects. It simply provides that the pay of a superintendent at a particular school be withheld while the present superintendent is there, and this law does not go into effect until the 1st of next July. If there is in the service a superintendent who is knowingly, or even carelessly, permitting debauchery to occur at his school, he ought not to be in the service until the 1st of July.

If my colleague will agree with me, I would say to him that I will offer as a separate resolution in the House, as soon as this bill is disposed of, the proposition which a while ago I suggested to him I would offer as an amendment to the bill. I shall offer it broadened in its scope, so that the committee can have the power to inquire what knowledge any Government official had of these transactions or kindred ones, and what action they took thereon, and how and why this superintendent was transferred to the other school.

Mr. LITTLE. Will the gentleman yield for a moment?

Mr. SHERMAN. Yes.

Mr. LITTLE. I should like the investigation to be broad enough to ascertain why Superintendent McConnell is now out of the service.

Mr. SHERMAN. I am entirely willing that the resolution should cover that ground also.

Mr. LITTLE. If he made a report which was justified by the facts he had in his possession, and was withdrawn from the service on that account, it is a greater outrage than the other.

Mr. SHERMAN. The gentleman from Arkansas, of course, is correct. My understanding is that Mr. McConnell was not dismissed from the service, but that his term expired.

Mr. LITTLE. I know nothing about that.

Mr. SHERMAN. But I agree with the gentleman. It would appear here now from what we have before us that the man against whom the charges were made had been promoted and the official making the charges is no longer in the service. That is a peculiar condition of affairs. There must be some explanation of it, and that explanation I desire to get.

Mr. CANNON. Will the gentleman allow me?

Mr. SHERMAN. Yes.

Mr. CANNON. For the first time I have seen and glanced through the document that the gentleman from New York [Mr. FITZGERALD] has quoted here. As I glanced over it I did so with surprise, because, if it be a document that affects the character of somebody in the public service, it is so vague, so contradictory that it seems to me, whatever the facts may be, a man ought to have paused long before he put it in the shape of a document, after full investigation, and longer before he brings it before the House as fact, as something that is reliable. I trust that the gentleman from New York [Mr. SHERMAN] will offer his resolution.

Mr. FITZGERALD. Will the gentleman permit me?

The CHAIRMAN. The time of the gentleman from New York [Mr. SHERMAN] has expired.

Mr. FITZGERALD. I should like to ask the gentleman from Illinois a question.

Mr. CANNON. I have not the floor.

Mr. SHERMAN. I ask unanimous consent that my time may be extended five minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. SHERMAN. Now, I will yield to the gentleman.

Mr. FITZGERALD. Does the gentleman from Illinois refer to these official reports that are on file now in the Department or does he refer to the Senate document?

Mr. CANNON. I refer to the Senate document upon its face; contradictory, loose in structure, with scandalous matters in it, and if it had been presented to me to affect my judgment, let alone to use in the House, I should have said, "It is not satisfactory;" and upon the face of it, contradictory as it is, I would not make a scandal, I would not even in my own mind condemn a dog upon it without investigation and knowledge. [Applause.]

Mr. FITZGERALD. Does the gentleman know that on file with that report were the affidavits of three employees of the service sustaining it, which employees are to-day in the Indian service.

Mr. CANNON. I am speaking of what is on the face of the document.

Mr. FITZGERALD. I have produced here what is on file in the Department to substantiate it.

Mr. CANNON. Oh!

Mr. FITZGERALD. And nothing has been produced from the Department which disproves the truth of the allegation.

Mr. CANNON. I am speaking of the document. Whatever the facts may be, the statements upon that document ought not, in my judgment, without further inquiry, to have been spread upon the official records of Congress. That is all I desire to say.

Mr. SHERMAN. May I ask my colleague from New York [Mr. FITZGERALD] if, in view of my statement that I will offer this resolution of inquiry, he desires to press his amendment?

Mr. FITZGERALD. In view of the fact that this resolution will be offered in the House providing for an immediate investigation, I will withdraw the pending amendment.

Mr. SHERMAN. I ask the Clerk to read.

Mr. SIMS. I should like to ask the gentleman if that will not be subject to a point of order?

Mr. SHERMAN. I am sure that the gentlaman is familiar with the rule as to resolutions of inquiry offered in the House; but I propose to ask unanimous consent for its immediate consideration.

Mr. KLEBERG. Mr. Chairman, I ask unanimous consent to address the committee for five minutes.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to address the committee for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. KLEBERG. Mr. Chairman, I do not rise to make a defense of the Germans, either on this side or the other side of the Atlantic, or in any other part of the habitable globe. They need no defense, as history has assigned them the most prominent part in modern civilization. A race which, like the Greeks and the Romans in ancient times, has in mediæval and modern times contributed more to civilization than any other; a race which has adorned history with a Charlemagne, a Frederick the Great, a Blucher, a Moltke and a Bismarck, a Lessing, Goethe, Schiller, and Heine, a Humboldt, Kant, Hegel, and Haeckel, a Mozart, Mendelssohn, and Wagner, and has won high if not first honors both in war and peace, and has laid the foundation to personal, civil, and religious liberty, needs no defense at the hands of anyone, as that would be a work of supererogation.

But I want to emphasize the fact that this is not a time to haggle and quibble about trifles in the reception of the accredited representative of Germany. He will soon reach our shores, and whatever may have been done and said which should have been left undone or unsaid, it now behooves this great nation to extend to him and the great nation which he represents a hearty welcome and a true American hospitality. Let us not attempt at this time at least to make a political question of this historic event, but let us, as one people, in the light of our free institutions, and mindful of the friendly polity due by one great nation to another, cement the good relations which exist and, I trust, may continue to exist between Germany and the United States. [Applause.]

The Clerk read as follows:

For support and education of 300 pupils at the Indian school, Riverside, Cal., $50,100; for additional compensation for superintendent of Perris school, performing duties as superintendent of this school, $300; for new buildings, to increase the efficiency of the plant, $25,800; for industrial-farm buildings, $15,000; for general repairs and minor improvements, $5,000; in all, $96,200.

Mr. DARRAGH. Mr. Chairman, I move to strike out the last word.

I desire to say, Mr. Chairman, that I was surprised, and I believe the House was surprised, at the charges made by the gentleman from New York against Superintendent Nardin of the Mount Pleasant, Mich., Indian school, an official of the United States Government who is serving in the eleventh district of Michigan, which district I have the honor to represent on the floor of this House. I am not specially interested in the gentleman against whom this attack has been made. I am only interested in him as I would be in any man whom I believe to be unjustly charged with neglect of duty, charged with criminal negligence upon the ex parte evidence of a discharged and discredited man, a man who seeks thus to get even with the Secretary of the Interior, who seeks revenge for the loss of his official position.

I am, however, interested in the welfare and in the good name of the school over which Superintendent Nardin presides. I am also interested to the extent that I visited this morning the Commissioner of Indian Affairs to inquire why a man charged as Mr. Nardin, the superintendent of the Indian school at Mount Pleasant, was charged yesterday by the gentleman from New York with incompetency, with fostering immorality, was sent into my district, into a community of educated and cultivated people, to preside over that school, if there was any just foundation for the charges brought against him. I was also interested in a general way in the efficient service of the Indian Department.

I was informed by the Commissioner, or rather by the gentleman to whom he referred me for the information, that Mr. Nardin, prior to the report of Mr. McConnell, had never had an adverse report made against him. I was also informed that Mr. Nardin, during his present service at Mount Pleasant, had a most excellent record with the Department. I have twice visited Mr. Nardin and his school, and investigated the school myself. The people of that town are thoroughly satisfied that it is a well-managed school; that Mr. Nardin himself is a creditable superintendent, a scholarly man, and a Christian gentleman; that much is admitted by Mr. McConnell, whose report the gentleman from New York purported to have read. This man should not, without a hearing, be branded as a disreputable character. He does not shrink from a thorough investigation of the charge against him. In this connection I beg to read and make a part of my remarks a telegram received by me in response to one sent him, as follows:

MOUNT PLEASANT, MICH., *February 20, 1902.*

A. D. DARRAGH,
Representative, Washington, D. C.:

I was in charge of the Wind River School as superintendent under Captain Nickerson, agent of Shoshone Reservation. I challenge full investigation of my conduct there, and no attempts at immorality here. Precautions ample.

That there is no immorality in the Mount Pleasant Indian School I know from the consensus of opinion of the entire city in which the school is located; I know it from the general repute, and I know it from personal investigation, and no whisper of the character represented in the reports which have been read here was ever heard in that entire community relative to the school at Mount Pleasant. Reading further his telegram, he says:

No Indian girl at Shoshone will charge me with improper conduct or toleration of such on their part.

E. C. NARDIN.

Now, Mr. Chairman, I make these remarks because I believe this gentleman has been unjustly charged. If he has been negligent, criminally negligent—if he is either, I am not here to defend him. I will protect no man who is guilty of charges such as are brought against this man; but I do claim that he ought not to be condemned without a hearing, and a hearing should be accorded to him since such is his desire. [Loud applause.]

The Clerk read as follows:

For support and education of 550 pupils at the Indian school, Salem, Oreg., $91,830; for pay of superintendent at said school, $1,800; for improvements to sewerage, $6,000; for general repairs and improvements, $5,000; in all, $104,850.

Mr. SHERMAN. Mr. Chairman, I offer an amendment to correct the computation.

The Clerk read as follows:

On page 54, line 25, strike out "thirty" and insert in lieu thereof "fifty;" on page 55, line 4, strike out "eight" and insert in lieu thereof "six."

The amendment was agreed to.

The Clerk read as follows:

For support and education of 150 pupils at the Indian school at Truxton Canyon, Ariz., $25,050; pay of superintendent, $1,500; general improvements, $4,000; in all, $30,550.

Mr. JONES of Washington. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

After line 24, page 56, insert:
"For support and education of 250 pupils in the Puyallup Indian School, at Tacoma, Wash., $25,050; for new buildings and improvements, $20,000; for repairs, $2,000; in all, $47,550."

Mr. SHERMAN. Mr. Chairman, I raise the point of order against that amendment.

Mr. JONES of Washington. I hope the gentlemen will reserve his point of order.

Mr. SHERMAN. I will reserve the point of order to give the gentleman from Washington an opportunity to explain the amendment.

Mr. JONES of Washington. Mr. Chairman, I realize that this amendment is subject to a point of order, as far as that is concerned. I believe that there is one other provision in the bill relating to the establishment of these schools that is also subject to a point of order, but I have not seen fit to make it, for I do not think it ought to be made.

I believe the circumstances connected with this school fully warrant and justify an appropriation of this character in the interests of the Government. There are in the State of Washington, according to the statistics furnished by the Commissioner of Indian Affairs, over 13,000 Indians. The school at Tacoma is located so that it is probably more easily reached from all points of the State than any other point we have. A great many of these Indians live on the west side of the mountain, and communication by rail and water is of the very best. Connection with all eastern points is also direct. We ask nothing in this appropriation for this school in the way of paying the expenses of the transportation of the Indian pupils to this school. This is a great saving to the Government, as will be seen by referring to the appropriations in this bill for such purposes.

I listened with a great deal of interest yesterday to the debate in relation to the education of Indians in these Indian schools, especially in those of the East, and its effect upon the Indians when they go back to their tribes after having spent three or four years surrounded by the blessings of civilization which they have in the schools in the East.

I sympathize very much with the objection made to this manner of educating these pupils, but these objections would not apply to this school, if established. Upon the Puyallup Reservation the pupils would be surrounded by their own people, as well as by the influences of civilization. They would be educated and grow up under the influence of refinement and culture, just as in the East, tempered and strengthened by the home life of the Indians themselves. This school is located within about two miles of the city of Tacoma; materials and everything necessary in building up a fine school can be secured by the Government at the very lowest possible expense.

Buildings can be constructed and repaired by the Government at the very lowest cost. All classes of supplies can be secured there at the very lowest cost to the Government and the Indians, and it seems to me it is for the interest of the Government itself that the children of the 13,000 Indians of the State of Washington should have a school among their own people, as well as to be surrounded by the civilization of our people, so that when they get through the school and go back to their homes their surroundings will not be of so different a character from what they have been

used to as to discourage them and almost force them into the old walks of life.

I can sympathize, gentlemen, with the pupil who has spent three or four years in the civilization of our Eastern schools and then goes back to his tribe and lives in a tepee, and in the squalor and the dirt with which he is likely to be surrounded. It can not result in anything else except degradation and the loss of four years that he has spent in civilization among people of refinement. He is likely to sink lower than he would if he had not attended the school. You need not fear the surroundings. The refinement and culture of the people of Tacoma are inferior to none in the East. They have the further advantage that they know the Indian. They know how to treat him and they are in most hearty sympathy with all practical attempts to advance him.

If you should establish this school there, we have the Indian farms, we have the Indian community, we have Indians who are to-day generally educated and have adopted the habits of civilized people, have adopted the dress of civilized people, and the influences that surround these Indian pupils will not leave them when they leave the schools, but continue with them and tend to purify, elevate, and make them citizens in fact and spirit as well as in name. Instead of retrograding, they will advance. They will rise and not fall, and in their rising they will bring their associates with them.

It seems to me that, considering all the circumstances there, considering all the conveniences, considering the cheapness of material, the cheapness and facility of transportation, it is for the interest of the Government and the solid advancement of the Indians that we should have this school established in the State of Washington. I sincerely hope that the chairman of this committee will allow this appropriation to go in. Another school is provided for in the bill, subject to a point of order. I do not believe the point of order ought to be made. I believe the provision should be adopted, and I trust most sincerely that the chairman of this committee will allow this amendment to go in and not insist on his point of order.

Mr. SHERMAN. Mr. Chairman, there are about 12,000 Indians in the State of Washington. They now have 22 schools. Six are boarding schools. I think the facilities are ample for all the school children. Certainly I can not consistently, I think, with my duties as chairman of the committee, withdraw the point of order in this case. The gentleman should have presented his proposition before the committee. He says there are other provisions in the bill subject to a point of order. He is right; I called attention to many of them when I first presented the bill, but all of these provisions were considered by the committee and inserted in the bill. This proposition is a provision never considered by the Committee on Indian Affairs, and I must insist on the point of order.

Mr. JONES of Washington. If the gentleman will permit me. He says that this should have been brought before the committee. That is probably correct. I assumed that this had been done until the statement of the chairman was made.

Mr. SHERMAN. I insist on my point of order, Mr. Chairman.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

That all expenditure of money appropriated for school purposes in this act shall be at all times under the supervision and direction of the Commissioner of Indian Affairs, and in all respects in conformity with such conditions, rules, and regulations as to the conduct and methods of instruction and expenditure of money as may be from time to time prescribed by him, subject to the supervision of the Secretary of the Interior; and his action in these respects shall be conclusive and not subject to review by any other executive officer: *Provided*, That not more than $167 shall be expended for the annual support and education of any one pupil in any school herein specifically provided for, except when, by reason of epidemic, accident, or other sufficient cause, the attendance is so reduced that a larger expenditure is absolutely necessary for the efficient operation of the school affected, when the Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, may allow a larger per capita expenditure, such expenditure to continue only so long as the said necessity therefor shall exist: *Provided further*, That the total amount appropriated for the support of such school shall not be exceeded: *Provided further*, That the number of pupils in any school entitled to the per capita allowance hereby provided for shall be determined by taking the average enrollment for the entire fiscal year and not any fractional part thereof.

Mr. CANNON. I raise a point of order on the following provision following "Secretary of the Interior," in line 17 of the paragraph just read:

And his action in these respects shall be conclusive and not subject to review by any other executive officer.

I make the point that this provision changes existing law. The law is that all expenditures of public money made everywhere shall be settled by the auditing offices of the Treasury Department. There has been only one exception to this rule, so far as I know, in the public service, and that has had relation to the House of Representatives and the Senate of the United States. In the urgent deficiency bill, recently passed, Congress showed its exceeding good sense in changing the law as regards this exception, and bringing the lawmakers of the Republic under the same rules which apply to other officials. The change of law proposed in the words I have just read would render unnecessary, improper, impossible, the auditing of these accounts by the Treasury Department. I therefore make the point of order.

The CHAIRMAN. The Chair regards the point of order as well taken, and it is therefore sustained.

The Clerk read as follows;

SEC. 7. That the adult heirs of any deceased Indian to whom a trust or other patent containing restrictions upon alienation has been or shall be issued for lands allotted to him may sell and convey the lands inherited from such decedent, and if there be both adult and minor heirs, then the minor heirs may join in such sale and conveyance by a guardian duly appointed by the proper court upon the order of such court, made upon petition filed by the guardian, but all such conveyances shall be subject to the approval of the Secretary of the Interior, and when so approved shall convey a full title to the purchaser, the same as if a final patent without restriction upon the alienation had been issued to the allottee. And when, pursuant to any treaty or agreement with an Indian tribe, or pursuant to any act of Congress relating to Indian allotments, land has been or shall be allotted to a white person without Indian blood who is a citizen of the United States, final patent shall be issued to such white allottee without awaiting the expiration of the usual trust period, and he shall thereupon be authorized to sell or dispose of the land so allotted without restriction. All allotted land so alienated by the heirs of an Indian allottee and all land so patented to a white allottee shall thereupon be subject to taxation under the laws of the State or Territory where the same is situate.

Mr. STEPHENS of Texas. Mr. Chairman, I raise a point of order on this section. A part of the section I have no objection to—that part providing "that the adult heirs of any deceased Indian to whom a trust or other patent containing restrictions upon alienation has been or shall be issued," etc., down to the conclusion of the first sentence. I have no objection to this first sentence of the section, but the second sentence I do object to.

Mr. SHERMAN. If the gentleman has no objection to a part of the section, might he not raise his point of order against simply that part to which he objects and which he desires to strike out, as to which I am ready to concede the point of order?

Mr. STEPHENS of Texas. Will the gentleman concede the point of order as to the sentence following what I have just read?

Mr. SHERMAN. Certainly.

Mr. STEPHENS of Texas. Then I raise a point of order against that part of the section, being after the word "allottee," in line 24, down to the word "restriction," at the end of the sentence.

Mr. SHERMAN. I concede that the point of order is well taken. There is no question about that.

The CHAIRMAN. The Chair sustains the point of order.

Mr. LITTLE. Before we pass this section there is one point about which I would like to have some information. The matter to which I refer is the sale of the allotments or inheritances provided for here. I do think if they constitute the home of a family they ought not to be sold during the widowhood of the mother or the minority of any child or children. I do not know the conditions affecting these particular tribes. I suppose, however, that if there is a family the home would be upon the homestead of the father.

Mr. CURTIS. The father or the mother; it might be either.

Mr. LITTLE. I presume there would be but one family home. Now, I very much doubt the propriety of selling the home——

Mr. CURTIS. If the gentleman desires to offer an amendment that this provision shall not apply to a homestead, I have no objection.

Mr. LITTLE. I think it would be safe to insert such a provision. I have not the amendment prepared, but I ask the Clerk to take it down and read it.

The Clerk read as follows:

Provided, That the sale herein provided for shall not apply to the family homestead during the life of the father or the mother or the minority of any child or children.

Mr. CURTIS. I see no objection to that amendment.

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

Mr. ROBINSON of Nebraska. Mr. Chairman, I do not desire to make any opposition to this section, but I would like to be heard in regard to another matter, in view of the fact that the Indian Committee has decided to make a partial examination concerning certain Indian affairs.

Mr. SHERMAN. I am going to insist on the rules being observed, so far as this matter is concerned. When we have reached the end of the bill, if the gentleman desires to talk about another subject I shall not object.

Mr. ROBINSON of Nebraska. All right.

The Clerk read as follows:

SEC. 8. That the judge for the Indian Territory, appointed under the act entitled "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1898, and for other purposes," shall reside at Muscogee, and hold terms of court at all places of holding court within the boundaries of the Creek country and the Seminole country, and court shall be held at the places now provided by law in the northern district of the Indian Territory and at the towns of Okmulgee, in the Creek country, and the town of Salisaw, in the Cherokee country.

Mr. LITTLE. I desire to offer an amendment correcting the

spelling of the word Sallisaw. In the bill it is spelled with only one "l;" it should be S-a-l-l-i-s-a-w.

Without objection the amendment was agreed to.

The Clerk read as follows:

SEC. 9. That rations shall not be withheld from any Indians, where provided by treaty, by reason only of attendance at any Government school.

Mr. SHERMAN. I offer an amendment, which I ask the Clerk to read. The amendment places the section in the words that it should have been printed in. It was an error as printed.

The Clerk read as follows:

After the word "any," in line 25, page 62, insert "other than a."

Mr. HENRY C. SMITH. Mr. Chairman, I reserve a point of order against that section.

The CHAIRMAN. Does the gentleman reserve a point of order against the amendment?

Mr. SHERMAN. I think the gentleman means against the section after it is amended.

Mr. CANNON. The gentleman will have to reserve his point of order. I want to say, whatever his point of order may be, it must be made before the section is amended, unless the amendment is to correct the text and by unanimous consent stands as the committee intended to have it.

Mr. SHERMAN. It is to correct the text. It was erroneously printed. I ask unanimous consent that the amendment be agreed to, and then the gentleman [Mr. HENRY C. SMITH] has the floor to raise his point of order, if he desires.

Mr. HENRY C. SMITH. Reserving the point of order, I should like to inquire what the purpose of the amendment is.

Mr. SHERMAN. The provision without the amendment is existing law, and the purpose of the amendment is to make it possible to give the ration to children at schools other than Government schools. Under existing law you can not give the ration to children in a Government school, any school.

Mr. HENRY C. SMITH. Then the amendment will change existing law?

Mr. SHERMAN. There is no question about that.

The CHAIRMAN. Without objection, the formal amendment will be agreed to.

There was no objection.

Mr. HENRY C. SMITH. Now, I make the point of order against the section that it is in violation of existing law, and I desire to be heard upon that.

The CHAIRMAN. Does the gentleman desire to be heard upon the point of order?

Mr. LACEY. The gentleman from New York [Mr. SHERMAN] concedes that it changes existing law.

Mr. HENRY C. SMITH. Unless it is admitted to be well taken.

The CHAIRMAN. The Chair sustains the point of order. It is well taken.

Mr. FITZGERALD. I wish to ask the gentleman [Mr. HENRY C. SMITH] if he understands that this provision was put in here because a construction is placed upon the law which was never intended to affect these rations? The Commissioner of Indian Affairs came before the committee and expressed the hope that some such provision would be put in. These schools not controlled by the Government are doing a great work in the education of these Indians. Somebody in the Department has construed a law preventing the appropriation of money for schools not controlled by the Government to apply to rations provided for by treaty. This amendment only provides that where an Indian is entitled under a treaty to rations that the Department shall not withhold those rations because he attends some school that is not controlled by the Government.

Mr. HENRY C. SMITH. I understand that in the Fifty-fourth Congress, and in the treaty itself, the status of the schools and the status of the Indians were fixed, and the policy of this Government was twice declared by Congress upon that proposition, and it ought not to be departed from unless we know what the situation is.

The CHAIRMAN. The Chair wishes to call the attention of the gentlemen to the fact that the debate is entirely informal.

Mr. FITZGERALD. I ask unanimous consent that the gentleman may make his statement.

Mr. HENRY C. SMITH. Do I understand that the point of order is sustained?

Mr. FITZGERALD. Will the gentleman permit me to make a statement?

Mr. HENRY C. SMITH. No, sir; I decline to yield.

Mr. ROBINSON of Nebraska. I ask unanimous consent to be permitted to be heard for five minutes.

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent to proceed for five minutes. Is there any objection? [After a pause.] The Chair hears none. The gentleman may proceed.

Mr. ROBINSON of Nebraska. I want to speak, Mr. Chairman, at this time upon the matter of the Winnebago Indian lands at the Winnebago Agency in the State of Nebraska, as to how that agency is being carried on and conducted. Twenty years ago it was the object of the law to assign to these Indians their lands to be held by them in severalty, with a view that after twenty-five years of holding the land they would then be able to conduct their own affairs and manage their own business. Pending these twenty years the Winnebago Indians, together with the Omaha tribe, have been given the right to vote and in every other respect have been given all the political rights of a citizen.

After twenty years, Mr. Chairman, with only five years remaining within which time the Indians of that tribe will be given full control of their land, with the right to sell, dispose of, and manage the same, there has grown up a system which is a disgrace to this Government and its manner of carrying on its affairs with the Indians. The Indian is sent off to school, is educated at the expense of the Government, brought back to his tribe, and yet, under the system in force in the Omaha and Winnebago Agency, he can not lease one acre of his own land, with all his education.

The system which has grown up requiring what are known as middlemen to stand between the rights of the Indians and this Government has resulted as follows: These middlemen form together and arrange to lease the Indians' lands in tracts of from 1,000 to 15,000 acres. The Indian can not bring a white man to rent his land, and take him to the agent and say: "I desire this man as my renter." He can do business in no particular at all, although he is allowed the full right to vote. These middlemen rent this land in the first instance and give security for the payment of the rent, paying from 50 cents to a dollar per acre, and during the past year much of this land realized to them $5 per acre. The land I speak of is as good land as any in the whole State of Nebraska. It lies within 15 miles of Sioux City, Iowa, on the Missouri bottoms, and there is no fairer land for agricultural purposes.

Mr. STEPHENS of Texas. Who rents this land?

Mr. ROBINSON of Nebraska. Every lease must be approved by the Indian agent. The Indian agent declines to approve any lease offered by the Indian himself, claiming that the number of leases is so large that he can not possibly take up his time in doing that. Therefore he insists that the land shall be leased in large tracts or bodies, so that the Indian is unable to do any business, so far as his own land is concerned, and he is approaching the end of the twenty-five years without anything saved from his land. That land is worth $50 an acre, and will bring from $3 to $5 per acre per year in the way of rents; yet the Indian gets the poor pittance of 50 cents to $1 per acre per year, while the middleman who leases them in large tracts obtains the balance of the benefits.

Mr. STEPHENS of Texas. Has this land been allotted to the Indians?

Mr. ROBINSON of Nebraska. This land has been allotted to the Indians.

Mr. STEPHENS of Texas. Are these Indians citizens of the State?

Mr. ROBINSON of Nebraska. They are citizens of the State.

Mr. STEPHENS of Texas. Then why is it that they can not control their own individual allotments of land?

Mr. ROBINSON of Nebraska. They are not allowed that right under the existing law.

Mr. STEPHENS of Texas. Under the existing law?

Mr. ROBINSON of Nebraska. They can not sell their own lands yet. They are the same as wards of the Government, and they will be in that condition until the end of the twenty-five years. They can not lease or sell their lands except as approved by the Indian agent who is stationed at that place.

Mr. STEPHENS of Texas. And I understand you to state that the Indian agent refuses to rent it for what it will bring, but instead of renting it for $2.50 an acre or more, he puts it down to 50 cents.

Mr. ROBINSON of Nebraska. He refuses to allow the Indian to select his own tenant. He insists that the land shall be rented only through these middlemen, in large tracts, and he can use any kind of favoritism that he desires in regard to the approval of the lease; so that the business is put into the hands of men who can handle large tracts of land and who have a stand-in with the agent. They lease this land at a low price, and then they sublease it to the white men. The Indian himself can not select the man to whom he shall rent the land, even if he himself does not desire to occupy it, which he does not. He can not select a man, make a bargain with him, bring him to the agent, and say: "I desire to make a lease of my land to this man."

Mr. STEPHENS of Texas. That is only in harmony with the other actions of the Interior Department with reference to Indian affairs.

Mr. SMITH of Kentucky. It is an outrageous condition.

Mr. ROBINSON of Nebraska. I submit that the Winnebago Indians and the Omaha Indians deserve something better at the

hands of the Government than this treatment in the way of training them to conduct their own affairs and manage their own business. I say that it should be the duty of the Indian Department to ascertain which of these Indians are able to do business among those that we have educated, and drilled, and had experience with, and take them out from under the control of the agent.

I make no accusation against the Indian Commissioner in this case; but I say it is his duty to allow such of the Indians as are able to take care of their own lands and to make their own arrangements with reference to them to do so. I am not saying but what there are some Indians who would occasionally happen upon a bad man to whom to lease their land. We are not always lucky ourselves, so far as that is concerned, in our business dealings; but I do say, if you are going to develop their business capacity at all, now is the time to say which of them are able to do business for themselves, and allow them to go ahead and transact their own business.

Careful investigation would show any Indians of these two tribes who, on account of the lack of education, experience, or training, may still be unable to transact their own business affairs. In such case a system should be inaugurated which would protect their rights and give them the full rental value of their lands, and not leave them, as they are now, the victims of a system of robbery which is degrading to them and is piling up wealth in the hands of the men who control this system, and who, by pulling with the Indian agent at that place, can keep the Indian owner of the valuable land a pauper while they grow wealthy from this systematic practice of oppression and robbery.

Mr. SHERMAN. I move that the committee do now rise and report the bill with the amendments to the House with the recommendation that it do pass as amended.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. MONDELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 11353, the Indian appropriation bill, and had directed him to report the same back to the House with sundry amendments, and with the recommendation that as amended the bill do pass.

The SPEAKER. Is a separate vote demanded upon any amendment? If not, the Chair will submit the amendments to the House in gross.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. SHERMAN, a motion to reconsider the last vote was laid on the table.

COMMITTEE OF INVESTIGATION.

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the Indian Committee of the House, through a subcommittee thereof, investigate the entire subject of the conduct of Superintendent Nardin while in charge of the Shoshone school and any of his subordinates, the condition then and now existing there, and the conduct of students then and now there; what knowledge any Government official had of the alleged immorality there, what action they took thereon, and how and why Superintendent Nardin was transferred, and when and why former Inspector McConnell was separated from the service; and for that purpose they are authorized to send for persons and papers and to administer oaths, and the expenses thereof shall be paid out of the contingent fund of the House.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. LACEY. I would like to inquire of my colleague whether he thinks the resolution ought to be broad enough to inquire into what this man is doing now, because it is a question of retaining an unfit, bad man in the service? That is the gravamen of the charge.

Mr. SHERMAN. That perhaps is right.

The SPEAKER. Is there objection to the present consideration of the resolution? [After a pause.] The Chair hears none.

The question was taken, and the resolution was agreed to.

ORDER OF BUSINESS.

Mr. GRAFF. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House for the consideration of bills on the Private Calendar.

The SPEAKER. The gentleman from Illinois, chairman of the Committee on Claims, moves that the House resolve itself into Committee of the Whole House for the consideration of bills on the Private Calendar, in pursuance of the order made in respect thereto.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House, Mr. OLMSTED in the chair.

The CHAIRMAN. The House is in Committee of the Whole House for the consideration of bills upon the Private Calendar in pursuance of the rule, and the Clerk will report the first bill.

DANIEL CHERRY.

The first business on the Private Calendar was the bill (H. R. 621) for the relief of Daniel Cherry.

The bill was read, as follows:

Be it enacted, etc., That the Solicitor of the Treasury be, and he is hereby, authorized and directed to convey, in the name of the United States, to Daniel Cherry, of Henry County, Ala., all right, title, and interest that the United States has in or to the property formerly belonging to said Daniel Cherry, described as follows: One house and lot situated in the town of Dothan, Ala., and bounded on the north by Washington street, on the east by H. V. Lee's lot, on the south by lot owned by Dave Walden, and on the west by lot owned by B. M. Stripling, containing 1¼ acres, more or less, being fractional part of the northeast quarter of the southeast quarter of section 24, township 3, and range 26, in the county of Henry, State of Alabama, the said property being the same that was levied on, sold, and conveyed to the United States in satisfaction of a certain judgment recovered by the United States in the United States circuit court for the middle district of Alabama in a suit on the forfeited bail bond of said Daniel Cherry, the said Cherry having afterwards appeared and was tried and acquitted on the charge made in the case in which said bail bond was given: *Provided*, That before such deed is delivered by the Solicitor of the Treasury the sum of $50.30 shall be paid over to the Secretary of the Treasury to cover the cost of such forfeiture proceedings in the United States circuit court for the middle district of Alabama.

Mr. GRAFF. Mr. Chairman, I yield to the gentleman from Virginia [Mr. OTEY] who reported the bill.

Mr. OTEY. Mr. Chairman, I just ask to have the report read. I think that is all I will say with reference to the matter for the present.

The report (by Mr. OTEY) was read, as follows:

The Committee on Claims have had under consideration House bill 8934, and beg leave to recommend that it do pass.

This bill was unanimously reported at the last session of Congress. It was referred to the Department of Justice by Hon. H. S. BOUTELL, the chairman of the subcommittee to which it had been previously referred, which letter is appended, as follows:

DEPARTMENT OF JUSTICE,
OFFICE OF THE SOLICITOR OF THE TREASURY,
Washington, D. C., May 4, 1900.

SIR: I have the honor to acknowledge the receipt of your letter of 30th ultimo, transmitting a copy of a bill (H. R. 8934) authorizing and directing the Solicitor of the Treasury to convey to one Daniel Cherry certain property in the town of Dothan, Ala., which was levied on, sold, and conveyed to the United States in satisfaction of a judgment recovered by the United States in a suit on forfeited recognizance of said Cherry.

In anticipation of this call for information I wrote to the United States attorney at Montgomery, Ala., for a statement of the facts in the case, and under date of February 23 last that officer reported as follows:

"On November 23, 1892, a judgment was taken against one Daniel Cherry on a forfeited recognizance in case No. 5458 in the circuit court of the United States sitting at Montgomery, Ala.; that on May 9, 1893, the original case against him was continued; that May 19, 1893, the judgment on the forfeiture was made final against said Cherry, and that on November 9, 1894, said Cherry was acquitted."

The United States attorney further stated that the cost amounted to $50.30, or $5 more than the amount of costs as stated in the bill.

If, as appears from the United States attorney's report, Daniel Cherry was subsequently tried and acquitted of the charge against him, I can see no reason why he should not be granted the relief contemplated by the bill to which you call my attention. I think, however, that the true amount of the costs incurred in the case ($50.30) should be inserted in the bill; and I also note that the name "Walding" in line 11, page 1, of the bill is probably erroneous. According to the deed to the United States the name should be Walden.

Very respectfully,

F. A. REEVE, *Acting Solicitor.*

Hon. H. S. BOUTELL, M. C.,
Chairman Subcommittee on Claims,
House of Representatives, Washington, D. C.

Mr. OTEY. Mr. Chairman, the original bill of the House has this amendment of $50.30, and, being recommended by the Department, the committee bring in a unanimous report. I move that the bill be now laid aside with a favorable recommendation.

Mr. CRUMPACKER. One question. This bill, as I understand, authorizes the transfer of the property on the payment of $50.30 in accordance with the letter of the Secretary?

Mr. OTEY. Yes, sir.

Mr. CLAYTON. Mr. Chairman, this bill is necessary, because under the rules which obtain in the Alabama courts, State and Federal, after an adjournment of the court it was not within the power of the court to set aside its judgment, and this is the only possible relief. And it is refreshing, perhaps, to the membership of this House to know that this bill proposes to put money into the Treasury rather than take money out.

Mr. GRAFF. I move, Mr. Chairman, that the bill be laid aside with a favorable recommendation.

The motion was agreed to.

MARY CHAMBERS.

The next business on the Private Calendar was the bill (H. R. 7020) for the relief of Mary Chambers, widow of Thomas Chambers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay, out of any money in the Treasury not otherwise appropriated, to Mary Chambers, widow of Thomas Chambers, deceased, of Mackinac, Mich., the sum of $3,654.56, in full compensation for the additional expenses incurred by him, the said Thomas Chambers, deceased, in carrying the Canada mails, as contractor on route No. 24413, from Sault Ste. Marie, Mich.,

to Mackinac, Mich., from July 1, 1875, to June 30, 1879, inclusive, he having contracted to carry United States mails only.

Mr. GRAFF. I yield to the gentleman from Michigan [Mr. WEEKS] who reported the bill.

Mr. WEEKS. Mr. Chairman, this bill was introduced by my colleague [Mr. SHELDEN] and referred to the subcommittee of which I was chairman, and therefore I investigated this case and made the report. The bill is for the relief of Mary Chambers, who is the widow of Thomas Chambers, in whose behalf the bill was originally introduced in a previous Congress. It appears in this case that Thomas Chambers took a contract to carry the mail from Mackinac to Sault Ste. Marie for four years, the time expiring in 1879.

In response to an invitation of the Post-Office Department, made in October, 1874, for bids for carrying the mail on this route, Thomas Chambers filed his proposal in conformity with the Department instructions, and his bid of $1,675 was accepted. Now, without stopping to read the report in full, it appears that afterwards, by some change in the mail service, a large quantity of mail from Canada was precipitated upon his route, never contemplated nor dreamed of at the time the contract was made, and it enlarged the burden and required more carriage capacity, and during the winter season, in the deep snows, it was a very difficult matter to get through with the enormous amount of mail which was unexpectedly precipitated upon this contractor, and this is fully set forth in the report.

Now, I do not know that I need to go through the facts any further than this. The point made by the Department was that they needed celerity, certainty, and security, and therefore such means as were necessary to transport the whole of this mail, whatever might be its contents or weight or increase during the term of the contractor. Now, this proposition was met by the contractor and the mail was carried at great exposure, at great danger, and it was a very hard and laborious piece of work. It was faithfully carried out to the end.

Afterwards, having used his practical experience in this matter and accomplished his contract, this claim is presented for carrying the mail. After going all through the facts the opinion of this committee was that "the case does not involve a mere question of technicality. It is one of equity and justice. Even by the terms of the contract the Department did not hold an advantage whereby it could demand this extra service for which there was no adequate compensation." The man was required by the Department to perform a very large amount of labor not contemplated by the original contract.

Mr. CRUMPACKER. Will the gentleman allow me a question?

Mr. WEEKS. Certainly.

Mr. CRUMPACKER. It appears from this report that the man Chambers made a valid contract with the Government to carry the mail for a stipulated sum, and it seems from the statement copied into the report made by the committee in the Senate that the mail was larger than he anticipated, but was all within the terms of the contract.

Mr. WEEKS. No; I would hardly concede that.

Mr. CRUMPACKER. How did he come to carry it if it was not within the terms of his contract?

Mr. WEEKS. When the contract was made this extra mail was not brought from Canada and precipitated on that route. That was something done afterwards by some new mail arrangements of the Department. He never contracted to carry that mail.

Mr. CRUMPACKER. Does the Post-Office Department recognize any claim, legal or otherwise, in regard to the matter?

Mr. WEEKS. Oh, many times such bills have been passed by the House.

Mr. CRUMPACKER. I am asking in reference to this claim. Does the Post-Office Department furnish any statement in regard to it?

Mr. WEEKS. No.

Mr. CRUMPACKER. Then the Post-Office Department does not admit any liability, legal or equitable?

Mr. GRAFF. If the gentleman from Indiana will look at the report he will find this:

> Again, the Department refers to certain stipulations contained in the contract as to "celerity, certainty, and security, using therefor such means as may be necessary to transport the whole of said mail, whatever may be its size, weight, or increase during the term of the contract." These, again, are the usual and formal stipulations, but in enumerating them the Department concedes that the contract contained no clause relative to carrying foreign mail; that it was not until 1883 that such clauses were inserted in contracts. Plainly no such extra service was contemplated by either party to this contract, and especially by the party of the second part.
>
> This man made his bid in good faith. His practical experience convinced him that he could fulfill his obligation without loss to himself or injury to his bondsmen. His estimate was based upon the cost of employing 1 man and 1 horse to carry 1 pouch. He knew that there could be no local increase. It came, but not by reason of any circumstance that he could have foreseen. It came in the form of foreign mail, not contemplated by the terms of the contract, as the Post-Office Department admits; and it tripled his service, his expenses, his responsibility.

The point in the case is that while the claimant has no legal claim, yet it was a small contract and the claimant did not contemplate nor would he be expected to contemplate this unusually large amount of mail which was thrown upon him. This large amount of mail was precipitated upon him, making him carry it at a tremendous amount of work, when he had a right to anticipate that he was bidding upon the usual and customary amount of mail which was being transported at the time he made his bid.

Mr. CRUMPACKER. His claim is based upon the fact that the amount of mail increased?

Mr. GRAFF. Yes; but it was not an increase that could be fairly anticipated. It was an unusual increase.

Mr. CRUMPACKER. I assume from the statement of the the Department that the work done was within the intent of the terms of the contract.

Mr. GRAFF. It was within the terms of the contract.

Mr. CRUMPACKER. He makes the claim that only one pouch was being carried, and suddenly there was a large and unexpected increase.

Mr. GRAFF. Yes; brought about by a change by the Department in the transportation of the mail.

Mr. CRUMPACKER. As a matter of law, that would be within the contemplation of the contract.

Mr. GRAFF. Undoubtedly; if he had been called upon to transmit or transport three or four carloads of mail every day I suppose it would be within the contract from a legal standpoint, and he would have no legal remedy in the premises.

Mr. CRUMPACKER. If this claim is to be allowed, why would not every mail contractor losing money on his contract on account of the increased work that is put upon him by virtue of the increase of business have a claim against the Government, and why ought he not to be paid for losses?

Mr. GRAFF. That same argument might be used in dealing with any equitable question that does not come within the strict provisions of law. In this case it was fairly expected from the circumstances that this party supposed he was then entering only upon a small contract. He had nothing to base his bid upon except the reasonable expectation of the amount of work to be done. The only thing he could base his calculation upon was the amount of mail that had been transmitted. If it had been only the natural increase, there would have been no remedy and no claim here, but here was an unexpected source, an unusual amount of work suddenly precipitated upon him.

Mr. CRUMPACKER. I am glad the gentleman has made that statement. I have no disposition to oppose the passage of the bill. If it was only the ordinary increase in the amount of mail, it would be a dangerous precedent to establish here.

Mr. GRAFF. I think so myself.

Mr. CRUMPACKER. In view of the fact that here was an extraordinary increase coming from a source that could not have been in actual contemplation of the party at the time he made the contract, I think there is no reasonable objection to the passage of the bill.

Mr. GRAFF. I desire to make this statement. There is pending in the House Senate bill 219, which I now hold in my hand, and which corresponds in its provisions to this bill. I am authorized by the Committee on Claims to move that the bill under consideration be laid aside with a recommendation that it be laid on the table and that Senate bill 219 be substituted therefor with a favorable recommendation from this Committee of the Whole.

The CHAIRMAN. The Chair will inquire of the gentleman whether the Senate bill to which he refers is before the Committee of the Whole and on to-day's Calendar?

Mr. GRAFF. It is not upon the Calendar, but I am authorized by the committee to make this motion.

The CHAIRMAN. The Chair will state to the gentleman from Illinois that the bill under consideration can be laid aside with the recommendation that the gentleman suggests, but the Chair is of opinion that the Senate bill, not being upon the Calendar, is not before this Committee of the Whole, and that the motion which the gentleman desires to make with reference to that bill will have to be made in the House.

Mr. GRAFF. I suppose, then, the proper course for me to pursue will be to move that the House bill be laid aside with a favorable recommendation, and then in the House to ask unanimous consent for the substitution of the Senate bill. I therefore move that the pending bill be laid aside with a favorable recommendation.

The motion was agreed to.

CHARLES HURRLE.

The next business on the Private Calendar was the bill (H. R. 7035) for the relief of Charles Hurrle.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury of the United States be, and he is hereby, authorized and directed to pay Charles Hurrle, late of Troop E, Sixth United States Cavalry, for extra duty as post interpreter at Fort Apache, Ariz., from October 29, 1879, to May 4, 1881, inclusive, at the rate of 50 cents per day, and from May 5, 1881, to June 30, 1881, inclusive, at the rate of $75 per month.

Mr. GRAFF. I ask that the report in this case be read.

The Clerk read the report, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 7035) for the relief of Charles Hurrle, beg leave to submit the following report and recommend that said bill do pass without amendment:

This is a bill enacting—

"That the Secretary of the Treasury of the United States be, and he is hereby, authorized and directed to pay Charles Hurrle, late of Troop E, Sixth United States Cavalry, for extra duty as post interpreter at Fort Apache, Ariz., from October 29, 1879, to May 4, 1881, inclusive, at the rate of 50 cents per day, and from May 5, 1881, to June 30, 1881, inclusive, at the rate of $75 per month."

The bill proposes to pay Charles Hurrle for services rendered as interpreter at Fort Apache, Ariz., from May 4 to June 30, 1881, inclusive, at the rate of $75 per month.

There is no question as to the services rendered by the claimant, as appears by the testimony of Thomas Cruse, first lieutenant and regimental quartermaster, Sixth Cavalry, and commanding Company A, Indian Scouts, at the date above mentioned, May 4 to June 30, 1881. John Martin, sergeant, Troop E, Sixth Cavalry, and —— ——, Troop E, Sixth Cavalry, all certify to the service rendered and corroborate the claim made by Hurrle.

Peter Rennie and John Halleghan also made affidavits in due form as to the rendition of the services, under date of July 23 and 24, 1894, respectively.

The service is also admitted by the Third Auditor of the Treasury under date of December 26, 1893, in a communication in which, among other things, he says:

"The records show that the claimant, Hurrle, was on daily duty as post interpreter at Fort Apache, Ariz. * * * But as this duty did not constitute regular day labor, he is not entitled to extra pay therefor."

The Third Auditor, in the same communication, says:

"The money accounts of Lieuts. H. P. Perrine, W. H. Carter, and F. G. Hodgson, Sixth Cavalry, and acting assistant quartermasters at Fort Apache, Ariz., show payments to claimant as interpreter from July 1, 1881, to September 23, 1881, at $75 per month, and from September 24 to December 2, 1881, at $100 per month, and from December 3, 1881, to September 25, 1882, at $75 per month."

The service of claimant is fully established, and the official records and accounts show that the claimant was paid even a higher rate for similar services than is fixed by the pending bill, and in all equity we think he is clearly entitled to the relief he seeks and which the bill aims to provide.

Mr. GRAFF. I move that this bill be laid aside to be reported to the House with a favorable recommendation.

The motion was agreed to.

CHARLES H. ROBINSON.

The next business on the Private Calendar was the bill (H. R. 949) for the relief of Charles H. Robinson.

The bill was read, as follows:

Be it enacted, etc., That the sum of $720 be allowed to Charles H. Robinson, former pension agent at Des Moines, Iowa, being the sum deposited by him to cover a deficiency arising in his office, caused by the negligence of a clerk, and without blame or fault on the part of said Charles H. Robinson, and that the aforesaid sum is hereby appropriated out of any moneys not otherwise appropriated.

Mr. GRAFF. Mr. Chairman, the facts in this case may be very briefly stated. Charles H. Robinson was the United States pension agent at Des Moines, Iowa, from the 1st day of September, 1894, to the 1st day of September, 1898. A soldier had been drawing a pension under what is commonly known as "the old law," and that pensioner had been dropped on the theory that his pension had been allowed upon a fraudulent representation. Afterwards he was allowed a pension under the act of June 27, 1890, but, according to the practice of the Pension Bureau, the money which he had drawn previously under the old law was treated as a credit upon the second pension.

At the time of the granting of his pension under the act of June 27, 1890, he was allowed quite a considerable sum of arrears. So the Commissioner of Pensions notified the United States pension agent at Des Moines, Iowa, to deduct from the allowance made under the act of June 27, 1890, the amount which the pensioner had drawn fraudulently previous to that time, according to the findings of the Pension Bureau. This was the advice given to the pension agent at Des Moines, Iowa, but the disbursing clerk, or record clerk, whose duty it was to carry out the instructions of the Commissioner of Pensions and to withhold from the pensioner and cover back into the Treasury of the United States an amount corresponding to that which he had drawn previously under the old law, violated or overlooked his instructions.

That record clerk was not an appointee of the United States pension agent, Mr. Robinson, the claimant in this case. The latter had no knowledge of the facts, and he had no way of protecting himself against this negligence or error of the clerk who was working under him. He could in no way have protected himself from the consequences of that error; yet he was compelled to pay this amount back to the United States. It seems to me he was not to blame. There was nothing which he could have done that would have prevented this error by the clerk, and it is very inequitable that he should be held responsible for this amount.

Mr. SPIGHT. Has it been shown that the money was not fraudulently drawn out?

Mr. GRAFF. The question as to whether the soldier was entitled to his pension under the old law was determined by the Pension Bureau. Of course that is a matter over which Mr. Robinson had no control and with which we have no reason to deal. I know myself that such is the practice of the Bureau.

Mr. CRUMPACKER. How much is this claim?

Mr. GRAFF. The amount of the claim is $720.

Mr. CRUMPACKER. And I understand that that amount was improperly deducted?

Mr. GRAFF. It was not withheld when it should have been. It should have been withheld from the soldier, but instead of that the clerk paid out the sum which was allowed to the soldier under the last allowance, under the act of June 27, 1890, without deducting the amount which he had previously drawn under the old pension certificate.

Mr. CRUMPACKER. Do you know whether the Department is withholding this pension from the soldier in order to make good the balance of the debt that he owes the Government on account of the fraudulent pension?

Mr. GRAFF. I do not know whether the Pension Department is withholding that sum yet, but I do know that the Pension Department may, if it desires to do so. I want to say to the gentleman from Indiana that it would, of course, take several years, if the soldier were drawing a pension under the act of June 27, 1890, before he would be entitled to enough pension to amount in the aggregate to $720.

Mr. CRUMPACKER. This bill is based upon the theory that the Government and not the pension agent should be responsible for the mistakes of the pension agent's clerks?

Mr. GRAFF. It is based upon the theory——

Mr. CRUMPACKER. That is the theory of it, is it not?

Mr. GRAFF. It is based on this theory: Not that the Government especially ought to be responsible for the acts of an inferior employee under a United States pension agent, but that the United States pension agent himself ought not to be held responsible for the mistakes of a man who was not employed by him, and over whose appointment he had no control, and who was there by the act of the Government and not by the act of the agent.

Mr. CRUMPACKER. The agent, I assume, had control of his services, general direction, and control of his work in the agency?

Mr. GRAFF. I suppose he had.

Mr. CRUMPACKER. And this takes the liability from the pension agent, where it exists under present conditions, and locates it upon the Government, where it does not rest at present.

Mr. GRAFF. In my judgment, as a matter of law, if the United States Government had been compelled to sue this man Robinson to recover that amount on account of a mistake made by an employee in his office, he could not legally be held responsible for that; but of course the pay of the United States pension agent was in the hands of the Government, and he did not have very much to say about what the Government should do in the premises.

They simply charged it against him. This occurred between the years 1894 and 1898; and, as is shown by the report, his duties included the payment of quarterly pensions to all the pensioners of the district composed of Iowa and Nebraska, and during the term of his office he paid out to pensioners something over $33,560,000; so it is quite apparent that no one contemplates that that United States pension agent shall personally supervise all of the payments that are made in his office.

Mr. WARNOCK. I should like to ask the gentleman a question.

Mr. SOUTHARD. What was the soldier's pension under the law of 1890?

Mr. GRAFF. From my experience I should presume it was $6 a month.

Mr. CRUMPACKER. Was it not twelve?

Mr. GRAFF. The report states the facts, which are that after the cancellation of Mr. Bailey's pension certificate he made application to the Pension Department under the act of June 27, 1890, and on the 23d day of October, 1897, a pension certificate, No. 57793, was issued to him under that act, and received at the Des Moines office, allowing him a pension at the rate of $10 per month.

But at the same time direction was received at the Des Moines office for the recovery by the Government of the said sum of $1,900.67 out of the pension last granted, as it became due, being the amount paid under the former certificate which was held to be fraudulent, and said certificate was turned over to said Mae Griffis for proper entry on the rolls in the office as a "recovery claim." But the said Mae Griffis, clerk, failed and neglected to enter upon the rolls or books of the office the proper memoranda indicating that the claim was one for recovery, and in consequence of such failure and neglect a check for the amount of the first payment under said certificate, amounting to $660, was issued and made payable to said Bailey and mailed to him in the regular

course of business, instead of being made payable to the assistant treasurer of the United States, as directed in the order above referred to; and that thereafter checks for the quarterly payments of January and April, 1898, amounting to $60, were also sent to and made payable to said pensioner.

When these checks were received and examined by the Auditor of the Treasury for the Interior Department of the United States, the mistake was discovered and the claimant was charged up with these amounts, aggregating $720, which he made good by paying the same.

Thereafter the claimant immediately endeavored to secure himself from loss by negotiations with Mr. Bailey; but it was found that he was absolutely insolvent, and nothing could be made by proceedings against him.

During the term of office of Mr. Robinson one F. M. Carrell was chief clerk of such agency, and as such chief clerk it was his duty to classify and assign the work of the several clerks in the said office, and that in the performance of his duties he assigned the said Mae Griffis to act as record clerk. and the said Carrell and the other clerks in said office, among whom was the said Mae Griffis, were in the classified service and under such service were assigned to the several duties which they respectively performed, and the complainant, Mr. Robinson, had no control over the assignment of said Mae Griffis to duty as record clerk, but she was generally considered as efficient and competent in the performance of her duties as such clerk.

Mr. SOUTHARD. I have read this report; but the suggestion I want to make is that if the soldier lives long enough the Government will have a chance to reimburse itself.

Mr. GRAFF. Yes; at $10 a month.

Mr. WARNOCK. It was found that Mr. Bailey was insolvent?

Mr. GRAFF. Yes.

Mr. WARNOCK. Was the clerk who made the mistake also insolvent?

Mr. GRAFF. I presume so. I think that is quite apparent.

Mr. WARNOCK. The clerk would have been liable.

Mr. PADGETT. I wanted to inquire of the gentleman if the bill provides for a retention of this pension as it accrues for the benefit of the Government?

Mr. GRAFF. That is being done by the Pension Bureau at the present time.

Mr. PADGETT. I simply wanted to know if that was the fact.

Mr. GRAFF. Yes.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

ALBION M. CHRISTIE.

The next business on the Private Calendar was the bill (H. R. 2641) for the relief of Albion M. Christie.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay to Albion M. Christie, assignee of Luke Christie, deceased, local inspector, out of any money in the Treasury not otherwise appropriated, the sum of $268.80, said sum being the proceeds of Treasury warrant No. 2049, dated February 1, 1861, and drawn in favor of Luke Christie, local inspector, for said amount, in payment for work and labor performed by him as inspector of hulls at Savannah, Ga., the payment of which said Treasury warrant has been withheld under and by virtue of the provisions of section 3480 of the Revised Statutes of the United States, upon the presentation and surrender of said Treasury warrant to the Treasury Department.

Mr. GRAFF. I ask that the report be read.

The CHAIRMAN. The report will be read in the time of the gentleman from Illinois.

The report (by Mr. GRAFF) was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 2641) for the relief of Albion M. Christie, have carefully examined the same and report it favorably, with a recommendation that it do pass.

This bill provides for the payment of $268.80 to Albion M. Christie, assignee of Luke Christie, deceased, upon the presentation and surrender of Treasury warrant No. 2049, dated February 1, 1861, and drawn in favor of Luke Christie, for work and labor performed by him as inspector of hulls at Savannah, Ga., prior to this date.

At the date of the issuance of this warrant Luke Christie was in the employ of the Government of the United States as local inspector of hulls at Savannah, Ga. His salary became due, and Treasury warrant No. 2049, dated February 1, 1861, and drawn on John Boston, United States depositary at Savannah, Ga., was regularly issued in payment of the same. Before warrant was cashed payment was withheld on behalf of the United States at Savannah, Ga., on account of the outbreak of hostilities. The warrant was subsequently assigned by Luke Christie to Albion M. Christie, who now holds it by virtue of such assignment, and also as his sole legal representative and heir, Luke Christie being now deceased.

Mr. GRAFF. I move that the bill be laid aside with a favorable recommendation.

The motion was agreed to.

W. C. TAYLOR.

The next business on the Private Calendar was the bill (H. R. 5550) for the relief of W. C. Taylor.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to W. C. Taylor, of Mobile, Ala., the sum of $2,000, as compensation for the loss of the steel barge *Ora*, while in service of the Government during the late war with Spain, on a voyage between Mobile, Ala., and Santiago de Cuba, said loss having been caused by defective and insufficient towlines and the absence of any crew on board the barge to look after her safety, all of which occurred without any fault on the part of the owner of said barge, the said W. C. Taylor, of Mobile, Ala.

Mr. GRAFF. Mr. Chairman, I yield to the gentleman from Virginia [Mr. OTEY].

Mr. OTEY. I yield to the gentleman from Alabama [Mr. TAYLOR].

Mr. TAYLOR of Alabama. Mr. Chairman, this bill provides payment to a citizen of Mobile for the loss of a barge which he allowed the Government to use in June, 1898. Just prior to the battle of Santiago de Cuba the Government required the immediate use of barges to transfer supplies to General Shafter. They needed light-draft barges. Mr. Taylor was called upon, and immediately consented to the use of his barge. It was taken by the Government and lost in three days on the trip to Cuba. The facts are in the report, and I ask that the report be read.

Mr. GRAFF. I want to suggest to the gentleman that the report is extremely lengthy and contains all the correspondence.

Mr. TAYLOR of Alabama. I was going to say, the report without the exhibits to it. The report states the facts; the exhibits are merely the proof of the facts stated in the report. I think the report will be sufficient and I ask to have it read.

Mr. CRUMPACKER. A question that may elicit the proposition. Has the War Department investigated the claim?

Mr. TAYLOR of Alabama. Yes, sir; the War Department has investigated the claim—

and reports that the appropriations of the Quartermaster's Department are not applicable to payment for value of the lost barge, and that the claim can not, therefore, be favorably considered by this office, and that Congress alone can grant relief in such cases.

Mr. CRUMPACKER. Do the records of the War Department show that the Government had taken possession of this barge and was in possession of it at the time of its loss?

Mr. TAYLOR of Alabama. The records show that, and the report of the committee shows that.

Mr. CRUMPACKER. Do the records of the War Department show the value of the barge?

Mr. TAYLOR of Alabama. That is shown by the testimony of the Government officers, and no other testimony is before Congress that it was worth $2,000 at the time of the loss.

Mr. CRUMPACKER. And that is the amount of the bill?

Mr. TAYLOR of Alabama. That is the amount of the bill.

Mr. CRUMPACKER. And the War Department can not pay because they were not authorized by any law to do so?

Mr. TAYLOR of Alabama. Out of appropriations for the War Department.

Mr. CRUMPACKER. Do they make a recommendation that the bill be paid?

Mr. TAYLOR of Alabama. None; except that it is a matter to be brought before Congress. They do not say one way or the other in regard to the payment.

Mr. GRAFF. I move that the bill be laid aside with a favorable recommendation.

The motion was agreed to.

WILLIAM C. MARR.

The next business on the Private Calendar was the bill (H. R. 3830) for the relief of William C. Marr.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to William C. Marr, of Popham Beach, Sagadahoc County, Me., out of any money in the Treasury not otherwise appropriated, the sum of $25 for his services as first assistant keeper of Seguin Island light, Maine, during the month of July, A. D. 1866.

Mr. GRAFF. I ask that the report may be read in my time.

The CHAIRMAN. The report will be read in the time of the gentleman from Illinois.

The report (by Mr. WEEKS) was read, as follows:

The Committee on Claims has considered the bill (H. R. 3830) for the relief of William C. Marr, and report the same back with the recommendation that it do pass.

This report is based on the recommendations of the Light-House Board and the Secretary of the Treasury hereto annexed.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, February 9, 1901.

SIR: I have the honor to acknowledge the receipt of your letter of the 30th ultimo, inclosing H. R. 9792, "for the relief of William C. Man."

You request an opinion as to the merits of the claim.

In reply, find herewith copy of report of the Light-House Board, from which it will appear that the board ordered $25 paid to Mr. Marr, as appeared to be his due.

Respectfully,

L. J. GAGE,
Secretary.

Hon. H. S. BOUTELL, M. C.,
House of Representatives.

TREASURY DEPARTMENT, OFFICE LIGHT-HOUSE BOARD,
Washington, February 7, 1901.

SIR: The board has the honor to acknowledge the reference to this office by the Department of a letter from Hon H. S. Boutell, M. C., dated January

30, 1901, inclosing H. R. 9792, for the relief of William C. Man, and asking the opinion of the Department as to the merits of these claims and the advisability of a favorable recommendation on them by the Committee on Claims.

In reply, the board begs leave to state that it appears that the board ordered $25 paid to Mr. Marr, after some discussion, as it appeared to be his due, and it does not know why it was not paid.

The board therefore recommends the passage of the bill after it has been amended as to the spelling of the name, which is Marr and not Man.

The letter of Mr. BOUTELL is herewith returned, as requested.

Respectfully,

R. L. HOXIE,

Major, Corps of Engineers, U. S. A., Engineer Secretary.

The SECRETARY OF THE TREASURY.

Mr. GRAFF. I move that the bill be laid aside with a favorable recommendation.

The motion was agreed to.

J. V. DAVIS.

The next business on the Private Calendar was the bill (H. R. 1381) for the relief of J. V. Davis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to J. V. Davis, superintendent of the Alexandria (Va.) National Cemetery, the sum of $950, out of any moneys in the Treasury not otherwise appropriated, to reimburse him for personal property destroyed by fire, which loss was incurred in his efforts to save the property of the United States.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the words "nine hundred and fifty" and insert in lieu thereof "five hundred."

Mr. GRAFF. Mr. Chairman, I move that the bill as amended be laid aside with a favorable recommendation.

Mr. CRUMPACKER. I think there ought to be some statement of the facts in regard to this claim. It seems to be one of a rather unusual character.

Mr. GRAFF. I yield to the gentleman from Virginia [Mr. RIXEY].

Mr. RIXEY. Mr. Chairman, this claim is one of J. V. Davis, who is superintendent of the national cemetery at Alexandria, Va. It seems that some years ago while he was superintendent of the cemetery a fire occurred which destroyed the buildings. The assistance which came to him during the fire would have saved his property, but he told them that he desired the property of the Government first saved. The property of the Government was saved, and all of his personal property was destroyed. The claim by Captain Davis for reimbursement was referred to the War Department, and the Secretary of War recommended that the claim should be paid.

Mr. CRUMPACKER. The property probably was not insured.

Mr. RIXEY. No; it was not insured.

Mr. CRUMPACKER. And I understand that the owner was in the service of the Government at the time.

Mr. RIXEY. He was and still is.

Mr. CRUMPACKER. He resided in the house located in the cemetery grounds?

Mr. RIXEY. Yes, sir; that is right.

Mr. CRUMPACKER. That fire came, and he sacrificed his own property to save the property of the Government?

Mr. RIXEY. That is right.

Mr. CRUMPACKER. Then this bill is in the nature of a bounty or gratuity for his fidelity to the Government?

Mr. RIXEY. To that extent, possibly. It is for the loss of his own property, which he could have saved if he had not been engaged in saving the property of the Government.

Mr. CRUMPACKER. There is no legal or equitable liability on the part of the Government?

Mr. RIXEY. I think there is an equitable liability. I was on the Committee on Claims for several Congresses when this matter was considered, and the proofs showed that his property could have been saved and would have been saved except that he told parties who came to his assistance that he desired the property of the Government be saved first. The matter has the recommendation of the War Department.

Mr. CRUMPACKER. I shall not oppose the bill. It seems to be a reward for the man's fidelity.

Mr. GRAFF. The Secretary of War recommends it on that ground.

Mr. RIXEY. Mr. Chairman, while I was on the committee, during the past Congresses, it was shown that the amount of this man's loss was $950, and that amount was recommended by the Secretary of War to be paid him. While I was on the Claims Committee, after the committee acted, cutting the amount down to $500, I did not like to come into the House and ask that Mr. Davis should be paid $950.

The committee, without any reason, so far as I was able to observe, cut the claim from $950 to $500. The testimony was clear that the man had lost property to the amount of $950, and I think it ought to be paid him. The bill passed the House last year for $500 and went to the President. It failed to become a law because it reached him too late.

I am not now on the committee, and I think it is legitimate for me to ask that the amendment proposed by the committee be voted down, and that Mr. Davis be paid the sum of $950. I ask this in justice to Mr. Davis. He is not a native of Alexandria; he is a stranger there, but is an Army officer, having charge of the cemetery, and it seems to me this money is due him and ought to be paid to him. I ask the House to vote down the amendment offered by the Claims Committee and let Mr. Davis have the $950 due him.

Mr. CRUMPACKER. Will the gentleman state, if he knows, the value of the Government property rescued or saved at the time of the sacrifice of the gentleman's own interests?

Mr. RIXEY. That matter was thoroughly investigated by the Claims Committee, and we had the statement from Mr. Davis and others, and those written statements are on file with the committee. I have not them here. The Claims Committee was perfectly satisfied in regard to it.

Mr. GRAFF. If the gentleman from Virginia will permit me, I think he had better not urge that increase above the $500. The fact is the committee found themselves somewhat at a loss to definitely fix the amount of the value of this property, and they were compelled to have the subcommittee procure an affidavit at its last hearing itemizing the value of these goods. We considered the matter very carefully, and felt that there ought not to be any question about the safety of the amount which we fix. It is somewhat of an unusual form of a claim at any rate, and I think the claimant ought to be satisfied with the amount recommended by the committee.

Mr. RIXEY. I know that this itemized statement was called for this year. It was also furnished the committee on a former occasion. It is furnished again this year, and was delivered by me to the subcommittee.

Mr. GRAFF. The gentleman must remember that this case was not investigated, except by means of an ex parte affidavit, and we simply permitted the claimant to fix his own value of the goods. We inspected the items and concluded that $950 might be too large, and inasmuch as this is a gratuity simply based on the theory that the Government should recognize the faithfulness of this man in endeavoring to rescue the building of the Government in preference to saving his own property, the committee have recommended this bill.

Mr. RIXEY. I think Captain Davis is entitled to the whole amount. I leave it to a vote of the House.

Mr. GRAFF. I renew my motion, Mr. Chairman, that the bill be laid aside with a favorable recommendation.

The committee amendment was considered and agreed to.

The bill was laid aside to be reported to the House with a favorable recommendation.

JULIUS E. MUGGE.

The next business on the Private Calendar was the bill (H. R. 1748) for the relief of Julius E. Mugge.

The Clerk read the bill as follows:

Be it enacted, etc., That the claim of Julius E. Mugge for damages sustained by reason of the cancellation of contracts for army supplies awarded June 4, 1891, to him by the chief quartermaster of the Department of Texas, be, and the same is hereby, referred to the Court of Claims, to ascertain whether any damages were suffered by said Julius E. Mugge on account of said award and the subsequent disapproval of said contract; and if so, to find the amount of said damages and report the same to Congress.

Mr. SLAYDEN. Mr. Chairman, the report, No. 267, on this bill very clearly sets forth the nature of the claim and the reason for sending it to the Court of Claims. I will say there is printed in that report a letter from the present Quartermaster-General, written the 1st of March, 1900, in which he recommends that the claim be sent there, as it is typical of a large number of claims they have to consider, and they want a decision of the court on that class of claims. If any further particulars are desired with reference to the bill, I shall be pleased to give them.

Mr. CRUMPACKER. I understand that this claim is for damages for loss of profits on a contract.

Mr. SLAYDEN. I will detail the circumstances of the case if the gentleman so desires.

Mr. CRUMPACKER. I should like to know the circumstances in detail.

Mr. SLAYDEN. I have here a letter from General Stanley, who was commanding officer of the Department of Texas when this case arose, which explains it fully.

GOVERNOR'S OFFICE, UNITED STATES SOLDIERS' HOME,
Washington, D. C., January 26, 1898.

DEAR SIR: In reply to your note of the 25th instant, I will state Julius E. Muegge had been a contractor for grain supply for the Department of Texas several years while I commanded that department. The time for awarding these grain contracts was April or May, and before the crops for the year had matured. In 1890 Mr. Mugge had large contracts, and, owing to the drought, lost heavily on his contract, which he filled faithfully.

I will say to the gentleman that, as a matter of fact, in that unfortunate year Mr. Mugge filled his contract entirely to the satisfaction of the commanding officer and the quartermaster-

general, Department of Texas, and he lost about $14,000 on his contract.

In 1891 Mr. Mugge was again awarded contracts for grain. These contracts were completed, bonds were duly given, and all forwarded to Washington to the Quartermaster-General, who, in July, disapproved of all contracts in Texas.

As the year had turned out a propitious one, and all grain had fallen in price in Texas, as department commander I opposed this innovation as hard on a faithful contractor and unfair upon the side of the Government's officers. Colonel Meeks, chief quartermaster of the department, now Quartermaster-General, also opposed this ruling of the Quartermaster-General.

I will say to the gentleman from Indiana that I called upon this Quartermaster-General, General Meeks, and he confirmed this letter in every respect.

Mr. Mugge, who was entitled to the advantage resulting from a good crop, was a heavy loser in the transaction.

This I give from memory, but the correspondence will verify my statements, I am sure.

Now, the Quartermaster-General, General Ludington, makes this report on the facts of the case:

WAR DEPARTMENT, QUARTERMASTER-GENERAL'S OFFICE,
Washington, March 1, 1900.

Respectfully submitted to the honorable the Secretary of War for such action as he may deem proper, having in view circular from his office dated December 4, 1899.

Mr. EDWARD ROBB, member of the House Committee on Claims, incloses H. R. 3274, and requests information as to the merits of the said bill, and asks whether, in the opinion of your Department, the circumstances do not warrant the reference of the same to the Court of Claims.

The facts in the case are as follows:

In 1891 the chief quartermaster, Department of Texas, advertised for and received proposals for forage for the several posts in that department. Among the awards made on these proposals by the chief quartermaster was one to Julius E. Mugge for 840,000 pounds of oats at San Antonio, Tex., at the rate of $2.05 per 100 pounds.

The circular of instructions to bidders issued in connection with the advertisement in this case provided that "deliveries, if required, to commence on July 1, 1891, if the contract be approved by the Quartermaster-General of the Army, otherwise not until such approval was obtained, unless notified by competent authority." Award was made by the chief quartermaster before the bids were received by this office. Upon receipt of the proposals here it was ascertained that the price at which the award was made was very much in excess of the market rate ($1.25 per 100 pounds, as reported by the San Antonio Board of Trade), and for that reason the Quartermaster-General refused to approve the contract. New proposals were invited, and contract was subsequently made at the rate of $1.65 per 100 pounds.

Between June 4, the date of the award to Mugge by the chief quartermaster, and June 26, when negative action was taken by this office, the said Mugge delivered, upon the order of the depot quartermaster, San Antonio, 29,066 pounds of oats.

Mr. Mugge was notified that his bid had been accepted He executed his bond, and it was sent on here for approval. The awards were made at the time of the year at which it had been the custom of the Department officers to make such awards—in the spring of the year, before the crops had matured and before any merchant could tell what the crops were going to be.

In the previous year, as is shown by the record, Mr. Mugge had faithfully filled his contract, which entailed on him a loss of a large amount of money. General Stanley himself gave me this information, and he was commanding officer of the department at the time. In this particular year, after being informed that his bid had been accepted, Mr. Mugge was called upon to make a partial delivery upon that contract. That was before the papers which had been referred to Washington had been returned.

Mr. GRAFF. As this bill provides simply for a finding by the Court of Claims and a report to Congress, I suggest to the gentleman from Texas that he allow us to vote upon it, so we may proceed to other business.

Mr. SLAYDEN. Well, I am answering the question of the gentleman from Indiana [Mr. CRUMPACKER].

Mr. CRUMPACKER. I am not ready for a vote yet. I think this matter ought to be further discussed. I may want to submit a few observations myself.

Mr. GRAFF. This bill simply provides that the Court of Claims shall—

Ascertain whether any damages were suffered by said Julius E. Mugge on account of said award and the subsequent approval of said contract; and if so, the amount of said damages, and report the same to Congress.

Mr. CRUMPACKER. I wish to say something in opposition to the claim and the bill.

Mr. SLAYDEN. It looks to me like an unfair piece of business for the Government to let a contract in the spring of the year, before the crops have matured and before any merchants can form a reasonably correct idea as to what prices are going to be, and then to compel the contractor to live up to all the obligations of that contract, thus entailing upon him a heavy loss, while it does not take any such risks itself.

Mr. Mugge unquestionably lost a large sum of money by a faithful compliance with the terms of his contract in 1890. In the year 1891, when he might have had an opportunity to recoup himself for these losses, the Government rejected his bid two or three months after the contract had been made, and notified him that new bids would be taken. He was thus denied the right to carry out a contract which, according to notice served on him, had been accepted. He was denied the privilege of making a reasonable profit on his transaction, though the year before he had lost a large amount of money upon an exactly similar contract.

There ought to be perfect fairness as between the Government and the contractor. If risk is to be taken, as it was in this case, it should be mutual. In my opinion it was unfair and unjust, although technically legal, for the Quartermaster-General to delay his decision upon those contracts until late in the summer, and, after these contractors had undergone a loss in the previous year, deny them the opportunity to make themselves even in the following year.

I think that in common fairness this House should have made a direct appropriation to compensate this man for the loss; but the committee, headed by the chairman, the gentleman from Illinois [Mr. GRAFF], have seen fit to refer it to the Court of Claims, and in that reference they have the written approval of the Quartermaster-General of the United States.

Mr. MOODY of Massachusetts. Do I understand that the contract was actually entered into?

Mr. SLAYDEN. Yes. I will say to the gentleman from Massachusetts that the custom was to advertise for bids in April, and the bids were usually opened along between the 1st and the 15th of May, and the lowest bidder was advised that his bid had been accepted and to make his bond.

This gentleman had been an occasional contractor for the Government for a number of years. He put in his bids that year and was notified that they were accepted; but in every advertisement under the law there is a notice that no contract is final or binding until approved by the Quartermaster-General. Now, this bid was opened in April and the contract awarded in May and forwarded to the Quartermaster-General for approval. Meantime the Army post in the Department of Texas had gotten out of supplies, and the firm with which Mr. Muegge was connected was notified to supply a certain quantity of grain.

Mr. GRAFF. Under that contract?

Mr. SLAYDEN. Under that contract, and he did supply it; and when his contract was rejected Mr. Mugge felt so outraged about it, felt that he had been so harshly and unjustly treated, particularly in view of the fact that in the faithful performance of his contract of the year before he had lost a large sum of money, that he refused at first to accept the check which was sent him in payment for the grain that had been purchased.

General Stanley, now a retired major-general of the United States Army, residing in the city of Washington, told Mr. Mugge to take the check. He said:

While it is an outrage, while in my judgment there is no moral right in denying you this contract, the Quartermaster-General has a technical right to reject it, and if you do not accept this check which they now tender you in payment for produce already supplied to the Army of the United States, the Lord knows when the Congress of the United States will see fit to pay you.

So upon that advice from Major-General Stanley, a resident of the city of Washington, he accepted that check in payment for produce delivered upon this particular contract, which it is now sought to refer to the Court of Claims. That answers the question of the gentleman from Massachusetts.

Mr. MOODY of Massachusetts. I do not yet understand that any contract was actually entered into.

Mr. GRAFF. From a legal standpoint the contract was not complete.

Mr. SLAYDEN. I told the gentleman that in the advertising there was a provision that the contract should not be final or binding until approved by the Quartermaster-General.

Mr. OTEY. He did approve it, did he not?

Mr. SLAYDEN. No; the Quartermaster-General never did.

Mr. CRUMPACKER. I would like a few minutes on this proposition, if the gentleman has finished what he has to say.

Mr. Chairman, as I understand this bill, it proposes to refer to the Court of Claims the claim of Mr. Mugge, for the purpose of ascertaining the amount of damages he sustained on account of the failure of the War Department to take the grain that he proposed to furnish under a bid that he had submitted to the Quartermaster-General for the year in question. The Court of Claims is not given power to determine whether there is any liability on the part of the Government, according to the principles that govern contracts and their violations between citizens.

Mr. GRAFF. Will the gentleman from Indiana allow me to interrupt him?

Mr. CRUMPACKER. I will.

Mr. GRAFF. It has occurred to me while this debate was going on that so far as I am personally concerned the bill might be amended. The bill as it is simply asks the Court of Claims to make a finding of facts as to the damages which the claimant suffered. It is true, as stated by the gentleman from Indiana, that the court is not asked to pass upon the legality of the transaction or any other of the facts.

Mr. CRUMPACKER. Or the validity of the contract.

Mr. GRAFF. Now, I think it will be a good idea to amend the

bill by adding after the word "contract," in the tenth line, the words "and to make findings of the facts, including all of the circumstances arising out of said transaction."

Mr. CRUMPACKER. That might improve the bill somewhat, but——

Mr. GRAFF. As a matter of practice here in Congress, if after this bill had been passed the Court of Claims should make this finding, it would not be such a finding as is customary for the Committee on Appropriations to recognize. It would simply come back to the Committee on Claims for their further consideration. In view of that fact it seems to me that there is something in the proposition of the gentleman from Indiana—that the bill might be amended so as to have findings of fact and law, too, for that matter, on the question.

Mr. CRUMPACKER. That is one objection, but the bill seems to be based entirely on a claim of prospective profits upon a contract that the claimant hoped the Government would accept, but which, as a matter of fact, the Government never did accept. In the month of April he submitted a bid to furnish grain to the quartermaster in charge of the Department of Texas, with the full knowledge that no contract that any officer in charge of that department could make would be valid or binding against the Government until it had been approved by the Quartermaster-General.

Mr. GRAFF. But it is claimed that it had been the custom of the War Department to treat this transaction as a contract and to act under it before it was ratified at Washington, and if it is true, as it is contended by the claimant in this case, that the Government did seek to get the benefits of the contract, and did get the benefits of the contract so long as they were getting the grain at a low price compared with the market price of the article, there is some equity in the contention that if they desire to get the benefits of a contract, the claimant himself should be entitled to whatever benefits might accrue to him from its terms.

Mr. CRUMPACKER. Now, I understand that the War Department conducts its business not in accordance with local custom, but upon the plain letter of the law. I do not understand that contracts are let under the law with the understanding that their terms shall be violated as a matter of custom. Here is the situation in relation to this case. Bids were submitted in April. The grain was to be supplied by the 1st of July, upon condition that the Quartermaster-General approved the contract. The Quartermaster-General never approved the contract, but the officer in charge of that department, it appears, became short of forage, and he took some 20,000 or 30,000 pounds of oats from this claimant to meet a temporary necessity.

Mr. GRAFF. Under the terms of the contract.

Mr. CRUMPACKER. Under the terms of the contract, at $2.05 a hundred pounds, and paid him the money, when, as a matter of fact, oats were only then worth $1.65 a hundred pounds. The claimant has received this under the terms of a contract that the Government never was bound by and was not responsible under. He has already had a profit of 40 cents a hundred on some 26,000 or 27,000 pounds of oats.

Mr. SLAYDEN. Does the gentleman take into consideration the fact that the Government got the benefit of oats the year before at a very reduced price?

Mr. CRUMPACKER. That is another proposition—that this bill is for the purpose of covering a loss the claimant sustained upon a contract the year before. I assert that when this bill is analyzed it has no foundation whatever in law or equity,

Mr. SLAYDEN. Has it not equity? Only a few days ago this House passed a bill to pay for a building in Buffalo which was blown down while being erected under a contract for the Government. It was blown down before completion, and we not only paid for it, but we paid for the damage done by the destruction of the building.

Mr. CRUMPACKER. Admitting that the Government paid such a claim as that, the conditions were peculiar——

Mr. SLAYDEN. It was at Buffalo.

Mr. CRUMPACKER. The contractor could not procure insurance to protect himself, and I do not know what all. But if the Government paid that kind of a claim a few days ago, it does not justify the Government now in recognizing a liability of this character. I want to impress upon the committee this fundamental proposition: There was no contract here. The bid was submitted with the understanding that there was to be no contract until the proposition had been approved by the Quartermaster-General at Washington.

The Quartermaster-General refused to approve the bid, because he said the price fixed was exorbitant. It fixed the price of oats at $2.05 a hundred pounds, and the quartermaster subsequently made a contract for all the oats needed in that department at $1.65 a hundred pounds. Therefore the claimant had no right to expect any profit upon his proposal until it had been completed, until the Quartermaster-General had accepted it. He refused it, and in the meantime the claimant got the benefit of the contract price, amounting to 40 cents a hundred pounds profit on about 29,000 pounds of oats that he sold to meet an exigency.

Mr. SLAYDEN. Will the gentleman permit me to interrupt him there?

Mr. CRUMPACKER. Certainly.

Mr. SLAYDEN. The price was not exorbitant when the bids were made and submitted by this firm, which is a responsible firm, with which the Government had directly contracted and had contracted under conditions under which it seems they suffered a severe loss on forage.

There were also many other contractors who bid; the prices were not exorbitant at the time. Then the rains came and the crops thrived and the price of oats did go down; but the year before, at the time this price was named, the Government entered into contracts with this contractor, who accepted the price, but the rains did not come and the crops withered, and the price went up and there was considerable loss, but these parties filled their contract faithfully.

Mr. CRUMPACKER. That can not affect the legal or equitable character of this measure in the least.

Mr. SLAYDEN. I do not deny that the Quartermaster-General had the right to reject the bid.

Mr. CRUMPACKER (continuing). And the bill is urged for the purpose of recovering profits upon a contract that never was entered into by the Government, and that is all there is of it. The claimant has been paid a munificent price for every pound of oats that he furnished the Government.

Mr. SLAYDEN. It was not a fair or a good price for the year before.

Mr. CRUMPACKER. This proposition does not involve the price that year.

Mr. SLAYDEN. I think it does, in equity.

Mr. CRUMPACKER. He got a profit of 40 cents on every hundred pounds of oats furnished, and he makes no claim for forage furnished to the Government that is unpaid for; but if the Quartermaster-General had approved the contract, and he had supplied the oats under it, he would have made a large profit. The effect of this bill is to assess a judgment for damages against the Government because the Quartermaster-General would not approve the contract.

In my opinion no claim has ever been brought before the House that had less merit in it than this. This claimant had no contract, no claim upon the Government; he knew he was to have no contract or claim until the Quartermaster-General approved his proposal. Therefore he has no claim against the Government for speculative profits. He supplied some oats and was paid for them in full. That is a full statement of the whole question.

Mr. SLAYDEN. Never before in the history of contractors with the Government down there had there been any doubts about there being a contract after the bids were advertised if, upon opening, one man was notified that his price had been accepted and he had made his bond. Now, then, taking the custom of the Government with contractors in previous years, the fact that the acceptance of these bids had always been the equivalent of a proclamation that there was a contract, and in view of the fact that this man had done faithful service to the Government in previous years, in view of the fact that his record was good and had been satisfactory, and in view of the further fact that the commanding officer had called upon him for a partial completion of his contract, I would like to ask the gentleman if he does not think that the man had a right to think that he had a contract?

Mr. CRUMPACKER. In the first place, if the price of grain had gone above the contract price, will anyone claim that he could not have entirely exonerated himself from the performance of his bid on the ground that the Quartermaster-General had not approved it? And it would not have involved any moral delinquency on his part, either, to make that defense.

I can not accept the statement of the gentleman, although I know him to be a truthful man, that it has been the custom in Texas for the Government to regard as a contract a bid submitted in pursuance of an advertisement until the proposal has been accepted by proper authority. I can not accept as binding upon this House, or upon any court or any department of the Government, the assertion that the claimant had the right to presume that the Quartermaster-General would approve the bid because he had approved bids theretofore.

Mr. SLAYDEN. I hope the gentleman will not misunderstand me.

Mr. CRUMPACKER. In this case it does not appear that the claimant bought any grain or invested any money on the strength of that alleged custom, or put himself to any disadvantage whatever. There is nothing to show that, and therefore it is simply a bill proposing that the Government shall pay him the profits on a contract he may have had reason to hope would be made out, which in fact never was made.

Mr. SLAYDEN. I will say that Mr. Mugge tells me he did make contracts in Kansas that year.

Mr. CRUMPACKER. There is nothing in the record and nothing before the House to show it.

Mr. SLAYDEN. That is why we want it sent to the Court of Claims.

Mr. CRUMPACKER. I think it better be recommitted to the committee to further investigate the facts. This is a dangerous precedent to establish here.

Mr. GRAFF. Mr. Chairman, I have an amendment which I think would not be objectionable to the other side. The bill calls for the finding of a single fact, and it would do no harm to either party to have all the facts submitted, together with the law, and I have prepared an amendment which I shall offer, as follows:

Amend the bill by inserting after the word "contract," in line 10 of said bill, the following words: "and to make such findings of fact and law as may be pertinent in said transaction."

Mr. CRUMPACKER. Well, that is so general it will do little good, and I do not think the bill ought to be passed at all. I do not think it is necessary to go to the Court of Claims to find out that there is no basis for this claim. We do not need to send it there. I do not think the amendment is specific enough, anyhow. If it is submitted to the Court of Claims at all, it ought to be submitted on the question as to whether there is any liability on the part of the Government under the principles of law that regulate the liability of parties in alleged breaches of contract.

Mr. MOODY of Massachusetts. And let them return a judgment without coming back to Congress?

Mr. CRUMPACKER. Yes; and let them render judgment. The form in which the bill is limits the power of the Court of Claims to determine whether or not any damage has accrued on account of the failure of the Quartermaster-General to approve the contract. The bill ought to be recommitted.

Mr. SLAYDEN. I have no objection to the amendment offered by the chairman of the committee.

Mr. SOUTHARD. If the gentleman from Texas will pardon me, this contract seems to be for 840,000 pounds of oats. The bid was $2.05 per 100 pounds. There is nothing in the report to indicate whether that was a fair and reasonable price or not.

Mr. SLAYDEN. It was the lowest bid.

Mr. SOUTHARD. It may have been the lowest bid, but all the bids were made with the understanding that they were to be submitted to the Quartermaster-General for his approval. When they got to the Quartermaster-General he found that the price of oats upon the market where these bids were made was $1.25 per 100 pounds.

Mr. SLAYDEN. Oh, no.

Mr. SOUTHARD. The market rate, it appears, was $1.25 per 100 pounds.

Mr. SLAYDEN. That was in June or July, afterwards.

Mr. SOUTHARD. The report states—

That the price at which the award was made was very much in excess of the market rate ($1.25 per 100 pounds).

Mr. SLAYDEN. That was when the Quartermaster-General made his inquiry; but that is disproved in the next line.

Mr. SOUTHARD. I understand; I am coming to the next line. He found the market price to be $1.25 per 100 pounds afterwards. Now, the report states that all contracts awarded in Texas at that time were disapproved. It does not state the reason for such action; but there was evidently some reason. I know that afterwards proposals were made and contracts concluded for oats at $1.65 per 100 pounds. That may have been in excess of the market price. We have no evidence on that point, and the report contains no statement as to that.

Now, there is one other point to which I want to call the attention of the gentleman. It is possible, and presumably it is true, that this man was paid for 30,000 pounds of oats furnished by him at the rate of $2.05 per 100 pounds. Now, is it not presumably true that he received all he was entitled to in equity?

Mr. SLAYDEN. I think not. In the first place, I do not know at what price the 29,000 pounds were settled for—possibly at the contract rate.

Mr. SOUTHARD. At the contract rate, which was greatly in excess of the market price.

Mr. SLAYDEN. Not greatly in excess of the market price at the time the bids were made. Anyone who has had any experience in the business of bidding on contracts knows that when there are a number of competitors contracts are sometimes taken on a narrow margin.

Mr. SOUTHARD. The report gives no information on that subject.

Mr. SLAYDEN. I want to say to the gentleman that he is entirely mistaken if he thinks I have tried at any time in my remarks to cover up the fact that the Quartermaster-General had authority in law to reject any and all contracts. That is the general provision of the statute.

Mr. CRUMPACKER. I did not intend to convey such an impression. The gentleman's remarks did not impress me in that way. His statements were altogether fair and proper in all respects.

Mr. SLAYDEN. I do believe that this contractor has been treated unfairly by the Government. I do not believe that the Government ought to hold him to a hard contract under a secure bond and then deny him the privilege of getting some compensation when the markets happened to come his way. I sincerely hope that the House will pass the bill brought in by the Committee on Claims, even with the amendments suggested by the chairman of the committee, to which I make no objection.

Mr. GRAFF. I move to amend by inserting after the word "contract," in line 10, the following words:

To make such findings of fact and law as may be pertinent in said transaction.

The amendment was agreed to.

Mr. CRUMPACKER. I move now that the enacting clause of the bill be struck out.

Mr. SLAYDEN. I hope the Committee of the Whole will vote down that motion.

The question being taken, the motion of Mr. CRUMPACKER was rejected; there being on a division—ayes 9, noes 24.

Mr. GRAFF. I now move that the bill as amended be laid aside to be reported to the House with a favorable recommendation.

The motion was agreed to.

T. B. STACKHOUSE.

The next business on the Private Calendar was the bill (H. R. 9295) for the relief of T. B. Stackhouse, a deputy collector of internal revenue for the district of South Carolina during the fiscal year 1894–95.

The bill was read, as follows:

Whereas T. B. Stackhouse, a deputy collector of internal revenue for the district of South Carolina during the fiscal year 1894–95, failed to receive balance due him on account of traveling expenses for that year, his claim for such having miscarried between the offices of the collector of internal revenue, Columbia, S. C., and the Commissioner of Internal Revenue, Washington, D. C., for which no blame could attach to him; and

Whereas while said claim is justly due and owing said T. B. Stackhouse, it is now barred by the statute of limitations: Therefore,

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to T. B. Stackhouse the sum of $72.32, being the balance due for necessary traveling expenses as deputy collector of internal revenue for the district of South Carolina for the fiscal year ended June 30, 1895.

Mr. GRAFF. Mr. Chairman, the Commissioner of Internal Revenue, in a letter dated January 18, 1902, which is incorporated in the report, says:

There is no reason known to this office why a bill of relief in this case should not be granted.

I move therefore that the bill be laid aside with a favorable recommendation.

The motion was agreed to.

EDWARD R. STACKABLE.

The next business on the Private Calendar was the bill (H. R. 966) for the relief of Edward R. Stackable, collector of customs for the district of Hawaii.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to issue to Edward R. Stackable, collector of customs for the district of Hawaii, duplicates in lieu of three United States gold certificates issued under the act of March 14, 1900, series of 1900, numbered, respectively, 675, 677, and 678, for $10,000 each, issued by the assistant treasurer of the United States at San Francisco, Cal., on January 31, 1901, payable to the order of the Bank of Hawaii, Limited, Honolulu, H. I., and transferred by said Bank of Hawaii to said Edward R. Stackable as collector of customs in payment of custom duties, said certificates having been lost on the Pacific mail steamer *Rio de Janeiro*, which was wrecked in or near the harbor of San Francisco, Cal., on the 22d day of February, 1901: *Provided*, That the said Edward R. Stackable shall first file in the Treasury a bond of indemnity in double the amount of the principal of said certificates with good and sufficient sureties, to be approved by the Secretary of the Treasury, with condition to indemnify and save harmless the United States from any claim because of the lost certificates hereinbefore described.

Mr. GRAFF. Mr. Chairman, the facts in this case are set forth in a letter of the Secretary of the Treasury dated January 20, 1902, which letter is contained in the report. I ask the Clerk to read that letter in my time.

The CHAIRMAN. The Clerk will read the letter in the time of the gentleman from Illinois.

The Clerk read as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, January 20, 1902.

SIR: I have the honor to state, in reply to your letter of the 17th instant, that the bill (H. R. 966) for the relief of Edward R. Stackable, collector of customs for the district of Hawaii, is, in the opinion of this Department, a meritorious measure. Mr. Stackable, collector of customs, had received the gold certificates amounting to $30,000, more particularly described in the bill, in part payment for certain duties due the United States, and in the regular course of business transmitted them to the assistant treasurer at San Francisco for collection and deposit of the proceeds to his credit as collector of customs, on account of duties on imports.

His action in this matter was in accordance with the usage sanctioned by the Department, and the subsequent loss of the certificates through the sinking of the steamer by which they were being transported to San Francisco has created an apparent shortage in his accounts for which he is in no wise responsible.

A caveat has been entered against the redemption of the certificates in question, both at this Department and at the office of the assistant treasurer at San Francisco, and, as the certificates are payable to order, there is no probability of their becoming a liability against the United States in the hands of innocent parties.

The bill in question is correctly drawn, and I recommend that it receive the favorable report of your committee without amendment.

Respectfully, yours,

L. J. GAGE, *Secretary.*

Hon. JOSEPH V. GRAFF,
Chairman Committee on Claims, House of Representatives.

Mr. GRAFF. Mr. Chairman, I notice that the letters "dred," the last syllable of the word "hundred," are omitted from the bill in line 8 on page 1, and I therefore move to amend the bill by inserting the letters "dred."

The CHAIRMAN. The Chair would suggest that in the official copy the bill is all right.

Mr. GRAFF. Then I move that the bill be laid aside to be reported to the House with a favorable recommendation.

The motion was agreed to.

Accordingly the bill was laid aside to be reported to the House with a favorable recommendation.

SOL BEAR & CO.

The next business on the Private Calendar was the bill (H. R. 303) for the relief of Sol Bear & Co.

The bill was read, as follows:

Whereas Sol Bear & Co., of Wilmington, N. C., paid to the Government of the United States the sum of $156.64 on the 17th of October, 1900, for internal-revenue stamps for three barrels of whisky, and before the arrival of the said stamps and the affixing of the same to said packages they were accidentally destroyed by fire in a Government warehouse; and

Whereas the collector of internal revenue for the eastern district of North Carolina has recommended to the Commissioner of Internal Revenue that the said sum of $156.64 be refunded, but under the present provision of law, being section 3221 of the Revised Statutes of the United States, the same can not be refunded without special legislative relief: Therefore,

Be it enacted, etc., That the Secretary of the Treasury of the United States be, and he is hereby, empowered and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $156.64 to said Sol Bear & Co., of Wilmington, N. C., upon said Sol Bear & Co. first surrendering to the Commissioner of Internal Revenue the original stamps issued for said sum of money.

The amendment recommended by the committee and set forth in the report was read.

Mr. GRAFF. Mr. Chairman, I ask that the Clerk read the report in my time.

The CHAIRMAN. The Clerk will read the report in the gentleman's time.

The report (by Mr. FOSTER) was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 303) for the relief of Sol Bear & Co., beg leave to submit the following report, and recommend that said bill do pass with an amendment:

Sol Bear & Co., of Wilmington, N. C., paid to the Government of the United States the sum of $156.64 on the 17th of October, 1900, for internal-revenue stamps for 3 barrels of whisky, and before the arrival of the stamps and the affixing of the same to the said packages they were accidentally destroyed by fire in a Government warehouse. The collector of internal revenue for the eastern district of North Carolina has recommended to the Commissioner of Internal Revenue that the said sum of $156.64 be refunded, but under the present law, being section 3221 of the Revised Statutes of the United States, the same can not be refunded without legislative action.

This bill provides for the refunding to Sol Bear & Co. the said sum of $156.64 upon the surrender of the original stamps to the Commissioner of Internal Revenue.

The committee recommend that the third line of the bill be amended so as to read as follows: "That the Secretary of the Treasury of the United States be, and he is hereby."

Mr. GRAFF. Mr. Chairman, is it in order for me to move to strike out the preamble to the bill?

The CHAIRMAN. The first question will be upon the committee amendment.

Mr. GRAFF. I move the adoption of the committee amendment.

The committee amendment was agreed to.

Mr. GRAFF. Now I move to strike out the preamble.

The motion was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

ORDER OF BUSINESS.

The Clerk began the reading of the bill (H. R. 9991) for the relief of F. E. Coyne, which was No. 215 on the Private Calendar.

Mr. BURKE of South Dakota. Mr. Chairman, I desire to make a parliamentary inquiry. I want to know why Calendar No. 213 was passed over?

The CHAIRMAN. The Chair will state that it is passed over because it is a bill reported from the Committee on Military Affairs.

Mr. BURKE of South Dakota. I should like to call the attention of the Chair to the ruling made by the honorable Speaker of this House on the 8th of this month. I refer the Chair to the RECORD, page 1482, in which the Speaker held that this bill could come up on either Friday; and, as I understand, held that private claims had preference over war claims on one Friday, and that on the next Friday war claims had preference over private claims, but that that did not displace other bills that were on this Calendar.

The CHAIRMAN. Will the gentleman state again the bill to which he refers?

Mr. BURKE of South Dakota. The bill H. R. 610, which is Calendar No. 213. I would say to the Chair that I have the RECORD here, if he would like to see it.

The CHAIRMAN. The Chair is of opinion that the next bill in order is the bill H. R. 280, which is No. 211 on the Calendar. After that, Calendar No. 213 will be in order.

JAMES M. STRADLING.

The next business on the Private Calendar was the bill (H. R. 280) for the relief of James M. Stradling.

The bill was read, as follows:

Be it enacted, etc., That James M. Stradling shall be held and considered to have been mustered into the service of the United States as a second lieutenant of the First Regiment of New Jersey Cavalry Volunteers on the 19th day of July, 1864, and that the Secretary of War be, and he is hereby, authorized and directed to issue to him a certificate of discharge as a second lieutenant of said regiment, to date from the 16th day of September, 1864: *Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

JOHN F. ANTLITZ.

The next business on the Private Calendar was the bill (H. R. 610) to correct the military record of John F. Antlitz.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to correct the military record of John F. Antlitz, of Company H, First Regiment South Dakota Volunteer Infantry, so that it will show that he was discharged in consequence of physical disability contracted subsequent to his enlistment, and grant him an honorable discharge of date June 22, 1898, and that he be allowed travel pay and allowances.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

F. E. COYNE.

The next business on the Private Calendar was the bill (H. R. 9991) for the relief of F. E. Coyne.

The bill was read, as follows:

Be it enacted, etc., That the Postmaster-General be, and he is hereby, authorized and directed to allow on the accounts of F. E. Coyne, postmaster at Chicago, Ill., a credit of $74,610 for postage stamps stolen from said post-office by burglars, October 19-20, 1901.

Mr. GRAFF. Mr. Chairman, I yield to my colleague from Illinois [Mr. BOUTELL], who will make a brief statement of the case.

Mr. BOUTELL. Mr. Chairman, this bill provides for the relief of Mr. F. E. Coyne, postmaster at Chicago, by allowing him a credit on his account for $74,610, for which he is technically liable, on account of a robbery of the vaults at the Chicago post-office some time between October 19 and October 21 last. The facts in connection with the case are these: When the clerk of the wholesale stamp vault, Mr. F. O. Spaulding, left the office at half past 12 in the afternoon of Saturday, the 19th of October, he left in the vaults $76,068 worth of stamps. When the vault was opened at 20 minutes to 8 on Monday morning, the 21st of October, he found in the vault only $1,458 worth of stamps, and that $74,610 worth of stamps had been stolen, the largest and most daring burglary in the history of the post-office establishment.

It appeared, so far as the circumstances surrounding the case go, that the burglary was not only a very daring one, but one that had been planned long beforehand, and carried out through a long series of days and even, possibly, weeks and months. The building now occupied by the Chicago post-office is a temporary brick structure on the lake front, facing west on Michigan avenue and running south from Randolph street to a point south of Washington street. At the south there is an open space, and at the east there is an open space between the building and the high stone wall of the Illinois Central Railroad tracks. The building is built on a brick foundation, with piers under the building. The floor goes very near to the ground. On the east side of the building there is a platform about 3 feet high, for the delivery and reception of the mail. For greater security this platform has been boarded in.

In 1900 it became necessary to strengthen the foundations of the building, and for that purpose the wall was broken in and ditches dug under the building, and the foundations were strengthened and the wall was built up again. When this burglary was discovered and a search was made, it appeared that the burglars had entered the space under the platform on the east of the building, had cut through a small opening or temporary door which gave access to the space underneath the platform for the purpose of getting to the steam pipes. Once under the platform they were

entirely concealed, and could carry on their work without detection, especially in the night. It was found that after entering the space under the platform at the south end they moved north some sixty feet, and at this point they moved down the east wall of the building. This giving them access to the space under the building they found these ditches, and by following them along were able to locate the space directly under the vaults.

These vaults are three in number. One is a rectangular vault, about twice as long as it is wide, and back of this are two smaller vaults half the size of the other vault. One of these smaller vaults was used by the wholesale stamp clerk, who was the only man in the department who had access to it or had a key to the vault. In this vault there was a wooden cabinet standing, not on rollers, but flush with the floor, weighing several hundred pounds, and about 30 inches in width. Having located the wholesale stamp vault, it appears that with drills and with the aid of dry electric batteries to furnish them light they had drilled contiguous holes for an opening of about 18 inches square.

These holes were completed on three sides and partially completed on the fourth side, with a strip of iron at the bottom eventually pulled off this cabinet, which stood so that this work could not be discovered while the work was going on. It was moved aside and access was obtained to the vault, the stamps removed, and under the cover of night the burglars escaped without attracting attention. It appears from the nature of the borings that the work must have been going on for several weeks, perhaps a month, and the boring was done under this cabinet, so that it did not attract attention. As soon as the burglary was discovered, on the morning of the 21st of October, it was immediately reported to the post-office inspector, who reported it to the city police; and the post-office inspectors, the city police, and the Pinkerton Detective Agency have since been endeavoring to find some trace of the burglars, but up to the present time no clues have been found, and the authorities are unable to locate in any way the persons responsible for this daring robbery of these stamps. The Postmaster-General gives all the facts in his report.

Mr. BUTLER. He recommends this relief.

Mr. BOUTELL. And he recommends the relief.

Mr. GRAFF. I move that the bill be laid aside with a favorable recommendation.

Mr. COWHERD. Mr. Chairman, I desire to ask the gentleman a question.

The CHAIRMAN. The question is, Shall the bill be laid aside?

Mr. COWHERD. I addressed the Chair, and asked the privilege of asking the gentleman a question.

The CHAIRMAN. The Chair did not understand.

Mr. COWHERD. I would like to ask the gentleman from Illinois when this robbery occurred?

Mr. BOUTELL. It occurred between the afternoon of the 19th of October last, which was Saturday, and the morning of October 21, which was Monday.

Mr. COWHERD. And no trace has been found of that large number of stamps, as to where they were disposed of?

Mr. BOUTELL. I understand that no trustworthy trace has been found of them, although large sales of stamps in the hands of private owners have been scrutinized by the inspectors of the Department.

Mr. COWHERD. Were these stamps in the place where they should be kept, as provided by law?

Mr. BOUTELL. They were, and the provision was very careful. There were three large vaults at that time in the Chicago post-office, in which there were over $800,000 worth of stamps. These stamps which were stolen were in the smaller vault, known as the wholesale stamp vault, in which there were $78,068 worth of stamps.

Mr. COWHERD. Is there not a law which permits the Post-Office Department to give credit to a postmaster where stamps are stolen from the safe provided by law?

Mr. BOUTELL. I think that relates only to small offices and to small amounts, perhaps $10,000 or $15,000.

The bill was laid aside to be reported to the House with a favorable recommendation.

JAMES M. MILLER AND OTHERS.

Mr. PERKINS. Mr. Speaker, I call up the bill (S. 1573) to authorize Commander James M. Miller, United States Navy; Surg. Oliver D. Norton, United States Navy, and Mr. Edwin V. Morgan, formerly secretary of the Samoan Commission and now secretary of the legation of the United States at Seoul, Korea, to accept presents tendered to them by His Majesty the Emperor of Germany.

The CHAIRMAN. The Chair is of the opinion that the gentleman is entitled to call up that bill. It seems that certain bills were omitted or passed over by the Clerk in reading, this one among others, as coming from the Committee on Foreign Affairs, and presumably not in order to-day. The Chair is of the opinion that under the resolution of March 14, 1900, which was readopted December 2, 1901, for this Congress, the bill is in order at this time. That resolution or order simply determines the question of priority or precedence as between bills from the Committee on Claims and bills from the Committee on War Claims, but does not displace bills from any other committee which would otherwise be in order.

The Clerk read the bill, as follows:

Be it enacted, etc., That Commander James M. Miller, United States Navy; Surg. Oliver D. Norton, United States Navy, and Mr. Edwin V. Morgan, formerly secretary of the Samoan Commission and now secretary of the legation of the United States at Seoul, Korea, be, and they are hereby, authorized to accept, respectively, a gold watch and chain, a marine glass, and a silver writing table, tendered to them through the Department of State of the United States by His Majesty the Emperor of Germany, King of Prussia; and the Department of State is hereby authorized to deliver the testimonials mentioned to them.

The bill was laid aside to be reported to the House with a favorable recommendation.

LOUIS WEBER.

The next business on the Private Calendar was the bill (H. R. 1375) for the relief of Louis Weber.

The Clerk read the bill, as follows:

Be it enacted, etc., That Louis Weber, of Fauquier Springs, Va., be, and he is hereby declared to be, entitled to the benefits of the acts of August 4 and 5, 1854, as to reenlistment pay during his last service, from August 25, 1864, to July 9, 1867, in the United States Marine Corps.

The bill was laid aside to be reported to the House with a favorable recommendation.

EDWARD KERSHNER.

The next business on the Private Calendar was the bill (H. R. 5224) for the relief of Edward Kershner.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized and empowered to appoint Edward Kershner as medical director in the Navy on the retired list.

The bill was laid aside to be reported to the House with a favorable recommendation.

JEROME E. MORSE.

The next business on the Private Calendar was the bill (H. R. 720) for the relief of Lieut. Jerome E. Morse.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and empowered to transfer Lieut. Jerome E. Morse, of the retired list of the United States Navy, from the half-pay list to the 75 per cent pay list of retired officers, under section 1588 of the Revised Statutes of the United States; and the said transfer shall take effect as of the passage of this act.

The bill was laid aside to be reported to the House with a favorable recommendation.

LIEUT. COMMANDER R. M. G. BROWN.

The next business on the Private Calendar was the bill (H. R. 4748) authorizing the President of the United States to nominate Lieut. Commander R. M. G. Brown, now on the retired list, to be a commander on the retired list.

The Clerk read the bill, as follows:

Whereas Capt. N. H. Farquhar, United States Navy, in his report in regard to the disaster at Apia, Samoa, March, 1889, made the following report, which was forwarded by Rear-Admiral Kimberly to the Navy Department:

"Lieut. R. M. G. Brown, the navigator, was by my side the whole time, and to his excellent judgment, one time at least, the ship was cleared of a reef. Had we struck it I fear few of the 450 people on board of the *Trenton* would be alive to-day."

The Navy Department, in its reply to Rear-Admiral Kimberly, said:

"The flagship, now without steam or rudder, her anchors dragging, drifted almost at the mercy of the gale along the edges of the eastern reef, at times not more than 20 feet from total destruction. Every endeavor was made to control her movements, and her commanding officer states in his report that upon at least one occasion it was through the excellent judgment of Lieut. R. M. G. Brown, the navigating officer, that the ship cleared the reef and the 450 lives on board were saved. The Department notes with satisfaction your commendation of Lieutenant Brown, and also of Lieut. Commander Henry W. Lyon, the executive officer, for their efforts to save the ship;" and

Whereas the State of West Virginia presented a suitably inscribed sword to Lieutenant Brown, the act of the legislature reading as follows:

* * * * * * *

"Whereas Capt. N. H. Farquhar, United States Navy, recognized in his official report of that great disaster that at one time, at least, owing to the excellent judgment of Lieutenant Brown, the ship was kept off the reef and the lives of 450 people saved; and the State of West Virginia, in recognition of his excellent seamanship and hitherto unknown and ingenious order, in putting the crew of 400 seamen in the rigging and thereby forming 'a living sail,' and thus guiding the ship to harbor when sails could not resist the storm."

* * * * * * *

Therefore,

Be it enacted, etc., That the President is hereby authorized to nominate to the Senate Lieut. Commander R. M. G. Brown, now on the retired list, to be a commander on the retired list.

Mr. DAYTON. Mr. Chairman, I move the adoption of the amendment proposed by the Committee on Naval Affairs, to strike out the preamble of the bill, and that the bill as amended be laid aside with a favorable recommendation.

The CHAIRMAN. Does the gentleman offer an amendment?

Mr. DAYTON. I move to strike out the preamble.

The question was taken and the amendment was agreed to.

The bill was laid aside to be reported to the House with a favorable recommendation.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. GROSVENOR having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, one of its clerks, announced that the Senate had passed bill of the following title; in which the concurrence of the House of Representatives was requested:

S. 3107. An act to authorize the construction of a bridge over Missouri River at or near Kansas City, Mo.

ROBERT J. SPOTTSWOOD AND OTHERS.

The committee resumed its session.

The next business was the bill (H. R. 7018) for the relief of Robert J. Spottswood and the heirs of William C. McClellan, deceased.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Robert J. Spottswood and the heirs of William C. McClellan, deceased, of Colorado, $15,731, as additional compensation for transporting the United States mail from Morrison to Fairplay, and from Fairplay to Leadville, in the State of Colorado, by the said Spottswood and McClellan, from the 1st day of September, 1878, to the 10th day of September, 1879.

The amendment reported by the Committee on Claims was read, as follows:

In line 7 strike out "$15,731" and insert "$10,000."

Mr. GRAFF. I ask for the reading of the report in my time.

The report (by Mr. SCHIRM) was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 7018) for the relief of Robert J. Spottswood and the heirs of William C. McClellan, beg leave to submit the following report and recommend that said bill do pass.

It appears from the records of the Post-Office Department that route No. 38122, Morrison to Fairplay, Colo., 81 miles, was awarded to McClellan & Spottswood March 15, 1878, for service six times a week, from July 1, 1878, to June 30, 1882, at the rate of $3,973 per annum. In consequence of railroad service having been ordered from Denver to Deer Valley (now Slaghts), service on route 38122 was curtailed to begin at Deer Valley, decreasing the distance 34 miles and deducting $1,667.68 from annual pay of contractors from July 1, 1878.

From October 1, 1878, the service from Deer Valley to Fairplay was increased to seven times a week, for which the contractors were allowed $384.22 additional pay per annum. From February 1, 1879, the service was curtailed to begin at Grant, reducing the distance 12 miles and the pay $686.68; from February 10, 1879, to begin at Webster, reducing the distance 4 miles and pay $235.63, and from June 22, 1879, to begin at Como, reducing distance 20 miles and pay $1,178.15. (See Acting Second Assistant Postmaster-General's letter to Senator Sawyer, May 13, 1884.)

This claim is for carrying a very much larger amount of mail over said route 38122, and also over the route from Fairplay to Leadville, than was expected to be carried or could have reasonably been foretold at the time they contracted to perform the service. This increase of mail was due to the unprecedented growth of the city of Leadville, Colo., in a few months, from a small mining camp of 200 inhabitants to a community of 15,000 persons, most of whom were men sending and receiving mail daily.

The time during which this increased service was performed was from September 9, 1878, to September 10, 1879. The Department reports that no records have been kept showing the weight of the mails, but from the affidavits of the claimants and their agents, the postmasters at Fairplay and Leadville, the special agent of the Post-Office Department, and the statement of the postmaster at Denver, it seems not to have exceeded 150 pounds daily at the time the contract was taken and to have suddenly increased to about 2,000 pounds daily, at which amount it remained during the entire time covered by the claim.

An itemized statement of the increased expense and loss to the contractors as to route No. 38122 is stated by them, as follows:

Deer Valley to Fairplay, 53 miles, 142 days, $53.50 per day	$7,600
Grant to Fairplay, 43 miles, 10 days, $43 per day	430
Webster to Fairplay, 39 miles, 110 days, $39 per day	4,300
Jefferson to Fairplay, 27 miles, 23 days, $27 per day	621
Como to Fairplay, 10 miles, 78 days, $10 per day	780
Repairing, shoeing, and tolls, $100 per month	1,200
Thirty-two head of horses, $25 each, average depreciation in value	800
Total	15,731

It also appears that Messrs. Spottswood & McClellan carried this same mail from Fairplay to Leadville during this same period of time. The distance of this route was 45 miles, being by the Weston Pass, over the range.

To carry the increased mail required an addition of 7 men and 28 horses on this route from Fairplay to Leadville. The men were paid from $50 to $65 per month each, and the cost of maintaining horses was about $1 per day for each.

The enormous increase in the population of Leadville made a great increase in travel, which created such a demand for horses, vehicles, hay, grain, and provisions that the prices of horses increased from $75 to $150 per head and the price of hay from $15 to $80 per ton. As relays of horses had to be used at frequent intervals, it can be readily seen that it was exceedingly costly to maintain a service such as that given by claimants.

Under the direction of Gen. Charles Adams, special agent of the Post-Office Department for Colorado, Messrs. Spottswood & McClellan, on the route from Fairplay to Leadville, were required during July and August, 1879, to carry the lock mail, consisting of letters and valuable packages, over a shorter but more difficult and dangerous route, known as Mosquito Pass route, while the balance of the mail was taken by the longer route over Weston Pass. Thus, in order to get the letters into Leadville a few hours earlier, they were required to establish and maintain an additional route, compelling the employment of an extra force of 4 men and 20 horses.

The estimated loss by reason of the increased mail from Fairplay to Leadville and the additional route was, by Mr. Spottswood, placed at $12,539.

The Senate in the Fifty-fifth Congress passed the bill for $28,260, but in the Fifty-sixth Congress cut the amount to $15,731, which amount was recommended in the Fifty-sixth Congress by this committee.

We therefore recommend that in satisfaction of all claims for losses upon both routes that there be paid the sum of $10,000.

If the increase in pay were in proportion to the increase in weight, it would amount to over $46,000 on the route from Morrison to Fairplay alone. The price charged at that time for hauling express matter from Morrison to Leadville was 7½ cents per pound. The affidavit of Mr. Griffith shows that Messrs. McClellan & Spottswood, on account of the room taken by this increased mail, were compelled to turn over to others a daily average of about 2,000 pounds of express matter which had been consigned to them.

If the mail paid the same charges as express matter, the additional expense would have been $50,366.

Your committee think the amount recommended herein is a favorable compromise for the Government.

Mr. MOODY of Massachusetts. I wish to ask the gentleman from Illinois whether this matter has ever been submitted to the Post-Office Department and whether there has ever been any report upon it.

Mr. GRAFF. Yes, sir. This matter has been before Congress, as I understand, for a great many years. The bill passed the Senate at least three times. The matter has been considered in the Committee on Claims of the House since I have been a member of it during three sessions of Congress, and in each case there has been a favorable report from our committee. In addition to that the bill has been reported from the Senate Committee on Claims in almost every session of Congress for the last fifteen years.

Mr. SHAFROTH. The amount of the bill as passed by the Senate was $28,400.

Mr. GRAFF. I do not remember the amount at which the bill passed the Senate; I think it was $15,000.

Mr. SHAFROTH. Once at $28,000, and another time at $15,000.

Mr. GRAFF. The only difficulty about the bill in the Committee on Claims was to ascertain what would be a conservative amount to allow. It seemed to us a case which stood by itself—a case of peculiar hardship—which would not be likely to occur except on rare occasions.

As stated in the report, Leadville sprang in a very short time from a village community to a great city. There was a great population there, and the amount of mail to be handled was tremendous. At the time the bid was made it was contemplated that the mail would be hauled in a single wagon, and the carrier of the mail contemplated recompensing himself by carrying freight in his wagon in addition to carrying the mail.

Suddenly the discovery of gold at Leadville caused this little village, as I have said, to expand into a city. With that expansion came the increase of the mail matter from a few pounds, comparatively, to tons. The problem which met this contractor was not the same which would meet one carrying the mail in an ordinary flat country. He had to contend with difficulties which are to be met in the transportation of mail over a mountainous country and in all seasons of the year.

The committee cut the original amount of the bill—$15,000—down to $10,000. I personally know that the subcommittee spent a number of days hearing testimony and examining papers in regard to this bill. They inquired into every item and all the circumstances.

Mr. MOODY of Massachusetts. I understand that when this contract was first let it was for about four years?

Mr. GRAFF. Yes, sir.

Mr. MOODY of Massachusetts. Apparently the contract was modified by subsequent action of the Post-Office Department, decreasing the distance over which mail was to be carried, and deducting a certain amount from the annual pay.

Mr. GRAFF. Yes, sir. But that matter cuts no figure in this case—is not an element in its consideration—except to show the actual amount that the contractor received for transporting this mail over a reduced distance.

Mr. MOODY of Massachusetts. Was it not in the power of the Department to modify or cancel this contract and issue a more equitable one?

Mr. GRAFF. I hardly think the Department would have any authority to issue a new contract under the circumstances. I doubt very much whether they would be warranted in taking that course.

Mr. SHAFROTH. And the Department declines to do anything. I will state to the gentleman from Massachusetts [Mr. MOODY] that these parties made an application for relief to the Department at the time the mail was increasing, and the Department said it was beyond their power; that the only relief that could be given was through Congress.

Mr. MOODY of Massachusetts. Then I understand that the declination was not based upon a denial of the equity of the claim.

Mr. SHAFROTH. I think not.

Mr. MOODY of Massachusetts. But upon a denial of the power to act.

Mr. SHAFROTH. They said they had no power to change the contract.

Mr. MOODY of Massachusetts. I should like to know whether this matter has ever been reported upon by the Post-Office Department. The gentleman from Illinois [Mr. GRAFF] did not quite answer my question.

Mr. SHAFROTH. There have been letters from the Department, and they have simply said that they have never kept the weights of the mails; that it was impossible for them to do so: that it was a matter exclusively for Congress to determine what should be done in the case.

Mr. GRAFF. The Department does not express any opinion, either favorable or adverse, upon the bill, and, as is stated in the report, the Department reports that no records have been kept showing the weight of the mails. That is the substance of everything that has been contained in every response which the committee has received from the Post-Office Department.

Mr. MOODY of Massachusetts. I think everyone will agree that this is an exceedingly dangerous precedent. At the same time the hardship to the contractor in this case seems to be a very marked one.

Mr. SHAFROTH. Let me call the attention of the gentleman from Massachusetts to this fact, that in the great rush to Leadville the population increased from 200 to 30,000. The facts are not stated as strongly in the report as they should have been. Leadville increased to a population temporarily of 30,000 instead of 15,000; and you can readily see that from a mining camp of 200 to a population of 30,000 an immense lot of mail would come and go to and from Leadville.

There was express matter in large quantities to be sent to Leadville, and McClelland & Spottswood expected to take the express matter, for which they would have received 7½ cents a pound. If they had carried the amount of express matter instead of the increased weight of mail, it would have made them over $50,000. They had to consign that express matter to other parties.

They have been before this Congress, they have had a favorable report in the Senate, and their bill passed the Senate at one time appropriating $28,000, I think, and at another time $15,000, and a favorable report was made by this committee to the House at the last session of Congress for $15,000.

Mr. MOODY of Massachusetts. I should like to ask the gentleman if this special case has been thoroughly investigated by the present committee?

Mr. GRAFF. It has.

Mr. MOODY of Massachusetts. And is it a unanimous report?

Mr. GRAFF. It is.

Mr. MOODY of Massachusetts. I suppose the gentleman would agree with me that this bill should not be treated as a precedent for any other action of this kind.

Mr. GRAFF. I desire to state to the gentleman from Massachusetts that when the bill came to our committee I was inclined to be opposed to it, and it was only because of the exceptional case and the merits of it that I was forced to the conclusion that it was an equitable case and a very exceptional one.

The report shows that the amount of mail to be transported increased from 150 pounds daily to 2,000 pounds daily, at which amount it remained during the entire time covered by the claim.

Mr. BUTLER. What price was paid for express matter?

Mr. SHAFROTH. Seven and a half cents a pound.

Mr. GRAFF. The report also shows that at that time the prices of horses and all other articles in that vicinity rose very greatly.

Mr. CRUMPACKER. We have already established one precedent for this to-day, have we not? This is precisely in line with the bill we had awhile ago to pay for the increased Canadian mail, was it not?

Mr. GRAFF. I think it is a very much stronger case than the one to which you refer.

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

HUGH C. PRESTON.

The next business on the Private Calendar was the bill (H. R. 9280) for the relief of Hugh C. Preston.

The bill was read, as follows:

Be it enacted, etc., That the accounting officers of the Treasury are hereby authorized and directed, in the settlement of the accounts of Hugh C. Preston, late first lieutenant, Thirty-first Infantry, United States Volunteers, to allow him credit for $737.03, the same being the amount of funds of the United States stolen from his tent at Zamboanga, in the island of Mindanao, P. I., on or about December 31, 1900, while he was acting as commissary of subsistence, in accordance with the finding of the board of survey.

Mr. GRAFF. I yield to the gentleman from Virginia [Mr. OTEY].

Mr. OTEY. Mr. Chairman, this is simply the case of Lieutenant Preston, who was in the Philippine Islands, and who had $737 stolen from him. A board of survey was appointed, and the board of survey exonerated him. He simply wishes to have this amount passed to his credit, which is now stopped. The Secretary of War recommends it, and so does the Commissary-General.

Mr. GRAFF. I move that the bill be laid aside to be reported to the House with a favorable recommendation.

The motion was agreed to.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

P. A. M'CLAIN.

The next business on the Private Calendar was the bill (H. R. 8209) for the relief of P. A. McClain.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay to P. A. McClain, collector of internal revenue at Philadelphia, Pa., out of any money in the Treasury not otherwise appropriated, the sum of $366, the amount deposited in the Treasury of the United States by said P. A. McClain in payment for adhesive revenue stamps issued to him in the months of June and July, 1898, by the Commissioner of Internal Revenue, and not received, sold, or accounted for by him.

The bill was ordered to be laid aside with a favorable recommendation.

LAURA A. WILLETT.

The next business on the Private Calendar was the bill (H. R. 3510) for the relief of Laura A. Willett, widow of James P. Willett, deceased, late postmaster of the District of Columbia.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Laura A. Willett, widow of James P. Willett, deceased, late postmaster of the District of Columbia, who lost his life through an open shaft in the new city post-office building on September 30, 1899, the sum of $30,000.

The amendments recommended by the committee were read, as follows:

In line 4 strike out the words "Laura A. Willett" and insert in lieu thereof the words "the executors."

Add at the end of the bill the words "to be distributed as provided by the laws of the District of Columbia in cases of recovery of damages for death by negligence."

Mr. GRAFF. Mr. Chairman, I ask that the report be read, but not the exhibits which are attached.

The CHAIRMAN. The report will be read in the time of the gentleman from Illinois.

The report (by Mr. GRAFF) was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 3510) for the relief of Laura A. Willett, widow of James P. Willett, deceased, late postmaster of the District of Columbia, beg leave to submit the following report:

It appears from the testimony taken at the coroner's inquest and written and oral statements made before your committee that at about 9 o'clock on the morning of the 30th of September, 1899, the late James P. Willett entered the new city post-office building and went directly to the passenger elevator on the east side, in charge of James E. Dubois, telling him to take him to the fifth floor; but, changing his mind, he got off at the fourth floor and went to the office of Mr. Beaver, chief of the salary and allowance division, who not being in, he then ascended to the fifth floor, where he first intended to land, to visit the Postmaster-General or his First Assistant, with whom he had business.

Neither of these gentlemen being at their desks, he returned to the elevator to regain the first floor, soon after which his body was seen to fall through the shaft of the freight elevator down to the first floor, a distance of about 90 feet, where it struck upon the iron beam of the elevator, fracturing both arms and hips, and causing instant death. It also appears from the testimony taken at said inquest that the gates of the freight elevator had been taken off to admit the furniture which was being moved into the new building, and after their removal were laid athwart the opening at each floor, but, in the opinion of your committee, such a barricade was not a safe protection.

A copy of the proceedings at the coroner's inquest and of letters from the Hon. Charles Emory Smith, Postmaster-General, and the Hon. Perry S. Heath, First Assistant Postmaster-General, are herewith appended and made a part of this report.

Your committee therefore recommends the passage of the said bill, with the following amendments:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "five."

In line 4 strike out the words "Laura A. Willett, widow," and insert in lieu thereof the words "the executors."

At the conclusion of line 8 add the following: "to be distributed as provided by the laws of the District of Columbia in cases of recovery of damages for death by negligence."

Amend the title by striking out the words "Laura A. Willett, widow," and insert in lieu thereof the words "the executors."

Mr. CRUMPACKER. I would like to ask the gentleman a question or two about this matter.

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Indiana?

Mr. GRAFF. I do.

Mr. CRUMPACKER. Has the gentleman personally investigated the facts in connection with the claim?

Mr. GRAFF. I will state that during the last session of Congress, when the bill was before the committee at that time and was referred to the subcommittee of which the gentleman from Ohio [Mr. SOUTHARD] and myself were members, we had before us the full proceedings of the coroner's inquest and other affidavits, testimony, and letters, most of which are attached to the report in this case. The question arose as to whether there was negligence, and one of the questions connected with the facts was as to the width of the doors which were taken off the freight elevator and placed lengthwise across the front of the elevator.

The gentleman from Ohio [Mr. SOUTHARD] went to the Post-Office Department and measured the width of the doors. It was shown to be something like 2½ feet, apparently a height calculated more to increase danger than to serve as a means of protection. There was no one present at the time when Mr. Willett fell through the elevator. Therefore the facts surrounding his falling in and

the immediate cause of it was left to be established by circumstantial evidence.

There is testimony going to show that Mr. Willett at the time was in his usual good health and spirits, and that it must have been accidental. There was nothing about the circumstances to show otherwise. There was a report current that Mr. Willett stepped aside for a young lady who was standing immediately in front of this elevator. It was attempted by the coroner's inquest to procure that young lady and have her testimony, but there was no proof regarding that, and it was a mere rumor.

But the circumstances all showed that it was due to the negligence of the employees of the Government in leaving that open elevator there. The gentleman from Indiana will remember there are three elevators in a row on entering the Post-Office Department. The elevators on either side of the middle one are used as passenger elevators; the one in the center is used as a freight elevator. These doors were taken off the middle elevator so as to facilitate the moving of furniture in the building.

Mr. CRUMPACKER. Did this accident occur in daytime?

Mr. GRAFF. The accident occurred in the daytime, and——

Mr. DAYTON. The coroner's inquest showed it was due to the negligence of the employees.

Mr. GRAFF. And the coroner's inquest shows that there was negligence.

Mr. CRUMPACKER. Does the gentleman believe there is a fair case made against the Government on the facts submitted to his committee?

Mr. GRAFF. I do. I believe there was no contributory negligence on the part of Mr. Willett, and the circumstances make it quite clear there was negligence on the part of the employees of the Government in putting that little narrow door lengthwise across an open elevator so near the entrance to the passenger elevators on either side in a public building, where people were coming and going out and where people are invited to come and go.

Mr. MANN. How much does this bill carry?

Mr. GRAFF. Five thousand dollars. We looked at the statutes of the District of Columbia and found that $10,000 was the limit for recovery for death by negligence. We amended the bill so that the fund would be distributed according to the statutes of the District of Columbia in cases of recovery for negligence. So we cut the maximum amount liable under the statute in two, and made it $5,000.

Mr. MANN. May I ask whether there are any precedents for the Government paying these claims.

Mr. GRAFF. The Ford Theater disaster is a precedent very much like this. All of the death claims there were paid, and all claims for personal injuries were paid.

Mr. MANN. I should say that the Ford's Theater disaster was a different case from this. This is an ordinary case.

Mr. GRAFF. Yes; there have been numerous cases like this passed Congress.

The amendments recommended by the committee were adopted.

The bill was laid aside to be reported to the House with a favorable recommendation.

WILLIAM C. DODGE.

The next business on the Private Calendar was the bill (H. R. 299) for the relief of William C. Dodge.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay, out of any money in the Treasury not otherwise appropriated, to William C. Dodge, of Washington, D. C., the sum of $10,000, for a cartridge-loading machine furnished by him to the United States upon an order from the Ordnance Department, and for the use of his invention of the same, and of the patent therefor, dated July 17, 1866, and for his improvement in cartridges, patented July 4, 1865, and for the infringement of his said patents by the United States; which said sum of $10,000 shall be in full satisfaction of all claims for such use and infringements and for the relinquishment of all right to claim any further compensation for the use of the same by the United States.

Mr. GRAFF. I ask for the reading of the report in my time.

The Clerk read the report, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 299) for the relief of William C. Dodge, beg leave to submit the following report, and recommend that said bill do pass with one amendment.

Bills for compensation to Mr. Dodge for the claim covered by the bill under consideration have passed the Senate six times, and have been favorably reported eight times by committees of the House, but each time failed to be reached for final action.

The facts on which this report is based are set forth in previous reports, and are plainly stated in a report made to the first session of the Fifty-sixth Congress and are here restated and made a part of this report, as follows:

"It appears from the testimony that the operation of filling cartridge cases with powder had always been performed by hand down to 1864, and that it was a very dangerous work, explosions frequently occurring, destroying life and property, despite the utmost precautions.

"June 17, 1864, an explosion occurred in the cartridge-filling shops at the arsenal in Washington, D. C., where 150 operatives were employed, which killed 21 persons and seriously injured many others, who were buried among the burning ruins.

"That in consequence of this disaster the petitioner conceived the idea that this work might be done by a machine, and after a consultation with the officers in charge, who expressed doubts as to the feasibility of his plan, but encouraged him to try, he devised a machine, had a small one made, and submitted it to the Department for trial. Colonel Benton, then in charge of the arsenal, in his official report, under date of December 27, 1864, after describing the machine and the tests to which he had submitted it, concludes with this statement:

"'The principle of this machine is a good one, and a machine properly constructed on it would, I think, give greater uniformity of weight to the charges, and work could be turned out more uniformly, rapidly, and safely than at present done by the hand process.'

"The result was so satisfactory that four days thereafter the Department gave petitioner an order to furnish a full-sized machine which should fill 100 cartridges at a time.

"After much trouble and expense the machine was delivered August 18, 1865. It was officially tested and approved, and in his report, dated February 15, 1866, Colonel Benton says:

"'It can be worked at the rate of six slides-full per minute, or about 360,000 per day, so that one such machine would fill as many cartridges as could be made by any one establishment. If a greater number, however, were required to be filled, the capacity of the machine could be easily increased by increasing the number of holes in the slides and drawers.

"'For cartridges like those of Sharp's and those with copper cases (now used), the use of this machine affords a considerable saving of time, as one machine can do the work of many hands.'

"The great merit of the invention, however, consists in providing means for insuring uniformity of charge, which the present Chief of Ordnance, in a letter to the committee, says is 'a very important matter,' and that he 'knows of no machine prior to that invented by the petitioner that provided any means for that purpose.'

"He also says: 'Mr. Dodge's invention seems to antedate anything of the kind in this country.'

"The invention has been embodied in all machines since built and used by the Government, the present machines being so modified as to also put the bullets into the metallic shells, and then crimp the shells on the bullets to unite them and render the cartridge water-tight. Prior to this invention all cartridges made by the Government had been filled by hand. Since this invention they have all been filled by machines operating on this principle, and doubtless always will be, not only because of the saving in time and expense, but also because of the greater uniformity with which they can be filled, and which General Dyer, then Chief of Ordnance, said was of more value to the Government than the proposed saving of life and property.

"The benefits of this invention to the Government are many. The saving in the cost of filling the cartridge made since its adoption has been from $20,000 to $30,000. It has greatly reduced the risk to both life and property, has enabled the Department to concentrate its business at a single arsenal, thereby enabling the Government to dispense with a large number it formerly had located at various points and the expense of keeping them up, and enables the work to be performed with immensely greater rapidity in cases of emergency and far more perfectly.

"From the nature of the invention it is one that is of value to the Government only, as it is a thing that can not be sold to or used by the public at large.

"It is further shown that when the Government first undertook to manufacture metallic cartridges they proved a failure; so much so that the then Chief of Ordnance, General Dyer, in 1865, declared that the Government would never adopt them.

"After consultation with the Chief of Ordnance, Mr. Dodge invented and patented an improvement which completely remedied the difficulties; and when the Government subsequently concluded to adopt metallic cartridges and began their manufacture they used Mr. Dodge's patented improvement for three years, and until they adopted the outside primer, which rendered its further use unnecessary.

"The petitioner has never been paid a cent, either for the machine furnished on the order of the Department or for the use of his inventions. The Chief of Ordnance says that "he is entitled to remuneration," and the Secretary of War also says he ought to be paid.

"The committee are unanimously of the opinion that the petitioner is justly entitled to remuneration, both for the machine furnished and for the use of his invention, and therefore report back the bill with the recommendation that it be passed."

The bill was laid aside to be reported to the House with a favorable recommendation.

Mr. GRAFF. Mr. Chairman, I move that the committee do now rise and report the several bills and the amendments to the House with a favorable recommendation.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. OLMSTED, Chairman of the Committee of the Whole House, reported that that committee had had under consideration bills upon the Private Calendar, and had directed him to report the same back, some with amendments and some without amendments, with the recommendation that those without amendments pass, and that those with amendments, the amendments be adopted, and, as amended, the bills pass.

PRIVATE BILLS PASSED.

The following House bills reported from the Committee of the Whole without amendment were severally considered, ordered to be engrossed and read a third time, read the third time, and passed:

A bill (H. R. 621) for the relief of Daniel Cherry;

A bill (H. R. 7035) for the relief of Charles Hurrle;

A bill (H. R. 949) for the relief of Charles H. Robinson;

A bill (H. R. 2641) for the relief of Albion M. Christie;

A bill (H. R. 5550) for the relief of W. C. Taylor;

A bill (H. R. 3830) for the relief of William C. Marr;

A bill (H. R. 9295) for the relief of T. B. Stackhouse, a deputy collector of internal revenue for the district of South Carolina during the fiscal year 1894 and 1895;

A bill (H. R. 966) for the relief of Edward R. Stackable, collector of customs for the district of Hawaii;

A bill (H. R. 280) for the relief of James M. Stradling;

A bill (H. R. 610) to correct the military record of John F. Antlitz;

A bill (H. R. 9991) for the relief of F. E. Coyne;
A bill (H. R. 1375) for the relief of Louis Weber;
A bill (H. R. 5224) for the relief of Edward Kershner;
A bill (H. R. 720) for the relief of Lieut. Jerome E. Morse;
A bill (H. R. 9280) for the relief of Hugh C. Preston;
A bill (H. R. 299) for the relief of William C. Dodge; and
A bill (H. R. 8209) for the relief of P. A. McClain.

House bills of the following titles, reported with amendments from the Committee of the Whole House, were severally taken up, the amendments agreed to, the bills as amended ordered to be engrossed, and read a third time; and they were accordingly read the third time, and passed:

A bill (H. R. 1381) for the relief of J. V. Davis;
A bill (H. R. 1748) for the relief of Julius E. Mugge;
A bill (H. R. 4748) authorizing the President of the United States to nominate Lieut. Commander R. M. C. Brown, now on the retired list, to be a commander on the retired list;
A bill (H. R. 303) for the relief of Sol Bear & Co.;
A bill (H. R. 7018) for the relief of Robert J. Spottswood and the heirs of William C. McClellan, deceased; and
A bill (H. R. 3510) for the relief of Laura A. Willett, widow of James P. Willett, deceased, late postmaster of the District of Columbia.

A Senate bill of the following title, reported from the Committee of the Whole House without amendment, was taken up, ordered to a third reading, read the third time, and passed:

S. 1573. An act to authorize Commander James M. Miller, United States Navy; Surg. Oliver D. Norton, United States Navy, and Mr. Edwin V. Morgan, formerly secretary of the Samoan Commission, and now secretary of the legation of the United States at Seoul, Korea, to accept presents tendered them by His Majesty the Emperor of Germany.

MARY CHAMBERS.

The bill (H. R. 7020) for the relief of Mary Chambers, widow of Thomas Chambers, was read by its title.

Mr. GRAFF. Mr. Speaker, I ask unanimous consent that the Senate bill which is now on the desk may be substituted for the House bill, and that the House bill lie on the table, and that the Senate bill be put upon its passage.

The SPEAKER. The gentleman from Illinois asks unanimous consent to substitute the bill S. 219 for the bill just read, and that the Committee on Claims be discharged, and that the House bill lie on the table. Without objection, this order will be made.

There was no objection.

The bill was ordered to be read a third time; and being read the third time, was passed.

ENROLLED BILL SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title; when the Speaker signed the same:

H. R. 3104. An act to grant the right of way through the Oklahoma Territory and the Indian Territory to the Enid and Anadarko Railway Company, and for other purposes.

ENROLLED BILLS PRESENTED TO THE PRESIDENT OF THE UNITED STATES.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had presented this day to the President of the United States for his approval bills of the following titles:

H. R. 1200. An act granting an increase of pension to Oliver P. Goodwin;
H. R. 6453. An act granting an increase of pension to Ida R. Siegfried;
H. R. 8652. An act granting an increase of pension to Virginia Terrill;
H. R. 1484. An act granting an increase of pension to Robert M. Scott;
H. R. 7343. An act granting an increase of pension to Martha V. Keenan;
H. R. 3266. An act granting an increase of pension to James Smith;
H. R. 1324. An act granting an increase of pension to Charles N. Lee;
H. R. 11470. An act making an appropriation for clearing the Potomac River of ice;
H. R. 3229. An act granting a pension to Katherine R. A. Ogden;
H. R. 2620. An act granting a pension to Jennie A. McKinley;
H. Res. 88. Joint resolution authorizing the Commissioner of Internal Revenue to return bank checks, drafts, certificates of deposit, and orders for the payment of money, having imprinted stamps thereon, to the owners thereof, and for other purposes; and
H. Res. 131. Joint resolution authorizing the transfer to the Library of Congress of the library of State reports, etc.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 3518. An act granting a pension to Nadine A. Turchin—to the Committee on Invalid Pensions.

CHANGE OF REFERENCE.

By unanimous consent, the Committee on Pensions was discharged from the further consideration of bills of the following titles; and the same were referred to the Committee on Invalid Pensions:

S. 1942. An act granting a pension to Kate H. Clements;
S. 3064. An act granting an increase of pension to Emma Sophia Harper Cilley; and
S. 3097. An act granting an increase of pension to Joseph A. Nunez.

DEATH OF HON. ROUSSEAU O. CRUMP.

Mr. APLIN. Mr. Speaker, a sad duty requires me to announce to this House the death of my predecessor, the Hon. ROUSSEAU O. CRUMP, late a Representative from the Tenth Congressional district of the State of Michigan. He died at his home, in West Bay City, Mich., on the 1st day of May last, and is mourned by all the people, not only of the district which had honored him by four elections to the House of Representatives, but of the whole State.

I will ask the House at some later day to lay aside its regular work, that tribute may be paid to the memory of my departed friend. For the present I offer the resolutions which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the House of Representatives has heard with profound sorrow of the death of Hon. ROUSSEAU O. CRUMP, late a Representative from the State of Michigan.

Resolved, That as a mark of respect to his memory the House do now adjourn.

Resolved, That the Clerk communicate these resolutions to the Senate.

The resolutions were unanimously adopted.

The SPEAKER (at 4 o'clock and 35 minutes p. m.). In pursuance of the order of the House heretofore made, and of the resolution just adopted, the House stands adjourned until 12 o'clock noon, on Monday next.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Interior, transmitting the result of investigations into the condition of reservation Indians—to the Committee on Indian Affairs, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Navy submitting supplemental estimates of appropriations for hospital at Mare Island, California—to the Committee on Naval Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. DAVIS of Florida, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 9964) to legalize and maintain a new steel bridge erected in place of the old wooden structure across the Little Tennessee River, at Niles Ferry, Tennessee, by the Atlanta, Knoxville and Northern Railroad, reported the same with amendments, accompanied by a report (No. 575); which said bill and report were referred to the House Calendar.

Mr. JENKINS, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 11474) for the acknowledgment of deeds and other instruments in the Philippine Islands and Porto Rico affecting land situate in the District of Columbia or any Territory of the United States, reported the same without amendment, accompanied by a report (No. 576); which said bill and report were referred to the House Calendar.

Mr. LANHAM, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 11611) to divide the State of Texas into four judicial districts, reported the same without amendment, accompanied by a report (No. 577); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DAVEY of Louisiana, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 9332) to authorize the Dothan, Hartford and Florida Railway Company to construct a bridge across East St. Andrews

Bay, navigable water, at a point about 1 mile east of Farmdale, in the State of Florida, reported the same without amendment, accompanied by a report (No. 579); which said bill and report were referred to the House Calendar.

Mr. KAHN, from the Committee on the Judiciary, to which was referred the bill of the Senate (S. 715) to provide for two additional associate justices of the supreme court of the Territory of Oklahoma, and for other purposes, reported the same with amendments, accompanied by a report (No. 580); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. JETT, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 3278) to correct the military record of C. R. Dickson, reported the same without amendment, accompanied by a report (No. 578); which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2, Rule XIII, adverse reports were delivered to the Clerk, and laid on the table, as follows:

At the request of Mr. SLAYDEN, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 619) to authorize the President to revoke the order dismissing William T. Godwin, late first lieutenant, Tenth Infantry, United States Army, and to place the said William T. Godwin on the retired list with the rank of first lieutenant, reported February 18 adversely (Report No. 563), said bill and report were referred to the Private Calendar pursuant to clause 2 of Rule XIII.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were referred as follows:

A bill (H. R. 11477) for improving Fort street between Twelfth and Fourteenth streets NE., and for other purposes—Committee on the District of Columbia discharged, and referred to the Committee on Appropriations.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. OTEY (by request): A bill (H. R. 11651) to abolish estates of curtesy and dower in the District of Columbia, to provide for the custody of the persons of children under 14 years of age, to regulate the descent and distribution of the estates of intestates, and for other purposes—to the Committee on the District of Columbia.

By Mr. JENKINS: A bill (H. R. 11652) to amend section 2 of chapter 438 of volume 26, United States Statutes at Large, "An act to authorize the President of the United States to cause certain lands heretofore withdrawn from market for reservoir purposes to be restored to the public domain, subject to entry under the homestead law with certain restrictions," so that any isolated or disconnected tract or parcel thereof may be ordered into market and sold for not less than $1.25 per acre—to the Committee on the Public Lands.

By Mr. BOWERSOCK: A bill (H. R. 11653) granting the right of way for an irrigating canal, its adits, its laterals, to William G. Holt, of Kansas City, Kans., his successors, heirs, and assigns, through the Yuma Indian Reservation, and for other purposes—to the Committee on Indian Affairs.

By Mr. DICK, by instruction of the Committee on Militia: A bill (H. R. 11654) to promote the efficiency of the militia, and for other purposes—to the Committee on Militia.

By Mr. MARSHALL: A bill (H. R. 11655) granting to the State of North Dakota 640 acres of land, embracing the White Stone Hills battlefield and burial ground of soldiers killed in that engagement—to the Committee on the Public Lands.

By Mr. DICK: A bill (H. R. 11656) to incorporate the Society of the Army of Santiago de Cuba—to the Committee on the Judiciary.

By Mr. PERKINS: A bill (H. R. 11657) allowing the construction of a dam across the St. Lawrence River—to the Committee on Foreign Affairs.

By Mr. EDWARDS: A bill (H. R. 11658) to ratify an agreement with the Indians of the Crow Reservation in Montana, and making appropriations to carry the same into effect—to the Committee on Indian Affairs.

By Mr. McCLELLAN: A bill (H. R. 11659) authorizing the Secretary of the Treasury to grant by deed to the city of New York a permanent right of way for an underground railroad under property of the United States situated on Mail street and Park Row in said city—to the Committee on Public Buildings and Grounds.

By Mr. DALZELL: A bill (H. R. 11719) to amend an act entitled "An act to authorize the Pittsburg and Mansfield Railroad Company to construct and maintain a bridge across the Monongahela River"—to the Committee on Interstate and Foreign Commerce.

By Mr. RIXEY: A joint resolution (H. J. Res. 156) asking for estimates for the improvement of Quantico Creek, in Prince William County, Va.—to the Committee on Rivers and Harbors.

By Mr. NEWLANDS: A joint resolution (H. J. Res. 157) to credit the State of Nevada with certain military supplies belonging to the United States Government and distributed by the governor thereof without proper vouchers to volunteers in the late war with Spain—to the Committee on Military Affairs.

By Mr. SOUTHWICK: A concurrent resolution (H. C. Res. 35) directing the Joint Committee on Printing to investigate and determine whether the Supreme Court Reports should be printed at the Government Printing Office or by private contract—to the Committee on Rules.

By Mr. TAWNEY: A resolution (H. Res. 139) that the Secretary of War be, and he is hereby, requested to furnish the House of Representatives information concerning land in Cuba purchased by nonresidents of the island since the date of the American occupation—to the Committee on Insular Affairs.

By Mr. McCALL: Petition relative to an amendment of the Constitution of the United States enabling Congress to enact laws regulating hours of labor—to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills of the following titles were presented and severally referred as follows:

By Mr. ACHESON: A bill (H. R. 11660) granting a pension to Perry B. Wilson—to the Committee on Invalid Pensions.

By Mr. ADAMSON: A bill (H. R. 11661) for the relief of H. T. Cunningham—to the Committee on War Claims.

By Mr. ALLEN of Maine: A bill (H. R. 11662) granting an increase of pension to Albion P. Stiles—to the Committee on Invalid Pensions.

By Mr. BOUTELL: A bill (H. R. 11663) granting an increase of pension to James J. Briggs—to the Committee on Invalid Pensions.

By Mr. BURKETT (by request): A bill (H. R. 11664) for the relief of Patrick I. Grant—to the Committee on Claims.

By Mr. CLAYTON: A bill (H. R. 11665) granting an increase of pension to Caleb C. Briggs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11666) to remove the charge of desertion from the military record of Samuel J. Maund—to the Committee on Military Affairs.

Also, a bill (H. R. 11667) granting a pension to Nancy Caroline Pickard—to the Committee on Pensions.

Also, a bill (H. R. 11668) granting a pension to W. R. Snellgrove—to the Committee on Pensions.

By Mr. COWHERD: A bill (H. R. 11669) to correct the record of James Clingen—to the Committee on Military Affairs.

By Mr. DE ARMOND: A bill (H. R. 11670) to correct the military record of Bryant W. Schoonover and grant him an honorable discharge—to the Committee on Military Affairs.

By Mr. DRAPER: A bill (H. R. 11671) granting an increase of pension to Henry Wheeler—to the Committee on Invalid Pensions.

By Mr. HALL: A bill (H. R. 11672) granting an increase of pension to Joseph S. Lee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11673) granting an increase of pension to Jacob Laird—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11674) granting an increase of pension to Jacob Wenner, of Knox, Pa.—to the Committee on Invalid Pensions.

By Mr. JACKSON of Kansas: A bill (H. R. 11675) granting a pension to Nettie C. Constant, of Kansas—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11676) granting a pension to Mrs. N. E. Bridges—to the Committee on Pensions.

By Mr. JACKSON of Maryland: A bill (H. R. 11677) for the relief of William T. Sterling and 57 other enlisted men of Company K, First Eastern Shore Maryland Volunteers—to the Committee on Military Affairs.

Also, a bill (H. R. 11678) granting a pension to Thomas J. Young—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11679) granting a pension to James Bramble—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11680) granting a pension to George Wood—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11681) granting a pension to Leonard Parsons—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11682) granting a pension to Mary E. Winterbottom—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11683) granting a pension to Alexander Seymour—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11684) granting a pension to Josiah B. Ross—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11685) granting an increase of pension to William E. Tarr—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11686) granting a pension to Elenore F. Adams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11687) granting a pension to Robert H. Busteed—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11688) granting a pension to Joseph E. Scott—to the Committee on Invalid Pension.

By Mr. JENKINS: A bill (H. R. 11689) to authorize the private sale of lot 1, otherwise described as the fractional northwest quarter of northwest quarter of section 24, township 40 north, range 3 east, in Price County, Wis., containing 20 acres, at the Wausau, Wis., local United States land office—to the Committee on the Public Lands.

By Mr. KEHOE: A bill (H. R. 11690) granting a pension to Lilburn E. Taber—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11691) for the relief of Martin Lunsford—to the Committee on Military Affairs.

By Mr. LLOYD: A bill (H. R. 11692) granting an increase of pension to William H. Ensign, of Kirksville, Mo.—to the Committee on Invalid Pensions.

By Mr. MARTIN: A bill (H. R. 11693) granting an increase of pension to George W. McGoff—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11694) granting an increase of pension to Dennis F. Andre—to the Committee on Invalid Pensions.

By Mr. MUDD: A bill (H. R. 11695) granting an increase of pension to George W. Hatton—to the Committee on Invalid Pensions.

By Mr. PEARRE: A bill (H. R. 11696) to quitclaim all interest of the United States of America in and to lot 4, square 1113, in the city of Washington, D. C., to William H. Dix—to the Committee on the District of Columbia.

By Mr. RICHARDSON of Alabama: A bill (H. R. 11697) for the relief of the executor or administrator of the estate of C. C. Spiller, deceased—to the Committee on Claims.

By Mr. RIXEY: A bill (H. R. 11698) granting a pension to Thomas O'Connor—to the Committee on Invalid Pensions.

By Mr. RUMPLE: A bill (H. R. 11699) granting a pension to Mary E. Morgan—to the Committee on Invalid Pensions.

By Mr. HENRY C. SMITH: A bill (H. R. 11700) granting an increase of pension to Edward C. Jeffries, Monroe, Mich.—to the Committee on Invalid Pensions.

By Mr. VAN VOORHIS: A bill (H. R. 11701) granting an increase of pension to John C. Wright—to the Committee on Invalid Pensions.

By Mr. YOUNG: A bill (H. R. 11702) to reimburse Capt. Martin Hammer—to the Committee on Claims.

Also, a bill (H. R. 11703) granting a pension to Isabella Brockway (or St. John)—to the Committee on Invalid Pensions.

By Mr. ZENOR: A bill (H. R. 11704) granting a pension to Lafayette B. Jacobs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11705) granting an increase of pension to Anna E. Luke—to the Committee on Invalid Pensions.

By Mr. LACEY: A bill (H. R. 11706) granting a pension to Effie Sullivan—to the Committee on Invalid Pensions.

By Mr. LITTLE: A bill (H. R. 11707) granting a pension to Mary Harvy, widow—to the Committee on Invalid Pensions.

By Mr. NEWLANDS: A bill (H. R. 11708) to reimburse Ynez Shorb White for expenses incurred by her in the removal of the remains of the late Dr. Stephen Stuart White, passed assistant surgeon, United States Navy, from Juneau, Alaska, to his home in the State of Maryland—to the Committee on Claims.

By Mr. WOOTEN: A bill (H. R. 11709) to grant a pension to Elizabeth Bartee, widow of Ferdinand Bartee, a soldier in the Mexican war of 1846—to the Committee on Pensions.

Also, a bill (H. R. 11710) for the relief of James Palmer—to the Committee on Military Affairs.

Also, a bill (H. R. 11711) granting an increase of pension to Isaac Gibson—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 11712) granting a pension to Mary Sheppard—to the Committee on Invalid Pensions.

By Mr. GIBSON: A bill (H. R. 11713) for the relief of estate of A. K. Foster, deceased, late of Knox County, Tenn.—to the Committee on War Claims.

By Mr. WILLIAMS of Illinois: A bill (H. R. 11714) granting an increase of pension to James Tomlinson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11715) granting an increase of pension to David H. Utley—to the Committee on Invalid Pensions.

By Mr. WACHTER: A bill (H. R. 11716) granting an increase of pension to Samuel De Haven—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11717) granting a pension to William Bieber—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11718) granting an increase of pension to William J. Stewart—to the Committee on Invalid Pensions.

By Mr. MOON: A bill (H. R. 11720) for the relief of E. A. Best, administrator of the estate of Adaline D. Turner, deceased, of Tullahoma, Tenn.—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of United Mine Workers' Union No. 548, of Buenavista, Pa., favoring the Chinese-exclusion act—to the Committee on Foreign Affairs.

Also, papers to accompany House bill No. 10926, for the relief of J. J. Graham—to the Committee on Military Affairs.

By Mr. BATES: Petition of Maj. J. W. Patton Post, No. 346, Grand Army of the Republic, Department of Pennsylvania, for investigation of the administration of the Bureau of Pensions—to the Committee on Rules.

Also, petition of railway postal clerks in the Twenty-sixth Congressional district of Pennsylvania, for the passage of the bill to reclassify the Railway Mail Service—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of Machinists Union No. 327, of Meadville, Pa., relative to the construction of vessels in Government navy-yards—to the Committee on Naval Affairs.

Also, resolution of Machinists' Union No. 327; Cigar Makers' Union No. 82, of Meadville, Pa., and Scoopers' Union No. 116, of Erie, Pa., favoring the reenactment of Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. BELL: Petition of North Fork Post, No. 86, Grand Army of the Republic, Department of Colorado and Wyoming, for investigation of the administration of the Bureau of Pensions—to the Committee on Rules.

Also, resolutions of Order of Railroad Telegraphers, Swallows, Colo., favoring exclusion of undesirable immigrants—to the Committee on Immigration and Naturalization.

By Mr. BURKETT: Petition of Champion Division, No. 227, Order of Railway Conductors, Lincoln, Nebr., favoring a further restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of citizens of Brownville, Nebr., to accompany House bill No. 4527, granting a pension to Alfred Opelt—to the Committee on Invalid Pensions.

By Mr. BURKE of South Dakota: Petition of Huron Division, No. 213, Brotherhood Locomotive Engineers, praying for the further restriction of immigration—to the Committee on Immigration and Naturalization.

Also, resolutions of McLean Post 162, of Latcher, S. Dak., Grand Army of the Republic, favoring the building of war vessels in the navy-yards—to the Committee on Naval Affairs.

By Mr. BULL: Resolutions of Newport Typographical Union, No. 295; Painters, Decorators, and Paper Hangers' Union No. 534, of Newport, R. I., and National Electrical Workers' Union No. 99, of Providence, R. I., in favor of the reenactment of Chinese-exclusion act—to the Committee on Foreign Affairs.

Also, petition of Farragut Post, No. 8, of East Providence, R. I., Grand Army of the Republic, favoring the building of vessels in the United States navy-yards—to the Committee on Naval Affairs.

Also, resolution of Typographical Union No. 295, of Newport, R. I., for the passage of laws which will prevent the immigration of persons who can not read—to the Committee on Immigration and Naturalization.

By Mr. BURTON: Resolution of Steam Engineers' Union No. 81, of Cleveland, Ohio, in favor of the exclusion of Chinese laborers—to the Committee on Foreign Affairs.

By Mr. CAPRON: Resolution of the Ancient Order of Hibernians, Division No. 6, of Woonsocket, R. I., asking mediation by the United States in favor of the patriots of the South African Republics—to the Committee on Foreign Affairs.

Also, resolutions of Journeymen Barbers' Union No. 361, Pawtucket, R. I., favoring the continuation of the exclusion law against Chinese laborers—to the Committee on Foreign Affairs.

Also, resolution of Farragut Post, No. 8, of East Providence, R. I., Grand Army of the Republic, favoring the construction of naval vessels at Government navy-yards—to the Committee on Naval Affairs.

Also, resolutions of Cigar Makers' Union No. 94, of Pawtucket, R. I., for an educational test in the restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. COOPER of Wisconsin: Resolutions of Trades and Labor Council of Racine, Wis., favoring the exclusion of Chinese—to the Committee on Foreign Affairs.

Also, resolution of Iron Molders' Union, No. 310, of Racine, Wis., favoring an educational test in the restriction of immigration—to the Committee on Foreign Affairs.

Also, resolution of board of supervisors of Mohave County, Ariz., requesting Congress to fix a tax valuation on the property of the Santa Fe Railway Company throughout Arizona—to the Committee on Pacific Railroads.

Also, petition of Young People's Union of Racine, Wis., favoring the exclusion of intoxicants from all countries inhabited chiefly by native races—to the Committee on Alcoholic Liquor Traffic.

By Mr. CORLISS: Resolutions of Detroit Street Railway Employees and Carpenters' Union of Detroit, Mich., favoring a further restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. DALZELL: Resolution of International Association of Machinists, of Verona, Pa., in favor of the reenactment of Chinese-exclusion act—to the Committee on Foreign Affairs.

Also, resolution of Tile Layers' Union No. 4, of Pittsburg, Pa., for the restriction of immigration—to the Committee on Immigration and Naturalization.

Also, resolution of Glass Bottle Blowers' Union No. 76, of Sharpsburg, Pa., and Union No. 165, of Pittsburg, Pa., Carpenters and Joiners, urging that the navy-yards be utilized for the construction of war vessels—to the Committee on Naval Affairs.

By Mr. DE ARMOND: Paper to accompany House bill for the relief of Bryant W. Schoonover—to the Committee on Military Affairs.

By Mr. DRAPER: Petition of the National American Woman Suffrage Association, in relation to the right of suffrage for women—to the Committee on the Judiciary.

By Mr. FITZGERALD: Memorial of the American Hawaiian Steamship Company, protesting against the passage of Senate bill 1970 and House bill 965, granting an American register to the foreign-built barkentine *Hawaii*—to the Committee on the Merchant Marine and Fisheries.

Also, petition of National American Woman Suffrage Association, urging legislation to permit women to vote for members of Congress and Presidential electors—to the Committee on Election of President, Vice-President, and Representatives in Congress.

Also, memorial of International Brotherhood of Electrical Workers, No. 3, protesting against Senate bills 2054 and 1466, which create a department of electricity in the District of Columbia and provide for the licensing of electrical wirers—the to Committee on the District of Columbia.

By Mr. FOSS: Petition of Packing Trades Council, of Chicago, Ill., favoring the continuation of the exclusion law against Chinese laborers—to the Committee on Foreign Affairs.

By Mr. GIBSON: Petition for special act increasing the pension of William S. Thurman—to the Committee on Pensions.

Also, petition of Stanton Division, No. 139, Order of Railroad Conductors, Knoxville, Tenn., favoring an educational test in the restriction of immigration—to the Committee on Immigration and Naturalization.

Also, resolution of Federal Labor Union, of Knoxville, Tenn., in favor of Chinese exclusion—to the Committee on Foreign Affairs.

By Mr. GREEN of Pennsylvania: Petition of Metal Polishers, Buffers, Platers, Brass Molders, and Brass Workers' Union No. 46, of Reading, Pa., relative to the exclusion of Chinese—to the Committee on Foreign Affairs.

Also, resolutions of E. B. Young Post, No. 87, Grand Army of the Republic, of Allentown, Pa., relative to the construction of vessels in Government navy-yards—to the Committee on Naval Affairs.

Also, petition of citizens of Reading, Pa., for an amendment to the National Constitution defining legal marriage to be monogamic—to the Committee on the Judiciary.

By Mr. GREENE of Massachusetts: Petition of General W. T. Sherman Post No. 208, Grand Army of the Republic, Wareham, Mass., advocating the construction of war vessels in United States navy-yards—to the Committee on Naval Affairs.

By Mr. GROSVENOR: Resolution of Federal Labor Union No. 6876, Chillicothe, Ohio, favoring the construction of naval vessels at Government navy-yards—to the Committee on Naval Affairs.

Also, resolution of Federal Labor Union No. 6876, Chillicothe, Ohio, and citizens of Antiquity, Ohio, favoring exclusion of Chinese laborers—to the Committee on Foreign Affairs.

By Mr. HALL: Papers to accompany House bill 11673, for the relief of Jacob Laird—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 11674, granting an increase of pension to Jacob Wenner—to the Committee on Invalid Pensions.

By Mr. HENRY of Connecticut: Petition of Carpenters and Joiners' Union No. 97, New Britain, Conn., urging that the navy-yards be utilized for the construction of war vessels—to the Committee on Naval Affairs.

By Mr. HILL: Resolution of C. L. Russell Post, No. 68, Grand Army of the Republic, of Thomaston, Conn., favoring the construction of war vessels in Government navy-yards—to the Committee on Naval Affairs.

By Mr. HITT: Resolution of Molders' Union No. 195, Freeport, Ill., for an educational test in the restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. HOWELL: Petition of Metuchen Council, Junior Order United American Mechanics, of Metuchen, N. J., advocating the reenactment of the Chinese-exclusion law—to the Committee on Foreign Affairs.

Also, petition of Typographical Union No. 307, of New Brunswick, N. J., advocating the building of war vessels in the navy-yards—to the Committee on Naval Affairs.

By Mr. JACK: Resolution of Brotherhood of Operative Potters' Union No. 52, of Ford City, Pa., in favor of the exclusion of Chinese laborers—to the Committee on Foreign Affairs.

Also, resolutions of Union No. 52, Ford City, Pa., praying for the further restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. JACKSON of Kansas: Petition of the Woman's Christian Temperance Union of Wichita, Kans., in favor of commercial reciprocity with Cuba—to the Committee on Ways and Means.

Also, resolutions of Team Drivers' Union No. 86, of Stippville, Kans., favoring an educational test in the restriction of immigration—to the Committee on Immigration and Naturalization.

Also, resolution of Team Drivers' Union No. 86, of Stippville, Kans., favoring the Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. KETCHAM: Petition of Garment Workers' Union No. 84, Wappingers Falls, N. Y., favoring the construction of war vessels in Government navy-yards—to the Committee on Naval Affairs.

Also, petition of Garment Workers' Union No. 84, Wappingers Falls, N. Y., in favor of the exclusion of Chinese laborers—to the Committee on Foreign Affairs.

Also, petition of Garment Workers' Union No. 84, Wappingers Falls, N. Y., for the repeal of the desert-land act and the commutation clause of the homestead act, against donations of public lands to the States, and for an appropriation of $250,000 for irrigation surveys—to the Committee on the Public Lands.

By Mr. LACEY: Resolution of city council of Council Bluffs, Iowa, relating to the Missouri River bridge at Council Bluffs—to the Committee on Interstate and Foreign Commerce.

Also, petition of officers of the Iowa National Guard, favoring House bill 9972, increasing the efficiency of the militia—to the Committee on Militia.

By Mr. LLOYD: Petition of 189 citizens of Hannibal, Mo., for an amendment to the National Constitution defining legal marriage to be monogamic—to the Committee on the Judiciary.

Also, resolutions of Menke Post. No. 166, Grand Army of the Republic, Department of Missouri, for the building of war vessels in the United States navy-yards—to the Committee on Naval Affairs.

Also, petition of citizens of Kirksville, Mo., to accompany House bill 11692, granting an increase of pension to Warren H. Ensign—to the Committee on Invalid Pensions.

By Mr. McANDREWS: Petition of Woodlawn Lodge, No. 45, of Chicago, Brotherhood of Locomotive Firemen, for the repeal of the desert-land act and the commutatian clause of the homestead act, against donations of public lands to the States, and for an appropriation of $250,000 for irrigation surveys—to the Committee on the Public Lands.

By Mr. McCLELLAN: Petition of the Board of Rapid Transit Railroad Commissioners for the City of New York, in reference to the necessity for legislation to further the construction of additional rapid-transit facilities in the city of New York—to the Committee on Public Buildings and Grounds.

By Mr. MERCER: Papers to accompany House bill 11237, granting increase of pension to Catharine A. Carroll—to the Committee on Invalid Pensions.

Also, papers to accompany Senate bill 1289, for the relief of Julius W. Clark—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 11505, for the relief of David Dunker—to the Committee on Invalid Pensions.

By Mr. OTJEN: Petition of Typographical Union No. 23, Milwaukee, Wis., favoring irrigation of arid lands—to the Committee on Irrigation of Arid Lands.

By Mr. PUGSLEY: Resolutions of the New York Retail Grocers' Union and United Retail Grocers' Association, of Brooklyn,

N. Y., in relation to the removal of the duty on teas—to the Committee on Ways and Means.

Also, resolution of the National Building Trades Council of America, favoring the national irrigation of arid lands, etc.—to the Committee on Irrigation of Arid Lands.

Also, resolution of National Building Trades Council, favoring the continuation of the exclusion law against Chinese laborers—to the Committee on Foreign Affairs.

By Mr. ROBB: Petition of Granite Workers', of Graniteville, Mo., for restriction of immigration, etc.—to the Committee on Immigration and Naturalization.

By Mr. ROBINSON of Indiana: Petition of George W. Palmer, of Coles Corners, Ind., in support of an amendment to the Constitution for the election of United States Senators by direct vote of the people—to the Committee on Election of President, Vice-President, and Representatives in Congress.

Also, resolution of Journeymen Horseshoers' Union No. 81, Fort Wayne, Ind., advocating the construction of war vessels in United States navy-yards—to the Committee on Naval Affairs.

Also, resolutions of Team Drivers' Union No. 78, Fort Wayne, Ind., favoring restriction of undesirable immigration—to the Committee on Immigration and Naturalization.

Also, resolution of the C. F. Wilcox Division, No. 376, Order of Railway Conductors, of Ashley, Ind., in favor of the exclusion of Chinese laborers—to the Committee on Foreign Affairs.

Also, petition of S. C. Aldrich Post, No. 138, Grand Army of the Republic, Department of Indiana, for investigation of the administration of the Bureau of Pensions—to the Committee on Rules.

By Mr. RUMPLE: Petition of Amalgamated Wood Workers' Union No. 92, Clinton, Iowa, asking for the repeal of the desert-land act and the commutation clause of the homestead act, and urging appropriation for Government surveys and construction of reservoirs—to the Committee on Irrigation of Arid Lands.

By Mr. RUPPERT: Petition of Carpenters and Joiners' Union No. 476, for an educational test in the restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. RYAN: Resolution of Journeymen Barbers' Union No. 141, Buffalo, N. Y., favoring the construction of naval vessels at Government navy-yards—to the Committee on Naval Affairs.

Also, resolution of Typographical Union No. 9, of Buffalo, N. Y., in favor of the Chinese-exclusion act—to the Committee on Foreign Affairs.

Also, resolution of Lake Seamen's Union of Tonawanda, N. Y., for an amendment to the immigration laws—to the Committee on Immigration and Naturalization.

Also, resolutions of United Trades Council of Buffalo, N. Y., protesting against the passage of House bill 9685—to the Committee on the Merchant Marine and Fisheries.

By Mr. STEELE: Resolution of Carpenters' Union No. 365, of Marion, Ind., for the passage of laws which will prevent the immigration of persons who can not read—to the Committee on Immigration and Naturalization.

Also, resolution of American Flint Glass Workers' Unions Nos. 101 and 35, of Marion, Ind., favoring the enactment of a law excluding the Chinese without limitation from this country—to the Committee on Foreign Affairs.

By Mr. STEWART of New York: Resolutions of Central Labor Union of Amsterdam, N. Y., in favor of the reenactment of the Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. SKILES: Petitions of Iron Molders' Union of Mount Vernon, Cigar Makers' Union of Mansfield, and Locomotive Engineers, Division No. 822, of Chicago Junction, Ohio, favoring a further restriction of immigration—to the Committee on Immigration and Naturalization.

Also, resolutions of Electrical Workers' Union No. 97, of Mount Vernon, and Cigar Makers' Union No. 86, of Mansfield, Ohio, in favor of the reenactment of the Chinese-exclusion act—to the Committee on Foreign Affairs.

Also, resolution of Retail Clerks' Union No. 500, of Lorain, Ohio, favoring the construction of naval vessels at the Government navy-yards—to the Committee on Naval Affairs.

By Mr. SNOOK: Petition of Thomas Allen Post, No. 578, Grand Army of the Republic, Department of Ohio, for investigation of the administration of the Bureau of Pensions—to the Committee on Rules.

By Mr. TAWNEY: Papers to accompany House bill granting an increase of pension to William J. Stewart—to the Committee on Invalid Pensions.

By Mr. THAYER: Resolutions of Piano and Organ Workers' Union No. 28, in regard to immigration—to the Committee on Immigration and Naturalization.

By Mr. VAN VOORHIS: Papers to accompany House bill 11701, granting a pension to John C. Wright—to the Committee on Invalid Pensions.

By Mr. WANGER: Resolutions of George Smith Post, No. 79, of Conshohocken, Pa., concerning the construction of Government vessels in navy-yards—to the Committee on Naval Affairs.

By Mr. WEEKS: Resolutions of Merchants and Manufacturers' Exchange, of Detroit, Mich., in relation to reduction of tariff on raw sugar, etc.—to the Committee on Ways and Means.

By Mr. WILLIAMS of Illinois: Papers to accompany House bill 5709 for the relief of Sarah Tanquary—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 10777, for the relief of Mary Sheppard—to the Committee on Invalid Pensions.

Also, paper to accompany House bill 11715, for the relief of David H. Utley—to the Committee on Invalid Pensions.

Also, paper to accompany House bill ——, granting a pension to James Tomlinson—to the Committee on Invalid Pensions.

By Mr. WOOTEN: Papers to accompany House bill 11709, granting a pension to Mrs. Elizabeth Bartee—to the Committee on Pensions.

Also, papers to accompany bill 11710, for the relief of James Palmer—to the Committee on Military Affairs.

By Mr. YOUNG: Petition of Engineers' Club of Philadelphia, Pa., favoring a national park reservation in the Appalachian Mountains—to the Committee on the Public Lands.

Also, petition of Enoch Lewis, of Philadelphia, in relation to certain immoral practices in the Philippines—to the Committee on Insular Affairs.

Also, petition of R. A. Benedict, of New York City, in relation to general legislation—to the Committee on the Judiciary.

Also, petition of Hopkins & Hopkins, Washington, D. C., in relation to foreign-built vessels in competition with American vessels—to the Committee on Merchant Marine and Fisheries.

Also, resolution of the Merchants' Exchange of San Francisco, Cal., for the admission of the mercantile class of Chinese—to the Committee on Foreign Affairs.

Also, petition of the National American Women Suffrage Association relating to the right of suffrage for women—to the Committee on the Judiciary.

By Mr. ZENOR: Petition of John Ridlen Post, No. 275, Scottsburg, Ind., favoring the building of vessels in the United States navy-yards—to the Committee on Naval Affairs.

SENATE.

SATURDAY, *February 22, 1902.*

The Senate met at 11 o'clock a. m.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. BERRY, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

READING OF WASHINGTON'S FAREWELL ADDRESS.

The PRESIDENT pro tempore. The Senator from Michigan [Mr. BURROWS], under the order of the Senate, will now read Washington's Farewell Address.

Mr. BURROWS (at the Secretary's desk) read the address, as follows:

To the people of the United States:

FRIENDS AND FELLOW-CITIZENS: The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed to decline being considered among the number of those out of whom a choice is to be made.

I beg you at the same time to do me the justice to be assured that this resolution has not been taken without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that in withdrawing the tender of service, which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest, no deficiency of grateful respect for your past kindness, but am supported by a full conviction that the step is compatible with both.

The acceptance of and continuance hitherto in the office to which your suffrages have twice called me have been a uniform sacrifice of inclination to the opinion of duty and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this previous to the last election had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our

affairs with foreign nations and the unanimous advice of persons entitled to my confidence impelled me to abandon the idea. I rejoice that the state of your concerns, external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety, and am persuaded, whatever partiality may be retained for my services, that in the present circumstances of our country you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust were explained on the proper occasion. In the discharge of this trust I will only say that I have, with good intentions, contributed toward the organization and administration of the Government the best exertions of which a very fallible judgment was capable. Not unconscious in the outset of the inferiority of my qualifications, experience in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and every day the increasing weight of years admonishes me more and more that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is intended to terminate the career of my political life my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me, and for the opportunities I have thence enjoyed of manifesting my inviolable attachment by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise and as an instructive example in our annals that under circumstances in which the passions, agitated in every direction, were liable to mislead; amidst appearances sometimes dubious; vicissitudes of fortune often discouraging; in situations in which not unfrequently want of success has countenanced the spirit of criticism, the constancy of your support was the essential prop of the efforts and a guaranty of the plans by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave as a strong incitement to unceasing vows that Heaven may continue to you the choicest tokens of its beneficence; that your union and brotherly affection may be perpetual; that the free Constitution which is the work of your hands may be sacredly maintained; that its administration in every department may be stamped with wisdom and virtue; that, in fine, the happiness of the people of these States, under the auspices of liberty, may be made complete by so careful a preservation and so prudent a use of this blessing as will acquire to them the glory of recommending it to the applause, the affection, and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare which can not end but with my life, and the apprehension of danger natural to that solicitude, urge me on an occasion like the present to offer to your solemn contemplation and to recommend to your frequent review some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all-important to the permanency of your felicity as a people. These will be offered to you with the more freedom as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget as an encouragement to it your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people is also now dear to you. It is justly so, for it is a main pillar in the edifice of your real independence, the support of your tranquillity at home, your peace abroad, of your safety, of your prosperity, of that very liberty which you so highly prize. But as it is easy to foresee that from different causes and from different quarters much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth, as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed, it is of infinite moment that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it, accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can in any event be abandoned, and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth or choice of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have in a common cause fought and triumphed together. The independence and liberty you possess are the work of joint counsels and joint efforts, of common dangers, sufferings, and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest. Here every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.

The North, in an unrestrained intercourse with the South, protected by the equal laws of a common government, finds in the productions of the latter great additional resources of maritime and commercial enterprise and precious materials of manufacturing industry. The South, in the same intercourse, benefiting by the same agency of the North, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the North, it finds its particular navigation invigorated; and while it contributes in different ways to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength to which itself is unequally adapted. The East, in a like intercourse with the West, already finds, and in the progressive improvements of interior communications by land and water will more and more find, a valuable vent for the commodities which it brings from abroad or manufactures at home. The West derives from the East supplies requisite to its growth and comfort, and what is perhaps of still greater consequence, it must of necessity owe the secure enjoyment of indispensable outlets for its own productions to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as one nation. Any other tenure by which the West can hold this essential advantage, whether derived from its own separate strength or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While, then, every part of our country thus feels an immediate and particular interest in union, all the parts combined can not fail to find in the united mass of means and efforts greater strength, greater resource, proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations, and what is of inestimable value, they must derive from union an exemption from those broils and wars between themselves which so frequently afflict neighboring countries not tied together by the same governments, which their own rivalships alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues would stimulate and embitter. Hence, likewise, they will avoid the necessity of those overgrown military establishments which, under any form of government, are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is that your union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the Union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? Let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who in any quarter may endeavor to weaken its bands.

In contemplating the causes which may disturb our union, it occurs as matter of serious concern that any ground should have been furnished for characterizing parties by geographical discriminations—Northern and Southern, Atlantic and Western—whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts is to misrepresent the opinions and aims of other districts. You can not shield yourselves too much against the jealousies and heartburnings which spring from these misrepresentations; they tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our Western country have lately had a useful lesson on this head. They have seen in the negotiation by the Executive and in the unanimous

ratification by the Senate of the treaty with Spain, and in the universal satisfaction at that event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the General Government and in the Atlantic States unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties—that with Great Britain and that with Spain—which secure to them everything they could desire in respect to our foreign relations toward confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the union by which they were procured? Will they not henceforth be deaf to those advisers, if such there are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your union a government for the whole is indispensable. No alliances, however strict, between the parts can be an adequate substitute. They must inevitably experience the infractions and interruptions which all alliances in all times have experienced. Sensible of this momentous truth, you have improved upon your first essay by the adoption of a constitution of government better calculated than your former for an intimate union and for the efficacious management of your common concerts. This government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their constitutions of government. But the constitution which at any time exists, till changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power and the right of the people to establish government presupposes the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations, under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberation and action of the constituted authorities, are destructive of this fundamental principle and of fatal tendency. They serve to organize faction; to give it an artificial and extraordinary force; to put in the place of the delegated will of the nation the will of a party, often a small but artful and enterprising minority of the community, and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill-concerted and incongruous projects of faction rather than the organ of consistent and wholesome plans, digested by common counsels and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely in the course of time and things to become potent engines by which cunning, ambitious, and unprincipled men will be enabled to subvert the power of the people, and to usurp for themselves the reins of government, destroying afterwards the very engines which have lifted them to unjust dominion.

Toward the preservation of your Government and the permanency of your present happy state it is requisite not only that you steadily discountenance irregular oppositions to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretexts. One method of assault may be to effect in the forms of the Constitution alterations which may impair the energy of the system, and thus to undermine what can not be directly overthrown. In all the changes to which you may be invited remember that time and habit are at least as necessary to fix the true character of governments as other human institutions; that experience is the surest standard by which to test the real tendency of the existing constitution of a country; that facility in changes upon the credit of mere hypothesis and opinion exposes to perpetual change, from the endless variety of hypothesis and opinion; and remember especially that for the efficient management of your common interests in a country so extensive as ours a goverment of as much vigor as is consistent with the perfect security of liberty is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name where the government is too feeble to withstand the enterprises of faction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the state, with particular reference to the founding of them on geographical discriminations. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.

The spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads at length to a more formal and permanent despotism. The disorders and miseries which result gradually incline the minds of men to seek security and repose in the absolute power of an individual, and sooner or later the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purposes of his own elevation on the ruins of public liberty.

Without looking forward to an extremity of this kind (which nevertheless ought not to be entirely out of sight), the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils and enfeeble the public administration. It agitates the community with ill-founded jealousies and false alarms; kindles the animosity of one part against another; foments occasionally riot and insurrection. It opens the door to foreign influence and corruption, which find a facilitated access to the Government itself through the channels of party passion. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government and serve to keep alive the spirit of liberty. This within certain limits is probably true, and in governments of a monarchical cast patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency it is certain there will always be enough of that spirit for every salutary purpose, and there being constant danger of excess, the effort ought to be by force of public opinion to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent its bursting into a flame, lest instead of warming it should consume.

It is important, likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominates in the human heart is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions by the others, has been evinced by experiments, ancient and modern, some of them in our country and under our own eyes. To preserve them must be as necessary as to institute them. If in the opinion of the people the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for though this in one instance may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, Where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle.

It is substantially true that virtue or morality is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric? Promote, then, as an

object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it is essential that public opinion should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering also that timely disbursements to prepare for danger frequently prevent much greater disbursement to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions in time of peace to discharge the debts which unavoidable wars have occasioned, not ungenerously throwing upon posterity the burthen which we ourselves ought to bear. The execution of these maxims belongs to your representatives; but it is necessary that public opinion should cooperate. To facilitate to them the performance of their duty it is essential that you should practically bear in mind that toward the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper objects (which is always a choice of difficulties) ought to be a decisive motive for a candid construction of the conduct of the Government in making it, and for a spirit of acquiescence in the measures for obtaining revenue which the public exigencies may at any time dictate.

Observe good faith and justice toward all nations. Cultivate peace and harmony with all. Religion and morality enjoin this conduct. And can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and at no distant period a great nation to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt that in the course of time and things the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it? Can it be that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachments for others should be excluded, and that in place of them just and amicable feelings toward all should be cultivated. The nation which indulges toward another an habitual hatred or an habitual fondness is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur.

Hence frequent collisions, obstinate, envenomed, and bloody contests. The nation prompted by ill will and resentment sometimes impels to war the government contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts through passion what reason would reject. At other times it makes the animosity of the nation subservient to projects of hostility, instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty, of nations has been the victim.

So, likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter without adequate inducement or justification. It leads also to concessions to the favorite nation of privileges denied to others, which is apt doubly to injure the nation making the concessions by unnecessarily parting with what ought to have been retained, and by exciting jealousy, ill will, and a disposition to retaliate in the parties from whom equal privileges are withheld; and it gives to ambitious, corrupted, or deluded citizens (who devote themselves to the favorite nation) facility to betray or sacrifice the interests of their own country without odium, sometimes even with popularity, gilding with the appearances of a virtuous sense of obligation a commendable deference for public opinion or a laudable zeal for public good the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils! Such an attachment of a small or weak toward a great and powerful nation dooms the former to be the satellite of the latter. Against the insidious wiles of foreign influence (I conjure you to believe me, fellow-citizens) the jealousy of a free people ought to be constantly awake, since history and experience prove that foreign influence is one of the most baneful foes of republican government. But that jealousy, to be useful, must be impartial, else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike of another cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots who may resist the intrigues of the favorite are liable to become suspected and odious, while its tools and dupes usurp the applause and confidence of the people to surrender their interests.

The great rule of conduct for us in regard to foreign nations is, in extending our commercial relations, to have with them as little political connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. Here let us stop.

Europe has a set of primary interests which to us have none or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves by artificial ties in the ordinary vicissitudes of her politics or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not legally hazard the giving us provocation; when we may choose peace or war, as our interests, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliances with any portion of the foreign world, so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than to private affairs that honesty is always the best policy. I repeat, therefore, let those engagements be observed in their genuine sense. But in my opinion it is unnecessary and would be unwise to extend them.

Taking care always to keep ourselves by suitable establishments on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, liberal intercourse with all nations are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand, neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce, but forcing nothing; establishing with powers so disposed, in order to give trade a stable course, to define the rights of our merchants, and to enable the Government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary and liable to be from time to time abandoned or varied as experience and circumstances shall dictate; constantly keeping in view that it is folly in one nation to look for disinterested favors from another; that it must pay with a portion of its independence for whatever it may accept under that character; that by such acceptance it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend I dare not hope they will make the strong and lasting impression I could wish—that they will control the usual current of the passions or prevent our nation from running the course which has hitherto marked the destiny of nations. But if I may even flatter myself that they may be productive of some partial benefit, some occasional good—that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism—this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far in the discharge of my official duties I have been guided by the principles which have been delineated the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is that I have at least believed myself to be guided by them.

In relation to the still subsisting war in Europe my proclamation of the 22d of April, 1793, is the index to my plan. Sanctioned by your approving voice, and by that of your representatives in both Houses of Congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take and was bound in duty and interest to take a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverance, and firmness.

The considerations which respect the right to hold this conduct it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without anything more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity toward other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions, and to progress without interruption to that degree of strength and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though in reviewing the incidents of my Administration I am unconscious of intentional error, I am, nevertheless, too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence, and that, after forty-five years of my life dedicated to its service with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love toward it which is so natural to a man who views in it the native soil of himself and his progenitors for several generations, I anticipate with pleasing expectation that retreat in which I promise myself to realize without alloy the sweet enjoyment of partaking in the midst of my fellow-citizens the benign influence of good laws under a free government—the ever-favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors, and dangers.

GO: WASHINGTON.

UNITED STATES, *September 19, 1796.*

INDIAN RESERVATIONS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior transmitting, pursuant to a provision contained in the Indian appropriation act for the current fiscal year, copies of certain investigations relative to the condition of Indians upon certain reservations, their degree of civilization, and the advisability of reducing the size of their reservations, etc.; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

SCHOONER SALLY.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of March 20, 1885, in the French spoliation claims, set out in the findings by the court relative to the vessel schooner *Sally*, Jacob Osgood, master; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. LODGE. I present resolutions adopted by the legislature of Massachusetts relative to an amendment of the Constitution enabling Congress to enact laws regulating hours of labor. I ask that the resolutions be read and referred to the Committee on the Judiciary.

There being no objection, the resolutions were read, and referred to the Committee on the Judiciary, as follows:

Commonwealth of Massachusetts. In the year 1902. Resolutions relative to an amendment of the Constitution of the United States enabling Congress to enact laws regulating hours of labor.

Resolved, That in the opinion of the general court of Massachusetts it is desirable that the Constitution of the United States should be so amended as to place it clearly within the power of Congress to enact laws regulating the hours of labor in the several States according to some uniform system; and the Senators and Representatives of this Commonwealth in Congress are hereby requested to use their influence to procure the adoption of the resolution now pending which proposes such an amendment to the Constitution.

Resolved, That properly attested copies of these resolutions be forwarded by the secretary of the Commonwealth to the presiding officers of both branches of Congress, and also to the Senators and Representatives in Congress from this Commonwealth.

In the house of representatives, adopted February 6, 1902.

In senate, adopted, in concurrence, February 11, 1902.

A true copy. Attest:

WM. M. OLIN,
Secretary of the Commonwealth.

Mr. LODGE presented a petition of the faculty of the University of Minnesota, praying that an appropriation be made for the erection of a monument in the city of Washington to the memory of the late Prof. Spencer F. Baird; which was referred to the Committee on the Library.

Mr. McCUMBER presented a petition of Company L, First Regiment of Infantry, National Guard of the State of North Dakota, of Hillsboro, N. Dak., praying for the enactment of legislation to increase the efficiency of the militia; which was referred to the Committee on Military Affairs.

He also presented a petition of sundry citizens of Hillsboro and Granville, in the State of North Dakota, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

Mr. BARD presented a memorial of the Chamber of Commerce of Los Angeles, Cal., remonstrating against the enactment of legislation tending to injure or discourage the American beet-sugar industry; which was referred to the Committee on Finance.

Mr. GALLINGER presented a petition of Lovell Grange, No. 5, Patrons of Husbandry, of Washington, N. H., praying for the establishment of reciprocal trade relations with Cuba; which was referred to the Committee on Relations with Cuba.

He also presented a petition of Brewery Workmen's Union No. 127, American Federation of Labor, of Portsmouth, N. H., praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which was referred to the Committee on Naval Affairs.

He also presented petitions of the Woman's Christian Temperance unions of Seabrook, Contoocook, Claremont, Alton, and Newport, all in the State of New Hampshire, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Waddington, Oswego Falls, and Brooklyn, all in the State of New York, and of sundry citizens of Pittsfield, Mass., and Bridgeport, Conn., praying for the enactment of legislation to increase the efficiency and also providing for a change in the name of the United States Marine-Hospital Service; which were referred to the Committee on Public Health and National Quarantine.

He also presented a petition of the Federal suffrage committee of the National American Woman's Suffrage Association of Richmond, Ky., praying for the adoption of an amendment to the Constitution granting the right of suffrage to women; which was referred to the Select Committee on Woman Suffrage.

Mr. PROCTOR presented a petition of the Granite Cutters' National Union, American Federation of Labor, of Barre, Vt., praying for the reenactment of the Chinese-exclusion law; which was referred to the Committee on Immigration.

He also presented a petition of A. E. Leavenworth Post, No. 108, Department of Vermont, Grand Army of the Republic, of Castleton, Vt., and a petition of Watertown Post, No. 45, Department of Vermont, Grand Army of the Republic, of Chelsea, Vt., praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which were referred to the Committee on Naval Affairs.

Mr. GAMBLE presented a petition of the Jobbers and Manufacturers' Association, of Sioux Falls, S. Dak., praying for the passage of the so-called pure-food bill and for the enactment of a penny-postage law; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of McLean Post, No. 162, Department of South Dakota, Grand Army of the Republic, of Letcher, S. Dak., praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which was referred to the Committee on Naval Affairs.

He also presented a petition of the executive committee of the Interstate Commerce Law Convention of St. Louis, Mo., praying for the adoption of certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the National Live Stock Exchange, of Chicago, Ill., praying for the passage of the so-called Grout bill to regulate the manufacture and sale of oleomargarine; which was referred to the Committee on Agriculture and Forestry.

Mr. MITCHELL presented a petition of the Chamber of Commerce of Portland, Oreg., and a petition of Printing Pressmen's Local Union No. 43, of Portland, Oreg., praying for the enactment of legislation restricting the immigration of illiterate persons; which were referred to the Committee on Immigration.

He also presented a petition of Sumner Post, No. 12, Grand Army of the Republic, Department of Oregon, of Portland; of

W. H. Harrison Post, No. 67, Grand Army of the Republic, Department of Oregon, of Central Point; of A. G. Ellett Post, No. 65, Grand Army of the Republic, Department of Oregon, of Yoncalla, and of John A. Norris Post, No. 22, Grand Army of the Republic, Department of Oregon, of Code, all in the State of Oregon, praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which were referred to the Committee on Naval Affairs.

Mr. HANSBROUGH presented a petition of members of Company L, First Regiment Infantry, North Dakota National Guard, and a petition of members of Company A, First Regiment Infantry, North Dakota National Guard, praying for the enactment of legislation to increase the efficiency of the militia; which were referred to the Committee on Military Affairs.

Mr. HOAR presented a petition of Lodge No. 507, Brotherhood of Railroad Trainmen, of Boston, Mass., and a petition of the Trades and Labor Assembly of Denver, Colo., praying for the enactment of the so-called Hoar anti-injunction bill to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases; which were ordered to lie on the table.

He also presented the petition of James Barr Ames and sundry other professors of the Harvard Law School and of Francis G. Peabody and sundry other citizens of Massachusetts, praying that such statistics be collected relating to marriage and divorce as will bring the report of the Department of Labor down to the latest practicable date; which was referred to the Committee on Education and Labor.

He also presented petitions of Team Drivers' Local Union No. 118, American Federation of Labor, of North Adams; of Brewery Workers' Local Union No. 136, American Federation of Labor, of Worcester, and of General William T. Sherman Post, No. 208, Department of Massachusetts, Grand Army of the Republic, of Wareham, all in the State of Massachusetts, praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which were referred to the Committee on Naval Affairs.

He also presented petitions of the Carpenters' District Council of Springfield; of Boot and Shoe Workers' Local Union No. 48, of Rockland; of the Building Trades Council of North Adams, and of Boot and Shoe Workers' Union No. 252, of Brookfield, all of the American Federation of Labor, in the State of Massachusetts, and of the National Building Trades Council of America, American Federation of Labor, of St. Louis, Mo., praying for the reenactment of the Chinese-exclusion law; which were referred to the Committee on Immigration.

Mr. FAIRBANKS presented petitions of Local Union No. 54, Brotherhood of Boiler Makers and Iron Ship Builders, of Summit City; of Local Union No. 5, Amalgamated Association of Iron and Steel Workers, of Terre Haute; of Enterprise Union, No. 1, Tin Plate Workers' International Protective Association, of Elwood; of Kokomo Lodge, No. 463, International Association of Machinists, of Kokomo; of Cigar Makers' Local Union No. 134, of La Porte, and of Local Union No. 28, International Association of Car Workers, of Terre Haute, all in the State of Indiana, praying for the reenactment of the Chinese-exclusion law; which were referred to the Committee on Immigration.

He also presented a memorial of Cigar Makers' Local Union No. 214, of Bluffton, Ind., remonstrating against the removal of the duties on cigars, tobacco, fruits, etc., imported from Cuba and the Philippines; which was referred to the Committee on Finance.

He also presented petitions of Reed Post, No. 139, of Folsomville; of Reed Post, No. 206, of Fulton; of Warrick Post, No. 262, of Newburg; of Rich Mountain Post, No. 42, of Lebanon; of Lookout Post, No. 133, of Noblesville, all of the Department of Indiana, Grand Army of the Republic; of Kokomo Lodge, No. 463, International Association of Machinists, of Kokomo, and of Local Union No. 5, National Brotherhood of Operative Potters, of Evansville, all in the State of Indiana, praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which were referred to the Committee on Naval Affairs.

Mr. McCOMAS presented a petition of Fraternity Lodge, No. 124, Brotherhood of Railroad Trainmen, of Baltimore, Md., praying for the passage of the so-called Hoar anti-injunction bill to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases; which was ordered to lie on the table.

He also presented a petition of Wood Makers' Local Union No. 6, American Federation of Labor, of Baltimore, Md., and a petition of Clothing Cutters' Local Union No. 6, American Federation of Labor, of Baltimore, Md., praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which were referred to the Committee on Naval Affairs.

He also presented a memorial of sundry citizens of Baltimore, Md., remonstrating against the reenactment of the Chinese-exclusion law; which was referred to the Committee on Immigration.

Mr. BURROWS presented a petition of the Woman's Christian Temperance Union of Adrian, Mich., praying for the enactment of legislation to prohibit the sale of intoxicating liquors, firearms, and opium to the inhabitants of the Pacific islands, for the adoption of an amendment to the Constitution to prohibit polygamy, to prohibit the transmission of race gambling bets and fraud devices by telegraph, etc.; which was ordered to lie on the table.

He also presented the petition of E. A. Griggs, of Battle Creek, Mich., and a petition of Typographical Union No. 72, of Lansing, Mich., praying for the repeal of the so-called desert-land law, for the commutation of the homestead law, and for the construction of reservoirs for irrigating purposes, etc.; which were referred to the Committee on Public Lands.

He also presented a petition of Central City Lodge, No. 121, Brotherhood of Railroad Trainmen, of Jackson, Mich., praying for the passage of the so-called Hoar anti-injunction bill to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and also for the reenactment of the Chinese-exclusion law; which was referred to the Committee on Immigration.

He also presented petitions of Cigar Makers' Local Union No. 186, of Flint; of Shingle Weavers' Local Union No. 7099, of Menominee; of Coopers' Local Union No. 4, of West Bay; of Tobacco Workers' Local Union No. 13, of Detroit; of the Trades and Labor Council, of Detroit; of Journeymen Tailors' Local Union No. 302, of Houghton; of Broom Makers' Local Union No. 49, of Flint; of Typographical Union No. 429, of Battle Creek; of Carpenters and Joiners' Local Union No. 643, of Flint; of the Trades and Labor Council, of Grand Rapids; of Coopers' Local Union No. 142, of Albion; of Machinists' Local Union No. 117, of Port Huron; of Federal Labor Union No. 9368, of Lansing; of Journeymen Tailors' Local Union No. 121, of Kalamazoo, and of Cigar Makers' Local Union No. 19, of Sault Ste. Marie, all of the American Federation of Labor, and of Mine Workers' Local Union No. 7, United Mine Workers of America, of National Mine, all in the State of Michigan, praying for the reenactment of the Chinese-exclusion law; which were referred to the Committee on Immigration.

He also presented petitions of Phil Sheridan Post, No. 4, of Reading; of T. B. Myers Post, No. 357, of Gagetown; of V. O. Bretz Post, No. 382, of Lake Odessa; of O. D. Jackson Post, No. 326, of Potterville; of Caldwell Post, No. 365, of Lake City; of Henry M. Liddle Post, No. 131, of Colon; of Col. E. H. Liscum Post, No. 343, of Sault Ste. Marie, and of Charles E. Wendell Post, No. 316, of Grant, all of the Department of Michigan, Grand Army of the Republic, and of Carpenters Local Union No. 609, of Onaway; of Journeymen Tailors' Union No. 302, of Houghton; of Tobacco Workers' International Union No. 13, of Detroit; of Typographical Union No. 168, of Muskegon, and of International Longshoremen's Association No. 53, of Traverse City, all of the American Federation of Labor, in the State of Michigan, praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which were referred to the Committee on Naval Affairs.

REPORTS OF COMMITTEES.

Mr. MITCHELL, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 277) for the relief of Mathias A. Young, reported it without amendment, and submitted a report thereon.

Mr. PROCTOR, from the Committee on Agriculture and Forestry, to whom was referred the bill (S. 3240) to prevent a false branding or marking of food and dairy products as to the State or Territory in which they are made or produced, asked to be discharged from its further consideration, and that it be referred to the Committee on Manufactures; which was agreed to.

Mr. GAMBLE, from the Committee on Indian Affairs, to whom was referred the bill (S. 3990) authorizing the use, under the direction of the Secretary of the Interior, of certain moneys in the Treasury to the credit of the Sioux Indians of the Crow Creek Reservation in South Dakota, under the act of March 2, 1895, and for other purposes, reported it without amendment, and submitted a report thereon.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the bill (S. 3848) granting a deed of quitclaim and release to Lorillard Spencer, his heirs and assigns, of all the right, title, and interest in and to certain land in the city of Newport, R. I., reported it without amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom was recommitted the bill (S. 3704) granting an increase of pension to Frederick E. Rogers, reported it with an amendment, and submitted a report thereon.

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (S. 3231) to legalize and maintain a new steel bridge in lieu of the present wooden structure across the Little Tennessee River at Niles Ferry, Tenn., by the Atlanta, Knoxville and Northern Railroad, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3513) authorizing the construction of a bridge across the Missouri River at or near Parkville, Mo., reported it with amendments, and submitted a report thereon.

BILLS INTRODUCED.

Mr. MONEY introduced a bill (S. 4080) to correct the naval record of Daniel W. Blake, United States Marine Corps; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Naval Affairs.

Mr. MARTIN introduced a bill (S. 4081) for the relief of Louis Ellison; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 4082) for the relief of M. Louise Breedin, Frances K. Breedin, Anna S. Coleman, and Alfred H. Breedin; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4083) for the relief of Surg. John F. Bransford, United States Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. BERRY introduced a bill (S. 4084) to correct the military record of James Marley; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. HOAR introduced a bill (S. 4085) granting an increase of pension to Samuel E. Chamberlain; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. LODGE introduced a bill (S. 4086) granting a pension to Charles W. Foster; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PATTERSON introduced a bill (S. 4087) granting a pension to Lemuel Kingsbury; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4088) granting an increase of pension to Henry Jennings; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MITCHELL introduced a bill (S. 4089) for the relief of Francis M. Tompkins; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4090) authorizing the Secretary of the Treasury to ascertain, allow, and pay the claims of certain States for all moneys by them advanced and actually paid or assumed to aid the General Government in maintaining the national defense when carrying on the war of the rebellion; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4091) to provide for the purchase of a site and the erection of a public building thereon at Lagrande, in the State of Oregon; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 4092) granting an increase of pension to John R. Evans; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 4093) granting an increase of pension to William Barrett; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 4094) to reimburse S. R. Green, postmaster at Oregon City, Oreg., for moneys lost by burglary; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. GALLINGER introduced a bill (S. 4095) granting an increase of pension to Charles C. Dudley; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McCOMAS introduced a bill (S. 4096) to provide for a site for a depot for the Revenue-Cutter Service; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Commerce.

He also introduced a bill (S. 4097) granting an increase of pension to Thomas Thomas; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Naval Affairs.

He also introduced a bill (S. 4098) for the relief of William C. Carson and Nathaniel R. Carson; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 4099) to provide for a macadamized roadway from the town of Sharpsburg, Md., to the Connecticut monument on the battlefield of Antietam; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 4100) granting a pension to Clara V. Pyle; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. CARMACK introduced a bill (S. 4101) for the relief of J. M. Carney; which was read twice by its title, and referred to the Committee on Claims.

Mr. BURROWS introduced a bill (S. 4102) granting a pension to Nancy M. Richmond; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. FRYE introduced a bill (S. 4103) granting an increase of pension to Alphonzo L. Chandler; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. WELLINGTON introduced a bill (S. 4104) for the relief of the legal representatives of Jeremiah Simonson, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. TELLER introduced a bill (S. 4105) to validate certain certificates of soldiers' additional homestead right; which was read twice by its title, and referred to the Committee on Public Lands.

AMENDMENTS TO BILLS.

Mr. MILLARD submitted an amendment proposing to appropriate $10,000 for the construction and repair of bridges and approaches thereto on the Omaha and Winnebago agencies, in the State of Nebraska, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. HANSBROUGH submitted an amendment proposing to appropriate $50,000 for improving the Missouri River at Bismarck, N. Dak., intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

EMPLOYMENT OF STENOGRAPHER.

Mr. ALLISON submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Appropriations be, and is hereby, authorized to employ a stenographer from time to time as may be necessary to report such testimony as may be taken by the committee or its subcommittees in connection with appropriation bills, and to have the same printed for its use, and that such stenographer be paid out of the contingent fund of the Senate.

LEASING OF INDIAN LANDS.

Mr. PLATT of Connecticut. I ask that an order be made to have printed as a document the hearings held before the Committee on Indian Affairs on the resolution submitted by the Senator from Utah [Mr. RAWLINS] proposing an inquiry relative to leases of Indian lands.

The PRESIDENT pro tempore. The Senator from Connecticut asks to have printed as a document certain hearings held before the Committee on Indian Affairs. Is there objection? The Chair hears none, and it is so ordered.

MARTHA R. OSBOURN.

The PRESIDENT pro tempore laid before the Senate the bill (S. 2802) granting a pension to Martha R. Osbourn, which had been returned from the House of Representatives in compliance with the request of the Senate.

Mr. GALLINGER. Mr. President, I entered a motion to reconsider the votes whereby that bill was ordered to be engrossed for a third reading and passed. I should like to have the bill go upon the Calendar, instead of being referred to the Committee on Pensions.

The PRESIDENT pro tempore. In the absence of objection, that order will be made.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

A bill (S. 219) for the relief of Mary Chambers, widow of Thomas Chambers; and

A bill (S. 1573) to authorize Commander James M. Miller, United States Navy; Surg. Oliver D. Norton, United States Navy, and Mr. Edwin V. Morgan, formerly secretary of the Samoan Commission and now secretary of the legation of the United States at Seoul, Korea, to accept presents tendered to them by His Majesty the Emperor of Germany.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 280) for the relief of James M. Stradling;

A bill (H. R. 299) for the relief of William C. Dodge;

A bill (H. R. 303) for the relief of Sol Bear & Co.;

A bill (H. R. 610) to correct the military record of John F. Antlitz;

A bill (H. R. 621) for the relief of Daniel Cherry;

A bill (H. R. 720) for the relief of Lieut. Jerome E. Morse;
A bill (H. R. 949) for the relief of Charles H. Robinson;
A bill (H. R. 966) for the relief of Edward R. Stackable, collector of customs for the district of Hawaii;
A bill (H. R. 1375) for the relief of Louis Webber;
A bill (H. R. 1381) for the relief of J. V. Davis;
A bill (H. R. 1748) for the relief of Julius E. Mugge;
A bill (H. R. 2641) for the relief of Albion M. Christie;
A bill (H. R. 3510) for the relief of the executors of James P. Willett, deceased, late postmaster of the District of Columbia;
A bill (H. R. 3830) for the relief of William C. Marr;
A bill (H. R. 4748) authorizing the President of the United States to nominate Lieut. Commander R. M. G. Brown, now on the retired list, to be a commander on the retired list;
A bill (H. R. 5224) for the relief of Edward Kershner;
A bill (H. R. 5550) for the relief of W. C. Taylor;
A bill (H. R. 7018) for the relief of Robert J. Spottswood and the heirs of William C. McClellan, deceased;
A bill (H. R. 7035) for the relief of Charles Hurrle;
A bill (H. R. 8209) for the relief of P. A. McClain;
A bill (H. R. 9280) for the relief of Hugh C. Preston;
A bill (H. R. 9295) for the relief of T. B. Stackhouse, a deputy collector of internal revenue for the district of South Carolina during the fiscal year 1894 and 1895;
A bill (H. R. 9991) for the relief of F. E. Coyne; and
A bill (H. R. 11353) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1903, and for other purposes.

The message further communicated to the Senate the intelligence of the death of Hon. ROUSSEAU O. CRUMP, late a Representative from the State of Michigan, and transmitted resolutions of the House thereon.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 3104) to grant the right of way through the Oklahoma Territory and the Indian Territory to the Enid and Anadarko Railway Company, and for other purposes.

PHILIPPINE TARIFF BILL.

The PRESIDENT pro tempore. The morning business is closed; and the Chair lays before the Senate the regular order.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 5833) temporarily to provide revenue for the Philippine Islands, and for other purposes.

Mr. TILLMAN. Mr. President, yesterday afternoon, after a session of six hours, during the greater part of which almost every Senator had had his attention concentrated and his mind, we might say, almost drawn out of his body listening to the eloquence of my friend, the Senator from Wisconsin [Mr. SPOONER], I was compelled, as it was the apparent wish of the Senate, to assume the floor and to begin, not specifically a reply, but a discussion of the same subject from a different standpoint. In order that I may myself get the trend of my argument and also to inform Senators who necessarily felt unwilling to remain and withdrew and therefore heard nothing of what I said yesterday, I will give a brief outline of that portion of the speech which has already been spoken, or rather I will revert briefly to some of the points which I presented.

Mr. President, we have just listened to the reading of a document which is familiar to every student of American history, and which has been looked upon as a kind of guide for our nation in its onward march. This 22d of February, a national holiday, made so by reason of the fact that the world was made nobler and human happiness increased because on that day a man was born who afterwards became known as the Father of his Country—this day is peculiarly appropriate for a recurrence to the events of that time and to the principles which actuated our forefathers. We read this document every year just as we read the Sermon on the Mount in our churches; but I am afraid, Mr. President, that the significance of the one and its influence upon human action is about as weak as that of the other.

"Whatsoever ye would that men should do to you, do ye even so to them" is the noblest thought that ever man, or God in man's shape, has enunciated as a rule of conduct; and in a secular sense Washington's words of warning and of wisdom are equally cogent, and ought to be equally potent. But we have drifted far from both; and when we desecrate the memory of the Father of his Country by reading his words while we are boldly and in cold blood proceeding to spit upon his counsels and ignore them, it is a pitiable commentary upon the demoralization which has come upon us as a people.

Among other things to which I alluded yesterday I called attention, first, to the fact that this bill to raise temporary revenue for the Philippine Islands, which has been pressed here with so much eagerness, which has been pushed to the front to the exclusion of other vital legislation affecting our welfare as a nation, is in itself a sham and a humbug. It is known of all Senators, because the report from the Taft Commission furnishes us with the information, that there is no need of more money for the insular government; that they have a surplus of several million dollars; and, moreover, that the imports and exports to and from the United States are so small that the revenue derived from that source on the merchandise brought into those islands and sent out to other countries afford ample means to carry on all decent and honest enterprises there.

The purpose, then, of this bill is not to give funds to that government; it is not urged and pushed forward for any such purpose. Its sole object is to consummate the scheme which first seized upon the imaginations of Senators on the other side after the annexation of Porto Rico and the Philippines—that those islands should be exploited; that they furnished a rich field and afforded a golden opportunity for the few to go there and reap immense wealth under the protection of our flag. Therefore, when we came to deal with Porto Rico, for the first time in our history a proposition was advanced that the Congress of the United States had the right to levy a tariff between two parts of the United States. It was claimed in the case of Porto Rico that it was necessary, in order to afford the means of defraying the expenses of that insular government, which was unable to bear other taxation because of the devastation of a cyclone. A humanitarian pretext was advanced that the people were pauperized and starving, that they could not stand any additional burdens, and therefore it was necessary that imports into the island should be taxed for the benefit of the insular government.

It was a pretense and a false one, the sole purpose being to establish a precedent and to temporize in regard to the Philippines until the Supreme Court had decided whether or not the Constitution and the flag went together, and whether territory which belonged to us by cession, to which our title is undisputed, could be taxed in that way.

No Senator on the other side will deny that if the decision of the court had been adverse, and if it had decided that the flag and the Constitution both extended over the Philippines, we would have been in haste to make some arrangement by which to get rid of them. If the Filipinos were to-day citizens in the full sense, with all the rights of the people of the other Territories, Arizona and New Mexico, what Republican or what Democrat would dare advocate incorporating those 9,000,000 Malays and mixed breeds into our citizenship? Not one.

Therefore this pretense of a necessity for revenue in the Philippines is merely carrying out the policy resolved upon as soon as we had bought the Philippine Islands, that they should become colonies, not endowed with the rights and the privileges of other American Territories, but colonies appurtenant to the United States, an appendix, a vermiform appendix, so to speak, that is and must continue to be diseased.

I want to go back to the colonial days—to the days when our forefathers of Massachusetts began their struggle against the English King. The title of England to the American colonies was certainly undisputed and lawful. But when the action of the English Government became oppressive, and unjust taxation was resorted to and other measures of tyranny, those people, professing their loyalty to and love for the English Government, finally resorted to arms, and after protesting for three or four years against the tax on tea, and the stamp tax, and the Boston Port Bill, the English King issued his proclamation, which I had read. I will not read it again, but it is very, very much like the proclamations now emanating from our authorities in the Philippines, and the same pretense of humanity and the good of the subjects of His Royal Majesty are set forth as the reasons why such things must be done.

I read further the proclamation of General Gage, the governor of Massachusetts Bay, in which, after offering amnesty and pardon to those who would submit, he goes on to make two notable exceptions of men who had been guilty of such monstrous crimes in the eyes of the English Government that pardon was not for them and that their punishment must be condign. Who were those two exceptions to the gracious offer of pardon? They are names which every American reverences—John Hancock and Samuel Adams. They were excepted out of the grace which was to be given to the rest of the Massachusetts people if they would cease to resist and fall down on their knees and obey His Most Gracious Majesty.

Mr. President, we were told yesterday by the Senator from Wisconsin [Mr. SPOONER] that the secret societies which have been organized in the Philippine Islands since our occupation, and perhaps before—and some of the documents which they sent forth were quoted by that Senator and read here—were most reprehensible; that they were, in effect, treasonable associations of irreconcilables, who were bent upon the continuance of their efforts to resist our lawful authority.

Mr. President, have we not got it as a matter of record in our history that the men who went on board the British ship in Boston harbor were disguised as Indians, and that they adjourned from a secret meeting in Faneuil Hall, which they had attended, under orders from their chiefs—and John Hancock and Samuel Adams, I suppose, were there—to go on board this vessel and tumble that tea into the water? Is it not a matter of history that the Masonic fraternity were instrumental in bringing on the French revolution? Even in the settlement of our frontiers, of our new States, in the earlier days, when a mixed and promiscuous population had emigrated there, composed largely of adventurers and men of wild character and of wild deeds, it has been the history of everyone of those communities, especially in California, that the good and true men of the country had to band themselves together and form a body of vigilantes—a secret society—to preserve law and order and to make the country inhabitable to decent people.

It is a matter of record that in South Carolina, in 1780, after the British had overrun that province and had it absolutely at their mercy, Marion, with only six men, resolved to continue the fight, and he swore that so long as a Briton was on the soil of his State he would never quit, and he formed an association and they took a mutual oath, with Colonels Peter Horry, Hugh Horry, James Postill, and Irvin, Majors Baxter and Swinton and three or four other men, that they would band themselves together and die before they would surrender to the British King, and that, too, when the country was helpless and almost hopeless by reason of the condition—much more hopeless than the Philippines to-day, except that we are such a powerful people and have such an excess of men and money that we can continue to pour millions over there and send men in any number necessary to preserve the title of which we boast.

It is not worth while to repeat, although the Senator from Wisconsin yesterday repeated his claims as to why the title of the United States is perfectly legal. He has his views as a lawyer. I have my views as a man. I hold that the title of the United States is not good in any court of equity, and that we only maintain it because we have the power. We have come to acknowledge no law except that of might. We declare that right and justice no longer govern us, and that, having bought these people after we had assisted them to obtain their freedom from Spain, they must submit to us abjectly and without guaranty; and we are exterminating them off the face of the earth in order to obtain that pacification for which the Senator pleaded so eloquently yesterday.

We have seen recently the reports from Batangas province where General Bell had given orders to go through that country with fire and sword, and I suspect if any impartial correspondent were brave enough to venture himself there and see the results he would find no homes, no houses, nothing to mark the habitation of those poor creatures, and he might find, if the buzzards had not finished the feast, innumerable carcasses of men done to death for defending their homes—all in the name of liberty and humanity.

Mr. President, when I look back to the time when the Senate, without a solitary dissenting vote, passed the bill appropriating $50,000,000 to put the country in a state of defense and prepare for the war with Spain which we saw coming; when I consider with what heart throbs and what pulsations each bosom here beat in behalf of human liberty, and then see to what a pitiable fiasco and miserable abortion we have brought it, I feel, like the Senator from Maryland [Mr. WELLINGTON], that I would give ten years of my life if I could recall my vote for the declaration of war.

An effort was made by the Senator from Wisconsin to cast imputations upon the party to which I belong as injecting into this debate issues which do not belong here, as endeavoring to make partisan advantage of it, to secure the benefits before the peôple in the next election of whatever sentiment we can manufacture. Mr. President, is the Republican party guiltless of attempting to make partisan advantage of, or take partisan credit for, the war with Spain? Look at the spectacle in the House of Representatives when Mr. GROSVENOR got up and proclaimed that the Republican party were entitled to the glory and the honor of having freed Cuba, before a Democrat anywhere had opened his mouth in any claim other than that we as Americans had joined together as patriots and lovers of our kind to drive the she-wolf Spain from the American continent and free the poor Cubans from her tyranny.

It is no use to deny that there would have been no war if it had not been for the united Democratic vote in this Chamber, and while the proof is not obtainable, it is almost in sight, that no demand was ever made upon Spain which would give Cuba any autonomy or reasonable liberty until the declaration of war forced the President to act. And then, when I consider that in this Hall we solemnly and in the sight of Christendom and of God and of our own countrymen proclaimed that it was not a war of aggrandizement, that we had no ulterior purpose to reach out and obtain more territory, and then see what a miserable abortion, as I said, we have caused, what a—oh, pshaw! my contempt, sir, for the treachery and indecency and dishonesty and injustice which have charactized our course is of such amount that I have not language in which to express it.

We have denied the Cubans that liberty and autonomy which we pledged them. We have denied it in the face of a solemn promise to do it, and now every mail brings to me from three to a half dozen circulars or special pleas or arguments from somewhere in behalf of Cuban reciprocity or of "granting relief to Cuba." We deny the Cubans the liberty for which they went to war and have struggled, and now propose—it is proposed; I do not know whether the party in power can afford it or not; I am waiting to see—to give them concessions and a modicum of free trade, the object being, I presume, to repeat what we did in the Hawaiian Islands. In an archipelago annexed, as the Senator said yesterday, and in the way repeated here, by a coup d'état, we have remitted sugar duties to the amount of $65,000,000 or more to the sugar trust and Claus Spreckles and a half a dozen other capitalistic concerns, which own all of the sugar plantations there; and the sole purpose of annexing the Hawaiian Islands was to put under the protection of our flag the sugar plantations of these capitalists and enable them to bring their sugar in free, while protecting the few white people there against the natives and other colored races.

Now we propose to repeat the hypocritical process of giving the Cubans consideration and helping to avert anarchy in the island. We are going to let their sugar in free, or at such a low duty that the people who produce the sugar cane will get the benefit of it. No. The purpose is to put into the pockets of the capitalists who have bought the sugar plantations or who have bought the present crop of sugar the millions of dollars involved in the reduction of the tariff. So here we are dealing with one island at our doors in a canting, hypocritical way. They ask for bread and we offer them a stone. They wanted liberty. We deny that, but instead we propose to give the sugar planters a reduction of the tariff, for the sugar planters are largely Americans.

Now, the scheme in the Philippines, after we have spent $400,000,000 to subjugate them and have not completed the dirty and dismal job, after we have poured out blood, several thousand of our brave soldiers having offered up their lives there in the discharge of duty, we stand here and cant and whine and call God to witness the goodness and purity of our hearts and of our intentions; and yet we proceed immediately to pass a tariff bill to discriminate and cut them off and hedge them about; not admit their products as if they came from a part of the United States; not to allow their rice, tobacco, or sugar to compete with ours; wait until the sugar plantations over there are gobbled up; until the Taft Commission or Congress or some other instrumentality has put it within the power of somebody to give title to the land, and then we will see a repetition of the programme which we have had twice before, and the American people, the poor asses, do not seem to understand yet that all this scheme is one of exploitation and in behalf of a few wealthy people, five or ten or twenty or fifty thousand, who will go there and expect to build railroads and obtain franchises and seize the mines and the forests and the other means of getting wealth, and after the vested interests of Americans have become sufficiently great and potent in this body and the other end of the Capitol, then these people will be given the same free trade of which Porto Rico now boasts.

This pretense of protecting! What is the tariff for? The pretense now is that you want to raise revenue for the Philippine government. But after that government shall, as I said, have made it possible for American capital to go there and become invested, the cry will go up: "You are taxing our people. These are Americans against whom you are discriminating. We must have free trade between the Philippines and the United States." Will that be your game? Is that why you wait? Is that why you will not do anything positive? Is that why you drift? Judged by the past in the Sandwich Islands and in Porto Rico, and your present policy in Cuba, it is. I may not be right. I am just waiting to see. There may not be enough sugar plantations in the possession of men in this country to make it desirable; but as sure as the sun shines to-day, there will come a time when the trade between this country and Cuba will be free and Cuba will be annexed or will be admitted as a State. The proposition now is to annex it as a colony.

And so, on Washington's birthday, after having listened to his farewell address, we present these questions to each other, and sit here and look wise and statesmanlike, and God save the mark, we claim to be honest!

The Senator from Wisconsin had a great deal to say yesterday about Aguinaldo, and it appeared to me that his utterances and his use of testimony were very much in the line of a lawyer who

had a criminal case in court, where a man was being tried for murder, and the man being tried was the Republican party, that the American people were the jury, and that the Republican party had selected its ablest advocate and most eloquent speaker to defend its case. And so we had Aguinaldo indicted as an assassin, as the man who had conspired against this Government, and who was low and contemptible and unworthy the admiration of anybody.

Mr. President, Aguinaldo is a very small part in this proceeding. With his capture, in the way in which it was accomplished, and of which I shall not speak except to say that I blush for it, he has passed from the stage, and yet it was claimed that if Aguinaldo were not held up as a George Washington in the Philippine Islands by Americans here and in Boston and elsewhere, the war would have ceased long, long ago; and our blood was almost curdled by the eloquent picture of the Senator from Wisconsin in speaking of the death of the heroic Lawton and reading the letter which he wrote, by the thought that possibly we might be in some way instrumental in bringing death to our brethren in the Philippines.

Let me say here that if there is any man who believes more strongly in the honor and integrity of American officers in the Philippines than I do I do not know him. With very few exceptions they are gentlemen of the very highest type; and of the American soldiers I will say that they are brave and patriotic and are doing their dirty duty and doing it as soldiers always obey orders. But the letters which come to us of the horrors which they are called upon to perpetrate, which they have seen perpetrated, are enough to make any man blush. I lament the sacrifice which is being offered there in the name of liberty of the brave men whose lives have been offered up. I lament the continued outpouring of blood which is likely to last indefinitely; and it is to bring about some condition of pacification that would be reasonable and just for which we on this side labor with you and ask you in God's name why you will not declare your purpose. Why do you continue to say, "We trust the American people. The time is not ripe." Is there a time when the love of liberty ever ripens? Is there a time when the love of liberty ever rots? If so, it appears to me we have reached that time. We pretend to love liberty, and we ignore every tradition of the liberty-loving people of the earth from the days when a few hundred Greeks faced millions of Persians on down the corridors of history to our own struggle.

Mr. President, I recall that when the treaty of peace was under discussion here there were utterances by men in this Chamber very forceful and eloquent, which were undoubtedly honest; and some of them were read yesterday—the utterances of the Senator from Wisconsin [Mr. SPOONER]. I have here some quotations from the Senator's speech of February 2, four days before the ratification of that treaty, which I will read. I am sorry the Senator is not present, because if he felt inclined he could interpret this language possibly differently from my interpretation of the English language:

> Mr. President, some gentlemen waltz up to this proposition of territorial expansion as gaily as "the troubadour touched his guitar." I can not do it. I have not been able to persuade myself that the best interests of this country in the long run—and we ought to study its interests for the long run—are to be subserved by a policy of territorial expansion, permanent dominion over far distant lands and peoples.

Then later in the same speech he said:

> But I think I can see a valid distinction between the acquisition of territory contiguous to our own country, in our own climate, land to which we can march our troops, land into which we can build our railroads, land into which we can send our newspapers, land to which our people can emigrate and in which they can live and thrive, land easily reached by our public opinion, and territory and peoples of another race, alien to our associations and our blood, living under a tropical sky, and laboring under different conditions. I can not say, in view of the history of the country, that time may not change my views, but I must say that, as I now feel, if the ratification of this treaty involved permanent dominion by the United States over the archipelago and its people as a Territory of the United States, irrevocably committed us to the policy of territorial expansion, I could not give it my vote.

Again he said:

> Again, Mr. President, the whole matter will be within our own hands. If we find we can not get on with the Filipinos; if, after studying the conditions over there, our people find we can not without strife and intolerable burdens do them any good, we can then cede the sovereignty to them and sail away. We will not be then running away from a responsibility at first sight. We will not subject ourselves to possibly the just charge of cowardice by other nations. We will have left them then after having made every honest effort in our power, upon the solid foundation of Spain's sovereignty and title, to help them to benefits which they would not have. We will have attempted to shower upon them blessings which long-continued tyranny has deprived them of the power to appreciate.

Mr. President, have we reached that period? Recollect that in June, 1900, it was proclaimed broadcast over this country that the war was at an end; that the insurrection was suppressed; and the President issued his proclamation of that year offering peace and amnesty, and a bonus, I think, of $20 for every musket surrendered. The election was then five months away. It was desirable to have the American people understand that the Filipinos had submitted; that they were no longer battling for their liberties; that the struggle which had been so one-sided had resulted as all such struggles must, in the suppression of any attempts to continue resistance.

We were told yesterday that only four provinces are still fighting, or that there is fighting in only four provinces. I pointed out that in Mindanao and in the other islands inhabited by the Mohammedans we had not only gone there without any effort to exercise authority, but that we had even subsidized the datos and the Sultan of Jolo by paying money out of our Treasury to have them acknowledge that they were our subjects sand belonged to us. Every writer on the Philippines and every officer of ours who has mentioned those islands at all has pointed out that it would be a very bloody and dangerous thing to undertake to go there and occupy them and exploit them or do anything in the nature of active authority or control.

General MacArthur, who succeeded General Otis, in his report to the War Department—the only report he has made—dated July 4, 1901, has this to say about the conditions in the Philippines last summer:

> The disbandment of the insurgent field armies was followed by a considerable period of comparative inactivity. At the time this was regarded as a favorable indication, and further encouraged the hope that the war might be terminated by general acceptance of American supremacy. These apparently favorable conditions, however, represented the time necessary to redistribute and adjust the insurgent forces to the new method of warfare. During this period, also, evidence came to hand which suggested that some of the Filipino leaders were willing to submit the issue to the judgment of the American people, which was soon to be expressed at the polls, and to abide by the result of the Presidential election of November, 1900. This view obtained with considerable force within the American lines; but subsequent events demonstrated that the hope of ending the war without further effusion of blood was not well founded and that as a matter of fact the Filipinos were organizing for further desperate resistance by means of a general banding of the people in support of the guerrillas in the field.

The Democratic party having been charged with being responsible for the continuance of this war by its attitude at Kansas City, when we announced imperialism as the paramount issue, it may have been possible that the insurgents were urged to resistance up to November. But with the triumph of the Republican party in November, 1900, to be followed by four years certainly of the policy of "benevolent assimilation," any accusation that we are at all responsible now for the continued resistance immediately following that election up to this time falls to the ground, because it is too silly to be considered by any honest mind.

General MacArthur goes on:

> To this end the leaders announced a primal and inflexible principle, to the effect that every native, without any exception, residing within the limits of the archipelago, owed active individual allegiance to the insurgent cause. This jurisdiction was enjoined under severe penalties, which were systematically enforced not only within insurgent territory, but also within the limits of American garrisons. By means of secret committees residing in or sent to the towns, contributions of all kinds were collected and sent to the field, and punishments, including capital executions, were administered without resistance on the part of the victims.

Now, listen here as to the present feeling of the Filipino people toward us:

> By reason of a strange combination of loyalty, apathy, ignorance, and timidity, this policy was generally accepted; and as a consequence the military leaders enjoyed a very extensive cooperation of the whole mass of the Filipino people in support of their movements. This joint action was very effective in respect of all matters touching intelligence and supply and also in the innumerable little details connected with the daily service of troops in campaign, and with regard to which a good understanding with the inhabitants gives such an enormous advantage.

Listen again:

> The cohesion of Filipino society in behalf of insurgent interests is most emphatically illustrated by the fact that assassination, which was extensively employed, was generally accepted as a legitimate expression of insurgent governmental authority. The individuals marked for death would not appeal to American protection, although condemned exclusively on account of supposed pro-Americanism, or give information calculated to insure their own safety, even when such procedure could easily be accomplished by means of conference with American commanders, who in many instances were stationed within the barrios where the victims resided.

When the Tories were in full possession of South Carolina in 1780, they were guilty of the indignities and outrages, the inhumanities, and the murders and the robberies of which I spoke the other day; and we had, indeed, there civil war, war to the knife, between native Carolinians. Is there a similarity of conditions here? Not at all, because these Filipino Tories, if I may use that expression, or those who are charged by their compatriots with being traitors to the Filipino cause, even submit to death and do not complain to the Americans, who could save their lives. What stronger proof do you need that that whole people are saturated with hatred of us and that they are there passive slaves because of the power and might which our soldiers have shown that the American people possess?

What sort of a solution does this offer to your pretended scheme of building up and Christianizing and humanizing and elevating and educating those people? "Can ye gather figs from thistles, or grapes from thorns?" Do you expect your mere pretense of love for those people and love of liberty to change the whole current of human thought and transform human nature?

Suppose that we had demanded of Spain the cession of Porto Rico, that she should disclaim ownership of Cuba, and that we, to quiet title, had demanded and obtained and purchased for

$20,000,000 the ownership of the Philippines. Suppose we had gone forward as a people in pursuance of our pledge and had given the inhabitants what we promised them—actual autonomy and independence. Suppose then we had gone to Aguinaldo, who, as our ally, had created a government—an autocracy, if you please. Let it have been a military despotism, if you want, but still it was a government that was recognized by all Filipinos. He was in possession of his country, and that can not be disputed. Suppose we had said to him, "We have entered into obligations with Spain which make it necessary for us to protect the rights and property of all Europeans in your country. We want in this part of the world a naval station. It may be two or three. We want to extend our commerce. Now, you went to war with Spain before we went to war with her about Cuba. You are non-assimilable with us. You are Asiatics. You are aliens in blood, in religion, and in everything else. We can not admit you as citizens. We do not want you in that way."

But, having purchased Spain's legal title to the islands I will say, if the mere deed conveys legality instead of the actual possession and ability to deliver, suppose we had said to them, "We want two naval stations; we want your commerce; we want a guaranty, and we will enforce it if necessary, that you shall observe our treaty obligations and protect the property and lives of all white persons here and of the citizens of all other nations who are here. In all other respects we recognize your right to govern yourselves in your own way, with our assistance and protection; and we propose to give notice to all Europe that they must hands off; that you are our wards in chancery, so to speak, and we do not propose to add to our perplexities by incorporating you or undertaking to do more than lend you our help and protection while you are working out your own destiny in your own way."

Then what glory would have come to us as a people, the inheritors of the traditions which were handed down by Jefferson and Washington and Madison and John Adams and all the other fathers of the Republic, and what blessings would have come in the way of actual dollars and cents? We would have had the love and gratitude of those 9,000,000 people instead of their undying and perpetual hate. We would have had the respect of all mankind as having been the first of nations to set an example of disinterestness and of love of the principles upon which our Government was founded.

But, oh, no, such a glorious consummation as that was too much for the commercialism, for the greed, for the pitiful dollar-loving American people of this day. It had leaked out, or some one had read somewhere that the islands were very, very rich. I point you to the language of the Senator from Indiana [Mr. BEVERIDGE], who went over there and returned here with a pæan, or a kind of joyful song, as to the glorious possibilities of exploitation.

Look on the one picture I have painted and look at the present one. Cuba would have been under our wing. The Monroe doctrine protected her. She could not have been alienated, nor would she have been inclined in any form or fashion to give us a cold shoulder or to form alliances with Europe, and if she had all we had to do was to step forward, as we did in Venezuela, and notify all transgressors to hands of. The same doctrine could not obtain in the Philippines, because we could not claim it by justice and by right. But nobody would have dared to dispute that the Philippines had fallen to us as an act of Providence, as the result of the war with Spain, and that we were but fulfilling our pledges to Cuba and to the world in dealing with the Philippines as we had promised to deal with Cuba, which promise we have broken.

And now we have come to the pitiful pass where we have overturned Aguinaldo's government; having dispersed or murdered or shot to death his army; having ravaged his country with fire and sword from one end to the other, except that end where there would be real fighting, where the Jolo Sultan and his Mohammedans live. We have taken under our baleful control the Christian Catholics, and we have exemplified our love for Christianity and our regard for its obligations to do unto others as we would have them do unto us in a way to give great satisfaction to some people, it appears, for the policy continues without any solitary appearance of change. There is no purpose apparent anywhere of any intention to alter the course of the ship. It goes straight forward and onward, a juggernaut car labeled "freedom," crushing down the aspirations of 9,000,000 people who had been struggling against their former owner; and yet we stand up in the eyes of God and of ourselves, we hug our bosoms, and claim that we are better than other men.

And we manufacture all manner of excuses and pretenses. We could settle this thing now if we would only declare to those people our purpose. They have been sufficiently chastised, if they deserved any chastisement, for having dared resistance. I do not know how many thousands of them have been killed. I note here, though, that General MacArthur gives a list of casualties embracing the period between May 5, 1900, and June 30, 1901:

Killed of American, 245; wounded, 490; captured, 180; missing, 20.

Insurgent casualties: Killed, 3,854; wounded, 1,193; captured, 6,572; surrendered, 23,095.

Now, mark the difference between the dead and the wounded in the Philippine casualities. What normal condition of warfare ever produced such results as that? Every man who has read history knows that the wounded always are from two to three times as many as the killed in battle, although the deaths afterwards may bring it up to half; but here our own officer states that the killed among the Filipinos have been 3,854, while the wounded have been 1,193—only 1 man wounded to nearly 4 who have been shot to death. What does that mean except that the stories which have come to us about the cruelties that have been perpetrated by our Army in shooting negroes, as they call them, have been true, and that they have in cold blood murdered the Filipinos that were writhing on the ground, unable to run away?

The very picture presented by our own general convicts our Army of having shot those wounded men. When I read, as I will later on, the reports as to how this war is being conducted, I shall not do it with any effort to cast any reflections upon the honor and the escutcheon of the American troops, but I do it for the purpose of bringing to the attention of the Philippine Committee these accusations against brave men and demanding, in behalf of that Army, that a thorough investigation shall be made here.

The chairman of the Committee on the Philippines is not in his seat, but he shall not escape the responsibility, for I shall put it into the RECORD and call his attention to the names and date of infamies that have been practiced by our troops and under the orders of our officers. If they are untrue, and God grant it may be proven that they are, then it is incumbent upon this Senate and upon the House of Representatives to investigate thoroughly and impartially and searchingly into these charges and disprove them. I read a moment ago some extracts from General MacArthur's report. Here is one other, in which the probable conditions in the islands in the future are set forth:

It is respectfully submitted that the very gratifying conditions herein briefly recapitulated have not been brought about entirely by the hand of Providence. Neither must the attitude of the people who have declared for peace, or even that of the leaders of the Federal party, be attributed entirely to unreserved pro-Americanism. It would therefore be unsafe to assume these conservative forces as constant factors, the friendly operation of which can be relied upon irrespective of external influences. In due time, and beyond any question, if beneficent republican institutions are permitted to operate with full force, the Filipino people will become warmly attached to the United States by a sense of self-interest and gratitude. In the meantime the molding force in the islands must be a well-organized army and navy. Anything in the immediate future calculated to impede the activity or reduce the efficiency of these instruments will not only be a menace to the present, but put in jeopardy the entire future of American possibilities in the archipelago.

After three years of war of subjugation the claim is that pacification has gone to the extent that resistance is now only in four provinces. Suppose you had done as I outlined a while ago, at the conclusion of the war with Spain, and that the $400,000,000 which we have poured out had been used at home, the taxes of the American people spent in behalf of Americans in America, what would it have done for my part of the country? What would it have done for the West, where they are clamoring for some system of irrigation which will enable them to have their land settled, because then they may be able to offer farms and homes to people who are hunting homes, and relieve the plethora—the congestion—in our cities, where our politics have grown so corrupt and our boasted American principles and our American system have been put to a test and nearly broken down? Take the $400,000,000 which you have spent, and suppose you had put it out, as I said, in works of internal improvement here at home. Contrast the glory and the honor that would have been ours under the one scheme alongside of the ignominy, the infamy, and the disgrace attaching to us now.

You say we are not disgraced; that we drove Spain off the continent. Yes; but we have taken Spain's place. You say we gave liberty to the Filipinos. Yes; and we have taken Spain's place there. What liberty did we give them? The liberty of the bayonet, the liberty to get down on their knees and bellies and crawl around like worms while we trample them to death and ignore all their honest and reasonable expectations.

We had some statements yesterday in regard to our schools over there. The Senator from Wisconsin [Mr. SPOONER] read a list of the schools we had established and the number of pupils. I have not got the data, because the Senator's speech does not appear in the RECORD, and therefore I can not quote it; but here is a document entitled: Proceedings of the twenty-seventh annual convention of the Catholic Young Men's Union, held at Philadelphia, Pa., September 24 and 25, 1901, and in it I see this statement made:

According to the Spanish statistical dictionary, quoted in the report of the Commissioner of Education (1897-98), there were in the archipelago in 1890 1,698 schools, with an attendance of 177,113 pupils; in 1897, as was stated to the Taft Commission, there were 2,167 public schools, or an increase of 559 in seven years, which is an average of 80 new schools a year. Still the Taft Commission informs us that "The masses of the people are densely ignorant," while President Schurman, who was head of the first Commission, tells us that they are a "Catholic educated population."

I have already expressed my opinion as to the justice and decency of going into a country, levying taxes at the point of the bayonet, and bringing in foreign teachers who do not understand the language of the country, to be paid large salaries to teach liberty to those children who do not understand the teachers. I will ask the Senator from Iowa [Mr. DOLLIVER]—I see him watching me very closely, and I am obliged for the attention he is paying—if anyone should go into Iowa—if the Canadians, for instance, by some miracle should subjugate Iowa, and the French portion of them, the people of Quebec, should go down there—it is a little far to march to Iowa, and I had better make the illustration closer, say to Maine, or we will take it in Iowa or in Maine—that there was a subjugation of Maine by Canadians, and the entry as the governing force of the French-Canadians, and that they should levy taxes upon that people in the name of liberty and humanity and Christianity and civilization, and should import some French teachers and Canadian teachers who spoke only French and put them into the Yankee schools where the children only understood English; I want to ask the Senator from Iowa what would be his opinion as to that kind of Christianity and civilization and humanity? That is exactly what we have done, and that is exactly what we are doing. There are 9,000,000 of these people. Take out 1,000,000 of the Mohammedans—whom we dare not attack or bother with, because they fight like the Zulus and like the Boers—the other 8,000,000, we will say, have 2,000,000 children of school age, according to our rules of statistics.

Mr. DOLLIVER. Mr. President——

Mr. TILLMAN. Let me get through with my statement, and then you can answer.

That is, 2,000,000 Filipino children belonging to the various tribes and nationalities, or whatever you call them over there, and we have got 100,000 in these schools, and there are 1,900,000 out in the cold.

Mr. DOLLIVER. Mr. President——

The PRESIDING OFFICER (Mr. TALIAFERRO in the chair). Does the Senator from South Carolina yield to the Senator from Iowa?

Mr. TILLMAN. Yes.

Mr. DOLLIVER. The Senator has called my attention to what he is attacking there. I was very much more interested in his attack on the Army. I understood him to make a very beautiful eulogy both of the officers and men of the Army, and then to follow it with an accusation which, if it be true, would render both infamous throughout the world.

Mr. TILLMAN. Yes.

Mr. DOLLIVER. I think the Senator had better confine himself to the horrors of our military rule, rather than to the horrors of the educational system we have there.

Mr. TILLMAN. I will confine myself to the horrors of the military rule when I get to that, but I am now portraying the beneficence, the Praise-God Barebones hypocrisy of your educational system, the tyranny of taking money from a people who are helpless and spending it to pay teachers who do not understand the language of the children they are sent to teach. Try that on in any country under the sun, and what has resulted? Look at the Canadians. It is one hundred and fifty years since Quebec fell after Wolfe's victory on the Plains of Abraham, yet the Canadians of Quebec speak the French language to-day almost without exception, and England has not been able by any instrumentality which she dared attempt to put into execution to get those people to desert their mother tongue or to learn English.

Here is what was said by Professor Schurman, a very broad-minded, liberal-hearted, Christian gentleman, who was on the first Philippine Commission, who lent himself to President McKinley's benevolent-assimilation doctrine, although he protested that he did not believe in it, and went there as a duty to his country to see if he could accomplish anything toward the pacification and organization of those islands. Here is what Professor Schurman has to say about the education and the franchise—I mean the voting proposition which has been submitted by the Taft Commission:

> For my own part I should like to see the amount of property and taxation which now qualify for municipal suffrage reduced. And as acquaintance with a foreign language is only one test of knowledge and intelligence, and as it is a test which it is unfair to apply to a whole race who have little or no need to use foreign languages, I trust that some more equitable and adequate educational standard may hereafter be devised. Why not a successful examination in arithmetic, geography, and history, the examination to be conducted in the vernacular of the native? How many Americans, I wonder, would enjoy the suffrage if the condition of admittance were a reading, writing, and speaking knowledge of Spanish, or even of French or German? Why should we expect more of the Filipinos than we ourselves could fulfill? And, in any case, is Spanish better for them than Tagalog or Visayan or Ilocano or Vicol, which they acquire with their mothers' milk? As to English, which will be indispensable for the politicians at Manila and the traders there and elsewhere, does any reasonable man suppose that the Philippine peoples in general can be induced to forget their own vernacular (which come, as it were, by nature) and laboriously and painfully acquire English, which the masses will never have occasion to employ? Such an illusion defies not only the psychology of language, but the lessons of history. Why, English experience in Quebec and Spanish experience in the Philippines, to go no farther afield, should dispel such a fancy. All history teaches that no race or people ever abandons its vernacular.

A Senator called attention the other day to the struggle now going on in the Austrian Empire between the German part of it and the composite nationalities which constitute it, and the efforts to make the Bohemians speak German and have their laws published in German. Those efforts have brought those two nationalities to seize each other by the throat in the Austrian parliament and almost create riot and bloodshed, and yet here we are, with our benevolent assimilation, going over and taxing those poor wretches, and collecting those taxes by the Army to educate them in this way.

To show the hopelessness of this attempt to create among those people American ideas and to bring to bear those instrumentalities which go for self-government here; to prove, if the utterances of a man high in authority have any weight, that such an effort is a mere waste of time, I will read you an extract from a recent book published some years ago entitled "American Ideas and Other Essays." Now, listen:

> At best, the inhabitants of a colony are in a cramped and unnatural state. At the worst, the establishment of a colony prevents any healthy, popular growth. Sometime in the dim future it may be that all the English-speaking peoples will be able to unite in some kind of confederacy. However desirable this would be, it is, under existing circumstances, only a dream. At present the only hope for a colony that wishes to attain full moral and mental growth is to become an independent state, or part of an independent state. No English colony now stands on a footing of genuine equality with the parent state. As long as the Canadian remains a colonist he remains in a position which is distinctly inferior to that of his cousins, both in England and in the United States. The Englishman looks down on the Canadian, as he does on any one who admits his inferiority, and quite properly, too. Under the best of circumstances, therefore, a colony is in a false position, but if the colony is in a region where the colonizing race has to do its work by means of other inferior races, the condition is much worse.

That, I take it, is our condition in the Philippines.

> From the standpoint of the race, little or nothing has been gained by the English conquest and colonization of Jamaica. Jamaica has merely been turned into a negro island, with a future, seemingly, much like that of San Domingo; and British Guiana, however well administered, is nothing but a colony where a few hundred or a few thousand white men hold the superior positions, while the bulk of the population is composed of Indians, negroes, and Asiatics. Looked at through the vista of the centuries, such a colony contains less promise of true growth than does a State like Venezuela or Ecuador. The history of most of the South American Republics has been both mean and bloody; but there is at least a chance that they may develop, after infinite tribulations and sufferings, into a civilization quite as high and stable as that of such a European power as Portugal. But there is no such chance for any tropical American colony owned by a northern European race.

Who wrote it? Theodore Roosevelt. But now, in his message, he tells us that it is our purpose to make those people in the Tropics attain to a higher position than any tropical people have ever reached before. Theodore Roosevelt, the author, had one set of ideas and Theodore Roosevelt, the politician, reverses himself. Having proclaimed the facts that the history and present condition of affairs in those colonies he had mentioned have proven, he comes forward remorselessly now with this proposition, this propaganda, this proposal of benevolent assimilation. We are to accomplish miracles; we have not got enough colored people in our own borders who speak the English language to experiment with, but we must reach out and take 9,000,000 more in the Pacific islands in order to give scope and opportunity for Northern philanthrophy to get a chance to show its facility of accomplishing miracles. Why did you not spend your $400,000,000 helping to do something to relieve the Southern States of the incubus of negro domination by colonizing some of them away from here? Ah, these are conundrums that are too much for me. Nobody on the other side wants to answer or dares try. The President contradicts himself.

Mr. DOLLIVER. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Iowa?

Mr. TILLMAN. With pleasure.

Mr. DOLLIVER. The Senator quoted Dr. Schurman with such words of warm indorsement that I venture to call his attention to Dr. Schurman's very distinct tribute to our educational work now going on in the Philippines, in which he says:

> Not less than 150,000 children are enrolled in the free primary schools. The number of native adults receiving English instruction in evening schools conducted by American teachers were 10,000 in October, but at the rate of increase then exhibited, there are probably 20,000 or even 30,000 at the present time. There is a wide and enthusiastic demand for instruction in English in all parts of the archipelago, and next to that is the demand for instruction in manual training and the mechanic arts.

I call the Senator's attention also to the fact that between 3,000 and 4,000 native Filipino teachers are being employed under the auspices of our Government; and in view of the Senator's tribute to Dr. Schurman, I should like to put that in the RECORD in connection with his remarks.

Mr. TILLMAN. I am perfectly willing to have you do so if you will go on and hunt up the proposition of Dr. Schurman that these people deserve freedom and put that alongside of the other and let us quote the witness clear through. That is what we are contending for.

Mr. DOLLIVER. We shall act when we are ready to do so.

Mr. TILLMAN. Yes; but the Senator never gets ready. To-morrow—he has learned that Spanish word, mañana, mañana. To-morrow, to-morrow, is your song. Why not now? "Wait; we can trust the American people." What is it the American people trusts us with? The responsibility of this question. We did not ask the American people whether we should annex those islands by purchase or not. We simply took the responsibility. Why do we not take the responsibility of dealing with our own questions? If it had not been for our cowardice there would have gone forth long ago the same declaration in regard to the Philippines as we made in regard to Cuba. It is a cowardly subterfuge that we are not ready now to tell those people that we do not intend to annex them permanently.

The Senator from Wisconsin [Mr. SPOONER] yesterday quoted, and I am glad he has got back——

Mr. SPOONER. I hope the Senator did not suppose I remained away because he was speaking.

Mr. TILLMAN. I understand that. I have not cast the slightest stone at the Senator while he was away——

Mr. SPOONER. That is right.

Mr. TILLMAN. And I do not propose to throw any rocks at him now. I am merely discussing his sophistries and other stuff in the best possible spirit. [Laughter.] I trust my friend will look up the utterances of Dr. Schurman in regard to what we ought to finally do.

Mr. SPOONER. Which friend is the Senator referring to now?

Mr. TILLMAN. This is my friend [pointing to Mr. DOLLIVER]. I have a great many friends on the Republican side, because personally you are a nice lot of clever, clean-hearted gentlemen, but in politics you are the most infamous cowards and hypocrites I have ever had any dealings with. [Laughter.]

The Senator from Wisconsin [Mr. SPOONER] yesterday quoted the vote on the ratification of the treaty, with a view of putting the Senator from Colorado [Mr. TELLER] and others in a false position by charging them with inconsistency. I have already shown the Senator's own inconsistency, just as the junior Senator from Colorado [Mr. PATTERSON], in quoting from his speech, shows that he had veered clear around and gotten away from his position in 1899.

But I want to direct attention to the McEnery resolution. On the day we voted on the treaty in the Senate the following joint resolution was introduced by Mr. MCENERY:

Resolved, etc., That by the ratification of the treaty of peace with Spain it is not intended to incorporate the inhabitants of the Philippine Islands into citizenship of the United States, nor is it intended to permanently annex said islands as an integral part of the territory of the United States; but it is the intention of the United States to establish on said islands a government suitable to the wants and conditions of the inhabitants of said islands to prepare them for local self-government, and in due time to make such disposition of said islands as will best promote the interests of the citizens of the United States and the inhabitants of said islands.

That was a joint resolution. The Senate passed it. What effect in law did it have? Will the Senator from Wisconsin tell me?

Mr. SPOONER. Yes; I will tell you. A joint resolution——

Mr. TILLMAN. Passing one body and not going to the other and not signed by the President.

Mr. SPOONER. Does the Senator need any advice about that?

Mr. TILLMAN. I just simply wanted to ask the Senator, if I could get him to acknowledge it, whether it was not a gold brick——

Mr. SPOONER. No; it was not a gold brick.

Mr. TILLMAN. That you sold to somebody to get votes?

Mr. SPOONER. No; it was not a gold brick. It was nothing——

Mr. TILLMAN. That is all right.

Mr. SPOONER. It had no legal effect whatever.

Mr. TILLMAN. It had no legal effect whatever; it was a piece of sheet lightning, gas, or something of that kind.

Mr. SPOONER. I am not an expert in electricity, so I can not tell the Senator.

Mr. TILLMAN. Judging by the amount the Senator pumped out yesterday, giving me the headache by his eloquence, I think he is somewhat of an expert on electricity or certainly an expert on magnetism. [Laughter.]

Mr. SPOONER. I am glad I had some effect on the Senator. [Laughter.]

Mr. TILLMAN. The statement was made later by the Senator from Illinois [Mr. MASON] that a vote had been promised. That resolution was not voted on that day. We adjourned. We did not even carry out the pledge that had been made. I will read here from our jolly friend from Illinois. He said:

Mr. MASON. Mr. President, I desire to give notice that I intend to make some remarks upon the pending resolution, unless it is disposed of, and I do not consider the appropriation bills of so great importance as the pending resolution. I intend to be very respectful to the budget of annual appropriation bills; but there has been an agreement running now for weeks, and finally upon the last vote an agreement was made by many of the Senators, that we were to have a vote upon the joint resolution yesterday immediately after the adoption of the treaty. I do not say that we were all taken into the agreement. I say that that agreement was made, and upon that agreement the treaty was ratified.

The votes were obtained to ratify it. Somebody got a gold brick if they gave a vote for that. Maybe it was just simply a pretense. They wanted an excuse and were very easily satisfied. The situation is simply this: We have gotten into a condition which, from my point of view, is entirely dishonest and dishonorable. We have seized these people by so-called purchase, and when they resisted, having notified us before we bought them that they would not submit—our generals say so—having clamored for months for some declaration of our intentions as to the course we intended to pursue toward them, and received nothing, we have gotten to that point where, having felt constrained to go on in the enforcement of our title or right by subjugating those people to order and law and making them submit to our rule, as we claimed we had a right to do—we have gotten where we do not appear to be able to let go with honor or with the maintenance of our prestige as a nation. We can not hold the islands and continue indefinitely to shoot and murder those people and govern them by carpetbaggers with no declaration of final purpose. It is more dishonorable to do nothing than it would be to let loose. It is simply infamous for Congress to continue to dodge this issue.

When the Senator from Massachusetts [Mr. HOAR] cornered the Senator from Wisconsin [Mr. SPOONER] yesterday with a proposition whether he was willing to translate his generous words into an act of Congress, "Oh, no," says the Senator from Wisconsin. He gets up here and proclaims opinions and feelings and hopes and purposes that every patriot will subscribe to and that every American who has any regard for the national honor and ideals wants to see carried out. But when are we going to begin to carry them out? We have got, I believe, 67,000,000 acres of land over there, including the lands which the Sultan of Jolo holds and will continue to hold; there are mines already staked out and the papers made out for the signature of Governor Taft and his Insular Commission, I do not doubt, in 100 or 200 or 500 places in those islands. They propose to issue bonds to build railroads for the people. When we here—well, I was half a Populist myself once, and I have right smart of that doctrine in me yet—when we had a proposition for the Government ownership of railroads so as to relieve the people from the intolerable burden of consolidation in the hands of a few people, and charging all that traffic will bear, our trust-loving friends, our monopoly-loving friends, say that such a policy as that is ridiculous and not to be thought of. Yet here your Taft Commission proposes to tax the Filipinos to build railroads in the Philippine Islands as a Government enterprise, I believe.

Mr. Schurman protests strenuously against any such proposition as that. While acknowledging the desirability of railroads and of dirt roads and of other means of communication between those parts of the islands which are most desirable, he points out that it is unjust for us to defer the time when these people shall have any voice in their local affairs to 1904 and in the meantime grant Taft and his crowd the right to occupy the whole field and grant franchises which will become vested interests, and therefore everything that is worth having will have been gobbled up by some shrewd fellow who has been on the ground floor and has his agents over there watching for the chances. And you will only leave the husks and the crumbs that the carpetbaggers have not eaten to the Filipinos when you give them the semblance of self-government by your so-called territorial assembly.

I called attention a moment ago to the absurdity, to the pretense, to the hypocrisy, if you please, of the Senate in passing the McEnery resolution, knowing that the House would pay no attention to it and that President McKinley would not sign it if it did. It was not expected that it would ever go any farther than the Clerk's desk. No doubt promises were made that it should go clean through, but we can not prove those things. You can not prove a good many other things we know about the ratification of that treaty which are not honorable.

But the Senator from Wisconsin yesterday took occasion to make a special plea of indictment and accusation against Mr. Bryan, the leader of the Democratic party in its last two national contests, because he had aided, and possibly influenced enough votes to obtain the ratification of the treaty. I have already pointed out what might have happened after the ratification, which would have been entirely honorable and so high and noble and pure in comparison with what we have done that anyone who voted for that treaty, even my friend, the Senator from Colorado [Mr. TELLER], who for a time was pretty badly tainted with imperialism and who has now got well and is sound and sane and in his right mind [laughter]——

Mr. TELLER rose.

Mr. TILLMAN. I hope the Senator will not take my little pleasantry as anything more than an attempt to relieve him of the accusation of my friend, yesterday, who convicted him of inconsistency.